

CHILI PLANNING BOARD  
February 14, 2023

A meeting of the Chili Planning Board was held on February 14, 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, Joseph Defendis, 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 Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624 owner; for preliminary subdivision approval of 1 lot into 2 lots at property located at 4415 Buffalo Road in GB District.
2. Application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624 owner; for a recommendation to rezone 4415 & 4423 Buffalo Rd. from GB & R-1-15 to RM at properties located at 4415 & 4423 Buffalo Rd in GB & R-1-15 District(s).

Chris Schultz was present to represent the application.

MR. SCHULTZ: Good evening. My name is Chris Schultz here representing Gizzis on this development. What we have tonight, as mentioned, is basically a simple subdivision. We're looking to create a new property line that will split the existing parcel. We did receive comments from the Town Engineer. I have addressed those.

Basically the subdivision warranted some cross access easements for the shared entrance and potential parking. This is part of the first step in a -- in a -- a number of steps that will -- will potentially redevelop the site. Currently the existing professional office building is vacant and the intent is to convert that to residential use. Pretty much in the same manner you see many of the downtown professional buildings that have been converted to residential use over the years. The same things here.

This building is currently vacant. Parcel to the east would be -- would maintain the commercial zoning and we would -- in the future be proposing a one-story professional office building slated for potentially two offices, two physicians offices.

PAUL BLOSER: Excuse me. Could you lift the mike a little bit?

MR. SCHULTZ: Sure. So -- so tonight's first step, that would be basically subdividing the lot. And the second part would be a referral to Town Board for a potential rezoning of what we're saying -- showing as Lot 1 and the parcel to the west.

The parcel to the west actually we came before this Board a number of years ago looking to rezone to General Commercial, to continue the General Commercial use in this area. This Board actually recommended that it go to potentially Neighborhood Commercial. So we're looking for multiple residents, so kind of a step-down. And it's in keeping with what the current demand is for -- for housing in this area.

Happy to answer any questions.

We did get comments from the Monroe County Planning. They were straightforward and unusual. And also got comments from the Town Engineer. I did provide a response letter today in reference to those comments. Nothing -- nothing significant of concern. I did point out the need for reciprocal -- reciprocal cross access for the existing drive coming off Buffalo Road and that if we do continue the use of the professional office building, we would also need to share the parking on Lot 2 with Lot 1.

MICHAEL NYHAN: Thank you.

JOHN HELLABY: I'm a little foggy. Wasn't this thing in here six, eight months ago or something?

MR. SCHULTZ: That's correct. Correct.

JOHN HELLABY: The only reason I -- I know it was, but I don't think I was here that night. What are the major changes from that?

MR. SCHULTZ: The biggest issue what was proposed before was a three-story apartment building and the massive building was something that basically the -- the feedback was, you know, too big for this site. At the time, there -- when we were looking at this and we met with Town staff, there was a recommendation that we may want to look at -- instead of doing a

three-story apartment building, we may want to do some townhouses in here.

So this is the first step towards potentially developing a few townhouses in that westerly parcel. And that's -- again, the -- the reason for the request for rezoning.

JOHN HELLABY: So the way I'm looking at it, it's all townhouses right now; correct?

MR. SCHULTZ: Right now, the parcel -- easier to show you this way. So this parcel here is residential and vacant (indicating). From here to here (indicating), it's commercial, General Commercial. So we're creating this property line here (indicating). And then the request would be this piece (indicating). It shows up easier this way. This piece shown in green would be the request (indicating) for Multiple Residential. So that would allow us to convert the existing empty professional office building to residential use.

There would be an addition placed on the south side with an elevator and some other -- obviously major renovation inside. And then this parcel would -- we would propose some townhouses on that.

JOHN HELLABY: Is 4423 a separate parcel then?

MR. SCHULTZ: Does exist as a separate parcel today.

JOHN HELLABY: You will combine these into one lot?

MR. SCHULTZ: What will happen, once we get it rezoned, most likely this property line will disappear (indicating) and it will be all one parcel. Because it was -- the potential development consisted of a lot of steps. Town staff basically looked at it and developed a -- a sequence that was the most efficient way to do this so we weren't wasting, you know, excessive meetings both at the Planning Board and Town Board level. So the first step was to create this property line and that's what we're here for tonight, the first part.

The second part was a referral to Town Board to consider the potential rezoning of what is shown here in green.

JOHN HELLABY: Lot 2 is separately zoned GB?

MR. SCHULTZ: General Commercial, yes.

JOHN HELLABY: And that is staying, correct?

MR. SCHULTZ: Yes. That would stay. Because that's where we're going to site the one-story commercial building.

JOHN HELLABY: That is sometime in the future? That is not right way?

MR. SCHULTZ: Yes. Originally what happened was the -- the doc that was occupying the current building, he was up on the second floor and was having a lot of issues. He wanted to get into that building so there was a push to try to get that. And since then, he has vacated.

But nowadays, prime professional offices is one-story. They want easy access in and out. And this is an alternative to potentially having a vacant professional building just sitting there and not being used.

I drive here tonight and I'm thinking this follows like what they have done with many buildings in the downtown City of Rochester. The towers and all that. They were vacant. The demand for professional office space isn't there and they convert them over and they're used quite readily.

JOHN HELLABY: Can you get the proper number of parking spaces in there?

MR. SCHULTZ: Oh, absolutely. With the townhouses you would have garages and -- and driveways and things like this. So the townhouses alone would have their own park -- parking. It wouldn't be an issue. Then with the conversion of this, to residential, we have more than enough parking.

JOHN HELLABY: I assume some Homeowners' Association or something would take care of all of the plowing?

MR. SCHULTZ: That's how they do that. A lot of the fine details for that site planning is yet to be determined.

JOHN HELLABY: Right.

MR. SCHULTZ: So we don't want to get the cart ahead of the horse too much. Take this first step and see if it is viable before we get too far down the road.

JOHN HELLABY: Do you know what that building on the -- the end lot there, the corner -- that corner lot, what is that zoned and what that building is?

MR. SCHULTZ: That is also zoned General Commercial. I believe it's an auto repair. It was recently purchased, and I believe I haven't actually gone into it, but I believe a new owner is doing some work to pick it up a little bit. So it was in pretty poor shape.

JOHN HELLABY: Timing, as far as -- if this thing gets approval?

MR. SCHULTZ: They wanted to build the one-story last year. They already have plans for the renovation of the existing two-story. So -- so pretty much as soon as we get the go from you folks, we'll start construction.

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

PAUL WANZENRIED: Just -- just that everybody speak into the microphones so people in the audience can hear.

MICHAEL NYHAN: Okay.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ZOI CHRISTANIS, 31 Hubbard

MS. CHRISTANIS: I don't have any questions for the developer, but I do have a question for you. How many multi-residential developments can we squeeze into little North Chili? It seems to me that it's over-saturated at this point. This is the zoning map (indicating) with the

circled areas being current multi-residential developments. This is a big part of what this Town is now. I say we're over-saturated.

MICHAEL NYHAN: Okay. Can you give your address, please?

MS. CHRISTANIS: 31 Hubbard.

MICHAEL NYHAN: Thank you.

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: I'll use the mike.

MICHAEL NYHAN: Thank you.

MS. BORGUS: Can't hear in the back there. Doesn't do any good to come to a Public Hearing when you can't hear.

I have lived in the area my whole life. I'm three miles from the area that this lady just spoke about. And I agree with her 100 percent. How many apartments and condos can we -- we have in one small -- it's not even a Town. It's a piece of the Town. Right now there's -- how many under development? We don't need more. Number 1.

I have read all of the minutes from all of the times that this applicant has been in. And if -- the only assumption one could draw if they didn't know better was that they have never looked at this (indicating), the Town's Comprehensive Plan. Because this -- this whole proposal doesn't fit. This applicant can -- should go back -- especially pay attention to Chapter 5.

I'm not the only one that worked on that Comprehensive Plan. There are people right in this room who spent months, and I mean many months, in this room, drawing up this plan, this Comprehensive Plan which is supposed to be a future look at what we want our Town to look like. And this -- this application doesn't even -- doesn't even come anywhere near it, what's in this plan. In fact, in many cases, it's in contradiction. Direct contradiction to what's in this book. This site just doesn't work for what these people want to do.

It's just not big enough. And I couldn't catch the gist of that parking question that Mr. Hellaby asked. I got the question. I didn't hear the answer. What was the answer? Now are they saying they do have sufficient parking space?

MICHAEL NYHAN: Correct. There is sufficient parking space.

MS. BORGUS: Counted more than once, though? Some of the minutes I read they were taking about some of the spaces would be empty because people in the living part would be gone to work and the people in the professional building could use the same spaces.

So I am wondering how many times are they counting some of these spaces?

MICHAEL NYHAN: Okay.

MS. BORGUS: I think there is a lap -- a lap over there.

I object to the location and the dimensions of the building. Again, I couldn't hear back there. Are we still talking about a three-story building?

MICHAEL NYHAN: No.

MS. BORGUS: No. We're talking how many stories?

MICHAEL NYHAN: Two-story.

MS. BORGUS: Okay. With -- parking within the building?

MICHAEL NYHAN: Correct. Garages.

MS. BORGUS: So you will have parking on one level and living on two?

MICHAEL NYHAN: Street-level parking and street-level living and second-story living -- they're townhomes.

MS. BORGUS: But the building is still above-ground by three stories.

MICHAEL NYHAN: Two stories.

MS. BORGUS: 2 1/2?

MICHAEL NYHAN: Well -- first of all, a couple things. This is not a preliminary site plan review. So we won't review the site plan. That is something we can review when they come back for preliminary.

MS. BORGUS: As far as -- again, now these are just points that come to mind. As far as landscaping goes, you need not worry about that. We like that in Chili. We like our places landscaped. We like our places to look nice.

You wouldn't have to worry about it there because I don't know where they got room to landscape anything because it's all building and parking lot.

I want to know if there has been an environmental review completed?

MICHAEL NYHAN: No. Won't be completed until the Town Board hears this.

MS. BORGUS: Okay. Kind of late in the game to be worrying about things like that. When they're here tonight wanting to be rezoned.

MICHAEL NYHAN: That's exactly the procedure. It -- it would be -- the Town Board would be the proper authority to do that.

MS. BORGUS: I also haven't heard -- I know this is a another question for later but nobody has seemed to worry about how fire trucks, ambulances and especially ladder trucks would get in there with the way this plan is laid out. There is no way you would get around these buildings to fight a fire.

MICHAEL NYHAN: Again, that would be part of site plan approval.

MS. BORGUS: Right.

However, this -- this -- there is very little commercial land left in -- in North Chili. If you look at Chapter 5, on the -- overlay map, which -- for Future Land Use Map underlay. I'm sorry. Future Land Use Map underlay, it shows you just how little -- how little General Business and commercial space there is in North Chili to even use. With all of the apartments and everything

that are currently underway, approved and/or underway, there is going to be a need for more stores in North Chili. And why anybody would think to change the zoning on this and take it away from General Business and -- and let more of these apartments that we don't want put there, I -- I don't understand anybody's thinking that would do that.

This is a no application all of the way. There -- there is nothing in favor of this but this man's want to make money. He's got something to gain. The Town does not.

The zoning map is our protection. I don't like to see it chipped away at and sold off or whatever, given away to everybody that comes in here and just doesn't like the way we got it zoned. They're free to go somewhere else. And as far as this man's plans to develop, he bought the land and he is free to develop it. But within the zoning. Within the Comprehensive Plan. Within the needs of Chili. Not what he's got figured out here tonight. Not what he has put before this Board. This -- this should never, never be passed. Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I realize this is a request for rezoning. But just a couple of questions that do go into the site plan. For what is being proposed, is there anything you could tell me on number of apartments, number of town houses, low income housing and answer those three questions?

MICHAEL NYHAN: No. This -- again, those are site plan questions and that is a rendering of what that property could be used for as an example. So when they come back, if this does get approved by the Town Board for rezoning, if they come back, that's the time to ask site plan approval questions. That's when we'll be able to look at that.

MR. RETTIG: Thank you. Again, it's putting the cart before the horse. I realize that is the procedure as stated.

I do definitely support the Chili Comprehensive Plan for all of the effort that has gone into it. Our zoning needs to be kept as is for reasons. There were good reasons that these people worked hard and long on that Comprehensive Plan for zoning.

So I would definitely request that this particular Committee certainly consider that as a strong point and hopefully we can stick within the zoning that's right for Chili, specifically North Chili. 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.

JOHN HELLABY: Chris (Schultz), I do have one other quick question for you. On your letter of today, item Number 3, it says a shared parking easement would be established over Lots 1 and 2 if the existing building is to continue as a medical building or similar.

MR. SCHULTZ: Right. Because currently, if you look at the size of the building, the two stories, it -- it would basically warrant parking that would have -- they would have to share some parking.

JOHN HELLABY: Wouldn't you need a cross easement access?

MR. SCHULTZ: Yes. Exactly. So basically you're going to get both. You will get a reciprocal access and parking easement on both lots so that, you know, the future building goes on Lot 2, they would be able to use all of the parking spaces. If this thing stays as it is as a professional office, they would be able to use all of the spaces.

JOHN HELLABY: All right.

MICHAEL NYHAN: I would just like to add some -- several proposals for this piece of property have come before us. One of the market demands we have seen is for this type of housing in that area. The other commercial proposals that we had -- as you recall, we wanted to see something other than that.

And then for the most recent proposal for a -- three-story apartments, we wanted to see something smaller than that, which now they're -- their rendering would be for a two-story. What they're looking for is to change tonight -- well, to divide one so that the GB will be divided into two lots, 1 and 2 that will be GB and they will go in front of the Town Board for a request to rezone the far east lot and Lot 1 into multi-family residential, leaving Lot 2 GB. That is what would be before us tonight. If that is approved.

Then we would review any site plans for the use of that land. Any other questions on that or comments on that?

JOHN HELLABY: I hope you understand with a short Board, that if you get a no vote -- it will still carry.

MICHAEL NYHAN: We're not voting to -- approval or disapproval.

JOHN HELLABY: Recommendation. I sorry. Poor choice of words.

MICHAEL NYHAN: It will get sent to the Town Board with the results of our vote. If it -- whatever that vote is for recommend or not recommend is the way I will send it to the Town Board.

JOHN HELLABY: All right.

MICHAEL NYHAN: We will not be doing SEQR. The Town will be -- the Town Board will declare themselves lead agency for the rezone. But we will act on the subdivision. So -- any other comments or questions before we're done with that?

On the preliminary subdivision approval, 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: Any conditions for the subdivision? Let me read off a few that I have based on engineering comments.

So the approval would be subject to final approval by the Town Engineer and the Commissioner of Public Works.

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.

Provide a cross easement access between Lot 1 and 2.

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

Any other conditions for the subdivision? Does that cover everything?

Paul (Wanzenried), the Side Table for that?

PAUL WANZENRIED: No.

DECISION ON APPLICATION #1: Unanimously approved preliminary with waiver for final by a vote of 4 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review

Committee comments.

4. Provide cross-easement access between Lot 1 and Lot 2
5. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e., liber and page number) shall be noted on the mylars.

MICHAEL NYHAN: Second application is not an approval but simply a recommendation to the Town Board as they proceed with the rezoning. So the application of Gizzi Real Estate -- no SEQR on this Board's part. Application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624 owner; for a recommendation to rezone 4415 & 4423 Buffalo Rd. from GB & R-1-15 to RM at properties located at 4415 & 4423 Buffalo Rd in GB & R-1-15 District(s).

Again, this is just a recommendation, not any site plan considerations tonight.

Second?

JOSEPH DEFENDIS: Yes.

DECISION: The vote on the motion was 2 yes to recommend to rezone (Joseph Defendis and Michael Nyhan) to 2 no to recommend to rezone (John Hellaby and Paul Blaser). Regarding the above application and recommendation, the Planning Board reports to the Town of Chili Town Board:

- No incentive zoning is requested for this proposed project.
- The new proposal is more in conformance with the transition from residential to general business.
- Proposed height of buildings reduced to 2 stories.
- Better ability to screen from neighboring properties.
- Several of the comments noted during the public hearing and with Board, discussion were site plan review items and would be addressed at that time.

3. Application of TAOUK Development P.O Box 52, Spencerport, New York 14559 owner; for a recommendation to rezone from RA to RA with incentive zoning at property located at 296 Fisher Road in RA-10 District.

John Sciarabba was present to represent the application.

MR. SCIARABBA: Good evening, Mr. Chairman. Members of the Board. My name is John Sciarabba with LandTech representing TAOUK Development regarding this project.

Last month we went to the Town Board workshop regarding rezoning this project from -- or this parcel of land from Rural Agricultural for incentive zoning through the incentive zoning process and they thought it had enough merit so they asked us to come see you folks regarding this change in this land's use and looking for a referral back to that Board.

This property is located on the south -- on the east side of Fisher Road, about half a mile south of Chili Avenue. If you're familiar with this area, it's where the Niagara Mohawk wires cross Fisher Road and where the RG&E subdivision is. It's zoned five acres in size -- excuse me, five acres in size and we have access to public water. There is an 8-inch water main located on the west side of Fisher Road.

We have gas service and we have sanitary sewer. Sanitary sewer is Monroe County Pure Waters sewer that runs along in our backyard, basically along Little Black Creek. Historically everyone thought this property was undevelopable due to the thought of wetlands.

Mr. Thomas took the initiative and had a wetland delineation completed on the property and jurisdictional determination was provided by the Army Corps and there are no wetlands on this site. We have provided that documentation to the Town staff.

The project that you see before you is -- what we're proposing are commercial flex space buildings. We're proposing three 15,000 square foot buildings, approximately 65 feet wide and 250 feet long. They will be cut into about 1500 square foot suites and they're intended to service the contractor public. Landscapers, contractors, masons, asphalt contractors and things like that to -- that have an impact on the suburban neighborhood. They might have trailers and stuff in their house. We find this is a way that kind of cleans up the area.

This project, this type of project has been approved in Webster, Gates, Avon. We have done three of them. They're very well -- well serviced. They're generally 100 percent full at all times.

What we like about this property is the fact that it's kind of -- we're already in a very industrial setting. We have the Niagara Mohawk wires on our south line, the subdivision. The flood plain and everything associated with Little Black Creek behind us. We do have some neighbors, mostly to our north and our immediate neighbor would be our most biggest concern.

Although this is a conceptual plan, we do propose to have landscaping and/or fencing. We plan on meeting with the neighbor. I know that Mr. Taouk has -- Mr. Thomas has already reached out to the neighbor to just inquire about what his needs are. We hope to meet with him in person. But basically what will happen is the -- tenants will pull in. They approximately travel about 100 feet into the site. A gate is there. That gate will allow them in. So it will be a gated facility.

The first building is 100 -- 170 plus or minus feet off the road and the next building is 370 feet off the road. So really isolated back there. We're also going to be disturbing more than one acre so we'll need a Storm Water Management Plan. Which we hope when we come back to this Board in the future, we can show plans in great more detail in the future.

We think it is a great use for the property. We hope you agree. I can try to answer any questions you might have about the project or the site itself.

JOSEPH DEFENDIS: What kind of control do you have for storage of equipment outside and -- you know, so it doesn't become a trash yard.

MR. SCIARABBA: Yep. There will be some equipment stored outside. You imagine a landscaper will have a trailer or thing like that. It will be screened and again being the distance off the road with the buildings almost acting as an actual screen, but we won't have overnight truckers or things like that. These will just be working vehicles that will be there overnight.

JOSEPH DEFENDIS: That's all I got.

JOHN HELLABY: This wetland thing that you mentioned, it is -- it is extremely confusing the way you have this in here. It shows on the maps that -- that I'm looking at --

MR. SCIARABBA: It does.

JOHN HELLABY: -- as wetlands.

MR. SCIARABBA: Yep.

JOHN HELLABY: And then on the -- what is it -- hold on. On the EAF mapper summary report, where it has got question 13A, "Wetland and other regulated water bodies," it says "Yes."

MR. SCIARABBA: Correct.

JOHN HELLABY: I -- I find that -- but you're standing there telling me there are no wetlands.

MR. SCIARABBA: Speaking to the EAF mapper itself, as we all know, it's a self-area filling so the DEC checks that box. And it's really, "Hey, are there wetlands in this area?" And so there are. Associated offsite there are wetlands.

And so that one of our due diligence things is we sent -- yeah, there a wetlands on the site. We said "Let's get it delineated."

We hired a biologist. Delineation was completed and your additional determination by the Army Corps and DEC was stating these wetlands -- isolated, but there are no wetland on this. And we provided that documentation to the Planning staff. We wouldn't be here at all if it -- it was inundated with wetlands.

JOHN HELLABY: There is adequate parking?

MR. SCIARABBA: Again, this is conceptual. We feel this site needs not only parking, but they also need areas for trailers, as a mentioned before. Sometimes they will have bins for mulch storage and things like that.

But generally, the -- what -- what happens is the contractor will come in and grab a trailer and goes out for a day's work. They're really not here all of the time. So they will just pick up supplies. So it's not set up for any kind of retail and we have actually told the Town Board that. There won't be any retail operations for the -- you know, for the normal retail public.

JOHN HELLABY: You will fence the entire site or no?

MR. SCIARABBA: We'll work with you on that. We do have some security issues we have to be aware. I don't think way in the back where the ponds are are going to need it. We do want to make sure our neighbor to the north, that he is taken care of. We do have a gate proposed. And depending how grading is, we might have natural barriers with swales and such that we don't need to have fencing. But we want to keep some of the trees, if we can, along that driveway of RG&E if it is practical for screening.

JOHN HELLABY: How much power will you have over noise generating in there?

MR. SCIARABBA: Again, they're almost like a mini storage, but some contractors will have to change his tire, change oil in there. So there is some work being done on-site. But it's not a factor where there is heavy machinery or anything being used. Anything like that.

JOHN HELLABY: All I got right now.

MR. SCIARABBA: The buildings are insulated. So if -- that noise will be contained within the building.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ZOI CHRISTANIS, 31 Hubbard Drive

MS. CHRISTANIS: Zoi Christanis, 31 Hubbard. Is there a dog kennel being built on this site?

MR. SCIARABBA: Yes. I don't know if he wants me to answer.

MICHAEL NYHAN: As part of incentive zoning, that is something that is in the concept, yes.

MS. CHRISTANIS: That is my concern with this, is the dog kennel.

MICHAEL NYHAN: Okay.

MS. CHRISTANIS: This site has many audio and visual stressors for an animal that is

being brought to a kennel that has been either lost and on the run or dumped and abandoned to be brought to an area where there's a runway right behind the site. There's going to be traffic in and out of this development. Massive power lines which are an aud -- a visual stressor. I have some research that has been done showing that certain animals see power lines as flashing, glowing bands which deters them from even going near these and dogs are listed as one of the animals that this happens to.

I feel that there are many more suitable sites in Town where this dog kennel could be put in. The only reason it's being done here is because it's no cost to the Town.

MICHAEL NYHAN: Okay. Thank you.

LAURIE FENBY, Ballantyne Road

MS. FENBY: I'm Laurie Fenby on Ballantyne Road and I'm also here for questions of the dog kennel.

As John (Sciarabba) indicated, it is an isolated area and putting a dog kennel over here where it's not near the employees and it's -- there's power lines, there is -- close to the airport runways, it's on the outskirts of Town. And as he did mention, it's an isolated area and it's just not a practical place for Chili to put a dog kennel.

The kennel that they have had up until now is deplorable and now they're going to put another kennel out in the middle of nowhere and how are -- are Animal Control Officers going to go check on the dogs?

And if it's an incentive zoning thing, according to whatever I read somewhere, they're leasing it back to the Town. So the Town is going to have to pay them for the kennel on their plan. So there's that.

And John (Sciarabba) also said that he has these mini storage units in Webster, Gates and Avon. Do any of those have dog kennels attached to them in your other towns? So I -- I don't know. I mean -- these are going to be like tin storage warehouse things and they're going to put, you know, a dog kennel on an end. It makes zero sense. And there's -- it's going to be noisy. It's going to be smelly. They even said they're going to have like asphalt trucks and dump trucks.

So you have got dogs who have been abandoned or dumped or stray. They're already traumatized. They're going to be put in the middle of nowhere. They're going to be surrounded by noise and power lines and trucks and smells. It's just not a logical place. And Chili really needs to care about what the residents want for a kennel to replace the deplorable one that you have had us use that used to be a heavy equipment building. No windows, no -- nor -- no windows, no ventilation, no air-conditioning, no heat.

And I don't know about the -- you guys, the new builders, if all that will be proper amenities for animals, but that's neither here nor there. A kennel is not a good place for this site.

MICHAEL NYHAN: Thank you.

MS. FENBY: Thank you.

ZEB BARNES, 294 Fisher Road

MR. BARNES: Zeb Barnes. I live at the parcel next door to where they are proposing -- to these changes.

MICHAEL NYHAN: What is your address?

MR. BARNES: 294 Fisher Road.

MICHAEL NYHAN: Okay. Go ahead.

MR. BARNES: Never been to one of these here so I don't know what I can say or not say. If I say something wrong, just tell me I'm wrong.

But I wasn't aware they would put a kennel there until tonight. And they -- I have 2.2 acres that adjoins that property. I'm retired. And I'm usually in my yard or on my deck relaxing. And I don't think putting a dog kennel there with the noises that dogs would be making as well as someone else had mentioned about the odors that could possibly be coming from that.

And the increased traffic that would be coming there of people coming in and out to, I guess, do whatever they would do with their dogs there -- I think I heard that there was going to be three buildings possibly built there?

MICHAEL NYHAN: That's the concept. Again, these are just concepts.

MR. BARNES: Concepts.

MICHAEL NYHAN: All of the items, as most everybody mentioned, will -- are items that will be addressed if this is approved at a site plan.

MR. BARNES: My concern also is -- would be that the increased traffic and also the noise that trucks or vehicles going in and out during the day while I'm there -- and also the fact that it would be an eyesore.

There are trees that are there on my property, but in the wintertime, once the leaves and everything are off, whatever they built back there, I'm going to see. If there is lighting back there, now it's no longer going to be dark back there at night. Because it's going to be lit up, I'm assuming.

And the issue of the creek back there, there is running water in that creek. And there is always a possibility that that creek could come up toward the property and I would be concerned about what they -- what changes they would do to that area that would make possibly that -- something would come toward my property.

MICHAEL NYHAN: Okay.

MR. BARNES: I have been there for 30 years and it was zoned as the zoning that it was. And it has kept -- I believe -- I think about 20 years -- don't quote me on it, someone else was



looking into possibly buying that property and they contacted me and they had mentioned that they were looking into the possibility of -- of a dog kennel. I don't know how far it went, because it never came back to me as an issue.

So -- so at that time, I would have been opposed to it just as I am opposed to it now. Like I said -- those things I have said, plus the main point is if I was to want to sell the house, automatically my value is going to go right down. And there is also several houses that are next to me, as you're heading away from the property they're proposing, that is all families.

And they have children and -- and they're used to also being -- being on a street that really doesn't have a lot of traffic going on it. And the other concern I have, is the weight limit that would be on that street. That would be changed, as well, because right now there is a certain tonnage that can't come down that street. So I'm wondering if that zoning change would also change the amount of the size of the vehicles that would be coming down that street.

MICHAEL NYHAN: Again, all items -- if this does get approved by the Town Board, for rezoning, those are all items we would look at prior to the site plan approval.

MR. BARNES: Okay. And that's pretty much it. Thanks for hearing me.

MICHAEL NYHAN: Thank you.

MR. CLEMENS: I'm also a resident of Fisher Road for over 33 years and I oppose --

MICHAEL NYHAN: Your name?

DARYL CLEMENS, 226 Fisher Road

MR. CLEMENS: Daryl Clemens, 226 Fisher Road.

Basically, due to the traffic, I believe it will destroy our property values in that area. And it really doesn't make sense to even consider putting that kind of -- those kind of buildings there. Because basically the traffic -- it's going to be an eyesore.

MICHAEL NYHAN: Okay. Thank you.

MR. CLEMENS: Okay.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Dorothy Borgus, 31 Stuart Road. I am not thinking that a kennel there is a good -- a good piece of the puzzle. I don't have any problem with the project these people want to do, but you have got to listen to the people that live there. You just heard them. There could be so many problems with a kennel there. So many. Noise, odors.

Those dogs are going to be constantly in an uproar if there's -- I don't know how many units they're planning on putting in here for rent. But if each one of those has one or two vehicles coming and going, coming and going, those dogs are going to be just in an uproar all day and all night long. As long as the noise keeps up, you will have noise from the dogs. It's not fair to the dogs. It's not fair to the other tenants. And it sure isn't fair to the people that live around there.

I feel sorry for anybody who has got to have a dog kennel over their head when they have been -- lived in a place for that many years as this -- these gentlemen have in peace and quiet. So the kennel part would be a no for me. Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Charles Rettig, Coldwater Road. I realize that this is a request for rezoning. However, speaking to other issues that go to other Boards for other approval in regard to the dog kennel, you got to realize that you're talking about a kennel, live animals near high voltage, high amperage power lines which are cancer-causing. You don't see houses underneath or real near high power lines this low. And this is not a good location for a kennel.

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: Again, there will be no SEQR on this. It would be up to the Town Board.

Any further discussion?

Paul (Wanzenried), if I read this correctly, the -- the incentive provided would be to build a kennel.

So that is what the incentive is, to build a kennel on this land if rezoned?

PAUL WANZENRIED: Part of the incentive, yes.

MICHAEL NYHAN: Okay. What's the other part? I didn't -- I missed it.

PAUL WANZENRIED: I mean that is the incentive -- yeah, you're right.

MICHAEL NYHAN: I thought I saw --

PAUL WANZENRIED: Yeah.

MICHAEL NYHAN: I see a new letter here that says it will be for a kennel, that is the incentive to do this.

PAUL WANZENRIED: Yep.

JOSEPH DEFENDIS: Can they change the incentive?

MICHAEL NYHAN: They haven't. I mean there was one earlier -- I think it was a cash incentive, but there no longer seems to be a cash incentive. It seems to be incentive to build dog kennel for approximate value of \$75,000.

JOHN HELLABY: But if the Town Board is not satisfied at the time they come to them, they could change it then?

MICHAEL NYHAN: They absolutely could, yes.

Again, this is not an approval or a disapproval. This is a recommend or not recommend.

JOSEPH DEFENDIS: I understand.

MICHAEL NYHAN: So the reason I ask that question is, if we approve -- if we approve this with incentive zoning to build a kennel, are we, in fact, approving a kennel on that piece of property?

MATTHEW PISTON: No.

PAUL WANZENRIED: No.

MICHAEL NYHAN: So that -- whether or not that would go there would be determined at a later date if it's rezoned? Site plan, correct?

PAUL WANZENRIED: Whether or not the kennel goes there is the purview of the Town Board. Okay?

MICHAEL NYHAN: I understand that. But -- what they're asking for is RA with incentive zoning. The incentive being the construction of a kennel. Does that get attached to the land?

MATTHEW PISTON: This is just a recommendation to the Town Board.

MICHAEL NYHAN: Okay. I understand all that. Okay.

Did you understand my question? If we recommend this and the Town Board approves it, then that means -- the incentive is to build a kennel on the property.

PAUL BLOSER: That's my biggest concern.

MICHAEL NYHAN: Let me see what the answer to that is.

PAUL WANZENRIED: You have to look at it in its totality. So if you are not going to recommend it because the incentive is the dog kennel, then you're going to have a no recommendation.

MICHAEL NYHAN: Correct.

PAUL WANZENRIED: If you're going to recommend it, then you agree with what his proposed use is, too. There is also a use that's going on here. And there is other items that were -- spoke to that effect.

So that's how you have to approach this, Mike. Am I answering your question? If -- you can't write the recommendation and say "Yeah, I recommend it but we don't want the dog kennel there" --

MICHAEL NYHAN: I get that.

PAUL WANZENRIED: No. You can't do that. You have to take it in its totality.

MICHAEL NYHAN: Right. That is what I was looking for.

Paul (Wanzenried), were you saying --

PAUL BLOSER: He kind of answered my question.

JOSEPH DEFENDIS: Right.

MICHAEL NYHAN: Okay. Any other discussion?

JOSEPH DEFENDIS: No.

MICHAEL NYHAN: Any other comments? Okay.

With that, the application of TAOUK Development P.O Box 52, Spencerport, New York 14559 owner; for a recommendation to rezone from RA to RA with incentive zoning at property located at 296 Fisher Road in RA-10 District.

JOHN HELLABY: Second.

DECISION: The vote on the motion was 2 yes to recommend to rezone (John Hellaby and Michael Nyhan) to 2 no to recommend the rezone (Joseph Defendis and Paul Bloser)

The amenity provided does not assist the town to implement specific physical, cultural, and social policies described in the comprehensive

master plan. Due to the small size of the property, the applicant has acknowledged that this is not the typical incentive offered. The applicant believes the incentive will provide the town and its residents with the service of a new dog kennel to serve the residents of the Town of Chili.

- There is a concern for noise to neighbors with activity in the complex, animal noise, and odor.
- A dog kennel in this area is not suitable due to overhead high voltage lines to the south and the electric substation to the east of the property.
- Location of the kennel in the proximity of airport runways.
- Weight restriction of the town road presented a concern that tenants could violate this limit.

Amenities Provided:

- Provide a 1,500-1,650 square foot unit in one of the proposed buildings.
- Applicant provided a total value of the future dog kennel to be approximately \$75,000 based on \$50 per square foot.

MICHAEL NYHAN: So it is 2 and 2 again. We'll send that to the Town Board.

For those that may be leaving -- because I think you were probably here for the first two applications, the Town Board will hear this. There will be a Public Hearing. You will be able to speak at that -- to the Town Board that will actually make the decision on whether to rezone this land or not with the incentive that was provided by the applicant for this one as well for -- the previous one there was no incentive, but it was a rezoning of land from GB to RM. I would suggest if you want to speak at that, you look to see when that hearing for the Town Board will be on their website.

MS. FENBY: I just have one quick question. The person who is not here for voting, how -- what is their role?

MICHAEL NYHAN: They don't have a vote. They're not here.

MS. FENBY: I know. But do they look at the stuff and then vote one way or the other?

MICHAEL NYHAN: No. This is it. The vote was done. Again, it's not -- it's a vote to send to the Town Board whether we recommend or not recommend the rezoning. Those are the only things that will go to the Town Board.

The Town Board will decide whether to rezone that with the incentive provided. So I suggest that all of the comments you want to bring forward, you bring forward to the Town Board at their next meeting when they schedule a Public Hearing for this.

MS. FENBY: Thank you.

MS. BORGUS: If my recollection is correct, when you have a -- a Board of let's say seven and only four are present, don't you have to have a super majority to pass anything?

MICHAEL NYHAN: We're not passing anything. This is a recommendation or not a recommendation. We're not approving.

MS. BORGUS: I'm sorry. A vote. Don't you have to have a vote of a super majority?

MICHAEL NYHAN: No, we don't. This is just a recommendation based on the number of members here, going to our Town Board who will make the decision based on the number of members that were here.

MS. BORGUS: So you consider 2 and 2 a pass?

MICHAEL NYHAN: No. I don't consider it as a pass or fail. I consider it two people recommended and two people did not recommend.

MS. BORGUS: Thank you.

MICHAEL NYHAN: Okay. Any other questions? I just want to be sure you heard that in case you're not staying for the other applications, that you know what your next steps would be to voice your opinions on these projects. Thank you.

4. Application of Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless 1275 John Street, Suite 100, West Henrietta, New York 14586, Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 owner; for preliminary site plan approval to locate a proposed 8'x10' telecommunications tower at the property located at 2301 Westside Drive in PID District.

MICHAEL NYHAN: I understand there is a few things you will be doing here tonight. This is simply preliminary site plan approval. I'm assuming you are going to want to waive final, correct?

MR. LUSK: Correct.

MICHAEL NYHAN: And your Special Use Permit. And then you will go to the Zoning Board for your area variance.

PAUL WANZENRIED: Negative.

MICHAEL NYHAN: No. Okay? Give me a positive. What are we doing?

PAUL WANZENRIED: He doesn't have to go for the variance.  
MICHAEL NYHAN: Okay.  
PAUL WANZENRIED: Only your vote tonight.  
MICHAEL NYHAN: So we're not voting on the area variance?  
PAUL WANZENRIED: No.  
MICHAEL NYHAN: Okay.

Jared Lusk and an unidentified speaker were present to represent the application.

MR. LUSK: Good evening, members of the Board. My name is Jared Lusk with the law firm of Nixon Peabody LLP representing Verizon Wireless. I know you had an opportunity to review the application in front of you. Verizon Wireless is proposing -- I'm going to make reference to a few documents in the report and to each tab. So if you happen to have it -- I have it in front of me -- I don't think there is a reason to go line by line. I will assume you have at least taken a brief look at the application.

What Verizon is proposing to do is install a small micro cell wireless antenna facility onto the rooftop of the Cultural Life Center at the University. It's Verizon's -- set forth in tab F to the community application -- the two macro large towered sites that are currently serving this area, the West Chili and the Stony Point site -- this is outlined in tab E of the application -- are currently overloaded.

One way to relieve traffic on highly trafficked towers is to install one or more micro cell projects in areas where there is a great demand. Concentrated persons, concentrated users like the University. We have installed them on Wegmans stores, on Walmarts, et cetera.

What these will do is -- instead of the traffic in and around the Cultural Life Center traveling to the surrounding towers, they will -- those -- those data events, those calls, those texts, those downloads, emails that everybody is doing will be handled by that antenna, rather than traveling to the surrounding macro towers.

The antenna itself is about the size of a 5-gallon pail mounted on existing pipe on a mount on the roof. It's -- the roof -- I -- I equate it to basically a satellite antenna that you could install for Direct TV or something like that. You install it on the -- on the -- on the roof.

It is ballast-mounted with weights, hooked up to the system through small radio equipment and stuff that would be located inside the building in the -- in the steel catwalk area, just below the rooftop. The only thing that would be on the roof would be the antenna itself. Again, the size is much like a 5-gallon pail mounted on the roof with ballast that is there.

Once it is installed, it is basically plug and play. If we need it to -- if for some reason the Verizon wanted to take it away or the University didn't want it there anymore, you basically unplug it and take it with you. It's not a particularly robust installation. It's a pain -- sort of like moving around a window air conditioner. Heavy, bulky but movable. Again, this is not a macro cell tower. Even a rooftop installation. This is a modest antenna about the size of a 5-gallon pail mounted on a ballast mount on the roof that is there.

PAUL BLOSER: How tall? What is the overall height?

MR. LUSK: I got that all because the numbers are weird.

UNIDENTIFIED SPEAKER #2: 24 inches.

MR. LUSK: The height of the antenna itself is 24 inches tall but the overall height, the existing rooftop -- the top of the roof deck is 84.2 feet.

PAUL BLOSER: I was just talking about from the deck of the roof to the top of the unit.

MR. LUSK: The top of the roof deck is 85.2 and the antenna tip is 95.9. The reason why it's that tall, there is a parapet above the roof deck. The top of the parapet is 89.2. So we just needed to be above that parapet enough for it to function.

MICHAEL NYHAN: Okay.

PAUL BLOSER: That's just a better visual.

MR. LUSK: Correct. This thing -- it's relatively small. A 5-gallon pail on the top of that Cultural Life Center, I don't think it's going to be visible to the casual observer given everything else that is going on at that building and the rooftop of that building.

MICHAEL NYHAN: It is small. 8 by 10 area. 600-pound frame that is completely behind the parapet.

MR. LUSK: Correct. The only thing you will see is that 5-gallon pail. It's 2 feet wide by about 14 1/2-inch diameter. Again, 5-gallon pail. Pretty straightforward.

There were a number of Engineer's comments. We responded to those today. I think they were pretty straightforward engineering comments. The first meaningful comment was we had provided an RF compliance document in our report. I'm not sure if they saw it or didn't see it, just to make sure -- Verizon in-house, as you know, to have our license, we are required to operate within federal standards. They are -- they provided a certification in the report, in our application that we provided.

I think the -- the Town Engineer asked for a little more clarification. We have ordered an RF compliance report from a third party. That is coming. It takes a few weeks. If the Board were so inclined, if you wanted to make that a condition, we could provide that with the building permit application. Again, we have to operate it within federal standards or we lose the FCC license that is worth billions, so we're just not interested in operating outside but we'll provide that proof.

The second issue was they asked for a maintenance -- detailed cost analysis and estimate of the annual costs associated with the maintenance. We said it's not applicable given the design --

this is like a Direct TV antenna. You put the thing in. No maintenance. You plug and play and leave.

I think this provision of the code talks about towers where you have to mow the grass, take care of the towers themselves and maintain them. There is no maintenance. So I can't give you a maintenance cost analysis because we expect to plug it in and have it work. If the thing breaks down, we'll put a new one up there. It is just not that type of piece of equipment that requires any maintenance.

So again, we reiterated that in the letter to you. And again, there was -- there was a comment made about a -- an update or a revision to the EAF. I provided the revised EAF as tab O to the application.

So from our perspective, the engineering comments have been addressed. And -- you know, with that, I open it up to questions.

MICHAEL NYHAN: Thank you.

JOHN HELLABY: I assume that you will supply the Town with a stamped structural engineer's approval saying this thing won't go through the roof?

MICHAEL NYHAN: It's in the package.

MR. LUSK: It's in the package, tab L. Tab L. And that's built to a certain -- the TIAH standards for wind, et cetera.

MICHAEL NYHAN: Any additional comments from the Side Table?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Additional conversation? Questions? I think it's pretty straightforward. Fairly -- there were pictures in here, as required by the Town, to show its visibility above that parapet.

The long form EAF was provided, so we'll review that form for SEQR. It will take a little bit of time. A lot of these don't apply, but let's go through each of these to make a determination on SEQR.

So the impact on the land -- this does not impact that. So the answer to this would be no. There is no excavation. There's no removal. There's no cuts, no fills. It's not in a coastal erosion area so that would be no.

Modifications to destructive usual land such as cliffs or dooms. Again, that does not apply so no.

Impacts on surface water. There is no runoff. In addition as a result of this, there is no wetlands or other surface waters, streams or ponds. So that would be no. That does not apply.

The impact on groundwater. There is no impact on groundwaters that -- there is no new water supply, wells, et cetera that will be provided or needed. There is no waste water as a result of this construction. Impact on flooding against -- it's on the top of the roof of this building so that does not apply. We'll have no impact, no environmental impact in that regard.

The impacts on the air. Um, there is no emission from this as far as air quality or anything else goes, so that will not be applicable, as well. So there will be no impact on air for this. Impact on plants and animals. Again, the resulting in a loss of flora or fauna will not apply as this is a roof-mounted antenna and will not have any impact on flora or fauna.

Any other landmarks or -- or community established -- need to be protected. The removal of any ground disturbance. Again, that does not apply.

The impact on agricultural resources, this is relative to land -- New York State land classifications. There is no impact on this as far as agricultural lands or any land impact. So that is also no.

The land use proposal was not different. It's not changing whatsoever. They're just adding an antenna to the roof of the existing building in that area so that is also no.

Impact on historical, archaeological resources. Um, this was on the long form EAF. There is one archaeological or architectural significance or historic building and that is the Cox Memorial Hall, which is located on this campus, so that -- I will mark yes as impacts. However, in reading the subcategories, the proposed action may occur wholly or partially within a -- substantially contiguous with any buildings or archeological sites or districts which are listed on or have been nominated by the New York State Board of Historic Preservation for inclusion on State or national historic -- of historic places. The answer to that, I believe, would be no as a result of the information we received as well as the photographs that we have received and the impact visually on this entire area.

The proposed action may occur wholly or partially within a substantially contiguous area designated as sensitive to archaeological sites. That was not listed from the SHPO and the archeological site inventory. So that again would be no impact.

The proposed action may occur wholly or partially within or substantially contiguous to an archaeological site. Again, that does not apply based on the information provided by SHPO.

The impact on open spaces and recreation -- this is the impact it may have on any ecosystem or services or any future recreational resources. Again, does not apply to this application or to this construction of this antenna.

The impact on critical environmental areas. This is not designated as a critical environmental area. And again, no impact as it does not apply for a rooftop-mounted antenna.

The -- the impact on transportation -- there would be no impact on transportation as it is not changing anything or projecting any traffic increases as a result of the antenna being up there unless in the event a vehicle may have to respond to repair the actual antenna. So there is no impact on the transportation. Or any transit access to the area.

Impact on energy. This will have an impact on energy. So yes. But in reviewing the additional comments, the proposed action would require a newer upgrade to any existing substation. The existing substation and power will be used so there is no impact on that.

The impact actually will not require additional -- this is relative to the additional single two-family homes which does not apply to this area, as well.

The proposed action may utilize more than 2,500 megawatt hours per year of electricity. The proposed electrical consumption for this is 70,000 kilowatt hours so it is substantially less, so that would be no impact on the use of energy.

And the proposed action may involve heating or cooling of more than 100,000 square foot. Does not apply as this is mounted on the roof of the building and does not require any of those items.

Impact on noise, odor or light is outlined in the package. Does not emit any vibration, noises or lights so that will have no impact, environmental impact on the area.

And then the impact on health. Human health from exposure, new existing sources of contaminants. The only real item on here that would be considered is the proposed action is located within 1500 feet of a school, hospital, licensed daycare center, group home, nursing

home or retirement community. It is actually located on the property. However, I do not see where based on all of the information we have that would have any impact whatsoever on the impact on human health.

Any disagreement with that one?

And then finally the consistency with community plans. This does not impact any of the plans in the area as it is simply mounting an antenna on the roof. It is not changing the character or the view of anything in this area.

Consistency with community character also applies in that same vein. Will not have any impact on that -- we're not eliminating any existing facilities or it's not inconsistent with the character of the area that we already have there.

Any disagreement with any of the items that were on that long form?

JOHN HELLABY: No.

MICHAEL NYHAN: Okay. Great.

So then based on the information and evidence reviewed and the information and review of all of the documents pertinent to this project and after a Public Hearing, the project will have no significant -- or adverse impacts on the environment and, therefore, an Environmental Impact Statement need not be prepared. Accordingly, this is -- a negative declaration is issued.

Do I have a second?

JOHN HELLABY: Second.

The Board all voted yes on the motion.

MICHAEL NYHAN: I will get to the application. For conditions, I did pick up two conditions which were already mentioned. One is -- well, a few conditions.

One is provide a copy of the RF compliance pre-construction evaluation report to the Town of Chili which you have already indicated you will provide.

You recognize maintenance is -- as you read the code, it is relative to guy wires, land around the antenna and the antenna itself and that wouldn't apply here.

The 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. You will receive those, correct?

MR. LUSK: I haven't received them.

MICHAEL NYHAN: Okay. I will make sure that -- we have a copy here -- and you received them.

PAUL WANZENRIED: I'll forward it to them.

MICHAEL NYHAN: Thank you.

Building permits shall not be issued prior -- will a building permit be required?

PAUL WANZENREID: Yes.

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

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

Any other conditions? Any other conditions? Any other conditions from the Side Table?

PAUL WANZENRIED: No.

MICHAEL NYHAN: No. Okay. Those conditions, the application of Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless 1275 John Street Suite 100 West Henrietta, New York 14586, Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 owner; for preliminary site plan approval to locate a proposed 8'x10' telecommunications tower at the property located at 2301 Westside Drive in PID District.

JOHN HELLABY: Second.

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

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

**OLD BUSINESS:**

1. Application of Genesee Valley Regional Market Authority, 900 Jefferson Road,

Rochester, New York 14623 owner; for final 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 was present to represent the application.

MICHAEL NYHAN: If you could just go over some of the things you were going to review for final. I think there were a couple Conservation Board, as well as additional tree typings along the border, correct? I think I saw that on your updated plan.

MR. ARDIETA: Good evening, ladies and gentlemen. My name is Joe Ardieta, Vanguard Engineering. First I would like to put it on the record my wife is very unhappy with this Board and in interest of self-preservation, I may move pretty quickly.

MICHAEL NYHAN: I was hoping for a box of chocolate.

MR. ARDIETA: Chocolate won't do.

Conservation Board requested that we add foundation plantings to the buildings, which we have done. We have contacted a landscape architect, Doug McCord, who has reviewed and will certify the drawings. We -- the plan you have before you is the old layout.

Some changes have occurred with the trees that have run more in a straight line. We have also added trees in an area where after going out there and visually surveying the property, we noticed there were some gaps in that tree line. So that is why the plans you have before you show additional shade trees, some deciduous and some Evergreen trees in there to enhance the screening from the neighbors to the south. That's really the result of the Conservation Board.

Some of the other comments we discussed in the preliminary was there was a Board member that was upset with the sign, the light on the sign out at Scottsville Road. The Regional Market has turned that -- that light off and has contacted an electrician to move the light to an area where it will not shine out onto Scottsville Road.

Do you guys remember this?

JOHN HELLABY: Oh, yeah. I saw it just the other night.

MR. ARDIETA: So they turned off the light and as soon as they can get an electrician out there to move the light and orient it in a way that it won't shine onto cars on Scottsville Road, they will do so.

Also, Planning Board sign was put on February 3rd and, of course, it blew over that night. So they put it back up on -- on February 6th. That was a discussion on the posting of the sign before the preliminary meeting. I just want to get that done.

There was a discussion regarding dumpster enclosures. We will provide dumpster enclosures in Phase 3 and add dumpster enclosures to Phase 2, as well. The Regional Market is coordinating with staff to get that done. Right now, discussing orientation and -- and where those dumpsters in Phase 2 are going to go. But you see them on your drawings for Phase 3.

With regard to the Town Engineering comments, we have a response letter.

Did you folks get that?

JOSEPH DEFENDIS: Yes.

MR. ARDIETA: You got our response letter. So I won't have to distribute them? Does anybody want a hard copy?

MICHAEL NYHAN: I have a hard copy.

MR. ARDIETA: We have addressed all of the comments. We have no arguments with the comments -- well, I -- I got some really nitpicky arguments but nothing that you're really going to care about. So there is nothing in those comments that we cannot address that can't -- that wouldn't move the project forward.

I am done. Please proceed with your questioning.

JOSEPH DEFENDIS: I'm fine.

JOHN HELLABY: Just real quickly, wetland delineation from the Army Corps?

MR. ARDIETA: The wetland delineation shown on the plans was done by BME Associates. At the prior meeting it was requested that delineation report be submitted to the Town. We are still waiting on that from Martin Young at BME.

JOHN HELLABY: Parking, eight more spaces. I assume you put them in?

MR. ARDIETA: We added them in at the cul-de-sac.

JOHN HELLABY: There still was a question about loading berths.

MR. ARDIETA: Loading berths and loading docks. So -- we -- at the last meeting we discussed the loading docks. If there is going to be full reveal dock, then we'll take it out of the 20,000 square feet of the building. Meaning, just like Building 8 in Phase 2, rather than have a 20,000 square foot building, we ended up having an 18,000 -- I think -- 800 square foot building with a full loading dock.

JOHN HELLABY: I think this is a different animal.

MR. ARDIETA: Well, I'm --

JOHN HELLABY: It's a loading dock, correct?

MR. ARDIETA: There's two things -- there are two things I'm discussing. I'm just going through the docks and then I will go with the berth.

So with the dock, we'll take it out of the building and have the dock somewhere in the back of the building so that drive lane will be along the side of the building, to dock in the back.

The berth is very similar. We'll take it out of the 20,000 square foot building themselves. If -- if a berth is required, then we'll put in a 14-foot lane on the side of the building where the building was going to go and actually remove that portion of the building.



The reason is, that in order to -- if we were to accommodate those loading berths now, we would have to extend the road and all of the utilities and additional roughly 60 feet to accommodate Buildings 11, 12 and 13. And because the Regional Market firmly believes that this will not be required, and because we have designed in what they believe will be -- will be used -- utilized, which are smaller delivery trucks which will literally drive right into the building -- the buildings we have now, except for Building A, they're drive-in with overhead doors. The trucks just pull right into the building and they load and unload there and then drive out.

If some facility comes along that needs a loading berth with a full-sized truck, then we will -- we will reduce -- we will accommodate that berth by reducing square footage of the building.

So the buildings right now are 100 by 200. If we put in a 14-foot -- 14-foot wide loading berth, then we may reduce it to roughly 100 by 180 feet. Make it an 18,000 square foot building.

JOHN HELLABY: All right. The only other thing is I know they requested a lighting plan including the lighting contours. Have you --

MR. ARDIETA: Yes. The only lights that are proposed on this are building-mounted lighting and we have the lights on the buildings, but the previous submitted drawings didn't have the light contours from those building-mounted lights -- building-mounted lights. The drawings that the Town will get this week will have those.

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

MR. ARDIETA: So you know, there is minimal impact from the lights. They're only meant to shine right over the entryway.

JOHN HELLABY: All right.

MICHAEL NYHAN: Looks like all of the comments have been addressed and all of the items in preliminary have been addressed on the new plans we have.

Any other discussion or comments? Any additional conditions of approval from the previous meeting? I don't see any.

Paul (Wanzenried), do you have any -- additional conditions?

PAUL WANZENRIED: No.

MICHAEL NYHAN: All right.

JOHN HELLABY: Will you run through the ones you got?

MICHAEL NYHAN: The condition I will put on here is that all previous conditions imposed -- SEQR is okay for final? We have done SEQR for preliminary so we don't have to do it for final?

MATTHEW PISTON: You don't have to do it.

MICHAEL NYHAN: It was done for preliminary.

So then the following conditions of approval. All -- all previous conditions imposed by this Board that are still pertinent to the application remain in effect. I can read those for you.

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

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

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 permit 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 required life safety conditions and permits from the Town Fire Marshal and any signage change shall comply with the Town Code, including sign permits.

With those conditions, the application of Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, New York 14623 owner; for final 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.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.

Michael Nyhan made a motion to accept and adopt the 1/10/23 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting ended at 8:27 p.m.