

Chili Planning Board 9-10-2019

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
3333 CHILI AVENUE, ROCHESTER, NEW YORK ON SEPTEMBER 10TH, 2019
AT APPROXIMATELY 7:00 P.M.

Chili Town Hall
3333 Chili Avenue
Rochester, New York 14624

CHAIRPERSON: Michael Nyhan

MEMBERS: Paul Bloser, David Cross, Joe Defendis, Matt Emens, Glenn Hyde, John (Al) Hellaby

TOWN COUNSEL: Eric Stowe, Assistant Town Counsel

ALSO PRESENT: Paul Wanzenried, Building Department Manager, Michael Hanscom, Town Engineering Representative

REPORTED BY: Rhoda Collins, Court Reporter

FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive,
Batavia, NY 14020
(585)343-8612

1. FINAL SUBDIVISION APPROVAL OF 42 LOTS TO BE KNOWN AS ROSE HILL ESTATES PHASE 2 AT 75 & 89 BEAVER ROAD
2. RESUBDIVISION APPROVAL OF TWO LOTS IN THE ESBAM SUBDIVISION AT PROPERTIES LOCATED AT 61 & 63 KING ROAD

CHAIRPERSON NYHAN: Will call this meeting to order. This is a legally constituted meeting of the Town of Chili Planning Board, legal notice of this meeting has been posted in the Gates-Chili News and on the bulletin board in the front vestibule of the town hall. Please silence and turn off all pagers and phones, and please stand for the pledge of allegiance. We'll proceed with the agenda in the order it was published, unless otherwise stated. When called, please proceed to the podium, state your name, and if you are representing an applicant please state the applicant's name, and review the details of the application. Planning Board members and side-table participants will address questions and concerns to the applicant or their representative. Upon completion of the comments from the Board and side table, anyone wishing to comment on the application will be heard. If you wish to speak, please wait to be recognized by the Chairperson, stand, state your name and address for the record. Address all comments and questions to the Chairperson and keep comments pertinent to the application being

heard. I will now introduce the Board members and the side-table participants. To my far left is Joe Defendis, Matt Emens, Al Hellaby, I'm Mike Nyhan, Glenn Hyde, Dave Cross, and Paul Bloser. At our side table our Assistant Town Counsel is Eric Stowe, Building Department Manager is Paul Wanzenried, and our Town Engineer is Mike Hanscom. Our recording secretary tonight is Rhoda Collins. I'd like to welcome Joe, our new Board member, it's his first meeting. Welcome, Joe.

JOE DEFENDIS: Thank you.

CHAIRPERSON NYHAN: The first application is Forest Creek Equity Corp., c/o DSB Engineers, 2394 Ridgeway Avenue, Rochester, New York 14626 for final subdivision approval of 42 lots to be known as Rose Hill Estates Phase 2 at property located at 75 & 89 Beaver Road in R-1-20, FPO, FW zone.

WALT BAKER: Good evening, I'm Walt Baker with DSB Engineers, with me tonight is Mr. Iacovangelo. If you have any questions for him I am sure he would love to answer them. As the Chair stated, the property is located on the south side of Beaver Road, just west of Archer Road and directly across our eastern entrance is Beaver Road Extension. If the Board can recall we were here in April of 2016, for a preliminary overall and final for Phase 1. Now we are back tonight for a final of Phase 2. Presently Phase 1 we have 45 lots that are in Phase 1 and approximately 30 according to -- I think we've got 26-28 building permits have been issued, and/or houses constructed. We're getting close to two-thirds of the project so we came in for Phase 2, which is 42 lots. And it's the area I highlighted with a black line in this area here. So Phase 1 being here, Beaver Road, the other entrance that we have is over here which is going to be Section 4. So Section 1 or Phase 1 is right here, and Stub Road, and we have a temporary turnaround in this area. This will be Phase 2, which was on the preliminary overall plans so we're following the design plan. And then Phase 3, we'll take Phase 3 off of this area here, bring it down, complete it into the cul-de-sac and tie it into the Phase 2 and in the future we will do Phase 4. We tried to highlight the entire site. As you can see, 176 acres and we do have Town Law 278 was our approval resolution to the project. We do have a floodplain overlay which is this area here. Everybody is familiar with Black Creek, which comes through here in the blue and our property extends all the way down to the center line of Black Creek and then it continues off on an angle and does a slight jog. We do have wetlands, which are Federal wetlands which the line of the Federal wetlands comes through here, actually circles around, comes all the way back up through here, and back again. And Black Creek actually goes back up in this direction as well. So we do have the conservation easement that was approved for the preliminary overall and final for Phase 1, which continues along through this area here. It follows basically the floodplain that comes up through this area here, but we held it back at this point because of the FEMA boundary goes up in this area. So we've got two things working on this site, we've got a floodplain overlay and we have a flood zone. And the flood zone is actually down here and the overlay is through here so we placed the conservation easement. As you can see the lots extend all the way to Black Creek because the land does. And they're upwards of two and a half to three acres in size for some of them. The smaller ones obviously are an acre, but what we did when we designed it we did the curve a linear road, which we worked with the Planning Board on at preliminary. So we tried not to have a block design, if you will.

And the useable area we kept the road over so the useable lots through this area are in excess of 200 to 250 feet deep. So these are some sizeable lots even though the conservation easement will be there. We are going to put markers on at conservation line so the people that actually buy the house can't go mowing all the way to the creek, which has happened. So hopefully the markers will help them realize

they are not supposed to go out there. The Town can always enforce it. We have public utilities, public sewers. Monroe County Water Authority, if you recall we built a pump station it's actually on Lot 231 right here. We built that during Section 1 even though we had a temporary access road for Gates-Chili Sewer District. It's all been dedicated to Gates-Chili. They took it over. So that's located in Phase 2, but we put in all the utilities for that. We had to complete some of the sanitary to service the other area. So that's all in place all of the utilities are working well. If the Board recalls we did have a condition. We did a traffic study during the preliminary overall and final for Phase 1. We did receive, I believe you've got the letter. I brought it in case you wanted additional copies. And I am sure you got it, it was back in June of 2016. I kind of highlighted the second paragraph, which kind of sums up what Dave Guerring, who's in charge of New York State DOT in this region. Based on the traffic study, the eastern entrance which has the bulk of the houses on it. So basically you can see that we did do a traffic study and the conclusion of the traffic study stated that we would need a westbound turn lane. I did bring the map and we submitted those.

CHAIRPERSON NYHAN: Go ahead and put it up.

WALT BAKER: Okay. So basically this Clinton Run and Phase 1 is right here. Again, and like I mentioned, Beaver Road Extension lines up with our entrance. And based on Dave Guerring's conclusion and the traffic study, we need what they consider a westbound left turn lane into the site for the p.m. traffic, not the a.m. traffic. The only warrant that was there was for the evening commuters coming back in. So with that we are going to have to increase. We did it in gray so you can see we have an added lane to this side to allow for the striping to move the traffic over. And the create the left in, and again the opposing, the striping there, and we widen that out as well. So Bernie's agreeable to doing that. Obviously, Dave Guerring, if you read the letter, stated it had to be done before 60 homes. As I mentioned we've got 28 to 30 right now, so with approval of Phase 2 we're going to be over 80. So it's time we did it, Bernie doesn't want to wait. He wants to do it right way. So what we will do is get the design plans into New York State DOT for their review. And you know how long that takes, it can be six months, hopefully that's the case, six months. We will start the construction next year. We'll have it done well before we reach 60 lots. We also received comments from the town engineer and I prepared a written response for that. I don't know if you had a chance to look at them. They're pretty much technical in nature. We don't have an issue complying with all his comments. They're basically nine comments. Some are basically just signatures, then we get to the final miles of course. And so again, Michael's comments, number one, make sure the plans are signed and sealed, which we always do. The surveyor will also have to sign and seal the plans, if we need to revise, a note that we had to revise from Phase 1. And the numbers are just transposed, so we will take care of that. Provide a pipe invert for the catch basins. We will add that to the plan. The pump station as I mentioned that is actually owned by Gates-Chili Sewer District now, and we will put that on the map as well. Number 6, provide rip raft for the discharge of 24-inch pipe going into the pond. Obviously we have on-site storm water facility for Phase 2 as we did in Phase 1, so we will provide that. And comply with all of the New York State DEC regulations as well, which is number seven, the storm water management.

So Michael noted that they want signage to be placed around the pond. So obviously the pond is going to be under easement to the Town anyway, so even though it's on private property there will be a Town access easement to the pond. And we will put the warning signs on it so it will deter people and keep them from going in it even though it is on private property. We request a written response, that's what I just handed you. And number nine, should not be construed as a complete and final review of the

application. We always work with the Town engineer and the Commissioner of Public Works, any further comments they come up with. End of the project, if you have any questions.

CHAIRPERSON NYHAN: Thank you. Paul, do you have any questions relative to the final?

PAUL BLOSER: No.

CHAIRPERSON NYHAN: Dave?

DAVID CROSS: I guess I have one procedural question. So if somebody is going to buy one of these lots, it's got the conservation and it meant well. How do they know what they can and cannot do? With the conservation easement, there's a sign, you know, that will be up there. How does that work?

WALT BAKER: I'll turn that over to Bernie.

BERNIE IACOVANGELO: At the time of the purchase we always give copies of any tract restrictions and any of the conservation easement information. Along with that, it's been filed and gets picked up on their abstract and title. Their attorney generally during their review of the abstract and title prior to closing again, they will review that with them. And so most of the people know it. We are going to put signs on it, we've already got the sales map with the lines on it so they can't say, well, there wasn't any line, we didn't know about it. We want them to have a great understanding of the conservation easement. Now, the biggest question is not so much advising them, having them know, it's policing them after they're in there. And they're a couple years down the line and they own this land and it's going all the way back to the creek, and what do they do with it. We don't really have that problem at Autumn Wood. That design at Autumn Wood is identical to this. Yet, most of the people that live there don't want the disturbance. They want it so they don't have -- they have true privacy. That's what we're trying to prove here. The Town, the Planning Board, we're all in agreement with that. So that's basically, Dave, the way we inform them.

DAVID CROSS: Thank you.

CHAIRPERSON NYHAN: Any other questions?

GLENN HYDE: No questions.

MR. HELLABY: I'm good.

CHAIRPERSON NYHAN: Matt?

MR. EMENS: Walt, you've covered it back up here with a turn lane, but the connection of Phase 1, the street going into Phase 2, and then you'll have a turnaround at the dead end that you're creating with the development of this Phase 2? You talked about the turnaround you have at the end of Phase 1 right there.

WALT BAKER: Right. Presently there's --

MATT EMANS: So that road's going to connect down through Phase 2 and connect one and two up above.

WALT BAKER: Correct.

MATT EMANS: And then at the dead end where three and two connect you're going to have another temporary dead end.

WALT BAKER: Right. That one is coming through, but there's a stub here. So our Lot 137 ends a little past, so basically what we have now is a T-turnaround here and this is a circle. So what we'll do when we get to this end is we'll put a circle here. This is basically there's a stub here now so anybody pulling in here can back up and take off if they were to pull in that by accident. But this will be have a turnaround.

MATT EMANS: That was it.

JOE DEFENDIS: All set.

CHAIRPERSON NYHAN: Side table? We will open the Public Hearing, any comments or questions from the audience at this time? Seeing none, I will make a motion to close the Public Hearing portion of this application. Do I have a second?

AL HELLABY: I second.

CHAIRPERSON NYHAN: We'll vote on the Public Hearing. Paul?

PAUL BLOSER: Yes.

DAVID CROSS: Yes.

AL HELLABY: Yes.

MATT EMENS: Yes.

GLENN HYDE: Yes.

JOE DEFENDIS: Yes.

CHAIRPERSON NYHAN: I also vote yes, the Public Hearing is closed. Any additional discussion on the application? For conditions, all previous conditions imposed by this Board are still pertinent, that are still pertinent to the application remain in effect. The approval is subject to final approval by the Town Engineer and the Commissioner of Public Works. Town Engineer and the Commissioner of Public Works will be given copies of any correspondence with other governing or approving agencies. And the Town requires compliance with the phase mitigation plan described by New York State DOT correspondence dated June 27, 2016. Tracking number 55907, which is the letter Walt gave us tonight. No building permits shall be issued beyond the 60th unit until New York State DOT permit and construction has commenced or litigation plan. In addition, no certificates of occupancy beyond the 60th unit shall be issued until work is completed and accepted by the New York State DOT.

Any other conditions? With those conditions, I'll make a motion for the application of Forest Creek Equity Corp., c/o DSB Engineers, 2394 Ridgeway Avenue, Rochester, New York 14626 for final subdivision approval of 42 lots to be known as Rose Hill Estates Phase 2 at property located at 75 & 89 Beaver Road in R-1-20, FPO, FW zone.

AL HELLABY: Second.

CHAIRPERSON NYHAN: The vote?

PAUL BLOSER: Yes.

DAVID CROSS: Yes.

AL HELLABY: Yes.

MATT EMENS: Yes.

GLENN HYDE: Yes.

JOE DEFENDIS: Yes.

CHAIRPERSON NYHAN: I also vote yes, it is approved.

WALT BAKER: Thank you.

CHAIRPERSON NYHAN: Application of Esbam Properties, owner; 105 Stottle Road, Churchville, New York 14428 for resubdivision approval of two lots into two lots in the Esbam Subdivision at properties located at 61 & 63 King Road in L.I. zone.

JERRY SQUIRES: Good evening, Jerry Squires. Do you need my address? I'm representing Esbam. Basically, I'm trying to sell the one lot. It currently has a cell tower on it and the potential owner doesn't want anything to do with a cell tower and asked if he could resub it. Basically, submitted the application, the town engineer came back with a few comments. We had put the wrong setback dimensions on our original submission. That has been corrected. And we did not extend the access easement to the new lot line that had been corrected, aside from that.

CHAIRPERSON NYHAN: So that distance is from the base of the tower?

JERRY SQUIRES: Yes. And I had a surveyor go out and locate it.

CHAIRPERSON NYHAN: Right. So this will be Lot R-1 and Lot R-2 once the subdivision gets approved?

JERRY SQUIRES: Yes.

CHAIRPERSON NYHAN: And Lot R-1 is the one you are going to be selling?

JERRY SQUIRES: Yes.

CHAIRPERSON NYHAN: And R-2 you're going to remain, are you aware of that?

JERRY SQUIRES: Yes.

CHAIRPERSON NYHAN: With the cell tower on it?

JERRY SQUIRES: Yes.

CHAIRPERSON NYHAN: Okay. What is the width of that roadway coming from King Road outside of the easement? There is a 15-foot easement, what is the width of that road from the easement to the edge of the property behind. I don't see it on here.

JERRY SQUIRES: There's a 50-foot wide easement.

CHAIRPERSON NYHAN: No, right. This would be the northwestern most piece of property that's separated out that goes back to R-1 from King Road to R-1. What is the width of that land right there that gives you access?

JERRY SQUIRES: That's --

DAVID CROSS: Looks like 45.

CHAIRPERSON NYHAN: And there's a 15-foot easement. Is it wide enough, Paul? Is that wide enough, the entrance to get into that flag lot?

PAUL WANZENRIED: Only need 40 feet per town code, or 44.9 feet is the same.

CHAIRPERSON NYHAN: Is that outside the easement though, the 44.9?

PAUL WANZENRIED: Regardless of the easement, it's frontage.

CHAIRPERSON NYHAN: Okay. So the easement doesn't matter.

PAUL WANZENRIED: It's basically an extension of what was there before. It's always been that way.

CHAIRPERSON NYHAN: Okay. Paul, any questions?

PAUL BLOSER: No.

DAVID CROSS: Do you need any variances to make these two lots happen?

JERRY SQUIRES: No.

DAVID CROSS: Thank you.

GLENN HYDE: No questions.

AL HELLABY: Lot R-1 is the one you're selling here?

JERRY SQUIRES: Yes.

AL HELLABY: Do you know what that individual intends to do with the lot? Just out of curiosity.

JERRY SQUIRES: Buffer. Union Scrap is the purchaser, they are looking for a buffer.

AL HELLABY: That's all I have.

MATT EMANS: I have no questions.

JOE DEFENDIS: I am fine.

CHAIRPERSON NYHAN: Anything from the side table? At this time I'll formally open the Public Hearing, but seeing no one in the audience, no comments or questions from the audience. I make a motion to close the Public Hearing.

AL HELLABY: Second.

PAUL BLOSER: Yes.

DAVID CROSS: Yes.

AL HELLABY: Yes.

MATT EMENS: Yes.

GLENN HYDE: Yes.

JOE DEFENDIS: Yes.

CHAIRPERSON NYHAN: I also vote yes. Any further discussion or clarification needed on distance that's required, the setback and what it is. The base of the tower and the property line will end up being 174 feet, correct?

JERRY SQUIRES: Correct.

CHAIRPERSON NYHAN: And as far as the intent of the property, it is zoned L.I., so they will be able to go in there and do whatever, the L.I. zone. So that's in the future if that's the next owner or the future owner, so that's what we need to take into consideration.

JERRY SQUIRES: That as well.

CHAIRPERSON NYHAN: Okay. Any other questions or comments? No. I will make a motion to declare the Board lead agency as far as SEQRA and based on evidence and information presented at this meeting it is determined the application made unlisted action of no significant environmental impact. Do I have a second?

GLENN HYDE: Second.

PAUL BLOSER: Yes.

DAVID CROSS: Yes.

AL HELLABY: Yes.

MATT EMENS: Yes.

GLENN HYDE: Yes.

JOE DEFENDIS: Yes.

CHAIRPERSON NYHAN: I also vote yes for SEQRA. Paul, did you have any particular conditions you would like?

PAUL WANZENRIED: No, sir.

CHAIRPERSON NYHAN: Eric, none. Then for the conditions I have our approval is subject to final approval by the Town Engineer and the Commissioner of Public Works. Town Engineer and the Commissioner of Public Works will be given copies of any correspondence with other governing or approving agencies. Copies of all easements associated with this project, if there are any, shall be provided to the Assistant Town Council for approval. And I'll file that information that page number shall be noted on mylars. Paul, has the fire marshal had the opportunity to look at this?

PAUL WANZENRIED: In regards to?

CHAIRPERSON NYHAN: We want a condition that it will be complied with any life safety conditions from the town fire marshal?

PAUL WANZENRIED: There's not any sort of occupancy back there.

CHAIRPERSON NYHAN: Okay. Then the copy of the easements will be the last condition I have. Any other conditions? Application of Esbam Properties, owner; 105 Stottle Road, Churchville, New York 14428 for resubdivision approval of two lots into two lots in the Esbam Subdivision at properties located at 61 & 63 King Road in L.I. zone, with the aforementioned conditions. Can I have a second?

AL HELLABY: Second.

PAUL BLOSER: Yes.

DAVID CROSS: Yes.

AL HELLABY: Yes.

MATT EMENS: Yes.

GLENN HYDE: Yes.

JOE DEFENDIS: Yes.

CHAIRPERSON NYHAN: I also vote yes, it is approved.

JERRY SQUIRES: Thank you.

CHAIRPERSON NYHAN: The last order of business are the Planning Board minutes from August 13, 2019, do I have a motion to accepted the minutes?

DAVID CROSS: So moved.

PAUL BLOSER: Yes.

DAVID CROSS: Yes.

AL HELLABY: Yes.

MATT EMENS: Yes.

GLENN HYDE: Yes.

CHAIRPERSON NYHAN: I also vote yes, minutes are approved. Joe, you were not here so I won't ask for your approval. Meeting is adjourned, there is no other business.

REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter; Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 22nd day of September, 2019. At Rochester, New York

Rhoda Collins