

CHILI PLANNING BOARD
December 8, 2020

A meeting of the Chili Planning Board was held on December 8, 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; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

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

PUBLIC HEARINGS:

1. Application of Rochester Cornerstone Group- RICC, LLC, owner; 460 White Spruce Boulevard, Rochester, New York 14623 for re-subdivision of two lots (Lot 202, Lot 300) to create a 20'-0" right-of-way access to Lot R 203BA at property located in LI District.

MICHAEL NYHAN: Application 1 has been rescheduled and will be heard in the month of January.

2. Application of NOWAVE LLC, 350 Buell Road, Rochester, New York 14624, property owner: Rochester Cornerstone Group - RICC, LLC; for special use permit to allow manufacturing facility at property located at 300 Trade Court in LI District.

Jerry Goldman, Bob Anderson, Garth Winterkorn and Max Hegney were present to represent the applications.

MR. GOLDMAN: Good evening. Mr. Chairman, members of the Board, my is Jerry Goldman. My office is at 1900 Bausch & Lomb Place, Rochester, New York.

If you have any problem hearing me, let me know. I think we're socially distanced enough I may be able to take the mask off, but I'm rarely told I'm speaking too softly. So I will try to speak as clearly as possible also.

I'm here this evening as the attorney and agent for NOWAVE, LLC, who is the contract vendee of the 16.746 acre parcel which is located at the southeast end of Trade Court. It is south of Paul Road, which would be over here (indicating). Trade Court comes down from there (indicating), through a cul-de-sac and south of the site is the wetland mitigation bank. The property is Lot 202A of the Rochester International Commerce Center. It's a subdivision that was meant to be this type of facility.

With me tonight on the application are a number of people. And I will only introduce those that I expect to be speaking or answering questions if there are questions. Bob Anderson, far left, is the founder and CEO of NOWAVE. Garth Winterkorn, who is the Project Engineer from Costich Engineering is here. Max Hegney with LeFrois Builders. And pretty much I can say -- take a look at the room, it doesn't seem like we have any neighbors here. It is just our group who is here this evening.

Bob (Anderson) will be able to answer operational questions if you have any. Garth (Winterkorn) will handle engineering questions and Max (Hegney) will address construction and architecture to the extent I'm not able to.

Our proposal is to construct a 27,000 square foot building and accessory 4,000 square foot maintenance structure on the site. This is the 27,000 square foot building (indicating). 4,000 square foot building marked as pole barn, which is for maintenance in dealing with the site and the property -- on the site.

In addition to that, we have depicted on the site plan, a 19,000 square foot potential future addition to the main building which will be located in this area (indicating). The site is fully designed to accommodate both the initial building and ultimately the expansion, if expansion comes to play.

We show 60 parking spaces to be constructed at the beginning, ten of which are in this area (indicating). Balance of which are in this area (indicating) and then there is -- right now, land-banked parking in that area of -- of the site.

The proposed use of the property is for NOWAVE's core business as a licensed New York State hemp processor. Two affiliate businesses, a production distribution facility for vape products as well as a microbrewery. Both production and -- and a tasting room are part of this program.

The small area in the front of the building -- this (indicating) would be the front entrance -- will be about 1100 square feet currently proposed and will serve as a purchase outlet for consumers of products which are produced on site and a tasting room for the microbrew product. So we aren't going to be retailing anything other than what is produced on the site.

The subject property is located in the Light Industrial District under the code. Light Industrial District is interesting in its definitions. There are two definitions under which we'll probably fit under primarily. 500-20(b)4 is light manufacturing, assembly, fabricating or packaging of products from previously prepared materials and (b)5 is manufacturing of food products, pharmaceuticals and the like.

And just to make sure that we are covered in the whole thing, we have also applied for a special permit as uses which are similar in character to those permitted under code.

Our letter of intent, which is submitted with our application, addresses the -- the 24 criteria and standards. Our code is great. We have -- I think we have 8 criteria and 16 standards that we're to review. So we generally put those in the letter of intent so all of it is -- is all laid out for special permits.

The review of this project has been extensive already before we got here. We had a couple informal meetings with the -- with the Town. In addition, we responded on November 30th to the Town DRC comments which we received in an email on November 18th.

We responded on December 4th to Town Engineer's comments, which are very comprehensive, that we received on December 2nd.

We also received a response from the Monroe County Department of Planning on the application dated December 3rd. There are no substantive comments in the County Planning referral response which are of issue to us. As part of that County Planning review, they also essentially granted airport zone approval. Which not an issue with our building, because our building is 32 feet at its peak. So we're well under the 40 foot limitation as far as the building is concerned.

And in addition, we have one other email that we received -- actually Dave Lindsay received from Brent Penwarden at Monroe County DOT. There was an initial traffic evaluation of the overall Commerce Center, and there was supposed to be -- there is supposed to be a review when the 150,000 square foot threshold is met. We're not in that threshold right now. We haven't reached that threshold.

But in addition to that, Brent (Penwarden) went further in making his comments and -- and said that based on the traffic submission by the engineers, they don't foresee any concern. So that was nice for us to see that, the County had actually reviewed it other than actually just saying, "Okay, we didn't have to deal with this yet."

We do have building elevations. I have handed out copies of them. Primarily we have east and west. We know that the -- we know that the west side, which is what faces Trade Court, was -- was somewhat a matter of concern in that it was kind of -- kind of bland. It has been jazzed up a bit. It has some windows. It has some articulation to it.

We know that this Board takes a look at this a little bit more when we're in Industrial Districts because it doesn't get referred to the Architectural Advisory Committee. It's on -- all of the architecture is handled here.

We have samples of building materials in addition to the elevations.

And we think we have addressed all of the necessary criteria. What we're looking for tonight is the ability to get our special permit. We're advertised for preliminary approval. If we're okay, we would like to proceed to final. The only variance that we need is for these parking spaces over here (indicating), which are deemed to be in the front yard, because that is Trade Court. And because of that, that seemed to be front-yard parking, which in an Industrial District doesn't variance, and it is a variance I seemingly get on every industrial project that I came to the Town for. As recently as last year we had got one. So we expect that is the case and I don't think that necessarily should hold off granting approvals from this Board.

I invite you to answer any questions you might have. I thank you very much for the attention.

MICHAEL NYHAN: Just for the record, Jerry (Goldman), all of the members, we're hearing both applications together.

3. Application of NOWAVE LLC, 350 Buell Road, Rochester, New York 14624, property owner: Rochester Cornerstone Group - RICC, LLC; for preliminary site plan approval to construct a 27,000 sq. ft. manufacturing building and a 4,000 sq. ft. accessory building at property located at 300 Trade Court in LI District.

MICHAEL NYHAN: We'll hear both, but we'll vote on them separately.

MR. GOLDMAN: Thank you.

MICHAEL NYHAN: Did you want to show the samples before we get into the engineering just so we have that?

MR. GOLDMAN: Max (Hegney) has the material back there. We'll let Max (Hegney) show you what we got.

MR. HEGNEY: You want me to bring them up or hand them out here?

MICHAEL NYHAN: Just to take a look at the building siding. You added some architectural interest to --

MR. HEGNEY: So if you're looking at -- you guys all have those renderings. You got those renderings. The block is going to be this shade. That is the shade of the masonry you will

see. The stucco is going to be a black.

MICHAEL NYHAN: Where is that going?

MR. HEGNEY: Now, that is going to be the upper.

MICHAEL NYHAN: Second story?

MR. HEGNEY: Second story. It's going to be a bump-out with some reveals to give it some architectural reveal.

MICHAEL NYHAN: This --

MR. HEGNEY: This is the color of the metal panel, and then you have got the window framing black as well as the doors.

MICHAEL NYHAN: Okay. Thank you.

Any questions on the changes made from the original elevations or the architectural materials?

DAVID CROSS: Building height?

MR. GOLDMAN: Building height at the peak is 32 feet on the main building.

DAVID CROSS: Has to be less than 50 feet.

MR. GOLDMAN: 40. Less than 40 with the airport. I don't recall what the code is in -- this, the Industrial District.

DAVID CROSS: Thanks, Jerry (Goldman).

JOHN HELLABY: I ask for Matt (Emens)'s recommendation. It seems to me a metal panel and flat block doesn't give a lot of contrast on the building. I would have thought they would have went with maybe a gray or type of masonry to get a different feel for it. I mean --

MICHAEL NYHAN: Is that -- that was a gray, the block?

JOHN HELLABY: It looked awful black to me.

MR. HEGNEY: Dark gray would be the --

MICHAEL NYHAN: Would you hold the block against the black sample you had, the metal?

MR. HEGNEY: So it is going to have a -- one is more --

MICHAEL NYHAN: Black and dark gray.

MR. HEGNEY: Block is gray and the panel will be black.

MATT EMENS: What's the color of the roof? I saw the Airport asked about -- the County asked about that.

MR. HEGNEY: Right now we are at Galvalume right now. The only thing that will be black would be this entrance piece, where you do see this.

MATT EMENS: Do you see it on the smaller part here?

MR. HEGNEY: So that is going to be -- that's going to be like a 3 foot overhang all of the way around. So that will be black underneath there. Galvalume on top there and the shed roof will be black, too.

MATT EMENS: The trims will match the siding?

MR. HEGNEY: Trims, gutters and downspouts will all match the siding.

MATT EMENS: Yeah, it's going to be dark. But in 35 years, the panel will fade.

MR. GOLDMAN: It will wear well.

MATT EMENS: And I guess just -- when I look at the elevation -- do you have the landscape plan there? You guys are showing in the rendering the landscape plan around the front -- I will say your front.

MR. HEGNEY: Not the front of the road.

MATT EMENS: Yeah.

MR. HEGNEY: There is not much landscaping on that side. The majority is on the north.

MATT EMENS: Yep.

MICHAEL NYHAN: There are large trees along the front.

We're only going to have 10 feet -- the corner of the building along Trade Court, right?

MR. HEGNEY: It will be the back side. It will be Arborvitaes, I think, shading it or hiding it.

MICHAEL NYHAN: Is there another tank for any of the waste after you process using alcohol -- what happens to that?

MR. ANDERSON: It's picked up.

MICHAEL NYHAN: If you could state your name.

MR. ANDERSON: Robert Anderson. The co-founder and CEO of NOWAVE. Did I say my address? I'm 56 Beau Lane, Rochester, New York New York 14624. So the -- so the waste is actually picked up through organic recycling.

Correct?

UNIDENTIFIED SPEAKER: Yes.

MR. ANDERSON: What's the term?

MICHAEL NYHAN: Is it stored on-site?

MR. ANDERSON: Most of the ethanol is actually reused. We recover 95 percent of the ethanol every single time we do a pass. And eventually you're using the entire thing. So we actually won't have any ethanol waste. The only waste would be just from the hemp plant itself and that's -- that's actually picked up. It would be stored actually inside the facility. Nothing outside.

MICHAEL NYHAN: Okay. And the facility you're proposing is just for the hemp process, not the microbrewery?

MR. ANDERSON: It's all -- everything is included inside the building.

MICHAEL NYHAN: The addition?

MR. ANDERSON: Without the addition.

MICHAEL NYHAN: So how do you store or get rid of all of the processing materials from the beer processing?

MR. ANDERSON: That would be the same way, recycling. Inside of the building we'll actually have it set up for storage and then it will be picked up at the docks and then taken at that time. So we have no plans again -- nothing outside.

MICHAEL NYHAN: So put in a sealed container, loaded on a truck and it goes away?

MR. ANDERSON: Yes.

MICHAEL NYHAN: Okay. Thank you.

MATT EMENS: So to stay on that for a second, the process -- just getting you warmed up.

MR. ANDERSON: I'm new to this. One day I will be up there with you guys.

MICHAEL NYHAN: We'll get you warmed up and now the real questions.

MATT EMENS: So on this -- on the -- the LeFrois floor Plan A1 --

MR. HEGNEY: I have a big one here.

MATT EMENS: I got the big one here. I'm just looking at the process, the CBD processing line. That's -- the tank is outside of that. I see that. Then to Mike (Nyhan)'s point, just a general question. I'd like to ask whether AAC or Planning Board -- so we're going to see a tank outside that is going to be screened by Arborvitaes on that wall.

What about HVA -- is there going to be large louvers, vents? Any other --

MR. ANDERSON: Inline chiller inside the building. The purpose of the ethanol tanks is to store the ethanol in mass quantity because it's expensive for shipping. The inline chiller freezes the alcohol as it comes in the building. But that will be inside.

MR. HEGNEY: Mainly flue exhaust. Not huge exhaust louvers.

MATT EMENS: Not outside ductwork or anything.

MR. HEGNEY: No. That is all contained inside.

MR. ANDERSON: We're really picky on appearance. We'll doing everything in our power to make this good looking. We'll never have junk or anything sitting outside. So if we need to plant ten more trees to hide anything we don't even want to see, trust me, we'll do it. I have no problem. I feel like we're going to definitely exceed the landscaping -- what am I trying to say?

MR. HEGNEY: Requirement?

MR. ANDERSON: -- requirement. And it's a local guy, too.

MICHAEL NYHAN: So is all of your HVA, all air handling where -- where is the outside equipment going to be?

MR. HEGNEY: We'll probably put it on the west side, on the road. Pad around it.

MICHAEL NYHAN: That will be the front of the building then facing the road?

MR. HEGNEY: Excuse me. The east side. I just got confused. Yes. So the east side.

MR. ANDERSON: The side not on Trade Court.

MR. HEGNEY: We'll try to dress this up.

MICHAEL NYHAN: Back by the loading docks?

MR. HEGNEY: Farther back probably. We might have a couple condensers, smaller condensers up for the office area, but the main big units are going to be in the back away from the road.

MICHAEL NYHAN: Where is the office area?

MR. HEGNEY: Up front.

MICHAEL NYHAN: So the small -- when you say "small units" --

MR. HEGNEY: 5 -- 5, 10-ton units so you won't have any huge condensers.

MICHAEL NYHAN: Those are actually pretty big, aren't they? Will they be screened from the road?

MR. HEGNEY: Plantings. It will all be screened by plantings.

MR. GOLDMAN: Screened by the building, too.

MR. HEGNEY: By the plantings.

MICHAEL NYHAN: So it's in the small space between the building and the sidewalk is where it will go in.

MR. HEGNEY: Probably, yeah.

MICHAEL NYHAN: Facing Trade Court?

MR. HEGNEY: Uh-huh.

MR. ANDERSON: Or we could do here (indicating).

MICHAEL NYHAN: Where does the ductwork go then, on the outside of the building?

MR. HEGNEY: No. These will all be split units. All ductwork will be inside. The only thing you will have is charge lines off the building.

MICHAEL NYHAN: They come out a foot above the ground, into the unit and then that building.

MR. HEGNEY: Yep. We don't have any real big air handlers at this point. If we do, it will be down low and ductwork inside.

MICHAEL NYHAN: We had units in a much smaller building that ended up outside with these gigantic, huge --

MR. ANDERSON: We won't -- we won't approve them to do that. So -- I think you guys are safe.

MICHAEL NYHAN: Okay. We just want to see that happen. We want to -- be sure it all stays low and the pipes don't run up the side of the building to the second floor.

MR. HEGNEY: Oh, yeah.

MATT EMENS: I guess just to -- you know, specific details, I think in general, I get everything. I don't have any major concerns. It is just all these little details of -- those units outside, exactly where they are, exactly what they're -- you know, I'm comfortable with just saying we know we're going to try to put them in the most advantageous spot for -- so they're out of view, out of your --

MR. ANDERSON: We don't want it there.

MATT EMENS: Your public view, whatever you want to say there. And that they're screened somehow.

You are really tight. I was -- I guess I really wanted to see maybe some plantings between that sidewalk and that building. But I don't know if you have enough space there. On -- on the west side.

MR. ANDERSON: Here?

MATT EMENS: So I mean that parking right there, that sidewalk, right up to the building, I guess --

MR. WINTERKORN: We tried to keep the parking set back from the cul-de-sac instead of having the landscape strip along the building.

MATT EMENS: Garth (Winterkorn), is it pretty flat there?

MR. WINTERKORN: Yes, very flat.

MR. ANDERSON: Yep.

MATT EMENS: So I mean, I guess if it was going to be -- you know, maybe look back at that island out there, to see if it is -- instead of up close to the building, getting some color contrast and --

MR. ANDERSON: Of course.

MATT EMENS: -- a different -- a little bit more out by the street. I'm not looking for a lot, just something more than just a few trees.

MR. WINTERKORN: This -- these are existing trees right here. They're a little difficult to see, but they are shaded in color a little bit. And then we are supplementing with additional deciduous trees here (indicating).

MR. ANDERSON: We did want to purchase a -- 40 fruit trees, but then we found out those were \$40,000, so we might do 39 fruit trees instead. (Laughter.)

MATT EMENS: And then I guess the other is -- since we're talking about materials and looking at the 4,000 square foot pole barn --

MR. HEGNEY: That would match. That material would be the same.

MATT EMENS: Okay.

MR. HEGNEY: It will not be a different --

MATT EMENS: Okay. Materials to match?

MR. HEGNEY: Yep.

MR. ANDERSON: Identical. Yes.

MATT EMENS: And then what -- I guess that's like -- you guys are going to have a plow truck -- your own plow truck on-site?

MR. ANDERSON: For lawn care maintenance and that. We have 14 acres we're going to take care of ourselves. We're young guys. We're ready for it. I actually enjoy cutting the grass. It will hold just storage, you know, potential containers or anything like that and then lawn care, plowing, salt, everything. So --

MR. HEGNEY: Nothing outside.

MICHAEL NYHAN: Will this building foresee anything stored outside other than the required dumpster?

MR. ANDERSON: Never. Never. I think we have more than enough room. If we didn't have the pole barn, 100 percent. It could potentially happen.

MR. HEGNEY: Actually one of the bays will be a compactor, too.

MICHAEL NYHAN: Inside the bays?

MR. ANDERSON: Yes.

MR. HEGNEY: One of the loading docks is actually a compactor bay.

MATT EMENS: So I guess one of the things I would like to understand, too, I know it looks like Garth (Winterkorn) did an old-school, handwritten traffic study, some information here.

MR. WINTERKORN: Yep.

MATT EMENS: I guess I'm a little more interested in understanding the different businesses --

MR. ANDERSON: Sure.

MATT EMENS: -- and how the traffic is going to come in for your -- I get the employee piece, right. I get the trucks and the deliveries, I think.

I guess now I'm trying to understand, this is a tasting room. How does that traffic flow on the site?

MR. ANDERSON: So the tasting room would be only be potentially like a Monday through Saturday or 12 to 8. There wouldn't be any traffic at 8 p.m. if they were. It's not a bar. It's not a hang-out. It's literally just a taste of the products we're manufacturing onsite. I couldn't see heavy -- any heavy traffic for that.

MICHAEL NYHAN: How many seats are in there?

MR. HEGNEY: It's --

MR. ANDERSON: It's only 1100 square feet. So we're probably saying 5 to 6.

MR. HEGNEY: It's not going to be a huge --

MICHAEL NYHAN: That 1100 is the tasting room and the retail you will sell from there, is the retail --

MR. ANDERSON: Yes.

It will be more set up as a retail store and then we'll be selling -- obviously the beer we're manufacturing right there at the place.

MR. GOLDMAN: That's really the only place the public, other than people that work there, can come in. They won't have any access to the microbrewery.

MATT EMENS: That is what I was trying to understand.

MR. ANDERSON: No. There will be no tours at this one.

MATT EMENS: But everyone -- I guess that is the other thing, too. Everyone -- everyone is entering the site the same way or are we entering -- are you guys -- is your traffic flow directed a specific way?

MR. WINTERKORN: My understanding is this is for the owners parking right here (indicating).

MR. ANDERSON: Owners/employees.

MR. WINTERKORN: Access to the ethanol tank (indicating). This is for deliveries to the back loading shipping and receiving (indicating), as well as employee parking here, this driveway (indicating).

MICHAEL NYHAN: And then the back is the banked parking, the --

MR. ANDERSON: If we put the expansion on, we would definitely.

MR. WINTERKORN: If ever needed, it shows the ability we can meet code based on the square footages and uses we're showing.

MATT EMENS: Refresh my memory on the amount of trucks and, I guess, frequency.

MR. WINTERKORN: The trucks are summarized in the information that the NOWAVE guy gave us that I used to put together the proposed trips that we had to the existing accounts that we took. Um, so I'm getting one tractor-trailer, one -- one UPS box truck come in the morning?

MR. ANDERSON: Yes.

MR. WINTERKORN: The afternoon, one FedEx box truck, one UPS box truck and one tractor-trailer leaving.

MR. ANDERSON: We do FedEx Freight and then we do UPS Ground and -- they all have different trucks for those. FedEx Freight is usually in the evening. We were actually right down the street. We manufactured at Paul Road, the old Bausch & Lomb building for the last four years, before moving to Gates to this new building because it had to be a stand-alone.

So the traffic shouldn't be changed much from that location to this. We're estimating anywhere from three to five trucks a day. And they're in and out.

MICHAEL NYHAN: And I'm aware where that traffic study came from, DRC. The building, the site and the use of that piece didn't trip the need for a new traffic study. We just did one for Kamco when we approved them. But because we know this area has residential on the other side, we wanted to know which way the trucks were coming from and which way they were going. And they would be coming from the east, towards --

MR. WINTERKORN: Jet View.

MICHAEL NYHAN: -- Jet View Drive. They agreed to do an informal traffic study and that's what you're seeing, is the informal.

MATT EMENS: Got you. Perfect.

MICHAEL NYHAN: The informal/formal traffic study that Garth (Winterkorn) did was just based on -- for any questions some of you might have, we would have something in front of us to be able to see what they actually calculated when they came in and out. We didn't discuss the formal traffic study, nor was one required, but they agreed to do a formal/informal kind of sit-down and count cars.

MR. WINTERKORN: I think as Jerry (Goldman) mentioned earlier, we did submit that as requested from Dave Lindsay at DPW to the Monroe County DOT, and they reviewed it and it did meet the square footage thresholds. And in their opinion, we didn't meet the volumes to necessitate the full-blown traffic study ever.

MICHAEL NYHAN: Or any changes to the intersection.

MATT EMENS: That's all I have right now, Mike (Nyhan).

JOHN HELLABY: I guess I'm a little bit naive on this operation. It's two separate operations is my understanding. You have got the microbrew, which involves hops and all of the products that goes along with that.

MR. ANDERSON: Yes, sir.

JOHN HELLABY: And the hemp thing is what, the CBD oil?

MR. ANDERSON: Yes, comes from the hemp plant.

JOHN HELLABY: You end up with solid waste, whatever it is, after you extract out of these things?

MR. ANDERSON: Correct.

JOHN HELLABY: What kind of volume do you anticipate you might have?

MR. ANDERSON: Not much.

JOHN HELLABY: I know he said people and turnaround, but are you looking -- the microbrewery is going to produce 1,000 growlers a month or 20 a month? I don't --

MR. ANDERSON: We don't know because obviously we just started on our early stages of beer consulting and we're actually manufacturing right now. So we don't even have a product out for a beer.

But I would -- I would love to sell 1,000 growlers a month. That would be fantastic. That

is the goal. But in regards to the hemp waste, I can estimate anywhere from maybe 250 to 500 pounds a month maximum of hemp waste. Which isn't that much. If you would imagine a Super Sack, a large Super Sack, it's most likely maybe two of those.

JOHN HELLABY: My next question is smell. I mean you got --

MR. ANDERSON: No smell.

JOHN HELLABY: Nothing at all?

MR. ANDERSON: You won't smell it. Out of the warehouse you wouldn't. And even inside the warehouse, it's -- there's is not much of a smell.

JOHN HELLABY: All right. I do not see Fire Marshal comments. Has he looked at this?

PAUL WANZENRIED: Yes.

JOHN HELLABY: Is he all right?

PAUL WANZENRIED: Fire Marshal would like to see a hydrant added to the west side -- I can show Garth (Winterkorn) where he wants it.

And he also wants a sidewalk to be FDC. But again, I will show Garth (Winterkorn). It's all -- it's all in that northwest corner area.

JOHN HELLABY: All right. Jerry (Goldman), you did mention that you -- you answered Lu Engineer's letter of December 2nd. I don't have that letter.

MR. GOLDMAN: Our response letter?

JOHN HELLABY: Correct. I guess I would ask Michael (Hanscom), are you happy with their response letter? Do you see any show-stoppers here?

MICHAEL HANSCOM: No. They pretty much adequately expressed all our points.

JOHN HELLABY: Okay. I guess that is all I have for right now, sir.

DAVID CROSS: I guess have -- if could you just explain the -- the tasting room, the microbrewery portion like capacity, um, how big is this going to be, that sort of thing. Just a little bit about that, please.

MR. ANDERSON: Sure. So it's about 1100 square feet. But that is -- includes the retail for the products, as well. More than likely it would just be maybe a 15-foot counter with some taps where people can taste some of the product before purchasing it in a four-pack. So it would be very small.

DAVID CROSS: All right. It looks like maybe a little patio area outside?

MR. ANDERSON: Yeah.

DAVID CROSS: Couple tables?

MR. ANDERSON: We have some -- there you go.

MR. HEGNEY: Here. This will help a little bit. This is the proposed 1100 square foot area. Right now layout is not 100 percent, but this is just kind of showing -- this will be kind of an open garage door kind of thing. It's not going to be a bar. It's not going to be a seating area. It's more just a -- if you have ever gone to any of them, you go in and taste and --

DAVID CROSS: Okay.

MR. HEGNEY: So that is the part of the microbrewery.

DAVID CROSS: You have the licenses to do all this type of stuff?

MR. ANDERSON: Yes. We're actually one of three active New York State hemp processors in the entire State. So we're really proud to be one of the active people actually trying to push for CBD. Microbrewery takes around six months. We're about three months into the license so we have about three to four months to finish it. I don't foresee us having any issues getting that license.

DAVID CROSS: Good. That's all I have.

MICHAEL NYHAN: One other comment before I forget. On the Short Environmental Assessment Form under the permits, it would also be -- I think Michael (Hanscom) might have mentioned this to you in his letter and comments -- a permit from the Town for the fill permit for the 100-year flood area.

Are you familiar with that?

MR. GOLDMAN: Yes.

MICHAEL NYHAN: I added that. I did add it, and I -- I notated it was added tonight so you have it on here.

MR. GOLDMAN: Great. Appreciate it.

MICHAEL HANSCOM: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any other discussion?

JOHN HELLABY: I do have one other question. The Gates operation, is that -- is that going away? Are you going to keep that open?

MR. ANDERSON: We have ten months left on our lease, so that's why we're really hoping to get this approved and get building. Yeah, that -- that will -- we'll actually be leaving this facility and this will be our new home. We miss Chili. This is where we were before.

MICHAEL NYHAN: One of the questions we did forget, what is the construction time frame once you get approvals? When do you start construction and when do you finish and

people will be moving in?

MR. ANDERSON: Hopefully two months.

MR. HEGNEY: As soon as we can.

MR. ANDERSON: We're estimating about nine months from start to finish.

MICHAEL NYHAN: Okay. Any other discussion or comments before I move to SEQR?

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?

MATT EMENS: We're doing one at a time here, right.

MICHAEL NYHAN: We are. Thank you.

So let's do the Special Permit -- Special Use Permit first. I will have no conditions on that one.

And for the application of NOWAVE, LLC --

ERIC STOWE: With respect to the special use, do you want to do a no outdoor storage?

MATT EMENS: Was just going to bring that up.

ERIC STOWE: Well, site plan and special use.

MATT EMENS: No outdoor storage and sales, right? I think that is how it normally goes.

MICHAEL NYHAN: So for conditions for the Special Use Permit, I have no outdoor sale of products or storage.

So with that one condition, the application of NOWAVE LLC, 350 Buell Road, Rochester, New York 14624, property owner: Rochester Cornerstone Group - RICC, LLC; for special use permit to allow manufacturing facility at property located at 300 Trade Court in LI District.

JOHN HELLABY: Second.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following condition:

1. No outdoor sale products or storage of products.

MICHAEL NYHAN: Then for preliminary, with a waiver of final, which Paul (Wanzenried), I think we're all in line for -- everything has been paid up for final?

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: For the conditions, for the preliminary site plan approval, upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from a landscaping architect certifying all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

Approval is subject to final approval 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.

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

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval. All filing information; i.e., liber and page number shall be noted on the mylars.

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

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

Pending approval of the Zoning Board of Appeals. For all required variances applicant shall comply with all conditions of the Zoning Board of Appeals as applicable.

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

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

And then no outdoor sale of storage -- no outdoor sale of products or storage. Let me just reword that. No outside sale or storage of products. So the last condition is no outdoor sale of storage.

With those conditions, is -- is that it for conditions?

MATT EMENS: The only other thing we want to be clear is we talked about any additional screening, landscape screening of any mechanical equipment. And I say that so that that covers the discussion point about the Arborvitaes around the ethanol tube, so just not HVA. Any outside mechanical.

Does that make sense?

MICHAEL NYHAN: Yep.

PAUL WANZENRIED: Per whose purview?

MATT EMENS: To be reviewed and confirmed in the Building Department?

PAUL WANZENRIED: Sure, Matt (Emens).

MATT EMENS: I thought you were asking to help.

JOHN HELLABY: Conservation Board? I don't know.

MATT EMENS: Well, did the Conservation Board --

MICHAEL NYHAN: Well, the Conservation Board has looked at this. They haven't submitted their minutes last night. Their meeting was last night, but I did speak one of their members and they accepted and they had very few comments with the landscape plan that was submitted by the architect.

So if we wanted to just ask for additional screenings around mechanical equipment, I think we can do that. We'll leave it at that. That will be part of the landscape plan.

You can add that to your landscape plan and submit it with your final plans. So the last -- the next -- this condition is the additional landscape screening of outdoor mechanical equipment.

ERIC STOWE: Applicant to screen from public view all utility infrastructure via landscaping.

Does that work?

MR. ANDERSON: And/or fencing?

ERIC STOWE: And/or fencing.

MICHAEL NYHAN: All right.

MATT EMENS: I think we have enough stuff in the minutes now that -- that in a court of law, I think we would be covered.

MR. HEGNEY: Screening. Screening.

MR. ANDERSON: My partner would never ever let it look ugly. Ever.

MICHAEL NYHAN: So applicant to screen from public view outdoor mechanical equipment with fencing or landscaping.

Does that sound good, Eric (Stowe)?

ERIC STOWE: (Nodded affirmatively).

MICHAEL NYHAN: Any other conditions?

So those two added conditions. No outdoor sale or storage of products. Applicant to screen outdoor mechanical equipment with fencing or landscaping.

The application of NOWAVE, LLC, 350 Buell Road, Rochester, New York 14624; property owner, Rochester Cornerstone Group, LLC for preliminary site plan approval with waiver of final to construct a 27,000 square foot manufacturing building and a 4,000 square foot accessory building at property located 300 Trade Court in LI District.

JOHN HELLABY: Second.

DECISION ON APPLICATION #3: 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. 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 any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Pending approval of the Zoning Board of Appeals of all required variances.
9. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
10. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
11. Any signage change shall comply with Town Code, including obtaining sign permits.
12. No outdoor sale or storage of products.

13. Applicant to screen from public view outdoor mechanical equipment with fencing or landscaping.

MICHAEL NYHAN: Did we do SEQR on the second application?

ERIC STOWE: You did SEQR on the project.

MICHAEL NYHAN: On the project. Thank you.

MR. GOLDMAN: Thank you very much.

Michael Nyhan made a motion to approve the September 8, 2020 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

Michael Nyhan made a motion to approve the October 13, 2020 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:46 p.m.