

CHILI PLANNING BOARD  
August 13, 2024

A meeting of the Chili Planning Board was held on August 13, 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: Keith Bozek (alternate), Paul Bloser, David Cross, Glenn Hyde, Michael Leone (alternate) and Chairperson Michael Nyhan.

ALSO PRESENT: David Lindsay, Commissioner of Public Works/Superintendent of Highways; 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 Schultz Associates, P.C., 129 South Union Street, Spencerport, New York 14559, applicant; Effortless Real Estate, LLC, 1440 Scottsville Road, Rochester, 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.

Bob Hatch and Mike Zazzaro were present to represent the application.

MR. HATCH: Good evening. My name is Bob Hatch with Schultz Associates Engineers and Land Surveyors. I'm here with my client, Mike Zazzaro, the owner of the property, with his wife.

As you stated, the proposed walk-in cooler addition is going to be going on the southwest side of the building. It will be 53 by 19 and it's going to have internal access from the inside of the building and also at the back of the building there will be an access for food deliveries and pick-ups for their business. It's already pre-existing pavement in the area, so there is no change in the drainage. It will pretty much stay the same. The -- there are going to be some proposed bollards on the outside of the building. And from our meeting that we had with the Architectural Review Board earlier this evening, we will be having some outside lighting at the corners of the building to match the ones that are already on the building.

So that is what my client is looking to do. He has been working with staff since May on this, so we finally have all our ducks in a row and we're here before you.

MICHAEL NYHAN: Okay. Great.

The Board indicated they had no questions.

MICHAEL NYHAN: I do have the recommendations of the AAC and you will be able to comply with each of those recommendations -- the Architectural Advisory Committee?

MR. HATCH: Yep.

MICHAEL NYHAN: The only other comments I had was from our Conservation Board and that was to provide some sort of landscaping. Perhaps planters along the building or the front, as well as some plantings around the flagpole perhaps. If you're going to be putting in bollards, you could probably put in actual planters that would probably suffice to do the same thing if you bought the right ones.

MR. HATCH: I was talking to my client earlier. He was proposing to put some planters around the outside of the building.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 further discussion? Comments? Do you have elevations -- looks like you will decorate the outside of it to match the building so it will look more like an addition to the building and not a walk-in cooler?

MR. HATCH: Yes. Wasn't sure if you were provided copies --

MICHAEL NYHAN: Yes, we have. Nothing has been changed from the copies we have?

MR. HATCH: No.

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, I have the following conditions for the application.

Approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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.

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

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

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

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

And no outside storage is allowed.

Any additional conditions required?

PAUL WANZENRIED: Building permit applied.

MICHAEL NYHAN: Sorry?

PAUL WANZENRIED: He needs a building permit. He knows that.

MICHAEL NYHAN: Okay. I do have that.

With those conditions -- this is a final of waiver, Paul (Wanzenried)?

PAUL WANZENRIED: Yes, sir.

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

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
3. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
5. Any signage change shall comply with Town Code, including obtaining sign permits.
6. Applicant shall provide landscaping equivalent to 1% of the total project cost.
7. In lieu of landscaping, applicant to make a donation to the Town's tree planting fund in the amount equal to 1% of the total project cost.
8. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these

recommendations.

9. Building permits shall not be issued prior to applicant complying with all conditions.
  10. Application is subject to all required permits, inspections, and code compliance regulations.
  11. No outside storage allowed.
2. Application of Keith Vogler, 106 Christina Drive, North Chili, New York 14514, applicant; Anthony Comunale, 51 King Road, Churchville, New York 14428, owner; for renewal of a Special Use Permit to allow uses of a similar character (motor vehicle repair) at the properties located at 51 King Road. LI District.

Keith Vogler was present to represent the application.

MR. VOGLER: How you doing? Yes. I'm just applying --

MICHAEL NYHAN: Excuse me. Sir, your name and address?

MR. VOGLER: Keith Vogler. 106 Christina Drive, North Chili New York.

MICHAEL NYHAN: Thank you.

MR. VOGLER: We're applying for a renewal of a Special Use Permit for general automotive repair at 51 King Road.

MICHAEL NYHAN: Any change -- you will be changing none of the use inside the building, correct? That is what it was used for before?

MR. VOGLER: Yes.

MICHAEL NYHAN: There were a couple of items that were outstanding. One was -- there was a metal container, storage container that was going to be moved. Has that been --

MR. VOGLER: Correct. It has been moved this morning. I have pictures.

MICHAEL NYHAN: It is within the required setbacks?

MR. VOGLER: Yes.

MICHAEL NYHAN: The Building Department will --

MR. VOGLER: Well, away from the property lines.

MICHAEL NYHAN: The Building Department will review that when they come out.

And also we have received a letter from the adjoining property.

MR. VOGLER: Yes.

MICHAEL NYHAN: The gravel parking lot will not expand in anyway.

MR. VOGLER: Yes. We have a letter from Chili Self Storage, Mr. Feltner, describing all that here.

MICHAEL NYHAN: We do have copies of that, as well.

MR. VOGLER: We do.

MICHAEL NYHAN: We do.

MR. VOGLER: Oh, you do?

MICHAEL NYHAN: Yes.

The Board indicated they had no questions.

PAUL WANZENRIED: Only if you're going to change the sign, you need a sign permit. I don't think I mentioned that to Mrs. Vogler when I was talking with her.

MR. VOGLER: Okay.

PAUL WANZENRIED: Other than that, you're good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 further discussion? This is -- I think they were in here before. The two corrections they needed to make were the ones they made tonight. The movement of the storage container and permission of the property owner to keep the parking lot where it is, the gravel parking lot.

As far as conditions, Town Engineer and Commissioner of Public Works must be given copies of any correspondence with any other approving agency.

Applicant to comply with all pertinent Monroe County Development Review -- hang on. Before we do that, we have to do SEQR. Can't forget SEQR.

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

MICHAEL NYHAN: Now on to the conditions.

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

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.

Any signage change shall comply with Town Code, including obtaining a sign permit.

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

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

And no outside storage will be allowed.

And I do have conditions on here that you have already complied with, but that is the existing metal storage building on the property must be moved. So I will remove that actually.

So with those conditions as read, the application of Keith Vogler, 106 Christina Drive, North Chili, New York 14514, applicant; Anthony Comunale, 51 King Road, Churchville, New York 14428, owner; for Renewal of a Special Use Permit to allow uses of a similar character (motor vehicle repair) at the properties located at 51 King Road. LI District.

GLENN HYDE: Second.

DECISION: Unanimously approved by a vote of 6 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. Any signage change shall comply with Town Code, including obtaining sign permits.
  5. Building permits shall not be issued prior to applicant complying with all conditions.
  6. Application is subject to all required permits, inspections, and code compliance regulations.
  7. No outside storage allowed.
3. Application of Nunzia White, 15 Black Cedar Drive, Rochester, New York 14624, applicant/owner; for Special Use Permit to allow in-law suite of 1,034 sq. ft. at the property located at 15 Black Cedar Drive. R-1-20 District.

Nunzia White was present to represent the application.

MS. WHITE: Hi. I'm Nunzia White, the owner/applicant of 15 Black Cedar Drive.

MICHAEL NYHAN: Okay. Can you explain what you're going to do and what it will look like?

MS. WHITE: We're building an in-law addition for my parents.

MICHAEL NYHAN: Okay. Paul (Wanzenried), any questions?

DAVID CROSS: I think it fits within the setbacks. They don't need any variances or

anything like that?

MICHAEL NYHAN: Correct. There are comments from the Town Engineer. Did you receive the comments from the Town Engineer?

MS. WHITE: I did.

MICHAEL NYHAN: You will be able to comply with each of those comments?

MS. WHITE: Yes.

MICHAEL NYHAN: So no variances are required. That's correct, right, Paul (Wanzenried)? I didn't see any.

PAUL WANZENRIED: I didn't see any.

DAVID CROSS: I'm good, Mike (Nyhan).

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan made a motion to close the Public Hearing portion of this application, and 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 further discussion?

DAVID CROSS: Standard conditions for in-law apartments?

MICHAEL NYHAN: Yes. I do have those on here, which I will read off, if there aren't any other discussion points.

Any other discussion points at all?

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: For conditions, applicant to comply with all pertinent Monroe County Development Review Committee comments.

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

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

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

Special Use Permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

The applicant's attorney shall file a decision letter with the book of deeds with the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney and Building Department. A decision letter must be indexed against the property in the owner's name upon filing.

The applicant shall consider recommendations for handicapped accessibility to include but not limited to wider doors, grab bars and ramp access, et cetera.

I think that was part of the recommendations you saw on the Engineer's letter?

MS. WHITE: Yes.

MICHAEL NYHAN: So based on those conditions, application of Nunzia White, 15 Black Cedar Drive, Rochester, New York 14624, applicant\owner; for Special Use Permit to allow in-law suite of 1,034 sq. ft. at the property located at 15 Black Cedar Drive. R-1-20 District.

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

1. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
2. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
3. Building permits shall not be issued prior to applicant complying with all conditions.
4. Application is subject to all required permits, inspections, and code compliance regulations.
5. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
6. The apartment may not be used as a rental unit.
7. Applicant's attorney shall file the decision letter in the book of deeds at the

Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney and Building Department. The decision letter must be indexed against the property owner's name upon filing.

8. Applicant shall consider recommendation for handicap accessibility, to include but not limited to wider doors grab bars, ramp access, etc.
4. Application of JD & Sons Inc., 100 International Blvd., Rochester, New York 14624, applicant; Garage 4119 Holdings Co, LLC, 100 International Blvd., Rochester, New York 14624, owner; for preliminary site plan to erect a warehouse addition (8,000 sq. ft.) to the existing facility at the property located at 100 International Blvd. LI District.

Ian Kuchman and Ilias Diakomihalis were present to represent the application.

MR. Kuchman: Okay. Good evening. My name is Ian Kuchman. I'm with McMahon LaRue Associates and I'm here with the applicant, JD & Sons' owner.

MR. DIAKOMIHALIS: Ilias Diakomihalis.

MR. KUCHMAN: So what we're doing here is proposing an expanded warehousing in two phases in totality of 8,000 square feet. Fully sprinkled -- sprinkler system.

Where we're proposing it -- I'm assuming you guys have the plans and we're looking at the same page.

The hatched area to the north of the existing asphalt parking lot is where we're going to be proposing the warehousing. It's going to displace 12 existing parking stalls. And based on the existing business operations since last year -- is when they began operating out of this facility -- and with automated systems, it's anticipated that those parking spaces are no longer needed for employee parking.

In the spirit of maintaining some sort of consistency with zoning, we're going to reserve banked parking elsewhere on the site in the event that that parking is needed in the future. Or if the parcel is sold to a different Light Industrial use in the future, that area is allocated.

Two items worth discussing with the Board today is we're still under the minimum zoned requirement for parking. I think the total is 88 required and we're proposing 56 with banked parking. Again, based on the client's -- our client's needs, 56 is -- is more than adequate.

In addition to parking is loading docks. With the addition of the two phases of warehousing, it bumps us up from a minimum of two loading dock spaces to four. Again, based on current business operations, four is not needed. Two is sufficient. So those are items worth discussing here with the Board today.

With that, I will close my opening remarks and open it up to the Board for discussion and further comment.

MICHAEL NYHAN: Did you receive the Town Engineer's letter?

MR. KUCHMAN: Yes. Those -- those two items were up in the Town Engineer's items. Other than that, technically speaking, we're able to comply with those comments.

MICHAEL NYHAN: So will you be complying by adding 33 spaces? Or will you get a variance for less? Based on his calculations, you only need 33 land-banked parking spaces versus 27.

MR. KUCHMAN: Yeah. We could allocate some more banked parking where that stormwater management device is to the southeast corner of the site, to the south of that little turnaround area. There is an area there where potentially we can get some more banked parking.

MICHAEL NYHAN: Six spaces?

MR. KUCHMAN: What is that?

MICHAEL NYHAN: Six spaces is all you need, right?

MR. KUCHMAN: Correct.

MICHAEL NYHAN: Just add it to that part. Okay.

Then for the off-street parking, loading berths, you would have to go in front of the Zoning Board for variance on that.

MR. KUCHMAN: I'm assuming so.

MICHAEL NYHAN: Well, you would have. So I'm telling you.

MR. KUCHMAN: Yes.

MICHAEL NYHAN: You would have to. I'm not sure if you're on their calendar or not, but you will need to get on the calendar to get that variance.

MR. KUCHMAN: Would that be as a result of a referral from your Board? Or is that independent?

MICHAEL NYHAN: No. Independent. You -- you would apply to them for a variance instead of having four off-street berths to have two is what your application would be for.

MR. KUCHMAN: Okay.

MICHAEL NYHAN: The Building Department can assist you with filing that.

How many employees will there be? Will you reduce the number of employees with the automation?

MR. DIAKOMIHALIS: No. No. I don't think so.

MICHAEL NYHAN: You have 60 right now I think, right?

MR. DIAKOMIHALIS: Yes. Ballpark. Yes.

MICHAEL NYHAN: What are the hours? What are your hours of operation? How many hours do you work in a day?

MR. DIAKOMIHALIS: 6 to 4. And guys have different shifts. They come -- some start at 6. Some start at 7. Some start at 8.

MICHAEL NYHAN: It's a -- basically a daytime shift? No overnight shifts?

MR. DIAKOMIHALIS: No, no.

DAVID CROSS: General question. What do you make over there?

MR. DIAKOMIHALIS: We process fresh seafood. We process fresh seafood. We started a revenue thing -- we actually do a lot with Wegmans. That grew more than we were expecting.

MICHAEL NYHAN: You were just here two years ago, right, for that building? And you're already putting on an addition.

MR. DIAKOMIHALIS: Yeah. Believe me --

MICHAEL NYHAN: That's good news.

MR. DIAKOMIHALIS: Things don't cost -- everything is really expensive now, so -- everything has a little sticker shock to it.

MICHAEL NYHAN: Yeah. I'm sure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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: Side Table, any 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: So for conditions, 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.

Applicant to comply pertinent Monroe County Development Review Committee comments.

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

This is pending approval of the Zoning Board of Appeals for all required variances.

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.

Will you be providing 1 percent of the total project cost into landscaping for the building? We don't have a landscape plan. It hasn't gone to the Conservation Board.

MR. KUCHMAN: Um, I think our -- our goal is to make -- to -- to develop a landscape plan to satisfy the Town's requirements for landscaping.

MICHAEL NYHAN: Okay. So then you will -- you will submit that plan to the Conservation Board? And they meet on the last --

PAUL WANZENRIED: First Monday of the month.

MICHAEL NYHAN: First Monday of the month.

PAUL WANZENRIED: So next month it doesn't apply because September is -- that's Labor Day. So it would be the second Monday.

MICHAEL NYHAN: Okay. When do they have to have that in to them by? Do you know? What is the cut-off date?

PAUL WANZENRIED: Should have it in probably the week before.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Somewhere the week of Labor Day.

MICHAEL NYHAN: So the meeting is on the second Monday in September. You need to have to them about a week before. The landscape plan. They will review it and provide their recommendations.

PAUL WANZENRIED: And probably best to do that based on the 8,000 square foot. So it is based on your construction cost. So do it on the 8,000 so you don't have to come back and go through that exercise again.

MR. KUCHMAN: Okay.

MICHAEL NYHAN: So -- the condition will be 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 recommendations.

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

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

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

Paul (Wanzenried), can you provide the checklist and everything for the Conservation Board to them?

PAUL WANZENRIED: I'll send it to him tomorrow when I'm sending him the variance application. The variance application is due a week from tomorrow. If you want to be on the September meeting.

MICHAEL NYHAN: Those are the two Boards you go in front of. The Conservation and the Zoning Board of Appeals.

MR. KUCHMAN: Okay.

MICHAEL NYHAN: Any other conditions?

Based on those conditions, application of JD & Sons Inc., 100 International Blvd., Rochester, New York 14624, applicant; Garage 4119 Holdings Co., LLC, 100 International Blvd., Rochester, New York 14624, owner --

Paul (Wanzenried), have they submitted for final?

PAUL WANZENREID: Yes.

MICHAEL NYHAN: -- for preliminary site plan approval with waiver of final to erect a warehouse addition (8,000 sq. ft.) to the existing facility at the property located at 100 International Boulevard in the LI District.

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

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

2. The Town Engineer and Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
  3. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
  4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  5. Pending approval of the Zoning Board of Appeals of all required variances.
  6. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
  7. Any signage change shall comply with Town Code, including obtaining sign permits.
  8. The 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. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
  10. Building permits shall not be issued prior to applicant complying with all conditions.
  11. Application is subject to all required permits, inspections, and code compliance regulations.
5. Application of Arthur Pires (Wegmans Food Markets), 100 Market Street, Rochester, New York 14624, applicant; Wegmans Market Street, Inc, 100 Market Street, Rochester, New York 14624, owner; for preliminary site plan to erect a storage building (32,200 sq. ft.) and additional 152 trailer parking lot at the property located at 249 Fisher Road. GI/RA-10 District.

Art Pires and Garth Winterkorn were present to represent application.

MR. PIRES: Thank you very much for your patience.

Art Pires with Wegmans Food Markets, Rochester, New York. With me this evening is Garth Winterkorn, Costich Engineering.

The application tonight is pretty basic as far as the usage of the building. It's a 32,000 -- rounded -- 400 square foot single-story albeit 30-foot high trailer stripping operation and then the associated 150 spaces.

If I walk around, can they hear me? Does that work?

MICHAEL NYHAN: Yeah.

MR. PIRES: Then I can point it out. You have, once again, copies of the same here.

So here again, it's for this 300 -- 32,400, associated 150 trailer spaces. And the purpose -- what happens here is -- what would come in here -- they bring in pallets from other stores. They bring in the plastic and recycle it. Pallets they obviously re-use. And then if there is surplus product, that goes back into the warehouses. So that's the sole purpose there. There is no drains, et cetera, like that. It's a dry operation, in essence.

We have 37 bays. 27 bays -- 37 bays, Garth (Winterkorn)? And we -- we would have to -- probably about 10 to 20 employees here. 24-hour operation.

As far as the location, this is the overall complex and you can see north is up. We're at the southern end, if you will. It is southeast, if you will, of our Culinary Center and then southwest of our maintenance building off to the right here (indicating).

We're well within our boundaries. As far as the districts, there is basically a -- the Light Industrial is roughly in this area here (indicating). And then actually on our plan -- let me walk through that because that is right in your packet. You can see the difference between the GI and LI Districts. That is why we put it in there. So you can have an understanding -- it is listed on our application and I thought it would just be clear for anybody to understand what that means. There is an overlap between the two. Here again, that shows within your packet that overlay.

As far as wetlands, we did have -- Costich Engineering went out there and they did a survey delineation report. That was submitted to the Army Corps of Engineers. We're waiting for a jurisdictional determination on that number one.

We also -- as far as the archaeological, we have submitted an application to SHPO for inquiring as to whether or not there any artifacts out here. It is highly unlikely only since -- because of the breath and scope of the existing development of the overall parcel. We don't

anticipate it, but here again, I understand the Board needs that information and as soon as we get it, we'll pass it on as well as the determination from the Army Corps of Engineers.

This southeast portion of the site is heavily wooded. In fact, we're just taking a very small part of the trees down. Not too many. We have an extreme buffer between certainly our residents on Fisher Road.

And then in your photographs there, I have taken a couple shots. The first one of the building from Jetview Drive looking north. I have that shot. I also have a shot from Jetview Drive looking east to the location of the propose -- the proposed building and development.

And then also I looked to the west. So you can see that in this buffer, heavily treed, vegetated buffer with consideration of Lexington Parkway residents, there's no impact whatsoever. If there are any questions on all those, I would be glad to address.

Now, as far as the wetlands there a little -- well, south of us, this area is our area of development. South of us there are wetlands. Once again, we're waiting for determination, but this project will not impact it. The only location is this very small -- in the expert opinion of Costich Engineering -- is that this is an isolated wetland. But we're waiting to hear back on that again.

That's it on the large picture.

Interesting enough, back in 2020, we had submitted and we received approval from this Board, which we appreciated for trailer storage or trailer parking. Well, COVID came along. Budgets were all messed up. The whole world went upside-down, including us.

The point is that this building is really, in essence, in the location of that which was previously approved in 2020. Albeit, definitely incremental tractor-trailers. And the reason for the tractor-trailer consolidation on this parcel is bringing them from Brooks Avenue to relieve some of the tension over there, the inner conflict. Because between all of the trailers -- I trust anybody traveling down Brooks Road sees that every day. That's number one.

Number two, Winton Road, it's very congested. And certainly last but not least -- little mea culpa here. Mea culpa. Mea culpa. We have been putting trailers down here (indicating) as our folks are trying to figure out what to do.

So we're consolidating those. Winton Road -- Winton Road and Brooks Avenue. So that is the reason for that.

As far as traffic, we're figuring maybe 50 coming in/out of a day. That seems a lot, but that's over a 24-hour period. And it's constant. So we do not feel with all of the traffic on Chili Avenue and the ramps, et cetera, that -- 50 coming and going is not going to be impacting anyone. Once again, it's -- and it is primarily from the night hour, 6 p.m. to the morning sort of thing. Okay?

That's it in a summary. If there any questions, I would be glad to address them.

MICHAEL NYHAN: You did receive Michael Hanscom, the Engineer's -- I see you responded to each of those so you will have no problems complying with each?

MR. PIRES: Correct. And there is a number of them, including the elevations which is in there, which is just a prototypical. We have not designed it yet. This is similar to what we have in another down in Virginia, so it's a 30 -- once again, a 30-foot high -- 30 -- 22, I believe by -- I have it here -- 322 by 100.

Small portion to the west is the office. So we understand that yes, we would have to come back through either formal or informal, through the Building Department to seek building permit plans and we're obviously obligated and committed to that, as well as all of the other comments. If they come with the engineering, we'll address it.

If we have not addressed anything specifically satisfactorily tonight, certainly we'll add that to the list.

MICHAEL NYHAN: So you didn't build any of the parking spots that were approved and that's why you need so many for the stripping --

MR. PIRES: Correct. Exactly. It's incremental over what you previously approved.

DAVID CROSS: So architecturally, it will be the same materials and colors and everything else out there?

MR. PIRES: Correct. It will be. In fact, what has happened -- it will be a lower profile that we have this building here -- basically, we have this water tower -- I think is 17 feet and this is 27, is the building itself. This will be 30 feet or so. So it's in scale.

And as you see, the photographs -- when you look at the photographs again, I think it is probably the first one of the field photos. As you're looking towards the east, you can barely see basically the waste building and then the associated tank.

And then in the very distance, you can see a water tower. You could barely see it on the horizon. So we have -- it's a small profile. As far as the material, metal. And as far as color, it will be the white, if you will.

DAVID CROSS: The landscaping, will you do some on-site or make a donation to the Town?

MR. PIRES: We have yet to design it. We will design it and we'll commit to the 1 percent total to the Town; partial to the Town, partial to us. But we'll obviously run that by you. But we're committed to 100 percent.

And my understanding is -- and qualifying -- that it is 100 percent of the building cost and not the entire site and building? But that's a clarification.

MICHAEL NYHAN: Just 1 percent of the -- of this project.

MR. PIRES: In total?

MICHAEL NYHAN: 1 percent.

MR. PIRES: Yeah. But not of -- just the building? 1 percent of the building?

MICHAEL NYHAN: Of the project. The total cost this project. The parking spots, the building, everything you're doing.

MR. PIRES: Okay. Thank you.

Yeah. We're committed to that definitely.

GLENN HYDE: You said 9 to 6 is the general operation?

MR. PIRES: These are 24 hours here. The transportation is more of a limited hours. But basically overnight.

GLENN HYDE: Trucks coming in and out?

MR. PIRES: Trucks coming in and out. Right. It's the -- I said -- for the -- for deliveries is the -- these are like more of the overnight. But then the -- the -- the warehouses are pretty much overnight. Not the 24 hours. This would be 24 hours (indicating) with the 50 say per --

GLENN HYDE: You're right-sizing pallets for the individual stores?

MR. PIRES: We have the product, take back pallets that they have taken the product off, bring them back and then it's the whole reuse of them.

And once again, the other materials like plastic, we bring them all back and recycle it. And as far as there might be some surplus product, we bring it back to the warehouse. You know. Reuse -- or distribute them somewhere else to another store.

MICHAEL NYHAN: Any additional comments from the --

PAUL WANZENRIED: Art (Pires), what did you say about the Conservation? Are you doing the 1 percent? Committed to 1 percent?

MR. PIRES: We were committed to 1 percent of the code, the entire project. So it's a matter how do we split it? Do we cut a check for 1 percent? Or do we hit landscaping 50 percent and then give you 50 percent? Does that work with the Town?

PAUL WANZENRIED: Whatever you're going to do, I want it on record.

MR. PIRES: We will.

PAUL WANZENRIED: No. No. That doesn't work. Art (Pires), we're not playing Let's Make a Deal.

MR. PIRES: I agree. We're committed.

PAUL WANZENRIED: You're either gonna say on the record -- and it's going to be a condition -- that it's 1 percent donation or we're going to do 50 percent and you're going to have to break that down and give it to me.

MR. PIRES: Oh, I see. You're looking for that commitment now? Or you're saying we have to provide that at some point?

MICHAEL NYHAN: Well, if we get a landscape --

MR. PIRES: We don't have it landscaped. That's way -- I'm not trying to duck it. It is more we don't have a landscape plan here. We will be presenting one. So I don't know what that will be. And that's the only reason why I say -- that is a question back to the Town.

Is that acceptable? I'm not trying to negotiate.

MICHAEL NYHAN: I think if we submit it to the Conservation Board and then whatever remains to the 1 percent, you can make a donation if there is a remain. Or if you wanted to completely landscape it, you could.

MR. PIRES: Thank you. That's -- that's --

MICHAEL NYHAN: Does that work for the Town?

PAUL WANZENRIED: Fine.

MICHAEL NYHAN: Okay. Sounds good.

PAUL WANZENRIED: Wait. The parking lots, are they lit? The storage trailer, storage area?

MR. PIRES: We do not have the plans showing that -- oh, yes, we do. It's there.

MICHAEL NYHAN: Yep.

MR. PIRES: I was going to say if it wasn't there, we will.

PAUL WANZENRIED: You use the back-up alarms on the trucks?

MR. PIRES: I believe so. Yeah. I mean it's for safety.

PAUL WANZENRIED: Between the hours of 10 and 7 is there a lot of movement? Will there be a lot of movement?

MR. PIRES: Not any -- any -- it would be nominal more than there is today.

PAUL WANZENRIED: Okay.

MR. PIRES: I'm not aware of any complaints from any neighbors.

PAUL WANZENRIED: I have not received any either, Art (Pires). But I'm thinking with the volume of trucks that you're going to be bringing in.

MR. PIRES: Correct.

PAUL WANZENREID: And you're pushing it that much closer to Lexington. It's not shielded so much by the warehouses. You're kind of out in the open there. That's my concern.

MR. PIRES: Understood. Yes. I understand that.

MICHAEL NYHAN: Do you use one of those tractors like you do at the warehouse, just a CAT -- just to move them around?

MR. PIRES: The yard horse?

MICHAEL NYHAN: Yes.

MR. PIRES: I will have to confirm that. I don't know that.

MICHAEL NYHAN: Is that what you'll use here, though?

MR. PIRES: Yes.

MICHAEL NYHAN: Maybe you can confirm that.

MR. PIRES: I will confirm that.

MICHAEL NYHAN: And then for employee parking, how many employees will be in here?

MR. PIRES: We figure 10 to 20 and we believe there is sufficient parking just to the east. We have the maintenance building with a number of open spaces here (indicating). And if need be, we have a good number of open spaces here so that whole 10 to 20 dissipated between the two, there is sufficient parking.

If there was ever a need -- I mean certainly we would kind of request or we would build additional in the complex. But we feel that we have sufficient as there is today.

MICHAEL NYHAN: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 further discussion or comments?

Paul (Wanzenried), David (Lindsay), you're good with waiver of final with the condition of the jurisdictional review letter?

DAVID LINDSAY: Yes.

PAUL WANZENRIED: And SHPO documentation?

MR. PIRES: Correct.

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

Town Engineer and Commissioner of Public Works -- let me back up. We'll do SEQR. I keep forgetting SEQR tonight.

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: Now once again on to the conditions.

Approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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

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.

Just to confirm, I did see in Town Engineer's letter that we'll be entering an agreement. Is that true?

DAVID LINDSAY: For storm water?

MICHAEL NYHAN: Yes.

DAVID LINDSAY: Yes. They're required to do a post-construction stormwater agreement.

MICHAEL NYHAN: Prior to the issuance of a Certificate of Occupancy all easements shall be filed and recorded with the Monroe County -- with Monroe County 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.

And any signage change shall comply with the Town Code including obtaining permits.

Applicant shall provide landscape equivalent of 1 percent of the total project.

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

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

So submit the plan, determine how much landscaping you're going to do and then the balance, if there is one, you would submit to the Town in the form of a donation up to the 1 percent.

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

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

And upon receiving the jurisdictional review letter from the Army Corps and/or New York State DEC affirming the small wetlands area is a disconnected and non-jurisdictional area. That is another condition.

And any -- second additional condition will be the proposed stormwater management features will be privately owned and maintained.

The Town will require the property owner to enter into a stormwater control facility maintenance agreement with the Town and to provide proper access easements to the Town.

The access easements and the Storm Water Control Facility Maintenance Agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the County Clerk's Office prior to the signing of the mylars.

Any other conditions on this application?

Based on those conditions, Application of Arthur Pires (Wegmans Food Markets), 100 Market Street, Rochester, New York 14624, applicant; Wegmans Market Street, Inc, 100 Market Street, Rochester, New York 14624, owner; for preliminary site plan approval with waiver of final to erect a storage building (32,200 sq. ft.) and additional 152 trailer parking lot at the property located at 249 Fisher Road. GI/RA-10 District.

GLENN HYDE: Second.

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

1. Approval is subject to final approval by the Town Engineer and

Commissioner of Public Works.

2. The Town Engineer and Commissioner of Public Works must be given copies of any correspondence with other approving agencies.
3. 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. Building permits shall not be issued prior to applicant complying with all conditions.
12. Application is subject to all required permits, inspections, and code compliance regulations.
13. Upon receiving the Jurisdictional Review letter from the Army Corps and/or the NYSDEC affirming the small wetlands area is a disconnected and non-jurisdictional area.
  - A. The proposed storm water management features will be privately owned and maintained.
  - B. The Town will require the property owner to enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide proper access easements to the Town. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the County Clerk's Office prior to the signing of the mylars.

MICHAEL NYHAN: Last order of business is the approval of the minutes from last month's meeting.

Michael Nyhan made a motion to accept and adopt the 7/9/24 Planning Board meeting minutes, and Glenn Hyde seconded the motion. All Board members, with the exclusion of the alternates, were in favor of the motion.

The meeting was adjourned at 7:50 p.m.