

CHILI PLANNING BOARD
May 14, 2024

A meeting of the Chili Planning Board was held on May 14, 2024 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Matt Emens, Glenn Hyde and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Matthew Piston, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

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

PUBLIC HEARINGS:

1. Application of Francesco Iantorno, 61 White Oak Bend, Rochester, New York 14624; Iantorno and Cook Enterprises LLC, 2117 Buffalo Road PMB 320, Rochester, New York 14624, owner; for approval of a Special Use permit for a duplex dwelling (single-family allowed) at the property located at 1181 Westside Drive. R-1-12 District.

Francesco Iantorno and Jonathan Cook were present to represent the application.

MR. IANTORNO: Hello.

MICHAEL NYHAN: Hi.

MR. IANTORNO: Yes, so --

MICHAEL NYHAN: Your name?

MR. IANTORNO: My name is Francesco Iantorno and this is Jonathan Cook.

We are owners of Iantorno Cook Enterprises. We purchased a -- what we thought was a duplex back in 2022. The property in question. 1181 Westside Drive. The County tax record indicated that it was a duplex.

So we did renovations, you know, cosmetic stuff, paint, appliances. It was a hoarder house at the time. A lot of trash inside. So we cleaned that up. And then it was brought to our attention in the beginning of the year that the Town had no record of the duplex change that was made in the '90s. So we submitted the application and -- yep.

MICHAEL NYHAN: So all of the renovations were already done? Was it a two-family when you bought it? Was it supposed to be two families?

MR. IANTORNO: Yes. Yes. We bought the place with the understanding it was a two-family. The tax records -- we didn't -- we have been paying taxes as a two-family since June of 2022 when we bought it. It was brought to our attention earlier this year that it was a -- the Town did not have the records it was changed into a duplex in the early '90s.

MICHAEL NYHAN: Have you changed the floor plan at all from what it was?

MR. IANTORNO: No.

MICHAEL NYHAN: So you just cleaned it up basically?

MR. IANTORNO: Cosmetics, appliances, things like that.

MICHAEL NYHAN: Have you read the engineer's report --

MR. IANTORNO: Yes.

MICHAEL NYHAN -- relative to parking and storage space?

MR. IANTORNO: Yes. Yep.

MICHAEL NYHAN: Will you be able to meet the requirements he has outlined?

MR. IANTORNO: Yep.

MICHAEL NYHAN: And you're working with the Building Department to do that?

MR. IANTORNO: Yep.

DAVID CROSS: No questions. But just a few comments to make. I commend you for cleaning up a really dilapidated property. I also -- I think it's a pretty tough situation. Tough situation you're in.

I feel pretty strongly against issuing Special Use Permits in single-family home districts. It's not consistent with our Town's Master Plan, our Comprehensive Plan and I -- I will just leave it at that.

MICHAEL NYHAN: Okay.

MICHAEL HANSCOM: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KATHLEEN NEDER, 82 Attridge Road

MS. NEDER: My name is Kathleen Neder. I live at 82 Attridge Road.

I'm just wondering if it's currently being occupied as a two-family? Or is it occupied at all?
MICHAEL NYHAN: My understanding, and correct me if I am wrong, it was occupied as a two-family and it was vacated.
Is that correct?
MR. IANTORNO: That's correct. There is one person living there now.
MS. NEDER: Okay. Thank you.
MICHAEL NYHAN: You're welcome.

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

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

MICHAEL NYHAN: Any additional conversation on this?
DAVID CROSS: Just a thought that we have issued Special Use Permits for in-law apartments when there is a related person in the apartment next to it. But we're basically turning a single-family use into a multi-family and I have a problem with that.
MICHAEL NYHAN: Okay. Is there any -- is there any indication how this would have happened, Paul (Wanzenried), that they would have been listed as a two-family with the County and our Tax Department but not in the Building Department?
PAUL WANZENRIED: No.
MICHAEL NYHAN: There is no application ever made; just wasn't recorded.
PAUL WANZENRIED: I have been through the files.
MICHAEL NYHAN: Okay. All right. Any other comments?

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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Would there be any conditions relative to this application? One other item, do we want to put a time limit on the Special Use Permit to see how it goes?

DAVID CROSS: Yeah. Or we put a -- would the applicant consider a condition that it -- it be considered an in-law apartment and that -- that a related person lives in one side to the other? Or you want to rent it out as two individual apartments?

MR. IANTORNO: Ideally, yes. Because I'm not sure if the person living there currently could have someone live there. Ideally, yes. It could be considered a two-family so we could have a separate family living there.

MATT EMENS: The reason we used to put a time limit on it or assign a time limit was because there was a concern and we wanted to make sure that it was going well and we wanted to revisit. I think that is an exact time where that would make sense.

MICHAEL NYHAN: I do, too. The work has already been done. So it is not like we're giving a time limit and they will do a bunch of work and not renew it. It has already been completed and there is already a party in there.

How long of a time limit were you thinking?

DAVID CROSS: Five years.

MICHAEL NYHAN: Five years.

PAUL WANZENRIED: How long is his lease?

MR. IANTORNO: 18 months from March.

MICHAEL NYHAN: Two years? Three years just to see how it is going and if it goes well, we could extend the next time it comes back, three years, instead of five like we normally would?

So for conditions on this, the Town Engineer and Commissioner of 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.

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

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

Additionally, the Special Use Permit is granted for a period of three years from the date of issue. Which would mean just in three years you have to come back to renew this.

MR. IANTORNO: Okay.

MICHAEL NYHAN: With those conditions applied, the application of Francesco Iantorno, 61 White Oak Bend, Rochester, New York 14624; Iantorno and Cook Enterprises LLC, 2117 Buffalo Road PMB 320, Rochester, New York 14624, owner; for approval of a Special Use permit for a duplex dwelling (single-family allowed) at the property located at 1181 Westside Drive. R-1-12 District.

GLENN HYDE: Second.

DECISION: Denied by a vote of 3 yes to 2 (David Cross, Paul Bloser)

MICHAEL NYHAN: Therefore, this will be defeated, so not approved.

MR. IANTORNO: Not an approval. How many do you need for approval? Four?

MICHAEL NYHAN: Correct.

MR. IANTORNO: Um, could I ask the -- I guess the -- the alternative here is we have to have a single-family or what is the -- because when we purchased it, it was with the understanding it was a duplex; right?

Quite a bit of money to clean it up. It was my understanding there was a lot of violations already with the previous owner.

So I -- so I just ask that -- yeah. Maybe we reconsider it -- the fact that both of us are here -- he flew in from Oregon, my business partner, Jonathan -- to reconsider that vote for the Special Use Permits because of the -- just the understanding that we had going into it it was a two-family. We both invested quite a bit of capital to purchasing the property, renovating it and making it quite a nice place to live.

And also down the street, there is a couple duplexes on the same road.

MICHAEL NYHAN: So I appreciate that and understand that, but the Board has voted and that vote is now closed. So we will not re-vote it or rehear it, if you will. There may be a provision --

Matt (Piston), you could help me out with that. Due to the fact we don't have a full Board, would he have the ability to come back when we do have a full Board if he requests that?

MATTHEW PISTON: The Board would have to have a vote as to whether or not there is a significant change of circumstances -- the new application is significantly different.

MICHAEL NYHAN: When we have a full Board?

MATTHEW PISTON: Yes.

MICHAEL NYHAN: So we don't have a full Board tonight. There are two people excused from the meeting. So normally there would be two additional people here. So you have -- you do have the opportunity, if you want, to reapply when we have a full Board and we could reconsider it at that time if we felt it is something we should reconsider with a full Board.

PAUL WANZENRIED: Hang on.

MICHAEL NYHAN: Okay.

MATTHEW PISTON: Provision I just referenced as it relates to the Zoning Board -- my brain had a misfired synapse. Town Code is silent as to the Planning Board and reapplication. When it is silent, it would be up to the Board itself to make a determination. So -- so it doesn't necessarily have to be a significant change in the application itself.

MICHAEL NYHAN: Okay. So you would be able to reapply when we have a full Board if you wish to do that. So for next month, for instance.

MR. IANTORNO: Okay. That's --

MICHAEL NYHAN: And you could contact the Building Department to be placed on next month's agenda and to come back here and present your case in front of a full Board.

MR. IANTORNO: Okay.

MICHAEL NYHAN: Thank you. Have a good night.

MR. COOK: Can I say a couple things?

MICHAEL NYHAN: Your name?

MR. COOK: My name is Jonathan Cook.

MR. IANTORNO: He owns half the property.

MR. COOK: So -- so one thing -- because I think Oregon is a little bit different, but -- regarding use of properties and things of this matter. But one thing is the cost has gotten so expensive, especially on the West Coast -- I think over here hasn't maybe caught up yet -- but one thing they implemented across the entirety of Oregon was like middle housing and like accessory dwelling units and things of this matter where even a single-family property you can put up to three units on that property.

And -- and kind of why they implemented that was because it's so expensive for people to live. So I think that, you know, it just brings another house to the community, another place for somebody to live. And yeah. So I don't know if that -- if that making sense.

But I think it's a positive thing for the community to have more housing as opposed to less housing. That is something that is -- like I said, in Oregon, it's -- because it's so expensive there.

MICHAEL NYHAN: I appreciate your comments. But probably the next meeting or another meeting you come to to discuss it -- because you have two Board members that aren't here. They will not be able to hear that. So we'll consider this application completed for tonight and if you wish to reapply, you can do that.

MR. IANTORNO: One more question. Would -- David (Dunning), would you be open to the additional dwelling if it is a family member, the -- the in-law apartment?

DAVID CROSS: Yes. Absolutely. We have done that in the past.

GLENN HYDE: It would be restricted to a family member. It couldn't be a family start and then somebody else.

MR. IANTORNO: Just a family member? So like when his lease is up, if the new person that was going to live there had a family member, that would be okay?

DAVID CROSS: A related person is what we usually put in there. Right, Mike (Nyhan)?

MICHAEL NYHAN: Correct. That would be -- if it wasn't a family member, then they wouldn't be able to move in. The other person would have to move out.

DAVID CROSS: More considered an in-law apartment at that point, not a multi-family duplex, which I don't think is consistent with this zoning and the neighborhood at all.

MR. IANTORNO: Would the Board be willing to vote on that? How does that work for voting for that?

MICHAEL NYHAN: No, not tonight. If you want to reapply, you have to -- to have a new application. The application for tonight is done. If you would like to reapply, you can do that. But just be aware that if you decide to make this an in-law apartment, it will need to be an in-law apartment.

MR. IANTORNO: Right. Right.

MICHAEL NYHAN: I just stated if it is an in-law apartment, means it's an in-law apartment.

MR. IANTORNO: So for the next meeting we could apply for the in-law permit and that's something you would be open to, Dave (Cross)?

DAVID CROSS: Personally, I would, yes.

MR. IANTORNO: Okay. Thank you, guys.

2. Application of James L. Rodgers, 51 Sycamore, Rochester, New York 14620; Neil Silvarole, 35 Lantern Lane, Rochester, New York 14623, owner; for approval of a Special Use permit -- uses of a similar characteristics at the property located at 1615 Scottsville Road. GI District.

James Rogers was present to represent the application.

MR. ROGERS: Good afternoon. I'm James L. Rogers and the name of the business is Munchies. And we put the application in for a Special Use Permit and we're going to do catering and pickup and delivery. No take-out. So it's more catering mostly.

And we also -- we have a couple food trucks. We just want to park them there until -- and we would like -- we don't operate the food trucks there, but we just park them next to our location because of our commons area.

MICHAEL NYHAN: Okay. And this used to be a restaurant, right?

MR. ROGERS: Yes. It was formerly Hoagies.

MICHAEL NYHAN: So you're going to take over that entire structure? There won't be any in-house dining or sit-down dining? It will just be deliveries and catering?

MR. ROGERS: Yes.

MICHAEL NYHAN: Nobody will be sitting in the building eating.

MR. ROGERS: No one sits in the building. They -- Hoagies actually had a -- a pickup side door.

MICHAEL NYHAN: Right.

MR. ROGERS: They would pick food up.

MICHAEL NYHAN: Any other changes to the building or the footprint?

MR. ROGERS: No.

MICHAEL NYHAN: Any questions?

MATT EMENS: Just to be clear, I see a couple different times, because I think this was confusing when it first came through before. It is just the small front building, correct?

MR. ROGERS: Yes.

MATT EMENS: That's why the letter from Silvarole says not the back building.

MICHAEL NYHAN: Specifically says not associated with the person in the back building.

MATT EMENS: I don't have anything else at this time.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KATHLEEN NEDER, 82 Attridge Road

MS. NEDER: Kathleen Neder, 82 Attridge Road.

Is there any intent to park oversized food trucks on the property? And will those be in operation on the property or will they just be stored there?

MICHAEL NYHAN: He did indicate they would just be stored there, not operating there.

MS. NEDER: Okay.

MS. SCHMALFUSS: Could you just speak up? Like we hear David (Cross) well, but we can't hear Matt (Emens) very well. If you could just speak better into the microphone. It is difficult to hear.

MATT EMENS: That is the first time anyone ever said that to me.

Is that better?

MS. SCHMALFUSS: That's much better.

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

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

MICHAEL NYHAN: I don't think there are any comments. Parking was all right. EAF. They don't need to -- okay.

Any further discussion? Any -- any conditions?

MATT EMENS: Just making sure that we have already talked about the trucks being parked there and not operational there, right? So we have that covered?

MICHAEL NYHAN: Okay.

MATT EMENS: I think we have that covered with trucks just parked there, not selling from there.

MICHAEL NYHAN: So the food trucks can be parked at the location but cannot operate or sell on premise. Right?

MATT EMENS: Correct.

MICHAEL NYHAN: Any other conditions? Conditions I have are Town Engineer and Commissioner of Public Works must be given copies of any correspondence with approving agencies.

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

Applicant is subject to all required permits, inspections, code compliance regulations and no outside storage is allowed.

Food trucks can be parked at the location but you cannot operate or sell on premise.

With those conditions, the application of James L. Rodgers, 51 Sycamore, Rochester, New York 14620; Neil Silvarole, 35 Lantern Lane, Rochester, New York 14623, owner; for approval of a Special Use permit, uses of a similar characteristics at the property located at 1615 Scottsville Road. GI District.

GLENN HYDE: Second.

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

1. The Town Engineer and Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
 2. Building permits shall not be issued prior to applicant complying with all conditions.
 3. Application is subject to all required permits, inspections, and code compliance regulations.
 4. No outside storage allowed.
 5. Food trucks can be parked at the location but cannot operate or sell on premise.
3. Application of Rich Lipke, Turf Masters LLC, 18 Charter Circle, Rochester, New York 14606; Filomena Lipke, 18 Charter Circle, Rochester, New York 14606, owner; for Subdivision approval of one (1) lot into three (3) lots to include telecommunication parcel at the property located at 69 Golden Road. R-1-20\LI District.

Matt Tomlinson was present to represent the application.

MR. TOMLINSON: Good evening. Matt Tomlinson with Marathon Engineering.

I also have the Lipkes with me here who are the applicants.

As Chairman mentioned, we are looking to perform a three-lot subdivision. Currently, this parcel is comprised of approximately 73 acres and it's a little bit of a unique parcel in that it's separated both by Golden Road for -- on the east and west sides of it and then there is a small portion, a little over 2 1/2 acres in the northwest corner that is actually on the opposite side of 490. So this is a parcel that had some right-of-ways carved through it over time.

And the Lipkes purchased this property several months ago and we have looked at some feasibilities for potential development. But ultimately have decided that they are looking to keep the Lot 1, which is the eastern side of the road and ultimately build their family home there, potentially subdivide a couple other small lots for family members potentially in the future on 16 acres there and sell off the remainder of the lot for someone who may be interested in developing it or doing a similar small development on the remainder for the west portion of the road.

In another somewhat non-standard condition, there is an existing cell tower on the northern side of the west parcel, being Lot 2, on the subdivision map in front of you. That parcel -- or that cell tower, excuse me, is on a leased parcel but never had a subdivided tax account parcel created as part of it.

DAVID CROSS: Would you mind pointing that out? I'm having a hard time following.

MR. TOMLINSON: Sure. If you --

MICHAEL NYHAN: Could you take the map to the side so we can see it as well as the

audience?

MR. TOMLINSON: Sure. How is that? At least half the crowd can see it now.

Lot 1 would be the east side. Golden Road bisects the parcel.

Lot 2 would be the larger portion of land, including that corner that is orphaned on the other side of 490.

Lot 3 that we're proposing comprises the totality of the leased parcel for the existing cell tower on the north boundary of that lot.

So we're trying to create this telecommunication parcel in a manner as small as it can be while meeting code.

And the code requires certain setbacks related to the height of the tower. So we are providing that on the southern, eastern and western side. We're meeting the minimum width required for a flag lot in order to create that. But where the tower is situated and has been for the last 20 or so years since it was built, is only a few feet -- I think it's about 25 feet. I apologize I don't have that full dimension on there. From 53 feet -- excuse me -- from the north property line. That is land that we do not own or control.

So as part of what we are requesting if we are successful with approval tonight would be a condition of approval conditioned on obtaining a variance for an existing, nonconforming situation to that north property line. We are on the agenda for the Zoning Board in an upcoming meeting, I think, in a couple of weeks.

So that is the proposed disposition of the property and I look forward to any comments the Board may have. I believe that the response letter that we had to the Town Engineer's comments came back to the Board, but if there is any questions specific to any answers there, we did not see any issue with complying or agreeing to any of those.

MATT EMENS: So, Matt (Tomlinson), can you walk me through -- just so I'm making sure I understand this correctly, what is depicted in the lower left-hand of the drawing? Is that what is existing on the lease for the cell tower?

MR. TOMLINSON: Exactly. Correct.

MATT EMENS: That is showing smaller.

MR. TOMLINSON: So the lease parcel is too small to be a code compliant lot. If we created exactly what followed the leased parcel, we would have needed a number of variances. And that area of the piece of land is low enough that it would struggle to be served by sanitary sewers. So adding some extra real estate to that lot doesn't constrain future development of the parcel.

MATT EMENS: Okay. And I just want to make sure I understand it correctly based on what is written and what you just said. The only variance you would need is the one you have applied for, which is that 53 feet.

MR. TOMLINSON: North property line. That's correct.

MATT EMENS: And then just out of curiosity, what happens with this orphaned piece of land across 490?

MR. TOMLINSON: My understanding is it remains part of that parcel of land which the owner proposes to sell. It's, I believe, a non-compliant lot, so there is no legal access to it because 490 is a restricted access road. And -- so I don't have a good answer for it other than it will remain the way it is today for the time being.

MICHAEL NYHAN: You say the cell tower is on the leased piece of land.

Who owns the land now?

MR. TOMLINSON: Our client purchased the land without purchasing the rights to the lease. So he owns the land and has legal right to subdivide it.

MICHAEL NYHAN: But not the leased piece of --

MR. TOMLINSON: Correct. That is held by a different party.

DAVID CROSS: Starting to become clear. The cell tower is existing.

MR. TOMLINSON: That's correct.

DAVID CROSS: Not -- not that we're the Zoning Board, but what kind -- so you're looking for a variance for the north lot line. What is required? 75 feet?

MR. TOMLINSON: The tower is 130 feet with some appurtenances on it. I think the Town Engineer had some data it is 136 feet and the setback that is required is 25 feet greater than the maximum height. So you will notice the dimensions of 161 and 163 feet on our subdivision to the lot lines that we can control. I don't know if the regulations were different back when this was constructed or the whole history of when it was built.

DAVID CROSS: Right.

Okay. I don't have anything further.

MICHAEL NYHAN: Anything additional from the Side Table?

No history on this, Paul (Wanzenried), relative to the cell tower being built? Or is there?

PAUL WANZENRIED: There is history to it being built. It was built back -- I don't know when now.

MICHAEL NYHAN: The setback -- were the setbacks required back then or is this new?

PAUL WANZENRIED: I think that the Town Code was written -- Town Code and communications towers was written after this was installed.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: There is no variance on record.

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FRED TROTT, 101 Golden Road

MR. TROTT: Fred Trott, 101 Golden Road.

And just to confirm what he said. Back when they put the cell tower in, there was no requirement at that time. It was after it happened.

I just had a couple questions. We're talking about on the southeast -- southwest side of the road, that you would be open for development in that area?

MICHAEL NYHAN: You're going to develop the southwest part of the road?

MR. TOMLINSON: The western parcel would be listed for sale and so no prediction on who may or may not purchase or what they want to do with it. We explored feasibility of potentially creating a residential subdivision in keeping with the R-1-20 zoning. I think it is under 120 -- might be R-1-12 zone. I don't have it in front of me -- with the existing zoning. But ultimately, the current owner is not interested in becoming a developer of that, so it will list it for sale. There no approvals obviously in place.

Anyone that would like to develop it in the future would have to come back before this Board in order to do so.

MICHAEL NYHAN: So the piece they want to develop is on the eastern part of the Golden Road?

MR. TOMLINSON: Yeah. To build their personal house at some point.

MICHAEL NYHAN: In other words, not listed in the rest of the land?

MR. TOMLINSON: Yes. That's correct.

MICHAEL NYHAN: That 17-plus acres?

MR. TOMLINSON: Yep. Yep.

MR. TROTT: So what is he going to do with the garage? Later on, just sub-develop that -- subdivide that?

MICHAEL NYHAN: You're talking about the --

MR. TROTT: On the west side there is a --

MICHAEL NYHAN: -- garage right along the road?

MR. TROTT: Yes. A five-bay garage approximately.

MR. TOMLINSON: That garage would be intended to remain or possibly be demolished as part of the listing for sale. It is not intended to be used or subdivided into a smaller lot. That would be part of that western parcel of land for sale. No plans to use it from --

MICHAEL NYHAN: No plans for the land at all on the west side of the road?

MR. TOMLINSON: Correct.

MR. TROTT: One last question. Just a typographical. You have down that there is a house -- existing house on your application and there is no existing house on any of the properties.

MR. TOMLINSON: Yes. That is correct. That was a typo on our part.

MICHAEL NYHAN: Okay.

MR. TOMLINSON: The garage is the only existing structure other than the cell tower on the parcels.

MICHAEL NYHAN: Thank you.

MR. TROTT: And so when you -- this is for zoning. I'm sorry.

MICHAEL NYHAN: Anything else?

MR. TROTT: No, I don't think I have anything else.

MICHAEL NYHAN: Any other comments?

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

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

MICHAEL NYHAN: Are there any structures on the property to the north within 161 feet of that tower?

MR. TOMLINSON: No. There are not.

MS. TROTT: There is our house.

MR. TROTT: No. But the one shed is in -- within that area.

MR. TOMLINSON: Sorry. No dwellings. We have not located any accessory structures on that parcel.

MICHAEL NYHAN: Just the one shed. Okay.

Any other discussion or comments? How about conditions?

DAVID CROSS: Variance.

MICHAEL NYHAN: So we'll need the variance. Copies of anything -- I didn't see anything in the comments by the Town Engineer that were -- life safety -- any conditions other than the standard ones, though? No?

The following conditions. I have the Town Engineer and Commissioner of Public Works must be given copies of any correspondence with other approving agencies.

I'm sorry. Are there any easements? That's a flag lot, you said, so no easements?

MR. TOMLINSON: No proposed easements needed. No.

MICHAEL NYHAN: Applicant to comply with all pertinent Monroe Development Review Committee comments.

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

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.

That is it. So with those conditions.

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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: With those conditions, application of Rich Lipke, Turf Masters LLC, 18 Charter Circle, Rochester, New York 14606; Filomena Lipke, 18 Charter Circle, Rochester, New York 14606, owner; for subdivision approval of one (1) lot into three (3) lots to include telecommunication parcel at the property located at 69 Golden Road. R-1-20\LI District.
GLENN HYDE: Second.

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

1. The Town Engineer and Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
 2. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
 3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
 4. Pending approval of the Zoning Board of Appeals of all required variances.
 5. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
4. Application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Road, Rochester, New York 14624 applicant\owner; for preliminary site plan approval to convert the existing building into A) convert existing office building to 12-unit apartment building. B) 1,160 sq. ft. addition to existing building (known as Berkeley Place Phase 1) at the property located at 4415 Buffalo Road. GB District.

Kris Schultz was present to represent the application.

MR. SCHULTZ: Good evening. I'm Kris Schultz, here representing Gizzi Real Estate Holdings on the application.

I think the last time we were before the Board with this project was six, seven months ago. This was the first phase in the plan to redevelop the site, if you recall, when this building was originally part of the parcel to the east and it was a commercial property. We created a subdivision line which is the east line of the parcel as part of the rezoning of the parcel to multi-family.

Second and third phase will consist of a one-story commercial building on the parcel to the east and the westerly phase we're contemplating being townhouses.

Currently, the demolition is just about done on the existing building. I believe the plans for the permit to actually do the construction of the apartments is -- if not already in, will be in shortly. So we're at the time where we would like to get the site plan approval for the renovation.

The addition proposed on the south side is in keeping with the Town's requirement for storage space for each of the units. We do have adequate parking.

From a standpoint of what is going on in the exterior, very little. None of the existing landscaping, ground will be affected. If you do recall part of the overall plan, especially with the development of the westerly portion, there was an integrated landscaping plan which would be part of this, too. We would include any changes. One of the things we're looking at for the westerly parcel is access. Earlier plans had access both from the south and the north of the building, keeping that it -- and that may change because a number of different options were contemplated. At the present time, we would like to keep the existing landscaping on the site.

But other than that -- the building is already serviced by all utilities so there wouldn't be any utility work. So it is pretty straightforward and in keeping with what we had planned for the project created pretty much from the get-go.

The Town did grant us subdivision approval to merge this parcel with the west parcel. That map has not yet been recorded yet, but when it is, it will take care of the issue with the lot width being a foot short and our side setback on the west side being under 40 feet.

So we're at a position right now we're getting that -- that building back on the -- into a positive cash flow, which is paramount. So they were -- with permission of the Town, they went in and did all of the interior demolition and have it all ready to go and now they want to start doing work to bring that up. In the near future we'll be back with the next two phases.

MICHAEL NYHAN: Okay.

MATT EMENS: So, Kris (Schultz), walk me through. You just addressed the first couple -- I think Number 2 on the letter from Lu Engineers.

MS. SCHMALFUSS: Could you speak up, please, all of you? Including you. Yes, sir.

MATT EMENS: Kris (Schultz), can you walk me through the engineer's letter here?

MR. SCHULTZ: Yes.

MATT EMENS: You said you can address 2A and 2B; is that correct?

MR. SCHULTZ: Again, we'll be going to the Zoning Board for their variances. We'll explain where we are with the subdivision that will be filed. You know, certainly the variances

are minor in nature so I don't believe we'll have any concerns with the Zoning Board later this month.

MATT EMENS: So I'm confused. You're taking care of them by getting a variance?

MR. SCHULTZ: We will -- right now we are not merging the properties because we want to be able to get the permit for the renovation of the building itself.

And then following that, we'll merge the properties and you will have an application which will include the townhouses. What we need is -- we want to make sure we have the ability to complete the renovation as a stand-alone lot. It was kind of recommended that this is the direction we go. So that is why we came in tonight.

MATT EMENS: Okay. So this is all new to me. I'm just reading this. So we're going to -- you want us to approve that with those notes, knowing that you're going to take care of it later on after we approved it?

MR. SCHULTZ: I'm asking for you to approve it tonight contingent on the variances later this month.

MATT EMENS: Contingent?

MR. SCHULTZ: Absolutely. And then part of that application when in front of the Zoning Board, I'll explain to them that we did paint ourselves into a corner and have to go before the Board but -- because of the way this worked out, to get that building, you know, renovated, we chose to go in this direction.

MATT EMENS: Got it.

MR. SCHULTZ: That's all.

MATT EMENS: I get it now. When you said contingent on -- then I'm --

MR. SCHULTZ: It was a -- it was a unique parcel. I mean even the -- keeping the easterly parcel, you know, commercial required 100 foot frontage. The original parcel was 249 feet wide. So we currently have 149 and we need 150 in multi-family, hence the need for an area variance.

MATT EMENS: Okay. And then Number 1 is the cross-access easement to the neighboring property?

MR. SCHULTZ: Yep. So basically both properties are currently owned by the same entity. We will show reciprocal cross-access and parking so that anybody pulling in does not have to worry about where they park in that parking lot. That would be part of what would be submitted to the Town, the reciprocal cross-access easement.

MATT EMENS: Okay.

MICHAEL NYHAN: Kris (Schultz), you will address the other items on here, on the engineer's report?

You have a landscape plan, 1 percent of the total of the project?

MR. SCHULTZ: Yes. As I mentioned, I did talk to Mike (Hanscom) earlier today and, you know, basically with the landscaping plan, we can come up with something. We did depict what is on the site right now. What we don't want to do is just look at this as a stand-alone because the landscaping on this parcel needs to tie into what we're going to do on the westerly portion. I would be happy to provide any landscaping to the satisfaction of the Town Engineer and Town staff.

MICHAEL NYHAN: Okay. Thank you.

DAVID CROSS: Kris (Schultz), will the apartments meet the minimum size requirements for RM zoning?

MR. SCHULTZ: Yes, sir.

DAVID CROSS: And can you just point out the 1160 square addition? Is that -- that is off the south side of the building?

MR. SCHULTZ: Down on the south end (indicating).

DAVID CROSS: That little piece.

MR. SCHULTZ: Two-story. Basically the access is a center access as before and you basically on each floor have storage closets that meet code. It was the easiest way to come up with something that looked decent. It didn't impact anything whatsoever from the overall development of the site.

PAUL BLOSER: Have you been to Architectural for review of this for the addition?

MR. SCHULTZ: We did submit plans. We have not been through Architectural Review on the building. Very little is going to change from the standpoint of what the building is right now. Other than the addition on -- on the south end.

PAUL BLOSER: Okay.

MATT EMENS: So, Paul (Bloser), it's been a while since we had an AAC meeting because we just haven't had any business. But is it because of zoning this would be triggered to come to AAC?

PAUL WANZENRIED: Actually, it's not. It's not a requirement. You can ask they go to AAC. You can ask -- put that as a Board condition that they go to AAC. And affirm the conditions of the AAC. Or the recommendations, rather, is a better way to say it.

MATT EMENS: I guess I don't remember -- I don't recall if we looked at it the first time around, but I -- I know it was a topic of conversation because it was a large development and a lot --

PAUL WANZENRIED: I don't think the application got that far.

MR. SCHULTZ: We showed what the townhouses would look like. We showed this, and that was in keeping -- we showed the elevations of the one-story professional office.

And basically, that's the most we were requested to do. Certainly, an Architectural Review would be pretty straightforward. Go out and look at the building. It's right there.

MATT EMENS: What do you guys want to do?

MICHAEL NYHAN: Anything else?

DAVID CROSS: I'm comfortable. You have a stone water table and some dormers up top you're adding.

MICHAEL NYHAN: Yep. Are you on the Zoning Board for this --

MR. SCHULTZ: Yes.

MICHAEL NYHAN: Okay. Any other questions or comments?

Side Table, any other additional comments or questions?

MICHAEL HANSCOM: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KATHLEEN NEDER, 82 Attridge Road

MS. NEDER: Again, I'm Kathleen Neder. I live on 82 Attridge Road. This is something that I can see out my front window, my front yard.

I have several concerns.

I am asking you to, as it stands -- as presented tonight, to deny preliminary site plan approval. There are a number of issues.

Primarily, we don't have -- I understand the -- the comment that you made in keeping with the landscaping plan, but we would like to see a landscaping plan detailed for this property. In addition, um, lighting, fences, trees, particularly along the south side.

We have serious concerns with the addition of the 1160 square on the south side. We would like to propose or request that they move it to the west side for a number of reasons. Moving it to the west side is not going to infringe on the south side neighbors.

Currently, it will not meet the zoning variance since the property is already owned by the parties in question. This proposed apartment complex has already been -- it has decreased the property assessment through the Town Assessor with the assessment that we're going under.

Further, taking that other 10 foot -- I mean, we're not so concerned about the 149 foot, but the -- the 10 foot that they want to ask for the variance is impeding on the south side neighbor whose property value has already declined in value. There is no reason to impede and further harm that neighbor. Moving the proposed addition to the west side of the building, um, would solve a lot of problems.

In addition to the landscaping plan, um, looking over the plans, um, they're not very detailed. We are seeing in the square foot -- the 1160 square foot addition that there are plans for an elevator.

Um, accessing this building currently, you either -- when you access the building, there is an access on the east side. There is an access on the west side which currently exists.

Putting -- there are plans to put an elevator in there into the addition, but when you walk in, you are not at -- I want to say -- street level. You either have to go up or down.

By putting the -- moving the proposed addition to the west side of the building, you would actually put the access to -- in the middle, rather than at one far end of the building.

I have serious concerns about that. I don't see any proposed sprinklers. Again, there are stairs proposed. But basically, you would be either going into the basement, downstairs or upstairs.

And in the event of a fire, um, is particular concern to me as being someone who needs a disability accessibility. If I'm not able to use the elevator in the event of a fire because the elevators are shut down, I would either have to climb stairs for a wheelchair to get out of the basement apartments or I have to come downstairs. Neither of which is very feasible.

And in addition, if I live or I am visiting someone on the north side of the building, I have to walk all of the way of the building and that is quite some distance.

I would propose -- or I would like to request that the plans be amended not only again to move that to the west side of the building, but to put ramps from the -- all sides of the building, access ramps from below that would come out to street level.

Because someone -- someone who either uses a cane or a wheelchair can get out if the elevators aren't working if there is a ramp, rather than having to go upstairs. Which at a time of panic and a fire, is not feasible and it -- it really isn't the best situation.

Ramps exit -- just wide exit ramps, um, going into all sides of the building would be preferable. It is just -- it -- it just does not look very feasible.

Obviously, I wouldn't choose to live in someplace like that where I couldn't have access. But even if I'm visiting someone, I couldn't even visit someone in there comfortably knowing I may put my life at risk because I can't get out of a building.

There is no detailing as to what the square footage of these apartments are. Again, I just -- we need a lot more information, so I guess I -- as it stands now, I'm asking that you would deny the preliminary site plan approval until a number of questions are -- and perhaps plans are re-purposed to move the addition to the west side. Or I'm sorry. Yes, the west side. Thank you.

MICHAEL NYHAN: Thank you.

BILL SCHMALFUSS, 35 Attridge Road

MR. SCHMALFUSS: My name is Bill Schmalfuss. I'm at 35 Attridge Road. My property butts up against this -- this thing here.

I guess I have just two concerns. One is that I don't see in the site plan the 6-inch -- or yes, 6-inch. 6-foot vinyl fence or trees that was in the original plan when they had it tied into the

other property there. There is definitely got to be some sort of a barrier between our property and theirs. That's concerning me.

The other one is -- I think she mentioned it -- is the fire. In looking at the floor plan, anyone living on the north end of this building, if they can't get to the stairs, they're done. There is no other way out.

On the other side they have got the end -- the new part, they got the -- the access there.

But on the north end, there is nothing -- I mean unless you go out the window. You know? So -- so something to think about.

All right. That's all I got.

MICHAEL NYHAN: Thank you.

LINDA SCHMALFUSS, 35 Attridge Road

MS. SCHMALFUSS: Linda Schmalfluss, 35 Attridge Road. Thank you, Chairman for this opportunity. When I use the pronouns "we" or "our," I'm -- I am joining my husband and myself in these comments. He has mentioned a couple of them. And I will just state them over.

I think basically we have three concerns regarding the effect on our property.

Number 1, this MR rezoning has decreased the market value of our home. Because of the transient tenants that would inhabit this MR building, our assessed value is down. We actually -- this new assessment, um, was lowered because of the attention brought to this multi-residential property now next to ours.

Second, there is the concern for increased noise with the prospect of 12 units with -- I don't know, various number of people.

Thirdly, the issue is lighting. I -- you can't assume anything, so I guess we request that there would be proper angles of the lights that would be placed in the parking lot.

I will call this light pollution due to the constant headlights from the increased movement of vehicles in and out of the parking area day and night. There seems to be no hardscape, as my husband mentioned, or green landscaping being provided by the developer along our property line.

And the -- the -- the -- the contractor here or developer mentioned that they were going to delay that and wait until -- and use the same timeline as the 4423 property where they want to put some townhouses.

Well, we know they have run into some difficulty because of the increased wetlands and the delineation. So my question would be, how long would we have to wait for a fence or trees? That's my question. They have no timeline. So how long do we wait until we get some kind of hardscape or landscape?

By putting the fencing and the trees, I would suggest Thuja, which I believe is an eastern white cedar, because it is fast-growing and spreads nicely. That would help settle two of the issues of the noise and the lighting. By doing that, that would certainly help us tremendously.

We are asking that the 1 percent construction cost be used on this property only. That it would be a condition of the Planning Board to the Conservation Board as a request that it be used on this property. Not given -- as it sometimes is allowed in the Town -- 1 percent can go someplace else. So we're asking that you would make that condition to the Conservation Board that that 1 percent be used on this property.

There is, I believe, a traffic concern. We brought that up the previous meetings regarding the multi-residential units on both of these 4423 and 4415. So we request a traffic study by an independent agency.

And since these plans, which he mentioned six or seven months ago, there has been an accident at the T of Attridge and Buffalo Road.

With a recent selling of 4400 Buffalo Road, there -- there will be a potential for more traffic issues there, depending on how that property is used and where the exit and entrances are placed. I don't know what the proposed plan for that -- although we did hear it was a possible strip mall which would increase traffic.

As a health care professional for 40-plus years, I have some concerns regarding that floor plan. Could we turn that over, please?

MR. SCHULTZ: These are the only drawings I have for --

MS. SCHMALFUSS: No. The other side, the floor plan.

MR. SCHULTZ: The site plan?

MS. SCHMALFUSS: Site plan.

MR. SCHULTZ: Sure.

MS. SCHMALFUSS: As has been mentioned, I see many safety issues. I'm surprised but no, I guess I will say "alarmed" by the decision made by the Chili Fire -- Fire Marshal that he did not suggest any other revisions of this current plan. In other words, just signing off, no changes needed.

Is there a sprinkler system? You know, what -- what are the fire safeties that are involved? There should be something in -- and as mentioned, um, by previous -- by Kathy (Neder), we notice that as stated by the County of Monroe, DOH and the information that you received, that we are an aging population. This is not a -- an age-friendly design.

The current floor plan makes negotiating for an older or handicapped person extremely difficult. There are issues like the distance from the north side, the apartment closest to Buffalo Road to get down to the elevator. I -- it may be approximately 84 or 85 feet. That -- that's a long distance if you are aged or handicapped and you need to get there in a hurry.

The placement of the elevator, way on the other end. Again, what happens to those people

on -- on the north end?

The placement of handicapped parking. Um, currently, I believe it's in front of the building. It's a difficult building because nothing is at ground level. You either have to go up or go down. But the placement of handicapped parking should be on the side where the elevator is, not in the center of the building. I mean there are several issues here.

Could there be an -- a fire escape route at the north end?

MICHAEL NYHAN: I just see some very, very physical issues and safety issues with that. I also have a concern with the lack of supervision, in my opinion, by the Chili Building Department when the developer started an interior demolition of the building when the possibility of asbestos was present due to the age of the building. Why wasn't there a stop work order in place until proper documentation was provided?

And lastly as on this plan, as on previous plans that they presented to the Board, could you please get the correct owner's name for the property at 36 Attridge Road? Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Charles Rettig, Coldwater Road.

My question in -- first question in regards to the addition which is a marshaling area for escape from the building. Is that a fire safe -- totally enclosed fire-safe addition?

MICHAEL NYHAN: You're requesting a comment on that. That will certainly be part of our discussion.

MR. RETTIG: Well, do we know what his plans are? There is no indication on the drawings. There is no indication to the Board. There is a storage area and a marshaling area and an elevator in that new addition.

Is the storage area totally separated? Or is it not? If there is a fire in the storage area, is it sprinklered? There is no sprinklers. We know that. We see that. But the question is, is that area fire safe?

Now, the reason why I ask the question is, because it's supposed to be ADA compliant. As you leave the building from either the first or second floor apartments, you're in that marshaling area let's say with a wheelchair and you have to go up or down by -- with the elevator. You can't go out. So that's why I ask the question. That is very important. As to whether or not that is a fire-safe area.

MICHAEL NYHAN: Okay.

MR. RETTIG: I don't see anything there specific. And that's why I definitely ask the question, that that should be more readily reviewed by the Chili Fire Marshal and see if it does comply with real ADA compliance.

MICHAEL NYHAN: Okay.

MR. RETTIG: Other concerns and comments. My understanding is, this is a request here today just for a preliminary, not preliminary and final; is that correct?

MICHAEL NYHAN: This is a preliminary request, correct.

MR. RETTIG: Thank you. Just wanted to verify that. But even for the preliminary, you, the Board, do not have complete information to even make a good decision. You don't have any dimensions on the apartments. You don't have the information that I just presented on the fire-safe access addition, the new addition. We don't know if the elevator is a workable mechanical structure that would even work if there was a fire and electricity went out or power went out.

So, therefore, with the elevator being required to take a wheelchair out of the building, going up or down, we have a very dangerous situation without further answers.

Other concerns. We don't know if there is requested further lighting. And if there is lighting, it should be downward-facing and not light pollution of adjacent areas, adjacent properties.

Looking at this existing structure, which was basically a business facility, it was built wood construction, no sprinklers. For this specific situation, for housing, rental, sprinklers should readily be considered as a requirement for personal safety.

The parking shown presently is at the front of the building, what is now or has been in the past the main entrance. If this is to be ADA compliant and your addition is at that south end of the building, 16 -- or 1160 square feet, should not the parking, the handicapped parking specifically be at that entrance? It's not shown that way now.

Just follow-up for conditions, that this plan should definitely go to the Conservation Board for a specific landscape plan. We don't know presently what's planned. So if we're talking about trees or fence, which was shown at one time, I believe, um, there is nothing shown now and that should be a condition.

Architectural -- this might be very minor, but it's something that would be nice in our Town to have a building that looks nice for residential. This should be reviewed by the Architectural Committee. And I'm speaking of something as simple as shutters. Make it look nicer, very simple. But it should be reviewed by the Architectural Committee.

The other comment in regard to -- excuse me. The comment in regard to the existing stairs at the center of the building on both sides, if there is someone in that far -- I believe the north end of the building, should there not be a fire escape ladder? Because otherwise, they would have to go to the stairs at the center of the building, or to the far, I believe, south end of the building to the new addition for the elevator. And I believe elevators are not supposed to be used if there is a fire.

So again, we come back to the condition, how do the handicapped get out if there is a fire

and the elevator is not available?

Those are my concerns and I think they should be conditions. Without this Board having good information presented at this time, I think the only real answer for you at this time is to table until we have some of these comments reviewed and answered.

Thank you.

MICHAEL NYHAN: Thank you.

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

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

MICHAEL NYHAN: A couple of comments. Um, can you address the landscaping? There are a few things -- the vast majority of the items mentioned are all items for the Building Department, the Building Inspector and Fire Marshal to review and not part of site plan review.

DAVID CROSS: And ADA accessibility.

MICHAEL NYHAN: So it is part of -- this would be -- your landscaping, your architectural review of the building as well as any fencing or hardscaping or landscaping which you did have on other plans.

And I understand that on other plans -- because this is a phased project -- you need to include that in -- 1 percent of the phase, not the whole project.

MR. SCHULTZ: As mentioned, we can certainly work with Town staff and provide a landscaping plan to your satisfaction. Basically, we'll use what we had before and we'll put those portions of the plan that work on this, particularly the shielding of the fencing, along the south line. Very easy to do. Happy to do that.

And again, this would be subject to the review by staff to their satisfaction.

MICHAEL NYHAN: Okay. And is there lighting?

MR. SCHULTZ: The only lighting proposed is at the new south entrance.

MICHAEL NYHAN: Any dark-sky lighting won't exceed over the property line?

MR. SCHULTZ: Yep. It definitely doesn't. We'll provide that to you.

MICHAEL NYHAN: That will be part of your final plan?

MR. SCHULTZ: Yes.

MICHAEL NYHAN: Let me make sure there weren't any other items that I wrote down here.

Anything we missed on the fencing, the lighting, the landscaping, the Architectural Review?

MATT EMENS: I have a few things. Mike (Hanscom), I don't remember if there is a distance requirement for the ADA spaces from the accessible entrance.

MICHAEL HANSCOM: There probably is. I don't know what it is off the top of my head.

MATT EMENS: I don't either. Maybe we can say to look at that. Because if that is the accessible entrance, just making sure the distance -- and once again, you know, everyone here needs to understand, too, is that there is different things that are regulated different ways and just because it doesn't seem right, doesn't mean it isn't code compliant, right? So that is a very important code defineable term, "code compliant."

So when we talk about ADA and talk about building code and we talk about life safety, I just want it to be clear, I don't want anyone out there thinking these guys sitting up here don't care about life safety and people getting out of buildings. But that is not our job as Mike (Nyhan) mentioned. I just want to make sure everyone understands that.

So when the architect draws the building, from a liability standpoint, it is their professional liability. That is why they're a design professional. They have been hired to design and draw this to be code compliant. All they did was two floor plans.

That stuff goes into the Building Department. They have to review that. There is multiple layers of review that goes into that. That is not this group. Just want to make sure everybody understands.

One of the other things, too, is when it comes to egress, very specific. I see window wells in there. There is a lot of different things. It is not just the elevator. Elevator is not an egress component. That is exactly correct. So that is something the architect has to review and do. That is not what we do. That is not what this man does and that is part of the process. We're just not there yet. Just want to make sure everybody understands that.

That would also go for fire ratings and walls. For storage areas and other concerns that I think were brought up by the last person.

And I think the one thing that is applicable -- I did bring up was the ADA space location, where those are. If there is a distance requirement, we obviously have time to check that before final.

MR. SCHULTZ: Where they are shown is actually where they are today, the spaces, and we could easily slide them down.

MATT EMENS: I think it makes more sense than not.

MR. SCHULTZ: This is a snapshot what it was as it existed for years.

MATT EMENS: To stay with this for one more minute, I know we don't have the architect here tonight and I don't know if you know, Kris (Schultz), or if Mr. Gizzi knows, but just a question of did you look at adding onto the other side of the building? I'm assuming that creates probably another variance.

However, did you guys look at that? Or did you talk with Al (Ariotta) about that at all?

MR. GIZZI: Yeah, we did. I think -- I think from a site standpoint, it doesn't work out. But we did talk with Al Ariotta from an architectural standpoint and I don't think it works with the building at all.

MATT EMENS: Okay. I'm guessing it's going to create at least one variance, maybe more. But I don't know that. So I don't know. I'm speculating. But I was asked and I just didn't know if you had any knowledge of -- if Al (Ariotta) looked at it or you guys discussed it.

MR. SCHULTZ: Major utilities are located right on that corner, too. Electric and everything else. So it would be an issue. And this allowed the center corridor with the apartments, with the -- with all ending up at the end with the elevator. It was a clean, straight run.

I imagine if you turned everything, it would be a dog leg.

MATT EMENS: Then you may have egress concerns, distances.

MR. SCHULTZ: Right. Right.

MATT EMENS: Thank you.

MICHAEL NYHAN: Anything else? Any other discussion?

Paul (Wanzenried), you look inquisitive.

PAUL WANZENRIED: Why was -- there was a lift or some mechanical devices in the foyer previously. Why not keep the elevator in that spot? Is there a reason why that wasn't there? Or retained in that spot?

MR. GIZZI: I think the reason we originally planned to remove it was we were having an elevator on the south end of the building. But after we -- we hired TYLin to do the evaluation, they determined an elevator is not required. So that was why the handicapped accessible lift was removed originally.

I also think that area there is maybe going to be utilized for maybe some mechanical space.

PAUL WANZENRIED: Okay.

MICHAEL NYHAN: Anything else, Paul (Wanzenried)?

PAUL WANZENRIED: Not right now.

MICHAEL NYHAN: Any other discussion? Questions? I think all of the issues relative to the site plan can be addressed through AAC or Conservation Board as well as the 1 percent for landscaping, providing the landscape architect drawing to the Conservation Board for recommendation and submission to the Building Department. Then we can also review when they come back for final.

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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: As far as conditions go, approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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

I'm sorry. Were there easements on this? You didn't need an easement for any reason?

MR. SCHULTZ: The cross-access.

MICHAEL NYHAN: The cross-access.

The copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and filing information; i.e., liber and page number and shall be noted on the mylars.

Prior to the issuance of a Certificate of Occupancy, all easements are to be filed and recorded with Monroe County and filed, recorded and acknowledged by Town Clerk of the Town of Chili.

Applicant to comply with all pertinent Monroe County Development Review comments.

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

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

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

The applicant shall supply a landscape plan drawn by a licensed architect along with the required checklist to the Conservation Board for review and recommendation.

Applicant shall provide landscaping equivalent to 1 percent of the total project cost. Just for this phase, not for the total project. But for this phase.

In lieu of landscaping, or -- sorry. Strike that.

Applicant shall submit a building design elevation to the Architectural Advisory Committee for their review and recommendation, which is next month prior to this meeting.

Any building permits shall not be issued prior to the applicant complying with all conditions.

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

Are there any other conditions necessary? No? Okay.

With those conditions, the application of Gizzi Real Estate Holdings LLC., 3850 Buffalo Road, Rochester, New York 14624 applicant\owner; for preliminary site plan approval to convert the existing building into A) convert existing office building to 12-unit apartment building. B) 1,160 sq. ft. addition to existing building (known as Berkeley Place Phase 1) at the property located at 4415 Buffalo Road. GB District.

GLENN HYDE: Second.

MATT EMENS: You did say "preliminary," correct?

MICHAEL NYHAN: Preliminary.

DECISION: Unanimously approved by a vote of 5 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. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
4. Prior to the issuance of a Certificate of Occupancy, all easements are to be filed and recorded with Monroe County and filed, recorded, and acknowledged by the Town of Chili Clerk.
5. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
6. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
7. Pending approval of the Zoning Board of Appeals of all required variances.
8. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
9. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and recommendation.
10. Applicant shall provide landscaping equivalent to 1% of the total project cost.

11. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
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 made a motion to accept and adopt the 4/9/24 Planning Board meeting minutes, and Glenn Hyde seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 8:30 p.m.