

CHILI PLANNING BOARD
May 12, 2020

A meeting of the Chili Planning Board was held on May 12, 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: Paul Bloser, David Cross, Joseph Defendis, Matt Emens, Glenn Hyde, John Hellaby and Chairperson Michael Nyhan.

ALSO PRESENT: David Dunning, Town Supervisor (appearing as YouTube Live comments facilitator); David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manager.

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.

PUBLIC HEARINGS:

1. Application of Ace Swim and Leisure c/o Gene Easton, 3313 Chili Ave., Rochester, NY 14624; for a revised site plan approval for parking lot alterations at the property located at 3313 Chili Ave. in the G.B. (General Business) District.

Gene Easton was present to represent the application.

MR. EASTON: Gene Easton, and my address with Ace Swim, 3313 Chili Avenue.

So what we were having trouble with was the traffic flow and we were worried about getting somebody killed in our parking lot. There was a lot of flow-through traffic coming from Knuckles, from the gym, from cut-throughs on Chili Scottsville Road and there was really no controlling the speed. You know, there was school buses coming through, drunk guys coming through and they were coming through at all angles.

So we tried to figure out a way -- I worked with Dennis Pikueta a little bit to figure out a way we could flow the traffic and keep people in a confined area so they're at least coming and going in the same place. We looked at most of the smaller -- the smaller commercial buildings and small strip malls in the Town and most of them had parking adjoining to their sidewalks. You know, the one on North Chili and the little malls that have popped up with the pizza places and stuff. Everybody has parking next to the building and considering we had a pizza place, a Chinese place and a bakery and, of course, our business, um, we thought that we would be protecting our people a little bit more. We could offer a handicapped option which we really couldn't do before.

So we put the parking alongside, with the intention of -- of the sidewalk to, um, get the people so they didn't have to walk across the flow of traffic. We did it with concrete barriers, parking wedges, basically because we didn't really want to commit to specific spots until we were sure that everything was going to work. We -- we did put a speed bump in and stop sign somewhere approximately halfway through our building where our door was to control the speed a little bit. And that is about it.

I think our intentions are to eventually move -- to pin the concrete barriers by our sidewalk and then move the barriers away when we get it permanently lined out in our main parking lot and still use some of the protective barriers to stop the cut-through traffic from -- from the bar and gym. So that's basically what we were trying to do, is to keep everybody in a coming-and-going fashion.

We do have to allow the traffic to flow through from Chili Avenue down to the -- to the other buildings on -- adjoining our lot. That is part of our agreement that we have ingress and egress. And so that's really what we were looking to do. Nothing too evil. Just trying to protect ourselves and our customers. So that is the crux of it.

MATT EMENS: Just a couple of quick questions.

MR. EASTON: Sure.

MATT EMENS: The letter from Lu Engineers, from Michael Hanscom, did you get that? It seems like what you have got here -- I understand what you're saying. I have used it already. All right. I see the drawing. It looks like there are some things to follow up on here, some responses that the Town Engineer --

MR. EASTON: I did get written responses to everybody. I passed those out to get distributed.

MATT EMENS: So you point out that you will do those things and you're fine with that?

MR. EASTON: The only thing we don't have immediate plans to do is to build the islands, because -- well, first of all, I'm not sure it solves any problems and it certainly doesn't solve the problem of making it easier to snowplow with the islands, but at this point, we don't have

immediate plans for that. That is something that we might look at in the future.

MATT EMENS: But you have responded to the other points.

MR. EASTON: Yep.

MATT EMENS: No, I don't have any other questions at this time.

SUPERVISOR DUNNING: Can you guys speak into the microphones a little closer? I know the audience -- it is difficult for the audience to hear you. You might need to adjust that up a little bit more.

JOHN HELLABY: That's muffled as we are with the masks on.

The first question I have is for Paul (Wanzenried).

Paul (Wanzenried), do you know if the Fire Marshal has any problem with the parking around the building with the vehicles? Because I don't see anything from him?

PAUL WANZENRIED: (Indicated non-verbally the Fire Marshall was okay with it.)

JOHN HELLABY: Thank you. I guess my next question -- I understand what you're trying to do and I have been over there several times. When those parking spots along the front of the building are at a 90 degree angle to it like that, they are extremely tough to get in and out of. Especially if you're driving an extended cab pickup truck or something. Has any thought been given to angling them possibly?

MR. EASTON: Well, we did give that thought. The problem with that is that if you angle them in one direction or another, then you're basically telling all of the people have to leave in a direction that they don't really want to go to. So it was my feeling and I think most, if you look at what is happening, most people that are building -- are driving bigger trucks and stuff are parking out in the main lot and they're not -- they're not using the drive-in.

We were -- the reality of it is because of the pizza place -- am I too loud?

MICHAEL NYHAN: You're okay. It's the system.

MR. EASTON: The reality of it is with the pizza and a Chinese place, even when the road was there and the parking spots weren't there, everybody was just parking there any ways in every direction going under the sun. You know what I mean? They were going in sideways, they were pulling in perpendicular, they were pulling in crazy angles and stuff.

We did give it some thought. We thought that most people were heading back out to Chili Avenue. So we are going to adjust the width of spaces a little bit. We will also give a little more depth when we line it so people can back in and out. But it is our feeling also that that has helped control the speed of people going down through there, because there -- the cars are pulling in and out a little bit slowing things down.

JOHN HELLABY: Do you still plan on using that back drive-thru for loading your customers?

MR. EASTON: For most of them.

JOHN HELLABY: You don't envision any problems up here in the corner of the building? Because I know things get a little hairy in the parking up there on the corner.

MR. EASTON: Are you talking about the front corner?

JOHN HELLABY: Right.

MR. EASTON: No. We never had any problems there. Where the bakery is -- they're pretty much a low impact. They really don't have any traffic up there at all.

JOHN HELLABY: I'm not so much worried about the front end. But the back, where they -- because all of the slots --

MR. EASTON: We have it as -- we have it signed as one way go straight out to Chili Avenue, and there is a second entrance right in front of that to Chili Avenue that doesn't force them back over. So when they come from behind our building, they're going straight out to Chili Avenue.

JOHN HELLABY: You're adding two light fixtures to the building?

MR. EASTON: Well, there is three on there now. And we're adding two additional ones.

JOHN HELLABY: Are those the ones on the end of the building?

MR. EASTON: We'll add one towards Chili Avenue above the bakery now and one back towards the pizzeria.

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

DAVID CROSS: So the handicapped spaces you're putting in, will you build ramps up to the sidewalk or how will that work?

MR. EASTON: You know, because of the paving that we have been doing, the difference from the sidewalk to the -- to the level of grade is around 1 inch, so we can put a little ramp there, but basically, um, on both ends, it's open. It is exactly flush. And on the other ends, we can certainly build that up. But we were going to wait until that -- until the actual company comes to line it so we know exactly where the handicaps are. But at this point, it hasn't been a problem.

DAVID CROSS: I guess as long as the Town realizes it has be ADA accessible. Paul (Wanzenried) is shaking his head.

MR. EASTON: We're defaulting to the company that is going to line it to make sure the distances are right. We'll adjust -- the concrete barriers, we'll make sure that we get the spacings right and then we'll pin them so they're permanent.

DAVID CROSS: Thank you.

DAVID LINDSAY: Just that we make a note you did submit a letter that responded to the Town Engineer comments, but I still want to see some of those adjustments made to the plan for the final submission.

MR. EASTON: Okay. You mean --

DAVID LINDSAY: The actual paper copy of the map.

MR. EASTON: We were working with the ALA Architects and we have all been challenged the last two months. They didn't have a full staff. Al Arilotta was working by himself down there. So we can -- we just couldn't get all of the changes made.

And then to be honest with you, we were going to wait until the parking lot painting company lays out the plan and then we're going to finalize it to match up to it.

DAVID LINDSAY: Just as long as we have a final copy of the map.

MR. EASTON: All right.

PAUL WANZENRIED: Are you putting any concrete stops between the sidewalk and the parking up against the building?

MR. EASTON: Yes.

PAUL WANZENRIED: Okay. All right. That's all I have.

ERIC STOWE: No comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MR. EASTON: Is this the trial one? Am I the first one?

MICHAEL NYHAN: Yes. First one.

SUPERVISOR DUNNING: We do have 12 people watching. Just going to give it a couple -- I will wait at least a minute here.

While we're waiting just to see if anybody does have any comments, you really need to speak loudly and into the mikes as best you can. People are having a hard time hearing. It is because of these (referring to face masks) and not because of you.

I would say at this time, Mr. Chairman, there are 13 people watching. I'm not seeing any public comments at this time.

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: Any additional discussions or questions 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. The Board all voted yes on the motion.

MICHAEL NYHAN: For conditions, right now I have the approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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

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

Application is subject to all required permits, inspections or 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 the Town Code, including obtaining sign permits. And applicant shall provide written response to the comments from the Town Engineer.

Any other conditions?

With those conditions, I will make a motion for application of Ace Swim & Leisure.

This is for final waiver, as well? Paul (Wanzenried), we all set for final waiver?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: With the waiver of final.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. Applicant shall comply with pertinent Monroe County Development Review Committee Comments.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
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. Any signage change shall comply with Town Code, including obtaining sign permits.
7. Applicant shall provide written response to comments from the Town Engineer.

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

2. Application of James Group Inc. 26 Florentine Way Rochester, NY 14624; for preliminary subdivision of four (4) lots to be known as Gilead Ponds Subdivision at the property located at 160-B King Rd in the residential R-1-15 district.

Application was removed from the agenda for this evening.

3. Application of Phildom LLC. c/o Anthony Ardillo 1421 Scottsville Rd, Rochester, NY 14624; for the re-subdivision of two lots 1421 & 1437 Scottsville Rd into two lots to be known as Gates Towing Subdivision at the properties located at 1421 & 1437 Scottsville Rd in the G.I. (General Industrial) District.
4. Application of Phildom LLC. c/o Anthony Ardillo 1421 Scottsville Rd, Rochester, New York 14624; for preliminary site plan approval to allow for rear parking lot expansion and a 20'-0" x 17'-0" (340 sq. ft.) office addition at the property located at 1421 Scottsville Rd in the G.I. (General Industrial) district.

Robert Avery and Anthony Ardillo were present to represent the applications.

MR. AVERY: Thank you, Mr. Chairman. My name is Robert Avery, land surveyor. I'm here with the property owner and applicant, Tony Ardillo, owner Gates Towing, located at 1421 Scottsville Road. So we have two -- actually three things that we're talking about this evening. First one being subdivision.

Tony (Ardillo)'s existing one-acre parcel has kind of gotten too small for the impoundment yard for his business and he was able to approach the neighbor to the south and ask him if he could purchase some land directly behind his existing parcel, so eventually he could increase his yard.

So we have a two-lot subdivision. We're adding 0.8 acres from the neighboring 2.6 acre parcel. All we're doing is extending the south lot line all of the way to the rear. That will make Tony (Ardillo)'s lot 1.8 acres and Fleet Pride would be reduced to 2.5 acres.

MR. ROBERT AVERY: We meet all of the requirements of the zone. I had a comment from the Town Engineer regarding the lot width. We're not creating any frontage. All we're doing is adding on to the back. We can't help what is there. So we're basically making the situation better. I don't understand if zoning would be involved with this at all. We're not changing either of the existing frontages.

Now, with that expansion, the applicant would like to increase onto that 8.8 acre parcel of land -- he has an impoundment lot now, the client being the police. Tony (Ardillo)'s business -- he can answer your questions about that better than I can tell you, so I will leave that to that -- but he needs to expand his impoundment lot.

You will see on our site plan -- can I go right into that?

MICHAEL NYHAN: Yes.

MR. ROBERT AVERY: Okay. You will see on our site plan, we're showing the expansion that I have just talked about. We intend to continue the fencing on the existing side lines around -- to enclose the .8 acre parcel we're purchasing would be 6 foot board-on-board fence. We have minor grading for that happening. Very minor grading and insulation gravel to expand the current gravel lot to the rear. Okay?

We are -- we don't have to comply with the SWPPP because of the size of the parcel and sheet drainage off the lot as it is now. Um, as part of the reconfiguration, and the expansion -- this was an opportune time for Tony (Ardillo) to also come in seeking approval for a very small addition to the northeast corner of the existing building, which is a hollow-out now and all we're proposing to do now is to fill it in, so to speak, with a small addition (unintelligible) by 22 feet addition, 340 square feet that would allow for more room for an office and reception area.

And in doing that, we did have a handicapped parking spot that there was there previously which we now have to move over to the front, which is being shown, and also with that, we wanted to more clearly define and meet the code for the number of spaces that we need for parking. Okay? So we propose four new parking slots.

In doing that, though, we had to move the entry gate to the impoundment yard back to the west, as you will notice. So we had to move it back approximately 40 feet. The treatment on the addition is just going to mirror what we have now. It will be steel with the stone facing. I think we submitted those plans, as well.

Um, so basically it is going to match. May not even notice there is an addition, it is so small.

We had comments from the Town Engineer in an April 9th letter, and we have addressed

all of those. And we have sent a letter in, which I'm sure you have, regarding that.

And I have -- I don't have copies for everybody, but I have two prints here anyway, Mr. Chairman, with the -- with the changes, the modifications for the Town Engineer's comments. So we have done -- we have done every single one of those. I don't know if you want me to run through every one or not.

MICHAEL NYHAN: No. Just you're able to comply with all of them?

MR. ROBERT AVERY: Yes. I have complied with all of them.

MR. AVERY: I guess at that point, I think I have covered most everything.

MICHAEL NYHAN: I will take questions.

MATT EMENS: I don't have any. Looks like they have been addressed in the response letter. I guess I'm good right now.

JOHN HELLABY: I'm assuming that existing back fence comes down in its entirety that is there now between the lots?

MR. ROBERT AVERY: Yes.

JOHN HELLABY: Does that whole area get graveled?

MR. AVERY: Yes.

JOHN HELLABY: How many vehicles will you store in there at any time?

MR. ARDILLO: Hopefully, the plan is to --

MICHAEL NYHAN: Excuse me, Tony (Ardillo). Your name and address for the record.

MR. ARDILLO: Oh, my name is Tony Ardillo, the owner of Gates Towing. And the question was how many cars. What we're probably going to do, this is more for -- believe it or not, the Service Department has expanded -- not to correct you, the Service Department has gotten busier. So the spaces in front of the building are not sufficient.

You know, we have the spare lot which we do use. I would like to not have to depend on that in case some day that is not there. I want to be prepared for the influx of service customers, because my fleet business has -- has taken off really well, which is great. But I'm really more for -- the cars in the back, for the impound probably won't change. It will be just more for the Service Department. So that is really what it is about, to be honest with you.

JOHN HELLABY: You just mentioned spare lot. Is that the lot that is presently leased under the high lines?

MR. ROBERT AVERY: Yes.

JOHN HELLABY: Is that staying or is that going?

MR. ARDILLO: No. It is staying. But it would be nice not to count on that. If for some day they say, "You know what? We don't want to lease that anymore," I would like to be ahead of the game and I have a way to still function without creating problems.

JOHN HELLABY: Well, I honestly think you have run a nice operation down there.

MR. ARDILLO: Thank you.

JOHN HELLABY: But again, this is one of sticking points that I had a problem with last time you came in here. There is piles of debris and all kinds of crap on the north end of that lot.

MR. ARDILLO: Sure.

JOHN HELLABY: You didn't bring it in there, but somebody has to clean it up.

MR. ARDILLO: It will be me.

JOHN HELLABY: Please. I would just like to see it made part of the approval.

MR. ARDILLO: I have no problem with that.

JOHN HELLABY: Because it looks like hell.

MR. ARDILLO: When I moved in there, somebody piled mounds of stone and everything else.

JOHN HELLABY: Take all of the stone out back and use it in your new lot. Just get rid of it.

MR. ARDILLO: I agree. That's no problem. I bought a bulldozer. I have a backhoe. We can do what we have to do.

JOHN HELLABY: Wait, is it a towing business or construction? (Laughter.) That's all.

GLENN HYDE: Regarding the zoning variance, the 150 foot, is that not an issue?

PAUL WANZENRIED: Non-issue.

DAVID CROSS: Nothing further.

PAUL BLOSER: What are you doing with fencing back there then?

MR. ROBERT AVERY: Board on board, not to exceed 6 feet inside all of the way around.

MR. ARDILLO: Just like it is now, not extended around.

PAUL BLOSER: You're removing the one that is there?

MR. ROBERT AVERY: Yes.

MR. ARDILLO: Yes. The one that separates the two lots. There is a trailer back there that has been killing me, that is ugly. I'm going to have that crushed and get rid of that. It's a lot of work. It's a big -- it's a big unit. I always wanted to get rid of that. So that is going be gone, too. All it does is house animals in the neighborhood.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MR. ROBERT AVERY: I have a question. How did the Board decide to handle the public -- you know, Public Hearing portion? How would that occur?

MICHAEL NYHAN: It's online live. Like a 30 or 40 second delay.

MR. ROBERT AVERY: Online? Really? The reason I ask, I didn't quite know because I

did a Planning Board over in Gates two weeks ago and they did it by Zoom and they had people able to log on.

GLENN HYDE: That's it (indicating).

MR. ROBERT AVERY: It's YouTube. Okay.

SUPERVISOR DUNNING: Mr. Chairman, there are 12 people watching. I have waited about a minute at this point. I have not seen any comments from the public.

MICHAEL NYHAN: Thank you, sir.

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 additional discussion or questions of the applicant?

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

Applicant to provide written response to comments by the Town Engineer.

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.

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 the Town Code, including obtaining sound permit -- sign permits.

And, Al (Hellaby), I have a -- stone and debris in the north end of the lot shall be removed from the property.

Any other conditions?

PAUL WANZENRIED: You're moving that trailer?

MICHAEL NYHAN: The trailer.

PAUL WANZENRIED: Lump that in there, as well.

MICHAEL NYHAN: So the final condition is the stone debris and trailer on the north end of the lot shall be removed from the property.

Any other conditions?

Seeing none. With those conditions of the application of Phildom LLC. c/o Anthony Ardillo 1421 Scottsville Rd, Rochester, NY 14624; for the re-subdivision of two lots 1421 & 1437 Scottsville Rd into two lots to be known as Gates Towing Subdivision at the properties located at 1421 & 1437 Scottsville Rd in the G.I. (General Industrial) District and the application of Phildom LLC. c/o Anthony Ardillo 1421 Scottsville Rd, Rochester, New York 14624; for preliminary site plan approval to allow for rear parking lot expansion and a 20'-0" x 17'-0" (340 sq. ft.) office addition at the property located at 1421 Scottsville Rd in the G.I. (General Industrial) District.

We have waiver of final on this? All set with that?

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: Waiver of final.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant provide written response to comments by Town Engineer.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 7 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. Applicant provide written response to comments by Town Engineer.

3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Building permits shall not be issued prior to applicant complying with all conditions.
6. Application is subject to all required permits, inspections and code compliance regulations.
7. Application is subject to 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. Stone, debris and trailer on north end of the lot shall be removed from property.

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

JOHN HELLABY: Mr. Chairman, it is my intention to recuse myself from the next application as I worked for Wegmans for 30 years and have ongoing relationship with them.

MICHAEL NYHAN: Thank you.

5. Application of Wegmans Food Markets Inc. C/o Caitlyn Piatkowski, 100 Market St., Rochester, NY 14624; for preliminary site plan approval to erect a 42.7' x 57.2' (approx.. 2,443 sq. ft.) waste water treatment facility and a thirty foot (30') tall waste water equalization tank at the property located at 249 Fisher Rd in the G.I. (General Industrial) District.

Caitlyn Piatkowski and Garth Winterkorn were present to represent the application.

MICHAEL NYHAN: And Al Hellaby has recused himself from this hearing based on previous employment and relationship with Wegmans.

MS. PIATKOWSKI: Hello. So I'm Caitlyn Piatkowski. I'm with Wegmans Food Markets in the Civil Engineer Group at 100 Wegmans Market Street. So I brought Garth Winterkorn here with us. He is representing the civil part of the Dennis Group out of Boston, who is our engineer and design/build for this project.

So our project is to build a waste water treatment plant for our Culinary Innovation Center. It's been a long process with the County. We have been getting a couple of dings every now and then on our sanitary waste and so we have changed processes inside the building. All of it came down to us still needing more than what we could provide to the County. So it has ended in us needing a waste water treatment plant.

So we are going with a dissolved air flotation process and so it consists of this building, a lift station and the tank. So the tank, building, lift station and then all of the piping underground will process the facility that is just to the north of it.

Um, our intention is to have our waste water go to the new also proposed and previously approved parking lot that is to the east of the proposed project. And then, yeah. I don't know if you have anything more.

MR. WINTERKORN: Not really. Most of the pretreatment --

MICHAEL NYHAN: If you could state your name and come up.

MR. WINTERKORN: Garth Winterkorn from Costich Engineering.

I think Caitlyn (Piatkowski) and I would be happy to answer any technical questions. We got comments from Lu Engineers and updated our plans and did a response letter and attached a lot of materials that kind of went into more detail about what happens inside the pretreatment facility.

MICHAEL NYHAN: Okay.

MATT EMENS: I apologize. I don't have a copy of the response letter. Is that in my packet here? I see the revised drawings. I see the revised short form. I don't have the response letter.

MR. WINTERKORN: Is this okay?

MICHAEL NYHAN: Yeah.

MR. WINTERKORN: I only have one copy.

MATT EMENS: Thank you.

MICHAEL NYHAN: While Matt (Emens) is reviewing that, will you be able to comply with all of the comments from the Town Engineer?

MS. PIATKOWSKI: Yes.

MR. WINTERKORN: Yes.

MICHAEL NYHAN: Matt (Emens), I will come back to you.

MATT EMENS: Yes. Thank you. That will be fine.

DAVID CROSS: Landscaping proposed, how do you plan to deal with that?

MS. PIATKOWSKI: There is -- so we -- we're planning on putting some trees and stuff.

DAVID CROSS: Thank you, Caitlyn (Piatkowski). I didn't see that up there.

MS. PIATKOWSKI: Not a problem.

DAVID CROSS: The other questions, um -- so you're basically separating the fats and all the grease and how do you plan to get that offsite? That going to be trucked off site?

MS. PIATKOWSKI: Similar to Brooks Ave.

MICHAEL NYHAN: People are online and can't hear.

MS. PIATKOWSKI: Similar to Brooks Ave. Just like your septic tank at home. It will be pumped by our contractor that pumps our pump station over at our Brooks Ave. for the same reason and it will get hauled offsite.

DAVID CROSS: Okay. And I mean the potential -- there is certainly some potential for odors. How do you plan to address that?

MS. PIATKOWSKI: We have addressed that in our design meetings. There is some carbon air filters that are inside the building that will treat the air inside the building and such. The building itself shouldn't have much of a scent. It would be mostly when it gets pumped. And I believe that it's going to be about every two weeks or so. With just during the time of it being pumped. So it shouldn't be interfering too much.

DAVID CROSS: The only other concern I have is the noise of the blowers. Do they have any like sound proof housings on them?

MS. PIATKOWSKI: I do not have the answer to that. I can make sure that it does. Those are not technically been stocked yet inside the building, so we can make sure that they --

DAVID CROSS: Please do. You're really adjacent to a residential setting. So pay attention to that. That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: I will wait a minute, but I do have a question.

Will construction vehicles have access from Fisher Road?

MS. PIATKOWSKI: No. All of the construction vehicles will come through our security station, so no.

MICHAEL NYHAN: One control point on there, correct? Everybody comes through the security station and then they go on to the complex?

MS. PIATKOWSKI: Yes.

SUPERVISOR DUNNING: He is trying to type something here, the question, which is coming from Charles Rettig.

CHARLES RETTIG, via YouTube Live

MR. RETTIG: Tank material steel or concrete? Open or closed end?

MS. PIATKOWSKI: Closed tank and steel.

MICHAEL NYHAN: Are you typing responses, too?

SUPERVISOR DUNNING: I am. Hopefully they can hear her. I'm also typing it so that -- closed and steel is what you did say, correct?

MS. PIATKOWSKI: Correct.

SUPERVISOR DUNNING: Thank you.

There is a heck of a delay between the live stream and the feed.

MICHAEL NYHAN: We're not going anywhere afterwards. (Laughter.)

SUPERVISOR DUNNING: Again from Charles Rettig.

CHARLES RETTIG, via YouTube Live

MR. RETTIG: Any New York State DEC permit required?

MR. WINTERKORN: Just for the storm water.

MS. PIATKOWSKI: Just storm water DEC permit. No waste water treatment --

SUPERVISOR DUNNING: Specific question is New York DEC.

MS. PIATKOWSKI: There is two different -- there is storm water and one for waste water treatment. Where there were (unintelligible) we went to request. We need one for storm water. Not one for water treatment.

SUPERVISOR DUNNING: I would be accurate to say for storm water only, correct?

MS. PIATKOWSKI: Yep.

SUPERVISOR DUNNING: I'm going to assume at this point there are no other questions. There are 14 people watching.

It appears Mr. Rettig's questions have been answered, Mr. Chairman.

MICHAEL NYHAN: Thank you.

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

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

MICHAEL NYHAN: Matt (Emens), questions?

MATT EMENS: No. I'm set. The response letter answered everything and the answers to Dave (Lindsay)'s questions were very helpful. Thank you.

MICHAEL NYHAN: It is really pretreating -- it is like a pretreatment, correct?

MS. PIATKOWSKI: Yes.

MICHAEL NYHAN: Before it is disposed of? Thank you. Any discussion or comments from the Board, side table?

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 Matt Emens seconded the motion. The Board all voted yes on the motion.

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

Approval is final to 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.

The 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.

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

The applicant to provide written response to the comments contained in the letter from the Town Engineer.

Any other conditions of approval?

Hearing none, with those conditions of approval, the applications of Wegmans Food Markets Inc. c/o Caitlyn Piatkowski, 100 Market St., Rochester, NY 14624; for preliminary site plan approval to erect a 42.7' x 57.2' (approx. 2,443 sq. ft.) waste water treatment facility and a thirty foot (30') tall waste water equalization tank at the property located at 249 Fisher Rd in the G.I. (General Industrial) District.

MATT EMENS: Second.

The Board approved the motion by a vote of 6 yes with 1 abstention (John Hellaby) on the motion.

MICHAEL NYHAN: Is that preliminary? It was also -- you wanted waiver of final, correct? I will add to that a waiver of final.

To the Board. And a vote. The Board --

ERIC STOWE: You need a second.

MATT EMENS: Second.

The Board approved the motion by a vote of 6 yes with 1 abstention (John Hellaby) on the motion.

MICHAEL NYHAN: Preliminary and final have been approved.

DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby) 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 approved landscaping 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 required pertinent Monroe County Development Review Committee Comments.
5. Building permits shall not be issue prior to applicant complying with all conditions.

6. Application is subject to all required permits, inspections and code compliance regulations.
7. Applicant shall 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. Applicant provide written response to the comments contained in letter from Town Engineer.

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

JOSEPH DEFENDIS: Mr. Chairman, I have to recuse myself.

ERIC STOWE: We need a reason.

JOSEPH DEFENDIS: I worked with these when I was with the construction company.

MICHAEL NYHAN: Employment relationship.

6. Application of Rochester Cornerstone Group Union St. LLC. 30 Grove St. Pittsford, NY 14534; for preliminary site plan approval to erect 1 apartment building totaling 24 units at the property located at 154 Union Square Blvd. in the PRD (Planned Residential Development) District.
7. Application of Rochester Cornerstone Group Union St. LLC. 30 Grove St. Pittsford, NY 14534; for preliminary site plan approval to erect 6 apartment building totaling 48 units at the property located at 3327 Union St. in the PRD (Planned Residential Development) District.

Ryan Brandt and Ed Parrone were present to represent application.

MICHAEL NYHAN: Did they come before you for final review?

MATT EMENS: They were before the AAC.

ERIC STOWE: Mr. Chairman, just the recusal.

MICHAEL NYHAN: Yes. Thank you. The Board member, Joe Defendis, recused himself from this hearing because of a previous employment relationship with the applicant.

MR. RYAN BRANDT: I'm Ryan Brandt from Rochester's Cornerstone Group. Address 460 White Spruce Boulevard, Rochester, New York 14623. So we're here -- our company is located over in Brighton.

We have some history here in the Town of Chili both from some residential and commercial developments. We have developed and managed over 2,000 apartment units, most of which are right here in Monroe County.

In front of the Board tonight to present this -- as stated previously, the Hubbard Springs Apartments. A two-site development. One at 154 Union Square Boulevard and 3327 Union Street, both of which are across the street from each other on the Union Square Boulevard corridor.

This will be built as one development, both phases at the same time. The same team with LeCesse Construction; Parrone Engineers; SWBR Architects, who was here earlier in front of the AAC. They're all firms we worked with many times before. They've developed a lot of quality projects.

So the earliest we submit for a building permit with you, once approved, would be late summer of 2020. But we do have some fundraising and lenders that will be reviewing this for feasibility and market absorption, et cetera. So that is our current timeline.

I guess before I turn it over to Ed (Parrone) here, 72 total units on the one site, the 154 Union Square Boulevard. We have 24 one-bedroom units. That is going to be this -- the Board can see that big building over on the side there, that is going to be the most prominently featured building of the seven buildings we're proposing.

The second site over on 3327 Union Street, that will be six buildings, two three-bedroom buildings, totaling 24 three-bedroom units and 24 two-bedrooms units, as well, in the other three buildings.

The one-bedroom building -- and that will be elevatorized but it will not be limited to seniors. We do expect a lot of seniors to live there. Attractive elevator building. That building is the one that is going to have the Manager's offices and it will have the 24/7 fitness room and 24/7 laundry room, some additional community space for tenants to rent out for birthday parties, things like that.

So the last thing I had to say, we have two area variances we have submitted to the Zoning Board of the Appeals both regarding the storage space, one for each site. We'll be in front of the ZBA in a couple weeks to discuss that. Until then we'll present here tonight.

And then I will let you take it from here, Ed (Parrone).

MR. PARRONE: Thanks. Good evening. For the record, my name is Ed Parrone from Parrone Engineering and some of the things that I was going to speak about Ryan (Brandt) already stated it.

And what I would like to say is this. We are trying to seek preliminary and final site plan approval, as well as SEQR for both parcels combined this evening. The reason why I ask that, to be indulgent a little bit, is we would like to do this because the applications are very competitive and we're trying to get into the early applications for HCR, which is a funding mechanism with the State for projects of this nature.

As Ryan (Brandt) indicated, we are looking at 72 units. And the parking facilities, just to get this -- because we had some discussion last time when we were before you guys back in February -- that the requirement by the zoning is two units or two spaces per -- per unit. And with 72 units, we needed 144 spaces. And for the 154, which is the smaller piece, we do have -- provided for 48 spaces as well as 2 -- 3327 Union Street, the bigger parcel, we have a 97-unit -- or 97 spaces being proposed for 145 spaces.

Now, one other thing that I will point out right now is we will add another space -- the Town Engineer, and I will get into the Town Engineer's comments in a few minutes -- that we will add an additional space for 154 Union Square Boulevard for the maintenance office. The Town Engineer suggested we do that and we don't have a problem doing that, as well.

As far as setbacks, when this project was originally approved, the setbacks were to be defined and decided upon by the Planning Board with the one exception. The setback on Union Street -- Union Street is 75 feet as in the zoning code and that's always been abided by and we will abide by that again. Not even the parking areas will be closer than 75 feet as shown on the large parcel here (indicating) where we have two buildings that will front or be in front of Union Street. So that will be 75 feet.

We have picked 35 feet for Union Square Boulevard for both parcels. As a front setback, that is pretty close to uniform what the other projects were at the southern part of Union Square, the other apartment complexes.

We are proposing for the 154 building, the side setback for the building to be 26 feet, which would be adjoining to the stream here (indicating). And the shed that's on the large parcel in -- in the park area at 20 feet. In no way is any of the other buildings anywhere near that setback requirement, so hopefully with the -- your approval, we can abide by those suggested setbacks that we would like to have this evening.

As far as handicapped accessibility and spaces, we will have -- and the 154 Union Square small 2-acre parcel, the 48-unit, there will be six handicapped apartments in that particular facility. And the 3327 site, there will be one handicapped unit for the two-bedroom building and one handicapped for the three-bedroom, which means a total of eight. This is a requirement that we have to abide by with HCR and we will meet that requirement.

The Town Engineer did bring up the issue relative to handicapped spaces. In your code -- the code for handicapped ADA code is 8 foot space, 8 foot landing area and then an 8 foot space.

In your Town Code, it's a 9 foot 6 inch and an 8 foot and a 9 foot 6 inch. So we will make the adjustments for the handicapped parking spaces.

And I want to get into infrastructure right now. In the infrastructure, I will start with the storm drainage. I think all of you are familiar with this project and I know some of you, because I have been before you when we first did this project, you got the -- the stream generally runs -- we'll call it from the north, and then it moves in a southwesterly direction. It goes into the large storm water management facility that we built back in the early mid-'90s for the entire project for storm water detention and then eventually winds its way down to Black Creek.

This -- this storm drainage conveyance, the stream again we'll be utilizing it for storm water discharge. However, in this particular case we do have to meet green infrastructure, and so the large parcel, which is 3327, there will be located approximately right up here (indicating) in the -- we'll call it the southwest corner of the site a bio retention basin, which will take care of water quality and the storm sewer system for this site will be an enclosed system for the most part. We'll discharge to this and in turn we'll discharge to the stream.

Now for storm laterals, all of the units in this complex will all have storm sewer laterals. Some will discharge directly to the stream, but the bulk of them will discharge to this storm water bio retention. This will be part of the overall SWPPP that we are in the process of doing right now.

As far as the small site is concerned, the two-acre site, we're providing primarily sheet runoff for the parking area. That sheet runoff will be discharged into a -- what we call a bio -- a bio retention trench that runs pretty much along a good chunk of the property onto the north, as well as the storm lateral for the building itself will be able to discharge in that particular location and then in turn will go into the stream.

So we will be meeting all of the storm water quality requirements of today's standards for this particular project. For sanitary sewers, there are no sewers. What we're providing are laterals for both sites. We will be discharging the sanitary laterals. They will vary in size from 4 to 6 inch. They will discharge into either the 18-inch sanitary, which is located here at the northern end of Union Square Boulevard, or to the 24-inch along Union Square Boulevard and along the southerly boundary line of 3327 Union Street. So everything in that location will be sanitary laterals.

As far as water is concerned, there is a 12-inch water main on Union Square Boulevard. We'll call it on the northwestern side of Union Square Boulevard. That was constructed back in the day when the project first was initiated in the mid-'90s and we'll be discharging -- for the large site, an 8-inch water main with a backflow preventer will be connected to the 12-inch main and a main will be located within the complex. And within the complex, there will be three hydrants. I believe you have a letter on file from the Fire Marshal relative to that. He seemed

satisfactory with the -- with our layout for where the water is to go, where the hydrants are to go. And, in fact, we also demonstrated that we do meet the requirements as far as emergency vehicles, which I will get into in a minute.

So all buildings, by the way, will be sprinklered. That is why we need backflow preventers. There will be a backflow preventer on a small site that will be inside the building. And because of the size of the main, this will have a hot box out at -- near Union Square Boulevard to protect the system and it will all be private. It will be private.

As far as some of the safety provisions are concerned, as I said, the Fire Marshal did, in fact, review the plan. We did provide a turning -- the turning radius movements for the fire vehicles, the quint, the largest vehicle. And we made sure that in this campus here, that all of the turns can be negotiated by the -- by the fire apparatus. And to go along a little farther with the safety provisions, there will be a crosswalk both locations as shown on 3 -- 3327 Union Street where the -- adjacent to the entrance drive, there will be crosswalks to connect to the sidewalk on the west side of Union Square Boulevard for two reasons. One, for independent communication with the entire complex, but more importantly, to get to 154, because there is a Community Center -- community rooms here, 154, to allow residents to go back and forth and the residents in this location (indicating) can walk to the open space in parkland over here (indicating).

The -- there will be signage for it. There will be -- that will meet the uniform -- traffic uniform requirements that are set forth by the National Highway Administration and the New York State DOT.

We will also be providing -- the Town Engineer suggested that we provide stop signs at the intersections here, which we will do, and stop bars as part of the safety requirements.

As far as the -- there was a question you all had last time relative to the School District and bus pickup and where would that be. We do have correspondence and we did meet with the Director of Transportation for the Chili -- Churchville-Chili Central School District. At that time, she indicated that she would be more than willing and there'd be no problem picking up children here. She has no preference right now where she wants to do that. I think it's a little premature. She said either we could either pick them up internally or along Union Square Boulevard. I think as we get farther along, maybe we can press her to say, "Where do you really want to do this?" We -- we assured with the school buses that they could negotiate the turns just like fire trucks within the complex, if they so wish to do it. But I think it is really their call to make that decision and not so much our call.

I would like to get into some of the comments. For the most part -- we received letters from the Town Engineer dated May 1 and May 4th, and for the most part, many of them are technical in nature, which we will -- we'll deal with with the Town Engineer. Some of these are changes of some notes. Some of these are some scribe's errors.

But there a couple of things that I do want to bring up at this time. Um, and that is, the first thing, in his May 1 letter, as it relates to the comment about the wetland delineation.

Back in 2010, August, actually, the -- Roger Brandt, Ryan (Brandt)'s father, had requested that we do a wetland delineation for the properties. And at this time, we did do that. It is shown on the drawing, and right now, the only wetland that we have that was recorded at the time is off the property of 154 Union Square Boulevard. There was no wetland on 3327 Union Street.

However, we are -- in fact, engaged the services of Mr. Valiant who did the last one in 2010, and he assures us next week we'll be going out to do another delineation or reconfirming the old delineation and we will loan our surveyors to locate it and then we'll show it on the plan again.

So we agree with the Town Engineer that we will -- we are, in fact, already engaged to do that. And we will do that.

There was another comment relative to -- let's see. Let me get to this one. I will get to it. Yes. I already talked about that, about the School District.

And we have already talked about the handicapped. That's not an issue.

Oh, as far as SEQR is concerned, the EAF, we did make adjustment to the -- to the comments that were made by the Town Engineer and I think we sent them back to you, Paul (Wanzenried), for -- on May 8th, to clarify that there were some things that needed to be addressed in the SEQR that we formally did do.

That leads me -- there were no other comments other than technical. The May 4th letter was clearly all technical comments that we will handle.

There is something, however, that I want to bring to light to the Board, and that is as it relates to historical. We did reach out to SHPO. I do want to make a point of this. Back in -- when the project was initiated back in the early, mid-'90s, SHPO said at that time there was no significance for this site at all. Well, subsequent to that time, um, we reached out again to make sure, because the residents -- that the out residents, which you will all wanted us to locate and show, because we are showing here, they -- it's not that it is historical in a sense that it is on the register of any sort, but to be safe, and what our clients did and SHPO requested us to do, was to prepare what is called a -- a construction protection plan. And in this protection plan, we have to deal with things -- with actually meeting with the client, or the owner, prior to the construction outlining what is going to be done, how this property is going to be protected, detailed photos have to be taken. Work time has to be very specific. There is a litany, a plan that we have to provide for that owner and to ensure so that SHPO is happy with what we're doing for that particular project.

The house is the only thing that really is in question. The shed, that is located in this area, as I'm pointing to with the garage, we're not. Just as a point of interest, I think you all asked this

question. The garage, the closest point to any property is 60 feet. The closest point of the house, from the play area, which is roughly about half an acre, that is 101 feet to the property line. Closest point to this building is 140 feet. 100 feet of the property and another 40 feet before you get to the next building.

So there is ample distance between them. We do have on file -- SWBR did provide -- we did not do a landscaping plan, but there was a detailed landscaping plan in your packet that helps to buffer and mitigate any visual impact that this property owner might have.

I know that Ryan (Brandt) has had discussion with the property owner. I think he is going to be asking some questions tonight we suspect. And we're more than willing to, you know, answer all of his questions.

I think at this point in time, I will conclude my presentation and if I can't answer them, I will turn it over to -- to Ryan (Brandt) for some things I cannot answer for you this evening. Thank you.

MICHAEL NYHAN: Before you do that, could you comment on the traffic report that was completed?

MR. PARRONE: Yes.

MICHAEL NYHAN: As well as the Hubbard Springs, the -- as well as archaeological dig that was completed? Can you go into the details that was done?

MR. PARRONE: I cannot go into the detail of the archaeological dig because I did not witness to that, but I know it's on file with you folks.

As far as the traffic was concerned, I think SRF was just reconfirming what the impact was. It was not a very large impact on Union Square Boulevard and that the project was designed in such a fashion it could handle that kind of traffic. What we suspected wasn't going to be a large traffic impact.

As far as the archaeological, I can't comment to that. I don't know if Ryan (Brandt) can, but I can't. Because I did not see that. I know that he -- I know Mr. Romano sent that to you all directly. I don't have a copy of that. So unfortunately I can't really speak to that.

MICHAEL NYHAN: Okay. Ryan (Brandt), do you --

MR. RYAN BRANDT: Archeological?

MICHAEL NYHAN: -- have a comment on -- yes.

MR. RYAN BRANDT: There was -- just a conclusion was -- I believe it was shared with (unintelligible) and then the Board afterwards, but it was the conclusion was that they recommend no further archaeological investigation to the proposed development. This is Duell (phonetic) Archeology. So they're -- their summary was there was no -- no reason to further investigate the archaeological significance.

MICHAEL NYHAN: Okay. We do have a copy of it. We don't need another one. I just want to be part of the --

MR. PARRONE: Records.

MICHAEL NYHAN: -- comments so that the public that is listening in could hear it in case we have questions on that.

We also have the statements from the Parks Recreation and Historic Preservation that no adverse effect, historic or archeological resources as well as the traffic study that was completed by SRF. There is not a significant volume to warrant any further investigation into that. And we did receive a letter from the Town Fire Marshal on the turning radiuses within the complex itself.

MR. PARRONE: Right.

MICHAEL NYHAN: Okay. I think that covers most of the items we talked about when you were here before us for a recommendation.

David (Dunning), could you clarify, the delineation of the wetlands? Are there wetlands on the property that we know of, or we're not sure and they just need to be investigated?

DAVID LINDSAY: We're just looking for the previous delineation to be reaffirmed, I guess, and probably a letter from the Army Corps based on the delineation.

MR. PARRONE: Yes. What will happen, Dave (Lindsay), as you well know, Valiant will go back out. They will reflag and hopefully it's in the same location or has not changed significantly. We will locate it. He will prepare a report and then send it on to the Army Corps.

DAVID LINDSAY: As long as we have that, you know, prior to signing the mylars, we're fine.

MICHAEL NYHAN: Okay. And there is also a SWPPP required?

MR. PARRONE: Yes, there is.

MICHAEL NYHAN: We do not have that yet; is that correct?

MR. PARRONE: That's correct. We're in the process of doing that.

DAVID LINDSAY: Yes, it is required.

MR. PARRONE: Yes, it is.

MICHAEL NYHAN: That opens up to questions.

MATT EMENS: Thanks. So I think that checks off everything, Mike (Nyhan), I had on the engineering comments, so all those items have been addressed.

So I will just stay on the -- I guess try to understand a little bit more, Ed (Parrone), about the identification of the house and the plan that has to be put in place.

So I guess I read that. I understand the gist of it, but maybe a little more detail with it because I'm not familiar with the process. So is there going to be -- there is monitoring during the process, construction process?

MR. PARRONE: There will be monitoring during the process.

MATT EMENS: Who is responsible for that monitoring?

MR. PARRONE: We are.

MATT EMENS: So there will be like a reporting, like a daily report?

MR. PARRONE: Probably won't be a daily report. Might be a monthly report.

MATT EMENS: Okay. And then that gets -- who does that get shared with or distributed to?

MR. PARRONE: Well, I know SHPO will want to know activity, what is going on. Right now, I don't -- unless the Town wants to have it, we -- we're only going to share that with the SHPO people.

MATT EMENS: I'm just trying to understand because I'm not familiar with it.

MR. PARRONE: Well, this --

MR. RYAN BRANDT: We'll certainly share with the Town and --

SUPERVISOR DUNNING: You need to speak into the microphone, please.

MR. RYAN BRANDT: We'll share with the Town any reporting that is -- as part of this plan, we'll certainly share with the Town. And it has to be shared and consulted with the resident, as well.

MATT EMENS: That is the other thing I was trying to understand, too. I'm not asking for it to be shared with the Town. I will defer to the side table on whether that is required or not. I'm think I'm trying to get just a general understanding. Because I'm not familiar with the process. The resident, you know, it is obviously a delicate subject to try to understand what it is and how it will be communicated. So thank you.

And just to clarify, too, Ed (Parrone), you said that the barn and the garage are not part of that plan?

MR. PARRONE: No, no. They're part of the site. But the sensitivity map is really the house. The house -- we were told is about 130 years old, okay?

MATT EMENS: Yep.

MR. PARRONE: So the concern from SHPO's standpoint is really the house. The effect on the -- on the construction, on the house. The garage is -- the shed and the garage is -- came well after that, so it's our understanding that the focus is on the house.

MATT EMENS: Understood. Okay. Thank you.

MR. PARRONE: Okay.

MICHAEL NYHAN: Ed (Parrone), and you are referring to the Hubbard Springs apartment's construction protection plan; is that correct?

MR. PARRONE: Yes, sir.

MATT EMENS: Thanks, Mike (Nyhan), for the detail.

So -- so the other one, too, is just to do my other thing here, is AAC, Ryan (Brandt), you and the architect, SWBR, were before us earlier. So just for the benefit of the Board, that was the second time you guys were in front of us.

Chairman Ignatowski and myself were there tonight. You addressed -- you and the architect addressed the concern we had last time. We spoke about some specific things. I will try to just quickly outline those.

You guys are not required to come back to us, however, you are going to follow up with these -- these few items that we outlined. The first one is the providing the colors and the manufacture specifications on those for both -- for both buildings or sets of projects.

MR. RYAN BRANDT: Yep.

MATT EMENS: The other one we spoke about was the light fixtures. And I will tie that in here at the end and come back to you on that one. And then the dumpster enclosures.

MR. PARRONE: Yes.

MATT EMENS: The dumpster enclosures, you guys provided the details to us and we looked at them tonight at AAC. We talked a little bit about behind the larger 24-unit complex -- two-story complex that both dumpster enclosures are going to have natural cedar, right? And I -- I think what we basically said at AAC was that that seemed reasonable. The dumpster enclosure for this building, the 24-unit building, it's behind it. It is screened by an Arborvitae-type material. It looks like that is 5 foot in nature. You guys are also going to clarify that, I believe, Ryan (Brandt). You were at a slight disadvantage without having a full team here, I know.

So the landscape screening is good. The natural cedar was okay on this one. The concern that Paul (Wanzenried) -- that Jim (Ignatowski) and I had in talking to you guys about was actually the material color now that those are really front -- your dumpster enclosures, Ed (Parrone), that you moved --

MR. PARRONE: Yes.

MATT EMENS: -- that we were talking about the last time you guys were here --

MR. PARRONE: Yes.

MATT EMENS: -- you moved them to a great spot. You solved a major problem from an operational standpoint. But now we have created a -- you know a -- two dumpster enclosures that are fronting a street, right? So just the concern that we had was maybe those should be stained a color to -- to possibly complement the building, which is the blue gray and the white, with the gray -- the natural cedar color would get some kind of a stain, but it would make it kinda more gray to tie into that building. I know that is a maintenance item that you guys would to keep track of in the future, but that was one of our general concerns, just so you guys were aware of it.

And so I will just stay on the dumpster enclosures for a minute. I like where you put them. I understand why we moved them there. So I -- I think in general I'm okay with those. Once again, I just want to make sure that the colors of the fencing and then the landscaping is

providing a good screening for those things, for your nice new buildings.

MR. PARRONE: With that, Matt (Emens), the Town Engineer did make a comment relative to the location. Mike (Hanscom) made the comment that you can look at the possibility of moving it. I will share with you, we probably moved those things, 10, 12 times at least to try to make sure that they work the best. And we'll demonstrate to the Town Engineer there is not a lot of wiggle room in that particular area. I share his concern that you don't want cars hitting them, but I think they're far enough away that we won't have an issue with them. We'll just have to work with that detail with the location of that dumpster.

MATT EMENS: Maybe some additional landscaping and hard -- like a rock, a boulder or something.

MR. PARRONE: I understand. I understand.

MR. RYAN BRANDT: One more. You mentioned the dumpster and the 24-unit building. Was your comments applying to all three dumpsters?

MATT EMENS: No.

MR. RYAN BRANDT: Just the two in the --

MR. PARRONE: On Union Square.

MATT EMENS: I don't think at that point it would be a huge cost difference. But once again, I think the bigger concern I have is the ones in the front fronting the street.

MR. PARRONE: I don't think we have an issue with that.

MATT EMENS: The next one is the -- so the building lighting, you guys -- you're showing lighting on your utility plan, but there is no building lighting shown and there's no photometrics.

MR. PARRONE: Photometrics, if they're not in there, they have to be in there.

MATT EMENS: No. I know.

MR. PARRONE: As far as the building, the lighting on the building, that is something we would have to coordinate with SWBR because normally we're not involved with that.

MATT EMENS: Yes. You guys can share that information and get those photometrics.

MR. RYAN BRANDT: Yeah. We'll share that. Both photometrics and the exterior.

MATT EMENS: The cut sheet was one of the other things that Jim (Ignatowski) had mentioned that we'll want to AAC --

MR. PARRONE: We're also trying to be dark-sky compliant, too.

MATT EMENS: Yep. One more comment on the site plan, Ed (Parrone). And I know -- well, I will say it to Ed (Parrone) and -- but I know you had already given the disclaimer that you guys at SWBR did the -- the landscape plan, so I guess the comment is just to the project in general, is --

MR. PARRONE: I'm fine.

MATT EMENS: -- that I like the street trees Union Square Boulevard. I just think we're missing maybe -- not maybe. I think we're missing some trees on Union Street there.

MR. PARRONE: Okay.

MATT EMENS: Before -- before -- I don't need it to be -- I think we went from what it is now, which is closed in and overgrown, to completely wide open, right? You've got some nice foundation plantings and other great trees in the other area. I think we just need to look at something there to have a street-tree presence.

MR. PARRONE: No, no, there is no question about it. There is something that we will certainly bring back to SWBR as far as trees are concerned.

MATT EMENS: Okay. Perfect. And the one last item. I guess -- maybe I'm confused.

MR. PARRONE: You're never confused.

MATT EMENS: Thank you. Good recovery. I'm smiling under the mask, too.

MR. PARRONE: So am I.

MATT EMENS: So SRF did -- and I know you may have trouble speaking to this, but so -- so back to the '90s, the -- the original study, there was some feedback from I -- I believe a letter from the DOT that there was some concerns after full build-out that they didn't necessarily agree with the original traffic study that was completed.

So I guess I'm just a little -- I want to just play dumb, which I know I'm good at, and say what -- how did we get from 1995 to 2020 and now you have gone and -- SRF has gone and done not even a full study. They have just done a review to see if a study is warranted and they're saying it is not. So I guess I'm trying to connect the dots at high level, how do we get from there to --

MR. PARRONE: Well, part of it is these sites that we're looking at now were going to be more office and retail. That's a higher density, a lot more traffic. Not less. Plus the fact -- plus the fact the property that is here (indicating), across from 3327, that was part of -- going to be developed and that wound out being Town land. So we took a chunk of the property away from the project, plus originally -- especially here (indicating), it was going to be all office, which is a higher -- higher use of traffic volume. That is why there was a decrease in -- and why he is saying there is not a lot of impact.

Okay, the traffic generation -- you have to remember, back in the '90s, they were forecasting -- forecasting there will be a lot greater -- I don't know what his multiplying factors were back then, but we were having a higher dense project at the time. So at the time, DOT had some concern. Well, as it turns out, the project has lesser -- less traffic volumes over the course of time, and that's why he feels comfortable doing it.

We still had to do the -- we -- this project, we had to build, rebuild all of the Union Street, all of the way to Buffalo Road. That was part of the -- that was part of the deal with the DOT. So I feel comfortable with SRF saying, I think that because the densities is reduced, where he

came to that conclusion, and I -- and I have no problem with it. Because he has real traffic counts that he is actually seeing, not forecasting traffic what it is going to be like that. It is the simplest way I can respond to you.

MATT EMENS: No. That is great. Thank you. All right. I'm good for now. Thanks, Mike (Nyhan).

JOHN HELLABY: I think most of the questions that were brought up at February's meetings have been answered. A couple of things, though. There was an email here this evening, when we showed up, apparently from the new owner of that farmhouse. Have you had any other conversations with those people short of that letter you sent to them?

MR. PARRONE: Yes. He has -- he had -- Ryan (Brandt) and his dad had conversations with them. Ryan (Brandt) has for sure.

MR. RYAN BRANDT: So we did -- we issued this letter last week and -- so I believe the Board has a copy of the letter. We did have a phone discussion and then some email exchanges with the new owner, as well. And he had some understandable concerns about the -- the development and how it is going to affect his property, having just -- I forgot what he said, somewhat recently he purchased it. So we did remind him we'll work with him throughout the process and be as good as neighbor as we can. It will be a construction project, so there be -- there be generally noise and traffic in and out, but we're going to abide by all of the local codes and there will be SWPPP inspections constantly. And we're -- at submission, at the start -- we're based in Brighton. Our property management firm is in the same office in Brighton. It will be locally developed, locally built and locally managed, too. So tenant concerns and anything other things that may go wrong, we'll have onsite staff and we'll continue to be here and make sure that any -- any concerns that he has that are within reason will be met.

We'll certainly -- as mentioned with the construction protection plan, we'll have regular communication. And we assume all other questions and information he'll be looking for and we'll establish a relationship with him.

JOHN HELLABY: Also on the same note, SHPO, on the 3327 Union Street, you did state that they want the construction protection plan, but there was also mention in there of the vegetation buffer. Are they part of the approval process? Do they have to approve what you're proposing or is that --

MR. RYAN BRANDT: That was not our understanding. I think your letter is in -- you have a copy of the letter. It is a vegetative buffer must be established.

JOHN HELLABY: Right.

MR. RYAN BRANDT: Which we have submitted and shown it was. But -- but the buffer was not contingent on the approval. I wasn't there -- so I suppose they're pointing back to the local level here for --

DAVID CROSS: Just one question. And I think Matt (Emens) already addressed it. Will you plant a few more trees along Union Street?

MR. PARRONE: I think you're telling us, that, David (Cross).

DAVID CROSS: Okay. That's all.

MR. PARRONE: I think Matt (Emens) and you made it crystal clear.

MR. RYAN BRANDT: We can do that. Absolutely.

MR. PARRONE: There is no issue there.

DAVID LINDSAY: Just to reiterate, we haven't received a copy of the SWPPP or the drainage report so we can't really can't speak to the adequacy of the illustrated storm water pollution prevention on the plans.

MR. PARRONE: We'll get there, David (Lindsay). We're getting there.

ERIC STOWE: Just on the SWPPP, I don't believe we typically do preliminaries without a SWPPP in hand.

Um, with request to the Engineer's comments, there was one that I had thought of, as well. Typically we're taking easements, but in this case, on that little triangle, the single parcel, um, you would need to obtain easements from -- or grant -- the Town of Chili would need to grant easements to you for your plates crossing over for the discharge. I think it is on C2.1. And then we would want to review the easement that is in that northwest corner. To -- it says -- it benefits Lot 2. That it would have to cover that piece, as well. And just make sure that that is squared away.

MR. PARRONE: I would hope the Planning Board would see their way through the preliminary assurance.

MICHAEL NYHAN: I'm sure you will. The point isn't whether you will or won't, but the point is we won't move forward with preliminary without it. I want to move forward with preliminary for you to present tonight to the public and to hear the public comments, but at that point, you could complete all of this work and come back next month for preliminary and final approval together if everything is completed, obviously. So that is what we're seeking tonight. I want to be sure you get all of the feedback so that any -- any other items you may need to adjust or change you can do so that you don't -- you don't have to come back for revised preliminary and a --

MR. PARRONE: Can the Board, Mike (Hanscom), at least do SEQR?

MICHAEL NYHAN: No. I wouldn't want to do SEQR without having the full delineation of the wetlands as well as the SWPPP.

MR. PARRONE: Okay.

MICHAEL NYHAN: With that, I would like to open the -- anything else, Eric (Stowe)?

ERIC STOWE: No.

MICHAEL NYHAN: I would like to open the public comment and have the public have an opportunity to voice any concerns or comments so that you can hear those, as well.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: We do have 17 people watching at the moment. I do know there is some public has shown an interest in sharing some comments. So I will kindly wait for them.

While we're waiting, Chairman, would this Public Hearing be held open then if you're not looking at preliminary site plan now?

MICHAEL NYHAN: Correct.

PAUL WANZENRIED: You have to speak up.

SUPERVISOR DUNNING: I'm --

MICHAEL NYHAN: His question was whether or not the Public Hearing would remain open and I commented yes, it will be.

SUPERVISOR DUNNING: I'm seeing an interest from a Patrick Destain, 3331 Union Street.

I did receive a comment from Matthew Kris (phonetic) -- no address noted -- that says, "Sounds great."

First comment from Patrick Destain at 3331 Union Street.

PATRICK DESTAIN, 3331 Union Street, via YouTube Live

MR. DESTAIN: When you look at the landscape and building layout, I'm surrounded by six units with no privacy left, even with an acre of land. This is a disaster. I spent \$265,000 and gave up my savings account for this? Just for parking lots? Why would you buy this house knowing this?

MR. PARRONE: I think he is referring to this parking area here (indicating).

MICHAEL NYHAN: I think he is referring to the whole complex, but yes.

MR. DESTAIN: Forget the shrubs and buffer zone. I will be a scapegoat and I'm not asking for privilege.

SUPERVISOR DUNNING: Chairman, is there anything in those comments you would like me to give feedback to him?

MICHAEL NYHAN: No. Just that we received the comments. Thank you.

SUPERVISOR DUNNING: Okay.

MR. DESTAIN: I was on my way to spend some money to get this place back to what it should be for the 1830 historical house. Today I'm ready to give up and get what I already --

SUPERVISOR DUNNING: Nothing more.

MR. DESTAIN: Today I'm ready to give up and regret I already invested in this property and I'm a proud American citizen, but I feel that I'm already losing against the big players. I won't give up anyway.

SUPERVISOR DUNNING: This is still Patrick Destain.

MR. DESTAIN: I won't give up anyways because I am Mr. Smith goes to Washington, but this is not fair. Let it be.

MR. PARRONE: What does he mean by what is not fair?

MICHAEL NYHAN: Let the comments finish.

CHARLES RETTIG, via YouTube Live.

MR. RETTIG: Is there a plan for site barriers, trees between properties?

MICHAEL NYHAN: Yes. It's a question, David (Dunning)?

SUPERVISOR DUNNING: Yes. Sorry.

MICHAEL NYHAN: Is that the end of the question? Yes.

SUPERVISOR DUNNING: No. There is more questions coming.

For that particular question, yes. I'm sorry.

MICHAEL NYHAN: Yes. For that question, there is a vegetative landscape buffer between the property and this proposed development on all sides.

Additional landscaping will be provided between Union Street and the buildings.

ERIC STOWE: Which property, when you say "the property"?

PAUL WANZENRIED: 3327 Union Street.

MICHAEL NYHAN: Yes. The house. 3327 Union Street, the house, and the proposed development.

MR. RYAN BRANDT: The house is 3321.

MICHAEL NYHAN: 3313 Union Street is the house, and the development, there is vegetation between those two properties on Union Street and the buildings.

SUPERVISOR DUNNING: Patrick Destain again chimes in.

MR. DESTAIN: Yes, what do they plan to do to solve this situation? Trees won't give me any privacy.

SUPERVISOR DUNNING: Charles Rettig indicates he has more questions.

MR. DESTAIN: I have three parking lots facing my property.

MR. RETTIG: Is there a fire truck access around the buildings -- the entire buildings?

MICHAEL NYHAN: No, there is not. But I will refer to the Fire Marshal has reviewed this and the distances are within the code for the Fire Department to be able to get to every building with their apparatus.

PAUL WANZENRIED: You don't need fire truck access around the building.

SUPERVISOR DUNNING: Is it fair to say no, however, Fire Marshal has approved -- reviewed and approved the layout? Is that fair to say, Mr. Chairman?

MICHAEL NYHAN: Correct.

SUPERVISOR DUNNING: Thank you.

MR. DESTAIN: How about a 6 foot brick wall to get me back that privacy?

MR. PARRONE: Who is that from? Patrick (Destain)?

SUPERVISOR DUNNING: That is Patrick Destain, yes.

MR. PARRONE: Brick wall?

MR. DESTAIN: 6 foot brick wall to give me back that privacy.

SUPERVISOR DUNNING: I have another question from -- do you want to respond to that at all?

MICHAEL NYHAN: No. I am taking notes.

SUPERVISOR DUNNING: Yep.

MR. RETTIG: How many stories high are buildings?

MICHAEL NYHAN: Two-story buildings.

MR. DESTAIN: Shrubs won't provide privacy. Wintertime, there is no leaves -- there is not leaves.

SUPERVISOR DUNNING: I'm sorry.

MR. DESTAIN: I just want --

SUPERVISOR DUNNING: This is Patrick Destain.

MR. DESTAIN: I just wanted a quiet place to live.

SUPERVISOR DUNNING: Going back again to Charles Rettig.

MR. RETTIG: Are there any planned future expansions of these buildings, planned or possible?

MICHAEL NYHAN: No. None planned and none possible based on the current layout.

MR. PARRONE: There is none. We can tell you that with assurity, there is none.

SUPERVISOR DUNNING: Patrick Destain.

MR. DESTAIN: Give me my money back.

MATT EMENS: Mike (Nyhan), you will address those all separately?

MICHAEL NYHAN: Pardon?

MATT EMENS: It just looks like we're answering one guy's question is all. From a perception standpoint.

MICHAEL NYHAN: You can see the questions?

MR. PARRONE: Yes.

SUPERVISOR DUNNING: Patrick Destain.

MR. DESTAIN: There is no matter -- there is no matter to laugh.

MICHAEL NYHAN: Agreed.

SUPERVISOR DUNNING: I'm sorry. I missed another comment from Patrick Destain.

MR. DESTAIN: Yes. How will it affect my property value?

MICHAEL NYHAN: Does he want a response? We'll take that into consideration, his comments.

ERIC STOWE: Mr. Chairman, might possibly be worth noting while we're not closing the public hearing, that there may be another forum to comment. It may be in a more traditional matter, but that is not up to us necessarily.

MICHAEL NYHAN: Next month there may be -- Public Hearing will be left open after tonight.

SUPERVISOR DUNNING: Patrick Destain.

MR. DESTAIN: Let it be.

SUPERVISOR DUNNING: Chairman, how do you want to proceed with this?

MR. DESTAIN: Thank you.

SUPERVISOR DUNNING: I will assume is he all set.

MICHAEL NYHAN: Any other comments from anyone else?

GLENN HYDE: Nothing else. Okay.

MICHAEL NYHAN: So at this point, we'll leave the Public Hearing portion open for the next meeting, which will be June -- I assume you will all be back in June, right?

MR. PARRONE: Yes.

MICHAEL NYHAN: Based on the comments you have heard -- you heard all of the comments, you have saw all of the comments. Is there any way would you like to address them? I think the one thing, I'm not a landscape architect, but SHPO made it clear, as well, about the sound and visibility vegetation between the two dissimilar properties that are there. So maybe that can be revisited when they look at the vegetation between Union Street and the buildings, and determine if there is a thicker or more complete vegetation buffer that can be put in there. Along with trees that won't lose their trees leaves in the wintertime.

MR. PARRONE: Well, I guess from his perspective, brick wall being the most private, I'm sure we can get to something in between. I don't think this project can handle a 6 foot high brick wall financially. I have to be right up front with you guys.

DAVID CROSS: A 6 foot high vinyl fence maybe may be reasonable.

MR. PARRONE: Right. I understand. I get that.

MR. RYAN BRANDT: We'll come to the next Board meeting. We'll take his comments into consideration.

MICHAEL NYHAN: Can you just move aside a little bit so I can see the plan? I want to

see the plan behind you.

MR. PARRONE: Sorry.

MICHAEL NYHAN: May not even be necessary for the entire piece of the property, but maybe just the closest piece to that one parking lot there.

MR. PARRONE: This one here (indicating)? Possibly over here (indicating)?

MICHAEL NYHAN: Yeah. And not -- not saying necessarily -- that is something that I think you need to look at. Obviously the biggest concern is going to be the noise. Visibility from lights in the parking lot, shining towards that property. We don't want to rely on the current vegetation on his property or their property for all of the privacy. It's your responsibility on your property to make sure that that is thick enough for both visibility and for sound reasons as far as the landscape buffer goes. So I guess that would be the suggestion, to look at that with your landscape architect. Maybe you can reach out to the gentleman that has been -- that lives in that house again. I know you have already had phone and email conversations with him, but perhaps after you have this, visit with him again before you come back to the next meeting so they can see what is going on before the next meeting. Just a suggestion.

PAUL WANZENRIED: They have not been to the Conservation Board because of current --

MICHAEL NYHAN: Is there a Conservation Board meeting this month?

PAUL WANZENRIED: Not this month. But they usually meet the first Monday, I believe, of the month. So in June, first Monday in June, I do believe we could get them in to see them then and perhaps they could help with this issue or offer some suggestions on this.

MICHAEL NYHAN: Is there a deadline for the application on that, Paul (Wanzenried)?

PAUL WANZENRIED: Just give me -- me -- I will send an email to Ryan (Brandt) or Ed (Parrone).

MR. PARRONE: Send to Paul.

PAUL WANZENRIED: I will send it to Paul and make copies.

MICHAEL NYHAN: So get in front of the Conservation Board, the first Monday in June. Get feedback on what you're looking for as far as Union Street and the buffer between the property. You can also review the plantings and get their opinion and their recommendation.

MR. PARRONE: Can I ask a question to Dave (Dunning)?

In dealing with the County and what have you, is there a possibility that in the following month or so, that the Towns can now start allowing certain people to come in or is it taboo yet?

SUPERVISOR DUNNING: I would be happy to discuss that at the conclusion of this meeting. I don't see this as a Planning Board issue.

MR. PARRONE: Okay. Okay.

MICHAEL NYHAN: Any other comments from -- yes.

ERIC STOWE: Just before tabling, if it is with the applicant's consent.

MICHAEL NYHAN: Okay. Any other -- from an engineering perspective, Building Department, any other comments or items you want Ed (Parrone)'s team to look at prior to coming back? Anything from the Board? No?

With that, I would like to make a motion to table this to our June meeting.

Do you accept that?

MR. PARRONE: We accept that.

JOHN HELLABY: Second.

DECISION ON APPLICATIONS 6 AND 7: Tabled by a vote of 6 yes to table with 1 abstention until the June 9th, 2020 Planning Board meeting for the following reason:

1. Per the applicant's request.

Note: The Public Hearing has been left open for additional comments when the applicant returns for the June 9th, 2020 meeting.

MICHAEL NYHAN: Also, before we leave -- we need to vote on the March -- you can come back, Joe (Defendis).

JOE DEFENDIS: I went so far away.

MICHAEL NYHAN: I would like to make a motion for the March meeting minutes.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

The meeting adjourned at 9:03 p.m.