

CHILI PLANNING BOARD
March 8, 2022

A meeting of the Chili Planning Board was held on March 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 Vice Chairperson John Hellaby.

PRESENT: Paul Bloser, David Cross, Joseph Defendis, Matt Emens and Vice Chairperson John Hellaby.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Matthew Piston, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

Vice Chairperson John Hellaby 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.

JOHN HELLABY: Old Business Application 1. The application of Brickwood Development is being tabled at the applicant's request to see them until the April meeting. So that will not be heard this evening.

Application 1 and 2 are both of Sonbyrne Sales so we'll hear them concurrently and vote on them separate at the end.

PUBLIC HEARINGS:

1. Application of Sonbyrne Sales Inc. (Byrne Dairy & Deli), 171 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 approval to erect and operate a grocery store with 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), 171 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.

JOHN HELLABY: Before you start, just a little background information. This application was heard for discussion on the October 12th meeting. It was subsequently put on the agenda for the January the 11th meeting which was tabled by the applicant.

And again, on the February 8th meeting that was tabled by the applicant. So virtually the first time this application is being heard is tonight.

I might also add that there are seven variances that have been granted as of January 25th. Real quickly, they are a 48-foot setback and the buildings -- where 75 foot is required at 31 Paul Road.

32-foot front setback, a dumpster, 70 foot required at 31 Paul Road.

6-foot fence in the front yard, 4 foot allowed at 31 Paul Road.

Allowed front yard parking, not permitted, at 31 Paul Road.

Allow 48-foot setback at gas canopy, 75 foot required, which is 29 Paul Road.

Allow 60-foot front setback for fuel tanks, 75 foot required at 29 Paul Road.

And allow front yard parking, which is not permitted at 29 Paul Road.

All yours, sir.

Christian Brunelle was present to represent the application.

MR. BRUNELLE: Good evening. Christian Brunelle, Senior Executive Vice President Sonbyrne Sales, Inc., 171 Route 5, Weedsport, New York.

Just make a note that the 454 on the -- written on here is incorrect. It is 171. I'm representing Sonbyrne Sales in front of you tonight. As Chairman stated, just a quick summary. The only thing left out, I did receive an approval at the January meeting by the Conservation Board for the landscape plan. So that was --

As he said, I was in front of you guys in October for an informal. We looked at the site plan. I will go over some of the changes since that informal meeting real quick.

Probably the biggest change is the curb cuts. You will see -- what I brought in front of you guys in October -- at the time I talked to the DOT, I wanted two curb cuts on Scottsville Road. There was one closer to the intersection here (indicating), the right in and right out. The New York State DOT would not agree with me on it. So I since removed that.

So we're proposing one full access curb cut further west -- far west of the intersection it can be and one curb cut on Paul Road. At the time the one on Paul Road in front of you before was a

touch closer to the intersection.

Since then, sending it to Monroe County DOT for their comments and the Town comments, we pushed that as far away from the intersection as possible. That is really the major change. We went from two. We used to have an access point here (indicating). It's too full.

Another change is the dumpster enclosure. Originally, the DRC Board looked at it. The dumpster enclosure was over here (indicating). There was a comment made we should move it. We moved it over here (indicating). This Board did not like the location. Neither did I.

They said, "Why wouldn't you put it towards here (indicating)?"

So I moved it back to where it originally was. So the dumpster enclosure is over here (indicating). There are pictures in the same information packet that I handed the Board in October.

Another change is the Heritage Trail right here (indicating), that bike route -- I call it the Heritage Trail. You can see that is controlled by the New York State DOT as Scottsville Road is a DOT road. That is what took a while, for them to review both curb cuts, but they also have jurisdiction over the trail. They didn't like me leaving the trail going right through here (indicating). They wanted me to put that -- I will call it a "jog." That way anyone pulling in would give them a little more space if somebody was crossing there.

I don't know the type of use there. I'm told it is not used a lot, but this is what they wanted, this exact thing. So we went back and forth. Seven conceptual plans.

In January, this driveway and the Heritage Trail design was conceptually approved by New York State DOT. That is what took me so long coming back and forth. I was going back and forth with them. So that -- that was done there.

Another thing was -- when I left this Board, you guys all know there is a gas main going right through the middle of the property here (indicating) as designated. When I was in front of the Board last time, it was based off of old surveys. ETP, Energy Transfer Partners, which is better known as Sunoco in the old days, they have a requirement that we actually had to go do a soft dig and actually locate the gas line. So we had to hire a specialized contractor. He did a soft dig, blew air into it. They had to be present with my engineer.

So we checked the depth all along here (indicating) and the location. And we mapped it to make sure it was exact. It was very, very close to what the survey was in the '60s. That took a while. ETP has since reviewed several iterations of this plan, and recently it was submitted to the Town Engineer before, just -- just a week ago, ETP said this plan is fine. So it took a while for them to do that. Which is fine. So we're good with Sunoco going through there.

Green space has changed slightly. Currently sitting on the space is 85 percent impervious. We're going to 57 percent of impervious. So we're talking 43 percent green space. A change of 28 percent green space, which is huge.

Currently there is over 100 -- I stopped counting about 110 parking spaces currently on the site. Proposed is 44. I know there was a comment made by the Town Engineer and the way I read your zoning is right here (indicating), it is up to the Planning Board to determine the number. So what I did is -- at 44 parking spaces, you can see them called out here (indicating). Just to give you some reference, my -- I call it the "old Chili store" now, up on the corner, 15 years ago, has a total of 45 parking spaces. This is 44.

Maiden Lane -- I don't know if anyone has gotten over to our new store over in the Town of Greece. I opened that -- can't even tell you -- August. That store has 33 spaces.

Farmington is down towards Victor. I have a new store down there I opened last December. That has 43 spaces.

The Fastrac up the road -- the new Fastrac, that has 43 parking spaces and then they have 16 fueling -- 8 pumps behind it. This is only a 4-pump facility here.

We did get Lu Engineers, the Town Engineer's comments dated February 3rd and February 16th. There was a long list of them. We gave a response letter back to them. They did that review.

They have since submitted up another review dated March 4th with -- with many -- I think it was down to ten comments. That is what you saw today submitted at 3 o'clock. My engineer -- probably the biggest one that I saw was the perk test and deep well test pits. So I got that on Friday.

I had perk tests done yesterday. It perked great. Those are over into the Town Engineer and was sent to the Board today, so that perked fine. That was really the last piece of those ten comments.

I do have to do a deep well test, which I plan on doing this Thursday, but the perk is the most important thing for the storm water design. It is a redevelopment site, so that helps us, as well.

So I can go over the site plan if you want real quick again or if it's -- like I said, that's the only thing that has changed since the October one. Still 4,232 square foot. You see the parking located here (indicating) on the south side of the store and the front. The one drive coming in here (indicating). Additional parking here (indicating).

Dumpster enclosure, pictures again were previously submitted to this Board. Fractured block. That's the dumpster enclosure. Again, it is the same one I had before. It is all spec'd out.

In regards to the fencing, there is fencing along -- between -- between -- everyone knows there's a trailer park there. The back side of the trailer park here (indicating), and here (indicating) up to the enclosure will have this type of fencing on it. The same fencing I told you before. 6 foot. It does step down to 4 foot up in here (indicating) and the dumpster enclosure will be enclosed.

The Board had mentioned putting some type of screening around the dumpster enclosure and you can see again the Conservation Board approved it, but there is six mixture of White Spruce and Norways, six trees around the dumpster enclosure there.

Also, we're going to leave these existing trees here (indicating), which were already there in good shape. No reason to change -- remove those along Paul Road and we're proposing a bunch of red maples, more street trees along Scottsville Road.

Monument sign has been moved out of the right-of-way, and that's a monument sign. Again, that was previously submitted in your information package. And the monument sign will meet your code, 16 square foot inside. And that is the monument sign. Okay? And that again is right here (indicating), with landscaping around it.

Building sign, only proposing one building sign per your code, which meets your code and the design of our store. That building sign will be here (indicating). It is labeled Sign Number 2.

The store -- again, previously submitted to this Board, very similar to that store, a little different shape. But a couple people mentioned they seen some of our newer stores around here. This is the same thing. This is a building elevation. Okay? A colored building elevation that I submitted to this Board previously. There is no changes there.

I did bring some quick samples here, even though I don't think they're needed. I think everyone knows what materials we use. But real quick, Evergreen metal roof here (indicating). You have your brilliant white trim (indicating) and you have a Hardie panel, cement board, aged ivory (indicating). Again, the same materials we have there. Holds up greatly and we use those at all stores.

JOHN HELLABY: Do you know where you stand with the Architectural Review Committee?

MR. BRUNELLE: Okay. So -- so there was a little confusion with the AAC Board. Supposedly I was supposed to be in front of them in January, and by tabling all this, I thought it would be tabled alongside. I was supposed to be in front of them tonight and the meeting was canceled. So that is where I stand. It was canceled. I have not been in front of them.

I would ask this Board -- and I believe you have the purview to waive that -- it's an advisory opinion. I have a store in the Town of Chili I had for 15 years. I have them all over. I think everyone knows the product we give them. The same product. I have samples with me tonight. Me and Paul (Wanzenried) discussed this this morning, but again the meeting was canceled tonight. They didn't realize that I needed to be back on the agenda. Little confusion. So I would ask that the Board would waive that.

I brought the samples with me tonight. You have the building elevations. Again, everyone has seen what we have done. It's nothing earth-shattering as far as I'm concerned.

JOHN HELLABY: Okay. Per the Monroe County Comments dated January 7th, 2022, all lighting and building materials should be mitigated and any upward glare due to aviation in regards --

MR. BRUNELLE: Lighting plan was submitted in the package.

JOHN HELLABY: All dark sky?

MR. BRUNELLE: 100 percent dark -- again, I told you -- 15 years ago, you guys taught me to use that. So it's 100 percent dark sky friendly compliant LED downward directional lighting. There is a lighting plan that was submitted to the Board. Foot candles. And these beautiful little illuminations here (indicating). There is a bunch of those, as well. I do it for every Town. There's no lighting spill.

DOTs will not give me a highway permit if I have any sort of spill on the road. They request this, as well. Again, all these were in the package. You will see that foot candle. There was also a full-size fixture plan in that thing and you will see 100 percent LED, the lighting -- it is actually better lighting than we have there, 15 years newer. State of the art lighting, so I did address that.

JOHN HELLABY: The reflectiveness of your green roof panels? Are you confident that --

MR. BRUNELLE: I'm very confident -- this is the green. I don't think -- it's kind of a flat-type thing. I don't see much reflection there.

JOHN HELLABY: Impact on the Greenway -- or the Genesee Valley Greenway you touched on.

What you're proposing is not anything different than what is at 84 Lumber and the -- the concrete company and everybody else down through there, so I don't think it's an impact myself.

Prior to submission of final plans, where do we stand with the Monroe County Department of Health to approve?

MR. BRUNELLE: That -- I always do that after I receive approvals, so -- black flow preventer. Engineering asked where it would be. RPZ is going to be inside. Water meter. We always work on that with them afterward -- before a building permit is issued, I am required to provide that to them.

JOHN HELLABY: Plans for the water main and sanitary sewer to be approved?

MR. BRUNELLE: Right now there is an engineering note. We plan on reusing the existing. There's an 8-inch sewer main in here. All intentions are -- everyone knows there's a 19,000 square foot restaurant there. So all intents and purposes, we would like to use the existing.

The only way to do that, to tell you truth, is camera and this is what we always do. We're doing it in Gates right now. We're doing it in Irondequoit. We bring a plumber in and we camera them. They like to use the existing. Why retap if we can use the existing? So our first

thing would be to reuse the existing. If we can't do that, once we get the approval, we'll check and if not, we'll come to you. We're working with them right now on approvals for that. And they would approve that. Monroe County.

JOHN HELLABY: Monroe County DOT along with New York State DOT permits?

MR. BRUNELLE: As I mentioned before, John Raymond had looked at this curb cut, several iterations of it. He has conceptually approved the location of it. Originally he did not. We pushed it as far back as possible and he is fine with this.

New York State DOT again, I had a long battle with them several times, but they have conceptually approved this. So both of those are checked off.

The next phase would be to receive final approval from this Board and then I would give them permit plans and pull permits from both of them.

JOHN HELLABY: I know you touched on Sunoco, but the Town of Chili is looking for an acceptance letter from Sunoco with regards to any of your work within their right-of-way.

MR. BRUNELLE: Yep. And I did provide an email from them and -- saying that their final was planned to go ahead and proceed with the Town, was right in their email. That was submitted to the Town Engineer, as well. I'm sure when we're done, they will provide us a further letter.

JOHN HELLABY: Okay. The calculations for the dry wells, are you satisfied -- Michael (Hanscom), have you looked at that at all? Is that still in question?

MICHAEL HANSCOM: Um, I have to take another glance at it, but it should be fine based on the perk test that they got.

JOHN HELLABY: Okay. And you stated that the Conservation Board approved the landscaping plan?

MR. BRUNELLE: That is correct. In January.

JOHN HELLABY: Your Special Use Permit for outside sales, um, I took a long hard look at it. What type of products are you actually talking about selling?

MR. BRUNELLE: We would sell windshield washer fluid and propane in the cage underneath the front porch. Everyone knows we have front porches. That would be located out here (indicating).

JOHN HELLABY: So you should not be too awfully upset if we use the exact verbiage that your other store up on Chili Avenue has; is that correct?

MR. BRUNELLE: Yes, that's correct.

JOHN HELLABY: All right. The only other thing, I guess -- Paul (Wanzenried), this is for you. This car stall thing with the number of spaces.

Do we need to put in the conditions that it is acceptable or is it just -- once they accept the plan, that that is how it works?

PAUL WANZENRIED: Yep.

JOHN HELLABY: All right. So we don't need to do anything special saying that we approve those number of spaces, right?

PAUL WANZENRIED: No.

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

MATT EMENS: So you mentioned you have the -- you have had the conversation with John Raymond. Is there a letter -- I know you submitted a lot of stuff. So thank you for that. I didn't see it in there.

MR. BRUNELLE: Multiple emails have been sent from John Raymond and Dave Lindsay from the Town. Dave (Lindsay) was copied on every single one of them. Actually, he said, "If Dave's happy," he's happy.

So that is why we moved it -- we actually moved it closer than my engineer and myself -- if we followed the standard, DOT standards, this radius here (indicating) usually does not touch a property line, but again he -- he wanted it as far away from the intersection as possible. He is fine with it, yes. He is expecting permit plans here.

There was one comment in regards to a catch basin in the driveway, which we told him we'll -- we have no problem extending and moving that.

MATT EMENS: Okay. The next one, I guess, Paul (Wanzenried), the AAC would have been -- that would have been just a courtesy, right? Because I don't think this falls under --

PAUL WANZENRIED: GB.

MATT EMENS: Oh, it's GB.

PAUL WANZENRIED: It does. But -- but it is within your purview. It is up to -- you could also condition it. You know. There is nothing saying that you -- that you guys don't say, you know, follow up with AAC recommendations. Two schools of thought.

MR. BRUNELLE: I was hoping again this Board would use their purview to waive the AAC considering, you know, it would be another trip for me next month and the whole engineers want to start this thing ASAP. Like I said, if I wasn't your Town or you hadn't seen my work before, I probably wouldn't even ask that, but...

MATT EMENS: Yeah. That -- that's not my call. I just work here.

JOHN HELLABY: Is that it?

MATT EMENS: Yes. I think I'm good for right now.

DAVID CROSS: If the AAC -- my thought on that, I guess I know what these things look like. I'm totally fine with it.

JOHN HELLABY: Paul (Wanzenried)? You all set?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MR. BRUNELLE: Could I add another thing? Could I ask the Board -- this is technically preliminary, even though I applied for preliminary and final. You can see the plans are final. It has been through the Town Engineer extensively, I would say. We have addressed every single comment besides the one minor one, I believe. I would ask that -- it is final. It is stamped.

JOHN HELLABY: Have they paid for final?

PAUL WANZENRIED: Yes.

JOHN HELLABY: I guess my only concern is, these permits -- they could drastically change this thing if all of a sudden New York State came back and said, "No. We're not working with this."

MR. BRUNELLE: That is why I get it in writing from them.

JOHN HELLABY: You -- you will get it in writing and you will share that with us, but I don't have it right now is the problem.

MR. BRUNELLE: The -- the conceptual, I -- there was a conceptual email.

JOHN HELLABY: You keep saying that magic word "conceptual." That is not the firm document saying yes, we buy into it and we're good to go with it. If -- if all of a sudden they come back and these things don't work, that might change your layout 180 degrees from where you are today.

MR. BRUNELLE: That is why I submitted this to them probably ten times. That is what I call conceptual. Location, size, geometry is fine. Now it is just literally paying and showing them the design -- submitting it and filling out paperwork. This is the way I have always done 67 of these projects now. There is no way --

DAVID CROSS: Make it contingent.

MR. BRUNELLE: Always contingent -- if it changes, you're 100 percent right. I will not be issued a building permit. I would have to come back for any iteration to amend the site plan. That is why I spent so much time sending it to MCDOT and New York State DOT, because you're right, the Heritage Trail could have changed from the beginning. But I made sure they were fine with it. That is why it took me from January to get that from them.

PAUL WANZENRIED: You can condition it, Al (Hellaby).

JOHN HELLABY: He gets all of the --

PAUL WANZENRIED: Conditioned upon, you know, the -- the granting or receipt of a State and County highway permit.

JOHN HELLABY: All right.

PAUL WANZENRIED: And he just submits an email to us and away we go.

JOHN HELLABY: Bear with me a second here while I find the conditions.

Conditions I'm looking at right now --

MATT EMENS: Don't forget we have to do SEQR on this.

JOHN HELLABY: Yes. But I want to go over these real quick so I get them out of the way.

MATT EMENS: Okay.

JOHN HELLABY: Planning Board affirms the recommendations from the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.

Upon completion of the project, the application shall be submitted -- or submit a Landscape Certificate of Compliance to the Building Department from the landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

Approval is subject to final approval 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.

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

Copies of all easements -- is this one we need with that Sunoco thing, that you want a copy of that easement?

PAUL WANZENRIED: Yes.

JOHN HELLABY: Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and filing information such as liber and deed -- or liber and page number shall be noted on the mylars.

Applicant shall submit building design elevations to the AAC.

Are we saying we're nixing that?

MATT EMENS: I'm not. I mean, I'm not going to say that we are. I guess I don't disagree with what the applicant is saying and I don't disagree with what the Board said.

JOHN HELLABY: But if it is required, I think he should -- he should at least show in good faith and say, "Hey, look. This is what we're going to do."

Might make a minor change here or there.

MATT EMENS: I guess what I would say is that the -- the only -- the only thing that

would change is if you were doing different types of stores or we weren't happy with something that was at the current store. And I don't -- I don't know that you are or aren't doing that.

MR. BRUNELLE: There are no changes. Colors -- color scheme. The materials are identical to what the other store was.

PAUL WANZENRIED: Wait a minute. It's cookie cutter.

MATT EMENS: Yeah. I think if we were -- Paul (Wanzenried) can explain it to Jim (Ignatowski).

PAUL WANZENRIED: I will.

JOHN HELLABY: Nice.

What is the feelings of the rest of the members? Are you good without it?

DAVID CROSS: I'm comfortable waiving it.

MATT EMENS: I'm fine.

PAUL WANZENRIED: Al (Hellaby), what are you doing about the encroachments? Do you have easements for all those?

MR. BRUNELLE: Yes, they're already in place.

PAUL WANZENRIED: So all that will be on the mylar, as well?

MR. BRUNELLE: It's going to have to be now. I wrote it down.

PAUL WANZENRIED: Okay. Thank you.

JOHN HELLABY: All right. We'll nix the one --

MR. BRUNELLE: Some -- some of those -- sorry. Some of those easements are going away by us removing this building. So --

PAUL WANZENRIED: Whatever is remaining.

MR. BRUNELLE: Whatever is remaining you will have copies of those easements. But there will be some of them -- maybe he will make some go away, too. I'm hoping.

JOHN HELLABY: So that one goes away.

The next one, building permit shall not be issued prior to applicant complying with all conditions.

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

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

Allow the outside storage and sales of seasonal products as follows: All items -- A, all items shall be under the canopy.

B, items allowed to be displayed are motor oil, washer fluid, transmission fluid, charcoal lighter fluid, rock salt, case pack water, propane cylinders and packaged ice.

The area designated for display shall not contain unopened cartons. Unopened cartons shall be stored in the stockroom. That is just to say you're not going to stack 50 cases of Coke up out there.

MR. BRUNELLE: Yeah.

JOHN HELLABY: And are there any other conditions?

PAUL WANZENRIED: Is there one about signage, Al (Hellaby)?

JOHN HELLABY: No. You need it? The signage -- applicant to comply with all -- no, that's not it. Hold on.

Signage shall comply with Town Code, including obtaining sign permits.

PAUL WANZENRIED: Thank you.

JOHN HELLABY: Okay. Anything else? That should take care of all of the other stuff, the odds and ends, permits you're looking for; correct?

MR. BRUNELLE: (MR. BRUNELLE indicated non-verbally.)

JOHN HELLABY: All right.

John Hellaby 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 Matt Emens seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: Do we need to do SEQR on each and every one of these, Paul (Wanzenried), or is that one -- does that SEQR cover all three of these, Paul (Wanzenried), or no?

MATTHEW PISTON: I think you have to do one for each application.

JOHN HELLABY: All right.

PAUL WANZENRIED: One for subdivision and one for site plan.

JOHN HELLABY: Okay. All right. Application of Sonbyrne Sales Inc. (Byrne Dairy & Deli), 171 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 approval to erect and operate a grocery store with a fueling station.

Waiving final.

MATT EMENS: Yes.

DAVID CROSS: Yes.

JOHN HELLABY: Is there a second?

MATT EMENS: Second.

DECISION ON APPLICATION 1A: Unanimously approved by a vote of 5 yes with

waiver of final and the following conditions:

1. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant complies with these recommendations.
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. Copies of all easements associated with the project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
7. Building permits shall not be issued prior to the applicant complying with all conditions.
8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
10. Any signage shall comply with Town Code, including obtaining sign permits.
11. Allow the outdoor storage and sale of seasonal products as follows:
 - A. All items shall be under the canopy.
 - B. Items allowed to be displayed are motor oil, washer fluid, transmission fluid, charcoal, lighter fluid, rock salt, case-packed water, propane cylinders, and packaged ice.
 - C. The area designated for display shall not contain unopened cartons. Unopened cartons should be stored in the stock room.

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MATT EMENS: Second.

DECISION ON APPLICATION 1B: Unanimously approved by a vote of 5 yes with waiver of final and the following conditions:

1. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant complies with these recommendations.
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.
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Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.

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 - B. Items allowed to be displayed are motor oil, washer fluid, transmission fluid, charcoal, lighter fluid, rock salt, case-packed water, propane cylinders, and packaged ice.
 - C. The area designated for display shall not contain unopened cartons. Unopened cartons should be stored in the stock room.

On Application Number 2, John Hellaby 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 Matt Emens seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: To the vote. Boy. I have to read this again.

Application of Sonbyrne Sales Inc. (Byrne Dairy & Deli), 171 Route 5, Weedsport, New York 13166; Ronald Mazza (River Edge Rest & Party House Inc.), 29/31 Paul Road, Rochester, New York 14624, owner; for Special Use Permit to allow outside sales -- sorry. I'm reading the wrong one.

-- 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.

MATT EMENS: Second.

DECISION ON APPLICATION 2: Unanimously approved by a vote of 5 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.

JOHN HELLABY: You're all set.

MR. BRUNELLE: Awesome. Thank you very much.

Paul (Wanzenried), quick question for you. For the address for this, should we use 31 Paul Road which is the current address of the restaurant? 29 is a vacant -- just -- just when I start applying for permits tomorrow, I want to make sure it's the correct address.

PAUL WANZENRIED: For now, yes.

MR. BRUNELLE: 31. Okay. I figured as such.

PAUL WANZENRIED: I'm sending you an email.

MR. BRUNELLE: You're sending me an email?

PAUL WANZENRIED: Yes.

MR. BRUNELLE: Thanks. Thank you very much and thanks for understanding. I greatly appreciate it.

DAVID CROSS: Good luck.

3. Application of Home Team Sports Park 420 Ballantyne Road, Rochester, New York 14624, Westside Development of Rochester Inc. 3313 Chili Ave, Rochester, New York 14624 (Bill Howard) owner; for approval of a revised site plan to erect an accessory structure (pole barn) at property located at 420 Ballantyne Road in PRD, FPO, FW district.

Bill Howard was present to represent the application.

MR. HOWARD: Good evening. Bill Howard. Property owner 420 Ballantyne Road,

Rochester, New York 14624.

I did get the Lu Engineering comments late Friday. So to address those, he wants them in writing, so I have the engineer that will address his comments. There is nothing really on there other than the flood plain. Because all Ballantyne Road seems to be in the 100-year flood.

Everyone knows that we filled this place -- it has been taking fill for ten years. And this location is up by the road where the berms are. So the only real flood plain issue is across the street where Ballantyne Sports -- or the ball fields used to be.

JOHN HELLABY: That it?

MR. HOWARD: Just a cold storage barn for storage. I was asked by the Town to clean up the site over there, which we're hoping to get the long-drive contest back in now that COVID is over. So we want to get rid of the trailers.

So we want to, again, accommodate all of the equipment that is there, to be able to store it, to get it out of sight and -- so we said let's get this application in and get a pole barn, cold storage for that purpose only. And try to hide it behind the berm so it's -- we don't need additional parking.

We don't need any -- any utilities or anything to it other than to clean up the site where all of the trailers are and -- and hopefully we're going to be starting the four sports fields in the near future now that we have got everything else under control now.

JOHN HELLABY: All right. You mentioned -- you talked about cleaning up the site.

MR. HOWARD: Yep.

JOHN HELLABY: One of the conditions we're looking to propose is that -- the applicant removing all semi-trailers, campers, boats, other extraneous items and any illegal temporary structures to be removed as seen in attached pictures within 30 days of the issuance of the Certificate of Occupancy.

So that's basically all this stuff that is spread all over out there, short of the sandbags.

MR. HOWARD: The wind took care of the other structures. The golf carts and the zero-turns and -- everything is parked under, so those have all been -- they're all -- they're like an erector set over there now. So I have a lot of clean-up to do now with those structures.

The trailers were left over from a lot of projects for the Vistas. All of the -- all of the plumbing and -- you know. Sewer and pipes that were there. So we're -- we got that all under control now. So those will all be cleaned up.

All of the material will be used and we have another builder that is taking it over. So now that everything is under control, I think we're able to move forward on this side to get the sports park underway.

JOHN HELLABY: All right. Does this structure meet all of the setback requirements?

MR. HOWARD: It does.

JOHN HELLABY: You don't need any variances, correct?

MR. HOWARD: No. We have 120 acres there, so.

JOHN HELLABY: You will be required for -- a DRC-1 flood plain permit will be required and elevation certification on the floor slab will be required, as well.

MR. HOWARD: Sure. We usually do that after the building is up because you have to get a certificate. Again, if I'm putting machines and equipment in there, my insurance company will require it anyway, just like they did when we did the other building at 420.

JOHN HELLABY: We don't mind it after the fact, but make sure it is built correctly. Sometimes people come in and say, "I don't know how it got that low."

MR. HOWARD: We have the Mennonites actually doing it. I guess they did Dennis Pikuets and Gerry Sauer just had his done. They kind of turned me onto this Ron that's really good.

JOHN HELLABY: I think you mentioned there are no utilities to the building.

What about electric?

MR. HOWARD: No.

JOHN HELLABY: No outside lighting on the building?

MR. HOWARD: No.

JOHN HELLABY: All right.

MR. HOWARD: Just cold storage. That's all.

JOHN HELLABY: No additional parking requirement. It doesn't impact the proposed parking for your soccer fields, correct?

MR. HOWARD: Not at all. That is why we put it at that location.

JOHN HELLABY: One of the other conditions is that western gate is to remain in place and locked or closed.

MR. HOWARD: That was a temporary access that was granted, I think, with all of the fill that was going on.

JOHN HELLABY: Your short form EAF, question Number 2, building permit is required from the Town of Chili. That I added in there.

Question 13A, the answer should be "yes." It's in regards to the wetlands, which that does border.

And Monroe County Comments are just basically boilerplate about floodway and wetland areas.

MATT EMENS: I guess I would just ask if the intent is to hide the building, maybe even sliding it back a little bit further.

MR. HOWARD: The problem is I have future development with fields and things that we -- we have been going over with RIT. So that location is where it stays out of harms way for

all of the events.

Again, it's a long drive. We get that back this next year here.

MATT EMENS: But I'm not talking a lot. Just a little more -- you have a lot of gravel and asphalt over there, but I don't want you to have to build more of a drive to it. And it also seems just from a constructability standpoint, I see the grading on here, but it looks like it's really close to that berm.

MR. HOWARD: We're trying to hide it. We're not --

MATT EMENS: I get it, but I guess what I'm saying is if you really want to hide it, I would slide it back a little more because it's gradually coming up. You're coming down the road, you will see the front of it. If it is further forward, you will see -- the other way you will never see it.

Coming from Chili, you will not see it. Other thing, from -- I guess it's just my opinion, so you don't have to take it, but --

MR. HOWARD: I welcome it.

MATT EMENS: It seems awfully close to the berm. It may make sense to slide it over 10 feet and get that drainage in there so that in case there is flooding in that area, you're -- you're ahead of the game. So --

MR. HOWARD: Little high and dry.

MATT EMENS: I know, but then you have the drainage coming off that thing. I'm just saying it is awfully close to that. Once again --

MR. HOWARD: What we did is we took -- RG&E came through there and put a trunk line, 2 foot gas line from there and from their easements we're off of -- where they -- you know, what they have allotted me that -- to build up to. And I put a 10-foot buffer on that. So that's why we put it there.

MATT EMENS: Got you. Okay. Nothing else at this time.

DAVID CROSS: The white sandbags are going to go?

MR. HOWARD: That is the actual infield. That's the rubber and the sand that goes in the turf fields.

DAVID CROSS: Oh, it is? I was wondering that all these years.

MR. HOWARD: Yes.

DAVID CROSS: Those are your construction materials for the ball fields?

MR. HOWARD: Correct. RG&E moved them all of the way to the west side and never moved them back. They were supposed to put them all in one location. So we're still in -- in litigation over all of the stuff they left on the site and didn't do.

JOHN HELLABY: Well, aren't those bags possibly going to break down because of being in the sun all of the time?

MR. HOWARD: Because they were supposed to be covered. That was part of their obligation when I turned the site over to them for two years to do the fill. They were -- in our contract they were supposed to be doing all this stuff. They didn't do it. They just cut and ran at the end. The budget -- went out of budget and all of a sudden I was left with a mess.

So we're -- that's part -- that's a million dollars' worth of infill. That's enough for six fields, just so you know.

JOHN HELLABY: All right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MR. HOWARD: I've come here, I don't know how many years. I have never seen this -- where is Dorothy (Borgus)?

JOHN HELLABY: She very seldom shows any more.

MR. HOWARD: I haven't seen anything like this.

PAUL BLOSER: She's on Zoom.

MR. HOWARD: Tell her I said, "Hi."

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

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

JOHN HELLABY: Pretty cut and dry.

As far as conditions, we'll get the SEQR in a second, but right now I have in lieu of landscaping, applicant to make a donation to the Town's tree planting fund in the amount of 1 percent of the total project cost.

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

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

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

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

Building permit shall not be issued prior to 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.

Any signage change shall be -- or comply with the Town Code, including obtaining sign permit.

And then lastly, the applicant removes all semi-trailers, campers, boats and extraneous items and all illegal temporary structures to be removed as seen in the attached pictures within 30 days of the issuance of the Certificate of Occupancy.

Anything else? All right.

John Hellaby 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 Matt Emens seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: Pretty cut and dry.

MR. HOWARD: Thank you.

JOHN HELLABY: Application of Home Team Sports Park 420 Ballantyne Road, Rochester, New York 14624, Westside Development of Rochester Inc., 3313 Chili Ave, Rochester, New York 14624, (Bill Howard) owner; for approval of a revised site plan to erect an accessory structure (pole barn) at property located at 420 Ballantyne Road in PRD, FPO, FW District.

MATT EMENS: Second.

DECISION: Unanimously approved by a vote of 5 yes with waiver of final and the following conditions:

1. In lieu of landscaping applicant to make a donation to the Towns tree planting fund in the amount 1% of the total project cost.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to the applicant complying with conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.
10. Approval conditioned on the applicant removing all semi-trailers, campers, boats, other extraneous items, and all illegal temporary structures to be removed as seen in the attached pictures with 30 days of issuance of the Certificate of Occupancy.

John Hellaby made a motion to accept and adopt the 2/8/22 Planning Board meeting minutes, and Matt Emens seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:55 p.m.