

CHILI PLANNING BOARD  
October 15, 2019

A meeting of the Chili Planning Board was held on October 15, 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 David Cross.

PRESENT: Paul Bloser, David Cross, Joseph Defendis, Matt Emens and Glenn Hyde. John Hellaby and Chairperson Michael Nyhan were excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

ERIC STOWE: In the absence of a Chairman, we would need a motion for a nomination and a second and then a vote on the temporary Chair given Chairman and Vice Chairman are not in attendance this evening.

MATT EMENS: I nominate Dave Cross to chair the meeting.

GLENN HYDE: I second.

ERIC STOWE: Vote?

The Board was unanimously in favor of the motion.

David Cross 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.

DAVID CROSS: Before I start that, we'll hear the first two applications together. We'll vote on them separately. I will read them both right now.

**PUBLIC HEARING:**

1. Application of TUGI, LLC, owner; 1233 Lehigh Station Road, Henrietta, New York 14467 for special use permit to allow an underground utility company at property located at 1891 Scottsville Road in L.I. & FPO zone.
2. Application of TUGI, LLC, owner; 1233 Lehigh Station Road, Henrietta, New York 14467 for preliminary site plan approval to erect a 30,000 sq. ft. industrial building at property located at 1891 Scottsville Road in L.I. & FPO zone.

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

MS. BRUGG: Thank you. Good evening. Nice to be here tonight on this application. For the record, my name is Betsy Brugg. I'm an attorney with the firm of Woods Oviatt Gilman.

We have been working on this project. I think you will recall I was here -- I don't know -- not too long ago with a concept plan.

The business owner, Bob Turner, is here tonight and we have a whole team from DDS Engineers, as well. The applications, as you mentioned before, are for a Special Use Permit and for site plan approval.

As you might recall, this property was recently rezoned to the Light Industrial zoning district, which is a zoning district which is consistent with what has historically been the use of this property. Essentially the prior use of the property has been underground utility installation and there is a long history of that with this particular property and it's also consistent with the Comprehensive Plan.

The Light Industrial District, the -- if you take a look at the code, actually allows many more intense uses. Manufacturing, things that emit -- I think it lists fish, vinegar and some other types of -- more specific types of manufacturing that would be -- I assume listed because they would generate odors, generate certainly a lot more jobs, parking, noise, just more intense uses than what is being proposed. What we're proposing is something that is essentially continuing the use that has historically occurred on this property, but really upgrading the site with a new modern building.

The site is almost 10,000 square feet -- excuse me, 10,000 [sic] acres in size. A very large parcel. We're proposing a 30,000 square foot building. We're showing parking. We're showing land bank parking. There is not enough employees to need the amount of parking that would be indicated by code. So we exceed the minimum lot size by code. We have less parking than we -- would be required by code because we don't need that much parking for the operation. We exceed all of the code required setbacks.

So all in all, this is a very nice size parcel for this type of development. The building, I believe, is set back over 400 feet. Correct me? 450 feet possibly from the road? We're in a

mixed zoning type of an area and mixed use area. We do have proximity to a residential neighborhood, but we're also adjacent to a much more intense industrial zoning and proximity to the river. So it is sort of an interesting mixed-use area.

The use itself is a relatively low-intensity use. We are requesting a Special Use Permit because the use itself is not enumerated under the code, but it is consistent with other uses allowed in the district. As I said, less intense. Special Use Permits, as the Board probably already knows, are uses that are not prohibited by the code. They're uses that carry a favorable legal presumption of these permitted uses. Essentially they are listed as Special Use Permits to allow the Town an opportunity to kind of review the potential impacts and confirm that they, you know, don't have any negative impacts that would require some type of a condition to mitigate.

So in this case, this is primarily a daytime use. Essentially they have trucks that come in and out. They load in the building. And they load equipment to go out and do drilling at off-site locations. So it's not a major traffic generator. We have had -- I'm actually stealing John (Clarke)'s thunder here. John Clarke will talk a little bit about the site plan. Not a significant amount of traffic impact.

The primary issue of focus has been the required 100-foot buffer. We're showing the 100-foot buffer on the plan. I will talk about that in a little bit. And we do have an application into the Zoning Board.

So in addition to the approvals that we are requesting from this Board hopefully you will be comfortable approving this evening, we'll be at the Zoning Board next week to request relief from the 100 foot buffer, only to the extent of maintaining a driveway entrance in that driveway buffer. That is an existing curb cut. We're not proposing to relocate or move it.

There was a comment in the engineering comments requesting that we perhaps shift the bend in the driveway so we have a plan. We'll shift that bend a little bit earlier in the driveway to again enhance the buffer. And for parking in the front yard, which in this case, um, you know, some 400 feet from the road. And I believe that this is consistent with how parking has been handled on other matters in the Town. So we'll be at the Zoning Board next week on those and we would ask that the Planning Board perhaps send some comments or favorable recommendations to the Zoning Board on that.

In respect to the matter before you, so the Town Code requires that an applicant demonstrate that we meet the -- the considerations of the criteria listed in the code for the granting of the Special Use Permits, the Chili Town Code has quite a few of those. Lots of them. There's -- actually somewhat repetitive. I won't go through them unless you want me to.

We have addressed them in writing and I believe we meet all of the considerations for the granting of a Special Use Permit and then as far as the site plan, I will turn it over to John (Clarke), but I think we have received staff comments. We don't really have any issues of concern. I think we can satisfy those comments. There are some engineering things I think we'll need to take care of outside of the meeting, some technical details, technical comments but there is nothing really concerning to the application.

Let's see. What else do you need to -- I need to cover here. So I think I'll turn it over to John (Clarke) and he can talk to you a little bit more about his plan for the buffer, since I think that is the primary issue. We'll talk about lighting and those types of things. But I think overall this is a pretty low intensity type of project.

MR. CLARKE: Good evening. My name is John Clarke. I'm with DDS Engineers. To briefly go over the site and touch on a couple of topics, there's an existing 5100 square feet on the site right now, much closer to the road, about a good 100 feet closer to the road. We'll be demoing that building. It's quite outdated and in tough shape so that building will come down.

Proposing the 30,000 square foot facility that you see on the -- on the plan. We are maintaining that existing curb cut out onto the roadway. We had preliminary conversation with the DOT. They are familiar with the site. They do not have any intention of requesting a traffic study here due to the low volumes this facility will be producing, low volumes of traffic.

In addition to that, they find that the sight distance for this particular location and the minimal traffic that the site will be producing, they're fine with the sight distances that are currently existing here. So they're okay with the location staying there. As Betsy (Brugg) said, the current driveway runs up the entire length of that western property line, which abuts the residential zoning. So we are trying to adhere to the present code and provide as much of a 100-foot buffer along that driveway as we can.

So that preexisting, nonconforming, driveway is going to get improved significantly. So as soon as we can, once we get off the road, we'll start moving that driveway to the north and meet that 100 foot buffer area. The buffer area will be planted significantly. There will be a small storm water management facility that will be provided over there, as well. But the drainage that currently goes in that area will now be lessened quite a bit because we're pushing everything to the north. So there will be a small area of storm water there, but nothing of significance.

The parking that we're providing does meet Town Code. There is -- 75 is required per code. We're going to show about 40 on our plan and land bank the rest. There is plenty of room there. It's only -- it's a 9.9 acre site and we're developing less than half of it. Our green space is significant on our site, as well. The traffic circulation is enough to accommodate any large trucks that may be coming in and out and emergency vehicles, as well.

Landscaping is standard for -- for the Town. It will meet Town codes. Obviously the buffer area will be a bit trickier with some larger trees, trying to bring in deciduous and coniferous trees that will fill that space pretty quickly and with decent heights probably in the 6 to 8 to 10 foot height at planting, making sure we can get a good visual and sound barrier there as

we can. There will be lighting on the site. They will be disbursed as needed. They will be on poles, so we're looking at about ten different lights. They will all be dark-sky compliant. There will be some on the building, as well. They will be operational at nighttime and then off during the day.

Utilities, there is an existing main for water that is along the west side of Scottsville Road. So we'll be tapping into that with a new water service, bringing that into the building. Sanitary, there's an existing line that already comes to the site, so we'll be simply tapping into the building and then bringing that new line to an existing manhole that is right in front of the proposed parking area.

Storm -- currently, the storm water comes off the hill to the west and works its way down to the southeast corners and the northeast corners where there are federal wetlands. We're continuing that drainage path.

Everything in the parking lots, the roof tops will all be captured with an underground system and brought into some bio retention areas and some storm water management facilities in order to treat that storm water before it heads back to its natural path.

The wetlands have been delineated and there are some wetlands on our site, but we are not proposing any impact to the wetlands at all. There is flood plain that is on the site. We're currently working with the Town's Flood Plain Administrator on how to manage the impact that we're having there. It -- it is nothing more than what has been done previously. So we'll just make sure we continue to coordinate with the administrator and make sure we're adhering to all of the regulations that are required.

We talked about some of the comments we got back from the Town. As Betsy (Brugg) said, nothing there that we cannot address. We're in contact with Town Engineer and our revised plans will show all of his comments being addressed.

We have also received comments from Monroe County DRC and nothing of significance there and we're continuing to work with these different review agencies to make sure we address all of their issues.

And the area variances for parking in front yard and for the preexisting, nonconforming 100 foot buffer, as Betsy (Brugg) said, we're working through that process right now and should be at the Zoning Board next week and are seeking preliminary site plan approval this evening. We're here to answer any of your questions.

DAVID CROSS: I guess we'll turn to the Board for comments.

PAUL BLOSER: Snow load, where are you planning on putting snow?

MR. CLARKE: Right now, we would like to push the snow to the east, off the front of the parking area there, trying to just keep it out in the front yard areas. If it becomes too cumbersome, then we can always load it and get it out of there. But I think we have plenty of room to get the snow off the parking areas.

PAUL BLOSER: The back lot?

MR. CLARKE: Back lot pushed to the front.

PAUL BLOSER: I don't see anything for a dumpster location.

MR. CLARKE: We need to add that. That's a good point. We need to add that.

PAUL BLOSER: You will use a regular dumpster, front loader pickup, roll-off dumpsters?

MR. CLARKE: I think for the most part it will be the front-loading dumpsters. I don't believe there would be any need for a roll-off, but on our final plans if that is the case, we'll make sure we show that and enclose it.

PAUL BLOSER: That's a big concern. I'm familiar with your company. It's a construction company. We don't want loose items in there blowing to the fence. You do border up to residential. In fairness to the residents, we want to keep the lot clean of blowing debris. Your stuff doesn't tend to blow around, piping and that, but you still have wrapping.

MR. CLARKE: Needs to be contained.

PAUL BLOSER: A roll-off could be put inside your warehouse and moved out when it is full. I'm sure we would be open to that also. But if it is outside, it needs to be covered. I would like that as a condition, somehow documented.

GLENN HYDE: From an operational perspective, how many shifts will you run during the week and on the weekend?

MR. CLARKE: Typically, there is -- it's not shift work. So hours of operation are 7 a.m. to 4 p.m. Obviously there are some times where it will be a little bit earlier or later than that. Typically what happens is the employees come in, they park their cars, they get the trucks, the equipment they need and they are off site right away. Everything gets prepped the night before, and then they're out of the building at 7 a.m. or a little bit earlier, and then they're on the road. We're only talking about eight trucks to the fleet. It's not a huge operation where, you know, you have got one after the other pulling out of this driveway. Going to be a one-at-a-time sort of situation.

GLENN HYDE: On the maximum employee perspective, how many are coming in?

MR. CLARKE: 40 total. That includes office people and people working the field.

MATT EMENS: I'm not as familiar with your business. What size trucks are these, the trucks you're talking about?

MR. CLARKE: I have to defer to the owner.

MR. TURNER: Everything from tractor trailer size vehicle to a mid-size truck body. That's about it.

MATT EMENS: Any flatbed trailers with materials on them?

MR. TURNER: We have trailers. Tag trailers. And lowboys. Lowboys.

MATT EMENS: You're saying about eight trucks going out per day?

MR. TURNER: Right.

MATT EMENS: One of the biggest concerns I have is to go back, Robert (Turner), to your -- I'm sorry. The presentation, you got started and Betsy (Brugg) was talking about the previous -- you know, Todd Cable going there, they had a larger fleet, smaller trucks, towing cable and trailers and miscellaneous equipment. One of the things they -- when they came out in the morning, the curve, you talk about the sight distances and not having a traffic issue here.

MR. CLARKE: Uh-huh.

MATT EMENS: I think the biggest thing I see, because I drive this every day, there is no time based on current landscaping --

MR. CLARKE: Right.

MATT EMENS: -- to react to a slow truck along out of there. I have witnessed it over the years with Todd Cable which were pickup trucks with not heavy weight with them. It's a real dangerous curve because people don't go the speed limit. We can't fix that, but your guys pulling out, it's -- it's just a -- you know, it may be for a very short window in the morning, but something you should be aware of.

If there is some conversations about shifting this drive, I know you only got 600 feet there, but anything -- any 100 feet over is going to be more time for people to react because once you come around that curve, I don't care if you're doing the speed limit, you're not going to stop. So -- and so anyways, that -- once again, you may have from the -- you know, from the DOT that the sight distances are good and everything is okay, but I can tell you if any one of you want to go out and drive around that curve in the morning, you will see that there is still a pretty good risk there.

I appreciate trying to reuse the existing driveway. I know there are challenges there. We can't totally go the other side because you have the wetlands, but I think you have to look at getting that driveway over.

MR. CLARKE: We'll definitely continue our conversations with the DOT.

The other thing we did speak about, the vegetation, that is overgrown in the right-of-way. I think that can be cleared. We have done that a number of times at the DOT previously. If there is communication and coordination that needs to happen with the property owner to the west -- I'm sorry, to the south, to maybe clear some of those trees, too, to increase that sight distance, we can do that, as well. But we'll definitely work with the DOT and address those concerns as best we can and the owner. Because safety is important to him, as well, for his crews and everyone pulling out of those driveways.

MATT EMENS: The other question, too, is to just talk about the -- a little bit about the flow here. I get there are some trucks going out. What are we storing inside the building? Are the trucks parking inside or outside? Are we storing materials outside? I see a small storage area there. If you could talk a little bit about the details, that would be helpful.

MR. CLARKE: The circulation will be -- as trucks pull in, they will move in a counterclockwise manner. They're going to enter the building from the -- from the east and exit to the west. And at night, when those trucks pull in with their equipment, it all stays inside. Everything is inside. It's a nice big building. We have got eight overhead garage bays that have entrances on the east side and exit on the west side. So it's a pull-through maneuver and then they will continue counterclockwise down the driveway. All that equipment gets stored inside the building. There will be some minor storage that happens outside the building. Exactly what that storage is, I -- I -- I -- I would have to defer again to the owner, but I believe it is minor construction material that they would need. Some of their materials that get placed in the ground. I'm not sure exactly what that is, but I'm certain Bob (Turner) can expand on that if need be.

But for the majority of the material and the equipment, everything will be inside.

MATT EMENS: So I guess if you could just expand on what that material is that would be stored outside?

MR. CLARKE: Outdoor storage that you plan? The outdoor storage? The back of the building that we're proposing? What type of material is that going to be?

MR. TURNER: Pipe.

MR. CLARKE: Pipe for the drill.

MR. TURNER: For the jobs and drills.

MR. CLARKE: Materials they would put in the ground, piping, low-profile items, not huge stacks of things. There is not a ton of room back there. But that would be the thought, I guess.

MATT EMENS: So there is currently no intent other than using the building as the screen for the outdoor storage?

MR. CLARKE: Right now, no. I mean there -- there is a thick growth of trees there existing and we'll be supplementing that with another thick growth of trees that will be in the area, as well.

MATT EMENS: That buffer against the residential?

MR. CLARKE: We're hoping that that will provide enough screening.

MATT EMENS: I think I'm good for right now.

DAVID CROSS: I have a few questions before I turn it over to the side table.

John (Clarke), can you talk a little bit about the sweep and the driveway entrance? On that drawing did you kind of kick it up a little earlier on?

MR. CLARKE: We did. Originally what we did is we tried to maintain the existing

entrance where the fence line is. There is an -- there is an opening in the gate and we wanted to maintain that location just for cost. So what we did is we came to this point and then started to move it over. We have heard quite clearly we need to try to maximize that space of the driveway. So what we did is we came on to the driveway. We located a point where we could start to move the trucks over, right-of-way, auto turn program to make sure the maneuver can be made. So that's what we're doing. Sweeping them with couple 150 foot radius curves so it's a smooth transition here.

The entrance gate will have to be moved, shifted and to take on a little different look, to make sure it is perpendicular. So it is about is now 150 foot sooner than what your plans show for it.

DAVID CROSS: I guess I will make a comment on the existing drive entrance. I think it's probably the appropriate place. I wouldn't want to see it any further north. I think that only hurts the sight distances. I will leave it at that.

MICHAEL HANSCOM: No additional comments at this time.

DAVID CROSS: At this time, I'll open the Public Hearing.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CARRIE HUGHES

MS. HUGHES: Carrie Hughes and I live at 24 Genesee View Trail which is in the neighborhood adjacent to this property. My concerns -- I say there are three of them.

One is safety, which Mr. Emens has mentioned. I drive down there every day back and forth to work and it's very dangerous. The speed limit is 55, which I think is too high, but the DOT will not back off on that. They did give us some double yellow lines. It's not making any difference. People are passing us. It is very difficult to get in and out of our property and that particular spot there by that curve is very dangerous. I have seen cars off the road there.

Last winter, the -- the other side of the road is the river. A guardrail, and then the river. Last winter a car went into the guardrail and the guardrail just completely crumpled over. I'm surprised the car was able to stay there. So whatever can be done to mitigate that situation needs to be looked at carefully. We already had a fatal accident near our entrance and I wouldn't want to see another one there.

My other concerns are around the degradation of our property values. We are a very modest community. There are two kinds of units there. The one-floor ones are about 900 square feet and the two-story ones are about 1100 square feet. Property values are in the low 100s. We all appreciate living there and having a comfortable, modest lifestyle, but we are not people that can afford to have our property values sink. We don't have a fancy clubhouse or a pool house or a pool or any of those amenities and we like it that way because it keeps our cost of living low. So I am concerned about light pollution, about dirt from trucks going in and out, from noise, from an unattractive concern going on next to where we live.

Thank you.

DAVID CROSS: Thank you.

David Cross made a motion to close the Public Hearing on both applications and Matt Emens seconded the motion. The Board was unanimously in favor of the motion to close both Public Hearings.

DAVID CROSS: Any additional discussion on the application before we go to SEQR?

David Cross made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an Unlisted action with no significant environmental impact.

ERIC STOWE: Mr. Cross, just with respect to that, as one application, it can be the SEQR for the Special Use Permit and the site plan.

DAVID CROSS: This is the SEQR for the Special Use Permit and the site plan.

GLENN HYDE: Second.

The Board all voted yes on the motion.

DAVID CROSS: I have some standard conditions here on the Special Use Permit. No conditions. The preliminary site plan, a bunch of boilerplates. I will read down through E. Tell me if you find objection to anything on here.

The Planning Board, the applicant shall provide a landscape -- you already -- already went to the Conservation Committee?

MS. BRUGG: Yes.

PAUL WANZENRIED: Yes.

DAVID CROSS: Okay. The Planning Board affirms the recommendation of the Conservation Board for the landscaping plan and requests that the applicant comply with its recommendations.

Upon completion of the project, the applicant shall submit a Landscaping Certificate of Compliance to the Building Department from a landscaping architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved

landscaping plan.

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

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

Applicant shall comply with all pertinent Monroe County DRC comments.

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

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

Pending approval of the Zoning Board of Appeals, all of the required variances as -- happening -- Zoning Board is happening in two weeks?

MS. BRUGG: Next week.

DAVID CROSS: Applicant to comply with all conditions of the ZBA as applicable.

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

Any signage change shall comply with the Town Code, including obtaining sign permits.

Applicant to comply with all recommendations and conditions of the Traffic Safety Committee.

I would like to add a condition that we get a statement in writing from the State DOT that they have looked at the driveway access and they're comfortable with its location and the number of vehicles going in and out.

Okay?

And Paul (Wanzenried) had a comment he would like the condition that the applicant -- you will probably do this for -- show dumpster has an enclosure and that dumpster has a lid on it.

Is that okay, Paul (Wanzenried)? With that, those conditions, anything else?

MATT EMENS: Possibly.

PAUL WANZENRIED: You were just -- you're just voting on a Special Use Permit, correct?

DAVID CROSS: We'll do a vote on Special Use Permit and then we'll vote afterwards on the preliminary site plan.

PAUL WANZENRIED: So the conditions that you just read --

DAVID CROSS: Are for the preliminary site plan.

PAUL WANZENRIED: Okay.

DAVID CROSS: I have no conditions on the Special Use Permit.

PAUL WANZENRIED: The applicant just wants preliminary?

DAVID CROSS: That's all that is on the agenda, just preliminary tonight.

PAUL WANZENRIED: Okay.

MR. CLARKE: If the Board is open to it, um --

DAVID CROSS: I know you received a -- Town Engineer's comments. To me, there is still quite a bit there. I'm confident you can do it, but I would feel more comfortable if you came back one more meeting.

PAUL WANZENRIED: That's what I wanted to hear.

DAVID CROSS: Everybody okay with that?

MATT EMENS: The other thing, too, I would like to confirm the outdoor storage and make sure if we're going to -- I don't know what the zoning -- with the Limited Industrial, how it --

PAUL WANZENRIED: You could limit it to location. You could limit it to size. We have done that in the past. Um, it has to be to the -- I think the west side, right?

MATT EMENS: I'm not looking to spend their money in putting a fence around it. I don't think that is necessary. But I think if they will use the building to shield it, I guess I just want -- they delineated an area on the plan and I think coming back for final, I think you guys should just make sure that you thought that through.

DAVID CROSS: Is that something you can address at final?

PAUL WANZENRIED: You have done that at -- for Kamco and --

MS. BRUGG: We can try to delineate something for you for final.

MR. CLARKE: The plan has it delineated on it now.

MATT EMENS: Correct. I think just confirming that you guys are actually --

MS. BRUGG: We'll review that and delineate it for final.

MR. CLARKE: Sure. We can do that.

DAVID CROSS: Motion for a vote on the application?

ERIC STOWE: Which application?

DAVID CROSS: The first application, Number 1, on the Special Use Permit.

ERIC STOWE: That's with no additional conditions?

DAVID CROSS: With no conditions, Eric (Stowe).

So I make a motion.

GLENN HYDE: Second.

DECISION ON THE SPECIAL USE PERMIT: Unanimously approved by a vote of 5 yes with no conditions.

DAVID CROSS: We'll vote on the preliminary site plan approval. Again, I make -- a motion with the --

ERIC STOWE: With the prior conditions?

DAVID CROSS: -- with the prior conditions.  
Thank you, Eric (Stowe).  
GLENN HYDE: I second.

DECISION ON THE SITE PLAN: Unanimously approved by a vote of 5 yes with the following conditions:

1. The Planning Board affirms the recommendations of the Conservation Board for landscaping plan and requests that the applicant comply with these recommendations.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Pending approval of the Zoning Board of Appeals of all required variances.
9. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
10. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
11. Any signage change shall comply with Town Code, including obtaining sign permits.
12. Applicant to comply with all recommendations and conditions of the Traffic & Safety Committee.
13. Applicant to obtain written approval from NYSDOT, regarding driveway entrance location and site traffic volume.
14. Applicant to provide adequate dumpster configuration to prevent blown debris.

MS. BRUGG: We would appreciate if you wouldn't mind also some feedback to the Zoning Board since we'll be there next week for the variances on the buffer. If you're comfortable with that, I think it would be helpful.

MR. CLARKE: And for front yard parking.

DAVID CROSS: Yep. Very good.

PAUL WANZENRIED: They would be aware, Betsy (Brugg), that -- of what has gone on here tonight.

MS. BRUGG: Great. Thank you.

DAVID CROSS: The Planning Board agenda said 78 apartment units. I understand it's actually 68 units; is that right, Side Table?

PAUL WANZENRIED: That's correct.

3. Application of Howitt-Paul Road LLC, owner; 758 South Avenue, Rochester, New York. 14620 for a special use permit to erect two buildings with a total of 68 apartment units on the 2nd and 3rd floors over a permitted non-residential use on the ground floor at property located at 751 Paul Road in RB w/PNOD zone.
4. Application of Howitt-Paul Road LLC, owner; 758 South Avenue, Rochester, New York 14620 for preliminary site plan approval to revise approval granted on April 13, 2010 to

erect two three-story commercial buildings (Building #1 & 2) totaling 57,870 sq. ft. (19,290 sq. ft. per level) with commercial area on first floor and 17 apartment units on each of the second and third floors; and Building #3 to be a three-story apartment building totaling 27,000 sq. ft. (9,000 sq. ft. per level) at property located at 751 Paul Road in RB w/PNOD zone.

David Cox, Jess Sudol, Andrew Gartley and Jack Howitt were present to represent the application.

DAVID COX: I'm David Cox, Passero Associates. I'm the civil engineer for the project and also with me is Jack Howitt who is the owner and developer and we also have Andrew Gartley, who is the architect with TY Lin for the project.

One thing just to note is the third building will have 24 units total. Eight units on each level. And the first floor of that third building will be senior, 55 and over.

So to travel back in time a little bit, Jack (Howitt) started this project about ten years ago with the whole vision for this whole Greenwood project. The existing residential town homes have leased up and gone very, very well. It is just the commercial piece that has been left undeveloped.

So we're here to really complete that last piece of the puzzle, connect the roads, connect the sidewalks and really have a finished completed project that Jack (Howitt) has been waiting for for ten years.

So one of the hold-ups that has been is that commercial area was purely commercial before, and it was a bunch of smaller buildings, so we're really marketing to mom-and-pop type businesses. Part of the problem was these mom-and-pop shops, when they approach that, they're like ready to move in now.

And Jack (Howitt), you know, needed a high number of commercial leases, you know, to be able to get financing. So he -- you know, he might get a few, but then he wouldn't get enough to get the financing and then, you know, mom and pop number one would leave and he couldn't ever get enough to really pull off the financing.

And meanwhile, he has a waiting list for residential. You know, everyone loves the residential and they're saying "we want more" and he has a need for slightly different -- there are people that don't want townhouses, but they want apartments. They want one and two-bedroom apartments. So they saw this need. So -- and where the market is going now, where you see the hot markets, it's a mixed use, commercial on the first floor and residential on the upper floors. So that is what he has gone with. Having all of the waiting list with the residential, that allows him to get the financing to -- to move forward with the project and put the commercial in.

So it is really this mixed-use nature, which actually ties in really well. We have town homes to the south and Wegmans, you know, Target to the north and this mixed use nature of some small commercial residential is a nice tie-in between these two uses.

So since we -- we are last here, there have been a few changes to the plan. One of them being parking. Previously when we were meeting, the full code required an amount of parking. Part of the problem with that, we looked at the code how much does commercial need. You know, we'll provide the full amount for commercial and then we look at residential and provide the full amount for residential. But the way the mixed use works, is they need residential parking at night when everyone is home and then the residences go off to work and then the commercial needs parking during the day when the residences aren't there. So there is really this mixed use credit that you don't need the full 100 percent of both uses at the same time.

So we went to the ITE parking generation manual and looked to see what they said, how much parking do we really need. So when we looked at that, it was quite a bit lower. Code required 377 and we just needed 286 per the ITE manual. We wanted to have a little bit of a buffer there, so we are providing 314. Out of that 314, we do have 13 land-banked spaces. We do have a little bit of a nice buffer there. But what that really does is with not having to provide all that parking, is we are really able to open up these green space areas here. So we have a nice, very-inviting sidewalk off of Paul Road that comes into the project, zig-zags through, meanders with nice plantings to really give a nice pedestrian feel where before this was more parking.

Another thing we're able to do is go with a more standard perpendicular parking, as opposed to our angled parking before. Perpendicular is just less confusing and works a lot better. More efficient. So that was the -- a nice plus there with the parking.

So due to that, we do have to go to the Zoning Board. There are still variances. We need a variance for the parking. The number of parking. We do have some parking in the front yard. So we need a variance for that. The three-story buildings require a variance. And then we have buildings with a footprint over 10,000 square feet. So those are the four variances that we'll be going for before the Zoning Board next week.

As far as drainage and utilities, this -- like I mentioned, this is kind of the last puzzle piece. So we'll connect the water from Phase 1, and then the phase in the back and loop it into Paul Road so it connects all of the water mains together. There is no more dead ends. The Water Authority is very happy about that. Sanitary, we already had stubs from both ends of the project, so we'll just be connecting onto those to service the project.

As far as drainage, the storm water ponds were already connected and built to size for this development here. The only thing that did change was our storm water regulations so we need to provide water quality on the project. Which we're doing some bio retention areas in these grass areas that will take care of water quality to treat it and then it will dump into the existing storm

water ponds that will detain for the storage.

Pedestrian connectivity, so we have Phase 1 down here. They had a dead-end sidewalk. We're able to connect that into the -- this project. We're able to connect into the sidewalks that we put in along Paul Road. There is also sidewalks from this phase in the back here that we'll be able to connect into as well as make a connection to Wegmans. So we went out in the field and looked. A lot of these residences actually currently walk to Wegmans, so we found out where is the dirt path, you know, where -- where are they currently walking. That is where we put our sidewalk.

We did have a meeting with the neighbors of the Greenwood Integrated Living and I think there was around 40 -- 40ish people that came out. And they were very excited about this project. They really were excited about the opportunity to walk to more services. You know, they were firing out, "Is there going to be a donut shop? Is there going to be a coffee shop? Is there going to be a hair salon?" They just kept -- they were really excited to have the walkable community, walking to those services, not having to get in their car. And also some of them were really itching for they wanted a one or two-bedroom apartment. So they were very, very excited about this opportunity here.

We have received Mike Hanscom's comment letter. We're working on addressing those currently. I have completely gone through those. There are no show-stoppers in there. They're all technical in nature. A lot of good comments in there. So there is no issues there. We have submitted -- performed a traffic study and submitted that to the Monroe County DOT. They are reviewing that.

We have received comments from the Water Authority, which we have addressed and we're waiting for the Health Department and Pure Waters to comment, but we're hoping to get those comments soon and we'll wrap up all of those comments and we should be all good to go. And I think -- I think that is all I have and I can take any questions.

DAVID CROSS: I will start. Can -- just explain the need for the Special Use Permit.

DAVID COX: Yes. So the Special Use Permit is for second and third-floor residential apartments over a non-residential use. So since we have commercial on the first floor, residences is above that, is what the special use permit is for.

DAVID CROSS: I will look for comments and concerns from the Board at this time.

PAUL BLOSER: I don't have a lot of questions. A lot were answered at the last meeting. But do you have perspective clients yet for retail spots?

MR. HOWITT: There are no specifics.

MR. HOWITT: At this time. Over the years, I have been getting inquiries from everything from chiropractic offices to a coffee shop and a barber shop -- actually a hair salon/barber shop combination, but at the point we were speaking, we were really too far away to get into meaningful conversations on leases specifically.

PAUL BLOSER: That's understandable. Just more curiosity than anything at this point.

MR. HOWARD: A couple of them were very anxious to go. Unfortunately, we weren't in a position to offer them anything specific in the way of a time frame at that point.

PAUL BLOSER: Thank you.

On the proposed sidewalks, are they going to be maintained, plowed in the winter by the complex?

DAVID COX: Yes.

PAUL BLOSER: The one that stretches to the south side of the parking lot on the Wegmans, is that Wegmans' property? Will that be maintained by them?

DAVID COX: That is Wegmans -- that is Wegmans' property. We do not have an answer on that. We are meeting with them to try to flush out some of those discussion items.

PAUL BLOSER: Concept is great. I see it in other cities around the country, so. Excited about it for Chili.

MATT EMENS: I will start out with just some housekeeping. So David (Cox) and team came in this evening to the AAC. They were not on the agenda. We did not receive something, but we did have them informally present to us. We had a good dialogue and gave them general feedback. They will be coming back to see us. We'll go from there on the comments on the architectural stuff.

But they are going to come see us next month I think we're planning on. So we have no official feedback yet.

I guess one general comment now we're talking about sidewalks. I do like the way this is connecting out to the front. And it just seems like it is a long walk back and doesn't give us any options, but I guess if we -- if we make it in off the street and we're connected here (indicating), there is no reason you guys didn't put any sidewalk through the other island?

DAVID COX: No. The -- it doesn't show up too well on this plan, but the -- the -- it comes up to tie into this sidewalk (indicating) which then gets you to go in any of these directions and this sidewalk continuing along this way. This is the bio retention area. We did not continue the sidewalk through there (indicating).

MATT EMENS: Got you. Okay. Yep.

JOE DEFENDIS: Drawings look good. Only question is actually on building, the pitch on the roof is 4 on 12. Haven't seen that in years.

Is that the standard height restriction?

MR. GARTLEY: We can adjust that. I just have to look at the code. But I will take a look at that in the code and I believe 4 on 12 is --

JOE DEFENDIS: I just haven't seen it.

MR. GARTLEY: The reason we did it, the height -- we're trying to maintain the lower height of the building for the zoning requirement. It is 42' 6" right now with a 4 on 12.

DAVID CROSS: Any questions from the side table?

ERIC STOWE: Mine would just be a condition to review the access easement that is proposed for that sidewalk.

Your townhouses are owner-occupied, right?

DAVID COX: Rentals.

ERIC STOWE: I misunderstood. Okay. That answers my question.

PAUL WANZENRIED: So did you say you have your traffic studies at the DOT right now --

DAVID COX: Yes.

PAUL WANZENRIED: -- being reviewed?

DAVID COX: Hopefully being reviewed.

PAUL WANZENRIED: So we don't have the outcome of that?

DAVID COX: From the DOT, no.

PAUL WANZENRIED: Okay. So in the previous application, there was an access to Paul Road and then there was talk of a light. I'm sure that will be part of the DOT discussion?

DAVID COX: They will be reviewing that.

PAUL WANZENRIED: Just so the Board is aware of that. We have talked about it at DRC, but I don't know if they're aware of it. A lot hinges on that DOT finding.

MR. SUDOL: I was involved in the traffic study. But to Paul (Wanzenried)'s point, when the application was brought before the Town originally, there was contemplation of cross-access agreements and easement that came through this area here (indicating). In exchange for the easement, a signal light was going to be constructed over here (indicating). That agreement has since -- no longer in place. We actually normally wouldn't have even done a new traffic study because we're reducing the amount of commercial square footage from what was originally approved, which was 53,000 square feet to now we're under 38, or around 38,000 square feet. So we had a pretty significant 25 percent reduction, but because this cross access was eliminated, that triggered the need to do the updated traffic study.

What the updated traffic study found and what we found is that we would require installation of a left-hand turn lane at our access point. So the result of eliminating the cross access is now our traffic comes out through here (indicating) and causes us to have to put in that left-turn lane. That's how that all came about.

PAUL WANZENRIED: Was -- did you have any conversation with M & T about extending that sidewalk northwest as it is, I guess?

MR. SUDOL: Here? We wouldn't be opposed to them extending it at all. I know Jack (Howitt) spent a lot of money when he did the original Greenwood development and put a sidewalk in along the entire length of his frontage to allow for M&T or any other future user to continue to close some of the gaps, but we have not had specific conversations with M&T.

PAUL WANZENREID: Just been migrating the sidewalk from Archer. How it's --

MR. SUDOL: We put it along our entire frontage, which we think is pretty fair.

PAUL WANZENRIED: We're just trying to push it further to the west.

MR. SUDOL: Got you.

MICHAEL HANSCOM: I don't have any additional comments at this time, but it would be helpful if you could provide a copy of that traffic study to the Town for the records.

DAVID COX: Absolutely.

DAVID CROSS: Thanks, Mike (Hanscom).

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

COLETTE GENOVESE, 28 Mia Terrace

MS. GENOVESE: I live at Greenwood Townhomes, 28 Mia.

Just wondering, is the parking for the apartments under the building or is it outside parking?

DAVID CROSS: All outside parking.

MS. GENOVESE: Oh, it is. That is what I heard before. That is all I needed. Thank you.

David Cross 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.

DAVID CROSS: Same with previous application. We went through preliminary tonight. There is still a lot of items to discuss.

From an engineering perspective, I think we can get there, but we all feel comfortable with one additional meeting.

PAUL WANZENRIED: Out of curiosity, if they do go that route, when would you think of coming back?

DAVID COX: Next month.

MR. SUDOL: Assuming we have County DOT comments by then.

PAUL WANZENRIED: Right. But next month?

DAVID COX: Uh-huh.

PAUL WANZENRIED: Okay. Thanks.

MR. GARTLEY: Is there a December meeting if we don't have the comments?

PAUL WANZENRIED: There is a December meeting, but if you guys don't come back, I might not have a November meeting, so...

MR. GARTLEY: Got you.

PAUL WANZENRIED: That is why I had to figure that out.

MR. GARTLEY: Fair enough.

David Cross made a motion to declare the Board lead agency as far as SEQR on the Special Use Permit, 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.

DAVID CROSS: You want me to vote on both for SEQR?

ERIC STOWE: The same -- 3 and 4 would be one SEQR determination.

DAVID CROSS: This is SEQR for both Applications 3 and 4, Special Use Permit and preliminary site plan.

The Board all voted yes on the motion.

DAVID CROSS: Special Use Permit. I don't have any conditions.

Does anyone have anything at this time? I will read through the preliminary site plan conditions I have at this point.

Conservation Board, have you been there?

DAVID COX: I have not been there.

PAUL WANZENRIED: Where?

DAVID CROSS: Are they going to the Conservation Board, Paul (Wanzenried)?

PAUL WANZENRIED: They did. Well, let's say the Conservation Board looked at the drawings.

DAVID CROSS: Okay. We'll say this. The Planning Board affirms the recommendation of the Conservation Board for the landscaping plan to request that the applicant comply with the recommendations.

Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the landscape architect certifying that the approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan.

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

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

Applicant shall comply with all pertinent Monroe County DRC comments.

Copies of all easements associated with this project, particularly the sidewalk, shall be provided to the Assistant Town Counsel for approval and all filing information shall be noted on the mylars.

Applicant shall submit building design elevations to the Architectural Advisory Committee for the review and recommendation.

This should be done by final approval.

Right, Matt (Emens)?

Planning Board affirms the recommendation -- well, I will -- we're going to wait on that for final.

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

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

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

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

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

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

And applicant to -- well, Traffic Safety Committee, do they -- do they get a look at it, do you know, David (Cox)?

DAVID COX: They have not looked at it yet.

DAVID CROSS: Well, they will take a look at it.

I will say applicant to comply with all recommendations of the Traffic and Safety Committee.

We addressed the sidewalk easement.

Any additional conditions at this point?

MATT EMENS: Fire Marshal comments.

DAVID CROSS: Got the Fire Marshal in there, yep.

Any additional discussion before we vote?

Motion for a vote on the application?

ERIC STOWE: Can we clarify again, that it is the Special Use Permit only with no additional conditions?

DAVID CROSS: Special Use. Yeah. I'm sorry. This is for Application 3, Special Use Permit, no conditions.

ERIC STOWE: Okay.

GLENN HYDE: Second.

The Board was unanimously in favor of the motion.

DAVID CROSS: Application 4 regarding the preliminary site plan, I make a motion to --

ERIC STOWE: That is with the conditions you previously read?

DAVID CROSS: Correct.

GLENN HYDE: Second.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 5 yes with the following conditions:

1. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. 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.
7. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation. This should be done by final approval and in most cases completed by preliminary.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Pending approval of the Zoning Board of Appeals of all required variances.
11. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
12. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
13. Any signage change shall comply with Town Code, including obtaining sign permits.
14. Applicant to comply with all recommendations and conditions of the Traffic & Safety Committee.

DAVID CROSS: Last order of business, approval of the meetings minutes from September 10th. I didn't see a copy. We are waiting on receiving the meeting minutes until we vote on them, September 10th meeting minutes.

The meeting ended at 8:05 p.m.