

CHILI PLANNING BOARD  
August 8, 2017

A meeting of the Chili Planning Board was held on August 8, 2017 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, Matt Emens, John Hellaby, John Nowicki, Ron Richmond and Chairperson Michael Nyhan.

**ALSO PRESENT:** Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

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

**PUBLIC HEARINGS:**

1. Application of Anthony Ardillo, 140 Eaglefeather Circle, Spencerport, New York 14559, property owner: Phildom LLC; for renewal of special use permit to allow the temporary storage of towed and/or unlicensed vehicles at property located at 1421 Scottsville Road in G.I. zone.

Anthony Ardillo was present to represent the application.

MR. ARDILLO: I am the owner of Gates Towing, 1421 Scottsville Road.

MICHAEL NYHAN: Can you just review the plan, what you plan to do, what the nature of the business is?

MR. ARDILLO: Same as what it was for last 50 years. Impound lot for police tow-ins which are unregistered motor vehicle accidents, arrests. They're there for a short period of time. Within a month or so they're moved out. Usually shifted through for new ones to come in. So they usually stay there about a month or less.

MICHAEL NYHAN: Okay. Any other business conducted there? Do you repair vehicles?

MR. ARDILLO: We're opening a Service and Fleet Center almost like what was there before. Just cleaned it up and freshened it up. Service and repair garage. No collision. Just service.

MICHAEL NYHAN: So you're currently -- you're going to take over the property -- will you own it or lease it?

MR. ARDILLO: I own. I already own it.

MICHAEL NYHAN: You will be putting your business in there?

MR. ARDILLO: Yep.

MICHAEL NYHAN: And it will essentially be the same as previously -- I believe Joe Benson Towing?

MR. ARDILLO: Yes. Joe Benson sold to a gentleman named Troy Kellogg, but it has been the same impound lot and service garage for probably the last 50 years.

MICHAEL NYHAN: Tonight you're seeking a special unlicensed vehicles use permit as a result of the change in ownership; is that correct?

PAUL WANZENRIED: Mr. Chairman, that's a renewal of an existing Special Use Permit and that Special Use Permit has been renewed since 1975.

MICHAEL NYHAN: Okay. Thank you.

JOHN HELLABY: Just a quick one. Did you have a right-of-way agreement with Niagara Mohawk? Because I know Joe Benson had one.

MR. ARDILLO: Yes. A certain dollar amount for the year.

JOHN NOWICKI: No changes on the property with regards to where you park the

wet line, forest -- wetland, I'm sorry. Forest, urban, agricultural, suburban, early mid-successional. The only one that may apply is urban and suburban, I believe; is that correct? John (Nowicki)?

JOHN NOWICKI: Okay.

MICHAEL NYHAN: So what I would like to do with your permission is amend this EAF, question Number 14.

MR. ARDILLO: Okay.

JOHN NOWICKI: That takes care of that.

MICHAEL NYHAN: There was one other question that might need amendment.

JOHN NOWICKI: Page 1, Question 2.

MICHAEL NYHAN: Page 1, Question 2, we'll amend this, as well, with your permission. "Does the proposed action require a permit approval or funding from any other governmental agency? If yes, the name of the permit or approval."

Agency is the Town of Chili and the permit is a Special Use Permit. So I will add that to this form, as well.

ERIC STOWE: It's Town of Chili Planning Board.

MICHAEL NYHAN: Okay. Thank you.

PAUL BLOSER: I have a question for the Building Department. Paul (Wanzenried), are you aware of whether the previous ownership, any open violations, complaints?

PAUL WANZENRIED: There are none.

PAUL BLOSER: Okay. All I can say is I know the applicant from a previous business. I'm familiar with the business. He was General Manager there for -- how many years?

MR. ARDILLO: 30.

PAUL BLOSER: 30. And it was always well taken care of and well maintained. I guess I would expect nothing less for him --

MR. ARDILLO: Absolutely.

PAUL BLOSER: -- at this operation, so I welcome him into Chili.

MR. ARDILLO: Thank you.

MICHAEL NYHAN: Do you have contracts with the State Police, Sheriff's Office?

MR. ARDILLO: State Police, Sheriff's Department, Gates Police and Ogden part-time.

MICHAEL NYHAN: And you also have rules governing the way you store your vehicles?

MR. ARDILLO: Yes. Absolutely. Excuse me. The Sheriff's Department does the annual inspection -- was just there.

MICHAEL NYHAN: Okay. Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Two questions. Is there a total number of cars that -- in the permit for him to store at one time? That's number one.

MICHAEL NYHAN: Number one.

MS. BORGUS: And secondly, I know a friend of ours is in the towing business and I know that he has a very difficult time getting rid of some of these cars once they're towed in. Is there some mechanism in place for these police -- various police departments and Sheriffs' offices and so forth to remove them after a given time and take them to a County or City lot or do they just sit there indefinitely? Because I know that can drag on and on and on.

MR. ARDILLO: I can answer that question.

MICHAEL NYHAN: One second.

For the first question, Paul (Wanzenried), do you know if there is a number on that permit?

PAUL WANZENRIED: In all of the previous approvals there was no number given, going back to 1975.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: No number of cars that they could tow or store. It was just a blanket towing and storage of unlicensed vehicles.

MS. BORGUS: That seems dangerous.

MR. ARDILLO: Well, it could be not handled --

MS. BORGUS: It seems as though you need to put a number on it. If it hasn't been a problem, either you had some very reliable people you have been working with, the Town has been working with, or -- or you know, nobody cared. But I think we -- this is a good time to put some parameters on some of these things.

MICHAEL NYHAN: Okay.

impounds at, we were very attentive to getting them through the system faster than they're even allowed to -- in all reality, no one ever put a number on it, but in my view, um, I have always been the kind of person that likes the lot neat, organized and cars moved through properly. We have a very good system with removing of the cars. We send a letter five days after they're there. Otherwise we can't get paid storage through the insurance company. So they have to be -- a letter has to be generated within five days. Then they have ten days to pick the car up. So within -- even if we're busy, we're usually moving the cars through in less than a month all of the time. I just got rid of 40 cars recently. And they weren't there very long.

So my son also runs the company with me, and he's better at it than I was. He sends the letters out. He has been great about it. He gets them right out of there. So we have non-running on one side, and running on the other side and we do move them through very quickly. It means more to me than anybody else because I just don't like looking at them. I like moving them through.

MICHAEL NYHAN: And if the owners don't respond, is there a process in place --

MR. ARDILLO: Yep. What happens, we send out a registered letter with return receipt. If they don't reply within ten days, we have a legal right to remove the car and then we do -- people come in with titles and we move them, or we -- we get what is called a 90 -- 907A salvage certificate which gives us the legal right to dispose of the car.

I don't have any issue in -- knock on wood, I haven't had any issue in 30 years disposing of any cars whatsoever, because there is mechanisms in place to get rid of them. So it's been quite easy, actually.

MICHAEL NYHAN: Okay. Thank you.

MS. BORGUS: Thank you.

MICHAEL NYHAN: You're welcome.

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 think it is probably in the best interest of the business you get cars out of there as quick as possible so you can fit other ones in there.

MR. ARDILLO: We're such a busy impound, the old phrase, we would have to stack cars and I'm not in the business to stack cars. That's just a joke. Honestly, there is no stacking of cars. There is no extra time allotted for me. I have a certain parameter. We move through it very quickly. Very fortunate in that sense.

MICHAEL NYHAN: Is the area fenced?

MR. ARDILLO: Yes.

MICHAEL NYHAN: How high is the fence?

MR. ARDILLO: 7 feet. I just bought all new fence so I know how high it is.

PAUL BLOSER: How many cars can you actually store in there safely without stacking?

MR. ARDILLO: When I just disposed of the 40, there was 20 left, so probably about 60 or 70 cars. What is nice, because of the way Joe Benson did it -- I will give him credit -- instead of chain link, he had boards. I bought all new boards for the front so I can freshen it up which you can't see through it. Which is nice, because even our two impounds in Gates and Henrietta, we had chain link and we put slats through it and it really didn't cover, as well. So this is nice. It has some nice coverage. I just bought new gates so they're not all jacked up. It will look good once it is all done.

We're paving the park lot. Not the back parking lot. The front parking lot.

MICHAEL NYHAN: Any other discussion? Any conditions?

MATT EMENS: Same.

JOHN HELLABY: Same as the ones we had in the 2012.

MR. ARDILLO: I have been there since January, February. If anybody has driven by, we have had a ton of improvements. Oil separators. Building had nothing in it. We painted the whole property. Paving. All new LED lighting throughout the property. So I'm really concerned about how it looks for the community.

MICHAEL NYHAN: Subject to all required permits, inspections and code compliance regulations.

Any others? Okay.

JOHN HELLABY: Time frame?

MICHAEL NYHAN: Five years?

MR. ARDILLO: We don't do all -- we do just all medium and light duty. We don't do any heavy, you know, like tractor-trailers or big trucks.

MICHAEL NYHAN: Okay. So for conditions, I have all previous conditions imposed by this Board that are still pertinent to the applicant will remained in effect.

Application is subject to all required permits, inspections and code compliance regulations. And the Special Use Permit is a term of five years.

So for the application of Anthony Ardillo -- I'm sorry. As far as SEQR goes -- thank you.

JOHN HELLABY: Do we have to read through every one of those?

MICHAEL NYHAN: For SEQR, um, Part II on SEQR, "Will the proposed action create a material conflict with the adopting land use or zoning regulations?" No or small impact may occur.

"Will proposed action result in a change in the use of intensity of the use of land?"

JOHN HELLABY: No.

MICHAEL NYHAN: "Will the proposed action impair the character or quality of the existing community?"

JOHN HELLABY: No, or null.

MICHAEL NYHAN: "Will the proposed action have an impact on the environmental characteristics that cause the establishment a critical environmental area?" No.

"Will the proposed action result in an adverse change in the existing level of traffic or affecting existing infrastructure for mass transit, biking or walkways?"

JOHN HELLABY: No.

MICHAEL NYHAN: "Will the proposed action cause or increase the use of energy and fails to incorporate reasonably available energy conservation or renewal energy opportunities?" No.

"Will the proposed action impact existing public/private water supply or public/private wastewater treatment facilities? And will the proposed action impair the character or quality of the important historic, archaeological or architectural aesthetic resources?"

JOHN HELLABY: No.

MICHAEL NYHAN: "Will the proposed action result in an adverse change in natural resource? For example: Wetlands, waterbodies, groundwater, flora or fauna" -- "air quality?"

JOHN HELLABY: No.

MICHAEL NYHAN: "Will the proposed action result in an increase in potential for erosion, flooding or drainage problems?"

JOHN HELLABY: No.

MICHAEL NYHAN: And "Will the proposed action create a hazard to environmental resources and human health?"

JOHN HELLABY: No.

MICHAEL NYHAN: Any comments on any of these or Board discussion on them? Okay. If not, I would like to make a motion to declare the Board lead agency as far as SEQR.

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

MICHAEL NYHAN: So on application with -- application of Anthony Ardillo, 140 Eaglefeather Circle, Spencerport, New York 14559, property owner: Phildom LLC; for renewal of special use permit to allow the temporary storage of towed and/or unlicensed vehicles at property located at 1421 Scottsville Road in G.I. zone.

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

Application subject to all required permits, inspections, code compliance regulations.

And the Special Use Permit has a term of five years.

Do I have a vote on this application?

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

1. Special use permit granted for a period of five (5) years.
2. All previous conditions imposed by this Board that are still pertinent to the

MR. DANIELS: I'm John Daniels with APD Engineering. Also, with me is John Mason with the Hospitality Group and Rick Rock. We're here discussing our proposed construction of a 2,213 square foot Taco Bell restaurant including a drive-through in the Chili Plaza at 3240 Chili Ave.

MICHAEL NYHAN: As part of this work, we're extending the driveways off Chili Ave. into that plaza and making some parking modification, including the addition of landscape islands throughout the plaza, creating some drive aisles that should improve safety conditions out there. There will be some minor grading work for our drainage of the building and utility work, including relocation of the electric line for relocation of light poles. We'll also be adding several light poles to eliminate the new parking area.

There will be a patio area for dining along Chili Avenue, a pedestrian walkway going in. And new crosswalks added to the plaza, as well.

At this time, I would be happy to answer any questions you guys have about the work. Okay.

MATT EMENS: Just a few points to make. I think in general, the application seems complete and the applicant also came before us at the Architectural Advisory Committee this evening and spent some good time with us.

My biggest concern on this project is that I -- this is directed to the applicant but more the project in general and the location of the project. My concern is that it doesn't fit into the 2016 Master Plan that was confirmed as adopted by the Town at this time. A lot of work went into that.

Also ties into the Comprehensive Plan of the Town. And some of the main points that I would like to make out of that Master Plan for the Chili Center was that the Chili Ave. streetscape was the number one focus of that Master Plan. And improving of existing commercial and retail, that portion of it does, I believe, fit in, but the -- the big theme out of it was new mixed-use development in buildings located near Chili Avenue and to provide a streetscape atmosphere.

One of the big things that we spoke about tonight with them, um, that they were working to do a uniform architecture in Chili Center, and the idea of the mixed-use development, I know we have talked to the owner of that land -- not necessarily this applicant on this project, but the owner of the land and also to mention before that this is an area that is undeveloped that could be developed to achieve these things that we're trying to do in this Master Plan. And I think that it's important for everyone to know that this is a piece of undeveloped land that there is still opportunity with variances and working with the Town and the different Boards to achieve that streetscape. And this is one of the places that -- that is still left that we can actually do that where there aren't any existing buildings. And I think that that is my most important comments that I will have tonight. That's it for right now.

MICHAEL NYHAN: Do you view this as fulfilling that?

MATT EMENS: I don't.

MICHAEL NYHAN: Why is that?

MATT EMENS: It has pieces and parts of it. It is a single building. One of the things we talk about in there is no more random single buildings on Chili Avenue. This building, and once again, this is not -- you know, directed to this applicant. They are doing a nice job of addressing the streetscape and they are trying and working with us. I think once again, the single building and the developer knows that this -- I don't think that this -- using this out parcel, single building solution for this restaurant is -- is the best use of that land and I do not think it fits in the Master Plan.

MICHAEL NYHAN: Okay.

JOHN NOWICKI: Okay. Can I ask a question?

MICHAEL NYHAN: Sure.

JOHN NOWICKI: Is the Master Plan Committee in effect? Is it still functioning?

MATT EMENS: No. They adopted -- the Town Board adopted the plan. I don't know the date.

ERIC STOWE: This is the Chili Center Master Plan, correct?

MATT EMENS: The 2016 Chili Center Master Plan.

JOHN NOWICKI: Has this gone before the Building Department or a committee or something other than -- for that Master Plan?

PAUL WANZENRIED: The procedure is to go before the Planning Board who enforces or looks for conformance to those plans.

JOHN NOWICKI: Okay. And use -- you will have a chance to see them on the

those elevations. I think you have made an attempt here, but I would like to know, have you people actually read that portion of, you know --

MR. DANIELS: The Master Plan? Yes. We proposed -- we brought in some elevations tonight talking with the Architectural Review Board and they had comments and directions they wanted us to go with that, and we're taking that into our design now, but it's a bit of a process to redesign the building, too.

JOHN HELLABY: Correct. And I think along that same lines is not only the standard elevations -- I think you need to put some -- some sort of rendering or something so somebody -- say they're standing down Chili Avenue down 100 yards or whatever, envisions sort of a 3D image what you're looking at, is this truly what this Master Plan is looking for, you know, with the sidewalks, the bigger caliper trees and what they're calling the complete streets?

Again, I got -- I got -- I know what Matt (Emens) says. I'm sure if Mr. Cross was here, he would say the same thing. It's sitting right on Chili Avenue unfortunately.

MR. DANIELS: So you're saying you agree with his issue of a single-use property?

JOHN HELLABY: As far as -- I'm more concerned of the aesthetics of things and not just plunking this thing down. Because like I just said, I have not been privy to the elevations.

MR. DANIELS: You would like to see more of a 3D rendering of it?

JOHN HELLABY: That would be a concern.

JOHN NOWICKI: I have a -- similar concerns that Mr. Hellaby does and whether it fits into the Master Plan or not. I want to hear from the Town officials that -- what is going on with this Master Plan and what we can do with it.

MICHAEL NYHAN: I think Master Plan -- Master Plan has been approved. It is our responsibility to look at the master plan and compare it to this project.

JOHN NOWICKI: Then we have to compare it.

MICHAEL NYHAN: To enforce that -- that is our responsibility, nobody else from the Town. We need to do that.

JOHN NOWICKI: That's my concern.

MR. DANIELS: We are prepared to work with the Board on Master Plan compliance.

PAUL BLOSER: I -- I came prepared tonight to say exactly what Matt (Emens) brought up. You know, I still have not seen a building rendering. I thought we would see something tonight. I just -- as it stands right now, I couldn't say anything positive about it. What I will say is just getting around Town, there is a huge amount of excitement about Taco Bell coming to Town. People want it. So this is certainly not a -- we're not saying anything bad about the business. This is about what we have planned for a Town for that stretch of Chili Avenue. We're looking at another potential project across the street and down a little bit. And, you know, I'm prepared to address that the same way. We have a concept in mind that has been approved, has been adopted, and I would -- we would be, I think as a Board, embarrassed to put anything through less. I'm pretty adamant, too, about the street parking. If we start assigning parking spaces at the street curb level, we're locking ourselves out of our vision. Again -- so those are pretty much my main two concerns.

I also haven't seen anything on signage. You know, I -- the plaza sign right now, as it stands, it has the name of the plaza. I kind of wish they had redesigned that whole sign. That is not your issue. But, you know, eventually your name is going to be -- they're going to want your name up on that thing. At that point, I -- again, between Zoning Departments and Planning and Architectural, I would hope that sign gets a new fresh look completely and get it out of that 30 foot in the air tower and have it be lined more with what we're envisioning for the Town. It needs to be updated. So I don't know what you're proposing for signage yet. Haven't seen that. A lot of that usually goes before Zoning based on the square footage.

MR. DANIELS: Yes. We have the plaza sign remaining in its current location, and then there is -- the building signage. We -- we have the elevations that we brought before the Architectural Review Board tonight. And I understand your concerns with the building's appearance. This was our first meeting with them to get their take on the direction they want to go and what they would like to see. So we'll incorporate that and present before you everything that hopefully you would like to see, too. And that works for the Town.

MATT EMENS: To piggy-back what you said about the other development that came before us a few months ago down the road, the difference is that that was the -- the developer that owned the land that came before us, and they proposed a mixed-use building which had a tenant in it, you know, that was -- that was -- there was some retail and there was some restaurant. So that's the difference.

Now, this single parcel, out parcel on the front of this plaza that has its own issues that we have been fighting through over the last I don't know how many years, um, it just -- like I said,

ERIC STOWE: Looks like it borders it.

MATT EMENS: So I what I would like to point out to the applicant or to anyone here that has their reference is page 29.

ERIC STOWE: This is the Master Plan?

MATT EMENS: Yep. Of the Chili Center.

MICHAEL NYHAN: Corridor Study, correct?

MATT EMENS: Yep.

PAUL WANZENRIED: Matt (Emens) you referred to this as an out parcel. I don't believe this is an out parcel. This is still part of the plaza.

MATT EMENS: Right.

PAUL WANZENRIED: More of a pad site.

MATT EMENS: They're not carving it out, so it is becoming part of the development, which is another issue in itself. You know, I think the other thing, too, is that -- that I would like an update on, is there were some things that this Board -- I don't know if there were other Boards involved in that, either -- or also, but the issues that were outstanding at that -- for this property owner to resolve, and there were some deadlines associated with that.

PAUL WANZENRIED: To date, nothing has been resolved and the deadline has eclipsed -- elapsed. Thank you, Eric (Stowe). I will ---

MICHAEL NYHAN: Come and gone.

PAUL WANZENRIED: We are trying to contact the Plaza and work through those issues with them.

To Mr. Bloser's comments regarding the signage, it is the Plaza's intent, they have a new pylon sign which if you go back by where Faber is, to the left, you will see the pylon sign. It's painted on the side of the building. That's what it is going to look like, in the front and the back. Those two signs.

PAUL BLOSER: So they're intending to replace --

PAUL WANZENRIED: That's correct.

PAUL BLOSER: I didn't mean it to put it on their shoulders.

PAUL WANZENRIED: Just to clarify to you.

PAUL BLOSER: Okay. Thank you.

MATT EMENS: And I guess just to go back and kind of address this at this point, the fact that the Chili Center Master Plan is a smaller piece -- I don't remember the exact terminology of the entire Comprehensive Plan for the Town. So that portion was deemed important and was updated. I think it would be -- I guess legally you could say it was not part -- the boundary doesn't outline it, but I think that would be a stretch on our side to say that that does include it. It is still part of the overall Comprehensive Plan, and I think we're all --

ERIC STOWE: My point is I just want to make sure we're on the right page when we're referencing plans and studies.

MATT EMENS: I agree. I don't know the correct terminology. That Master Plan is one of the sub -- I forget what the terminology is, that that then gets plugged into the overall way it was carved up into the different areas for the Comprehensive Plan.

PAUL WANZENRIED: Would you call it one of the studies that the Master Plan -- the overall Comprehensive Plan refers to, i.e., like the Open Space Inventory, the Right to Farm, so on and so forth?

MATT EMENS: Right.

ERIC STOWE: They're currently in the process of the 2030 Comprehensive Plan --

MATT EMENS: The update, correct.

PAUL BLOSER: The other comment, going back for some of the -- some of the comments made at the last meeting, some of the things with the architect you were talking about, is locate the building -- there were limitations because of existing underground utilities.

MR. DANIELS: Yes. There are easements running across the site.

PAUL BLOSER: I guess I look at that lot and I'm personally working on a job right now, a company here in Town, where utilities were a big issue. To this area we're doing. We ended up bridging the foundation over the utilities. It's not a cheap date, but -- it's a bit of work, but we're accomplishing it so those utilities will always have access. But it can be done.

So again, without looking at the maps and seeing what you were doing or maybe some of your original concepts were -- you know, bridging is always an option.

MR. DANIELS: We went through a few iterations where to place the building and where we have it now along Chili Ave. just avoids the issue all together with the building.

PAUL BLOSER: I understand that. I'm just kind of throwing that in there.

MATT EMENS: That was a challenge that was given to the developer on different

building.

MATT EMENS: Then it cuts back.

MR. DANIELS: The two crisscross.

MICHAEL NYHAN: The drainage easements -- one is a drainage easement?

MATT EMENS: Large structure underground.

MR. DANIELS: Sanitary.

MICHAEL NYHAN: There is a sanitary.

MR. MASON: You're not -- John Mason, Hospitality Syracuse. You're not just crossing one pipe.

PAUL BLOSER: Multiple.

MR. MASON: Multiple things.

PAUL BLOSER: Without the prints in front of me --

MR. MASON: They're shown on the drawing, I believe. And that's -- you know, we have tried our -- we understand the Master Plan. We have tried our best to comply with it. Um, you know, the Town obviously can do what they want to do with it. I think, however, speaking as a developer, I think it's probably unrealistic in a municipality such as Chili to have a cost-effective structure that would span those two easement areas.

PAUL BLOSER: Okay.

MR. MASON: Just -- just my observation as a developer. Such that unfortunately, the rendering as shown in the Master Plan, I understand wish lists and concepts as being, you know, ideal. I think it's probably unrealistic. And I think you would be hard-pressed to find some -- a developer who would -- now, 10, 20 years from now who would figure out how to put a building and build that entire streetscape as you showed on your Master Plan. I understand it's a wish list and everybody -- but --

MATT EMENS: Yeah. I think the bigger concern is -- my point is, once again, I'm not -- you have presented a nice project. You worked with us, you know, tonight already talking earlier. You know, I -- my -- my first comment I think that I made -- or at least I thought it was at this meeting was that if that -- if this happens, we have lost the last piece where the major piece of undeveloped area -- that that could even possibly be achieved without the actual demolition of the buildings, the existing buildings. Might not be 100 percent true, but it is definitely the largest piece where it can be achieved. Part of that Master Plan Committee is looking at those vacant lots that the Town has even contemplated -- and pushing up their new Town buildings up to the road.

The Chili Fire Department parcel, where the Fire Department has got a 70 -- 65-year-old building, 70-year-old building and they need to make some improvements and improvements might not do it. It may be a new building. If that's the case, then are they going there or somewhere else? And the Town has to make a commitment to this, too, for it to work. That's another big piece of it. That is where partnering with developers who may not want to spend that money to relocate something like that is where we have to see where the rubber meets the road. Who is going to anti up and make something like that work? My concern is -- is that if we don't do it here, or we don't at least talk about it here, it's over with. I just don't -- I don't see where else it is going to happen.

Now we have committed -- you know, your -- your new building there, we have committed parking to it. We have committed drive lanes. It is definitely over with right there, that stretch. Because I think -- if you do go in there, you will be there a long time.

Right?

MR. MASON: I think part of the benefit we bring to the project is because we're only a single-building user, it also allows us to substantially increase the amount of green space on the property, and from a green space perspective, I think that's a real positive. So -- but I understand the Board's concerns.

PAUL BLOSER: Your building overall, the square footage is not 2,200 square foot. It is not that by any stretch of the imagination. I guess I'm saying without being able to see any type of structure to look at it, I -- I don't know how I can --

MR. MASON: We did elevations for the Architectural Board and based on their input, um, I would say they didn't -- they did not find the elevation exactly what they would like, so I would rather come back and present to the Board a revised concept that -- unless the Board is so adamant that the project is contrary to Master Plan, then I don't want to waste your time or -- our -- our dollars and time --

MATT EMENS: Absolutely.

MR. MASON: -- to push forward. I would need some sort -- I would request that there be some sort of clarification of whether, you know, if we're barking up the wrong tree, then, you



complex, if you will -- all that will incorporate, not just the Taco Bell, reduces the number of parking spaces in the plaza. One of the things we had requested from the plaza and we're waiting for is that parking space count to match the occupants that are currently there. So by removing space, now we -- we are -- are further, deeper into is there enough parking for the plaza itself, let alone -- you may have provided enough for the Taco Bell based on your traffic, but now have we reduced the amount of parking spaces in this plaza that now -- that now we don't have enough parking space for the plaza because of that.

MR. MASON: We're not a big generator of parking spaces. Typically, the ideal that Corporate would like for our parking spaces is 30 spaces. There is well more than that in this whole quadrant.

MICHAEL NYHAN: How much have you proposed the front parking along the road?

MR. DANIELS: There is 26 down there.

MR. MASON: Along the front piece.

MICHAEL NYHAN: Okay.

MR. MASON: Just to -- you know, to -- a visual observation, it seems the plaza has plenty of parking spaces, but I understand the Board's need to have a definitive number to what is there now and later. That goes back to the -- to the missing information that we still need from the plaza owner. Unfortunately, this is not the first applicant that has come forth before us in the last 2 1/2 years that hasn't run into stumbling blocks because of their deficiency with -- or the landowner.

MICHAEL NYHAN: So, you know, I think I -- the point is well taken this just doesn't fit the Master Plan or if there is no workable solution for what you have already proposed, then why move forward. I guess the question I would ask the Board is, based on the limitations of this area, as well, meaning the easements, the -- the entrances and exits designed already in the plaza, and -- I don't know that we would want to eliminate any entrances or exits in this plaza, so we're really dealing with a small piece of land between two entrances and exits, if you will, of this piece of property. Do you foresee us being able to work with the developer to be able to come up with something or the -- or the developer, to give him some direction that may be suitable to the Master Plan?

ERIC STOWE: Don't forget we need a Public Hearing, too.

MICHAEL NYHAN: I understand.

ERIC STOWE: Just before that, before you go down that road, I think public input is important, too.

MICHAEL NYHAN: Right. Okay. Thank you. I think that's -- I think that's the statement you were alluding to, is if there is something you think can be done, provide that direction, and if not, then we can say not and go -- we'll go from there. So with that statement, I think I will open the Public Hearing for any comments now and input.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I agree with everything everyone of you has said. This is no place for -- for this at this point in time. We have got a rare opportunity it seems to me in Chili with the projects that are coming up, the one across the street, you know, possible changes with the Fire Department -- we have got an opportunity that we can't just let go to make something of Chili Center. And as somebody who sat on the Chili Center Master Plan, 2030 Master Plan for 2 1/2 years, somebody who now sits on the Master Plan Update Committee, I cannot say enough how much I back up everything that has been said. This thing -- this project doesn't fit on any count you can name.

I, too, am bothered by the fact there is no rendering. We -- I mean this -- this -- you will have a Public Hearing now, but if it were to pass, this may be the only hearing there will be for the public. You may go to informal next time. So there may not be a chance for anybody in the public to even comment on the rendering when and if it comes about. I -- I'm thinking of the building in Gates, the Taco Bell in Gates. That is one of the ugliest buildings I have seen -- even for Gates, it's ugly. It's awful. We would never want anything like that in Chili, and you're buying a pig in a poke when you don't even know what's being suggested here for style.

And I appreciate the fact that Taco Bell would like to come to Town and maybe there is a lot of people in Town that would like a Taco Bell, but when the developer says that our Master Plans are unrealistic, I beg to differ. This Board is in the driver's seat now. Our plans are not unrealistic. We have to set our sites high. We don't need to give away anything right now, especially this one opportunity we have got -- we have had in a long time to make Chili Center

between that center entrance and the bank.

MR. MANNS: Where Key Bank is and the sign where the plaza --

PAUL WANZENRIED: Where Subway is. The one in front of Subway.

PAUL BLOSER: It would kind of block the view of Bill Gray's if you're looking straight at it.

MR. MANNS: Between Key Bank and the plaza sign is what we're saying?

PAUL BLOSER: Yes.

MR. MANNS: Got you. Only other question I had was just curious the hours there. Do you know?

MICHAEL NYHAN: You can ask that question.

MR. MASON: Typically, 7 to 11 or 7 to 1.

MR. MANNS: Thanks.

MICHAEL NYHAN: Before I make a motion to close the Public Hearing, any further Board discussion that -- on this? I think what we need to provide is some direction if we think this is feasible, that this is something that is close enough to the Master Plan that we want to provide direction, then I would leave that open, but if you feel this isn't and it's something that just doesn't fit here, then we'll just move forward with the application as it is. Because we don't want to ask him to keep coming back and spending money if the -- if it is not going to match and we're just not going to approve it anyway. So looking for direction.

PAUL BLOSER: I think we're lacking foundation.

JOHN HELLABY: I don't think it will ever fit the intent of the Master Plan. The problem is you need the plaza owner's input on this, as well as to what commitment he will make in this whole deal. These poor people are locked into this little piece of property up here, but it involves more than that. It might take relocating sewer. It might take relocating the entrances down there to make this Master Plan portion work. But I personally would tell them that I don't think it's going to fly. That's my own personal.

JOHN NOWICKI: I would agree with Al (Hellaby), as not meeting the Master Plan that we have in place, and -- I think we have a lot of work to do here.

MATT EMENS: I think if the applicant was -- as Taco Bell and the applicant that is here tonight, the restaurant and -- the applicant here tonight has to work with the developer or work themselves with making a different solution for the building as this being a tenant to it, then that's where you would have to have them.

Otherwise, I agree completely and wholeheartedly, I do not wish to waste this gentleman's money or time, and -- I just don't --

RON RICHMOND: There has been a lot of discussion about whether or not it's going to fly and I don't even think we have offered any recommendations whatsoever other than it doesn't comply with the Master Plan. I think it's premature to say we don't think it's going to fit. We don't think it's going to work. I think it's premature to make any decision based on that unless we as a body sit down and take a look at it and make recommendations so that we can try to at least consider any variation that is possible.

MATT EMENS: That's my recommendation, is that the only thing I would be interested in spending more time and looking at is a multi-use building in this location. You know with that -- with Taco Bell being a tenant. Nothing against Taco Bell. Nothing against the applicant here tonight. I just have -- the solution is that -- that is presented here tonight is not --

JOHN HELLABY: It is -- it takes additional players here.

MR. DANIELS: In response to some of these Master Plan issues that have been raised, as far as the way the building looks, of course, I mean we were talking to you earlier -- I understand that is one facet of the concern as to it and we're willing to work on that.

As far as this particular property and feeling like it's a once-in-a-lifetime opportunity to put something along the street the way the Master Plan wants, it -- it is a tricky piece of property as we have discovered through our redesigns, and it will be a list for anybody who comes in that wants to develop in any of these easements, move the sewers, do whatever they need to.

You know, I would just ask the Board to keep that in mind, that that's quite a different beast than working with the existing plaza, making the improvements that Taco Bell is proposing here. Particularly in terms of landscaping, green space, kind of making that plaza a little bit nicer than it is now. And what they're willing to put into it.

MICHAEL NYHAN: Has the plaza put anything into this?

MR. DANIELS: The plaza?

MICHAEL NYHAN: Seems like you're putting everything into the plaza.

MR. DANIELS: Yeah.

MR. MASON: Yes.

MR. DANIELS: I understand.

MATT EMENS: I'm not going to say it might not cost a lot of money. I'm sure it could be done. It may not be feasible for a developer to put the money into it and never get their money back on it and it might not work. You're right.

Or it might not be -- I also will -- as architecture -- you know, my background, I will agree with you the depiction at best or the photo that was put in to the Master Plan is schematic and sketchy, right? It's fun to look at and easy to say, "Go look at that."

That's probably not achievable to go from entrance to entrance with a two-story, multi-use building, but maybe there's an in-between between that and a single use, 2,200 square foot building. I don't know.

And I just -- once again, it's not on you guys to figure that out, but what I'm saying is I don't -- I don't see this going any further unless there was something of a mixed-use solution that was brought that got us a little bit closer to where we could even say yep, let's -- you know, we're going to have to give up and have a little bit of front street parking, give a variance for that.

But maybe it's a larger building with three tenants, you know, something like we're talking about that they're doing down the road. So get us closer so we can at least say it fits into the Master Plan.

MR. DANIELS: What is the down-the-road property -- what property is that?

MATT EMENS: I don't remember the address of it.

MICHAEL NYHAN: Are you talking about the Colombini's?

MATT EMENS: Yes.

MICHAEL NYHAN: Colombini's property?

MR. DANIELS: Just mixed use.

MATT EMENS: They came in under Informal a few months ago and had different schemes of keeping portions of the existing building, adding new buildings to it and we were able to give them some general feedback on it. They're not back yet, though, but like I said, they had multiple tenants they were looking at courting.

MICHAEL NYHAN: It was a four-tenant building right up -- right up to the road.

MR. DANIELS: Okay.

MICHAEL NYHAN: Okay. So I think what I'm hearing is you just don't see the single-use, drive-thru restaurant working in this area and we should move forward with the application as it is? Is that accurate?

RON RICHMOND: Ask that again. What are you saying?

MICHAEL NYHAN: That this application in any form it could take, as you see it, we should just move forward with it and vote on it. You don't see being able -- this -- this single tenant, with drive-thru, as a drive-through restaurant, you don't see this as something that fits the Chili Center Master Plan or this area?

RON RICHMOND: Well, the plan is a plan. It's an objective. It's a goal. It's not a concrete document that says absolutely not, you cannot do this.

MICHAEL NYHAN: Absolutely.

RON RICHMOND: So again, I'm going to say, I don't think it is realistic or fair for us as a body to say, "Do you think that we should go forward with" -- we should take some time and let the applicant go back and consider what has been said tonight and maybe we should consider what has been said tonight and maybe we should have an opportunity to create some suggestions that are viable. Rather than just say, "I don't like that."

Because I don't think that's even the spirit of the Town.

MICHAEL NYHAN: Okay.

JOHN NOWICKI: People like Taco Bells.

MICHAEL NYHAN: So then at this point, what direction -- what would you want to see in this store that would make it viable in that spot?

RON RICHMOND: I think Matt (Emens) made some valid points. So the applicant probably needs to take another opportunity to go back and take a look at the Master Plan and see what they can do to modify to try to meet that. It's a small footprint. So realistically, who knows if they're going to get a double use or triple use occupancy out of anything close to that footprint. But there is an opportunity to at least take a look at it and then perhaps -- the time that we're investing just to discuss it is nothing.

ERIC STOWE: Is it a fair comment to say what is being said is -- ask the applicant to go back and consider all of the comments, make a determination as to how best they would like to proceed --

RON RICHMOND: Sure.

ERIC STOWE: -- and then come back to the Town?

coordination with -- with an extremely difficult land owner to get those parking counts. Because I can tell you right now, that even if we weren't worried about the Master Plan, we have considered a lot of projects and it's very difficult, because we're kind of flying blind on that, right? They have been asked numerous times for that. We have people that are coming in and fitting in small lots. We have the Monro going out back taking up a bunch of parking spaces. Ferrari's patio is eating up more parking. And once again, I'm sorry this is your problem, but that could be a hindrance to me sitting up here. And even if we do go any further with this, you can't -- we can't keep flying blind on this. I don't -- I don't remember -- I wasn't on this Board at the time, but there were issues with -- with a true out parcel with a fast food restaurant, or -- that -- and -- in West Chili, at the other plaza where they carved out and there wasn't enough parking. I mean -- the --

JOHN HELLABY: Dunkin' Donuts.

MATT EMENS: The Dunkin' Donuts in North Chili.

MR. MASON: We would insist upon it to begin with, because we don't want to go in violation of your zoning ordinance. So -- so the plaza would need to be in compliance for us to be comfortable, so absolutely. If we decided to follow up on things, a parking count and a definitive count versus what is there would be something we would insist upon and would present to the Board.

MR. DANIELS: And we received that comment and we're aware of that issue.

MATT EMENS: I know we focused on some other things.

RON RICHMOND: Does the applicant have information they can go back now and mull over, including the renderings that were requested and so on?

MR. ROCK: If I could step in. My name is Rick Rock. I'm with Remax Commercial. I represent Hospitality Syracuse. Earlier today I had a phone call with Mike Kuskin, who is the owner of the plaza and we have been addressing or talking about the issues that they have, which I'm really not sure exactly what they all are, but he assures me that he has new personnel coming in to address those issues and they will be done soon. He knows that this is a risk if he doesn't do that. So you probably will be hearing from them soon. And we certainly will have conversation tomorrow, if not tonight, in regards to your concern.

MICHAEL NYHAN: I appreciate your optimism.

MR. ROCK: I'm just sharing with you --

MICHAEL NYHAN: That would be wonderful if they decided to do something. It's been a few years now that they have been promised items and every time there is a reason why they don't. But they haven't, so.

MR. ROCK: I understand. I am just sharing with you my conversation that as much as we're trying to get it done and doing all of the work, we're also addressing it with them to say, "Look, you have to step up, as well."

We have done that in emails and conversations and obviously they haven't addressed it. They're at risk of losing a great tenant for a long-term, and I'm sure they're aware of it, so. If they don't address it, then they know the consequences. All right? Just sharing that one.

MICHAEL NYHAN: Thank you.

Were you aware of the other projects that are in process or even in thought throughout the Chili Center corridor?

MR. ROCK: Yes. I follow them all as they go through. I mean -- I get your emails for all of the Town meetings and so forth. So I was aware of the Monro Muffler, the pizza shop and so forth. And just sitting back there and thinking about them, while you were talking about parking being an issue for this entire plaza, I just -- Monro Muffler has been approved, correct?

MICHAEL NYHAN: Yes.

MR. ROCK: The restaurant, pizza shop has been approved. So I'm just wondering why the parking hasn't been an issue or their plan hasn't been corrected before those approvals?

MICHAEL NYHAN: Before -- the --

MR. ROCK: You approved Monro Muffler, freestanding in the back.

MICHAEL NYHAN: Right. The plans that were approved and the plans we approved had sufficient parking for each of those buildings. But as we continue to add --

MR. ROCK: But the parcel is one, right?

MICHAEL NYHAN: Parcel?

MR. ROCK: The entire plaza is one parcel.

MICHAEL NYHAN: They have to have parking spaces for every business that goes in there and they have to show within a certain distance that the parking will meet their needs. Now we're taking up more parking spaces because up front is all considered current parking space, even though you don't see stripes on the ground. So that is what we're saying, now that we're

confusion over what has been asked for or what we're looking for?

MR. DANIELS: So does the Chili Center Master Plan -- we are -- were talking about that a little earlier -- doesn't apply to the plaza actually, but it's a guideline any ways?

MICHAEL NYHAN: It applies -- it applies to Chili Center and to the Master Plan. It's a vision for what the Town is looking for in that corridor. What we're asked to do is make sure any development that comes in follows that vision. That's what we're trying to impress upon you, is following that vision that is available.

MR. DANIELS: Understood.

MICHAEL NYHAN: All right. So at this point, I think what I would like to do -- Counsel said it best --

ERIC STOWE: Number one, the Public Hearing is still open.

MICHAEL NYHAN: I will leave that open.

ERIC STOWE: Well, it -- it is more about the applicant and if the applicant would like to table with a mutual consent, that's fine and we convene at a later date or not. That's -- that's the only real issue.

MR. MASON: I would request that the Board leave the Public Hearing open and consent to -- we could consent to a tabling of the matter.

MICHAEL NYHAN: Okay. Then that's what we shall do. Based on the applicant's request, we will leave the Public Hearing open and I will make a motion that we table this application for a further review at a future date.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 6 yes to table with the following reason having been cited:

1. Applicant requested the application be placed on hold until additional considerations could be reviewed and considered.

**INFORMAL:**

1. Application of Kamco Supply Corp., 28 Industrial Park Circle, Rochester, New York 14624 for final site plan approval to erect a 33,750 sq. ft. warehouse with 3,750 sq. ft. office area at property located at 100 Trade Court in L.I. w/ADATOD and FPO zone.

Sara Gilbert and Bill Hennessy were present to represent the application.

MICHAEL NYHAN: You were here last month for preliminary site plan approval which was approved with a number of conditions and you were going to go in front of our Zoning Board for some variances.

MS. GILBERT: Yes. Somebody caught me outside the door and told me they were getting tired of hearing about this application, so everyone is familiar with it. I will move as fast as I can with this presentation.

MICHAEL NYHAN: Take what you need.

MS. GILBERT: Um, we did present to the Zoning Board at their July 25th meeting. They did grant all of the variance requests. Just as a reminder, it was to allow front parking. They agreed it was consistent with other businesses in the area. To allow outdoor storage, one minor change was made from what you have seen. Um -- let me take this off.

They did grant a variance to do outdoor storage in this location where we're showing it on the plans and along the back of the building. We conceded to move these (indicating) storage racks to the back of the building, so the outdoor storage is limited to this area (indicating) and along the back of the building, not here (indicating).

MICHAEL NYHAN: So you will remove that on the final plans?

MS. GILBERT: Yes.

Um, they also granted the variance for a 6 foot high fence in the front yard. They agree that the berm and the landscaping along the road will limit the fence visibility. They granted a variance for the freestanding sign, although the variance was reduced from what we originally requested, so the variance is for a maximum -- this is for the freestanding sign at the corner, a maximum area of 48 square feet in a maximum height of 6 feet.

We really -- we received a comment letter from the Town Engineer. They said that the comments were adequately -- adequately addressed with a few exceptions. The exceptions are all issues that we will do as we move along closer to construction and getting forms signed and

JOHN NOWICKI: No more.

MICHAEL HANSCOM: No additional comments.

MICHAEL NYHAN: No additional comments. All right.

Eric (Stowe), just one quick question. We had Planning Board conditions for preliminary. For this final, would just simply state all previous conditions apply or do I need to restate all them?

ERIC STOWE: Good.

MICHAEL NYHAN: That's good.

MS. GILBERT: Did those -- would you mind reminding me, do those conditions -- I assume they included technical -- final technical review with the Town?

MICHAEL NYHAN: Yes. Let me read off the -- the original ones to you, and then -- just let me find them here again real quick. So the conditions from the preliminary site plan approval.

Outside storage against the building shall not exceed the height of the roof line where the gutter would be located. These are all part of the decision letter that you would have received.

MS. GILBERT: Yes.

MICHAEL NYHAN: Upon completion of the project, the applicant shall submit a landscape Certificate of Compliance to the Building Department from a landscape architect certifying that all approved plantings have been furnished and installed in substantial compliance with the approved landscaping plan.

Approval is subject to final approval -- you don't have to write these down. You can get a copy of this.

MS. GILBERT: Okay. Thank you.

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

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

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

Copies of all easements associated with the project shall be provided to the Town Counsel for approval.

All filing information; i.e., liber and page number shall be noted on the mylars.

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

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

Pending approval of the Zoning Board of Appeals of all required variances.

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

Subject to approval of the Town Fire Marshal.

ERIC STOWE: What was the ZBA?

PAUL WANZENRIED: You can remove that can because they have achieved all of the variances.

MICHAEL NYHAN: Just you have to comply with all of the variances then.

ERIC STOWE: Compliance.

MICHAEL NYHAN: Compliance with all of the conditions of the Zoning Board that remain in effect.

MS. GILBERT: Thank you. Appreciate that.

MICHAEL NYHAN: You're welcome.

Any other conditions from the Board other than the ones we have already placed on preliminary? Okay.

Application of Kamco Supply Corp., 28 Industrial Park Circle, Rochester, New York 14624 for final site plan approval to erect a 33,750 sq. ft. warehouse with 3,750 sq. ft. office area at property located at 100 Trade Court in L.I. w/ADATOD and FPO zone.

MICHAEL NYHAN: With the condition that all previous conditions imposed by this Board that are still pertinent to the application remain in effect.

Vote on final site plan approval.

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

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