

CHILI PLANNING BOARD
January 12, 2010

A meeting of the Chili Planning Board was held on January 12, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Brad Grover, Traffic Safety Committee Representative; Ken Hurley, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways, Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Paul Wanzenreid, Architectural Advisory Committee Representative.

Chairperson James Martin declared this to be a legally constituted meeting of the Chili Planning Board. He introduced the Board and front table. He announced the fire safety exits.

JAMES MARTIN: I will State right now that we have had a couple changes to the agenda. Those of you that have copies of the agenda, Applications Number 2, 3 and 4 and Applications Number 8, 9 and 10 have been withdrawn tonight at the request of the applicant. So we will not be hearing those applications. So if you are here to comment on any of those applications, feel free to leave at this time, or feel free to stay. Either or at this point. But we will not be hearing those and eventually I will make a motion to table those until a future meeting.

At this time I believe Dawn Forte has something she wants to present to the Board.

DAWN FORTE: Good evening. We just have a few items that we would like to get on record for the Board.

We want to talk to you briefly about training. The training, the way that we're going to do it this year is going to be a little different than what you're used to in the past. Any time that we get notifications about training opportunities for your Board, we will pass those along to you via e-mail and also in your boxes.

The way that the training will work this year is that once you know that you're able to go to those training sessions, that you notify our office, the Supervisor's office. We will be the ones to initiate getting you registered, paying for your classes, and then I will be coordinating that effort with the Building Department with Kathy (Reed).

It used to be that Kathy (Reed) would be the one to put that request through. That will all come from our office now.

We ask that you go online to the Organizational agenda that was just that last week and look at all of the Town Board meeting dates. A couple of them have changed from what we're used to. We need to coordinate your training with our Town Board agendas, because you guys need to have a Town Board resolution in place in order for you to attend these sessions.

After you have attended a session, the Town Board is requesting that you give us a synopsis -- doesn't have to be very long -- of what you have learned in your training session and how you can apply it towards your Board or Committee.

Vouchers, the Director of Finance wanted to remind me that those are due, I believe, quarterly, and that that is the responsibility of the Chairs.

Mailboxes, we ask that you check your mailboxes frequently. If you can't get in, we ask that you call the Building Department and ask them to check those for you to see if there is something in there.

Locking the doors. Um, in the future, starting this evening, we would ask that the Chair and the Vice Chair only be responsible for locking the main meeting room doors. That would be opening and locking. Make sure that when you leave, the bathrooms are checked, the facility, everybody is out and that those doors are properly locked.

Meeting room equipment. I know Jim (Martin) knows how to use this equipment. We have had a little bit of difficulty this evening with it, as the plug down on the bottom, um -- we changed out earlier this evening, but it doesn't seem to be working, so Chris (Levey) will have to order the part to fix it.

Anybody that is on the Board that would like to learn how to use this equipment, please contact our office.

Does anybody have any questions regarding training or anything?

DARIO MARCHIONI: You mentioned opening and closing, the responsibility of the Chair and Vice Chair?

DAWN FORTE: That's correct.

DARIO MARCHIONI: If I come earlier to the meeting, I can't open the door?

DAWN FORTE: We would ask that the Chair and Vice Chair only be the ones responsible for opening and closing the main meeting room doors.

We did have an instance with another Committee member that attended a meeting that closed them and then another Committee member from that particular Board thought that they were unlocked, relocked them and that had not been the case.

We want to make it the responsibility of the Chair and Vice Chair only. So if you're attending another meeting, and you're trying to do somebody a favor by locking the doors, please don't. The Chairs and the Vice Chairs need to be responsible for that.

JOHN NOWICKI: Just a question in regards to the training sessions. Has there been a change in the number of hours each member of the Board --

DAWN FORTE: No. You still need the four credited hours per year. That hasn't changed at all. The carryover is a little bit of a gray area, however.

I have been in contact this year with the County regarding those carryover hours. There is a huge gray area with the State of New York, as far as carryover hours are concerned. It was at the suggestion that we don't carry over more than one year.

So if you guys go to Saratoga Springs, you get 12 credited hours. They're suggesting you only carry over one year. So that would be four credit hours.

JOHN NOWICKI: Has that change been approved?

DAWN FORTE: What is that?

JOHN NOWICKI: That if you go to Sara -- normally you get 12 hours.

DAWN FORTE: You do get 12 hours.

JOHN NOWICKI: Who will change it and say you only get four hours?

JAMES MARTIN: Well, you would get eight.

DAWN FORTE: You would get the eight, but you really only carry over four, because what they're recommending is you don't carry over more than one year's worth. If you have 12 credit hours, you get four for the credited year you're in. So for 2009, you got the credit hours of four. You get to carry over eight.

However, they're suggesting that you don't carry over more than the next year. So for -- for those who went to Saratoga Springs, you're good for this year, for your credited hours, but they do not suggest that you carry over the remaining four for 2011.

JOHN NOWICKI: Who is "they"?

DAWN FORTE: The County.

JOHN NOWICKI: Who has to approve that?

DAWN FORTE: Approve?

JOHN NOWICKI: The fact we can't use it. We paid for that.

DAWN FORTE: Because -- because it's a gray area, and the gray area with the State, it -- it -- it is hard to explain the whole thing.

JOHN NOWICKI: All I'm asking, is there someone there defending our position of people that went there and spent anywhere from 600 to \$1,000 and got those credits, okay, and now they're taking them away from me, Dawn (Forte)? So who is there defending the people that attended that function?

DAWN FORTE: Well, you get --

JOHN NOWICKI: Is it the New York State Planning Federation?

JAMES MARTIN: No. It would be the New York State Department. State Department of the State of New York, and it is gray, because I have had a different interpretation in attending those meetings, State Department indicating you can carry over more than one year's worth of hours.

DAWN FORTE: Exactly. But when you carry over more, it's a very gray area as to whether or not they will actually accept those extra hours or not.

JOHN NOWICKI: I'm just saying we have to get this cleared up because that will have an impact on the number of people that will spend that money.

DAWN FORTE: I have given that information to the Town Board so they're aware of that.

JOHN NOWICKI: It should be given to the New York State Planning Federation because that will impact on their membership and who will be attending Lake Placid next year.

JAMES MARTIN: There are a lot of other training opportunities besides that meeting.

DAWN FORTE: There are a lot of training opportunities. The County is giving us quite a few of those, during the year, so, um, I don't foresee a problem with any of you getting your training in, as far as that is concerned.

KAREN COX: Dawn (Forte), I have a question for you. If I attend training through work that will qualify as -- you know, some of my four hours, or four hours that I need for Planning Board, do -- do I still need to get --

DAWN FORTE: I would need the documentation for it.

KAREN COX: That is all you need?

DAWN FORTE: Uh-huh.

KAREN COX: Thanks.

JAMES MARTIN: I think there are online opportunities. There are several areas where training is available to board members, Zoning and Planning.

DAWN FORTE: There are.

JAMES MARTIN: And it is just a matter of -- of making yourself -- or accessing those sites or doing whatever. The local County training is fine.

Um, so I think John (Nowicki), it is not just going to that -- you know, that once-a-year meeting, but there are many other opportunities.

But I still feel we need clarification on that issue, Dawn (Forte), from State Department. I mean, what counts and what doesn't. And --

DAWN FORTE: That's the problem. The -- I asked the County that same question, and the State is not really giving them any clarification also. So that is why it is recommended that we don't carry over more than a year at a time. Just because the gray area is way too gray.

JOHN NOWICKI: I think we should go to the President of the New York State Planning Federation and let them challenge the State on that.

JAMES MARTIN: I don't know if it is a matter of challenge. I think it is a matter of clarification.

JOHN NOWICKI: Who is saying this and who is bringing this to the front? This doesn't make any sense. We have enough stuff going on in New York State --

DAWN FORTE: We're following what the County is doing, so --

JOHN NOWICKI: Whatever level of government it is, we have to be careful and check it out.

JAMES MARTIN: Now, are you reporting to somebody at the County?

DAWN FORTE: I'm actually in touch with Rochelle Bell, and I have documentation to support what she has informed me of which I have given to the Town Board.

JAMES MARTIN: So who is the official scorekeeper here, the County or the Town?

DAWN FORTE: Well, the Town has to keep track of its own records. I would be your official scorekeeper. So any time that anybody, for the Town of Chili, whether it is a staff member or a Committee or a Board member goes to training, um, whether it be Dave Lindsay or his staff or the Building Department, um, whether it be myself or anybody, I will be keeping track of all of that training, which I already have been doing for the Board.

JAMES MARTIN: Okay.

DAWN FORTE: Anything else?

The only other thing I would like to bring up is that our Chili directory that we keep internally, um, with internal information that is not available for the public, we would just like that you update this information. Cell phones would be appreciated.

We did reschedule, if you did get the notices -- I believe I sent it out by e-mail to everybody and put one in your boxes about the Joint Board Committee Meeting Workshop. That will be held on February 18th here at 7 p.m.

When we canceled that meeting in December due to the weather, there was about 50 people that we had to contact, and unfortunately, not everybody got the message in time, so some people did show up. But it would be helpful if everybody could update e-mail, cell phones, and that does not go out to the public.

JOHN NOWICKI: Is that the one we had -- this one here (indicating)?

That would be something Kathy (Reed) did.

KAREN COX: Dawn (Forte), is the Town aware that that joint meeting is during the school break? February break?

DAWN FORTE: We did have a few meeting dates. There was a couple people that were only able to attend that particular date. It was a date that, um, unfortunately, there was a couple of issues with, but, um, unfortunately, that is the only time we could get it in right now.

KAREN COX: Okay.

DAWN FORTE: Thank you very much for your time.

JAMES MARTIN: Thank you, Dawn (Forte).

DAWN FORTE: Jim (Martin), can you give that to Dave Lindsay, that document -- can you give it to Dave Lindsay when you're done?

James Martin reviewed the meeting procedures at this time.

JAMES MARTIN: Mr. O'Toole indicated to me he was going to be late tonight, so there is some discussion, and we decided to proceed without him present. If there are any issues that occur during our deliberations tonight that require his counsel, obviously it may impact the vote on a particular issue or it may be conditioned upon approval of the Assistant Town Counsel at a later time. So I just want everybody to be aware of that fact.

James Martin indicated that David Lindsay is serving in the Building Department Manager position, also, tonight.

PUBLIC HEARINGS:

JAMES MARTIN: We are going to move things around a little bit on the agenda tonight. What I am going to do, the first applications that we will hear tonight, will be Application Number 7 and then Application Number 1 under Informal.

7. Application of Indus Companies, owner; 1170 Pittsford Victor Road, Pittsford, New York 14534 for final subdivision approval of two lots to be known as Microtel Inn & Suites at property located at 3260 Chili Avenue in G.B. zone.

INFORMAL:

1. Application of Indus Companies, owner; 1170 Pittsford Victor Road, Pittsford, New York 14534 for final site plan approval to erect a two-story hotel at property located at 3260 Chili Avenue in G.B. zone.

Kip Finley was present to represent the applications.

MR. FINLEY: Hello, everybody. I'm Kip Finley with Avery Engineering. My client, Jett Metha, should be coming in any minute. He knew he was toward the end of the agenda, so I will probably signal him up when he comes in.

For that project, we already have the preliminary approval, and we went through the conditions that came in the Town letter. Everything in there really seems to be fine with us. I did send a response letter that gave the status of where we're at with all of the various agency approvals.

About the only thing that we would like to either discuss, modify, strike or change is a condition that would be -- the ones that pertain to the aeration for the pond.

JAMES MARTIN: Yes. I have a comment on that already prepared, okay, so --

MR. FINLEY: We may agree on what we would like to do. We probably agree on what we would like to do.

JAMES MARTIN: Yeah. I think we will eventually. I think what we're going to end up doing, probably going back, you know, either -- I don't know if we need to rescind it or revise the condition imposed about the fountain-type aeration for the pond, and revise that to something that says that if there is stagnation, algae or geese issues, that the applicant would have to provide to the Department of Public Works and Town Engineer an acceptable plan to mitigate the issue.

Is that kind of where you were headed with this?

MR. FINLEY: Yes.

JAMES MARTIN: So it is not -- the design of the pond may not allow a fountain-type aeration unit. That is the issue, as I understand it, in discussions with Ken Hurley and David Lindsay.

MR. FINLEY: Yes.

JAMES MARTIN: Are we on the same boat?

MR. FINLEY: Yes. I brought some pictures that might help the Board understand what the concern -- or what that is. I can show them to the public, too. This might be something that will just help understand the situation.

What we're basically talking about is in the small storm water pond for the Microtel, the comment that we have now, the condition would have us put in an aeration fountain if the stagnation became a problem. It kind of reads like something that would be a fairly powerful aeration fountain. We like the idea of having it as a water feature. We don't want a stagnant pond.

We have other -- the second page is the one that is at the Microtel in Geneva, and I put a picture of the boulders we'll use in Chili so you can kind of picture how that would go together.

The third picture is really other treatments that are a little more gentle. The only concern we had is a small pond with a huge fountain, we're actually going to stir up more of the silt on the bottom. So since we're already going to have boulders and that, we may try to solve the problem, if it comes up with stagnation with something like a little water fall or smaller fountain.

So in the agreement are -- the conditions are kind of flexible and we work it out with the Department of Public Works, if there is a stagnation problem, then we're fine. Or if you want to modify it to just let us work it out if the problem arises, that would be fine.

Otherwise, we're on board with everything else.

JAMES MARTIN: Okay. I read your response letter. I think it is fairly complete. I will go to the Board for any questions or issues at this time.

STEVE HENDERSHOTT: Since I don't have the benefit of being here for preliminary, on the pond that is approved, how deep with that?

MR. FINLEY: Off the top of my head, I think I recall it is about 5 -- 5 or 6 feet from the water surface down, and it's about 3 or 4 feet tapering down to the water surface.

STEVE HENDERSHOTT: So that was a condition on preliminary to have the fountain in there and so now we're going to modify that.

JAMES MARTIN: The concern was stagnation, algae growth. It was suggested that we put a condition in that we have a fountain aeration effect on the pond.

Subsequent conversations with Ken Hurley and Dave Lindsay, they felt that they -- there needed to be a little more flexibility due to the fact that the design of the pond may not lend itself to that type of aeration, and that is what I addressed earlier, that -- but if -- you know, if algae occurs, stagnation occurs, we have geese issues, they have to come forth with a plan to address those.

STEVE HENDERSHOTT: And that makes sense, and I would support that.

So what is the mechanism to enforce that? So they come in here, we grant the approval on the condition that they have to address the algae and the geese problems. A problem occurs through no fault of anybody's, but it is there. You know, what is the mechanism that the Town has to see that they do go in there and get that taken care of?

JAMES MARTIN: Well, it's a condition of the approval, and the way I -- when we get to it, I'm going to make a motion we revise that. It is still a condition. And they have the obligation then to work with the Town Engineer and Commissioner of Public Works to resolve any issue with the pond.

STEVE HENDERSHOTT: I understand that. And again, I agree with that.

My question is that so we go ahead and the Board approves that, and so this goes in and 18 months after it goes in, and all of a sudden the pond is covered with algae. So the condition is they have to resolve that.

How does the Town go and enforce that? Is that a Building Department to issue a citation, or what is the mechanism to have that done?

DAVID LINDSAY: Mr. Chairman, if I can interrupt for a second. A common compliance measure that we're requiring the applicant to provide the Town is a Storm Water Management Maintenance Agreement. We can make part of that, the section of that agreement, cover the issues that Councilman (sic) Hendershott is raising.

MR. FINLEY: Your condition Number 4 is that on there to have that reviewed by Public Works.

JAMES MARTIN: So you want me to include, you know, if this goes forward, that this would become a portion of the Storm Water Maintenance Agreement between the Town and the applicant?

DAVID LINDSAY: Yes.

JAMES MARTIN: All right.

MR. FINLEY: Yes. Your Condition 6 is the one that just needs to be adjusted.

JAMES MARTIN: I will say that this will be incorporated into the Storm Water Maintenance Agreement.

Keith O'Toole arrived.

DAVID LINDSAY: That agreement allows the Town -- if the applicant fails to do that, allows the Town to go in, perform the work and then essentially levy it against the taxes that the applicant has to pay on the property.

JAMES MARTIN: Okay. So we're going to incorporate that into the maintenance agreement.

MR. FINLEY: Just to add, to complete that, the applicants agreed when they put the street lighting or the site lighting in, they will run a conduit out to the pond so it is right there, so then if somebody says you really need to put aeration in, we already have it set up, we do -- don't have to dig up pavement. We can just address it. So we'll be proactive on that.

KAREN COX: That's good.

STEVE HENDERSHOTT: Good.

JOHN HELLABY: As long as the Building Department and Engineer is satisfied, I am, too.

JOHN NOWICKI: The landscape plans, they have been previously submitted. They're all set?

PAT TINDALE: Yes.

GEORGE BRINKWART: Some of the larger projects that are in our Town, we have asked the applicants to provide some pedestrian amenities. And particularly some park benches. I guess I consider this a larger project. I guess I would ask you to provide a park bench along the sidewalks for pedestrian access, possibly in the pond area.

MR. FINLEY: That would benefit our guests that stay there. We do have a sidewalk that goes from the hotel out to the street and a sidewalk that goes from the hotel over to the plaza. I would think --

JAMES MARTIN: Primarily between the hotel and the plaza, George (Brinkwart), is that where you would like to see a couple benches?

GEORGE BRINKWART: That would work. The first thing that came to my mind was to put it in the area of the pond, but if it is more -- you think -- you think people would get better use of it in that area, that would be fine.

MR. FINLEY: I think it would be nice if they sit by the pond.

JOHN NOWICKI: They can feed the geese.

MR. FINLEY: No, they cannot. They can hunt the geese. We don't want them.

JAMES MARTIN: Basically I will say applicant to provide benches near pond and beside walkway between hotel and the plaza. Okay?

JOHN NOWICKI: There was a letter here, December letter, 2009. Those conditions are all taken care of? Those are the ones you are referring to?

JAMES MARTIN: Yes.

On the final subdivision, that is subject to a Public Hearing. What I would like to do is to state at this point in time, anybody that has a comment regarding the subdivision and subdivision only, I will entertain those comments. Any comments pertaining to the site plan per se, I will gavel out because they are not pertinent to this discussion. That is actually being listed under Informal, so there is no public input on that at this time.

So are there any comments on the subdivision alone?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: What I would like to do now is to make a motion to revise the condition that we imposed originally at the preliminary site plan approval regarding the fountain-type aeration in the pond. What I would like to do is to amend that to read, "Should it

be determined that the retention pond shows signs of stagnation, algae growth or transient geese problems, the applicant shall provide to the Department of Public Works and the Town Engineer an acceptable plan to mitigate these issues. This will be incorporated into the Storm Water Maintenance Agreement between the applicant and the Town of Chili."

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

JAMES MARTIN: As far as any other conditions at this point, all previous conditions imposed remain in effect from the prior approvals.

The applicant to provide benches by the pond, beside the walkway between the plaza and the hotel.

SEQR was done at the preliminary.

DECISION ON APPLICATION #7: Approved by a vote of 5 yes to 2 no (Karen Cox, Dario Marchioni) with the following conditions:

1. All previous conditions imposed by the Board remain in effect.
2. The Board requests that the applicant install pedestrian benches along the walkway to the plaza, and in the vicinity of the retention pond.
3. The Board revised a previous condition imposed at the time preliminary approval was granted requiring a fountain type aeration system be installed in the retention pond. The revised condition reads as follows:

Should it be determined by the Town that the retention pond shows signs of stagnation, algae growth or transient geese problems, the applicant shall provide to the Department of Public Works and the Town Engineer an acceptable plan to mitigate these issues. This condition shall become part of the Stormwater Maintenance Agreement between the applicant and the Town of Chili.

JAMES MARTIN: Second vote.

JOHN HELLABY: There was mention about the architectural. Has that been done?

JAMES MARTIN: Oh, that is already done.

DECISION ON INFORMAL APPLICATION #1: Approved by a vote of 5 yes to 2 no (Karen Cox, Dario Marchioni) with the following conditions:

1. All previous conditions imposed by the Board remain in effect.
2. The Board requests that the applicant install pedestrian benches along the walkway to the plaza, and in the vicinity of the retention pond.
3. The Board revised a previous condition imposed at the time preliminary approval was granted requiring a fountain type aeration system be installed in the retention pond. The revised condition reads as follows:

Should it be determined by the Town that the retention pond shows signs of stagnation, algae growth or transient geese problems, the applicant shall provide to the Department of Public Works and the Town Engineer an acceptable plan to mitigate these issues. This condition shall become part of the Stormwater Maintenance Agreement between the applicant and the Town of Chili.

JAMES MARTIN: Are you prepared to address the request for the special use permit renewal? I know you thought John Caruso would be here. Are you prepared to -- that was in the beginning.

1. Application of The Fathers House, owner; 715 Paul Road, Rochester, New York 14624. for renewal of special use permit to allow a church at property located at 715 Paul Road. in R-1-15 zone.

REVEREND DUPLESSI: My name is Pierre Duplessi, and I'm here to address for the renewal of our special use permit. If you will allow me just a moment or so, from 2007 when we were last here, we have had quite an eventual but very successful two years in this project.

If I could quickly take you just through some of the things that have been accomplished. The first thing that we did was the build-out of the east side that we refer to as the children's areas. It's two significant children's areas with a cafe area and then a big multipurpose room.

In 2008, October is when we got C of O and we took occupation of those areas.

We moved to the west side of the building. It was just a shell, and we started to construct the youth area and the office area, and we are at the tail end of that.

I believe this coming Friday at 2 o'clock we have an inspection and we are confident that all of the first inspection pre-approval points have been cleared up and we will be done with that.

The bigger part of this building really this past two years was the outside, establishing the outside of this building, because it is a monster piece of property that we had to take care of.

All the dirt piles have been removed, and all of the topsoil has been spread around the building. It was rock-hounded, and it was graded. We had a failed attempt to seed on the north side of the building. We ran into winter.

So came spring, we had to open it up again and hydroseed all of that area. We had some problem with the pond on the -- on the west side, and it was brought to my attention again tonight of this problem. I was informed by Pike Construction that we did an aggressive rip-wrap I believe is what they call it this past year to try and combat the erosion of that pond.

So I know that there is still some settling of that. The softball field and the two soccer fields was done this past year with all of the fill from the Target project. Loads and loads of trucks pulled in there. We have graded that. We have rock-hounded that and it was hydroseeded.

Then we had the unfortunate thing happen that our southwest -- southeast parking lot failed, and we had to reconstruct that. We had to put in some more catch basins for the underground water that occurred right there.

We used all of the failed binder and unusable binder as fill on the right side. Lifted the topsoil, fill it in, push the topsoil back. That has been rock-hounded and that has been seeded. We have funding in place for the sign on the corner of Paul and Archer. We know that is still outstanding, and that will come in as soon as spring breaks.

And the units -- container units in the back carries the residual building materials from this project and some of the storage -- the prop storage that we do at The Father's House. We have to meet with the Architectural Department of the Town, people on staff so we can get the storage building going. We have limited funds for that, but we believe come spring, we'll be able to erect that storage building as per plan so that we can get rid of those containers and, um, get all of that material and residual things in the storage units.

I guess that is my story right there.

JAMES MARTIN: Okay. Thank you.

When we reviewed this application at our DRC meeting, it was felt that there was still some items on this list that we had provided to you when this was back in February of '08, I guess it was. And I know that you have had some issues to contend with over there, and, um, it was felt that it might be appropriate, and again, this is up to the Board -- this is only a suggestion, that we essentially give you another -- a six-month extension on your special use permit to complete any outstanding issues that exists on the punch list that was given to you. It would be subject, again, to inspection by the Building Department to be sure that these things are being completed. So that was the feeling of the DRC when we met on this.

Certainly, you have already touched on the erosion issue, on the -- on the detention basin, which is going to need to be addressed.

REVEREND DUPLESSI: Sure.

JAMES MARTIN: There was a couple other things I will touch on.

At this point, I will go to the Board. I think they're making progress, but they have a little ways to go. If we gave them a six-month extension, it would carry you through to June of this year -- actually July. Might be a reasonable thing to do as far as the special use permit for this particular applicant.

So I will open it up to the Board for discussion on that issue right now.

As I say, there are several things that still need to be accomplished.

JOHN HELLABY: I agree with that statement. It gives the applicant time to address the problems, correct things and hopefully everything will be 100 percent and we can extend this thing longer than two years like last time.

KAREN COX: I am in agreement.

JAMES MARTIN: Steve (Hendershott), any --

STEVE HENDERSHOTT: Couple things. The six months going to be sufficient time to get everything done?

JAMES MARTIN: What is your feeling on that? I think you're pretty close on most of the issues, but is six months an adequate period of time?

REVEREND DUPLESSI: I guess if I'm very clear on what those issues are that is outstanding apart from what we have done, that would be a lot wiser for me to answer that question once I know what that is.

JAMES MARTIN: Well, what I would suggest is that Ed Shero get together with Reverend Duplessi and go down through the list and come up with a new one, okay, and provide a copy to us so we know what is happening --

REVEREND DUPLESSI: No objection.

JAMES MARTIN: -- over the next six months, and then I guess Mr. Shero would then be responsible to conduct periodic inspections to be sure that you're on the road to getting completion.

KAREN COX: Should we give him to the end of the construction season? September?
I --

STEVE HENDERSHOTT: Well, I think -- I think we would be -- I think rather than -- if

we don't know, which it sounds like we don't know if six -- maybe it is, maybe it isn't.

Rather than give six months and have them back in here for another three or six-month extension, we can get something that is reasonable. I was thinking the same thing, seven or eight months, or the end of the construction season, to insure that -- because they're not going to have -- you know, January, February, March and the first part of April, they won't be able to even address any of this stuff, given the weather conditions. So in essence, if we -- you know, he has got half of April, May, June, July and August, that would be still less than six months effectively.

JAMES MARTIN: I would -- certainly six months is just a suggestion. I'm open to anything that the Board feels is appropriate.

Nine months?

STEVE HENDERSHOTT: Say September 1st. It would give them the better part of the building season to get this stuff done, and if it is done sooner, you know, that would be good.

JOHN NOWICKI: Then the approval would include a meeting with the Building Department to go over the list of things that would be complete.

JAMES MARTIN: Yes. The Building Department would work with The Father's House.

JOHN NOWICKI: That's good. Let's go to September.

JAMES MARTIN: Finalize the list and do the inspections. When they come back in --

REVEREND DUPLESSI: Perfect.

JAMES MARTIN: Everything would be complete. We would change to a nine-month.

STEVE HENDERSHOTT: Can't we put a date certain like September 1st, completed by September 1st?

JAMES MARTIN: To 9/1 or 9/30?

STEVE HENDERSHOTT: 9/1.

JAMES MARTIN: 9/1/2010 to finalize the items on the punch list.

REVEREND DUPLESSI: That's good for me.

JAMES MARTIN: There is a couple other things I want to touch on.

REVEREND DUPLESSI: Sure.

JAMES MARTIN: Special event parking. All right. I understand that there were a few problems with some special events that were held. And I think I'm going to recommend to the Board that if we go ahead and vote on this and give them the extension until September 1st, that a condition be put in here that for any special events, that all -- on the property, that all parking shall be within the defined parking lot areas. Okay?

So I think that that was something that needs to be taken into account.

The next thing is, and I will comment on this, and then the Board can chime in. We have received recommendations from the Architectural Review Committee regarding the proposed utility shed that you were going to place on your property.

The Board, I think, concurs with the recommendations and requests that final elevations be presented to the Board prior to a building permit being issued.

JOHN NOWICKI: To the Architectural Board?

JAMES MARTIN: Well, they have reviewed it. They have made several recommendations to The Father's House on how to modify that building to make it look acceptable. Am I right, Paul (Wanzenreid)?

PAUL WANZENREID: That's correct.

JAMES MARTIN: Interpreting your comment. So I think before you get the building permit, we would like to see the final elevations basically reviewed by the Architectural Review Committee that says go for it.

REVEREND DUPLESSI: Okay.

JAMES MARTIN: The other thing, the storage trailers, you do plan to get those out of there?

REVEREND DUPLESSI: Yes.

JAMES MARTIN: That would be part of the punch list.

REVEREND DUPLESSI: We tried very hard to push to get that storage unit up. The truth of the matter is, we have been running this project now -- feels like forever, because we're all in here -- just look old, and the ladies look more beautiful, you know, but it has been years. And the economy has turned significantly. And for us to have completed this to this point is a miracle from heaven, it really is.

So there is limited funding, and we know that we cannot do an elaborate building outside for storage, but we need a building for storage, because it has been quite the awakening to just maintain the grounds, what you need to maintain these grounds.

So I believe with the Architectural Department, we'll be able to find a compromised building that suits the need of the Town but is not way out of the scope of the funding that is in place for it.

KAREN COX: What was the -- I'm just curious. When you said there were a couple of special events where there was trouble with the parking, what was --

JAMES MARTIN: I did not personally observe them. It was a comment that was given to me by the Building Department. I don't know. You're familiar with them. There were special events that you held, and apparently there were some parking issues.

REVEREND DUPLESSI: We had one event, during the fall Halloween season. We made as much -- even on the 16 acres, along the side, we made as much arrangement -- we rented lights to bring the parking. We had about 7,000 people show up, and, um, traffic was backed up all of the way literally to the freeway.

I was stopped right there and the traffic light turned green and nothing moved. I phoned in

and said, "We have a real big problem."

Those are problems that churches love, because we're in the business to reach out to people. But we never understood that the extent of the problem would be this large.

We did through Dan Cox meet with everybody we knew to let them know how can we do this right. I think our strategy would be far more aggressive next year. I think we will have alternative parking spaces with buses shuttling people in, because we would like to build on this event.

We had conversation with St. Pius. They would like to get involved as a community project with us, because 10,000 pounds of candy disappeared within 13 minutes. So it is significant what can happen. It was a big a surprise to us, because the weather was very bad. If you can recall that weekend, we got very close to canceling the whole event. So in my mind if 500 people showed up, God is kind to us. People like candy a lot, it seems.

So we'll be a lot more meticulous and aggressive in our planning expecting large crowds next year.

KAREN COX: I hadn't heard anything.

JOHN HELLABY: To expand just a bit further, and I haven't been over there Sunday mornings, afternoonish lately. How is the traffic situation been during service times? I mean, I know, as you mention, the parking lot is extremely full and a lot of times people are trying to get out there on Archer Road. What is your general sense of the traffic situation, what is going on?

REVEREND DUPLESSI: I -- we have been trying to get a hold of retired police officers through the Traffic Department to pay them just for -- there is two times. It is between the first service and the second and the second and the third. Those two transitions there, a lot of vehicles are coming, because there is about 3,500 people coming to church there on a Sunday. We have had no people in the road.

It can take you up to 30, 40 minutes to get out of the parking lot on a Sunday. So it's a very methodical and strategic dance with the parking team. You know, they get people in and out, but if there is anyway we could pay officers to be there for that, I think that would help a tremendous amount for the public and for the people. Because as the public coming from church gets as impatient and they take their chances on the road -- they just do. There is nothing you can do to stop them as much as you can stop the public to give them opportunity.

So for us the solution would be officers, during that time, traffic officers.

JOHN HELLABY: Have you had conversations with the Sheriff's Department?

REVEREND DUPLESSI: Yes, we had.

JOHN HELLABY: Their response.

REVEREND DUPLESSI: They're not in favor. They say they do not have the manpower in Chili. I know first Baptist in Greece, they have officers during those times. When they were still in the old facility. That is where we picked up on that, and we are very prepared to fund that, to make that time a lot easier.

GEORGE BRINKWART: I have a question for the side table, Dave Lindsay or Ken (Hurley). The NOT, you made mention you didn't know if the NOT was filed and the erosion -- do you have any impact on the pond, if it is built according to pond, why the erosion occurred?

DAVID LINDSAY: I -- I -- I believe the pond was built according to plan. Some of the stabilization along the bank wasn't completed on time, and it's a fairly steep slope and that was lending to some of the erosion problems we saw there.

I believe the NOI -- I don't believe the permit has been closed out. I think it is still active. I believe Passero is still doing the weekly inspections out there. They did make some improvements to the pond in the fall. I just think with the weather we had, we just haven't had a chance to get out there and take a look at those.

DARIO MARCHIONI: By the way, I attended your -- the last special event, me and my wife. We really enjoyed ourselves. You had some 300, from kids, all of the way from grown-ups singing.

REVEREND DUPLESSI: Christmas event. I'm glad that you were there.

DARIO MARCHIONI: That was awesome. I really enjoyed myself.

Also, I would like to commend the traffic -- you had enough people attending, showing where to go park and everything. It was very smooth. I just want to say that.

REVEREND DUPLESSI: Thank you.

PAT TINDALE: Um, two things actually. And one involves the pond, but I'm sure these gentlemen to my left probably are well aware and know it is okay. Our Board brought up that -- the element of danger, because of the steepness of the slides, with the children, I don't know how -- the water depth, does it go in gradually?

KEN HURLEY: With the design -- I wasn't involved in the original review, but the State has standards if you have greater than a four-on-one slope, which is an easily walkable slope, and if it is a three-on-one slope, that it has to have a safety bench at about 15 wide, and that is above the water level. So it gives you a place, if you slid in, to stop before you actually went into the water.

PAT TINDALE: Just looks bad. We were concerned about that. And the other thing is, and maybe this is somewhere, but I don't have stamped licensed landscape plans. And we were looking at plantings there and I tried to pull them out of my file. I did not have them.

Then I went to the Building Department and all I'm finding is changes to be made but nothing has been approved. So now the -- you probably have to check with John Caruso and see if he has stamped -- stamped by our Board. Okay? Licensed landscape prints.

REVEREND DUPLESSI: I can do that.

PAT TINDALE: If not, I need to talk to him.

REVEREND DUPLESSI: I can bring that to his attention.

PAUL WANZENREID: Did you say, per our recommendations, you will review the next drawings or will we see them again?

JAMES MARTIN: I think in your letter you stated that they were going to come back to you.

PAUL WANZENREID: That was our understanding. I just wanted to make sure I understood you correctly. They will reapply and we'll see them again.

JAMES MARTIN: They will come back to you. If you bless it, we'll see the final elevations and they're fine.

PAUL WANZENREID: Good. That is the way we want it. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: Before we vote on this, I will go through all previous conditions remain in effect.

The Board -- I will make -- basically as a condition of approval, we will grant you an extension until September 1st, 2010 to finalize items on a previously approved punch list.

We have talked about -- okay. The Board, recommendation from the Architectural Review Committee, regarding the proposal to utilize the shed, to be placed on the -- I'm sorry, the utility shed to be placed on the property. Board concurs with these recommendations and requests the final elevations be presented to the Board prior to a building permit being issued.

And the Board understands that there has been some parking problems related to special events held at the property. As a condition of granting this extension, for the special use permit, we request that parking for special events be confined to the designated parking lots. Those are the conditions.

DECISION: Unanimously approved by a vote of 7 yes to grant an extension of the existing special use permit to September 1, 2010 to allow the applicant time to complete a check list of items that was issued February 14, 2008. The applicant will work with the Building Department to coordinate inspections as needed to certify compliance.

In granting this extension, the following conditions apply:

1. All previous conditions imposed by the Board remain in effect.
2. Special attention should be paid to controlling the bank erosion of the existing detention basin. Applicant shall work with the Town Engineer and Public Works Department to mitigate the problem.
3. The Board has received recommendations from the Architectural Advisory Committee regarding the proposed utility shed to be placed on the property. The Board concurs with these recommendations and requests that the final elevations be accepted by the Board prior to a Building Permit being issued.
4. Parking for special events shall be confined to the designated parking lots on site, or as indicated by the applicant, alternative parking arrangements will be put in place.
5. Applicant to submit stamped landscape plans to the Conservation Board for approval, as this has not yet been done.

JAMES MARTIN: Before we go onto the next one, I would like to formalize the application -- applications that are being deferred tonight to a future meeting so that we will be, I guess, legitimate in doing that at this point in time. The three applications regarding the Metalico shredder.

James Martin read the application descriptions for Application Numbers 3, 4 and 5.

3. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a mechanical metal shredder at property located at 1511, 1515 and 1525 Scottsville Road in G.I. zone.
4. Application of Metalico Rochester, Inc., owner; 1515 Scottsville, Rochester, New York 14624 for special use permit to allow an auto shredder and dismantling at property

located at 1511, 1515, 1525 Scottsville Road in G.I. zone.

5. Application of Metalico Rochester, Inc., owner; 1515 Scottsville, Rochester, New York 14624, property owner: Arthur Stock; for preliminary site plan approval for a change of use to convert existing building to office/storage space area and to use existing parking lot for the staging and parking of trucks and roll-offs at property located at 1509 Scottsville Road in G.I. zone.

JAMES MARTIN: We have a formal request on the part of the applicant to defer hearing those applications tonight. We'll hear them at a future meeting.

I will make a motion that we table those three applications to a future meeting.

Do I have a second on that motion?

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to table those applications.

DECISIONS ON APPLICATION NUMBERS 3, 4 AND 5: Unanimously tabled by a vote of 7 yes at the applicant's request.

James Martin indicated Applications 8, 9 and 10 were also being tabled this evening. James Martin read the property descriptions at this point for Application Numbers 8, 9 and 10.

8. Application of Midlakes Development, 758 South Avenue, Rochester, New York 14620, property owner: Howitt-Paul Road LLC for preliminary subdivision approval of 117 lots to be known as Greenwood Townhomes at property located at 741 Paul Road in RB w/PNOD zone.
9. Application of Midlakes Development, 758 South Avenue, Rochester, New York 14620, property owner: Howitt-Paul Road LLC for preliminary site plan approval to erect 116 townhome units with a 3,500 sq. ft. community building at property located at 741 Paul Road in RB w/PNOD zone.
10. Application of Midlakes Development, 758 South Avenue, Rochester, New York 14620, property owner: Howitt-Paul Road LLC for preliminary site plan approval to erect 9 commercial pad sites totaling 52,050 sq. ft. (no pad sites with more than 10,000 sq. ft.) for retail/commercial space at property located at 741 Paul Road in RB w/PNOD zone.

James Martin made a motion to table the applications to a future meeting, and John Nowicki seconded the motion. All Board members were in the favor of the motion to table the applications.

DECISION ON APPLICATIONS 8, 9 AND 10: Unanimously tabled by a vote of 7 yes.

2. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary subdivision approval to combine three lots into one lot to be known as Metalico Rochester Subdivision at property located at 1511, 1515 and 1525 Scottsville Road in G.I. zone.
6. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624, property owner: Arthur Stock; for special use permit to allow the parking and staging of trucks and roll-offs at property located at 1509 Scottsville Road in G.I. zone.

Kip Finley and Jessica Frank were present to represent the applications.

MR. FINLEY: Kip Finley. Hello, everyone, again. I'm Kip Finley with Avery Engineering, and tonight Jessica Frank is with me. She is the Assistant General Manager for the facility at Scottsville Road for Metalico.

For anyone curious on the one we tabled, we do have a specialist now that is working on addressing the comments so we should be ready for next month.

For this application, I think everyone should have a copy of -- a hand-out that I gave.

Does -- anybody at the side table that didn't get a hand-out in your box or by e-mail, let me know. I have a couple more copies here.

The additional information that we had for tonight was to answer questions. We assumed you would be asking because DRC told us ahead of time they had a couple of comments, so we wanted to be prepared for that.

Really, there is the two things that are in the letter. We wanted to further define the property, the proposed use of the existing building, so that we can then address the parking. So the special permit for the change in use is to take the 8,000 or so square foot building that was the night club, that hasn't been used in a while and use that for storage.

The items that we want to store -- originally, we thought it would be good for records, but

the more we thought about it, that building is not in that great of shape and the sprinkler system is not currently functioning, so they decided not to actually use it for records.

But what they did want and we have a floor plan on there -- it was kind of requested to quantify what space is in there. What would be a perfect use for it would be some dead storage for various types of containers that they use around the facility that when they're not being used, they would normally sit around the yard and be cluttered. It would look better to just get them put into a building and sealed from the public. So that is the pictures that are on the other page.

I had hoped to use the projector, but basically what these are are metal containers like carts, that are this big (indicating), that they would put different things in and wheel them around the warehouse and take them from one area and sort them to another.

When they're in storage, they would be empty. Just basically getting them out of the way so that they're not in the yard. Since we don't have the projector, do you want me to pass one around?

JAMES MARTIN: Sure. No problem with that.

So I have talked with the Building Department as far as building wise, storing the empty containers is a lesser use, lesser hazard use with the night club and assembly with all of the people in it, and it is under the square footage, so it probably wouldn't require a sprinkler to be operating. So that would be a good solution to store these out of the weather and out of the sight of people.

So our proposed use is consistent with the application. We want the building for storage, and then outside, we have proposed for the storage of empty tractor-trailers, and empty roll-off containers. I think Jessica (Frank) probably could tell a little bit better what you use the trailers for and how long they stay there and that.

MS. FRANK: All of the containers and trailers that would be stored in that facility are basically our switch containers. What we do to cut down on our hauling is when we go to a customer to pick up a full container, we bring an empty one with us. We drop the empty, pick up the full and bring it back so it cuts down on our freight, and this would be just the empty containers we store there, and they would be rotated out occasionally when we're picking up the full ones from our customers. They wouldn't sit for extended periods of time, but it wouldn't be a tremendous amount of traffic going through there.

Same thing with the containers. That would be stored inside. By storing those containers inside, we then do not have to keep them outside. It looks more aesthetically pleasing, and we also don't have to worry about rainwater build-up or snow or other material getting in there.

MR. FINLEY: So hopefully that kind of quantifies any questions that came up. I did get the comments from Ken Hurley, the Town Engineer late this afternoon. It was similar questions of how many containers, and things like that.

The -- to quantify what -- there. Now I have my letter. As far as the roll-offs and trailer storage, we needed to put a number on that for you. We have done a rough layout on the plan, and it looks like we could store up to 70 empty tractor-trailer trailers. They don't have the cab and tractor with them. And 32 of the roll-off containers in the area designated on the plans.

For people that have looked at the plans, the one area was designated for the trailer, tractor-trailers, and then containers behind the building, where they're not so visible from the road.

So this is where we're talking about. There could be -- 70 trailers could fit in there and 32 containers could get in there. So that -- we're trying to get a handle on that.

JOHN NOWICKI: On the other side of the plantings, is that for trailers, too?

MR. FINLEY: Yes. These rectangles are the planting beds.

JOHN NOWICKI: North of that?

MR. FINLEY: North of that, we would store trailers there, too.

Then the fence that you see there now that is a chain link fence is actually about 20 feet into 84 Lumber's property. It is their fence.

Then we do have fence discussions and landscape discussions tonight, too.

Can you picture it?

JAMES MARTIN: Basically you will be utilizing a fair amount of that property for trailer storage, the way this plan looks?

MR. FINLEY: Yes. She was actually telling me that they don't have that many trailers, but her dad asked for as many that can fit.

MS. FRANK: I think he is optimistic about the economic conditions or something.

JAMES MARTIN: How many trailers do you have?

MS. FRANK: Probably between, I would say, 30, 40 maybe currently.

MR. FINLEY: Yes. Bob Frank is the General Manager, and he is out of Town, but he said ask for whatever fits there, because then we know we wouldn't exceed it.

JOHN HELLABY: You spoke to the containers, but these trailer boxes are sitting there. What is actually in them, and what do you do with them?

MS. FRANK: They're empty.

MR. FINLEY: What she was saying is, when you have a -- someone that does the recycling of the metal --

MS. FRANK: Whether it is a manufacturer or an individual person, we bring the trailers or the containers to their location for them to use on their site. They fill up the containers. Once they're full, we come and pick up the full box and drop an empty. These containers that we could store are just the empty containers that are waiting to be swapped out. Basically we need to have double the amount.

JOHN HELLABY: I'm getting confused. I understand the containers, open dumpsters or small boxes.

The trailers themselves, are you telling me you take those trailers to somebody so they can load them with stuff?

MS. FRANK: Yes.

MR. FINLEY: What they do -- the pictures of those containers, the tubs and wagons and things like that, what they can do is put them in a trailer, take it to a site. They wheel them off and they collect their different pieces of metal from different processes, put them back in the closed container and store them. They keep them on their site for a few days and when it is full, they call Metalico and they bring another trailer with those carts in them, and then bring the full trailer back.

JOHN HELLABY: Are those trailers all licensed?

MS. FRANK: The ones that go on the road are all licensed and registered.

JOHN HELLABY: Are there some in the yard now that aren't licensed?

MS. FRANK: That I can't speak to. I don't know the answer to that question. I don't want to misspeak, but I would say if they go on the road, I'm sure they're licensed. We do have someone who is in charge of that. Our person who is in charge of transportation. If it does not leave the site, if there are some that are just on-site use only, then, um, I'm not sure about those.

MR. FINLEY: That would not be the --

JOHN HELLABY: A lot of those trailers have another companies' logos on them.

MR. FINLEY: There is a Wegmans one.

MS. FRANK: We buy used trailers because that is a lot cheaper than getting them new. We go to auction and purchase them there.

MR. FINLEY: If there are ones that haven't been painted or changed over, they would be in there. But they do have a rotating program with DOT permits where they have one person in charge of all of the licenses and inspections and that.

JOHN HELLABY: I know speaking on Wegmans' behalf, they would appreciate their logo being taken off the trailer if you're using them.

MR. FINLEY: I saw one today that has it.

MS. FRANK: Those may have been bought as scrap. We may be in the process of cutting those up. Because usually if we intend on using them, we do change and put our logo on them.

MR. FINLEY: He has a Wegmans shirt. He works there, so make sure it gets back to Bob.

MS. FRANK: Same thing goes for the other containers that don't have our name on them. They're either cut up or not intended for off the premises.

JOHN HELLABY: You're saying some of those trailers that sit on that lot are scrap, or quite possibly will be destroyed?

MS. FRANK: Yes.

JOHN NOWICKI: Are these mostly box trailers, you know?

MS. FRANK: Some are there are van trailers and the other containers are 20, 30, 40 and 62 yard roll-off containers.

JOHN NOWICKI: They're open containers.

MR. FINLEY: We have both. There are roll-off containers like you see -- the 4 foot open top that you throw studs and that kind of stuff in.

Then there are actually tractor-trailers that are 48 foot enclosed trailers that you would ship goods in. So there is both.

The orange area is for the roll-off containers.

JOHN NOWICKI: That is behind the building?

MR. FINLEY: Behind the building. Then the rest would be the trailer, empty trailers.

JOHN HELLABY: My bigger concern is there is a trailer in that yard that is a tank trailer and it has big stickers all over it, "hazardous waste." What is in that trailer and what is it doing just sitting there?

MR. FINLEY: Should be empty. If it is for that, it would probably be that it came in and it needs to go into the yard.

MS. FRANK: I'm not familiar with the one that you're referring to.

JOHN HELLABY: It was sitting there this afternoon, great big tank trailer that that says "hazardous waste" all over it right out in the middle of that yard.

MR. FINLEY: That one we would have to look into. I had a meeting today for about an hour with the person that is in charge of all of that type of stuff, and they made it clear, this property is a leased piece and it really -- we're going for the permit just to store empty equipment, and that it really can't be part of the other property that is owned and is part of the recycling permit and all of that. So everything over there should be empty and roadworthy.

MS. FRANK: We don't have hazardous waste and we don't transport hazardous waste, so my guess is it probably just came in as scrap from one of our customers.

MR. FINLEY: But duly noted is that it should go in the yard, not just wherever it is convenient to park.

MS. FRANK: Typically if we buy something like that, I have the guys do -- so there is no confusion, if it is a drum that has a marking, I have them spray paint over it so people know that is not the application. It may have come in recently and we haven't got the opportunity to do it.

MR. FINLEY: Okay.

JOHN HELLABY: I didn't mean to jump in here.

JAMES MARTIN: That's fine.

MR. FINLEY: If that is happening, we need to know it.

So let's see. I just have to recoup here.

Oh, one of the questions also was floor plan of the building, and then how much would be stored in there.

So in that hand-out, there is a floor plan of the building. There is two big rooms in there. A lot of the building is bathrooms, coat check, offices and things.

And what -- as far as the dump hoppers, wagons and those carts that you see in the picture, we haven't responded yet, but as we did figure out how many should go in there, it's on the floor plan.

In the one room we think at the most we could fit 75 of these carts, and the other room, we could fit no more than 100 of them.

The building still has the rotating stage and a lot of other stuff that -- it kind of limits the space, but at least --

JAMES MARTIN: Is there any plan to essentially gut the building of all that interior stuff and get it out of there, or will you just leave it intact?

MS. FRANK: As far as I know, there is no plan to do that.

KAREN COX: If it is leased -- they're just leasing the space.

JAMES MARTIN: I know that.

MR. FINLEY: From what -- there is a three-person communication with Bob. Her dad is telling me that they would like to not do really much of anything with the building other than use it as dead storage. It's got some double doors that they can wheel the carts in, but they really don't want to go through and renovate it. It is -- it's in kind of poor condition. They don't plan to use the bathrooms. Don't plan to have any employees in the building and all of that.

They would need a building permit from the Building Department to switch the use from occupancy -- or the assembly space to storage space.

JAMES MARTIN: Is there enough room between the door frames and all of that to get these things in and out of the building? I assume you have measured to find out.

MR. FINLEY: Yes. They have tried it. They do fit. All of the things in the pictures will fit through the doors and into the building. So they shouldn't have to make any modifications to the building.

Really what I think we wanted to accomplish tonight, I knew from the Zoning Board of Appeals, my partner Rob Fitzgerald went there because our proposal is to put fence across the front that matched the other fence that they have on the property.

Again, without the projector, just -- I will show this. Right now, between the buildings there is that blue 8 foot tall metal fence and then they also have landscaping with tall pines and that.

This is what they are proposing to put in front, is -- is to go from the Art Stock's building across the driveway with the gate, with slats and then this blue fence over to the 84 Lumber, and then Zoning Board of Appeals, I guess, had recommended that maybe it go down the property line, too, a little bit.

Basically if you have ever been to Metalico, you see the tall blue fence.

JAMES MARTIN: Basically they wanted to go to the north lot line, which isn't all of the way over to the 84 Lumber fence, right? And then another 100 feet going west?

MR. FINLEY: The corner of the property, the fence for 84 Lumber is actually 15 or 20 feet past the property line. So what they want us to do is, we proposed here (indicating), and they want it to go down you said 100 feet? They recommended 100 feet, which would be about --

JAMES MARTIN: They didn't recommend it. It was a condition of approval.

MR. FINLEY: Okay. That one I didn't know, because Rob (Fitzgerald) had gone to that meeting.

So 100 feet there (indicating).

And I heard there was something else about plantings, but I don't know the details of. what --

JAMES MARTIN: Pardon?

MR. FINLEY: I know that Zoning Board put a condition -- or something about plantings or adding plantings.

JAMES MARTIN: That was on the east property line.

I don't see anything here -- Paul (Bloser), you can chime in. I don't see anything here regarding the fence, as far as plantings go.

PAUL BLOSER: We did have -- I don't have it in front of me, Mr. Chairman. We did put a stipulation or a condition of approval that the Conservation Board would have -- have to have their say on the boundaries, on all sides for vegetation to complete that look that they have right now. I talked briefly to Pat Tindale about it. She was going to do a site review, but our approval was contingent upon their approval.

JAMES MARTIN: Okay. When we get to Pat (Tindale), we'll have her tell us all of the wonderful things they want to have them do over there.

MR. FINLEY: I do think we'll need to submit another landscape plan with some more changes.

So I guess that's all that I know of that you might ask, but then whatever questions else that you have, we'll take care of those.

JAMES MARTIN: So tractor-trailers will be utilizing the driveway out to Scottsville Road when they haul trailers out of the site?

MS. FRANK: (Ms. Frank indicated non-verbally.)

JAMES MARTIN: Then the full trailers would come into your processing yard, not into this particular location?

MS. FRANK: Right.

MR. FINLEY: Do they have to take them back out to Scottsville Road and back, or do they cross in the back?

MS. FRANK: They, I think, can go through the container yard in the back, by the rail gate.

MR. FINLEY: On this site, the shredder -- proposed shredder site, their yard is here (indicating). When they come in on the scales, there is actually a gate back in this corner (indicating) where once they unload it, they can pull the trailers over and park them here, without having to go back out and around.

JAMES MARTIN: So you would just cross over into the trailer parking area, okay. Okay. I see it. It is kind of small print. All right.

There was a comment in Mr. Hurley's letter about the overflow parking, employee parking area. Do you have a design for that? Or is it -- at this point in time, or what is going to happen with that area?

MR. FINLEY: I think the more that we work with Conservation Board and address the landscaping, the employee parking would become a moot point.

The -- when we first came in with the application, came in and talked to the Building Department, we talked about keeping everything behind the front -- the range line of the building. So that, by default, leaves a gravel spot that could be employee parking for these employees (indicating). There are no employees associated with that building, but I think if we get into where we do a berm and some evergreens to match the rest, we'll probably just -- there would be no parking there. We don't need it. It was just left there, because we weren't going to park trailers up there.

JAMES MARTIN: Yes. It would seem to me if you were going to park there, and I don't -- I don't see it in the variances that were granted, there was no variance for front parking that was requested. So...

MR. FINLEY: Yes. That -- we don't need it, and I think it will end up being trees as we get through this process.

JAMES MARTIN: So that may be eliminated from the final plan.

MR. FINLEY: Yes. That and the handicapped parking associated with it is kind of a -- not necessary.

JAMES MARTIN: Just as a matter of curiosity, was this building in its previous use sewer to public sewer?

MR. FINLEY: Yes. We actually -- Don Avery did that a long time ago. There is a -- Gates-Chili-Ogden has a force main here that pulls in Henrietta, and we were able to get a forced pumped injection into that sewer, so it is actually on sewers, but they don't have any desire to use any of the facilities.

JAMES MARTIN: All right. That's all I got.

STEVE HENDERSHOTT: What are the hours of operation?

MS. FRANK: Um, we are open -- like our open hours, or when there are people there?

STEVE HENDERSHOTT: When do you actually work, are in operation?

MS. FRANK: I would say people generally arrive early, so maybe around 6:30, 7:00, and technically we open at 7:30.

We close at four, but sometimes the guys work later, um, need be. So 5, 6, usually.

STEVE HENDERSHOTT: Just a couple of comments. On the one hand, on a loss of a nostalgic sense that the Varsity Inn will no longer be in existence, I have to laugh, the Playpen North.

Or on the other hand, that the fact that that will no longer be a nightclub of sorts is going to be certainly welcome from the people in that area, because we used to get a -- tons of calls, not just in the summer but other times, so I think this is a good use of the building.

JAMES MARTIN: I think it's a better use than the one that had been proposed to make it a gentleman's club. So...

MR. FINLEY: Okay. Actually, personally today was my first day in there, and I know my daughter used to go there. When I went in and saw it, I was shocked. I was a terrible parent.

KAREN COX: I spent a few nights there that I can remember.

MR. FINLEY: Enough nostalgia.

KAREN COX: Now -- it sounds like you have some trailers that come in that will be shredded. How long do those -- would those sit in that area?

MS. FRANK: Not long. We try to process things as long as they come in so if the market is hot, we can sell stuff right away and we don't have to wait long and hold on it. It mitigates our risk of hedging with commodities.

MR. FINLEY: Probably days?

MS. FRANK: Yes.

MR. FINLEY: I was going to say it is days, if that. Then it gets over into the yard. Right now they torch them -- they cut them up with torches. We don't have a shredder.

MS. FRANK: Or we sheer it.

KAREN COX: Those small carts don't have any kind of liquid or -- or oils or grease in them?

MS. FRANK: No. They're empty when we put them over there.

MR. FINLEY: The only thing that looks like those that would have liquid is there are

some places that they have turnings. When they go to a machine shop and they have turnings with the water soluble oils, they go directly into the yard and we have concrete bunkers for those. They have storm water tanks that they actually pump out and dry out the liquids. Those don't ever go to the building, because they have oils.

The ones that are there are for the dry type things. Like if you -- you have a machine shop that punches out holes in whatever pieces of metal and you have all these things that look like quarters, copper quarters or something, it is all of the dry stuff. We took a picture inside to show they're dry and pretty clean.

KAREN COX: Is there security lighting or anything over in that area where the trailers are going to be stored?

MR. FINLEY: There are lights. Do you have them on?

KAREN COX: Motion detectors.

MS. FRANK: That's a valid question. When I locked up tonight, I don't think I noticed.

MR. FINLEY: There is physically lights there from when it was a nightclub. They had the lights for the patrons. So they're there. I just don't know if they have actually been using them.

KAREN COX: Well, I mean some -- I don't think you would necessarily have to light that as if it was a nightclub, but you might want to have some type of security lighting.

MS. FRANK: In the front of our main -- where we have like the flagpole and the sign and stuff, there is lighting there, and it kind of gets the front end of the building. I don't know as far as the back parking lot.

MR. FINLEY: I was pretty sure there are actually lights. I don't know that they turn them on.

JAMES MARTIN: Well, I think the issue is, is there any proposal to add lighting to the site --

MR. FINLEY: No.

JAMES MARTIN: -- at this time? If lighting is added, it will need to be dark sky compliant, as you know.

MR. FINLEY: Right.

KAREN COX: That was all I had.

JOHN HELLABY: I appreciate what Steve (Ginovsky) said. I'm still not convinced that would be the best use of that property. This Board has gone to great lengths to clean up that section of Scottsville Road, with the park on the other side of 84 Lumber, Spector's old building down there, the U of R parking, Empire Beef. And in all honesty, you would have to prove to me you could ever put enough plantings in the front of this building and along the side of 84 Lumber to screen it.

The problem is, is Hanson, your next-door neighbor, has a natural screen there, so during the summer months you hardly know they're back there. The unfortunate problem is, I think, we continually put the cart before the horse. They have a situation down in there, and they are constantly dragging mud out on Scottsville Road. I know the DEC has been notified numerous times about it, and now they just want to expand this disaster, so to say. I'm not convinced. I got to be honest with you.

I think, you know, if we move forward, I would be saying, "Look, preliminary at best," and I want to see some detailed landscaping stuff to show how you would screen it. I don't see it is possible. Not 70 trailers.

MS. FRANK: Do I have to be called on first? As part of the -- the DOT has come down and they have talked to us about the dirt on Scottsville Road, and in an effort to stop that from happening, what we have done is number one, we have put millings throughout the entire yard. We have, um, now driveways to keep the mud off of the main driveways. Before they were driving onto like just dirt and then tracking it out.

We have also, um, diverted the traffic so that we have an entrance and now we have an exit, so they have to drive through the parking lot area to track off whatever they may have gotten on there.

We have also purchased a sweeper, so we are constantly cleaning the parking lot, and I don't think we have had a problem in a while.

MR. FINLEY: Yes. I think the mud part, that I thought we got addressed pretty well. But I know in talking with Pat (Tindale) and the Conservation Board, that the screening is more of the topic. The mud I thought we had taken care of.

JOHN HELLABY: Also on one other point. Somewhere along the lines, and I can't recall where, I looked for it today, but I definitely know we requested some sort of cable system to be installed down there so we could judge the pile heights, and I don't see that down there. Am I missing something? Kip (Finley), I realize it is not part of the application, but I got you here, so I wanted to ask that question.

JAMES MARTIN: When we were dealing before with the shredder, which is coming back to us, yes, there was a condition on there there had to be sort of a sight marker or poles back there to measure the height of the piles so they couldn't exceed that mark. I think that is part of the other three applications and we'll deal with that again, because the Fire Marshal has made recommendations on limiting the height of the piles.

MR. FINLEY: Well, to satisfy the curiosities, they're on the utility poles. It is actually installed. You can see it. There are a couple utility poles that have a wide band, fluorescent band at the 25 height so you can stand in the driveway and see the two bands and judge the pile height. So it is in place per the other -- the shredder approval.

JOHN HELLABY: I guess my last comment is this is a lease agreement for ten years, was

it?

MR. FINLEY: It's a ten-year, right?

MS. FRANK: Yes. I think didn't we renew it recently. It is like from ten years now, I think going forward.

MR. FINLEY: It could be.

JOHN HELLABY: Is there an option to purchase the property?

MR. FINLEY: I don't think so.

MS. FRANK: I know they have discussed purchasing it before, but I don't think that discussion has gotten too far. But Art (Stock) passed away recently, so who knows.

MR. FINLEY: They discussed it with Art Stock. He passed away. Now they're dealing with his daughter as part of the Estate and the family wishes may be different than his, so I don't think there is an option to purchase right now.

JOHN NOWICKI: Can we request as a condition a copy of the lease agreement?

JOHN HELLABY: I think we had.

MR. FINLEY: We submitted it. We had to show some proof --

JAMES MARTIN: We had a redacted copy.

MR. FINLEY: It just doesn't have the dollars.

JAMES MARTIN: Ten years.

JOHN NOWICKI: The other question I have is security issues that you have on the existing facility now, is there any thoughts of extending any security systems we have got to this particular site, as far as cameras or things --

MS. FRANK: We do have cameras throughout the entire premises right now, as it is.

MR. FINLEY: On the night club one?

MS. FRANK: No. But they do swivel. So if we want to see -- we can see the entrance to the container yard, and we can see most of the main yard. I actually don't know. Dad and I have not had that discussion about that. It would make sense that we would, um, get a camera over there, though.

MR. FINLEY: I guess generally right now the cameras are on the yard where the materials of value are, the warehouse.

JOHN NOWICKI: I just have concern, because you have another access to this site, especially with drive-thru in the back.

MR. FINLEY: What she was just saying, they have cameras that cover this area, where you can get in and out.

JOHN NOWICKI: You may want to consider the new entrance.

MR. FINLEY: This one -- pretty much this is a wall (indicating), and then they have the whole building with no doors and then cameras at the front. So the valuable stuff is actually -- I shouldn't tell you where it is, but it is not here. These are all empty. But that's a good question.

JOHN NOWICKI: I think Security should be considered. That's all I got.

GEORGE BRINKWART: Kip (Finley), usually I like to have this size drawings as a supplement to full-sized drawings. It's been kind of a pain in the butt to read this. I guess in the future, please give us full-sized drawings, as well.

MR. FINLEY: What do you have?

GEORGE BRINKWART: 11 by 17.

MR. FINLEY: Okay.

GEORGE BRINKWART: Also, I can't see very well from here, but I think the Board would really appreciate to have the layout that I think you have got on there, showing those trailers and those storage things on the plans in front of us to give us a better feel what you're proposing.

Also, maybe indicate some traffic flow or some flow patterns for your trailers and stuff there to give us an idea how that is going to work.

MR. FINLEY: That was one of Ken Hurley's comments that we should show the layout. We did have to do it to come up with a count, so we can put it on the drawing.

GEORGE BRINKWART: That would definitely be helpful. Also, I want Pat (Tindale)'s input on this, too. I know there was a proposed Greenway Trail connection to the front of that, and I think that is maybe something that we maybe want to get Pat (Tindale)'s input on that and incorporate that into a landscaping scheme that we're going to look at. I don't see it on there, on the existing plan. That has got to be in there somewhere.

MR. FINLEY: The Greenway is actually here (indicating). It was constructed a couple years ago. It really didn't seem real complete.

If you remember, they put a -- the Greenway comes along the railroad. It comes through the park. So it is over here (indicating). Then it comes behind 84 Lumber, through the park, and then it comes down along the road. It looks like somebody just put in a 10 foot wide gravel road along the shoulder, and then somewhere it comes back at the tracks maybe or goes onto the shoulder or something?

PAT TINDALE: Yes.

MR. FINLEY: So that was one of the -- one of the concerns the Conservation Board has, is that -- and I think Zoning, too, is that if this is the trail, then we need to beef up this (indicating) in front of -- and if we put the fence on the property line, we don't have a lot of flexibility for plantings. If we put the fence in 10 feet or something, then we can bring plantings down the side. That was the part if we can resolve what would be good, we can do a plan and then take it to the Conservation Board.

But they would like, for the pedestrians on the trail, to have it more landscaped than what

we showed. So if we can iron out what level of "more," we can create a plan and submit it.

GEORGE BRINKWART: I agree. I think also incorporate, you know, at least in those pieces that you could control, is to -- you know, to enhance what is there of that Greenway Trail. If it needs a layer of crushed stone or whatever, I think -- I think I would like to see that incorporated in the landscape plan as well, to get -- so folks can use it.

MR. FINLEY: Right now I think it is crusher run surface on the whole trail. I don't know if we're actually allowed to touch it, because it is the New York State park system, but definitely to enhance the view that -- Metalico is supportive of that.

MS. FRANK: Metalico is trying to change the image of the scrap yard. I mean, typically it has always been like the junk yard and you think dirty, yucky.

Then it kind of moved towards like in my generation, it was scrap, more so than my father's. Now it is pushing towards the green initiative and recycling. We really want to participate in this and do whatever it takes. We don't want to be the ugly neighbor. We don't want to be an eyesore. We want to have that nice image, so we're willing to do what is necessary.

MR. FINLEY: What we want to do is come up with something the Planning Board is favorable on. We can't really compete with what 84 Lumber is doing, because they just had a whole load of tractor-trailers come in and put all of the lumber which actually blocks the view of our trailers, but we can landscape the front and down the side so when you're coming down Scottsville Road, you don't see the top of the trailers.

MS. FRANK: With the fence in front we have painted it all and tried to keep it nice looking.

DARIO MARCHIONI: Kip (Finley), did you address some of the County Comments pertaining -- unless I'm reading this wrong -- pertaining to New York State DEC fresh water and wetlands on this?

MR. FINLEY: Yes. That one, I read those, but they really didn't apply too much. It is the same basic comments as when we did the site, where the recycling is. The wetland is back on the other side of the tracks, and we're not proposing any physical changes really other than we're parking vehicles on a parking lot.

But we're not in the buffer or anything for the wetland. So I knew that from the last project.

Um, I think that was the only one that actually was kind of pertinent. The rest were kind of the boilerplate survey monument ones, weren't they?

DARIO MARCHIONI: Probably not in the flood plain, right?

MR. FINLEY: This one is not. The 500-year flood plain is on the other property.

DARIO MARCHIONI: The other property. This is high enough?

MR. FINLEY: This one is out. I don't even think it is in the 500.

DARIO MARCHIONI: That's all of the comments I have.

PAT TINDALE: Everybody has been doing my work for me.

MR. FINLEY: Now you can tell us.

PAT TINDALE: I am a member of the Genesee Valley Greenway.

JAMES MARTIN: Speak so we can all hear you. Speak loudly.

PAT TINDALE: I can't hear you guys either.

I'm a member of the Genesee Valley Greenway, so I'm very interested in that stretch. They ran out of money and that is why nothing has been done in front there. They put the first millings down, and when I ride my bike, I just about fall over. Anything you can do to enhance that area. Camouflage, put a berm in, some trees.

Can you give us a landscape drawing of something that -- just show us that. Like somebody said -- I think George (Brinkwart) has mentioned, if there is any possible way of putting anything down. I know I could check with them to make sure everything was okay, on the up and up to do that.

MR. FINLEY: I don't know. That part of it seems like it would be inconsistency -- if we put something down and it was better and you cross the driveway and it is worse -- I think we probably, as the property owner, lessee, doing a lot of landscaping is perfectly fine, but I think to touch their trail --

PAT TINDALE: You could do the whole length. It is --

MR. FINLEY: Mark that down as community enhancement project, to pave the trail in front of all your frontage. (Laughter.)

What I would like to know, for input -- if everyone can picture the berms with the evergreens and what was done next to the new parking lot at the very south end, we planted Austrian pines and some other things. If we did that in front of the nightclub and then -- a little bit down the side with that 100 feet of fence, so we would make a corner that is buffered, are we on the right thought process?

JAMES MARTIN: Well, I think so. I tried to capture a couple of things.

I have written something down that says the applicant shall consult with the Conservation Board and comply with all their recommendations on all landscaping issues for the site and the Greenway Trail. I think we put you guys, you know, in control with them, all right, on the landscaping issues, and --

MR. FINLEY: Just easier if we know the answer --

JAMES MARTIN: We'll basically, you know, allow the Conservation Board to -- you know, to direct this particular activity.

MR. FINLEY: On the right track?

PAT TINDALE: Yes.

JAMES MARTIN: How does the Board feel about that? I think the Conservation Board, you know, should be in charge of landscaping or working with the applicant on the landscaping issues.

GEORGE BRINKWART: Pat (Tindale), would you be so good as to see if improvements, you know -- to what extent they could improve the trail itself as well as supplement that with plantings?

PAT TINDALE: The President just called me on something entirely unrelated last night, and I have to get back to him. I know what he is saying. You can't just have one section of a different type of millings or something. So let me check and see what their opinion is on that.

KAREN COX: You can't make that a requirement.

PAT TINDALE: No, no.

KAREN COX: Okay.

MR. FINLEY: No. If you could find out, we could tell Metalico and they could take it under consideration as a good neighbor to do something, but before we mess with a surface to make somebody fall and all that, we would want to talk to that agency. Trees are safer for the trail people.

JAMES MARTIN: I left that intentionally a little vague. Whatever is suitable and, you know, acceptable from all of the parties involved.

DARIO MARCHIONI: Pertaining to the lease -- I don't have one, but who is responsible for the maintenance and upkeep and also improvements on the buildings? Is it the owner or the -- the lessee or the lessor?

MR. FINLEY: I haven't read it all through. I just copied it. But it seems like probably the lessee for basic maintenance and that. They plow it, and cut the grass and stuff like that. But I don't know specifically.

JAMES MARTIN: I assume, what we have is not the entire lease?

MR. FINLEY: Let me see.

No. We made a full copy for the Building Department but just gave you copies so you knew we had authority to -- apply -- that was more just to supplement the application to know we had authority to come in.

JAMES MARTIN: Do you have a copy?

KEITH O'TOOLE: I haven't seen it, but I'm not too concerned about the issue. We're providing special use permit to Metalico so it is their obligation to get it done.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL BLOSER, Zoning Board Chairperson

PAUL BLOSER: Paul Bloser, Zoning Chair. I just have a couple of comments I want to make. First of all, backtracking a little bit, when they were talking about trailers on the property, when I did a site visit in early December, prior to our meeting, I walked the site with Mr. Frank. I asked him specifically about some trailers that were back there because they were labeled with different company names and some of them were in pretty rough shape.

One of the things they do, his response was, they buy these trailers up. There were several in there that were going to be torn down for scrap, which they do. That is their business. And some of them also -- they were going to take parts from some trailers and put them on other trailers to make them whole and have them out on the road working. So they were doing some trailer modifications.

But also scrapping them out.

So they were parking them there as part of that.

His response to me, those that were going to be worked on or torn down, we park towards the back. The active trailers would always be to the front, better looking.

One of the comments a couple times was hit on about the north property line.

I will let the train go by.

About the north fence -- the property on the fence on the north line going back, 100 foot. We put on there it would be a minimum of 100 foot. I'm basing that on I did a site walk. I didn't have any transit, but Scottsville Road, heading north and south, those precarious angles, it's kind of a natural buffer to a certain point. Between 84 Lumber, the trees just to the north of them and what you can actually see when you're coming down the road on this side. Which is why just a rough eyeball, I said I want a minimum of 100 foot, possibly farther depending what clearance was coming down. I would be looking to the engineers from both sides here to look at the prints and how that road flows to get a bird's eye view of that line to better establish that. Vegetation you get along that line would be approved by Conservation.

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: Um, what -- what excuse or reason could be given for not fencing that whole line between 84 Lumber and this property? It seems to me -- I won't name names, but there was -- there was a project on Union Street that this Board put a lot of pressure on the developer, and he was made to fence places that really didn't at the time, to me, make a lot of sense. It cost him a lot of money, I'm sure. I don't know why everybody in Town shouldn't be treated in a like manner.

If fencing was required on Union Street for something that was very, um, simple and uncomplicated compared to what you're looking at now, I don't see why we are not requiring a

full fence.

What is on that line that would make anybody think that they didn't need a full fence there?

JAMES MARTIN: Okay.

MS. BORGUS: What is there? I don't know. On the line between 84 Lumber and this piece of property, what is on that line that would -- that would block any -- any view from 84 Lumber over to this piece of property?

JAMES MARTIN: Well, based on my observation from site visits over there, 84 Lumber, I think, stores a lot of things along that fence line. I -- you know, if you care to comment on that, Kip (Finley), go ahead.

MR. FINLEY: Yes. Well, I worked on the other project, so I can draw some parallels to that.

For the other project, we had two industrial uses. One was perceived as prettier than the other, and the view -- one of the reasons for the fence across was to block views from the road of the use we were putting in. So it -- it was somewhat for the neighbor, but also for the road. So the view from Union Street, we were fencing to block that view for motorists.

So on behalf of Metalico --- and scream, Jessica if I say this wrong, but the way the road comes here (indicating), there -- there is a spot where you come down. This is 84 Lumber's building, where you can see real well, so we agree with what the Zoning Board is saying. There is some point where we need to block this view (indicating), so that the cars coming down the road, the motorists, have a -- it's screened.

But right now we have an 84 Lumber, probably 40, 8 or 9 foot tall group of trusses or lumber or something that is outdoor storage that is probably as unsightly as what we're putting in. So neighbor to neighbor, I would make the case that we're really not trying to protect 84 Lumber from us or us from them, but there is definitely a window of view for the motorists that we need to protect.

MS. BORGUS: That may very well be true, and I don't dispute that, but on Union Street, they even had to fence along the railroad tracks. Now tell me what the difference is there. If you have to fence a railroad track, I don't see why you don't have to fence for a neighbor.

MR. FINLEY: I can respond to that, too.

MS. BORGUS: I like to see a level playing field.

JAMES MARTIN: If I can basically expand on what Mr. Bloser said, um, I think what I would do is write a condition in that is the north property line fence shall extend to a point that precludes any sight visibility from Scottsville Road. That way if it is 100, 150 or whatever it is, it would shield the site from visibility on Scottsville Road.

MR. FINLEY: Yes. And the other situation was two different zoning districts.

JAMES MARTIN: I know. We have a little bit of apples and oranges. I don't disagree with you, Dorothy (Borgus), please, but I think if we put that provision in there that they have to extend it to preclude any visibilities from Scottsville Road that --

MS. BORGUS: How about a little past what we think is the line of sight? That would take care of it. How about a little more? Because I -- because --

JAMES MARTIN: Precludes any sight visibility. I think that addresses it.

MS. BORGUS: That will be a subjective point when it is made. It may be of -- a difference of opinion, so it wouldn't hurt. They have to go a little past what people think is visible.

I would also like to know, is all that back part paved? Where this storage will take place, is that all paved?

MR. FINLEY: As far as I know, the only pavement is up through the throat of the driveway and this is packed gravel.

MS. BORGUS: Another comparison to the Union Street project then. They had to pave. Now why don't we have to pave if we're going to do this?

JAMES MARTIN: Well, go ahead.

MS. BORGUS: Is this front parking definitely eliminated, or is that an "if" at this point?

MR. FINLEY: Out.

JAMES MARTIN: Go ahead.

MR. FINLEY: We would take it out.

MS. BORGUS: Because I -- I know what the Town Code reads, but people who want to develop in Town lately seem to have an idea and -- if they appear before a Board, and that point of the law is -- is just washed away, wiped away. So that everybody, it seems, lately that wants the front parking, just comes in and asks for it and gets it.

I think it is time we drew the line on some of this stuff. We have a code in place, no front parking for a reason. So if the parking -- parking space is gone, then I don't have a point with that.

I, um, wonder what shape this building will also be in in ten years, the length of the lease, as it has been quoted. Not in very good shape right now. I think we could have a real, real problem here in ten years, unless we get it straight, you know, as to who is going to maintain this and what we expect. We're just going to use it, and help it fall in a heap. You know, that is your job up there, people. Protect this Town.

I have to say that I agree 100 percent with Mr. Hellaby, I'm not sure this is a good project for this site at all. The Varsity Inn and the places of other names that followed were never a credit to this Town, but I don't see why we need to go from the frying pan into the fire. I know it is all well and good that the applicant says they're upgrading the look and the appearance and the outlook of junk yards, if you will, but we heard the same thing from Union Processing. We

heard glory stories for years, and all we ever got over there is trouble. Trouble, trouble, trouble. And that's way off the road and out of sight. This is not.

So whatever you do here, go slowly and for heaven's sake, be fair about this, because what you make one person do in this Town you should make all -- all similar applicants do the same. We can't have any favoritism and we can't have any shortening up of the process here just because it happens to be an adjacent property where they have already been doing metal recycling. That has nothing do with it.

Another issue. May be the same company, but it's another project and another piece of land and it's another approval. So I agree with Mr. Hellaby, I hope he sticks to his points.

Thank you.

DAN BOON, 20 Berna Lane

MR. BOON: Dan Boon. I think you all know who I am. 20 Berna Lane. I just want to add to what Dorothy (Borgus) said. I just want it on record, that if I come in front of you and want to expand what I have there, I just want you to be -- remember this, what is going on right here now, because I spent a lot of money and you all know what Dorothy (Borgus) is talking about. I -- I was made to spend a lot of money over there to do what I had to do.

So I just want it on the record, that I'm paying attention to what is going on here for my own benefit because I might come to you and have to do some changing over there, if it works the way it is working. That is all I want to say.

Thank you.

JAMES MARTIN: Thank you.

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: A couple points have been brought up that are probably worth further discussion. In the proposed trailer parking area, what is there? Just a field at this time? I went over there, but I can't remember exactly what the nature of that area is, Kip (Finley).

MR. FINLEY: All of the -- well, correct me if I am wrong, as far as I know, all of it is gravel.

MS. FRANK: Gravel parking lot.

JAMES MARTIN: It's gravel.

MR. FINLEY: It's a surface lot. There is no real drainage system or anything. It's pretty flat. We have a situation where any of the runoff runs over the grass areas before it ever gets to any actual drainage channels or ditches or anything like that.

JAMES MARTIN: Just a comment, discussion from the Board on some of the comments that we have heard in the public session here.

JOHN HELLABY: I'm still going to stick by my guns. I think we're way ahead of the game. This site plan isn't close as far as the actual storage, what is in these trailers. And again, granted those boxes are empty and whatnot, but if I can recall anything, a lot of these boxes are used at machine shops within the Rochester area and all that stuff is treated with lubricants. Those boxes come back, even if they're emptied out, have residual oils in them.

Again, Mr. Boon and -- you know, granted he is over on Union Street, but there were oil situations that we made him put some special filters and catch basins and things like that. I think you're opening up a hornet's nest to a big disaster here.

I would be more willing to table this thing and figure out the answer to some of these questions before they might go full board down the road with this thing.

JOHN NOWICKI: I agree.

JAMES MARTIN: Other discussion?

MR. FINLEY: May we just clarify?

JAMES MARTIN: I mean we have a lot of landscaping issues that we need to deal with. That's a given. Um, I think we need a little better specificity on the site plan itself. There is no question in my mind about that. You know, there are several issues that need to be addressed.

Um, I would like a firm determination on what the length of that fence is going to be along the north property line.

Um --

JOHN HELLABY: I would like some computer-generated photos that show what the views in that area would be, even once the plantings are in place.

JAMES MARTIN: That would be appropriate.

I'm a little concerned about the surface that these trailers are going to be parked on. I mean how supportive is that going to be for the weight of these trailers?

MS. FRANK: Well, being the trailers are empty --

JAMES MARTIN: I know they're empty, okay. I'm just saying.

MS. FRANK: Typically they weigh between 30 and 40,000 pounds empty.

JAMES MARTIN: But in the spring time, are we going to have soft ground back there? Will we have more mud issues? These are things that I think we need to know, as far as the site goes. So it may require that you -- that you put millings -- I don't know what the right answer is, but something that is more substantial than maybe what is in existence.

I have heard a recommendation from Mr. Hellaby to table these applications pending a

more detailed site plan, more details on the landscaping issues and any other things that have been brought up here in discussion.

JOHN NOWICKI: I would certainly like a review at the least by legal counsel to see who has the responsibility of maintaining that building, to keep it in proper shape. To keep it in code.

JAMES MARTIN: Mr. O'Toole will comply with that.

JOHN NOWICKI: Thank you. I want a condition on that.

JAMES MARTIN: We'll, we're not --

JOHN NOWICKI: I know that.

JAMES MARTIN: Mr. O'Toole will review the lease arrangement and will educate us at the next -- if we table this tonight -- when we hear this again.

JOHN HELLABY: Are you -- I guess are we going to rely on notes that we're taking this evening on information we're looking for, or are we going to formulate --

JAMES MARTIN: No. I will formulate that in my response to the applicant, and in the -- just in a letter. I mean, this will all be covered in detail.

JOHN HELLABY: All right.

JOHN NOWICKI: Is Mr. Hellaby making a motion?

JOHN HELLABY: I made the motion.

JAMES MARTIN: Let me make one more note for myself here.

MR. FINLEY: I'm taking notes so we can get a head start on things.

JOHN HELLABY: I don't know -- know it was talked about how you will access the inside of this building. If there are modifications being made to the building, I would like to know that. Overhead doors, door width changing, things to that nature. Because I can't believe you will get those dumpsters in and around some of the corners in there, but prove to me that you can.

JAMES MARTIN: Mr. Hellaby has made a motion to table these two applications. Do I have a second on tabling?

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to table the two applications.

JAMES MARTIN: Tabled 7 to 0 to -- I don't know. When will you be back, you think?

MR. FINLEY: I have to check the cut-off dates.

JAMES MARTIN: I will say to be determined.

DECISION ON APPLICATION NUMBERS 2 AND 6: Unanimously tabled, by a vote of 7, based on concerns and issues that were raised during the discussion by the Board and the Public Hearing phase of the hearing. The site plan needs to be updated to reflect the following concerns:

1. The applicant shall work with the Conservation Board to complete a landscape plan for all aspects of the site and any possible upgrades to the Greenway Trail.
2. The applicant should certify that all Fire Marshal requirements are met.
3. The fence along the north property line should be constructed in a manner to preclude any site visibility from Scottsville Road.
4. A copy of the lease agreement should be provided to the Assistant Town Counsel for review.
5. How will the applicant guarantee that any empty bins, trailers, or roll-offs stored on the proposed site will be free of oil or solvents.
6. Verify that the proposed parking area for trailers and roll offs will support the weight of all vehicles traversing the area on a long term basis and under changing seasonal conditions.
7. Verify that no interior or exterior modifications of the existing building will be required to accommodate the proposed storage use.
8. Indicate whether or not any new lighting is proposed. If so, verify dark sky compliance.
9. Verify that a maintenance agreement for the existing building is in place.
10. Continue to control all mud tracking onto Scottsville Road from all site locations.
11. It was indicated to the Board that trailer repair and/or rebuilding occurs on the site. Please refer to Sections 500-20(B-7), 500-21(B-1) and 500-21 (B-9) of the

Town of Chili Code and explain the nature of this work.

12. Review all comments from the Town Engineer and Commissioner of Public Works and respond as needed.

The meeting ended at 9:06 p.m.