

CHILI PLANNING BOARD
April 9, 2019

A meeting of the Chili Planning Board was held on April 9, 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 Chairperson John Hellaby.

PRESENT: Paul Bloser, David Cross, Matt Emens, Glenn Hyde and Vice Chairperson John Hellaby

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; 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 Tim Giarrusso, Rochester Community Inclusive Rowing, owner; 265 Bretlyn Circle, Rochester, New York 14618 for revised final site plan approval to erect a 5,184 sq. ft. boathouse facility at property located at 20 Black Creek Road in RAO-20 & FPO zone.

Tim Giarrusso was present to represent the application.

MR. GIARRUSSO: Good evening. Tim Giarrusso, President of Rochester Community Inclusive Rowing. Sandy (Hewlett) has my information from the prior meeting.

And I wanted to take you back to about a year ago when we successfully came through the Planning Board for our original design. I stated back then that we did have financing for the facility. We still do have financing. It is the same amount of financing I had before, but what we learned over the summer of 2018 was that to build what we had designed at the size we had designed it with the approach to it, it was going to be close to \$950,000. We -- we spent the balance of 2018, early '19 reconfiguring the construction method and the sizing. We have eliminated the mezzanine inside. We have essentially reduced the footprint by about 20 percent down to 5184 square feet.

Other than that, we have literally taken the side of the building in 8 feet on each side and kept it centered so we have not changed the access in terms of the parking access off the street. The entrance off the street is the same. The landscaping is the same. The water retention has been resized about 17 percent down in accordance with the engineering calculations given the size of the building. So that is still in place.

The -- let see. What else? Other than that, that's -- that's essentially the same.

JOHN HELLABY: Um, we appreciate that.

MR. GIARRUSSO: I'm sorry. Our budget has come back into the 340 to \$380,000 range and we do have bank commitment on the construction loan.

JOHN HELLABY: I don't want to put you on the spot right now because of the Architectural Advisory Committee has asked that you change some things and resubmit to them next month.

MR. GIARRUSSO: Correct.

JOHN HELLABY: That being the case, there is really no way I can vote on this tonight without their approval first. I mean, I personally don't have a problem with this, but you're going to have to answer their questions before we can move it forward unfortunately.

MATT EMENS: So would we still give them the remainder of our comments, or no?

JOHN HELLABY: I mean if the Board wants to go through and critique things, that's fine. As far as conditions, your original approval had 15 conditions on it, which will remain in effect.

MR. GIARRUSSO: Correct. Still have those.

ERIC STOWE: We also have a Public Hearing, correct?

JOHN HELLABY: Correct. So I mean the Board wants to ask questions, I'm just -- I'm just letting you know now there is going to be a problem at the end. You're going to have to come back next month, so.

MR. HART: Is there a way we can have conditional approval based on the Architectural if the Board is in favor of the site plan at this point? Just a question. I don't know if it is possible.

MR. GIARRUSSO: If it is possible, it saves -- not possible?

MR. HART: We have to come back for the Architectural Review meeting.

Andy Hart with Bergmann Associates.

MATT EMENS: I don't have any comments on the site plan. There was minimal things the Town Engineer brought up. I don't have any issues with that. Just to make sure you guys understand what we have -- we have talked to Tim (Giarrusso) and his group tonight in front of the Architectural Advisory Committee. Understand their budget issues. Just a major departure

from what we saw and approved before, so we have asked them to look at a couple of things and try a couple of things to once again not bust your budget, but continue to make the building aesthetically pleasing without drastically changing what your approach is.

Your -- your construction-type change obviously is limiting some of the things you can do based on your previous elevations and materials and color selections, but -- so we have asked them to take a look at some of those things and appreciate them working with us and talking through that.

JOHN HELLABY: All right. The Conservation Board -- I know you mentioned it a little while ago, but the Conservation Board has requested the estimated construction cost to determine the landscaping.

MR. GIARRUSSO: Yep.

Do you have that cost or now -- now that you have to make changes to the thing, do you want to wait until next month when you finalize?

MR. GIARRUSSO: The estimate right now is between 340 and 380,000. That is what we have in terms of a master cost of pricing. It will not go over 400. I can tell you that.

JOHN HELLABY: All right.

DAVID CROSS: I don't have anything site plan related. Doesn't look like it changed substantially. I was here last time. Big picture, architecturally what are you doing different now versus before? Is it still steel --

MR. GIARRUSSO: Okay. So -- so things that drove cost were the mezzanine, which drove a lot of interior structural costs, which drove down into the ground around footers and concrete costs and it just kept going. Added a little bit of cost to the water retention. Not much, but some. And then with all that extra space in the mezzanine or electrical cost, additional HVAC cost, the -- the stick construction as opposed to the prefab was a tremendous difference in terms of assembly. The labor to build the facility was awesome.

DAVID CROSS: I understand. Thanks. That's all I have.

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: Any other discussion? I mean SEQR was done. So you're all set there. I guess at this point, just make a motion to table the thing. Do we have to table --

ERIC STOWE: With their consent, pending the AAC comments. If they're okay with that.

MR. GIARRUSSO: Just a clarification around -- what was your question around?

MR. HART: If we can do a conditional approval.

JOHN HELLABY: You can't do conditional approval on the site plan? No.

ERIC STOWE: It's the final. Right.

JOHN HELLABY: It's -- it's -- actually, it's a revised final, so -- I mean if it was preliminary, I could probably help you out, but I can't now. You have to get through those guys.

MR. GIARRUSSO: When is the next Planning meeting?

JOHN HELLABY: The same night as -- second Tuesday. Do they still have time to get put on that agenda?

PAUL WANZENRIED: Yes. I'm just swinging them there tomorrow.

JOHN HELLABY: I make a motion to table this application until we get further comments back from the Architectural Review Board.

Is there a second?

ERIC STOWE: Hang on. We need -- the applicant's either consent or --

MR. GIARRUSSO: Yes. We consent.

ERIC STOWE: Now you're good, Al (Hellaby).

GLENN HYDE: Second.

DECISION: Unanimously tabled by a vote of 5 yes to table until the May 14, 2019 meeting for the following reason:

1. Application needs further review from the Architectural Advisory Committee.
2. Application of Dan Dettore, owner; 29 Cottage Grove Circle, North Chili, New York 14514 for preliminary site plan approval to erect a single family dwelling and 50' x 70' pole barn at property located at 786 Brook Road in AC & FPO zone.

Dan Dettore, Matt Tuttle and Chris Schultz were present to represent the application.

MR. DETTORE: Mr. Chairman, would you like us to put plans up on this Board?

JOHN HELLABY: If you have them.

MR. DETTORE: So my name is Dan Dettore. I own the property at 786 Brook Road and would like to build a single-family home for myself and my family and a barn on the property, as well. I bought the property last October.

JOHN HELLABY: All right. Is that it?

MR. DETTORE: Sorry?

JOHN HELLABY: That it?

MR. DETTORE: I think that is it. First time I have done this, so.

MR. TUTTLE: Good evening. Matt Tuttle from Schultz & Associates Engineers and Land Surveyors. We have a site plan for 786 Brook Road to construct a two-bedroom, single-family home, 50 by 70 pole barn, utilities. The private septic system, public water via a proposed 300 and change foot water main extension on the north side of Brook Road and electric from existing roadside.

There is a -- an existing driveway. The house is going to sit back about 1500 feet on the west side of the lot, from Brook Road. There is an existing driveway up to a couple existing sheds that exist on the property. Plan to keep that same driveway in use with a couple of improvements. Mainly rerouting in the last 4 to 500 feet to reach the proposed house and pole barn as well as the requested emergency turnaround for the Town.

Received Town Engineer comments, um, this past week. So it was just this afternoon I was able to finish addressing all those comments and met back with the Town Engineer. Those are the only comments we have received back so far. We understand that for the pole barn, we're going to need a setback variance from the Town and the client will handle that. Would be the first Zoning Board hearing scheduled, I believe, April 23rd.

There was a pause in the meeting for a passing train whistle.

MR. TUTTLE: I had the opportunity to speak with the Town Fire Marshal as far as fire suppression. The house will be outfitted with a sprinkler system per client spec and also, as I mentioned, we discussed the emergency vehicle turnarounds and those have been added to the site plan. Actually, the updated copy is on the board.

JOHN HELLABY: Is that it?

MR. TUTTLE: That's it.

JOHN HELLABY: Um, the Monroe County Department of Health has to approve the design on the septic system.

Do you know where that stands yet?

MR. TUTTLE: We have been through a couple different designs with the septic system so we have to resubmit to the Health Department but that will be handled before final.

JOHN HELLABY: All right. Monroe County Water Authority. I wasn't sure that the water actually ran down that far, but you guys -- are you going to hook into that public water?

MR. TUTTLE: Correct. We're proposing approximately a 300 foot water main extension from the existing main to go just about to the client's property line and then provide public -- or private service from there.

JOHN HELLABY: All right. Google Earth shows that there are presently two other structures other than what you had noted on your original drawings to be removed and a fence. They should be shown on the site drawing and designated as to what you plan on doing with those.

MR. TUTTLE: The -- the other two existing sheds that weren't shown on the original drawing have been added to the updated plan and the fence line has since been removed.

JOHN HELLABY: All right. It was noted that the applicant should contact the Permit Administrator at the New York State DEC and Mr. Stephen Metzger, is it, of the Army Corps of Engineers regarding an on-site delineation of the wetlands and permits.

MR. TUTTLE: We had on-site delineation. The wetland flags have been located in the area closest to the proposed house, pole barn and septic system and those are all added to the updated plans.

JOHN HELLABY: All right. They also ask that the right-of-way for the lands owned by the Choromanskis be shown on that map.

MR. TUTTLE: That will be shown on the map.

JOHN HELLABY: Um, and you said you did answer Mr. Hanscom's letter.

Michael (Hanscom), are you all set with their response or is there additional information required?

MICHAEL HANSCOM: Um, I -- I received it about 2:30 this afternoon, so I haven't had a chance to fully look at it.

JOHN HELLABY: Well, I just got it ten minutes ago, myself, so. We'll have to digest it, I guess.

The Conservation Board, excuse me, has no concerns with this application. With that, Matt (Emens)?

MATT EMENS: So back to the Fire Marshal questions, you said it is 1500 -- approximately 1500 feet off the road.

MR. TUTTLE: 1400 and change. Just about 1500.

MATT EMENS: Okay. We'll round up. And residential sprinkler system is what you guys are proposing?

MR. TUTTLE: Correct. It was either that or --

MATT EMENS: Dry hydrants and water service up the driveway.

MR. TUTTLE: Correct. So we decided on the sprinkler system.

MATT EMENS: Width of the current driveway is 12 feet.

MR. TUTTLE: 12 feet in most places. A couple feet that it does come down as narrow as

8 feet shown on the site plan to widen those areas to meet the Fire Marshal's requirements.

MATT EMENS: So you will have -- I'm sorry, I can't see it, but -- I know you have the PDF -- you're going to have pull-offs? Every 400 -- whatever how many 100 feet?

MR. TUTTLE: Yeah. About 500 foot. There is two emergency vehicle turnarounds and then the driveway portion that loops around to the pole barn, meets -- actually exceeds the New York State Fire Code for emergency vehicle turnaround.

JOHN HELLABY: Okay. Got you. And the private service going back off the Water Authority, if there is an issue, obviously with the pressure, you're going to take care of that with construction or design of it.

MR. TUTTLE: Booster pump. We'll figure it out.

MATT EMENS: It's not like a commercial sprinkler system. Okay. Those are -- that was really my biggest question, so thank you. All set.

GLENN HYDE: Purpose for the barn? What would be the use of the barn?

MR. TUTTLE: Just to house equipment, tools, so the neighbors don't have to look at them.

DAVID CROSS: So you need a setback variance for the barn. You mentioned also do you need -- do they need area variance for -- no? For garage space?

PAUL WANZENRIED: No.

DAVID CROSS: No.

You will put a basement in it.

MR. TUTTLE: Crawl space. No basement.

DAVID CROSS: Okay. So you're well above the flood plain out there it looks like. That's all I have.

PAUL WANZENRIED: You have my comment?

JOHN HELLABY: Yes.

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: I know you guys paid your final, correct? I will be 100 percent honest with you, with all of the stuff that is on here and just handed us this paperwork, 15 minutes ago, I think preliminary is about as far as you're going to get through.

Any other concerns, questions? We'll do SEQR and I will run through the conditions after approval.

ERIC STOWE: Just for SEQR, Mr. Hanscom's letter was for page 2, question 14 on the short EAF.

JOHN HELLABY: You're correct. You are correct.

MICHAEL HANSCOM: Mr. Chairman -- we did send them a revised short form with -- with a 14 filled out.

JOHN HELLABY: You do have it? Okay. Thank you.

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: With regard to the application, um, conditions -- the condition being subject to the approval of an acceptable emergency service access and fire extinguishing requirements per the International Fire Code and International Building Code, Uniform Building Code and the code of the Town of Chili.

Supply a written response to Michael Hanscom of Lu Engineers' comment letter dated April 5th, which you have done. I just don't know if it is still Michael (Hanscom)'s standard yet because he hasn't had a chance to review it all.

Show right-of-way to the Choromanskis' property on the site plan.

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

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies such as DEC and all of the others.

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

Copies of all easements associated with the project shall be provided to the Assistant Town Counsel for approval and all filing information shall be noted on the mylar.

Building permits shall not be issued prior to applicant complying with all conditions. Or excuse me.

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

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

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

Subject to the approval of the Town Fire Marshal.

Any others?

With that, I make a motion to vote for application of Dan Dettore, owner; 29 Cottage Grove Circle, North Chili, New York 14514 for preliminary site plan approval to erect a single family dwelling and 50' x 70' pole barn at property located at 786 Brook Road in AC & FPO zone.

GLENN HYDE: Second.

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

1. Supply a written response to Michael Hanscom of Lu Engineers comment letter dated April 5, 2019.
2. Show right-of-way to the Choromanskis' property on the site plan.
3. Subject to the approval of acceptable emergency service access and fire extinguishing requirements per the International Fire Code, International Building Code (Uniform Building Code) and the Code of the Town of Chili.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
7. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
8. Building permits shall not be issued prior to applicant complying with all Planning Board conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Pending approval of the Zoning Board of Appeals for all required variances.
11. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
12. Subject to approval by the Town Fire Marshal.

MR. SCHULTZ: Chris Schultz, consulting engineer for the project, too. I oftentimes will always ask for contingent final. Certainly the timing with the Town Engineer's comments is a just reason for delaying things, but I did want to bring to the Board's attention my client's strong desire to get started as soon as possible. We have had the preliminary plans out to the other agencies. So it would potentially save him a few weeks if this Board felt that a contingent final would be warranted.

Certainly, we would not be bringing in plans until we had signatures from Water, Health, Town Engineer, Commissioner of Public Works anyways. So what I'm basically saying is if the Board is comfortable with the planning on this project and it's just a matter of satisfying these gentlemen and other agencies, so if we could avoid having to come back for a final meeting, that would serve the same purpose as a contingent final.

JOHN HELLABY: Well, I personally would like to see all of the Ts crossed and Is dotted. Getting handed a pile of stuff ten minutes before the meeting doesn't leave me warm and fuzzy.

MR. SCHULTZ: I get it. You know, realistically we'll get comments in a few days and respond and get them back out. But we did want to tell you. I needed to ask for my client.

JOHN HELLABY: I hear you. Very good.

3. Application of Stonewood Builders LLC, 3240 Chili Avenue Ste. B14/15, Rochester, New York 14624, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite B14/15) to allow a professional office (formerly fitness center) at property located at 3240 Chili Avenue in GB zone.

Susan Ohrenstein was present to represent the application.

MS. OHRENSTEIN: Good evening my name is Susan Ohrenstein with Stonewood Builders. I'm representing the Chili Paul Plaza. Right now, Stonewood Builders owns the unit B14/15 space and we have five employees. It's for office space and our hours of operation are

Monday through Friday, 8 to 5. And it used to be a Jazzercise space.

JOHN HELLABY: Bear with me. It appears that the office space will require five additional parking spaces for a total of 14, which apparently -- and I will ask the question once more.

Does the overall parking space inventory submitted with the informal application, is that acceptable for these three to be -- to be used for these three? That is one of the conditions. That submission actually shows that there are about two -- there are about 250 more parking spaces than are actually required presently.

While they're looking at that, I will also note that the plan, the floor plans you submitted do not show any square footage or any dimensions on them whatsoever. I will note that the Building Department and the Fire Marshal may require additional plans before you can get the permit.

On the short form evaluation assessment, page 1, item 3, total acreage of the site, um, do you know what the total acreage is of that plaza?

MS. OHRENSTEIN: I do not. No. I honestly don't know.

JOHN HELLABY: I guess we're going to have to figure that out. We can fill that out.

Item Number 2, um, is stated as being "no," but it says, "Does this proposed action require a permit approval or funding from any governmental agencies?"

You will require a building permit, so that shall be checked "yes," so I will change that with your approval.

And then page 2, item 14, "Identify the typical habitat types that occur on or are likely found on the project site."

Um, basically suburban, correct?

MS. OHRENSTEIN: That's correct.

JOHN HELLABY: You stated that the hours of operation are 8 to 5, Monday through Friday, and you will have appointments on Saturday.

MS. OHRENSTEIN: We do appointments, yes.

JOHN HELLABY: What do these appointments entail? I mean it is just a rental facility for there or are you guys an actual contractor?

MS. OHRENSTEIN: It's a real estate development company.

JOHN HELLABY: All right. The Conservation Board's only recommendation they had was that additional planters be placed around the plaza similar to what is over at Ferrari's, I think it is.

MS. OHRENSTEIN: Okay.

JOHN HELLABY: With that, I'll go to Matt (Emens).

MATT EMENS: The parking is the only thing, I guess. If we're going to add -- per Mike (Hanscom)'s letter, an increase of five spots, changing from 19 to 14. If we are going to move forward using that table, I think we should start tracking these.

JOHN HELLABY: Right.

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

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: I guess we'll do SEQR and then I will see how Paul (Wanzenried) is making out.

ERIC STOWE: Hang on.

JOHN HELLABY: All right.

ERIC STOWE: I think what Paul (Wanzenried) is intending to say is that you will need more time to review the parking inventory that is submitted, but it is addressed in those conditions provided to you, the additional conditions.

JOHN HELLABY: So we'll leave it in at this time. All right. Then for conditions, prior to the issuance of any building permits and/or Certificates of Occupancy, the applicant and/or owner shall remedy any outstanding conditions of prior approvals, including but not limited to preliminary site plan approvals dated April 11, 2017, and March 13th of 2018.

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

Signed permits to be applied for and all signage shall comply with the Town of Chili code.

Install raised curbed islands at the end of the parking --

ERIC STOWE: Al (Hellaby), not on that one.

JOHN HELLABY: Not on this one?

ERIC STOWE: Correct. And don't forget SEQR.

JOHN HELLABY: That's right. I was interrupted.

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: All right. So with that, where does this list apply then?

ERIC STOWE: Later.

JOHN HELLABY: Later. Okay. I will do that. We do have a couple other conditions I wanted to throw in there, though. Hold on a second.

No neon signage lighting allowed in the front windows. And if an "open" sign is required, please work with the Town, the Town of Chili Building Department, for one that is acceptable.

No outside displays or sales.

Also note, I don't think it was stated as such, but all prior conditions imposed by the Board that are still pertinent to the application remain in effect.

Subject to the approval of the Town Fire Marshal. I think that is it.

ERIC STOWE: Mr. Hellaby, could you reiterate the three conditions on the additional sheet?

JOHN HELLABY: Ones I just read?

ERIC STOWE: Yes. Because SEQR interrupted them, so it is clear those are the conditions of this approving resolution.

JOHN HELLABY: All of the conditions are prior to the issuance of any building permits and/or Certificates of Occupancy.

The applicant and/or owner shall remedy all outstanding conditions of prior approvals, included but not limited to preliminary site plan approvals dated April 11th, 2017 and March 13th, 2018.

Application is subject to all required permits, inspections and code compliance regulations. Sign permits to be applied for and all signs shall comply with the code of the Town of Chili.

No neon signage lighting allowed in windows.

Work with the Town of Chili Building Department on an acceptable "open" sign, if required.

No outside displays or sales.

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

Subject to the approval of the Town Fire Marshal, and I think that was it.

Correct?

All right. With that, I make a motion to move this to vote.

Application of Stonewood Builders LLC, 3240 Chili Avenue Suite B14/15, Rochester, New York 14624, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite B14/15) to allow a professional office (formerly fitness center) at property located at 3240 Chili Avenue in GB zone.

I will point out that they paid for final, as well, correct? They paid final?

PAUL WANZENRIED: Yes.

JOHN HELLABY: So waive final?

DAVID CROSS: Yes.

JOHN HELLABY: To the vote.

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

1. No neon signage/lighting allowed in windows. Work with the Town of Chili Building Department for an acceptable "OPEN" sign, if required.
2. No outside displays or sales.
3. Prior to the issuance of any building permits and/or Certificates of Occupancy, applicant and/or owner shall remedy all outstanding conditions of prior approvals, including but not limited to preliminary site plan approvals dated April 11, 2017 and March 13, 2018.
4. Add additional planters as recommended by the Conservation Board.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. 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 Stonewood Builders LLC, 3240 Chili Avenue Ste. B14/15, Rochester, New York 14624, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite B13) to allow a children's play area (formerly offices) at property located at 3240 Chili Avenue in GB zone.

Susan Ohrenstein was present to represent the application.

MS. OHRENSTEIN: This is -- it is called Climbing Vines. It will occupancy unit B13. It's a play area facility. They do private birthday parties and that type of thing. Their hours of operation: Monday and Wednesday, 8:30 to 1:30; Tuesday, Thursday, Fridays 8:30 to 3:30; Saturday and Sunday 8:30 to 3:00. And it used to be the old Stonewood Builders office.

JOHN HELLABY: All right. I will note that the parking requirements is 25 spaces which is less than the previous use, so you should be all right there.

Plan is submitted once again not showing dimensions or square footage and the Building Department and Fire Marshal will probably require additional plans for the permits.

The EAF form, same thing again, page 1, item 3.

Do you happen to know the total acreage of that site over there, Paul (Wanzenried)?

PAUL WANZENRIED: Not off the top --

ERIC STOWE: Acreage? According to the tax bill, 19.2.

JOHN HELLABY: 19.2?

ERIC STOWE: Yeah.

JOHN HELLABY: Okay. Thank you. Again, item 2 is marked "no," but you will need building permits, so with your permission, I will change that to "yes."

MS. OHRENSTEIN: Yes, thank you.

JOHN HELLABY: Page 2, Number 14, again, identify the typical habitat type shown. Again, I will mark "suburban."

You stated the hours of operation. Somewhere I read that this operation has been in existence for the past two years. Has that been at your plaza or do you know where they're presently located?

MS. OHRENSTEIN: No, I honestly -- not in our plaza. They were maybe someplace else but not --

PAUL WANZENRIED: It's on the east side.

MATT EMENS: The other location is out in Victor.

JOHN HELLABY: Then I'm not sure you're going to know the rest of the answers then.

Is -- this is a paid-daycare-type situation?

MS. OHRENSTEIN: It's not really a daycare where they drop their kids off, you know. They're -- it's like the parents come and they -- the kids play type.

JOHN HELLABY: The parents stay with them?

MS. OHRENSTEIN: Yes, most of the time.

JOHN HELLABY: But is this actually staffed all of the time by some professional?

MS. OHRENSTEIN: They have got several employees. Five to nine employees there that are there all of the time.

JOHN HELLABY: All right. That's all I got.

PAUL WANZENRIED: You said -- used the term "probably" for requirement -- Building Department or Fire Marshal will "probably" require. What was that?

JOHN HELLABY: Oh, it is the additional floor plan -- dimensioned floor plan. I mean you're not going to give them a permit on what they --

PAUL WANZENRIED: Eliminate "probably" and we "will require."

JOHN HELLABY: I figured as much.

PAUL WANZENRIED: Thanks.

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: You want me to read through all these conditions again?

ERIC STOWE: You can do SEQR first.

JOHN HELLABY: Correct. All right.

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: Now, conditions. Would you like them all read again into the -- all right.

Conditions of approval. Prior to the issuance of any building permits and/or Certificates of Occupancy, applicant and/or owner shall remedy all outstanding conditions of prior approvals including, but not limited to, preliminary site plan approvals dated April 11th, 2017, and

March 13th, 2018.

Applicant is subject to all required permits, inspections and code compliance regulations. Sign permits to be applied for and all language shall be complied -- or excuse me, all signage shall comply with the code of the Town of Chili.

No neon signage lighting allowed in front windows. Work with the Town of Chili Building Department on an acceptable "open" sign if required.

No outside displays or sales.

All previous conditions imposed by this Board pertinent to this application remain in effect.

Subject to the approval of the Town Fire Marshal. I think that's it.

With those conditions? And again, they paid final, so we're going to waive final.

ERIC STOWE: You just need a second.

JOHN HELLABY: I'm sorry. You are correct.

GLENN HYDE: Second.

JOHN HELLABY: You want me to read this again?

ERIC STOWE: No.

JOHN HELLABY: Motion has been seconded on the application of Stonewood Builders LLC, 3240 Chili Avenue Suite B14/15, Rochester, New York 14624, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite B13) to allow a children's play area (formerly offices) at property located at 3240 Chili Avenue in GB zone.

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

1. No neon signage/lighting allowed in windows. Work with the Town of Chili Building Department for an acceptable "OPEN" sign, if required.
2. No outside displays or sales.
3. Prior to the issuance of any building permits and/or Certificates of Occupancy, applicant and/or owner shall remedy all outstanding conditions of prior approvals, including but not limited to preliminary site plan approvals dated April 11, 2017 and March 13, 2018.
4. Add additional planters as recommended by the Conservation Board.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. 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 Stonewood Builders LLC, 3240 Chili Avenue Ste. B14/15, Rochester, New York 14624, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite B12) to allow a professional office (formerly delicatessen) at property located at 3240 Chili Avenue in GB zone.

Susan Ohrenstein was present to represent the application.

MS. OHRENSTEIN: This is going to be Sullivan Insurance Company for their office space. They have three employees and their hours of operation are Monday through Friday, 9 to 5.

JOHN HELLABY: All right. I will note that the new use will require nine parking spaces, which is seven more than the original two that were there. But according to that thing, it looks like there is adequate parking. Plan -- again, the plan as submitted does not show any dimensions and/or square footage in the building.

The Building Department and Fire Marshal will require additional plans for the permit.

Again, the -- the EAF page 13 was not answered. Now that I know the acreage, I will fill that in for you.

Page 1, item 2, of the building permit is required. Do I have your approval to change that?

MS. OHRENSTEIN: Yes.

JOHN HELLABY: And then 14, again, is habitat. I will mark as "suburban."

All right? Questions?

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 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, prior to the issuance of any building permits and/or Certificates of Occupancy, applicant and/or owner shall remedy all outstanding conditions of prior approvals including, but not limited to, preliminary site plan approvals dated April 11th, 2017, and March 13th, 2018.

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

Sign permits to be applied for and all signage shall comply with the code of the Town of Chili.

No neon signage lighting allowed in windows. Work with the Town of Chili Building Department on acceptable "open" sign if required.

No outside displays or sales.

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

Application is subject to the Fire Marshal's approval.

Any additional?

PAUL WANZENRIED: Did you mention anything about the Conservation Board, the recommendation of planters?

JOHN HELLABY: Yeah. Their recommendation I think I mentioned on the first one, which I should have probably mentioned -- been carried over all three applications, but they wanted additional planters still to what was -- does that have to be one of the conditions? Yes?

PAUL WANZENRIED: Unless you put the boilerplate condition in there, to satisfy the Conservation Board's recommendations.

JOHN HELLABY: All right. Then that's what I will do. So we'll add the condition of satisfy the Conservation Board's recommendations. All right. So to the vote.

Application of Stonewood Builders LLC, 3240 Chili Avenue Suite. B14/15, Rochester, New York 14624, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite B12) to allow a professional office (formerly delicatessen) at property located at 3240 Chili Avenue in GB zone.

GLENN HYDE: Second.

JOHN HELLABY: We're waiving final also on this one.

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

1. No neon signage/lighting allowed in windows. Work with the Town of Chili Building Department for an acceptable "OPEN" sign, if required.
2. No outside displays or sales.
3. Prior to the issuance of any building permits and/or Certificates of Occupancy, applicant and/or owner shall remedy all outstanding conditions of prior approvals, including but not limited to preliminary site plan approvals dated April 11, 2017 and March 13, 2018.
4. Add additional planters as recommended by the Conservation Board.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.

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

INFORMAL:

1. Application of Hospitality Syracuse, Inc., 290 Elmwood Davis Road, Suite 320, Liverpool, New York 13088 for final site plan approval to erect a 2,380 sq. ft. restaurant at property located at 3240 Chili Avenue in GB zone.

Betsy Brugg, Christopher Kamar and Michael McCracken were present to represent the application.

JOHN HELLABY: I will refresh everybody's memory. On August 8th, 2017, the Planning Board meeting concerning over this, it was here. The application was tabled. March 13th, 2018 concerned again with the meeting the Master Plan criteria, questions came up as to whether we can hold the applicant to the Chili Center Master Plan. Fronts the parcel but does not include the parcel. And that was -- given the preliminary approval with 13 conditions of approval, one of which was the completed parking space inventory which was submitted with this package.

MS. BRUGG: Good evening. Nice to be here tonight. For the record, my name is Betsy Brugg. I'm an attorney with Woods, Oviatt, Gilman and pleased to be here on this application requesting final approval in connection with the proposed Taco Bell.

Chris Kamar from APD is here and will be presenting and Michael McCracken from Hospital Syracuse is also here to answer some questions.

I think Mr. Hellaby did a good job recapping the various meetings and steps. There was preliminary approval granted in March of 2018. There were a bunch of conditions. I think we have addressed and can address all those conditions.

Application was submitted for final. Before we came here tonight, um, as Matt (Emens) knows, we did spend a fair amount of time going through the Architectural Review process. That was one of the major items, major conditions on the preliminary approval.

Tonight the Architectural Advisory Committee did recommend approval and was satisfied with the architecture that was presented. So we're pleased to report that that piece of it, I think, has been addressed to their satisfaction which was a condition of approval.

Um, I am aware from speaking with Mr. Wanzenried and the Board's attorney there are some issues unrelated to this application that relate to the plaza. So we will be conveying those comments to the plaza owner.

This applicant is a tenant who will be developing the Taco Bell in the front of the plaza. I think that Chris (Kamar) has given you a set of plans. If it is okay with you, I will turn it over to Chris (Kamar) to kind of go through and -- it's been a while since he has been in front of the Board -- kind of recap and address all of the comments. I think they have all been addressed, but I think there are a number of them. We can go from there, happy to answer any questions that the Board may have. Thanks.

MR. KAMBAR: Good evening. Chris Kamar with APD again. I'm not going to go through each and every comment. There are numerous comments. However, I did go through all of them today to create this response letter and make changes to the plans to coincide with the responses. Some of the major ones were -- you know, maybe dumpster detail is the last sheet of the packet. The dumpster detail will be made to match the building. It is masonry. And I believe it's 8 feet in height.

There is a landscape architect on this project, Doug McCord from McCord Landscape Architects. Um, that is the second and third-to-last sheets. We did add a few trees in the parking areas. We do have some additional green space islands. They were part of the original project to kind of fill those out just instead of being lawn areas. As you can see from the drawing up there, those seven islands up there will be -- we added a tree in each of those. Let's see.

Lighting photometrics, we supplied a photometric plan that we had previously and it does show the photometrics for the lights that we're proposing. It doesn't show the photometrics for the overall plaza. We don't have the information as far as what -- what -- what bulbs, fixtures the -- and heights that the developer has used. We are replacing two of the fixtures on the site with LED fixtures. We're going to have a total of five light poles and seven fixtures. We're also going to add a light pole that is not shown over where the drive-thru is to help increase the lighting in that area that drops below the minimum required Town limit.

Um, we added some pedestrian crossing signs. We added some stop bars to the islands. Um, let me show you here real quick. So there is a -- a drive-through passway here (indicating) that was requested by the engineer that we added stop bars to these islands which we have done. Um, let's see.

One of the last changes I think we can talk about is the drive-thru. Um, we had to extend that and make it a little bit deeper. It comes closer to the entrance drive. We needed a certain configuration to -- it is shown on the site Plan C2. A certain configuration to get our car to line up with the menu board. Doesn't necessarily detract from landscaping or the green space. Just has it on the internal island instead of on the external island.

Just going to flip over this board here to show you the elevations that were submitted tonight and approved by the AAC.

So it's a significantly different looking building than I believe what we showed a year ago. I think that pretty much brings us up to speed. If anybody has any questions -- comments

or concerns.

UNIDENTIFIED SPEAKER: Sorry to interrupt. Would you mind turning it so we can see it?

Thank you.

MR. KAMBAR: As I was saying, if anybody has any questions or comments or concerns, I would be happy to address those.

MATT EMENS: Can you -- drive-thru and the queuing, can you -- can you maybe flip that back over and kind of walk us through? I don't see an updated traffic -- like how you see people navigating through the parking lot and entering that. You know, drive-thru lane.

MR. KAMBAR: So the -- the rendering that we have is more for landscaping, not for site plan purposes. So this doesn't actually have the -- this doesn't have the -- the revised layout right here. So the --

MATT EMENS: Which.

MR. KAMBAR: The C2 -- the 22.

MATT EMENS: Is that in this packet you handed us tonight?

MR. KAMBAR: The packet I handed you tonight is the most current with all of the dimensions and everything asked for by the engineer. So drive-thru now comes around. It's a one-way in, one-way out. It's not connected to the parking lot. It keeps that separate. It was getting kind of confusing when we -- this is the old layout where drive-thru came into the parking lot here (indicating) and now instead drive-thru comes up here (indicating) and has its own existing drive lane. We didn't want anyone in the drive-thru to have to wait to exit. We want them to have more of the -- because a lot of their business is drive-thru, so we want to make sure they can get out of the drive-thru. If cars get stuck in the drive-thru, they can't keep things moving and then they will back up on the other end.

MATT EMENS: So -- so if I'm coming in the entrance, the plaza entrance to the right of the Taco Bell, and I navigate up through there, I will be coming down this and will have to make a hard left and a hard left to come down through there (indicating).

MR. KAMBAR: Correct.

MATT EMENS: Obviously this is a lot -- the entrance to the left, the main entrance is a lot easier to navigate, right?

MR. KAMBAR: That is a 30 foot wide drive lane, so they will have an enough of a U turn to be able to make the turn.

MATT EMENS: 30 foot wide on both. Okay. I see the dimension.

MR. KAMBAR: One other item I failed to mention, and I -- I meant to print an 11 by 17. I did in the original packet. It was submitted -- is the parking exhibit. But it is in your packet that I just handed you as an 8 1/2 by 11. It's kind of hard to read, but we used what the developer had created. They had an engineer lay out the building square footages and the uses in the plaza. We took those uses and building square footages and created a table to show the required parking spaces and we also show -- we also counted up all of the parking spaces to show what is proposed. And we're close to, if not over, I think 200 parking spaces provided more than what is required.

MATT EMENS: So just to clarify once again, so the 11 by 17 color that I have in my packet with this, is this different than what you just handed out?

MR. KAMBAR: No, it's not different. It's the same.

MATT EMENS: Got it. Okay. So walk me through that one more time. You guys did an overlay on a Google Earth image of the parking to show the other engineers --

MR. KAMBAR: Previously completed was -- it might have been with the Monro project. They -- their engineer, um, where the Plaza's engineer delineated all of the uses and the square footage of those uses for the plaza. And what we did is we applied that, added our proposed Taco Bell use and then recalculated the required parking and the proposed parking.

MATT EMENS: So you could just then tell me your required parking and your proposed parking?

MR. KAMBAR: Give me a quick second. We have 2,300 or so and our required parking is 16, and in the parking area directly in front of -- on the short side of the building there is 23 parking spaces.

MATT EMENS: Okay. Thank you.

Okay. So I -- going back to what Betsy (Brugg) said, obviously when you guys came before the AAC tonight, um, you guys have addressed all of the issues quite nicely. We have no issues with the look of the building, the architecture of the building. Um, I think you have dealt with all those things and we're all set there. I will go back to the comments that I have made at both meetings. The 3 -- the 3/13/18 meeting.

And then also the 8 -- was the August 8th, 2017, meeting. The largest issue I still have with this is that it's a single-use building. It's fronting Chili Avenue. And once again, as noted in both of those meetings, going back to the landlord and looking at those things, I know when you guys came back this last March, um -- well, I shouldn't say "last March." March of 2018, um, I tried to reiterate my points. I think that we're talking about a -- a solution that there is something in between a multi-tenant building or two separate buildings and there is just a concern there that once again, great job dealing with the landscaping. I -- I think that there is -- you know, quite a bit of improvements made here, even just over the last time you guys were here. The building is now fronting -- is best you can front Chili Avenue with the models that you guys have available to you for a Taco Bell restaurant. Um, just want to point out the lack of, I guess, addressing the issue with the landlord. On a couple of these things, it looks like you guys have taken into your

own hands the parking count. So appreciate that. You guys know that has been a long-standing issue.

The lighting I still have a concern on. I don't know if -- it's a little confusing because the Town Engineer's response, in your response letter, which you just handed us now, obviously have you responded to multiple comments from different meetings. So I think that that is addressed, but I'm not really 100 percent sure.

I know you have mentioned the lighting.

MR. KAMBAR: We still need to add one light pole, and I did turn in the photometric plan that we did have. It shows that is a deficiency in drive-thru area, which we're going to take care of. So that is still a condition we would need to satisfy.

MATT EMENS: Specific to your site and your project.

MR. KAMBAR: Specific to our site. We have not addressed the lighting for the overall plaza. That is not something that we can do.

MATT EMENS: Understood. So I think, you know, the lack of -- you know, looking at the multi-tenant option, that never came to fruition for whatever reason with the developer, but other than that, I think you guys have addressed everything architecturally that we talked about. So that is all I got right now.

MR. KAMBAR: Thank you.

JOHN HELLABY: You might have mentioned and I wasn't paying attention, but the Michael Hanscom review letters of March 8th and April 5th, um, require a written response.

Do you know if that ever got done? I don't think that has. I know that March 8th one did not.

MR. KAMBAR: Yeah. Those are -- those are completed to the best my ability in this packet that I just handed to you. That is our response letter to March 8th and the March 13th comments. There is a few items that he mentioned in there regarding grading and drainage that we need to clean up. Also the lighting we need to clean up. I think that was it.

JOHN HELLABY: Okay. Landscape plan was approved by the Conservation Board on the -- July 7th of '17. But they need to have it stamped by a licensed landscaping architect.

MR. KAMBAR: Correct. We have a licensed landscape architect on board and we will have those plans stamped and signed.

JOHN HELLABY: The only other issue I got, and I will not steal Dave (Cross)'s thunder, but there was some talk of wrought iron fence around your original submission. But I will let David (Cross) address that when it gets to him.

GLENN HYDE: Only question I had was the traffic flow and you addressed that. Nothing else.

DAVID CROSS: Thanks for reminding me, Al (Hellaby). I had brought up -- I believe it was back in -- about a year ago, March of '18, requested some sort of ornamental picket fence along the frontage. Um, it -- with some brick pilasters to match the brick of the building. Are those shown on the plan? I don't see them.

MR. KAMBAR: They are not shown on the plan. It is something that we could add. We were actually talking about it, because it was a comment that I knew had not been previously addressed. There is a -- a patio area around the building. What we were discussing, what we were thinking is creating a -- brick columns with wrought iron fence in between them around that area. It won't wrap around and connect to the building, but we can do it basically along the roadway to kind of separate between the eating area and the roadway. I can show you on the plan.

DAVID CROSS: Yes. I would like to see it really from entrance to entrance.

MR. KAMBAR: We would do something kind of a sideways here and then down along here (indicating). And then we could also leave a gap for the sidewalk and show another section here (indicating).

DAVID CROSS: Again, when I brought it up, I was talking entrance to entrance. It helps with a visual screening of the parking. You know, particularly on the west side.

MR. KAMBAR: Something out in this area, as well?

DAVID CROSS: What is the black line shown along the frontage?

MR. KAMBAR: Landscaping right now.

DAVID CROSS: Well, along that line. Kind of really off the back of the sidewalk. Between the -- between the sidewalk and the parking lot, you know, something, you know -- I don't know. It is 3 1/2 feet high. Not a huge thing, but you know, black ornamental with -- with brick pilasters at some sort of intermediate distance to help make it look nice out there.

MATT EMENS: Dave (Cross), I think what Chris (Kambar) might be missing, when you say "entrance," you're talking plaza drive.

DAVID CROSS: Plaza drive from here (indicating).

MR. KAMBAR: You mean from here (indicating) all of the way down?

DAVID CROSS: Yep.

MR. KAMBAR: Not just in front of our building?

DAVID CROSS: Yep. That is what I had requested about a year ago.

MR. KAMBAR: Would it be favorable to have more of a solid fence here and here (indicating) and then do sections to kind of tie it in instead of doing it continuous all of the way down?

DAVID CROSS: I don't think we're -- we're talking about open pickets, right? Not -- no solid --

MR. KAMBAR: Not solid in the sense you can't see it through it, but solid as in a

continual fence all the way down. We can we do landscaping and then fence sections.

DAVID CROSS: I think you can do a combination of landscaping, ornamental fencing and pilasters and I think you can do a nice job and really dress up the front of that plaza.

MR. KAMBAR: Okay. We will add in the --

DAVID CROSS: Again, drive entrance to drive entrance. You know, there is quite a bit of work there.

MR. KAMBAR: Okay.

DAVID CROSS: Can I ask the side table what the concerns were for the landlord, the owner of the property?

ERIC STOWE: They were captured in the conditions that have been read for the prior three applications for Stonewood Builders.

Prior to the issuance of building permits and/or Certificates of Occupancy, applicant and/or owner shall remedy all outstanding conditions of prior approvals including, but not limited to, the April 11, 2017, site plan and the March 13, 2018, to get those up to speed. That's -- it's -- it's one owner, one parcel.

DAVID CROSS: It is mostly related to parking?

ERIC STOWE: There is parking, lighting.

DAVID CROSS: Parking, lighting.

PAUL WANZENRIED: Dumpsters. Dumpster enclosures. Raised -- raised landscaped islands.

DAVID CROSS: Pretty significant.

PAUL WANZENRIED: Based off the Monro approval from the Conservation Board.

DAVID CROSS: I'm worried. This a significant project on the plaza owner's parcel, and I would like to see that -- that we get what we want out of the plaza owner before we go forward with this application. And -- now is the time.

JOHN HELLABY: That's the intent.

ERIC STOWE: Mr. Cross, I think that is the effort here with respect to those additional conditions, is -- these are conditions of approval without regard to whose construction nickel, right?

DAVID CROSS: Yep.

ERIC STOWE: It's an improvement on the plaza parcel and the plaza parcel should be in compliance with all of the conditions.

DAVID CROSS: So we would move forward with the conditions? We have addressed those concerns?

ERIC STOWE: That's the -- the effort of that resolution and that additional condition is for that purpose.

DAVID CROSS: Okay. Before we go to -- just a couple more things. Just looking at the architectural, the -- the front elevation, um, there is two -- there is two kind of beigish -- beigish panels that are listed as accent brick. Um -- again, this is -- this is facing Chili Avenue. Our main street.

Is there any sort of, you know, faux glass treatment you could do there? I don't want to step on the Architectural Advisory Committee's toes, but just a thought. I -- I think the intent was we have a -- glass store fronts along the front of this building.

MR. KAMBAR: These --

JOHN HELLABY: That was one of the things they discussed in quite some length, that that is the way they wanted it, but --

MATT EMENS: I think if I can answer your question, the -- one of the things that we did ask last time they were here was to look at changing the color of that, which they did. We reviewed that tonight. Um, I think that, you know, one of the challenges that we have with the inside footprint, we really pushed them not the last time but probably two times ago to look hard at how this building fronts Chili Avenue, right? So that was one of the things they have addressed with these entrances, the cornices.

So, you know, we were extremely comfortable with the way that they have resolved this. So I think --

DAVID CROSS: Again, I think it works on the back of the building. But I don't think it works on the front of the building. I will just go ahead and say it. I know you got -- you don't have an area of the building where you can put glass windows there, but some sort of faux glass window. We did the same -- we requested the same thing from Monro Muffler.

MS. BRUGG: They actually -- I think you will probably remember better -- they actually reconfigured for the last meeting -- there was a man door in the front. They really had to re-work the interior to move that man door which I think was a pretty significant feat. The architect is not here tonight.

DAVID CROSS: Again, I don't see it as a considerable cost if it is between this -- between this accent brick and what -- what I am asking for. People familiar with -- with like a window panel?

MATT EMENS: The spandrel glass which is what is actually flanking the entrance vestibule that is there. You see how those are darker?

MS. BRUGG: You want more of that?

DAVID CROSS: Yes. Glass.

MS. BRUGG: That can be done.

DAVID CROSS: Okay. And I will keep going here. I have one more -- couple more things. The -- the drive -- drive-thru canopy, um, shown on the plans, now -- I don't know that

we have talked about it, but I'm picking up on it now. I mean it looks -- it looks very modern, looks very contemporary. That should be an easy thing to match, the style of the building with the drive-thru canopy. It looks a little modern, a little futuristic, if you will.

MR. MCCRACKEN: Some of this approval has to go through YUM. They have certain site standards, signage standards and we are very limited in some of that stuff. We can't -- we can't pick and choose in some areas what we want. And they have a limited canopy selection right now. They are working towards digital menu boards with a different canopy that actually matches this building and we'll be required to change that -- change over to that at some point.

DAVID CROSS: We need a condition -- I think we need a condition that it matches the style of the building. You know, it's -- you're going to be able to see it from Chili Avenue. That's going to stand right out. So there has got to be a way. I will leave -- I will leave that at that.

And then can we talk a little bit about the -- the Taco Bell signage on -- particularly on the building? Are they -- are they -- are they internally illuminated?

MR. KAMBAR: Yes.

DAVID CROSS: Are they bright?

I have a picture. Your color, your branding going on. My preference would be for them not to be internally illuminated but more efficient -- you have some nice gooseneck kind of downcast fixtures on the front and back of the buildings, sides of the building. Some sort of gooseneck down-lighting onto your signage. You know, still light it up at night. I think people would be able to still see the sign at night, but I would not want to see on Chili Avenue, on our Main Street -- nothing against the brand, but these -- these internally illuminated signs. I just feel pretty strongly about that one. There is a better way to do it.

PAUL WANZENRIED: My understanding based on this plan, you're responsible for all of the islands that you're showing here, all of the landscaped islands, correct? And the construction. And the movement of these islands to the north; is that correct?

MR. KAMBAR: That's correct.

PAUL WANZENRIED: Okay. And in your landscape plan, you have all of these islands labeled as lawn. I mean -- meaning they would all be grass filled.

MR. KAMBAR: That is being updated. We have a tree in each of those now. We -- we have to get the -- the landscape architect to update that plan to show those.

PAUL WANZENRIED: Has that been to the Conservation Board for approval?

MR. KAMBAR: It -- it was there without the trees. So -- I mean, we don't have to put the trees in.

PAUL WANZENRIED: Oh, I'm thinking a little more than just trees.

MR. KAMBAR: It has been in front of the Conservation Board.

JOHN HELLABY: But has it been that plan? Because they stated that the drawing they saw was back in July of '17. That's quite a while ago.

MR. KAMBAR: Yeah.

PAUL WANZENRIED: Can you shed light more on the bio retention area? Can you explain that quick in laymen's terms, five or less?

MR. KAMBAR: Low area with wetland plantings made to infiltrate water through the soil as it backed up and overflows into a catch basin. Simply it will help quality and quantity control on the property for storm water.

PAUL WANZENRIED: That will tie to a catch basin on the property currently?

MR. KAMBAR: Yes.

PAUL WANZENRIED: Discharging into the current storm sewer?

MR. KAMBAR: Correct.

MICHAEL HANSCOM: Looking at the -- the plans, you need to provide an installation detail for a bio retention area. I didn't see a utility plan from the overflow of that where it connects into the storm sewer.

MR. KAMBAR: Okay.

MICHAEL HANSCOM: How does the storm water get to the bio retention area if you have raised curb around it?

MR. KAMBAR: We'll put curb cuts in for that. So it -- so it sheet flows over land. We'll have curb cuts put in.

MICHAEL HANSCOM: Can you provide a detail for the curb cut showing how that contractor should do it and a couple locations on the plans?

MR. KAMBAR: Yep.

PAUL WANZENRIED: That's all I have right now.

MS. BRUGG: If the Board would like us to take these comments back and respond to them, we can do that. And come back next meeting. Unless the Board feels you're prepared to proceed. But if you would like us to do that, that is certainly -- we could use the time to address all of the various comments that were made tonight.

JOHN HELLABY: If I'm hearing you right, you're asking to table for a month?

MS. BRUGG: Sounds like have you a number of things you would like us to address. If I'm hearing you correctly. Is that --

JOHN HELLABY: I tend to agree.

MS. BRUGG: So we'll use that time and address -- we'll address those comments and get back to the Town and put some things in writing and submit it.

JOHN HELLABY: Well, we -- we have these conditions that I have made some notes on it. I mean, actually you have 13 original conditions that will stay in effect. The next one is prior

to the issuance of any building permits and/or Certificates of Occupancy, the applicant and/or owner shall remedy all outstanding conditions of prior approval including, but not limited to, preliminary site plan approvals dated April 11th, 2017, March 13th, 2018. I guess some of the things that --

PAUL WANZENRIED: Hang on. Ms. Brugg, would it be my understanding you are going to take that -- that condition right there and the dates that were provided, go back to the ownership of the plaza and you would be coming back to us with some sort of game plan or some sort of -- or some sort of response?

MS. BRUGG: We're aware you have those issues. We have no control over the property owner but will make sure they're notified the Town has these approvals and any approval will be conditioned -- my understanding is you would condition any approval on that. So they may well know that now and we'll see what the response is and let you know.

And then in addition it sounds like there are -- may be a few questions or comments that you would like us to address specific to the project. We would be happy to address.

JOHN HELLABY: One of the other conditions is to get the updated landscape drawing to the Conservation Board and approved to them.

It was discussed about adding a fence along Chili Avenue. I think at this venture it would be good if you could add what you propose to do so we can see it. Otherwise we're stuck in a situation where it's a condition but who is going to approve that?

MS. BRUGG: We can add that.

JOHN HELLABY: Drive-thru, we would like to match the style of the main building. Again, if it is something that has to be done later on, make note of that and when we can anticipate that change taking place.

I'm not sure about the signage. Um, I know there -- again, I feel the same way. I don't -- one of the things that we have been doing lately is steering everybody away from neon window signs and all that, because it just got out of control. But -- and I understand you have corporate standards. But I guess, you know, the concern. See what we can do about it.

MS. BRUGG: I think my -- personally, just having heard the various comments and the process and I appreciate what you're trying to accomplish. The property sits -- I mean, we're in front of a ginormous Bill Gray's sign, right? And we're -- we're in an existing commercial plaza. We're not in the Chili Center Master Plan area. We are not. And so many of these comments to me seem really geared towards the property that is -- is intended to be in there.

JOHN HELLABY: In all honesty, that in my eyes is a real fine dividing line, because unfortunately you butt up against it.

MS. BRUGG: Right.

JOHN HELLABY: You know.

MATT EMENS: And the signage is part of the zoning law. So it doesn't -- that -- that doesn't tie to the Master Plan.

MS. BRUGG: Right. So as long as we're -- right.

And along the same lines, you know, the code does not require us to have a multi-tenant building.

MATT EMENS: It does not.

JOHN HELLABY: Only other conditions, no neon signage/lighting in the windows.

Allow the Town to work with the Chili Building Department on acceptable "open" sign if required and no outside displays and/or sales, which are standard.

So with that -- I will make a motion that we table the application so they can go back and look at these things per their request. And we'll go from there. Get them on next month's meeting.

DAVID CROSS: Second.

The Board was unanimously in favor of the motion to table.

ERIC STOWE: Just to be clear, Ms. Brugg, the tabling was at your request?

MS. BRUGG: Yes. Yes. We would like an opportunity to address the comments that were made.

DECISION: Unanimously tabled by a vote of 5 yes until the applicant resubmits for the following reason:

1. Application was tabled at the request of the applicant to allow them to make modifications to the application/drawings due to discussion with Board members.

FOR DISCUSSION:

1. Pepsy Kettavong, Sumket Development LLC, 8 Madison Park North, Rochester, New York 14608 for proposed 7-story high, 53 room hotel at property located at 1094 Scottsville Road in GB zone.

Pepsy Kettavong and Glenn Thornton were present to represent the application.

MR. KETTAVONG: Good evening. My name is Pepsy Kettavong. I'm the designer and

I'm also the developer for this project. So what I would like to do is essentially walk you through how we came to this design and what method that we used and what the idea and the challenges are we face looking at the site. I will walk you through the challenges. So first thing I would like to do is talk about the design aspect, how we come to this design.

And the second aspect is how this design reflects or how does this model reflect the design.

So looking at the Scottsville Road here, currently the -- the Fastrac occupy about 1.6 acres. Back here we have about 4.4 acres which I own here (indicating).

Now when we were designing this project, one of the things that we talked -- we literally spent over a year and a half thinking about a hotel here and here (indicating). The hotel we were looking at is TownePlace by Marriott and it was like 90 rooms or 110 rooms with Marriott.

And as it progressed, we thought like wait a minute here. There is like three or four motels that is literally going up right now. You can see the one in the Strong, Children Strong Museum, about 120 rooms hotel by Hampton Inn.

You go down Scottsville Road, there is Hilton Garden and you go down -- I mean go up the 390, there is also a Marriott brand that is being built there, too, as well and also on East Avenue, so a lot of activity that is going on.

So we thought, you know what, we can't compete with that. Because of the location.

Now, Scottsville Road has traditionally been a challenged area to have a restaurant destination. So those are some of the challenges.

On top of that, you have this Fastrac in front of you. I'm saying, "How the heck are we going to do this project."

Or we should not do any at all. And if you follow up here, you're coming down from 390, you will see this huge retainer wall that airplanes come right down. So you literally cannot see.

So what we did is okay, what is the -- what is it -- what is the -- the advantage of this site? So we felt like, know what? Let's take advantage of this here (indicating), which is Genesee River and the golf course right across the street of it.

Then the second thing, how do we get the people to experience that site? If we built something block-shaped, you feel like you're going behind, you know, some -- behind the house or building so it doesn't have that feel or that connectivity between this space and this space so that void, that design came to an end.

So then we start developing -- and actually this design was developed when I was with my wife in Mirbeau Hotel. When we were taking a break from a wedding. So we came up with a design that is different, that is unique, but at the same time, we want to make sure we can -- we can really have the people come here and experience the height of it.

So the -- so the first thing that we did, we wanted to make sure we get approval, the height, we want from the FAA, which we did. We got 85 foot. We said that is fantastic. That -- this is fantastic. We want to capitalize on that. We don't want people to come here and start seeing the truck loading and gas and diesel and stuff like that.

So -- so that is the design approach. Now, from the business standpoint, as I mentioned, all these hotels going on there, we can't compete with it.

Secondly, the location is a challenge thing. So what are we going to do? We flip it upside-down and boutique hotel. A small, 50, 53-room hotel, but we'll do it high end luxury feel to it. That is what comes up to this design.

So when you look at the design, as you're coming in from that design plan there, you will come into the space like this (indicating). This is where the hotel space will be (indicating). And the spa and over -- and pool and things and the same element here (indicating), and -- the majority of the experience that we want people to come is up here (indicating). Up 65 feet. You will be 65 feet up here, looking at infinity pool.

You probably have seen the project -- what is the name of the project in Singapore? Um, Marina Bay Casino. Everybody seen that. Look it up. It is really famous. Anyhow, this would be infinity pool. So you come in here (indicating), you would be able to really take advantage of that, but also it's something never been done around here. And I think from the last presentation from the Architectural Review Board, they say you have like two months, you know. But we have been looking at the Sweden, um, project out there, which I think they get a little more snow than we do. So we're looking into that.

So I -- so having said that, I think Glenn (Thornton) has been -- survey engineer has been working with the plan and we -- we would plan on -- to do a lot of landscaping. And one of the landscaping that we are going to do is that a lot of this green space, every single space, I think we're going to design with a plan with some sculpture so you walk into a space that is like "Wow, where did this come from?" And trigger that when you walk down here, then you get this path here (indicating).

And so I think the long-term, my vision is to create this into like a sculpture park so people can come in and it will be open to public.

MR. THORNTON: Real brief. I know it's late. You have been here a long time. We have not done a lot of work on laying out the site. We know what the hotel -- basic footprint, where it needs to be positioned. We really just quickly pulled together a plan showing the parking. We have 200 spaces shown here. I don't think we'll need 200 spaces. It comes down to how the code is going to be applied for the amount of seating and the convention area and the number of rooms. But this just kind of demonstrates that even with 200 spaces, which we feel is -- is excessive, we have got a lot of green space out there still to work with. So I think in a 4 1/2 acre site, putting up this building with adequate parking on-site, we have the opportunity to create a lot of landscape areas.

There is a storm sewer that runs from Scottsville Road, through the site, under the -- the trail to the river. We will be discharging into that storm sewer. We will have some sort of detention on -- on-site either underground or even surface. We'll have enough room for some -- for some surface detention on-site.

Again, as -- as Pepsy said, we'll have a lot of screening just to kind of screen this from the Fastrac and -- and from the street, as well. Everything else will be, you know, standard lighting out there.

Right now, we have identified two variances that will be required. The height variance obviously for an 85 foot tall structure. And right now, we would need a -- a front yard parking variance, as well, for -- for -- for the parking in the front yard.

Um, other than that, I think everything else will be code compliant or we can make it code compliant. We wouldn't be looking for any other relief. So that -- so that is where we are.

JOHN HELLABY: I sit here, and in all honesty, scratching my head, thinking, okay, how much homework did you do to say, "This type of futuristic structure will make money back for me"? And basically that is what you do, is try to make money. When you have got steel yard on one side, a Genesee River that is a mud hole 90 percent of the time, the expressway, the Fastrac and the airport. I mean, in my mind, I guess, are you sure you're making -- it's great. Don't get me wrong, but are you getting into something that is going to end up a ghost town five years down the road? That is what makes me concerned.

MR. KETTAVONG: Let me put this way. I have been eyeing this project for over ten years. This project didn't start last year. We have been thinking about, talking to the right people and part of the discussion we talked to people who run the spa business, the hotel business and actually one of my -- my partner owns about seven hotels locally around Town. So some of the things we have talked about, what we try to do and he said it makes sense. It makes sense.

There is a lot of people that want to get that site, but, you know, our -- our hotel -- we interesting enough -- we talk about business now. Business model. What we discovered, if you know the closest nicest one around here is DelMonte. Okay? And what we discovered in talking to the people who has been managing that for ten years, is that majority of the business is coming from the west side. Now you figure well, it's right in Pittsford. That is where all of the people coming from. Right? Wrong. It's coming from the west side. So which mean there is a market here, that we can pull to that, too.

The other thing they have 90-room hotels right next to that spa there. I think there is like 10,000 square foot. Um, it's only 2 percent of the people who stay there, okay, comes to the spa. So that is why we decreased the size of the hotel. We don't think we need that more. And we're going to increase the -- the amenity for the spa experience.

And the spa business actually, believe it or not, has been growing like 20, 30 percent every year. This is what the new trend has been going. Me and my wife been spending last year and a half just going to various different spa and see what is going on. In fact, we're on our honeymoon next month. We're going to the best one in the world in Greece. So my point being, we do our homework. So I mean -- I will be honest with you, I'm all into this project. So it works, it be great. If not, we better watch our pennies. That is what I have to say.

JOHN HELLABY: What are you looking at timing-wise?

MR. KETTAVONG: If everything works out, I would like to break ground like maybe late 2020. So that is what we playing around. We already got -- the architect has been involved in it. The structural engineer. So we have been working on this for a long time. We get to the point where okay. Now it's time to talk to the Town. We spent about six, seven months working on this structural, how we can build it and try to get the sense of the numbers where we stand and everything. We are actually talking to the people who does -- you know, Frank Gary -- he seems like astute in architecture stuff. We talk to the people that use the software that does, you know, the complicated structures. So that is something we have been talking to.

JOHN HELLABY: You don't plan on piece-mealing it -- this? I mean once you jump in, you're going to try to build the whole structure?

MR. KETTAVONG: I don't think we have a choice. We got to get it done. When you sign that line, we have to get it done.

MATT EMENS: We did see this at the Architectural Advisory Committee, so just for the record, we saw the same thing you guys did. We talked -- Pepsy did ask about the -- we talked about the guidelines. They have seen the guidelines. Obviously the concern is this is not ever going to come close to meeting it. We all had a consensus, the three of us, that based on the fact that this is something different, um, project specific to, you know, a -- a boutique hotel, that we would be willing to entertain, you know, this is -- this is the architecture and what he is proposing to do. Obviously lots of questions from our group or the inability to ask questions. We're going to have lots of questions.

As we talk to them, they will need to get further along before we get any feedback, materials, and -- you know, et cetera. That's all I got for you right now.

GLENN HYDE: You said there is a convention center component?

MR. KETTAVONG: Yes.

GLENN HYDE: What is the target size for that?

MR. KETTAVONG: I think we have three spaces. We're looking on -- the one on the first floor that can occupy about 200 people. And then, um, here we'll be able to occupy and recombine them for about 500 people up here (indicating). So there -- the restaurant.

GLENN HYDE: 500 together?

MR. KETTAVONG: Correct. Combined.

DAVID CROSS: I give you credit, Pepsy. This is the most interesting project I have ever seen proposed in the Town of Chili. So kudos to you.

MR. KETTAVONG: Thank you so much.

DAVID CROSS: One thing we read about -- probably everybody read the newspapers this past week about these promoters parties at some hotels in our neighboring Town of Gates with issues with this, riots, fights that sort of thing.

Is that anything that you're interested in letting in, these promoter parties? You ever heard of these?

MR. KETTAVONG: No. We primarily maybe do a -- business conferences. We have been thinking about weddings and that is what essentially we're going after. There will not be a nightclub or anything. That is not -- that is not the sustainable model. Our model is basically just, you know -- in long-term strategy.

DAVID CROSS: I like what you said about the view to the south overlooking the river. Which looks bad some of the time. Not all of the time. There is a golf course there. It's a very interesting project and I will leave it at that.

PAUL BLOSER: You mentioned a restaurant. What type of restaurant?

MR. KETTAVONG: That's the -- that's the \$1 million question. I don't know. I really don't know. I know the design aspect. I think when we get to that -- when we cross that road, we're going to connect with the chef that we want to -- who is going to help us run this thing and finalize it from there. What I do know is the type of food, I think where we can be is somewhere between Good Luck in the city -- you have been there -- and Nosh. And that's -- I think that is where we could go. That is the space that we want to go after. Somewhere in between there, so.

PAUL WANZENRIED: I did a little conversation with the Gates Fire District. Um, you're going to want to look at positioning of that building and fire services and the ability to stage fire trucks, specifically ladder trucks, if they're going to be -- if you're going to put something that high into the air. And in addition, it was brought up that if you contacted or researched, done any research or talked to anyone in Homeland Security, you will want to get in on those guys -- those guys in on this, as well. Okay? And this is the Gates Fire District, part of Chili serviced by the Gates Fire District.

MICHAEL HANSCOM: No thoughts at the moment.

JOHN HELLABY: Well, we appreciate you coming in this evening. I think somewhere along the lines, I personally -- and I'm sure it would help you with the Architectural Board and whatnot -- would like to see like a computer-generated -- say I was standing out on Scottsville Road or something with a rendering- type thing that actually gave me a better vision of what -- but again, I want you to include the Fastrac. Maybe a couple of buildings next door so I can see how it looks.

MR. KETTAVONG: Sure.

MATT EMENS: Massing.

JOHN HELLABY: For the general area. I think it will help them out a whole lot. And I will -- I don't want you to run out and get it tomorrow. That's not the thing. But as you're working through the design stages and you get closer to coming back in, that is one of things I would like to see.

MR. KETTAVONG: I will go -- when we get to that point, not only to do that, the rendering you're talking about, but we also have to do real detail scale model so you can really see it.

MR. THORNTON: Anything, information -- we're looking for information from you, as well. Any -- anything you don't like or you think should be changed? And just opinion really.

JOHN HELLABY: Well, again, at this stage of the game, you're -- you're --

MATT EMENS: Hard to comment.

JOHN HELLABY: It's hard because it's so futuristic in the back of my mind. You know, you just have to go through all of the channels with the Conservation Board, talking to the Fire Marshal, talking to the Gates, you know, Fire Chiefs and whatnot over there. And I tell you, you're -- you're -- stay close to Paul (Wanzenried)'s office and make sure you're working with him, because is he going to give you the devil in the details. You have to do this, this, this and this is what the Planning Board is going to be looking for as far as your site design and stuff.

MR. KETTAVONG: Okay.

JOHN HELLABY: There it is. I think you will do it.

MR. KETTAVONG: Great. Thank you.

GLENN HYDE: Where in Greece are you headed?

MR. KETTAVONG: Mykonos, I think. Somewhere around there.

2. Turner Underground Installations, Inc., 1233 Lehigh Station Road, Henrietta, New York 14467 for proposed 30,000 sq. ft. warehouse with office at property located at 1891 Scottsville Road in AC zone.

Betsy Brugg, Bob Turner and John Clarke were present to represent the application.

MS. BRUGG: I am back. Reminds me of the old days when I was always last on the agenda. Seemed like I was always last.

For the record, I'm Betsy Brugg with the firm of Woods, Oviatt, Gilman. I'm glad to be here on this application. We have Bob Turner of Turner Underground Installations and John Clarke from DDS Engineers.

So this is a discussion item related to this property at 1891 Scottsville Road. Turner Underground would like to locate on this property and it just so happens that they're in the business of underground utility installation and that is what this property has been used for for many, many years. The little hitch is you have a provision in your code, um, where a business operating under a special permit basically has an expiration of that special permit if they close for a period of six months and that is what happened here. So they were gone for six months. That special permit lapsed and Turner would like to come in and do the same thing so we would like to re-establish the use.

The avenue to get there essentially requires a rezoning to a Light Industrial District which is consistent -- I will go through the zoning map in a second -- with the adjacent property. It's currently zoned Agricultural Conservation. Not sure that anybody knows exactly why that is, but it is. So we would be applying for a rezoning. However, in the Light Industrial District, um, this use would be proposed as a Special Use Permit use. However, that also does require this Board to make a determination under the code that this use is similar in nature to other uses in the district, which I think it is, but we need to know that the Board, um, would agree with that.

And if you do, that would allow us to move forward, apply for the rezoning and should the Town Board rezone the property, we would then be requesting the Special Use Permit and, you know, would submit that we meet the special permit requirements and go through a site plan and the whole process.

Um, so as far as the zoning, John (Clarke) has a plan up here, what has been contemplated here. So here is the property in purple (indicating). Sorry. I will walk up. You can see it is kind of small. Here is the property (indicating). You can see we're adjacent to Light Industrial. There is multiple residents right here (indicating). But essentially it is Light Industrial. The Light Industrial zoning district does allow a variety of similar uses which I will go through in a second.

Um, sort of interesting, because the Agricultural Conservation zoning would actually allow a much more intense operation than what is being proposed here. Actually, you could have a full poultry farm and all kinds of farm equipment and much more intense activity under the current zoning.

The Light Industrial would allow basically the same use that has been here in the past. What is being shown here is a 30,000 square foot building and some improvements to the existing conditions. So not only would we be zoning to a -- the zoning district consistent with what the adjacent property is zoned, but this would allow for some improvements to the conditions of the property with redevelopment of the site. Um, John (Clarke) has it shown here.

Cut me off if I'm going too far here and you want to jump in.

So we're showing this building here, and, um, the existing kind of asphalt or -- excuse me, gravel areas and what we would be proposing is a nice asphalt entry, pulling the building back. It is a larger building, but that would allow for a lot of the trucks, equipment, materials and things to really come through. It's being designed so that you go through the building and the bulk of the activity is inside the building. This area over here (indicating) kind of on the north, you know, would be an outdoor storage area. Um, parking. But it is actually pulling back a little bit and making some improvement that I think would be beneficial to the residential community that is not far.

JOHN HELLABY: So all of the existing buildings are being removed?

MS. BRUGG: The existing, yes.

MR. TURNER: Yes.

MS. BRUGG: And I will -- sorry. I probably went a little too far there. But the point of our being here tonight is we need some feedback from this Board in terms of whether you would consider this use to be a Special Use Permit appropriate use, whether it would be in accordance with the code. I think the language is similar to the other -- I will open the code. Needs to be a use of similar character, uses of similar character but not specifically listed in this subsection, and subsection B, Must apply to the Planning Board for Special Use Permit.

"Said permit shall be granted by the final approval of the Board that said use is indeed of the same general character as the above permitted the uses and is in accordance with the stated purpose of this district."

So I think that if you look at the other uses that are permitted in the Light Industrial zoning, this is really similar in nature. Um, and should the Board agree with us, then we would be comfortable moving forward with a rezoning application.

JOHN HELLABY: I don't see why not. I mean I -- I can't see a reason it wouldn't be. Because of the property next door was all rezoned, if I recall, within the last five years, I think.

MATT EMENS: My question was going to be maybe to the overall group. When -- when Betsy brought --

PAUL WANZENRIED: You raising your nose to me?

MATT EMENS: Looking over my glasses.

JOHN HELLABY: You're in trouble now.

MATT EMENS: That's what you do. (Laughter.)

That is the Regional Market property?

PAUL WANZENRIED: It is.

MATT EMENS: That was rezoned -- was this rezoned as part of -- I guess I'm trying to understand the history. You just said five years. Was it rezoned five years --

JOHN HELLABY: Maybe five years or so ago.

MICHAEL HANSCOM: More than that.

PAUL WANZENRIED: More than that.

JOHN HELLABY: Was it? I lose track of time unfortunately.

MATT EMENS: When I look at yours, I'm just trying to make sure it wasn't specifically done for that parcel. Once again, it's a little dangerous. I was trying to look at the connection, the green wraparounds that you're showing to --

MS. BRUGG: Not sure what the application was, but I am not sure why they would have an issue.

MATT EMENS: I'm just trying to understand, too, was it that whole area and if it was the whole area, why wasn't that one --

JOHN HELLABY: Because they were operating under a Special Use Permit.

PAUL WANZENRIED: At the time. They had a Special Use Permit. Because of the way the code is written, and the parameters of the code, and our special use section, if it is vacant or becomes inactive for X number of times, that use --

MATT EMENS: Why then is it purple and not green?

PAUL WANZENRIED: Correct.

MATT EMENS: Whatever it was, what color.

MS. BRUGG: A number of the Light Industrial uses include warehouses and distribution facilities. There is some references to the ADATOD, but my understanding is that that may not exist for long. But, you know, I think this is really the appropriate zoning for the use that is being proposed, but it's at the discretion of this Board.

JOHN HELLABY: Sounds like it's a logical -- logical way to go. I mean it just --

MS. BRUGG: This is -- it is basically maintaining the continued use of the property that -- but for this oversight on the part of the property owner, essentially it would not have been an issue.

JOHN HELLABY: He walked away and didn't use it for --

MS. BRUGG: This kind of thing happens because people don't really know -- they don't always understand.

JOHN HELLABY: There were some businesses that came and gone and --

MS. BRUGG: They don't sometimes understand they're losing a right just by closing the doors.

JOHN HELLABY: I mean at this point, I think you make application and get it rezoned. Naturally we can't rezone it. It's the Town Board, but they will want a recommendation from us, so you have to come in next month for that.

MS. BRUGG: Our plan is to apply.

PAUL WANZENRIED: Sorry.

JOHN HELLABY: Walk me through what your game plan is. Just -- you will apply next -- for next month's meeting?

MS. BRUGG: John (Clarke), you want to go through the dates? I think you have them. I think we have an application ready to submit.

You see, I went and got a cup of coffee. Caffeine.

MR. CLARKE: Good evening. Name is John Clarke with DDS Engineers. We have met with the -- we have met with Paul (Wanzenried) and the Town Supervisor recently just to gauge some interest and see what the best path forward is here. So that is why we're here tonight as an informal discussion.

Moving forward, we plan to submit tomorrow for the next Planning Board meeting. I believe it's May 14th. At that meeting, um, if you're so inclined to recommend us to the Town Board for rezoning, at that point, we'll attend the May 15th Town Board meeting for Public Hearing.

And then the June 12th Public Hearing for rezoning of the property through the Town Board. Um, I believe then we're -- let's see. Public Hearing. Oh, Conservation. Agricultural Conservation.

So the June 12th is a Public Hearing for rezoning the property. I will have to double check with that, but I think that is Planning Board. I think we're coming back here. And another Town Board meeting for a vote on rezone on July 10th and then back into the Planning Board process for site plan approval.

So again, we have got our work cut out for us, but we have a pretty clear path that we're going to start on as of tomorrow.

JOHN HELLABY: Sounds doable to me.

MATT EMENS: So just a quick side note, too. One of the things that came up and I think it was back on the Regional Market development, you guys have mentioned the bigger building. Understand the use, you know, and the users that were there before --

MR. TURNER: Uh-huh.

MATT EMENS: -- were similar.

One of the concerns that was talked about by the neighbor, which is the -- the multi-residence that you have mentioned -- Betsy (Brugg) -- that they were here and spoke out at the Public Hearing about things left outside. You know, I think there was some unfinished construction debris in the back of the development of the neighboring property, so just something that I guess -- I would address that, John (Clarke), in your first round of coming back to us of -- if you are going to be storing things outside, if you are able to do that based on the code, in the Limited Industrial and then also that if you are, you be able to talk to us about if any screening is -- how you're going to handle that.

MR. TURNER: We're planning on actually bringing the site into compliance now. There

is a 100 foot buffer that is required from the residential property. So we'll be pushing everything further to the east and we're providing parking and we'll be -- an office portion of the building that will be now on the side of the residents. Any of the outside storage will be on the far east side, so it be blocked by the building. There is a significant amount of foliage there right now, so we'll do our best in understanding that we're neighbors to residents and we have to keep the lot clean, have to keep it nice.

MATT EMENS: Perfect.

MICHAEL HANSCOM: Couple things to make you aware of. Just looking at the DEC resource map, I worked at the Genesee Valley Regional Market. There is a number of wetlands in the area. The map shows there is a wetlands on this piece of property so you should make sure those are delineated on the property.

Also, storm water management area that you show on your drawing, that needs to be looked at outside of the 100-year flood plain. I note from experience the 100-year flood plain goes up above and beyond Scottsville Road. Flowing to the river. So you should check that out when you locate that storm water management.

MR. TURNER: Right. Lots of engineering to do on that, but I appreciate those comments.

JOHN HELLABY: All set? Thank you very much.

MR. TURNER: Thank you very much.

John Hellaby made a motion to approve the March 12, 2019, Planning Board minutes, and Glenn Hyde seconded the motion. All Board members were in favor of the motion.

The meeting ended at 9:12 p.m.