

CHILI PLANNING BOARD
October 16, 2007

A meeting of the Chili Planning Board was held on October 16, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Chris Karelus, Building Department Manager; David Lindsay, Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Dick Schickler, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

Councilman Schulmerich, Town Board liaison, was also in attendance.

Paul Bloser, Zoning Board Chairperson, was also in attendance.

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: It has been brought to my attention the ladies room in that direction (indicating) from the meeting hall is out of order due to some plumbing changes that are being made.

The ladies room in that direction (indicating) towards the library is available until 9:00 p.m. After 9:00 p.m., it is not available. You have to walk around, according to Sandy (Hewlett), to get to it.

We have two other people here with us tonight: Paul Bloser, who is Chairman of the Zoning Board of Appeals and Dennis Schulmerich, who is our liaison to the Town Board.

PUBLIC HEARINGS:

1. Application of Raza & Rehana Qadeer; 18 Caboose Circle, North Chili, New York 14514 property owner: JR Realty Estate; for preliminary site plan approval for a change of use in portion of building to allow a catering business (formerly nail salon), at property located at 4390 Buffalo Road in G.B. zone.

Atif Qadeer was present to represent the application.

MR. ATIF QADEER: Good evening. I am actually speaking on behalf of my parents, Raza and Rehana. We have already submitted all of our paperwork as to what we intend to do. I have a set of original drawings from the architect here if we'll need -- I think this has already been submitted to the Town, as well. Other than that, I -- I guess I will follow your instructions.

JAMES MARTIN: Since this is a public hearing, please show your plans on the board. Based on your letter of intent, basically you are providing mostly take-out service?

MR. ATIF QADEER: Catering service and take-out, correct.

JAMES MARTIN: Your proposed hours of operation will be 11:00 a.m. to 9:00 p.m., Monday through Sunday?

MR. ATIF QADEER: Correct, sir.

JAMES MARTIN: And your menu will consist mostly of Pakistani and Hindu style cuisine?

MR. ATIF QADEER: Correct, sir.

JAMES MARTIN: Obviously you will need the proper licensing from the Department of Health.

MR. ATIF QADEER: Yeah, yes. We're pursuing all of that.

JAMES MARTIN: All of the controlling agencies, assuming this goes forward.

MR. ATIF QADEER: Correct.

JAMES MARTIN: I think we'll deal with your particular issue. I know that the plaza owner received notice to be present tonight. Mr. Ren is here? I think we have some issues we want to discuss about the plaza in general that is probably not related exactly to this application that is before us, okay? So -- I guess what I will do is get on with that at this point.

Mr. Ren, if you wanted to come forward --

MR. REN: Sure.

JAMES MARTIN: -- that would be appropriate.

Obviously this plaza has had its issues in the past. We're very familiar what happened with previous owners and the condition of the plaza. Yes, it has been greatly improved over what it was before, but it appears to me, based on my inspection of the plaza, that there still some work

to be done, and I think that the fact is that we're going to have a very, very nice development on the hill basically looking down at the back end of your plaza, the north side and the west side of your plaza.

And as I drive around back there, I find, you know, dumpster containment areas that are totally falling apart. I find graffiti on the sides of the walls. There is a couple vehicles parked in there. I'm not sure what their purpose is. One has a snowplow on it, but I didn't see any license plates on them.

You know, there is a lot of work that needs to be done on the rear of that plaza, I think, to fix it up to a point where people who are going to be living in this beautiful development overlooking your plaza are going to see something that looks nice as opposed to what is there at the present time.

So I guess, do you have any comments in regard to the issues that I have just raised, Mr. Ren?

MR. REN: Yes. Everything you just say is so. I understand. Probably a week end, you know, to -- the best I can. Probably give me a list, the paper, a list of all items you just told me so we can do it as soon as possible and get it done. I will make the plaza beautiful for the neighborhood.

KAREN COX: Are we talking about the plaza, or --

JAMES MARTIN: Well, I think what we need to do is talk about this application, per se.

JOHN NOWICKI: Can we also focus -- there are two applications here. I'm very concerned about the -- because nothing has happened to that plaza, as far as being cleaned up and kept up. So my particular attitude right now is I need a firm commitment from the owner of this plaza, Mr. Ren, before I get too excited about the first two applications. That is my bottom line.

JAMES MARTIN: Well, we certainly could put the condition in here that a Certificate of Occupancy would not be issued by the Building Department pending completion of, you know, interior modification, whatever is required, until such time as there is a firm plan in place from the plaza owner to clean up and repair.

JOHN NOWICKI: And a timeline, very short timeline.

JAMES MARTIN: Okay. So I think we're trying to -- we're trying to manage both activities here based on the fact that we have two -- you know, two site plan applications for change of use before us for the same plaza. Okay?

KAREN COX: And in doing that, just so I understand, that allows the applicant in front of us to -- if they're approved tonight to start working on their -- getting their business together at the same time while Mr. Ren is working on the rest of the plaza?

JAMES MARTIN: That's basically what I am headed for, yes, as far as conditions go.

KAREN COX: Okay. With regard to the catering kitchen, what hours do you plan on being open?

MR. ATIF QADEER: We're planning on opening from 10 to, like I said, about 8 or 9, but we're hoping as it is a new business for us, we're learning. We may even take that hour down, but I don't think we intend on going past 9:00 at any given day. Perhaps Sunday, even less time.

KAREN COX: And you would be -- it -- when you say a "take-out operation," it is not catering large parties or -- or that would be part of the business?

MR. ATIF QADEER: No, ma'am. We would be supplying catering to private parties. Rather small. We don't have a very large clientele at this time. We hope we do grow to that level, but currently I would say probably the biggest party we would cater with our capacity would be about 50 people or so. Other than that, our take-out is also for people who are not ethnic -- sharing our ethnic background who do have interest in our food and also serving those clients as take-out, because at this point we really are not providing any seating area other than just basically a waiting area for anyone who may come in.

JOHN HELLABY: Signage. You're sort of tucked back in that little walkway between those two buildings and I see no mention of signage. Any signage you put up going to be in accordance with our sign ordinance?

MR. ATIF QADEER: Absolutely, sir. I'm not -- my intent is to follow every rule and regulation and do nothing out of the ordinary.

JOHN HELLABY: You won't have big neon lights in the front flashing "open" and --

MR. ATIF QADEER: None whatsoever.

JOHN HELLABY: Alcohol sales?

MR. ATIF QADEER: No, sir. No alcohol sales.

JOHN HELLABY: What was pre-existing in that space, do you know?

MR. ATIF QADEER: We understand it was a tanning salon. I know towards the back there is actually tanning booths there. There are four tanning booths that are currently in place.

JOHN HELLABY: All of the equipment you're proposing on the floor plan is all new installed?

MR. ATIF QADEER: Correct, sir. We had this architect put together a plan for us as to how basically that area -- all we will do is demo out the rooms that are built. We have a cinder block wall on one side and a drywall on the other side, so we plan to put all our equipment obviously towards the cinder block wall side.

JOHN HELLABY: If there is fryers naturally they will have Ansul fire suppression equipment per Town Code?

MR. ATIF QADEER: Absolutely.

JOHN NOWICKI: I'm not too concerned over you as the applicant to this particular catering kitchen. My concern, as always has been, is the owner of the plaza and what somebody

should be doing over there. I guess my feeling is that a condition is going to have to be met here where the owner of that plaza is going to have to meet with Mr. Karelus from our Building Department to go over all of the items that have to be taken care of before any kind of Certificate of Occupancy is issued.

MR. ATIF QADEER: Understood.

JOHN NOWICKI: To make sure this plaza is in shape like every other plaza in our Town and meets all of the codes, including the Fire Marshal and the Building -- Mr. Karelus' office. That is my bottom line and that is how I will accept the application, as well.

GEORGE BRINKWART: How many employees do you have?

MR. ATIF QADEER: We're currently -- it is all family at this point. My parents and then I have -- my sister and my wife will be involved. So there aren't any employees planned as of now from the outside until we grow to a reasonable size where we think we can afford an employee.

GEORGE BRINKWART: Good luck.

MR. ATIF QADEER: Thank you very much.

DARIO MARCHIONI: I don't have any questions pertaining to the business, but I want to echo what John (Nowicki) said. We have to work together. It will be to your interest, too, to have a nice-looking plaza.

MR. ATIF QADEER: Our main interest -- it is very close to where I live. I live in North Chili. It's close by. I was not aware of, um, the conditions that have been -- that have been placed -- but I know Jimmy (Ren), and I'm sure -- he seems like a very nice guy. I don't see why he wouldn't do it. It would be in the best interest for all.

DARIO MARCHIONI: And we also welcome you to Chili. We want your business.

MR. ATIF QADEER: We would like to have it here.

JOHN NOWICKI: Any particular dish that you would recommend?

MR. ATIF QADEER: I would like to say all of them.

(Laughter.)

MR. ATIF QADEER: But definitely, as I say, everyone here is welcome to try it. It is our intent to do something new, and we hope that all of you like it.

CHRIS KARELUS: With respect to the application, I just ask the Board condition that the Fire Marshal review approval be granted on the project. Also building plan review and approval at the Building Department. I will work with Mr. Ren to get the general upkeep on the west end, north end of that building with the items that we talked about. And if you leave that as a condition, I would also suggest, too, the Certificate of Occupancy for the tenants will be, you know, basically -- how well we work with you, Mr. Ren, in getting these things being accomplished prior to the C of O being issued.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm wondering about refuse. A restaurant will have a considerable amount of garbage, I would think, and what dumpster provision is included in the plan?

JAMES MARTIN: Mr. Ren, can you answer that? I think basically the dumpsters are in place. Are you going to add any additional dumpsters at this time?

MR. REN: We can see that the dumpster behind the Family Dollar, you know, they got a fan, close and they have three (inaudible) that is -- we can probably put it inside and -- they got a fan close to that.

JAMES MARTIN: Okay.

MS. BORGUS: Am I to understand correctly there are no variances required for this operation?

JAMES MARTIN: According to what we have before us, there are no variances required.

David Lindsay arrived.

MS. BORGUS: I heard the applicant kind of brush over the idea of signs, but I'm certain that any business is going to want signage, so I would hope the Chair would get that clear just what he considers to be normal. It's going to be an out-of-the-way place, and I can see where we're going to have a sign problem, and maybe the applicant doesn't realize yet or doesn't want to recognize it yet, but this Board will have a problem with signage and they will have a problem with signage because they're going to want to be seen.

As far as the plaza goes, you know, there is a little more to consider than the back. There is dead plantings in the front. That whole plaza needs a good look. And a good fix. It gets cleaned up a little bit and then it gets just let go again. This is not something that should just be done and forgotten. This is an ongoing project. Anybody who owns a plaza, I should think that it recognizes it requires ongoing maintenance and not just when they're called to come here to appear before the Board and make another promise to have a go at it. This is a long-standing situation and, frankly, the people in our area are getting very tired of it.

Thank you.

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: I agree with the Board about the back side of the plaza. That's been an ongoing complaint since long before Hortons and the car wash went in there, the same problems.

Broken pavement, graffiti, piled up cardboard boxes and just a general lack of upkeep and daily maintenance. And anybody that goes over to the post office can see it, day after day, and the same goes true for the new townhouses and living center that are going in there.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Just a general question. I live in the eastern part of Chili. Who is the owner of the plaza right now? Has the ownership changed?

MR. REN: (Indicating).

MR. BRIXNER: You're the owner. Thank you. Wonderful. Good wishes.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: First of all, on the plaza, the location here, I have no problem with the business going in, as a restaurant take-out. The problem I have is the parking in that area. First of all, you go in the front -- I was there this evening. You can't even hardly get in front of the Dollar -- the Dollar Store there, number one.

And the parking out there, to increase in a restaurant -- there is going to be hopefully a lot more coming in, and you don't have the parking spaces. You have -- you have the bar. You have a pizza shop. You have the Chinese restaurant, which my son goes to quite often and now --

MR. ATIF QADEER: Pakistani restaurant.

MR. GINOVSKY: Yes. That's the one. Now, taking all that into consideration, the parking area that is in the front, and God forbid we have a fire there and you have parking in the front, our Fire Department will not be able to really respond and get their hoses or whatever in the front part of the plaza. In the back part, maybe they can bring them in.

The next part comes into -- and that's during good weather. We don't even have the snow yet. Last winter, for an example, you come in over by the Tim Hortons and the car wash, there is supposed to be at least two-way traffic. Tim Hortons pushed their snow and reduced the driveway entranceway to about a car and a half. You would have to stop or otherwise you will get kissed by someone coming out or in or whatever direction you may be going in. And that needs to be addressed and as a condition.

And also, I understand that the dump truck there for the plowing is unregistered and the Town has cited it a number of times.

Also, you had a dumpster, as Mrs. Neder said, made some question on. I'm quite concerned with that, over by the Dollar General. That's the name of the other store there. Are you going to be bringing your waste across the walkway there? It's not a very -- any restaurant, it's going to smell. It is as simple as that. It is going to be sloppy. I think we need to really look at this in a little deeper manner.

Like I said, the parking and the safety point there, you can't even get in there at times. That is during the week. Weekends, that's another story. Forget it. You can park over by Tim Hortons and maybe walk over there. That really needs to be addressed up front.

Thank you.

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: I would assume that this business will put in a grease disposal receptacle?

MR. ATIF QADEER: Yes, sir.

MR. DUNNING: Is it on the plan?

JAMES MARTIN: Yes.

MR. DUNNING: Okay. I didn't see it. So if the dumpsters are a concern right now, will they build some type of containment system for that, to keep your critters and everything -- is that part of this?

JAMES MARTIN: As part of the upgrade to the rear of the plaza, yes. That is going to have to meet Town Code, any dumpsters, additional dumpsters put in will have to meet Town Code. That is a condition of approval on what I am writing right now.

MR. DUNNING: Okay.

JAY ALEXANDER, 3051 Union Street

MR. ALEXANDER: I'm a tenant there, and I think there is plenty of parking for this type business. It's a quick in and out versus what we may be seeing down the road, which is taking up parking spots for hours. Traffic goes in and out other than the snowplowing situation.

JAMES MARTIN: Thank you.

James Martin moved to close and John Nowicki seconded the motion.

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

JAMES MARTIN: Certainly snow removal is a problem in any plaza. It is something you need to monitor constantly. I am sure you're doing an adequate job as far as snow removal in the plaza goes. I'm not going to list that as a condition at this point, but certainly you're aware of it, and it will be monitored.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: If there is a particular aspect of this that can't be completed during the winter weather, would we be flexible in regards to the timeline and the date of completion for a particular item on the list?

CHRIS KARELUS: We'll try to expedite everything with Mr. Ren as quickly as possible. We can condition for C of O, as well. We can have that be an item he has to take care of and we'll establish a time frame with that, being weather sensitive.

JAMES MARTIN: Okay. Thank you.

James Martin further reviewed the proposed conditions with the Board.

JOHN NOWICKI: How soon do you expect to go into the plaza and start working and renovating for your business?

MR. ATIF QADEER: It was our intent, once we were granted the permission, to start building. We have a little demo -- I would say I'm not planning to be in there for at least a month to month and a half. We need at least a month to get everything in order and make sure everything that needs to be satisfied for the Fire Department, Health Department, satisfy all of that before we even plan on opening the doors to the public.

JOHN NOWICKI: So, Mr. Ren, it looks like you got two months to get that thing done and over with, complete.

MR. REN: Should be fine. Also if somebody can help me.

JOHN NOWICKI: You will have to move quickly.

JAMES MARTIN: They have paid their fee for final.

The Board agreed to waive final on the application.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. The plaza owner will provide to the Planning Board and the Building Department a list of repairs and upgrades to be made to the north and west rear of the plaza along with a time line for completion. Work to be completed prior to a Certificate of Occupancy being issued.
2. Applicant shall comply with all town and county code and license requirements.

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

2. Application of Ervin Starr, 25 Sunnyside Lane, North Chili, New York 14514, property owner: JR Realty, Inc., for preliminary site plan approval for a change of use in portion of building to allow a fitness center (formerly carpet store) at property located at 4390 Buffalo Road in G.B. zone.

Ervin Starr was present to represent the application.

MR. STARR: The application is to put in a fitness center. You can see from the interior drawing the entrance is on the right-hand side, and that is where most of the equipment will be. That's the finished out space that was previously a flooring store and will be the -- really the preliminary space that is used.

What we're proposing as well is to put an office space located at about the halfway point, up towards the top of the diagram you're looking at, and bathroom space in the back to accommodate members and make sure that they're handicapped accessible.

JAMES MARTIN: Anything else?

MR. STARR: What questions do you have?

JAMES MARTIN: What will your hours of operation be?

MR. STARR: It's a 24-hour key-card access facility.

JAMES MARTIN: Okay. So it is card access. Member has a card, they can go in?

MR. STARR: Right.

JAMES MARTIN: No management or supervision present --

MR. STARR: Not 24-hour, no.

JAMES MARTIN: Okay. How would you handle medical emergencies, any of these circumstances?

MR. STARR: It's a -- the location is connected to a franchise. The franchise system has -- it's monitored in two ways. One, there is cameras that cover the full square footage, and then there's inside, there's both a phone line that you can dial 911 and then on both sides or ends of the fitness area are buttons that call out to a 24-hour emergency service. And it's two-way communication, so if you were holding that button down, you could speak with someone, a live person at the security organization.

JAMES MARTIN: Just clarification on that. If a sole user came in at 2:00 in the morning

and wanted to start working out on one of the treadmills or something like that and had a coronary or something like that and was unconscious, the camera monitoring is going to detect that situation where emergency equipment -- alert would be handled? Is that what you're telling me?

MR. STARR: No. They would -- someone would physically have to push the button in order to get help. That is -- I mean it's not -- it would recognize -- the camera senses motion, so if there is no motion, they wouldn't make note of that. They wouldn't be able to tell somebody was having an emergency experience, no.

KAREN COX: So the cameras are manned by -- I mean is somebody physically watching the cameras somewhere off site?

MR. STARR: The -- the full-time -- again, this is -- I think we're somewhere around the thousandth location, so it's a fairly, um, common kind of location. They have not had these incidences, although we have asked about them, is that you have both the access to get to help through either the phone line or through the emergency buttons. The camera itself is set up so at any point from anywhere that I have web access I can monitor and see what is going on and check in on the location.

JAMES MARTIN: It doesn't sound like a great safety feature, but anyway, go ahead.

KAREN COX: You said the buttons allow people two-way access to emergency services. Who provides that emergency service?

MR. STARR: It's contracted with a franchise or nationwide, so it is 24-hour human response. They immediately call local services to come and respond to any emergency situations.

KAREN COX: So they would call a volunteer ambulance?

MR. STARR: In this case, they would call in to some place local to the Chili area for ambulance response, if that is what was necessary.

KAREN COX: I mean Chili's Fire Department is mostly volunteer, so at 2:00 in the morning, the response time, you're maybe not going to get the same response time you would during the day. I would throw that out.

It's a little unorthodox. It is key-card access. I understand that.

Have you had incidents, problems -- do you know of any incidents or problems at other locations or --

MR. STARR: No. As I said, they have about a thousand locations now. There has not been those kind of issues that someone looking to purchase the franchise -- these were similar concerns I had, seeing the safety features that were in line, talking with the current franchise owners. Those issues were extreme kind of what-if scenarios, but no.

KAREN COX: These are in urban areas and suburban areas, all sorts of places?

MR. STARR: Correct. From very small towns to major metropolitan areas.

KAREN COX: How much do they get used in the middle of the night?

MR. STARR: Usage is extremely low at night. What they found is people like the option of being able to go, but very rarely use it beyond 9:00 at night.

KAREN COX: So you get the early morning usage, the 5:00-in-the-morning people.

MR. STARR: Yes. You get more traffic at 5, 6, 7, before work. Very little traffic between 9, 10:00 at night and 4 or 5 in the morning.

KAREN COX: Okay. That was all I have.

JAMES MARTIN: When will you actually have employees on site?

MR. STARR: The person managing it, who is my cousin, and my wife will be involved, as well, will be there during the days, Monday through Sunday until 9:00 at night initially. And then their primary work times will be early morning, late afternoon when the gym is in most use.

JOHN HELLABY: What does "snap" stand for?

MR. STARR: As far as I know, nothing. Nothing other than snap.

JOHN HELLABY: You say there is a -- thousand locations throughout the country. Can you give me some direct locations, other than just throughout the country?

MR. STARR: Sure. They started in Minneapolis, St. Paul area. Here in the New York area they're in Skaneateles. They're in Derby, outside of Buffalo. There is a franchise that was just purchased that's scheduled to go in either Victor or Farmington, Syracuse. So those are the ones in New York. It's a little bit newer to New York than it is to the Midwest.

But when I was out at the franchise or last week, people from Chicago, Charlotte and Charleston, so, I mean it's in 48 states right now.

JOHN HELLABY: If it is a franchise, I assume they own the equipment?

MR. STARR: No. The equipment I will be leasing or own outright myself.

JOHN HELLABY: So you will be leasing the equipment?

MR. STARR: Uh-huh.

JOHN HELLABY: Just out of curiosity, membership, is that on a month-to-month basis, six-month basis?

MR. STARR: It's non-contractual, month- to-month.

JOHN HELLABY: Cost is?

MR. STARR: Ranges from 25 to \$35.

JOHN HELLABY: What type of -- I mean as far as numbers, what type of head count do you have to get through there in order to maintain a gym?

MR. STARR: A gym this size, 250 members. 400 would be considered a very active club to have 400 memberships, and typical use may be 10 or 15 people at -- at the peak hour.

JOHN HELLABY: That is the space that is directly adjacent to Dollar General? It sort of comes out on the corner, that walkway?

MR. STARR: Yes. Right beside Dollar General -- or Family Dollar.

JOHN HELLABY: As far as drive-through traffic, like Sheriff's patrols and stuff, there isn't a good line of sight inside down that building, if I recall the parking lot.

MR. STARR: It's right -- it's in the main square, so if they're driving through the parking lot, it is fairly visible. With the window right in the frontage.

JOHN HELLABY: Signage. I asked the question. I don't see any signage.

MR. STARR: We stopped by and got the requirements from the Town last week.

JOHN HELLABY: Our sign ordinance?

MR. STARR: Correct.

JOHN HELLABY: No flashing neon lights in the windows.

MR. STARR: No, no neon.

KAREN COX: We have an issue with neon in this Town.

JOHN NOWICKI: Just curious, why no showers?

MR. STARR: The model was built, recognizing what people actually used and the founder of the franchise owned larger or considered big box fitness facilities, and he looked at what people are using, and people, most of the membership do not use the showers. There is something about a public shower that turns a lot of people off. It was found there was very low usage.

KAREN COX: I will echo that.

JOHN NOWICKI: You mentioned buttons located in the building for emergency purposes. Can you tell us how many and where?

MR. STARR: Two buttons, one on each end of the gym.

JOHN NOWICKI: Is that something that maybe can be looked at to encourage a few more locations?

MR. STARR: I can --

MR. BELROSE (phonetic): If I may, there is also sensors that are -- if you've ever been into a convenience store, the person working behind a counter has an emergency sensor, in case they're being robbed, around their neck.

JOHN NOWICKI: Each member will have --

MR. STARR: There are three or four available. So if a member was in there concerned about it, they could actually wear one around their neck.

JOHN NOWICKI: That would alert the --

MR. BELROSE: Same thing as the emergency.

JAMES MARTIN: Hold on. If you are going to talk, please -- are you part of this?

MR. BELROSE: Yes. I'm sorry. I'm his cousin. I will be the manager. Jeremy Belrose (phonetic).

JOHN NOWICKI: If the membership goes in there, do you have any wall-mounted TVs they can watch sporting events or things like that?

MR. STARR: There are four mounted TVs where the treadmills and other aerobic equipment is.

JOHN NOWICKI: Looking at the treadmills, it looks like you're looking at a wall.

MR. STARR: That is against a wall. That is actually the wall that connects between that location and the Family Dollar.

JOHN NOWICKI: So you would have TV sets there?

MR. STARR: Yes, four TVs.

JOHN NOWICKI: So you can hear music or something?

MR. STARR: Watch the game, I guess.

KAREN COX: What is on in the middle of the night?

(Laughter.)

GEORGE BRINKWART: Actually, he answered my question. I was curious about additional security, as well. Other than the camera. But that's nice to know.

DARIO MARCHIONI: I'm familiar. I go to the gym every morning. But I take a shower, though.

MR. STARR: Shoot.

JAMES MARTIN: We'll probably put the same condition on this as the previous one.

CHRIS KARELUS: Yes. I recommend a condition for Mr. Ren to work -- Mr. Ren, what other operations and how late are the other operations that you have in the plaza? What is the latest operation that you have, if there will be a complement even remotely close?

MR. REN: I think the Chinese restaurant is opened to 10:00. Five days. Or 11:00 is the most -- most one.

KAREN COX: What time does the bar close?

MR. REN: Excuse me. Probably the bar --

MR. ALEXANDER: Midnight to 2.

JAMES MARTIN: I'm sorry. One meeting here. Do you have a clarification?

MR. ALEXANDER: Answering her question. I own the bar.

KAREN COX: What time does the bar close? I know they can stay legally open to 2 in the morning, but I don't know if they do.

MR. REN: The bar is closed, midnight to 2 o'clock.

JAMES MARTIN: Thank you.

MR. KARELUS: I ask the Board consider if they're going to allow the operation to stay 24 hours, to have the owner give a contact information so we can supply that to the emergency support staff. Again, this is something that is very unique. I looked in the County. There is not

one in Monroe County. The one in Victor is in infancy stages. I don't know if this is near construction yet. This is the first one, seed project, if you will, in the County. So -- just so the Board is aware.

KAREN COX: With the key-card operation, I will throw this out, I have 24-hour access to my building. I have gone in in the middle of the night, and it's -- I feel safe in the building in the middle of the night because of that key-card access. If anybody is in there, it is because they have the card and the 24-hour access.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: Is there an occupancy limit in this building, and if there is, how is that controlled?

JAMES MARTIN: The question is, is there an occupancy limit and how is it controlled?

MR. DUNNING: Yes.

CHRIS KARELUS: Sure. The type of use has a load that the building can sustain, and that is posted. So they will have a maximum load in the building they can have at any one time.

JAMES MARTIN: That will comply with the fire code?

CHRIS KARELUS: Based on the Stated building code?

MR. DUNNING: How is that controlled?

JAMES MARTIN: Well, I --

MR. DUNNING: If it is a key card -- if it is a key card, you just swipe a card and I assume you walk into the building at that point. Is there a point that the key card reaches so many registrations for a certain period and it says I can't -- I'm just curious how we control that if nobody is there to monitor it.

JAMES MARTIN: Can you answer that question technically at this point?

MR. STARR: No. Technically, I can't tell you what -- whether the system is able to do that or not. I can tell you it will let me know who is keyed in, when they keyed in. I have never seen a facility over occupied, but...

JOHN NOWICKI: How many pieces of equipment do you have?

MR. STARR: If you look up at the screen, the equipment that is going in there is laid out. There is about ten pieces of cardio and about 20 pieces of strength training equipment.

JOHN NOWICKI: So 30, 40 people at one time?

MR. STARR: Yes. Again, that would not -- that would be extremely abnormal.

JAMES MARTIN: So obviously when you have employees there, they can monitor and control it, but off hours --

MR. STARR: That is why the employees are there during the peak usage.

KAREN COX: I mean I would think if somebody came in to use it and every piece of equipment was occupied, they might not stay.

MR. STARR: I would assume not, as well. And the average person is there 20 minutes, so it's not a significant time period.

KAREN COX: So I guess the control is the number of pieces of equipment.

JOHN NOWICKI: They usually post a sign anyway saying how many people can occupy.

JAMES MARTIN: That is what Chris (Karelus) said.

I think from a practical standpoint, it isn't going to be a problem, to be honest with you.

JOHN NOWICKI: I agree.

JAY ALEXANDER, 3051 Union Street

MR. ALEXANDER: My concern with the overnight, if a kid gets ahold of a card and it becomes a hang-out at 2 in the morning. We do have problems like any other plaza with kids constantly.

My other concern would be handling the parking, which you will address with the other problems, I assume.

JAMES MARTIN: Obviously we have a system in Town, you know, written complaints that come into the Building Department about that type of occurrence. It will be monitored. If it becomes a problem, we could certainly ask to have the hours of operation terminated at midnight or something like that so we don't have an overnight problem.

MR. ALEXANDER: That can be a condition then?

JAMES MARTIN: Just fair warning, if there are a lot of complaints, that could conceivably happen.

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: I'm uncomfortable with a 24-hour operation with no on-site management late in the evening. Conceivably somebody could lay in wait for people coming in early in the morning and attack them or rob them. As a woman, I certainly wouldn't go to any place like that. There is not a lot of activity in that plaza probably after 10:00 at night. Even though the gym may be well lit, who is there to see anything going on? And not everybody who is a fitness person is honest, and reputable, and since the owner states that there is very little usage, I think you have to think about the energy and lights that they're using for how many people? Everybody talks about the high cost of energy. To me, this appears to be a waste of energy. If very few people are going to be there, why bother keeping it open and burning all of the lights and everything else? I would be much more comfortable if it was scaled back to 11:00 at night

and maybe open at 5 in the morning.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: There is an element of security here that I haven't heard mentioned yet. We have talked about members having a card to get in. Once they're in the building, they're assumed to be, I guess, safe. We obviously recognize outside, as Mrs. Neder says, anybody could sit there in a car and lay in wait for somebody to come to that door when nobody is around. You could have some serious, serious problems there.

However, how about two people who go in, each one has a key card, each one goes into this exercise center. Who says one doesn't attack the other and nobody is around? The elements of a security here are really worrisome.

I don't like the idea of this being a 24-hour operation. I see no problem with it if it's closed at normal hours, but I think that sometimes it is good to be on the cutting edge of things, but in this case, if there is not one around already up and working and is satisfactory and doesn't have problems, I think we're getting on very risky ground here if we just give them the go-ahead to do this.

If it is approved, I would suggest a very short time span before they have to come back in here for reapproval. This is risky in the nth degree with this 24-hour operation.

Thank you.

BOB MULCAHEY, 28 Westway

MR. MULCAHEY: If it is a key-card operation and there is somebody there in the middle of the night, at any time, how does emergency personnel get in to take care of the person?

JAMES MARTIN: That point was addressed. Obviously, the emergency services of the Town are going to have to be supplied with the proper information, all right, to allow access to the building. Whether that is a key card that Chili Ambulance has -- I'm not sure how this is managed, but certainly that needs to be something that the applicant has to deal with from a notification standpoint.

Having had personal experience with my mother living at Legacy, supposedly Chili Ambulance had the code to get in the front door. We went over there. She was having problems in the middle of the night and they didn't have the code. So I know these things fall through the cracks. Fortunately, we were there and had the code and got in.

So I think, again, letter of notification if this is approved, all right, to the proper authorities in the Town, copies to the Building Department, because I think Certificate of Occupancy is going to hinge on having that information provided to the Town.

Let me ask -- again, I don't know if you have -- just a minute -- a technical answer to this. If, for whatever reason, it was determined, all right, that hours of operation needed to be curtailed for whatever -- you know, for whatever reason, does your key-card operation have the technical ability to basically lock the place down and turn the lights off at 11:00 at night until 5:00 in the morning, or is that not something that can be done with the system that you're going to employ for access to the building?

MR. STARR: Again, that is a technical question that I don't know the answer to. I know that we have asked has this been an issue. Again, it's not been an issue in the other states and locations that it has been in.

JAMES MARTIN: You know, again, I'm not doubting that is the information you're being given, okay? I'm not questioning that. I'm just -- I don't disagree with some of the comments we have heard. I'm a little bit leery of this middle -- you know, 2:00 in the morning type of operation for emergencies purposes and safety purposes with an unmonitored type of building. So I guess what I would like is for you to find out the answer to that technical question, is that capability available with your system, your key card system so that if hours of operation were imposed, you would have the ability to meet that requirement. Okay?

MR. STARR: Uh-huh.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: With this gym being put in -- going in, which I'm assuming there is a good chance of it, and only three of those little monitors in case you did get in trouble, to hit and they would call 911 -- which I'm assuming that is where the agency would call -- for your own knowledge, the Chili Ambulance Corps. is not -- is not, and I repeat, is not advanced life support. They are transporters and transporters only at that point. Now, if someone is on a treadmill and they have a heart attack, slip, fall, smack their head, they go out cold, you are in a big liability point.

And that comes to another question in regards to insurance and liability with the Town as approving this structure for this said purpose, because you do not have personnel that are in there monitoring people that they're running on the treadmill for, let's say, ten minutes at a certain speed, like a coach, and you're watching and being responsible.

Another point is are the card scanning to come in -- I happen to belong to one sports club. You scan that when you come in, and you scan it when you go back out. Now, if you do not scan when you leave the facility, it will lock you out until you come in and get recertified. That may be a thought.

And also, if it is -- this business is going to take place, a requirement that since there is no personnel there, that everybody in there has to at least have that monitor like the seniors have.

My mother wears one. I know exactly what -- what they're talking about. It goes to 911.

And again, I'm going to repeat it, Chili does not have advanced life support and we're very limited. And the Sheriff's Department, when they do patrol that plaza, in that corner, they go right up on the sidewalk and look in. We haven't gotten to the winter and the parking. We'll let that one lie. You know my feelings on that.

JAMES MARTIN: Thank you.

PAUL BLOSER, 1458 Davis Road

MR. BLOSER: Just a technical question for the applicant that -- when you're researching information, and this plays off what Mr. Alexander said about kids. Is there a way in the programming that, let's say, 18 and under would be locked out after 9:00 p.m. so it is not becoming a congregation for one to open the door and bring in several friends?

MR. STARR: 18 and under wouldn't have a key unless a parent gave it to them. If they find one, those are automatically turned off. Once they're entered into the system, they're -- immediately they're ineffective to open the doors.

PAUL BLOSER: Wouldn't be a family membership where children have a card?

MR. STARR: No. They wouldn't have their own card. They would have to be with a parent.

JAMES MARTIN: Thank you. Good clarification.

James Martin moved to close the public hearing and Karen Cox seconded the motion. The Board was unanimously in favor of the motion.

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

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

James Martin reviewed the proposed conditions with the Board.

JOHN NOWICKI: This is a franchise?

MR. STARR: Correct.

JOHN NOWICKI: Are they supplying the liability insurance or are you supplying it yourself?

MR. STARR: It's a national plan that we all have to be a part of.

JOHN NOWICKI: Is that something they can provide us a certificate to make sure that there is insurance on file?

CHRIS KARELUS: Chairman Martin, if I can, this project will not be brought back before the Board for your approval so I ask that you condition the approval if granted this evening also if this project is problematic as a 24-hour operation, problematic meaning one, two, three instances, the severity of which will be judged by the Building Department and this will go to, I guess, normal business hour operations that the Board can set this evening.

And, Mr. Starr, I understand that is an opportunity to still either be 24 or business hour operations?

MR. STARR: Yes. I mean I need to check on the technical aspects of the key card system.

CHRIS KARELUS: Snap Fitness, can they be an operation that goes say 6 o'clock in the morning to 11, as well as 24-hour?

MR. STARR: Yes.

CHRIS KARELUS: A condition on this approval, if it is problematic, it reverts to a normal operating hour business because this will not be brought back before the Board for reapproval.

JAMES MARTIN: Right. I understand that.

I understand this is a site plan, not a conditional use.

I think what I will do, anybody have any problem with that suggestion, that --

James Martin further reviewed the proposed conditions with the Board.

The Board discussed the proposed conditions.

KEITH O'TOOLE: Certainly in the alternative, if you're going to have fixed hours of operation, then we should know what those are. And I guess if I were running a business, I would feel uncomfortable with some yahoo could file some complaints by telephone and then automatically my business hours of operation are cut in half. Perhaps restoring the application to the Board for an opportunity for the applicant to be heard on the hours of operation issue might be a little more appropriate.

KAREN COX: Good thought.

James Martin asked for wording for the last condition from Chris (Karelus) and Keith (O'Toole).

KEITH O'TOOLE: In essence, if the Building Inspector finds out the hours of operation,

the late night hours of operation between the hours of X and Y -- you tell me what those hours are -- turn out to be a problem, then he can restore the site plan back to your calendar to adjust the imposed fixed hours of operation, which would be presumably the hours you set today.

KEITH O'TOOLE: The question I have now then is what hours of operation are not a problem?

JOHN HELLABY: I heard 5:00 a.m. to 11:00 p.m. was kind of what I heard tossed around.

KAREN COX: There are people who actually get up and go exercise at 5 in the morning. I'm not one of them.

(Laughter.)

MR. JOHN HELLABY: I wouldn't have a problem, I guess, with those hours. But if the problem occurred after those hours and it became problematic, that's when it would come back before us.

JAMES MARTIN: We would consider the 11 to 5 at that point? Is that basically what would happen? If they're having problems at 1:00 in the morning, it comes back to us as restored. Okay.

James Martin indicated the applicant has paid a fee to waive final.

The Board indicated they would waive final.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant shall comply with all Town and County code and license requirements.
2. The plaza owner will provide to the Planning Board and the Building Department a list of repairs and upgrades to be made to the north and west rear of the plaza along with a time line for completion. Work to be completed prior to a Certificate of Occupancy being issued.
3. Applicant shall supply emergency contact information to all involved Town agencies.
4. Applicant shall supply technical details of key card entry system to the Building Department.
5. Applicant to provide a copy of liability insurance policy to the Building Department.
6. This is a conditional approval of a 24 hour per day operation. An ongoing evaluation of the proposed activity will be conducted by the Building Department. If problems result from the proposed 24 hour per day operation of the facility, and if it is deemed to be an unacceptable situation by the Building Department Manager, the building department will restore the site plan to the Planning Board for further consideration of hours of operation, and any other pertinent issues.

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

3. Application of Guardian Installed Services, Inc. 979 Batesville Road, Greer, South Carolina 29651, property owner: Paul Road Industrial Center LLC; for conditional use permit to extend existing business to include the contracting and installation of insulation products at property located at 465 Paul Road in L.I. w/ADATOD and FPO zone.

Bob Gunther was present to represent the application.

MR. GUNTHER: Bob Gunther with Guardian Installed Services. We have submitted our application with the site plan, and paperwork was submitted to Chris (Karelus).

JAMES MARTIN: Basically, I understand at this time you are using the facility for warehousing and some distribution.

MR. GUNTNER: No, we're not. Currently we're working out of the Batavia location. We're looking to moving to the Rochester market. We're looking to ware house fiberglass insulation.

Our core business is to install that fiberglass insulation that would be stored at the Paul Road in the homes in the area. One of the -- our accounts happens to be Faber Homes, which I'm sure most of you are familiar with. So we're looking to move this business to this market from the Batavia location.

JAMES MARTIN: In your letter of intent, it indicates, in addition to the warehousing storage, shipping and receiving activities, which obviously is a permitted use in the ADATOD District, you might be doing some contracting, maybe some engineering work. I'm not sure what addition you would be doing.

MR. GUNTNER: The only thing we'll be doing is actually installing the fiberglass that we're installing in that location in the homes in the current market.

JAMES MARTIN: So there is no in-house installation of any kind of insulating material?

MR. GUNTNER: Not at that location.

JAMES MARTIN: It is out --

MR. GUNTNER: That is right. It is on-site installation.

JAMES MARTIN: Okay.

KAREN COX: Do you have your own fleet of vehicles, your own employees, or is this work subbed out to private subcontractors?

MR. GUNTNER: We try to have our own employees and from time we do subcontract. We currently have approximately ten employees. As our business grows, we'll add more employees to do the installation. We have a fleet right now of four box vans, and again, as business grows, and we anticipate it will, we'll add more vehicles to accommodate our expansion.

JOHN HELLABY: All that material is coming down that kind of hallway, I assume?

MR. GUNTNER: Yes.

JOHN HELLABY: You don't have an actual outside dock area?

MR. GUNTNER: There are three docks that are on that loading ramp there.

JOHN HELLABY: Which is here (indicating)?

MR. GUNTNER: That's correct. One of those three docks will be ours. We'll go down the ramp to the first garage door that they're going to be putting in and we have got that location. Actually, I guess it is a -- the fourth one down.

JOHN HELLABY: So it is just bulk storage?

MR. GUNTNER: It's bulk storage. Quite frankly, most of our deliveries will be first thing, about 7:00 in the morning and that is also when we load up our trucks to get out to the job site. So, yes, our activity at that location will be heavy in the morning, probably from 7 to 8, but then we don't use the docks very often until the trucks come back in the evening, if there is a few bundles to be taken off that time, if it wasn't used when taken out to the sites.

JOHN HELLABY: I might have missed it and as far as the insulation material, is it all just bat insulation? Is there a mixture of different insulations?

MR. GUNTNER: There is different types. We have bat installation that you're probably very familiar with. We also have a fiberglass blow insulation, so we can do any ceiling blows. We also have a product that we'll start pushing in the market that will actually do walls in fiberglass. It has an adhesive with it that fills the entire cavity. It's called a Asure-R.

But, yes, we're predominately a fiberglass manufacturing company and this is an outlet for us to install that fiberglass insulation.

JOHN HELLABY: Any bulk storage of the pressurized foam tanks? I know the contractors use the larger type series.

MR. GUNTNER: We are not at this location into the ATS, which we call our air tight system. That could be a program that we add down the road. When we add that program, our employees have to be examined medically. They go through a training process and they have to have a certificate that shows that they're capable of installing that product properly.

JOHN HELLABY: Is there special storage provisions that have to be made for that?

MR. GUNTNER: There is not a special storage required. If you go with the larger tanks -- which I see us using the smaller packs that you are talking about -- you get into some transportation issues with that.

But the system that we're looking at will use the smaller tanks.

JOHN HELLABY: That's all I got right now.

How many trucks do you have on site?

MR. GUNTNER: Four.

JOHN NOWICKI: The equipment that they use to install the -- the fiberglass, ladders and all of that, are they stored inside the trucks or the building?

MR. GUNTNER: Both. Well -- we always want our installers to go out with the proper equipment and safety equipment to do the job at the job site, whether it is scaffolding, bakers' racks, ladders, whatever it might be. But then the access equipment we would leave back at the warehouse and it would be chained up for safety reasons so it wouldn't fall over and hurt anybody.

JOHN NOWICKI: The fiberglass itself, coming inside the building, if it is not packaged properly, does that present any health hazards to the individual --

MR. GUNTNER: No. No environmental impact from fiberglass insulation.

JOHN NOWICKI: That's all I have.

DARIO MARCHIONI: I was just going to ask -- we have an expert here on insulation. I was wondering if you could share with us what is a good insulation, what is the best? What --

MR. GUNTNER: Guardian.

(Laughter.)

KAREN COX: You walked into that one, Dario (Marchioni).

DARIO MARCHIONI: In other words, what an average home should really need in order to meet the energy -- you know, gas goes up ten percent every year, heating.

MR. GUNTNER: Insider tip is the fact that the higher the R value, the better it will be for you. It will lower your insulation costs. In this market, I think they do things very well, where they put a bat down first on the ceiling and a fiberglass blow over top of it.

Fiberglass, I really like our blow-in, our sheerer insulation. It will fill every nook and cranny in an entire wall compared to cellulose insulation which is ground-up newspaper. When

it is sprayed in, it is sprayed in wet. Its moisture content is much higher, and it usually takes -- it can take up to six months for that to dry, and with the mold being an issue nowadays, I would steer people away from that, but that is hard for me to say.

But the fiberglass that we blow in, when we do it, on the walls, yes, we use water to activate the adhesives in it. When it is blown, it is only a 20 percent moisture rating, which is exactly what the 2 by 4 studs are that are in the wall, so it's a great product. We still recommend that ours sits out for a day before it is covered up with any polys.

DARIO MARCHIONI: Thank you very much.

MR. GUNTNER: Thank you.

KAREN COX: Insulation 101.

(Laughter.)

DICK SCHICKLER: I have a question in regards to when you clean up at the end of the day or debris, where will it all end up back at the shop or what happens to that? Do you have dumpsters for it?

MR. GUNTNER: Depends on the job site we're at. All our guys do keep a good job site. They're expected to clean up after themselves. Sometimes we use dumpsters at the job sites. If not, we'll have a dumpster at the location to put any other product in.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CAROL THOMS, 122 Stryker Road

MS. THOMS: That was one of the questions I was going to ask, but the other question is, is it all going to be new construction that you do work on? Because my concern is that they have to go someplace and take out old insulation, which might have asbestos and then how is that handled?

MR. GUNTNER: We do not do any removal of insulation. We'll blow more insulation on top of the current attic, but not suck any out and deal with that product just for the reasons you're talking about.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Where are we talking here on Paul Road, approximately? Is this the old Bausch & Lomb operation?

MR. GUNTNER: Exactly.

MR. BRIXNER: Thank you.

James Martin moved to close the public hearing and John Nowicki stated seconded the motion. The Board was unanimously in favor of the motion.

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

James Martin reviewed the proposed conditions with the Board.

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

JAMES MARTIN: My assumption is you're going to be with us for a fair period?

MR. GUNTNER: Yes. We hope so.

The Board discussed the proposed conditions.

DECISION: Unanimously approved by a vote of 6 yes with the following condition:

1. Approved for a period of five (5) years.
4. Application of Neil Lewis, D.C., 240 S. Main Street, Albion, New York 14411, property owner: Hilton Enterprises, Inc.; for conditional use permit to allow a professional business office in portion of building (Building A, Suite 1) at property located at 4201 Buffalo Road in N.B. zone.

Neil Lewis and Ryan Gage were present to represent the application.

MR. LEWIS: Hi. My name is Neil Lewis. I presently practice in Albion, New York, and I'm interested in expanding my office and I would like to open a second office at -- located at 4201 Buffalo Road in Chili, to buy a chiropractic office.

MR. GAGE: Ryan Gage. I'm here representing the owner, Hilton Enterprises, commercial real estate brokerage.

JAMES MARTIN: Okay. What type of parking arrangements or agreements have you reached with the property owner as far as any cross easement or access of parking for your professional activities?

MR. GAGE: The parking agreement is still in the hands of the attorneys. That's -- I don't -- I haven't seen one. I'm kind of out of the process. I bring the buyer and the seller

together and the attorneys close the deal. So I have no idea what the agreement is, but his lease will state that he can park anywhere in the lot.

JAMES MARTIN: I guess I'm going to request that you provide copies of the lease agreement and any cross-access agreements on parking to the Assistant Town Counsel prior to Certificate of Occupancy being issued.

KAREN COX: This is going in the part of the building where the day care is?

MR. GAGE: This would be the Sheriff's office. There is a small 900 square feet office that's --

KAREN COX: I know why that sounds familiar.

What are your hours of operation going to be?

MR. LEWIS: Initially 9:00 a.m. to 7:00 p.m., Tuesday, Thursday; 10:00 a.m. to 1:00 p.m. on Saturday. Occasionally in the Tuesday and Thursday, um, I would like to have access to 8:00 p.m. if needed for an emergency.

KAREN COX: Would it just be you or would there be another practitioner?

MR. LEWIS: It would be myself and at some future date, one staff member.

KAREN COX: You would keep the same -- the other office in Albion?

MR. LEWIS: Monday, Wednesday, Friday. But I would maybe at a later date have to change the hours as needed as the practice develops.

JOHN HELLABY: All signage will comply with our zoning ordinance?

MR. LEWIS: Yes.

DARIO MARCHIONI: Welcome to Chili, sir.

CHRIS KARELUS: No comment. Just want to make the Board aware that the owner, the tenants regarding signage on this property have brought to the Town comprehensive signage intentions for the property, as well. Just to update the Board on where that was from the last application to this application. And my understanding was from the last doctor that came here, as well, is that those easements are still in process. They're not finalized. Those are things that we were asking them before C of O is granted on other projects, as well.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: First, a question. Am I to understand then that this building, this space in question has never been used for anything?

JAMES MARTIN: Do you have the answer to that?

MR. GAGE: I believe approximately two to three years ago there was some kind of non-profit occupied -- used it for some kind of space in there.

KAREN COX: Center for Youth.

MR. GAGE: I have heard that from someone. I don't have documentation.

KAREN COX: Yes. That was next door to the Sheriff's.

JAMES MARTIN: There was something.

MS. BORGUS: And the other thing I just want to clarify is that the tenants going in there don't have any problems or plans to want more signs, but the owner of the entire complex is going to come back and want a big sign -- a sign package?

JAMES MARTIN: That is my understanding from what Mr. Karelus said, that they're working with the owner.

CHRIS KARELUS: There is previous zoning variance granted for signage on this parcel they have the right to exercise. There is sign packages that were approved. They are looking at elaborating on that now that there are tenants in there. To move with prior approvals on the signage package or what they're bringing in with this project is the next step, to make the Board aware of this.

MS. BORGUS: If there were more tenants than there were at the time this package was approved, the building owner will have to stay within those parameters?

CHRIS KARELUS: They have variances that were granted for signage. Size variances. Regardless how many tenants are on that sign, the size is what we have to hold them to with any future approval.

JAMES MARTIN: Whatever they were previously approved for.

MS. BORGUS: For dimensions.

JAMES MARTIN: They have to hold.

MS. BORGUS: All right. Thank you.

CHRIS KARELUS: And they have location as well as size variances granted on those.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: What profession may I ask are you, sir?

MR. LEWIS: Chiropractic.

MR. BRIXNER: Chiropractic, thank you.

James Martin moved to close the public hearing and Karen Cox seconded the motion. The Board was unanimously in favor of the motion.

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

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on

evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

James Martin reviewed the proposed conditions with the Board.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Provide to the Assistant Town Counsel and the Building Department copies of the lease agreement and any cross access parking arrangement with the property owner prior to a Certificate of Occupancy being issued.
 2. Applicant will comply with all Town Code requirements.
 3. Approved for a period of three years.
5. Application of Nina Ball, owner; 3200 Union Street, North Chili, New York 14514 for renewal of conditional use permit to allow a construction business with outside storage of construction equipment at property located at 3497 & 3501 Union Street in G.I. zone.

Nina Ball was present to represent the application.

MS. BALL: I'm Nina Ball and I'm here for renewal on conditional use permit for 3501 Union Street and 3497, and it's in a General Industrial zone.

JAMES MARTIN: I have before me a record of an inspection that was carried out on the property on 10/09/07. When we renewed the conditional use permit on October 17th of 2006, there was several conditions that were posed at that time. Parking lot shall be repaired and restriped. That Evergreen trees shall be replaced with comparable sized trees. Repair all broken fencing. Remove all overgrown brush. Remove pile of broken asphalt from rear of building and any previous conditions imposed by the Board remain in effect.

What the inspection found was that the applicant failed to do any of those conditions. They still all exist on the property. And I guess I'm getting a little bit tired of just, you know, we give you conditional use and then nothing happens.

MS. BALL: All of those were met.

JAMES MARTIN: They were not met.

MS. BALL: But every year they deteriorated. I see the driveway, again, the signs are wearing down. The trees were planted twice and since then, they have deteriorated again. My son has been working out of town, but I mean we have met all those conditions.

JAMES MARTIN: Ms. Ball, I was there personally. Those conditions have not been met. I'm sorry to tell you that.

MS. BALL: Some of them need to be gone over right now, I realize that, that I have to do some work on it right now.

JAMES MARTIN: Well, I mean -- it's, you know -- we imposed those conditions. I was there personally with the Building Inspector. The conditions weren't met. Okay?

We can go into the public hearing at this time, unless there are issues from the Board. I mean obviously what we say doesn't seem to have any impact on the applicant. I will go to the public hearing at this point.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I think I, too, have been here for every hearing through the years to deal with this property. I think the point of contention or misunderstanding seems to be that Ms. Ball doesn't have the same idea about property maintenance as this Board does. Her idea is you fix it once and you're done and you walk away.

It is the same point I was trying to make about the plaza at North Chili. When you own property, it's an ongoing situation. You are never done.

So if Mrs. Ball thinks she can fix it up one more time, you're going to keep going through this forever. I suggest you end it.

Thank you.

MS. BALL: I have a contract on the property for sale.

JAMES MARTIN: Well --

MS. BALL: I'm planning on selling it before the end of the year.

JAMES MARTIN: I know. You had it up for sale for a fair period of time.

MS. BALL: No. I had it up for sale once before, and it fell through because the Town would not agree to put in storage units. But I have a buyer now --

JAMES MARTIN: The sale of the property isn't the issue we're dealing with right now. Right now.

MS. BALL: What can I do right now?

JAMES MARTIN: Please listen. You have a construction business operating and the business needs a conditional use permit in order to continue to operate there at this point in time. So whether you sell the property or not is irrelevant to the application that is before us, and I just

want to make that point clear.

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: Mrs. Ball is a business woman who has been in business for many years. I assume since she has been in business for many years and has been making a living off of it, that she knows what she is doing. However, every time she comes in here, she pulls this, "Well, I don't know," helpless act, "What am I supposed to do?"

And everything gets mullied up and the problem never gets solved. I think you have to draw the line tonight and deny this application until everything is up to par according to Town ordinances. Because if you give her any more extensions, it's going to be the same old story year after year after year. She is smart like a fox.

James Martin made a motion to close the public hearing at this time and Karen Cox seconded the motion. The Board was unanimously in favor of the motion.

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

JAMES MARTIN: I will read this motion, all right, and I want everybody to listen very carefully with this. Basically, be it resolved that the Planning Board extends the term of the existing conditional use permit for 60 days from today's date.

Whereas, previous conditions imposed by this Board have not been met,

Whereas, the Planning Board -- I'm sorry, 90 days. I'm going to amend that to 90 days.

90 days. Whereas, the Planning Board deems 90 days an adequate period to complete the conditions.

Be it further resolved that at the end of the 90-day period, a reinspection of the property shall be conducted by the Building Department. If it is determined that all previous conditions have been satisfied, a one-year renewal of the conditional use permit will commence on the day of inspection. If the inspection determines that previously imposed conditions have not been met, the conditional use permit shall become void as of that date, as of the date of inspection. Reapplication shall only be accepted upon completion of all previously imposed conditions from this Board.

On the motion, do I have a second?

JOHN NOWICKI: Second.

JAMES MARTIN: The resolution has been seconded on the resolution.

DECISION: The following resolution was passed by a unanimous vote of 6 yes. If the applicant comes into compliance by the date indicated in the resolution, the Planning Board, as a matter of Old Business will make a SEQR determination on this application.

Be it resolved that: The Planning Board extends the term of the existing conditional use permit for 90 days from October 18, 2007.

Whereas: Previous conditions imposed by this Board have not been met.

Whereas: The Planning Board deems 90 days an adequate period of time to complete these conditions.

Be it further resolved: That at the end of the 90 day period, a reinspection of the property shall be conducted by the Building Department. If it is determined that all previous conditions have been satisfied, a one-year renewal of the conditional use permit will commence on the day of inspection. If the inspection determines that previously imposed conditions have not been met, the conditional use permit shall become void as of the date of inspection. Reapplication shall only be accepted upon completion of all previously imposed conditions from this Board.

JAMES MARTIN: That is the action of this Board. You have 90 days to clean up your act or the conditional use permit is void.

MS. BALL: Thank you. It will be taken care of.

There was a recess in the meeting.

6. Application of McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for preliminary subdivision approval to combine six lots into one lot at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuet Drive in G.B. zone.
7. Application of McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for preliminary site plan approval to erect a 14,820 sq. ft. retail store/pharmacy at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuet Drive in G.B. zone.

Betsy Brugg, Alex Wisniewski, Gordon Stansbury and Jeff Taw were present to represent the applications.

MS. BRUGG: Thank you very much. Mr. Chairman, members of the Planning Board. It's a pleasure to be here tonight. For the record, my name is Betsy Brugg. I'm an attorney with the firm of Fix, Spindelman, Brovitz & Goldman. We were here before the Board back in August, and I will say I was looking through my file and numerous pieces of correspondence, and I think we have been in the approval process since November of last year. We have been to the Board several times, first in connection with a rezoning in connection with this project and several times in connection with the site plan and subdivision applications before you tonight.

We are here for a public hearing. What I would like to do, if it is all right with the Board, is sort of recap on where we have been and what our issues are and also provide an overview for the benefit of the public that may not have been here at previous meetings.

We were before the Board back in August. We did go through a majority of technical issues and various comments that came through.

Mr. Karelus had just started on the job here at the Town in the Building Department, I believe that week. So he stepped into the process. At that meeting back in August we had really narrowed the issues down to exclusively architecture. Thereafter, there were additional comments and additional efforts to work and refine the site plan.

We did go back to the drawing board on the architecture. Chris (Karelus) was instrumental in locating, I think, a model building that he thought was appealing.

We went to work on new architectural design for the building and there was a lot of effort on the part of many different people to arrive at something that we feel is the best that Walgreens can offer the Town and also something that the Town will be happy to see at this very prominent and significant location.

In respect to the site plan, and I will give a quick overview in a second, the site plan has been changed to reflect some of the comments that have come in.

The building orientation has been changed. This has impacted the architectural design and the architecture, in turn, has impacted the site plan. So what you will see tonight is a little bit different than what you saw.

However, things that were previously addressed, for example, landscaping, we went to the Conservation Board, enhanced the landscaping significantly. The landscaping is not particularly impacted by the changes to the site plan and we still have, you know, I think, a very attractive and beautiful enhancement in the landscaping.

As far as the approval process, in addition to being before this Board, we will need to obtain an abandonment of Pikuet Drive. Has nothing to do with the Planning Board, but is an additional step in the approval process.

We'll also be going to the Zoning Board of Appeals to request variances for a proposed fence height, for parking, the parking layout being in the front yard, which is pretty typical of all of the retail development in the Town, however, it does require a variance and for the layout of the parking.

In addition, we'll be going there for signage. Again, the signage will be reviewed again after this meeting. As the architecture evolves, the signage is potentially affected by that.

In respect to any new comments, again, we have worked with the Town staff to address architecture and a variety of other issues that have come up, and we feel very positive about the proposal before you.

In addition, there was a -- traffic, I think, has come up several times in the process. We have been working closely with the State DOT and now with the County DOT because of the transfer of jurisdiction of Paul Road that is kind of in process. And there was correspondence as recent as late this afternoon talking about our proposed curb cut.

In particular -- I will walk over here. I will give a quick overview of the site plan and then I'm going to pass it on to our architect to get into the elevations and to our engineer.

This is the site layout (indicating). Again, we're at the corner of Chili Avenue and Paul Road. We have curb cuts on Chili Ave., on Paul Road. There has been correspondence with the County. They have concurred with the location on Paul Road as being appropriate. There have been traffic studies and other information that has been submitted and gone back and forth with both the Town and -- actually, and the State and the County.

So traffic can enter and exit the site off of Chili, off of Paul. We're talking about a 14,820 square foot Walgreens Pharmacy building with a drive-through. We have a double drive-through located on the Chili Ave. side of the building. That's one of the changes. Last time we were -- excuse me. I'm sorry. Yes. The last time we were here, the drive-through was located along the rear of the building (indicating).

As far as the operation, I think we have gone through this with the Board, but for the benefit of the public, this particular store is going to generate approximately 40 to 50 new jobs. Some of them full-time jobs. Including pharmacists and managers. Typically 10 to maybe 15 employees at any time.

The hours, these are not fixed, but they expect the hours to be approximately 7:00 a.m. to 9:30 p.m. weekdays, Sunday, 8 to 6. Deliveries will be in the rear of the building. I think there is a template here for truck traffic. They do not have dumpsters. They have trash compactors. So this is very similar to the site plan you saw the last time around. Just the building has been rotated.

There were some comments made by this Board the last time and some those items have been addressed. I will let Alex Wisniewski, our engineer, talk about that in a minute.

I think everybody is anxious to see the architecture that is proposed, so I will pass that on to Jeff Taw, who has been working hard on these.

MR. TAW: I'm Jeff Taw with Holmes, King & Kallquist Architects, on behalf of our client, and what we're presenting tonight is a greatly revised and enhanced design which is a result of a lot of constructive suggestions and help from the Town and the Planning Board.

As Betsy (Brugg) alluded to, we have really shifted a lot of the internal organs of the building around to get some of the elements of the building located such that they present a little better from Chili Avenue.

My rendering here on the south elevation, this is the elevation that faces Paul Road. The corner element is a pulled-up tower with a gabled -- two gables, facing both Paul Road and the primary intersection here, so we have a tower element here (indicating) with a split gable. And balancing that gable is another projection.

We have an overhang with a colonnade covering the sidewalk. Our flow would be the traditional windows, vision units up above and below our windows that would carry displays of historic photographs of the area. Punctuating the mansard roof, which is -- extends from our canopy up over the edge of the building, will also function and conceal the rooftop units. We're balancing the elevation and the -- cutting the mass down a little bit with some dormers.

The north elevation faces Chili Avenue, and the last time we were here, our function along Chili Avenue was the compactors and the tote enclosure and the loading area. We have kind of changed the building around so that we have our drive-through located here (indicating). We have taken the opportunity to introduce gabled elements along there to break the mass of the building down really, I think, and help bring it into scale visually with the neighborhood.

We're pushing and pulling a little bit of the facade out to give it some three dimensional relief.

This side of the building is -- inside all of the functions are -- are basically store room and stock, so we have introduced some faux windows along here and punched masonry faux windows. And again, with our mansard roofing, punctuated with dormers.

The west elevation faces the intersection here (indicating). (Inaudible.) It's a variation of our Paul Avenue stretched out a little bit. There is a lot of interest and balance on this corner with the drive-through off the Chili elevation.

And the east elevation is our compactor and loading dock. It's sort of the functional aspect of the building, and we have addressed that by pulling out an element for the loading area, and giving that a gable for relief. And again, treating the roof edge with a mansard roof. We're pulling out some elements on the corner that allow us to hold the roof back and give it a little bit of relief at the corner, giving it a nice turn to the corners. And again, punctuating with dormered windows.

I, for one, think it's a -- we have come a long way with this one, and I hope everyone agrees with that.

JAMES MARTIN: I think where we have gotten to is -- you know, we had talked about a signature building on that corner, since it is such an important intersection in the Town of Chili. I think this building, you know, has achieved what we were looking for as far as the signature building.

I think, you know, as I look at the elevations that you have presented, the only concern I would have, and it's a minor concern, is the north elevation, is there something we can do with faux windows to break up that exterior, the Walgreens, the two gabled ends of the building?

MR. TAW: Yes. What I am indicating is -- are punched openings, which -- is -- is an old visual trick, as though it was a window filled in, but those could easily be replaced with a spandrel window. I don't think my client or Walgreens would have an issue with that. I hope.

JAMES MARTIN: Let's go the Board on architectural before we go to site plan issues.

KAREN COX: I'm not an architect, so what would a spandrel window look like?

MR. TAW: A spandrel window is basically opaque glass. It will appear to be a window from the outside, but it is opaque and there will be a wall behind it.

KAREN COX: Yes. I would like to see that more than what is shown now. I would concur with that.

Other than that, I think the building has come a long way from what we saw in the beginning. It's much better.

JOHN HELLABY: Lots better.

The signage that is depicted on this is actually shown in red. Is it, in fact, going to be red.

MR. TAW: It is red.

JOHN HELLABY: LED or neon, do you know?

MR. TAW: Honestly, I believe it's neon, but I'm guessing.

JOHN HELLABY: Neon back, but plastic face?

MR. TAW: Yes. Box letters.

JOHN HELLABY: Price-wise, consider the LED. You get a lot longer life out of it. We have gone to it on most our --

MR. TAW: At this point, I can't honestly tell you what the sign spec is, because they're box letters with the --

JOHN HELLABY: One of my other real big concerns is the pestle above the entranceway. I know, I believe your standard has always been like a neon green pestle or --

KAREN COX: Mortar pestle.

JOHN HELLABY: Excuse me, behind a glass pane. Is that, in fact, what we're doing here? I know there was some concern early on about a different type.

MR. TAW: Um, the sign package we would be bringing to the --

MS. BRUGG: I was just going to jump in and say we're -- my understanding is we're going to address that separately, and we may be back to the Board -- we'll be going to the Zoning Board, and I believe we'll be back here with the sign package.

JAMES MARTIN: I think, depending how far we get tonight, certainly signage will have to be a coordinated activity between ZBA and ourselves to make sure we're okay.

I think the comment in the past has been the mortar and pestle, you know, we want something back-lit or something like that, and we don't want the glaring neon. I think that comment has been made before, if there is a way to back-light that without the glaring neon, that is essentially what we would want. Okay?

JOHN HELLABY: This is actual brick construction?

MR. TAW: It is.

JOHN HELLABY: Architectural asphalt type shingles?

MR. TAW: Yes.

JOHN HELLABY: Wood frame?

MR. TAW: No. The roofing material will be metal framed per code. The building itself will be masonry bearing with steel beams.

JOHN HELLABY: The only other question I have got is, there's a letter generated by Mr. Karelus here dated July 30th of 2007. Have most of those been answered or addressed to your satisfaction?

CHRIS KARELUS: Why don't you complete the overview of the architecture with the Board and then come to the side table, okay?

JOHN NOWICKI: I just want to thank you and Betsy (Brugg) and the other people that worked with the development company for working so hard along with this Board and the Building Department to provide us a signature-type building. I'm very happy to see that it has come this far and we're almost there, and with any luck, it will be here very shortly.

GEORGE BRINKWART: Given the elevation of Chili Ave. above the building, are you confident that the roof line is high enough to shield the fixtures on top of the roof?

MR. TAW: Yes.

DARIO MARCHIONI: I'd like to echo what John (Nowicki) said, and -- I want to thank both of you for participating and addressing some of our issues. We have come a long way.

With that, I would like to -- if you could enlighten us on the color scheme on this building, the color roof, brick, the stones.

MR. TAW: Well, I have some of the samples with me. I did not bring the roof. It is architectural asphalt shingle, and the -- I can't remember the manufacturer, but it is a weathered wood is what it is referred to. Several manufacturers have a similar color.

JAMES MARTIN: What is the life expectancy or the rating of the --

MR. TAW: Off the top of my head -- I know you can get a 50-year roof, but it's probably a 25- or 30-year roof. I'm not sure what is specified.

JAMES MARTIN: At least 25 years?

MR. TAW: At least 25 years.

Sample came in a little bigger than I thought.

This is the brick sample (indicating). This is their standard brick sample (indicating).

This is the cast stone (indicating). This is a sample of it. And this is actually -- you know, this is what would be used on a typical Walgreens. In this case, it will be used for our accent pieces here, and it's a cast limestone product. Quite heavy. This standard unit is 12 by 24.

And the base is a split-face unit along this piece, so they're -- it's a nice -- nice package. It gives it a rusticated base, very durable and gives weight to the building to balance the roof.

DARIO MARCHIONI: Very nice.

I didn't see any light on the overhangs. You have down lights? On the walkways? Or --

MR. TAW: The walkways will be lit from the overhangs, and, you know, this is sort of a unique program, so we really haven't gotten into the lighting design yet. But if it were my druthers, there wouldn't be any visible lights on there. In fact, Walgreens is removing the wall sconces that were on their buildings previously. So it will all be lit from hidden sources.

DARIO MARCHIONI: Again, I want to thank you for your cooperation.

MR. TAW: Okay.

JAMES MARTIN: So basically the north elevation, if you give us basically a revised elevation on that with the windows, okay, fine.

Okay. I think architecture is pretty much finished at this point, unless there are other issues.

CHRIS KARELUS: Speaking to Mr. Hellaby's concerns, July 30th, the Building Department issued the consulting team a letter regarding some of the add elements that we're looking for, the building with the site plan adjustments. I think most of those have been addressed. What I would like to ask the Board is the fence designs, just have that be elaborated upon for future plan submissions, if you will, and also to give the Building Department the ability to review and approve those prior to final sign-off on the plans.

Also looking at the layout, one of the things that the Building Department comments on is the North Drive aisle seems to have almost a 50-foot usable space span of asphalt, and it only includes a striping area to separate the two. We ask that the Board require this project to have a raised median to encourage traffic that is driving through the site to stay in the drive aisles lane

and also to keep that drive-through traffic separate, as it should be.

So that 50-foot space is -- in these conditions, 90 -- 70 percent of the year we can have snow, so striping isn't something that is going to be highly visible throughout the season.

JAMES MARTIN: So these are basically site plan issues we need to deal with from your letter. So architecturally we're in pretty good shape?

CHRIS KARELUS: Yes.

JAMES MARTIN: Anything else, Chris (Karelus), on that?

CHRIS KARELUS: No.

JAMES MARTIN: Onto site plan, I think, Betsy (Brugg), unless you have something you want to intervene.

MS. BRUGG: I will let Alex (Wisniewski) speak to that, Alex Wisniewski.

MR. WISNIEWSKI: Hello again. My name is Alex Wisniewski. I'm the site engineer for the project with LJR Engineering out of Syracuse. Just to take a step back, I guess, and maybe describe the existing conditions a little more elaborately, I will take you very quickly through the previous iteration. Maybe I will come to the forefront here, if this will hold up.

The site in total is approximately three acres in size and includes the six tax parcels outlined in blue here (indicating) and also includes the Pikuet Drive right-of-way. As Betsy (Brugg) alluded to earlier, there will be a right-of-way abandonment that will need to take place after we secure the site plan, and I think probably subsequent to closing on the adjacent properties.

The site is currently zoned GB, General Business. There was a zone change process that was gone through at the onset of the project.

That is an appropriate zoning for the proposed use.

I think Betsy (Brugg) referenced there is existing curb cuts, both on Chili Ave, as well as Paul Road, and I believe there are two existing curb cuts on each, one being Pikuet Drive, the other being a driveway on Chili and two curb cuts associated with the structures on Paul Road. And again, those would be the structures and site that would be demolished and redeveloped obviously to accommodate the new Walgreens facility.

The site generally drains southeasterly from Chili Ave. towards Paul Road. Some of the runoff from the site actually does drain into the rear properties of the homes along Grenell Drive. There is a fairly substantial grade differential we have gotten into in the past. Oh, roughly a 583 on the high side of the site and down to roughly 559 in elevation on the southeast corner, about a 24 foot grade change across the site.

I will take you very quickly through the previous illustration of the plan. The new plan is substantially similar to the old plan with the exception of some of the changes that were forced upon the site with the new architecture.

But again, the building is 14,820 square feet. As Betsy (Brugg) had suggested, there is access points proposed at Chili Avenue and Paul Road, and from the recent correspondence we have received from Monroe County DOT, they're now satisfied with that current positioning and nature of the Paul Road site. As you know, we had the letter previously from DOT accepting the driveways as well; from State D.O.T., that is.

Let's see. The parking was proposed previously to, I think, accommodate 78 spaces, was just in excess of what your code would require for a building of that size. The loading area at that time, again, was going to be positioned on the east side -- excuse me, the north side of the building with the drive-through on the east side. And obviously the change incorporated with the building architecture will change that, and I will get into that in a moment.

As the site is going to result in disturbance of more than an acre of land, we will need to comply with the State DEC's SPDES permit guidelines for redevelopment projects, and to comply with that, we have proposed -- we proposed a storm water facility to be located in the eastern portion of the site. And again, with some consideration for our neighbors to the east, we are proposing to collect and intercept any water that was contributing previously to these rear yards via a swale that would direct the storm water to a detention facility that will be located at this point (indicating). Now, again, just to backtrack a little bit on -- the new SPDES permit guidelines, for -- most of which you're familiar with now, the main change in storm water management today versus five years ago is the element of water quality treatment. Oftentimes the water quality component of storm water treatment manifests itself in the form of a wet pond. A lot of the storm water facilities you see today typically will have a wet pond incorporated below the fluctuating water elevation. That affords the detention component of the storm water management. In this case, and oftentimes I have heard concerns raised relative to mosquitos and/or safety issues and such as that.

Given the nature and location of the site in proximity to the residential area, we have proposed this to be a dry, more traditional dry detention facility that would only contain water during and shortly after a rainfall event. It then would then be discharged at controlled rates via a piped system, would be directed through a subsurface water quality treatment structure, a large \$20,000 concrete structure basically, and then discharged southerly towards the existing underground drainage facilities at Paul Road.

There will be a grade change up from the adjacent lands here creating a berm along that flank and then dropping back down into that storm water facility.

The landscaping plan that was presented to the Conservation Committee, this is the -- the plan previously presented, and it really is -- is, for the most part, unaffected by the new changes to the site plan. As I will get into, the real difference in the nature of the site is, I think, these curb lines have to bump out a little bit to accommodate the change. So, I think, basically we

have to reposition -- I think these planter beds were affected and just need to be pushed out slightly, and that is the only change that we anticipate.

And again, to provide a visual screening for the neighbors to the east, we have got a series of Evergreen trees planted along that eastern property line in conjunction with a shadow box cedar fence, which we propose to be 8 feet high. I think your code limits the height of fences that Betsy (Brugg) referred to earlier. We're going to go to the ZBA and request a variance for that. That's a Walgreens standard when they abut residentially used properties, they want to maintain that buffer between their facility and the neighbors.

So we have done, I think, a very good job of trying to create a very nice buffer. We have provided a substantial amount of green space to position the commercial use away from the residences.

I think that's it for the previous iteration of the plan.

Now to move on to what is before you tonight.

To highlight the changes, and I think Jeff (Taw) has gotten into detail as far as the site architecture, but the main change is the drive-through configuration is now orientated on the north side of the site to try to provide that attractive facade from view from motorists on Chili Avenue, and the loading area was repositioned onto this side of the building (indicating).

As a result, like I suggested, this curb (indicating) -- we basically held this curb line (indicating) and this curb line (indicating). To accommodate the new colonnade that Jeff (Taw) has created here (indicating), this sidewalk, the building sidewalk needed to extend out 4 1/2 feet from what we had previously, so holding basically this line and this line (indicating), the curb line popped out this way and this way a few feet in each direction (indicating).

In response to some comments from your Building Department, we have extended a sidewalk along the Chili Avenue driveway into the site. In response to a comment from this Board, we have configured and situated a mulched sitting area with concrete benches. We have replaced -- previously proposed a chain link fence on the site side of the storm water facility, and one of the comments again from the Building Department was that we didn't like the chain-link fence, so we have switched that out with an ornamental-style wrought iron fence. Details were provided with the last application.

We have also, I think, committed to -- and this was in your package, as well -- to decorative light fixtures as opposed to the standard shoe box fixtures, and those, again, were in your package from the last submittal.

I think that's basically it. I guess to Mr. Karelus' comment relative to the median, this is what he is referring to here on the north side of the building, creating a separation from the drive-through aisles and the -- basically the bypass lanes that would serve the balance of the parking lot. The suggestion there is to make that a curb median. I don't have a major objection to that. We haven't ever done that before in all of the stores we have ever done. We never had a need to create a raised median.

From a drainage perspective, it poses some challenges in that we're trying to promote drainage away from the building. I think we can overcome those challenges by incorporating either a trench drain along the inside of that curb median and/or trying to get the slopes to work to drain to catch basins that would be strategically located there.

Again, I didn't see the need for it, given the low traffic generation of the drive-through. You typically don't see any substantial queuing in these drive-through lanes. It's unlike a fast-food business or a bank. This is really a low traffic generator, that location, so I guess I will leave that open for discussion from this Board.

There was also, as Mr. Karelus referred to, an issue raised to basically the fence that we proposed along this eastern flank. You have got roughly 600 feet of fence along that property line, and the details provided to this Board show that the quality of construction -- it's actually secured with steel posts set in 4 foot concrete bases. You know, again -- I like natural products, so I like -- personally like the cedar look. It's a shadow box fence, which I -- I personally, again, consider it to be an attractive looking fence. I know there has been some suggestions made, possibly using a lower maintenance or longer-lasting material. We're open to that idea.

My goal and Walgreens' goal, again, is to provide a solid screen more or less between our site and the neighbors. So with that in mind, I guess I open that up for additional dialogue.

And I think that's basically it from my end. I would be happy to try to answer any questions that you may have.

JAMES MARTIN: Okay. Just to bring everybody up to date essentially on the -- you know, on the curb cut coming out to Paul Road. Obviously 4:27 this afternoon there was an e-mail that came from the County of Monroe, and I just want everybody to understand what is being proposed by the County at this time.

I will read verbatim the second paragraph in this letter. Basically says, "We are concerned that operational difficulties may occur at this location. So we will impose the following conditions on our project approval and the permanent access permit: Quote, if operational difficulties occur in the future at this location, the owner, Walgreens, will be required to identify, design and construct mitigating measures to correct these identified problems. All costs associated with these mitigating measures will be paid by the owner."

So I want everybody to understand that the concerns that have been expressed by this Board previously around that Paul Road access point will be certainly under study. The one point that is not in here, and I will discuss this with Mr. Karelus, as to what an appropriate time period would be regarding any kind of review that would occur if this project is finally approved, as far as operational difficulties and the nature of what those operational difficulties might be.

So I just want everybody to understand that the traffic concerns that we all have about that Paul Road access point are being recognized by the County. For your information, we have talked about this before, there is an ongoing swap between Beaver Road and Paul Road between the State and the County that Paul Road is going to become a County road and Beaver Road will become the State road. So this jurisdictionally probably will be falling under County at some point. Okay. So I just wanted to clarify that issue, okay, as far as where that particular issue stands.

On the site plan itself, clearly -- I still have some concerns about the fencing, you know, or the buffer between Grenell Drive and the location of the Walgreens itself. I think we're all familiar with the board-on-board cedar type of fencing. It looks good for about two years and then it begins to deteriorate, okay. And to be perfectly honest with you, and I will -- you know, I will listen to other opinions of the Board. This is my opinion. I'd rather see something up there that will look good for a long period of time, whether it is PVC or some material, again, low maintenance, which I think Walgreens would like to have, but also visually is something that will hold its appearance for a long period of time. You know, which we have dealt with some previous application on Chili Avenue, the car wash, and specifically one of the things they put up was a very nice white PVC fence on their buffer between the residential and their location.

So, again, I will listen to other comments by the Board. That is my personal opinion. I'm not real happy about a board-on-board cedar fence along there.

The addition of the seating area, George (Brinkwart), I don't want to steal your thunder, but, you know, we looked at that, and you got a mulch trail going over to these seating arrangements. Again, my experience with mulch is that weeds start to grow up in it in a very short period of time. I would rather see something of a more permanent nature if you're going to have that actual architectural feature or landscaping feature on the site.

Certainly I concur with Mr. Karelus on having some sort of curbed divider between the drive-through pickup area and the road on the outside of that. I think that that's something that is absolutely necessary to the site plan.

Let's see. I guess that takes care of my punch list. I will go to the Board now.

KAREN COX: Well, the comments made by you, Jim (Martin), and Mr. Karelus were ones that I was thinking of also, but I guess I would agree, too, that the cedar fencing, after a certain period of time, does start to look a little aged, if you will. But also in this setting, maybe the PVC option will look too artificial.

There are other materials that perhaps could be used for fencing, Trex being one of them, something of that ilk that still look natural, but are low maintenance. And perhaps, you know, they can be used to build a board-on-board look. So I would put that out there.

JAMES MARTIN: That certainly is an alternative that could be looked at and evaluated.

JOHN HELLABY: I think the only question I got site plan related, this entire parking area is surrounded with raised curb, is it not?

MR. WISNIEWSKI: Yes. It's an integral curb and gutter.

JOHN HELLABY: I guess I don't quite understand the reasoning -- I got to assume it says New York State DOT box type guardrail, which tells me it is aluminum 4 by 4 on aluminum posts down the entire east line and across the southern line, as well. I can see maybe the necessity around the bend and the curve, but I would think -- and it looks like it is 3 or 4 foot off the curb line. Why they elected to extend that thing like they did -- it is somewhat distracting in the overall picture, I think.

MR. WISNIEWSKI: It may not be essential. In my dealing with Walgreens, as shown in a situation where they have got side slopes similar to what we have there, they have asked for a guardrail in the past.

JOHN HELLABY: I can see quite possibly a pressure-treated type guardrail, but I don't know if I'd be so crazy on that aluminum box type guardrail around the whole perimeter of this thing.

MR. WISNIEWSKI: I think we have maintained four-on-one side slopes off the edge of that parking lot. You're correct, there will be a curb along that flank. I could certainly bring that specifically to the attention of Walgreens.

JOHN HELLABY: I would just question it, because I think it will distract from the entire overall picture of this thing, especially from Paul Road. Here you have this gorgeous building you have spent all of this time trying to develop, and all of a sudden, wham, you got -- because it is somewhat elevated from Paul Road, this aluminum guardrail across the whole thing.

MR. WISNIEWSKI: Again, if Walgreens is willing to remove it, Number 1, as option Number 1, I would certainly be willing and happy to do that. It is obviously just additional cost to my client.

There are other options as far as the guide rail itself. You know, if you see up in the Adirondack Park, they use a material that oxidizes naturally and turns a rust color that has a more natural look to it. Obviously there is pressure-treated options available.

KAREN COX: Let me ask you, does the drop-off meet the -- you know, you're probably familiar with the State D.O.T.'s requirement for guide rail --

MR. WISNIEWSKI: That grade will actually be more moderate than you would see on a traditional roadside swale. They're particularly sensitive around -- they are storm water facilities. They will require the fencing. I have had them ask, after the fact, for a guardrail along the perimeter of the property.

I do think you will probably want to have one along these two flanks because of the grade changes you have.

JOHN HELLABY: Again, I wouldn't get so hung up on the outside of the curb coming in, but probably from where it opens up just past the pond, the remainder of the east and southern line, I just don't really see a big necessity for it.

MR. WISNIEWSKI: I can certainly revisit that. I would be more than happy to eliminate it if Walgreens is agreeable to it. If they feel it is essential to be there, if you want to make that a contingency, what have you, in terms of using a specific material --

JOHN HELLABY: I would investigate an alternative then.

KAREN COX: Are they making that rustic rail any more? Because there was just a -- instruction from the State DOT that they're not going to be using it any more.

MR. WISNIEWSKI: I'm not certain if it is still manufactured.

JOHN NOWICKI: It could be a safety feature.

MR. WISNIEWSKI: That's my intention. It is a safety feature.

JOHN NOWICKI: I think if you're looking at the Paul Road side, all you got there is a curb, and that curb -- if that is not big enough to -- with that retaining wall, you will drive over that retaining wall, right?

KAREN COX: Well, you could, yeah.

JOHN NOWICKI: You could.

MR. WISNIEWSKI: Again, I do think --

JOHN NOWICKI: But from a liability standpoint, you may have to have it in there.

KAREN COX: At the same time, a wood rail will not stop anything.

JOHN NOWICKI: Or if you went to the metal rings that change color, go with the browns over a period of time -- it is a safety issue, something you might have to look at.

MR. WISNIEWSKI: I do feel it is necessary along this edge (indicating) and this edge (indicating) up to some point. My idea here was because of the curvature of the driveway and your dropping elevation, and the elevation drops off within the green space, it made sense to continue it up that drive aisle.

JOHN HELLABY: Just food for thought.

JAMES MARTIN: I think -- investigate that issue and present some alternatives to us, okay, because I agree, it's going to be unsightly going down through there.

JOHN NOWICKI: Again, I want to tell you -- you guys have done a great job on this thing. There are a couple small comments to make on it, but overall I think between the landscaping and the site changes you have made, I'm very happy with it. I think it's going to be a gorgeous project.

Thank you.

GEORGE BRINKWART: I appreciate the addition of the little walking path there, and as I think Jim (Martin) mentioned, a more durable surface would be nice and I would like to suggest possibly connecting that up to the existing sidewalk along Chili Ave. to kind of loop it around or go somewhere.

MR. WISNIEWSKI: The reason I brought it from the sidewalk along the driveway is because the grades start to get steeper as you approach Chili Ave. So it seemed appropriate to bring them in along a flatter rough. That's the reason I have for the direction I have.

GEORGE BRINKWART: It would be nice to have it go someplace. I bicycle in Town and it is really nice to be able to stop somewhere and sit down for a while and take a breather and those kind of things. I welcome anything that we can do to enhance the people to walk.

MR. WISNIEWSKI: Maybe bringing it closer to the sidewalk on Chili Ave. has some more sense. I question how often it's going to be used once you're inside the site itself. I don't see this.

GEORGE BRINKWART: That's very true, but we're just in a mentality of driving everywhere. And I would really like to encourage people to walk, to bicycle. It is a beautiful site, and I have to agree with the rest of the Board, that what you have done, you have come a long way since you first appeared before us. I like the changes. Again, since it is such a premiere spot, I would really like to do some little things to encourage people to walk.

MR. WISNIEWSKI: That element was specifically in response to your comment. I'm certainly willing to reconfigure it if you see fit. That was my thought process as to why it is where it is. I was trying to get it nestled -- there is decent existing trees in that area. So that was the reason for that. Maybe it makes sense if you want access directly from Chili Ave. to try to situate it closer to Chili Ave. and have it be kind of a stop-off for pedestrians travelling along Chili Ave.

GEORGE BRINKWART: I like the feature. I'm glad you put it in.

MR. WISNIEWSKI: Do you want it moved, kept where it is?

GEORGE BRINKWART: Take a look at the grades. I don't have a grading plan in front of me, so I can't really microanalyze it at this point. But if it would be more appropriate to have it coming off Chili Avenue and coming back out, that would be okay. Take a look at the grades. If there is some way you can meander this thing and get it back up to Chili Ave., that would be great, as well.

MR. WISNIEWSKI: The comment towards something in lieu of a mulched area, are we talking pavers? Is that --

GEORGE BRINKWART: Pavers would work or the imprinted concrete is a nice feature.

JAMES MARTIN: Stamped concrete, something of a decorative nature.

GEORGE BRINKWART: Take a look at the parking space you have on the southeast corner there. It looks like that might be a bear to get in and out of. Run something by Dave Lindsay to come up with something.

MR. WISNIEWSKI: You're referring to this one here? (Indicating).

GEORGE BRINKWART: Yes.

MR. WISNIEWSKI: I don't see an issue because of the width -- you have the width of the loading area to negotiate back out, and --

GEORGE BRINKWART: You don't have anything to the east except the curbing, so someone has to back up quite a ways. I mean typically we like to see something with a little bump-out or something, so that someone can back out and turn and get out of there as opposed to --

MR. WISNIEWSKI: Obviously we're getting tight with the parking now -- we're at the requirement.

GEORGE BRINKWART: I see that. Maybe you could take -- explore -- we had talked earlier about putting some parking along the entranceway for the employees to get your numbers up. That is something you can take a look at, as well. You can discuss that with our engineer and maybe you can come up with something.

JOHN NOWICKI: Where would that go?

GEORGE BRINKWART: Those are all my comments.

DARIO MARCHIONI: I don't know if you're familiar with the Wegmans entrance. I think the slope from Chili Avenue coming down is not as steep as Wegmans, from a grade. They have --

MR. WISNIEWSKI: I don't believe so. I don't have topography of that. You're referring to the entrance from Chili Ave., not Paul Road, correct?

DARIO MARCHIONI: Yes. From Chili Avenue into the Wegman complex.

MR. WISNIEWSKI: Without having topography data, I would guess that that grade is steeper. I think I'm in the -- it ends up being 3 1/2 percent roughly on the grade, which is a fairly moderate grade.

DARIO MARCHIONI: The way they treated that was with curves, and also the flowering, I mean the trees and flowering on both sides.

MR. WISNIEWSKI: We have on the landscaping plan, we have accented the entry ways with --

DARIO MARCHIONI: They don't have any guardrail. I don't think they have ever had any problem, that I know of.

MR. WISNIEWSKI: Like I said, if Walgreens doesn't see it as a safety concern, I would be happy to eliminate or at least reduce the extent of it.

DARIO MARCHIONI: I'm just bringing it up for another example of -- that's... That's basically what -- what I had.

MR. WISNIEWSKI: Back to the fence, if we could, I would just like to have, I guess, as much specific direction as I can leave with tonight. I think we're agreeable to either of the alternates that you have suggested. Is there a majority of the Board that prefers one over the other? I do tend to agree with maybe using a composite-type wood product as opposed to PVC because I think it will have a more natural look and be a little more appropriate in that setting.

JOHN NOWICKI: Is that what you're recommending, Karen (Cox)?

KAREN COX: Yes. Trex is a brand name of composite wood, but there are other brands --

JOHN NOWICKI: Natural look?

KAREN COX: Yes, several different colors, low maintenance. My deck is made out of it. It's still the same color --

JOHN NOWICKI: So from an environmental standpoint it would look nice along the property line.

KAREN COX: I believe it would look better than PVC.

JOHN NOWICKI: Can you get it in 8-foot heights?

KAREN COX: Yes. It is the same as dimensional lumber. So --

JOHN NOWICKI: It might blend in better with the building.

KAREN COX: I think it would look more attractive.

JOHN NOWICKI: More natural.

JAMES MARTIN: I'm trying to capture things that, you know, are -- we have discussed up here, as far as the Board is -- you know, my decision letter will be generated tomorrow, so you will have basically a list of the things that, you know, we have indicated to you either need to be considered or are -- we want them, okay? And so you should have that very shortly.

MR. WISNIEWSKI: My guess is, at least if a preliminary site plan approval is not imminent, I would like to have as much information. We have been holding off on finalizing all of the construction-related detail until I know that the site plan is set, and that's been driven to some degree by the changes in architecture, so that -- from my perspective, that's my main goal.

JAMES MARTIN: My statement to you presumes where we get to tonight, obviously. If we get through the preliminary site plan, you know, you will have that list. All right. We can fax it to you tomorrow.

JOHN HELLABY: I do have one other thing. Not to take away from aesthetics of the building, and it doesn't actually show on your renderings here, these bollards that are around the door opening, especially at the front door, remind me of the nasty cart stops so people can't run away with your shopping carts. I guess the question is, how tall are these things and what color are they?

MR. WISNIEWSKI: They're typically black, I believe. I don't know if you know that offhand.

Again, they bring the sidewalk face flush to the asphalt in front of the door.

JOHN HELLABY: I understand what they're for. I just don't want some yellow 6 inch post, 6 foot high all of the way around the --

MR. WISNIEWSKI: I want to say -- I apologize, I don't have any detail with me. I want to say they're 4 feet high. I think the color is typically black so they don't -- you know, they don't stand out like --

JOHN HELLABY: Is it something you could accomplish with wheel stops instead of those?

MR. WISNIEWSKI: That's a Walgreens criteria requirement, and I know they -- that's -- that's a very important element to their site design right down to the specific spacing of those.

JAMES MARTIN: What if they painted them a different color?

JOHN HELLABY: I'm just saying --

KAREN COX: You can get those decorative --

JAMES MARTIN: Let everybody hear that you --

KAREN COX: I believe I have seen them in some type of decorative face. Don't quote me on that, but I have seen them used in various cities that I have been in where they have had decorative features on them.

JOHN NOWICKI: Again, it is a security issue.

KAREN COX: But I'm saying they don't need to be obviously yellow. They can be made to be aesthetic.

JOHN NOWICKI: Black is fine.

CHRIS KARELUS: Alex (Wisniewski), I don't know if this is more a question for you, but how are the carts stored on site? Just the carts, the carts that are used for Walgreens. I just want to make sure there is no outdoor storage of carts.

MR. WISNIEWSKI: I'm not familiar with their use of carts in the store. I don't know. I've never seen them outside of the store. I don't know that they're utilized in the store. I know they have the baskets.

MR. TAW: There are carts. They have a storage area inside adjacent to the entry piece.

CHRIS KARELUS: Okay. That is one of the things I had a question on. Also, I wanted to say there is a lot of retaining wall on site. There is a lot. A suggestion to the Board is to maybe get a handle on color, type, some of those things. I mean this is going to be a major element to the site with the amount of wall space that will be taken up with retaining grade. That is just another comment I had.

Also, we'll be asking applicants, too, to bring signage plans to the Planning Board. This project has zoning variances that are being requested through the Zoning Board. They will get a sign package, but the sign review of the actual signage themselves we ask that you bring back to the Planning Board so that they will have a look at that, detailed in nature review of the signage on the plans.

I also ask the Chair to make note tonight the hydrant locations and the approval of the Town's Fire Marshal be contingent of any approval the Town Planning Board will be granting.

Also note that and -- the talks with the County DOT on the conditioned access, that have been ongoing with them, through review. That's it.

JOHN NOWICKI: Chris (Karelus), did you happen to read the -- on the retaining walls -- Number 34, on the sheet? Upper left-hand side. Split-face block retaining wall in style and color to complement the building.

CHRIS KARELUS: I'm suggesting make a material sample like Mr. Taw brought in to understand what the material looks like.

MR. WISNIEWSKI: I envision it being very similar to the split face he submitted in his presentation. The one requirement that Walgreens has as far as the wall goes, if it exceeds 6 foot high -- which I have tried to limit our height to less than that -- if it exceeds the 6 feet, they require a poured concrete wall which obviously doesn't have the same level of attraction as a split-face modular wall, so I have tried to limit the heights of that so we could employ that.

JOHN NOWICKI: Could you color that?

MR. WISNIEWSKI: Yes. You could face it.

CHRIS KARELUS: Will it have cap units on them, too, so they will be capped?

MR. WISNIEWSKI: Yes. I mean --

CHRIS KARELUS: Just the wall height, under drains, some of these things will discharge, so we want to where the drainage points will be and how they're collected so there is no ice buildup occurring.

DAVID LINDSAY: We would like to reiterate what Chris (Karelus) said. I touched on his comment in my letter, too, about the raised median. I would concur with that statement that there is a need for it there to separate the traffic. And also with Alex (Wisniewski), I think certainly there may not be a need for the box beam guide rail on the entrance coming off Chili Avenue -- I don't have the grading plans -- but I think I recall a pretty quick grade on the south and east side. From the same standpoint there may be a need for the guide rail there. That's it.

DICK SCHICKLER: On the east side I have a question, and then I will move on to the landscape plans here. It looks like you have a lot of area near the homes there. You have some beautiful deciduous trees. I'm wondering if any of those could be saved.

MR. WISNIEWSKI: We have called out the ones we feel can be saved. Again, because of the grade change involved there, a lot of those will have to be removed. Let's see. On the grading plan, our toe of slope is anywhere from maybe 5 to 10 to maybe 20 feet off that property line. Basically we have the overhead power lines run very close to that property line, and that's

more or less where our toe of slope is. So anywhere you're changing the grade more than a foot or so, you're not going to preserve those trees. And for that reason, on the landscaping plan, it is called out specifically, the ones that we are able to preserve, and then obviously replacing those with -- with Evergreens across that flank.

But there is a couple of mature trees I know down here that were beyond the toe of slope that we're able to save and basically trying to create a new buffered flank along that eastern property line.

DICK SCHICKLER: Okay. I guess another question is, the protection of the trees, not only from mice and things of that nature. Are they going to be protected?

And also for snowplowing, that we put in nice landscaping and then the plows or the loaders aren't going to just bury some of the landscaping.

MR. WISNIEWSKI: Their -- another Walgreens criteria is any shrubs planted must maintain a 30-inch offset from the curb line. I think we have exceeded that in most cases, so we're trying to get them far enough from the curb line so that damage from snowplows won't be an issue.

DICK SCHICKLER: Other than that, landscaping is very nice. Thanks for working with us on that.

FRED TROTT: I didn't fully read the letter from the State, I mean from the County, but as far as that criteria goes for changing that, what would that criteria be? Do they have --

JAMES MARTIN: They did not specify in their letter. Okay. I think this is something that we're going to have to work out between Traffic Safety, Building Department and County DOT as to what the criteria would be. I don't think we can comment on that tonight given the fact all they have done right now is conditioned the access point on Paul Road, all right, to -- you know, to be studied for operational difficulties. That's as far as they have gone right now. You know, they -- you know, clearly everybody would love to see it opposite the Wegmans driveway, okay. They basically say that would be the preferred location, but at -- given the current site plan, you know, and given the fact they have already been approved for the road cut on Paul Road, I think this is basically where we're at, and I think again, working with you and Mr. Karelus, and whoever else is involved in this, we hopefully can come up with some sort of a criteria around that.

FRED TROTT: What would -- I guess maybe that's the question that needs to be addressed at a later date, what would be the change or the proposed changes? I know that we had spoke earlier when this first started about making it a right turn in and a right turn out only. I don't know if that would be something -- because obviously if they're not buying that property across from Wegmans, we can't really sit there and say now you need to move it here and everything falls apart. You know, worse-case scenario obviously.

JAMES MARTIN: Basically if operational difficulties get to the point where something has to be done to mitigate it, I think then obviously design characteristics, all those things would come into play as to what -- the proper mitigating circumstances obviously can't be identified at this point because we don't know what the operational difficulties will be. So I'm not trying to belittle the point. I'm just saying right now, at least they have given us the opening to watch the operational characteristics and make a determination on any mitigating circumstances that we have that we don't --

MR. STANSBURY: Hi. If I could just interrupt for a second. Gordon Stansbury. GTS Consulting. I'm the traffic consultant on the project.

Most likely the resolution, if there is a problem that occurs, would be limitation to right in and right out. To relocate a driveway would be probably not feasible once the site is accomplished.

As far as criteria, um, most likely they would involve either level of delay for vehicles to turn left out or accident history would be the primary ones that I would recommend.

Typically also I know there was some discussion about the time frame for evaluation. Typically we would look at a year's period to see how things are operating to make sure everything has reached an equilibrium and balanced to give it time to really operate as a standard, if you will.

FRED TROTT: One year? I guess I'm trying to think of a whole picture, if you're talking about a department store going in that close proximity, and you, you know, I don't -- not knowing what the criteria is, I'm unsure if they're going to come back and say, "It's not our fault. It's the department store's fault. You know, why should we change" -- I'm just throwing these questions out. I don't know if this is the proper forum for it, or what, if that -- what is involved in it either. I just know I get it from the residents at our committee, so I'm -- I just want --

JAMES MARTIN: I understand.

MR. STANSBURY: Typically the controlling feature will be the Town. With jurisdiction. If there is a substantial problem, worse-case scenario, something is terribly awry, the County will step in and require mitigation. Otherwise, we'll look at an evaluation in a one-year period to be contingent on the development, just to review it if that's so desired. If there is no concerns raised, I would say that evaluation would not be necessary.

JAMES MARTIN: I don't -- we got to have -- settle on operational characteristics of the facility, if it goes forward, in order to really assess what the operational difficulties would be. So anyhow, I think this is going to be watched very closely, obviously.

We have a fair number of people here. Obviously we have had some lengthy discussions about several issues concerning this project. In the public hearing portion, I would ask that, you know, you be courteous to the fellow people in the audience, the Board and everybody else

involved. Keep your comments as brief as possible. If somebody has covered a topic that you wanted to talk about, very thoroughly -- we have talked about traffic quite a bit. If you feel like you want to talk, that's fine, but if you feel it has been covered, then, you know, you may just say, okay, I don't need to talk about that particular issue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JAMES MARTIN: I know Mr. Brixner has been very anxious to talk about this application. Mr. Brixner, here's your opportunity to talk.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I would prefer to have some of the residents of the immediate area speak and then I would like to have an opportunity at that point.

JAMES MARTIN: Thank you.

RON PIKUET,

MR. PIKUET: I'm not in the immediate area, but my name is Pikuet. My uncle lived on Pikuet Drive. I think an application of this magnitude and of this importance, all of us should be handled -- I think I have said it before -- on a meeting of its own. Here we are talking at 10:00 at night about something that is going to dearly affect us. And I -- I think it deserves its own meeting.

The other thing is I have suggested to the Town Board that we do something about the mic'ing in this facility. I'm sure you can hear me, but I frankly have not been able tonight to even hear the side table, and I see the microphones are turned every which way but loose up there.

So I would suggest -- we evidently don't have a trickle-down theory in -- I have spoken about this at Town Board, and I would assume that somebody might say something to the other boards when they convene. We would like to hear the procedure going on.

The application, I believe, this evening should be tabled until we can get more information about what is going on here. The approval of six lots really are the approval of seven lots. It does include Pikuet Drive. And because my name is Pikuet, I don't have any more interest in this property than any of you residents in the Town, but it is a finger of property, 60 by 275 feet right in the middle of this project. Now, if it were on the east end or for that little diamond-shaped, triangular-shaped piece up at the intersection of Paul Road and Chili Avenue, I can understand that it might not be considered much. But if I owned a finger of property of this size right in the middle of a project, I would want to be compensated for it.

And this talk of abandoning Pikuet Drive in an election year, I think it's incredible. I think it's enough to -- and I have written and spoken about it before. The record of our Town Board is abysmal in handling the real estate transactions of this Town. And any thought of giving away property that we should be justly compensated for, to me, is incredible. And you, as a Planning Board, I think that it's part of your -- and part of your jurisdiction to make sure that all property owners in this parcel that is under consideration be duly compensated. And as I one taxpayer out of how many in this Town, maybe 27,000, I would suggest, you know, that they would feel the same way. And I certainly wouldn't want you making plans for me, if you were in any way not standing up and -- if you were planning on giving my property away or agreeing to abandon my property?

I think this whole thing ought to be tabled until after election until we find out if the Republican party is going to succeed in this Town, and if they don't, then maybe the Planning Board will change. I think this whole thing ought to be tabled.

The problem of traffic I don't think has been adequately spoken at all. The idea that we were -- they received a recommendation, according to the attorney Betsy (Brugg) here, that's based on conjecture and opinion, I find that unbelievable. Here we are, right back now with this new plan. With all due respects to the amount of work these people have done, but you work for us. Pikuet -- it looks to me like that egress on Paul Road is right where Pikuet Drive was coming out, and if it was closed for traffic and safety reasons on a bend, on a hill, 10 or 15 years ago, how come that intersection is placed right there? With all due respect to the fact that it could be corrected by the County, now you're saying, if it doesn't work out, how do two wrongs make a right? If it didn't work out before by the State, how come we're considering it now? I don't think that should even be placed there. If any place at all, it should be placed at the intersection of Wegmans.

But now we have got a Target store coming in there. And at least you would have a four-way intersection there. Now you're creating another ingress and egress where Pikuet Drive was closed sometime ago. You're also creating -- I imagine there will be a light at the Chili Avenue intersection, too. You're creating within probably 600 feet in each direction another intersection, four-way intersection and both of them, especially the one that is especially bad is on Paul Road at the foot of a hill and on a curve. And a Target store is going in? I can't believe it.

I don't think this property is suitable for this kind of development at all. I think it was a horrible mistake that the Comprehensive Plan allowed this to be zoned General Business instead of Neighborhood Business. I don't think this is an acceptable site at all and I, as a resident of this Town, very frankly don't -- I'm not too appreciative of the fact of anybody moving into Town and trying to put KMart out of business. I personally like KMart. I think a little competition is good,

but a little too much is deadly. We're going to have empty stores around here.

Well, I think I have said just about all I want to say and I don't want to steal anybody else's thunder, but I do think as a taxpayer, the main thing -- I don't know whether I or anybody else can stop this. I'm not against people selling their property and making a profit on it. If this deal did not go through, the residents that live there, and I know there is a lot of -- I don't know if the Lechners still live in their house -- I'm assuming they do, but a lot of the others are empty. This is the kind of a situation we get into. But I do feel that if this project had been turned down, or was to be turned down, these people would still have a decent sale for their property. And I think it is a tragic mistake to put this kind of a development in such a small area, and I think that you're going to create -- I would like to ask the question, too, on the -- where Pikuet Drive is cut down, aren't you creating quite a drop-off right here (indicating)?

This looks like the part (indicating) that is going to be given back to the State. I'm not writing on this (indicating). What kind of a drop-off is right here (indicating)? Is this a retaining wall? Can the architect speak about this?

JAMES MARTIN: You can answer that question from a site plan perspective.

MR. PIKUET: Right here (indicating). This looks like a gradient here.

MR. WISNIEWSKI: It is a grade change there.

MR. PIKUET: I said 20-foot fall. Now you're saying 23 from where Pikuet Drive is.

What is this gradient right here (indicating)?

MR. WISNIEWSKI: You have a 580 contour. To the top of the wall is 575, so what you have is a 5- or 6-foot.

MR. PIKUET: How tall is the wall?

MR. WISNIEWSKI: At highest point it's 5 feet.

MR. PIKUET: So you have about 11-foot fall from Chili Avenue at that edge right to the pavement here? Right?

MR. WISNIEWSKI: That's correct.

MR. PIKUET: How far does this pad here (indicating) set up above the level of Paul Road?

MR. WISNIEWSKI: It varies. Again, you're not --

MR. PIKUET: What is the height of the pad here (indicating) that the building sets on?

MR. WISNIEWSKI: Your building pad elevation is 570.5.

MR. PIKUET: What is elevation here on Paul Road?

MR. WISNIEWSKI: Where on Paul Road?

MR. PIKUET: Right at this level part (indicating).

MR. WISNIEWSKI: Where your finger is is 565. So you're 5 feet higher than Paul Road.

MR. PIKUET: This drops 5 feet here?

MR. WISNIEWSKI: No. This drops from 570.5 to 568 plus, so 2 feet.

MR. PIKUET: 2 feet.

JAMES MARTIN: I think --

MR. PIKUET: I just wanted to say that the -- with some of the buildings that are being developed, like the post office in North Chili, you pull in and you nose down and then you walk up the slope to the building. I think that is a disaster for a lot of us waiting to happen, too. I wanted to make mention of the 11-foot drop-off where they cut off Pikuet Drive.

Thank you.

JAMES MARTIN: I will comment on two of your issues. Number one, the Town really has no authority over the authorization of the access onto Paul Road. That was approved by the State and we cannot countermand that.

Secondly, on the abandonment of Pikuet Drive, I will quote from the Town Board meeting of September 19th, 2007. A question came up about the abandonment of Pikuet Drive. "Richard Stowe: My involvement in that particular project has been limited because it is still before the Planning Board, but the question was mostly procedural in how can the Planning Board be considering an application that involves a requested abandonment of a Town road until the Town Board takes action. The procedural answer to that question, without addressing the substance of that question, the procedural answer is the way that the Planning Board addresses many of the other approvals that require their approval. If granted to be conditional, my assumption in this matter and procedurally is that the Planning Board approves a project, and if the project as approved requires the abandonment of Pikuet Drive, that the Planning Board would make that abandonment a condition of their approval and if it didn't go forward, then neither would the project. That answers the procedural question."

MR. PIKUET: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I think Mr. Pikuet's question, if I understand it properly, and I might have the same question, too, is the Town to be compensated for this piece of land?

JAMES MARTIN: I don't know the answer to that question.

MS. BORGUS: I believe that was the bottom line.

MR. PIKUET: Yes. We want money.

JAMES MARTIN: That will be addressed as part of the procedural of the abandonment.

MS. BORGUS: So the Town Board is the place to take that?

JAMES MARTIN: The Town Board is the controlling agency.

MS. BORGUS: Thank you.

Now, the traffic study that I see here, um, is dated March 4th, 2007. Is that the only traffic

study that's been done? It was done by T Consulting, 1396 White Ridge Road, Chittenango, New York.

JAMES MARTIN: There were updates to that study. There were queuing studies that were done in addition to that original study that were basically given, all right, to the permitting agencies. I think this is some of the things that have led to the latest ruling by the County DOT on the elevation of that intersection. So there are two different -- September 26th, '07 and October 1st of '07, there were two additional inputs on traffic studies.

MS. BORGUS: Can you tell me if these additional studies expanded the area of study? The reason I mention that is that in this particular one dated March 4th, 2007, it really only addresses Chili Center, Coldwater Road, Chili Avenue and Paul Road. In other words, the immediate surrounding roads around this project. It doesn't go out in any direction to deal with traffic issues other than right on site.

JAMES MARTIN: Basically, the updates still focused on the Paul Road, Chili Avenue intersection, okay? I do know, based on information I have, that there is a more over-arching study being done of that whole area, okay, from a traffic flow standpoint.

MS. BORGUS: Would it be too late for this project's, though, approval? I mean you won't have it tonight.

JAMES MARTIN: It will probably be too late for this project, that's correct.

MS. BORGUS: I think that is a real concern because we read in the paper yesterday we're going to be having Target coming, and if this were even borderline acceptable, it certainly won't be acceptable down the road in a very short time.

JAMES MARTIN: I don't disagree with that conclusion. That's why I think we need to look at that whole area very, very carefully for traffic flow if we end up getting a Target. Obviously if it is going to add a significant amount of cars to that area, there has to be recommended solutions to that problem.

MS. BORGUS: It seems to me that is locking the barn door after the horse is gone.

JAMES MARTIN: Dorothy (Borgus), I can't speak for the State DOT that controls Chili Avenue. I can't speak for the County DOT that will control Paul Road.

MS. BORGUS: When I see what they have decided about this exit, I think they're smoking something downtown.

It's the most asinine decision I have ever seen. I know this Board can't help it, but you got to wonder how in the name of heaven this decision was reached. It is a horrific situation.

And just to stay on that topic for a minute, I think this Board, from what they have said, is very aware that Traffic & Safety, this Board, the Building Department, whoever is necessary, has got to get a real handle on this forward-looking solution to a problem should it arise. I can tell you right now I have lived in this Town my whole life. It will arise. So you better come up with some appropriate time frame. You better put some numbers on that and you better put some operational difficulties, get some numbers on that, because if we end up being too subjective with this thing -- I mean not subjective enough -- I'm sorry, if we're not subjective enough, we're going to end up with a problem with a lot of loopholes and there isn't going to be any answer. This could be bad. So you're going to have to be very, very sure that you get that tightened up with numbers and dates and times and parameters that we can all live with, because this is going to be a problem. It is.

With regard to the fence, I, too, agree a cedar fence looks good while you're putting it. I can point to the one at CVS Pharmacy at Chili Avenue and Pixley Road. It was a nice-looking fence when they put it up. Look at it today. It's terrible. It looks awful. So we don't need another cedar fence.

I am not familiar with the material that Mrs. Cox recommended, but if it looks like wood and it stays looking good, then I think it's definitely a -- something we should consider.

And secondly, if that doesn't work, then some of these PVC fences, this vinyl fence looks nice over time. It may not fit the building, but it certainly would be better than a cedar fence.

I was a little disappointed when the actual brick and mortar were shown, because I was hopeful in looking at those drawings that we were going to have kind of a reddish hue to that building, and obviously that's not the plan. Um, I just thought brick, a nice red brick, reddish brick, reddish brown brick building, similar to the picture, would have been much better.

I agree there's got to be some either false windows or the illusion of windows put on the south side of that building, and I think the Board has dealt with that. Am I correct?

JAMES MARTIN: You mean the north side?

MS. BORGUS: The --

JAMES MARTIN: We have already --

MS. BORGUS: I'm sorry. The north side. You're correct. You're correct. You're correct. It is just too much blank wall. Thank you.

Signs. And I think I have heard it too, but I want to reiterate. No neon. We have got a couple instances right here on Chili Avenue where we have got a mess with neon. We don't want neon. Neon is out.

Then I would like to talk, too, about the idea about the flower bed and the mulch pathway. I agree with the Board that's not a permanent solution. It looks good when you do it. It is like the cedar fence. Give it a couple years and you have a mess. You might better have nothing than something you can't maintain. It should be something much more permanent than mulch, and I would not have any objection to just seeing a very nice flower bed there. If we have to skip the walkway, skip the walkway.

But I want to be sure that two, three years from now we have a site there that does this

Town proud. And I don't think with some of these things that are passing fancies that we're going to have that. So let's be sure whatever we put there is something we can look at with pride down the line.

And the last thing I want to address, and I haven't heard this addressed yet, is outside storage. We have an Eckerd, what used to be an Eckerd in North Chili. It's now a Rite Aid. They had to have their carts sitting out front. I thought it was a terrible idea then and every time I go by there or I go to that store, I know I was right back then. It looks terrible. No carts out front. We don't want carts. Carts should be inside. And I believe that in some of the other Walgreens I have been in they are stored inside. So I would like to see that made a definite condition that they do that, put their carts inside where they're not visible. This is a major corner in our Town. We don't need a lot of clutter.

The other thing I would like to say about outside storage is that this will be a very nice walkway. They're widening it, I understand. It's attractive. But I should tell you, too, that it was -- it was very attractive at Byrne Dairy. It's not attractive any more because they used that outside walkway not for aesthetic purposes, but for selling space, and they have gotten away with it. They now have permission to do what they do. Let's be sure, let's get it in the conditions that that walkway does not turn into sales space. We don't want soda pop out there. We don't want charcoal. We don't want grass seed. We don't want this month's flavor of the month's special out there. No outside sales on that walkway. Please. I would like to see that as a condition.

I guess that's all I have to say. I hope this is a credit to the Town when they get finished. I think it's a real challenge to do anything with that corner. And I credit the Board -- if we have to have this store, I credit the Board for the time and the attention they have given it and the thought they have given it and the many, many adjournments and tablings that this project has gotten so that we finally have arrived at something that although maybe isn't what should be on that corner in my mind, at least it is far more presentable than what we started with.

Thank you.

ARLENE McGAVERN, 11 Grenell Drive

MS. McGAVERN: Our back yard abuts up to the proposed driveway for Walgreens.

My main concern -- and I have got two pages of concerns, and most of them have been answered tonight very nicely. But I'm concerned about the water coming down from the back and they're going to take care of that, I understand, right?

JAMES MARTIN: That was indicated previously.

MS. McGAVERN: Okay. We're all set with that. The only other thing I'm really concerned now with is the traffic. If they come out onto Chili Avenue, they're going to come down, go down Grenell Drive to go to Henrietta or anything to get to Paul Road to go down that way. Because right now we got all that traffic that comes from all of the north side of Chili, coming down our street on Grenell and then goes to Wegmans, and now it will be the other ones. I'm concerned about the traffic that -- that is one of the big concerns.

And one of the other things I was concerned about is the fence. And I'm glad that you, Mr. Martin, figured that out. So that's good. And I think mainly it is a safety thing now. I won't go on to the other ones to save time. But I guess that's it.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Good evening, Mr. Chairman. Thank you very much for letting me have this opportunity to finally speak on a public forum on this resolution that is before the Planning Board. It happens to be the fourth time that it has been put on the agenda and it's finally here.

The first part is, the neon signs that were made mention on the structure here. I don't know how many times it has been said, neon is unacceptable here within the Town of Chili. We do not want it. We do not want to see it. It's taboo. The answer is no. That should be Number 1 condition.

Next part is, according to the traffic, on Paul Road -- and I'm going to go again on that.

It seems that September 27th, '07, that the County Transportation did write a letter on this, and all of a sudden another one comes up this evening, it just so happens to come up? Well, the -- September 27th, there is a -- one section here, Number 5 on here, we are not convinced that an access opposite of Wegmans is not possible.

Pikuet Drive was closed off over where they want that other entrance put in. We need to have it put over there opposite of Wegmans. Period. A signal light, period.

You have got a Target store good chance -- I read it in the paper, unless it's a lie -- going in over at Wegmans.

This is the time to do it. Not after the fact. Not one year after. Or in between that one year, if someone gets hurt or killed coming out of this establishment. Do it now. Make it a condition. Period.

Next on here is the seven pieces of property to make into one tax number. As a condition, if they will give their -- Walgreens will give their word that they will put that signal light in, it's going to cost them, and also probably Wegmans, somewhere in the vicinity of \$1 million. Well, that's the cost of doing business here in Chili. You want to be a good neighbor, you want to do it right, let's do it right or don't do it at all.

The rest of the residents here in Chili, the seven pieces of property have not been closed. Neither has another one that is being proposed out in North Chili, and the people are being held hostage. So they get a down payment. A purchase offer on a piece of property. Guess what? A

purchase offer doesn't get you too far. They can back off on it and then the people are stuck.

It's about high time that the Town residents didn't get the short end of the stick, which they have been getting for quite a while, it seems to me, with this organization. If they want to be such a good neighbor, fine.

Also, besides the Walgreens, I understand that that other plaza that they were contemplating on next to Wegmans is going to be coming up. Now, if all of that is coming together, we need to look at real planning here on Paul Road if you're going to widen it or whatever you're going -- whatever the County is going to do, we need to be putting pressure on the County to do it right.

We have the church down the street. There's problems going to be coming out and now we're going intensify it by putting an exit and an entranceway coming out of this Walgreens on a curve, up by Chili Avenue where you're going to get whacked. Someone is going to get killed, and I do believe, besides the Town being liable, I believe all you folks on the Planning Board should be liable on it also.

Thank you very much.

If I had my vote, I would table this at this time and reopen it to another public hearing. Thank you.

AUDREY DASSON, 15 Grenell Drive.

MS. DASSON: We had three accidents at the corner of our street in the last three months, so the traffic is terrible right now. I don't know what it is going to be like when Walgreens opens up.

And also the water in our backyard, this lady here told me there was nothing they could do for it one time when I said something to her. Now they -- oh, yes, you did, because I told you about it. You said there was nothing you could do.

JAMES MARTIN: I think that has been previously indicated there will be a swale --

MS. DASSON: But, yes, she told me there wasn't anything.

The traffic is just terrible. I know somebody is going to put in their will that "If I get killed on Paul Road, I want my heirs to sue the Town of Chili for all they can get."

Thank you.

VIRGINIA BARCLAY, 36 Janice Drive

MS. BARCLAY: At the July 10th meeting of the Planning Board, Chairman repeatedly told the lawyer representing Walgreens construction in Chili Center, that the choice of the architecture was the Board's only bargaining chip. In other words, all other aspects of the proposed project were acceptable. I and many Town residents take exception to that premise.

Traffic safety is a very real major concern. Pikuett Drive was closed at Paul Road when Paul Road was reconfigured to accommodate access to Wegmans. With today's increased traffic, it defies logic and safety concerns to reopen an entrance/exit at that point.

As to aesthetics, Walgreens builds on corners so their entrance is at the right angle of the corner. However, the junction of Chili Avenue and Paul Road is not a right angle.

The proposed site is a lesser-angled triangle. So in order to fit their square store into this triangle, the entrance will be on Paul Road, approximately across from Wegmans' entrance/exit. At the Chili Avenue/Paul Road traffic light facing Chili Avenue east, one would see the entire left side of the store beyond the parking lot. The entire right side of the store would be down Paul Road. The third side of the store would be a solid wall along Chili Avenue. It would look like a warehouse, not easily disguised by promised plantings.

The company keeps adding insult to injury. The Town allows a 32 square foot double-faced freestanding sign. The company has asked for a sign of nearly ten times that size, plus an electronic reader board, another major traffic hazard. Motorists in all directions are meant to see and read it while driving at our major Town intersection.

This company is asking for 78 parking spaces. Has anyone ever seen more than a dozen cars at a Walgreens?

The Walgreens in Brighton on Elmwood Avenue has no freestanding sign. The Walgreens in Gates on Spencerport Road has no freestanding sign.

This proposed undertaking is an ill-conceived, inappropriate project for this particular site in Chili Center.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: Well, I don't have to do too much reading because a lot of people have stated a lot of things that I was probably going to state, but you stated it better because you live in that area.

You need not worry about me going down Grenell Drive because anybody who would put such a situation like this, having cars at Paul Road, one going this way (indicating) and one going that way (indicating), when some of my -- one of my neighbors moved from that Paul Road because she couldn't get out of her parking lot. Absolutely insane.

Now, back in 2003, if I understand right, there was passed an EPOD, E-P-O-D, meaning Environmental Protection Overlay District. That said a lot of things were going under there -- were listed under there, and Mr. O'Toole knows it, I'm sure. They say that if you have problems in traffic, that you should not impact the environment. You have got to lessen the traffic for public safety. Not encourage more traffic.

Now all of a sudden I'm hearing because the State said it's okay for them to do it, you

people do it? Knowing that we have had accident after accident over there, how can you do that? We're only asking to you be responsible, and I don't think you are.

If, in fact, this drugstore is a drugstore, it's going to be designed a lot for people who are seniors. Now, I know myself, when I have to go someplace, I follow the route that is simple and easy to go to. How can we expect seniors to try to make a left turn onto Paul Road and beat all that traffic going eastward? It's impossible. You're going to have an accident.

I'm not going to be around there, so don't worry about it. I will find Gates. I will go to Gates' Walgreens where it is safer. And that's what you're doing. You're driving the people away from Walgreens.

I believe encouraging business to come out to Chili is a great thing. Competition is what brings the products down. But not at the expense of more wrongful environmental traffic impacts of vehicles which would endanger the residential community.

Seniors going to Walgreens for drugs should be able to drive in a safe environment which now is being impacted with Walgreens, and Target and who knows what else, with more and more cars. I don't see seniors driving in a safe environment with Walgreens' present plan. It's hideous, ridiculous.

I can't get out of Marshall Road at times. I really can't. I go further down and skip Lexington. I even go to Fisher Road just so that I don't have to worry about getting out on Chili. And now where I live, I can't even get out on Chili Avenue, it's so busy now that all of those developments have happened in Gates.

I understand that the Department of Transportation on September 27, 2007 received something from Chili, and they completed their review of the information provided in your August 28, 2007 transmittal, and they offer the following comments. Here is a list of all of the comments from Monroe County (indicating). A driveway proposed on the inside of a curve is not ideal. I can't pronounce that word. Queued up westbound traffic can obstruct sight distance for approaching eastbound traffic.

Two, queue, a queued -- queued is -- vehicles of cars, line of cars. Line of cars from the Chili/Paul signal may block the proposed access. Please check this queued length theoretically with proposed development and visual observations.

Three, although the volumes do not justify it, the lack of an eastbound left-turn lane into Paul Road access may cause eastbound thru traffic to try to use the eastbound right-turn lane for Wegmans to bypass the left-turners into Walgreens.

I mean, do you know what you're doing? You're slowing everybody down, and you're going to cause accidents to happen. I mean get with it.

Four -- five. We are not convinced that an access opposite Wegmans is not possible. Per the site plan and based on the site visit, the property line appears to be able to allow for this option. The grades opposite the Wegmans access appear to not hinder the possibility of the access being placed here. Do it. If the access were here, it appears that a short eastbound left-turn lane could easily be created simply by restriping the existing pavement. Look into it.

The trip general data, put out by the Walgreens people, is sketchy at best. The best option would have been to count actual local stores, as Mr. Rettig, if he is still here, told you people. You have got a lot of businesses around this area. Why didn't Walgreens point out all these businesses so that the State might say, "Yeah, the Planning Board in the Town of Chili is right, no way."

But no, you people are going to just play ignorant and foxy and get done what somebody wants you to do. You're not thinking.

DEBORAH HARRINGTON, 5 Janice Drive

MS. HARRINGTON: The only other thing I would like to add is yes, we need more business, we need more tax base for the Town. But the only thing that everyone has not mentioned tonight are trucks, 18-wheelers. I can sit there any day and count at least 50 during the day. So there is just going to be so much more truck traffic, and yes, someone is going to get killed.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I'd like to thank you, sir, for allowing us to participate finally and give us the opportunity to speak our entire feelings on this particular issue.

I commend you for that.

I'm glad that the residents, those near the project have spoken. I'm glad that Mr. Pikuett and Mrs. Borgus and Mrs. Brixner have spoken.

I think this is a very, very critical proposal for the Town of Chili. You're going into a neighborhood, a neighborhood. You're taking what, six homes, seven homes? You're taking six or seven homes off the property, off of the taxable rolls to put a drugstore there. I think that should be noted, that there are taxable homes coming off -- supposedly coming off this -- on this particular issue.

I'm concerned about the traffic. Everybody is. Why was Pikuett Road closed in the first place? Because it was dangerous.

Did the Chili Traffic and Safety Committee finally have a say in this issue? They were excluded for a period of time. I'm aware of that, because I attended one of their meetings, I think back in July, that they hadn't had the plans to review. I'm glad that the County has determined that maybe there is some problems in the traffic, and with your September 27th issue -- September 27th issue suggestions.

Mrs. Borgus and Mr. Pikueta, in my opinion, and a couple of other people have indicated it, and those in the immediate neighborhood have indicated that traffic is a very, very dangerous item in this vicinity.

I can vouch for what Irene (Brixner) has said. You have difficulty coming out on Chili Avenue if you're coming through Marshall Road or making turns into traffic that is going in the opposite direction. We should be concerned.

This is a -- in my opinion, Chili is a great residential area, and although we need the businesses, and a Target is probably down where they are -- will be a very, very important addition to our community. I think that the suggestion that this particular issue be tabled for a period of time, I think that's a very good one.

But I want to commend you also, Mr. Chairman, for indicating to your Board that they speak up. Mr. Brinkwart is hard to understand. Mrs. Cox is difficult to hear, and I appreciate that fact, that you're encouraging your Board members to speak up so that the audience can hear.

Thank you very much.

CAROL THOMS, 122 Stryker Road

MS. THOMS: I'm not a big fan of faux anything, because faux means false. I would rather see a gable roof rather than a mansard roof because a mansard roof has nothing to do with that style of architecture.

Um, and I'm guessing probably the windows, they aren't designing them with real divided panes, which would be period appropriate to go with that type of a style. So I think they really should have real divided panes. And if you put shutters on the sides of the windows and even the faux windows -- faux, again, windows that you're putting on the one side, that is going to tend to break it up and give it a lot nicer look.

Another thing, stamped concrete was mentioned. I would like to see the brick continued; in other words, a sidewalk be made of brick, not something else. The same brick, so it would coordinate with the building. If you're going to have parking guards, have those be cinder block covered with brick to make it a brick wall, and your retaining walls can even be brick walls. Those will last a long time and be more architecturally accurate for the type of building that you're working on here.

And I do want to commend everybody for putting all these efforts in to making the building look a lot better than where we started from.

But I do also agree about the parking, or -- I'm sorry, about the entrance on Paul Road. They had it at one place earlier this year, and now it looks to me like they have put it into an even worse place. I just think it is an accident waiting to happen, like everybody else does. I think the Planning Board, even though they may have gotten approval from the DOTs, I think the Planning Board still has an ultimate choice on how they approve the plan. I think you can say no to that entrance there.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: It's good to have this public hearing tonight, which was tabled from July 10th, August 14th, September 11th and finally we have a session to speak tonight, October 16th. Thank you.

And it's where we have many additional letters and recommendations that have been made since the start of this application.

Hearing the architectural concerns that have been addressed by the applicant, I see a much improved look. Very good on the architectural. That's a good start.

I have a specific question where Walgreens stated in their application that there are several, and I quote this from their application -- there are several technical reasons why they could not or would not align Walgreens' exit/entrance with Wegmans' entrance/exit on Paul Road. Why are they saying this and what are their reasons? I will wait for an answer, please.

JAMES MARTIN: Do you have a very quick answer to that from a site plan perspective? Very quick. Actually, they don't own the property that would allow them to have access to that intersection. That's one of the reasons.

MR. RETTIG: That statement, Mr. Martin, apparently is not true if -- Monroe County DOT is not convinced. That is why I asked the question.

JAMES MARTIN: I think the alignment of those roads is not across --

MR. RETTIG: Can I ask for the applicant to please answer?

JAMES MARTIN: I'm answering your question, Mr. Rettig.

Based on the current site plan observations, the Wegmans intersection comes out at an offset, all right, from the property that Walgreens does not control.

Am I correct in that?

MS. BRUGG: That is correct. It is not a physical possibility.

JAMES MARTIN: End of discussion on that one.

MR. RETTIG: Okay. Thank you. Finally got an answer, from the applicant. That's why I asked it, because it's their application.

Betsy Brugg of Fix Spindelman, Brovitz, McFarland Development and Walgreens presented on the March 4th CTS traffic study that was both incomplete, not listing sighting distances below acceptable New York State standards and not listing the site as being on a hill or curve or other intersections.

The CTS report done under contract to McFarland Development lists a 300 foot sighting distance where the actual measurement as determined by their own plan is only 210 feet. There

is a minimum 250 foot sighting distance according to New York State DOT. In fact, sighting distances of thousand foot are generally recommended. Don't forget, this is on a curve and a hill. Quite an extensive hill.

My comment, the CTS traffic study is a farce, being incomplete and inaccurate.

The Planning Board needs to request an independent traffic study, but beyond that, it sounds like the hen -- the fox guarding the hen house without any further documentation or clarification required by the Chili Planning Board because of the traffic problems we're getting into.

I will note the hazards of the intersections on Paul Road. These were mentioned at a public forum to the Town Board. Some of these might have been trying to be addressed, but I will repeat it, because this is a public hearing and this documents it for the record. Chili, the intersection of Chili Avenue, at the top of the hill, taking Paul Road eastbound, you have the beauty shop, Number 2. Other intersection.

Number 3, you're going to have Walgreens' new entrance/exit, which is the old Pikuet Road.

Number 4, you're going to -- you have Wegmans' entrance/exit.

Number 5, you have Grenell Drive.

I would like to mention that you also on Chili Center Coldwater Road from the Mobil exit and entrance, and you have the KMart entrance and exit on Chili Center Coldwater Road.

None of these -- by the way, that is a total of seven intersections within a short period of time, short space, short distance. None of these are mentioned in the CTS -- well, I beg your pardon, Chili Avenue is, but none of the others are mentioned in the CTS study.

This is a total of seven hazardous intersections on a hill and a curve with a 20 foot drop. It's just an accident waiting to happen. Someone is going to get killed.

Just to give you a scenario here, let's take eastbound traffic on Paul Road, coming from Chili Center Coldwater Road. Happens to be a tractor-trailer, 50 to 100,000 pounds. Someone comes out of the beauty shop, slows down traffic because someone might be coming out of Walgreens or the Wegmans. They slow down. There is ice on the road, or even people are speeding through, even though they shouldn't be, someone is going to get rear-ended and killed.

There is already one fatality at the intersection of Chili Avenue and Chili Center Coldwater Road right now that is reportable.

The New York State DOT transportation project Pin Number 4043.01.122, which is the design report on Chili Center Coldwater Road, eliminated Pikuet Road intersection with Paul Road because of the -- and this -- because of the safety concerns. And was blocked off, reconstructed for traffic and safety reasons. Now Walgreens, McFarland is going to bring it back and unsafely.

Again, to digress momentarily, the condition that Pikuet Road should be sold, it's approximately a third of the acre, another 10 to \$20,000 that is an issue with the Town Board, but it should be addressed as it has been brought up by others this evening.

The Chili Traffic Safety Committee reviewed this Walgreens final plan. It was presented by Betsy Brugg to the Traffic and Safety Committee, at which time she didn't even leave a copy with them. They have since reviewed it, asked questions for alignment with Wegmans.

They were rudely put down by Betsy Brugg of Fix, Spindelman, Brovitz as they would not answer, and this was on the record, opinion and conjecture. Such arrogance. This is with the recommendation by the Traffic Safety Committee for two possibilities. One was alignment of the Paul Road exit with Wegmans. The other one was an in/out only for Paul Road.

Traffic Safety Committee was also told that future traffic could not be determined by Betsy Brugg. That's not true. That is where there are percentages. This is not unwarranted conjecture. There could be percentage increase, estimated and put down in the report and referred to.

The Chili Traffic Safety Committee recommended either an alignment with the entrance to Wegmans, with a traffic light, which we understand apparently cannot or -- or the applicant does not want to do if they don't buy additional property with a right in, or they could put a right in for eastbound -- I'm sorry, a right in for westbound on Paul Road, and a right out only for safety, and others have strongly recommended this as a safer exit into -- safer egress/ingress into Walgreens.

This was presented in their, the Traffic and Safety -- August 17th, 2007 Chili Traffic Safety Committee report letter to this Planning Board, requesting for an in-only on the westbound and out-only on the westbound as being safe.

Also, the Monroe County DOT Traffic & Safety, in their fax of September 27th, 2007 -- this was to CTS from Brent Penwarden, who is a PE with the Monroe County DOT, he also recommends a westbound right-in and right-out on Paul Road. This being made by Monroe County DOT, because a future transfer to Monroe County DOT is forthcoming shortly.

Then we have a letter of July 19th, 2007 from Chris Karelus, Chili Building Department Manager, who requested review of aligning the exit from Walgreens with Wegmans or look at the right in/right out for Walgreens onto Paul Road westbound, so that would be westbound in and westbound out exit onto Paul Road for safety.

And then in my telecon with Mr. David Gehring (phonetic), New York State DOT in September, he is the author of a November 8th, 2006 letter to Walgreens, LJR Engineering -- even he states that the safest solution is for Walgreens to be aligned with the Wegmans' light and intersection. Or at least a right in/right out on Paul Road.

My own opinion is, as a resident and citizen of Chili, the existing entrance/exit for this final plan as proposed for Paul Road is a disaster. It's an accident waiting to happen. Someone is going to get killed with this plan as it stands.

Betsy Brugg of Fix, Spindelman, Brovitz, on behalf of McFarland, Walgreens Chili Center store stated at a previous Chili Planning Board meeting that McFarland Development is not like Maude Development for Walgreens North Chili. No, Mrs. Brugg. My comment is that your proposals, for this lack of concern for safety at the center of Chili, are worse than the problems of Maude Development.

Miss Brugg stated at the July 10th, 2007, Chili Planning Board that all traffic issues have been resolved. It's in the minutes. Not true at all. That is also nothing but a whitewash and a brush-off.

The traffic concerns have been requested to be addressed much after that July 10th statement.

I hereby, after my conversation with Mr. Gehring of New York State DOT, I make the following: In lieu of a Walgreens/Wegmans light intersection exit from Walgreens, in lieu of an independent traffic study, in lieu of a no vote or rejection of the site plan tonight, I think that the Planning Board should think this over very carefully without a rush to judgment, and you must put the lives of the Chili drivers first and realize that this Planning Board -- this was told to me by New York State DOT, so your comment, Mr. Martin, that you don't have an opportunity to make a decision here, I was told that you have the right and the obligation if I -- and this Board so desired to put a stipulation in your approval of this Walgreens project for a right-in/right-out-only on the westbound Paul Road.

If this is not done tonight, then the Planning Board must certainly face accident lawsuits and all members of this Chili Planning Board, without doing the right thing, will be personally responsible if you approve this Walgreens plan tonight as is.

I know what you have stated. You want to wait until the future, but we don't want to wait until someone is killed.

Thank you.

JAMES MARTIN: Other comments not regarding traffic?

Are there any other comments?

Last opportunity to speak, because if I close the public hearing, this is your last opportunity to speak.

James Martin made a motion to close the public hearing, and Karen Cox seconded the motion. The Board was unanimously in favor of the motion.

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

JAMES MARTIN: Obviously the safety issue of that curb cut is paramount in everybody's mind. There is no question about that. And I guess I have never heard the statement that Mr. Rettig made that the Planning Board has control over changing a full access road cut to Paul Road to something other than that once the State has approved it. I would request guidance from the side table on that particular issue.

CHRIS KARELUS: Is it possible to have a quick Executive Session to brief you on what we had just found out? Can we have a small Executive Session?

JAMES MARTIN: Mr. O'Toole, I will defer to you on that issue.

KEITH O'TOOLE: Not an Executive Session. If you would like to have a session for legal advice, we can do that.

JAMES MARTIN: So advice of counsel?

KEITH O'TOOLE: Yes.

JAMES MARTIN: Meeting is adjourned.

There was a recess in the meeting at 11:00 p.m. The meeting was reconvened at 11:10 p.m.

JAMES MARTIN: At this point in the process, what I want to do is move ahead and do a SEQR review, and then we'll move on to discussion of the public input that we have had tonight and the Board discussions, and we'll see where that leads us from a vote perspective.

As far as the SEQR goes, we have a full Environmental Assessment Form that has been completed, and I would like to go through the Part 2 at this point in some detail for concurrence by the Board on the findings as far as the environmental impact of this particular project. And there are very specific questions that are listed in Part 2 of the EAF, and I'm going to go through those, and if I have concurrence, I will expect basically no answer. If there is a disagreement with any of the suggested answers to these questions, then we will discuss it at that point.

The first issue is impact on land. Will the proposed action result in physical change to the project site? Obviously, the answer to that is yes. There is going to be grading issues and those things, but as far as impact goes, I do not judge those to be of any large impact at this time.

Will there be an effect on any unique or unusual land forms found on this site such as cliffs, dunes, geological formations? The answer to that, no.

Impact on water. Will the proposed action affect any water body designated as protected? The answer to that is no.

Will the proposed action affect any non-protected existing or new body of water? The answer to that is no.

Will the proposed action affect surface or groundwater quality or quantity. Essentially, the answer to that is no. Those issues will be mitigated by the storm water prevention control procedures that they will employ.

Will the proposed action alter drainage flows or patterns of surface water? The answer is no, not to any significant degree. In fact, it should improve it.

Impact on air. Will the proposed action affect air quality? The answer is no.

Impact on plants and animals. Will the proposed action affect any threatened or endangered species? The answer is no.

Will the proposed action substantially affect non-threatened or non-endangered species? The answer is no.

Impact on agricultural land resources. Will the proposed action affect agricultural land resources? The answer is no.

Impact on aesthetic resources. Will the proposed action affect aesthetic resources? The answer to that is no.

Impact on historic and archeological resources? Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance? The answer to that is no.

Impact on open space and recreation. Will proposed action affect the quantity and quality of existing or future open spaces or recreational opportunities? The answer to that is no.

Impact on critical environmental areas. Will proposed action impact an exceptional or unique characteristic of a critical environmental area? The answer to that is no.

Impact on transportation, yes. There will be an impact on transportation, and we'll have further discussion on that, but I did check that as yes.

Can the impact be mitigated by project change? The answer to that is yes.

Impact on energy. Will proposed action affect the community's sources of fuel or energy supply? The answer to that is no.

Noise or odor impact. Will there be objectionable odors, noise or vibrations as a result of the proposed action? The answer to that is no.

Impact on public health. Will proposed action affect public health and safety? The answer to that is no.

Impact on growth and character of community and neighborhood. Will the proposed action affect the character of the existing community? Basically, no.

Is there or is there likely to be public controversy related to the potential adverse environmental impacts? Certainly we have had our share of public controversy tonight over potential impacts. Not so much of an environmental nature, but certainly of a traffic nature.

So based on that evaluation, are there any changes that anybody would like to make in that assessment on the full EAF?

Okay. Based on that, I would make a motion to declare ourselves lead agency as to SEQR.

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

JAMES MARTIN: Okay. There is a raft of items and conditions I picked up. I will go to the one that I think of was of keen interest to almost everyone who was present tonight.

If we move ahead and do a preliminary approval on this project, one of the conditions of approval will be that the Board will ask for a reconfiguration of the Paul Road access to a right-in and right-out only.

As far as other issues that have been discussed and picked up tonight, certainly Pikuet Drive, I have already touched on that. The abandonment approval process needs to be handled by the Town Board. It is subject to Town Engineer approval. We don't have all of the detailed sheets yet on this particular project, and those are going to need to be supplied to the Town Engineer.

As far as the north elevation of the building, we want revised elevation to include window or other accent treatments on that wall.

The fence that is the buffer between the Grenell Drive and the Walgreens needs to be -- we need to have an investigation of alternative materials that can be used for that fence, other than cedar board-on-board. I'm going to leave that at that point right now. That's going to be subject to further discussion.

Certainly there are Zoning Board approvals that are going to be required.

The Planning Board will require a curb -- a raised divider or median between the drive-through and the bypass lane.

Full set of all detail sheets will be provided to the Town and to the Town Engineer.

The applicant needs to investigate guardrail alternatives for the entrance coming down from Chili Avenue. They should be presented to the Planning Board for further evaluation.

We should review the sidewalk approach to the seating area. The path to the seating area should be made of some permanent material.

The bollards in front of the entrance I think need to be made as inconspicuous as possible. That may be painting them the same color or some sort of decorative treatment for those particular elements.

Shopping cart storage shall be interior to the building. The signage package that is to be presented to the Planning Board and -- will be coordinated obviously with the Zoning Board of Appeals.

I think we would like to see material samples of the retaining wall. I know it does specify split block to be essentially compatible with the existing building, but it would be nice to see

some sample.

There shall be no neon signage on the building.

There shall be no outside display of sales items.

KAREN COX: Outside -- no outside displays --

JAMES MARTIN: No display of out -- outside display of sales items.

KAREN COX: Of merchandise.

JAMES MARTIN: I can change that to merchandise.

KEITH O'TOOLE: Mr. Chairman, if I may add perhaps a cut sheet of the bollard rather than just a description of it.

JAMES MARTIN: So you want a cut sheet?

KEITH O'TOOLE: Yes. There are standard bollards out there on the marketplace.

CHRIS KARELUS: The other issue was the electronic reader board signs, they're not permitted.

JAMES MARTIN: Is that a ZBA issue or Planning Board issue? The reader board sign.

CHRIS KARELUS: I guess -- the sign plan review package, we can consider that, but we -- we -- we in our code, static signs are what we permit.

JAMES MARTIN: That will be considered as part of the sign package and coordinate that with the Zoning Board of Appeals.

CHRIS KARELUS: Yes.

JAMES MARTIN: Anything else? Given the fact that we have got a fairly long list of outstanding items, I do not see us moving anywhere close to final tonight on this decision.

We have two votes to make. We have a preliminary subdivision and the preliminary site plan. Basically, all of the conditions that I have read apply to both of the applications that are before us tonight.

On the preliminary subdivision, given all those conditions, without waiving final on the preliminary subdivision?

DECISION ON APPLICATION #6: Unanimously approved by a vote of 6 yes with the following conditions:

1. Pending Town Engineer approval.
2. Pending approval of the abandonment of Pikuet Drive.
3. Pending all Zoning Board of Appeals approvals.
4. No outside display of sales merchandise including any vending machines.
5. No neon signage shall be permitted.
6. All shopping cart storage shall be interior to the building.
7. Pending approval of the Town Fire Marshal.
8. Signage package to be presented to the Planning Board at final review to identify types of material, color schemes, and methods of lighting of each sign.
9. The applicant shall construct the fence between Walgreen's and Grenell Drive from materials other than cedar. Selection of materials to be reviewed by the Planning Board at the final hearing.
10. Guard rail alternatives as to location and materials to be reviewed by the Planning Board at the final hearing.
11. A raised median with appropriate bollards is required between the drive thru lanes and the bypass lanes.
12. The design and material selection of the retaining walls shall be reviewed at the final hearing.
13. Provide a cut sheet of the bollard design, color, and location at the front entrance.
14. Review sidewalk approach from Chili Avenue to the proposed seating area.
15. Proposed walkway to the seating area to be constructed from permanent material. A mulch pathway will not be permitted.
16. The north elevation to be modified per Planning Board request to include false windows.
17. Submit updates of all plans and detail sheets.

18. A full access curb cut to Paul Road was granted to the applicant by the NYSDOT.

Note: A request was made by the Town of Chili for further study of the safety and efficiency of the full access curb cut to Paul Road. Subsequent studies indicated potential operational problems at this intersection (see attached letters and memos).

The Planning Board, based on local knowledge, public input, and a recommendation from the Town of Chili Traffic and Safety Committee, determined this full access curb cut to Paul Road would be detrimental to the health, safety and welfare of Town residents. This was supported in the S.E.Q.R. determination.

The Planning Board has concluded that the Paul Road access will be restricted to a right-in/right-out-only access.

JAMES MARTIN: On the preliminary site plan, again, citing all of the conditions I have read, not waiving final at this point?

DECISION ON APPLICATION #7: Unanimously approved by a vote of 6 yes with the following conditions:

1. Pending Town Engineer approval.
2. Pending approval of the abandonment of Pikuet Drive.
3. Pending all Zoning Board of Appeals approvals.
4. No outside display of sales merchandise including any vending machines.
5. No neon signage shall be permitted.
6. All shopping cart storage shall be interior to the building.
7. Pending approval of the Town Fire Marshal.
8. Signage package to be presented to the Planning Board at final review to identify types of material, color schemes, and methods of lighting of each sign.
9. The applicant shall construct the fence between Walgreen's and Grenell Drive from materials other than cedar. Selection of materials to be reviewed by the Planning Board at the final hearing.
10. Guard rail alternatives as to location and materials to be reviewed by the Planning Board at the final hearing.
11. A raised median with appropriate bollards is required between the drive thru lanes and the bypass lanes.
12. The design and material selection of the retaining walls shall be reviewed at the final hearing.
13. Provide a cut sheet of the bollard design, color, and location at the front entrance.
14. Review sidewalk approach from Chili Avenue to the proposed seating area.
15. Proposed walkway to the seating area to be constructed from permanent material. A mulch pathway will not be permitted.
16. The north elevation to be modified per Planning Board request to include false windows.
17. Submit updates of all plans and detail sheets.
18. A full access curb cut to Paul Road was granted to the applicant by the NYSDOT.

Note: A request was made by the Town of Chili for further study of the safety and efficiency of the full access curb cut to Paul Road. Subsequent studies indicated potential operational problems at this intersection (see attached letters and memos).

The Planning Board, based on local knowledge, public input, and a recommendation from the Town of Chili Traffic and Safety Committee, determined this full access curb cut to Paul Road would be detrimental to the health, safety and welfare of Town residents. This was supported in the S.E.Q.R. determination.

The Planning Board has concluded that the Paul Road access will be restricted to a right-in/right-out-only access.

JAMES MARTIN: Okay. Thank you for your participation.

MS. BRUGG: I need to say thank you, as well. I do need to note just for the record, we did not anticipate a restriction on the curb cut and just for the record, I can't -- I'm not in a position to commit to that, but I understand it is a condition.

JAMES MARTIN: Obviously you heard the same comments we heard. I feel totally obligated to the Town of Chili that we have to put that condition in our approval.

MS. BRUGG: I understand. Thanks very much.

FOR DISCUSSION:

1. Mr. & Mrs. Matthew Sinasky, 2411 Westside Drive, North Chili, New York 14514 for proposed landscaping business with storage of landscaping equipment at property located at 1196 Paul Road in L.I. zone.

Mr. and Mrs. Matthew Sinasky were present to represent the matter for discussion.

MR. SINASKY: We'll introduce ourselves. I'm Matt Sinasky. This is my wife Gillian. We own a lawn and landscape business and have been in business since 1995, and we have been looking for property in the Town of Chili for quite some time. We owned a location over at 1196 Paul Road, currently zoned Limited Industrial. We're here tonight just to discuss the opportunity to see if we can receive a conditional use permit to construct a 40 by 40 pole barn to store our equipment for a lawn and landscape business.

Our employees will gather to load our trucks and trailers and then leave this site to service the accounts. They will be spending minimal time at this location. We also do not apply any pesticides, herbicides to any of our properties. We have other companies that take care of that for us. So there will be no chemical storage at the facility. And we will also not be having any customers that will be coming in or out. Just -- they will not be coming in or out or visiting this location.

Just to kind of give you -- I assume you guys know the area, what it looks like, but just so you know, I mean there are other facilities in the area. Water Authority, which they're storing trucks and equipment there. There is a farm down that street, um, and miscellaneous other buildings in the area.

So we're just kind of here tonight to see if you guys would let us pursue trying to receive the conditional use permit.

JAMES MARTIN: Just one comment. Under our current zoning, like the Water Authority, that is a conditionally permitted use in the LI zone, public utility.

MR. SINASKY: Okay. Not familiar with that, so...

JAMES MARTIN: I got to go to the Board. Dario (Marchioni), at this point?

DARIO MARCHIONI: Will you purchase this property, or --

MR. SINASKY: We're in the process of doing so. Depending upon the Planning Board's decision whether or not to grant us the conditional use permit.

DARIO MARCHIONI: You have quite a -- 11.13 acres. Do you see other future development here or strictly --

MR. SINASKY: Not at this point. It would just be kind of left vacant, kind of a forever wild. Just a small area to use for a pole barn to store our equipment.

DARIO MARCHIONI: Okay. Pole barn is just a metal building? No treatment in the front to make it look more -- rather than just a plain -- we want some architectural on that building.

MR. SINASKY: I don't know if you guys have the drawing or not. I assume you do. I just kind of sketched it out just for preliminary idea. I mean if there is something you guys would like to see being it stone or brick --

DARIO MARCHIONI: Is it visual to the road?

MR. SINASKY: Yes. The length of the windows.

DARIO MARCHIONI: We don't want to see -- we had other applicants that come before us in industrial areas, commercial areas, for architectural type building, so that this will be a permanent building?

MR. SINASKY: Yes, definitely.

DARIO MARCHIONI: You will consider architectural type --

MR. SINASKY: Yes. I definitely would like to discuss that further and see what you guys would like to see.

DARIO MARCHIONI: Will you put parking here for customers, all your --

MR. SINASKY: We don't have any customers visiting this location, so -- I don't see any need to be any parking. If you see that we need parking for our customers --

DARIO MARCHIONI: If you have anybody coming, you would need a handicapped accessibility parking spot, a solid base for handicapped -- in other words, you got to work on this side, the site plan on here for the driveway coming in, all of the standards, you know.

I will leave the rest of the questions.

MR. SINASKY: We would plan on doing that with a formal application and getting everything firmed up.

DARIO MARCHIONI: You will have an engineer to do that?

MR. SINASKY: Yes.

DARIO MARCHIONI: Licensed engineer showing the grading, the drainage, any improvements that have to be on the road, for example, a culvert under the road for an entrance.

MR. SINASKY: Yes. That would be our plan.

JAMES MARTIN: Just a quick comment. Those are all issues pending whether this Board determines whether or not we would allow the use.

MR. SINASKY: Absolutely.

JAMES MARTIN: So these are all very correct issues, but the issue before us is are we going to allow this.

GEORGE BRINKWART: Are there any plans to have like an office space in here with water and restroom facilities? Anything of that nature?

MR. SINASKY: Possibly down the road. Um, at this point, there wouldn't be any. But there is a possibility of that. I'm not going to deny that.

JOHN NOWICKI: Would you be proposing to have outside fuel tanks or proposed outside storage of any materials or debris?

MR. SINASKY: No. There will be no fuel storage. As to debris, we do have various contractors that are in areas that we do dump. We pay to -- to dump our materials, so there won't be any debris dumping on site.

JOHN NOWICKI: So strictly inside storage of equipment?

MR. SINASKY: Well, storage of our equipment, and then actually we would be storing our trucks. We have four trucks and tree trailers outside.

JOHN NOWICKI: Okay. Just equipment?

MR. SINASKY: Yes.

JAMES MARTIN: I have read the Limited Industrial code several times over the past couple of days, okay? And, you know, what you're asking for, I really can't find as something that is a permitted or conditionally permitted use with the exception, as we have this kind of wording in most of our zoning codes that "uses of a similar character, but not specifically listed in this subsection and subsection B can apply to the Planning Board for conditional use permit," which basically "such permit shall be granted upon a finding by the Board that said use is indeed the same general character as the above permitted use is in accordance with the stated purpose of this district."

I just want to read that and reiterate that for the Board, because that is the issue before us. Are we looking at something substantially okay in a Limited Industrial District or is a pole barn storage facility of landscaping equipment something that doesn't fit that definition of similar, okay, character. So I just wanted to point that out.

So I will go to Al (Hellaby) at this point.

JOHN HELLABY: Well, I guess that was my major concern, as well, because, you know, that has always -- I hate to be a wet blanket in the crowd, but it has always been one of the cries of this community, is that there is spotted things sort of shoved everywhere and no stable tax base, and for some reason, this Town had the forethought to zone that Limited Industrial, and they had a reason for it. Whether utilities are there to support it now or not, I don't know, but I mean, you read the opening statement, the purpose of this district is to provide for research or development of materials, methods or products and compatible light manufacturing in a park-like environment. Now what you have done, if this goes through, and again, I don't have the deciding vote, you cut 11 acres out of the Limited Industrial District in this Town, that never will be developed for any other thing.

And again, I mean it's nice that you want to put a pole barn up there, but you have to have enough forethought, if we're ever going to do anything with the rest of it, how is it going to fit into the 11 acres and not just plop it down in the middle of it. I will have a real issue here, I guess. I guess -- it was zoned that way for a reason, and it's not actually spelled out as being permitted.

JAMES MARTIN: Right. I agree.

KAREN COX: I don't have any questions. You guys covered them all.

JOHN HELLABY: I just hate to see -- again, you're caught between a rock and a hard place. I hate to see you invest a lot of time and money and I'm not trying to sway anybody on the Board.

MR. SINASKY: Can I ask this question? I know the Chili self-storage is operating in a Limited Industrial area around the corner on King Road and they are operating under a conditional use permit. So -- you know, I don't know, looking at it from my standpoint, I'm looking at it saying it's kind of similar, storing equipment. They're a storage facility, so I know it is not in the exact same street, but it's in the same, you know, zoning district.

JOHN HELLABY: Again, I think a lot the hang-up is the infrastructure is not there to support the zoning classification that it is in. Because if I remember, there are no sewers out there.

MR. SINASKY: No. It's not.

JOHN HELLABY: So again, I just -- I don't know. I mean, I'm looking 50 years down the road and not tomorrow. There has got to be some sort of give-and-take here, and if we keep doing this to all that property over there, we're going to have nothing eventually, so I guess --

MR. SINASKY: There are two houses that are in close proximity to this property, so, you know, I don't know what -- you know, what would come in there that would operate, you know, being a research facility in a park-like environment with two residential dwellings.

JOHN HELLABY: Again, I commend you for your ability to actually move forward and want to do something like this, but I guess I'm thinking long-term, is it what this Town really wants and what we're looking for? I mean, you're going to come in and tuck this thing into a corner and still say, well, some day maybe we can develop the rest of it. Yeah, that might go a whole different way. But I guess it is going to take some forethought, in my eyes any way, of where this whole thing is headed.

MRS. SINASKY: Also, because it is a conditional use permit that we're requesting, it's, um, also -- it needs to be renewed, I think you usually do it every five years. So if down the line you decide that the land should be used for something differently or if we want to use it to develop -- that you still have that opportunity to -- to -- to no longer grant us --

JOHN HELLABY: That's always tougher once it is established, though, I guess. I don't know. It is a tough situation, honestly, in my eyes.

DARIO MARCHIONI: This property has been for sale for a long time? In other words -- we have never heard of any -- anybody else come here for this property, so you're the first one now.

MR. SINASKY: Okay. I'm not familiar with -- I mean -- I could probably turn to my realtor and ask her how long it has been up for sale.

DARIO MARCHIONI: What the background is of this property.

MR. BIANCHI: Brian Bianchi. I represent the Sheehans (phonetic), who own the property. I have been their realtor. The property has been on the market for over a year. We have put the property on the market, we have had a few people that have looked at it, expressed different interests, but for the most part, because of the nature of the location, the expressway on the one border, the storage on the back border side, you have an automotive shop or two on the King Road adjoining nearby property, the Water Authority, the farm in the back, very mixed area. So from a development standpoint, not having the infrastructure like this gentleman had indicated, access to sewers -- there has been a very limited amount of interest from a development.

I contacted builders in the Town of Chili. They all felt that for a residential application, there was no real interest on their --

DARIO MARCHIONI: I'm talking about Light Industrial. Did you advertise it as Light Industrial?

MR. BIANCHI: Yes. We also talked with potential customers in that venue, but again, once again, without sewer access, they weren't interested in development. They didn't feel they could get the density. So it would have to be a private sewage application for any future development.

I will say that when the buyer did come forward, they did express interest in locating their shop to the immediate boundary line so that they could potentially develop further, possibly even for a homestead, because they do live in Chili. So they just aren't planning on site approval with the concept of plopping a structure in the middle of the property.

As you know, on the design, it's on the one border side, so they could potentially do something as time allowed for their business to grow and possibly even, you know, reside there and operate their business.

JAMES MARTIN: That's even further problematic.

JOHN HELLABY: You're way outside the zoning allowances there.

MR. BIANCHI: Well, you have residential properties on both sides. You have storage in the back. So why would that be outside the box?

JOHN HELLABY: There was a reason it was zoned Light Industrial somewhere along the line in the Master Plan that now all of a sudden if we go and say that, it's not quite in the conditional use lines, but we're going to say it is okay. In my mind it is almost spot zoning. It is not fitting what it was intended to be used for. And again, I understand that the infrastructure is not there, but who is to say 30 years from now we're all stepping back saying why did we let them build that house there for -- we have this great big industrial park -- I don't know.

MR. BIANCHI: Well, how would you get an industrial park there if you don't have the infrastructure or sewers that are feasible to put in the property?

JOHN HELLABY: But I can't say in 20 years it might not be there. I don't know. It was zoned that way for a reason.

MR. BIANCHI: There is no sewer application there.

JOHN HELLABY: I would almost say get --

CHRIS KARELUS: Sewer is waiting right down King Road. So the opportunity for utility to this site, realistically -- and the forefathers of this Town did see that there was the capacity, that there were utility lines in proximity. Is it there yet? No.

I think what is important to note, too, is -- and this is why I asked Mr. Sinasky to take this step. And I just wanted to comment on the comment that was made. The mini store application, that's totally unique. You can't even compare this application. That is for a storage business. His application is for a landscaping business. That's what is before this Board this evening, to look at the code, LI. I didn't see it as a permitted nor conditionally permitted use. That is why I

recommended to him to bring it to this Board this evening.

But to have utility not be there, it is just waiting on the other side of the tracks. It is just going to take the right initiative with the Town to get those industrial types of development there.

But is it there today, Mr. Bianchi, you're correct. It is not waiting on the door step on King Road, but just on the other side of the tracks, just a stone's throw away.

JAMES MARTIN: I guess I think we owe it to the applicant to give them some guidance on whether or not it is worthy to spend the money --

JOHN HELLABY: I don't know if you could take a straw poll, but I think you are taking a crap shoot if you go invest a couple thousand dollars in engineering fees to come back here and get blown out of the water.

JAMES MARTIN: Well, I agree with that. I mean even to go to the point of asking for a conditional use permit, I think it is a stretch to say it meets that criteria of -- you know, similar characteristic. I will defer to the rest of the Board. That is my opinion.

MR. SHEEHAN: Can I speak?

MR. BIANCHI: The owner of the property requests to speak. Is that possible?

JAMES MARTIN: All right. If it is something brief, go ahead. I will allow it.

MR. SHEEHAN: John Sheehan. I own the property at 1200 Paul Road. I also own the property that Nancy -- which this gentleman wants to buy.

I came to America in 1965 from England, and to follow the American dream. I see an example now here with this young guy here who lives in Gates, he wants to expand his business, he wants to put a pole barn on this land, and it is tough for me to speak unbiased because I own the land. I want to sell it. But I see something here in this dude here that I don't know if you guys can see it or whether you get past what you have to see and do in your official capacities, but this guy wants to expand, and let's try and give him the opportunity to do it.

That's all.

JAMES MARTIN: Thank you.

We have to give him some guidance before he leaves here tonight.

DARIO MARCHIONI: My opinion is that you got raw land there. Even if he puts up this business here tomorrow, somebody wants to buy that whole thing and turn it into a Light Industrial complex, you aren't going to have that much have invested, are you? If someone offered you a good price for that property, and wants to put a light industrial complex there, I'm sure you would sell it.

MR. SINASKY: I would consider it. I would be dumb not to, but a nice thing with a pole barn -- I mean it is a permanent structure, but it is not a permanent structure. You know what I mean? It is a pole barn. It doesn't have the footings with -- going 4 feet down all of the way around the perimeter of the structure. It is built with poles. So there is a possibility it could be, yes, sold and developed down the road.

GEORGE BRINKWART: Gary Squires' business is construction -- Gary Squires' has his construction. He hasn't built it yet, but he had it in the works to relocate his construction equipment company from Batavia to that. He has a conditional use permit to do that.

DARIO MARCHIONI: Across the street?

JOHN NOWICKI: Across the street or behind them.

JOHN HELLABY: It is actually over -- it is around the intersection. They're more over here (indicating).

JOHN NOWICKI: He is up there farther.

GEORGE BRINKWART: Gary Squires.

MR. SHEEHAN: He backs up right against that property.

JOHN NOWICKI: I tend to feel that it has been sitting there a long time. I agree with Al (Hellaby) in some ways that the Industrial zone has been Limited Industrial. But again, you don't see anything happening there at all. And if I was him, and if you left the zoning the way it is, I would certainly encourage building a house there. If something came along and they wanted the whole parcel, they could sell the parcel and tear the pole barn down in about ten minutes. But it wouldn't change anything as far as zoning. If he wants a landscape pole barn up there and takes his chance, that's his prerogative. To put a house up there, no.

JOHN HELLABY: Well, again, I mean -- I'm going with what the intent of the code is. I mean it's just -- you know, unfortunately, more times you do that, you're just creating bigger and bigger havoc down the road. I'm looking 30, 40 years --

DARIO MARCHIONI: You won't be around that long.

JOHN HELLABY: I'm going to be here. I'm going to be here.

MRS. SINASKY: A pole barn is only a 50-year building. 50 years from now the pole barn wouldn't be there anyway.

KAREN COX: I can see Al (Hellaby)'s point. I can see past the zoning to appreciate the fact that the applicant is following his dream, and that does mean something to me. I think it does to the rest of the Board members. Excuse me. I didn't -- so -- so I -- I am leaning toward being in agreement with what the first three gentlemen indicated. There is -- we have approved a construction business on one of those parcels that backs up to it, and we didn't have -- as I recall, we didn't have this type of a -- or a discussion then. So if I was going to render an opinion, I would say I would be amenable to this.

JAMES MARTIN: Well, I think, you know, you heard the opinion of the Board. It sounds like, you know, there is some favorable response to what you're proposing to do. So if you decide to proceed, work with the Building Department, find out what you need to do from an application process. If you want to come back, we'll have further discussion at that point. But

obviously, you understand the zoning issue and you understand the risk associated.

MR. SINASKY: Yes, I do.

JOHN NOWICKI: Better check with the Building Department as far as what you need before you come back in for preliminary or sketch plan.

JAMES MARTIN: Check with them. They will give you basically what you have to do.

MR. SINASKY: Okay. I will do that.

DECISION: If applicant decides to proceed with the project, applicant should coordinate with the Town Building Department as to all required application procedures.

The 9/15/07 Planning Board minutes were approved.

The meeting ended at 11:52 p.m.