

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-889-6143 Fax: 889-8710

www.townofchili.org

APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE

SECTION I: APPLICANT INFORMATION – PLEASE ANSWER THE FOLLOWING:

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name: <u>XC International, LLC</u>		<u>Garth Winterkorn</u>
Address: <u>120 Canal Woods</u>		<u>277 Lake Avenue</u>
<u>Rochester, NY 14626</u>		<u>Rochester, N.Y. 14608</u>
Tel/Fax: <u>(585) 315-1232 /</u>		<u>(585) 458-3020</u>
E-Mail: <u>canaltransitinc@gmail.com</u>		<u>gwinterkorn@csstich.com</u>

* The application must be signed by the Property Owner(s). Attorneys/consultants/agents may not sign on behalf of the Property Owner.

SECTION II: PROPERTY INFORMATION – PLEASE ANSWER THE FOLLOWING:

- Property Address (No. & St.): 400 International Boulevard
- Tax Parcel No.: 147.01-1-8.311
- Current Zoning District: LI-Limited Industrial
- Has a previous ZBA application/appeal been filed for this property? ☐ Yes? ☒ No?
If Yes, then: When: _____ For What: _____
- Is property located within (check all that apply)? ☐ Flood Plain ☐ Wetlands
- Is there a written violation notice or "stop work order" for this Property ☐ Yes ☒ No
☐ If "Yes", then attach a copy of the violation notice(s) and stop work order(s).
- Has the work, use, or occupancy to which this appeal relates already begun? ☐ Yes ☒ No
- Brief description of the project: (include current and proposed use):
Proposed 32,500 sq. ft. warehouse and 8,100 sq. ft. office on an existing vacant lot.
Initially there will be 67 parking spaces for employees and visitors with 65
land backed parking spaces if required in the future.

ZONING BOARD OF APPEALS APPLICATION FORM

8. Are there special circumstances such as lot size, slope, or other physical conditions of the property which make compliance with the zoning regulations challenging? If so, please explain:

The parking located within the front setback on International Blvd. is required so as not to parking in the Paul Road setback.

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING:

The applicant requests relief from the following sections and requirements of the Zoning Law:

Section of Code*	Concerning*	Change From*	Change To*
500- 43F	Front yard parking	0 spaces / 60'	23 spaces / 40'
500-			
500-			
500-			
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
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Criteria For Area Variance

To grant an area variance, the ZBA must balance the benefits to the applicant against the potential harm to the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. **Can the benefit sought by the applicant be achieved by other feasible means?** Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

The pavement in the rear loading was located outside of the required 75' setback from Paul Road. The majority of the employee/visitor parking is located nearest the entrances to the office space.

ZONING BOARD OF APPEALS APPLICATION FORM

2. Will granting the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

Adjacent properties have parking and loading in front yards.

3. Is the requested variance substantial? The requested variance is not substantial for the following reasons:

The requested setback from 60' to 40' still provides approximately 49'-58' of green space between the parking lot and International Blvd.

4. Will the variance have any adverse physical or environmental effects on neighborhood or district?

The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The parking leaves adequate room to incorporate a bio-retention area.

5. Was the alleged difficulty self-created? (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

The loading area and building depths are required to function efficiently for the applicants needs.

DISCLOSURE

Does any Town officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☐ Yes ☒ No If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT & PROPERTY OWNERS' CERTIFICATIONS:

1. **Application to the Zoning Board:** I/we, the property owners of the land in question and the applicants hereby request an appearance before the Zoning Board of Appeals.
2. **Authorization to Enter Property:** I/we, the undersigned Property Owners, hereby authorize the members of the Zoning Board of Appeals and designated Town staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.
3. **Property Owner's Authorization of Applicant and Liability:** I/we certify that I/we, the undersigned Property Owners, am/are all of the Owners of the Property which is the subject of this application, that I/we have authorized the applicant to make this application and that **I/we agree to be bound by the application, the representations made by the applicant, and the decision of the Town.**
4. **Truth Required By Law:** I/we understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York

Sworn to before me this

February 19 20 24

NATALIA PAVLYSHYN
Notary Public

NOTARY PUBLIC-STATE OF NEW YORK

No. 01PA6401154

Qualified in Monroe County

My Commission Expires 12-02-2027

STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

X [Signature]
Property Owner

X [Signature]
Property Owner

X [Signature]
Applicant

X [Signature]
Applicant



TOWN OF CHILI

STATE OF NEW YORK * COUNTY OF MONROE
ESTABLISHED IN 1822



David J Dunning
Supervisor

Virginia L. Ignatowski
Town Clerk

BUILDING DEPARTMENT

Mark L. DeCory
Michael S. Slattery
Mary C. Sperr
James V. Valerio
Town Council Members

DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT

APPLICANT: XC International LLC

PROPERTY ADDRESS: 120 Canal Woods, Rochester, NY 14626

TAX PARCEL NO.: 147.01-1-8.311

ZONING DISTRICT: (LI) Limited Industrial

This applicant has applied to use the identified property within the Town of Chili for the following:
Applicant proposes to erect a 32,500 sq. ft. warehouse with 8,100 sq. ft. offices. Applicant proposes to have front yard parking on the North (Paul Rd) and the East and South Sides (International Boulevard).

This application is hereby denied upon the grounds that such use of the property would violate the Town Zoning Law article(s); III.

As such, the following relief would be required to proceed:

- ☐ Appeal of My Interpretation ☐ Use Variance to permit the following:
☒ Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-43-F	Location of parking in the front yard	Not Permitted	Permitted
500-54			

May 24, 2023
Date


Code Enforcement Officer

CI24004 XC International LLC

Referral Information

ID 23457 Referral # CI24004 Status **reviewed** Review Type **DRC**

Created 2/7/24 08:35AM · Derrick Lich Certified 2/8/24 02:57PM · Gaetana DiRose Reviewer Yixuan Lin

Postmark 2/8/24 Received 2/9/24 Due 3/9/24 Closed Paper Copy Recd **no**

Municipal Information

Municipality Chili Board Date 3/12/24 Preferred Response Date 3/5/24

Referring Board(s) Planning Board, Zoning Board

Additional Info/Concerns

Project Applicant/Agent

Applicant Name Andrey Kirik Phone 585-315-1232 Email cargotransitinc@gmail.com

Business XC International LLC Applicant Address 120 Canal Woods, Rochester NY, 14626

Agent Name Garth Winterkorn Phone 585-458-3020 ext 115 Email gwinterkorn@costich.com

Business Costich Engineering Agent Address 217 Lake Avenue, Rochester NY, 14608

Project Information

Project Name XC International LLC

Prev. Referral #

Description Construction of a 32,600 S.F. warehouse/maintenance building, 8,100 S.F. office space with related site improvements in an LI-Limited Industrial zoning district.

Address(es)

Address	Tax #	Acreage	SWIS	SBL
400 International Blvd, Rochester 14624	147.01-1-8.311	7.29	262200	14701000010083110000

Development Type Other - Office and Warehouse

Acreage 7.289 # Units 0 Floor Area 40,700 Sqft # of Lots 1 Max Height 26.08'

Permits MC DES, MC DOH, Other - MCWA, Chili Planning Board, Chili Zoning Board

On/Adjacent County Road? **yes** Impacts Right of Way? **no**

Type of Referral

Referral Type Site Plan, Special Permit/Variance, Subdivision Review, Airport Referral

Airport Referral Information

Airport Referral Form Uploaded

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: XC Internatioal, LLC			
Project Location (describe, and attach a location map): 400 International Boulevard, Town of Chili, Monroe County (T.A. #147.01-1-8.311)			
Brief Description of Proposed Action: Construction of a 32,600 S.F. warehouse/maintenance building, 8,100 S.F. office space with related site improvements in an LI-Limited Industrial zoning district.			
Name of Applicant or Sponsor: XC International, LLC - Andrey Kirik		Telephone: 585-315-1232	
Address: 120 Canal Woods		E-Mail: cargotransitinc@gmail.com	
City/PO: Rochester		State: New York	Zip Code: 14626
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Chili Planning Board - Site Plan approval; Town of Chili Building Department - Building Permit			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			7.289 acres 7.289 acres 7.289 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): wetland mitigation bank to the south <input type="checkbox"/> Parkland			

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5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

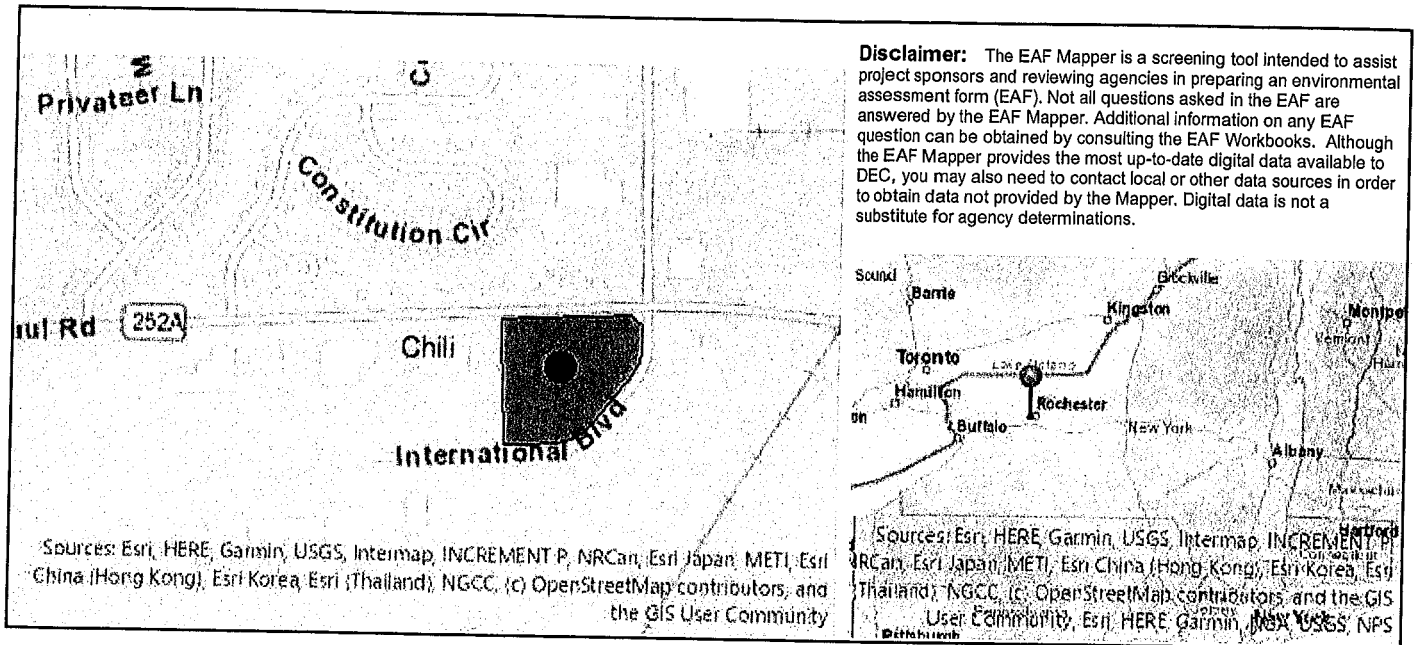
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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater will be directed to onsite pre-treatment/bio-retention/water quality facility which discharges to an existing storm sewer/drainage ditch under Town of Chili easement to the existing wetland to the south, which discharges to Black Creek.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: Proposed pre-treatment/bio-retention water quality facility.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>XC International, LLC</u> Date: <u>2/7/2024</u>		
Signature: <u>Garth Winterkorn</u> Garth Winterkorn, Agent for Applicant Title: <u>Project Manager - Costich Engineering, DPC</u>		

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EAF Mapper Summary Report

Thursday, February 1, 2024 9:52 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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PRELIMINARY NOT FOR CONSTRUCTION

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DRAWING ALTERATION

The following is an excerpt from the New York State Education Law Article 147 Section 7207 Part 69.5b and applies to this drawing.

is a violation of the law for any person, unless acting under the direction of a licensed architect, to alter an item in any way. If an item bearing the seal of an architect is altered, the altering architect shall affix to his item the seal and the notation "altered by" followed by his signature and date of such alteration, and a specific description of the alteration"

REVISIONS

PROGRESS PLOT: 2/6/2024

SUED FOR BID: _____

SUED FOR PERMIT:

SUED FOR CONST:

[illegible]

PROJECT

**XC
INTERNATIONAL**

LOCATION

00 INTERNATIONAL BOULEVARD
TOWN OF CHILI
COUNTY OF MONROE
STATE OF NEW YORK

DRAWING TITLE
BUILDING
ELEVATIONS

SHEET NO.	SCALE: $3/32" = 1'-0"$
-----------	------------------------

DRAWN BY: RPM

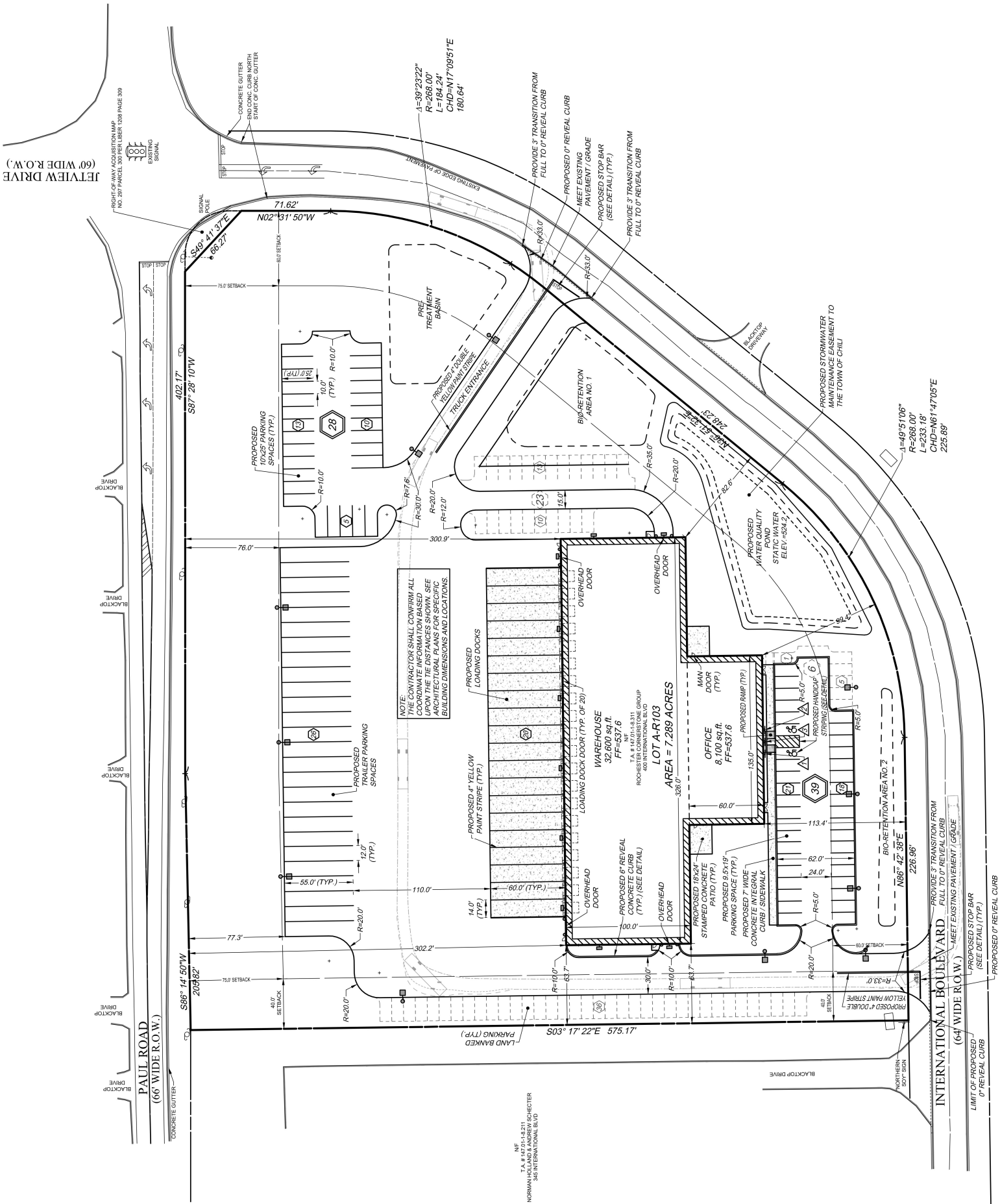
CHECKED BY: RPM

DATE: 3/6/2024

DWG FILE:

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SITE PLAN LEGEND

- EXISTING CONCRETE CURB
- EXISTING EDGE OF PAVEMENT
- PROPOSED BUILDING
- PROPOSED SIDEWALK / CONCRETE PAVEMENT
- PROPOSED CONCRETE CURB
- PROPOSED CRUSHED STONE YARD

SIGN NO.	TEXT	MUTCD NUMBER	DESCRIPTION	TYPE OR MOUNT	HEIGHT	QNT.
1	RESERVED PARKING	NY RT-8	12"x18" BLUE AND GREEN ON WHITE	"C"	60" MIN.	32
2	RESERVED PARKING VEH. ACCESSIBLE	NY RT-8 MOD	12"x18" BLUE AND GREEN ON WHITE	"C"	60" MIN.	24
3	NO PARKING ANY TIME	RT-1	12"x18" RED ON WHITE	"C"	60" MIN.	26
4	NO PARKING ANY TIME		18"x18" RED ON WHITE	"C"	7'-0"	4

SITE DATA

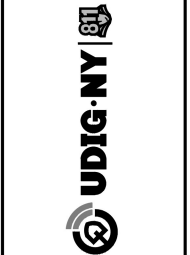
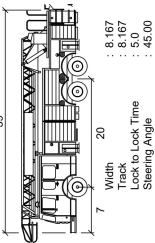
- TAX ACCOUNT NUMBER: 147.01-1-8.311
- ZONING: L1- LIMITED INDUSTRIAL DISTRICT

MINIMUM LOT SIZE	PROPOSED
MINIMUM LOT WIDTH	7,289 AC
MINIMUM LOT DEPTH	250'
MINIMUM LOT AREA	594'
PAUL ROAD	575.17'
PAUL ROAD	250'
INTERNATIONAL BOULEVARD	75'
MINIMUM REAR YARD	60'
MINIMUM SIDE YARD	82.6'
MINIMUM FRONT YARD	N/A
LOT COVERAGE	40%
MAXIMUM STRUCTURE HEIGHT	12.8%
MAXIMUM WAREHOUSE EAVE	26.08'
- PARKING SPACES REQUIRED:
OFFICE:
1 SPACE PER 200 S.F. OF G.F.A. 8,100 / 200 * 18 / 2 = 50 SPACES
PLUS 1 SPACE PER 2 EMPLOYEES
STORAGE WAREHOUSE, MANUFACTURING, MAX. SHIFT OR 1 PER EACH 400 SF OF G.F.A. (WHICHEVER IS GREATER)
1 SPACE PER EMPLOYEE ON THE MAX. SHIFT OR 1 PER EACH 400 SF OF G.F.A. (WHICHEVER IS GREATER)
32,600 / 400 = 82 SPACES
TOTAL 132 SPACES
- PARKING SPACES PROVIDED: 86 SPACES INCLUDING 2 HANDICAPPED SPACES + 65 LAND BANKED SPACES = 132 SPACES

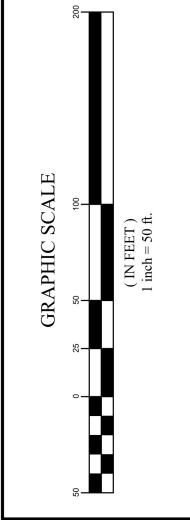
APPROVALS

- BY: TOWN SUPERVISOR DATE: _____
- BY: TOWN ENGINEER DATE: _____
- BY: TOWN OF CHILI PLANNING BOARD DATE: _____
- BY: FIRE MARSHAL DATE: _____
- BY: TOWN OF CHILI COMMISSIONER OF PUBLIC WORKS DATE: _____

EMERGENCY VEHICLE MOVEMENT PROFILE



EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE EXACT LOCATION, SIZES AND INVERTS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY LOCATED UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.



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PROJECT MANAGER	G.W. DELL
OWNER	UDIG-NY
ARCHITECT	T.F.R.
TOPOGRAPHY	G.L.R.
DATE	02/07/2024
SCALE	1"=50'



- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

TITLE OF PROJECT
400 INTERNATIONAL BOULEVARD
TITLE OF DRAWING
SITE AND PAVEMENT MARKING PLAN
LOCATION OF PROJECT
TAX PARCEL NO. 147.01-1-8.311
COUNTY OF MONROE, STATE OF NEW YORK
CLIENT
XC INTERNATIONAL, LLC
120 CANAL WOODS
ROCHESTER, NEW YORK 14626
DWG # C861
SHEET 1 OF 12