

CHILI PLANNING BOARD
March 12, 2024

A meeting of the Chili Planning Board was held on March 12, 2024 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 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:

MICHAEL NYHAN: Before we hear our first application, we'll be going into Executive Session to review a legal matter with our Counsel.

The Planning Board went into Executive Session at 7:03 p.m.
The Planning Board returned from Executive Session at 7:21 p.m.

MICHAEL NYHAN: We'll continue with our meeting.

1. Application of Andrey Kirik, 120 Canal Woods, Rochester, New York 14626, applicant; Rochester's Cornerstone Group, Ltd., 460 White Spruce Boulevard, Rochester, New York 14623, owner; for preliminary site plan approval to construct 40,700 sq. ft. warehouse, with office space at 400 International Boulevard. LI District.

Thomas Arrington and Andrey Kirik were present to represent the application.

MR. ARRINGTON: I'm Thomas Arrington, representing Costich Engineering and my client with XC International.

MR. KIRIK: My name is Andrey Kirik. I'm with XC International. We want to build a warehouse on the property we purchased.

MR. ARRINGTON: To briefly introduce the project, this project is located at the -- the international group -- what was it called -- the Cornerstone Group off International Boulevard located at 400 International Boulevard. Looking to build a -- with 40,000 -- little over 40,000 square foot warehouse which includes 8,000 -- a little over 8,000 office space attached to that. This is in a Limited Industrial District. We do not look to change anything with the -- the code or the zoning in that district. We will be requesting a -- a variance from the Zoning Board at the next Zoning Board application for front yard parking, which is in line with the rest of the parking in the International Boulevard.

So the primary purpose of this facility is for a warehouse and trucking. I will let Andrey (Kirik) speak to the operations real quick what they plan on doing.

MR. KIRIK: We run about 20 trucks coast to coast from East Coast to West Coast. So we just run over the road. There won't be a lot -- that much going on, guys sitting around. Once they leave, they're gone for 9 to 12 days and they come back, take a break and run again. We just run coast to coast from here to California and back.

We need a little more warehousing and little more office space because we're kind of outgrowing it. We want to build and bring a little more jobs in. And pretty much we need a bigger facility also for warehousing. That is kind of the game plan.

MR. ARRINGTON: Other than that, we have also submitted to the Conservation Board -- we understand that there will be the 1 percent requirement for landscape. We'll decide whether that will be into the fund or whether we place that landscaping on-site.

Like I said, we have also applied to the Zoning Board for the front yard parking variance. And as far as stormwater, we -- most of this will be discharging back to the Black Creek swamp out there which was originally dealt with when they built out this -- this industrial park and we will continue to discharge to that.

We actually are providing additional stormwater maintenance on-site. We'll be reducing the stormwater flows down approximately 30, 35 percent with stormwater wet ponds, bio retention. Landscaped as needed.

And we have also submitted to the County -- which we received County Comments, as well, with the airport referral. Airport referral approved only -- only accommodations being that the roof not be a reflective material and that we take measures to keep water fowl out of our

stormwater ponds. So that is the brief overview of the project.

JOSEPH DEFENDIS: I read through the engineer's comments. Most of them seem minor you can address. The only thing I don't see on here is like a dumpster enclosure for trash and that.

MR. ARRINGTON: We see no issue with that. We can work with our client on locating a dumpster enclosure.

JOSEPH DEFENDIS: That's all I got.

MATT EMENS: So a couple questions about -- back to the over-the-road trucks. All tractor-trailers?

MR. KIRIK: Yes, sir.

MATT EMENS: You said how many?

MR. KIRIK: 20.

MATT EMENS: 20.

MR. KIRIK: Yep.

MATT EMENS: So I'm sure your goal is to have them all on the road, but do you have a significant amount of docks and parking here?

MR. KIRIK: We have sometimes drop trailers, so we have the space for it. Eventually -- we even have one or two local guys to help with the pick-up. We need more dock space. We're running out of -- putting a trailer up. We have to pull it out and put it back in. We are limited. This extra dock space wouldn't hurt to have. That's kind of the game plan. And trailer parking also. Not that much. Just a couple extra ones.

MATT EMENS: I guess the front setback, the variance is going to be -- that's really where you have all that trailer parking -- I guess is the point, right?

MR. KIRIK: Yes. Yes.

MATT EMENS: So if you don't get that, would you have to look -- to put that somewhere else on the site? Not saying you won't get it. I'm just saying if you didn't. You would have to strategize on where that would go.

The other thing I just -- with truck movement, it looks like you -- sorry. I need the sheet here -- CA-110. You guys have included some of the truck-turning radiuses and it looks like the flow of traffic.

So if I'm coming in, you're going to make this first turn into what you guys are labeling "truck entrance" on the ground.

But you come in this first entrance and you're going to come around back and then they're going to come out the other side. So you will direct your guys to come in that first entrance; is that correct?

MR. KIRIK: Yes.

MATT EMENS: So it just looks like the truck that's in the turning radius in -- in that 33 degree radius driveway arc is maybe not big enough because of the -- the way those trucks are gonna come around. It doesn't look like it's a tractor-trailer you have shown there on the movement. So I would just ask to look at that radius because they're going to swing wide and it may not matter if it is just your truck entrance. But you might as well take a look at that since you're building it new.

MR. ARRINGTON: You're running WB67s?

MR. KIRIK: Yeah.

MR. ARRINGTON: Okay.

MATT EMENS: It looked in the architectural drawings that the office space may be subdivided.

Are you guys looking to own and then lease part of it out or sublet part of it out?

MR. KIRIK: For now just owning it and if I grow a little bit, to have it to offer if we grow that way.

MATT EMENS: Where are you located right now?

MR. KIRIK: Beahan Road, right by the airport.

MATT EMENS: We talked about the dumpster enclosure.

Are there a lot of -- other than, I guess, when the guys come there -- they're parking their own cars. That is what the parking in the back is for?

MR. KIRIK: They come in and leave their cars. They go on a trip 9 to 12 days and come back, get their car and go home. A lot of them live in Syracuse, Buffalo or Rochester. So they leave the cars back there and come home and grab them. Some of the trucks go home with them. They will live in Columbus, but some leave the cars.

MATT EMENS: And then the parking all up front, you do have clientele that come to the office?

MR. KIRIK: We don't yet. But just, you know, a couple office people. Just extra parking. If we do end up having clients, nice to have it. Where we are now, there -- the spots are limited. So we wanted to add a little extra if we can, and this would be awesome.

MATT EMENS: Got you. Okay. And I think we looked at the architectural drawings and I think the only question we had on that was the colors. I don't know if you guys have looked at those yet. It looked like there was a PDF in there, but I just don't know --

MR. ARRINGTON: You have a copy of the -- the elevations. Um, elevations that are here, is that the colors that you guys had selected?

MR. KIRIK: We're kind of looking to be like a CM color, the gray and light white.

MICHAEL NYHAN: Do me a favor. Can you move it so we can see it and the audience can see it, as well, so we know what we're talking about?

Thank you.

MATT EMENS: That's all I got right now, Mike (Nyhan).

MICHAEL NYHAN: So on our drawing you show kind of a barn-looking sliding doors, wooden doors with brown flat panels.

Is that your intent or what -- what are you going to do for the rest of that building? I'm not sure if you answered that or not.

MR. ARRINGTON: As far as what is your intent for what the building will look like for the front of the office?

MR. KIRIK: We want to kind of have like grass in the front. We kind of drove by a couple places. We looked at CM, one of the buildings -- the building when you pull into International Boulevard, the left side, the colors, kind of go with the gray on that and kind of panel it down so it looks a little more sleek.

MICHAEL NYHAN: So flat panels that are gray with glass on the front?

MR. KIRIK: Yes.

MICHAEL NYHAN: Typical doors on the back, loading dock doors?

MR. KIRIK: Yes.

MICHAEL NYHAN: Okay. All right. What was submitted was all brown. That is why I asked. Wooden doors. It doesn't represent what you're building.

MR. KIRIK: Oh.

MICHAEL NYHAN: Okay. Couple things on the drawing. Again, I don't see snow storage.

Will you have space for snow storage for all this parking lot area with your bio retention and pre-treatments? You need to show that on the plan, as well, so you can sufficiently move enough snow into these -- those areas based on your parking lots.

MR. ARRINGTON: Yep.

MICHAEL NYHAN: Any easements needed for this?

MR. ARRINGTON: As of right now, no.

MICHAEL NYHAN: The only variance -- you have a parking variance, right?

MR. ARRINGTON: Yes.

MICHAEL NYHAN: Because you kind of have three fronts in the building.

MR. ARRINGTON: A joy, yeah. One of the reasons we're needing that variance is because we're trying to leave as much of that vegetation that is between this property and Paul Road.

MICHAEL NYHAN: Sure.

MR. ARRINGTON: Just trying to create a buffer between Paul Road -- which on the other side is residential -- so we want to keep as much buffer there as possible.

MICHAEL NYHAN: Do you plan on redoing any of the landscaping for the buffer on Paul Road?

MR. ARRINGTON: Yes. Basically there will be a surplus of topsoils from our numbers so there will be a landscape berm at the backside of that parking. I guess our landscape plan will show with that 1 percent building cost, we're going to plant that berm with taller conifer trees, kind of creating both a noise and visual buffer from the truck parking.

MICHAEL NYHAN: Okay. So -- I saw that some of the parking will take up some of the current berm. Most of the landscaping out there now looks kind of thin. You can see right through it in the winter. So that will all be removed? You're going to raise the berm and you're going to put conifer and deciduous trees in there so that it's screened --

MR. ARRINGTON: Yep.

MICHAEL NYHAN: -- visually?

I see you have some landscaping at the intersection. I think we would like to see that wrap around to the pre-treatment area.

Do you have a pre-treatment pond?

MR. ARRINGTON: Sir?

MICHAEL NYHAN: You have a pre-treatment pond basin?

MR. ARRINGTON: Yes.

MICHAEL NYHAN: So the landscaping from the entire length of Paul Road, wrap that intersection with International Boulevard and Paul down to right around where the bio retention or pre-treatment basin is, so that that screens the property from that intersection, as well as the residents on Paul Road.

MR. ARRINGTON: Yep.

MICHAEL NYHAN: I think that would be one of the conditions -- is that it is a permanent landscape buffer.

MR. ARRINGTON: Yes.

MICHAEL NYHAN: So it will be repaired or replaced if something happens to any of the trees in there.

MR. ARRINGTON: Okay.

MICHAEL NYHAN: I think that's all I have for now.

DAVID CROSS: So the Town Engineer brought up a comment about the -- there is just a minor number of land bank spots in the front, like 6 land bank spots you're showing and a total of 39 there. Would you consider just building those all right now? That is really kind of a minor thing.

And then concern about operational use of the tractor-trailers. Are they running overnight? Is there -- is -- do you envision any of that?

MR. KIRIK: They come in usually during the day. If they come in at night, they drop and hook and leave. At night it won't be much going on. It is really during the day.

DAVID CROSS: We don't want tractor-trailers out there running.

MR. KIRIK: They don't run because we have on -- on the back of the trucks, each one has where they can turn it off and it runs without the truck. Extra emissions that California requires. All our trucks have to have it. The truck is off, but they still can use the heat and AC. Like California, you're not allowed to idle more than 20 minutes. We have to put it on all of the trucks. It saves us fuel and it saves the noise complaint. And it saves the truck running.

DAVID CROSS: Okay. Thank you.

MR. ARRINGTON: To further speak towards the Town Engineer's comments, we have no issue with the rest of those. There will be some minor things with the SWPPP as well as some more dimensions and some land-banked loading berths.

PAUL BLOSER: Some lighting in there also.

MR. ARRINGTON: We intend to add the extra pole on the parking so the area where cars will be staying for longer periods of time will be adequately lit.

PAUL WANZENRIED: The applicant -- if I understand correctly, you are going to do the 1 percent plantings?

MR. ARRINGTON: Is that --

MR. KIRIK: Yes.

MR. ARRINGTON: Yes.

PAUL WANZENRIED: Make sure that is a condition, please.

And that -- Mike (Nyhan), just so you know, the Board knows, any landscaping that is done as part of the project must be maintained in perpetuity. It's in the code.

MICHAEL NYHAN: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: One last question. The -- the parking where there is 28 spots right along International Boulevard and Paul Road, I think you said that is for trailer parking; is that right?

MR. ARRINGTON: The 28 spots --

MICHAEL NYHAN: There's the main parking lot right behind the building. And then there is another one off to the truck entrance.

MR. ARRINGTON: That's overnight.

MR. KIRIK: Overnight driving parking.

MICHAEL NYHAN: Okay. Those are the overnight.

And then the ones along the back?

MR. KIRIK: The trailer ones?

MICHAEL NYHAN: They're all trailer ones, aren't they?

MR. KIRIK: Yes.

MICHAEL NYHAN: So those are all trailers that will be parked?

MR. KIRIK: Yes. Whenever we need extra space for the trailers, we park there.

MICHAEL NYHAN: And so do you bring in cargo, put it in the warehouse and then it goes to another truck and leaves?

MR. KIRIK: Yes. Or sometimes we'll drop a trailer and another guy will come.

MICHAEL NYHAN: Just grab the trailer and not even unload it?

MR. KIRIK: Yep.

PAUL WANZENRIED: Did you determine where the dumpster location was going to be? I think Mr. Defendis brought that up, correct? Do you know where that is going to be?

MR. KIRIK: We don't. I don't know -- unless you guys have your opinion on it, what makes sense where it would be. I don't know if it would be more -- trucked away over here (indicating)? I don't know which -- I don't know if I really want it on this side, right?

MR. ARRINGTON: It will be more of access for the -- for the garbage truck. So realistically, you want it probably either right there (indicating), preferably in the back. But over here (indicating), it is kind of far from the building. We have several places we can place it, so.

MICHAEL NYHAN: So wherever you place it, you will need to enclose it.

MR. ARRINGTON: Correct.

MICHAEL NYHAN: You will have to get approval from the Town where you're going to place it to make sure it meets our code.

Is that sufficient, Paul (Wanzenried)?

PAUL WANZENRIED: Just make sure that -- make it a condition that the dumpster is -- what will you make the dumpster out of? Chain-link with the vinyl slats? Are we doing materials similar to what you're building the building out of? That is what I would want as a condition, Mike (Nyhan).

MICHAEL NYHAN: Got it.

Have you considered that yet?

MR. KIRIK: We're thinking about doing it out of block.

PAUL WANZENRIED: Perfect.

MICHAEL NYHAN: Anything else? Any further discussion?

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 Matt Emens seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: As far as conditions, this is what I have written so far, what I picked up. If there are others, please let me know.

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

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

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

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

This is pending approval of the Zoning Board of Appeals of all required variances.

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

Applicant shall provide landscaping equivalent to 1 percent of the total project cost.

And upon completion of the project, the applicant shall submit a Landscape Certificate of Completion 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.

Planning Board also affirms the recommendation of our Conservation Board for the landscape plan and requests that the applicant comply with these recommendations.

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

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

And there is no outside storage allowed.

Permanent landscape area between the property and Paul Road extending to the pre-treatment area, landscape buffer shall -- shall include plantings to screen residents on Paul Road from parking and the building during the winter months -- or to include the winter months.

And then we want to provide a turning radius to the Town and Town Engineer to show movement with -- the largest tractor-trailer I thought you said was 63 foot?

MR. ARRINGTON: WB67.

MICHAEL NYHAN: I'm sorry?

MR. ARRINGTON: WB67.

MICHAEL NYHAN: WB67.

And the dumpster enclosure shall be in block and located in a position approved by the Town Building Department.

Any other conditions?

PAUL WANZENRIED: Submission of the dumpster enclosure? Did you put that in?

MICHAEL NYHAN: Yes. The dumpster enclosure shall be blocked and located in a position approved by the Town Building Department.

PAUL WANZENRIED: Okay. Thank you.

MICHAEL NYHAN: You're welcome.

Any others?

MATT EMENS: The colors are just -- FYI, the colors are not listed on the elevation. It's the grays and the white, just like the applicant described.

MICHAEL NYHAN: Got it. Thanks.

So those conditions of approval.

The application of Andrey Kirik, 120 Canal Woods, Rochester, New York 14626, applicant; Rochester's Cornerstone Group, Ltd., 460 White Spruce Boulevard, Rochester, New York 14623, owner; for preliminary site plan approval with waiver of final to construct 40,700 sq. ft. warehouse, with office space at 400 International Boulevard.

MATT EMENS: Second.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Approval is subject to the Town Engineer and the Commissioner of Public Works.
2. The Town Engineer and the Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
3. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
5. Pending approval of the Zoning Board of Appeals of all required variances.
6. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
7. Applicant shall provide landscaping equivalent to 1 percent of the

total project cost.

8. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.
 9. 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.
 10. Building permits shall not be issued prior to applicant complying with all conditions.
 11. Application is subject to all required permits, inspections and code compliance regulations.
 12. No outside storage allowed.
 13. Permanent landscape area between property and Paul Road extending to the pre-treatment area. Landscape buffer shall include plantings to screen residents on Paul Road from parking and building during winter months.
 14. Provide turning radius to Town and Town Engineer to show movement with largest tractor-trailer (WB 67').
 15. Dumpster enclosure shall be in block and located in a position approved by the Town Building Department.
2. Application of Vista Villa Holdings LLC c/o Bill Howard, 27 Old Scottsville Chili Road, Rochester, New York 14624, applicant/owner; for preliminary subdivision approval of 47 lots to be known as Vista Villa Phase 2 at 100 Club House Drive. PRD District.
 3. Application of Vista Villa Holdings LLC c/o Bill Howard, 27 Old Scottsville Chili Road, Rochester, New York 14624, applicant/owner; for preliminary site plan approval to erect 47 single-family dwellings (Vista Villa Phase 2) at 100 Club House Drive. PRD District.

Peter Vars, Bill Howard and Robert Marks were present to represent the applications.

MR. VARS: Good evening. My name is Peter Vars from BME Associates appearing tonight on behalf of Vista Villas Holdings. With me this evening is Mr. Bill Howard from Vista Villas and Robert Marks, his attorney.

As you mentioned, we are appearing this evening to request preliminary subdivision and site plan approval for Phase 2 of Vista Villas.

In addition to that, there would be -- we would be asking a consideration be given to granting a waiver for final approval for Phase 2.

Phase 2, as proposed, consists of 47 single-family lots on 15.78 acres. It is within the overall 174-lot, 282-acre Vista Villas subdivision. The property is located off of Archer Road. The Town road portion of it. It forms the west boundary of the property and it is north of Black Creek. Black Creek is the southern boundary of the property and the CSX Railroad is the northern boundary of the overall property.

The application before the Board this evening is the same application and layout and number of lots of -- of -- for Phase 2 of an application that was approved by the Chili Planning Board back on January 13th of 2015. This approval granted preliminary subdivision approval for Vista Villas Phases 2 through 6, approving 174 lots on 282.5 acres. This approval by the Planning Board on that evening also waived the final subdivision approval for Phase 2 only, which was 47 lots.

At that same hearing, the Planning Board also issued a SEQR negative declaration for Phases 2 through 6 at that time and as stated in the resolution, it was based upon the information supplied and reviewed and contained within the Environmental Assessment Form, reports provided and testimony given at the Public Hearing.

So this evening we are, in essence, requesting a re-approval of Phase 2 given that there is no material changes to the proposal, nor the property itself from what was reviewed and approved in 2014 and 2015.

Vista Villas is zoned PRD. Planned Residential Development and that was per a rezoning application taken by the Town Board -- or rezoning action taken by the Town Board back on May 15th of 2002.

Section 1 of Vista Villas was filed and developed in 2014.

As we mentioned, section -- or Phases 2 through 6 would consist of utilizing about 58.3 acres of the 282.5 acres, thus leaving about 224 acres that would be set aside and identified Ag District lands and open space lands. All of this being identified through the previous approvals.

So in 2023, the property owner and applicant, Vista Villas Holdings, decided to move forward with finishing the development of Vista Villas. The intent is to develop the 174 lots as they were preliminary approved in 2015. And this would be on that same 58.3 acres of the total property holdings.

Through several meetings that were held with the Town throughout 2023 and into 2024, the following was determined. The preliminary approval that was granted for Phase 2 has expired as -- as a result of the conditions of that approval as it related to the waiver of the final approval were not met within the requisite six-month time frame that's called for within the Town Code.

However, it was also determined that the preliminary approval for Phases 3 through 6 remain intact as there is no sunset cause in the Town Code as it relates to preliminary approval.

We also believe that the SEQR determination for the subdivision for Phases 2 through 6 remains in place because that preliminary approval itself remains in place and thus you cannot have a preliminary approval without a SEQR determination.

As a result of these meetings, the applicant was directed to -- that he would be required to reapply for Phase 2 approval, both preliminary approval and final approval, because of the expiration of the 2015 approval.

So that is the application we have submitted and bring before you this evening.

So that's kind of the background. I will now walk you through the actual plan itself.

So -- so the proposed layout for Phase 2 is the same as was reviewed and approved in 2015. It meets the standards of that overall preliminary approval along with the standards that were established with the PRD zoning from 2002. This includes lot standards with a minimum lot size of 10,000 square feet. A minimum lot width of 60 feet and a 35-foot front setback.

The project proposes a new access onto Archer Road, just south of the Beaver Road Extension. Sight distances at that intersection location do exceed the AASHTO standards for sight distance both to the north and to the south.

The -- the proposed dedicated road would be extended eastward into the site and ultimately connect into Prestwick Lane, the Section 1 -- the road constructed with Section 1.

A temporary cul-de-sac at the eastern end of the proposed street, Vista Villas Drive, would be installed at this time upon Phase 2 construction. The dedicated streets will include 5-foot-wide concrete sidewalks on both sides of the street and would tie into the sidewalk system on Prestwick Lane in Phase 1.

Water supply to the subdivision will be provided through connections to the existing Monroe County Water Authority system with a connection at Archer Road and also to the existing water main on Prestwick Lane, thus completing a loop of that system through sections -- or Phases 1 and 2.

Sanitary sewer has been designed through consultation with the Gates-Chili Ogden Sewer District. The collection system will be constructed by the developer and offered in dedication to the Sewer District. At the Archer Road entrance there will be a sanitary lift station installed and that will collect the wastewater and pump it eastward and tie into the existing Gates-Chili Ogden sewer located at the end of Prestwick Lane in Phase 1. The Sewer District has provided the direction and guidance on this sewer system and has confirmed the capacity is available for the anticipated flows from the proposed development.

Development of Phase 2 will also include a comprehensive Storm Water Management Plan, a Storm Water Management Plan that has been designed for the Town of Chili standards and also to meet the requirements of the New York State DEC stormwater design manual and construction stormwater permit.

Stormwater, the general drainage pattern on this property is north to south. Obviously being bounded to the south by Black Creek and its associated wetlands around there. A stormwater management facility that you can see highlighted in blue on the rendering would be located at the rear of Lots 203 through 209. That facility has been designed per the DEC stormwater guidelines and it is constructed such that it will be outside of the Black Creek flood plain and the wetlands and the wetland buffer that exists along the southern border of the property.

We also provided a Stormwater Pollution Prevention Plan in compliance with the DEC general permit requirements. The southern portion of Phase 2 and of this entire property does contain wetlands and the flood plain to Black Creek. The wetlands on the properties were recently -- or I should say were delineated as recently as in 2022 and they were reviewed in the field by the New York State DEC and the Army Corps of Engineers.

There is no proposed encroachment into the wetlands or to the DEC buffer with this Phase 2 development. The flood plain itself is within that wetland area. The flood plain to Black Creek -- the 100-year flood plain elevation is 525. The lowest elevation we have for the proposed structures, as these are walk-out lots that back up to the southern property line, is an elevation of 533. So we're well above the flood plain elevation with the proposed construction.

The spillway within that stormwater pond is set at an elevation of 529.5. Again, providing that emergency relief to the pond and being over 3 feet below the nearest structure. So providing protection to these structures both from the flood plain and the stormwater pond.

Phase 2 will also include the designation of around 34 acres of conservation area and that comes from the 2015 approvals as it relates to requirements that were made by the Town as to conservation areas associated with Black Creek, its wetlands and area.

We also acknowledge the need for the -- for the access and trails through that southern portion of the property that have been identified through the previous approvals and those will be

provided by the applicant.

We did provide for the Board a -- and this was at the request of Town staff -- we did prepare a Long Form Environmental Assessment Form Part I. We did prepare that and complete that for informational purposes. And to supplement that EAF, we also provided a complete engineer's report. That engineer's report includes information on the ability of this property to be served by the public water system, the Gates-Chili Ogden Sewer District, its compliance with the stormwater design manual and regulations along with information on the wetlands, soils and the flood plain.

With regards to this, we -- we find that between that information in the EAF, the plans as they have been prepared and the information in the engineer's report, that everything with this design remains consistent with what was reviewed and approved in 2015 and also that there has been no real change to the property itself or to the proposal as it relates to what was reviewed in 2015 and thus we find it to be consistent with the negative declaration that was issued in 2015 concerning SEQR.

We did receive the Town Engineer's letter and we did receive the Monroe County Planning comments. We will address those in writing and we do not -- we have had an initial conversation with the Commissioner of Public Works on a couple of items to work out with them, but we do anticipate the ability to address those -- those comments.

So with that, that completes my presentation on the technical aspects and the site planning. I will have Robert (Marks) speak for a few moments a little bit on the procedures. Okay? Thank you.

MR. MARKS: Hello. Robert Marks, attorney for Boylan Code on behalf of Bill (Howard) and the applicant here.

I will endeavor to be very brief and really speak only if questions arise in the future. As you may imagine, my presence here is -- is in large part because of the relatively unusual and complicated procedural history of this application and specifically as it relates to the approvals from 2015.

So I think Peter (Vars) did an excellent job of covering what has happened in the past. I don't intend to rehash the issue right now, but certainly am available for questions or to respond to potential concerns from the Board as they may arise relating to procedural history of this application and how best to move forward with the procedure of this application.

I will just simply emphasize that tonight we're here for Phase 2 for site plan and subdivision approval for Phase 2. And it's our position that SEQR was completed for Phases 2 through 6 in 2015. The project is the same now as it was in 2015. Environmental impact is the same now as it was in 2015 by definition.

So that's what we would ask this Board to -- to consider and how we would suggest that it proceed tonight.

MICHAEL NYHAN: Thank you.

MR. MARKS: Thank you.

MICHAEL NYHAN: Peter (Vars), in 2022, you received a jurisdictional determination on the wetlands?

MR. VARS: That's correct.

MICHAEL NYHAN: Where are the wetlands? What phase are they near for the entire property?

MR. VARS: Oh. Can you hear me if I stand over here and speak?

MICHAEL NYHAN: Yes.

MR. VARS: So the wetlands pretty much follow Black Creek. The way this property is -- and this is why the southern boundary is what -- what technical term we want to call it -- "squiggly," it is Black Creek that forms the southern boundary. So that is why it has that shape.

The wetlands are on both the north and the south side of the creek. So it is along the entire southern boundary of the property, is where the wetlands exist.

MICHAEL NYHAN: How far from the development?

MR. VARS: The -- the 100-foot buffer line of the New York State DEC wetlands is pretty much right along the line of where the proposed pond access road would be. So that's where the 100-foot buffer is. So the wetlands themselves are about 100 feet further south of that area.

MICHAEL NYHAN: That is where they were in 2022?

MR. VARS: Yes. And the determination is valid for five years.

MICHAEL NYHAN: Okay. You resubmitted in October of 2023? In your letter you indicated that delineation was conducted by your office on October 3rd of 2023?

MR. VARS: Yes. Yes.

MICHAEL NYHAN: Did that get resubmitted to the State?

MR. VARS: Yes. I apologize. And that is what the JDs -- the jurisdictional determinations were. We did initial delineation in 2022 to locate the wetlands so we could do -- confirmed the site plan that was still a valid site plan without encroachment. And then formally completed the formal delineation report and submitted it to the regulatory authorities.

MICHAEL NYHAN: Okay. You have not received a response from them yet?

MR. VARS: We have.

MICHAEL NYHAN: Did you submit that to the Town?

MR. VARS: No. But we can provide that.

MICHAEL NYHAN: As well as the 2022 determination, if you could submit that, as well.

MR. VARS: Sure.

MATT EMENS: Let me stay on that for a second.

Peter (Vars), if I look at drawing C6 here -- or drawing 6 -- sorry -- is where you guys are depicting that 100-foot buffer in the wetlands and it does look like it bumps up right up next to it. Not on it, but right next to it. The back of Lots 211 and 212.

MR. VARS: Uh-huh.

MATT EMENS: So it is very relevant to Phase 2.

Are there wetlands on other parts of the site? Does it follow the creek the whole way back?

MR. VARS: The wetlands do follow the creek all of the way along the south property line, yes.

Maybe a little hard to show on this map. But -- so obviously in the gold here is Section 2. Then phase -- the remaining Phases 3 through 6 are through here (indicating) and then up to the railroad. Point being is as they move -- as you move eastward with the development, they start getting a further separation from -- from the wetlands itself. Okay? But yes, the wetlands do exist all through here along the entire south property line.

DAVID CROSS: I have nothing further at this point.

MICHAEL HANSCOM: Just that they -- I guess the subdivision plat, it would help if you would put that wetland delineation --

MR. VARS: On the overall plat?

MICHAEL HANSCOM: -- on the overall plat as well as the 100-foot buffer.

MR. VARS: Sure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: I'm Barb Denigris. I live at 254 Archer Road, which is the group of houses that is on the west side of the development.

We have always experienced a lot of wetness coming down that hill and if they start dislodging all of that soil and putting houses in, we're going to experience even more.

The southern part of -- yeah, the southern part of the development that is in orange is right next to an area that the Zubers, the farmers, never planted in. Never. Because it was always too wet and they would get their equipment stuck in there.

So I don't know how -- I don't know what 100 feet is, but to plan a house there, they would need a tremendous amount of sump pumps and whatever to keep their basements dry.

At this point, I am living at 254. There is a brand new family that moved next door to me. They have kids. It's their first house. And they have mold in their basement.

When I moved in in 1974, we had to put a hydro diversion system in just to keep the wall from falling in, the basement walls.

None of us are free from wetness in the basements. And if they start messing around with that hillside, we're going to have a lot of trouble. Water flows downhill.

I have -- we have a little bit of a buffer in there in that my pasture, which used to have horses in it, would always flood in the springtime. It was always a huge puddle.

And the house -- Brian (Lexen), what number are you?

MR. LEXER: 274.

MS. DENIGRIS: 274.

He is down at the very far end of that development. And his backyard always floods. Always. He has an up -- an aboveground pool and I don't know how he ends up using it. He has kids. Can't -- can't use the backyard. It's like a sponge.

And we have seen it. I have seen it for years and years. The water flows down. And if you start messing around with that hill, you're going to have more problems. And we don't appreciate that.

The other thing is that with that exit road on the southern end of the development, there is a hill there on that road. It's not a flat road. It's hard enough for any of us to get out of our driveways. And we're also experiencing a tremendous amount of tractor-trailer traffic that comes down Beaver Road Extension, believe it or not. A tiny little road. And it comes from the packaging company over there on Beaver Road. It comes down Beaver Road Extension, turns north onto Archer Road and heads out through the intersection of Archer Road and Paul Road -- which is not built for trucks -- and heads up through Town to get to the expressway. We're having an awful lot of trouble with that.

So I don't know how anybody can feasibly say that that is going to work with that road, that exit road coming out on the south end of the development at the foot of a hill where Archer Road has traffic coming at 40 and 50 miles per hour. Not to mention trucks.

So I think that this planning is very faulty. And we can probably go on and give you all kinds of experiences we have had living there. But my impression of a Town is to protect the residents that are already living there. And I am hoping that this Board steps up to the plate and makes sure that they look at all these avenues. These people who are building don't have to live there. We do.

MICHAEL NYHAN: Thank you.

STEPHEN TARBELL, 29 Prestwick Lane

MR. TARBELL: Stephen Tarbell, 29 Prestwick Lane.

A couple concerns I have is what -- out of all those 47 lots behind where my house is, are those all within the 10,000 square foot for lot size? Some of them look kinda small. And after

being -- living there for eight years, that lot behind my house, there is quite a few low spots. That gets very, very wet back there. I mean there -- there isn't -- I know a couple times with hot weather it gets dry, but that land back there is wet.

And then I didn't know that information -- if a farmer never went back there and did any farming back there -- that could have been the reason, but that lot back there is -- is wet.

And there is a lot there. But my question is about the lot sizes. Some of them seem -- some of them don't seem what the diagram seem -- are they all 10,000 square foot?

MICHAEL NYHAN: They're at least 10,000. Some are more.

MR. TARBELL: Every one is?

MICHAEL NYHAN: Yes.

MR. TARBELL: Okay.

MICHAEL NYHAN: Thank you.

BRIAN LEXER, 274 Archer Road

MR. LEXER: As she said, I'm -- Brian Lexer at 274 Archer Road, which is, I think, proverbial the last house on the left. And as she has already stated quite a bit about just the absolute wetness. The mosquitoes get ridiculous down there.

I like to take my kids and dog for a walk down to Black Creek, but it's only honestly accessible maybe a random month or two out of the year because it is just inaccessible.

And as she said, there is the slightest hill there on Archer Road and we are just to the south of Beaver Extension Road. Pulling out of our driveway, between Beaver Extension and the light on -- is it Ballantyne or 252 there? It is dangerous sometimes already. So to install another driveway next to ours, servicing 200-plus houses -- and then the development that is already going on across the street -- I don't know the name of that one either unfortunately -- I didn't bring my notes.

MS. DENIGRIS: Rose Estates.

MR. LEXER: And those are still expanding. I don't know how many hundreds of houses are going in there. Just the traffic. It's -- I don't know how -- logically if people buy houses next to me, they're going to be flooded out. Their foundations are going to crumble. It's -- it's that wet there. And my yard, too, has water flowing through it. Not just in the spring. Any heavy -- heavy rain, any time of year, it's saturated. So I'm just -- I don't know how it is logically plausible to -- to do that.

MICHAEL NYHAN: Thank you.

MR. LEXER: Oh, and the animal life. We -- sorry. We have had a family of deer spend their entire winter right behind our house in that field. A family of turkey all summer in our backyard and that field. You name it. Fox, coyote, snakes, mice, everything. I don't know. Just the -- the impact of the wildlife also.

MICHAEL NYHAN: Thank you.

RACHEL HARRIS, 25 Prestwick Lane

MS. HARRIS: Hi. I'm Rachel Harris and I live at 25 Prestwick. Just a little concerned about the noise of construction right behind our houses. My husband and I both work from home. We have pretty intense jobs that require a lot of concentration so I don't know what it will be like having a construction zone in our backyard. Just raising that concern.

MICHAEL NYHAN: Okay. Thank you.

BRAD WHITE, 268 Archer Road

MR. WHITE: Brad White at 268 Archer and maybe -- just piggybacking on her question about the noise. Maybe if they could just comment as to what the timeline might be? I know it depends on how fast houses sell. I'm in the construction business myself, so I can relate to some of the obstacles that they must be going through as a developer. So -- in general, I can't object to development. And I'm a newbie to the neighborhood.

But one of the things I would like to know is how it is gonna be managed. Being new to the neighborhood -- it has already been brought up by a couple others -- that traffic, it is a blind hill leaving our driveways already.

I can certainly validate what Brian (Lexer) was saying that it's very dangerous pulling out of my driveway and his driveway because there is -- because of the blind hill there. We have to time it. So if all these residents -- I don't know if they're going to be as good of timing it as we have gotten. They will get there eventually but after an accident or two potentially.

Again, there is probably a way, but I would like to maybe hear from the developer how they plan to manage that traffic flow.

MICHAEL NYHAN: Okay. Thank you.

MS. DENIGRIS: Can I speak again? Is there --

MICHAEL NYHAN: Sure. Just repeat your name for the record.

MS. DENIGRIS: Barb Denigris, 254 Archer.

Is there some kind of assessment that has been done by the New York State Traffic Department, whatever it is called, to look at that intersection? And that hill? And the fact that -- you know, if they put out a -- some kind of monitoring thing, they would be, I'm sure, amazed at the amount of traffic.

And that is a Town road. All this traffic and all those extra people are going to beat the heck out of that Town road and we're going to have to pay for it. The Beaver Road coming down and Paul Road, those are State roads. But the tractor-trailers and -- all of the -- all of the

population from Gates comes down Archer, goes back home that way. Ballantyne is considered a corridor and a lot of people go up Archer Road. And they have no regard for any of the fact that we're all residential people there. We have families moving in there. We have grandchildren.

I -- I would like to see some kind of an assessment done by the New York State Department of Transportation or whatever -- who could figure out a safe way there between Beaver Road Extension and Archer Road and this new exit.

MICHAEL NYHAN: Thank you.

Peter (Vars), a few things. You will notice we requested once before for a traffic study. And I believe the New York State DOT requested one, as well.

Has that been completed? Or was the scope never given to you?

MR. VARS: In talking with the New York State DOT -- just let me grab my notes here -- they did identify a scope. Which I think was -- the study has not been completed yet.

MICHAEL NYHAN: Okay.

MR. VARS: I think they were looking at the intersection -- Fred (Shelley), do you remember?

MR. SHELLEY: I believe it was.

MICHAEL NYHAN: Excuse me, sir. Your name?

MR. SHELLEY: Sorry. Fred Shelley from BME Associates.

FRED TROTT: I believe it was the Archer Road and the Beaver Road intersection.

MR. VARS: Yes, that's it. It is where the State road -- State road Archer Road 252 intersects the Town Road Archer Road. That is the intersection they requested to be analyzed. So that would include trip generations -- both current trip generations, projected trip generations from any approved development in the area plus projected trip generations of the development itself. We did provide sight distance analysis. That is documented on the submitted plans, illustrating that the sight distance as measured at the proposed intersection exceeds the recommended sight distance requirements both for intersection and stopping sight distances. So --

PAUL BLOSER: Would that include or not include the Beaver Road Extension that they were talking about with tractor-trailer trucks coming?

MR. VARS: The sight distance or traffic site?

PAUL BLOSER: As part of the study, would that include Beaver Road Extension? They're saying trucks are coming out of the packaging place and going up north on Archer.

MR. VARS: So that -- yes. The traffic counts would be done on the existing highway network. So the answer to that was yes. And it would identify what are the current volumes today.

MS. DENIGRIS: On Beaver Road Extension you're asking, right?

PAUL BLOSER: I'm talking about Beaver Extension. Because they're bypassing the stoplight at that point. If I was hearing you correctly, they bypass the stoplight coming up Beaver Road Extension and then turn north on Archer.

MS. DENIGRIS: And you can't see down Archer Road from Beaver Road Extension very well because there's a knoll.

PAUL BLOSER: I'm familiar with the area. I'm just -- they're just -- they're just doing a study at that intersection and that would not include these trucks. I don't know how many a day --

MR. VARS: We --

MICHAEL NYHAN: So let's back up a minute here. So the State gave you scope, right?

MR. VARS: No -- well, yes.

MICHAEL NYHAN: Okay.

MR. VARS: However, we have also been in conversation with the Commissioner of Public Works given the fact that there are Town road intersections.

MICHAEL NYHAN: Right.

MR. VARS: Okay. And that is where we will also include the proposed intersection of the subdivision street with Archer Road and Beaver Road Extension, Archer Road.

That -- Commissioner Lindsay, we had that conversation with him.

PAUL BLOSER: Our job is, you know, due diligence for the citizens.

MR. VARS: And Mr. Lindsay was -- was of the same mind.

PAUL BLOSER: That's fine. Okay. Good.

MICHAEL NYHAN: To be sure we're clear on the scope -- but we have discussed this with our -- within the Town. So the intersections would be Archer and Ballantyne, which was already spelled out by the State; correct?

MR. VARS: Yes.

MICHAEL NYHAN: It would be Beaver Road Extension as well as Ballantyne/Beaver Road? And that would include Archer Road. And the Archer and Paul Road intersection.

MR. VARS: Archer and Paul?

MICHAEL NYHAN: Correct. Which is north of this development, right past the railroad tracks.

MR. VARS: That -- I did not have that conversation.

MICHAEL NYHAN: I know. That is why I am bringing it up now. To make sure -- before you do the traffic study, I want to make sure you have the full scope so you don't have to come back and hear that we wanted an additional intersection and have to redo it.

So is there any other scope that anybody -- that pretty much covers the three intersections

and the main roadways that lead up to this area.

MR. VARS: I guess the only question I have is Paul Road is a State road.

MICHAEL NYHAN: Paul Road in that area I believe is -- was switched to a County Road?

PAUL WANZENRIED: County.

MR. VARS: County is it? What we'll do, Mr. Chairman -- and this is typically what we will do -- we basically -- we'll take this information. We'll draft the scope. We will submit it to the County, the State and the Commissioner of Public Works and we get everybody to sign off for that exact reason.

MICHAEL NYHAN: I just don't want you to have to come back and do it again.

MR. VARS: Exactly.

MICHAEL NYHAN: Trying to save you sometime.

MR. VARS: That's correct.

MS. DENIGRIS: One other point?

MICHAEL NYHAN: Excuse me. Hang on.

So you could include that. And that would be the traffic study that we would have to review.

Good?

MR. VARS: Yes.

MICHAEL NYHAN: Ma'am?

MS. DENIGRIS: The one other point is that there is a railroad track there.

MICHAEL NYHAN: Your name again.

MS. DENIGRIS: Barb Denigris, 254 Archer Road.

MICHAEL NYHAN: Thank you.

MS. DENIGRIS: And there is a trail road track there that is -- several times a day. So we get backed up sometimes at 5 o'clock, right down to Ballantyne.

MICHAEL NYHAN: Thank you.

MS. DENIGRIS: That's another part that has to affect the exit roads for the development.

MICHAEL NYHAN: Okay. Thank you.

MS. DENIGRIS: Okay. That's it.

MICHAEL NYHAN: Any other comments at this time?

Let's discuss SEQR. I know the project hasn't changed much from the project itself. However, the area has changed quite a bit. It has been nine years since that SEQR was done relative to the approvals that you received.

There has been several larger developments. Rose Hill Estates, American Packaging just to name a few. So the decision before the Board would be to review whether we would segment SEQR and only require it for Phase 2 or if we would keep the SEQR intact for the entire project and require it for Phases 2 through 6.

MR. MARKS: Can I -- do you mind if I speak to that?

MICHAEL NYHAN: Sure. Go ahead.

MR. MARKS: So I think -- the segmentation is an issue that I think rarely comes up in my experience with Planning Boards so I will just speak generally to -- segmentation is a separate question as to whether or not you're going to reopen SEQR.

So -- so you have a SEQR approval from 2015 that applies to 2 through 6. What -- what -- what the Chairman is discussing is -- is potentially reopening that decision or -- or re -- redoing that decision.

And then the question of segmentation is do we do it only -- SEQR for Phase 2 or do we do SEQR for Phases 2 through 6 again? So I want to speak on both of those issues.

So first and foremost, it is our position that SEQR should not be redone generally for the entire project, including 2, as well as 3 through 6. Which is -- again, a different issue than segmentation.

And the reason being that those projects that may have been built after 2015 would have looked at already approved projects in the area. Right?

So if -- if a project was approved and came in across the street or down the road, at that time the Planning Board, when it reviewed that application and conducted SEQR on that application, should have and likely did, looked at are -- already approved construction in the area which would have included this project. Right?

So for this Board to hold that against us, to say well, our other -- our other projects came in afterwards that changed the area, the burden really was on those other projects to look at what was already approved in the area, which would have been this project.

So I don't believe that those are valid grounds to reopen SEQR. And instead, the only thing that -- in my opinion that would be a ground to reopen SEQR would be a change in the zoning, a -- a major change in the way that the property is permitted to be used which is not the case here. Obviously, we have a Planned Development District.

So I would respectfully submit to this Board that that determination would be arbitrary. That this -- that this is the same project in 2015 -- it's the same project now. The environment hasn't changed.

And to the extent that other projects in the area have changed the area, those projects would have considered this previously approved project.

So that's -- that's a question one. Segmentation being do we reopen 2 or do we reopen the whole thing?

If -- if the Board disagrees with me -- which again, I strongly believe they shouldn't reopen

SEQR at all -- but reopening 3 through 6 as well as 2 would be another -- again, in my opinion, a grave error.

And the reason being that 3 through 6 is -- has preliminary approval. So to pull SEQR on those approvals would be, in essence, to pull the rug out from underneath what we already have approvals for.

So I'm trying to protect what my client received in 2015 and to take away SEQR approvals from 3 through 6 would essentially require us to go through those preliminary approvals again, which is what I'm trying to avoid.

And for -- and the reason why I'm arguing the case generally is obviously the time, expense associated with going through SEQR again. As this Board knows, for some projects, as the one that just happened, SEQR is pretty straightforward and easy matter. Back in 2015, that is exactly how this one went. Right? It was an unlisted action, neg dec and it lasted as long as the last application did according to the meeting minutes.

But to the extent that SEQR will be blown wide open -- I will use that phrase -- for the whole project, that is a great time and expense to my client and it will prejudice him significantly. And it will take away the rights, especially as it relates to 3 through 6 that he received back in 2015.

So I appreciate you giving me the time to speak on that issue. That is why I'm here.

MATTHEW PISTON: So one thing that we need to straighten out is that there are two applications pending before the Board. One for subdivision and one for site plan.

And there is a question at least in my head that I think we need to clarify with the Town whether or not that 2015 approval was given for -- whether there was ever a site plan application and whether SEQR was ever done for the site plan for Phase 2. Which I think should be taken into consideration, as well.

MICHAEL NYHAN: Thank you. So with that, as far as SEQR --

MATTHEW PISTON: No, I -- I think -- we -- Paul (Wanzenried) is going to go back and pull the Town's file to see whether or not an application for site plan was ever permitted.

MICHAEL NYHAN: For Phase 2?

MATTHEW PISTON: For --

PAUL WANZENRIED: Yes. I don't recall it being -- I will verify.

MICHAEL NYHAN: While Paul (Wanzenried) is doing that, I had another question.

The approval for the entire project was given preliminary approval?

MR. MARKS: Not for 2. 2 received final. Which is why --

MICHAEL NYHAN: For Phase 3 through 6, it was never given final approval?

MATTHEW PISTON: That's my understanding.

MICHAEL NYHAN: Right. So if it was never given final approval, I'm not sure that any other SEQR being done would have looked at preliminary. They would have only looked at the final. It is entirely possible.

Is that correct?

MR. MARKS: It's a Planned Development District. Right? So the Town has maps on what this project, you know, would look like. And 1/6 of the project is completed.

So I think, you know -- I haven't gone back and looked at those -- the meeting minutes for those prior SEQR approvals, but I think it certainly would have been on -- on the Planning Board to look at an approved project, preliminary or final. Right? Partially final, partially preliminary depending on the phase. And to consider the environmental impacts that would have taken place.

Again, that's for those projects; right? So if there was a project like a subdivision across the street, the question for the Board would have been was there -- is there going to be an environmental impact on this -- on this area, right?

So that is why it is even more, I think, improper for the Board to say "Well, that -- when we looked at that, that changed now your project across the street."

Because the environmental impact of this project would be the same as it was back in 2015 unless there has been some great changes to the environment. Not to other projects in the area.

MICHAEL HANSCOM: Just one thought also. Environmental impacts include -- include the traffic in the area. It is not just the -- the -- the environment with regards to the animals, plants.

So -- so since 2015, there is the possibility -- and I think the -- what's -- part of what's happened is the traffic impacts from the other developments have occurred since that time and have been a little more impactful than what the developers at that time determined through their own traffic studies.

So at this point in time, one of the reasons the Board wants another traffic study is to see -- try to take into account what has occurred since then and look at what the traffic impact is going to be from this -- from this developer, try to see how we can mediate those impacts.

And one of the things with regards to the scope, looking for approvals for Phase 2, what the traffic study should take into account with -- the development of all Phases 3 through 6 also. And what -- what that -- what those impacts would be in addition.

So I think that is one of the reasons that they may need to look at -- reopen the SEQR to take into account the changes in the environment that have occurred, all of the developments that have taken place since then.

MR. MARKS: Well, and the traffic study is something obviously that we are doing it and addressing. So I think that issue can be looked at by this Board in depth without needing to reopen SEQR.

MICHAEL HANSCOM: Well, that is up to the Board.

MR. MARKS: Certainly. I know. I'm -- I agree with you. I'm just responding to -- if that is the concern -- the only concern is traffic -- we're looking into that. We'll make sure those concerns are addressed. It's obviously of great importance to us.

But I don't believe that alone is grounds to reopen SEQR for the entire project. Like I said, especially one part of it is done and you have residents living there.

MICHAEL NYHAN: Thank you. So we'll wait for Paul (Wanzenried); is that right?

MATTHEW PISTON: Yes. Let's wait for Paul (Wanzenried).

MR. MARKS: I'm not sure that 2015 approval is going to have a site plan on it, but I don't know if that means it -- doesn't mean a site plan approval was done previously, if that makes sense.

MATTHEW PISTON: He is looking at the entire project.

MR. MARKS: Okay.

MICHAEL NYHAN: I was reading through the previous application before.

Was there some comment made regarding a swale between the new development homes and the homes on Archer Road? Do you recall that?

MR. VARS: Yes.

MICHAEL NYHAN: Was that to eliminate the runoff from the yards into the Archer Road yards?

MR. VARS: Yep. I can speak to that a little bit.

MICHAEL NYHAN: All right.

MR. VARS: And so -- yes. And I think it was identified in the Town Engineer's letter also that there was to be an easement and for a swale to be graded along the rear of these lots. That is to provide drainage relief for that -- kind of the drainage coming off that hill east to west.

MICHAEL NYHAN: So the lots of the existing homes on Prestwick to Phase 2 and then along Archer Road in Phase 2?

MR. VARS: In this area (indicating).

MICHAEL NYHAN: So that no water could leave that Phase 2?

MR. VARS: So -- and then the design of this -- the design itself is going to cut off the drainage that comes off that hill because all of these homes are going to be graded to drain to the proposed street. So these homes here (indicating), the fronts will drain to the street. The street will have a storm sewer system that will collect that runoff and be piped to the stormwater management facility.

So really the only drainage that then will continue to the west will be off the rear yards of -- of these six -- six or seven lots, okay? And so the area itself is going to be reduced. The area that currently drains will be reduced and it will just be the rear yard areas, the lawn areas. Because all of the impervious area will get connected to the storm sewer and sent to the storm water pond down at the south end.

MICHAEL NYHAN: So along Archer Road, the rear of the homes, the lot line right there, there will be a swale there that will catch any water --

MR. VARS: Yes.

MICHAEL NYHAN: -- that could possibly come from any of the new development?

MR. VARS: Yes. And then again --

MICHAEL NYHAN: That swale will be lower than the property of the Archer Road residents?

MR. VARS: Correct. So that it will intercept the runoff, be collected into the storm sewer system and moved to the storm water pond.

MICHAEL NYHAN: Okay.

MR. VARS: Yes.

MICHAEL NYHAN: Thank you.

MR. VARS: You're welcome.

MICHAEL NYHAN: Just another question. What is the timeline for development for Phase 2? Do you have one?

MR. VARS: Um, the developer would -- will intend to proceed as long as all of the approvals are secured.

MICHAEL NYHAN: Okay. Is there a timeline for the infrastructure piece like roads, sewers?

MR. VARS: Again, so the intent --

MICHAEL NYHAN: Like a duration of how long does that normally take?

MR. VARS: Oh, for the construction?

MICHAEL NYHAN: Yes.

MR. VARS: I -- I would estimate that for a 47-lot subdivision of this -- of this size, um, the -- the site work would probably take six -- six to eight months, I would imagine -- between starting the moving of earth to then installing the underground utilities, to then finishing off the lot grading and paving the roads. I would say it would be a six- to eight-month process.

MICHAEL NYHAN: Okay. Thank you.

MICHAEL HANSCOM: One question, in regards to the water problems with the backyards of these houses, has anybody looked at whether-- is that all surface water that is causing the issue or is there any groundwater that is flowing below the surface?

MR. VARS: We -- we have not looked at that, whether that is a -- a subsurface flow, a ground water pattern or not. We have not.

MICHAEL HANSCOM: During construction if it is determined that that is an issue, we'll

have put in a French drain --

MR. VARS: I was just going to say in and of itself -- the basements -- all these homes will have basements, the new homes. Those basements themselves will have foundation drainage systems so that in and of itself will collect whatever -- subsurface flow is -- may be following that topographical pattern east to west.

And yeah, if -- I don't see an issue with -- with once we're grading in the rear if we hit springs -- sub water flow -- to install a trench drain along -- when I say the "invert," just below the invert of the swale. So that can intercept the groundwater. Because that would be able to be able to be connected to the storm sewer system also.

MICHAEL HANSCOM: Yes. A 3 or 4 feet French drain?

MR. VARS: Uh-huh.

MATT EMENS: Sorry. Now we're talking about -- you're talking about between -- behind those six to seven houses you're just talking about?

MR. VARS: Yeah.

MATT EMENS: Okay. Because you have got that structure down there at that low point where you start to cross the road and --

MR. VARS: Exactly. And that is -- that is lower than the rear yard. So we'll be able to pipe to it. We'll have gravity flow.

MATT EMENS: Uh-huh. Yep.

MATTHEW PISTON: Like other aspects of this application, there is a little bit of a wrench and a curve ball. There are no records within the Town that a site plan application has ever been made for any of the phases. We don't know -- we would have to go back and look at the physical application, whether or not one was done for Phase 1.

I think that that is going to have a bearing on what the application before the Board actually is.

Because -- I guess to summarize, we don't know what they're actually making application for right now. So I'm going to leave it to the applicant on what they would like to do at this point, but that's where we're at right now.

Paul (Wanzenried) looked through the records and could not find anything that says that an application for site plan has ever been made.

MATT EMENS: So what is the application that was on record?

MATTHEW PISTON: I didn't hear it.

MATT EMENS: Sorry. What is the application that we have been talking about then from 2015?

MATTHEW PISTON: So in 2015 -- the one thing that we know for sure in 2015, a preliminary and final approval for subdivision with conditions was given.

MATT EMENS: Oh, okay.

MICHAEL NYHAN: Matt (Piston), for matter of expediency, would it be appropriate to place it on hold so they can talk and we take next the application and we can reconvene on -- or --

MR. MARKS: No.

MICHAEL NYHAN: You know where you want to go?

MR. MARKS: I apologize.

I will give you a little background. Part of the issue here, right, this is from 2015. And at the time when this application was -- was made and granted in 2015, my client wasn't the only person part of the -- the applicant, right, which is an LLC. And so we are without, I would say, most of the documentation that -- that we have back in 2015.

We have obviously combed through Town records and we are working well with them to -- to find the -- the documentation. But that is why we don't have an answer. Peter (Vars) wasn't the engineer in 2015. I wasn't the attorney. Not that there even was one in 2015. It is not that we have these files in our records that we can quickly reference. We are combing through Town -- Town records with the assistance of the Town.

So that all being said, I -- at this point our request would be that this would be tabled until next month. During that time we will address the concerns that -- that have been raised, including the traffic study, which I think is -- is a big one and hopefully we'll come up with even more answers. And given those sort of outstanding issues, that likely would have been the outcome any ways tonight -- was to be -- come back another month.

So we will do that. We'll get more information and we'll find out the prior approvals for site plan. Standing here now I don't know for sure, but I would obviously assume that Phase 1 had all of the approvals required because it has been constructed. So my -- my assumption is that Phase 2 was in that process, as well, and it's difficult for us to know because the project was changed so many times over the course of its inception. Which you may or may not be aware of. But obviously adds to my client's frustration in just trying to get this project built in a manner that the Town approves.

So that is our request tonight if that is acceptable to the Board.

MICHAEL NYHAN: Okay. So for matter of time, we do not have -- Matt (Piston), right now we don't really have an application to hear, correct? Until we know what has been approved and not approved.

MATTHEW PISTON: There is definitely a question as to what the actual application is. So I would -- I would agree with that.

MICHAEL NYHAN: Okay. All right. Thank you.

MR. MARKS: Just so you know, you have an open Public Hearing, so I would advise --

MICHAEL NYHAN: We'll leave the Public Hearing open.
So we'll accept the motion of the applicant to table this until next month.
Do I have a second?
MATT EMENS: Second.

DECISION ON APPLICATIONS 2 AND 3: Unanimously tabled by a vote of 5 yes to table at the applicant's request.

4. Application of Scottsville Road Holdings, LLC, 5857 Fisher Road, East Syracuse, New York 13057, applicant/owner; for renewal of Special Use Permit to allow motor vehicle repairs at the properties of 1430, 1434, and 1436 Scottsville Road. GB District.

Eric Smithers was present to represent the application.

MR. SMITHERS: Eric Smithers with IronHorn Enterprises who owns Scottsville Road. I don't want to build anything. I don't want to change anything. That's the exact point. We bought the building. We want to keep the tenancy the same. We want to keep the building the same until we can figure out do we want to improve the tenancy? How do we do it? And if so, we'll come back in for additional approvals if necessary.

But right now we want to keep the same tenants in place. I think there a little bit less than a year on one of them. The other one is a little longer than a year. If we can renew them at good rates, we will. If we can improve the tenancy, we will. Hence the plan.

MICHAEL NYHAN: Right now your tenants are the Diesel Barn. They have signed a letter of intent that they're going to stay.

The other tenant is Palermo Auto Works. And their intent is to stay, as well.

MR. SMITHERS: Yes, sir.

MICHAEL NYHAN: And this change -- the only purpose for being in there was a condition when the Special Use Permit was issued 2012, I think?

MR. SMITHERS: Somewhere in that time.

MICHAEL NYHAN: I think it was issued in 2012. That -- that any change of ownership would require a rehearing on the Special Use Permit.

MR. SMITHERS: Yes, sir.

MICHAEL NYHAN: Okay. And your intent is to keep the tenants as long as they want to be there or look for improvements to the property and then decide what kind of tenants you want in there. Which time if you changed any, you would be coming back in front of this Board.

MR. SMITHERS: If we change tenancy of the same use, would we have to come back in?

MICHAEL NYHAN: This exact same use? Just like a new company?

MR. SMITHERS: New company?

MATT EMENS: Yes. By code you have to.

MICHAEL NYHAN: Paul (Wanzenried), would have they have to?

DAVID CROSS: Depends on the condition in the Special Use Permit.

PAUL WANZENRIED: There is the answer.

DAVID CROSS: Depends on how the Special Use Permit reads.

MR. SMITHERS: We'll take a look. If we change tenancy, I will be back. But otherwise --

MICHAEL NYHAN: But you're here to change ownership, correct?

MR. SMITHERS: Yes. Changing ownership.

MICHAEL NYHAN: The conditions before were the condition of the special use permit was if you changed ownership, they would have to come back. So I think we would leave all previous conditions on the Special Use Permit will be -- I think is what we would do.

DAVID CROSS: Absolutely.

MICHAEL NYHAN: Okay. So no changes to the property. No changes to the tenancy. Just the change in the ownership of the property.

MR. SMITHERS: That's correct.

MICHAEL NYHAN: If there is any changes to that property, of course you would follow up with the Town Code to come back for any preliminary site plans or preliminary approvals.

MR. SMITHERS: Yes, sir.

MICHAEL NYHAN: Right now have you three lots, right? You're selling all three?

MR. SMITHERS: We purchased all three.

MICHAEL NYHAN: Oh, you did?

MR. SMITHERS: Yes.

MICHAEL NYHAN: All right. You will keep them all three separate lots or is that what you're considering?

MR. SMITHERS: Keeping them all the same for now, yeah.

MICHAEL NYHAN: Any questions from the Board? Side Table? Any questions?

DAVID CROSS: Just one general -- general.

There has been a lot going on and that Byrne Dairy did a real nice job. Some recent improvements with the trail, the Genesee River Trail.

The neighborhood is really like -- I mean, we want to see it continue to -- I think look nice and look better. There is definitely some room for improvement to the facades of the building there. So maybe if you could keep that in mind.

MR. SMITHERS: We will. Sometimes what we do -- the tenancy right now is pretty -- I will call it cheap. Not very high rent.

If we're able to swap out the tenancy at some point and increase the rents, we can put money back into the building. Right now cash flow is enough for us to purchase it and do -- just kind of keep it until we figure out what the heck we want to do with it. But we do that. We have done that with a lot of buildings because if we improve it, it allows us to get our rents up, too. So it is a process I think for us.

We try not to do, you know, 10, 20-year leases if it is not a credit-rated tenant. Sometimes they just keep it dirtier than we like.

DAVID CROSS: Understood. Thank you.

MATT EMENS: How about -- I see the property details on here. But how about any complaints of the current tenants or issues with the property?

PAUL WANZENRIED: The -- there was -- there was no complaints on the property.

The Conservation Board has asked that -- I believe there was plantings along the road at one point in time. Board has asked that they reinstitute those plantings and they be salt-deterrent plantings. That's the only requirements.

MR. SMITHERS: Did they die off? Is that what happened? It's a pretty heavily trafficked road.

PAUL WANZENRIED: Trafficked road, high salt. So they're looking for something decorative that can be easily maintained but will withstand the heavy salt load.

MR. SMITHERS: On the grassy area we currently have --

PAUL WANZENRIED: Yes.

MR. SMITHERS: I'll take it to Ownership and tell them they have to do it.

PAUL WANZENRIED: You won't have a choice. These guys will tell you to.

MR. SMITHERS: I was hoping they would all agree to it.

MICHAEL NYHAN: And we did receive the comments from the Conservation Board exactly calling it out and it would be a condition that we accept their recommendation.

What is your timeline for determining whether you are going to make any improvements?

MR. SMITHERS: We don't really -- again, we just bought it so we haven't really had a timeline yet. But I'll take it back to them and tell them they have to do plantings and maybe they will say we can re-facade or something.

The tenancy -- again, one tenant is less than a year left. The other one is a little more. So we might start approaching them now in order to get a longer-term lease.

If we are able to, we're able to put more money into the building because we're able to finance it differently.

MICHAEL NYHAN: Okay. All right. Any other questions?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

PAUL WANZENRIED: You think of a time frame?

MICHAEL NYHAN: For the Special Use Permit, I will make all of the previous conditions apply to this. So a change in ownership would trip --

PAUL WANZENRIED: Okay.

Michael Nyhan made a motion to close the Public Hearing portion of this application, and Matt Emens 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?

MR. SMITHERS: A comment on the prior one with the residential piece. I know it's not very close. But if they highlight that swale, that alleviates this woman's concern. I don't know why they didn't jump on that to begin with. I told them that. I told the developer, offer a yellow flashing at the top and at the middle or the bottom of that. Just offer it. It is relatively cheap and it alleviates and nobody gets killed.

For what it is worth for the next meeting because I won't be here -- I will miss all of the fun, but send me the notes.

MICHAEL NYHAN: Thank you.

MR. SMITHERS: Thank you very much.

MICHAEL NYHAN: Hang on. Don't leave.

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 Matt Emens seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: As far as conditions go, Town Engineer and the Commissioner of Public Works given copies of any correspondence with other approving agencies if there are.

All previous conditions imposed by this Board that are still pertinent to application remain in effect.

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

And any signage change shall comply with the Town Code on the property.

MR. SMITHERS: Yes, sir.

MICHAEL NYHAN: Including obtaining the sign permits.

Any other conditions?

MATT EMENS: Conservation Board? Did you say that?

MICHAEL NYHAN: Oh, I'm sorry. I missed that one. I will back up.

The Planning Board affirms the recommendation of the Conservation Board, the landscape plan and requests the applicant comply with these recommendations. That's the salt-resistant plantings along the road to somewhat screen the parking lot and the building.

Again, work with the Building Department if you know you are going to come in with a new plan for those buildings. And we expect you to plan the entire amount and we got to redo the whole place. So come in and speak with them.

With those conditions, the application of Scottsville Road4. Application of Scottsville Road Holdings, LLC, 5857 Fisher Road, East Syracuse, New York 13057, applicant/owner; for renewal of Special Use Permit to allow motor vehicle repairs at the properties of 1430, 1434, and 1436 Scottsville Road. GB District.

MATT EMENS: Second.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. The Town Engineer and the Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
2. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
3. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
4. Any signage change shall comply with Town Code, including obtaining sign permits.
5. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.

David Cross made a motion to accept and adopt the 1/9/24 Planning Board meeting minutes, and Paul Bloser seconded the motion. The vote on the motion was 4 yes with 1 abstention (Matt Emens).

The meeting was adjourned at 8:57 p.m.