

CHILI PLANNING BOARD
April 13, 2021

A meeting of the Chili Planning Board was held on April 13, 2021 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.

MICHAEL NYHAN: Paul Bloser will be arriving ten minutes late this evening.

1. Application of Amchar NY Range, 100 Air Park Drive, Rochester, New York 14624, TDE New York LLC owner; application for special use permit to allow a indoor firing range at property located at 100 Air Park Drive in GB District.
2. Application of Amchar NY Range, 100 Air Park Drive, Rochester, New York 14624, TDE New York LLC owner; application for preliminary site plan for a change of use to allow an indoor firing range at property located at 100 Air Park Drive in GB District.

Anthony DiChario and Pat Spicci were present to represent the application.

MR. ANTHONY DICHARIO: Pat Spicci, our General Manager.

We have over 31 years. We -- we wanted to -- to put -- a training --

MICHAEL NYHAN: Your name and --

MR. ANTHONY DICHARIO: Anthony DiChario, owner of the corporation. And we wanted -- we want to introduce a training, law enforcement and military training range for -- for closed-door operations, just for law enforcement and military as we stated in our application. So military, law enforcement, first responders. And what our hopes are is to gain contracts with -- with law enforcement.

We're aware in the past few years that the range is closed at Scottsville Road and there is a need for that. We have been serving that industry now for about 54 years, so this -- this is just another step in our goal.

Just about 30 years ago I came to this very same room when we asked for the application -- asked for the permission to put our store and our operation there. We have been there 30 years. Now it is time to step it up a little bit.

Any other questions you have to ask of me?

MATT EMENS: Couple things. I guess the first one is out of curiosity, you said another range closed.

Are there other ranges similar to this or in our range?

MR. ANTHONY DICHARIO: No. The closest one we used to have for law enforcement was at the Academy. We -- we had demonstrations with the police back when that was open, but they had to close it because of issues having a range out there. There is really a need for it. I don't know where the next range is, honestly. It is not in this area.

MR. SPICCI: I know Bergen.

MR. ANTHONY DICHARIO: There is a range in Bergen.

MATT EMENS: Similar to the firing pin set-up? Is that what you're --

MR. ANTHONY DICHARIO: They're commercial.

MATT EMENS: Correct. But I'm just trying to get a feel for what you're installing in the existing warehouse for the shooting range. It's a similar system to that?

MR. ANTHONY DICHARIO: Yes, sir. Very similar. It will be the newest and it will be pretty much state of the art for training for law enforcement and that kind of thing.

MATT EMENS: The images you -- you provided a booklet from this -- the corporation or company that produces the -- the range lanes, et cetera. But the pictures that are included, is that just an installation from them or is that something you guys provided?

MR. ANTHONY DICHARIO: That is something that they put out there. Action Target is the name of the company. They're really the biggest in ranges. We actually have one -- we have another military law enforcement outlet in Georgia -- McDonough, Georgia and we have basically the same set-up there. We got into that a few years ago. So we have the same thing in Georgia and it's an Action Target range, very similar to that, to what you see there.

MATT EMENS: Just to go back to what you said before -- and I believe you said it in the application -- this is not a public range?

MR. ANTHONY DICHARIO: No.

MATT EMENS: For law enforcement?

MR. ANTHONY DICHARIO: Closed-door contract.

MATT EMENS: The question on hours. And also the engineer's letter -- I'm not sure if you had received from Lu Engineers the letter? So I guess the biggest question I would have -- obviously the safety things are important. I'm sure these guys get you whatever you need in terms of information. When I say "they," I am saying the shooting range or the Target company.

But the question I have though on Number 3, on the letter, just about kind of noise and just the general safety. I don't know if there is any information --

MR. ANTHONY DICHARIO: Let me expand on that a little bit for you. We're actually putting -- this range from Action Target has a 6-inch concrete constructed structure all of the way around. Concrete walls, concrete floor, concrete top. Big concrete box.

To make things better for what we're doing, we are putting this structure inside the structure. So we'll have buffer space all around it and then with the insulation and the concrete walls around that, you will probably hear nothing outside. And that is being installed behind this -- the -- the meeting office area that we have for officers to come in.

So -- so we have one similar, as I said, in Georgia and you can barely hear anything. You have to listen close to hear anything. Because it is a structure inside of a structure. And what we're doing is we're using -- the acoustics of rubber backstops. That absorbs sound, as well. It is the least noisy of all ranges. So we're going for the better range that is offered.

JOHN HELLABY: Well, I guess I would like to expand just a little bit on that thing with the sound.

Do you have some sort of decibel or whatever you're going to hear outside? Because somebody coming in here with a big smile on their face saying you virtually won't hear anything, I'm -- what is the guarantee with that?

MR. ANTHONY DICHARIO: Well, we have the same thing now, as I said, inside Georgia -- inside the store area there. You really have to listen really close to hear anything at all. Outside the building is nothing. There is absolutely no sound. Because again, it is putting -- normally they build this kind of a structure, this kind of a shooting range like this building standing here and that is it. But we're putting that inside of a building that is already insulated and already has structural walls around it. So it is kind of a double insulation. It is not usually done this way. This is a very expensive way to do it, but we had the building.

JOHN HELLABY: I would think there would be some sort of soundproofing details --

MR. ANTHONY DICHARIO: Inside the range there are -- they have --

JOHN HELLABY: Which we don't have privy to any of that material right now.

MR. ANTHONY DICHARIO: It is just whatever --

JOHN HELLABY: In that flyer?

MR. ANTHONY DICHARIO: Yes. In the flyer. It is just standard.

JOHN HELLABY: How long has the Academy's range been closed down now?

MR. SPICCI: A while. I don't know.

MR. ANTHONY DICHARIO: A number of years. It has got to be five, six years or more.

JOHN HELLABY: You also made a mention of bid -- bidding the -- do you bid?

MR. ANTHONY DICHARIO: Contracts. We want to establish shooting contracts with different departments.

JOHN HELLABY: The Sheriff's Department, the Rochester Police Department.

MR. ANTHONY DICHARIO: Yes. The Sheriff's -- RPD.

JOHN HELLABY: How often do you bid these contracts?

MR. ANTHONY DICHARIO: It is not something we bid, but something they look to achieve to find the range nearby, because the training is right here so it would be a perfect fit for us.

JOHN HELLABY: There would be a good fit, but no guarantee you have actual --

MR. ANTHONY DICHARIO: No, no guaranty. But talking -- the research did to -- about venturing into this was very positive. We had the same thing going on in our southern location.

JOHN HELLABY: How is this unit actually being placed in here? All this material you gave us looked like it was pre-fabricated, almost looked like storage boxes.

MR. ANTHONY DICHARIO: They actually come in -- tip up -- they call it tip-up concrete wall construction. They build the walls. They tip them up in place, lock them in place with 6-inch thick concrete and steel and that is how they construct it. Then they put the top on it, and then on top of that --

JOHN HELLABY: Will they pour the panels somewhere?

MR. ANTHONY DICHARIO: All pre-fabbed.

JOHN HELLABY: Bring them in through the overhead doors?

MR. ANTHONY DICHARIO: Yeah, we have a big overhead door. As a matter of fact, when we built the front end of that building, the Spancrete second floor was done the same way. We bring it in with a crane in through the big overhead door and they placed it on. We're actually building it in the very same location.

JOHN HELLABY: What is inside the concrete walls, just rebar or --

MR. ANTHONY DICHARIO: Rebar.

JOHN HELLABY: -- is there a steel plate?

MR. ANTHONY DICHARIO: No. The rebar. The plates are added in afterwards.

JOHN HELLABY: What guarantee can you give us what none of these slugs or bullets or projectiles will actually leave --

MR. ANTHONY DICHARIO: It couldn't possibly leave -- the inner enclosure is designed to be a building itself. It couldn't leave that. And if they possibly could -- you really can't because you can't shoot through 6 inches of concrete and steel.

JOHN HELLABY: From what I read, though, you were are going to use rifles in there, as well; correct?

MR. ANTHONY DICHARIO: Small-bore rifles. Not a rifle that can possibly shoot through anything like that. It's -- it is a short range. It's a training range. It's not really for rifles, other than law enforcement -- law enforcement type of rifles.

JOHN HELLABY: What type of hours of operation do you anticipate?

MR. ANTHONY DICHARIO: Same as now.

Paul Blosser arrived.

MR. SPICCI: 9 to 6.

JOHN HELLABY: Five days a week?

MR. ANTHONY DICHARIO: Five days a week.

MR. SPICCI: Well, the store -- 9 to 3 on Saturday.

MR. ANTHONY DICHARIO: 9 to 3 on Saturday? Are we closed Monday? The other place we are. So 9 to 6 and 9 to 3 Saturday.

JOHN HELLABY: At any one time how many personnel would be in there using this shooting range? How many lanes, 14 or something?

MR. SPICCI: 16.

MR. ANTHONY DICHARIO: 16 lanes we'll have, but we'll change it from -- there is two bays also. So actually it is another structure inside of that big structure. We go down the middle with another 6-inch concrete wall. One side of it will be 8 -- 8 bay -- 8 shooting lanes which are 42 inches in width and then the other -- a wall and then another 8 shooting lanes.

JOHN HELLABY: While this range is in operation, I would assume that you would have some sort of certified Range Master --

MR. ANTHONY DICHARIO: Oh, absolutely.

JOHN HELLABY: -- actually watching this operation all of the time; correct?

MR. ANTHONY DICHARIO: Absolutely.

JOHN HELLABY: Is he already working for you or is that somebody you have to hire for that position?

MR. ANTHONY DICHARIO: We actually have -- the people who work for us are off -- training officers and armorers and they would have that training.

JOHN HELLABY: I guess the only other thing I had is the placement of this thing inside the warehouse. Looks like it is going up towards the front. So the basics or the majority of your storage or warehousing would be at the end of this range.

MR. ANTHONY DICHARIO: And the back. The back part. Correct.

JOHN HELLABY: You're comfortable with that situation?

MR. ANTHONY DICHARIO: Oh, sure. Because the back part of the range is actually two concrete walls. And then back-stopped. So one -- one wall -- there is one buffer area that -- you go in to clean it -- when you have to go back in to clean the range.

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

GLENN HYDE: Is there any limitation in terms of the rounds that can be fired? Do you allow mag rounds or --

MR. ANTHONY DICHARIO: Yes. We place limitations. We want small bore. So most of the training, law enforcement, is handgun. It is pistol training and pistol shooting. Very little rifle. There will be no big-bore. It's not like we're not building a 100 yard range or more. This is 75 feet. It is strictly for handgun and law enforcement training.

GLENN HYDE: Is it documented or just informally --

MR. SPICCI: The specs of the backstop?

MR. ANTHONY DICHARIO: The backstop can take 50 caliber. We don't want to deal with that. We're not going to deal with that. We don't want big bore. That is just not what we're going to do. There is no need for that, not in a 75 feet range. The 50 caliber, it is rated for -- is something you shoot 2,000 yards. That's not indoor. So it is just not -- it is not -- doesn't fit our portfolio.

MICHAEL NYHAN: If I could, there seems to be a lot of questions what you will be shooting in there and the safety of it.

I'm assuming this range, does it have specifications of the types of rounds and what you can shoot?

MR. ANTHONY DICHARIO: Yes.

MICHAEL NYHAN: You will stay within those specifications?

MR. ANTHONY DICHARIO: Way below them. Yes.

MICHAEL NYHAN: Thank you.

ERIC STOWE: No questions. Just a comment regarding getting conditions you put on the Special Use Permit, whether it is hours or who -- to whom the range is open, right, that it is law enforcement only and not a public shooting range. Just stuff to consider.

MICHAEL NYHAN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any further discussion on the -- on the application, conditions?

JOHN HELLABY: Paul (Wanzenried).

PAUL WANZENRIED: Yes, sir.

JOHN HELLABY: Over the years, I mean you haven't had any big complaints or issues down there?

PAUL WANZENRIED: No.

JOHN HELLABY: I know they have the outside storage thing there.

PAUL WANZENRIED: I believe the last time they were before the Board was for the -- the outdoor --

MR. SPICCI: Powder magazine.

PAUL WANZENRIED: -- the powder magazine.

MR. ANTHONY DICHARIO: That was 30 years ago.

PAUL WANZENRIED: Something like that.

No. We have no complaints.

MATT EMENS: Just a question -- another question, on the sound and the zoning. Is there any -- are there decibel restrictions on that zoning or anything that we --

PAUL WANZENRIED: No.

MATT EMENS: So we don't need to reference them?

PAUL WANZENRIED: Let's see. They're two properties over from RGE's warehouse yard there. So no.

And to the -- to the north of them is the paint ball gun grounds there.

MATT EMENS: Yep. Okay.

MR. SPICCI: Our -- I just want --

MICHAEL NYHAN: Your name?

MR. SPICCI: My name is Pat Spicci. I'm the General Manager.

The RG&E building is approximately 100 feet away on the south side of the building, and then on the north side, the -- there is a paint ball field and then some office buildings, and those are probably 4 to 500 feet away. So there is nothing like super close. Across the street is approximately 75 to 100 feet to the closest building.

MICHAEL NYHAN: Okay. Thank you.

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

MICHAEL NYHAN: As far as conditions, I have approval -- approval is subject to final approval by 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.

And 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 shall 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 sign permits.

MATT EMENS: Are we doing those for both?

MICHAEL NYHAN: Yes. Those are for both.

PAUL WANZENRIED: If you look at the County Comments, Number 5, I would just like the condition in there that we're copied in on the correspondence with Mr. Wall from the airport so we have that for our files.

MICHAEL NYHAN: Okay.

MR. ANTHONY DICHARIO: Funny that you mentioned the airport. We had a contract -- we bought the property in Georgia. We had a contract with the Air Marshals. And we think -- we're pretty close to maybe locking in the contract -- because of the airport, with the Air Marshals -- to train those people, as well, in the facility. So that is something we're working on. It looks pretty good. Because of the airport being across street, it is just perfect for us.

MICHAEL NYHAN: Okay. So I will add the condition that the Town shall be copied on any comments from the County of Monroe.

That covers it, Paul (Wanzenried)?

PAUL WANZENRIED: More to the point like to any -- any correspondence with the Rochester International Airport -- or the Frederick Douglass Airport now. Thank you.

MICHAEL NYHAN: What is it called now? The airport?

DAVID CROSS: Frederick Douglass.

PAUL WANZENRIED: International. Something like that.

MATT EMENS: Signature line sill reads Greater Rochester International Airport.

MICHAEL NYHAN: Yeah. Pretty sure it changed. I added that condition.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Welcome.

JOHN HELLABY: Did you add the law enforcement --

MICHAEL NYHAN: No. I wasn't going to put that in there. You want to limit it to just law enforcement? They want to -- if they want to change --

JOHN HELLABY: If they want to change, I think they should come back.

MR. ANTHONY DICHARIO: It will include military and first responders. There is a special section in -- in our law that allows special treatment for military, first responders, law enforcement. The services of our country. That's what we're doing.

MICHAEL NYHAN: So that is retired, it's on -- it's in-service, it's anybody -- any first responder?

MR. ANTHONY DICHARIO: Active or retired, yes, sir.

MATT EMENS: Is what he is asking for.

JOHN HELLABY: Hours of operation?

MICHAEL NYHAN: Does former and active first responders and military personnel cover the use of the building that you're proposing? I'm asking you.

MR. ANTHONY DICHARIO: I can't tell who is talking.

MICHAEL NYHAN: I'm sorry. Is that okay?

MR. ANTHONY DICHARIO: Yes.

MICHAEL NYHAN: Does that cover what you're looking for?

MATT EMENS: I think it is good.

MICHAEL NYHAN: So then with those conditions, the application of Amchar NY Range, 100 Air Park Drive, Rochester, New York 14624, TDE New York, LLC owner; application for preliminary site plan approval --

Paul (Wanzenried), waiver of final, it was all taken care of?

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: -- for a change of use to allow an indoor firing range at property located at 100 Air Park Drive in GB District.

Application of the same company for the application of a special use permit to allow a indoor firing range at property located at 100 Air Park Drive in GB District.

JOHN HELLABY: Second.

DECISION ON APPLICATION #2: 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. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. The Town shall be copied in on any comments from the County of Monroe, including the Frederick Douglas International airport.
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. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Any signage change shall comply with Town Code, including obtaining sign permits.
9. The use of this facility will be for former and active first responders and military personnel.

DECISION ON APPLICATION #1: 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. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. The Town shall be copied in on any comments from the County of Monroe, including the Frederick Douglas International airport.
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. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Any signage change shall comply with Town Code, including obtaining sign permits.
9. The use of this facility will be for former and active first responders and military personnel.

ERIC STOWE: Before we begin, I'm assuming we're going to 3 and 4 with the application. But with respect to that application, I did inform the Board I have a conflict of interest and I can't advise the Board on this matter.

MICHAEL NYHAN: Okay. Thank you.

3. Application of Cleaning Services of CNY, 1633 N. Clinton Ave, Rochester, New York 14621, Patricia Ottley, 761 Attridge Road, Churchville, New York 14428 owner; for special use permit to allow a commercial cleaning business at property located at 4343 Buffalo Road in GB District.
4. Application of Cleaning Services of CNY, 1633 N. Clinton Ave, Rochester, New York 14621, Patricia Ottley, 761 Attridge Road, Churchville, New York 14428 owner; application for preliminary site plan approval of a change of use to allow commercial cleaning business at property located at 4343 Buffalo Road in GB District.

Robert Ottley, Irena Mazur and Yaros Mazur were present to represent the application.

MR. OTTLEY: Good evening. Robert Ottley. I'm representing Patricia Ottley. That is my wife and these are the folks from the cleaning service that can introduce themselves.

MS. MAZUR: Hello. Irena Mazur, the owner of the cleaning services.

MR. MAZUR: I'm Yaros Mazur, General Manager. That is my wife.

MR. OTTLEY: Who -- who is supposed to present?

MICHAEL NYHAN: Whoever is prepared to. Who has the authority to?

MR. OTTLEY: We'll do it jointly. How is that?

MATT EMENS: Perfect.

MR. OTTLEY: As you probably are aware of, One Step Tree & Lawn Care operated from that property for 40 years. That was my company. We sold the business a year ago or almost a year ago and have now decided to sell the property. 1998, I believe, was the year that it was approved for -- for the operation that was there. We operated it successfully for 40 years on that site. Since 1998 -- 1998, at the larger site that it is today, but I -- I guess what you see is what you get.

You probably have specific questions about the business that is coming in, because that's more pertinent to what you're doing. So I will let them explain what their business is and how they will use the property.

MR. MAZUR: We are a commercial cleaning business for the Rochester area. It's about more than ten years now. Mostly our client is commercial buildings, commercial grocery stores and our employees are going directly to the -- to the facilities. So we are looking to have a little more space in an office, a little more space for our vehicles to park.

We just moved to Spencerport, so we were looking to get the business closer to the house. We found this place for sale, so it looks like very -- very good fit for us.

Mostly it's going to be for use of storage, office use. Use of parking all of the vehicles, the fleet vehicles that we have for extra projects, extra -- the set-up that we do besides daily cleaning and janitor services. That's about it.

MICHAEL NYHAN: How many employees -- this will be like your base that everybody will come to and then pick up their equipment and then go to the cleaning site?

MR. MAZUR: No. Most our employees are going directly with -- either nightly or Saturdays, they go directly to the facility. They don't come to the office and then go. They go directly to the facilities. This is going to be more office use, meeting room use and just -- when we have a special assignment, extra projects, we use like a van that has equipment inside. That's where we want to put our vans inside in the garage. They have like three -- three big garages, so

this is a perfect fit that we can put it in. We like to have kind of a warmer condition for the vehicles and everything, not to be frozen through the winter. So this looks very good for us.

MICHAEL NYHAN: And how many vehicles will you have?

MR. MAZUR: I would say between 8 and 10.

MICHAEL NYHAN: All of those would be parked inside the garages?

MR. MAZUR: Yes. That's why we want it.

MICHAEL NYHAN: Okay.

JOHN HELLABY: I don't know how much discussion is going to be had about that 30 foot area in the back because there is no 30 foot where I can see.

But I do have a question for Mr. Ottley. The -- who actually owns -- I will put it pleasantly -- that board-on-board fence back there and whatever it is hiding? That is atrocious.

MR. OTTLEY: It's in bad shape.

JOHN HELLABY: Is that yours?

MR. OTTLEY: Which one are you talking about?

MICHAEL NYHAN: 9 foot tall.

MR. OTTLEY: No. That is not mine. That belongs to the neighbor on Springbrook.

JOHN HELLABY: So that -- it is not on your property? It doesn't belong to you?

MR. OTTLEY: Correct.

JOHN HELLABY: So I'm unclear on who owns it.

MR. OTTLEY: The stockade fence that is in bad shape is what we own.

JOHN HELLABY: Back to you, is -- the rest of the buildings on this property -- I can understand how you're going to use some of the garage to park your vehicles and your equipment. There is an awful lot of other structures on this property.

Are you buying the entire parcel?

MR. MAZUR: Yeah.

JOHN HELLABY: What is your intentions with all -- will you use all these buildings for the cleaning service or are you planning on some day maybe renting some of these out to somebody else?

MR. MAZUR: I don't see it right now as a rent-to-somebody-else. We can use it pretty much. One as a storage, the garages that they have for the vehicles. Then there is a shop behind it that we can use for our own fix -- fixing our own equipment, whatever we have. So it is kind of a perfect set-up for us that we don't need to build.

JOHN HELLABY: Is there any Fire Marshal comments on this, Paul (Wanzenried)?

PAUL WANZENRIED: Fire Marshal went through it and he is okay with it. They will need a standard issue operating permit and life safety permit.

JOHN HELLABY: I guess that's all we got other than like I said, I don't know how you address the setback situation there. But that is another discussion.

MICHAEL NYHAN: The plans we have are dated -- the three proposed buildings are dated 1997. I assume those buildings have been built now from what I saw when I drove back there; is that correct?

MR. OTTLEY: Yes. What was approved in '97 is -- is --

MICHAEL NYHAN: Is the plan --

MR. OTTLEY: -- is there now.

MICHAEL NYHAN: We'll need an updated plan. Is there an engineering firm you have been working with? We need an updated plan with the existing property as it is.

MR. OTTLEY: There is a survey that was done, yes.

MICHAEL NYHAN: Not a survey. A site plan. An updated site plan.

MR. OTTLEY: I didn't think that was going to be required.

MICHAEL NYHAN: We need to have an updated final for -- for preliminary and final site plan. One of the conditions will be we'll ask you to make sure that the Building Department has that with of all your current buildings on the property.

MR. OTTLEY: We're under the impression the Building Department was satisfactory with that plan?

MICHAEL NYHAN: You okay with this, Paul (Wanzenried), this 1997 plan?

PAUL WANZENRIED: It has all of the buildings that are currently there that we have on file.

MR. OTTLEY: And there is a current survey that these folks just completed.

PAUL WANZENRIED: If they supply the instrument survey, we can tie that to this.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FLORENCE DIFRANCESCO WOOD, 31 Springbrook Drive

MS. DIFRANCESCO WOOD: My name is Florence DiFrancesco Wood. I own 31 Springbrook Drive. I have been there since 2016. According to the property that I own, I do not own that fence. So I'm not sure what Mr. Ottley is referring to, but according to the Town that -- I inquired three years ago -- they said that the fence is improperly installed and it is on my property, but I did not install it. It was done by whoever owned the property.

Yes, the fence is an eyesore. It was damaged due to a storm a few years ago. I have got pictures to prove it and quite frankly, I would like it removed and reinstalled to cover up any trucks or, you know -- the vision of a business, if possible.

MICHAEL NYHAN: Can we see those pictures? I want to make sure we're talking about the same fence.

MS. DIFRANCESCO WOOD: You want me to approach you?
MICHAEL NYHAN: Yes. If you have pictures for the Board, you can pass them around.
MS. DIFRANCESCO WOOD: I have a couple. This is from my Ring camera.
MICHAEL NYHAN: So it is a stockade fence you're talking about?
MS. DIFRANCESCO WOOD: Kind of, sort of.
MICHAEL NYHAN: It's not the same one we were talking about earlier?
JOHN HELLABY: Not the same.
MICHAEL NYHAN: So that is the fence that --
MS. DIFRANCESCO WOOD: So --
MICHAEL NYHAN: It is on your property, but you didn't install it?
MS. DIFRANCESCO WOOD: Exactly.
MICHAEL NYHAN: It is on your property, so I suppose you could take it down.
MS. DIFRANCESCO WOOD: According to whatever the Town gentleman is, there is a telephone pole -- from what I was told, the -- the fence should have been installed before the telephone pole and it was installed against the telephone pole which was on my property. So the fence is falling apart anyways. There is -- I don't know -- 5 foot fence going down to a 3 foot fence to -- it is missing a part of the fence.
MICHAEL NYHAN: Okay. Fence was there when you moved in?
MS. DIFRANCESCO WOOD: Yes. But it's not my property. I was told it was not.
MICHAEL NYHAN: Okay. Thank you. Anything else?
MS. DIFRANCESCO WOOD: Well, quite frankly, I -- I've -- since I have lived there, I have kind of maintained the property, grass that happens to kind of fork into my property. So I have been cutting the grass, not knowing that it wasn't mine for a while and then I did approach the previous owner behind me and they said that they would maintain it as long as they saw that it was long. So since I have been there, I have been trying to keep up on it, but I'm not responsible for the fence and I don't have the funds to take care of that fence. I don't own it.
MICHAEL NYHAN: Okay.
MS. DIFRANCESCO WOOD: Anyways. I'm sorry.
I don't understand the -- having a cleaning business, I guess the quantity of vehicles they that might need -- they're not going to be using Springbrook? Do I have that correct?
MICHAEL NYHAN: Say that again.
MS. DIFRANCESCO WOOD: We were worried -- my neighbors and I were worried they were possibly going to put a driveway through like they did 30 years ago from what I understand. That's not part of this equation, correct?
MICHAEL NYHAN: No. It is not. It is not on the plans.

MARTHA BURRIS, 18 Springbrook Drive

MS. BURRIS: Hello. My name is Martha Burris, 18 Springbrook Drive. Thank you for giving us a chance to come here tonight.

My question is actually what Florence just said at the very end. I'm very concerned about the traffic patterns that might change as a result of this business coming in. So I guess I would like an answer on that.

Is there a public easement there or a place that could eventually be developed to be a road either for the trucks or for emergency access? Because you know, once they build it, they will come. So I just would like an answer on that. A confirmation.

MICHAEL NYHAN: Okay. It's not on their plans that they are going to put in or change any entrances or exits to the property. So the plan we're reviewing will not have an additional driveway that goes out to Springbrook.

MS. BURRIS: Great. 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: Additional discussion on the application. You brought up some buffer and some engineering report?

JOHN HELLABY: I don't know how you will address that situation with what you got back there. You haven't really got any room. I mean it has been like this for -- as Mr. Ottley stated, I don't know, at least 30 years, if not longer. I mean this thing has been added on and chopped up so many times over the years. The trouble is, if you try to straighten it out now you will lose that parking.

MICHAEL NYHAN: What fence were you talking about? The one --

JOHN HELLABY: Yes.

MICHAEL NYHAN: -- Very large?

JOHN HELLABY: Real large. It's like 10 foot tall.

MICHAEL NYHAN: Okay.

JOHN HELLABY: It looks like hell.

MICHAEL NYHAN: Paul (Wanzenried), have you been over there? Are you familiar with this fence issue?

PAUL WANZENRIED: I have not.

MR. OTTLEY: Mr. Chairman, we have pictures of that fence. Would that help?

MICHAEL NYHAN: I'm sorry?
MR. OTTLEY: I have photographs of that fence.
MICHAEL NYHAN: Yes. Please.
You didn't install this fence?
MR. OTTLEY: No. This belongs to the neighbor.
MICHAEL NYHAN: Is that the fence you're talking about?
JOHN HELLABY: That's the one. It's in a lot rougher shape than this one.
MR. OTTLEY: This was taken this week or maybe last week.
JOHN HELLABY: All right.
MICHAEL NYHAN: That would be right here (indicating).
JOHN HELLABY: This has to be this corner right here (indicating).
MICHAEL NYHAN: On the SJ Mark property?
MR. OTTLEY: Yes.
MICHAEL NYHAN: SJ Mark -- SJ Mark property.
GLENN HYDE: Where is the fence she is talking about?
MICHAEL NYHAN: She is on Springbrook.
MATT EMENS: I think it is the V shape one where they're talking about the grass coming through. It is shown on the site plan.
MICHAEL NYHAN: So your property line does go up to Springbrook?
MR. OTTLEY: Yes.
MICHAEL NYHAN: You have no plans and there is nothing on this drawing to indicate you will have a driveway back there, correct?
MR. MAZUR: We don't need that at all. We have plenty of --
MICHAEL NYHAN: Just wanted to confirm that. It is not on the plans.
MR. OTTLEY: In 1979, if you go back through the Planning Board minutes, you will see that I was before the Planning Board for change of use to put the lawn care business there, and at that meeting, we stated that we would not use that for in-and-out access.
MATT EMENS: I don't think even if you did come back to try to get it, I -- I mean this is -- there is no way it is going to fit. I don't think it is physically possible. You have two access --
MR. OTTLEY: There is no reason to have that as a driveway.
MICHAEL NYHAN: Just to confirm, it's not part of this application and --
MATT EMENS: Can I have clarification on the fences? We have two fences. We have pictures from two different people on the fences. You're worried about the one we just saw the pictures on which we're saying belongs to the property on Springbrook Drive. But then the neighbor is saying that the one that she is showing pictures of --
MICHAEL NYHAN: Is on her property.
MATT EMENS: It doesn't show it is on her property, though, in this drawing. I guess -- so -- so the survey -- we don't have the survey yet though, do we?
JOHN HELLABY: It doesn't show on there, the fence, does -- the existing fence.
MATT EMENS: Well, once again. It's all a point about the updated survey. The updated survey will have the location of that to see whose property it really is on.
MICHAEL NYHAN: Right. If it is not on this drawing, I wouldn't assume it is on this property. But we don't know for sure -- I think what we need to do with all this fence and buffer -- this a code issue, correct, Paul (Wanzenried)? The Building Department will need to straighten it out to make sure that current code and ordinances are followed. I will make that one of the conditions. To be sure -- and if that fence is not on the property that is here, it is on their property, they can take it down any time they want. It is their fence. Right? However it may have gotten there before she owned it.
Any other comments or discussions? Any concerns on the engineering letter?
MR. OTTLEY: Mr. Chairman, can I just clarify one thing? You said that Building Department would have to bring that and make sure that it was to current code?
MICHAEL NYHAN: Correct.
MR. OTTLEY: Would that be the setback? Would that include the setback buffer?
MICHAEL NYHAN: Which setback buffer is that?
MR. OTTLEY: Well, in the engineer's letter he is referring to some current code apparently. You know, that -- where -- where he wants 30 feet or 60 feet or something like that of --
MICHAEL NYHAN: Are you talking about the buffer?
MR. OTTLEY: Buffer.
MICHAEL NYHAN: Yeah. That's -- that's what I -- I have talked to Paul (Wanzenried), that the Building Department would review that to determine the ability to put the buffer there; is that correct? Or is there not room to even put it in?
PAUL WANZENRIED: There is probably not room to put it in. By the time you're done putting it in, you're filling in the V.
MICHAEL NYHAN: Okay.
PAUL WANZENRIED: You have residential properties on both sides. You could look at this as a preexisting, nonconforming situation.
MICHAEL NYHAN: Yep.
PAUL WANZENRIED: Right?
MICHAEL NYHAN: Yep.
The parking lot wouldn't have needed any sort of variance because that can go right to the

property line. The only thing that would have to -- it appears as though it does, is this existing building would be the proper distance from the property line. But it is existing. It was already approved at one point.

So I guess that would be the point, is that the Building Department would confirm that everything that's on the property now was approved at one point or another or received the variance if necessary. Correct?

PAUL WANZENRIED: Yep.

MICHAEL NYHAN: You think that is fair enough to cover that?

PAUL WANZENRIED: We can do that.

MICHAEL NYHAN: I will put a condition on there that all required code compliance inspections and permits will be required, as well, which would cover that, to determine if it is a preexisting or already approved condition.

Any other conversation? What are the hours of operation of your business? Did you say?

MR. MAZUR: We wrote it. It is 9 to 5.

MICHAEL NYHAN: 9 to 5.

Any other comments before I look at the conditions?

So for the conditions of approval, approval is subject to the final approval of the Town Engineer and the Commissioner of Public Works.

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

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.

Copies of all easements associated with this project shall be provided to the Town Counsel for approval.

All -- Paul (Wanzenried), were there any easements in here? I didn't see any.

PAUL WANZENRIED: No.

MICHAEL NYHAN: I didn't see any easement. Anybody? Okay. I will strike that one.

PAUL BLOSER: I do have a question, if I may.

MICHAEL NYHAN: Sure.

PAUL BLOSER: When you say your hours are 9 to 5, a lot of commercial cleaning work, especially carpets is done nights and weekends; correct?

MR. MAZUR: Mostly we schedule for -- not for the weekends.

PAUL BLOSER: But nights?

MR. MAZUR: Yes. Night operation, but we're operating at the facilities.

PAUL BLOSER: I understand that. But you will have vehicles coming and going from the property; is that correct? When you're done doing an extraction job at ABC Company, at 2 o'clock in the morning if they're finished up, they're coming back to drop off the company truck?

MR. MAZUR: Correct. So that is why we want to use the garages.

PAUL BLOSER: Do your trucks have back-up beepers?

MR. MAZUR: Yep.

PAUL BLOSER: That could be a problem at 2 o'clock in the morning or 3 o'clock in the morning for neighbors, since you're right on top of houses.

MICHAEL NYHAN: Okay. How would you like to resolve it?

MR. MAZUR: What do you mean by "back-up beepers"?

PAUL BLOSER: I'm just throwing it out there. If I was a neighbor and I hear a truck backing up at 2 o'clock in the morning, we're going to have a conversation. So --

MR. MAZUR: We don't want to have conversations.

PAUL BLOSER: I'm concerned about that for the neighbors. That -- that is just something -- I don't know how we address it, but -- but it's a concern. So we're not a 9-to-5 anymore. We're almost 24/7. Trucks with beepers. That has been a problem or was an issue over on Boon Drive, FedEx Drive there with trucks coming in and out of there at night with trucks with beepers.

MR. MAZUR: We don't -- we don't install in our vans, you know, any beepers for backing up. So whatever --

MICHAEL NYHAN: What size vans are they? Like regular commercial?

MR. MAZUR: Just regular. I won't have something like with UPS when he backs up to somebody driveway and make a beep. I don't have that additional. Whatever -- I'm not even -- we won't have that extra beeping. I don't have those kind of vehicles.

I just have a regular Chevy Express, GMC Sonata, just a regular commercial vans.

MICHAEL NYHAN: Okay.

MR. MAZUR: They're not boxed -- like the ones that have the beeping noise. We don't have that.

PAUL BLOSER: Okay.

MICHAEL NYHAN: That's what we were asking.

MR. MAZUR: That's what I am understanding.

PAUL BLOSER: Just want to make sure.

MR. MAZUR: We don't have those box trucks.

PAUL BLOSER: Sorry.

MICHAEL NYHAN: That's okay.

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 sign permits.

Any other conditions?

JOHN HELLABY: You are required by law to maintain a manifest of chemicals, correct?

MR. MAZUR: Yes.

JOHN HELLABY: Just in case something happens, you get a spill in there and the Fire Department wants to know what they're up against. That is an OSHA standard, so I suggest you get that in place.

MR. MAZUR: Okay.

MATT EMENS: Should be part of their annual inspections.

MICHAEL NYHAN: That would be part of the Fire Marshal and the Building Department inspection.

With those conditions?

Hang on. Need to do SEQR first, right?

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: Then with those conditions.

Paul (Wanzenried), they paid for final? We can waive final?

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: Application of Cleaning Services of CNY, 1633 N. Clinton Ave, Rochester, New York 14621, Patricia Ottley, 761 Attridge Road, Churchville, New York 14428 owner; application for preliminary site plan approval, with waiver of final, of a change of use to allow commercial cleaning business at property located at 4343 Buffalo Road in GB District.

Same applicant also for special use permit to allow a commercial cleaning business at property located at 4343 Buffalo Road in GB District.

JOHN HELLABY: Second.

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. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
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. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Any signage change shall comply with Town Code, including obtaining sign permits.

DECISION ON APPLICATION #3: 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. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
 4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 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. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
 8. Any signage change shall comply with Town Code, including obtaining sign permits.
5. Application of Forest Creek Equity Corp., 89 & 75 Beaver Road, Rochester, New York 14624, Forest Creek Equity Corp. Owner; for final approval of a 34 lot residential subdivision to be known as Rose Hill Subdivision Phase 3 at property located at 75 & 89 Beaver Road in Incentive Zone (R-1-20), FPO,FW District(s).

Walt Baker and Richard Battisti were present to represent the application.

MR. BAKER: Good evening. I'm Walt Baker with DSB Engineers. With me tonight is Richard Battisti, Forest Creek Equity Corporation.

As Chairman stated, we're here tonight for final approval of Phase 3 of the projects. Plans we submit -- you have the full set of plans. The map I brought with me shows the entire site and the darker green is actually the Phase 3 -- 34 lots in Phase 3 to be approved.

As you can see, we have got -- you will recall the two access points. And we're only building out Section 1 and Section 2 right now. We want to get Section 3 approved so we can get it through the Health Department, Water Authority and the agencies so hopefully we can get started this fall with infrastructure and get that in the ground.

But basically as -- the same scenario as the previous section. Public water, public sewer. Storm sewers. Detention ponds. Obviously we have highlighted the little circles that are the detention ponds on-site. The two previous sections are under construction. We're still building out Section 1 and Section 2 has quite a ways to go to finish that.

So obviously Bernie (Iacovangelo) and Richard (Battisti) wanted to get this -- get this in the works. So when things change with the economy, we'll be ready to go.

We did receive comments from the Town Engineer and they're technical in nature. Basically the first one he had about -- there is some kind of -- there is actually -- I spoke with Dave Lindsay about that. There is -- I don't know -- if you pull into the site, immediately to the east side, there is this conduit that comes out of the ground with some connection point that needs to be addressed. So when we do the offsite road improvements, that will be part of that. We'll coordinate with the utility companies. Because obviously it is their utility, not ours. It is not a dedicated item to the Town, so they'll take care of that.

Obviously stamped drawings and such. There is a little bit of text on top of text. And I guess there was a typo on one of the lot numbers for the garage floor and first floor of the building. We'll take care of that.

And obviously we'll post a letter of credit and we'll work with Dave Lindsay and Mike Hanscom on addressing the comments.

If you have any questions?

MICHAEL NYHAN: I think all of the comments from the County were addressed in your preliminary; is that right?

MR. BAKER: Correct.

MICHAEL NYHAN: Substantially no changes from the final from when you came in for preliminary also?

MR. BAKER: Exact same design.

PAUL WANZENRIED: Walt (Baker), where do we stand with that turning lane?

MR. BAKER: Actually, glad you brought that up. Um, obviously with the -- with everything going on with the -- the virus and such, we -- we had submitted plans to DOT last year and they actually -- one of the guys retired. They have another guy named Sarkey (phonetic) that is working on it now. He actually went through the first set of review comments of our plans.

It is going to be quite extensive because we're having opposing turn lanes. So we have a turning lane into the site and then a turn lane -- the westbound is opposing, which will be on Beaver Road Extension. So we're putting the -- road widening all on the north side of Beaver Road. It will start at Archer Road and continue up to the packaging plant entrance so it tapers back to two lanes. So it will be basically like three lanes, but the center lane is dedicated for turning. And so then you have the cross-hatch striping and all that.

But we received the second round of comments from Sarkey (phonetic). We have addressed those, sent them back. I tried to get a hold of Allison today, who is the coordinator, and she didn't call me back in time. As soon as we get that back, we should be to the point -- we already have our engineer's estimate done. We already have prices from a contractor to do the work, including all of the striping and everything else. So as soon as we hear from Allison, who is the coordinator, we should be ready to submit the contractor's insurance certificates and get him working as soon as the weather breaks clear.

MICHAEL NYHAN: When do you expect to get the permits -- you will have construction done this summer before you start Phase 3?

MR. BAKER: Yes.

MICHAEL NYHAN: Does that answer your question, Paul (Wanzenried)?

PAUL WANZENRIED: Yes, it did. Thank you.

MR. BAKER: We're really close now. Just waiting to hear back from them. We addressed all of the comments and the third step with DOT is to actually submit the contractor's insurance certificates and give them final plans and then you're ready to -- to schedule the -- the date.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any additional discussion?

Remind me, we did Phase 1 for SEQR for the preliminary.

Do we still need to do it for the final?

ERIC STOWE: It didn't trigger any thresholds and nothing was changed. You declared no significant environmental impact with the whole project.

MICHAEL NYHAN: Okay. Thank you.

Any other discussion? For conditions?

For the conditions, approval is subject to final approval of the Town Engineer and the Commissioner of Public Works.

The 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.

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

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 examples shall be noted on the mylars.

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

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

And applicant shall comply with all required life safety conditions and permits from the Town Fire Marshal.

Any other conditions? No?

MICHAEL NYHAN: Seeing none, with those conditions, the application of Forest Creek Equity Corp., 89 & 75 Beaver Road, Rochester, New York 14624, Forest Creek Equity Corp. Owner; for final approval of a 34 lot residential subdivision to be known as Rose Hill Subdivision Phase 3 at property located at 75 & 89 Beaver Road in Incentive Zone (R-1-20), FPO,FW District(s).

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. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

6. 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.
 7. Building permits shall not be issued prior to applicant complying with all conditions.
 8. Application is subject to all required permits, inspections, and code compliance regulations.
 9. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
6. Application of Chili Fire Department, Chili Ave., Rochester, New York 14624 owner; for re-subdivision approval of (A) Lot RA-2 of the Chili fire Department/Colombini re-subdivision into 2 lots and (B) re-subdivision to combine 3225 Chili Ave and Lot AR-2A into one lot at properties located at 3231 Chili Ave and 3225 Chili Avenue in GB District.

David Cox, Gared Levey and Wendy Marsh were present to represent the application.

MR. COX: Good evening, Board members. I'm David Cox with Passero Associates, civil engineer for the project. And also with me is Gared Levey with the Fire Department and Wendy Marsh, who is our attorney.

So as you remember, we brought this project in last year and got approval for it and they are under construction and they're making great progress. As you drive by it, they're really, really moving. So we're on track, ahead of budget on that, so everything is going good there.

But the reason we're here tonight is in January, the New York State DEC changed regulations on one of the chemicals that they use in the training grounds, the fire foam. So they made it more stringent with that.

So now that there is that, there has been some more -- you know, it has kind of come to light that the DEC is investigating essentially all over -- all over the State in these training grounds to see, you know, is there anything we need to do because of this fire foam that has been sprayed and things like that.

So the -- the bank has said, you know, because of the DEC and the -- you know, everything that's going on with the fire foam, we just prefer it not be part of the -- of the financing for the property. So that is why we're subdividing this off, just so that -- so the building and the project can continue to move forward right now.

So they are -- if we can't subdivide it, then the bank is not giving the construction loan and the project would stop. So that is why it is important to get it subdivided and then we can continue on with the DEC and work out whatever they decide. Whatever recommendations the DEC comes up with, we can move forward, but that is still in limbo as of right now.

And we're -- interest rates are going up. Just recently, in the last couple of months they have gone up half a percent, so we're -- you know, when you have a -- millions of dollars for a loan, that starts to impact you. So we're wanting to move forward and secure that construction loan to continue moving forward with the project. So that is the main reason for the subdivision there.

We did receive the Town Engineer comments. They're mostly technical. We needed to add some notes to the subdivision map. We need to stamp and sign it. We need to add some easements. Mostly cross-access and shared-access easements between the two properties.

He did make one recommendation on the -- the lot line adjustment and where it could -- you know, could we move it at all. That is where he was not privy to the information from the DEC. But that -- but that is how it needs to be subdivided.

And then the other one was the -- the existing Fire Department building needed to have its own new separate water service installed, which we agreed to and we'll put that on the plans to have that installed.

And that covers all his comments and I think that's all -- all I got. I can take any questions.

MATT EMENS: So you're saying, Dave (Cox), you can address comment 5 of the water service?

MR. COX: Correct.

MATT EMENS: I think that is all I got right now.

JOHN HELLABY: I got nothing.

GLENN HYDE: No questions at this time.

DAVID CROSS: Dave (Cox), you don't need any variances with this property line?

MR. COX: No.

DAVID CROSS: And the proposed improvements?

MR. COX: No.

DAVID CROSS: That's all I have.

PAUL BLOSER: All set.

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: So the Fire Department will still own the entire parcel of land. They're just subdividing off the new building?

MR. COX: Correct.

MICHAEL NYHAN: So they can get their loan and you will continue to work with the DEC on the fire training grounds?

MR. COX: Correct.

MICHAEL NYHAN: Okay. And --

PAUL WANZENRIED: Do you anticipate subbing that back in in the future?

MR. COX: I don't know what the future will hold. But right now, this is what we're planning for.

PAUL WANZENRIED: You would almost have to otherwise -- unless you get rid of the training ground with the existing fire station, right?

MATT EMENS: Well, I think that there is a liability there that they're trying to determine how -- how big of a liability it is.

MR. COX: If it got to where they wanted to sell the existing firehouse, then most -- you know, and everything is all good, then we would subdivide it back in.

ERIC STOWE: That was going to be my question. I think it needs to show some sort of easement for the drainage over Parcel 2A to Parcel 2B into the storm water. You have a proposed storm water maintenance access to the Town of Chili. I think there would need to be a declaration of easement, as well, for Lots 2A to 2B because if it doesn't come back in, you need the right to -- the right to dump your water into there. Okay?

MR. COX: Okay.

MICHAEL NYHAN: You're good with all of the easements?

MR. COX: Yep.

MICHAEL NYHAN: Anything else?

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: As far as conditions, approval is subject to final approval of the Town Engineer and the Commissioner of Public Works.

The 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.

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

Copies of all of the 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.

The -- all correspondence to the Town Engineer and Commissioner of Public Works that include the DEC -- you're doing it with the DEC? Okay.

Any other conditions?

ERIC STOWE: Just an easement for storm water from 2A to 2B or that it is included in the storm water maintenance, language to that effect.

MICHAEL NYHAN: Just clarification for Dave (Cox), right? You don't need a condition on that. To be --

ERIC STOWE: It needs to include that easement. Not just our access, but the right for 2A to drain onto 2B.

MICHAEL NYHAN: Oh, all right.

ERIC STOWE: We take our standard access easement and maintenance, but it's a separate easement to drain that property -- that property 2A onto 2B. It can't be a traditional easement. It would need to be a declaration since it is under common ownership.

MICHAEL NYHAN: Proof of easement and declaration to drain water from property 2A to 2B?

ERIC STOWE: That's fine.

MICHAEL NYHAN: I will make that another condition.

MR. COX: I'm good with that.

MICHAEL NYHAN: Any other conditions? With those conditions --

MS. MARSH: Wendy Marsh with Hancock Estabrook. I'm the one that is interacting with DEC on the investigation. I'm assuming you don't want every communication back and forth, do you? I just want clarity on the condition.

MICHAEL NYHAN: I guess you're saying all emails or just official documents.

Would you want just official documents or all emails and all correspondence?

PAUL WANZENRIED: We'll go with official documents.

MS. MARSH: Okay. Thank you.

MICHAEL NYHAN: With those conditions, application of Chili Fire Department, Chili Ave., Rochester, New York 14624 owner; for re-subdivision approval of (A) Lot RA-2 of the Chili Fire Department/Colombini re-subdivision into 2 lots and (B) re-subdivision to combine 3225 Chili Ave and Lot AR-2A into one lot at properties located at 3231 Chili Ave and 3225 Chili Avenue in GB District.

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. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
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. Provide proof of easement and declaration to drain water from property 2A to 2B.

JOHN HELLABY: I make a motion to accept the March Planning Board meeting minutes.

MATT EMENS: Second. The Board approved the motion by a vote of 5 yes with 2 abstentions (Michael Nyhan and Glenn Hyde).

The meeting was adjourned at 8:15 p.m.