

CHILI PLANNING BOARD  
December 10, 2019

A meeting of the Chili Planning Board was held on December 10, 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 Michael Nyhan.

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

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

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

**INFORMAL:**

1. Application of Howitt-Paul Road LLC, owner; 758 South Avenue, Rochester, New York 14620 for final 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.

MICHAEL NYHAN: At the request of the applicant, that has been tabled until further notice.

**DECISION:** Tabled at the applicant's request until further notice.

**PUBLIC HEARINGS:**

1. Application of The Astral Studio, Pia LoRusso; property owner: Chili Fire Department, 3231 Chili Avenue, Rochester, NY 14624; for preliminary site plan approval for a change of use to allow Beauty Shop (formally professional office) at property located at 3225 Chili Avenue, Rochester in GB Zone.

Pia LoRusso was present to represent the application.

MS. LORUSSO: Hi. I'm Pia LoRusso, the owner of the Astral Studio. I'm here to get a change of use.

MICHAEL NYHAN: Can you explain the nature of the business and what you intend to do in the business?

MS. LORUSSO: It will be an eyebrow sculpting studio and a yoga studio.

MICHAEL NYHAN: Okay. You have a floor plan for the building?

MS. LORUSSO: I do.

MICHAEL NYHAN: Is that different than the one you originally submitted, or was that the original submission?

MS. LORUSSO: Say that again.

MICHAEL NYHAN: Is that the one you submitted with your application?

MS. LORUSSO: It is.

MICHAEL NYHAN: Is that the most final one you're working from?

MS. LORUSSO: Yes.

MICHAEL NYHAN: I thought there might have been a different one.

MS. LORUSSO: That's the one -- there's a reception waiting room.

MICHAEL NYHAN: Dated November 4th, 2019, in the package?

MS. LORUSSO: Yes.

MICHAEL NYHAN: You have a waiting room, reception area, back room and two offices?

MS. LORUSSO: That's right.

MICHAEL NYHAN: Are those offices or treatment rooms?

MS. LORUSSO: Treatment rooms.

MICHAEL NYHAN: Treatment rooms. Okay.

Is one for nails and one for yoga?

MS. LORUSSO: They're both for eyebrows.

MICHAEL NYHAN: Sorry. Eyebrows.  
MS. LORUSSO: The storage area in the back will be a small little yoga studio for one or two clients.  
MICHAEL NYHAN: So there won't be a storage area there then?  
MS. LORUSSO: Correct.  
MICHAEL NYHAN: Okay. As we move forward, one of the conditions we'll make is that you provide a final build-out floor plan for the -- with the Building Department for the appropriate sizes and dimensions and the names of what each of those locations will be used for like "yoga," "eyebrow studio."  
MS. LORUSSO: Okay.  
MICHAEL NYHAN: Any other information you would like to provide?  
MS. LORUSSO: No.  
JOHN HELLABY: Do you presently operate an operation similar to this or is it a new venture?  
MS. LORUSSO: New venture.  
JOHN HELLABY: You have never done it before?  
MS. LORUSSO: Never. I have worked in the industry for eight years and in August I graduated from an advanced yoga teacher training, so I have over 600 hours. I -- yeah.  
JOHN HELLABY: According to the engineer's comments, it looks like the parking is adequate. I guess I -- I'm not 100 percent of the answer, but are there any wall -- interior wall modifications being done or is this the actual floor plan?  
MS. LORUSSO: That's the floor plan.  
JOHN HELLABY: Basically as Mike (Nyhan) alluded to, we need dimensions and labeling. That's all I got right now.  
MS. LORUSSO: Yeah.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any other Board discussions? Any conditions?  
JOHN HELLABY: The only -- the only condition I would like to see, if it is not on your standard condition list, is that no neon lights or flashing lights in the window which has become pretty much standard.  
MICHAEL NYHAN: Is that in the code, Paul (Wanzenried), required for a condition? They're not allowed to have it?  
PAUL WANZENRIED: Is it required for a condition?  
MICHAEL NYHAN: It is not required for a condition. No, no.  
PAUL WANZENRIED: But it is part of the sign code.  
MATT EMENS: It is part of the zoning law.  
PAUL WANZENRIED: That's correct.  
MICHAEL NYHAN: You don't sell any merchandise, correct?  
MS. LORUSSO: Um --  
MICHAEL NYHAN: You're not selling any merchandise?  
MS. LORUSSO: No.  
MICHAEL NYHAN: So I think the sign -- the enforcement can be handled through the Building Department.  
For conditions, I have the Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.  
Monroe County comments on this? No.  
MATT EMENS: Not this one.  
JOHN HELLABY: No.  
MICHAEL NYHAN: Building permit shall not be issued prior to the applicant complying with all conditions.  
Application is subject to all required permits, inspections, code compliance regulations.  
Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.  
Any signage change shall comply with Town Code, including obtaining sign permits.  
And submit a final floor plan for review and approval to the Chili Building Department and the Chili Fire Marshal.  
Any other conditions?  
MATT EMENS: SEQR.  
MICHAEL NYHAN: Thank you.

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

MICHAEL NYHAN: On motion for application with conditions stated, application of The Astral Studio, Pia LoRusso; property owner: Chili Fire Department, 3231 Chili Avenue, Rochester, NY 14624; for preliminary site plan approval for a change of use to allow beauty shop (formally professional office) at property located at 3225 Chili Avenue, Rochester in GB Zone.

Are we waiving final on this?

JOHN HELLABY: I would.

MICHAEL NYHAN: Paul (Wanzenried)?

PAUL WANZENRIED: (Indicated non-verbally.)

JOHN HELLABY: Second.

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

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
  2. Building permits shall not be issued prior to applicant complying with all conditions.
  3. Application is subject to all required permits, inspections and code compliance regulations.
  4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  5. Any signage change shall comply with Town Code, including obtaining sign permits.
  6. Submit a final floor plan for review and approval to the Chili Building Department and Chili Fire Marshal.
2. Application of Palmer Food Fuel Station, property owner Palmer Food Services, 900 Jefferson Road, Rochester, NY 14623; for preliminary site plan approval of a fuel station project per plan submitted, at property located at 171 Weidner Road, Rochester, NY 14624, in GI Zone.

Ed Parrone, Mike Vernille, Jeff Mrazek (phonetic) and Mike Yager were present to represent the application.

MR. PARRONE: My name is Ed Parrone from Parrone Engineering here on behalf of Palmer Foods. Along with me this evening is Mike Vernille, who is the Facilities Manager for Palmer Foods, and Jeff Mrazek (phonetic), who is really the individual that has been doing work for the fueling station.

Along with me is our Project Engineer, Mike Yager, and he is going to be my Vanna White so I can point to the map that is up on the wall there so that we have a better understanding.

Basically, what we're looking for tonight is preliminary and final site plan approval for the fueling station. And before you -- those of you that are not familiar with this site, this site is located on the eastern border -- I'm sorry, yes, on the eastern border of -- of Scottsville Road and Widener Road is on the north end of it. And it was originally done and approved back in 2001 as Empire Beef's distribution and meat -- meat distribution area.

Subsequent to that time, the Palmer Foods folks have purchased this building and have been operating it for the last few years as a distribution center. And in addition to that, they have also been storing some of the Wegmans trailers at -- overflow of their trailers.

But specifically the project is -- what we have before you right now is the installation of a 20,000 gallon steel-walled fueling -- fueling tank for trucks.

In addition, a 1,000 gallon steel tank that is for fuel for the refrigeration and the tractors -- refrigerant for the tractors.

And the last one is a 600-gallon tank that is used for diesel fuel additives. They're in a row.

They're located -- if I could -- Mike (Yager), point it on the site plan, to the front of the site. It's tucked in where you -- where the original concrete storage area of tractor-trailers are located and they are positioned in such a way -- because they were installed and unbeknownst to the client at the time, there needed to be site plan approval -- that is why we're here before you this evening.

There will be need to be a variance for two of the tanks. One tank, the 20,000 gallon tank is 64 feet from the right-of-way line and it needs to be 75 feet. And the one 1,000 gallon tank is 70 feet from the front right-of-way line and it needs to be 75 feet.

We're scheduled to go before the Zoning Board of Appeals next week for that particular variance and in addition to that, the applicant has added additional parking along Widener Road that Mike (Yager) is pointing to at the far eastern end. That now -- it used to be there was some green space there. To add for more parking, we have added 42 spaces. What does that mean? The total allowed -- or the total proposed parking that is there on-site today is now 278 with those 42 spaces.

Again, we're looking for a variance for that because those parking spaces were built in the

front yard. We think that -- this road is really a dead-end road. There is only one other applicant on it and it happens to be a contracting company that is at the other end of this road so we don't see that as a major issue.

And we fall within the -- the variance which was granted back in January of 2001 for parking. I believe there was a little more than 470 spaces that were necessary. A variance was obtained for less parking than we're showing today, so we really have reduced that zoning variance, if you will.

If I could, as far as how the fuel will be dispensed, um, you will come into the -- the vehicles will come in from -- let's say either from the south or the north end of Scottsville and Widener Road. They will come into the first driveway and Michael (Yager) will show you -- it is on the drawing, of how the truck -- tractor-trailers will actually loop in, come around and fuel and loop back and go around the building and back out to Widener Road and then back out to Scottsville Road, whether it be a left or a right-hand turn.

The -- the open concrete area in the front of the building will still be for trailer storage for Wegmans Food, and there is about 26 spaces that will be in that location.

The last item we're going to be adding to this is originally the applicant was looking at using bollards for protection against the tanks. The -- the bollards have since been -- we have requested it be a guard -- an actual guardrail that protects them. The Town Engineer has no issue with that, as pointed out in his letter. However, we do have to make sure that that guardrail will -- can withstand the impact of 12 -- 12,000 pound impact because that is part of the requirement of the code requirements as it relates to above-ground tanks.

All of the tanks will have spill protection or -- or a dike, if you will, that will not only handle 20,000 gallons, let's say -- for example, a 20,000 gallon tank has the capacity in its dike area of 25,000 plus gallons, which means it can handle all of the spill of the tank plus it can handle any residual rain that might fall during that period until it is pumped out.

The same is true with the 1,000 gallon tank. That I think has 12,000 -- 1257 gallons of storage for that area, and there are also rain protection guards for the -- for the tank installations, as well.

Um, as far as anything else relative to the project, basically everything else will remain the same. Nothing will change on that site. And as I said, we are looking for preliminary and final site plan approval this evening. If it is the Board's wishes. And we'll be more than -- one other thing, in receiving Mike (Hanscom)'s letter dated the 5th of the -- the 5th of December, um, all of those comments -- some of those have already been addressed and most of those comments are technical and we can certainly address all of those -- those seem not to be a very big issue.

So with that, I will close our presentation and be more than happy to answer any of your questions. And if I can't, some of the operational questions I will turn to Mike (Vernille) to make those comments.

MICHAEL NYHAN: Thank you.

MR. PARRONE: Thank you.

MATT EMENS: Ed (Parrone), under the Lu Engineer letter, the biggest one that jumps out is the -- the DEC, the tank registration form and the spill prevention counter measurement control plan.

MR. PARRONE: We do have a Spill Prevention Plan already prepared and it's part of their documents and we will provide that to the Town Engineer.

And as far as the other form, that will be handled, as well. We do have a plan already completed.

MATT EMENS: When did that work begin? It look like maybe this summer is when the installation --

MR. PARRONE: It was in the late summer, early fall. There is nothing in the tanks. There is no fuel, nothing.

MATT EMENS: That's not in use?

MR. PARRONE: It's not in use. Paul (Wanzenried) made sure of that.

MATT EMENS: You're going to prove, like you said earlier, that the --

MR. PARRONE: We have to prove that the guardrail will withstand a 12,000 pound impact.

MATT EMENS: Okay. And then I guess the other one, too, it might roll back to the DEC comments or similar to them. I don't know if it is exactly the same, but County Comments -- did you see those two?

MR. PARRONE: Yes. We have no issues with those either.

MATT EMENS: Okay. That's all I got right now.

JOHN HELLABY: You say there is no issue with the County Comments, so I assume you do not require an Article 24 submission?

MR. PARRONE: We do not.

JOHN HELLABY: All right. One of the big questions is why is it in that location? Looking at it after the fact, why was it not somewhere out behind the building?

MR. PARRONE: Mike (Vernille) can expound on this, but in our discussions with Mike (Vernille), it was the prime location as far as movement -- ease of movement of their vehicles in and out of the facility. Because there are times where there will be trucks that are stacked and this affords them enough opportunity to stack.

Mike (Vernille), maybe you can speak.

This is Mike Vernille from the Palmer Foods.

MR. VERNILLE: Let me -- if I could show you on the print itself, so where the tank is,

once they fuel up, they -- they will come around and -- this is where we load at night (indicating). So instead of them driving all of the way around the building -- that is where it made most sense. You know what I'm saying? So this was -- we thought about putting it back here (indicating), but just didn't work out. That is why it ended up there.

JOHN HELLABY: I do know you have an awful lot of landscaping on this front --

MR. VERNILLE: We have a lot of pine trees.

JOHN HELLABY: Can you see the tank from Scottsville Road?

MR. VERNILLE: In some spots you can. If you're coming from the expressway and up that way, you can.

JOHN HELLABY: The driveway?

MR. VERNILLE: Yes. We do plan on doing -- adding landscaping to it, as far as trees, shrubbery -- trees, whatever it takes. But there is a couple open spots that you can see the tank.

MR. PARRONE: That is certainly something we can add if the Board seems fit to do that. There was landscaping out there now as we all know, but if there needs to be more, we're more than willing to add that.

JOHN HELLABY: The County Comments, it also states that Monroe County Pure Waters is looking for a formal plan -- final formal plan. I would assume that was --

MR. PARRONE: That is the Spill Prevention Plan.

JOHN HELLABY: Is that sheet-drained up there or is there actual catch basins?

MR. PARRONE: The concrete -- that concrete system has a storm drainage system to it. It goes to a storm water management facility located in the corner of the property to the far eastern end.

JOHN HELLABY: You have an oil interceptor in it? Does it have an oil interceptor in it before it goes out there?

MR. PARRONE: Not into the storm water management facility, no, it does not. It does not. I think the Spill Prevention Plan is one of the major things that they need to have in their -- in their hands.

JOHN HELLABY: All right. That is all I have right now.

MICHAEL NYHAN: So what are the requirements for landscaping -- he is to provide a licensed landscape architect --

MR. PARRONE: Which we have on staff.

MICHAEL NYHAN: -- to our Conservation Board for review and recommendation or 1 percent of the project to the Tree Planting Fund. It sounds like you will add additional landscaping in that amount? Mike (Vernille)?

MR. VERNILLE: Oh, yes.

MR. PARRONE: Yep.

MR. VERNILLE: Definitely.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: The engineer's letter will tell them what they need to do before they move forward with anything else as far as the use of that facility.

DRC, final and I'm comfortable with the Building Department and Engineer, as well, because of technical issues.

JOHN HELLABY: Fire Marshal comments on this?

PAUL WANZENRIED: He has reviewed it. He is all right with it.

JOHN HELLABY: All right.

MICHAEL NYHAN: So I think we're going to be asking for final and preliminary on this. I will make it a condition it goes in front of the fire safety code.

MATT EMENS: I think just to add onto the landscaping condition, it should be agreed upon, I guess, the best location for that new landscaping to help with the screening, not just placed on-site.

MR. PARRONE: Right. Our landscape architect will make sure of that.

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

MICHAEL NYHAN: For conditions of approval, I will read off the conditions of approval and let met know if you want to add anything to this.

Provide an updated application with notarized owner's signature.

The applicant shall supply a landscape plan drawn by a licensed landscape architect along with the required checklist of the Conservation Board for review and recommendation to provide screening at the site.

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

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

All -- applicant shall comply with all pertinent Monroe County Development Review Committee comments.

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

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

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

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

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

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

Applicant to provide a copy of the tank registration form submitted to the DEC or the Chili Building Department and Chili Fire Marshal.

The applicant to provide a spill prevention counter measure and control plan to the Chili Building Department and the Chili Fire Marshal.

Submit an as-built installation detail for the existing structure and concrete pad tanks -- in the concrete pad that the tanks are sitting on.

Any other conditions?

PAUL WANZENRIED: Did you get, get a building permit?

MICHAEL NYHAN: I did.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: With those, application of Palmer Food Fuel Station, property owner Palmer Food Services, 900 Jefferson Road, Rochester, NY 14623; for preliminary site plan approval of a fuel station project per plan submitted, at property located at 171 Weidner Road, Rochester, NY 14624, in GI Zone.

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

1. Provide an updated application with notarized owner's signature.
  2. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and recommendation to provide screening of this site.
  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. Building permits shall not be issued prior to applicant complying with all conditions.
  7. Applicant is subject to all required permits, inspections and code compliance regulations.
  8. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  9. Pending approval of the Zoning Board of Appeals of all required variances.
  10. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
  11. Any signage change shall comply with Town Code, including obtaining sign permits.
  12. Provide a copy of the tank registration form submitted to DEC to the Chili Building Department and Chili Fire Marshal.
  13. Provide the spill prevention countermeasure and control plan (SPCC) to the Chili Building Department and Chili Fire Marshal.
  14. Submit as-built installation detail for the existing structure and concrete pad tanks are sitting on.
3. Application of John P. Gizzi, property owner, 123 Stony Point Road, Rochester, NY

14624; for recommendation to rezone approximately 2.20 acres from R-1-15 residential to GB (General Business) at property located at 4423 Buffalo Road, North Chili, NY 14514, in R-1 zone.

Chris Schultz and Joe Gizzi were present to represent the application.

MR. SCHULTZ: Good evening. My name is Chris Schultz. I'm here with Joe Gizzi for this application.

I'm sure everyone has probably had a quick look at the concept plan. What we're looking for is recommendation to rezone 2.2 acres. This is Buffalo Road here (indicating). This is Attridge (indicating). This (indicating) is an existing professional office building also owned by the Gizzis to the east and adjacent to the site.

Currently, as mentioned, this is R-1-15. We're looking to go to General Business, the same zoning as what is adjacent.

The idea with this is we -- we would be constructing a one-story building, parking line up, access directly across from the development to the north. We can meet all of the required buffers associated with being adjacent to residential properties. It also works out nice. We'll be able to extend and link the parking lots which would help with emergency access through and around the building.

The site should work for all required setbacks, number of parking spaces, and we even have a -- an area in the back corner for storm water detention. This is just a concept plan from a standpoint of what we would like to do.

The building itself will be a duplicate -- very similar to a building that was recently constructed by my clients in the Town of Gates, 2997 Buffalo Road, right next to the Bill Gray's. There is a building similar to this. That site -- that -- that site was long and narrow. The building was turned 90 degrees. If you take a look at that building, you will see the scale and what it looks like. A very nice-looking building.

I actually do have some -- we can pass these guys out. I don't know if I included these or not, but this was the building that was put up down -- again, one-story, nice hip roof, done very well. And the idea is it worked well; why change it? We'll do the same type of building, bring it down here.

So this is our first step with the Board to look it over to see if the Board feels strongly and would allow a recommendation to the Town Board and we would make application at that point. And then obviously produce full site plans for review and approval to proceed with the rezoning.

MICHAEL NYHAN: So is this building -- current building on Buffalo Road you're showing us the same size as the one you depicted on the drawing there?

MR. SCHULTZ: I believe depth-wise it's exactly the same. I believe the one in Gates may be 10 feet wider, but of the same mass. So we're probably 2 -- 220, 230 wide. You think the one down by Bill Gray's is maybe 250 foot wide. But again, this would fit the site and we -- we meet the required setbacks.

MICHAEL NYHAN: What is the intended occupancy for this building?

MR. GIZZI: Right now just kind of a concept of retail, hair salon, maybe a small deli, a restaurant. Mixed use pretty much.

MICHAEL NYHAN: Okay. Anything else?

MR. SCHULTZ: No. This is basically first step. We had an opportunity to get out and do topography. Utilities out there. We have sewer, water everything available. A good place to discharge our storm water. So it looks like a very viable site for development.

MATT EMENS: So General Business, um, to -- to go to General Business from the residential, in the orientation of this lot, um, it seems to be maybe a big -- a bigger jump that is necessary. So I'm wondering if you guys had contemplated any of the other districts or a different -- other than General Business, something that is a little more, you know, in tune with the residential area there. Because that part is really starting to transition out of business, right, and into the residential? I think that that lot -- like you said, you kind of have done a nice job of creatively placing a building on here that I think could work. I guess the bigger concern is, that it is really tucked more into the neighborhood and out of the neighborhood; whereas, the existing lot and building you guys own is kind of an island almost, or a peninsula kind of at the end.

So I'm just wondering if you guys would consider or had considered something a little -- like a little less of a jump with Restricted Business.

MR. SCHULTZ: And again, they wanted to go to the General Business so they could basically have a successful building. Um, right now, you -- there is a lot of vacant space, commercial space in the area. Certainly with this zoning district, it would open up to many more potential clients.

The existing office building, um, to the east is actually -- I'm really familiar with it. I -- my daughter's pediatrician was there. So, you know, 25 years ago, I was in that building all of the time. They have since then moved out.

So -- but having these two buildings linked with the same type of available uses can only help out. What we did do, though, is we -- we ensured -- we met the code with the required 30 foot buffering all of the way around so that you do have a nice separation from the residential.

The site itself, is very deep. It drops off quite a bit in the back corner here (indicating). But, you know, from the impact to the -- to the residents, the building itself is pretty much lined up with the houses. So you're not getting a development that is out back that is basically something that is going to be an eyesore. You will have the entire west line landscaped to the

satisfaction of the Board. So there is always the issue when you jump between districts, but from the standpoint of what you really have across the street, very heavy commercial, this would represent a transition, a buffer that actually was -- wasn't created at the time when this first building was done many years ago. I think if it was done right and planned out, it won't be such a drastic jump between uses.

MR. GIZZI: The other thought, too, is that there is not a lot of new retail in that part of Town, in North Chili. It is pretty much old, existing retail that is kind of run down. Our thought is that this concept would work well out there. And I own the plaza just east of that, where Salvatores is, and we're fully occupied now. And I'm definitely off the beaten path much further out than this building would be.

Um, you know, so with the senior living that is across the street, there is definitely, I think, you know, the need for this type of -- these types of buildings with -- with, you know, mixed-use-type tenants. Typically, these service the people that live in the area is what I found works successfully in my building that's on Buffalo Road. Typically people that are looking for, you know, pizza, a hair salon, a tanning salon, things like that. Typically people aren't going to come from Greece or Henrietta to visit these -- these locations. So you really need to put the tenants in there that will service people that live in the surrounding area.

MATT EMENS: I think that is a great point. If you look at the zoning code -- I agree with you, but what you're describing is not General Business District. You're actually describing either Neighborhood Business District or Restricted Business. So -- so I think what I was getting at is I agree what you're saying, the uses you're talking about, um, fit into those other ones.

Where General Business is really, you know -- it's literally defining -- the purpose of the District is to make provisions in the Town for larger concentrations of retailing and service activity in the form of unified shopping centers. That is really what is happening further back where that is General Business and transitioning into that residential area I think you -- you're going to still see if you look at that zoning code a lot of uses or types of things you're trying to put in there are going to fit in these other districts. I think that I -- that really softens this idea of taking it from residential to business. So that is all I have right now.

MICHAEL NYHAN: That is the whole purpose of the Restricted Business, is to transition from Residential to General Business. You do have residents, you know, on the two sides of that piece of property. I don't have the code in front of me that outlines the Restricted Business.

Does the Restricted Business and Neighborhood Business conform to what they're proposing to do? Or do they -- to the con --

MATT EMENS: I see everything Joe (Gizzi) listed off there -- I won't say everything is there, because it's not my job to confirm everything is there, but I think they should take a look at it because the majority is in there and the Neighborhood Business District, the first permitted use is any permitted use in the RB District, which is the Restricted Business you're referring to. I don't have Restricted Business printed out here.

MICHAEL NYHAN: While we understand your intentions to build, we have to look at this with the most intense you can put in there should things change down the road. That is why we're very concerned about going from Residential to General Business.

MR. SCHULTZ: Absolutely. The purpose of the meeting is to kind of hash things out like this and certainly we'll take a look at it and if the uses that are proposed do fit in, you know, obviously that would be a fine recommendation to go through.

I'm assuming any type of professional office use is allowed in a neighborhood?

MATT EMENS: Yes.

MR. SCHULTZ: Typically doctors and dentists and all that good stuff?

MATT EMENS: Yes.

MR. GIZZI: Is retail also allowed in that zoning?

MR. SCHULTZ: Neighborhood Business would allow all sorts of retail?

MICHAEL NYHAN: Do you have the code that lists all of the -- I don't have it with me. Paul (Wanzenried), do you have the code?

PAUL WANZENRIED: You want me to read you the code?

MICHAEL NYHAN: I could read it myself if you would like.

PAUL WANZENRIED: Which district would you like to start with?

MICHAEL NYHAN: The question is, does -- does what they're proposing and what they intend on doing conform to the restricted or Neighborhood Business zoning? That is my first question.

The second question is, Eric (Stowe), could we switch that tonight at this meeting that -- as the application so that when the Town Board gets it, they will have the updated request?

ERIC STOWE: So 500 sub -- 500-80A says that if the Planning Board deems advisable, it may recommend that the area under consideration for amendment be enlarged or diminished or reclassified as a district other than a district originally initiated.

MR. SCHULTZ: That's a yes.

MICHAEL NYHAN: So we can make that recommendation to the Town Board?

ERIC STOWE: Correct.

MICHAEL NYHAN: While Paul (Wanzenried) is looking that up, we'll continue on with any questions.

PAUL WANZENRIED: I have your answer.

MICHAEL NYHAN: You have the answer?

MR. SCHULTZ: He is fast.

JOHN HELLABY: Go ahead.



MICHAEL NYHAN: He is on it tonight.

You're on it.

PAUL WANZENRIED: GB would allow a greater variety of retail, okay? That's all. You -- there are retail aspects to the NB that are allowed. Grocery stores, um, up to 2500 square feet. Barber shops, beauty shops. Dry cleaners. Schools for dance, music. Bakeries, butcher shops, pizzerias, delis, gift, coffee shops, ice cream parlors. Neighborhood pharmacies. That is in NB.

It's far more restricted when you get down into RB. So based on what they're talking --

MR. SCHULTZ: Can you do like a diner or something like that in neighborhood?

MICHAEL HANSCOM: Coffee shops and ice cream parlors. Delicatessens. Pizzerias.

MR. SCHULTZ: So a Starbucks type of thing but not a sit-down --

PAUL WANZENRIED: You -- you probably could if you went the route of a Special Use Permit. You have a clause of uses.

MR. SCHULTZ: Who knows what tenants will come in. It would be a shame to have someone come in and want to do something right there, especially with the proximity to the senior development across the street and not be able to put up a lunch counter.

PAUL WANZENRIED: If you go GB, you get the NB. If you go NB, you get the RB. RB stands alone.

MICHAEL NYHAN: Exactly. It's the General Business being the most intense use. So that is why we're questioning it.

MR. SCHULTZ: And certainly, the site itself, limits what you could do under the GB. You know, the site is only 2.2 acres as far as being a plaza-wise. We have seen it in other towns where you do a nice, new building and the existing tenants that are not happy with their space will move and migrate and it will force their landlord to put some money in their space to clean it up to be competitive again and we're hoping this would maybe spur a little bit of investment in the immediate area.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: If the Board's concern is the -- for lack of a better word the "barrier" between this proposed development and the residential, the -- the side yard and landscape requirements are the same throughout all districts when abutting an R district.

MICHAEL NYHAN: Okay. Thank you.

JOHN HELLABY: Um, is there presently a house and a garage sitting on that property? Is that gone?

MR. GIZZI: We took it down. It was in pretty rough shape.

JOHN HELLABY: I guess the only other thing I got is regardless of which way this goes tonight, I would anticipate if it moves forward in final site plan or whatnot, that you have some substantial screening in these 30 foot buffers between you and the neighbor.

MR. SCHULTZ: Absolutely.

PAUL WANZENRIED: It's a 60 foot setback. 30 which needs to be densely landscaped.

MICHAEL NYHAN: You are the owner of the adjoining property or is it the family that is the owner?

MR. GIZZI: I am.

MICHAEL NYHAN: So you own the professional building?

MR. GIZZI: My brother and I do, yep. We -- we recently purchased that and that is professional space. That's a tough -- it's been a real tough one to get tenants for. Professional space is not easy right now.

MICHAEL NYHAN: Okay. How much space do you have between the -- you see where your current landscape buffer ends for the proposed piece of land and then if you go to the east to the professional office building? How space do you have --

MR. SCHULTZ: These buildings (indicating)?

MICHAEL NYHAN: How much space between the residential --

MR. SCHULTZ: Here to here (indicating), 60 foot. This is 30 and then 30 (indicating). And between these two buildings it's another probably 40 feet.

MICHAEL NYHAN: Residential lot to the south. If you go directly to the south.

MR. SCHULTZ: Same thing here to here (indicating)?

MICHAEL NYHAN: From your current professional building, there is not landscaping at all.

MR. SCHULTZ: Just a little here (indicating) on the edge.

MICHAEL NYHAN: How much land do you have between that and the driveway between residential?

MR. SCHULTZ: Probably 20 feet right now. There is about 20 foot from the edge of pavement to the property line.

MICHAEL NYHAN: Okay. Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BILL SCHMALFUSS: My name is Bill SchmalFUSS, and if I read this map right, my property is right -- right here (indicating), and it will back up to this new proposed thing here (indicating).

I don't care much for businesses being in my backyard, and I don't think if you're honest with yourself, you would care to have one in your backyard either.

But I see there's a buffer there which is what -- consists of what?

MICHAEL NYHAN: 30 foot densely landscaped -- sir. I will go ahead and answer.

A 30 foot -- this is not a final site plan. This is a recommendation as to whether this should be rezoned.

During that site plan approval we would require by Town Code a 30 foot densely landscaped maintained buffer between the less residential properties and the newly zoned property.

MR. SCHMALFUSS: I'm just here to voice my opinion. I not crazy about the idea.

MICHAEL NYHAN: You can ask questions.

MR. SCHMALFUSS: Whether that influences your vote or not, I don't know. But that is where I stand. Thank you.

MICHAEL NYHAN: Thank you.

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

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

MICHAEL NYHAN: Wouldn't be any SEQR. That would go to the Town Board. Additional discussion?

Just one other comment in addition to the Restricted Business being used as a buffer between Residential. In looking at the Comprehensive Master Plan, it outlines future growth of commercial and mixed use to the east of Attridge Road all of the way down Buffalo to Westside and between Attridge and Union Street, but it does not allow anything to the west of Attridge Road where this is being proposed. So those are the two items, I guess, I would raise as we decide what we want to recommend or not recommend to the Town Board for rezoning is -- the two biggest items of Restricted and Neighborhood Business versus General and, you know, looking at the 2030 Comprehensive Plan and what they outlined for what the expectation is for that area.

Any other comments or discussion?

MATT EMENS: Maybe one more question --

MICHAEL NYHAN: Sure.

MATT EMENS: -- for the applicant.

When you bought the lot, was there any consideration to working with the fact that it was residential and possibly subdividing it and building a couple of homes or not really?

MR. GIZZI: Not at the time when we purchased it. We were thinking maybe due to the lack of fresh retail space in the area, it might be a good fit. You know, we put one up in Gates next to Jim and Ralph's and it seems to be leasing out pretty well. We own the (indiscernible) building next to that which we're going to take down in July and build actually the same exact mirror building that on the other side. Clean it up, you know. That property was an eyesore for the last ten years. The property was overgrown and homeowner didn't take care of it. You know, it didn't look very nice. So we purchased the property and knocked the home down and -- with some plans of developing something nice there.

MICHAEL NYHAN: I have listed some concerns of the Planning Board to outline for the Town Board and that is a jump from R-1 Residential to a General Business and the fact the code outlines RB as transition from residential to business, and then for the 2030 Comprehensive Plan, that it outlines the development, additional General Business zoned property to the east of Attridge Road along Buffalo to the Town line and mixed use of General Business single, multi-family residences between Attridge and Union Street.

I will also include the comments we received from the Public Hearing on this.

And anything else that we would want to outline?

JOHN HELLABY: I think we have it covered.

MICHAEL NYHAN: Do we want to make any recommendations as to consideration for any other zoning to this area to the Town Board as far as Neighborhood or Restricted Business? Or Neighborhood Business or Restricted Business?

JOHN HELLABY: I would like to see it, you know --

GLENN HYDE: I would.

MICHAEL NYHAN: All right. Recommendation from this Board to the Town Board is to consider less intensive business use such as Neighborhood Business use; is that accurate?

JOHN HELLABY: Yes.

ERIC STOWE: Give me one second.

MICHAEL NYHAN: Sure.

ERIC STOWE: Just reading the code, "or be reclassified to a district other than the district originally initiated."

So I would think you would need to provide some guidance on what those district or districts would be.

MICHAEL NYHAN: Specifying Neighborhood Business or less intense use as Neighborhood Business; is that clear enough for the code?

ERIC STOWE: Right.

MICHAEL NYHAN: In addition to the concerns and the conformance to the 2030 Comprehensive Plan, which I have already read, I'll also add recommendation from the Planning Board to Town Board for consideration of a less intense zoning use such as Neighborhood Business.

Anything else?

With those recommendations, I make a motion for this application.

JOHN HELLABY: Second.

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

1. Change from R-1-15 to GB. Code outlines RB as the transition from Residential to Business.
2. Mixed use of General Business, single and multi-family residential between Attridge Road and Union Street.

Recommendation from the Planning Board to the Town Board for a consideration of a less intense zoning use such as NB.

4. Application of C&M Forwarding property owner; 45 Jet View Drive, Rochester, New York 14624 for preliminary approval for a subdivision of one lot into two lots at property located at 3457 Union Street, Rochester, New York 14624 in G1 zone.

David Cox was present to represent the application.

MR. COX: Good evening, Board members. I'm David Cox with Passero Associates, the civil engineer for the project.

Before I get started, I will just hand out my response letter to the Town Engineer comments.

MICHAEL NYHAN: So C&M Forwarding, they have been busy at the construction since we got site plan approval and building the site is -- is all finished now and they're actually moving into the building this weekend. So they are very, very excited to take on their new home. The building -- if you haven't seen it, the building looks great inside and outside. It's a sharp-looking site. Everything turned out real, really good.

As part of their financing, it just makes sense for them to subdivide the -- the current lot -- where the building is located from the remaining lands. So where the building is, it's about 30 acres and then the remaining lands is about 48 acres. So just two lots. We have -- as you have seen, we have Town Engineer comments which I have a -- I have addressed those comments. They're very -- pretty technical in nature of just adding some notes or some minor easements and such. So no show-stoppers there. Pretty straightforward and that is all I have for right now. I can take any questions.

MATT EMENS: Just trying to read the -- your response here, David (Cox).

MR. COX: Sure.

MATT EMENS: The first one that jumped out and grabbed me is the comment number 2. It looks like you guys will be revising that to 80 feet?

MR. COX: Yes.

MATT EMENS: That won't preclude you from possibly subdividing again?

MR. COX: Correct.

MATT EMENS: I don't have anything else.

JOHN HELLABY: Are you not required to have a right-of-way for that railroad spur that comes down through there?

MR. COX: No. You don't need a -- you wouldn't need a right-of-way for that. That would just be a private -- private railroad spur.

JOHN HELLABY: Through both pieces of property?

MR. COX: It would be very similar to like the access easement, where there would be an easement over top of it for -- so both properties can use it.

JOHN HELLABY: So there is an easement in place for it.

MR. COX: There will be. The -- that is not built yet. So that will be -- the easement will get put in place if they actually build it. They're still -- it is on the -- if they get enough customers that want rail, they will go ahead and put it in. Right now there is not -- not the need for it.

JOHN HELLABY: That's all I got.

GLENN HYDE: Nothing additional.

ERIC STOWE: Just based on the comments, if we recall the site plan approval condition was that any Phase 2 development, DOT would get a second look at it and may require the loop road. That was a condition of the site plan approval at the time. Paul (Wanzenried) corrected me. That was preliminary on all three buildings. I don't believe for final, for the actual construction of this building, it was in there. But on preliminary for the overall site that was.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Question on the frontage.  
Do they need to abut a street for 40 feet -- does that street need to be a public street? Is that right?

PAUL WANZENRIED: Uh-huh.

MICHAEL NYHAN: Is that street underneath a public street, dedicated highway there?

PAUL WANZENRIED: Loop road is a dedicated road.

MICHAEL NYHAN: Okay. They had to meet that requirement. Thank you.

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

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

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

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

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.

Any Phase 2 development would require a New York State DOT review for -- review and approval.

Any other conditions?

With those conditions then, application of C&M Forwarding, property owner; 45 Jet View Drive Rochester, New York 14624 for preliminary approval with a final for subdivision -- final waiver for subdivision of one lot into two lots property located at 3457 Union Street Rochester, New York 14624 in a GI zone.

JOHN HELLABY: Second.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
  2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
  3. Applicant shall comply with all pertinent Monroe County Development Review Committee Comments.
  4. 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.
  5. Any phase 2 development would require NYSDOT review and approval.
5. Application of Todd Marciano, property owner Steve Balsamo, 8208 East Main Street, Leroy, NY 14482; for preliminary site plan approval for a change of use to allow variety store (formally a florist shop), at property located at 3187 Chili Avenue, Rochester, New York 14624 in the GB zone.

Todd Marciano and Steve Balsamo were present to represent the application.

MR. MARCIANO: Good evening. I'm Todd Marciano. This is Steve Balsamo, my partner.

We submitted application for a variety store for change of use at 3187, east side, connected to Pontillo's. The variety store itself will basically consist of being a smoke shop that consists of your premium cigars, United States vendors and approved products for CBD, kratom-approved vape products, et cetera.

The space itself, there would be no build-out at all. It is just cosmetic, paint, ceiling, clean the floor kind of thing. There would be no power changes or light changes or anything like that.

We feel that there is ample parking shown within the actual drawing there between the front and rear entrance itself. The layout you see that was submitted is basically the layout of the space that we're using. So the office that you see or the bathroom that you see or the entrances all are built in and will stay put as is.

Coincide with the hours of retail businesses local Town of Chili within that area. And that's basically what we're trying to do at this point.

MATT EMENS: The only thing I will say is the -- in your letter of intent, the last page is probably the one that concerns me. There is a lot of signage there. I don't think that will fit in --

MR. MARCIANO: Actually, Paul (Wanzenried) and I talked about that. Because at first it

was -- I was under the impression anything internal to the space was okay. We weren't going to do anything external except maybe a sign to say, "Hey, look," you know what I mean? So -- I mean if that was -- you know, that is totally -- now I understand it. So -- if -- you know. So that -- that was after the fact, before -- after we submitted. So we can table that, you know.

MATT EMENS: It's not part of our approval process tonight, but I wanted to make that comment.

MICHAEL NYHAN: So if the application is approved, we're not approving all of the signage shown on the drawing. You would have to comply with Town Code.

MR. MARCIANO: Absolutely, yes.

MICHAEL NYHAN: So you understand?

MR. MARCIANO: Yes.

JOHN HELLABY: I agree with Matt (Emens), because it mentioned an awful lot of neon here.

Do you guys run another operation somewhere else?

MR. MARCIANO: Yes. We have had a couple. I currently have a -- there is a cigar lounge in Greece, Nick's Cigars, that has been open for the past four years. Wise Guy Smoke Shop right in Gates, 531 Elmgrove Road area. They have since then helped open a second one. So I have been involved with the overall retail side of this type of business for about eight years now.

JOHN HELLABY: Do you carry regular cigarettes or just specialties?

MR. MARCIANO: You know what? We real try not to because from a retail standpoint, it doesn't make -- it's not a very good -- profitable. We would entertain the idea for convenience only, but I mean there is Kwik Fills and Speedways and everybody else that can, you know, take care of that piece of the product. We don't really --

JOHN HELLABY: With all of the talk of regulations and stuff in the vaping industry, I'm surprised anybody is still willing to get into it with all of the unknowns.

MR. MARCIANO: We just recently through conversation that I had with a lawyer, my lawyer, our lawyer, um, the law is, you know -- now that it is 21, there is going to be a 20 percent tax incurred on all vape products plus the 8 percent New York State sales tax and that's how they're going to regulate that now and they changed the age to 21.

So what we're going to be doing is a very smaller percentage of what is regulated within the store. We're -- you know, this -- it is just a multi-retail kind of store. So I'm sure we can spread it out with the stuff that makes sense right now.

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: You said a smoking lounge. This type of establishment, is it permitted to smoke inside?

MR. MARCIANO: Oh, no. We're not doing that.

MICHAEL NYHAN: You're just retail?

MR. MARCIANO: Yes.

MICHAEL NYHAN: No testing, no.

MR. MARCIANO: No, none of that. Nope.

MICHAEL NYHAN: The only one I would add for retail is that there be no outdoor display or sale of merchandise.

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

MICHAEL NYHAN: For the conditions of approval, I have submit final floor plan with dimensions to the Chili Building Department and Chili Fire Marshal for review and approval. Building Marshal.

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

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

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

And any signage change shall comply with Town Code, including obtaining sign permits and no outdoor display of sale or merchandise.

ERIC STOWE: With respect to the code compliance provision, just for clarity sake, compliance with federal, State and County regulations and laws in case they do get involved in that.

MICHAEL NYHAN: So application is subject to all required permits, inspections and federal, State, County and local code compliance regulations.

Good?

PAUL WANZENRIED: Sign permit?

MICHAEL NYHAN: I'm sorry.

PAUL WANZENRIED: Obtain a sign permit?

MICHAEL NYHAN: Yes, I do.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: With those conditions, application of Todd Marciano, property owner Steve Balsamo, 8208 East Main Street, Leroy, NY 14482; for preliminary site plan approval for a change of use to allow variety store (formally a florist shop), at property located at 3187 Chili Avenue, Rochester, New York 14624 in the GB zone.

JOHN HELLABY: Second.

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

1. Submit final floor plan with dimensions to Chili Building Department and Chili Fire Marshal for review and approval.
  2. Building permits shall not be issued prior to applicant complying with all conditions.
  3. Application is subject to all required permits, inspections and Federal, State, County and local code compliance regulations.
  4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  5. Any signage change shall comply with Town Code, including obtaining sign permits.
  6. No outdoor display or sale of merchandise.
6. Application of Thomas Beach, property owner, 2317 Scottsville Road, Scottsville, NY 14546 for subdivision approval of two lots to three lots at properties located at 2321 & 2317 Scottsville Road in AC, FPO Zone.

Thomas Beach and Dave Staerr were present to represent the application.

MR. STAERR: Dave Staerr with Parrone Engineering and I am making application with one of the owners, Tom Beach, for approval of the subdivision on Scottsville Road. Currently it's two parcels of land zoned agricultural. The farm owner would like to sell the farming land to a family member who is actually the person behind or to the northwest. She would retain a 5-acre parcel identified as Lot 1, the center parcel.

Lot 2 would be conveyed -- a portion or an additional two acres of land -- excuse me, additional acre and half of land to go to the parcel that he already has. That parcel is substandard. On the November 26th, we did attend the Zoning Board meeting and were granted the variances for that.

MICHAEL NYHAN: The variances were granted for? I'm sorry?

MR. STAERR: The area. 5-acre minimum. And actually there is a corn crib that will be -- 5 feet to the property line. That was granted, as well.

MICHAEL NYHAN: What about the structure on the property? Was there a variance requested for the --

MR. STAERR: Nothing was.

MICHAEL NYHAN: -- for the 60.2 foot setback on that?

MR. STAERR: There was nothing mentioned. It was a preexisting.

MICHAEL NYHAN: Okay.

JOHN HELLABY: Looks cut and dry to me.

MICHAEL NYHAN: Setback is a preexisting condition?

PAUL WANZENRIED: Yes, sir.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Michael Nyhan 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 John Hellaby seconded the motion. The Board all voted yes on the motion.

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

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

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

Any other conditions? Paul (Wanzenried)? Good?

MICHAEL NYHAN: With those conditions, application of Thomas Beach, property owner, 2317 Scottsville Road, Scottsville, NY 14546 for subdivision approval of two lots to three lots at properties located at 2321 & 2317 Scottsville Road in AC, FPO Zone.

JOHN HELLABY: Second.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

The meeting ended at 8:17 p.m.