

CHILI PLANNING BOARD
May 10, 2022

A meeting of the Chili Planning Board was held on May 10, 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; David Lindsay, Commissioner of Public Works/Superintendent of Highways; 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.

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 special use permit to allow the manufacture of food products at 100 International Blvd., Lot 104, Rochester, New York 14624 in LI, FPO District.
2. 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 preliminary site plan approval to erect a 27,470 sq. ft. structure for the manufacture and distribution of food products at property located at 100 International Blvd., Lot 104, Rochester, New York 14624 in LI, FPO District.

Joe O'Donnell, Greg McMahon and Illias Diakhomalis were present to represent the application.

MR. O'DONNELL: Good evening. Thank you, Mr. Chairman and fellow Board members. My name is Joe O'Donnell from Greater Living Architecture with offices at 3033 Brighton-Henrietta Town Line Road.

I'm here with Illias (Diakhomalis), the owner of JD & Sons and also Greg McMahon for McMahon, LaRue Civil Engineers. We're here tonight to seek two goals. First is to obtain a Special Use Permit to operate an approximately 29,000 square foot food processing facility. And the second item on the agenda tonight is we're trying to obtain a preliminary and final site plan approval for this development.

I will talk just to the first item on the agenda now for the Special Use Permit.

JD & Sons is a food processing plant currently located on Parsells Avenue in Rochester, New York. I'm going -- I will let Illias (Diakhomalis) come up and tell a little bit about the history and what they do. I will be brief here.

So the food products sold are distributed by Wegmans. Any food products you see in Wegmans, salmon, white fish, even the clams casino are processed, packaged and distributed right out of Parsells Avenue in Rochester, New York.

That plant has a need to upgrade and modernize in order to keep pace with the Wegmans demand. So Illias (Diakhomalis) committed over \$5 million to the Town of Chili to locate his processing plant at 100 International Boulevard.

As I mentioned, it's about a 29,000 square foot plant. Employs about 55 people at this point but hopes for expansion beyond that.

The hours of operation are 7 -- 7 a.m. to 5 or 6 p.m., Monday through Friday, 6:00 to 1:30 Saturday and Sundays. The facility will accommodate about five to seven trucks per day.

So I'm going to turn it over to Illias (Diakhomalis) who will introduce himself and I can answer any questions alongside with him, if the Board should have them, related to the Special Use Permit and then I'll have Greg McMahon come up and address item 2 on the agenda for the site plan approval.

MR. DIAKHOMALIS: Hi. I'm Illias Diakhomalis. I own JD & Sons, Inc. Business was originally started by my father about 35 years ago. He had moved to this country in the early '70s, bought a little seafood -- little retail seafood market and slowly turned it into wholesale.

Trials and tribulations, he opened up JD & Sons in the late '80s. And from there we have slowly grown. We do -- we sort of modernized. We have a bunch of equipment and do a lot of business with Wegmans currently. Through COVID, their demand has gone up significantly so we just sort of have outgrown the plant. We probably needed a plant three or four years ago and certainly COVID sped up that process.

We're completely landlocked. Can't do any sales. So we just need the space in order to keep the business growing and moving forward.

MICHAEL NYHAN: Thank you.

MR. DIAKHOMALIS: I can give you more details. I'm not sure what details you need. We cut and process seafood. Almost everything we do for Wegmans we cut ourselves. So we currently cut, I would say, 110, 120,000 pounds of whole salmon a week. We process all their haddock and cod which gets imported from Iceland. We do all their wild -- not all but a lot of the wild salmon, King salmon, halibut. Halibut is not a salmon. And then the wild salmon -- Alaskan salmon will start in the next month. We do all that.

We do appetizers for them. We do mushrooms, stuff mushrooms and stuffed clams casino. Again, those are things we want to grow into. And certainly find some other customers that wouldn't be in conflict with Wegmans.

But as of the last few years, we literally have not made a sales call just because we are sort of squished and stuffed in our little space that we are now.

MICHAEL NYHAN: Okay. Thank you.

MR. DIAKHOMALIS: Any questions?

MICHAEL NYHAN: I don't. Nobody have any questions about the business process? Thank you.

MR. McMAHON: Greg McMahon -- would you like to have the drawings face the Board?

MICHAEL NYHAN: You can put it at an angle so we can all see it. That would be great. Not sure there is anybody from the public in the audience.

MR. McMAHON: Good evening. My name is Greg McMahon. I'm with McMahon LaRue, 822 Holt Road, Webster, New York. We're the site civil engineers working with Greater Living on this project.

The site is the corner lot on International Boulevard. There's -- you can see there is a cut-out rectangle that protrudes into this lot. I believe it's an asphalt paving firm that owns that. The two other fingers that go up to Paul Road are really unusable, but the building, as you can see -- Joe (O'Donnell) mentioned is 29,000 -- approximately 29,000 square feet. A single story. We have parking on the south side and on the east side of the building. There are truck docks, three loading docks -- two elevated loading docks and a third truck space located on the east side of the building.

The trucks will enter from International Boulevard. We have a radius area you can see -- a bubble down at the -- on the east side where the trucks can make the turn to back in to the loading docks and then they -- they would exit by the same entrance/exit out onto International Boulevard.

There's a -- another overhead door at grade on the east end -- I'm sorry. On the north -- east corner of the building. As I understand it, that is where they're -- a lot of their recycling, Styrofoam and so forth will get recycled out of that overhead door.

The building will be served by an 8-inch combined service. In the beginning it will be split into fire service and domestic service. We have a 6-inch sanitary lateral that will be coming from the south. The existing sanitary sewer will come across what is now -- or will be shortly, I believe, Lot 104B -- and then enter the building.

We'll have lighting -- the parking lot will be lit with both building-mounted and a few pole-mounted lights.

Storm water on this project is -- well, there are two parts. Since we're disturbing more than an acre, we have to address water quality and water quantity. Quantity is already addressed on this site with storm water detention, which was built into the original project.

We are going to be handling water quality with a -- well, what we propose and what we show is called a jelly fish filter. It's an approved DEC filtering system that -- that will address water quantity at the site before the storm water is discharged to the swale that runs along the east property line and then south to a detention area.

That pretty well summarizes the plan.

We did receive yesterday comments from Lu Engineers. I went through those completely this morning. As a matter of fact, probably 90 percent of those I have already addressed on the plans. Although I don't have them here.

There is nothing we take exception to on here. They were all fairly straightforward. We will make a written response to these comments along with the revised plans as this project moves forward. But again, I don't -- I don't take exception to anything that came through from Lu Engineers on their comments.

We have also been working with Monroe County Pure Waters for the sewer connection. We're just -- Pure Waters wants the filed subdivision plat and filed easement before they will sign off on the plans, but they have reviewed and approved our plans and the plans are currently under review.

They have been at the Monroe County Water Authority. No big issues right now, but we're just waiting for final approval from the Water Authority on the 8-inch combined service. And the -- while the lateral -- the sanitary lateral doesn't require Health Department approval, the 8-inch combined service will ultimately go to the County Health Department for approval.

And then as this project is finalized with the Town, prior to construction, we'll be submitting an NOI for storm water permit to the DEC. And I think with that, I would be happy to answer any questions.

MATT EMENS: Are we asking questions on both?

MICHAEL NYHAN: Yes.

MATT EMENS: So I guess comment number 2 on the Special Use Permit. Um, in terms of the applicant providing written evidence from Pure Waters, is that something that we would

just ask for as a part of this process or would we be holding up an approval for that?

MICHAEL NYHAN: We'll make it a condition.

MATT EMENS: Okay. Administrative thing that we would handle. Okay.

MR. McMAHON: If I -- I have discussed -- when we submitted our application for Pure Waters, they are aware of -- it's a seafood -- wholesale seafood processing. There is nothing in the discharge to the sanitary sewer other than normal water. They currently discharge into the Rochester Pure Waters District with -- with no restrictions. But -- but again, Pure Waters hasn't signed the plans yet, but they're fully aware what this discharge is, the volume of the discharge and they're -- as of right now there are no special restrictions that have been put on the sanitary discharge.

MATT EMENS: And I guess just a clarification, too, from a couple of -- I guess one operational question to start with. It's all wholesale, no retail proposing?

MR. DIAKHOMALIS: No.

MATT EMENS: The proposed building is 27,000 square feet. Approximately what is the existing square footage of the facility you're in now?

MR. DIAKHOMALIS: About 10.

MATT EMENS: So I'm assuming you guys have built a little growth into this.

MR. O'DONNELL: Yes.

MATT EMENS: I'm looking at your overall site plan and it is very nicely needled in here with kind of a funkiness of the front of the lot on Paul Road. But you're kind of pinched where there is really nowhere to grow if you were going to grow more. So I guess it's built in.

MR. O'DONNELL: We may be able to go out a little bit, but within the floor plan itself, I think we said we're about 10, 15 years of growth.

MR. DIAKHOMALIS: I think we'll build about 50 percent of growth. Let me say it differently. If I took -- if I take inflation out of it, right -- current inflation, I think -- 60, 70 percent of growth and then we'll -- I will let my kids worry about that.

MATT EMENS: Just once again, just -- I'm sure you guys are thinking about it. The way it is laid out, I think it works really well, but this is it. Right?

MR. O'DONNELL: Yes.

MATT EMENS: You're not going that way (indicating). You're not going that way (indicating) without ripping up your pavement and changing your -- so onto the next question.

I guess with the truck turnaround, I sketched it quick, but I see the movement. What about the grade door in the back? Is that a grade door in the back?

MR. McMAHON: Yes.

MATT EMENS: How are they swinging around for that?

MR. McMAHON: There -- it's not large -- it's not tractor-trailers that go in there. They're just small vehicles.

MATT EMENS: Step vans or box trucks?

MR. McMAHON: We have a 30-foot aisle way and then a 24-foot aisle way. They would back in. You know, probably similar to a UPS truck.

MR. DIAKHOMALIS: So we're going to enclose all our garbage so a lot of that will be a garbage truck backing in.

MR. O'DONNELL: Goes in with the forks, grabs the dumpster and backs out.

MATT EMENS: That must happen quite a bit with the numbers you're running.

MR. DIAKHOMALIS: Yeah. Yeah.

MATT EMENS: Got you. The other thing that jumped out and grabbed me, too, having utilities out front, the HVAC -- I see on the landscape plan we have screening here, but there is no way to get those in the back of the building.

MR. O'DONNELL: Well, let me -- I will tell you what happened. This is the -- I will approach the podium if you're recording.

So this is probably the third site that was planned. The building -- steel is in Town. All of the irrigation is designed. Everything is designed. We literally had to flip some rooms internally just to make it work. It -- if we're starting from scratch again, that would not have been an issue. But it is what it is. It was either have the loading docks in the front or the refrigeration equipment which we'll screen, so.

MATT EMENS: I think I saw on there is it some kind of pine or evergreen? What is it, Greg (McMahon), that is going on?

MR. McMAHON: I think we have arborvitae across -- we're -- we screened that. And there is also a 4-foot -- just a chain-link fence for security. I mean it -- really we're not too worried about, you know, keeping kids or something like that out, but it will be -- the fence and then the screening will be around the outside.

MATT EMENS: These are just a field of condensers?

MR. O'DONNELL: Yeah. They're only 5 1/2 feet tall.

MR. McMAHON: They won't be visible from the road.

MATT EMENS: Okay. That's all I got right now.

JOHN HELLABY: Out of curiosity, you made the statement that the steel for that building is here. I have seen that building somewhere. Was it set for another slot down there?

MR. O'DONNELL: No. Actually, I believe it's stored up at C&M Forwarding. Over on -- is it -- Union? Taylor, the builder who is building C&M Forwarding, is building this project, as well, and they got permission from the owners of C&M Forwarding to temporarily store it. So if we can move it to the site ASAP, we will.

JOHN HELLABY: Question for Michael (Hanscom). Your letter, it looks like it is about

90 percent drawing details. Do you have any show-stoppers that concern you in here?

MICHAEL HANSCOM: Um, no. Like Greg (McMahon) said, it's all pretty much straightforward stuff.

JOHN HELLABY: All right. The only other thing I got -- I don't know who is best to answer it -- you're going to generate waste over there and naturally people see a fish market, they want to know where is all the smell going and how are we controlling it.

MR. O'DONNELL: Good question. And I meant -- in my introduction I was going to address that in anticipation of that question. The engineers have designed a system within the building to control all odors so there is no odors going out of the building of the smell of any fish or garbage.

JOHN HELLABY: No waste out the door?

MR. O'DONNELL: No waste stored outside. It is all contained inside the building and environmentally controlled by mechanical systems.

JOHN HELLABY: I don't know what kind of container you use, whether it's drums or skip-loader type things.

MR. DIAKHOMALIS: What we currently do is we recycle our Styrofoam and all our cardboard. All our excess fish bone -- so we cut the full fish -- we sell to Purina. So our -- my hope in all this, or my plan in all this -- I don't like the idea of having any smell. That is just from a marketing point of view, right? That is good business, right? So the whole point of this, or one of the reasons we need the new building is, I don't want any smell. Because I want you to pull into the parking lot and think I'm selling flowers. I mean obviously it's a sanitation thing that is all positive. From a business point of view for me, marketing point of view, I want you to walk in my building, the offices -- I don't want you to even know we sell fish.

JOHN HELLABY: Is the byproduct turned out daily, weekly? How do you handle it?

MR. DIAKHOMALIS: One of the things we do now -- our garbage is outside, right? We have two or three guys that spend all day during the summer cleaning the outside because we don't want odor for our neighbors. Not fair to them. Everything with -- our intention now is everything is inside. No garbage out. Nothing outside. That is why we did the third door there. The garbage -- depending what we do -- we may do an enclosed --

MR. O'DONNELL: Compactor.

MR. DIAKHOMALIS: We're not sure yet. But the garbage truck is going to pull up, take it and leave. So then the door closes right away.

JOHN HELLABY: So you say -- is it a conventional-type garbage truck?

MR. DIAKHOMALIS: Yes. We haven't decided -- we're working with Waste Management to decide whether -- maybe the long-term might be better using one of the big industrial compactors. We're just not sure what works best yet.

JOHN HELLABY: All right. That is all I got right now.

GLENN HYDE: The smell and odor control was my concern.

MR. O'DONNELL: We were very conscious of that from the beginning. One of the original sites was in the city right near the soccer stadium and the City really put restrictions on and reviewed our design. That design hasn't changed and neither has the goals of JD & Sons to make sure exactly what Illias (Diakhomalis) just said. Couldn't put it better.

MR. DIAKHOMALIS: I want you to think I'm selling flowers.

MATT EMENS: But I want to smell the flowers.

MR. DIAKHOMALIS: Ultimately, that's -- you know, I like -- I like the idea of good business and there's sort of a responsibility -- sort of married to each other and to me that works.

DAVID CROSS: Just one item. So the chillers out front, my thought is noise. How are you going to mitigate noise? Are there silencers on there? Your nearest resident is not that far away. It is maybe 800 feet, 1,000 feet up on Jetview Drive. So how are you going to mitigate for the noise coming out of that mechanical system?

MR. O'DONNELL: Well, unfortunately, I don't have my Mechanical Engineer here tonight. But I would be more than happy to provide the Town, the Building Department -- I'm sorry. The sun is in my eyes -- the Building Department some acoustical information on what that would relate to. Whether it's a lawn mower 30 feet way, which everybody can relate to. We can provide that information. I think that the -- the softening up and arborvitaes or landscaping can mitigate some of the sound.

DAVID CROSS: Whatever you do on those systems, if we could have the Town review them before they go in and make sure it's appropriate for a residential setting, I'm fine.

MR. O'DONNELL: We'll do what we have to. I'm sure there -- the equipment can be equipped with silencers. If that is required, we'll do that.

DAVID CROSS: Perfect.

PAUL BLOSER: Curious question. How much square footage of the building is actually refrigerated?

MR. DIAKHOMALIS: Everything but the office. Everything else is refrigerated.

PAUL BLOSER: Freezer section.

MR. DIAKHOMALIS: Freezers and coolers. The whole processing area is refrigerated. Everything -- so 21, 22,000 square feet is going to be refrigerated.

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: For additional discussion, have you had an opportunity to look at the elevations and does anybody have any input or comments or questions on colors or anything?

JOHN HELLABY: Did they go to Architectural?

MATT EMENS: It's not in our --

JOHN HELLABY: That's right.

MATT EMENS: I guess I will say that it's probably going to be the fanciest fish and seafood processing plant in Chili, let alone maybe Western New York.

MR. O'DONNELL: Took the words right out of my mouth.

MR. DIAKHOMALIS: As I say, we have to get in the 2000s. We're still operating as a -- late 1990s, right? We got to do some things to -- to update some things.

On Application #2, 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: For conditions?

MATT EMENS: Special Use Permit first? Or just doing conditions for both? I don't know -- are we voting on them separately, I'm assuming?

MICHAEL NYHAN: We are voting on them separately and I do have separate -- well, we have similar conditions from what I picked up from the comments from our Town Engineer.

So for the preliminary site plan, conditions of approval is the applicant provide written evidence to the proposed utility installations have been reviewed and approved by the following agencies at a minimum: Monroe County Pure Waters, Gates-Chili Ogden Sewer District, Monroe County Water Authority, Monroe County Health Department.

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.

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.

Will the Town, Mike (Hanscom), require a storm water control facility maintenance? I thought it was being taken offsite to another location.

MICHAEL HANSCOM: Um, I'm not sure. I sent this to Dave Lindsay and he didn't comment on that. So I can double check with him.

MICHAEL NYHAN: Okay. I will say that if it is necessary, the applicant to enter into a Storm Water Control Facility Maintenance Agreement with the Town. You will provide the access easement to the Town and the access easements to the storm water control facility maintenance agreement need to be reviewed and approved by the Department of Public Works and Planning Board Attorney and filed with the Monroe County Clerk's Office prior to the signing of the mylars. That is if it is necessary based on the feedback from them.

MR. O'DONNELL: Okay.

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

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

Are there any Zoning Board of Appeals -- reasons you need to go in front of them for anything we didn't see?

MR. O'DONNELL: No.

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

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

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

Any other conditions for the site plan?

MATT EMENS: HVAC information to the Building Department.

MICHAEL NYHAN: You'll just require that, Paul (Wanzenried)? Does that need to be a condition? You will review the -- the acoustical information for the Town -- the chiller, if it is necessary.

PAUL WANZENRIED: I think I would want it as a condition.

MICHAEL NYHAN: So provide acoustical information.

DAVID CROSS: Yeah. For the HVAC system to the Town, comply with a residential standard.

MICHAEL NYHAN: What I have, provide acoustical information for the HVAC system to the Town Building Department for approval based on noise output.

Does that cover it? Any other conditions?

MATT EMENS: Just clarification. I know we talked about -- I don't think we can limit the smell. Obviously with best practices here and with what they have presented -- but there is a dumpster enclosure out there. So I guess just -- this would be just a regular dumpster?

MR. O'DONNELL: That's just for the everyday like office --

MR. DIAKHOMALIS: Dumpster is inside the building.

MR. O'DONNELL: No. The one we have outside for like your general garbage, office paperwork. Nothing related to the processing of the facility. Okay?

MR. DIAKHOMALIS: We're going to have everything inside.

MR. O'DONNELL: We do show a dumpster outside the office doors so when they come clean -- we would bring it back there.

MR. DIAKHOMALIS: That's not my intention. My intention is to have everything inside.

MR. O'DONNELL: Okay. We'll move that inside then.

MR. DIAKHOMALIS: I don't want anything outside.

MICHAEL NYHAN: We'll vote on the preliminary first and then we'll do the Special Use Permit.

So with those conditions, 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 preliminary site plan approval to erect a 27,470 sq. ft. structure for the manufacture and distribution of food products at property located at 100 International Blvd., Lot 104, Rochester, New York 14624 in LI, FPO District.

Paul (Wanzenried), did they pay for final?

PAUL WANZENRIED: Yes. This will also be for waiver of final.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant provides written evidence that the proposed utility installations have been reviewed and approved by the following agencies, at minimum, if applicable: Monroe County Pure Waters, Gates-Chili-Ogden Sewer District, Monroe County Water Authority, and Monroe County Health Department.
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. The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and provide an 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 of 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 a sign permit.
11. Provide acoustical information for the HVAC system to the Town Building Department for approval based on noise output.

MICHAEL NYHAN: Preliminary site plan is approved.

As far as the Special Use Permit, the conditions for the Special Use Permit would be the Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies. And that would be it.

Any other conditions for the Special Use Permit?

PAUL WANZENRIED: Did you do SEQR? You did SEQR for preliminary final, right?

MICHAEL NYHAN: Yes.

PAUL WANZENRIED: So are you going to do SEQR again?

MICHAEL NYHAN: We'll do it for the Special Use Permit. Okay. Thank you. We'll get back to the conditions of approval.

PAUL WANZENRIED: Sorry, Mike (Nyhan).

MICHAEL NYHAN: It's okay.

On Application #1, 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: Back to the conditions. I did put one condition on here is -- as recommended by the Town Engineer and that is applicant provide written evidence that the Monroe County Pure Waters has received the approved connection of the proposed food manufacturing facilities to the local sanitary sewers.

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

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

And the application is subject to all required permits, inspections and code compliance regulations.

Any other conditions?

Paul (Wanzenried), Michael (Hanscom), any other conditions for the Special Use Permit?

PAUL WANZENRIED: You could piggy-back the noise on this one, as well.

MICHAEL NYHAN: Okay. The last condition of approval is to provide acoustical information for the HVAC system to the Town Building Department based on noise output.

With those conditions, application of JD & Sons Seafood (Illias Diakhomalis), 11 Parsells Ave, Rochester, New York 14609, Rochester Cornerstone Group, 460 White Spruce Boulevard, Rochester, New York 14623, (owner); for a special use permit to allow the manufacture of food products at 100 International Boulevard, Lot 104, Rochester, New York 14624 in LI, FPO District.

JOHN HELLABY: Second.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant provides written evidence that Monroe County Pure Waters has received and approved the connection of the proposed food manufacturing facilities to the local sanitary sewers.
 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. Application is subject to all required permits, inspections, and code compliance regulations.
 5. Provide acoustical information for the HVAC system to the Town Building Department for approval based on noise output.
3. 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 a revised subdivision of 1 lot into 2 lots at property located at 3355 Union Street, North Chili, New York 14514 in the RM District.
 4. 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.

Daniel Brennan, Nate Buczek and Evan VanEpps were present to represent the application.

MR. BRENNAN: Good afternoon, everyone. My name is Daniel Brennan. I'm an attorney for the applicant. I'm here tonight with Nate Buczek from TY Lin, as well as Evan VanEpps from the developer, Brickwood. We're here for preliminary and final site plan review in addition to a revision of our subdivision.

We were proposing a -- a townhouse development on the property and subdivision of the property. It's currently owned by the Encounter Church.

We initially submitted our application back in August of last year. This -- this project has gone through several revisions and iterations. We have reduced -- significantly reduced the size and the scope of the project. Reduced the density. We have appeared before this Board before, the Development Review Committee. We have worked very closely with Town staff and we have been to the Zoning Board of Appeals numerous times. We have obtained four -- four variances for this project for the front setback, the internal setback from the internal road, from the sidewalk requirement and also most recently is a variance for the unit mix. In fact, those first three variances were initially approved. The fourth one was denied.

We requested a reconsideration from the Zoning Board, which they -- they granted last month and then granted the -- the revised variance after we -- we changed our unit mix.

So there are a few other issues that -- that we need to address here for our site plan. It has changed a little bit since you last reviewed it. I don't think it's anything particularly significant. And for that reason, we are requesting that the Board approve both the preliminary and final tonight.

We think that any of the -- the issues that we're here to address tonight can be -- can be handled as conditions. And I'm here to answer any questions. But with that, I will turn it over to Nate (Buczek) who can go through each of the Town Engineer's comments.

MICHAEL NYHAN: Just to make a correction, initially I read off the application for the revised subdivision. This will be revised subdivision as well as preliminary and final site plan approval.

Go ahead.

MR. BUCZEK: Nate Buczek. I'm with TY Lin International representing Brickwood as the civil engineer and consultant on the project.

As Dan (Brennan) stated, we have done some minor updates to the site plan to address some of the comments that came back from Zoning. One was shifting of the -- the easterly subdivided property line 10 feet further to the east to gain some more space for setbacks, et cetera. We have reduced the -- the number of the two-bedroom units or reduced the number of the three-bedroom units from -- I believe it was 20 down to 10. Now we're at 28 percent of the total development would be three-bedrooms and that is in compliance and that was approved by the Zoning Board as a variance.

Outside of that, we have received all comments. Some recent comments from the DRC, we formally responded to those. I sent an email back this afternoon to Dave Lindsay and one of those was specifically related to the access driveway being paved. That's the emergency access driveway leading over to Union Square and that is -- has been updated to be an asphalt-paved driveway, similar section as -- as the extension roadway.

So the other comment that we received -- I will bring those up real quick. The other comment received was regarding parking. Um, we're currently providing our -- the code requirement for development is -- is two spaces per unit. Which we are -- we do provide within the driveways.

Also each unit has a two-car garage. So there's two additional parking spaces within the garage areas. And we also do provide a -- ten overflow parking spaces kind of in the middle of the proposed development.

It's our understanding that we have plenty of parking for -- for the project. The other one -- one of the other questions, comments, was with the -- the wetland delineation, um, we do -- had Gene Pellett out on-site this week. I believe he was out there today completing the updated wetland delineations.

And we also have been -- last one was working with the Churchville-Chili School District to coordinate the -- the bus drop-off for -- for the development. And that's still in the works. And we will provide final determination on that piece of it.

We -- we have also, as of yesterday, received comments from Lu Engineers on the project. We have read through all of them. I don't see any issues with -- with any of the comments.

We are formally going through and providing additional studies as requested and reports on, you know, water demand and coordination for service to the property.

The wetlands, additional topo, we're getting, so I believe everything is -- is coming -- coming to a close and is going to be pulled together over the next couple of weeks.

So I think that's a good breakdown. I don't know if anyone else has any questions.

MICHAEL NYHAN: Real quick. In addition to the paving of that emergency access drive, the pedestrian walk-through is also requested. Will that be provided?

MR. BUCZEK: I don't remember specifically hearing that. I think we talked about utilizing maybe a paved walkway or the asphalt walkway as -- the driveway as the walkway. But we can look at that.

MICHAEL NYHAN: That's fine, as long as there is not a gate.

MR. BRENNAN: We actually received a -- the -- the variance from the sidewalk requirement and so there is -- the -- the Zoning Board has determined that we don't need to provide internal sidewalks. And so maybe for that reason, it would be appropriate to -- to waive any requirement for -- for a sidewalk along the emergency exit, as well.

MICHAEL NYHAN: I don't know if it was a sidewalk -- just a way for pedestrians to leave. Still on the pavement and not to have to open the gate. That was the request.

MR. BRENNAN: Okay.

MICHAEL NYHAN: That was -- however you do that, that was the request.

MR. BUCZEK: We'll look into it.

MICHAEL NYHAN: What are you doing with the School District? You said "working it out." They were pretty clear they were not going to permit a bus to go down there if they had to back up at the hammerhead.

MATT EMENS: It talks --

MR. VAN EPPS: Evans VanEpps with Brickwood Management. I specifically spoke to Ms. Hensel about this and laid out our two options and one of them was if we had a one-way access out and paved over that right-of-way, which is what we're providing, that she would either have the buses go through and come out -- we would not have a gate. We would maybe have signage to indicate that was a one-way. So she is saying she -- she would have to look it over. It will either have the buses through and out that way, or because it's a paved access, that kids could safely walk along that and get picked up on Union Square Boulevard. She hasn't made the determination which, but she feels better about those two options than what was previously being proposed.

MICHAEL NYHAN: Okay. So you're talking about completely removing the gate and making it a one-way exit from the complex to leave?

MR. VAN EPPS: Correct.

MATT EMENS: Sorry. It's been a while. The original intent, though, was for the emergency access, right? Because we looked at coming from the Church parking and this connection back here.

MICHAEL NYHAN: Correct.

MATT EMENS: That is what it is there now. Now he is talking about an additional --

MICHAEL NYHAN: Now we're talking about -- it was going to be stone with a gate. Now we're talking about paving it with no gate.

DAVID CROSS: Can I -- this goes back to like the first time you were here. Why can't that just be a regular two-way access out onto Union Square Boulevard. Solves all of the problems with access. I mean, you got all these units going out to Union Street. That's a ton of traffic out to one spot. Right? And we talked about this and -- it turned into this emergency access and now it's going to be paved. Just make it -- just make it a way out.

MR. BRENNAN: You know, the issue we have there is we don't have -- we don't have site control over the neighboring property.

DAVID CROSS: You're getting an easement, right?

MR. BRENNAN: So the neighboring property owner has agreed to this emergency access easement. We have requested that -- that we change that easement to allow one-way exit, but actually they have not -- they have not consented to that. And so, I guess, what we would ask for is -- is a little bit of flexibility from the Board. We can either -- we can either provide the -- the full access there, if the neighboring property owner will grant us the easement. Or in the alternative, we can -- we can work out an alternative solution to maybe be approved by Town staff. We could make that a condition.

JOHN HELLABY: You got me a little nervous now. What I just heard you say is you don't have any agreement whatsoever down there?

MR. BRENNAN: We do have an agreement for emergency access only. Right? So -- so it's hard for us to come up here and promise that we can provide actual access from -- from the -- from the site. If we do that and -- and the neighboring property owner declines to modify that easement, then we have to come back and -- and ask for a new --

JOHN HELLABY: I honestly think you need to get that straightened out now before you go through all this.

MR. VAN EPPS: I'll clarify. I think Nate (Buczek) will touch on why it is not just a two-way access. It's a little tight back there. There is the pond and then there is the -- the spillway.

MR. BUCZEK: Correct. There is not a ton of room. We're getting additional topo to fine-tune the modifications that will be needed to be made to that pond.

Number 1, we'll have to get that approved with the adjacent developer to make those modifications.

MR. VAN EPPS: I did have a conversation with Morgan. They -- they don't -- they're not going to really have an issue with it it seems like. Basically we're saying can we pave it instead of it being gravel. It doesn't seem like they're going to have an issue, but I just haven't got that final, "Yes, okay. That's not a problem."

But I don't anticipate it being an issue.

PAUL BLOSER: How long do you anticipate before you have answers?

MR. VAN EPPS: When? Hopefully tomorrow. I have been calling every day, so.

MR. BRENNAN: We can agree obviously to put -- to have an access easement here. This -- this is what we're proposing for the site plan. The only thing that -- that we're asking for that's a little bit different is to say that if we can't use it for more than emergency access -- if we don't get -- if we don't get signoff from the property owner there, that the condition would be we resolve the issue with Town staff. Something -- something that is acceptable.

We could say, for instance, approval or consent of the -- of the School District to the -- to the bus plan that we come up with. We actually think that it's pretty likely they're going to agree to this. They haven't given us any trouble so far with the gravel easement, which -- with the emergency easement they did say yes to. It is just the modification based on the Town's comments. We're not 100 percent sure we can get that so we would like a little bit of flexibility to work with the Town if -- if the property owner doesn't -- doesn't want to see us using their

property for that purpose.

PAUL BLOSER: Are any of the streets right now plowed by the Town or are they privately plowed?

MR. BRENNAN: Union Square Boulevard.

PAUL BLOSER: The Town does that.

MR. BRENNAN: The internal roadway is private.

PAUL BLOSER: What about the extension?

MR. BRENNAN: Easement? So this -- this would be private, as well. We would be responsible for maintenance of the easement area here under -- under the current version of the easement that we have.

MICHAEL NYHAN: Paul (Wanzenried), any comments on that?

Condition of approval from the Town Building Department and Highway Superintendent based upon review and comments of the Director of Transportation for the Churchville-Chili School District?

PAUL WANZENRIED: Allow me a moment or two to confer with Legal.

But before I do, though, Nate (Buczek), in your email this -- or -- this afternoon, regarding the response letter, you said you were bringing copies for everyone?

MR. BUCZEK: I do have them.

PAUL WANZENRIED: Do you happen to have those?

MR. BUCZEK: Yes, I do.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: What are these?

MR. BUCZEK: This is a copy of the letter, the response to the DRC comments. There should be plenty there. You guys can have a copy of the rendered site plan. It's the same as what we have up here.

PAUL WANZENRIED: Mr. Chairman, ultimately per the Town Code, site plan approval falls upon the authority of the Town -- or the Planning Board, not with individuals within the Town. Therefore, we have options with A, granting preliminary until they get their final say, but they would have to be -- the approval would have to come from you, as the Board, in terms of having all of the -- the "I"s dotted and "T"s crossed, let's say.

MICHAEL NYHAN: So we would not be able to condition the approval upon that review of the exit for the school buses.

MATTHEW PISTON: Right now there is no plan. It's -- it could change 15 times between now and whenever it goes to the Building Department. Right now there is no plan. It's not an administrative act. The plans would change. It's almost like it's divesting the Board of its power into one person to approve site plans.

MR. BRENNAN: If I may, what we're proposing is not to change the plan. We would -- we would always have an access road here (indicating). The only question is ever -- whether this access road is going to be for emergency use only or whether it can be used by the development for -- for ordinary access, whether that is one-way, two-way, whatever. I will just take a step back.

You know, initially we went to this property owner and we asked for an easement for emergency access because that's what the Town requested. This property owner said, "Yes. We'll grant you this easement."

So we're all set. The Town then came back and asked, "Well, actually can you use this for access because" -- "because the School District has indicated that they would prefer to have buses exit the property over here?" Right?

So we go back to the property owner and we say, "Actually, can we modify that easement and can we allow use as ordinary access?"

That's the only thing that we haven't gotten an answer on. So we were simply requesting that -- that you make it a condition that we finalize what this road is going to be used for. Not whether or not it's going to exist. We'll build it no matter what. Only what it will be used for, is it emergency or ordinary access? One-way access or whatever.

But -- I'm asking for the condition, but if you don't think you have the authority to grant a condition like that, we would agree to -- to make this into a two-way road and if for whatever reason we're unable to get an easement that can be approved by -- by the Town Attorney, if you would like, then we'll come back and modify the site plan.

The reason why we ask to make it a condition is so that we wouldn't need to come back to this Board to modify the site plan. We're actually very confident that we can get this easement. Right?

We just wanted a little flexibility if we didn't so we wouldn't have to come back and take up more of this Board's time. But we're happy to agree to that now.

JOHN HELLABY: I tell you if you're very confident you're going to get it, instead of voting on "if come," I would like to see you go back and get it straightened out upfront so there is no surprises later on. We have been surprised too many times. I would like to see it in -- carved in stone and ready to go. Too many times.

MICHAEL NYHAN: You said yourself you're already ten months or more into this thing. I don't know why it has been ten months not to have an answer.

MR. BRENNAN: Well, this issue just came up. We got a -- a letter from the -- from the School District what, a couple weeks ago since -- since getting all of our variances approved, we got this letter from the School District saying, "Hey, we want our buses to be able to drive through your property and -- and exit out here."

So this just came up, despite the fact we have been working on this since -- since last August.

You know, the other thing is you can absolutely make it a condition that we provide the Town Attorney a copy of this easement so that there would be no surprises, right? We must get the easement that allows full access here. And if we don't, we haven't satisfied the condition and then we would need to come back.

DAVID CROSS: So you can require a full two-way, full access out onto -- what is that --

MICHAEL NYHAN: Union Square Boulevard.

DAVID CROSS: Union Square Boulevard and you will get the easement and if something changes, you have to come back.

PAUL BLOSER: One-way would --

DAVID CROSS: One-way access won't work. It has to be full two-way.

JOSEPH DEFENDIS: Why?

DAVID CROSS: Because you will have people going the other way.

JOHN HELLABY: People will sneak in.

DAVID CROSS: It won't work. There's no way to control that.

MR. VAN EPPS: How do you control a one-way road anywhere else?

DAVID CROSS: It's tough. I'm not going to argue.

MR. VAN EPPS: The amount of traffic on that back section, I think, is going to be very minimal. It is mostly going to be the bus going through there. No one is going to be cutting through -- it's not a shortcut, if you look at the map, coming from Union Square apartments.

PAUL BLOSER: It will be a shortcut for the new section of apartments from North Chili.

MR. VAN EPPS: Maybe the first two or three buildings would use that coming in. But to -- but if it's our tenants, we can put out messages. We can put in the lease you're not allowed to come through here. This is only for the buses or your exit out. I mean we have cameras. We can enforce stuff like this. It wouldn't be extremely difficult.

MATT EMENS: Honestly, I think it's a better design and outcome if it is two-way.

MR. VAN EPPS: I definitely agree with you. The issue is, is there room for it? And if there is not, then we're back here anyway. It is tight. Maybe Nate (Buczek) can speak to it a little better. But I think the one-way would serve the purpose we're talking about here. And that is for the school bus, the biggest one.

MR. BUCZEK: To add to that, either way, emergency access or two-way access, 20 feet wide is what we need. The interior extension is really 20 feet wide. To the inside of the gutters. So there is width there to do two-way, if we had to.

But I -- but it's worthwhile looking at those options and we'll go from there. But the width is 20 feet that we need to meet for emergency vehicle access, even if it was just emergency, period. So -- and that matches the same width as the other roadways through the development.

MICHAEL NYHAN: Is that your current width you're talking about?

MR. BUCZEK: Yes.

MICHAEL NYHAN: Current paved width of the emergency road is 20 feet.

MR. BUCZEK: 20.

MICHAEL NYHAN: Which is the same as the interior road?

MR. BUCZEK: Correct.

MICHAEL NYHAN: All you have to do is get final easement -- I think you hear it loud and clear from the Board we want that open. We don't want a gate. We want it open to traffic. That was our original request when you first came in. I think there was an issue with the easement or with the space.

But what has come to light is that the School District will not drive their bus down there to pick up kids, so that is why now we're reviewing that and saying it has to be open. We have eliminated sidewalks. Now we force the kids to walk in the street. We don't want them walking 1400 feet to the other side through that area to catch the bus.

So if you have the 20-foot wide driveway, I think what you're hearing is that needs to be a roadway to go in and out. And we need to know that that is what the plan is going to be, not like, as was mentioned, we can't leave it upon the Highway Superintendent to approve what the School District recommends or what you come back to them with. It needs to come to this Board. So that is why the condition for multiple choices doesn't work. We need to know what it is going to be and we need to know what we're voting on here tonight.

MATT EMENS: Not for nothing, that is why we have preliminary and final. If you already have preliminary and this was final -- I mean, it might be a little different, but we still can't do what the Town Attorney is saying. I just --

MR. BRENNAN: We agree to do -- we'll agree to do the two-way. And if for whatever reason the neighboring property owner won't give us the easement, then that's -- that's our problem and we'll have to redesign the project. I would -- I would note, though, that -- we don't -- we don't own this piece, and so to -- to require that -- that we get a two-way here, means that we might not be able to comply.

If they say no, it means we can't comply with that -- with that condition and -- it effectively kills the project, right?

JOHN HELLABY: Either way you have to go through the motions.

MR. BRENNAN: Absolutely. Absolutely. And that's --

PAUL BLOSER: You're bound by the School District.

MR. BRENNAN: The School District doesn't have any jurisdiction over site plan.

MICHAEL NYHAN: You already have an easement for a 20-foot wide paved roadway?

MR. BRENNAN: Correct.

MICHAEL NYHAN: You already have that from the property owner?

MR. BRENNAN: We have an agreement to use this for emergency access and we would agree that it will be used for a two-way paved road.

MICHAEL NYHAN: Okay. So that's the only easement that you need to get, is to change it --

MATTHEW PISTON: Can I clarify? Is that agreement in a license or is it an easement?

MR. BRENNAN: Easement. That is what we have agreed to.

MATTHEW PISTON: Has it been signed?

MR. BRENNAN: No.

MICHAEL NYHAN: Okay. So you have an easement for a 20-foot wide paved roadway to be used for emergency vehicles, emergency access?

MR. BRENNAN: We have agreement for an easement. They have said "yes" to our language. As -- as the attorney mentioned, it hasn't been signed, it hasn't been recorded. It's not in effect yet.

MICHAEL NYHAN: If we know that is what it is going to be, we can condition upon you getting that easement signed. So that is where we're at right now.

MR. BRENNAN: Absolutely.

MICHAEL NYHAN: Just to be clear, that's where we're at.

MR. BRENNAN: Yes.

MICHAEL NYHAN: So I think what we're saying is it will be a paved two-way road. You will get an easement. It is conditioned upon you getting an easement from the property owner to have that there.

MR. BRENNAN: Yes.

MICHAEL NYHAN: Okay.

Are you good with that language? That -- that there -- their site plan will show that they will have a two-way paved roadway leading out to Union Square Boulevard and that it's conditioned upon them receiving the proper easement for that roadway?

MATTHEW PISTON: And my approval of the easement.

MICHAEL NYHAN: Right. Like we do with all -- same as always. We can do that. I left off with the questions or comments. Any others?

PAUL WANZENRIED: I'm still waiting for Nate (Buczek)'s handout.

MICHAEL NYHAN: This handout?

MR. BUCZEK: Sorry. They ended over here.

MICHAEL NYHAN: What is the name of the roadway that is Phase 2? Did you name that yet? Just Phase 2?

MR. VAN EPPS: Yep.

MICHAEL NYHAN: Any other questions? And then we'll open the Public Hearing. Any other questions from the Side Table?

MICHAEL HANSCOM: I have a comment. You're showing storm water management ponds extending onto the other property. So it's -- it's our understanding that you will need an easement between the two properties for those ponds.

MR. VAN EPPS: Yes.

MICHAEL HANSCOM: The easement should cover who is responsible for the maintenance and everything of the ponds.

MR. BRENNAN: Okay.

MR. BUCZEK: You're talking about the southern properties?

PAUL WANZENRIED: Yes.

MICHAEL HANSCOM: Yes.

PAUL WANZENRIED: Phase 1?

MR. BUCZEK: Phase 1, right.

MICHAEL HANSCOM: It's my understanding they're both owned by different LLCs so, therefore, they need to have an agreement between the two.

MR. BUCZEK: That's fine.

MR. VAN EPPS: They should be able to work it out.

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: So for the legal question, we can -- we can grant preliminary and final with the condition of that easement for that roadway, correct? Any changes to that they would just have to reapply and come back?

MATTHEW PISTON: Correct.

MICHAEL NYHAN: Any other comments or discussion?

MATT EMENS: And the subdivision, the addition of -- or the moving of the lot line is what the subdivision is achieving so that's addressing the zoning -- the last zoning issue with the setbacks, correct?

MICHAEL HANSCOM: Yes.

MICHAEL NYHAN: The density and also the density of the house, right?

PAUL WANZENRIED: Correct.

MATT EMENS: Okay. Thank you.

MICHAEL NYHAN: Any other comments or discussion? Okay.

On Application #3, 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: For conditions, I'll start with the conditions and we'll vote separately on each of them. For the resubdivision, the conditions I have are the Town Engineer and Commissioner of Public Works shall be given copies of correspondence from other approving agencies.

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

I still have to do SEQR separately on both applications; is that correct?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: All right. So the first SEQR that I just did was for the resubdivision. I'll do the other SEQR when we get to the site plan approval.

Any other conditions for the resubdivision -- or the -- the revised subdivision plan? No? Okay.

Application of 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 a revised subdivision of 1 lot into 2 lots at property located at 3355 Union Street, North Chili, New York 14514 in the RM District with conditions of the Town shall be given copies of any correspondence with other approving agencies and approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

JOHN HELLABY: Second.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes with the following conditions:

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

MICHAEL NYHAN: As far as SEQR on the preliminary and final subdivision approval --

MATT EMENS: Site plan.

MICHAEL NYHAN: Sorry. Site plan approval.

On Application #4, 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: Now we'll move on to the conditions on the preliminary and final site plan approval.

Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from a landscaping architect certifying all approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan.

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

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

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

20-foot wide paved road from Phase 2 to Union Square Boulevard will be provided and applicant shall obtain an easement from the property owner for that use.

Copies of all easements associated 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.

Applicant to release the existing 30-foot wide emergency access and maintenance road easement in Phase 1 after Phase 2 and emergency access drive have been constructed. Provide written evidence of the release.

Are you clear with that?

MR. BUCZEK: Yes.

MICHAEL NYHAN: The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement with the Town and provide access easement to the

Town.

The access easements and the Storm Water Control Facility Maintenance Agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and filed with the Monroe County Clerk's Office prior to the signing of the mylars. Building permit shall not be issued prior to the applicant complying with all conditions.

Applicant is -- application is subject to all fire and code compliance regulations.

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

I believe you received those, correct, Paul (Wanzenried)?

PAUL WANZENRIED: That's correct.

MICHAEL NYHAN: Okay. So then the applicant shall comply with all conditions of the Zoning Board of Appeals as applicable.

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

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

And there was a contribution to the Town of Chili Sidewalk Fund in lieu of installing sidewalks. I believe that was part of the -- Paul (Wanzenried), you got -- that's not part --

PAUL WANZENRIED: (Indicated non-verbally in the negative.)

MICHAEL NYHAN: I will delete that.

PAUL WANZENRIED: Have you in your boilerplate about all previous approvals --

MICHAEL NYHAN: Yes.

PAUL WANZENRIED: -- for this application?

MICHAEL NYHAN: Yes.

PAUL WANZENRIED: You said that?

MICHAEL NYHAN: I didn't. I copied them from the previous approvals, but I can say that.

PAUL WANZENRIED: There is boilerplate that mentions that all previous approvals are in effect -- or all previous conditions, excuse me, are in effect.

Nate (Buczek), correct me if I am wrong, was there not a mention in -- you maybe can answer this -- was there not a mention further up the road about a light out at Phase 1 on Union Street?

MICHAEL NYHAN: There was from the New York State traffic study. A streetlight. Not a traffic light. Right?

PAUL WANZENRIED: Streetlight. Not a traffic light. Streetlight.

MR. VAN EPPS: Within the complex of Phase 1?

PAUL WANZENRIED: Out near the road. Where the ingress and egress out of Phase 1 On Union Street -- I thought I remembered something about a streetlight being put out there.

MR. VAN EPPS: Not ringing a bell for me. I'm sorry.

Nate (Buczek)?

MR. BUCZEK: There was one comment on this from the DOT. We'll circle back. We -- if we go to a two-way out to Union Square, that may change the traffic distribution and it may negate that, but we'll circle back with DOT to confirm that.

PAUL WANZENRIED: Just send some -- something from your conversation with the DOT per that fact, if you would, please.

MR. BUCZEK: Yep.

MICHAEL NYHAN: And the last condition I have was implement recommendation as -- as outlined in the traffic study dated December 2021 as required by New York State DOT. So whatever you come back with is the requirement.

MR. BUCZEK: Okay.

PAUL WANZENRIED: Mike (Nyhan), can you read the comment about the access road again -- the condition?

MICHAEL NYHAN: Sure.

20-foot wide paved road from Phase 2 to Union Square Boulevard will be provided. The applicant shall obtain an easement --

PAUL WANZENRIED: Stop. To provide ingress and egress.

MICHAEL NYHAN: Okay. Okay. So the condition 20-foot wide paved road from Phase 2 to Union Square Boulevard to provide ingress and egress and applicant shall obtain an easement from the property owner for that easement.

Good?

PAUL WANZENRIED: (Indicated non-verbally in the affirmative.)

MICHAEL NYHAN: Any other conditions for this application?

MICHAEL HANSCOM: One quick question.

MICHAEL NYHAN: Sure.

MICHAEL HANSCOM: If you get that two-way in and out Union Square Boulevard, you're going to remove that one section of the hammerhead, I assume?

MR. BUCZEK: Yes. Most likely, right? Unless you need it for your internal turnaround.

MR. VAN EPPS: End of Phase 2 or Phase 1?

MR. BUCZEK: The end of -- right here (indicating).

PAUL WANZENRIED: On the north side.

MR. BUCZEK: North side.

PAUL WANZENRIED: Phase 2.

Would you still keep that?

MR. BUCZEK: You wouldn't need it for yourself, right?

MR. VAN EPPS: Do we need to determine that now?

MICHAEL HANSCOM: Just a general question.

MR. VAN EPPS: Not sure.

DAVID CROSS: If I could, just make sure that the radius works there.

MR. BUCZEK: We'll fine-tune all that.

DAVID CROSS: Thank you.

MICHAEL NYHAN: 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 and final site plan approval to erect a 36-unit townhome development at 3355 Union Street, North Chili, New York 14514 in the RM District. Second?

JOSEPH DEFENDIS: Yes.

DECISION ON APPLICATION #4 : Approved by a vote of 6 yes to 1 no (John Hellaby) 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. Provide a twenty-foot (20') wide paved road from phase 2 to Union Square Blvd. to provide ingress and egress. Applicant shall obtain an easement from the property owner for that use.
6. 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. Applicant to release the existing 30-foot wide emergency access and maintenance road easement in Phase 1 after the Phase 2 and emergency access drive has been constructed. Provide written evidence of the release.
8. The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide an 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 of mylars.
9. Building permits shall not be issued prior to the applicant complying with all conditions.
10. Application is subject to all required permits, inspections, and code compliance regulations.
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 shall comply with Town Code, including obtaining sign permits.
14. Implement recommendations as outlined in the traffic study dated December 2021 as required by NYSDOT including any update from NYSDOT based on a new road to Union Square Blvd.
15. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

MICHAEL NYHAN: You're approved.

5. Application of Encounter Church, 3355 Union Street, North Chili, New York 14514, owner; for preliminary site plan approval to renovate interior and exterior site improvements at property located at 3355 Union Street, North Chili, New York 14514 in RM District.

Glen Thornton and Phil Lepore were present to represent the application.

MR. THORNTON: Hello. I'm Glen Thornton with Thornton Engineering representing the Encounter Church and I have Phil Lepore with me from the Encounter Church because you may have some questions that I can't answer about the Church's operations.

So I'm here to basically address the -- the site plan. Just explain what is going on here. On the plan you can see the existing church building in brown. That -- there is a large portion of the building on the south side. North is to the right. The south end of the building was constructed in the late 1990s and has sat there for 20-plus years.

It's an unfinished shell of a building. The portion of the -- the structure towards the north is the -- the Church building that, I think, was built in the 1970s. Because I think in 1979 there was a Special Use Permit granted for the Church to be located on that parcel.

Because zoning -- Special Use Permit was required for it.

The -- the game plan now is to basically build out the church, make some changes internally to the existing space to utilize the second floor of a portion of the unfinished shell towards the rear of the building.

In that unfinished shell there's going to be a large worship center with -- I don't know -- the number of seats is fluctuating. There could be as many as the high 700 number seats in that space. It will probably be less than that. But the Church is proposing state-of-the-art audiovisual equipment back there. You know, sound equipment. Just to finally build that out. The light gray areas on the plans are existing pavements. There is a fire lane that comes around the south side of the building and kind of just ends in an area that back in, I think, 19 -- the late 1990s, when they were building the shell and -- a lot of the site work -- I think that area where we're showing the dark gray for new parking was a staging area. There is a lot of stone out there. There is grass growing through the stone, but I think most of that was probably conditioned for the pavement that was to be constructed.

So what we have shown on the plan is basically mimicking what was presented and approved back in the late 1990s.

The Church really doesn't have a good handicapped accessible entrance. There is -- off the parking lot where we have handicapped parking spaces, there are steps up into the door. So the only real handicapped accessible entrance to the building would be out towards Union Street in that drop-off loop, there, which, Phil (Lepore), I don't think anybody really ever uses that out front, that front driveway. So what we're proposing with this -- in the new pavement area, we'll have a drop-off area. We'll create a new handicapped accessible entrance to the church building that will come into the unfinished shell portion of the building as it currently stands today.

The existing new parking area -- let's say the existing conditioned area that we're turning into a paved parking lot has a couple of drainage inlets that we will be using. So really the drainage is in place. The stone that is out there now, we will remove that and put in new crusher run and pavement. We have some sidewalks between that new pavement area and the building for handicapped accessible parking. And to gain access to the -- to the main church entrance now in that area.

We have -- we -- the new building -- or the unfinished shell will now be sprinklered. So we'll bring in a new combination domestic fire water service under Union Street into the east side of the building. The existing 2-inch domestic service will be terminated. The Water Authority has reviewed the plans. They're ready to sign off as soon as they get the -- the SEQR determination from the Town on that.

Pure Waters, back in the late 1990s, approved two connections from the -- the church building into the sanitary sewer system. One of which was constructed at that time. We're going to be building the second lateral connection into the sewer that runs into -- in an easement to the -- along the north property line on the right.

I spoke to Pure Waters today. They're fine with that connection. That was approved many years ago. The DOT -- we have got their sign-off for a highway work permit to bring the water main under the street.

We are losing some existing pavement that's going to the -- to the neighbor Brickwood to -- to the west. But we are also adding some pavement. So the Town Engineer in his comment letter, which we received yesterday, noted that there will be a net increase in parking spaces up to -- we'll have 253 spaces, which I believe satisfies code.

Town Engineer would like to see floor plans for the building, I think, so the assessment of uses in the building and the required parking for those areas can be evaluated, as well. I doubt very much if it would ever exceed 253 spaces, which we are providing, but if so, we have plenty of room and we will -- we will address that with the Town Engineer.

And -- as for the other -- those are the only comments we have received, was from the Town Engineer and I didn't see anything in the comments that we couldn't easily address. So that's -- that's our proposed game plan.

MICHAEL NYHAN: Good.

MATT EMENS: I notice in the letter it talks about phased -- based on the ability to raise funds and obviously different levels of improvement. Just I guess -- I don't think you mentioned it, but out of curiosity what would go first? Would --

MR. THORNTON: Site work.

MATT EMENS: Site work and then work on the interiors.

MR. THORNTON: Site work would go first so we can get that -- that new handicapped accessible entrance squared away. Other than that, Phil (Lepore), do you have -- inside the building, what would -- what would take place first? I know it's financial. Would it be the shell or the -- it had to be the shell.

MR. LEPORE: We would focus on getting the auditorium prepared.

MICHAEL NYHAN: Excuse me. Your name again?

MR. LEPORE: My name is Phil Lepore. I'm the Financial Director for Encounter Church.

MICHAEL NYHAN: What would you do first?

MR. LEPORE: We would build out the auditorium and the lobby entrance space so that people could -- so that we could get a C of O for that space and then we can do our primary function, which is Sunday and Wednesday evening services.

MR. THORNTON: Just to build out that worship center area and the lobby -- that's -- there is a lot of money that will be spent there. I think the last thing that happened to be -- probably renovations in the existing building and moving a lot of the office into the second floor -- into the building shell area.

MR. LEPORE: Definitely the office space, it's on a second floor. That would be phased later at some point in the future. We wanted to build out a cafe in the lobby space. We would phase that out. We would build our preliminary restrooms that would service our auditorium space, but we would -- the current existing building is in fantastic shape and we maintain it well. It could be utilized -- mostly classroom space, for Sunday school events or Wednesday evening adult classrooms. So Sunday school classrooms.

MICHAEL NYHAN: Thank you.

MATT EMENS: And, Glen (Thornton), just a real quick look at this, the adjustment on the fire lane, just to make sure that the Fire Marshal is good with that. It looks pretty tight there at the end how it turns.

MR. THORNTON: Into the parking area.

MATT EMENS: Yeah. Maybe just soften that curve up, that radius a little bit.

MR. THORNTON: Okay.

MATT EMENS: That's all I got right now.

JOHN HELLABY: Just a curiosity question. I -- I lose track of time, but it was probably 10 or 12 years ago it came in here with all kinds of plans to do work in there.

Did any of that ever get done?

MR. THORNTON: 12 years ago?

JOHN HELLABY: Had to have been all of that. I assume none of it ever got done.

MR. LEPORE: There was some idea that -- that they would make an indoor soccer out of -- it's a huge, 10,000 square foot shell.

JOHN HELLABY: Still just a shell, though?

MR. LEPORE: All of the like roof and steel is there.

MR. THORNTON: Just a shell. Nothing has been done inside.

MR. LEPORE: Enclosed shell. The Church has significantly grown over the last two years, 2 1/2 years. It has essentially doubled in size, in people and doubled in their revenues so that is why they're trying to undertake this. They have several vendors that are engaged. They have the cash flow to finance this new project that we're talking about, so that's why we're here.

MR. THORNTON: Plus the Brickwood acquisition -- what are they buying, 6 acres?

MR. LEPORE: Six acres.

MR. THORNTON: That will help fund the project.

MR. LEPORE: I don't mind saying, at 70,000 an acre --

JOHN HELLABY: Material prices are coming down now.

MR. LEPORE: That's the thing. We hope we time it just right.

MICHAEL NYHAN: Glen (Thornton) might have mentioned this, but the emergency road around the back, it's stone. Are you re-stoning it?

MR. THORNTON: We'll dress it up with some new stone. It's still visible.

MICHAEL NYHAN: Hardly visible in some areas. So you will clean it up. Thank you. That's all I have.

MICHAEL HANSCOM: I just want to mention Glen (Thornton)'s opening comments. You say the Church will install a state-of-the-art sound system and all that stuff.

Just try to make sure that you have good soundproofing in the building. I know the Town has had issues with other worship places --

MR. THORNTON: Oh, really?

MICHAEL HANSCOM: -- with noise complaints.

PAUL WANZENRIED: Ask the Financial Director. He was in on it.

MR. LEPORE: Just so you know, the block construction, the brick construction does make it more friendly toward the neighbors. As opposed to like steel studs and drywall. So -- and there will be no really exposed window space because we're going to block them in. So it -- that is much more friendly from an acoustical standpoint than -- than drywall, just drywall and studs that reverberate much more. So we'll be friendly. And we have decibel limitations.

MR. THORNTON: We'll make sure we have an acoustical engineer.

MICHAEL HANSCOM: With regards to that, we would appreciate it.

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.

PAUL WANZENRIED: Glen (Thornton), did you say you're putting a sprinkler system in there?

MR. THORNTON: Yes.

PAUL WANZENRIED: Phil (Lepore), will that be part of Phase 1?

MR. LEPORE: Yes. It will have to be unless you give us a pass on it.

JOHN HELLABY: That won't happen.

PAUL WANZENRIED: Did I hear you say you're boring under the road?

MR. THORNTON: Yes.

PAUL WANZENRIED: You have permits for that or get -- obtaining permits for that?

MR. THORNTON: Yes. We have signoff from the DOT. We just have to provide the bond, the insurance certificate. So we can't do any of that until we have a contract. But they have seen the plans, reviewed them. We have resubmitted and they have got the plans. They're ready to issue a permit.

The Water Authority is fine with it, as well, because I'm sure they will get plenty out of us for the tap and everything.

PAUL WANZENRIED: I read somewhere in here that you have to -- your pressure needs to be tested.

Would that mean you might have to put in a fire pump?

MR. THORNTON: No. We're okay. We went with a 6-inch service according to the fire protection engineer. We'll have enough pressure without a pump.

PAUL WANZENRIED: Okay. In the --

MR. THORNTON: I believe. I believe he said that.

MR. LEPORE: We have engaged Colonial Engineering and they provided --

PAUL WANZENRIED: Okay. I know those guys.

The previous applicant shows that there is an easement, roughly where you're cutting off all of that parking to the west.

Is that easement valid? It's not shown on your plan.

MR. THORNTON: I'm not aware of any easement.

MR. LEPORE: This easement right here (indicating). This easement here (indicating) is what he is referring to. That's just to create a path so we can maximize our parking.

Is that what you're talking about?

PAUL WANZENRIED: He is showing a boxed-off area roughly -- looks like where your parking -- right in front of the garage there.

MR. LEPORE: Right.

PAUL WANZENRIED: It says "Proposed easement."

MR. LEPORE: Proposed easement. They created that box so we could drive around and create -- and maximize this parking aisle.

MR. THORNTON: I don't think you want -- I mean -- they're going to grant it to you, I guess. What we have shown is removing all that pavement outside our property line. We adjusted the spaces internally so we could make that turn. I was not -- I wasn't aware of that. That easement. I mean it would gain like --

MR. LEPORE: That would give us a couple extra.

MR. THORNTON: You would gain four spaces, I guess -- not. It really doesn't work, though. We don't need that easement.

PAUL WANZENRIED: Okay.

MR. THORNTON: We don't want that easement.

MR. LEPORE: So we don't get approval tonight?

MR. THORNTON: No. We're good.

MR. LEPORE: Is it on their drawing?

PAUL WANZENRIED: Yep. Yep.

MR. LEPORE: Do we --

MR. THORNTON: I mean if they want to give it to us, grant an easement. But we don't propose leaving the pavement they're using because that pavement would not line up with our aisle out in that area.

PAUL WANZENRIED: I just want to know what I'm chasing later. That's all.

MR. LEPORE: I don't want to say no to an easement.

PAUL WANZENRIED: There is no new lighting or -- or any -- are there lights around this stone path?

MR. THORNTON: No.

PAUL WANZENRIED: Just the "No Parking" signs that will be there.

MR. THORNTON: Just the fire lane. There is no lighting -- Mike (Hanscom) wanted to see -- we're showing some lighting out in our new paved areas. He wanted to see the fixture and that's being designed by the lighting engineer, so we'll have to pull that and submit it.

But basically, we're -- what we have shown on our plans is two lights out there.

PAUL WANZENRIED: Okay. That's all I have right now, Mike (Nyhan). Thank you.

Michael Nyhan made a second 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 additional discussion on the application? Questions, comments?

Paul (Wanzenried), you good?

PAUL WANZENRIED: Glen (Thornton), you're doing the site.

Phil (Lepore), who is doing the architecture for this?

MR. LEPORE: Rick -- Rick -- Gabe -- Dave Antonucci, who has been retained by -- we retained The Nichols Team to do our architecture and our MEP designs. So they have all -- we have a full set of prints. It's just not refined completely and stamped yet, which we will submit.

PAUL WANZENRIED: Okay.

MR. LEPORE: But the guy's name is Dave Antonucci.

PAUL WANZENRIED: I know who he is.

MICHAEL NYHAN: Anything else?

Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from a licensed landscape architect certifying 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.

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

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

Paul (Wanzenried), are there any Zoning Board of Appeals -- any variances that were needed?

PAUL WANZENRIED: No.

MICHAEL NYHAN: 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.

Any other conditions that are required? If not --

We did SEQR?

MATT EMENS: No.

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

MICHAEL NYHAN: So with those conditions, as written application of Encounter Church, 3355 Union Street, North Chili, New York 14514, owner; for preliminary site plan approval with waiver of final to renovate interior and exterior site improvements at property located at 3355 Union Street, North Chili, New York 14514 in RM District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 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. 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.
8. Any signage change shall comply with Town Code, including obtaining sign permits.

Michael Nyhan made a motion to accept and adopt the 4/12/22 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

David Cross made a motion to accept and adopt the 3/8/22 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting ended at 8:41 p.m.