

CHILI PLANNING BOARD
December 12, 2023

A meeting of the Chili Planning Board was held on December 12, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Joseph Defendis, Matt Emens, Glenn Hyde, John Hellaby and Chairperson Michael Nyhan.

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

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

PUBLIC HEARINGS:

1. Application of Daniel Thomas, P.O. Box 52 Spencerport, NY 14559 owner/applicant; for preliminary site plan approval to construct three (3) buildings (15,000 sq. ft.) with leasable space at the property located at 296 Fisher Road. RA-10 District with Incentive Zoning

John Sciarabba and Dan Thomas were present to represent the application.

MR. SCIARABBA: Good evening, Mr. Chairman, members of the Board. My name is John Sciarabba representing TAOUK Development and Mr. Thomas this evening. Mr. Thomas is here and can answer any questions that I cannot.

I know that the Board is familiar with this property. We were here back in February of this year for a request for incentive zoning.

We were back in May of this year for a request of incentive zoning and the Town Board rezoned this property to incentive zoning on July 12th of this year.

The plan I had -- showing you is what we looked at back there in February. And the plan hasn't changed much at all that you see before me -- before you.

We are proposing three buildings. These buildings are 15,000 square-foot size and each of these has 10 units. 1500 square feet.

This is a flex space development. It will be serviced by public water, sanitary sewer, gas and electric. This lot is relatively flat.

The Board may recall that we had a wetland delineation done early on on this project and we determined there are no wetlands and we provided the Town a jurisdictional determination from the Army Corps that there are no wetlands on this site.

The project is laid out very, very well. All -- all of the doors for the buildings and all of the parking is directed inward in this triangular fashion. So we took in account to try to minimize the impact to the neighbors. We have no pole lighting to keep the light spill down.

We're surrounded on two sides by RG&E, their development, which is their substation, which will not be much of an impact.

And then further to the north we do have a residential home, but the majority of that is a wetland and low area.

The project is to function as a flex space servicing contractors, hobbyists, even someone that wants to store vehicles in each of the units. We have been successful with this product in the Town of Avon and in Webster. And I see this continuing to grow as the need arises for people to have small businesses that want to get out of their house and use a product like this.

The -- as I mentioned, the site is relatively flat. The area between and the buildings, the working area of the site is approximately 10 feet lower than Fisher Road in this area. So it kind of drops down. So it is going to be a well-hidden site along with the landscaping we're proposing. The closest building, the western building is about 150 feet off the right-of-way. We have a single gated access to the project.

We are very aware of the owner to the north and his need for screening, so we have approximately 28 trees proposed along that. Those are spruce trees to try to buffer any light spill and impacts to that neighbor.

We have -- we have received comments from the Town Engineer.

We submitted plans to Monroe County Water Authority, Health Department and Pure Waters. Those agencies have reviewed the plan, made comments and are ready to sign off. That includes the backflow preventer and the Monroe County interceptor path that we're proposing.

We have also submitted the Storm Water Pollution Prevention Plan detailing and the pond and the bio retention areas that are proposed. Basically on the stormwater side, um, everything -- we have some bio retention areas that are behind the buildings.

We also have -- if you recall, there is -- in the center of the parking lot there is an open area that we're going to -- another bio retention area and then the water will be directed to the

northeast corner of the property, to our stormwater management pond and then after that, it will go into that tributary of Black Creek.

Some questions have arised. I think one of the main things are parking. Looking at the plan, um, you know, and what the Town Engineer spec'd looking at this, we may be looking at a different kind of code related to parking. What are we doing? Are we doing manufacturing? What are we in line with?

Our standpoint is that the Town Board looked at this property and that plan and had a -- assumed they -- they saw what we had there and the parking shown, um, that they agreed with us and basically what we have tried to do with the current site plan is we have increased the parking from the concept plan by 25 percent.

I think if we look at the Town of Chili's warehouse and storage facility code, they're looking at basically 100 -- one spot for over 400 square feet. So that equates to a need of 112 spots for this property. And we show we're a little deficient of that with our outdoor parking with around 79 spots. But I was looking at that and I can understand there is some concern, do we have enough parking.

We do have plenty of parking, but if we look at the buildings themselves and the units, these units are 25 feet wide, 60 feet deep. If someone were to park two cars in each of those units, there is 60 more spots. So that puts us up around 140 spots that could be serviced very easily on this site.

But the site is not intended to be heavily parked. It is set up for a contractor. Let's say a mason rents one of these units out. All his crew is on-site. They need a tool, a saw. They run to here, grab it and go back. We're not proposing a lot of that, of additional parking or people coming here to park for a long period of time like a service station.

The -- the -- the other thing that happens here is it could be someone that wants to park an RV. One spot, they will park there and very rarely go to his -- have a need for additional parking. So we think that this site will service well for parking as it is currently laid out. I think it works well for traffic flow.

And we can speak more to that if you have additional questions.

The other thing if I can just turn over to the -- so the proposed buildings -- I just want to give the Board a flavor what is going on. They're metal buildings. They will be brown metal with a black roof and black trim. Consistent with what is shown. We also have a picture of something that's being built in Farmington currently. The buildings are -- the top of the building, not including the pergola on top is 27 1/2 feet high and the eave where the gutter is is 18 feet high.

So, if you look at that, what I said earlier, that these -- these buildings are set about 10 feet lower than Fisher Road. You're really only going to see about -- about 17 feet of the building when you drive by.

Again, these doors are directed inward, into the center of the property, so we won't have any negative impacts to the outside of the property. And I think the buildings are well suited. So each unit will have a 14-foot door along with a man door. Each unit is gonna have its own bathroom. And that's about as much of the building.

While -- we prepared a landscape plan as I mentioned. The plans are very detailed. But I think at this point I can address any questions you have related to the site plan.

JOSEPH DEFENDIS: Outside of the parking, which is an issue, do you see any issue with correcting the storm? There was a comment by the engineer about the storm at 0 percent grade. As an issue.

MR. SCIARABBA: I'm not -- I didn't understand that comment. He said we're 0 percent green?

JOSEPH DEFENDIS: Grade.

MR. SCIARABBA: Grade?

JOSEPH DEFENDIS: The storm sewers are 0 percent grade.

MR. SCIARABBA: I have to look into that. I mean there's numerous sections of the storm sewers. Some of them are relatively flat in the bio retention areas. That's done on purpose, and I'm sure we can work with the Town Engineer --

JOSEPH DEFENDIS: Okay.

MR. SCIARABBA: -- on those issues.

JOSEPH DEFENDIS: That's all I have got.

MATT EMENS: John (Sciarabba), you -- you talk about the parking and the different potential uses. I'm not interested in over-building the parking, but at the same time we don't talk about it much anymore, but like land-banking. I mean can you get the spots so that if it was an issue in the future? Because I mean if you have -- yeah, it's probably going to be a variety of uses and it's going to be ever-changing, depending on the lease length and how long people need them for.

But if you've got a few of these 32 foot spots and then, you know -- in a year, you need 10 of them instead of 5 of them, you -- I just -- there needs to be some flexibility there.

MR. SCIARABBA: We would be very open to that. If there's a need that we -- that -- if we have a lot of open spots, we could take those out if needed over time.

But we're very aware of the uses -- you know, a contractor with a trailer, we have kind of set those spaces up for them. And very open to that. They could have let's say a backhoe sitting out there. We told the Town Board and really said it's going to be open storage. We also looked at some areas where they could store mulch and sand and other products on the site, as well.

MATT EMENS: That -- because there were some questions in there about the different

spaces.

MR. SCIARABBA: Yeah. There's a lot of different spaces to create that flexibility. Where we are proposing the open outdoor storage of materials is in the extreme northeast corner where the 10 by 10 spots are -- or excuse me -- 20 by 20. And I figure we would put jersey barriers up if there is a need for topsoil where they could grab that and go.

But we'll work with the Town if there is a need to remove asphalt or not put it in. If Mr. Thomas feels that it's an overkill.

MATT EMENS: Well, I guess the concern is we're not meeting spaces. Am I misunderstanding that -- base -- based on the way you explained it.

MR. SCIARABBA: I guess what -- I guess from the Town Engineer -- we'll let him speak to it. Looking at the section of code that he brought up, we're deficient of spaces, from my understanding. Didn't have enough.

MATT EMENS: Right.

MR. SCIARABBA: My calculation is we go with the 400 square foot per -- we need -- what did I say? 400 square foot -- one spot for every 400 square feet. We need 112 spots. And right now we show 79 open-air spots.

And then if I said, "Okay. Let's put two cars in each unit," that bumps us right up to the 139 in the code. So I think outdoor spots function under the code, but if we account for spots in the building, we go over. So I think it is up to the Planning Board's purview to make a decision on that and we're willing to --

MATT EMENS: So you have shown the suites as -- the fact there is 1500 square foot suites. Are they -- are they divided that way right from the beginning?

MR. SCIARABBA: Yes. Unless they're -- in our experience -- I have a project in Avon where there's two suites they wanted a bigger spot. We still put the doors in. We just basically took out the wall between them.

MATT EMENS: Yeah. I just think if I were renting it, I wouldn't rent more space to park my car inside or my vehicles inside. That is all I'm getting at. I would probably say, "How many parking spaces do I get with my 1500 square feet?"

MR. SCIARABBA: Right. Yeah.

MATT EMENS: Okay. Just trying to understand it.

MR. SCIARABBA: It's such a unique -- there's -- for example, the one in Webster, there's a guy who is a woodworker. He's got all of his woodworking equipment there. He drives around on Saturday. Has fun. One spot. All week there is no one there. So it is a very flexible way to go.

JOHN HELLABY: Has an incentive been dealt with yet? I mean I know originally you talked about the dog kennel which did not meet with open arms, but where are we at with that?

MR. SCIARABBA: That is why you saw the project twice. In February we came to you with an incentive zoning for a dog kennel and then we came back to you in May and the incentive zoning the Board voted on was a cash payment.

JOHN HELLABY: Cash payment you ended up with. All right.

Where do we stand with approvals from Monroe County Health, water, Pure Waters, all those --

MR. SCIARABBA: Those agencies I mentioned before, they have received the plans, we've made edits to the plans, resubmitted them and they have to sign.

JOHN HELLABY: Do you have letters to that fact, something prior to approvals (indiscernible)?

MR. SCIARABBA: No problem.

JOHN HELLABY: One of the biggest things on your parking spots is that apparently there is no handicapped spots actually shown.

Have they been added to the drawing?

MR. SCIARABBA: We have corrected that.

JOHN HELLABY: How many spots handicapped wise did you end up with?

MR. SCIARABBA: I would have to go to the Town Engineer's comments. We just went through that today. I believe three, but don't hold me to that. But we'll meet whatever the requirement is.

JOHN HELLABY: You meet all of the zoning setbacks?

MR. SCIARABBA: Yeah. We added three spaces. So that will reduce the number by three. Yes. We do meet all of the zoning. So on the sides it's 50 foot setback.

JOHN HELLABY: You need any variances?

MR. SCIARABBA: We don't need variances.

JOHN HELLABY: Snow storage?

MR. SCIARABBA: It's shown numerous places on-site. We can store it in the middle, in that triangular area and push it off to the sides, as well. Obviously southwest and east.

JOHN HELLABY: Is this one of the plans that they asked for turning movements on?

MR. SCIARABBA: Yeah. What we did is we -- we -- we added radiuses to the pavement sections and showed those on the plan.

JOHN HELLABY: All right. I guess we still need to discuss the outside storage a little further because I'm not pleased with piles of stuff. That's all I got right now.

MICHAEL NYHAN: So this -- you say parking an RV. This will not be a storage area for people to park boats and RVs? It is for active usage of the flex space.

MR. SCIARABBA: Active uses, but that is a use that has happened. If someone wants to spend -- you know, this is not cheap storage just to store lumber out of. Let's say it's \$2,000 a

month and you don't want to winterize your 45-foot boat, that does happen.

MICHAEL NYHAN: And I notice there is no access to drive around the back of the building, so there would be no storage, I would assume, behind the buildings; correct?

MR. SCIARABBA: No. The only storage will be inside the buildings and on paved surface.

MICHAEL NYHAN: And the only spot that you mentioned you would store is in that northeast corner where the bio retention and stormwater --

MR. SCIARABBA: Yep. That is a function of doing numerous projects of this type. It always ends up happening where there's a contractor that wants to put some mulch out or salt and that has, you know, been a problem. So we wanted to identify that early on.

MICHAEL NYHAN: Okay. And I think -- you received jurisdictional determination -- for that.

One thing to comment, which we talked about earlier, is that we have not received any of the County Comments. That's for the rest of the Board to know that. So that is why you haven't seen all of the comments yet. So tonight we will review the entire project. We'll open the Public Hearing, but without County Comments, we won't be able to do SEQR.

So you will be back next month. We'll table it and be back next month for preliminary and final, correct?

MR. SCIARABBA: Correct.

MICHAEL NYHAN: I know you sent a whole bunch of documents over today, but I haven't had an opportunity to read them.

Do you see any problems with any of the engineer's comments to date that you will not be able to address --

MR. SCIARABBA: Not at all.

MICHAEL NYHAN: -- or that would create a problem?

MR. SCIARABBA: No.

MICHAEL NYHAN: You will be able to address those by the next meeting, I assume?

MR. SCIARABBA: I think we went through it pretty thoroughly already and resubmitted the documents to you today and we'll continue to work with the Town Engineer to make sure he is satisfied before next month's meeting.

MICHAEL NYHAN: Excellent. Thank you.

GLENN HYDE: I echo what Al (Hellaby) mentioned briefly there. The outside storage is a concern. I can see if people had piles of mulch and gravel and dirt, it could certainly start to look like a landfill pretty quickly.

MR. SCIARABBA: Right.

GLENN HYDE: There has to be some sort of regulation around the outside storage.

MR. SCIARABBA: Well, I can tell you a little bit about Mr. Thomas and about how he keeps his worksite and his home and his quality of work. He's going to keep an eye on this himself. But if the Board feels they need to put some teeth into a resolution, we'll certainly adhere to that.

MICHAEL NYHAN: Is there an RG&E substation to the west towards the airport?

MR. SCIARABBA: It's not directly east.

MICHAEL NYHAN: I'm sorry. Right. East. Okay.

MR. SCIARABBA: There's an -- access road is along our south line.

GLENN HYDE: That's all I got.

MICHAEL NYHAN: If I could real quick, on that topic, if you could give us some examples where you would put storage and how you would do that.

MR. SCIARABBA: Right now we have -- it is just east of the northern building and just north of the eastern building there is 4 sites that we have identified as 20 by 20 sites.

What we -- what I have seen typically happen is they will put concrete jersey barriers and create a three-sided figure where they would put mulch in those areas or sand or another product and they would pull from those.

MICHAEL NYHAN: Got it. Thank you.

DAVID CROSS: John (Sciarabba), just one comment. You don't have comments from the County yet, but I know the Airport usually isn't crazy about these storm water management ponds so close to the runways.

Any idea or --

MR. SCIARABBA: Yeah. I think your point is well taken. It is hard to see in the map and I can probably show you -- Mr. Cross, right up in this area, it's kind of a swirly part. This is a tributary to Little Black Creek. It is just really a low area. I don't see it impacting -- as you know, those ponds are really not full of water all the time. We would just make sure we could identify what is going on.

DAVID CROSS: Yeah, I understand. That's all I have.

PAUL BLOSER: I just have one question for clarification. Is the dog kennel a dead issue or is it still there?

MR. SCIARABBA: That's not an issue any longer.

MICHAEL NYHAN: It has been moved. It won't be on this location.

PAUL BLOSER: Thank you.

MICHAEL NYHAN: Any comments from the Side Table before I open the Public Hearing?

PAUL WANZENRIED: Your handicapped spot there across from Building 100 -- do you see it, John (Sciarabba)?

MR. SCIARABBA: Yes.

PAUL WANZENRIED: The unloading zone, I would like you to move that so that it provides -- it's dual purposed so it provides accessibility to the hydrant there that you can move down into the --

MR. SCIARABBA: Basically slide it east a few spots?

PAUL WANZENRIED: Yeah. Slide it down to the east a few spots. That way it is dual-purposed. It will provide the Fire Department emergency responsive access to the hydrant and also serve as an unloading zone.

MR. SCIARABBA: No problem.

PAUL WANZENRIED: Suite 210, there that -- will that be -- accessibility to that be an issue if you run a jersey barrier out for any sort of storage there? And that storage that you have there, you also labeled snow storage.

Does that impact your snow storage?

MR. SCIARABBA: Yes and yes. So we'll have to look at that a little closer, Paul (Wanzenried).

PAUL WANZENRIED: Okay. There is are no lights -- I see you have wall parks -- at least it looks like wall parks in the front of the building. There is nothing to the backside; is that correct?

MR. SCIARABBA: That's correct.

PAUL WANZENRIED: Okay. And I -- I think -- just -- maybe delineate and depict what type of materials you would store in there. The Town will probably make a condition no noxious commodities are stored. You're not dumping concrete back there. You're not dumping extraneous asphalt, items like that.

Also, the Town may want to consider a condition that no motor repair be conducted at the site. Because once you do that, John (Sciarabba), you're going to get into oil separators and that sort of thing. So -- just something to think about.

MR. SCIARABBA: Yeah. If we go down that path, can I confer with my client to see if that is --

PAUL WANZENRIED: Yep. I don't know if he can do that from a covenant in the lease or something like that.

MR. SCIARABBA: I think if -- knowing him as well as I do, if we had to put an oil/water separator in for one or two of these buildings, it wouldn't be a challenge. He is trying to capture the market share of clients.

PAUL WANZENRIED: Is it this project -- I believe it is -- there was a comment there is going to be one restroom -- is that per building or --

MR. SCIARABBA: Per unit.

PAUL WANZENRIED: Per unit. Okay. That wasn't clear to me. Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Dorothy Borgus, 31 Stuart Road.

The only comment I guess I would have at this point is that this -- the Board has to be pretty careful to put a lot of -- I guess you call them conditions on this if they approve it because I can see that this could turn into some serious problems and what isn't written isn't said later. So just be sure that you get this buttoned down so that there is no question afterwards because this kind of a project is, I think, fairly new to Chili and we -- we don't want this to be a learning process. We want to have this firmly set in place before we get involved.

When I was here before, I remember the subject came up about like where was their trash going to be held? Was everybody going to have outside trash containers? You know, could they repair equipment in the parking lot or outside of their unit? Were they going to have trash pickup? I can think of all of the questions that came up before and they were good questions.

So maybe when you're doing -- when you're finalizing this, you ought to go back and get your notes from the first couple times when they were here and maybe that will tickle your memory as to what we need to take care of right off the bat.

Thank you.

MICHAEL NYHAN: I will be leaving the Public Hearing open for the next meeting.

Any other discussion or comments or information you want to provide for John (Sciarabba) so that the next time he comes back he has all your feedback?

John (Sciarabba), you were aware of those previous comments about trash pickup? Maybe you can address that. Have you addressed the trash pickup?

MR. SCIARABBA: We have a dumpster enclosure noted on the -- on the west side of the north building as a central location and I think we have put that there because the truck can come in directly -- hit it from the front and go back.

So that's -- that's the area that we see that we would spell out for that removal. I think that's -- I can't speak to what the -- what other conditions of approval you want to put on the plan.

MICHAEL NYHAN: Yeah. That's a point well taken. We do have notes from the other one.

So you want --

PAUL WANZENRIED: John (Sciarabba), are you gating the facility?

MR. SCIARABBA: Yes.

PAUL WANZENRIED: You will? Okay. Thank you.

MICHAEL NYHAN: Is there going to be a timed gate or can people come in wherever they want? Can they come in at 3 a.m. if they want to?

MR. SCIARABBA: If they're a tenant, yes.

MICHAEL NYHAN: It will be electronic entry so you will have to have an active key card of some sort to get in and out?

MR. SCIARABBA: Right.

MICHAEL HANSCOM: With regards to the dumpster enclosure, you still need to provide an installation detail for it. Concrete pad and the fence.

MICHAEL NYHAN: I think, Michael (Hanscom), you have to have a size -- excuse me -- a size for the number of tenants they would have, as well? Is that estimated? Because it's one dumpster for all three buildings; is that right? I just see the one dumpster.

MR. SCIARABBA: One dumpster enclosure. It might be two dumpsters. It's at least 20 feet wide, so there might be two dumpsters in there.

MICHAEL NYHAN: Okay. Will they be permitted to dump construction materials in there or is this just for garbage?

MR. SCIARABBA: Again, we're not bringing -- hoping they're bringing -- other than their tools from the worksite -- anything else from the worksite here. It would just be on-site rubbish.

MICHAEL NYHAN: Will that be part of -- when you lease something, part of what is being told is they can't bring construction materials back for -- for dumping?

MR. SCIARABBA: That's correct. Mr. Thomas will be paying for that, so he doesn't want to pay for more than one -- someone else filling it all up. And obviously with the lights and all this, this will be monitored with cameras and security system, as well.

JOSEPH DEFENDIS: You got the four designated outside storage that was -- the 20 by 20s, will it be limited to just those? Somebody else can't come in and say, "I want to do it on the other side"?

MR. SCIARABBA: We want to keep it to that to make sure we're sensitive to the neighbors and the Board's request to keep it out of the eye of the public. So if we were to modify that location, we would come in to see you.

JOSEPH DEFENDIS: Okay.

MICHAEL NYHAN: We'll leave the Public Hearing open. If you want to make the request to table this until the next month.

MR. SCIARABBA: I do, Mr. Chairman.

I have a question. I -- are we comfortable with the parking at this point? How do you guys feel? Can I provide you more information?

MICHAEL NYHAN: So -- so -- what? I -- I agree with the comments that have already been made. We don't want to over-park this area. And it is considered warehouse space, but this is rather unique so I do think we have the flexibility.

Personally, I'm comfortable with it based on where it is located and the number of units you have, other than the comment Paul (Wanzenried) brought up with the inability possibly to get into Suite 210 as a result of jersey barriers, the way it looks on the drawing. That's my opinion.

The rest of the Board members, your opinion before we come back next month and all of a sudden we want ten more parking spots or something like that?

JOHN HELLABY: I agree with you.

JOSEPH DEFENDIS: I'm fine.

GLENN HYDE: Do you ever have any renters that have more than two or three people on-site at a time? Or -- at the other locations?

MR. SCIARABBA: Not really. I mean the most congested it's been is during construction when they build these and then after that, it seems like variety of businesses that occupy them and sometimes they're off time -- it seems to work out rather well.

So I can't tell you -- maybe one business does have five people, but the other guy next door only has one. So it seems to work out well.

MICHAEL NYHAN: Where is your other location?

MR. SCIARABBA: The most recently built one is in Avon on Tech Drive just off 390 at 5 & 20 and the other one is on Salt Road in Webster. There are a couple others in the process of building constructed.

MICHAEL NYHAN: Similar in size?

MR. SCIARABBA: Yes. Actually, this one is Farmington, one of the pictures I showed. That is right off 332 when you get off the Thruway on the left. That's up. If you were down in that area, you can see that.

MICHAEL NYHAN: So the majority of your tenants are people that come in and they get their tools or whatever they may need and then they leave for the day and come back at the end of the day with a small office and each has a bathroom, correct?

MR. SCIARABBA: Yes. One of the ones on the Farmington site is a sales guy. He puts all his samples in there and he runs the Thruway. He goes from Buffalo to Albany and that's his little hub so it works out pretty good.

MATT EMENS: I think the important thing that is noted in the letter is that we're not seeing here -- it is flex space but not going to be retail. They will not have clients, customers, people coming there. That is where the parking concern really comes into play.

MICHAEL NYHAN: That won't be the case here, correct?

MR. SCIARABBA: Correct.

MICHAEL NYHAN: I agree.

MR. SCIARABBA: Thanks for the extra input and we'll see you next month.

Do you want to make a request to table this and then we'll vote on it? John (Sciarabba), do you want to make --

MR. SCIARABBA: Yes, I do. Yes, please.

MICHAEL NYHAN: All right. Motion has been made by the applicant to table until next month.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 7 yes the applicant's request to table the Public Hearing to the next available meeting. The Public Hearing remains open.

2. Application of Cook Properties NY, 90 Air Park Drive Suite 400, Rochester New York 14624 owner; for preliminary site plan approval of a self-storage facility to include A.) Convert the existing building to a climate-controlled public storage facility and sales office. B.) Construction of six (6) new self-storage buildings at the property located at 50 Air Park Drive. GB District with Incentive Zoning

Glenn Thornton, Scott Mulcahy and Brad Humberstone were present to represent the application.

MR. THORNTON: Good evening, Glenn Thornton with Thornton Engineering, the engineer for Cook Properties on this project. With me is Scott Mulcahy. He is the CEO for Cook.

And Brad Humberstone, he's the architect on the project with Mitchell Design Build.

We never know what to bring to these meetings, if I should have boards to put it on an easel or you have the board over there. Thank God you got some pins because I cannot work the grippers up on top.

Yes, this -- this project is basically a continuation of a project I was involved in eight years ago or so back in 2015. Ron DiChario owned several properties on Air Park Drive and this was going to be the last built for -- for Ron (DiChario), 33,000 square foot partial two-story building that was proposed for offices.

As you know, Ron (DiChario) got started on the project, ill. He ended up dying. He did get the building up. He did get the utilities, the water, the sanitary, electric. I don't think the gas is in yet into the building. The building is fully enclosed, but it's been sitting vacant for six or seven years.

Stormwater pond had been constructed and the primary bio retention area for the pond was also constructed along the east side of the property. Currently -- Cook Properties is proposing to convert the 33,000 square foot building shell into climate controlled self-storage. He is also proposing, as you can see, the darker brown buildings, six new drive-up storage buildings.

I think we're looking at around 115 drive-up storage units and the number of climate-controlled units in the building has not yet been determined. It's going to be developed based upon the unit mix that is leasable, the size of the units. But there will be a number.

One of the first comments from -- from the Town Engineer was number of parking spaces required for the facility. We had shown 11 parking spaces primarily to serve the climate-controlled building. Town Engineer recommended 15. We have plenty of pavement out there. We have an extensive loading/unloading area along the east side of the -- the existing building that will be climate-controlled. We can easily convert some of that area into parking spaces if deemed necessary. So -- so whatever -- whatever the Board wants. We just thought that 11 was more than adequate for this building.

I have worked on other climate-controlled facilities and -- with 110 units we provided 4 spaces. There never seems to be a deficient number of -- of available spaces. But as I said, we can -- we can modify it as -- as needed.

We did receive comments from the Town Engineer and just tonight I have received comments from the -- the Fire Marshal on the plan. So let -- let's tackle -- the next issue was fire access to the site and hydrant locations.

The Fire Marshal has requested the inclusion of two on-site fire hydrants. One at the north end of the existing climate-controlled building and the other one towards the south end of the building. He felt that would give him adequate hose length to all of the buildings on the property. So that is something we -- we will need to add.

We didn't believe for this project that the Water Authority, Health Department review would be required. And to tell you the truth, I'm not sure about this -- this private fire service extension. We're going to have to get Health Department and Water Authority approval of this. Everything is downstream from the backflow preventer, so it is all private. But I will have to touch base with them to see if they need to review the plans. So we haven't done that yet.

The Fire Marshal did not comment on truck access to the -- to the site. Primarily to the -- to the drive-up storage units in the southeast quadrant of the site. We were looking at the -- the -- the vehicle movement through that area for the -- for the fire apparatus and there are some -- some turns between the buildings that would be very difficult.

We could accommodate the trucks if we widened the pavement a bit toward the pond, but that still leaves the problem of driving the truck -- truck between the two north/south, drive-up storage buildings in the southeast.

So instead of getting into all that, we think a better solution -- and we'll coordinate that with the Town Engineer and the -- the Fire Marshal -- would be to take the east/west building --

this one here (indicating) and slide it to the west. Right now we're showing an access way through here (indicating). Maybe if we slid that over and showed the access way up here (indicating), it would accommodate and satisfy any fire apparatus movements through that area.

Of course, we'll need to secure easements from 90 Air Park Drive, which is under the same ownership to do that. So that would not be a problem and I would love to hear everybody's comments on that. But again, we'll take that up with the Fire Marshal, with the Town Engineer to make sure that everybody thinks that's a good solution to a potential problem.

To tell you the truth, I can't imagine anybody driving a fire truck would ever want to negotiate between the small, self-storage buildings in the southeast corner. But again, this -- this would allow them to pull a fire truck within 100 feet of the end of the building if needed.

Other than that, a number of other comments -- we did submit a stormwater pollution prevention plan for the project. I don't think the Town Engineer had time or received that -- that document yet. So again, a number of his comments were concerning the SWPPP, which we believe we have addressed. What we have shown here with the stormwater management, with the green infrastructure -- which is basically the existing bio retention area and two new bio retention areas closer to the pond -- we have satisfied all DEC SPDES permit requirements for -- for the site. But again, he will be reviewing that. I'm sure there will be some more comments on that document.

We have included a lighting plan, a number of building-mounted lights 8 foot on the -- on drive-up buildings. I think it is 11 feet above grade on the climate-controlled building. We're not going to have any light spill off the property. They will all be dark-sky compliant, wall packs on the buildings. LEDs. Low intensity. We really don't need a lot of lighting out there.

The facility is -- is scheduled to be open 24/7. Of course, there will be -- fence around the perimeter. There will be a gate on the main access from the cul-de-sac of Air Park Drive. And we're also thinking it's -- we're either going to have to put another gate in the back between the two properties or possibly just a gate on 90 Air Park Drive at the street to secure both properties with -- with one gate that way.

Fire Marshal has required a KnoxBox on gates which we will definitely have. And the Fire Department connection seemed to be satisfied with the location of that. As I said, we will be adding hydrants to the property.

We have shown some landscaping -- the only landscaping we have shown is in the front of the building, towards the cul-de-sac. On either side of the driveway, on the street side of the security fence, we're -- we proposed a couple of flowering cherry trees out there. And in the front of the building, towards the green area, which will be lawn, we have shown some foundation plantings. Some, you know, boxwoods to maintain some green and some flowers and some grasses. Nothing -- nothing elaborate, but something just to kind of dress up the front of the building.

The back portion of the building will -- the lot will contain the pond. Beyond that to the south, we will leave all of the vegetation in that area undisturbed. There is a gas line -- a couple gas line easements through that area. So we have to stay away from that, but any vegetation in that area will remain.

So what did I miss? Probably a lot. But...

MICHAEL NYHAN: There was a comment on the proximity of the storage building to the south of the four-story building, the distance from the lot line which would not give any ability to maintain that building?

MR. THORNTON: We will secure an easement from 90 Airpark for maintenance of the building. And as well, we need to modify the stormwater access -- management area access easement and agreement that was granted to the -- to the Town a number of years ago to include the expanded pond area and the additional bio retention area.

And also to provide access to the -- the existing bio retention that's kind of sandwiched between the back of the -- the north/south storage building and the lot line. So we -- we will do all that on the revised plans.

MATT EMENS: Just staying on Building D then I guess, so the zoning -- the note in here from Michael Hanscom is that the zoning code allows it. We talked about access to maintain it and getting an easement. But will you really be able to issue a building permit for a building that has 0 setback against the property line?

PAUL WANZENRIED: (Indiscernible) construction?

MATT EMENS: I still don't think you can do 0 feet. I don't know. I just don't think you can.

PAUL WANZENRIED: Ask the architect.

MATT EMENS: I'm saying that one out loud because I know we talked about that when they came in for sketch plan.

MR. THORNTON: If it wasn't -- if the two properties weren't under common ownership, we never would propose that.

MATT EMENS: I am not worried about that. I get it. But I still don't think you can do that by building code. I don't -- I could be wrong, but --

MR. THORNTON: By code?

MATT EMENS: Building code. To have a building on -- literally on the line without having -- I mean -- I guess I have always been stuck on the 5-foot mark for a total of 10 feet between buildings between properties. That could have changed or that might not be applicable here.

MR. THORNTON: I don't think it's applicable. Paul (Wanzenried) would probably know

better than me. But a 0 setback is allowed in this district. The incentive zoning that was granted for this project, um, was for lot coverage. It allowed 32 percent, whereas 30 is allowed. So it allows 32 percent coverage. We're using 20 -- I think 29 percent. It -- it allowed self-storage use. And the only other one was front yard fence exceeding 6 feet in height, which we will have. The security fence will be 6 feet.

MATT EMENS: Once again, Glenn (Thornton), I'm not worried about the zoning. I get it. I'm worried about the fire code. So once again, back to Paul (Wanzenried's comment, it's just something I saw. I know we talked about it during site sketch plan, to have the architect look at it.

And, you know, the fire truck movement, fire truck placement in this scenario would be very interesting. But the Fire Marshal is giving you the comments and I would take a good look at that. But I would trust his opinion on that. Good for now.

JOHN HELLABY: Got nothing.

MICHAEL NYHAN: On the -- the move -- the move of the one building to the -- the south there and creating the four-story -- you will do a truck movement sketch anyway. So to see how that would work would be good because it's an interesting layout of where they want to put things there. Moving it over there, the only positive part of that was backing out, which you are able to pull in and pull out.

So I would say just move it and see what it does to your turning radiuses and what it does to be able to get vehicles back in there. And then you can probably go from there.

I notice you have a lot of snow storage area marked on here because they're not really all that big of an area. Like, for instance, on the south side, it looks like maybe 10 feet of storage between the fence and the pavement. And then you have another area up in the corner there.

So I just -- if you did a calculation, if you plowed the entire parking lot with 4 to 6 inches of snow, do you have enough space to show you can actually store it? I know you show a lot because they're all tiny little spaces.

MR. THORNTON: Yeah. Most of it is going to go towards the pond. If -- I think if we shift the building to the west a little bit, that will open up the area between the two buildings up in the corner and then we'll have an access road -- it will be an easier area to push some snow. We envision most of the snow, though, going toward the pond, towards the bio retention areas.

MICHAEL NYHAN: That has a fence around it or -- around the pond? No?

MR. THORNTON: It's very flat slopes into the pond. 1-on-4 slope.

MICHAEL NYHAN: I saw the lines. I just didn't know if it was a fence or some -- low fence of some sort to mark it. Take that into consideration because I want to make sure you have enough snow storage for the area you have.

One of the other things I noticed, you have one of the buildings -- the slopes -- are these metal roofs?

MR. THORNTON: Metal roofs.

MICHAEL NYHAN: You will have it sloped down to go to the bio retention area. But on the other buildings you don't indicate how you will remove the draining water from the roofs. Will you have underground piping? Are you going to put it across the parking lot? How are you going to drain the roofs?

MR. THORNTON: We're looking at downspouts. Gutters and downspouts on the buildings just draining onto the pavement. Obviously, the buildings adjacent to the property line will be sloped inward, toward the site. Except for the long north/south one which will be sloped to the east, into the bio retention basin.

MICHAEL NYHAN: Okay. I don't think the Town requires it be underground here; is that correct, Paul (Wanzenried)? The -- the drainage gutters? They're not required to be underground, are they?

PAUL WANZENRIED: No.

MICHAEL NYHAN: I raise it from experience with other projects that have come in, especially in the winter, on these roofs, it will melt, goes down, the pipe drains across the parking lot. It is cold and freezes and now you have a real ice mess back there. So give it some consideration. It's like two of your buildings. Again, it is not required but give that some thought as to whether you want that water going across your parking lot.

MR. THORNTON: I agree with you. The DEC is very particular how we get water into the pond. They will -- they like to see discharge on the surface to get some filtering and then we can run it through the bio retention. But I understand what you're saying.

MICHAEL NYHAN: This is all asphalt you will drain across, right?

MR. THORNTON: Right. Eventually we'll get to the --

MICHAEL NYHAN: When they talk about draining across that, they generally mean across the non-paved areas.

MR. THORNTON: Right.

MICHAEL NYHAN: Or permeable areas, not asphalt and concrete and things like that. I think that -- roof drainage. Snow storage.

Building Number 4, that is pavement around the entire building; right? All of the way up to the proposed site? Asphalt paving is already there.

MR. THORNTON: There is no asphalt on the site. There is just millings out there on the site.

MICHAEL NYHAN: The four storage buildings where you're talking about running a driveway into the storage area --

MR. THORNTON: Oh, yes.

MICHAEL NYHAN: -- that is all paved?

MR. THORNTON: That's correct. We'll have to add some pavement at 90 Airpark to make that connection, though.

MICHAEL NYHAN: Okay. Thanks.

GLENN HYDE: No questions.

DAVID CROSS: Nothing further. I'm interested to see what the -- you know, what -- the Fire Marshal is okay with the access for fire trucks. Glenn (Thornton), you know that, so I'm good.

MICHAEL HANSCOM: No additional comments?

Have you had an opportunity to read all of the engineer's comments?

MR. THORNTON: I did. I had a couple evenings open, so I -- there is a lot -- I just told Mike (Hanscom) before the meeting, I have no problems with any of the comments.

MICHAEL NYHAN: Okay.

MR. THORNTON: I understand where he is going. We'll address all of them. I think a number of them have already been addressed, but he hasn't seen the documents, so we'll address them.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MICHAEL NYHAN: I will also keep this Public Hearing open because we have not received County Comments on this, so we won't be able to complete SEQR.

So is there -- you will be coming back, I assume -- January you will want to come back for preliminary and final?

MR. THORNTON: Correct.

MICHAEL NYHAN: Is there anything else to add so that everything is complete when they come back next month? So they don't have to come back another month after that? Okay. We'll leave the Public Hearing open and entertain --

MR. THORNTON: Can I ask just a couple questions --

MICHAEL NYHAN: Yes.

MR. THORNTON: -- just to get clarity on a few things?

Number 1, the parking, what is the Board's feeling? I mean the Town Engineer made a recommendation. There is nothing in the code about the number of required spaces for self-storage. We'll do whatever you want. I just -- we would prefer not -- I mean, we would prefer to keep that as a loading/unloading zone for the -- for the customers. But if -- if you feel additional parking -- we will just stripe it out.

MICHAEL NYHAN: For storage areas, we have never required parking outside of the actual storage area. Just the ability to park a car out in front of your storage unit and have another vehicle to be able to pull past it. So if two trucks were in there, I think if you have 25 feet -- what is the normal -- 24 feet is the normal driveway? For two vehicles to pass? I think you're probably okay. You have the entire loading zone you stripe. That will be used for parking for the indoor -- you will not drive in this building, correct?

MR. THORNTON: Right. That's correct. Just for loading, unloading.

JOHN HELLABY: He made the statement he could bank spots. I mean why don't we show a number of banked spots on the drawing so if push comes to shove and you do need them --

MR. THORNTON: That's fine.

JOHN HELLABY: -- they're shown already.

MICHAEL NYHAN: Got it. Anybody else on the parking suggestions? Paul (Wanzenried), do you have any? Or Mike (Hanscom)?

MICHAEL HANSCOM: No. Just my recommendation for the one space for every ten storage units, I -- I just researched on the internet and found two or three sites where they talked -- basically they were sites providing information to people who wanted to build self-storage areas. What their recommendations were -- to -- those things -- for -- for an air-conditioned self-storage area. That is typically what I found, was one space for every ten units. That is where I got that from.

PAUL WANZENRIED: I do have one. The -- what is going on on the west side of the existing building?

MR. THORNTON: Hopefully nothing. It's -- right now it's asphalt millings with drainage inlets, downspouts from the roof. All -- that entire roof drains to the west, discharges to grade and it's collected in the drainage inlets and piped into the stormwater pond. We're not proposing anything there.

I think, Brad (Humberstone), all of the doors will be secured? There will be no access to that side of the building?

MR. HUMBERSTONE: Correct.

PAUL WANZENRIED: Because you were showing doors so I'm thinking are you accessing it that way? Is there access? Or is that a rental unit on that side?

MR. HUMBERSTONE: No.

PAUL WANZENRIED: Are you taking them out and filling them in?

MR. HUMBERSTONE: Either locking them or taking them off. They will not be usable.

PAUL WANZENRIED: Okay. Thank you.

MICHAEL NYHAN: Anything else? Any other questions?

MR. THORNTON: I'm good.

MICHAEL NYHAN: Do you want to make the request to table this until next month?

MR. THORNTON: I do request it be tabled.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 7 yes the applicant's request to table the Public Hearing to the next available meeting. The Public Hearing remains open.

3. Application of King Park 2022, LLC, P.O. Box 170 North Chili, NY 14514; Andrew Viera, P.O. Box 170, North Chili, NY 14514, owner; for a special use permit to allow the use of the similar character (warehouse/distribution/office) at the property located at 30 King Road. LI District
4. Application of King Park 2022, LLC, P.O. Box 170 North Chili, NY 14514; Andrew Viera, P.O. Box 170, North Chili, NY 14514, owner; for preliminary site plan approval to construct eight (8) commercial buildings to be leasable spaces at the property located at 30 King Road. LI District.

MICHAEL NYHAN: We can hear them together but vote on them separately.

Bob Winans and Andrew Viera were present to represent the application.

MR. WINANS: Good evening. My name is Bob Winans. I'm an engineer with LandTech and also with me tonight is Andrew Viera, the project developer.

So we just -- we have been before the Board a couple of times back in September, I believe, for concept review and then we submitted preliminary plans in October. We were tabled to start the 30-day waiting period to allow the Board to -- and actually the Board declared their intent to be lead agency so we needed the 30-day waiting period to receive comments to allow the Board to do that for the SEQR.

Since then we have submitted architectural elevations and plans which the Board should have. We submitted a wetland boundary determination prepared by BME Consultants with a confirmation letter from the Army Corps of Engineers.

Also, we submitted a truck-turning radius plan. We submitted updated plans and I will just go over a couple of things that were on those plans that we submitted last month.

And one was phasing. We -- we showed the northern portion, two buildings to be in a Phase 1, which includes the building that Andrew (Viera) is going to put his business, Rochester Earth in. And that will be Phase 1 with those two buildings. We'll ensure all of the infrastructure is there for those ones as well as the other phases when we get started.

Another thing we did do is reduced the size of the buildings. So now the six larger buildings are 12,000 square foot and the two smaller ones remain 8,000 square feet. But -- as discussed, you know, there is potential that depending on what the clients and the tenants want, these building sizes may change slightly. Even though we do -- on the architectural plans submitted, we do show the various 24 by 60 units for each building and that's how it's going to be planned out with bathrooms and -- as -- as discussed in the previous project.

We also are showing storage area which is a large stone area in the northern portion which will be designated for contractor storage and allowing for other vehicles, larger vehicles and such to be put in that area. We're showing dumpster enclosures for each building. We showed the loading areas that were requested by the Town Engineer and required by the zoning in Chili.

We have the gate at the main entrance which I think we discussed last time, which will be an electronic gate for the tenants and really there wasn't intended to be any fence around the project, but we are reserving -- or saving about 50 feet of buffer area, natural vegetation and ground along the frontage and the sides to kind of act as a deterrent to anyone else entering the property.

We did submit a landscape plan and basically showed everything that was in -- called out as a parking space to be paved with asphalt, which is one of the questions that came up last month.

We have submitted plans to the Monroe County Water Authority, the DOT, the Pure Waters and Health Department and received comments back and actually everybody is just about set. I believe we're still working out some things with the backflow preventer for the project. But otherwise, we're in good shape with everybody.

So I guess that's it. I have received comments from Lu Engineers and there definitely is some minor technical things that need to be added to the plans, which I believe we can address and work that out with the Town Engineer prior to final signing.

And so we're looking to -- to receive the Special Use Permit approval and our -- you know, receive our SEQR determination and looking for preliminary overall approval from the Board.

MICHAEL NYHAN: Okay.

MR. WINANS: Be happy to answer any questions you may have.

JOSEPH DEFENDIS: You will just have one sanitary and one water connection for each building and then what? Everything splits off from there?

MR. WINANS: What now?

JOSEPH DEFENDIS: You are just going to have one -- one sanitary and water connection for each building? Is that the idea?

MR. WINANS: Yes. And then each unit will be served off that lateral. Yep.

JOSEPH DEFENDIS: Okay.

MR. WINANS: So the waterline will be one service in and then there will be like a one-inch line running down the back of the building which will service the bathrooms.

JOSEPH DEFENDIS: Just going to be bathrooms in there and nothing else? That is the intent?

MR. WINANS: Yep.

JOSEPH DEFENDIS: Okay.

MATT EMENS: So graphically depicted the only thing that is stone left is that 170 foot by whatever that trapezoid is there? That is the --

MR. WINANS: Pardon me?

MATT EMENS: That is the only stone area left, Bob (Winans), that area -- light gray behind -- Building 1?

MR. WINANS: Right. Everything is going to be asphalt except the area we're showing back in here (indicating), with the stone.

MATT EMENS: All right. And that -- so that is going to be Andrew (Viera)'s business in Building 1, as we have heard. So that's going to be his -- his storage area?

MR. WINANS: Well, it's -- not just his storage area. It's going to be for everyone. But that will be Andrew (Viera)'s building, with his -- his company's use.

So the storage area really is for the whole campus. So even though it is behind your building, right?

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

JOHN HELLABY: I'm in receipt of two EAF forms. One is a short form and one is the whole assessment form. I assume we're using the full assessment?

MICHAEL NYHAN: We'll use the short form for the Special Use Permit and the long form for the site. We'll break those up and do two SEQRs. So the long form, we'll do the full assessment survey when we get to it.

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

MICHAEL NYHAN: What type of materials do you plan on in that storage area? Again, is that equipment storage like backhoes, excavators? What is going to go in there?

MR. WINANS: I think that is the general idea. Just your --

MICHAEL NYHAN: Your name?

MR. VIERA: Sorry. Andrew Viera. I'm the owner of the project. Yeah. Equipment that we're not going to want to pull in on a concrete floor like our bulldozer or an excavator, just storage for some equipment like that.

MICHAEL NYHAN: No construction equipment, though? No -- no construction materials? It's going to be equipment?

MR. VIERA: So we do do emergency like water main repairs and some work like that. So quarries aren't open, so to be completely transparent, we would probably want a small stockpile of stone for backfill in a situation like that.

But we did definitely like jersey barrier off an area and have it neat and, you know, kind of have its own designated area.

MICHAEL NYHAN: Okay. Where do you repair your equipment right now? Where do you maintain it? Are you going to continue to do it there? Or will you bring all that here to repair?

MR. VIERA: To be completely honest, all of our equipment is newer and under warranty, so in -- most of it is Caterpillar, so they will either send the mobile truck out and do service work on-site or we'll bring it to their -- their building if it's a major repair that they want inside their shop.

So for the most part, we would just do -- I mean, we grease them and stuff like that, but the leases on this equipment, they come with like a maintenance program and everything. So we generally don't have a lot. It's more for storage and just operating out of.

MICHAEL NYHAN: So you're not changing oil, repairing vehicles, changing out engines?

MR. VIERA: No.

MICHAEL NYHAN: Just maintenance.

MR. VIERA: No. Just maintenance. Not a repair shop.

MICHAEL NYHAN: There will not be a repair bay inside or outside of this location?

MR. VIERA: Correct. Correct.

MICHAEL NYHAN: Any additional comments from the Side Table?

MICHAEL HANSCOM: Did the Fire Marshal review this?

PAUL WANZENRIED: Yeah. Fire Marshal had a comment. He wanted to add a hydrant in front of Building 2 in Phase 1.

MR. WINANS: Down here (indicating). I don't see any problem with that. We have one at the end, down in the middle of the other buildings, so.

PAUL WANZENRIED: That's in Phase 3, though. Other than that, he had no other comments.

MICHAEL HANSCOM: That's it.

MICHAEL NYHAN: You good, Paul (Wanzenried)?

PAUL WANZENRIED: I think you look at this the same as you look at 296 in terms of storage. To do the same things.

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just make the same comments that I made on Public Hearing 1. Just be sure that you get everything that you want in those conditions that you put on it because what isn't written isn't said later. What's fair for one is fair for all here.

MICHAEL NYHAN: Correct. Thank you.

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

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

MICHAEL NYHAN: Any further discussion? I don't see any conditions for the Special Use Permit. Any conditions -- does anybody see --

PAUL WANZENRIED: Did the applicant relate where you stand with CSX? Where do you stand with the railroad, Bob (Winans)?

MR. WINANS: We sent another email to them and sent in all of the data they asked for on their plan sheets. We did that in October. And I have not heard back from them. I know the last email chain that I got into with John Raymond discussing our forced main in the right-of-way of the roadway, with the -- with the pump --

PAUL WANZENRIED: Who will take ownership of it?

MR. WINANS: He included another person from CSX in that who is the Rochester contact. So I'm hoping we can have some movement.

PAUL WANZENRIED: Do you have any documentation on the forced main and John Raymond and who is taking ownership of that and the easements he was talking about?

MR. WINANS: Yes. We received the okay from John (Raymond) that if we -- we're going to submit in writing a -- an agreement that we have hired a private utility company to do the stakeout for us. He was just concerned about the stakeout, if it wasn't a Town lateral, if it wasn't a Pure Waters lateral. It seems like neither the Town or the Pure Waters wants to take it. So we can just work out that agreement with him. He was okay with that. I believe Dave Lindsay was in on that email chain.

PAUL WANZENRIED: Yeah. Yeah.

MR. WINANS: So we should be good.

PAUL WANZENRIED: Okay. I think we would want any correspondence regarding that and how that all panned out.

MR. WINANS: Sure.

PAUL WANZENRIED: Also, any correspondence with CSX --

MR. WINANS: Yep.

PAUL WANZENRIED: -- and how that is going to pan out.

MR. WINANS: I will definitely start copying you in on that for sure.

PAUL WANZENRIED: Okay. Thank you.

MICHAEL HANSCOM: Only additional comments I have -- you're showing dumpster locations, but you need to also provide a dumpster enclosure for each of those locations and provide a detail for the dumpster enclosure. Maybe a couple other details. I will send you an email.

MR. WINANS: I think we can work that out.

MICHAEL NYHAN: Conditions?

MATT EMENS: So we're going to put the conditions on the site plan approval?

MICHAEL NYHAN: Correct. On the site plan. We'll do SEQR, but I wanted to start to collect come -- other than the standard ones that I have, the no outdoor storage of noxious material, which I think is already part of our code, Paul (Wanzenried)?

PAUL WANZENRIED: Huh?

MICHAEL NYHAN: So we don't need that?

PAUL WANZENRIED: No. No. I want that condition.

MICHAEL NYHAN: The outside storage of construction materials to include quantity on hand for emergency response? Does that work?

Is that the type of outside storage we're talking about?

MR. VIERA: I'm sorry. Can you repeat that?

MICHAEL NYHAN: The outside storage of construction materials to include quantity on hand for emergency response work.

Is that the type of materials you will store?

MR. VIERA: Yes. That would be --

PAUL WANZENRIED: I think you want that delineated on the plan. You want an area on the plan. Whether it is behind him to the north of his suite there in Building 1, in that asphalt area. You want that delineated. You want an area outlined.

MICHAEL NYHAN: Is that the only area you intended for storage, right? Or you don't know?

Because -- so somebody, for instance, in the buildings in Phase 2, to the -- to the east, if they wanted to put outside storage, the same type of outside storage, do you have an area delineated -- there isn't an area delineated for that.

Can you delineate an area for that where it would fit to show that it would fit? I mean it -- I think if I read Mike (Hanscom)'s comments, they have more than enough parking spaces. Is that correct?

JOHN HELLABY: They have --

MICHAEL NYHAN: I said based on Mike (Hanscom)'s comments, you have plenty of parking spaces.

MR. WINANS: Yes.

MICHAEL NYHAN: So on your final plans when you submit them, if you could delineate or show where you would be able to have --

MR. WINANS: Sure. Just call out that area that is going to be used for storage.

MICHAEL NYHAN: Right. So that you know if somebody is going to want storage, they know what building they will be in and where the storage will be. We want it more away from King Road and more towards the area that backs up to the wooded area that is not developable, that is wetlands, where the trees and vegetation are -- where the wetland buffer is outside of that.

MR. WINANS: Right. Right.

MICHAEL NYHAN: I know you have a lot of parking spots. If you could delineate those areas that you would permit people to do that in and then maintain that, that would be where we would maintain that moving forward.

MR. WINANS: Right.

MICHAEL NYHAN: The same with the -- you will have the stone storage area with equipment. If you have a specific area for the material again, does it show it would be along the back line, not the front line -- you know, towards that stormwater management area, so it is not out towards the road. It is out towards the back.

MR. WINANS: That is really why we showed the -- called out the larger stone area because it's in the rear and away from everything.

MICHAEL NYHAN: All right.

MR. WINANS: Okay.

JOSEPH DEFENDIS: Are you going to have storage between the buildings? Is that the intent or is that just going to be grass?

MR. VIERA: It will be grass.

MR. WINANS: No.

MR. VIERA: No storage.

MICHAEL NYHAN: So what I will add is condition to delineate the location of outside storage of materials.

Then I added the no outside major vehicle repair other than maintenance-type activity. The outdoor -- no major mechanical repairs, just maintenance activity.

Does that sound -- does that cover the -- being able to rebuild an engine out in the parking lot? (Laughter.)

All right. Any other conditions that --

MATT EMENS: We talked about the not having like construction debris on Fisher Road. So -- I mean are -- is that already -- is that something we need to put in -- the construction materials, the repairs?

MICHAEL NYHAN: Right.

MATT EMENS: But construction waste?

MICHAEL NYHAN: And debris.

MATT EMENS: And debris would not be stored on-site?

MICHAEL NYHAN: Right. So you're just providing standard garbage, rubbish dumpsters, correct? No construction materials are coming back to the site to be hauled away from there? You do that from the construction site?

MR. VIERA: Correct.

PAUL WANZENRIED: Same scenario as 296. Each one has a lav. Each one has an office, right?

MR. VIERA: Yep.

MICHAEL NYHAN: How would you say that again? No storage or disposal of -- of construction materials?

JOSEPH DEFENDIS: No bulk storage.

MICHAEL NYHAN: The waste products of --

MATT EMENS: Construction waste.

JOHN HELLABY: Construction debris. Debris.

MICHAEL NYHAN: So no storage or disposal of construction debris on-site.

JOHN HELLABY: Do we want to quantify this outside storage, though? I -- I question the fact that -- that you can pile a pile of stone 6 foot high or you can pile it 30 foot high. Where do you draw the line?

MICHAEL NYHAN: I know in the past we didn't permit outside storage that would exceed the height of any building. So it is the height of -- 30 foot, I think; is that right? What is the height of -- the tallest building?

DAVID CROSS: That would be a pretty big pile of stone.

MR. VIERA: We don't need that much.

MICHAEL NYHAN: How high are your buildings? Are they 30 foot? The peak?

MR. VIERA: 30 feet.

MICHAEL NYHAN: So what did we want to do as far as the height for storage?

DAVID CROSS: 10, 12 feet.

PAUL WANZENRIED: What is the biggest hole you fill?

MR. VIERA: All depends. The one in the City of Rochester was pretty big this year, but we didn't do that one.

PAUL WANZENRIED: Two 10-wheeler loads? Talking 5 foot? 6 foot, 7 foot tall at best?

DAVID CROSS: 20 ton of stone?

MR. VIERA: So I would say probably 100 ton, which is 5 loads and, you know, if it's a height thing, we could keep it low.

MICHAEL NYHAN: You want to keep it below 10 foot is what you're saying?

DAVID CROSS: Yeah. 10 sounds pretty reasonable.

MR. VIERA: Yeah. 10 feet. Whatever -- however high -- like our loader would stack it without having to climb on a pile and then like elevator it up to even a higher --

MATT EMENS: 10 feet.

MICHAEL NYHAN: So a truck is probably 10, 12 feet.

MR. VIERA: Size of a dump truck is probably 12 feet.

JOHN HELLABY: Would he have to come back in here for some reason he rented out to a snow removal contractor who wanted to store salt over there? A lot of those things are built with those jersey barriers, with a canvas top over them that could exceed 30 foot.

Is that something that we would have to get a revised site plan on?

MICHAEL NYHAN: Well, he would have to come in for a building -- that would be a building, wouldn't it? Those buildings they build? Like what you see on the Thruway?

PAUL WANZENRIED: It's a temporary -- it's a sticky wicket. That's a temporary storage. You count that almost as a temporary storage which the code only allows it for six months. They're not taking it down in the summer. The salt will stay there.

MATT EMENS: I don't know what it is, but there is a trigger with the DEC on a quantity of bulk storage of salt without a drainage plan. So I would stay away from that.

MICHAEL NYHAN: All right. So I have that no -- or outside storage of construction materials will not exceed 12 feet in height. I will start -- why don't we start with the -- with the Special Use Permit. We'll do that first.

So for the -- the Special Use Permit application, I will make a motion to do SEQR.

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

MICHAEL NYHAN: I do not have any conditions for Special Use Permit. So for the Application of King Park 2022, LLC, P.O. Box 170, North Chili, NY 14514; Andrew Viera, P.O. Box 170, North Chili, NY 14514, owner; for a special use permit to allow the use of the similar character (warehouse/distribution and office space at the property located at 30 King Road in an LI District.

JOHN HELLABY: Second.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes with no conditions.

MICHAEL NYHAN: That is approved for the Special Use Permit.

So for SEQR, as far as the preliminary site plan approval, we did a coordinated review on that with a long form. So I will go through the Part 2. So there's ten pages on the full assessment form. This is Part 2 to identify a -- potential project hazards.

I will go through each one of these that have "yes" as marked based on all of the information we have received from all of the various agencies that we have documentation from, as well as the form that has been completed by the applicant and the information obtained at a Public Hearing. We'll go through each one to determine -- make a determination on SEQR.

So for the first one, the impact on land. The proposed action may involve any construction on, or physical alteration of, the land surface of the proposed site. That is "yes."

And then the subcategories for that: Proposed action may involve construction on land for the depth to water table is less than 3 feet. That is not indicated here based on the information received so there will be no or small impact may occur.

Proposed action may involve construction on slopes of 15 percent or greater. Again, the information is less than 10 percent. So that would be no or small impact may occur.

The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of the existing ground surface. I think the closest was 8 feet I read so that will also be no or small impact may occur.

The proposed action may involve the excavation or removal of more than 1,000 tons of material. That was not indicated either on here so that would be no or small impact may occur.

The proposed action may involve the construction that continues for more than one year or in multiple phases. I think you phased this out. But do you plan on constructing this once one phase is done and the second phase and third phase -- so it will be multiple years, correct?

MR. VIERA: Yes.

MICHAEL NYHAN: Do you know what the duration will be?

MR. VIERA: It's really on the demand that we see for it.

MICHAEL NYHAN: Okay. But it wouldn't be continuous construction for -- for greater than that period? So you will start construction, you will finish and then as the demand occurs, then you will start construction again and finish?

MR. VIERA: Correct.

MICHAEL NYHAN: Okay. All right. So I believe that would be a small impact that may occur as a result of continuous construction cycles.

The proposed action may result in the erosion, whether from physical disturbance or the vegetation removal (including treatment of herbicides). That has already been grubbed out. So there will be no or small impact that may occur as a result of that.

And then the proposed action is located within a Coastal Erosion hazard area. Which it is -- is not. And based on impacts on land, I didn't see any other impacts.

Did anybody else see any other impact?

Impacts on geological features, Number 2. The proposed action may result in modification of the destruction of -- access to, any unique or any unusual land forms such as cliffs, dunes, fossils, caves, minerals. And the answer to that was no. So we'll skip that and move to the impacts on water.

The proposed action may affect one or more wetlands or other surface water bodies (streams, rivers, ponds or lakes). The answer to that was yes.

Proposed action may create a new water body. Which there is no or small impact on any other water bodies that will be created other than stormwater bio retention areas.

Proposed action may result in the increase or decrease of over 10 percent of more than a 10-acre increase or decrease in the surface area of any body of water. Which will not be impacted, so that will be no.

Proposed action may involve dredging more than 100 cubic yards of materials from a wetland or a water body. Which there will be no dredging so that would be no.

The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks or other water body. Which it will not, so that will be no.

The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments. Which it will not, so that will be no.

The proposed action may include construction of one or more intake for withdrawal from surface water. Which they're not planning to be using public water, so that is no.

The proposed action may include construction of one or more outfalls from discharge of wastewater to service water. That will be no. You will also be connected to County Pure Waters.

The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. Again, that would be a no or small impact to your SWPPP which will be protecting land during the construction process.

The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. There are none, so that will be no.

The proposed action may involve the application of pesticides or herbicides in any water body. Which is no. If you did, you would have to get a DEC permit obviously on a time-by-time basis if you decided to do that.

The proposed action may require the construction of new or the expansion of existing wastewater treatment facilities which the County has indicated it would not. I'm not seeing any other impact.

Are there any other impacts that anybody sees in that particular area?

If not, we'll move on to Question 4, the impact on groundwater. The answer to that based on all of the information received was no. This is water wells and et cetera that would be used other than domestic water.

Impact on flooding. The proposed action may result in development on lands subject to flooding. And that is yes.

There is -- there is -- the proposed action may result in development of a designated floodway. That is not indicated based on the engineering, so there is no or small impact may occur.

Proposed impact may result in the development within a 100-year floodplain. Which it is not, so there is no or small impact.

The proposed action may result in a development within a 500-year flood plain. So it is not, so there's no or small impact.

The proposed action may result in or require modifications of existing drainage -- drainage patterns. That is no or small impact. You're providing for stormwater removal through your engineering drawings.

The proposed action may change floodwater flows that contribute to flooding. That is not relevant so there is no or small impact.

If there is a dam located on the site of the proposed action, is the dam in need of repair or upgrade? And there is obviously no dam in this location, so that is no or small location.

Any other impacts that anybody can see? Okay.

The impacts on air. The proposed action may include State regulated air emission source. The answer to that is no so we won't go through all of the questions on 6.

The -- the impact on plants and animals. That is also our -- responded to as no. That is relative to flora and fauna and the impact on animals.

The impact on agricultural resources. The proposed action may impact agricultural resources. I believe this is also no, but there is one indication on here so we'll mark it as yes.

The proposed action may impact soil classification within Soil Group 1 through 4 of the New York State Land Classification System. Did not see that so that is no or small impact.

The impact -- proposed action may sever, cross or otherwise limit the access to agricultural land (including cropland, hayfields, pasture, vineyard, orchard). Which is not applicable, so that is no.

The proposed action may result in the excavation or the compaction of the soil profile or active agricultural land. Which this is not, so it is no.

The proposed action may irreversibly convert agricultural land to non-agricultural uses,

either more than 2.5 acres if located in an Agricultural District, or the 10 acres if not in an Agricultural District. And that is also no.

The proposed action may disrupt or prevent installation of an agricultural land management system. Which it is not, so that is no.

The proposed action may result, directly or indirectly, in increased development of potential pressure or pressure on farmland. Which is no in this area.

The proposed project is not consistent with the adopted municipal Farmland Protection Plan. Which does not apply to that, so that is also no in this area.

The other one is the impact on aesthetic resources and there are no impacts on aesthetic resources. This is -- this is relative to areas that have significant value for viewing. Which this area doesn't have any natural resources that people use for viewing.

The impact on historical or archaeological resources. That was -- came back as no, as well. It was Question Number 10.

Impact on open space and recreational areas. The proposed action may result in loss of recreational opportunities or a reduction of an open space resource as designated by and adopted in any municipal Open Space Plan. That is also not applicable, so that is no.

The impact on critical environmental areas. The proposed action may be located within or adjacent to a critical environmental area. This is not a critical environmental area so that is also no.

The impact on transportation. The proposed action may result in a change to the existing transportation systems. That was marked yes. So we'll go through those additional questions.

Projected traffic increase may exceed capacity of the existing road. That was no or small impact will occur.

The proposed action may result in a construction of paved parking area for 500 or more vehicles. That is no.

The proposed action will degrade existing transit access. That was no, whether it would be a small impact.

The proposed action would degrade existing pedestrian or bicycle accommodations. There would be no impact to that. That will not be impacting anything along the roadway.

The proposed action may ultimately present pattern of movement of people or goods which is not also applicable. No or small impact may occur.

Any other impacts that anybody can see on transportation?

Impact on energy. The proposed action may cause or increase the use of any form of energy. Which is yes.

The proposed action will require a new or upgrade to an existing substation. That is no. That will not be required based on the information we have received.

The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residents or to serve a commercial or industrial use. That is a no or a minor impact based on the information provided.

The proposed action will utilize more than 2,500 megawatt hours per year electricity. That was also indicated as no. They're substantially below that. Small or no impact.

The proposed action may involve heating and/or cooling 100,000 square feet of building area when completed. And that is also no.

Any other impacts that anybody can think of on the impact on energy?

Impact on noise, odor and light. The proposed action may result in an increase of noise, odors or outdoor lighting. And that is yes.

The proposed action may produce sound above noise levels established by local regulation. That is no or minor impact. We do have a regulation on that.

The proposed action may result in blasting within 1500 feet of any residence, hospital, school, licensed daycare center or nursing home. You won't be blowing up anything, right? (Laughter).

The proposed action may result in routine odors for more than one hour per day. That is no or small impact based on the information.

The proposed action may result in lights shining onto adjoining properties. All your lights are dark-sky compliant with wall packs. There is no or small impact.

The proposed action may result in shining -- I'm sorry. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. And again, that is a no. You're dark-sky lighting.

Impact on human health. The proposed action may have impact on human health from exposure to new or existing sources of contamination. That was no.

Consistency with community plans. The proposed action is not consistent with adopted land use plans. So that -- the answer to that is no.

Consistency with community character. The proposed project is inconsistent with the existing community character. That is also no.

And that -- that concludes those questions.

Any other impacts or any other statement relative to SEQR?

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

MICHAEL NYHAN: For the application for preliminary site plan approval, did you need me to read each of these?

I will read them because I don't think I've gone through all of them.

For landscaping, are you going to provide 1 percent of the total project cost or are you going to landscape the area equal to 1 percent of the total project cost?

MR. WINANS: We have provided landscaping along the entrance in the front areas of all of the buildings. Since we have so much existing vegetation that we're leaving, we might not reach that 1 percent number. We -- we have -- we added enough that we feel we're beefing up the property, but we may be going to that 1 percent number.

MICHAEL NYHAN: What I will do is I will make a condition relative to completing that and if it doesn't complete the 1 percent, the Building Department will be asking you for that.

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

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

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

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

Paul (Wanzenried), did we require a stormwater control facility management on this? Or, Mike (Hanscom), did you indicate that? Do we have to do a stormwater control facility -- facility Management Agreement with the Town for -- for this?

MICHAEL HANSCOM: Yes.

MICHAEL NYHAN: We do?

MIKE HANSCOM: Yes.

MICHAEL NYHAN: Okay. Town will require the applicant to enter into a Stormwater Control Facility Management Agreement with the Town and to provide access easement to the Town. The access easements and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the Monroe County Clerk's Office prior to the signing of the mylars.

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

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

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

Application is subject to all -- no storage of outside noxious materials.

Delineation for the location of outside storage of materials near the buildings.

No outside major vehicle repair other than maintenance-type activity.

No storage or disposal of construction debris on-site.

Outside storage of construction materials will not exceed 12 feet in height.

With those conditions, the application of King Park 2022, LLC, P.O. Box 170, North Chili, NY 14514; Andrew Viera, P.O. Box 170, North Chili, NY 14514, owner; for preliminary site plan approval to construct eight (8) commercial buildings to be leasable spaces at the property located at 30 King Road in the LI District.

JOHN HELLABY: Second.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 7 yes with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. The Town will require the applicant to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide access easement to the Town. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the Monroe County Clerk's Office prior to the signing of mylars.
6. Building permits shall not be issued prior to applicant complying with all

conditions.

7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. No storage of noxious materials.
11. Delineate the location of outside storage of materials.
12. No outside major vehicle repair other than maintenance type activity.
13. No storage or disposal of construction debris onsite.
14. Outside storage of construction materials will not exceed 12 feet in height.

MICHAEL NYHAN: For your final, I believe we'll be requiring that agreement on how you're going to deal with the forced main, who is going to own it, who is going to maintain it and then permission from the Railroad to go underneath those railroad tracks. Because if you don't get that, that could substantially change how you're going to manage all of that.

So if you come back in for final, if you could add the items that we have on the condition for the storage where you intend to show it for each of these buildings and then who is going to be owning and maintaining the forced main as well as where it is going to go and where -- where it will ultimately be.

MR. WINANS: That is a big issue.

MICHAEL NYHAN: Right.

MR. WINANS: We're comfortable we can get that worked out.

MICHAEL NYHAN: I'm sure you can, but -- so you have preliminary site plan approval at this point. We'll be waiting for those items to be cleaned up and then come back in for final.

MR. WINANS: Okay.

DISCUSSION ITEMS:

5. Application of Bruce Blankenship, 36 Tempest St, Perry New York 14530 applicant; Jason and Nadine Arndt, 48 Colby St., Spencerport, New York 14559 owner; for a preliminary site plan to construct a 4,368 sq. ft. building at the property located at 3504 Union Street. GI District.

Bruce Blankenship and Jason Arndt were present to represent the application.

MR. BLANKENSHIP: Good evening. I'm Bruce Blankenship with Morton Buildings. Coming before you tonight, our eventual pursuit is to get a building permit to build a storage facility for the Arndts.

I want to make a little correction. It's actually Nadine and Jason on there. Little typo. We like the name actually. It's pretty bold.

MICHAEL NYHAN: Okay.

MR. BLANKENSHIP: So the Arndts have been working out of their residence for over 20 years in the heating and cooling business.

There is a lot of pieces and parts these days. You know, just things you have to keep in stock. Of course, people call them when they're needed and they need to have parts to be able to service the community. So they want to be able to have more storage, be able to have their garage back at their residence and this is going to be just storage.

They do want to, you know, expand the business. So they want to be able to have more stock. So that is the purpose for this building.

The survey that I believe you have a copy of, currently to the north side of the property there is an existing driveway. That driveway goes past the one-story frame house that is labeled on the survey and it actually extends back into this property.

So the -- so the building itself is less than 20 percent of an acre and they're really not disturbing anything back there. If anything, they have actually cleaned it up considerably. There was debris from I don't know where. Construction of other properties on either side of them over years that they have actually cleaned up.

This property is actually in a natural flow of water that actually goes back. That would actually be the east end of the property. We are asking to stay off of the south property line 10 feet and that is correct from the back of the east property. That's 45 feet. And then they would like to have the 48-foot on the north side.

The two homes that are shown on the survey, they own. And they're not looking to demolish or take those down. So this -- this building doesn't have any road frontage to speak of.

Their business, as far as for the building, you know -- a tremendous amount of anything they would be taking out of a home, appliances, things like that, gets recycled. So it would be basically carry in, carry out type of thing.

We don't see any environmental impact with this building. As far as it goes, it seems like a pretty simple thing.

I approached the Building Department with the intent to get a building permit, and I was advised that I would need some sort of engineer to -- to engineer the site, but -- but we don't believe it is applicable due to the building not being very large. It will not be used for any retail space. There is not going to be public in the building. It is just 100 percent for storage. So there is no retail space.

So as far as it goes, we're looking to, as I said, move forward to be able to obtain a building permit so they can -- will be able to service the community. You know, have the stock to be able to help people. They're in need of keeping -- keeping warm.

I open it up for any questions.

GLENN HYDE: No storage outside of the building? Everything is in the building?

MR. BLANKENSHIP: Yes. It's a good size. So they're not going to need to put anything on the outside of this building.

JOSEPH DEFENDIS: No water service or sanitary to it? Just power?

MR. BLANKENSHIP: At this point, we're only looking to put electric in the building.

MICHAEL NYHAN: No office space? Just storage?

MR. BLANKENSHIP: At this point, that is the use of the building, just storage.

JOHN HELLABY: Did I read somewhere you were going to use one of the house structures for office space?

MR. BLANKENSHIP: They're considering that. Still -- that is still something that is -- that is tabled.

JOHN HELLABY: Is there presently anybody living in these homes?

MR. BLANKENSHIP: Yes, there is.

JOHN HELLABY: So they're both occupied?

MR. BLANKENSHIP: Yes, they are.

DAVID CROSS: So the zoning is General Industrial; is that right?

MR. BLANKENSHIP: Yes.

DAVID CROSS: It's being used as residential currently? How does that work? Do they need a variance?

PAUL WANZENRIED: To what?

DAVID CROSS: Do they need a variance to have residential like rentals?

PAUL WANZENRIED: They need a Land Use Variance.

MR. BLANKENSHIP: The rental properties have been there, as you can imagine, for well before any type of --

PAUL WANZENRIED: Doesn't matter.

MR. BLANKENSHIP: -- Town codes were in place.

DAVID CROSS: Doesn't matter.

MR. BLANKENSHIP: Anything we have to do to obviously make this happen, we're -- we're willing to cooperate.

DAVID CROSS: Engineered drawings would be a good start.

MATT EMENS: The zoning was my question, too. Like how does that work? Obviously, the pre-existing structures on the site and the use of those structures, we're hitting on all that --

PAUL WANZENRIED: It stops. The minute they put the barn up and they use it for storage, it -- it conforms to the GI. And the use of the residences as rental properties would cease. Or they could try for a Land Use Variance.

MR. BLANKENSHIP: That is what we would have to do. They don't want to force anybody out onto the street. They have people that have rented there for extremely long periods of time. So we definitely don't want to put anybody out on the street.

MICHAEL NYHAN: No variances required for this, Paul (Wanzenried)? The side setback? The rear setback in this area?

MICHAEL HANSCOM: I think they may need one for a side setback.

PAUL WANZENRIED: For a side setback.

MATT EMENS: The lot is not wide enough.

MICHAEL HANSCOM: According to the code it has a side yard setback of 35 feet in the GI zone.

PAUL WANZENRIED: They need one for the south property line?

DAVID CROSS: Is the zoning to the south GI, as well?

PAUL WANZENRIED: It is.

DAVID CROSS: It is. Okay.

PAUL WANZENRIED: All GI on that side of the street as far as I know?

MICHAEL NYHAN: This was put on for discussion only tonight; is that correct?

PAUL WANZENRIED: That's correct.

MICHAEL NYHAN: So they will be coming back.

PAUL WANZENRIED: Looking for your feedback.

JOSEPH DEFENDIS: Looks like the driveway to the two-story house goes into the next property.

MICHAEL NYHAN: Do they own the entire piece of land, entire parcel of land and all of the buildings currently on it?

MR. BLANKENSHIP: Correct.
MICHAEL NYHAN: Okay. Just one variance.
JOHN HELLABY: Not like they're alone up there. They have done a lot of strange things with those lots over there.
MICHAEL NYHAN: With that storage facility there now, isn't there?
JOHN HELLABY: There is the guy that repairs the forklifts.
DAVID CROSS: He is to the north.
MR. BLANKENSHIP: To the north.
JOHN HELLABY: Perna's truck rental was in there for U-Haul or whatever.
MR. BLANKENSHIP: To the south, that's a vacant --
JOHN HELLABY: A lot of strange things there.
MR. BLANKENSHIP: I understand there is going to be some sort of storage in there at some point.
MICHAEL NYHAN: We already heard that two years or ago, didn't we?
MR. ARNDT: The open -- Jason Arndt. I'm the one that owns the property.
The open lot that's directly to the south at one point was actually the same piece of property. But the people that owned the property that I now own lost it through a bank foreclosure and the Bank had cut the property in half, which is why there is that open lot. And when I went to go buy the property, I didn't want to give the Bank money for a lot that I had no reason to want to own.
MICHAEL NYHAN: Your name again, sir, for the record?
MR. ARNDT: I'm sorry. Jason Arndt.
MICHAEL NYHAN: Thank you.
So I don't understand the driveway you're talking about.
PAUL WANZENRIED: The Bank split the property?
MR. ARNDT: Yeah.
PAUL WANZENRIED: But a Bank wouldn't subdivide the property. That is not -- what I don't understand.
MATT EMENS: Maybe what he is saying is it was the same owner. They lost it. Bank sold them separately and now it's two different owners. That is probably what he is getting at. They didn't --
MR. ARNDT: I can only explain it the way I know.
PAUL WANZENRIED: I'm just trying to follow what you were saying in terms that I understand, I guess, is the best way to put it.
MR. ARNDT: You're good.
MICHAEL NYHAN: Stone driveway? Paved driveway?
MR. BLANKENSHIP: Stone.
MICHAEL NYHAN: The whole building will be stoned?
MR. BLANKENSHIP: I requested to be able to stone the lot and we have actually done that.
MICHAEL NYHAN: And then the -- I see the dumpsters are around back. The doors that you show and the elevations, they were -- that would be to the north then; right?
MR. BLANKENSHIP: Correct.
MICHAEL NYHAN: The front would have that -- the front facing Union Street would have the overhang that makes it look like patio or porch?
MR. BLANKENSHIP: Just a little -- basically something to stay out of the weather when you're trying to get in the front door.
MICHAEL NYHAN: Okay. Any other comments or suggestions before they come back for preliminary and final?
MATT EMENS: Just to see it to scale I think will be helpful, too.
MICHAEL NYHAN: A drawing. Engineered drawing to scale.
MATT EMENS: Yeah.
MICHAEL NYHAN: How many square feet is that?
JOHN HELLABY: 4368.
MICHAEL NYHAN: Okay. Slab concrete on the inside?
MR. BLANKENSHIP: Uh-huh.
MICHAEL NYHAN: Downspouts?
MR. BLANKENSHIP: Yep.
MICHAEL NYHAN: Out into the stone gravel?
MR. BLANKENSHIP: Yep.
MICHAEL NYHAN: Electric only? No water? Simply electric? No water?
MR. BLANKENSHIP: Correct.
MICHAEL NYHAN: For heat and lights?
And anything else?
DAVID CROSS: No office in the building?
MR. BLANKENSHIP: Not at this time.
MICHAEL NYHAN: Anything else for them to have before they come back?
You will work with the Building Department on everything that is needed to come back for a preliminary approval, correct?
MR. BLANKENSHIP: Okay.
MICHAEL NYHAN: Right?
MR. BLANKENSHIP: Yep.

MICHAEL NYHAN: Make sure -- so when you come back you have anything.

JOHN HELLABY: What are the overall dimensions on this building?

MR. BLANKENSHIP: It's 42 by 104.

MICHAEL NYHAN: Paul (Wanzenried), is everything provided as far as what they need for preliminary?

PAUL WANZENRIED: Aside from the engineered drawing. Right?

MICHAEL NYHAN: Yes.

PAUL WANZENRIED: Because you're going to want to know the size of the pipe, their French drains, how they work. You want to know the size of the pit --

MR. BLANKENSHIP: Well, are we going to need water retention? Because -- because of the size of the building we don't believe it's applicable to have the water retention.

MATT EMENS: That is up to Michael Hanscom's review.

MICHAEL NYHAN: Our engineer will review it.

MICHAEL HANSCOM: Less than an acre of disturbance.

PAUL WANZENRIED: Don't need a stormwater. So you -- so he just handles it the way he wants.

MR. BLANKENSHIP: At this point, the property drains naturally to the back. And we didn't disturb any of that when we were putting in gravel. So.

MICHAEL NYHAN: So at this point the gravel is in? The French drains are in? And everything drains fine?

MR. BLANKENSHIP: No. But what I was told up front -- I was told I would need water retention. I didn't feel strongly at that point that that was necessary and I -- I still don't feel that it's necessary.

So we're just really requesting to put the building in. It will conform with downspouts and gutters and let the water naturally drain as it should.

They -- they have four employees, so they're not -- and that's including the two that we have here.

MICHAEL NYHAN: And -- the concern is we have to be able to show the runoff from the property will not leave the property. So you will be managing the water on your property. Can't run off to the neighbors on either side.

MR. BLANKENSHIP: Correct.

MICHAEL NYHAN: Not out to the road in front. So that's -- when we say "an engineered drawing," something that will have an elevation to show us that -- where the elevations -- to show that it is sloping, in fact, to the back and where is it going from there.

MR. BLANKENSHIP: Okay.

MICHAEL NYHAN: So what is it doing right now?

MR. BLANKENSHIP: It is actually going back to the back. That would be the east bottom corner, is where the water is running.

MICHAEL NYHAN: All right. I assume size of the building, Paul (Wanzenried), is what triggered -- for the preliminary site plan which has triggered the engineering piece; correct? Paul (Wanzenried)?

PAUL WANZENRIED: Just a minute.

JOHN HELLABY: It brings up another fact, though. If he has employees working in there, is there a toilet room in this thing?

MR. BLANKENSHIP: Just for storage. They're -- they work in people's homes.

JOHN HELLABY: Those people won't actually be stationed in that building at any given time?

MR. BLANKENSHIP: It's just strictly to put their parts in. Their --

PAUL WANZENRIED: Park trucks in there?

MR. BLANKENSHIP: They are planning on putting their two van bodies in there. That is one reason for getting the storage. They're not planning on doing any automotive, no rebuilding engines.

MICHAEL NYHAN: So the employees will drive their cars to the building, leave them, take the vehicles, work for the day and come back and take their cars and leave?

MR. BLANKENSHIP: Right.

MICHAEL NYHAN: All right. Again, that is the kind of things we would need on your drawings to show where is the parking going to be. Where is the water going to go when it drains off the building and off the property to make sure it stays on your property and doesn't drain onto the neighbor's property.

MR. BLANKENSHIP: Okay.

MICHAEL NYHAN: When we say "an engineered drawing," an engineered drawing would have that. It would show the elevations. And it would show that water will not flow uphill onto the neighbor's property, that type of thing.

MR. BLANKENSHIP: Got you.

MICHAEL NYHAN: If you need further detail on that, I would certainly be glad to give that to you.

MR. BLANKENSHIP: Paul (Wanzenried) has been very informative. He is a great guy.

MATT EMENS: Agreed. Let the record show --

MICHAEL NYHAN: No, I'm talking about -- (Laughter.)

Sorry, Paul (Wanzenried).

JOHN HELLABY: Wow.

MICHAEL NYHAN: Love you, man.

PAUL WANZENRIED: Special provision assigned in the GI District. All construction uses or change in use in the GI District shall be subject to site plan approval by the Planning Board in accordance with the procedures established at Article 4.

Thus, kicking in why you're here tonight, to get feedback from them so you can generate drawings, come back in January and stand before them to get preliminary and final site plan.

MR. BLANKENSHIP: Okay.

MICHAEL NYHAN: That --

PAUL WANZENREID: You have to follow the code.

MICHAEL NYHAN: We're not talking about the drawings that we have that are just sketched. An engineer would draw it to show these are the actual true dimensions.

MATT EMENS: It would have to be designed.

MICHAEL NYHAN: Designed for the site, for site plan design.

MR. BLANKENSHIP: That is why we're here. I just want to clarify we won't need any water retention?

MICHAEL NYHAN: Again, I -- our engineer would have to get the plan and look at that and let them know that.

MICHAEL HANSCOM: Probably not, because you're not disturbing that big of an area, but you will need a surveyor to go out there and do a topographical survey of the lot so you can show the contours.

Contours will then show where the water is going and what kind of changes you want to make to the grading to install the building.

Like I said, the engineer then will -- will design French drains, the size of them, the depth, the size of the pipes. If you're going back -- if -- you're going back to a dry well in the back? Is that the intent?

MR. BLANKENSHIP: That's what I'm trying to eliminate right now. That's what I'm trying to clarify. That they can just have natural water flow as the property does now.

MATT EMENS: You're engineers --

MICHAEL NYHAN: Depends where it is going now. You put a building now. So right now if it is flowing on all of the neighbors' properties and if you put a building there, you will have to mitigate that by keeping the property -- the water on your property.

MR. BLANKENSHIP: Right.

MICHAEL NYHAN: Whether or not you need -- I think the question is whether or not you need a pond is what you're asking?

MR. BLANKENSHIP: Right.

MICHAEL NYHAN: I think that is hard to know without knowing how much water there is and where it is going. That is what Mike (Hanscom) is talking about, having somebody say based on the land and the area how much water runoff you will have from your building -- that will all run off to one spot. The size of the piping that you would need in order to drain that away.

MR. BLANKENSHIP: I understand that completely. I was just -- based on the neighborhood that is around where -- where we want to put this building, um, the neighbors -- I don't see any water retention in any of the commercial buildings in that area.

MICHAEL NYHAN: Right. And as each of those buildings come in, they do the same thing to make sure water isn't going on your property. That is what you're seeing here, an engineered drawing to show that that is not going to happen.

MR. BLANKENSHIP: Okay. I'm not throwing anybody under the bus, but there is -- definitely out in that area there is some water running on other neighbors. But I understand what you guys need from me and --

MICHAEL NYHAN: Okay.

MR. BLANKENSHIP: We're willing to provide that and come back and see you next month.

MICHAEL NYHAN: The whole purpose for tonight's meeting is so you don't have to come back again and again. If you have any other questions and are not clear, make sure you contact Paul (Wanzenried) so when you come back, we can move forward with it at a Public Hearing.

MR. BLANKENSHIP: Perfect.

MICHAEL NYHAN: All right. Anything else?

MR. BLANKENSHIP: No. I'm good.

Can I request to come back in January?

MICHAEL NYHAN: Well, yes. We're -- yes. We can just put you on the --

PAUL WANZENRIED: I will --

MICHAEL NYHAN: -- on the agenda for -- January 9th I think it is.

PAUL WANZENRIED: Yes. January 9th.

MICHAEL HANSCOM: When do they have to submit for that?

MATT EMENS: He has to make a submission.

MICHAEL NYHAN: There are submission dates you have to have.

PAUL WANZENRIED: So that's tomorrow. I will see you in February.

MICHAEL NYHAN: Tomorrow for -- for -- for January?

PAUL WANZENRIED: I think it was. If not --

MATT EMENS: He has work to do.

MICHAEL NYHAN: So -- two weeks from now?

PAUL WANZENRIED: Last Wednesday was the Planning Board deadline for January.

So I would see you in February. Your deadline in January is the 3rd. That is your submission deadline.

MICHAEL NYHAN: So January 3rd is the submission deadline for the meeting on the 9th?

PAUL WANZENRIED: No. January 3rd is the submission deadline for the meeting on February 13th.

MICHAEL NYHAN: Got it.

PAUL WANZENRIED: That is his first available meeting.

MR. BLANKENSHIP: It is possible for me to make a request due to this doesn't seem very complex, to be able to get that information submitted by X, Y, X date to be able to come in January?

PAUL WANZENRIED: I have to send to the County. I need 30 days to get to the County.

MICHAEL NYHAN: The County has to provide comments. As you heard earlier tonight, we tabled two because the County couldn't get their comments in. Comments have to be in before we can move forward.

MR. BLANKENSHIP: Okay.

MICHAEL NYHAN: We also have to have a timeline to be able to make notice to the public that there will be a Public Hearing on this. That is why all these dates are very specific and very clear.

MR. BLANKENSHIP: I understand.

MICHAEL NYHAN: Perfect. Anything else?

MR. BLANKENSHIP: Good. Thank you.

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

The meeting was adjourned at 9:12 p.m.