

CHILI PLANNING BOARD
November 11, 2008

A meeting of the Chili Planning Board was held on November 11, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative; Paul Wazenreid, Architectural Review Committee Representative.

JAMES MARTIN: At this point, I would like to temporarily turn the meeting over to Karen Cox, our Vice Chairperson.

KAREN COX: In recognition of Veterans' Day, the members of the Board would like to ask all veterans in the room to stand up and be recognized by this Board and the Town of Chili and to thank them for their service. We should pause -- (Applause.)

KAREN COX: We should pause for a moment to pay tribute to all who have served or are serving and offer a silent prayer for the safety of all those currently serving in harm's way.

A moment of silence was observed.

KAREN COX: Thank you.

JAMES MARTIN: Mr. Brixner, do you care to speak now?

MR. BRIXNER: Yes. My name is Jerry Brixner and as I stood, I am a veteran. I believe this is a national holiday. It's Veterans' Day. Our offices here in Chili are closed in honor and respect to the veterans. I know we've heard a comment from Mrs. Cox and I certainly appreciate that and I appreciate the rest of the audience in their applause. This is recognition, that's for sure. But I think it was wrong on your part, sir, to schedule this meeting on this date, a national holiday, and I would wish to object and I would like to have my name on the record as being -- objecting to it.

Thank you.

JAMES MARTIN: First order of business tonight, first items on our agenda are under old business.

OLD BUSINESS:

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

JAMES MARTIN: As you may be aware, the discussion on these applications started at the October 1st meeting. Due to the fact that we got into a late hour, the meeting was adjourned with continuation of the discussion at tonight's meeting. Before moving forward, at this point, I would like to acknowledge receipt of a petition containing 173 signatures. I have it in my hand at this point. They're opposed to the construction of the hotel.

The public hearing on these applications was closed at the end of the October 21st meeting. However, due to some confusion on the part of some of the citizens as to when the public hearing was going to be held, I'm going to allocate about 15 minutes of it for additional comments from anyone tonight from anyone who did not speak -- I emphasize who did not speak at the formal public hearing. I again emphasize this is not a reopening of the public hearing.

So at this point is there anybody who did not have an opportunity to speak at the public hearing who would like to stand and make some comments regarding this application?

Yes. Please State your name.

MS. BARCLAY: Virginia Barclay.

JAMES MARTIN: I got started and forgot to read some of the other pertinent facts. Excuse me.

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. James Martin recognized Paul Bloser, Zoning Board Chairperson, in attendance in the audience. He announced the fire safety exits.

JAMES MARTIN: There is one change. The Wegmans application has been deleted from the agenda tonight.

VIRGINIA BARCLAY, 36 Janice Drive

MS. BARCLAY: 36 Janice Drive.

Lately I have been under the impression that we in Chili were striving for a more attractive image for our Town, but to be home to a Microtel in the backyard of an oil change business is beyond belief. To have a three-story Microtel be the tallest building in our town center, and to access it by means of a narrow driveway, shared by an oil change business, which in turn stands next to a 24-hour neon-lit car wash, seems to belie any belief in improving Chili Center for the foreseeable future.

This completely out of place, too tall and too large building would trample our two near homeowners' rights to privacy. Would any one of us want transients to have an open view of our backyards and children?

This would be a travesty of justice. I hope, and believe, that we in Chili are above that. Thank you.

TIM HUNTER, 41 Shrubbery Lane

MR. HUNTER: Tim Hunter. I live at 41 Shrubbery Lane.

I'm one of the people that helped put those signatures on the petition you got. In canvassing the neighborhood, I don't think I found two people out of all of the people on that list that weren't against this, and for all of the reasons I'm sure you have heard before.

The other thing is, is crime has come to this lovely little town of ours. The pizzeria I live right behind has been robbed twice within the last year. The credit union has been robbed once -- twice or three times. I think putting a hotel like this out here will just increase that kind of traffic and I don't think it's anything that we want to see.

The other thing is, I talked to a friend of mine who is a truck driver, and if this is a reasonably -- reasonable rate hotel, you're going to get truckers who come out here and they will leave their trucks running all night long and they're doing it now. If you go over to the plaza and you run up Paul Road, the truckers are doing it right now. It's not something we should be doing here in Chili for the future of our Town.

Sometimes I wonder if there is such thing as a Master Plan. It just seems as though we do whatever we feel like doing without regards to any of the people who live around here. Now, I lived out here since 1975, and I have seen a lot of changes, but I think we need to think about the kinds of changes that we are doing. With all of the available land here in Chili -- I'm not convinced we need a hotel, but let's just suppose we do. With all of the available land here, why put it there?

That's all I have to say.

JAMES MARTIN: Thank you for your comment.

At this point in time, I will turn it over to the applicant for additional comments that they may wish to make.

MR. GOLDMAN: Good evening, Mr. Chairman, members of the Board. My name is Jerry Goldman. I'm the attorney and agent for the applicant this evening on this proposal.

We had a long meeting, as the Chair pointed out, a month ago, and there were a number of comments and -- which were received from members of the public. At the time that the hearing was closed, there was a request that we address the comments as best we can. They fit in a number of categories, so I am -- so what I am going to do is take a few minutes on a number of the categories and address those comments and then my understanding is that there will be questions from the Board that our team and group will be able to address to the Board's satisfaction.

First category of comments that we received, or one of the comments sections dealt with the marketing study and the need for the hotel. Um, without -- without truly playing lawyer, one of the things that I need to point out with regard to the marketing study is that we're glad to present it. It was requested by the Board. It is not a formal standard in the code, but in order to help the Board understand what was going on with the hotel and some of the thought processes which went into the application and the location, that study was presented. There was some critique of that study. The study was done by standard methodology. So it's our hope that the marketing study will assist the Board in understanding that -- that this is an application which is a special permit in the GB zoning district. We're not seeking a use variance. We're not seeking relief other than the special permit to allow for this particular use at this particular site.

Second topic dealt with parking space size and dealing with the issue of parking space size. Um, we are requesting that some of the parking spaces be allowed to be 9 feet by 19 feet as opposed to 9 1/2 feet by 19 feet. This has, to our understanding, been something that has been

dealt with with the Planning Board, and, in fact, the code itself does say that the parking space size is to be 9 1/2 by 19 unless otherwise stated by the Planning Board.

As recently as the Target application, which occurred in March, this Board did grant relief from parking space size. As a result of what we heard at that meeting, we have requested interpretation from the Town Building Department to ascertain whether, in fact, a variance would be necessary. If a variance is necessary, we would probably bring it up as an interpretation and/or variance, but nonetheless, it is something typically that we do at the Planning Board as part of these applications.

Third category is truck parking, and in dealing with the truck issue.

There have been concerns with regard to trucks and use of trucks on the site.

We did present some testimony relative to the fact that trucks are not actively marketed at this particular location, and, in fact, it is not pursued by this hotel applicant at any of their locations. We went further and talked with a trucking company who is in town and said how many actually do go out and stay in hotels? The information that we had received was that most trucks are typically equipped with sleeping accommodations if they are meant to be for overnight -- overnight hauling. For the most part, truckers do not avail themselves of hotels.

If it's a short haul, they have a tendency to go back. If it is otherwise, they have the tendency to stay in the truck. So to that degree, and especially since we aren't located off a Thruway or off a highway, it's not likely to be a matter that we would be dealing with at all here.

Fourth category is the pylon sign. We have an application for a pylon sign on the site. There was some objection to it. Just like to point out that we would be willing to provide in lieu of the pylon, which we view as directional signage, um, a second sign on the -- excuse me, on the south elevation of the site, and that would provide the identification that we need. A question was raised with regard to building orientation, and with regard to that building orientation, we did, in fact, switch it. It was parallel to the road. We did move it in the other direction so we could be further away from the residences, and that was a request that we had as part of our approval process.

With regard to landscaping, the buffer and screening, there were a number of questions that were raised with regard to it. We have some pictures that -- or perspective drawings that Kip (Finley) is going to pass out with regard to the site. We have done a lot of work. There has been a request to do photo simulations.

Kip (Finley), if you could provide one of those for me also, I would appreciate it.

And the question of dealing with mature trees. Remember, one thing that is important to remember for us here is that we have worked with the Conservation Board and through the Conservation Board on this and have received their approval of the landscaping plan which we had. Let me walk through it. The first is a proposed view --

JAMES MARTIN: Would it be possible to put them on this?

MR. GOLDMAN: I'm not sure. Can you?

There was discussion about displaying the photos for the audience.

MR. GOLDMAN: The first picture we have is a picture of the front of the building. What it depicts is the relief of the building and the site. It's in earth tone colors. It does provide for, um, a different stylistic roof line along the top, and essentially, that was the cause for the application for a variance on the site.

We did request it to allow for the roof line that we have here, which we think is an attractive element on the particular site.

Second drawing that we have or the second picture indicates this building in perspective with the -- with the adjacent plaza, and basically -- basically you can see as we take a look at it, it is relatively consistent with the plaza itself and the plaza view on the site.

Third picture that we have deals with the existing view from what we consider to be the weakest point of our -- of our site relative to screening from the neighbors. That is the view between 27 and 29 Shrubbery Lane. The first picture we have is the existing condition and what people see on the particular site right now. What they do see is an open area and they're looking out onto the edge of the plaza, which has buildings and dumpsters exposed and the like.

The next picture that we have is a photo simulation of -- of what the shrubbery approved by and landscaping approved by the Conservation Board would look like. We have 8 foot tall evergreens which are supplementing the existing landscaping on the site. There is a decorative fence which is part of the site, existing evergreens where possible are remaining within the site itself.

One thing to note, and photo simulations are notoriously poor in dealing with the third dimension on. As you take a look on the left side there is an aboveground pool. That aboveground pool looks like it is immediately adjacent to the house. It's about 15 feet away. If you take a look at the -- at the little shed which is on the right side of the picture, that shed is about 60 feet removed from the house structure. It looks like it is right adjacent to it. And as well, when you're taking a look at the hotel, we got to remember this is about 200 feet distance from the houses themselves.

One additional picture that we have is in response to some of the comments we received, and again, this is something that we're showing for demonstration purposes on the site. It hasn't been reviewed by the Conservation Board or this Board previously, and that is if we were to supplement the proposed landscaping on the site with landscaping as shown here, we're talking about 12 foot tall evergreens on the site. It provides a fuller screen right now, but the one -- the

thing that we really have to remember is that the 8 foot tall evergreens will grow, and, in fact, they will grow at a pace and a rate of -- which will allow for a full screen to wind up -- wind up on the site. The fact of the matter is that maintaining 12 foot trees at planting is a challenge, and it's one that -- one that can be undertaken, but requires additional irrigation systems. It requires a lot of extra effort to make sure that the trees do survive and thrive in their environment.

We toss that out right now for the Board's review in taking a look at it, if, in fact, there is a desire to do something different on the landscaping treatment from that which was approved by the Conservation Board.

There was some comments with regard to the -- the yard requirements and rear yard requirements. Again, this is something we have requested interpretation from the Town Building Department.

In fact, the code has a number of provisions with regard to parking. The one that is most germane and specific in dealing with parking, location of parking, is that in the commercial districts, parking is not to be found in the front yard without variance relief. However, it does say specifically that parking shall be allowed in rear and side yards, and that's, in fact, what is proposed here. Because as we take a look at the site, as we go to the north, that is considered a rear yard. As we go to the west, that's considered to be a side yard in this particular location, but remember, on the west side, adjacent to the residences, we're providing a 50 foot buffer in that area which far exceeds -- which far exceeds the code requirement. So in the area to the north, we have -- we have some screening. We certainly have screening in the northwest corner. We have more screening along the north end. It's not a 40 foot buffer, but it is a 40 foot rear yard as that is defined in the code with parking allowed as provided in the code itself. And we'll await the interpretation to just confirm that we're in good shape relative to that.

There was some discussion about the cumulative effect of variances which are being applied for. I would like to point out, with the exception of one, the variances that we're applying for are typical variances that we see on commercial projects. One of those variances is to allow for front yard parking. In most cases where have you an application for front yard parking in a commercial zone, it's generally a full parking field of front yard parking. In our case, we're applying for three parking spaces in the front yard ahead of the building and some, I think probably in excess of 200 feet or 100 feet at least away from the Chili Avenue right-of-way. It's a long way away from the front. So to that degree, that is a variance that we would consider to be a minor variance in terms of the degree only being three parking spaces.

Second space deals with the breakup of the parking field. Typically our code says you shouldn't have ten spaces without landscaping. Most commercial properties that have come before the Board have sought relief in that regard. There is one area where we have 50 spaces without a breakup. Another 115 spaces without a breakup. Other parking area does have a breakup at the ten-space limit. So there is an effort to try to do that, but as we come to realize in dealing with commercial applications, it is very important to try to be able to maintain and plow the parking lots adequately, so very often you will see applications for relief. The only real application that may be different than what you would typically see on most commercial applications deals with the frontage and that again is kind of a unique type of situation because of the configuration of the lot and the fact that it's further back. There is 40 feet of area which will be under control by fee ownership and easement as a result of this -- this subdivision and this lot. 30 feet of that will be owned by the lot on which the hotel is located. There is 10 feet which is covered by easement on the Valvoline property, but that is fully accessible and fully usable. So to that extent, there is a full 40 feet.

The height variance was granted -- again, remember in terms of magnitude, the height variances for less than 40 feet, 39 feet 10 inches, I believe, instead of the 35 feet by code. We aren't talking about major size variances. We aren't talking about full parking fields. We aren't talking about rows and rows of spaces that are necessary. We aren't talking about a 20-foot right-of-way here. So the variances we're talking about are typical variances for the most part and also relatively small in size.

Other technical comments with regard to moving the fire hydrant will be addressed. The Architectural Review Committee, um, comment. There was a comment that the ARC had questioned the appropriateness of the height of the building. We weren't provided with any of the comments. I know the ARC Chair is here. I don't know if there are any comments with regard to the height, but technically that is within the jurisdiction of the Zoning Board and dealt with as part of the variance.

With regard to Traffic Safety Committee comments on low utility lines, it is not unusual for utility lines to be raised up if they're thought to be conflicting and that, of course, is something we'll do here, as well. With regard to dumpster enclosure and shed, the dumpster enclosure will be enclosed in an enclosure which is in materials which match the building. It's located 55 feet off the corner of the adjacent residence, outside of any 40 foot area.

That pretty much is the summary of our comments and response. What we would like to do is certainly to be available to answer any questions that the Board may have, project engineer, project architect and principal are here. And we'll do the best we can. Thank you.

JAMES MARTIN: Thank you.

A couple of comments at this point in time. For the record, last Thursday, Mr. Marchioni, Mr. Nowicki and I drove down to Bath to look at the facility that I believe is of the same size as the proposed Microtel for Chili. I believe Mr. Hellaby also had an opportunity to stop by and look at that building on a separate occasion. So I want that basically entered into the record that

we do have four members of the Board who have had a visual look at the facility in Bath, New York.

Second thing I want to enter for the record tonight is the notes of the Zoning Board of Appeals meeting that was held on May 20th, 2008, at which time the -- some of the variances were reviewed by the Zoning Board at that time and also, Sandy (Hewlett), I want that entered into the record also as part of this hearing tonight.

A couple of comments at this point. The photo simulations, as I look at these, particularly the 29 Shrubbery Lane simulations, they appear to be ground level views; is that correct?

MR. GOLDMAN: They are.

JAMES MARTIN: All right.

MR. GOLDMAN: They are. The base picture we took was apparently 40 yards and that's what we used as our base in dealing with this.

JAMES MARTIN: On the issue of parking relief, that's on a case-by-case basis. I'm not going to have precedence as a reason, just so you understand that.

MR. GOLDMAN: Okay. That's fine. We'll seek the interpretation and we'll see where we have to go.

JAMES MARTIN: Okay. I will go to the Board at this point for additional comments and questions.

JIM POWERS: On some of these pictures that you presented tonight, most of these houses along Shrubbery, and, in fact, 29 -- I don't know if you're familiar with the different decks, where they're located on some of these homes? Some are on the second floor and high.

MR. GOLDMAN: Right.

JIM POWERS: You would have to have some awful tall trees to screen out the motel --

MR. GOLDMAN: Actually, it is kind of interesting. As you go up, your sight line will tend to be screened by the shrub, the trees, the landscaping we're doing. That is why we showed the trees as they're shown here.

Also in your record is a critical view which was done by the engineers, and that does run from the second story of the -- of the residences, so that gives a perspective from the second. It's not a photo simulation like that, but it's a perspective drawing that draws a sight line.

JIM POWERS: Jim (Martin), could I ask Ken (Hurley) a question --

JAMES MARTIN: Sure.

JIM POWERS: -- about the variance that was granted on the height of this building?

Ken (Hurley), are you satisfied that height, the variance at 39, 10 is accurate or is it actually higher?

KEN HURLEY: The comments that were brought up at the public hearing were referring to a comment letter that I had back in, I believe, March or April, back in the beginning of the process. And that was concerning the -- one of the maps they had had conflicting data. One said 39, 10 inches and the other one said like 43 feet. And the engineer did change that, just for the record, that it was addressed. It was just addressing the fact that there was conflicting data, which one were they really proposing, and they took care of it, so...

JAMES MARTIN: So it is 39 feet, 10 inches?

MR. FINLEY: Kip Finley with Avery Engineering. Just to clarify that, what it was in the letter is the 43 feet and whatever, we were referencing the Perna building over on King Road. That's 43 feet tall. So we were just making the point that this isn't the tallest building in this little business district. There is already one that was approved for even taller. So that is where that 43 number and whatever feet inches came up.

MR. GOLDMAN: In fact, it is 39 feet, 10 inches.

JIM POWERS: Okay.

KAREN COX: I believe I made my -- all my comments at the last meeting.

JOHN HELLABY: Did we come up with a percentage of lot coverage that I asked about last time? I haven't seen that. Do you know what that is?

MR. FINLEY: We did, except now I didn't look at the plan. It is within -- I'm just trying to think if I have it in the car. It is within the lot coverage requirements by quite a bit.

JAMES MARTIN: It is within the 30 percent coverage?

MR. FINLEY: Yeah.

JOHN HELLABY: I would like to know it at some point.

The only other comment I got is, can you explain to me, Kip (Finley), if you would, why -- and again, I asked for the dimensions on the shed and the dumpster enclosure to be placed on the drawings. Would you explain to me why you feel they're not within the right-of-way? Because it sure does appear to me that they are.

MR. FINLEY: This is the property corner (indicating) for the residents. This is 40 feet (indicating). And there's the dumpster enclosure (indicating). It's actually 55 something to the dumpster.

JOHN HELLABY: Isn't this going to be a separate parcel?

MR. FINLEY: It already is a separate parcel.

JOHN HELLABY: All right.

MR. FINLEY: There is zero lot line between the two businesses.

JOHN HELLABY: Okay. Okay.

MR. FINLEY: As far as the lot coverage, I'm sorry, that's one I forgot, but it's on the plan -- if you actually have the site plan in front of you, it's in the table. I just don't have it at my seat.

JOHN HELLABY: All right. That's all I have right now.

JAMES MARTIN: I have a couple of additional questions probably best directed at Mr. Mehta. In the marketing study, there are several references to bus tours and I was wondering if that is something that is a frequent occasion or rare occasion, that you have a bus pull in that's on a tour that perhaps the whole busload of people want to stay overnight and they have to park the bus.

MR. MEHTA: The project developer. It's somewhat common, and location by location, it depends. Typically what we see, and if I get an idea where you're going with this, if a bus comes with 30 people and they occupy 30 rooms, then accordingly 30 parking spots are accounted for, as well. Unlike some of the concerns with a truck, which would have a large vehicle and probably only use one room in the rare cases that that happened. A tour bus would take up multiple parking spots I understand, but they could also take up half of the hotel rooms.

JAMES MARTIN: Okay. The other aspect obviously around the parking issues is RV parking. I don't know, again, what the frequency is with which an RV would pull into a facility for an overnight stay, but I'm curious.

MR. MEHTA: I got into the hotel business when I was 21 years old and I don't think I have seen an RV in our lot to date.

JAMES MARTIN: Okay. Because there was some mention of that.

MR. MEHTA: I have yet to see it.

JAMES MARTIN: I just wanted to check on that.

JOHN NOWICKI: I only have one because the applicant and the audience has satisfied my demand for answers.

I was curious, do all of the Microtel hotels allow smoking on the third floor?

MR. MEHTA: It's a trend in the lodging industry to eliminate, and many of the hotels are going to non-smoking. We have taken some of the smoking rooms down to four or five locations. I would seriously consider opening Chili as a 100 percent non-smoking facility. You know, frankly we're thinking about doing that at our existing location. Ten years ago it wasn't the case. Ten years ago the laws weren't the case. Ten years ago it wasn't as taboo as today. To answer your question, yes, smoking is allowed in most motels. We would consider non-smoking, absolutely.

GEORGE BRINKWART: I asked Kip (Finley) the last time, but anyone can answer it. Do you have the square foot size of the footprint? Maybe you could also give me the square footage --

MR. MEHTA: It is 31,000 square feet, this facility as proposed, divided evenly amongst three floors.

MR. GOLDMAN: It's -- footprints are less -- less than 11,000, depending on the floor, there is a little deviations. 10,932, 10,528, 10,528. So 31,987 is the total square footage. So the footprint itself is 10,932 square feet.

GEORGE BRINKWART: I know the fire folks have looked at that and that is all adequate, but I was curious if you run a template or anything like that to verify the length of fire truck we have can navigate around that building?

MR. GOLDMAN: We have.

DARIO MARCHIONI: Mr. Goldman.

MR. GOLDMAN: Please call me, Jerry (Goldman).

DARIO MARCHIONI: At the last meeting you mentioned something about Roberts Wesleyan College?

MR. GOLDMAN: Yes.

DARIO MARCHIONI: That they -- would you please read that?

The stenographer read a portion of the prior minutes as requested by Dario Marchioni.

DARIO MARCHIONI: Mr. Goldman -- would you read it, please?

MR. GOLDMAN: It is cross-examination, that's okay. That's fine.

DARIO MARCHIONI: So we hold Roberts Wesleyan esteem in this Town, as one of our crown jewels and Dr. Martin is a very honorable person.

MR. GOLDMAN: I will says that Roberts -- I won't read the whole thing. I will read the part you want me to read and that Roberts Wesleyan does not endorse any particular business or location. We would be very much in favor of motels in our town, and I apologize for the misspeak. The letter -- the letter does speak for itself, and I would like to clarify as a result of this, if there is a question with regard to the need or desire of having a facility in Chili, and some members of the public have said why do we need it in Chili at all, that's -- that's a testament to at least one very esteemed and respected member of the community that says that -- that they do want to see one in Chili.

DARIO MARCHIONI: The key answer is not at this -- he does not endorse --

MR. GOLDMAN: I understand that. I understand that. And I apologize for the misspeak.

DARIO MARCHIONI: I have a question for Skip (sic), if I may?

JAMES MARTIN: Kip (Finley)?

MR. GOLDMAN: Kip (Finley). His brother Kip (Finley). Skip isn't with us tonight, I don't think.
(Laughter.)

DARIO MARCHIONI: Kip (Finley)? I have been reviewing the minutes of ZBA 5/20/08, and there -- without reading the whole thing here, there is some testimony from you that basically that the Town officials recommended a hip roof rather than a flat roof, if you could build a flat

roof. And I -- and basically if you did not get the variance, you would build a flat roof. It's possible to build a flat roof.

Now, would you explain to me, all your brochures, if you see a flat roof anywhere, in any of these brochures? I went down to look -- I didn't see any flat roofs.

MR. FINLEY: I guess to clarify is that a building, a three-story hotel could be built with a flat roof and a parapet.

DARIO MARCHIONI: Do I understand -- I was there. You transmitted to the Zoning Board that if you didn't get the variance, you would build a flat roof with a parapet wall. That is the way I heard it and understand it. The minutes reflect that. But also, did you -- with all these Town officials that you talked to, did you mention to them that there are two-story buildings? I found all these brochures of two-story buildings (indicating). Okay. Also, there -- here is their location. Westville, New York -- Wellsville, New York. I got to get my glasses on. Excuse me. Wellsville, New York. Um, Olean, Allegany, New York. Springville, New York. These are all two-story buildings, Microtels. Stockton, Virginia; Maryland; Pennsylvania. Did you mention to the Town officials that this company also builds two-story buildings? I don't think I seen it in the minutes from the Zoning Board or the Architectural Review Board. I was there and you never made that presentation. Just for the record, that's all.

MR. FINLEY: I can respond to that?

DARIO MARCHIONI: Sure.

MR. FINLEY: To clarify, I wasn't in the initial parts of the conversation, but I know when the project first came in as a concept, the -- the administration had said it seems okay. We generally like architecture that looks like other things in Chili. We have a lot of buildings that have gabled roofs and that. That's what the design is.

In a case like this, you fit the building to the site, and they have a certain number of rooms they need to make the building feasible. They need it in the 65 to 70 room range. It could be built as a one-story on some sites, a two-story on some sites or a three-story on some sites. I mean theoretically it could have been a four-story, but the application that came in is for a three-story building. That is a workable size and if they wanted to put it in and not have a variance, they could build it with a flat roof. It's architecturally possible. There's a lot of hotels that do have flat roofs. In this case, we were urged that it's really nicer to have a gable roof that fits in with the rest of the neighborhood and since the variance that you request isn't really that much, if push comes to shove, we would rather see a gable roof and give some leniency than a flat roof. It's up to us. We like the gabled roof so we went for the variance request, and it was granted.

DARIO MARCHIONI: But you have engineering background, correct? A flat roof with the snow load, with the -- you know, it would be totally structurally different; am I right?

MR. FINLEY: Yes. But it is totally, physically possible.

DARIO MARCHIONI: It's physically possible -- okay.

MR. FINLEY: I don't see where it is really relative.

DARIO MARCHIONI: The other question is pertaining to fire. I understand that you're talking to a fire person who has been in the business for 25, 30 years. When there is a fire, it's designated one-alarm, two-alarm fire, three-alarm fire, and it's based on the occupancy of a particular building, a property. That's how they classify it. The Fire Department from Chili, from Gates, from Riga, they all come in depending on how they classify this fire.

Now -- and I tried to do a layout of all of the kind of apparatuses necessary to fight a fire. Let's say a four-alarm fire or something like that. You need a pump inch water source from a pump station -- a pump truck. You need the ladder truck, if it's -- for this here. You need three or four more other trucks for the -- that are called in, okay? You need two or three ambulances. You need police department that comes in, the sheriff, okay? Just -- would you explain to me how you're going to put all these -- you have people coming in and out -- let's say the people are running out of the building through the -- through, you know -- the worse scenario we're talking about. Where are you going to put all these people in that 26-foot, you know -- in the east -- the east corner, and the north corner of this project? Where -- how are you going to maneuver all these people? You know time is of the essence when it comes to a fire, especially emergency. You know, minutes means life and death. Just I tried to lay it out with all of the vehicles there, and I just -- I couldn't get it.

One if -- you have more expertise in the field. Would you explain to me how it would happen. Let's say it is a four- or five-alarm fire where you have trucks from Gates, the closest department, they're all coming in to fight this fire. How are you going to come in on a 30 foot or 26 foot driveway, where are they going to be stationed -- you know, there is chaos there. I just can't visualize --

MR. FINLEY: I think --

DARIO MARCHIONI: -- the safety aspect.

MR. FINLEY: -- respond to this.

The first thing is we met with the Fire Marshal because he has a lot more experience than any of us here versus me speculating how it's going to work.

We provided two means of access. We provided the aisle width that he wanted, and we actually ran through some scenarios where one truck is coming up the main driveway and swings in. The other trucks come in through the plaza and swing in that way and they can actually cross over.

Another thing is that the building is sprinklered. You're not going to be having a situation where the whole building goes up in flames in five minutes. The sprinkler generally suppresses

the fire from the onset before it spreads.

The other thing, it's very convenient not to go higher than a three-story building because the hook and ladder can reach the third-story windows if they really needed to get someone who is trapped. Rather than me speculate, we provided the space the Fire Marshal asked for, he looked at it and agreed it is very workable. So there really is no need to take it further and try to figure out how it is going to happen because he already figured out how they fight fires and said our site was fine.

DARIO MARCHIONI: Do you know if the Fire Marshal went to see this building in Bath?

MR. FINLEY: I don't know it is rocket science to know what a hotel looks like with a 26 foot aisle around it.

DARIO MARCHIONI: True. I saw on television a two-story fire and I saw more vehicles there than (indicating).

MR. FINLEY: The firefighters have a lot of training and I'm sure they know how to deal with it.

MR. GOLDMAN: In a sense, we have to rely on all of our experts in terms of dealing with that. The municipality does, we do in their review of what we deal with. That's why before we came here, we -- we had reviews at a staff level by the Building Department. We had staff reviews by the engineering -- by the engineering consultants. We had staff review by the Fire Marshal. We were at ARB. We were at Conservation. We were at Traffic and Safety. We were at a whole bunch of Boards dealing with a lot of these issues. You know, we -- we do take to heart their comments and, in fact, a lot of their comments were incorporated in -- in our plans, since this has been going on, since, you know, March anyway.

DARIO MARCHIONI: Kip (Finley), you ran away on me. I have a few more questions.

Are you familiar with the Chili Corridor Study, by any chance? Basically the reason I am bringing that up, this study was the basis for rezoning this particular property and all of the properties along Chili Avenue. Are you familiar with it?

MR. FINLEY: I know it exists, but it was before my time here.

DARIO MARCHIONI: Avery Engineering and Land Surveyors Associates are here, they contributed to this study.

MR. FINLEY: Uh-huh.

DARIO MARCHIONI: Can you do me a favor and read this -- it says buffer -- where commercial development is adjacent to residential district? This is a document that was presented to the Town Board at that time in order for -- okay, it's a legal document. It was in order to rezone these properties.

MR. GOLDMAN: Okay. You can read, but I will make some comments. Let me make some comments first and then we can do the reading.

There are a lot of plans which go into developing the codes and the codes are what we have to go by, and basically, the Town Board takes all of these studies, be it Master Plan study, corridor study, everything else and they develop the code based upon the studies and based upon their review. They don't necessarily always agree with what the studies say, but the law is what is in the code, and that's why you see that we have different requirements on our major roads as opposed to some of our minor roads. 115.40, the code section that deals with these different standards is there. We can take a look at it and Kip (Finley) can read what is said here, but again, this is not the law in the Town of Chili. What is it what's in the code.

DARIO MARCHIONI: But isn't it true that is the intent of the law? The law is produced from this information.

MR. GOLDMAN: That's correct. That's correct. The law is produced from it, and the law is what we have to follow.

DARIO MARCHIONI: I know it takes lawyers to interpret.

MR. GOLDMAN: The law is what we have to follow. That's pretty much what it comes down to. The plans are conceptual.

DARIO MARCHIONI: For the record, would you read that, please? Kip (Finley)?

MR. FINLEY: All right. This is a Section D: Where buffer is suggested between a commercial development adjacent to residential, it is intended to have a buffer to view from -- the purpose of this buffer is to reduce the view from a residential property to an adjacent commercial development and act as transitional space between the two. It should be planted along the entire lot line abutting the residential district, and two, planted with sufficient number of conifers to screen out 80 percent of a view at eye level upon initial installation.

MR. GOLDMAN: Let me just --

MR. FINLEY: It references plants.

MR. GOLDMAN: Let me just add if the Town Board wanted to pick that up and put it directly into code, they could have, but they didn't. So it's -- so it's nice as a conceptual concept or a conceptual thought with regard to it, but again, at the end of the day, it is the code that we have to look at.

MR. FINLEY: The only comment is if we did what this said, it wouldn't work.

MR. GOLDMAN: That's fine.

KEITH O'TOOLE: Just one comment. There was some reference to the architectural Advisory Committee comment. I have a letter dated May 27th, 2008, addressed to Indus Real Estate, and I think the relevant comment is comment number 10, which reads: This Committee is of the opinion that the building's height is out of character for the surrounding landscaping.

For what it is worth, I offer it to the record.

JAMES MARTIN: Thank you.

JOHN NOWICKI: Can I ask a question in regards to Dario (Marchioni)'s comment here? Keith O'Toole, I have a question. In regards to the Reimann Buechner corridor study or any of these studies gone on, Town Boards normally will receive these and pass a resolution accepting them for the Town. Doesn't this carry some weight, the resolution, other than going to a Local Law that in -- that would have Boards such as this or the Conservation Board or any Board pay attention to those studies?

KEITH O'TOOLE: It's -- it's in -- I hate to go document by document, because they -- different documents have certain different weights under the law. For example, a comprehensive plan is authorized by State statute, for example, whereas this particular corridor study is not.

I think these sorts of studies are helpful in the nature of a bill jacket. If a bill is enacted in Albany, they collect all manner of documents, they throw it in a file, we call it a bill jacket and when we're reading the law, if we have difficulty understanding what the law means, sometimes referring back to the bill jacket will give us a sense of legislative intent.

However, if the law is plain and obvious in its meaning, we don't look back at intent. We just simply look at what the law says.

JOHN NOWICKI: There still is meaning to the corridor study?

KEITH O'TOOLE: It can be meaningful, but it isn't necessarily controlling.

JOHN NOWICKI: Thank you. That is all I need.

MR. GOLDMAN: I have an answer on the lot coverage number. It is 12.5 percent.

JAMES MARTIN: Thank you.

Before moving into the SEQR review process, I would like to -- for -- have it fresh in your mind, a couple sections of our code as we look at this particular application. Section 115-21 under Conditional Uses. Um, the purpose of a conditional use approval is to allow the property's integration into the community of uses which may be suitable only on certain conditions and at appropriate locations. Because of their characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this chapter and their affect on surrounding properties. That's Section 115-21.

Section 115-22 is -- is in regards to authorization to approve criteria. Says the conditional uses listed in this chapter may be permitted, enlarged or otherwise altered upon authorization by the Planning Board or Zoning Board of Appeals in accordance with the standards and procedures set forth in this article. In permitting a conditional use or the modification of a conditional use, the Planning Board or Zoning Board of Appeals may impose, in addition to those standards and requirements expressly specified by the chapter, any additional conditions which the Planning Board considers necessary to protect the best interests of the surrounding property, the neighborhood or the Town as a whole. These conditions may include modifying the required lot size, yard dimensions, limiting the height of the buildings, controlling the location and number, spacing or location of vehicle access points and increasing the street width, increasing the number of off-street parking and loading areas required, limiting the number, size and location of signs. And requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

Section 115-24 deals with standards. Conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use or as otherwise modified when considering is giving the following -- when consideration is given the following: In order to grant any conditional use, the Planning Board or the Zoning Board of Appeals shall find that the request is in harmony with the general purpose and intent of this chapter, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with it and the size of the site in respect to streets giving access thereto.

In order to grant any conditional use, the Planning Board or the Zoning Board shall find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property, improvements in the neighborhood or to the general welfare of the Town.

I just wanted that fresh in everybody's mind.

Okay. At this point, what I would like to do, the applicant has provided Part 1 of the EAF. I am sure you have all had an opportunity to review that at this point. I would like to go through Part 2 of the EAF on a point by point basis as part of the SEQR review. So I will just start on that at this point. I am going to read basically what is the criteria under which the SEQR review is going to be conducted.

Number 1 in the Part 2 is impact on land. "Will the proposed action result in any physical change to the project site?" And in this case, they cite specific examples of slopes greater than 15 percent, water table depth less than 3 feet, construction of paved parking area for 1,000 or more vehicles. So you can see the intent of this particular section is pertinent to major construction activities or other physical elements of the project site itself.

I believe, based on the review we have had to date the answer to that is no. There was no significant impact on the land. I am asking for concurrence?

JOHN HELLABY: I agree.

JAMES MARTIN: Okay. If you don't agree, please speak up.

"Will there be an effect on any unique or unusual land forms found on the site: For example, cliffs, domes, geologic formations." The answer is no.

The impact on water. "Will proposed action affect any body of water designated as protected under Articles 15-24, 25 of the Environmental Conservation Law." I believe the answer to that is no.

Question Number 4, "Will the proposed action affect any non-protected existing or new body of water?" The answer is no.

Question Number 5, "Will the proposed action affect surface or groundwater quality or quantity?" Obviously, that has to be taken care of as part of the drainage engineering on this particular project. I believe, Ken (Hurley), you have reviewed that and it should be adequate to address those issues?

KEN HURLEY: Yes.

JAMES MARTIN: So the answer to that is is no.

"Will the proposed action alter drainage flow or patterns or surface water runoff?" I believe there will be no significant effect as a result of this project.

Question Number 7, impact on air. "Will the proposed action affect air quality?" No.

Question Number 8, impact on plants and animals. "Will the proposed action affect any threatened or endangered species?" Not to our knowledge, no.

Question 9, "Will the proposed action substantially affect non-threatened or non-endangered species?" I believe the answer is no.

Question Number 10, impact on agricultural land resources. "Will the proposed action affect agricultural land resources?" The answer is no. There are none there.

Question Number 11, impact on aesthetic resources. Um, "Will the proposed action affect the aesthetic resources?" Now this question is directed at mountain views, lake views, that type of aesthetic resource. However, if -- if you think about it, um, do the residents along Shrubbery, will they have some aesthetic effect as a result of this particular application? I believe the answer to that is yes, but it's probably, you know, under the classification of small to moderate impact, all right? That's what I felt was the answer to that, and I will open it up to any discussion.

JOHN HELLABY: I don't know how moderate it would be, because presently there is a green space back there, and they're plopping this right in the middle of their backyard, so to speak.

JAMES MARTIN: I think that you're right, Al (Hellaby), there is certainly that aspect of this. If you look at the views they have, it is certainly -- you know, there is a fair distance between their yards and any of the commercial structures that currently exist over there.

I wouldn't list it as a large impact in that you're not going to have a huge brick wall, 10 feet from your property line. Obviously code wouldn't allow it anyway, but I'm just being facetious about that. I think there's an impact on the aesthetic quality of the residences on Shrubbery.

Impact on historic and archaeologic resources. "Will the proposed action impact any site or structures of historic, prehistoric or paleontological importance?" The answer is no.

Impact on open space and recreation. "Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities." There really is none in the area, so the answer to that is no.

JOHN HELLABY: Is open space separate from recreational?

JAMES MARTIN: It's grouped in the same question, Al (Hellaby).

JOHN HELLABY: I mean could it be construed as open space, period?

JAMES MARTIN: I don't think under the definition of open space. I think they're talking about parks, cemeteries, those types of things, okay?

Impact on critical environmental areas. Question 14. "Will the proposed action impact the exceptional or unique characteristics of a critical environmental area, established pursuant to the subdivision -- okay, New York, State Code." I do not believe there is any critical environmental area involved in this particular project, so the answer is no.

Impact on transportation. "Will there be any effect on existing transportation systems?" And under this, it says, "Proposed action will result in major traffic problems." Um, I listed this one as a yes, but small to moderate impact. Obviously it's a very congested area of town. There will be additional traffic generated as a result of this project, if it goes forward, although it's, I think, a relatively small impact.

JOHN NOWICKI: I would disagree with that. I think it would be more than small. That's my --

JAMES MARTIN: Or moderate?

JOHN NOWICKI: More moderate.

JOHN HELLABY: A lot more.

JAMES MARTIN: Small to moderate impact is what I checked. I don't think it's a large impact, all right?

JOHN NOWICKI: There are some conditions in --

JAMES MARTIN: It will certainly increase the traffic volume in the area which is already prone to congestion.

JOHN NOWICKI: Absolutely.

JAMES MARTIN: Question 16, "Will the proposed action affect the community sources of fuel or energy supply?" No.

Okay. Question 17, noise and odor impact. "Will there be objectionable odors, noise or vibrations as a result of the proposed action?" Again, I checked yes on this one in that I looked

at this and one of the examples they give is proposed action will remove natural barrier that will act as a noise screen. Obviously there is a fair amount of open land at this point in time between the commercial area and the residences on Shrubbery, okay? That area is going to be filled up with parking spaces and a hotel. There is the possibility of a noise on a 24-hour basis since this is a 24-hour operation. So I checked small to moderate on that one as a -- as an answer to that particular question.

Question Number 18. Impact on public health. "Will the proposed action affect the public health and safety?" I don't believe it will.

KAREN COX: No.

JAMES MARTIN: So the answer is no. "Impact on growth and character of the community or neighborhood?" This one I checked yes. Um, just a couple of things that I think will be affected here. Certainly the proposed action will cause a change in the density of the land use is within of the things.

Secondly, under other impacts, um, clearly the residential properties abutting two sides of the proposed hotel will have a significant impact resulting, all right, from the construction.

I checked that one off as a potentially large impact in this particular part of the SEQR process.

Um, obviously if you check off a large impact, you have to move on to Part 3 of the EAF. Essentially I think the answer would be that certainly a three-story hotel on the site, that it would create potential for noise and light pollution resulting from the 24-hour-a-day operation. The buffering that is proposed will provide some mitigation, but cannot offset the entire impact, all right, of the proposed project. Certainly in addition, um, the privacy of the residents on Shrubbery would be significantly impacted as a result of the height of the proposed structure.

So that's how I answered that particular one, having a major impact.

JOHN NOWICKI: Yes. I agree.

JAMES MARTIN: "Is there or is there likely to be public controversy related to a potential adverse environmental impacts?" I said yes to that one based on the previous answer that I just gave.

So that is, in essence, the review of the Part 2 of the EAF with the issues as I see them.

Are there any other issues regarding the SEQR review that anybody from the Board would like to bring up at this time?

KAREN COX: No.

JOHN NOWICKI: I think we covered them all.

DARIO MARCHIONI: We do acknowledge all of the letters we got from the residents.

JAMES MARTIN: I acknowledged that at the last meeting, Dario (Marchioni).

DARIO MARCHIONI: Okay. Thank you.

JAMES MARTIN: Okay. Keith (O'Toole), at this point in the process, what would you recommend we do? We have not done a SEQR determination at this point. Is there a path that we should follow based on your recommendation?

KEITH O'TOOLE: Well, the path forward basically is to conclude as to the SEQR impacts, whether a positive declaration or negative declaration is appropriate and there is also the question of making a decision on the application.

MR. GOLDMAN: Mr. Chairman, can I just make a brief comment on one topic?

JAMES MARTIN: Yes.

MR. GOLDMAN: With regard to the potential and large impact you identified dealing with noise and light, I believe that there is, um, evidence in the plans dealing with light impacts and spills in terms of the photometrics to indicate that light will not leave the site. As far as spill, it being shielded.

In terms of noise, noise is an interesting impact. Um, because of the fact that there is going to be additional buffering, remember our third picture that shows right now, Shrubbery Lane does not necessarily have a full screen in effect shielding it from the commercial uses further to the east. Um, I think that that probably should also be taken into account, because the building itself will act as a noise buffer from the commercial uses, and there has been some testimony that there may be some trucks that are already parking at Chili Paul Plaza. Also, the visual screen which is provided by the trees will also provide some buffering in terms of any potential noise impacts which may travel from the further commercial areas in Chili Center.

JAMES MARTIN: Um, as far as the light pollution goes, I don't think concern is so much for the wall-pack lighting on the hotel. I think it's the headlights, okay, of vehicles entering and leaving on a 24-hour-a-day basis.

MR. GOLDMAN: Again, there is fencing along the residential properties and screening, as well.

JAMES MARTIN: Understood.

Again, Keith (O'Toole), seeking some guidance, um, we could move ahead with some continuing discussion on findings as a result of the review of the EAF, leading us to perhaps making a decision on this particular application. Not having made a SEQR determination would be -- be in a position to vote on it if it were to come to that on a denial of the application per se.

KEITH O'TOOLE: I think I lost you there.

JAMES MARTIN: Well, obviously at this point we have done a review -- you know -- a review of the EAF, okay? We have found that there are some major impacts as a result of that.

KEITH O'TOOLE: Maybe I can get ahead of you. Basically having identified major impacts, potentially large impacts, what you do is you analyze those impacts in the context of the Part 3. You basically flush that out. There are different ways to get there, but if you're going to

look at your findings for the project, and they relate to those environmental impacts, then it all kind of flows together anyway.

JAMES MARTIN: Okay. Thank you.

Okay. As we look at that, then, um, obviously tonight, you know, you're seeking approval of three applications on the subdivision, conditional use and the site plan. Obviously it has been well documented that it is boarded on two sides by residential property.

MR. GOLDMAN: That's correct.

JAMES MARTIN: It would appear that some concern about the appropriateness, all right, of the building, the size of the building and the location of where it is being proposed to be built, um -- mostly based on the fact that it's, you know, very close to the residential neighborhoods, even if it is zoned properly, the land itself, where it is proposed to be built.

Certainly buffering has always been a concern with the Board and continues to be a significant concern. And we have identified that, over and over again, as a concern. The photometrics basically show us a ground level view. You know, we still have the impact of the second story of these houses over there that are not going to be screened for many years.

MR. GOLDMAN: If we're -- if we're allowed permission to get up on a second story of someone's house -- we need to take -- in order to do a photometric of the type we're talking about here, you have to be able to take a picture and then do your simulation off of that. You can do a second floor off the critical view, which was provided by, um -- by Avery Engineering, but in order to generate one of those -- one of those types of photo simulations, we would need access -- we would need access to there so we can take a photograph to do it. If that's the desire, we can certainly attempt to do that or perhaps with the Town's indulgence, you know, perhaps assist us in that effort.

Any other information with regard to screening, um, we can -- we can also address.

I don't know -- I don't know that the -- you know, the -- the photo imaging that we're talking about over here necessarily -- necessarily gives you the full sense of what the screening is going to be. It is a substantial amount of screening that is going in. We're talking about the possibility of raising trees at the initial height from 8 feet to 12 feet, which will provide a -- a more -- a more coherent solid screen along that area. If there is a desire to have us go back to the Conservation Board process, we could. There are lots of opportunities for dialogue to deal with mitigation of impacts, if that is the Board's desire.

JAMES MARTIN: You know, we look at the design, we look at the full development. It just seems to me, and the rest of the Board, please speak up, it just seems to me this building is going to overwhelm, all right, the residential neighborhood. I mean having visually seen the building in Bath, as several of us have, and picturing that building on that particular site, it -- it's definitely going to be an overwhelming structure, and -- you know, certainly that I think is an issue that we need to take into account as a Planning Board.

Have you looked at the Valvoline and the bank, you know, the one-story buildings, relatively minor impact as far as the transition from commercial, all right, to the residential. And -- you know, this is -- this is not inconsequential to that transition, I guess, is what I am going to say.

Um, clearly I think you know, I still have concerns about the parking issues, that we have talked about before, et cetera. You know, it's clearly documented in the Zoning Board minutes that, you know, tractor-trailer trucks can use the -- can use the facility.

We have already touched on the 24-hour-a-day operation of -- of noise and that can be a potential pollutant to the surrounding neighborhood.

Um, we have talked about the signage. You know, we certainly -- I think we have addressed that issue and made it very clear that that pylon sign is something that we would not approve.

MR. GOLDMAN: We have addressed that, and we'll continue to work with that if that is the Board's desire.

JAMES MARTIN: We have talked about the berm and the landscaping, you know, being pretty much predominantly centered on the east border of the proposed site. Certainly it needs to be or should be more attention to the north, if this were to go forward, because I think that having, you know, driven down Shrubbery Lane, parked and looked down several of the houses there, um, when the leaves are off the trees, they are not screened. They are not shielded. There is no question in my mind about that.

So I will open it up to other comments, based on --

JOHN HELLABY: I agree with you, Jim (Martin), inasmuch as the one thing the building down in Bath sort of had going for it, it didn't have the residential backing up to it. It had a large hill, it was quite wooded, quite dense. I agree with everything Jim (Martin) has said. The biggest problem here is I don't believe, I truly don't believe this meets the fundamental goals of the Town's Comprehensive Plan. It was set up to establish buffer zones between residential and commercial. And I can see something commercial in nature going on this piece of property that is a little less intense than the plaza that is already there, because why? You want a buffer to build into this residential zone. You don't want to do something that is three times, meaning three stories, what is already there. Now you have negated this whole meaning of buffer zone. You have plopped this three-story building in between -- yeah, it's not so pleasant, but it's there, and it was preexisting, right behind that plaza in these people's backyard. I don't think that's the intent of the entire Master Plan of this Town. And if we keep up this procedure, I agree with the residents. We're going to end up with a hodgepodge mess out there. We need to step back and really look at these things, and I got to tell you, and my personal feeling, I don't think this is what

belongs on that lot. I really don't.

JOHN NOWICKI: I tend to agree, Mr. Hellaby, if you don't mind me interjecting here. I have the same concerns as you, Mr. Hellaby.

I also have a lot of concerns about the fact that the plaza next door would turn into a truck terminal. That is my biggest concern, that I don't want to see tractor-trailer filling up the vacant asphalt out there so they can stay in the hotel, motel, whatever you want to call it.

I agree with you, the Master Plan -- there is also a Master Plan study underway, the Chili Center corridor study taken up here. We have a corridor study that fully complied with -- the Reimann Buechner study that was done years ago, but it was well done and should be complied with and looked at.

And I think this is again -- I will go right back to how I started out with this project. Ten pounds in a five-pound bag. I'm done.

Thank you.

JAMES MARTIN: Other comments?

DARIO MARCHIONI: Yes. I would -- they say seeing is believing, and when I went to see this building, I believed what I saw. This thing is huge. That's all my comment I have to say.

JIM POWERS: We got the old Town Code which we have been citing from all night long, and to me, it's -- the number of variances -- have been sitting here trying to think -- I can't think of a project in all of the years I have been involved with this Town where a proposal came before the Planning Board for this number of requests for variances, and to me, at times, it seems as though, and I think the Planning Board has got to stop this where and when they can. The developers come in and try to circumvent some of the laws that we have in the code, and I think that the longer -- the sooner that we adhere to those and stay with them, we won't be confronted with some of the problems that we have, including this motel.

KAREN COX: As I said last week with the variances, taken one at a time, they are relatively minor in nature. Taken as a whole, they add up to a lot more than, you know, one at a time. I mean it's, in my mind, too many. If you need that many variances on a site to make a proposal work, then it's not the right proposal for the site.

JAMES MARTIN: Anything else? If I may, I would like to take about five minutes for consultation, advice of Counsel before we move forward at this point in time.

James Martin conferred with Keith O'Toole.

MR. GOLDMAN: Mr. Chairman, if I may. In consultation with our client, it's obvious the direction that the present application would -- would be headed. We do think that there are modifications that may be able to be done to -- to the site and to the site plan which may address the concerns which we have heard from the Board this evening.

We can approach that one of two ways. We can request that this be tabled to allow us to try to modify the application, or we could withdraw the application and reapply. And I'm essentially going to leave that -- leave that question with the Board as to what is your preference.

KEITH O'TOOLE: I think -- I think the -- if we're going in that direction, the better way would be to deny without prejudice, this way they could reapply and we're not carrying a stale application on the books.

MR. GOLDMAN: We'll withdraw then and that will solve the issue of having to make a motion on that.

JAMES MARTIN: So you're at this point in time formally withdrawing the application before this Board?

MR. GOLDMAN: That's correct.

JAMES MARTIN: I believe that constitutes we do not have to vote on the withdrawal.

KEITH O'TOOLE: I believe it does, all three applications.

MR. GOLDMAN: Right.

KEITH O'TOOLE: Does that include the Zoning Board applications?

MR. GOLDMAN: Procedurally I would like to review what that is before we make a comment on that, because if we have -- we have interpretations outstanding relative to some issues, and I was also a little confused in reading the minutes when they granted one and held the others whether they're new applications, whether they're old applications, so I think for the time being, why don't we deal with that between now and the Zoning Board meeting and get that squared away.

KEITH O'TOOLE: That's fine.

JAMES MARTIN: Okay, thank you Mr. Goldman. Thank you, Mr. Mehta, and we'll see where we go.

MR. GOLDMAN: Great. Thank you.

JAMES MARTIN: All right. Thank you.

DECISION: All three applications were withdrawn by the applicant.

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

There was a recess in the meeting from 8:35 p.m. to 8:45 p.m.

PUBLIC HEARINGS:

1. Application of Aldo Lepore, owner; 3120 Chili Avenue, Rochester, New York 14624 for resubdivision approval of two lots in the Village Park and Lepore Subdivisions at properties located at 3218 Chili Avenue and 849 Paul Road in G.B. zone.
2. Application of Aldo Lepore, owner; 3210 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for phase I of proposed expansion project to allow additional parking in rear of building at property located at 3218 Chili Avenue and portion of 849 Paul Road in G.B. zone.

John Caruso, John Shields, Al Lepore and Jim Lepore were present to represent the application.

JAMES MARTIN: Just as a note, before we move ahead with this, we're hearing these two simultaneously, but due to the fact that the sign posting for the site plan was not done in the proper period of time, we'll only be able to vote on the resubdivision tonight. The preliminary site plan will need to be tabled for voting at the December meeting.

MR. CARUSO: Thank you. We appreciate you doing that.

JAMES MARTIN: Mr. Caruso, you're on.

MR. CARUSO: Thank you very much. Well, I won't reintroduce the reason why we're here tonight, especially since there is a train going by. But I do want to introduce Al and Jim Lepore who are with me tonight to support us in our application and our short presentation, and John Shields from my office who helped us design the project.

I want to tell you that I have enjoyed working with Mr. Lepore and his son on doing this little improvement action, and the reason I have is because through the process I learned something, and I wanted to tell you what I learned.

I learned what it takes for a small business, again, another customer and the things you learn from your people to survive in our work environment. And their strategy, their strategic plan for liquor and its survival is sort of simple. What they do is they buy in quantity and the more the quantity they buy, the cheaper the cost is and that allows them to keep their price to their customer level. So in order to do that and buy in this quantity, you have to have a place to put your stuff. And so Al and Jim (Lepore)'s strategy to stay in business and to survive is actually an offensive one. It's to expand so that they can continue to buy in bulk quantity to get the lower price and that's how these small businesses survive. It's very interesting. So that's what I learned.

I also learned that in doing it on this site, some of the small evaluations that he went through and another small business thing, but his options were to leave his site to go to another site, to maybe rent or build a warehouse and put his wares in another warehouse, but that's really inefficient. He has to bring them back and forth and a lot of stuff flies off the shelves. And the third thing to do is to expand in place.

Now, if you have been over to the site and, you know, on the weekend evenings or around the holidays, the parking is tough. Not that I have been there, but, you know, Sandy (Hewlett) told me that is how it gets, and so we know it to be, but it's a busy place. And so his opportunity to expand was a little bit set back by what is happening in our economy. And again, I was very intrigued by their approach to instead of saying, well, we're not going to do the project, they altered their project, and they decided that we'll postpone the building construction for a year until we can get our funding back in place, but we'll still continue ahead with the opportunity to improve the parking, the access to the building, and I thought it was a real good idea on just sort of how they adapted to what is going on around them. So that is sort of the introduction to the project and the purpose, what's driving it.

I would like to say, though, with respect to the site planning and the things that we're doing, Al (Lepore) also made another very strategic move. He bought the property behind him, and investing his money into real estate rather than into the stock market was his decision, but it also gave him the ability to actually do this improvement. He has now the land that he can subdivide a little bit from one and add it to the other and make it so he can do this expansion. That is essentially what the purpose and the technical aspect of our subdivision is, is that he is going to take a small portions of the land from 849 Paul Road and add it onto the back of his property, so his Chili Avenue parcel here will essentially double in size.

The area that he annexed, if you will, came off of what was an old parking lot in the back that was remote from the building and it wasn't used. Essentially they stored snow there and their dumpsters. And so if you -- if you can see on the rendering here, the green space here (indicating) is what has been left for the building to expand into. But he still can provide for himself some parking in the back to service the building.

Now, the parking is sort of the boring end, but the real good planning end of this is this parcel has a cross-access easement agreement to the plaza, and he -- he sought to capitalize on this so that if he can make access to the plaza from the plaza, I should say to his building and vice versa, his customers don't have to go out onto Chili Avenue to go to his site, nor do the plaza customers have to go out onto Chili Avenue to come to his site. So this is the classic land use management plan that we're doing along thoroughfares on Chili Avenue, Clover Street, Ridge Road, just that secondary means of access that we try to do with agreements with adjacent owners, and that's what we have working right here, right here in Chili. So Al (Lepore) has done all these little things that really make up for a smart business move in the simplest way.

Some of the benefits that he has -- we talked about added parking. It takes away some of

the congestion. It will perpetuate the cross-access easement sill through the plaza, but now they will also have access to his building.

Al (Lepore) has a small improvement that he wants to do through this thoroughfare, and I won't ask anybody here how many times has any of us cut through that little strip there, but sometimes people do it too fast, and in order to control that, Al (Lepore) has asked us to design a little island in there, have it illuminated and put some shrubs in there. So we're going to put this little traffic calming device and take 36 feet of pavement and bring it back down to two 12-foot lanes so people have to think as they drive through there. It will just try to keep them under 50. We joke about that, but Al (Lepore) wanted me to put up a moat and things like that in there, but we were able to achieve it with a little island and it sort of brings -- like a bridge abutment. When you get near it, you're uncomfortable, so it will slow things down a little bit and maybe we can pull out of there those speed bumps that got moved around, if you remember that.

So I guess the last thing that I wanted to talk about is when we did take away this little parking lot here, we did evaluate what -- what impact might we have had on the office building, and we did confirm that there is plenty of parking over there. It was a good comment that came up in Ken Hurley's comments, certainly one I would expect to have addressed and the good news is that to Ken (Hurley)'s point, we need to put that on our drawings and to show you we have evaluated that and we will.

With that, we'll open up to any questions you might have. Of course we'll do a little relighting back there. There is light poles back there, but they're old and antiquated. We'll put some new lighting up.

The next step, not part of this approval, but the next step is next year we'll come back for site plan approval on the building and at that time we would be putting the foundation plantings, showing you the architectural rendering. We know there is an architectural review process and all of the right things, you know, we would do to make a new front of this building in its back, because it is going to have access to the plaza. We are promoting customers to come in that way, and so the building would have to appropriately show that, and we know that. So that's it.

JAMES MARTIN: I have a couple of questions. There already is a ramp from the upper parking lot on Chili Avenue down to the lower parking lot. Is it anticipated that cars will be driving up and down that ramp, or is that going to be used for pedestrian access to get from the lower parking lot to the upper parking lot to the store because there is no access to the rear of your store at this point in time. So I have a question, how that is going to be utilized and how customers will get from the lower parking lot to the upper parking lot pending, you know, the new building on the rear of the existing building.

MR. CARUSO: Great question. It will be done way better than the way you see it right now. Right now it is sort of stiff. The design is to spread it all of the way out through the whole parking lot so it will be much, much gentler. Al (Lepore) just took an opportunity to have some millings put in place there, and they just sort of dropped off, but it won't be anywhere near that steep and it will be expanded, nice graded generally to the back all of the way from -- let me put it to you this way, Jim (Martin). The grade you see from here to here (indicating) will be transitioned all of the way down to here (indicating). So we'll take the edge off that.

And there is lighting in this area (indicating). There is a light pole here (indicating), light pole here (indicating), light on the edge of the building so the customers do have lighting to come from the back all of the way to the front.

JAMES MARTIN: Question is how are they -- will there be steps to get up that 4 or 5-foot rise?

MR. CARUSO: No. They will be able to walk up because the transition won't be as abrupt as you see it.

JAMES MARTIN: When is that going to occur?

MR. CARUSO: After you give us approval, we'll go in and put that.

JAMES MARTIN: Pardon?

MR. CARUSO: As part of this site plan approval, we'll build the parking lot and take all that curve off that slope.

JOHN NOWICKI: This won't be this year.

MR. CARUSO: We won't get approval until December, so it will be --

JOHN NOWICKI: Next year.

JAMES MARTIN: All right. Okay. So in the interim, people that park back there will have to truck up that little ramp that exists right now.

MR. CARUSO: What he is trying to do is put all of the employee parking up back there. He didn't own that land before so it opens three or four spaces, so it helped a little bit.

JAMES MARTIN: Okay. All right.

Dennis Schulmerich arrived.

JAMES MARTIN: Clearly, you know, the traffic -- the traffic mitigation device that exists right now is that bumper strip right from where the plaza comes into this property.

MR. CARUSO: Right.

JAMES MARTIN: So I like the idea of, you know, having something that is more aesthetic --

MR. CARUSO: Yes.

JAMES MARTIN: -- than that. Hopefully it's going to work.

MR. CARUSO: We think it will. Just a little island in the right spot -- don't forget the

island is not out there on an island by itself. It also has the curbing for the parking area here (indicating), has a little island and then that island is in the middle. So it does pitch it down. It's still plenty safely wide, but it makes you slow down as you drive through there.

JAMES MARTIN: I have never used that cut-off myself, but I imagine if it -- if it is easily accessible, I can.

MR. CARUSO: And you have never been to his store either?

JAMES MARTIN: I will admit to the fact I have been to his store, as he well knows.

KAREN COX: Just a few times.

(Laughter.)

JAMES MARTIN: Once a month.

(Laughter.)

JAMES MARTIN: Okay. That is all I got.

DARIO MARCHIONI: We do support local business.

Just right now we're dealing with subdivision -- I mean with subdivision.

MR. CARUSO: Yes.

DARIO MARCHIONI: I have no questions.

GEORGE BRINKWART: I had some questions on the site plan, but since we're not doing site plan today, just the subdivision, I have no questions on the subdivision.

MR. CARUSO: Any questions on the site plan I can address for the next meeting?

GEORGE BRINKWART: I think yes and no, but let's just keep it until the next meeting.

JAMES MARTIN: You can certainly preview it if that is your choice, George (Brinkwart).

GEORGE BRINKWART: Well, I had some questions on the grading plan. He is showing a -- you're showing a -- parts that are 8 percent and 2 percent coming down and then your parking area is like 6.7 percent. I was just wondering if it might not make more sense to maybe steepen up your access to it a little bit and flatten out where you're going to park the cars.

MR. CARUSO: We were trying to keep a flat spot near the building and not have it -- so we were just fooling with it a little bit. That is why that 2 percent is near the building. Sort of by design. The rest we have to make up to get the ground, you know.

GEORGE BRINKWART: Just almost 7 percent, parking your car on a 7 percent slope is probably not the most comfortable situation, especially if you're going to open up the door and it gets away from you.

MR. CARUSO: I know. Yep.

GEORGE BRINKWART: I don't know. Maybe take a look at that.

MR. CARUSO: Okay. Thank you.

JOHN NOWICKI: Deliveries will be in the front or back?

MR. CARUSO: Well, now, thank you for that prompt. Right now we deliver to the front. There is a truck that backs in. We put a ramp down. Now we'll have a full-fledged 4-foot change-in-elevation loading dock with an overhead door out to the back. It won't be out facing Chili Avenue, so we'll have it done right now.

JOHN NOWICKI: In the back, in the new addition?

MR. CARUSO: Yes.

JOHN NOWICKI: The new addition would be constructed next year?

MR. CARUSO: Yes. You know, Al (Lepore) said one to two years to me, depending on the availability of money. But we have an improvement here that can serve -- serve the site until such time he does it.

JOHN NOWICKI: Are customers -- are customers, as we all are, still able to pick up the free boxes out front?

MR. CARUSO: Well, we -- we joke about that, but, you know, I have been talking to Al (Lepore) about being able -- now we don't need to do that, we can put them around back.

JIM POWERS: Used to be bottles in some of those, you know?

(Laughter.)

MR. CARUSO: My mother asked me to bring her two a week.

JAMES MARTIN: I used about 50 of them when we moved.

KAREN COX: Good for storing books.

(Laughter.)

JOHN HELLABY: Well, you touched on the one question I was going to ask, but unfortunately I don't have our engineer's comments. The parking, taking this parking away from that office building, will it or will it not still meet the required number per our code?

MR. CARUSO: It will.

JOHN HELLABY: All right. That's all I wanted to hear.

KAREN COX: Do you have any plans for that other building or are you just going to leave it as it is?

MR. CARUSO: The other building?

KAREN COX: The empty office building.

MR. CARUSO: The one that is not built?

JAMES MARTIN: The 849 Paul.

MR. CARUSO: On that site, it was approved for two buildings. Is that what you're --

KAREN COX: No. I'm just saying -- the offices. It's offices now. I'm assuming it is going to be offices.

MR. CARUSO: Yes. I don't know if you knew Al (Lepore) spent a considerable amount of renovation money on that site since he purchased it. He has put new roofs on it, windows and mechanical systems, some of which he wasn't planning on putting in, so I think this

improvement, along with what he is doing to that building, is really going to bring the area up to some extent.

KAREN COX: Okay.

JIM POWERS: How often do you have truck deliveries at the building for supplies?

MR. LEPORE: Couple days a week.

MR. CARUSO: Two days a week he said.

JIM POWERS: Regular, not semis.

MR. CARUSO: WB 30, 30-foot long, they don't articulate.

JAMES MARTIN: Just -- I am sure you have looked at it, John (Caruso), but it's awfully tight quarters between that existing medical building to the west and the current store --

MR. CARUSO: Yes it is.

JAMES MARTIN: -- and the expansion.

Are there going to be any issues related to the location of those buildings?

MR. CARUSO: Um, well, hopefully not. Hopefully we worked them out. First of all, we have talked with Mr. Calanon (phonetic) who is the owner of the office building, and he's -- totally understands what is going on. There is utilities over in there. We want to make sure his air-conditioning units and that aren't touched.

The other thing we did is that to try to avoid any problems, we put a couple drains in between the two properties so if water gets trapped in there, it has a way to get out. Then pretty much it's just regrading it to the existing grade. So yes, it is close, but we knew it was close, and we tried to, through communication and design, set -- tried to make sure that nothing develops.

JAMES MARTIN: I'm sorry, I don't want to get into, you know, a lot of the site plan issues. I understand your situation, you cannot be with us in December, but you will have somebody representing.

MR. CARUSO: John (Shields) will be here.

JAMES MARTIN: Okay. So he will be prepared to get into the site plan issues?

MR. CARUSO: Yes.

JOHN NOWICKI: The one parcel has to go in the drainage district.

MR. CARUSO: We put it in.

JOHN NOWICKI: There is application for it?

MR. CARUSO: There is application in, yeah.

JAMES MARTIN: Anything else from the Board, noting we're just going to vote on the subdivision tonight and we can get into the more in-depth detail on site plan at the next meeting, which will be a public hearing.

KEITH O'TOOLE: We would like to see the access easements denoted on the plans, liber and page of deeds. Nothing further.

CHRIS KARELUS: Recommend the Board to get a cross-access easement on the existing liquor store. That should be done with the subdivision because this is going to be providing access through the drive aisle on the existing liquor store, so that should show up on the sub map.

I guess with respect to site plan I will just talk to the Board and I will work with the applicant on it. The code -- our code allows the Board to stipulate in GB district what the setbacks are for the site, but the State code limits us; they can be no closer than 3 feet. Currently they have a preexisting, nonconforming 2 1/2 feet. So expansion of that, I will work with the applicant and the State Department to find out if he'll be able to have a waiver from the State to allow that expansion to happen within that 3 feet because I know State Code requires it to be at minimum 3 feet. Okay?

JAMES MARTIN: We can -- we can address that at site plan review in December.

CHRIS KARELUS: I will work on it through this next month because they can jog the building and make it work so it is at least 3 feet, but if it is within the 3 feet, we have to get interpretation from the State.

MR. CARUSO: We'll move it if that is the case.

CHRIS KARELUS: We'll see what the easiest approach is.

JAMES MARTIN: I won't capture it as a condition tonight.

CHRIS KARELUS: Just, again -- on some of the work items, they can --

JAMES MARTIN: I understand.

CHRIS KARELUS: County Comments came back. Just to bring to the Board's attention that most of them were just detail in nature, nothing of significance.

One of them, though, it did have a significant, but I wanted to relay to the Board the history. There was a taking involved with the properties, the former right-of-way, where the current right-of-way exists, the three parking spaces that are on the southern side of the lot that are -- they are the parallel spaces, they're within the State's right-of-way now and the State is recommending that they be removed. Again, I think these are preexisting conditions. They don't really govern reconstruction of the property. It was a taking of the State that made this condition exist on the property. But that came back from the County comments.

JAMES MARTIN: Okay. Thank you.

KEN HURLEY: No subdivision comments and as per the site plan, I think if it is going to be a year or two between when they do the addition, he might want to make sure that they have enough lighting. If there are side lights, they should show it on the plan, just to give an idea -- make sure there is enough lighting for people for a year or two to walk up that drive.

MR. CARUSO: Ken (Hurley) is right. If you look at the plan, it doesn't look like there is enough, but there is existing lighting that we need to show. We'll put that in.

JAMES MARTIN: Paul (Wazenreid), you get your shot when they come in for the

architectural design.

PAUL WAZENREID: I will wait for them.

JAMES MARTIN: Pat (Tindale), I note your comments. Nothing of any consequence?

PAT TINDALE: No, not until we see landscaping.

JAMES MARTIN: Fred (Trott), you're happy that they're getting access.

FRED TROTT: We are happy that they're getting access to Chili Village. That will take care of some traffic on Chili Avenue.

The only thing that we did notice is that we had thought the doors in the back there were for customers. We weren't sure. And in talking to Jim, they're not.

We might want to make -- think about maybe some kind of separation between the parking lot and people walking up there, a sidewalk or some kind of delineation, from the parking lot to the front.

JAMES MARTIN: Just note that, John (Caruso). I think that is a good recommendation.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin moved to close the public hearing, and John Nowicki seconded the motion. The Board members were all in favor of the motion to close the public hearing.

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

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

JAMES MARTIN: On the resubdivision only, and then I will entertain a motion to table the site plan application.

James Martin reviewed the proposed conditions.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 7 yes with the following conditions:

1. All access easements be shown on the site plan.
2. Insure adequate lighting for pedestrian access from rear parking area to front parking area.

JAMES MARTIN: On the site plan issue, I make a motion we table that until the December meeting.

John Hellaby seconded the motion.

The Board was all in favor of the motion to table the application until the December meeting.

DECISION ON APPLICATION #2: Unanimously tabled by a vote of 7 yes for the following reason/finding of fact having been cited:

1. Due to the public hearing notice sign not being posted at the proper time, this application was tabled. It will be heard at a public hearing December 9, 2008 at 7:00 p.m.
3. Application of Louis Ribero, 1145 Channing Woods Drive, Webster, New York 14580 property owner: B & R Realty; for preliminary site plan approval for a change of use in portion of building to allow business offices (retail/restaurant approved) at property located at 1302 Scottsville Road in G.B. zone.

Mark Epling was present to represent the application.

MR. EPLING: Good evening. My name is Mark Epling. I'm with Parrone Engineering. Louis (Ribero) asked me to come here tonight to represent him. He couldn't make it. I also have Meg (Newhall) here from the tenant in the building, who wishes to occupy the 1500 square feet for the office use. Currently she'll have about three employees in the building. She will need parking of about ten parking spaces as people come and go for the 1500 square foot change in use. I -- you will have to forgive me and I am going to assume Louis made his application and everything is complete because I'm not really familiar with all of the paperwork. He asked me to come here at last minute to represent him.

I do have the tenant here who can answer any questions about the business that she is running. It is called Nursecor. Um, I also was given this tonight for a sign on the building. I'm not sure if you can deal with this tonight or not, but I would like to bring it up and talk about it if we could.

Meg (Newhall) also has, and I would like to pass around that photograph.

This is an existing facility in another state.

So I think it is a fairly straightforward application for a change in use for the tenant to occupy 1500 square feet. I don't believe there are any issues with the building. The footprints have been submitted. The elevations have been submitted. The site plan has been submitted, the previous site plan that was done. It clearly shows enough parking for the use anticipated. And if -- I would like to at this time open it up to the Board that might have any questions.

JAMES MARTIN: Could you come up, just give us a very brief explanation or description what Nursecor does.

MS. NEWHALL: Sure. My name is Meg Newhall, Regional Vice President for Nursecor in New York State. We're a national staffing home care company. We employ nurses, and we employ nurses' aides for hospitals and nursing homes that are short staffed. We assist them to get their staffing to where it should be, and we also do home care for them in their homes.

JAMES MARTIN: So basically you would have, I will say Registered Nurses in your employ that if Strong Memorial Hospital needs somebody to come in and fill a temporary spot, you would be able to provide that service to them; is that correct?

MS. NEWHALL: Yes, that's correct.

JAMES MARTIN: Strictly office activities within, you know, what you're proposing to put in?

MR. EPLING: Normal office activities; is that correct?

JAMES MARTIN: Desk, file cabinets, telephone?

MS. NEWHALL: Yes.

KAREN COX: Do you know how big the sign is?

MR. EPLING: Yes.

KAREN COX: Is it lit?

MR. EPLING: The dimensions are on here.

MS. NEWHALL: It's a channel sign, yes.

MR. EPLING: 12 foot, 11 inches long, 18 inches high.

JAMES MARTIN: I mean obviously we have a signage code in the Town. Work with the Building Department to be sure you're in compliance with any signage regulations.

MR. EPLING: She is also looking to -- as well as the front, provide -- I will put this on -- one on the end of the building, a little smaller in scale.

JAMES MARTIN: Once again, you're entitled to so many square foot of sign. That is the way the code reads.

MR. EPLING: Do we need Planning Board approval, Building Department approval?

KAREN COX: He asked if we needed Planning Board or Building Department approval.

JAMES MARTIN: Basically if you're within code, that's not a problem. If it is not in code, then you have to go to the Zoning Board to get a variance.

KAREN COX: That was all I have.

JOHN HELLABY: Just a little confused on your floor plan. What is this bed space back there? Behind all those offices. Or is it just sort of a generic plan?

MS. NEWHALL: That's a generic plan.

MR. EPLING: Just generic plan.

MS. NEWHALL: That was our first attempt before we went to an engineer.

JOHN HELLABY: That is not really here?

MR. EPLING: This one here (indicating)?

MS. NEWHALL: Hold on a minute.

MR. EPLING: Here is an architect's drawing, stamped and sealed.

JAMES MARTIN: All right. Put that up on the board, too, please.

MR. EPLING: Sure.

JOHN HELLABY: How many people are actually at this site at any one time during the day?

MR. EPLING: Three employees.

JOHN HELLABY: There all of the time.

MS. NEWHALL: From 8:30 to 5:00, there would be three employees there at all times.

JOHN HELLABY: On what frequency do the nurses come and go, even if they do come and go?

MS. NEWHALL: To some extent. Most of our business is done through phone mail and direct deposit, but we have nurses that come and go periodically. My experience is throughout the day you might have maybe 10, 15 people occasional -- you know, they will come, park, leave, that kind of thing.

JOHN HELLABY: But they're indirectly related to your business. There is no real reason for outsiders to come here?

MS. NEWHALL: No. These people would be directly related. They would be nurses coming in to pick up a paycheck or something like that.

JOHN NOWICKI: There's no medical health services provided at the site?

MS. NEWHALL: Not on site, no.

JOHN NOWICKI: My question, Chris Karelus, why isn't this site in the drainage district?

JAMES MARTIN: I believe it must be, because we approved the site plan for the Dunkin' Donuts years ago.

JOHN NOWICKI: Why isn't it in there?

JAMES MARTIN: Probably was a mismark.

CHRIS KARELUS: No. It is in the drainage district.

JOHN NOWICKI: It is? Okay. It is marked "no" here.

CHRIS KARELUS: It is marked "yes" on the original application.

JOHN NOWICKI: That's all I got.

DARIO MARCHIONI: I was looking at the site plan. Isn't there another exit for this project other than the Air Park Drive?

JAMES MARTIN: You mean from the original site plan we approved from the Dunkin' Donuts?

DARIO MARCHIONI: Yes.

JAMES MARTIN: I believe there was.

DARIO MARCHIONI: There is. I saw another exit out of it. This must be an old site plan. On the Scottsville Road.

JIM POWERS: There is one at the signal light, I think.

JOHN NOWICKI: There is the driveway.

MS. NEWHALL: There is, yes.

DARIO MARCHIONI: Oh, is that the driveway?

JOHN NOWICKI: Joe Carr got that put in.

DARIO MARCHIONI: I'm talking the east side, the east section of this proposal. I passed by and there is another entrance.

JAMES MARTIN: One comes in off Air Park and one off to Scottsville.

DARIO MARCHIONI: I was looking at this one (indicating). It didn't show on this one. That's all of the questions I have.

CHRIS KARELUS: I just ask you have, as a condition of this approval or this project, that any and all plans, additions from the previous approval be in place for this project. Just leave it as a condition that we can check everything we have done in the past. We did a once over on the project site for review of the sample change of use, but we didn't dig into the old plan to see if they were originally built out as originally designed. Kind of a condition we can hold this C of O up in case anything, landscaping, for instance, hadn't been put in that was in the plan originally.

JOHN NOWICKI: For the owners of the plaza.

CHRIS KARELUS: Owners of the project, but Nursecor kind of will --

JOHN NOWICKI: If they haven't finished something, they will have to finish it up.

JAMES MARTIN: The owner of the property.

MR. EPLING: I will relay that to him.

JOHN NOWICKI: Absolutely.

JAMES MARTIN: Okay. I just say any incomplete --

MR. EPLING: Items in the original approval?

JAMES MARTIN: -- items from the original approval, from the site plan approval need to be completed by the owner.

CHRIS KARELUS: So the Board is clear, Nursecor will be a lessee in this situation. They won't hold title. Applicant is still the owner for this project.

KEN HURLEY: Just as stated in my letter, I would ask that the Planning Board put a condition that the owner provide sanitary sewer easement for the existing sanitary sewer that runs across approximately where the dumpster is located on the site, the southern, southwestern corner.

JAMES MARTIN: You want this subject to Town Engineer approval or not?

KEN HURLEY: Um, no. I was --

JAMES MARTIN: If I don't have a copy of your letter, I don't know.

KEN HURLEY: Yes. My comment in the letter reads, "Town of Chili owns sanitary sewer line that runs across the project site at approximate location of the dumpster. We would request that a condition of the site plan approval be placed to provide a utility easement in this location as coordinated and approved by the Commissioner of Public Works."

And no conditions --

JAMES MARTIN: All right. I will just note Town Engineer comment per letter.

Paul (Wazenreid), no architectural changes other than the signage. The building is built, so...

Pat (Tindale)?

PAT TINDALE: I will just have to check the landscaping. I didn't think to do that.

JAMES MARTIN: Fred (Trott)?

FRED TROTT: No comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Um, first off, I have a question. Does this -- this proposed tenant have other sites locally, business sites?

JAMES MARTIN: The proposed tenant have other sites locally? By "locally," what do you mean?

MS. BORGUS: Is there another office of this type that she runs in Rochester or Monroe County?

JAMES MARTIN: You can answer that question.

MS. NEWHALL: Not in Monroe County. Syracuse is the closest.

MS. BORGUS: Okay. The other comment I would have again is about landscaping, and I

guess that's up in the air because nobody has seen the former plans, but if -- if the landscaping that is there is all that the Town required, I'm shocked. I would more likely think that it didn't get completed as planned. There's not much there.

JAMES MARTIN: Well --

MS. BORGUS: So.

JAMES MARTIN: -- we have attacked that by any incomplete items from previous approval needs to be completed. If landscaping is one of the deficiencies, it needs to be corrected.

MS. BORGUS: The other thing I would have to say, mention, and I -- I would really like to see our sign law followed. I mean people come in and they immediately think they can have a sign on every front, every side. Already we're looking at a possible two signs. Now, I realize that is a Zoning Board issue, but the applicant should understand that we're very conservative about signs in Chili, very conservative, so she should understand she might not get two.

Thank you.

James Martin made a motion to close the public hearing, and Karen Cox seconded the motion. All Board members were in favor of the motion to close the public hearing.

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

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

JAMES MARTIN: There was no request for final. Was final asked for and paid for?

CHRIS KARELUS: Yes.

JAMES MARTIN: It was?

MR. EPLING: We're looking for final approval. I believe that's what we're here for.

JAMES MARTIN: Well, I just want to be sure, you know, because we have preliminary and final. I want to be sure that final is requested and was paid for in the application process. Because we have the ability to waive final. Mr. Karelus has indicated that final was requested and paid for.

So I will ask for a vote on the waiving of final?

The Board was all in favor of waiving final tonight.

James Martin reviewed the proposed conditions with the Board.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Any incomplete items from the original site plan need to be completed by the property owner and verified by the Building Department prior to issuance of a Certificate of Occupancy.
2. The Town Engineer has indicated that the Town of Chili owns a sanitary sewer line that runs across the project site at the approximate location of the dumpster. The Board requests that the owner provide a utility easement to the Town at this location as coordinated by the Commissioner of Public Works.

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

4. Application of Heritage Christian Services, owner; 349 W. Commercial Street, Suite 2795, East Rochester, New York 14445 for final subdivision approval of three lots to be known as Heritage Westside Subdivision at property located at 1125 Westside Drive in R-1-12 zone.

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

MR. FINLEY: Hello, everyone. Kip Finley with Avery Engineering and Dan Stewart with Heritage Christian Services. As I recall, we left our last meeting with preliminary approval for subdivision and a SEQR determination. There were a few things outstanding at that time that dealt with engineering comments. Since then I have been told that all of those have been resolved, and then we have the letter that came from the Town of Chili Building Department, October 24th, with just some final items to wrap up. That's the one that has got seven items on there. I thought maybe I will just address those.

The first one is no building permit shall be issued prior to satisfaction of all Town Engineering concerns, which, if there is anything else remaining, we'll wrap those up on a final mylar.

The drainage district, that was approved by the Town Board in April, I believe. It is in a drainage district.

JAMES MARTIN: All right.

MR. FINLEY: Site plan now shows the location of some site lighting, which is basically residential lamp posts, a couple up the driveway and around the house. That's been on the plans that are in front of you.

JOHN NOWICKI: Those designs for the lamppost look good? Are they residential in character?

KEN HURLEY: I don't know.

JOHN NOWICKI: You ought to submit a cut sheet.

MR. STEWART: I don't have a cut sheet of those.

JOHN NOWICKI: We want to make sure they're residential in character.

JAMES MARTIN: So you want to provide a cut sheet of the lamppost design. Okay.

MR. FINLEY: As far as landscaping, I believe that the Conservation Board sent some correspondence to the Planning Board. I haven't seen that. Is that -- Pat (Tindale), have you sent a letter?

PAT TINDALE: I have a letter here for Rob. Rob didn't show up, but you did.

JAMES MARTIN: We have the letter, Kip (Finley). I'm not sure it addresses entirely the concerns of -- that were expressed at the Planning Board meeting when we gave preliminary site plan approval that, you know, complete coordination of all of the landscaping design between the neighbors, all right, the applicant and the Town, all right, basically needs to be coordinated with the Conservation Board. I mean this, you know -- we want to see the meadow remain, that's fine. Talking about the trees, we put that in as a requirement, all right, in our preliminary approval, but I just want to be sure that we have got closure on all of the landscaping issues related to this project, particularly as it regards buffering and screening of the neighbors. And -- and I would like that basically documented back to the Planning Board that Conservation Board is satisfied that all those issues have been addressed. Okay?

MR. FINLEY: From our perspective, would -- what would that be as far as from the neighbors themselves?

JOHN NOWICKI: We addressed that the last meeting, I think. We did.

MR. FINLEY: It's on the plans that we need to coordinate with them.

JAMES MARTIN: All right. I just want to be sure there is closure, that we got -- you know, A on satisfaction as far as all those issues go, okay. That there isn't some particular aspect of the buffering or the screening on one of the neighboring properties that the neighbor isn't entirely happy with. That's what I'm asking for. Do you understand what I'm saying?

MR. FINLEY: I'm just trying to think how to achieve that.

JOHN NOWICKI: We're supposed to get a letter from the Conservation Board documenting that.

JAMES MARTIN: Is what I asked the Conservation Board to do, to get back to us saying we're signing off on this, everybody is happy.

JOHN NOWICKI: That is a very important issue because that was a big issue at the last Board meeting.

JAMES MARTIN: I think you need to get together with the Conservation Board and figure out a strategy how to figure out that particular issue, but it is still a condition that we put in place and my expectation is this is fine what we have at this point, but it doesn't adequately address that condition, okay?

JOHN NOWICKI: I would like to see a copy of that letter in our mailbox. Can you make sure that happens, Chris (Karelus)? Thank you.

MR. FINLEY: Number 5, there was a question about existing water. It is on public water.

JAMES MARTIN: Okay. That's fine. I'll take your word for it.

How about sewage?

MR. FINLEY: It has public sewers.

JAMES MARTIN: Okay. That's fine. Take your word for it.

MR. FINLEY: The written guarantee, as far as the guarantee that -- for two-year period a Certificate of Occupancy that the mature trees on site, if they die, they be replaced with four new trees, would this be handled such as an easement would be? We would give it to --

JAMES MARTIN: I would say it goes to the Building Department. Chris (Karelus), are you okay with that?

CHRIS KARELUS: Yes. We can condition the C of O for this property.

JAMES MARTIN: All right.

MR. FINLEY: Okay. The final one, as far as the drainage easement showing a discharge, the -- the drainage system is an infiltration system and it has been designed to twice the capacity that it needed to be so that nothing discharges from the site. The only part that I can see that would need an easement is that when they go to sell the house, or whatever they do, if they change property, that there should be an easement on that piece for the shared part of the drainage for it.

JAMES MARTIN: Provide it.

MR. FINLEY: Other than that, I think we have addressed everything else that there is. I would like to see if we could have final approval with the conditions that the Building Department can check off a list to make sure that they're taken care of.

JAMES MARTIN: Now, we have hammered this one pretty good. Are there additional comments at this point from the Board?

JIM POWERS: I'm just looking to see what kind of lighting there is going to be back there on site. For the proposed houses. Like -- I'm probably missing something.

JAMES MARTIN: I believe residential style lighting; is that correct?

Kip Finley explained the plan at the dais to Jim Powers.

JIM POWERS: Just out of curiosity sake, was there ever any thought of taking the old asphalt driveway and expanding that and using that rather than going up between the homes and just taking these trees out?

MR. FINLEY: Yes. There -- there was, and it's actually better -- well, there was a whole variety of things we did go through, and that's where we ended up explaining a lot of that before the Zoning Board of Appeals to get the driveway located where it is.

Plus, in this case, the -- the requested use for that house and the existing drive we didn't go through, so we wouldn't be able to have a house's feed through someone else's yard to go to the back, so that's how the driveway ended up where it is.

JIM POWERS: Thanks.

JOHN NOWICKI: I assume the comment we have here, that the existing home and barn, the use of that -- what was that again? What was that a use for?

JAMES MARTIN: It was going to be used for day treatment -- well, the barn was going to be storage. The house was going to be day treatment. That has gone down -- although you did propose to still use the barn for storage for some period of time.

MR. STEWART: We aren't now. It hasn't been exposed exactly what the use of the property will be, but at this time we're not coming in for an application for --

JOHN NOWICKI: It will be maintained and kept up to standards.

MR. STEWART: Absolutely.

GEORGE BRINKWART: Kip (Finley), I think I asked you last time for infiltration and perk rates on the infiltration basin.

MR. FINLEY: As far as I know, our engineers talked it over with Ken (Hurley) and he agreed to it and that's the design for it. I don't know the perk rates off the top of my head.

GEORGE BRINKWART: I guess it would be nice to have those on the plans, maybe in the future keep that in mind.

Also, did you do a deep hole out there, sub soil investigation?

MR. FINLEY: It is one of those where I'm not doing that work myself.

KEN HURLEY: I believe Gary mentioned they did the perks and they did mention a deep hole.

GEORGE BRINKWART: You don't know what you got out there for the deep hole?

KEN HURLEY: By the soil type -- by the soil type, it's an A soil type, which is partially why it is a 2 or 3-minute perk. A very quick perk.

GEORGE BRINKWART: That was your recollection, 2 to 3-minute perks?

KEN HURLEY: Yes, something about that I believe Gary mentioned. The water level because of those soils will be very deep, so I don't really see them warranting doing a deep hole test to verify that you're 2 feet above the water level.

GEORGE BRINKWART: Did they do a deep hole?

KEN HURLEY: I don't have a deep hole information. On the last group of submissions there might be something in there. I didn't see it, but...

If they did a 2-foot deep perk hole, that will show water is not within 2 feet.

GEORGE BRINKWART: Again, I think the water has to be 4 feet below there.

KEN HURLEY: For the DEC's design I thought it was 2 foot. It may be 4.

But part of what I would request as a condition is engineering approval to iron out those final last minute and part of that is making sure that it meets the DEC's requirements for general permit because it is over an acre.

GEORGE BRINKWART: The other thing, too, I was looking for on the plans and didn't see elevations on the infiltration basin for -- I think you noted the 100-year flood plain and that is on there. I think that is 565. It would be nice to have the over-bank elevation, the elevation on your schematic, on the detail sheet.

JAMES MARTIN: George (Brinkwart), what do you want? You want elevation for what?

GEORGE BRINKWART: Elevation for the 100-year -- the over-bank elevation and channel-protection elevation.

MR. FINLEY: In this case, Gary oversized it by magnitude of two, so there really is nothing showing in the calcs that it will over top or there will be a discharge for the stream bank protection, so I don't know that there is data to put on.

GEORGE BRINKWART: I think you probably ought to have -- that data should be on the SWPPP. I will get with Ken (Hurley) and make sure that -- that is kind of handy information to have on the site plan when calculating the SWPPPs.

That's all I have.

DARIO MARCHIONI: I don't have no questions. I just have a comment. Kip (Finley), I would like to -- I appreciate your helping us and working all these details out. You did a good job.

MR. FINLEY: Thanks.

KEN HURLEY: One other comment. Just for -- one comment for George (Brinkwart), just so he knows. Because we're an MS4, and we do construction inspections on the project, we will be able to inspect and make sure that the system is functioning properly. If we get a storm and we find it's not holding water the way it's supposed to, that will automatically put it into failing and the client or the site has to be upgraded via the general permit.

JAMES MARTIN: Thank you.

Pat (Tindale), I guess we have talked about the Conservation Board issues. Anything further?

PAT TINDALE: I have a landscape plan, but I have no legend, so I have no idea what the plant material is or if it is going to be approved by the neighbors, so that is why I sent no letter to the Board.

MR. FINLEY: I guess that is something where we need to talk with the neighbors and find out what they specifically want. We had thought it meant that -- be sure before we put it in we get agreement from the neighbors. We didn't understand it to be in advance of that.

PAT TINDALE: Just be sure they label the plant material when they do this.

JAMES MARTIN: All right. Well, that condition still exists in the preliminary approval, okay?

MR. STEWART: We have had conversation with the neighbor, and, you know, what we would like to see in there, in the location of the road, some has been talked to -- directly to the neighbor to the west of us.

JAMES MARTIN: We'll still be looking for that correspondence.

PAT TINDALE: When I get the plans, you will get it.

JAMES MARTIN: All right.

FRED TROTT: It was just noted that we had a resident come to our meeting Thursday night and had mentioned that, um, the Heritage House that we have on Buffalo Road, that the workers were parking on Buffalo Road and it might be -- might want to talk to them. It might be hazardous being it is such a busy road. We haven't been there to verify it, but that is what we were told.

MR. STEWART: I don't know. As far as that being -- if it was a staffing meeting or what --

FRED TROTT: We don't know either.

MR. STEWART: We can mention it to the staff, yes.

JAMES MARTIN: Please do so.

JIM POWERS: On page two of the maps, the reason I ask about lighting was because on the legend, it showed the insignia, but it showed it as a clean-out. On page four you showed like a star with lines and you showed nothing -- indicate nothing in your legend as to what the insignia is. I'm assuming that is light because that is where you showed it before, but you show nothing on here as to what the insignia is. And over here (indicating), you have clean-out. That's why I asked about --

MR. FINLEY: That makes sense.

JIM POWERS: Lighting. Okay.

JAMES MARTIN: You clear now?

JIM POWERS: Yep.

JAMES MARTIN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Mr. Chairman, in regards to the Buffalo Road, I can give you a lot of information on that. I have done at least two or three complaints on that piece of property with the employees parking on Buffalo Road and on the grass.

JAMES MARTIN: Okay. Is that --

MR. GINOVSKY: And it has been throughout the summer.

JAMES MARTIN: Mr. Ginovsky, do you have anything on this particular application? If you have information pertaining to that particular property, please turn it over to the Building Department or the Code Enforcement Officers.

MR. GINOVSKY: It has been to them and to a complaint.

The next part, the Reidman House, I couldn't hear what the gentleman was saying. What is that house going to be used for?

JAMES MARTIN: At the present time, nothing.

MR. GINOVSKY: Nothing. Okay. Because I did hear something on parking in the front and I know the neighbors are concerned on it. And I would like to at least have something on the address there for the future. Thank you very much.

JAMES MARTIN: Thank you.

CHARLES RETTIG, Coldwater Road.

MR. RETTIG: Just a question. Does this subdivision involve keeping the original farmhouse property intact according to the original restricted deed?

JAMES MARTIN: I'm not familiar with the restricted deed.

Mr. O'Toole?

KEITH O'TOOLE: I have no knowledge of that, and besides, it's outside the jurisdiction of the Planning Board.

JAMES MARTIN: I --

MR. STEWART: Mr. Chairman?

JAMES MARTIN: If you can comment on that question. If you're prepared to.

MR. STEWART: Yes. There was an agreement with John Reidman that we would not tear down the house for five years once we took ownership, which is we're about the third year in it. That may be what he was referring to.

JAMES MARTIN: If that is what you're referring to, they're still honoring the restricted deed.

MR. RETTIG: Thank you.

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

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

JAMES MARTIN: We did SEQR at preliminary. There is no SEQR review at this time.

James Martin reviewed the proposed conditions with the Board.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant will provide a cut sheet showing design of lamp posts.
2. Perk rate data should be added to the site plan.
3. The following data should also be added to the site plan:
 - A. For the infiltration basin the overbank elevations for a 10 year and 100 year event and a one year channel protection elevation.
4. All previous conditions imposed by this Board remain in effect.

INFORMAL:

1. Application of Wegmans Food Markets, P.O. Box 30844, Rochester, New York 14624 for final site plan approval to erect a 4-story office building addition totaling 400,000 sq. ft. and 2- one-story additions totaling 2,552 sq. ft. at property located at 249 Fisher Road in L.I. zone.

Application was deleted from agenda.

2. New Hope Community Church, 3355 Union Street, North Chili, New York 14514 for approval of building elevation changes to addition that was granted site plan approval in 1997.

Louie Carini was present to represent the application

MR. CARINI: Good evening. My name is Louie Carini, I'm associated with Carini Engineering. And at this evening, I'm representing this church, which was approved by the Planning Board about seven or eight years ago. For some reason during construction, the plans showed a mansard roof around the building, but it was built without it, without the mansard roof, which left it looking quite incomplete.

Then the building was sold to another church, and they wish to complete it in a different manner than what was approved. And they want to eliminate the mansard roof and just add -- add something to the front, some brick and -- so it will look like the drawing I have shown you.

If you have any questions, I will try to answer them.

JAMES MARTIN: Do we have any original elevations that were approved?

CHRIS KARELUS: I can go see if I can find them.

JAMES MARTIN: I just -- you know, is the Board curious as to what you approved in 1997? That was before my time.

KAREN COX: That was before my time.

Why are we seeing this before the ARC is seeing it?

JAMES MARTIN: Okay. They -- the ARC is going to meet on this, I believe, right? At your next meeting.

PAUL WAZENREID: Thursday's agenda.

JAMES MARTIN: They will review it. I'm assuming you will have the original elevations in addition to what -- I mean this is what is there now.

CHRIS KARELUS: They went there in October. They were scheduled to be there in October. They just didn't formally present in October.

KAREN COX: I guess I would be curious -- before I make any --

JAMES MARTIN: We're not voting on anything.

KAREN COX: No, I mean. This is just a courtesy visit saying --

JAMES MARTIN: Well --

KAREN COX: -- this is what we want to do?

JAMES MARTIN: I think it's basically to say, okay, the original site plan approved X. We have got Y. Okay? And I guess they're asking us to bless those -- the changes because, I mean, this is what is there, right? Now? What you're showing us, right?

MR. CARINI: I'm sorry, I'm having a hard time hearing you.

JAMES MARTIN: What you're showing us on this elevation is what is there now, right?

JOHN NOWICKI: No.

JAMES MARTIN: That's not there?

MR. CARINI: This is the original. This is the addition (indicating). This the new part right here (indicating).

JAMES MARTIN: All right. Wasn't clear. I'm sorry. I'm getting a little fuzzy. So you are going to put the peak in over the round window?

MR. CARINI: Yeah.

JAMES MARTIN: Okay. At this point, it is subject to review by the Architectural Review Committee. If they come back and say they bless it, I --

JOHN NOWICKI: No.

KAREN COX: Is this really going to be finished any time soon? I mean it's been dragging out for the longest time I have ever seen.

JAMES MARTIN: It has come a long ways in the last year.

KAREN COX: I agree, but that's been -- that building has been being built since I had people -- kids not in school, because I thought that they were going to be opening a school building and looked into it and my kids are 11 and 15 now.

JAMES MARTIN: I guess we'll defer anything until you have a chance to review this with the Architectural Review Committee. We'll look forward to their recommendations back to the Board at this time and then we'll deal with it, all right, at that -- after they have had a chance to review this. Okay? That is where we're at right now. I can't think of anything else you should do at this point other than that. Okay?

MR. CARINI: Okay.

DECISION: The Chili Planning Board reviewed details of the proposed architectural modification. As indicated by the Planning Board, plans should be submitted for review by the Architectural Review Committee.

JAMES MARTIN: Anything else? Meeting is adjourned.

The meeting was adjourned at 9:52 p.m.