

CHILI PLANNING BOARD
November 12, 2013

A meeting of the Chili Planning Board was held on November 12, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Richard Brongo, David Cross, John Nowicki, Paul Wanzenried and Chairperson James Martin. Karen Cox and John Hellaby were excused.

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

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

JAMES MARTIN: Karen Cox and John Hellaby are excused due to business conflicts.

1. Application of Roberts Wesleyan College, owner; 2301, Rochester, New York 14624 for preliminary site plan approval to erect a 43,617 square foot science and nursing building at property located at 2301 in PID zone.

Dan Savage was present to represent the application.

MR. SAVAGE: My name is Dan Savage. I'm with Passero Associates. I'm here on behalf of Roberts Wesleyan College. We met tonight, I have Richard Grier. He is the Director of Facilities for the College. Randy Sickler is the architect in charge of the project for SWBR. And Allison Lia, an engineer from our office that worked on the design.

If it's okay, I'm going to go over to the Board.

JAMES MARTIN: That's fine, as long as everybody can hear.

MR. SAVAGE: The project being proposed by the College is a new science and nursing building that will be linked to the existing Smith Center building.

To orient everybody, um, this is Buffalo Road out here (indicating). Chesbro Drive, the main drive off of Buffalo Road. This end of the drawing (indicating) is pointing in the north direction, and the prominent building near there is the Cultural Life Center, which is down here (indicating). The Science and Nursing Center is a two-story building with a mechanical penthouse on the top. It's approximately 43,000 square foot, and the purpose for the building is to address the evermore prominent nursing program that the College undertook a few years ago, and it's to accommodate the growing needs of that department with more state-of-the-art laboratory and research facilities.

The new building is situated, if you can visualize where the Smith Science Center is now, this is in the parking lot out in front of that existing building. The large storm water pond is up at the top end of the drawing here (indicating).

The building, as I mention, is to serve the needs of the students in the science and nursing program. It will have a lot more modern classroom space, lab space, collaborative space where students can work on projects.

The -- the orientation of the building from south to north, um, aligns and will be linked to the Smith Science Center with a two-story link.

The gap that is created between the buildings is going to serve as an entryway and courtyard. This will be an active space where students can gather.

There will be bench seating that frames the courtyard and it will be addressed with very nice landscaping and lighting.

Some of the other features of the project, um, the -- the building, as I mentioned, is being built out into the parking lot. There will be a loss of approximately 109 parking spaces. The College has looked at this, analyzed it and addressed it with a new parking lot expansion on the other side of the campus which has been before your Board that would create 83 new parking spaces. So there will be a net deficit of about 26 parking spaces, but in the College's campus wide view of this, they are not concerned. They have enough parking elsewhere to accommodate the loss of parking at this site.

And their long range Master Plan is to create more parking on the perimeter and make the core of the campus more pedestrian friendly, so this is in line with what they propose for their Master Plan.

Um, in addition to the building there was some significant site utility work that has to happen. Currently there is a Monroe County Pure Waters sanitary sewer that passes right between where the proposed building footprint is. That sewer will be relocated out and around

the building area to free that up.

We have been coordinating with Monroe County Pure Waters. They're in agreement with that. One of the conditions they have is that when we create the new sewer easements for that, that we also combine other segmented sewer easements into one cohesive sewer easement, and the College has agreed to comply with that requirement.

The other part of that is there is a sanitary sewer that comes down and connects to that. This only serves a couple of campus buildings. The easement over this will be abandoned, and that will be turned into a private sewer that the College will take over ownership and maintenance of.

There are some other utility relocations, extensions that have to happen to serve the new building. There is a four-inch waterline that will come down, currently serves the Smith Science Center building. We're going to extend that under the link, into the mechanical room for the new building.

There is a gas line that would be impacted by the new building footprint at the south end. That will be relocated around to accommodate the new construction.

In terms of new pavement, there is a service drive currently that accommodates deliveries and garbage pickup at the Cultural Life Center. We're going to install a new service drive that will continue that service, but also be realigned so that it can accommodate the new nursing and science building.

Um, drainage is a significant issue that we are working with your Commissioner of Public Works and Town Engineer on. The building and the roof runoff from the building -- it's currently being built on the parking lot, so there's a very insignificant increase in impervious area. It's about .02 acres of additional impervious area that this project will create.

To accommodate that, we're proposing a dry swale up in this -- the green lawn area that will address that issue.

It will actually, um, decrease the rate of runoff after this project is built across the full range of design storms. Anywhere from 43 percent to 60 percent reduction in runoff that will leave the site after construction and go into the storm water management pond.

Some of the other features of the site, um, we're showing in the darker green, um, may be tough to see from where you're sitting, but we are going to provide some new landscaping to enhance the courtyard area and just kind of set visually the edges of the new building. In a minute here I'm going to show you some perspective elevations of the building.

The College and the design team feel that it's a very prominent, aesthetically pleasing building, and we are promoting that and just want the landscaping to accent the look of the new building on the campus.

I know lighting was an issue raised by staff and some of their review committees. In the plans that we submitted to the Planning Board, we have provided the photometric plan to show. But just in summary, we really want to show some significant lighting in the courtyard area, because again, it's going to be a heavy area for pedestrian activity. And then there will be more safety lighting around the edge of the building and the front walkway. We see the walkway as being basically a north/south access route for pedestrians from the parking lot, going to the cultural events -- events at the Cultural Life Center, as well as circulation around the building.

A couple other things to point out. In terms of schedule, um, the College is looking with -- with the Board's approval, um, is to start construction in the spring of next year.

Um, with that, I would like to flip this over so you can see some images of what the new building is going to look like.

Might be easier if I just hold it here for you. This is a view (indicating) of the easterly facing side of the building.

This is the side (indicating) that you will see as you drive up Buffalo Road. Again, it's two stories of lab space and classroom. What you see in the met -- the metal finish on top is the enclosed penthouse.

This (indicating) is an image of the courtyard, as you were standing in the parking lot looking back at courtyard space. This (indicating) is dramatizing a lot of pedestrian activity in that space. There will be pavers. As I mentioned, there will be seat benching around the edges, landscaping and pedestrian scale lighting.

With that presentation, if the Board wishes, I could address the comments that we received from staff and review agencies or I could turn it over to the Chairman.

JAMES MARTIN: I think as far as the Town Engineer comments, Commissioner of Public Works, there is a lot detail analysis in their review of the plans that is probably something that will be looked at and finalized as this project moves forward. The applicant in cooperation with the Town Engineer and the Commissioner of Public Works.

There was a comment from the Fire Marshal that I don't know if you received a copy of that or not.

MR. SAVAGE: Yes.

JAMES MARTIN: Okay. Your operating permits and everything are currently, um, up to date, and he does make a comment about separation of the new building from the current Smith building to be sure that you're up to code as far as the fire separation goes.

And then also he makes a comment regarding the driving lanes on the north and south side of the proposed building. There has to be 26 feet of width to meet Fire Code. So again, I think that's something that needs final approval by the Fire Marshal, your finalized plans for this particular project, to be sure that the Fire Marshal is on Board and approves everything as you move forward.

MR. SAVAGE: Yes. We have received those comments and we have provided responses back to the Fire Marshal. We're in agreement with the requirement for a two-hour wall separating the -- the new building from the Smith Science Center building. We did provide an analysis on fire truck turning movements with the current drive aisle, and we'll work with the Fire Marshal to resolve that issue.

JOHN NOWICKI: I see we got the letter indicating that you had responded to the Town Engineer, the Fire Marshal, Conservation Board, Architectural Advisory Committee, and the County review agencies, so I think we have covered this pretty well. I'm sure you have looked at the details from the engineer. So I think we're in pretty good shape.

Thank you.

JAMES MARTIN: I have copies of all of the letters that --

JOHN NOWICKI: Yes, we have all that information.

JAMES MARTIN: When you came in for the original concept review, things that were brought up I think have been pretty well addressed to our satisfaction anyway, at least with the letters that we have gotten.

RICHARD BRONGO: Just a couple of comments, I guess.

You said that the -- you were going to break ground this spring. When would the building actually be ready to be occupied by students?

MR. SAVAGE: Rich (Grier)?

MR. GRIER: Rich Grier, Director of Facilities, Roberts Wesleyan College. We're looking at moving in in July of 2015.

RICHARD BRONGO: Now, you also commented that there would be a reduction of about 26 parking spots. I would assume that you're building a new facility and expecting more students to be attending the nursing program at Roberts Wesleyan. With the reduction in parking spots and potentially increase with more students attending the nursing program, how would you handle the additional parking that you would need for that particular situation?

MR. SAVAGE: This project is more to bring the program up to state-of-the-art facilities. They're really not projecting a big increase in student enrollment. Um, the College has looked at the campus as a whole, and based on total student enrollment, faculty, commuters, they're projecting even with this slight loss of 26 parking spaces that there will be more than enough to accommodate that future demand.

RICHARD BRONGO: I have no further questions.

PAT TINDALE: I have a comment here. Um, we originally met with representatives from Roberts at our September 9th meeting and at that meeting we did not have apparently current prints. We had them 9/4. Recently we received the updated prints which were September 6th, and the landscaping, I know you folks weren't happy with our ideas, and that's fine.

But I am questioning the cost of the landscaping is a drastic reduction from the September 4th plan to the September 6th plan. It's about a 32 percent reduction, and I was wondering if there is a reduction for the cost of the building project or what caused the reduction in the landscaping?

MR. SAVAGE: It's -- it's more to do from how the landscaping is going to go with the look of the building and ongoing maintenance of the -- of the grounds.

PAT TINDALE: Is it 1 percent, though, is what I am asking? 1 percent of the total cost of the building project?

MR. SAVAGE: We haven't developed an engineer's estimate for the total project. I know one of the ways that the College looked at it is, they do landscaping treatments campus wide, and some areas of the campus may warrant more significant planting. We feel in this location, as I have said, it's the accent landscaping that is the look that the College is looking for for this particular site.

PAT TINDALE: I guess I rest my case, but it just doesn't seem right.

JAMES MARTIN: I didn't hear that, Pat (Tindale). What did you say?

PAT TINDALE: They have reduced the landscaping materials by over 30 percent from what we originally saw in the September 4th plan. We never did see the September 6th plan. It was like a week after Labor Day and I believe Mrs. Reed was out. By the time we actually go to see it to compare, the landscaping materials -- they do give us a cost thing of the landscaping, and I have got it here somewhere with me. The two different things. 14,000 something difference. It's a big reduction. I figured out percentage, it is about 31 something percent difference in landscaping. And it just seemed unusual because the project shouldn't have changed. 1 percent, no matter what you're doing, is 1 percent of the project that you're currently doing, not all over the grounds. That is the way we usually look at it. And I just wanted to speak up on that one, if there was a reason. I rest my case.

JAMES IGNATOWSKI: Only question I got, is when the presentation was made to the Architectural Review Committee, the presenters said at the time the drawings were not complete, they were still looking at the exterior and looking at the facade and the materials that were going on the building.

You're saying now that has been rectified and decided on? Is that final? The drawing you have, is that final?

MR. SAVAGE: Yes.

JAMES IGNATOWSKI: Will that be -- will you be making copies and getting that to the Architectural Committee?

MR. SAVAGE: We can follow up and present your Board with the final drawings.

JAMES IGNATOWSKI: I would appreciate that, sir.

JAMES MARTIN: I will just make a note that the applicant will submit the final elevation plans to the Architectural Advisory Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I find it a little bit distressing, I guess, the College has -- it appears not gotten back to the Architectural Review Board after they commented on evidently materials and colors, I guess. And I also agree with the Conservation Board that a 30 percent reduction in landscaping is significant and although the college is a welcome addition in Town, we do have laws and rules and regulations that everybody is expected to follow. I think this Board should look at the landscaping that is an issue.

And just from the drawings, my opinion, when I first saw the one that was held up, it looked pretty barren. That is probably why, if they're taking \$14,000 worth of landscaping out of the plan.

So let's just make sure the College follows our rules and, please, make them understand that they do have to respect the laws of the Town and follow the plan that's laid out for everybody else. They're not exempt.

So I myself think that -- I'm not an architect. I have nothing but a novice's opinion of it, but my first impression of that building was it was just a hodgepodge of colors, designs, material. It looks like they couldn't quite make up their mind what they were going to do so they threw it all in the mix. So I really would like to see the Architectural Review Board have another look at this before it is approved, make sure that they do agree. That's their function. They do it well.

And also, get these -- get the Conservation Board an answer as to why their thoughts and suggestions weren't followed and that they have been ignored in the process and the landscaping has been reduced.

Thank you.

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

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

JAMES MARTIN: A couple comments in regard to Miss Borgus' comments. Yes, there was an additional meeting held with the Architectural Advisory Committee. There was a letter of response sent back to them as a result of that meeting that they there was still some things that had not been formally determined as far as the architecture goes of the facility. And so I will expect that they will go back to the Architectural Advisory Committee just for final review to be sure that their recommendations that are pertinent to it and -- you know, in compliance, with cost issues add everything else associated with this project, go forward.

As far as the Conservation Board goes, there was a comment that, you know, the campus itself is looking at their total facility, looking at -- what they need to do from a total landscaping perspective around the campus. Yes, we do have a rule in Town that 1 percent of construction cost should be dedicated to landscaping. There is no question about that. That's a fixed issue as far as the Town is concerned.

I think I would like to have the applicant work with the Conservation Board if 1 percent is being spent, perhaps it's for tree plantings somewhere else on the campus to beautify the overall campus appearance, I think that that probably would be acceptable to the Conservation Board, assuming that, you know, the expenditure, 1 percent relationship to the total construction cost is being utilized for improvement of the overall landscaping.

PAT TINDALE: We would be agreeable to that, I'm sure.

JAMES MARTIN: So I think they should look at that as an approach to this particular issue.

We do have the short environmental assessment form filled out by the applicant. There was no significant issues related to that.

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: The applicant has paid their fee to waive final on this. Is there a consensus of waiving final, is that acceptable?

The Board indicated they would waive final.

JAMES MARTIN: Therefore, I have some conditions to read before we do the vote. Number 1 is on completion of the project, the applicant shall submit a Landscape Certificate of Compliance with the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan.

Approval is subject to final approval by the Town Engineer, Commissioner of Public Works. The Town Engineer and Commissioner of Public Works shall be given copies of any

correspondence to any other proving agencies.

Applicant shall submit final building design elevations to the Architectural Advisory Committee for their review.

Application is subject to all required permits, inspections, code compliance regulations and is subject to the approval of the Town Fire Marshal.

Anything that I missed?

JOHN NOWICKI: Conservation and Architectural.

PAUL WANZENRIED: What happens if they come back with a comment? What if they don't like the design? Who knows? What happens then?

JAMES MARTIN: If they come back --

PAUL WANZENRIED: How are those comments integrated or --

JAMES MARTIN: Basically the comments are submitted, but this Board has the final authority over accepting or not accepting the review of the comments. So I would expect that if there is something that is of a very major issue, that I would expect the applicant to come back on an informal basis to review where we're at.

PAUL WANZENRIED: Okay.

JAMES MARTIN: Is that understood by the applicant?

MR. GRIER: Yes.

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

1. The applicant shall meet with the Conservation Board to review landscape plans that constitutes the full expenditure of 1% of the building cost. The expenditure may be used for landscaping campus wide in addition to the building itself.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Applicant shall submit final building design elevations to the Architectural Advisory Committee for their review.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.

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

2. Application of the Bank of America, 101 North Tryon, Charlotte, NC 28255, property owner: JR Realty Estate, Inc.; for preliminary site plan approval to erect an ATM kiosk at property located at 4390 Buffalo Road in GB zone.

Stephen Parrish was present to represent at indication.

MR. PARRISH: My name is Stephen Parrish with Scheid Architectural. A representative from the bank was not able to be present tonight as they had some health concerns. So we'll try to answer questions on their behalf.

JAMES MARTIN: You can speak from over there. Just speak loud so everybody can hear you.

MR. PARISH: What the bank is proposing is a single drive-up ATM, kind of off in the center of the existing parking lot. They will be taking out a portion of the island, putting in the new ATM and trying to salvage some of the landscaping on the island as possible.

There would be two light poles involved. The lighting, the main purpose of that is to meet the New York State ATM Safety Act. We're not trying to, you know -- it works out in the center of the lot we're not spreading onto any neighbor's property. We're trying to keep that to a minimum.

Really isn't too much to the project. I know we received some concerns from the Town Engineer, which I can address.

JAMES MARTIN: Yes. I would like you to address those.

MR. PARISH: The first item was two catch basins located next to the proposed kiosk.

The catch basins are actually on the southernmost island, so we are actually not going to be working directly near them, but we can obviously keep them clear as needed.

Um, item kind of 2, 3 and 4 also seem to address the -- where the light poles are in relation to the catch basins. There are no catch basins in that island where we were looking to locate the kiosk.

JAMES MARTIN: Which one are you referring to?

MR. PARISH: Item Number.

JAMES MARTIN: Talking about the 6 foot depth.

MR. PARRISH: Yes. Of the light poles. There are no catch basins near the light poles, so they shouldn't effect anything.

JAMES MARTIN: The comment was it appears to be directly over an existing storm sewer.

MR. PARISH: I don't see a line running out of there. We looked at the existing storm sewer, at the catch basin, so I don't see anything. I don't know who was on site.

Did I miss something, perhaps?

DAVID LINDSAY: No. I think you might be correct. I think when we were looking at one of the details here, it looked like it was being presented as an existing and proposed island, so maybe you're showing two existing islands here?

MR. PARISH: Yes. There are two existing islands. I can show you -- basically on the southernmost island you have the two catch basins and the storm sewer. We're going to be working on the northernmost island.

DAVID LINDSAY: The way the detail presented, it looked like this was the existing and you were renovating that to look like the one on the top.

MR. PARISH: Okay. I understand that. So we wouldn't be doing any work near the catch basin.

DAVID LINDSAY: That would resolve those comments.

MR. PARISH: I think it would resolve items 1, 2, 3 and 4.

In regards to Number 5, I was able to get some information from the bank today in regards to the volume of traffic that they're expecting. Um, basically think projected monthly -- I have copies if the Board would like copies.

JAMES MARTIN: Yes, I would like to see that.

MR. PARISH: I have -- I have five copies here.

Basically that's the bank's initial plan. Part of installing this ATM was the closure of the branch at Churchville, so they looked at projected transactions based on just the location of the ATM as well as absorbing transactions picked up from the loss of that banking center. They were -- 4,442 was their estimate, and that's their monthly transactions, which translated to, I believe, it was 148 per day, and then they use roughly 20 percent of that for their peak time of 11 a.m. to 3 p.m., which worked out to, I believe, it was 30 -- 30 transactions. And then looking at it on an hourly basis, you're talking about eight an hour, and with an average -- assumed average time of 2 minutes, we're looking at 16 minutes out of an hour of there actually being a car located there. That is why, as far as the volume, the bank initially didn't think there was a concern with the stacking, but that's obviously --

JAMES MARTIN: Just to back up for a minute, there was a concern that if we had cars queuing up, coming in from South Union Street in the plaza, that there could be some blockage of flow-through traffic coming across east to west.

MR. PARISH: Correct.

JAMES MARTIN: Along that roadway to get to the exit out on South Union Street, but based on this, it doesn't seem like we have any significant queuing if there is an eight an hour. I suppose you could have eight come all at one time, but --

MR. PARISH: It's one of those, you can't ever --

JAMES MARTIN: Those statistical anomalies that might occur.

MR. PARISH: Yes. They do exist.

JAMES MARTIN: Does it entirely solve the problem, no, it doesn't. But it seems like we would not have a significant queuing problem based on this analysis. I will defer to the Town Engineer, Commissioner of Public Works finally on that.

MR. PARISH: Item 6 was in regards to additional signage. From my conversation with the Bank, they were not proposing any additional signage beyond just localized signs on the island. They were not looking for anything up at the street or anything like that.

As far as the utility easement, part of that would have to be discussed with the power company as far as where they were going to ultimately pull the power from. We were working off of what we saw in the area, so I -- if need be, we could actually go to the owner for a utility easement.

Number 8, as far as any existing underground utilities, not aware of anything in that area. It's private property, so that would require a full survey and -- not necessarily underground exploration, but to determine what, if any, utilities are out there.

I think that was the majority of the comments.

JAMES MARTIN: I think before we go to the Board, are you comfortable with where we're at right now based on the responses we have heard so far, David (Lindsay) and Mike Hanscom?

MICHAEL HANSCOM: Yes, I'm fine with them. I apologize. I misinterpreted the plans as to where those catch basins were located.

DAVID LINDSAY: I think we're fine with the -- I haven't seen that -- I would like to get a

copy, but I think based on the way he is characterizing it, we would be fine with it.

JAMES MARTIN: Obviously it would be subject to your final approval if they go forward.

I don't think there was any Monroe County DRC comments of any significance.

Once the easements are put in place, um, I would like you -- copies of all of the easements supplied to our Assistant Town Attorney.

MR. PARISH: Yep. No problem.

PAUL WANZENRIED: Do you have any architectural, what the kiosk is going to look like? Is there a canopy over it?

MR. PARISH: There is a small canopy. I thought some were -- drawings were submitted with the package, but I'm not -- the bank -- the Bank submits -- they have an expediter that submits everything, so it came through then.

JAMES MARTIN: Could you put that up?

MR. PARISH: I'm just trying to --

JAMES MARTIN: -- just so people can see what we're talking about. It is in the packet.

MR. PARISH: I have a small one. No color.

JAMES MARTIN: Is any of that signage lit?

MR. PARISH: I know they have down lights in the canopy. There are three down lights.

The Bank of America, they have basically I think it's a sign box, so it would be a red lit-up band. It would be this band here (indicating).

PAUL WANZENRIED: On both sides.

MR. PARISH: I believe it would be both sides are lighted, yes. I think it's basically a glow. It's not a...

PAUL WANZENRIED: Yes. It's not a neon.

JAMES MARTIN: It says moulded sign and --

PAUL WANZENRIED: I know what he is talking about.

Is there anything that can be done to dress that up anyways, make it look more -- what is the word I'm looking for? Perhaps.

MS. BORGUS: Aesthetic.

PAUL WANZENRIED: Aesthetically pleasing.

Thank you, Miss Borgus.

MR. PARISH: As far as the kiosk itself, that I'm not aware of. I know they're normally a standard, bank standard that they have gone through a design process with. I -- I can't speak to that necessarily. I could get more information from the bank, if necessary.

PAUL WANZENRIED: Okay. I have no other concerns.

DAVID CROSS: You said no more signage up on Buffalo Road or Union Street?

MR. PARISH: That was the intent, yes.

DAVID CROSS: I don't have anything further.

PAT TINDALE: My only comment is to mention they did do a 1 percent donation to the Landscape Tree Fund because there is just no place to put landscaping there.

JAMES MARTIN: I assume you cashed the check already? (Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Do we have any other kiosks in Town?

JAMES MARTIN: Kiosks per se? I don't know of any kiosk. We have a lot of ATMs associated with banks, but I don't know of any kiosk per se.

MS. BORGUS: How would this be set apart, this plan as a kiosk then? I mean, this is called a kiosk and yet you're saying there are other ATMs.

JAMES MARTIN: Yes. Drive in ESL. There are two ATMs there.

MS. BORGUS: But they're connected to a building.

JAMES MARTIN: Well, those are separate, you know. An automated teller is connected but the ATMs are not connected.

PAUL WANZENRIED: But for the most part they're associated.

MS. BORGUS: They're associated with another building.

JAMES MARTIN: Correct.

MS. BORGUS: I think this is totally unattractive. I question, too, the distance between the end of those parking spaces in front of the unoccupied bank and this building. It doesn't look to me like there is very much room there to drive-thru from Union Street.

I'm wondering if we could have a footage, how much distance is there between the end of what would be those parking spaces and what would be this existing kiosk, for drive lane coming in from Union Street. Hopefully that bank will be rented and used for something. It's a nice building. And hopefully it will find another use. And those spots in front of the -- used to be bank, will be needed. So I mean where -- where you could probably just drive across that space now and it wouldn't matter, but if that building becomes occupied again, those spaces will be in demand. And I question that there is enough room between the end of a car that would be parked in those spots and this building. It looks pretty narrow. Could we have a footage, a number for -- for the width of what's left?

PAUL WANZENRIED: Isn't that the drive aisle?

DOROTHY BORGUS: Yes.

PAUL WANZENRIED: Between the parking spots? It's existing, right?

So it would be 24 feet, 25 feet.

MS. BORGUS: If cars were parked in front of the former bank, it would be 24 feet between the back of that car and the front edge of this kiosk; is that correct?

DAVID LINDSAY: Mr. Chairman, I don't believe the new island -- the applicant can correct me -- is taking up any more space than the existing island there. It's the same footprint.

MR. PARISH: We're not changing the size.

JAMES MARTIN: There is an existing island there now.

MS. BORGUS: Two signs were mentioned. Will that exceed our allowable sign requirement?

JAMES MARTIN: They will have to meet the Chili sign ordinance as far as any signage that goes. It appears it's pretty nondescript. A little bit of down lighting, but not an illuminated panel.

MS. BORGUS: I'm thinking about length. I mean if it's on two sides of the building, you know, people that don't get two signs in Chili that equal the length or the width of their building.

If this is approved, I don't want to see them back for variances and -- and going before Boards and looking to go be excepted, because frankly, I don't think there is room for this thing in North Chili in that parking lot. It's a congested, horribly designed piece of property now, and the building, frankly, just has no appeal at all.

And I compare it to the ESL freestanding banking buildings that have gone up. I'm thinking of the one in Spencerport. It's beautiful. There is lawn around it. It's landscaped. It's manicured. It's taken care of. It's beautiful. And it's well used.

But that is not what we're looking at here. You're not comparing two like things. This is -- this is just a piece of equipment rising out of the asphalt in a poorly designed parking lot. Period.

And I -- I understand that they have all kind of projections for traffic and obviously they hope for success there, but I'm thinking, um, maybe there should be a provision if this doesn't work out, and they decide not to keep it, that there ought to be some provision for them to remove it later. We do that with, um, the cell towers. If that doesn't work, they have to take them out. And when they're done with them, they have to remove them. And I think that would be a very good thing to propose here, because who knows if this is even going to work. It certainly is not attractive enough to, um, invite anybody in to use it.

So thank you.

JAMES MARTIN: Thank you.

JAY ALEXANDER, 3051 Union Street

MR. ALEXANDER: Jay Alexander, 3051 Union Street, North Chili. I'm a tenant of the plaza, Jake's. Literally she is right. We have no parking. We have the car wash dumping into our back. Tim Horton's Friday night will have three or four buses over in back of Doug's parking lot.

If you look at the kiosk, I assume the back is Tim Horton's. There is a little driveway. Then there is a double row of parking. Then there is the driveway and where the kiosk is going, there is another double row of parking.

Which way are the cars going to line up, into the Union Street exit, the Buffalo exit?

Every time Jimmy would let him do something, he has half done it, you know. I wouldn't let him do anything until he puts his money where his mouth is.

Out back he was supposed to clean up. All he did was get some tar with steel screws and patch the holes.

You know, on a Friday night there is not parking. I can't fill my restaurant because we're short of parking.

The second thing, I don't know the right words to do it, but why would you come with a diagram with no measurements, how far from the building, how far, you know, from other buildings? You know. Those are my biggest concerns. You have the T where it comes in. There is no stop sign. So it's a congestion there. People just blowing through, accidents all of the time in there. There is no stop sign either way.

I guess pretty much that covers my concern. Snow removal would be another thing, too.

DOUG DEPHILLIPS, 4390 Buffalo Road

MR. DEPHILLIPS: Doug DePhillips, 4390 Buffalo Road, owner of the Food Towne, North Chili IGA. My concerns have been put forth already.

Are they queuing up in front of my store? It would appear that the cars are going to be in my main driveway where my customers are parking coming in and out, if I'm reading that correctly. Um, we push our snow there. Um, that's -- am I losing two parking spots? Four. How many parking spots am I actually going to lose?

MR. PARISH: Two.

MR. DEPHILLIPS: Waiting cars will be lined up waiting in front of my front door?

JAMES MARTIN: There is no way you can predict how the traffic --

MR. DEPHILLIPS: That's a concern.

It is kind of ugly. That's another concern. But, you know, just driving through there is -- is -- can be kind of harry at times. So I mean, those are concerns. I would love to see the bank projections for drive-up, if it is possible.

Thanks.

MR. ALEXANDER: Could I add one more thing?

JAMES MARTIN: Yes.

MR. ALEXANDER: Around Doug (DePhillips)'s store we have the property that is dirt. Why couldn't they put it in there just like Pavilion's ATM is, pave that and let them set it in there. That would be an ideal location if he really needs to have it, not out in the middle of everything.

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

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

JAMES MARTIN: I think there has been a couple good pertinent comments come forth during the Public Hearing. To address one -- one issue, um, what goes on with the ownership of the plaza really is not the purview of this Board from the standpoint of maintenance and those particular issues.

That's between obviously the tenants and the owner. Okay? And I would agree that that plaza has been a sore point for a long time. We did force him to clean it up a few years back with some of the other applications that came before this Board, but at this point in time, David Lindsay, I'm not sure what more we could do to continue that -- that activity.

I think there was some -- some significant improvement, but it still has got a ways to go from my perspective.

DAVID LINDSAY: Mr. Chairman, I'm not aware of any recent complaints with the care or upkeep of the plaza. Um, I know in the past, like you said, there was some that were addressed by the property owner. I -- I am not aware of any recent complaints.

I would say if any of the property owners there or anyone in the plaza there has any, they can file a formal complaint with the Building Department and we'll follow up with the plaza owner then.

JAMES MARTIN: Okay. Thank you.

Any other discussion from the Board at this point?

JOHN NOWICKI: Well, some interesting comments from the audience that should be considered. Possibly looking for some answers here.

JAMES MARTIN: Yes. I -- when the Bank of America looked at this site, um, was that the only option that they looked at, as far as placement of this ATM?

MR. PARISH: I'm not positive on that again. We were brought in, you know, in kind -- and kind of given the location where they wanted to do it, and that was through discussions with the landlord. As far as other options within the plaza, I don't know, I can't speak to that.

JAMES MARTIN: There were negotiations between the Bank of America and the landlord as to the placement of this particular kiosk?

MR. PARISH: Yes.

PAUL WANZENRIED: I, for one, would like to see them put it between the two buildings. It seems like a novel idea. It would stay out of the parking.

JAMES MARTIN: I have looked and looked at this. I'm not sure where.

PAUL WANZENRIED: It's thin, but then you have got fire access. You know, you're going to impede that.

DAVID CROSS: Between the Food Towne and the --

PAUL WANZENRIED: Old bank. I mean that's a -- an interesting thought, but you got to go -- you have -- fire access going to be your tripping point there.

JAMES MARTIN: In one of the comments that came forward, obviously, there is hope that that old bank will be renovated into something much nicer than what we have got over there right now. That aisle that goes between the -- the now defunct bank and I guess it's Food Towne, um, I think it's been utilized as kind of a crossover from the back roadway over by the post office. I know that mirror is still up there to make sure you're not going to plow into somebody coming down that road.

So I don't know what impact that would have, and I don't know what the current lot lines are as far as that existing building.

I think that building was purchased, the old bank building. I don't think it was a lease, from the standpoint of the plaza itself. So therefore, there are certain restrictions from, you know, how much property is owned in conjunction with that building.

PAUL WANZENRIED: Right.

JAMES MARTIN: So it may not be something that is available from that standpoint, due to that restriction.

I'm still not totally comfortable with the -- wonderful analysis of what your thru-put is going to be, but I still am concerned you're going to have eight cars lined up there. From a statistical anomaly standpoint that will be a real problem, as far as access in and out to south Union Street.

DAVID CROSS: You would have to show some -- put -- show where the queuing would go. I agree with the owner of Food Towne there, it's hard to imagine blocking the -- that 24 feet of drive aisle with any queuing of vehicles.

JOHN NOWICKI: You're right. I think we need to see some architectural drawings here that indicate where these traffic patterns are going to be coming from and going on a map before we do anything here, and the Bank itself has to take a look at this to make sure this is going to fit the area and fit everybody's needs here. Maybe they have some other options they want to look at, but I would want to see this come back before the Board.

JAMES MARTIN: What I'm hearing is the Board would like the Bank and the owner of

the property to take another hard look at locating this. I have no problem with an ATM kiosk, Bank of America. I don't think the Board has any problem.

PAUL WANZENRIED: No.

JAMES MARTIN: I think it's the location that is giving us some concern from the standpoint of the traffic flow in and out. Even though you have done the best given the fact this is where they wanted it put. So nothing against you. You designed something based on what they have asked you to do. But I really would like the Bank of America and Mr. Renzi (phonetic) owns -- he is still the manager of the plaza -- I would like them to get together and reassess what might be an alternative location from this to have minimal impact on traffic flow along that main drive aisle through Food Towne and whatever might go into that old bank building.

And see if there is an alternative location. I know those islands are there right now. Don't misunderstand me. I know those islands are there, but I think we're taking up more parking spaces, and the islands are not causing traffic queuing. They're just sitting there doing nothing. So I think that's kind of where I'm at. I think what I would like to do is make a motion that we table this --

JOHN NOWICKI: I agree.

JAMES MARTIN: -- pending the outcome of that additional discussion between the owner of the plaza and Bank of America to see if there isn't a better location for this. And then come back before the Board hopefully with a modified plan that is more compatible with I think the plaza itself, the current tenants and this Board.

JOHN NOWICKI: I would agree with you.

DAVID CROSS: One more comment, Jim (Martin). I don't know if you -- if the applicant is aware. When the Dunkin' Donuts was in here few months ago, didn't they have an ATM kiosk proposed with an unnamed bank?

JAMES MARTIN: They had a drive-thru. There is an ATM still existing with the old bank. You can drive-thru there.

DAVID CROSS: Didn't they have one out in the parking lot?

PAUL WANZENRIED: No. That was a drive-thru aisle. You had to scoot across and come around and it was really goofy.

JAMES MARTIN: We had problems with that because --

DAVID LINDSAY: They did have an ATM, kind of an island ATM proposed over there.

JAMES MARTIN: Like a kiosk.

DAVID CROSS: Just some more discussion that Bank of America might want to have with one of the other applicants that was proposing to do something over there.

MR. PARISH: I wasn't aware of anything so.

JAMES MARTIN: We haven't heard anything further about that proposal that came before us so whether Dunkin' Donuts backed away we don't know, but you're correct, there was a kiosk or an ATM. I think that is what I would like to do, make a motion to table this based on what you just heard. You will get a decision letter from me on this, and we'll see what can be done to make an improvement from our perspective.

So on the motion to table? Second?

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion.

JAMES MARTIN: I will just put down a date to be determined based on how quickly they can move forward.

DECISION: Unanimously tabled by a vote of 5 yes to a date to be determined. Upon completion of a Public Hearing, the Board determined that the proposed location of the ATM kiosk may have a detrimental impact on traffic flow entering and departing to the Union Street entrance. The Board requested that the applicant work with the plaza owner to find a more suitable location for the kiosk. The Board indicated that providing an ATM kiosk somewhere in the plaza is not an issue.

3. Application of Northern Soy, c/o Andrew Schecter, owner; 345 Paul Road, Rochester, New York 14624 for preliminary site plan approval to erect a 7,000 square foot addition to building at property located at 345 Paul Road in LI zone.

Kurt Rappazzo, Andrew Schecter, Norman Holland and Richard LeFrois were present to represent the application.

MR. RAPPAZZO: Good evening. My name is Kurt Rappazzo with the MRB Group, here tonight on behalf of the applicant, Andy Schecter and the co-owner, Norman Holland, both here tonight, along with Richard LeFrois, LeFrois Builders and Developers who is the contractor.

Um, I will try to do it from here. If I need to, I will move over to the Board. Relatively simple tonight. Northern Soy located at 345 Paul Road produces Soy Boy tofu and other high quality goods. They employ about 30 people. They do all of their manufacturing, warehousing at this facility. It's their sole facility which was originally approved back in 2000. And no additions have been done since then, but with that approval was also considered a 48,000 square

foot addition that would fully develop the site.

They currently are proposing a 7000 square foot addition that fits within the footprint of that future addition. The building architecture of that addition would match the existing building which is metal on masonry block.

Lighting would be used that is already on the building.

We had some -- we brought up some issues with the parking because there is only 50 -- I believe -- 8 parking spots on the site and per the Town's requirements they require more. They have what they need for their future immediate needs and would like to keep what they have, but we have got comments from the Town Engineer that we can go through that will address that. It was brought to our attention we didn't have landscaping on the plan. We have since changed that. We went before the Conservation Board and they have since approved our landscaping plan.

And that's where we're at.

JAMES MARTIN: Okay. As far as the comment on the parking requirement, um, you know, there is one way you can do that. I mean, you can show it as banked parking. In other words, it is parking that would be available for future needs if so desired, as long as they didn't interfere with, you know, some other plan that Northern Soy may have.

The other issue be -- the other option, I'm sorry, would be that you would have to go before the Zoning Board to obtain a variance.

MR RAPPAZZO: Right. We have weighed both of those options. I have it with me tonight. We're not presenting it, but we do have a plan that figures out how to bring the parking up to Code. We would land bank those spaces and they wouldn't interfere with the potential future addition.

JAMES MARTIN: Okay. Other comments from the Town Engineer that would need to be worked out around storm water runoff, et cetera, et cetera. Comment about landscaping, that has been addressed. So --

MR. RAPPAZZO: If I can respond to the storm water question. The building, that's a flat roof with internal roof drains. What we're proposing to do is bring a new storm leader from the building footprint and tie into the existing storm lateral on the east side of the building.

JAMES MARTIN: Okay.

PAUL WANZENRIED: Do you have -- where is the topsoil stockpile? Is that going to be dispersed amongst the site? You're showing a big topsoil.

MR. RAPPAZZO: We usually do show, get conservative on that pile. It will be what they scrape off on the site. Whatever is left, will probably be wasted on the site.

PAUL WANZENRIED: Other than the comments from the Fire Marshal, I don't have anything else.

MR. RAPPAZZO: Yeah. We got those comments. I believe they have since had that inspection that the Fire Marshal was looking for. I know they at least scheduled it.

MR. SCHECTER: They had it. I'm Andy Schecter of Northern Soy, and yes, the Fire Marshal was by. Two of them were by last week and did their inspection.

JAMES MARTIN: So they have completed the inspection?

MR. SCHECTER: Yes.

MR. RAPPAZZO: The sprinkler system will be extended in the addition.

JOHN NOWICKI: You answered all my questions.

Thank you.

PAUL WANZENRIED: I'm good.

Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: As far as -- let me go through the SEQR process here first.

The applicant has submitted a short form SEQR document. I don't see any significant issues.

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

JAMES MARTIN: They have paid a fee for final. Consensus on final?

The Board indicated they would waive final.

JAMES MARTIN: As far as conditions go, before we vote, upon completion of the project, the applicant should submit a Landscape Certificate of Compliance to the Building Department, from a landscaping architect certifying that all approved plantings have been furnished and installed in substantial conformance by the Town Engineer, Commissioner of Public Works.

Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with any other approving agencies.

The application is subject to all required permits, inspections code compliance regulations. I was going to check the Fire Marshal, but that has been completed, so.

JOHN NOWICKI: Good.

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

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. Application is subject to all required permits, inspections, and code compliance regulations.

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

4. Application of The Fathers House, owner 715 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a parking lot expansion at property located at 715 Paul Road in R-1-15 zone.

Jess Sudol, Edward Premo, Eric Rolands and Matt Sinacola were present to represent the application.

MR. PREMO: Good evening. My name is Edward Premo. I'm with the law firm of Harter, Secrest & Emery, Counsel for The Fathers House.

I have with me Jess Sudol, who is putting up the plans, from Passero Associates and Eric Rolands from The Fathers House.

We're here tonight on The Fathers House application for preliminary and final site plan approval to allow the addition of 453 regular parking spaces and 10 additional handicapped spaces to the church site as shown on the site plan that you have dated October 2013.

The additional spaces are to address the current needs of the church for parking for existing worship and other services. There is no expansion of existing facilities, but the only -- the addition of the parking to meet current needs.

In fact, the areas for the parking were shown as future parking areas on the original site plan for the church in 2006, and Jess (Sudol) will be addressing that.

At the time The Fathers House received the original approvals in 2006, they did not have the financial resources to install all of the parking. However, that time the storm water facilities were sized and constructed to handle the full build-out, including this additional parking area. Once again, Jess (Sudol) will be talking about that.

Currently churchgoers often have to park on lawn areas or along the drives when there are worship services. The proposed new parking will improve this condition and lead to better traffic flow and easier entrance and exits from the site.

The site plan includes additional landscaping along Archer Road and also includes lighting that has been designed to be downward facing, inward facing to minimize light spillage off the site and also the new landscaping which is pretty substantial to help buffer the neighboring properties and also assist with that.

In summary, the proposed parking is to address current needs and is consistent with your prior approvals.

At this point, I will turn it over to Jess (Sudol) to go over some more technical aspects of the site plan and the comments that have been received.

MR. SUDOL: Good evening. My name is Jess Sudol from Passero Associates, the Project Engineer for this project. And also the project designer for the original Fathers House project back in 2006.

As Mr. Premo pointed out, it is a parking lot expansion. The exact number is approximately 453 additional spaces. Currently there is 489. We would be taking that up to 982. Excuse me.

The reason why I put the two maps up on the board there was to demonstrate how we're basically executing what was originally planned back in 2006. The plan on the left is actually the signed off plan from that time and outlined in green is our -- what we called at the time a future parking area.

The plan on the right is our current proposal, and if you take a closer look at it, I don't

know how well you can see from there now, what we are proposing almost exactly follows the outlines of what we had originally contemplated back in 2006.

At that time we even went so far as to install our storm sewer system on the new 2013 curb line, not the 2006 curb line, because we essentially knew this was eminent, and as Mr. Premo pointed out, it was just a matter of time before The Fathers House could complete the fund-raising efforts to construct the parking lot. It does have a construction value of close to a half million dollars, so by no means is it insignificant.

With respect to the parking, a lot of times when we propose additional parking, we'll hear things about -- what about all of the additional traffic.

The traffic for the facility is not based on the number of parking stalls in the parking lot but rather that use. It is based on 1200 seats in their sanctuary, which is the way it was analyzed in 2006 and the way that it continues to apply. Back in 2006, our office prepared and reviewed with both the Town and the Monroe County Department of Transportation and at the time State Department of Transportation, because they had jurisdiction over Paul Road, a traffic study that -- which was called the Archer Road Corridor Study. At that time it took into consideration not only the development of the Fathers House parcel, but also the Links at Black Creek, which most of us know never quite materialized, and also a subdivision called the Archer Road -- or Archer Meadows Subdivision which is just south of our site. And it went so far as to even contemplate future build-out of the Fathers House project which, of course, is not proposed at this time.

The point I'm trying to make is the traffic study considered traffic flow far greater than what exists today, and again, as Mr. Premo pointed out, we don't anticipate there being additional traffic as a result of this project. More it's just a matter of getting all of the cars which are double-parked and in the drive aisles out into a safe parking lot so they're not, you know, creating congestion issues where if an emergency vehicle had to access the site, they might potentially have issues currently.

Some of the other things I did want to point out was the drainage was, in fact, constructed and the ponds were built based on knowing this was coming, so that is one of the details that we'll work out with the Town Engineer, go through our 2006 SWPPP and demonstrate how we went about doing that.

If you look on the plan on the left compared to the plan on the right, you will actually see -- it's going to be tough to see from probably where everybody is, but all of the way on the right side there is a lot more landscaping proposed now than there was at one point there. That's because we recognize as part of going through the Special Use Permit process with the Board, every couple years that there is certainly a sensitivity to those neighbors over there off of Archer Road and we want to respect that as much as we possibly can.

So what we're proposing to do is between our curb edge and the existing pond, our proposed edge and the existing pond, we're proposing to install a berm and additional landscaping, which hadn't previously been considered. But the intention is to create a barricade not just for lights but also for potential sound for those neighbors and that is something that doesn't exist today.

On the lighting end of things, what we're proposing to do is a little bit unique. Rather than tie everything in with the same circuits, on the same lights that kind of stay on almost all night, we're proposing to run a separate circuit where we could essentially shut down those perimeter lights that we're installing on the outside part of this project, so after 9 o'clock or whatever time we determine is appropriate, you won't have any additional lighting than what is there today. The lighting that is there today is already adequate for security purposes.

So again, that is just a couple of the items that we have been looking at. We did receive an inspection actually from the Fire Marshall. There were two comments regarding a fire hydrant which we're in the process of fixing.

The last comment involved the access road around the back of the project. On the 2006 plan that -- that plan was approved and signed off by the Fire Marshal at the time as being a gravel access way, so essentially what we're proposing to do is connect that loop with the rest of the -- the remaining 25 percent of it so we have a loop around the back.

Currently that gravel access way is well maintained. It is used to get to the back of the building. It is also plowed during the winter. So again, those were things that we said we would do back in 2006 when we proposed this gravel, when we had it approved as gravel and we have continued to do that.

So, again, of course in conjunction with Mr. Premo, I would be happy to answer any questions.

JAMES MARTIN: Thank you.

I'm sorry, I might have missed it, just to touch on the Fire Marshal's comment, there is a hydrant that needs to be turned to face --

MR. SUDOL: It has to be turned 180 degrees and there was a nozzle adjustment that we're following through.

JAMES MARTIN: Is that planned to be done?

MR. SUDOL: It's been done.

JAMES MARTIN: Been done. Thank you.

I think you want to delve a little bit on the letter from our Town Engineer regarding a lot of the issues around the SWPPP. The pond design, comments from NYSDEC. There was a lot of comments from the Town Engineer that left me wondering whether or not they had enough information in order to advise this Board as to whether or not we should move ahead at this time

or whether they needed more information in order to guide us, I guess, from the standpoint of any decision on this particular project.

Um, I'm going to, at this point, turn to the side table, Mr. Lindsay and Mr. Hanscom, to comment on that at this time.

DAVID LINDSAY: I think in the Town Engineer's letter dated November 6th we did ask for some additional information on the storm water ponds. I think you stipulated they had -- were designed for full build-out of the property. We had asked for some back-up information on that. We haven't received anything yet.

We talked a little bit about the traffic. You alluded to that here. Um, I looked at the minutes. There was a traffic study submitted to the Town. We can't -- we don't have it in our files. We asked for the applicant to provide us a copy of that so we could review that. One of the other things I think was a preparation of a SWPPP. Typically we would have that in our hands before preliminary approval. We don't have a copy of anything related to a SWPPP. I don't know if the applicant intends to prepare one.

MR. SUDOL: Yes. The permit for the site -- and Matt Sinacola is here with us tonight -- has been open and continues to be open under the premise it was all developed under the common plan in 2006.

As far as the information for that, I do have copies with me tonight -- I don't expect you to look at it -- obviously demonstrating the multiple areas where we did take into consideration the future expansion from the storm sewer sizing of the actual pipes themselves to the sizing of the pond.

We can, of course, agree to do the as-built as mentioned in Mr. Hanscom's letter to insure that the volume was constructed as proposed in that SWPPP plan, and you know, that's kind of the best-case scenario.

The worse-case scenario is the pond was as it was supposed to be or we had to provide some additional storm water management features in the pond based on an interpretation. Of course, we could do that without affecting the overall integrity of the plan. As is the case with any project that comes before the Town, as everybody here knows, we can't move forward with construction until our plan is signed by Mr. Hanscom and after we receive our approvals, we work through those fine details and whether it's modifying the existing storm water structure or -- I guess that is really the worse thing we might have to do.

DAVID LINDSAY: Are you saying that the SWPPP or the -- I guess the NOI was closed out or is still open for this project? That is how we signed off on the NOT a while back.

MR. SUDOL: Do you know, Matt (Sinacola)?

MR. SINACOLA: That is going to test my memory.

DAVID LINDSAY: I thought we signed off on that, and you would need a new SWPPP for that if that is the case. If that were an issue that came up, we'd contact the DEC, talk to them about kind of when these ponds were designed and constructed in relation to the new manual and green infrastructure practices and what approval was given at the time.

In some conversations with them, they seemed to imply these ponds might need to be retrofitted to deal with the new green infrastructure practices. I think it is something that has to be clarified between the applicant and the DEC.

MR. SUDOL: I agree. What we intend to do is send the same diagram illustrating the history of the site for the DEC for their formal interpretation.

MR. PREMO: There has -- I think one of the things we want to do is maybe talk with the DEC because they have issued guidance on this transition period. That seems to us to suggest that prior approvals should be the ones that govern.

DAVID LINDSAY: That may be the case, but we got something different when we called them. I think it is one of the questions that needs to be resolved. It goes back to the Chairman's question, do we have all of the information we need to properly advise the Board. I'm not sure I'm comfortable saying I have that information. I don't know if the Town Engineer would like to speak to that.

MICHAEL HANSCOM: Um, I wasn't Town Engineer at the time when this was originally approved, so I would like to see some of the information that was requested just to review it before we say everything is all set.

JAMES MARTIN: I'm assuming you would still have a copy of that traffic study that was done. I remember it was a regional traffic study.

MR. SUDOL: Yes, we do.

JAMES MARTIN: So if you could provide one, all right, to the Commissioner of Public Works, that would be appreciated.

Some of the things that concern me, and I know that projections are one thing; actuality is something else. Um, clearly, you know, the Greenwood Town Homes are well under way at this point in time. Um, I know that they -- I believe they were included in that study, that there was going to be a development there.

It proves the Archer Meadows is not going to happen at this point. I know the property is up for sale again. So I'm not sure, but certainly something could happen in there, you know, from that standpoint.

And now we have what was going to be the Links of Black Creek, which is now not going to happen from the standpoint of what we originally thought was going to be town homes and condominiums and a nice golf course in there, is now going to be basically single-family homes somewhere in the range of 290, I believe, something like that. I think the number is about equivalent to what we -- what they had proposed for the townhouses and the condominiums that

were going in there, but, again, it's going to be a different type of ownership now where we expected probably a lot of empty-nesters or not kids with cars and those types of things that you're going to get with single-family homes going into the Links at Black Creek.

So I -- I think that maybe there has been some impact on what has been happening in the area since the 2006 plan was -- was looked at. And I -- I really think that it's good to dust it off and take a look at it again just to see what -- what has happened and has there been any significant impact that we might want to have it restudied.

Um, there was a couple of other things in here about the -- a 15 foot wide easement along Archer Road. Perhaps future turning lane activities there. I know that at one point we -- I believe we do have a 15 foot wide easement on Paul Road for turning lanes, but certainly, I don't believe there was one put in place on Archer Road.

MR. SUDOL: We can agree to provide those.

JAMES MARTIN: I guess what I'm hearing, you know, from the -- from the Town Engineer and from the Commissioner of Public Works is that at this point, they don't really have all of the information that -- that they would like to have in order for them to, you know, send us another letter saying we're okay with all of this, all your calculations are okay. You know, your pond design is okay. DEC is okay. We don't have that at this point.

But I'll go to the Board now for questions and we'll -- we'll think about this. Go ahead, Paul (Wanzenried).

PAUL WANZENRIED: How many parking spaces did you say you're adding, Jess (Sudol)?

MR. SUDOL: 453.

PAUL WANZENRIED: I'm coming up with 541. So check that.

MR. SUDOL: I'll check that.

PAUL WANZENRIED: If you would, please.

MR. SUDOL: One of the things it is 453 net. You have to take into consideration we're losing on the whole end there, so that is what the difference might be. For example, all these that are on this end (indicating), all go away with the addition, but I will check it.

PAUL WANZENRIED: Okay. That might be the difference then. All right.

Where are you pushing snow?

MR. SUDOL: You know, we push to the south and to the north. There is a lot of green area, both to the north and south of the project.

PAUL WANZENRIED: Okay. And the comments by the Conservation Board would be they would like to see the plantings that are to the east nearer to the west; is that correct? Or to the north?

MR. SUDOL: I have not been given those comments.

JAMES MARTIN: Pat (Tindale), comment on --

PAT TINDALE: I'm sorry?

JAMES MARTIN: You --

PAUL WANZENRIED: You had your comment, Pat (Tindale), in regards to plantings, landscape -- similar -- similar to the east side, you wanted them to on the west side, as well?

PAT TINDALE: Right.

PAUL WANZENRIED: Okay. Just wanted to make sure that that is noted.

PAT TINDALE: You're thinking of the Greenwood, the townhouses there you can see right through. I drove down from Lawendra. They're looking at parking lots.

PAUL WANZENRIED: You don't intend on paving the driveway or the access aisle to the south; is that correct? Is that what you were telling us?

MR. SUDOL: That's what we're telling. It served us well in its current form for the last five years. We see no reason to have to pave it.

PAUL WANZENRIED: Is that wide enough?

MR. SUDOL: Yes.

PAUL WANZENRIED: Okay.

MR. SUDOL: Yes. It's 24 feet wide.

PAUL WANZENRIED: Now, we just had a -- an applicant before us tonight and the requirement was 26 feet wide. I believe the Fire Marshal was asking for 26 wide on an access aisle.

MR. SUDOL: We can review that with the Fire Marshal whether they would consider that an access aisle.

PAUL WANZENRIED: I don't have any other requirements.

JOHN NOWICKI: I would just like to see, Pat (Tindale), the Conservation Board pay a very close look at -- you mentioned berms on the Archer Road side. You know, how -- how high, how big, what kind of landscaping is going on there. I just wanted to make sure that you have a -- a big berm in there.

JAMES MARTIN: Pat (Tindale), have you seen those plans with the berm along Archer Road?

PAT TINDALE: I have the plans that they have right here. Yes.

JAMES MARTIN: The Conservation Board has seen that plan?

PAT TINDALE: Oh, yes. And very nice. It's very nicely done. We're just looking for something for the people on the west side.

JOHN NOWICKI: Are the berms big enough for you and are you satisfied with the plantings on top and size?

PAT TINDALE: Our Board said yes the other night, so.

Sorry. I forget this. My Board approved that the other night.

DAVID CROSS: Yes. I mean, I think we need to be careful. I would like the side table and Town Engineer and whatnot to review the SWPPP in detail and certainly the traffic concerns. We have an additional letter from a neighbor on Barn Swallow Lane who has some complaints about noise in the morning, Sunday morning service and I guess I would be interested in hearing the applicant comment on that.

MR. PREMO: Yes. The -- kind of related to noise and perhaps even the traffic issues, that the -- the proposed addition of the parking won't -- won't change the existing things. There might be some benefits from the -- the enhanced buffering with respect to -- to noise. Certainly the position of The Fathers House is that under the noise ordinance in the Town of Chili there is an exemption for churches and -- and to worship services, so that's currently what's in the noise ordinance.

Um, as far as the traffic goes, we're not adding any additional traffic. We're not increasing the worship space. The typical ITE is based on the size of the actual facility itself. Really the parking is to address the current needs of the church.

JOHN NOWICKI: I'm sorry, just -- you mentioned the -- the noise levels that have been requested to look at, has -- have they done anything at all to try to bring the noise levels down at all?

MR. PREMO: My understanding is this is historic, there were a couple of efforts done concerning noise, kind of as an attempt to -- to work with the neighborhood. There was some adjustments, I believe, made to the sound system to try to decrease the notes, I think they're called, certain base sounds and that. And -- and at least I think the measurements that were done by the sound engineers indicated that those had been effective.

JOHN NOWICKI: One other area. With the expanded parking areas, would that indicate that there would be any change in the number of services going on? The number of times they would have services during the weekend?

MR. PREMO: Um, I don't -- I don't indicate that the parking changes for services at all. It is to accommodate the existing services. You know, as -- as -- obviously as the church goes on and stuff, you don't -- there is different things that happen at the church all of the time, but it's not -- this parking isn't being done to add more services. It's being done to meet the current needs.

JOHN NOWICKI: Thank you.

JAMES MARTIN: Just to go back to your comment about the church being exempt under our code from a noise ordinance, I'm not -- I'm not going to disagree with that comment, but as a good citizen of the Town of Chili, I would expect The Fathers House to do everything within their power to correct that problem which has been ongoing since that building was built. And we have addressed it and addressed it and addressed it. And it has not been solved. And I just don't understand with modern acoustics technology and the way you can shield sound, that those problems have not been solved.

And so I just think again, as a citizen of the Town of Chili, which The Fathers House is, that they would do everything to eliminate complaints by the people across Archer Road.

MR. PREMO: And what I would say is that they -- they have, in fact, gone out and done two series of sound studies, have made changes to the sound system, have looked at trying to deal with the noise coming -- coming out of the walls and reverberating. There are certain, I guess, limitations. You know, you can't encase the building in a shell or something. And you know, there is limitations as to roof structures and things like that.

But they -- but they have tried to be responsible. They believe that they have been. Our views were in compliance with all applicable standards.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KATHY MEINTEL, 5 Wheat Hill

MS. MEINTEL: We live right across the street from -- on Archer Road at the corner of Wheat Hill and Archer. There's been a lot of changes since The Fathers House moved in. Traffic. I know our property is getting eroded by cars trying to go around, people trying to make a left-hand turn into The Fathers House. There is little enough green space.

I don't know -- I can't tell where the parking is going on the Archer Road side. How close is that coming to the ponds?

JAMES MARTIN: Well, it would still be inside the pond, between the building and the pond.

MS. MEINTEL: There is little enough green space as it is. There is the pond and the green space and we're looking at parking lot. That -- my -- my kitchen window and dining room, we look out onto that. Um, I would like to see that stay on that side of the road. There seems to be less close residential property, you know, properties on the other side. Maybe on the south side. I don't know. On the west side. If you bring the all of the way out, that slopes downward. I don't know how much landscaping is going to make it pretty.

And the sound, um, I hate to disagree, but even my husband, in our closed house with no windows open, we can hear the -- the noise from over there. So I don't think that has been addressed at all.

I think it's going to look more like a shopping mall parking lot rather than a nice church parking lot. If they extend everything to the roads. That's what I have to say.

DICK MEINTEL, 5 Wheat Hill

MR. MEINTEL: I'm her husband, Dick (Meintel), from 5 Wheat Hill.

And ever since they put those ponds in, and put that parking lot in and filled those ponds in, we're getting more water seeping through the ground over to our side. And if they put more parking in, there is no way that their soil is going to take up that.

Plus they're going to put in a turning lane on that side of the road, and how -- how close is that turning lane going to be to the pond and how far down are they coming to the pond and where is that berm going to go?

JAMES MARTIN: Thank you.

MR. MEINTEL: And they have 16 acres on the other side that they could put the parking there.

DAVE STORY, 15 Barn Swallow Lane

MR. STORY: Dave Story, 15 Barn Swallow Lane. I have spent a lot of time with representatives from The Fathers House on the sound issue. I recognize that there is no -- I know we really don't have much grounds because the way the code is written regarding sound. However, they're in violation of the Town Code for vibration to our homes. And we have filed complaints and haven't heard anything in response to that.

But this is about parking lots, and they can say what they want about the traffic. I think the traffic study from six years ago is irrelevant. Let's repeat the traffic study. The traffic is unbearable now, and granted they're claiming that 400 cars are being parked on the grass right now? I don't think so. That's just unlikely. But anyway, we're -- we live in that neighborhood and they're not good neighbors. They -- they have a lot to say about what they're going to do and what they're going to try. Turn the volume down.

It's not complicated. I don't need berms. I don't need any kind of reconstruction done in the building. Turn the volume down. It's not complicated.

BEVERLY LAMPHRON, Wheat Hill

MS. LAMPHRON: Beverly Lamphron, 13 Wheat Hill. On Sunday mornings at 7 o'clock, all we hear is "pound, pound, pound, pound." No one is there, but who knows, who is there? But they're not having worship. And this has been going on for three, four years. It doesn't stop. And lately, it's gotten louder. It seems like for some reason they're retaliating against us or whatever they're doing. But it is very uncomfortable and makes us uncomfortable in our homes.

I have a dishwasher running, I have a TV running, I have a dog barking and I still hear it. I came home from church last Sunday, from my own church. I could hear the noise in my driveway. I think that's unacceptable.

JAMES MARTIN: Thank you.

MR. JONES: Mr. Chairman, I just want to advise the Board there is a pending violation in Town Court for the violation issues that are being expressed and there is an active prosecution, just for the Board's information.

MR. PREMO: And just -- just so the record is clear with that, it's -- it's a complaint that was about an outdoor square dance that was held one date on -- in August, and The Fathers House is contesting that charge. And we -- we expect that that will be heard in Town Court. But I just want to be clear that, you know, when they talk about the vibration, there is a complaint brought about one incident concerning an outdoor square dance.

MR. STORY: Filed --

JAMES MARTIN: Do you have something else to say?

MR. STORY: I filed one of these complaints and it had nothing to do with an outdoor event. So I don't know how many complaints we have.

MR. JONES: Just for the Board's information, there has been multiple complaints. I think the only one chosen to be prosecuted had to do with the square dance, but there were multiple complaints filed.

JAMES MARTIN: Thank you.

DON GOODMAN, 15 Wheat Hill

MR. GOODMAN: Don Goodman, 15 Wheat Hill. The noise is unbearable. All they need to do is turn the volume down. You hear a lot of base. But as they say, it's a parking lot issue.

I worry about the water. Since this place has been put in, my backyard is pretty wet. And they add more parking lot, that means more runoff, going to the ponds, ends up in my backyard. I don't know what can be done about it. You can put up a 50 foot wall and you still would hear the noise.

DAVE LAMPHRON, 13 Wheat Hill

MR. LAMPHRON: Dave Lamphron, 13 Wheat Hill. I'm the one that complained about the party because it lasted way past 10 o'clock at night, but that's not what we're here about right now. What I'm very concerned about is the water, the traffic.

When I bought that house 12 -- 11, 12 years ago I never had a water problem in my yard. I do now. This past week, to dig my wife's outside clothes line out, the water right now is about 6 inches from the top of the hole in our yard. On an average day when we get a fair amount of rain, we have between a 3 to 4 foot river the whole running on -- south and north in our backyards. It goes all of the way up to Dick's house, comes from Don's house.

Enlarging that parking lot seems all that water is going to go into these retention ponds and

I'm going to have water -- my whole backyard is going to be under water. You're adding what, 400 and some additional parking spots; is that correct? To -- to how many are there now?

JAMES MARTIN: Pardon?

MR. LAMPHRON: How many are there now, existing parking spots?

JAMES MARTIN: Jess (Sudol), you can answer that.

MR. SUDOL: 489.

JAMES MARTIN: There is 489.

MR. LAMPHRON: You will add 453 more to it?

JAMES MARTIN: That's the plan.

MR. LAMPHRON: That's the plan. You say you have 1200 seats in your auditorium. Something doesn't add up there. Each car has at least two to three people, four people. I'm concerned about that. The traffic is unbearable.

Don't come out 490 on a Sunday morning and get off for the Chili Center exit and try to come up across Chili Avenue and come down Paul Road. Can't do it. It's a 20-minute wait.

I don't know -- like Dave Story said, that -- that survey that was done back in the early 2000s doesn't hold water today. It's terrible.

But again, back to the noise thing, I know that I wasn't there when it happened. Dave (Story) was. But he had an engineer from Passero at one of our other neighbor's houses.

The conclusion from everything I have seen written, it says turn the volume down a little bit. Be a good neighbor. Because it's -- it's driving us nuts.

I can count on 7:00, 7:15 every Sunday morning. I can count on between 4 and 5 every Saturday afternoon. And services, I think, Saturday don't start until 5:30 or 6:00. Like Sunday mornings are an hour or two later. So something has got to give with that.

I mean you got -- what is that, a triplex or -- or four theaters in Gates? You can go into one of those theaters and you don't hear what is going on in the theater next to it or the other one here or the other one down there. I just don't understand what is wrong with this building.

Just turn the sound down, please. You know, this is going on 3, 3 1/2 years. It's driving us nuts. We cannot sit in our house Sunday mornings before we leave for church or late Saturday afternoons and watch any TV at all because the sound is so loud. I have to almost double the sound level on my satellite TV to hear the -- to hear the television.

Thank you.

JAMES MARTIN: Thank you.

MR. MEINTEL: I have one more I didn't bring up. How come they have to leave those lights on in the parking lot all night long? They have lights around the building. We have to close our blinds every night so that we don't have these lights shining in on us.

JAMES MARTIN: Thank you.

MR. LAMPHRON: I have one more question.

With the addition of the parking and apparently a lot more people coming there, when I look out my living room window, I look at trash containers. Sometimes that little wooden gate is closed over one of them. But then they have another series of them next to it and then running all of the way down the building. I was kind of concerned about that. We're going to get another well -- you have 452 or 453 people, where is all this trash going to go?

JAMES MARTIN: Thank you.

STEVE NELSON, Bayman (phonetic) Drive

MR. NELSON: Steve Nelson. I live on Bayman (phonetic) drive. You know, I'm really sad to hear about all my neighbors who are distressed by the church I attend. You know, in the -- on the parking issue, um, I raised six kids at Bayman (phonetic) Drive and they attend church there in their own cars. And I think it's a good thing to have 20- and 30-year-old kids going to church.

Um, I hope we can solve the -- the difficulties I'm sure. A lot of effort has gone it and will keep going into it. I don't think anybody wants people unhappy.

I'm not representing The Fathers House. I just here speaking as a person who lives in Town and appreciates what -- what the church as offered me and my family and wants to make sure that we can get along, because it's a -- I think it's -- know it's important for kids to go to church and it's part of the reason they're in separate cars. When I was a kid, we all piled in one station wagon. But today that's not how we live. They go to college, we go here and there.

So I think that's -- I'm not -- this is not technical expertise I'm representing, because I don't have that, but it's just a reaction to all of the things I'm hearing from people tonight. Just sorry for the troubles, but appreciate there are good things happening, too.

JAMES MARTIN: Thank you.

MR. LAMPHRON: In answer to one of your problems, I'm not sure where your street is. I know where mine is. And when that beat starts and the vibration starts Sunday mornings, it goes on four to five hours. It's not like a guy coming down the street in his car with the base turned up that comes by, it's gone. This is four to five hours. Saturdays it's three to four hours. After a while, it eats at you. It makes you awful mad. It's very, very disturbing.

I pay taxes. I would like to live in my house and you can't be there sometimes just for that reason.

JAMES MARTIN: I will move that we close the Public Hearing, I think.

MR. JONES: Mr. Chairman, can I interrupt for a second? Can I just advise if the Board is looking for more information and intends to table, could I just recommend that we keep the Public Hearing open so the public might have an opportunity to comment on any additional

information rather than closing it?

JAMES MARTIN: Okay. Thank you.

I think given from what we heard from public comment, given what the Town Engineer's letter has indicated to the Board, given what the Commissioner of Public Works has stated to the Board that they don't feel properly advised at this point this time to give us a full briefing on the potential impact of this proposal, that I would at this point make a motion that we table this.

I will keep the Public Hearing open on this for further review.

Are there any concerns from the Board of going ahead and tabling this at this point?

JOHN NOWICKI: No.

The Board indicated they had no concern.

JAMES MARTIN: I will make the motion. Do I have a second on tabling the motion?

JOHN NOWICKI: Second it.

JAMES MARTIN: Tabling it to a date to be determined as soon as the applicant can comply with some of the requests.

DECISION: Unanimously tabled by a vote of 5 yes to table to a date to be determined, for the following reason:

1. The position of the Town Engineer and Commissioner of Public Works is that they do not have adequate information to advise the Planning Board.
2. Pending resolution of the Commissioner of Public Works and Town Engineer.

INFORMAL:

1. Application of Michael Scamacca, MS Equipment, 3498 Union Street, North Chili, New York 14514 for revised site plan approval granted 4/13/99. Applicant is requesting condition of approval stating no outside storage of tow motors or related equipment for sale be removed from conditions at property located at 3498 Union Street in GI zone.

Michael Scamacca was present to represent the application.

MR. SCAMACCA: My name is Michael Scamacca, 3498 Union Street. And I'm with MS Equipment Company. We're a forklift sales and service organization.

I was given approval in the year 2000 to put up the building at that address. At that time I was given permission to have a pad where I could put equipment for sale. Um, it was originally the whole front of my property and then it got narrowed down to a pad. I put one forklift out there for sale from the -- 8 in the morning until 5 in the afternoon and we would take it inside.

Back then I don't know if, John (Nowicki), you wouldn't remember that, do you?

JOHN NOWICKI: No. I'm looking at the letter back from 1999.

MR. SCAMACCA: Um, John Cross and Dario Marchioni gave me approval to have a pad. Unfortunately, I don't have it in writing.

But it's kind of essential for a business to kind of show their wears, and if you go up and down Union Street, almost every business there has their product out on display. As well as several people store their equipment out there, boats and trailers and campers and things of that nature there.

So I don't think we're really doing anything out of line, although I didn't realize we didn't have approval. I thought we had the okay. I don't have it in writing. So I'm asking for approval to maybe put a forklift out there for display. We would put it inside at night and that's it.

JAMES MARTIN: What prompted your request for the, you know --

MR. SCAMACCA: What prompted my request? I got a notice from the Town of Chili that I was displaying a machine for sale without approval. I wasn't even aware of it because we have been doing it ever since 2000 when I got the okay.

JOHN NOWICKI: Where did that come from?

PAUL WANZENRIED: Wow.

JOHN NOWICKI: Really?

MR. SCAMACCA: Yeah.

JAMES MARTIN: Well, re-reading all of the conditions that were imposed back in 1999, it says no outside storage of tow motors or related equipment for sale was one of the conditions of approval.

MR. SCAMACCA: Right.

JAMES MARTIN: And I think what you're requesting is that we rethink that and if -- if we were to move forward, we would rescind that and allow you to have that ability to display a forklift on the pad that you -- that you have on the side of your facility.

MR. SCAMACCA: Correct. You know, in all fairness, if you go down Union Street and look at all of the businesses, every single one them have product out there to show to their perspective buyers. That's all I'm asking for. Like I say, it's been just one truck we keep out there and we put it inside at night.

JOHN NOWICKI: When did you get the notice from the Town?

MR. SCAMACCA: When did I get it?

JOHN NOWICKI: Yeah.

MR. SCAMACCA: Had to be like the end of October, because -- or maybe September, because it was too late for the October meeting so she put me on November.

DAVID CROSS: You displayed a forklift out there?

MR. SCAMACCA: Yes. One small forklift.

DAVID CROSS: I never seen it.

MR. SCAMACCA: We don't leave it out at night. We're afraid of vandalism.

DAVID CROSS: Is there a vehicle for sale out in front of the --

MR. SCAMACCA: Property next door to me.

DAVID CROSS: That's next door.

MR. SCAMACCA: As far as I don't know if you're interested or not or if this is out of line, but I took a ride down Union Street just for the heck of it. Um, I just kind of -- sorry. These are all of the properties that had product out in front. Some of them are residential neighborhoods where they're storing their trailers, campers, all types of different equipment.

JOHN NOWICKI: That's weird.

JAMES MARTIN: We'll, I'm not going to dispute this list. I drive Union Street quite often. Yep.

MR. SCAMACCA: There is a tractor dealer down the street from us that has 30 or 40 machines out there on display. It's essential to his business.

JAMES MARTIN: Mr. Jones, proceeding?

MR. JONES: Well, Mr. Chair, you know, my position comes -- it comes to informal, though. I think just in terms of a procedural approach; is that the question?

JAMES MARTIN: That's my question. Where do we go with this? We have an existing condition. All right. He is asking for us to rescind that condition to allow him to put a forklift out there on display.

MR. JONES: So my position on this is that there ought to be a formal notice that invites a Public Hearing on the topic before the Board has full jurisdiction to make an action on that. That is what I believe the proper procedure is. Typically an informal and in my judgment would be a very minor adjustment to a pre-approved site plan that doesn't impact the -- the existing layout fundamentals, but when you change something like a natural condition that is restrictive, that is something the previous Board deliberated on, made a decision on and you're changing that. So that goes back to the original approval. So you have to notice it. You need to allow public comment before the Board can vote on it. That's my position.

MR. SCAMACCA: Yes. How about a variance? Would that apply?

MR. JONES: No. I mean not to be quick with you. I could go on and I don't know if anyone wants me to. I think the answer is just no.

JOHN NOWICKI: So what you're saying is you need to have a Public Hearing?

MR. JONES: Yes. My legal judgment, I don't think the Board should be taking action on -- on fundamentally changing an existing approval, as what is being requested, without allowing public comment. You're actually redoing the site plan really. There is a site plan approval with a condition and you will take it away. So you're basically reconsidering the original site plan and the law requires public comment for site plans, so I think you need to do that.

JAMES MARTIN: Thank you for your guidance.

I think that is where we're going to have to head on this. I -- let me just take a quick look at the calendar here.

The next scheduled meeting is December 10th. The application deadline to be heard at that meeting was November 8th.

Um, Mr. Jones, I think in -- in spirit of the situation --

MR. JONES: Absolutely.

JAMES MARTIN: -- I would like to waive that requirement. If he were to get the application in, I think the Board would be willing to hear this in the December meeting.

MR. SCAMACCA: Okay.

JAMES MARTIN: I will so inform Kathy Reed, the secretary, that we will accept your application, even though it is late. There are some requirements that you will have to meet, sign postage and those types of things. She will inform you what those things are, and that we will hear this December 10th.

MR. SCAMACCA: Okay.

JAMES MARTIN: Okay.

MR. SCAMACCA: Sure. Thank you very much.

MR. JONES: And I -- I agree, Mr. Chairman, I will support whatever needs to happen so that the meeting can accommodate this application on the 10th.

JAMES MARTIN: Did you have a question?

RICHARD BRONGO: I did. It might just be a matter of my understanding, number 9. It says, "No outside storage tow motors or related equipment for sale."

He is not really storing it outside. He is only displaying it. And he is only displaying it for a certain number of hours a day. So I'm just wondering if that's why, you know, he is under the impression he can do that, because when I read this, I'm under the impression he can do it, too.

MR. SCAMACCA: Exactly.

JOHN NOWICKI: That's a very --

JAMES MARTIN: It's an interesting approach, but I think to make this as clean as

possible, I think we should go ahead and have the Public Hearing and get this out of the way.
Your interpretation is --

JOHN NOWICKI: Is good.

JAMES MARTIN: We have a Code Enforcement Officer that interpreted it another way.
So to resolve the dispute -- I'm not disagreeing with you, but to resolve the dispute, that is
the right approach and -- to take care of it.

MR. SCAMACCA: Surely. I will do that tomorrow. Thank you very much.

DECISION: The Chili Planning Board, at their November 12, 2013 meeting reviewed the
above described application. The Board, based on guidance from Counsel,
informed the applicant that the matter would have to be handled as a Public
Hearing. The Board waived the passed deadline date for application submittal
and agreed to hear the application at the December meeting, if the applicant
chooses to resubmit.

The 10/15/13 Planning Board minutes were approved.

The meeting ended at 9:03 p.m.