

CHILI PLANNING BOARD
October 8, 2024

A meeting of the Chili Planning Board was held on October 8, 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, Keith Bozek (alternate), David Cross, Joseph Defendis, Matt Emens, Glenn Hyde, John Hellaby, Michael Leone (alternate) and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; 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.

MICHAEL NYHAN: I will recuse myself from this hearing as my involvement with the Chili Fire Department.

JOHN HELLABY: How does this alternate issue --

PAUL WANZENRIED: One has to step up.

JOHN HELLABY: Do you just pick? He'll rock paper scissors. One of you come up here, please. This whole process is so new.

Michael Leone stepped up to the dais.

There was a pause in the proceedings.

1. Application of Chili Fire Department, 3231 Chili Avenue, Rochester, New York 14624 applicant/owner; for subdivision approval of one lot into two (2) parcels at the property located at 3231 Chili Avenue. GB District.

David Cox was present to represent the application.

JOHN HELLABY: The floor is yours, sir.

MR. COX: I'm David Cox with Passero Associates, the civil engineer for the project here on behalf of the Chili Fire Department. So if -- now that they're fully moved into their new -- new building, their old building, which was right next door on the left side of the page, not really any need for that building anymore for the Fire Department. The new building satisfies all their requirements and needs.

So they're looking to portion that off so they could possibly sell that to -- you know, for further development or other uses of that property. So tonight we're just here to -- for a subdivision approval to essentially subdivide off the old fire station building property.

JOHN HELLABY: All right. I think the Town Engineer just had a couple of issues that were in his review letter that you people already corrected.

Is that true?

MR. COX: Yes, that's correct.

JOHN HELLABY: Can you mention what they were?

MR. COX: Yeah. I can.

JOHN HELLABY: Just so we have it on the record.

MR. COX: Hang on one second and I will pull that up.

So the first one was the -- they wanted the date, liber and page added to each of the parcels currently held by the owner. So we added that to the map. They wanted the acreage in square feet to be added to the existing and proposed lots. So we added that to the map.

And then the next three all had to do with access to the rear property. So the -- there is a property at the bottom below the new firehouse. So we needed to have a 40-foot wide easement all of the way back to that property. Currently, there is only a 20-foot wide easement. So by providing a 40-foot wide easement, that will meet the Town Code. So the next three had all to do with that 40-foot access easement which we have added to the map.

And then the next one was add the lot dimension -- dimensional requirements for the General Business zoning district. So we added that to the map.

And then just that the applicant needs to provide written response to each of the comments, which we did. And if the Planning Board approval is granted, we requested it be contingent on Town Engineer and Commissioner of Public Works approval, which we agree with, as well. So that's -- were all of the comments.

JOHN HELLABY: Just a curiosity question more than anything. If I remember right, wasn't there a radio tower down there that had a whole bunch of antennas on it on the back

corner of the existing fire hall? Is that what I was thinking?

MR. COX: So there -- that is on the -- let me look here.

Is it over here (indicating)?

PAUL WANZENRIED: Behind the building.

MICHAEL NYHAN: The old building.

MR. COX: Oh, yeah. That right there. The --

JOHN HELLABY: I didn't -- I thought there was more than just your folks' antennas on there. I was just curious on how you were going to address that if the property was sold.

PAUL WANZENRIED: They have been moved.

JOHN HELLABY: Did they move them?

PAUL WANZENRIED: Yep.

JOHN HELLABY: All right. That's all. Just curiosity. That's all I got.

DAVID CROSS: The new lot, David (Cox), do you need any variances?

MR. COX: No variances.

DAVID CROSS: No variances. Okay. That is all.

MICHAEL HANSCOM: No additional comments.

PAUL WANZENRIED: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

John Hellaby 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 Matt Emens seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: As far as the vote on the subdivision, pretty straightforward. They want to waive final, right?

MR. COX: Yes.

JOHN HELLABY: Thoughts? Concerns? As far as conditions, I've got approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

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

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

All previous conditions imposed by the Board are still in effect. I think the only reason that is out there is because I don't know what other conditions might be there. So it is just a cover all.

And copies of all easements associated with this project shall be provided to the Assistant Town Engineer for approval. And all information; i.e., liber and page number shall be noted on mylars, which you already said was done.

Anything else?

Application of Chili Fire Department, 3231 Chili Avenue, Rochester, New York 14624 applicant/owner; for subdivision approval, waiving final, of one lot into two (2) parcels at the property located at 3231 Chili Avenue in a GB District.

MATT EMENS: Second.

DECISION: Unanimously approved by a vote of 7 yes (Michael Leone, alternate, in place of recused Michael Nyhan) 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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. 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.
5. Applicant to comply with all pertinent Monroe County Development Review Committee comments.

Michael Leone stepped down from the dais and Michael Nyhan returned to the dais.

2. Application of Bruce Blankenship (Morton Buildings), 36 Tempest St, Perry New York 14530 applicant; Srevin and Nadine Arndt, 48 Colby St. Spencerport New York 14559 owner; for preliminary site plan to construct a 6,888 sq. ft. warehouse with offices at the property located at 3504 Union Street. GI District.

Bruce Blankenship was present to represent the application.

MR. BLANKENSHIP: Evening. Bruce Blankenship with Morton Buildings. We're here to seek approval of the Board for the Arndts to be able to build their future business located at the Chili -- the Chili address. I received the Town Engineer's recommendations. We have looked at them.

I guess we're here to listen to the Board's concerns and any -- anything that they would like to add. If you don't see anything in the engineer's recommendations that isn't something that we can go after, if you want to discuss those each one by one -- I'm not sure --

MICHAEL NYHAN: If you could just give a brief overview of what is currently on the property and what you intend on doing with it and the use of it.

MR. BLANKENSHIP: We were here last and we were trying to put up the building and were looking for a mixed-use variance which wasn't going to actually work out.

So there's two residential homes located at the front of the property. The Arndts have been working with the Town to be able to -- I believe they have obtained the permit for the building --

at this point to be able to demolish those two buildings. So they wouldn't need a mixed use variance any longer.

And we have actually -- since we were here last, we made the building a little bit larger. The -- Glenn Thornton put together and plotted out the building. We moved it a little bit closer to the front of the property.

And at this point in time, there is a floor plan for the Arndts to be able to have a small office space in the front of the building. And the rest of the building is just primarily going to be storage. Just warehouse space. They are going to use some of it. They have a small business. They only have a few employees. They are going to use some of it to be able to -- to do any type of repairing. You know, have a small shop area.

Mr. Arndt, Jasen, also does tin knocking for ducts and things like that. So he will be doing regular tin knocking in the building. They want to keep their trucks that they use for doing house calls in the building overnight. They're not going to be doing any type of service work in there. There is not going to be any lifts. They will not be in there replacing engines or anything like that.

And the pad has actually been gravel for some time. There was some things in the -- in the letter that we received from the Town Engineer concerned with the water. I have been on the property myself personally working several times. We do realize there is some wetlands towards the back of the property. I have actually helped perform a geo test there where we actually tested for the compaction of the soil. I didn't find any water subbase. The tests -- the tests are still excellent. It tested out at 3,000, which is great for putting in, you know, concrete footers and having that soil compaction you need to be able to build the building.

At this time, like I said, we're looking for approval from the Board to try to move forward and get this built. They purchased the building almost a year ago at this point. So...

MICHAEL NYHAN: Okay.

JOSEPH DEFENDIS: Based on the engineer's comments it appears the biggest issues -- well, two issues. Number one, you're supposed to have 25 parking spots. You only have three on the property.

MR. BLANKENSHIP: Yep.

JOSEPH DEFENDIS: Which have to be addressed unless you're going to get a variance from the Zoning Board.

MR. BLANKENSHIP: Right. I believe that we would be looking for relief from that, but I also -- to the back of the property, since we have moved the building forward, there's 100-plus feet square in both directions that we can easily add parking spots back there.

JOSEPH DEFENDIS: Then there is supposed to be a truck dock in there. Specifically. For this size building. Do you know what I'm saying?

MR. BLANKENSHIP: I saw that. I believe we would be looking for -- to be able to put that with the request from Zoning. They don't have the type of deliveries that one would be thinking of where they would have 18-wheelers unloading constant cargo. They don't have that type of a business where they would be making use of a loading dock.

JOSEPH DEFENDIS: So there is enough space in the back for banking the parking spots that you're not going to build?

MR. BLANKENSHIP: Right. If you look -- I don't know if you have a copy of the -- the front site plan, but if you look at it, that chunk in the back, that is 100 by 100 square in the back. It is graveled currently right now.

JOSEPH DEFENDIS: Okay. Thank you.

MATT EMENS: I mean I guess we just need to see how you will resolve those things on the drawing. Right? Have Glenn (Thornton) draw those and how you're proposing to do that or if you're not proposing to do it and you're going to go to the Zoning Board.

MR. BLANKENSHIP: I don't see a problem with that. Just meeting -- I just believe it was 23 cars. You know, getting spots situated. But the Arndts -- right now their office staff is two people. So the amount of people based off from the parking, it's just -- they won't have the cars to fill those spots.

MATT EMENS: I don't know if it wasn't explained to you -- I'm glad to hear that. I'm happy to listen to what you're saying, but the Zoning Board has to hear that and you have to apply for that and get the variance from them.

MR. BLANKENSHIP: I get it. I get it is code. Believe me. I get it. I'm just saying that at the end of the day, that is the situation. So we would be seeking a variance for that if we can't get the whole 23. I think we can get very close.

PAUL WANZENRIED: Matt (Emens), he currently is -- has a variance application which will cover loading berths, deficient parking, the undersized lot, the inadequate lot width. And there is one other that is escaping me right now. But everything you have raised and Mr. Defendis has raised is being covered in a variance application which will be heard at the end of October.

MATT EMENS: We probably should have started there.

MR. BLANKENSHIP: Going to be back.

JOHN HELLABY: Something else to think about. Somewhere in this stuff I read that this back couple of bays, you were going to actually wall that off and rent them out? I -- is there a reason for that? I mean why couldn't you just move that back wall further in to pick up all that other space back there? Some of the ideas that you got to start thinking about. Because you're trying to cram an awful lot of building on this lot. I will be 100 percent honest with you.

MR. BLANKENSHIP: Well, the percentage -- the percentage is low relative to the -- the

square footage of the lot. The -- the base that they're putting back there -- it's not like they're going to be businesses or anything like that. They have some RVs they want to put in the bays, that sort of thing. There is two bays -- they're 21 by 42 -- that they just want to put some RVs in. And then the two in the back are smaller bays, just would be for small items. You know, winter storage for cars or whatnot.

JOHN HELLABY: So that would eliminate all your said -- you know, banked parking kind of thing there, too.

MR. BLANKENSHIP: Still --

JOHN HELLABY: Just things to think about.

MR. BLANKENSHIP: I hear you. It is still 100 feet from the back of the building to the back of the property.

JOHN HELLABY: I mean you're going to need a lot of distance.

MR. BLANKENSHIP: I agree.

JOHN HELLABY: Somewhere else in here I believe I thought I read that there was going to be no services into this building.

Is that a true statement?

MR. BLANKENSHIP: Since they have changed to take down the houses -- they wanted to use one of the houses for their offices. Since they have changed their minds and taken houses down, now they have got a floor plan for the offices. So yes, there's gonna be power. There is gonna be water. The -- site plan is addressing the utilities.

JOHN HELLABY: So you'll be utilizing all those services that presently enter that property?

MR. BLANKENSHIP: Pardon me?

JOHN HELLABY: You will hopefully be using those services that enter that property?

MR. BLANKENSHIP: Absolutely. We have met with RG&E. We have a handle on the utilities.

MICHAEL NYHAN: Is the entire area along the building and around the perimeter going to be gravel?

MR. BLANKENSHIP: It currently is, yes. Yes, sir.

MICHAEL NYHAN: And that's what it will be? All gravel?

MR. BLANKENSHIP: Yeah.

MICHAEL NYHAN: And landscaping, will you be doing any landscaping?

MR. BLANKENSHIP: They have chosen to go ahead with the Town -- to be able to avoid the landscaping plan, to go ahead and do the 1 percent.

MICHAEL NYHAN: Okay. That's all I have.

DAVID CROSS: Bruce (Blankenship), you mentioned both houses will come down. There is a garage.

Is that coming down, as well?

MR. BLANKENSHIP: Absolutely. Because the garage, the very front of that two-car garage -- I guess is the way you could call it -- is actually the very front of the building. So correct.

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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: There was a floor plan in here that shows bathrooms, storage, breakroom, offices and a main office.

JOHN HELLABY: Well, our hands are kind of tied until he gets through the Zoning Board; correct?

MICHAEL NYHAN: No. We can move forward. Just changes if the Zoning Board decides not to approve it.

MATT EMENS: He is asking for a 3-parking-space relief, not 22.

MICHAEL NYHAN: How many employees are there working during the day? How many employees? Not in the building, but coming and get vehicles and going out into the field?

MR. BLANKENSHIP: There is three. And then there are two office staff. So there is -- there is Nadine Arndt and then they have another girl that works for them.

MICHAEL NYHAN: And then service vehicles, you said the service vehicles would be parked in the building?

MR. BLANKENSHIP: Right.

MICHAEL NYHAN: How many service vehicles?

MR. BLANKENSHIP: They -- currently they have three.

MICHAEL NYHAN: So there are three employees that drive each of those.

MR. BLANKENSHIP: There is Jasen (Arndt). He is the owner. And then they have two other people.

MICHAEL NYHAN: So you need at least enough parking -- designated parking spaces for everybody that would be working there every day at a minimum.

MR. BLANKENSHIP: Agreed.

MICHAEL NYHAN: And then if you don't -- can't provide the remaining, then you would have to get a variance.

MR. BLANKENSHIP: Yep.

MICHAEL NYHAN: Paul (Wanzenried), was this a request for final, as well? Or no?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: All right.

PAUL WANZENREID: Can we ask one more question?

MICHAEL NYHAN: Certainly.

PAUL WANZENREID: What is going on with the driveway to the south?

MR. BLANKENSHIP: So did I -- I did read that in the comments of the letter that we received from the Town Engineer and -- and as far as it goes, I guess that goes two ways. They either have to cut it off or they have to be able to get the owner to the south to -- to agree to have that there.

PAUL WANZENREID: Because I don't like to deal in ambiguities, I want you to commit to one or the other. Basically I want you to commit to removing it. Okay? So you have one legal access. That is the driveway to the north. That's what Glenn (Thornton), I think, is showing on the site plan. So -- so let's remove the one to the south.

MR. BLANKENSHIP: I would have to -- well, the other comment there -- if I could talk off from that, I -- I mean that -- that ranch home they're taking down, I have no clue how old it is. And I can see getting the -- seeing if they actually got the permit for it. But I mean -- I don't know how far back that goes. That driveway has probably been there since who knows when, but -- but it is obviously something we have to look into.

But the driveway to the -- to the south, I would have to have them decide what they want -- what they want to do with it. It is not my...

MICHAEL NYHAN: How much of that driveway is on the other property? Is that what you're saying, Paul (Wanzenried)?

PAUL WANZENRIED: There is a portion of it, the existing southern driveway, that crosses the property bounds.

MR. BLANKENSHIP: I got one a little more blown up if you want to see it.

MICHAEL NYHAN: I have this one here. I'm not seeing the edges of the driveway. That is all.

MR. BLANKENSHIP: Yeah. It's --

MICHAEL NYHAN: Oh, I see where it is. It just kind of curves out beyond the property line.

MR. BLANKENSHIP: Yes, it does. Not sure what went on with the property line. I have heard stories where that -- both the south property and the Arndts' property was once upon a time one. Something happened where it was divided and that is how the property line got set.

MICHAEL NYHAN: What is the width of the driveway at that point where it crosses the property line? Do you know?

MR. BLANKENSHIP: I mean I'm just guessing at this point. But it -- but it is good size at the end, the apron of it. It -- it's probably all of close to 14, 16 feet. It's not -- it's not real narrow right there.

MICHAEL NYHAN: Paul (Wanzenried), what are the options to move the driveway off of the property line?

PAUL WANZENRIED: You could move it off the property line.

Here is a better play. We request that the applicant provide to the Building Department -- make this a condition -- provide to the Building Department verification from the State DOT that both are legally permitted access curb cuts.

Typically, the State will only give you one. Or so we want to know if he provides it -- if he goes to the DOT and they can provide the documentation that says it is legal, both are legal, then he can adjust it accordingly off the property line.

But that would be acceptable to the Town. If -- if only one is legal, the State is going to tell him to switch one.

MR. BLANKENSHIP: Thanks, Paul (Wanzenried).

PAUL WANZENRIED: Mike (Hanscom) has something, too.

MICHAEL HANSCOM: Just a couple things. One of my comments that didn't get touched on is one, there is a dumpster on the property. So you need to provide a dumpster -- if -- if they intend on retaining the dumpster, they have to provide a dumpster enclosure.

MR. BLANKENSHIP: I have no problems with that.

MICHAEL HANSCOM: And the -- with the dry well that you're proposing, you do need to provide evidence that it is going to work. That is why I was asking for the perk tests and the deep wells and stuff.

MICHAEL NYHAN: Anything else, Paul (Wanzenried)?

PAUL WANZENRIED: If he is doing the 1 percent, I wouldn't need that landscape certificate per Mike's comments.

MICHAEL NYHAN: Any other comments or conditions?

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

PAUL WANZENRIED: Mike (Nyhan), hold it. You're going to want to on the record correct the Short Environmental Assessment in the public realm here. The short EAF.

MR. BLANKENSHIP: There are two questions, right?

PAUL WANZENRIED: Number 10 in Mike (Hanscom)'s comment letters. There are two answers that were incorrect.

MICHAEL NYHAN: Number 10 is being connected to public water. Is that the one you're referring to, Paul (Wanzenried)?

MICHAEL HANSCOM: The third page of my comment letter, down near the bottom.

There are a couple of comments regarding the short EAF.

MICHAEL NYHAN: Right. Paul (Wanzenried) indicated it was question number 10. Is that the one you're referring to?

MATT EMENS: No. It --

PAUL WANZENRIED: It is 10 on Mike's letter. It is page 2, question 12 and 13 -- sorry, Matt (Emens). Go ahead.

MATT EMENS: Sorry. I was just reading it. 12B says "The answer provided is incorrect. As per the New York State DEC EAF online mapper, the project site or any portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office of Archaeological Site Inventory."

MICHAEL NYHAN: Those are both yes, correct?

MATT EMENS: And then page 2, question 13A.

MICHAEL NYHAN: I will make corrections on the -- the SEAF question 12A and B. And question 13A, that is yes.

Anything else?

MICHAEL HANSCOM: I don't think so.

MICHAEL NYHAN: I will start over with that.

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, with changes made to this application's SEQR SEAF short form, 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 for this application, approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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

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.

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.

In lieu of landscaping, applicant make a donation to the Town's tree planting fund in an amount equal to 1 percent of the total project cost.

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

Applicant is subject to all required permits, inspections and code compliance regulations. The applicant must show proof to the Town of Chili Building Department from the New York State Department of Transportation that both curb cuts are legal. If both are legal, the driveway needs to be moved off the neighboring property.

Any other conditions?

MATT EMENS: I guess a question on General Industrial zoning. Are there any requirements on outside storage? We talked earlier -- or it was mentioned earlier about storing RVs or vehicles outside. That is why I asked.

MICHAEL NYHAN: They're going to be stored inside? The RVs will be stored inside, correct?

MR. BLANKENSHIP: Inside.

MATT EMENS: Oh, inside. Sorry.

MICHAEL NYHAN: With those conditions application of Bruce Blankenship (Morton Buildings), 36 Tempest St, Perry New York 14530 applicant; Srevin and Nadine Arndt, 48 Colby St., Spencerport, New York 14559 owner --

PAUL WANZENRIED: Wait. You missed the dumpster. Is he having one or not?

MICHAEL NYHAN: Yes.

PAUL WANZENRIED: Sorry, Mike (Nyhan).

MICHAEL NYHAN: And provide dumpster enclosure.

-- for preliminary site plan to construct a 6,888 sq. ft. warehouse with offices at the property located at 3504 Union Street. GI District.

MATT EMENS: We're really going to waive final?

MICHAEL NYHAN: You don't want to?

MATT EMENS: No. We just added the -- the dumpster enclosure. We should see the materials, what that is. Don't you think? We normally do. And there are four variances.

DAVID CROSS: I would like to see a final application.

MICHAEL NYHAN: Okay.

MATT EMENS: I don't...

MR. BLANKENSHIP: Arndts are definitely going to comply with your dumpster request. They have been pretty easygoing with everything across the board.

MATT EMENS: No. Just like I said, we normally see the materials of that so we all agree that we know what we're getting or not getting. It is the same thing with the four variances. I hope you get your variances. But if you don't, we're going to have to see that stuff drawn on the drawing and where it fits or doesn't fit. Which I think it will. But it's -- it'll have to be drawn and confirmed. I just feel we're a little --

JOHN HELLABY: Cart before the horse.

MATT EMENS: -- ahead here.

MICHAEL NYHAN: This will be a preliminary site plan approval only to construct a 6,888 sq. ft. warehouse with offices at the property located at 3504 Union Street in a GI District.

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. 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. 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. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Provide proof to the Town of Chili Building department from the NYS DOT that both curb cuts are legal. If both are legal move driveway off the

neighboring property.

11. Provide dumpster enclosure.

MICHAEL NYHAN: After you go to the Zoning Board of Appeals, you will come back to our Board to present your plan with the options that have been noted.

MR. BLANKENSHIP: Okay.

MICHAEL NYHAN: Thank you.

MR. BLANKENSHIP: Thank you.

3. Application of Bill Howard (Vista Villa Holdings LLC), 3313 Chili Avenue, Rochester New York 14624 applicant/owner; to amend subdivision approval of Vista Villas Phase II, (granted April 9, 2024) to create a public service utility parcel at the property located at 100 Club House Drive. PRD District
4. Application of Bill Howard (Vista Villa Holdings LLC), 3313 Chili Avenue, Rochester New York 14624 applicant/owner; to amend site plan approval of Vista Villas Phase II, (granted April 9, 2024) to create a public service utility parcel at the property located at 100 Club House Drive. PRD District
5. Application of Bill Howard (Vista Villa Holdings LLC), 3313 Chili Avenue, Rochester New York 14624 applicant/owner; for preliminary subdivision of one (1) lot (remaining lands) into two (2) lots at the property located at 100 Club House Drive. PRD District

Fred Shelley was present to represent the application.

MR. SHELLEY: Hi. Thank you very much. My name is Fred Shelley from BME Associates, the civil engineers representing Vista Villas Holding, LLC, the applicant.

It's up to the Board. We -- we are prepared to speak on the site itself for the Phase 2 and then we can roll into the -- the other realty subdivision after that first presentation if that pleases the Board.

MICHAEL NYHAN: Sure.

MR. SHELLEY: Thank you to the Board for hearing our request for subdivision and site plan modification and approval extension as well to the April 9th, 2024, Planning Board preliminary approval for the Vista Villas Phase 2 subdivision.

This modification specifically requests -- results from a continuing Gates-Chili Ogden Sewer District coordination for the design of the pump station parcel.

Currently, the pump station is located in the same place that it was originally proposed. Going all of the way back to 2015, which is just on the north side of the proposed Vista Villas roadway, just west of Archer Road where that intersection connects. This pump station will serve all 47 homes within Phase 2.

And that's -- it's been sized to accommodate a little additional flow but essentially it's just to serve this site. All of the remaining parcels with -- with Phases 3 through 6 of the development will be able to utilize gravity sewer flows to the north and across the railroad. That will be addressed through future final plan submissions to the Town.

Phase 2 of the project is discussed -- it includes -- just a summary of the development. It included approximately 15.8 acres of land being subdivided into 47 single-family lots and again, it includes that current location of the pump station. It was at the time an irregular-shaped portion of the right-of-way.

We're -- we have proposed a 64-foot wide right-of-way and the remaining area north of that right-of-way -- just a sliver of land -- totals about 5170 square feet of land area in which the Sewer District has requested that that land area be conveyed to them by -- by title just so that they -- they own it. They're not on easement. That's been their preference.

So we have been -- while we're going through the approvals for Phase 2, also coordinating with the Pure Waters District and the Sewer District, just to get that design refined and that included also above-ground structures.

One of the structures is typical with the sewer districts pump stations, a control panel. Approximately 6 feet wide. 3 feet -- or 6 feet tall, 3 feet by 4 feet.

And then they have also requested a stand-by generator to be located on the site. That will be on the west end of the proposed facility. It is a stand-by generator about 7 1/2 feet long, about 4 feet tall and about 3 feet wide, as well. That is the only equipment that will be visible from -- from the surface, the pumps -- where -- the pump stations are all submersible pumps that are located within the manhole for that.

So again, this -- their request does -- does initiate a -- the creation of this 5100-square foot parcel. The -- the facility remains generally consistent with the previous approvals, but it does include some of the updates and that was, as I said, generator control panel locations.

We also have determined through our work with the Sewer District that we can color-coordinate the generator and the control panel. Typically around -- in the District, they have a bright blue control panel. We're able to paint-match that to the -- sort of a tan or a beige generator shell housing so we can get those two to -- to coordinate their colors.

We have also proposed landscape screening on the west end of the facility to interrupt the view of the above-ground structures for traffic entering into the site.

And then there was also a discussion of a fence screen around the control panel. However, Pure Waters and the Sewer District has indicated that they don't -- would not like to have any fences located on there just because it could interrupt their operations.

So the -- that -- that vegetative screening located on the west is -- is currently proposed in lieu of that fence screening.

The creation of the parcel requires area variances which were obtained at the September 24th, 2024, Zoning Board of Appeals. Area variance to allow the creation of a 5170 square foot parcel where 10,000 square feet is required.

And then also area variances for front and rear setbacks for the generator control panel equipment as the Town sees those as a structure or a building. So they require front and rear setback variances.

Both of those -- all of those variances were obtained, as I said, at the September 24th meeting.

One big thing to take away is if the facility remains within the right-of-way and the Sewer District was accepting of that, basically no -- none of those variances would have been required. But because we're breaking the parcel apart, we needed to obtain those variances because it would be individually owned for the public service utility provider.

Plans and application materials were reviewed by Town staff and the Town Engineer. We did receive comments from the Town Engineer and we have provided written responses by letter dated October 3rd of this year.

Most of the comments were generally technical. However, some of them did include verification of topography. We'll work with the Town Engineer and Town staff on that.

One comment came up with a potential for a retaining wall. We do not anticipate the need for any retaining walls. We're able to finish this site off with slopes between 3-on-1 to 6-on-1. So they will be comfortable, mowable slopes.

The modification is generally consistent with past approvals as well as the previous SEQR review of the site.

And upon Planning Board approval, we'll advance the pump station design to formalize that with the Pure Waters District. Sorry. Gates-Chili Ogden Sewer District.

Considering the coordination that needs to go on, the applicant does request a 90-day extension to the Planning Board approval just to cover that so we can wrap that up and capture that with what we get through the Town and the Sewer District and other miscellaneous agencies that we'll need to review and approve this. And then lastly, we'll just restate the applicant's request to waive the final Planning Board hearing and continue to work with Town staff, the DPW and Town Engineer to resolve any outstanding issues with the site.

So with that on the modification, I'm happy to take any questions or comments from -- from the Board or staff. Or I can roll into the two-lot residential if you would like.

Sorry. Realty subdivision.

MICHAEL NYHAN: Any questions -- this was for the -- just for the subdivision of the pump station?

MR. SHELLEY: Subdivision and site plan modification to the previous one, yes.

PAUL WANZENRIED: Touch on the 90-day extension.

MR. SHELLEY: 90-day extension.

So April 9th was when we received our preliminary Planning Board approval. So the -- we have 180 days to obtain all approvals, but what we're requesting if the Board allows, two 90-day approval extensions. So that is one -- one request that the applicant is seeking from tonight's meeting.

PAUL WANZENRIED: That final -- six months final.

MICHAEL NYHAN: Why don't you roll into the other applications. Go ahead.

MR. SHELLEY: Absolutely. Yes. So let me flip over my board.

UNIDENTIFIED SPEAKER: Is this time to make comments on the first proposal?

MICHAEL NYHAN: No. We'll do them all at once.

MR. SHELLEY: Again, Fred Shelley from BME representing Vista Villas Holding.

The applicant is requesting preliminary subdivision approval and waiver of final Planning Board hearing to -- to permit this proposed two-lot realty subdivision.

Essentially what this subdivision will result in is a 42.7-acre parcel including the development areas of Phases 3 through 6. And that boundary is delineated based on the previous preliminary plan approval. So that boundary is the same as the previous approvals.

And then the remaining lands is 223.5 acres of the remaining land. So that's all of the areas that are to the east and south of the development area.

Essentially, the -- the owner wants to get those split apart. The only future subdivision applications that will have to come before the Board will be for the individual sections. So those will all be submitted as a final subdivision application based on preliminary approvals and then they will go through it on a phase-by-phase basis.

The plans also include -- considering that -- that it has been a while since the original preliminary plans were approved, the boundaries are intended to remain consistent with as proposed. However, we have included an exterior drainage and grading easement to benefit the development area, so that if any additional grading outside of that development area needs to occur, just to match in contours, topography, they will be able to do that.

This proposal is in conformance with past SEQR review and resolutions. As I said, future sections will come in before the Board for final approvals. We did receive comments, review comments from the Town Engineer and we don't see any issues with addressing those with future

planned submissions.

MICHAEL HANSCOM: One question. So with regards to areas 3 through 6 and any future stormwater management ponds and stuff like that, they fall within the boundaries of that parcel? Or are you going to be providing easements, drainage easements outside of that?

MR. SHELLEY: They do go outside of that -- that area. However, with that easement that we have proposed, it includes areas that were identified on those plans for future stormwater. And really, we would -- you know -- then we give it a little extra room, as well.

So as stormwater regulations change, the stormwater facilities might need to be revised, updated or additional. However, we feel we have provided additional area within those easements which can be transferred as necessary.

MICHAEL HANSCOM: Perfect. As long as there is going to be flexible and possibly changing those easement boundaries if it needs to?

MR. SHELLEY: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GLENN LITZENBERGER, 20 Club House Drive

MR. LITZENBERGER: Glenn Litzenberger, 20 Club House Drive. First of all, I'm not opposed to any of this. I'm old. Regarding the pumping station, I'm sure at least one, two, three of you have been inside pump stations before, sewer pumping stations. I'm old, as I said. I'm used to WiFi for notifications for alarm problems.

I see the engineer's comment they wanted fiberoptics. I don't know if that is better now? Or if that is current state or if -- or if WiFi would be adequate? I just thought that was maybe an additional expense for the -- for the fiberoptics.

The ten horsepower pumps I think is an absolute minimum. Two of them.

The control panel, I'm glad I heard about that. I'm sure the pumps will be alternating periodically. There has got to be room for doing maintenance on these pumps or replacing them inside the building.

And lastly, I hope that there is some kind of a charcoal filter or something for the exhaust. Because the two lots next to the sewer station, since it is a prevailing westerly wind, if you've been inside sewage stations, it's not the best smell in the world. And prevailing wind will blow that aroma to those two lots next to it. So hopefully there's some kind of a charcoal filter or something even better. I don't know. But I'm not opposed to anything with this proposal. It is just enhancements.

And with that I will be quiet and sit down.

CAROL ALBANO

MS. ALBANO: Thank you. I'm a little behind the eight ball here. I just found out about all of this.

MICHAEL NYHAN: Your name and address?

MS. ALBANO: Carol Albano. I just moved on Clubhouse. I'm at 15. I moved in May. Probably wouldn't have moved to this area had I known this all was going to be developed.

I like it wild -- wild behind me. There is nothing. And the way my house is graded, it comes up on a hill. Now I'm not quite sure where this pump is going to be.

Is it at the end of Prestwick? Or is it on Clubhouse?

MICHAEL NYHAN: It will be --

MS. ALBANO: Because Prestwick, the end of Prestwick has the sign.

MICHAEL NYHAN: It will be on Archer Road at Club House Drive.

MR. SHELLEY: Vista Villas Drive.

MICHAEL NYHAN: Or Vista Villas Drive. Sorry.

MS. ALBANO: Okay. That is a little confusing.

So there are different phases, as I understand, of the development. So where I am located on Club House Drive is -- if I'm getting this right is like Phase 6? It is hard to tell from the maps.

MR. LITZENBERGER: You're here (indicating). This is --

MS. ALBANO: But that is the first -- what phase is that? 2?

MR. LITZENBERGER: This is over here (indicating). Phase 2 is -- is not really us.

MS. ALBANO: So what I need clarified is -- is there anything being built behind where we are?

MR. LITZENBERGER: Phase 6.

MICHAEL NYHAN: Nothing is proposed at this point. Only Phase 2 has been approved.

MS. ALBANO: So at some point when can we discuss --

MICHAEL NYHAN: When they come back in for --

MS. ALBANO: Do we have a time frame of development?

MR. SHELLEY: Not at this time.

MICHAEL NYHAN: Okay.

MS. ALBANO: Because I would have some concerns about environmental assessment and grading of the property and how close it would be to our backwards.

MICHAEL NYHAN: Okay.

MS. ALBANO: Thank you.

MICHAEL NYHAN: You're welcome.

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

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

MICHAEL NYHAN: You're in agreement this is not a significant change to this to need -- to deal -- have a need for SEQR, correct?

MATTHEW PISTON: I think we're amending it. So there needs to be SEQR.

MICHAEL NYHAN: Okay.

MATTHEW PISTON: Do you disagree?

MICHAEL NYHAN: It was mentioned that there would be no SEQR because there -- that is why I'm asking.

MR. SHELLEY: If I may, the only amendment to SEQR would be the creation of the pump station lot.

MATTHEW PISTON: Which means you have to do SEQR.

MICHAEL NYHAN: Did you receive a form, Paul (Wanzenried)?

I don't remember seeing a SEQR form. That is why I'm asking.

MR. SHELLEY: I can answer that. I do not believe we had submitted an additional SEQR form as we figured this was still generally consistent with the previous approvals.

PAUL WANZENRIED: Let me see if I can find his original and we can reread it. We can make it a condition upon providing a revised SEQR. Let me see if I can find it.

MICHAEL NYHAN: I have Part II and (indicating). Just not Part I.

MR. SHELLEY: Paul (Wanzenried), I do have -- I don't know if it quite cuts it, but I have the short EAF from the area variance. It does discuss about that, but it's more focused for Zoning Board of Appeals.

PAUL WANZENRIED: Give me three minutes.

MR. SHELLEY: Thank you.

MICHAEL NYHAN: While Paul (Wanzenried) is doing that, Applications 4 and 5 are related to the pump station, right? The subdivision approval and the preliminary site plan?

MR. SHELLEY: That's correct.

MICHAEL NYHAN: The first application Number 3, the form, is for -- is for the subdivision of Phase 6 lots?

MR. SHELLEY: That's correct. So that second -- or the third application or the last one, the realty subdivision, I do believe that is in conformance with the previously approved plan. It is just the creation of the new lots that instigates -- or requires the additional hoop to go through.

MICHAEL NYHAN: The subdivision approval, Matt (Emens), is the one we need to do SEQR on. The amended subdivision approval, we do not?

MATTHEW PISTON: Amended --

MICHAEL NYHAN: Application 3.

MATTHEW PISTON: Is the one we need to do SEQR on.

MICHAEL NYHAN: It is?

MATTHEW PISTON: Yes. I think we're saying the same thing.

MR. SHELLEY: I think I -- for the two-lot subdivision?

MATTHEW PISTON: Yes.

MR. SHELLEY: That is consistent with the approvals. It -- it is -- you're -- we're basically -- all we're doing is we're subdividing the remaining lands off at this point instead of doing it at the end of Phase 6 or whatever the last lot would be.

So all of the development areas are retained as was originally reviewed under SEQR.

MATTHEW PISTON: I see what you're saying.

MR. SHELLEY: The only additional lot is -- is with the pump station lot.

MICHAEL NYHAN: The preliminary subdivision is the -- for the new two lots or the -- where the pump station is.

MATTHEW PISTON: Okay. There are three applications. Number 3 on the agenda, that is the one that you're saying is consistent with the prior approvals?

MR. SHELLEY: No. I'm sorry. It is the third. So --

MATTHEW PISTON: Okay. So Number 3 on the agenda is the one we need to do SEQR for.

So your first application?

MR. SHELLEY: Yes.

MICHAEL NYHAN: And then amending the site plan approval and then the preliminary and final subdivision approval --

MATTHEW PISTON: Which are 4 and 5 on the agenda.

MICHAEL NYHAN: Correct.

Do not need additional SEQR?

MATTHEW PISTON: I would agree with that.

MICHAEL NYHAN: Okay. Good.

Let's go to Application 4 as far as conditions. This is the amended site plan approval for the utility.

Conditions I have is approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

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

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

Any other conditions?

DAVID CROSS: Yeah. Just listening to members of the public, particularly Glenn (Litzenberger)'s comment about odor, I think we -- we should condition that the Monroe County Pure Waters makes some provisions for odor control at the pump station. There is some pretty simple systems to incorporate into a pump station like that. There is -- there are going to be houses all around it. So I think it -- that one is real easy.

The pumps I'm sure will be sized -- Pure Waters will size them correctly.

MICHAEL NYHAN: So Monroe County Pure Waters make provisions to pump station to mitigate any potential odors? Is that what you're saying?

DAVID CROSS: Make provisions for odor control at the pump station per Town Engineer's review and approval.

MR. SHELLEY: Mr. Chairman, thank you.

Mr. Shelley handed the Chairperson a document.

MICHAEL NYHAN: We'll move forward with the Application Number 4. I add that one condition to the ones I just mention.

With those conditions, the application of Vista Villa Holdings LLC, Bill Howard, 3313 Chili Avenue, Rochester New York 14624; applicant/owner; to amend site plan approval of Vista Villas Phase II, (granted April 9, 2024) to create a public service utility parcel at the property located at 100 Club House Drive in a PRD District.

GLENN HYDE: Second.

DECISION ON APPLICATION #4: 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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. MCPW make provisions at the pump station to mitigate odor.

(See below for updated vote on Application #4.)

MICHAEL NYHAN: So Application Number 4 has been approved.

And then for Application Number 5, the conditions that I have are the 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.

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

And that's the only ones I had. Any others? This is for the preliminary subdivision one lot from two lots.

PAUL WANZENRIED: You have to address the 90 days. You have to vote on that -- that is up to the Planning Board. So make sure you include that in -- for site plan, right -- for Number 3.

MR. SHELLEY: For subdivision.

PAUL WANZENRIED: For subdivision.

MR. SHELLEY: So that would be item Number 3 on the Public Hearing.

PAUL WANZENRIED: Just to note that you have to vote on it.

MICHAEL NYHAN: I wrote it on one of these. I did it on Number 3. I did it on Number 3. You want that on all three of those, Paul (Wanzenried)? The 90-day extension?

MR. SHELLEY: 3 and 4 if you will do them. Number 5 is the brand new application.

PAUL WANZENRIED: 3 and 4.

MICHAEL NYHAN: You all set with SEQR?

That is -- the new application is Number 5, correct?

PAUL WANZENRIED: Correct.

MICHAEL NYHAN: So that is the one we would do SEQR on, the new application; correct?

PAUL WANZENRIED: Correct.

MICHAEL NYHAN: And not Number 3? Number 3.

PAUL WANZENRIED: Are you talking about agenda item --

MR. SHELLEY: Agenda item Number 3 would have the modification.

PAUL WANZENRIED: Would have the modified SEQR as would agenda item 4, would

have the modified SEQR. Agenda item 5 is a new application and thus has its own SEQR, if you will.

MICHAEL NYHAN: Correct.

MR. SHELLEY: And that SEQR is consistent with the previous SEQR resolutions?

MICHAEL NYHAN: You will be submitting an amended form, correct?

MR. SHELLEY: Sure.

MICHAEL NYHAN: That is what you want the amended form for, correct?

PAUL WANZENRIED: Agenda items 3 and 4 is what I want. He just submitted it to you.

MICHAEL NYHAN: Which one --

PAUL WANZENREID: 5 is the new application.

MICHAEL NYHAN: So you need to do SEQR on that.

PAUL WANZENRIED: Correct.

MICHAEL NYHAN: That is the one he will send in, the SEQR form. You have that there? He already amended it? Is that what you said? You went to find it?

PAUL WANZENRIED: I went to find the SEQR form for 3 and 4. Agenda items 3 and 4.

MICHAEL NYHAN: So then we need a SEQR form for 5. That is what you're saying, right?

JOHN HELLABY: That's what it sounds like to me.

MR. SHELLEY: I guess -- if I may. So item Number 5 includes the subdivision of the remaining lands. That was included with the 2015 SEQR review. Those remaining lands have not changed.

And then it also subdivides Phases 3 through 6 as a whole parcel, which will be developed in accordance with the SEQR resolution and the SEQR documents that were submitted in 2015. So those -- if we flip that map over, those are still consistent. They haven't changed anything from that original and the plan is to continue with the development of the Phases 3 through 6 as was originally reviewed and approved back in 2015.

So those are consistent with the SEQR review from then, from the preliminary plan approvals. I -- I believe the only modification is the one extra lot for the pump station lot where that -- that portion changes.

PAUL WANZENRIED: All right. The SEQR he provided you takes care of 3 and 4. With regards to Number 5, you want to go back to the approval back in '15 or '14, I believe it was? What -- weren't they subdividing that into four parcels?

MR. SHELLEY: No. No. No. So you have Phases 3 through 6.

PAUL WANZENRIED: I know Phases 3 through 6. You don't have to go up. I know what Phases 3 through 6 look like.

But my question is, wasn't 15 -- the item that you're referring to -- that was not a subdivision into four parcels?

MR. SHELLEY: That might have been part of that, but the remaining lands -- as part of the Vista Villas Phases -- that we're going to go back 2 through 6 -- as was reviewed back in '14 or '15 -- that had the SEQR resolution back at that time and that was for this development that is currently being proposed and continued to be proposed to be developed in -- in respect to the way that it was reviewed.

MICHAEL NYHAN: If I recall, Paul (Wanzenried), in April we required -- in 2015 -- SEQR was approved for the entire parcel, all Phases 2 through 6. Correct?

When they came back in, because of the age, we requested SEQR to be done on Phase 2. Only.

PAUL WANZENRIED: Which is what you have in your hand.

MICHAEL NYHAN: Right. And when they came in to develop Phases 3 through 6, I believe we're going to do SEQR on those phases at that time for the development.

Do you recall that? Because of the age of it and the changes in the area, it required SEQR for Phase 2.

PAUL WANZENRIED: Right.

MICHAEL NYHAN: A new SEQR.

PAUL WANZENRIED: That's what you have in your hand.

MICHAEL NYHAN: Right.

PAUL WANZENRIED: What he is doing is basically subdividing Phases 3 through 6 away from the remaining lands. The property has gone through a couple of subdivision iterations. So it takes time to wrap one's head around what is going on.

MICHAEL NYHAN: Yes.

MR. SHELLEY: If I may from just notes that we had from the April 9th meeting, from the way that we understood it was Phase 2 needed a new SEQR. And I believe that's because it quasi obtained final approval and that it expired.

So when that came back, we did do a new SEQR for Phase 2. That's the form that you have there.

MICHAEL NYHAN: Correct.

MR. SHELLEY: Notes that we have -- any changes from 3 to 6 require Town Board action and then a Planning Board -- and then Planning Board and then a SEQR review. Because if it was a change from as it was as proposed in '15.

So for Phase 2 the Planning Board declared themselves lead agent and determined it to be an Unlisted Action. But I believe that we -- we understood it -- as long as 3 through 6 didn't change, then they wouldn't need any additional SEQR review.

PAUL WANZENRIED: I don't disagree with that. I don't disagree with that. I just don't

have a SEQR for the subdivision of the remaining lands. That's where I'm -- if we're going to utilize a previous SEQR, we should -- I would have wanted that with the submission with that. Or with your application. I don't see it in there.

MICHAEL NYHAN: The first three you're just amending. One was approved.

MR. SHELLEY: That's correct.

MICHAEL NYHAN: Number 5, you're not changing. It's a new application. Which requires SEQR. New applications require SEQR. That is why we require --

MR. SHELLEY: Perhaps maybe what we did -- if we can move forward with 3 and 4 and then perhaps table 5.

MICHAEL NYHAN: Yes.

MR. SHELLEY: Then we come back with the SEQR and then we can make sure that we -- we can discuss with Town staff and discuss with the Planning Board if it is required.

PAUL WANZENRIED: Yeah. That's --

MR. SHELLEY: Does that sound appropriate?

PAUL WANZENRIED: That is the better plan.

MICHAEL NYHAN: Would you like to make that request?

MR. SHELLEY: If we could request from the Board to move forward on 3 and 4 with the amended SEQR document that was provided and then request that the Board table the Application Number 5 for the two-lot subdivision for further coordination with the Town.

MICHAEL NYHAN: Start with Number 5 with the request to table this application?

JOHN HELLABY: Second.

DECISION ON APPLICATION #5: Unanimously tabled to the November 12, 2024 meeting by a vote of 7 yes to table and the Public Hearing has been left open.

MICHAEL NYHAN: That's approved. That is tabled.

And then for Application Number 3, as far as SEQR goes, I do have the form that was used for that. Thank you for providing that.

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, Application Number 3, approval is subject to 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.

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

And the -- along with this, the applicant has requested a 90-day extension from the April 9th approval to complete -- for the completion of all the other approvals.

Monroe County Pure Waters will make provisions of the pump station to mitigate any odor control.

Any other conditions or approvals for this one?

PAUL WANZENRIED: Can you read the last condition again about odor control?

MICHAEL NYHAN: Um, sure.

Monroe County Pure Waters make provisions that the pump station -- to mitigate any odor controls. So really to mitigate any --

PAUL WANZENRIED: You don't want to mitigate odor control. You want to mitigate the odor.

MICHAEL NYHAN: Mitigate odor. Okay.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Any other changes or conditions? So with those conditions and the request for a 90-day extension from the April 9th approval -- April 9th, 2024, approval.

JOHN HELLABY: Second.

DECISION ON APPLICATION #3: 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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. MCPW make provisions at the pump station to mitigate for odor.

5. 90-day extension requested from April 9th approval to complete all approvals.

MICHAEL NYHAN: Should we go back to 4 because we did that without the SEQR? Should we go back and redo that?

MATT EMENS: And add the 90-day.

MICHAEL NYHAN: And add the 90-day to that one.

For application Number 4, I'll add SEQR.

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

MICHAEL NYHAN: I already read the conditions for this one. I have just added the applicant's request for a 90-day extension from the April 9th, 2024, approval so they can complete all approvals.

With those conditions?

JOHN HELLABY: Second.

DECISION ON APPLICATION #4: 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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. MCPW make provisions at the pump station to mitigate odor.
5. 90-day extension requested from April 9th, 2024, approval to complete all approvals.

MICHAEL NYHAN: 3 and 4 have been approved. 5 has been tabled at your request.

MR. SHELLEY: Thank you very much.

MICHAEL NYHAN: You're welcome.

Michael Nyhan made a motion to accept and adopt the 9/10/24 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 8:18 p.m.