

CHILI ZONING BOARD OF APPEALS
March 26, 2024

A meeting of the Chili Zoning Board of Appeals was held on March 26, 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 Adam Cummings.

PRESENT: Fred Trott, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Matthew Piston, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manager.

Chairperson Adam Cummings declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Any issues with the sign for this one, from the Board members?

The Board indicated they had no problems with the notification sign.

1. Application of XC International, LLC, 120 Canal Woods, Rochester, New York 14626, applicant and owner; for a variance to permit front-yard parking (not permitted) on the North (Paul Road) and East/South sides (International Boulevard) at 400 International Boulevard. LI District.

Thomas Arrington was present to represent the application.

MR. ARRINGTON: Good evening. I'm Thomas Arrington with Costich Engineering representing XC International. Costich's office is located at 217 Lake Ave., Rochester, New York.

To expound on this application, we are requesting a variance on the front-yard parking. Which falls in line with the parking at the other facilities on International Boulevard as this is an Industrial area.

We received Planning Board -- conditional Planning Board approval on March 12th. Part of that condition was meet the Town Engineer's comments as well as acquiring Zoning Board variance for the front-yard parking.

ADAM CUMMINGS: Okay. Board questions?

FRED TROTT: The 60 that you're proposing -- 65, I believe it is, is that sufficient for what you plan to have for the employees and visitors?

MR. ARRINGTON: Yes. There will be not a very large staff at this -- at this facility. Our -- our client, XC International, runs about 20 to 25 over-the-road truckers. They all basically spend a week out, come back, pick up their truck and do it again the next week.

So most of it is going to be -- the few employees they have, they're not running any businesses or selling any commercial products out of here. So we do not anticipate there being much from the vehicular traffic standpoint. But it will be mostly once or twice a week trucks coming in and out of the warehouse.

FRED TROTT: How many trucks a day do you expect this place will increase right now?

MR. ARRINGTON: To increase?

FRED TROTT: Yes.

MR. ARRINGTON: Speaking with our client, Andrey Kirk, we are looking at probably -- it will probably double in the next -- I think his goal was to double his fleet, I believe, in the next 5- to 10-year plan. That was kind of his goal. He wanted to go ahead and get approved to build out for what he would like to have eventually, so.

FRED TROTT: So -- so he's good for five -- ten years, the size of the building you're saying?

MR. ARRINGTON: Correct.

FRED TROTT: And parking?

MR. ARRINGTON: Yep.

ADAM CUMMINGS: As this shows, that's really going to be for automobile parking. They don't have a land -- land-banked tractor-trailer parking. So their amount of tractor-trailer queue would be as is shown on here.

Is that one of your questions?

FRED TROTT: There is tractor-trailer parking.

ADAM CUMMINGS: Right. But they can't enlarge that other than where it is at. There is no more room on the site.

FRED TROTT: Okay.

JAMES WIESNER: So would the truckers park in that parking lot out front or would they park in the one that is in the rear, the right rear, looking at that drawing right there?

MR. ARRINGTON: So the -- so truckers that are going to be, you know, gone for a week,

what they plan on doing is using that small parking lot up to just -- just north of the pretreatment stormwater pond, right there. That's where the -- they will park their personal vehicles. They will go get their tractor hook-up, the trailer and be gone for, you know, five to ten days.

JAMES WIESNER: They won't be parking in that front?

MR. ARRINGTON: Correct. The front will be for employees only. Not for the truckers themselves.

ADAM CUMMINGS: Once again, that's for automobiles up in those 28 spaces. You're not asking to have -- you're not stating that the tractors for the tractor-trailers will be parked in there?

MR. ARRINGTON: Correct. Correct. It will just be vehicular parking.

JAMES WIESNER: I was going to say no trucker employees. So it could be very few people in that parking lot?

ADAM CUMMINGS: Right. Right.

JAMES WIESNER: This has gotten site plan approval from --

ADAM CUMMINGS: Yes.

MR. ARRINGTON: Yes. Conditional -- conditional approval upon variances granted and adherence to the Town Engineer's comments.

JAMES WIESNER: Okay. That's all I have.

ADAM CUMMINGS: Side Table, anything to add?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Wiesner made a motion to close the Public Hearing portion of this application, and Fred Trott seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: We're all set on that. One condition of approval will be you will need to get a building permit. You're already started on that one. Just put that in there to make sure it's a condition. The only one I'm seeing necessary on this.

To be clear, it's for front-yard parking which is off of Paul Road. And then it's a corner lot, so that's why we have got the 28-lot one we already talked about to the north of the pretreatment basin, as well as land-banked areas to the east of the building and the --

JAMES WIESNER: Are you following the International Boulevard?

ADAM CUMMINGS: Yep.

JAMES WIESNER: Just making sure. You said Paul Road.

ADAM CUMMINGS: Paul Road is also a front. So on the north side you have Paul Road as being a front. That is where the tractor-trailer parking is, as well as that proposed parking.

JAMES WIESNER: Oh, both sides. I thought it was just International Boulevard.

ADAM CUMMINGS: I thought it was Paul Road, as well. That was the first part of the -- first part of it where it is the north front-yard parking. Then we have got east -- the east ones are being deemed off of International, not off of Paul Road. And then the south ones are off of International Boulevard.

Does that clarify it better? All of the tractor-trailer parking is north of the building on the Paul Road side.

JAMES WIESNER: I didn't catch that.

FRED TROTT: Is there a berm?

ADAM CUMMINGS: The Planning Board did have a comment in there. We don't have it on the plan here. There is currently a berm and a hedgerow with quite a bit of trees there. The Planning Board did require them to enhance the berm, make it bigger and plant coniferous trees so it's what they call a four-season wall. You have the leaf-bearing trees that cover up high for screening and then the needle trees that will stay there year round for the lower view.

JAMES WIESNER: That's on Paul Road?

ADAM CUMMINGS: That's on Paul Road, correct. On the International Boulevard side, that abuts the other industrial zones -- or the industrial parcels.

PAUL WANZENRIED: I think they did ask for some on that small parking lot to the east, that small parking lot.

ADAM CUMMINGS: Over here (indicating).

PAUL WANZENRIED: I believe they did request some screening there.

ADAM CUMMINGS: Right at the intersection of Jet View and Paul Road.

PAUL WANZENRIED: Yeah. The intent was to wrap it around.

MR. ARRINGTON: Yep.

PAUL WANZENRIED: L-shape or J-shape.

ADAM CUMMINGS: Got you. Okay.

Is that clear to everybody? It is over here on that corner (indicating). When I point to that corner, it's the northeast corner of the parcel.

JAMES WIESNER: If they were more than 60 feet off Paul Road, then that would not be considered front-yard parking; right?

ADAM CUMMINGS: Correct.

JAMES WIESNER: And they are less.

ADAM CUMMINGS: Well, that's what is unique. The variance covers both of them. They have -- the primary and second front yard so we're actually considering both tonight.

JAMES WIESNER: They're 70 some feet off Paul.

ADAM CUMMINGS: Right. But it's not about the 60 feet. It's just the fact that they're in front of the front of the building. That is what makes it front-yard parking. Not the setback part in this case.

All right. All right. We can move on. Any other questions, comments? If not, I will move on.

I did want to clarify, I would like to propose to the applicant to amend the EAF form that you submitted. Just because the actions tonight are for variances, which are related to the application for the construction of the 32,600 square foot maintenance building/office space and related site improvements, but it doesn't specifically say it in your EAF.

So I would like to have an amendment dated tonight for our purposes that talks about those two variances that you're pursuing tonight. If you're okay with that.

MR. ARRINGTON: Yep.

ADAM CUMMINGS: So that will be under the brief description and it would still remain an Unlisted Action, just like the Planning Board did under their assessment. The checked boxes would actually stay the same. Since they're just variances --

JAMES WIESNER: Item 2 under SEQR?

ADAM CUMMINGS: Item 2? That would be under -- I'm not understanding Item 2.

JAMES WIESNER: You're looking at the --

ADAM CUMMINGS: So I'm looking in his application --

JAMES WIESNER: Assessment for --

ADAM CUMMINGS: Yes. The Short Environmental Assessment Form, which is abbreviated as the short EAF. As you can see in what was submitted, the brief description does not specify the variances that we're here tonight -- the -- the full disclosure. This is the form that was submitted for the site plan to the Planning Board, not submitted to us here. This was just copied and added into our application form, so I would like to amend it.

JAMES WIESNER: Looks like Item 2 would be the one that would cover that.

ADAM CUMMINGS: Once again, on that it doesn't talk about variances. It talks about site plan approval and building permit.

JAMES WIESNER: Would you want to update Number 2?

ADAM CUMMINGS: So we would need to do both. We would then add in Zoning Board of Appeals variances. Yes.

JAMES WIESNER: Under Item 2?

ADAM CUMMINGS: Under Item 2. So we revised the description, revised Number 2 and --

JAMES WIESNER: The brief description doesn't even say anything about Planning Board or anything, so why would you --

ADAM CUMMINGS: But the action doesn't talk about why they're here. If you just take it -- the same description, um, in my opinion, it doesn't differentiate why there needs to be two environmental assessment forms. And there needs to be two different SEQR actions, one for each Board.

JAMES WIESNER: So you're asking for a particular copy specifically for this application?

ADAM CUMMINGS: Yep. And once again, it is permitted under the zoning regulations because they're requesting relief from our current zoning regulations, which is in our zoning regulations. As confusing as that is.

Counsel --

JAMES WIESNER: So a condition --

ADAM CUMMINGS: No. We'll just do it tonight. So we'll amend that right now.

The applicant is willing to do that?

MR. ARRINGTON: Yep.

ADAM CUMMINGS: We'll re-date it tonight and have him sign it before he leaves the building tonight.

MR. ARRINGTON: Yep.

ADAM CUMMINGS: Counsel, is that adequate to clarify that?

MATTHEW PISTON: I believe so.

ADAM CUMMINGS: And since it's an Unlisted Action, we would have to -- it's not a Type II. It would be an Unlisted.

MATTHEW PISTON: Right.

ADAM CUMMINGS: We still would need to do a Part II tonight, correct? It's going to be no impacts. How about if I just say that and it's good enough?

MATTHEW PISTON: I think you can say you have considered all of the factors.

ADAM CUMMINGS: Okay. We'll do that. With -- just like any blanket statement usually, the information and evidence we had and all of the factors we have. So that will clarify it enough.

Adam Cummings 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 Philip Supernault seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Now I ask for motion to adopt the application -- well, first to the

question to the Board members. This is an approved site plan. Cohesively, I would like to keep them as one, unless someone at the Board would like to consider the two variance requests separately?

So we'll keep them the same.

And I ask for a motion to adopt this application with that one condition of approval I stated earlier.

Fred Trott made a motion to approve the application with a condition, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with the following condition:

1. Building permit shall be obtained.

The following findings of fact were cited:

1. This lot is located within an Industrial zoned area and has a very unique configuration.
2. Placing parking in the proposed locations is sensible in relation to traffic circulation and to maintain an adequate level of safety for the large tractor trailers interacting with the nearby vehicular traffic on International Boulevard.
3. Additionally, the added screening of the tree-lined hedge row along the north side will provide additional screening from the residential parcels to the north.

ADAM CUMMINGS: So this is all set. We'll get a printout before you leave so we can amend that real quick.

All set on that one.

Any questions or comments on the minutes from the February meeting?

Philip Supernault made a motion to accept and adopt the 2/27/24 Zoning Board of Appeals meeting minutes, and James Wiesner seconded the motion. All Board members were in favor of the motion.

Adam Cummings made a motion to adjourn the meeting.

PHIL SUPERNAULT: Yes -- first, I notice along Ballantyne, Beaver Road, near -- near the plant or --

ADAM CUMMINGS: By APC?

PHIL SUPERNAULT: Yeah. There were some variance -- there were some -- there were notices there, but then they disappeared.

ADAM CUMMINGS: I don't know --

FRED TROTT: Planning Board.

ADAM CUMMINGS: I think it was Planning Board. They just didn't take them down.

JAMES WIESNER: On the corner of Ballantyne.

FRED TROTT: It was Phase 2 of --

JAMES WIESNER: They were for Planning Board, Howard's subdivision.

ADAM CUMMINGS: And you have Bill Howard's Vista Villas.

PHIL SUPERNAULT: Wasn't for us?

ADAM CUMMINGS: I think it was for Vista Villas.

JAMES WIESNER: Well, it's a new subdivision, isn't it?

ADAM CUMMINGS: It's -- it's reinventing the previous one that was submitted years and years ago.

PHIL SUPERNAULT: Okay.

ADAM CUMMINGS: Not our concern.

PHIL SUPERNAULT: Not our concern yet.

ADAM CUMMINGS: No, not our concern.

PHIL SUPERNAULT: Sorry to interrupt.

ADAM CUMMINGS: So I still have that motion to adjourn.

Is there a second?

Philip Supernault seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:20 p.m.