

CHILI PLANNING BOARD
November 10, 2009

A meeting of the Chili Planning Board was held on November 10, 2009 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: Brad Grover, Traffic Safety Committee Representative; Ken Hurley, Town Engineering Representative; James Ignatowski, Architectural Review Committee Representative; Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board 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: Tomorrow is Veterans' Day. In recognition of this day, I would like to have all -- take a moment to have all of the veterans either currently serving or those who have served to stand and be recognized.

Upon completion of that, I would like to have a moment of silence to remember those who have gone before us and to think of those who are currently serving in harm's way.

At this time, any veterans in the room having served or currently serving, please stand to be recognized.

A moment of silence was observed.

DARIO MARCHIONI: With your permission, I would like to also recognize those heroes that have fallen at Fort Hood, Texas.

JAMES MARTIN: Be my guest, Mr. Marchioni.
Is that all?

DARIO MARCHIONI: Yes, sir.

JAMES MARTIN: Thank you.

The Pledge of Allegiance was cited.

JAMES MARTIN: Jim Powers has submitted his resignation to the Planning Board and is no longer with us. He gave the introduction here.

Also recognize Paul Bloser, Chairman of the Zoning Board of Appeals, present in the audience tonight.

We essentially have two Public Hearings tonight. We'll be hearing basically concurrently items 1, 2 and 3 on the agenda. I will read those at this time.

PUBLIC HEARINGS:

1. Application of Indus Companies, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates for preliminary subdivision approval of one lot into two lots to be known as Microtel Inn & Suites at property located at 3260 Chili Avenue in G.B. zone.
2. Application of Indus Companies, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates for special use permit to erect a hotel at property located at 3260 Chili Avenue in G.B. zone.
3. Application of Indus Companies, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates for preliminary site plan approval to erect a 52-room hotel at property located at 3260 Chili Avenue in G.B. zone.

Betsy Brugg, Jett Metha, Kip Finley, Darren Harvill and Daryl Martin were present to represent the applications.

MS. BRUGG: Thank you very much. Good evening. Members of the Planning Board, it is a pleasure to be here tonight. For the record, my name is Betsy Brugg, attorney with Fix, Spindelman, Brovitz and Goldman. I'm pleased to be here tonight on this application.

... With me tonight is Jett Metha, the developer and the gentleman whose company will own

this hotel, from Indus Companies.

Daryl Martin, our architect, is here tonight, as well.

And Kip Finley will be here soon.

Darren Harvill from Avery is here.

Kip (Finley) had a minor emergency, but he will be joining us shortly.

With that said, I know there are a lot of questions about this project. It has been out there for quite some time. For the benefit of the public and because it is a Public Hearing, I will go through a little bit of the history.

There was an earlier application process, an earlier proposal for the development of a Microtel. That application is different from the one that is before the Board tonight. That was an earlier application for a three-story hotel. It was withdrawn.

We took comments and feedback from the public, from this Board, from the Advisory Boards of the Town, from staff and went back to work on the project. The developer has reworked and redesigned the project, and before you tonight you have a proposal for a 52-room Microtel, significantly smaller than the earlier proposal. It is a slightly different footprint, but is a smaller hotel; 52 rooms. The earlier room was a three-story hotel, and while we did get a variance for that height, we have reduced the height to a two-story motel to mitigate and minimize any potential impacts related to the visual aspects of the property. We are sensitive to the fact there are residential neighbors -- there is a residential neighborhood next door and every effort has been made to address all of the concerns and comments of the residents, one of which had to do with the visibility of the site as a whole. For that reason, the height of the hotel has been lessened to the extent it will really be almost invisible to the adjacent neighbors.

In addition, there have been some other site plan changes. I will get into that. From a procedural standpoint, we filed the applications that are here before the Board tonight. The site is approximately 1.97 acres in size. It is in the General Business District, such that this is a special permit use. It is in the commercial heart of the Town of Chili. We're adjacent to a shopping center, a pretty large shopping center at that, and we're hopeful that the amenities in the shopping center will compliment the hotel use and the hotel will compliment both the surrounding commercial uses and provide business to some of the restaurants and shops in the area and also will provide a service to the community as a whole.

As you may recall, Roberts Wesleyan College had submitted a letter to the Town in support of a hotel. Um, other petitions in support have also been submitted during this process; other letters of support. I believe there are several folks here tonight to speak in support. I also have a few additional letters which I will submit from some of the business owners in town. So you can have that as part of the record.

Um, let's see. We have been through all of the processes leading up to this point, and by that I mean, we have been to all of the Town's advisory committees. They have all commented and we have made every effort to address all of their comments. I don't believe there are any outstanding comments that have not been addressed adequately, so landscaping, architecture, drainage, traffic, all of that has been addressed through this process.

The initial proposal had several variances. I believe as many as seven may have been in that initial proposal. As part of the redesign of this project, um, we decreased the number of variances. Only one variance was required and it wasn't really related so much to the use as to the physical -- physical conditions of the property. This is a flag lot and for that reason we did need one variance. Excuse me. That was a front setback variance, I should say. We did go to the Zoning Board of Appeals and they did grant that variance a couple months ago. So other than that one variance, this project completely conforms to the requirements of the Town Code in every way. We have addressed all of the staff comments. We have addressed all of the Advisory Board comments. We have addressed all of the public comments that been received up to this point to the extent possible, and we believe this is really -- really a great project that, you know, has really evolved and developed through this process. We have taken back all of the comments and feedback and it has really come -- we have come out with a better project because of that.

In terms of the site plan -- Kip (Finley) is here. I'm going to turn it over to Kip Finley to talk a little bit about some of the changes to the site plan.

I didn't get into any of the details, just so you know.

MR. FINLEY: Hello, everybody. Kip Finley with Avery Engineering. I'm sorry to hold things up. I had a little fire to address at our house. The fire trucks just left. So I will wing this.

The three things that came through when we went through the final environmental review on the last project, the three-story version was aesthetics, lighting and noise.

In this case, we are -- our design really mitigates those. Especially the biggest thing with the visual is we have gone to a two-story building and at the same time still maintaining our commitment to have the heavy-duty landscape buffer on the west side, which includes trees up to 8 feet tall from the beginning when they're planted, plus a mixture of others to look natural and not like it is a contrived berm. And, since the code changed during the time when we were -- from our first application to this, we also need to honor a vegetative buffer in a 60-foot setback on the rear, so we have a 66-foot setback to the north and a 30-foot wide vegetated buffer also on a berm, also with a fence.

So now we have lowered the building. The trees are up high. Light poles on the back side. If I can show people, all of the light poles on these sides of the building and around are only 10 feet tall, so about the same as a basketball hoop, I guess. They're very low. They are shielded on this side. We have a photometric plan in our application.

This side can be shielded. Right now we didn't shield it because neighbors had talked

about a perpetual problem with partying back here in the woods. So we had left them unshielded. Even though the light doesn't spill across the property, it is a little brighter on this side. If the partying aspect is not really -- ends up being that important, we can shield those, too. So that everything on these sides are shielded.

The only tall light fixtures that are 25 feet tall are right here (indicating) next to the plaza and right at this intersection (indicating). Those are still not as big as the tall plaza lights you would see.

As far as the noise, we had talked about this in quite length in the previous project, but the whole goal of the hotel is for people to sleep, and so the developer, owner of the hotel, doesn't want to comp rooms in the morning and give people their money back or not take their money if they don't get a good night's sleep. So he will do everything in his power to make sure this stays quiet.

I stayed in a Microtel in Plattsburg similar to this a few weeks ago and by about 8:00, it's dead quiet. You would be lucky to find anything to do. In our case, there is a plaza next door with some shops and things like that.

So aesthetics we feel are really -- went to a great extent to mitigate those. The lighting is shielded and really very minimal just for security and noise. That is a common goal that the developer and the neighbors have, to keep it as quiet as possible.

That's about all I can think of for site now, unless there are questions.

MS. BRUGG: I will just point out a couple of things. Just things that popped to mind.

If you want more detail about the landscaping, we'll be glad to go through that. There is quite extensive buffering. There is a white fence that has been provided to match the fencing that -- that currently exists. Um, the other -- the other thing I wanted to point out is the landscaping along here, adjacent to the plaza. There is an easement in place for that to exist in perpetuity and for construction of a sidewalk. We have provided construction of a sidewalk to the edge of pavement. Indus has assumed responsibility for the installation and maintenance of that sidewalk. A copy has been provided to the Town. We are in the process. We have been asked to look into additional connectivity. We're working on it. We're making good progress and we're hopeful we will have that. I cannot guarantee that tonight, but we are very, very close to that. That has been in progress and we have some good success with that today.

So as a whole, I think what we're proposing here is something really attractive. The architecture has been reviewed. You know, we have elevations for you. We have tried to give you the most attractive building.

The landscaping provided far exceeds, I believe, what code requires.

It is extensive. It is thick. Um, we have really done everything possible to make this as a beautiful attractive site.

We have a visual simulation here as to what this will look like from Chili Avenue. It's -- I think it will make a really attractive addition. I certainly -- I guess beauty is in the eye of the beholder.

JAMES MARTIN: Will it be possible to put the visual simulations on the overhead projector so everybody can get a better idea what they look like?

UNIDENTIFIED SPEAKER: Is Chili Avenue the only entryway?

MS. BRUGG: The access to the site is from Chili Avenue, right between the Valvoline, the Bank of Castile and also through the plaza. Those are existing driveways. Essentially if you were to drive back there, you know, the bank is already there. The Valvoline is there and this is a patch of grass that exists back here (indicating).

JAMES MARTIN: Explain what you're showing, Kip (Finley).

MR. FINLEY: I was making sure it was the right one before we put it up.

This is a simulated view of the two-story hotel, pretty much standing about where the bus stop is on Chili Avenue, looking back between the Canandaigua National Bank and the plaza, and you can see some of the trees from the neighborhood in the background. That tall spruce tree, I forget which number house that is at, but that is in the backyard of one of the houses on Shrubbery.

Then we did a simulation from the other direction. If you were here at the public meetings from the last three-story version, then you probably would remember that at one point the roof used to be seen up about this high (indicating), and that you would actually see windows in between the trees from the third floor. And now we have lowered it down to be just the two stories. These are the trees at virtually the height they will be put in at. These are shown at about 12, which is a couple years' growth. On our landscape plan we have them 7 to 8 feet tall at their planting height. If you get much taller than that, and on a berm, you have some survivability issues.

We also had, I think, a picture of the front of the building. This is a picture of the style of the front of the building. It is going to be slightly different than this. One of the topics brought up at our ZBA meeting is that this prototype has porticos on the ends of the buildings, and in our particular case, now that we have gone to two stories, the building is pretty squeezed on site, so we'll have more of an awning type, stick out of maybe 2 feet of roof, not really these fancier porticos on the ends. The front and back will have the portico share -- or the -- not a full portico share because the cars don't go under that, but that was a request early on in our planning, I think, from Architectural Review or this Board to dress up the building by putting a nicer entrance onto it, and there is something similar on the back that can be seen on drawings up here.

Do you want those up, too?

JAMES MARTIN: No. Anybody want to see those?

The indication was no.

MR. FINLEY: Any other questions with that? We can go into architectural. Did Darren (Harvill) get a chance to talk?

JAMES MARTIN: Any questions so far for Kip (Finley) or Betsy (Brugg)?

JOHN NOWICKI: From an engineering standpoint?

JAMES MARTIN: Well, from what we have reviewed.

MR. DARYL MARTIN: Daryl Martin, architect. The architecture in relation to the three-story building, now the two-story was basically kept the same. The last time we met, we had been through the Architectural Review Committee with their -- I think at that time we had their blessing, correct, with the three-story version -- or we addressed their concerns.

Since that time, with the two-story version, we met again on August 26th. The Review Committee suggested a couple other minor changes, one being the frieze board, which -- with the -- on the gable ends -- if you want to take a look, here is a smaller version of the elevation (indicating).

Um, they asked for the front to put a bigger frieze board on the gable end. An 8-inch frieze board, which we show on the plans. A dental molding underneath the straight runs of the eaves.

We added a brick soldier tort and sills to the windows. And again, we added six panel doors on the doors that were at once slabs, the ones that weren't the glass aluminum type. So I'm hoping we addressed all their concerns.

We also adjusted the vents on the gable ends so they're all proportionately the same.

Other than that, I think that is basically just the gist of what we have done.

JAMES MARTIN: Before we get into questions and concerns, I will obviously ask the Architectural Review Committee to address any additional comments or concerns they may have at that point. So thank you.

Anything else from the Board on architectural?

MS. BRUGG: Um, I guess I will ask whether you would like us to take the questions through the process or we can wait until the end to respond to questions or however you would like to run your meeting.

JAMES MARTIN: Well, if your presentation is finished, then we can begin our process.

MS. BRUGG: Yes. I think we have tried to give you as much information as we can. Obviously you have a tremendous packet of information in the record already, all of the plans, various comments. We have addressed the legal standards already in the submission in writing, so I won't go through all of that, but we would be happy to answer any questions at any time. Thanks.

JAMES MARTIN: Kip (Finley), there was a letter from the Town Engineer. Can you quickly kind of go through that and respond?

MR. FINLEY: Sure. Actually came in two installments. We had a letter from him earlier on when we were first on the agenda, and then it came again to reiterate those comments and add one more.

The new comment was prior to final approval, the applicant shall submit a storm water management agreement in accordance with Department of Public Works, and the applicant is in agreement to this.

The entity selling this property is going to retain the land that has the pond, so there is a good relationship there to establish that, and we have already agreed in theory there will be a storm water management maintenance plan.

Snow storage is actually shown on the landscape plan. And there is just a comment about -- we have some boulders, and I just think it wasn't explained until we showed more detail about it.

There is snow storage in about a 10-foot area all around here (indicating), here (indicating), here (indicating), and here (indicating). And then a lot of this can be pushed to the storm water facility. There is a mountable curb on this side, so the plow can go up and over. These boulders aren't sitting on the ground right there. They're actually forming somewhat of a retaining wall along the edge of the pond so the snow can be pushed over the top of them. From this direction you don't even see the boulders. If you're standing in the pond, you would see them. They're actually recessed into the ground like a retaining wall. So I think that addresses it, now that people know what it is -- what actually is happening.

Another comment was regarding handicapped ramps. What the Town Engineer wanted was updated detail to put in the tactile strips. You now see the bottom of the ramps, they have different colors and dots so blind people can see something, visually impaired, and they can feel it with their stick.

We also -- it is on a different plan, but crosswalk markings have been added here. We have a sidewalk easement, so that our guests can go to different businesses along there. There is a sidewalk crossing right here now (indicating) and different markings. I think it is actually maybe one here (indicating), too. Because this is a main route over to the plaza.

Just another note that when we do the sprinkler system, we need a water supply report that says whether we actually need a fire pump or not. We need to establish a letter of credit for the work designated by the Commissioner of Public Works. That needs to be done. We're agreeable to that. That is standard. And a pre-construction meeting with the Commissioner of Public Works needs to be done prior to site work. That is where we go over topics like schedule, when will we be using the driveway, things like that that relates to construction, and the Town needs to

keep track of that. In Chili the Commissioner of Public Works also takes care of all of the storm water management, so erosion control and things like that, Dave Lindsay will want to be involved in that.

I don't think there was other comments to address from other Boards. I think we're all set.

JAMES MARTIN: I don't remember any from that aspect.

Betsy (Brugg), I didn't quite catch everything you said about the -- there is an easement in place for the sidewalk construction through the adjacent property; is that correct?

MS. BRUGG: There is an easement in place for construction of a sidewalk to the edge of the pavement. We were asked to pursue putting in some striping here just so if a pedestrian crosses through, there is something to follow to get to the plaza. The plaza management has changed during the course of this application. And we have had some difficulty just getting in touch with and dealing with the management company, but we actually did have some success this afternoon. We can't commit to it because we don't have a definite from them, but we are hopeful that we'll get this worked out.

JAMES MARTIN: Okay. But you do have a definite on the construction of the sidewalk?

MS. BRUGG: Yes. There is actually a signed recorded easement.

JAMES MARTIN: And a definite on the landscaping easement?

MS. BRUGG: Correct. Those things are in place. And I forwarded copies to the Town today.

JAMES MARTIN: Thank you.

Karen (Cox), I will go to you at this point for questions or concerns.

KAREN COX: I have not heard of using the retention pond for snow storage. Is that something that is allowable under -- you know, environmental rules? The snow will obviously have salt and soil and that.

MR. FINLEY: In our case it is a water quality treatment pond, so it will always have water. The storm water collection from the parking lot with all of the salt goes right to it anyways, so whether it melts and goes through the pipes or we put it in, it is all going to the same place. But that is -- in this case, we're using the water as the treatment for water quality before it goes out to the system on Chili Avenue that eventually gets to a creek.

JOHN HELLABY: A few questions. Um, 11 percent lot coverage presently. Um, three-story one, I think, if I recall, was about 12 1/2 percent. So the footprint actually did get a little smaller?

MR. FINLEY: The parking got smaller. The building may be narrower, but longer. It is about the same magnitude. Off the top of my head right now, I don't remember.

JOHN HELLABY: Height of the new proposed building?

MR. FINLEY: It doesn't even require the variance.

JOHN HELLABY: Just curious.

MR. MARTIN: 29 and some change.

JOHN HELLABY: During the initial discussions there was talk about reducing the parking stall size, too. Is that no longer an option here, whether they're going to stay with the standard size?

MR. FINLEY: In the process of redesigning this whole thing, we were able to eliminate all of the variances for stall size, more than ten in a row without an island and no parking in the front yard. So all of those have been done to code.

JOHN HELLABY: Hydrant relocation was discussed. I'm assuming that is the one that was up by Valvoline?

MR. FINLEY: There is actually going to be two. One would be okay. It is -- there is a hydrant right now next to the corner of the Valvoline parking lot. We're going to move it down a little closer to our building, because right now, that fire hydrant is on the old system. Monroe County used to let there be private fire hydrants and they would maintain them for people. In this case, they don't do that any more.

What we're going to do is bring the waterline into the building, do the backflow prevention to keep water from being sucked back into the water main if there is a pressure drop during the fire and they have a hose in a pond or toilet or something, you don't want the water to go back in the water main. Then it goes in. From the building it goes back out to the hydrant here (indicating) and then another hydrant here (indicating). Then we still have the hydrants on Chili Avenue and in the plaza. But rather than try to come all of the way back out here (indicating), we're trying to keep them closer to our building because they're being fed from the building water supply. So we have two.

JOHN HELLABY: Initial discussions talked about the shed and dumpster enclosure being combined into one. I have seen that now on the architectural renderings there. It looks good. There was discussions about a sign near the detention pond for either directional or a smaller type Microtel sign. Has that gone away or is that still there? I have not seen it on this drawing.

MR. FINLEY: At one time on the initial one we had requested a pylon sign, the taller 20 foot ones so there is some visibility from the street. That would have been by the fire hydrant next to Valvoline. We gave up on that.

We just have building signage, and then we -- the -- this property had rights to use the existing pylon sign out front and there is a sign space just for it, and we'll use that and the building signage.

JOHN HELLABY: Okay.

The only other comment I have got is I support Chris Karelus' comment and possibly using the hardy plank in lieu of vinyl siding, but I will let Chris (Karelus) address that.

JOHN NOWICKI: A few questions. It is nice to see the project went on a diet and lost some weight. I appreciate that.

MR. FINLEY: Not ten pounds anymore. More like seven pounds.

(Laughter.)

JOHN NOWICKI: That holding pond will have an aerator in it?

MR. FINLEY: It doesn't have one designed into it. It is possible to have one, but it is -- there is enough area and enough groundwater that comes up to -- it should keep it clean.

JOHN NOWICKI: Just a thought and consideration. You may want to think about that.

MR. FINLEY: They can look nice. I will talk to Jett (Mehta) about putting a conduit underneath the power of it. There actually is a lighting system with conduits, so it is feasible. If it becomes stagnant, it is easy to do.

JOHN NOWICKI: Just one of my concerns. I don't want stagnant water.

The Fire Marshal, his issues have been taken care of and adjusted, addressed?

MR. FINLEY: Yes. There is a letter in the file that he wrote.

JOHN NOWICKI: Fire Department is comfortable getting the fire equipment around, getting the emergency vehicles around the building?

CHRIS KARELUS: The Fire Marshal did comment on the project -- um, if you give me one second here.

JAMES MARTIN: I have a letter.

CHRIS KARELUS: -- back in October.

To the Board's attention. Based on the same plan, he stated that all State Fire Codes have been complied with. The independent permits from his office, we'll just ask that you hold it as a condition that the Board is willing to grant.

JOHN NOWICKI: Did you mention or somebody mention about getting a perpetual maintenance agreement for the landscaping? Is that something that you were asking for?

JAMES MARTIN: It certainly is in the comments that we have -- that Mr. Karelus has provided us, providing -- you know, depending how this goes tonight, if it were to go through, we would require that.

JOHN NOWICKI: Okay. All right. And the Department of Planning and Development from Monroe County, have those issues been addressed, Mr. Karelus?

MR. FINLEY: There really wasn't much of anything.

JOHN NOWICKI: Okay. You didn't see anything there. Okay.

That's all I have for now. Thank you very much.

GEORGE BRINKWART: I know we talked about a lot of things, but one of the things I would ask you to clarify for me, in your efforts to reduce the truck traffic or potential clients that may come in with tractor-trailers, I know you had probably done some studies and stuff, but just could you kind of recap those concerns?

MR. FINLEY: Yeah. In this particular case, Jett (Mehta) doesn't have a lot of tractor-trailer type clients. A lot of them have their sleeping quarters right on their trucks.

Um, in that case, they do try to find places they can pull off and run their engines and sleep in their trucks.

This particular thing is we do have proposed a sign that says "no truck parking," as soon as you come in the front entrance, so that if somebody does come in, they can come right back out. Even though this is designed for hook and ladder, tractor-trailer, we really don't want them back in there.

Another thing is that we really don't want them in there running overnight, or anywhere close to this hotel because we want our clients to be able to sleep.

So I'm not sure what else to address with that other than Jett (Mehta) actually really shares the concern with the neighbors, is that we don't want trucks in the plaza for people that live on Shrubbery or people that are staying at the Microtel.

GEORGE BRINKWART: Is that something that you would possibly include in your advertisement for the hotel, that you would indicate preemptively that trucks, there is no accommodation for trucks?

MR. FINLEY: Can that be done through the reservation process?

JAMES MARTIN: Go ahead, if you want to answer that.

MR. MEHTA: My name is Jett Metha. I'm the project developer.

Um, sure. That is something we could do. I mean, we have never proactively advertised towards truckers, but we would be happy to put on our internet advertising or web page that truck parking would not be accommodated.

Just to echo Kip (Finley)'s comments, the last thing we want is to have trucks running and creating noise, which will keep our guests awake. So we have very, very quiet corridors. As a matter of fact, even during the day when our housekeepers are servicing the rooms and the vast majority of the guests are out of the hotel, there is no talking in the hallway. And we say that all of the time, because there may be somebody sleeping in the room who perhaps works nights and is there during the day. So it is a very, very quiet environment, but I would be happy to accommodate that request.

GEORGE BRINKWART: The other question I have, do you have and would you consider, or you should, like a 24-hour hotline that if the Building Department gets a call, that they can call someone that they can actually speak to regarding any potential problems?

MR. MEHTA: Sure. I would make somebody inside my organization, if not myself, available for that.

JOHN NOWICKI: There is no smoking permitted in these buildings?

MR. MEHTA: We do have smoking rooms in a few of the hotels that we operate. Although the emerging trend is to have all non-smoking facilities. I haven't quite made a decision what I want to do at this location. But I'm open minded to discussing or thinking about a -- I was at the Roswell Institute all day today and we did a fundraiser. I learned 40 percent of all cancers is caused by smoking, so I'm the last guy that would want to see -- I would be up for that.

JOHN NOWICKI: Last year I was in a hotel and I got up in the morning and went downstairs to have breakfast and I was like, "What is that odor in the building?" The whole building smelled of cigarette smoke.

MR. MEHTA: It bothers me, too.

JOHN NOWICKI: This is terrible. I hope you consider throwing that out the window.

JAMES MARTIN: Follow-up on George (Brinkwart)'s issue, given that, you know, visual policing of this no truck parking is something that probably would be required -- I know if you're going to have at night probably one desk attendant or something like that.

Somebody pulls in there, pulls in there, and, you know, the desk clerk is busy checking people in or something. How is this going to be policed from a site perspective to be sure that this is not being violated?

MR. MEHTA: It will go through our training process. This is not unlike what we have in some other markets. I have developed hotels where I have pad sites or additional land adjacent to the hotel where either we operate a restaurant, or I have leased land to a bank or another restaurant, and that's become an issue in the past where our hotel guests have parked at the restaurant parking and then there is an issue in the morning. We have long resolved that.

I have full confidence in the overnight staff they can eliminate that. That is one of the first things that's done during the check-in process, "What is your vehicle," "what is the license plate number," direct them to which area of the parking lot to park and which door to enter. I'm very, very confident in our ability to police that. It's a part of our lives already.

JAMES MARTIN: All right. Thank you.

DARIO MARCHIONI: To follow up on the same thing, you do have people who have campers?

MR. MEHTA: Rarely.

DARIO MARCHIONI: How about motorcycles?

MR. MEHTA: On very rare occasion.

DARIO MARCHIONI: How about the people with the boom boxes in the cars?

MR. MEHTA: I have never seen it at one of our facilities.

DARIO MARCHIONI: How about limousines with party people, middle of the night they're yelling and screaming?

MR. MEHTA: Never seen a limousine at one of our facilities and I have been in the business a long time.

DARIO MARCHIONI: No limousines?

MR. MEHTA: No limousines.

DARIO MARCHIONI: No party people?

I will ask questions later.

JAMES MARTIN: Just going through the notes from the Building Department here.

Certainly we have touched on limiting truck parking, et cetera, et cetera. We'll talk a little bit about the vinyl versus hard board when we get to the architectural aspects of this.

And the roofing materials.

You know, since we have had numerous discussions about the buffering of the residential neighborhood, and Mr. Nowicki has already brought it up, that were this to go through, we would require a perpetual maintenance agreement regarding the plantings, the landscaping, et cetera, and that that would have to be based on the project's life, not the owner's life, okay? So if you were to sell the facility, it goes with the property.

MR. MEHTA: I'm very comfortable with that.

JAMES MARTIN: And certainly it needs to be four season. It just can't be deciduous trees that open everything up in the fall or winter.

We touched on the light poles. They're relatively short with cut-offs certainly and dark sky compliance is absolutely necessary.

And Betsy (Brugg) has touched on the easement situation. Sounds as though we have got some progress on that front at this point, but I'm reading between the lines, we don't have total agreement on everything at this point; is that correct?

MS. BRUGG: We are -- correct. We're working on the last -- last piece, which was sort of a later addition.

JAMES MARTIN: Obviously it would be subject to approval by Mr. O'Toole. All easements and agreements between yourself and adjacent property owner.

Okay. I will go to the side table at this time.

KEITH O'TOOLE: I recall when the original application was submitted, there had been some complaint about existing landscaping along the boundary line with where Valvoline was located, that it had died out and hadn't been replaced. Certainly this portion of land is part of that master parcel. It would not be inappropriate for the Board to require that all that landscaping be replaced.

Nothing further.

JAMES MARTIN: Comment on that?

MR. FINLEY: Yes. The trees that have died off out there are in the area pretty much

along the side of the pond, and we have got on the planting plan, even though some of it isn't on what is our property eventually, it is in the shared drainage area. We are planting all new evergreens here and some bigger trees and shrubs around to replace all of those dead ones.

MS. BRUGG: I was just going to point out, and I don't recall, the section of the code was recently amended, but the way the code now reads, buffers have to be perpetually maintained. That is actually right in our code, so...

JAMES MARTIN: It's in our code, but I want to make sure it goes with the property and not the owner.

KEITH O'TOOLE: I should point out that the landscaping I'm referring to is not on the Microtel site. It is on the original master parcel between the Valvoline building and the common boundary line. That was, I believe, the issue at the time. So this isn't part of that buffer. It's part of the original landscaping plan, so the argument goes, shouldn't we ask the property owner to fix what they are already required to fix under the existing permits before we start granting any new permits?

Thank you.

MR. FINLEY: The proposal is to replace it all with more than what is there, so -- I guess if we were -- is it the question to fix it before we get an approval, or just make sure it is in the package? Because -- because it is, that whole pond area is going to be landscaped. We're replacing all of the dead trees, so it is in the project, and it can be incorporated into the drainage -- we had spoke earlier about a maintenance agreement for the drainage area that has to be shared between the entities. It can include maintaining landscaping.

JAMES MARTIN: I have been over there I don't know how many times. I can't recall how much of the original landscaping behind the Valvoline may be involved, you know.

MR. FINLEY: About four or five evergreens.

JAMES MARTIN: And those can -- those you would be willing to replace, Mr. Mehta?

MR. MEHTA: Yes.

MR. FINLEY: They're proposed as new to replace them. Whatever they were, they didn't work too well.

So I think what we would say is all original landscaping would be restored, all right, to its proposed condition. All right? Something to that effect, if this were to go forward.

CHRIS KARELUS: I would like to respond to Mr. Nowicki's request. County Comments we received were back in August on this application. If I could review them, um, County Health Department had a few comments just that the water main combined service line in would all fall under the permit process in their office. The supplier of water would have to have an approval on this project.

They questioned the -- there is a temporary residence, I believe, with a special permit that the owner and operator will have to obtain from the Health Department, I guess due to the fact this is a hotel.

The swimming pool, if that is planned for the project, they wanted to point out to the Board that has to run through the Health Department and their approvals.

Since they will have a food service establishment, and I'm guessing this is even for the convenience breakfast area set-up, there is a permitted process through the Health Department for that.

There were questions -- these are more boilerplate from County Transportation about monumentation checks and County -- the State road improvements would have to go through the State's permit process. And the State DEC had no comment on County Comments. The comments I sent to the Board, perpetual maintenance agreements, again, it is in the code, but I am recommending that they be captured as conditions so we can enforce the conditions as well as the code, but it is also a double check in this case.

Some of the landscape improvements actually fall off the project site, landscape improvements to the plaza, which is attractive (inaudible) to this project also.

I would also ask that the Board capture as a condition that all sidewalks and walkways and crosswalks associated with this project's proposal would have to be ADA and ANSI -- it's a standard -- compliant. I know the Town Engineer touched on that also. I wanted to ask the Board to capture that as a condition on any approval.

Nothing further.

JAMES MARTIN: Thank you. No additional comments.

PAT TINDALE: I would just say they have done exceptional landscaping, and I would like to ask for a print. I misplaced mine.

JAMES IGNATOWSKI: August 18th, the Architectural Review Committee met with Mr. Martin. We had about eight issues that needed addressing. And by stamp right now, all of the issues have been addressed, so it is fine.

JAMES MARTIN: Your feeling about hard board versus vinyl as far as siding material goes?

JAMES IGNATOWSKI: Being -- it would be nicer if it was hardy plank, but the issue being it is so far up in the air, I don't know if you will tell the difference.

KAREN COX: What is the advantage of the hardy plank over the vinyl? Just longevity?

JAMES IGNATOWSKI: Longevity. It is a tougher material. Anything that is facing north in terms of hardy board versus vinyl, it will not fade. And -- your lines will be a little more blurred, but with the cement boards, it will be tighter. So you will have a nicer shadow line to it.

JAMES MARTIN: One other comments regarding the roofing material. Recommendation 30-year architectural asphalt shingles.

JAMES IGNATOWSKI: It's a good product. Lots of reveal. Won't look like standard three tab, won't look cheap. Element looking product.

JAMES MARTIN: I guess when we deliberate, we can add that if we feel it is appropriate.

BRAD GROVER: No issues.

JAMES MARTIN: Before I open it up to the Public Hearing portion of this, I do want to acknowledge the fact that we are in receipt of petitions, one with several signatures in opposition to this project and one with two signatures in favor of this project. So for the record, I wanted to recognize that we are in receipt of these petitions.

DARIO MARCHIONI: Can you give us the count, for the record?

KAREN COX: It's 100.

JAMES MARTIN: I believe there were, what, four pages filled to 25, so...

KAREN COX: 100.

JAMES MARTIN: -- so 100 signatures in opposition to this. As I go down through the addresses, I believe most of them were from the adjoining neighborhood, and there were two signatures in favor of the proposal. In addition to the input, we have had some Roberts Wesleyan College and some business owners.

KAREN COX: And the letters that Betsy (Brugg) gave us tonight.

JAMES MARTIN: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOHN MINOR, 3081 Chili Avenue

MR. MINOR: Good evening. My name is John Minor, 3081 Chili Avenue, and I'm also an Employee Manager at Metalico Rochester, 1515 Scottsville Road. As a resident of the Town, I think it would be a great idea. We have had several family functions, weddings, um, just different things, graduations where something like this would benefit the family as far as location wise. And from a business standpoint, from Metalico we also have a lot of corporate personnel officers that come in from New Jersey out of town, and we also do a lot of work with our sister companies throughout the U.S., going to the West Coast. They come in. It would be very convenient for them to stay in the Town of Chili since we're located very close, for them to, you know -- extended periods of time they do their meetings with us and whatever goes on. That would be it.

JAMES MARTIN: Thank you for your comment.

DARIO MARCHIONI: I have a question, please? Where in Chili do you live?

MR. MINOR: 3081 Chili Avenue, right down the street.

DOROTHY TYTLER, Gateway Road

MS. TYTLER: Hi. My name is Dorothy Tytler. I live on Gateway Road, which is within walking distance to this Microtel. I was wondering with this new Microtel, if it did go into effect, would there be increased police patrols because you're -- you're bringing in an element, an unknown element into the neighborhood.

I personally am dead set against this. I think we have enough traffic as it is. Um, they already have -- they said a bad element along that side there where there is loitering and drugs and stuff, which I have seen myself.

I don't feel that Chili needs this. I don't want Chili to become a Henrietta or a Greece. That is why I moved here. I have been to Microtels. I don't see where if there is an issue, that they do have people on site that will set the law down. As I said, as a consumer, I saw it not happening.

If this thing fails after it is built, will this become a low-income housing development? How will you make it a viable place, if it fails?

Um, in regards to Roberts Wesleyan -- and no offense, sir -- if Roberts Wesleyan is so concerned about this Microtel, there's all kinds of space on Buffalo Road, right down the road from Roberts Wesleyan, and I personally don't understand -- (Applause.)

JAMES MARTIN: Order.

MS. TYTLER: -- why the money that you guys have invested, why you can't put -- pick a more viable site. This is a residential area. I personally have been here -- moved back to this area since 1993, I raised my kids here. I want this kept residential. I do not want this to become Greece or Henrietta or anything else. I want my children to be able to walk up and down the streets and feel that they're safe. With Microtels, no offense, I don't feel -- I feel that is putting an increased burden on my children's safety.

Um, you cannot also guarantee the comings and goings of people that check in Microtel. In the summertime I like to have my windows up, open. We hear the traffic. We heard it increasing. With this, you can't regulate the trucks that are going to attempt to come in. You can't regulate the people that are going to be coming in and checking out at night. You don't do it. Microtels are made for people to come in at their leisure. I -- I am totally, totally, totally against this.

Um, I think I have hit on most of the -- the thoughts that I have had at this time, but I really want you guys to put a lot of consideration into that. And if there is -- if I can sign that petition against it, I would. I was not asked.

Thank you.

JAMES MARTIN: Thank you for your comments.

JANET HERMAN, 15 Omega Drive

MS. HERMAN: My name is Janet Herman. We have lived on Omega Drive, which is a neighbor to this. To my knowledge, um, I -- I do not believe that the neighbors have been asked their judgment. I know you had an open forum like this, but it seems to me since you have gone to the owner of the mall, it would be nice to go and find out how the residents feel, and I think you would find out.

I'm also against it. We do not live on that side. We live over closer to Davis Park, but we would get some of the clientele. That's my one point.

My second point is, which was going to be the same as this one (indicating), about hearing that Roberts Wesleyan wants it. I used to teach at Fairbanks Road School, and I know how confusing it is to go from North Chili, over and twisting and turning and trying to find it. Because my husband and I do a lot of driving around, and trying to find motels in the middle of the night, and it's not easy.

And putting this little object, which you are, in the middle, off to one side, I heard somebody said something or another about squeezing it in. When I looked and saw it has five sites, about ten years ago, I'm going, "Where in the heck can they put five sites in there?"

Now that we're thinking about building a -- a two-story hotel, with possibly buses coming in, um -- we mentioned trucks, but buses -- um, well -- and I also would like -- if you don't have 15 Omega on that, I would like to sign it, too, because we didn't get it.

JAMES MARTIN: Thank you.

JARED CASE, 23 Shrubbery Lane

MR. CASE: Good evening. My name is Jared Case. I live at 23 Shrubbery Lane. Every time another one of these meetings comes up about trying to put a hotel in that small plot of land behind the Chili-Paul Plaza, I start losing sleep. I toss and turn at night thinking about it and get frustrated and angry. I wanted to know what was making me so frustrated and angry, so I focused on that for a while. What I came up with, I was aggravated in feeling that I had to defend what should be taken for granted, namely my civil liberties of safety, property and privacy.

Once I identified that, I became a bit calmer and in understanding that we live in a representative democracy and realized that perhaps the people charged with defending my civil liberties in relation to the development of Chili, the Planning Board of the Town of Chili, did not fully understand the implications of putting a hotel in that spot. So I have come here tonight to give you the neighborhood perspective.

The bottom line is that this project is not appropriate for the space allotted for it and it is not an appropriate business for its proximity to a residential neighborhood. Its size and 24-hour operation will not only be incompatible with what the Town has already established for its General Business Districts, but it will overwhelm and negatively impact the neighborhood adjacent to it.

The project designers know this. This is why each and every one of their actions is an attempt to ameliorate the proposal and ingratiate themselves to the neighborhood. They know that their 24-hour operation will require lights blazing throughout the night, but they try to minimize it by putting shields around the lights. They know their clients will come into the parking lots with lights on at any time of night, shining into the windows of the adjacent properties, so they try to minimize it by putting up a thin plastic fence.

They know they have no control over the noise their clients make in the parking lot, so they try to minimize it by planting more bushes to cushion the sound.

They know they have no control over their clients looking out of their second-story windows over the fence and into residential backyards, so they try to minimize it by planting 8 foot trees instead of 6 foot trees in an effort to block the windows from a view in ten years. And think about it, what is the first thing you do when you walk into your hotel room? The first thing you do is put down your bag, but the second thing you do is you walk to the window, open the curtains and see what you have a view of. I did it myself last month in a hotel in Indianapolis. I chose the bed furthest from the window and went to the window to see what I could see.

For the record, I could see part -- the southern part of the capital building and office building across the street where people were on phones, wrapping up their business at the end of the day. It will happen here. And it only has to happen once to undermine the security and privacy of the voting tax-paying citizens with line of sight to the hotel.

And these other things will happen, as well. There will be light bleeding into the neighborhoods from the parking lot. There will be guests staying at the hotel with a bad muffler or loud radios driving in at 4 a.m. disrupting the peace of the neighborhood. There will be truckers staying at the hotel, leaving their truck running in the parking lot all night.

As much as the owners say they don't want these things, it is unavoidable. Know why? Because as a business, it is illegal for them to discriminate on behalf of the neighborhood. They can't refuse service to someone because his car is too loud or he stays up too late or likes to walk around naked with the windows open. They can't refuse service to someone because he drives a truck or just because he looks shifty. I can do that at my house, but 30 yards away in a General Business District that is illegal. They can't do it because it is bad for business and not their responsibility.

So where does the responsibility lie?

Well, it lies with us as a community. And it lies with us as a Town to prevent these

around or teach them how to pick themselves up back up when they stumble. I don't always see the stumbling blocks and I don't always give my kids the best advice, but I try.

And I'm always on the look-out for problems.

This is a picture of a sexual predator that lives on Westside Drive, 1.93 miles from my house. This is a picture of a sodomist and child pornographer that lives on Red Bud Road 1.45 miles from my house. This is a picture of a sodomist and child rapist that works on Beaver Road, .95 miles from my house.

This is a picture of a sexual predator that lives on Ruth Terrace .92 miles from my house. This is a picture of a child rapist who works on Golden Road, 69 miles from my house. This is a picture of a child molester who lives on Blue Spruce Drive, 43 miles from my house. This is a picture of a child molester that works on Paul Road, 1/3 of a mile from my house.

JAMES MARTIN: No need to -- no need to share those with us. What is the relevance of that?

MR. CASE: Seven people that live or work within two miles of my house have been convicted of sexual crimes, usually against minors. There is 6 more within 3 miles and another 17 within 4 miles of my house. All of this information comes from the government website familywatchdog.us. I check it on a regular basis for changes, new additions to our community. These are the people I watch out for. When I take my children to shop at KMart or when my son plays T ball on Chili Memorial Park, I know who to look for.

What concerns me is that there is no law preventing any of these predators from renting a room at a hotel that backs up to my backyard. And there is no legal rights in place for the hotel to refuse service to a predator that might want to get a room looking at some backyards of voting, taxpaying citizens.

You want to know what keeps me up at night, what keeps me tossing and turning in my bed and punching my pillow in an attempt to get comfortable, it is that one day I'm not home. It's that one day I let my guard down on my own property. And all it takes is once. There doesn't need to be a long history, an established pattern. It only takes one time to change a life forever. Just one time when I started to become comfortable with playing outside. Just one time when the Planning Board of the Town of Chili has assured me a thin fence of white plastic is enough to keep my family safe for all time. It only takes one chance for me to fail as a father.

But I am determined not to fail as a parent, and that is why I'm here, to fight to keep my children, my family out of harm's way. To fight to remove them from any situation that might be harmful or life-shattering. And I will not allow you to fail in your responsibilities as parents and your responsibilities as community leaders. The bottom line is this project is not appropriate for this area. That is why I encourage you to vote against this hotel plaza behind the Chili Paul Plaza. You have the support of this room. You have the support of the community. You have the support of the code of the Town of Chili to turn this proposal away from a residential neighborhood and tell them to build it somewhere else. Thank you.

JAMES MARTIN: Thank you.

BEV LONGBINE, 3249 Chili Avenue

MS. LONGBINE: My name is Bev Longbine. I have been a resident of 3249 Chili Avenue all of my life. I'm not against the Microtel concept. More than a year ago, I had occasion to stay overnight at a Microtel in the Buffalo/Niagara Falls area. The room, while small, was very clean and comfortable.

That being said, all of the Microtels that I have seen have been on highways perpendicular to and with approximately one half mile from an interstate. In our town, that would be Coldwater Road or Union Street. All of the Microtels that I have seen have been within easy sight of the highway, not between some -- or behind some other businesses.

In general, motels that attract overnight tourists seem to be only a short distance from schools of higher learning, airports, or major businesses that tend to have conferences in the area.

If Roberts Wesleyan College is the intended source of overnight guests, then wouldn't Union Street be a better location?

Motels that are at a greater distance from schools, airports or major businesses or not easily seen from the road tend to attract longer term residents, who, if they stay long enough, are exempt from paying sales tax. One of the things that, of course, everybody is interested in, more sales tax.

Have these items been previously addressed? And what about over-taxing sewer usage? The Sewer Authority cleaned the sewers in this area within the last week. Will everyone's property tax go up if the sewers have to be cleaned more frequently because of this project? It seems to me that a better use of the property in question would be for a small office building, a dance studio, a music studio, a miniature golf course, or some other small business facility that would have business hours similar to the existing businesses.

Thank you.

ROBERT BYER, 925 Paul Road

MR. BYER: Good evening. My name is Robert Byer, address 925 Paul Road. I have lived in Chili for 35 years. I'm an old 19th Warder. Chili was the best kept secret in Monroe County. Apparently it's not anymore. We have got a hotel going in. Why do we need a hotel? I don't see any physical reason to have one.

We could use rooms for Chil-E Fest. That's one day out of the year. Kids going to Roberts Wesleyan College, the parents bring them in. Fall, two days. Pick them up, Thanksgiving,

situations from becoming possible.

Let's step back for a minute and compare it to the other businesses in the area. The other two-story business in the plaza, an office building that looks like a large house that is on the far east side of the plaza, fronting Paul Road, not adjacent to any residences and not overlooking any residential property.

And none of the businesses within the plaza operate 24 hours a day. Here is some of the hours of operation within the plaza. I picked these up today. Starting from the south end to go to the north. And I'm excluding all of the businesses that have bankers' hours. Expo Nails is open from 10 a.m. to 7. The laundromat is open from 7 a.m. to 10. That is sort of early. Subway is open at 7:30. Leaf & Bean opens at 6:30. Acropolis is open as early as 6 a.m., but they close at 9 a.m. Bill Gray's, open from 10:30 to 10. Blockbuster, God bless them, are not even open to midnight anymore. They're open to 10 p.m. The exception on the north end is the Village Pub, who's open to 2 a.m. on most of the nights.

So even if the pub made noise to 2 a.m. every night and the Acropolis was boisterous as it opened at 6 a.m., every day there would still be 28 hours a week of guaranteed peace and quiet. If you take the pub out of the mix, the number doubles to 56 hours a week, eight hours a night. Now, that is residential-friendly.

And even though there is parking for each one of these businesses to the side of the plaza, the pub to the north and the restaurant to the south, all of that parking is contained within the plaza. And none of it is behind the business, facing a residential area like the motel would have.

I would like to reiterate that despite my tone and my passion, the residents of Chili are not universally against a hotel in Town. In fact, there seems to be a real split on the issue. It all stems from that particular person's personal use of what Chili should be.

The residents I have talked to are almost universally against the hotel in this spot. We would be against any similar businesses on this plot of land. The code of the Town of Chili allows for a hotel or motel to be built within a General Business District under a special use permit.

The citizens of the Town of Chili would be fighting any of the special uses allowed for the code. The neighborhood would have the same problem with light pollution from a drive-in movie theater allowed as a special use in the code.

The neighborhood would have the same problem with the noise and commotion of a 24-hour operation, such as a hospital, allowed as a special use in the code.

The neighborhood would have the same problem with invasion of privacy and security with a two-floor apartment complex allowed as a special use in the code. So we are opposed to any of the intrusions and deleterious effects inherent in these special uses allowed for in the code of the Town of Chili that are proposed for this piece of land. But hotels do come with their own complications.

So I had all of these thoughts going through my head when I was struck with an idea; am I the only one that feels this way? Is my proximity to the problem skewing my viewpoint? Is the Town of Chili, in particular this neighborhood, in favor of this project? Am I just too blind to see it?

So I set myself a challenge. I would walk around the neighborhood with two petitions, one for the hotel and one against. The first petition with 100 signatures would be declared the winner. This was not a labor of love. This was a labor of four hours on a Sunday when the Bills had a by. It was a semi-scientific pole by one guy with a clipboard and ten pieces of paper, but the results were overwhelming. The petition against the hotel got the 100 signatures. The petition for the hotel got two.

Now, to be fair, the one woman that signed the petition for the hotel thought it would be convenient for people to stay at when they were visiting her church. The one gentleman that signed the petition in support of the hotel wasn't in favor of the project at all, but signed the petition from a purely moral and ethical point of view stating he didn't believe in the rights of citizens to dictate what other citizens can and cannot do with their property. The true ownership comes from control. It was one of those interesting conversations I had that day. I'm not sure it is in keeping with our current form of representative democracy, but it was interesting. But the results between the two were conclusive. 100 against the hotel, to 2 for the hotel.

If this Board were a true representative body with 51 members, this proposal would be voted down 50 to 1. If this Board was truly a representative body with seven members, this proposal would be voted down 7 to 0. With one of the voters having some nickeling doubts in the back of his or her head. People that signed against the hotel cut across all demographics. There were single people, married people, um, people with young families, people whose families had grown and moved on, men, women, Democrats, Republicans.

They were people who expressed frustration that Supervisor Dunning seemed powerless to protect the people. There were people who literally dropped what they were doing to eagerly signed the petition. There was even a young man taking into consideration that tomorrow was Veterans Day and was just finishing his 18-month tour in Afghanistan that found out about this proposal when he got back last month. He and his wife both signed the petition against the hotel.

This list represents people who have been living in the area for 3 months, 23 years or longer. 100 people out of 102 were telling you that this proposal is a bad idea. I was convinced I'm not alone.

I'm a father. I have two sons. And despite the fact that they're dressed up as Batman and Robin, they can't always defend themselves. That means I have to be able to look into the future. I have to be able to see stumbling blocks before my kids get to them and teach them how to go

another day.

How are these rooms going to get filled? What I don't want to see is a motel out here that is comparable to the one in Brighton on Monroe Avenue that is in the newspaper at least once a year. How are these rooms going to get filled? Are you going to come off the -- down 490 and go to here to rest? No. If you have done a lot of traveling, you're driving around, when you see the sign along the major highway, that's where you pull in. Think about this. It's wrong for the community to have this motel here.

JULIE CASE, 23 Shrubbery Lane

MS. CASE: If my voice changes, I'm sorry, because I usually teach five-year-olds. Fairbanks Road, woo-oo. So I'm not used to speaking in front of adults.

Unlike my husband --

Julie Case, 23 Shrubbery Lane. We take up the north side, I think. I'm more about facts. So I went through all of the records that you guys talked about last time at the last meeting, which was November 10th, 2008, almost a year to the date that you guys were about to turn it down, when you guys pulled their application. I went through the SEQR 2, that you guys have to go through, and one of the big things you guys -- you guys said was aesthetics, resources or whatever that was, that I hope you find still a big concern. Because the fence that I was told when Kip Finley came over to show us the project, if it shows on the map, it butts into our property, and when I was told when he walked me, he said it would come straight down. Well, now it cuts in. So you will have a huge cut in on our property. This fence will go straight around the big trees, which I'm grateful they are keeping them, but it will still cut in. Which, by the way, we had a surveyor come, and he came and -- found the stake that was in the ground or whatever, and he thinks they may be off somehow. I don't know. But the fence starts here (indicating), and where the plot point that our surveyor said, it looks off a little. So I don't know if that is something somebody could look into, but I went back there and we moved our trees so that we were making sure we were on the lot line so the surveyor who we had and we paid said that the plot point we were actually at was right, and I don't know, it doesn't somehow match up to what is on that map. Maybe I'm wrong.

The other thing from the SEQR 2 was the impact and growth character of the neighborhood. I hope you still find that that is large. It will be. It is for me. I'm the neighborhood.

Headlights will still be pulling in and out, so lighting, even though they say they're shielding it, headlights, you can't control that.

Smoking, that came up. I wrote myself a little note. If smoking is not allowed in the building, a lot of companies nowadays aren't even allowing people to smoke on ground, so where are they going to go to smoke? My property is right there. Are they going to be smoking off grounds? Will they be smoking outside? I also hate smoking. I hate the smell of smoking. My mom died from emphysema. I don't want to smell it in the backyard if somebody is smoking on the berm, next to my yard.

Last night a trucker was parked in the back. So talk about controlling that? Saturday night they're there, Sunday -- I -- there is no way you're going to be able to control that, and it might become worse. That is still a huge concern.

We have talked about this area, back here on the map. The party area. When I was moving the arborvitaes back here, we had kids taunting us. If this is a problem now, when you put more back here, do you think it's going to become a bigger problem? And I e-mailed somebody -- I don't remember who in the Town -- and they said that it was the -- the responsibility of the owners of the plaza. So I have tried to contact them. It is a huge problem back there. It really is. My husband and I are moving trees and they're telling us to shut up, kids doing drugs. We have like a four-year-old, five-year-old and a two-year-old back there. If it's a problem now, it will just cause a huger problem.

So my only suggestion is, you guys like to throw out this, I thought this was a funny phrase, a ten-pound bag in a five-pound lot or something like that. So it is still an eight-pound thing in a five-pound lot, still. So I'm grateful they have changed it. Still doesn't belong on this site. Please. Another site.

Thank you.

VIRGINIA BARCLAY, 36 Janice Drive

MS. BARCLAY: Virginia Barclay, 36 Janice Drive.

To have an attractive hotel surrounded by pleasing landscaping and an open drive-up appeal would indeed be a plus for Chili. This is not what is being offered. To have a hotel jammed in behind a 24-hour neon-lit car wash, and an oil change business which front on Chili Avenue, is to say the least, tasteless.

To have it in close proximity to and depriving established homeowners of their privacy is just unfair.

It hints that for the builders any bargain price piece of land will do. After all, the builders don't live in Chili.

In the October 2008 D & C interview with Mr. Mehta, he stated that, quote, "This piece of property suits the hotel's needs better than any other," unquote.

The hotel's needs are not our concern. What we here need to be concerned with is what is best for Chili. In the March 12, 2009, D & C interview with Mr. Mehta, he said, "We talked to the neighbors to hear their comments and wishes and they were generally pleased with the new

proposal," unquote.

Just prior at the March 10, 2009, Planning Board meeting, he also said that 16 invitations were sent to homeowners and businesses. When questioned, he said that ten had actually gone to local businesses, and only six to homeowners.

In total, only three homeowners attended that meeting. No business people.

Why were only six homeowners invited? In the D & C articles of both October 2008 and March 2009, the comment was printed using the exact same wordage: Quote, "Those who back the project said it fills a void desperately needed in the area," unquote.

Who are these backing it who are interviewed each time, using the very same wording?

This is not the right location for a hotel/motel, simply because the land happens to be for sale. That is not to say that a hotel located in an appropriate area and itself situated on the road front could not be an attractive and very welcome addition to Chili. Always providing it did not require sacrifice by the two near neighbors. It has been a year and a half since this project was first presented. This is still and always will be the wrong project for this piece of land.

Thank you.

JAMES MARTIN: Thank you.

TESS CROZIER, 21 Shrubbery Lane

MS. CROZIER: Tess Crozier, 21 Shrubbery Lane. As always, and I'm sorry to be repetitious, my main concern with this project is that it is a 24-hour operation adjacent to residential homes. It requires a special use permit which does not have to be granted if this is not an appropriate use for that land.

Realistically, nothing can be done about truckers, motorcycles, partying in the parking lot, anything else that has been mentioned here tonight. There are plenty of trucks parking in the parking lot now, and I -- I also -- we live right behind the plaza. There is a delivery truck that parks there maybe every other Saturday night and it's running, and it -- it did wake me up during the summer when the windows were open, but what can be done about it? Who do I call about it? I don't know.

Everybody that stays in a motel does not go to bed at 8:00 at night to make it quiet there for everybody sleeping. I think we all know that that can be an issue.

Um, the -- the -- the drawing or the simulation that shows the trees and the -- facing the backyard of the people on Shrubbery Lane, I believe the simulation shows those trees at maybe five years' growth, not -- not at what they're planted at. I think that is what Mr. Finley said when he presented it.

Um, the only other thing I would say is that, um, if this does go forward, um, I would ask that very specific restrictions be put on when work can be done, mainly 7 to 5, Monday through Friday, no nights or weekends. Um, but I am -- have always been and am still against it, and that is my opinion as a homeowner in Chili.

Thank you.

WILLIAM RATE, 119 Stover Road

MR. RATE: My name is William Rate. I live at 119 Stover Road.

As far as the motel goes, don't affect me, but going to affect the neighborhood. My problem is, what protection do we have? Do we have a Police Department? No. That's what we need if we're going to go with this motel. I highly recommend we start looking into it because some day you're going to need one.

Thank you.

JAMES MARTIN: Thank you.

DONNA CADY, 31 Shrubbery Lane.

MS. CADY: Did you -- did they say the snow would be plowed into the pond?

JAMES MARTIN: What was your question?

MS. CADY: The snow from the plaza is -- this place, is going to be plowed into the pond, the retention pond?

JAMES MARTIN: Not from the plaza. From the parking lot.

MS. CADY: From the parking lot here.

JAMES MARTIN: Yes. That question was asked, and the answer was yes, there would be some snow plowed into there, but it will melt and run into the pond anyways because of the drainage from the parking lot runs into that pond.

MS. CADY: Not quite. I live right behind the retention pond. Probably 20 to 25 feet of my back lawn is saturated through the end of July. You can take a push mower and go on, but I can't put the tractor on it. You get down into the corner, behind Valvoline where the dumpster is and where the drain is supposed to be. You can't cut in there at all.

I'm going back to when Mrs. Meister owned that property. We never had a water problem.

The girl next door, she cuts their lawn. It's over her ankles. If they -- I'm not praying for snow, believe me. But if they have to put it in there, it's -- it's only going to make matters worse in my backyard and at 33, that we never had to contend with until Valvoline was built.

JAMES MARTIN: Have you brought your drainage issues to the attention of the Commissioner of Public Works?

MS. CADY: Yes. They have been in the backyard many times, and they did tell my neighbor it was -- how did they say it? It was an issue that should be addressed through the Town.

JAMES MARTIN: Okay. Then it needs to be addressed. Since this is something off their property, it would need to be addressed by the Town in relationship to your property to be sure that the drainage in the area is working properly.

MS. CADY: That drainage down in that corner from Valvoline has never worked from day one.

JAMES MARTIN: All right. Then I will ask Mr. Karelus to make a note of that and bring --

MS. CADY: Oh, it has been noted -- how long has Valvoline been there?

JAMES MARTIN: We'll bring it up again to Mr. Lindsay.

MS. CADY: It will only get worse if they have to put the snow in the pond. Thank you.

DOROTHY TYTLER, 14 Gateway Road

MS. TYTLER: Dorothy Tytler, 14 Gateway Road. I have a lot of cut-through traffic now. If you put in the Microtel, the street -- people fly down the street. It is only a 30-mile zone. They're small children. What is to stop them from coming in all hours of the night and day, you know, with that? So that -- the traffic issues is still a very big concern for me.

And this gentleman in the back that had the pictures of the pedophiles, um, that's a very valid concern. A couple years ago, my son was a senior in school and the gentleman that owns the property on King Road, who also lives on Red Bud, is a pedophile. My son walked home one day. One day out of the whole entire school year, and that man tried to pick my son up. His name is Mr. DeLorenzo, by the way.

And now, like they're saying, more of these pedophiles can come into our neighborhoods and we don't know, and it's just -- you -- you can't -- you can't do this to the neighborhoods. Aside from the fact that our property values -- I don't see them increasing. What is to protect our investment? We have made an investment in this community. What is in it for us to get back when we go to sell our home? With a Microtel? Come on. Seriously.

Thank you.

DAVID CROZIER, 21 Shrubbery Lane

MR. CROZIER: We have been through this all before, so obviously you know we're not in favor of this project at that location.

As a Board, you had a number of concerns the last time around, so many that the applicant withdrew before you were able to vote on the project. It seems the overwhelming majority of the concerns would still be concerns for any motel proposal in that location.

I would like to ask a couple of questions, if I could, about site plan.

The main drive in off Chili Avenue, um, part of the flag lot situation, the original proposal you were asking for a variance because there was only 30 feet of frontage and they're not asking for that anymore. I would like to know what changed that there?

JAMES MARTIN: That is correct. They now have the appropriate amount of frontage on Chili Avenue.

MR. CROZIER: How was that checked?

JAMES MARTIN: In negotiation of the sale of the property, there was expansion of frontage on Chili Avenue to allow the 40 foot frontage necessary.

MR. CROZIER: That part of the driveway in the front of the motel/hotel, is that considered part of the fire lane?

JAMES MARTIN: The driveway in front of the hotel?

MR. CROZIER: The main drive where it cuts in across the front part of the hotel, would that be considered the fire lane?

JAMES MARTIN: All I can tell you is the Fire Marshal of the Town of Chili has looked at the plans and basically said they're in compliance with all of New York State Fire Code.

MR. CROZIER: Because their site plan shows that being 24 feet wide at that spot and as far as I know, you need 26 feet State Code. I would like to point that out.

The porticos, the entries on the north and south ends of the building, is that a design change since the Zoning Board meeting?

JAMES MARTIN: Please repeat your question.

MR. CROZIER: I would like to know if the porticos at the north and south end of the building where the entries are, is that a design change since the Zoning Board meeting?

JAMES MARTIN: I believe that that is not the case. I believe when that was brought before the Zoning Board -- Kip (Finley), can you help answer that question, please?

MR. FINLEY: Yes. In that particular case, when we did go to the Zoning Board, and the comments that Mr. Crozier made pointed out to us that the building that we were thinking with those porticos isn't physically possible. So the site is only a certain size. We can live without them. We're -- we'll just make them smaller to be just awnings over the doorways. So we would have to change that to make it work.

JAMES MARTIN: So the question was, were they part of the plan when you came before the Zoning Board of Appeals? They were still on the building?

MR. FINLEY: They were still shown on there.

JAMES MARTIN: But they have been eliminated at this point.

MR. FINLEY: We're not planning to do them.

MR. CROZIER: Was that done so they would fit within the variance that was granted?

JAMES MARTIN: Yes.

MR. CROZIER: Has that been approved by Architectural Review Board in the meantime?

JAMES IGNATOWSKI: The awning issue hasn't come before us, but I don't think it is an issue that needs to. They have a structure on both sides and something that will not take aesthetically away from the building itself.

MR. CROZIER: I was concerned about those light poles being in the buffer area on the north side, especially without house shields. But that was explained in the presentation. If that is what Jared and Julie Case want, I will not argue that point. You want that? You want that?

JAMES MARTIN: No. Wait a minute. Let's not get out of control here.

If this goes forward and we deem it is appropriate to shield those lights on the north side, that will be done. That's -- you know, that is a given at this point in time.

We have obviously concern about spillage off the proposed project.

MR. CROZIER: The maintenance contract on the berm, is that -- does that include both sides? Is that what your recommendation was, Mr. Karelus, both sides or one side?

JAMES MARTIN: You will include the entire berm, all of the landscaping.

MR. CROZIER: Because when I read the note, I believe it said just the west side.

JAMES MARTIN: Well, there was particular emphasis on the west side, but it would be required of all of the landscaping.

MR. CROZIER: Okay. Thank you.

That 30-foot buffer, according to Town Code, is supposed to be -- the way it's worded in Town Code, supposed to be fully landscaped and intensely planted. They have part of that 30-foot buffer area as snow storage with a lawn area. To me, that is not fully landscaped or intensely planted. I would like to point that out to you.

The last thing I want to point out is the meeting that we had, the neighbors had with Mr. Mehta, he said he would put 12-foot trees on the top of that berm for -- to provide a more immediate screen. Not five years down the road; 12-foot trees right off the bat.

JAMES MARTIN: Thank you for your comments.

KATHLEEN DANISZEWSKI, 19 Shrubbery Lane.

MS. DANISZEWSKI: I have a number of concerns about the project. One is that I'm not sure we have enough business to be able to fill a hotel or a motel. If not, again, as everyone else has said, who is going to be there? This may be political sabotage, but it's my kids lives and I really don't care. I'm a social worker. I work with sexual offenders. I have heard, looking right into their faces, how they go to neighborhoods where there are kids. They go to the nearest accessible places. That would be a motel. You can rent it by the day, you can't rent it by the hour. It doesn't really matter.

Not that that is going to happen at this, but it just makes it that much more of a chance, accessible.

I also have concerns about the traffic. My kids ride their bikes. There is a lot of traffic going down Shrubbery to cut-through up to McDonald's. When we bought the house, we were told nobody can develop that land behind us. There is variances. Doesn't seem to be a case if you have a waiver or whatever the technical term is.

I'm very concerned. I have children. Even if I didn't have children, it's our neighborhood, it's our lives. It's our property values.

This may be a very good business. It might just not be at this spot.

Thank you.

ARTHUR REIMHERR, 26 Shrubbery Lane

MR. REIMHERR: I just want to say -- Arthur Reimherr, 26 Shrubbery Lane. I have lived there for 43 years. And it's been a wonderful neighborhood to live in. We have never had any trouble, as far as I know.

Our neighborhood has turned over now in 43 years, and there is another generation of young parents with young children moving in.

I just hope that they will have the same opportunity to raise their children in the same safe way that I felt when I was raising mine.

Thank you.

JOHN GIFFEN, 41 Sleepy Hollow

MR. GIFFEN: John Giffen, 41 Sleepy Hollow in Pumpkin Hill. I have no say about that. What I would like to comment on is the fact that he stated that Plattsburg they have the similar hotel that is very calm and in the evening it is very calm. Guess what? In Plattsburg they roll up the sidewalks at dusk. Not in Chili.

Second thing I would like to point out is you have the -- the God bless of Roberts Wesleyan College. Roberts Wesleyan College is over five miles away. It's not a couple of miles away. It's not convenient. If Roberts Wesleyan College wanted to support this, they would have pushed to have it on Union, Union right at 490. There is ample property there. They could build there. I would be more than happy to see them put it there, but not in the Town of Chili. We don't want Chili to become, like you said before, a Henrietta, a Greece. We want to keep it neighbor-friendly.

Thank you.

MS. CADY: One more thing. I don't know how many of you people live with businesses in your backyards. I'm very fortunate, I have Valvoline, the car wash and the bank, and the plaza.

The traffic -- there are only maybe five full-time employees at Valvoline. The noise over

there is crazy. Um, their radios are going all of the time. I yell at them. I don't care anymore. And I have addressed the issues with the managers.

You don't know what it is like to have five people out there yelling, slamming car doors and their radios. I'm not saying my own never slammed their doors and blasted the radios. But to have this many people, in and out, continuous -- I will say continuously that he may be blessed and fill the place every day, um -- not that I want it there. It's -- it's not meant for where we are. We have enough. I would like to keep it the same as the rest, as it is now.

I think that you have -- the Town has forced enough things upon us. Unfortunately, they're in my backyard. And I don't want anything else there. And I have made it clear before. But I just wonder if any of you people were fortunate enough to understand where I'm going with this, to have these types of businesses 24/7 in your own backyards. And how you would like it.

Thank you.

(Inaudible) MARTIN

MR. MARTIN: One thing that dawned on me when you asked about the quality of the architectural siding, I'm pretty sure with the Town Codes, wherever that awning is going to be, there might be back lighting, and if that awning could be used as extra signage. It would be my suggestion some type of elevation is provided to the Building Department so those issues are covered.

JAMES MARTIN: I agree with your conclusion. Did you catch that?

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I have sat here and listened to the problems and the concerns of the people that border on this project and I can empathize with them all. This is, again, yet, too big a project for two-acre piece of land. And you can sugarcoat it any way you want. You can downplay the problems all you want, but they're not going to go away. It just doesn't fit here

This is the most inappropriate site that I think that this developer could have picked in Chili.

We have gone to great lengths for a long period of time to improve Chili Center. It is a far cry from what it used to be and the Town has every right to be very proud of the way it is turning out. It is a huge project to try to redo and establish a community, but we have almost done it. Now we're going to throw it away?

We're going to put an attractive nuisance on a too small piece of property in an inappropriate place next to housing. Every one of these problems that these people have mentioned is legitimate. Every one of them. And this Board has heard it long enough. You have heard it for well over a year now, probably close to two. They don't want it there.

It's all you people have to hear. You're not up there to please developers, as some other person mentioned. That's true. You're darn not up there to please developers. You're up there to do what is best for this Town, and it ought to be clear to you now after almost two years what is best for Chili, and that's not to have that Microtel there.

I, too, am not against a motel in Chili. If one could survive in a business -- make a profitable business of it, I don't have a problem. If Roberts Wesleyan is so dead set on having a hotel, I would suggest a site over that way. But that should not be a legitimate point. Roberts Wesleyan doesn't make this Town. They don't run this Town. They're just landowners and inhabitants like the rest of us. They don't count any more than anybody else. And if they want a motel, I suggest they find a place for one over in North Chili or over in that direction. There is plenty of land.

I am very concerned about that pond. If anybody on this Board can show me a pond in Chili that after a few years remains clean, well kept, goose free, scum free and smell free, I wish you would tell me where it is. It would be a first if this pond didn't turn into the same unmanageable nightmare that every other pond in Chili becomes very quickly.

I don't see how in the world anybody is going to keep that pond clean. It is -- it is visible from the main road. It's surrounded by other businesses that didn't ask to have all of this water from this motel put in there. I just don't think it is a manageable plan. That pond is going to be a nightmare no matter what the promises are made tonight.

We have heard about the lack of a police force. That is true. I don't want to have to pay for a police force in Chili. I'm very happy with the Sheriff's Office, but they're not going to be able to contend with the problems that this motel is going to bring. You can't dispute that. It's a fact. You can wish it away, but it won't go. You're going to attract some very undesirable people to that motel. That's the way it goes with motels. You can't wish that away either.

And Mr. Mehta can downplay all of the things that he wants to or tries to, but the sad fact is it has been brought out, he can't promise a solution to any of these things. He doesn't control them, and he can't.

He can't control who he is going to rent a room to. He can't control where somebody parks. He wants to get his business in there. I understand he is a businessman. He has every right to try to make a living. But don't believe for one minute that he can control these things. And I have found out from long, long -- long attendance at these meetings that anything that is said in the Public Hearing is not enforceable. And the people in this audience should know that. If it isn't written as a condition, it isn't said.

So anything that anybody promises or tries to promise or wish away in this Public Hearing is not enforceable later. It is just so much print on so much paper. So if indeed this -- this

project, which is totally inappropriate for the place, goes forward, I would want this Board to be sure that they have a list of conditions that is pages long, because that's the only way afterwards you're going to enforce anything with this project.

The best thing that would happen for this project is for this Board tonight to say no.

JAMES MARTIN: Thank you.

MARY JANE DeGRAVE, 19 Emerald Point

MS. DeGRAVE: I have just a couple of things to say. I think it is very inappropriate for the neighborhood. This is a residential neighborhood behind this property. Very inappropriate. The pond can be a big problem. Wellington Ponds, they have had a big problem over there with their pond, full of scum and seaweed and geese, so there has been a big problem at Wellington -- Mary Jane DeGrave. I don't live in the neighborhood but I'm Chili resident.

JAMES MARTIN: Address, please?

MS. DeGRAVE: 14 Emerald Point, Rochester, New York 14624.

The other issue I have, people don't have to go to Henrietta or Greece. There are lots of hotels and motels around the airport. What is wrong with going there? That is not that far from Roberts or any of the other businesses in the Gates-Chili area. There are lots of hotels and motels around the airport, so why do they have to come to Chili Center? Very inappropriate with the neighborhood.

I agree with the security problems. People are worried about security and noise. It's just inappropriate for this -- because it's -- it's backing up to a residential area.

CAROL STENGLIN, 64 Red Bud Road

MS. STENGLIN: I live on Red Bud Road, but I support you people. Carol Stenglein, 64 Red Bud Road. I have been in Chili for 50 years. And I'm appalled to think that you would consider a motel on that tiny piece of land. It's not backing up to me, but my heart goes out to the people that it is.

JAMES MARTIN: Thank you.

JERRY CASE, 23 Shrubbery Lane

MR. CASE: This is Jerry Case, 23 Shrubbery Lane. I just have a couple things I want to clarify or state in different ways. We have been told the traffic issue has been approved and looked at. I assume that only has to deal with the traffic on Chili Avenue, and I hope it includes a light so we don't have anymore children on bikes getting hit by cars at that intersection. But I don't think it addresses the traffic increase through the neighborhood. Because the shortest distance between Roberts Wesleyan and the front door of this hotel is not down Union Street and along Chili Avenue. It's not King Road to Paul Road to turn right on Chili Avenue. It's through this neighborhood. We already see people cutting through. And if this is to help support Roberts Wesleyan, we're just going to have an increase in net traffic, and I don't know if that traffic concern has been looked at.

The other thing I want to say this is a General Business area. We know this is going to be developed, but let's make it a business that stays on the ground and closes down at night.

Thank you.

MS. STENGLIN: I forgot to mention, have you people been to the farmers' market on Saturday morning and tried to make a left-hand turn when you came out? Have you been to Wilson's Farm and tried to make a left-hand turn on Chili Avenue? It is impossible. Now you want to put a motel there and bring that many more people in. Have you been on Paul Road and seen how many tractor-trailers there are? And now you want to put a motel. They have to be served by trucks. Let's use our heads.

JAMES MARTIN: Last opportunity. Any other comments? Last opportunity to be heard.

James Martin made a motion to close the Public Hearing portion of this application at this time, and John Hellaby 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: I want to thank everybody for your comments and concerns that have been addressed to the Board tonight. Before we proceed, just again, some of the things that could conceivably be permitted, and this is permitted in the General Business District, you could have photographic and artist supply studios, music and dancing schools, art galleries, libraries and reading rooms; professional business offices, banks and financial institutions; variety stores, gift, notions, toy, pet, hobby, video/rental sales, bicycle shops; garden supply, hardware, home furnishing, health food, furniture, liquor and department stores; books, stationery, jewelry, leather, luggage and musical instrument stores; department and clothing stores; new auto parts and household appliances; restaurants, theaters (not include a drive-in theater), bowling alleys, places of public assembly; health and/or fitness centers; video arcade centers.

Those are some of the things, if that was a proposition before the Board, it is a permitted use within that district. I hope everybody understands that from a -- I guess an impact standpoint, somebody were to come along with one of these proposals and ask us to approve it, we would be hard pressed to say no given the code and the laws that we have to deal with.

So certainly I just wanted to point that out at this point in time, that there are some other

issues -- other activities that could go into that particular site that could be quite obtrusive to the surrounding neighborhood.

JOHN NOWICKI: I just want to ask a question. I wasn't aware of the fact that the plaza has changed hands. Recently?

JAMES MARTIN: I believe that the owner is still Kravetz Realty. They have a new manager.

CHRIS KARELUS: Back to the applicant, Chairman Martin and Member Nowicki, is the -- the understanding I have is they have a leasing agent now acting on behalf of the previous owner.

JOHN NOWICKI: When Kravetz came before the Board, I believe we have on file certain conditions that they were supposed to meet in order to improve the plaza. And certainly if that situation has developed over there with these trucks, tractor-trailer trucks parking in there at night, I don't think that is an appropriate situation and maybe they should be called back before this Board to address that situation. I just -- I assume we have that legal right to do that.

CHRIS KARELUS: If I could just respond briefly, because this is another property's issue, not so much the applicant tonight --

JOHN NOWICKI: I realize that.

CHRIS KARELUS: What I have understood to be the case is it is all after hours. 9 to 5 is when they're available and open, and how we respond to after hours is through our online formal complaint process, none of which has been filed with the Town.

JOHN NOWICKI: I think either they're living in those cabs on those tractors, or living in the apartments behind the plaza and parking their big tractor-trailers trucks in the parking lot. It has just been there, it has been going on for a few years.

JAMES MARTIN: Quite a long time.

JOHN NOWICKI: Quite a long time. Okay.

JAMES MARTIN: Before we move on or go forward, before we can do anything I need to go through the SEQR determination for this project. And what I would like to do at this point is to formally review Part II of the Environmental Assessment Form as far as the Board goes and please, as I go through this, if you have comments or feel that we're not dealing with the right clarification or definition on these issues, please speak up.

Will the proposed action result in a physical change to the project site? Clearly the answer to that is yes. There will be some physical change to the project site. I think that basically any physical change can be mitigated, all right, by the project itself. So I would answer yes, it can be mitigated.

Question Number 2: Will there be an effect on any unique or unusual land forms found on the site? There are none. So the answer to that is no.

Impact on water. Will the proposed action affect any water body designated as protected? There is none on the site. So the answer is no.

Question Number 4: Will the proposed action affect any non-protected existing or new body of water? There is none, so the answer is no.

Question 5: Will the proposed action affect surface or groundwater quality or quantity? Um, I believe that the proposed drainage system of a pond will act as a filtration to insure that the downstream quality of the water is controlled, that the quantity is also going to be controlled by the drainage aspects of this. So the answer is essentially, I believe, no, but correct me if you feel differently.

Question Number 6: Will the proposed action alter drainage flow or patterns or surface water runoff? I don't believe there is no significant effect on that. So the answer would be no.

Question Number 7: Will the proposed action affect air quality? I don't believe to any substantial degree.

Examples would be produces 1,000 more vehicle trips in any given hour. And those are some of the things they would list as having a significant impact on air quality.

Impact on plants and animals. Will the proposed action affect any threatened or endangered species? There are none on the site. No.

Will the proposed action substantially affect non-threatened or non-endangered species? Again, there is none on the site. The answer is no.

Impact on agricultural land resources. Will the proposed action affect agricultural land resources? There is none there. The answer is no.

Question Number 11, impact on the aesthetic resources. Will the proposed action affect aesthetic resources? And they cite examples here of project components will result in elimination of significant screening or scenic view known to be important to the area. That type of impact is what they cite as an example.

I don't believe there are any. The answer is no.

Impact on historical and archaeological resources. Will the proposed action impact any site or structure of historical, prehistoric or paleontological importance? There is none on the site. So the answer is no.

Impact on open space and recreation. Will the proposed action affect the quantity or quality of existing and future open spaces or recreational opportunities? I don't believe so, no.

Impact on critical environmental areas. Will the proposed action impact the exceptional or unique characteristics of a critical environmental area established pursuant to Subsection NYCRR 617.14? There are none on the site, so the answer is no.

Impact on transportation. Will there be an effect onto existing transportation systems? Example: Alteration of present patterns of movement of people and/or goods. Proposed action

will result in creating traffic problems other impacts. There may be some very minor ones.

JOHN NOWICKI: Traffic (inaudible).

JAMES MARTIN: We already have traffic issues. I don't see this project mitigating them, all right. Because that's got to be a State or some other agency that would -- that would do that.

I guess, you know, we have some choices here. Small to moderate impact; potential large impact; can't be mitigated; can, in fact, be mitigated by project changes.

KAREN COX: Small to moderate.

JAMES MARTIN: Small to moderate.

Okay. Impact on energy. Will the proposed action affect the community's sources of fuel or energy supply? No.

Noise and odor impact. Will there be objectionable odors, noise or vibration as a result of the proposed action? Examples are blasting within 1500 feet of a hospital; odors will occur routinely (more than one hour per day). Proposed action would produce operating noise exceeding the local ambient noise levels for noise outside the structures. The proposed action will remove natural barriers that will act as a noise screen.

I don't see any significant impact.

Impact on public health. Will the proposed action affect the public health and safety? I don't see any significant impact on public health and safety.

Let's see.

JOHN HELLABY: Not according to the guidelines they have spelled out here.

JAMES MARTIN: Okay. I will read a few.

The proposed action may cause a risk of explosions, release of hazardous substances. Proposed action may result in the burial of hazardous waste storage facilities, one million or more gallons of liquified natural gas. These are the types of actions that they talk about as far as impacting public health.

Impact on growth and character of the community or neighborhood. Will the proposed action affect the character of existing community? Certainly, yes.

Given the choice as small to moderate, potentially large, can impact be mitigated by project change? What is the feeling of the Board in answering that particular question?

JOHN NOWICKI: As far as impact?

JAMES MARTIN: I think in answer to the basic question is yes.

KAREN COX: Correct.

JAMES MARTIN: Now, do we have a small to moderate impact, potentially large impact, can the impact be mitigated by project change?

JOHN HELLABY: If you compare it to the overall size and population of the Town, I would consider it small to moderate.

JOHN NOWICKI: Probably small.

JAMES MARTIN: Small to moderate.

Question Number 20. This is a good one. Is there likely to be public controversy related to the potential adverse environmental impact?

KAREN COX: I think that is easy to answer.

JAMES MARTIN: I believe we have received some tonight. I will answer yes, but there is no choice as to whether that is a small, large or mitigatable.

KAREN COX: That's -- I mean -- that's hard to quantify.

JAMES MARTIN: Okay.

All right. Having gone through that, and finding that we do have a few small to moderate impacts as a result of the project, I don't see anything -- we did not have any large impacts from any of the other issues that are certainly mitigatable. The project structure itself.

That being the case, I will make a motion to declare ourselves lead agency as to SEQR.

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

KEITH O'TOOLE: Mr. Chairman, would you consider offering a resolution for the Board to adopt Part II of the EAF?

JAMES MARTIN: Yes, I will do that.

KEITH O'TOOLE: Thank you.

JAMES MARTIN: I will now make a motion that the Board accept the analysis generated by our -- our analysis of Part II of the Environmental Assessment Form. I will make that motion. Do I have a second?

JOHN NOWICKI: Second.

JAMES MARTIN: It has been seconded. On adopting the assessment of the Part II of the Environmental Assessment Form?

The Board was unanimously in favor of the motion.

JAMES MARTIN: Okay. Before we move into the voting activity on this proposed project, I would like to kind of go through and capture everything that I heard discussed and the potential conditions that might be imposed on this project were it to be approved. Certainly I -- some of these I think we should list as conditions.

Number 1, that the pond maintenance is a significant issue, and, therefore, will need to be

maintained and monitored on a continuous basis to include the incorporation of an aerator in the pond to control stagnant water.

JOHN NOWICKI: This will be done through an agreement, a legal document?

JAMES MARTIN: If this is approved, that is a condition of approval. They will have to do that. All right.

Certainly there was a request and an agreement that advertising -- advertising indicating that no truck parking is allowed on the premises, is also a condition of approval.

The landscaping to be -- on the total property is to be restored to the original condition --

JOHN NOWICKI: Can I-

JAMES MARTIN: Go ahead. Please. You know, correct me.

JOHN NOWICKI: One of the comments here is -- from our -- Mr. Karelus. He recommends the Board place a condition on any approval limiting truck traffic, large vehicle traffic within the site to normal deliveries and restricting -- restricting tractor-trailer, RV and trailer storage; that is, boats and anything else within the parking lot due to its inability to store large vehicles and maintain circulation patterns. I think that is critical in that particular area.

JAMES MARTIN: We'll pick that up in a minute.

The landscaping is to be restored on the -- all of the property site to the original condition to include the Valvoline property.

JOHN NOWICKI: Are we basing that on the recommendations of the Conservation Board? For the plantings? Do we have an approved --

JAMES MARTIN: We do have a stamped landscape plan, correct, approved by the Conservation?

PAT TINDALE: Yes.

JOHN NOWICKI: Has that been addressed as far as the height of the trees on that berm?

PAT TINDALE: Yes. We put an addition on the plans we stamped on August 31st, and the height of the evergreens.

JOHN NOWICKI: The ones to be planted, the trees going in initially 8 foot, 10 foot?

PAT TINDALE: 7 foot.

JAMES MARTIN: It said 7 foot.

PAT TINDALE: 7 foot in height on the north side.

JOHN NOWICKI: Okay. Thank you.

JAMES MARTIN: Okay. All crosswalks, sidewalks to meet all ADA requirements.

KAREN COX: And Chris (Karelus) said ANSI standards.

CHRIS KARELUS: And ANSI.

JAMES MARTIN: And ANSI standards.

CHRIS KARELUS: A-N-S-I.

JAMES MARTIN: Getting back to yours, John (Nowicki). Certainly there will be a need to control truck traffic and large vehicle traffic within the site to normal deliveries and restricting tractor-trailer, RV and trailer storage that is both within the parking lot due to inability to store large vehicles and to maintain vehicular circulation patterns.

As far as the architectural issues, um --

KEITH O'TOOLE: Mr. Chairman, if we could roll back -- so the idea is to prohibit parking of any vehicle, in essence, that doesn't fit in a 10 by 20 stall? Is that the idea?

KAREN COX: Yes.

JAMES MARTIN: That's correct.

KEITH O'TOOLE: Thank you.

JAMES MARTIN: I will add that.

It should just say a parking space per Town spec, which would be 9 1/2 by 18 or whatever it is, Chris (Karelus)?

KEITH O'TOOLE: I would give the dimensions. Because we actually do -- at certain times permit a larger stall for other sites, which is not the case here.

JAMES MARTIN: So we're modifying that will not fit in a normal --

KEITH O'TOOLE: In the approved parking stalls as shown on the site plan.

JAMES MARTIN: In the approved parking stall as shown on the site plan.

Thank you.

As far as the architectural issues, there's been a recommendation by the Building Department to consider 25-year vinyl siding on the project with a minimum and 30-year architectural asphalt shingles for the roofing materials.

KAREN COX: Recommendation, though.

JAMES MARTIN: It's a recommendation. We can make it a condition, if we so desire, okay?

JOHN HELLABY: Recommendation.

JAMES MARTIN: Recommendation.

JOHN HELLABY: Otherwise you're not going to --

JAMES MARTIN: All right. We're making it -- it would become a condition if this were to move forward.

CHRIS KARELUS: Can I ask something, too, for the Board? Have the architect, if you're going to qualify the type of material, state the type, the color, type of brick, everything. Getting those held as conditions will insure when we get these plans back, if this progresses through a building permit process, we can make them identify exactly what the Board is stipulating they want off this project. It's a way we can --

JAMES MARTIN: So you want the architect to supply all samples of building material to

the Building Department prior to building permit --

CHRIS KARELUS: I think -- talk with them and get what they're identified and hold that as the condition.

JAMES MARTIN: That would be prior to a building permit being issued.

CHRIS KARELUS: It would leave it to the Board's conditions now.

JAMES MARTIN: I can't hear you, Chris (Karelus).

CHRIS KARELUS: I would ask the Board ask the architect now. Make -- make, color, everything they can specify which has been presented to the Board.

JAMES MARTIN: We'll make it a condition, architects to supply samples of all building material to the Building Department prior to building permit being issued. Okay?

CHRIS KARELUS: We'll then take off those samples, everything, the type of brick, the type of shingle or the type of hardy plank, whatever you decide, just identifying exactly what the samples are. Make, everything.

JAMES MARTIN: All right. Okay. We will require -- or would require a perpetual maintenance agreement to be filed with the Building Department concerning upkeep of all landscaping associated with the proposal. And this is to run in the -- in regard to the life of the project, not necessarily -- not in regard to the life of the owner, that the landscaping must be a four season landscaping plan.

Okay. Certainly as far as any lighting goes, we have discussed that already. Certainly there should be no light spillage from the site, and we will require dark sky lighting, and I believe shielding of all fixtures from any residential adjoining neighborhoods.

Any and all easements associated with the project and its relationship to the adjoining property need to be supplied to Mr. O'Toole for approval before any mylars are -- or plat maps can be signed.

Okay. I'm open to other conditions to be written at this point.

JAMES IGNATOWSKI: Mr. Chairman, the condition about providing an elevation to the Building Department prior to --

JAMES MARTIN: Okay. All right.

KEITH O'TOOLE: Mr. Chairman --

JAMES MARTIN: Just a minute, please.

KEITH O'TOOLE: I don't know if you caught this earlier, but there is a freestanding pylon sign on Chili Avenue which serves to hold signage for all of the pad sites on the master parcel. In light of that, I would like a condition that prohibits any free-standing signs on the parcel that are in excess of 6 feet in height. That would allow them to have any directional signs they might need, but also prohibit them from going beyond that for advertising purposes.

CHRIS KARELUS: Chairman Martin, if I could add, too, also, I know a lot of the applications as they came prior from the zoning with multiple signs that they were proposing on the sign and Chairman Bloser, correct me if I am wrong, I don't believe you went through any approval process for signage on the project. They brought it to a point where they would meet the code and they would have the identified spot of the free-standing sign?

PAUL BLOSER: That's correct.

CHRIS KARELUS: If the Board could capture also that the signage as presented on the elevations -- channel lettering, the size of these two signs were supposed to be code compliant, as presented to the Board, also be a part of the condition on the project so they don't change and they automatically apply for a sign permit with something that differs.

JAMES MARTIN: All signage must be code compliant.

CHRIS KARELUS: Again, they're proposing channel lettering, so this is not a lit box. It will be independent letters, attached to the building, as shown in the elevations. Capturing channel lettering I believe is also warranted.

JAMES MARTIN: Letter of credit is in our code; is that correct?

CHRIS KARELUS: The Commissioner of Public Works submitted a letter to the Board's attention in November. If I could read his comments. He asked that it be captured that a pre-construction meeting with the Town of Chili is required, approved DPW, if necessary, prior to any commencement. I could read through all of them for the purpose of the public, but there is five them, he listed, I believe he wants to have captured --

KEN HURLEY: Chairman Martin --

JAMES MARTIN: Certainly the pre-construction meeting, letter of credit needs to be provided. Cover the Phase II storm water requirements. The proposed storm water pond, we already talked about. That is going to be privately owned and maintained. The Town is going to require property owner to have storm water control and storage agreement with the Town. Proper access easements are provided, which we already talked about easements being provided to Mr. O'Toole.

Okay. Okay. Then that there is responsibility of the property owner to complete yearly inspections of the storm water maintenance management facility and provide a report of the findings to the Town in a format and time acceptable to the Department of Public Works. If you don't have a copy of this letter, assuming it goes forward, you will get a copy of this letter.

JOHN NOWICKI: What is the comment here about the sprinkler and water supply system will be declared -- and the water supply cross-connection control design will be submitted to the water supplier and Monroe County Health Department for review and approval? Isn't there some discussion or debate on an above-ground container for some of this equipment? Did I see something in all of this information we got here?

KEN HURLEY: I believe it will all be inside the building.

JOHN NOWICKI: Inside or buried below in vaults?

JAMES MARTIN: I think that was a comment on -- the hot box.

KAREN COX: That's the hot box.

JAMES MARTIN: Different project.

JOHN NOWICKI: I have the Microtel here. I want to be sure we don't have the same situation. All of this underground?

JAMES MARTIN: The pump would be inside the building. The booster pump for the fire suppression system.

KAREN COX: Would be in inside the building.

JAMES MARTIN: I will not reread all of these. Hopefully you have these committed to your memories once this goes to vote at this point in time. Any others that I haven't covered?

Going back to Ms. Borgus' comment, this is an opportunity to pin these things down. Be sure that they're enforceable. So I don't want to miss anything that is critical.

CHRIS KARELUS: Chairman Martin, the lighting?

JAMES MARTIN: I talked about the lighting, Mr. Karelus. But obviously, dark sky compliant. Shields on the back side, against the residential neighborhood.

CHRIS KARELUS: All flat lensed or within recessed cans? Just provides, again, that the glare of the light doesn't fall off those when they're flat lens or in recessed cans.

JAMES MARTIN: So you're talking about recessed cans. All right. They would be part of that lighting proposal for the project.

JOHN NOWICKI: I just have a question to ask, if I can, of the applicant. Is there going to be security cameras on this building?

MR. MEHTA: There will be.

JAMES MARTIN: Anything else?

JOHN HELLABY: You briefly touched on Mr. Mehta said he would be willing to open up some sort of hotline or a way of relaying problems or concerns. I don't know if you want to capture that, something to that effect in there or not.

JAMES MARTIN: Mr. Mehta, would you come up and just clarify what that would entail and what that would be?

MR. MEHTA: If it's the Board's desire, we would be happy to provide a 24-hour 365-day number. This would be no different than some of our real estate property that our tenants are available to call for maintenance issues, et cetera. It's not a problem.

JAMES MARTIN: Where would that call go to?

MR. MEHTA: It will route to our office, and I will have somebody on -- the way we run our hotels is we always have somebody on a 24-hour call. The General Manager of the property assigns that out to either him or herself or the maintenance person or our Guest Services Manager. We have a freestanding office facility based in Pittsford and I have -- this is already part of our lives, so we simply integrate it into our current organization.

JAMES MARTIN: But just to redirect us slightly, if there was a problem let's say in the exterior of the hotel, somebody was partying in the parking lot and your desk attendant did not realize that that was going on, somebody calls and complains about it, what would the course of action be at that point?

MR. MEHTA: Typically the front desk person will try to resolve it his or herself. If that is not possible, they will call the manager on duty, which again, is 24 hours. Either the property's General Manager or the Guest Services Manager or the maintenance. If one of these three people can't resolve it, and this rarely happens, we would call the police.

JAMES MARTIN: Okay. But that would be your next recourse, would be to call the Sheriff's Department?

MR. MEHTA: It would be our third attempt.

JAMES MARTIN: I did note in the file that there was a review of the Victor property. I believe there were like 13 sheriff or Police Department calls on the property. Most of them, if not -- I don't remember what the percentage was, were related to lock-outs of cars.

MR. MEHTA: Right.

JAMES MARTIN: Was there anything else that was of any significance?

MR. MEHTA: Not at that time that we went through that.

JAMES MARTIN: Thank you.

What do you want me to do with that?

JOHN HELLABY: If that is his standard protocol, I'm sure that is sufficient.

JAMES MARTIN: Anything else? Anything else from side table condition wise at this point?

We have completed SEQR. We do have three separate items to vote on. The first item is the preliminary subdivision, which essentially is combining approval of dividing one lot into two lots.

Given all those conditions, on the preliminary subdivision?

KAREN COX: No.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: I just want to say this application is for conditional use. I believe the concerns of the neighbors have not been solved. There is a petition that we cannot ignore.

140 say no; 3 say yes. I'm going to do the right thing and -- it's the will of the people. I vote no.

JAMES MARTIN: On the subdivision --

JOHN NOWICKI: Did you vote?

JAMES MARTIN: I haven't voted yet.

On the subdivision itself, I am going to vote yes.

JAMES MARTIN: On the special use permit, given the same set of conditions.

KAREN COX: No.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: No.

JAMES MARTIN: I have really, really struggled on this particular vote myself personally, trying to look at the interests of the neighborhood versus the interests of the Town, and it's been a very difficult decision to reach as far as this particular project goes. I believe there are extremely valid concerns on the part of the neighborhood abutting this particular proposed project, but given the fact that it is in a General Business District, which essentially allows hotels to be built on those sites, and given the fact that it's a relatively passive activity compared to other things that could be proposed for that particular site, that I think would be much more obtrusive to the neighborhood, after a lot of personal deliberation, I'm going to vote yes.

Preliminary site plan, I don't want at this point in time to waive final because there are still some issues to be completed. So I won't even entertain a motion to waive final at this point. But on the preliminary site plan, given the same conditions?

KAREN COX: No.

JOHN HELLABY: Yes, with conditions.

JOHN NOWICKI: Yes, with all of the conditions.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: I vote no. It's the will of the people to vote no. I will follow the will of the people.

JAMES MARTIN: I will vote yes.

DECISION ON APPLICATIONS #1 AND #3: Approved by a vote of 4 yes to 2 no (Karen Cox, Dario Marchioni) with the following conditions:

1. Subject to Town Engineer approval.
2. Applicant shall provide a Letter of Credit (LOC) to cover all Phase II stormwater requirements. The LOC to be approved by the Town Engineer and Commissioner of Public Works.
3. Applicant shall comply with all pre-construction meeting requirements of the Town of Chili.
4. Applicant is responsible for maintenance of the stormwater management facility. An agreement, satisfactory to the Commissioner of Public Works, shall be provided to the Department of Public Works and will be in effect for the life of the project. This agreement shall provide for proper access easements to the Town in a form approved by the Town and recorded by the applicant at applicant's expense with the liber and page of recording recited on the mylar prior to mylar release by the Building Department.
5. Should the Town determine that the stormwater retention pond shows signs of stagnation, appropriate remedial action by the property owner shall be required. This condition runs with the life of the property.
6. The applicant shall now add a fountain type aerator, approved by the Town Engineer which shall operate on a schedule approved by the Town Engineer, as amended by said Town Engineer from time to time.
7. The applicant shall prepare a perpetual maintenance agreement for all landscape plantings associated with this project. This agreement to run with the life of the property. A recorded copy to be reviewed and approved by the Building Department prior to recording with a time stamped copy with recording receipt to be supplied after recording. The liber and page of such recorded agreement shall be recited on the mylar prior to the mylar being released by the Building Department.
8. All landscape plantings in the buffer areas shall consist of a four season variety and are subject to further review by the Conservation Board.
9. All site lighting shall have recessed cans, cut off shields and shall be of minimal height. All light fixtures shall be fully shielded.
10. The applicant shall restore all site landscaping to its original condition to

include all dead plantings behind the Valvoline business.

11. All sidewalks and crosswalks shall be ADA and ANSI standards compliant.
12. All vehicle parking in the hotel parking lot must fit within a normal approved parking stall as depicted on the approved mylar.
13. No large truck, R.V. or other large vehicles will be allowed to park on the hotel property. The applicant shall publish this prohibition in any advertising associated with the hotel.
14. The applicant shall provide revised architectural renderings to the Architectural Review Committee for review and input to the Board prior to final approval.
15. All pertinent permits shall be in place prior to final approval.
16. All sizes of signage shall comply with Town code. Building mounted signage shall be constructed as shown on the building plans with channel lettering. Based on a commitment from the applicant, the only freestanding sign for this project will be a sign plate added to the existing comprehensive sign at Chili Avenue south of the Valvoline business. The applicant agreed there will be no freestanding sign on the property and no freestanding signs on the property shall be permitted.
17. Samples of all proposed building materials shall be supplied to the Building Department.
18. The Department of Public Works requests that they be copied on any subsequent correspondence with any other approving agency.

DECISION ON APPLICATION #2: Approved by a vote of 4 yes to 2 no (Karen Cox, Dario Marchioni) with the following mitigation measures and conditions:

The Chili Planning Board, at their November 10, 2009 Public Hearing, heard the above described application. Under Section 500-19 (C-4) of Town Code, hotels and motels are a specially permitted use in a General Business District. In weighing the requirements under Sections 500-29 thru 500-32 and other applicable law, the Board must determine that the proposed use can be integrated into the community and it was determined that this integration could occur without significant negative impact of the surrounding properties. The Board by majority vote (4 yes, 2 no) granted the special use permit.

The Board recognizes that there will be some impact on the surrounding residential neighborhood. The Board has worked aggressively with the applicant to insure a maximum mitigation of any impact. These measures include:

1. A much wider buffer area than the minimum standard is required along the western border of the property.
2. A significantly greater amount of landscape plantings than the minimum required by code requirements.
3. The prohibition of truck, R.V. or other large vehicle parking in the hotel parking lot outside of normal deliveries.
4. Requiring the owner to include this parking prohibition in any advertising literature pertaining to this hotel.
5. Insuring any site lighting will not be a nuisance to the surrounding properties.
6. Requiring a perpetual landscape agreement be filed in the chain of title of this property at the Monroe County Clerk's Office for all landscape plantings associated with the site. This agreement to run with the life of the property. A recorded copy to be reviewed and approved by the Building Department prior to recording with a time stamped copy with recording receipt to be supplied after recording. The liber and page of such recorded agreement shall be recited on the mylar prior to the mylar being released by the Building Department.

7. Reducing the amount of illuminated signage on the site.
8. Requiring all landscape buffering to be of a four season variety.

This special use permit is granted with the following conditions:

1. Subject to Town Engineer approval.
2. Applicant shall provide a Letter of Credit (LOC) to cover all Phase II Stormwater requirements. The LOC to be approved by the Town Engineer and Commissioner of Public Works.
3. Applicant shall comply with all pre-construction meeting requirements of the Town of Chili.
4. Applicant is responsible for maintenance of the stormwater management facility. An agreement, satisfactory to the Commissioner of Public Works, shall be provided to the Department of Public Works and will be in effect for the life of the project. This agreement shall provide for proper access easements to the Town in a form approved by the Town and recorded by the applicant at applicant's expense with the liber and page of recording recited on the mylar prior to mylar release by the Building Department.
5. Should the Town determine that the stormwater retention pond shows signs of stagnation, appropriate remedial action by the property owner shall be required. This condition runs with the life of the property.
6. The applicant shall now add a fountain type aerator, approved by the Town Engineer which shall operate on a schedule approved by the Town Engineer, as amended by said Town Engineer from time to time.
7. The applicant shall prepare a perpetual maintenance agreement for all landscape plantings associated with this project. This agreement to run with the life of the property. A recorded copy to be reviewed and approved by the Building Department prior to recording with a time stamped copy with recording receipt to be supplied after recording. The liber and page of such recorded agreement shall be recited on the mylar prior to the mylar being released by the Building Department.
8. All landscape plantings in the buffer areas shall consist of a four season variety and are subject to further review by the Conservation Board.
9. All site lighting shall have recessed cans, cut off shields and shall be of minimal height. All light fixtures shall be fully shielded.
10. The applicant shall restore all site landscaping to its original condition to include all dead plantings behind the Valvoline business.
11. All sidewalks and crosswalks shall be ADA and ANSI standards compliant.
12. All vehicle parking in the hotel parking lot must fit within a normal approved parking stall as depicted on the approved mylar.
13. No large truck, R.V. or other large vehicles will be allowed to park on the hotel property. The applicant shall publish this prohibition in any advertising associated with the hotel.
14. The applicant shall provide revised architectural renderings to the Architectural Review Committee for review and input to the Board prior to final approval.
15. All pertinent permits shall be in place prior to final approval.
16. All sizes of signage shall comply with Town code. Building mounted signage shall be constructed as shown on the building plans with channel lettering. Based on a commitment from the applicant, the only freestanding sign for this project will be a sign plate added to the existing comprehensive sign at Chili Avenue south of the Valvoline business. The applicant agreed there will be no freestanding sign on the property and no freestanding signs on the property shall be permitted.

17. Samples of all proposed building materials shall be supplied to the Building Department.
18. The Department of Public Works requests that they be copied on any subsequent correspondence with any other approving agency.
19. Per Section 500-32 (D) of Town Code, this special use permit shall become void one year after approval, unless prior to the expiration of one year, a building permit is issued.

JAMES MARTIN: I will declare a ten-minute recess at this point to prepare for the next application.

There was a recess in the meeting at 9:38 p.m. The meeting resumed at 9:47 p.m.

4. Application of BVR Construction, 244 Lake Avenue, Rochester, New York 14608, property owner: James & Robert Dugan; for preliminary subdivision approval to combine six lots into one lot at property located at 8 King Road and five other properties bordering the 490 Expressway in L.I. zone.
5. Application of BVR Construction, 244 Lake Avenue, Rochester, New York 14608, property owner: James & Robert Dugan; for special use permit to allow a construction company at property located at 8 King Road and five other properties bordering the 490 Expressway in L.I. zone.
6. Application of BVR Construction, 244 Lake Avenue, Rochester, New York 14608, property owner: James & Robert Dugan; for preliminary site plan approval to erect an 8,000 sq. ft. shop warehouse with 3,200 sq. ft. office building at property located at 8 King Road and five other properties bordering the 490 Expressway in L.I. zone.

Jess Sudol and Chip Stevenson were present to represent the application.

MR. SUDOL: Good evening. My name is Jess Sudol with Passero Associates. We're the site engineer for the BVR Construction job. With me this evening to straighten up some of our drawings is Chip Stevenson, who is the president of BVR Construction.

I'm going to give a short presentation and then we'll field any questions you have, and Chip (Stevenson) would also be happy to answer any questions you might have on operations or things of that nature, in addition to some of the materials that have been submitted.

As stated, we're here for subdivision approval, site plan approval and for a special use permit to allow a construction company which consists of a 3200 square foot office building and also an 8,000 square foot shop/warehouse building, two separate buildings on one parcel of land. If you look at the drawings in front of you and the ones posted here, you can see we're a small part of an 85-acre parcel that is situated between 490, the railroad tracks and King Road. It's actually an ideal location for this type of business, because we're really tucked away in a corner and we really have our own screening. We're going to be providing some more screening, but I will get into that later. We have natural buffering for 490, the tracks. There is existing wetlands and also there is, you know, a heavily wooded area. We really don't have too many neighbors. It is really an ideal location.

BVR Construction, to give you a little background, is currently located in the City of Rochester. They are a specialty construction company which does things like steel erection, manufacture large concrete structures, dams, things of that nature. The letter that was submitted as part of our application goes into a little more detail, but they have things that you would expect to be pretty normal with a larger construction company like low boys and small cranes and things like that.

I just want to take you through our site plan really quick. As you can see in front of you on the drawing out here, our site sits about 1,000 feet back off of King Road. There is actually a little flag on our lot that brings us from King Road to the back. Again, we have tried to really condense our development into the southwest corner of the parcel to try to reduce the limits of disturbance and to really make the project as economically viable as possible. There is some upfront costs with bringing that front road in, so we want to try to get as close as we can to try to keep our initial costs down. When you first come into the site, you have the office building where we have provided a small parking lot. We're going -- the office building is actually shown to the left. We're going to have, you know, typical vinyl siding with the asphalt shingles and split face CMU to dress up the bottom. Small parking lot for employees out in front of that building. Typically anywhere between seven and eight employees on site. They don't really get a whole lot of traffic that comes in. They're not really selling anything. Some of the clients might come in, but there is not a large traffic flow that comes into the site.

Then that also goes with the large equipment because the way BVR Construction operates is they have some jobs that are off site where they basically -- people are stationed for months all of the time, and ideally they move from one job to the next. So when they go to work every day, they're not going to 8 King Road, to this site, with this equipment and with their 20 to 75 people. They're going to these various jobs. And then their admin staff and some of their maintenance

staff come to this site. So they might bring a crane on site one day and it might stay for a couple of weeks, then it might come off. But it doesn't have a constant flow of large construction traffic or even normal vehicular traffic that come into the site.

Just to go through a couple of the -- couple more layout items and couple more physical layout items of the site. The top of the drawing has retention pond northern limits of disturbance. Right there is also a 100-foot wetland buffer. One of the things we did on this project was hired a specialized biologist to go out and delineate the wetlands so we could in turn survey them to identify really where is that environmentally critical feature on this site, because it was one of the first things we identified when we did our due diligence.

Fortunately, there was enough developable land to develop. We were able to delineate the wetland and disturb it -- or leave it undisturbed, I'm sorry, for our entire development and really stay away from that except for a small utility crossing all of the way down by the railroad tracks which we'll get into. As you move lower on the drawings, you will see the larger of the two buildings is our warehouse. We also have a yard area.

One of the benefits of moving from one site to another, which BVR Construction is doing, is that we're able to go out to their site today and say, "Okay, what do they have in the yard, what do they have in their buildings? With this new site, they are going to move a couple of their -- some of their equipment inside. So what's going to be left outside?"

So as part of the special permit process, we can show the Board and the Town really what we anticipate having in some of these areas, rather than saying, "Well, yeah, we're going have a big gravel yard and we're not sure if it is big enough and where it is going to go."

We're really confident that we have the right size and we know where everything is going to fit. Some of the other site amenities include some enhanced landscaping along 490 there and some screening. There is not a ton of existing vegetation there now. Actually, if you're driving westbound on 490 and look to the right, you can see into the site a little bit. You have to look quick, though, because there is heavy regular vegetation to the east.

We'll put some evergreen trees in there just to break up the building a little bit and to break up the site. We won't do a solid buff across, but just enough so that you don't have a clear line of sight right into the project.

We're also proposing some pole-mounted lighting, 24 foot high metal halide lighting with dark sky compliant, full vertical and horizontal cut-offs to keep the light on site, mainly for security. Their hours of operation sometimes move into the night, but not often, as you will see in the letter that we submitted.

One last thing I wanted to touch on is what we're doing for utilities. I actually heard something come up in the previous application with the water. Right now the water is on King Road. We're going to be bringing in a combined fire and domestic service. Initially, we intended on -- the first thing we thought was to put a big aluminum hot box out at the road frontage. Then after looking into it further, we didn't want our site, since we sit so far back, to be marked by, yeah, BVR Construction is the place with the big aluminum hot box out in front of them.

So what we planned on doing was doing an actual concrete vault and then berming over top of that with topsoil and mulch and you can actually plant on top of it. So if anybody drove by and you really didn't know what was going there, they would have no reason to believe there was any kind of utility whatsoever there.

Also, we'll be bringing in electric from King Road. The storm sewer will all be private. We're just picking up our local drainage. Everything is contained on site, goes to our new storm water management area which meets all of the applicable State and local regulations.

You know, we plan on doing things like having our maintenance agreement in place, doing our annual inspections. Obviously, we'll have inspections, things of that nature.

Little more complicated utility is the sanitary sewer. I don't want to get into too much detail, but just for the record, we initially intended on bringing in a dedicated sewer. Um, so that way -- if we brought in the dedicated sewer 2,000 feet and we got it that much closer to King Road, that might give someone else the opportunity in the future to bring the sewer up to King Road.

Unfortunately, we have done some recent cost estimating for the project and the sewer itself is, you know, looking like it is 8 to 9 percent of the whole project. So it is really not feasible at this time. Even though we would still be willing to grant an easement to the Town or to the Gates-Chili Ogden Sewer District from an existing manhole along the tracks up to King Road, we're not able to build the gravity sewer. Instead we'll be doing a private small pump station with a forced main that goes down to the tracks.

We have started to receive some preliminary feedback from the Town Engineer. Mr. Hurley's comments are all -- I got a chance to review them. We can address them pretty easily. We don't object to any of them. If you would like me to address any of them specifically, I can do that, but they're all pretty simple stuff, just coordinating, helping with the plans, the reports, things like that.

We have been to the Conservation Board, and really two comments came out of the Conservation Board. One was to replace some of the -- our white spruces with Norway spruces along that southern buffer, which we have done. The other one was to provide a landscape architect seal on the plans, which we have done. We're also currently working with all of the County agencies to address things like our access onto County highway, the Health Department for the water main extension and typical things of a project like this.

That is pretty much the short of it. I would be happy to answer any questions, and Mr. Stevenson would also be happy to answer any operational questions.

JAMES MARTIN: Having had the opportunity to visit your current location this afternoon, it brought up several issues in my mind. Okay. First of all, there seemed to be a lot of slag material, old concrete, et cetera, that were -- according to -- I forget, John?

MR. STEVENSON: John is the Operations Manager for BVR, yes.

JAMES MARTIN: I'm sorry, I'm addressing this to Mr. Stevenson, Sandy (Hewlett).

We clearly would not allow that type of material to be brought in and stored, all right, on this site. I mean that is something that, you know, as we look at the Limited Industrial code, and we have a problem with this, and I will be right upfront, you know, your letter of justification was -- well, yeah, we ought to be able to do this. Well, it's a little more difficult than that, than to just give you a blanket, you can go ahead and do this.

I will go after a lot of aspects around this, because granted you're off the road quite a ways and all of that, but, you know, before this Board were to move forward with any kind of granting of a special use permit, um, all right for this particular operation in a Limited Industrial facility, or -- I'm sorry, zone, we are going to have to pin down several issues around what you're actually physically going to be bringing into that site and what would be stored and where it is going to be stored. That's the question I have in my mind right now.

MR. STEVENSON: I'm sorry. My name is -- just for the record, okay, my name is Herbert Stevenson, the second, and my nickname is Chip. I just thought I would be official here.

JAMES MARTIN: Sorry.

MR. STEVENSON: I'm the President and owner of BVR Construction Company. I am pleased to be able to meet with you folks here tonight. I'm sorry -- I know -- I don't know -- I don't know who exactly was there.

JAMES MARTIN: Mr. Karelus and I were there.

MR. STEVENSON: Sorry I couldn't be there when you were there earlier today.

At our location in Rochester, you can see it is old and run down. You can see the double-wide trailers have been there 20 years. I have been there for 17 years.

What you're looking at there when you're on that site, just explain where you were today a little bit and, again, I don't know exactly what you looked at. I know what the site looks like. You have a very old industrial area of Rochester. Um, actually, there is about three large tunnel shafts in that area, one of them, I don't know if you saw the big aluminum dome. That is the one that remained after the construction of a series of contracts before my time at that site.

Um, there are basically three tenants in the area. There is RG&E, Monroe County and BVR, who owns -- we have our yard there. There is other contractors in the area. A lot of that site, which is owned by RG&E, is used by other contractors where you saw -- if you looked to the north, there were large piles of material. That is beyond what we do. If you look to the east, there are some piles over there that belong to us. They were gravel piles from a project that we were putting a gravel pad down for RG&E and it's being stored there.

Only because that particular site was close to the project in Rochester.

This project here, again, as Chris (Karelus) explained, when we first saw this property and started investigating it, the thing that we liked about it, again, it was remote from residences and so forth. That is advantageous. You see, I like being a contractor and doing things that we do, but other people don't like for us to be in their backyards. So this seemed like a nice spot to stay out of everybody's hair. We're trying to develop this nice. This will be landscaped. The trees and so forth, proper drainage, proper storm water drainage, paved roads.

What we're trying to establish is a -- is a more efficient, more secure work space. BVR has operated out -- again, as I said, out of that one site in Rochester for 17 years. I live down in the Town of Wheatland on Wheatland Center Road, and this is about half the distance to work as going to Rochester, plus I don't have to worry about who is going to come out of the -- who is going to come out of the -- how shall I say it, the neighborhood, at night. You know, where we are, we get broke into regularly, two or three times a year by all kinds of people. I get the calls at 2:00 in the morning to go answer the alarms. I don't expect that to happen here. It seems like a nice neighborhood.

This is basically a staging area for our operation. As Chris (Karelus) said, currently we're working in Buffalo, Niagara Falls, Binghamton, Addison down by Corning. And what happens is after a job, our equipment will come back. It will be serviced. Our equipment mostly -- our trucks, small trucks, one-ton trucks, half-ton, 3/4-ton trucks that foremen take to projects. Um, we're not an earthwork type contractor. We do concrete repair. A lot of concrete repair. We work on large bridges repairing piers, parking garages. We do a process called Shock-Crete. I think somebody looked at the sand pile we had there in Rochester, which we do have a ten-wheeler load of sand that we use in our -- we use that for a supply of concrete for Shock-Crete operations.

Mr. Martin, I don't really know what the codes are. I will have to become acquainted through that with Passero. We don't have -- it's not our intent to violate any code or rule. We spent a lot of time with Passero here, making sure we weren't -- that we had, you know, land that wasn't in the wetlands.

There is a lot of things I have become aware of. You know, as far as the various codes, how it affects all of the buildings and so forth. We're trying to do it properly.

Um, I came to Rochester in 1984 because of construction. It has become my home. I -- it's important to me to be a good neighbor. I have said that to you folks before, some of you folks before.

Sometimes you can try hard and still have difficulties, but really, I would like to become a neighbor, and take care of our operations. We have very good people working for us. I am sure

if you have met some of them here today, you would agree with me.

So I know if you have other concerns, I would like to try to answer them. It was kind of like a general introduction who we are, what we do and so forth, where we work.

MR. SUDOL: I believe, Mr. Chairman, your concern is we have generalized a couple areas on our plan as you see in front of you today, but when you and Mr. Karelus were out there this afternoon, you may have seen some things that were outside that scope. Some things we may have defined acceptable under a special permit in the LI District and some that were not. You will be looking for a more definitive definition what are and aren't allowed, and I want to make sure that gets into the approval as part of the special permit so it is enforceable down the road. So if you are allowed 10 yards of sand, but not 10 yards of broken up concrete, that's defined now as part of this application so it is enforceable moving forward.

JAMES MARTIN: Okay. Understood. And thank you for your elaboration on your activities and your company.

You know, construction demolition debris isn't allowed, pure and simple. That's one thing.

There are, I believe, temporary storage units that you have currently on your site that you do take to work sites, that is my understanding.

MR. STEVENSON: Correct.

JAMES MARTIN: In our code, they're not allowed in an LI District. So somehow that is going to have to be managed. It is just something that we'll have to deal with from that perspective. As far as your sand pile goes, certainly, you know, having a jersey barrier with a membrane enclosure over the top, you know, probably -- I will defer to the rest of the Board when we get into that particular discussion, but, you know, things have to be enclosed in an LI District. We talked to John about fabrication activity on your site, and our understanding is there is some light -- I'll term it light to medium fabrication, maybe some metal work that's done from time to time, some welding, some things of that nature. This has to be -- you know, in an enclosed area. I mean it's -- it is something you just can't be doing out in the parking lot, so to speak.

As far as the equipment that we saw on site, you know, you -- in your application, you outlined everything that you own, I believe.

MR. STEVENSON: Pretty much.

JAMES MARTIN: You gave us a list of that.

As you said, a lot of it is out on site at the time, but from time to time it does all come back. I know there was one large crane on site. You have another one somewhere.

So, you know, when -- our overall impression was how much of this stuff is going to come? Because some of it, you know, can't come, let me put it very bluntly. Or if it does come, it's going to have to be enclosed, all right, to some capacity on the site.

So, you know, that's essentially what we came away with, as far as our -- our visual inspection of what you have.

And I will agree. I mean it's an old section of the city. It's just a shame the City can't do something to develop a beautiful, natural resource, which is --

MR. STEVENSON: The Genesee River. Amazing. Right there.

JAMES MARTIN: Rather than having what -- what is down there. I mean it's -- it's just a shame.

MR. STEVENSON: Yes.

JAMES MARTIN: That is neither here nor there. That is not a part of this application.

But, you know, so I think -- you know, I think the Board, we'll need to look at this, very, you know, thoroughly from the standpoint of, you know, what we want to do around this particular application.

Clearly, it would be advantageous to us if we had a little more definition of where things are going to be placed on the property.

MR. STEVENSON: Could I speak to that just briefly? I don't mean to break protocol or whatever, but it's very important as a business, as a contractor, and maybe this is not going to work, that we have some flexibility. I can't tell you what our job will be six months from now. We competitively bid things. You know, we tried to put as large a building as we thought we could afford on this site to keep things inside because it is so much easier on the equipment. That is one of the goals we were trying to do. But there is no way -- there is no way -- and I thought being out of sight it might be okay here. But there is no way all of the trucks and all of the compressors and all of the various pieces of equipment that we have are going to be inside when we bring them in -- you know, let's say, now is the time of work -- our work is starting to slow down. We'll start bringing things back to Rochester and work on them over the winter to get ready for another season.

And, you know, I know -- I know we're applying for a special permit -- is that -- special use permit and trying to address -- trying to be very honest with what we're trying to do here because I don't want anybody to be surprised. I don't want issues with the Town. I don't want issues with anybody else. I either want to be welcomed or find a better place.

I don't really know how to go about that answer, as far as what -- what, as a contractor, and the things that we do, what fits with your Light Industrial or special use permit process.

Um, I'm just -- I'm just -- maybe this is not the right forum, but I'm just expressing a question.

JAMES MARTIN: I understand what you're saying, and I don't think that we're saying we're being totally inflexible. You have two big cranes. If you have to park them here today and move them tomorrow, we're not saying you can't do that. I mean, that's not what we're saying.

I think what we're looking for is a little bit better definition around what is going to be in the storage yard itself. You know, you have given a list, okay? But if you had every vehicle that you own in that storage yard, you have capacity for that -- I mean, that probably would never happen, but I'm just saying these are the things we need to think about from a Planning Board perspective.

You know, clearly any fabrication needs to be in an enclosed facility.

MR. STEVENSON: Which that would occur.

JAMES MARTIN: In your application, you said warehousing. Okay. Well, what do you warehouse, because to me, warehousing is a truck comes in, unloads, you know, X amount of material, goes into a building that is stored for some period of time and may go out in smaller increments on smaller trucks. To me that is warehousing. It's not permitted without a particular overlay, all right, in our Limited Industrial Zone. What we call it is an Airport Overlay District, which would allow warehousing to occur, but again, that goes through a rezoning application for a request of the Town Board to put that zoning in place. So, you know, it -- is my definition of warehousing something you do? I mean, we did see some signs in the yard.

MR. STEVENSON: Steel erector. We're in the steel erection business. Various clients may want us to take delivery of something to take to a job. We may have a couple loads of rebar that might sit there for a month before we sort it out, load it up and take it to wherever our job is, whether it is Monroe County or the State of New York or wherever the job might be. The same thing, I think you saw the signs on the trailer were to the job on 490 that is being reconstructed on the west side of Rochester, and, you know, schedules change on these jobs all of the time. Contractor initially thinks you will be there the 15th of October. And then they change their mind and we're not there until December 1st. So that the signs end up at a convenient location. They're not our signs, but we're storing them until we can erect them for the contractor. We face changes like that every day.

We do a lot of Shock-Crete work. As I said, the sand. We also have many pallets of other ingredients that we buy a tractor-trailer load, we store it in dry storage. And then take it, you know -- job to job as we do concrete repair.

In that -- in that -- that is the kind of work that we do. It is very typical.

From my -- you know, if -- like a supplier, you know, whether they be a -- be a building materials supplier with trucks all of the time, we're not like that. Maybe a couple times a week we'll have a -- have a one-ton truck pulling a trailer and we will pull a pallet of materials somewhere. Or, you know, it -- as far as our larger trucks, our tractor, we have high boys and low boys and step trailers and so forth and we use them as needed. But I wouldn't say that truck is out of the yard more than a couple days a week sometimes. Then we may have a job where he may go every day hauling a lift to an overhead sign project or something like that.

So -- I'm just trying to describe our operations. I don't know if it fits this discussion or not, but just for your information.

JAMES MARTIN: It is good clarification, and I go back to, again, my perception of warehousing is you have a lot of material. You may have some sort of automated order picking mechanism within there. It is limited as to what you are doing. You get in a small amount of materials. You hold them for a month or two and they're out the door for a job site. So you're not warehousing over a long period of time, all right?

MR. STEVENSON: That's correct.

KAREN COX: Or storing.

JAMES MARTIN: Or storing.

MR. STEVENSON: We're not in the storage business. It is strictly materials that we use on our different jobs.

JAMES MARTIN: Just trying to get some clarification, because that is something that was in your letter, all right, and I just want to be sure that we understand exactly what the nature of that is.

As we look at some of the other aspects of what is going on -- in your original site plan, you know, you had proposed putting in the sewer. Now you're backing away from that at this point in time, putting in a private system essentially, but allowing whatever appropriate easement is necessary from a, let's say, Monroe County Pure Waters/Town of Chili perspective. I know we went back and looked at the original intent of that stub and under the railroad tracks and that was to service a fairly broad area, okay, within that geographical area of the Town of Chili. I mean the Pure Water didn't do that just because they felt like doing it.

MR. SUDOL: We don't want to cut that off, which is why we're willing to provide the easement.

MR. STEVENSON: I would rather have the gravity sewer. It is just a matter of -- you know, we're not a bunch of guys that get in a pickup truck every day and go to work, but we're not a large company either. The whole scope of this project here, I'm trying to manage the cost of it to some degree to make it feasible. When you start adding in 70 or \$80,000 for an 8-inch gravity sewer line with manholes every so many feet, that pushes your price up quite a bit. That is exactly what we're doing now. We're trying to comply with all of the codes and we want a nice site. We don't want to go through this effort and not have something we're proud of. But if we could, we would do that right now. But I don't think it is in our financial capacity right now to go to that extreme. I very much would like to, and as I said when we talked earlier with various people, um, we want to be good neighbors. I'm not trying to prevent that sewer from coming through that land. I think the suggestion of granting an easement so that if somebody has a development or whatever, in the future, you know, I'm willing to do that. Again, I would like

to be here for a long time and I would like to have a good relationship with everybody. And I know that that would be beneficial to the Town. It is easy to see. But it is just a financial reality of today, of what can or cannot be done.

JAMES MARTIN: Certainly as a minimum we would require sanitary hook-up, okay, to that stub. Not -- that would be the minimum fall-back position, and you're talking about a forced main going back to that stub; is that correct, Jess (Sudol)?

MR. SUDOL: That's correct, yes.

JAMES MARTIN: We have already talked about the hot box, which certainly is much more visibly pleasing than some you see around Town. There is no question about that.

Okay. I guess I have beat you up enough at this point. I will turn it over to some of the rest of the Board members.

DARIO MARCHIONI: I remember this property came in before for, I believe it was for mini storage.

KAREN COX: Mini storage.

MR. SUDOL: I believe so, at conceptual level.

DARIO MARCHIONI: I believe so with Passero Associates. You look forward with this area.

By the way, you do have -- you own all of this land, right?

MR. STEVENSON: Well, I haven't bought it yet. My purchase of it is conditioned on -- on Town approval of what we're trying to do here. So if it goes through, we're going to buy it.

DARIO MARCHIONI: Well, welcome to Chili, sir. But you do have an area also you can expand here for other -- other --

MR. SUDOL: Yes.

MR. STEVENSON: I would like to say we'll be a big company. This is all developable up to here (indicating). Then you have wetlands. I don't know that this is part. But you can see this is the wetland delineation right here (indicating). So you have -- I don't know how many acres it is, but there is a portion of it that is -- has potential use in the future.

DARIO MARCHIONI: We want to see a future.

I don't have too many other questions except are you going to put any fencing or anything around, you know, where -- objectionable type of storage that --

MR. STEVENSON: Well, I have learned that your code -- I have learned that your codes require around the dumpster, okay, that is a pad with a fence around it.

These trees here are to -- if -- when you drive through here (indicating), there are some larger trees in this area (indicating). I don't think you really can see in. Then there is an area where you will see the "for sale" sign. That is at the DOT right-of-way fence on 490. The highway point. It actually starts going down this way (indicating). You can see this building is quite a ways off the road.

Now, these roofs are going to show. They're going to show. They will be up here (indicating). This building is proposed 16 foot high ceilings inside for the equipment, and then I think it is a three on one or whatever pitch. It's an 80 foot wide building, so it will be up. You will see the top of the building. We're trying to put in a -- you can see the color scheme here (indicating). I don't know what this kind of roof is. We like to use a standing seam metal roof. I'm in the process of talking to people like Finger Lakes Construction, who do a lot of post and -- post type -- what do you call it, Jess (Sudol), that type of structure? Very nice, appealing. You know, like a lower part of the shop will have a wainscot of a different color and then a -- then another color, the roof, the eaves and so forth.

MR. SUDOL: The only place that fencing is proposed is right now around the dumpster enclosure itself, not around the yard and towards the back. We essentially use the building and the screening along 490 to screen anything that would be stored in the back.

DARIO MARCHIONI: If I'm coming down 490, I won't see a mess back there?

MR. SUDOL: No. Between the elevation and the screening and the building, you won't be able to see there.

MR. STEVENSON: I don't think you will see anything other than the roofs of the buildings. You might see the tops of the walls. I don't have a rendition of it from the road. There is quite a bit of cut there on 490. You will see it from Paul Road.

DARIO MARCHIONI: And then possibly the building itself. We have an Architectural Review Board that will probably give you some idea what we're looking for in the Town of Chili. At this point I don't have any other questions.

JAMES MARTIN: To pick up on something Dario (Marchioni) said, you had no plans to fence in your yard?

MR. STEVENSON: If I don't have to. I mean it is an expense. You know, you know that.

What we would like to do -- we're the only people here, just like a single pipe, you know, braced-up gate that will be locked to keep people out.

Most of the things that will be stored back here will be too heavy for anybody to pick up and run away with, but --

JAMES MARTIN: Well --

MR. STEVENSON: I don't know the codes and so forth, so when I speak like this, I'm probably talking --

JAMES MARTIN: I'm just stating this for your own interest, because, you know, relatively speaking, compared to where you are now, we are a pretty secure, safe community. However, we are not without incident. Okay. You understand that?

MR. STEVENSON: Yes, I do, sure.

JAMES MARTIN: And, you know, once somebody begins to realize that you have got all these trucks and --

MR. STEVENSON: Those are the things we want to put inside. Windows and batteries and just headlights and --

JAMES MARTIN: I mean I -- it certainly would be no guarantee without security, you know, that you would not at least, you know, perhaps suffer some untoward incident. I'm just pointing it out.

MR. STEVENSON: I appreciate that. Please understand everywhere we go, every job we go, every bridge, every community where we go, security is always an issue. That is why you see those metal containers and then they have been specially -- they have special treatments on them so you can't get a bolt cutter or torch in there to cut the locks. Because they will go right through the wall. We deal with significant security issues all of the time.

JAMES MARTIN: All right. Enough on that. Thank you.

GEORGE BRINKWART: I want to compliment you on the drawings. That is very comprehensive, a lot of detail.

MR. SUDOL: Thank you.

GEORGE BRINKWART: Very nice job.

A couple of questions, though. In particular on the wetlands. On your detail sheet, where you have the proposed connection to the sanitary sewer you have a federal wetland in there. Did you have that delineated, as well?

MR. SUDOL: Yes. All of the wetlands were delineated. We're actually connecting to the manhole, whether the gravity or the forced main, we do have to go through 100 foot adjacent area for the State wetlands. We have to get our working permit for that.

GEORGE BRINKWART: I saw that. Is there any reason why you can't just go around that? They will ask you that question, too.

MR. SUDOL: Here we will probably go around (indicating). Where we cut through the buffer we'll go around with our forced main. We're cutting through it to make the gravity work. Now we have a forced main we can go around it. Then we have to go through the buffer just at the end before we get to the manhole.

GEORGE BRINKWART: Now you're -- now --

MR. SUDOL: There is actually an overlapping buffer there (indicating). That whole area is in the buffer. That is the opposite end.

GEORGE BRINKWART: Sorry. You lost me.

MR. SUDOL: In any event, we have to go through the 100-foot buffer --

GEORGE BRINKWART: Where the buffer extends into that?

KAREN COX: Over to the east.

MR. SUDOL: This is actually the opposite edge of the wetland. That buffer should be shown like that.

GEORGE BRINKWART: Okay. This is actually the wetland. You will have that on the final drawing?

MR. SUDOL: Absolutely.

GEORGE BRINKWART: On your storm sewer, you have got some 8-inch in there. I was curious that it might be in your best interest to just go with 12-inch for less maintenance problems down the road.

MR. SUDOL: I think you're referring to further up the entrance road?

GEORGE BRINKWART: Yes.

MR. SUDOL: I think we had that the one leg of 8-inch in there just to try to get a little more coverage. The 12-inch with less cover might be more of a need than a headache than we need, with a little more cover, with a little more support.

GEORGE BRINKWART: I had to dig crap out of 8-inch stuff for a long time and 12 is certainly less headache. Take a look at the coverage you can get for 12-inch in there and still have your cover good. I think that would be good.

Have you done any test pits on the site?

MR. STEVENSON: Not yet.

MR. SUDOL: Not yet.

GEORGE BRINKWART: I think that is all I have for right now.

JOHN NOWICKI: Just the road going in, what is your intention as far as the type of road? Asphalt road, stone?

MR. SUDOL: Yes. It is our intention to bring asphalt up to pretty much the office building and then have stone after that.

JOHN NOWICKI: All of the area in the back would be just a stone parking area.

MR. SUDOL: The yard, yes.

JOHN NOWICKI: To store your equipment?

MR. STEVENSON: Right. Just geo textile and enough stone to make it stable.

JOHN NOWICKI: The future possibility here is that, I assume, you're subdividing those parcels that are in the back there?

MR. SUDOL: Right now we're making them all one. In the event that we ever did create another parcel, we would obviously put pavement all of the way out to the next parcel.

JOHN NOWICKI: Use it yourself or bring other businesses in there?

MR. SUDOL: Exactly.

JOHN NOWICKI: To sell off a parcel or lease off a parcel, however you want to do it, that is a possibility.

As far as security goes, would you place security cameras around the building?

MR. STEVENSON: I haven't talked to a security professional in this area. Where we currently are we have motion detectors and sound detectors. We don't have cameras, and we have alarm systems that bring the police in and sets a big horn off and all of that sort of stuff. I don't think that is appropriate here.

But I really -- I know we need security. I know we'll have some kind of a phone system again, calling if you need -- fire alarm or that kind of thing, but I just haven't investigated that yet to give you a fair answer.

JOHN NOWICKI: Okay. Thank you.

JOHN HELLABY: Curiosity question more than anything. How did this get into five lots with no street access to the thing?

MR. STEVENSON: These are -- these are all farm fields. If you look at the photographic record, these are all farm fields that ran this way to Paul Road and when they built 490, they cut them off.

JOHN HELLABY: Wow.

MR. STEVENSON: It's been -- I believe Mr. Dugan and his brother have owned it since the early '60s. I don't know when they built 490, but they had it for a long time.

KAREN COX: In the late '50s.

JOHN HELLABY: The only other real question I have got is, you know, you're proposing a 3200 square foot office right now and an 8,000 square foot shop. Should your business grow or expand, has any thought been given if these things are situated in such a way that they can't expand?

MR. STEVENSON: We have talked about it in general trying to be smart. We're hopeful that things go well. You know, I really think these are fairly simple structures that they can either extend one end, one way or the other. Here again, I'm talking, not knowing the codes of the Town. You could T them. This one we thought could extend this way (indicating). Like you already discovered, it doesn't take much to run this road down here (indicating) and develop the next dry land piece there.

MR. SUDOL: We set our design to leave us open if we want another accessory structure or if we want to subdivide.

KAREN COX: I think that the -- the proposal to grant a sewer easement and put a forced main in is fair to the -- to the applicant. I mean -- into the Town. Building an 8-inch sewer right now is expensive.

And I think to the -- if there is sand storage or something like that, we can handle that the way we have handled other businesses like this that store mulch.

JOHN NOWICKI: Like Boon.

KAREN COX: Exactly. That was my thought.

And I know that the applicant runs a really good business, and he would be a good neighbor for this area.

MR. STEVENSON: Thank you.

JAMES MARTIN: Yes. On the -- on the sewer easement discussion, all right, obviously that is under the purview of the Commissioner of Public --

There was a pause in the proceeding.

JAMES MARTIN: Obviously under the purview of the Commissioner of Public Works, Town Engineer, Monroe County Pure Waters, the routing, what that would consist of --

MR. SUDOL: Sure. I intend on sitting down with all of them.

JAMES MARTIN: And clearly, you know, that is something that is going to need to be dealt with in subsequent meetings. I don't think we have the wherewithal to say this is what it is going to be tonight. That is not our prerogative.

MR. SUDOL: Right. That is not a Planning issue.

JAMES MARTIN: That is not our responsibility. It is just that, you know, the easement is going to need to be put in place and designed appropriately.

MR. SUDOL: All three of them have to sign the plan before we get building permits, so...

JAMES MARTIN: All right. Certainly with -- okay. The fuel dispensing island on your plan, um, that is going to have to meet NYSDEC requirements from the standpoint of spillage, anything that might leech into the ground. That will have to be controlled.

And certainly anything that might go into the storm sewer there will have to be a filtration system to insure that we don't have contamination of the effluent from the storm sewer.

And, um, maintenance agreement. It will have to be furnished to the Town regarding that particular aspect of the project.

MR. STEVENSON: The effluent, you're talking about oil separators from the shops?

JAMES MARTIN: I'm talking about your fueling island.

MR. STEVENSON: Okay.

JAMES MARTIN: You will have to be -- meet NYSDEC specifications around that.

MR. SUDOL: Sure. Like any other --

JAMES MARTIN: So that is something that is going to have to be done.

And also, you're going to need a permit from NYSDEC and from the Fire Marshal's office. I have a question for Chris (Karelus) or maybe Jesse (Sudol) could answer this. Does the NYSDEC specifications cover this storm sewer filtration system?

CHRIS KARELUS: I would ask the owner how he manages the watering system. How do

they maintain it? Does it have a collection system under the containers themselves? Do you have annual maintenance agreements?

MR. STEVENSON: Where we are now? No. Those tanks don't meet any requirement.

CHRIS KARELUS: Will these be brand new tanks?

MR. STEVENSON: Brand new double-walled tanks, probably 500 tanks.

CHRIS KARELUS: They have the collection systems, so if something comes off the tank --

MR. STEVENSON: No. The new -- the new shop there have new tanks. What you saw in Rochester today does not meet code.

CHRIS KARELUS: That will not be coming to the site?

MR. STEVENSON: No.

MR. SUDOL: The new one comes with a package deal with all of that stuff when you order them.

JAMES MARTIN: We're familiar with them from a previous application as to what is entailed with that. All I am saying is you have to meet those requirements, permitting and specifications.

MR. STEVENSON: Agreed.

JAMES MARTIN: Let's go back to the open storage. There are structures that could be put in place that essentially, are you know, like jersey bunker type structures that have a -- I will say a membrane canopy over the top.

MR. STEVENSON: Could I ask a question? And I'm sorry I don't know the answer to this. You're going to speak to probably the sand, because the -- the concrete demolition and debris and all of that is not for this site. That will not happen here. Everything you saw over there was because of a couple particular projects --

JAMES MARTIN: I'm talking about the sand. You bring in -- you bring in ten-wheeler loads of sand.

MR. STEVENSON: What is the purpose of the enclosure?

JAMES MARTIN: In our code --

MR. STEVENSON: Again, the code has a purpose. I'm trying to understand what the purpose is.

KEITH O'TOOLE: Mr. Chairman, if I may. We have two Industrial Zoning Districts in the Town of Chili. One is Light Industrial. The other is General Industrial. Light Industrial was established to, in essence, be the industrial park, the place where you have a building in the middle of a field. The field has grass and trees, but everything is hidden inside. It's pretty enough you could actually have houses nearby.

General Industrial is where we have the messy stuff. Had you chosen the messy district, this would not have been a problem.

MR. STEVENSON: Okay. You see, I didn't understand that. That is what I was trying to understand.

JAMES MARTIN: So, you know, it's -- it has to meet --

MR. STEVENSON: Okay. No problem. I was just trying to understand -- you see, we do it because it is convenient. There are one-ton dump trucks that take a load and load it on and go wherever they go for the day. It didn't have to be that way. There are other ways of going the same thing. It is just convenient depending where you are.

JAMES MARTIN: They can be designed to be very convenient. We have a facility which is to the west of you, which is -- he has salt storage on the premises. He has basically done this, all right. And, you know, I'm sure he would be more than happy to show you what these things look like and give you some approximation what it cost him to put them in.

MR. SUDOL: Yes.

MR. STEVENSON: Okay.

JAMES MARTIN: Okay. On my notes I don't know that I have forgotten anything at this point.

JOHN NOWICKI: Question to Chris (Karelus). On the application, property in the Drainage District, it is checked yes and no. Can you clarify that?

JAMES MARTIN: Once again, maybe one parcel is in --

MR. SUDOL: I think that is exactly what it was. We were trying to figure out what to do there, so we checked both.

JAMES MARTIN: Whatever parcels are not in, they would have to be --

MR. SUDOL: It will all be one parcel now.

JOHN NOWICKI: It will be one parcel.

KAREN COX: Then it will be in the Drainage District.

JAMES MARTIN: All right. That eliminates that.

KEITH O'TOOLE: Just the zoning is a concern. Nothing further.

CHRIS KARELUS: Mr. Chairman, I guess I -- from what we saw today and the amount of storage buildings and the other types of buildings that are there, even the temporary office buildings that will be on site, I think the Board needs to understand and get the commitment from you if those are part of this plan. Because, you know, the bulk storage we saw there, Mr. Stevenson, was -- the traffic signage, all of the wood and everything that was, you know, part of you as a construction outfit and some of the fabrication you do -- I mean a lot of the storage and wooden stockpile --

A passing train whistle sounded.

CHRIS KARELUS: We have to educate the Board what they anticipate being in this yard space. That is kind of what I would ask that the Board get clarification through you and also the commitment -- I know we talked about what you plan on storing in the warehouse.

MR. STEVENSON: You're right, Chris (Karelus), I appreciate that. I appreciate you bringing that that up. Because we deal with a lot of wood forms. When we get done with a job, they're valuable, but you may not have a job for them.

Again, the reason why we made this building larger is to have more inside storage, but there is not enough storage for all of those things. We have a lot of jacking systems for jacking bridges. Steel girders and frames, and we store them in a yard. That is what -- that is what this place is here -- is designed to be.

That is why we put on miscellaneous cranes, man lifts, trailers. Trailers mean tag-along trailers that you would -- there was a couple of them in the yard today probably. Not office trailers or field office type trailers.

Um, miscellaneous construction material, concrete barriers, signs, cones. Those are things that we use for traffic control and those are things that we wouldn't put under cover. Again, I'm not sure about this Light Industrial code as far as what all fits under that and what doesn't fit under that. We weren't planning on building structures just to have that under cover. That -- that at least wasn't my intent.

CHRIS KARELUS: The office -- the Operations Manager, when he discussed with us, he had indicated those temporary buildings were going to be brought to the site.

MR. STEVENSON: What temporary buildings are we talking about?

CHRIS KARELUS: You know, if the Board wants, they can see the pictures, but there is trailers that they would have on site, site trailers, like construction trailers.

KAREN COX: The ones that they lock the equipment in.

CHRIS KARELUS: Back ends of 18 wheelers. They had a 40-foot pod unit that would be dropped and have enclosed temporary storage, like a roll-off type of enclosures.

MR. STEVENSON: We call them export containers. 20 foot or 40 foot boxes.

KAREN COX: What you use to store your equipment in when you go to a job?

MR. STEVENSON: Typically we take them to a job and that becomes our locked storage when we're on a job. Not on a job, they're in our yard. Where they were today, there were a couple of them in the yard that were used for rigging storage and so forth, because, again, our facilities currently don't have the capacity of what we're trying to build.

DARIO MARCHIONI: (Inaudible).

MR. STEVENSON: They put the materials in, pick them up and -- you see they say A-Verdi around there all of the time. There are different ones, but you see those types of containers.

CHRIS KARELUS: What I understood from Mr. Stevenson, was the drop shipping that happens. And this isn't -- like the Board discussed, dropping shipping -- drop shipping is not so much storage. It is what he utilizes for the business. And today what he had on site was, you know, some of the expressway signs that is part of his business. You know, they're probably 10 foot high signs that will be stored on the site until he moves them onto the job site and whatever fabrication he has to do as part of his business, they do that within the shop space. I understood that.

But what we heard and saw today, trying to decipher what will be here and what will not be here. The reality of the inside of the building site, it will be exposed to 490. If you pass it a couple times -- if you haven't, I recommend the Board do, that you be satisfied with the screening that is there, that it will be adequate.

GEORGE BRINKWART: Would it make sense to maybe have the applicant have a more detailed discussion with Mr. Karelus to determine, you know -- it sounds like it might be possible that what he is looking to do might not be permissible. It sounds like maybe it would be time well spent to review exactly what you want to do with the Building Department to see if it fits within the code. If it does -- if what you want to do isn't going to fit in the code, there is no sense wasting our time.

MR. STEVENSON: I can't. I hope it does, but I can't. Too valuable. Too much time. We have to be able to operate.

JAMES MARTIN: I guess, you know, there certainly is that opportunity to get into more detailed discussion. I mean, what -- I don't know what it would take to increase the size of the shop that you're proposing, all right, to get some of the additional things we saw over there inside. Okay. That is, I think, the big issue.

MR. STEVENSON: That will not be economically feasible. I mean we -- we're going to have a lot of inside things. Like I said, we're going to try to store the valuable things inside (inaudible). These cranes have load sensors and things like that, electronics. We try to keep all the modern stuff inside, but forms, steel frames, jacking towers, traffic control items, those will not be inside. We can't afford to build structures -- you can't be competitive if you build structures to keep those things inside.

DARIO MARCHIONI: Is there any way you could -- I mean the concern is, visual from the 490. Is there any way of building a berm or some sort of screening that -- that would, you know -- to put the stuff behind it so it wouldn't be a visual impact?

MR. STEVENSON: I think we could probably do -- take some shots here. What you have here for trees -- again, with this building and the trees you have here -- and again, this is a cut right here (indicating). I guess I'm thinking 490. There is also Paul Road. I'm not sure what

you -- Paul Road is -- you can't see it from here.

I agree you're going to see these buildings up here (indicating). I think they're going to -- when you're driving down here, you will be able to look up here and see the roofs of them. I only say that because right now when you see this sign up in here, you can't see what is back in here (indicating). If a truck was parked here, you could see the top of the truck, but I think this is off in the back where you can't see it. The grade goes downhill. You look at the contours on the plans, you can see the elevation change.

DARIO MARCHIONI: Give us an eye view what we could see or not see in different areas. I think that would solve the problem.

JAMES MARTIN: Chris (Karelus), I -- I understand.

CHRIS KARELUS: I'm just trying to go over what we asked him to provide us, what he had on the site, what we anticipate as far as the vehicles when submitted back in October. We asked him to itemize what he had. Some of the things that were there -- I understood through the Operations Manager, Chip (Stevenson), a lot of the stuff you have a separate site for. You weren't going to be losing the Rochester site.

MR. STEVENSON: Well, again, that -- that may or may not be the case. What has happened since we started this process, we are low bidder on another large overhead sign job that will run through 2010. It is idle, just as you see the site today, it is central to the work and for moving materials in and out. Being out here another eight or ten miles is not conducive to that. We haven't made plans. That property doesn't cost us a whole lot of money. We haven't made plans what we'll do with it. That's a good point. A lot of the stuff is stuff that could be left there, as long as it is not something that could be subject to vandalism.

CHRIS KARELUS: I just want to make sure the Board understands -- I don't think what you have given us (inaudible), in my opinion, the storage (inaudible) itemized list of storage. It's part of your business. (Inaudible) storage. You bring in, haul in bulk materials. When we walked in on the slag, the surplus material, as you work a job and it is pulled off, the asphalt concrete, when we saw that stock piled in the yard, a lot of things were there unannounced to us.

MR. STEVENSON: Again, they won't be at this site.

CHRIS KARELUS: I think the Board needs more clarification what is into this yard space is critical. I don't think what is being perceived as a storage yard now is really -- really what we have seen in the past as a storage yard.

JAMES MARTIN: I would agree.

CHRIS KARELUS: I think this is more a business-oriented space that is -- this isn't -- this is not, in my opinion, a warehousing business. From what I understand from your Operations Manager, you do fabrication work and -- not a light, but more towards medium scale of fabrication with business with steel and sign erection. Again, which is what the Board should be reviewing in regards to the permit.

MR. STEVENSON: We're an erector of signs, which means -- I can see this. I'm not sure what it will mean to anybody. You saw the big signs there today, they're large signs. They could be -- they could be 12, 14 feet high. That is why you see the special trailers. You can't put them on a regular truck.

The overhead -- see the overhead trusses when you go down the highway. They come in in sections. They come in pieces. I don't know if there was any in the backyard today or not. Most of them are up now. But that stuff comes in, it goes out to the job and gets erected.

CHRIS KARELUS: Most of all your stuff is drop shipping. You don't intend to warehouse. You intend to resell the sign.

MR. STEVENSON: We don't resell anything.

CHRIS KARELUS: That is drop shipping, not considered warehousing in open storage. As long as he identifies the bulk storage and comes to an agreement of how he intends to have an enclosure, in my read of what they are offering, that that really doesn't have open yard storage warehousing. It is more in line with his business use.

JAMES MARTIN: A lot of things we saw there today would legally not fit within the scope of the code as it is defined in -- you know, the code book as Limited Industrial. But if you were to maintain that site, where materials that are not acceptable to be stored there as opposed to, you know, coming out to Chili, we might end up with some sort of compromised position, but we would need to sit down and work through that --

MR. STEVENSON: I have no problem talking to you guys and trying to make sure we're all on the same wavelength or that we can comply with your zoning requirements. I don't have any problem with trying to do that. Just like your letter that you asked for that we tried to address. The situation we find ourselves in is we're a specialty contractor, and I can't tell you with a lot of certainty or detail exactly what we're going to be doing next year. What materials will be involved or how long we'll have them, or that kind of thing. That is the problem, I guess -- that is -- I was trying to be general basically.

JAMES MARTIN: But you have concrete barriers, all right, on your site in Rochester?

MR. STEVENSON: Right.

JAMES MARTIN: Which are safety -- you know, to divert traffic away from your construction site and that type of thing?

MR. STEVENSON: Right.

JAMES MARTIN: I mean those are the types of things I think we're talking about, but we just need to sit down and look at this on a more detailed basis to determine, you know, what makes the most sense from -- from both our perspectives.

MR. STEVENSON: Okay.

JAMES MARTIN: That is what I think we're talking about. Am I saying that correctly?

CHRIS KARELUS: I think it is just understanding specifics.

JAMES MARTIN: Again, you know, there are a couple of issues. Certainly, you know, I think we really need to understand, you know, the sewer easement and all of that and the routing and where that will go.

MR. SUDOL: We'll work that out with the Town Engineer and David (Lindsay).

JAMES MARTIN: But I think that is a critical element of this potential project. And I think we need more detail around exactly what we're dealing with, all right, from -- from BVR's perspective. I can understand your concern about the equipment. There is a lot of stuff down there I wouldn't want hanging around that neighborhood. I can understand your concern.

And -- but then again, I think this Board has to look at all of the elements, all right, of what is being proposed in more detail and how -- if we were to table this tonight, we could get this done, could you be back here in December? I know you need to close by January on the property.

MR. STEVENSON: Right. Well, that is the agreement I set up initially. I have until the 15th of January. And maybe beyond that. I don't know.

JAMES MARTIN: I'm just saying that is -- you indicated that by January --

MR. STEVENSON: That's correct.

JAMES MARTIN: If we were to table this tonight and sit down, Mr. Karelus, myself and maybe another member or two of the Board, as long as we don't have a quorum, we could hash some of these things out and maybe arrive at some sort of a comprised agreement here as to what makes the most sense. You know, we're trying to -- we would love to have you in Chili.

MR. STEVENSON: I sense that. Really, I'm not trying to be difficult here. I don't think you are either. You have a responsibility. I appreciate that.

JAMES MARTIN: I think it's a -- I think it's not a bad utilization of that property. We had other things come through here that wasn't a good utilization.

MR. STEVENSON: If we can mesh what we do with your requirements, I think it will be very good for us and I would hope that that would be good for the Town of Chili. I think it would be.

GEORGE BRINKWART: That makes sense.

JAMES MARTIN: I think that we can certainly do that. So I would propose at this time, knowing there is some uncertainty around this, we table this until the December meeting, giving us time to do this in the meantime.

JOHN NOWICKI: Come back in December and --

JAMES MARTIN: Then we can hopefully at this point in time, yes, this makes sense, we know what is coming, we know what you're going to be doing with it, and to me, that makes the most sense of all, to recommend and make a motion to table this until the December meeting and then we would suggest -- I would expect you to facilitate whatever --

MR. SUDOL: Not a problem.

JAMES MARTIN: -- whatever meeting you need to have to make this happen. I will be more than happy to participate and I'm sure John (Nowicki) would.

JOHN NOWICKI: Absolutely.

DARIO MARCHIONI: December, by the way, we can give you final --

MR. SUDOL: Sure. If we wanted preliminary final or just do prelim.

MR. NOWICKI: I make a motion we table.

JAMES MARTIN: I made the motion. You second?

JOHN NOWICKI: I second.

JAMES MARTIN: We have a motion to table this until the December meeting.

DECISION ON APPLICATIONS #4, 5 AND 6: Unanimously tabled by a vote of 6 yes to table for the following reasons:

The Chili Planning Board, at their November 10, 2009 Public Hearing, reviewed the above described applications. After a lengthy discussion of the proposed project at 8 King Road for BVR Construction, to include office facilities, a large shop building and a storage yard, it was decided that the Planning Board needed more detailed information as to the exact nature of what was to be included on the site, and therefore tabled the application by a unanimous vote of six to the December 15, 2009 meeting. Also, a resolution of the issues surrounding the proposed sanitary sewer easement needs to be accomplished.

The meeting ended at 10:55 p.m.