

CHILI PLANNING BOARD
January 11, 2011

A meeting of the Chili Planning Board was held on January 11, 2011 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: David Cross, John Hellaby, John Nowicki, Theresa Reilly, 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; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Robert Latragna Architectural Advisory Committee.

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.

JAMES MARTIN: Under Public Hearings, the first Public Hearing tonight is the application of Rochester's Cornerstone Group.

PUBLIC HEARINGS:

1. Application of Rochester's Cornerstone Group, owner; 366 White Spruce Boulevard, Rochester, New York 14623 for preliminary subdivision approval to convert one lot into two lots to be known as Union Street in PRD zone; and preliminary subdivision approval to convert existing three lots into three lots to be known as Union Square-Wetland Reserve Subdivision at properties located at 59 Union Square Boulevard in PRD & RM zone, 370 Attridge Road and 180 Attridge Road in L.I. zone.

Gary Smith and Roger Brandt were present to represent the application.

MR. SMITH: My name is Gary Smith from Parrone Engineering. I'm here representing Rochester's Cornerstone Group. Also, with me is Roger Brandt.

And basically we're here before the Board for resubdivision of some property in the Union Square Subdivision. As was previously stated, there is two sections, subdivision on the north and a subdivision on the south end.

Subdivision on the north end, we're creating two lots out of one existing lot.

On the south end, we're creating -- we're basically moving lot lines so that the three lots -- where there is existing three lots.

An explanation, presently, this is Union Square South or North (indicating). Presently, the existing lot is bordered on Union Square Boulevard. There was subdivision for DePaul, Westwood Commons and DePaul group homes that has this whole lot (indicating). What we're doing is subdividing this area out (indicating), leaving this two-acre parcel here for development (indicating).

This is the area where we're making two lots out of one (indicating).

Union Square South property, presently there is one single lot here (indicating) that belongs to Rochester's Cornerstone Group, and this additional one was originally Union Square South.

Then there is a large developable lot out here (indicating) that includes the pond, detention facility and the discharge point from the road that comes through here (indicating). You have Providence Union Park is this out parcel (indicating), if you will, from that.

What -- what we're proposing is -- doing is separating the pond area from this Lot R-56 and then combining these lots. So, in fact, we're making three lots.

And we are before the Board for subdivision approval.

JAMES MARTIN: What is the future intention, all right, for this property?

MR. SMITH: Future intention is to make it open space or parkland. It will not be developed.

JAMES MARTIN: Continued to be owned by Cornerstone Group?

MR. SMITH: At the present time, yes.

PAUL WANZANRIED: Is -- you said it will be owned by Cornerstone, but the public can use it, walk around in there?

MR. SMITH: At the present time, around the pond, the Town already has easements for use of the path that was placed around there. Um, as far as the rest of the property, there is no easements or any kind of an agreement or anything else for the Town for the public use, at the present time.

PAUL WANZANRIED: Okay. And why are you segregating out the two-acre lot?

MR. SMITH: Two-acre lot is just because that is some developable property that they want to hold onto on that side. It's adjacent to the two group homes that DePaul is presently under construction on.

PAUL WANZANRIED: Okay. All right.

MR. SMITH: It takes that area up to -- there is a culvert crossing on Union Square Boulevard. It takes it up to that and kind of ends it there.

PAUL WANZANRIED: All right. I don't have anything else.

JOHN HELLABY: Just a curiosity question. Do you have any speculations on that two-acre lot presently --

MR. SMITH: No.

JOHN HELLABY: That's all I got.

JOHN NOWICKI: My questions have been answered.

DAVID CROSS: Gary (Smith), do you need any variances for any of these lots you're creating?

MR. SMITH: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: Excuse me, but did I hear you say it was too wet to develop up in the north end?

MR. SMITH: No.

MS. NEDER: Could you show me what -- exactly what you're doing. Your back was to me and I couldn't see.

MR. SMITH: Right now, there is an adjacent parcel, Westwood Commons, and the two group homes. There is the ditch that goes through here (indicating).

MS. NEDER: Right.

MR. SMITH: This area that is adjacent to that ditch line will still be developed. (Indicating). The rest of this property is to be set aside in one lot.

MS. NEDER: That's the property up here is going to be one lot?

MR. SMITH: Yes. So adjacent to you is all one lot.

MS. NEDER: This is going to be set aside?

MR. SMITH: Still to be developed. It takes the development all of the way to the ditch line.

MS. NEDER: At the present time you don't have anything up here (indicating)?

MR. SMITH: Nope. Nope.

MS. NEDER: There are wetlands --

MR. SMITH: There is wetlands in that area. There is also developable lot in here (indicating), and all up in here (indicating).

MS. NEDER: Is Mr. Owen's lot --

MR. SMITH: Nope.

MS. NEDER: -- this--

JAMES MARTIN: Could you speak a little louder so everybody can hear your comments?

MS. NEDER: I was just trying to decide what lot was available for development.

MR. SMITH: This area is all owned by Rochester's Cornerstone right now, this area here (indicating). This is the area that is going to be retained (indicating).

MS. NEDER: Mr. Owen does not own this lot?

MR. SMITH: No.

MS. NEDER: Thank you.

JAMES MARTIN: Ask your question. What do you need to know?

RON GARWOOD, 3330 Union

MR. GARWOOD: I'm Ron Garwood, 3330 Union Street. I just don't know exactly what numbers are associated with what piece of property. So --

MR. SMITH: Your parcel is --

MR. GARWOOD: I'm on Union Street.

MR. SMITH: You're off here (indicating). The parcel is on the other side of Union Square Boulevard from your parcel. That stretch that goes over to Mr. Nagel's property, all of the way back around.

MR. GARWOOD: That will be set aside?

MR. SMITH: Uh-huh.

MR. GARWOOD: You say there is one lot that will be developed.

MR. SMITH: Right now there is one lot.

This is the lot that would be developed (indicating), which is -- there is a ditch that goes around behind you. On the other side of the ditch, Union Square Boulevard.

MR. GARWOOD: This is quite a bit of property.

MR. SMITH: This already has Westwood Commons and those two group homes.

DAVID NAGEL

MR. NAGEL: David Nagel. I own the property right next to it. I think it is -- right behind it and in front of it.

MR. SMITH: Uh-huh.
MR. NAGEL: The break-off is where?
MR. SMITH: Your property is up here (indicating). Union Square Boulevard, the road (indicating). There is a ditch that goes through that crosses Union Square Boulevard. It is south of that (indicating). So adjacent to the one group home has been developed down here.
MR. NAGEL: You want to break off what section?
MR. SMITH: Right here (indicating).
And all of the rest is one lot.
SUPERVISOR DUNNING: Mr. Chairman, we can't hear the questions back here.
JAMES MARTIN: Please speak so everybody can hear.
MR. NAGEL: Would that be broken off subsequently into another spot, or is this just for now you want to develop something right here (indicating)?
MR. SMITH: We want to subdivide it. There is no plans for developing it, but Rochester's Cornerstone wants to hold onto this for development.
MR. NAGEL: The rest of it is --
MR. SMITH: Open space, parkland. Anything.
MR. NAGEL: 'Til when? I mean, who gains control of it?
JAMES MARTIN: Please, if you have a question, please address it here.
MR. NAGEL: I mean they want to develop this into parkland, but is that donated to the Town then?
MR. SMITH: At the present time it will be under the ownership of Rochester's Cornerstone Group.
MR. NAGEL: So it is still --
MR. SMITH: Uh-huh.
MR. NAGEL: So at any point it can be changed. Is there a great change in the tax rate or something at this point? Or is that --
JAMES MARTIN: I don't know if that is relevant to the issue at this point in time. You know, they clearly stated subdivision will still be controlled by Cornerstone Group. That's as far as it is going right now. Okay?
MR. NAGEL: All right. I just wondered as far as if it is just a holding maneuver or something that is -- any other plan that is involved in it at this point.
JAMES MARTIN: To be determined, I guess, at this point.
MR. NAGEL: Is there any change in the drainage set-up? Because right now there was a makeshift drain cut through that went to the creek, from the front to the creek. It came through, in through here (indicating).
MR. SMITH: This is only subdivision plan. There is no proposal for any kind of development.
JAMES MARTIN: We're not talking about site plan or any kind of development.
MR. NAGEL: All right. Thank you.
MS. NEDER: I'm sorry. I have one additional question. Could you explain to me what "parkland reserve" means?
MR. SMITH: It's the name of the subdivision, and it is because it contains both the area of the pond and the wetland area, and it is set aside for open space, if you will, for right now.
MS. NEDER: At the north end it says "parkland reserve"?
MR. SMITH: Same thing.
MS. NEDER: It's going to be set aside for open space?
MR. SMITH: Right.
MS. NEDER: Is that a -- will that become an official designation then, and if they wanted to build, would you need to come back and change that?
MR. SMITH: It's the name of the subdivision. We would have to come back. If we were going to do some development, we would have to come back before the Town in order to do anything with it. Right now we're just changing lot lines.

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 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: According to my records, they have paid a fee for waiving final on this subdivision application. I will do a consensus vote on the Board. Any problems with waiving final?

The Board indicated they had no problem with waiving final.

DECISION: Unanimously approved by a vote of 6 yes with no conditions.

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

2. Application of Leo McKinney; 513 Whittier Road, Spencerport, New York 14559, property owner: Helen McKinney; for renewal of special use permit to allow a motor vehicle service station with minor repairs at property located at 4210 Buffalo Road in N.B. zone.

Leo McKinney was present to represent the application.

MR. MC KINNEY: Good evening. Leo McKinney here to represent my mother, Helen McKinney on the property at 4210 Buffalo Road, reapplying for a conditional use permit for five years.

JAMES MARTIN: Is that it?

MR. MC KINNEY: Yes.

JAMES MARTIN: Well, we have got some problems. I went back and looked at the property records on the facility, and based on a court order back in 1999, Item Number 6, number of vehicles permitted on site at any given time should be eight.

I was over there at 3:30 this afternoon and counted 17 vehicles on the property. Several of them were unlicensed vehicles. There was a "for sale" sign on another vehicle over there, and clearly that is in violation of the conditions that were imposed by this Board in previous hearings of this type of this special use permit application.

I believe, David (Lindsay) did an inspection by the Building Department. There are other code violation issues on the property at this time; is that correct?

DAVID LINDSAY: That's correct. I spoke with Mr. Sheridan in the Building Department this afternoon, and he reiterated your statement basically there is a number of unlicensed vehicles over there that have to be removed that are in violation of previous conditions, as well as a -- a dumpster enclosure that needs to be repaired.

JAMES MARTIN: Okay.

MR. MC KINNEY: I do know that the dumpster enclosure was repaired.

JAMES MARTIN: Well, obviously, you know, there is 17 vehicles on the property at 3:30 this afternoon.

MR. MC KINNEY: Okay.

JAMES MARTIN: Okay. So at this point in time, I think what we should do is give you a little bit of time to clean this up. We can table the application for tonight, by motion. You can come back, and you will have to pay another fee, but you can come back before the Board. We'll have our Building Inspector verify you're now meeting all of the requirements of previous conditions imposed by the Board, and if you're in compliance, everything should work out okay. If you're not in compliance, then we're going to have trouble again. All right?

JOHN NOWICKI: You might want to make him aware of the Conservation Board comments.

JAMES MARTIN: That was the other issue. I was going to give Pat (Tindale) an opportunity to speak.

As far as the landscaping on the property, Pat (Tindale)?

PAT TINDALE: Yes.

JAMES MARTIN: Use your microphone so everybody can hear.

PAT TINDALE: I always forget.

We were questioning because there is no maintenance, it seems to be, done on the landscaping and several of the plants are missing. Barberry hedge, for one. Those are the things. If you could just maintain it, weed it, keep it decent looking, we would appreciate it.

MR. MCKINNEY: Okay, Pat (Tindale).

JAMES MARTIN: So my suggestion is that we make a motion to table this. We give you about 30 days to get the place cleaned up and to have it reinspected so that you can come back before the Board with a clean bill of health as far as your operation of the activities over there. I would make that motion to -- we'll give Mr. McKinney 30 days to come into compliance.

JOHN HELLABY: I will second it.

JAMES MARTIN: On the motion to table this to give the applicant 30 days to come into compliance with the previous conditions imposed by this Board?

DECISION: Unanimous by tabled by a vote of 6 yes for the following reason:

1. Due to the fact that the site is not in compliance with previously imposed conditions, this application was unanimously tabled by a vote of 6 yes to table. The applicant was given 30 days to come into compliance. The Building Department will inspect the premises for compliance and determine a rehearing date for this application.
3. Application of Family Video Movie Club, Inc.: Owner; 2500 Lehigh Avenue, Glenview, Illinois, 60026 for preliminary site plan approval for a change of use in portion of building to allow a Subway restaurant at property located at 4369 Buffalo Road in GB zone.

Todd Bezenah and Atwal Sukhi were present to represent the application.

MR. BEZENAH: Good evening. My name is Todd Bezenah, the Regional Director for

Family Video, and have been for over 18 years, here to talk tonight about putting in a Subway with us on our location of a 5,000 square foot building that, I think, we built close to five years ago over on the corner of Union and Buffalo.

The Subway approached us about a year ago, and we have been talking to them about going into that location, and extremely happy about the terms at which they're coming in. What we plan on doing are a couple of things. They will take a portion of our building, and they will -- we'll put a wall up. They will take about 1250 square feet, and that will leave us with 3,750 square feet for our video store.

We have over 100 Subways with us kind of throughout. Over 700 locations throughout the U.S. Subway is a great marriage for us, we find. It's not -- it will actually do wonders for our business, as well, because their peak times are the exact opposite of our peak times, which is real, really nice. Overall, it is a great, great marriage. Their 1250 square feet will be divided inside by a wall that will be erected during construction.

Also, a new entrance will be located -- which I wanted to give you guys -- sorry it wasn't in color. You guys have kids. I have 57 copies of Star Wars guys now in color and my ink is gone. So there you go.

That is a little elevation --

JAMES MARTIN: It is similar to what is on the board here?

MR. BEZENAH: No. It is a front elevation as if you're looking --

JAMES MARTIN: Could you post one of those on the board?

MR. BEZENAH: Absolutely. I have one here. Behind it is kind of an existing elevation of what is there currently. Minus the tower.

JAMES MARTIN: You could put it on the viewer, if you so desire, to get it to work right.

MR. BEZENAH: I don't know if it will show. There you go. I will flip it like that. There we go.

Of course, it doesn't incorporate the tower that is there. But you can see where the new door will be. Really not using any windows or anything. And not changing anything to the front of the building or the layout of the lot or anything other than really adding a door. Located on the park side of the building.

Then, of course, Subway will just be installing their standard "Subway" above the door as opposed to signage.

They will also be providing two customer bathrooms. If you look at their layout that was provided to you, their floor layout which is also located over here (indicating), and I believe currently propose five booths and six tables inside.

The Family Video part will not be changing. The bathrooms will be staying the same. The only thing that will pretty much be happening, we'll get a little smaller and erecting that inside wall.

Behind the building there is going to be a freezer and a refrigerator, as noted -- as you can see here, it will be outside the building. Tonight I -- it will be screened. Behind the building is kind of -- it's a creek, kind of runs through. It is kind of wooded.

So any suggestions you have tonight on how to screen those properly. We can go natural, we can go fence, we can pretty much do anything.

As far as garbage is concerned, we would be sharing a dumpster. Right now it is picked up -- man, I want to say a 2 yard dumpster. Family Video doesn't produce that much trash, so it is picked up every two weeks. Probably will be altering that to a bigger dumpster that will fit in the enclosure so it is properly screened and will be picked up weekly.

I do have the tenants here tonight. Sukhi Atwal and Anu. Any questions on the Subway operation. They would be more than happy to answer.

Anything on the Family Video side, you know -- inside or anything like that, I would be more than happy to answer, as well.

JAMES MARTIN: There was a fairly comprehensive letter generated by the Town Engineer, Lu Engineers. I believe according to the copy list on here, you did get a copy of that letter?

MR. BEZENAH: I did not.

JAMES MARTIN: You did not.

MR. BEZENAH: I'm not sure if the lessees did either.

JAMES MARTIN: All right. There is several issues in here that we'll chat about for a minute. I'm sorry we didn't get you a copy.

MR. BEZENAH: That's okay.

JAMES MARTIN: One of the things that I think we really need to have done, since this is a General Business property, um, I would like review by the Architectural Advisory Committee of the proposed elevations on the -- what is going to happen to the facade. Just so that they can take a look at it and make any recommendations or approve it as is, whatever they feel is appropriate. That needs to happen before building permit is issued.

MR. BEZENAH: Okay. So review by the Architectural Committee.

JAMES MARTIN: Architectural Advisory Committee needs to review this actual application and the elevations that are being provided.

There was a recommendation regarding the swing of the proposed front door. Maybe would it be better to reverse it for handicapped access to the building.

MR. BEZENAH: To swing in as opposed to a --

PAUL WANZANRIED: No. Right now it is hinged left. Hinge it right.

MR. BEZENAH: Hinge it right.

JAMES MARTIN: Yeah. Certainly, um, we will request that you work with the Conservation Board on screening the cooler facility, the cooler out back --

MR. BEZENAH: Absolutely.

JAMES MARTIN: -- so that -- so that the landscaping is adequate to meet the Conservation Department -- Board requirements.

We'll need to understand what impact is going to be on resulting from the additional lighting.

MR. BEZENAH: Okay.

JAMES MARTIN: And certainly, that the -- that they need to be in compliance with the Town's dark sky lighting standards.

MR. BEZENAH: I believe the only thing --

JAMES MARTIN: Pardon?

MR. BEZENAH: I believe the only thing that will be added is just the Subway sign. I don't think there is any additional lighting proposed.

JAMES MARTIN: Okay. If you're not going to install any new lighting, then that requirement goes away. If you are, you need to be dark sky compliant.

Certainly there are going to be other approving agencies involved in this, County Health, et cetera. Need to copy the Town Engineer, Department of Public Works on any correspondence from other approving agencies.

MR. BEZENAH: Okay.

JAMES MARTIN: I think those are the salient points in the letter, as I have reviewed it, and we'll give you a copy so that --

MR. BEZENAH: Does it say where it was mailed to?

JAMES MARTIN: It doesn't say. It just says, "Family Video Movie Club, applicant."

MR. BEZENAH: It could have been sent to Glenview, Illinois, which doesn't help me anyway.

JAMES MARTIN: I don't know.

MR. BEZENAH: No problem.

JAMES MARTIN: We'll get you a copy before you leave tonight.

That's all I have got.

PAUL WANZANRIED: How do you anticipate Subway to get to the dumpsters?

MR. BEZENAH: Um --

PAUL WANZANRIED: Will they walk along the back of the building, the front of the building?

MR. BEZENAH: Usually typically they just go through the front.

PAUL WANZANRIED: So they will go around the tower?

MR. BEZENAH: Yes. The tower is out there, so they actually will just go in front of the vestibule. They don't have to go out in front of the parking lot. There is a big gap between that that they could go if they wanted to. They're proposing a door on the side of the building, if you --

PAUL WANZANRIED: I see that. I will get to that in a minute.

MR. BEZENAH: So they could --

PAUL WANZANRIED: But then which way are they going, walking around the coolers?

MR. BEZENAH: Yes. They will probably have to take the garbage out the front.

PAUL WANZANRIED: In regard to the coolers, how far will they get to the lot line? Does grade fall off behind the building?

MR. BEZENAH: It does. I believe it's within the lot line, so I would say a matter of feet within the lot line, but I don't think the setbacks, um -- I don't think it falls into any setback type of --

PAUL WANZANRIED: Issues?

MR. BEZENAH: -- issues, because it is zoned a park or some zoning. I had a preliminary meeting with the codes, and I don't think there were any issues there with how they were set up.

PAUL WANZANRIED: So what will you set those coolers on?

MR. BEZENAH: It would be a slab. Just a concrete slab that will --

PAUL WANZANRIED: Slab and foundation.

MR. BEZENAH: A foundation, yeah. So it will be reinforced that way. It will have to be up to code obviously.

PAUL WANZANRIED: Do those coolers have any sort of drainage, condensation drains?

MR. ATWAL: No.

JAMES MARTIN: Name for the record.

MR. ATWAL: I'm Sukhi Atwal, franchisee for the Subway. I already have a Subway in Chili here, and this will be my second Subway in the Town of Chili.

And as for this question regarding the drainage, this is just a -- we have no drainage from there, no condensing goes out and there is no drainage required for it.

PAUL WANZANRIED: That side door to exit to a pad then? The sidewalk out front.

MR. ATWAL: The sidewalk will be -- we already have an access along the road -- along the building.

We have some (inaudible). On the side door it is used for taking delivery from the truck on the -- so that it is a -- equipment can come here, and also the cart wheels can be taken out from that door and it can go back so it doesn't come in the front.

PAUL WANZANRIED: But you're saying there is already a sidewalk back from the front to that area, or you're going to put a sidewalk in?

MR. ATWAL: No. Sidewalk already exists there on the building. We don't have to put any additional in.

MR. BEZENAH: If I could, I -- to, correct, help on that, there is no sidewalk on that side of the building right now. It's -- it's grass. Currently, as is.

PAUL WANZENRIED: The south side.

MR. BEZENAH: The south side near the park, yes. That is open grass. So right now there is no sidewalk that does exist there.

Sorry. I didn't want you to go on record saying that there was.

JOHN HELLABY: How do you propose to tie in -- just out of curiosity, the toilet rooms that you're adding on that side of the building, your existing ones are clear down the other side of the building.

MR. BEZENAH: It is my understanding according to the engineering, the water is tied in -- when the buildings are built, the pipe is run all of the way across, so it is very easy to tie in --

JOHN HELLABY: You're saying it is already under the slab over there?

MR. BEZENAH: Correct --

JOHN HELLABY: So it won't disrupt you?

MR. BEZENAH: Not -- not at all -- when we built most of our buildings, they are set up to be anything in the future that we might want to come in, you know, or divide it up, if we have to. Right up to our runs up front, to our heating ducts and everything.

JOHN HELLABY: Just a point of curiosity, this video rental business in general --

MR. BEZENAH: Yes.

JOHN HELLABY: I don't frequent the places, but I hear like Netflix and all of those things out there, it's a dying business.

MR. BEZENAH: Absolutely. Not a dying business but a very mature business. I always say our company -- just so everybody knows -- I knew that question was going to come tonight, because I get it everywhere we propose new buildings.

Actually five years ago, same question. And I'm happy to say this location is profitable and up over year after year. Same with our company.

JOHN HELLABY: Do you supplement the video rental with other things, though?

MR. BEZENAH: No, no. That is what has kept us -- on the video end, you know, that's what kept us above being -- being a private company, our overhead was nothing. We own our properties. We own our land, so we control our overhead; whereas, say some of the other ones that lease, get into things -- I always say, "Don't mistake a poorly run company for a very well run company."

So this is -- this was a tough one to go with, but Subway is just a great marriage with us, and we have had great success with them, that it boosts our business and theirs and just makes us a longer business there for years to come.

JOHN HELLABY: Here's a copy of the letter that we spoke about that.

MR. BEZENAH: Thank you.

JOHN NOWICKI: Do we have any concern here, Mr. Lindsay, in regards to the number of parking spaces for the two businesses?

DAVID LINDSAY: I think we reviewed the parking requirements for both of those and we're satisfied that they will meet those.

JOHN NOWICKI: Okay. The other concern I had -- and I will leave it up to Pat (Tindale), was the -- the landscaping. I will let you deal with that.

Thank you.

DAVID CROSS: Excuse me. How high are the coolers?

MR. BEZENAH: How high are the coolers?

MR. ATWAL: Coolers will be 8 feet high.

DAVID CROSS: Okay. I will let Pat (Tindale) deal with that also. A few Arborvitae might be nice to have a chain link with some slats in it, some architectural, maybe a wooden screen or something like that.

MR. BEZENAH: Absolutely.

MS. REILLY: Parking has been addressed already. That was my most prevalent concern.

DAVID LINDSAY: We discussed this at DRC, but we would recommend a condition of the approval, if it takes place, that there be no overnight storage of any trailers.

PAT TINDALE: I will make a very similar comment. Upon checking your property, another member of our Board did this, not myself. Many, many plants missing. 50 percent of what was supposed to be in there. So what we would really like to see is it brought back to the original landscape plans that were approved, and then if you would also supply us with plans for camouflaging your coolers and et cetera that -- that are going in.

MR. BEZENAH: Absolutely. Through the years, a lot of salt on the lot, and coming through, and the traffic and pushing of the snow removal into the areas that were designated have done some damage to the plants. I wholeheartedly agree with you.

PAT TINDALE: There appears to be two gardens that never went in. I don't know if you have the original plans or not.

MR. BEZENAH: I will pull them up. I do. I do.

PAT TINDALE: Thank you.

MR. BEZENAH: Absolutely.

JAMES MARTIN: Bob (LaTragna), we'll refer this to you for review. Any -- any comments at this time?

BOB LaTRAGNA: I have no comments at this time. We'll look at the project when we get it.

JAMES MARTIN: If you have an opportunity, you know, in between this application and the next one, if you wanted to get him on the schedule where they could appear before you, I would appreciate that so they know the timing of that issue.

BOB LaTRAGNA: We'll do that.

JAMES MARTIN: Thank you.

JOHN NOWICKI: I noticed on the application it is not in the Drainage District. Why?

JAMES MARTIN: It should be.

DAVID LINDSAY: Should be.

JAMES MARTIN: Hang on a second. Yep. It is. Drainage District was approved in July of '05.

JOHN NOWICKI: This is incorrect then.

Okay. Thank you. That's all I have.

JAMES MARTIN: There is one other issue we talked about when we had our session, the DRC session. Your portable advertising trailer that we talked about, all right. I think we agreed it's not going to be on site. I'm putting that in as a condition.

MR. BEZENAH: That's fine.

MR. ATWAL: I own four Subway -- three Subways and this will be the fourth one. That -- previous I had two Subways and most -- and many times that trailer was here in Chili and sometimes in --

JAMES MARTIN: This won't be over there.

MR. ATWAL: No. It will not be here, because now I have a Subway in the mall area where I don't have any storage. This trailer is now being used only for taking some equipment from here and then putting it there and the trailer stays there. It will not come here. It will come here just for picking up some items, but it will not stay. Neither -- and -- neither in Chili Plaza -- Paul Chili Plaza or in this new location.

JAMES MARTIN: Basically there will be no trailer storage on site, and that advertising sign will not be on site.

MR. BEZENAH: Sure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL BLOSER, Chairman of the Zoning Board

MR. BLOSER: Davis Road. I do have a question in regards to the coolers. It was brought up where the setbacks are. Just two questions. Or a couple of questions I have with it.

I would like to have Architectural review what the structures are, what they're made of and what they're going to be looking like. If it is going to be a silvery tin box, if they're painted any color, what they're actually constructed of and visibly what they're going to look like.

The other question I have about those, will they be classified as an appliance or a structure? Without going to the book myself, if there is a difference in what setback requirements are, I would like them maintained as a structure, and go by that setback. And at some point Architectural, in addition to what Conservation is looking at, we might want some additional blinders. Other than a metal fence.

You're going to be viewing these from the south, the park. You have a lot of people coming in and out of there. You have Jitters, the back side. There is rear parking. You have the flower shop that has rear parking. Those are going to be very visible from major three sides. So I -- so I want to make sure we look at that very closely, and again, setback issues. Because it could be coming to our Board.

JAMES MARTIN: David (Lindsay), I think we looked at that. I don't remember any setback issues at this time.

DAVID LINDSAY: I would agree with you. Based on the information we had at DRC. We did take a look at that and there weren't any setback issues, but I'm just looking at the code again to double check.

JAMES MARTIN: We'll double check it, Paul (Bloser) --

MR. BLOSER: Thank you.

JAMES MARTIN: -- just to be sure there aren't any issues. We can have Architectural Advisory take a look at the design of the units, and hopefully that in conjunction with the -- with the Conservation Board we'll get adequate screening of those units, Paul (Bloser).

MR. BLOSER: Thank you.

PAUL WANZANRIED: Do we want to be specific to have Architectural Review look at a structure or fence that will cover it, or will Pat (Tindale) do it via landscaping?

JAMES MARTIN: I would think that would be part of the landscaping design, Paul (Bloser), as far as shield units.

PAUL WANZANRIED: Well, if grade is dropping off, they're coming level out, and then those things are 8 feet tall, you could be talking 10 feet by the time you reach the back side of that cooler.

JAMES MARTIN: There is some difficult terrain to deal with back there. I -- rather than trying to design something, I would rather have the Conservation Board in conjunction with Architectural Advisory and the applicant take a look at that and come up with a plan that is suitable as far as screening the units.

MR. BEZENAH: Absolutely.

JAMES MARTIN: All right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Where do I start?

JAMES MARTIN: At the beginning.

MS. BORGUS: At the beginning.

I thought -- I still think that it is the wish of the Town of Chili and its residents that we have a village feel in Chili. Not just Chili Center. West Chili and North Chili. A Subway really doesn't add to that wish.

I think this Board better remember, in case you have forgotten, that this building is across the street from a historic site that involved a lawsuit and an incredible amount of expense on the part of private citizens to save and renovate.

I don't think we need a Subway across the street from that kind of an endeavor, number 1.

I'm hearing now that when the video store came in, must be five years ago, they evidently had plans for a food establishment of some kind in this video store. If they have gone -- if they went to the expense and the forethought to put in water lines, sewer lines, and everything else inside of that building when they built, they evidently had these plans in mind five years ago. But this Board, nor the Town residents, heard anything about that at the time.

Now they're saying that it's a common thing to have these in some of their other stores and it's a good marriage. Well, I think we have been snookered because we didn't know anything about food -- food -- food sales, restaurant, fast food. We didn't hear anything about that five years ago. And I don't know if they think that they can just get the door open and then just come back and keep pushing the door further and further, but I don't think that is the way it should work in this Town, and I hope the Board is aware that this -- because I know some members up there were not on the Board five years ago that sit now, we never heard anything about this. And I don't think it's -- let's say, quite on the up and up to do that. I think we need to trust people that do business in our Town, and this doesn't exactly foster, um, credibility.

Now, the trailer with the sign was brought up, and I'm glad that was brought up, because that existence of that trailer with that sign on it periodically at the Chili Paul Plaza is -- is a disgrace to have it in the middle of another area that we want to have a village feel and we have that sitting there. I think it's great it has been brought up.

But I have another question. Family Video was given the permission of the Board, of the Town -- of Zoning Board, I believe, to have a changeable print sign on their premises. It was probably in a weak moment on the part of that Board. Because Walgreens was denied one. No other store in North Chili has one. They have one. I'm very concerned that that changeable print sign that was given to Family Video will now somehow turn into magically into a Family Video (sic) changeable sign, as well. I want that understood that cannot happen. This Board cannot allow that. A mistake was made in giving them the sign in the beginning. We don't need to compound it having another store advertised on it.

I'm very concerned again about the refrigeration and generator units on the south side of the building. I have a very difficult time believing that our code lets you put those right up to the -- to the edge of a Town park without a setback. If that's the case, our code needs a serious look because we have a major loophole. Major. The swings and the playground for small children is immediately adjacent. Who wants to hear all of that noise from those generators? Those are two big units. Who wants that disrupting our Town park? We don't need it.

Now I haven't heard the hours of Subway, but I am assuming they will be long. And I hope that this Board has investigated that. And I know this is -- is not something that the Board maybe has thought about, but that should be asked. How long is this Subway going to be open every day? And -- and whatever hours they're given, will they -- if it goes through, will they be acceptable and satisfied with as time goes on or are they going to want more there, too?

The landscaping, I agree, is a mess over there. It was never right when they opened. They were in a rush to get open, I think, and I guess people like myself thought that there was more work coming. It never came. What is there is just remnants left over from salt, and I'm sorry that these people think that, you know, salt has hurt their bushes and what have you, but, hay, this is New York, this is Rochester, and we do have salt.

So the understanding should obviously be that they clean up and they fix up and they maintain and they replant as necessary. That place is not a credit to the -- to North Chili or to the Town of Chili in general the way it is kept now.

Um, the idea that we're going to take garbage out the front door is repugnant. Whoever heard of having to haul your garbage out the front door of a store to get it around to your -- to a dumpster? If you people allow that to go on, you are pretty, pretty lax. You haven't thought this through. Let's stop cutting every corner every time we -- the -- the applicant comes in here and wants something. Just because they want, doesn't mean they get it. Taking garbage out the front door to get to a dumpster is totally un -- it is just unrealistic, and it certainly is nothing you people should be okaying.

And there needs to be a sidewalk all of the way around that building, or at least on the south side. If you're going to use any -- any -- any part of that south area for whatever, you got to put a sidewalk in there. You can't be going out and walking in mud to get there. This is no place to start trimming the corners and -- and cutting what you people want.

I am not in favor of another fast food place in North Chili. It's not what we need. I -- I

thought -- I still think it's not what we're looking for, and I can't imagine a nice big yellow Subway sign on the front of that building which already is orange and -- and green. We'll have another little Las Vegas like we have down the street here at our pizza store pretty soon. Let's not make another one of those mistakes.

All in all, I think this needs a lot of looking, a lot of tweaking, and I would hope that you got the sense to realize that this is not what we want to foster if we want a village feel to our communities in Chili.

JAMES MARTIN: Thank you.

Other comments?

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: I agree with Mrs. Borgus on the garbage issue. And I'm just wondering for a restaurant if garbage pickup once a week is enough. Especially in the summertime.

And what plans are there in place to control rodents? You're going to have them. There's a creek that runs through there. That will naturally draw certain types of rodents, and the -- the fence isn't going to keep them out. And leaving garbage sitting there for a week in the summertime -- half the time those enclosures are not closed and the covers are not put on properly, and the dumpsters are overflowing.

If you're going to do something like this in North Chili, do it right. And I don't see why these refrigerator units couldn't be put inside the building instead of outside. Um, they used to have them outside the building when the little grocery store was there where the Hess station is, and they were always a mess. They were never kept up. There was always boxes and things and stuff sitting around. It was very unsightly. And I have a feeling that this may be the same situation.

Thank you.

JAMES MARTIN: Thank you.

MS. BORGUS: Thank you. Dorothy Borgus again. I had one question that I forgot.

And before I ask it, I do not want anybody telling me I don't have a right to ask this. This is a Public Hearing.

What is the status of the adult video business in that building right now? Is it still there?

JAMES MARTIN: You can answer that question "yes" or "no."

MR. BEZENAH: Yes, it is.

JAMES MARTIN: Okay.

MS. BORGUS: So we have adult video on one end of the building and we're going to put a family-oriented food operation on the other end. This is disgraceful.

Thank you.

DAVID NAGEL, 3311 Union Street

MR. NAGEL: David Nagel, 3311 Union Street, and I also own diagonally across. I want to be respectful to you guys. I mean, I think we need to have respect for you guys and what you do, and I appreciate some of the stuff you have to put up with. God bless you.

I'm concerned a little bit about the garbage, too. I mean, whatever has to be done in order to work that out. I know that across from me on it, the Hess station ended up with a big dumpster that is sort of right -- I think it would be just about across the street from their dumpster. From what I can see. If those two -- are those two dumpsters, or -- I didn't quite see where the dumpster was going to be here.

MR. BEZENAH: Those are refrigeration units.

MR. NAGEL: Will the dumpster be on the back side?

MR. BEZENAH: The dumpster will be already where it is located now, a shared dumpster.

MR. NAGEL: Which is where?

MR. BEZENAH: On the north side of the building, tucked into the back corner. On this side, back (indicating).

MR. NAGEL: All right.

MR. BEZENAH: There is -- when we bought the property, it was a pretty dirty property, old gas station, so we have a clean up currently going on with that, so it is located kind of next to the shed.

MR. NAGEL: I said that is my concern. I think on the Hess station it turned out to be like within 15 feet of the road. And it turned out to be huge. I mean when they built there, I didn't realize they were going to have a two-car garage there --

MR. BEZENAH: Our plans are not to make it any bigger, any larger. Just get it -- a bigger, taller one.

MR. NAGEL: That would be addressed as far as what the actual need is on it and how that is spaced as far as visual, but also as far as the closeness to the other dumpster.

MR. BEZENAH: One dumpster, shared, picked up. Now we're picked up every two weeks, which is adequate for us, because we produce hardly any garbage. If it needs to be picked up more, we'll pick it up more. Just depends on the nature of the operation. Right now we find that once a week is more than adequate.

MR. NAGEL: Thank you. That is my -- one of my concerns on it is just the proximity to the other dumpster, and that may change with the plans.

Thank you.

BONNIE CRAWFORD, 1442 Davis Road

MS. CRAWFORD: Bonnie Crawford, 1442 Davis Road. I'm just not sure that we need another fast food restaurant. I -- right now I can count at least five right in the North Chili area.

My big concern is the traffic. How will that affect the traffic on the corner? We made a nice turning lane and all there, but I know that it has been difficult getting in and out when traffic has been trying to get out of that area.

And I also have concerns about, um, this all being right next to the park. We have a beautiful park there, and, I'm not sure that having those coolers and all there, is -- is a good idea.

JAMES MARTIN: Thank you.

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 think a very good point has been raised tonight regarding the trash removal from the Subway. I'm looking at the interior design of the proposed building, and I'm not exactly sure how it could be handled given what I see in front of me, but somehow I -- I really feel strongly that a rear entrance should be incorporated into this facility for trash removal, if this proposal goes forward tonight, with an approval.

Obviously there is a lot of concerns about the size, location of the refrigeration units and looking at the floor plan. I can understand why you want to exterior mount them. There isn't an awful lot of space inside the proposed facility to incorporate these -- these units. But they're going to have to be -- if this goes ahead and will be approved, they will have to be adequately screened. I understand the concern about the noise drifting over to the park. I understand the concern around these exterior coolers. We have them around, and I know they tend to be neglected. They can become a real eyesore as far as their appearance, and so it's something that is going to have to be monitored very closely.

What are the proposed hours of operation?

MR. ATWAL: From 7 a.m. to 9 p.m.

JAMES MARTIN: Any change on weekends? Is that seven days a week or?

MR. ATWAL: Seven days a week.

MR. BEZENAH: Currently Family Video is open 10 a.m. to midnight every day of the year.

JAMES MARTIN: Other discussion issues at this time?

JOHN HELLABY: Just a point of clarification, that door on the south side of the south end of this building, you said that was being added to this building.

MR. BEZENAH: Correct. Correct --

JOHN HELLABY: Didn't I hear somebody say that that was where all of the deliveries were coming in?

PAUL WANZANRIED: Yes.

JOHN HELLABY: How will you access that if that is all grass area there? I'm having a hard time envisioning that.

MR. BEZENAH: That is a question for Sukhi (Atwal).

JOHN HELLABY: Is there plans to actually blacktop that area? How big are the vehicles that bring in your supplies that you would have to back down there?

MR. BEZENAH: That would have to be a question for Sukhi (Atwal) there.

From our -- from Family Video point, it is UPS, so just a truck for them, so they deliver right from the front. I'm not sure here.

MR. ATWAL: It will probably be pavement along the wall for a cart, heavy cart to go, which is accessible to the door. So that the truck can stand at a distance in the existing paved area and these materials can be brought on the hand cart.

JOHN HELLABY: Will you have a sidewalk along that side to get back to there, if it is all lawn area now?

MR. ATWAL: Just along the wall. There would be -- just -- just as the back, for the coolers, we are going to pave that area, concrete paving. So in the same fashion, along the side, adequate walkway will be there.

JOHN HELLABY: Well, for the final design of this thing I would like to see how we do that.

JAMES MARTIN: Yeah. I think you need to provide an updated plan here. I mean, if you're going to pave along that south wall, if that is the proposal, I think, again, that needs to be incorporated into your design so that we know exactly what we're dealing with here. You know, certainly you're going to have to have something there, because you know, you have 2 feet of snow on the ground, you won't be pushing a hand cart down through there. I mean, you know, I'm just being --

MR. BEZENAH: Absolutely.

JAMES MARTIN: -- honest here. I mean, it's something that we really need to understand from the perspective of -- the design. You know, I think we got several issues here that --

JOHN NOWICKI: You want my opinion, I will say what my opinion is. I think based on what we have heard tonight, both from this table here tonight and the audience, there are too many issues here for this to move forward at all. It should be tabled, and it should be thrown into the different departments, whether Conservation, Architectural, Engineering and have these

people back and think what you have heard tonight, and come back to us with something that we might find acceptable. Too many issues here, for me. I can tell you I won't vote on it right now.

JAMES MARTIN: I -- I second John (Nowicki)'s opinion. I think we have got too many question marks in front of us right now --

MR. BEZENAH: Sure.

JAMES MARTIN: -- to give you any kind of vote on this.

MR. BEZENAH: So I'm clear, the main concerns are the coolers, you want --

JAMES MARTIN: Shielding of the coolers, what -- the Architectural Advisory Committee review of the elevation, what you're going to do on that south side.

A rear door entry, all right, to get trash out the back door rather than you hauling it around the front. You don't want trash going --

MR. BEZENAH: You're looking to keep the side door but also add a rear door or --

JOHN HELLABY: I'm thinking if they utilize that side door and have an avenue to get around behind the building --

JAMES MARTIN: Whatever -- whatever solution you can come up with. We don't want trash going out the front door.

MR. BEZENAH: Sure.

JAMES MARTIN: If you can do it with the back door, that's great. If you do it with the side door with the ability to get around the coolers to the dumpster, I real -- you need to coordinate with the owner of the -- of the proposed Subway how much trash is he generating on a daily, weekly basis so that you can adjust your -- your dumpster pickup schedule. I don't think every two weeks certainly will be adequate. I think you need to review your dumpster facility to -- I know what a Subway operation is. You have, you know, lettuce, vegetables, things of that that are probably going to go in that dumpster, okay, that are not utilized during your daily operation.

So we need to be sure that it meets all of the code requirements to be sure that it can receive those kinds of -- of trash and not cause a problem as -- as Ms. Neder pointed out. Are we going to attract rats? We certainly don't want to do that. You don't want them running around your parking lot.

So I'm of the nature to agree with Mr. Nowicki that I think you have got some homework to do before you come back before this Board for approval so that we can fully understand all of the ramifications of this project, and that you have mitigated all our concerns with proper design characteristics, and I guess that's the way I see it right now.

PAUL WANZANRIED: One more question?

MR. BEZENAH: Sure.

PAUL WANZANRIED: The square footage of this store, how does that relate to your Chili Paul Plaza store? Larger, smaller, roughly the same size?

MR. ATWAL: This is about -- I don't know exactly what -- 15 percent less, yes.

PAUL WANZANRIED: The coolers for the Chili Paul Plaza, where are they?

MR. ATWAL: They are inside. But they are much smaller.

PAUL WANZANRIED: Thank you.

JAMES MARTIN: I will write-up everything that you have heard tonight. You will receive that in the way of a letter, but at this point in time, I would make a motion that we table this application pending all of the things we just asked the applicant to do, and do I have a second on that motion?

JOHN NOWICKI: Absolutely. Second.

DECISION: Due to the fact that there were several outstanding issues related to this site plan, the application was unanimously tabled by a vote of 6 yes until further notice pending resolution of the following issues of concern:

1. Trash removal via a side or rear door must be accommodated.
2. Architectural Advisory Committee must review all proposed elevation changes.
3. Landscaping must be restored to originally approved design.
4. A copy of the Town Engineer's comments is attached. Applicant shall comply with action items included in this letter.
5. There are potential setback issues associated with the proposal. The applicant shall work with the Building Department to ascertain what if any setback issues exist and how they can be resolved.
6. Adequate screening of the proposed exterior coolers must be provided.

JAMES MARTIN: I will just put TBD. As soon as you get this issue accomplished, you can come back to appear before the Board again.

4. Application of Union Crossings LLC, 2580 Baird Road, Penfield, New York 14526, property owner: James Brown; for recommendation to rezone approximately 7.62

acres from R-1-15 (Residential) to G.B. (General Business) at property located at 3610 Union Street.

JAMES MARTIN: We'll take a short recess. Five minutes.

There was a brief recess in the meeting.

JAMES MARTIN: I have already read the application, so we can proceed.

Chris Schultz was present to represent the application.

MR. SCHULTZ: Good evening. My name is Chris Schultz, representing Union Crossing, LLC. Last time we were -- I was here was back May 27th of last year. We had an informational meeting, had pretty good turn-out from the neighbors.

At that time we actually had not only the 7.4 acre parcel which was part of the application tonight, but we also were including a 15.7 acre parcel east and adjacent to this. This application is actually scaled back. You recall there was a larger piece off to the east, but again, we're just looking at this front piece being 7.4 acres. Currently zoned R-1-15. We're looking to get this rezoned, a recommendation from this Board to the Town Board for General Commercial.

Site fronts on Union Street, which is a New York State DOT controlled right-of-way. Paul Road to the north, which is a County DOT controlled right-of-way. Of course we have 490 that runs all along the south extent of the property.

Currently the property is used -- used for auto sales and service, and I believe that is being done under a special permit. In the past I think there was actually a full service gas station years back on the property. So even though it is currently R-1-15, there is a history of a commercial use on that property.

Generally the property slopes from Union Street back to the east at a pretty good fall. The property off to the east collects a majority of the water and it discharges off to the south onto the 490 right-of-way.

We're fortunate we have a 16-inch water main across the frontage of the site. Sanitary sewer is located north of our property. We made some investigations into potential routes and potential easements that we would need and it is going along pretty well. We do have gas and electric on site.

Back -- a few years back when the Town did the 2010 Comprehensive Plan, this site was identified as a potential to be rezoned to GB, so we're following along with that recommendation.

The -- the GB General Business District type of uses that we're proposing here, um, we did spend a little bit of time talking about the key ones. The hotel is currently shown in this rendering as a Holiday Inn. If you recall, at our previous meetings, we had the hotel on the north side. There was some discussion about potentially moving it to the south to help with sight distances and such. We did the same with the proposed gas --

JAMES MARTIN: Chris (Schultz), can I interrupt you for a second? I don't want to dwell too much on site plan issues tonight. We're not here to discuss site plan issues.

MR. SCHULTZ: I more wanted to say what the rezoning would potentially incur for the use, but that's fine.

JAMES MARTIN: That's okay. I don't want to get in a lot of -- your proposal is hotel, gas station.

MR. SCHULTZ: Sit-down restaurant and potentially a strip mini mall.

Other than that, we're basically looking to get the referral from this Board to the Town Board so we can start the rezoning process.

JAMES MARTIN: Thank you.

Before we start any discussion, I just want to clarify again for those people who may not be familiar with our operation and the way we do things from a rezoning standpoint, this Board does not have any authority to rezone any property in the Town of Chili. That is clearly the responsibility and authority of the Town Board. They are the only agency that can actually rezone property.

But the way our code is set up, the Planning Board does a preliminary review to make a recommendation to the Town Board based on our -- the hearing that we have, and so that is where we're headed tonight.

I have already indicated that I really do not want to get into any in-depth discussion of site plan issues. They're not germane to this other than there has been an indication of what might go on this property. If it were to eventually be approved for General Business.

Site plan would be discussion that would be held at the proper time, assuming approvals go through.

The rezoning that would be back before this Board to deal with site plan issues. At that time, we would address those concerns that exist around that particular activity.

So tonight, basically what we are here to do is to listen, to look at what the General Business designation would be as far as the Town of Chili. Mr. Schultz has already pointed out in the 2010 Master Plan, basically the future land use map, it indicates that this particular area was to be zoned for General Business. It is clearly indicated on the future land use map in Section 5-14 of the verbiage, and Section 5-14 of the 2010 Master Plan does talk about the -- the -- in the event that sewers are extended -- and the sewers have been extended. They're not all of the way to the site, but they're close enough to serve this particular site -- um, they -- basically

it says there will be a need for further evaluation of types of commercial development that would be most appropriate with a public sewer service, and increased traffic to this area could lend itself suitable for hotels, motels, restaurants and other highway-oriented types of commercial land use.

So that was verbally stated in the 2010 Master Plan, so essentially, that is where we're headed tonight.

So again, I really don't want to spend any time on site plan issues. They're not germane to the discussion tonight, other than you have a feel for what is being proposed to be built there, and so let's go ahead at this point in time.

Paul (Wanzenried)?

PAUL WANZANRIED: The back parcel is -- is -- is owned by Mr. Brown, as well? There is a parcel owned by Mr. Brown behind it?

MR. SCHULTZ: That's correct.

PAUL WANZANRIED: How many acres is that?

MR. SCHULTZ: 15.7 acres.

PAUL WANZANRIED: Does that connect to Paul Road?

MR. SCHULTZ: No. It's a landlocked parcel that has no frontage and exists on its own -- its own tax account.

PAUL WANZANRIED: Hmm. Okay. I don't have any other questions.

JOHN HELLABY: Is that parcel presently owned by Mr. Brown, did you say?

MR. SCHULTZ: Both parcels are. The front piece --

JOHN HELLABY: I mean -- you can't intentionally landlock it.

MR. SCHULTZ: It exists today. That was one of the reasons why originally we were trying to rezone it all to commercial, so we could remove the property line and have one parcel that met code. Currently, it exists independent, and this application is just for the front piece.

JOHN HELLABY: Is there any thoughts on how if this front parcel is sold in the future, how you will gain access to that parcel?

MR. SCHULTZ: Yes. There is a possibility we could access it through this front piece. Yeah. That was -- that was really the reason why we were looking to ask the Board for the recommendation for the whole thing, because you can't split zoning on a single piece.

JOHN HELLABY: With the Comprehensive Plan, that's all of the questions I have.

JAMES MARTIN: Just to go back and rehash. You know, we heard this -- we tabled this application in December. We asked for more information from the applicant. He has supplied a full EAF at this point. I've gone through -- I've gone through that. The one thing that kind of caught my attention, again, looking at the zoning aspects of this, maximum vehicular traffic trips generated per hour, 550 trips per hour?

MR. SCHULTZ: It may be high. We understand that we would be providing the Town with a traffic impact study done by a traffic engineer. What we wanted to do is take a shot at a guess. We know there will be potential increases in traffic, and certainly with a full build-out, we could get to that at peak time, but again, this is just very preliminary in nature.

JAMES MARTIN: That really caught my eye. All right. That is an awful lot of vehicle trips per hour.

MR. SCHULTZ: With the hotel going in there, the number of rooms --

JAMES MARTIN: All right. Matter of curiosity. You know, the -- I will call it kind of the easterly property line that you set for the subdivision request. Given the parcel that you're dealing with, if this were to go eventually through, you have got front setback issues. Why wasn't -- why didn't you think to extend your easterly property line further back so you did not have a setback issue?

MR. SCHULTZ: Again, the easterly property line is where it exists today.

JAMES MARTIN: I understand.

MR. SCHULTZ: What we wanted to do is meet what the Comprehensive Plan said for the parcel that was recommended. So we held it in place. We -- we certainly would be open to potentially moving that, but at this point, we wanted to follow the original guidance of the Comprehensive Plan.

JAMES MARTIN: Well, as I say, matter of curiosity.

MR. SCHULTZ: Certainly the property line -- it would be beneficial to remove it or relocate it, but at this point, this is what we're doing.

JAMES MARTIN: I don't have anything else at this point.

JOHN NOWICKI: I'm with Mr. Hellaby. I was glad to have you read that statement out of the Master Plan. I will wait to hear other comments from the side table and the audience.

DAVID CROSS: If this goes forward, would you look to create sub parcels within this 7. --

An audience member requested the Board speak up.

DAVID CROSS: The question was, this -- if this moves forward, would -- would you intend to create sub parcels within the overall 7.6 acre parcel?

MR. SCHULTZ: Yes, we would.

DAVID CROSS: That's it.

MS. REILLY: I'm very familiar with that Master Plan. If that is the only part we're discussing now -- as long as we're only discussing the zoning, as far as it relates to the Master Plan, I'm very comfortable with that. If we're not discussing site plan issues at this moment.

KEITH O'TOOLE: Just to build on that comment, certainly this is a rezoning

recommendation. The Town Board makes the decision. Anything that appears on the proposed map is not being approved. It is only the dimensions of the rezoned area.

Building on the Chairman's comments, if -- if you think it desirable that they bump out the rezone area, that can be done, too. You can recommend that to the Town Board and it can be done today.

Nothing further. Thank you.

JAMES MARTIN: Thank you.

MIKE HANSCOM: Just a question for the attorney. This is -- this is just a personal interest question. If -- if they approve the rezoning for this parcel and then they wanted to bump out the property line out to the back, what would happen? Then I'm not sure.

MR. SCHULTZ: I would imagine we would need to make a new application to rezone that additional portion that was added.

MIKE HANSCOM: Okay. This is something you might want to take into consideration.

KEITH O'TOOLE: I would agree with that. Certainly, we would also have to look back to the Comprehensive Plan to see if it supported that. I think you're within your rights to adjust, make minor adjustments to the future land use map recommendations, but if you just ignore it and go whole hog and start rezoning areas that weren't envisioned by the plan, then we would have a problem.

PAT TINDALE: Rezoning is not applicable to our Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I guess I'm unclear about the property lines. Is -- is this parcel, and has it always been, separate and distinct from that to the east, that they were originally planning on using?

JAMES MARTIN: As far as I know, there was a two-lot subdivision that was done -- I don't know. I'm not exactly sure what the date was, but -- Mr. Brown owns both parcels, and at some point in the past, there was a subdivision approved, right? That is my understanding?

MR. BROWN: Long time ago.

MR. SCHULTZ: This might help out. This is a copy of the current tax map. It shows the highlighted parcel being considered for rezoning. This is the second parcel off to the east that I was referring to (indicating). So this property line exists today. These are two distinct parcels.

MS. BORGUS: Thank you for that answer.

Then I'm confused again because the original plan that was discussed -- it wasn't brought for a formal application, but it has been here and it has been talked about before -- was to continue into that other parcel.

Am I right?

JAMES MARTIN: That was, you know, brought before, you know, when we had the public meeting that there might be some potential use for that second piece of property back there. Right now, we're just dealing with the front lot. We are not dealing with the back lot. We're only talking about rezoning the front parcel.

MS. BORGUS: Um, so the back portion, the part -- the lot to the east, is not recommended in the Comprehensive Plan for the same kind of action as we're talking about on the front piece; am I correct?

JAMES MARTIN: If I can interpret the map correct, that's right.

MS. BORGUS: Only the front piece.

JAMES MARTIN: Only the front piece along Union Street, correct.

MS. BORGUS: Well, I know we're not supposed to talk about the site plan, and I don't mean to bring it up as a site plan issue. There will be plenty of -- of time for that later. But that, as it stands, is -- we're talking about rezoning now. Whether we're in favor of it or not, that is just too full. And if -- if we have to buy into that kind of a density, then I don't -- I'm not in favor of rezoning it.

If we could just have a hotel there, I don't have a problem with that. There's -- maybe there is a good market for one. There's not a hotel between Batavia and, you know, Gates, so -- and really Rochester. So I don't have a problem with the hotel. But -- and I have to address the site plan to a point in order to get my point across, is that I would not be in favor of rezoning it if we're going to -- if -- if -- if the intent is -- and the zoning, and the Planning Board's idea is that that is acceptable, to cram that that full, then I think this should not be -- should not be recommended to the Town Board. It is just too much.

And I'm hearing now in response to Mr. Cross' -- or David Cross' question that there would be plans to again subdivide this piece down the line. I mean, where -- where are we going with this? You know. I mean, we know their intent. I think they ought to pull back their scope if they want to put a hotel there, and just put a hotel there. I don't have a problem with that. I say rezone it. That was the intent of the Master Plan; I go along with that.

But not -- but not if that is the plan, the ultimate plan.

And I would like for somebody to point out to me how there would be access to the rear part of this gentleman's land. I don't see how you would have a roadway. I mean, I see you have a driveway. But there is a considerable amount of land back there.

KEITH O'TOOLE: If I may? What we have typically done in the past with landlocked parcels like this, is as a required -- as a requirement of the development, when they come in for a site plan approval, is that we would demand as a condition of approval that they impose an

easement for the benefit of the landlocked parcel. So what you have proposed in a conceptual plan, which is not something we're approving tonight, but let's assume that we did, and this was a site plan review, that private drive, we would impose an easement for the benefit of the rear parcel so they have access to the private drive all of the way out to the public highway and that would eliminate the landlocking.

MS. BORGUS: I appreciate that answer.

My point would be, though, that if you build out, and again, I -- of necessity, you have to address some element of the site plan in order to get a feel for whether you approve or disapprove of the rezoning.

I do not see how that driveway would ever be wide enough to service any build-out that would occur on that other parcel, which is big. And especially it wouldn't be sufficient, if the site plan, as it turns out, would be as crowded as this one is already planned.

JAMES MARTIN: Well, to -- you know, just to go along with Mr. O'Toole's answer, certainly it would be the -- the -- the responsibility of this Board to insure adequate egress and access to that parcel, whatever it takes. Okay? And that is something that would have to be done in order to allow that to be a legal --

MS. BORGUS: If that were the case, would it have to be wider than the --

JAMES MARTIN: Dorothy (Borgus), I don't know the answer to all those technical questions right now. All I'm telling you is it would have to meet any code requirements to prevent that from becoming a landlocked lot.

MS. BORGUS: And I guess I'm thinking that maybe this owner is not going to be able to do that and still put everything on this piece of property that he desires. And -- and I know that is his problem, that is not the problem of this Board, but you have to got to understand, when you're looking at something -- somebody trying to put a gallon in a quart container, which is what you have got here, you got to kind of look at maybe we don't need to rezone that if that is the plan. Maybe this is not a good idea for that much development there.

Thank you.

JAMES MARTIN: Understood. Thank you. Other issues?

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: I just have a question about the General Business adjoining an area that is Residential. Doesn't have to be a buffer zone between Residential and General Business?

JAMES MARTIN: Yes, there does. And that's a site plan issue that we would deal with if this were to go forward to that point. Yes. The answer to your question is yes, code states all of the buffering and screening and everything has to be done in order to have a General Business about a Residential zone. If you were here for the discussions we had on the now-in-progress Microtel, you know how we beat up that applicant to make sure that the buffer between the hotel and the residents next door was adequately screened.

MS. NEDER: So that buffer, instead of being like a Neighborhood Business designation can just be a berm with plantings or screening or whatever?

JAMES MARTIN: It's a buffer. It's permanently maintained, yes. It's very, very dense.

MS. NEDER: All right. Thank you.

NORM REYNOLDS, 1366 Paul Road

MR. REYNOLDS: Norm Reynolds, 1366 Paul Road.

Through an inquiry at the Town I made the other day, if -- if the zoning is approved and the Planning Board approves the project, if after -- if after two years the property has not begun construction, it reverts back to the original zoning?

JAMES MARTIN: That's correct.

MR. REYNOLDS: What happens if the zoning is approved by the Town Board and the project is not approved by the Planning Board or the developer decides not to proceed with the project or -- what happens to the zoning then?

JAMES MARTIN: My understanding of the code, and Mr. O'Toole, correct me if I am incorrect, is that there is a time limitation on a rezone that it -- if there is a proposed project to go into that particular new zoning, if it doesn't commence within a certain period of time, then my understanding is the property would revert back to the original code -- or the original zoning code.

MR. REYNOLDS: Okay.

JAMES MARTIN: All right.

MR. REYNOLDS: I just got one slight comment that involves the site plan, only because it is winter now. If down the road, if any members of the Conservation Board or the Planning Board -- especially having to do with the view, now is a good time to go behind the houses with the leaves off the trees to see what you can see now and what effects construction will have on the views of the homes looking down on the property.

JAMES MARTIN: Thank you.

BONNIE CRAWFORD, 1442 Davis Road

MS. CRAWFORD: I already have a lot of light that comes from the Preferred Auto Area. I'm looking at this, and there is just no way I can imagine all of that in that small area.

I also have a question as to when are the sanitary sewers supposed to come through to -- because it has to come under the railroad, and I was under the understanding that it was going to be years down the road. Because we're all on septic tanks.

JAMES MARTIN: Well, certainly those are to-be-determined issues at this time. And I -- I won't dwell on, you know -- again, the lighting issue would be addressed as a site plan issue. Certainly we have code requirement in the Town of Chili that would prevent any spillage from leaving the property. We have dark sky lighting requirements. Those are the types of things we would address as a site plan issue.

Other questions and issues at this time? Seeing 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: For the record, we do have a letter from Ms. Barbara LaRue (phonetic) outlining her objections to the rezoning. I just want to enter that into the record, that we have received that correspondence.

Okay. As far as SEQR, at this point in time, since the zoning approval is the purview of the Town Board, they would act as lead agency as far as SEQR determination on this application, so it is not something that this Board has to deal with.

I have previously gone through the Master Plan verbiage. Certainly the Master Plan, future land use map recommends this for General Business, the rezoning consideration. There has been one issue that has been brought up that, again, the Town Board needs to deal with, and that will be considered to extending the easterly property line, within the rezoning application that would eliminate a potential front setback issues along Union Street. That should be, you know -- I will include that in my letter on this tonight.

Um, anything else before we go ahead and vote on this recommendation?

I will make a motion then that the Planning Board, having had a Public Hearing on this particular application, find it to be in compliance with the 2010 Master Plan, and that given that it is in compliance, I would make a motion that we recommend it to the Town Board that they approve this rezoning recommendation.

JOHN HELLABY: Second.

JAMES MARTIN: On the motion to recommend rezoning?

DECISION: Having conducted the Public Hearing on the rezoning request, the Planning Board finds that it complies with the intent of the 2010 Comprehensive Master Plan and, therefore, unanimously voted by a vote of 6 yes to recommend approval of the request. Consideration should be given to extending the easterly lot line approximately 25 to 30 feet further east as part of the total parcel to be rezoned. This would avoid potential front setback issues if the project proceeds.

The Town Board will be notified of the Planning Board's decision by copy of the decision letter. Applicant is advised that it must now petition the Town Board, through the Town Clerk's Office, to set a Public Hearing before the Town Board on this rezoning application.

JAMES MARTIN: Okay. Next step is the Town Board.

FOR DISCUSSION:

1. Robert Fallone, Jr. -- for proposed subdivision to combine two lots into one lot, and change of use in building to convert existing building to retail/office space (removing existing second floor), including a 1,685 sq. ft. addition at property located at 3209 & 3219 Chili Avenue in G.B. zone.

Robert Fallone, Rob Fitzgerald and Al Arilotta and were present to represent the application.

MR. FITZGERALD: Thank you. Good evening. Rob Fitzgerald, Project Engineer with Avery Engineering.

With me tonight, too, is my client, Robert Fallone, as well as the client's architect, Al Arilotta. There are two parcels we're looking to combine into one lot and actually really utilize the rear parcel.

If I could approach the Board, this is the rear parcel (indicating). It does have access onto Chili Ave. It is vacant right now. So what we have is a rather large building. Everybody knows where it is. It is just east of the Kwik Fill. It is run down. It needs a complete face, new rehab.

Problem with the building is we have very limited parking out front. We do have some good visuals off Chili Ave., but as far as the parking, we need to get a good tenant in there, we do need more. We're looking to again fully utilize the property because it does need a pretty severe face lift. New front parking lot. New landscaping.

Right now we have asphalt that literally goes from the west property to the east property line. We want to cut that out, get some landscaping in there and have a continuous curb that ties in with the Town and Country to the east, as well as having curbing to the west.

We do show a shared access to the Town and Country. Again, that was put in place when the Town and Country got approval, so that -- to use that intersection light.

Then also we would have an additional access -- 24 foot wide to the rear of the parcel, where we're proposing a one-story building addition roughly 1,700 square feet.

The main reason why we're here tonight is we want to get the review process started. This is our first step. Of course, we'll be submitting plans to the Architectural Review Board, as well as Conservation Board.

We don't -- we have some tentative tenants at this point. It is kind of hard to get them to sign on the dotted line until we can show them a little bit more, that we do have additional parking, and that we are going to beautify the building. So we do need to get a little further in the approval process before we can get those anchor tenants to sign on the dotted line as far as leasing the space.

Al Arilotta did the architectural renderings where you can see a huge improvement, great improvement where we have a combination of shaker shingles, some brick facade, and that is not just on the front of the building, but all four sides.

As far as my site plan, there were a couple differences between the architectural renderings. Um, so it is one-story in the back, the building addition, not two.

Then also, too, on the western property line we did pull the building in roughly 4 feet because it is only 1 foot now, and it would be nearly impossible to build that, which was brought up by the Town Engineer. So Al Arilotta did make that change, as well as sliding the building in 1 foot from the eastern property line.

I did receive comments from the Town Engineer. Again, some -- there is some discrepancies as far as the amount of parking spots we had proposed. A big error with that was we thought -- I thought it was going to be a two-story addition in the rear, but it's only one. So we actually will have enough parking spots per code.

Of course, depending what the use is that goes in there, that could vary somewhat, but at this point we wanted to get this Board's feedback and run with that, and continue on our process hopefully with a landscape plan in front of the Conservation Board, as well as talking to the Architectural Review Board.

So with that I -- I just would love to hear your comments. We're excited about -- everybody knows this is one of the most run-down buildings on the strip, and I think we have a chance to make it one of the nicest buildings on the strip. So kind of a fun project to be involved with.

JAMES MARTIN: We sure would look forward to that.

I just question in my mind, matter of curiosity, why don't you tear the whole thing down and start over again? It's a disaster. But -- but we'll deal with that.

MR. FITZGERALD: Real quick on that, too, you know, we are making some major improvements as well as putting a hip roof on that. Why not knock down the whole thing? We would like to keep the block, because quite frankly, if we knock it down, we'll just build it back up with block anyways, so there is some savings there.

But yes, it is pretty much a new exterior, new windows, new roof.

JOHN NOWICKI: You won't see the block?

MR. FITZGERALD: No.

JAMES MARTIN: Gee, what an improvement.

I'm sure the Building Department will stay on top of the construction issues associated with this, if it goes forward.

There were a lot of issues in the Town Engineer's letter. You know, you have talked -- you have touched on a couple of them, but certainly, before you come back before this Board, I expect most of these will be addressed.

MR. FITZGERALD: I did go through them. When I first looked at them, I was a little taken aback, but when I read into them a little further, I think they're all things that we can address pretty quickly if we haven't already.

JAMES MARTIN: Okay.

MR. FITZGERALD: Good comments, though.

JAMES MARTIN: That's all I have got.

PAUL WANZANRIED: Okay. So if I understand you correctly, Mr. Arilotta's elevations are correct, and your descriptions here on your plans are incorrect? Is that what I am getting?

MR. FITZGERALD: That is correct.

PAUL WANZANRIED: Great.

MR. FITZGERALD: The discrepancy again is real minor. The plan -- the footprint as shown is a little larger than what we're actually proposing. We're just shrinking in the back the two sides, if you will.

PAUL WANZANRIED: Okay.

MR. FITZGERALD: And it's one story, so it is less of an impact for parking.

PAUL WANZANRIED: You put the addition to the rear why? Could you reiterate that for me?

MR. FITZGERALD: The addition to the rear will actually -- just to give it a nice new facade in the back, because it has never been used before, and it will actually utilize the space, which is the basement.

PAUL WANZANRIED: Does putting the addition to the rear allow you to use the space, the basement of the existing building?

MR. FITZGERALD: Correct.

PAUL WANZANRIED: Or could you achieve that with the addition in the front?

MR. FITZGERALD: We could not. It would not be handicapped accessible, because it is

one story lower.

PAUL WANZANRIED: Okay. You state you're going to -- I believe this is your letter of intent. You're going to tear off the second floor, correct?

MR. FITZGERALD: The second floor would no longer be used. It will be more of a -- I guess I would call it a crawl space, but right now, there is stairs that go up into it. I think the last use I want to say -- I don't know if it was like a restaurant or a pub or something where they had access to the upstairs. It doesn't meet handicapped accessibility. At the most, it would be a crawl space. Possibly putting some of the mechanicals up there.

MR. ARILOTTA: It has 7 foot ceilings by the way, so it really can't be used.

JAMES MARTIN: Name, please.

MR. ARILOTTA: Al Arilotta. I'm the architect for the project.

It has 7 foot ceilings. Sealed joists. Real sloppy up there. It really can't be used for anything.

PAUL WANZANRIED: What is the ceiling height of the first floor, your street level?

MR. ARILOTTA: 9 foot to the underside of steel. The lower level has 10 feet.

PAUL WANZANRIED: Okay. So you will maintain the curb cut and the use of the access on the front, and then you want to use this on the other side of Kwik Fill? Are you going to demark that in any way --

MR. FITZGERALD: There is an existing --

PAUL WANZANRIED: -- note that in terms of signage or anything, that I know I will go in there to get in the back?

MR. FITZGERALD: At -- at some point we'll have to have signage there. Maybe it's a dance studio down there. At some point we would have to probably have some delineation signage.

As far as the existing building goes, the front, the existing parking lot, we'll probably just do something mounted on the building itself. We'll try to stay away from the freestanding signs.

PAUL WANZANRIED: What is the square footage of the existing footprint of the building?

MR. ARILOTTA: 3,672.

PAUL WANZANRIED: In your -- can you explain the temporary grading easement to be granted? What does that mean, "temporary grading"? Just during construction?

MR. FITZGERALD: Yes. Just to have a better transition between our parcel and the parcel of land to the back of us. And we have had preliminary discussions with that neighbor to get a temporary grading easement. Temporary because once we move the earth around, get it established, we're all set, we no longer need it. We're not claiming that property. Instead of just having a drastic change at the property line as far as the grading goes, we can have a smooth transition.

PAUL WANZANRIED: Okay. Where do you propose snow storage?

MR. FITZGERALD: Snow storage, it's a pretty tight site as it is. So I guess typical with the commercial site, with snow storage, we do have a little bit to the east, if you will, the southeast, and then a lot of it is just -- and as far as the front of the building goes, it is all asphalt now, and we are opening up, I think, 5 to 8 foot wide grass strips on the other side, so there would be some room for snow storage, which there isn't now.

Again, the front parking lot is small, so we won't have a ton when it snows. Unfortunately, typically we use maybe a parking lot or two depending on the snow in a snowstorm and we'll probably have that case in the rear of the property, as well.

PAUL WANZANRIED: You have a curb cut up here. Did I hear you mention that that goes into the adjoining property to the east?

MR. FITZGERALD: We're proposing a curb cut, yes. Previous applicants have been in front of this Board, and at that time it was the intent to have all these parcels from -- I want to say Pontillo's, Columbinis, the Town and Country, this parcel, so they all have access to that intersection light. So there have been easements that are in place, so we're just utilizing those easements that were put in place, so we're just kind of following along with what has already been set up over the last probably I want to say ten years.

PAUL WANZANRIED: Okay. My last question is you show a tote storage up in the front. Is there a dumpster storage or tote storage for the rear?

MR. FITZGERALD: We probably would have to do something in the rear, as well, because they are different levels. So we would have to add that. We'll add that with our preliminary plans.

PAUL WANZANRIED: That's all I can come up with right now, Jim (Martin).

JOHN HELLABY: This entire project sheet drains?

MR. FITZGERALD: Yes, it is. The existing asphalt parking lot in the front, um, you know, we're not going -- I shouldn't say that. We'll strip the asphalt, proof roll it, fix any soft spots and reasphalt it, put in sidewalks and landscaping.

In the back there is -- probably a third of the site is broken up asphalt/gravel. Um, so we will -- we'll asphalt that area, as well. But it is sheet flow. Yes. There is no drainage structures.

JOHN HELLABY: From the lot -- it looks like you're curbing the entire thing; am I correct?

MR. FITZGERALD: Yes.

JOHN HELLABY: Does that all slope to Chili Avenue?

MR. FITZGERALD: It's very flat.

JOHN HELLABY: I think I would double check that.

MR. FITZGERALD: Looking at it, there aren't any contours. That is how flat it is. I would have to double check it. We may need a curb break along the eastern side, because I think a portion of that -- if I can approach the board again, this corner here (indicating) does flow through the back. So we may need a curb break to continue that water on.

JOHN HELLABY: Site lighting, I see you have got details for poles on here, but it's not clear where they're being placed.

MR. FITZGERALD: We had site lights in the back. We weren't proposing any additional lights in the front with the exception of just a -- building mounted lights. More of just -- I would say a residential, carriage style lights just on the building. Then I don't have a sheet in front of me, but I believe we have a double light pole here, as well as one in this area (indicating).

JOHN HELLABY: Is there a way to access the front tenant areas from this rear parking lot, because I would think if -- according to this rendering, we have Verizon going in there. It would seem like that front lot, you would want all of your employees parked down in the back, but I see no way for them to access from the upper level.

MR. FITZGERALD: We only have 1 foot from our western building range line to the property line, so there -- so without encroaching onto Kwik Fill.

JOHN HELLABY: Is there a way to access through a back door, a stairway to this back area or something? It looks impossible the way it is.

MR. FITZGERALD: Is that legal, Al (Arilotta)?

MR. ARILOTTA: We need handicapped accessibility in the building. There is a stairway in there now. We were planning to block that off. We could take another look at it.

JOHN HELLABY: But have you handicapped parking. I mean, if you had a handicapped employee I could see them parking in the front and coming through the front.

But I mean if Verizon has three or four people working in there and you get a barrage of customers, which they often do -- you go over to Jefferson Road, there is 30 people standing in the building.

MR. ARILOTTA: Just for customers walking in the back door and coming up a stairwell --

JOHN HELLABY: I'm saying the employees back there, so they're out of that front lot, so at least they're out of the picture.

MR. ARILOTTA: We could possibly take a look at that.

JOHN HELLABY: I think it is something I would take a look at, because right now you don't have an awful lot of parking in the front there and your major tenants are in the front. That's it for now.

JOHN NOWICKI: Just a thought to possible drainage considerations. They do have impervious pavements today that you're probably familiar with that might apply in the back.

MR. FITZGERALD: Something to certainly look into it.

DAVID CROSS: I will throw one at you. I don't like front parking. To me, looking at this big picture, I would like to see the -- not -- the building moved closer. I realize you're trying to reuse what is there. I would like to see it even encroach into the 75 foot front setback and move the building closer to the road and create more of a village/neighborhood theme. That would also eliminate a curb cut, very -- very close to the intersection, major intersection of Paul Road. Eliminate some traffic problems. Um, that's big picture stuff. That's what I think we should be looking at at this point.

MS. REILLY: My concern is very much what John (Hellaby) brought up. You have most of your usage in the front and the least amount of parking in the front, and there is not a clear way to access from the back parking into the building. You need (inaudible) you that probably is it tenants for currently.

It's a very small front parking lot, especially without any place for snow removal. So if you look at this time of the year, how many cars will you fit? And there needs to be some type of indoor or outdoor accommodation to get from that back parking lot up to the tenants in front.

DAVID LINDSAY: Just a question for you. What is on the parcel to the south? Is that the Fire Department there?

MR. FITZGERALD: It's -- it's land that is owned by the fire department, yes. I believe it extends all of the way behind this parcel to the west, behind State Farm and continues onto the training facility.

DAVID LINDSAY: Just open field there?

MR. FITZGERALD: Yes.

DAVID LINDSAY: I noticed on your grading plan you're changing the way you're draining property. Currently it is the southwest, and now you're sheet draining to the east now?

MR. FITZGERALD: Yes.

DAVID LINDSAY: We'll want to take a closer look at that to make sure it is not adversely affecting anything over there. I can't tell from the mapping here.

MR. FITZGERALD: I can you give some more off-site mapping with the drainage to help out.

MIKE HANSCOM: When you revise your site plan, could you please show the sanitary sewer easement on the proposed site plan also? I want to make sure that your proposed building is not encroaching into the -- into that easement.

MR. FITZGERALD: Certainly.

MIKE HANSCOM: Thank you.

PAT TINDALE: I'm going to agree with David. I don't like to see parking in front. Then my next thing is going to be I'm looking forward to seeing landscaping plans, because I don't

know where you're going to put anything on that size lot.

MR. FITZGERALD: Yes. Again, right now, there is no green space in the front. So anything with the front, we do need to create green space. We do have a -- like I said, we are going to create green space --

PAT TINDALE: Green space in the front and the parking to the back, and I will be happy.

BRAD GROVER: No comment at this time.

BOB LaTRAGNA: Do you -- have you made application to the Architectural Advisory Committee or do you intend --

MR. FITZGERALD: We certainly intend to. We have not at this point, no. That will be our next step along with Conservation Board.

BOB LaTRAGNA: We'll have more comment after we had an opportunity to review the plans.

JAMES MARTIN: Anything else?

Well, obviously you have a lot of comments tonight. Some work that you need to take a look at. I think some very good points have been brought up. You're dealing with a difficult space. There is no question about that. I think you need to maximize access, and landscaping is going to be an issue. You're going to have to figure out something, because you know, we have been living with an eyesore for a long, long time over there, and hopefully, whatever you're going to do over there is going to be a very beautiful project, and between the Architectural Advisory Committee and this Board, we're going to make sure of that.

Anything else?

If not, meeting is adjourned.

The 12/14/10 meeting minutes were approved as submitted.

The meeting was adjourned at 9:08 p.m.