

CHILI PLANNING BOARD  
March 12, 2019

A meeting of the Chili Planning Board was held on March 12, 2019 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson John Hellaby.

PRESENT: Paul Bloser, David Cross, Matt Emens, Glenn Hyde, Ron Richmond and Vice Chairperson John Hellaby. Michael Nyhan was 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.

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

**PUBLIC HEARINGS:**

1. Application of Angela Marmo, 7 West Bellaqua Estates Drive, Rochester, New York 14624; property owner: Upstate Properties of Chili LLC; for preliminary site plan approval for a change of use in portion of building to allow a bakery (formerly monument and memorial store) at property located at 3313 Chili Avenue in G.B. zone.

Angela Marmo was present to represent the application.

MS. MARMO: Hi. I'm Angela Marmo.

JOHN HELLABY: Just describe what it is you want to do.

MS. MARMO: So we have a current bakery we're moving from Park Ave. over to Chili and we just wanted to transition the current space. Not any major construction. We're going to be moving in electric ovens, so no hood. Putting in some plumbing and building a counter and putting in some flooring and paint. Pretty much just it.

JOHN HELLABY: You're presently operating out of Park Avenue? You said you're closing that down?

MS. MARMO: We have closed that store.

JOHN HELLABY: You have closed it?

MS. MARMO: Yes.

JOHN HELLABY: Will there be any in-store seating in this establishment?

MS. MARMO: No. Just a retail store.

JOHN HELLABY: That won't affect the parking requirements or the access to the toilet room.

In your documentation, you made a note there was a food truck associated with this business.

MS. MARMO: We do have a food truck. We won't be parking it there. We park it offsite now. We'll continue to do that.

JOHN HELLABY: That would be greatly appreciated.

MS. MARMO: We'll bring it in to load in and out, but that's it.

JOHN HELLABY: And your SEQR form, page 1 Question 2, which I don't know if you filled it out or had somebody else fill it out, you checked the "No" box. This should actually be the "Yes" box because you will need a building permit and, I assume, Health Department permit for that. I changed that.

Are you all right with that?

MS. MARMO: Yes.

JOHN HELLABY: On page 2, "Does the action meet or exceed the State Energy Code requirements?" You actually -- you checked "No," as well, but to my understanding, if X amount of dollars is put in to improving this, you have to bring it up to today's standards; is that correct, Paul (Wanzenried)?

PAUL WANZENRIED: No.

JOHN HELLABY: So they're all right with that one, if they check "No"?

PAUL WANZENRIED: She won't come close to that.

JOHN HELLABY: I realize that.

Chili Conservation Board has no comments in regards to this application. That's all I got for right now.

RON RICHMOND: What would your hours of operation be?

MS. MARMO: We'll do Monday -- sorry, Tuesday through Saturday, probably 10 to 6.

MATT EMENS: I don't have any questions.

PAUL BLOSER: Can you tell us about the food truck?

MS. MARMO: What would you like to know specifically?

PAUL BLOSER: Just what -- will you -- where are you parking it, where are you using it?

MS. MARMO: We park it right now over at Anchor Christian Church in the back of the parking lot. We have done that the past couple years and use it mainly for festivals, the public market, rodeos and private corporate events, that kind of thing.

PAUL BLOSER: Will you park that on-site?

MS. MARMO: No. We'll just pull it up to load and unload it, but then it is parked back at the church after then.

PAUL WANZENRIED: No seats in here, right?

MS. MARMO: No.

PAUL WANZENRIED: But there is a retail area so I could come in and buy some items --

MS. MARMO: Yes.

PAUL WANZENRIED: -- right?

MS. MARMO: Yes.

PAUL WANZENRIED: You need a building permit. Talk to me tomorrow.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: Any further discussion on the application? There are some conditions I would impose on this. They aren't overwhelming. I know there has been some ongoing issues in the plaza itself, so just as the generic statement, all previous conditions imposed by this Board that are still pertinent to this application remain in effect.

Application subject to all required permits, inspections, code compliance requirements.

Subject to approval of the Town Fire Marshal.

And any sign changes shall comply with the Town Code including obtaining a sign permit.

Anything else that anybody can think of?

MATT EMENS: Just that the food truck not be parked on-site.

JOHN HELLABY: No outside sales or displays.

John Hellaby 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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: Are we waiving final?

MATT EMENS: Yes.

JOHN HELLABY: Waiving final.

John Hellaby made a motion to approve application of Angela Marmo, 7 West Bellaqua Estates Drive, Rochester, New York 14624; property owner: Upstate Properties of Chili LLC; for preliminary site plan approval for a change of use in portion of building to allow a bakery (formerly monument and memorial store) at property located at 3313 Chili Avenue in G.B. zone, and Matt Emens seconded the motion. All Board members were in favor of the motion.

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

1. Food truck to be parked off site.
2. No outside sales or displays.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Application is subject to all required permits, inspections, and code compliance regulations.
5. Subject to approval by the Town Fire Marshal.
6. Any signage change shall comply with Town Code, including obtaining sign permits.

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

2. Application of Chili MZL, LLC, owner; 254 W 31st St., 4th Floor, New York, NY 10001 for special use permit to allow an urgent care center in proposed Suite #T1A at property located at 800-810 Paul Road in G.B. zone.
3. Application of Chili MZL, LLC, owner; 254 W 31st St., 4th Floor, New York, NY 10001

for preliminary site plan approval for a change of use in proposed Suite #T1A to allow an urgent care center at property located at 800-810 Paul Road in G.B. zone.

Betsy Brugg, Stan Glantz, David Cox and Dustin Welch were present to represent the application.

MS. BRUGG: Betsy Brugg. Thank you. Good evening, Mr. Hellaby, members of the Planning Board. It's a pleasure to be here tonight. Nice to see you all on this beautiful, sunny, almost dark day now. Okay.

Well, you're very familiar with the Chili Square project. We're really excited over the past several months. We have been in front of the Board a couple times and received approval and as you see, they're working out there and starting with Aldi. We have had Aldi, Pets Supplies Plus, Dollar Tree, Big Lots and we're pleased to have some additional tenants to present to you tonight.

Stan Glantz is here for the property owner. Dave Cox and Dustin Welch from Passero are here to talk about the site plan and specifically the changes to the elevations that are proposed.

We were in front of the Architectural Advisory Committee this evening before this meeting. You have a pretty significant package in front of you. As you said, we do need a Special Use Permit for the Urgent Care to occupy about 4,500 square feet in the southeast corner of the former KMart building, the now known as Chili Square Plaza.

Couple change of use applications in front of you for the Urgent Care and dance studio and again the facade changes are part of the site plan. I will turn it over to Dave (Cox) to go through the application. We have addressed the standards for the special permit in writing in our application, but I would be happy to answer any questions or go through it if you have any questions. And I think it's a nice application and we're all here if you have any -- need more information.

MR. COX: Dave Cox with Passero Associates. So that change in use is for the Urgent Care and the dance studio. And then the site plan modifications are -- because of them, that east side, we had to break up the tenant spaces a little bit more. We had to provide some smaller spaces. Just because of kind of the -- the tenants we're trying to get.

And due to making them kind of more smaller and more narrow, um, the big canopies that we had didn't really work well for smaller tenants and for signage, so we revised the facade on the east side and then on the very west side, um, to have more of a canopy structure -- or, I mean, an awning structure instead of a canopy structure. So just some very slight modifications to the facade like that. That will come back before the AAC and Planning Board.

Besides that, there wasn't really any site plan modifications besides just the facade. We do have Dustin Welch here, the architect, if you have any specific architectural questions. And I think that is about it.

JOHN HELLABY: The landscaping has been previously approved by the Conservation Board, to my knowledge.

Um, the applicant has also been working with Dave Lindsay, Commissioner of Public Works, regarding the clean-up and maintenance of the landscaped area at the northwest intersection of Chili Avenue and Coldwater Road. Conditions of approval would cover that. So I have added a couple of conditions that I'll read before we go.

You did meet, as you stated, with the AAC this evening and they have since given me one of their new forms that says you're approved apparently.

I would also note that we're going to be looking for an overall parking space plan from you once this plaza is somewhat complete, just so we have a threshold of where the plaza stands with the parking situation. What we don't want to do is get several years down the road and find out, okay, we have added a couple more buildings and technically shouldn't have because of the code. So we'll be looking for that.

There were no floor plans submitted with this application, so we're just sort of, you know, figuring that you're going to have to have all of those for your final building permit once they're done.

And I will also note that the Town Engineer has stated in his letter -- I'm sure you have been copied on this -- that there may be a time to -- time to have an ambulance visit this facility. Naturally they're not bringing patients there, but if an individual gets in there and all of a sudden realizes they're having a heart attack or some other issue, that they need to get out of there right away, he has made the comment that you should consider adding a set of double doors and an ADA accessible ramp to the parking lot. I don't know how that fits into your scope of things here.

MR. COX: We are going to add the double door and add the accessible ramp.

JOHN HELLABY: Will that be the main entrance then, just the double doors? So --

MR. COX: I don't know if it will be the main entrance, but one of the entrances.

JOHN HELLABY: All right. Lastly, he made a note to provide a minimum of two handicapped parking spaces adjacent to the proposed Urgent Care Center, which I will add in the conditions, as well.

MATT EMENS: Just to echo the comments, the AAC meeting went well this evening. Dave (Cox) and Dustin (Welch) did review everything and addressed our original comments and they have done a nice job on the canopies, addressing the colors. We have talked about quite a few things and I think they have captured everything with the new form, you noted, and approved everything this evening. So other than that, I don't have any questions or comments at this time.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

John Hellaby made a motion to close the Public Hearing portion of these applications, and Glenn Hyde seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of these applications were closed at this time.

JOHN HELLABY: Any further discussion on these, folks? Before I do SEQR, I will touch on the conditions. These conditions of approval will actually apply to all three applications this evening. The application -- this is in regards to cleaning up that corner.

Item Number 1, the applicant shall remove all dead, dying and unsightly trees and underbrush from the treed area at the northwest corner of Chili Avenue and Coldwater Road intersections.

The area under and around any remaining trees shall be cleaned and mulched as necessary and any disturbed areas be graded, top soiled and seeded in order to provide a clear and level mowable lawn surface.

The applicant shall contact David Lindsay, Commissioner of Public Works, prior to conducting his work to coordinate scope.

Item Number 2, applicant shall mow and maintain lawn frontage along Chili Avenue and Coldwater Road currently being mowed by the Town of Chili.

Applicant shall verify limits of responsibility with the Commissioner of Public Works.

Applicant to comply with the landscape plan approved by the Conservation Board.

Applicant completion of -- at the completion of the project -- excuse me, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the landscaped architect verifying that all approved plantings have been furnished and installed in subsequent confirmation with the approved landscape plan.

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

Applicant shall comply with all pertinent Monroe County Development Committee comments and I would assume you will be copied in on that. It was just basically boilerplate stuff as far as water and sewer connections and things.

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

Planning Board affirms the recommendations of the Architectural Review Committee and requests that the applicant comply with these requirements.

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

Subject to the approval of the Town Fire Marshal.

And any sign changes shall comply with the Town Code including obtaining a sign permit.

To -- to -- excuse me, two additional handicapped accessible parking spaces adjacent to the proposed Urgent Care Center shall be added.

And applicant required to provide an overall parking space plan for the entire plaza.

Any other issues? No?

On Applications 2 and 3, John Hellaby 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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: We went over the conditions of approval, so I will move that we vote on the Application of Chili MZL, LLC, owner; 254 W 31st St., 4th Floor, New York, NY 10001 for special use permit to allow an urgent care center in proposed Suite #T1A at property located at 800-810 Paul Road in G.B. zone.

Glenn Hyde seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant shall remove all dead, dying and unsightly trees and underbrush from the tree'd area at the northwest corner of the Chili Avenue and Chili Center Coldwater Road intersection. The area under and around any remaining trees shall be cleaned and mulched as necessary and any disturbed area will be graded, top-soiled and seeded in order to provide a clear and level mowable lawn surface. Applicant shall contact David Lindsay, Commissioner of Public Works prior to conducting the work to coordinate scope and limits.
2. Applicant shall mow and maintain lawn frontage along Chili Avenue and Chili Center Coldwater Roads not currently being mowed by the Town of Chili. Applicant shall verify limits of responsibility with the Commissioner of Public Works.

3. Applicant to add two (2) additional handicapped accessible parking spaces adjacent to the proposed Urgent Care Center.
4. Applicant required to provide an overall parking space plan for the entire plaza.
5. Applicant to comply with the landscaping plan approved by the Conservation Board.
6. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
7. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
8. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
9. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
10. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Subject to approval by the Town Fire Marshal.
13. Any signage change shall comply with Town Code, including obtaining sign permits.

JOHN HELLABY: This is for 2 and 3 -- we have to vote on each separate. This is just Number 2.

We need SEQR on 3, as well, correct?

ERIC STOWE: It is the same application for Special Use Permit and site plan.

JOHN HELLABY: So we don't need SEQR?

ERIC STOWE: Correct.

JOHN HELLABY: We don't?

ERIC STOWE: Correct.

JOHN HELLABY: Okay. Sorry.

John Hellaby made a motion to approve Application 3 with the same conditions as listed for Number 2, Application of Chili MZL, LLC, owner; 254 W 31st St., 4th Floor, New York, NY 10001 for preliminary site plan approval for a change of use in proposed Suite #T1A to allow an urgent care center at property located at 800-810 Paul Road in G.B. zone, and Glenn Hyde seconded the motion.

JOHN HELLABY: Before you go further, is this something we can waive final on or no?

PAUL WANZENRIED: Yes.

JOHN HELLABY: All right. Then waiving final.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant shall remove all dead, dying and unsightly trees and underbrush from the tree'd area at the northwest corner of the Chili Avenue and Chili Center Coldwater Road intersection. The area under and around any remaining trees shall be cleaned and mulched as necessary and any disturbed area will be graded, top-soiled and seeded in order to provide a clear and level mowable lawn surface. Applicant shall contact David Lindsay, Commissioner of Public Works prior to conducting the work to coordinate scope and limits.
2. Applicant shall mow and maintain lawn frontage along Chili Avenue and Chili Center Coldwater Roads not currently being mowed by the Town of Chili. Applicant shall verify limits of responsibility with the Commissioner of Public Works.

3. Applicant to add two (2) additional handicapped accessible parking spaces adjacent to the proposed Urgent Care Center.
4. Applicant required to provide an overall parking space plan for the entire plaza.
5. Applicant to comply with the landscaping plan approved by the Conservation Board.
6. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
7. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
8. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
9. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
10. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Subject to approval by the Town Fire Marshal.
13. Any signage change shall comply with Town Code, including obtaining sign permits.

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

4. Application of Chili MZL, LLC, owner; 254 W 31st St., 4th Floor, New York, NY 10001 for preliminary site plan approval for a change of use in proposed Suite #T1E to allow a dance studio at property located at 800-810 Paul Road in G.B. zone.

David Cox was present to represent the application.

JOHN HELLABY: Are there any questions?

MR. COX: Nothing further to add.

JOHN HELLABY: Anything related to the dance studio folks?

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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

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

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

JOHN HELLABY: Basically same application, same set of conditions.

John Hellaby 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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

John Hellaby made a motion to approve the application of Chili MZL, LLC, owner; 254 W 31st St., 4th Floor, New York, NY 10001 for preliminary site plan approval for a change of use in proposed Suite #T1E to allow a dance studio at property located at 800-810 Paul Road in G.B. zone, and Glenn Hyde seconded the motion. The Board was all in favor of the motion.

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

1. Applicant shall remove all dead, dying and unsightly trees and underbrush from the tree'd area at the northwest corner of the Chili Avenue and Chili Center Coldwater Road intersection. The area under and around any remaining trees shall be cleaned and mulched as necessary and any disturbed area will be graded, top-soiled and seeded in order to provide a clear and level mowable lawn surface. Applicant shall contact David Lindsay, Commissioner of Public Works prior to conducting the work to coordinate scope and limits.
2. Applicant shall mow and maintain lawn frontage along Chili Avenue and Chili Center Coldwater Roads not currently being mowed by the Town of Chili. Applicant shall verify limits of responsibility with the Commissioner of Public Works.
3. Applicant required to provide an overall parking space plan for the entire plaza.
4. Applicant to comply with the landscaping plan approved by the Conservation Board.
5. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
6. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
7. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
8. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Subject to approval by the Town Fire Marshal.
11. Any signage change shall comply with Town Code, including obtaining sign permits.

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

5. Application of Aaron Keller, owner; 166 King Road, Churchville, New York 14428 for special use permit to erect a single family dwelling with an in-law apartment at property located at 126 Attridge Road in R-1-15 zone.

Jim Perna was present to represent the application.

MR. PERNA: I'm James Perna and I'm representing Mr. Aaron Keller. We're going to try to build him a new house on Attridge Road. The original house that was there was his grandfather's and it was under disarray so we demolished it and now him and his mom want to build a house there together to replace the old farmhouse.

Basically this is the proposed -- but it might change. I will not lie to you. They're designing a house. This is similar to what they're designing right here. But it might move a little this way or that way a little bit (indicating) because there is an existing garage that we're saving and we're going to work around it.

So as soon as we have the final drawings of the new house, we'll -- we'll come in and submit to it the Building Department and go through that with Dave (Lindsay) and get that squared away.

As far as parking and stuff goes, he has like 10 or 15 acres so they have plenty of room to park. They're only building the one house on it.

JOHN HELLABY: We would like them to keep them in the driveway.

MR. PERNA: There was a question about accessing the in-law apartment. Through the garage, walk straight through the garage, into the main entrance of the house, there is one entrance that goes into the -- to the main house and then there is -- off the same hallway, there is an entrance that goes into the in-law. So that will be his -- that will be the main entrance to the house.

JOHN HELLABY: I think what they were discussing, though, Jim (Perna), and County Comments have an awful lot of comments, as well, because the fact is that the site plan is lacking

a real lot of information.

MR. PERNA: Right. Basically it's an existing lot, Al (Hellaby).

JOHN HELLABY: I understand that. But they're going to require all that information.

MR. PERNA: Yes. We told them -- we told Dave (Lindsay) we would give him a topo of where the house -- the house pad and drainage and stuff like that is.

JOHN HELLABY: I think what they wanted to see was how the sidewalk came around to the side entry like the garage and whatnot. I assume there is a sidewalk coming around from the front of the building over here because there is an entrance door here (indicating).

MR. PERNA: But that door, there is the porch, just a porch for the house. So it will --

JOHN HELLABY: But here you have a sidewalk coming around?

MR. PERNA: This house right here -- it's hard to see, but -- this house here is -- it's in Red Bud. It's the same identical house. Okay? And what we did is we did put a sidewalk coming off the side here (indicating) to go in -- in case they wanted access to that. But their main entrance is, though, through the garage. It's hard to see. You see the main entrance --

JOHN HELLABY: Yeah.

MR. PERNA: 99 percent of the time they will use that main entrance.

JOHN HELLABY: That's it.

MR. PERNA: I got sewers. I have -- I got a sewer lateral, I got a water lateral. Everything is right there in place. So hopefully I will take the benefit of reusing them again.

JOHN HELLABY: Well, as I have already stated, the site plan needs a lot of work.

MR. PERNA: Right.

Dave Lindsay, I talked to him and Paul (Wanzenried), and before we get a building permit, we're going to provide that information.

JOHN HELLABY: There is an awful lot of that stuff the County is looking for as far as the waste and all of that stuff.

MR. PERNA: The thing was -- as I explained to the powers to be, is that I really didn't want to spend a lot of money on something that I didn't know what I have to do yet. I mean -- for sure if this is the house we're going to build or whatever. So we just wanted to come in for the use permit.

JOHN HELLABY: Okay. Well, another note, that you should work hand in hand with your engineer to make sure your disturbance is under an acre. Otherwise you will get pulled in for all this Storm Water Pollution Prevention stuff.

MR. PERNA: Right.

JOHN HELLABY: Which right now the Town Engineer--

MR. PERNA: Right now there is drainage along the road. There is a couple catch basins that are there. And -- and that water does go across into the area behind it.

JOHN HELLABY: Okay. If you're still in the design plans of this -- this whole thing, though, I have looked at this and noticed an awful lot of these doors are 2', 2'6", 2'4" for the toilet rooms. You might want to consider 36-inch wide doors throughout just for the ease of getting a wheelchair in there in the future.

MR. PERNA: Yeah. Yeah. Yeah.

JOHN HELLABY: On the short form EAF, page 1, Question 2 should be marked as "Yes," because you are going to be required to get a building permit from the Building Department. Right now, it was checked "No" that you wouldn't need a permit.

MR. KELLER: That was my oversight.

JOHN HELLABY: Page -- page 2, Question 9, um, as it is new construction, you will need to meet or exceed the State energy code requirements. Okay? So I have corrected both of those.

MR. PERNA: Thank you.

MR. KELLER: Appreciate it.

JOHN HELLABY: The Conservation Board had no comments on this application. And if approved, the following standard conditions that we put in all in-law apartments in the Town is that a Special Use Permit is granted for use by the law only and shall cease to exist when the in-law ceases to use it.

Number 2, the in-law apartment may not be used for a rental unit.

Number 3, the applicant's attorney to file a decision letter in the books of deeds at the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney and the Town of Chili Building Department.

When filing, a decision letter shall be indexed against the properly owner's name.

Pending approval of the Building Inspector.

And applicant is subject to all required permits, inspections and code compliance.

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies such as Pure Waters.

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

And subject to the approval of the Town Fire Marshal.

Any other conditions that anybody can think of?

MATT EMENS: Since we're here and talking about it, I will take a minute to say that Al (Arilotta) does a lot of these and we have seen a lot of these over the last year and a half, but I would echo Al (Hellaby)'s comments. I would take the time to look this over and ask some more challenging questions to Al (Arilotta) in the design in here for your mother and your benefit to get your best value in this, because not only opening size, but location and the flow in connection



with these rooms. It is just -- she is going to age in place and use this no matter what happens, um, I would just urge you to take a harder -- force your professionals to take a harder look at some of these relationships in the opening sizes.

MR. KELLER: If it helps you at all, I had original -- I had talked with an architect on restructuring the inside of the rooms and he was apprehensive to start work without a Special Use Permit saying I was okay to build the house.

MR. PERNA: Right.

MR. KELLER: So we're caught.

MR. PERNA: Al Arilotta is in the process, but we're just waiting because no sense getting it done without --

MR. KELLER: I hear what you're saying, though. I agree.

MATT EMENS: Perfect. That's all. Thank you.

PAUL WANZENRIED: Just to continue working with the Building Department.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: We went over conditions of approval.

John Hellaby 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.

ERIC STOWE: Mr. Chairman, did you do the Public Hearing?

JOHN HELLABY: Yes. I went out there.

Glenn Hyde seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: You don't need me to read these conditions over again, do you? You will get them in the mail.

John Hellaby made a motion to approve the application of Aaron Keller, owner; 166 King Road, Churchville, New York 14428 for special use permit to erect a single family dwelling with an in-law apartment at property located at 126 Attridge Road in R-1-15 zone, and Glenn Hyde seconded the motion. All Board members were in favor of the motion.

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

1. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
2. The in-law apartment may not be used as a rental unit.
3. Applicant's attorney to file decision letter in book of deeds with the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Town of Chili Building Department. When filing, decision letter shall be indexed against property owners' name.
4. Pending approval of the Building Inspector.
5. Application is subject to all required permits, inspections, and code compliance regulations.
6. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
7. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
8. Subject to approval by the Town Fire Marshal.

Note: Applicant should consider accessibility features in the in-law apartment (including wider doors, grab bars, wheelchair ramp etc.)

6. Application of Diamond Vapes, 3229 Chili Avenue, Rochester, New York 14624; property owner: Mr./Mrs. Kevin Wehle; for special use permit to allow a vape shop in portion of building at property located at 3229 Chili Avenue in G.B. zone.

Anthony Caccamise, Nicole Caccamise and Anthony Marsocci were present to represent the application.

MR. CACCAMISE: Good afternoon. I'm Anthony Caccamise and this is Anthony Marsocci.

My wife is handing out plans for the front -- from the first draft we sent, we realized it looked like the vape store signage was taking over the diamond store so we revised it to show it is just an addition to it. So we did a rendering of the new sign.

We also realized that around Town Center, you guys have big flower pots and stuff. So we put those up there, too, to try to spruce up the place and give people a little more walking room in front of the store, as well, for safety.

JOHN HELLABY: Anything else to add?

MR. CACCAMISE: That is it.

GLENN HYDE: Are you sectioning off part of the jewelry and coin store from the vape --

MR. CACCAMISE: Basically the vape store is being added to the inside. Nothing -- we're taking two of the cases that have -- currently hold jewelry in it and move it to other two cases he currently has in there and uses those two cases, puts up a couple wall shelves and that's it. So no structural changes besides the sign out front.

JOHN HELLABY: That being the case, no additional parking spaces are required. It appears that the existing lot is not striped. However, I would ask at minimum, two handicapped accessible spaces should be striped and signed in the front of this plaza somewhere.

MR. CACCAMISE: We agree.

JOHN HELLABY: No parking spaces should be striped in front of each of the door openings for the tenants.

Conservation Board would like to see some planters that you have depicted here. I'm assuming they would like these similar to over what is in front of Ferrari's.

MR. CACCAMISE: Yes. I just used a digital rendering the best I could.

JOHN HELLABY: Sign changes, we would request and mandate that there would be no additional neon stuck in the windows because they look a little overwhelmed presently.

MR. CACCAMISE: Correct.

JOHN HELLABY: And any signage naturally you will have to secure a permit and be within the Town Code.

MR. CACCAMISE: Okay.

MATT EMENS: The vacant -- the vape and smoke shop is selling -- I guess things so that you can vape?

MR. CACCAMISE: Right.

MATT EMENS: Does that include tobacco?

MR. CACCAMISE: Right. We have a tobacco license already approved but most will be the vape. We're trying to get people off of smoking. So that is what the vape is used for. But it is considered a tobacco product.

MATT EMENS: No change in hours. Just additional something that you're adding to the current store?

MR. CACCAMISE: Correct.

MATT EMENS: Interesting add to a jewelry and coin store, but it's something you guys have identified? I don't have anything else at this time.

JOHN HELLABY: Can you just touch on the regulations for this? Is there a specific set of guidelines or laws that you have to follow?

MR. CACCAMISE: It's -- it's regulated just like regular tobacco. 18 and older to purchase it. That's basically it.

JOHN HELLABY: So presently they're working on a bill right now to change the legal age to 21.

MR. CACCAMISE: To 21.

JOHN HELLABY: So that will impact your operation.

MR. CACCAMISE: Absolutely.

JOHN HELLABY: All right.

DAVID CROSS: Al (Hellaby), you touched on the signage. It sounded like you would request no additional neon signage. I would take it a step further and ask that the -- any neon signage that is there right now would come down. I think it's overwhelming. I don't think it is in character of the -- of the nice main street we're trying to make here. So that is where I go with that. I would ask for that condition to be placed also.

MR. CACCAMISE: Well, the diamond -- there is already a diamond neon up on there.

DAVID CROSS: Yep.

MR. CACCAMISE: The other window has most of the --

DAVID CROSS: "Open" sign, diamond.

MR. CACCAMISE: It will definitely be cleaned up and organized.

DAVID CROSS: I just don't think that -- this neon signage is where we want to be with -- with our main street and you're asking for something and I think we're willing to consider it and I would -- I would take it a step further than -- than what Al (Hellaby) said and ask that it come down.

MR. CACCAMISE: So no neons?

JOHN HELLABY: If that was made part of the conditions -- I mean, what would be acceptable for like an open/close-type signage?

MR. CACCAMISE: I mean, there is no walk-in traffic over there except the -- well, the --  
MR. MARSOCCI: The tailor.

MR. CACCAMISE: That is the only thing.

DAVID CROSS: Has to be a nicer way to do it, more attractive than any neon signage.  
There is ways to do it. I will not tell you how to do it.

JOHN HELLABY: I will be honest, when you have cars parked in there, driving down the street, I mean, yeah, it's in the window, but you can't tell what half of it says.

MR. CACCAMISE: Yeah. That is why we wanted to organize and go through it.

MATT EMENS: I notice we don't have a property card on this, on the signage. I know it's been a big topic over the last few years.

JOHN HELLABY: I do have a property card, but the thing of it is, actually --

MATT EMENS: Any approvals as far as the signage?

JOHN HELLABY: There is only one thing on this, and it is from 1966 from the Zoning Board when they originally put that building up. And that is it. That's what I went back to look at.

PAUL WANZENRIED: The Architectural Advisory Committee section of the code book is -- if you go to 12.6(c)4, not recommended: Internally illuminated signs, neon signs, lighted window signs, reader boards, marquis signs, temporary portable signs, pylon style, elevated stack signs and window signage.

So being that they are in the GB District, they would be -- fall under these parameters.

ERIC STOWE: It doesn't just apply to new construction. It is -- or alterations to existing structures.

JOHN HELLABY: In all honesty, there has been an awful lot of time and effort put into redoing that whole strip of Chili Avenue as far as what their vision is over the next 20 years and I know for a fact that neon is not part of their vision.

MR. CACCAMISE: If we -- if we take down the neons, which we're more than willing to do to compromise, can we vinyl wrap the windows then? Is that appropriate?

DAVID CROSS: I don't think that meets the intent either.

MR. CACCAMISE: I'm just wondering how --

JOHN HELLABY: I think --

MATT EMENS: I think the bigger part here is -- you're showing in this drawing you handed out tonight a new sign. So you will have to come back to Zoning -- well, you will have to apply for a permit for the sign and you may --

PAUL WANZENRIED: You have to apply for a permit. No guarantee this would need or require a variance.

MATT EMENS: They may not need to go to Zoning if the sign meets requirements. You will have to apply for a permit on that. So I think that being said, it probably is -- this is the correct time and venue to make that a -- you know, make that comment and make that -- make that recommendation or a stipulation, I guess. If you guys are willing to go that far.

MR. CACCAMISE: We're willing to do what it takes to be part of the community. If we have to take them down, no problem. We've --

PAUL WANZENRIED: If they want to make proposals or generate proposals for signage in the windows, come -- come talk to the Building Department. Come talk to us. Bring your proposals to us. We can guide you as to the sign code and what is allowable and what is not allowable, how big it can or can't be and we'll work with you.

MR. CACCAMISE: Okay.

PAUL WANZENRIED: Just one last note. Sorry. The "open" sign, I do think that that would be appropriate. Okay? Because there are other "open" signs along Chili Ave.

JOHN HELLABY: I honestly don't recall.

PAUL WANZENRIED: Town & Country has one. Um, Xpo Nails, I think, has one.

PAUL BLOSER: Pizza shop.

JOHN HELLABY: So an "open" sign, to help your business.

MR. CACCAMISE: Thank you.

PAUL WANZENRIED: We won't be opposed to that.

DAVID CROSS: I'm okay with that.

JOHN HELLABY: Anything else, Paul (Wanzenried)?

PAUL WANZENRIED: No, sir.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MS. CACCAMISE: I actually have a question about the signage. Nicole Caccamise. Did you say address? 780 Titus Avenue, Rochester, New York 14617.

As far as an "open" sign goes, I was wondering if it would be -- say we had a -- Diamond Vapes and Jewelry and one sign that said "open," turns on/off obviously like a neon in the window. Just one "open" sign, smaller regulation whatever we need to do, but that would be the symbol for our sign and our "open" sign all in one so it wouldn't really be an eyesore.

PAUL WANZENRIED: Any suggestion would be to generate some sort of pictorial proposal to us.

MS. CACCAMISE: If you look at the diamond on the sign that is on there, instead of it being just an "open" sign, so that way people know what it is, it would be a diamond that said lettering in neon, "Diamond Jewelry and Vape." And it would have "open" on the bottom. It would turn it on to say "open" and then off at the end of the night.

Just one thing and it would be -- it would like show our business that we're open and it wouldn't be an eyesore. But if not, then --

PAUL WANZENRIED: Again, if you can generate something for me. It is tough for me to visualize on this picture, but, you know, generate and bring it in and we'll work with you.

MS. CACCAMISE: Sure. Thank you.

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

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

John Hellaby 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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: As far as conditions of approval go, the Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies and I would assume that would be the tobacco, whatever they give you as far as the copy of your --

MR. CACCAMISE: (Indicating).

JOHN HELLABY: That, I suppose, you could submit right to the Building Department.

Application is required -- as far as permits, inspections and code compliance regulations. I know it's just a matter of resetting the counters in there, but you have to make sure they're in agreement with it.

I would ask for it to be subject to approval of the Town Fire Marshal as far as access and things like that.

We spoke about the signage. No neon signage, lighting in the front windows with the exception of an "open" sign.

Um, and I will also note work with the Building Department.

No outside displays or storage.

A minimum of two handicapped accessible parking spaces should be striped and signed in the parking lot based on the 2010 ADA standards.

ERIC STOWE: Just that in addition to no outside signage or storage, no outside sales.

JOHN HELLABY: No outside sales. You're right.

John Hellaby made a motion to approve the application of Diamond Vapes, 3229 Chili Avenue, Rochester, New York 14624; property owner: Mr./Mrs. Kevin Wehle; for special use permit to allow a vape shop in portion of building at property located at 3229 Chili Avenue in G.B. zone, and Glenn Hyde seconded the motion.

DECISION: Approved by a vote of 5 yes to 1 no (Ron Richmond) with the following conditions:

1. No neon signage/lighting allowed in windows. Existing to be removed and applicant to work with the Town of Chili Building Department for an acceptable "OPEN" sign.
2. No outside displays or sales.
3. A minimum of two (2) handicapped accessible parking spaces to be striped and signed in the parking lot, based on the 2010 ADA Standards.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Application is subject to all required permits, inspections and code compliance regulations.
6. Subject to approval by the Town Fire Marshal.
7. Any signage change shall comply with Town Code, including obtaining sign permits.

John Hellaby made a motion to approve the 2/12/19 Planning Board meeting minutes, and Glenn Hyde seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:55 p.m.