

CHILI PLANNING BOARD  
September 10, 2024

A meeting of the Chili Planning Board was held on September 10, 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, Joseph Defendis, Matt Emens, Glenn Hyde, John Hellaby, Michael Leone (alternate) and Chairperson Michael Nyhan.

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

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

**PUBLIC HEARINGS:**

1. Application of Aaron Malbone (Buckingham Properties), 259 Alexander Street, Rochester, New York 14607, applicant; Rochester Business Center LLC, 259 Alexander Street, Rochester, New York 14607, owner; for revised site plan to expand exterior storage area (approx. 32,000 sq. ft.) at the property located at 465 Paul Road. LI District.

MR. MALBONE: Good evening. My name is Aaron Malbone. I'm here representing Buckingham Properties.

We're looking for revised site plan approval of an outside storage expansion for one of our tenants at 465 Paul Road. They would like to stay at the facility, grow both internally and externally. But in order to do so, they would like the exterior storage approval first and then we can move forward through the rest of the process that they would like to pursue.

You guys all have the site plan material to represent what we're looking for? It really just kind of further expands what they have on-site already.

To the southeast corner of the parcel, very similar to what we have, chain-link fence. The -- the parcel we use for material pickup. So staging orders, contractor will come pick them up at that spot and then turn around and drive right back out. They will have the same type of materials they already have stored on-site. Chain-link fence. Vinyl fencing. Posts. Those typical fence materials. Just asking for your guys' approval.

JOSEPH DEFENDIS: Will you be ripping out the existing asphalt, redoing the whole area and then repaving it?

MR. MALBONE: We're only planning to pave the grassy area.

JOSEPH DEFENDIS: What about the loop? Are you taking that out or leaving that in?

MR. MALBONE: So further south of that, there is monitoring wells that the -- that Bausch & Lomb -- they still monitor those. That will be the access to that stone driveway. We would like to keep it, but if we need to move it, we can.

JOSEPH DEFENDIS: That's all I have.

MATT EMENS: No questions at this time.

JOHN HELLABY: How much additional storage do you anticipate being there? In other words, is this just a general pickup area?

MR. MALBONE: Yep.

JOHN HELLABY: Or are you going to have other stuff within those confines?

MR. MALBONE: They're telling us it is just a staging order for pickup.

JOHN HELLABY: So I would assume that the people that are coming in to get this pickup are contractors or somebody that is in the fencing business?

MR. MALBONE: Wholesale.

JOHN HELLABY: Not Joe homeowner?

MR. MALBONE: Correct. Wholesale distributor.

JOHN HELLABY: So they know basically where they're going from past experiences?

MR. MALBONE: Yes.

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

MICHAEL NYHAN: You talked about the monitoring that Bausch & Lomb still does. There's a few sheds in the rear side of the existing storage area and --

MR. MALBONE: Just to the south of that?

MICHAEL NYHAN: Correct.

The gravel driveway comes around and connects to the loop road of the asphalt drive?

MR. MALBONE: Correct.

MICHAEL NYHAN: And the way you show the fence will cross that, will you extend the gravel drive so you can get out to the road?

MR. MALBONE: So we're not going to extend it. We're just going to make it more of a

stone area between -- I wish I had in front of me -- there is another concrete bed to the east and the fence will stop before that. And the other concrete area we'll just stone that area so it just connects to the existing asphalt loop.

MICHAEL NYHAN: On your plan you show a fence connecting to the existing fence and going all of the way down to the building. There is no -- there is no access to that road.

MR. MALBONE: So --

MICHAEL NYHAN: There is a concrete pad.

MR. MALBONE: That's the one farther to the east. I'm sorry. It says asphalt on this one. So right off Aviation Drive there is a concrete pad just to the left of that. So between that concrete pad and the chain-link fence is an open area they would like to stone so we'll access off the existing driveway.

MICHAEL NYHAN: So you will install a new driveway out to the road?

MR. MALBONE: No. We'll use the existing driveway that's there and just stone between the two areas.

Could I show you? Would it be easier?

JOHN HELLABY: It might help.

MICHAEL NYHAN: I don't see what you're talking about.

MR. MALBONE: Can I go up there?

MICHAEL NYHAN: Sure.

This is the gravel drive?

MR. MALBONE: Yes. This curb cut and drive already exists. We'll stone this area right here so it can connect to this. Just drive through there.

MICHAEL NYHAN: You will need to show that on the plan. And the engineer will have to review it.

MR. MALBONE: Great.

JOHN HELLABY: Is that topsoil then or stone around that fence?

MR. MALBONE: Right now it's grass.

JOHN HELLABY: You will have to put stone or something down there.

MR. MALBONE: Yes. Correct. Yep.

MICHAEL NYHAN: Then it looks like you're going to retain the existing fence and gate. It's a slide gate, I think, that goes to the back?

MR. MALBONE: Correct.

MICHAEL NYHAN: Is there a reason you want to keep that?

MR. MALBONE: Tenants asked for it.

MICHAEL NYHAN: Does -- is that going to have a lock on it?

MR. MALBONE: It currently has a KnoxBox on it.

MICHAEL NYHAN: So there will be a KnoxBox on the new gate?

MR. MALBONE: Correct.

MICHAEL NYHAN: Couple other things and being over there. On the -- the gates on Paul Road to enter the storage -- or the storage area, the existing storage area on the west side of the building. There are two vehicles that park there in front of that gate. That gate will be used or needed for access in the event that first responders would have to get in there.

So they shouldn't be parking there. I would like to put some signs up on all of the exterior gates both on Aviation Drive and on Paul Road that say no parking any time.

And then who enforces the -- on the property there for the -- for the landlord?

MR. MALBONE: Buckingham Properties does.

MICHAEL NYHAN: Okay. So -- you're talk -- you know what gates I'm talking about? Right? It's a slide gate I think -- I believe towards Paul Road?

MR. MALBONE: Yes.

MICHAEL NYHAN: Then the new gate will be a swing gate?

MR. MALBONE: Swing gate. Correct.

MICHAEL NYHAN: With a KnoxBox?

MR. MALBONE: Correct.

MICHAEL NYHAN: Are all these going to be keyed the same? Or no?

MR. MALBONE: Yes.

MICHAEL NYHAN: All right. You will just move the KnoxBox out?

MR. MALBONE: We'll probably get another one in addition to what is there.

MICHAEL NYHAN: Okay. All right. And is -- are all of the materials fencing materials in here?

MR. MALBONE: Yes.

MICHAEL NYHAN: All of it is? Okay.

I don't think I have any other questions.

GLENN HYDE: No questions.

MICHAEL NYHAN: Anything else from the Side Table? No? Okay.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MELINDA JONES, 8 Carriage House Lane

MS. JONES: Hi. Melinda Jones. I live at 8 Carriage House Lane.

So I just wanted to know is it possible to see what it would look like and where the property expands to? Because right now, this property is bordering my property.

Is there going to be like a lot of construction? Is there going to be waste material going

into the groundwater and stuff like that?

MICHAEL NYHAN: Sure. You didn't bring any plans with you, Aaron (Malbone)?

MR. MALBONE: Not a full size. Sorry.

MICHAEL NYHAN: If you want to come over here, I will show you.

PAUL WANZENRIED: The expansion takes place to the east. Your residence property is to the west.

MS. JONES: Oh, okay. I wasn't sure. Because I know there is like a hill.

PAUL WANZENRIED: Yep.

MS. JONES: So I didn't know. It didn't really say anything on the paper.

MATT EMENS: The one on the corner near the paved area.

MICHAEL NYHAN: You're over here (indicating)?

MS. JONES: Yeah. We're over here (indicating).

MICHAEL NYHAN: So nothing is changing over here (indicating). This is Aviation Drive. Commercial buildings. They will put a fence around this area right now that is a driveway.

MS. JONES: So you guys just sent out the notice just to notify us?

MICHAEL NYHAN: So you can take a look at that.

MS. JONES: Okay. So nothing is going to change as the operational over here (indicating)?

MICHAEL NYHAN: Correct.

MS. JONES: There is nothing going in --

MICHAEL NYHAN: Right now customers come in here (indicating). They're moving things out to here (indicating) so customers won't get past this gate. A staging area.

MS. JONES: Okay. That was the most important part. Thank you.

MICHAEL NYHAN: You're welcome.

MICHAEL HANSCOM: When you resubmit the site plan to show that gravel drive, could you please indicate on there where you're going to post the "no parking" signs? Just to -- just to document --

MR. MALBONE: Wherever you guys are telling us we need to put them.

MICHAEL NYHAN: Right on the gates. The gate doors that open and close.

MICHAEL HANSCOM: Sure. Just note that --

MR. MALBONE: We can put that with the other revisions to see where they're going to go. Great.

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

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

MICHAEL NYHAN: Any further discussion? Did you have any -- other than the standard conditions, Paul (Wanzenried) or Mike (Hanscom), did you have any other conditions you wanted me to add?

MICHAEL HANSCOM: I don't.

Paul (Wanzenried)?

PAUL WANZENRIED: Sorry. Say that again.

MICHAEL NYHAN: Did you have any other conditions you wanted me to add other than the standard ones?

PAUL WANZENRIED: No. I don't believe there is. He addressed the Conservation Board in his response letter.

MICHAEL NYHAN: One percent of the project total?

PAUL WANZENRIED: Yeah. So after that, I'm good.

JOHN HELLABY: I forgot to ask, is he going to have to go to the Zoning Board for that fence height?

PAUL WANZENRIED: 6 foot.

MICHAEL NYHAN: I don't believe it goes out in front of the -- the building.

JOHN HELLABY: I thought it ran all of the way out to the street?

MICHAEL NYHAN: No. It's ending at the corner of the building, I believe. It's not going to -- the fence is not going to extend past the corner of the building; is that correct?

MR. MALBONE: No. Flush with the east side of the building.

MICHAEL NYHAN: If it does go past it, you will need a variance.

MR. MALBONE: Yes. Understood.

MICHAEL NYHAN: Anything else?

JOHN HELLABY: That's it.

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: For conditions?

The conditions are approval is subject to final approval of the Town Engineer, 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.

Applicant shall provide landscaping equivalent of 1 percent of the total project cost.

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

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

And the applicant shall install the approved signs on the moveable fence gates located on Aviation Drive and Paul Road that indicates there is no parking at any time.

Any other conditions?

MATT EMENS: Will you mention the KnoxBox fire access?

MICHAEL NYHAN: I think that was -- it's on the plans that they're going to be on there.

MATT EMENS: Okay.

MICHAEL NYHAN: With those conditions, the application of Aaron Malbone (Buckingham Properties), 259 Alexander Street, Rochester, New York 14607, applicant; Rochester Business Center LLC, 259 Alexander Street, Rochester, New York 14607, owner; for revised site plan to expand exterior storage area (approximately 32,000 sq. ft.) at the property located at 465 Paul Road in the LI District.

And this is for final approval, as well?

PAUL WANZENRIED: Uh-huh.

MICHAEL NYHAN: Okay. Waiver of final.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 7 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. 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.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Install approved signs on movable fence gates located on Aviation Dr. and Paul Rd. that indicate No Parking Anytime.

MICHAEL NYHAN: Any other business other than the minutes?  
Michael Nyhan made a motion to accept and adopt the 8/13/24 Planning Board meeting minutes.

Go ahead, Paul (Wanzenried)?

PAUL WANZENRIED: Who wasn't here last month?

MATT EMENS: (Indicating).

JOSEPH DEFENDIS: (Indicating).

PAUL WANZENRIED: They can't vote, but he can (indicating).

MICHAEL NYHAN: Okay. That's it.

So Mike (Leone) and Keith (Bozek), you will be voting on the minutes from last month.

Michael Nyhan made a motion to accept and adopt the 8/13/24 Planning Board meeting minutes, and Glenn Hyde seconded the motion. All voting Board members were in favor of the motion.

The meeting was adjourned at 7:12 p.m.