

CHILI PLANNING BOARD
July 11, 2023

A meeting of the Chili Planning Board was held on July 11, 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 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 2 lots into 1 lot at property located at 4415 Buffalo Road (Lot 1) and 4423 Buffalo Road in RM District.
2. Application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624, owner; for preliminary site plan approval to construct a 4,050 sq. ft. medical office building at property located at 4415 Buffalo Road (Lot 2) in GB District.
3. Application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624, owner; for preliminary site plan approval to A.) Construct three 2-story residential multiple-family buildings with 20 units. B.) Convert existing 2-story medical building into 12 residential multiple-family units at property located at 4415 (Lot 1) and 4423 Buffalo Road in RM District(s).

Kris Schultz was present to represent the application.

MR. SCHULTZ: Good evening. My name is Kris Schultz. I'm a consulting engineer with offices over in Spencerport, New York and I'm here representing John Gizzi and his associated businesses.

First application -- what I will do is run through them all, since they're all linked -- is the subdivision plan. I'm going to step over here. I will talk loud. If there is any issue hearing me, please speak up.

So this is pretty straightforward. What we're basically doing is eliminating this property line, creating this property line here (indicating). That is done such that it matches the recent rezoning done by the Town Board last month and putting this parcel into a zone for multi-family residential. Retaining this parcel as the general commercial.

So this first portion of the application is just a simple subdivision, eliminating this property line and creating this property line. So that is the first one.

The second application deals with proposed development of a one-story professional office building that would be located on the easterly parcel. This was the parcel that was re -- retained the general commercial zoning and what is proposed is a one-story building which would house two professional office suites. The building is such that -- it's a hip roof, designed to have good visibility from all sides. This is a location near the corner of Attridge and Buffalo so it will be viewed all of the way pretty much.

Pretty straightforward from the standpoint of what physicians and doctors are looking at nowadays. As you recall from our previous presentation back in February, the existing two-story professional office building is vacant and has been vacant for quite awhile. One of the issues with that type of setup is that people don't really want the second floor anymore. It has slowly wound down to a point where it was vacant and not renting. So it kind of spurred this potential for development.

So this is a straightforward place -- it will be a straight site plan. This will basically go on the site that is retained.

The next portion deals with the development of the parcel to -- which includes -- let me make sure I get -- the professional office building and what we are going to do with that. As mentioned, that building was used for a number of years -- actually, my daughters had their pediatrician there 25 years ago and he moved -- he moved to a newer facility in Greece, probably when they -- when they got about 10, 12 years old and it was a one-story and easier and all that stuff. So I know the building. Spent much time there. That is this building in particular here (indicating).

This is the third portion of the Public Hearing tonight which deals with this lot (indicating).

So this building here (indicating) -- the idea is that this will be renovated, converted to have apartments. There are 12 apartments proposed in this building, 6 on each floor. They will consist of studio or efficiency apartments and also two-bedroom apartments. There will be a small addition placed on the south end of the building to facilitate an elevator and entryway.

This is the rendering of what the building will look like. So not a lot of change in the roofline or architecture. This is the addition on the south end. We'll also maintain the existing access on the east space of the building. So there will be two entrances into the building. So not a lot of changes with that.

This is an example of how the renovation will occur within the building itself. So there will be -- the central corridor typical of an apartment and then you have the efficiency or studio apartments on one end and then you have three two-bedroom apartments on each floor. So each floor is pretty much the same.

So re -- reusing this building is definitely the way to go nowadays. The cost of a new building, especially a building of that structure, the brick and everything else would be quite a lot more to basically take down and restore it. So this is a good, efficient potential use of this building.

My clients have a number of other real estate developments in the Monroe County area and right now the reason this became desirable is -- is the demand. They're very sure that this one will rent out very quickly and will suddenly take a building that's moth-balled and turn it into something that is -- has some value.

Third portion of the layout is the balance of this lot that -- which is the land west of the existing professional office building and what are proposed are three townhouse buildings. These townhouse buildings are duplicates of what are currently under construction in the Town of Ogden off of Whittier Road. They have built a number of these. They are well-received. As fast as they build them, they're rented out. There is a waiting list.

They are very particular who they rent to. They go through a lot more than I have seen other owners and developers of townhouses. They actually run credit. They check history. They make sure the people that are moving in there are going to be good tenants. And with the market the way it is today, they -- they do have that option.

This is a rendering of what the unit looks like. The idea is the treatments, the colors in the building will match all three buildings. So all three together we're terming the development Berkeley Place, coming together making one solid development on the proposed parcel.

Basically on the end you have the two story, two-bedroom units and the centers are three-bedroom units. Again, the nice part about this is the Board can take a visit over to Emerald Point Landing and walk right in the exact unit that is going to be built here. They're open all of the time.

As I mentioned before, these are set up for -- each will have garages, of course. Single-car garage and plus additional parking. So the first floor typically has the master and then upstairs -- this is actually the second floor -- shows the second bedroom on the end wing, two bedrooms in the middle and also single on the end.

This is the first floor plan with garages, master bedroom on the main floors for all of these. So pretty straightforward from the standpoint of a townhouse layout. This particular layout was originally brought based on how well it was received in other products. So when they first started looking at these, they looked at a number of projects throughout Monroe County and even down Farmington, Victor way and they found a layout that was very desirable. That's how they picked this and they basically have had very good luck with it.

So that's pretty much what's being proposed here.

Did have a chance to run through some stuff in the past. I didn't want to bring it up. We had a traffic impact study done. It was part of early on when we were proposing a three-story apartment building. And at that time, the traffic engineering showed that there -- there was no proposed requirements for improvements. It would not change the level of service on the road, so we're not looking to have to do, you know, turn lanes or signalized intersections or any of those things. That was something that is typically requested by the State DOT when improvements are done. So we know traffic -- we're in good shape with traffic.

Part of the original project which continued on to here was our analysis of the drainage. We had a full drainage study. We also completed a Storm Water Pollution Prevention Plan and all of those reports have been previously submitted to Town staff for review. The design of the pond was basically vetted. We're sure that it will function and work quite well with the project. So we have a good handle on stormwater.

Of course we have sanitary sewer and public water available on the site so we're in good shape with that respect.

We also took a look at -- just recently I contacted the Churchville-Chili School District. Waiting for a call back. But Lori, the Superintendent -- I actually spoke to her in 2009 when Emerald Point Landing in Ogden was proposed. That one had quite a number of units. And there is always a concern if you're going to do this, you will have more kids, what will happen to the School District.

And at that time, the enrollment actually had dropped. They -- they typically back in 2009 -- my glasses are in my -- they had a little over 4,000 students and then it dropped to about 3850. In 2017.

But if you look at 2017, 2018, 2019 to 2020, the school year 2020-2021, 2021-2022, the enrollments have stayed very steady. They have got typically a -- ranges from 3,854 to last year's total student enrollment of 3,789.

So very consistent within maybe a 100 either way, but there hasn't been a big increase in the number of students coming into the school.

What is also interesting -- these statistics are -- you can find the current stuff right on the school website, but there is also a direction to the State and the State keeps records back for many, many years.

And they also have not only total enrollment, but they break it down to -- for example, they have kids that are disadvantaged or handicapped and so -- so disabilities, the number of students that are disabled has stayed consistently about 11 percent. One year it got down to ten. Current year it's 11 percent. So they're not getting more children who are disabled.

The other thing which is always a concern is how many children are in the district that are economically disadvantaged. And that has been very close to 33 percent consistently for the last 10 years. In '22 -- or '21-'22, it actually dropped to 32 percent. But there isn't any spike or change. It's very consistent for economically disadvantaged children going to Churchville-Chili.

One of the things that sticks in my mind, is years ago when we first talked to Lori about enrollment, one of the things which was a real surprise, as she said, "We lost a bunch of students. We're in the situation where we're going to have to start laying off teachers. So we are really happy that you're doing this project in the Town of Ogden that will potentially bring in more students."

Waiting for a call back to confirm any of those things, but what I like to deal with is facts. And there is always what people believe and the hard facts. This is right off of State documents. So it looks like there shouldn't be any impact to the School District by this development.

Other than that, there are other issues -- Town Engineer did a very thorough job providing review comments. We worked through a majority of those comments and I spoke with Dave Lindsay this morning and I suggested that we sit down with Paul (Wanzenried) next week and just run through them. A lot of his review comments dealt with like parking, for example, where he determined the number of parking spaces required and he noted what we're providing.

Same thing with recreation space associated with the development. You know, it calculates you need about 12,000 square feet. And I ran a calculation and just between the two main buildings we have over 15,000 square feet. So in each instance we feel that we can thoroughly address his comments.

But in keeping with the amount of work he put into this, I think it warrants sitting down and having a chat, just running through these so the next time we're before the Board we can basically hopefully report that the Town Engineer's comments have been addressed. So that's kind of where we are tonight. I would be happy to answer any questions.

MICHAEL NYHAN: Thank you.

JOSEPH DEFENDIS: For the two, I don't see any -- I'm assuming the townhouses will have their own individual totes and stuff?

MR. SCHULTZ: Yes.

JOSEPH DEFENDIS: I don't see any dumpster locations.

MR. SCHULTZ: Just for the --

JOSEPH DEFENDIS: For the two multi-unit -- the multi-family and then the office building dumpster location?

UNIDENTIFIED SPEAKER: Is the microphone on? We still can't hear. I'm sorry.

JOSEPH DEFENDIS: I'm asking about dumpster locations for the two buildings.

MR. SCHULTZ: Yes. So there's a dumpster proposed for the converted two-story professional office and then the townhouse units will have totes stored in the garage itself. And that's shown on the plans.

JOSEPH DEFENDIS: Okay. That's all I got.

MATT EMENS: I don't have any questions on the subdivision. I guess the first question I had was I think in February when you guys were here, there was a dentist, I think, in the existing building that you already had locked in to move into the -- the proposed 4,000-square-foot, single-story building.

Is that still the potential plan?

MR. GIZZI: No. She is gone.

MR. SCHULTZ: That was a timing issue. We were actually hoping when we started this we could potentially break out the site plan approval for just the one-story and accelerate that and it wasn't to be, unfortunately. But again, with what we're proposing, it will be a desirable location.

MATT EMENS: And then I guess just -- I do appreciate the changes you have made since February. I think this is a lot more responsible use of the location and I think you have done a nice job tying it together. I think I hear you saying -- but I will say it out loud to confirm it. The materials will be similar in nature, the colors, the pallet at least in they don't all have to be matching but just so they all kind of tie together. It sounds like that is what the plan is.

MR. SCHULTZ: That's correct. They will be consistent in colors.

MATT EMENS: And then there was -- there was some comments there from the Fire Marshal that are fairly new. But --

MR. SCHULTZ: We have actually addressed each of those already. We have shown turning radiuses. He asked that northerly parking roadway be extended and that has been done on the updated plans. So all of those comments you will see the next time, that they're addressed. I hope to come in with letters from each review agency saying they're satisfied.

MATT EMENS: And on the -- the landscape plan -- let me just check before I misspeak. So on the front, fronting Buffalo Road we have the garage side of the -- of the one unit fronting

the street. Have you got landscaping out there?

And then I guess I will just say drawing left. That unit that is next to the resident -- the existing -- Distefano residence at 4425. You have a row of landscaping.

MR. SCHULTZ: Yes.

MATT EMENS: You also have a fence.

MR. SCHULTZ: Yes. Basically the fence was -- was to create an immediate visual barrier. What we're showing here are what they call giant arborvitae. It's a variety that the deer don't eat, but -- which is weird -- but they actually don't eat. My client likes those. Had a lot of success with them. We started this and we said, "What is the spacing you want on these." He told me and I said started drawing it in and I said, "You're going to be putting in a lot of these. He was like "No. That is fine, too."

So you will notice with the grading plan, that a lot of the buildings are elevated from existing grade so there is some slope up to it. The idea is the fence will be located near the top of the rise to give additional visual shielding and the landscaping would break up the look of the big vinyl fence so you're not just looking at a wall. You have landscaping in front of it so that it -- it helps.

MATT EMENS: Okay. Thanks. I don't have anything else right now.

MICHAEL NYHAN: I think in our previous preliminary hearing, you talked about guest parking, recreation area, storage. Those are all items being addressed with the Town Engineer; is that correct?

MR. SCHULTZ: That's correct. We added additional spaces for visitor parking. We did calculation for the rec areas and we have more than sufficient. And storage itself, I think the code more specifically was looking at the apartment-type set-up. If you remember -- my first apartment, everybody had a cage in the laundry room you kept all your stuff and that was your storage. If you have a townhouse, you've got storage, but you know, the -- the -- the intent right now is not to do basements and that's a discussion. If it becomes something that they're really looking for storage in the townhouses, too, we could potentially do basements and have all of the storage. But this is more of a conversation with those folks at the Side Table and we'll get it worked out.

MICHAEL NYHAN: You mentioned that -- you talked about turning radiuses, as well. You submitted a plan to the Fire Marshal?

MR. SCHULTZ: We have. What we did is took a plan and got the largest fire truck that Chili has and we showed that they can maneuver through the project without any issues. That is information we'll provide to the Fire Marshal. We have changed the -- the access road to connect through here (indicating) and we have also -- he asked for this connection here (indicating).

So the updated plans show that. And we also -- he asked to make sure we had two hydrants spaced and that's on the updated plans, too.

MICHAEL NYHAN: That is a connection to the second road, not a hammerhead?

MR. SCHULTZ: That is correct. A connection right in. It's a little more fluid. We were debating whether to do it -- just because of the potential loss of landscaping there, but, you know, safety always rules over landscaping.

MICHAEL NYHAN: And they will be on the updated plan we'll have before the next meeting?

MR. SCHULTZ: That's correct, sir.

GLENN HYDE: Do you have target rent prices for the multi-family?

MR. GIZZI: 2,200 to 2300 --

MICHAEL NYHAN: Just give your name.

MR. GIZZI: Yeah, sure. My name is Joe Gizzi and currently we're renting these same units for -- two-bedroom rents for 2,050 and three-bedroom for 2350.

GLENN HYDE: That's all I have.

DAVID CROSS: Joe (Gizzi), while you're up there, can you speak to the quality of the construction in the apartments? Like what kind of finishes would you have in the kitchen and so forth?

MR. GIZZI: All of the appliances we put in are stainless steel appliances. Countertops are granite. We typically do white, very modern style kitchens. Gray islands. Vinyl laminate flooring. Carpet upstairs in the bedrooms. Fully trimmed out. Nice units.

You're welcome to stop by and take a look at the units on -- Whittier Road, Emerald Point have a couple.

DAVID CROSS: Kris (Schultz), one question on the subdivision. You don't need a variance with that lot you're creating? You're creating a smaller lot.

MR. SCHULTZ: It does meet the code.

DAVID CROSS: You don't need a variance?

MR. SCHULTZ: Don't need a variance.

DAVID CROSS: Glen (Hyde) asked my other question. And so there -- I don't know if this came up before. There might be some opportunity to extend the sidewalk on Buffalo Road.

MR. SCHULTZ: We're proposing sidewalk all of the way down the frontage, absolutely.

DAVID CROSS: Excellent. That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

LINDA SCHMALFUSS, 35 Attridge Road

MS. SCHMALFUSS: Linda SchmalFUSS, 35 Attridge Road. Thank you, Chairman and

Board, for having this opportunity to express our concerns.

When I use the pronoun "we," when I speak, it is referring to myself and my husband.

We challenge the legality of the application submitted for Application Number 1. The property located at 4415 is owned by Gizzi Real Estate Holdings, LLC. The property located at 4423 is owned by Joseph Gizzi. How can one application be submitted for properties owned by two entities?

MICHAEL NYHAN: You can make that comment. I'm not going to be answering that question. I don't have an answer.

MS. SCHMALFUSS: Will we get an answer at some point?

MICHAEL NYHAN: At some point you will be able to get an answer.

MS. SCHMALFUSS: Okay. And how will that come? How will I be informed?

MICHAEL NYHAN: How would that -- she has a question about legality of the subdivision, with the owners.

JARED HIRT: So the --

MICHAEL NYHAN: Do you have an answer for that now?

JARED HIRT: The issue will get resolved in a decision-making process. Obviously the Public Hearing will be left open presumably this evening because Number 2 and Number 3 are likely subject to being tabled.

So as to Number 1, you're raising the issue of -- the -- the one property located at -- if I understand you correctly -- at 4415 is owned by Gizzi Real Estate Holdings, LLC is what you're saying? And then the other one at 4423 is owned by Joseph Gizzi; is that correct?

MS. SCHMALFUSS: That's what I stated, correct. Or John Gizzi. Or Joe Gizzi's name was on some of the applications.

So we oppose this request on Number 1, the application, the first application.

I also have some correspondence from someone who is not able to be here. May I give that to you?

MICHAEL NYHAN: Certainly.

Thank you.

MS. SCHMALFUSS: And, Chairman, we still are having a little difficulty hearing you. I don't know if you can put your mike down a little bit. I'm not sure, but we didn't get hardly anything from the beginning comments. Only when Mr. Defendis adjusted his mike -- was it turned on and we could hear. We had some difficulty hearing from the architect, as well.

MICHAEL NYHAN: Thank you.

STEVE GINOVSKY

MR. GINOVSKY: Good evening. I hope everyone is having a good evening. First of all --

MICHAEL NYHAN: Sir, your name?

MR. GINOVSKY: Steve Ginovsky, 19 Hubbard Drive, North Chili and a resident of Chili since 1965, by the way. Not a newcomer.

First of all, I would like to bring it to your attention when this professional building was first constructed, that the property west of the professional building or doctor's office -- whatever you want to call it -- same distance -- did I hear an objection to that statement? Okay. I just heard out of the corner of my ear -- to the right of it, the west side, that culvert that comes from under Buffalo Road, that goes to the -- the back of the property heading south -- that -- that was supposed to be cleared by the Town of Chili when that building was put up. And it was -- and that property, where you want to put these apartments, the two main buildings -- I will tell you right now, that was for overflow. At one point, they deemed to put it into two parcels and -- as an overflow.

In the Town of Chili, with notes from Mr. Cross' father -- as a matter of fact when he was the Chair -- that was one of the conditions. And that's all wetland. The water is supposed to go all of the way south. To the woods. Instead of flooding all over. And that's why that professional building was set there and that was a condition. On past notes.

I repeat, a condition -- and that culvert, I guess you would say -- or ditch that heads south from under Buffalo Road has never been cleared up. You still got cattails in there. And the Town is supposed to be taking care of it. That is what the original concept was. And that -- and the Town of Chili has only one time -- repeat one time ever cleared that out.

And yes, I am the one that said something about the field there, to get bush-hogged down, with State Building Code. From 6-inch to 12-inch and it was like 2-foot high. And as I said before, that there is basically wetlands. That is why all of the property surrounding there and the houses on Buffalo Road have a water problem. That needs to be addressed before anything -- any concept is done. That ditch needs to be cleaned and on the north side of Buffalo Road, um, there is two springs that feed into that -- that is where the water is coming from. Did we learn anything from last weekend in Canandaigua with the flooding? Have we learned anything from it? You want to go rent people out a -- their apartments or wherever they happen to be living there? And the Governor did say something about it. And the Canandaigua Fire Department and Rescue did a heck of a good job. We're backing ourselves into a hole.

And -- and with a detention pond being put there, is it for the set volume? The culvert hasn't been done. Under Buffalo Road hasn't been done, nor the ditch on the north side of Buffalo Road, by the State of New York. There is a lot of stuff that needs to be done prior to even getting into any of this issue. But mainly that culvert that's on the south side of Buffalo Road -- the Town of Chili is supposed to take care of and they have only once ever dug that out.

That's what needs to be done. I think this is premature and I think we need -- to table this would be an excellent idea to stop it before it gets out of control where we cannot handle it.

Thank you very much.

ZOE CHRISTANIS, 31 Hubbard Drive

MS. CHRISTANIS: Zoe Christianis, 31 Hubbard Drive. I attended the Conservation Board meeting last night with Linda Schmalfuss and we request that all of the recommendations by the Conservation Board be followed through by the Planning Board in regards to landscaping. We do not want a donation made to the Tree Planting Program in lieu of this landscaping.

And arborvitaes do get eaten by deer.

Concerns on 4423 Buffalo Road site plan. Traffic as I heard has been done -- a traffic study has been done. I would like to know when this was done and if the report is available to look at, because I have a hard time believing that it's okay to do this. We have one traffic light which is very heavily trafficked at certain times of day. I live on Hubbard Drive and the one side street west of this development is where I am.

And there are ten driveways exiting from Hubbard Drive to Union Street. Which include Attridge Road. Not including the residential driveways. Now, to add another driveway and another maybe 100 or so residents to this small area is a problem. I cannot see how it wouldn't be a problem. And how will this affect traffic on Hubbard Drive, which is used as a cut-through street presently?

Before the added congestion leads to serious issues and accidents, the Town needs to request another New York State Department of Transportation complete traffic study of the North Chili area.

Number 2, open space and green space. Where is it? There doesn't seem to be any and no room for it. The Town Engineer has asked for an explanation on how Town Code requirements for this will be met. Looking at the site plan, this project is primarily buildings and pavement. Where are children supposed to play? A few other items needing explanation, clarification or adjustment per the Town Engineer are in regards to discharge of stormwater to avoid flooding neighbor's yards. Snowplowing removal and storage. And there are too many for me to speak on -- on the list.

It also appears there are many variances required for this project. 1, a front yard setback for Attridge Road is 32 1/2 feet short.

2, a front yard setback on Buffalo Road is 10.7 feet short.

Number 3, a side rear yard setback is 29.8 feet short and the required 30 foot landscape buffer is not provided.

Number 4, a variance for front yard parking on Attridge.

5, variance for the number of three-bedroom townhomes and/or apartments.

6, variance for the distance of buildings to the interior project roadway is 20 feet short.

And there may be additional variances required per the Town Engineer.

It becomes quite clear that all that is entailed in this project and site plan is too much and not appropriate for this lot and this location. It needs to be toned down and should absolutely be tabled until a complete traffic study is done and the Town Engineer's items have all been addressed and found acceptable.

JENNY SERVO, 4433 Buffalo Road

DR. SERVO: Thank you. I'm Dr. Jenny Servo. I live at 4433 Buffalo Road and I echo what you mentioned. The traffic on Buffalo Road -- there's a big disconnect between this and reality of living on Buffalo Road. Since the Distribution Center came in on Union Street -- and I know a lot of efforts were made to assure there were good traffic patterns down Union, but there are big trucks that come down Buffalo Road, especially between 11 and 12 every afternoon. The traffic is very bad. My mother lives off of Attridge. For me to go to my house from Attridge, I have to go down to Buffalo Road, turn right -- I live left -- go through the parking lot over at IGA so I can come out and go to my house. That happens more often than not because the traffic is really bad. There needs to be a traffic light. With all of the new apartments that are going up on Union Street, the volume of traffic is going to be absolutely ridiculous. And so a study does need to be done to understand what the traffic pattern really is.

I also have a question about whether there has been an environmental impact study done. Um, this is a forever wild area. I like that. And it needs to be maintained and it's not going to be the way that, you know, all of this is being done as if there is no problem. There is a problem.

I overheard them saying something about putting in a pond.

Um, two years ago, when I was coming down Buffalo Road, there were a flock of geese that were coming across the road and a couple of them got killed because the drivers were impatient. They were going to the ponds, which I assume -- is supposed to be available for the geese, but they now have fences around them so they can't get there. I called the Town of Chili to say something about the geese. They said, "Well, they're just a pest."

Well, they're not just a pest to me. Okay? I'm an environmentalist and I'm concerned about if you put in a pond, there are going to be more geese, more getting killed on the road. So anyway, I just -- there is a disconnect between that and the reality. And so I would ask you to look at the reality. And to report that, just as you have mentioned -- make those reports available to the public so we can see what you have looked at and what decisions you've made.

Thank you.

VALERIE PAGANO, 51 Attridge Road

MS. PAGANO: Valerie Pagano and the family home on 51 Attridge Road. Thank you for allowing us to speak tonight.

I have to say that -- that to say our citizen's group was disappointed in the Town's decision to rezone the parcel of land at Attridge and Buffalo is an understatement.

With over 400 signatures and many more outside the surrounding area willing to sign the petition, it defies logic to move full steam ahead with the building plans.

In speaking with individuals, the main question was -- I will be polite in saying this -- what is going on in North Chili?

I appreciate the stats this evening from the Churchville-Chili School District enrollment. But it's previous and it really is not including the projection of numbers of enrollment with all this new building construction going on.

So my recommendation is let's slow down, let's see these studies addressing the wetlands, the drainage, safety and traffic patterns because intense use of the land -- it shouldn't be for land. It should be for aerobic exercise and pumping iron.

Thank you.

KATHY NEDER, 82 Attridge Road

MS. NEDER: My name is Kathy Neder. I live at 82 Attridge Road. I do have a question for you. Am I only addressing at this point the first application?

MICHAEL NYHAN: You can address all three.

MS. NEDER: Okay. I guess first application I don't understand the need for it. Again, we've got a problem with two different deed owners. Originally, to do the zoning it was one application which technically should have been two. I don't know why it was even passed without being two. It doesn't make sense that they want to combine these. There is no purpose to it. And if someone can tell me what the purpose of combining two lots into one -- I really don't understand it.

As far as item number -- the application to construct the medical office building. Mr. John Gizzi spoke to me at the last meeting which was in May -- not the last meeting. The meeting in May. And I had quite a conversation with him in the parking lot where he thought that I was a -- well, let's -- we won't discuss that. Basically, his opinion was that none of us knew what we were talking about and that there was no future in commercial office space. He blatantly stated to me that they cannot fill that building, that no one wants commercial office space since the pandemic, since everybody is working from home and that there was absolutely no use for him to have commercial office space in there, which is why he wanted to convert it to apartments.

And low and behold now, he wants to construct another 4,000-plus-square-foot medical office building when he blatantly spoke to me and said, "We can't rent them. We have no use for them. There is no call or demand for commercial office space."

So that I don't understand. And I would ask you to deny that application to construct that.

Also, the setbacks, as Zoe (Christanis) and a few others have spoken to are not in compliance. We're not seeing -- seeing any detail. The site coverage by the building is not even remotely in compliance. The maximum is supposed to be 30 percent and as presented in these preliminary plans, they want 43 percent. That is unacceptable. That needs to be redone. That needs to be denied as far as a preliminary site plan approval as it is. Because obviously it needs to be within 30 percent and they're proposing 43 percent.

Again, I would ask you to table that. Leave it open to a Public Hearing.

In addition, we would like a full SEQR. I know that you approved a short SEQR. We would like a full SEQR. The SEQR -- originally when the office building was conducted -- or constructed at 4415, um, there was a retention pond already created for that building as a condition of putting that building there. The retention pond falls back into the 4423 in back. So if they're putting another retention pond in, again, what happens to the first retention pond?

It's my understanding -- and I could be incorrect on this -- but my understanding from talking to environmental agencies for Monroe County, if there is already a retention pond that's there -- was created with the building at 4415, you can't change it now. So obviously that's a problem. We're also for, again, one-story units instead of two-story units. The -- the site is too dense. The setbacks aren't in compliance. It's a mess.

We have got wetlands and again talking with the Monroe County environmental agencies, the wetlands have expanded in that parcel. We would like a new wetlands map. The one that is currently out there is ten years old and it has been expanded from then in speaking to Monroe County. So before anything is even preliminarily approved, these things all need to be addressed. They're not addressed.

And I also might note that I'm very concerned with detailing and planning that seems to be being overlooked in the landscaping plan that was submitted to the Town -- which was viewed last night, um -- as well as previous times -- the landscaping plan is -- that was filed for Chili stated on the landscaping plan -- it says the Town of Ogden. Well, you know what? Cut and paste isn't going to work. I realize it may be a small error, but nobody is fact-checking these things before they turn them in and small errors lead to large errors. And that's not acceptable. I mean it is just -- it really makes me wonder what is going on.

The other -- as far as getting back to the point where Mr. Gizzi spoke to me about the -- that there was no space for commercial office space -- I -- I am left to wonder is there some hidden agenda here? Because he told me he would not -- he couldn't do commercial office space yet he wants to build a 4,000 square foot office space.

Is there a hidden agenda to convert this to more housing? Those are the questions that I asked.

Basically, you know, we have a problem with a wetlands there as it is. Mr. Gizzi got his truck stuck in the land yesterday. He had to be backhoed out. There is a problem there with the water. And it hasn't rained since Friday. There's a big problem. We have got neighborhood yards flooding on Buffalo Road.

Like I say, there is too many questions that haven't been addressed to even give preliminary site approval to any of these three items. I would ask that you either deny them or table more -- table all these items until more information is received from the developer.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I have to tell you fellows, we still can't hear out here. The only people that can be heard from are the people that are speaking from the audience. If everybody would put their mike down -- even on the Side Table, it would help. There is no point coming to a Public Hearing when you can't hear what is even being said. And if those mikes are too far away, then I guess you will have to speak up.

I don't know if I gave you my name and address. Dorothy Borgus, 31 Stuart Road.

I feel sorry for these people. There is a lot of problems with this project and this Board really needs to listen up. I'm sitting here and I'm hearing about the wetlands. I'm not sure that -- it sounds as though the wetlands have never been clearly delineated over there. That should be a starting point right there.

Not only is North Chili your average wet spot in Chili, but there is springs over there. You all know the number of springs in North Chili. You have to wonder why in the world they think this little pond they have on this map is going to do any good. I'll never know. And now that I'm hearing about a pond that was supposed to have been there on the first project, where is that pond and is this the same pond that's on this mandated September of 2022?

As far as the traffic study goes, that ought to be another starting point. And not just that -- that the -- the immediate point of their -- their -- their exit from this project. It ought to -- there ought to be a traffic study done of the whole area. Even in the -- in the middle of the day, try going over to North Chili and see how far you can maneuver without almost somebody hitting you. There is one traffic light. The -- the thing that used to be called North Chili is no more. With the -- with the housing boom over there, and the number of apartments put in, especially, and the amount of traffic from the commercial areas -- an even -- even the -- the new one on Union Street with the warehousing there, it's horrible trying to get through that -- that little -- what used to be a little -- a little insignificant piece of Chili. It's not anymore. So you need a traffic study that is comprehensive and covers North Chili in total. And you ought -- there ought to be a thought given to more traffic lights over there and I think the State should be approached about that. That is a State Road. Traffic is out of control over there.

Um, it was very hard to hear, as I have mentioned, but I think I heard the statement made that -- that there didn't expect to be any problems with the Churchville-Chili School District and taking on these -- all these extra children. Well, if -- again, if I heard correctly, we were talking about numbers from 2017. 2018. And so forth.

What -- what this builder doesn't understand or take into account is the number of apartments and townhomes that have been built in North Chili since 2017. Those numbers from 2017 don't mean anything. Nothing. In fact, I would hope, at least, that the School has some numbers from last year. I don't believe they have even done their census for this year, because just -- just before school starts they will be sending that card out wanting to know how many children are coming. They probably don't know themselves even what the numbers will be going forward. But I wouldn't take it on face value that the Churchville-Chili School is going to accept hundreds of children that they don't know about yet.

I haven't heard anything about a -- about accommodating for disabilities in this project. And just having lived through many, many years of having a disabled person in my home, I'm very conscious of what you need to handle disabilities. And it's just not the lip service that -- that you get. It's -- it's the nuts and the bolts of what makes life easier, what you can work with, what you can't work with, how handicapped you are in moving around when you don't have a building that is meant -- that has been built and -- with you in consideration when you have got a problem.

Has there -- again, I don't expect an answer tonight, but I do want this dealt with. What are they doing about disabilities in these apartments? It's nice to talk about granite countertops and it's nice to talk about nice white kitchens, but, you know, that's not what makes a -- an apartment or a townhouse or a home livable. I want -- I will get -- I will bear right down on this disabilities issue because I don't think that anybody has thought that far ahead on this.

And I don't see how when you're going to pave over all this area and cover it with buildings that -- that you have allowed any place for recreation. If you think kids are going to go out and play on a blacktop and call that recreation, you think again. We don't have parks in North Chili that can accommodate these people. Even if they wanted to go offsite. You have got to have a place for kids to play.

If you're going to introduce townhouses that have two and three-bedrooms, then you have got to plan on kids and what these kids are going to do. We don't need any more crime. We have enough of it around here now and it doesn't help -- it -- it doesn't help anything when you just bring in more, add more children and put them in another box.

I would like to know where the green space is supposed to be on this. I will make a point

of looking at this -- this plan for the -- these trees and this grass, but I don't -- I don't know how you got any room for green space there. Where is the lawn? Seems to me any little space you have got sounds like it has been covered up with trees.

And I have news for anybody who thinks deer don't eat arborvitae. They love arborvitae. It's the candy of the -- of the deer population. Just go up Buffalo Road from North Chili to Churchville and look at some of the arborvitae. You can see them right from Buffalo Road. They're half eaten off. These people are going to be looking at stumps because the deer are going to make short work of all this arborvitae we're talking about.

And then I was not surprised, I guess, to hear about all these variances that are probably going to be required. I make it a habit, especially since I've been a little homebound these last couple three years with my disability issue in my home -- and I do notice in other towns that Mr. Gizzi appears quite regularly on the Zoning Board and this -- and the zoning -- well, Zoning Board of Appeals mostly. And I can't help but notice the number of variances that he is in there for. Sometimes I think as many as seven the last time in Ogden's Town Board -- or Zoning Board agenda. I actually counted seven variances he needed.

Well, does -- you know, this is not the way to do a project. You don't come in and get approval, push it through, hope nobody notices these things and then come back later for another bite at the apple with another page -- literally a page of variances. These are the things that this Planning Board should deal with up-front. A minor variance is one thing, but not -- not -- not seven at a time. And it isn't just one town. You -- I know you have got enough on your plate in Chili to take care of this Board, but you ought to take the time to read some of those public notices for the other towns around where Mr. Gizzi has built and is building. And look at the number of variances he requests. I beg you. You get these things ironed out before you go any further. If this is too big, decide for -- for the property, decide it now. Now is the time to cut back, get it sized properly and get all of the questions that these people have answered. Because they got a lot of questions.

And they -- and there -- this is -- this is the job of this Board. That's what you're up there for. You got to make a decision about whether this is workable or not. And you better give it a lot of thought because there is no going back on this. It's a big problem. It's a big project. Maybe this just isn't the spot for it.

Thank you.

LINDA SCHMALFUSS, 35 Attridge Road

MS. SCHMALFUSS: Linda SchmalFUSS, 35 Attridge Road. Again, when I say "we," I'm speaking on behalf of my husband and myself.

This is regarding Lot 2 which has been rezoned with -- the new medical building being proposed. Recent zoning approval of 4415 Buffalo Road now designated as Lot 2 to construct a medical office building presents some concerns. Joseph Gizzi stated at the Town Board meeting on June 14th, 2023 the inability to obtain tenants to occupy the former medical office building and now they are asking for site approval to construct a 4,050 square foot medical office building which complies with very few of the Town's zoning codes.

It's confounding how there is a need for another office building when they were unable to occupy the former medical building. It would be more cost effective to install an updated elevator in the existing building than to construct the proposed new medical office building. The new site plans for the former medical office building has an extension on the south side with a new entrance, with a new elevator.

EPA, Environmental Protection Agency and OSHA, Occupational Safety Health Administration agencies need to be involved with Lot 2 construction due to the proximity to a former auto repair garage with its own type of chemicals such as petroleum, radiator fluids and others. Construction has the potential to disturb hazardous contaminants.

We, as well as our neighbors, have the right to ask for safe protective measures as stated in zoning code 500-3A. And for those in the audience who don't know that, I would like to read that. The purpose is to encourage an appropriate and/orderly physical development, promote in all possible ways public health, safety, convenience and general welfare. Classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places. And for said purpose to divide the Town of Chili into districts of such number, shape and area as they may be deemed best-suited to carry out these regulations and to provide for their enforcement.

There is a lot here that needs to be considered even on this Lot 2 that is being proposed.

There are extensive drainage issues with this GB site, as well as the RM located here now rezoned as Lot 1.

This is a picture taken on 7/3 of the fire hydrant. This is a water issue. Do you want to keep this?

MICHAEL NYHAN: Sure.

MS. SCHMALFUSS: We are concerned about the impact additional water and drainage from Berkeley Place will have on our property located at 35 Attridge. The recent zoning approval for the former medical building located at 4415 Buffalo Road from GB to RM presents some concerns. The former medical office building had dental and medical doctor office tenants, each using various chemicals such as mercury and liquid testing solutions. Asbestos was used in construction from the early 1940s through 1970s. It was a highly effective and inexpensive fire retardant material as well as a thermal and acoustic insulator.

So a question I have for the developer, is there asbestos in this former medical office

building?

The EPA needs to be involved to assess any hazardous materials in the building before any construction is begun on this site.

Several government agencies, EPA; DOE, Department of Energy; specifically Section 4581.1 mandates protection of the public and environment against any undue risk from the potential hazardous materials which may be present at 4515 Buffalo Road.

OSHA also needs to be involved to ensure safe and healthy working conditions for the developer's construction employees. His employees have the right to a safe working environment. There are extensive impervious areas in Lot 1. So my question to the developer, what accommodations will be used for the removal of possible hazardous materials from Lot 1 and Lot 2?

I met with the Conservation Board last evening. The creation of two berms along side of the bio retention areas on your landscaping map is hoping to lessen the drainage impact on our property. It was suggested that adding these two berms along those bio retention areas might help.

We are requesting that you take their recommendation. Have you implemented their recommendation?

The developer is requesting far too many variances for this site. The architect may be proficient at schematics. However, he chooses not to comply with the Town of Chili Zoning Board. Or perhaps he was confused which Town he was submitting this proposal. Several of the application plans submitted have the Town of Ogden in the lower right corner. Are these submissions legal? He is not adhering to any of the setback requirements as stated in the zoning code.

The intensity is far too great for this site. The number and placement of parking spaces inhibit movability access of fire trucks and other first responder vehicles in the complex as well as snow removal vehicles. We say no to adding more smaller spaces in order to squeeze in more.

And there is a safety issue for school-aged children. There needs to be adequate space for safe school bus movement within the complex. And I was part of the team, if you want to call it that, getting signatures. 425 actually corrected.

And I spoke with a schoolteacher who lives on Gilead Road in North Chili and she expressed there is a problem with the School District. She is a fifth grade teacher. Her classroom is overcrowded. There are not enough staff members, and yes, there may be some additional classrooms being built, but that's not in any near future.

Also on this lot, there is an issue with traffic. Here is a question for the developer. How can you say there is no substantial increase in traffic generated by 21 parking spaces in Lot 2 and this does not include the two handicapped parking spaces required by the ADA which were not included without a traffic study?

I have spoken several times to Matt Oravec, Regional Engineer with the New York State Department of Transportation and Zach Starke. Neither has received any request for a traffic review at this location.

There are traffic issues currently being encountered at the intersection of Buffalo and Attridge Road. We request a proper, complete traffic study by the DOT.

A question for the developer. Where is the green space as mentioned by others who have spoken this evening? And perhaps you could explain the landscaping plan and the grass areas for this site. All these things that I have stated, we are opposed to this construction on Lot 2.

Third application, we oppose the two-story construction proposed for 4423 Buffalo Road. It is not -- I say it is not appropriate for this location.

Located on the north is Cottage Grove. A one-story -- one-story, multi-family area and single-family residential homes.

Located on the south are single-family -- again, single-family residential homes.

Located on the east are single-family residential homes and a one-story, commercial building.

Located on the west are single-family residential homes.

Putting a two-story complex in the middle of this area does not blend in with the fabric of North Chili.

There was an intensity issue. The proposed site is far too intense, exceeding the Town's maximum site coverage of 30 percent by all buildings and structures. The developer has exceeded the maximum number of apartment units -- of eight units per acre as C9 in the site plan.

We are requesting all setback requirements be adhered to according to the established zoning code. We are requesting single-story townhouses. There are parking issues. The number and placement of spaces inhibit the movability access of fire trucks and other first responder vehicles in the complex as well as snow removal vehicles.

I have personally contacted the Chili Fire Chief several times. No information has been shared with him about this construction site.

We say no again to smaller parking spaces in order to squeeze in more.

Again in this area, safety particularly for school-aged children, there needs to be adequate space for safe school bus movement within the complex and as Dorothy (Borgus) mentioned, safe play recreation areas.

Traffic. Here is a question for the developer. How can you state on page 7 of the application that there is no substantial increase in traffic generated by 32, plus 12 units, in the Berkeley Place without a traffic study?

There are 57 units across the street at Cottage Grove. 50 to 100 vehicles from that site using Buffalo Road.

There will be a significant impact on traffic on Buffalo and Attridge Roads with 32 units in the Berkeley Place. A possible 50 to 64 additional vehicles. The developer has made no mention of this in any part of the application.

Nor has Michael Hanscom mentioned traffic concerns in the letter to you, Mr. Chairman. A major concern currently exists at the intersection of Buffalo and Attridge Roads.

I have spoken several times to Matt Oravec, Regional Engineer with the DOT, and Zach Starke. Neither has received a request or a review again. A major concern currently exists at the intersection of Buffalo and Attridge Roads. A left-hand turn from Attridge Road onto Buffalo Road is nearly impossible during certain times of the day.

A left-hand turn from Buffalo Road to Attridge Road is nearly impossible during certain times of the day. We request a proper, complete traffic study by the DOT.

Green space. Last evening I met and spoke with the Conservation Board and presented concerns with the landscaping site plans for Berkeley Place. As a result of their evaluation, several items were agreed upon with the Board as you should have received their recommendations today.

One, as stated on the Conservation Board website, a 6-foot minimum tree height for evergreens is required.

Is there a correction on the site plan to 6-foot evergreens?

Two, request for continued tree plantings along our property line to provide complete visual screening of 4415 and 4423 properties and better drainage. As you know, more trees with tree roots will absorb more water, perhaps having a positive effect.

Is there a correction on the site plans?

As I travel around Chili, some areas are landscaped better than others. It's important to have better landscaping in our area of North Chili, especially in our residential areas and on this site. It is a great enhancement to our community.

And the third recommendation was a licensed landscaper be used with an appropriate stamp.

I would like to share some pictures -- they suggested adding some more trees on our boundary. You will see the dark brown area is 4423. They omitted putting some trees on their landscaping plan between my two elm trees. And you can see there is a gap there that will not provide visual screening.

This is the back corner where they omitted putting trees around the corner. This is the other side. And there is no screening. They need to put there additional trees. Thank you.

The site plan is confusing as to whether a wooden or vinyl fence is being placed. We request a maintenance-free vinyl fence. In our opinion, we have been good neighbors for the past 46 years next to Lot 4415, even mowing and maintaining some of their lawn. We have asked permission when our daughter got married on our property in 2013 to use their parking area in 4415. They accommodated.

Recently, I asked Joe Gizzi permission to dig up some daffodils on 4423. That was fine with him. Since this proposed site plan adversely affects the market value of our home, we are requesting a 12-foot vinyl fence along our entire property line, except where a 4-foot fence is required near Attridge Road for visibility. We would greatly appreciate the neighborly gesture.

Developer question again. Where is the available, suitable open space for the tenants for passive and active recreational use? And at some point perhaps greater detail could be explained, landscaping plans for Lot 2 and give details where the grassed areas are.

And have you provided minimum 1 percent of the total project cost in landscaping? We adamantly oppose any of the 1 percent landscaping budget be placed in any Town fund except to be used in Berkeley Place.

We are asking the Board to require the entire 1 percent to be used. Since this proposed site plan -- I already said that. I'm sorry. And you have my pictures.

There are extensive drainage issues with the RM located at 4415 now rezoned as Lot 1. We are concerned about the impact additional water and drainage from Berkeley Place will have on our property. Three-quarters of the 4423 property is within the wetland extension area as seen in a map which you will receive shortly, and you can see that.

Monday, July 10th, 2023, John Gizzi drove his truck onto 4423 and got stuck requiring equipment to remove his truck. And here is a picture. He was in there pretty good. Had to get someone to come and get him out. You can see the wetness and how he has sunk into the property there.

Others have talked about the culvert going underneath Buffalo Road. I have a picture showing that. I have several pictures showing the property on 4423, the types of grass, the water, the pooling of water. There is just a variety of pictures. This is a wetland and it needs to be addressed.

Our neighbor at 39 Attridge and ourselves will receive the greatest impact from this water issue. We are already within the designated area of the wetland delineation.

We have contacted the DEC and Monroe -- Monroe Soil and Water Conservation -- let me repeat that -- Monroe County Soil and Water Conservation regarding this massive issue. Steve Duell will share further on this information later.

The retention reservoir needs to have some sort of aeration device to prevent it from being a mosquito breeding area, which is in the lower corner of 4423.

And as others have mentioned, we are requesting a full SEQR environmental impact study.

A question for the developer. What accommodations will be used for the removal of -- of possible hazardous materials from Lot 1? I don't think people are in tune to that at all.

Let's see. I think you have gotten the -- the picture of others who have spoken and the many issues that I have -- that I have brought to your attention. And there are just too many unanswered concerns. These applications should be tabled and the Public Hearings remain open. Thank you.

STEVEN DUELL, 39 Attridge Road

MR. DUELL: Hi. The aforementioned Steven Duell. I live at 39 Attridge Road. And we recently talked to Kelly Emerick at Monroe County Water and Soil Conservation. She provided us with this map. I got one for each of you.

Now, the dark green is New York State designated wetlands. And light green is the 500 foot delineation area.

As you can see, it covers quite a bit of that property that we're talking about. And this little corner here, that is the corner of my property and the rest of it is all in that delineation.

Now, this map is also 15 years old. And in talking with Kelly Emerick, she -- she came out to the site, looked at it and decided that that might even be bigger than what the map shows. It has been 15 years. We would like a new map and I think -- drainage, of course, is huge.

Now, in the engineering notes, there was a talk of fill, putting fill dirt in, bringing the level up. And if it is level up there, it's lower on our property. And -- and being pavement, it will run off in a fashion -- you know, being the ground. So we do have that to work about.

Everybody talked traffic. And I know back when they changed the intersection of Buffalo and Attridge Road, it was supposed to be a simple T so that people wouldn't cut that corner. But then they made it five cars wide and guess what? They cut that corner. I have personally witnessed a dump truck pulling behind a person trying to go left off of Attridge onto Buffalo Road. That's how much they can cut.

So it's another reason for a traffic study in that area. People get a head start. Motorcycles especially get a head start. By the time they reach our house, which is only a few hundred feet up, they're going 80 miles an hour.

Now one of the Board members said, "Oh, it's our neighbors. The neighbors are doing that."

Well, it's not just the neighbors. About the only time you ever see a police car through there -- it is a County Road -- is when they're chasing somebody. It's also a shortcut between Buffalo Road and Chili Avenue. And now that Union Street is so clogged with traffic, this is what they use, as well.

The other thing the Department of Transportation said at that time was that there were too many driveways between Union Street and Attridge Road. We have the restaurant. You have the two -- you have two entrances into Kwik Fill. You have an entrance into the Safeway. You have the Rite Aid. Tim Horton's. That -- and, of course, they were going to try to get rid of one but never did.

So from my perspective, I worry a lot about the drainage obviously. I know sometimes we don't get to mow the back of our lawn until June, early June, late May sometimes, depending on the weather. And after the last week or so, it will be a little while before I do it again.

So I guess in -- I will just reiterate what everybody else has said. Drainage and the wetlands is a very big problem.

You know, only other thing I think I guess is -- I'm going to miss the wildlife. We obviously have deer, rabbits, squirrel, whatever. We have had Blue Heron walk across our backyard. Wild turkey. Last year we had a couple hawks kill a rabbit on our land, in our backyard. I have a nice picture at home of the hawk sitting on my lawn chair, guarding that piece of meat.

So hopefully this Board will do -- this Panel will do the right thing and at least kick it back and help us out.

Thank you.

BILL SCHMALFUSS, 35 Attridge Road

MR. SCHMALFUSS: My name is Bill Schmalfuss. I'm at 35 Attridge Road. I'm in the building trades, too. And I've visited the -- the Building Department a few times over the years. Every time I've had a question, they have been very lenient -- not lenient but very helpful in getting things squared away.

Now this I don't see them consulting anybody. This architect should have known all the codes that you evidently felt good about if you put them down in your books. To me, it's just a blatant disrespect for your codes the way he has got this drawn up in hopes that he can either get it through one way or another.

I hope that you stick to your guns, stay with your codes. If he has to shrink it, shrink it. But don't let him walk all over you.

Thank you.

DAVID MEYER, 26 Pleasant View Drive

MR. MEYER: I'm very concerned about traffic because when I come out of Pleasant View onto Attridge and trying to get onto Buffalo Road, it's very difficult at times to do that. And I just see a lot of -- a lot more traffic in North Chili. And this -- this concerns me because again it's going to bring more cars and everything like that. So I do -- I do agree that it -- needs to be a

traffic study done and -- and would be helpful.

I'm also a bus driver for the Churchville-Chili School District and I have a concern about buses in -- in that area and how that is going to look. You did mention fire trucks and all that, but I didn't hear anything about buses being able to get in and out of there, picking up students, making the turns correctly and all of that. So I think that there needs to be some work done on that.

And that's specifically stated for the children. I don't expect that you can pick up the children on Buffalo Road right in the entryway. We probably won't be able to do that because it's pretty busy out there. And when we stop on Buffalo Road, we see a lot of cars that run our reds. I would rather not have the students right there, but it would be good to see what that looks like for that.

I am not in favor of the plans as they are drawn up at this point. I also see the drainage issue. I -- my -- my sump pump on Pleasant View Drive in the spring and fall run 24/7 because it is very wet there. The spring is from Hubbard Park, goes through there, as well. There is also the springs, as have been mentioned and everything and, you know, if you put fill in that place, where does that push all that water? What is going to happen downstream in this process, as well? So I do have a concern about the drainage in that area, as well.

I think that was all I had on my list to present. But I just want it to be known that I'm not pleased or happy about any of the three things right now presented. We need to see some changes and I would hope that you, as a Planning Board, would hear our concerns, consider 425 people that have signed the petition and make sure that we don't just push this thing through without having specific all of the details that we need to have with all of the different things that need to be taken care.

Thank you very much.

VINCE FALCO, 94 Attridge Road

MR. FALCO: I'm Vince Falco. I live at 94 Attridge Road and I'm concerned about the safety of the children and the adults that live on Attridge Road. I was on the Town of Chili Safety and Traffic Committee when we did studies of the amount of cars on Attridge Road when it was just cars. Now there is dump trucks. There is 18-wheelers. There are ATVs. There are motorcycles. They're doing over 100 miles an hour. We have put up traffic speed register -- they only go to 45. So these people slow down when they see 45, thinking they're on radar and after they go by my house, they're doing -- it's unbelievable how fast -- how far they jump over the railroad tracks by the time they're at the tracks.

So my concern is the safety of the children, the safety of us trying to get out of our own driveways at night -- in -- and early morning and late at night because of all of the large trucks and dump trucks and the traffic that is cutting through Hubbard and coming up Attridge, rather than trying to hit the light at the corner of 259 and Buffalo Road.

So my question is the traffic situation is bad enough as it is, and something should be done to alleviate, make sidewalks, traffic lights or something should be done for the Town.

Thank you.

ALICIA, 51 Attridge Road

ALICIA: Alicia. Our family home is 51 Attridge Road. I'm concerned with the drainage also.

And I just have a question. They spoke about a pond, a retaining pond. Um, what -- what is the criteria for the pond in like the size? Who determines that? Is that the Board's decision? And how do they base that?

MICHAEL NYHAN: You're concerned about drainage?

ALICIA: Yes.

MICHAEL NYHAN: It's part of the engineering process.

ALICIA: Okay. Well, that's my -- my big concern is -- is there is so much water. I don't know if you have seen the retaining pond across Buffalo Road. It's huge. And it collects a lot of water. It's been filled. And we had a dry winter and very little rain and I -- I had -- I gave the other Board a picture of the pond and how filled it was. It was incredible. It's -- it -- there is a lot of water. And this plan seems to cover a lot of land. So that water has to go somewhere. That's my concern.

Thank you.

MICHAEL NYHAN: Thank you.

BONNIE CRAWFORD, 1442 Davis Road

MS. CRAWFORD: Hi. I'm Bonnie Crawford at 1442 Davis Road. And I have been really well educated tonight and really have a lot more concerns. But I came tonight because I'm concerned about all of the kids and we're building all of these apartments and houses and now we have built this beautiful Community Center over in this Chili Center. And where are these kids going to go to play? These kids are going to have to walk down Buffalo Road even to get to Hubbard Park to play basketball or play on the swing set. So I have already seen like -- I just saw nine kids walking up the street up to North Chili and they -- unless they have good bicycles, they can't get to the Community Center. And now we don't have the -- the one -- the two-room school there in North Chili because we're selling it.

MR. GINOVSKY: Four.

MS. CRAWFORD: Four. Sorry.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I think what's very important to note is that a petition of 400-plus names have been addressed to the Chili Town Board and I think the Planning Board should take heed because of the number of questions asked tonight -- for which I don't hear specific answers at this time.

There is definitive information needed for drainage, retention pond, green space, licensed landscape drawing. Signed by a licensed architect or landscaper.

When I mention the drainage and a New York State DEC wetlands review, for a full -- and I repeat, a full SEQR environmental plan request.

The applications presented -- I will go through them briefly. Number 1, for the subdivision. A definite legal issue presented. Should be tabled.

Number 2, the application for site plan. Information needed. Snowplow storage. Complete new -- and I repeat, a new traffic study.

Number 3, and that should be -- Number 2, therefore, should be tabled tonight.

Number 3, in regard to the construction, there are enough questions being asked of 1 and 2 that apply to potential changes, revisions in the construction for Number 3.

All three applications, if this Planning Board is doing their job, listening tonight, to all these people -- not just me -- should be to table all three and keep the Public Hearing open.

Thank you.

LINDA SCHMALFUSS, 35 Attridge Road

MS. SCHMALFUSS: Linda Schmalfluss, 35 Attridge Road. I do have one more question. Are either of the Town lawyers or their firm -- have they ever represented Joe Gizzi, John Gizzi, Gizzi Real Estate Holdings, LCC [sic] or any member of their family?

MICHAEL NYHAN: Any other comments? Seeing none.

Jared (Hirt), do you have -- you have something -- you have something relative to the application?

JARED HIRT: In response to the applications that are pending?

MICHAEL NYHAN: First application.

JARED HIRT: Yes. So I do have some questions for the applicant regarding the application itself.

Regard to -- so the applicant -- application was signed by Joe Gizzi personally; is that correct, Kris?

MR. SCHULTZ: Sure.

JARED HIRT: And then what is -- John Gizzi owns 4423. What is his role, if any, in Gizzi Real Estate Holdings, LLC?

MR. SCHULTZ: Basically a family business. So what will happen -- the portion of the land that was going to be combined to make Lot 1, there will be a deed that will be in place -- prior regard -- this is very typical of most subdivisions. I'm sure you have had many folks come to the Town having a lot subdivided off a farm, for example. Part of the site planning also includes a subdivision creating that lot and the requirement for merging two lots at the Monroe County Real Property Office is that the properties end up in the same name.

So prior to recording of the map, there will be a deed that will basically create common ownership between the two parcels to be filed.

There -- there is nothing unusual to have applications brought before the Board for subdivisions with different owners. In this case, it's all in the family. The different names basically, you know, of ownership just relate to the time when the properties were purchased. So there isn't really any issue other than showing that, you know, right now the parcel to the west was -- was purchased by John. The parcel to the east was Gizzi Development. And in keeping with a number of other projects, um, as they're developed, they're merged together, transferred to different entities within the Gizzi group of LLCs. So there really is no --

JARED HIRT: The ultimate goal, though, is to have the legal owner after this application -- assuming it was approved -- be Gizzi Real Estate Holdings, LLC.

MR. SCHULTZ: Yes. Generally that is the portion -- correct me if I am wrong, Joe -- that's the portion of their business that gets into the development themselves of -- you may also know a lot of times developments go for funding and they basically may create another entity that actually does the building. Or there may be an entity involved when everything is all said and done that runs and maintains the place, all under the hierarchy of Gizzi. So -- so yeah, absolutely.

JARED HIRT: So from a legal standpoint, um, the -- there should be an acknowledgment or something from John Gizzi indicating that he is in favor of this application.

MR. SCHULTZ: Yep. Yep. And we can even provide something where, you know, Joe (Gizzi) is acting as agent, too --

JARED HIRT: Yes.

MR. SCHULTZ: -- as part of the application if that helps out to keep the record clear. It is very easy to provide that.

JARED HIRT: So I would -- assuming that the other two applications are going to be tabled -- and that's up to the Board -- I would table the first application with the understanding that that would give the applicant time to submit an acknowledgment from John Gizzi indicating that he is in favor of this application and authorized this application. That would take care of any potential legal issues that anyone in the audience would likely be concerned with.

MICHAEL NYHAN: Okay. Thank you. At this point we'll leave the Public Hearing open.

MR. RETTIG: Just a comment. That there should be -- I appreciate your input, sir. That there should be a legal document so indicating that this has been approved as far as the entities asking for this application; is that correct?

PAUL WANZENRIED: That's what he just said.

MR. RETTIG: Thank you.

And the second item -- just verifying, but thank you.

The second item is that there be some verification that there is no potential conflict of interest for the Town Engineer and any association working with Gizzi, LLC.

Thank you.

JARED HIRT: Everyone here that is either employed by the Town -- we obviously have to adhere to our own set of standards. And if there's a conflict of interest, then there has to be -- obviously somebody who has a conflict has to step down.

So to the extent that no one has, I'm going to go out on a limb and say there is no conflict. So -- but I understand your comment.

MICHAEL NYHAN: Any other comments? Okay. Seeing none.

You are going to make a request, I think, to table the applications?

MR. SCHULTZ: Yes. Certainly based on where we are with the project and the concerns that were brought up -- as I mentioned, we're very confident we could address each and every comment that was brought up. We have worked through the comments from the Town Engineer. I look forward to meeting with him next week.

We have yet to receive Conservation Board comments so it is hard to address those without seeing those, but certainly we'll take care of those.

As mentioned in my presentation, I would like to return to the Board at a point when we have those concerns addressed. And be happy to continue with the project. So I would ask you to table it, that's fine and we'll contact you when we're ready to come back.

MICHAEL NYHAN: Okay. Thank you.

So based on request of the applicant -- of Applications 1, 2 and 3 -- application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Road, Rochester, New York 14624, owner; for preliminary subdivision approval of 2 lots into 1 lot at property located at 4415 Buffalo Road (Lot 1) and 4423 Buffalo Road in RM District.

As well as the preliminary site plan approval to construct a 4,050 sq. ft. medical office building at property located at 4415 Buffalo Road (Lot 2) in GB District.

And for preliminary site plan approval to construct three two-story residential multiple-family buildings with 20 units; convert existing two-story medical building into 12 residential multiple-family units at property located at 4415 (Lot 1) and 4423 Buffalo Road in RM District(s).

I will make that motion.

GLENN HYDE: Second.

DECISION: Unanimously tabled by a vote of 6 yes per the applicant's request. The Public hearing has been left open.

DISCUSSION:

1. Application of Cook Properties, Jeffery Cook, 90 Air Park Drive, Suite 400, Rochester, New York 14624, Superior Homes CP-LLC, owner; for a recommendation for Incentive Zoning from GB to LI with Incentive Zoning at property located at 50 Air Park Drive, Rochester, New York 14624 in GB District.

Jeffrey Cook was present to represent the application.

MR. COOK: Good evening. My name is Jeff Cook from Cook Properties. We are requesting incentive zoning for the property that we own at 50 Air Park Drive.

There was a pause in the proceedings.

MICHAEL NYHAN: Okay. Name?

MR. COOK: Jeffrey Cook from Cook Properties. We are here before you tonight to request incentive zoning for our -- property we own at 50 Air Park Drive.

For the most part -- building itself is -- is within compliance. We're really looking for the incentive zoning to allow us to -- to convert and construct a -- a climate-controlled and drive-up storage units on -- on the property. The -- a couple of things we're looking for to be handled by the incentive zoning request is a 6-foot tall security fence on the front part of the property, the north part of the property. And the other thing is our lot coverage, the GB District allows for 30 percent and we are slightly -- slightly over that in our request of 32 percent. The remainder of our concept plan which has been submitted is fully compliant with the General Business zoning regulations.

MICHAEL NYHAN: You have LI, right? You want to go to LI, you said?

MR. COOK: Sorry?

MICHAEL NYHAN: You want to go from GB to LI, correct?

PAUL WANZENRIED: Yes.

MR. COOK: Yep.

MICHAEL NYHAN: Okay. So we would be considering what would be permitted in the LI? Correct?

MR. COOK: My understanding is that we're just looking -- incentive zoning -- we're not looking to change the zoning. We're just looking for --

MICHAEL NYHAN: Relief from the zoning.

MR. COOK: Relief from rezoning.

MICHAEL NYHAN: You're looking for relief from the LI zoning. Not GB zoning.

MR. COOK: My mistake. Again, my engineer sent me out here by myself, so.

MICHAEL NYHAN: Sorry. Go ahead.

MR. COOK: I just was making a joke. My engineer sent me out here by myself, so.

That is really it. You know we also have a retention pond which is a -- we're -- we'll obviously continue to use that and make any adjustments that we need to make. I can show a couple of pictures here.

This is the -- this is the current building. You guys want to see? It is -- it is a vacant building. It has been vacant for several years. We have owned it for about a year and a half now. And we're -- like I said, we're looking to go convert it to climate-controlled storage. And then in addition to --

MICHAEL NYHAN: Which one is vacant? The two-story or the one-story down below?

MR. COOK: In the front part of the building here (indicating) you can see it is 1 1/2 -- it's two stories.

MICHAEL NYHAN: That is the front of the building you're showing us and the back --

MR. COOK: Yes. These are the same buildings. The front is two-story and then the rear section is one-story. This is actually our -- our real estate headquarters next door at 90 Air Park Drive. And then we're -- to the east and to the west is the RG&E facility.

MICHAEL NYHAN: Those are the rolls of wire along the property line there.

MR. COOK: Yes, sir. That is what we get to look at every day. But yes, that is where they store all their -- all their equipment and -- and -- and wire.

MICHAEL NYHAN: Okay.

MR. COOK: This is just a mock-up of a site plan we're looking to do here. Again, here is the exist building. Our headquarters is over here (indicating). This is the north. The airport over here, Scottsville Road here (indicating).

In addition to the current building, we wanted to add four more drive-up storage buildings which equate to approximately 25,000 square feet in total for the drive-ups. I failed to mention that the climate controlled building is approximately 33,000 square feet.

That's really it. Happy to answer any questions I can. If I can't, I'll have to get back to you.

MICHAEL NYHAN: Okay. So just for some clarification, the LI District, there is a few variances need. There is setback variances, front yard security fence, which you have mentioned and side and rear setbacks and a sufficient lot width which you mentioned. So for your setbacks, um, on the east side, which is adjoining -- is it --

MR. COOK: Right here. Is that it?

MICHAEL NYHAN: Yes. But along the back, what is the building to the east side of your office building there?

MR. COOK: Um, this is AmChar.

MICHAEL NYHAN: Okay. So AmChar comes all of the way back to that one corner; is that correct?

MR. COOK: That's correct.

MICHAEL NYHAN: That side setback you're looking for zero setback; is that correct?

MR. COOK: That's correct.

MICHAEL NYHAN: So your buildings will be up on the lot line; is that correct?

MR. COOK: That is correct, yep.

MICHAEL NYHAN: And then for the rear setback, you're looking for 13.6 feet?

MR. COOK: Yes. In the very corner we are, yep.

MICHAEL NYHAN: Entire length of your property backed up to the State of New York's trail, correct?

MR. COOK: Yes. Yep.

MICHAEL NYHAN: And then to the west you have your storage for RG&E?

MR. COOK: That's correct. Yep.

MICHAEL NYHAN: All right. Okay. I just want to be clear on the setbacks, because that's the biggest portion of this that you're looking for in this incentive zoning and then, of course, the 6-foot fence along the front of your -- actually, it's almost around the whole building, isn't it?

MR. COOK: Yes. We actually want to fence -- in the front, along -- we would use -- along here is actually already a fence (indicating). We would go along the back. We would use the building as fence over here (indicating). And then, of course, just a little jog right there. And then we actually would fence over here, too (indicating).

MICHAEL NYHAN: Okay. Okay.

MR. COOK: There would be a gate access, 24/7 access.

MICHAEL NYHAN: Okay.

MATT EMENS: Jeff (Cook), the one that backed up against the lot line, I guess I didn't really see that one -- um, Mike (Nyhan), based on what you just said -- does the lot line request go away other than the fence with that zero side --

MICHAEL NYHAN: What do you mean do they go away?

MATT EMENS: Well, I mean we don't have a variance issue if that whole 190 feet goes away. We have the side setback at zero. What else are -- the fence -- I mean fence will be there no matter what. I guess I'm just saying that portion of the request starts to -- it seems like everything else -- seems to make perfect sense. That one just kind of --

MICHAEL NYHAN: The zero setback? Yes. That basically means there is no setback for them to build on the property line for the property next door.

Is there anything in the building code that I would assume requires the building to be a certain distance from the property line?

PAUL WANZENRIED: They can build to the property line with proper construction.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: But they may need to -- they may need a State variance.

MATT EMENS: He does.

PAUL WANZENRIED: Because of clearance.

MATT EMENS: It's 5 feet between structures on opposing property lines.

PAUL WANZENRIED: That is the State, not us.

MICHAEL NYHAN: So regardless what we did with this, he would still be required to have a 5-foot setback at the minimum?

PAUL WANZENRIED: Yeah.

MATT EMENS: You may have an issue there.

MR. COOK: Which structure?

MATT EMENS: Long, at the top of your drawing.

MR. COOK: Right here (indicating)? This building stops up here. This is not --

MICHAEL NYHAN: We understand that, but the State doesn't permit a zero foot setback which is what they're requesting.

MR. COOK: Understood. Regardless also if there is no building there?

MICHAEL NYHAN: Regardless.

MATT EMENS: I think it might be an issue. Other than that, I don't have any questions.

MICHAEL NYHAN: There are several site plan issues that I won't get into now, but as far as distances and the ability to move between buildings, the short distance of 25 feet -- that corner building, so part of that density issue -- it's a site plan issue that can be addressed. It will need to be addressed before we get approved even if you did receive the incentive zoning because we're not approving the site plan. Just your variances.

MR. COOK: Correct.

MICHAEL NYHAN: I just want to give you that information so you can prepare for it.

MR. COOK: We understand there are still some quirks to work out.

MICHAEL NYHAN: The same with the proposed self-storage building along of the west side of your current four-story building. There is no area for a vehicle to stop to load or unload. You would be in the driving lane, because there is a driving lane right up against the building, right?

MR. COOK: Right here (indicating)?

MICHAEL NYHAN: No. In between the -- internal storage, climate-controlled and then your new proposed self-storage building.

MR. COOK: Right here (indicating)?

MICHAEL NYHAN: Yes. So just --

MR. COOK: There is about 40 feet in between there.

MICHAEL NYHAN: You have a loading zone for one building but then the driving lane which is 24 feet -- so if somebody stops, you're down to a single lane if somebody is in the loading zone. So again, it's site plan stuff, but something that you will probably need to address when you come back to us if this incentive zoning were to get approved by the Town Board. There were just very large glaring things that I wanted to mention to you. But other than, I'm sorry. Go ahead.

DAVID CROSS: Landscaping?

MR. COOK: Um, I mean we're open. I mean -- this is our building over here. You see what is next to us. There is nothing residential around us.

DAVID CROSS: If you look, you could do 1 percent to the Town. Just a question.

MICHAEL NYHAN: Something to consider when you come back again. It is part of the site plan. We're trying to give you all of the information that you will be needing if this does move forward with the Town Board and you come back.

MR. COOK: Sure.

MICHAEL NYHAN: All right. So I believe the incentive you're providing is a \$40,000 cash incentive -- is that correct -- to the Town?

MR. COOK: That's correct.

MICHAEL NYHAN: So this would be whether to just recommend or not recommend to the Town Board for this incentive zoning. Again, the only concern I have is that one 5-foot setback to the east.

MATT EMENS: The question and --

MICHAEL NYHAN: It becomes 5 foot, but it is still 5 foot. I don't know what is back there. But once again, if we get that, that is for the life of the land, if you will, in perpetuity. I

understand what is back there, but once again --

MATT EMENS: So what would we say on that? Just concern about the density in that back portion or what would you --

MICHAEL NYHAN: We could certainly -- outline any concerns the Board would like me to outline in my letter to the Town.

MATT EMENS: I think it's the back building and just -- and those zero --

JOSEPH DEFENDIS: In one sense it simplifies everything --

MICHAEL NYHAN: Say it again?

JOSEPH DEFENDIS: -- if that went away.

MICHAEL NYHAN: The zero foot setback.

MATT EMENS: That's what I think, too.

MICHAEL NYHAN: All right. Anything else? Zero setback. Is there any other -- I don't see a problem with a 6-foot fence. Is there any issue with a 6-foot fence in the front yard in this area?

MATT EMENS: No.

MICHAEL NYHAN: All right. SEQR will be done by the Town Board for this. So this is to recommend or not recommend the -- to the Town Board for incentive zoning the application of Cook Properties, Jeffery Cook, 90 Air Park Drive, Suite 400, Rochester, New York 14624, Superior Homes CP-LLC, owner; for a recommendation for Incentive Zoning from GB to LI with Incentive Zoning at property located at 50 Air Park Drive, Rochester, New York 14624 in GB District.

I will note that concern of the side setback of zero feet to the east.

GLENN HYDE: Second.

DECISION: The Chili Planning Board agreed to report to the Town of Chili Town Board:

1. Concern regarding the 0.00' side setback on the northeast property line where the proposed 15'x190' self-storage building is located. The Planning Board did not provide a specific setback. However, we understand New York State requires a 5' setback and would recommend the incentive zone follow the NYS requirement of a 5' setback.

After a review of the documents provided, a presentation from the developer and their representatives, and the Board's questions to the applicant, the Planning Board voted 6-0 in favor to recommend rezoning.

MICHAEL NYHAN: I will prepare a letter to the Town Board to recommend the incentive zoning with the concern we have for the side setback.

MR. COOK: Thank you.

MICHAEL NYHAN: You're welcome.

2. Application of King Park 2022, LLC (Andrew Viera), PO Box 170, North Chili, New York 14514, owner; for preliminary site plan approval to construct a total of eight buildings (six buildings 80' wide by 200' long and two buildings 80' wide by 100' long) at property located at 30 King Road in LI District.

MICHAEL NYHAN: Is the applicant here? Are you the applicant, sir?

MR. YORKEY: No. I was going to speak.

GLENN HYDE: That's why we're all staring you.

MR. YORKEY: I was going to speak.

MATT EMENS: Dorothy (Borgus), did you start an LLC while you were home?

(Laughter.)

MICHAEL NYHAN: The fact there is no application for that -- that application will not be heard.

MR. YORKEY: Can I ask a question?

MICHAEL NYHAN: Hang on a second. Is there any other motion -- we just won't hear it. It is off the agenda.

JARED HIRT: Applicant is not here. We won't hear it.

MR. YORKEY: I'm Roy Yorkey and I live on Leah Lane, King Forest Estates. I was just kind of concerned what buildings are going in there. Those are pretty large buildings and -- we don't know anything, but it's like --

JARED HIRT: Sir --

MICHAEL NYHAN: That is the whole purpose for tonight's hearing -- was to hear that. Because it is not being heard, we can't answer that. And they were going to come in for an informal discussion. There was no Public Hearing tonight. If they do come back for a site plan approval, there would be a Public Hearing. At which time --

MR. YORKEY: I will watch the schedule and come back again?

MICHAEL NYHAN: Yes.

MR. YORKEY: Okay.

Well, it was kind of interesting on the other part.

MICHAEL NYHAN: Thanks for your participation.

No other applications, motion for last month's minutes?

MATT EMENS: I will abstain because I wasn't here.
GLENN HYDE: Second.

Michael Nyhan made a motion to accept and adopt the 6/13/23 Planning Board meeting minutes, and Glenn Hyde seconded the motion. The motion was approved by a vote of 6 yes with 1 abstention (Matt Emens).

The meeting ended at 9:08 p.m.