

CHILI PLANNING BOARD  
October 11, 2022

A meeting of the Chili Planning Board was held on October 11, 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, Matt Emens, Glenn Hyde and Chairperson Michael Nyhan.

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

Chairperson Michael Nyhan declared this to be a legally constituted meeting of the Chili Planning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

**PUBLIC HEARINGS:**

1. Application of Chad George, 16 Alfred Ave, Rochester, New York 14623, David Robinson, 1025 Reed Rd., Scottsville, New York 14546 (owner); for A.) Preliminary site plan approval for a residential parcel. B.) Subdivision of 1 lot into 3 lots at property located at 1025 Reed Road in AC, FPO District.

Chad George and John Sciarabba were present to represent the application.

MR. SCIARABBA: Good evening, Mr. Chairman, members of the Board. My name is John Sciarabba with LandTech representing the application this evening.

The public notice did a good job describing this parcel. It's around a 58-acre parcel located on the east side of Reed Road, about 2000 feet north of Morgan Road. Currently has an existing farmhouse -- farmhouse, outbuildings and things like that at 1025 Reed Road.

The plan is to subdivide the parcel, create a five-acre lot around the existing house and then north and adjacent to the five-acre lot, we'll create another five-acre parcel for a building lot for Mr. George's family.

As the notice said, this is in an Agricultural District and agricultural zoning. The proposed lot configuration, setback and all of the requirements meet the code.

The site is serviced by public water, gas and electric. We're proposing an in-ground private leech field. The test results were witnessed and approved by the Monroe County Health Department.

The -- we understand that this is an agricultural area. Mr. George's family lives in Chili and they want to continue living in Chili, but they're looking forward to coming out here to the more rural agricultural atmosphere. So they're looking forward to this and their acquisition.

I'm also aware of the fact that there is a section in the code, Section 500-27, regarding Agricultural Districts. And just to point out that a single-family house is an allowed use in that district. And I believe that we provided the Town documentation showing that we also meet all of the requirements associated in that district.

The plans have been submitted to Monroe County Water Authority for review. Monroe County Health Department for review. We received comments from the Monroe County Department of Planning and we received comments from your Town Engineer regarding the plan. We were able to provide updated plans and gave them to staff tonight and then tried to address all of the comments from the Town Engineer which I believe we have and the plans that are on the Board are the updated plans that I presented to staff tonight.

That's a brief overview what we're looking to do. Really just a small project, single-family house. The remaining lands are remaining the same, an agricultural operation. Although Mr. George will own the entire property excluding the existing house lot.

With that I can answer any questions you have.

MICHAEL NYHAN: Will Mr. George be farming any of this land?

MR. SCIARABBA: Not right now.

MICHAEL NYHAN: Any of the land currently being farmed?

MR. SCIARABBA: Yes, it is.

MICHAEL NYHAN: How much of the farmland is being impacted by this?

MR. SCIARABBA: The farmer would probably know better than me. Let's say it's roughly 50 acres. There is 3 acres of the house and probably another 10 is woods so I would say probably 40 acres.

MICHAEL NYHAN: Of the two lots? Of the two lots you want to subdivide, the small lot where the house will be --

MR. SCIARABBA: One is five acres and then there's probably two acres of the main house that will be -- continue to be agriculture.

MICHAEL NYHAN: That's being currently farmed?

MR. SCIARABBA: Yes.

MICHAEL NYHAN: So that will be removed.

MR. SCIARABBA: Yes.

MICHAEL NYHAN: How many acres would be removed?

MR. SCIARABBA: I would say a total of approximately seven acres.

MICHAEL NYHAN: Seven acres. Okay.

Did you do a soils report on this?

MR. SCIARABBA: There is one. I provided the Board an updated documentation related to that section of code on Friday.

MICHAEL NYHAN: Okay. Is that the report -- this is prime soils, correct?

MR. SCIARABBA: Correct.

MICHAEL NYHAN: Is there a reason why these acres or lots need to be five acres instead of the minimum acre lot of two? That was what the Town permits, is a two-acre lot. That would, you know, provide an additional six acres that would continue to be farmed.

MR. SCIARABBA: So Mr. Robinson wants to keep five acres with his existing house and then just as far as mortgages and things like that, we wanted to create a house lot for Mr. George so that he could put a mortgage on that and leave the remaining lands unencumbered with a mortgage. He felt it was consistent to just have two five-acre lots instead of reducing it.

MATT EMENS: You asked the ones about the farming. That is all I have right now.

MICHAEL NYHAN: Do you see the Monroe County Comments also relative to the --

MR. SCIARABBA: Yes. I think if you look at that, they're asking -- there could be an indication of wetlands. And there are no wetlands. There may be some on the extremities of the property but nothing within 500 feet of the proposed house.

MICHAEL NYHAN: Okay.

MICHAEL HANSCOM: I went through the common reply letter. They addressed most of the stuff. There is a couple things I still have a question on, but most of it is done.

PAUL WANZENRIED: Just got it tonight so I haven't had a chance to look through the maps. But other than that, no.

MICHAEL NYHAN: What changes were there to this updated plan that you sent in?

MR. SCIARABBA: Numerous. The -- Mike (Hanscom) provided six pages of comments. I think mostly technical in nature. I think the biggest one we tried to accomplish is the proposed barn that Mr. George wants to build within the setback. We pushed that to meet -- pushed that to 50 feet. Again, he doesn't know when he will build the barn, but we wanted to show his intent he wanted to do that. That is why we showed it on the site plan. I think that was the major change to the plan.

MATT EMENS: Corrections to the acreages.

MR. SCIARABBA: That is just the difference between the right-of-way and the center line.

MATT EMENS: Yep.

PAUL WANZENRIED: John (Sciarabba), do you know where your SHPO letter is?

MR. SCIARABBA: That's not processed yet.

PAUL WANZENRIED: Okay. Mike (Nyhan), make a note that that will be a condition. How long is the driveway from Mr. George's house?

MR. SCIARABBA: The house is set back 220 feet from the right-of-way.

PAUL WANZENRIED: Is there a hammerhead up near the house?

MR. SCIARABBA: Yes, there is.

MICHAEL NYHAN: Any changes to the existing house that will be -- I think it's Lot 1?

MR. SCIARABBA: Good point, Mr. Chairman. There was a point that the Town Engineer brought up. There's a structure, a concrete pad from a former barn that was on the property that burned sometime ago. So we made sure that was reflected on the plat. That -- that concrete pad is no longer a structure, but it is roughly 37 feet off the property line. And we put a note on there that if someone were to build on that structure, they would have to go for a variance because it doesn't meet the 50 foot setback.

I would have to talk to Paul (Wanzenried) a little bit more about accessory structures in setbacks because it's odd that a structure -- an accessory structure has the same setback as a principal structure, but I couldn't find it in the code. It was less than 50. We added that note to the plan. That is the only item changed and there is no construction proposed on the Lot 1, the existing house.

MICHAEL NYHAN: So the debris from the burned barn has been removed? Just a concrete pad now?

MR. SCIARABBA: Just pad. There is stuff on it, you know, farm equipment and -- I don't know -- some of his personal items, but it is not framed or anything like that. There is no roof.

MICHAEL NYHAN: So there is storage on the pad but no structure?

MR. SCIARABBA: Correct. No framing. Roof. Things like that.

MICHAEL NYHAN: Anything else, Paul (Wanzenried)?

PAUL WANZENRIED: Not right now, thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BILL STEIMER, 1060 Reed Road

BILL STEIMER: Bill Steimer. I reside at 1060 Reed Road. And, Mr. Chairman, if I could, I have a handout for the Board members.

MICHAEL NYHAN: Okay.

BILL STEIMER: I think you might have received a much larger -- a 15-page document. This is all on three. It's kind of a concise fact -- more factual study on the soils than the 15-page document.

MICHAEL NYHAN: If you -- okay. Have you enough for the audience to leave back there? You don't have to hand them out. Leave them on the table. If anybody wants to take one, they can. Back near the door there.

BILL STEIMER: If we have time, I would like to spend a little time. I'll just to introduce myself, though, and -- and maybe a bit of credibility. I'm a farmer. 1060 Reed Road. Personal background, I have lived in Chili for -- since 1960.

This meeting is a lot about soils and what is going to happen or not happen to it. I do have a degree in agronomy and soil conservation. So naturally my focus is on crop farming and soil retention and Conservation.

Over the years I've made a commitment to support and further agriculture and land conservation in the Town. And by doing a number of things, I've tried to be effective at -- at doing that. I was a part of the 2030 Comprehensive Plan, the Town Open Space Inventory, the Town Open Space Master Plan, Town of Chili Agriculture and Farmland Protection Plan and the Town review of all codes related to agriculture and farming operations.

So tonight I'm here to kind of reinforce the need to follow the guidelines that are outlined in all of these documents, because they all contain common basic ideas of what we want to do, some from different slants, whether it be open space, some very selective toward farming. A lot of them are guidance documents. But as we get closer to the agriculture and farmland preservation, the Chili Right to Farm Law and things like that, they're pretty specific. And I hate to step on anybody's toes, but there is a grave difference of opinion on what should be done or how prime farmland should be treated.

So in -- in thinking about any of those documents, I'm hoping that the Board has studied those documents well, knowing everything related to agriculture, farm operations and the natural resource that we have with prime soils.

If there is any questions, I can answer a little bit further in this presentation. Ask me right out or as soon as I'm done with the presentation.

The -- regarding the whole subdivision, we'll go over that handout. And I can answer specific questions about -- about the proposal. By far, the best action would be to not allow the subdivision.

The second best option would be to reconfigure the proposal to the minimum lot size of what you stated, Mr. Chairman, two acres. For the -- for the least consumption of prime soils and least impact to the farming operation on that parcel as it stands now.

Both existing home sites on the existing home and the proposed home could be decreased to two acres. Although this wouldn't allow the prospective home builder to build his business-related building on the site, there are numerous areas within the Town for siting such a building and business. We should not be consuming prime farmland for the sake of a -- such a building.

The outcome of reducing the two house parcels to two acres each would reduce the amount of prime soil consumption to about two acres. It would maintain useful farming practices as they are on the parcel today.

Now, if you could take a minute and look at that handout, I will go through each page. The first page is a photo map of the entire parcel showing the farming operation in the background, with an overlay delineation of soils associations.

Page 2 is a legend of the soil associations, acreages and percentages of the entire parcel.

Page 3 is a table showing the soils, full names and farmland soils classification, which is used by the State, County, the Town and the Agricultural District Law of New York State.

Going back to page 1, you can see that the proposed two five-acre parcels would consume a substantial OMB soil acreage. It would reduce the residual amount of farmable land. It would lessen the efficiency of the farming pattern and it would eliminate the major conservation practice in use by the farm operation.

So I think I heard the words this is a "small" project or proposal. It is not. This is something to think about. And if any of you have any questions related to ag and soils that's in any of the studies that the Town produced, I have the key text to those with me if you want to ask any questions from any one of those documents.

Are there any questions to this point?

MICHAEL NYHAN: Are you farming this land right now or is somebody else?

BILL STEIMER: I am. My family is.

MICHAEL NYHAN: Okay.

BILL STEIMER: So it would impact us somewhat financially. We may not continue if it is developed the way it is. And also there is a question of why three subdivisions? Are we going to have more subdivisions after step one?

MICHAEL NYHAN: So do you lease the land around this or do you own the land?

BILL STEIMER: We lease the land from Mr. David Robinson. We're in year 14. He's been a very good -- we have tried to be good tenants. He has been a good landowner. We -- he has given us a decent price for the lease of the land. In exchange he receives a substantial tax break on his real estate taxes due to us farming and qualifying for the partial ag soils exemption.

Also, to be noted, this parcel is part of District 2 of Monroe County Ag Districts and so the State -- County has to deal with the recommendations of this subdivision and there would be notification and request for input toward the effect on both -- from a Town perspective and the

perspective of how does that affect District 2 in Monroe County.

MICHAEL NYHAN: Okay. And you're in year 14 of a how-many-year lease?

BILL STEIMER: We have been -- the minimum you can have for a lease agreement on ag land is five years. So it's common -- they're almost all five-year leases and that makes the -- makes it qualified in the Assessor's Office for that commitment to continue an ag value exemption.

MICHAEL NYHAN: Okay.

BILL STEIMER: So we have one more year in the lease. As far as the -- the Ag District, the New York State Ag District situation, the change-out year for that will be 2024.

MICHAEL NYHAN: The change-out year?

BILL STEIMER: Well, you can -- you can get into the Ag District on an annual basis. There's a 30-day sign-up time. But it -- it is not so easy to go out. Hardly anybody goes out of that system once they're in. So the best way to go out is to wait until 2024 or pay the taxes and the penalty related to going out early.

MICHAEL NYHAN: Okay. Thank you.

Any questions?

Thank you, Mr. Steimer.

Any other comments?

MARK THOMSEN, 850 Brook Road

MR. THOMSEN: Hello. Mark Thomsen, 850 Brook Road, Chili. I oppose the change in ruining this beautiful Agricultural District.

MICHAEL NYHAN: Thank you.

DAVE ROBINSON

MR. ROBINSON: As you know by now, I'm Dave Robinson. I bought that property in 1975. At that time I was young and had a lot of energy and house was in terrible condition. But I loved the setting. I wasn't a farmer. It was just a convenient place to enjoy a solitude. And my wife went to work in Fairport every day and I went to work in Spencerport where I owned a business. So we were halfway between. And we took in a lot of exchange students and did a lot of good things for the community and enjoyed life there quite a bit.

I had been a professional motorcycle racer. I lived in many countries and in 1990, I sold my business in Spencerport and I went back to teaching in college and things. And I had a million dollars in my pocket so I built a museum. I had 170 motorcycles in the museum and I lost them all in a fire. That's where the pad is down below.

I used to live in Spain and I bought part of the factory from Spain and set up a little miniature Spanish motorcycle assembly line. It was my museum. It wasn't for money. It was just for self-gratification, I guess, because hey, I earned it, I paid for it and it was my enjoyment.

Well, when I lost it, I got into a war with an insurance company and I beat them in court and the Judge overturned the jury and I lost a million dollars up front and since then another \$350,000 in legal fees. The damage the insurance company did to my family, to me and my wife caused the early death of my wife and put me into financial and emotional straits that I never experienced in my life before.

So I said, "Okay. I like living here. I'm all alone now." And I said, "Well, maybe" -- I got a good arrangement with Bill (Steimer) where he rents the land for a small amount of money and he is a good tenant. But I need more money. So I said, "Okay. We'll make a deal to sell it to the Land Conservation Trust and I thought we were going to get this much money and it would be an easy deal, it could always remain farmland in conservation. Well, the deal fell through for problems that I -- that -- that the insurance company forced down my throat.

So I was left standing -- what am I going to do? I'm going to die soon. And I got some health problems. I said, "I -- I don't want to destroy what's there."

And I'd like a young family like this Chad George and his wife -- I've known her all my life. They're just like my wife and I were when I bought the place in 1975. They want to have a nice place to raise their kids, peace and solitude and they don't aim to destroy the whole situation. I have known them. They're good people and I know they don't intend to subdivide or do anything else.

The one area is wetlands down there and that's just a different deal entirely. So that is why there is three parcels. I say, "What's wrong with it? It is my land."

And I have been paying for it all these years and I need the money. So I don't understand why there is an issue.

MICHAEL NYHAN: Okay. Any other comments?

MR. SCIARABBA: So just a few that Mr. Steimer brought up. You know, I think as Mr. Robinson has clearly voiced his opinion and Mr. George, we're not really trying to change Reed Road in this area.

I know the Board is familiar with the term "subdivision," so that's creating lots. Merely -- when I said a "small" project, we're not doing a 20-lot subdivision here. We're creating a lot around an existing house so he can maintain it and we're creating a lot around his proposed house so that he can put a mortgage on it and leave the rest of the land free and clear. We could clearly eliminate the property line around Lot 2 and build one house on 55 acres or however that works out -- 50 acres. But financially it is always a better move to do as we have it designed.

Chad (George) doesn't have a business operation. He has personal equipment that he has and obviously buying a large piece of land, he's gonna need more equipment and that is why he

proposes the barn to give the Board insight on what he wants to do.

You know, 14-year lease, we have one more year. Like Mr. Robinson said, it's his land and I think he can do with it -- the Board has to be aware what the code is versus documents and opinions of what you want to do. The Master Plan is a great idea. It's the goals and aspirations of the Town, but you got to live and die by the code. I think the plan meets the code and that is all I really want to say.

MICHAEL NYHAN: Talking about equipment, being stored there or will be stored there?

MR. SCIARABBA: I know he got -- he works for a contractor so he has got a trailer and Bobcat he uses for daily operation. But he has told me he wants to buy four-wheelers and stuff for his kids and maybe a horse and things like that. So that is why the intent of the barn is there. I don't think he has really clarified exactly everything he wants to do with the barn at this point.

MICHAEL NYHAN: So to store business equipment to run the business out of there?

MR. SCIARABBA: He is not a business owner. He works for a company.

MICHAEL NYHAN: Okay. All right. Thank you.

Any other comments?

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

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

MICHAEL NYHAN: So there are certainly some very good interests in what everybody wants to do here. And I guess my first question would be is there any way that the landowners and perspective landowners can work to meet the Town Code, preserve the conservation soils we have in such a manner that the farmland can still continue to be farmed and Mr. Robinson can have what he needs to be able to live his life as he wants to as well as the new property owner? That is ten acres of land, seven of which will be removed from prime soil, currently farmland. Which if farmland continues to be farmed, you will both enjoy a very beautiful area. If it doesn't, because they can no longer farm it because it doesn't -- wouldn't be efficient for them, then that may not be the case for you.

So I guess my question to everybody is, is there a way you can work this out so you meet the minimum code for this Town while still meeting the needs of everybody that is involved? You may not be able to answer that right here and now.

MR. SCIARABBA: I can try to. So Mr. Robinson has an area, probably around three acres that is a wooded area that surrounds his home and outbuildings. As the contractor structure -- real estate, it was five acres he wanted to maintain. So I could work with Mr. Robinson and see if that area outside of his -- the wood lot could be, you know, restricted for his property line. But other than that, they can also maintain that. I don't see why they can't still farm it tomorrow as it is shown on the plan. The trees are still there.

As for the proposed lot on Mr. George's where we're designing the house, I provided the Town documents. That is currently not farmed where this house is going currently.

BILL STEIMER: Yes, it is.

MR. SCIARABBA: It had been vacant for many years. It has been left fallow just as a hay lot. Maybe because of the slopes it is on. So we could reduce that -- you take the lot line again and we're still only maybe two acres of land with the grading associated with the house. But I could remove the lot line. We can definitely work with you.

Are we working with you or are we working with the neighbor? We want to work with the neighbor, but sounds like he doesn't want them there and doesn't want you to approve it.

MICHAEL NYHAN: Hang on. There are seven acres -- my understanding -- that will be lost that is currently farmed.

MR. SCIARABBA: That's -- you're asking for a rough number. I'm saying yes.

MR. ROBINSON: I'm willing to --

MICHAEL NYHAN: Hang on.

MR. ROBINSON: Okay.

MICHAEL NYHAN: All I'm saying is if you could recoup some of those seven areas and if there are wooded areas that are not currently farmed, you could just simply change your lot lines to outline those areas to try to minimize the amount of currently farmed prime soils in that area. I think it would be -- I think there would be a benefit from that.

MR. SCIARABBA: I don't see a problem with that.

MR. ROBINSON: I'm willing to work with that.

MICHAEL NYHAN: So I think at this point, maybe -- would you want to work with that and resubmit some plans that we could then look at relative to the soil types and, you know, have time to review a plan rather than try to sketch it out here?

MR. SCIARABBA: I don't know how -- if you were grateful enough to make a motion regarding this application tonight and saying -- creating a lot roughly two acres in size to be inside the wood lot around Mr. Robinson's house, I don't have a problem with that.

If we want to not designate a lot around the proposed house and just leave it on -- the rest of the remaining parcels and get rid of the term "lot," we can do that, as well. It will not change the impact to the grading associated with it or what Mr. George wants to use for lawn in the future. But I know his intention was to leave it agricultural.

MICHAEL NYHAN: You know, the other option is that you could do that and submit that to us and we could review it for next month's meeting rather than try to put that on paper right

here and now or try to describe it, if you will. And then -- then it doesn't come out the way we all expected it and Mr. Robinson expected and the way anybody else expected. It sounds like everybody is willing to work together to redraw some of these lines. That is really what we want. As a Board -- I think I can speak for everybody -- we don't want Mr. Robinson to not be able to sell his land. We don't want Mr. Steimer to not be able to farm it and we don't want Mr. George to not be able to build a house. But the Town is very clear, that that is their goal, to conserve prime soils for farming in this community.

So if there is a way to draw lot lines, however many acres that is, that would conserve those soils. I think we would be very open to reviewing a plan like that and moving forward with something.

MR. SCIARABBA: I don't have a problem. If the timing is not an issue, it is not a problem with me. So I think the Town Engineer needs time to update the plan, as well. So I think it is a good thing to take that step back and I will work to that end and provide you an updated plan.

MICHAEL NYHAN: Do you want to table this until next month so you can provide those documents and work with the parties involved?

MR. SCIARABBA: Sure. Will you close the Public Hearing or anything like that?

MICHAEL NYHAN: We did close the Public Hearing.

MR. SCIARABBA: Great. Yeah. So then we'll ask to be tabled until next month and go from there.

MICHAEL NYHAN: Okay. Motion to table this until next month --

PAUL BLOSER: Comment before you --

MICHAEL NYHAN: Certainly.

PAUL BLOSER: Two things I heard in the conversation was that the proposed tenant, new owner is going to be running a business out of there. Run his work out of there. And we have huge restrictions on running businesses out of a property, a private property. That is a big concern, number one, that I have.

The other thing I heard was that he wants the land for his kids to be running four-wheelers, recreational vehicles around the property. We also have very strict ordinance on running those on personal properties and on farmlands and we, in fact, have shut them down on people that bought properties, figuring I owned ten acres and I can run these things all over the place. That is not the case in Chili.

So I would suggest looking into the code on proper operation, where and when and what you can use. Running them on a farm and working the farm vehicles is one thing. Recreational use, racing and just having a good time on a Saturday afternoon, they're not allowed.

MR. SCIARABBA: Well, I guess I'm not familiar with your code. I know Mr. George is a hunter.

PAUL BLOSER: I think he should look at the code with the Building Department, because they're not allowed.

MR. SCIARABBA: I appreciate that. And as far as a business operation, that wasn't what Mr. George or I said. It is what the public said. And I don't believe that is his intent, is to run a business.

PAUL BLOSER: I just wanted to be clear of your intent --

MR. SCIARABBA: I understand.

PAUL BLOSER: It is just not something we're reviewing right now nor is it allowed without proper review.

MICHAEL NYHAN: Paul (Wanzenried), do you have any other -- Side Table, have any other comments relative to this before we accept a tabling motion and move on?

PAUL WANZENRIED: Not right now. I don't.

MICHAEL NYHAN: Where did we leave off?

GLENN HYDE: I second.

DECISION: Unanimously approved by a vote of 4 yes to table per applicant's request. Public hearing closed. Environmental Quality Review Act (SEQRA) not completed.

MICHAEL NYHAN: Did you want us to put you on the agenda for next month or call the Building Department?

MR. SCIARABBA: I will call the Building Department. I have to check on the schedule but most likely. Thank you for your time.

BILL STEIMER: Could I make a couple of comments yet or am I --

MICHAEL NYHAN: We have already closed the hearing and we already closed this application. We're certainly willing -- could you write those comments and send them in?

BILL STEIMER: I was just wondering if we could have a neutral coordinator for this effort and wondering about Mr. Wanzenried?

MICHAEL NYHAN: Well, everything will go through the Building Department, yes. You can certainly do that, but ultimately, sounds like everybody is willing to work together. So I don't see that will be a problem. We're not going to assign --

BILL STEIMER: Am I supposed to be a part of that?

MICHAEL NYHAN: Yes. I think --

BILL STEIMER: Just as an example, a good point is the four-wheelers. Where we farm, we do not allow any four-wheelers. Mr. Robinson has dealt with that very well.

MICHAEL NYHAN: Yes. And that, I think, would continue in the future. But that would

also be part of something with the Building Department and our code.

BILL STEIMER: Thank you.

MICHAEL NYHAN: You're welcome.

He did say he would be contacting Paul (Wanzenried) relative to working this out, so stay in touch with the Building Department, Paul (Wanzenried).

Correct, Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: I don't see any reason why all three parties won't be working together on this. That was what the whole intent was and I think that is what they agreed to. That was my understanding. So I -- I think this is an excellent opportunity, resolution to this right now until we see something more.

Still seems like have you questions or something?

BILL STEIMER: I thought it was a builder/developer thing. I didn't realize that -- I guess it leaves us kind of hanging. I didn't feel as though I was going to be a part of that plan.

MICHAEL NYHAN: Okay. And I think that is their choice. We can't force them to make you a part of that plan. That is their choice, but I know they heard what you said and what we said and they took it into the consideration because of the fact they tabled this so they could reduce their sizes and mitigate the land you farm so you can continue to farm it.

So my suggestion is to stay in close touch with the Building Department so that you know what is going on. And if they certainly want you to be part of those meetings, that would be up to them. We can't force them to make you a part of those meetings, I guess, is what I'm saying, if that is what you're looking for.

BILL STEIMER: Thank you.

MICHAEL NYHAN: Okay.

2. Application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624 owner; for recommendation to rezone 4415 & 4423 Buffalo Rd. from GB & R-1-15 to GB/ R-1-15 with incentive zoning at properties located at 4415 & 4423 Buffalo Rd.

Charles Schultz, Joe Gizzi and Patrick Laber were present to represent the application.

MR. SCHULTZ: Charles Schultz, professional engineer here with my client, Mr. Joe Gizzi and my associate Pat Laber, a Design Engineer from our firm. This is our first opportunity to speak with your Board concerning this project. What we're looking to do is basically a redevelopment of two parcels. We have got 4415 Buffalo Road and 4423. 4415 Buffalo Road is currently zoned General Business and that consists of the preexisting, two-story professional office building and parking area off to the east.

4423 is zoned single-family residential R-1-15. There was an existing residence on the property and -- in recent years and has since now been razed.

When this project was brought to my office to take a look at, we realized with the redevelopment there is an opportunity to potentially do something unique and take advantage of the incentive zoning that the Town offers to try to do something that would potentially be a mixed use, similar to some of the other trends that you see being done throughout the county and across the country.

In particular, there was a desire for some additional multi-family housing and also to augment and basically replace some of the professional office buildings -- offices that are currently on the site.

So we have put together this plan where we would basically propose to do three specific things. The -- the entire project is intended to be merged onto a single parcel. So merged into one lot. That is part of the incentive zoning application. So it will exist as one parcel.

We're proposing a small building to the east, a 4,000 square foot, single-story professional office building. I have -- we have gone ahead and done some renderings and things like that. Oftentimes with these type applications, that type of material is -- is very important because we're doing something that doesn't fit code specifically. So I think it is important to get a handle on how this thing will all fit. So I will -- each time I do one of these things, I will throw one of the renderings up and that should match some of the information that you folks already have so we can give you an overview of what the plan is and how we came about this.

As you're probably aware on the corner, this is -- we have -- Buffalo Road, a State road and Attridge. We did have an opportunity to look at some of the existing concerns with it, like access, for example. This plan will potentially remove the access off of Attridge Road. We have heard through conversations with Town staff and such that that tends to be a cut-through. So part of this plan we looked at the overall traffic and we're looking to eliminate the Attridge Road access.

The old driveway into the residence, which is right opposite Cottage Cove, is actually eliminated at this point and we would relocate the access into the development further to the west, further away from the intersection of Attridge and Buffalo Road. That is one of the key points on this. We would be maintaining two good points of access for emergency access into the property. We would potentially eliminate an existing traffic issue associated with Attridge Road.

On the center of the drawing is the existing two-story building. This has been a professional office building for many years. My kids' pediatrician was there. For many years we

went there, but the building is old and tired. And at this point, the idea is to potentially convert that building. Clients have had the opportunity to have architects go in and study it and they realized they could go in and with addition of a small -- small addition on the south side, which would represent the main entrance, foyer, elevator room, they can potentially get the six apartments on each floor. These are apartments obviously that would meet or exceed the minimum required size for code for apartments.

And then there is still a demand for a professional office. So again, that is in keeping with the development of the smaller 4,000 square foot professional office building to the east.

The third building is basically centered on the 4423 parcel. That is proposed to be a three-story apartment building. Each floor will have 12 units. Very similar in layout that you will see being developed throughout Monroe County from the standpoint of the -- the -- the degree of complexity, amenities. So you're getting a product that is -- is -- been duplicated, repeated and is very popular.

This is proposed to basically merge parking lots and the whole development is set to basically work together. We have had an opportunity to have a traffic study take a look at it to see if, in fact, we would potentially have to do any off-site improvements.

SRF Consulting took a look at it and they realized based on the redevelopment of the site, we don't anticipate any off-site improvements being required. And they also thought that we wouldn't necessarily even have to get into a traffic impact study with the State. So it was pretty good.

The other thing that always happens is you always look at utilities. You know, fortunately this is a redevelopment site. So we have sanitary sewer. We have water.

Storm water, we're fortunate on the way this works out, everything drains to the southwest. There is a drainage corridor that leaves the back corner of the property so to speak. It extends almost in a line parallel to Attridge Road, southwesterly about 500 feet off of Attridge Road for several thousand feet and discharges right out of the Town into Riga. It's a well-established drainage corridor. It's flat. But a wetland. Offsite. So we have a good place to discharge stuff. We're not potentially discharging our storm water and creating a nuisance.

The way the grade works, we'll be able to site a nice storm water retention pond in the back corner of the property so it is out of the way. And we have actually gone and done preliminarily drainage calculations and are looking at preparation for a storm water pollution prevention plan on the site.

So we know from a utility and a support service standpoint, this site will work. We have all -- all of the necessary utilities. We're good on traffic. We're good on drainage. So we have done -- we have a done a little bit ahead on this because oftentimes, the biggest concern is when looking at redevelopment of the site.

Early on my client actually did investigate potentially buying the -- the corner to the east and unfortunately missed out on getting a hold of that. He was going to -- even thought to incorporate that parcel, too. But that was -- that ship sailed. We're not there yet.

So tonight we're really looking to show you some ideas. We know because of the -- the nature of the project, that what's this is going to look like from offsite is obviously a concern. Certainly when this gets in front of the public, there will be a lot of that. The client has gone ahead and invested to show some renderings to basically look at the perspective views. Not only from Buffalo Road, from what would happen coming out of Cottage Cove. And even from the folks who live off of Attridge if they're looking out their back door, what they would potentially see.

The biggest goal with all this is -- first of all, light spill associated with any traffic, we want to make sure that the parking lot is sited mostly to the rear of the property and are totally shielded. One of the perspective views you will see in the -- we'll run through each of the renderings really quick to give you an idea, but we already anticipated both hard surface landscaping and -- and potentially fencing to basically totally shield the rear yards so they're not getting light spill from cars. Currently as they enter the property, they swing their headlights towards the backyards of Attridge so that would all be shielded. And, of course, if the project proceeds and we do get into formal site planning, we would develop significant landscaping plans with the assistance of the direction of the Board.

So we're really at a point now where the Town Board thought the -- I believe that the project had interest. My client did propose an incentive that was something desirable to the Town Board that would offset the potential impacts and our biggest issue is we take residential zoning, we take commercial and we look at what is the parking required for, you know, for -- for apartments. And we kind of merged them together. We have been working with the Building Department to try to make sure we have a good comprehensive list of the asks.

But what we're basically doing here is we're -- we're doing a single combined site, merging three different buildings that have basically two different uses, but we're combining utilities, parking, access, storm water and overall, it's -- it's redevelopment of two existing parcels. So it's -- it's -- could present a nice anchor for the North Chili area.

Obviously it's very close to the west end of the Town and certainly has quite a lot of high-density residential in the immediate area. Of course with commercial. And we feel this would fit in pretty nice and be a bonus for -- for the neighborhood.

In addition to, you know, everything else we have gone through, you know, we're at a point where we hope the Board can make a recommendation back to the Planning Board -- or excuse me -- the Town Board to move forward on -- on the whole process. We know it's a -- it is -- an incentive zoning does take quite a number of meetings and such. And we actually started this -- I



think our first meeting was during the Bicentennial meeting of the Town Board. We had our first opportunity to talk to the Town Board. So they put us on. So we have been working on this for quite a bit. But we wanted to make sure that we came into -- with a well-thought-out project that addressed a lot of the comments and concerns that the Board would see.

And even though we have gone and developed the full site plan -- I know it's a little bit more than what we would normally see for the recommendation, but we wanted to portray our confidence in the project and the -- the high-level planning and thought that has gone into it to bring it to this point.

MICHAEL NYHAN: As you look at this, you brought up the point there is detail from a site plan perspective but we're not looking at it from a site plan. Just from an incentives that they're looking for, which is basically to -- almost like a variance. So what they're asking for would be your zoning -- incentive zoning so they would not be going in front of any Zoning Board for any of these variances, if you will, that are being requested. That -- so that is what we're looking at here.

Ask any questions we have and then we'll present the Town Board with a document, a report of the Planning Board's opinions and factual items that we found.

And at the end, of course, we'll vote on whether we recommend or not recommend this to the Town Board and then the Town Board will take the action based on information they receive, as well. They will also be the lead agency as far as SEQR goes, so we won't be doing the SEQR.

So with that being said, Matt (Emens), do you have any questions?

MATT EMENS: Just a few questions. The existing office building, what is the current percentage of occupancy in that?

MR. GIZZI: Good evening. I'm Joe Gizzi, Gizzi Real Estate. Currently in that building we have two tenants. A pediatrician that has been there for about 20 years. He -- he is moving out in December. He is on the lower level. He is going to be moving to Churchville to a one-floor plaza that's easier for his clients to come in -- mainly women carrying, you know, babies.

So we have a dentist who is on the second floor who also is very interested in getting into a ground-level suite because she has a lot of older clients that have to take -- we have a handicapped wheelchair lift in there and a lot of her clients have to use that lift to get up to her suite. So she is interested in that 4,000 square foot professional space that we're proposing on the east south corner of the lot. Which would primarily have two -- two 2,000 square foot spaces available.

So after December, we'll be probably less than 10 percent occupied. It's been that way now for a good seven, eight years. That -- that style of professional space is outdated. You see them a lot in Greece and towns like that. They're just -- they're tough -- they're tough to lease. We have had multiple realtors on it. Just don't have any luck.

Once in a while we get -- we get like Churchville-Chili School coming in. They'll rent a couple 100 square feet. Or the DOT, if they're doing a project nearby, they'll rent a couple hundred square feet but they're short -- you know, they're like six or eight months and then they're gone.

MATT EMENS: Right. So -- you guys were in a couple -- probably a few years ago now about this lot. I just don't remember where we were with this. But --

MICHAEL NYHAN: It was a request to rezone it to GB from Residential. We recommended NB and I think they never went to the Town Board to follow through on that.

MATT EMENS: So then the idea, Joe (Gizzi), is you're not -- you think the higher need in this area is the housing portion?

MR. GIZZI: For sure. We're building --

MATT EMENS: 4,000 square feet office building, it's like -- I mean it's -- it's -- I feel that you guys have done a great job of maximizing the use of this site.

MR. GIZZI: Yeah.

MATT EMENS: But with that comes -- I feel like there is a lot of stuff on the site and it is tight. I think it's -- you know, I like the professional office building. I think it's interesting that you're trying to repurpose this building. I think that's a good idea instead of just tearing it down like most people might.

I just -- as we go along, I start to struggle more, though. Just the three-story building over there. I drove over there tonight after I got out of work and it's just -- three stories is -- is tall to begin with. And this -- we see them all over the place. I'm just -- I know a lot of work went into this so don't take it the wrong way, but there is a lot of three-story building boxes. You see these in Gates. You see them un -- unfortunately, I think we have some around here.

I just don't -- I don't see that contextually fitting over there. I don't think what you have proposed here is a bad project. I just don't think that this is the right site for it. Or this is the right scale for it.

Did you guys look at anything like two stories?

MR. GIZZI: Yeah, we did. And the issue with the two stories is we don't get enough -- there is not enough units to make it work. That three-story building is a very expensive building to build. Architecturally, they're very nice looking. They have stone on them, balconies. They're not -- they're actually really nice-looking buildings.

You know, then we propose to -- to -- you know, give the -- give the professional office space a whole new facelift, make it look -- a more "villagey" type look. We're gonna replace all of the siding. We're gonna replace all of the windows, put nice larger windows in. But I understand your concern.

MR. SCHULTZ: Yeah. Just like the last application where you basically had folks that are potentially eating up prime agricultural land. Good community planning says that you put your population densities where you have your utilities and your services. That protects your farmland and your outlying land.

You got a developer that is willing to make a substantial investment because he knows there is a need for that housing here and it will work. The overall is, you're potentially doing good planning. You're looking at saying, "I have goods and services right across the street. I have got plazas. I got drugstores." Things, that -- restaurants that these folks will use if they can live there, as opposed to grabbing five acres and losing farmland out where you really don't want it. So this goes hand in hand with it. It's very hard to think -- would I want to live on the third floor of an apartment there at my age? No. But there is a lot of folks that would jump on that in a minute. If you look at how North Chili is developing, I mean the -- the -- the amount of industry that is up 259, that has been expanding. These people need to live someplace. They don't want to drive 40 minutes to get to work. And if you -- if you zoom out and look at North Chili, there is a lot of density there. That's where you want it. You don't want it in the outlying areas.

So this is again -- this is good planning from the standpoint of redeveloping an area that already had houses on it, already has all of the support and basically is matching the demand that the market is right now. You know, if you -- if you cut it down to a point where it's not economically feasible to do it, you don't get anything. It is just one of those things.

So yes, three stories -- yeah, it is big. But that's one of the reasons why we invested in looking at what the renderings would be. What would this look like from Attridge Road. What would this look like coming up Buffalo Road. So that it doesn't look like it's so massive.

And obviously, you know, landscaping and things like that certainly will break up a building. But again, this is not, you know, something that you see all over the place. But the Town has typically done three-story buildings where the main floor is retail and then the upper two floors are apartments.

Well, the only issue with doing that here is, you really don't need more retail space. Where the demand is is for places for folks to live and that is what we're trying to provide.

MR. GIZZI: Just to mention, we're building just east in Ogden right now. We're building townhomes. And we are -- we basically -- we rent them as fast as we can build them. We have a nice clientele living in there. And probably 50 percent of the calls we get are for people looking for studio apartments, single-bedroom or two-bedroom smaller units. They don't really need a larger space like a town home. And we do have some apartments that we're going to be building in Ogden, in our subdivision that we're currently in Phase 2 of right now.

So I mean we see the demand is there. And, you know, like Chris (Schultz) mentioned, we're kind of off the beaten path a little bit. There is a nice area right in the Town of North Chili. You got the high school right down the street. It's convenient for kids back and forth. You got all of the amenities in the Town, the convenience stores. I think it would be really nice to clean up that corner really nice.

MR. SCHULTZ: You have the college. You could have professors and folks rent spaces just kiddy corner. I mean it's right there. You don't have, you know -- you have this need and you have the space. You got everything. It is just -- it's a little different, but again, that's kind of what incentive zoning is all about. Kind of get -- out of the box a little bit, look at it and look at a piece from strictly a planning standpoint. What would really make sense how to redevelop this to warrant, you know, the significant investment. You know, to turn this around.

Everybody can do the same thing, but once in a while, you know, to have something good, you have to push a little bit. That is what we're trying to do. We're trying to say this is a fully integrated site. Both parcels, everything is mixed, everything is working together. And one application.

MATT EMENS: But there is really not a mix. You have 4,000 square feet of office space and a bunch of residential. If you really want to talk about, you know, flipping the table up -- over, then why not look at using the whole site for just the residences? I mean that's more interesting. Right?

MR. SCHULTZ: To be honest, because he definitely has interest in some professional office right now.

MATT EMENS: But 4,000 square feet, how -- I mean -- so he is going to get, you know, three tenants in there. I don't know how much the dentist takes up. So I mean if you have a signed lease and you want to build it, I get it. But once again, I feel like you're -- you're painting a really pretty picture and I love it. You actually sound like you know what you're talking about and I don't want to take that away from you guys. You have put a lot of stuff together here.

But what I'm hearing you saying and what I'm seeing here, I'm still not -- it's not connected for me. You know what I'm saying? That is why I go back to the -- you're reusing a building. You're trying to do all of the right things. I get it. I'm not criticizing you for that.

I'm just saying I don't -- I feel like you're -- you're saying something that sounds really, really great. And I'm looking at you putting -- taking an existing building and turning it into residential, slapping an office building down, the biggest footprint you can get on there with a parking lot and then as many units as you can make the pro forma work. I appreciate that. I understand how development works. I appreciate the fact that you're trying to do something here and you want to do something and I don't want you not to, but I just don't see it with the three-story, 39 units here that is just kind of smack down at the other side.

I don't feel like you're really looking at it as one whole lot here and using the incentive

zoning. Which is my opinion.

MR. SCHULTZ: Certainly respect your opinion. To be honest, the first time you see it, most people are like, "Oh, three stories." But we have been working on it so long and going through it and suddenly it's like it actually makes a lot of sense. We have been through the process so it's easier for us to say, "Yeah, you guys are gonna love this." And this is really the first opportunity for you folks to take a look at everything we have put together.

MICHAEL NYHAN: What is the height of that building? I didn't see the exact height to the peak.

MR. LABER: I will have to look that up for you. I do have that.

MATT EMENS: I think over 35 feet.

MR. SCHULTZ: I think it is about 39 --

MR. LABER: It's about 30 -- 35 to the eave.

MR. SCHULTZ: Right.

MR. LABER: And then above that --

MICHAEL NYHAN: What is the highest point of the building peak?

MR. LABER: I believe 49.

MICHAEL NYHAN: So almost a 50-foot high building.

PAUL BLOSER: Any comments from the Fire Marshal?

MICHAEL NYHAN: No. We wouldn't get them until site plan approval.

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

MICHAEL NYHAN: You know, part of the -- just a real quick question that will come back to me later. But part of the engineer's letter -- did you review the engineer's letter?

MR. SCHULTZ: Yes, sir.

MICHAEL NYHAN: The number of parking spaces?

MR. SCHULTZ: Yes, sir.

MICHAEL NYHAN: One of the things we find in this Town when we don't have enough parking spaces is people just park pretty much wherever they want which creates a huge problem for not only the tenants, the renters, et cetera. In this area it creates a huge problem for everybody else that wants to go there. So what is the proposed -- how will you manage with -- with the 23 fewer parking spots that are needed, just for your --

MR. SCHULTZ: We took a look at it and again --

MR. LABER: There is excess on one side, I believe, and then a deficiency. So we looked at it as a whole.

MR. SCHULTZ: That is how we handled it.

MR. LABER: The plan is to resubdivide these lots together into one parcel.

MR. SCHULTZ: As we presented the information, we said that this tax account has this number. This tax account has this number of spaces. So stand alone here, you're short. But on the other one, you're over. So net we're fine.

MICHAEL NYHAN: So we'll just have to look at the distance of those parking spaces, if this comes around.

PAUL WANZENRIED: Can that gentleman identify himself in the blue shirt, please?

MR. LABER: Patrick Laber, Schultz Associates.

PAUL WANZENRIED: Thanks.

MICHAEL NYHAN: You have -- the other big concern I look at this -- not a concern -- one of the things that I look at with this is what it will look like from the existing neighbors around the entire property. Not just across the street where there is a lot of commercial and townhomes. But the single-family residents on Buffalo Road, Attridge Road and all of that area. And as I look at the buffer, that would normally be a fully landscaped, 30-foot buffer. There is no way to possibly maintain that at least for the homes on Attridge Road and on any side of this property just because of bio retention areas as well as parking spaces that infringe on that 30-foot buffer.

MR. SCHULTZ: Let's put -- we do have one perspective view that does show the Attridge. We'll pull that one out. We did spend a good amount of time trying to look at that specific.

MR. GIZZI: I believe we have a view from all -- we have a view from three points. We have perspective views if you're standing on Attridge or Buffalo Road.

MICHAEL NYHAN: Are those --

MR. SCHULTZ: That's the guy.

MICHAEL NYHAN: Yes. We have elevations from Attridge.

MR. SCHULTZ: Let's put this one up here.

So what we did is -- this is a view basically out the back door for the folks that live on Attridge. We wanted to see what we could do to potentially soften the look of the back of the building.

And what you will see in here is this vinyl fence is actually placed at the -- at the top of the storm water berm. And then what the idea is, is we can soften it with landscaping. And this fence would run basically the entire south end of the project, so that it would take out all of the potential light spill from the parking, as the cars enter and leave. And it would also basically shield a good portion of the building from view from the folks.

MICHAEL NYHAN: How high is the fence?

MR. SCHULTZ: It's a 6-foot vinyl fence, but again, it's up on top of the storm water berm so it's even more elevated.

And then what -- we considered instead of just having a giant white wall, we'd break it up with landscaping so you're not looking at a great big white run. This is something in particular

that we knew was going to be a sensitive item that we wanted to make sure that that in particular was something that we could address.

MICHAEL NYHAN: Is there a half-story underground?

MR. SCHULTZ: Pardon?

MICHAEL NYHAN: Is there a half-story below grade?

MR. SCHULTZ: No.

MICHAEL NYHAN: The first floor slab is street level, correct?

MR. SCHULTZ: A bit below the street level. You come off of Buffalo Road and drop down.

MICHAEL NYHAN: But the elevation?

MR. SCHULTZ: The elevation is at grade, yes.

MICHAEL NYHAN: At grade. Nobody will be going down into any stairs to get in?

MR. SCHULTZ: That's correct. That's correct.

MICHAEL NYHAN: Everything will be at the grade they walk in.

MR. SCHULTZ: Yes. Because the site naturally drops off, the back is brought up.

MICHAEL NYHAN: So the vinyl fence, there's something behind that. What is that?

MR. SCHULTZ: This is the building (indicating), this is the vinyl fence (indicating). And basically this is -- what you're seeing here is the top of a pond.

MICHAEL NYHAN: What I'm talking about, the bottom of the building is a light color. So we have the vinyl fence and then you have the windows and doors behind it, a light color.

MR. SCHULTZ: This here (indicating), this is the top of the first floor (indicating) --

MICHAEL NYHAN: Right.

MR. SCHULTZ: -- second floor, third floor (indicating).

MICHAEL NYHAN: So what we're looking at is -- if it was all darkened, we would be looking at half of the first floor and all of the second and third floor.

MR. SCHULTZ: What we really wanted to do is make sure light spill, which is typically 3 to 4 feet off, headlights, are gone.

MICHAEL NYHAN: Would that building be dark in color? So if I were really looking at that, I would be looking -- 6 foot fence, I would be looking at all windows and doors of the first floor; is that correct?

MR. SCHULTZ: The colors of the building and such, these are just initial.

MICHAEL NYHAN: I understand that. I'm not trying to go to colors. I'm just trying to get an accurate view of what that looks like, because the fence blends with the color of the first floor of that building. So what we're really looking at is a 6 foot fence and then another 6 foot of building that -- before we get to the second story.

Is that accurate?

MR. SCHULTZ: Yeah. You could say this is -- this is 6 -- but -- but it's so far back, too. You know, it's not -- between the fence and the building, there is 50, 60 feet.

MICHAEL NYHAN: And then the western residential building on Buffalo Road, what -- what landscaping -- it looks like you could maintain 30 foot there.

Is that accurate or no? Or no. You would be in the middle of the drive. So how much landscape buffer can you maintain to the west?

MR. SCHULTZ: You see, this is going to be the same thing. So basically the -- the fence would end up running all of the way down. So we would shield all of this parking from these folks (indicating). So we would develop the fence here (indicating), top of the berm all of the way down.

MICHAEL NYHAN: So shield the parking. They would just be looking at the building. But on the east side where you have the 30 foot -- I'm sorry. West side. The west side of Buffalo Road, the resident to the west --

MR. SCHULTZ: Yes.

MICHAEL NYHAN: Right there.

You see that buffer you have?

MR. SCHULTZ: Yep.

MICHAEL NYHAN: All right. How big -- how wide is that buffer and what does that look like from that residence?

MR. SCHULTZ: I believe we set it up for 30 foot.

MR. LABER: It ranges from about 27 to 30.

MR. SCHULTZ: We wanted to make sure we could augment this really well and we also wanted to make sure we had plenty of room to landscape this (indicating).

MICHAEL NYHAN: So the same thing. You would be -- they would see -- the parking lot would be screened, but they still see 2 1/2 stories of the building.

MR. SCHULTZ: That was the whole thing. We wanted to make sure that people entering and leaving were not impacting the neighbors. They would still look out and see a building, but it's not going to be --

MICHAEL NYHAN: The people on Attridge Road, across the street, would be -- you really can't buffer that, I see, because of your parking. All those residents would be looking at the professional building and the new apartments.

MR. SCHULTZ: Yep. You have the roadway coming here (indicating). I'm pointing at the new one. This is the access that is eliminated.

MICHAEL NYHAN: And then the building that is now a professional building will become apartments. The height of that peak would be the same as the new building or would it be lower?

MR. SCHULTZ: No. This one is only a two-story building.

MICHAEL NYHAN: So you will keep that two-story?

MR. SCHULTZ: Yes. So you would have one story, two stories, three stories. So it would kind of stack.

This one is interesting. It doesn't show the little one-story retail, but it does give you kind of a -- more of a "Hey" -- if you were across the street, looking down, what would you see. So again, a three-story building. Here is your landscape berm here (indicating). You can see how we can potentially shield the whole back. Again, this is not depicted, the little 4,000 square foot building.

But again, how it fits in with how it is developed across the street, you know, you got Cottage Road coming straight out. So again, very minimal impact. There is not folks living directly across the street looking at this. This is a storm water pond.

MATT EMENS: Something as an interesting point. I drove over there, too, and you don't realize how tall those buildings are. Because they're set so far back.

MR. SCHULTZ: Yep.

MATT EMENS: There is the buffer up front with the mature landscaping. I don't even know how many feet you have to go back to get to it. But driving through there, then you get into there and that seems massive up there. But when you're from the road, would you never know that.

MR. SCHULTZ: When you get in there, it is tight and high density.

MATT EMENS: But they're one-story.

MR. SCHULTZ: Sure. That was a different model. That was targeting the senior patio market.

MATT EMENS: No. I get it.

MICHAEL NYHAN: On the other side of that, what would that look like if you brought that building to the road and all of the parking was behind it?

MR. SCHULTZ: In my opinion, it would crowd the road. As it is, we're trying to -- we started with the existing building here (indicating), to maintain a common setback. Obviously the existing building is here (indicating). So when we sited this building, we kind of drew a common front setback and then we pulled this back a little bit. But we wanted to make sure we had good access and turning movement and parking. We just had to kind of site it. Bringing it up closer to the road, I think it would crowd it more. We wanted to get it back, you know, to a reasonable point to kind of center it.

GLENN HYDE: My concerns have been mentioned about the crowded nature of it.

PAUL BLOSER: Just in looking at it, my first thoughts are there is no real green space for residents to sit outside. If they want to go out and sit in the sun on a Saturday afternoon, there really isn't anything. It reminds me more of a hotel than an apartment building.

MR. SCHULTZ: Do we have terraces on these?

MR. GIZZI: Yes. So every unit has a terrace, a balcony. And then these first-floor units all have a little fence here, 10 foot privacy fence and they all have outdoor patios and yards. So these -- the ground-level units would probably be premium units. But there is no -- but there is no park or any place like that.

MR. SCHULTZ: And in keeping with this style of development, you don't build apartments with parks. You build apartments and then they go to the Town parks and use that green space. That is what that idea is. You don't want to be eating up your prime land with your high density. You want to -- you want to take advantage of folks to use the facilities the Town has already provided. You know, go out, get a cup of coffee and go to the park to walk your dog.

MR. GIZZI: There is a nice sidewalk here (indicating), a sidewalk here (indicating).

MR. SCHULTZ: That was something brought up at the Town Board meeting. They asked if we could look into looping it here (indicating). It works out pretty nice. The sidewalk ends here (indicating). We could certainly envision this connecting through and meeting one of the studies that the Town put in to continue the -- the sidewalks.

PAUL BLOSER: Are these inside or outside entrances to the units?

MR. GIZZI: They're inside.

PAUL BLOSER: Corridor in between?

MR. SCHULTZ: Yep. Yep.

This is getting to a point with the market, young folks don't have the same American dream I had when I was 22 to buy a house and start cutting the lawn. They want a place that's ready to go that they can enjoy themselves and they want to spend time with their friends and work. This is the trend. I think you will see this for quite a while. The demand is there. There is a need for this type of -- the housing -- like Joe (Gizzi) said, as fast as he can build these, these are picked up. You know, we got a -- to be aware to offer these type of opportunities.

I'm not saying this type of plan works for every place in the Town, but this is one opportunity where you have an existing site that is being redeveloped. I mean, it's -- it's already been something there. And, you know, to get over -- to not to do that, you have to have something that has a little bit -- something that is a little bit different.

MICHAEL NYHAN: Paul (Wanzenried), anything? Side Table, before I open --

MICHAEL HANSCOM: One of the requirements in the incentive zoning for the Town Code is they present a sketch plan showing how the property could be developed underneath current zoning if it was fully developed. So they'll need to present that to you before they do the Public Hearing.

And also, you guys were talking about the green space. One incentive I didn't catch and

may need to be provided was since you're looking at this as apartments, when you look at the multi-residential zoning district, there is a requirement in there that you have to provide a certain amount of green space for each apartment. In terms of aggregate. So that may be an incentive, but you also have to capture that. I didn't put that in my letter.

MICHAEL NYHAN: There is also a square footage requirement for apartments. I didn't see a square footage on these. Is that correct, Paul (Wanzenried)?

MR. SCHULTZ: There is and they do all exceed the minimum requirement of the Town.

MICHAEL HANSCOM: He did email today a listing of all of the proposed -- I didn't compare those to --

MR. SCHULTZ: We got a chance to talk this morning. We filled in the missing information and sent it out to you all. "What didn't you get at DRC? Oh, shoot. We'll get you this."

We wanted to make sure you had everything. You do have a concept showing if you did develop this as single-family, so we can provide those maps to the Board. We inquired earlier if we should bring them into the Town Board. They said just bring them to the meeting tonight. So we do have those maps for you folks.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MATT EMENS: He is going to show us this alternate plan.

MR. LABER: Yes. I can hand this out if you like now.

MICHAEL NYHAN: Before we are too much further.

MR. LABER: Here is copies to take a look at. Basically, it takes the -- the R-1-15 parcel, 4423, and the code says you can get one house on it. So that is basically the difference here. We still showed the professional office building on 4415. So that's -- there is nothing, you know, too mild-blowing about it. Just basically taking that one site and putting a house on it, the western parcel.

MATT EMENS: But you still need variances to make this office building work then or no?

MR. SCHULTZ: Yes.

MATT EMENS: Okay.

MICHAEL NYHAN: Let's talk about the amenities you will provide to the Town. I think you provided us also today something that indicated that your amenity would be to demolish the old highway garage on the Town property at Chili Center and the estimate for that was \$148,000, but the Town would be responsible for any remediation of any items like asbestos that would need to be removed from the building ahead of time.

Is that correct?

MR. GIZZI: That's correct. We would demolish the building after all of the remediation was completed. Actually, we have met on it a few times, Paul (Wanzenried) and myself and Mr. Dunning, Chris (Schultz). We have met out there with --

PAUL WANZENRIED: Dave Lindsay.

MR. GIZZI: Dave (Lindsay), as well. We also had Sessler out there who would provide the remediation that's required to demo the Town -- the Town highway building.

I think it's pretty close to being ready to go. Not much remediation. They had a study done maybe ten years or so ago and I just think it needs to be updated. But that -- but that would be the incentive that we would provide, would be to demolish that building and haul it away.

MICHAEL NYHAN: One of the things in the code is the -- to explain -- or could you explain how that amenity will help the Town with its physical, social and cultural policies in the Town and the Master Plan? I guess I say that, because there is a lot of things in this Town that need to be done and one of them -- with the highway garage being done, it will probably be done by our highway personnel, number one.

But number two, there is a lot of areas in the Town, the Master Plan, they propose putting sidewalks -- whether Chili Center, North Chili sidewalks -- or even things that the community could enjoy rather than just the dollar value of demolishing a building. Anything to look at like --

MR. SCHULTZ: We got here just by starting a conversation with the Town Supervisor and it was something that was offered, like -- like this would be something that we would like to see. We didn't -- we didn't find it. It was -- it was brought to our attention and we started from there. So that is how we arrived at it at this point.

MATT EMENS: Can I ask the Side Table some questions, Mike (Nyhan)?

MICHAEL NYHAN: Sure. We closed the Public Hearing but this is additional discussion before we make our decision.

MATT EMENS: Paul (Wanzenried), I do believe in the Master Plan -- well, I -- now I'm going to take that back.

So the question, I guess, Paul (Wanzenried), that I have is, is that something that the Town has been planning or budgeting for? To Mike (Nyhan)'s point, is this money we have saved up in reserves or how would we fund this work, if we had to do it tomorrow?

PAUL WANZENRIED: Tearing the -- down -- tearing down the highway garage?

MATT EMENS: Yep.

PAUL WANZENRIED: I don't know if we have budgeted for it.

MATT EMENS: Okay. That is what I'm asking. I don't mean to pop quiz you. I'm just asking.

PAUL WANZENRIED: Off the top of my head, I couldn't tell you if that was budgeted for or not. I haven't seen any budget line item for it, but it doesn't mean it doesn't exist somewhere.

MATT EMENS: Obviously as we see, these buildings that are Town buildings -- the new buildings get built, the old ones go away. We talk about what will happen on these lots. So I get -- I agree with what Mike (Nyhan) is saying. It is something that needs to get done and probably on the list. Just wondering where it was on the list, how high was it budgeted for.

MR. SCHULTZ: I also believe the costs for a prime developer to go in and do it is significantly less than what the Town would be burdened to do the same work.

MATT EMENS: That is the other -- a case study would be the Town of Canandaigua highway garage. Years ago they tore it down. One of the things they proved to the taxpayers for the approval of funding a project and the cost of the project was how they were going to save money and one of the ways they saved money is in a downtime, they used some of their crew, their manpower and existing equipment to tear down a building. Obviously they did the abatement. We all get that.

But -- and the other thing, too, is I guess just -- sorry to ask the question, but G4 Construction Service. Joe (Gizzi), that's -- you're writing this? That is you?

MR. GIZZI: Correct.

MATT EMENS: So my other question would be, is -- is that a conflict of interest that the person that has put the quote together to explain the cash value to us is --

PAUL WANZENRIED: The applicant is one and the same, aren't they?

MATT EMENS: That's what I'm saying.

PAUL WANZENRIED: How is that a conflict of interest?

MATT EMENS: How do we know that that is the true value of the work? I feel like you want a third party or independent person giving a proposal. Not that they can't do it for less. Or more. I am just saying.

MR. GIZZI: We can absolutely provide you -- we work with Sessler.

MATT EMENS: Sessler Environment.

MR. GIZZI: We work with Sessler very closely. We demoed buildings ourselves. We -- we have gotten estimates from Sessler and had them demo the building. I can almost guarantee you it'd be more to have Sessler do it than it would be for us.

MATT EMENS: I'm not -- please don't take it the wrong way, but doesn't it -- that seem like something -- if I was --

MR. GIZZI: I think the value we provide on there is actually really low right now with the cost of fuel and -- and --

MATT EMENS: That's what I'm saying. Probably the cost here isn't the tearing down. Truck and disposal.

MR. GIZZI: Trucking and disposal -- you have a couple weeks onsite tearing it down and cleaning it up. And grass seed and topsoil. But the cost is going to be hauling it out and dumping it. I mean that is the cost. And then -- it's old. So I mean we're anticipating we're not going to come across anything significant, but if we do, we stop and Sessler has to come and do what they need to do --

MATT EMENS: Abate it.

MR. GIZZI: I think the property has -- is coming up for sale soon, that whole parcel there, so I do believe it is probably important for the Town to remove --

MATT EMENS: That was my other question. Like back to the list of things to do, we talked in the Master Plan about what could go there or might go there, but I don't know there is any updated plans the Town has with that property.

PAUL WANZENRIED: They're putting it up for sale.

MR. GIZZI: The property is subdivided and ready for sale.

PAUL WANZENRIED: The property has been subdivided off. So --

MICHAEL NYHAN: You're talking about the Town property?

PAUL WANZENRIED: The Town intends to sell it, yes.

MICHAEL NYHAN: Would you intend to buy it?

MR. GIZZI: No.

MATT EMENS: I think you're representing them? Is that -- is -- isn't that -- isn't it Gizzi something on there, too, that is representing it?

MR. GIZZI: No. We own the property to the west.

MATT EMENS: Oh, I got you. Sorry.

MR. GIZZI: There was an old house there we demolished, took some trees down.

MICHAEL NYHAN: I just wanted to add a couple comments. David Cross has been excused from the meeting tonight and couldn't be here. But regarding the incentive zoning, he was not favor of 39 apartments, 2 properties, owner/occupied housing (indiscernible) and that there would have to be serious incentives to make this work. Those were the comments.

Al Hellaby is also excused from the meeting tonight. He commented that not all of the information was provided. I think it has been provided since that time. So he couldn't make an informed recommendation or not -- or couldn't make an informed recommendation as he didn't have the full information that we now received here tonight.

So those were the two comments from two of the Board members that couldn't be here tonight that I will also include in my report to the Town Board.

MATTHEW PISTON: Except those Board members are not here so they won't be voting.

MICHAEL NYHAN: They won't be voting, but I wanted the comments to be known because they did provide them to me. So those are the comments.

Any other questions or comments on this proposal? Nothing? Okay. I think I have taken a number of notes. Let me just try to repeat those.

One thing I did notice in the Master Plan 2030, there was no indication that they would want to change that area, that particular -- this particular area to a multi-family apartments. But I do understand. I hear what you're saying, based on market conditions, but that isn't completely in concert with our Master Plan.

30 foot setback buffer. I think that was a concern. Height of the building I think is a concern. The -- oh, by the way, what is the setback from Hilton Oil? I didn't see it on the plan. From their property, what is the setback of your building to the property line?

MATT EMENS: 5 feet.

MR. LABER: 6 -- 6.4 feet.

MATT EMENS: 6 foot.

MICHAEL NYHAN: So 6 foot away from -- to the property line?

MR. LABER: Right here (indicating).

MICHAEL NYHAN: Do you know what their building is off the property?

MR. LABER: There is -- is approximately that. 11, 12.

MICHAEL NYHAN: That is not even a setback that we would permit for a shed, let alone a building. I just wanted to know what that was.

All right. The density, both first-floor residential and the number of apartment units. Um, I think you articulated -- even though I didn't see it on the letter -- how the incentives would complement that area or benefit that area.

But I also heard that the reason you're asking for this is because this type of development just wouldn't fit on the site without incentive zoning. You would need a smaller development that wouldn't financially work.

One amenity that will probably need to be added is the green space based on our code -- or not amenity. I'm sorry. Incentive -- would be green space. So make sure you have that.

The other thing this -- the code requires that the Town Board -- that we don't have -- is the elevations -- or the elevations of the building you're proposing relative to the buildings that surround it, so that's the residential buildings. That is something --

MR. SCHULTZ: We can provide that.

MICHAEL NYHAN: -- you will have to provide.

And then the amenities to the -- or the Town, which is the demolition of an old highway garage that is on the current Town property that sounds like it is going to be up for sale in the near future. All right.

We did see the current sketch that we have here without incentives. One single-family home and what that would look like.

Anything that I may have missed for a report to the Board? Parking? We would have to look at that parking -- if this was one large lot, I'm not sure if the parking spaces at the professional building would count towards the parking spaces needed for the residential building on the far east side.

Paul (Wanzenried), I don't know if you know that or not? Or if that would be part of the incentive, is a reduction in parking spaces? When it was reviewed, they reviewed it as two separate lots; is that accurate?

MICHAEL HANSCOM: I reviewed it as one lot. They would be three parking spaces short.

MICHAEL NYHAN: Okay. The parking spaces that are all of the way to the west there, would they be close enough to that large three-story building to be able to count them?

PAUL WANZENRIED: Have to be within 250 feet.

MICHAEL HANSCOM: Yes. They would be.

MICHAEL NYHAN: Yes, they would be.

MR. SCHULTZ: We're within that. Yes.

MICHAEL NYHAN: So you're within that. So like three parking spaces short is all for the whole complex.

MR. SCHULTZ: We might be able to augment and pick those up.

MICHAEL NYHAN: So that may not be an issue.

MR. SCHULTZ: Yep.

MICHAEL NYHAN: Parking may not be an issue. All right.

Anything else? No? Okay.

So we won't be voting to approve or disapprove this. What we'll be voting on is whether you recommend or not recommend this to the Town Board. They would be the ultimate body that would approve or disapprove the incentive zoning. They would just use our feedback and our decision-making as well as many other things. As well as a Public Hearing that they will have. I know that -- this --

Paul (Wanzenried), I did have one other question.

PAUL WANZENRIED: What was the question?

MICHAEL NYHAN: This was a Public Hearing. Was this posted on the property properly and notification given to all of the neighbors --



PAUL WANZENRIED: To best of my knowledge.

MICHAEL NYHAN: -- that there was going to be a Public Hearing?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: Found it interesting nobody was coming from the neighborhood.

MR. GIZZI: There is three signs.

PAUL WANZENRIED: I did receive a phone call from a woman, but she was at work and didn't leave a number because she was at work and didn't call me back.

MICHAEL NYHAN: Maybe the Town Board tomorrow night will have more people at the Public Hearing.

MR. GIZZI: There's two signs on Buffalo Road and one on Attridge. Three signs.

MICHAEL NYHAN: All right. We don't have anybody here from the public to comment tonight. All right.

So that is accurate that we would be recommending or not recommending. Take a vote on that. Not just writing a report; is that correct?

MATTHEW PISTON: I would say you would need to take a poll of -- of the Board so you know what to write into the report as far as a recommendation or a non-recommendation and then what -- what the vote is.

MICHAEL NYHAN: So with that, go ahead.

MATT EMENS: So one vote?

MICHAEL NYHAN: One vote. What I would ask is do you recommend or not recommend and each of us will say we recommend or not recommend and based on that --

MATT EMENS: So "yes" is to recommend and "no" is not recommend?

MICHAEL NYHAN: "I recommend" or "don't recommend." And I will include that in my letter to the Town Board.

MATT EMENS: With the comments here.

MICHAEL NYHAN: With all of the comments.

GLENN HYDE: The Town Board will be doing SEQR?

MICHAEL NYHAN: The Town Board will be doing SEQR. They will be lead agency if they make the decision to move forward on this. If they decide to move forward with this, then a preliminary site plan would be the next step to come back to us and we would review this as a preliminary site plan with the incentive zoning in place.

If they chose not to approve it, then that would be the end of the process unless there was some sort of an appeal.

Correct?

PAUL WANZENRIED? (Paul Wanzenried indicated non-verbally.)

You can go beat them up on snow storage and all.

GLENN HYDE: Dumpsters?

PAUL WANZENRIED: Dumpsters. The fun stuff.

MICHAEL NYHAN: Everyone clear? Any questions on the process or what we'll be voting on or recommending or not recommending? So looking for a recommendation or not recommendation from each Board on the application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624 owner; for recommendation to rezone 4415 & 4423 Buffalo Rd. from GB & R-1-15 to GB/ R-1-15 with incentive zoning -- is that accurate? I thought it was going to be RM.

PAUL WANZENRIED: That's accurate.

MICHAEL NYHAN: -- incentive zoning at properties located at 4415 & 4423 Buffalo Rd.

DECISION: After a review of the documents provided, a presentation from the developer and their representatives, an open Public Hearing, and Board questions to the applicant with an open discussion, the Planning Board voted 4 yes to not recommend based on the incentives for the amenity offered.

The Chili Planning Board will report the following to the Town Board:

1. Changing this to incentive zoning is not in concert with the Comprehensive Master Plan 2030. This area is not designated to be changed from single-family homes to multifamily apartments.
2. The amenity provided does not assist the Town to implement specific physical, cultural, and social policies described in the Comprehensive Master Plan. Providing the community amenities as outlines in the bike pedestrian or open space plan may be more appropriate and beneficial to the community.
3. Concern for offsite view from residential neighbors. Single-family homes will have a 50' high apartment building. Only 6' fence and landscaping will be provided. The plan does not provide for a 30' screened buffer to screen from neighbors on Attridge Rd.
4. Density for the area is too intense, this is based on first-floor apartments and the number of apartments in the building.

5. Development does not fit the site, too large scale, which is why they are seeking incentives.

Amenities Provided:

1. Demolition of old highway garage on Town property. The developer requesting incentives valued the demolition at \$148,000.00.

MICHAEL NYHAN: I will write -- I will write a letter to the Board and give them our recommendation and we'll go from there.

MR. SCHULTZ: Great. Thank you.

MICHAEL NYHAN: Thank you.

One last question for the Board for my letter.

Was it amenities or the incentives or both for your no recommendation? The incentives meaning what will be given versus the amenities we're getting? Is that appropriate?

MATT EMENS: I would say both. I don't -- I don't have an issue with them getting incentives for this site but not the way it was proposed.

MICHAEL NYHAN: Okay.

GLENN HYDE: Same thing. The three-story things. Okay.

**INFORMAL:**

1. Application of Five Star Equipment 1300 Dunham Dr. Dunmore, PA 18512, Rochester Cornerstone Group, 460 White Spruce Blvd., Rochester New York 14623 (owner); for final site plan approval to erect a 29,916 sq. ft. warehouse/maintenance/office space building at property located at 200 International Blvd., Rochester, New York 14624 in LI, FPO District.

Thomas Harrington and Dave Johnson were present to represent the application.

MICHAEL NYHAN: This was heard and preliminary approved last month, correct?

MR. HARRINGTON: Yes.

MICHAEL NYHAN: There were a number of things required so they did not give you final.

MR. HARRINGTON: There was several I guess -- there was some process or operation -- Thomas Harrington from Costich Engineering and Dave Johnson from Five Star Equipment.

There was some process type -- process-operation-type things that the Board had that -- I was the only one in attendance last meeting and wasn't able to answer as a civil site. That is why Dave (Johnson) is here to answer those questions.

MICHAEL NYHAN: Okay.

MR. HARRINGTON: We have received comments from Michael Hanscom. We have addressed all comments and we have submitted revised drawings that were sent in this morning. Hard copies sent in this morning. We have no issue with any of the comments. To my knowledge all of those have been updated.

MICHAEL NYHAN: So all of the comments based -- that our Town Engineer provided you will be able to correct or meet any of the needs included in that?

MR. HARRINGTON: Correct.

MICHAEL NYHAN: Without issue. Okay.

With that, I will let you go -- you want to go ahead and answer the questions that came up at the last meeting?

MR. JOHNSON: Sure.

MICHAEL NYHAN: Process operations would mean how you're going to run the business, I would assume? I'm sorry. I wasn't here at the last meeting.

MR. JOHNSON: I'm sorry. This is my first time here. I don't -- I don't even know what the questions are, sir.

MICHAEL NYHAN: Would you have the answers?

MR. JOHNSON: You know what? We'll do our best.

MICHAEL NYHAN: I thought you --

MR. HARRINGTON: I guess if I could speak to that, one of the major concerns the Board brought up was what was being done with the current property on Paul Road.

The next one was screening of disabled equipment and we talked about the 6 foot perimeter fence and screening and then adding a condition to the plans -- note on the plans saying any -- any disabled equipment would be screened from International Boulevard.

GLENN HYDE: With a taller fence requiring a variance.

MR. HARRINGTON: Correct. Anything over 6 feet would require a variance so we are proposing a 6 foot.

MICHAEL NYHAN: Were there any others that were unanswered?

GLENN HYDE: Those were the big ones.

MR. HARRINGTON: One about back-up alarms, but that is just kind a necessary part.

GLENN HYDE: Distance from neighbors, right?

MR. HARRINGTON: Right.

MICHAEL NYHAN: You have made a substantial increase, according to our Conservation Board, to your landscaping?

MR. HARRINGTON: We -- we will work through the Conservation Board. They have not received our plans yet. They will receive them. We have an estimate that has been put together. We recognize that there is the 1 percent requirement and we will -- we recently received the estimate from the architect on the building cost and we'll be going to the Conservation Board and fully intend to work with them on that.

MICHAEL NYHAN: The -- the landscaping, is it -- it is always something for some reason people don't want to spend money on, but it completely changes the look of any project.

MR. HARRINGTON: Correct.

MICHAEL NYHAN: So it is one thing we always ask to be increased and working with the Conservation Board to make sure the proper plantings that are put in and enough of them are put into the property to screen -- to screen the area.

MR. JOHNSON: Yep.

MR. HARRINGTON: If you want to speak to these two questions as far as how the --

MR. JOHNSON: Sure. So I guess the first question that came up was what is Five Star's intention with 60 Paul Road where we're currently at. There is still some conversations going on with that. We're currently in -- in a clean-up right now. We're in the process of painting the building, cleaning out, doing some improvements inside the building. Just, you know, paint and some cosmetic-type stuff.

So most -- most likely we'll be looking to sell that piece of property. So that is our -- you know, like I said, that -- that is most -- most likely what our intention is.

So -- and then -- as far as equipment, you know that we are in the heavy equipment business. You know, from time to time we do have machines that, you know, just won't run or whatever. But we are not in the scrap yard business. We do not keep those types of machines around. They may sit in our yard for a certain period of time, but we certainly are not collectors of machines that do not run and operate.

So that's -- there were some photos submitted, I believe, from a current -- current facility that we just completed a couple years ago in Syracuse. And we built a facility in Orchard Park, as well, about four years ago. So you can see by the size of those buildings and the -- and the money that Five Star has invested in those facilities, that we're certainly committed to looking professional, smelling professional, being professional.

So, you know, really here at 60 Paul Road we just run out of space. So things tend to fill up in the yard.

MICHAEL NYHAN: You lease, sell and repair your equipment; correct?

MR. JOHNSON: Yes.

MICHAEL NYHAN: You sell -- sell new equipment or do you sell old equipment, as well?

MR. JOHNSON: We sell both new and both. We're a John Deere construction dealer so we sell new and used equipment, as well as rent.

MICHAEL NYHAN: You do repair work?

MR. JOHNSON: Yes.

MICHAEL NYHAN: Just on your leases or any equipment that people bring in?

MR. JOHNSON: Typically that -- we will repair Deere equipment. Sometimes we do other brands but primarily John Deere.

MICHAEL NYHAN: When it is brought in, it is brought around back and it is repaired inside; correct?

MR. JOHNSON: Correct.

MATT EMENS: I apologize. Just getting these now, I'm not really able to -- well, I mean I hear all of the stuff --

MICHAEL NYHAN: Anything changed from the preliminary? You looked at the building.

MATT EMENS: I feel like they probably have been addressed, but I don't know. Without having this and a letter or anything, I don't know how we're going to comment on it. You know?

MICHAEL NYHAN: So were the building elevations reviewed for materials and all that satisfied at preliminary; right?

MATT EMENS: I don't think we were concerned about that.

MICHAEL NYHAN: So the only concern was these process questions around screening, landscaping and what was going to be done with the Paul Road property; is that correct?

PAUL WANZENRIED: Do you do external racking?

MR. JOHNSON: Very, very limited. Very limited. You're talking about like racking for parts and things?

PAUL WANZENRIED: Parts, pieces.

MR. JOHNSON: We do currently at 60 Paul Road and the new facility obviously having more square footage, highly -- highly doubtful we'll have any outside racking.

MATT EMENS: Outside storage was a concern. I think that Paul (Bloser) brought that up. We talked about that. That is where we started talking about height of fence, what kind of equipment stays there, what doesn't.

But like you just clarified things that are being worked on are worked on inside and then staged outside.

MR. JOHNSON: Yes.

MATT EMENS: And then the sales, the newer equipment would be -- newer and rental

equipment would be staged out front --

MR. JOHNSON: Correct.

MATT EMENS: -- for display.

MR. JOHNSON: Correct.

MR. HARRINGTON: Well, out front -- out front at the road or in the back.

MR. JOHNSON: Right.

MR. HARRINGTON: I don't think the photos show any out-front displays.

MR. JOHNSON: In Syracuse?

MR. HARRINGTON: Correct. In Syracuse.

MR. JOHNSON: So in Syracuse, it's -- it's a little bit different shape than the Rochester layout where we could have equipment out front. With the way the Syracuse facility is configured, it just does not allow for that.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: You say you had a facility in Buffalo, too?

MR. JOHNSON: In Orchard Park.

PAUL WANZENRIED: Orchard Park.

So what is the region that the Rochester facility would cover?

MR. JOHNSON: So their footprint for the Rochester facility: Orleans, Genesee, Wyoming, Livingston, Alleghany, Steuben, Livingston, Ontario, Gates, Schuyler, Steuben, Ontario, Wayne. So that is what we take care of out of the Rochester facility.

MICHAEL NYHAN: Okay. So for the screening, I hear you're putting -- going to get a variance or going to get variance for a 6-foot fence?

MR. HARRINGTON: 6-foot does not require a variance.

MICHAEL NYHAN: I thought you had a front-yard 6-foot fence?

MR. HARRINGTON: No. It will stop at the front face of the building.

MICHAEL NYHAN: So fencing will be 6-foot all around the property. You have also landscaped that fencing area outside?

MR. HARRINGTON: Landscaped out front. As well as depending on what we need to meet with the Conservation Board, screening trees in a vegetated buffer that we have that allows for pretreatment of water going into the bio retention facility. So there will be -- there is green space to add trees as we work through with the Conservation Board.

MICHAEL NYHAN: And the -- the Paul Road facility is being cleaned up and it is going to be sold, put up for sale?

MR. JOHNSON: Yes.

MICHAEL NYHAN: Mike (Hanscom), did you see any issues or concerns with the comments that were received back for the outstanding items you still have for final approval?

MICHAEL HANSCOM: I can neither confirm nor deny. I -- I only received these plans when I got to the meeting and the applicant didn't send a comment reply letter.

MR. HARRINGTON: The letter will be to you tomorrow. I have a drafted copy that will be sent to you tomorrow.

MICHAEL HANSCOM: Because I had not received these, I didn't bring my comment letter with me to be able to look it over so I don't know.

MR. HARRINGTON: I have a copy of the -- of the comment letter. If -- I could go through that and state how they were addressed on the plans, if that is what you would desire?

MICHAEL NYHAN: Let me see if I have that.

MICHAEL HANSCOM: I hadn't gotten my comments on the SWPPP yet. I was going through it today. I have very -- very minor stuff.

MR. HARRINGTON: Okay.

MATT EMENS: I don't know how we're going to move on these. We just got these. He is not done.

MICHAEL NYHAN: Okay.

MATT EMENS: I'm not trying to be difficult. I'm just saying --

MICHAEL NYHAN: No. You get the plans -- I wasn't here this week so I can't comment. So I don't know what was in there that held us up other than the screening.

MATT EMENS: To be fair, I know it was on the agenda, but when I didn't get them in my mailbox, I assumed -- with no response letter, I assumed they weren't coming or something changed is all. So I don't know how --

MICHAEL NYHAN: Sounds like we're going to need a --

MR. HARRINGTON: May we request --

MICHAEL NYHAN: -- we're going to need another month to review.

MR. HARRINGTON: We request that we get approval based -- or contingent upon the Town Engineer's -- satisfying their comments.

MATT EMENS: I don't -- I don't think I'm comfortable with that.

MR. HARRINGTON: They're minor in nature.

MATT EMENS: Yeah, but I don't -- you may be right and I may be making a bigger deal on this than I need to. But if the drawings just came in today and I just picked them up when I got here and I don't have a comment letter back from the Engineer whether you addressed them or not, back to following the rules here, if I go and vote tonight -- I mean -- and I don't even know if we can just leave it up to that -- I feel like that's a little sloppy. So I'm not interested in moving on it. That's my opinion.

MR. HARRINGTON: No -- no offense, but we're going to need to get comments on the SWPPP because they have had -- the Town had that for two months without comments being

generated either. So that -- that's tough on us.

Obviously we want to get this approved and we want to build it next year. But, you know, I recognize that the way that it was done on the last project isn't exactly how it should go on this project, too.

So we would request that it be approved granted that we satisfy the Engineer's comments and that's how it has been done with the last project that our office has brought through here. But we understand your position.

MATT EMENS: Okay.

MICHAEL NYHAN: So what is the position? You want --

MATT EMENS: I --

MICHAEL NYHAN: You need time to review the plans?

MATT EMENS: Well, I -- I feel like -- I'm sorry for making an analogy here, but your homework is due at a certain time to be at the meeting. Your homework is late. So I can't look at it and grade it.

Am I missing something here? Am I out of line, Paul (Wanzenried)? Side Table?

PAUL WANZENRIED: You are entitled to that opinion and that -- you're not -- that's the way you think.

MATT EMENS: Well, I'm --

PAUL WANZENRIED: There is nothing wrong with that.

MATT EMENS: I guess I also am trying to do my job here because we -- if we're nonchalant about something, I guess I'm not really interested in getting --

MICHAEL NYHAN: I'm not saying being nonchalant. The point is we always approved plans -- we have always approved plans contingent on Engineer's approval, which would mean they can't move forward until he reviews everything and has everything he needs.

I think the only hold-up from granting -- and correct me if I am wrong -- preliminary and final at the last meeting was to answer some process questions that they couldn't answer which was -- that have been answered here tonight.

So what else would you look at on the plan that would change your mind to approve or not disapprove is the question I would ask the Board. Because the only thing we're looking at is the final approval based on a preliminary already being done and the engineering items -- just being contingent on those engineering items satisfying our Town Engineer and our Building Department.

PAUL BLOSER: I'm in agreement with that, Mike (Nyhan).

MICHAEL NYHAN: We do that all of the time.

MATT EMENS: That's what I'm saying. So maybe I'm out of line.

MICHAEL NYHAN: I don't know if you're out of line. But -- but I guess I want to break it down to -- so if -- the Board has certain things they look at. They asked for a couple of things.

MATT EMENS: Yes, I agree with what you're saying. But I needed some clarity. Thank you.

So then what we're saying is we're granting final approval based on that they address all of the Engineer's comments?

MICHAEL NYHAN: Correct. Well, to the Engineer's satisfaction, yes.

MATT EMENS: Okay. And -- and the SWPPP is included in that, because I just heard it sounds like they don't have the comments and --

MICHAEL NYHAN: So let me just give you --

MATT EMENS: And Mike (Hanscom) almost has them done or something like that.

PAUL WANZENRIED: There is a boilerplate issue.

MICHAEL NYHAN: I agree with that, too.

So a couple things. One being the landscaping. Conservation --

MATT EMENS: They have to go to Conservation --

MICHAEL NYHAN: They have -- that is fine. That will be a condition. But --

MATT EMENS: That's fine.

MICHAEL NYHAN: Approval is subject to final approval of the Town Engineer and the Commissioner of Public Works. So that will include everything that the Town Engineer has to look at.

PAUL WANZENREID: We won't sign the mylars until that happens.

MICHAEL NYHAN: Correct. I mean I'm comfortable moving forward because of that. It sounds like the only thing the Board was uncomfortable with is the questions that the owner of Five Star -- the representative from Five Star wasn't here. The engineer was. He came in tonight to answer those questions, which to my satisfaction were answered. I don't know if it was answered to everybody else's.

MATT EMENS: Yeah.

GLENN HYDE: I agree with that.

The only thing I share Matt (Emens)'s frustration is it seems like every project or two other projects they're showing up the night of with -- with key documents that we have no time to really invest, you know, serious attention to.

MICHAEL NYHAN: It is frustrating. I would agree. That is a process issue we probably need to address or work on with the engineering firms that come in here. And knowing that you have a final date. If you don't make the final date, you don't come in front of the Board. You just get tabled before the meeting ever starts, so to speak.

GLENN HYDE: But this one I'm comfortable with.

MR. HARRINGTON: For what it is worth, most of the things were, you know, shown

ghosted out where the -- the banked parking was going to be. Large gravel lot. Dimensioning a few roads that were in the area. It is -- nothing -- like I said, nothing major, no show-stoppers. Nothing -- none of the layout changed based on the comments.

MICHAEL NYHAN: Did you go in front of the Zoning Board?

MR. HARRINGTON: We will be going for the front-yard parking.

MICHAEL NYHAN: All right. So let's do this. I will read the conditions. If you're not comfortable, then we won't move forward. Let me read the conditions and see if everybody is comfortable moving forward. Because we have such a short Board tonight, all four of us need to be comfortable moving forward because we don't have seven people.

So these are the conditions of approval. Let me read this. And then -- and then we can decide on this. You want to do that? You okay with that?

MATT EMENS: Yeah. You can read the conditions. I'm fine.

MICHAEL NYHAN: The application of Five Star Equipment, 1300 Dunham Dr., Dunmore, PA 18512, Rochester Cornerstone's Group, 460 White Spruce Blvd., Rochester New York 14623 (owner); for final site plan approval to erect a 29,916 sq. ft. warehouse/maintenance/office space building at property located at 200 International Blvd., Rochester, New York 14624 in LI, FPO District with the following conditions of approval:

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 by the Town Engineer and Commissioner of Public Works.

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

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

Upon completion of the project -- sorry.

Approval is subject to -- oh, I'm sorry. I double copied.

Next one will be 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.

The applicant is to comply with all conditions of the Zoning Board of Appeals as applicable.

Any other conditions?

MATT EMENS: Just the ones -- did you already say the ones --

PAUL WANZENRIED: Did you do any signage? Shall comply with the code?

MICHAEL NYHAN: Oh, no. Hang on.

PAUL WANZENRIED: There is another one.

Town of Chili will require the applicant to enter a storm water control facility maintenance agreement with the Town and to provide access to the Town. Easements and the agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the Clerk's Office prior to the signing of mylars.

Designated area to be screened for outside storage of parts that shall include inoperable or disabled equipment.

MICHAEL NYHAN: Were those on preliminary approval, Paul (Wanzenried)?

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: All right. Do you need to reiterate them on final or just all previous conditions imposed by this Board are still in effect?

PAUL WANZENRIED: I think all previous conditions will work.

MICHAEL NYHAN: I think that's a standard one, too. Let me find it. Sorry. A lot of cutting and pasting going on here right now.

The storm water control was in the preliminary, correct? Paul (Wanzenried)? In the -- the easement was all in preliminary?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: All right. Sorry. I just didn't have the previous one open.

PAUL WANZENRIED: Do you have a copy of that?

MICHAEL NYHAN: I think I do. So I will compare that in a minute. But I have added any signage change shall comply with the Town Code, including obtaining sign permits.

PAUL WANZENREID: Correct.

MICHAEL NYHAN: Pending approval of the Zoning Board of approval of all required variances. We already stated that they have to comply with the conditions of the Zoning Board.

And then the final one is all previous conditions imposed by this Board that are still pertinent to the applicant remain in effect, which would mean all of the conditions on the preliminary site plan approval.

Does that cover it?

PAUL WANZENRIED: (Paul Wanzenried indicated non-verbally.)

MICHAEL NYHAN: Okay. Any others? No? All right.

With those conditions, I make a motion for this applicant for final site plan approval.

GLENN HYDE: Second.

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

1. Upon the 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 the applicant complying with all conditions.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Any signage change shall comply with Town Code, including obtaining a sign permit.
8. Pending approval of the Zoning Board Appeals of all required variances.
9. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

Michael Nyhan made a motion to accept and adopt the 9/13/22 Planning Board meeting minutes, and Glenn Hyde seconded the motion. The motion was approved by a vote of 3 yes with 1 abstention (Michael Nyhan).

The meeting ended at 9:01 p.m.