

CHILI PLANNING BOARD  
October 13, 2020

A meeting of the Chili Planning Board was held on October 13, 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: 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 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. He announced the fire safety exits.

INFORMAL:

1. Application of 3457 Union Street, LLC, 3457 Union Street, Rochester, NY 14624, owner; for final site plan approval of the proposed Phase 2 Union Street Industrial Park to construct a second warehouse totaling 300,000 sq. ft. at property located at 3457 Union Street, Rochester, NY 14624 in GI District.

David Cox was present to represent the application.

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

I'll give you a quick update of what has happened since the last time I was here. So number 1, I did go before the Zoning Board of Appeals and we did get all our required variances so all those variances are all set.

And then the one item that I had homework on was utilizing the loop road versus left-turn lane. So we had discussions with the DOT and the Town and really looked at all of the different pros and cons of -- of each -- each scenario. And where we came mutually agreed upon -- Dave Lindsay, Mike Hanscom and the DOT and Passero all came to the conclusion that the left-turn lane is the safest and best option.

And I will just -- I submitted the -- the documentation from those individuals as well as the documentation from the DOT, but just to kind of go over some of the quick things -- the DOT's main concern with using the loop road is this access here for Union Processing (indicating). There is tractor-trailers with scrap metal coming out here (indicating), that if they're stopped here (indicating), the stop sign waiting to make a right or a left, that they block the entrance to the loop road. So any C&M trucks or any trucks trying to use that loop road would not be able to turn in, so they would actually be stopping on Union Street and blocking traffic. Meanwhile, while they're stopped here (indicating), if they're actually blocking the view of the scrap hauler trying to turn out, so they would not be able to see if there are any cars behind them.

In the meantime maybe a car that is stacked up, looks and says, "Oh, I can go around this truck," pulls out to go around the truck as the truck has started to pull out, they don't see each other and it just creates some conflict points there.

Also putting a lot of the truck traffic down the road with all these businesses and there is a single-family house there, you're just introducing some public safety concerns having a single-family house and other businesses introducing the truck traffic there.

And the loop here with the limited sight distance -- it doesn't meet proper sight distance guidelines. Those are kind of the main -- the main highlights of -- after looking at all of these, you know, doing the left-turn lane was agreed upon by all of the parties that it is the best option for all.

And we did submit -- in the meantime since the last meeting we did submit revised plans to Mike Hanscom and the Town addressing his comments and he has issued a letter back to us.

Number 1, is stating that he -- that all parties agreed to the left turn lane as the best option.

Number 2, there was just a comment about making one of the four bays deeper for -- one of the four bays. We'll absolutely do that. He wanted us to remove some hatching in the area, which we'll take care of. And then we will provide a Landscape Certificate of Compliance when the project is complete.

We have submitted the storm water maintenance agreement with the Town. That's being reviewed currently and we also submitted the letter of credit which is being reviewed. So those were just the final comments from -- from Mike Hanscom. So I think that is pretty much where the project stands.

MICHAEL NYHAN: Okay. As you recall, we did have a Public Hearing on this. We

closed that Public Hearing. It was after that that we had discussion on this traffic study and it was at that point that we decided to have this additional meeting with the State of New York and that's why normally we leave the Public Hearing open, but we didn't because that occurred after the Public Hearing was closed and we make a decision to ask you to meet with the State DOT as well as our Commissioner of Public Works and return to this meeting with those results, which you provided us. So thank you.

So with that, as far as any other Board discussion?

As far as SEQR goes, I would just state -- or remind everybody that preliminary site plan approval, we did a Type I action on the overall site plan and we provided a negative declaration on that. I would just for SEQR reaffirm -- make a motion to reaffirm our negative declaration as far as SEQR is on this property. None of the thresholds that were included in the original one for the build-out of Phase 2 have been exceeded, so therefore, I'll just reaffirm the declaration from the first meeting.

Do I have a second on that?

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: As far as conditions, I have the conditions that were in the letter as well as a few others that I will place on here.

So with this application the conditions of approval, applicant to provide written reply to each of the comments of the Town of Chili Engineer.

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

Property owner will enter into a Storm Water Control Facility Management Agreement with the Town of Chili and provide proper access easements to the Town. The access easements and the Storm Water Control Facility Maintenance Agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the Monroe County Clerk's Office prior to the signing of the mylars.

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

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

Applicant shall comply all pertinent Development Review Committee comments.

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

Applicant shall install a left-turn lane for northbound traffic on Union Street and entrance to the property as required by New York State DOT.

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.

This would be pending approval of the Zoning Board of Appeals for all required variances, which I understand you have.

MR. COX: Yes.

MICHAEL NYHAN: So the applicant is to comply with all conditions of the Zoning Board of Appeals as applicable.

The 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 sign permits.

Any other conditions of approval?

With those conditions, application of 3457 Union Street, LLC, 3457 Union Street, Rochester, NY 14624, owner; for final site plan approval of the proposed Phase 2 Union Street Industrial Park to construct a second warehouse totaling 300,000 sq. ft. at property located at 3457 Union Street, Rochester, NY 14624 in GI District.

Second?

JOHN HELLABY: Second.

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

1. Applicant to provide written reply to each comment from the Town of Chili Engineer.
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. Property owner to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town of Chili and provide proper access easements to the Town. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and

the Planning Board Attorney and then filed with the Monroe County Clerk's Office prior to the signing of the mylars.

4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with approving agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
7. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
8. Applicant shall install a left turn lane for the northbound traffic on Union St. at entrance to property as required by NYSDOT.
9. Building permits shall not be issued prior to applicant complying with all conditions.
10. Application is subject to all required permits, inspections, and code compliance regulations.
11. Pending approval of the Zoning Board of Appeals of all required variances.
12. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
13. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
14. Any signage change shall comply with Town Code, including obtaining sign permits.

#### PUBLIC HEARINGS:

1. Application of Northern Soy, Inc., c/o Andrew Schechter, 345 Paul Road, Rochester NY 14624, owner; for preliminary site plan approval for a 17,000 sq. ft. addition to the south side of existing facility (10,000 sq. ft. of manufacturing space & 7,000 sq. ft. of warehouse space) at property located at 345 Paul Road, Rochester NY 14624 in LI District.

Steve Schultz, Tom Fromberger and Max LeFrois were present to represent the application.

MR. SCHULTZ: Good evening. I'm Steve Schultz with MRB Group here tonight with Tom Fromberger from MRB and Max Heagney from LeFrois.

Unfortunately, the owners aren't able to make the meeting tonight, but we are representing Northern Soy. Pretty straightforward project. We worked with them previously on their -- the last two projects with the Town. This will be a 17,000 square foot addition on the south side of the building. 10,000 square feet of manufacturing, 7,000 warehouse.

Architecturally, the building will be -- the siding will match what is there now. Height will match. It will be a lower block level and upper metal banding. There is really minimal site improvements. We are showing land-banked parking to meet code. It's the same thing essentially we did in 2013 for the previous addition. There is enough parking over on the west side of the building here to support all their employees and any future employees that will come with this work.

We do have a letter from the Town Engineer, a review letter we have gone through. I can address the comments. I can go through them one by one or --

MICHAEL NYHAN: Will you be able to satisfactorily address all of those with the Town Engineer or you see any issues with any of those?

MR. SCHULTZ: Yes. We can address them. The only real big issue is the variance that is required, which -- it wasn't, I guess, addressed at the last approval and I'm not sure if code changed or -- in the last six or seven years. It's a very similar application to 2013 when we didn't need a variance.

MICHAEL NYHAN: I'm not sure either, but the parking does front the industrial park road there?

MR. SCHULTZ: Yes.

MICHAEL NYHAN: As a result, it is considered front parking, so you will need to get a variance for that.

MR. SCHULTZ: The other -- the other were -- check dams to the swale, which we can do that.

We did make the revisions to the Environmental Assessment Form that were in the letter and I brought additional copies.

MICHAEL NYHAN: I will just need one copy, yes. I don't have that. Not sure if the other Board members would like a copy, but that's the 17 B.

ERIC STOWE: While we're on that topic, I think 10 and 11 need to be "yes," as well. Because those are existing. They're connecting to existing facilities. It says "no," with an explanation, but the explanation is it is connecting to those -- the sanitary sewer lateral and water service that is already existing.

MICHAEL NYHAN: Right.

MR. SCHULTZ: Okay. Yeah. We can change that. Not a problem.

MICHAEL NYHAN: So just change that to "yes."

ERIC STOWE: I do have one more question on the EAF, and that's 12B, the SHPO component. There is a letter from SHPO clearing it or anything else?

MR. SCHULTZ: No. We don't have a letter. The site, we feel, was previously disturbed twice during the construction of the industrial park and building. We didn't think it was necessary. I don't know -- we would have to look into whether it was addressed in 2013, but I couldn't find any record of any required archaeological surveys of the site. We're within the limits of the -- what was originally approved as a future 48,000 square foot addition back in 2008. So we're not disturbing anything more than what was originally planned for the site.

MICHAEL NYHAN: So when you initially came in, we had a build-out of 48,000 square feet.

MR. SCHULTZ: Yes. I have it here.

MICHAEL NYHAN: You did a complete SEQR, the archeological survey at that point? And now you're just building out the addition to get to that number of square feet; is that right?

MR. SLACK: Correct.

MR. SCHULTZ: Here is the -- the original plan was the building up here and 48,000 square feet. And we're within that -- within that footprint that was approved in 2000.

MICHAEL NYHAN: Okay. Okay. I will just make that change on the copy you have initially, and I will take that tonight just so I have that.

Any other items to present before we ask questions?

I take it that's the elevation you have on the board there that will match the current existing building?

MR. SCHULTZ: Yes.

MICHAEL NYHAN: Same, bottom top, everything will be the same?

MR. SCHULTZ: Yep.

JOHN HELLABY: Are the roof lines the same height? Because on the drawing you gave us, it's a little misleading. It looks like it is higher.

MR. LEFROIS: We tried to show it as two different options.

JOHN HELLABY: It will be the same?

MR. HEAGNEY: We kind of broke it out because we have the --

MICHAEL NYHAN: Sir, your name?

MR. HEAGNEY: Max Heagney, LeFrois Builders, 1020 Lehigh Station Road, Henrietta.

JOHN HELLABY: Thank you.

MICHAEL NYHAN: I'm sorry. You have two options on the plan. What option have they decided?

MR. LEFROIS: They're going for the whole thing, but when you look at the elevation on the drawing, it's a little confusing. That is why we had to show --

MICHAEL NYHAN: The elevation will be the same?

MR. LEFROIS: Yep.

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: Additional Board discussion? Seems pretty straight forward.

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: You're also seeking waiver of final, correct?

MR. SCHULTZ: Yes. If that is possible.

MICHAEL NYHAN: Paul (Wanzenried), is that all set, to waive final?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: So for the conditions of approval, applicant shall provide written response to comments provided by the Town Engineer.

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

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

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

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

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

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

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

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

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

And any signage change shall comply with Town Code including obtaining permits.

Any other conditions?

With those conditions, then the application of Northern Soy, Inc., c/o Andrew Schechter, 345 Paul Road, Rochester NY 14624, owner; for preliminary site plan approval for a 17,000 sq. ft. addition to the south side of existing facility (10,000 sq. ft. of manufacturing space & 7,000 sq. ft. of warehouse space) at property located at 345 Paul Road, Rochester NY 14624 in LI District.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MR. SCHULTZ: Was that final?

MICHAEL NYHAN: Sorry. Didn't include final.

So with those conditions of approval -- thanks for the reminder -- application of Northern Soy, Inc., c/o Andrew Schechter, for preliminary site plan approval with waiver of final.

JOHN HELLABY: Second.

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

1. Applicant shall provide written response to comments provided by the Town Engineer.
  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. Building permits shall not be issued prior to applicant complying with all conditions.
  7. Application is subject to all required permits, inspections, and code compliance regulations.
  8. Pending approval of the Zoning Board of Appeals of all required variances.
  9. Applicant to comply with all conditions to of the Zoning Board of Appeals is applicable.
  10. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  11. Any signage change shall comply with Town Code, including obtaining sign permits.
2. Application of Susan Dailey, 131 Morgan Road, Scottsville NY 14546, owner; for a

special use permit to put a 28' x 24' addition (in-law suite) to existing home at property located at 131 Morgan Road, Scottsville NY 14546 in AC District.

Susan Dailey was present to represent the application.

MS. DAILEY: Hello. I'm Susan Dailey and I'm here to see if I can get that Special Use Permit.

MICHAEL NYHAN: Can you give a description of the proposal, what it is you would like?

MS. DAILEY: A 28 by 24. It will be the north side of the house, behind the garage. 672 square foot. It will match the existing home that is there now, the siding. The basement that will be underneath it. Full basement underneath.

MICHAEL NYHAN: And will this have a common entrance to your main home, as well as a secondary entrance from --

MS. DAILEY: There will be an entrance through a four-season room that is going to be put in the back. And then into the garage. And it will have an exterior egress also.

MICHAEL NYHAN: Okay. But there will be -- looking at the engineering comments, um, will there be a wheelchair accessible sidewalk to that in-law apartment?

MS. DAILEY: Yes.

JOHN HELLABY: Your drawing is so small, I can't hardly read a thing on it. But to his point, the wheelchair accessible sidewalk, you want to make sure that the door openings and the hallways and everything inside --

MS. DAILEY: They're all 36-inch. We're also putting a 60 by 60 roll-in shower in the bathroom that is 7 by 7.

JOHN HELLABY: Okay. Sounds like you have it covered.

MS. DAILEY: We're trying.

MICHAEL NYHAN: This is for a parent, right?

MS. DAILEY: My parents, yes.

DAVID CROSS: You have a big enough driveway for a couple more cars?

MS. DAILEY: I have a double-wide with a three-car turnaround. I think we're okay.

ERIC STOWE: Just the questions on the EAF.

MICHAEL NYHAN: Questions on the EAF.

ERIC STOWE: Mr. Hanscom noted them in his letter.

MICHAEL NYHAN: Because --

MS. DAILEY: I didn't know how to answer the questions.

MICHAEL NYHAN: Sure.

Do you have the SEQR in front of you?

MS. DAILEY: I have the one from the engineer and mine.

MICHAEL NYHAN: Okay. So Question 2 -- yes. Question 9, you understand his response to that?

MS. DAILEY: I do. Once -- once I read through what he put on there, now it makes sense what you're asking for.

MICHAEL NYHAN: And you will be complying with that?

MS. DAILEY: Yes.

ERIC STOWE: So the applicant, Ms. Dailey, you're okay with us amending the EAF to make those changes that Mr. Hanscom wrote up -- brought up?

MS. DAILEY: Yes.

ERIC STOWE: Thank you.

MICHAEL NYHAN: Thank you. With that, I will open the Public Hearing.

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: Additional 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. The Board all voted yes on the motion.

MICHAEL NYHAN: For conditions, 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.

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

The in-law apartment shall not be used a rental unit.

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

Applicant's attorney to file decision letter in book of deeds in 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 the C of O.

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

Any other conditions?

With those conditions, Application of Susan Dailey, 131 Morgan Road, Scottsville NY 14546, owner; for a special use permit to put a 28' x 24' addition (in-law suite) to existing home at property located at 131 Morgan Road, Scottsville NY 14546 in AC District.

JOHN HELLABY: Second.

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

1. Building permits shall not be issued prior to applicant complying with all conditions.
  2. Application is subject to all required permits, inspections, and code compliance regulations.
  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 shall not be used as a rental unit.
  5. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  6. Applicant's attorney to file decision letter in book of deeds with the Monroe County Clerk's office and provide proof of filing Planning Board Attorney and the Town of Chili Building Department prior to the issuance of the Certificate of Occupancy. When filing, decision letter shall be indexed against the property owner's name.
3. Application of Amish Outlet and Gift Shop, 3530 Union Street, North Chili, NY 14514, Edward VanDeWater, 38 Bunny Run, Churchville, NY 14428 owner; revised site plan approval to increase existing sales and display area of products at property located at 3532/3536 Union Street, North Chili, NY in GI District.

Rob Fitzgerald and Ed VanDeWater were present to represent the application.

MR. FITZGERALD: Rob Fitzgerald, Fitzgerald Engineering, representing Ed VanDeWater tonight.

If I can approach the Board, the existing building is here (indicating). This back parking lot is filled with gravel. Kind of a rough transition from the existing grades to the higher level staging area. We have three older structures out front. We're looking to remove those structures, kind of taper the grade so it looks more pleasing visually from the street to make it look like one connected property.

In back we would like to expand the storage of sheds that they do sell. And then the front, like we have next door, we're looking at doing a handful of gazebos and play sets in the front area.

It brings me to the Town Engineer's comments which I would like to discuss with the Board, but they said there is no storage in the front setback. We are looking at keeping all of the sheds behind the 75 foot. We're also even -- we would like to put out there and say that we did remove the gravel out of the front 75 setback, but we would like to have a handful of two gazebos and six, eight play sets out front just for display area in the grass area only. So that is one change that is kind of trying to work with the Town Engineer's comments on whether -- whether it's a permanent structure. Sheds, I get that. But with the play sets, we would like to have some or utilize that front 75 feet grass area.

Actually, you will see it's quite a bit more than 75 feet because the right-of-way width area is in this area and it is quite wider. So we'll really have 100 feet of grass before you would have any sheds.

From an engineering standpoint, there is not to do for the site. Just cleaning it up. I think the structures ran their course, but this would be a nice improvement to this lot. Just touching base on the Town Engineer's comments, the question whether there would be parking in the front set and gravel area. Like I said, we're looking to remove that gravel, so it would be back 75 feet and that would be impossible to do that.

Let's see.

MICHAEL NYHAN: Will that be a parking area?

MR. FITZGERALD: No.

MICHAEL NYHAN: Just gravel? It won't be for parking?

MR. FITZGERALD: We're proposing to make it grass tonight.

MICHAEL NYHAN: Okay. Sorry.

MR. FITZGERALD: That will be softer, too, for the play set displays, as well.

We're also okay with changing the SEQR form at the Town Engineer's request.

MICHAEL NYHAN: Okay. I have a change here.

MR. FITZGERALD: So I think that takes care of most of the Town Engineer's comments. Maybe just some more discussion if we can get a couple gazebos out front as well as play sets for display.

MICHAEL NYHAN: You're talking about within the 75 foot buffer?

MR. FITZGERALD: Correct. Yes.

Again, we would like to make that grass. It would look better. Kind of similar to what is in the front of the existing parcel.

MICHAEL NYHAN: I think the code states that the setback is required, so we wouldn't be able to tell you you don't have to follow the code.

MR. FITZGERALD: I looked at the code and I didn't see where it said semi-permanent structures, so I guess that is what I was looking for clarification on.

MICHAEL NYHAN: I think the code states for the project. I don't think it identifies whether it is a permanent structure. I am not sure -- I don't believe that it does. 75 foot setback is based on the project. So the project would require 75 foot setback for anything that is on the property. That would be my interpretation, but if Town Counsel or the Town Building Department has a different one, that could be discussed, I suppose, afterwards. We would approve this based upon what the code says.

ERIC STOWE: We don't allow moveable sheds in the front setback either even though they're temporary.

MICHAEL NYHAN: Okay.

MR. FITZGERALD: We're not proposing moveable sheds in the front setback. Just the play sets only, that are moveable.

MR. VAN DE WATER: They come and go.

MICHAEL NYHAN: So I think the interpretation of the code has been that they can't be there and the only -- I'm not sure if the Zoning Board of Appeals could review that, but we'll wait to get a better comment from the Side Table on that.

MR. FITZGERALD: We are actually hoping to break up the look of the sheds, from the road, to see a couple nice looking gazebos.

MICHAEL NYHAN: I thought I saw -- there is an entrance at that property you're going to be taking over, off of Union Street?

MR. FITZGERALD: There is an existing entrance that does go to the rental units. If the project goes forward, we would take down those buildings. I'm assuming, because it's hard to get a new entrance on a State DOT road, we would like to leave that but not use it. All customers are serviced from the existing building. This would just be additional storage and display area.

MICHAEL NYHAN: What is the distance there to Boon Drive? That is the entrance you use, the main entrance?

MR. FITZGERALD: We come off the drive, correct.

MICHAEL NYHAN: I'm sorry.

MR. FITZGERALD: That's correct. We do come off of Boon Drive. Distance from there to here?

MICHAEL NYHAN: Right.

MR. FITZGERALD: Existing, probably 230, 240 feet.

MICHAEL NYHAN: 240 feet.

MR. FITZGERALD: Yep. So you plan on gating? What do you plan on doing there? One of the other items in the code is we try -- on that unique road, sort of eliminate as many entrances and exits as possible and try not to have any in 1,000 feet. That is sometimes violated, but you will not use it after construction is done.

Is there a reason to keep it?

MICHAEL NYHAN: Can you state your name and address?

MR. VAN DE WATER: My name is Edward VanDeWater, 38 Bunny Run, Churchville, NY 14428.

As it is, we're -- we're both at the same time trying to utilize the property for one purpose and that's, you know, as originally the Amish Outlet and Gift Shop and all our products. However, that -- they are two separate properties and if they ever had to be split up, we would still have that entrance and exit to it.

MICHAEL NYHAN: You plan on leaving them as two separate properties?

MR. VAN DE WATER: At this point, yeah.

MICHAEL NYHAN: Okay.

MR. VAN DE WATER: I don't -- I don't foresee breaking them up going forward. To your point, we can put a gate there, because we really don't want people --

MICHAEL NYHAN: Right.

MR. VAN DE WATER: -- entering at that point.

MICHAEL NYHAN: By the State road, right?

MR. VAN DE WATER: Right.

MICHAEL NYHAN: Because right at the end of the driveway I assume you take out that gravel, you will take everything out and just be left with a little stub; is that right?

MR. VAN DE WATER: Actually, what I was thinking, and I think Rob (Fitzgerald) may have missed this -- we have shed deliveries. We were going to run that road right to where the sheds go. So the trucks -- which are semi-trucks -- can come and drop them off and go right around the -- the -- out the other way. So...



MICHAEL NYHAN: You want to use that right now -- what, as a driveway for tractor-trailer traffic?

MR. VAN DE WATER: Yes. If -- I mean, we can use what we -- the same way we have been using. What we -- what they have been doing is coming in, down Boon Drive, into this entrance and backing up and dropping sheds off here (indicating) and then leaving. Okay? This would make it flow a lot better if we could use that entrance and go right around here and head right out. It's not 100 percent mandatory, but it would make the flow better. So I did not want to totally eliminate that entrance and exit.

Although, we would -- it would be to our advantage to put a gate up here and allow the trucks only -- only those trucks to come in -- from Union Street, from that direction. There is already a -- a secondary -- what they call it, deceleration lane for the FedEx trucks that come in there. So --

MICHAEL NYHAN: That's right. There is a --

MR. BOON: A turning lane.

MICHAEL NYHAN: Right. So would you rebuild that and I guess -- Rob (Fitzgerald)'s question for you, is the turning radiuses, the support for that road for tractor-trailers, would you have to rebuild that, I assume?

MR. FITZGERALD: I'm not sure what size trucks.

MR. VAN DE WATER: It's really wide. The driveway is really wide. I'm just a layman, but I -- I don't know the traffic --

MICHAEL NYHAN: Right. That is why I asked -- that is why I asked the question of your engineer.

MR. VAN DE WATER: It's like 40 feet wide.

MR. FITZGERALD: It's pretty substantial, but I don't know 100 percent off the top of my head.

MICHAEL NYHAN: Okay.

MR. FITZGERALD: It looks actually similar to Boon Drive in geometry.

MICHAEL NYHAN: Okay. And will you propose to put a gate up there?

MR. VAN DE WATER: Yes.

MICHAEL NYHAN: Some foot distance in? Not sure what the State would require, but --

MR. VAN DE WATER: Yes.

MICHAEL NYHAN: You would have it open when you know you're having deliveries --

MR. VAN DE WATER: Yes.

MICHAEL NYHAN: -- and then close it.

MR. VAN DE WATER: Uh-huh.

MICHAEL NYHAN: Any response from the Side Table? The code is the code and if they want a variance, they have to go to the Zoning Board.

ERIC STOWE: You guys can't modify the setback. So anything would be with the Building Department, Code Enforcement and if necessary, the ZBA.

MICHAEL NYHAN: Okay.

ERIC STOWE: So I -- we had talked about what may be existing as far as permits or variances on the property. We can certainly look into that, but the relief you -- you can't grant the relief --

MICHAEL NYHAN: Exactly.

ERIC STOWE: -- anyway.

MICHAEL NYHAN: So we'll be looking at this plan, as you will be maintaining that 75 foot setback, everything and you will need to work with the Building Department to determine, what, if anything, can and can't be in there or if anything needs to be removed or if you need to go in front of the Zoning Board of Appeals.

MR. FITZGERALD: Okay.

MICHAEL NYHAN: Any other presentation items before we get to questions? I know we already started on that.

MR. FITZGERALD: I think we're good.

MATT EMENS: Just a couple follow-up questions, Rob (Fitzgerald). On this drawing, you do have the designated areas for sheds and gazebos called out and then on the front yard of the existing lot, you have got four called out there. Are those allowed to be there? Are they actually there? I think they are.

MICHAEL NYHAN: Are those existing? Are you talking about the existing ones?

MATT EMENS: Right on the existing --

MR. FITZGERALD: They were part of -- when we got this approved, I was part of the approval for it. I think they did limit to four gazebos or sheds. I forgot the exact -- but that is why we kept that the same. So those were previously granted to have those specifically there.

MICHAEL NYHAN: And just to reinforce the comment, that is what the Building Department will do, is research any previous --

MATT EMENS: I got that. That was the combination. Cool.

Then the next question is, I guess -- so I heard a couple of things. It is drawn as gravel. You're saying grass. Now Ed (VanDeWater) is saying that it is actually going to be grass with a gravel drive still going through? So just want to make sure --

MR. FITZGERALD: The drive is existing here (indicating). The gravel stops here (indicating). We're looking at bringing the gravel up further. So really it is all there now. It will just have more gravel in the middle of the lot, if you will.

MATT EMENS: But then it would be grass --

MR. FITZGERALD: Just grass in the front right-of-way and the sign. We're looking at pushing the gravel closer to the right-of-way. Now we'll say we'll stop at the 75 foot setback.

MATT EMENS: So basically the area on your drawing, Rob (Fitzgerald), where it's called out with the dotted line and it says, "New gravel area for gazebos and play set display," that would actually be grass now?

MR. FITZGERALD: Yes.

MATT EMENS: Got it.

MR. FITZGERALD: Looking to pull that back and clean it up. The thought is if we were going to display play sets, it would be nicer to have them on grass, looking like someone's backyard and not a gravel parking lot.

MATT EMENS: So the tractor-trailer traffic and shed delivery, how often are you getting shed deliveries?

MR. FITZGERALD: It's seasonal.

MR. VAN DE WATER: Usually once or twice a week. Usually once a week. Some weeks twice. One or two trucks per week.

MATT EMENS: I appreciate the idea of it is not a lot. It's not like every day or two times a day. I guess the concern is the first applicant that was in here, we just talked about tractor-trailers backing up. We're only talking about one, but we already know there is tractor-trailers traversing that section of the road. I guess my concern is if the gate -- if you do put in a gate, and now we're going to say the tractor trailers are going to go through that way, what, you know -- I guess my concern is now the gate is closed. You did know they were going to be there, they're early or whatever and now they're out on the road. I guess then your back-up plan would be they come in Boon Drive and the old way?

MR. VAN DE WATER: Yeah. Actually they could come and leave either -- either way, but it might be better off if they came down Boon Drive and left through the Union Street exit.

MATT EMENS: Got you.

MR. VAN DE WATER: Then there wouldn't be any issues with them being -- them coming by surprise, right?

MATT EMENS: It does -- yeah. I am sure you could probably show how that would, but I guess just shooting from the hip, I think it would be good to see that turning radius.

PAUL WANZENRIED: It would make more sense to come in from Boon Lane. There is a right-hand turn lane onto Boon Drive as opposed to coming -- as opposed to ingressing into the property in question. It would be better to ingress Boon Drive and egress, if you had to egress --

MR. FITZGERALD: That does make sense, too, because this is kind of a high point. Because you have the railroad tracks right here (indicating). So you won't see the building until you get to the tracks.

MATT EMENS: I guess I would just be concerned with it coming in off of that. Not that it wouldn't work, it is just that if the gate is locked and -- blah, blah, blah. You get it.

MR. VAN DE WATER: Bottom line, I just don't want to totally eliminate access --

MATT EMENS: I don't think you should either.

MR. VAN DE WATER: -- to that property.

MATT EMENS: I don't think you should either.

MR. VAN DE WATER: It's been working for 15 or 20 years the way it is now. So --

MATT EMENS: Well, you're saying the way you're taking deliveries now?

MR. VAN DE WATER: Yes.

MATT EMENS: Okay. Yeah. I'm good for now. Thanks.

JOHN HELLABY: Just out of curiosity, I know this whole project has had -- several times he has come in and made selective changes. For some reason in the back of my mind, did we give him a number of sheds he could store back there at one time? I don't recall.

MICHAEL NYHAN: I don't recall. I think that is what Paul (Wanzenried) is going to research and --

PAUL WANZENRIED: Based on an area, not a number of sheds.

JOHN HELLABY: All right. But it was discussed. I do remember that.

All right. That's all I got right now.

DAVID CROSS: Did you have any landscaping proposed? I mean, I'm not talking about a lot, but just maybe a little bit between like -- really right on the setback line. A little bit of screening for the sheds in the back. Not -- you know, maybe a half dozen evergreens or something like that.

MR. FITZGERALD: I think Ed (Vandewater)'s idea was to kind of use the gazebos for that, as display without hiding too much of the sheds.

MR. VAN DE WATER: I could plant some -- put some plantings there. To -- I actually would like to put pavers from the -- from my store all of the way down so people could walk back and forth, but that also included that -- a way for them to be able to see the swing sets that I'm learning now that may be an issue. So I'm not sure at this point.

DAVID CROSS: Maybe just a little screening of the sheds back there. Not to eliminate the view of all of them, but just --

MR. VAN DE WATER: Yeah.

MICHAEL NYHAN: It is 1 percent of whatever the project is, landscaping or you donate it to the Town. So you would probably rather put landscaping on your property instead of donating 1 percent of the cost to the Town; is that correct? There is a requirement in the code the project would require 1 percent of the cost of the project for landscaping. If you don't do

that, then you would have to donate 1 percent of the cost of the project to the Town's Tree Planting Fund. Or on your property.

MR. VAN DE WATER: Yes. That's fine. We're actually making -- we're actually tearing down property -- or actually tearing down a house and --

MICHAEL NYHAN: No, I get that. I'm talking about landscaping that David (Cross) mentioned. He would like to see some landscaping in there. You are required to put landscaping in.

MR. VAN DE WATER: Okay.

MICHAEL NYHAN: So you just have to submit a landscaping plan to the Town for what you would do. And then when you're done, make sure you conform to that.

MR. FITZGERALD: Around the sheds.

MR. VAN DE WATER: Okay.

DAVID CROSS: That's all I have.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAN BOON, 1 Boon Drive

MR. BOON: Dan Boon, 1 Boon Drive. What Ed (VanDeWater) wants to do -- I -- my view is -- you know, I have been a good neighbor for a long time and what he does there doesn't affect me, but the traffic flow that he wants to do makes sense. You know, it's -- I think he runs a pretty nice operation. It doesn't affect us in any way or doesn't affect my building in any way and I don't think it will honestly affect the neighborhood in any way.

It will be an improvement. So I just want to put it on record that I think with -- everything he is trying to do is a good thing.

MICHAEL NYHAN: Thank you.

MR. BOON: 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: On that entrance, you want to make it -- it needs to be an exit then for trucks to exit? Is that our recommendation? What is it, the 3532, 3536 Union Street?

MR. VAN DE WATER: That's fine.

JOSEPH DEFENDIS: I think it is more important just to have a gate there.

MICHAEL NYHAN: If it is an exit, you know, they're there and you can go open the gate and let them leave.

MR. VAN DE WATER: That's fine. Makes sense.

MICHAEL NYHAN: The other thing is just make sure that exit has the proper turning radiuses and structural strength for a tractor-trailer.

Paul (Wanzenried), is that something -- is that something that we would want to see in there, that review from the Commissioner of Public Works for the entrance there that it would be able to support tractor-trailers?

PAUL WANZENRIED: Rob (Fitzgerald) can draw something up and submit it to us for review by the Town Engineer and by the Commissioner and Superintendent of Highways.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Anything done out there with the right-of-way, though, will need a State DOT permit.

MICHAEL NYHAN: Okay. The existing driveway goes to 3532 and 3536 Union Street, right?

MR. FITZGERALD: Yeah.

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: Conditions of approval -- actually let me change one here.

Have to get the landscaping one in. I want to put that in there.

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

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

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

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.

Pending approval of the zoning -- is there anything we need for the Zoning Board of Appeals? I don't think there is. I don't think there are any variances.

ERIC STOWE: We may need the storage -- the setback.

MICHAEL NYHAN: Oh, right. Okay. So pending approval of the Zoning Board of Appeals of all required variances.

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

Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal and any signage change to comply with the Town Code, including obtaining sign permits.

Applicant shall provide a drawing of the existing road at 3532 and 3536 Union Street to the Building Department for review with the Town of Chili Commissioner of Public Works.

Any other conditions?

ERIC STOWE: Just that -- the Commissioner of Public Works' review and approval for that entrance? High Superintendent, Commissioner of Public Works, Town Engineer.

MICHAEL NYHAN: Okay. Provide a drawing of the existing road to 3532/3536 Union Street for review and approval by the Town of Chili Commissioner and Superintendent of Highways. And the Town Engineer.

ERIC STOWE: I'm sorry, Mr. Chairman, but it's the existing road and any proposed modifications.

MICHAEL NYHAN: Okay.

ERIC STOWE: Existing driveway.

MICHAEL NYHAN: Okay. Provide a drawing of the existing driveway and any proposed modifications at 3532/3536 Union Street for review and approval by the Town of Chili Superintendent of Highways and our Town Engineer.

Sound good?

ERIC STOWE: Yes.

MICHAEL NYHAN: Any other conditions?

With those conditions, the application of Amish Outlet and Gift Shop, 3530 Union Street, North Chili, NY 14514, Edward VanDeWater, 38 Bunny Run, Churchville, NY 14428 owner; revised site plan approval to increase existing sales and display area of products at property located at 3532/3536 Union Street, North Chili, NY in GI District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 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. Applicant shall comply with all pertinent Monroe Country Development Review Committee comments.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Building permits shall not be issued prior to applicant complying with all conditions.
5. Application is subject to all required permits, inspections, and code compliance regulations.
6. Pending approval of the Zoning Board of Appeals of all required variances.
7. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
8. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.
10. Provide drawing of existing driveway and any proposed modifications to 3532/3536 Union St. for review and approval by Town of Chili Superintendent of Highways and Town Engineer.

The meeting ended at 7:59 p.m.