

CHILI PLANNING BOARD
January 10, 2023

A meeting of the Chili Planning Board was held on January 10, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Joseph Defendis, Matt Emens, John Hellaby 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 Ali Salah (Puffs Smoke Shop), 81 Conkey Avenue, Rochester, New York 14621, JR Real Estate Inc., 630 West Ridge Road, Suite 12, Rochester, New York 14621, owner; for a preliminary site plan approval of a special use permit to allow a retail smoke shop at property located at 4390 Buffalo Road, North Chili New York 14514 in GB District.

Ali Salah and Walid Shaibi were present to represent the application.

MR. SALAH: My name is Walid Shaibi. I'm with Ali Salah in regards of the Puff Smoke Shop.

MICHAEL NYHAN: What are you planning on doing at the site?

MR. SHAIBI: It's going to be a smoke shop/gift shop. We'll sell apparel, as well. We'll have clothing. One-half of the store will be clothes, hats, accessories. Second half will be tobacco and a smoke shop, accessories.

MICHAEL NYHAN: What kind, tobacco?

MR. SHAIBI: Regular tobacco.

MICHAEL NYHAN: Cigars, cigarettes.

MR. SHAIBI: Cigarette and cigars.

MICHAEL NYHAN: Cigarettes and cigars?

MR. SHAIBI: Yes.

MICHAEL NYHAN: Have you received copies of the -- our engineer's report from the Town of Chili?

MR. SHAIBI: I did get an email.

MICHAEL NYHAN: I'm sorry. Your name?

MR. SHAIBI: Walid. Walid Shaibi.

MICHAEL NYHAN: What's your representation to the client?

MR. SHAIBI: I'm partners with him. With Ali Salah.

MICHAEL NYHAN: Okay. Anything else to present?

MR. SHAIBI: No. That's it.

JOHN HELLABY: The hours of operation are stated in your letter of intent as 10 a.m. to 9 p.m. Is that seven days a week?

MR. SHAIBI: That's -- it's going to be from 10 to 9. If the plaza on Sunday closes early, we'll close, as well.

JOHN HELLABY: You will close down with the rest of them?

MR. SHAIBI: Yes.

JOHN HELLABY: One more thing. Vaping. Do you guys have all that vaping nonsense in there?

MR. SHAIBI: Vaping, I think we got a license for vape. Just -- I think -- they only allow the regular. No flavor.

JOHN HELLABY: But you will have it, some sort?

MR. SHAIBI: Yes. The regular non-flavor. Not all of the -- what New York State allows.

MICHAEL NYHAN: Paul (Wanzenried), this is a change of use, correct? Something else was in there?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: What was in there?

PAUL WANZENRIED: Snap Fitness.

MICHAEL NYHAN: Snap Fitness. Thank you, sir.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RICHARD DUPUIS, 2606 Scottsville Road

MR. DUPUIS: Richard Dupuis. I have been trying to build a small porch at 2606 Scottsville Road on Hynes Tract and I went through and talked to Paul (Wanzenried) --

MICHAEL NYHAN: Excuse me, sir. Is this relative to the application we're hearing, to the Puff Smoke Shop?

MR. DUPUIS: No.

MICHAEL NYHAN: Right now we're having a Public Hearing on the Puff Smoke Shop.

MR. DUPUIS: So I will wait. Okay.

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

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

MICHAEL NYHAN: This is just a change of use as listed in the engineer's report.

JOHN HELLABY: If we're listing conditions of approval, just no outside storage or sales. That is one thing we want to keep your eye on, these retail guys.

MICHAEL NYHAN: Okay. No outside sales or storage?

JOHN HELLABY: Correct.

MICHAEL NYHAN: Any others?

MATT EMENS: The signage stuff is standard.

MICHAEL NYHAN: The signage will be standard. The life safety will be standard. All required permits, inspections, building permits. Comply with all Monroe County Development review comments. Any correspondence will be given to our Commissioner of Public Works and Town Engineer.

PAUL WANZENRIED: Does the Board -- it's a Special Use Permit. So does the Board have any time frame? Do you want to discuss time frame or determine a time frame or give them a time frame?

DAVID CROSS: We usually go five years.

MICHAEL NYHAN: Standard is five years.

DAVID CROSS: I would put a time frame on it.

MICHAEL NYHAN: Five years. That's for the Special Use Permit. Is that from the date they open or date of approval?

DAVID CROSS: Date of approval.

MICHAEL NYHAN: Any others?

PAUL WANZENRIED: Needs to get a building permit.

MICHAEL NYHAN: Yes.

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

MICHAEL NYHAN: With the conditions of approval for this application, Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

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

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

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

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

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

No outside sales or storage.

Special Use Permit for five-year period from the date of approval.

Any other conditions?

So with those conditions, the application of Ali Salah (Puffs Smoke Shop), 81 Conkey Avenue, Rochester, New York 14621, JR Real Estate Inc., 630 West Ridge Road, Suite 12, Rochester, New York 14621, owner; for a preliminary site plan approval of a special use permit to allow a retail smoke shop at property located at 4390 Buffalo Road, North Chili New York 14514 in GB District.

JOHN HELLABY: Waiving -- waiving --

MICHAEL NYHAN: Do they need final, Paul (Wanzenried)? They don't, do they?

PAUL WANZENRIED: No.

JOHN HELLABY: Second.

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

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
3. Building permits shall not be issued prior to applicant complying with all conditions.
4. Application is subject to all required permits, inspections, and code compliance regulations.
5. Applicant to comply with all required life safety conditions and permits

from the Town Fire Marshal.

6. Any signage change shall comply with Town Code, including obtaining sign permits.
 7. No outside sales or storage.
 8. Special Use permit granted for five year period from date of approval.
2. Application of SMATTL Holdings, LLC, owner; 50 Stablegate Crossing, Webster, New York 14580, owner; for preliminary subdivision approval of 1 lot into 8 lots to be known as Black Creek Industrial Park at property located at 3513 Union Street, North Chili, New York 14514 in GI District.
 3. Application of SMATTL Holdings, LLC, owner; 50 Stablegate Crossing, Webster, New York 14580, owner; for preliminary site plan approval of a proposed roadway and supporting infrastructure at property located at 3513 Union Street North Chili, New York 14514 in GI District.

Mason Everhart and Ed Martin were present to represent the applications.

MR. EVERHART: Good evening, Mr. Chairman, members of the Board. For -- thank you for allowing us to present our project here. My name is Mason Everhart with DDS Engineers. I'm accompanied by my colleague, Ed Martin. Unfortunately, our client Angelo Licciardello was unable to attend. On behalf of our client Mr. Licciardello, we're here tonight to review Black Creek Industrial Park.

The project was started back in 2015. So I would just like to get everyone back up to speed with what the project consists of. On behalf -- excuse me. The project site is a 25-acre parcel that is in a General Industrial zoning district located west of Union Street where Union and Boon intersect. We're here tonight to review the subdivision of one lot into eight lots, which is to be serviced by a dedicated roadway, public sanitary and water and private outside drainage will be designed in compliance with New York State DEC requirements.

We have been in communication with Mr. Hanscom and Mr. Lindsay. We have received comments from Mr. Hanscom and we're confident we can satisfy any comments or concerns.

With that, I would like to turn it back over to you, Mr. Chairman.

MICHAEL NYHAN: Will you be able to satisfy those without any variances?

MR. EVERHART: We have discussed variances with Mr. Hanscom.

MICHAEL NYHAN: What variances would you need?

MR. EVERHART: We're confident we can solve those variances.

MICHAEL NYHAN: What variances do you need?

MR. EVERHART: So there are three separate variances. The first two are with regards to Lots 1 and 2. And then the third is with the roadway, the length of the roadway. The depth of Lots 1 and 2 is the --

MICHAEL NYHAN: Okay. Do -- do you plan on mitigating that or seeking a variance? You said you could resolve it. How are you going to resolve it? Requesting a variance or going to resolve it by changing the lots?

MR. EVERHART: So we -- we plan on discussing that with Mr. Hanscom and -- and --

MICHAEL NYHAN: We need to know that tonight.

MR. MARTIN: Hi. Ed Martin with DDS.

Odds are we are going to pursue a revised subdivision. Long story short, there were wetlands originally found when this project started back in 2015 that required the layout that we're currently showing. Those wetlands were deemed non-jurisdictional. So we're able to -- to fully develop that and so the property line for -- between Lots 1 and 2 can change completely, making those completely code compliant.

We would like to get the variance on the road length and we would like your feedback on that. We're only 135 feet over the maximum load for a dead-end and that extra length doesn't change the way the site operates. It will operate exactly the same way. If we shorten it to 1200 feet, maximum length, um, just for -- for ease of utilities, grading and transitioning between driveways and that sort of thing, we think the additional 135 feet is warranted so we would pursue a variance on that.

MICHAEL NYHAN: Okay. Thank you.

The length of the roadway didn't change from your original plan, did it? That you received a few years back?

MR. MARTIN: It did not. In fact, we're a little confused -- neither Mason (Everhart) or I were part of the origin of this project so we don't have the benefit of the back story and everything, but to find out about three area variances this late in the process is pretty unusual. But be that as it may, the two are easily resolved.

I can -- if this Board wanted to approve it tonight with no variance, I -- I can make it work. I just think it works better for the development to keep the length. To answer your question, road length has not changed. It has always been that length.

MICHAEL NYHAN: I think probably the reason is each time they came in it was tabled. The applicant tabled it, so we never acted on --

MR. MARTIN: Understood.

MICHAEL NYHAN: -- this application probably in the last four or five years.

MR. MARTIN: I just didn't want this Board to expect us to have background detailed information on it because none of us do.

MICHAEL NYHAN: Sure.

JOSEPH DEFENDIS: I would rather see an updated, you know -- how you're addressing everything. There is three pages of comments here and, you know -- before we would act and say everything is approved. See how you would address all of the concerns, whether you're meeting your requirements with -- you know, without the variances or are you going to go for the variances and all of that.

MR. MARTIN: Understood.

MATT EMENS: Yeah. I would tend to agree. I feel like there is a bit of a -- I mean it just -- it doesn't look good. Lot 1 and 2, the shapes of them, the sizes. So if you have a way to resolve it. Otherwise I think I would be more interested in a solution that, I guess, we looked at with seven lots. But I see how the rest of it is kind of cut up and works.

I just wonder if that would also then potentially solve the road issue, length. It doesn't sound like that is as big an issue because it's fairly close in distance. But I guess I would be more concerned about the way those two lots work.

MR. MARTIN: Those two lots I can tell you exactly how it would change. Just picture the property line between Lots 2 and 3 offset 200 feet, plus -- well, 200 feet or more to the east. And just erase that 90-degree bend you have there. So you would have two more lots that look very much like Lot 3, going off the north side of the roadway. They would be very traditional lots.

MATT EMENS: Instead of this long thing, the flag lot.

MR. MARTIN: Right. Exactly.

MATT EMENS: Do we think that those lots -- I guess -- this is old and I did read the -- you know -- I tried to jog my memory on it. I don't have the stuff from back then. But obviously the idea is to put independent buildings in here as the land -- as the developer could lease them out so you would be coming back for each one anyways.

MR. MARTIN: We will. In fact, it is not even on the application for any site plan approval. So every single lot that gets developed will come back before the Board for final approval. Actual building footprint, actual parking layout, all of that.

MICHAEL NYHAN: Just so you're aware, for the preliminary site plan approval, it would be a Type I action and we'll request a 30-day review.

MR. MARTIN: Coordinated review.

MICHAEL NYHAN: I think we could give you feedback on the entire project, but if you tabled both applications to work on this -- well, you would table the first one to work on these items with the subdivision and then you will have 30 days before you will be able to come back. You could do that. But I think we would like to give you all of the feedback so you have that prior to leaving. I will just mention that now. I want to proceed, but I wanted to mention that to you, as well. I know you will be doing the coordinated review for the preliminary site plan.

MR. MARTIN: Just for the road.

MICHAEL NYHAN: Correct. So you could request to table -- after the hearing you could request to table the first one, come back with a plan that is more suited to what everybody -- all of the comments you're going to hear and then bring everything back next month.

MR. MARTIN: Absolutely. That is exactly what we're looking for, feedback. And getting approval on one but not the other is not beneficial. If it gives everybody piece of mind, table both.

MICHAEL NYHAN: Let's proceed. Make sure you take all your notes and this way when you come back, between the Engineer and the Building Department, next month you will have a finalized plan that is what you're going to go with, whether it's a variance, the lots will move or whatever the case may be.

MATT EMENS: I think that that is -- once again, it sounds like -- I just kind of eyeballed it, but I think I understand what he is saying. I think that is the right solution. I think you could stay with the eight lots. Then it seems as though, if I remember correctly, that would be one variance and that would be the length of the road.

MR. MARTIN: Correct.

MATT EMENS: Then the rest -- Paul (Wanzenried) is going to talk. Oh, sorry. I usually talk too loud, Paul (Wanzenried). Is this thing on?

So I guess -- those are the only comments I had at this moment. So I would be good for now.

JOHN HELLABY: What was the driving force in making that Lot 1 and 2 look like that? I mean there had to be a reason that you did that?

MR. MARTIN: So there was a previous wetland delineation that showed a federal wetland bisecting the site. These regulations change fairly regularly. And we received a letter of non-jurisdiction from the Corps of Engineers. So that whole area that we thought was wetland and we were trying to design around doesn't apply.

JOHN HELLABY: All right. So you no longer have to do this configuration?

MR. MARTIN: Correct. So we can eliminate those two area variances pretty easily.

JOHN HELLABY: I heard the words "lease these properties." Is that the case or are you selling these lots to -- to people that develop something?

MR. MARTIN: No. These are set up to sell.

JOHN HELLABY: So you won't have any ownership at the end of this, correct?

MR. MARTIN: No. Not unless he happens to develop himself there.

JOHN HELLABY: So you have no way of knowing who is going to buy a piece of property to develop it, in what way or --

MR. MARTIN: None at all. In fact, one of the comments -- not to side track this -- but one of the conversations with Mr. Lindsay is about the pavement thickness and having to do with large industrial sites. You have the trucking company just north of us and FedEx across the road so he is used to dealing with these things. He said, "Listen. You never know. You could have somebody come in here and want to combine two or three of these lots and put in a huge operation."

So the sky is kind of the limit as far as that goes.

JOHN HELLABY: What are you looking at as far as time frame? Just roughly.

MR. MARTIN: You know, it is hard to say --

JOHN HELLABY: Do you develop it so it is sellable? I mean afterwards -- I realize it's a market thing and you can't do anything about that, but if you're trying to get it ready to market --

MR. MARTIN: Typically what we see is when we can put a road in like this, it generates interest. It's a lot like a housing track that goes up in a model. Suddenly people start driving in and suddenly houses start to pick up. I would say within the next year, you would hope to get an anchor tenant of some sort in there that kind of draws attention and then just start filling in as other buyers notice the development and want to build there. I think it's a pretty -- pretty valuable area, given how close it is to 490.

JOHN HELLABY: At what point does a streetlight -- or traffic light get -- I don't remember if we talked about that last time.

MR. MARTIN: So the State DOT has assessed this for, you know -- based on the configuration and they said the improvements required do not include a traffic light, but they would require a turning lane. So before the first lot gets developed, improvements to Union Street would have to be made. That is basically a northbound left-hand turn. It would basically mirror a left-hand turn into Boon for the southbound. So -- but that's all the DOT has required.

JOHN HELLABY: And you propose streetlights?

MR. MARTIN: We do. I believe there are 13 poles along the -- the roadway. They're somewhere in the neighborhood of 27 feet maximum height, shielded fixtures so they're dark-sky compliant.

JOHN HELLABY: I guess the only other thing we got is where do we stand with your SHPO letters and all of the other agencies out there like Monroe County Health and Pure Waters and all them, as far as approvals or comments back?

MR. MARTIN: So I will take that in order. SHPO, we have a letter of no impact already from them. I believe it got submitted if not just to Paul (Wanzenried) but maybe in the submission packet.

JOHN HELLABY: I didn't see it.

MR. MARTIN: We can get you a copy of that. We already have a letter of no impact from SHPO. Health Department, Water Authority, Pure Waters, all of that are approvals that we'll get subsequent to this meeting.

JOHN HELLABY: All right. I assume DOT has had a look at your proposed entrance.

MR. MARTIN: They have. As I said, they won't allow any development to go in without improvements to Union Street. But the access itself is -- is okay.

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

DAVID CROSS: I think, you know -- to go a little bit further, we can get a copy of that no jurisdiction letter to the Board?

MR. MARTIN: Yes.

DAVID CROSS: I would request that.

And then I guess -- I'm not -- I'm not super concerned about the length of the cul-de-sac. I think we have longer residential cul-de-sacs in Town at this point. But I would ask that the Fire Marshal takes a look at it and -- and -- and is okay with, you know, getting equipment back in there and that distance.

MR. MARTIN: Agreed. Yep.

DAVID CROSS: That's all I have right now.

PAUL BLOSER: No questions.

MICHAEL NYHAN: Side Table, any comments?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOE ENGE, 3535 Union Street

MR. ENGE: Joe Enge at 3535 Union Street, which is adjacent to this development. I'm just curious. I had spoken with Angelo (Licciardello) at one time about being able to access off this road for our property.

Does this road go -- is this right up to the property line?

MICHAEL NYHAN: Which property is yours?

MR. ENGE: P. Tool & Die, 3535 Union Street. To the south.

PAUL WANZENRIED: Where your hand is.

MR. ENGE: Where your hand is. It is right there. I just wanted to make -- is it right down the property line?

MR. MARTIN: So as we approach Union Street, it's not. But one of the comments I think

Mr. Lindsay made it -- was that we have this kind of gore of land that owns -- is owned by Lot 1 but is really unusual. So two things could happen.

We could widen that right-of-way so that would be Town right-of-way and you could certainly adjoin that and could connect to it.

Or we would be happy to include an easement. I guess the short answer is you would be able to connect to it.

MR. ENGE: Okay. I'm looking to take our truck traffic from turning in off of Union Street to a safer area to turn in. Because we do get tractor-trailer -- five or six trucks a day.

DAVID CROSS: I think we would like that. That's a good idea.

MICHAEL NYHAN: Could you make a note of that for your --

MR. MARTIN: Yes. Absolutely.

MICHAEL NYHAN: -- for your drawing?

Then contact -- contact the Town also relative to what you will do with the land so that it can be provided access -- we would love to be able to close another curb cut and add it to one street. That would be great.

MR. MARTIN: Sure.

MR. ENGE: Would any of the modifications to Union Street impede on our property? You mentioned a turning lane.

MR. MARTIN: It won't impede at all. We're not allowed to do that. In fact, that's one of the things they check is to make sure that we're not adversely impacting the turning maneuvers into or out of other properties nearby. So it won't impact you.

MICHAEL NYHAN: This is for both applications, but we might have to have a public hearing for that, I believe.

Before I make a motion, the 30-day review, we need to leave the Public Hearing open; is that correct?

MATTHEW PISTON: Yes.

MICHAEL NYHAN: We should anyway, I think.

MATTHEW PISTON: I do think you need to declare it a Type I and your intention to be lead agency.

MICHAEL NYHAN: I just wanted -- I didn't want to close the Public Hearing portion.

MATTHEW PISTON: You should not.

MICHAEL NYHAN: Thank you.

JOHN HELLABY: There is one other thing I wanted to mention. The Environmental Assessment Form is not signed nor is the Planning Board application. So you might want to get those done.

MICHAEL NYHAN: Any other comments? Any other questions?

MR. MARTIN: No, sir.

MICHAEL NYHAN: All right. So for the first application, I will entertain a request to table the preliminary subdivision approval.

MR. MARTIN: We so request.

MICHAEL NYHAN: Second that?

JOHN HELLABY: Second.

MICHAEL NYHAN: First application is tabled.

For the second application for the preliminary site plan approval, based on the evidence and information presented at the meeting and documents reviewed, it's determined that the application be a Type I action and the Planning Board will send notice to interested parties and declare our intent to be lead agency.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: We'll send those letters out and -- for the 30-day review.

MR. MARTIN: Sounds good. Thank you very much.

MICHAEL NYHAN: You're welcome.

DECISION: Unanimously tabled by a vote of 6 yes until the February 14th, 2023 Planning Board meeting. The Public hearing has been left open.

4. Application of Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, New York 14623, owner; for preliminary site plan approval of Phase 3 of the Genesee Valley Regional Market Authority campus to construct four warehouse buildings on property located at 1861 Scottsville Road in LI District.

Joe Ardieta, Jeremy Kimble and Brendan Tydings were present to represent the application.

MR. ARDIETA: My name is Joe Ardieta with Vanguard Engineering. With me tonight is Jeremy Kimble of our office. We represent the Genesee Valley Regional Market for this application called Genesee Valley Regional Market Chili Campus Phase 3.

As you can tell, there is an overall site plan shown on the left side there. The first two phases are shown in yellow. You can see the first four buildings -- I will come over here. This is Phase 1 of the Chili campus. This is Phase 2. Buildings 1 through 8. This is Building 9 that is currently under construction (indicating). It's almost completed. They're looking for C of O, I

think, within the next week -- week or two.

This is our proposal right here (indicating). And you can see, there's a gap between those two areas. That gap is a significant slope of about 30 -- it varies, but roughly 30 feet probably on average. So Phase 3 is up on a hill -- Hillside.

Our proposal is roughly 9.5 acres of disturbance. It includes a 2,000 linear foot road to the center of the cul-de-sac, ending in a cul-de-sac.

Going -- you can see where the road starts is off of the existing Genesee Valley Regional Market roadway. So we're not going to access a public roadway. This road will remain private, just like the rest of the campus. You can see this strange shape here (indicating). The intent there is to circumvent existing wetlands that are on the site. The ME performed a wetland delineation on the project site and what we did is designed a road to go around the wetlands. We will -- there is no DEC wetlands onsite, but there are federally regulated wetlands. This design will impact less than 1/10 of an acre of that wetland. Therefore, a permit will be required, but mitigation will not be required. So there is that.

There is flood plain on the site down at the intersection of where we come in. We will -- we plan on filling in about roughly 5,000 square feet of the flood plain. However, there is no way for us to not do that without actually intersecting with the existing roadway. So -- and that -- our proposed road will be roughly at its lowest .16 feet above the base flood elevation of the flood plain. And that will be in this area here (indicating).

So essentially this is all wetlands. There is wetland and wetlands flood when there is flood. So this is all flood plain, as well. This -- this portion of the road is where we will fill in that roughly 5,000 square feet of flood plain. It's not floodway. It's just flood plain. So -- a hydraulic profile analysis is not required. FEMA does not require a permit. We're not impacting the floodway. We're not impacting the base flood elevation. And 5,000 square feet along the flood plain fringe has virtually -- has virtually no impact on the flood plain at all.

Also, proposal includes four 20,000 square foot buildings for a total of 80,000 square feet of industrial warehouse space. It will be serviced by a 10-inch diameter fire main and a 4-inch domestic water main and 8-inch sanitary sewer main.

One of the issues we have on this project is because of the height differential, we wanted to make sure we would have proper fire flow needed at these buildings. So what we did is we went out and did a fire -- we did a hydrant flow analysis on existing hydrants within the project.

To give you background, there is a hot box here. So all this is private (indicating). But rather than do tests on the public mains out here (indicating) -- you know, we would lose some of the calculations going through the hot box -- so we performed hydrant flow analysis closest to where we would actually need the fire flow on our project.

So we performed that analysis and determined that with the given uses, with the fire flow provided with the 10-inch -- and we discussed this with the Fire Marshal -- he is satisfied with the figures that we're providing in fire -- for fire flow at the hydrant farthest to the west, which is also the highest and closest to Building 13, which is nearest to the cul-de-sac.

That is a verbal discussion we had, so, of course, we're going to wait for a written approval. But just to let you know, we have had that discussion and he has told us he is satisfied.

MICHAEL NYHAN: You submitted that to the Town Engineer as well, right?

MR. ARDIETA: Correct. We have. Storm water management -- the plan that was submitted to you showed two ponds. One bio retention and four rain gardens.

After reviewing the Town Engineer's comments and actually making modifications since we submitted to you, there was a pond down by -- down by the curve at the entrance to the road. That is gone and we will convert all of the four rain gardens into bio retention. There will be one pocket pond and five bio retention on the site. I will show you where they are. Pocket pond will go here (indicating). The major bio retention is here (indicating) and the other four will go here (indicating). So each bio retention will serve the impervious surface that is directly west of it. So the northern half of this roof will go to this pond. The northern half of this roof goes to this pond. Cul-de-sac will go to that pond. Then they all -- these three route to this bio retention to handle the runoff from these two, the southern half of these roofs (indicating throughout).

And then all that goes into the pocket pond. And discharges through an existing swale that is on site.

We meet all of the terms for the DEC's Storm Water Pollution Prevention Plan which was submitted -- and we also meet the terms of water quality. We meet the minimum allowable runoff reduction. We meet channel protection volume and peak flow requirements.

One of the issues that we foresaw on this project was the proximity to the residential area to the south. So what we did was -- and we had to do this anyway because we had to maintain a specific slope going up this hill. So we had to lower the site to lower the slope going up the hill. And that also helps us in the view line from the homes to the south. So we lowered the site.

We did not impact the existing tree line. So the woods stay intact to maintain the screen that is there now and we will propose a double row of evergreens along that tree line. So if there is anything -- like now in winter with leaves down -- we notice that most of that wooded area is deciduous. There is brush, but in wintertime, you can see through. So we'll put the screen of evergreen so they can't see through year round.

Just so you know, these are the two highest buildings in this -- in the residential neighborhoods to the south. And this is the highest building and nearest building to them. So we ran -- two cross-sections, one from each building, and this is 1-11 Overview Circle and the other building is 68-74 Genesee View Trail.

So looking at Building 13, we performed sight-line profiles. So looking from the windows

upstairs of these houses, the view -- this is the view line to the top of the evergreens when we plant them. That's assuming the trees we plant are going to be 6 feet tall.

So the minute we plant them, their view line will go through here (indicating), which runs through the entirety of the wooded area. And then we'll -- and they will be -- they would -- if there was no forest here, they could see over the truck -- the trees that we're going to plant at planting. They would be able to see roughly 5 feet of Building 13 at 300 feet away.

But at maturity, and -- and -- obviously at some point after the tree is planted, within a few years they won't be able to see the building at all, even if this whole wooded area was gone.

MICHAEL NYHAN: Are you still talking about the existing building or the new building? You were talking about the existing building.

MR. ARDIETA: Existing residential areas to the south, looking at the proposed Building 13, which is this building here (indicating).

MICHAEL NYHAN: Okay. I thought you pointed to a building up on the hill. But you're pointing to the building to the far left?

MR. ARDIETA: This one (indicating). This is the proposed -- this is our highest and closest building to the residential area. So if the person is standing on the second floor looking out their window here and the same here (indicating), looked at this building, they would have to look through the wooded area and over our evergreen trees to see the buildings we -- we are going to place.

MICHAEL NYHAN: Okay. All.

MR. ARDIETA: All right?

MICHAEL NYHAN: I'm following you.

That's going to be an entire row around the entire front of that property? That is what that designation is that you have there?

MR. ARDIETA: Yes. Now we have been asked to get rid of it here (indicating), but we're moving it to here (indicating). So this will run right along the exist -- so we're not impacting the existing tree line, but we're adding to it with these evergreen trees right along the edge of it.

MICHAEL NYHAN: All right. Thank you.

MR. ARDIETA: Now, I have talked about the wetlands and the flood plain and the Fire Marshal. Lastly, really what I have to talk about was there was a comment regarding site plans -- I mean lighting plans. However, we propose no site lighting on this project. Again, that would mitigate any impact on the residential area to the south. The only lighting we'll propose are building-mounted lights on this project. That is why we didn't submit a light plan because we won't have site lights.

MICHAEL NYHAN: What about at the end of the street?

MR. ARDIETA: The cul-de-sac?

MICHAEL NYHAN: The intersection?

MR. ARDIETA: No. Again, the operations at this location are normal business hours. So there is not a lot of truck traffic in -- during the dark.

JOSEPH DEFENDIS: You don't have any dumpster details or that. The Town requires a dumpster enclosure.

MR. ARDIETA: So the client has requested that given that this project is industrial in nature and that it's fully screened from the outside world, if the -- the Board would forego the request for dumpster enclosures. We're providing dumpster pads. If the Board mandates it, we'll certainly put it in place.

MICHAEL NYHAN: The code mandates it. We can't override that. You would have to ask for a variance from Zoning. So we would still want them screened just from the view of the people that are using the facilities. Not just from the outside view. It's also the view with -- inside the whole facility.

MR. ARDIETA: Understood. So given the schedule in mind, we will provide the dumpster enclosures.

MICHAEL NYHAN: Okay. Thank you.

MATT EMENS: Joe (Ardieta), what -- do the buildings have sprinklers?

MR. ARDIETA: No. They will not. Unless use changes or -- or the code changes. But according to ISO, we meet the -- with -- with warehouse storage, as the use, we meet the code. So we won't -- we would not require sprinklers. Building 13, we'll have to do an analysis once Buildings 10, 11 and 12 are in. That is the order we're going in. Building 13, when it goes in, we'll do another analysis on hydrant flow to confirm what we are projecting now and then we'll accommodate if necessary.

But right now, we're only seeing the possibility of putting in a -- a pump for Building 13. That's it.

MATT EMENS: So you -- so you don't think you would need the pump, but you still don't know and you might depending on --

MR. ARDIETA: We'll have to revisit -- once Buildings 10, 11 and 12 are in, we'll revisit to confirm that it is not needed for 13.

MATT EMENS: Okay. And then just another quick question. Jefferson Road development or -- you know, the same Genesee Regional Valley Market has large buildings and then tenants go inside of them and they separate them. What is the tact or idea behind having all these separate individual buildings at 20,000 square feet?

MR. ARDIETA: The intent is to have two 10,000 square foot suites in each building. That is -- with that said, you know, the client has to go -- has to work according to the desires of the tenant going in. We have -- we -- we did all of the buildings in Phase 1 and 2 and we would

go in sometimes with plans of having two 10,000 -- 20,000 square foot buildings with two 10,000 foot suites and then the tenant would go, "No. We want the whole building now." And then we would have to throw out those plans and change it.

But in this project, for these four buildings, we need to have two -- a minimum of two 10,000 square foot suites in these buildings in order -- that's one of the parameters required for us to meet the ISO requirement on needed fire flow. I mean there -- there are several parameters. There is the building material. There is the use. And there is the area within the building itself. So our calculations indicate that we don't need sprinklers as long as the buildings are that way.

MATT EMENS: Okay. And I guess the other thing, too, is -- I don't know exactly, but I can just kind of tell by quickly looking at these -- I don't recall Buildings 1 through 4, 5 and through 8 -- or 5 through 9, how they exactly came through to us originally. But they don't all look like they're the same size.

So are we also building a 16,000 square foot building and a 24,000 square foot building?
If --

MR. ARDIETA: No. The intent is to build four 20,000 square foot buildings.

MATT EMENS: So I guess going back to one of the comments from the Lu Engineer letter, which I did see you responded to -- I guess if you could just talk a little bit more about --

MR. ARDIETA: Sure.

MATT EMENS: -- the existing uses of the buildings. It seems like there is a disconnect in the parking calcs. You have gone back and shown now again how you have come up with what you're showing and now you talk very more specifically about these are all going to be warehouse. S1. S2. Whatever. Tenants.

So if that changes, you're going to have a parking problem potentially. But you're saying --

MR. ARDIETA: If it changes, we'll also have a fire flow problem.

MATT EMENS: So basically what I'm learning tonight and I would like to hear you say it out loud is that most likely the only thing that will go in here are warehouse uses.

MR. ARDIETA: Correct. And the client is fully aware of that, that they must lease to -- to businesses that are going to be warehouse only.

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

JOHN HELLABY: Does the Authority have long-term ownership of this then? I mean once these buildings are up, they're going --

MR. ARDIETA: GVRMA will own these buildings.

JOHN HELLABY: For eternity?

MR. ARDIETA: For as long as you and I are alive, I believe.

JOHN HELLABY: The reason I ask, the line of pines to screen the buildings from next door. It's a good idea, but at what point does somebody actually pick up the maintenance on that? The only reason I ask, there is one just like this situation down at Wegmans down there on Jetview Drive with their freezer building that they did and -- 40 years ago and it's a horrid mess down there right now. The trees have rotted. They're dead. They're falling over.

Just -- I mean at what point do you guys go in and start replacing these trees if they start dying out?

MR. ARDIETA: Well, GVRMA has an active Maintenance Department and maintenance program. I know I -- I know that only because I used to work at a business in the GVRMA when I first moved back to Rochester. The maintenance guy was at our business all of the time, usually fixing our heater. But they're there onsite doing the work. So if trees start falling, you know, it's not that big a deal to take out that tree and plant a new one.

JOHN HELLABY: What are you looking at construction time frame? I know --

MR. ARDIETA: Commencing this year, 2023.

JOHN HELLABY: You will be able to build it out in one or take several years to build it?

MR. ARDIETA: No. The intent is to build the infrastructure and the pad and seek the tenants. So -- we wouldn't build all four buildings this year.

JOHN HELLABY: So I'm assuming they're just pre-engineered buildings?

MR. ARDIETA: Correct.

JOHN HELLABY: You will load the foundations in and somebody comes in and sets --

MR. ARDIETA: We'll set the pads and when the tenants come in, we'll come into the Building Department with building plans.

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

DAVID CROSS: Joe (Ardieta), are there any improvements needed out at the intersection of Scottsville Road?

MR. ARDIETA: No. I don't believe there are. And one of the big issues in the Town Engineer's review was parking. We did an analysis of the existing site and -- you can't count Building 9 because it's under construction. It's unoccupied yet. But of the existing eight buildings, they average out -- an average day's consumption of parking is 75 spaces. There -- so there is not much -- I mean it's not like saying, "Well, we don't get much traffic there."

But 75 -- 75 house -- cars on eight buildings, um, is not a lot for that intersection at Scottsville. So adding another four buildings, I can't tell you because we don't know the tenant. But for warehouse facilities, they are averaging about five or six cars per building. So even if we were to double that number and go to 10 per building, you're talking 40 cars a day.

DAVID CROSS: Okay. And then one more question regarding the entire site. This -- this would be the last phase of the --

MR. ARDIETA: Yes.

DAVID CROSS: Yes.

MR. ARDIETA: There is nowhere else to go.

DAVID CROSS: Okay. That is all I have.

MICHAEL NYHAN: Any comments from the Side Table at all?

PAUL WANZENRIED: In terms of the landscaping, the word you're looking for is "perpetuity."

MICHAEL NYHAN: You got that word? You got that word?

PAUL WANZENRIED: Okay. And the code requires them to maintain it in such perpetuity.

MR. ARDIETA: Okay.

PAUL WANZENRIED: So --

MICHAEL NYHAN: Thank you.

PAUL WANZENRIED: I have one more question, though.

That cul-de-sac, is that going to be able to -- you have engineered that to -- for a tractor-trailer to turn around in?

MR. ARDIETA: Our cul-de-sac matches the existing cul-de-sac in Phase 2.

PAUL WANZENRIED: Okay. That is what I wanted to know. You said there's a 30-foot drop between the three proposed and say Building 9.

MR. ARDIETA: Roughly.

PAUL WANZENRIED: Roughly give or take.

Is there any sort of retaining wall going to be required for that?

MR. ARDIETA: No. That was part of our -- that was part of our site layout. It is easy to see if you saw the grading plan. But we put this here like this (indicating) to keep these buildings from the top of slope while still maintaining the existing tree line. So that -- you can see the road wiggles a little bit in here (indicating). The whole reason is we're basically navigating between, you know, two limits. We stay away from the hill. We stay away from the trees. Go kind of down the middle and that's how we achieve this project.

Also, so you know, we propose -- we're -- again, because the parking demand on the site is so much less than what code requires, we comply with code by reserving this area (indicating) for parking should it ever be needed.

And in SWPPP, we performed -- included that area as-built. But -- I mean to be frank, the code was written 50 or more years ago when industrial areas were a lot more labor intensive than they are now. They're just not used. And it's my feeling that why build asphalt pavement that is not going to get used. So -- so that is why we put in the amount -- the amount of pavement then that the client could ever foresee it using or needing for parking and the rest of the area we allocate -- we reserve for parking in the future if needed, but it will be left green for now.

PAUL WANZENRIED: And you don't put the pads in until you got a tenant for the building, correct?

MR. ARDIETA: No. We'll prep -- we'll prep the pad area.

MATT EMENS: Bring it up to sub grade.

MR. ARDIETA: When we get the tenant and then we bring the building in for -- when we wish to construct the building, we'll scrape probably the top 6 inches off the pad area. Compact. And then place the foundation, stone -- or the stone and the pad.

With me is Brendan Tydings of the GVRMA.

MR. TYDINGS: I'm Brendan Tydings, like Joe (Ardieta) said. Just so everybody is aware, our budget does not permit doing more than one building each year so we foresee the site work taking a year. And then even if we did have four tenants, we couldn't accommodate that. We can only accommodate a building a year with our existing budget.

MR. ARDIETA: Which generally -- Paul (Wanzenried), you can attest to we generally come in once a year with a building on the existing facility.

PAUL WANZENRIED: I was just trying to rack my head around when you said put the pads in. I had a different vision of the pads. That's all.

MR. ARDIETA: Just the ground.

PAUL WANZENRIED: Got you. Yep. Okay.

MICHAEL HANSCOM: I just like to request if you could provide a copy of the wetland delineation report and the Army Corps confirmation letter to the Town. The reason I ask that is when we did Phases 1 and 2, it was originally federal wetland and the report went into the -- to the Army Corps and the DEC and the DEC looked at it and goes, "Wait a minute. Part of these are DEC wetlands."

I just want to confirm that nothing else has become -- gone that way.

MR. ARDIETA: I concur. The DEC wetlands were along the northern edge of the entire site. The DEC wetlands are in this area here (indicating). So not south of -- south of our existing facility. And that's why Martin Janda of BME specifically told me there are no DEC wetlands south of that existing -- of our existing road.

MICHAEL HANSCOM: Okay. We just want something for our records.

MR. ARDIETA: We'll provide that.

Oh. There was one other issue I wanted to bring up. Loading docks. So the existing facility -- of the nine buildings that we have there, there are actually two loading docks. One is not used. The other one is used at Building 8, but what we did with Building 8 is we took area from the building itself -- the building was originally going to be 20,000 square feet and we cut into the building to place that load bay. The reason is that none of the other businesses need them. And they cut down on the area, you know, of the building or they force the site to move.

For example, if I -- if -- if we had to -- if we had to put loading bays into this building, I

would -- it would either force the building north, closer to the -- to the edge of the slope or force the entire site south into the tree line. Or you would lose the building space itself. And there is really no good reason for it if they're not used. I mean again, of the eight buildings that are in existence and in use, only one of them uses a loading dock and we specifically eliminated a portion of the building to accommodate that.

MICHAEL NYHAN: Anything else?

MICHAEL HANSCOM: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MARGARET LIPTON, 3 Overview Circle

MS. LIPTON: Margaret Lipton, 3 Overview Circle. I'm Number 3 Overview. First off, we had Phase 1 and then Phase 2 was supposed to be seven warehouses. I don't know how we managed to get 8 and 9 in there unless it was during COVID. You might want to check on that.

And number 9 -- I was up there today -- is being used. Because a fork truck was coming back from one of the warehouses, across the way, down in the dip and bringing boxes in. So they were moving stuff in there. There is guys there. There are two trucks parked on the side of the building.

Also, if you will -- we have a noise ordinance in Chili. From 7 a.m. to 8 p.m. We are getting woken up at 4:15, 4:38 by the dumpsters being dumped. You hear the bang and the clang. And I would like it stopped. I don't want to have to call the police. But somebody has got to do something about this. This is every week. Sometimes a couple days during the week, but especially on Fridays. And that's right in our back bedroom windows.

Also, you talk about the evergreen trees you're going to put up. Those trees that are remaining there are falling down. One fell in the back of -- of our hill. I think it was a couple years ago. And they had a gentleman come -- not a regular tree surgeon, but a gentleman come because he wanted the wood for -- for himself and he cut up the tree. The rest of the tree debris he shoved back in the woods.

But I have pictures of some of the trees that are falling down there. If you go back there in their property, you can look back and you can see the trees are falling. They didn't have enough protection. Because they forested all those trees and we get high, high winds up there and they're just -- the winds have been knocking them down and -- and they're old. They're old trees. So I would think that would have to be cleaned up.

Also, there was no sign posted about this being a Public Hearing anywhere on the property and I thought that was something you were supposed to do. So this really -- if that is something they're supposed to do -- is not a legal meeting.

I would also like to know what type of lighting you're going to put and if you're going to put lighting in the backs of the warehouses. Because I went down, over there today and took pictures of it. It's -- it's like a little city all lit up in the dark. You can -- you can see all these lights.

And also, if you're going to put -- I couldn't figure out the -- the plan over here. You have got Valley Energy that is going in that cul-de-sac. So I'm not quite sure how you're going to put four warehouses in there and get all of the footage that you want. They're going along number 9, right? 9, 10. It's going to be 10, 11 -- I couldn't see --

MICHAEL NYHAN: That will be up on top of the hill. This is down below on the hill, this proposal. This is a different cul-de-sac. So -- so you can't see it on that drawing, but the road extends and there is a cul-de-sac off to the left that you can't see. That is where the Valley Energy is going.

MS. LIPTON: Valley Energy is --

MR. TYDINGS: Here (indicating).

MICHAEL NYHAN: That is going to be Valley Energy up here (indicating). The orange buildings are the proposed buildings for this project.

MS. LIPTON: Oh. So you're making another roadway?

MICHAEL NYHAN: Correct.

MS. LIPTON: So you're coming closer to our homes?

MR. ARDIETA: Correct.

MICHAEL NYHAN: That is correct.

MS. LIPTON: How tall is this building going to be that I can look into?

MICHAEL NYHAN: So -- if you -- go ahead and continue and I will have Joe (Ardieta) --

MS. LIPTON: Because if you're coming closer, it's going to be like what, 50 feet from the back of the house?

MICHAEL NYHAN: When you're done, I will have Joe (Ardieta) go back up and explain -- explain the sight line that he explained already.

MS. LIPTON: All right. I would -- I would definitely like them to go with Chili's -- I made a copy of it -- Chili's noise ordinance from 7 a.m. to 8 p.m. because they have gone in there and constructed buildings earlier than that. And I went back there and put a sign on the work trailer that they weren't supposed to start until 7 because no one else was doing anything. I mean this is terrible. It's year after year. And summers are all this construction noise. All of the trucks. All of the construction. I guess that's it. Because I'm not going to get anywhere, but...

MICHAEL NYHAN: Okay.

MS. LIPTON: We didn't move there and pay a lot of money for our homes -- I realize you think it's a town home and those are cheaper or something. It's not some palatial estate or a real

nice house, but this is all we could afford and we would like some peace and quiet and -- and privacy. It's gotten really bad. Trees are falling apart. We get all this noise.

MICHAEL NYHAN: Okay.

MS. LIPTON: Thank you.

MICHAEL NYHAN: You're welcome.

I see Paul (Wanzenried) has been writing ever since you started mentioning those. So, Joe (Ardieta), could you just address the sight line again and maybe turn your drawing towards the audience so they could see what you were saying?

MICHAEL NYHAN: Or maybe even bring it up closer to them.

MR. ARDIETA: So these are the proposed buildings that we have (indicating). These are the -- your existing buildings (indicating). I believe this is 3 Overview Circle right here (indicating). This is -- or -- or 1 to 11 Overview Circle.

So what we did to reduce the -- to screen our project from your homes is -- first, we left the trees there -- as -- the tree line as they are. We we're not cutting into them. And then we're adding to them with evergreens.

And then we're also reducing the elevation of the ground along here (indicating) to lower the buildings. The height of the buildings are 22 feet from the ground to the eave, the start of the roof. At the peak of the roof, they're just over 26 feet in height. But we -- but we plotted that -- those buildings. We plotted your existing homes and where the buildings would go and the peak of the buildings. This is where the existing trees are. Here is where we're going to plant the new trees (indicating).

The whole reason was to screen the buildings from you folks. That was the intent. So we lowered the ground here (indicating), put the buildings in and then put the trees here (indicating) so that you won't have to look at the buildings.

MS. LIPTON: Where is this in relation to Valley Energy, the propane tank?

MR. ARDIETA: Valley Energy -- our project is all right here (indicating). Your homes are right here (indicating). Here is the tree line we're keeping (indicating). Here are these dark circles, the trees that we're proposing (indicating). Valley Energy is down here (indicating).

MS. LIPTON: So you put in Number 9 and now you're going back behind, closer to our lot line?

MR. ARDIETA: Number 9 is right here (indicating).

MS. LIPTON: Right. So -- all right. So you're going to go behind 9?

MR. ARDIETA: You say "behind." We'll go south of 9.

MS. LIPTON: Butting up to our property.

MR. ARDIETA: Except we'll keep the tree line. We're not building up to your property line. We'll keep the trees as they are, add trees and lower the site and then building back there.

MS. LIPTON: That's going to be butted right up to the property.

MATT EMENS: Joe (Ardieta), what is the distance from the proposed brick building?

MS. LIPTON: That's closer than what he has in the diagram. I'm sorry.

MR. ARDIETA: It's 300 feet. Roughly 300 feet from 1 to 11 Overview Circle to Building 13.

MATT EMENS: Sorry. Say that one more time.

MR. ARDIETA: 300 feet.

MATT EMENS: From where to where?

MR. ARDIETA: From the back of 1 to 11 Overview Circle to Building 13.

MATT EMENS: To the closest point on that building.

MR. ARDIETA: Yes. Roughly 300 feet. 150 feet of which is existing tree line.

MS. LIPTON: You will have lights in the back of the warehouses like do you in the others.

MR. ARDIETA: Regarding lighting, we'll have building-mounted lighting over the doorways, over the man doors and over the overhead doors. We won't have sight lights. But yes, we'll have building-mounted lighting for security reasons. But that's it.

MS. LIPTON: I wish you gentlemen would go back there. And -- and -- and come back to behind 3 Overview Circle. I can't go up the hill, but you can stand up there. You can see where it is. That is closer than that diagram there. I'm sorry. It is.

MICHAEL NYHAN: Okay.

MR. TYDINGS: Just to speak on the lighting, there is no access to the rear of the buildings here so there will be no lighting whatsoever on the backside of these buildings. Only front access to the buildings.

MS. LIPTON: Have you other buildings over there without access to the back?

MICHAEL NYHAN: Ma'am, are you done with your comments? Are you done with your comments?

MS. LIPTON: Yes.

MICHAEL NYHAN: Okay. Thank you. Could you just address, outline for us where the lighting will be? Did you -- when you say back and front, what is back and front for me?

MR. TYDINGS: So where the road is, there will be lighting above the man doors and overhead doors on the roadside only. There is no access to the side or the back of the buildings, so we will not place any lighting in those areas.

MICHAEL NYHAN: Okay. Thank you. Those are the lights over the door that point down to the ground?

MR. TYDINGS: Correct.

MATT EMENS: Let's pause this and take this the whole way. Building 10, the rear of the

building does face that property?

MR. TYDINGS: That is not on the roadside.

MATT EMENS: So there are no lights on the back of the building?

MR. ARDIETA: Correct.

MATT EMENS: Margaret (Lipton), that is the only back of the building that faces that area. The rest of them have fronts of the building.

MS. LIPTON: I took pictures today of the buildings that are across from 9. There are lights in the back of that. Of course, there is no housing back there. But there are a couple lights in the back of those buildings.

MICHAEL NYHAN: But we're not discussing those buildings. We're discussing the new ones.

MS. LIPTON: That is what I wanted to make sure, that --

MR. ARDIETA: So there was a design difference in those buildings in Phase 2 to what we're proposing now in that Phase 2, the design included parking lots on the sides of the buildings. So we had man doors on the sides of those buildings in Phase 2 to access the parking lots. We don't have the room to place parking lots on the sides of the building here. So we won't have man doors on the sides. We'll only have them along the front.

MICHAEL NYHAN: Okay. Thank you for the explanation.

MR. TYDINGS: And just to speak on the -- you know, the dumpsters in the off hours and construction, I know you might not believe this, but we do want to be a good neighbor. You have called before with that issue and I do -- and we -- I do want to help with that. So we're here. If that is an issue, you know how to get ahold of me. Please call me and we'll do our best to prevent that. We are very available to help with that. So please do call.

MS. LIPTON: I mean, it's wintertime with the windows shut and you hear this boom. Even my neighbor heard it last week. There was a big boom. She said, "What was that noise?" It's getting terrible.

MICHAEL NYHAN: Okay.

MS. LIPTON: Because there is more dumpsters over there.

MICHAEL NYHAN: To Brendan (Tydings), that is probably something you could look at scheduling on that?

MR. TYDINGS: Casella is the main provider in the area.

MICHAEL NYHAN: A different time of day instead of 4 a.m.

MR. TYDINGS: Yes, definitely.

MR. ARDIETA: Lastly, regarding the sign posting by GVRMA staff back in December. It -- it must have come down at some point. We called to offer to re-post it to -- we weren't told to do so.

MICHAEL NYHAN: Any other comments, ma'am?

JANICE TOLAND, 25 Overview Circle

MS. TOLAND: My name is Janice Toland. I live at 25 Overview Circle. I'm here tonight because I bought my home. I did a lot of research before I downsized. Planned to be there forever. I wanted to be not in the middle of Henrietta. Not in the middle of Chili. I wanted to go somewhere where I was comfortable.

I have a dog. I let my dog out at 5 o'clock every morning and I, too, hear the clanging. At first I thought it was a dump truck. It sounded like the rear gate of a dump truck. So I, too, ventured out many mornings since this has, you know, come in light. I have made many trips over there at different hours, because I wanted to see for myself. I'm not thrilled.

This is pretty much to me a down scale of what it really looks like. He did mention it was up on a hill. So I parked my car at the existing cul-de-sac. I did it at -- in the daylight. I did it at dusk. You can see our buildings. They're our homes. There is 159 units there paying taxes to Chili. We -- most of us plan on staying there. This is not welcoming to our neighborhood. Because this is not what we invested our working money into.

These are warehouses. People are going to come during the day. They're going to leave. We're there -- we rest our heads there every night. So this is an investment to us. This is money lining somebody else's pocket and they don't have to live there.

When I found out about the propane tank, um, pretty much in my backyard -- and I don't know anybody here that can raise their hand and say that they really want a propane tank of 30,000 gallons in their backyard. Because I don't.

Just piggy-backing on what Maggie was saying, if you stand on our property now, the -- it is a hill. It is a hill. And you can see through pretty much right now because it is -- this time of year. I really don't want to look at warehouses. I don't want to hear the traffic. There is a lot of traffic that goes in and out of there. It's not all industrial. There is a cafe out there, correct? There is traffic in and out of there. I leave for work at quarter after 7 in the morning and I can tell you the traffic coming in and out of there even at that hour is a lot. So it might also be something that the Board needs to look at, that intersection, because there is a curve right there also.

So thank you.

MICHAEL NYHAN: Thank you.

KIM EVERY, 25 Great Meadow Circle

MS. EVERY: My name is Kim Every, 25 Great Meadow, which is a street down from them. I can also hear noise coming from up the hill. I, too, do not like the idea of this at all. It --

it is ridiculous. I moved out here from Livonia. I like it quiet. I have always had it quiet. Now I'm out here, I found a nice quiet place and now this. What is next? What is going to come in next? I mean it's -- it's just -- it's upsetting. Everybody on the street is upset by it. They're not all here, but they are. And everybody is talking about it and nobody is happy about it.

MICHAEL NYHAN: Okay. Thank you.

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

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

MICHAEL NYHAN: Additional discussion?

MATT EMENS: One of the things I think should be addressed -- I noticed -- it may or may not be an issue, Paul (Wanzenried), but I feel that it is. The sign out front has -- is lit by a light that is on the streetlight pole and it like blasts basically straight at the sign. So when you're coming, I guess, northbound, we'll say -- northbound, that sign that is out front, that light is right in your eyes when you're coming through. This time of year it's very noticeable because it's dark in the morning, dark at night during the commute. So I think that is something that I would ask that the developer takes a look at. If there is a better way to light that sign or if it is actually in compliance. I don't think it's the best way to do it. It's a bit dangerous. People pulling in and out there. People coming northbound are getting that right in their eyes.

MICHAEL NYHAN: What are your thoughts on instead of a line of trees all staying -- a staggered tree line?

MATT EMENS: I think --

MICHAEL NYHAN: Does that work better, if one blows down? You will still have --

MATT EMENS: I think you guys have to take a harder look at the landscaping. You have a note here, too, from -- from the Conservation Board looking for more detailed information on landscape -- you know, stamped plans. And it's been a hot -- part of the topic.

I think that during the presentation, you know, you guys are trying to do the right things in putting a buffer there, but I think we need to look at it a little harder to make sure it is really as deep as it needs to be. I think you have done a lot here, Joe (Ardieta), with the cross-section to really show the height difference and the line of sight.

You have also described the placement of the elevation -- of the proposed buildings versus everything else. I think you're almost there. I think we just need to look harder at the trees, new trees as --

DAVID CROSS: Sounds like you might have a bunch of excess soil because you're cutting. You might be able to do a vegetative berm to some degree. That might help.

MICHAEL NYHAN: You did -- right. Conservation -- did you get the comments from the Conservation Board?

MR. ARDIETA: No.

MICHAEL NYHAN: They did comment on that and they would like to see a licensed landscape architect submit a plan for them to review. I think you should take all these things we just mentioned into consideration. The -- the berm that is elevated as well as maybe staggering trees, something other than just a line of trees. Something else in there.

MR. ARDIETA: Okay.

MICHAEL NYHAN: All right. Any other comments?

Mike -- Mike (Hanscom), have you had an opportunity to look at this plan with the fill and the roadway for that wetlands? Is that create -- is that small enough that we don't need to worry about that or we don't need to address it, I should say?

MICHAEL HANSCOM: Well -- Dave Lindsay and I requested that they do a profile of the road to have a better feel for the flow there.

MICHAEL NYHAN: Any other question would be -- you probably don't have an answer -- you probably have to do calculations, but if they fill in that much wetland or flood plain, where is the water going to go as a result? Maybe that is something we can look at, as well, on the plan? You said you're putting fill in for the roadway.

MR. ARDIETA: Filling in approximately 5,000 square feet of the fringe of the flood plain.

MICHAEL NYHAN: Right.

MR. ARDIETA: You're talking in the area of 5,000 square feet, roughly by 1 foot deep. So 5,000 cubic feet of flood plain in the Genesee River is extremely inconsequential. And -- I will get a little technical because I used to work at FEMA. There is such a thing -- it's called thalweg. Thalweg is where 95 percent of all of the flow of a stream goes. The floodway contains that -- that area. We're nowhere near the floodway. We're in an area where the water literally just kind of ponds and sits along the edges. So filling in 5,000 cubic feet along the fringe has no impact on the flow of the stream itself.

MICHAEL NYHAN: I was just asking that our Town Engineer would have an opportunity to comment on that, as well. I know the comment just came in today from his letter, I believe.

I don't even know if you had a time to review those. Have you, Mike (Hanscom)?

MICHAEL HANSCOM: Not fully, no.

MICHAEL NYHAN: All right. So we still need more review from an engineering perspective at least for final to be able to do that.

Anything else? Just -- just to make a comment, I know that neighbors -- I would imagine none of the neighbors are happy about this and I understand that. There are no zoning changes that are being done here. Everything that is being proposed is being proposed within the code for that piece of land in this Town. So I just -- I -- I know that doesn't change anything, but I want you to know this isn't something that they're proposing that we have to change the way the zoning has been for many, many years in -- in that area in order to accommodate that. None of that has to be done. There is no variances that are being requested or needed as well as a result of this. So I think it's important --

Brendan (Tydings), I know you already handed your card out. There is a lot of very common theme issues we're -- here with your existing property that are going to spill over to concerns on anything new that you may build, so I would hope that you would be able to address those particularly so that the Town wouldn't have to get involved if there is something outside of the normal times of days when things should be done. Okay?

Anything else or any other comments at all?

All right. So as far as SEQR, I have -- I have not seen anything that would change the listing of this SEQR. Has anybody else seen or heard anything?

JOHN HELLABY: No.

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

MICHAEL NYHAN: As far as conditions go -- I think we're just going to be hearing preliminary tonight. No final.

DAVID CROSS: Correct.

MATT EMENS: Yep.

MICHAEL NYHAN: So we can see what the issues -- or see what the address -- how this is addressed, the comments that were brought up tonight and get the final review from our Conservation Board, as well.

MATT EMENS: Yep.

MICHAEL NYHAN: So with that, for preliminary, I have the conditions.

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

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

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

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

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

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

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

And any signage change shall comply with the Town Code, including obtaining sign permits.

Are there any other conditions?

Paul (Wanzenried), do you have any others? He is researching.

PAUL WANZENRIED: Not that I can think of off the top of my head right now.

MICHAEL NYHAN: Okay. So this will be for preliminary only. You will have to come back for final. Okay?

So with those conditions, the application of Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, New York 14623, owner; for preliminary site plan approval of Phase 3 of the Genesee Valley Regional Market Authority campus to construct four warehouse buildings on property located at 1861 Scottsville Road in LI District.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

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

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Building permits shall not be issued prior to applicant complying with all conditions.

6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Any signage change shall comply with Town Code, including obtaining sign permits.

MICHAEL NYHAN: This is approved for preliminary. So you will need to contact the Town, though, once have you completed these items to come back for final.

MR. ARDIETA: Understood. Thank you.

Michael Nyhan made a motion to approve the 12/13/22 meeting minutes and John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 8:39 p.m.