

CHILI PLANNING BOARD

January 9, 2007

A meeting of the Chili Planning Board was held on January 9, 2007 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 James Martin.

PRESENT: George Brinkwart, Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Dennis Scibetta, Building & Plumbing Inspector; David Lindsay, Town Engineer Representative; Jeron Rogers, Director of Engineering/Planning; Pat Tindale, Conservation Board Representative.

Chairperson James Martin 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.

OLD BUSINESS:

1. Application of Comfort Windows, 60 John Glen Boulevard, Syracuse, New York 13201 for preliminary site plan approval to erect an 80' x 80' and 30' x 72' (total 8,560 sq. ft.) warehouse addition at property located at 1380 Scottsville Road in G.B. zone.

Rod Prosser, Phil St. George and Mark Tourer were present to represent the application.

MR. PROSSER: I'm Rod Prosser of Lakeside Engineering, representing the landowner, William Putzer and the lessee, Comfort Windows at 1380 Scottsville Road for the application before you tonight. I also have a -- two people from Comfort Homes, Phil St. George, the General Manager, and his assistant, Mark Tourer (phonetic), to assist in answering questions that you might have.

Since we were last before you, we have reviewed the comments that we had received from the Lu Engineer people, as well as the Town Planning Board, and -- along with the reapplication, put together a response letter which I would like to go through if I might briefly.

Very simply, the first drawing was apparently not a good scale. It has been rescaled -- that would be LO1, the site plan -- to a one-inch equals 30 foot scale.

We have further detailed the truck traffic that will enter the property. We're going to enter it all now from the southwest side, which is the left side as you're looking at the drawing, coming down the new crushed stone driveway area, both the cube trucks and the semi-tractor trucks will enter that area. The cube trucks will access the overhead doors on either side of the new addition. There is a semi-tractor truck loading dock on the rear of the building, and basically what they will do is they will swing out wide and then they will back up and then they will come out and they will go out the -- actually, what they're going to do -- they're going to go out to the access easement we have for -- that is where they will -- that will be the easiest route out and widest turning radii.

There were some minor corrections to the drawings. We made them per the engineer's comments with some overlapping text, and I think we must have taken care of that, because there are no new comments to that effect.

There was a question on the parking spaces on -- on the -- I believe basically the east side of the property, southeast side. Those are proposed new spaces.

We did alter the grading plan. I presume the engineer is happy. There were no new comments on that.

Question concerning the asbestos demolition. It will certainly be done per the New York State

Industrial Code and the Town of Chili requirements for building permit -- demolition permit.

Not on the board, but there was a special map done to show the delineated disturbed area on the property to make sure it fell below the one-acre threshold for DEC Phase 2 compliance. We have a .55 acres. It will have to be revised some. I will get into that with the engineer's comments. Very slightly, though. Well below the threshold.

We provided a design report for the storm water runoff, both prior to and following the construction of this development, and it was submitted to the engineer again. No additional comments. I presume he is happy with it. What we have shown there is just a couple percentage points additional runoff after the buildings are put in place. Very, very minor.

JOHN NOWICKI: Could I ask you a question? Are you following through on Joe -- or the engineer's letter? Are you going item for item on his letter?

MR. PROSSER: From the prior letter. Because those were the revisions we made to this drawing. Then I was going to get into the new letter.

JOHN NOWICKI: Oh, okay. You're going off the old letter.

MR. PROSSER: I wanted to explain what we have done with what we have here. Then I would be glad to discuss the new comments. Obviously, I don't have the comments incorporated into the drawings because I just got them yesterday.

JOHN NOWICKI: You mean the new engineering comments?

MR. PROSSER: Yes.

JOHN NOWICKI: Thank you.

MR. PROSSER: Erosion control was placed on the plan, which is LO2. I assume, or I believe there were also no new comments on that specifically, so that has been accepted.

Um, on the Town comments that we also received, one and three had to do with the final approval obviously not being granted until the engineer signs off on it, which we understand.

Um, we have done considerable, hopefully acceptable to this Board, site clean-up, tire removal and so forth that was discussed at the last meeting.

Um, in fact, the owner has some before and after pictures if you want to see it, but I hope you have reviewed it and everything is okay at this point.

We -- we showed specifically on the new drawing on the site plan, the upper left, LO1 where each of the type of vehicles would park. There will be cube van parking, basically 8 of the 11 spots that are -- you know, are running into the overhead doors, each side of the building will be used as parking spots. Three additional and that new proposed 15 spot area will take the other three cube vans. Then the rest of the rear area is scheduled for employee use for the new warehouse addition, and then the front area is a combination of front area, office employees and visitors.

JOHN NOWICKI: Just let me ask you a question, if I can. You're saying that the vans will be parked so they're north and south of the loading dock areas?

MR. PROSSER: They will be backed right up to the loading docks, is what we intend to do. Essentially just as though they were loading or unloading.

JOHN NOWICKI: At the end of the day.

MR. PROSSER: Yes.

JOHN NOWICKI: The rest are going in the new parking spaces in the back?

MR. PROSSER: Right.

JOHN NOWICKI: Okay. So nothing will be parked out front, as far as the vans are concerned?

MR. PROSSER: No.

JOHN NOWICKI: Okay.

MR. PROSSER: Just an aside, you know, there was some comment also about the -- putting up a fence, which you can see on the new plans. We have decided to go forward with that at this time. And the -- the rear wooden fence that has some, you know, decorative graffiti will be painted a solid earth tone color so that will be gone. That will confine all of the operations to this site. All of the traffic, all of the parking. And it won't push over at all onto the Empire Beef site.

JIM POWERS: On that fence, along the property line there, between you and Empire Beef, is that fence going up all of the way to the front parking lot, or is it stopping about halfway like it showed?

MR. PROSSER: It will stop at the gate. It will go up -- go up to the gate. Basically the front corner of the major addition in the back.

JIM POWERS: So that the -- so from that fence line there, out to the parking area in the front, is open?

MR. PROSSER: Yes.

JIM POWERS: Why don't you run the fence up further so you can stay off of Empire Beef's property?

MR. PROSSER: Primarily, we -- we wanted to confine, you know, and secure, protect the vehicles at nighttime, and this -- this really is going to be all put to grass, as part of this proposal, landscaped. It is not on here (indicating). Here we go. On the landscaping plan. This will be treed, heavily landscaped and grassed, so it will provide a natural landscape type barrier, which I think will be a much better appearance than having a big 6 foot high fence, galvanized chain-link fence along the front which will serve the purpose but have much more aesthetics.

Um, that -- oh, and letter of credit estimate was done for the landscape work, and that was \$6,500. That came from the landscape architect. Then there were -- there were the new comments which I just received, which we would like to go through, as best we can. On short notice.

The -- there is an error on the demolition plan. We -- we will maintain the garage in the back, with the overhead doors. It -- at one time we talked about possibly removing it. We don't -- we want the extra storage.

Um, the disturbed area, additionally, I am to include, and it will be minor, the actual excavated area of storm sewer. That will be about 300 total length, 3 foot trench, 900 square foot, .02 acres. He also asked me to include the landscaped area, the disturbance there by -- I have estimated that to be 1800 square foot. That will be .04 additional acres. Then any area that would be disturbed by grading, and frankly, I don't believe that will be any. And I will obviously have to show him and prove that to your Town Engineer, but if you add that .02 and .04 to the .55, that is .61 total disturbed area acres, obviously still well below the one-acre threshold.

Um, Item 3 or Number 3, the reason -- the reason we didn't show any kind of a radii, or any specific parameter for the driveway, you can see it -- it kind of ends -- the reason being, this is existing crushed stone. You know, this will be the new excavated boxed out crushed stone area, and, you know, it is going to run into the existing stone there. But I will review that with your engineer. If he wants me to define something better, I will try to do so.

The parking size, I did fail to check that. I have a 9 foot wide parking area. It has to be 9 ½ foot wide. What that -- that won't be a problem. If we need additional parking, we have opportunities to do that along the new driveway. It is a matter of changing the sizes from 9 to 9 ½. If it doesn't fit there, I'll show where we'll pick up some more.

JOHN NOWICKI: How many spaces will we be leasing here?

MR. PROSSER: I haven't had a chance, John (Nowicki), to go through that yet. I'm sorry. I suspect -- you're only talking basically 5 percent, so out of -- you're probably talking two or three spaces.

KAREN COX: You would pick them up over in the southwest corner?

MR. PROSSER: In the southwest?

KAREN COX: When you say "the new driveway."

MR. PROSSER: I was going to put them, you know, in the front area, along the driveway. I don't know which side. Probably this side (indicating), just pull them in this front area. If I need to do so. Because that -- because obviously that would be more convenient than other locations.

Five is really relatively minor. There -- the engineer thought there was some conflict between the -- the landscaped drawing which came from the landscape architect, LO1 and the drawing -- I mean LO3 versus our site plan, LO1. And basically, it was just a matter of interpretation. Our site plan shows the paved walkway, and our surveyors didn't pick up some plants that are up there, but that was all what they called landscaped area, including the paved walkway. Basically, it is mostly semantics, but I will get that cleared up so your engineer and myself are in agreement.

In other words, I'm trying to say it is minor.

Item 6, yes, that is a new gate. We'll put a note to that effect on the drawing.

7, yes, I can certainly provide lighting information. Manufacture catalogue cuts. I have them. I had thought I submitted them earlier, but I still have them. I can resubmit them.

Um, scaled dimensions. Buildings, because it -- because the front building wasn't exactly tri -- I'm sorry, rectangular, what we did is averaged the two sides. In order to make it come out square footage, exactly what it is.

There is a little jut in there. I will put the dimensions on the drawing. I guess that is basically what

he is asking for. I think with that, we'll be okay.

Um, and I checked the -- said we were up to 8, 9 feet off on the property line distances we showed from what was scaled, and I got to tell you, I -- I didn't get more than 2 feet. I have the east/west line. I had one at 347, versus 348 shown, and another one, the -- the other side was 303.56, and I scaled it to exactly 303. But -- it doesn't necessarily have to be exact. You know, it -- a deed can give you one distance and a surveyor can go out and measure another, so. We'll square that away with the engineer. I think again, it is going to be very minor.

Um, as far as Number 9 goes, I didn't plan on an offset of the chain-link fence. If the Building Inspector tells me that is not acceptable, we'll put an offset. I planned on putting it right on the property line.

DENNIS SCIBETTA: It has to go on the property line. It can't be an offset on that.

MR. PROSSER: That will be zero offset.

The asphalt pavement was planned on being included in the project at one time. We forgot to take it off the detail sheet. Item 10.

That's it. Any questions or comments, I would be glad to do what I can.

JAMES MARTIN: On item Number 10, at this point, you're not planning to do any asphalt paving?

MR. PROSSER: No, no. All stone, except for the concrete aprons running up to the loading docks.

JAMES MARTIN: So based on your response to the latest letter from the Town Engineer, obviously there is a fair amount of work to be done to, you know, get into agreement with the interpretation of your plan. I will wait for his comments when we go to the side table regarding, you know, the details of your responses.

JOHN HELLABY: Curiosity question. If this does get approval, and again, I know there are some issues that need to be addressed, construction schedule? Timing?

MR. PROSSER: Chomping at the bit, right? Immediately?

MR. TOURER: Yes.

JOHN HELLABY: What are you looking at from start to finish?

MR. ST. GEORGE: Phil St. George, General Manager Comfort Windows. The company that we wish to do business with, Finger Lakes Construction, estimates three months from beginning to end.

JOHN HELLABY: You're subbing the entire project out?

MR. ST. GEORGE: Yes, we are.

JOHN HELLABY: That's all I have.

JOHN NOWICKI: Has the Conservation Board had a chance to review the landscaping plan?

PAT TINDALE: Yes, we did.

JOHN NOWICKI: You made your comments and recommendations.

PAT TINDALE: I have some comments.

JOHN NOWICKI: We'll wait 'til we get to you on that one.

I haven't seen or heard much about the architectural treatment of this building. Can you comment or show us something on that?

MR. PROSSER: It is the drawing on the lower right.

JOHN NOWICKI: What does it consist of? What is it made out of?

MR. PROSSER: Metal cladding and metal roof. Architectural metal. It will be corrugated and the 20-year guaranteed finish, and you know, we'll have the overhangs running all of the way along the side. The two side loading docks. Um, really don't want too many windows. We're showing one in that upper area, but windows get broken in warehouses, so it is really not a good idea.

JOHN NOWICKI: What are the colors of the building?

MR. PROSSER: What color?

JOHN NOWICKI: The colors of the building, the roof color, the sides?

MR. PROSSER: Whatever pleases. We can submit something to you.

Do you have something picked out, I'm sorry?

Basically, try to match the present building. A light color, off white, innocuous.

JOHN NOWICKI: Okay. I think we should have some kind of a cut sheet available. You know, the final that shows the colors that we can expect to get. I don't want to take any chances on that.

MR. PROSSER: We'll get something.

JOHN NOWICKI: And visiting the site there, as I faced the building, left-hand side, I think there is either a trailer or huge dumpster alongside that building there. Is that going to be removed and exited from the site, or what is going to happen to that?

MR. TOURER: I'm Mark Tourer (phonetic), from Comfort Windows. The trailer that you can see all of the way to the back, it --

JOHN NOWICKI: Down the left-hand side of the building.

MR. TOURER: There are dumpsters down there that won't be there once we can get them into the space that we have proposed. They will be out of the way. The big semi-trailer, that is for storage right now for our insulation. And that will be removed.

JOHN NOWICKI: That will be removed from the site?

MR. TOURER: Yes.

JOHN NOWICKI: After the building is up.

MR. TOURER: Yes.

JOHN NOWICKI: I want that on the record, so down the road we know that thing is gone and out of there. Thank you.

I think I will wait, because I do want to hear what the engineer has to say on this very detailed plan he has here, his concerns. For now, that is all I have.

GEORGE BRINKWART: On the lighting plan, you show some lights around the building, but there no lighting by the parking spaces you have proposed.

MR. PROSSER: No, but -- we're just going to have building mounted, whatever, you know, shoots off that way, we'll get -- feeling the security will be provided by the new fencing. Is that acceptable? I mean, that is -- it is their risk.

DARIO MARCHIONI: Can you go over again about this fencing? 6 foot fencing, will you paint the old fence there or the new fence?

MR. PROSSER: Where the old fence exists we're going to paint it.

DARIO MARCHIONI: Just paint it? Even with that height fence just paint it?

MR. PROSSER: Yes.

DARIO MARCHIONI: What about chain link fence? Will you put a new one there or just fix the one on east side of the building?

MR. PROSSER: My intention was to put up a new.

DARIO MARCHIONI: New?

MR. PROSSER: Yes. Where are you going to -- where are you going to put a new fence? How about -- in other words, on the left section, is it going to be new?

MR. PROSSER: This side (indicating) is all new.

DARIO MARCHIONI: That's new.

MR. PROSSER: Yes.

DARIO MARCHIONI: The back?

MR. PROSSER: This is the wood fence to be painted. Then we have the building that will stay, and this is the facade, 16 high facade. That will be painted. More wood fence to remain, and -- and then we have existing fencing and walls and gates and -- it will stay in place on the other side.

DARIO MARCHIONI: Where the 6 foot wood fence stops you have the 4 foot chain link going towards Scottsville Road on the east side of the project. That's -- that chain-link fence, it is in a pretty bad shape now. Will you have a new one there? It also shows a gate there, a fence gate.

MR. PROSSER: I'm sorry. 4 foot up and 6 foot down. I was going to leave it. Maybe we could paint it or something.

MR. TOURER: It will be repaired.

MR. PROSSER: Give it galvanized paint.

DARIO MARCHIONI: The wood fence, it's up and down and all over. It would be nice to have a new fence there. It's in the back of the building. You know, I can understand it, but some -- on the sides there, between the two properties, I think that --

MR. TOURER: It will all be repaired. The whole idea of this is to make the whole property look better. So I mean it will be -- the facade across the back, that has roofs, it will be straightened out, painted a solid color. All of the wood fences will be repaired and painted up.

DARIO MARCHIONI: It would look better with a new brand new wood fence there.

MR. TOURER: We want to make it look better.

DARIO MARCHIONI: That fence gate is between the two properties? Is that going to be eliminated? What is the purpose for that?

MR. TOURER: Used to be the entrance to the property. Used to be. We haven't decided if we should leave it just for -- if you needed to get something in there, but it will -- like I say, it will be repaired.

DARIO MARCHIONI: That's all of the questions I have for now.

JOHN NOWICKI: Just one thing. It is interesting, because you gentlemen do such a nice job in the community, improving all these other homes and properties, so now you're going to be on the line and we'll be watching you.

JAMES MARTIN: I will comment, that, you know, some of the clean-up effort has -- is noticeable. We appreciate moving in that direction, but you have a ways to go on the site.

MR. ST. GEORGE: Phil St. George again. I know last time there was some confusion about the property to the south of ours. It was thought it was owned by William Putzer. He sold it off. It is an eyesore to us. It has a "for sale" sign. It is covered with weeds. It is not kept up. I wish we could do something about that, because we really want to improve the way our business looks. People associate that with us, and we wish it wasn't so.

DENNIS SCIBETTA: We have a new owner on that, so maybe -- I think -- I believe we have the new owner of that property now, so we'll work on that, as well.

Mark (Tourer) (phonetic), he has contacted me to kind of see the clean-up and that, and I am aware of the trailers, John (Nowicki), that are there until the time this is going on. So we're aware of that.

Just a quick question as to is there -- on the east side is there a proposed gate or no intentions to have a gate on that side, to the rear?

MR. PROSSER: No, I guess not.

DENNIS SCIBETTA: Just a question I had.

MR. PROSSER: They can kind of watch what is going on over there.

DAVE LINDSAY: I think we'll be able to work through most of my comments here. Just to clarify Number 3, um -- let's see. I was more talking about the radiuses at the entrance -- you're showing a couple radiuses there, and I'm --

MR. PROSSER: No. We're not going to have -- it will be straight in. I mean, we're coming straight in to it. There is parking on -- you know, landscape --

DAVE LINDSAY: Landscape plan showed a radius.

MR. PROSSER: We'll fix that.

DAVE LINDSAY: Then the lot line dimensions, it is the other two. Not the -- just a matter of semantics. It is more probably what you referred to as the north/south line.

MR. PROSSER: All right. We can check that. I thought they were pretty close, and you know, they -- they can be differing. So I will have to check the surveyors. I have seen measured-to-deed distances 10 or more feet. I don't expect that here in Chili. Everything is real good in Chili, but not out in a neighboring town.

DAVE LINDSAY: We should be able to work through this.

PAT TINDALE: I think I has been taken care of. I was concerned with the trucks. I think I understand they're not going to be parked there on Scottsville Road, now is that --

MR. PROSSER: Right.

PAT TINDALE: You mentioned, I thought, a letter of 6,500 for landscaping. Was that --

MR. PROSSER: That was requested by the Town, and I guess the -- in the last letter.

PAT TINDALE: I was curious because the estimated cost listed on the checklist you handed us was only 2,000.

MR. PROSSER: That was my guess, and I guess the landscape architect proved me wrong.

PAT TINDALE: The three --

MR. PROSSER: That was their fee to draw, I guess.

(Laughter.)

PAT TINDALE: They can be expensive. The tree planters, the ones that are just on your property, we would just like to be insured that the plant material is alive, and if not, have them replaced, or if it's half dying, to replace the trees that are in them.

And a two-year warranty on the plant material, please.

And one other thing. Member of our Board who is into this landscaping has made a couple of suggestions that he thought would work better than the materials that are suggested. And his suggestion was in place of the Siberian Spruce tree, it be replaced with a 2 ½ inch caliper Red Sunset Maple.

MR. PROSSER: Red Sunset Maple?

PAT TINDALE: He had a reason. Don't ask me. I can't remember.

MR. PROSSER: Maybe the leaves?

PAT TINDALE: Because of winds and so forth, that this would uphold better than the Siberian Spruce.

MR. PROSSER: That's fine.

PAT TINDALE: One other thing he had was the 17 Daurian (phonetic) Junipers. He suggests you use the Sea Green Junipers in place of them.

MR. PROSSER: Sea Green?

PAT TINDALE: Yep.

JAMES MARTIN: Could you provide them a copy of your comments?

PAT TINDALE: Sure. If there is -- I don't think there is difference in cost to these things, but he felt the materials would work better.

JOHN NOWICKI: When they -- when they present the letter of credit on that, will you also present the -- a guarantee on the plants from the landscape company that you buy it from?

MR. PROSSER: Um, I don't know if that will happen at the same time. Do you have someone lined up? We would like to get the letter of credit to allow us to move forward.

JOHN NOWICKI: But we would like a condition that the letter indicate that the -- whoever is going to do the landscape work, that they provide a guarantee they will stay alive for 2 years.

MR. PROSSER: How many years?

KAREN COX: Two.

MR. PROSSER: Is that common to get two whole years?

PAT TINDALE: Two-year warranty. Everyone else we would have worked with gives two years.

MR. PROSSER: Mine only gave me one.

PAT TINDALE: If they're going to die, they will die in the first year. You're better off having a two-year warranty, so they will replace them.

MR. PROSSER: Just curious if that was the norm.

JOHN NOWICKI: No County Comments?

JAMES MARTIN: No. I picked up five conditions during the discussion. I will go through those now.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: We want elevations, color scheme. It shouldn't be that difficult.

JOHN NOWICKI: Consider waiving final?

JAMES MARTIN: They have paid the fee for waiving final. Let's -- let's do SEQR and then we'll discuss that.

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: They have paid their fee for waiving final on this. Assuming that they meet all of the Town Engineer requirements --

JOHN HELLABY: Assuming they can get through all of the engineering comments.

JAMES MARTIN: Well, it's -- the whole thing is pending on Town Engineer approval. If they get through that part, then I guess I don't have a problem waiving final.

JOHN NOWICKI: Conditions are in place, and everybody here at this right-hand table knows what we want, and our Town Engineer feels comfortable that he could control that situation, before any

permits are issued, and we can get all of the information in there, I wouldn't have a problem waiving final. I just want to make sure everyone understands.

JAMES MARTIN: I don't have a problem waiving final.

JOHN HELLABY: Who has final say on waiving an architectural rendering?

DENNIS SCIBETTA: You do, but I will make sure that you have --

JOHN NOWICKI: They have indicated in their presentation tonight the colors.

JAMES MARTIN: Will be similar to the existing.

JOHN NOWICKI: Similar to the existing. When they -- those elevations come through -- you have already heard what we're looking for, so.

DENNIS SCIBETTA: Yes.

JOHN NOWICKI: I don't have a problem with that.

JAMES MARTIN: So we'll waive final.

KAREN COX: Yeah.

JAMES MARTIN: Final is waived.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. Provide architectural renderings to the Planning Board prior to a building permit being issued.
3. Storage trailer to be removed upon completion of new building.
4. All existing fencing will be repaired and wood fencing repainted.
5. Letter of credit for landscape plan shall include a guarantee clause for a two-year period.

Note: Final site plan approval has been waived by the Planning Board.

JAMES MARTIN: We have a bit of mixed situation with the ones listed on the sheet. We have one under Old Business and two under Public Hearings that all relate to the same operation, Metalico of Rochester. I guess it is my choice that we go ahead and hear all three, since they are basically linked at the hip, since we're talking about Metalico of Rochester. Even though the application for the preliminary site plan is being handled as old business, we do have two that are going to be handled as public hearings, and rather than split them apart, I think we'll hear them all simultaneously at this point.

1. Application of Metalico of Rochester, owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a mechanical metal shredder at property located at 1525 Scottsville Road in G.I. zone.

PUBLIC HEARINGS:

1. Application of Metalico of Rochester, owner; 1515 Scottsville Road, Rochester, New York 14624 for conditional use permit to allow an auto shredder and dismantling at property located at 1511, 1515 & 1525 Scottsville Road in G.I. zone.
2. Application of Metalico of Rochester, owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary subdivision approval to combine three lots into one lot to be known as Metalico-Scottsville Subdivision at properties located at 1511, 1515 and 1525 Scottsville Road in G.I. zone.

Mike Drury, Warren Jennings, Dean Southcott and Kip Finley were present to represent the application.

JAMES MARTIN: I think before you begin, I would just like to state at the time we reviewed the site plan, you know, we did take public comment, and tabled the application at that time. As we go through the review of these applications, I would hope that, you know, there are -- there may be some public comment regarding the site plan, but I would hope the public comment would be focused on the conditional use permit application and the subdivision application.

MR. DRURY: Thank you, Mr. Chairman, Chili Planning Board members. My name is Mike Drury, the President of Metalico Rochester and Executive Vice President, Metalico, Inc., Metalico Rochester's parent. With me is Warren Jennings, our Vice President of Operations; Kip Finley from Avery Engineering; and Dean Southcott is also in the audience, the General Manager of the Scottsville Road facility.

On March, 2000 -- in March 2006, Metalico Rochester submitted a short Environmental Assessment Form which was subsequently replaced with a long Environmental Assessment Form as recommended by the Board at the November 14th hearing.

We're again here tonight to answer questions and concerns concerning the application. If you will bear with me, I will repeat why we are here for anyone who is in the audience tonight that wasn't here in November. Metalico Rochester has been pursuing providing shredding services to our customers and consumers for well over a year. Um, shredding is the most energy- efficient processing system for sizing and sorting various scrap metal products. As the manufacturing base in the United States shrinks, more of the scrap generators from obsolete products, automobiles, used appliances and light iron scrap -- Metalico Rochester through its two local buying centers acquires, segregates and ships shreddable scrap to shredding operations and then sells to end consumers such as steel mills, aluminum mill shops and others.

By installing our own shredder, we will eliminate the transportation cost and associated energy consumption needed to ship shredded scrap to -- shreddable scrap to other shredders. The loss of our stationary shearer to a fire in the spring of '06 reinforced our decision to enter the shredding side of scrap recycling.

What does a shredder mean to Chili? We expect to add six permanent jobs to the existing work force of approximately 79 individuals at Scottsville Road. Local service providers such as mill works, parts suppliers, delivery services, lubricant suppliers, uniform providers, general repair services and others will do more business with the facility. That is just a general overview why we're here. I will turn the general presentation over to Kip Finley from Avery Engineering. Thank you.

MR. FINLEY: Hello, everyone. I will get a couple of notes here.

As the Chairman was saying, we did come in with a sight plan so that we could get some more input on what process would be required to go through the approval and review -- review and approval of a new shredder, and it has blossomed into a three-part process that we're going to go through concurrently, so the public gets the opportunity to give some more comments tonight on this. The two new pieces to this are the conditional use for a shredder and also in our application, we have what is called auto dismantling.

The other part that is a new piece is that this is a subdivision process which is really meant to combine the three pieces of property that have all separate tax I.D. numbers now because the Town would like to simplify that and just have one piece of property.

I think it is probably beneficial to get started off before we have questions about the process. If Warren (Jennings) would just tell us a little more about the car dismantling. We went through the shredder part quite a bit last time.

MR. JENNINGS: Yes. I think that was an open item that was left, and I think, Al (Hellaby), you had some questions on that. I think included in your packet is basically an auto recycler's guide to a cleaner environment. You will see how many regulatory people that we have to adhere to. We have registration certificates for the Department of Motor Vehicles. We have an annual fluid management report. We have a SPEDIES permit. We have tank registrations. So we have six or seven different environmental regulatory groups that we have to adhere to, and it takes the responsibility -- I guess we -- we have to perform to a much more stringent code versus anything that you would have on the books for the Town of Chili.

So -- and also, the piece of equipment that we were looking to purchase, to handle this, is also included in your -- in your hand-out. And this is a -- this is basically Enviro-Rack which will handle all of the fluids into storage containers, and it is done in a very environmental safe fashion. It is one of the state-of-the-art, newest collection of fluids pieces of equipment available today. So we are -- and again, I think the last time we were here, we are only looking to handle a very small portion of the loose cars that would come in because we don't want to compete with the auto wreckers who are our suppliers. But in the case we get a onesy-twosy car that would come in, we would receive the car and then go through the process of getting it and handling it in the proper fashion.

MR. FINLEY: That is where I thought it was very important when we talk about auto dismantling, the real extent of this is taking off the rubber tires that don't go through the shredders and draining the fluids so you don't have that container. We're not taking off alternators and hoods and pulling out the engine and reselling them to hot rod shops. That is what auto wreckers do.

In order to provide one-stop shopping when you go to the customers, when you go to Wegmans or something, you want to do all of your business at one spot, instead of running around. So if customers have a car to bring in, you want to be able to do that so you don't lose their other business for bringing in their scrap metal.

MR. DRURY: To reinforce what Kip (Finley) said, we won't be selling used auto parts at the facility. Essentially one-way transaction. You come in and deliver your shreddable scrap and you will leave with payment for the scrap. We won't sell auto parts.

KAREN COX: The cost of this piece of equipment and the headache involved with the permitting is worth it in your mind to -- like what Kip (Finley) just said, not losing customers.

MR. DRURY: We'll pay less for a car that comes in for this process than we can for a car that is disassembled and going straight to the shredder. Again, we don't get -- we don't expect to get many. Initially, we may get more than we would like, but they will realize they won't get the same value if they dismantled them themselves. They won't come back with cars on the hook. Primarily a service for an emergency situation. It is more headache than anything else to us. But with the traffic flow of the facility, you want the option of taking them in as opposed to turn them around and get them out of line.

JOHN NOWICKI: Could you just go through, for example, and give us a typical process of a car coming in, to -- to that particular piece of equipment, and what you do with the tires, what do you do with the fluids, what do you do with any environmentally sensitive materials, and where are you going to store the materials on site, and what -- the tires and things like that?

MR. JENNINGS: Okay. We --

JOHN NOWICKI: Go through a typical situation.

MR. JENNINGS: The vehicle would come in either being towed or, I guess it would be towed in, and then it would cross our scale. And we would identify the supplier, get a weight. And that car would then proceed into the plant. As it proceeds into the plant --

JOHN NOWICKI: When you say "plant," what do you mean?

MR. JENNINGS: Our facility, the site inside.

MR. FINLEY: The plant is outdoors pretty much. A yard.

MR. JENNING: We have an office, two scales. The car would come onto the scale and be weighed. It would then proceed into a -- where we have the area for the auto dismantling hut here (indicating). It would just come around, and at that point, they could unhook it and the car can stay there, because typically the car will come in with four tires, two tires on the vehicle. This way we ultimately do pick up the car and put it onto the rack with a wheel loader.

JOHN NOWICKI: Can I stop you there for a second? What kind of storage capacity -- suppose you have 30 cars come in.

MR. JENNINGS: There wouldn't be an issue. We have basically seven or eight acres here of open space.

MR. NOWICKI: We're showing a site on this particular map where these cars could be stored so we don't lose control of this situation?

MR. JENNINGS: Well, again, you know, property is so precious to us, as well. We're not -- we have the ability to process them. Once we process them, we can flatten them because there are no fluids in them and we can stack them so it's much easier for us. We don't want to get like a used car lot. We're not in that type of business.

JOHN NOWICKI: That is what I am trying -- go ahead. I just want it in the minutes.

MR. JENNINGS: Ultimately, the car is picked up and put on the Enviro-Rack where any fluids are drained, antifreeze, gasoline, transmission oil, and -- including CFCs would be recovered, air-conditioning, freon would be recovered.

And you have to have people that are trained to handle it. They're licensed through the Department of Motor Vehicles. And ultimately, once it is cleared and -- and processed, it is pulled off the rack, and for us it would be put into the stockpile area to be shredded, and ultimately, the roof would be flattened and ready to go into the mill.

JOHN NOWICKI: Where do the tires go?

MR. JENNINGS: The tires can come -- the tires can stay on. They can go through a shredder. With the tires. It -- that is the engineer not necessarily -- they can stay on. It doesn't make any difference to us. There is actually -- just take a discount on the price versus the weight. Because we're going to create waste when we blow apart an automobile. You will have non-ferrous metal, ferrous metal and waste, the upholstery. Having a couple cars go into it, it would just go to the landfill as waste.

In the way it normally works, it -- it is -- if a person comes in and if they don't want to take the reduced waste that they would -- the reduced price to handle not only a dirty car but a car with tires, they would have the option to take their tires back home and they would dispose of them with their own ability.

JOHN NOWICKI: So you're not going to have a pile of tires sitting there?

MR. JENNINGS: No, no, no.

MR. DRURY: The tires --

MR. JENNINGS: We can push them through the shredder. There is no reason to have tires.

JOHN NOWICKI: I might as well ask this question, because we did get a letter from our Fire Marshal. Because we have had experiences over on Union Street where another operation over there that has caused us problems in the past. What about fires in this particular operation, explosions and things like that? What are you doing to protect the community against that and workers?

MR. JENNINGS: Um, I guess to answer, we have a fire plug here (indicating) on the site plan, and we are going to bring the fire -- we're going to tie into this fire plug and bring it over to additional stations over to the actual mill. That is part of the requirement under the Fire Department. And ultimately what we would do is we would bring water for firefighting. In the event there is something that happens, an accident, catastrophe or something like that, we'll have water available in the event that there is a fire. Not -- not to say -- we just have to plan for that.

JOHN NOWICKI: The equipment itself, does it have power -- power sprays on it?

MR. JENNING: Well, that is to get the -- that is so that the Fire Department, in the event they had to come to our facility, with or without a shredder, there is a fire plug here. Because of our processing, manufacturing is going to be further away, so we'll bring the fire plugs over to here (indicating), and we'll actually have water available for the mill. When you run a shredder, you actually inject water into the mill, because the mills, the shredders themselves, they don't want to have the explosions either. It is very disruptive to the mill, and so as I think I mentioned the last time, the mills have changed in design. I can't -- if you guys could tell me how many explosions Union has, and -- the dates and months and all of that that they get called, I could make, you know, put something together that would show that I think they probably had more explosions early on in their career than they are having today.

JIM POWERS: No.

DENNIS SCIBETTA: It is an ongoing problem there.

JIM POWERS: It's an ongoing situation.

DENNIS SCIBETTA: Unfortunately. That -- that is the comment on it.

JIM POWERS: You bring water into the site --

MR. JENNINGS: Again, we have water available here. We'll inject water and a soap solution. I don't know if they're doing that over at that particular mill. What that does is it just pushes out the oxygen within the mill. In order to have an explosion, you need oxygen, so that is how that works.

JIM POWERS: What size line do you have on site there?

MR. JENNINGS: We have a 4-inch.

JIM POWERS: 4-inch.

DENNIS SCIBETTA: Are you aware of the Fire Marshal's condition about that 4-inch line is not a standard for us, so he is requiring at least a minimum of a 6?

MR. FINLEY: We read through. We got a copy of the comments. What we thought we would do is -- is take it in steps and evaluate what is really there. To see if there is flow and pressure -- because they have a pretty extensive system. The next step if there isn't, there is the opportunity to have a booster pump to make sure we have the adequate water supply and pressure. If those don't work, then there is an option of having a water main come in, 6-inch with hydrants. I guess the point Warren (Jenning) is making, there will be a water supply right there, and if there is the need to have some sprinklers or other things on the conveyor or wherever, there could be burning material, we have that opportunity to do it. We haven't really digested what all of the Fire Marshal's comments were with respect to that. They don't want a fire any more than --

DENNIS SCIBETTA: That is just the standard. He just wanted you to know that the 4-inch is not a standard. A 6-inch line is a standard for that.

MR. FINLEY: We'll look at that hydraulic. You can sometimes push it up through a 4-inch to get what he wants. But we'll check it out.

JOHN NOWICKI: Going through the process here, what happens to the battery?

MR. JENNINGS: The battery is collected. It is actually very valuable. When a car comes in, the -- the inspector will open up the hood. Because -- they will -- you know, they will take -- they want to collect the battery ends as well, which are lead. They want to cut those wires off and -- and they just pull the battery out. We stack the batteries in accordance to -- they basically go onto pallets and they're transferred in our finished warehouse. We handle them. We buy batteries from the auto wreckers --

JOHN NOWICKI: They're stored inside?

MR. DRURY: Yes, sir.

JOHN NOWICKI: I had a drawing by your engineer. Next to the -- to the machine here, the Enviro-Rack, there is a building proposed. Is that going to be built and what is the use of that building? That one right there (indicating).

MR. JENNINGS: Not offhand, not right away, but we're planning on a building.

JAMES MARTIN: When will you incorporate this Enviro-Rack into the scheme here?

MR. JENNING: As soon as -- ASAP.

JAMES MARTIN: What is your timing on that? Is that before the shredder gets up and running?

MR. DRURY: No, no, no.

MR. WARREN: We wouldn't need it.

MR. DRURY: If we don't put the shredder in, we never would buy the Enviro-Rack.

MR. FINLEY: The way the sketch is, I drew the small building -- the dismantling hut is a 30 by 30 building. They have in a future phase, Phase 3 they would like to put up a building to handle non-ferrous materials. I put -- drew it up in context to see what it would look like next to the big hut just to see it.

JAMES MARTIN: It was in the drawing and it showed that the building would be there.

A question on the Enviro-Rack. This drains all of the fluids including any residual gasoline in the tank; is that correct?

MR. JENNINGS: Yes. It is filtered. People can burn it.

MR. DRURY: We would probably give it to the employees for use in their cars because with the filtering system --

MR. JENNINGS: 2 or \$3 a gallon.

MR. DRURY: Nice getting home every day.

JOHN NOWICKI: Are these cars towed in there with a forklift mechanism?

MR. DRURY: Yes. Hopefully you get the sense this is a rather cumbersome process. If you were to visit the yard today, you can see the traffic we have and how busy this is. This is not something we're looking in forward to doing.

Again, this is just a service to, um, initially make sure the flow is efficient, and then as we get more seasoned, and moving the traffic through, just to facilitate the stray car that comes in on the hook, on the tow truck.

JOHN NOWICKI: Thank you for going through the process.

MR. FINLEY: Probably just to update, anyone from the public who was here at the previous meeting, there were a number items that we were supposed to address. Um, I will just list the things that we have submitted since the last time.

We have had a noise study completed, so that -- the Planning Board has. We'll go over questions about that. We have done a full Environmental Assessment Form so that we have all of the more expanded information about that. We have also submitted a joint application to DEC and the Army Corps, because there was a couple of comments from the County, the engineer, regarding the wetlands that are across the railroad tracks, and they're quite a ways from the property, but technically, we do want to work in the edge of the buffer.

We're waiting for a response from that.

We have also submitted the paperwork to the National Parks and Preservation to -- not national. They're -- that is one agency that is not involved.

The New York State Office of Parks Recreation and Historic Preservation to show the cultural resources are not an issue. That came through on one of the form letters from DEC to check that.

We can explain more about that if there is anybody interested in that. We gave some reference material of the New York State DEC and Monroe County's -- what he said before.

And the Enviro-Rack. We have also submitted a revised engineering report, and draft of the Storm Water Pollution Prevention Plan for the construction SPEDIES. The Storm Water Pollution Prevention Plan for the industrial SPEDIES is still being worked on, and then we'll have to mesh that with our drainage design to design out a way to filter the water where it is discharged to the river. We thought we would like to get a little further on the special use and make sure that is going further before we do all of the engineering for that.

So I think that pretty much points out all of the topics that there are to discuss, and what we thought we would do, if you bring up a topic, we'll try to tell you all of the things we're doing on that topic instead of going through comment by comment.

JIM POWERS: On the shredder, you said you use water when it is in operation. And you have got a separation system for the oil and water, in that building, in the beginning. Is there any reason why that separator is not where the storm sewer line exits that building and then from there it goes to another filtration system, if I read these plans right. Why would you put that at the front of the operation rather than where the storm sewer exits the shredder building?

MR. FINLEY: Oh. Let me try to understand this a little better.

MR. JENNINGS: It is a good question.

MR. FINLEY: All right. Of all of the things I know on site, there is an oil and water separator which is actually back here (indicating). There is a vault that is used to collect oily water, and that's trucked away. Is that what you're talking about?

JIM POWERS: No. In the -- back in the shredder building itself, you have got two or three catch basins in there, and the first one is --

MR. FINLEY: Oh.

MR. JENNINGS: We were going to do this because we wanted to capture -- if the automobiles or refrigerator had any type of leakage or seepage, we would catch it off the concrete pad and get the oil out of it right away versus letting that oil try to go through any of the pipe lines to be caught further out. We would just have a -- have a section here that would match the storage pad, and then catch -- you know, take care of that there.

JIM POWERS: My only question is why that particular collection system wouldn't be where the storm sewer exits the building. So beyond that point, something might occur.

MR. FINLEY: Well, the philosophy here -- I guess this is another important thing to explain. With the DEC regulations and some of the new regulations coming out, you have more precautions at the beginning of the phases, and then as materials, whether it is a car or any other material, as it is processed, it gets cleaner, so up in the front, we have pavement where we are loading the cars onto the shredder. You can -- if you have ever done an oil change, you drain all of the fluid and you think it is all out, and then you let it down and that little bit of the rest of the oil runs out on the floor. Even when you do this with a car, there is the chance that when you tip it or put it on the shredder, there could be other fluid that drips out. So DEC says that where you load your feed, you have to have that as concrete and you have to have an oil/water separator for that area just to take care of that precaution. Just like in the front area, this will all be asphalt.

Once things go back in past the shredder, things are fairly clean. So that storm water can be collected and run to the regular overall storm water facility. Actually, once you get into the back of the yard, everything is basically considered clean, and that can be earth. It doesn't even have to be paved. So the regulations recognize the potential risk as you go through the process and they have us do certain things to protect against it.

This particular piece in the back where they store the turnings from metal turning shops, lathe turnings, those type of oils are water soluble oils, so those are a little worse for the environment, because if they run away, they get in and they are soluble to water. So we're proposing a canopy over the top of that. All of that drainage goes right to a tank right now. We can't let that leave the site. That has to be trucked away by a cleaning company to do that.

The rest of the storm drainage and the filtered water from here (indicating) will go to a storm water facility. It's -- we call it a pond. It's not really like you would use in a subdivision where we have cattails, safety bench, nice amenity. This you think of more like a cement pond or a pool in a way. This will be more a rigid wall and lined.

The storm water will go in, and since we do have a culvert under the road, we can only let so much off the site, and since this water will have to be filtered, environmentally because it is an industrial site, we're going to pump it through at a consistent rate so we don't deluge the filters with so much water. So we're really -- if a drop of oil is here (indicating), it gets separated out here (indicating), and if a little bit actually makes it through here, it is getting filtered before it comes out under the road to the river.

COUNCILMAN POWERS: You're going to have a pretty large asphalt area on site.

MR. FINLEY: Right.

JIM POWERS: Where is that? There is one calculation that has a line going over to that separation.

MR. FINLEY: There is one catch basin in the front of the yard by the scales. That comes out to the front yard. There is a pipeline along the back of the building that catches all of the roof leaders and the rest of the yard. They come together out here (indicating).

JIM POWERS: Will you have some kind of separation center out there in the front?

MR. FINLEY: This, in this particular area, this is -- this is basically the vehicle parking for the trucks. They're not doing any operation right here (indicating). This part is pretty much the delineation where everything starts to slope back in. So this won't (indicating), I don't think. That is where we need to work with the environmental consultant on their Industrial SPEDIES to see if we need to put a filter in that catch basin, but primarily, storm water wise, this is going to the Genesee River which is a fourth order stream, so detention is not really an issue for us. We can dump as much water as we want or as much as we can get through the pipe under the State highway. We don't want to replace culverts under the highway. It is the water quality we'll be taking care of, especially because it is an industrial site. Does that explain why -- there are different reasons for different parts of it.

MR. JENNINGS: The other thing -- I know everyone is focusing on cars, but cars will probably make up 25 percent of our inbound material. We handle -- without a car today, we handle enough volume -- probably 40 percent of our volume is material we're handling presently that we're picking up either from industrial accounts or machine shops, and buying from the public, which is not an automobile. We're not in the business of automobiles. And so ultimately, we will increase the input of the light iron and the refrigerators. The cars will come, but it is not going to be the main stay of our operation.

MR. FINLEY: As far as cars go, there are quite a few places in the County that will accept cars, so there is quite an opportunity -- it is like with grocery stores. We want to be the big one, and we want to carry every service, but there are a lot of other little ones around or other ones that -- that do provide other services.

JOHN NOWICKI: How about snow blowers?

KAREN COX: Looking to get rid of one?

MR. FINLEY: The new ones are mostly plastic.

JOHN NOWICKI: There might be a lot of them out there.

KAREN COX: Snow blowers and snowmobiles?

JIM POWERS: What type of lighting you do have on the site?

MR. FINLEY: Right now there a couple of masked type lights that shine all into the site, into the piles.

MR. JENNING: We also have some up on this property line here. I think there are like four poles that shine in.

MR. FINLEY: We really weren't planning to change anything for the lighting because there is no need to. It works fine.

JOHN NOWICKI: Are there any lighting -- on the new equipment itself, on this particular piece of equipment here, is there any major lighting that is going to appear on that?

MR. JENNINGS: Yes. There will be lighting for maintenance purposes with cat walks.

JAMES MARTIN: But you won't be operating this at night?

MR. JENNINGS: No. There will be maintenance when the machine is not running.

JOHN NOWICKI: The brightness of these lights have to conform to our code.

MR. JENNINGS: Yes.

KAREN COX: Um, the -- going back to the DEC, all of the permits that you need to do the auto operation, do you have those in place now, or are you going to be needing to apply for those?

MR. WARREN: We would need to apply for those, because we have to get the -- um, it is part of -- for the --

MR. FINLEY: The SPEDIES permits will be triggered by doing the work here. The DMV permit for dismantling the cars is -- it is kind of a catch-22. They won't issue that until they have a special permit to do that work, so we're waiting for the Town.

MR. JENNINGS: It takes about four months to get that, four or five months to get that permit just through DMV. They do site inspections of everything we put up and they go all -- most -- 99 percent of your concerns is what they go over. So then ultimately then we get a -- an auto dismantler's license, that would allow us to take a car in. And then it's not that we're going to dismantle it. That is kind of like where we get hung up. We're just going to process it to be destroyed. And not be part of a dismantling. We're -- dismantler to me is more like you can sell the parts. It is just the way the law is written.

KAREN COX: And none of that has started yet, because it is contingent on approval.

MR. DRURY: No sense in going down that road until we know where we stand with the Town.

MR. FINLEY: As far as other permits or agency, the Office of Parks and Historic Preservation, we're looking for concurrence there is no impact.

DEC Wetland Division, we're looking for concurrence there is no impact.

There is no Army Corps involvement.

Air quality, we're going to use an electric motor for the shredder, so there is no exhaust, so we don't have emissions for that. There are other things that the facility -- are permitted for air emissions, but nothing new.

KAREN COX: This, the SPEDIES permit that you -- that was in this packet. It is just a sample, Kip (Finley), this is not one specific for the -- or -- never mind. I answered my own question.

MR. FINLEY: Which is what you have?

KAREN COX: This is their general permit. This is what we would -- this is what this project would come under.

MR. FINLEY: The DEC, there are two SPEDIES permits. One, because we're disturbing over an acre, so there is construction SPEDIES. And because it is a redevelopment site, we were going to use the interim guide for redeveloping sites which gives you a little flexibility on your water quality treatment, but since the last time we met, they issued a whole new chapter to the regulations on -- they formalized the interim strategy into a chapter. I just got it this week. They issued it. So I have to read that. There is construction SPEDIES and then industrial SPEDIES. Two different general permits. You have the construction one.

KAREN COX: Thanks. That's all I have.

JOHN HELLABY: Refrigeration gas capture. I know you mentioned it, but there is no mention in this --

MR. JENNINGS: That machine doesn't do that.

JOHN HELLABY: Is -- what is your intent?

MR. JENNINGS: It is also part of the -- the Department of Motor Vehicles, where you also -- if you're going to take refrigerant out of an automobile -- it is better for us to let the people come in with

the refrigerant versus telling them no, go around the corner, cut the lines and then bring it in. We would rather have it come in with the refrigerant. So we have trained people that hook up a freon machine, capture it and store it, and then we can actually sell it or dispose of it.

JOHN HELLABY: Separate entity.

MR. JENNINGS: Very small machine.

JOHN HELLABY: You made mention that the tire issue that -- if vehicles come in, we're going to allow the option for the owners to take these tires home with them. Um, who removes those tires and where are they removed?

MR. JENNINGS: They would remove them.

JOHN HELLABY: They would remove them.

Where?

MR. JENNINGS: At our facility.

JOHN HELLABY: Where? I can see half a dozen junk cars with people taking cars tires off in the front parking lot.

MR. JENNINGS: It doesn't get that bad. It would be right over there by this area (indicating). This is where the cars -- again, they will come in across the scale, over to this area (indicating). This is the area (indicating) that the Enviro-Rack would be. We have to go through every car that is not flattened or gone through auto wrecking. They go through the auto wreck, sign a contract that everything is clean and free of freon and any hazardous materials, all of the oils and wastes. We get contracts with our --

JOHN HELLABY: What if John Q. Public rolls up with a car on the chain and says, "Okay, I will take the tires home." He yanks it back there and proceeds to try to jack this thing with a bumper jack.

MR. JENNINGS: No. We take care of that. What you normally do is use a few concrete blocks where the car is lifted on by the forklift and it is stable.

JOHN HELLABY: But this individual is actually operating --

MR. JENNINGS: No, no, no.

JOHN HELLABY: There are liability issues.

MR. JENNING: He is not operating in our yard. He will only be using a tire wrench to take --

JOHN HELLABY: But he is in your facility --

MR. JENNINGS: I understand.

JOHN HELLABY: -- taking the tires off.

MR. DRURY: We're hopeful that someone considers that will be dissuaded by the significantly reduced amount of money he will get for his car.

JOHN HELLABY: The next question is, that I -- I know this material said you can store up to a thousand tires. Once you hit that magic number of thousand, how will you dispose of that?

MR. JENNINGS: We would never have that many. That could say 100. You could put 100 down.

KAREN COX: That is in the DEC permit. We can't change it.

JOHN HELLABY: I'm just saying it allows up to 1,000.

MR. JENNINGS: It is not an issue. We won't get into the collection side of it.

MR. DRURY: Again, the tires can go through the shredder, and they come out as the waste, which is referred to as auto fluff, and just discarded in the landfill with the rest of the waste.

MR. JENNINGS: The tire would only be more.

JOHN HELLABY: All fluids should be removed on non-porous surfaces such as concrete at the facility, which is why I disagree, because asphalt is extremely porous. This building where you're doing all of the removal will have some sort of container curb around it?

MR. JENNINGS: Yes.

JOHN HELLABY: One of my other biggest issues, which is really the crux of the whole problem, is the pavement plan. I don't think you will ever get rid of the mud situation down there. The grade, I know you said you're on it and you take care of it, but it is there. It is a disaster on Scottsville Road. My biggest concern is introducing more traffic into that lot on a daily basis, up to 50 trucks or wreckers or whatever, is going to haul that much more of that slop out on Scottsville Road. I mean, your front parking lot is almost nonexistent through all of the dust and debris that is all over it.

And -- and one of my other big concerns is, again, it is a salvage operation and that dust has a tendency to have a real strange color about it. I don't know if it is rust impregnated in that dirt or what, but it is like that on every recycling type facility. Again, I have worked on great big construction jobs where municipalities actually made individuals, myself included, put wash stations before those vehicles hit that pavement. I guess I would like to know exactly how are you going to resolve that problem.

MR. FINLEY: Okay. I can answer that.

On this plan, we have broken it into phases. The first two are taking care of that problem. When we get done with this, it will be paved to the back edge of the building and the only part that won't be is underneath the piles where only the on-site equipment operates. All of the trucks that now come in and come back around the pile and dump go through the mud and then back out the door of the scales, and in the future, everyone, all of the trucks that Metalico owns, plus all of the people bringing in scrap or anyone taking anything off, they're all going to be on a paved surface. It should virtually eliminate the mud, because the only place that will be left as earth, only has the loader, the shovels and loader that work on the site, never leave the site.

JOHN HELLABY: Time frame in comparison to when the shredders go in, when does the blacktop work get completed?

MR. FINLEY: This part, the shredder we're proposing with all of the asphalt and concrete. That takes about a third of the yard, first phase.

JOHN HELLABY: That won't relieve the problem.

MR. JENNINGS: You're right.

MR. FINLEY: The second phase is a pavement phase.

MR. JENNINGS: That is this section (indicating).

JOHN HELLABY: When are we talking about Phase 2?

MR. DRURY: Two years. The first phase is to get the shredder constructed and -- well, first to get -- to lay the concrete base where the shredder will go and get that up and constructed. And then let's say that takes us through this summer, into the fall. By hopefully next, you know, April, when the season comes back around again, so a year from 2008 I guess it would be, we would be in a position to start the second phase of concreting or black topping or whatever is the material of choice.

MR. FINLEY: Metalico's goal, as we explained in the first meeting, they're buying many facilities they're bringing up to modern standards. In the past the scrap industry hasn't always had a great reputation. It is a viable business. It is better to reuse the material. They want the place to look good. They don't want to have problems.

JOHN HELLABY: Again, it is just my opinion, and the Board can do what they wish, but I think we're putting the cart before the horse here. I think the pavement issue needs to be addressed, and then address moving forward.

MR. FINLEY: Conversely, the pavement costs a lot of money, and unless they have a shredder to help pay for it, there won't be a shredder or pavement. I --

MR. DRURY: This is a \$5 million plus project, so, um, the paving you're talking about is probably a half million dollars plus. Not what I -- not addressing where the shredder is going to go, but -- I guess what would you like to see to eliminate all of the mud issues? You know, you -- you would like to make an investment that starts returning capital immediately, which the shredder would do, and then you schedule your additional investments and additional capital improvements off the returns you're getting from your money-making piece of equipment.

Um, so if -- I can tell you that we have been adding concrete and pavement in the plant since we have been there. If you were to visit the site eight years ago and have a memory of what it was and come back today, you would see a lot more hardened surfaces down, concrete and blacktop than before. We have been working on trying to address that issue as we go, as capital allows, but it would be a big bite for us to try to attempt to do the first phase, which again, is a lot of money, without having any return on it, and just putting blacktop down. While I realize it does address your concerns about the mud out in the road, it doesn't give us much return. We might avoid a few flats. This is part of basically a total redevelopment of the total facility we're trying to work towards.

JOHN NOWICKI: Al (Hellaby), if I can ask a question, usually on construction sites, and we have some fill operations in the Town, where the trucks are going in and out on these -- bringing mud onto the road, what is a Town road county road or straight road, I think there is an obligation or some kind of a regulation, also, that is -- that it is the responsibility of these people to clean that highway.

JOHN HELLABY: That is correct.

JOHN NOWICKI: So you have got -- I know that the Commissioner of Public Works and the Town here will go out and make sure that somebody is over there cleaning that highway up in the course of the day.

JOHN HELLABY: The issue revolves around the policing aspect of it. Every day you get a rain day, you got a guy sitting out there demanding that they clean this situation. I mean it is just unenforceable.

MR. JENNINGS: We have a private service that comes in that is contracted to sweep. And I think we sweep, three, four times?

MR. SOUTHCOTT: Five times right now. Five times a week.

JOHN NOWICKI: State highway.

MR. JENNINGS: We cover up to the road, the shoulder.

DENNIS SCIBETTA: It is a State highway.

MR. JENNING: I can't --

JOHN NOWICKI: What are the rules and regulations on that?

DENNIS SCIBETTA: We don't have the authority to enforce that. That would be with the State Department.

KAREN COX: They might have a permit for the driveway entrance, and usually that is -- that stipulation is covered under the driveway permit. But again, it goes to policing. Somebody calls the State D.O.T. and says there is a ton of mud on the road. What are you going to do about it? But don't forget, too, the operation next door to this facility creates the same type of problem. Not -- not --

JOHN HELLABY: However, nowhere to the extent this is, because I will tell you that, the DeWitt -- not Manitou. Not DeWitt. It is Hanson -- does have an entirely paved lot and paved area back by their maintenance sheds so they don't bring that mud out.

KAREN COX: I can understand your explanation --

JOHN NOWICKI: Could be a liability situation for you guys, too.

MR. DRURY: We're trying to address it. Again, we have the sweeper service that cleans the area we're permitted to clean. We can't go out on the road. We are putting down material every season, as our budgets allow, and again, this is a major undertaking for us, and with it, hopefully everyone, within two years, would no longer see mud on the road. So...

JAMES MARTIN: I have a couple of things I wanted to talk about.

First of all, in your information that you supplied to us, the site previously had a large pond subsequently filled with solid waste. So that basically was a waste dump that has been filled. So -- as far as, you know, if this proposal goes through, um, the shredder itself, I mean -- what are you going to do to insure that you're on stable substrate in order to insure, you know, that this thing is going to function correctly?

MR. FINLEY: The shredder will be on a concrete foundation that has very deep sheet pilings down to rock. I have in the long form EAF the rock depth. It changes quite a bit across the site. I think it was 30 or 40 down to 80 or -- it was a -- quite a -- deep for footings.

Also -- that also effects us with our storm water, as far as digging down into it to build any kind a storm water facility, and that is why we're going to line it. It is also very good to be paving the site. I have actually done buildings on land fills, and paved over them, and it is very good to keep the water from going down into the material and then that leeches out and into the water tables. So really, covering the site over with pavement is good environmentally for that, too.

JAMES MARTIN: Do you have any idea how long ago this was filled?

MR. DRURY: We had done a Phase 1 prior to acquiring the facility, and the Phase 1 indicated that the landfill operated from the '30s through the '50s. I mean, it was the Rochester -- data was referred to as the Rochester Municipal Landfill. Um, and then I guess it closed and used for various and -- you know, light industry or whatever was there after that fact.

MR. FINLEY: We'll try to wrap up all topics. That also affects the cultural resources. In the mid 18 hundreds, this property, the property where the nightclub is and Hanson property were all excavated into an ice pond. If anybody knows the area, this railroad crosses the main line, Conrail (indicating). This used to be Penn Central (indicating). This ice pond was in a perfect location where they would just harvest the ice, truck -- put it by train, downtown, Batavia other locations and that is how the ice boxes were filled until ice boxes ended sometime before I was born.

Then they had a big lake, and someone got the idea in the 1930s or so, that it is a big hole and we should start filling it. It is close to the city. So there were no arrow heads left. They were dug out in the 1850s and trucked away somewhere.

Now, then there is quite a bit of C and D type waste. Someone said it was a bottle junkyard where they would take glass and bottles. Then there is about 10 feet of earth and fill on top of that.

So that is kind of the history of what it is, and again, yes, we definitely need deep foundations for the shredder.

MR. DRURY: When we were operating the shearer, that was sizable equipment that was also on concrete slab with similar pilings. The foundation for the shredder will be extensively engineered, because the last thing we want is to put up a piece of equipment up like that and start it up and watch it shake itself apart.

JAMES MARTIN: Um, on the EAF itself, um, going through a couple of sections here, you did check the "no" box on the project, substantial contiguous to anything listed on the State Natural Historic Register. Basically you're asking SHPO to give a sign-off on this. I'm not sure why you checked "no" on that box. But again, for clarification purposes.

MR. FINLEY: The reason why that -- we ended up going to SHPO is this piece of property, on their circles and squares maps, shows up as a shaded area, which is archaeologically sensitive, and the DEC, when they had their coordinated review with Monroe County, issued -- this is the first time ever I have seen it. They issued a three-page letter of all these other things that should be checked, because now the inter-agency coordination, they -- they look at every GIS site for the State, and then it is in writing that it is in that, so we figured we should probably address it and just have it for you to know you can check that off.

JAMES MARTIN: All right. Dimensions and feet, large proposed structure, 49 feet. That is the height of the shredder itself?

MR. FINLEY: It will be the height of everything, so it doesn't exceed the height requirements for the properties. So whatever concrete, above ground, plus shredder will all be below 49 feet.

DENNIS SCIBETTA: We'll have a little bit of a problem with that. You were told that at 45 feet the project was approved by the Rochester Greater Airport.

JAMES MARTIN: Right. That is where I was headed.

DENNIS SCIBETTA: Now 49 feet. I don't know if it is a typo or not, but it will need to be resubmitted to them for their --

JAMES MARTIN: Any structure in excess of 45 feet, they're going to have to re -- relook at the situation. So that is going to have to be resubmitted.

DENNIS SCIBETTA: From the October 10th letter.

MR. FINLEY: I remember reading that.

JAMES MARTIN: Okay. All right. That is where I was headed with that comment. Thank you, Dennis (Scibetta).

DENNIS SCIBETTA: Sorry.

JIM MARTIN: Is the project in any portion of -- or any portion of the project located in the 100-year flood plain? There is a small portion in the 500 year flood plain, but not any in the 100 year. You checked "yes" on that box.

MR. FINLEY: My hand slipped. That is correct. It -- it is a little piece of 500. Actually, there was a question about the grading with the berm associated with that, and right now, quite a bit of the site, from about here (indicating), runs off onto the property. When we're done, it is only the 30 or so feet of that berm that runs onto the property. So we'll cut probably about three acres of runoff, away from their property.

JAMES MARTIN: Okay. As long as we're segueing into height issues, okay, the height of the -- of the scrap piles themselves, we need to come to a negotiated conclusion here on what the height of those piles is going to be and how we're going to benchmark the height of those piles and how we're going to insure compliance with the height of those piles.

MR. FINLEY: Could I make the request that we just go with the Fire Marshal's recommendation? I like that one.

JOHN NOWICKI: Well, we have a height restriction on the site.

MR. FINLEY: I know. It is just the Fire Marshal was looking at it from a different perspective. But we like his perspective.

JAMES MARTIN: The Fire Marshal said the height of stacked vehicles. I want it applicable to any of the scrap piles, not just the stacked vehicles. That is why I am not going with the semantics in the Fire Marshal's letter.

MR. FINLEY: We were looking at the pile height of 49 feet.

JAMES MARTIN: We're looking at -- Dennis (Scibetta), help me out. I know we went back and reviewed the file while Lyell Metal was there. They were given some guidelines at one point in time as to what the restriction was on the high of the piles; is that correct?

DENNIS SCIBETTA: Yes. That is where the 28 feet came from that Mr. Christian has referred to.

JAMES MARTIN: It has to be benchmarked to some elevation on the site?

DENNIS SCIBETTA: Correct.

MR. FINLEY: We did check that because we knew there was elevation given once in previous approvals, and we benchmarked that against the ground elevation, and that comes out as about 25 feet. Which is a workable -- 25, 28, those are workable pile heights. I think that there was some other requirement of a much less height.

JOHN NOWICKI: 12 feet back in 1978. I have the letter right here.

MR. FINLEY: That one -- I knew there was one quite a bit shorter, but a 12 foot pile --

JAMES MARTIN: They were subsequently given relief to that one.

JOHN NOWICKI: Yes, to 25 feet.

DENNIS SCIBETTA: Yes.

KAREN COX: They amend the 12 feet to 25.

JOHN NOWICKI: Down the road, yes.

MR. FINLEY: From a practical standpoint, I think if we leave it as feet above ground, it is probably more enforceable because someone can either measure or visually against equipment, versus elevations that they don't know what --

JAMES MARTIN: I have a simple solution to enforcement issues around that. Okay?

I think as a condition, what we would like, once we have agreed, the Building Department and everybody has agreed to what that height will be, and benchmark to what position on the property, that the applicant put in tall poles, all right, with a delineation line at the top of the poles so that you can visually sight across those poles to be sure that the piles are underneath.

MR. FINLEY: The light poles are probably tall enough that if we put a colored band on the --

JAMES MARTIN: I will leave it up to the discretion of the applicant as to how it happens, but I have discussed it with the Building Department. They liked the idea because you don't have to go with a transit and do all kind of sightings. Simple solution. Okay. Your piles are below the limit.

MR. FINLEY: That's great.

MR. JENNINGS: That's good.

MR. FINLEY: What would be the height? Are we staying with what was in the last requirement of 25?

JAMES MARTIN: 25 feet is --

JOHN NOWICKI: 25 feet is the last approval.

MR. DRURY: We're at 28 feet.

JAMES MARTIN: It has to be benchmarked.

JOHN NOWICKI: He probably wasn't an air --

MR. FINLEY: He was looking at it for their equipment to access it versus --

JOHN NOWICKI: I think one of your piles over there now is probably in excess of that. The one in the back.

MR. DRURY: They're --

JOHN NOWICKI: The big one in the back.

JAMES MARTIN: I want to word this right now. So the height of the scrap piles shown on -- shall not exceed 25 feet from ground elevation or --

DENNIS SCIBETTA: From ground elevation that we'll agree to that it will be benchmarked to, Kip (Finley). If we can get that and shoot that elevation, it will be from that point in and we'll have it flagged at that.

MR. FINLEY: Then you can pretty much stand at the scales and see --

JOHN NOWICKI: Can we get those on the as-built drawings when you're done so it shows on the as-built drawings what that mark is, what elevation?

MR. JENNING: We'll do what Kip (Finley) said. We'll paint some of the poles and make a mark there. We do have a large block building. We can see what the height of that block building is. We can do that tomorrow.

DENNIS SCIBETTA: What John (Nowicki) is trying to tie it to, we'll have the as-builts with the top of slab for the shredder. If we could have that benchmarked and that associated with --

MR. JENNING: That's a good idea.

DENNIS SCIBETTA: -- as a benchmark, point of reference point.

MR. FINLEY: While we're on that topic, just to try to clear up each topic as we go, the Fire Marshal also had a recommendation on pile size, 300 by 300. And that is workable, right?

MR. JENNING: Uh-huh.

MR. FINLEY: So I mean, he was looking at it probably for fire equipment, access of how far he could spray a hose if there was a fire in a pile or something, but that works fine.

KAREN COX: Wouldn't that be somehow connected with the height of the piles? I mean --

MR. JENNING: We'll have lower height, you're going to have --

KAREN COX: Get wide.

MR. FINLEY: 25 feet tall, it could be almost pyramid shape and 50 feet. But 300 will make it easier to mound it.

MR. DRURY: I think it is more a concern of the Fire Department that if there is an issue, they -- there is enough room in the lot to get around. So by limiting your piles, you're assured of that.

DENNIS SCIBETTA: That is correct. They need to be able to get through, and Kip (Finley) has correctly stated as to the coverage of the hoses and different things.

MR. FINLEY: Another plus, as far as the Fire Department goes, they do like the idea of this all being paved because they hate going to heights where they pull the hoses and the metal scrap cuts up the hoses and the tires, so to have a paved surface is better.

DENNIS SCIBETTA: Which is the other part of that is, there is a tremendous loss at a fire in these type of facilities of the hoses and all of the equipment. So that is correct in saying that the need for the pavement and the loss of things that -- and the water service at that point.

JOHN NOWICKI: While we're on that subject, his letter also indicated a fire suppression system be installed in the shredder itself.

MR. JENNING: It has it there already. It is a steel building. It is a steel box, and so you pump water into it, so the operator can immediately pump more water in.

JAMES MARTIN: It already has a water mist.

JOHN NOWICKI: As long as he is satisfied with that.

MR. FINLEY: We talked about somehow maybe elaborating on what is going to be sprayed in to possibly spray onto the conveyor, too, if they needed it.

JOHN NOWICKI: You to have answer his question as to the size of the water flow, the pressures.

MR. FINLEY: We'll take that systematically. Their bigger fear is they get there and it is not a public water main they can count on and it is a private one. So we're working on that.

KAREN COX: Jim (Martin), will we go over engineer's comments?

JAMES MARTIN: Say it again. On that? Yes. I think we'll get to that.

I read the noise report. Basically the site is not going to generate any noise, essentially. I mean, that is what the report said.

MR. FINLEY: I mean, fortunately for the applicant, that is a very noisy neighborhood. We didn't have a fixed line at the Chili/Brighton Town line. We considered the whole neighborhood. So we actually have sound monitoring in Brighton because those are the closest residents. We looked at it holistically. The engineer that did it from Ravo (phonetic) told me once Metalico shuts down for the day, and they took readings, the engineer, it was higher sound levels because of the airport and the rush-hour traffic in the late evening, so they're really the least of the noise issue.

JAMES MARTIN: I will correct my statement. The noise that would be generated by the shredder is not going to increase any of the current noise in the area.

JOHN NOWICKI: What is the decibel level of the shredder at the shredder?

MR. JENNING: 115.

JOHN NOWICKI: 115?

MR. FINLEY: Right at the machine, and in the boundaries, it is in the 60s. There is a summary table on the second-to-last page.

JOHN NOWICKI: I'm trying to think of what the human ear is comfortable with.

MR. FINLEY: Not 115.

MR. DRURY: There are OSHA requirements that we'll have to abide by, which we will.

DENNIS SCIBETTA: 85 decibels, 25 feet from the property line, so they're below that already.

JOHN NOWICKI: We'll have to talk about that some other day. I saw that in the paper.

JAMES MARTIN: Basically the conclusion is that, you know, it takes a three D change for the ear to hear. It's around one, which is maximum --

MR. FINLEY: We do have numbers to substantiate. We all thought in our gut it would not make a difference, but we can prove it now.

JOHN NOWICKI: What are your hours of operation?

MR. JENNING: Right now we have been open from -- well, I can ask Dean (Southcott).

JOHN NOWICKI: I'm talking when the shredder goes in operation. What are the hours of operation for the shredder?

MR. JENNING: Um, it won't be any different than what we're running now. The shredder will run less than our regular operating hours, and we're running on a two-shift basis now.

JOHN NOWICKI: What are the -- what shifts?

MR. JENNING: 5 o'clock in the morning truck drivers show up and people aren't going home -- the latest was like 11:30, 12 o'clock.

KAREN COX: So a shredder could be going from --

MR. JENNING: No, no, no. Shredder will normally run from like 6 o'clock to 2 o'clock.

JOHN NOWICKI: In the afternoon?

MR. JENNING: Yes. But that's -- it can go longer, but I don't -- I just don't see it happening.

JOHN NOWICKI: Again, I think we want to be careful on this one. We want a time line on the construction phase and also a time line on probably your operating hours, especially with a shredder and the decibels especially on a very quiet evening where you will have this noise.

KAREN COX: Is that a condition that you can put? I -- maybe we legally can't, that it can only operate from this time to this time.

JOHN NOWICKI: We have to know when they will be operating the site.

JAMES MARTIN: In the noise study, John (Nowicki), they did do a calculation adding in the amount of noise generated by the shredder. I mean that was -- if I understand this correctly. Okay. It was -- it was a calculation, obviously, since they can't do the actual measurement at this point in time, and the noise generation created with the addition of the shredder noise was still well below any threshold level of increase.

MR. FINLEY: The evening noise, in the neighborhood, is really pretty substantial until you get past 10 or 11 o'clock when the airport starts to shut down, which would also be the time they're shutting down.

JOHN NOWICKI: This leads me into another question, because it becomes a transportation issue in our community, whether or not any people have noticed, but the truck traffic has been increasing dramatically over the last few years. I would say the last five years. And Ballantyne, Beaver Road, Scottsville Road, and I would like to know where these trucks are all going to be coming from, especially if you're operating to 11 o'clock at night.

MR. JENNING: We operate until 11 o'clock at night. We don't receive until 11 o'clock at night. Our -- our gate closes.

JOHN NOWICKI: Where are your vehicles primarily -- are --

MR. JENNING: Our trucks are getting mobilized around 5 in the morning.

JOHN NOWICKI: What is their pattern of operation?

MR. JENNING: They go down Scottsville Road and pick up 390 and head to Auburn, the steel mill. The only reason we're -- we use Ballantyne Road was to get the shreddables over to Union.

JOHN NOWICKI: Will that be a continuation of that service?

MR. JENNING: No, we're done with them.

JOHN NOWICKI: So that is --

MR. JENNING: Yeah.

JOHN NOWICKI: I have seen some little operation over there you and I talked about, tractor-trailer trucks popped up --

KAREN COX: The old Terry Tree.

JOHN NOWICKI: We had a real problem with Terry Tree Service hauling in tractor-trailers trucks seven days a week since Buffalo had that storm. They're driving everybody nuts.

MR. FINLEY: With the shredder at Metalico, that traffic would be eliminated on that road, John (Nowicki).

JAMES MARTIN: Kip (Finley), would you care to comment at this time on the letter generated by Dave Lindsay regarding several engineering aspects of the site?

MR. FINLEY: The one from this week or the first one?

JAMES MARTIN: The January 5th letter. Have you had a chance to take a look at that, and go through that fairly quickly with responses?

MR. FINLEY: Sure. Was that -- any one in particular?

JAMES MARTIN: Why don't you start with number one?

MR. FINLEY: Um, I just didn't want to keep going on and on and on.

JAMES MARTIN: Why don't you go back to the podium so everybody can hear you?

MR. FINLEY: I feel like I'm doing an oral report for -- "This summer I went to" -- (Laughter.)

MR. FINLEY: Been here a while. Just trying to lighten up.

Number one, request that the 100-foot buffer limit for the wetland be illustrated on the plans. I kind of thought it was, but I know where it is and we're going through that permitting process so that addressed it.

Erosion sediment control features being in further detail on the plans. Yes, we'll be doing that as we develop this Storm Water Pollution Prevention Plan in more detail. And actually probably when he wrote this letter, he didn't actually have the SWPPP in hand.

The berm's height, this one was -- actually probably needs a little more explanation. The Town has a code for berms of one on three slopes. These particular ones, we're looking in the -- not necessarily as a landscape berm that will be mowed or anything, because this is a particular case where we're stockpiling soil, because on site when we excavate for the footings and excavate for the storm water facility, the material we're going to dig up has metal in it from all of the years of being a scrap yard. We don't plan to be deep enough to have any kind of a construction debris from the landfill stage, but regardless what it is, we don't really want to truck it off site. We're hoping to make it appear as somewhat a landscape berm, and put some plantings on it, plant it in a grass that doesn't need to be mowed, more of a wild type grass, and that is why we do have steeper side slopes. That one is really pretty easy to change. We're just trying to have the most volume on site. So I guess I would look for an interpretation on the one on three. Is that every berm, or the types of berms you would have along the -- along the residential subdivision? Because we can make them either way. We like them steeper if possible.

JAMES MARTIN: Comment on that.

DAVE LINDSAY: I would have to review the code a little more in depth and get back to him on that.

MR. FINLEY: That is our rationale for it.

The one -- oh, 4 and 5 regard the railroad. Um, probably nobody has actually been able to go in the back of the site to see this, but the railroad stub ends pretty much at Metalico, and it is fenced in right now. They open the gate, bring the railcars and close it. So Metalico has fence 30, 40 feet and across the railroad property. So it is more of working with the Railroad. We would be adding a little more ballast along the side of the rails, and making our concrete apron go a little over the property line to facilitate road loading the railcars, so it is not being done without the knowledge of the Railroad. So that is -- we need to do that to serve -- having the railroad serves us better.

DENNIS SCIBETTA: What is the first part of that? You mentioned something about the tents? Or intense? What did you say about the first part of that?

MR. DRURY: Fence.

DENNIS SCIBETTA: Oh, fence.

MR. DRURY: The fence down the track.

MR. FINLEY: You're starting to scare me. I went out for dinner for a burger and a little drink. I thought --

DENNIS SCIBETTA: You were off on the summer project --

KAREN COX: He was talking about tents and --

MR. FINLEY: I think I'm a little tense actually.

(Laughter.)

MR. FINLEY: Number 6, disturbing more than 5 acres. I don't think that we actually will have to -- Phase 1 shows a lot more than 5 acres disturbed, but it is because we're going to run pipe lines across it. I mean, if we do have to, we can do that later.

We already talked about my mistake with the flood hazard statement. We don't need to repeat that.

Um, the other question, provide answers for Question 23 and parts of 25. I didn't quite understand. I think we're talking about Question 20 that talks about noise. That was to be determined.

DAVE LINDSAY: I will take a look at it and go over with you.

MR. FINLEY: That one, if there are blank questions, we'll answer them, but I only know of two.

Um, again, the portion of the site being located within the 500 and 100, this comment agrees that there should be no effect on the flood elevation.

Um, we know that the storm water manual has been revised. That is that new chapter that came out last week, on Number 9.

10, um, yes, we are aware of the industrial SPEDIES permit that is needed, and we actually -- there is an environmental consultant, Hazard Evaluations, out of Buffalo area that does a lot of Metalico's work. They are on top of that.

Um, oh, the side slopes of the pond, I guess what we need to realize is on an industrial site, in a yard, it is not really a pond like we think of ponds. Think of it as a pool that we pump dry every couple of days, and that will make that -- make it make more sense.

Lighting is -- really didn't know there was any lighting other than there will have to be something on the shredder for cat walks and things. We talked about that.

Um, drainage, um, 13 has been taken care of, but he didn't have that at the time when he wrote the letter.

Um, a couple of details that were there, we're thinking we will have concrete sidewalk at a spot, maybe a swale or a spot. We just have not developed it quite that far.

And additional comments, I -- I -- I will address them. I hope you don't have many.

JAMES MARTIN: The rest of them are, you know, for the other application, okay.

MR. FINLEY: So we have been through Fire Marshal and Town Engineer comments.

JAMES MARTIN: Okay. Very good.

JOHN NOWICKI: Just a couple of here.

What -- what -- how does it work when you bring all these vehicles in there? How are registered identification numbers -- what goes on with these cars? How do you know what you're getting?

MR. JENNING: I think the regulations are, newer than 1973, then they have to bring in a title and we retire that title. We collect it and return it to the DMV with our -- and that car is taken off. It is a long paperwork --

JOHN NOWICKI: Before '73, they can bring it in without anything.

MR. JENNING: Yes.

JOHN NOWICKI: After '73, they need the paperwork.

MR. DRURY: We're subject to unannounced visits from DMV to review our records, and typically it is the State Police that come in to review the records.

JOHN NOWICKI: I just wanted to talk a -- you gave us some pictures here. I assume this is what the shredder is going to look like (indicating). Is that correct?

MR. JENNING: Yes.

JOHN NOWICKI: Then you gave us some photographs here. Simulation Photograph 3 and 2 (indicating). Now, is that -- is that supposed to be the height of that shredder? Is that what you're trying to tell us here?

MR. DRURY: We put it in this case, form so people would notice it.

JOHN NOWICKI: That is not what it will look like?

MR. DRURY: Not even close. It would be open.

MR. FINLEY: That is another one to blame on the engineer. When we did the simulations, we thought it would be encased. It is the right height, but the picture that is blue and gold is actually the shredder.

JOHN NOWICKI: This one here (indicating).

MR. FINLEY: It has been dismantled, but that is it.

JOHN NOWICKI: The maximum height to the top beam is 48 --

MR. JENNING: No, not nearly that high. The area where -- where it gets higher is in the back of the machine -- (indicating).

JOHN NOWICKI: Where the enclosures are, or --

MR. JENNING: It's further down. It would have a cyclone that -- that as the material comes up, it is commingled with the ferrous, non-ferrous and waste --

JOHN NOWICKI: Enclosed structure.

MR. JENNING: Just basically a tube that suctions out -- air that is going to pull the -- pull the waste out of it.

MR. DRURY: The seat fluff.

JOHN NOWICKI: Like a tower from the distance?

MR. JENNING: Looks just like our neighbor Hanson's.

MR. DRURY: His cyclone.

MR. JENNING: They have the same thing.

MR. FINLEY: They have the aggregate and cement that fills the tube like an hour glass. The point we were trying to make is, they have another 15 or 20 feet on top of us next door, so we're much shorter than what they are already.

GEORGE BRINKWART: I had an additional question on the Enviro-Rack. In reading over the literature you provided, I get the impression you don't take plugs out of the thing. You drill holes through everything?

MR. JENNING: It is faster. Because some of these older cars can have -- the plugs can be stripped because they have been laying in someone's backyard or field. The way it works, if -- it has a drill that just drives up through the middle of a funnel so everything gets streamed right down the center of the drill and right into the -- it -- into its containment area. It is pretty sweet.

GEORGE BRINKWART: Transfer case, rear ends, whatever.

MR. DRURY: Anything that has those.

GEORGE BRINKWART: Gasoline tank.

MR. DRURY: Gasoline tank most important. If you do have an explosion, it is because a gasoline tank got in the shredder.

GEORGE BRINKWART: Do you do anything on site to prevent that? CO₂ in the tank?

MR. DRURY: The tank, once it is drained, it is okay.

MR. FINLEY: Well, you do something in the shredder.

KAREN COX: Water.

MR. JENNING: And soap.

MR. FINLEY: That is using up the oxygen to suppress the explosion potentially.

GEORGE BRINKWART: I had another question. On the -- in the northwest portion of the site, you reference two man holes. Maybe I'm not seeing it. Could you come and point out where those are?

MR. FINLEY: On your plan, next to the railroad, there is a box that is causing -- existing concrete pad, water soluble oils. Just north of that, there are two man holes, next to a catch basin.

GEORGE BRINKWART: For the existing water separator?

MR. FINLEY: It is already there. That catch basin, which collects storm water that has water soluble oils goes into a tank, and then it is pumped out and trucked away. That doesn't go to the river. It can't. It has oils in it.

GEORGE BRINKWART: Another question. You did a very nice job on the details. Will you be supplying similar detail for the refilter structure that you plan on putting --

MR. FINLEY: Once it is designed. At this point, what we're saying is we -- we know what we have to comply with for storm water and industrial SPEDIES. We plan to do it. We have reserved a

spot for it, but the engineering for it, we thought we would wait a little longer until we know this special use is going through favorably, just to not spend time on something we could not need, but we're hoping we'll do the details after this meeting.

GEORGE BRINKWART: One other question on the detail. You have one in -- for the asphalt have you 9 inches of sub base. Do you think that is sufficient for the truck traffic you will have out there?

MR. FINLEY: Does that have tensor geo grids under it? I think we used a reinforced sub base? I -- I don't remember.

GEORGE BRINKWART: No, it doesn't.

MR. FINLEY: Okay. Our plan is that -- to actually use reinforcement under it, because the material that we're working on is not the most stable material. And I -- if we don't have it in there, it should be. They make a reinforcing product to put in the stone.

GEORGE BRINKWART: Maybe 12 inches?

MR. FINLEY: Actually, when you use the particular product we're planning on, you don't even need 9 inches. It -- it more than doubles the effective thickness of the sub base.

GEORGE BRINKWART: It has been my experience that the geo grid more helps you for keeping out small particulate matter and doesn't contribute much to the strength --

MR. FINLEY: The one we're using is more like the orange construction fence. It looks like that, only it is black. I have actually had projects where we could lay that out over swampy area and fill it with about 6 inches of stone and run a ten-wheel dump truck over. It is actually pretty great stuff.

DENNIS SCIBETTA: Where was that when we did Homearama?

(Laughter.)

MR. FINLEY: That was a joke, right?

DENNIS SCIBETTA: Thanks, Kip (Finley).

GEORGE BRINKWART: That is what you will spec out.

MR. FINLEY: I will remember to put that in.

DARIO MARCHIONI: Kip (Finley), on the site plan, dealing with the front of the building, the parking lot, the landscaping, will you put any concrete curbs separating the blacktop, too, or the parking with the green area, landscaping area? What happens if you don't, the parking lot tends to get bigger and extend and people park on the grass and everything. Is there --

MR. FINLEY: We hadn't -- you probably don't have those plans here, because we had reviewed that and gotten the approval for the parking in the summer before we realized that we are really going to go through with the shredder. But the drainage on that runs off the pavement, through the grass, into the swale, so we didn't have wheel stops or curbs or anything on that.

DARIO MARCHIONI: So is that the reason why we don't have any drainage or drains or catch basins in the -- in the -- in this whole area here?

MR. FINLEY: Are you talking about the parking lot up here (indicating)?

DARIO MARCHIONI: That whole -- we have existing ones in the northern part, but we don't show any type of catch basins or drainage at all on that --

MR. FINLEY: Well, it is sheet flow across the lawn.

DARIO MARCHIONI: The whole area?

MR. FINLEY: It is not that big of an area.

DARIO MARCHIONI: Well, because when I was there last time, it seems there is always water and everything else in there.

MR. FINLEY: When we put in the pavement section and grade it, it will all be paved and drained. But we don't -- it -- it is virtually flat now. We have it proposed to grade it at a constant grade so it drains off.

DARIO MARCHIONI: That much of an area? You have a lot of area here that -- to sheet drain.

MR. FINLEY: Talking about this one (indicating).

DARIO MARCHIONI: All of it. That -- also, where are you going to put the concrete? The other extension here? That is a lot of covered area.

MR. FINLEY: Back here (indicating)?

DARIO MARCHIONI: More -- you see what I am trying to say? None of these have catch basins except over here (indicating). This is the only catch basin you got here (indicating). You got this

one, this -- these are existing (indicating). But this whole area over here (indicating), no? It is all sheet draining here?

MR. FINLEY: No. This goes over here (indicating). This part comes out here (indicating). This goes to this one (indicating). And this is all grass flows to here (indicating).

DARIO MARCHIONI: You will have enough pitch for that?

MR. FINLEY: Yes.

DARIO MARCHIONI: That is quite a distance.

MR. FINLEY: That will be okay.

DARIO MARCHIONI: If that is the case, this water will have to go on the grass?

MR. FINLEY: This is all trees here (indicating). This goes to that one (indicating).

DARIO MARCHIONI: I was trying to run off this parking lot -- will we have any curbs between the separation and the blacktop and green area?

MR. FINLEY: No.

DARIO MARCHIONI: Right now the cars are almost inside the green area.

MR. JENNING: They wouldn't have been there if we didn't stop the project in midstream. It -- the parking lot would have been done and the cars would have not been in that area.

MR. FINLEY: We could do curbs, but they become the problem for plowing. Wheel stops tend to get broken up and pushed out into the grass and you have a worse mess. So given the size of the parking lot, and it is the same people parking in the same spaces every day, we feel that once they actually have a nice parking lot, they have their assigned parking spaces. The same person will park in the same space every day. That is how they are going to manage the parking. So we don't expect it to be too haphazard once they get a nice place to park.

DARIO MARCHIONI: I'm trying to, you know, see, the front of the building here, you have a nice operation here. I think it should be an asset to Scottsville Road, especially the front part of it. I would like to see you clean up the parking lot. There are dumpsters there right now in that parking lot.

MR. FINLEY: All of the stuff that was approved at the summer meeting is all part of the Phase 1, so we're including all of the parking improvements in the first phase, because we had already planned to do that. And -- and actually another -- to wrap up that topic, we don't have landscaping shown on anything we're doing here, because the buildings virtually block most of the view from the road. If you recall back to the other parking lot phase, we were only required to do several hundred dollars or less than a thousand dollars' worth of landscaping, but we're doing several thousand. We actually over killed the landscaping on the first phase to try to do more for the site. And a lot of those were going to be mature type evergreens that will help green what we're doing now. So we didn't add anything new.

GEORGE BRINKWART: Maybe if you can add a couple of contour lines and continue the contours out towards the road to maybe demonstrate a little better where the drainage goes.

MR. FINLEY: Really, this is only pretty much information for the phasing. There is the set of -- you weren't here for that, but the whole front of this, from about here (indicating) out, there is a whole set of engineered plans that are approved, waiting for the D.O.T. permit to build it. So we do have what you asked for. You just never seen it.

GEORGE BRINKWART: Okay.

DARIO MARCHIONI: I was concerned about some separation between the green area and the parking lot, I mean the blacktop.

MR. JENNING: You know --

DARIO MARCHIONI: So the -- cars don't approach and spill into the green area. To protect the green area. It has a tendency of -- the parking lot, expanding, more and more, into the green area.

MR. JENNING: I guess if we see it as a problem, we'll just put the curbing in.

DARIO MARCHIONI: To designate it.

MR. JENNING: Along with what Kip (Finley) said, our wheel loaders are big, and when we hit a curb, we usually just take the curb out. So the elimination of the curb is proven over years.

DARIO MARCHIONI: Precast, that are moveable, in case somebody hits them and they move.

MR. JENNING: Okay. No problem.

DARIO MARCHIONI: Right now I see the grass area, there are car marks, wheels on it.

It --

MR. FINLEY: There has never actually been a formal parking lot where they're parking now. So they just park wherever they're not in a mud hole.

MR. DRURY: Actually, it is better than that now. We're getting beat up here. To I guess -- when you're heading up away from 390, that whole area is paved, and virtually all of the spots there have signs in front of them. So if you want to go onto the grass, you will run the sign over, which hopefully most people won't do.

Right now we're renting space from the closed nightclub next door so our employees can park there. So I -- so I believe we have addressed the issue of people potentially parking on grass by making arrangements next door.

So we're -- we don't want the place to look poorly either, you know. We're proud of our facility, and so we're doing what -- what I think is appropriate to make sure that people put their vehicles where they belong. I'm sure Dean (Southcott) put a lot of time and effort into all of the work that is done. I'm pretty sure if he saw someone parked on the lawn, he would have something to say to them.

DARIO MARCHIONI: We're trying to beautify Scottsville Road. We have many new businesses.

MR. JENNING: I think in the spring of last year we spent about \$4,000. We redid all of the beds, put in mulch, cleaned up the weeds out of the pine trees, put up a flagpole, walking steps out to the flagpole. We tried to do what you're suggesting, and then that is why we came to the Planning Board, because we were as concerned about the way the parking situation was getting, because we had more employees than we had spots and that is why we came here to try to address the issue of getting a parking area, and so that -- and then we went next door as a quick fix until we can get ourselves scheduled to do it right. But we have -- but I think the facility looks pretty good from the outside, and the issue there with the, um, the containers, that is because that is our fab shop where we do the repairs, and I think once we do the evergreens that Kip (Finley) was saying in the front, they will block that out, too.

MR. DRURY: They will be there, because that is where we'll do our maintenance, but it would be less visible from the road.

MR. FINLEY: There will be a lot more landscaping here and here (indicating) to block the view of that yard where the containers are. But that is already part of an approved plan, so we'll be putting them in.

DARIO MARCHIONI: Thank you.

JIM POWERS: Out of curiosity sake, you have got -- you have -- you have an easement there to the sewer agency. You have two big lines. Do they tie into a trunk line along the river, or do you know offhand?

MR. FINLEY: There are three lines in this property that he is talking along the north side of the property line, the Pulse nightclub and this (indicating). There is one line that comes from Henrietta under the river. It is a feed line to what used to be GCO or the Gates-Chili Ogden sewer plant that is not there but then gets rerouted down to Van Lare. There is a large pipe that is a discharge that when it was an overflow, when the plant would overflow, it comes out here and there is a huge concrete bunker structure on the river where the sewage used to come out, which is defunct, because that plant is closed now. And then there is another pipeline in there that I'm not sure exactly which way it is going, but there are three in there.

JIM POWERS: Are you folks tied into a sanitary sewer down there?

MR. FINLEY: Nope. There is a sand filter septic system in the front for the bathrooms and the kitchen. The nightclub is tied in through some unusual arrangements they were able to be tied into, but we weren't able to.

DENNIS SCIBETTA: Kip (Finley), we had a little bit of a concern with the berms. You mentioned not taking those soils because of possible contamination off site. Do -- could you maybe expand a little bit about that? I know you will probably take more into account, but so that we can get ready for that.

MR. FINLEY: Is it not so much it is contamination or like dirty. Because the site has been used as a scrap yard, it has metal in it so you can't just take it to somebody's housing project and use it for fill. It has foreign material in it. I would have to go to a land fill, and to take that much ton of earth to a landfill just because it has some steel and aluminum scraps in it, you don't want to do it. So we are

we're just trying to find a use for it on site. We shouldn't be digging down deep enough to get into the landfill. There is at least 10 feet of good earth over that that has any metal in it.

DENNIS SCIBETTA: Have you had discussions with Rob (Fitzgerald) concerning the application he had recently with those, with soils contaminated possibly with heavy metals or foundry sands?

MR. FINLEY: Wait a second. I'm --

MR. JENNING: Heavy metals or foundry sands?

MR. DRURY: We don't believe there are those contaminations. It is just aluminum turnings.

DENNIS SCIBETTA: Just particulate.

MR. DRURY: Yes, as far as the scrap operation. A screw that -- that sort of contamination. There is no lead on site. Any arsenic, any of those contaminants.

MR. FINLEY: Have we had a talk with Rob (Fitzgerald)?

DENNIS SCIBETTA: Yes.

KAREN COX: Fitzgerald.

DENNIS SCIBETTA: Concerning a different application he had and the containment of those materials he had on site?

MR. FINLEY: Don't think we have the same situation we have here. You mean Rob (Fitzgerald) that I work with?

DENNIS SCIBETTA: Yes.

KAREN COX: That is that hamburger.

MR. FINLEY: I am trying to think of every Rob (Fitzgerald) -- no, different project. This is a totally different type of issue.

DENNIS SCIBETTA: Okay.

JERON ROGERS: I know you probably answered this, but help me out with this. Who is the major regulator of this type of facility?

MR. JENNING: The -- the DEC.

JERON ROGERS: DEC.

MR. JENNING: DEC.

MR. FINLEY: Of all of them, DEC has the most permit leverage.

JERON ROGERS: Have there been any violations with DEC? Have you had any violations?

MR. JENNING: I don't know of any.

MR. DRURY: I don't say unequivocally before, but I have no recollection since our involvement with any violations with DEC, nor OSHA, nor -- I don't believe -- Dean (Southcott), any of the regulatory?

MR. SOUTHCOTT: Dean (Southcott) Southcott, the General Manager. We never had any violations with the DEC. Um, we actually have quite a decent relationship with them. Um, they come down, you know, look around, pay us a visit. They don't have to give us a warning. They stop in. We never had an issue. Very proactive with any of our environmental issues, so when they come in, they see that we're doing everything in our power to control things that may be out of our control sometimes, but...

JERON ROGERS: So the inspections are random? They're not on a scheduled basis or anything like that?

MR. JENNING: No.

MR. FINLEY: Dean (Southcott) has worked with the company, to -- from previously and through Metalico, so he is a pretty good source for that.

JERON ROGERS: One other question. The National Flood Insurance Program. Have you answered those issues concerning the National Flood Insurance Program?

MR. DRURY: We don't participate in the National Flood Insurance --

JERON ROGERS: The Town participates in it, and we have to make sure basically that you comply. Have you looked at that ordinance to make sure you're in compliance with that particular regulation?

MR. DRURY: We're outside the 500-year flood?

MR. FINLEY: We're outside of the 100-year flood and just a tiny bit into the 500-year flood and not really changing the grade in that small area to affect anything.

JERON ROGERS: I think you might need to look at that, though.

MR. FINLEY: If you -- if you want, we can discuss what it is so you can tell me what --

JERON ROGERS: I would like to look at it with you to make sure we're in compliance with whatever we need to be concerning that.

PAT TINDALE: My questions are similar to his. Our Board's concern, because if the DEC report, and in your EAF, both says that part of the property is in -- is within the 100-year flood plain.

MR. DRURY: This was a mistake, I believe.

PAT TINDALE: The DEC?

DENNIS SCIBETTA: 100-foot buffer, isn't it?

PAT TINDALE: No. Part of the project site is located within the 100-year flood plain boundary.

MR. FINLEY: When we did pull up the Town's actual flood maps and put the property boundaries in it, it is close to the 100-year flood plain. A lot of the Hanson property next door is, and then behind it across the tracks is, but ours isn't at all.

PAT TINDALE: My concern, if that did happen, any containment, berms, anything you had would just flood over and go back into the river, right?

MR. FINLEY: Yes. That could happen. It would. But we have gone through the actual Town's flood study maps and used those, and we're not in the 100-year.

PAT TINDALE: The Town's maps are done by?

JERON ROGERS: FEMA.

MR. FINLEY: FEMA maps.

PAT TINDALE: Why would the DEC -- I just want to make sure of that. I would feel better.

Our Board had this question. The other thing. Who monitors the State regulations and County regulations that are imposed on this waste? Is -- does someone actually come in or do you do it yourselves?

MR. JENNING: Yes, we do. We have a gentleman that works full-time with us that helps us do our safety and environmental. When we take on any projects, we hire engineers and we have some outside services and consultants to help us get through, just to double check to make sure we have the right interpretation of the law.

PAT TINDALE: Someone within the company that does most of the monitoring.

MR. JENNING: Yes. We have a full-time safety environmental person.

DENNIS SCIBETTA: We have had that question before, Kip (Finley), and I don't know. There has been some discrepancy on other applications as well where they had comments coming backing within the 100-year flood plain and it is not.

MR. FINLEY: The DEC uses the State GIS mapper and a lot of the information they get from towns and counties is digitized in and they're looking at a different map base than -- is statewide versus what the Town actually has is a FEMA prepared map with the boundaries, and we can scale on the property with the flood plain. It is a lot more accurate. The State system gives them a lot of general information so they can give a yellow flag for different types of things. And the one letter that you have, it is the first time I have ever had that one. We sent out a -- a letter regarding endangered species. We got back a three or four-page letter that told us all of the other possible things that we should look for, and I have had to search for the two sentences that say there was no endangered species. That was a new one for me. That is why we're trying to cover cultural resources and wetlands and all of the things they brought up because once it is in writing and the Board sees it, it is an issue. So we are trying to address them all.

DARIO MARCHIONI: One thing. This -- we just got this here, from, um -- this attorney, Norma A. Polizzi. Any explanation to that?

KAREN COX: Aside from the fact that none of us saw it until five minutes before the meeting started.

DARIO MARCHIONI: Any comments from our Town Attorney? None?

JAMES MARTIN: I haven't had a chance to review it. I have no comment.

KEITH O'TOOLE: We can discuss that before we vote.

DENNIS SCIBETTA: It was brought in today, for your information, Dario (Marchioni).

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: I have a couple three questions. I may overlap to some degree. How long have you been doing business in Chili?

JAMES MARTIN: You can answer that. As Metalico?

MR. DRURY: As Metalico, we acquired the facility in, I think it was -- I would say early 1997.

MR. BRIXNER: Was it the old Lyell Metal people?

MR. DRURY: Yes, it was.

MR. BRIXNER: It appears to me, as I go down Paul Road and head for Scottsville Road, that there is a pile of scrap metal that kind of sits back in the -- on the right side as you -- as you weave around the curve, coming down Paul Road. Is that part of your facility, that scrap metal, or from the old Lyell Metal --

MR. DRURY: That is our facility.

MR. BRIXNER: That is your facility, that pile of scrap?

MR. DRURY: Yes.

MR. BRIXNER: It is visible. I don't know how many people it disturbs, but it is visible from Paul Road. Have you looked into diminishing that pile at all?

MR. DRURY: At times the pile is higher and at times it is lower. I would think today it is much lower.

MR. JENNING: It is going to be a lot lower in the next six weeks. You probably won't even see it. Because it's just a matter of --

MR. BRIXNER: I just wanted to bring it up, fellows.

MR. FINLEY: Can I make a comment a little more to orient people?

JAMES MARTIN: As far as?

MR. FINLEY: Just to orient people what he is talking about.

MR. JENNING: You want to point. So go ahead and point.

JAMES MARTIN: He has his back to me. The pile of scrap? You can see it from Paul Road, when you go around the back of the airport.

MR. FINLEY: For people that don't know, Paul Road is right here (indicating), that close to the site. There is about 300 feet of woods between the two.

JAMES MARTIN: Typically in the wintertime when there is no foliage on the trees --

MR. BRIXNER: Just bringing it up, I guess.

Are you close to the River's Edge Restaurant, or are you closer to the -- to the nightclub facility?

MR. DRURY: We're right next door to that nightclub facility.

MR. BRIXNER: You're pretty far down Scottsville Road --

MR. DRURY: Yes.

MR. BRIXNER: -- from the River's Edge, the trailer court people. So you wouldn't have any problems with your operations and bothering the trailer people at all.

MR. DRURY: We have had no complaints whatsoever.

JAMES MARTIN: Actually, one of the noise measurements was conducted at that site, Mr. Brixner, and there was no noise being generated as a result of the evaluation at that point.

MR. BRIXNER: Wonderful. That is just great.

Question, are you dealing with the Rochester & Southern or the West Shore?

MR. JENNING: Rochester & Southern.

MR. BRIXNER: Okay. Just a matter of interest.

And obviously you have a facility that is needed in today's age, and in reclaiming metals and that sort of a thing. I -- and -- so from that basis, it is a very useful operation and business. If -- if you're within compliance with all of the situations, I would recommend that the Board approve it.

MR. DRURY: Thank you.

MR. JENNING: Thank you.

JAMES MARTIN: Thank you, Mr. Brixner.

NORMA POLIZZI

MS. POLIZZI: I would like to explain why the letter came late. We were looking for the agenda on your website, as it is normally posted, and it was not posted this month, and I did find the public notice in the newspaper, and as soon as I found that, I prepared the letter which you all have.

Um, the concern is actually more to just make sure that we're following your Town ordinance in terms of the conditional use. Um, the old conditional use that did allow junk yards and wrecking yards was repealed, and now for a new conditional use, you really need to go back to that list of permitted uses and show that it's substantially related to one of those, and I couldn't find how this would fit into any one of those categories. And that is -- that is the point that I wanted to raise with the Board. And I hope that you will take that into account when you're deciding whether to grant this permit.

The second piece of it -- it is, I know there has been a comment made that there have been no environmental violations at the site. However, if you check the Department of Environmental Conservation's website, you will find there have been several spills at this site. Obviously nothing major and no huge contamination problem, but there have been several, five or six spills over the last few years. I just wanted to bring that to the Board's attention.

MR. DRURY: To address that point quickly, we operate a lot of heavy equipment with hydraulic lines, fuel lines. We had the shearer on site. Unfortunately, occasionally lines break. You know they get broken in the course of operation. Um, Dean (Southcott) mentioned that we are extremely proactive in contacting the various regulatory agencies when a spill occurs. And the only reason that an individual would be able to find those incidents is if we reported them. So we're self-regulating as we encounter these issues to make sure we're in compliance with the regulations that govern our operations.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: Before we move into the applications themselves, I think I would like to go ahead and do the SEQR portion. SEQR would apply to the applications that we have before us. And at this point, based on all of the permitting required, all of the information that has been presented tonight, um, around the environmental aspects of this particular project, um, I would basically make a motion that the Board has reviewed this application. The Board intends to declare itself lead agency under the SEQR review process and -- under the SEQR review process for this project. We find this application to be a Type I action with a coordinated review required. That is the motion that I am making at this time. Do I have a second on that motion?

JOHN NOWICKI: So moved.

JAMES MARTIN: Motion has been seconded.

KEITH O'TOOLE: Mr. Chairman, if I may be heard on the motion?

JAMES MARTIN: Yes, you may.

KEITH O'TOOLE: Um, I think frankly the -- maybe Kip (Finley) has some thoughts on this. This appears to me to be an unlisted action. Coordinated review, therefore, being discretionary. Um, certainly we can require a long form EAF as part of that review. Certainly, if we do that, and they have submitted one, we would have to complete the Part II of that EAF before we make a finding.

JAMES MARTIN: Um, I had a conversation with a Roger McDonald from DEC who had reviewed some of the information that had been supplied by the applicant. It was his feeling on the part of the DEC that this be looked at as a Type I action.

KEITH O'TOOLE: Well, I defer to greater minds then.

JAMES MARTIN: So I -- at this point, would defer to the DEC's, you know, initial findings. This is basically what I am looking at as far as the declaration goes at this point.

KEITH O'TOOLE: Then in that instance if you're going to proceed as a Type I action, um, we have to notify all of the other agencies, the involved agencies, and send our 30-day notice.

JAMES MARTIN: Yes. I understand that.

MR. FINLEY: Mr. Chairman, can I -- I ask did they give a reason for it, because it doesn't really cross any of the Type I thresholds, but there must be a reason they would like to do it that way.

JAMES MARTIN: In my conversation with him, he was citing again -- the wetlands issues was one of the things that he has cited. Um, I believe that that was the primary concern. You have certainly addressed the -- the archeological concern for the site. That was one other thing that they brought up and -- and I don't see that as being a significant issue at this point.

Um, you know, clearly a coordinated review can lead to a negative declaration. But given the fact that, you know, the DEC has already gone on record with, you know, their feelings about the situation, um -- it just puts us in a situation where I hate to go, you know --

MR. FINLEY: Don't tick off the DEC.

JAMES MARTIN: Go against the DEC. It is probably in your best interest not to do that.

MR. FINLEY: I was just curious.

JAMES MARTIN: So, Mr. O'Toole, that is the reason I went the direction I did.

KEITH O'TOOLE: Thank you, Mr. Chairman.

JAMES MARTIN: Okay. We have the motion on SEQR seconded at this point. I would like to take a vote.

James Martin 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 a Type I action with a coordinated review required, and the Board all voted yes on the motion.

JAMES MARTIN: That would apply to the applications that we have before us, all three.

James Martin reviewed the proposed conditions with the Board.

KEITH O'TOOLE: Mr. Chairman, if I may add. First, I just want to make clear that we're not going to be voting on the applications tonight because we have to give the 30-day notice as far as SEQR.

JAMES MARTIN: I'm sorry, you're right.

KEITH O'TOOLE: The other issue, but we can deal with it now, is that counsel for -- Ms. Polizzi, I guess it is, has raised a concern as to whether this is a permitted use under the code. She points out that at one point there was a conditional use provision for junk yards in our code that was repealed back in '83.

Um, there are basically two ways you can interpret this as being permitted under our code, as I see it anyway.

One is that since Lyell Metals predates the code, that is a pre-existing, nonconforming use, and the case law suggests that merely changing equipment, even though that may alter the intensity of the use, is still covered by the grandfathering, so you can reissue what is in essence a grandfathered conditional use permit.

The other way you can go is to find that this is a use of a similar character to a permitted use, and we do mention certain types of processing as a permitted use under the code. In order to go in that direction, you would have to make a finding as part of your vote to indicate that it is, in fact, a use of a similar character. Thank you.

JAMES MARTIN: Thank you for clarification and -- so, basically we're starting a 30-day clock for coordinated review at which time, once that is complete, I only have -- we'll have determined the outcome of the SEQR review process and we can move forward with the final vote on the applications.

MR. FINLEY: Sounds reasonable. Thank you.

DECISION: Unanimously tabled for the following reason:

1. Tabled pending the coordinated review period under SEQR.

JAMES MARTIN: Thank you. I declare a ten-minute recess at this point.

There was a recess in the proceedings.

JOHN HELLABY: Mr. Chairman, before we proceed, I would like to request that I step down on Applications 3, 4, 5 and 6 as I am a leaseholder with Sprint and Global Signal that actually are the lease holders on these towers.

JAMES MARTIN: You are recused from hearing 3, 4, 5, 6.

3. Application of Clearwire US, c/o Adam Knubel, 812 Oregon Road, Suite E, Linthicum, MD 21090 for conditional use permit to co-locate telecommunications system on existing tower at property located at 60 Golden Road in R-1-20 & LI zone.
4. Application of Clearwire US, c/o Adam Knubel, 812 Oregon Road, Suite E, Linthicum, MD 21090 for preliminary site plan approval to co-locate telecommunications system on existing tower at property located at 60 Golden road in R-1-20 & LI zone.
5. Application of Clearwire US, c/o Adam Knubel, 812 Oregon Road, Suite E, Linthicum, MD 21090 for conditional use permit to co-locate telecommunications system on existing tower at property located at 3235 Chili Avenue in G.B. zone.

Adam Knubel was present to represent the the applicationws

MR. KNUBEL: Members of the Board, I'm Adam Knubel with a company called Network Building & Consulting here tonight representing Clearwire US.

To give you a brief history of Clearwire as a company, they were founded in 2003 by a gentleman named Craig McCaw. The first market they launched was in Jacksonville, Florida during the summer of 2004.

Currently, their corporate headquarters is based out of Kirkland, Washington.

Um, right now, they're offering service in over 200 towns and cities throughout the country and four foreign countries over in Europe.

The average cost, they're shooting for, is about 30 to \$35 a month for their service. The service that they are providing is wireless broad band access for your lap tops or your home computers, things like that. And their main competitors that are the -- the main people that they're looking to compete with are like Verizon with EVDO, Cingular with the UMTS, Sprint with their EVDO and so forth and so on. But they're not looking to do the phone aspect, at least not at this point in time. They just want to compete on the delivery of data services. That is why Clearwire's typical installation, as you can see from the plans in front of you, is much -- is much smaller scale than you would typically see with your standard cellular installation.

Um, all four sites -- I will speak generally, and then I can answer any specific questions to deal with either site.

Clearwire generally uses a four-sector model, a total of eight panels. Four panel antennas measuring approximately 30-inches by 8-inches and 8 parabolic dish antennas which measure approximately 24, 25 inches in diameter. The base station equipment involved in both of these installations is a -- will be one equipment cabinet, which is roughly the size of a dorm-size refrigerator.

We're not pouring a concrete pad on the ground. It is being mounted on a steel H frame about 2 feet above the ground to help access in bad weather if there is a lot of snow on the ground. It just makes it easier access to the equipment itself.

Um, and in both cases, the equipment cabinet is being located within the existing fence compound. We're not looking to expand the compound in any way. And in both cases, we're going at a position that is lower than the top. We are not extending the height of -- proposing to extend the height of either tower.

Um, if there are any specific questions about either site, be it down at the old Town Hall site, or out on Golden Road, I would be happy to answer them.

JAMES MARTIN: I don't have any questions. I have a couple of comments. You know, we -- we're dealing with these co-location issues on a rather regular basis as far as the Planning Board goes, and oftentimes we get into discussion about the appearance of the site, the -- you know, those types of issues. I just wanted to basically make the statement that as a co-locator on the existing antenna, you do not own the tower itself, and that there is in place basically lease agreements between the property owner and the antenna owner that specifies maintenance of the property, those types of issues.

And frequently in the past, there has been a lot of, you know, I guess, questions and concern about the maintenance of the sites themselves. I just wanted to point out to everybody that as an

antenna co-locator on the tower, it is not your responsibility for any site management activities pertaining to this particular tower.

So that is a comment that I wanted to make for clarification at this point in time, so you don't get torn apart for weeds growing around the site or something like that. It is basically not the co-locator's responsibility. It is the tower or the owner's and the leaseholder's responsibility to maintain the site.

MR. KNUBEL: I do appreciate that. I believe there was some history at one of the sites. I was speaking with Dennis (Scibetta) earlier, and I believe there has been some resolution to that.

JAMES MARTIN: It is not just this site. There is a history in the Town, and you know -- you know we have FCC regulations we have to deal with, and all of those things, and at this point in time, I don't want to spend a lot of time beating you up about something that you really don't have responsibility for.

MR. KNUBEL: I do appreciate that.

DARIO MARCHIONI: Adding to that now, your lease on this site, is it like a flat rate or is it specified that you will pay so much a month for the rental of the tower? It is shown -- the rent --

MR. KNUBEL: Yet.

DARIO MARCHIONI: How is that money to be paid? Is it strictly rent or is it maintenance? Are you paying a percentage of it or any specific part goes for tower maintenance? What kind of agreement do you have with these people that really puts you as part of that whole complex?

MR. KNUBEL: We have a lease agreement that was signed with Global Signal, who originally owned the site when we first approached them, and has since -- the site has since been sold to Crown Castle U.S., so that lease will transfer with them. But any of the tower aggregators themselves have their own pricing scheme, usually based on the square footage of your footprint within the compound and the number, the weight, the specifications of the equipment. Basically the amount of stress that you're putting on the tower.

For example, um, just a rough guesstimate, say you're paying \$100 per antenna. You would pay \$5 per line of coax cable that you run along the side of the tower. Um, you may pay \$100 a square foot for ground space. It really -- every -- every tower owner and aggregator is different, so there is no -- it isn't -- there is no universal standard. It changes from site to site and even -- or tower owner to tower owner.

But reading the words, the language in a lot of the lease agreements, the maintenance responsibility falls on -- under the tower owner itself. Um, whereas, we are just leasing for the right to -- to use this space, and any prior conditions obviously to, um, the size of equipment or type of equipment would be applicable in our case, but as for landscaping and all, it is our position that that is the tower owner's responsibility to take care of.

DARIO MARCHIONI: Is that specified or is that -- because sometimes these owners, they are going to pass the buck. "I'm not responsible. I'm not responsible." That is where a lot of confusion comes in. Does your lease specifically address this -- these issues, and also if this tower no longer exists, is not needed, if they have to take it down, if you still have equipment there, what happens with your equipment and how is it related with -- with the tower itself? Let's say ten 15 years from now, you're not operating there no more. You have different technology, and I assume that is what is probably going to happen. How is this -- your lease relates within your responsibility -- how -- in other words, what is going to happen to this tower and how do you fit into that? Or have you not looked at any of that? Or how many years are you leasing this?

MR. KNUBEL: I'm not 100 percent sure of the terms of our lease. I have not looked at it in a while, and I wouldn't want to speculate because they do change from time to time.

Um, but if the Board pleases, I can provide a redacted copy of the lease for you to look at to see exactly what terms they came to with the tower owner itself. I would have no problem doing that.

Did I answer your question or did I kind of skirt around it?

DARIO MARCHIONI: Yes, well -- like I said, we have had a lot of these pass the buck. The owner of the property is supposed to take care of this. The tower owner is supposed to take care of this. There is a lot of confusion. I want to know what is your position on that tower and what is your legal aspect on that tower. Because I think this will reflect the rest of the other co --

MR. KNUBEL: Other carriers on the tower --

DARIO MARCHIONI: So we can have a general idea what the future is going to be on this

tower and how will it be terminated.

MR. KNUBEL: Our legal responsibility generally -- now I'm speaking in general terms here because I don't have the lease in front of me.

Um, our legal responsibility generally is the maintenance of our equipment, and if -- if -- at the end of our lease term it is written into the lease that we're responsible for the removal of all equipment that we place on the tower and within the equipment compound, um -- unless -- rarely you will see some -- something different written in, but if something else is written into the lease, it is usually very specific.

Um, unfortunately, historically there has been -- the language in a lot of leases has been very ambiguous, but we tried -- Clearwire's corporate position -- to try to answer your question most straightforwardly as I can, Clearwire's position is when we lease the space, our responsibility ends with the maintenance of our equipment and any damage or -- or upkeep that would be -- might be caused to the tower as a result of us being there. For example, if the tower did not -- have a passing structural report, um, for -- before we could go on it, we would have to do upgrades to the tower. That would be something that would come out of our pocket. Um, but other than -- but other than those circumstances, as far as maintenance of any landscaping that may have been imposed, that is the responsibility of the tower owner itself.

DARIO MARCHIONI: Thank you. You understand where I am coming from.

MR. KNUBEL: I know exactly where you're going with that, sir.

DARIO MARCHIONI: Thank you. No other questions.

GEORGE BRINKWART: You have a note on the drawings here that makes reference to a structural analysis of the tower and I believe I touched on that a little bit. But what assurance do we have that, you know, this is going to be done and has it been done?

MR. KNUBEL: It has been done, sir. Um, generally speaking -- this is my first time dealing with the Town of Chili. I wasn't asked for it when I submitted the conditional use permit or the site plan application. I was planning on citing that as a supporting documentation with the building permit application itself. I -- I would have no problem furnishing that per your request.

JAMES MARTIN: So you are going to furnish that --

MR. KNUBEL: Yes, sir. Prior to building permit approval.

JOHN NOWICKI: Who owns the tower?

MR. KNUBEL: Currently -- it was Global Signal. As of January 1st, it is Crown Castle.

JOHN NOWICKI: Who is the person that is leasing the land to them? Who owns that? Who owns -- lease or -- or lessee, whatever.

MR. KNUBEL: I believe the gentleman the lease was signed with, I believe the property is in probate or there was some type of legal issue on -- or transition of where the property was actually.

JOHN NOWICKI: So -- but that --

JAMES MARTIN: It is in The Graham Estate.

JOHN NOWICKI: That estate is getting paid by the tower owner so much money a month?

MR. KNUBEL: Yes.

JAMES MARTIN: The Town owns the other site.

JOHN NOWICKI: The Town owns the other site. But my question is on the one site, neither one of these are in the drainage district. Why isn't the Graham site in the drainage district?

DENNIS SCIBETTA: This came up before, John (Nowicki). I thought we did address this.

JOHN NOWICKI: That is my only reason for asking these questions. I want that to go into the drainage district.

DENNIS SCIBETTA: I believe it was applied for, and that may be incorrect. This did come up. I did -- I remember this coming up on the last co-location, and that was one of the things that we held up on until they were applied for.

JOHN NOWICKI: If you can check that out for us. That is the only questions I have.

JAMES MARTIN: You will get back to us --

DENNIS SCIBETTA: Yes.

KAREN COX: Um, going back to John (Nowicki)'s question about the owner, many the -- the -- it appears as though the owner on the Town property is a different owner, according to the plans? It says American Tower.

MR. KNUBEL: American Tower is the tower owner.

KAREN COX: But John (Nowicki) said who owns the tower, and you said Crown Castle. I wanted to clarify that was just for the 60 Golden Road.

MR. KNUBEL: Oh, excuse me. Yes, ma'am.

DENNIS SCIBETTA: There is a question, if you can help us. On the 3235 Chili Avenue site, you're tying into -- you're showing an existing telco panel, proposed telco service to be confirmed by utility and it appears to be outside of the site itself.

MR. KNUBEL: Okay.

DENNIS SCIBETTA: Who owns that? Who owns that and how is that particularly -- you know how that does relate to the site?

MR. KNUBEL: That I do not know the answer to, sir. I would have to get -- get an answer back to you on that.

KEITH O'TOOLE: Well, to follow up on that, I think, Mr. Chairman, what I would like to see since we really don't have -- particularly for the old Town Hall site, we don't have a survey map showing the underlying lease parcel and any easements that are attached to it. I would like to see the items shown on Sheet 2 overlaid on a -- on a survey map showing the lease parcel boundaries and any easements to verify that, in fact, the improvements are with the lease parcel before we issue any permits.

MR. KNUBEL: Are you referring to the utilities, or --

KEITH O'TOOLE: I'm referring to everything.

MR. KNUBEL: Okay.

JAMES MARTIN: That is for the 3235 --

DENNIS SCIBETTA: Chili Avenue.

JAMES MARTIN: -- Chili Avenue site.

DENNIS SCIBETTA: Correct.

JAMES MARTIN: Applicant to provide a survey map showing the outline of the leased property area.

MR. KNUBEL: I understand the Town's position. There you want to make sure that, you know, we're occupying -- or that everybody is occupying the space that they are supposed to be occupying.

KEITH O'TOOLE: Yes.

MR. KNUBEL: And make sure the Town is getting all of the income that it deserves.

DENNIS SCIBETTA: That was correct.

MR. KNUBEL: Wouldn't that be more appropriately towards the main leaseholder, something aimed towards American Tower?

KEITH O'TOOLE: No. Your rights are derivative of the master tenant. How you guys sort it out amongst yourselves is not our concern.

MR. KNUBEL: Okay.

DENNIS SCIBETTA: American Tower, I believe, is coming in next month with a co-location and also an application to purchase from the Town an additional area to be leased, or -- or not purchased, but additional leased space, so there could be some benefit for the Town.

JOHN NOWICKI: At this site?

DENNIS SCIBETTA: Yes.

JAMES MARTIN: Do you understand what is required?

MR. KNUBEL: Yes, sir. A survey overlaid with the instruments for the master lease.

DARIO MARCHIONI: I think that should be already in records. Should have that.

KAREN COX: The original site plan for the tower would have it.

MR. KNUBEL: I believe what the gentleman was getting at was he wants everything that is there field verified to make sure it is located exactly where it is supposed to be located, versus what is drawn on a plan. Make sure it matches up perfectly between what is physically there and what was shown on the original approvals and the lease documents.

KEITH O'TOOLE: As-built.

DENNIS SCIBETTA: As-built.

KAREN COX: Wouldn't we have an as-built?

DENNIS SCIBETTA: Mr. Martin, if you look at page 2 of the 3235 Chili Avenue site plan, there is a connection into the existing telco panel, proposed source of telco to be confirmed by the utility which appeared to be outside the footprint of the leased area. We would like that clarified.

PAT TINDALE: We normally ask for 1 percent per co-location to the Town's landscaping fund. So it was -- so this would apply to both sites.

MR. KNUBEL: I can pose the question. I'm not authorized to -- I can look into that and get back to you and talk to the people that can make that decision.

JAMES MARTIN: All right.

MR. KNUBEL: What is the 1 percent based on -- off of?

PAT TINDALE: The cost of the building of your structure, whatever you put on there. I am sure it is minimal, but...

DARIO MARCHIONI: Another question if I may ask.

JAMES MARTIN: Go ahead.

DARIO MARCHIONI: On the Chili Avenue one, how far do you cover with -- with this -- these antennas? What is your --

KAREN COX: What is the service area?

DARIO MARCHIONI: Yes. How much -- how far do you go? I don't know if I read that.

MR. KNUBEL: Um, generally speaking, each site covers -- in between a mile -- a mile and two miles. It really depends on the trees, ground clutter, buildings, the weather. Temperature, a bunch of different things. But general rule of thumb, as I say, about a mile.

JOHN NOWICKI: Does it depend on the height?

MR. KNUBEL: And the height of the tower. Or where the antennas are located actually.

DARIO MARCHIONI: Because I live up on the hill here, and I'm way higher than these -- that -- that goes from your height down service --

MR. KNUBEL: It is conical in shape, I believe. So you would get coverage at a higher elevation. If it was striking a hill side, it would be higher.

DARIO MARCHIONI: So the waves go higher -- I don't know if they're waves or whatever you call them.

MR. KNUBEL: Yes, sir.

DARIO MARCHIONI: They go out and down.

MR. KNUBEL: Yes, sir.

DARIO MARCHIONI: So the height is not critical.

MR. KNUBEL: The higher we get -- there is a discernible difference between 200 feet and 150 or 200 feet and 100 feet. It really depends on the main target area of what -- for each site, where they're trying to reach the perspective customers, and in this case, with the -- with the Chili Avenue site, um, we're looking for a lot of the shopping center area there and a lot of the -- a lot of the residences along Chili Avenue.

DARIO MARCHIONI: But south of this area, where you have a hill and then it goes back down again and -- I don't think -- can you also cover that, or --

MR. KNUBEL: Um, probably not with the best coverage. This is just the -- this is just the initial push. With -- within the next year or so, I am positive that you will see -- depending on funding, obviously more sites coming in to expand the network throughout this area. We're just going through and trying to get the approvals right now for the minimum sites necessary to launch the market and get the service out there. Um, as time goes on, and we have the chance, the network will be expanded and more sites will be added and better service coverage will evolve out of that one point. It is an every -- ever-growing process.

DARIO MARCHIONI: Chili has two other towers. One near the Thruway and one near the river -- Genesee River. So you're -- we're going to expect you will probably --

MR. KNUBEL: I would not be surprised if you see me within the next year or so presenting those applications as well, sir.

DENNIS SCIBETTA: Mr. Chairman, as far as the drainage district, I have conflicting information that actually there are two sites listed and one is the cell tower site, which is not in the drainage district, but 60 Golden Road, the property is listed in the drainage district, so I believe that the application was made. For some reason it hasn't been applied to the entire site at this time. But I do believe that it is covered in that. But I will check that further tomorrow.

JAMES MARTIN: All right. Thank you.

Anything from the Board, side table? At this point, I will open it up to public comment. We're discussing all four at this time.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: What I would like to do at this point is basically do SEQR. I believe SEQR would be appropriate for all four applications, the same basic declaration.

James Martin 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 applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

James Martin reviewed the proposed conditions with the Board.

KEITH O'TOOLE: Verifying all improvements and utilities and their connections are located wholly within the Town lease parcel.

DECISION ON APPLICATION #3: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. **Approved for a period of five years.**
2. **Applicant shall supply the Planning Board with a copy of a redacted lease agreement with the tower owner.**
3. **Applicant shall provide a contribution equal to 1% of the construction cost to the Town of Chili Landscaping fund.**

The Board discussed whether to waive final for application Number 4.

DECISION ON APPLICATION #4: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. **Applicant shall supply the Planning Board with a copy of a redacted lease agreement with the tower owner.**
2. **Applicant shall provide a contribution equal to 1% of the construction cost to the Town of Chili Landscaping fund.**

Note: Final site plan approval has been waived by the Planning Board.

JAMES MARTIN: Only the 3235 needs the survey map, so only the two conditions that will apply to the 60 Golden Road site.

James Martin reviewed the proposed conditions with the Board.

DECISION ON APPLICATION #5: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. **Approved for a period of five years.**

2. Applicant to provide the Building Department with a survey map overlay showing an outline of the leased property for the 3235 Chili Avenue site, verifying that all improvements and their utilities are located within the Town leased parcel.
3. Applicant shall supply the Planning Board with a copy of a redacted lease agreement with the tower owner.
4. Applicant shall provide a contribution equal to 1% of the construction cost to the Town of Chili Landscaping fund.

The Board discussed whether or not to waive final approval on Application 6.

DECISION ON APPLICATION #6: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. Applicant to provide the Building Department with a survey map overlay showing an outline of the leased property for the 3235 Chili Avenue site, verifying that all improvements and their utilities are located within the Town leased parcel.
2. Applicant shall supply the Planning Board with a copy of a redacted lease agreement with the tower owner.
3. Applicant shall provide a contribution equal to 1% of the construction cost to the Town of Chili Landscaping fund.

Note: Final site plan approval has been waived by the Planning Board.

7. Application of Theodore Sylvio, owner; 1761 Scottsville Road, Rochester, New York 14623 for preliminary site plan approval to erect a 23' x 46' addition (total of 815 sq. ft.) addition to restaurant at property located at 1761 Scottsville road in RAO-20 & FPO zone.

Theodore Sylvio was present to represent the application.

MR. SYLVIO: My name is Ted Sylvio, and I'm applying to add the addition onto our existing property there, to expand our kitchen facilities and pretty much our catering business. Um, we're trying to establish different clientele where people are not comfortable going into a place where there is alcohol being served. We want to have a separate entrance, carry-out, take-out, delivery and so forth. We have an existing operation at -- in the City of Rochester at 688 Lexington Avenue. We have been there for 10 ½ years, and we think this would be a great addition to our property here, which we have owned this property since 1989. I had it under lease -- I ran and operated the business in the early '90s until about 1995, and sold off the business, and recently reestablished it. So that is pretty much what we want to do there.

JAMES MARTIN: I don't know if you have had a chance to see the Town Engineer's comments regarding the application.

MR. SYLVIO: No, I haven't.

JAMES MARTIN: Essentially, you know, site data, zoning classifications, required setbacks, et cetera should be noted on the plan. The plan is not adequate as a drawing. So that is going to have to be redone to meet all of the requirements that we have in place on our site plans.

Um, question for you. You show there is an out building, I believe, shown on the plan, existing -- existing shed. I can't believe it hasn't blown down in the most recent wind storm we have had.

MR. SYLVIO: The one in the back.

JAMES MARTIN: It is extremely dilapidated, falling apart. I think as a condition, I would like to state that it is either removed, replaced or repair that shed.

MR. SYLVIO: That is in our plans.

JOHN NOWICKI: What is your choice?

MR. SYLVIO: We would like to replace it.

JAMES MARTIN: All right.

JOHN NOWICKI: That will be a condition prior to getting a C of O.

JIM POWERS: The addition that you're going to be putting on is on -- is where the dumpster is now in part?

MR. SYLVIO: Yes, sir. We're going to reload -- relocate the dumpster to the back part of the property. That is one of my insurance requirements also. They're requiring I'm at least 25 feet from the building for -- in case of fires or anything like that.

JIM POWERS: Will you mark out these parking areas and --

MR. SYLVIO: Yes, I am. I have plans in the future also to have the potholes repaired at the property. The parking lot sealed and striped.

JIM POWERS: Your handicapped area -- parking areas, are those designated as such? Are you going to -- are you going to --

MR. SYLVIO: Yes. I think there were two of them. Two handicapped spots. We don't have them designated at the current time. We will.

JIM POWERS: You will keep the other kitchen, as well as the new one?

MR. SYLVIO: Yes, sir. We'll have like a small seating area, counter, pretty much, take-out service.

JIM POWERS: This will be for the take-out service.

MR. SYLVIO: Our other kitchen will join to this other. All of the cooking will be done in the existing kitchen. It will be counter area, tables, you know, very minor. Mostly what you would want to consider -- we want to try to promote people that are -- again, not comfortable with ordering food and sitting and picking it up in a bar atmosphere and so forth. Hopefully, there will be a separate entrance so they don't have to go near the bar, just come in through that one area there on the north side and that would be pretty much it.

KAREN COX: I was going to ask the questions Jim (Martin) asked. What are the colors of the new building? Are they going to match what is out there?

MR. SYLVIO: Pretty much we're going to go with the existing building. We were going to ask to -- for final to go to the Building Department with our plans. We want to put footers in and put existing -- I believe it is T-111, and paint it the same -- excuse me, the same tones that we have now.

KAREN COX: So how many -- when you say you will have seating in the new area --

MR. SYLVIO: That we really didn't -- very minor. Four tables. It is pretty much -- we want to promote the carry-out and, you know, again, people that are not of age to go into the bar area. We have that problem now with the -- being across from the RIT campus, people will come in to dine now, and we're sort of not comfortable with anybody under 21, so we're losing a little bit of business there, and so we figured with this little addition on the other side, separate entrance, it would help us out a lot there.

JOHN HELLABY: I go by there just about every day and I can't remember. Wasn't there some outside seating area or something in -- where the addition is proposed?

MR. SYLVIO: Yes. Where the fence is. That would all be our addition now.

JOHN HELLABY: That is all going away and you have no intentions for any outside seating in the future?

MR. SYLVIO: No.

JOHN HELLABY: The other question, hours of operation, I know you're established now, but for the longest time it seemed like you were just opened weekends. What are actually your hours of operation?

MR. SYLVIO: Actually, I took control back of the property back in April of '06, and I reopened it in August of '06. Um, right now my hours of operation are Monday through Saturday. We open at 11 a.m.. We close approximately midnight, 1 o'clock, depending on the -- mostly Fridays or Saturdays, we'll be there to one or two.

JOHN HELLABY: Clientele changed since you have taken it over? Is it still sort of the same bar crowd?

MR. SYLVIO: We're trying to promote a different atmosphere. I don't know if you have been inside recently. We have put numerous televisions in there. We have changed it around a little bit and cleaned it up. We're trying to promote more of the laid-back atmosphere, not the hard-drinking atmosphere, the college crowd. We're not really trying to get into that. Somewhere where you would want to bring your children and, you know, sports oriented.

JOHN NOWICKI: We have a comment here from the Fire Marshal you need to put a sprinkler system in?

MR. SYLVIO: A sprinkler system inside --

DENNIS SCIBETTA: I don't --

JAMES MARTIN: I think what he needs to do is --

DENNIS SCIBETTA: I'll clarify that. The architect needs to give us more information as to whether it does require a system or not. That is --

JOHN NOWICKI: Based on the New York State Building Codes.

DENNIS SCIBETTA: Yes, this -- that is all covered under the code.

JOHN NOWICKI: Do you have deep fryers going in there and things like that?

MR. SYLVIO: Yes. We're all set. We have a suppressor --

JOHN NOWICKI: We want to make sure we're covered.

JOHN NOWICKI: The other thing is the landscaping, what do you plan on doing about landscaping?

MR. SYLVIO: Landscaping, um, I -- we would like to -- the front existing there, where we have the small area where -- that there were flowers and things, again, we have these on our plans to clean it up, fix up the outside appearance. We want to take down that existing sign pole that was there also and clean up the back lot. At one time we did have it all stoned and bermed. We had all nice evergreens, and unfortunately, um, somebody stole them.

KAREN COX: Oh, gee.

MR. SYLVIO: That is when I was actually active in the property. I operated the business again for five years there.

JOHN NOWICKI: What else do you want to do here?

PAT TINDALE: We were just going to recommend that 1 percent of your building cost go into the landscaping, like I asked this gentleman.

KAREN COX: And then wire the trees so somebody nobody can steal them.

JOHN NOWICKI: We need some landscaping in there.

Is there a second floor to the building?

MR. SYLVIO: Yes.

JOHN NOWICKI: What is it used for?

MR. SYLVIO: Office and storage.

JOHN NOWICKI: Not rented?

MR. SYLVIO: No.

JOHN NOWICKI: Other than engineer's comment, I'm all set.

GEORGE BRINKWART: On your application you indicated that you're in a flood plain or flood zone. Can you check with our Building Department to make sure that the condition complies with the requirements?

MR. SYLVIO: I petitioned the Drainage District back in 1991. When I put on that addition part. Is that part of that flood zone --

GEORGE BRINKWART: No.

MR. SYLVIO: I will check on that.

DARIO MARCHIONI: To add on, I think -- the addition has to be 2 feet above the base flood elevation, right?

DENNIS SCIBETTA: Correct.

DARIO MARCHIONI: Which is the 100-year flood. I don't know -- you don't have any elevations here on this site plan exactly what --

MR. SYLVIO: I believe he was going to do everything on the final drawing. So the elevation -- so -- there was a part there where the setback requirements were that he was going to put on the final.

DARIO MARCHIONI: The elevation of the floor that you will build the new addition. In other words, your present building, that is way below flood elevation. This one, it is going to have some steps in it. Unless you get a variance.

MR. SYLVIO: Okay. I see what you are saying.

DARIO MARCHIONI: In other words, according to the Town, it -- any structure has to be 2 feet above 100-year basic flood elevation, in a flood plain. This is in a flood plain. Actually, you're actually in the flood way. You're that close to the --

DENNIS SCIBETTA: They're in an FPO. Not flood way.

JOHN NOWICKI: Flood plain overlay.

DARIO MARCHIONI: They're 75 close to the Genesee River. That -- okay. Whatever.

DENNIS SCIBETTA: They're still in an FPO. They have to be 2 feet above base flood elevation.

DARIO MARCHIONI: You say you're going to have a second floor on top of the addition.

MR. SYLVIO: No, no. I have an existing second floor there now.

DARIO MARCHIONI: By the way, how is business?

MR. SYLVIO: We're trying. Takes time.

DENNIS SCIBETTA: There are some additional data that we'll need from the architect obviously that we can discuss with him.

PAT TINDALE: Just what I said. The 1 percent landscaping.

JAMES MARTIN: Got that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Have there been any complaints about this particular property to the Building Department?

JAMES MARTIN: Mr. Scibetta, have there been any complaints on this property registered in the Building Department?

DENNIS SCIBETTA: No, none that I'm aware of.

DOROTHY LIPPA, 6 Charles Avenue

MS. LIPPA: I live at 6 Charles Avenue, two doors behind his bar. And the cars, they park all Helter Skelter. I'm not fond of him expanding because he won't have the parking spaces, and they park all Helter Skelter, and they park both sides of my street. I can't get out my driveway. I can't get in it. The -- they park in front of the fire hydrant and with the parking on both sides, there wouldn't be room enough for a fire truck to get through. It -- it is terrible. It really is. I have lived there 43 years.

JAMES MARTIN: Have you notified the Sheriff's Department of this issue?

MS. LIPPA: Um, yeah. They park in front of the fire hydrant. But one day they were partying there, I think it was St. Patrick's Day. My neighbor here told the cops that they were parked in front of the fire hydrant and said they're in there -- they're just young kids having fun. Did nothing.

KAREN COX: They better be over 21.

MR. SYLVIO: Can I make a comment on that? St. Patrick's Day was the prior ownership, which he did have a big St. Patrick's Day blast there every year. Which again we're running a whole different type of concept there, nothing like they were doing.

And I think she might be referring -- there are a lot of college fraternity houses on Alfred Street which come and park in our parking lot, too. Which I wish the streets were all crowded with our customers, believe me, because we're really not doing that type of business there now. And I really

think it is coming from those houses that are down the street from us. We have tried -- we have security systems set up. We have four cameras monitoring, three outside and one inside. We see suspicion back there, we go out and stop it. We don't let people sit. There again, we don't see everything, but I don't think that is coming from our property, our business.

DONNA WHITNEY

MS. WHITNEY: I live directly behind the bar, the first house. I have to admit that Ted (Sylvio) is a pretty good neighbor and he tries to take into consideration our feelings and concerns.

Parking has been an issue in the past. They park on both sides of the street. One time I had a car park in my driveway, and the Sheriff's Department is not very responsive to our calls. Last year they -- the kids were running up and down the street with containers of beer, and they said, "Leave them alone; they're having fun."

But one question that I have as to the new plans is where will the dumpster be located?

MR. SYLVIO: The dumpster.

JAMES MARTIN: Actually we should have a site plan up on the board. Could you put that up and point it out?

MS. WHITNEY: I don't want it any closer to my house.

MR. SYLVIO: The plan does show it will go in the back there. I am just having a problem with the insurance company that doesn't want me to keep it within 25 feet of my building. Because I wanted to put it right on the back of the addition, but they're having a problem with that. If -- it would be like adjacent in the northwest corner.

JAMES MARTIN: Almost --

MR. SYLVIO: I wanted to put it right here (indicating), Mrs. Whitney, but I'm having problems with my insurance company, which they're requiring -- which I don't have the letter with me, but I can show it to you, that they're requiring me to take action on it. It has to be at least 25 feet away from the building. So I'm open to any suggestions.

MS. WHITNEY: Where is that approximately to the existing shed?

MR. SYLVIO: Right next to the shed on the Alfred Avenue side. I will have it enclosed and everything.

JAMES MARTIN: It has to be enclosed by Town Code.

MS. WHITNEY: Okay. Another issue that I have is the parking on Scottsville Road right in front of the bar. When you come off Charles Avenue to make a turn, left-hand turn onto Scottsville Road or even a right-hand turn, you can't see oncoming traffic. With the new configuration of the Ballantyne bridge, the traffic really comes down there at a fast pace. It -- they should have a speed limit there of 30 miles an hour. They come down there 50 or 60 miles an hour, and more than once I have taken my life in my own hands coming out of that street. So I would like to see the police enforce no parking in front of --

MR. SYLVIO: They just installed a no parking sign.

MS. WHITNEY: But they don't read no parking signs.

MR. SYLVIO: If we see someone parked in front, we ask them to move it. To my knowledge, I haven't seen anybody there. But if there is someone there, we definitely have them move their vehicles.

MS. WHITNEY: That is all I have. I do appreciate the fact that you're trying to get a different clientele.

MR. SYLVIO: Thank you.

MS. WHITNEY: It has been a lot better since Ted (Sylvio) has been back in charge. Before it was almost unbearable.

MR. SYLVIO: Thank you.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I know Mr. Sylvio quite well. I was in office when he came in, if I recall correctly.

Are you installing the televisions that will pick up the national football league games?

MR. SYLVIO: We already have that installed.

MR. BRIXNER: You already have that.

Will you keep your Lexington Avenue business going?

MR. SYLVIO: Um, currently, yes, we are. But that might be in the future plans to -- we want to pretty much relocate out -- back to what we call home, Chili.

MR. BRIXNER: Well, that would be good. Certainly you're a much better occupant of that site than -- than years and years ago.

MR. SYLVIO: Thank you.

MR. BRIXNER: Mr. Chairman, I applaud Mr. Sylvio for trying to change the motive of his business that would attract a little wider group of people and that is a very quiet area and should be relatively quiet, and if he could bring in some of those type individuals from a take-out standpoint, I think it would be an improvement to our community.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

James Martin 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 the Board all voted yes on the motion.

James Martin reviewed the proposed conditions with the Board.

The Board discussed whether or not to waive final.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Replace existing shed prior to a Certificate of Occupancy being issued.

2. Parking lot will meet all Town of Chili code requirements.

3. Applicant to coordinate with the Fire Marshal to insure all fire code requirements are met.

4. Applicant will provide 1% of construction cost to the Town of Chili landscape fund.

5. Applicant to comply with all Flood Plain Overlay and building code requirements.

Note: Final site plan approval has been waived by the Planning Board.

8. Application of Quang Nguyen, 34 Orange Tree Circle, Rochester, New York 14624, property owners: Howard & Dietrich Jeffries; for recommendation to rezone approximately .58 acres from R-1-12 (Residential) to G.B. (General Business) at property located at 3134 Chili Avenue.

John Caruso and Quang Nguyen were present to represent the application.

MR. CARUSO: Good evening, Mr. Chairman, Board members. I'm John Caruso. I'm here tonight on behalf of Mr. Nguyen. Mr. and Mrs. Nguyen are both here with me tonight along with Mr. and Mrs. Jeffries, who are the homeowners. Mr. and Mrs. Nguyen are currently the owner of nails -- Star Nails here in Chili and they're located in the storefront adjacent to Nick's Deli where they currently rent space.

Our clients wish to own their own real estate and are interested in moving into the Jeffries' residence and converting that to their new facility which would allow them to increase their business space, mostly for offices.

Mr. and Mrs. Nguyen are Chili residents. They own other real estate here in Chili, and they understand that this parcel will become a commercial and taxed appropriately if it were rezoned.

With respect to the operations of their business, they -- they would operate their business Monday through Saturday from 10 a.m. to 7 p.m. They are not open on Sundays and they would employ about five people.

With respect to the land use, the Town of Chili Master Plan includes this parcel in the Chili Center core, and recommends and allows for General Business uses, and under that General Business, a salon is a permitted use. We also note that there was other adjacent development in -- in rezoning right across the street would be where the Walgreens proposal is currently located.

Um, to the north -- and there is some information and some photos in our application that really help show the spatial aspects of the site. The Mobil station is directly west of this parcel and adjacent. To the northwest is a large vacant parcel owned by Mobil and that is GB. Um, to the south is the application, as you know, for Walgreens and then to the north is residential and to the east is residential. And there is one of the photos, aerial photos in our application shows a significant buffer from this parcel to the residence to the north, and I believe the distance is about 225 to 250 feet. So there is a significant separation to buffer this parcel from residential use.

So with that, we're all here tonight and willing to answer any questions you might have.

JAMES MARTIN: I will go to the Board at this point and I will reserve any questions for later.

JIM POWERS: Why is the request for -- for General Business? Is that now zoned as GB?

MR. CARUSO: Zoned Residential.

JIM POWERS: Why not Neighborhood Business?

MR. CARUSO: Because everything around it is GB, and it makes sense to --

JIM POWERS: It is not GB yet.

MR. CARUSO: Well, it -- that is why we're making application.

I'm trying not to change the zoning along the corridor. The zoning in that corridor is GB and you would extend in kind, or -- or in-like zoning.

JIM POWERS: The backyards on -- in Ranchmar come right up to the back lot line of this particular parcel of land.

MR. CARUSO: They do, but -- as opposed to other opportunities in the area, um, they -- they definitely come up, but there is a significant separation that we tried to show in our application. Jim (Martin), did you see that? Did see this photo here (indicating)?

JIM POWERS: I'm looking at it.

MR. CARUSO: You know, if it didn't happen in 1980 or 1990 or in 2000 or 2010, at some point the commercial development is going to creep easterly, and this is just the first parcel east of, you know, George Rice to go that route, and the good news is that there is some pretty decent separation and what is happening right across the street, it is not uncommon.

JIM POWERS: How many employees does he have now at Star Nails?

MR. CARUSO: Right now we're showing five employees and those five employees would come over.

JIM POWERS: Does -- the other properties that he owns in Town, are any of those commercial?

MR. CARUSO: I don't believe so.

MR. NGUYEN: Another properties we own in Chili across from Mobil station.

MR. CARUSO: Residential house that he owns. His own residence.

MR. NGUYEN: Right now it is the -- where Walgreens would be take that space to -- all five of them to make to the land.

JIM POWERS: The backyard, I -- I am assuming by the drawings he intends to use that for parking, and it is quite heavily treed, that backyard. I don't know that he is going to need all these parking spaces. And he is still going to employ five people. He is not going to increase that staff.

MR. CARUSO: Well, I'm -- I don't know, Jim (Powers). I mean right now we're just trying to get the land use squared away. I mean -- we'll have to come through this Board with -- we'll have to modify the building to meet code and I have to get a floor plan laid out.

JIM POWERS: Will it retain the same operation here that he has over on --

MR. CARUSO: Yes. They do -- they do nails, pedicures and hair cuts.

JIM POWERS: That is going to remain the same?

MR. CARUSO: Yes.

KAREN COX: Is anybody going to be living in the building?

MR. CARUSO: No.

KAREN COX: Just totally the business.

MR. CARUSO: Just totally for business.

KAREN COX: You will need to address the handicapped parking issues and all of that.

MR. CARUSO: Yes. We're going to -- I think we're going to put -- I was going to try to put the handicapped up front, but I don't know how the -- I don't know how the building -- the building has a walk-out condition, so I could put it in the back and they could come in the first floor or -- I don't know if he will utilize the downstairs area. It depends on how the building lays out architecturally. But I have some room up front. You can see there is a little pull-off driving parking area up front that we could come right underneath, too, if the first floor was -- was made for the business.

KAREN COX: How does the -- have they talked to the next-door neighbor, the neighbor to the east of them, about this idea? Anybody --

MR. CARUSO: Um, Dennis (Morgan)? Did you -- did you --

JAMES MARTIN: Wait a minute. We're not in a public hearing portion.

MR. CARUSO: I'm -- okay.

JAMES MARTIN: I'm sure there may be some comments.

KAREN COX: I just --

MR. CARUSO: The realtor -- well, I will let Dennis Morgan, who is the realtor, he had some comment about discussion with a neighbor. But we planned to -- I plan to do something there, a fence, some buffering in that area. There is quite a bit of space between the house and -- there is some mature growth, you know, to the adjacent house there, which is a good thing. It is not right on top of it. There is one of these photos here that shows the separation and some of the established growth that is there. But we still would put a full screen barrier along our easterly line.

KAREN COX: Are there times, you know, like on -- after work and weekends where there would be like all five people being used for nails? I mean, there has to be peak times and slow times in the business. I would think.

MR. CARUSO: I would think that there is a possibility that all five people would be there at one time, yes.

JOHN HELLABY: You mentioned Neighborhood Business. I guess I will take it one step further and ask about conditional use as a customary home occupation. Thoughts?

JAMES MARTIN: I think we got problems with that. Under the definition. It won't fit.

JOHN HELLABY: All right. I know it is early in the plans, but challenges as far as the way the site is laid out, your configuration. It would appear that there is quite a slope off the side of that garage and the grade rises quite dramatically up in the backyard. Anticipated problems with the foundation existing?

MR. CARUSO: No. I don't anticipate a problem with foundation. But we would have to remove a tree and we got to get around back. We have to overcome that grade, and you know I tried to depict for you in that instrument survey as best I could so all could see what we're dealing with, and we need to get around back there. We'll have to overcome that grade. So it is just sort of like a steep driveway.

JOHN HELLABY: What type of thoughts have been given to the site drainage issues? Again, I realize it is early in the planning stages. Is this -- do you plan on sheet draining this?

MR. CARUSO: I have had a couple of thoughts. The -- that area is known to be in its -- it is along that Pine Ridge Knoll and sandy -- so I was hoping to take the -- that parking lot and sort of cup it up and put a couple dry wells in the middle of it and try to, you know, take care of our storm water on site, but if not, we can bring some down around the front. Some of it is allowed to sheet off into the right-of-way. So that would be something I would be looking to do.

JOHN HELLABY: Structural changes to the existing structure? Just out of curiosity.

MR. CARUSO: I'm not really -- I didn't get in the house and look at it. I know you guys are looking for a lot of that stuff at this point. I really was sort of focusing on the land use and trying to, you

know, make our points to separation. Those things are important. What sort of buffers would we have remaining. That is why I gave you aerial photos in every different view so you can see with the leaves off the trees, you know, what is standing there. Um, so I have not been inside the building or done any floor planning with that yet. That would be something at the next level.

JAMES MARTIN: John (Caruso), I got some problems. GB just opens up Pandora's box as far as utilization of the property, okay, compared to NB. You have got a 250 foot minimum lot requirement depth, which you're not meeting on the site. So there is a variance issue right off the bat. Um, I just -- you know, I understand what you're saying, and I read the Master Plan several times and I really can't see where it indicates that, you know, this particular side of Chili Avenue going east is open to GB creep. That is what I will call it at this point in time. I know, you know, the property across the street, most of that was already in the GB, okay, and the request for rezoning was for two parcels which were residential that we addressed at the last meeting.

Um, but I -- I got a real problem with opening this up to the permitted uses and conditionally permitted uses under the GB that I don't know whether they would really be compatible. Yes, you say you have good spacing, but you're really not that far from the residential parcels along Chili Avenue and across the street going down a little east a ways.

Um, so -- you know, I just -- I don't have a -- I don't have a warm, cozy feeling about GB, to be perfectly honest with you, at this point. NB, you know, might be a more fitting zoning classification. Again, I don't want to get into spot zoning issues that this could, you know, be construed to be.

So I mean I have got some problems with the request for the General Business. I'm just letting you know my personal feelings at this time. I will turn it over to John (Nowicki).

JOHN NOWICKI: Well, I will just stay on the issue of the -- the land use issue, because years ago or down the street when this particular house was a real estate agent -- I can't remember his name. Years ago. He came in and he wanted to get his property rezoned to GB, and we denied the request only because you start to do this type of a project, you're going to open up Pandora's box, and before you know it, you will look like East Henrietta Road in Henrietta. That just tore those houses apart over there. It is just literally, in my opinion, not a very attractive situation. I -- I just don't want to see that starting here, and opening up this corridor to this type of an application. Um, I'm not going to support it, and that is my personal opinion.

DARIO MARCHIONI: John (Caruso), just to bring up under NB, Neighborhood Business, you have, you know, barber shop, beauty shop, also in the conditions, converting of existing dwellings into a permitted use. So it -- so it is a transitional, to go from Residential right to -- to General Business, that's -- that's a real drastic step. That is a big step.

MR. CARUSO: Well -- I -- is it the Board's feeling that they would be more comfortable as an NB use? It is your concern that the future use of this be other than what our client is asking it to be?

JAMES MARTIN: Certainly would open it up to that, John (Caruso), if you point it in that direction.

MR. CARUSO: I don't disagree with you, once it is out of control. But if he is looking to achieve what he wants to do, because this is a big step for him, and if the avenue is, you know, asking -- or modifying and asking you to send a referral up to -- not GB but NB.

JOHN NOWICKI: That will not solve the problem, because you still have to have a site plan that you indicated here with major parking facilities in the back of the property. We have had other hair salons in the Town, namely one offhand, that was in existence on Archer Road for years and years under conditional use. But it just had a parking in a driveway, a regular house and you didn't know what was going on inside. They had a hair salon inside. It was wonderful. This is a major, major operation, a major site design.

DARIO MARCHIONI: Five employees, too. That site had two employees.

JOHN NOWICKI: You're way over board here as far as NB goes. You start this, you're just going straight down Chili Avenue all of the way. That is all I can say.

MR. CARUSO: I hear what you're saying, but I'm looking at the 2010 Comprehensive Plan Study, and it shows this property to be smack back in the Chili Center Corridor. And if you --

JOHN NOWICKI: Still R-1-12.

JAMES MARTIN: I -- I still --

JOHN NOWICKI: Still R-1-12.

JAMES MARTIN: I look at that, and I can't glean any recommendation that would lead us in a direction to say that we're going to move from residential to business in this particular area.

MR. CARUSO: But directly right across the street you did make that move.

JOHN NOWICKI: We had different circumstances.

DARIO MARCHIONI: That was an addition to accomplish a business -- Walgreens, in order to fit that in there. It was just added, to fit one project.

KAREN COX: Well, it was also because the Master Plan recommended those two parcels be zoned GB. I mean, we were following the Master Plan recommendations on that. Let's make that perfectly clear.

DARIO MARCHIONI: The other issue, John (Caruso), in the spot zoning, where do we stop? What says -- what is the rule we have to stop at this house? How about the guy next door? I don't know -- how do -- are we going to justify to the guy next door and say come in there for the next thing. Well, across the street is commercial. I mean, I don't know. These are questions --

MR. CARUSO: You know, it is tough. I mean Mr. Jeffries is trying to sell his property and he is having trouble selling his property. He hasn't had any offers on his property, and then one person comes along who is interested in doing a commercial use.

JAMES MARTIN: I mean has -- has Mr. Nguyen looked at any other potential properly zoned areas in the Town of Chili to move his business? I mean, there are other areas that are vacant in the Town of Chili that could accommodate this business without having to force, you know, a decision around the zoning issue. I mean, it just seems to me that that avenue should be pursued, prior to coming in with an application that, you know, just doesn't sit well with us. Okay?

DARIO MARCHIONI: On the other hand, you could still go to the Town Board. We just make recommendations here.

MR. CARUSO: I'm just wondering -- the Board started out tonight -- I'm listening to each of you. You're uncomfortable with GB because of the future use. Then you brought up to me maybe Neighborhood Business would be more appropriate. You read right out of the code to me that a barber shop and so on and so forth, retrofitted facilities and that seems to fit in this category.

JOHN NOWICKI: Somebody read that. Not me.

MR. CARUSO: Didn't mean to look at you, John (Nowicki), I'm sorry.

JOHN NOWICKI: Wasn't me.

MR. CARUSO: So I'm listening to here, if you're uncomfortable with GB, but more with NB, maybe that is an avenue to pursue and we're willing to do that. But if you're saying now you're not even interested in that, then you will have to make a decision. But we're asking for you -- for referral to the Town Board for an appropriate use.

KAREN COX: I will come out and say that I have respect for somebody wanting to move a business to a building that they're going to own, but we also have the Master Plan that we have been trying to use as a tool. The only reason that I voted for the GB designation last month was because of the Master Plan recommendation. So I'm uncomfortable going outside of that realm and starting to rezone a parcel here, a parcel there.

JOHN NOWICKI: Spot zoning.

KAREN COX: Even if you proposed Neighborhood Business.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Several points, very good points have been made by members of the Board. And I think you probably are on the right track. This property, if it requires a variance, obviously is not meant for business. It has been a residence for -- forever.

The GB creep, as Mr. Martin says, is a real problem. Where do you stop once you start this? Pretty soon the next one and the next one and the next one will all want to plead hardship because they want to sell their place and move on to someplace that is bigger and better and not across from a Walgreens, but we have to call a halt here somewhere. I think there has been enough talk about commercializing Chili Center without taking residential property and turning it into GB.

GB is a real worry, as this Board has indicated, because down -- down the line you don't know what will end up there. You don't worry about tomorrow. You worry about five years out, ten years out. You don't know where you're going with that. And I appreciate, too, the fact that people want to be in business in the property they own, but there are other places in Town, as has been mentioned, and until those have been investigated, I -- I just think this goes nowhere that is good for the Town of Chili.

If I were the neighbors and I backed up to this, I would be in there tonight screaming. I don't know where -- if they're not here, I don't know why they're not here. I can't imagine that they want this right up to their backyards. Unless they, too, think that maybe they can sell their place for GB if they can get you to change the zoning on that. Which brings me back to my initial point. Creep. Sprawl is an insidious thing, and when we let it take hold of our Town, we're in trouble. We have seen enough of it. We're getting a lot of building in Chili Center. Let's keep the lid on until we see where we're going here and let's not do anything rash.

Thank you.

SABRINA HENNEMAN, 122 Stryker Road

MS. HENNEMAN: I have to agree that I think it seems like the Board is going in the right direction with this. I think General Business is definitely not the right thing to do, and I frankly am concerned also with Neighborhood Business because you're joining right up to these neighborhood residences, and you -- I mean, they -- if he hasn't even been in the building, how can you say for sure it is even suitable? He hasn't been in. He said so. So you recommend it to be rezoned and it turns out the building isn't truly suitable architecturally for code or whatever, but then it is zoned. So then they can sell it and it can become any number of things. Yes, maybe that business wouldn't be obtrusive to the neighbors. Maybe it wouldn't. I can't speak for that, but if he hasn't even been in the building, it seems way too premature to even think about zoning.

I also think that he should definitely look at Mike's Bar. The Supervisor said, that is for sale. It is General Business. I assume -- I'm pretty sure. And -- I would think it would be larger, if not -- and more suitable perhaps. It is close by. Very close to his existing business, so -- existing clients would -- would know where to find them. And I think that it is -- perhaps would be a fantastic option for both his business and for the Town in general.

So I really hope that you don't recommend General Business or Neighborhood Business.

Thank you.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: I certainly agree with the speakers before me. But also, um, I notice that Cold Water and Paul Road are very busy. They have a lot of traffic there. This rezoning, in my opinion, would only compound the heavy traffic going to Wegmans and to Walgreens if the rezoning of the two pieces of residential property across from this .58 acres of residential land gets a green light to go to General Business. If this 58 point -- .58 acres is rezoned from Residential to General Business, it will or might have a domino effect on the other homes east of Cold Water and Paul Road.

Um, I believe -- I believe that the character -- the residential character of this area on Chili Avenue should remain Residential. And the surrounding area, when you get -- you change one house, and make it a General Business, I mean, hello? Pray tell. I mean if I -- if -- what I understand is some of those houses across the street from this .58 acres, have received a bundle of money to go to General Business. I don't blame them. I would do the same thing if I were in that position. That is what I'm afraid of. I am afraid the residential areas of this Town are being neglected and not -- you know, not given much attention. And it is kind of scary.

And you know, since business located in Gates, all that business, um, in Gates, I have noticed that the traffic on Chili Avenue, those two miles, I can't even get out of my street, you know, off Chi-Mar -- it is so busy. I mean, there are cars constantly now because of the Wal-Mart development and all of that.

So I really am pleased on some of the comments that you made, and I am sure that the gentleman, the people who live next door to this house will be pleased also, because if I lived next door to a place that is going General Business, I would move out immediately. If I lived there.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Traffic is intense on Chili Avenue, and it is building, seems to be building continually. I live in a nice neighborhood and I have a few houses to go before I get to Chili Avenue, but I have to wait. There I saw six or seven cars lined up trying to get out of Chestnut Ridge onto Chili Avenue by the Wilson market. There is a continual sector of homes down Chili Avenue. And not far along is this residential area and you have Ranchmar backing this particular site up, but you see the most beautiful trees and vegetation ain't -- is just plain delightful.

If you take a nice leisurely drive down Chili Avenue from Chili Center down toward the end of the Town line and Gates, it is just a beautiful residential, picturesque drive. I would be opposed to this particular rezoning. Thank you.

DIETRICH JEFFRIES, 3134 Chili Avenue

MR. JEFFRIES: I'm the owner of 3134 Chili Avenue. I have been a Chili resident for 36 years. 13 years on Janice Drive off Paul Road prior to purchasing Chili Avenue 23 years ago come this April.

At the time we purchased the home, there was a home next door. The Mobil station expanded. A carwash and a vacuum was put up.

When I purchased the home, I didn't -- we had no idea that it was going to be a Mobil station that had a carwash. The Mobil station was there prior to. But as I said, we had a neighbor next door understand the concerns of all of those that have spoken prior to, but my bedroom happens to be right next to that vacuum cleaner that goes off and has gone off at any hours, could be three in the morning.

Um, my neighbors next door, I don't think would have the problem with a nail salon that ended their business at 7 opposed to myself living there in a home that is 24/7 for the carwash. So I am in favor of it being a General Business. And if, in fact, it was to be a General Business, there wouldn't be any more traffic than what there is now, that he is transferring from Coldwater to Chili Avenue. You have the Wegmans and all of those other businesses that have -- that have been established there.

Prior to my 23 years of purchasing that home, I was in favor of the home going General Business. And if I'm not mistaken, I believe you mentioned the home that I think two doors down there is still that sign that they do -- they have the real estate going. The Lawrences. To my east. And there is a Philippone real estate sign up there.

JAMES MARTIN: We'll ask Mr. Scibetta to check that. There was one there. It was going.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

DARIO MARCHIONI: I was just going to bring up -- somebody brought up the issue that once a Walgreens is across the street, the owner of this property, you know, feels that probably it has changed -- the neighborhood has changed in a way. In other words, he has lost some residential identity with this property. I don't know if that holds water or not, but I think some consideration should be made on Restricted Business or Neighborhood Business, to at least look at the possibility for this property. Or something zoned so it is a buffer zone or transition from General Business into residential. Just a thought.

JAMES MARTIN: Regardless where this Board goes, the applicant always has a right to go to the Town Board to request a rezoning. I just want to make that clear.

The following role call was taken:

JIM POWERS: No.

KAREN COX: No. I sympathize with the property owner, but we have to follow our Master Plan and our...

JOHN HELLABY: No.

JOHN NOWICKI: No.

GEORGE BRINKWART: No.

DARIO MARCHIONI: No. Not on General Business. I think that's quite a drastic step.

JAMES MARTIN: I vote no also since I cannot really find anything in the Master Plan documentation that would allow me to vote affirmative on this.

DECISION: The Chi I i P l a n n i n g B o a r d recommended against the above described rezoning request. The Board found no supporting documentation in the 2010 Comprehensive Master Plan that indicated a need to consider rezoning residential property at this location.

The Town Board will be notified of this decision by copy of the decision letter.

The 12/12/06 and 12/13/06 Planning Board meeting minutes were approved as submitted.

The meeting ended at 11:12 p.m.