

CHILI PLANNING BOARD  
May 9, 2023

A meeting of the Chili Planning Board was held on May 9, 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, Glenn Hyde, 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.

**PAUL WANZENRIED:** I believe application Number 3 requests to be last.

**PUBLIC HEARINGS:**

1. Application of St. Luke Tabernacle Community Church, Church Radiant/Church of the Nazarene 525 Paul Road, Rochester, New York 14624, owner; for a preliminary site plan approval of a special use permit to allow a church in residential zoning at property located at 525 Paul Road in R-1-15 District.

An unidentified attorney and Linda Hickmon-Evans were present to represent the application.

**UNIDENTIFIED ATTORNEY:** Thank you, Mr. Chairperson. Members of the Board. Thank you for being here tonight. I am an attorney and I actually represent the -- the person who intends to purchase the real property on Paul Road. I'm here tonight with -- and we'll make a few comments for the applicant, the church. St. Luke Tabernacle Community Church. There is a Board member from the Church here and the Pastor of the church is here and the buyer of the property is here.

This -- the -- this real property is subject to a real estate contract with two contingencies left in it. One is approval of the Attorney General of the State of New York which we -- which the seller, I believe, has satisfied at this point. And obtaining this Special Use Permit we're before the Board for tonight.

So we just want to run through a few things about the property. What we know about the historic use of the property is that it was a party house. It was a church. Most recently, it had a very light church use and that the intended use is a more traditional church use with weekly worship, with office use, with holiday celebration and with congregation gatherings.

We -- in connection with our application, we received from -- we received a letter from the Town's Engineer. We are in -- our interpretation of that letter is there weren't any objections to the application before you tonight but that the Town Engineer wished that we would maybe stripe the parking at the property and I know that the intended purchaser is happy to -- to comply with that.

We also received correspondence from the Monroe County Planning. That correspondence directed us to contact the Department of Health. Actually, I think the correspondence told us that the Department of Health wanted us to contact the Water Authority.

Water Authority told us that they think a back-flow preventer needs to be installed at the property. The purchaser is happy to comply with that by having an engineer go out, take a look at it and do whatever is -- is currently required to install that should it be necessary.

We received feedback that a -- that all signs must be out of the roadway right-of-way and that Environmental Services for Monroe County had no comment.

We also received -- we also have confirmed that the County of Monroe, Department of Transportation -- that they do not think they have any jurisdiction over this. And we have confirmed that the State DOT, the same, that they don't think they have any jurisdiction over this particular request.

So with that, we would be happy to answer any questions. As I said, there are people from -- from the Church here should the Chairperson or the Board have any questions.

**JOHN HELLABY:** I guess just a couple of things. Is there presently a meeting place that they are at now, the Church?

**UNIDENTIFIED ATTORNEY:** The current -- yes.

Pastor (Hickmon-Evans), do you want to come up?

**PASTOR HICKMON-EVANS:** Good afternoon. I'm Reverend Linda Hickmon-Evans, Pastor at St. Lukes Tabernacle.

Yes. We currently are meeting -- since actually the onset of COVID, we are still having worship service on electronic media at this time.

JOHN HELLABY: So you're presently not meeting as a group anywhere?

PASTOR HICKMON-EVANS: Not physically, no.

JOHN HELLABY: I know with churches and stuff, you get choirs and band music and things of that nature. I think that's great, but there is some churches around the neighborhood that think the level is always way up here (indicating) and it starts getting a lot of the neighbors upset. I just want to make you aware of it. I don't think it's a problem as long as it is done in moderation kind of thing.

PASTOR HICKMON-EVANS: All right.

JOHN HELLABY: I think that's all I have right now.

MICHAEL NYHAN: What will the hours of worship be, normal hours?

PASTOR HICKMON-EVANS: Our worship service is at 10 o'clock a.m. It typically is done by 11:15. The exception to that is if we're doing communion, it could go a little bit longer. But typically not longer than an hour, hour 45.

MICHAEL NYHAN: Okay. And any other services provided like a daycare center or like -- if you have choir practices or youth groups, anybody else that meets regularly?

PASTOR HICKMON-EVANS: We -- we do not have a daycare or anything of that sort. We do have a choir rehearsal. We do have a monthly meeting such as the Deacon Board, the Trustees and things of that sort.

MICHAEL NYHAN: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any other --

JOHN HELLABY: I do have one additional question. I heard rumors that the kitchen in that building had been totally removed.

Is that a true statement?

UNIDENTIFIED ATTORNEY: I don't think I know exactly what's going on with the kitchen. But I don't think there is a plan to use it unless some additional work is done to it, which I think -- I think we have talked with the Town about having to get it checked out.

JOHN HELLABY: Just so I understand you, the way you answered, it is physically still in there then?

UNIDENTIFIED ATTORNEY: I don't know.

JOHN HELLABY: I'm just curious.

PASTOR HICKMON-EVANS: Yes.

UNIDENTIFIED ATTORNEY: You think parts of it are there?

PAUL WANZENRIED: There may be elements of it there, but it's not an operational kitchen at this point in time.

JOHN HELLABY: That's all I got.

MICHAEL NYHAN: Any other discussion or comments?

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 for this application? I have the applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Any building permit shall not be issued prior to the applicant complying with all 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 to comply with the Town Code, including obtaining sign permits. Any others?

With those conditions, the application of St. Luke Tabernacle Community Church, Church Radiant/Church of the Nazarene 525 Paul Road, Rochester, New York 14624, owner; for a preliminary site plan approval of a special use permit to allow a church in residential zoning at property located at 525 Paul Road in R-1-15 District.

Does this require final?

PAUL WANZENRIED: Did you give a time limit or not?

MICHAEL NYHAN: No. Does this require final?

PAUL WANZENRIED: No. It's a special use. You either grant it or you are not.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
  2. Building permits shall not be issued prior to applicant complying with all conditions.
  3. Application is subject to all required permits, inspections, and code compliance regulations.
  4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  5. Any signage change shall comply with Town Code, including obtaining sign permits.
2. Application of Roc City Pickle Ball (Ted Miller) 28 Alverstone Way, West Henrietta, New York 14586, Genesee Valley Regional Market Authority, 1861 Scottsville Road, Rochester, New York 14623, owner; for a preliminary site plan approval of a special use permit to allow a Pickle Ball facility located at 1861 Scottsville Road in L.I. District.

Ted Miller and Dan Johnson were present to represent the application.

MR. MILLER: Good evening, everybody. This is my business partner, Dan Johnson. As stated, the application is for a Special Use Permit for a recreational facility in a Light Industrial

District.

Everybody should have the application in front of them. Nothing else I have to say other than what is there or answer any questions that came up since it was submitted.

JOHN HELLABY: I couldn't quite tell from your site plan. Is this going in one of the existing buildings?

MR. MILLER: It is. It is tough to tell because the aerial photographs show that the building hasn't been completed yet, but there are eight completed buildings on that -- in that facility right now, Building 800.

JOHN HELLABY: There was some concern about the parking situation as well as -- as far as the number of cars. I guess there is additional parking still to be developed?

MR. MILLER: There is immediately across from the building, a planned 27 parking spaces.

Also, I'm not entirely sure where the number came from -- they referenced an aerial photo, but I can't find anything online that shows the exact number. I --

JOHN HELLABY: Google or something or one of those that they use quite a bit.

MR. MILLER: I come up with a number of 29 for the building. If you count -- there's -- there is a spot right in front of an overhead door that would be our -- part of our facility we're not going to use. And that would add an additional two spaces.

So also in there we're starting to get into -- a little bit closer even division in what was recommended in that letter.

JOHN HELLABY: I know this is a growing sport. Is there -- in the back of your minds -- possibilities of tournaments or anything where the next thing you know, there you have 100 people?

MR. MILLER: That's a great question. That is absolutely a great question. It is something that we don't have -- we're not ruling out, but initially we're strict recreation, you know, utilization for the people on the courts and not set up for spectators or anything like that.

Should we ever get to that point, I assume there is probably a permitting process for things like that that we could come in front of the Board for.

Also, we have a very good relationship with our landlord, the Genesee Valley Regional Market, and we would make accommodations with him, Brendan Tydings, before we ever did anything that would bring additional people into the facility.

JOHN HELLABY: I assume that -- is this set up like a bowling league where you have people come in once a week and they keep scores and all that stuff?

MR. MILLER: It can be similar to that. Right now it's more of like a first-come/first-serve reservation system that we're planning to implement to begin with.

JOHN HELLABY: So if somebody was to make an appointment and say "I have a couple friends that want to come down and play pickle ball," what do they do? Bring a credit card?

MR. MILLER: Or online. There's a whole system. As we delved into it, in the back of our heads, we thought we developed something that's -- there's already something that exists out there called Court Reserve. We just tap into that and set the times and it does all of the --

JOHN HELLABY: I'm sure you did your homework. There may be money in it because you're fighting people in the Town of Chili -- I mean the Town of Chili wants pickle ball, too, now.

MR. MILLER: Indoor will be huge in our estimation because of the bad weather most of the year here.

MICHAEL NYHAN: Normal hours of operation right now?

MR. MILLER: We plan on 7 a.m. to 9 p.m., Monday through Saturday with Sundays TBD.

MICHAEL NYHAN: Okay.

DAVID CROSS: Big fan of the sport. I have a lob, so I --

MR. MILLER: We have 24-foot ceilings.

DAVID CROSS: That was my question. Should be fine. I have nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any further discussion? Pretty straightforward with an existing building, just changing the use inside.

So then for conditions, before we do that, though, I will make a motion.

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

MICHAEL NYHAN: Now, as far as conditions, applicant shall comply with all pertinent Monroe County Development Review Committee comments.

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

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

The 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 a sign permit.

With those conditions, the application of Roc City Pickle Ball (Ted Miller) 28 Alverstone Way, West Henrietta, New York 14586, Genesee Valley Regional Market Authority, 1861 Scottsville Road, Rochester, New York 14623, owner; for a preliminary site plan approval of a special use permit to allow a Pickle Ball facility located at 1861 Scottsville Road in L.I. District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

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

PAUL WANZENRIED: Mr. Chairman, I believe application Number 3 has arrived. If you would like to continue with the agenda as printed.

MICHAEL NYHAN: Sure. If they're ready to move forward, we can do that.

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 District.

John Sciarabba was present to represent the application.

MR. SCIARABBA: Good evening, Mr. Chairman, member of the Board. My name is John Sciarabba with LandTech representing TAOUK Development. And I'd just like to thank the Chairman for being willing to adjust the schedule of this meeting because I had another meeting prior.

The Board may remember this application. We were here back in January with a very similar layout, exactly -- the exact same layout because what we're asking for is a referral to the Town Board for incentive zoning. At that time, we had made arrangements to put the Town kennel in this facility and after public comment and other things that transpired within the Town, we decided to pull that from the project but the project remains essentially the same.

We're proposing three flex space buildings on this property. Five acres in size. We have all public utilities at the site so we have public water, sanitary sewer. And gas and electric. It's right next to the RG&E substation. So there's a long road that travels along our south property line and then there's a substation behind our property.

So change in the zoning from this Rural Residential to the incentive zoning to allow this is -- I think is a really logical spot. I hope we can come back with more detailed plans in the future to the Planning Board if the Town Board rezones this project.

But essentially what that is creating is an ability for flex space units such as landscapers

and framers, other entities that work within a community that need a shop or a place to store their goods. They would use this, come in, start, grab materials and go out for a day's work.

These projects have been successful in Webster, Avon, Ogden and we're hoping that this would be a good use of the property. So with that, I can answer any questions that you have.

MATT EMENS: It's really just about the recommendation, right?

MICHAEL NYHAN: Correct.

MATT EMENS: We're not commenting on the plan.

MICHAEL NYHAN: Yes. Unless there is something specific you see they don't have.

MATT EMENS: No. I understand the incentive zoning and the idea behind it. I think just some of the comments here about -- a significant variance potentially.

MICHAEL NYHAN: Yes. We should address those.

MATT EMENS: I think that is probably the biggest concern. How much can we really fit on here without getting too carried away?

MICHAEL NYHAN: So if those zoning requests are part of the incentive zoning, then yes, it will be part of our recommendation or not recommendation to the Town Board. Even though we're not reviewing the site plan approval.

MATT EMENS: Right.

MICHAEL NYHAN: If they do approve it, they won't need to go in front of the Zoning Board for a variance. So recommend --

MATT EMENS: Right.

MICHAEL NYHAN: So we will review -- or should be reviewing that now if we make a recommendation or not recommend it.

MATT EMENS: So I will just hold my comments for now, please.

MICHAEL NYHAN: I'm sorry. You will hold your comments?

MATT EMENS: Yes. I will just wait and make sure I don't have anything.

JOHN HELLABY: Other than front yard parking, what -- setbacks and stuff?

MICHAEL NYHAN: Yeah. Right. So the setbacks, the front yard parking, that would -- if the -- if this were to go forward to the Town Board, they would approve it and not need to go in front of the Zoning Board of Appeals.

JOHN HELLABY: Right.

Where else did you say you had these constructed?

MR. SCIARABBA: Mr. -- TAOUK Development doesn't own any other one than the one that is approved in Gates, but there is a similar philosophy that's going in on 590 [sic]/Salt Road.

Avon has several buildings on Tech Drive that we developed and I'm sure there are other places in the County where this is in place.

JOHN HELLABY: Out of curiosity, what type of construction are these buildings made out of?

MR. SCIARABBA: They have been two kinds. More like a pole barn, metal siding with -- with metal interior walls. Another one has been made out of metal, but it's basically a slab on grade.

Each unit is -- is 12 to 1500 square feet with a bathroom. A slop sink. You know, and really they kind of set it up the way they want to for their needs.

JOHN HELLABY: You're saying there's a toilet room in each one of these?

MR. SCIARABBA: Yes, there is. So each -- each suite would work independently.

JOHN HELLABY: Are you required to have firewall separation between them?

MR. SCIARABBA: I believe we'll work with the Building Department on them, but there is -- is firewall rated. Essentially metal studs and drywall, but not block wall.

JOHN HELLABY: Sprinklers?

MR. SCIARABBA: Not on these, but we'll meet the code if there has to be in Chili.

MICHAEL NYHAN: Planning outdoor storage or any space for outdoor storage?

MR. SCIARABBA: There is. We show parking along the -- in the center. We're trying to focus all of the activity into the middle of the project so we don't disturb the community from outside the project. But there will also be areas where they have trailers. There is usually Jersey barriers with mulch storage if it's a landscape company. But yes, there will be outdoor storage.

MICHAEL NYHAN: Where would it be in, the -- because you have all of the green space. Other than in front of the building -- would it be in front of each of the tenants' space?

MR. SCIARABBA: So right now, it's -- kind of the outdoor storage -- if there is going to be like bulk storage of materials, it will be towards the pond in the northeast corner. But again, the parking -- you will see cars and trailers there at night. The first building is set back over 150 feet from Fisher Road. We plan on landscaping that. It will be gated. So I really don't think you're going to have a lot of visual impact what is going on within the facility.

MICHAEL NYHAN: Okay. I suppose a lot of other things we'll get into at preliminary site plan approval like landscaping, hours of operation, back-up annoyances.

MR. SCIARABBA: We were hoping to come back here and be very detailed with that.

MICHAEL NYHAN: We'll go through that then.

DAVID CROSS: I can only mention site plan stuff so I will just reserve my --

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: No SEQR on this. Town Board will do SEQR.

Any other discussion or comments? This is just to recommend or not recommend to the Town Board to rezone this. The change in incentive is the only difference from the previous time with the kennel.

Any other questions, comments? Seeing none?

JOHN HELLABY: I'm sorry. Was there a question in regards to the wetland delineation?

MICHAEL NYHAN: Um --

JOHN HELLABY: Something sticks in the back of my head.

MR. SCIARABBA: I can answer that. There was a wetland delineation done and a jurisdiction of determination was completed and approved by the Army Corps and DEC. I believe I submitted that back in January, but we can resubmit when we make site plan application.

JOHN HELLABY: I knew it was talked about, but I couldn't remember where it was at. That's all. Thank you.

MICHAEL NYHAN: Did you have anything else or is it all site plan stuff?

MATT EMENS: All site plan stuff.

MICHAEL NYHAN: 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 District.

This is to recommend or not recommend.

DECISION: The applicant will provide the Town with a \$40,000 cash incentive to be used in the construction of a new dog kennel in the Town of Chili. Supplementing the cost of the new kennel will benefit all members of our community in that the kennel is needed and tax payer dollars will be used in its construction. The utilities and infrastructure in this area appear to be able to handle the use being proposed by the applicant. It is also in an area adjacent to the west side of the airport property and conforms to our current master plan.

After a review of the documents provided, a presentation from the developer and their representatives, an open public hearing, the Board questions to the applicant and an open discussion, the Planning Board voted 7-0 in favor of recommending this action to the Town Board.

4. Application of Rhett Turner, 1891 Scottsville Road, Rochester, New York 14623, owner; for preliminary site plan approval to erect a construction storage yard at property located at 269 Ballantyne Road in Incentive/FPO District.

Ed Martin and Rhett Turner were present to represent the application.

MR. MARTIN: Hello and good evening. For the record, my name is Ed Martin. I'm an engineer with DDS.

Tonight also in attendance is Rhett Turner, the applicant. The Board will recall, we appeared before you last year seeking your recommendation to the Town Board to get incentive rezoning which we have since acquired.

During that process, this Board gave us very pointed feedback about things to consider as we prepare the site plan and the plans we submitted to you do reflect those concerns. Namely, screening from Ballantyne Road. And more on the technical side with the Town staff asked us to avoid prime soils as -- as your Town is mapped and we have avoided those primarily. You will note that the southeast corner is -- excludes prime soils.

It also takes more advantage of the existing tree line to buffer views from Ballantyne Road. We have augmented that buffering with berms and plantings along the north edge of the storage yard.

Um, we're utilizing an existing curb cut. The only service that is required is electric, which one of the questions from the Town Engineer is how will that be provided to the site. The current site does have electric. There is a dilapidated barn being removed as part of this process. That service will be rerouted over to this to provide the security lighting that we previously discussed.

This Board also asked us to provide details on the materials that will be stored here and I couldn't begin to give you the names of these, but I have several photos I would like to share with the Board. You're welcome to keep these.

I will invite Rhett (Turner) forward if you have a question about them to name them. But what you will note in these pictures, that they're large. Designed to be used in these kind of conditions, wet, muddy. And they're heavy enough to where the average person wouldn't be able to steal these if they wanted to. Because there were concerns about theft -- theft out here.

So what we think we have given you is a plan that is like the perfect use for this property. It is encumbered by flood plain. There is surrounding wetlands that we're avoiding and we're not

filling flood plain.

So if we did any kind of development that was compliant with your code, it would require it to be 2 feet above that which would require filling it and potentially causing impact to the neighbors.

So again, I think we have a perfect use of it and if you don't mind, I will share these with the Board.

We have received staff comments. I'm confident that we can satisfy every one of them. I had a brief conversation with your Director of Public Works today and again, I'm confident we can satisfy the concerns raised.

There was a question about letters of jurisdiction and flood plain and things of that nature. We have addressed all that. So I would ask that you consider granting approval or if you have any questions, I would be happy to answer them.

DAVID CROSS: My only concern last time was that the west side of the property, some of the -- I think there was a little building there -- that that will go away. That will all be cleaned up if you're going to do this?

MR. MARTIN: Correct. And we have notes on the plan requiring that.

DAVID CROSS: Thanks, Ed (Martin).

MR. MARTIN: Yep.

PAUL WANZENRIED: In talking with the Commissioner of Public Works and the Town Engineer, we would like to see the wetlands delineated.

MR. MARTIN: Happy to do it.

Is that something that you can consider approval conditioned on that?

PAUL WANZENRIED: Yes. Yes. Just make sure it's delineated and the application is into the Army Corps prior to construction.

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 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, applicant shall supply a landscape plan drawn by -- hang on a second.

Did this go to the Conservation Board, Paul (Wanzenried)? Do you know? Or do we have a -- a landscape plan in the --

PAUL WANZENRIED: It is, but I -- but I have not seen comments from them.

MICHAEL NYHAN: Okay. All right.

PAUL WANZENRIED: I would just put it in there as a condition that they will follow any approved -- or recommendations from the Conservation Board.

MICHAEL NYHAN: All right. The applicant shall comply or supply a landscape plan drawn by a licensed architect -- landscaping architect along the required checklist of the Conservation Board for review and recommendation.

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

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.

Applicant shall provide the Town of Chili with wetlands delineation prior to starting of correction.

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

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

The 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.

Did that cover it, Paul (Wanzenried)?

PAUL WANZENRIED: Sounds about right.

MICHAEL NYHAN: All right. With those conditions, the application of Rhett Turner, 1891 Scottsville Road, Rochester, New York 14623, owner; for preliminary site plan approval with final to erect a construction storage yard at property located at 269 Ballantyne Road in Incentive/FPO District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:



1. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and recommendation.
  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. Applicant shall provide the Town of Chili the wetlands delineation prior to start of construction.
  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.
5. Application of Expert Skiers Only (Peter Feltner) 191 S. Union Street, Spencerport, New York 14559, owner; for preliminary subdivision of 2 lots into 1 lot at property located at 55 and 57 King Road in L.I. District.
  6. Application of Expert Skiers Only (Peter Feltner) 191 S. Union Street, Spencerport, New York 14559, owner; for preliminary site plan approval of a of a self-storage facility of six buildings (totaling 30,600 sq. ft.) and an additional 30,000 sq. ft. outdoor storage yard expansion at property located at 55 and 57 King Road in L.I. District.

Cole Papasergi, Matt Tomlinson, Peter Feltner and Jeff Feltner were present to represent the application.

MR. PAPASERGI: Good evening. Mr. Chairman, members of the Board, my name is Cole Papasergi with Marathon Engineering. With me today is my colleague, Matt Tomlinson, also with Marathon Engineering; Peter Feltner and Jeff Feltner.

We're here today to request conditional site plan and subdivision approval. Conditional for the expansion of this self-storage expansion.

Conditional on the approval of some variances that will be needed for the Zoning Board of Appeals for the namely front storage lot and fence.

It has been identified that those would be needed and that was a result of some of the jostling around from the combination of the two parcels.

So the project location is located at 55 and 57 King Road. 55 King Road is eight acres in size. 57 King Road is six acres in size. The applicant owns both parcels and the two parcels to the west, which is up on the page. It is zoned Limited Industrial. The existing facility which comprises of six buildings. One of the buildings has an office inside of it. And some surface storage out in the rear. Was constructed in 2007.

We're proposing to combine the two lots, add six new buildings and relocate and expand the surface storage. That includes new perimeter chain link fence around the facility. Additional site lighting.

The existing office does not have any sanitary or water connection and it will remain like that. And there will be no increase in parking demand to the project. The existing three spots used for employees and new renters will remain.

Stormwater would be controlled using a stormwater management pond and our intention -- there are four existing drainage points along -- at the property. Mainly at the four corners of the property. We are capturing and attenuating most of the stormwater flows and reducing the overall flow rate off the site. As well as meeting all Town and DEC stormwater requirements.

We had received the Town comment letter and have issued a response letter earlier today. All of those comments were mostly technical in nature and we don't have any issue addressing all of those.

So again, I'm hoping -- or requesting conditional approval, site plan and subdivision approval and before I turn it over to you guys, I would like to offer my colleague and applicant a chance if I missed anything? No?

MATT EMENS: Commenting on both at the same time?

MICHAEL NYHAN: Yes. Commenting on both and voting on them separately.

MATT EMENS: No questions on the subdivision. I think he's answered the question. You said you did respond. There was a letter that came through late in the day.

MR. PAPASERGI: Yes. Late today.

MATT EMENS: You said there is no water back there now?

MR. PAPASERGI: No. There is no -- there is no water service to the existing building.

MATT EMENS: And it is going to stay that way?

MR. PAPASERGI: Going to stay that way.

MATT EMENS: The office won't have running water in it?

MR. PETER FELTNER: Peter Feltner. Can I address? I can answer that question for you. We do everything remotely on that. We do not have any staff on-site. It is only a temporary meeting people occasionally or checking on it. Everything is done over the phone and remote signatures and everything like that. So there is no one at the office. It is more just a common meeting place if need be if someone has an issue. Or if they're dropping off payment, we have a drop box.

Other than that, though, there is no one staying there, which is why we never had to have water or, you know, hook-up for that manner. And I don't foresee it leading that way anymore. Just expanding.

MATT EMENS: So it's not a sales office?

MR. PETER FELTNER: Not a sales office. No.

MATT EMENS: I'm good. Thanks.

MICHAEL NYHAN: What are your current hours of operation at the facility?

MR. PETER FELTNER: Our current hours of operation are 7 a.m. to 9 p.m. It is all gated and locked out. We do have a couple clients that can get an hour in or -- or -- in earlier or later. So that's -- 6 a.m. to 10 p.m. is the hours that we have operation for.

MICHAEL NYHAN: Okay. And that will remain the same?

MR. PETER FELTNER: Yes. That will remain the same.

MICHAEL NYHAN: What is the current square footage of the building you have?

MR. PETER FELTNER: They're the exact same size actually. So there are six of them at the same size, the 5100 square feet per building. So 30,000. We're just doubling the space exactly.

MICHAEL NYHAN: Okay. Is there -- I know there is no water service to the building.

Is there a water service in the form of hydrants back there?

MR. PETER FELTNER: There is hydrants that I believe are hooked up to the front of it. But to the back of the property, there is not any fire hydrants in the back of the property. There is one past it on the service road that was put in by the previous developer before we purchased the land.

MICHAEL NYHAN: So it's not out at King Road? It's back on the property as you enter?

MR. PETER FELTNER: Correct. Yes.

MICHAEL NYHAN: All right.

Mike (Hanscom), would that need to -- hang on. Mike (Hanscom), would that be something that we could just look at to see the size of that to see if it's -- because you're doubling the size of the storage back there? If whatever water main is in would be sufficient enough for firefighters purposes?

Not now, but before this -- before your final approval?

MICHAEL HANSCOM: Sure.

MICHAEL NYHAN: Okay. Thank you.

Only questions that I have.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TONY COMUNALE, 51 King Road

MR. COMUNALE: This stormwater pond is not --

MICHAEL NYHAN: Excuse me, sir. Could you address it to me, your comments? Could you address your comments to me? You have a comment?

MR. COMUNALE: I have trouble hearing. That is why --

MICHAEL NYHAN: Okay.

MR. COMUNALE: The stormwater management pond is not in place now, is it?

MR. PETER FELTNER: No. It is not.

MICHAEL NYHAN: We have a new stormwater management proposal that are our engineer is reviewing to be sure that all of the water is sufficiently stored on the property and doesn't go off the property into anyone else's.

MR. PETER FELTNER: These two are the current ones right now that are there currently (indicating).

MR. COMUNALE: So this -- this -- this part of the property here is -- is not going to be used (indicating)?

MR. PETER FELTNER: No.

MS. BELMONT: This right here (indicating)?

MR. PETER FELTNER: Um --

MICHAEL NYHAN: Not sure what you're referring to.

MR. PETER FELTNER: They were referring to this section of the property up here (indicating) and this section of the property down here (indicating). Because of the setbacks, we are leaving that alone. That's the plan. We're not planning to expand on that part of the property.

TRACY BELMONT, 53 King Road

MS. BELMONT: Hi. Tracy Belmont. 53 King Road. I'm new to this. Bear with me. This right here (indicating), is that the woods prior to that? Are you going to keep some of that?

MR. PETER FELTNER: Yes.

MS. BELMONT: Or just I look out my backyard and I'm going to see --

MR. PETER FELTNER: The plan is to keep the woods there as he has drawn and I think as they want more, just to protect you from that.

MICHAEL NYHAN: Okay. I believe you're adding -- our plan has landscaping on it; is that correct? Between the --

MR. PAPASERGI: So those row of trees, those would be a double row of evergreen trees --

MICHAEL NYHAN: Okay.

MR. PAPASERGI: -- to purposely screen the neighbors.

MICHAEL NYHAN: Okay.

MS. BELMONT: This connection right next to our house and the driveway, to the storage, that is currently all woods.

Is that staying that way?

MR. PETER FELTNER: It will be cleared out obviously a little bit for the pond and drainage, but there is plans to still have woods in that area.

MR. TOMLINSON: If I can just clarify, if you look at the aerial without the green on it, there are some areas where the tree line is pushed back a little bit. Where we're proposing that double row is a little thinner. And the clearing area kind of encroaches a little bit.

Basically everything in green is the clearing limit for what we're proposing for the grading plan submitted to the Board. So that is the limit, what we have colored in green, of what we're proposing to take down. I just want to make sure.

MICHAEL NYHAN: I think the biggest question you're getting at there is what will the screen look like between the two pieces of property that are directly in front of the new development?

MR. TOMLINSON: Yes. So in front of the new development, out to King Road, all that will remain exactly the way it is today. Anywhere where we're getting close to the edge of the tree line, we're supplementing with a double row of evergreen plantings.

MICHAEL NYHAN: That will be for both the properties along King Road, correct? That are in front of -- the houses that are in front of --

MR. TOMLINSON: The property at 51 King Road you can see has been cleared quite a bit off the property. We're staying about 75 feet away from the property line in there, somewhere in that neighborhood where we're not going to disturb. So we're really only supplementing the buffering to 53 because that's in proximity to the development.

MICHAEL NYHAN: Okay. Thank you. Any other comments?

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: Just a clarification on this. Landscaping, that will be done in perpetuity, right? So if the trees die, they fall down, get blown down, get old and have to come down, you will be replacing those; correct?

MR. PETER FELTNER: Correct.

MICHAEL NYHAN: No berm between the properties? Just left at the level it is at; is that correct?

MR. PAPASERGI: The development itself will be lower than the existing -- or lower than the neighboring property. So in a way, yes.

MICHAEL NYHAN: You're not specifically putting in a berm for the --

MR. PETER FELTNER: No. There is a natural berm built into the landscaping.

MICHAEL NYHAN: You're not adding that?

MR. PETER FELTNER: No.

MICHAEL NYHAN: Very good.

On preliminary subdivision, 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.

PAUL WANZENRIED: Which one?

MICHAEL NYHAN: Okay. Well, that would be -- that was the first one.

Now, we'll do the second one. Thank you for reminding me.

On preliminary site plan approval with final, 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: So for preliminary subdivision, two lots into one, conditions of approval are the approval is subject to final approval by 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.

And the applicant shall comply with all pertinent Monroe County Development Review Committee Comments.

Any other conditions for the subdivision?

All right. And based on those conditions, the Application of Expert Skiers Only (Peter Feltner) 191 S. Union Street, Spencerport, New York 14559, owner; for preliminary subdivision of 2 lots into 1 lot at property located at 55 and 57 King Road in L.I. District.

DAVID CROSS: Second.

DECISION ON APPLICATION #5: Unanimously approved by a vote of 7 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.

MICHAEL NYHAN: Preliminary site plan approval with waiver of final. For conditions, I have upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department with a landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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

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

Copies of all -- are there easements on this? I thought in your letter, Mike (Hanscom), I saw easements and a -- storm water control facility easements with the Town? I did see that?

Okay.

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.

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

The access easements and the stormwater control facility maintenance agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and filed with the Monroe County Clerk's Office prior to the signing of mylars.

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.

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

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

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

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

Any other conditions?

PAUL WANZENRIED: Landscaping was maintained in perpetuity.

MICHAEL NYHAN: All right.

PAUL WANZENRIED: And reread your Fire Marshal comment.

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

PAUL WANZENRIED: Life safety permits and recommendations of the Fire Marshal.

MICHAEL NYHAN: So the last will be applicant to comply with required with all life safety conditions, recommendations from the Fire Marshal and permits from the Town Fire Marshal.

Let me change that.

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

PAUL WANZENRIED: Yes. Thank you.

MICHAEL NYHAN: With those conditions, the application of Expert Skiers Only (Peter Feltner), 191 S. Union Street, Spencerport, New York 14559, owner; for preliminary site plan approval of a of a self-storage facility of six buildings (totaling 30,600 sq. ft.) and an additional 30,000 sq. ft. outdoor storage yard expansion at property located at 55 and 57 King Road in L.I. District.

One minute before we proceed though. For that water main, that will just be part your engineering report; correct? We don't need to make a condition on that? It will just be part of your approval?

MICHAEL HANSCOM: Sure.

MICHAEL NYHAN: Okay. Go ahead.

JOHN HELLABY: Second.

DECISION ON APPLICATION #6: Unanimously approved by a vote of 7 yes with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Landscape plan is maintained in perpetuity
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. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e., liber and page number) shall be noted on the mylars.
7. The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide access easement to the Town. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the Monroe County Clerk's Office prior to the signing of mylars.

8. Building permits shall not be issued prior to applicant complying with all conditions.
  9. Application is subject to all required permits, inspections, and code compliance regulations.
  10. Pending approval of the Zoning Board of Appeals of all required variances.
  11. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
  12. Applicant to comply with all required life safety conditions, recommendations, and permits from the Town Fire Marshal.
  13. Any signage change shall comply with Town Code, including obtaining sign permits.
7. 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.
  8. 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.

Ed Martin was present to represent the application.

MR. MARTIN: Hello and good evening. For the record, my name is Ed Martin, licensed engineer with DDS here representing the application before you. My client wasn't able to attend tonight but he did send his attorney, Mr. Sal Licciardello, who is here in attendance. And in the event that he is better suited to answer questions you might have, I will invite him forward.

The Board will long recall this project. It predates my employment with DDS. In the last several months we made significant changes to this development. The Planning issues remain exactly the same. Eight lots being created out of approximately 35 acres, served by a dedicated roadway, typical infrastructure, sanitary sewer, public water and a DEC stormwater compliance management system.

What is different is we have changed the layout to eliminate three -- I believe it was three variances that were previously required. So the -- is -- the plan before you requires no area variances. I want to give a lot of credit to your Superintendent of Public Works and your Town Engineer. I asked them to consider something very unique here and a lot of staff would just not entertain that kind of idea because it's an extra lift. To their credit, they did and I think we're nearing the finish line on that. Now, with that said, I don't want to jump the gun on site plan, but we're not going to ask for approval on the site plan tonight. We're just going to stick with the subdivision.

But the plans before you have eliminated the area variances, significantly reduced construction costs and important to this Board, significantly reduced the maintenance burden to the Town of Chili. Specifically in the form of stormwater. We have eliminated virtually every structure along the roadway and we have placed the majority of it in private hands. Question can arise, all right, if private owners are going to maintain this, how do you ensure it happens. It is already covered with the DEC permit. The Town will enter into a stormwater maintenance agreement. You mentioned it already a few times tonight already and should a property owner not properly maintain their drainage, the Town has the right to go and make necessary improvements and then back-charge the property. So again, a lot of credit to Mr. Hanscom and Mr. Lindsay for sitting down with me and trying to -- this unique approach.

I don't know how technical the Board is with reviewing these plans, but you will note that a lot of required fill has been eliminated in the plans and this is just for the roadway. This hasn't -- we haven't even begun plans for individual lot development which is largely why we're not asking for site plan approval tonight.

Mr. Hanscom has asked for a final, very detailed Stormwater Pollution Prevention Plan otherwise known as a SWPPP. We have not provided that. So rather than ask him to take our word for it, we'll just ask you not to render a decision on site plan.

So with these improvements, I think you have got a much better product for everybody involved, for -- the developable areas within the lots has increased dramatically and we were able to do that largely because the wetlands occupying the center portion of the property have been deemed not jurisdictional by both the DEC and the Corps of Engineers. We have letters from both agencies. We provided them with staff. I have hard copies here tonight if anybody would like copies of them.

So we're asking for your approval for subdivision and then we'll put the final clinches on our SWPPP and come back and ask for preliminary and final on the roadway alone.

And with that, I would be happy to answer any questions that you have.

JOSEPH DEFENDIS: Your ultimate stormwater design will be in anticipation of full build-out? In other words, you're taking into account all of the individual lots and what you have labeled as impervious, allowed impervious per lot?

MR. MARTIN: Correct. And what the stormwater reflects is not only what we project, but what your code allows for a maximum. So then my client gets to go to a potential buyer and say "Build what you want."

The reality is we hope that a large tenant would want multiple lots here and be able to combine the two. But either way, any lot owner can maximize the development that your code allows. And our stormwater reflects that.

JOSEPH DEFENDIS: Okay.

MATT EMENS: So, Ed (Martin), if I understand correctly, you want to table it and we're just talking about the subdivision? Is that -- is that correct?

MR. MARTIN: Correct.

MATT EMENS: So it still seems like in the Lu Engineers letter here that Mike Hanscom put together there is still some missing parts. Have you addressed --

MR. MARTIN: We have drafted responses. I think we got the comments yesterday. So we haven't had time to provide those other than to say we'll gladly provide it. For example, like a SWPPP, many municipalities don't require that until you go to construction because it's technically a construction document. I won't argue that fact here, but we will obviously do a SWPPP, demonstrating full compliance.

Our intention with our initial submission was to provide a preliminary engineer's report that reflects the calculations demonstrating adequate capacity. But we'll provide everything that he is asking.

MATT EMENS: Okay. I think that's under the site plan part, but I was just wondering.

MR. MARTIN: Correct.

The other reason we're not too worried about site plan is the County hasn't progressed very far in creating the Sewer District. The poor Superintendent of Public Works will call the County up and they have to be reminded of it and then it's on the radar for a couple days. And if he doesn't keep shaking branches, it falls off the radar and they act like they have never heard about it the next time he calls. So he is fighting an uphill battle.

MATT EMENS: I'm good right now. Thanks.

MICHAEL NYHAN: I think when you came back, New York State DOT provided feedback for the turning lane required, so we'll review that in your SEQR at the next meeting you come back to mitigate that. For SEQR, you would need to put in a left turning lane.

MR. MARTIN: I think we should talk about that a little bit now. What the DOT said is they will allow the road to go in, but any individual lot development will require the improvements to Union Street.

So when we asked for site plan for the roadway, I think you're allowed to render that decision without improvements to Union Street. But before you approve site plan for any individual lot development, those improvements have to be made.

DAVID CROSS: Ed (Martin), so eight lots here. No variance? No variances required?

MR. MARTIN: None whatsoever.

DAVID CROSS: Nice job. I have nothing.

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: Just on the subdivision. There were a few things that will be conditioned that the Town Highway Superintendent has requested relative to the dedication of the roadways prior to any further approval.

MR. MARTIN: Yes.

MICHAEL NYHAN: Anything else? No further discussion. The conditions -- Approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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

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

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information, Liber and page numbers, shall be noted on the mylars.

I do have a question. I have -- well, a couple conditions in here you can comment on it. If the existing septic system at 3535 Union Street is no longer in use, the old leach field shall be removed. And if existing easement for septic area at 3535 Union Street is no longer required, it shall be removed.

And approval of the subdivision is conditioned upon the site plan approval and the property owner shall dedicate the roadway to the Town of Chili.

With those conditions? Application of -- Paul (Wanzenried), do you have conditions?

PAUL WANZENRIED: Did you say easements to be removed?

MICHAEL NYHAN: Yes. Yes.

PAUL WANZENRIED: Who are the easements to?

MICHAEL NYHAN: To the applicant for 3535 Union Street. Apparently there's an easement for an existing septic system in the right-of-way of the highway.

MR. MARTIN: There's an easement to the tool and die shop to the south. Their old leach field which I'm not sure they use anymore. I think they're already connected to the sewers. If they're not, very easily to connect them to the sewer as part of our project.

MICHAEL NYHAN: That was a comment from the Town Engineer and our Superintendent, if they're no longer in use, they need to be removed. The leech fields need to be removed.

MR. MARTIN: Happy to comply.

MICHAEL NYHAN: And you need to remove the existing easement.

MR. MARTIN: Yes.

MICHAEL NYHAN: And if they are still in there, your highway right-of-way, you wouldn't be able to built the road. So you have to figure out what you will do relative to that.

MATTHEW PISTON: To remove the easement would require -- they unilaterally can't remove the easement. They would have to have an agreement with the grantee of the easement to remove it. I just want to make sure you're aware. So that -- maybe if they don't agree to do it, it is -- that can't be accomplished.

MICHAEL NYHAN: And I think the way I read the letter was something had to be done if they wanted to move forward.

Right?

MATTHEW PISTON: That's fine. I just wanted to make sure it is potentially --

MR. MARTIN: I'm confident we can get it. But I understand the concern. Yeah. Okay.

MICHAEL NYHAN: Are you good?

With those condition, 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.

JOHN HELLABY: Second.

DECISION ON APPLICATION #7: Unanimously approved by a vote of 7 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. 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.
5. If the existing septic system for 3535 Union Street is no longer required, it shall be removed.

6. If the existing easement of the septic area for 3535 Union Street is no longer required, it shall be removed.
7. Approval of the subdivision is conditioned upon site plan approval and the property owner shall dedicate the roadway to the Town of Chili.

MICHAEL NYHAN: Then you're requesting to table the application of the preliminary site plan approval; is that correct.

MR. MARTIN: Yes, sir.

MICHAEL NYHAN: Make motion to accept the request to table for preliminary site plan approval?

JOHN HELLABY: Second.

DECISION ON APPLICATION #8: Unanimously tabled by a vote of 7 yes to table with the following reason having been cited:

1. Tabled per the applicant's request. The applicant is to submit a SWPPP report and request to return for the next Planning Board meeting. The Public Hearing was conducted and closed.

Michael Nyhan made a motion to accept and adopt the 3/14/23 Planning Board meeting minutes, and John Hellaby seconded the motion. The vote on the motion was 6 yes with 1 abstention (Glenn Hyde) in favor of the motion.

The meeting was adjourned at 8:19 p.m.