

CHILI PLANNING BOARD
December 10, 2024

A meeting of the Chili Planning Board was held on December 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: 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; 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 Chad Carta (XLI Manufacturing), 50 Jetview Drive, Rochester, New York 14624 applicant\owner; for preliminary site plan to construct an 18,400 sq. ft. pole barn for storage and operations at the property located at 50 Jetview Drive. LI District.

Chad Carta was present to represent the application.

MR. CARTA: I'm Chad Carta. Representing LI Manufacturing, 50 Jetview Drive. For those of you who don't know what we do, we're a contract manufacturer. We do a variety of different things in the facility, but primarily medical manufacturing.

So we moved in about two years ago now and really we have run out of space. So one of -- a lot of our sheet metal and other larger materials are just becoming kind of convoluted and in the way. So our thought is to add a pole barn out the back of the building to give us some more flexibility within the facility.

The pole barn would take up approximately half of the current paved area in the back. We -- the building was originally built for Rochester Drug Co-op, as I'm sure many of you remember. And they had several bays back there, more for their logistics needs. We just do not need that amount of logistics space. So we're going to develop on half of the blacktop and then expand along the north side of the building. And that will also leave room for in the future, down the road, hopefully we'll continue to do well and expand in the kind of field in the back of the property with more manufacturing space. This space is really for material handling and allowing us to have one central area for a lot of our finished goods before they ship.

I think we have been going back and forth with the Town on some of the open questions. I do owe some of the topographical information to the Town still just for some of the drainage in the back corner. But our plan was to have masonry on the front and then stay even plane with the current height of the building. So it would blend in nicely.

And then long-term, when we do have the next phase, that you probably wouldn't really see that building. It is -- if you look on the north corner of the property, there is currently a cell tower in the back that I -- my understanding is it has been there for quite some time. But that is accessed through the neighborhood on the other side of the property. I think originally maybe -- originally when it was built, it was kind of accessed through the backside of our property. But I don't think that is any longer relevant.

I think that's the primary overview of what we're trying to achieve. We would -- in a perfect world we would start in the spring and it would be limited construction. We just have to really do the masonry work and then bring the level up so that it is even with the current building.

But in terms of demolition or any kind of moving of earth, it's pretty -- pretty limited. So we don't view it as a very large construction project on our side, but it is really critically important for us as we grow.

JOSEPH DEFENDIS: You'll be going into Zoning for variances for parking and all that?

MR. CARTA: Yeah. There really aren't any additional people that would be that area. It would be serviced by our existing Shipping Department, so we would need a variance. I think it was raised that we are currently under the parking. So we would like to get a waiver for that, if possible. We could add some additional parking long-term and just extend where we are. But because we're not really adding people in that area -- just for material handling -- we would apply for a deviation.

JOSEPH DEFENDIS: That's all I have.

MATT EMENS: So, Chad (Carta), I guess I saw something somewhere in some of the responses about you got a grant.

MR. CARTA: Yes.

MATT EMENS: Is grant funding part of this?

MR. CARTA: Yes. So the New York State Economic Development, they just announced two weeks ago that we were awarded a grant for modernization of our facility.

MATT EMENS: Got you.

MR. CARTA: That will help with some of the new technologies that we're putting in the building, as well as, we did identify the pole barn as a capital project that ultimately helped us win that. Yes.

MATT EMENS: And the goods that are coming in, you're saying it is raw stuff and your finished stuff is coming out of the current flow of the existing building?

MR. CARTA: Correct.

MATT EMENS: So just a question, I guess. Did you look at expanding the building? Because I think that pre-engineered metal building was originally designed to expand out into the open field.

MR. CARTA: Correct. I actually brought with me the plans from 2000 that I actually found. The Rochester Drug Co-op, they had another set of sites -- or -- just to expand -- I guess that is east -- with a similar footprint. That is our still our long-term goal, but really the immediate need for us was for the material handling.

The -- if we expand east, that would be for manufacturing space, for additional, you know, technology and stuff we would be bringing in. This would just allow us to be more efficient with our current --

MATT EMENS: Is it a short-term solution? Or is this going to be a permanent structure and you believe that will be part of your long-term facility?

MR. CARTA: This will be permanent. But that will allow us then to be in a position to then take the next step which would be further expansion on the east side.

But today really is a -- the paying points for us is we're constricted internally with some of the material getting in the way. So this would be kind of a next step before we do the larger construction project hopefully.

MATT EMENS: Got you. I guess the other question, just out of curiosity, too, is the reason for going with a pole barn, which is V(a)-type construction as opposed to the II(b) that is there (roman numerals).

MR. CARTA: We're just trying to find something that would -- we have to still blend in well, but be more minimalistic. Because we we're not going to put heavy equipment or anything in there, we didn't want -- I think that is really the only reason.

So it was trying to find something that was affordable but also would serve the purpose that we needed and also still look good.

MATT EMENS: Okay. I think the only thing I saw, the Fire Marshal had no comments. I guess I would be curious as -- the existing building is fully sprinklered?

MR. CARTA: It is.

MATT EMENS: The access around the back might not be critical, but it seems like it is kind of getting choked off a little bit with where you're proposing the addition that we are here talking about here tonight. I will get let the Fire Marshal confirm he is good with that. That's all for now.

JOHN HELLABY: To expand on that, did you say that this will be sprinklered?

MR. CARTA: We didn't plan for it to be, but I guess -- I guess the answer is today no, we didn't plan for it to be sprinklered.

MATT EMENS: The existing is --

JOHN HELLABY: That is, but I'm wondering if that was going to be added.

What was the thought and logic as far as pole barn versus pre-engineered? I'm sitting here wondering why would somebody do that when you won't get the longevity out of that pole barn that you would get out of a pre-engineered building?

MR. CARTA: I guess it's still going to be a pretty -- it's not like a temporary structure. It is still, you know, similar to -- I did an expansion downtown that was pre-engineered. So it would be similar to that. It just probably wouldn't have as much of a robust insulation that maybe the pre-engineered might.

So I guess there wasn't a lot of -- I didn't have a strong opinion on it one way or the other. I still expect to get adequate longevity out of this and then service the -- this existing structure as well as the flexibility to service the expansion long-term.

JOHN HELLABY: All right. Did you get a copy of the letter from Lu Engineers dated December 5th?

MR. CARTA: Yes, I did. And I responded to many of the questions. But I still -- there are a couple open items, I know, like the topographical information and so forth.

JOHN HELLABY: You don't see anything that will hang you up here?

MR. CARTA: No. I thought all of the concerns were good concerns, things we were aware of that I -- that I was either able to address -- I think there were would variances, one on the parking. And then other than that, I didn't think any -- anything was concerned.

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

MICHAEL NYHAN: Some of the comments from the Town Engineer were landscape plan.

Have you submitted that?

MR. CARTA: No. It is in development right now. I don't have the final plan, but we will submit a landscape plan.

MICHAEL NYHAN: You can submit that to our Conservation Board, as well, so she can

comment on that?

MR. CARTA: Yep.

MICHAEL NYHAN: And then he is also looking -- our engineer that is -- he was looking for construction detail drawings.

Have you submitted those?

MR. CARTA: Yeah. The engineer is adding some of the lighting and then the drainage, which were some of the comments from -- from the engineer. So that would be added to a new revision of the drawings, which are currently being worked on right now.

MICHAEL NYHAN: Okay. Was your intention just to get preliminary tonight?

MR. CARTA: Yes.

MICHAEL NYHAN: The current building, does that have a loading dock?

MR. CARTA: Yes. Many of them.

MICHAEL NYHAN: So -- so that is the loading dock. So you will just transfer equipment from the existing building to this auxiliary building through that --

MR. CARTA: We use one loading dock primarily and then one -- there is a ramp currently for our van. And then we won't really use those anymore.

All of the primary loading and unloading would go through the pole barn area.

MICHAEL NYHAN: So the loading and unloading would go through the pole barn, but you won't have loading docks?

MR. CARTA: No. It will have loading docks on the pole barn.

MICHAEL NYHAN: Okay. I thought it indicated that there weren't any.

MR. CARTA: I think the plan, we have a -- a ramp, as well as a truck bay.

MICHAEL NYHAN: On the pole barn?

MR. CARTA: Yep.

MICHAEL NYHAN: Okay.

MR. CARTA: The thought is that everything will come in and exit through there and then all of the existing bays that are there -- I think there are -- I think six, if not more. Those won't be used anymore. We don't currently use -- we only use one right now.

MICHAEL NYHAN: Okay. Are you -- are you changing the type of manufacturing you're doing? Or just doing more of it?

MR. CARTA: Just doing more of it.

MICHAEL NYHAN: But you're not going to increase your staff to do that?

MR. CARTA: No. This is just really -- so right now the materials are spread out around throughout the facility. This would be one primary area. I will help us to keep growing, but really we don't anticipate additional head count coming from the pole barn.

We have been adding head count over the two years that we have been there, but it's just more -- allowing us to be more efficient with some of the layout that we currently have.

MICHAEL NYHAN: Okay. Thank you.

DAVID CROSS: I didn't hear anything about colors of the pole barn.

MR. CARTA: We're going -- so it will match the existing structure, try to blend in.

DAVID CROSS: Dark brown kind of look?

MR. CARTA: Yeah.

PAUL BLOSER: Did you say there will be a stone front on it also?

MR. CARTA: There will be some mason work that we have right on the front facade, just for the ramp. And then that way we can just blend that as best on the backside as we bring that grade up. So yeah, the front will have some mason work on the bottom of that, just around the loading area.

PAUL BLOSER: Are you storing any hazardous chemicals or anything?

MR. CARTA: No. Just mostly sheet metal, aluminum bars.

PAUL BLOSER: Any oils in there?

MR. CARTA: No.

MICHAEL NYHAN: Anything else? Side Table?

MICHAEL HANSCOM: I do have a question. So you're -- there is an existing trash compactor there where the new building is supposed to go.

The only questions I had, you replied that you weren't adding a second one, but where is the existing one going to go to?

MR. CARTA: The -- we don't use any trash compactors currently. We just have like a long -- there -- in the past for Rochester Drug Co-op, they -- there were two enabled areas for compactors. We just have one bay that we have a long body bin for trash, as well as a standing receptacle at the bottom of the stairs. So that -- they'll both stay where they are.

MICHAEL HANSCOM: The site plan says you have a trash compactor. That is why I asked.

MR. CARTA: Okay. I can get that removed. We would not have any -- any additional compactors. The trash would stay the same. I don't see this generating more trash than, you know, we do currently do.

MICHAEL HANSCOM: How many employees do you have on your -- on your larger shift?

MR. CARTA: We have an A Shift, a B Shift and a weekend shift. And we have about -- roughly 80 employees on A Shift. So it's -- the predominant shift we have is A Shift, Monday through Thursday.

MICHAEL HANSCOM: That includes all of the office staff?

MR. CARTA: Uh-huh.

MICHAEL HANSCOM: I was just asking in relationship to your current parking. It sounds like you have enough there.

MR. CARTA: Yeah. We -- so far it hasn't been really a concern, but, you know, I understand -- I think the comments are warranted long-term. If we were to expand east, we would need to extend parking to facilitate additional staff.

MICHAEL HANSCOM: Sure. Thank you.

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: Paul (Wanzenried), do you have any specific conditions that you were looking for? Other than the normal ones we had talked about?

PAUL WANZENRIED: No. Just need those revised drawings. Ultimately, that's what I'm looking for. Or what we have been looking for is the revisions to these drawings.

MICHAEL NYHAN: Okay. Any other comments or questions from the Board?

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: As far as conditions for this application, I have approval is subject to final approval of the Town Engineer and the Commissioner Public Works.

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

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

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

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

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

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

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.

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

Building permits 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.

There is no outside storage allowed.

And any other conditions from the Board?

With those conditions, application of Chad Carta (XLI Manufacturing), 50 Jetview Drive, Rochester, New York 14624 applicant/owner; for preliminary site plan to construct an 18,400 sq. ft. pole barn for storage and operations at the property located at 50 Jetview Drive in LI District.

One second before you second that.

Do you plan on coming in next month for your final? Or when do you plan on coming in for final?

MR. CARTA: Next month ideally. I am hoping to have the revised plans in the next week or week and a half.

MICHAEL NYHAN: Any revised plans or anything relative to the construction or the site plan will need to be done prior to you coming back for us to be able to do that.

PAUL WANZENRIED: I will send him an email on what he needs to do. I have to make a Zoning Board of Appeals, ZBA, application and he won't be before them until the end of January.

MICHAEL NYHAN: Got it. Okay.

MR. CARTA: Thank you.

MICHAEL NYHAN: With those proposed conditions, do I have a second?

JOHN HELLABY: Second on the motion.

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. 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.
12. No outside storage allowed.
13. Applicant informed that they must submit the requested information and documents requested by the Town Engineer prior to returning for a final site plan approval.

RECOMMENDATION:

2. Application of Chili Development Group, 3231-3253 Chili Avenue, Rochester, New York 14624 applicant/owner; for recommendation of Incentive Zoning on 4 parcels at the properties located at 3231 Chili Avenue, 3235 Chili Avenue, 3249 Chili Avenue, and 3253 Chili Avenue. GB District

Trevor Haut, Jess Sudol and Joe Gizzi were present to represent the application.

MICHAEL NYHAN: There won't be a Public Hearing on this, but we'll be hearing this to make a recommendation or not make a recommendation to the Town Board for the incentive zoning.

MR. HAUT: Good evening.

MICHAEL NYHAN: Excuse me. Are there changes on this relative to the one that was just submitted November 19th?

MR. HAUT: Yeah. So at the end of the Town Board meeting, we got our conditions finalized and one of those was the 10-foot setbacks along the Town road.

MICHAEL NYHAN: Okay.

MR. HAUT: In kind of adjusting that to conform exactly with the incentives that were approved ultimately -- well, not approved but scheduled by the Town Board -- this is the latest and greatest.

MICHAEL NYHAN: Okay.

MR. HAUT: I will talk you through that.

MICHAEL NYHAN: Thank you.

MR. HAUT: My pleasure.

Good evening, Planning Board. My is Trevor Haut, civil engineer with Passero Associates, representing the applicant, the Chili Development Group. Joe Gizzi is here in attendance tonight. We're here to get recommendation to the Town Board concerning the proposed incentive zoning application for the project area within the GB District.

The redevelopment project site is located across the Chili Paul Plaza, north of Memorial Park on the corner of Scottsville-Chili Road and Chili Avenue. The proposal includes the western portion of the Fire Department parcel that is being subdivided and includes the old station building that would be demolished.

Extensive discussions with the Supervisor and Town Board have lead to the proposed concept plan that I have handed out tonight. The master planning documents were consulted and

the project aligns with the proposed incentive zoning.

This plan has three commercial buildings along Chili Avenue that would be fast casual, nationally recognized quality brands like Starbucks, Chipolte or Panera Bread.

The building at the corner of Scottsville-Chili Road/Chili Ave. is being evaluated as a sit-down eating/drinking establishment.

And the fully residential apartment buildings are located to the east of the site in two buildings.

Along the proposed dedicated roadway, first-floor commercial spaces with patios connected to public sidewalks are proposed. This would create a walkable storefront atmosphere where one might enjoy a future Christmas parade. Apartments are being considered in those buildings to occupy the upper second and third floor.

The Town Board directed the location of the retail and restaurant uses along Memorial Park Drive to the south of the site adjacent to the Memorial Park. A hot dog stand or ice cream shop could be tenants in those spaces.

This sketch plan is provided to graphically represent the proposed incentives and amenities that are part of this incentive zoning action. This Board will have an opportunity to fully deliberate on the proposed site layout when site application is made immediately following this incentive zoning action.

Phase 1 would consist of the Chipolte and Starbucks building and the dedicated roadway connection. A complete traffic impact study will be provided with the application and the timing of the traffic signal installation will be discussed in detail with New York State DOT.

The development's installation of the traffic signal will be a significant amenity to the Chili Center area. That will not only serve the development but also residents using Memorial Park, the Community Center and Chili Paul Plaza.

The project's incentive zoning relief amenities can be summarized as follows: The relief for amenity sought is a 10-foot setback on local and major highways. 60 and 75 required. First-floor residential permitted. Town Code says -- normally does not allow dwelling units on the first floor. And this is limited to the two eastern buildings. The building height for those eastern buildings, 48 feet when 35 feet is required. Side and rear setback landscape buffer when abutting another street. Outside dining permitted and relief from the loading berth requirements. Those are the relief or amenities sought -- or the relief for incentives.

And the amenities that would be provided would be to rehabilitate the park at the northeast corner of Old Scottsville-Chili Road and Memorial Park to include and improve existing parking area, including the restriping of the lot, replacement of basketball court with two pickle ball courts, provide and install a covered pavilion around 800 square feet or 20 by 40 and provide a curbed sidewalk from the project's main road to the culvert and from Old Chili-Scottsville Road to the culvert. The Town would complete the work at the culvert.

With that, I open it up to discussions and questions. Thank you.

JOSEPH DEFENDIS: Your required parking, that is assuming that you get the variances? I'm looking at -- because you have two per -- for each apartment.

MR. HAUT: The parking is part of the incentive zoning and we would get a relief to 1 stall for 300 feet for the commercial and then 1 stall -- or 2 -- 1.5 stalls per dwelling unit. Excuse me if I didn't mention that.

JOSEPH DEFENDIS: Seems awful tight. You're taking all of the commercial space and you're assuming that -- usually it's two per apartment.

MR. HAUT: The basis --

JOSEPH DEFENDIS: I'm looking at a lot of apartments. You have two-bedroom, one-bedroom and a lot of them have two cars. And you're trying to cut it down to a car and a half.

MR. HAUT: The mixed use aspects of the project would provide alternate for peak hours versus when people would be home for the night and when people would be at work. The Town Board felt this was appropriate for the size of the project. We know that there will be some parking that is being constructed along Memorial Park, kind of in front of those five retail restaurant spaces that will service the park. So that 1 per 300 was the balance that the Town Board and the applicant agreed to, given the amenities they're providing.

JOSEPH DEFENDIS: Okay. That's all I got.

MATT EMENS: So I guess just to start, this is always a tough thing because we're looking at a concept plan to talk about incentives to figure out what you need or don't need. So I appreciate that.

However, you did say, I think, in your presentation that if you were granted those from the Town Board, you would be moving directly into applying back here for site plan approval.

MR. HAUT: We would go right back to you guys for preliminary overall, final Phase 1. We're looking for the final Phase 1 -- would be the roadway construction and that Chipolte building. They're -- they're ready to go and eager to get in here and the applicant feels that they will be a good anchor with the Starbucks and Chipolte brand recognition to kind of fill out the rest of the retail that's in the plaza because there will be a lot of pass-through trips and it will be hopefully ideal for the applicant.

MATT EMENS: So that was good because you started to answer some of the questions I haven't asked yet. So thank you for that.

And just to kind of go back a little bit, so then in summary, you're -- this is pretty close to being what you think this is laying out as is what we're saying here?

MR. HAUT: Yeah. We're moving forward with the Phase 1 plans and developing them.

And we can -- we want to get that going as soon as possible. So this is the latest and greatest. We have tried to keep the Town up-to-date as this thing is moving, as different parts of the incentive have been accepted and different parts have been standardized.

Initially, I think we wanted a 0-foot setback off the Town road. Went to a 10-foot setback. We're -- caused us to revise the plan a little bit. But we actually like this one better.

MATT EMENS: So similar to other applications that are looking for this and Mr. Gizzi has been -- last few times I think it has been relayed to you -- not that that matters -- so I think -- this is kind of like -- I'm having a little deja vu of I -- I don't have an issue with any of the things that you're asking for on the relief side. But then when I focus on this, I know that this is just a concept plan, I say -- "Hey, we can't do that," we need these breaks -- then I start to get moving forward towards I don't really want to give -- it's not our job tonight to give you comments on the concept plan. It is our job to make a recommendation. That is what we're supposed to do tonight.

But then I want to jump ahead and say, "Cool." However, I look at this and now you're saying you're coming before us. You know, my biggest concern is -- well, let me take it back a little and get a little political, a little sappy.

So I'm excited that we have gotten to this point. And thank you to Mr. Gizzi and whoever comprises or makes up Chili Development Group.

Because I -- Dave Cross, myself and some others sat on a group in 2015 -- I think wrapped up in 2016 with -- not the Comprehensive Plan but the update to the Chili Center Master Plan which you guys referenced in your application that you did look at and I'm sure the Town Board is -- has forced you to look at or asked you to look at.

So one of the big things that we sat in those meetings and said was "While this will never happen. You will never have somebody that has all of the pieces of property in a row."

And the Chili Fire Department had not yet built that building. There were members of the Chili Fire Department that were on that volunteer board that were there talking about where would the new firehouse go? What would you do with the old one? What about the building up front? Is there any ways you guys can get that? How does the Town incentivize someone to come in here and get all this land and build something that looks like what Chili Center wants. Not is, but wants.

And we know there is a lot of challenges there. Like I'm not naive. I know there are. There a lot of things we just can't get back.

Taco Bell was one of our first cracks at it. We have had some other applicants down Chili Ave. that have tried to do some things I will say over the last ten years since that has been adopted, I guess, into the Comprehensive Plan or the Master Plan.

And I think I'm excited that this is happening. The thing I'm most concerned about is I see the density in the back, not in the front. And I guess that is where I will probably just leave it for tonight's conversation. I know the restaurants want the upfront spots. I get that. You have to get your anchor tenants and get this developed kicked off. We can't move the road. I get that.

I guess I would just ask you guys once you do go back, if you do get your recommendation tonight and you get your approval from the Town Board, that you look harder at the Chili Ave. front of this. I think all of the uses are exciting. And everything I'm hearing is exciting. But I close my eyes and what I'm envisioning is one thing and what I'm seeing on here is slightly different. So --

MR. HAUT: Thank you. Appreciate that.

MATT EMENS: I think that is it for now.

JOHN HELLABY: Well, he pretty much hit it all.

Curiosity, though. Do you know -- it doesn't have to be exact but somewhat of a close figure percentage of what is retail? What is apartments? Do you have any clue?

MR. HAUT: Yeah. It's about 50,000 square feet retail. And then about -- yeah. It's almost 50/20 mixed use. Maybe a little bit more on the apartments. Maybe 60/40. I can get you those exact numbers in writing, though.

JOHN HELLABY: I assume that not all of the units on this parcel will end up being three stories, correct? Or are they?

MR. HAUT: No. Not all of the buildings are three stories. The three-story buildings are limited to those eastern two residential which have the incentive zoning for the first-floor residential. We kind of tucked those on the east so that they kind of had their privacy.

And then the other three-story buildings would be those central ones along the Town road which would be planned for first-floor retail. Then second and third floor would be considered for apartments. Those would be in a later phase and we would work you guys on that.

JOHN HELLABY: While a 10-foot setback isn't optimal in my mind, but it is better than no setback. That is all I got right now.

MICHAEL NYHAN: So for the 48-foot height, you're just looking for the two residential units, not any of the retail or commercial; is that correct?

MR. SUDOL: The three-story buildings, the two residential and the two in the middle that would have retail.

MR. HAUT: We would probably do something more creative in the middle one so they didn't look exactly like that. But with that height, we would have more options to make something that's appealing to this Board.

MICHAEL NYHAN: So I'm clear then, so which commercial or retail would you have apartments above? Or residential above?

MR. HAUT: The two in the middle.

MATT EMENS: Maybe you could just circle on it the board -- on the drawing.

MR. HAUT: These two (indicating). My apologies.

MATT EMENS: No worries.

MICHAEL NYHAN: What is the proposed height of those buildings?

MR. HAUT: At this point, um, 48 feet, but if the -- you know, we would be willing to work with the Board when we come back in and that just gives us more flexibility to -- to give you guys something you like. We haven't -- we haven't actually set the height at this point on the concept. But, you know, if those are subject to a Special Use Permit down the road, seeing how development goes, we would come back in and have a discussion and figure out what works for everybody.

MICHAEL NYHAN: So I'm trying to narrow down what you are asking the incentive for. Because once the Town Board does approve the incentives, then you will have the capability of doing that.

So do you know for sure? You don't know which buildings will be -- two 48-foot-high buildings in the middle of that would be very high, right? So -- so -- your intention is go to the Board and asked for 48-foot for any building? Or for specific buildings?

MR. HAUT: At this point, um --

MR. SUDOL: It'd be those four buildings.

MR. HAUT: It'd be those four buildings.

MICHAEL NYHAN: All right.

MR. SUDOL: The four -- sorry to interrupt. The 48 feet --

MICHAEL NYHAN: You have to say your name, Jess (Sudol). I know everybody knows you, but for the record.

MR. SUDOL: Jess Sudol from Passero.

Just to carefully on the building, I think because we're so early in the process, those buildings haven't been designed yet in terms of any kind of architecture. So we just assumed okay there's three stories. One-story retail. Maybe that is 14 feet because we have a slightly higher height. With two stories of residential above at about 11-foot floor-to-floor. And then if we were to do a pitched roof -- whether it is pitched or flat hasn't been decided. We'll probably have some of the Architectural Review Board's input on that -- but if we were to go with a pitched roof, if the Architectural Review Board or this Board wanted to see a pitched foot, then the 48-foot would allow us to do that.

MICHAEL NYHAN: So the 48-foot includes the pitched roof much like you did in previous projects where --

MR. SUDOL: Yes. It would allow us the flexibility --

MICHAEL NYHAN: The roof would be 35. But a pitched roof would be 48, I think?

MR. SUDOL: Yeah.

MICHAEL NYHAN: Okay.

JESS SUDOL: That is why we picked 48, to give us that flexibility down the road to be able to -- potentially do a pitched roof if that is what everybody finds most appealing.

MATT EMENS: So I think the easier way to say this -- sorry -- would be that the three-story buildings you're looking for relief?

MR. HAUT: Yes.

MR. SUDOL: Yes. That is easier.

MICHAEL NYHAN: Four three-story buildings?

MR. SUDOL: Yes.

MICHAEL NYHAN: Okay.

MICHAEL HANSCOM: Is the Town Board aware of the four buildings?

MR. SUDOL: I believe so. We'll be going back to them. But it has been kind of a -- you know, a process of back and forth with them. But we'll make sure they're aware.

MICHAEL NYHAN: Okay. Then you mentioned -- on this drawing -- I think you're asking for 376 parking spots down -- 326 parking spots, correct?

MR. HAUT: Yes.

MICHAEL NYHAN: Are you showing 326 parking spots on this drawing?

MR. HAUT: On the one I just handed out, it is 324.

MICHAEL NYHAN: 324. Okay. All right.

Then for setbacks, I know abutting the roadway, you're looking for a zero setback with no -- or 10-foot setback with no landscape berm.

However, there would be a landscape berm, correct, along the east side of the property line? A 5-foot landscape berm?

MR. HAUT: Definitely.

MICHAEL NYHAN: Okay. I don't think I have any other questions.

Jess (Sudol), what were the height -- final height of the buildings that you did the peak roofs on Paul Road there? Next to Wegmans. The final height of that peaked roof. What was that?

MR. SUDOL: I think it was right around 50 feet.

MICHAEL NYHAN: That was around 50?

MR. SUDOL: Those are similar. Right?

PAUL WANZENRIED: 45.3 or 48, somewhere in that range.

MR. SUDOL: Okay.

MICHAEL NYHAN: So it would be that height if you did commercial on the first story?

MR. SUDOL: Yes, very similar.

MATT EMENS: I feel like those buildings are deeper than what you're showing here, though.

MR. SUDOL: A little bit. So maybe a little less, yeah.

GLENN HYDE: The only thing I would do is echo what Matt (Emens) said earlier about the densities being in the southern part of this versus we would really like -- I think -- be preferred more density on the main drag, Chili Avenue.

MR. SUDOL: Can I address that quickly? I totally hear what you guys are saying about that and don't necessarily disagree at all. But one of things I did want to point out is, after going through all of the planning documents, whether it was the Chili Avenue Corridor Study or the Chili Center Master Plan or the Comp Plan, you know, it was pretty clear that we wanted to avoid having drive aisles that loop around the front and would run parallel to Chili Avenue. I know the Town went through this whole thing with Taco Bell.

So from day one, we -- you know, we're pretty diligent about avoiding doing that despite pressure from the Brands that really wanted us to do that.

The problem with that, in order to save yourself from -- if you're not going to loop the drive aisle around, what ends up happening is those drive aisles take up a lot of space on the sides of the building. And I think that is one of the reasons why you don't see as much density in terms of buildings along Chili Avenue because we had to use those spaces to do switchback drive-throughs so we didn't put the drive-through along Chili Avenue.

So I am not saying we're not going to look at it because we absolutely are, but that is why we did what we did.

DAVID CROSS: I applaud the developer, the applicant for really, I think, staying very consistent with the Chili Center Master Plan. I worked on it almost ten years ago. Incredible.

There is a lot that goes into this. I think it really -- it -- this is the vision of what we thought.

Just one more comment. And I'm a pickleball player and I have seen these -- these pickleball people are crazy. I mean two courts might not be enough. Maybe three or four would be appropriate. I don't know if that has already been worked out with the Town Board, but I would say three minimum, four would be great. It would be a big benefit to the Town.

GLENN HYDE: And tall wooden fencing, as well. Not like over at Black Creek Park where they have the little 3-foot fences to catch rolling balls or anything else you have to jump the fence to get them.

PAUL BLOSER: Are your buildings going to be sprinklered?

MR. HAUT: Yes.

PAUL BLOSER: All of the way through?

MR. HAUT: I believe so.

PAUL BLOSER: That includes the apartments?

MR. HAUT: The apartments would definitely be sprinklered.

PAUL BLOSER: Good. It's clean. I can say that.

JOSEPH DEFENDIS: What is your schedule? When do you anticipate starting, if everything goes well?

MR. GIZZI: Immediately.

MR. SUDOL: Realistic, probably the spring we're hoping.

MICHAEL NYHAN: So you will be in front of the Town Board December or January? And then back in front of the Planning Board in February? Is that your plan?

MR. SUDOL: That's our hope.

MICHAEL NYHAN: If everything goes according to plan?

MR. SUDOL: Correct.

MICHAEL NYHAN: I know we're not doing site plan, but for first-floor residential, you will have storage space, correct, on the first -- on the ground level? I know one of the things that the Town doesn't like and the reason they don't want to have first-floor residences is everybody stores everything outside their door. So will there be provisions made in any of these buildings to be able to store things directly from the outside rather than just leaving them outside or having to carry them to their apartment?

MR. HAUT: There will be programming for community space, storage, possibly a fitness center. But that is yet to be designed.

PAUL BLOSER: On-slab building built thing? No basement?

MR. HAUT: Yes, probably.

MR. SUDOL: Correct.

MICHAEL NYHAN: So in the residential areas you're talking about putting in recreation space or community space?

MR. HAUT: That's yet to be determined. It will be a toss between storage or something like that. Probably storage.

MICHAEL NYHAN: All right. Anything from the -- from the Side Table? Any comments?

MICHAEL HANSCOM: No. Because I'm not supposed to comment about the site plan.

MICHAEL NYHAN: I know.

MICHAEL HANSCOM: No. Other than looking at the requirements for apartment buildings, there is requirements for a certain amount of green space around the apartments, which you're not showing at all.

MR. HAUT: Thank you.

MICHAEL NYHAN: Any other notes?

PAUL WANZENRIED: Does the incentive you're asking for relate to -- to the parking? Does that include the proposed three buildings, 3 and 4, having residential above the retail?

MR. HAUT: Yeah. If you look at the site data table -- I will give you a copy, Paul (Wanzenried), but there would be -- be 168 stalls required for the commercial and 141 for the residential, which would total 309.

PAUL WANZENRIED: Revised. The one I'm looking at gives me a total of 355.

MR. HAUT: Look at this one.

PAUL WANZENRIED: This is the last one I have seen.

MR. HAUT: (Indicating).

PAUL WANZENRIED: This is very different.

MICHAEL NYHAN: While they're doing that, how much space will these pickleball courts take up relative to the size of the current basketball court?

MR. HAUT: Pickleball courts lay out about -- there would be some pavement that would have to be added. It's not a perfect -- you don't really want to stack the pickleball courts end-over-end. You want them side-by-side. So that is under design at this point. But we know --

MICHAEL NYHAN: Will there be any -- there is a lot of green space between the current parking lot. The basketball court is all of the way up to the Chili Scottsville Road and Chili Avenue retail corner there.

MR. HAUT: Exactly. That is where we were looking to kind of put the pickleball courts and then that existing basketball court would probably be added to the parking lot as like a place for some parallel parking and a drive aisle, but that is still being designed.

MICHAEL NYHAN: A lot of space -- there is a lot of space there to do something with that parking. In quite a relative size. Okay. So thanks.

PAUL WANZENRIED: Just to clarify. Trevor (Haut), this is what was shown to the Town Board? This is what -- what you gave me and what I have in front of me is what was shown to the Town Board? And that's what they based their November approval on?

MR. HAUT: Um, the --

PAUL WANZENRIED: Wait. That is what they based their November recommendation to come before this Board?

MR. HAUT: That's -- that's when we got the final conditions from you, Paul (Wanzenried), including the 10-foot setbacks and the final parking requirements. This is the -- you know, us -- this was us following that --

PAUL WANZENRIED: Understood.

But the Town Board has seen this plan?

MR. HAUT: At this point, this is -- was sent to Dave Lindsay last week with the revised long form EAF which Mike (Hanscom) saw, so --

MICHAEL HANSCOM: The Town Board has not seen this site plan yet?

MR. HAUT: Well, they would have had a chance to -- we would be setting up a workshop with them immediately to -- to review this.

PAUL WANZENRIED: You have to understand there -- there is a process in incentive zoning. TB -- TB looks at it. "TB" being Town Board. Town Board -- you approach the Town Board with a presentation what you want to do. You have done that.

But whatever you're showing the Town Board is what is recommended -- or what is passed on to the Planning Board to get their recommendation.

If the Town Board hasn't seen this, then these guys can't do anything. We can't get a recommendation from them. That's -- and then once they gave you the recommendation, whether it is "yay" or "nay," "yes" or "no" -- if it is "yes," then you migrate to -- for -- to set a Public Hearing. You go to Public Hearing and you vote. Okay?

If the Town Board has not seen this, unfortunately, you cannot have these gentlemen do anything.

MICHAEL NYHAN: So question on the -- on the changes that you presented to us tonight --

MR. HAUT: Yes.

MICHAEL NYHAN: -- the only change on this from what you presented to the Town Board is the 10-foot setback which they requested?

MR. HAUT: The center building has got more efficient. When we had less space to work with, we kind of combined some of that square footage. Instead of having separate buildings on the left, we just had one building. And then similarly to the right, some of the geometry slightly changed. But the square footage and their desire to have the first-floor retail and it to be a walkable is all consistent with the feedback that we got from them to this point.

MICHAEL HANSCOM: So in the center of the site, the change from four buildings that were all on one -- on one level to two three-story buildings and one very small retail building, the two apartment buildings each got larger than what they were originally proposing, the square footage. The rest -- the rest of the site pretty much stayed the same.

But as far as -- what Paul (Wanzenried) is trying to say, as far as the Town Board knows, based on what conversations happened tonight, is that -- as far as they know, the -- the recommendation for the building -- additional building height is for those original two apartment buildings and not for the two -- the two buildings in the center.

MR. HAUT: For those buildings in the center we could just comply with the GB code for now and kind of cross that bridge when we get there.

MICHAEL HANSCOM: Right. But the Town Board needs to be aware of that. Because

they -- they're sending -- to make sure that they understand what amenities or whatever you guys are asking for, what -- what they think that you're asking for is not what you're -- what these guys are looking at.

MR. HAUT: The central buildings, you know, didn't really have any incentive-zoning-type things with them.

MICHAEL HANSCOM: They do in regards to the height. The building height. And it does affect the amount of parking. Because -- you have effectively doubled the amount of residential units that you're -- that you're looking for. So -- so that affects that parking.

You have -- you have reduced the commercial space and doubled the residential. So -- so it is still a significant change to the -- to the overall plan.

MR. HAUT: Noted.

MICHAEL NYHAN: So -- so what would be the way forward on this?

PAUL WANZENRIED: Go back to the Town Board.

MICHAEL NYHAN: Do you have any questions on any of this? You're going back to the Town Board.

MR. HAUT: Thank you for the opportunity to present tonight and the valuable feedback we heard with your comments and we'll take that with us and keep making this better and stay transparent with you guys as updates come out. We'll keep sending them and we're looking forward to working with the Town in making this a successful project.

MICHAEL NYHAN: Okay. So is what I'm hearing, is that we cannot move forward because there is too much of a change from the plan that was presented to the Town Board to the one that we're looking at?

PAUL WANZENRIED: The Town --

MR. GIZZI: Good evening.

MICHAEL NYHAN: Hang on one second.

So is the hang-up -- number two is the number of total residential spaces, correct? If that didn't change?

MICHAEL HANSCOM: Well, I think it is also partly --

MICHAEL NYHAN: I just want to make sure I understand.

MICHAEL HANSCOM: It is partly from what -- the Town -- the Town Board's understanding, as far as I know, up until this point -- one -- one of the amenities that they're asking for is a relief from the building height restriction.

And the Town Board currently -- because they haven't seen this new plan -- believes it only applies to two buildings, the two apartment buildings.

Now they're asking for four buildings. So that changes the overall look of -- look of the development considerably. So they need to be aware of that.

MATT EMENS: I would agree, but I would go back to what we're all talking about, this is a sketch plan. This isn't -- this needs more development. So if we just go back to closing our eyes and -- the Town Board isn't approving -- I hope they're not approving it based on this layout and that these two buildings are the only buildings. I -- I mean or are in concept.

So even if -- I don't think anything on our end changes tonight. So my thought is, the Town Board can do whatever they want.

But based on what we have seen tonight, how we understand it -- we can put an asterisk next to the height portion. We have given them our feedback. And we can still make a recommendation and we can put an asterisk with it based on the fact that we understand that this plan -- the Town Board has not seen this plan. If we so chose to do so.

I guess here is what I'm saying. Fast forward. What are they going to do differently that is going to come back that would change our recommendation? And maybe there is something and I'm missing it. But I'm just saying it out loud.

MR. GIZZI: That was going to be my suggestion.

Could we get a referral to them with, you know, contingency on them approving the additional building with the height?

DAVID CROSS: They may request an additional incentive now.

MR. GIZZI: Because we are going back to them.

PAUL WANZENRIED: Understood. I -- trust me. I understand the process. But -- I'm asking Legal -- I don't think -- it's my understanding of the incentive zoning process, that when you go before the -- with an incentive zoning application, you should have everything you want laid out clear as a bell. Okay? Top to bottom.

If you want to make every building in that parcel 48 feet tall and residential units, then you're going to say that. Okay? And it's going to have X number of parking, which may not conform to the code. And you're going to have this much green space and yadda yadda yadda as it goes on down the line. You ask for all of that. You present that to the Town Board.

The Town Board deems that that is worthy based on the amenity you want to provide and then they refer you to this Board for their recommendation.

And this Board, my understanding, is looking at the concept and saying "Yes, this conforms to the Comprehensive Plan. It conforms to the Chili Center Master Plan."

And -- but it's all out in front. You don't present to one Board and then modify it as we go along and present something different to the next Board. I don't think legally we can do that.

And I will defer to Counsel on this.

MATTHEW PISTON: It says -- the Town Code says the Town Board shall review the proposal and inform the applicant whether or not the proposal is worthy of consideration. So if there was minor modifications of -- we may be able to get by that.

But right now, the Town Board, as I understand it, hasn't reviewed the proposal. They have reviewed a proposal that is no longer the proposal.

MR. GIZZI: The only major changes are the height of the two buildings.

MATTHEW PISTON: But that is the very nature of -- of the incentive zoning.

MR. GIZZI: I understand. So what I'm saying to Matt (Emens)'s point is can we get a referral to them contingent on the changes that we made with their approval? And if not, then we would go back to their Board and start that process again?

Because I think -- you know, the way we're looking at it -- and I understand and I appreciate your point, but we're looking at it from -- they're giving us relief on the three stories, so we're asking for it on two additional buildings. It should have been brought to their attention, but this is something that we -- we came up with about a week ago, before we submitted the -- the EAF form, trying to make this work. Right?

Like we're trying to -- we don't want to get in a predicament where we have too much retail space and not enough apartment space to support the project. So this is us trying to get this project approved to get to Phase 1, which is our first tenant, which is asking us "When can you guys put a shovel in the ground? When can you guys deliver us a building?"

It is very difficult to try to determine the whole look of this entire project when it is going to be broken up in so many different phases. And this early in the game.

We're not trying to pull anything over you guys and make changes, but it's tough to -- I mean I understand the purpose of the incentive zoning and how the process works 100 percent.

So I guess what I'm saying is could we -- in order to not lose another month of time, can we get a referral contingent on the changes that were made and the Town Board approving it through either a workshop or...

Paul Wanzenried consulted with Matthew Piston.

MR. GIZZI: Merry Christmas? I see the smirk on your face.

PAUL WANZENRIED: The Board has -- Trevor (Haut), do you have the previous concept that was presented to the Town Board with you tonight?

MR. HAUT: Not on me. But I believe --

PAUL WANZENRIED: Never mind. Here (indicating).

MATT EMENS: We have one up here.

PAUL WANZENRIED: Have you seen it?

MICHAEL NYHAN: Yes. This is the one we looked at originally.

PAUL WANZENRIED: So if the Board feels that that concept to the concept being presented tonight is not a substantial change in the overall concept -- as Board Member Emens pointed out -- the overall concept is still there, then they could offer their recommendation.

Ultimately, it's your Board's decision on how to approach that.

MICHAEL NYHAN: Okay. I mean --

PAUL WANZENRIED: Maybe some legal fine-tuning.

MATTHEW PISTON: If -- whatever the Board -- Planning Board decides, whether it is to send it back to the -- to the Town Board, to make a determination on whether or not the proposal is worthy as is now, or whether it is not -- or not -- it is to -- to recommend it or to not recommend it. Whatever they decide -- you guys decide to do, I would -- if it is the other two, the latter of the two, where it is either a recommendation or a non-recommendation, I would -- I would condition that on the Town Board, upon their review, finding the proposal worthy.

So it is putting the cart before the horse for sure, but -- but this is a recommendation. So -- so you could -- the Town Board -- the Planning Board could recommend this and then ultimately the Town Board says "No." Or vice versa.

You could vote not to recommend it and the Town Board could say "Yes."

So whatever you do, I -- I would qualify it that that -- it is based on the -- the plans as you have reviewed them and conditioned upon the Town Board finding them worthy and the proposal worthy.

MICHAEL NYHAN: Well, I think that is the -- I think that is the point. That -- it -- if this was a substantial change and were completely different -- or they went back to something that the Town didn't agree to in previous months, then I would have some concerns.

But the fact they could outline -- they could do whatever they want no matter what we say is the point. So if we could just outline the fact that these two center buildings have changed and if we were to either give a recommendation or not, just by the mere fact that if we do give a recommendation, we're obviously telling them that we're okay with that, as long as they are.

So I don't have a problem moving forward with this tonight at all, making a comment or a note in the comments stating that one change that has been noted is the two central -- the center buildings along main street will have residential above that.

And then they could review whether or not they would want to have it in the middle of the project.

MATTHEW PISTON: Obviously the Town Board has -- it --

MICHAEL NYHAN: The ultimate say.

MATTHEW PISTON: To do whatever they want.

MICHAEL NYHAN: They could say "No. We have changed our mind. We don't want to do either." Or "We want a better incentive."

They could pretty much -- they could dictate how they're going to vote at their meeting. Regardless what we say.

MATTHEW PISTON: They could make a determination that the new concept is not worthy and they would not have approved it as is.

MICHAEL NYHAN: They're looking for obviously our input to make their decision. So as long as they're aware we made our decision knowing that these two buildings were there, I think the spirit or the intent of the whole process is still intact, in my opinion.

So I don't -- does the rest of the Board feel that way to move forward?

MATT EMENS: Yes. I think my comments would have been the same if you hadn't handed out a new plan. I think the new plan, which we aren't even supposed to be reviewing tonight, is a step in a better direction. So I still think there is work to do. But I think a layering of something where there is higher buildings in the back is going to help with the fact that we can't line Chili Ave. with buildings.

So I think that that is actually a step in the right direction. That's my opinion.

And I think the biggest concern there that the Town Board needs to be aware of is that the parking tips significantly once you go -- I think everyone understands basic math here, but that is what the change is. And that is why it flipped. Right?

MICHAEL NYHAN: Right. So they're going to have to look at the parking --

MATT EMENS: So I guess my point would be, as a double asterisk -- you know, the next asterisk would be that as long as the Town Board is aware of that, is that that parking requirement goes down -- we shifted that. It's -- I don't know how the balance of that works. I mean -- because you're going to start to get to a point where it is not enough parking, is what I'm saying.

So if we came back in a month from now and we have gotten more residential, I mean -- then those incentives, I think -- I don't know how you tie that to that. I guess that is where I'm --

MICHAEL NYHAN: I think by putting --

MR. GIZZI: Go ahead.

MICHAEL NYHAN: By putting a note in there to make sure they see that. Because they may come back and say "We want more parking now."

Or you have to change something on your plan. Make the other two buildings two-story or whatever the case may be. Add two stories to these two buildings. They can -- they can add or subtract whatever they like from the plan. Is that correct?

MATT EMENS: It is only 25 spots, so.

MICHAEL NYHAN: Okay.

MR. GIZZI: I just want to make a note, too, that I do -- we do feel strongly that this is going to be a huge incentive, the project -- without the incentive, it's going to be a huge incentive to the Town itself. I just think it is going to be great.

You will have all these people here visiting Memorial Park. The Community Center will have restaurants to go to. Coffee shops. I mean these types of projects like this create jobs, residents in the community. I mean this -- we feel that this is going to be an awesome project. We're really excited about it. And obviously there is -- this is -- it's a big project for us and we want to get rolling with it. And we have a couple national tenants that are -- are ready to roll. And -- it's tough to play with these guys. If you don't give them answers they want, they move on. You know. So that's...

MICHAEL NYHAN: I don't disagree with anything you have said. I agree. I think we have all mentioned here it is nice to see that we'll have a nice development right in the center of our Town.

However, from a process perspective, it is just critical that we make sure the Town Board is aware of what we looked at and then what they'll be looking at. And I'll make sure that I note that in the form that I will sending to them.

MR. GIZZI: Okay.

MICHAEL NYHAN: I think that is -- I don't think there is anything relative to whether -- this is nice or isn't a nice development or whether it will be good or not good for the Town. It's a matter of the process that we're following. And I understand that -- if we can look at this and recommend it to the Town Board or even not, they can still look -- they're looking at it independently from us. They're using our information, but they're acting independently of us when they're making their decision.

So I think as long as they're fully aware what we viewed and then what they -- new documents they getting are appropriate between now and January when they review this -- because tomorrow night they're not reviewing it. They're just setting a Public Hearing.

MICHAEL HANSCOM: Can I point out one thing in regards to the changes in development, in regards to their request for the incentives? One of the incentives that they're asking for is to allow first-floor residential units in the proposed multi-unit buildings.

Initially, this was intended for those two three-story -- strictly three-story apartment buildings. The two buildings in the center, they're currently proposing retail in the bottom and apartments above. But one of the things you may want to note in your recommendations that you have provided is to note that -- if they get the incentive allowing first-floor residential, they could apply that to those two buildings in the center also. If they decide to change that later on rather than leaving it retail. Because that is the way the incentive -- if it is that broad-based in regards to the change to -- to the zoning. So just be aware -- you might want to note that.

MICHAEL NYHAN: Okay. Will make a note on that, as well. Thanks, Mike (Hanscom).

MR. GIZZI: So do you recommend that we want that first-floor residential we should point that now? Or --

MATT EMENS: That is going to flip your -- that's why I made the point about parking.

That will flip the math on the parking again.

MR. GIZZI: We'll leave it.

MICHAEL NYHAN: You're talking about the retail?

MR. GIZZI: We'll leave the retail.

MATT EMENS: It fronts a street. It's a new street. But it fronts a street. I think it is important to have retail there.

MR. GIZZI: Trust me, we want the retail there. We just don't want too much retail. I work closely with a lot of retail, mop-and-pop shops. And that is what you're going to get on the interior of this project, are mom-and-pop shops. They require a lot of work. You will -- they're -- you have to be hands-on with them to get them in there and get them in a lease and help them build out their -- their site. So we're -- so we're okay with leaving that. Sure.

We just -- we need to balance it, you know. And we feel that apartments is -- are going to be a slam dunk. It will support the retail.

MICHAEL NYHAN: I was surprised -- I think originally you were going to have -- all along Chili Avenue would be first-floor commercial or second floor --

MR. GIZZI: That was the original concept way, way back when Kris Schultz was working on it.

And then we hired these guys and they are very good at what they do. So we changed the concept around a little bit, a lot.

MICHAEL NYHAN: So let me write the comments I have on here. Make sure these are clear and if there is anything else we need to add before we vote on this, let me know.

One of the comments to the Town Board. The plans are as we have reviewed them -- are recommended, that is the vote -- or not recommended. Note that the two buildings along main street -- along main street have changed. Now show two stories of residential above retail. So the number of spots has increased by -- number of parking spots is about 25 spots.

Does that sound right, based on the incentive requested?

And then -- if -- if incentive is for -- I could just put that out and state they need to recalculate the number of parking spots.

And then if incentive is for first-floor residential, um, the first floor needs to be outlined on which buildings it applies to. Otherwise, it will apply to all buildings on the project site.

Does that capture what you said, Mike (Hanscom)?

MICHAEL HANSCOM: Yes.

MICHAEL NYHAN: All right.

MATT EMENS: The proposed parking actually went up -- or went down 2 spaces from 326 to 324. But the quantity required has gone down by 40.

MICHAEL NYHAN: Say that again?

MATT EMENS: Um, I mean -- the math they did fixed that they were asking for way more. So they didn't have enough. They didn't have enough for the drawing we were looking at in the package. Now they have enough. They have got an access of -- 324.

MR. GIZZI: We have parking spots for the Town community residents that visit the park, because we're pretty sure they will be parking in our parking lot. So we should have some extra spots for them, too.

That was one thing that Town Board liked, was having this other entrance here so that -- it was conducive to people going to the park and visiting the retail buildings there on the south side of the property.

MICHAEL NYHAN: So what you're saying, Matt (Emens), it doesn't increase it by 25 spots?

MATT EMENS: It doesn't.

MICHAEL NYHAN: Okay. All right. So I will reflect that. Any other comments?

Okay. All right. With those comments to the Town Board, looking for a recommendation on the application of Chili Development Group.

Is there any other comments or anything else before I actually move on? You good? Good? Okay.

With the comments, two comments noted, the application of Chili Development Group, 3231-3253 Chili Avenue, Rochester, New York 14624 applicant/owner; for recommendation of Incentive Zoning on 4 parcels at the properties located at 3231 Chili Avenue, 3235 Chili Avenue, 3249 Chili Avenue, and 3253 Chili Avenue in a GB District.

GLENN HYDE: Second.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: I also vote yes. We'll send this to the Town Board for their review.

MR. GIZZI: Thank you.

MR. SUDOL: Thank you.

MICHAEL HANSCOM: Michael (Nyhan), just one other thing in regard to the parking amenity or incentive they're requesting is -- what they requested was 1 space for every 300 of commercial, but it doesn't accurately -- that request doesn't accurately reflect the changes to the parking code that they're asking for. Trying to outline them specifically in my comment letter.

So you just might want to note that -- to have them take a look at that to make sure -- they're offsetting specific portions of the -- of the zoning code with regards to parking.

So there is one part that has to do with retail stores and grocery stores. There is one that has to do with restaurants. There is one that has to do with offices.

So -- so that the incentive zoning is offsetting each one of those specific and not just kind of a more vague offset.

MICHAEL NYHAN: So it is really between -- residential and commercial are the only two offsets, right?

MICHAEL HANSCOM: Well, they just -- they lumped -- they lumped office buildings, retail and restaurant all within the same thing. But there -- those are broken out in the parking code. Into three -- into three different parking requirements.

MICHAEL NYHAN: All right. I noted that, as well.

MICHAEL HANSCOM: Just to make sure that there is no question later on.

MICHAEL NYHAN: Okay. Thank you.

DECISION: The Chili Planning Board has approved the recommendation by a vote of 7 yes for the Incentive Zoning of the properties located at 3231 Chili Avenue, 3235 Chili Avenue, 3249 Chili Avenue, and 3253 Chili Avenue during their Public Hearing on December 10, 2024, with the following comments:

Comments:

- Plans as we have reviewed them are recommended. Note that the two buildings along Main St. have changed and now show two stories of residential above the retail. Also, this will provide for 4 buildings to be 48' in height.
- If incentive is for first floor residential, it needs to be outlined on which buildings that it applies to, otherwise it will apply to all buildings with residential on the site.
- The parking incentive is different for each use and needs to be determined based on final incentive requested from the Town Board.

MICHAEL NYHAN: One last thing is the approval of the minutes from our last meeting. The November meeting.

Motion to accept the minutes?

DAVID CROSS: So moved.

MATT EMENS: Abstain. I wasn't here.

GLENN HYDE: Abstain.

The Board approved the motion by a vote of 5 yes with 2 abstentions.

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