

CHILI PLANNING BOARD
June 14, 2022

A meeting of the Chili Planning Board was held on June 14, 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: Dawn Forte, Supervisor's Secretary; Michael Hanscom, Town Engineering Representative; Matthew Piston, Assistant Counsel for the Town.

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 Faber Builders, Inc. 3240 Chili Ave, Rochester, New York 14624, owner; for a special use permit to construct an in-law suite at property located at 40 Gage Gardens in R-1-20 w/incentive, FPO District.

Richard Battisti and Jason Bluett were present to represent the application.

MR. BATTISTI: Good evening, everybody. I'm Rich Battisti with Faber Builders, Inc. I'm here to request a Special Use Permit at 40 Gage Gardens as Mike (Nyhan) had mentioned.

With me tonight is also buyer of that home, Jason Bluett. He is doing -- what they wish to accomplish is build a new home with an in-law to have his in-laws move in with them, establish a multi-generational home. His in-laws will actually be moving here from Buffalo.

You see -- you have seen the plans. It's in keeping with our subdivision, a single-family detached. It is actually one of our model homes and it just simply has an addition with a first-floor kitchen and bedroom and great room.

MICHAEL NYHAN: The original plans from the house didn't change? This is just an addition or is this --

MR. BATTISTI: There were some modifications but basically the original house plan is something we have built many times in the subdivision. It's our Beckham model.

MICHAEL NYHAN: In looking at the engineer's letter, they were concerned about entry. You have to go through the garage. Is there going to be a side door to go in or do you have to walk all of the way around the building to get into it?

MR. BATTISTI: The main entrance to the house is actually through the garage. There's an exit out the back. I don't think they wanted another entrance on the front. Plus, we didn't want it to look like an apartment. You know, we wanted to keep it -- in looking with the subdivision where everything is single-family.

JOHN HELLABY: Just -- so curiosity questions. You say an in-law apartment, yet there are two bedrooms in that portion. Is there a reason for that?

MR. BATTISTI: I think he just wanted a spare bedroom maybe for his grandchildren.

JOHN HELLABY: All right.

MR. HELLABY: I know there are these type of situations where we usually have boilerplate on there, but you may want to look at door width if this is something you plan on having and holding until your parents or in-laws move on. If you get in a situation where you're going to push them around in a wheelchair, some of these door openings are pretty tight like the 2'4" door going into the bathroom. You might want to give some thought to these things. You won't maneuver a wheelchair too well around there.

The other thing that pops right off me and I can't quite grasp why it is, you don't have a door over into your side of the house. Is there a reason for that?

MR. BLUETT: Jason Bluett, 85 Walbert Drive, Rochester, New York 14624.

The reason for that, we wanted to keep it separate but to give them the opportunity to have the -- them to be separated from us at any given time, but again, we have full access from the front and from the back to help them with their -- with any of their needs as they grow older.

JOHN HELLABY: Entirely your decision, but I just want to tell you, I think it's quite a way to go if there is an emergency situation in there. I would think that possibly a -- a door that could be locked all of the time, you know, going through one of these walls to access that area might be to your advantage in the long run. That's all.

MR. BLUETT: I thank you very much for that. Thank you.

JOHN HELLABY: That's all I got.

PAUL BLOSER: Just looking at the County report, on -- with the map, where is -- where -- where is the 100-year flood plain on that or is this whole lot in that plain?

MR. BATTISTI: The whole lot is not in the plain. It's in the back -- back portion of the lot.

PAUL BLOSER: How close from the house?

MR. BATTISTI: I don't -- I don't know offhand. I can check. If you look --

PAUL BLOSER: Roughly. I don't need it to the inch.

MR. BATTISTI: At least a 100 feet away. Maybe more.

PAUL BLOSER: This is all downspouts?

MR. BATTISTI: Yes.

PAUL BLOSER: Negative grade towards the back or is it fairly level?

MR. BATTISTI: No. It will be positive graded away from the house, towards the back.

PAUL BLOSER: Is there a basement under the whole thing?

MR. BATTISTI: Yes. Full basement, sump pump.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any additional discussion on this?

The conditions of approval will be the standard ones we use for in-law apartments, which is the requirement of permits and inspections and the use as immediate family member only.

Any other conditions that you can think of that need to be on here? I don't see any.

Nothing?

MATTHEW PISTON: 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 John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: For this application for conditions, applicant is subject to all required permits, inspections and code compliance regulations.

Special use permit is granted for the use by immediate family members only and shall cease to exist when the immediate family member ceases to use it.

The in-law apartment may not be used as a rental unit.

Applicant's attorney to file a decision letter in the book of deeds at the Monroe County Clerk's Office. Provide proof of filing to the Planning Board Attorney and the Town of Chili Building Department prior to issuance of a C of O.

When filing, the decision letter shall be indexed against the property owner's name.

MICHAEL NYHAN: With those conditions, the application of Faber Builders, Inc. 3240 Chili Ave, Rochester, New York 14624, owner; for a special use permit to construct an in-law suite at property located at 40 Gage Gardens in R-1-20 w/incentive, FPO District.

JOHN HELLABY: Second.

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

1. Application is subject to all required permits, inspections, and code compliance regulations.
 2. The special use permit is granted for use by immediate family members only and shall cease to exist when the immediate family member ceases to use it.
 3. The in-law apartment may not be used as a rental unit.
 4. Applicant's attorney to file decision letter in the book of deeds with Monroe County Clerk's Office and provide proof of filing Planning Board Attorney and Town of Chili Building Department prior to the issuance of the C of O. When filing, decision letter shall be indexed against property owner's name.
2. Application of Victory Express 793 Beahan Road, Rochester, New York 14624, Rochester's Cornerstone Group Inc., 460 White Spruce Blvd., Rochester, New York 14623, owner; for preliminary site plan approval to erect a 23,000 sq. ft. structure (warehouse/maintenance building/office space) at property located at 350 International Blvd. in LI District.

Garth Winterkorn, Ryan Kaddah and Steven Vintonyak were present to represent the application.

MICHAEL NYHAN: Good evening.

MR. WINTERKORN: Garth Winterkorn from Costich Engineering. I have Ryan Kaddah here also from Rochester's Cornerstone Group.

Steve Vintonyak, the VP from Victory Express, is caught in a little traffic. He is going to be here shortly. I think we can just proceed without him at this point.

So we're in for preliminary site plan approval for Victory Express. It's a trucking facility to be located at 350 International Boulevard. It has a 20,000 square foot warehouse with 14 loading docks on the south side, 3,000 square foot office space in the front, which is east on this plan. There will be employee and visitor parking around the office space. Then there will be three at-grade overhead doors with maintenance bays coming in the west side of the building, in the back.

So it's right off the end of the cul-de-sac. There will be a turnaround here for the trucks to come in and turn around and access the docks. And then there will be a stone yard here for additional tractor-trailer parking as needed.

It's in the LI Limited and Industrial District zone. It will require a variance for the front yard parking. And the application has been submitted to the ZBA. And that will be on their June 30th agenda.

So there -- the company's hours are weekdays from 8 a.m. to 5 p.m. They expect roughly 30 to 40 trucks per day, leaving and coming back to the facility. At the request of staff, we did run these numbers by Brett Penwarden at the Monroe County DOT and he emailed back and said there will be no impact to the surrounding roadway systems and that no traffic study will be required for the project.

The maintenance activities that will happen inside the building, Steve (Vintonyak) tells me it is basically just to include tires and brake work -- brake works to the trucks as needed. And occasionally there may be an oil change if a driver is pressed for time and gets stuck.

All utilities are available and present with no capacity restrictions. The natural drainage patterns for the site are from east to west towards the back, where it goes into a dedicated Town of Chili drainage ditch and then heads south back into the wetland bank and the wetlands back there.

Landscaping, um, we're not showing a ton of it. We are showing some deciduous trees up front along the road in and the front corners of the office. And there will be shrubs and perennials around the foundations of the office building. As well as we put a bookmark in here -- it's not part of the -- I don't have details of the monument sign, so I don't know if you guys could even consider that tonight, but we'll have landscape plantings around that also.

They want the monument sign obviously because the building is roughly 300 foot back from the pavement. Just to get recognition for not only their employees and drivers but visitors, as well.

Did receive comments from Lu Engineers. We feel we can satisfy most of them. I would just like to touch on a few of them. Been in discussions with Dave Lindsay the last couple of days. So specifically I just wanted to bring up comment number 3. Where we're showing the individual bays up to each loading dock for each vehicle is 13.7 feet, as Mike (Hanscom) properly pointed out, the code requires 14 foot width on them. So we'll tweak the building to achieve the 14 foot so we won't have to come back for a variance for that.

The second one is Number 5. We will be contacting the DEC and we'll give them a breakdown of the maintenance activities and all activities for that matter that are going to happen inside the warehouse and for maintenance. And we'll copy Town staff on any correspondence we have with them.

The third one I was going to just bring up with you guys is we're currently not showing a dumpster enclosure outside. But the owner will want one. So it will be in a full -- fully enclosed -- enclosure. And it will be located on the back most likely in one of these two spots (indicating).

In terms of the architecture, I'm not an architect, but there is the building elevations there. They are colored elevations, believe it or not. The -- for the office portion of the building, the -- the bottom 2 -- 2 feet 8 inches is going to be a rock-faced, colored CMU. I can bring this up if anyone wants to see it a little more closely to get a feel for the materials.

And then polar white metal wall panels for the warehouse will be different colored CMU grade brick around the bottom. And again the metal wall panels for that will also be polar white.

We did -- the rest of the comments from Lu are more technical in nature for details in engineering that I'm confident we have no issues with any of them and can work through with staff for that.

And we did get comments back from Monroe County, the Department of Planning and Development. Most of them were very boilerplate. We know we have to deal with these agencies for reviews and approvals. The one key thing is they did provide airport approval for the project.

At this point, I would be glad to answer any questions anybody has.

GLENN HYDE: Can you tell us a little more about the activity that will go on here? Is it just -- vehicle maintenance you mentioned, but is there warehousing?

MR. WINTERKORN: The majority -- it's warehousing. It's a trucking facility. So the vast majority of the building is just strictly warehousing, product in, product out.

MICHAEL NYHAN: How long does it stay or do you just move it to another truck?

MR. KADDAH: I believe -- it's not going to be too -- my name is Ryan Kaddah with Rochester's Cornerstone Group. We're the sellers of this piece of property and we're helping Victory Express, Inc. to develop this facility.

In terms of how many days that items stay, it's mostly dry goods according to Steven (Vintonyak). Hopefully he will be here sometime soon. It will stay about two to three days

usually, so it's fast in and out. Nothing that will be stored long-term. That is to my understanding, of course.

GLENN HYDE: No refrigeration of anything?

MR. KADDAH: No refrigeration.

MATT EMENS: I guess I don't have any questions at this time. You kind of answered the only ones I have, which is what they do.

MICHAEL NYHAN: Do the building materials -- are they in concert with what is down there? It seems --

MATT EMENS: Yes. It's a pre-engineered building.

MR. WINTERKORN: Very similar to XPO, which is adjacent to the site.

MATT EMENS: Nothing else.

JOHN HELLABY: It seems like the operation is pretty similar to C&M Forwarding.

MR. WINTERKORN: Yes, it is.

JOHN HELLABY: So bringing in bigger trucks, breaking them down and shipping them out. You stated 30 to 40.

MR. WINTERKORN: WB62s would be the largest vehicle.

JOHN HELLABY: Six-wheel box truck?

MR. WINTERKORN: No. Semi.

MR. VINTONYAK: Sorry for being late. I'm here to answer everything. I'm delighted to be late.

GLENN HYDE: What do you do in the building?

MR. VINTONYAK: This is the longest I ever had to take to drive out to Gates -- an hour. I'm Steven (Vintonyak) from Victory Express. So here to answer any question.

MICHAEL NYHAN: Your last name, Steve?

MR. VINTONYAK: Vintonyak. V-I-N -- not with a B.

JOHN HELLABY: Is it 30 to 40 tractor-trailers or is it --

MR. VINTONYAK: Just for the parking?

MICHAEL NYHAN: Per day.

MR. VINTONYAK: Oh. Per day, traffic-wise it would be 30 to 40.

JOHN HELLABY: Tractor-trailers?

MR. VINTONYAK: Tractor-trailers.

JOHN HELLABY: Are these deliveries local or are these deliveries you're breaking down and sending to Syracuse or Buffalo?

MR. VINTONYAK: Sometimes the deliveries are locally. Like we deliver to Wegmans all the time or Leonard's down in Shortsville. But most of the time to Buffalo or Syracuse. But there are local deliveries like just around the corner.

JOHN HELLABY: Your main feed out of there to the expressway or the Thruway, where do you enter out?

MR. VINTONYAK: To the Thruway coming from International, we go up through Jetview Drive. If we're going towards Buffalo.

If we're going towards Syracuse, hop on 390 to Paul, Scottsville and onto 390.

JOHN HELLABY: All right. All your lighting is dark-sky compliant, I trust?

MR. WINTERKORN: That's correct.

JOHN HELLABY: Are there parking lot lights? There are.

And you said this operation only runs from 8 in the morning until 5 at night, correct.

MR. VINTONYAK: Usually. But we have -- there is midnight deliveries in Wegmans for water. So that would be around the corner.

JOHN HELLABY: Is there going to be a situation where you have tractor-trailers sitting in this lot idling all night?

MR. VINTONYAK: No. We don't idle our tractor-trailers. It's too expensive.

JOHN HELLABY: These are your trucks?

MR. VINTONYAK: Our personal trucks.

MICHAEL NYHAN: So they belong to Victory?

MR. VINTONYAK: Yes. Victory Express. There are owner/operators, but like we say -- we tell all our guys, "You can't idle and you can't do any maintenance on the yard."

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

MICHAEL NYHAN: I notice not a lot of landscaping on this project. And you know one of the things we like to see is a lot of landscaping on projects, particularly around -- around the building and parking lot where you will have all of the tractor-trailers. I know the back backs up to a wet area or wetlands.

But the side, there are other businesses from the street that back up to that. I just want to remind you that 1 percent of this project needs to go into landscaping and if it doesn't, you need to write a check to the Town to the Tree Planting Fund. So I would rather see it into the landscaping if you could look at your landscaping plan and come up with something that surrounds the -- well, your entranceway, you have trees on one side. If you want to go back to that site plan. I will show you what I'm talking about or describe what I'm talking about. I don't know what plantings you should be putting in there, but you have trees on one side of the road. Not the other. Then they seem to stop at the corner instead of going all of the way along the front of your building or even the side of your building where a lot of your tractor-trailers will be parked.

MR. WINTERKORN: You're talking here (indicating)?

MICHAEL NYHAN: That whole area. And then landscaping around the building.

1 percent of the project is a tremendous amount of landscaping, I think, probably. So just take another look at that and make sure you meet the 1 percent. If you don't, then the Building Department will be asking you for that, so you're aware.

MR. WINTERKORN: All right.

MICHAEL HANSCOM: Water, storm water calcs and stuff like that, one of the things that we require is when you have land-banked parking, the area for the land-banked parking be treated as a permeable surface.

MR. WINTERKORN: I believe it is. But I'll make sure it is. I'm pretty --

MICHAEL HANSCOM: I was going to get to trying to review the SWPPP.

MR. WINTERKORN: It better be. That's how we're trained. Or he will hear it from me.

MICHAEL HANSCOM: Because if you do need to put it in, it is accounted for.

MR. WINTERKORN: Sure. Understood.

MICHAEL NYHAN: At this time I'll open up the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any further discussion on the application? Several conditions on -- the Airport has expressed in their letter. Dark sky compliant. Roof colors not being bright so they don't cause a reflection.

Any other -- okay.

MATT EMENS: Just you mentioned the landscaping, but I know Garth (Winterkorn) also mentioned the dumpster enclosure, that --

JOHN HELLABY: Not on there.

MATT EMENS: It's not on there. The placement of it and the materials need to be --

MICHAEL NYHAN: Oh, right.

MATT EMENS: I guess I would say in this scenario, the materials need to match probably the -- the CMU on the building.

MICHAEL NYHAN: To enclose the dumpster.

MR. VINTONYAK: Yep.

MR. WINTERKORN: Yep.

MATT EMENS: And then if it has a gate on it, it just needs to be something -- low-to-maintenance, the swing gate. Colors to complement the building.

MICHAEL NYHAN: That will be part of the Building Department review, I'm sure.

MATT EMENS: If we just get it in there, we don't have to --

MICHAEL NYHAN: You want that as a condition?

MATT EMENS: We don't have to have them come back.

MICHAEL NYHAN: So --

PAUL BLOSER: You will be putting a compactor out there?

MR. VINTONYAK: Compactor?

PAUL BLOSER: Compactor for large cardboard?

MR. VINTONYAK: No. Usually we just throw that out in the dumpster.

PAUL BLOSER: Just in the dumpster.

MR. VINTONYAK: Yes. Flattened. Make sure to break it down and just flatten it.

MICHAEL NYHAN: So you want the dumpster enclosure to match the building materials and colors?

MATT EMENS: The CMU walls with the gate to be a low-to-no-maintenance material, color to match or complement building.

It looks like you paid for final, too, right? I don't know if we're going to final or not.

MICHAEL NYHAN: Yeah. We were planning on it.

Michael Nyhan made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an Unlisted Action with no significant environmental impact, and John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: For conditions on this application, upon completion of the project, 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 Commissioner of Public Works.

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

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

You have those, correct?

MR. WINTERKORN: Yes, I do.

MICHAEL NYHAN: Pending approval of the Zoning Board of Appeals of all required variances.

Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

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

Are we going to require a storm water control facility maintenance as a result of this?

MICHAEL HANSCOM: Yes.

MICHAEL NYHAN: Okay. Thought so.

MICHAEL HANSCOM: I believe so.

MICHAEL NYHAN: Okay. The Town requires 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 then 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.

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

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

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

The dumpster enclosure shall match the building materials and colors, which is CMU walls, with a gate to be low maintenance.

Any other conditions?

MATT EMENS: Just that it -- the placement of the dumpster enclosure, Garth (Winterkorn), where did you point out that it would most likely go?

MR. WINTERKORN: I was thinking, Steve (Vintonyak), in the back somewhere?

MR. VINTONYAK: Probably in here. We'll open up an area --

MR. WINTERKORN: We haven't talked about this, but that is where I was thinking, too.

MATT EMENS: So behind the building. Not --

MR. VINTONYAK: On the side of the building, not on -- like in the eyes. West side.

MATT EMENS: I'm sure Paul (Wanzenried) wouldn't let that through.

MICHAEL NYHAN: I don't want to condition it because if they change it, they have to come back in front of us.

MATT EMENS: He said it out loud and we all saw it, so it is good enough.

MICHAEL NYHAN: Application of Victory Express 793 Beahan Road, Rochester, New York 14624, Rochester's Corner Stone Group Inc., 460 White Spruce Blvd., Rochester, New York 14623, owner; for preliminary site plan approval with waiver of final to erect a 23,000 sq. ft. structure (warehouse/maintenance building/office space) at property located at 350 International Blvd. in LI District.

JOHN HELLABY: Second.

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

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Workers.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Pending approval of the Zoning Board of Appeals of all required variances.
6. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
7. 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.
8. The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide access easement to the Town. The access easement(s) and the

SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with Monroe County Clerk's Office prior to the signing of the mylars.

9. Building permits shall not be issued prior to applicant complying with all conditions.
10. Application is subject to all required permits, inspections, and code compliance regulations.
11. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
12. Any signage shall comply with Town Code, including obtaining sign permits.
13. Dumpster enclosure shall match the building materials and colors, CMU walls with gate to be low maintenance.

Michael Nyhan made a motion to approve the 5/10/22 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:27 p.m.