

CHILI PLANNING BOARD
January 10, 2012

A meeting of the Chili Planning Board was held on January 10, 2012 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: Richard Brongo, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Richard Stowe, Counsel for the Town; Pat Tindale, Conservation Board Representative; Matt Emens, Architectural Advisory Committee 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.

PUBLIC HEARINGS:

1. Application of Richard Schickler, Jr., owner; 870 Chili Scottsville Road, Scottsville, New York 14546 for resubdivision of two lots in the Schickler Subdivision at properties located at 860 and 870 Chili Scottsville Road in AC zone.

Robert Avery, Dick Schickler and Rich Schickler was present to represent the application.

MR. ROBERT AVERY: Robert Avery, land surveyor with Razak Associates, 2060 Fairport Nine Mile Line Road in Penfield, New York. With me this evening is the property owner, Dick Schickler and -- your right; and the left, his son, Rich Schickler, and the proposal before you is really a lot line alteration, still, though, being a subdivision.

The -- if you look at your map, you will see a hidden line, the dotted line showing the former property line that divided the house parcel where Mr. Schickler, Sr. lives from the business parcel, Patriot Towers and Schickler Landscaping.

As part of the transition of the business between the father and the son, we want to incorporate all of the commercial use buildings on the northern lot. They were not before, because the metal clad building that is shown north of the new division line, of course, was on the house parcel. As well as a good portion of the yard.

So what we're effectively trying to do is here is make that corporation of the uses, in order to make the transition smooth between the different uses and thereby the business itself.

So the areas, of course, did not change. We're just kind of swapping pieces here in order to effect this. Former northern lot which was Lot 1, 22.3 acres. The new one is 22.3 acres. The southern lot encompassing the old house, 5 acres before. On Lot 2, 5 acres. On R-2, 5 acres.

What we had to do is work with, you know, the existing improvements on the parcel, so we started at the same beginning point out on the easterly right-of-way line on Chili Scottsville Road, and we ran a line that was pretty much parallel with the southern edge of this first section of gravel until we reached a point that was pretty much halfway between the -- the frame and masonry barn, which is on the west side of that line, which is really just an automobile garage and the metal clad building that is to the east of that.

So we produced a line going right down on the mean between what that distance is until we got to a point where we could turn 90 degrees and go to the east to hold 50 feet, which is the minimum out here in this zone, and strike that line back to -- to a point where we could come back to somewhat near where we were. We wanted to maintain 5 acres because 5 acres is what the minimum is out here in this zone for the residential lot, so we basically had to push the line back to the east. You can see it is parallel with the prior line, but it's out into the pond.

We did go to the Chili Zoning Board last month, and we secured all of the easements -- or pardon me, all of the variances we needed for these less than the required ties on the buildings. That was approved last month.

There are all separate utilities servicing both these uses, waterline coming in on the north line here, servicing the business, a waterline coming into the house in front of the house. They both have their own individual sanitary disposal systems. We don't have sewers out here.

We did receive some comments from -- from the Town Engineer that we got this morning. I don't know if any of the Board members may have that or if you want me to address those now.

JAMES MARTIN: Why don't you just go ahead and address them.

MR. ROBERT AVERY: Okay. Comment Number 1 talks about the proposed side setbacks being less than the required 50 and zoning variances will be required for these two buildings. Those, of course, we did secure last month from your Zoning Board.

The site plan does not show the location of the existing septic system for the residential house on Lot R-2. We recommend the Board request the applicant to show the existing septic system on site plan demonstrating that the system is entirely on the new proposed lot. Septic system location should also meet the Health Department requirements for setback to the septic system from the proposed lot line.

I did hand out some revised maps that basically just show that addition to the plan. It was an oversight on our part, not showing this septic field before. The map that we submitted to Zoning had the commercial use septic field shown clearly in the front yard.

We didn't have this on prior (indicating), but it is behind the house. It is a standard in-ground system, not a raised or modified and it is located 15 feet south of the proposed lot line; 10 foot is the minimum per the Health Department.

And, of course, there is plenty of room for expansion if there ever were to be the need for another system on that house lot, because obviously there is quite a bit of property there to the south.

And that was Item Number 2.

Number 3, the proposed lot line shifts the ownership of a significant portion, the existing pond. The Building Department should investigate ramifications of this change in ownership. Does the Town have any responsibility in maintaining the pond? Does the Town have a drainage easement? Would either or both of these properties be affected by moving lot lines? Is there an agreement in place between the two properties that will address maintenance of the pond?

There are no easements that have been granted, drainage easements to the Town in the many years, history of this parcel. I did the first site plan of this property quite a number of years ago, and we have a pretty thick file, and I don't -- didn't come across any easements that had ever been granted on any of those site plans for the pond. To my knowledge, the pond was dug by Mr. Schickler, Sr. and just is a fishing spot. It doesn't perform any holding capacity for any stream or anything in the area. Just a pond.

We do agree, though, that -- for the future it might be a good idea that we do have a maintenance agreement put in effect for -- for the pond, an agreement stating that the lot line does fall through that pond. I think for the future that would be a good idea because other people may own this property years from now. So we would like to propose that we take care of that item in Comment 3.

We didn't really have much of a choice here as to where this rear line was going to fall. We wanted to maintain the 5 acres, and I can only shift it right back to the east parallel with the existing lot line that was there. Thereby putting it into the pond.

I think those are the comments from the Town Engineer. I didn't receive anything from County Planning. I don't know if Chairman did or not, but I didn't -- didn't receive anything. The applicant didn't receive anything.

JAMES MARTIN: As of this afternoon, we didn't receive any comments. My expectation if they did comment, it would be classified as a local matter.

MR. ROBERT AVERY: I did call the Building Department this morning and Kathy (Reed) hadn't received them yet.

DAVID LINDSAY: We haven't received comments.

JAMES MARTIN: Do you agree it would be classified as a local matter?

DAVID LINDSAY: Me or Mr. Stowe?

JAMES MARTIN: Either/or.

MR. LINDSAY: I would agree.

MR. ROBERT AVERY: That's all I have.

JAMES MARTIN: One thing that I do want to mention, when you were in for the Zoning Board approval on variances, there was one condition that was imposed at that time in obtaining a sign permit. I just want to be sure that the applicant either has complied or will comply with that Zoning Board --

MR. RICH SCHICKLER: Application is completed and will be submitted Monday or Tuesday.

JAMES MARTIN: For the record, please state your name.

MR. RICH SCHICKLER: Richard Schickler, (indicating). The application has been completed and should be submitted by Tuesday of next week.

JAMES MARTIN: Thank you.

KAREN COX: Is the -- the existing gravel driveway does go up to that frame and masonry barn on Lot 2; is that correct?

MR. ROBERT AVERY: Yes. You can see it crossing the lot line, yes.

KAREN COX: If that is going to remain going along the same line as the pond issue, should there be some kind of cross access agreement if the gravel is going to remain there?

MR. ROBERT AVERY: Well, there isn't really a physical need for it other than Mr. Schickler used to own the business obviously and he used to drive over to his shop. Both of these parcels have legal driveway cuts out to the State highway, so I don't believe we really need to have anything in place. I don't think we would want to either. It -- future down the road, if other people are owning -- besides family owning these parcels. I'm not sure whether you want -- what we can address now, if it needs to be addressed now, is removed or -- I'm not sure. But I -- I guess my view on it would be not to put an access easement across it. I don't think that would be necessarily wise to do.

If it goes in perpetuity.

KAREN COX: All right. Just wondering.

MR. ROBERT AVERY: I mean it crosses -- as it is now, the lot line where it is now, it is crossed over. You can see we even had cars parked. That was how it was before.

KAREN COX: Yeah, no. I understand that. I guess you can say the same about the pond. If it stays -- it's a little different, I guess, with the pond, so.

MR. ROBERT AVERY: Right.

KAREN COX: This is a more minor issue.

MR. ROBERT AVERY: That's a good thought. Obviously if we had separate owners on this now, we would have to address it, I mean, not family.

KAREN COX: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: I believe from an environmental standpoint, since this is just a lot line, this is a Type II SEQR action, no significant environmental impact based on information presented at this hearing.

I picked up three things here from the letter from the Town Engineer. Request the Town Engineer/Commissioner of Public Works' approval.

Applicant to comply with Zoning Board of Appeals condition imposed on the sign application, which they're in the process of doing.

Applicant to draft the maintenance agreement for the existing pond between the two owners and supply a copy to the Town attorney.

The Board voted on the application.

The Board determined there had not been a vote on the motion regarding SEQR.

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 II action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: Now we shall properly revote the application.

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

1. Subject to approval by the Commissioner of Public Works and Town Engineer.
2. Applicant shall complete process of obtaining a sign permit for the existing sign. This was a condition imposed by the Zoning Board of Appeals at the time they approved the required variances related to the subdivision.
3. The applicant shall draft a maintenance agreement pertaining to the existing pond which will now be shared by both property owners.

FOR DISCUSSION:

1. Turkish Society of Rochester, 677 Beahan Road, Rochester, New York 14624 for proposed two-story, 8100 square foot prayer hall building at property located at 673 Beahan Road in RA-10 zone.

Chris Schultz, Pat Labor, Larry Fenity and Ali Calik were present to represent the application.

MR. SCHULTZ: Good evening. My name is Chris Schultz. I'm a consulting engineer representing the applicant. I have with me on the right, Pat Labor from our office, professional engineer; and Larry Fenity, the architect on the project along with a number of gentlemen from the Turkish Society of Rochester.

I trust the Board has had a chance to look at the initial concept sketch plan we put together. What is being proposed is a prayer hall building on the parcel to the north, what used to be the old party house on Beahan Road, which the Turkish Society purchased a number of years ago.

This will have some elevations of the proposed building. I will let Larry (Fenity) get into that a little later. So the improvements will be the building here (indicating). A little over 8,000 square feet. The idea is to place it initially such that the existing residence up in front would remain.

There is a driveway and a garage to the back of the residence and the garage would be removed.

We're very fortunate that we have put -- a lot of extensive parking so that would also be

used for the most part. It wouldn't require a lot more parking to be placed. Real simple looped road, single lane directional to facilitate dropping folks off at the front store so to speak and some additional handicapped spaces for shorter work to the prayer hall.

We are very fortunate that we have all utilities out there. We have sanitary sewer at the road; of course, water.

I believe we're almost 18 to 20 feet above the creek out back, so we're good, no issues with flood plain.

All and all, this is a -- this is a project that's easily supported with infrastructure.

We did look at the possibility of merging the properties, the parcels at one point. The parcel that the proposed building is on is Residential with Commercial to the south, and we thought that since this is an allowed use with -- I believe with a special use permit, it made sense to leave the properties alone and basically just set it up so that it would be access for parking and such off the existing improvement.

So it's -- you know, from the standpoint of what you will see along the street and stuff, quite a lot of large pines and such existing that are right in front of the existing house. So initially, it's going to be tucked in back behind that residence.

One unique situation with this property is we're close to the airport, and we're actually in a line with one of the secondary runways, so we have to actually look into height requirements. There is a glide path and particularly this one runway receives a lot of planes landing, so we actually have some height restrictions that we can place on any development in particular with a religious building typically having taller elevations. So we have had an opportunity to look into that, so we know -- we have a good handle on where that restriction is.

Generally at this point it is about 59 feet is the maximum height of the structure that we can have at this point here. That does work out fine with what is being proposed.

At this point, I will ask Larry (Fenity) to talk a little bit about the building and then I'm happy to answer any questions.

MR. FENITY: I will start -- I'm Larry Fenity with Fenity Associates Architects from 129 South Union Street in Spencerport.

Essentially, the community asked to us to try to put together a structure that was similar to, reminiscent to a traditional Turkish mosque, which makes some sense because the Turkish Society -- to create a structure that reflects the culture of their society. That is what we have tried to do so far and we're working with them to try to improve it and make it better, because obviously it is not something we're very used to doing very often.

Essentially what the structure is is a 90 by 90 square. It's about 35 feet tall, in here (indicating). Central dome, sitting on a drum and then four smaller domes, and then the two minarets.

The structure itself, interior wise is very simple. Large prayer hall. Entry. Restrooms and mechanical spaces back here (indicating) and then the balcony upstairs.

All of the other activities of the Turkish Society in terms of the, you know, meeting halls and offices and recreation type activities will take place in the existing structure as they do now.

Again, the building itself we're looking at this point to be a light-colored, masonry structure. We have not finalized all those points yet. And one thing that is somewhat different than you would have in a traditional building of this type is they would be a fair bit taller, but as Chris (Schultz) was saying, we have some constraints on this site as to just how tall we can be and that helps us in terms of fitting in any way, because it would -- if we were to build 100 foot tall building there, it would stick out more. And by being considerably shorter than that, we're not having as much of an impact on the neighborhood. But that's basically, you know, very straightforward simple structure, again, trying to tie into their culture. That's pretty much it.

MR. SCHULTZ: That's pretty much the nuts and bolts of what we're discussing. There has been some discussion we may be having a neighborhood meeting, or something to basically get everybody in the neighborhood aware of what is happening. The thought was to potentially do that before we actually came in, and -- and were at a Public Hearing at this Board. I believe it's a good idea to keep all of the neighbors informed of the progress, the developments on the property, so there has been discussion of that.

The game plan is after tonight's meeting to set something up like that, but we first wanted to make sure this Board gave us the go-ahead and things look reasonable and then the next step would be to start putting out the word, making it -- efforts to get everybody up to speed on what is being proposed here.

JAMES MARTIN: I have some questions that I think probably are best answered by a representative from the Turkish Society, okay, and then I -- you know, as far as the site plan and architectural at this point, I don't have too many issues. So, you know, if somebody could be available to answer my questions. I guess a couple of things.

Number 1, since we got together for the DRC initially and talked about this, I have done a little online research on some issues.

You know, one thing I know, it is standard practice in Islamic religion to have call to prayer five times a day, you know, from, I guess, the mezzanine or the minaret.

Is there any plan on your part to have loud speakers or something, you know, that would be calling to prayer five times a day for this prayer facility?

MR. CALIK: I'm Ali Calik, President of the Turkish Society of Rochester, and there are no plans to do that.

JAMES MARTIN: Would you have let's say outside use of the facility for anybody of the Islamic faith or is it strictly for the Turkish Society's use?

MR. CALIK: This is for -- mostly for Turkish population, but anybody else outside they're welcome, always welcome. However, it is mainly for the members of the Turkish Society of Rochester.

JAMES MARTIN: The minarets themselves, are they strictly structural in there is no ability for human occupancy in the minarets?

MR. CALIK: Just a structure.

JAMES MARTIN: There is no way to get up there.

MR. FENITY: No.

JAMES MARTIN: From the standpoint of, you know, looking at the site plan, and certainly we're going to want to have this reviewed by the Fire Marshal, which we already talked to make sure they have clear access to three sides of the building.

There are some comments from the Town Engineer relating to that. Also, the turning radius capability for getting emergency vehicles in there is going to need to be evaluated. Um, I think that's all of the questions that I had, that came out of some of my research.

PAUL WANZENRIED: Do you know the average height of the houses in that area?

MR. SCHULTZ: Yes. Basically they're pretty standard. The house out front is a ranch house. I believe the other house on property is a story and a half.

MR. CALIK: The trees nearby on the property is taller than this building. However, I talked with gentleman at the airport, and then -- that we get the go-ahead from that gentleman. So it was checked by them.

PAUL WANZENRIED: Chris (Schultz), can you go back to why -- why the parcels are remaining independent?

MR. SCHULTZ: This parcel here is residential, and this is commercial (indicating). The idea was to originally potentially site the building so it may cross the line. We realized to do that, we would potentially have to rezone if we merged them, and we realized that it would be an extra step to go through Town Board to do the rezoning, so at this point, because of the timeframe and the desire to potentially get going with construction this coming construction season, the building could site right on the residential piece itself.

We also felt that it would be obviously less controversial. Any time you have a rezoning application, it adds a whole another level of approvals, and since we -- this was an allowed use, it worked out fine.

PAUL WANZENRIED: So there is one commercial property and two residential.

MR. SCHULTZ: These are commercial zones. Even though there is a residence on it. And this is residential (indicating).

PAUL WANZENRIED: Okay. My next question is going to be what is the purpose of the existing houses on 673 and 675?

MR. SCHULTZ: I believe they're used.

MR. CALIK: We use it for our clergy. One of them is -- the smaller parcel, that is being utilized for clergy. The other one is -- we utilize it for schooling, just for the -- for -- just to get together for the kids, for educational purposes.

MR. SCHULTZ: This is -- for what it is worth --

PAUL WANZENRIED: Would that require a special use permit?

JAMES MARTIN: Which aspect, Paul (Wanzenried)?

PAUL WANZENRIED: The schooling. The schooling in the house?

MR. CALIK: It is Sunday school. It is not a school. It is a Sunday school.

PAUL WANZENRIED: Sunday School. So it is not used during the week?

MR. CALIK: No, no, no. Just for Sunday.

PAUL WANZENRIED: They have been through Architectural Review. To the north, there is a tree line of the building?

MR. SCHULTZ: Yes.

PAUL WANZENRIED: Those mature trees.

MR. SCHULTZ: Yes. This -- this is poor quality photo, but if you Google Earth and stand to the front, you can see the scale of the pines and -- they are all very mature. Actually you can see the ranch house is almost buried in the trees from the standpoint of the height.

PAUL WANZENRIED: Okay. That's all I have right now.

JAMES MARTIN: Do you know the height of the pine trees?

MR. SCHULTZ: I'm guessing they have to be 30 feet plus, the big ones out front.

KAREN COX: I -- I had questions -- my question had to do with the houses -- or the one house at 673, so that was answered.

JOHN HELLABY: I guess my biggest hang-up is going to be the close proximity where it is behind that house. I mean it probably wouldn't be that much more offensive if it was pushed back a little further. A little more breathing room.

MR. SCHULTZ: It is funny you mention it. We have moved it like three or four times and we have arrived at this point as of today. Again, the idea was to try to set the building so we're not so crowding the existing ranch but to potentially not get it too far off the street. This was kind of a -- the -- the last revision, so to speak, where the building is. But yes, your concern was part of the discussion that we all had, trying to site it, you know, make sure it wasn't crowding the ranch building, it was still a decent distance off. We have about 30 feet or so.

JOHN HELLABY: Other question I have is sort of a curiosity type question as far as funding and construction schedule. The only reason I ask that, there has been a couple of churches in this community that built the shell and it sat there for years, unfinished. I'm trying to -- are the funds in place to do this thing from start to finish? Is it going to be piecemeal, and if

it does get approved, how long do you anticipate --

MR. CALIK: Externally pretty much we do have enough funding to complete outside. Inside there is some work that will take some time to do it. However, outside when you look at it, it will be completely finished.

JOHN HELLABY: So basically it is a shell. You don't have a handle how long it will actually take to fit out the inside then is what you're saying?

MR. CALIK: It may take a little time. However, the outside when you look -- shell -- a shell. It will still be usable building. However, that is the structure inside may take a little time to complete it.

JOHN NOWICKI: Speaking of that, the driveway into it, where the handicapped parking is, would that be paved early on so it could be utilized?

MR. SCHULTZ: Certainly.

JOHN NOWICKI: Or is that something that would be left over --

MR. SCHULTZ: That would be part of the initial construction. That is the main access point in. It -- you would need to have that into blacktop very soon.

JOHN NOWICKI: Okay. I guess it's very active over there as far as using the existing one-story masonry building for other purposes. Because that parking lot is quite large. I drove through it the other day. Some of the parking in the back, it looks like you could use a little work on that parking lot back there.

MR. CALIK: Can be done.

JOHN NOWICKI: You might want to keep an eye on that one.

MR. SCHULTZ: Sure will.

DAVID CROSS: Chris (Schultz), can you walk us through the list of the variances that would be required for this development, this piece of property?

MR. SCHULTZ: Actually, we'll need to get a variance off the south line, simple side setback area variance. We maintain the required 50 feet off the north. And then, of course, we have to have a use permit --

DAVID CROSS: Special use permit.

MR. SCHULTZ: Yes. That's it.

DAVID CROSS: And building height, too? Because my biggest concern of the project is height.

MR. SCHULTZ: Originally we thought we may have to and then we had an opportunity to look at the code, and I believe there is some leeway for religious structures for steeples and things of that nature. And the 35 foot height maximum requirement is usually tied into the main building itself, so we don't believe we need to have a variance for height.

DAVID CROSS: Okay. I will -- I would like to ask the side table, Mr. Stowe, would you agree with that interpretation of the code?

RICHARD STOWE: I spoke with the Chairman about this earlier today. To the extent that our code talks about the unoccupied structures, which I think was the Chairman's question initially with regard to the minarets, that is the intention of the exception in 500-19.

JAMES MARTIN: 500-65.

RICHARD STOWE: 65. And I think the Board needs to understand that whatever the Airport Overlay District may have to say about that is separate and distinct from any exceptions or any height requirements in the Town Code. Whatever they say is going to trump any exception we give.

MR. SCHULTZ: That's correct.

RICHARD STOWE: If the 35 feet is what the Airport Overlay says, it is no longer an issue what our code says.

Do you know, Chris (Schultz), what the height is for the airport?

MR. SCHULTZ: We did look at it and we believe where the building is sited right now we have about 58 feet of available height to stay under that glide path.

RICHARD STOWE: Is that your inquiry or is that the County's?

MR. SCHULTZ: No. We spoke with the Airport. We took elevations, right at the end of the runway. We had the glide slope and we calculated exactly for this site. Because we knew it was very important. We wanted to make sure that we did have the space. We didn't want to go through all of this and find out we were restricted to 30 feet or something. That was one of the first things we looked at.

RICHARD STOWE: Fair enough. That's a very long yes, I agree with that.

PAUL WANZENRIED: 58 feet from grade.

JAMES MARTIN: What the County says is going to be it.

PAUL WANZENRIED: So that is 58 feet from grade.

MR. SCHULTZ: From this -- from this pad elevation.

JOHN NOWICKI: Finished floor.

JAMES MARTIN: Finished floor elevation.

MR. SCHULTZ: What will happen is as we define the plan, we'll have exact grades and exact elevations above the building, and then all of that is separately applied to the airport. The FAA has to approve that. So we'll do that in parallel with this Board.

KAREN COX: That's a process.

JOHN HELLABY: Just real quick what is your back-up plan if once all of the grades are set and you send it back to the Airport and they come back and say, "Well, we're not happy with the height"?

MR. SCHULTZ: Fortunately we started off with asking them "What do you want? How

do you figure it?"

And they showed us exactly, "Take that elevation. Apply this glide slope. Determine your exact distance," and this is what we're going to do.

We went ahead and did that and already sent it informally through so it looks like we'll be okay --

JOHN HELLABY: You're 98 percent confident?

MR. SCHULTZ: At this point we're pretty darn sure. I mean, it may fluctuate by maybe a foot, you know, because maybe the first floor will go up or down a little bit before we get to tight plans, but we're okay with what we're proposing right now with the building elevations. We're good.

DAVID CROSS: Just one more comment.

You have Residential across the street and Residential to the north. Just -- just be sensitive to the Residential. I will echo Al (Hellaby)'s comment about possibly sliding this building further to the west. I don't -- I don't think it would hurt. I mean, trees don't live forever.

MR. SCHULTZ: Absolutely.

DAVID CROSS: That's all.

JOHN NOWICKI: Just the Architectural Review, coming into this process.

JAMES MARTIN: I'm not sure. To be honest with you.

JOHN NOWICKI: I understand what you're saying, but it is still part of the process.

JAMES MARTIN: It -- since it is Residential, you know, they would -- under our current code they would be exempt from that except it is a fairly large commercial type -- it's a religious building but of a commercial nature, let me put it that way.

I don't think we have made a final decision on whether we're asking the Architectural Advisory Committee to take a look at this just for their, you know, comments, that might be pertinent to the construction of -- of the building itself. So that's to be determined at this point in time.

JOHN NOWICKI: Okay.

JOHN HELLABY: I would think requiring a special use permit we have the option of making that part of the requirement.

JAMES MARTIN: Yes. We always have that option, but at this point, it has not been determined.

RICHARD STOWE: Just with regard to the architectural comment before we totally lose track of it, that's not to say that the applicant couldn't willingly decide that it was more than happy to have the comments of our Architectural Review Committee regardless whether it's something this Board wants to impose or not. They can always voluntarily go through that process. We don't have many of these. It may be worth your time.

With regard to the engineer's comments about -- without stealing Mike (Hanscom)'s thunder, one of the comments was to seek to have all of these parcels merged or turned into one parcel, and I hear, and I understand the comment with regard to the timing and to the request of the zoning change. A quick review of our code says that in a GB District, it is still a special use permit. We would still be going through the special use permit, but I have not had the opportunity to review the Comprehensive Plan to know what zoning is requested or contemplated in this particular area of Town and whether that is something the Board wants to consider or not. But I will note for the Board, that it is the same special use permit process in either zone, Residential or GB.

With regard to the statements that were made with the current use of the existing two-story frame house on the northernmost parcel, it -- it seems to me that if it's being used even a couple hours for one day -- is anyone residing in this home?

MR. CALIK: No.

RICHARD STOWE: Nobody lives there?

MR. CALIK: No.

RICHARD STOWE: When you're using it, you're using it on Sundays for Sunday school purposes?

MR. CALIK: Yes.

RICHARD STOWE: I'm not sure that doesn't require a special use permit for that level of use, and you might want to consider when you present that formal application, amending that if that is your intention going forward so that you have that wrapped into its current use and we're not talking about something that isn't commensurate with our code at the time.

MR. SCHULTZ: That's a good idea.

RICHARD STOWE: That's all. That's all I got for now.

MIKE HANSCOM: Just a couple of thoughts when you're going forward. Generally when we have driveways going between two properties, the Town asks that you guys have a cross-access easement between the properties. They might be a little -- if you relocated the building a little bit in your handicapped parking area the way it is, drawing up those easements might be a little easier. Like the one handicapped parking area crosses all three properties. And it would make it a little complicated to do those easements.

And just a question. You have the water service going to the prayer hall and then going over to that existing two-story framed house. Why is that?

MR. SCHULTZ: Typically the Water Authority will allow one cut per parcel, so the -- they will look at the existing water service going into the residence and require us to abandon it, because they will actually only allow one single tap for that whole property. So what you typically do is go in and then back -- you know, reconnect it.

MIKE HANSCOM: Okay. That is what I figured.

MR. SCHULTZ: It's a Water Authority thing. We have been through it before. We would love not to have to do it, but we know they're going to require it. One bill, one address, so to speak.

MIKE HANSCOM: No further comments.

PAT TINDALE: As the project moves forward, the Conservation Board requires the Conservation Board checklist, the Building Department has that. They may have given that to you. Also, we need a licensed landscape architect sealed print.

And one minor point, you list it as Black Creek on the print here and it is really Little Black Creek. There are two of them in pretty close proximity. That is all I have.

MR. SCHULTZ: Thank you.

PAUL WANZENRIED: Is the storm water detention facility required? You have it proposed.

MR. SCHULTZ: Oh, yes. Typically, the regulations would require us to treat the storm -- the additional impervious area for the development.

KAREN COX: It is not there now, so they will build it.

JAMES MARTIN: You will be handling it under the new regs?

MR. SCHULTZ: Yes.

JAMES MARTIN: The go green regs?

MR. SCHULTZ: Yep.

JAMES MARTIN: What is your proposed timeline from approval process going forward from tonight?

MR. SCHULTZ: We're actually hoping to make application of the preliminary plans probably between 30, 45 days from tonight. Inside that timeframe we want to have the neighborhood informational meeting. So we're looking to hopefully have full approvals by the time the weather breaks so that they can get started.

JAMES MARTIN: So you would be looking at the March meeting for preliminary?

MR. SCHULTZ: Potentially, yes.

JOHN HELLABY: How do you plan on advertising that community meeting for the neighbors?

MR. SCHULTZ: You know, we really haven't discussed it, but generally they have had community events at the facility, and I imagine they will do it in the same fashion. I don't know if it will be knock on doors or just --

MR. CALIK: This is what we plan to do, is knock on doors and just invite them just for one day.

JOHN HELLABY: Could you see that we're notified just in case one of us would like to attend?

MR. CALIK: Definitely. Would love to.

JAMES MARTIN: That would be nice. If you have some sort of information sheet.

MR. CALIK: We'll prepare something, along with the shish kabobs.

KAREN COX: Food is always a good carrot to dangle. (Laughter.)

JAMES MARTIN: We look forward to continuing with you on the project so we'll see you sometime in the future.

MR. SCHULTZ: Great. Thank you.

DECISION: During the discussion several items were identified that should be taken into account as the applicant moves forward with the approval process:

1. In addition to the special use permit for the prayer hall, a special use permit will be required for any existing structure being used for educational purposes.
2. Due to the fact that the parking lot crosses three separate parcels, cross access agreements should be drafted.
3. A Conservation Board check list must be completed.

The 12/132011 Planning Board minutes were approved.

The meeting ended at 7:46 p.m.