

CHILI PLANNING BOARD
May 11, 2021

A meeting of the Chili Planning Board was held on May 11, 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.

FOR DISCUSSION:

1. Monroe County Water Authority, 475 Norris Drive, Rochester, New York 14610, property owner; County of Genesee, 7 Main Street, Batavia, New York 14050; for proposed 50' x 65' utility building (pump station) at property located at 60 Golden Road in R-1-20 District.

Steve Savage and Todd Ferguson were present to represent the application.

MR. SAVAGE: Evening. Thank you, Mr. Chairman. My name is Steve Savage. I'm the Director of Engineering for the Monroe County Water Authority. With me today is Todd Ferguson with the Monroe County Water Authority.

We're here tonight just to give a little background. We have been operating the water system in the Town here for close to 60 years. Similarly, we have relationships with close to 60 communities. Some of which are out in Genesee County. A little different than our relationship with the communities that are in Monroe County. We still have retail lease agreements with some of those in Genesee, but we can't build facilities for Genesee County. So it is up to them to pay for and construct whatever infrastructure is needed in order to get more water out to them, which is part of the reason we're here tonight.

So back early in the late '90s, early 2000s, Genesee County started putting together projects to build infrastructure to get more transmission out to them. So right now they're in the Phase 2 of this program to get an additional couple million gallons a day of water out to them. And one of the projects right now that they're working on is the construction of this Golden Road pump station.

So we will, once this project is constructed and completed -- similar to some of the other projects that are part of their Phase 2 program -- the Water Authority will own and operate and maintain those facilities just like we do the rest of them.

So we don't necessarily look at municipal boundaries. We look at it as one water system. Except when it comes to the term of the lease and the particulars associated with that.

So with that said, I will ask Todd (Ferguson) here to go through a little more detail what the pump station is, how it will operate and then give some of the particulars for the Planning Board's comments.

MR. FERGUSON: Good evening. We distributed a couple of pictures. One is of our Twin Hills pump station, and the other is the Morgan Road pump station, which we're proposing to do the addition on. But these are just examples of different types of architectural styles that we do incorporate into our pump stations. Normally, this is a -- it's a utility building, but we do, as you can tell, dress it up with different means. We add dormers, shutters, cupolas. One of them even has quoins for the corners, archway doors.

This particular building is planned to have the same brick that Morgan does and Twin Hills, with a roof, standing seam metal roof like Twin Hills. Similar colors. So we're told that the Board would like to have some -- a period to comment on the architectural style and some of the landscaping features. So we put together a rendering of the landscaping for you.

So if you have any questions or concerns that you would like to share -- or questions about the stations. The Morgan Road station has two pumps in it right now. It will be expanded to a third pump. The addition will house the electrical gear, because the station's capacity has been greatly increased. It will go from 20 horsepower pumps to 75 horsepower pumps. So we need more room to put the electric in there.

Golden Road will be a medium-sized pump station for us, 200 horsepower pumps, so that is why it is about the size that was put in the advertisement.

So if you would like to share your comments and concerns, we would be happy to hear them.

MICHAEL NYHAN: Thank you.

MATT EMENS: The Morgan Road one, I think Al (Hellaby) said it earlier, but I drive by it every day. At least two or three times. It's a nice looking building. I like the features of it. I think the addition complements it. You kept it simple.

The new generator on the side there, I see you're going to try to screen it with Arborvitaes. That makes sense. As long as you guys keep up with the landscaping and everything like you typically do. The lawns are mowed. It looks nice. I think that is good.

You talked about the second station. It's a standing seam metal roof?

MR. FERGUSON: Yes.

MATT EMENS: That was one of the questions, I guess, I had with that. That will be nice. You will get more years out of it than -- like the asphalt one on Morgan Road is starting to stain a little bit. But I think that that -- the brick, the standing seam metal roof, the minimizing to your point the fact that it is a pump station, the look of it. So -- but I think as long as you're staying with that and complementing what is there on Morgan Road, I don't have anything else.

MICHAEL NYHAN: Golden Road, any comments?

MATT EMENS: As long as they're using a standing seam. I just think that is important.

JOHN HELLABY: Do you feel there would be any call to put dormers on that standing seam roof to have any accent kind of like -- do you agree?

MATT EMENS: Well, I guess the question is, if you look at the elevations, the gable faces -- help me out. Which way does the gable face? East -- or no, south and north.

JOHN HELLABY: East and west. North and south. If you had gables on the south side facing to the south as you're coming down in there -- because if I recall right, that drops down quite a bit in there.

MR. FERGUSON: Usually that flattens out.

JOHN HELLABY: I think that would just give it a little bit more characteristic.

I assume the house and all of the buildings that are presently on that lot are coming down?

MR. FERGUSON: Correct. Yes.

JOHN HELLABY: Another more curious question is that I don't believe the pipe infrastructure is there now, correct? Are you still bringing the pipe to this location for these pumps to connect to?

MR. FERGUSON: The 30-inch runs down the center of the road right now.

JOHN HELLABY: Oh, it does. So everything is done in there?

MR. FERGUSON: Yes.

JOHN HELLABY: Just a matter of putting the building up and tying the pump in?

MR. FERGUSON: Exactly.

JOHN HELLABY: I'm not a landscape expert. You might want to take a look around a little bit more on Golden Road with shorter Arborvitaes or something around these transformer pads or whatever you got there on the south of the generator thing. Just to shield them a little more. Other than that, I have no qualms.

MR. FERGUSON: Thank you.

DAVID CROSS: Todd (Ferguson), so the -- the permanent generators there, so -- the one at Union Street, is there a generator there right now?

MR. FERGUSON: Yes. Both of these are going to be sound-attenuated for hospital areas.

DAVID CROSS: That was my question. Both sound-attenuated and screened by Arborvitae.

And then you will have some simple lighting at the doors, or what were you thinking?

MR. FERGUSON: None.

DAVID CROSS: No lighting at all?

MR. FERGUSON: Maybe a small light that reflects directly down. You know, not --

DAVID CROSS: Nothing more than that?

MR. FERGUSON: Right.

DAVID CROSS: Then help me out with bearings. So this is the Golden Road, south of 490?

MR. FERGUSON: Correct.

DAVID CROSS: Okay. That is what I thought.

What is the address of the house that is coming down?

PAUL WANZENRIED: 60.

JOHN HELLABY: 60.

DAVID CROSS: 60. Okay. That's all I have.

MICHAEL NYHAN: How many windows and doors are on this building? I saw vents. I didn't see like -- you have -- not really windows, but they look like windows and shutters on Morgan Road.

Will that be the same on Golden Road?

MR. FERGUSON: There is no planned shutters yet. There are -- both Morgan and this station would have fake windows for security reasons.

MICHAEL NYHAN: Right.

MR. FERGUSON: So they would be in the bricklayer of the station, but not in the block layer. So nobody can break into the station.

MICHAEL NYHAN: So concrete block building with the brick outside of that with the fake windows?

MR. FERGUSON: Correct.

MICHAEL NYHAN: On either side. That would be the north and the south side?

MR. FERGUSON: Yes. And steel doors for the rest of it for security reasons.

MICHAEL NYHAN: And then the doors would be facing Golden Road themselves, the one door on the front and the doors on the back would be --

MR. FERGUSON: Correct.

MICHAEL NYHAN: That is where that one small light will be. There wouldn't be any other lighting other --

MR. FERGUSON: Correct. The other ones are for equipment removal.

MICHAEL NYHAN: The only other item I would mention is the landscaping, as well. Try to landscape around the entire building as best as possible.

OLD BUSINESS:

1. Application of 29-31 Jetview Drive LLC (James Sydor) property owner; 31 Jetview Drive, Rochester, New York 14624 for final site plan approval to erect a 52,500 sq. ft. structure for manufacturing use at property located at 39 Jetview Drive in LI District.

Rob Fitzgerald and Jonathan Sydor were present to represent the application.

MR. FITZGERALD: Good evening. Rob Fitzgerald representing Sydor Optics tonight. With me tonight is Jonathan Sydor, one of the applicants.

We did receive preliminary approval back in March. Some of the conditions to move on to final were getting some variances, the loading berths. Six are required. We're showing two larger ones and one smaller one. We did receive that variance two weeks ago at the Chili Zoning Board.

Another item that we had to work out, was to submit a landscape plan. So we have submitted that to the Conservation Board. I'm assuming this Board has their feedback at this point.

Really the third one was to work through Town Engineering comments. I know we kind of had some back and forth late in the game, so the Board wasn't comfortable with final.

Since then we resubmitted SWPPP forms and worked with the Town Engineer, as well as DPW. I think we're kind of down to the nuts and bolts at this point. Mostly SWPPP items and signing forms and whatnot. I did respond to Michael (Hanscom)'s comment letter so he does now have this stuff, as well. A couple of our items, big ones, mostly revolved around the SWPPP, but we have an easement that will have to get filed before plans can be signed.

Storm water permit needs to be put in place before plans can be signed and there is one other larger one. Where was it there? The easement, storm water, and I think that was about it.

And just lots of signatures to file the notice of intent with the DEC.

MICHAEL NYHAN: There was also mention in there of the buffer. The landscaping in that buffer.

MR. FITZGERALD: I didn't see -- which comment was that? We do have a -- there is an existing 100 foot easement and most of it is landscaped now. We did add additional landscaping to that buffer.

MICHAEL NYHAN: Okay. That was on the plan you submitted to the Conservation Board?

MR. FITZGERALD: Correct. Yes. I don't have a landscape architect in-house, so that was subbed out to Costich Engineering.

MICHAEL NYHAN: Okay. Is there anything else?

MR. FITZGERALD: Yes. I think it was brought up, what we're doing for HVAC units. We're really just going to have some residential-size, 3 by 3 units and I did supply a plan for those, a couple on each side. And the architect is looking at doing one over each loading dock. Again, 3 by 3 units. Not anything nearly the size of what they have next door at the existing facility. That's it.

MATT EMENS: Rob (Fitzgerald), you talked about the easement. And that was between the properties. What was the easement for?

MR. FITZGERALD: The DPW, they want an easement in place for the storm water facility.

MATT EMENS: Okay.

MR. FITZGERALD: So there is an existing 100 foot easement from the back of the property line into the property and we're giving an additional one to that, but what they're asking for actually access to that. That is one of things added later on.

MATT EMENS: Sorry. I confused it with what I was thinking about over here, and maybe you didn't mention it then, the connection between the properties.

MR. FITZGERALD: For that I think Mr. -- Mr. Stowe brought that comment up. It would be something if they wanted to do between the two addresses, they could.

MATT EMENS: Got you.

And then you talked about if you get -- some of the high points here, some of the things we were talking about last time, the radius for the 25 foot on that back corner, so the trucks can swing around, you looked at that. Is that revised or did we just decide that works?

MR. FITZGERALD: A couple of things. We did add additional data for the radii, but part of the variance that we asked for, too, was instead of 60 foot wide loading bay, we went to 50 because that is the most they would need.

MATT EMENS: To get the depth on the angle.

MR. FITZGERALD: Correct.

MATT EMENS: So that you could swing and drive past there.

MR. FITZGERALD: That is why we went to 50. To make sure we had way more than enough. Typically they're looking at two to three box trucks a week is what they have now at the existing facility.

MATT EMENS: I got you. All right. I think I'm good for now.

JOHN HELLABY: The connection between the two parcels, that will end up being the asphalt? Because I know there was original discussion about a sidewalk or something.

MR. FITZGERALD: Yep. And I missed that. We are going to have a 6 foot wide walk to connect the --

JOHN HELLABY: You are.

MR. FITZGERALD: We are. I totally missed that. That would be right here (indicating).

JOHN HELLABY: All right. All right. The other question I have, Michael (Hanscom), you don't see any show-stoppers on your review letter here, do you?

MICHAEL HANSCOM: No, I don't.

JOHN HELLABY: That's all I got.

MATT EMENS: Just make sure that the sidewalk gets captured.

MICHAEL NYHAN: Do you have that, Rob (Fitzgerald)?

MR. FITZGERALD: Yes.

MICHAEL NYHAN: So all of the conditions of approval from the preliminary site plan will still apply.

Are there any additional?

JOHN HELLABY: I don't believe so.

MICHAEL NYHAN: All right. Old business. No SEQR.

So with the conditions of approval -- I will read them from the previous preliminary site plan approval.

Conditions for the final site plan approval are all previous conditions imposed by this Board still pertinent to the application remain in effect.

Applicant shall comply with landscaping plan drawn by a licensed architect -- landscape architect for additional landscaping and the required buffer along the required checklist with the Conservation Board for review and approval.

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.

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 agencies.

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

Copies of all easements associated with the 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.

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

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

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

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

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.

No outside storage of material and/or product.

Applicant must provide a letter of credit to the Town of Chili prior to the pre-construction meeting and start of construction.

Property owner to enter Storm Water Control Facility Management Agreement with the Town of Chili -- the Town and to provide proper access easement to the Town. The access easements and the storm water control facility maintenance agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and filed with the County Clerk's Office prior to the signing of the mylars.

Those are all of the conditions on the original preliminary.

So with that for the Application of 29-31 Jetview Drive, LLC (James Sydor), property owner; 31 Jetview Drive, Rochester, New York 14624 for final site plan approval to erect a 52,500 sq. ft. structure for manufacturing use at property located at 39 Jetview Drive in LI District.

JOHN HELLABY: Second.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. The applicant shall supply a landscape plan drawn by a Licensed

Landscape Architect along the required checklist to the Conservation Board for review and approval.

3. 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 landscape plantings have been furnished and installed in substantial conformance with the approved landscape plan.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
7. 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.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Pending approval of the Zoning Board of Appeals of all required variances.
11. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
12. Applicant to comply with all required Life Safety Conditions and Permits from the Town Fire Marshal.
13. Any signage change shall comply with Town Code, including obtaining permits.
14. No outside storage of material and/or product.
15. Applicant must provide a letter of credit to the Town of Chili prior to the preconstruction meeting and start of construction.
16. Property owner to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide proper access easements to the Town. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney, and then filed with County Clerk's Office prior to signing of Mylars.

PUBLIC HEARINGS:

1. Application of Atlas Contractors, LLC, 1900 Empire Blvd., suite 225, Rochester, New York 14580, property owner; for preliminary subdivision approval with site plan of 2 lots (42 & 44 Morrison Ave) to 3 lots to be known as Atlas Subdivision at property located at 42 & 44 Morrison Ave, Rochester, New York 14623 in R-1-6 & FPO District.

Walt Baker was present to represent the application.

MR. BAKER: Good evening. Walt Baker with DSB Engineers.

As Chairman stated, we're here tonight for resubdivision of the two lots at Morrison Avenue. 42 and 44. The one lot, 42, is actually 100 feet wide and approximately 123 feet deep. They're next to each other with the second one being 75 feet wide. So our proposal is to resubdivide the two lots into three lots. The minimum lot requirement for this area is 50 feet. And we divided them equally, 58, 58 and there is an extra foot for 59 feet.

So the minimum square footage, obviously we exceed that by almost 2,000 square feet. 6,000 square feet is required. And these lots are 71 -- 70, 71, 90 and about 8,000 square feet.

The map we presented is the map I brought with me tonight. It shows the plat map, utilities and grading. Obviously there is an existing house at Lot 42 Morrison and we'll demolish the existing house and construct three new homes that will be two-story homes within the

setback limits, not requiring any side variances or -- or anything. Utilities are obviously on the first lot and we'll put in new sanitary connections and water connections.

There is public utilities out in the road. Michael Hanscom noted that there isn't a storm system in the front of the property. It is actually down at the intersection. There is an end section and catch basin there. But we directed the drainage to the street and the drainage in the back, to the back property lines. Obviously we'll have side yard swales. There is a house at 46 which is at the corner of Theron and it's just about on the property line. So what we'll do is make sure that that lot is adjacent to that. We'll keep it tucked over as far as we can to the side setback on the east side, to make sure we can accommodate drainage in between the two houses.

We did receive comments from the Town Engineer and also Monroe County. Michael's comments are technical in nature and we can address all those as usual and get written responses for everything.

There is a utility note about RG&E to the pole line in the backyard and I had the surveyor look it up and it's a blanket easement across the property. It is not like a typical 10 foot or 15 foot easement that they took. They got an easement with the liber and page. Just a blanket easement on the property.

Monroe County Planning, obviously we'll need approval from Pure Waters, sanitary sewer connection. Monroe County Health Department, because it's not existing laterals and we're not providing any new main line sewer systems, we get a no action letter from the Monroe County Health Department for that. Just laterals. Obviously Monroe County Water Authority, we complied with them. We usually get a letter now. They don't sign the maps anymore with everything else going on.

And traffic was from the County Planning and New York State DOT. They don't have jurisdiction. They stated on -- it's a Town road. If you have any questions.

JOSEPH DEFENDIS: I have no issue. There is no basements in these?

MR. BAKER: No. Obviously that is another key issue, the flood plain. There is a floodway along there and I spoke with the Commissioner and we set the elevation greater than a foot. But Michael (Hanscom) wants to see it 2 feet above the flood elevation. It's about 4/10. About 3 inches. We'll raise it up another 3 inches to make sure it complies with the 2 foot above the flood plain.

JOSEPH DEFENDIS: No issues with making any corrections in terms of the --

MR. BAKER: Yes. Correct.

MATT EMENS: I missed the last part you said.

JOSEPH DEFENDIS: There is no issues with the -- in accordance with the letter.

MATT EMENS: So the approximate size, did you say? The -- you said they're two-story, so do you have an idea on the size?

MR. BAKER: I spoke with Michael (Spaan). Generally the houses will be -- they will have two-car garages and generally, we have got 40 -- between the 8 foot side setbacks, we do have 42 feet to build within. But generally his houses end up to be somewhere around 36 or -- or more or less 36 feet wide. It will be a two-story house.

MATT EMENS: Okay. And you still think you can -- seeing as water is always -- drainage is always an issue in this area, you can achieve good drainage with these --

MR. BAKER: Yes.

MATT EMENS: -- footprints and the limited grade?

MR. BAKER: Right. The setback to the property line is 8 feet. And then we get 42 feet to work within. So we'll have another 6 feet plus to -- we can tuck the one over, get away from the existing houses, tight to the property line. We can slide that over. We'll work out the details with Michael (Hanscom) and the Commissioner and the Building Department.

MATT EMENS: Okay. And -- yeah. You talked about the elevation.

MR. BAKER: Basically we have to raise it up 4/10 of a foot.

MATT EMENS: I don't have anything else right now.

JOHN HELLABY: The setbacks are within code?

MR. BAKER: Yes, sir.

JOHN HELLABY: No zoning requirement?

MR. BAKER: No variances required or requested.

JOHN HELLABY: Awful tight squeeze, but...

MR. BAKER: Well, the minimum lot size is 6,000 square feet and 50 feet wide and we're at 58 feet.

JOHN HELLABY: I know. I know.

MR. BAKER: We tried to make them all even.

PAUL WANZENRIED: Walt (Baker), where are your downspouts going?

MR. BAKER: As Michael (Hanscom) stated, we'll directed those to -- to the rear and the other ones to the front. So we'll have obviously the front of the house, when the architect is done with it -- with the design plans, we'll obviously review that with Paul (Wanzenried) and the Building Department. But we'll direct them out to the front instead of to the sides or the rear.

PAUL WANZENRIED: Is there a swale in the rear?

MR. BAKER: Well, it is kind of questionable. According to the topo -- our surveyor just went out and topo'd the entire side. There is not really a defined swale that follows the property line. We'll do what we can.

MICHAEL NYHAN: So that's -- as you can see, from the Board and from the letter from Michael (Hanscom), that is the biggest concern. The concern is this drainage --

MR. BAKER: As you well know.

MICHAEL NYHAN: -- that water doesn't drain onto adjoining properties. The direction it drains, as well as swales, anything else you can.

MR. BAKER: I'll see if we can bring the roof conductors, the entire roof out to the street, which would be a better situation. And then limit -- just a grass backyard like normal -- you know, try to limit the amount of hard surface that goes to the backyard.

PAUL WANZENRIED: Do you have to bring fill in to raise these lots?

MR. BAKER: The basement cut, that will bring it up.

PAUL WANZENRIED: Okay.

MR. BAKER: Obviously the front -- the garage floor will be up that 2 feet above the flood plain. We like to taper it to have the backyard --

MATT EMENS: Sorry to interrupt, but like you said, no basement. Just foundation?

MR. BAKER: Foundation.

MATT EMENS: You said "basement."

MR. BAKER: The garage floor. We use the garage floor as our lower floor elevation and the first floor is usually up two steps. So we set the garage floor at that minimum floor elevation so the garage floor doesn't get wet. The house itself -- the house first floor is going to be higher, about a foot and a half.

ERIC STOWE: One thing. It says RAO-20 in the FPO. In the new code it's R-1-6. So just amend -- just amend the site data to show it's the R-1-6 District now.

MR. BAKER: Michael (Hanscom) mentioned that, as well.

MICHAEL NYHAN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JEREMY MCMAHON, 32 Morrison Avenue

MR. MCMAHON: Jeremy McMahon, 32 Morrison Avenue.

One of the first questions I had, a lot of the homes in the neighborhood are all now turning in college student rentals. As a new house hits the market, it sells and new homes are being rented out by the bedroom rather than to a couple or an individual person.

I am concerned about the traffic situation. I raise an 11-year-old daughter on that street. We have no sidewalks. We have no streetlights, which leaves us with daytime visibility only to be able to go out and walk dogs, let her ride her bike.

If this home is going to go to -- these houses are being built for college student rental, I would like to know with the two-car garage, is there going to be a two-car-wide driveway to take the parking off the street? As it stands, dealing with 28 Morrison, that is a single-wide driveway. There is five cars in the driveway. Two every night end up on the road. That's an issue for the school bus, that's an issue for the plows, that's an issue for garbage.

34 Morrison Avenue, same situation. There is three cars in that house. One parks in the driveway and the other two park on the opposite shoulders of the road. This is an issue for me.

Maintenance and upkeep of the properties has become a problem, as well. We're seeing quite a few rental properties in the neighborhood that are mowed maybe once a month, if not every month and a half. Grass in the neighborhood is 8 to 10 inches tall. That is bringing snakes and mice and things like that. I just like to see some of this be addressed.

So any property being built, I will not stand in the way of growth. Even though it is my aunt's house coming down. My family has been there since 1952. So I just want these issues heard.

MICHAEL NYHAN: Okay. Thank you.

SHARON MURRAY, 39 Morrison Avenue

MS. MURRAY: Sharon Murray, 39 Morrison Avenue. Been there 15 years. Ditto everything that Jeremy (McMahon) just said as far as the college student rentals. It's a horrendous situation.

The properties are not kept up. As you can imagine, a college student does not take much pride in a temporary living situation.

The properties by the landlord are not picked up. That particular property, at 42 and 44 Morrison -- I think I have the address right -- um, has been mowed twice since they have taken ownership. It's horrible. It looks horrible.

The sign that the Town put there for notice of the subdivision was taken down immediately after it was put up. I personally put it back up three different occasions. It was taken down each time. Just a -- a bad situation.

If there is going to be three units there, I would be interested to know how many bedrooms they would be, how many people they would accommodate per each unit and if they would be rentals.

You know, same -- same situation with traffic. It's terrible there. It really is. Not much more to add other than that.

MICHAEL NYHAN: Thank you.

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

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

MICHAEL NYHAN: Additionally, there was a letter that I received from Judy J. Spring, 38 Morrison Avenue, outlining some concerns opposing the proposed variance for allowing three houses to be built on the existing two lots located at 42 and 44 Morrison Avenue. "Currently there is a house at 42 and yard at 44 Morrison. I live right next door to 42 Morrison at 38 Morrison. Three houses will increase the number of cars and the amount of traffic on the street. There is already interference and traffic flow getting out of my driveway with the three houses built on two lots directly across from me. 39, 41 and 43 Morrison Avenue.

In addition, I'm concerned as to whether these houses will also be single-family homes or student rentals. The number of student rental houses has increased dramatically in the past few years with almost half of the houses on Morrison Avenue now being rentals. This has increased traffic, parking on the street and noise and partying. As you're aware, rental properties are often not as well kept as those in which the owner resides at the house. This can be seen on my street and a neighboring street. Students do not have the same investment perspective as a homeowner. This may result in the devaluation of the neighboring properties.

Therefore, to reiterate, I'm opposed and do not support this variance."

And it is signed by Judy J. Spring.

What types of homes will these be?

MR. BAKER: Um, Michael (Spaan), owns Atlas Contractors and he does sell the houses and he does rent them. He does have them for rent. And generally, he is maintaining -- he will build a brand new house. He wants to keep it up. He generally takes care of it.

I'm surprised to hear he has only mowed the lawn twice. I will have to talk to him about that.

MICHAEL NYHAN: What square footage, how many bedrooms?

MR. BAKER: Three-bedrooms. Each house will be three-bedrooms. Approximately 15 to 1800 square feet. Two-story.

MICHAEL NYHAN: And two-car garages with a double-car driveway?

MR. BAKER: Correct.

MICHAEL NYHAN: Board discussion? I know there's been a problem over in that area.

MATT EMENS: I think to be clear, it says in the letter, variance. This is not a variance and we're not the Zoning Board.

And I guess just to clarify, I think they're all great points and I don't know -- I guess I would defer to the Side Table on what is allowed or not allowed by Town Code. And -- and I guess specifically in these zones.

I don't think there is any restrictions on that or is there, Eric (Stowe)?

ERIC STOWE: Single-family residences are permitted. The rental is a different issue, but very difficult to prove.

MICHAEL NYHAN: Okay.

JOHN HELLABY: That's the biggest problem. If it fits into the zoning, there is no variance involved. Again, I understand what these people go through. I'm familiar with the area and I had a lot of friends down there.

The problem is, if they want to follow up on the complaints, they will have to go through the Building Department, the Sheriff's Department and those people take care of these. We can't turn this guy down because it all fits.

MICHAEL NYHAN: I understand. Right.

Any changes, any questions? Okay.

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

MICHAEL NYHAN: Any conditions? I have -- conditions I have -- let me know if there are any others that are needed.

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

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

Applicant shall comply with all pertinent Monroe County Development Review Comments.

Applicant to provide a comment response letter that replies to each of the comments listed within the Town Engineer's review letter.

Any other conditions? Paul (Wanzenried), any other conditions that you wanted to see?

PAUL WANZENRIED: No. None I can think of right now.

ERIC STOWE: I don't know that the zoning map has been updated to the R-1-6, but I think the RAO-20 was replaced by the R-1-6. So I don't think that needs to be a condition that it be revised unless the zoning map has been updated.

MICHAEL NYHAN: So -- so we don't need a condition for that at this point?

ERIC STOWE: No. The site data should just comply with the current zoning.

MICHAEL NYHAN: Okay.

Application of Atlas Contractors, LLC, 1900 Empire Blvd., Suite 225, Rochester, New York 14580, property owner; for preliminary subdivision approval with site plan of 2 lots (42 & 44 Morrison Ave) to 3 lots to be known as Atlas Subdivision at property located at 42 & 44

Morrison Ave, Rochester, New York 14623 in R-1-6 & FPO District with the conditions I read.

JOHN HELLABY: Second.

MATT EMENS: Waive final? I don't think you said "final."

MICHAEL NYHAN: That's right. Paul (Wanzenried), did they -- are they all set on final?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: All right. So it is also the waiver of final.

JOHN HELLABY: Second.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. 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. Applicant provide a comment response letter replies to each of the comments listed within the Town Engineers review letter.

INFORMAL:

1. Application of Costich Engineering, D.P.C., 217 Lake Avenue, Rochester New York 14608, property owner: Fallone Properties, Ltd.; for sketch plan recommendations of a 20-lot subdivision under incentive zoning located at 93 King Road in R-1-15 District.

Michael Ritchie was present to represent the application.

MICHAEL NYHAN: I believe you were in here in March and were given directions from the Planning Board.

You went to the Town Board and they sent it back to us for you to make those changes; is that correct?

MR. RITCHIE: That's correct, Mr. Chairman. Planning Board members, thank you.

MICHAEL NYHAN: That's -- that's the -- okay.

MR. RITCHIE: Correct. This in front of you is the revised plan. That is what we presented to the Town Board back in April. Below it is the plan that was originally presented to the Town Board and the Planning Board. Originally it was for 30 duplex units on both 92 and 93 King Road.

The comments received from the Planning Board -- I could -- just no particular order -- was to remove the duplexes from the northern part of 92 -- or sorry -- the northern part of 92 and 93 King Road. You can see we have done that. We replaced this area with single-family residential houses which is allowed by code and completely removed it from the other parcel across the street.

Another comment that was received by the Planning Board, seeing that the setbacks were short for a dedicated road and that we should consider either increasing the setback or going away from a dedicated road. In fact, we have done that. This will be a private road with an HOA. You know, we tried to slide these back. I think there is still potential to slide some of the houses back. Right now they're shown -- the closest one at the end of the cul-de-sac is about 41 feet, 40 edge of pavement. A lot of the other ones you can see are closer to 60 feet.

Even if you look over here, over to the King Forest Subdivision, from the garage to pavement, it's about 50 feet, give or take on average. So I think we're somewhat consistent with that.

Another comment that was received that -- was the density. We did go from 15 buildings and 30 units down to 10 buildings and 20 units, obviously excluding the 3 single-family lots which are allowed by right. We removed them from the northern parcel.

The number of buildings -- it was -- it was ten here. We obviously moved these five buildings. Still ten on this one, but we went back and went with a slightly smaller unit building, which allowed us naturally to create more separation between the units themselves. Right now, the -- the minimum side setback we show is, I believe, 29 feet. Where actually it is only 10 feet by code.

And I believe the other comment we received from the Planning Board, um, was the driveways and cul-de-sacs seemed a bit busy. It was actually kind of considering we would go with center-loaded garages, versus having the garages on the outside. We have done that. Again, this is very preliminary. I think when we go to final, we'll have maybe a grass lawn strip delineating the two separate driveways. But that is what we have done, gone with center-loaded units with the garages. Which consolidates those driveways a little bit more and makes it seem a lot less than like a sea of driveways.

On the back side, I have a couple of examples. Obviously we need to engage an architect. These are just similar projects we have done in and around the area. Might be a little difficult to see. These are just renderings, so obviously not floor plans. But it illustrates the center-loaded

garage.

These are going to be market rate. These are for sale. They're individual lots. Um, to be -- or subdivided, so it is each -- each half of the duplex has its own lot, but obviously with the common property line being the firewall. You know, we do have a lot of technical issues that we still need to work out obviously.

Right now we're in for the incentive zoning. We do have to engage an architect on a final floor plan. We do have to get a topo and prepare a SWPPP and do all of the typical technical engineering work.

We are in front of the Town Board for incentive zoning and just to briefly go down some of the items we are requesting release from: In the -- excuse me. The R-1-15 -- is that correct -- District to incentive zoning. Reduce the minimum lot area from 15,000 square feet to 7,500 square feet. Release the minimum lot width from 90 feet to 45 feet. Front setback from 60 to 40 feet. Rear setback from 40 to 30 and side setback from 10 to 0 being the common firewall. Maximum lot coverage from 25 percent to 30 and then relief from the need for Special Use Permit for a duplex unit.

So we do -- we would be going back to the Town Board next, pending your positive recommendation back to them. We have satisfied the comments that were laid out from the Board previously and we'll follow up with the incentive zoning process and then after that, the plan would be to go forward with detailed site plans and come back to this Board for subdivision and site plan approval.

So with that, we'll welcome any comments the Board has.

MICHAEL NYHAN: Special Use Permit, you eliminated all of the duplex buildings; is that right? There is no longer an issue --

MR. RITCHIE: These are duplex buildings.

MICHAEL NYHAN: I'm sorry. I was thinking --

MR. RITCHIE: The single-family. This will need not a Special Use Permit. It's the same property, but the goal would be to subdivide it in a way that those are three stand-alone building lots that would meet the minimum normal code.

MICHAEL NYHAN: So the three lots meet the existing code?

MR. RITCHIE: Correct.

MICHAEL NYHAN: The incentive is just for this parcel that -- with the cul-de-sac, correct?

ERIC STOWE: Correct. It will be subdivided. If you want to call it -- the drainage ditch kind of the dividing line between the two different uses.

MICHAEL NYHAN: Okay.

MATT EMENS: So then we're just ignoring across the street.

MR. RITCHIE: Speaking with the developer, they're taking that off the table and just -- they may market for sale. They may market that at a different date for single-family residential, but based on last month's Town Board meeting, they felt that it was probably wise to remove it.

MATT EMENS: I don't have anything else.

JOHN HELLABY: I got nothing. I will let Michael (Hanscom) bring that point up, his last one.

MICHAEL NYHAN: Okay.

Michael (Hanscom), you made a comment about the applicant requesting relief for the Special Use Permit. Conceptual plan proposes one single-family dwelling per parcel; is that correct?

MICHAEL HANSCOM: Yes. I -- I would direct that to Paul (Wanzenried) for his interpretation. You have a townhouse -- you have a common wall between the two townhouses. The property line still goes through that common wall. So essentially you have a single on each parcel and you don't actually have a duplex.

MR. RITCHIE: And that was my interpretation, but not knowing what the official interpretation would be, we kind of erred on the side of caution. If the interpretation was it was a duplex, then we would request relief. But if the Town's opinion is with that common property line, it's not a duplex per code, then obviously we would remove that from our request.

MICHAEL HANSCOM: That is for the Building Department to determine.

MR. RITCHIE: Correct.

MICHAEL NYHAN: So on the setbacks, could you just let me know what that setback -- I thought you said 41 to 60 feet, but then the front setbacks from the road.

MR. RITCHIE: So the required setback by code is 60 feet in this district. We're proposing -- 41 is what we're actually proposing right now. We're requesting 40. Just because as we advance architectural -- in our request for incentive zoning, we added a little bit of fluff in these. These are not really units. We haven't topo'd it. We don't want to handcuff ourself in.

If we're asking -- if we request 41 feet or say we request 45 feet and we turn out really cramped and we need 40 feet, we would have to go back and request a variance. So, for example, you know, request from rear setback from 40 to 30. In this current layout, we're showing 40 feet. But not knowing the topo, we may need to slide a house back for drainage purposes.

So again, this is conceptual. We still need to refine the details once we get topography and things of that nature. So our request for incentive zoning, we felt a little bit of fluff so we wouldn't be handcuffed down the road.

MICHAEL NYHAN: So based on the letter from March, with what -- the recommendations, modifications to the overall plan, do you feel these have all been met before

we send this back to the Town Board?

JOHN HELLABY: Yes, ma'am.

MATT EMENS: Yep.

MICHAEL NYHAN: They have. Okay.

Paul (Wanzenried), did have you anything else or anything else?

PAUL WANZENRIED: No. Just -- just to answer Mike (Hanscom)'s question, it's best to have that as an amenity. The duplex request. You can go both ways. It's better to cover.

MICHAEL NYHAN: To request it and then interpret it later and then you're covered either way?

PAUL WANZENRIED: Yes. Okay.

MICHAEL NYHAN: Any other discussion?

It appears as though they met all of the requests that were made that the Town Board sent back to us so it will go back to the Town Board.

And, Eric (Stowe), just remind me. This is not a formal vote, correct?

ERIC STOWE: Just motion for a positive recommendation to the Town Board.

MICHAEL NYHAN: I would like to make a motion then to make a positive recommendation to the Town Board for the incentive zoning.

JOHN HELLABY: Second.

DECISION: The Chili Planning Board, at their May 11, 2021 meeting, recommended, by a vote of 7 to 0, the incentive zoning of 93 King Road conceptual site plan from Costich Engineering, project number 7832.

The recommendation is based upon the following modifications that were made to the overall plan:

1. Modify the plan to include single family dwellings on lots 1 through 4 (93 King Rd.) and Lots 25 through 30 (92 King Rd.).
 - A. Lots 1-4 (93 King Rd) have been modified to 3 single family dwellings
 - B. Lots 25-30 (92 King Rd) have been removed from project.
2. Modify setbacks on lots 5 through 24. Setbacks do not appear adequate for a dedicated street. The Planning Board would like to see setbacks that are more consistent with those typically provided on a dedicated residential street or the street should be private, and a HOA established to address maintenance needs.
 - A. The setbacks have been modified at a minimum of at least 40 feet from pavement.
 - B. Residential street will be private with an HOA established for maintenance needs.
3. The Planning Board expressed concerns with the overall density of the units located in the cul-de-sac (Lots 9 – 18) and recommends that the unit count be reduced to provide greater separation between the units.
 - A. Town Engineer comments that this more resembles RM duplexes. The density remains the same and the Planning Board does not express further concern on this.
4. The Planning Board expressed concerns with the proposed driveway layouts for Lot 11 through Lot 16 given the density of the units and potential driveway conflicts. The Planning Board requests that the applicant review the proposed layout for improvement.
 - A. Layouts have been modified to provide grass between paved driveways with center loaded garages to eliminate driveway conflicts

MICHAEL NYHAN: We'll send that letter to the Town.

When do you go in front of the Town Board?

MR. RITCHIE: There's a meeting tomorrow, but I'm not sure we're on the agenda. They might push us a month back. Maybe tomorrow or maybe in a month.

Matt Emens made a motion to accept the 4/13/21 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

MICHAEL NYHAN: Any other business?

The meeting was adjourned at 7:57 p.m.