

CHILI PLANNING BOARD  
January 11, 2022

A meeting of the Chili Planning Board was held on January 11, 2022 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, John Hellaby and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Matthew Piston, 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: Before we start the hearing of the applications, I would like to take a brief recess for an Executive Session to discuss legal matters.

The Board went into Executive Session at 7:01 p.m.  
The Board returned from Executive Session at 7:04 p.m.

MICHAEL NYHAN: The Executive Session is over. We'll restart our meeting.

**PUBLIC HEARINGS:**

5. Application of Sonbyrne Sales Inc. (Byrne Dairy & Deli) 454 Route 5, Weedsport, New York 13166, Ronald Mazza (River Edge Rest & Party House Inc.) 29/31 Paul Road, Rochester, New York 14624 owner; for A.) Preliminary site plan to construct and operate a grocery store and fueling station. B.) Re-subdivision to combine 2 lots into 1 to be known as Byrne Dairy & Deli. C.) Special use permit to allow outside sales at property located at 29/31 Paul Road in GB District.

MICHAEL NYHAN: One application on tonight's legal notice has been tabled at the applicant's request by email and that is the application of Sonbyrne Sales, Inc. (Byrne Dairy & Deli) that will be heard next month.

1. Application of Heritage Christian Services Inc. 275 Kenneth Drive, Suite 100, Rochester, New York 14623, owner; for preliminary site plan approval of a 4,700 sq. ft. single-family residential home with group setting at property located at 11 Ballantyne Road in RAO-20 District.

Garrett Steiner, Cade Kruger and Dan Stewart were present to represent the application.

MR. STEINER: Hello. My name is Garrett Steiner. I'm a project engineer for DDS Companies. I'm here tonight representing Heritage Christian Services for a single-family home located at 11 Ballantyne Road. Here with me tonight is Cade Krueger, our Project Manager, and Dan Stewart, the Director of Facilities for Heritage Christian.

The proposed project is a 4700 square foot single-family home at 11 Ballantyne Road. The parcel is currently 1.14 acres and currently zoned 1-R-6 single-family residential.

Since the last meeting we have been here and we have addressed comments from the Conservation Board, Planning Board and Town Engineer and have resubmitted revised plans. We have added the limits of the proposed landscaping beds to the plans as well as showing three proposed trees.

We have added the locations of the HVAC units. Two standard-sized AC units located behind the building in the fenced-off backyard which should provide sufficient screening.

We have also submitted to the Town a lighting plan and if the Board has not seen it, I have brought physical copies of that. There will be six wall-mounted lights around the house to illuminate doorways and there will be three lantern posts to illuminate the parking areas.

And I'm happy to answer any questions.

MICHAEL NYHAN: Any other -- any other comments or concerns with the Town Engineer's report that you will not be able to resolve?

MR. STEINER: I don't believe so.

We have also submitted a letter of no impact from the State Historic Preservation Office.

MICHAEL NYHAN: Thank you. If you recall last week [sic], this was tabled because we didn't have that letter available for us to review.

MATT EMENS: Just Dan (Stewart) was here before the AAC.

And, Paul (Wanzenried), I just want to make sure, I believe -- there was no requirement

they had to come before AAC. It was just a common courtesy that they extended to us?

PAUL WANZENRIED: Right.

MATT EMENS: So we did review some of the things you see here and I think it is important that Dan (Stewart) kind of reviewed those images with us that -- that that is what they put in place at these other locations that Dan (Stewart) could talk more about, but obviously Jim (Ignatowski) and I reviewed it. It looks very nice. I think that if it is a residential neighborhood, so -- so we were pleased with that and thanked them for coming in.

JOHN HELLABY: Few things -- and I apologize if they're repeats because I was not here last month. I just want to clarify a few things.

Did you say they did turn in the SHPO's letter?

MR. STEINER: Yes. December 29th we resubmitted with -- with the revised plans.

JOHN HELLABY: Is the building sprinklered? Does it have sprinklers in it?

MR. STEWART: Yes, it will.

JOHN HELLABY: I think somewhere I read in the meeting minutes that there were additional buildings already in the Town of Chili that you own or operate?

MR. STEWART: Yes, there are.

JOHN HELLABY: It didn't state where they were. Can you just give --

MR. STEWART: 214 Chestnut Ridge Road.

MICHAEL NYHAN: Sir, could you just state your name for the record?

MR. STEWART: My name is Dan Stewart, Director of Facilities for Heritage Christian Services.

214 Chestnut Ridge is one of our facilities. 1127, 1129 Westside Drive are two others that are similar to this design, all three of them. We do have another -- a number of other properties operated by Heritage Christian also. 4466 Chili Avenue -- or Buffalo Road -- I'm sorry -- I believe is also in your jurisdiction.

JOHN HELLABY: All right. There was talk about extending Names Road for a plow turnaround.

Has that been resolved?

MR. STEWART: Hasn't been resolved. We are still in discussion whether we're going to extend it past to achieve the 25 foot or we'll move the curb cut back to allow the push-off area for the snow removal.

JOHN HELLABY: Is that something working -- all right.

The only other question I have is, what safe -- I realize it's only six people, but what safeguards are in -- in place to keep these people from possibly getting up in the middle of the night and just wandering out a door? I don't quite understand how that works. I just -- I'm curious more than anything.

MR. STEWART: There is a number of different things. Without knowing exactly the individuals coming in here -- Heritage, we have been doing this now for 30-some-odd years.

A lot of oversight from the State and what have you. Individuals would have plans in place, different features on the home if needed such as door alarms if we had somebody that may elope. So there are different protocols they would have in their -- I will call it an IEP-type plan.

JOHN HELLABY: Lastly, I assume the lighting that you talked about that you submitted is dark-sky compliant?

MR. STEINER: Yes, it is.

JOHN HELLABY: That's all I got.

MICHAEL NYHAN: The Public Hearing on this was kept open. So we'll continue on with any other comments from the audience?

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 this? We have been talking to David Lindsay and they are working out which works best for them in the Town. He has no contingent on his approval, whichever they decide.

Any other discussion?

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 go, upon completion of the project, applicant shall submit a landscape certificate of compliance to the Building Department from a landscaping architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan.

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

The Town Engineer and Commissioner of Public Works shall be given copies of any

correspondence with other approving agencies.

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

The building permits 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 you did not have any additional -- you affirmed the plans you saw, correct?

MATT EMENS: There wasn't any needed approvals.

MICHAEL NYHAN: The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.

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

If the HVAC units will be visible from the street or neighboring houses, the HVAC units must be screened by landscaped plantings or fencing. Which I think I saw on your plan you did that, correct? Okay.

No roadway parking is permitted.

Any other conditions?

With those conditions, application of Heritage Christian Services, Inc.; 275 Kenneth Drive, Suite 100, Rochester, New York 14623, owner; for preliminary site plan approval with final waiver of a 4,700 sq. ft. single-family residential home with group setting at property located at 11 Ballantyne Road in RAO-20 District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 yes with waiver of final and the following conditions:

1. Upon completion of the project, the applicant shall submit 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. Building permits shall be issued prior to applicant complying with all conditions.
  6. Application is subject to all required life safety conditions and permits from the Town Fire Marshal.
  7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
  8. Any signage change shall comply with Town Code, including obtaining sign permits.
  9. If the HVAC units will be visible from the street of neighboring houses, the HVAC units must be screened by landscape plantings or fencing.
  10. No roadway parking permitted.
2. Application of Chili Plaza Properties LLC., 349 West Commercial Street, Suite 3300, East Rochester, New York 14445 owner; for preliminary subdivision approval of one lot into two lots to be known as Chili Properties Subdivision at property located at 3240 Chili Avenue in GB District.

Stephanie Albright and Sean McCabe were present to represent the application.

MS. ALBRIGHT: I'm Stephanie Albright with APD Engineering, 16 Fisher Run in Victor, New York. And I also have Sean McCabe here with Harris Beach on behalf of the Counsel for Chili Plaza Properties.

We were here last month to discuss with you the proposed subdivision of Chili Plaza

Properties. It's roughly 19 acres and we'd be creating a one-acre out-parcel for the Taco Bell which roughly follows their existing lease limits.

There is no proposed development with this project. It is just simply a subdivision. At last month's meeting there was a few questions in regards to parking and easements and snow storage and things like that so it was tabled. Since then we have gone to the ZBA where they did approve the lot depth variance for the project and we have also done a parking exhibit that I have coordinated with Paul (Wanzenried) to confirm that we do meet the parking requirements for Taco Bell as well as all of the plaza tenants independent so you don't need the Taco Bell parking to meet the requirements for any of the other tenants within that plaza.

We have also prepared the reciprocal easement agreement that addresses the snow storage to allow for the Taco Bell snow to be stored on the plaza property. There is going to be cross-access language in there, utility easements, things like that. So I believe that agreement will address all of the concerns that were raised at last month's meeting and that has been forwarded to the Town Counsel. I'm assuming he probably hasn't had much of a chance to dive into it yet, but it is our understanding that the Board would likely be agreeable to granting approval contingent upon final coordination and approval of that document.

MICHAEL NYHAN: Okay. This Public Hearing was also kept open from our last meeting. So any comments from the audience?

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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 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 other comments or questions on this application from last week?

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

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

Applicant shall comply 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 Assistant Town Counsel for approval.

And all filing information; i.e., liber and page numbers shall be noted on the mylars.

This was pending approval of the Zoning Board of Appeals for all required variances. And the applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

Any other conditions? Seeing none, I make a motion for the application, with those conditions, of the Chili Plaza Properties LLC., 349 West Commercial Street, Suite 3300, East Rochester, New York 14445, owner; for preliminary subdivision approval of one lot into two lots to be known as Chili Properties Subdivision at property located at 3240 Chili Avenue in GB District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 yes with a waiver of final and 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. Pending approval of the Zoning Board of Appeals of all required variances.
7. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

MICHAEL NYHAN: We did waive final on that, correct?

JOHN HELLABY: Yes.

MICHAEL NYHAN: I just wanted to make sure.

3. Application of American Fleet Maintenance, Inc. (David Connors), 275 International Blvd., Rochester, New York 14624, owner; for preliminary site plan approval of an addition to the existing building at property located at 275 International Blvd. in LI w/ ADATOD District.

Emma Oakes was present to represent the application.

MS. OAKES: Evening, everyone. My name is Emma Oakes. I'm a Project Manager and landscaping architect with Costich Engineering at 217 Lake Avenue in Rochester. I'm here representing David Connors of American Fleet.

My colleague, Mike Ritchie, was here this last month on this application, but we were tabled because we did not have the no-impact letter for SHPO. You should have received that late December from us.

Anyway, the project is about adding a 10,000 square foot building addition on an existing industrial building at International Boulevard in a Light Industrial District.

And we have received Town Engineer comments and County Comments which we're all agreeable to addressing and happy to answer any questions that you all have.

MICHAEL NYHAN: You going to have a landscape plan or are you going to donate to the Town Tree Planting Fund, 1 percent?

MS. OAKES: There should be a landscape plan in the plans you all received.

MICHAEL NYHAN: So you will do the landscaping?

MS. OAKES: Yes, we are.

MICHAEL NYHAN: Question on the colors. That is just the printing, right? The building materials will match the existing buildings --

MS. OAKES: Yes.

MICHAEL NYHAN: -- the middle, the colors?

MS. OAKES: Yes. The colors are -- the differentiation here is just to show the existing and this is proposed. So -- yeah. Not the best visual. I understand. But yes, it is going to match the original.

MICHAEL NYHAN: This Public Hearing was also left open. Any other comments from the audience?

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 this? I believe it was really just the SHPO notice.

MATT EMENS: The matching colors to existing, I think it shows it in the drawings they submitted.

MICHAEL NYHAN: Yep. As far as conditions -- I make a motion for SEQR first.

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: So for conditions for this application, upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department from the landscaping architect certifying that all of the approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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

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

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

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

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

Any other conditions?

JOHN HELLABY: Any preexisting? I don't have the property card, so I don't know.

MICHAEL NYHAN: I don't believe -- any preexisting conditions or issues with the property?

PAUL WANZENRIED: No.

MICHAEL NYHAN: I don't believe so. No. Okay. With those conditions, application of American Fleet Maintenance, Inc. (David Connors), 275 International Blvd., Rochester, New York 14624, owner; for preliminary site plan approval with waiver of final of an addition to the existing building at property located at 275 International Boulevard in an LI w/ADATOD District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 yes with waiver of final and 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. 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.
4. Application of Quick Services RealCo. LLC (Ken Shaw) 10950 Grandview Drive, Overland Park, Kansas 66210 owner; for preliminary site plan approval for the renovation of the existing 2450 sq. ft. restaurant into a 2370 sq. ft. restaurant with a drive-thru at property located at 3208 Chili Avenue in GB District.

Adam Fishel and Richard Wilkinson were present to represent the application.

MR. FISHEL: Good evening, everybody. My name is Adam Fishel, with Marathon Engineering. We're the civil engineers for the project. With me tonight is Rich Wilkinson from Quick Services RealCo. Ken Shaw could not be here tonight, so Rich (Wilkinson) is here on his behalf.

We're here, as the Chairman indicated, to again repurpose the former Pizza Hut into a KFC Restaurant and drive-thru. We were here last month. We heard several comments both from this Planning Board and the Architectural Advisory Committee. We just met with the AAC here a few minutes ago and I think we're heading in the right direction.

Mr. Emens, if you -- if you agree with that, let me know or -- or let me know.

But I think -- you know, touching on those comments made by the AAC, I think they're pretty minor. I think we'll be back here next month to close those out.

On the site plan, a couple items that the Planning Board asked that we take care of. At the last meeting was the drive -- the driveway exiting. We were agreeable, as I mentioned at the meeting last time, to make it a right-out-only exiting movement.

The -- the site plan that was submitted is not shown on this rendering, but we have the ability to stack 12 cars in the drive-thru's queue before adversely impacting the driveway itself. I will go into more detail with that in a minute.

We have added some landscaping to the plan set which includes pretty much getting rid of the bulk of what is out there. But removing all of the scrubby brush that is along the western property line, adding in some shrubs, adding in some shade trees around the property. Adding shrubs here (indicating) and a gravel planting bed here (indicating). We didn't really want to plant too much here (indicating) because it would probably get burned out and stressed with the salt from the driveway, but we are providing some there, as well. Some plantings around the monument sign as well as directional sign.

Mr. Lindsay from the DPW asked that we consider eliminating the trees within the Paul

Road right-of-way and replacing them with new trees. The plans show the removal and replacement of the trees. However, the County DOT came back and said they're in favor of removing the trees but not necessarily putting new trees in because of line-of-sight concerns there. So that might have to be changed and massaged.

I have to go back to the County and see if we can demonstrate good line-of-sight ability there. And if not, we'll just swap out, you know, the equivalent cost what it would be to put those trees in and do something within the site boundary itself.

As far as traffic flow, a couple members of the Planning Board expressed concern about traffic flow coming in and out. So what we have done is kind of extended what they had -- for lack of a better term, I will call it a "pork chop," a curbed area here so that the drive -- the entering cars coming in will be limited to turning to the right only. And not proceeding up to this -- this -- this existing driveway. So cars will come here (indicating), queue in the drive-thru and then similarly as you're exiting the drive-thru, you will be directed to the right to kind of come back out on the exiting side. Driveway to provide a better -- in our opinion, a better delineation where the drive lanes are. That's the bulk of the site plan changes.

I think we have addressed the majority of the Town Engineer's comments. There were a couple of feedback. I think they were pretty minor and we'll take care of those in the next submission.

With regards to traffic, we submitted a traffic narrative with our letter. Some questions that came from Mr. Lindsay, he asked about representative traffic counts and drive-thru volumes from other KFC restaurants. There is actually a KFC Restaurant due north on Chili Avenue located at -- where did they have -- 1345 Chili Avenue in the Town of Gates. That facility is a bit bigger than this one will be.

But the drive-thru volumes there, the traffic generally peaked Wednesdays during the lunch peak and then Friday during the lunch peak. There wasn't a lot of dining-in opportunities there. But that narrative is in the letter there. Approximately 6 percent of the -- sorry. Approximately 60 percent of the transactions were for the drive-thru and the other 40 percent were the take-out customers during those peak hours for the Wednesday lunch peak.

Similarly for the Friday, the -- the Friday noon -- noon to 1, about 53 transactions. And Friday evening peak is generally between 5 and 6 with about 52 transactions. And we're equating roughly one transaction to one drive-thru trip there.

The -- similarly on that KFC Restaurant, we talked to them about what their typical maximum drive-thru's queue would be for vehicles in the stack. There they typically got anywhere between six to eight, sometimes upwards of ten cars in the stack maximum. And again, here we'll be at a capacity to have up to 12 cars stacked in the drive-thru without it becoming an issue.

And I think the rest of the comments were either engineering related or I think we touched on them in our letter.

Does the Board have any questions? I'm sorry. The -- one other item --

MICHAEL NYHAN: Sure.

MR. FISHEL: -- that was discussed at last meeting was to push for the cross access here -- with the adjacent landowner. I think the landowner -- I don't believe -- I'm sorry. I think he had a hat on the last time. As -- as he communicated to the Board during the public comment period, the cross access would not be agreeable. We sent in the letter from his team through the project developer stating such.

Similarly, we -- the drive-thru here (indicating), you want to try to maintain clear circulation throughout the site. You don't want to have so many entrances and exits approaching the site and approaching the drive-thru circulation to try to minimize any kind of potential conflicts for traffic flow.

For example, the McDonald's down the road has the one -- a right-in, and I believe a right and left out. But there is no other points of entrance out the back side that might cause confusion with traffic flow around the drive-thru.

So we -- while we looked at it and asked for it, it is not going to be available.

Additionally, a curb cut here onto Paul Road, A, the County DOT wouldn't be in favor of that. And I know it would also add potential traffic confusion and circulation challenges with the drive-thru to add another curb out over here.

MICHAEL NYHAN: Okay.

MATT EMENS: As Adam (Fishel) and Rich (Wilkinson) were before us at AAC, as they said, I gave you those comments, Mike (Nyhan). They made great progress.

We appreciate them going as far as they did and really Jim (Ignatowski) and I were really pleased what they presented. We just -- we had a few more comments for them. Adam (Fishel) has those notes. Adam (Fishel) and Richard (Wilkinson) will take those back.

We made some comments on -- there is a pretty detailed signage package that was included in here. Just asked for maybe some tweaks to that for some different options matching the building materials with the stone base, with potentially the canopy around back. The colors on the menu board and the white vertical columns you see on the two long elevations, they're going to come up with some different options for that. And they're going to come back with material selections and colors so they can get those on the drawings and they will be back next month with us on that, so.

And -- and I guess just to go -- on a couple of things that you mentioned here, Adam (Fishel), on the drive-thru and the -- the 12 cars and -- I guess the fact that this lane is actually 24 feet wide on the entrance in, um -- so there is still the opportunity for those people that aren't

getting in the drive-thrus -- even if there were 12 cars in there, there is the opportunity to get past them and get around them; right?

MR. FISHEL: That 12-car will be stacked right here (indicating), so we wanted to make sure there was still at least a -- room for a car to bypass and cycle through and park on-site and go in or cycle through and head out. So yes.

MATT EMENS: And the other thing we talked about last month was the -- the tractor-trailer. So you -- you have shown the truck movements on your drawing here with the assumption that the tractor-trailer is only coming from the east. And making the right-hand turn in. And -- and I guess -- I guess there is multiple questions to this. So --

MR. FISHEL: Sure.

MATT EMENS: The first question is, why would they not be coming from the west?

The second question would be, whether they come from the east or the west, the assumption is made is that based on that diagram, that truck can only enter if there aren't cars in any of the -- that truck movement is not fully successful unless there are no cars. So I know that you noted in the letter that it would be pre -- you know.

MR. FISHEL: Outside operations.

MATT EMENS: Exactly. During -- during the fact that the store is closed. But I guess -- and that can be scheduled because I'm assuming Rich (Wilkinson) can talk in more detail how that works, but -- so those are the two questions, I guess.

MR. FISHEL: So why the -- from -- from entering from the east?

MATT EMENS: Yes.

MR. FISHEL: I will take that one. A right-hand turn with a semi-truck is the most challenging. The trailer swing and everything else, it is the most challenging. That is the one I tried to focus on showing on the drawing.

If they were to come from the west, they would be on the other side of Chili Avenue and the trailer swing is less of an issue. But as part of the issue, we can add in a west-approaching drive-thru. The truck will be able to swing here (indicating) and the trailer swing will come across the driveway and around here (indicating).

MATT EMENS: Thank you.

And with the follow-up to, I guess -- about the right-turn only, um, from the DOT standpoint, I don't know if I -- it sounds like a Town thing, but maybe the DOT standpoint.

Is there a requirement for any other type of signage for that traffic flow to be successful? I don't know what that -- what that might be. I'm just asking the general question. Other than just the painted on the road and is there additional signage?

One of the other things I'm thinking about, too, is essentially, you know -- sometimes I see -- I don't love things being over-signed, but you see places where's it says "No tractor trailers allowed"? Right? So technically, your site wouldn't actually be able to allow tractor-trailers, based on the truck movement during business hours. I don't know that that matters. I'm just saying it out loud as a point of discussion.

MR. FISHEL: I personally, as an engineer, don't think it would matter because it would be outside of business hours. Same thing if it was a box truck or a fountain drink beverage dispenser that has a longer truck -- not as long as a semi, but again, that is all outside of -- normal business hours.

MR. WILKINSON: Typically what we do in a situation like --

MICHAEL NYHAN: Sir, state your name.

MR. WILKINSON: My name is Rich Wilkinson. I'm with QSR RealCo.

Typically what we do in a situation like this -- and if it was residents behind us, we schedule our deliveries to work around the -- the different challenges that every site has. So if it was in a residential zone, we would say okay, we don't want to have deliveries come in at 1 o'clock in the morning because there is residents behind us.

One is to deliver after 7 a.m., before we open up at 10:30. So in the case of this, you know, they will be restricted for their deliveries to non-operating times of the restaurant and before we open.

Now, there -- the building is to the rear so we'll schedule those for early morning delivery, probably like 7 a.m. for the delivery trucks and the dumpster trucks would be scheduled between 8:00 and 10:30 when they come. And then we get two trucks per week. We can schedule which days the trucks come in, based on what we find as our flow here within the municipality.

JOHN HELLABY: Have you made application to the New York State Department of Transportation yet?

MR. FISHEL: We submitted initial drawings to them showing the reuse of the existing driveway. They -- similar to this Board, they asked that we explore the option to have the cross access agreement to the parcel to the north. Yeah. North. And, of course, that -- the neighbor wasn't agreeable to that so we're not pursuing that.

And they acknowledged that they would not be able to restrict this property from having to -- to reusing the existing driveway. So our plan is to submit formal application. You know, once things stop moving with the signage and the site accesses with this Board and start down that road. So we don't have any kind of formal application because -- I'm sorry -- formal permit because they won't issue a permit until SEQOR is done with this Board. But right now we're not seeing any red flags from them.

JOHN HELLABY: So seeing that it is pre-existing, they probably will say --

MR. FISHEL: They asked that we not make it any wider, which we're not doing. With the exception of the -- the side flares, which they understand need to be put in.



JOHN HELLABY: Status of your other approvals as far as Health Department and Pure Waters and what not?

MR. FISHEL: That's still pending.

JOHN HELLABY: That's all I got.

DAVID CROSS: So I still have serious concern about the right-turn only out onto Chili Avenue. I don't see that it works, Adam (Fishel) and Rich (Wilkinson). You know, Chili Avenue does not have a raised median. Okay? So either -- you're going to have cars existing east unfortunately.

When you put paintings -- markings on the pavement, signage -- it is just not enough. In my mind, it is not enough of a deterrent. It could be a very dangerous situation there. So again, there is no raised median. There is no, you know, signed -- legal U-turn signs, you know, at median openings further down to the west. Somebody would have to drive-thru private property to turn around to go back east on Chili Avenue.

So I do applaud the effort for the -- I would love to see some development here. I don't think a fast food restaurant with the -- with the 30 additional -- 33 additional enters, 31 exits for midday peak; 20 enters, 25 exits for afternoon peak; and 46 enters, 44 exits -- these are all additional at Saturday peak hour. I don't think it is the right place for this with only a right turn-out. I think the only way to do it is with the cross-access easement. I will leave it at that.

PAUL BLOSER: I will say I agree 100 percent with Dave (Cross).

PAUL WANZENRIED: I'm working through the sign package, Adam (Fishel). I will have -- there is a couple variances you will probably need for that.

MR. FISHEL: That's a whole separate dialogue. I understand that. If I could just touch on the comment here about the traffic at the end here (indicating). You know, as I outlined in the letter and I'm sure the folks here on the Board read, with the previous -- previously they were a Pizza Hut. So we identified 25 enters, 25 exits midday and 17/10 for the PM. 16 entering and 15 exits on the Saturday. As Mr. Cross pointed out, those would be additional trips.

But again, based on that summary, which was based on a project in the Village of Bath, a similar State -- State Road as this -- not necessarily two lanes in one direction, but again that traffic summary didn't warrant and didn't identify any substantial traffic impacts and the DOT, to our knowledge, hasn't expressed any option or push-back what we're showing here. I hear what Mr. Cross is saying.

DAVID CROSS: I don't see anywhere else along Chili Avenue we have a right-turn-out movement. It doesn't work unless you have a raised median.

MICHAEL NYHAN: Right across the street have you Kwik Fill that makes left-hand turns that would be the exact condition we have here. Right next door, you have the liquor store with which makes right and left-hand turns. Right after that, you have Chili-Paul Plaza. Across the street every single location has right and left-hand turns. So it is not unique to the area. And it certainly isn't any different from the rest --

DAVID CROSS: This is a right-turn-out only.

MICHAEL NYHAN: That's what they're requesting, yes. So you're saying we should permit left-hand turns?

DAVID CROSS: My opinion you're pushing it down further.

MR. FISHEL: We would prefer to have open access.

MICHAEL NYHAN: So you're saying eliminate the right-hand-turn only? I prefer to not have signs that is a right-turn only, simply because they're not enforceable. You can put a sign up all day long, but it's not enforceable. So I would rather not see the right-hand-turn only sign. I would rather just leave it as right in and left-hand turn just like every other business on that road and let the -- let the -- let the traffic and let the New York State DOT and the Monroe County DOT handle any of those issues relative to traffic congestion.

DAVID CROSS: I still have a hard time with that, Mike (Nyhan).

MICHAEL NYHAN: I know you have a hard time with it, but I'm just responding to your remark about the right-hand turn. I would personally not like to see a right-hand-turn out there. I think the whole area would be just better served with just an exit.

JOHN HELLABY: I don't think you have a right-hand turn at Wendy's. They come out of there.

DAVID CROSS: But Wendy's has access out the back.

MICHAEL NYHAN: Cars do make right --

JOHN HELLABY: But their entry off Chili Avenue --

MICHAEL NYHAN: I guess the thing that I would say to this also is the New York State DOT and Monroe County DOT have both looked at this and have not requested a full traffic study. They said it does not warrant that.

And the fact that we have requested just a right-hand turn, I don't believe, was submitted to Monroe County or New York State DOT. So unless they requested it, I would rather not see it, because I think it is just going to create more problems than -- than what it would be worth.

DAVID CROSS: I don't remember this Board requesting a right-turn-only out at the last meeting.

MR. FISHEL: We --

MICHAEL NYHAN: There was a concern.

MR. FISHEL: Forgive me if I misunderstood. I saw a few head shakes, so I'm happy to take it out and if I misunderstood that, I apologize.

MICHAEL NYHAN: I think we raised the concern so he just added it.

DAVID CROSS: It doesn't work either way with a right-turn out, left-turn out. It doesn't

work without a cross-access easement to some degree or some new access out onto Paul Road.

The other -- the other Wendy's has additional access. Valvoline has additional access out. You can go back out and around by the State Farm. Just too much going on out here with -- with the small curb cut, too close to the intersection. There's no raised median. Doesn't work in my opinion.

MICHAEL NYHAN: Okay. Any other comments?

We left this Public Hearing open also so it will remain open.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JIM LEPORE

MR. LEPORE: Jim Lepore so you guys were thinking to eliminate the left and the right?

MICHAEL NYHAN: Name.

MR. LEPORE: I'm sorry. Jim Lepore, owner of the property to the north and also the liquor store to the west.

So I just wanted to make some observations that Mr. Cross was kind of pointing out, too. This would be the only one that doesn't have -- the only drive in that doesn't have two entrance/exits at some point to alleviate traffic out to Chili Avenue. So I have to definitely agree with that.

But my main point is, I was watching Taco Bell and watching how the traffic flow -- counting the cars and they were looking at 12 cars as far as their number, kind of coming back into the -- into the lane -- or into the entrance/exit -- excuse me. And, you know, there -- there is between 5 and 6 average to about 18 to 20 cars in that Taco Bell. I watched that. I don't know how, if you have that kind of traffic, they're not going to be almost backed up onto Chili Avenue or people trying to make a right-hand turn in there.

To me, that is unbelievable. I just can't fathom that.

Also, look at what the piece was before. It was a going in to pick up your pizza or eating there. There was no drive-thrus. And that's what the piece looked like. That's the way I think it should stay. My opinion.

Again, bringing those 18-wheelers, like you said, it's all fine and dandy -- you pick that time, but that's not what happened to Taco Bell. They're sitting on Chili Avenue unloading three times a week. And that's not how it is supposed to be. I'm sure that is not how it is done.

And my last point is to make it short, just -- is this -- is this what we want, what you folks here and everybody wants here in this Town at that corner? That's what you got to think. Is this in the Master Plan? Look at the Master Plan. And I don't think that is what you're seeing there. I think you're creating more problems than you're ever going to benefit for somebody who has 400 McDonald's -- or fast food restaurants and he's not from Chili, or even this area at all. That's just my opinion. You guys obviously have the pressure to vote on it.

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?

MATT EMENS: So I believe -- I don't know what we might figure out with this idea, but if we do SEQR and at least give preliminary approval, then I believe, Adam (Fishel), that checks the box for you to be able to go to DOT and finalize, I guess, their comment or -- you know, showing them what you need to and getting their comments and bringing that information back to us?

MR. FISHEL: Sure. I mean, we would prefer the position now we could submit the formal plans and start that review, the -- what the SEQR does, it puts pressure on them to take a hard look at it because this Board essential -- or any Board that grants SEQR, in essence, thinks of it as a real project. If it doesn't pass SEQR, DOT might not put pressure on it.

I will say -- I have one more comment to the traffic and the access. The McDonald's that is down here at Chili and Rose, that is a fairly new project, is it not? That one has, I believe, a right-in/left-in entrance only and then a left and a right out there on Chili Avenue with no access to the rear on that property. So they do exist. And while it's -- it's the nature of access on Chili Avenue --

DAVID CROSS: But if I could, I mean it's -- it's a different intersection. I mean, there is residential across the street. Paul and Chili is a much different intersection.

MICHAEL NYHAN: I just like to say that I'm not a traffic engineer. I don't know anybody up here is. But the New York State DOT and Monroe County DOT, they are traffic engineers and they're not stating that this is an issue in their view as traffic engineers knowing what this is going to be.

Further they will have to get a permit in order to do this, once preliminary is approved. Can't hold off on final to see that, if that is what you're getting at, I think? Is that what you're stating?

MATT EMENS: I'm not saying that is the way we should go, but I'm just trying to make sure I understood the position based on --

MR. FISHEL: We have already agreed to provide copies of the permits and relevant communications to the Town.

MICHAEL NYHAN: Okay. Sure.

So with that being said, you know, I rely on them, the New York State DOT and Monroe County DOT and even our Town Engineer and Superintendent of Highways to review to tell us if this is something that would work or not. At this point, I haven't seen anything from any of those agencies that say it wouldn't. That is what I go by. That is what the Board should go by.

But we have -- all have our own personal opinions. I don't have a problem with that either.

With that being said, I would like to really get an opinion or get an idea on this exit before we go any further of should it be a right-hand-turn only or should it just be an exit. It's an entrance in and exit out. Depending on the time of the day, it's very easy to make a left-hand turn out of there. Rush hour, yeah, it's going to be more difficult. And various times of the day, I have gone through there all of the time and I haven't see much of a problem.

Like you said, right across the street is Kwik Fill and people make right and left-hand turns out of there every day, all day.

DAVID CROSS: Two entrances there.

MICHAEL NYHAN: I know there is.

DAVID CROSS: Valvoline has also another way out.

MICHAEL NYHAN: It's the same highway. The -- Valvoline's other way out leads back to the same highway, Chili Avenue. Again, I could argue all night long, but we're not traffic engineers and I would like to leave to it those professionals and I will just leave my comments at that.

DAVID CROSS: Okay.

MICHAEL NYHAN: So with that being said, is there anything else to discuss? Okay. What about preliminary and final or just preliminary? What should I -- what should I propose a vote on? Any particular say on that?

DAVID CROSS: I wouldn't go any further than preliminary.

MICHAEL NYHAN: Okay. Then the other thing is conditions.

What I have right now is, applicant shall -- the applicant shall supply a landscape plan drawn by a licensed architect -- did you go to the Conservation Board -- did you submit that to the Conservation --

MR. FISHEL: We have not --

MICHAEL NYHAN: -- Committee?

You did include it on your plan --

MR. FISHEL: I did. If I may interrupt, Mr. Chairman. Shortly after I made the submission, we got the County DOT comments back about the trees in the Paul Road right-of-way. There will be some changes there. I want to make those changes to make sure that we're on the same page as well as County DOT before we put something in front of the Conservation Board.

MICHAEL NYHAN: All right. And for conditions, I will put upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department from a landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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

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

Copies of all -- any easements -- there will be no easements, correct?

MR. FISHEL: No. No easements this one, no.

MICHAEL NYHAN: All right. So I will eliminate that because you will not be getting access.

Applicant shall submit a building design elevation to the Architectural Advisory Committee for their review and recommendation, which I know you have done and you will continue to work with.

The Planning Board at this point affirms the recommendation of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.

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

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

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

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

Any other conditions?

DAVID CROSS: Got State DOT with permits, right?

MICHAEL NYHAN: That would be -- hang on. Yeah. All required permits, inspections and code compliance regulations which would include everything on the Town Engineer report, which is the County Health, County Water, Pure Waters, State DOT, County DOT.

Any others? Paul (Wanzenried), any others?

PAUL WANZENRIED: Sign permits.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: I don't remember you saying that one, Mike (Nyhan).

MICHAEL NYHAN: Yeah. And any signage -- any signage shall comply with Town Code including obtaining sign permits.

PAUL WANZENRIED: Correct.  
MICHAEL NYHAN: Okay. We have that one.  
Any others?

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 vote on the motion was 5 yes to 1 no (David Cross).

MICHAEL NYHAN: Application with those stated conditions, the application of Quick Services RealCo. LLC (Ken Shaw) 10950 Grandview Drive, Overland Park, Kansas 66210, owner; for preliminary site plan approval for the renovation of the existing 2450 sq. ft. restaurant into a 2370 sq. ft. restaurant with a drive-thru at property located at 3208 Chili Avenue in GB District.

JOHN HELLABY: Second.

DECISION: Approved 4 to 2 (Dave Cross, Paul Bloser) with the following conditions:

1. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and recommendation.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation. This should be done by final approval and in most cases completed by preliminary.
7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
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. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
11. Any signage shall comply with Town Code, including obtaining sign permits.

MICHAEL NYHAN: If you could, work with the Superintendent of Highways and New York State DOT relative to the -- the left-hand turn when you come back in for final. I didn't hear a real strong opinion one way or another from the Board.

DAVID CROSS: You heard mine.

MICHAEL NYHAN: I heard yours.

But I would like to get their input on that making that an exit and not a right-hand turn only.

MR. FISHEL: Left and right exit, whether they want that --

MICHAEL NYHAN: Well, right in and out there. But we were talking before about forcing only right-hand turns.

MR. FISHEL: So absent a permit from them, would this Board be okay, comfortable with email communications either stating such we have addressed their comments or they're comfortable with the configuration and don't need a traffic study?

MICHAEL NYHAN: Yes. But just be conditioned that we get that final before we start --

MR. FISHEL: Just to make sure we're on the same page. Thank you very much.

MICHAEL NYHAN: You're welcome.

PAUL WANZENRIED: What did you give them?

MICHAEL NYHAN: Preliminary.

PAUL WANZENRIED: Only?

MICHAEL NYHAN: Yeah.

6. Application of Encounter Church of Rochester Inc. 3355 Union Street, North Chili, New York 14514, owner; for preliminary subdivision of one lot into two lots to be known as Encounter Church Subdivision at property located at 3355 Union Street (Tax ID # 144.08-1-7.121) North Chili, New York 14514 in the RM District.

MICHAEL NYHAN: Just a point of clarification, we'll hear -- both these applications are related, the 6 and 7. We will hear 6 first just for the subdivision of the church and then go to 7. All right.

Just present the subdivision for the church and then we'll go to Brickwood Development.

Good evening.

You're here for both, I assume? You're the only one left.

Nate Buczek was present to represent the application.

MR. BUCZEK: Only one left. I'm Nate Buczek with TY Lin International at 255 East Avenue, Rochester, New York. I'm here representing Luke VanEpps with Kings Crossing Extension.

First one we'll get into is the -- the resubdivision for the church property to -- to the VanEpps or to the Kings Crossing Extension project. It is approximately 14 acres and it is going to be used for the extension of the Kings Crossing -- Kings Crossing town homes development. We have received all comments to date. The latest was the engineer's comments dated January 5th.

We have reviewed the comments and are preparing our responses to those comments formally.

MICHAEL NYHAN: Any questions?

This was -- we heard this last month I think it was?

MR. BUCZEK: Last month.

MICHAEL NYHAN: We heard it all as one. We heard it as part of the Kings Crossing development because they are connected.

But for purposes of, you know, approvals and SEQR, we're just hearing them separate tonight.

MATT EMENS: No. I'm just checking the Lu Engineer's -- Michael Hanscom's notes here. I don't have any questions on the subdivision.

MICHAEL NYHAN: Okay.

JOHN HELLABY: No. But it was actually heard back in November.

MICHAEL NYHAN: Was it?

JOHN HELLABY: Two months ago.

MICHAEL NYHAN: Two months ago.

DAVID CROSS: I'm good. I see the emergency exit out the north side there to Union Square. Just wondering if there is anyway to make like a pedestrian access out to Union Square Boulevard from that end because there is sidewalk there.

MICHAEL NYHAN: Yes, there is. There was a separate plan, too, just for the Encounter Church. Did you see that one? We'll come back to this -- but again -- I think it is on both.

Any questions on the subdivision part?

DAVID CROSS: Nothing on the subdivision.

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? This is going in conjunction with the development. If the development gets approved, this will be moved forward or if not, it won't? Or are you subdividing this either way?

MR. BUCZEK: That is my understanding.

MICHAEL NYHAN: Okay. This is contingent upon Brickwood Development being approved, right?

MR. BUCZEK: Yes.

MICHAEL NYHAN: As far as conditions, approval is subject to final approval with Town Engineer, 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.

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

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

Any other conditions as for subdivision approval?

MATT EMENS: We need to do SEQR, don't we?

MICHAEL NYHAN: Yes, we do. Thank you.

Before I forget, are there any other conditions and then I will do SEQR?

MATT EMENS: No. I think you nailed it.

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: Motion for application with the conditions that I read -- application of Encounter Church of Rochester, Inc., 3355 Union Street, North Chili, New York 14514, owner; for preliminary subdivision of one lot into two lots to be known as Encounter Church Subdivision at property located at 3355 Union Street (Tax ID # 144.08-1-7.121) North Chili, New York 14514 in the RM District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 yes with waiver of final and 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.
7. Application of Brickwood Development 28 East Main Street, Rochester, New York 14614, Encounter Church of Rochester Inc. 3355 Union Street, North Chili, New York 14514 owner; for preliminary site plan approval to erect a 40-unit townhome development located at 3355 Union Street, North Chili, New York 14514 in the RM District.

Nate Buczek was present to represent the application.

MICHAEL NYHAN: Now we'll go into Brickwood Development which is the extension of Kings Crossing, I believe; right?

MR. BUCZEK: Correct.

MICHAEL NYHAN: Why don't you go ahead and explain the project which was a couple months ago. Let us know what you're doing -- you didn't present last time.

MR. BUCZEK: I did not.

MICHAEL NYHAN: There are -- were a number of changes present and a new set of plans and looks like a lot were made.

Do you have the ability to go through what those changes were?

MR. BUCZEK: Yes, for the most part. From the last meeting, pretty much the main changes were adding the cross-access easement to the north side over to the -- to Union Square. We have also addressed numerous storm water comments and I forget the entire list here, but -- I will I grab those quick.

I was more familiar on the latest comments that we received as of this week. Last comments are responded -- in our December 17th response letter. That details everything as far as the changes made to the plans. I believe we have addressed, you know, most of the comments or all of the comments from -- and those were -- those addressed the November 2nd comments that we received from Lu Engineers.

Since then, we have received some additional comments dated January 5th and we have started addressing those. We have draft responses. We don't see any of the -- the comments being significant that would, on our end, put a stop to the project. Some of the elements that we have -- we have updated and changed are the emergency access easement, making sure that is emergency only to the north. You know, we'll look into adding the -- the sidewalk.

We changed everything over to LED lighting on-site. And that's probably the main stuff.

The rest is little detailed changes here and there and adding of notes. So...

MICHAEL NYHAN: And there were a number of variances you need?

MR. BUCZEK: Yes. There is -- I know of at least one being the front -- the front setback being less than -- than 40 feet.

MICHAEL NYHAN: From the Encounter Church, correct?

MR. BUCZEK: Yes. Yep.

And I know that we're going to have a couple easements for -- for the project for access.

MICHAEL NYHAN: Is that through your -- Union Square Boulevard?

MR. BUCZEK: Correct.

MICHAEL NYHAN: The emergency access road and the hot box with the water main are the easements you're talking about?

MR. BUCZEK: Yep. Yep.

MICHAEL NYHAN: Okay.

MR. BUCZEK: We have also received comments from the Water Authority and Pure Waters, which we are addressing right now. Those will be formally responded to and we can provide you guys copies of our resubmittals.

MICHAEL NYHAN: Have you been in front of the Zoning Board of Appeals yet or are you going there?

MR. BUCZEK: We are -- my understanding is we need to submit by the 19th for the February 22nd, so we're going there.

MICHAEL NYHAN: Okay.

Paul (Wanzenried), do we get a list of the variances? I think there was a setback from the pavement area within the complex; is that correct?

PAUL WANZENRIED: Off the top of my head, we're going to go with front setback, setback off an interior road. No more than 10 percent of 3-bedroom units and sidewalks within the complex are required. There was two more, but I'm not sure -- with Counsel, they might not be applicable. This was the access ways -- the access ways. How -- how we defined access ways.

MICHAEL NYHAN: The emergency road you mean, the gate?

PAUL WANZENRIED: Yeah.

MICHAEL NYHAN: The sidewalks, they are required? They don't want to use sidewalks; is that accurate?

PAUL WANZENRIED: There is no sidewalks shown on Nate (Buczek)'s plan, so --

MR. BUCZEK: Correct.

PAUL WANZENRIED: In the RM District, they are required.

MICHAEL NYHAN: Okay. The interior road setback is 40 feet and they're requesting 30?

PAUL WANZENRIED: That's correct.

MICHAEL NYHAN: And then the -- the -- for the area, inside of the building, is it -- what was that variance for?

PAUL WANZENRIED: The variance is for -- in the RM, no more than 10 percent can be three-bedroom units. As I look at the plans, 50 percent are 3-bedroom units. Just about 50 percent are 3-bedroom units. So they will need a variance for that.

MICHAEL NYHAN: Okay. Outdoor recreation and storage was all good, right?

PAUL WANZENRIED: Yes. My understanding, they all have basements in this project.

MICHAEL NYHAN: Is that accurate, Nate (Buczek)?

MR. BUCZEK: Yes.

PAUL WANZENRIED: At least that is the way it looks.

MICHAEL NYHAN: They all have basements. That is where the storage will be?

MR. BUCZEK: Yes.

PAUL WANZENRIED: You might want to let the architect know the three-story building units need egress windows in the basements.

MR. BUCZEK: Okay.

MATT EMENS: So the sidewalks are required? And we don't have them in here because they just don't fit. Is that why you guys aren't proposing them?

MR. BUCZEK: It does make it tight, yeah. And I believe -- at least the owner's side -- it's going to limit the lengths of the driveways, parking of vehicles. There is not a ton of room for this particular site due to the width of it. But I can go back to -- to Luke and the team and clarify that for you guys.

MICHAEL NYHAN: There were sidewalks in Phase 1, though; right?

PAUL WANZENRIED: No.

MICHAEL NYHAN: There are no sidewalks in Phase 1.

PAUL WANZENRIED: No sidewalks in Phase 1.

Matt (Emens), per 500-41 Special Requirements, the following -- in D -- following special provisions apply only to multi-family developments or to multi-family townhouses or other multi-residential structures or portions of Planned Unit Development. That's where you're going to find the sidewalk requirement. It is Number 4. D4. Sidewalk shall be provided and be integral, designed to provide safe and convenient access between buildings -- between buildings and the internal recreation, parking and service areas.

MATT EMENS: So was that -- is that revision to the code from the first phase approval?

PAUL WANZENRIED: No.

MATT EMENS: So they were waived in the first phase approval?

PAUL WANZENRIED: We -- that was not -- when the first phase came through, that was not around. This was something that was added after.

MATT EMENS: Okay.

PAUL WANZENRIED: Phase 1 would be preexisting, nonconforming.

MICHAEL NYHAN: How old is that, Phase 1? About ten years?

PAUL WANZENREID: More than that.

MICHAEL NYHAN: Okay.

MATT EMENS: I just -- I know we talked about sidewalks in November, I guess. Right?

DAVID CROSS: Yeah.

MATT EMENS: Pedestrian access.

MICHAEL NYHAN: It is just -- I don't know.

DAVID CROSS: The development to the west has some sidewalk in there. I think we saw Phase 1 here didn't have any sidewalk.

MATT EMENS: I don't have any other comments or questions right now. Thanks.

JOHN HELLABY: Traffic study was -- I can't recall. It was not complete or not up to date or something? Was that redone now? Are we squared away with that?

MR. BUCZEK: I believe that was the wetlands. I believe the traffic was up to date. Can double check, though.

MICHAEL NYHAN: You just submitted one. Just not every Board member got a copy of it. Submit --

MR. BUCZEK: That was submitted.

MICHAEL NYHAN: That was submitted.

MR. BUCZEK: In December.

MICHAEL NYHAN: Four copies?

PAUL WANZENRIED: Last week, in December, yes.

MICHAEL NYHAN: Not every Board member; is that accurate?

PAUL WANZENRIED: I believe so, yes.

MATT EMENS: But Mike (Nyhan) had some comments on it, right? Did you comment on it?

JOHN HELLABY: I believe it was not up to date if I recall correctly.

MICHAEL NYHAN: Well, when they were first here, it wasn't so we requested one. They came back and did one and it was done in December of '21.

JOHN HELLABY: That is the one you have.

MICHAEL NYHAN: That's the one that is there. Yeah. And I -- in summary, I guess I will say that in the traffic study, what was recommended is additional streetlights. Is that accurate? At Arthurian Way and Union Street? And recalibration or retiming of the signal light at Union Street and Buffalo Road. That was the summary of the recommendations made as a result of the traffic study.

JOHN HELLABY: All right.

MICHAEL NYHAN: The other thing we did is we contacted New York State DOT. They had not received a copy of this, so we sent it to them. We have asked them for their review and comments on this and any -- we'll move forward with any approvals.

Any approvals will be based upon the State's review and positive comments -- negative comments, I guess, is another way to say it relative to anything that needs to be done from this traffic study.

JOHN HELLABY: I read somewhere that the wetland delineation needed to be redone. Is that still the case?

PAUL WANZENRIED: That was redone.

MICHAEL NYHAN: That was part of this month's package.

MR. BUCZEK: Yes. I believe that was up to date also. With the traffic study. At one point it was old. It was over five years, yes.

MICHAEL NYHAN: That was redone in June, I think, of '21; is that right?

MR. BUCZEK: Yes.

MICHAEL NYHAN: Okay.

JOHN HELLABY: Only other issue, Architectural Review, you guys all set with this? Or they have not probably been in front of you yet?

MATT EMENS: They have not yet. I don't know that there is a requirement they are.

Is there, Paul (Wanzenried)?

PAUL WANZENRIED: AAC?

MATT EMENS: Yes.

PAUL WANZENRIED: No requirement.

To Al (Hellaby)'s question, the wetland -- the wetland delineation was done for the major portion. It omitted the flag lot part of it, Nate (Buczek).

MR. BUCZEK: Oh, okay. That's what it was.

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

DAVID CROSS: Nothing more than the -- some sort of pedestrian access to the north.

MR. BUCZEK: Yeah. Right now it looks like there is only existing sidewalks along Union Square. There is not along Union Road. Correct? Or 259?

DAVID CROSS: That's the way I see, it yeah.

MR. BUCZEK: Yeah. We can look into that.

DAVID CROSS: You're putting the gravel emergency access in there, right?

MICHAEL NYHAN: That will be paved or -- or pavers, right?



MR. BUCZEK: Yes.  
MICHAEL NYHAN: Do you recommend pavement or pavers?  
DAVID CROSS: Some hard surface.  
MICHAEL NYHAN: Some hard surface that can be plowed. For fire trucks.  
PAUL WANZENRIED: They're showing gravel. The Superintendent of Highways would like the apron to be paved.  
DAVID CROSS: Just the apron?  
PAUL WANZENRIED: Right.  
MR. BUCZEK: Okay.

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: Further discussion?  
I have the pedestrian access to Union Square Boulevard and paved apron on emergency access road.  
Provide -- I think you did provide elevations, though; right?  
JOHN HELLABY: Yes.  
MR. BUCZEK: Yes.  
MATT EMENS: There is pictures in there, too. This one, is this based on what we have seen in the variances needed preliminary and final or just preliminary?  
DAVID CROSS: I would go for final.  
MICHAEL NYHAN: We can just condition it, would you say?  
DAVID CROSS: I'm okay with final.  
MICHAEL NYHAN: Paul (Wanzenried), at Building and, Michael (Hanscom), are you okay with final approval on this, waiver? I don't recall what David (Lindsay) said. I'm kind of -- I can't recall if there is one needed to come back for final.  
MICHAEL HANSCOM: I believe so. There is kind of a couple comments in the letter that will be addressed. We have to get you a letter tomorrow or the next day with comments on the SWPPP.  
MR. BUCZEK: Okay.  
PAUL WANZENRIED: They still have to go for variances.  
MICHAEL NYHAN: Okay. So come back for final.  
PAUL WANZENRIED: So if you give them preliminary and come back for final, but they won't come back for final until March because that will be after their ZBA. Or are you just conditioning it upon ZBA approval?  
MICHAEL NYHAN: I can do that.  
Mr. Lindsay didn't have any cause for concern for final approval.  
I don't recall any, do you?  
PAUL WANZENRIED: No. Other than -- the letters -- the letter Mike (Nyhan) is going to write will probably touch on most of what he had to talk with. And the DOT. In the DOT feedback.  
MICHAEL NYHAN: Okay. I will add the comments from David (Lindsay) on the paved apron. I will leave it for his approval. He won't approve it until he gets that.  
PAUL WANZENRIED: Correct. They should show it on the mylars. It should be depicted on the mylars.  
MICHAEL NYHAN: The pedestrian access I will add as a condition because it is not anywhere and I don't want it to get lost.  
PAUL WANZENRIED: Okay.  
MICHAEL HANSCOM: Paved apron and additional contours are requested and stuff like that. If you guys send me PDFs of the revised plans before you produce the mylars, that would be helpful.  
MR. BUCZEK: Yep.  
MICHAEL NYHAN: Also, you need to add lighting on your plan, your final plan, based on the traffic study.  
MR. BUCZEK: Okay.  
MICHAEL NYHAN: Then we'll need comments from the New York State DOT, as well, on that traffic study.  
MR. BUCZEK: Sounds good.  
MICHAEL NYHAN: Also there is an old easement that was part of the easement that -- current easement right now that goes out to the Encounter Church.  
I would like that easement removed. And the easement for the emergency road added.

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 other conditions? Conditions for preliminary?  
Upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department for the landscaping 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 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.

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

All filings information; i.e., liber and page number shall be noted on -- on the mylars.

Applicant to release old emergency access easement with Encounter Church.

Town will require the applicant to enter into the Storm Water Control Facility Maintenance Agreement with the Town and to provide access easements to the Town. The access easements for 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 Monroe County Clerk's Office prior to the signing of mylars.

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

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

Pending approval of the Zoning Board approval for required variances.

Applicant to comply with all required 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.

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

Subject to New York State DOT review of the traffic impact study conducted for this project dated December 2021 and any requirements outlined in the New York State DOT as a result of their review will be incorporated as conditions of approval.

Provide pedestrian access from the emergency road to Union Street -- or Union Square Boulevard.

Any other conditions? No?

PAUL WANZENRIED: Did you put comply with DOT comments?

MICHAEL NYHAN: Say again.

PAUL WANZENRIED: Did you put comply with DOT comments?

MICHAEL NYHAN: Yes. I put -- after the DOT review, their review be incorporated as conditions of approval.

One more condition. Provide additional streetlight as indicated in the traffic study at the intersection of Arthurian Way and Union Street.

Anything else?

MATT EMENS: I know you looked at the traffic study.

Is there any value in saying any other additional -- you know -- I guess whatever -- so --just following all recommendations as outlined in the traffic study. Just to cover it. You know.

MICHAEL NYHAN: All right. So I will put down provide additional streetlight and other recommendations as outlined in the traffic study. Dated December 2021.

Kind of covers everything in the traffic study, right?

MATT EMENS: Yep.

MICHAEL NYHAN: This traffic study you did, do you have an electronic copy you can send to us?

MR. BUCZEK: Absolutely.

MICHAEL NYHAN: Send that to the Town Building Department, Paul Wanzenried and he will forward it to the Planning Board members so we can review it before you come back for final. And if there are any comments we have, we'll make sure you know that before you come back for final.

MR. BUCZEK: Okay.

Final is after ZBA?

MICHAEL NYHAN: Right. Well, it doesn't have to be, but, you know -- but it can be.

What's your timeline on this? When do they want to start?

MR. BUCZEK: Um --

MICHAEL NYHAN: Still seems like there is a lot to do.

MR. BUCZEK: I think it's going to be late summer, I believe.

PAUL WANZENRIED: Mike (Nyhan), we want you to reword your condition regarding the light.

MICHAEL NYHAN: Let me -- let me read -- I did redo it. Let me read what I wrote again.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Provide additional streetlight and other recommendations as outlined in the traffic study dated December 2021. Or just --

PAUL WANZENRIED: Just the last part is good.

MICHAEL NYHAN: Get rid of the streetlight?

PAUL WANZENRIED: There you go.

MATTHEW PISTON: The issue is the street -- the street is DOT. So if it's a condition that the DOT requires, they would have to abide by that. But it's not something that we can require them to do on a New York State DOT road.

MICHAEL NYHAN: We just want to incorporate the recommendations as outlined in the traffic study dated December 2021, or is there a better word than "incorporate"? What are you looking for on that?

MICHAEL HANSCOM: Implement? Implement?

PAUL WANZENRIED: As -- as directed or mandated or -- or -- or approved, required or however you want to say it -- by the DOT. The essence is it's from the DOT.

MICHAEL NYHAN: Oh, I see.

PAUL WANZENRIED: Okay. Not us.

MICHAEL NYHAN: Got it.

PAUL WANZENRIED: Or you.

MICHAEL NYHAN: I see.

Recommendation as outlined in the traffic study dated December 2021 as required by New York State DOT.

Cover it?

PAUL WANZENRIED: Correct, sir. Thank you.

MICHAEL NYHAN: So that one change to conditions.

Anything else? With those conditions, application of Brickwood Development, 28 East Main Street, Rochester, New York 14614, Encounter Church of Rochester, Inc., 3355 Union Street, North Chili, New York 14514, owner; for preliminary site plan approval to erect a 40-unit townhome development located at 3355 Union Street, North Chili, New York 14514 in the RM District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 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. 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. Applicant to release old emergency access road easement with Encounter Church.
7. The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide access easement to the Town. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the Monroe County Clerk's Office prior to the signing if 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 sign permits.
14. Subject to NYSDOT review of traffic impact study conducted for this project dated December 2021.
15. Provide pedestrian access from emergency road to Union Square Blvd.
16. Implement other recommendations as outlined in the traffic study dated December 2021 as required by NYSDOT.

MICHAEL NYHAN: Paul (Wanzenried), he will send an electronic copy of the traffic study to you, the Building Department. Can you forward that to the Board?

PAUL WANZENRIED: I will, yes.

MR. BUCZEK: Thank you very much.

MICHAEL NYHAN: Motion on last month's meeting minutes for approval?

Michael Nyhan made a motion to accept and adopt the 12/14/21 Planning Board meeting minutes, and Matt Emens seconded the motion. All present Board members were in favor of the motion with the exception of John Hellaby, who abstained.

The meeting ended at 8:34 p.m.