

CHILI PLANNING BOARD  
October 9, 2012

A meeting of the Chili Planning Board was held on October 9, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Richard Brongo, David Cross, John Nowicki, Paul Wanzenried and Chairperson James Martin.

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

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

JAMES MARTIN: Normally we would not take public comment under Old Business, but I believe we did not have a Public Hearing the last time this application was before us. It was tabled by the Board. Therefore, I will receive public comment tonight, if there is any, regarding the first two applications.

OLD BUSINESS:

1. Application of 1436 Management, Inc., owner; 1436 Scottsville Road, Rochester, New York 14624 for renewal of special use permit to allow motor vehicle repairs at property located at 1430, 1434 and 1436 Scottsville Road in GB zone.
2. Application of 1436 Management, Inc., owner; 1436 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval for site renovations/parking improvements at property located at 1430, 1434 and 1436 Scottsville Road in GB zone.

Patrick Evans and Michael Evans were present to represent the applications.

MR. PATRICK EVANS: My name is Patrick Evans, representing 1436 Management.

JAMES MARTIN: Can you speak into the microphone, Pat (Evans) so we can hear you?

MR. PATRICK EVANS: Yes. We're here obviously for our -- our second appearance, I believe it is, for those applications.

I submitted a letter on September 7th addressing the concerns that were submitted to us on the letter of August 21st, and I believe we have complied with those conditions.

JAMES MARTIN: Anything else?

MR. PATRICK EVANS: No. Not unless you have questions for me.

JAMES MARTIN: For the record, I have a -- we requested a copy of the easement agreement between Niagara Mohawk and yourselves and you have provided us a copy of that easement agreement.

MR. PATRICK EVANS: Yes.

JAMES MARTIN: For the record, I do have a letter from the Town of Chili Fire Marshal indicating that the changes in the parking have basically freed up access to the man doors on the building. Therefore, that has been resolved and the Deputy Fire Marshal, Dave Sauer, has been on site regarding locations, so at this point in time, I believe the Fire Marshal has essentially approved the revised site plan with the parking adjustments.

I won't get into Conservation Board at this point. I will let Miss Tindale talk about that as far as moving ahead with the issues around the landscaping on the property.

Basically we have a letter from the Town Engineer that all of the issues revolving around the Town Engineer have been satisfied; therefore, there are no further comments from the Town Engineer on this particular application.

PAUL WANZENRIED: Mr. Evans, how many people do you employ?

MR. PATRICK EVANS: I think about six.

PAUL WANZENRIED: What are the hours of your operation?

MR. PATRICK EVANS: From 8 to 6. 8 a.m. to 6 p.m.

PAUL WANZENRIED: Monday through Friday?

MR. PATRICK EVANS: Yes. Saturdays we're 10 to 3, as well.

PAUL WANZENRIED: How many light poles are on your property?

MR. PATRICK EVANS: Light poles? Utility poles?

PAUL WANZENRIED: No. Light poles.

MR. PATRICK EVANS: Oh, I believe two.

PAUL WANZENRIED: There is no lighting in the back behind the one-story masonry building?

MR. PATRICK EVANS: There is one light on the building in the back, near the back door. Pretty well lit with the parking lot next door.

PAUL WANZENRIED: The U of R parking lot?

MR. PATRICK EVANS: Yes. Yes. It's pretty bright over there. The video cameras -- seems the only ones that really work well are the ones in the back, at night, because of the U of R parking lot.

PAUL WANZENRIED: How do employees gain access to the parking in the rear of the building?

MR. PATRICK EVANS: We have a -- as he mentioned there, we have an ingress/egress agreement between us and Niagara Mohawk between our two properties.

PAUL WANZENRIED: They would use that -- I'm specifically referring to the three -- do you have a site map to put up there for the people, please?

MR. PATRICK EVANS: Yes. Sure.

PAUL WANZENRIED: Thank you.

Thank you. I was specifically referring to the three employee parking spots in the building, but I see now where you're coming down, through the ingress/egress.

MR. PATRICK EVANS: Right.

PAUL WANZENRIED: Snow storage, where would you put your snow -- specifically in -- in the front of the main building? I don't see any area for snow storage.

MR. PATRICK EVANS: Most of our snow gets put on the islands. There is an island in front of each -- each parcel there. Fairly large one in front of the main building. It's where the trees are going to be planted. That is where most of it winds up. There is now to our west, you know -- we have like half an aisle there where it divides the other property. In some cases, we have to haul it away. We didn't have that problem this last --

MR. MICHAEL EVANS: Mike Evans. The area between the -- the two lots where the vehicles are going north to south is actually one of the most heavily used snow storage areas. Basically behind where it calls for Juniper --

PAUL WANZENRIED: Right. I see where you're talking.

MR. MYER: That is generally where everything is pushed out of the way.

PAUL WANZENRIED: One other thing, it says a 6 foot space to be kept clear in front of this door. I don't know how I would refer to it. Right where that word "Juniper" is going, let's say east.

MR. PATRICK EVANS: Yes.

PAUL WANZENRIED: You still show a parking spot it looks like there, though.

MR. PATRICK EVANS: We were told by the Fire Marshal or the -- or the -- the gentleman that was over there for the Fire Department that we didn't have to eliminate the parking spot. Just had to make sure there was adequate space there.

So basically what we have done is we have moved the vehicles forward in that area. All he wanted was enough where the door would swing. We even talked about it -- actually our architect made it 6 feet. He was good with 4.

MR. MICHAEL EVANS: We also striped in front of the doors to make sure that anybody that didn't know couldn't park in that area.

MR. PATRICK EVANS: Yes. It has been hashed out in that area.

PAUL WANZENRIED: Other than, you know -- I don't know how that car is going to sit in the vehicle display area that is 18, over in the triangular lot there -- it is kind of like it is mashed into the other cars.

MR. PATRICK EVANS: Well, you might notice the notes alongside of that --

PAUL WANZENRIED: Yes.

MR. PATRICK EVANS: Display area orientation is approximate and can be adjusted for display purposes.

So we -- we have actually got cars parked pretty much like that right now and not one of them is sitting on top of the other. So there is space to go up between them, open the doors and it works. Basically we're not going to do anything that doesn't work. It seems to work for us. Obviously we don't want them so close together that people will be banging doors from one to the other. It just takes a little bit of common sense and seems to work well.

PAUL WANZENRIED: I have a question for Mr. Hanscom actually. Is there an engineering protocol, if you will, for drive-thru -- driveways or drive thoroughfares within the Town Board code or standard engineering aisle way? Like an aisle way should be 12 feet wide or 14 feet wide or 10 feet wide?

MIKE HANSCOM: I'm not sure in this situation where -- where you're parking cars as a -- as a commodity versus a parking lot for people pulling in and out. A standard for a parking lot, like a Wegmans or someplace like that would be a 24 foot aisle between the -- between the parking -- the parked -- the lanes of parking.

PAUL WANZENRIED: Okay. The reason I ask that question, is that he has got three customers parking spaces located behind the one-story masonry building, which means I have to come down between that row of parked cars up in the front, which by my scale, if I am reading 1 and 20 right, is only 10 feet wide between the parked cars.

Do you follow where I am coming in and out?

MIKE HANSCOM: Yes, I do.

PAUL WANZENRIED: So my question is maybe we should not have -- whether that should be wider or -- or if he is going to be dragging customers back down into through there -- or re-orient where the customers can park. I mean, he has got six over here (indicating) to the north in front of the main building, but then he has these three behind this one-story main building.

MIKE HANSCOM: I would, yes. If he going to have those three parking spots back there behind the one-story masonry building, he should have a wider aisle for them to traverse.

PAUL WANZENRIED: Thank you. I don't have any more questions other than I think that -- I believe the code provides that the -- the lot should be striped, and I -- I somewhat think this should be striped so that we have some idea of how he is parking them, where he is parking them, you know, some sort of -- something concrete, if you will.

MIKE HANSCOM: That is correct. The code does require striping. It does show on the plans that there is striping where the customer parking spaces are. The northwest side of the building, near the entrance.

PAUL WANZENRIED: I see that.

MIKE HANSCOM: We're looking at aerial photographs here. We don't see the striping there based on the photographs that were taken May 20, 0011.

JAMES MARTIN: So what I am hearing is that there are -- are some specific locations on the site that should be striped according to our code.

MR. MICHAEL EVANS: Referring to the spaces further to the south where it says, "Six customer parking spaces"?

MIKE HANSCOM: Yes.

MR. MICHAEL EVANS: That is striped at this time.

PAUL WANZENRIED: That is striped?

MR. MICHAEL EVANS: Yes.

PAUL WANZENRIED: I'm more referring to the customer spaces behind the one-story masonry and all of the vehicle displays.

MR. MICHAEL EVANS: Where are the ones behind the masonry -- that is a customer?

MR. PATRICK EVANS: Can I make a comment? In the ten years we have been there, I think I have seen maybe one or two people park in the three spots out back. The access way to it is wide enough for two cars to pass at all times. Maybe not the way we have it drawn, but as it says, it's for this -- that's for planning purposes only. Orientation is -- has to be common sense. We have it almost all of the time where you can drive two cars through there.

We go in there -- we were going in there with 47 passenger buses. In the ten years we have been there, we have never had a problem, never had anybody that couldn't get in or out of the parking lot. Our customers are -- are the most important thing that we have, and we're going to do whatever it takes to make it adequate for them.

As far as striping the lot, where we're going to park the used cars, I moved ten cars yesterday, put them at a different angle. How will we know which angle we'll park them at? We know where to park them. We know where not to park them. We don't need lines to tell us. With all due respect, as I said, we have been doing it for ten years. We haven't had any problems at all with anybody parking or with anybody's concerns about parking. It always seems to work.

JOHN NOWICKI: You're talking about the vehicles for sale?

MR. PATRICK EVANS: Yeah, and I'm talking also about our customers who come there. They don't have a problem finding a place to park. Sometimes they park right in the middle of the lot any ways.

JOHN NOWICKI: Did you say the ones out front were striped?

MR. MICHAEL EVANS: The ones out front are striped, yes.

JAMES MARTIN: I guess what I would like to do, Mr. Lindsay, I would like to have the Building Inspector go out and work with the applicant to insure that any required space/spaces are marked appropriately as far as the site goes. I'm not talking about the whole site, but anything that requires marking according to our code, should be parked.

MR. PATRICK EVANS: That was done when we put in the pavement. It was approved by the Building Inspector at the time. They told us where they wanted them. That is where we put them. We had it sealed once and they were striped exactly the same again.

MR. JONES: Can I just chime in for a second? In reading the section of the code and -- it would appear that the intent here is to have the striping and marking for employee and customer vehicles, not for display vehicles.

JOHN NOWICKI: That's right.

JAMES MARTIN: That's what I am talking about. Not the display vehicles. But I'm talking about any other.

MR. PATRICK EVANS: Absolutely. I have no problem with that.

JAMES MARTIN: I will say appropriate --

MR. PATRICK EVANS: We'll be happy to meet with him on that and make sure everything is in compliance.

JAMES MARTIN: Clearly, the Fire Marshal has indicated in his letter that the man doors have to be striped appropriately to insure access to those man doors, so there are some striping issues that you're going to have to deal with.

MR. PATRICK EVANS: We have. He did those already. Those are done.

MR. MICHAEL EVANS: Those are complete. In fact, when -- when he did the paving, the lot, we brought this plan in for approval for all of the striping, and when we hired the guy to come and do the striping, this is what we gave him, and he did everything to what was on the

plan, everything from the handicapped to the -- to the hash marks in front of the entry door down there in front of the building, the customer spaces and we even included ingress and egress arrows where it comes in and out of the roadway.

PAUL WANZENRIED: Okay.

JAMES MARTIN: Okay. That's fine.

MR. MICHAEL EVANS: We made sure everything was there for that.

JAMES MARTIN: So my request is, David (Lindsay), to have the Building Inspector go out and insure that they're in compliance, and if they are, then that's fine. If not, you have to make some adjustments.

DAVID LINDSAY: We'll take care of that.

MR. PATRICK EVANS: No problem.

JAMES MARTIN: Anything else, Paul (Wanzenried)?

PAUL WANZENRIED: No. I'm good, thank you.

JAMES MARTIN: One of the issues that came up last time around was we have three parcels of property over there that we're dealing with. And I believe in your letter, there was a statement made about, you know, not separating them out as far as a special use permit application goes, that you wanted the -- you know, the automotive repair to apply to all three parcels.

At this point, I understand your issue with one of the property lines going right down through this -- that one building, but you had indicated to us that some of the things that may happen out of the vehicle storage area is you might have to jump-start a car to get it started. You might have to change a tire. But certainly you're not out there doing oil changes and that kind of work. I don't think you are.

MR. PATRICK EVANS: We haven't done it in ten years and we have no intentions of going and working outside. We -- we have 10,000 square feet inside that we can do our work.

JAMES MARTIN: That -- that is good that you have that.

But again, it raises the issue of whether or not we would like -- if the special use permit is approved tonight, whether it would apply to all three properties or just the two where you're doing actual automotive maintenance, because the other section is basically just for display purposes and you're doing this jump-starting and that kind of activity out there.

Situation is, that if we went ahead with the special use permit for all three properties, essentially it would carry forward, all right, and I guess I'm going to ask the Board, you know, how comfortable they are with moving ahead with all three properties, for this to go forward tonight, with a special use permit for -- for all three lots as opposed to just the two where there is actually automobile repair going on.

JOHN NOWICKI: The application for all three in the first place.

MR. PATRICK EVANS: It's a continuing application. It has been for all three all these years and we haven't abused it.

JOHN NOWICKI: I have no problem with that at all.

JAMES MARTIN: Just throwing it out, because it came up last time. I just want to make sure we're comfortable what we're doing.

MR. PATRICK EVANS: I was curious why there is a question. I really don't see -- I can't see what would possibly be a reason for that question because it is pretty obvious that little building over there is barely big enough for a desk. We certainly aren't going to put a car inside and work on it, and we certainly aren't going to work on the outside. If you want to have a restriction not working -- I don't understand what the question came up from. It -- it boggles my mind as to why somebody would even think of that.

JAMES MARTIN: If you sold that parcel.

MR. PATRICK EVANS: If we sold that parcel, I'm sure somebody would have to start all over again with another special use permit, so it wouldn't apply anyway.

JAMES MARTIN: I will defer to the Assistant Town Counsel on that.

I mean, what is your -- you know, what is your feeling as far as that goes? I mean, if we put a special use permit in place on that property, does it go with the property?

MR. JONES: No, I don't think it would go with the property. The new owner would have to come back before this Board to get it renewed or make a new application.

JAMES MARTIN: Fine. Then that resolves the issue. That is all I wanted to do. So you're set.

MR. PATRICK EVANS: Thank you.

JAMES MARTIN: But I wanted to be sure the issue was resolved --

MR. PATRICK EVANS: I'm glad you clarified that. Thank you.

PAT TINDALE: They did come to our meeting, September meeting, I believe it was, and worked with us. We came to an agreement of planting five salt-resistant locust trees and to maintain the property better, keeping the grass cut and weeded. It had to be done by May 15th of 2013. So hopefully that will come and be done this coming spring.

MR. PATRICK EVANS: It will be my birthday present. Just happens to be my birthday.

JAMES MARTIN: So basically, in lieu of a licensed landscape architect plan which would cost them a lot of money, I think the agreement is they should put that money into the landscaping.

PAT TINDALE: Yes.

JAMES MARTIN: Is the Board comfortable with that?

PAT TINDALE: There is so little area there to do much with, that, you know...

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: We weren't really scheduled to have a formal Public Hearing, but I was willing to entertain comments, but seeing there is none, at this time, I will move ahead with the voting process.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

MR. JONES: Mr. Chairman, can I jump in under (inaudible). I have suggestion as a condition.

Mr. Lindsay and I were having a side bar about the Board's concern, and maybe it would be appropriate to just issue the special use permit for all three parcels, as a condition, so long as they're commonly owned, because now I understand in talking with Mr. Lindsay what the Board's concern was with selling off the parcel.

Does that make sense?

JAMES MARTIN: Okay.

MR. PATRICK EVANS: Sure. That is no problem with us.

JAMES MARTIN: I picked up a couple conditions in addition to the one we just talked about. All previous conditions imposed by the Board which are pertinent to the application remain in place.

As far as the site plan goes, per the Fire Marshal, and you have already accomplished that, that that the striping should be in place to allow -- so the parking will not block access to the man doors.

And then the second one is that, you know, all of the appropriate parking spaces shall be striped per Town Code and to be inspected by the Building Department.

And then under the special use permit, the special use permit shall apply to all three parcels as long as common ownership is maintained.

Now -- I will do the preliminary site plan vote first and then we'll go ahead and do the -- the special use permit.

They have paid fee for final.

JOHN NOWICKI: Waive final.

JAMES MARTIN: Consensus on waiving final?

The Board agreed to waive final.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 5 yes with the following conditions:

1. The Planning Board requests that the Building Department conduct a site visit to insure that all required parking lot striping has been completed per Town Code and the Fire Marshal's review letter. Striping to be completed by December 1, 2012.
2. Applicant to comply with Conservation Board request for completing landscaping by May 15, 2013.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

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

JAMES MARTIN: In the letter, Mr. Evans requested that we make this a permanent situation. I'm going to open this up to discussion with the Board as to their feeling on making this permanent at this time as opposed to applying some sort of time period to it.

DAVID CROSS: I don't think it would be prudent to give him a forever type approval.

JOHN NOWICKI: Maybe it is something we just do as long as he owns the property. As long as they're the owners.

PAUL WANZENRIED: So long as commonly owned.

JOHN NOWICKI: So long as commonly owned, the same as before.

JAMES MARTIN: Okay.

DAVID CROSS: With the current owner.

JOHN NOWICKI: With the current owner.

JAMES MARTIN: Are you comfortable with that?

PAUL WANZENRIED: So long as it is by the current owner.

JAMES MARTIN: So as far as the timeline goes -- Mr. Jones, are you comfortable with us applying that to this -- that the special use permit would remain in place as long as common ownership persists?

MR. JONES: Of the three parcels, yes, I am.

JAMES MARTIN: Okay.

On special use permit, that timeline and the special use permit shall apply to all three

parcels as long as common ownership is maintained.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 5 yes with the following conditions:

1. The approved special use permit shall remain in place until such time as current ownership ceases. The applicant is required to notify the Town of Chili when such an event occurs.
2. The special use permit shall apply to all three parcels (1430, 1434, 1436 Scottsville Road) as long as common ownership of all parcels is maintained.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

PUBLIC HEARINGS:

1. Application of Terry Tree Service, 225 Ballantyne Road, Rochester, New York 14624, property owner: D & T Rents, LLC; for renewal of special use permit to allow a wood processing facility at property located at 225 Ballantyne Road in AC and FPO zone.

Timothy Pope was present to represent the application.

MR. POPE: Mr. Chairman, entire Board, welcome. Good evening. My name is Timothy Pope. I'm Vice President at Terry Tree Service at 225 Ballantyne Road. I'm here in front of the Board tonight to ask for renewal on our conditional use permit for our wood processing facility. All conditions from the existing permit we're willing to renew as they are. Any questions, I would be glad to answer them for any of the members.

JAMES MARTIN: Now, we have your aerial. I also asked the Planning Board Secretary to go back and pull some previous Google Earth aerials on the site, and pretty much not a lot has changed over there. I know there was a comment about parking, but I believe based on previous pictures of the site, it was already kind of gravel to begin with where the additional parking was showing up. Clearly you did remove the front parking. That is all very nicely landscaped now. The site looks very, very nice from the perspective of going by on Ballantyne Road.

I guess I don't have any questions at this time.

PAUL WANZENRIED: What is the purpose of the structures? Can you tell me a little about that?

MR. POPE: Yes. I can point them out on the drawing.

PAUL WANZENRIED: Go ahead.

MR. POPE: Everybody see this okay? I -- the main structure, when you come in our driveway off Ballantyne Road, the structure here is the main office. This is all office personnel. Basically, there is probably -- roughly during the day we have, I don't know, maybe 15 employees inside this building (indicating).

The main shop here (indicating), this is all repair facility on both sides. We do have a few tenants that are here. Like the application says, this is -- the whole property is owned by D & T Rents. Terry Tree Service, who I am representing, is the main tenant. Ironwood Heavy Highway is another tenant. Eagle Veteran Construction Service, that's another tenant. And Lewis Tree Service, who used to be on this entire property several years ago, is also another tenant.

They have this building here (indicating), Lewis Tree. And this building here (indicating) is Terry Tree Service. This is strictly repair facilities (indicating). This is four mechanics on a daily basis in this building (indicating), and there is four mechanics also in these buildings (indicating). The very end of this is cut off just for storage. So you have two mechanics in two separate bays here (indicating).

That's the only structures that are on the -- this is a concrete pad (indicating), and some mulch storage and stuff down here, but these are the only structures on the buildings. I'm sorry. In here there is a tiny structure for an air compressor. It's back in behind some of those trucks. It's very hard to see. But that's the only other structure on the building -- or on the property.

PAUL WANZENRIED: All these trucks -- looks to be like trucks, are they usable, drivable, roadworthy?

MR. POPE: Some are not licensed. They're there to be auctioned. There are some minor things to be done with them. The plates are pulled off. The majority of that is Lewis Tree equipment, but they do send them to auction on a quarterly basis, so there is probably -- my guess is maybe half a dozen to a dozen unlicensed vehicles in there.

PAUL WANZENRIED: Okay. I don't have any further questions.

JOHN NOWICKI: You have had a busy year, haven't you?

MR. POPE: Yeah.

JOHN NOWICKI: I don't have any questions. You have been there for quite a while.

DAVID CROSS: Just curious. Mr. Lindsay, if there has been any complaints on the property address?

DAVID LINDSAY: No, we have not received any complaints.

DAVID CROSS: That's all.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: Basically at this point, I will do a SEQR determination. Based on previous renewal applications by Terry Tree, this has been listed as a Type II action.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: As far as the renewal, since you're part of the whole -- the rental conglomeration over there, we're looking specifically at Terry Tree Service, um -- I know we have been putting time lines on this before, but do you anticipate any significant changes in your business operation, or, you know -- at least that you know about at this point in time?

MR. POPE: No. Things should pretty will stay constant. The amount of wood debris that we process in the facility has been pretty constant over the years. I think we roughly have been doing it 20 -- 20 years roughly. I don't see any big influx. We had the one ice storm 2003 that did bring in a little addition material, but I see no changes in there for anything significant.

JAMES MARTIN: Okay. It has been requested that -- that it is subject to final approval by the Town Engineer/Commissioner of Public Works. All previous conditions imposed by the Board which are pertinent to the application remain in place.

As far as timeline goes, indefinite? I -- we don't -- you know, you don't see any changes in the operation.

JOHN NOWICKI: What happens with the rental, the people that -- the -- the D & T Rents? What if they change something there and rent to some other type of business that may have a different impact on the area or the airport or something like that? We should have -- we should have some control over that.

JAMES MARTIN: We're talking about Terry Tree Service as one of the -- you know, the renters of part of the facility. There are several other renting agencies on the site. Is that a concern from our standpoint? I think we're dealing just specifically with Terry Tree Service on this application.

MR. JONES: I agree with you, Mr. Chairman. The application is -- is Terry Tree Service, so -- so the permit belongs to the applicant. So I would -- I would tend to agree with your analysis.

JAMES MARTIN: I guess it does raise a question in my note with all these other people occupying the property and paying rent, is there anybody else over there that should be coming before this Board for a special use permit, and I think that is something maybe the Building Department ought to check into. Kind of opens up Pandora's Box a little bit.

DAVID LINDSAY: We'll work with Mr. Pope to determine who is in the facility over there and we'll review it internally.

MR. JONES: I think that would be wise for the Town to protect ourselves.

MR. POPE: Mr. Chairman, I believe that permit is for the wood recycling which is the south of the property. That is really what we're discussing a continued use for that, that area of it, not necessarily the buildings, but the -- but the recycling facility in the back. And -- that's Terry Tree Service for sure, not the other people.

JAMES MARTIN: I understand that, I just -- you said there is like three or four other agencies over there on the property, so...

So as far as timeline goes, until operations ceases? I don't know what the right words around it are. Clearly they have been there for 20 years.

DAVID CROSS: As long as they stay the owner.

JOHN NOWICKI: As long as they are the same owners.

JAMES MARTIN: Well, the ownership could change, but the service could stay there.

MR. POPE: We don't mind coming back.

JOHN NOWICKI: How long was this one for? Five years. Make it another five years.

MR. POPE: That's fine. If you like to do that, I --

JAMES MARTIN: I can make it five years, ten years, whatever you want.

JOHN NOWICKI: Five years.

JAMES MARTIN: I'm hearing five years.

PAUL WANZENRIED: Five.

JAMES MARTIN: Five consensus on that?

PAUL WANZENRIED: Yes.

JAMES MARTIN: The renewal period will be for five years. I have gone through the conditions. It is a Type II action. On the application for special use permit?

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Special use permit is approved for a period of five years.

2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

INFORMAL:

1. Application of PKG Equipment, 367 Paul Road, Rochester, New York 14624 for revised site plan approval for addition granted in 1999 for 93' by 140' warehouse addition. Application would like to amend approval to 93' by 160' warehouse addition at property located at 367 Paul Road in LI zone.

Rob Fitzgerald and Steve Pontarelli were present to represent the application.

MR. FITZGERALD: Good evening. Rob Fitzgerald, Project Engineer with Razak Associates. With me tonight is my client, Steve Pontarelli, President of PKG Equipment.

I was here back in 1999 to get this approval. One of my first projects. It has changed a little bit, just a little bit in size. Once he got approval back in '99, um, the economy wasn't there to move forward with it, and since then, we have decided to make a couple changes. If I could just approach the board to point those out.

JAMES MARTIN: Certainly.

MR. FITZGERALD: The existing overhead cranes in the building run south to west. The previous approval had the overhead doors to the north and makes sense just for operating to have everything continue to run west to east. That is why we do have the overhead doors now on the west side of the building.

And really that's the biggest change. We had another bay, if you will, another 20 feet onto the building.

Since that time, too, we do have some nice berming with Douglas Fir out front. Since the last 13 years, they have since grown, which is nice, but they also lost their branches on the bottom of the trees. So we're proposing a new row of -- what do we have here -- approximately 20 Blue Spruce to kind of fill in the voids. Once they get more established, Steve Pontarelli would like to start thinning out some of the older trees and plant new ones to just kind of continue that berm. But at this time, we are proposing, I guess it is, 19 Blue Spruce.

We did go in front of the Conservation Board. They wanted us to stagger these trees a little bit more, which we have since done, as well as added one more to the eastern side, which we have done.

That's pretty much the only comments from Conservation Board. We went in front of the Architectural Review Board. They had a couple comments, actually more of site issues, I would say. They actually wanted to see four more trees on this berm, so we did show those to the east. They also want us to define the dumpster location, where that would be located. Their recommendation was to push it kind of in this back corner (indicating), kind of out of sight of everything, if you will. And then, too, with that, we'll do a board-on-board dumpster enclosure so -- with 6 by 6 posts.

So again, not a lot of changes in 13 years, but some that will help Mr. Pontarelli's business out. He is here, like I said, so if you have any questions as far as operation goes. It is kind of a cool business.

JAMES MARTIN: I don't have any questions.

PAUL WANZENRIED: How many employees do you have, Mr. Pontarelli?

MR. PONTARELLI: Currently, I believe we're at 42.

PAUL WANZENRIED: Do you have clientele or vendors that come to see you?

MR. PONTARELLI: We have both customer visits and vendor visits.

PAUL WANZENRIED: During the course of a day, how many would that be?

MR. PONTARELLI: Varied throughout the week. Um, on a daily average, it may be 5 to 8. Mix of vendors and customers.

PAUL WANZENRIED: Are you straight 8 to 5, 8 to 6 shop, or you -- run shifts.

MR. PONTARELLI: It has always been a day shift. It's extended. We do start, depending what is going on, early and may run late. Usually everybody is out of there about 5 unless we have somebody trying to finish up that evening. But it has always been a single shift. May be a long shift, but it's been a single shift.

PAUL WANZENRIED: Parking lot lit by the building lighting? Or is it lit with a light pole? Unless I'm missing it here.

MR. PONTARELLI: It's all been building lighting.

PAUL WANZENRIED: Okay. Will that be sufficient enough, Mr. Fitzgerald, out there to the west end of the parking lot, from that building? I see where you have the lighting on the building.

MR. FITZGERALD: Well, how -- existing conditions, this parking lot is existing, and really the closest lights are on this building, so if anything, we're actually improving the situation, from a lighting standpoint.

MR. PONTARELLI: Currently the one light on the end of the existing building lights all of the way down to the furthest spots.

PAUL WANZENRIED: To the furthest spots?

MR. PONTARELLI: Uh-huh.

PAUL WANZENRIED: No further questions.

JOHN NOWICKI: Is this something that will happen this year or next year?

MR. PONTARELLI: We're hoping to start construction before the weather closes in on us here. So we would like to start this year.

JOHN NOWICKI: Because sometimes I go by there and I see some strange equipment sitting out there. Is that normal or -- what is that?

MR. PONTARELLI: Those are projects that we fabricate, and, um, there has been a couple of occasions in the last couple of years that were complete and then the customer calls us up and says, "We're not ready," and you know some of them are 70 feet long and okay, it has got to go somewhere. That's -- part of this addition is to try and alleviate some of that, because in the past, we have needed floor space to continue manufacturing and it's like okay, roll it out to the lot.

JOHN NOWICKI: Okay. Just wanted to give -- we're watching you.

MR. PONTARELLI: Yeah. Yeah.

JOHN NOWICKI: Thank you.

DAVID CROSS: Just one question. Architecturally, will the proposed addition look like the existing building right now?

MR. PONTARELLI: We're carrying the same siding. We're going to do a knee wall, but because of the grade steps, there will be a step down and the knee wall to continue the siding, you know.

DAVID CROSS: Same colors and finishes?

MR. PONTARELLI: Same color, same trim. We're changing the windows. On the front of the existing manufacturing space, we're going to extend those windows out just a little bit --

DAVID CROSS: Okay.

MR. PONTARELLI: -- for lighting purposes.

DAVID CROSS: That's all.

RICHARD BRONGO: What kind of fabrication are you doing? Are they tanks?

MR. PONTARELLI: We manufacture process equipment for the chemical industry and also the steel industry, what we call primary metals, which would be steel mills. And, um, chemical process tanks are typically pressure vessels, steel, some type of lining or coating. And then for the steel mills, it's a lot of polypropylene tanks.

Some of the big ones you seen out there were all plastic. Those, in particular, um, Australia, Japan and Brazil is where they -- they have ended up. So we're doing a lot -- a lot more international now that we --

RICHARD BRONGO: You doing any finishing work yourself on the interior painting, plating, anything like that?

MR. PONTARELLI: The only thing we do is we will -- we have a spray booth. We do some spray painting -- some of them have steel reinforcements so they will get a coat of epoxy. We sand blast and then spray that, but it's a -- it's an infrequent operation. It's not a daily spraying operation. It's maybe four times a month, once a week or where they will actually shoot a paint or an epoxy.

But we don't actually do any of the finishing ourselves. We may manufacture equipment for people that are finishing product, but we don't do any of the finishing.

PAT TINDALE: I'm going to comment. This is the second time around we have been given drawings by a certain firm that doesn't include licensed landscape architect sealed prints. Got it approved somehow back in '99. Now it comes back before us again with no seal on it. It should have, but because it was an extension of landscaping that was currently there, we decided to go with it.

But if there is anything more done at this establishment, we definitely want licensed landscape architect sealed prints.

That is more for this gentleman (indicating). Thank you.

JAMES MARTIN: Okay. Well, if they come back, we'll be sure --

PAT TINDALE: Yes. If there is another project -- I mean, it keeps happening, so.

MR. EMENS: It sounds like they have already begun to address our concerns, and I think the tree screening was to hide the matching architecture that -- I think the responsible thing to do at this time was to tie the building structurally and the roof pitch and everything, materials, similar to the existing, but our concern was a few more trees up there might block some of that from the residential neighborhood across the road.

And it sounds like there is a detail on the -- the dumpster enclosure, so those are our concerns.

JAMES MARTIN: You still like to see a cut sheet on that or something, right?

MR. EMENS: Yes.

JAMES MARTIN: This is Informal, so there is no Public Hearing required for this application.

Question for you, Mr. Jones. SEQR obviously was approved when this was originally approved by the Board. I have never had to deal with SEQR on an amendment.

Do we need to do SEQR again at this point in time or does a previous approval carry forward?

MR. JONES: Um, the previous approval would carry forward as long as there are no material changes that would have an impact. I am at a loss because I don't know what the

previous approval entails.

JAMES MARTIN: So no SEQR tonight is required?

MR. JONES: No. No -- because we're informal, there is no official action, so SEQR would not be required tonight.

JAMES MARTIN: I -- they have asked us to amend the approval, the original approval to make this addition. Okay?

DAVID LINDSAY: How many square feet difference is the addition from the old one?

MR. PONTARELLI: 1800.

PAUL WANZENRIED: 1800. 93 times 20.

MR. JONES: I would give the opinion that no further SEQR is required. No need to do it.

JAMES MARTIN: No need. Thank you.

James Martin reviewed the proposed conditions of approval.

DECISION: Unanimously approved by a vote of 5 yes the amended site plan as proposed in this application with the following conditions:

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.

The 9/18/12 Planning Board minutes were approved.

The meeting ended at 8:00 p.m.