

CHILI PLANNING BOARD  
February 11, 2025

A meeting of the Chili Planning Board was held on February 11, 2025 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: Keith Bozek (alternate), David Cross, Joseph Defendis, John Hellaby, Michael Leone, Johannes Lindenhovius (alternate) and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Jared Hirt, Counsel for the Town; Paul Wanzenried, Building Department Manger.

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

**PUBLIC HEARINGS:**

1. Application of Passero Associates (Trevor Haut P.E), 242 W. Main Street S100, Rochester, New York 14614, applicant; Chili Development Group LLC (Joe Gizzi), 3850 Buffalo Road, Rochester, New York 14624, owner; for preliminary subdivision approval (3 parcels into 5 parcels) at the property located at 3235, 3249, & 3253 Chili Avenue. GB District
2. Application of Passero Associates (Trevor Haut P.E), 242 W. Main Street S100, Rochester, New York 14614, applicant; Chili Development Group LLC (Joe Gizzi), 3850 Buffalo Road, Rochester, New York 14624, owner; for A) preliminary site plan approval to construct three (3) commercial buildings. B) Special Use Permit to allow outdoor dining at the property located at 3235, 3249, & 3253 Chili Avenue. GB District

Trevor Haut was present to represent the application.

MR. HAUT: Good evening, Planning Board. My name is Trevor Haut, civil engineer with Passero Associates representing the applicant, the Chili Development Group, Joe Gizzi.

We're here to have a discussion for the proposed preliminary site plan application for the three commercial quick-serve restaurant buildings along Chili Avenue opposite of Chili Paul Plaza.

The redevelopment project site is located across from Chili Paul Plaza, north of Memorial Park and on the corner of Old Chili Scottsville Road and Chili Ave. The proposal excludes the western portion of the Fire District parcel. And the preliminary site application consists of three commercial buildings along Chili Avenue. And a 630-linear-foot, dedicated roadway that connects Chili Avenue to Memorial Park Drive.

The addresses associated with the parcels are 3253 Chili Ave., 3249 Chili Ave. and 3235 Chili Ave.

The proposed -- the total site area is 6.28 acres. The site is currently vacant developed land and is within the General Business District.

So we are -- submitted for the preliminary site plan, which includes the three buildings along Chili Avenue. The final Phase 1A site plan would just be that center building, which is the Starbucks building. This is -- this is what the final Phase 1A application will look like. But like I said, we are here for the preliminary overall and subdivision and Special Use Permit for outdoor dining.

So I handed you guys up that site plan. That is what we're considering as the final scope for the Phase 1A, but we would want the preliminary approval for everything and then, you know, that -- that would be our initial anchor for the project.

So the Panera and the Chipolte sites, we're just seeking preliminary site plan approval and we are still working through the final design with the end-user.

In addition, the Phase 1A final scope will not fully build out the dedicated roadway but stub it halfway. This is critical to the economics of the project by taking on only enough infrastructure cost to get this anchoring point in the ground to attract other end users.

So the Starbucks building is centrally located on Chili Ave. frontage, west of the proposed dedicated Town roadway. The building is approximately 7200 square foot of gross floor area with Starbucks occupying the western end cap.

The proposed Starbucks drive-thru is located on the western side yard with it being set back 10 feet from the Chili Avenue right-of-way and wraps around the western parking area. Relief exits are provided into the parking area.

This drive-thru will be screened from Chili Ave. with substantial landscaping. The other two tenants proposed in the building, the eastern end cap is proposed with a pickup lane.

Parking is provided to the east between the dedicated roadway and the building. And parking is also provided in the rear. Any parking visible from Chili Ave. will have that substantial landscaping buffer.

The Panera building is located on the northwest corner of Old Scottsville Road and Chili Ave. The long side of the building fronts Chili Ave. with a proposed 10-foot front setback. A drive-through is provided in the rear of the building and will be shielded from view from Chili Ave. by the building.

Parking is provided east of the building and will be screened from Chili Ave. with substantial landscaping. Landscaping proposed within the New York State right-of-way will be permitted appropriately. And finally, the Chipolte building is located at the southwest corner of the intersection of Chili Ave. and the proposed dedicated roadway. The long side of the building fronts the dedicated roadway with a 10-foot front setback.

A pick-up window is provided on the east side of the building. Parking is provided on the east side and to the southern rear area. Landscaping screening is proposed along Chili Ave. to shield the side yard parking.

So this initial QSR phase will establish nationally realized restaurants along Chili Ave. to realize the Main Street initiative outlined in the updated 2030 Comprehension Plan, the main point initiatives within the sub area Number 4, which is the Chili Center.

So there are some variances that are required to support the project. Area variance to allow 10-foot front setback which is outlined in the master planning documents and the Architectural Committee documents.

There is an area variance to allow the omission of an off-street loading berth for a commercial building greater than 5,000 square feet. Variance to allow less than a 60-foot side/rear setback and the omission of the 30-foot landscape buffer. And then the fourth variance is to allow a lot depth less than 250 feet.

This would also include a special permit for outdoor dining. The Special Use Permit would apply to the final Phase 1A patio areas in front of the Starbucks building and in the rear of the Starbucks building where we have that seated patio labeled on the plan.

This development out -- is in line with the Town's master planning documents. It connects -- you know, this first phase is going to be key to the entire development coming to fruition and that entire development will provide a pedestrian connection to Memorial Park from Chili Paul Plaza. It will facilitate a multi-modal connectivity to the Recreation Center and ballpark facilities. And it will help realize the Complete Streets Program with that dedicated roadway connecting Memorial Park and Chili Avenue.

It is also in line with the Chili Center Master Plan with those additional pedestrian connections outlined as initiatives that were -- that are complimented by the proposal.

And with that, I will end my presentation and open it up to questions from the Board and Side Table. Thank you.

JOSEPH DEFENDIS: Did you see the engineer's review letter?

MR. HAUT: I did.

JOSEPH DEFENDIS: Did you see any issues in accomplishing that?

MR. HAUT: No. They made sense. A lot of that is going to be applied with our final Phase 1A plan set. And also applied to the overall preliminary plan set, as well.

JOSEPH DEFENDIS: And the connection for the road, is that -- once the front along Chili Avenue is built out, then you will make the connection through there?

MR. HAUT: Yeah. Basically any development past that first initial building will include the completed roadway.

JOSEPH DEFENDIS: Oh, okay.

MR. HAUT: Completing that roadway is going to trigger some pretty substantial infrastructure costs. So at this point, it being stubbed to provide access into the Starbucks parking facilities is the preferred route and the direction that we're moving.

After this initial tenant is anchored, and -- it will attract the other tenants and then allow us to complete that roadway and complete the initiatives outlined in the Master Plan.

JOSEPH DEFENDIS: Okay. Thank you.

JOHN HELLABY: I think we touched briefly last meeting -- what is going to trigger a traffic light at this operation?

MR. HAUT: Basically anything past what I'm showing on the phase -- final Phase 1A.

JOHN HELLABY: Did you turn in a traffic study for this? Because I don't recall seeing it.

MR. HAUT: Yeah. That is being finalized this week and we are submitting to the DOT this week, as well. We're make sure to copy the Town in on that correspondence. And also provide a traffic study for everyone.

JOHN HELLABY: I won't put you on the spot, but Joe (Defendis) alluded to the engineer's comments. You had no problems --

MR. HAUT: Yeah. We did a review today and talked about how we would meet those and nothing jumped out as a deal-breaker. Some adjustments to the electric vehicle parking situation, some land-banked parking there below the road A that we're showing. But those were some of the comments that -- that we started to look at. But nothing substantial that would be a deal-breaker. We're planning to address those and submit these for final.

JOHN HELLABY: I know in one of the things they were saying they wanted to see a path for an oversized vehicle to make the turns and whatnot in there. And I don't ever recall seeing anything on these drive-up windows that proves to me that at any given time there won't be 20-some people in each others' way back there. The -- the problem being is you got three or four

buildings so tight together and now you're bringing all these other people in there. It just -- it makes me concerned.

MR. HAUT: We'll prepare those vehicle-tracking diagrams and those will be released to the Town with our response.

JOHN HELLABY: That's all for now.

MICHAEL NYHAN: Trevor (Haut), the last time we talked when we were meeting with the Town, we had indicated that that road -- preference for the Town is for that road to go all of the way through and to connect to Memorial Park Drive. That was our understanding that that was going to happen. I see that has changed. I would like to ask -- make sure you get in touch with the Commissioner of Public Works and our Building Department as soon as possible to discuss that.

Also, to include in your traffic study that road being completed as well as it being stubbed.

MR. HAUT: We have those two alternatives.

MICHAEL NYHAN: And those counts.

MR. HAUT: Yeah.

MICHAEL NYHAN: Okay. Nothing much else has changed since the last time you were in.

MR. HAUT: We did meet with the Conservation Board. They were appreciative of the proposed landscaping and screening.

MICHAEL NYHAN: I saw their response. Thank you.

There was -- the elevations that you provided -- I know you went in front of AAC tonight to review that. The south elevation looks like the main entrance, which is going to face inward towards the parking lot. Which is a much nicer looking entrance than the north elevation, which is facing Chili Avenue. The whole intent of bringing the buildings up close to the road is to give it that look and feel of a community center.

And I think you should give some consideration to switching those two around and perhaps on what you have as the north elevation now with a single door, making that a double door and maybe having that face south. And the south face north. Because it just looks like that is where it belongs as you line the street.

MR. HAUT: We can definitely address the frontage facing Chili Avenue.

MICHAEL NYHAN: All right. Thank you.

Traffic study you will have. Diagram you will have.

You saw the Fire Marshal's comments regarding the fire hydrant on the property?

MR. HAUT: Yes. We're working through those.

MICHAEL NYHAN: Okay. That's all I have for now.

KEITH BOZEK: I saw in one of the County reports, they had been suggesting maybe improvements to the bus shelters out on Chili Avenue? Has any of that been considered?

MR. HAUT: Yeah. We could definitely take a look at that, updating that.

KEITH BOZEK: I think it is going along the idea of the Main Street feel, that the bus shelters are -- you get a lot of traffic out there. There will be a lot of people there. You might be able -- a way of bringing more people into the plaza itself.

And I think the other concern that I did have -- and I kind of -- just echoing this turning movements, the making sure that vehicles of large radius can get into there -- because I do -- I do sort of feel the same concerns about, you know -- on particularly busy times, there is just going to be traffic stacking back. Meaning right now, if you look at the McDonalds when it is really busy, they're sometimes almost up to the street. And none of that is -- almost possible to always -- you can't -- you can only plan to some degree, but the turning movements, I think, is important.

The other comment that I had was in terms of the Main Street, when it is coming out on to Chili Avenue, is just the general sight lines as you're looking along Chili Avenue, to make turns. Because one of the things I often observe when people are coming up and down Chili Avenue, is sometimes it is quite -- quite an effort to make a left turn across traffic. So that sight lines are -- I think are going to be really important there. Because I see there is trees planned and lots of -- many things in front -- on the frontage -- just to make sure that the sight lines are good.

MR. HAUT: Thank you.

KEITH BOZEK: That's it.

DAVID CROSS: Trevor (Haut), so one thing -- I think you probably -- we should probably think about adding pedestrian link if this road will just stub halfway down. So maybe extend a sidewalk down and tie it into Memorial Park Drive from Chili Avenue.

And then, you know, I guess -- I have no comments really on the subdivision. But the -- the site plan, you know, my concern -- I said at the last meeting, is the facades of the buildings facing Chili Avenue, I think they really need to have a common feel between the three buildings. Really look hard at the Chili Center Master Plan. It calls for Federal style buildings and brick facades. I think that would match. And I said at the last meeting that the Bank of Castile or Tompkins Bank across the street, that is a very similar look to what I think the Master Plan is looking for. Facade. Facade. Facade. That's it. On Chili Avenue. That is my biggest concern.

MR. HAUT: Thank you.

MICHAEL HANSCOM: I do have one question I forgot to put in my letter. You -- you -- your utility plan, the water main that goes along the proposed main street, you dead-end it instead of taking it down and connecting it into the -- existing 12-inch on Memorial Park Drive.

Why is that?

MR. HAUT: So there is a hot box at Old Scottsville Chili Road that is a private water.

So --

MICHAEL HANSCOM: So is this going to be a private water main?

MR. HAUT: No. But the -- the water main on Memorial Park Drive is private. There is no public way to connect.

MICHAEL HANSCOM: Oh, that's right. You're right.

MR. HAUT: Ideally, we would loop it.

MICHAEL HANSCOM: That would be better. That's a good point.

MICHAEL NYHAN: Where is that main that you're showing? Which one is it?

MR. HAUT: The -- so there is a water main that services the Community Center.

MICHAEL NYHAN: Sure. I meant on the property. The one --

MR. HAUT: That's -- coming down this west side of -- within the right-of-way, with a hydrant that stops right there (indicating).

MICHAEL NYHAN: So you're aware that on the east side of the property line there is another water main?

MR. HAUT: Right here, yeah (indicating).

MICHAEL NYHAN: You could connect to it that -- so it is a loop and not a dead-end?

MR. HAUT: I think that there would be an opportunity to loop -- loop the front half.

MICHAEL NYHAN: To have the water main and a complex that size.

MR. HAUT: I think -- I definitely think there is an opportunity to loop the upper half and then -- so the lower half would go down.

MICHAEL NYHAN: Thank you.

MR. HAUT: My pleasure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MICHAEL NYHAN: At this time, I will leave the Public Hearing open for the next meeting due to SEQR. We'll be doing SEQR for a Type I action.

MR. HAUT: Yeah. Are you declaring intent to be the lead agency?

MICHAEL NYHAN: Yes. I will do that, but I wanted to make sure you were aware of that.

MR. HAUT: Yes, sir.

JARED HIRT: Mike (Nyhan), are you doing that for each and every one of the pending applications before you?

MICHAEL NYHAN: Yes. The --

JARED HIRT: So I would --

MICHAEL NYHAN: Site plan as well as the --

JARED HIRT: I would break those out if you're going to put yourself as lead agency. Send it off for coordinated review.

MICHAEL NYHAN: For both of them.

JARED HIRT: Right. So you want to distinguish that. Because right now there is technically two applications, but three forms of relief that are being requested.

MICHAEL NYHAN: Okay.

JARED HIRT: So for the record, clarify that.

MICHAEL NYHAN: Sure.

So for the first application, the application of -- the preliminary subdivision approval, based on evidence and information presented at this meeting, I determine that the application to be a Type I action and the Planning Board will send notice to interested parties and declare our intent to be lead agency.

Do I have a second?

JOHN HELLABY: Second.

JARED HIRT: Mike (Nyhan), the first one is not a Type I.

MICHAEL NYHAN: Okay. That is the sub --

JARED HIRT: Subdivision is not a Type I.

MICHAEL NYHAN: That goes all of the way back to the parkland, correct?

JARED HIRT: That one --

PAUL WANZENRIED: Yeah.

JARED HIRT: Three parcels into five parcels. So your fifth parcel is --

Jared Hirt and Paul Wanzenried conferred at the side table.

JARED HIRT: So the first one, the parcel is adjoining the parkland. That is a Type I action.

MICHAEL NYHAN: I do believe it's adjoining the parkland, correct?

JARED HIRT: That would have to be -- that would be a Type I sent out for coordinated review.

MICHAEL NYHAN: As with the preliminary subdivision?

JARED HIRT: Yes.

Jared Hirt and Paul Wanzenried conferred at the side table.

MICHAEL NYHAN: Good.

JARED HIRT: Good.

MICHAEL NYHAN: Second on that?  
JOHN HELLABY: Second. UA.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Second one is application of Passero Associates for preliminary site plan approval to construct three commercial buildings, Special Use Permit to allow outdoor dining at the property located 3235, 3249 and 3253 Chili Avenue in a GB District.

Based on evidence and information presented at the meeting, determine the application to a Type I action. The Planning Board will send notice to interested parties and declare the intent to be lead agency.

Do I have a second?

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Send -- we'll send those notices out immediately and wait for responses and then we'll see you next month.

MR. HAUT: Thank you, Mr. Chairman.

DECISION ON APPLICATION #1: The Chili Planning Board, at their February 11, 2025 Public Hearing, determined the above application to be a Type 1 Action and declared their intent to be lead agency. The application has been moved to the March 25th, 2025 meeting. Public Hearing has been left open.

DECISION ON APPLICATION #2: The Chili Planning Board, at their February 11, 2025 Public Hearing, determined the above application to be a Type 1 Action and declared their intent to be lead agency. The application has been moved to the March 25th, 2025 meeting. Public Hearing has been left open.

3. Application of Kozel Steel (Jeffery Loeffler), 1150 Scottsville Road, Rochester, New York 14624, applicant; 1150 Scottsville Road LLC, 1150 Scottsville Road, Rochester, New York 14624, owner; for preliminary site plan approval to construct commercial/retail addition at the property located at 1150 Scottsville Road. GB District.

Alex Amering, Jeffrey Loeffler, Kurt Sheflin, Jim Burm and Jennifer Kump were present to represent the application.

MR. AMERING: Good evening, members of the Board. My name is Alex Amering. I'm with Costich Engineering, offices at 217 Lake Ave., Rochester, New York.

We're obviously before this Board for a preliminary site plan application. The facility is located at 1150 Scottsville Road. Everyone probably knows that is the current Kozel Steel facility. I think what a lot of people don't know, Kozel Steel operates a contractor supply business called "The Tool Ranch." There are currently two locations. One in Ontario, New York. One in Lancaster, New York.

The Ontario location is currently leased. Their lease is up this summer. So the opportunity presented itself to bring the Rochester location back to Chili and build a new facility.

You will see on the site plan it is attached to the existing office. That provides a number of benefits. Obviously as the two businesses kind of operate in tandem.

The new building is about 10,000 square feet. About a third of that is retail. That's in the front of the building, facing Scottsville Road. Roughly a third is warehousing for the product they would be selling. Then the rear portion is kind of a drive-through. They do have some pickup orders and they also do jobsite delivery of the products they sell.

Regarding the site itself, we are adding some parking. 14 dedicated spots for The Tool Ranch. They will also be striping the existing office parking lot. Currently, it is not striped. We're reconfiguring some of the fencing around the facility. Mainly to provide security for the steel operation in the back. Utilities are all located onsite.

Access will not be changed. There is currently a full access on to Scottsville Road. There is also an access on to the private drive, which connects to Scottsville at a -- at a signalized intersection.

The stormwater, we do fall under the one-acre threshold. We will be draining to existing storm sewers.

Lighting, there is only two new light -- site light poles. The rest of the lighting is building-mounted.

Landscape, we have submitted a landscape plan and also an estimate that proves the 1 percent requirement is being met relative to the construction costs of the project.

The landscaping was reviewed by the Conservation Board last week. They generally appreciated it. There's a rather minimal landscape in front of the Kozel office today. So not only are we landscaping in front of the Tool Ranch, but we're kind of carrying the theme across both buildings. So it will present itself nicely to Scottsville Road.

The architecture obviously was presented to the Board before this meeting. That was generally well received. There were a couple of clarifications asked for regarding the color schemes. But the architecture as a whole will match the existing architecture of the office.

A few procedural items. One area variance is required. It's for front yard parking. I think you can see how the parking layout was derived essentially because it matches the parking and drive aisle layout for the existing office. We will be appearing before the ZBA at the meeting on the 25th for that.

Another procedural item, we did get the County referral back. I'm happy to go through any of that. We're comfortable addressing those comments.

And lastly, we did receive Town Engineering comments. We addressed all of them last week and today we did respond with a response letter and revised drawings. Obviously, they haven't made it to the Board, but they're mostly technical in nature and we're comfortable we can address those.

I think with that being said, from our team, we do have Kurt (Sheflin) -- Kurt (Sheflin) and Jeff (Loeffler) with us, the President and Vice President of Kozel. And also Jim (Burm) and Jennifer (Kump) from the Nichols Construction team who are the -- the Construction Managers for the project. So I think with that being said, I would like to take any comments from the Board.

JOSEPH DEFENDIS: I'm all set.

JOHN HELLABY: How much of a business increase do you anticipate coming from your Ontario location? Much of anything?

MR. AMERING: Sorry? I couldn't hear that.

JOHN HELLABY: I'm sorry. How much of a business increase do you envision happening coming from your Ontario operation? Are you going to close that down completely?

MR. AMERING: Correct. When the lease is up.

JOHN HELLABY: All right. They will operate out of Scottsville Road? No dollar -- just rough dollar volume?

MR. LOEFFLER: Probably around \$2 million in sales.

MICHAEL NYHAN: Sir, could you just give your name for the record?

MR. LOEFFLER: I'm sorry.

Jeff Loeffler, President of Kozel Steel, J Kozel & Sons.

JOHN HELLABY: Presently, do you guys still do like basement beams? I know you're very limited as far as joists and things like that. But I don't know how big of a job you guys get into anymore? Just out of curiosity.

MR. LOEFFLER: I mean we'll be doing the steel erection on this job. So I guess pretty good size compared to a house.

MICHAEL NYHAN: Pretty bad if we saw somebody else's steel coming in.

MR. LOEFFLER: It was suggested to do a pre-engineered building. We said, "No, let's do a regular stick building."

JOHN HELLABY: You don't envision any bigger trucks than are already coming in and out of there?

MR. LOEFFLER: Oh, no. Nope.

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

MICHAEL NYHAN: That cross-easement access you have, that is existing; correct? There is no easement you have to obtain?

MR. AMERING: No. On the side road?

MICHAEL NYHAN: Correct.

MR. AMERING: No. The easement extends up to their entrance off the road.

MICHAEL NYHAN: So nothing new that you're doing there?

MR. AMERING: Nope.

MICHAEL NYHAN: I did speak with the Chair of the AAC and he did say that the building looks good.

A couple things you will change but other than that, we will accept the recommendation they made -- looks like the elevations are nice and it will be a very nice building.

MR. AMERING: The new building is a little taller. But we're also kind of adding what we call a vestibule which kind of steps down and bridges the two together. So we're happy with it.

MICHAEL NYHAN: Do you have roof units on the building?

MR. AMERING: There will be. They will be located towards the rear. You know, so naturally the sight line from the front facade will screen them.

MICHAEL NYHAN: Okay. From Scottsville Road they will be screened?

MR. AMERING: They won't be screened themselves. But the sight line, you know, off of Scottsville -- because they will be set so far back on the building, I don't believe they will be visible.

MICHAEL NYHAN: Okay. Do you have any problems with meeting all of the County comments that they had made?

MR. AMERING: No. It looks like -- obviously being in the proximity of the airport, they look at that a little closer. That was all, you know, checked off.

MICHAEL NYHAN: Okay.

MR. AMERING: Pure Waters. Water, we'll deal with them. I think that was it. No -- we're -- we're not proposing anything with Scottsville Road. So hopefully we don't have to go to the State DOT.

MICHAEL NYHAN: Okay.

KEITH BOZEK: I think just number of employees, you know, projected to be added? Just to get an idea for parking, how many more employees they think they will be adding?

MR. LOEFFLER: Again, Jeff Loeffler.

Probably about -- between five and eight additional employees.

DAVID CROSS: No comment.

MICHAEL LEONE: No comment.

MICHAEL HANSCOM: No additional comments.

PAUL WANZENRIED: No additional comments.

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any other discussion or comments? Questions? Okay.

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

MICHAEL NYHAN: So for conditions, I have the approval is subject to final approval of the Town Engineer and the Commissioner of Public Works.

Town Engineer and Public Works must be given copies of any 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 for all required variances.

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

Any signage change shall comply with Town Code including obtaining sign permits.

Planning Board affirms the recommendation of the Conservation Board for the landscape plan and the applicant to comply with these recommendations.

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.

The applicant shall submit the design elevations to the AAC for their review and recommendation, which I know you have already done.

The Planning Board affirms the recommendation of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.

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

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

Are there any other conditions? Seeing none?

PAUL WANZENRIED: Sign? Did you say sign?

MICHAEL NYHAN: Any signage change requires a permit.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Must follow the code.

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: Okay. With those conditions, the application of Kozel Steel (Jeffery Loeffler), 1150 Scottsville Road, Rochester, New York 14624, applicant; 1150 Scottsville Road, LLC, 1150 Scottsville Road, Rochester, New York 14624, owner; for preliminary site plan approval to construct commercial/retail addition at the property located at 1150 Scottsville Road in a GB District.

JOHN HELLABY: Second.

MICHAEL NYHAN: One thing. Paul (Wanzenried), was final paid for?

PAUL WANZENRIED: He has to ask for it.

MICHAEL NYHAN: Are you requesting final waiver on this?

MR. AMERING: (Mr. Amering nodded.)

Affirmatively. Yes, for the record.

MICHAEL NYHAN: Sure you are. Sorry I missed that when I first read it.

So with those conditions, the application of Kozel Steel (Jeffery Loeffler), 1150 Scottsville Road, Rochester, New York 14624, applicant; 1150 Scottsville Road LLC, 1150 Scottsville Road, Rochester, New York 14624, owner; for preliminary site plan approval with waiver of final to construct commercial/retail addition at the property located at 1150 Scottsville Road in a GB District.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and 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. Any signage change shall comply with Town Code, including obtaining sign permits.
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. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
11. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
12. Building permits shall not be issued prior to applicant complying with all conditions.
13. Application is subject to all required permits, inspections, and code compliance regulations.

MICHAEL NYHAN: Thank you. You're approved.

MR. AMERING: Thanks for your time. We appreciate it.

MICHAEL NYHAN: At this time before we move to the next application, I would like to move to Executive Session.

The Board went into Executive Session at 7:44 p.m.

The Board returned from Executive Session at 7:50 p.m.

4. Revocation of a special use permit granted by the Town of Chili Planning Board, 3333 Chili Ave, Rochester, New York 14624, to Puff's Smoke Shop (Ali Salah), 81 Conkey Avenue, Rochester, New York 14621, proprietor, JR Realty Estate Inc, 630 West Ridge Road, Suite 12, Rochester, New York 14621, owner; for use of similar character granted on January 10, 2023, to allow a retail smoke shop at 4390 Buffalo Road. GB District.

Paul Wanzenried was present to represent the matter.

PAUL WANZENRIED: Evening, Mr. Chairman, fellow Board members. My name is Paul Wanzenried, Building Inspector for the Town of Chili, 3333 Chili Avenue, Rochester, New York 14624.

You all have my letter that I issued to the tenant and to the property owner which outlined my criteria for revocation and subsequent documentation.

Is there any questions that you have for me?

MICHAEL NYHAN: No particular questions. Could you just for the record spell out what you did with the applicant to inform them and the violations they had that you seek this revocation.



PAUL WANZENRIED: In January -- and December of 2021, Town of Chili passed a Local Law that opted out of the all cannabis uses within the Town. That included cannabis retail dispensaries and on-site consumption in the Town of Chili.

The special use was granted by the Town of Chili on January 10th, 2023. And that was -- would be granted to the tenant and to the property owner. Special uses run with the property.

During the Public Hearing, the applicant expressed no intentions to operate a cannabis dispensary, nor did his Letter of Intent indicate that, as well.

On February of -- 14, 2024, the Town of Chili adopted the Local Law which was the Smoke and Vape Shop Ordinance.

In -- July 10th of 2024, the Office of Cannabis Management closed said location with a notice of violation of selling cannabis.

The violations of 416-7 of the Smoke and Vape Shop Ordinance which -- obligated the tenant or proprietor to come and obtain a Certificate of Nonconformity. That was not done. And by violating the Local Law, it violates the Special Use Permit.

MICHAEL NYHAN: Okay. Any questions? Comments?

JARED HIRT: Mr. Wanzenried, if I may, the Special Use Permit that was issued on or about December 10th of 2023 from the Town of Chili Planning Board, what were the uses that were permitted within that?

PAUL WANZENRIED: It was a use of similar character which would have been similar to -- excuse me for one moment while I pull up the code.

It would be similar to a variety store, gift, notion, toy, pet, hobby, video rentals. I believe it was issued upon a variety store. And their variety store, according to their letter --

JARED HIRT: The use that was similar that was represented by the applicant at the time was for sale of tobacco products, correct?

PAUL WANZENRIED: Sale of tobacco products and associated --

JARED HIRT: Merchandise?

PAUL WANZENRIED: -- merchandise.

JARED HIRT: Including clothing?

PAUL WANZENRIED: Clothing, novelty items, that sort of thing.

JARED HIRT: All right. And you provided the owner of the premises with ten days' written notice of this hearing; is that correct?

PAUL WANZENRIED: That is correct. I mailed and I posted to the front of the storefront my letter.

JARED HIRT: Thank you.

And your letter set forth the factual basis which constituted the violation of the terms of the Special Use Permit; is that correct?

PAUL WANZENRIED: That is correct.

JARED HIRT: Okay. I believe you testified to this, but at no point in time, from February of 2024 to current, did the owner of the premises or the owner of the subject establishment submit to you an application for a non-conforming use subject to Chapter 416 of the Smoke and Vape Shops Law of the Town of Chili; is that correct?

PAUL WANZENRIED: That is correct.

JARED HIRT: And the -- upon inspection from your office, you can attest that the subject property has been vacated? It is no longer operational?

PAUL WANZENRIED: Yes, sir. That's correct.

JARED HIRT: Thank you. No further questions.

MICHAEL NYHAN: At this time, I'll open the Public Hearing for this -- for this hearing, this application.

Seeing nobody is left in the audience, I will make a motion to close the Public Hearing portion of this application.

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

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

MICHAEL NYHAN: I would just like to also make note that nobody from Puff's Smoke Shop nor JR Realty is in the audience as there is nobody in our audience. So they did not come to this hearing to be heard.

And I believe, Counsel, all of the requirements have been met?

JARED HIRT: That is certainly a determination for the Planning Board to make.

MICHAEL NYHAN: They appear to have all been met, by me -- appears to me they have all been met.

Are there any questions or further discussion? Okay. With that -- with that -- and there is no SEQR relative to this obviously.

So with that, the revocation of a special use permit granted by the Town of Chili Planning Board, 3333 Chili Ave, Rochester, New York 14624, to Puff's Smoke Shop (Ali Salah), 81 Conkey Avenue, Rochester, New York 14621, proprietor, JR Realty Estate, Inc., 630 West Ridge Road, Suite 12, Rochester, New York 14621, owner; for use of similar character granted on January 10, 2023, to allow a retail smoke shop at 4390 Buffalo Road.

I think all of the evidence has been presented to us. I would make the recommendation that this Special Use Permit be revoked.

A second?

JARED HIRT: Are you making a motion for that revocation?

MICHAEL NYHAN: Yes, I am.

JARED HIRT: Is that revocation temporary or permanent in nature?

MICHAEL NYHAN: Permanent in nature.

JARED HIRT: Is there a second?

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 6 yes to revoke the special use permit granted by the Planning Board to Puff's smoke Shop.

MICHAEL NYHAN: The application -- or the Special Use Permit has been permanently revoked.

PAUL WANZENRIED: Thank you, sir.

MICHAEL NYHAN: Thank you.

Keith Bozek made a motion to accept and adopt the 1/14/25 Planning Board meeting minutes, and Joseph Defendis seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:58 p.m.