

CHILI PLANNING BOARD
July 9, 2024

A meeting of the Chili Planning Board was held on July 9, 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, Joseph Defendis, Matt Emens, Glenn Hyde, John Hellaby 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.

MICHAEL NYHAN: I will take the agenda out of order. I will have the recommendation go first.

RECOMMENDATION:

3. Application of Jack Hill, 77 Chestnut Drive, Rochester, New York 14624 applicant/owner; for recommendation to rezone the parcel from R-1-15 to NB at the property located at 2675 Chili Avenue. R-1-15 District.

Jack Hill was present to represent the application.

MR. HILL: Good evening, everyone. My name is Jack Hill. I reside at 77 Chestnut Drive in the Town of Chili. And as previously mentioned, I'm here for a recommendation on the property located at 2675 Chili Avenue.

The building is currently zoned as an R-1-15 and I would like to see if the Board would consider rezoning to the Neighborhood Business District.

I have a couple of reasons behind this. One, the property has been a commercial endeavor since its creation that dates back to the 1950s. And the parcel does not conform to the R-1-15 District parameters for the area in dimension. The structure does not, nor has it ever, conformed to the required size for a single-family dwelling as defined by the code of the Town of Chili.

The neighboring property, 2669 Chili Ave., is zoned as Neighborhood Business and this property is contiguous to my property, thus would not be considered spot zoning.

The surrounding neighborhood is comprised of a pharmacy, church, group home, apartment complex. The 2669 address is a dentistry. Plus there is other small businesses on that road that is in between that stretch of road on Chili Avenue between Pixley Ave. and Westside Drive.

There is also a -- there is an insurance agency in there and I just seen an advertisement that someone does nails out of there.

So, you know, it's not going to, you know, really tout the character of that neighboring environment. And the size of the parcel and the structure really doesn't lend itself to high traffic or intensive uses or traffic counts or demeaning property -- or parking requirements.

So with that said, I'm asking the Planning Board to take this into consideration.

MICHAEL NYHAN: What is your planned use for the property?

MR. HILL: I want to rent the property and the individual looking to rent it is looking to make it a -- it's for event planning and gifts for like weddings and afterlife celebrations and that sort of thing.

MICHAEL NYHAN: They're going to use that for an office to plan events for --

MR. HILL: Yeah. It will be less traffic. I mean as far as like the impact is concerned on what is going to be going on there, within that immediate environment or the neighboring residences, there will be significantly less traffic and use as, you know, than it did when it was a hair salon.

JOHN HELLABY: Curiosity question.

How all of a sudden did this thing come about? Did you just purchase this property?

MR. HILL: I purchased it in -- in October of '22 and I tried getting this rented out as a salon. There was an individual that did try doing that, just a salon/barbershop, and he ended up being a -- it was a bad penny there. For lack of a better term.

JOHN HELLABY: I know this thing has been in existence for 50-plus years.

How long has it been vacated where nobody just actually used it?

MR. HILL: Just since I -- actually, the individuals that were operating out of there, they signed a five-year lease commitment on it to take it for the next five years. And once I closed and let them know, you know, some of my plans I wanted to do with the place and -- the parking lot was a shambles. I mean it was to the point where my plow guy wasn't even going to plow it

anymore because it was that bad. So I repaved that whole parking lot. That was in -- in '23. And this year here I ended up getting it sealed.

JOHN HELLABY: Other than the fact of possibly a new paint job, you don't plan on doing any other things to this building?

MR. HILL: No. There was some siding. There was a lot of siding panels missing from it.

And the picture window, the large window in the front had a big crack in it. I had -- the guy next door, he has a glass business. He changed the glass in it.

And I did the -- we did the replacement of the furring strips for attaching the vinyl siding back on and so everything is looking pretty good outside and in now.

JOHN HELLABY: That's all I have for now.

MICHAEL NYHAN: So there's no Public Hearing on this, correct; Paul (Wanzenried)?

PAUL WANZENRIED: No.

MICHAEL NYHAN: This is just a recommendation to the Town Board. They will be taking care of SEQR. So no SEQR either.

So any further discussion from the Board on this? This has been some sort of a small business since ever I can remember.

JOHN HELLABY: It's been there for an eternity. Like I say, from what his description -- what he wants to do with it, it doesn't sound like it's out of character.

MICHAEL NYHAN: Okay. In that case, I'll take a vote on -- to recommend or not recommend. So the vote will be to recommend or not recommend the Application of Jack Hill, 77 Chestnut Drive, Rochester, New York 14624 applicant/owner; for recommendation to rezone the parcel from R-1-15 to NB at the property located at 2675 Chili Avenue in the R-1-15 District.

DECISION: Unanimously recommended by a vote of 6 yes to rezone the property from R-1-15 to NB.

MICHAEL NYHAN: So this recommendation will go to the Town Board. The Town Board will have a Public Hearing and hear this.

MR. HILL: Yes, sir.

MICHAEL NYHAN: And based on their decision, it may or may not come back to us.

MR. HILL: Okay. All right. Very good. Thank you.

MICHAEL NYHAN: You have a good night.

PUBLIC HEARINGS:

2. Application of Rounding Third, LLC, 1657 East Avenue, Rochester, New York 14610, applicant; Rochester W, LLC, 655 Third Avenue, 28th Floor, New York 10017, owner; for A) preliminary site plan approval to convert the existing building to a multi-use space. B) Special Use Permit to allow outdoor seating area(s) at the property located at 3127 Chili Avenue (former Walgreens). GB District.

Peter Vars, Matt Lester and Anthony Gizzi were present to represent the application.

MR. VARS: Good evening. My name is Peter Vars with BME Associates, appearing this evening on behalf of Rounding Third, LLC.

With me this evening from Rounding Third, LLC is Matt Lester and Anthony Gizzi. They are the developers or -- or the redevelopers, maybe, of what is the existing Walgreens store that is located at 3127 Chili Avenue, which is at the southeast corner of the Chili Avenue/Paul Road intersection.

We're here this evening to request preliminary and final site plan approval for the redevelopment of the property or the building and also a Special Use Permit for outdoor dining at this location.

Currently, the property is -- it's 3.2 acres. Contains the existing single-story former Walgreens Pharmacy. The building size is 14,860 square feet. It has access -- a full-service access onto Chili Avenue and then a right-in/right-only access onto Paul Road.

The -- the redevelopment of this property really is focused on the building itself. We are not proposing any changes to the access to Chili Avenue or to Paul Road. Or even to what is currently the development footprint of the 3.2 acres.

The property is zoned GB, General Business, and the intended redevelopment of this building would comply with -- with the zoning district. What the applicant is proposing to do is repurpose the existing building into a multi-tenant retail and food service use. Looking at breaking up that existing 14,000-plus square foot building probably to serve five different individual tenants. But it will all occur within the existing building itself.

There will be minor facade changes proposed to the building. With the addition of tenants, we'll be adding additional doors and additional windows along the north and west and south sides of the building.

In addition to that, there will be additional signage proposed for the building itself.

We did meet earlier this evening with the AAC to go over the proposed facade changes. And we believe that meeting went very well. All of the changes that will occur will use the same types of materials and colors. So basically, there is really going to be no dynamic change to the existing building as it appears today. Except for just what is necessary to accommodate the additional tenants.

There are minor changes proposed to the footprint of the building itself. First of all, there are two loading docks which are located on the east side of the building, which is on the Paul Road side of the building. Those two loading docks will be removed. There is an existing drive-through canopy on the north side of the building, on the Chili Avenue side of the building. That will be removed.

There is no changes proposed to the primary building footprint itself. That gross floor area of 14,860 square feet. So as we said, basically what you see there today for the building is what you will see post-redevelopment, re -- rehab.

The site improvements that would be done as part of this redevelopment will be minor. And it really will be within the context of around the building perimeter. There is no proposed expansion to the pavement areas or parking areas.

As I mentioned earlier, the development footprint that is there today will remain unchanged. The lot coverage will remain the same. The building coverage, which is 10.6 percent of the property area, remains unchanged and the code allows a maximum building coverage of 30 percent. So we're well within that.

Minor site improvements would consist of adding pick-up windows. There are at this time contemplated two food service operators and they both would have mobile-order pick-up windows. One on the east side and possibly one on the north side.

As part of that, the -- the pavement areas and those areas will be reconfigured and basically we'll be introducing medians -- landscape medians to create drive-through or pick-up window aisles and separate that from bypass and through traffic. That's illustrated on the site plans that were provided to you.

In addition, as of -- because -- to accommodate the food service operators at the northwest corner of the site and at the southeast corner of the site, we will expand the concrete walks in those areas to create two concrete patios ranging in size from around 675 to 750 square feet. Those would be large enough to accommodate up to 4 outdoor tables or 16 seats and they would have a decorative fencing, aluminum fencing put around it that has been detailed on the site plans also.

With regards to utilities, the only work that would be necessary is -- because of the food service operation, a grease trap would be added to the sanitary service lateral, but there are no other changes provided for utility services to the building because the existing services are adequate.

The only pavement work that will be done will be around the perimeter of the building to accommodate the new medians that I already mentioned that we would be adding and also for the expansion to create the concrete patio areas.

There is no site grading proposed or required with this building redevelopment.

We are proposing to revamp the landscaping on the property since the property -- Walgreens left the site, the landscaping has basically become tired and old. So what we're looking at doing is revamping that landscaping. The median areas will be landscaped and then we're also looking at expanding the landscaping around the existing project sign and also the existing Town of Chili sign that is located at the corner there.

Landscaping would be a mix of shrubs, perennials and ornamental grasses. We're looking for low-profile plantings because if you're familiar with the topography of that building, that building sits below Chili Avenue especially, so we're very reluctant to put anything that will grow of any magnitude because it will be screening the tenant's spaces. And they really rely on visual, being able to be seen as part of -- of their location at that area. So we would be looking at low-profile plantings in those areas.

We are proposing a new dumpster enclosure up at the north end of the site. That dumpster enclosure -- and this was discussed with the AAC earlier this evening -- would be a masonry structure of materials and colors similar to the existing building. So that -- that tan color you see of the existing building would be the color of the masonry block that would be utilized for the dumpster enclosure.

There is no proposed changes to the site lighting. The existing lighting on the property -- it's basically around the perimeter of the parking lot. Those pole-mounted lights will remain in place. We did provide lighting information on the photometrics to show there is no spillage off the site. There may be -- there will likely be additional building lighting because with each new door entry, there will be soffit lighting or whatever is required as part of the code there to provide lighting.

We did discuss with the AAC any lighting for signage would be addressed with -- with the sign package.

Parking on the property, as I mentioned, we're not looking at expanding the existing parking lot. We're going to utilize the existing parking lot. We are looking at providing 67 parking spaces on the property which will include four ADA accessible spaces. Those spaces will be located at the southwest corner of the property, which is primarily where the main, old Walgreens entrance was. We have located them at that corner because it basically allows those ADA spaces -- parking there, you have an even distribution to all of the potential tenants that would occupy the building. Because their primary access points would be along the west side or the south side of the building.

With the multiple tenants, we did go through the Town Code and determined per the analysis of the code that 76 spaces would be required. So, therefore, what we are going to be requesting from the Planning Board is an approval for land-banking that difference between the 67 spaces that are provided and the 76 code-required spaces. We have land-banked those spaces

off the Chili Avenue entrance. Nine spaces total. At 67 spaces, we are providing parking at one space per 207 square feet of -- of net leasable space.

The applicant, in consulting with them, we don't anticipate the need for the total 76 spaces. That is why we looked to land-bank nine of them. This is based on practical need.

First of all, multi-tenant parcels like this, um, you are able typically to apply a shared parking credit. In other words, somebody there may visit more than one of the tenants that -- that are located there. And the Institute of Transportation Engineers say that credit can be anywhere from 15 to 20 percent, depending on the makeup of those tenants. But we did not apply that in our calculation.

Also, a pick-up window, mobile-app windows in the post-COVID world has really reduced the demand on parking as it relates to indoor seating. More people are just going, picking up their food or whatever and leaving the site. So there has been a reduction in demand on -- on parking in that regard.

But most importantly, we're using the applicant's operational experience in developing, leasing and managing similar multi-tenant properties throughout the area. They have been doing this for -- for a number of years now and have learned what is the proper parking ratio.

So with that, we're looking at just utilizing the parking we have. We feel comfortable that the amount is adequate for the tenants that will be there. But in the event, if not, we do have the land-banked parking there in order to comply with the code.

One thing we also did, we did have a traffic study prepared. Even though we don't hit some of the thresholds that the New York State DOT or the Monroe County DOT look at -- they use a 100-trip peak-hour trip generation as kind of a trigger for a traffic study.

We consulted with both the County and the State and also Department of Public Works. But in deference to this Board, we did have the traffic study completed for your information. That was submitted to you.

What that study found -- it analyzed the two existing intersections -- or property access points onto Chili Avenue and to Paul Road. But it also looked at the Chili Avenue/Paul Road intersection.

What it showed -- and let me back up. I'm sorry.

It analyzed the morning peak hour and the evening peak hour, which is standard. But it also looked at the midday peak hour between 11 a.m. and 1 p.m.

What the study showed, though, was with the redevelopment of a multi-tenant building of this sort, including up to two food service operators, was that the levels of service currently at those three intersections -- that there would be no degradation of those levels of service. That they -- they -- today operate at a satisfactory level of service and will continue to do so in the post-development condition.

And as I mentioned, these studies -- this study has been provided for review, but we believe it -- the findings of that study are pretty clear as that -- there would be no traffic impacts from the redevelopment of this building.

As I mentioned, there are two patios proposed for outdoor dining at this -- with this rehabilitation. And as such, in the GB Zone, that is a special permitted use. Per Section 500.19(C)8 of the code. In the code it's called an outside -- or outdoor cafe. So we are requesting the Planning Board to grant that Special Use Permit.

To assist in your review or analysis of that, we did provide you with a separate document with our application package that went through two sections of the Special Use Permit code 500.29(N)4, which is the review of, I think, seven items as it relates to does the use have an impact on public health, safety and welfare.

And then we looked at Section 500.29(O) which was, I think, 12 or -- 12 or 14 items that looked at the basic standards of such a use in that area, what had to be reviewed.

And in preparing that information, we find, in our opinion, that it shows that the outdoor patio use is compatible to the area and to the Chili Avenue corridor. There are other outdoor dining uses within close proximity to this property and that it would not be a detriment to the neighborhood.

We did receive comments from the DRC back in late June such that on June 26th, we did provide supplemental information to our application at the request of the DRC and that basically involved splitting some drawings up to make them a little more clearer, providing landscaping and lighting information.

We also received the Town Engineer's letter dated June 28th and submitted written responses to that yesterday on the 8th of July. Basically, we believe we are comfortable that we'll be able to address all of those comments such that we believe they can be a condition of hopefully site plan approval that the Board would consider this evening.

I have mentioned a couple times signage. Given that not all of the tenants are known at this time, we acknowledge that the sign package likely would be a separate application to the Town of Chili. Because once we know all of the tenants, then we'll know what the size of the signs may end up being, whether any variances are needed, whether -- what lighting standards would be required. So we look at keeping that as a separate application because it will be so tenant-driven. But we acknowledge that it is something we would have to come back and do.

The final thing I have is -- as it relates to SEQR, this -- in our opinion, it is a Type II action per Section 617.52 and A. Because basically SEQR defines this as Type II when it's a rehabilitation and/or a reuse of an existing commercial building as a permitted use, including specially permitted uses in the zoning district. So we feel we comply with those two components and thus it would be Type II -- a Type II SEQR action.

So with that, myself or the representatives from the developer could answer any questions that you have.

JOSEPH DEFENDIS: The two drive-up windows, do you feel that you have got adequate number of spaces in there so you don't end up backing up -- I think of the McDonald's up here, sometimes they're backed up to Chili Avenue.

MR. VARS: We do for a couple of reasons. First of all, the types of users that are being considered are more -- they're not a QSR-type. It's more of a fast-casual type. What the difference there is, is these are mobile pick-up windows. In other words, you know, the person has ordered whatever they have ordered on their mobile app. This just saves them from going inside to pick it up off the shelf.

So the point is, they're -- the food is prepared and ready because they get an alert that says it's ready. So it moves a lot quicker.

The other thing, too, there is always the potential for queues. Because of the site layout of this building and fact that there is complete four-sided access, which includes complete bypass, that, you know, if -- if there is back-up or whatever, there is plenty of room on the site itself for that traffic to stack onsite before it would ever get to either of the public highways.

JOSEPH DEFENDIS: The dumpster location, I know you don't have any -- the dumpster location, I know you don't have any good spots for it.

MR. VARS: Right.

JOSEPH DEFENDIS: It seems awkward to get a truck in there, unless you're just going to do totes or something like that?

MR. VARS: No. First of all, you're right. It was difficult to locate the dumpster enclosure here. Because if we're familiar with the property, you know, with Paul Road here (indicating), Chili Avenue here (indicating), the grade drops off dynamically here (indicating). So there was nothing we could really do off the east side. We wanted to stay away from this area (indicating). It's the front yard. So it really kind of left us to this corner here (indicating).

But we do believe -- we looked at the circulation. And if they come in off of Paul Road, they can circulate around here (indicating), access the dumpster, back out and circulate through.

Or if they come through Chili Avenue, yes, they would have to loop all of the way around.

But the point is to access these, it would be a northbound traffic movement. But that was also the part of keeping that full, you know, 26-foot wide access around the building to facilitate that movement also.

JOSEPH DEFENDIS: That's all I have.

MATT EMENS: So, Peter (Vars), you -- you addressed the Chipolte there.

But see with the Panera -- and we talked about this at 6 o'clock. Is that a traditional Panera drive-through where I can order at the kiosk?

MR. VARS: Yes. That is a good clarification. Thank you.

So if the food service operator that would be located at the north end of the building, the Chili Avenue side -- that would likely have a traditional ordering kiosk. So that would be a two-stop process in that regard. But -- so that would be included. The detail on the kiosk would be part of the building permit application because it will be a branded ameni -- or "feature," I guess, is maybe the best word.

MATT EMENS: Okay. And we did talk about that at 6 o'clock, too. I just -- to say it out loud and get it in the minutes. I think even when McDonald's did theirs and Taco Bell did theirs, we did have that submission where we got to see that kiosk. So we're going to want to see what that looks like just to make sure that there isn't -- or, you know, the opportunity that maybe it's a masonry base or depending on the traffic, what does it actually look like. So at some point, I guess to your point, it has to come through someone to make sure that we see it and know it is not bright pink and flashing lights.

MR. VARS: We would be able to do that as part of the sign package.

MATT EMENS: Okay.

MR. VARS: Because that -- our experience has shown, the kiosk itself is all part of branding. So when we are doing whatever we have to do -- we know the sign package has to come back. So if there is a kiosk involved, it would be included with that package.

MATT EMENS: Okay. Great. To stay on that for a minute, I guess, to add on to what you said earlier with the AAC, I think any other architectural building lighting -- you had mentioned the signage, but also any other -- if there was any other things you guys were proposing to do, it would be good to see the cut sheets on those. Not that they have to come back to Architectural Advisory Committee, but we did talk about goosenecks potentially. Actually, if it's just wall packs, we're still going to want to see a cut sheet on that. Either the Planning Board or...

And like you said, I agree with it coming back on signage. Everything else is great.

I would add into one of the things that we talked mostly about, which is where the dormers are being removed and the signage band is coming, I think as you talk about your signage package and resubmission, we should just make sure -- because you guys are going to right-size that. We're going to probably get a little more detail and look at the lights. I think we should say that out loud in the minutes so it just doesn't just go through, we build that and then worry about the signs later.

MR. VARS: Yes. We acknowledge and understand that when we talk about the signage package, it will be number of signs. Total square footage of the signs. And broken down if there is a separate sign band. All of that detail, lettering, what is the proposed lighting and whether it complies with code or not.

And at the AAC meeting, the developer said it is their intent to comply with the code. So lighting.

But yes, we'll also have the architectural information of how this sign band here will tie into the existing roof. So -- so -- and then we'll also have the information on the order kiosk. Point being, we understand it has to be a complete sign pack -- when we say "sign package," it is a complete package on brand, colors, materials, lighting and architectural detail.

MATT EMENS: Okay. Perfect. Thank you.

And then just to stay on something else here with the -- the -- the -- I guess I'll just say the narrow drive-through at the north there. So one of the things that I'm seeing here, because I go to the Panera drive-through in Perinton, is the cross -- I hate the fact that they have a crosswalk that comes right across and -- across that drive lane of traffic. As a drive-through person, I don't like that. But it connects the parking lot from the back side.

So one of the things I noticed here is you have the aluminum fence blocking off so you don't have people wandering out into the lane.

MR. VARS: Correct.

MATT EMENS: However, we don't have any pedestrian connection from those parking spots on that drawing north.

MR. VARS: Up here (indicating)?

MATT EMENS: Yeah. We don't have any -- like if I park -- no one is ever going to park there because there is no way to get across and they don't want to walk across traffic.

So my question is could we look at some kind of a pedestrian connection?

MR. VARS: Because I know, for instance, now we acknowledged like the stop bars here (indicating). But let's stripe it and sign it appropriately.

MATT EMENS: Yeah.

MR. VARS: Sure.

MATT EMENS: I don't think it needs to be anything more than that.

MR. VARS: Sure.

MATT EMENS: You talked with the masonry on the dumpster enclosure. And you did -- you did allude to that -- I, think Matt (Lester), you had mentioned you have three of the five tenants signed up?

MR. LESTER: Yep. Is --

MATT EMENS: Is it the Panera and Chipolte? Or are you not allowed to say yet?

MR. LESTER: I can't confirm, but --

MICHAEL NYHAN: Your name, please.

MR. LESTER: Sorry. Matt Lester with Rounding Third, LLC, the applicant.

Typically, the -- the potential tenants don't like to be named in these meetings, but I can say that you're on the right track.

MATT EMENS: Okay. And I guess -- the reason I'm asking is, I'm trying to understand or gauge the importance of the outdoor seating for both of them. I think it's nice. I think it's a good idea and I don't have an issue with it. But I'm just asking if that is something where -- that's where we're doing it and those are the ones, maybe it just ties it together for the Special Use Permit.

MR. LESTER: They do have a requirement to have additional outdoor seating for -- as -- as identified on the proposed plan.

MATT EMENS: Great. That is all I have right now, Mike (Nyhan).

JOHN HELLABY: Um --

MR. VARS: And we would point out -- and we did include the outdoor seating in the parking calculations.

Okay?

MATT EMENS: Uh-huh.

MR. VARS: So when we compute 76, that accounted for 32 outdoor seats.

MATT EMENS: Okay.

JOHN HELLABY: Somewhere in the paperwork I did read where they wanted to try to come up with an escape lane in these drive-throughs. I don't see how that has been accomplished with what you have there presently.

MR. VARS: So in this instance -- for the eastern drive-through lane, we have the bypass lane along the east property line.

JOHN HELLABY: Is that -- is that curbing, though, raised curbing in that area that is shown on this map?

MR. VARS: The larger part will be curb, yes. Landscaped and curbed. This proposed user would likely be the pick-up window only. In other words, they are going there because they know their order is ready. Such that they will go in there because they know they're picking up their order. It is not getting into a queue and saying "Well, I'm not waiting any longer to place my order. I'm getting out."

They have already placed their order. To -- my point is it is a different concept. It's not a drive-through. It is a pick-up window. Okay?

Up on -- up on this end, we have the two lanes in, but we have truncated the -- the existing median that was there for the current drive-through. That median extends the full length of the building. We're removing this portion of it such that again, if one gets in here before the order kiosk, you would be able to bail out and get into the through traffic lanes to the north.

JOHN HELLABY: For some reason, the way it is depicted just isn't -- it doesn't seem possible, but I will take your word for it.

All right. Um, mechanical-wise, inside you have an awful lot -- you have to virtually gut this entire space, correct?

MR. VARS: Yep.

JOHN HELLABY: I don't recall if this is a wooden frame structure on the top or not.

MR. VARS: I don't know that answer myself.

JOHN HELLABY: But you have the mechanicals. The sprinklers will still be in place?

MR. VARS: Yes. Yep.

JOHN HELLABY: Everything is coming through the room?

MR. VARS: The mechanical room is located in this corner here (indicating).

The existing waterline comes in off of Chili Avenue, comes in there. It is metered and back-flowed. It has the backflow protection and then splits to the domestic service and the sprinkler system and the FDC connection.

JOHN HELLABY: Do you presently have a backflow preventor? Do you have to submit for that?

MR. VARS: We will submit for a new one, yes.

PAUL WANZENRIED: You said it would be a master backflow?

MR. VARS: Yes.

PAUL WANZENRIED: Or individual master?

MR. VARS: It will be a master backflow for the existing service that comes in. That is the way the Water Authority and the Health Department will want it done.

PAUL WANZENRIED: That will be located internally?

MR. VARS: Yes.

PAUL WANZENRIED: Not in a hot box?

MR. VARS: Correct. It is on the northeast corner of the building, the mechanical room.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Where the dumpsters are located, I think that is below Chili Avenue by 10, 15 feet?

MR. VARS: About 12 feet.

MICHAEL NYHAN: And it is behind a small retaining wall, correct?

MR. VARS: Correct.

MICHAEL NYHAN: That will be masonry to match the brick of the building?

MR. VARS: Yes.

MICHAEL NYHAN: I notice you have a lot of landscaping in the islands, but you're taking out landscaping around the Chili Avenue/Paul Road area around the signs. I know we want landscaping. We don't want to block the building. But people will be looking at the top of the dumpster and the back of it, so I think there should be landscaping around that dumpster.

They also will be looking down at the drive-through, so I believe there should be some landscaping around that top. The entire project will need -- 1 percent of the project costs needs to be in landscaping. I think could you find a lot of spots to put landscaping in, even along the retaining wall. Although that is probably a lot less, going to do much of anything on Paul Road.

Have you sent this to the Conservation Committee? Or a landscaping plan? Do you have a licensed architect landscape plan you have submitted?

MR. VARS: Yes.

MICHAEL NYHAN: So what we have in the islands is it?

MR. VARS: That's what is submitted, yes.

MICHAEL NYHAN: I would like to see more landscaping along the frontage of this building. And I think it should go to our Conservation Committee to have them look at it to review what you're putting in.

MR. VARS: Did they look at it on the 1st of July?

PAUL WANZENRIED: They didn't.

MICHAEL NYHAN: If you could send that to them and get their recommendations, as well.

Then the protection for the outdoor dining, I know have you a decorative aluminum fence. Any other protection so you can't drive up and hit that?

MR. VARS: It is raised curb, the 6-inch reveal concrete curb.

MICHAEL NYHAN: Is there room to put planters around there, something to block the area? Every outdoor dining area we have had so far, we required some sort of bollards or protection for people sitting in the dining area from a vehicle either by accident or intentionally drives into that.

MR. VARS: I think we can look at doing planters.

MICHAEL NYHAN: Something big enough to stop a vehicle.

MR. VARS: Basically a big concrete bowl -- bowl planters.

MICHAEL NYHAN: Yes. Sometimes they put them around the bollard so you don't see the bollard, but planting around it. Something to protect the area so a vehicle can't drive up in there.

And then delivery points, um, multiple deliveries all day? Restaurants, it's multiple vendors. How will you handle deliveries? And where are they because all of loading docks are removed.

MR. VARS: So the deliveries don't require loading docks.

MICHAEL NYHAN: But -- but -- I know they don't, but that is where they used to get it.

MR. VARS: But my point being with the users here, they don't require them, so that is why we're able to remove them. It would be a delivery operation that is very similar to these

type of uses if they were stand-alone. If -- if these were five individual tenant spaces and the fact that whatever is the vehicle of choice, that is -- that the delivery is being made, we'll use the access routes and park in the access routes to make their deliveries. But is it also why we have ensured we have the four-sided circulation patterns.

Deliveries are timed by the -- the individual operators based on their -- their operations. But the deliveries will be contained onsite.

MICHAEL NYHAN: So for each of these tenants, they would bring the deliveries through the front door? Panera -- I don't see any side door at Panera.

MR. LESTER: It would be a rear door or front door.

MR. VARS: Some of these spaces -- there will be auxiliary doors on some of these spaces. But for these primary retail tenants, it would be through the front door.

MICHAEL NYHAN: When you say accessible, they will park in a driving lane or pull up into the parking spots, correct?

MR. VARS: Uh-huh.

MICHAEL NYHAN: Any idea what size trucks they deliver? Or can they control that?

MR. VARS: I can't necessarily answer that except from the -- the -- except from the standpoint of it's how many times they want to get deliveries. And part of it is how much they can store also.

So they base that on their operations, how quickly they're turning product over or whatever. But also our experience working with -- tenants like this is they size the truck to also what the site can accommodate.

MICHAEL NYHAN: And -- to -- where you see the drive -- there is picking up, not an order kiosk. Is there indoor dining there?

MR. VARS: Yes.

MICHAEL NYHAN: No outdoor dining, though; correct? Just the one on the top, the Panera?

MR. VARS: No. There is two patios.

MICHAEL NYHAN: Oh. The one in the back is there for dining, as well?

MR. VARS: Yes.

MICHAEL NYHAN: Same treatment up there? I was just thinking there was one.

MR. VARS: Yes. Yep.

MICHAEL NYHAN: I don't think I -- I think I will disagree. I don't think this is a Type II action. You're rehabilitating a building to remodel it completely to change the type of use that was in there. You're also getting a Special Use Permit in order to use it.

MR. VARS: Correct. However --

MICHAEL NYHAN: I would love to have an opinion from our Side Table on that before we do SEQR.

MR. VARS: Okay. I have my Type II list. I'm ready.

GLENN HYDE: There is both indoor and outdoor dining in both of the restaurants?

MR. VARS: Yes.

GLENN HYDE: In the patio areas, besides the aluminum fence, is there any awnings or vertical protection from our tropical climate?

MR. VARS: No. So it -- that is seasonal use.

PAUL BLOSER: Are you looking at putting up any type of monument sign, directory sign, plaza sign up on top of the hill on any place?

MR. VARS: The intent is there's an existing monument sign today. That base will be retained and part of the site package that will come in -- or sign package -- excuse me -- that comes in. That will be reconfigured to be the multi-tenant sign. So -- but it will be on that same base that is there today.

PAUL BLOSER: That will all go to Zoning?

MICHAEL NYHAN: Say it again.

PAUL BLOSER: Will that all go to Zoning, the monument sign?

MICHAEL NYHAN: Yes. Yes.

PAUL BLOSER: We're working on that.

MICHAEL NYHAN: Yes. Any changes to the sign there would go in front -- well, to make sure -- well, it would have to meet the Town Code.

MR. VARS: Exactly. We'll start with the Town Code.

MICHAEL NYHAN: It goes to the Town Code and then you'd have to go to Zoning.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Anything else from the Side Table before I open public comment?

PAUL WANZENRIED: Just -- so the south -- the southeasterly tenant doesn't have a kiosk, right?

MR. VARS: At this time, correct.

PAUL WANZENREID: If it did, it will become part of the sign package; right?

MR. VARS: Correct.

PAUL WANZENRIED: I need a breakdown of the cost of the plantings, cost of construction and when you do that, please include your planters that they have now requested because that will count as part of your landscaping.

MR. VARS: Great.

PAUL WANZENRIED: Where is any provisions made for storage of the exterior furniture?

MR. VARS: I don't have that --

PAUL WANZENRIED: Something to ask your tenants.

MR. VARS: Okay. Because I don't have that answer.

MR. LESTER: They -- they -- sometimes they'll remove the furniture offsite and rent storage units.

PAUL WANZENRIED: Fine. Yeah. I just don't want it stacked up next to the --

MR. LESTER: We don't either. It would typically walk away.

PAUL WANZENRIED: To the Chairman's point about the dumpster enclosure, right now I believe there is a wrought iron fence on top of the retaining wall.

MR. VARS: Uh-huh.

PAUL WANZENRIED: So the retaining wall or the dumpster enclosure would be probably taller than the retaining wall; correct?

MR. VARS: I think it slightly is. Because that will be a 6-foot enclosure.

PAUL WANZENRIED: Will you terminate the wrought iron into the dumpster enclosure? Is that the intent?

MR. VARS: I have to look at that.

PAUL WANZENRIED: And possibly some more landscaping screening as he suggested.

MR. VARS: Yeah. So that -- here's the fencing here (indicating). So we -- I think what we will do is just what has been suggested about landscaping around that fencing. And so we'll look at what we have to do with that fencing as it relates to the enclosure. We weren't really thinking of changing that fencing at all because the enclosure wasn't going to come off of the retaining wall. They were going to be two separate elements. We don't propose disturbing the retaining wall at all. We just thought the wall would stay with the fencing and the --

PAUL WANZENRIED: You will use the wall and the fencing as the back end, in essence, of your dumpster enclosure? You -- or you will build it --

MR. VARS: We were going to put a new back in and keep them two separate elements. Because we didn't want to disturb the integrity of the wall that is already there. That even includes somebody renting a dumpster. So that is what I said, they're two distinctly different elements.

PAUL WANZENRIED: Okay. That wasn't really clear from the drawings, so.

Can you explain the snow storage pattern on this?

MR. VARS: Um, it would primarily be -- is -- is -- the snow storage would just be pushing it off of the -- the ends of the parking lot to the north and to the west. We can't do anything east because of the -- the grade changes in the fencing and guide rail that is there.

PAUL WANZENRIED: You wouldn't be doing anything to the north either because remember, it's a 5-foot retaining wall.

MR. VARS: Right. Yes. Correct. I'm sorry.

PAUL WANZENRIED: So that leaves you west and south.

MR. VARS: Uh-huh.

PAUL WANZENRIED: Something to consider there. A plan for that should be considered.

MR. LESTER: What was the -- previously done with the Walgreens snow storage plan?

PAUL WANZENRIED: That's a good question. To be honest with you, it's been too long since Walgreens was there. I don't think I can remember.

MR. VARS: What did Walgreens do --

PAUL WANZENRIED: Mr. Lester asked what was previously done when Walgreens was there?

MR. LESTER: From a snow storage standpoint.

PAUL WANZENRIED: For a snow storage standpoint.

MR. LESTER: We -- typically with our property management company, we -- we figure it out as we get into it and we learn the operational, you know, nuances of the tenants. And then we'll typically find the furthest from the door, as most people do, parking spot or convenient area that allows for proper drainage and we'll use -- we'll use the snow storage in that location.

But -- it's hard to predict today, but we'll -- we certainly are active landlords and have a great property management company. If we need to remove the snow from the site because there is not an appropriate place to store it, we will do that, too and charge back to the tenants.

But I will ask the former property owner if they remember what the snow storage plan was.

PAUL WANZENRIED: For the life of me, I can't remember what they did.

MR. LESTER: We're using it differently anyway, so it probably doesn't apply. But we'll take a look.

MICHAEL HANSCOM: I have a couple of comments. Near the dumpster enclosure area, since now you're changing to a masonry instead of board-on-board, please pay attention to how it is going to affect that catch basin. Because the masonry will block the flow of the catch basin. So you may need to extend one and put one on the other side of the dumpster.

MR. VARS: We talked about that in our office, whether it's an extension of the inlet that is in here out to here (indicating). Or we actually may do a carve-out into the bottom of the structure here to allow the water to flow in there. We -- we're checking our spot elevations there just to see what would be best solution.

MICHAEL HANSCOM: Personally, I recommend extending it. Because if you just have an opening inside the dumpster enclosure and it gets clogged for any reason, whether it's snow or other debris that clogs up the opening, then the flow wouldn't be able to reach the catch basin.

To one of the Board members' comments regarding the northern parking across -- to make that usable, um, it would seem you will -- would need to put some type of a sidewalk or a

crossing across the landscaped area. So rather than having them walk around at the end of that landscaped area in the driving aisles. So if they could walk directly across it and across the striped area to the sidewalk in front of the building.

MR. VARS: At this location here (indicating) you're talking about?

MICHAEL HANSCOM: Yes. So you have -- you have the raised landscaped area, but I would -- I would perceive you need to provide a sidewalk across that through the center of the landscaping to allow those people to safely cross and they're not walking around the end of it in the drive lane.

MR. VARS: Yeah. What -- we're going to want to look at that because the fact is we have the fencing there. Because what we want --

MICHAEL HANSCOM: That fencing can't stay there at the end of that sidewalk. It makes it too dangerous for people to walk around everything.

MR. VARS: That's my point. We don't want people coming out of the food service and taking a hard right into the drive-through aisle. That fencing there is, for a lack of a better way, to contain people off the drive-through aisle.

MICHAEL HANSCOM: Well, you have to do something because otherwise that northern parking area is going to be basically useless. Or it will be a very dangerous area to walk from.

MR. VARS: The thought was -- was the fact that that would likely be where the employees would park.

MR. LESTER: Staff parking.

MR. VARS: For the multi tenants. There will be a number of employees there with the five tenants and that would be employee parking. And the customer parking would be in the dual access space that have the designated crossings, pedestrian crossings but also leading them to the sidewalk system that is located around the perimeter --

MICHAEL HANSCOM: Regardless whether it is customer or employee parking, it still needs to have safe access to the building.

MR. LESTER: So the other thing I would propose we consider is the -- the fencing would be encompassed on the patio. And we still maintain a sidewalk across the front of the store in the front. And that then that would remain as it was currently with the crosswalk being across the drive-through --

MICHAEL HANSCOM: That's what I'm saying. You need to have a crosswalk across the drive-through lane and some -- and in a place to cross -- they're going to do it anyhow, whether you -- whether you actually plan for it and put something in or people just walk across it and create a path.

MR. LESTER: So to your point, what I think might make the most sense -- and we're happy to accommodate -- we'll take the patio area in the front of the allegedly Panera Bread and we'll return it to itself so there will still be a crosswalk and a pedestrian lane across the front of the store fronts, across the drive-through. We'll do a crosswalk and a yield sign so they -- typically when you pick up your food, you look up before you drive, typically. Then you'll have that ability to cross to get to the -- the row of parking. As it was like for the Walgreens. I think they did have a crosswalk here (indicating).

MICHAEL HANSCOM: That is what I was trying to get at.

MR. LESTER: I think that is a good solution. I know there were some comments about the Board -- having a fence there. If that still works with --

MR. VARS: We can do that.

MATT EMENS: I think we're all saying the same thing. Just need to draw it.

MR. LESTER: Draw it --

MR. VARS: Basically a pedestrian crossing from that north lot to that corner of the building.

MR. LESTER: Give me your pen here.

MR. VARS: He will draw it for me.

MR. LESTER: There you go. Like that patio will -- will close off. There will be a gate to get into the patio.

MICHAEL HANSCOM: One last -- one comment about your -- your landscaping and these raised areas. At the ends where the cars exit the drive-through areas, you currently have specified a fragrant sumac. I was looking it up. That can grow 5 to 10 feet tall. There is a dwarf version of it and any plantings that are there at the exits of the drive -- drive-through lane need -- can't be any higher than 3 feet tall.

MR. VARS: Okay.

MICHAEL HANSCOM: So there is a dwarf version of that sumac, but that needs to be specified in the planning materials if it is a dwarf version. We want to make sure anybody exiting doesn't have plantings blocking their view when they're trying to pull out.

MR. VARS: Okay. Yep.

MICHAEL HANSCOM: That's it. Thank you.

PAUL WANZENRIED: Explain to me the emergency egress on the northern border aisle. So what you're saying is --

MR. VARS: In here (indicating)?

PAUL WANZENRIED: My concern -- my concern would be the interior border or customer -- if they had to get out for some reason, the outside guy is going to block them in. So would -- would shortening the island up and allowing for a more striped area be something to consider?

MR. VARS: We -- we have discussed that because it definitely can be done. It was just a

function of how much land -- but based on other conversations we have had this evening of where we can pick up additional landscaping, I think that is the logical way to do it, is to stripe that.

MR. LESTER: I will just comment that the -- the statistics of that user on that pick up -- they call it a "Chipoltlane" -- it will not exceed two cars for more than 15 minutes a day from a stacking --

PAUL WANZENRIED: Are you on the southeastern? Or northern?

MR. LESTER: I'm on the south -- I'm on the non-kiosk.

PAUL WANZENRIED: That is southeast. I'm north.

MR. LESTER: I'm sorry. I'm sorry. That's different.

MR. VARS: Basically, that's this (indicating) here. Right -- this area here is striped. Right?

PAUL WANZENRIED: Yeah.

MR. VARS: Yeah. Right now we don't -- it's not -- it's not a median -- it's not proposed to be a median so we'll stripe that.

PAUL WANZENRIED: Invariably somebody will order at the outside kiosk and pull ahead to be the next guy in line and he is blocked. There is just no easy way out.

MR. LESTER: McDonald's kind of has a similar. You --

PAUL WANZENRIED: If you visit the McDonald's down here, I believe you can pull up because sometimes you have to wait for things and you can drive right past them. It's a two-laner.

MICHAEL HANSCOM: One other comment regarding the landscaping -- the existing landscaping that is there. Um, along Paul Road where the retaining wall is between the parking lot and the retaining wall, existing landscaping there has really gone wild and everything. So when you're doing your landscaping plan, if you could address fixing that --

MR. LESTER: Sure.

MICHAEL HANSCOM: -- as part of your landscaping plan, that would be appreciated.

MR. LESTER: You're referring to --

MICHAEL HANSCOM: Right in that area.

MR. LESTER: Sure. That is kind of elevated up high anyways, so it is a good opportunity to improve it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ADAM FELLUCA, 3134 Chili Avenue

MR. FELLUCA: My name is Adam Felluca. I reside at 3134 Chili Avenue, the property directly across from Walgreens and I support you guys redeveloping it and doing something with it.

I just have questions about the traffic flow because my house is right there. And also the landscaping directly --

PAUL BLOSER: Could you talk into the microphone?

MR. FELLUCA: The landscaping directly in front of my house that I look out my kitchen window onto, there are two benches there. One of them has been collapsed for quite some time and I am just wondering what the redevelopment plan would be for those areas.

MR. LESTER: Okay.

MICHAEL NYHAN: Any other questions -- hang on.

Any other questions?

MR. FELLUCA: I just want to get an idea -- my concern is traffic. That is my biggest concern moving forward. So thank you.

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: Peter (Vars), could you answer if those benches are a part of this property or are owned by somebody else?

MR. LESTER: I don't know that --

MICHAEL NYHAN: Right along Chili Avenue.

MR. VARS: They're not part of the Walgreens property.

MR. LESTER: Was the house that we're talking about here (indicating)?

MICHAEL NYHAN: No. Directly across.

MR. LESTER: This side (indicating)?

MR. FELLUCA: I can point it out.

MICHAEL NYHAN: Why don't you do that?

MR. FELLUCA: My house is right next to the gas station.

MR. LESTER: Oh, okay.

MR. VARS: Right here. You can see it on this photo.

MR. FELLUCA: So right in this area here (indicating), there are two concrete benches that one has collapsed and just doesn't look great.

MR. LESTER: We can take a look at that.

MR. FELLUCA: I didn't know if this was part of this property redevelopment.

MR. LESTER: We don't own it yet, so don't blame us for how it is being maintained.

MR. FELLUCA: Not your fault now.

MR. LESTER: We'll take a look at it.

MR. FELLUCA: One was actually just recently collapsed with somebody sitting on it. So my concern is if anybody else -- maybe just get rid of them.

MR. LESTER: If they're not safe --

MICHAEL NYHAN: I think you want them removed?

MR. FELLUCA: Or just do something. One is just collapsed completely.

MICHAEL NYHAN: We'll work with them to do that. We just heard from one of the Planning Board members that Walgreens probably put them there. It is probably part of your property or part of the development that went in there. I think that is what we'd want, is to have them removed -- I'm not even sure why they're there -- to have them removed from that area.

Thank you.

MR. LESTER: Is that all right?

MR. FELLUCA: I just wanted to know about the flow of traffic from -- I know it kind of widens out there.

MR. LESTER: Sorry.

MR. FELLUCA: But it doesn't widen up to two lanes right at the entrance and exit of -- onto Chili Avenue.

MR. LESTER: This will be one way heading this way (indicating). Then you will be able to circulate the site this way and with two-way on these three. So I don't know if that answers your question as far as how does the site circulate.

MICHAEL NYHAN: So the drive -- the driveway on Chili Avenue is entrance and exit.

MR. FELLUCA: Left or right.

MICHAEL NYHAN: Turn left or right.

And then the exit on Paul Road is right-only.

MR. FELLUCA: Right-only.

MICHAEL NYHAN: Right-only. Correct. Right-only in.

MR. VARS: There's no changes proposed to the existing access patterns.

MR. FELLUCA: You don't see issues with traffic turning left on Chili Avenue?

MR. LESTER: I think what they would probably do is turn right here and make a left at the light. That would be my movement as I use this. But I don't think you have enough of a distance between the light to protect you when this is red. That will allow for a left safe --

MR. FELLUCA: There is not --

MR. LESTER: You live there.

MR. FELLUCA: I'm just worried about traffic back-up getting out of my driveway eventually.

MR. LESTER: I don't think this will impede your access in and out. We have a long stack and then if -- I think if this does seem to stack up, we do have another way out to access that light, in my opinion.

MR. FELLUCA: Okay.

MR. LESTER: If anything does happen, call him (indicating).

MICHAEL NYHAN: Additional Board discussion?

A few things were brought up. We have to look at what this bypass drive-through will look like.

We have to look at the landscape recommendation from the Conservation Committee.

The protection for outdoor dining.

Dumpster enclosure.

And then a pedestrian crossing. I'm still a little confused by that, how it will work safely, quite honestly. So I would like to see that on paper because if you walk from that building or

anywhere from the north, you basically have to walk across the driveway, around that island, across the drive-through, around the dining area and then in. So I would love to see what that will look like on paper to see how safe that is going to be.

And what other items came up we wanted to look at? Landscaping.

Were there any other items that we want to see addressed?

AAC had some items, but they were mostly addressed. You're just going to follow up, right?

MATT EMENS: Note 17 on there. I finally tracked that down, Peter (Vars). I see that now. So we're covered because it's on there. The signage package.

MICHAEL NYHAN: Oh, okay. All right.

Any other discussion or comments? So this is for two things. Preliminary site plan and the special use for the outdoor dining. We would do two separate votes on them.

Once I hear from Matt (Piston) and the Side, the SEQR for the Special Use.

MATTHEW PISTON: I think it depends if the Board thinks it's a substantial enough change.

MICHAEL NYHAN: I think it is myself.

JOHN HELLABY: I do, too.

MICHAEL NYHAN: I think we should do SEQR.

MR. VARS: We did provide the short form EAF, so you do have it.

MICHAEL NYHAN: I know I have read it.

MR. VARS: So we hedged our bets.

MICHAEL NYHAN: Okay. All right. Any other -- any further Board discussion? Anything else from the Side Table?

PAUL WANZENRIED: When will you start?

MICHAEL NYHAN: Do you have a start date?

MR. LESTER: Yeah. We -- we hope to acquire the property within 90 days and, you know, pending a successful site plan approval -- we still have to acquire the property, do our building plans. We're looking at, you know, end of the year.

We would like to get -- because it's already an existing building, we can work through winter on the inside and start to do some significant improvements. So this year we're hopeful.

MICHAEL NYHAN: What is the planned construction term? How long before you're ready to open?

MR. LESTER: I think most of the tenants are looking at a Q1 '25 or a Q2 2025 opening. Depends on the site work impacts. If they need drive-through kiosks, it might take a little bit longer.

Some processes internally will go longer than others. You know, one user may need to go through Committee and get approval. You know, so that might take 60 days.

These are national tenants so it's a slow-moving boat. But I think everyone at the pace we're on will be open by Q2 '25 and no later than that. We should be fully operational by then.

MICHAEL NYHAN: So you will start and complete -- as soon as it is done, you will complete the project and get it done.

MR. LESTER: Engage our architect, building plans. That is probably a 60-day process from site plan approval and then we're full steam ahead. We already have a contractor on board and a lender selected, so.

MICHAEL NYHAN: Thank you. So as far as SEQR, they did the traffic. Anybody have any problems with that traffic study, impact study? That looked good. The landscaping will come in. Sounds like they have addressed -- they will be addressing the other engineering issues. We don't have any issues with that. Okay.

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

MICHAEL NYHAN: We'll start with the Special Use Permit. For Special Use Permit, the conditions that I have listed are the Town Engineer and the Commissioner of Public Works must be given copies of any correspondence with other approving agencies.

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

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

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

Any other conditions for the Special Use Permit? All right.

With those conditions, the application of Rounding Third, LLC, 1657 East Avenue, Rochester, New York 14610, applicant; Rochester W, LLC, 655 Third Avenue, 28th Floor, New York 10017, owner; for a Special Use Permit to allow outdoor seating area(s) at the property located at 3127 Chili Avenue (former Walgreens).

JOHN HELLABY: Second.

DECISION ON APPLICATION # 2B: Unanimously approved by a vote of 6 yes with the following conditions:

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

2. Pending approval of the Zoning Board of Appeals of all required variances.
3. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
4. Any signage change shall comply with Town Code, including obtaining sign permits.

MICHAEL NYHAN: Conditions for the preliminary site plan approval.
Approval is subject to final approval of the Town Engineer and the Commissioner of Public Works.

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

Paul (Wanzenried), there's an easement for the drainage; correct? To the right?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: We have an easement for that for the Town?

MR. VARS: Yes.

MICHAEL NYHAN: 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.

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

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.

Paul (Wanzenried), any Zoning Board of Appeals for this? I think for the property they were already granted for the front parking, et cetera, et cetera, in the past.

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: So preliminary site plan does not need to go to Zoning, correct?

PAUL WANZENRIED: Until I see a sign package, not that I can think of.

MICHAEL NYHAN: We can make it a condition at final, then; correct?

PAUL WANZENRIED: You could.

MICHAEL NYHAN: Any signage change shall comply with the Town Code, including obtaining a sign permit.

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

The applicant shall provide landscaping equivalent to 1 percent of the total project costs.

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

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

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

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

No outdoor storage is allowed.

Are there any other conditions --

MICHAEL HANSCOM: Excuse me, Mike (Nyhan).

MICHAEL NYHAN: Yes?

MICHAEL HANSCOM: Dave Lindsay, the Commissioner of Public Works, as I outlined in my review letter had asked that they provide an inspection report for the existing stormwater management pond and the storm sewers. So if you can make -- possibly make a condition that they provide that report.

MICHAEL NYHAN: Sure.

Retention pond you said? And storm sewer?

MR. VARS: It's called a Stormwater Pond Inspection Report.

MICHAEL HANSCOM: Make sure that still has the capacity it was designed with at the -- at the outlet structure and is still in good condition and functional. That the storm sewers have been cleaned out and are functional.

MICHAEL NYHAN: There is -- a hydrodynamic pretreatment system, according to Dave, is on site that needs to be inspected and cleaned out and make sure it is still functional.

I will read this back to you.

Provide an inspection report of the stormwater management system and associated sewers, including design capacity is still sufficient as designed.

The hydrodynamic system must be cleaned and determined to be functional.

Does that cover what Dave (Lindsay) was looking for?

MICHAEL HANSCOM: That's the gist of it, yes.

MICHAEL NYHAN: Which he will need to approve before this goes anywhere, correct?

I will add that condition.

Any other conditions? Okay.

With those conditions listed, the application of Rounding Third, LLC, 1657 East Avenue, Rochester, New York 14610, applicant; Rochester W, LLC, 655 Third Avenue, 28th Floor, New York 10017, owner; for A) preliminary site plan approval to convert the existing building to a multi-use space located at 3127 Chili Avenue (former Walgreens) in a GB District.

JOHN HELLABY: Second.

DECISION ON APPLICATION # 2A: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public works must be given copies of any correspondence with other approving agencies.
3. 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. Any signage change shall comply with Town Code, including obtaining sign permits.
8. 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.
9. Applicant shall provide landscaping equivalent to 1% of the total project cost.
10. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
11. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
12. Building permits shall not be issued prior to applicant complying with all conditions.
13. Application is subject to all required permits, inspections and code compliance regulations.
14. No outside storage allowed.
15. Provide an inspection report for the storm water management system and associated sewers. Confirm design capacity is still sufficient as originally designed. The hydrodynamic system must be cleaned and determined to be functional.

PUBLIC HEARINGS:

1. Application of Schultz Associates, P.C., 129 South Union Street, Spencerport, New York 14559, applicant; Effortless Real Estate, LLC, 1440 Scottsville Road, New York 14624, owner; for preliminary site plan approval to erect an addition (walk in cooler) at the property located at 1440 Scottsville Road. GB District.

MICHAEL NYHAN: Applicant has requested this be tabled for a future meeting. So that applicant will not be here tonight.
Any other business before the Board?

Michael Nyhan made a motion to accept and adopt the 6/25/24 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

MICHAEL NYHAN: Any other business before the Board?
Meeting is adjourned.

The meeting was adjourned at 8:20 p.m.