

CHILI PLANNING BOARD  
October 21, 2008

A meeting of the Chili Planning Board was held on October 21, 2008 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: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Richard Schickler, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative; Paul Wanzenreid, Architectural Advisory Committee Representative.

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

JAMES MARTIN: I am going to make a slight change in the agenda tonight. We'll be hearing a presentation from Monroe County regarding the yard waste disposal on Avion Drive. Then hopefully, if the representative is here from the Crestwood Children's Center, we'll be moving that up to following the Monroe County presentation and then moving on into Heritage Christian and the public hearings tonight. That will be the order of business as we move forward with our agenda this evening.

FOR DISCUSSION:

1. Monroe County - yard waste composting facility at 2 & 6 Avion Drive in L.I. and FPO zone.

MR. GRAHAM: Good evening. My name is John Graham. I'm the Director of the Department for Environmental Services for Monroe County. I represent the department that also provides the Town with all its sanitary sewer service and have worked for the County for 36 years.

Having been head of the department, we have also been charged with the -- I guess it would be the privilege to run the solid waste including and its associated facilities, the recycling programs and the Fleet Operation Center, which is also in your Town on the other side of this particular compost site, which I'm about to talk to you tonight.

The Fleet Center is in operation and has five different kinds of departments in it who participate in the development of this site, and I would like to say we're very excited about the opportunity to site it in the Town of Chili because we do believe it is a big benefit for the Town to share in the resources it will provide the community.

There were a lot of negative press releases about the program, which were all unfounded. They weren't based on facts at all. In fact, the operation that occurred over in Irondequoit had many other activities occurring there at the time, not just leaves. But for the benefit of the media, they picked on leaves to say it was an odorous activity.

I do tonight have in this plastic bag, without odor, the compost material that they generated at the site, which is an amendment for soil that can be used in gardens, golf courses and garden clubs that generally come over and take the material for free.

I was first in contact with the Town Supervisor Dave Dunning around February to talk about the opportunity and the benefits that could be presented to the Town. We then proceeded to go through some design development activities with a number of consultant engineers and DEC reviews.

We worked with Waste Management, who owns the site, to consider developing a compost facility here. This particular site will be operated and maintained by the County of Monroe Department of Environmental Services. It has nothing to do with Waste Management itself other than the fact they gave us a license to use the property to develop the site.

The storm water run-off that is generally the biggest issue surrounding a compost facility has been heavily considered and the design will be responsibly managed by the Department of Environmental Services, which is responsible for the Storm Water Management Coalition throughout the County for 19 towns and 6 villages. With that collaboration, and the City's desire to have leaves composted and my desire not to have it go into a land fills where it is needlessly handled, it serves as a site that gives us quick access to it from our Fleet Center.

Our operation at the Fleet Center is where our experts and equipment are housed to maintain the site. So simply described, the compost operation is a wind-rowed operation which

fundamentally means piles of leaves are stacked about 7-foot tall and about 12 feet wide. They are stacked and allowed to, if I can use the word "digest" or "break down" by nature's own process, which requires heat and water that is contained in the leaves.

That particular operation, when it reaches a temperature of about 140 degrees, requires the leaves to be turned, which allows the continuation of the degradation of the leaves to occur in a natural way. This turning leaves requires about five turns over a period of time that is driven heavily by the ambient temperature. So obviously in the winter activity it doesn't break down as quick as it might in the summer activity.

We'll be collecting leaves at the site between mid October and probably terminate around early December as driven by snowfall. The leaves become too wet to collect and, therefore, they're no longer brought to the site.

It will only be the Town of Chili Public Works and the City of Rochester who will bring leaves to the site. There will not be any other towns, municipalities using this site. The leaves are expected to use somewhere between 70 and 80 percent of the site as we have currently developed, and I would invite you to quickly take a ride, at your convenience, through the site, introduce yourself to any of the operators there and explain your interest in the site.

The pictures we have shown up there were taken by a flyover last week from a -- one of our airport agents to give an idea how the site is buffered by the railroad, the trees that surround the site, the two or three businesses to the north side of the site, and the rear of the property where Waste Management currently has a building that is inoperative right now. It was a transfer station, once owned and operated by Spector Waste Services.

What else can I tell you about it? We are going to develop a buffer around the site so it will be buffered from Beahan Road. We're asking for a little indulgence there in the fact that the material we want to use to build the buffer we expect can come from construction sites like the one that is going on Scottsville Road today over at the old Logan Party House. When projects like that show up and there is a clean material that is attractive to build a berm, we'll invite them to bring it over, and we'll place and direct its operation and make sure it meets all Town requirements and concerns and considerations they have for the site.

It is our department's sole desire and commitment to the Town to have this thing work to the nines. This thing will not generate any odors. It will be a facility that the Town will come to be very proud of. As you probably suspect, we have a lot of experience in managing odors from our waste water treatment plants, our pump stations and the landfill, and believe this to be a non-odorous activity. I believe there is nothing that will generate odor other than a mismanagement of the materials.

Because of the proximity to our Fleet Center, we are -- will afford a lot of opportunity to spend a lot of time there. It is a quick walk, if you will, from the Fleet Center to go over and put a thermostat to those piles to make sure they're reaching the temperatures desired in the natural compost operation.

The hours of operation will be 7:30 in the morning until 3:30 in the afternoon, and that will occur, as I told you earlier, between mid October and terminate by early December, as, again, driven by snowfall. The -- sometimes it be a six-day operation, on Saturdays, and again, it will be very weather-dependent. On the nicer days you might expect a Saturday operation, but if it is raining and snowing, there won't be any activity at the site. It will be manned and operated by County agents at all times, when it is open, the facility. It will be secured at night to prevent the erroneous and illegal dumping of other materials that obviously no one wants to see at the site.

And I think I covered all of the points. I will tell you that there was a collaboration with the Town of Chili, the City of Rochester, the Airport operations and the County Pure Waters program itself with DOT agents who use their fleet and equipment to build the site with a lot of pride. They're going to take a lot of pride in this operation, which is another assurance you can take for a fact they don't want to have any more odor there than you do, because it is a facility that has their name on it.

I'm sure your DPW Director can attest to our cooperative relationship we have shared for many years at our Fleet Center and have become a go-to resource for any activity that the Town has ever had issues with from sewers to general road construction.

So with that, I would be happy to answer any questions you may have about the compost operation.

JAMES MARTIN: A quick question, John (Graham). Once the material has reached its compost consistency, in your experience, how quickly does that material disappear for uses off site?

MR. GRAHAM: It will go fast. In fact, I think we have to be really careful where it goes, because if we -- if we give it to Wayside Nursery, just to pick a name, not knowing if he had material, someone will say, "Why can't I have it?" And it is a policing activity who gets the material.

We made a commitment to the Town Supervisor that Chili would certainly have first access to it. The City does have a give-back program that happens over on Colfax Street for the material trucked out of here where City residents will get the material they like to have, but our experiences have been whatever material is left, um -- what little is left, we can easily take to a County golf course or County parks operation. So it is really not a problem at all managing the material once it is composted.

JAMES MARTIN: That will be by a managed process by the County?

MR. GRAHAM: Absolutely.

JAMES MARTIN: By permit or some sort of application?

MR. GRAHAM: Absolutely. Anybody want to see the material, by the way?

KAREN COX: Sure. Actually, I do -- you had said that there was bad press involved. How -- what do you think led to that? Was there -- was it leaves, or was there really -- was it things that shouldn't have been there in the first place?

MR. GRAHAM: It could be a number of things. I can tell you that -- and I know one of your Councilpeople, Mike Slattery, was heavily involved in a lot of the operations over in Irondequoit. Not to take shots at other public works departments, but if you don't police the material coming in, you will end up with trees, brush, grass, which presents a problem because all of the different moisture contents, odor is generated by access of moisture that can't be controlled. If you only have one material that comes in, which is a leaf, and that is all that is allowed in there, odors can't occur. And because it is turned over rapidly, the opportunity for odors is almost completely eliminated. I say almost, because I'm sure someone will smell a little something, but it is leaves and we really don't believe it is every going to be a problem once isolated from other materials.

KAREN COX: Now, is the area where the wind rows are going to be, will that be depressed? How do you keep the leaves from blowing around in the wind? Sounds like a dumb question, but...

MR. GRAHAM: Actually, I had the same question. How will I tell them the wind does not blow leaves? They tell me the wind does not move a leaf pile once it is wind-rowed. I haven't seen it, but they assure me that is not a problem at all. I don't know how else to explain. I had the same question myself this morning. It is buffered by trees, as you can see. We have been working on the site for over three weeks now and haven't felt a wind issue at all from other things happening, but you -- you can't have a compost facility and have winds become an issue. I can tell you that. And it hasn't been an issue. So other than saying it -- the guys who run it say it won't be an issue, it won't be an issue.

JOHN HELLABY: Does the County actually own one of the pieces of equipment? Because I have seen them in past, that wind rows this.

MR. GRAHAM: That's correct. It's called a scarer, by the way. It's a very strange looking piece of equipment. The County does own it. We do operate it for other towns. We have taken it to, I believe, Pittsford and sometimes Brighton to turn leaves for them. We don't like trucking it around, because it is kind of a clumsy-looking thing, very tall and very narrow, which makes nice about this site, that is where it is going to sit the whole time so we won't have to transport it any where.

Bringing the leaves there and having the County equipment available at the Fleet Center to be able to be drive around the corner, be it loaders and trucks and other support maintenance equipment, the equipment will be maintained and operated very efficiently, and will not be a reason for any odors to be generated if odors do become a bigger concern. Odors are actually not the biggest concern with leaf compost operations. It is when it is mixed with other materials that it becomes a problem.

JOHN HELLABY: I will share with the other Board members, about eight years ago when Wegmans put their State College store down in PA, we do have this exact facility within 50-foot of the back of our store down there, and I can honestly tell you, I have never heard a complaint, a problem in the whole time I constructed that store down there. There was never a smell issue.

JAMES MARTIN: On the wind-rowing, I mean -- you drive around the Town of Chili today and there is a lot of leaves that have been raked and put on the side of the road for pickup, and the piles just stay there. I know they don't -- they don't seem to go around with the wind.

JOHN NOWICKI: You had indicated here that you're going to do a landscape buffering berm situation.

MR. GRAHAM: Correct.

JOHN NOWICKI: Have you been before the Conservation Board? Will you get a plan approved by the Conservation Board, or how are we doing this?

MR. GRAHAM: I'm getting a head shake we're not going in front of the Conservation Board. We do have a design submitted to the Town that has been reviewed by the Town Engineer and I believe it presented the buffering they wanted, but this is not a site we're going to walk away from. If there is more that you would like done, I'm sure we can do it.

JOHN NOWICKI: I guess that leaves me to my next question, because over the years, in watching this site develop, we had -- I think his name was -- McMann (phonetic) and Mazzerella (phonetic) that owned this property, and it was on the tax rolls. Is this still on the tax rolls?

MR. GRAHAM: Yes, it is.

JOHN NOWICKI: I notice over here on the application it indicated it was not in the drainage district. I assume this was in the drainage district. I hope it still is. But -- you mentioned you have a license to operate here for five years. So the taxes are still being paid by the --

MR. GRAHAM: Waste Management is the property owner, correct.

JOHN NOWICKI: So it is not off the tax rolls.

MR. GRAHAM: Correct.

JOHN NOWICKI: My concern on that is to make sure they're in the drainage district. If not, they have to make application for that, and secondly, that -- that we have a plan on file for the landscaping. I would like to see that completed properly.

GEORGE BRINKWART: Can you share with us or do you have any thoughts on how like residents from Chili would get the compost? How would that unfold?

MR. GRAHAM: I would leave that completely up to the Town and the Public Works

crew. It could be handled any way they like. If you want material hauled out to other locations, it could easily be handled. It's -- it's really something that belongs to the Town of Chili. We're here just to process the material and make it available to be given back as free as we can. It won't cost anything to get the material.

GEORGE BRINKWART: As far as turning the compost, when it comes time to turn it, do you have a set schedule? Do you base that on temperature as you mentioned before?

MR. GRAHAM: It's based on temperature. The wind row piles are about 150 to 200 feet long. Depending how much length we'll get, we'll develop in two rows very tight to each other with a large space between them for, if you will, Fire Department access in the event of some fire, which doesn't happen with leaves that are composted, but it gives free access for a large truck.

The compost piles are checked for temperature about every other day. If it's not every other day, it's every third day, which is the time it usually takes to have the decomposition occur. And it is driven by the median temperature so in the winter, it doesn't require as much checking as it does in the spring and summer events, which is why it takes to mid August to have the leaves naturally break down. But the temperature is checked every other day -- every third day, they're checked about 75 feet apart. So when the pile has reached the temperature that says it's time to turn it, the wind row machine on site will be fired up and in less than two hours all of the piles can be turned.

DARIO MARCHIONI: John (Graham), do you mind if I ask you a question?

MR. GRAHAM: Yes.

DARIO MARCHIONI: What's in it for Chili and Joe the Plumber?

MR. GRAHAM: Well, I'm Pure Waters. Joe the Plumber is a good friend of mine anyways.

MR. MARCHIONI: What's it in for Chili, basically?

MR. GRAHAM: A great material, give-back program for the residents. An opportunity to consider maybe doing other conservation programs on the site, which Waste Management is very big into, promoting green programs. I think this is a start of another relationship from maybe storm water management to improving our public works relationships between the Town of Chili and the County.

DARIO MARCHIONI: Do you have a figure, a benefit package, how much Chili would -- or Chili's involvement, some return, financial return?

MR. GRAHAM: There is no financial program to this. The County is paying a lot of money to turn leaves and the material is free. There is no revenue tied to the service the County provides. The cost is probably about a quarter million dollars a year to run it.

DARIO MARCHIONI: So why are you doing it in Chili?

MR. GRAHAM: I'm doing it at the Waste Management facility because they offered us an acreage to do it at. It's right next to our Fleet Center, which provided me quick access to a lot of experts and equipment to facilitate the operation. There is no economic incentive for anybody to do this other than it allows the landfill to stay open longer because it is not putting materials such as leaves in it that take waste space, and provides us infrastructure to the Town that will provide you stable rates for a long time from landfill disposal fees, to recycling programs, to conservation program, education that can occur out there.

DARIO MARCHIONI: The other question is, you were talking to this -- in February?

MR. GRAHAM: I approached Dave Dunning in February.

DARIO MARCHIONI: Well, we're almost to the end of the year. How come you're coming now?

MR. GRAHAM: He asked me to make a presentation. I wasn't required to do it. He asked if I would, and I said I would happy to.

JAMES MARTIN: We asked John (Graham) to come as courtesy to the Town and the Planning Board to explain the project to us tonight. That is the reason he is here tonight, and I appreciate that.

MR. GRAHAM: Sure.

DARIO MARCHIONI: Thank you.

MR. GRAHAM: You're welcome.

JAMES MARTIN: Okay. I have no questions.

JOHN NOWICKI: Just thank you for making the presentation.

MR. GRAHAM: Absolutely. You will like the project. You have my personal assurance and you have the Department's assurance. You will like what comes out of the program. I think you will be very proud of it once you have gotten a couple years under its belt there, if you will.

JAMES MARTIN: Once again, thank you for taking time. I know you have a very busy schedule, and to share the plan with us tonight and we do appreciate it.

MR. GRAHAM: Thank you very much.

**DECISION:** The Planning Board thanked Mr. Graham for appearing before the Planning Board and presenting the details of the yard waste recycling operation on Avion Drive. The Planning Board feels this will be a win-win for the County and the Town. As the Board indicated, line of sight buffering along Paul Road is an important aspect to the Town.

JAMES MARTIN: As I mentioned earlier, is there a representative from Crestwood Children's Center here at this point?

(No response.)

JAMES MARTIN: All right. Not seeing any representative from Crestwood Children's, second call. Nobody here for Crestwood?

(No response.)

OLD BUSINESS:

1. Application of Heritage Christian Services Foundation, 349 West Commerical Street, Suite 2795, East Rochester, New York 14445 for preliminary subdivision approval of three lots to be known as Heritage Westside Subdivision at property located at 1125 Westside Drive in R-1-12 zone.

Kip Finley, Dan Stewart and Ron Little were present to represent the application.

MR. FINLEY: Hello everyone. There is a couple of us here tonight to speak on behalf of this. I'm Kip Finley with Avery Engineering. This is Dan Stewart with Heritage Christian Services and we have Ron Little here, Heritage Christian Services for added support, if we have any tough questions.

This project is one that was tabled a while back because it had once included a conditional use for a day treatment center. The project has come back now as a two-lot subdivision for two homes. It's the plan that is shown up there. Um, we have taken into account site plan comments from the public, from the previous public hearing and from staff. We have also had the Conservation Board out to the site, and the result is basically that the driveway has been realigned. If it is okay, I will talk from over here, if you can hear.

JAMES MARTIN: Fine. Talk loud enough so everybody can hear you.

MR. FINLEY: The driveway has been realigned a little bit to save some trees. The Conservation Board has also taken a look at it, and since we don't really have a landscape plan, because they're two homes, we did have them give us suggestions on where they would like to see landscaping.

So we do have new landscaping here (indicating) where there is an adjacent home to the west. We have new landscaping here (indicating), because there is another house right next to it that has a view. And they have identified a place to put in a berm for landscaping here (indicating) because there is another house right there (indicating). This piece of property is the farmhouse that you would know if you are from the neighborhood as the Riedman house. That now is going to be separated as its own home. We'll have to find a use for it. So because of that, what used to be a driveway connecting through, and some other shared things are now gone. This is -- aside from putting the berm there (indicating), getting some landscaping established, this is out of the picture now (indicating).

So we do have a variance in place for the flag lots. As you can see, it is skinny at the street and they widen out to the back.

The one thing that really has not changed that really shouldn't change is the location of the homes, the circular driveway loop and where the parking is located.

That is very important programmatically for Heritage Christian Services to have the loop, for drop-offs, to have the parking for staff, and the Conservation Board, when they were out there, would really rather keep the back part of the natural setting natural rather than putting parking behind the houses.

So at this point, we're here for subdivision and site plan approvals. We have a comment that there is front yard parking, but with a house, I personally just got briefed on this before I came, and I guess we have an application in for a variance for front yard parking, but front yard parking in front of houses is standard, so I don't understand if we should proceed with that or if it can be waived, if that is not an issue.

As far as engineering comments, we did meet with the Town Engineer, Lu Engineering, last week, and went through all of the comments and believe basically everything else can be addressed after the -- after approval, even, and then prior to signatures on the plan.

We have got me to answer some questions. Dan (Stewart) has been through this, the whole project. He can answer questions, too.

JAMES MARTIN: Okay. Thank you.

The Town Engineer obviously had numerous concerns, okay, that he addressed to you in a letter regarding a lot of the utility locations, impacts on trees, you know. There was a whole host of those things that the Town Engineer has brought to our attention. I guess, you know, you have responded in part on some of those concerns that the Town Engineer has expressed, but there are still some of them that are going to be outstanding, I guess I will say, at the end of the discussion we have tonight.

So, you know, it causes me a little bit of concern that not all of those issues have been totally resolved as far as the Town Engineer goes.

We have obviously had some discussions about it. I mean I have walked the property now several times. There seems to be a natural basin, you know, between the existing house and the house next door where there is a garden. I'm not sure that -- whose property that is. I think it belongs with the site and not the house that may have the garden in there. I don't know whose garden it is, but there seems to be a natural basin in there. There is just issues that I have looked at from the standpoint of the site itself.

I know the last time you were in we talked about looking at a redesign, possibly, you know,

to accommodate aesthetic characteristics in keeping with the neighborhood, and those types of things.

After looking at it and studying it, to move the houses forward and put the parking behind, I think would be very detrimental probably to the site itself. That is my personal opinion, having looked at the site in much more detail.

Obviously tree preservation on the site was a major concern. There are some very, very old beautiful trees on the site. And certainly the landscape buffering on the neighboring properties was a concern that we talked about, plus there were several other things that I included in the letter back to you that needed to be addressed.

And one of those was drainage district application. Has that been completed at this point?

MR. FINLEY: That one I'm not sure of.

MR. STEWART: I'm not sure of the drainage issues.

JAMES MARTIN: Okay. Certainly with some of the changes that have been made, there will obviously -- there has to be cross-access agreements in place, those types of things, that will need to be provided to the Assistant Town Counsel in the Building Department.

So there were several aspects of the project that, in my mind, I still have some outstanding characteristics to them. So to move forward, I'm going to defer at this point to the Board. Are there issues and questions, and then we'll go from there.

So -- I will go to Karen (Cox) at this point.

KAREN COX: One of the comments from the engineer was that the infiltration basin discharges at a low area without outlet. Then there was a discussion with, I guess with you, Kip (Finley), it just says, "discharge pipe towards neighboring property will be removed."

How do you propose to outlet the pond?

MR. FINLEY: Since I was last doing the engineering on this, I don't have the detail of that spot, or that particular point. For the most part, the two sites drain away from the low point. I think what they're talking about is -- anybody that is familiar with the site, the farmhouse is here (indicating) and there is a garden which looks kind of like a horse paddock or a corral fenced in by the barn. That is kind of low. The concern is that it is next to a house. The way the drainage pattern works in here (indicating), is this drains (indicating), this way (indicating). So right now, we're talking about any storm water from really about a chunk of this parking lot (indicating), coming into this yard, and there is going to be some type of infiltration or drainage is what our engineers talked about. The majority of the house, the downspouts and all of that, it drains back here (indicating). This house is several feet above their yard in the woods in the backyard, so I'm not sure exactly what type pipe they're talking about, but regardless -- from knowing the site, it is not an issue. It is more of a detail that we need to take care of with the Town Engineer, but it's not a major site issue.

KAREN COX: Okay. The -- just if you can clarify, no -- when the day facility was in the plans, there was going to be a lot of -- quite a bit of traffic in and out of the site. Now, with the day facility out of the project, can you remind us what types of traffic the neighbors would be expecting to see?

MR. STEWART: Each house proposed is a six-bedroom home. We would expect there would be two vehicles there for each house, each individual house. We would have staffing ratios in the morning, ramp up to maybe three to four people per house. At evening time or through the overnight would be one person on the overnight shift. Once again, later in the afternoon or evening time, same thing, two to three, possibly four staff, depending on the needs of the house.

KAREN COX: And then the -- the residents of the house would be leaving during the day to go to --

MR. STEWART: Yes, to day program. They -- depending, once again, on the individual, um, more than likely would be attending either work or a day program someplace else.

KAREN COX: So there would still be some transportation?

MR. STEWART: Transportation in and out. Some is handled by the staff. Some is outside vendors coming in to pick up the residents.

KAREN COX: Not as much as would be expected with the day facility.

MR. STEWART: Well, with the facility up in the front, the day hab we had proposed, there was six individuals in that house, but no, at that point, the transportation for those people would be eliminated.

KAREN COX: What do you -- you don't have any particular plans for that -- the house and the barn?

MR. STEWART: At this time, no, we, do not.

JOHN HELLABY: As Jim (Martin) had stated, there has been some time since this was in here. I think it was April it possibly was here. I hate to rehash a lot of this stuff, but I tend to agree with the Chairman, there are still a lot, awful lot of issues out here that have not been addressed and I think some of the issues we talked about the residents -- you will eliminate using the house up front. You talked about one time continuing to use that barn for storage of your property or items that you used during the course of your operation.

MR. STEWART: Yes. Currently right now we have an international ministry program that we collect wheelchairs that get sent to different countries. We are using the barn right now just as a storage facility for those wheelchairs.

JOHN HELLABY: We talked briefly about lighting on the site. There are no lights, per se, going on these. Again, I know you mentioned something about house-type fixtures and house-type poles, but I think it would be helpful if those are depicted on these drawings with



some sort of plan, you know, on spillage and things like that, how it will impact surrounding properties.

MR. STEWART: Everything on here would be residential. We would expect nothing more than an 8 foot lamp.

JOHN HELLABY: Again, right now there is nothing on here. If you can attempt to show that, I think it would be extremely helpful.

Fire Marshal approval, I know that Mr. -- Scott Miller wrote a letter back on May 14th, you know, basically saying that no additional hydrants were needed, but one of his last remarks on Number 4 was that the building is below the (inaudible) from actual vistas from Westside Drive. Therefore, you know, we would want to make sure that the roads were adequate, adequate as far as the nature to support traffic in there for those.

MR. FINLEY: Just, do you want me to try to keep up with comments on that, because in that case --

JOHN HELLABY: There is just a whole lot of things out here that have not been addressed from April that I don't -- I'm not saying it is anybody's fault. I'm just saying I think they all got overlooked. I don't want to try to ram-rod things through here.

MR. FINLEY: The point I would want to make, they really -- they have been addressed, and we have been going through the Town Engineer to wrap up details.

JOHN HELLABY: I know for a fact there was an arborist report required on the that 16-inch deciduous tree. I have never seen that report.

MR. FINLEY: Conservation Board did go out and review it in lieu of having a professional arborist at an expense.

JOHN HELLABY: I don't have that documented in front of me anywhere. I'm saying there is a lot of issues that have been overlooked. I agree with Mr. Martin. I could go on, but I guess, you know, as long as you take the time to review all of the past things and make sure all of the T's are crossed and the I's are dotted, that's all we're asking.

JOHN NOWICKI: What was the decision on the tree?

MR. STEWART: Would you like to hear --

JOHN HELLABY: I got nothing.

JAMES MARTIN: There is no formal arborist report that has been handed in. I know it has been reviewed.

RICHARD SHICKLER: That's correct. We went out a couple months ago and we're happy with what he came up with, saving the trees and adding material. We were happy with it.

JOHN NOWICKI: There was a note on the drawings or one of the letters there that the McKenna family was going to get together with the applicant to do the berm design and all of that. Did that take place?

RICHARD SHICKLER: Has not.

MR. STEWART: We said --

MR. FINLEY: Mr. McKenna had told us he didn't really need something formal, but they were going to take care of that as they do it on site, and the Conservation Board did tell us specifically where they wanted to see plantings done.

JOHN NOWICKI: Do we have an approved landscaping plan that the McKenna family knows about?

MR. FINLEY: I just want to remind, this is a house, two houses, and it seems like the comments that -- are going into the detail of what would this be if it was a commercial property. For a single-family home you don't do licensed landscape plans.

JOHN NOWICKI: Now, hold on a second. Just hold on. We have got -- you got vehicles moving in and out of here all day long. And --

MR. FINLEY: Correct.

JOHN NOWICKI: These vehicles are like what, Lifeline vehicles?

MR. FINLEY: Occasionally.

JOHN NOWICKI: So you have a different situation than a normal residential home?

MR. FINLEY: To some extent.

JOHN NOWICKI: So there should be buffering done to protect the existing facility in that area.

MR. FINLEY: There?

JOHN NOWICKI: Yes, again, is there an approved plan done that the McKenna family has seen that has been accepted?

MR. FINLEY: The site plan --

JOHN NOWICKI: Landscaping plan.

MR. FINLEY: -- shows landscaping that the Conservation Board approved of, and that is adequate for this situation.

JOHN NOWICKI: I don't see any comments on that from the Conservation Board, any place that I have looked.

KAREN COX: What I mean --

MR. STEWART: A few of the comments with the Conservation Board, a number of the trees are staying. There were some concerns with the structure of the tree, cables that had snapped, but after meeting out there with the Conservation Board, the decision, once again, the realignment of the driveway was taken into account because of -- to be able to save -- I believe we may have one, possibly two trees that were coming down after meeting with the Conservation Board as opposed to, you know, six to eight trees that had potential.

KAREN COX: Would it be applicable in this case, John (Nowicki) -- I mean, I see your

side. I also see the applicant's side. It is a little different than a residential house, because it is a bigger residential house, so in this case, would it be appropriate for the Landscaping Committee, since they obviously have had some coordination with the applicant, instead of -- on old business they put "not applicable to the Conservation Board." Could they send the Planning Board a letter stating the coordination they had with the applicant and that they're in concurrence with what is shown on the plans?

JOHN NOWICKI: And with the adjacent neighbors, I think we need a condition for that to make sure we get this right. Before it goes to approval, we want it done right. Again, there is a lot of little things floating out here that are not tied up. We have to tie them up.

JAMES MARTIN: I don't think we need to go to the extent -- and Dick (Shickler), correct me if I am wrong -- of a licensed landscaper --

JOHN NOWICKI: I'm not saying that. Communication between people is important, if it is done right, so people are satisfied that they're getting a reasonably good landscaping buffer.

KAREN COX: Dick (Shickler) is telling us that there has been coordination, but we don't have anything for the record that shows the -- the coordination that is involved. So I think it would be appropriate to have that for the record.

JOHN NOWICKI: I agree. It should be a condition.

JAMES MARTIN: Conservation Board willing to step up and send us a letter?

RICHARD SHICKLER: Yes, we'll do that.

JAMES MARTIN: Thank you.

GEORGE BRINKWART: I know the Town Engineer made some comments on the infiltration basin, but have you gone out and done any test pits and done some perks out there to see how well an infiltration will work for this application?

MR. FINLEY: I'm just going by the notes here from that. It's -- that needs to be provided, is -- to make sure that they do work.

GEORGE BRINKWART: So at this point you have no data you can share with us --

MR. FINLEY: For me, off the top of my head, I don't.

GEORGE BRINKWART: I have nothing further. I guess I agree with Jim (Martin) and -- there are a lot of little things that need to be tightened up.

KAREN COX: I have another one. Getting back to the coordination with the Landscape -- I'm sorry, the Conservation Board. There is a comment from the Town Engineer. I don't know if the Landscape -- or Conservation Board -- after I seen it, they're talking about directional drilling for the water services not being appropriate under large trees. So perhaps that would be a comment, or I shouldn't say "perhaps." That would be a comment that we would be looking for some guidance on.

JAMES MARTIN: Ken (Hurley), my assumption is, you know, this is being treated as a residential development, which it properly should be, but your comments would be appropriate whether it was two single-family houses going in on this property, or whether it is the requested group home situation that is being applied for.

KEN HURLEY: The review we did is based on a three-lot. It was actually that front lot is part of the overall site. So it is a three-lot subdivision, and the comments reflect residential review because State Law says we have to treat -- even though they're group homes, we have to treat it as a residential subdivision. So those are all -- all of the comments reflect that.

JAMES MARTIN: Thank you. I just wanted to clarify that.

KEITH O'TOOLE: Just to build on that comment, it is a residence for State Law purposes, but we have in the past imposed landscaping and other requirements of that nature, to provide buffering to neighbors on residential projects, so there is no problem in doing that here.

Thank you.

CHRIS KARELUS: Dan (Stewart), this is just a question more for you. Is the intent for Heritage Christian to take the existing 1125 residence and barn and turn that back to a single-family residence that you're going to look to sell?

MR. STEWART: Our best guess at this time, Chris (Karelus), is yes, but I can't commit to that for sure. But yes, that is the direction that the comments run from the Board. As far as the use for a day program site, yes, more than likely that will be the direction it will head.

JAMES MARTIN: Follow up on that. If you did that, the barn is located on that lot.

MR. STEWART: Correct.

JAMES MARTIN: What would you do about the barn if you're going to utilize the barn for storage and things of that nature? I mean, if you sold the house to --

MR. STEWART: It would be a different individual. We would ask permission from the individual if we wanted to --

MR. LITTLE: We vacate the barn.

JAMES MARTIN: So you would lease it or do something if you sold the house, to continue to use that as a storage facility?

MR. STEWART: Right.

CHRIS KARELUS: The other condition I would ask the Board place on the project, if the septic sewers or the well of the service scene is up to 25 residents, I would ask the Board make them connect up to the public utility for the project. Knowing there is a well on the site, I don't know if that service is a domestic supply for the house, but the future resident of the property should be connected into public utility.

KAREN COX: If they choose to sell it as a residential property.

CHRIS KARELUS: Correct. If they choose to sell it as a single-family residence, I ask that that be placed as a condition on the approval.



Also recommend that -- I know a lot of what has been floating around that I have seen is regarding mature trees on the site and they're quite attractive trees. I know the intent of the applicant is to try to push those services and try to preserve and save those trees. So I would ask the Board on their approval this evening, if they place a condition that a two-year guarantee be placed by the owner, so two years after Certificate of Occupancy is granted for the project, if any of the trees are lost, the Town Planning Board can set up a mitigation process so you would replace one-to-one in kind of that species. I know there is a 100-year old tree that that property has been stripped of its characteristic of that property.

Um, and I think the only other problem or issue I saw, I understood that infiltration basin is being modified with the Town Engineer, discussions I had. But if, in fact, it does directly discharge onto a neighboring property, we'll have to ask that they secure an easement to the point where it is actually collected in a municipal system or the State system. We can work with the applicant on that.

JAMES MARTIN: So you want that as -- this -- if this is approved, as a condition?

CHRIS KARELUS: Yes. If it does have a direct discharge. It is currently discharging to a neighbor's residence.

KEN HURLEY: Last week I met with Avery Engineers to discuss some of these comments. Actually, all of the comments. They are in the process of making some changes to the plan and getting those plans, so on the plans as they stand, these are all of the comments I have. But there is a lot more on the revised plans.

RICHARD SHICKLER: Some of the comments that I had on the -- the deciduous trees, the 100-year old trees. When Pat Tindale and I met with Dan (Stewart) a few months ago, he was willing to move the road over substantially to the west side as far as he could, if we stayed away from the trees and also he wouldn't have the deep vegetation for the road to go over the trees. As far as utilities go, direction of drilling would be the safest other than digging a trench and putting in your water and electric and so forth.

Also, he will put plenty of buffer on the west side, the rear, the southwest side also. Everything that we're interested in doing, they're willing to take care of.

JAMES MARTIN: Paul (Wanzenreid), this is exempt from ARC review, correct?

PAUL WANZENREID: (Mr. Wanzenreid indicated non-verbally.)

FRED TROTT: No comments.

JAMES MARTIN: I believe there are some variances and one variance was granted for the lot width, so we have that, and then the only other variance that I know that would be a topic would be for front yard parking, but I'm still not understanding just how that applies. We did put in an application for next week to be prepared, but in -- anywhere you look, on any subdivision, any new house that is built, they park their cars in the front yard in front of the garage, so I'm just wondering how this applies.

Any comments on that?

KEITH O'TOOLE: The Board has the right to locate parking wherever it sees fit, so wherever -- so where is the issue?

MR. FINLEY: Then we can go to get -- request the variance for it. Keith (O'Toole), the Board can also disagree with the idea of the variance. You can make it a condition they put the parking where appropriate, with or without a variance.

KAREN COX: What if the Zoning Board does not grant front parking? You know, we have already -- or it has been at least your opinion, Jim (Martin), that backyard parking is not appropriate for this site.

JAMES MARTIN: It would make it a very difficult site, you know, to utilize if you were to move those houses forward to get backyard parking. At least in my opinion, any ways.

KAREN COX: I agree with that. I guess the rest of the Board would have to decide. If the backyard is not suitable for parking, why are we asking them to go for a variance?

JAMES MARTIN: Good question.

MR. FINLEY: Yes. The Conservation Board had said, I guess, from what I have heard, that they like to keep the backyard natural as a backyard. The applicants would like to keep the backyard as a backyard, and it works out better when you're dropping off people to drop them off at the front door instead of take them in the backyard and wheel them in a wheelchair around the front of the house. So I guess I'm not seeing why there is a problem.

JAMES MARTIN: We have had some discussions about this. The way this is currently configured, if it would pick up and drop off of the clients, the residents, you will have a flow through the parking area, through the loop that will prevent the backing up of some of these vehicles, which in my mind could be extremely annoying to the neighbors because of the back-up, you know, warning device that exists on these vehicles. So to me, to have that flow-through arrangement with the parking the way it is, it just -- it makes it a -- little more sense in my mind from the way it -- from the way the design has been brought forth.

MR. STEWART: One other one thing we talked about, Jim (Martin), the backyard, we would leave it as a meadow, and we weren't going to establish a grass lawn in that area. We're going to leave some of the area as the meadow, as it is currently, which is a -- was a concern of some people.

KAREN COX: I don't have an issue with the way the parking is shown. I don't know what the rest of the Board thinks.

JAMES MARTIN: What is the feeling of the rest of the Board?

JOHN HELLABY: It's fine the way it is.

JAMES MARTIN: I don't see them needing to go for a variance.

So, I think, you know, with the site plan approval, with front parking as a residential, I don't see the need to go for a variance.

MR. FINLEY: I think previous conversations about that tied up with a bunch of other things and other uses and that. I think now it is two homes, it's not an issue. I appreciate that.

JAMES MARTIN: I think based on the fact that we still have some outstanding engineering issues that need to be resolved -- they're still outstanding, okay? You know, you requested waiver of final. I'm having some difficulty with that tonight. It is -- you paid the fee. You don't have to pay it again. If you move all of the way to final tonight, I have a little problem with that. I don't know how the rest of the Board feels about that. There are some issues. There are things that need to be done.

MR. FINLEY: I guess our feeling was that they're pretty much engineering issues and that the Planning issues are all addressed. So rather than come back and spend the time with the Board -- I mean you have a Town Engineer that won't sign it until they're all addressed, and you won't sign it until they're all addressed -- so it is just one less meeting to come back.

JAMES MARTIN: I'm just not comfortable waiving final tonight, Kip (Finley).

MR. FINLEY: Okay.

KAREN COX: We understand what you're talking about, Kip (Finley), but we also have a responsibility to the people who have come here to -- because they live near there and they're very interested in it. We can get a letter in our mailbox, the Town Engineer and the Conservation Board is saying everything is done and to our approval, but how does that information get disseminated to the people in the area? I guess it's another meeting, but I would feel more comfortable if you could come in and in just ten minutes, address all of the comments; we're done.

MR. FINLEY: Okay. Okay. I got the nod. I'm done arguing.

JAMES MARTIN: Okay. I will move on SEQR at this point.

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 reviewed the comments from Chris Karelus.

MR. FINLEY: We think it is on public water, but there also could be a well.

JAMES MARTIN: If it isn't, it should get hooked up.

James Martin reviewed the comments from Chris Karelus.

MR. FINLEY: That's a new one to me. In two years, a tree could just die anyways.

JAMES MARTIN: I'm not unhappy with that condition. I mean it's a beautifully treed property right now, and we would like it to stay that way.

James Martin further reviewed the comments from Chris Karelus.

JAMES MARTIN: Anything that I have missed?

MR. FINLEY: I have got seven.

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

1. No building permits shall be issued prior to the satisfaction of all Town Engineer concerns regarding the site plan.
2. If it has not been completed, the applicant shall apply for inclusion in the Chili Consolidated Drainage District. This is to be done through the Town Clerk's Office.
3. The site plan shall show the location of any site lighting.
4. Coordination of all landscape issues between the applicant, the neighbors, and the Conservation Board shall be documented by letter from the Conservation Board to the Planning Board.
5. The applicant is required to connect the existing house (#1125 Westside Drive) to public water and sewer systems if it is not currently connected.
6. The Board requires that a written guarantee be put in place as follows: For a two-year period after Certificate of Occupancy is issued, any mature tree on the proposed site that dies would be replaced by four new trees.
7. A drainage easement will need to be put in place showing how discharge of storm water onto adjacent property will be managed and directed to the

nearest receiving system. Copies to be supplied to the Building Department and Assistant Town Counsel.

JAMES MARTIN: Second call for Crestwood Children's Center. Is there somebody here representing Crestwood Children's Center?

INFORMAL:

1. Application of Crestwood Children's Center, c/o David Howard, 1183 Monroe Avenue, Rochester, New York 14620 for final site plan approval to erect two 3,600 sq. ft. housing cottages at property located at 2075 Scottsville Road in A.C. & FPO zone (amended -- see below).

Maria Mazurek and Neil Voit were present to represent the application.

JAMES MARTIN: We changed the agenda slightly so you wouldn't have to be here so late tonight.

MS. MAZUREK: Thank you.

JAMES MARTIN: Actually, that was changed to PID.

CHRIS KARELUS: That's correct.

JAMES MARTIN: I will amend this application. Do I have a motion to amend the application so it reads in PID zone?

KAREN COX: So moved.

JOHN NOWICKI: Second.

The motion to amend the application was unanimously approved.

JAMES MARTIN: The application is now amended to read in a PID zone.

MS. MAZUREK: Good evening. I'm Maria Mazurek. I'm the architect for Crestwood Children's Center and we have representative from Clark Patterson Associates, and this is our application for the final site plan approval. We have presented this project before. It is still the same. We are seeking approval for building two new residential cottages for, two identical buildings on the site of Crestwood Children's Center and do site improvements associated with those two buildings.

Those site improvements include retention pond, um, accessible sidewalk loop and some other smaller items for utilities work associated with those buildings. Um, last time we received the comments, and I believe that with our application for the final approval, we addressed all those comments. As I remember, um -- on architectural portion there was suggestions as to the looks of the buildings. A brick color, um, we were looking at matching existing buildings to tie it more to the existing campus, and there was a comment on roofing material. Previously we presented a metal roof. The Architectural Review Committee, Advisory Committee didn't agree with that. We changed it to a shingle roof to match existing buildings on the campus. And actually, um, our documents are already in the Building Department for future building permit and those changes are reflected in our documents right now in our specs. And the site part, do you want to say something about it?

MR. VOIT: Good evening. My name is Neil Voit with Clark Patterson. We received comments from Ken Hurley at Lu Engineers. We have addressed all of them. The pertinent ones were fire access. We improved the fire access and took care of some minor drainage issues. And the last I spoke with Ken (Hurley) this morning, he had no further comments and was satisfied.

MS. MAZUREK: And finally, we had an issue with, um, Environmental Conservation Board. Since we had the previous project approved on this property, unfortunately due to lack of funds, it didn't get executed. The Cutler Building. I know Mr. Nowicki suggested that the owner provide a letter of credit that could be used for the landscaping on this property. And we have three landscaping pieces. Two associated with those two cottages that will be going in as we build the cottages and the third item was, um -- for the Cutler Building, which, like I said, hasn't been built yet. So the owner will probably try to be in contact with -- with you, as to advise how to best draw that letter of credit, but basically they understand if they have to do it, they agree to do it, so.

JAMES MARTIN: Thank you.

MS. MAZUREK: I'm sorry, one more thing. The landscaping plans, we submitted according to the regulations here. We had the plans done by a licensed landscape architect. They got approved by your Conservation Board, and we also had estimates that we communicated before to, um, Conservation Board and -- so I think that -- those estimates and the landscaping will be in place for the letter of credit.

JAMES MARTIN: Chris (Karelus), as far as the condition that we imposed around permitting for construction until all unpermitted construction issues on the project were resolved, where do we stand on that?

CHRIS KARELUS: The owners have a pending application to remove the buildings that were unpermitted. So it is a pending application and like she alluded to, they do have an application pending for the building permit, as well. So cart before the horse, we'll expect the demolition to happen before building permit, C of O.

JAMES MARTIN: You are essentially satisfied they have come into compliance with the

request?

CHRIS KARELUS: Yes.

MS. MAZUREK: I will add they did commission the builder to do that work. That was the applicant, and they are expected to do that demolition.

DARIO MARCHIONI: Thank you. You did a great job.

JAMES MARTIN: We did SEQR at preliminary. So the only thing I have written is all previous imposed conditions remain in effect. Okay?

MS. MAZUREK: We understand that.

JAMES MARTIN: Other than that, I don't know of anything else.

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

1. All previously imposed conditions remain in effect.

PUBLIC HEARINGS:

1. Application of Yaro Enterprises, Inc., owner; 228 Rosemont Drive, Rochester, New York 14617 for preliminary site plan approval to erect a 1,440 sq. ft. addition to warehouse at property located at 793 Beahan Road in L.I. zone.

Kip Finley and Tony Kirik were present to represent the application.

MS. FINLEY: Hello. Kip Finley again with Avery Engineering. Up this time with Tony Kirik of Yaro Enterprises. This is hopefully a quick one. This is a small addition, about 1,400 square feet to an existing warehouse on Beahan Road over by the airport, just a little north of Paul Road.

Right now they currently have a concrete pad at the south end of the building that they can pull a truck over and change a tire or mud flap or something. This is a trucking facility. It's got -- the conditional use in the LI, Light Industrial zoning, so what we're here for is site plan review to put up this metal addition on top of the concrete pad and it will match the building, same height, same siding and everything. The site plan application did have architectural drawings, but there is really not much architectural about it. It's an overhead door on one side and at the end. It looks just like the existing building.

Just for orientation purposes, for the public, this is Beahan Road (indicating). The airport runway is right here (indicating). Paul Road is maybe a quarter mile south. This is a building you probably have never seen, probably never will see, as you drive down a long driveway to get to the back and really what you see is the trucks at the loading docks, at the facility. This is the building, the green box. This is the addition (indicating). It is really a one-car or one-truck garage.

About the only complication in this would be that in order to build on the existing pad, it's a little closer to the property line than required. We can build the building at -- with the overhang at 32 feet off, and I think it's 40 feet is required. So there is like an 8 foot variance that we're going to have to get for that. As far as engineering comments, this was good. This was the shortest letter I have ever received. There is a --

JAMES MARTIN: Don't get your hopes up.

MR. FINLEY: This is only two comments. I could get a one comment letter. In your package, there's a site data table, zoning table. We beefed up the one we had. It's a table in the upper left corner of that drawing. What that did is flag that we did need a variance for one dimension, so that will be added to the final plan. And we would like, since this is a site that there is really no landscaping, there is no site work, we don't need to do any drainage, we don't need to do any paving, we would like to request a waiver of some of those requirements to show that on a plan, because it didn't exist. We're basically just really building the building over the concrete slab. So that is certain sections of the Town Code require that, but we would like a waiver of that.

I think the only other thing that was new to the Planning Board, comment through on my response letter, if you have received those, we talked to the Conservation Board about the landscape requirement. The Town has a requirement to put one percent of the project development cost into landscaping. It's about a \$50,000 project for the addition. It would be about \$500 towards landscaping. Since it is a site without really any landscaping, it is all gravel, we had two options that we could get your input on. Conservation Board said they would be happy with a contribution to the Town landscape fund to put plantings somewhere where they would be appreciated and maintained.

Although, Tony said he had an idea of possibly putting some raised beds around the front door to the entrance of the facility. That will cost more than 500, but that's an option, if you really did want to see something on the site. Otherwise, it is pretty much building, gravel and chain-link fence. So for that, I would like to at least request preliminary site plan. I don't know if you're comfortable making it conditioned on the variance for setback to be able to do final. We're open for questions.

JAMES MARTIN: It would take \$50,000 of landscaping to make that site look reasonable.

MR. FINLEY: It's pure industry at its best.

JAMES MARTIN: Certainly, you know, around the landscaping, as you said, there are

two options. The one percent of the cost, assuming that you submit a plan with a legitimate cost estimate to the Building Department, okay? One percent of that, and that would be subject to Building Department scrutiny and approval.

Or, work with the Conservation Board and determine, you know, whether or not some sort of landscaping plan that might add some aesthetics to the property over there, but I'm having a hard time understanding how it could add in the way of aesthetics. That would be the other option. So I guess, you know, based on your comments that you feel it might be more appropriate to get the one percent contribution, I'm assuming we have a legitimate cost --

RICHARD SHICKLER: \$500 will not get much landscaping and there is not much area to do in the front so it, if it could, goes to the Chili Conservation fund, that would be fine.

MR. FINLEY: We do have the contractor quotes to be able to add up to get the estimate.

JAMES MARTIN: That would be fine.

Certainly, yes, all of the zoning variances would have to be approved.

MR. FINLEY: Assuming one.

JAMES MARTIN: Assuming this goes forward tonight.

Since basically, um, our Town Code does call for an Architectural Review Committee review of the design, since it's in a location that is zoned for their review, I would request that you do submit the architectural plans to the Architectural Review Committee at least for their comments. I don't think that there is going to be any significant issues, Paul (Wanzenreid), but you are really bound to review it since it falls within the scope of your responsibility.

PAUL WANZENREID: Okay.

JAMES MARTIN: I will defer to Mr. Karelus. Well, let me ask a couple of questions, and Chris (Karelus), I don't mean to steal your thunder.

Will there be any vehicle maintenance going on that would cause oil spillage or are you going to be doing anything that would be in that particular vein of activity?

MR. KIRIK: Good evening. My name is Tony Kirik.

No, we don't deal anything with oil. We have Kenworth of Buffalo doing it and Conway. They handle all of that, oil changes and any type of engine, transmission repairs.

JAMES MARTIN: All right. So your comment about an oil separator may not be appropriate if they're not doing that.

You had a comment, Chris (Karelus), that proposed finish floor slab elevation should be indicated on the plan and grading should be shown on the plan indicating how the plan tends to integrate the addition into the site. The site has poor drainage in the back lot and side lot areas. Kip (Finley)?

MR. FINLEY: In this case the site really only has about a foot, foot and a half of topography over the whole site. The drainage in the back is the worst of all of it. I haven't asked. The concrete slab itself doesn't flood, does it?

MR. KIRIK: No.

MR. FINLEY: Any grading on the site would be probably more of a maintenance activity if they had a problem, to just grade it away. There is really no place to drain to. There is no swales. There is -- it's just one of those sites when it rains, it is there.

JAMES MARTIN: You have no problem putting the slab -- you know, the elevation of the slab on the drawing.

MR. FINLEY: No. I would have assumed it was.

JAMES MARTIN: Existing utility servicing the building and on the project site, water sewer, gas, electric, sanitary sewer needs, et cetera, should be shown on the site plan. That's kind of standard.

MR. FINLEY: Yes. I think they come in at the other end, but --

JAMES MARTIN: All right.

CHRIS KARELUS: Well, if I could.

JAMES MARTIN: Go ahead.

CHRIS KARELUS: It will be either here or at the Building Department. We're going to need to see it for permits. We can't allow structure to go over something that could potentially be servicing the building and under truck traffic. We don't need concrete slab if it is unable to support the gross vehicle weight. There is a number of core testings that we'll have to get qualified for in building to have that be suitable. We'll either ask for it now or during permitting, so...

I think with the drainage comment, I did take the opportunity today to get on the site. And this is -- it's an old project site. I'm just making note so the Planning Board is aware and the applicant aware, the site drains poorly. There is a number of low spots that collects and nothing drains away. One of which was on the southern part of the site, closer to the concrete area. I can't tell you what it does during flood stages, but just another kind of buyer beware.

JAMES MARTIN: Okay.

MR. FINLEY: Yes. Just a briefing here, as we're going along, the slab has been there for quite a while, and it has been parked -- had trucks parked. The way the construction will be, there is a stem wall around it that supports the building, and part of that they will retop the slab with a couple inches more of concrete. We can find out how thick it is by digging alongside and adding, so we should be able to provide that information.

JOHN NOWICKI: Are there footings or foundations for that slab?

MR. FINLEY: My guess would be 95 percent sure there is no footings, so it is going to be a footing slab inside the new stem wall they make to support the building.

JAMES MARTIN: The last issue, um, obviously there is some site debris over there that

should be cleaned up.

MR. FINLEY: Is it still there?

MR. KIRIK: Tomorrow we have the tires going out to Waterloo.

JAMES MARTIN: Clean it up.

MR. FINLEY: Conservation Board recommended we really clean it up.

CHRIS KARELUS: Chairman Martin, I will leave it as a condition. I think the application is minor in nature, but it's an opportunity for the Town to see an improvement in the site.

JAMES MARTIN: It's a condition. Clean it up.

KAREN COX: Speaking of that term, right now you're changing tires on -- I mean, that is part of your business, and that -- and this is going to become more of a tire changing area? I don't know if I understand it.

MR. KIRIK: No. We do change tires. Some of the debris we have in the back is tires and it is going to Waterloo, Seneca Meadows Recycling Facility. You have to get permits in order to even have permission to dump it. So we collect up to 100 tires and then we take them out at once to the waste facility. And at the same time, we change tires. Some of them are sent for retread, and if they come back as there is a gouge or any defects, then they send them back to us. And we change brakes, tires and lights and any small repairs. Anything bigger is Kenworth or Volvo handles on the truck repairs.

KAREN COX: So you will still continue -- once the tires you have on site are removed, you will continue to collect more and then truck them off site? I mean, how long does it take to collect 100 tires?

MR. KIRIK: This one was almost two years, so it is not going to be where -- we're actually buying a trailer November 6th, and what we'll do is collect it in the trailer, in a storage facility and then take them out. So we addressed that problem.

And then the back grading, we have been kind of filling the -- the two spots. We haven't -- on the south side, also. And what we're planning, as soon as we build this, um, addition, we -- we're going to try to concrete that whole side. We won't have that problem.

JOHN HELLABY: The only thing I got I guess is more for Chris (Karelus), and the maintenance on that entrance road going in there, I know it has always been a big issue. I know the last gentleman that was in here, I don't know if we have made any progress or if this is another opportunity to make a little more progress.

CHRIS KARELUS: What I can tell the Board is B&T Plowing did hold up their end before certificate of compliance was given to them. What they did provide to the Board, they did go back and level off with stone and rock on the portions of the property where it indicated they wanted to see that work done on it. I think it's -- it's a collaborative effort. Mr. Kirik, B&T Plowing and the County all have access through that main throat. Again, if the Board sees it fit to ask Mr. Kirik if you could maybe drop a few loads of stone, I can also check that with a project certificate and compliance. Every little bit could help.

JOHN HELLABY: It's always seemed to be a problem that nobody wants to deal with. It gets to the point where you can hardly drive in or out of there.

CHRIS KARELUS: Well, John (Hellaby), the seasons are going to take the toll.

JOHN HELLABY: I know it's a fact. It's just a shame.

DARIO MARCHIONI: I have a couple of questions. First of all, I see some intrusion into the Niagara Mohawk Power Corporation's activities there. Are you using that, by any chance?

MR. KIRIK: Yes. We have some cars parked there. When they were running the lines along the side, um, they were finished with it. They said we can use the gravel. We just don't have any way of taking the gravel, but they allowed us to use it.

DARIO MARCHIONI: So you have an agreement with the power company to use that property?

MR. KIRIK: Verbal agreement, yes, because they were out on the site, running the lines, on the other adjacent side of our property. They were using our entrance and our side and they let us park some cars there, yes.

DARIO MARCHIONI: So this site, right now, doesn't involve that area, right?

MR. KIRIK: No.

DARIO MARCHIONI: I see a building here for County of Monroe that has this metal black building, Number 799. Any way we can contact them, because that looks terrible? It needs painting. It needs landscaping. Maintenance. I mean they're setting a bad example. If they can't do it, how do we expect --

CHRIS KARELUS: I will make note of it. I just don't think it is the applicant's burden.

DARIO MARCHIONI: Just something that is part of this whole complex. I think they're -- are they also using that entrance? The Monroe County?

CHRIS KARELUS: Yep.

DARIO MARCHIONI: They're using that entrance, too, so they're -- the other thing, Tony (Kirik), really, I don't know who is your groundskeeper of this building, but I think you should have a talk with him. Okay? Maintenance wise.

CHRIS KARELUS: Just to let you know, we received comments from the County and they're minor in nature. Nothing of significance.

RICHARD SHICKLER: I had a question on some of the small maintenance they're doing on the trucks. I didn't hear anything about antifreeze being changed or used or removed on the site or anything of that nature, and any small oil changes or filters of that nature.

MR. KIRIK: No. We don't -- we don't do none of that, because it just -- it's not cost effective either for us. We have the major shops -- most of our trucks are new, and that's why it's



more the tires and the brakes that need to be serviced. Oil is done over the road, Petro, Speedco, and Kenworth of Buffalo and Conway will do it.

Based on the entrance of the property, I mean, if -- there is four businesses. There is the -- Monroe County owns the building. There -- and three of us. We were -- if everybody would chip in, pave it. We would consider that. It is just nobody is stepping up, you know. We concreted the pad and we want to pave it, basically our whole side, but that building, they're not selling it. We were even actually thinking about maybe buying it. They're not selling it. I mean nobody is being -- it's they're their portion. But right now you drive through it, it is the same thing. We try to add stone as we can.

JAMES MARTIN: Okay. Okay with that?

RICHARD SHICKLER: (Indicating).

JAMES MARTIN: Paul (Wanzenreid), we talked about giving a quick review.

PAUL WANZENREID: November 13th.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question. If these people are now going to erect a building over an existing cement slab, does that mean that the cement slab was in violation of the zoning prior to this?

JAMES MARTIN: I have no idea how to answer that. Any comment from the side table?

CHRIS KARELUS: I have absolutely nothing permitted on the Building Department on that. It's something that is on the site. This is a new project we're looking at. Just became aware to the Town once the application hit our desk.

KAREN COX: Could have been there for years.

CHRIS KARELUS: Probably.

MS. BORGUS: Could predate zoning, you mean?

JAMES MARTIN: Pardon?

MS. BORGUS: You think it could predate zoning, the pad?

JAMES MARTIN: I have no idea how old it is.

KAREN COX: It could. It might not.

MS. BORGUS: I'm just trying to get it clear in my mind, though, you can't just pour a pad of that size and -- and be that close to the line; am I correct?

KAREN COX: Somebody could do it, sure. They could do it on their own and --

MR. FINLEY: To clarify, the visual of it, it's a piece of concrete pavement. It would be no different than if it were a concrete driveway or asphalt driveway. At this piece, it is just a piece of concrete driveway. It's not really a structure. It's not above ground.

MS. BORGUS: Thank you.

KAREN COX: It's like a patio, basically.

James Martin made a motion to close the Public Hearing portion of this application, and John Nowicki seconded the motion. All Board members were 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: They paid the fee and requested waiver of final.

The Board agreed to waive final for this application.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Obviously the zoning variance needs approval. Submit plans to DRC review, that's November 13th. There were three things that Mr. Karelus brought to our attention. We talked about the side setback variance. We need to have a proposed finished floor slab elevation indicated on the plan and any grading shown on the plan. How you're intending to grade the addition into the site. Existing utility servicing should be shown on the plan. And the site debris should be cleaned up with this project. That is what I have got. Nothing else at this point in time, we'll vote on this.

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

1. Obtain approval of all zoning variances.
2. Submit architectural elevations for review by the Architecture Review Committee.
3. The finished floor/slab elevation should be shown on the plan, and grading should be shown on the plan indicating how the project intends to integrate

the addition into the site.

4. All existing utilities servicing the building should be shown on the plan.
5. The site should be cleaned up and debris removed.

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

2. Application of Pooler Development, 783 County Road 42, Fishers, New York 14453 for resubdivision approval of four lots in the Vistas at the Links Subdivision at properties located at 14, 16, 32, 100 Clubhouse Drive in PRD zone.

Ed Freeman and Bill Price were present to represent the application.

MR. FREEMAN: Good evening. I'm Ed Freeman, Vice President of Survey for Passero Associates. Our office is located 100 Liberty Pole Way, Rochester, New York 14604. On behalf of Pooler Development, Passero Associates is asking for preliminary and final approval for resubdivision of Vistas at the Links. This resubdivision will reconfigure the Golf Hole Numbers 6 and 7 to lands of Homeowners' Association and open space between Lot 16 and 17 and the open space between adjacent to Lot 25 to be added to each of the adjoining lots.

We have one comment letter from Lu Engineers. Their comment was that the open space between Lot 16 and 17 and the open space between -- adjacent to Lot 25 should be allowed to be used as access easement for the Homeowners' Association to access this property in the rear. This way they would not have to traverse all of the way down to the pond at the one end for their access.

This is the Homeowners' Association (indicating). We're asking that this be combined into Lot 16 and 17 and this portion (indicating) be combined to Lot 25, but we'll leave access easements here for the Homeowners' Association so we don't have to just access it from one end. They can access it from other points.

JAMES MARTIN: So are you saying you're going to come into compliance?

MR. FREEMAN: Yes, we will come into compliance on that.

This resubdivision doesn't have any effect on adjoining property land.

The additions to Lot 16, 17 and 25 will make the lots larger than they have already been approved. Reconfiguration of the golf course of Holes 6 and 7, the land will still be open space for the homeowners to use in that area.

Any questions?

JAMES MARTIN: The comments from Mr. Karelus, when we approved Phase 1 for this, and that was with the previous ownership situation, okay, they showed on their plan basically what was going to be a cart path or trail around the perimeter of the Phase 1 development that was approved. In a letter conversation Mr. Karelus has had with Pooler, I think that we should insure that that pathway is constructed. It was approved as part of Phase 1. I don't think we should back away from that. I think it would be a nice amenity for the development to have that trail in place. Um, and Mr. Karelus has suggested that we not impose a significant financial burden on the developer right at the get-go, but when we reach 50 percent occupancy on the Phase 1 development, at that point in time, the trail should be constructed.

Did I cover that correctly, Chris (Karelus)?

CHRIS KARELUS: Yep.

JAMES MARTIN: I don't know what the Board feels about that, but I'm offering that up as a -- you know, as a suggestion. It was approved as part of Phase 1. Anybody have any problem with waiting until they achieve 50 percent occupancy in order to have, you know, the capital available to them to make this to construct that?

JOHN NOWICKI: You mean Phase 1?

JAMES MARTIN: Yes, in Phase 1.

JOHN NOWICKI: What is the intent here in the vacant land? Are intentions there at all for recreation areas, or set aside areas for -- whatever?

JAMES MARTIN: What land are you talking about? They're going to be three golf holes.

JOHN NOWICKI: They are going to build those.

MR. PRICE: My name is Bill Price with Pooler Development. Yes, we have constructed two of the holes already and intend to construct a third next spring.

JOHN NOWICKI: Now, these will be actually available for the people there to use?

MR. PRICE: Yes, they will.

JOHN NOWICKI: Just the residents in the Homeowners' Association?

MR. PRICE: That's correct.

JOHN NOWICKI: So the pathway will be around then?

KAREN COX: And the maintenance of the pathways and the golf holes would be part of the Homeowners' Association?

MR. PRICE: Homeowners' Association, yep.

DARIO MARCHIONI: I think it's fair --

JAMES MARTIN: I think we're comfortable with that.

The Board agreed.

JAMES MARTIN: It does allow them some time to build the economic base that they need in order to do that.

KAREN COX: I didn't have anything except the question about the paths.

JOHN NOWICKI: Has the project been put into a drainage district?

JAMES MARTIN: I thought we addressed that issue previously.

JOHN NOWICKI: I hope it has.

JAMES MARTIN: Could you verify whether it has or hasn't? I thought a drainage district application has been made.

CHRIS KARELUS: Yes, I can. I will be with you in a second.

DARIO MARCHIONI: If it hasn't, we --

JAMES MARTIN: I can just put it down. If you haven't petitioned for inclusion in the drainage district and it needs to be done --

CHRIS KARELUS: Yes, they are in a drainage direct.

JAMES MARTIN: So forget that.

MR. FREEMAN: Okay.

DARIO MARCHIONI: Just one comment. I was at that open house, and I was -- I was amazed. These are wonderful buildings, well built and an asset to Chili. Congratulations.

MR. FREEMAN: I drove through the development during that open house, too, and I saw it was very well attended.

DARIO MARCHIONI: I like the rolling hills.

MR. FREEMAN: Yes. That is unusual in Chili.

DARIO MARCHIONI: I was impressed. And compliments to the builder. Thank you.

JAMES MARTIN: I assume you want a copy of the access agreement?

KEITH O'TOOLE: Yes, please.

CHRIS KARELUS: No additional comments for myself. I want to tell the Board we did get a lengthy letter back from County. County Planning was talking about the whole site and noted the flood plain, the wetlands. The other impact areas that this Board has already reviewed under the subdivision approval prior. But that letter did come back from County. I don't think it had something to deal with the subdivision before this Board this evening.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of this application, Dario Marchioni seconded the motion. All Board members were 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. An access easement for the requested resubdivision to allow all HOA members to reach the golf holes shall be put in place. Copies of the agreement should be supplied to the Building Department and the Assistant Town Counsel.
2. The trail and pathway system that was approved as part of Phase 1 under New York Town Law Section 278 must be completed. The Board requires the developer to complete construction at such time as 50% occupancy of Phase 1 units is achieved.

JAMES MARTIN: I will declare about a ten-minute recess prior to the next public hearing.

3. Application of Indus Real Estate, LLC, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates; for preliminary subdivision approval of one lot into two lots in the Faber Homes Subdivision at property located at 3260 Chili Avenue in G.B. zone.
4. Application of Indus Real Estate, LLC, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates; for conditional use permit to erect a hotel at property located at 3260 Chili Avenue in G.B. zone.
5. Application of Indus Real Estate, LLC, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates; for preliminary site plan approval to erect a three-story 65-70 room hotel at property located at 3260 Chili Avenue in G.B. zone.

Jerry Goldman, Kip Finley, Daryl Martin and Jet Mehta were present to represent the application.

MR. GOLDMAN: Good evening. Good evening, Mr. Chairman, members of the Board. My name is Jerry Goldman. I'm the attorney and agent for Indus Real Estate, LLC and Indus Industries who are proposing a Microtel Motel at 3260 Chili Avenue. With me on the application this evening are Kip Finley from Avery Engineers, who is the Project Engineer, Daryl Martin is here, who is the project architect, as well as Jet Mehta, who is the President of Indus Industries. Each of those individuals will be available to answer questions that the Board may have, and through the Board, questions that the public may have relative to the application.

We did submit to the Board earlier this evening a letter of intent which basically outlines the legal standards that are involved with regard to the application. What we're going to do this evening is essentially track through that letter in a more abbreviated form and to walk through and explain the project, explain what the proposal is, and go through the legal standards which are applicable to the Board's consideration of the application.

As the Chair pointed out, we're here tonight for preliminary application on conditional use permit, site plan approval and subdivision approval for this site. Also, as part of the site plan, we're looking for the Planning Board's relief and view on parking space sizes, which is also a part of site plan process. And we'll talk about that a little later. The site, as we indicated, is located on the north side of Chili Avenue, and I will use the laser pointer and hopefully my hand is steady enough to go. And depicted on the site plans that are on the board here.

It is adjacent to or, excuse me, in the rear of the existing Valvoline and Bank of Castile, and it is accessed by a drive -- by a drive which would be part of the overall lot, which is a 30-foot right-of-way, as it -- as it is depicted on the site.

The site itself has some very interesting characteristics that we have with regard to access. In addition to the front accesses shown off of Chili Avenue, there is also access to the Chili Paul Plaza which is located to the east, which is depicted on the plan.

In addition, there is pedestrian access which is around the hotel itself, and in addition, at the suggestion of, I believe, the Planning Board and a number of other Boards, there is pedestrian access by way of a sidewalk which comes from Chili Avenue. There is also pedestrian access that traverses the site going to the plaza to the east itself. The site is 1.97 acres. Um, the site is zoned General -- General Commercial, General Business, in the GB district.

With regard to the site and the site itself, there have been some questions, and we did review, although we were not present for earlier concept reviews, about the size of this site relative to other -- other similar type uses. This is a 1.97 acre site, approximately the mid range of sites of this nature. Some are as small as 1.4 acres. Some are a little bit over 2 acres, but this is the approximate size of the site, which you would typically find this type of hotel on.

The proposed development is a Microtel Hotel, and I would like to point out, when we talk about the General Business District, um, hotels and motels are listed as conditional uses. But you will note in the code, there is no definition of what motels and hotels are. This is a carry-over definition from many years ago, when the code was established. At the time the code was established, we didn't have this type of hotel product. It really didn't exist. It's what is referred to as a business travel or select service hotel. It's now pretty predominant. It's similar in many areas to a Holiday Inn Express, similar to a Fairfield Inn and Suites. Other similar types of uses that we see elsewhere.

So to the extent that it is listed as a special permit, I would like to point out that at the time that the code was developed, we really didn't have that kind of product, and who knows, it may very well have been a permitted use, if, in fact, it was known and been in place at that time.

The developer is of note, also. Indus Industries has done a number of these Microtels and Microtel sites, and, in fact, very early on in the process there was a letter which was sent to Chris Karelus. I don't know whether that made it into your packets, from the President, and Chief Operating Officer of Microtel -- commending -- commending this site, and -- and just, given by way of background that Indus Development is an award-winning owner, operator of Microtel Hotels and that Jet Mehta, who is here tonight, is an active member of the Advisory Council and one of the premiere operators. So we're not talking about a fly-by-night operation by any means. We're talking about a developer that has done a number of these.

In the Rochester area, this developer has done the Victor -- a Victor location. For those that are close to -- have gone to the Henrietta location, that is not one of Indus Industries' locations. So just by way of perspective, if, in fact, you're going out to review other sites.

The Microtel itself is proposed to be 67 guest rooms. It does, as you can tell by the pictures, and I know these were submitted to the Board previously.

A continental breakfast room, business center, fitness center, a reception area and other amenities. It does not have a full scale restaurant. It does not have a conference or banquet center. So in terms of the intensity of use, it is essentially limited to hotel operation itself. The front desk is staffed at all times. Key card security does provide access to the guest rooms after hours. Rooms -- and we'll talk a little bit about the operation. Rooms are on a per diem basis. There -- they're rented by the day. Um, and -- and in some cases, multiple days as people need them. It is a type of use which is designed for business travellers.

Also designed for people who may be visiting Roberts Wesleyan. They did provide a letter, Roberts Wesleyan did, saying they're in favor of this use, at this location.

It's also very convenient for people with families who want to come into the -- come into the area.

Councilman Schulmerich arrived.

MR. GOLDMAN: The building, landscape and related improvements are attractive and plentiful on the site. The site really does coordinate with the rest of the uses around it. Typically these hotels go adjacent to shopping centers and shopping areas, because they provide the amenities that the hotel itself doesn't. For example, full service restaurants, right near the Acropolis, right across the way. Pedestrian/vehicular cross-access is there, and it's designed to generate support for local businesses. The concept plan on this was presented to the Planning Board in April, and at that time, there was a tabling letter which came out on April 10th. That letter identified eight items which the Board wanted to have explored, and defined them as major topics.

One, dealing with landscape buffering neighborhood residences. And I will point out, that what we have done is that we have, in fact, accomplished the goal which was set for us in terms of providing a 50-foot landscape buffer along our west property area. In addition to that, the landscaping has been reviewed by the Conservation Board. The landscaping which is provided is 1 1/2 times that which is the standard by code. Standard by code is one percent of the project cost. Landscaping provided is 1 1/2 percent. Conservation Board has reviewed and approved the landscaping.

Second comment was the Fire Marshal analysis of all emergency access points. In fact, that was accomplished very early on in April, soon after the meeting, and there is a letter in the file to that effect.

Third was SHPO approval of any site disturbance. For benefit of the public, that is State Historic Preservation. In fact, we have received a letter from the State agency which reviews for archeological significance saying that there is no significance in the area.

Traffic impact statement has been provided as requested. This matter has been reviewed by the Traffic Advisory Committee and Traffic Advisory Committee has passed on this, as well. There is a request for sidewalk access to Chili Avenue. As I said, that has been provided in the site plan.

Architectural design, we have provided these photos to the Board as part of the application package, and also with regard to -- with regard to the site, um, we have provided building materials which we can talk a little bit about later, but, of course, the best picture is the photograph, and that's what is shown on the board.

In addition, there was a request for market analysis. Market analysis was provided to Chris Karelus on the site recently.

Um, drainage and engineering issues have been reviewed by the Town Engineer. And we have received a letter from the Town Engineer essentially stating that the major issues have all been addressed, and we'll go through all of that as we go along.

It's been a long six months. It's been a lot of work that has been done relative to the site.

One ancillary comment not on the list, but we did point out about the operation, we had some questions with regard to the generation of police calls and the like. We did go and contact the Ontario County Sheriff because they're the jurisdictional body that deals with the Victor location that we're familiar with. Over a two-and-a-half-year period from January 1, 2006, to the middle of 2008, there were a total of 13 police calls in that two-and-a-half-year period to the site. Nine of them dealt with fender-benders, a couple dealt with lock-outs and none of them dealt with any of the vice issues that may have been mentioned in any prior meetings. So to that extent, and -- and I believe that information has been provided to the Town. If not, we can provide that.

As we stated, we have been to a number of advisory boards. Conservation Board has completed their review. Architectural review has completed their review. Traffic and Safety has completed their review. Drainage has completed their review. Town Engineer and Fire Marshal have done the same. Um, they're nominal or minimal comments in County Planning, as well.

With regard to the overall site and the application, um, there are area variances which have been requested. One dealt with height. Height variance was granted by the Zoning Board of Appeals at their meeting in May. There was some question. When we first came in, by the way, I should point out, the initial design of the site had the building in an east/west fashion, and there was some -- there was some concern about proximity to the neighbors to the west.

There was a recommendation that there be consideration of putting the building in the north/south direction. We have taken that advice and reconfigured it. It did allow us to put in our 50-foot buffer as shown. In addition to that, it does provide a better layout and circulation on the overall site. That being the case, that change was made in April, after your meeting, but before the Zoning Board considered the variance for height.

Zoning Board granted a variance for height on the site, but deferred on the other area variances, as is typical. As I understand, we have an agreement in place between the Planning Board and the Zoning Board to have general area variances go in to the Zoning Board only after preliminary is considered by this Board.

But I would like to point out what those variances are.

There is a variance to allow for three parking spaces in the front yard, in front of the building. They're depicted I think -- two on the left, I believe, and one on the right.

He has a variance plan down there. He is showing them right there (indicating). I don't use the laser pointer because I don't want to cause mortal harm to him, so I will put that away. Those are the two variances there.

In addition, we have a variance to allow more than ten contiguous parking spaces in the

parking field. That is generally designed -- break up of the parking field is generally designed for aesthetic views, especially from the street. We don't have any considerations there and we'll certainly go through that with the Zoning Board, but that is our proposal for the site.

Third is to allow a front setback of 53.7 feet, and there are a number of ways to calculate the front setback. Obviously our frontage is on Chili Avenue, but advice from Town staff was that they were calculating setback not from Chili Avenue, but from the front lot line closest to the site. So to that extent, there is a need for a variance, even though we're -- it looks to be probably in excess of 200 feet away from Chili Avenue.

300 is in excess of the 200.

And variance to allow a lot width of 30-foot frontage on Chili Avenue as depicted. That ties into subdivision.

Let me just talk a little bit about the subdivision and the lots and easements that go along with the site. The lot which is being subdivided is shown as follows: Goes around, goes around the outside. Kip (Finley), maybe you can depict it a little better as to where the subdivision lines are.

Bank of Castile already is its own separated subdivided lot. Lot 2 of that subdivision is on the left side of the access drive. What is being proposed is to take the Valvoline parcel, leave that out as a separate parcel and the remainder, which is the 30 feet of access in the front, as well as the entire rear of the property, would constitute -- I believe it's RA2B is the lot number that is attached for that. In addition to that, there are a number of areas which are under control of this development by easement, and by agreement.

One of them is a 10 foot area right in the front of the site to accommodate utilities. The combination of the 10 feet of the easement as well as the 30 feet of the -- of the actual feet itself does provide the full 40 feet which the code would look for and the code would -- would call out for frontage on a lot.

In addition, there is an area provided for drainage on the southwest corner of the site, as depicted, as Kip (Finley) just depicted. There is also a landscape arch on the far eastern end of the site. And an access easement which accesses to the plaza next door. So while the site itself comprises 1.97 acres, the combination of all of the areas which are fee and ownership on this -- well, exceed 3 acres in size.

I would like to just walk through what the legal standards are for the applications we have here this evening.

First application we deal with is a conditional use permit. In the GB district, hotels and motels are called out as a conditional use permit. Our code has basically two standards which applies and which the Board has to take a look at for conditional use permits.

One is that the Planning Board shall find the request in harmony with the general purpose and intent of the chapter, which is the code, taking into account location and size of the use, nature and intensity of the operations, and the size of the site with respect to the streets giving access thereto. We believe, as set forth in our letter, that we comply with all of those standards. To the extent that we are within the commercial corridor, we do provide a use which is complimentary to the uses which are there already, and we -- and in essence, the site is appropriate for the use as opposed essentially to other uses which could go there as permitted uses.

Let's remember we're in a GB District. And in a GB District you are allowed to have grocery stores, restaurants, places of public assemblies, video arcade. There is no specific call out of hours of operation or intensity or anything of that sort, so the GB District itself could have a lot of things. Now, obviously it would be considered by the Planning Board as part of site plan approval and you would take into account a lot of those factors, but there are many uses which would have far more noise attached to it, potentially smell attached to it, other potential impacts which this type of use would not have.

And the second standard is that in order to grant any conditional use, the Planning Board should find that the use will not be detrimental to the health, safety and general welfare of people residing or working in the neighborhood, or detrimental or injurious to the property or improvements of the neighborhood or the general welfare of the Town. Again, a pretty general standard to take a look at, but the nature and the type of use itself, and its location, with its access, its coordination with other uses, we believe is not going to have any impact as we deal with.

Again, remembering that the height issue itself is one which was addressed initially by the Zoning Board of Appeals. We should point out with regard to that, and let me do that, because we have -- we have a drawing here, which was also provided recently to the Board and staff, which shows some perspective drawings which were done from three of the residences adjacent to the west.

And basically, these three are in reverse order of the three lots which are shown here.

But basically what it shows is that at least two of the lots at this time are screened by existing vegetation and by the supplementation of the vegetation which is going to occur.

We'll be well-screened at full growth of the vegetation. In addition, there is one which has less vegetation right now covering it, and that one in particular we're also seeing that upon full growth of the vegetation, there would be a solid screen dealing with that, as well. When you deal with the view shed of the commercial properties, we believe that this -- because of the distance that is involved and everything else, it won't have a deleterious impact.

One thing to remember on conditional uses, as well, is that conditional uses are essentially permitted uses to the extent that they -- there is a legislative finding that the use is generally in



harmony, but we have to take a look at those specific standards. If we meet those specific standards, which again are general in nature, um, we have met, excuse me, our burden in dealing with the conditional use permit approval.

Next set of approvals that we deal with are site plan approval. And site plan approval has a number of considerations, many of which were addressed by Town staff and committee of review.

Primary and first one is adequacy and arrangement of vehicular traffic and circulation. That is shown on the site. An issue which has come up and which I talked to my client about is the question with regard to truck traffic and whether there would be truck traffic which would be connected with this particular use.

I will address that in two ways. One, generally we talk about what the demand would be for truck traffic. Typically if you're located near a highway, if you're located near a Thruway, as the one in Victor is, as the one that we don't control in Henrietta is, you're more likely to see truck traffic. For the most part, truck drivers who are driving trucks do not pay or want to pay hotel rates, so they have a tendency to sleep in their cabs or make other arrangements with regard to the use.

But to provide further assurance to the Board, a condition which the applicant is willing to accept would be one where we would say that we will post this for no truck traffic or no truck parking on the site. It's not our market. It's not what we're looking for.

So to that extent, it's not particularly relevant to us at this particular site.

With regard to pedestrian traffic circulations, as we indicated, there is a full circulation pattern which is set forth. With regard to location, arrangement, appearance of, sufficiency of off-street parking, we do meet code. We have land-banked three parking spaces, I think it is three -- four? Three or four spaces along the rear of the site. We do not believe that they're necessary for us. They're essentially in line, if you will, with the existing parking space, but we wanted to enhance the green space involved, and the spaces which are depicted are sufficient for our use.

Next standard is location, arrangement, size and designs of buildings, lighting and signs. In terms of the design of the building, you have the architectural elements there. It has been reviewed by the Architectural Review Committee.

With regard to lighting, lighting is contained on site. There is no light spill which will go off of the site.

With regard to signage, one variance I didn't talk about, unfortunately, is the fact that it -- what is proposed was a free-standing sign which is located essentially halfway up the driveway, past the Valvoline site, to provide for direction. Remember, now that we have our building turned sideways, we do not have identification on the side of the building. We have an elevation if we put it up that shows the sign, but that is not going to be part of our application package unless -- and part of the discussion is thought that that may be a valuable alternative to having a free-standing sign, but we want people to have an idea once they're in the site. There will be a sign panel on the Valvoline free-standing sign, but the site itself is to make sure that people don't go in a wayward direction. You got to remember when we talk about hotels, these are people who are generally not familiar with the landscape and exactly where they're going. They may be going for a Microtel, they know it is somewhere in the area, but they perhaps need a little more direction in terms of exactly where that is. Our primary wall sign is to be located on the east elevation, which is on that side (indicating), and would identify the building.

The next standard for site plan is the relationship of the variance uses to one another and their scale. This building is certainly smaller than the Chili Paul Plaza in the area. I think it's consistent with the building and overall development in this block.

The next standard is the adequacy, type and arrangement of the tree, shrubs and other landscaping constituting a visual or noise deterring buffer between adjacent uses and adjoining lands. Again, this is a very, very intense landscaping plan which is being proposed. Obviously you can't tell at a distance, as part of the application package, it's been thoroughly reviewed by the Conservation Board as part of their review.

Next standard is the adequacy of storm water and sanitary waste disposal. Those issues have been reviewed by the Town Engineer and I believe have been addressed to their satisfaction. In addition, the Drainage Committee has also reviewed this, and I believe that the application was satisfactory to the Drainage Committee, as well.

Last deals with structure, roadways and landscaping dealing with flooding, ponding and erosion, again, are purely an engineering issue that we think has been addressed.

With regard to subdivision approval, there have very few standards that truly tie into subdivision approval. Subdivision approval talks about the land being buildable and free of hazard. Clearly we have that. Natural, historic features should be preserved and, again, we have our letter from the State dealing with the natural and historic features. And in addition, there is language dealing with conforming with the Town Master Plan, and again, we are a commercial use within the commercial district, and we meet the other requirements. Planning Board also is to take a look at all of the other standards in the code, and basically that kind of ties in with the site plan and every other aspect of the application.

One item of relief we are asking for in conjunction with the code itself, is the size of parking spaces.

As you know, the code talks about 9 1/2 by 19 foot parking spaces, and does allow for relief. In most commercial ventures we have, including those that have been recently reviewed and approved by this Board, there are a lot of 9 by 18 spaces there. We're proposing a mix of 9

foot by 18 foot spaces and 9 foot by 19, 19 foot spaces on the site itself.

So with that, we're asking relief to allow for parking spaces of a consistent size with that which has been approved as part of the site and part of other sites developed commercially in Town.

What I would like to do at this point, with the Board's indulgence is to perhaps stop our presentation at this point. I know there are a lot of members of the public hearing. The Board is likely to have a lot of questions. We can fill in other aspects as part of questions and answers. What we would request generally is when we get down to the public aspect of comment, that we be allowed to take notes and respond at the end of the overall comment period, so we're not dealing with redundant comments and right to give a coherent response to the overall comments that are received.

So with that, unless anyone on our team volunteers to come up here -- I don't see any volunteers, so we'll stop at this point.

JAMES MARTIN: Thank you, Jerry (Goldman). I will open up with a couple of comments. First of all, the marketing study that we requested in April, I think we got that about two days ago, which really hasn't allowed us an adequate amount of time to evaluate this particular market study. I have quickly read through the executive summary portion that was supplied to us that, in essence, attempts to justify the project, but obviously I have not had a chance to go into any of the detail what was supplied in this particular study. That gives me some cause for concern, that we just have not had an adequate amount of time to digest, which was a relatively thick document, but I think was perhaps meted out with a lot of boilerplate, so to speak.

MR. GOLDMAN: Yep. There is a lot of appendices and the content -- I do acknowledge that was recently received by the Board. I know you have a lot of material to review, and the Board needs to be able to digest all that material before reaching their conclusions on the application.

Let me just speak to marketing generally and say that because of the dearth of existing hotel space in the Chili area and our general region on the west side, while we have submitted a market study relative to it, I almost think the market more or less speaks for itself in terms of the support of Roberts Wesleyan College, in terms of just being able to provide a relatively convenient place for people who have family visiting be able to stay and not have to find their way through Henrietta to Chili.

JAMES MARTIN: That is one issue I have at this point. You commented on the fact that truck traffic was going to be minimal at best. And you were going to put up some sort of a sign that says, "no trucks permitted." I don't know -- you know, that is a fairly generic sign as to the size and configuration of trucks. I have traveled enough around the country to know that you pull into a hotel, a Quality Inn or Best Western, whatever it is, invariably there is two or three U-Hauls in the parking lot with trailers behind them and with cars on the trailer, okay? That is a fairly common thing that I have seen in my travels.

So, again, I don't know the specifics of what you're talking about here. I have no idea how it is going to be enforced because certainly the Town of Chili is not going to enforce it, and unless there is a break-in or some -- I will say criminal activity, the Sheriff's Department is not going to enforce that rule. So I am having a problem understanding how a little sign that says "no truck parking" is going to be enforced and how you -- how the hotel itself is not going to allow a U-haul car trailer behind it to come in because the people want to stay overnight before they commence their journey the next day. So I'm having trouble with that.

MR. GOLDMAN: And if you want me to address that, I can, or try to address it, and --

JAMES MARTIN: If you want to summarize it later on, that's fine.

MR. GOLDMAN: That's fine.

JAMES MARTIN: You can address it now.

MR. GOLDMAN: That's fine. Let me try to address it now. In terms of that truck traffic, I thought a concern that was expressed dealt with over-the-road truckers and the like. With regard to control and maintenance of the parking lot, as I stated early in the presentation, there is always staff which is on site relative to that. Generally in most hotels I know, they do collect information from individuals as they come in. I don't know if we had complicated restrictions on any U-Haul, U-Haul trailers or anything of that sort. Generally speaking, the parking fields are sufficient. We can review. We can review and take a look at that, so...

JAMES MARTIN: My concern is that if you get some of those, I will call them oversized vehicles in there to haul the car trailer, my concern is emergency vehicle access being impeded by a vehicle parked in some spot that could conceivably cause a significant safety issue. So that is another concern I have.

JOHN NOWICKI: Can I just add a little something to that information?

JAMES MARTIN: Be my guest.

JOHN NOWICKI: Your next-door neighbor is a plaza, and noticeably over the years, we have been seeing increased amount of truck traffic in this town, and, unfortunately, they're not getting any solid recommendations to solve some of our road problems here. And my concern is truck tractor-trailers, pulling in the plaza, parking there and walking over to this hotel and staying overnight. What control do you have over the plaza to prevent them from having tractor-trailers in their parking lot overnight?

MR. GOLDMAN: We can provide probably some general market data with regard to how many truckers we typically would see, even at a location which is near a Thruway. What you have got is generally the price point of these hotels is higher than any of those people would like

to pay. They're more likely to park their trucks if they are there and stay in their cabs overnight. That is relatively typical for truckers. They're not hotel people for the most part.

JAMES MARTIN: Next issue I have got, the freestanding pylon sign. Your justification is people need directions to get back to the hotel. I'm having trouble with that. If this thing ever gets built, I can't imagine they can't see it going down the short driveway past the Valvoline and the bank.

MR. GOLDMAN: I expect to hear more chuckles in the back, but the real issue you have, is because of the fact that the building is turned and because there is no signage which is on the building itself, it is just one of the other buildings and they may not know necessarily it is that building. If you think -- if you think an on-building sign --

JAMES MARTIN: They would have to have a pretty low IQ not to know that.

MR. GOLDMAN: Well, I believe personally, and some people agree and some people don't, that a lot of signage is not necessarily advertising. Certainly if you're on the site, it is not advertising, it is more directional in nature, and if there are alternatives, certainly we'll consider it. But I don't necessarily think that we want to have people who may be arriving at night to go to a hotel going to have to come into a site and then try to guess exactly where they're going. You want to give them some better direction than that.

JAMES MARTIN: The bank is dark, the Valvoline is dark. I'm still having problems with that.

MR. GOLDMAN: I understand.

JAMES MARTIN: You know, maybe a directional sign, something low to the ground, not something standing way up in the air, lit, which is to me -- I don't think it is necessary.

MR. GOLDMAN: Okay.

JAMES MARTIN: A couple things. Your request for some variances around the parking, sizes of the parking space size. After consultation with Counsel here, we have determined really that the Planning Board does not have the authority to grant that. That is a variance that should be addressed by the Zoning Board of Appeals.

MR. GOLDMAN: Okay. That's -- is that brand new, or is that relatively new?

JAMES MARTIN: I can defer to Mr. O'Toole. We have discussed that issue, and we have come to that conclusion; is that correct?

KEITH O'TOOLE: That's my read on the law.

MR. GOLDMAN: And I -- I guess I -- I can get the answer to my question a little bit later, I guess.

JAMES MARTIN: As to the buffering issue, along the west side of the property, you have provided some site elevation plans that are wonderful 10 to 15 years down the road.

They don't address the issues that I think we discussed previously with this applicant that we felt we wanted immediate, four seasonal screening, adequate screening so that, you know, there is no site pollution for those neighbors on Shrubbery. The berm and the trees as planted helps, but when you get to the second story, those houses, until those trees are 15 years old, you are not going to have adequate screening, so that is another concern I have.

All right. I have exhausted my concerns at this point. We'll go to Karen (Cox).

KAREN COX: Thanks, Jim (Martin).

You used up two of mine.

MR. GOLDMAN: That's the Chair's prerogative, to go first.

KAREN COX: He's the best.

I just want to go on the record saying just from -- from my feeling, I have no problem with the brand of this hotel. I think that the information that you provided us regarding who owns the one in Henrietta and who owns the one in Victor is very helpful, because there is a distinct difference in the way they look. I have stayed in Microtels when I have been a traveling sports parent and I found them to be satisfactory for that use.

But beyond that, um, you know, I agree with Jim (Martin) on his concern about the screening and the fact that it will take a number of years for the trees on the west side to grow large enough to screen the houses. It is probably, 10, 15 years. I agree with that, the use of the -- or this building is in conformance with some of the surrounding area, but not all of it, because two sides of this site are bordered by residential neighborhood. And it's a very large building to be put in a small site, in that intensity.

Also, there is a number of variances that you're going -- that you're requesting. Taking each one separately, those are minor variances. Taking them as a whole adds up to a lot of things that would need a variance. So I am concerned about that.

I'm done.

JOHN HELLABY: Lu Engineers' letter dated May 29th, 2008, Item 1 states that a proposed shed and dumpster -- it was his feeling that the proposed shed and dumpster was within the setback area, and Avery Engineering's letter of August 15th, 2009, which I know is a typo, Item Number 1 simply states they are outside of the required setbacks and require no variance. Um, the unfortunate part of it is there is -- there aren't any dimensions on the drawing that indicate the exact location of those, and I question the fact that -- if they are still within that setback area, so I would suggest that that be addressed.

During these conversations, I have never really heard the percentage of lot coverage. Do you know that offhand?

MR. FINLEY: Not on the drawings that are here.

MR. GOLDMAN: I don't know. It was called out on the plan. We'll provide that.

JOHN HELLABY: Lu Engineer's letter dated May 29th, 2008, Item 10 requests a letter

from the property owner and approval from the Fire Marshal to relocate the hydrant from the Valvoline be secured, and I haven't seen either one of those.

MR. FINLEY: We have met with the Fire Marshal.

JOHN HELLABY: I will clearly state they have requested a letter and I haven't seen either one of them.

MR. FINLEY: I was pretty sure I have seen a letter floating around from the Fire Marshal approving of the site plan the way we have it.

JOHN HELLABY: Well, the one from the property owner, Valvoline, or whoever else is involved.

MR. FINLEY: In that particular case, the easement for Valvoline has been negotiated and I'm pretty sure the easement includes the verbiage on all of the things that are happening on that property.

MR. GOLDMAN: We will provide that documentation. We'll provide that documentation. Just to note on the Lu comments, their October 19th letter says all previous engineer's comments have been addressed. Now I understand you may want to see the documentation that goes along with that, and that's fine. That's fine.

JOHN HELLABY: We did talk about the tractor-trailers and how you're going to police it. Lu Engineer's letter dated July 11th, Item 1, um, basically stated, and -- and again, it goes back to the -- to the screening. I just wanted to expand on it. It said in order to insure adequate screening of the residential areas adjacent to the proposed project, a 50-foot open space should be provided along the west adjacent property line and the existing residential district. I guess I question the fact how was it accomplished on the west line, but not accomplished on the north line.

MR. FINLEY: I will stay up here, I think. In that particular case, we did meet with the Conservation Board in depth. They have told us they put the most time they have ever put on a project on this one. What they did is prioritize the different views. To the west, there are direct views.

To the north is the depths of a backyard and woods. They felt if we're going to spend 1 1/2 times the percent of the landscaping money, they would rather see it mostly on the west side, and then the Planning Board or staff through DRC had wanted some between the building and the plaza. So as far as the 50-foot buffer on the north side, we went through that and there is really nothing to buffer it. So that is how it came around, and then the Conservation Board did agree that was the best approach and stamped the drawing.

JOHN HELLABY: All right. We spoke with regard to the variances. Market studies. Jim (Martin) got his two days ago. I got mine tonight.

Back during the original meeting, I know during some of the discussions I asked if there was a possibility of getting computer-generated photos of some sort, say from Chili Avenue out in front of Valvoline and the plaza and possibly from Shrubbery Lane or something. I was assured at that time it was possible. I have never seen anything even closely resembling that. I guess I will reserve the rest of my comments until I hear what the public has to say.

JAMES MARTIN: I believe the code says 30 percent coverage, Kip (Finley). In a GB District, correct?

JOHN HELLABY: Correct. That is what is called for, but...

MR. FINLEY: I'm sure we're in compliance.

For lot coverage, building coverage, just looking at it, we're probably at about 25 percent. I'm sure we checked it. I don't have it on the drawing to know the exact amount. I'm sure it complies or we would be asking for a variance for it.

MR. GOLDMAN: We'll review it. We'll review it and put it on the plan as part of the site data.

JOHN NOWICKI: First, I would like to start by agreeing with Karen Cox in regards to Indus Real Estate being a very good company, about background and they certainly have shown that over the years.

The other thing I want to make a statement about is the very hard work that the applicant's engineers and lawyers have put into this project, and we certainly have tons of paper that we have been going through over the few months here we have been working on this project.

The other thing I would like to really compliment the people in our community who have sent in letters to the Board and members of this Board and they have put a lot of time and energy into these letters. They're very well done, and they're letters for and against. But they're extremely important to members of this Board to try to make a decision.

Again, I'm -- I want to hear from the public on this, but also most of the literature that I have received that I was hoping that -- one of my original statements was ten pounds in a five-pound bag, and I was hoping after I had seen this picture come through, that we would get -- this was going to get it down to about six or seven pounds in a five-pound bag, but I haven't seen that hold up.

It is a three-story building, as far as I know. And so my feeling at this point in time, based on the information that we have already discussed, and I'm waiting for the public on this, is that I'm still looking at a fairly sizable amount of poundage in a five-pound bag.

GEORGE BRINKWART: Jerry (Goldman), thank you for your presentation.

Actually, I had a couple of questions I wanted to run by Kip (Finley). I know you have addressed some of the engineering comments, but just for my own curiosity, the storm water detention pond that uses the existing infrastructure for your run-off, have you met with Dave Lindsay, gone over to review the condition of that existing infrastructure?

MR. FINLEY: I will repeat. The existing infrastructure, which is really two runs of pipe and two catch basins, is only a few years old, and we have looked at them. They're still in good condition.

As far as the existing storm water basin, we have modified it some to meet the new federal standards so that when it is done, it will be fully compliant. We have also -- there is a question that comes up, is part of the negotiation of easements with Valvoline is that we're having easements put over the whole drainage system, and all of the signs and some of the other things that hadn't been in place before.

GEORGE BRINKWART: The other thing I wanted to ask you, too, and I think it kind of goes back to some earlier comments, and I don't want to belabor that, but I didn't notice anywhere the square footage of the footprint of the building. It will probably tie into your lot coverage calculation. I was looking for that.

MR. FINLEY: I don't know that off the top of my head. The total square footage would be, of course, three times whatever the footprint is.

Jet (Mehta), do you know the square footage of the typical 67-room?

MR. MEHTA: I think it is around 30,000 square feet. 10,000 a --

JAMES MARTIN: I think I read somewhere in my stack of papers it was 33 by 100 and 70, if I remember correctly.

MR. FINLEY: Sounds about right.

JAMES MARTIN: I read that somewhere, and I can't find it right now, but that is what I remember reading. I think it was around 33,000 square feet, if I remember my calculation.

MR. FINLEY: I think that is probably engineering narrative and on the site plan, not one of the sheets hanging, but we have a table with the lot coverage on it. I just don't remember what it is, and it is not one of those plans that is up there.

GEORGE BRINKWART: My other question, and I don't know if you can answer this, Kip (Finley), it is probably reflected in that market study, but just for my own curiosity, when do you anticipate or when do you expect the peak arrivals and departures for people coming into the motel?

MR. MEHTA: My name is Jet Mehta. I'm project developer. Um, the typical peak hours in the hotel are between the 7:00 a.m. and 8:00 a.m. hour. It's when the continental breakfast is being served in the lobby and most of the checkouts are happening. Typically check-ins happen between 5 and 6:00, if I had to pin down a peak hour.

GEORGE BRINKWART: That's all I have for right now.

MR. MEHTA: I guess while I'm here, I want to take a moment to echo John (Nowicki)'s comments. I really appreciate the time and energy this Board has put into working with us over the past six months, members of the Building Department, Chris Karelus, I appreciate all of the efforts and energy and look forward to continuing to work on it.

DARIO MARCHIONI: I don't have any questions.

KAREN COX: I guess I would -- thinking back on your comment about the pylon sign, I have been in other -- you know, as a traveling sports parent, I have been in other cities where I'm not familiar with where things are, and sites, not exactly like this, but where the hotel is off the beaten path, and they have used in other localities smaller signs, kind of like you would see as an exit or entrance sign at a shopping plaza, tasteful, small, by the -- near the right-of-way, at the main road that has the hotel's name on it, and a directional arrow, and that's been satisfactory to find the hotel rather than a 20-foot high sign in the middle of an area like this.

MR. FINLEY: Okay.

JOHN NOWICKI: Just one other item. I wanted to show you this picture before. It was in conjunction with a letter that we got from the Architectural Review Committee back on May 27th, 2008, and the last statement, Number 10, is that, "This Committee is of the opinion that the building's height is out of character with the surrounding landscape."

So they did have a strong comment to be made. I just wanted to add that to the record.

JAMES MARTIN: Also regarding the architectural situation, I believe I have a drawing that was submitted that the brick elements will be -- will -- would be extended, all right, vertically, and that the vinyl would essentially be gone; is that correct?

MR. DARYL MARTIN: The -- Daryl Martin, architect. The brick has been extended in certain areas to create certain masses, developments.

JAMES MARTIN: That was part --

MR. DARYL MARTIN: But it wasn't that all of the vinyl is gone.

JAMES MARTIN: That was part of the architectural review process. Thank you.

RICHARD SHICKLER: As far as the landscaping goes, we have spent a lot of time with a licensed landscape architect, the Conservation Board, and the first plan was rejected because of fast-growing trees like Poplar trees and so forth, and Forsythia that in time will -- three or four years will grow over and kill itself over, die out.

So we tried to go with a better quality of trees, and in the beginning plan, we had like 20, 25 pines of different sizes. We had Bosnian Pines, Norway Spruce, White Spruce. We're up to over 53 pines just for the wintertime. And through the summer, we'll have flowering crabs, flowering cherries and all kind of colors for flowers there, and in the fall, we'll have fall foliage in some of the plants.

As far as the berm goes, um, the trees probably grow maybe a foot, foot and a half. Norways. Once they get going, maybe three feet a year type of thing. They won't have cover right off the bat, but we tried to get something that would grow uniform and down the road be better and nicer in condition.

We're also looking -- I don't think we discussed this, but we would like to see a professional landscape company with a maintenance plan or a maintenance plan that can be used for herbicides, pesticides and pruning. Quality pruning as to maintain and have a good growing of that landscaping, because it's going to need it. There is an awful lot of material in there.

And my other question was, I believe we crossed it, but the -- there is a lot of boulders going into that retaining pond and that area, there is not much room for snow storage, so I just wanted to make sure that that area -- going into that water area is left open so that a plow can push the snow out of there, because you will get drifting from the prevailing western winds.

PAUL WANZENREID: Kip (Finley), was there signage on the building facing the south? Can you answer that, Daryl (Martin)?

It's my recollection that you had the moniker on the south-facing side of the building.

MR. DARYL MARTIN: We did, but I don't think they will apply for it. They're going to apply for the one on the east.

PAUL WANZENREID: Will you do the pylon in lieu of that?

MR. DARYL MARTIN: I think that was something that -- that was brought up.

PAUL WANZENREID: You will also do one out on the Valvoline, as well?

MR. DARYL MARTIN: The sign on the south would be eliminated. We wouldn't even try to apply for that one if the pylon sign was approved. If the pylon -- if this is a better option than the pylon sign, I thought that was brought up by the -- by Jerry (Goldman). What was there is night lighting on the building itself in conjunction with lighting of the parking lot?

MR. FINLEY: Yes. The building does have wall packs at the bottom that wash the face of the building, so that it is lit up a little bit on the front sides, and then there is the lighting in the parking lot. The parking lot lights around the back are really short poles. I think they're 10 or 12 feet. The parking lot on the side facing the plaza are taller poles, so that it is more appropriate on the plaza side.

Just to clarify what I saw on the last-minute e-mails and conversations is that Microtel does want to have some exposure to the main driveway. We have exposure with signage facing east, which you will be able to see from a ways down from Chili Avenue, around the liquor store. They're really -- other than a 6 by 6, which ends up acutally being a 5 by 5 panel that says Microtel on the Valvoline pylon, when you pull in the driveway, we have to have something, whether it be on the end of the building, or a pylon halfway back, or what Karen (Cox) said about some smaller directional signs. We have to have something, but if we get the pylon, we won't need a sign on the building. If we don't get the pylon, we would want to apply then to put a sign on the end of the building, so there is something when you come in the driveway. Is that true? Team?

MR. DARYL MARTIN: Yes.

PAUL WANZENREID: And the setback -- not the setback. But the dumpster and the utility shed enclosure is still as one combined with like materials?

MR. FINLEY: Yes. That was a comment -- now I'm not even remembering which Board it came from.

MR. DARYL MARTIN: Architectural Review.

MR. FINLEY: Okay.

MR. DARYL MARTIN: That was part of the drawing package. If you want, we can show -- but, yes, they would be of like materials and same colors.

PAUL WANZENREID: Just make sure that is the way I last saw it and it is still part --

MR. DARYL MARTIN: Yes.

PAUL WANZENREID: Thank you.

FRED TROTT: I had a question. Would you consider marking the sidewalk going across the parking lot?

MR. FINLEY: As far as striping? Yes.

FRED TROTT: We met with the members at our August meeting, and we were satisfied with their comments in the way the building is laid out.

MR. FINLEY: So you are asking just to clarify cross marks, pavement markings for crosswalks?

FRED TROTT: Yes. I notice it is not marked here at all, going across the parking lot. Seeing it is in the middle of the parking lot, maybe something either striped white or something.

MR. FINLEY: We didn't do that generally because it is just such a low volume of traffic, but that's not an unreasonable request.

JAMES MARTIN: I would request in the interest of everybody who is present here, try to keep your comments as brief as possible, to the point. If somebody has already covered a pertinent point that you wanted to address, you still have the right to get up and talk about it, but if the point has been adequately made to the Board, you know, you may defer from getting up and making the same point to the Board.

So at this point in time, I will open it up to public comment.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JEROD CASE, 23 Shrubbery Lane

MR. CASE: I live at 23 Shrubbery, so I represent the -- the views that you haven't heard yet. Can I use the projector?

JAMES MARTIN: It's not functioning tonight. I'm sorry.

MR. CASE: All right. Mr. Hellaby, you asked about pictures from Shrubbery Lane, and I



actually have provided some. You can look at these individually if you want. The public won't be able to see them, but I can provide them to you.

I have a picture of the side yard with the trees going down the north side of the property. That shows the existing fence at the end of 25 Shrubbery Lane, as well as the five trees that were originally listed as being saved on the line between my property and the hotel property.

In the new plan, with the extended fence, those last two trees will be eliminated, and the fence will go right up to that third tree.

As you can see, the foliage on those trees, they're -- first, it doesn't start until about six feet up, so everything underneath that is completely in view right now of where the hotel is going to be situated.

I'm not familiar with the plantings that have been approved, but I can give you some views of what it looks like now underneath the branches or in between the trees. This is in between the second and third tree (indicating). So that -- that area will not be covered by a fence, and it will rely on the new plantings in order to cover the exposure to the plaza, which if you look in the pictures, the Bank of Castile is clearly visible from the property line.

I took this picture at the back of my property. We call this the baseball area (indicating). That is where Jackson likes to play baseball. As you can see, this will have the six-foot fence erected in front of it, but there is basically nothing there right now, and this will be facing directly the end of the motel as it is situated north to south. So most of our lack of privacy will come from that area. Most of the lack -- or most of the lack of protection from the noise of the hotel will come from the further west area, where there is no protection underneath the trees.

Um, I also went out this morning and took some pictures from two of the adjoining properties, Number 25 Shrubbery and Number 27 Shrubbery. This first one is 25 Shrubbery (indicating). This looks like the most protected property. That's taken from his deck. So that will be his view when he goes out in the morning to have breakfast or read his paper or whatever. But as you can tell, all those trees in the picture are deciduous and those leaves will be gone within the next month. And there's no evergreen trees providing a complete coverage blocking the proposed hotel area.

This next one is from 27 Shrubbery, where the new fence is going to also extend into part of their backyard. There is one existing tree there that is of significant size and that is where the fence will now end. However, you can see, again, it's a deciduous tree, a fairly scrawny one, and beyond that, again, it is going to just depend on the new plantings to provide not only a blocking of the view of the plaza, but also blocking of the sound from the hotel. That is what I have for you as far as information for that. I did have a much longer thing. Basically my life story or my life in Chili here, but I appreciate the comments that I have heard from the Board so far in addressing not only the western side, which seems to be very important to address, but also the northern side where there is three-quarters of an acre of homeowner land that is being ignored in favor of the western side.

For instance, the hotel is very proud of the 40-foot buffer that they put on the western side. However, the buffer on the northern side, abutting my property, at the northernmost point of the parking lot, which is up here (indicating), that's before they put in the two other parking spaces that they have land-banked, that is 26 feet from the property line. And 405 yards from the house itself.

Down here (indicating), at the end of my property line, to the east, the parking lot comes as close as 16 feet, within my property line, which is less than half of the 40 feet that is required to buffer a General Business zone from Residential area.

My main concern, obviously based on the pictures I have taken and the points that I have brought up, are privacy, which up until now has not been a problem. I have been backed up to a restaurant -- or a General Business District, and we have loved it there. There has been no back windows on any of these things. We haven't had any problems with the sound or anything, so we understand that General Business is required to go in here, or it's zoned for General Business. But this project is going to basically take away our backyard because there will be windows on every side, looking down not only on the yards to the west, but also to the yards to the north.

Also, I'm concerned with security. Not necessarily that there is criminal activity that is brought on by hotels. As a matter of fact, I did some research myself with the Monroe County Sheriff's and what he told me is hotels don't generally bring in crime, and if it does, it doesn't leak to the residential areas. You want to go with low income housing, that is a completely different story. But what he told me, that is not really an issue.

What is an issue for me is the proximity, the availability, the opportunity for something like that to happen, being so close to my property. And not being sheltered from the plot of land that is there, is going to create the opportunity for things to happen.

The pictures that I showed you, all of that brush behind the trees that are there dies down in the winter. So that is flat ground there. All of the vines and the bushes die down to flatness. You can see directly out into Chili Avenue. So it is going to rely not only on significant plantings, but large obstructive plantings to keep a direct line from being made from that property to my yard, to my house, where my children stay and play. I understand that the Architectural Committee, if they had their choice, would rather have more plantings on the western side, because there are more people there, but rather having it there, rather having it on the west side does not make it okay not to have it on the north side. So I think that should be addressed, as well.

I was going to bring up, as you said, Ms. Cox, about the several variances that are needed for this. Again, I agree. One by one, it's a very small thing. If you only needed to have those

parking lots 9 feet versus 9 1/2, that would be one thing. But the parking itself is a mess. Not only do they not have enough spaces, but in order to get them in, they have to make them smaller. And in order to get that many in, they need to encroach on the open area that is supposed to be a buffer zone in between General Business and the Residential area. And even then, they don't have enough spaces so they need to put some out in front, all of which goes against Town Code. That is just the parking element.

I will let all of the other people talking about all of the other elements that they have.

I think it is safe to say I'm against this plan. I don't -- I don't necessarily see the need for a hotel in Chili, but I'm willing to concede the point if other people feel it would be a successful enterprise. I'm concerned about what happens if it is not a successful enterprise. In the middle of Chili, then we would have a three-story structure which has been abandoned and which is sullyng up all of the surrounding, more than -- more than an active hotel, an abandoned hotel is worse.

So I'm not anti-business. I'm not anti-hotel. I would like to see a hotel if it does go up somewhere else, where they don't have to have so many restrictions, transgressed. They don't have to go against the Town Code that has been established for so long and so many areas just to get the hotel finished in this particular area. I would like to see it somewhere else, and I think I'm done for this month. However, I can bring you more pictures next month if more trees -- or more leaves drop off the trees. Thank you.

TERESA CROZIER, 21 SHRUBBERY LANE

MS. CROZIER: Jerod (Case) pretty much covered my main objection and that is the north side. And I just want to say about that, that is a variance they should be asking for and they're ignoring it, the lack of buffering. One thing that just struck me about the whole plan in general, they have changed it and turned the building to face the back of a shopping plaza, so it is -- the front of their building will not be facing Chili Avenue, the main street where their business is going to be coming from. And they have had to do that to create any type of buffering along the west side. It just seems like a very poor plan. I don't think that's probably the way they normally would do it, but I think it's because of the location.

I don't have an issue with Microtel. My issue is the location they're putting it in. It is too big of a project in too small of a space, and it's abutted on two sides by residential, and that's the main problem.

The other thing, um, the trucks that was brought up. Parking in the plaza will be a problem. Well, there are already trucks parking in the back of the plaza. I don't know where they're coming from, or whose they are, or if the plaza has said they could be there, but I go down the back of the plaza every day, and there are usually one or two tractor-trailers parked there.

The freestanding sign, I think, is another issue. I don't see the need for it. I think it would really detract from the appearance of going along Chili Avenue, and I just have many, many issues with the number of variances asked for, and I think it all has to do with the size of the motel. That's pretty much it, and I will let someone else talk.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Good evening. I live at 19 Hubbard Drive, North Chili. I am familiar with the Chili Paul Plaza and also the location for the proposed hotel/motel. First of all, this is the first opportunity we have had to speak, or I have had to speak on this issue, and for the preliminary subdivision part, when the two lots, subdivided, it's the owner's prerogative, and his right to do this.

But on the point I want to make on this, being subdivided and then going in here for the conditional use, on this side, going over to the Chili Paul Plaza, the entranceway, there are low-lying power lines over in that area.

That plaza is a property of another developer that has it. I don't think -- I know if it was my property, I wouldn't do it, allow that to be coming through as a liability point.

The other businesses over there, yes, it does help them. I look at the plusses and minuses. If I was a business owner, I would welcome someone to come over to my restaurant if I was doing ham and eggs, dinner or whatever. This here is on a less than a two-acre piece of land, period. We're doing a three-story building. We have turned it from sideways, straight up north and south. I don't know how our Town variances can be changing a structure of a location and it still falls through. A three-story building, twisted one side to another, I don't see where that's even right to even do.

Next you have these residents that have their properties on two sides. The north and the west. The ones on the west, well, it looks like they have got a berm there. Maybe the trees will grow, as you said, in 15 years, and block it off. The ones on the north side, it looks like they're out of luck.

The next part that I look at is the parking here. They want smaller spaces so they can accommodate -- get their accommodations in there. Well, I happen to work out of town quite a bit. I visit these places. I live at them for my work. Well, guess what? People are going to bring in their trucks, their trailers and they're going to pull in there, or they're going to pull over in the plaza. I don't think the people in the plaza really want that in there.

You're going to put a sign up. Um, no trailers. Well, guess what? They can care less. And also those trailers, the U-Hauls and as such, they pull those things in, it's not into the parking spot. They go across, so you end up losing three or four spots at a time. I just came back from

Oswego not even a month ago and I saw this all of the time happening, and it was not in one hotel or motel, but on numerous ones. That is not going to happen, and there is no way you can really monitor it. What are you going to do, tell them, oh, you can't stay there? It is better to ask for forgiveness than permission.

The next part of it, with these vehicles in there, God forbid we have a fire. That's a big concern of mine. We had a -- a number of years ago, one on 104, a number of people ended up dying. We had one about a month and a half ago, not a motel, but an apartment building. How many people were displaced? And they almost had casualties there. This is a three-story building. We have to get our fire equipment in there.

And then we haven't even touched in the wintertime you plow it. Well, they're supposed to haul it out, the snow. Well, guess what? It doesn't always happen. How many times have we seen Chili Paul Plaza at the end on Chili Avenue using parking spots and mountains of snow. That's our area. This is Rochester.

Well, taking everything into consider -- and also, sidewalks, you're talking about going across -- over to the plaza. You still have McDonald's. You will have added crosswalks. Are we going to put more signs up for the pedestrians right-of-way? Someone is going to get hit. And it's a very dangerous situation. There should be a traffic light there if something is going in there, and I think it's too big of a project for too small of an area. It's less than two acres of property, and we have the Valvoline there, and we have the bank. I think it's a very foolish move for this Town to really go into all of this. You need one or two variances, that is one thing, but you have numerous and there precedents that will really take a beating on this, and it's for their child and all of our children of this Town. We have to really look at it. I think there are better locations for this location.

Thank you.

JOHN FERLICCA, 62 White Oak Bend

JOHN FERLICCA: Good evening. My name is John Ferlicca, and I reside at 62 White Oak Bend in the Town of Chili.

There has been a number of comments that have been made here tonight both from the members of the Board as well as from the audience regarding various defects in this project, and I support those many comments that have been made.

There is, however, a subtext to this application which I don't believe has been adequately discussed either by members of this Board or in the media, although it seems to be on everyone's mouth once they are off the record.

This property is owned by Chili Avenue Associates. As members of the public should know, Chili Avenue Associates has two partners. One of them is a Frank Iacovangelo, an attorney, the Public Administrator of Monroe County, a political appointment. The other one is Bernie Iacovangelo, also an attorney, the President of Faber Homes, Forest Creek Equity and the Chairman of the Chili Republican Committee.

Why is that material you might ask? Well, let me explain it this way: There are seven members of the Board of Planning, the Planning Board here. One of your members, Mr. Powers, is absent tonight. You each serve a seven-year term of office, and that means that each of you -- or that means that one of you comes up for either appointment or reappointment every year.

Bernie Iacovangelo has been the Chairman of the Chili Republican Committee since the beginning of 2004. That means in the five years that have transpired, five of the members of this Board have either been appointed or reappointed under Mr. Iacovangelo's tenure.

Now, I know from my experience as former Deputy Supervisor of the Town of Chili, that Mr. Iacovangelo specifically vets and approves each appointment to either the Zoning Board of Appeals or to the Planning Board. What that means is that Mr. Iacovangelo has had an opportunity to select the very members of the Board that are here today to evaluate the merits of a proposal which will financially enrich him and his company. In essence, he has selected his judge and jury.

Now --

JAMES MARTIN: Are you going to make a point regarding the project, site plan, the project, conditional use or the subdivision? This is an unwarranted attack on this Board.

JOHN FERLICCA: No, sir. I want to make this clear. I'm not attacking this Board.

KAREN COX: Yes, you are.

JAMES MARTIN: You are attacking this Board, and I take exception to that.

JOHN FERLICCA: No, no, no. Let me say this: The people need to know that the process has been tainted. Not by anything that you or the members of this Board have done, but by what has been done to you in corrupting the process of how this Board evaluates the process -- or evaluates the application.

I know that you are doing your best to evaluate this application. I'm accusing none of you here of corruption. I want to make that very clear.

What I am doing is asserting that the process has been corrupted, and that the taxpayers of this Town are going to suffer because of it. Let me just ask you, please, to remember the oath of office that you took when you took this appointment.

JAMES MARTIN: And we took it very seriously.

JOHN FERLICCA: And I believe that you did, Mr. Martin, to protect and defend the Constitution and the laws of the United States, and of the State of New York, to place the interest of Chili residents first and foremost, not over any private interest.

And so I ask you, please, do not let yourselves be seduced by Mr. Iacovangelo's promises

of greater business contacts, of financial reward, of political advancement, because that is exactly how he operates. And I know it, and you know it. Remember your oath of office. Please do your best to exercise your independent judgment.

Thank you.

JAMES MARTIN: Does anybody have something to contribute?

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Thank you, Chairman Martin. Members of the Chili Planning Board, my name is Jerry Brixner, and I live at 14 Hartom Road.

I am not a neighbor, but I am a citizen of this Town. It is my opinion that such a hotel as is being proposed should not be approved for this site in the Town of Chili. I bring to your attentions an article that appeared in the August 6th, 2008 issue of the Democrat & Chronicle, quote, "Chili official won't vote on hotel," unquote. And I further quote from the article, quote, "A Chili Planning Board member has recused himself from voting on a proposed project that could bring the Town its first hotel."

Dario Marchioni said, "for the," sub quote, 'greater good' he will abstain from the process when hotel officials come before the Board on September 9th."

"At an April Planning Board meeting Marchioni questioned the project's validity. Marchioni said property owner Bernie Iacovangelo threatened to sue the Town if the project didn't go through because of the comments. Iacovangelo could not be reached for comment. Marchioni sent a letter of complaint to Monroe County District Attorney Michael Green insinuating that he had done nothing wrong.

'I come from a military background and when a general, leader asks you to do something, you become a good soldier.' Green determined that from the information given to him, no criminal conduct had taken place in the process. But Chili officials said Marchioni's actions went too far.

'I thought the move was an inappropriate action,' unquote, said David Dunning, Chili Supervisor. Quote, 'It is no secret that I had asked him to remove himself from discussions because I wanted to avoid any perception of bias or cause for some prejudice,' unquote."

The article continues, quote, "Indus Companies of Pittsford is proosing a 67-room Microtel and Suites at 3260 Chili Avenue. The next closest hotel to the center of Chili would be six miles northeast at the Greater Rochester International Airport," unquote.

I would like to enter into the record a comment that I had made during the public forum period of the August 6th, 2008 Chili Town Board meeting, quote, "Thank you, Supervisor Dunning, Jerry Brixner, 14 Hartom Road.

Last meeting on July the 9th, there were three former Town Supervisors mentioned as not getting involved with the Planning Board in its activities. John Ferlicca noted that Tracy Logel and Jimmy Powers never got involved with a Planning Board and their decisions. And I, in my two-year term, never got involved with the Planning Board.

At that juncture, last meeting, you, as the Supervisor of the Town of Chili, nothing was mentioned that Mr. Marchioni would have to recuse himself from the Planning Board. Obviously you as one individual, even if he is tied up, even if he is strong in his opinions, you take one individual away from a seven-member Planning Board, and what are you doing? You are depriving the citizens of your Town the opportunity of hearing that gentleman who has -- who has his arguments or his feelings to the rest of the Planning Board, and I think that is wrong when you do that.

I think you did the wrong thing by getting involved. I think you should apologize to the community," unquote.

I note that Mr. Marchioni has not spoken yet. As I close, I wonder whether such an action by Supervisor Dunning might even be considered as tampering with the Planning Board.

Thank you.

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: Although I don't live in the area, I sympathize with the residents that do. I think all of the residents on each side should be given equal protection by the Planning Board as far as the plantings go, and they should be somewhat mature plantings. I know they're more expensive, but you can't wait 10 or 15 years for them to grow to protect these people. Personally, if I had young children, I would be very, very uneasy with a hotel, motel so close to me. Every day you pick up the paper, and you read about child pornography and people who are in positions of trust that have abused that trust with children. What is easier for some pervert, weirdo to rent a hotel room that overlooks somebody's backyard where little kids are playing? From there it's an easy step to abduct those kids or damage them. I wouldn't want to live in that situation.

My husband and I travel frequently. We have never stayed in a motel that has adjoined a residential neighborhood. I doubt if there are very many in this area.

On the other hand, if Chili really needs a motel, why hasn't it been built before? I don't think the demand is here. Roberts Wesleyan may need a hotel two, maybe three times a year, that's all. What about the other 50 weeks? Who is going to fill it up? I own two acres of land, and I can't imagine a house or a property, a motel of this size being put on those two acres. It's too much, and it's not even a full two acres. I mean it's cut up, it's chopped up. You're trying to make something that is a sow's ear into a silk purse and it's not going to work here. It's just going to a big mistake for the Town.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I was not very happy to hear that that very thick book that I looked at today in the Building Department was only delivered a day or two ago. And I'm also shocked to find that it's called a marketing study, because I took the time to go through every page of that thing. And if you haven't looked at it yet, I can tell every member of this Board, you're going to be sorely disappointed if you expect to get much out of it.

It's a lot of nothing. And it doesn't cover what you think it will cover.

For instance, I was amazed to see that it showed sites from Chili, clearly labeled -- let me tell you what some of them were that are in that book and is being stated as being in Chili and being examples of what we have here. I suppose there is an argument as to why they should have this motel. Shown in this book clearly marked Chili: The Genesee River Falls, RIT, U of R, the Butterfly House at the Strong Museum, the Supreme Court Appellate Division, Old St. Mary's Church, the Xerox Tower, Rochester City Hall, Rochester Public Safety Building and the Eastman Theater.

That gives you a very good taste, I think, of what the quality is in that so-called market study. It's not a market study of Chili. It's not a market study of the needs that we have here. It shows and compares some of the statistics on 35 local -- local, supposedly, hotels and motels. They're far-flung, let me tell you. One of them I didn't even know what it was or where it was. I never heard of it.

The traffic that's mentioned is not specific to Chili. The only thing that I saw there that was a relative traffic statistic was the number of people, number of cars rather that travel Chili Avenue and the number of cars that travel 490 daily. There was no mention of the failing intersection in the front of this motel. There was no mention of the actual traffic that would come in and out of the site, the proposed site.

And I was amazed, and I would like you to take particular note of this -- this page number I'm going to give you and the quote. There's two. On page six of the executive summary it specifically says, quote, "suggests some billboard signage on the freeway." Unquote.

On page one of the marketing consulting page, quote, "billboard advertising along the major incoming highways would be preferable."

Do you know what we're getting into? Do you have any clue how these people are planning on running over everybody in this Town? You're the gateway. You people better close the gate until you know what you're getting. That market study will be a horrible disappointment to you, I can promise.

Tourism numbers are quoted in there, but you know what? They're pre the economic meltdown we have seen in the last two weeks. I'm sure they're older than that, although the book wasn't delivered until the last couple of days. Those numbers are not real in the world that we have got today. Today, the day you're hearing this application. They're from before. I don't doubt that they came from good sources, but they're inflated in the situation we're in right now. You might just as well not have those numbers any more.

There is no need in that book that -- I hate to say, call it a marketing study, because it really isn't, but there is no number in there that I can see anywhere where they can verify or prove that there is any need for a hotel in Chili.

And as far as the schools they mentioned, and the colleges around that supposedly need these schools (sic), we have got so many motels and hotels. By their own admission they look at 35. 35 in this study. Those schools have plenty of hotels and motels in Henrietta, Greece and Rochester.

If we need a motel in Chili, which I've got to be shown yet, I got to have proven to me, and it's not in that marketing study, then it certainly shouldn't be on this site. It's too small a spot. It's a horrible location behind a 1960s strip mall, squeezed in between houses, a bank and an oil change place. How can that be a fitting site for a profitable and hopefully long-lasting business venture? I think we're asking for a lot of trouble here.

I would also like to know if this hotel, motel, whatever you call it, is approved, is it going to be fully taxed? Nobody has mentioned that. Are we going to apply for COMIDA and more government and tax abatements?

Another thing in the Lu letter of September 5th, mentions, quote, "paving, saw cut, removal is shown on the Bank of Castile property."

If these people think that they're going to take over little pieces of everybody's land, the bank's, Valvoline's, wherever, to make up for the space they don't have on their own, I don't -- if I owned -- if I owned property at the bank, and I understand the bank owns that piece of property, why should they give up their edges to be chopped up and sawed up and cut up and pieced up to make room for another business? Why would we expect another business that is profitable and prospering in our town give in to other people who want to come in and provide a hotel we probably don't even need?

I also see that snow storage is not allowed -- is -- is explained on the plans. I hear or maybe I read, I'm not sure, that there has been some talk of pushing snow into the drainage ponds. That's not an acceptable way to get rid of your snow. Do you know how much snow there will be? Look at the snow that exists in the Chili Paul Plaza when they pile it up all winter. You can't even see the stores in the back. Bill Gray's can barely be seen over the pile of snow if we have a heavy winter. That snow sits there until June, until the last of it melts, literally. Literally there was snow yet in that parking lot, in small amounts I will give you, but still there in June and they're going to shove all of the snow from their project into the drainage pond? I don't

think that's acceptable at all. I think you people are smarter than this. I certainly hope so.

As far as that 20-foot pylon sign goes, that's ridiculous and I think that has been voiced many times. I add my voice to the chorus. I don't think I need to keep saying that. It is a stupid, ridiculous place to put a sign and it isn't needed there. I won't belabor that any more.

The six variances are outlandish. There are five coming up and one they have already gotten. That is proof positive -- if ever you want to see it, it is proof positive this is an unsatisfactory and inappropriate site for this motel.

If you read the zoning law, and I have here and I won't take your time, but it clearly says that that whole purpose of the zoning law, which they want to be forgiven from, is to protect the people of the Town of Chili. Let's not take their protection away.

Now, I would like to -- to go back to this truck issue. It's been mentioned that there will be an attendant at this motel and they will know when people come in and have U-Hauls and trucks that they plan on leaving out in the parking lot. I have also heard there is going to be one attendant. Now, if you think that one attendant is going to take time and hours away from his desk job to go out and check the parking lot, then -- then you're not in the same world I'm in. I have never seen an attendant yet that asks for more than the license plate of your car. He or she has no idea what you drove up in. He doesn't care. All his job is to get you registered in and take your check, or your charge card. There will be all kinds of things in that parking lot, and that one attendant will have no clue as to what is out there or what has happened. And something that has been brought up already, these trailers and these small trucks, they pull right across, two, three, four, parking spots, whatever it takes to accommodate the length of the vehicle they have. They don't care. They think they're entitled to as many spots as they take because they're paying the room rent. As far as the trucks and the truck drivers, the trucks will park in the plaza and walk over. We have a close friend who is a trucker. He does it all of the time. Park your truck somewhere else, and if it's a refrigerated truck or diesel, you need to keep it running, so you just let it run. Do we want a truck stop in the Chili Paul Plaza? I don't think so. We wouldn't have let them do it when it was the plaza's business, why are we going to let a motel take over the plaza and turn it into a truck stop?

There is nobody that is going to monitor this situation, believe me. It may get so bad that the plaza does something about it, but it would have to get pretty bad, I think, before they took it in hand either.

There are more suitable sites in Chili, certainly closer to Route 490, and Roberts Wesleyan since they seem to be such a concern here. There's at least three sites I know of, two in Chili and one in Gates that are very, very, accessible from 490 and the one in Gates is definitely on the market, and it's a much bigger site and would be much more appropriate. I do see that the Architectural Review Board has issues with the height of the building. That's been brought up already in their decision of May 27th, Number 10, it says, "This committee is of the opinion that the building's height is out of character for the surrounding landscape," and I think most of us would agree heartedly.

I also take issue with the fact that on, I believe it was -- in the May meeting of the Zoning Board the applicant was issued a variance for building height from the Town's legal height of 35 feet to a height of 39 feet 10 inches, and yet I see by the Lu Engineers letter of May 29th that I got from the Building Department that the height of the ridge line on this proposed building is 44 feet. How did that happen? Is it going to be another variance they're coming back for afterwards? Let's get that straight. They got a variance. They should have got what they wanted. And now they're planning on more. This is on the word of our own engineer, Lu Engineers, May 29th letter. Number 6. Look it up.

I feel sorry for these people that live around here. I don't, thank God, but I feel sorry for them. Their housing value is going to go down. Their life is going to change because of this building. Nothing will be the same once that building goes up, and there will be no getting away from it. And when they go to sell their property, they will get less for them because nobody else will want to take it on either.

Now, I just like to finish by saying that I'd suggest that this Planning Board follow the Comprehensive Master Plan, and this plan calls for, and these are quotes right out of our own Master Plan. Quote, "They will have attractive designs -- plans and designs which are compatible with or enhance their surroundings."

I saw that brick and that roofing material over there, and if you think that's attractive, then God help us all what Chili is going to turn into with you on this Board. That is ugly. I can think of no other word to describe it but ugly.

Again, back to the Comprehensive Master Plan, quote, we're supposed to have "good circulation, good vehicular and non-vehicular access." This plan doesn't provide it. It is supposed to be well-landscaped to provide buffering, shade and character. Doesn't have it. We're supposed to preserve and protect existing residential neighborhoods from encroachments of incompatible land uses and traffic. We don't have it here. We're supposed to insure strict enforcement of building, housing and zoning codes. We don't have it because all they want are variances to forgive them from obeying the very law our Comprehensive Plan says we must have. The multiple variances are just out of sight. The height variance I have already mentioned.

I'm wondering, too, when the map was addressed, and we were looking at the 53.73 feet, I wonder does that include the driveway? That may be something you want to look at. I believe when the engineer pointed to that, that 53.73 feet -- that is far below the code of 75 on the south side -- it included the driveway. Since when does the setback include a driveway? I thought a setback was clear land. Now we're including pavement?



They want more signage than the law allows. They want everything given to them here. The parking places are another thing. 18 by 9 feet parking lot is just far too small. Even the 19 by 9 is too small. Our standard is 19 by 9 1/2. Let's stick to it. We have these codes for a reason.

This project is too big. It's too much, and we don't need it. If they insist on having a hotel and they want to, you know, risk that kind of an investment, that's the free marketplace. That's wonderful. Let them do it, but not there. Thank you.

There was a pause in the proceeding.

DAVID CROZIER, 21 Shrubbery Lane

MR. CROZIER: First of all, I read that letter in the file from Roberts Wesleyan, and they are in favor of hotels and motels in our area, but they don't endorse any particular site. As far as the subdivision goes, when the Chili Avenue Associates entered into their lease agreement with Valvoline, they knew they wouldn't have enough frontage left for a flag lot. It's a self-created hardship. Now they want to put the main entrance to a 70-room hotel on a lot that is not wide enough to support, especially considering truckers may try to use it. There is no accommodation for truckers whatsoever in their site plan. We all know that.

To compound matters, this driveway is part of an intersection Mr. Fred Trott described as failing at the April Planning Board meeting and is already being used by two other existing businesses. I see no reason that our Town should allow this situation to get any worse than it is right now.

As far as the conditional use permit goes, I think the nuts and bolts of this is just that the site is too small for a motel.

They're on the third site plan, and they still cannot accommodate the yard requirement along the north residential lot line. The fact the truckers may try to use it could conceivably turn the plaza and maybe even Ace Swim Serve's property into a truck stop.

The character of Shrubbery Lane would be changed forever. We will have to put up a three-story motel full of transient visitors looming over us, obliterating our privacy. We'll have traffic from noise (sic) 24 hours a day, noise from 70 individual air conditioning and heating units that could possibly even be running all at the same time.

And those of us to the north have been deprived of any buffering whatsoever with this most recent site plan. There is very specific language in both the Town Code and the Comprehensive Master Plan regarding screening and buffering of residential areas from businesses. We have outlined these issues in our letters to you.

The yard requirements specified by Town Code should be one of the conditions. Three site plans later they have still not met this requirement, and it should not be allowed. As far as site plan approval goes, I also read the letter from Lu Engineers concerning the height of the building at 44 feet. Now, their height variance was granted specifically for 39 feet, 10 inches, I believe, so I am wondering if we'll need a new height variance.

Fire lanes, we have got the 26 feet the State requires. Town Code is 30 feet. Fire Marshal can sign off with Town Board approval. I wasn't sure if they got Town Board approval on that, as well.

The yard requirement, I don't understand why that is not a listed variance on the site plan. It's a minimum of 40 feet for General Business, abuts residential, and a yard is defined as open space. Open space is defined as an area unoccupied by any building, structure or parking area, whether paved or unpaved. They have a 15-car parking lot along that north side, within that 40 feet. And no variance listed. I don't understand that.

The last thing I think I want to say is in this -- these tough economic times we are in and all of the credit crunch that is plaguing our country right now, how do you know if their financials are going to be in order? Halfway through the project are they going to run short of money and cut corners on their landscaping or some other area and not be able to finish it?

Thank you.

JAMES MARTIN: Thank you.

MR. PIKUET: I certainly want to add my voice, too.

JAMES MARTIN: Names, please.

RONALD PIKUET, 1030 Paul Road

MR. PIKUET: Ron Pikueta, 1030 Paul Road. I'm not immediately adjacent to this project, as you know by my address, but I, too, along with Mrs. Borgus, and I think everybody else that has spoken am concerned about the neighborhood and the people of Shrubbery Lane are my neighbors as a fellow resident of the Town of Chili.

I wouldn't want them to suffer anything that I wouldn't want to suffer myself. That's why I'm standing with them in objection to this Microtel being placed in Chili Center. The gentleman that presented the project says that the Microtel is typically not placed next to residential. Why are we making an exception? There are other sites.

And if the site -- it's hard to understand why if the site, if it is too much motel for the amount of land, it's hard to understand why people submit such a big package, and then try to cram it down our throats. Why not a two-story motel? Why not 45 rooms instead of 69? Why not smaller so that it would have more accessibility and fit? We seem to be packing everything out, trying to subdivide everything to the least common denominator of land and putting the most on it.

And if -- if -- most of this has been covered. We have a two-page fact sheet here and I'm not going to continue things that have already been stated, but you, by saying if something has been expressed, don't bother to express it again, I certainly am in collaboration with all of these people and all they have expressed against this project. Just because they have mentioned it, and -- you say -- you tell me not to mention it, that closes my voice. I think if everybody in this room had stood up and read the same thing, the same list of objections, it certainly would count for more than one person saying it.

JAMES MARTIN: Don't misunderstand my intent. I also said if you wanted to speak, you had the right to do that.

MR. PIKUET: I appreciate that. But in other words, everybody has the same -- taking the same fact sheet, the same two pages and reading the same thing, that adds their voice to what has already been said. It has been said more than once. I suspect that's not reported that umpteen people spoke about a list of objections and they all said the same thing, like a petition with everybody's signature on it.

Once again, I was talking to a fellow here and he has to get up at 4 in the morning. I have complained to the Town Board and I have complained to you people before. We didn't start having a public voice on this issue for which everybody came until exactly ten minutes of 10. This fellow had to get up at 4 in the morning. I'm one of the more fortunate ones, I think. I'm retired. I can sleep in in the morning. A lot of people don't have that privilege. I think it's a slap in the face of the people of Chili that you dare to have a meeting of this magnitude and start conducting a public forum at 9:45 at night or later.

JAMES MARTIN: Do you have something to add on the site plan, conditional use or --

MR. PIKUET: I would continue the objection to the motel. I think the failed intersection, the failing intersection is a big point. I think it's too much building for the site. I certainly go along with everything that everybody has said, and I add my voice to that. I think Mr. Ferlicca is to be commended on his comments, his candid comments about the real problem of this Town, and --

JAMES MARTIN: It doesn't have anything to do with the application before this Board, Mr. Pikueta. If you have a comment regarding the issues at hand.

MR. PIKUET: It has everything to do --

JAMES MARTIN: No, it does not. I take exception to that, Mr. Pikueta. This Board works independently and I was very upset with Mr. Ferlicca's comments. They have no place in this hearing.

MR. PIKUET: I believe they have every place, and I think he has opened a fish wrapper in this Town that far exceeds --

KAREN COX: He has opened it up for people who believe what he says.

JOHN NOWICKI: Let's talk about the project.

JAMES MARTIN: Let's get back to the issues at hand.

NEIL SWEETMAN, 29 Black Cedar Drive, Chili.

MR. SWEETMAN: I heard some people say that the buffer requirement is 40 foot from -- between the residential and the commercial. I -- I assume that has got to be for R-15 or R-10, residential. I'm not sure which, because I know an R-20 is a lot more than 40 foot. And he -- he will be putting some materials, cars, parking spots, macadam in -- in that 40 foot minimum anyway, if it is a minimum.

I'm new to Chili. I have only been here three years, but I do have a lot of experience with Zoning Boards of Adjustment. I was Chair and Vice Chair for just about 18 years in the Town I came from in New Jersey, and I would like to point something out to you. If you let somebody reduce your buffer by whatever means they get through, either by a variance or some other means, you're going to be sitting tight. The next time it comes up, you won't be able to stop it. I have watched it happen. I have seen towns go down the tubes because of it. Don't do it here. You don't even have to sit -- listen to an application, unless it meets those requirements. I don't know why you even listened to this one.

JAMES MARTIN: Thank you.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: Well, I think if that hotel goes up, for the Architectural Review Board to allow a cramped up hotel like that to be put in the center of Chili is sick, it's demeaning to Chili. I wouldn't want to step out of my car -- if I'm going to a hotel, I get to that hotel, I would like to see space from my parking lot to get into the hotel. I don't want to stand before a hotel, look up, and I'm right near the door. That's what this is going to look like. And yet we talk in this Town about we should have open space, something beautiful surrounding something like this, for the first time, if it goes up.

How can you just take this so lightly? We have got a -- we're Planning, the Chili Planning -- Comprehensive Planning Committee. You people are trying to figure out how to make Chili beautiful, and yet you have this cramped up piece of thing? I just don't get it. I mean I am -- I was an art teacher; am an art person. I can't believe you would do this. I just don't understand it. And as far as I'm concerned, it doesn't invite me to go into that hotel. It doesn't serve me at all. It has no beauty to it. No nothing.

I go down Henrietta Road, and I see these hotels and these places they're building, and I just want to go in there because I'm curious about the open space around the hotel. I want to just go in there and say, "Gee, I wonder what it looks like inside."

And you know, one of the key things in design is this: The outside of a building is what -- the beauty of it is what makes you want to go inside, and when you go inside, you're going to be really disappointed if you -- what echoes the outside, should be in the inside, better than what is on the outside. But the outside has to draw you, and I don't mean by a sign that says, "Microtel."

I mean, get with it. You -- you are going backward by allowing this. I don't care if it's 47 rooms. It's where it is placed. And it's the surroundings. It's got to draw you in. I don't know any Town that would have a hotel like that and be proud of it. I want to go on record as being opposed to it design wise, and I also want to ask a question of -- of -- through the Chair, how many letters did you receive from the community? Two? One? Three?

JAMES MARTIN: In support of or against?

MS. BRIXNER: Against.

JAMES MARTIN: Approximately 14.

MS. BRIXNER: Thank you. I can see why the people came out tonight, and I just want to go on record as being opposed to it, just basically the design itself. It wouldn't invite -- I wouldn't want to be invited to go into that place, and it doesn't offer me anything anyway. It doesn't even offer me, you know, a reason to go in, and that's too bad for a community that is going to give up a prime piece of property for a hotel like that.

Thank you very much.

MS. CROZIER: I just feel obligated. I would like to go on record as saying I don't believe this Planning Board meeting is the proper venue for airing of political views and grievances. I don't appreciate it and I'm sure the Board doesn't appreciate it.

JAMES MARTIN: Thank you for your comment.

KAREN COX: Thank you.

MR. CROZIER: They obtained all their buffering on the west side to the expense of those on the north, and I think it is grossly unfair to us. I agree with this gentleman here, the yard requirement should just be an automatic thing. Shouldn't even be allowed to ask for a variance for it. You got to provide buffering to us. It has to be.

CHARLES RETTIG, Coldwater Road.

MR. RETTIG: I wish to make a couple of specific comments. A number of the issues that have been addressed to this Board are serious concerns of this site. I wish to address some of the more specific and other serious concerns that possibly have not been discussed.

Elevations, and elevation map, Critical View Number 2, which is dated August 16th, um, was received. This is a Microtel cross-section dot drawing signed by Kip Finley, gives you some of the purported sightings of elevation from the backyards of these homes to the Microtel Hotel.

And again, if you look at that, for 8-foot trees, they need at least 16-foot growth before you have full sight shading of the views.

Also, for what was also mentioned, in regard to the height of the building, for what has already been approved, 39-point-something feet for the height of the variance to the Zoning Board of Appeals, if there is any additional heights to the building, let's say even as far as elevator shafts, et cetera, or anything with a roof line, that does apply to this elevation, Critical View Number 2, and therefore, it's not correct.

So that's what should be checked, if that is outdated based upon the height of the building for the final hotel height.

The replacement sheet one of nine for the site plans, dated 10/16/08, in other words, much of this documentation that is coming in from Avery Engineering for you, the Planning Board, to review, has just come in within the last couple of days. So you're reviewing it very quickly, the same as the general public. In that review of the site plan, there is no 26-foot clear, and why do I mention that, because that is what is required minimal for a fire truck. And if you will note on that drawing, there are no turning radiuses for the -- for the fire trucks to get in and get around this site. That was one of the requirements specified in the Traffic & Safety letter, Committee letter to this Board, and that, in conjunction with the fact that there was supposed -- or is supposed to be a letter from the Fire Marshal of an approval. I might note that I saw no such approval specifically in regard to this 26-foot clear, the agreements of travel of fire equipment around, specifically hook and ladder truck, or the ladder truck, if you will. I did not see any specific indication of approval by the Fire Marshal in writing of this specific site plan.

Also, I did hear a comment that did come out of the -- I have referred to a comment that came out of the Traffic Safety Committee meeting that was made by one of the gentlemen from the Fire Department in regard to the utility lines that run north/south on the east side of this property, which, therefore, would be the utility lines that are on the west property line of the plaza site, run north/south. And those lines are rather low, Number 1. They're major utility electrical lines, cable, et cetera.

But what I'm concerned about is the electric lines, and that has not been addressed by the Fire Marshal, and that was brought up at the Traffic & Safety meeting to say that that was a specific hazard. And the hazard deals with the fact that if you have a fire truck, or fire trucks or firemen required to this site, you're spraying water. You have a west wind, you have a mist going over on those power lines, and you have firemen that are potentially electrocuted, and your Fire Marshal wasn't concerned? Wow.

That really concerned me. I do have respect for our firefighters and our fire people in this Town that do an excellent job, but that is a gross misjudgment on the fact of our Fire Marshal, who is an appointed individual by political means, so maybe we're seeing that. But that is just a comment.

The landscaping shown on the landscaping drawing on the east side of the hotel, proposed hotel site plan property, which is, therefore, on the west side of the plaza -- is on the plaza property. I have seen no written agreements of easements between Chili Plaza Properties, which is the owner, as I understand it, of the old Chili Paul Plaza, and this hotel or proposed hotel location. So, therefore, the Microtel project is going to put their plantings on the Chili Plaza's properties, and there are no easements. There are no written easements, no approvals.

Nothing for us to see, nothing in the file, certainly not anything that I saw, and I looked at it very thoroughly.

Also, there is a sidewalk that runs east/west, running from the Microtel property to the plaza property, and it states on the drawing that that is a 10 foot easement. Again, no written agreement, no written approval of that easement. I would have no problem with a 10 foot sidewalk, but let's do it right.

The north property line, which has been discussed tonight by others, but I wish to give it a little different viewpoint on that. There is very little plantings on the north by the hotel developer. I know this was discussed very thoroughly at the Conservation Board. I was there. When it came down to the fact that we're getting to a point of cost, total cost being spent, rather than a continuing site obstruction, due to plantings, I have objection to that. Not based upon the fact that Microtel is willing -- or has been willing to look at a reasonable plantings for siting on the west and the northwest. But I do have a specific objection since there is a specific backyard of a residential neighbor on Shrubbery Lane that has to deal with this, and in that area, I believe it's on your site plan marked as snow storage. And there are a couple of snow storages on the north, and there are a couple on the east. But that snow storage on the north, if that is encroaching on potential plantings for sight viewing or sight blockage, if you will, I think it's appropriate that additional plantings be required.

Also, noting that the snow storage was specifically mentioned at the Conservation Board meeting as also being -- and Mr. Kip Finley mentioned the additional snow storage to be the pond, which, as I recall in -- the site plan is southwest of the hotel site, um, I see on the drawing no such delineation, no such itemization on the drawing that that is snow storage. That was specifically mentioned at the Conservation Board meeting, and it's not on the drawing, so, therefore, you people at this Board are not looking at a complete picture.

On the lighting and landscape drawing, um, which was approved 9/15/08 by the Conservation Board, there is a note that says a two-year planting guarantee. I might point out that the car wash had plantings. They died. Nothing has been done. Valvoline had plantings. They died. Nothing has been done. And I wish to point out that if that's the nature of how things are done by our developers, it's a sad state of affairs. I also point that out because the Valvoline site is owned by the same person that owns the Microtel Hotel site, Mr. Bernie Iacovangelo. I mention that because the car wash -- I'm sorry, the Valvoline site -- correction, the Valvoline site and the proposed Microtel site are now one lot. We have in this proposed agenda for tonight, the Number 3, preliminary subdivision approval. We're looking at all of them, for one lot into two lots in the Faber Homes Subdivision, 3260 Chili Avenue.

The reason why I point that out is because we'll be -- you, the Planning Board, are looking at it from the standpoint of possibly accepting that preliminary subdivision approval, and I wish to point out the specifics that if and when this Board -- if they make that decision to accept that subdivision, which divides the property accordingly as per the site plan, then that has to go for a variance for what is a proposed 30-foot frontage where our Town Code, which is our Town Law, requires a 40-foot frontage. That becomes, and this is Zoning Board, I realize that, but I think you people should be aware of it, that becomes a self-inflicted hardship. If Mr. Iacovangelo hasn't made agreements and concerns to solve that problem before he goes into the subdivision, that becomes a self-inflicted hardship, which this -- which the Zoning Board does not have -- does not have the requirement that they approve it, because it's self-inflicted.

I note in the market study there is another Microtel in Rochester, 905 Lehigh Station Road. I appreciate the comment that it's not with this particular developer, and I understand that.

They also reference a Microtel in Victor. Victor, New York. But my point is, to point out to this Board, that they're both in the same rates range per room, per night of 54 to \$69 for Lehigh Station Road, and for -- that's in Henrietta and for the Victor facility, of \$49 to \$69 per night. So we're not talking about the most expensive hotel and the highest clientele.

I would like to point out that Tess and Dave Crozier, as I saw a letter dated October 15th, 2008, in the file that was received by the Town October 17th, 2008, and these people are people with standing, 21 Shrubbery Lane. And they asked that you review their previous letters. I hope you do. They listed the north lot line question, which as I understand it has to do with the sighting, the lack of shrubbery screening, if you will, and the fact that there should be, quote/unquote, proper screening in the Master Plan, for screening and buffering, which apparently has been ignored as far as what the Master Plan says.

There was another item listed in their letter of conditional use, 1.115-21 in regard to the Chili Code for the purpose that the "special consideration for affecting our surrounding properties." "Special consideration should be given for affecting our surrounding properties," end quote, that is, again, part of our Town Code, which I hope you, as a Board would consider and look at very strongly, because these are our existing Town laws.

Also, the hotel site for open space required, um, a mention was made in their letter of Waverly Restaurant and Fast Trak, versus the adjoining trailer court to the west for that site. That was turned down. The reason why I bring that up, because that was turned down by this Board, or the Zoning Board with no variance because of the proximity to a residential neighbor.

We have the same thing here.

Same thing here with Shrubbery Lane, so there is no reason why this should be crammed down the people's throats that are residential neighbors that live here and expect -- don't expect their privacy should be so violently violated.

An Avery letter in your file of September 18th, 2008, lists the applicant's legal counsel as obtaining written agreement for easements. If they're not in hand, and they're not written by this -- and seen by this Board, then this Board really should table this without complete information and come back on this application. There is so much that this Board needs to consider, and, therefore, should not be approved and certainly shouldn't be approved tonight.

In regard to no truck parking, where do trucks park? Well, they park in the plaza with or without permission, with engines running or without refrigeration trucks engines running. This is just the way it is done. It is something we don't need in the Town of Chili. There is no proper place to park trucks on this site. There is no physical place to park trucks on this site.

The earlier mention of an easement for a saw cut, which means sawing out a curb cut, asphalt or whatever, on the existing Bank of Castile property is something that was discussed or written as needed. Where is the written agreement for that saw cut? Where is it in writing, or do we just go ahead assuming that these things are done? I hope not.

Traffic agreement, for written construction schedule with the plaza. That was something that is proposed. That is construction schedule.

But I get into other issues with the traffic problems of this site. One is there's access through the plaza. Is there a written agreement for that easement and the liability?

Number 2, the driveway going past Valvoline and Castile Bank comes in off Chili Avenue to the north, to the hotel site. That intersection there with Bank of Castile, Kwik Fill, and Old Chili Scottsville Road. That is a failed intersection, according to New York State DOT. That intersection needs a traffic light. This is a perfect warrant for an addition of a traffic light there, if this is approved. It should be a requirement for a traffic light. Again, someone crossing the street to go to McDonald's. Someone crossing the street to walk to Kwik Fill for cigarettes or whatever. Someone turning from the site, from the hotel site, someone slowing down and going into the hotel site, being potentially hit in the rear, slowing down. There's no traffic control there. It's a failed intersection. It needs a full traffic light.

And as I recall, when the widening of Chili Avenue was done further to the east of that intersection, the conduit for wiring, for making that a traffic signal intersection was even put in underground, although it was not required and not made in a traffic signal at this time. That would be a perfect opportunity to make this a warranted traffic signal intersection. It needs it for safety.

The proposed agenda published for the October 28th, 2008 Chili Zoning Board of Appeals -- this Board should be aware of, they may be, it's just recently been published for the last item on the agenda, which probably is another late night, shows five variances, as has been pointed, and those include greater than ten contiguous parking spaces, the 53.7-foot front setback, the free-standing pylon sign, which, by the way, I also disagree there is a need for a free-standing pylon sign, because there is a double pylon sign in the front of that plaza which lists all of the businesses in that particular plaza. I think that's fine. If -- that's all that is needed.

Again, when you have a sign that is 60 feet back, you have a proposed 20-foot Microtel hotel sign lit 20 -- that is approximately 60 feet north of Chili Avenue, north of the curb of Chili Avenue, you have that lit sign closer to neighborhood, and, therefore, a lit sign that they see out their back windows that's totally unnecessary, especially when you have a double pylon that could very easily put the additional Microtel logo on it right out front.

The other Zoning Board of Appeals variances are the three front parking spaces and the 30 foot front flag lot frontage, and I believe that is 40 foot required. That's what I mentioned as the self-imposed hardship, if that is approved, to divide the lots.

The Microtel -- I'm sorry, the -- today a memo, October 21st, was received by Chris Karelus in the Building Department from Microtel Hotel referencing Parts 1, 2 and 5 of the lodging feasibility study. And my question is, is there even a need for it? And I didn't see anything specific as to whether this was a high, medium or low need. These are things that haven't even been addressed.

There is also a letter from John and Kathleen Daniszewski, D-A-N-I-S-Z-E-W-S-K-I, 19 Shrubbery Lane. I don't know if they're here this evening, but they again mention the code, that there is no 40 foot of open space between the General Business and Residential. That's -- I ask that question again to make sure there is. And the question is -- this is the greater question, will this hotel site reduce property values? Now, maybe it's not something that this Planning Board is required to do, but it's certainly something that needs to be looked at, because it is of concern. And a dire concern. These are people that live next door. They know what the Master Plan says. They know what the Chili Code says, and now we're going to make exceptions to that, or variances, and put, as Mr. Nowicki said in an earlier Planning Board meeting at which there was discussion and the public did not have the opportunity to express themselves, we're going to put ten pounds of something in a five-pound bag, and I'm afraid that's exactly right.

I heard the gentleman from Fix, Spindelman talk about legal standards, trying to instruct this Board as to what they have to or can or cannot approve. That's typical from a law firm. These legal standards for Chili Planning Board approval or disapproval, um, I think it's this Board's responsibility to stand up for Chili and for the residents of this Town, because that notwithstanding, doesn't hold any weight in my view.

That's just like the previous comments that were unfortunately stated by whoever, as has

been mentioned -- I don't go into the details to bully or potentially threaten to sue the Town and, of course, then if they're going to sue the Town, maybe we better ask Mr. Dario Marchioni to recuse himself from this hearing. But I think it's the right thing he is there. There is absolutely no reason -- I was at the Planning Board meeting and there is absolutely no reason why he should be even asked to recuse himself by anyone in this Town administration. So I'm glad to see him sitting on the Board this evening.

When we talked about the gentleman from Microtel -- from Fix, Spindelman talking about appropriate sites or 1.4 to 2 acres, well, that's fine. But the Town of Chili has their laws, and whether it's a hotel or motel, whether it's business travel or special permit, I think we owe it to the citizens of this Town to follow up with the laws of this Town, and not just put those aside. And I hope that this Board will do so. On the access points, um, to this -- the drive-in access points to this site, um, the Fire Marshal was supposed to have something in the file. If you have it, I would appreciate your reading it, because I have seen nothing in the way of written documentation on access points, on 26 foot clear fire trucks or anything in the file, and I can be wrong, but if you have it, I would appreciate you reading it in its entirety for the record, because I think that is important.

In regard to the gentleman from Fix. Spindelman mentioning the Monroe County Sheriff's Department, the 16 police calls, there have been no vice issues yet. Well, we don't have a hotel yet, so -- so it's rather a moot point to bring up to tell you you don't have any vice issues because the Monroe County Sheriff's Office says there are none, at least at this time. There's no hotel either.

The percent of free space that was asked -- that was required, as I understand it, approximately 30 percent coverage, um, Mr. Kip Finley indicated that we probably have 25 percent free space, and he will review. Well, an approximate and not having it on the drawings is not a good answer. We need the specifics because we have requirements for 30 percent -- 30 percent open space required for a site of this type.

And a flippant comment that there is a Fire Marshal's letter that was requested and is floating around here somewhere, "floating around," quote/unquote, Mr. Kip Finley, but that's fine. If there is, and I have no problem with him stating it, but let's produce it.

JAMES MARTIN: Right here, Mr. Rettig.

MR. RETTIG: I appreciate your reading it. Would you interject now and read it, please?

JAMES MARTIN: The west side fire lane has been extended with an additional 6-foot bump-out. This addition along with increasing the fire lane to the New York State standard of 26 foot wide on the other three sides provides adequate fire lane access to the entire building.

Secondary access to the site has been accommodated by the addition of the southwest entrance.

The hydrant to the south has been relocated closer and the addition of the hydrant to the north of the hotel assists in access to water supply.

These changes to the utility plan," ba da be, ba da -- basically will meet all fire code requirements dated April 28th, 2008.

All right? So let's get off that subject.

MR. RETTIG: Well, I disagree with getting off that subject, and I will tell you why: Because that is April 28th, 2008, and since that time we have had a total of three site plans. Does that apply to this site plan? The answer is no.

JAMES MARTIN: It does.

MR. RETTIG: It does not. That is not true, and I -- we can -- we can discuss that, but on -- April 28th was the beginnings of this, when the hotel site was parallel with Chili Avenue, so that does not address the present site plan.

I will go on.

JAMES MARTIN: Please do. Please do. Please go on.

MR. RETTIG: I wanted to make my point clear, because it does not apply.

JAMES MARTIN: You have made it very clear.

MR. RETTIG: Thank you.

Therefore, another review of this site plan by the Fire Marshal should be required in writing.

Landscape costs, and to the north, which I'll state that the Conservation Board reluctantly stamped, based upon constraints of costs by the developer, and it was not -- the Conservation Board made -- made compromise, and I think they did a very good job for what they had to work with, and what they were working with, but I make the comment, because I was at the Conservation Board meeting, that that compromise of not having decent sight screening to the north is not, and should not be acceptable to the property owners, as you have heard them state, because it is definitely needed for sight screening.

So I hope that this Planning Board will review these items, and come up with what should be a reasonable follow-up, based upon the laws of the Town and the needs of the residents of this nearby community.

Thank you.

JAMES MARTIN: Thank you. Other comments at this time? I would like to take a two-minute recess.

Mr. Goldman, Mr. Mehta and Keith (O'Toole). I would like to get together with you for just a second.

James Martin made a motion to close the Public Hearing portion of this application at this time,



and Karen Cox seconded the motion. All Board members were in favor of the motion.

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

James Martin, Mr. Goldman, Mr. Mehta and Keith O'Toole conferred.

JAMES MARTIN: With agreement between the applicant and myself, the Planning Board, we are going to have a continuance of this hearing. It will be on the Planning Board meeting scheduled for November 11th.

It's very late. We're all tired. We're not going to do justice to this application because we probably have another 45 minutes to an hour of discussion to hold on this. Therefore, there will be no vote tonight. We're going to continue this until the November 11th meeting.

Meeting is adjourned.

The meeting ended at 11:32 p.m.