

CHILI PLANNING BOARD
March 10, 2020

A meeting of the Chili Planning Board was held on March 10, 2020 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: David Cross, Joseph Defendis, Matt Emens, Glenn Hyde, John Hellaby, and Chairperson Michael Nyhan. Paul Bloser 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.

OLD BUSINESS:

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

Betsy Brugg and Chris Kambar were present to represent the application.

MICHAEL NYHAN: This application has been before us several times. Started quite some time ago, back in 2017, the initial preliminary site plan came in for approval. That was tabled in 2018. That preliminary site plan was approved with conditions and architectural changes and addressed concerns.

In 4 of 2019, the ACC made a recommendation for the proposed building design to the Planning Board to follow the plans that they had presented.

And then 4 of '19, final approval was tabled at applicant's request to address some issues that were raised and some requests that were made at that meeting.

And then 5 of 2019, the application was requested to be tabled until further notice.

You're back here tonight to resume that application. And then just a few other items.

The plaza summary, we did receive -- or we did approve a preliminary site plan approval for the plaza back in 2017 with several conditions. Some of those conditions -- I think most of them have been completed, however, some of them have not.

There were several responses to the Town Engineer and several requests via the Plaza to come in and update their preliminary site plan due to some changes in the plaza.

To date, or back in 2019, we did meet with Parrone Engineering at our DRC. We made several requests, one of which was to contact your engineer to review their site plan with yours because they contradicted each other and we wanted to see that they were in concert with one another when they came back in. They have not been back in and we have emailed them and asked them to come back in for their final site plan approval and to see they met all their conditions. So that is where we are tonight.

MS. BRUGG: That's quite a summary.

MICHAEL NYHAN: Quite a history.

MS. BRUGG: Yes, it is. So anyway, for the record, my name is Betsy Brugg with Woods, Oviatt Gilman. I'm pleased to be here again on this application. Nice to obviously come back this Board. Chris Kambar is here, Project Engineer.

I think you did a great job kind of summarizing where we have been. This project has been before the Town now a couple of years. We have been working very diligently on our end trying to get the site plan approved so we can get a Taco Bell built at this location.

So the Board did grant preliminary approval. Our submission is, you know, consistent with a site plan that was approved. We had a lot of refinement and some work to do to get to this point. So a submission was made several weeks ago. There were some comments. Chris (Kambar) can get into it, but I think we have addressed all of the written comments we have received.

I have had some conversations with Paul (Wanzenried) regarding the plaza owner and the situation. It sounded like things have sort of been worked out outside of this forum with the plaza owner and probably will be continuing with the plaza owner.

But as far as our site plan, I think we have addressed all of the technical comments that have come in on our plan. There have not been any significant changes to this site plan. The building is a little bit bigger. We did get here earlier tonight and present the changes to the Architectural Review Committee. They weren't significant. There were improvements. The building is a little bigger and there is some more spandrel glass along the frontage. Other than

that, there's no other material changes.

Matt (Emens) was here, so he can speak more to that.

I will go through site plan comments maybe a little bit. I think we're looking for any comments or questions you may have. I think we have addressed -- I don't think there is anything we haven't addressed.

MR. KAMBAR: Good evening. Chris (Kambar) with ADP Engineering and Architecture. We received some additional comments and some follow-up comments from Lu Engineers on March 6th, from their March 6th letter. We did go through those. There was issue with an easement label as far as who the easement was to. We have cleaned that up with the surveyor and we have updated the survey to show it's PO Chili, Inc. as the owner of that easement.

We had a seed mix comment. We have updated the notes on the second sheet of the landscape plan and I will get that copy into the Town with the final permit.

Um, proposed parking islands. Those are all raised concrete curbed islands in the back, where the proposed drive aisle is now.

ADA accessible parking in front of the proposed Taco Bell building, those are 9 1/2 feet wide now to meet the Town Code.

Um, stop signs on that drive aisle in the back -- on the east and west travel lanes, there are stop signs on either side of that drive aisle where it connects to the main -- the drive aisle in front of the plaza. I will point that out. Now there's a stop sign here (indicating) and also a stop sign here (indicating).

Landscape certificate, we'll have that provided by McCord Landscape Architecture. And I think everything else is -- Department of Public Works should be copied in on any approvals from other agencies. And we have replied to all of the comments. I think that is it.

As Betsy (Brugg) said, the building got a little bigger in the XY position. Not much. 400 square feet, I think. Somewhere around that. Other than that, we have added some additional landscaping. I think --

MS. BRUGG: Provided the parking inventory they asked for.

MR. KAMBAR: Yes. Provided the parking inventory. I think that has satisfied the Town's comments and questions that we have received so far. If the Board has any additional comments or questions, we would be happy to answer them.

MATT EMENS: Couple things, back to Betsy (Brugg)'s points, you were before the AAC. I think the two main things addressed in our conversation tonight were things brought up post AAC meeting that were actually brought up by the Planning Board. That was the spandrel glass.

One of the other things we did talk about at the end of the AAC meeting was the fence and the landscaping.

MS. BRUGG: Correct.

MATT EMENS: I think Chris (Kambar), if you could show that rendering, too, that would be helpful, with the stone pilasters, just so everyone can see those materials are similar to --

MR. KAMBAR: Give you an idea. This is the fence makeup (indicating). And then you can see the fence along here (indicating) will be in between the stone and brick pilasters.

MATT EMENS: And those materials match the building materials, correct?

MR. KAMBAR: That is correct.

MICHAEL NYHAN: If you can just set them so people can see them in the audience, on the board there. On the ledge. Thanks.

MATT EMENS: I think just the next question I had was in regards to the parking survey, you said that you provided that. I know that was in the pile of things. But can you just summarize what that means when you say we have --

MR. KAMBAR: Sure. We were asked to just basically do a parking count for the existing number of parking spaces, which we counted as 849. And the proposed number of parking spaces with the development of the Taco Bell being installed and the changes made would be 790.

So there was a -- 59 parking spaces being removed as part of this project. The plaza itself requires 539. So we have plenty of parking per code.

MATT EMENS: So my question would -- follow-up question to the side table, whether it is Mike (Hanscom) or Paul (Wanzenried) or a combination of the two, I know we looked at that document previously with the -- with the landlord of the plaza. Is that -- are those numbers -- have we checked those to make sure we're in agreement and we understand --

MICHAEL HANSCOM: Um, I -- sounds about right. I admit I didn't have the opportunity to check the numbers against what was submitted previously by the plaza owner.

MATT EMENS: Okay.

MICHAEL HANSCOM: I guess my question to them -- the plaza owner did do a parking count for the entire plaza before we established what the requirements were. Did you get some of that information from the plaza owner for that?

MR. KAMBAR: Um, yeah. I forgot who -- who did the plan, but that -- this table and this information of the lists of tenants and their square footages was provided by the plaza owner. We simply checked what they provided to us and we took the aerial image and counted up the parking spaces themselves just to make sure we have an existing count. And then based on laying over our improvements on top of it, we're saying that that is how many spaces we're going to have when we're done with this project.

As far as the number of required parking spaces, um, you know, this information here was -- was provided by them, so we're -- we're trusting that that information was accurate. It looks pretty close, but, you know, the -- the number of required spaces versus the number of

proposed are hundreds more. It -- it is very little chance that we're under-parked.

MICHAEL HANSCOM: So -- so we had checked the previous submission by the plaza owner for the required number of parking spaces. So that -- so they provided the same information and that should be accurate.

MATT EMENS: The numbers seemed familiar, but I had not -- Paul (Wanzenried) is nodding yes. So. Okay. That is all I have right now. Thank you.

JOHN HELLABY: Well, you have stated we have torn the thing apart over the last three years, but a point of clarification to Mr. Stowe is that we had determined this plaza is not a parcel itself. It is not in the Chili Center Master Plan.

ERIC STOWE: My recollection is that it stops at the north -- the center line of Chili Ave.

MS. BRUGG: That's correct. I have that added, as well.

JOHN HELLABY: Therefore, we're not held to any of the parameters set forth within that.

ERIC STOWE: That's correct. I should say -- I don't recall it is the center line or the north boundary of Chili Ave.

MS. BRUGG: I think it is the boundary of the road.

ERIC STOWE: I don't recall inclusion of this parcel.

JOHN HELLABY: That is all I have right now.

DAVID CROSS: So, Chris (Kambar), I didn't make -- I didn't make the AAC meeting, but the elevation I have here looks different than what I'm seeing up there.

Is that right?

MR. KAMBAR: We had a little bit of a plotter trouble. It plotted dark.

DAVID CROSS: Okay. So particularly the red towers on the corner?

MS. BRUGG: That's just printer. The colors have not changed. The colors have not changed at all.

DAVID CROSS: Good. Good. Thank you.

MS. BRUGG: He has a piece of the brick right here (indicating). These are the actual colors and the actual materials.

DAVID CROSS: Okay. Very good.

Matt (Emens), the AAC has been through all this?

MATT EMENS: Uh-huh.

DAVID CROSS: So I think this came up back in May of '19, last time I -- I -- I was able to make remarks on this application, but the Taco Bell signage, you know -- I know it is the brand and everything, but I think I stressed back in May, the colors of that signage should match the -- somehow match the building. Whether they're dark or -- or black or whatever, but it just -- the purple, I think, just is way off. So I -- I thought it could be more subdued and maybe have some of the gooseneck lighting downcast on it, something like that.

So -- so I just -- again, this is the most prominent building on our Main Street. Whether it is in the Master Plan or not, I feel very strongly about that one.

And the only other comment I have, is we talked about the fence and the pilasters.

That is all good, Matt (Emens)?

MATT EMENS: Yeah. Looks good.

DAVID CROSS: You brought this up last May, as well. Drive-thru canopies, something looks a little off. They don't quite match the characteristic of the building to me and I don't think they're on those drawings. But I saw them -- there is a detail on the site plan, Chris (Kambar)? They just look a little futuristic to me. They don't quite match the building. That's all.

MR. KAMBAR: Okay. Thank you for your comments. The -- the canopy itself, I know, um, is just this little --

DAVID CROSS: I'm sorry. The actual drive-thru canopy, when you place your order.

MR. KAMBAR: Oh. The menu board.

DAVID CROSS: Menu board. Thank you.

MICHAEL NYHAN: In previous meeting minutes it was noted that it was a modern-looking structure. Taco Bell was looking that they were probably going to be changing that, but they didn't know what it would be.

MS. BRUGG: The monument of -- of the structure?

MICHAEL NYHAN: No. The canopy that comes over the top of where you order your food.

DAVID CROSS: Order board and the drive-thrus.

MICHAEL NYHAN: The drive-thru's canopy.

MATT EMENS: Not at the building.

MR. KAMBAR: That would be the architectural drawings.

MS. BRUGG: Okay.

MICHAEL NYHAN: So, I take it, that was not addressed with the architect from the last meeting?

MS. BRUGG: No, it didn't come up. It did not come up.

MATT EMENS: What is the status of the signage on this project?

MS. BRUGG: We have a variance for the number of signs, so I think our wall signs were all squared away.

MICHAEL NYHAN: I thought it was a variance pending -- was also conditioned on the approval of the Planning Board.

MS. BRUGG: Correct.

MICHAEL NYHAN:

So the signs are conditioned from the Zoning Board on approval of the Planning Board.

MATT EMENS: And that was the package I think -- the comment that Dave (Cross) is making, those were in that package.

MR. KAMBAR: So you're referring to just this little --

DAVID CROSS: Bat wing.

MR. KAMBAR: Little light is all it is to give --

DAVID CROSS: The canopy? Yeah.

MS. BRUGG: Let me take a look. I may have it.

DAVID CROSS: Right where you place your order at the menu board. There is a detail, Chris (Kambar), in the site plan package. Just looks like a standard Taco Bell detail that I just don't think it is consistent with the building or the characteristic of anything in that plaza.

MR. KAMBAR: I don't know that has ever been changed as far as any of the projects I have been working on. I will give everybody an idea what he is looking at. This is what you look at (indicating), the top side, but underneath it -- it is really not a -- not a -- prominent looking. This is where the menu board is.

MICHAEL NYHAN: What is the size of that?

MR. KAMBAR: Um, it is not large. Doesn't have -- it -- the dimensions there. I don't have it in the plan view.

MICHAEL NYHAN: So the two items you raised were the one, to see if the sign can be addressed for that canopy and the other was the back-illuminated Taco Bell sign illuminated by gooseneck.

DAVID CROSS: Yeah. Get rid of the purple. Make it dark. Make it consistent with the colors on the building. No purple on that building. And, um, no back illumination and downcast gooseneck lighting to match the -- to match the east elevation of the building. Some of the other lighting that goes on there I think would look really nice.

Sorry. I had one more thing. The -- so the east elevation, Matt (Emens), I will ask you -- there is still this one blank area. Is there any reason why we can't get some faux glass in there or some sort of treatment to kind of -- I think we went over this last May.

MATT EMENS: I was going to say we talked about this at the AAC meeting that they have added it on all walls, all elevations.

DAVID CROSS: Yep.

MATT EMENS: And I -- Dave (Cross), I don't know. I -- just looking at the floor plan in here, it looks like that is the -- that -- that is the back side of the kitchen cooler there. I don't know if it is the cooler or not. No. I don't know if Chris (Kambar) can answer that.

MR. KAMBAR: I do know that the width of that wouldn't be a three-window-wide width. So it might -- it -- it is going to be a little awkward no matter what. They did add a lot more glass to the building as it is. And I know that that space is all back room, so it is -- if they can do it, it is definitely spandrel glass. It is probably only two bays, not three.

I see something else in the wall. I'm not sure what that square is, if that is a vent or something they need mechanically.

DAVID CROSS: Matt (Emens) said that came up at AAC.

MATT EMENS: No. We talked how they added the spandrel glass per our comments at the last meeting.

DAVID CROSS: I don't know that two panes would look terrible there. I guess I would defer to the AAC and what you guys recommend. It just looks weird having this blank area.

MATT EMENS: We were okay with it. The building has never been symmetrical, so the asymmetry of it I think is okay. I also don't know if -- if Chris' rendering shows what happens exactly in front of that specific 13 foot span. There may be some other elements from the site improvements that are blocking that. You know, or -- not blocking. But complementing it.

MR. KAMBAR: There is sidewalk and landscaping and the piers and the fence.

MATT EMENS: So I mean, I'm okay with it, Dave (Cross). It doesn't mean you are.

DAVID CROSS: That's okay. I'm good, Mike (Nyhan).

MICHAEL NYHAN: So it sounds like the only two items of concern that weren't addressed was drive-thru canopy and the down-lighting of the Taco Bell sign rather than back-lighting.

DAVID CROSS: Color of the sign.

MICHAEL NYHAN: Is that accurate?

MR. KAMBAR: That's accurate. Is that -- I guess for clarification, I mean, these two items are -- are a recommendation? Or --

MICHAEL NYHAN: They were -- they were requests from the last meeting. They were requested to be addressed for this meeting, the next time you came in, which is this meeting.

DAVID CROSS: I would -- I would like to go forward. I would want to condition it. I mean, we brought it up last May. It was a long time ago, but...

MR. KAMBAR: Yeah. Um, I mean, I know my client wouldn't want to change the signage from, you know, their prototypical branding. I mean, they do work very hard to make this look like a Taco Bell as much as possible. I know we're adding a lot features to change the building and the style of it, and I think they feel like they want to hold onto something and their signage is very critical to bringing customers to their building. You know, the canopy over the drive-thru is kind of a standard for them. Um, I don't even know if there is another option. I have never seen another option.

DAVID CROSS: I'm sure they could work something out if they want to come to Chili. With all due respect, I disagree with the signage. I know it's a brand. I'm just talking about a color here. That's it.

MR. KAMBAR: I mean, color is part of the branding. It is. I mean, you're asking -- maybe you don't feel this way, but you're asking a lot for them to change their signage and their corporate branding.

MICHAEL NYHAN: The one thing we have been very consistent with any new building that has gone into this area is that it is not back-lighted, that it is down-lighted or up-lighted.

MR. KAMBAR: Okay.

MICHAEL NYHAN: And pretty much in -- anything I can remember, since I have been on the Board, that has been a request that we change any back-illuminated signage to down-lighted or up-lighted signage. So that is --

MR. KAMBAR: We can add the gooseneck lighting on it. It won't be back-lit. I think the colors would be much more subdued and muted if it is not back-lit.

MICHAEL NYHAN: I would agree. You're probably right.

MATT EMENS: Back to the signage -- sorry for harping on this, but the new Twin Fronts Plaza sign, I'm assuming that your -- your client is going to have a slot on that board, too? Is that true? You don't know.

MR. KAMBAR: I don't think that is part of their deal. Those signs are so small and --

MATT EMENS: That is why I was asking.

MR. KAMBAR: They're --

MATT EMENS: So it's -- yeah. Because I guess what I would go back to, I think we have seen the menu boards before as part of the signage, so I don't know who is approving the menu boards. Sometimes they come to AAC for those, right?

McDonald's just redid theirs. They brought in different options. So obviously once again, you have heard of McDonald's. They're pretty big, too. They had options. There was different things they could do.

So I think back to the bat wing roof, I mean if that is really a hold-up, I -- I'm sure they can do something on that.

MR. KAMBAR: I mean, if you're going to make it a condition of approval, then we'll look into it. I'm not exactly sure what you're looking for. So I mean we can propose some options.

MATT EMENS: I guess what I would say, Chris (Kambar), easiest thing for me to say is if it was similar to the building and you have those two flat ones on the building, if it was something similar to that, we can at least rest on the fact it is similar to the building construction. Which is what we're trying to do -- why we're asking the questions about the stone pilasters. You know, the building materials matching. Just giving it that continuity and the ability to tie those together.

DAVID CROSS: I would feel comfortable -- if the AAC blessed it after this meeting, I'm fine with it. I'm fine with it. But it has to be consistent with the architectural style of the building, which it isn't right now.

MICHAEL NYHAN: And your dumpster enclosure is -- is in concert with the building, right? You're using the same brick, I think, or similar brick on your dumpster enclosure?

MR. KAMBAR: Yes, that is correct. It is -- it is --

MICHAEL NYHAN: So the only thing that doesn't match is that -- I think you called it a sign board or a -- or a canopy?

MATT EMENS: It's like --

MR. KAMBAR: Speaker box with a light basically.

MICHAEL NYHAN: Yeah.

MR. KAMBAR: Yes. We'll -- we'll work on that. We'll add the gooseneck lighting, probably downcast on the Taco Bell signs and they won't be back-lit.

MICHAEL NYHAN: We'll refer to that as the drive-thru's canopy, I assume? Is that what it is?

MATT EMENS: Menu board.

MR. KAMBAR: We'll call it the menu board canopy.

MICHAEL NYHAN: Increase in the square footage of the building, was that -- was that to address some of the concerns that the AAC had relative to door placement, et cetera? I know there was talk that you had to change some of your floor plan to meet some of the -- our requests of AAC.

What was the increase of the 400 square foot for?

MR. KAMBAR: At the back of the building there was a freezer cooler that was like half a -- it didn't go all of the way up. It was not enclosed. So the building, they actually went from what was a medium 40 to a large 50 that seats a few more people, that kind of thing. So it got a little bigger in the X and Y direction. They did enclose that back cooler room, freezer cooler.

MICHAEL NYHAN: It is part of the structure now. All right.

Also last meeting there was indication you would reach out to the plaza owner to coordinate some of the items that were raised at that meeting. I'm not sure if that was done or if the plaza owners ever responded. You specifically said you worked very hard to do all your parts that were needed. But have you been in touch with the plaza? Have you been working in conjunction with them on this plan?

MS. BRUGG: Our client is not here tonight because they had another meeting, but I believe they have been in touch with the owner.

MICHAEL NYHAN: We also received a letter from one the tenants relative to the drive lane and the change. They had several concerns relative to that lining up directly with their front doors. So some of those concerns were safety for the patrons when they're leaving. Of course, anybody coming up that drive line could drive right into the building versus right now there is a

barrier that protects it from the outside area.

Do you know if there has been discussion to meet with the Plaza to discuss that drive lane and something that could be done relative to the location of the one you're proposing?

MS. BRUGG: I will let Chris (Kambar) speak to the design, because I think we are sticking with this design. I don't think we think there is any safety concerns.

MR. KAMBAR: We're really out of the middle of that between the tenant and the plaza owner. It is really between those two entities.

MICHAEL NYHAN: Okay.

MR. KAMBAR: As far as the development and the design is concerned, you know, the plaza owner is happy with our design. I will say that, you know, we have read the letter and I have looked at the concerns. Obviously if someone puts in a letter that there is a safety concern, certainly we take that with great consideration.

I, however, have a different point of view when looking at this. I have looked at, you know, several different plazas and I have 21 years of experience. I do not believe that this plaza and this drive lane is any more unsafe than any other plaza. When you have a plaza and parking and pedestrians and people walking to and from stores, they do have to cross drive lanes. We are shifting the drive lane itself. The cars traveling from east to west will actually be lined up with the Edible Arrangements store, not the Leaf & Bean.

MICHAEL NYHAN: Okay.

MR. KAMBAR: The Leaf & Bean will actually be more lined up with the drive aisle heading away west to east, so the headlights shouldn't be directly in front of their store.

Furthermore, personally, I would like the advantage of having a drive aisle lined up with my signage so people driving down would be able to see my store right in front of them. I feel like it's a more visible approach and better marketing in that respect.

The drive lane did line up before between the two buildings, where there was a narrow alley way. And I do believe the tenant was using that as a courtyard with outdoor seating. So I would think that the headlights coming down towards the building would actually shield their outdoor seated business and give it more privacy, rather than having headlights come towards it.

As far as the ADA concerns, um, you know, I felt like the comments were based on this being the only tenant in the plaza. There are multiple tenants in this plaza and there are ADA spaces periodically spaced throughout. We did have to move some ADA spaces to move the drive aisle. They did get a little bit further away from the Leaf & Bean, but it's not an insurmountable amount of distance. We're talking about 20 or 30 feet. And there are other tenants and other users that have to use those ADA spaces.

I think that was all of his concerns or all of their concerns. I do not believe that this is an unsafe, you know -- in -- any more unsafe than any other plaza. We did add stop signs at the end of each drive aisle so there would be a stop sign and a stop bar. You are coming to the end of a drive aisle and you do have to make a left or a right. There is really no difference than what is there today. You come to the end of a row, you have to make a left or right.

MICHAEL NYHAN: So the issue with the headlights and the safety of a vehicle coming down were addressed, because there is a wall that was put up to block headlights and to protect people from driving into the seating area. But my point really isn't that.

My point is it doesn't sound like there has been any discussion with the Plaza relative to any items we have raised with them, relative to some of the preliminary site plan approvals we have given and the fact they need to address some of these things for their final site plan approval. It doesn't sound like that conversation has occurred at all.

MS. BRUGG: I can't say that. I don't believe we have, but unfortunately our client had another meeting so he is not here tonight. But I do think they had conversations with the plaza owner. That's one of the reasons it took so long to get back in front of the Board, because they were waiting for the plaza owner to get their act together and have kind of a game plan for themselves. We just were not included in those conversations. To the extent of the comments with respect to the Leaf & Bean, we do know there has been -- there has been conversation and things that have gone on between the property owner and the tenant. We would really like to stay out of that.

But we did look at this. As I said, you know, Chris (Kambar) looked at this. This is a site plan. Safety concerns are very legitimate. Lighting is a very legitimate issue so we looked at it in respect of making sure that -- we weren't creating any hazardous conditions or any problems as a result of this project and this site plan. So I think we feel comfortable and confident we have a good site plan and there is nothing about it that really poses any type of safety concern.

MICHAEL NYHAN: Any other outstanding items with the plaza will just be conditioned on your moving forward with the project. So hopefully those conversations have started and those conditions will be resolved.

MS. BRUGG: I appreciate the situation you're in. Hopefully you appreciate your --

MICHAEL NYHAN: We do, but we have been waiting for several years with a lot of disregarded promises from the Plaza, so we need to be sure that any major changes such as this or any changes with the plaza need to be covered with conditions so that we are sure the code of the Town is being followed. So we --

MS. BRUGG: My understanding is there were maybe three conditions on there.

MICHAEL NYHAN: They need to come in for final site plan approval and there are several conditions, so we'll -- that condition will be that they receive final site plan --

MS. BRUGG: Receive their final site plan approval.

MICHAEL NYHAN: And that they resolve any conditions that are made part of that. Any

outstanding conditions that are made part of that approval.

JOHN HELLABY: I did have one other question. I read all of the past meeting minutes just for something to do today.

MS. BRUGG: Nothing to do, Al (Hellaby)?

JOHN HELLABY: I noticed in here -- I mean you have deliveries with trucks, which you gave us turning plans for and everything. I appreciate that, but it was also stated that these trucks would be offloaded and hand-trucked in the store.

But for some reason, I don't see any mention of where these trucks would be placed when they're unloading and/or time frame that they would be unloading. It's a tight situation, because you're entrance to entrance over there and I'm kind of curious as to what the plan is for that.

MR. KAMBAR: Yeah. They have periodic truck deliveries, once or twice per week. It's -- I don't know that they have a set time.

JOHN HELLABY: 5 in the morning? 5 in the afternoon? It just would make a big difference.

MR. KAMBAR: I believe they try to avoid busy times. They will not show up at their lunch hour, rush hour or dinnertime. So I -- they usually are in the morning, but, you know, if they run out of something and somebody has to make a stop, maybe they will, but they won't be there long. It's not an optimal situation for us with the building being up on the front of Chili. They do have to hand truck the -- the material in, so it is a little bit more of an operation for them. But to satisfy all of the other requirements, it's kind of where we have been left with the operations for this project.

JOHN HELLABY: Will be a learning experience.

MICHAEL NYHAN: Matt (Emens), the goosenecks for the down-lighting for the signage mentioned, is that the site lighting on the building now, goosenecks in the elevations?

MATT EMENS: Yes.

MICHAEL NYHAN: Any other discussion?

Side table discussion?

PAUL WANZENRIED: Chris (Kambar), um, the landscaped islands that border the north and southeast, west aisles, are you responsible for those?

MR. KAMBAR: No.

PAUL WANZENRIED: So you're not responsible for the landscaped aisles?

MR. KAMBAR: They will be installed by Taco Bell. They will not be maintained by Taco Bell.

PAUL WANZENRIED: Okay. Let me rephrase. You will be installing the landscaped aisles to the north and south?

MR. KAMBAR: Yes.

PAUL WANZENRIED: Maintenance perpetuity is the Plaza, but you're installing those islands, north and south, all along the east/west?

MR. KAMBAR: Yes. All of the --

PAUL WANZENRIED: There is two of your conditions.

MICHAEL NYHAN: Okay. Great. Could you -- as part of the plan, right, they will be -- is it the 10 foot island you recommended at the last meeting?

PAUL WANZENRIED: No. The islands I recommended were based on Monro Muffler in the back. And those islands -- and I have pulled it out -- were 5 feet wide. The north islands that he has are 5 feet wide. Those there (indicating). They will suffice with landscaping, which is all -- which is all we requested of Monro, and so we wanted that mirrored elsewhere in the plaza.

Chris (Kambar) has widened the south landscaped islands so that he could put trees in them. Trees won't grow in 5 foot, but they will grow in -- I think you're doing 8.

MR. KAMBAR: They're 8 to 9.

PAUL WANZENRIED: So he is doing wider islands on the south end.

MICHAEL NYHAN: And on the north end, you said that the -- the 5 foot won't --

PAUL WANZENRIED: 5 foot won't grow a tree, but it will grow landscaping. Plantings. That is all we were really looking for, is landscaping plantings.

MICHAEL NYHAN: And that, I think, is on -- those are trees on the south island. The north islands would have just landscaping, no trees?

MR. KAMBAR: That's correct.

I did get confirmation deliveries are usually 5, 6 o'clock in the morning.

MATT EMENS: Maybe I'm making an assumption. If it is on the drawings, which it is, these improvements are part of this project that we are approving.

PAUL WANZENRIED: That's correct.

MATT EMENS: So do we need to condition it? Right?

PAUL WANZENRIED: No.

MATT EMENS: I'm just asking.

PAUL WANZENRIED: I'm not saying you condition it. I am saying -- Mike (Nyhan)'s comment earlier was of the three conditions that are outstanding to the plaza --

MATT EMENS: There are two of your conditions. I'm with you now.

MICHAEL NYHAN: I see what you're saying.

ERIC STOWE: Well, if two of them have presumably been satisfied, what is the third one? Right? And it was the lighting, I believe.

MICHAEL NYHAN: Well, which is why rather than --

PAUL WANZENRIED: That's correct.

MICHAEL NYHAN: That's correct. There is a tremendous number of information that

we went through.

MS. BRUGG: My understanding is that the lighting cannot be done until after the work is done on this, correct?

PAUL WANZENRIED: Actually, the lighting is going to start tomorrow.

MS. BRUGG: I misspoke then.

MICHAEL NYHAN: So the request made of the Plaza that they have not responded to is come before this Board for final site plan approval.

PAUL WANZENRIED: That we're still working on.

MICHAEL NYHAN: So one of the conditions of this approval will be that they come in front of this Board and receive final site plan approval.

ERIC STOWE: That's an issue that I have with -- we have had plenty of projects that are granted preliminary approval that don't go any further and don't receive final. What is the mechanism we're going to compel someone to get final approval on a site plan?

MICHAEL NYHAN: Isn't that required? They made major changes to the plaza and, you know, we have requested that they come in with those changes on their plan and they haven't done it? Isn't that a requirement that -- that when they make a major change such as to the plaza, they're required to come back in front of us with -- a GB zone with an updated plan? That is why I was going to condition it.

ERIC STOWE: Excuse me. The -- I guess I'm -- I'm -- I would be interested to hear -- I would want to work through the condition and how we're going to compel the plaza to be brought in to finalize their site plan when they're not --

MS. BRUGG: It's not within our control.

ERIC STOWE: The applicant is the plaza, right? As the property owner, you are an agent of the plaza owner.

MS. BRUGG: Or their code. They had to authorize -- they had to allow -- but we --

ERIC STOWE: That is the nexus.

MICHAEL NYHAN: But they still own a piece of land you're building on, correct?

MS. BRUGG: Correct.

MICHAEL NYHAN: They're making a very major change to this plaza. So we're requesting they come in before us with that change so that we can review that and approve that. That's what we're seeking.

ERIC STOWE: All right. I will think about how we can do that, but compelling -- when the Plaza has made several of the improvements that we have requested of them, two of the three outstanding being on this plan, the remaining one being a lighting plan -- which I believe they have provided, just not implemented -- those are the only outstanding conditions to my -- that is my understanding.

MICHAEL NYHAN: That's correct?

PAUL WANZENRIED: That's correct.

MICHAEL NYHAN: All right.

ERIC STOWE: They have provided the plan. They have not implemented it to date.

MICHAEL NYHAN: They have not provided an updated plan.

The plaza -- I'm talking about the site plan. The Plaza has never provided an updated site plan to us with all of the changes they have made. That is what we're requesting, is that they come in to provide that update so we can review it and approve it. Right now, the site plan is in contradiction with what the plaza will look like with the Taco Bell there. And their site plan doesn't include -- didn't include any of the requirements that we asked for previously. So however we need to word that.

ERIC STOWE: The issue, when -- when we do a new tenant or a change of use or anything else, it gets kind of piece-mealed and I don't know how we request them to come in for a final when this is a component of it and Monroe, the -- the proper mechanism, if you want to do it that way would potentially be all future development has to have a totally revised site plan for the entire plaza as opposed to the limited sections.

MICHAEL NYHAN: That's what we are looking for. An overall. The entire plaza with Monroe Muffler in there. Taco Bell in there. Come up with an updated plan that those -- all those changes in the plaza and that all of the conditions have been met. That -- that is what I was looking for.

PAUL WANZENRIED: Right now you don't have a Taco Bell. You have not approved it yet. You can't ask them to come back for something --

MICHAEL NYHAN: But once we do approve it, that could be a condition.

PAUL WANZENRIED: That has to happen first. That has to happen first.

MICHAEL NYHAN: Okay. So I can't put a condition on here that the Plaza come back for a site plan -- a site plan review; is that what you're telling me?

ERIC STOWE: That they --

PAUL WANZENRIED: There is nothing in the code that compels someone to come back for a final site plan. There is no mechanism that I can find in the code that compels a -- a property owner to come back once they have preliminary. It could be a month, two months, it -- it is at their discretion. I have sent correspondence to them to remind them that they have not and we would like to see them come back.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: And at which when they do come back, should Taco Bell be approved, I will make sure that that is part of the revised site plan. As -- as well as Monroe Muffler. But until I can get them to move, my hands are tied.

ERIC STOWE: And what would the condition be on this application? Is it that they submit the final site plan or that they get it approved? Because if it is not approved, then we're -- we're stuck --

MICHAEL NYHAN: That is what I was going -- that would be approved, yes. Because I don't believe they will come back from the Taco Bell change -- or not Taco Bell -- the Monroe Muffler change, have they?

PAUL WANZENRIED: I believe that was part of their preliminary site plan. Taco Bell is the missing link on that site plan.

MICHAEL NYHAN: Okay.

MS. BRUGG: And we submitted a site plan, and -- and we have complied with all of the requirements specific to our site plan application.

MICHAEL NYHAN: Just for your site plan, right? It is the overall site plan of the plaza that is changed and different and we don't have a site plan for it. And that's what we're requesting. That is what I was going to make as a condition. That is what we're discussing, whether I can do that or not or whether the Board can do that or not.

ERIC STOWE: My position would be it would be better suited as it was not a condition -- I don't believe -- of the preliminary approval on this, for any future -- that a condition of any preliminary approval would be resubmission and closing out that that existing preliminary approval that had been granted for the whole plaza to finalize that as two final site plan approvals.

MICHAEL NYHAN: Okay. So just requiring them to comply with all outstanding issues and conditions is the only --

ERIC STOWE: I don't believe that was a condition of the preliminary approval on this project.

MICHAEL NYHAN: I think it was.

MS. BRUGG: There is no condition with respect to the site plan for the plaza.

ERIC STOWE: There is not one for that and there is not one as a standard condition of -- of all prior conditions and approvals that are applicable to this application are -- it is not on this one.

MICHAEL NYHAN: Okay. You're saying we can't change any of the preliminary conditions from the site plan to this one, to the final? We can add on, correct, to the conditions from the previous? So -- so all previous conditions would be in effect. I will read those out. But then in addition, we could have additional conditions from the original approval; correct?

MS. BRUGG: I think they have to be related to this application. We're in compliance with our preliminary site plan approval.

ERIC STOWE: I would tend to agree that the applicant had no notice that they had to go -- that overall site plan for the plaza in general was not in compliance.

MICHAEL NYHAN: That is why they tabled, I believe, last time -- part of the reason, there were outstanding issues within the plaza that needed to be corrected.

MS. BRUGG: We tabled it to explore.

MICHAEL NYHAN: You were made aware of it, correct? It was in the minutes.

MS. BRUGG: We tabled it so we could take an opportunity to explore what was going on and get familiar and see what the situation was. We weren't prepared for it. However, there were no conditions on our preliminary site plan approval. Our responsibility is to comply with our conditions, which we have done. Essentially the preliminary is the approval. We're now just cleaning up the conditions and the details.

ERIC STOWE: I think adding a condition without notice, that would have been proper in the preliminary site plan approval, to then add it on -- if you were making drastic changes, if they had preliminary approval and made drastic changes on the final -- or are you required -- or required drastic changes on the final, I don't think that would be appropriate. They have complied with the conditions that were in place at the time of the preliminary approval. Without any notice to go remedy the additional -- "violations" is the wrong term, but the omissions.

MATT EMENS: Conditions.

ERIC STOWE: The omissions from the plaza.

MS. BRUGG: The Planning Board has many times -- you have a change of use requirements, all kind of opportunities to --

MICHAEL NYHAN: We have. I believe -- you have preliminary, I believe, in 2018. I think many of these issues that have come up and not been resolved were after that. I think the inspection was in '18 or '19 where -- when the inspection was done of the plaza and outlined the items that needed to be corrected and these conditions were placed on other applicants but then removed subsequently and then -- you know, still have not been completed, so. Just -- just whatever -- go ahead.

PAUL WANZENRIED: They have been completed. There is only three outstanding conditions -- we're talking about the plaza now.

MICHAEL NYHAN: Yes.

PAUL WANZENRIED: And this is not Taco Bell.

MICHAEL NYHAN: Right.

PAUL WANZENRIED: Taco Bell is before us tonight. The plaza has -- there was -- and in their approvals they had 20 some odd conditions. Of the 20 conditions, there is 3 left. Implement the lighting study that was approved and the landscaping islands in front. Everything else on that list has been completed.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Okay. When Taco Bell goes in, two of your conditions are being satisfied.

MICHAEL NYHAN: Correct.

PAUL WANZENRIED: We received communication this afternoon they will start tomorrow satisfying the third condition.

MICHAEL NYHAN: We have received that numerous times, which is why I'm saying I'm looking for guidance. You're telling me I cannot condition this final on the last remaining item, which is the lighting in the parking lot needs to be completed. That is what I'm looking for, guidance. Is that what you're telling me we can't do?

ERIC STOWE: We can have the applicant to request of the plaza owner, but conditioning it that they cannot put a shovel in the ground, when it was never an initial condition --

DAVID CROSS: We don't issue a building permit until we get what we want with the lighting. We can vote on it tonight.

ERIC STOWE: You give a final site plan, they can get a building permit.

DAVID CROSS: We have won't issue a building permit until we get the lighting.

MICHAEL NYHAN: That is what we're talking about, making that a condition of -- receiving the building permit would be that the plaza finished that final requirement, which is install the lighting based on the approved lighting plan.

ERIC STOWE: I don't believe that that should be a condition on this application from a legal basis, when it was never a condition of preliminary.

MICHAEL NYHAN: Okay.

DAVID CROSS: But isn't Taco Bell and the plaza owner, aren't they co-applicants?

ERIC STOWE: That is what I was saying with the nexus.

MS. BRUGG: But they are not the same application. They are not the same application. This is Hospital Syracuse's application for a specific piece of the plaza, but that is how the Town handles site plan applications. We did have preliminary approval. Most of the work gets done before you get preliminary. Really between preliminary and final, my job is just to satisfy the conditions of our preliminary.

MICHAEL NYHAN: A lot has happened at the plaza since the preliminary two years ago -- or I should say hasn't happened since that preliminary approval two years ago.

Are these the minutes?

JOHN HELLABY: Yes. From that meeting. I don't know.

MICHAEL NYHAN: The meeting minutes -- the Planning Bureau from 4/19 of '19 when the application was requested to be tabled.

Um, one of the items that was discussed is that they would have conditions and one of that was that -- the issuance of any building permits -- on page 16.

ERIC STOWE: I don't have the 4/19 minutes.

MICHAEL NYHAN: I can read it and I can hand it to you. It is probably easier for you to look at it.

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

ERIC STOWE: That was on a preliminary approval?

MICHAEL NYHAN: This was from a meeting last year when they asked to be tabled with the comments raised to the applicant.

MS. BRUGG: I'm not familiar with the minutes. The minutes last we were here?

MICHAEL NYHAN: Correct.

MS. BRUGG: But there was no action taken by the Board. You're not --

MICHAEL NYHAN: It was tabled at your request. The point we're making is that the reason we weren't going to be able to condition this is because you were not aware of it, but it was brought up.

MS. BRUGG: I'm not saying because we weren't aware of. I'm saying because it was not a condition of preliminary approval.

ERIC STOWE: That -- that -- aware and conditions, I -- are two entirely different things. Was it a topic of discussion? Absolutely. I'm not saying it hasn't come up. It did not appear as a condition of preliminary approval that the applicant had to get the entire plaza in compliance with this provision.

MICHAEL NYHAN: Okay. I understand what you're saying.

ERIC STOWE: I get what you're trying to go with.

MS. BRUGG: I can say had it been in approval, we probably would not have been here tonight.

MICHAEL NYHAN: That's true. We would be looking for lighting in the plaza. Okay. Thank you.

MS. BRUGG: We can say before we submitted this application, we -- we did, you know, make inquiries to the Town on the status of the situation with the Plaza because it certainly wasn't a condition we wouldn't apply until we thought we were ready to go forward.

MICHAEL NYHAN: I understand. I'm pretty clear on the direction I have been given from our legal counsel, so. All right. Let me read through these quick to make sure I have them.

I think I have all of the conditions in the right order. Any further discussion before I go on? So for conditions of approval I have, all previous conditions imposed by this Board that are still pertinent to the applicant remain in effect.

Upon completion of the project, the applicant -- I will read those previous ones. Even

though they will be on here, maybe have you already done them. But they will still be on here. Any that I added will be at the end.

All previous conditions that are still pertinent to the application remain in effect.

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

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

The Town Engineer/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.

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

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

Applicant 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.

Subject to approval by the Town Fire Marshal.

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

And then the new ones that I am adding are the Planning Board affirms the recommendation of the Architectural Advisory Committee and requests the applicant comply with these recommendations.

No outside sale or product -- no outside sales or product displays.

Review and approval of the parking space count is accurate. I'm pretty sure it is. Just make sure we're talking about the same thing.

Taco Bell signs mounted on building will have gooseneck down-lighting, not internally illuminated.

Drive-thru menu boards shall be the same design characteristics similar to the restaurant building and reviewed and approved by the AAC.

Did I miss anything or -- anything to add?

ERIC STOWE: Can you read the second new condition? No. The third one.

MICHAEL NYHAN: Not outside sales.

ERIC STOWE: Third. Excuse me.

MICHAEL NYHAN: Review and approval of the parking space count is accurate.

ERIC STOWE: Can we just clarify what exactly -- what they're reviewing and comparing to so we know what accuracy --

MATT EMENS: It -- it would be the most current submitted parking count plan.

MS. BRUGG: Do you want to reference this drawing?

MATT EMENS: I think the concern is and why we brought it up earlier is, because there's been multiple versions from different engineers and you may have gotten that information at a point in time it was corrected. I think we just want to confirm.

ERIC STOWE: Can we just say confirm the parking study submitted is current and accurate and -- by and confirmed by the Town Engineer so just so we know what we're shooting for.

MICHAEL NYHAN: So the review and approval by Town Engineer of the parking space count is accurate and current for the entire plaza.

ERIC STOWE: As submitted.

MICHAEL NYHAN: As submitted. Okay.

Review and approval by the Town Engineer of the parking space count as submitted is accurate and current for the entire plaza.

Any other changes?

MATT EMENS: I would ask, if Paul (Wanzenried) is comfortable with it and the rest of the Board is, that we -- the next condition -- they don't need to come back to the AAC. Let's just confirm that canopy proposal with the Building Department Manager and the Chair of the AAC.

MICHAEL NYHAN: Like administrative type?

MATT EMENS: Yes. They don't need to come to a meeting for that.

DAVID CROSS: That was my intent.

MICHAEL NYHAN: You okay with that? Okay. Change to drive-thru menu boards shall have the same design characteristics of the restaurant building completed by administrative review and approval.

Good?

Any other conditions or changes? With those conditions, make motion to accept the application of Hospitality Syracuse, Inc. 290 Elmwood Davis Road, Suite 320, Liverpool, New York 13088 for final site plan approval to erect a 2,380 sq. ft. restaurant at property located at 3240 Chili Avenue in G.B. zone.

JOHN HELLABY: Second.

When was SEQR done on this?

MICHAEL NYHAN: SEQR was done at preliminary.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
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. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
7. Building permits shall not be issued prior to applicant complying with all conditions.
8. Application is subject to all required permits, inspections, and code compliance regulations.
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. Subject to approval by the Town Fire Marshal.
12. Any signage change shall comply with the Town Code, including obtaining sign permits.
13. The Planning Board affirms the recommendations of the Architectural Advisory Committee and request that the applicant comply with these recommendations.
14. No outside sales or product displays.
15. Review and approval by Town Engineer of the parking space count as submitted is accurate and current for entire plaza.
16. Taco Bell signs mounted on building will have goose neck downlighting not internally illuminated.
17. Drive through menu board shall have same design characteristics similar to the restaurant building, completed by administrative review and approval.

PUBLIC HEARINGS:

1. Application of Mr. and Mrs. John Paul Anderson, 76 Emerald Point, Rochester, New York 14624, property owner: Dean Myslivecek; for special use permit to erect a 900 sq. ft. in-law apartment at property located at 3216 Union Street in R-1-15 zone.

Rachel and JP Anderson were present to represent the application.

MS. ANDERSON: I'm Rachel Anderson. My husband, JP Anderson. We brought my sister-in-law, Katherine Garrett, kind of our Project Manager.

So we're here asking for permission to build an in-law residence for JP's parents. We're purchasing the house from the Myslivecks and we would like to be able to sell our in-laws', his parents' house and build an in-law so they can be closer to us as they are getting older.

MICHAEL NYHAN: Okay. And this -- so they own the property now. You will buy it and put an in-law apartment in it.

MS. ANDERSON: Right. Yep.

MICHAEL NYHAN: They will live there?

MS. ANDERSON: Yep.

JOHN HELLABY: I notice most of the door widths are 3 foot. That's a good thing. A lot of people when they get older may need a wheelchair. You might want to increase the ones in the walk-in closets to 3 foot for later on accessibility type thing. That's all I got.

MS. ANDERSON: Okay.

DAVID CROSS: Just picking up on one of the Town Engineer's comments. The recommendation that sidewalk be carried from the driveway along the south side of the building, the patio doors in the back. Just so there is a wheel -- wheelchair accessible path to the back patio.

MS. ANDERSON: So I think it is shown on here, but on the north -- south side, there currently is a small sidewalk there, but it's a pretty large embankment that goes down pretty far. So we're going to build a wood walkway, like a deck basically all of the way back the side of it, so it would be wheelchair accessible to get back. But are we talking about the same side?

DAVID CROSS: I think so.

MS. ANDERSON: The side where the garage is?

DAVID CROSS: Yes.

MS. ANDERSON: That will be extended. It will be like a wood, almost like a wood deck that will go all of the way to the back, the whole length of the house.

DAVID CROSS: Is that the intent of what you're looking for, Mike (Hanscom)?

MICHAEL HANSCOM: Yes.

DAVID CROSS: That's all I have.

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 discussion on the application?

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.

JOHN HELLABY: But there were a couple of issues that needed correction on the short form.

MICHAEL NYHAN: Actually, I did make those corrections and will submit them when I submit the remaining.

That is you will be required to have a building permit so I changed that on your SEQR form. And then in consistence with the Comprehensive Plan.

DAVID CROSS: Real quick, there are some standard conditions you will read?

MICHAEL NYHAN: Yes. This is for SEQR.

DAVID CROSS: Yeah.

MICHAEL NYHAN: So SEQR is done. Everybody noted on that.

Now with the discussion? We'll talk about conditions.

JOHN HELLABY: We didn't vote on SEQR yet.

DAVID CROSS: We voted to close the Public Hearing.

MICHAEL NYHAN: Okay. All right.

The Board all voted yes on the motion.

MICHAEL NYHAN: Easy for me to get off track, too, I guess.

So with the conditions of approval, we always had some standard conditions that we have had with in-law apartments.

Subject to all required -- for Special Use Permit.

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

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

Special Use Permit is granted for the use of in-law only and shall cease to exist when the in-law ceases to use it.

In-law apartment may not be used as a rental unit.

Applicant's attorney to file decision letter in the book of deeds with the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney and the Town of Chili Building Department prior to the issuance of a C of O.

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

Are there any other conditions? Any other discussion? If not, with those conditions, I make a motion for the application of Mr. and Mrs. John Paul Anderson, 76 Emerald Point, Rochester, New York 14624, property owner: Dean Myslivecek; for special use permit to erect a 900 sq. ft. in-law apartment at property located at 3216 Union Street in R-1-15 zone.

JOHN HELLABY: Second.

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

1. Application is subject to all required permits, inspections, and code compliance regulations.
 2. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
 3. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
 4. The in-law apartment may not be used as a rental unit.
 5. Applicant's attorney to file decision letter in book of deed with Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Town of Chili Building Department prior to the issuance of the C of O. When filing, decision letter shall be indexed against property owner's name.
2. Application of 3508 US Inc., owner: 3900 Buffalo Road, Rochester, New York 14624 for special use permit to erect a 5,000 sq. ft. self-storage building at property located at 3508 Union Street in G.I. zone.
 3. Application of 3508 US Inc., owner: 3900 Buffalo Road, Rochester, New York 14624 for preliminary site plan approval to erect a 25'x 200' (5,000 sq. ft.) self-storage building at property located at 3508 Union Street in G.I. zone.

Ed Martin was present to represent the application.

MR. MARTIN: Thank you, Mr. Chairman. My name is Ed Martin. I'm an engineer with LandTech here tonight representing the application before you.

The Board will recall our last presentation so I will summarize for the benefit of those in attendance for the Public Hearing.

The property is approximately 9/10 of an acre in area. It's near the FedEx building. As you mentioned, it's in a General Industrial Zone.

The developer proposes to construct a 5,000 square foot, single story, self-storage building that will operate between 5 a.m. and midnight. It will have limited access by way of a gate that will have codes provided to emergency services in the event they need to enter the property.

The property is unique in the sense -- the development is unique in the sense it does not require any internal plumbing. There will be no business conducted on-site. There are no offices or bathrooms or any such thing so there is neither water supply nor plumbing.

The -- the drainage is a bit of a challenge in that we have such a long building. It's very -- 250 feet long and very flat so -- I should say 100 feet long. So we're draining the property radially away from the building to one of four quadrants to collect all of the drainage and discharge it southerly to an existing wetland that has been delineated.

There was a point of discussion with the Town Engineer that the plans before you do reflect a field delineation and we are not coming within 5 feet of that boundary. We have received both County DRC comments and Town Engineer comments. I could either go through them for you or offer that I don't see any show-stoppers. I'm confident we can satisfy the Town Engineer's concerns and I do have written responses to County Comments, if you would like me to distribute those to you.

MICHAEL NYHAN: Just that you can provide written comments to the Town Engineer.

MR. MARTIN: Sure.

MICHAEL NYHAN: You will be providing written comments?

MR. MARTIN: Yes.

MICHAEL NYHAN: So anyone would like the written comments copy, on the Board?
No.

MR. MARTIN: Okay. The building will be two-tone. The siding will be a Sierra tan with the roof being a Hartford green. I have material samples. I don't know if you want to see the metal siding. It's a threat to cut you, but I do have some colors here I would be happy to leave with the Board if you would like to see it.

MICHAEL NYHAN: A metal building, metal roof?

MR. MARTIN: Correct.

MICHAEL NYHAN: Overhead garage doors with the units?

MR. MARTIN: Yes. We have a sketch from the developer on the layout. That was one of the Town Engineer's comments about looking into a floor plan. I can describe it to you, the -- the -- the east and west ends will be 5 -- 5 by 10 units each and then the building will be then divided in half with one side being 10 by 10 and the other side being 10 by 15.

MICHAEL NYHAN: You will provide that floor plan to the Building Department?

MR. MARTIN: I will, yes, sir.

MICHAEL NYHAN: What are the colors you are proposing on the building?

MR. MARTIN: The siding, the building itself will be a Sierra tan. It's a light tan. The roof will be a dark green.

MICHAEL NYHAN: And then the doors.
MR. MARTIN: The doors match the Sierra tan -- no, I'm sorry. I think they're contrast.
Yeah. They're contrast. They match the -- the roof. They're dark green.
MICHAEL NYHAN: Dark green and Sierra. Okay.
Any trim work?
MR. MARTIN: No.
MICHAEL NYHAN: Anything else? I interrupted you. Sorry.
MR. SCHWARTZ: No. That is fine. I do recall somebody brought up at the concept level wanting a copy of the lease agreement. I do have a copy I can leave with staff if you would like.
MICHAEL NYHAN: Okay. I'm sorry, what --
MR. MARTIN: The lease agreement between the developer and the users of the units.
MICHAEL NYHAN: Okay. Anything else?
MR. MARTIN: That's it, sir.
JOE DEFENDIS: Is the chain link fence a coating or regular chain link?
MR. MARTIN: Just your standard galvanized, the regular plain metal.
MICHAEL NYHAN: The gate would be coded or a card or something to get in?
MR. MARTIN: Yes, C-O-D-E, and not C-O-A-T, as having a coat on it.
MICHAEL NYHAN: I thought you were asking about it being coated.
JOE DEFENDIS: That's all I have.
MATT EMENS: Not really. I guess it is up to Paul (Wanzenried). I'm interested -- I guess it would be -- how would it be classified from an occupancy standpoint to not have to have any facilities on-site? Any utility building?
MICHAEL NYHAN: No office there at all, just storage?
MR. MARTIN: Correct.
MATT EMENS: I will let you figure it out. Not really our purview, but you made a point again to say there are no facilities here. So I just -- I don't know how --
PAUL WANZENRIED: I'm trying to think of a storage unit. Unless you're in a heated one. There is no management office to this, correct?
MR. MARTIN: Correct.
The way a lot of these operate these days, they lease it online. You never even meet the tenant.
PAUL WANZENRIED: Right.
JOHN HELLABY: We determine if there are any fire separations in this thing or is it all one big chase down through there?
MR. MARTIN: I guess that would be more of a question I will turn back to Mr. Wanzenried.
Did I say that right, Paul (Wanzenried)?
PAUL WANZENRIED: No. But that's okay.
MR. MARTIN: To Paul (Wanzenried). To redirect to Paul (Wanzenried), um, I don't think the intention was to build fire separation, but obviously if code required it, it would. But I don't believe that was the intention.
JOHN HELLABY: It would be helpful, but --
MICHAEL NYHAN: What actually separates the rental spaces? Will you just put fence walls in there or solid walls?
MR. MARTIN: Just plain -- I mean studded, but nothing -- not brick or anything like that.
No.
JOHN HELLABY: Drywall?
MR. MARTIN: I would imagine drywall, yeah.
JOHN HELLABY: At minimal height you can get Tyvex board in there. That's all.
MICHAEL NYHAN: Another code question, Paul (Wanzenried).
Dimensional requirements, you know, for the plan aren't met for a GI zone. Are they required to be met, the width and -- of the lot and the development?
PAUL WANZENRIED: Boy, you guys have a lot of questions.
MICHAEL NYHAN: We're just full of questions tonight. I guess it's a question and a statement. It doesn't. But can we move forward with the fact it doesn't?
PAUL WANZENRIED: It's been rezoned. It --
MICHAEL NYHAN: I understand the whole area has been rezoned. But that particular lot doesn't meet the dimension requirements.
Is it okay to move forward with that?
PAUL WANZENRIED: Yes. Because when it was rezoned, they took that into consideration. All those properties in that area are either GI or LI, depending on where you are.
MICHAEL NYHAN: Okay. Any side table comments or questions?
ERIC STOWE: You can have the Public Hearing and I will talk to Paul (Wanzenried).

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 discussion from the Board on -- this pavement, correct? I

know we went back and forth but this will all be paved?

MR. MARTIN: We are paving it, yes.

MICHAEL NYHAN: I notice the storage of snow was in the front area. It was not determined if it was going to bio retention area. So I my -- hang on.

My question to the Town Engineer, to Mike (Hanscom), is it okay to store snow in that location?

MICHAEL HANSCOM: Sure.

MICHAEL NYHAN: Any other comments or discussion? You're all set?

ERIC STOWE: Yes. My question was resolved.

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: We have to vote separately on them, but we can listen to all of the special use and the site plan approval all at once, correct? We have to vote separately on it.

ERIC STOWE: As long as you say what you're doing.

MICHAEL NYHAN: Okay.

ERIC STOWE: You can vote -- you can hold the vote until you do the Public Hearing on the application and then vote on both, yes.

MICHAEL NYHAN: I considered this one application, so I don't need to have a Public Hearing for the Special Use.

It's all one, correct?

ERIC STOWE: Did you say that you were having the Public Hearing on the Special Use or just the site plan?

MICHAEL NYHAN: I didn't say either. I just said on the application.

So I will reopen the Public Hearing for any comments or questions from the audience.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MICHAEL NYHAN: For the Special Use Permit as well as the site -- preliminary site plan approval.

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 conditions, comments, questions? So for the Special Use Permit, I don't think there would be any conditions that I can think of.

Are there any that you normally have?

ERIC STOWE: No outside storage.

MR. MARTIN: No.

MICHAEL NYHAN: We'll have to follow the same process and do SEQR separate on each application.

So SEQR for the Special Use Permit.

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: I -- I will do SEQR on preliminary site plan approval.

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: We did SEQR on both and Public Hearing on both.

Conditions for the Special Use Permit are no outside storage. Any other conditions for the Special Use permit?

Okay. With that one condition, for the Special Use Permit, application of 3508 US Inc., owner: 3900 Buffalo Road, Rochester, New York 14624 for special use permit to erect a 5,000 sq. ft. self-storage building at property located at 3508 Union Street in G.I. zone.

JOHN HELLABY: Second.

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

1. No outside storage.

MICHAEL NYHAN: For conditions on the Special Use Permit? Done.

Conditions for the preliminary site plan?

Are you seeking final, waiver of final?

MR. MARTIN: Yes, please.

MICHAEL NYHAN: Is the Board comfortable with that with all of the items listed for the engineer?

Paul (Wanzenried), are you comfortable with that?

PAUL WANZENRIED: Yep.

MICHAEL NYHAN: You're okay with that?

Conditions of approval for the preliminary site plan approval, in lieu -- well, do you have landscaping? You have to have 1 percent of the building or the build-out to go to landscaping or to the Tree Planting Fund for the Town.

Do you know which one you're going to be doing?

MR. MARTIN: We have proposed landscaping. I can do some number crunching and make sure it is 1 percent, but we have frontage plantings that were done that were designed by Heinrich Fischer.

MICHAEL NYHAN: Okay. In that case upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from a landscaping architect certifying all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

The Town Engineer and Commissioner of Public Works shall be given copies 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.

All filing information i.e., liber and page number shall be noted on the mylars.

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

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

Are there any zoning issues, Zoning Board of Appeals we need to go to, Paul (Wanzenried)?

PAUL WANZENRIED: Not that I'm aware. We have conformed to all setbacks.

MICHAEL NYHAN: Applicant to comply with all required life safety conditions and permits from the Town Fire Marshall.

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

Access to the location is only permitted between the hours of 5 a.m. and 11:59 p.m. Eastern time.

No outside storage of any type.

Any other conditions? Hearing none?

Application of 3508 US Inc., owner: 3900 Buffalo Road, Rochester, New York 14624 for preliminary site plan approval to erect a 25'x 200' (5,000 sq. ft.) self-storage building at property located at 3508 Union Street in G.I. zone.

JOHN HELLABY: Second.

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

1. 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.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. 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.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

8. Any signage change shall comply with Town Code, including obtaining sign permits.
9. Access to the location is only permitted between 5:00am and 11:59PM ET.
10. No outside storage of any type.

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

4. Application of John Shuman, 17 Peach Tree Lane, Pittsford, New York 14543 for preliminary site plan approval for a change of use to convert portion of building to office space at property located at 3237 Union Street in G.B zone.

David Monsees was present to represent the application.

MR. MONSEES: Good evening, guys.

Um, so after looking at the comments that Town Engineer Mike (Hanscom) sent over based on the parking issues, we're now requesting actually just to get the variance approval for the 6700 square feet main building up there in the space.

We'll table the rest of the wings at this point in time until we can figure out how we can come up with the parking spaces that are needed to meet what Mike (Hanscom) has on the Town Code.

MICHAEL NYHAN: So you want to table the preliminary site plan and just review the change of use? Hang on a minute. I think you have to have a site plan to have a change of use; is that right?

PAUL WANZENRIED: What he has here is, he is expanding in the front. That was the application that is before you, okay? The land bank and all that other stuff in the back there is what I believe Mr. Shuman is referring to.

MR. MONTESE: Yes. Actually I forgot to introduce myself.

I'm David Monsees. I'm actually standing in for John (Shuman). I'm one of the managing partners within Lattimore Physical Therapy.

PAUL WANZENRIED: He is asking you not to address that at this time.

MICHAEL NYHAN: So all we're reviewing is the change of use in the front of the building to go from what it was, a tractor store to --

MR. MONTESE: We're currently operating in half of the space as physical therapy. We want to take over the rest of the building and continue operating in physical therapy and sublease 2,000 square feet to a chiropractor.

MICHAEL NYHAN: That's all we're hearing, right and not preliminary site plan?

PAUL WANZENRIED: That's correct.

MICHAEL NYHAN: Okay.

MR. MONSEES: So based on the code that we have, which is 6775 square feet, we need 35 -- 34 spaces to meet that requirement for the -- for the build-out. So on the -- the road plan that we provided, we are only going to be doing the parking lot on the south side of the building and on the east side of the building. We will not be doing around the back of the building at this time.

MICHAEL NYHAN: Okay.

MR. MONTESE: Which gives us the 34 spaces that are required to -- to remodel the -- the 6700 square feet that we're looking to do. And I believe that was most of -- a lot of the issues with the engineering report and Mike (Hanscom)'s comments were on the parking or the lack thereof that we could produce.

And then I have -- I have all of the parking information that they were asking for from the contractor who was going to be doing the work for us with all of the detail of the asphalt pavings. Question 6, A, B, C and D are all on this from the paving company.

MICHAEL NYHAN: So you will be able to address all of the Engineer's comments in writing and provide it to the Building Department?

MR. MONTESE: Yes. I sent an email responding to most of these. But I can do it again. But yes, I can address all of those issues.

MICHAEL NYHAN: Okay.

MR. MONTESE: Hours of operation, will not -- will be the same that they currently are. The chiropractor does operate every other Saturday from about 9 to 12.

MICHAEL NYHAN: Okay. Anything else?

MR. MONTESE: Oh, the short EFA [sic] answers we forgot to answer Question 3. 1.842 acre parcel of land.

MICHAEL NYHAN: Let me get that. I will make the changes here on the form. The total acreage?

MR. MONTESE: 1.842.

MICHAEL NYHAN: Total acreage to be physically disturbed?

MR. MONTESE: It's -- well, the --

MICHAEL NYHAN: The parking spaces you're changing in the front or on the side?

MR. MONTESE: Just an additional nine spaces -- no, seven spaces built out in front.

MICHAEL NYHAN: That is the only change to the land?

MR. MONTESE: Correct. The seven spaces right here (indicating) in the front.

MICHAEL NYHAN: 4 1/2 each?

MR. MONTESE: I think that addresses the majority of the questions that were on Mike (Hanscom)'s email that he sent us.

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: As I read the application, we'll do SEQR.

This will be for a change of use to convert the portion of the building, correct, the only thing you're requesting?

PAUL WANZENRIED: Yes. Again, the mechanism is the preliminary site plan for change of use.

MICHAEL NYHAN: Oh, for change of use.

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: Any further Board discussion? Review? Conditions?

We're putting in landscaping -- again 1 percent of the project cost for landscaping rather than submitting that to the Town?

MR. MONTESE: We do have landscaping that is already currently around the building. We can check to see if that counts for the 1 percent. I'm not sure if it does.

MICHAEL NYHAN: It would be new landscaping for this project, I believe, correct, Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

MR. MONTESE: Um, I will have to -- I will probably have to -- we'll probably do the 1 percent to the fund because I'm not sure we have any land to --

MICHAEL NYHAN: If I could, I will condition this on 1 percent to the fund or they submit a landscape plan approved. This way you have the option because there is a lot you could probably do along the front of the building if you want with that 1 percent. Or around the parking lot any ways.

So in lieu of landscaping -- in lieu of landscaping, applicant to make a donation to the Town's Tree Planting Fund in the amount equal to a 1 percent of the total project cost or approval subject to the final approval of the Town -- hang on a second. Let me get that condition.

Let me start over again. In lieu of landscaping, applicant to make a donation the Town's Tree Planting Fund in the amount equal to 1 percent of the total project cost or upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the landscaping architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

Building permits 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.

Proposed floor plan shall be reviewed and approved by the Chili Building Department and the Fire Marshal prior to issuance of any building permits.

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

Any other conditions?

MR. MONTESE: So we have to schedule another meeting to get the building permit approved?

MICHAEL NYHAN: No.

MR. MONTESE: Okay. Scared me for a minute.

MICHAEL NYHAN: We'll explain this. Let's get through this and then answer any questions.

Application of John Shuman, 17 Peach Tree Lane, Pittsford, New York 14543 for preliminary site plan approval for a change of use to convert portion of building to office space at property located at 3237 Union Street in G.B zone.

JOHN HELLABY: Second.

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

1. In lieu of landscaping, applicant to make a donation to the Town's Tree Planting Fund in the amount of equal to 1% of the total project cost or 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.

2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. Building permits shall not be issued prior to applicant complying with all conditions.
4. Application is subject to all required permits, inspections, and code compliance regulations.
5. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
6. Proposed floor plan reviewed and approved by the Chili Building Department and Fire Marshal prior to issuance of any permits.
7. Any signage change shall comply with Town Code, including obtaining sign permits.

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

MICHAEL NYHAN: Motion for the minutes that were emailed to everybody? Approval of the minutes from the February meeting?

DAVID CROSS: So moved. The Board was unanimously in favor of the motion.

The 2/11/2020 Planning Board meeting minutes were approved.

The meeting ended at 8:42 p.m.