

CHILI PLANNING BOARD
April 12, 2022

A meeting of the Chili Planning Board was held on April 12, 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: David Cross, Matt Emens, Glenn Hyde 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.

OLD BUSINESS:

1. 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 36 unit townhome development located at 3355 Union Street, North Chili, New York 14514 in the RM District.

JOHN HELLABY: Before I proceed, I might note that Old Business Application Number 1, the application of Brickwood Development has been tabled by the applicant's request to a future meeting. I don't know if it was next month or not, but at a future meeting.

PUBLIC HEARINGS:

1. Application of JD & Sons Seafood (Illias Diakhomalis) 11 Parsells Ave, Rochester, New York 14609; Rochester Cornerstone Group, 460 White Spruce Blvd., Rochester, New York 14623 (owner); for a resub division of 1 lot into 2 lots at property located at 100 International Blvd. Lot 104, Rochester, New York 14624 in LI, FPO District.

Mike Montalto was present to present the application.

MR. MONTALTO: Michael Montalto with Costich Engineering here this evening on behalf of our clients JD & Sons Seafood, the architectural firm of Greater Living Architecture and property owner, Roger Brandt for resubdivision of Lot 104 of the RICC development.

The existing lot is approximately 9.7 acres. They are looking to subdivide that to create a 5.8 acre parcel where JD & Sons can build their building on. They don't need the entire 9.78 acres. We did work with JD & Sons, their architect and ultimately their civil engineer to ensure that the lot they were creating or dividing off would meet their needs for the facility.

JD & Sons is -- has outgrown their current facility in the City of Rochester and is looking to build a new facility and expand at -- at this location. I do believe that they're in the process of making a separate site plan application for development of ultimately that lot should that be subdivided.

The remainder of the lot, which is approximately 4 acres, 3.9 acres will still be retained by Roger Brandt with the other properties that are part of the RICC subdivision.

JOHN HELLABY: Are you building on the upper one or the lower one?

MR. MONTALTO: Upper one, up around the paving company.

JOHN HELLABY: You're in behind the paving company, correct?

MR. MONTALTO: Yeah. That's -- we had to kind of play around. You know, there is land that, you know, we really weren't going to subdivide off. And in working with JD & Sons to figure out how much of that. So they're -- as you're aware, there is all sorts of -- there is storm water easements. There is RG&E easements. So the land east or on the right-hand side of the pavement company is, you know, not really all that developable. Rather than orphaning these, these -- that's part of the 5.8. Their facility will be located within -- the main portion of the property there. We went to the exercise of making sure that, you know, subdivision accommodated their site layout and all of the rest of it without resulting in a project that would require any kind of variances or whatever.

MATT EMENS: So to be clear, the existing lot that is up above Carozza Properties, that -- that smaller lot, that's not going -- the way you have got this drawn or subdivided.

MR. MONTALTO: This is the paving company. That's not part of our lot. The whole, 104 as it exists now has this little horseshoe.

MATT EMENS: Right. So I guess what I'm saying is that -- you're not changing that. That is existing. That is staying the way it is.

And then I guess on 104B, I know there isn't a project for that yet, but is -- to go back -- I think you mentioned this. I just want to confirm. There is not a concern that we're creating any need for variances there with the front -- I guess the -- are we challenging the zoning or are we going to create variances needed for that?

MR. MONTALTO: If Roger (Brandt) is successful finding somebody for the smaller 4-acre lot, then that would have to -- would have to work with that. He does have Lot 105 which is not developed. There is -- there are other folks that we are working with. You know, it's not to say that that might be further subdivided and combined with Lot 105, but Roger (Brandt) doesn't have -- you know, Roger (Brandt) is looking to do -- JD & Sons entered into a contract with him. They're under contract to purchase roughly the six acres that fits their site. They didn't want to, you know -- so Roger Brandt will retain the rest -- 104B. Whether or not that gets, you know -- whether or not there's a lot line adjustment or it gets added to or if it simply is a smaller user is yet to be seen. There are still a few lots left there.

MATT EMENS: Maybe resubdivide again to accommodate a different one.

MR. MONTALTO: Might be a lot line adjustment. No. There is some -- Roger (Brandt) is talking to people on a daily basis relative to things.

MATT EMENS: So on Lot 104A, for JD & Sons, you -- if you're laying that out now and looking at this and creating -- therefore created this subdivision without us seeing that schematic site plan, you guys are confident based on what you know today it fits without the need for variances for front setback parking or anything.

MR. MONTALTO: Costich is not doing the site design on it. McMahon LaRue is -- is the civil for JD & Sons. They worked with them on numerous other sites. They had this building actually -- the building exists. You know. It was ordered. It was delivered. Supposed to go on another site. So we know the building is not changing. We went through the exercise with them and Roger (Brandt). You know, significant amount of time looking at layouts and making sure that the parcel we were creating would fit their needs. So we're comfortable with that.

MATT EMENS: Okay. No other questions at this time.

JOHN HELLABY: I assume you saw Lu Engineers' letter.

MR. MONTALTO: We responded this morning. They were technical in nature. Update some signature lines and boxes. We responded that we have no exception with those. We received County Comments, as well. And -- and I believe -- you know, the County referral comments were --

JOHN HELLABY: More towards the --

MR. MONTALTO: The site plan.

JOHN HELLABY: -- the site plan. Yep. Okay. All right.

DAVID CROSS: My only question goes back to the 104B Lot you're creating a -- minimum lot width is 250 and you got 71.7 plus. I don't know, what is it -- 146. So that is 217. So you're going to need a variance for the 104B to make the subdivision work?

Is that correct?

MICHAEL HANSCOM: The lot was generally measured from the setback line, so it -- let me look at that.

MR. MONTALTO: We would have to take a look.

DAVID CROSS: I don't have a problem with the subdivision in concept. I just don't want this thing to get jammed up down the line.

MATT EMENS: That is what I was just asking. I mean, I -- I apologize. I didn't see that, but Dave (Cross), you noticed that 250.

DAVID CROSS: Minimum lot width is 250. It's not 250. It's 217.

JOHN HELLABY: Okay.

DAVID CROSS: It is hard to tell the length of the curb cut is one -- it is about 217.

MR. MONTALTO: Since it is on a curve, I can't tell you without getting with the surveyors what the distance is -- what the lot width is at the setback line. I take the --

DAVID CROSS: I don't have a problem with the concept. It might have to go in front of the Zoning Board is all.

MR. MONTALTO: You know, the uses that we have seen in there so far have been larger than -- the likelihood -- I'm speculating on Roger (Brandt)'s behalf it will end up being a lot line adjustment and the lot line for 105 will, you know, potentially move. I'm not sure that it will result in an actual lot, but, you know, the application unfortunately in front of you this evening is the resub of Lot 04.

JOHN HELLABY: So does it have to go to the zoning, Paul (Wanzenried)?

MATT EMENS: We can't approve -- I don't think we can approve something that is going to create a non-conforming issue.

MATTHEW PISTON: Conditioned on them getting the approval from the ZBA.

MATT EMENS: I guess that's where I go back to, is if Lot -- without having the information on here, if Lot 5 is a giant currently unplanned, unused lot, why don't we make -- before we make this lot too small for no reason, why wouldn't we just adjust.

MATTHEW PISTON: That would take another application then.

MATT EMENS: I'm not saying that that is the best idea. I'm just saying instead of creating a -- the problem you have got is, you know, to your point and to Roger (Brandt)'s point is he doesn't know what he is going to have on either of these Lot 5 or 4B. You know. 104B. But I guess I don't -- I'm not involved with granting a variance for something that isn't even a project. Like -- I don't know. Maybe that is just -- doesn't make sense, but...

JOHN HELLABY: Can you actually move that line with these other right-of-way things,

too, though?

MATT EMENS: I have no idea.

MR. MONTALTO: From a JD & Sons Seafood standpoint, we're -- we're more inclined to, you know, have it conditioned for obtaining the area variance for creating the smaller lot. The ability to move the lot line and, you know, give JD & Sons less -- less property, to make, you know, the remaining un -- unknown portion compliant, you know, won't -- won't work for JD & Sons. They've already looked at and said they need the 5.8 acres. So it's less of a JD & Sons issue as it is a Roger (Brandt) and how -- how he proceeds in the future with that lot. So, you know, if we were able to obtain a variance for a non- -- creating a non-compliant lot or go back to Roger (Brandt) and he moves the lot line for 105 in a separate application, I -- I don't -- I don't think it's going to work for JD & Sons to turn around and say --

JOHN HELLABY: So the way it stands this evening do you want to leave it at you need to, you know, get the approvals from the Zoning Board of Appeals?

MR. MONTALTO: Yep. Especially because as you're aware, we have been moving lot lines.

DAVID CROSS: Seems like a reasonable request.

MATT EMENS: Yeah? I mean, I guess I just like --

DAVID CROSS: Not significant. I -- I'm not going to speak for the Zoning Board, but it's pretty straightforward.

MATT EMENS: How many -- out of curiosity do you know how many acres are on 105?

MR. MONTALTO: Roughly I believe an 11-acre -- 11-acre parcel. I -- like I said, I can tell you, you know, between NOWAVE and a couple other things and -- we have been dealing -- Roger (Brandt) has a fair amount of activity going on at RICC now and the discussions of lot -- you know -- know, Roger (Brandt) is out of Town and couldn't attend this evening, but -- but I can tell you that every conversation with people that were coming and looking at RICC are -- the lots that are available in RICC are exactly like this one, where it is like okay, we don't need the six-acre lot, the corner lot where 106 is. We only need this many acres. And Roger (Brandt) looks at the big picture in terms of where is the wetland bank boundaries, where is the easements, where is all of the rest of it. And there is discussions -- I don't want to say daily, but routinely with folks relative to how those lot line adjustments are.

MATT EMENS: I get it.

MR. MONTALTO: There is a significant amount of -- you know, between Lot 105, there is activity on -- unfortunately, I don't have the entire map with me this evening, but I have looked at it. I chatted with Roger (Brandt).

PAUL WANZENRIED: The only way you can do this is that it is conditioned on him getting a variance.

MATT EMENS: The only way we can.

PAUL WANZENRIED: That's the only way.

MATT EMENS: So I guess I just would ask this question, or could we say resolution would be that they get the variance or they make a lot line adjustment to bring Lot 4B into --

PAUL WANZENRIED: No. Because --

MATT EMENS: We can't do that.

PAUL WANZENRIED: -- that requires another subdivision application. That means you're creating an illegal lot.

MATT EMENS: Who is?

PAUL WANZENRIED: You know what I'm saying?

DAVID CROSS: And there are two or three easements that need to be switched, as well.

PAUL WANZENRIED: That lot line is going to be -- that parcel is already limited in capabilities because of those easements that Mr. Cross has pointed out. Even if you move the lot line to the south, those easements aren't going to move.

MATT EMENS: I see it.

PAUL WANZENRIED: Okay. So he -- he is already somewhat limited in that capacity. And if you tell him that, come back and -- just move the lot line, that's not -- it doesn't make it legal, I guess is what I'm getting at. It will make it legal, but the variance is what you need to make this action -- what is the word I'm looking for -- binding or legal? You follow me?

MATT EMENS: Or we --

PAUL WANZENRIED: Or he tables it.

MATT EMENS: Right. Okay. Once again, I'm not looking to hold up -- it's not my intention to hold up the applicant from the lot and the project that is there. However, my concern is -- is that we create an issue here with this lot size and then it can't get used and now it sits there because it's an illegal lot. Which I don't know if that is a thing.

PAUL WANZENRIED: That is the applicant or the property owner's problem.

DAVID CROSS: If the variance isn't granted --

PAUL WANZENRIED: If the variance doesn't get granted, this doesn't come through.

MATT EMENS: Right. No. I get it.

JOHN HELLABY: All right. So I'm hearing that we're going to make one of the conditions that it is approved by the Zoning Board of Appeals. Right? All right. I'm hoping that is resolved.

Michael (Hanscom), you got anything?

MICHAEL HANSCOM: No. Just that it -- apologize for not picking that up when I reviewed it. That's pretty much it.

JOHN HELLABY: Okay.

PAUL WANZENRIED: Just want to work with the wording on that variance -- or that request. That the variance for Lot 104-B --

JOHN HELLABY: The standard is just pending approval of the Zoning Board of Appeals of all required variances. You want something specific to that lot?

PAUL WANZENRIED: Variance be obtained for Lot 104-B for a substandard width as per the requirements of the Limited Industrial District.

JOHN HELLABY: Hold on. Variance for Lot 104-B -- keep going.

PAUL WANZENRIED: Be obtained for a substandard width per the requirements of the 500-20, Limited Industrial District.

JOHN HELLABY: That it?

PAUL WANZENRIED: Yes, sir. Thank you.

JOHN HELLABY: Matt (Emens), do you have anything?

MATTHEW PISTON: I have nothing further. Okay.

JOHN HELLABY: Do you even bother going to the audience? They aren't here.

MATT EMENS: Yes.

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.

JOHN HELLABY: Well, we know where we're at, right? Any other discussion? We good?

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: As far as conditions, right now I've got approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

Applicant shall comply with all pertinent Monroe County Development Review Comments. I know most of them are for the site plan, but I'll put that in there.

And then variance required for Lot 104B to obtain -- be obtained for substandard width with -- with relationship to 500-20 in Limited Industrial Zone.

Anything else? Seeing none -- hold on. Buried in paperwork here.

On the application of JD & Sons Seafood (Illias Diakhomalis) 11 Parsells Ave, Rochester New York 14609, Rochester Cornerstone Group, 460 White Spruce Blvd., Rochester New York 14623 (owner); for a resub division of 1 lot into 2 lots at property located at 100 International Blvd. Lot 104, Rochester, New York 14624 in LI, FPO District.

MATT EMENS: Second.

DECISION: Unanimously approved by a vote of 4 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
3. Obtain a variance for Lot # 104B for a substandard lot width per Section 500-20 L.I. zone.

The meeting ended 7:24 p.m.