

CHILI PLANNING BOARD  
February 8, 2022

A meeting of the Chili Planning Board was held on February 8, 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, Glenn Hyde, 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: There have been a number of changes.

**PUBLIC HEARINGS:**

1. 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 approval to erect and operate a grocery store and fueling station B.) Special use permit to allow outside sales, at property located at 29 and 31 Paul Road in GB District.
2. 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 Re-subdivision to combine 2 lots into 1 to be known as Byrne Dairy Subdivision, at property located at 29 and 31 Paul Road in GB District.

MICHAEL NYHAN: The application of Sonbyrne Sales, Inc. for preliminary subdivision approval and the application of Sonbyrne Sales, Inc. for resubdivision has been tabled at the applicant's request. He will be here at the March meeting.

**OLD BUSINESS:**

2. 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 final site plan approval to erect a 40-unit townhome development located at 3355 Union Street, North Chili, New York 14514 in the RM District.

MICHAEL NYHAN: And the application of Brickwood Development for 28 East Main Street, Rochester, New York for final approval for town home development has also been requested for a table by the applicant to the March meeting. So we'll not be hearing those tonight.

1. Application of Quick Services RealCo. LLC (Ken Shaw) 10950 Grandview Drive, Overland Park, Kansas 66210, owner; for final 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, Kenneth Shaw and Rich Wilkinson were present to represent the application.

MR. FISHEL: Good evening. My name is Adam Fishel with Marathon Engineering, civil engineer for the project, which is a -- the former Pizza Hut at the location 3208 Chili Avenue will be a KFC restaurant and drive-thru.

Last month we had a few comments from the Planning Board, as well as the AAC, pertaining to the project. I'm -- starting with the AAC. You know, some of the building materials comments, some dumpster enclosure material comments, a few other minor comments, as well, that we have addressed, I believe, here this evening at the meeting before this one.

We also have physical samples of the building materials which include a -- like a cream-colored HardiePlank clapboard stone -- stone material along the water table as well as EIFS along the top coping of the building.

The primary change in -- and topic of discussion tonight here is pertaining to the driveway. At the last meeting last month you folks asked us to reach out to DOT to see whether they would prefer a full access -- exit drive or a right-turn-only controlled drive -- driveway-exiting

movement.

They came back and said they would prefer to have a full access exiting movement. We provided that email to the Town as part of our resubmission here. So again, that is what we're showing on our plan.

One change we did also incorporate into this iteration of the drawings is we made this landscaped area a big thicker and incorporated a bit more landscaping in this front area here (indicating). We're going to be diverting the traffic around to come in and cycle around the site itself.

The Planning Board also asked that we model the left turn -- turning movements of the delivery truck which we have shown. And I think that's pretty much the long and short of -- I believe the site plan comments we got last meeting.

MICHAEL NYHAN: You have answered all of the comments to our Town Engineer and satisfied all those comments?

MR. FISHEL: Yep.

MICHAEL NYHAN: All right.

MR. FISHEL: We were before the Conservation Committee last night speaking on the landscaping and they gave us their blessing, which we have on file here with regards to the landscaping.

MATT EMENS: Just to reiterate Adam (Fishel)'s comments, that the Architectural Advisory Committee did -- obviously you guys more than exceeded, I guess, and adequately addressed all our issues and concerns. So thank you for that.

DAVID CROSS: I guess I'm just looking at the letter from Jim Lepore to Mr. Lindsay and Mr. Wanzenried.

Can we talk about this?

MICHAEL NYHAN: We can, however, we're not able to act on it. SEQR has been completed -- our -- our Public Hearing has been completed and we have already provided them with preliminary approval. So at this point, it's a private matter between Mr. Lepore and the development if they wish to proceed with that. However, at this time, the Board cannot act on that.

DAVID CROSS: The last two times the applicant has been up here I stated in my opinion the access doesn't work. In the last month I -- I have been to the site a few times. I have sat there looking to exit out as if I would leave the site, going eastbound. And I got to tell you, I sat there -- I sat there for over two minutes and did not have a queue out to go to the east.

It does not work going east. You're going to force all of the traffic out to the west, which would be a right-turn-out only. You will have people making illegal U-turns who want to go back east because you do not have a median in Chili Avenue. You don't have legal median openings in Chili Avenue. It doesn't work.

I was encouraged when I saw this letter to -- to the Town from Jim and Patty Lepore. I was really hoping to see an access out to the north. In my opinion, that's the only way this works.

You have got increased traffic versus the original plan and I have said this all at the last meeting. You have increased traffic. It was like 20 to 30 extra cars per peak hour. And again, I -- I sat there and I could not find an acceptable way out.

Going westbound, yeah, no problem. Exiting out westbound, no problem. But exiting out eastbound, nearly impossible. 2 to 3 minutes. You will have cars stacked up behind you waiting to go eastbound. I do not believe it works at all. I guess I will leave it at that.

MICHAEL NYHAN: Okay. Any comments from the Side Table?

And as mentioned, that is also correct. This is a private matter at this point between the applicant if they wish to pursue that with the -- I know Mr. Lepore was here two meetings and told us he would not permit it. Now he has changed his mind at this point, but we have already completed our preliminary and SEQR.

MATTHEW PISTON: That's correct. We can't reopen that Public Hearing for the reconsideration. So the letter that has been referred to can't be taken under consideration this evening.

MICHAEL NYHAN: Okay. Thank you.

With that being said, any other discussion? SEQR was completed for preliminary, so at this time, the conditions for this application will be the same as approved for preliminary. So all previous conditions imposed by this Board that are still pertinent to the applicant remain in effect and will be listed in your letter when you receive that.

At this time, the application of Quick Services RealCo., LLC (Ken Shaw), 10950 Grandview Drive, Overland Park, Kansas 66210, owner; for final 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 with the conditions that have been imposed with preliminary all still in effect for final.

JOHN HELLABY: Second.

DECISION: Approved by a vote of 5 yes to 1 no (David Cross) 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 with the required checklist to the Conservation Board for review and recommendations.

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 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 approving agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
7. Applicant shall submit building design elevations of the Architectural Advisory Committee for their review and recommendation. This should be done by final approval and in most cases completed by preliminary.
8. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
9. Building permits shall not be issued prior to applicant complying with all conditions.
10. Applicant is subject to all required permits, inspections, and code compliance regulations.
11. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
12. Any signage shall comply with Town Code, including obtaining sign permits.

MICHAEL NYHAN: Do you have a timeline when you will start construction or when you plan on building?

MR. FISHEL: My apologies. I neglected to introduce Ken Shaw and Rich Wilkinson here tonight.

MR. SHAW: We're going to immediately start -- we have three weeks to complete the plans that now we're approved and we'll be applying for permits after that and any other miscellaneous applications and we plan on starting immediately.

MICHAEL NYHAN: Okay. Thank you.  
The minutes from last month's meeting.

Michael Nyhan made a motion to accept the meeting minutes from January 8, 2022 and Joseph Defendis seconded the motion. All Board members were in favor of the motion.

MICHAEL NYHAN: Any other business?

The meeting ended at 7:14 p.m.