

CHILI PLANNING BOARD

November 14, 2006

A meeting of the Chili Planning Board was held on November 14, 2006 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: Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Jeron Rogers, Director of Engineering/Planning; Dennis Scibetta, Building & Plumbing Inspector; Pat Tindale, Conservation Board representative; Fred Trott, Traffic Safety Committee representative; David Lindsay, Town Engineer representative.

James Martin indicated Councilman Schulmerich would not be in attendance this evening.

JAMES MARTIN: Administrative item to address before we go to the agenda. Mr. Frank Sciremammano will bring us up to date on his review of the SEQR process regarding the North American Properties proposal for the development on Paul Road.

Mr. Sciremammano.

MR. SCIREMAMMANO: Thank you, Mr. Martin. I wanted to appear tonight to, one, introduce myself to the Board. I'm sure we'll be working closely over the next few months and give you an update as to where I am in the project. I have reviewed the entire file, including related materials, Master Plan, Town Zoning ordinance, as well as the prior file on the Fallone property. I have identified, and I have an outline of materials that are there that are adequately addressed, that are there that need more details, and some issues that were not addressed environmentally. I will be preparing a letter. And with your permission, I will send it out to the applicant, give them an opportunity to respond and provide the detail you need to make a determination of significance to bring it all to the Board.

In terms of timetable, you should have my letter by the end of next week or so, get it to the applicant and then it is up to them to supply the information that you need to make a determination of significance and it is their timetable at that point. I would be happy to answer any questions at that point. I didn't want to take much time tonight.

JAMES MARTIN: Basically, procedurally, everything to date has been acceptable?

MR. SCIREMAMMANO: Procedurally, you have a good, solid file.

JOHN NOWICKI: For the record, have you given your name? Would you give the organization you belong to; name, address and who you represent?

MR. SCIREMAMMANO: My name is Frank Sciremammano, and I gave a card to Sandy (Hewlett) so she would have it. Principal with FES Associates in Rochester, New York. I'm also a full professor in the College of Engineering at RIT and I'm representing you.

JOHN NOWICKI: Okay. Just for the record.

MR. SCIREMAMMANO: Great. Other questions, comments?

JAMES MARTIN: Questions or comments from the Board? I guess not.

MR. SCIREMAMMANO: Appreciate the time tonight.

JOHN NOWICKI: Thank you very much.

JAMES MARTIN: Regarding tonight's agenda, originally there was an item under Old Business concerning Comfort Windows' renovation on Scottsville Road. That has been withdrawn per the applicant's request. So the first thing we'll hear tonight will be under Public Hearings.

OLD BUSINESS:

1. Application of Comfort Windows, 60 John Glenn Blvd., Syracuse, New York 13201,

property owner: William Putzer, for preliminary site plan approval to erect an 80' x 80' and 30' x 72' (total 8,560 sq. ft.) warehouse addition at property located at 1380 Scottsville Road in G.B. zone.

DECISION: Withdrawn at the applicant's request.

PUBLIC HEARINGS:

1. Application of Metalico of Rochester, owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a mechanical metal shredder at property located at 1525 Scottsville Road in G.I. zone.

Michael Drury, Warren Jennings, Dean Southcott and Kip Finley were present to represent the application.

MR. DRURY: Thank you. My name is Michael Drury, President of Metalico Rochester, and the Executive Vice President of Metalico, Inc., Metalico Rochester's parent. With me tonight are Warren Jennings, Vice President of Operations of Metalico; Dean Southcott, General Manager of our facility on Scottsville Road; and Kip Finley from Avery Engineering.

Metalico Rochester submitted a short environmental assessment form to the Town of Chili for approval to install a metal shredder system and related non-ferrous separation system. We are here tonight to answer questions or concerns of our neighbors on the Chili Planning Board. Why shredding? Metalico Rochester has been pursuing providing shredding services to our customers and consumers for well over a year. As many of you may be aware, we had been negotiating with Union Processing, which is located in North Chili, to acquire their facility, but have been unsuccessful. We, therefore, will, subject to approval, install a shredder at the Scottsville Road property.

Shredding is the most energy efficient processing system for dividing and sorting various scrap metal products. As the manufacturing base in the U.S. shrinks, unfortunately, more of the scrap generated is from obsolete products, cars, appliances and light scrap iron. Basically, we're importing virtually everything. It has to be processed before it can be recycled. Metalico Rochester, through its two local buying centers acquires, segregates and ships shredded scrap to shredding operations, who then sell to the end consumers, steel mills and aluminum melt shops, among others. By installing our own shredder, we'll eliminate the transportation costs associated with shipping the scrap to other shredders. The loss of our shearer to a fire last May reinforced our decision to pursue shredding as an option. What does this shredder mean to Chili? As stated in the handout that was provided, hopefully, um, we expect to add six permanent jobs to our current Scottsville Road work force of 79 individuals. Local service providers such as mill works, parts suppliers, delivery service, lubricant suppliers, uniform suppliers and general repair services, to name a few, would do more business with Metalico.

Kip (Finley) and Warren (Jennings) will address issues such as transportation impact and noise issues and roadside visual impacts. There is a host of folks here to answer other questions. Thank you.

MR. FINLEY: If I could just take a second, I did pass out a handout to the Board and the side table. I am Kip Finley. Our large displays couldn't get printed in time. They have a new process. So if there is anyone from the public that would like to, when we have the hearing, go up and look at those. We also have handouts that, if you are interested in this project, raise your hand and Steve will give you a handout.

In this case, transportation is one of the first topics on that sheet. I came up with a list of the things I thought would probably be of most interest to people. As far as transportation, I am always asked at Planning Board meetings, do you know, when you add something to a facility, what is the transportation impact. In this case, it is different than what I dealt with. All of the inbound material is brought in by truck and everything leaves the site by rail. It is something I'm not quite used to. It is an interesting twist. We did get the highway traffic counts on Scottsville Road. It is over 16,000 trips a day, and with only 195 vehicles now coming into Metalico, hopefully maybe 245 a day, once the shredder is up and they can be more efficient, that is only 1.2 percent of the whole traffic on Scottsville Road. It would be up to maybe 1.5 percent. As far as -- with rail, the shredder will allow them to break down the material a lot further through processing so they can fit more in a rail car. Right now they can only fill it to about 75 percent of its capacity because we have chunks of metal that don't fit in very well. So there really would be no net gain at all in rail traffic for those that end up having to sit at

the crossings.

JOHN HELLABY: Kip (Finley), could you expand a little on the type of vehicles that would be the 50 inbound vehicles, types, sizes that you anticipate?

MR. FINLEY: The projected? I can a little bit. Probably would be a good time for Warren (Jennings) to come up.

MR. JENNINGS: Warren Jennings.

MR. FINLEY: They were asking about the projected 50 and probably give them a mix of the 195.

MR. JENNINGS: Basically we're handling ten-wheel type trucks, stake bodies and dump trailers, and we perceive just an increase in the same type of vehicle. Occasionally we'll receive car bodies that are -- or discarded automobiles from the general public that might come in on a hook. That is basically how the material will come in.

MR. FINLEY: As long as we're both up here, we could probably work into noise.

JOHN NOWICKI: I would like to have some questions answered on the transportation. I thought you were going to have some more to talk about.

What about the other roads in the adjoining area? What roads have you considered looking at other than Scottsville Road?

MR. JENNINGS: As far as?

JOHN NOWICKI: Incoming trucks.

MR. FINLEY: For that, most of the traffic can come on 390, onto Scottsville Road, and then you also have Route 252, Jefferson Road and 252-A, which is Paul Road. Pretty much everything leading to the site is all state highways. The segment in front of this facility has about 16,000 vehicles a day. When you get north of 252-A, up between there and 390, it is almost 20,000 vehicles a day.

JOHN NOWICKI: What about the vehicles coming down the Ballantyne/Beaver Road?

MR. FINLEY: This would be to the west. I don't know if you have customers --

MR. JENNINGS: No.

MR. FINLEY: There are other people. If they are going to talk, they have to come up.

MR. GISTOMSKI: Ron Gistomski (phonetic), the Controller. We have virtually no traffic now coming down Ballantyne at all.

JOHN NOWICKI: No connection then between the Union shredder and you people now?

MR. JENNINGS: No. We ship our obsolete material to Union Processing. We don't have a shredder, so we're still buying the same product that they end up buying from us. And so in essence, we're taking material into our facility, and then we are consolidating, loading on larger trucks and shipping it all of the way out to Union. We would like to stop that part of the transportation mode and process it in our own facility and ship it from our facility out the back gate on railroad cars versus putting it on trucks to transport it to Union.

JIM POWERS: Will you be doing what Union Processing is doing now?

MR. JENNINGS: Exactly.

KAREN COX: So putting this shredder in will eliminate that one --

MR. JENNINGS: That one piece of freight, yes. Most -- I guess most of our inbound material is coming in from Rochester, as far as the City of Rochester, and they are coming up 390, getting off Scottsville Road into our facility. We're only a couple miles from the highway, so it is very convenient for everybody.

JIM POWERS: The last time you were in here, someone asked whether or not you were in the process of possibly purchasing Union Processing.

MR. JENNINGS: Mike (Drury) touched on that earlier. We were in negotiations and put together a very strong offer, I guess, on the company, back in March, and that -- initially our intentions were to try to put in a shredder. We had discussed it internally and then decided to talk to Union about seeing if they would like to sell their facility. When we talked to Union, they said yes and at that point we proceeded with negotiations, and unfortunately, we came to an impasse and couldn't go any further. It behooves us to put in our own processing equipment because, again, because of the fire, that we lost the main piece of processing equipment, a sheerer, the new technology for the scrap operations is to shred it. It is much more efficient, much faster and we can get material to market at a faster rate. Our intent was to do something with Union, but unfortunately it fell apart.

MR. DRURY: Transportation is key on the outbound side. Currently when we ship to Union

Processing, or anyone else, via truck, shreddable material, we're getting 15, 13 tons on a truck which is an extremely inefficient mode of transportation. Once it is shredded, you have densified it, more densely in a load you will get up to -- today the maximum rate is 100 tons per rail car. The fuel savings, energy savings are significant.

JAMES MARTIN: Do you have any estimate of what percentage of Union Processing's business you represented by transferring material from your location to their location?

MR. DRURY: We're not privy to what they're doing. So we wouldn't want to venture a guess there.

MR. JENNINGS: I know we were a top supplier, that is for sure.

JOHN NOWICKI: This would be a new shredder or used shredder?

MR. JENNINGS: Used shredder is what we're looking at now. The technology really hasn't changed as far as the actual shredder body itself. Some of the major facilities around the country, the shredders can be 1975, 1980. It can be older. It is basically a very substantial piece of equipment. It's constructed of basically a 3-inch steel wall and then it has 8-inch manganese liners on the inside of it so it holds its shape and stands the test of time. It is built for a rigorous life span of processing steel. So we have located a couple of them, and we have basically determined that we found a willing seller, and that is what we're heading down the road to purchase.

JOHN NOWICKI: Is this the same size or larger than the one on Union Street?

MR. JENNINGS: Actually a little smaller. The way they measure shredders, Union Processing is called a 98 104. I think it's 104 inches long, and that's the diameter of the rotor that pulverizes the cars. 98 inches. The machine we're going to purchase is a 74 104. It has to be 104 inches wide because an automobile is basically 102 inches wide, so we have to be able to fit it into the machine.

JOHN NOWICKI: Is this machine in operation now, the one you're thinking of buying?

MR. JENNINGS: It was just shut down in June. As the owners of that machine upgraded to a mega facility, which is a whole other discussion, but they basically moth-balled it.

MR. DRURY: They installed a much larger capacity shredder, but this market really is not large enough to support that -- a machine with that size and appetite is a good way to put it.

JIM POWERS: Do I understand you will be doing this base -- basically the same operation as Union Processing at your new shredder here?

MR. JENNINGS: Yes, to a degree. Again, we handle a lot of the obsolete material that Mike (Drury) had spoken earlier. Servicing some of the industrial accounts around Rochester, we do get obsolete light gauge material that is available, that is a perfect appetite for this machine. We have been sending this material to Union. We have been sending it to other shredders. There is one down in Oswego, New York, which is Upstate Shredding. We have been selling them material. But this is a -- but this -- we'll handle cars. We already handle a lot of the -- the majority of the material from our own facility. So we will expand the intake, and it will be -- it will look like some of the material that Union is handling.

JIM POWERS: Union Processing, once in a while, runs into problems with gas tanks or whatever, and --

MR. JENNINGS: Yes.

JIM POWERS: In the neighborhood, we have been jolted a few times from some of the explosions.

MR. JENNINGS: I think when you -- regular shredder, there have been some major improvements to address the explosion side of these mills. You're right. If I were to stand before you and tell you that that did not happen, that wouldn't be fair to you.

But what has happened, originally, Union Processing's machine, if you want me to get in depth on this -- basically it was a shredder and what they ended up doing when a car or refrigerator goes inside the shredder, it gets impacted, the material inside becomes airborne. You have waste product, steel, non-ferrous metals in the machine itself. If a gas tank gets in there, the way it used to be, there was an air duct off the back of the mill that used to suck some of the waste, the fluff and material out of the mill. And what would happen is that you would have gas, you would have basic sparks already in the mill and now you're adding a lot of air; consequently, you would have an explosion.

The new mills, and the mills of today that we would be putting in, it is the same function. The material gets impacted in the shredder box. However, as it is leaving, there is no air that is introduced into the mill. As far as -- people are now finally realizing let's pump -- let's pump water in there, and in

a mist form, to try to consume the oxygen and therefore limit the amount of explosions. It has worked out very, very successfully.

JIM POWERS: I would just ask them if they're satisfied the power grid will be capable to handle the new machine over there.

MR. JENNINGS: Yes. We have had discussions with Rochester Power and Light, our representative, and they're actually looking forward to the opportunity to supply us with power. There has been a fair amount of industry lost in the Upstate region, and for a consumer like ours, they have the ability to provide us with the power. So we're looking forward to working with them.

DARIO MARCHIONI: Are we asking questions right now or wait for the presentation?

JAMES MARTIN: Why don't we let them go ahead and move onto the presentation and if something pops up in particular to an item, otherwise we'll ask general questions.

MR. FINLEY: It can work out fine if we go topic by topic. Mr. Powers somewhat segued into the next one with the noise. As many people know, equipment in a scrap yard is a noisy type of thing, as with many industries. And the decibel range right at the equipment is pretty loud. It can be over 100 decibels. What you do when you do noise modeling, and you are actually listening, is you really want to see what the impacts are across the property line, in the neighborhood, things like that.

In here we have a couple of statistics. When you get about 75 feet away from a shredder or pay loader or any of the conveyors of the equipment that are very noisy when you're right next to them, the decibels drop significantly down into the 70 and 80 decibel range where you can actually carry on a conversation once you're away from the machine. We checked into the Town code, and you have a noise ordinance. We didn't really have anything to compare with, though, because that one deals mostly with nuisance noise, like no mufflers, boom boxes, screaming, things like that. It didn't give industrial limits for decibels or anything.

So we went to the guidelines -- there are federal guidelines that are attached to this, and they have some planning criteria of things that go well next to industry or things that are up in the 85 decibel range. We shouldn't really be there, but it is the best for comparison. And the list in the back of this, would be things like airports, railroads, other industries, and things which really are what this neighborhood is.

There are residents. There is a neighborhood south of the project, just south of Ballantyne, and there is a neighborhood across the river in Brighton. So to do some research, and give us a baseline, I talked with the Chili Building Department, Brighton Building Department and the Brighton Police to see if there is really any complaints about the facility now, because the noise in the future with the shredder will be no more than what they already have, clanking car bodies together and pay loaders, and everybody I talked to talked about the neighbor that has music and loud noise and things. So I knew I was talking to the right people, but they said, oh, no, the scrap yard, never hear about that. Unless someone knows differently, I think Metalico Rochester is perceived as a pretty good neighbor. So we're not planning that the noise will be any different really than what it already is.

JOHN NOWICKI: What are the hours of operation for something like that? Are you operating this equipment eight hours a day solid?

MR. JENNINGS: Yes.

JOHN NOWICKI: Night shift, too, going on?

MR. JENNINGS: We are operating on a two-shift basis now at the facility. We do have a second shift. We anticipate running this basically eight hours a day, five days -- or five and a half days a week. That is what we would like to target. I think as we get up to construction and then get started, there might not be enough material to warrant that line of operation, but -- it might be less than that. It could be more ultimately once we get started, but I guess to give the Board a number, it's going to be five days a week, or five and a half days a week at best.

JOHN NOWICKI: Did the decibel levels reach a maximum? What would be the maximum decibel level?

MR. JENNINGS: The manufacturer of this particular mill, at 10 yards, it is 113 decibels. At 25 yards you can have conversation. The mill and the processing is actually very quiet. It is amazing for the job it is doing, destructing an automobile. But again, because of the construction of the mill, you're having, you know, 2 or 3 inches of actual foundation steel and a large massive amount of liner plates on the inside, so it really buffers the amount of noise that can escape. There is only in-feed. Normally if you're running -- that is consumed with more material going in, so there is no real sound escaping the

actual processing of the mill. It is not going to be any louder than our present scrap yard that we see, and the location of it, that we're actually looking to put it in, is far enough -- I will not get the direction right.

MR. FINLEY: This is north (indicating). This is Scottsville Road (indicating). This is the railroad (indicating). And Paul Road is -- comes around the airport and around (indicating).

MR. JENNINGS: So we're actually pushing the site behind one of -- well, I guess it would be -- it is as close to the railroad tracks as we can, because the material, after it is processed, we just want to be able to pick it up with a rubber tire loader and put it in a rail car for shipment. So it is going to be pushed down -- I think we have 1,100 -- we have 182 linear feet of property line here. And the shredder will be 300 to 325 feet. So we're shoving that as far down as we can on the property line. Our neighbor here is the concrete facility here (indicating). So we'll be over in this area (indicating). The concrete facility is along the side line (indicating).

MR. DRURY: Most of the noise generated is from the equipment feeding the shredder and from the belts that carry the material on the inbound side, and we're already running that sort of equipment on a daily basis to process scrap, to load the railcars out, and the belts is similar to, you know, a belt or rather a -- the drive train on a tractor.

MR. JENNINGS: One other interesting point is that on -- Metalico Rochester will be the only rail-served shredder. Genesee is not rail-served, and neither is Union. So in essence, we can hit different markets that will allow us to get better markets for our material. We're not just captive to a local market deliverable by truck which is only Auburn Steel of Upstate New York. So we'll have the flexibility to move material by rail and that really gives us an advantage.

JAMES MARTIN: What about other pollutants that may be generated as a result of the shredding operation itself, particularly with automobiles? How is that segregated? How is that contained?

MR. JENNINGS: That is a good question. We belong to a trade operation called ISRI. ISRI is located in Washington. We work with federal and state, you know, law regulators in order to recycle in a beneficial way that is the least on the environment and also for -- as far as pollutants are concerned.

They have just dealt with the mercury switch issue, which you might have caught some of this in the press, that back in the day, or even today, there are mercury switches in the trunk lids of certain cars that are in the recycling stream. Now it is mandated that the automobile recycler, the auto wrecker and the post consumer, anybody that will take that type of product in is liable for taking that out of the waste stream and along with oils and gas tanks and everything else, those are forbidden to come into an operation like ours. We'll have our suppliers sign actual contracts with us that basically tell us that they're going to provide us with an automobile that is free and clear of liquids, gas tanks, CFCs, which is the air-conditioning, air bags, mercury switches, propane tanks, which is the -- gas tank or propane tank. All of those things that people will sign a contract with Metalico to make sure that they understand that when they're delivering the material into us, that it is ready for recycling, because we cannot police what people are going to try to do on -- before it gets to us.

KAREN COX: Then --

JOHN HELLABY: I guess how does somebody -- that leads to another gamut. How does somebody police that operation when people has -- somebody has a car in the driveway, takes a screwdriver and runs it through the air conditioner?

MR. DRURY: We can't police that.

JOHN HELLABY: I know.

MR. DRURY: That happens with refrigerators. If people want to cheat the system, regardless what issue it is, they will cheat the system.

But just one further point, we'll also have small stations set up to handle cars. For instance, if someone were to drive in a car they wanted to get rid of, they can remove gas tanks, drain the fluids, handle the batteries and the mercury switches. We currently have one over in Syracuse. It is a very neat, tidy little operation, but it will be on a cement pad with no risk of the oils hitting dirt. So it is a pretty environmentally friendly operation.

KAREN COX: But when you get cars, typically you're getting more of the volume deliveries, which those are the people that you ask to sign the contracts with?

MR. JENNINGS: Yes.

KAREN COX: Then when they come in, there is somebody there?

MR. DRURY: They will be inspected. But you can imagine the car has been flattened to a couple of feet. A reputable demolition person who wants to continue to do business with auto shredders, because we're the only -- if we get one, we'll be one of the only fuel outlets. They can't burn too many bridges because then they will have nowhere to get rid of their product. Most of the people in business, they have compliance issues they have to deal with, they want to be licensed and they have to keep the consumer happy, which is the shredder.

MR. JENNINGS: We have compliance regulation at federal and state level that would be above your jurisdiction. We create waste that has to meet specific testing requirements on a quarterly basis and it has to be submitted. We have storm water runoff issues we have to meet, criteria, which are all federal laws that we have to abide by.

KAREN COX: Do you have a permit then for -- I mean who -- does somebody come and inspect the facilities on an annual basis?

MR. JENNINGS: We do that on a quarterly basis. All we have to do is submit the information that is on site.

MR. DRURY: For instance, the State Police can come in and examine. You're required to keep extensive records when cars come in on a hook. They can inspect it any time they like. There is ongoing compliance inspection to insure that you're doing what you're supposed to do.

JAMES MARTIN: Basically a paperwork inspection?

MR. DRURY: Paperwork inspection. But also keep in mind, if we're not taking care of the cars that are going through the shredder, and, for instance, if our material ends up at a steel mill and it is contaminated with lead because we did not make sure that the batteries were gone out of it, those loads will be rejected from the mill and now you're sitting with, if it went out on a rail car, 100,000 -- I'm sorry -- 100,000 tons of steel with nowhere to take it. Because if it got rejected at one mill because of lead contamination, you will know it will get rejected. For instance, if you visit our site now, we have radiation detection systems at the scales inbound and outbound to make sure we don't get radioactive material into the facility which can contaminate our product going out to the consumer. In order to keep our consumers happy, we have to do the right thing also. The food chain pretty much insures at some point you're doing what you're doing or you won't be in business.

JOHN NOWICKI: Could you describe a typical situation where someone comes in with a car and it has gas, has oil, batteries in it, how you remove them? Where do you put this material? How do you get rid of it off the site? Is there any chance that this material will get into the environment through a drainage ditch or other environment? How do you handle it?

MR. JENNINGS: There are regulations that you have to abide by. One, that your facility has to be approved to be able to handle those type of cars.

JOHN NOWICKI: Who approves that?

MR. JENNINGS: The DMV. Believe it or not. You have to have a license through the DMV that you will be a registered receiver of dirty cars. That is basically what you're getting at. And then that has to be done on -- the recycling of those cars has to be done on a three-sided building. Therefore, a loader would pick up the car, they put it on a rack. What Mike (Drury) was saying, environmental rack. The oil and gasoline are taken out, battery out, mercury switches out and then those -- it can be either sold -- because it has a value. Waste oil has value. It can be burned in an oil -- you know, one of those heaters, I guess. The waste oil heaters.

JOHN NOWICKI: What would you be doing? Selling it, storing it, burning it or what?

MR. JENNINGS: Well --

MR. DRURY: Right now we would be shipping it off site. The gasoline.

JOHN NOWICKI: Again, what are you putting it into?

MR. JENNINGS: It goes into all types -- into a registered tank from this --

JOHN NOWICKI: Inside a building?

MR. JENNINGS: Yes.

JOHN NOWICKI: What building?

MR. JENNINGS: That is a whole other --

MR. DRURY: Before we go down that road, we have to have approval for the shredder because without the shredder we won't be accepting dirty cars.

JOHN NOWICKI: We have to know that up front, though, in order to limit your operation before getting approval here.

MR. DRURY: But we'll be licensed by the DMV to take in dirty cars.

JOHN NOWICKI: Yes. But how will we know that?

MR. DRURY: If we put another building up, we would have to come back here for approval, I believe. It is not a big building, but...

JOHN NOWICKI: Okay.

MR. DRURY: Further point, one of the largest contaminants out of the cars is the automobile battery, and it has been -- dozens and dozens of lead clean-ups. We have a program in place where the batteries we collected go to RSR. They're secondary smelting companies in the state where they tow the lead for us. One of Metalico's divisions is a lead fabricating division, the largest in the States. Other than automobile batteries, if it is made out of lead, we make it. We make product for the Department of Defense, radiation protection, nuclear power industry, the health industry, recreation shot. If anyone shoots skeet and loads their own shells, we manufacture the shot. So we're incentivized to recycle every battery we possibly can because the lead in that battery, once it is reclaimed by a secondary lead smelting operation becomes a raw material for us.

KAREN COX: What I am getting from the conversation is that you need to get approval for the shredder and then you would be -- maybe you are licensed already by the DMV, but the shredder has to come before you start -- you would start accepting cars at the site.

MR. DRURY: Right.

MR. JENNINGS: Because the issue, we might not ever want to take in dirty cars because then we're in competition with our own suppliers. If we take them, it knocks out the auto wrecker who does it for a living. We'll just take it in, take out the products that are undesirable and put it in the shredder. We're not going to be in the parts-selling business. That is no intent of ours to do that. So we don't want to step on the food chain there. So...

KAREN COX: So it might not ever happen.

MR. JENNINGS: Might not ever happen.

KAREN COX: To me it seems you would need to have enough revenue from that type of business to make it worthwhile to you.

MR. DRURY: That's true. The only reason you might want to consider setting up the enviro pack to handle dirty cars, because if people show up with them, rather than creating the traffic snarl of sending them on their way, you take it and process it and get rid of it. Again, as Warren (Jennings) said, we may never do it, but it could insure that the traffic flow through the facility is more efficient.

JOHN NOWICKI: Are there any other shredders like this in other parts of Monroe County or are we the fortunate town to have two of them or going to have two of them?

MR. DRURY: There is one in Rochester.

MR. JENNINGS: Yes. On Steel Street.

JOHN NOWICKI: Do they have the dirty car --

MR. DRURY: I don't know.

MR. JENNINGS: They take them. Yeah.

JOHN NOWICKI: Where is that located?

MR. DRURY: Steel Street, did you say?

MR. JENNINGS: Steel Street in Rochester.

MR. DRURY: If you do go down there, please don't look at it and think that is what our facility will look like. It is nothing like that.

JOHN HELLABY: Is that the one Genesee --

MR. DRURY: Yes. We won't look anything like that.

MR. JENNINGS: Onto visual. The --

MR. FINLEY: The only other thing we would think of that would be of concern, doing the environmental review on this, the way this will look in the surrounding environment. If anyone has been out to Union Metals or Genesee Scrap or even seeing the concrete plant that is next-door to this, for all intents and purposes for a layperson, I think they look somewhat similar. It is about -- usually in the 40- to 50-foot-tall range. They have some stacks and conveyors. There is a picture in the handout that we passed out that is really close to what this one will look like. The simulations we did, there are two there, the same in your handouts. The one that is shown there -- in the picture with the 84 Lumber, it is right down near the base of the sign. And the other thing that you see there is the concrete plant next-door.

In this picture, it is over toward the right-hand side.

KAREN COX: In that 84 Lumber one, is it the --

MR. DRURY: The square-box-looking thing.

KAREN COX: Not the thing with the three?

MR. DRURY: No, no, no. That is not really representative what the shredder will look like, but it was an easier way to point it out.

MR. FINLEY: I have to be the one to say when we were going through the pictures, we were looking for the shredder with the right angle to put in the picture, not necessarily what it looked like on the diagram. So today when we brought these in, we had already copied them and it was too late to switch, but that block is the general size, height and location of where this would be, and it will look like the picture that you have in your handout.

DARIO MARCHIONI: Did you say it will be 50 feet tall, this structure?

MR. FINLEY: This one will be less. We're aware the limit in the zoning is 50 feet, and the one they're getting is less than that.

DARIO MARCHIONI: Okay. Would you classify this as a structure? A taxable structure like a building, or a -- would this be --

MR. DRURY: Ron was informed by the tax assessor we can expect our rates to go up if we install the shredder.

DARIO MARCHIONI: A taxable structure?

MR. DRURY: Yes.

DARIO MARCHIONI: Just the building?

MR. DRURY: Yes.

DARIO MARCHIONI: Don't we have a height limit on --

MR. FINLEY: Yes. It is 50 feet in this zoning, so they know that whatever they have to do for their foundations and put this other piece of equipment on, they have to stay beneath 50 feet or get a variance. For comparison, the concrete plant next-door is 60 feet tall, so we're going to be about 150 feet away from it and 10 feet shorter.

DARIO MARCHIONI: So this going to also -- just one question I was going to ask you before. Is there any ground vibration in this process, or shaking of the ground itself, boom boom?

MR. JENNINGS: No. It would self-destruct itself, any type of significant vibration.

MR. DRURY: The pilings system that will be put in prior to construction will be significant to eliminate exactly what you're referring to, all of the vibration. It would shake itself apart if it vibrated much.

MR. FINLEY: In the old day they did have sheers that were like a guillotine or when they were crushing cars, some of the old methods, they had a drop that would basically make a pancake out of the car, and so scrap yards did have the reputation of shaking things and -- this is not like that.

MR. DRURY: We're on the old county landfill out there. I can't imagine the vibration would travel too far because the ground is not that solid to begin with.

JIM POWERS: How high a pile of cars do you expect to get some day?

MR. DRURY: The idea is it comes in, goes through the machine and is out.

MR. JENNINGS: Cars is only one piece of the ingredients that go into the machine. That is not going to be the major in-feed volume for us. We're not in the car business today. We're in the obsolete scrap business and that is what we're receiving most of today. That is the old refrigerator, water heaters, stud walling, demolition projects. Again, this is -- we -- we handle a significant amount of it, and I guess to answer -- or comment on -- to be fortunate enough to have two shredders in one county, um, we have been fortunate that our business has been growing and we need to address the -- that we have volume coming in the door. Again, we employ, you know, 79 people today. Hopefully it will be 85 and, you know, we would like to give our competition a run for the money, and if we give them a run for the money, maybe there will still just be one shredder at the end of the day, but we do control enough that warrants us to have a piece of equipment that is necessary to process this material, because all we're doing now is running it back and forth on trucks to get it to processing.

JIM POWERS: What kind of down time?

MR. JENNINGS: They run about 90 percent a scheduled hour. So if you're going to schedule it for eight hours, you can figure an hour down time.

JIM POWERS: Is that with the used machine you're purchasing?

MR. JENNINGS: Yes.

MR. DRURY: The used machine will be pretty much completely reconditioned before we install it or during the installation process, I guess. We will be making it as new as possible before we bring it on line. One of the key components of it is, that downstream, downstream recycling process, basically when you put a car in, the car is 2 or 3 percent aluminum today and the rest is steel and some stainless steel and seats and all of the rest of it. But the system that we'll have in place will be able to pull the ferrous out, the stuff that sticks to magnet and recycle and reclaim all of the aluminum, stainless steel, some of the copper. So you're recovering a much larger waste stream -- not waste stream, metal stream than you were 10 years ago, 15 years ago.

MR. JENNINGS: Technology is better.

JOHN HELLABY: What happens to the carpets and head liners?

MR. DRURY: They end up as auto fluff and go landfill as daily cover. At the end of the day, they even help, because the alternative for auto fluff at a landfill for daily cover is dirt. So you would rather use this waste material.

JOHN HELLABY: That leaves your operation in a rail car, as well?

MR. DRURY: Yes. Well, actually it may go out by truck because the landfill is so close. Is it Seneca Falls?

MR. JENNINGS: Yes.

KAREN COX: What do you do -- maybe this is a dumb question. I don't know. I apologize if it is. Washing machines and refrigerators that now have a lot of computerized parts. Like any washing machine, for example, has a circuit board. Does that get all shredded up?

MR. DRURY: Yes.

MR. JENNINGS: If the circuit boards have value, and they are easily accessible, people can take them out and sell them as such, but it is basically a piece of plastic with some solder content in it that would just be recycled. We would reclaim that in the non-ferrous side of the business. It is not non-magnetic, so it gives us the opportunity to recover any of the type of material -- the non-ferrous metal part.

MR. DRURY: Most electronic components go to Asia for recycling, because it is a very labor-intensive process. They're not done here.

JAMES MARTIN: So many car components today are plastic or fiberglass. Non-metallic. So that gets somehow separated out in -- I know -- I can understand your non-ferrous metal separation. Anything with iron in it, the magnets will attract and the other stuff will fall to the bottom. What about the plastic material? How is that separated from the non-ferrous material?

MR. JENNINGS: The way it works, is -- about 20 years ago someone came up with the bright idea of having a magnet within -- a magnet within a shell. And it actually spins at a high rate in the opposite direction non-ferrous and dirt are traveling and it causes the metal to actually pop. When it pops, all they had to do is figure out how far it pops. When it pops 3 feet, they just put a gate there. So the non-ferrous metal shoots over the gate and the dirt falls off the end. Someone has made a lot of money with that invention. A lot of money. It has made it easy for the salvage or scrap guys to become very efficient in their recycle goals. Before you would have to run all of that waste through a downstream system where you would have people hand-pick the waste. I have been in the recycling business, and we had one facility where we had like 35 people hand picking the waste down a conveyor belt. Now this is all done through technology.

MR. DRURY: We also have the operation -- if we think we're not capturing enough of the recyclables out that waste stream, there is a facility over in Auburn, New York, NFR, and their whole facility is dedicated towards pulling more material out of that waste stream. So that may end up being a destination for some of the less recycled waste.

MR. JENNINGS: We're fortunate to be getting into the business today versus 20 years ago because the machines are a lot more efficient, a lot more automated and they have addressed a lot of the issues that are of major concerns to communities, noise and dust and explosions and those type of things. They have done a really good job of doing that.

JAMES MARTIN: Based on your -- the letter that we got tonight, which I haven't had a chance to really thoroughly scrutinize, your outbound process material heads for the Midwest or Atlantic ocean ports. Most of it is going overseas?

MR. DRURY: No. We try to keep it -- as much of our recycling material in the U.S. as

possible. The only time we avail ourselves tax port for shred is if the domestic markets for some reason were not buying. We try to keep everything at home. We all work here, so I guess unlike a lot of companies, we try to sell to domestic consumers.

JAMES MARTIN: Okay. This question always comes up during the public hearing, but are you requesting any tax abatement or anything from COMIDA as a result of this installation application?

MR. DRURY: We have not even looked into it, quite honestly. Do you think we're missing something? Should we be?

JAMES MARTIN: Okay. I just -- it is a question --

MR. DRURY: We got the right guy here to do it.

JAMES MARTIN: It is a question that always come up. I would preempt the audience and ask it. So you have not applied for any --

MR. DRURY: No, no, no.

JAMES MARTIN: -- assistance at this time?

MR. DRURY: No.

MR. FINLEY: Our presentation is pretty much everything we thought of or anticipated. The only question I would have is we have not gotten a copy of any of the Monroe County comments yet. We did get the Town Engineering comments. Have the County comments come in at all?

KAREN COX: I didn't get any.

JAMES MARTIN: They weren't in my mailbox.

JOHN NOWICKI: Here (indicating).

KAREN COX: John (Nowicki) is the lucky one.

MR. FINLEY: May I look at them while you're going through asking questions from the side table?

DARIO MARCHIONI: How did you get them?

KAREN COX: He rates, we don't.

MR. FINLEY: I will look through this while they go to the side table.

MR. JENNINGS: Any more questions?

JAMES MARTIN: Other questions on the technical aspects of what this operation is all about?

KAREN COX: I don't have any. I just want to thank you for having this material in hand tonight, because it basically answered a lot of questions that we would have.

MR. JENNINGS: Thank you.

MR. DRURY: Just another point that may not be related to this, but we run during the summer, on diesel, up to 70 percent blend of bio diesel for all our on-road and off-road diesel engines, and that is throughout New York. We have operations in Buffalo, Lackawanna, Rochester and Syracuse. We also buy 25 percent of all our electricity from wind-farm generation. So we're about as committed to recycling as a company can be in our industry.

KAREN COX: That is interesting.

MR. DRURY: During the winter months the bio diesel plant goes down to 25 percent.

KAREN COX: Doesn't work as well?

MR. DRURY: It freezes.

JOHN NOWICKI: Are you a local company?

MR. DRURY: Metalico Rochester, yes. Scottsville Road. We bought the facility from the Bobry family back in 1998, and we have built on it, more than doubled the size of it.

JOHN NOWICKI: Any other operations around the state?

MR. DRURY: Yes. We have two operations in Lackawanna, New York. We have an operation in Buffalo, New York. Rochester we have -- or we have -- in the Town of Chili and Downtown Rochester, a buying center, scrap buying center. In Syracuse, New York, our most recent facility, we acquired in, I guess, May, we have under one roof two operations. One is a scrap yard, basically similar to what we do here. The other is an aluminum recovery facility. Aluminum recovery will be -- we'll be processing primarily aluminum turnings and creating a product deox, which looks like a cone that big (indicating) used by the steel industry to remove oxygen from molten steel.

JOHN NOWICKI: Any of the vehicles that come in, do they have tires?

MR. DRURY: If it does, and they goes through the shredder it is ground up also.

JOHN NOWICKI: What happens to that product?

MR. JENNINGS: Landfill.

JOHN NOWICKI: It is a landfill product?

MR. DRURY: Yes.

JOHN NOWICKI: Is that all contained in the building itself, all of the by-product that comes out? It is not in the environment? It is not out in the air, is it?

MR. JENNINGS: Well, when it goes into the shredder, it disintegrates from the impact of these hammers that are basically spinning around. Then that material, it does exit the mill and it is on a conveyor belt in the open air. There are over 250 shredders running in the United States all of the same way. There is no issue.

MR. FINLEY: It is wetted down.

MR. JENNINGS: Through the segregation the non-ferrous metal goes out into bins loaded in overseas containers to go to China or wherever it is going, or to local consumers -- I don't know if they have local consumers, but consumers in the Midwest. That basically gets loaded by front-end loaders and is handled as basically a bulk commodity at that point.

JOHN NOWICKI: Do you create piles of this shredded material outside near the shredder?

MR. DRURY: Yes.

JOHN NOWICKI: Are you aware of the fact that you have a height restriction?

MR. DRURY: Height should not be an issue, because unless we're selling the product, we're not generating cash to pay for the facility.

JOHN NOWICKI: I mean the height of the piles are restricted?

MR. DRURY: It is restricted by our need to turn the material into cash also.

JOHN NOWICKI: These decibels that you're speaking about, what would they be similar to? For example, can you tell us a comparison with a jet plane taking off?

MR. DRURY: No, no, no. It would be like if you're out at a construction site and you saw a bulldozer running or a crane loading any product. You know, we invite you to come out to the facility if you would like. You need to wear your boots.

By the way, that is something else that will happen. The requirements in New York for this sort of facility will mandate that we basically pave the entire facility. So our -- it will be basically zero opportunity for any of the product that comes off that mill, waste or, you know, sellable product. That is not ours, but that is similar.

JOHN NOWICKI: I'm looking at the paved material. Is that what you will pave it with?

MR. DRURY: Concrete or blacktop.

MR. JENNINGS: In the impact zones we'll use concrete. In the areas where it is just people walking and whole loaders moving around, there is no need to do that. We can use asphalt.

JAMES MARTIN: Site plan questions here. Number one, when you were in in July we talked about getting the three lots combined into one parcel. Has anything happened on that?

MR. JENNINGS: I just heard about that today.

JAMES MARTIN: You just heard about that today?

MR. JENNINGS: Yeah.

DENNIS SCIBETTA: There may be an issue with the setback on -- there may be an issue of setbacks with this, if these lots aren't combined.

JAMES MARTIN: Your side setback --

MR. JENNINGS: How did you notify us to combine the lots?

DENNIS SCIBETTA: You were notified last time -- meeting, I believe in August or July.

JAMES MARTIN: There was a site plan approval for the parking that we did in July. At that time we recommended, although it was not a condition of approval, that you discuss it with the Assessor's Office and get these three parcels --

MR. JENNINGS: We heard and everyone would like to do it. We would like to do it to make life --

MR. DRURY: It just was not brought to our attention. But now that Ron, who handles all that stuff, is sitting out there, he will get on it right away.

MR. FINLEY: To clarify it, these gentlemen are not from this particular facility in Rochester, so they --

JAMES MARTIN: All right.

MR. DRURY: We're here frequently, but we did not hear about that one.

JAMES MARTIN: It is still a recommended activity to undertake.

MR. DRURY: Okay. So noted.

JAMES MARTIN: Certainly from the standpoint of your side setbacks, particularly with the non-ferrous metal separation area, you will not meet minimum requirements to code for your side setbacks unless you move that facility --

MR. JENNINGS: That is not --

MR. DRURY: It is not a building.

JAMES MARTIN: Kip (Finley) should be aware of this as a local engineering firm.

MR. FINLEY: The separation part is just a pad to move things around. That part is not a structure. But there is a -- the conveyor is within 20 feet of the property line the way it is drawn now.

MR. JENNINGS: No, no.

MR. FINLEY: The way it is on what they have, but it is easy to rectify because it is a 35-foot setback.

JAMES MARTIN: 35 minimum. Correct.

MR. DRURY: The train makes more noise than the shredder. (Laughter.)

JAMES MARTIN: Understood. (Laughter.)

Just a curiosity question. Your proposed non-ferrous metal separation area seems to be upstream of your shredder. Is there, you know --

MR. FINLEY: That was the drawing before you guys talked about flipping it. Since that drawing was drawn, when they first thought about it, it is flipped 180 degrees. So what is happening is it is sorting in the back -- or --

MR. DRURY: Basically, I think the -- the scrap will come in from the Scottsville Road side and all of the product basically exits down towards the rail.

JAMES MARTIN: So where is the --

MR. JENNINGS: That is just a pad. Not a building.

JAMES MARTIN: I know. It is a piece of equipment. Where is it located on the site plan?

MR. JENNINGS: Here to here (indicating).

JAMES MARTIN: Parallel with the shredder?

MR. DRURY: Yes. It is kind of a linear line.

MR. FINLEY: A lot of this is you go to try to refine the actual layout, but to get the project in and address the major features, aesthetics and noise and traffic and things, we needed to get in and get it before the Board.

JAMES MARTIN: Those are site plan issues I had.

KAREN COX: If that is -- when you say it is going to be con -- paved, do you mean just within this dotted line it will be paved, or this whole --

MR. DRURY: No, no, no. The whole -- the whole -- basically I think the only area we're talking about not paving would be back in this corner here (indicating), but we may end up paving that also. We have already paved all this area here (indicating). That is all paved. So it is -- it is a significant undertaking. But we have done a lot of the work anyway.

KAREN COX: What are you doing with the drainage?

MR. FINLEY: The actual paving for the shredder will be the foundation area and right around where they're working it -- they are saying the new site regulations that are coming out will require them to eventually pave the property.

KAREN COX: So the two are not connected?

MR. JENNINGS: No.

MR. FINLEY: No. But it is upcoming.

KAREN COX: It will be happening at some point?

MR. FINLEY: Yes. As far as -- if people are concerned about the mud and things, that is why they brought it up. At some point the mud will be a -- go away because the State will require them to pay for everything.

KAREN COX: When you mentioned that, I thought the two were connected, but they're separate issues.

MR. DRURY: The reality, though, is if you're going to have trucks coming in, unloading, reloading, and because of where the machine -- the shredding operation will be, you will have a bigger, you know, traffic lane within the facility. You don't want people driving through mud.

JIM POWERS: Will your traffic pattern change down there?

MR. JENNINGS: That is internal.

MR. DRURY: Only inside the facility. There are vehicles flowing in the same area, but most of them are ours now.

JIM POWERS: Will you use that south road cut to Scottsville Road for exiting?

MR. JENNINGS: No.

MR. DRURY: We have an inbound and outbound scale and we intend to use the system. We just put in the second scale.

MR. JENNINGS: Nothing will change.

JOHN HELLABY: You made a statement that at some point the mud will go away. I guess my question is, when is that point? I know you guys invested -- you made a comment you invested a lot of money in paving down there, but a couple of weeks ago Scottsville Road was a horrendous mess.

MR. JENNINGS: Three times a week they clean. We have had obviously a horrific fall in Upstate New York. We have more water than we know what to do with. I know everybody's yard is saturated. We're feeling the same pain.

There are regulations coming down that we're looking forward to abide by them, as far as addressing -- it is a federal mandate that will -- the recycling operations will be paved and/or hard surface. That is what we're looking to do. And that is going -- to answer your question, I would imagine it will be a minimum two-year period. That is 9 acres.

JOHN HELLABY: Just out of curiosity, what presently takes care of all storm drainage for that entire area? Is that all surface runoff or is there actual --

MR. DRURY: We have a series of receivers on site to a central discharge point. It goes right out -- the County -- who can help me here?

MR. FINLEY: There is a collection --

MR. DRURY: There is a collection point. It is not runoff.

JOHN HELLABY: Does it have an oil separator?

MR. DRURY: We have an oil separator. We have a -- an outside, with like a vault that gets pumped by a firm and then it hauls the material away. Internally we have an evaporator that evaporates off the water, and then the oil, actually an oil company takes it for free. They don't charge us.

MR. FINLEY: As far as site plan things, Town Engineer's comments talked about drainage, and County Comments talked about erosion control. Once we get the feedback here and we know this will move ahead, we do have some site plan work, as far as getting the right thing on the drawing, getting soil erosion control and the paved areas and that.

JAMES MARTIN: Clearly all those issues will need to be addressed if this moves forward. There is no question about that.

JOHN NOWICKI: Mr. Chairman, I have a question to bring up, and if I can get some sort of clarification on it. This property is in a G.I. zone. And this particular operation, I don't believe it is stated in that zone that it is acceptable without a conditional use. I mean is that something we can investigate? Is this going to require a conditional use?

KEITH O'TOOLE: We can get back to you on that.

JOHN NOWICKI: Okay. I would like to have that on the record, because they may have to come back in for conditional use on that.

MR. DRURY: Is that because the shredder is viewed as a different operation than we're currently doing, or are you saying our operation in general needs some sort of --

JOHN NOWICKI: Just not designated in that G.I. zone as a standard operation.

MR. FINLEY: As scrap yard?

JOHN NOWICKI: As a shredder.

MR. DRURY: A shredder is not there.

JOHN NOWICKI: Right.

JAMES MARTIN: I know you have been recycling metal.

MR. DRURY: We had the sheerer.

JAMES MARTIN: You had the sheerer thing in there. This is a different animal we're addressing at this point. A shredder, to a degree -- if you go down through the code, you know, it is not a totally permitted use, all right, and it can fall under Section C (2), uses of similar character. Obviously you have been recycling material in there.

MR. FINLEY: We are pretty much considering it a tool of the trade that you really -- it is hard to do the job right unless you have the right tool on site.

JOHN NOWICKI: We'll ask for clarification on it.

JAMES MARTIN: We'll certainly request clarification on it from our Assistant Town Counsel. Other issues or concerns or questions from the Board?

KAREN COX: I don't have any.

DENNIS SCIBETTA: You address the site plan, and we do want to see those lots combined. It is pretty strongly --

MR. DRURY: Recommended. Okay.

DENNIS SCIBETTA: John (Nowicki), you were on the right track asking that that be a condition.

Secondly, we were --

JOHN NOWICKI: A condition of approval that those lots be combined.

DENNIS SCIBETTA: We were asked about the noise, and I don't mean to -- anything against your facility, because we have not had complaints against your facility. But if I compare it to the number of complaints I get from the Union Street facility, and unfortunately, they're in the same business, and they operate the same way. And we have a big concern with the way that is operated. It is hidden from view, and that causes a lot of problems to us. So we have a lot -- we have a lot of issues with this type of facility, and I think it -- and in no deference to you, but because of them, there are certain things that we're going to want answered and we want a little more, I think, control of this, and I think the Board was headed in that direction as to who polices a lot of these things and who looks after these things, because they're not happening at Union Processing. We have a problem there. And we have to deal with Union Street, and I have to deal with the residents that call daily about the condition of Union Street and the mud on the street and the noise from the exploding gas tanks and the propane tanks and the fuel tanks, and the residents are pretty upset about that. I'm not saying that that is prejudicing your operation, and you have gone on to explain some of that, but you will hear it from probably the public that we're going to want -- we'll want to know that these things will not happen on this facility. These are things that are occurring now with those people and if these people are coming to you, then we are taking that element that isn't -- we are accepting that element that may not be policed or so... At least that is what it looks like.

I just want you to know that we do have concerns about that, and -- I think the Board is going to have some more questions on that. But -- we don't know how the noise situation is going to impact your facility. We can't say that. That is something in the future. You have done a good job of addressing it, but we do have problems with the Union Processing facility on Union Street. I will say that. And there are a lot of complaints about that.

MR. DRURY: I would just ask the Board to -- while the operations would be similar, we are not Union Processing. Our facility will not be hidden from view, and by that, maybe physically, I don't mean that, but any time any of the Board members would like to come down, you're more than welcome. Currently, or at any point, we believe we run an excellent operation. The General Manager is local. The folks who work there are local. They have been there, many of them for decades. There is a lot of pride in the facility by not only the folks that work there, but we at Metalico. So I understand your concerns based on the way Union operates, but we're not Union.

JOHN NOWICKI: I have another question.

DENNIS SCIBETTA: And the other thing -- I know we had some concerns or questions with the Conservation Board and I know they want to see some, you know, some more detail on the landscaping plans, as far as what is going on in the front, if there is something we can do to help a little bit in that situation. I think that would go a long way towards, you know, helping us out, and -- in a very visible part of our town.

MR. JENNINGS: We just -- you know, as you know, we addressed the landscaping in the front. We put up a flagpole. We have done a lot to that facility this last year. I think it is looking stellar, in my opinion. I don't know if anyone --

DENNIS SCIBETTA: We certainly appreciate that.

JOHN NOWICKI: You can appreciate we're trying to dress up the town to make it look better. We're going through the third operation we have in town for recycling materials. You know.

MR. DRURY: I think you have to realize that, unfortunately, because of the fact that the United States imports virtually everything, that recycling is going to become a larger part of the landscape, because we're not making anything ourselves. We're importing everything. We can't return it without processing it. And for every foreign car that comes into the country, and refrigerator, washing machine, heater, it has to go somewhere, and it has -- unfortunately, nothing -- or very little leaves here compared to what we're importing as product. We're not shipping cars. It is not like the shredder sends it to Ford and Ford makes a new car and sends it to China. That is not happening. Most of the imported materials that come into this country are going back to the source of origin as scrap. That is going to continue to happen.

Additionally, recycling is much more energy efficient than making something from ore. Aluminum -- for instance, it takes 95 percent more energy to make aluminum from ore mined out of the ground than recycling. Steel, it is 70 percent more energy versus recycled product. It is here to stay and it will not change.

JOHN NOWICKI: It is just that you're trying to make these types of operations as aesthetically pleasing as possible.

MR. DRURY: Understood. Understood.

JAMES MARTIN: It is hard to mask a scrap yard.

MR. DRURY: We're fertilizing the trees more to try to get them to grow quicker.

DENNIS SCIBETTA: Unfortunately, our point of reference is not a stellar example at this point. That is not to take it out on you.

MR. JENNINGS: Appreciate I it.

MR. DRURY: We understand. Understood.

DAVE LINDSAY: Couple questions on drainage. Did you say most of that drains towards Scottsville Road, that lot?

MR. FINLEY: Right now the site is pretty much split. When we were talking about the parking lot part in front of the buildings, that drainage all goes out in the front and into the collection system along the highway. In the back, it goes to an internal collection system that goes to their tank and there is some processing done and then it dumps into a pipeline that comes up the north side of the building, and it eventually does come around and goes into the culvert underneath into the river, but they have some treatment before it gets to that.

DAVE LINDSAY: So when they're required to pave this, and I don't know how many acres it is --

MR. JENNINGS: Nine.

DAVE LINDSAY: Is there any thought to water quality and quantity requirements?

MR. FINLEY: I would think it would all have to go together. It will be over an acre to do it. Right now --

DAVE LINDSAY: Separate project?

MR. FINLEY: Yeah. Right now there is the --

MR. JENNINGS: Hold on. It is going to be -- I think what Karen (Cox) had said. It is two projects. One of them is the installation of the shredder, which will have a significant amount of paving and concrete work to go with that project. The second part of it is the actual paving of the facility so that we can meet our storm water runoff requirements that are coming down that are affecting our industry, and I think that is going to be over a two-year period that the second -- I will call it the second half of the yard. The shredder will take up basically -- and it --

DAVE LINDSAY: .9 acres.

MR. JENNINGS: Yes. Exactly. So then we go to the next stage and next stage. So we figure within a couple of years, um, that will be completely paved in concrete. Paved --

DAVE LINDSAY: You have not given much thought yet where you might put a facility or what it might be for water quality --

MR. JENNINGS: We have kicked this around. We use a local -- Kip (Finley) is not involved on the storm water side of it, but we have been meeting on that and trying to address it internally and just start to formulate what our game plan is. We tried to get some additional paving done this year, but we missed the window, so that -- that affected that.

MR. DRURY: I don't know if this is any comfort, but having a large facility in town, usually the regulators target the larger operations first for enforcement and the smaller guys slip by. So we're kind

of readying ourselves for having a lot of visits.

JERON ROGERS: Two questions. The foundation. You mentioned the foundation. How big is that foundation going to be?

MR. JENNINGS: Um, the -- the -- where the machine sits now is -- it is a floating slab that they use, and they are also on a landfill, and they drove down -- there -- they drove down pylings and then put a large floating slab. I think it is 250 cubic yards of concrete.

JERON ROGERS: How big is the slab itself?

MR. JENNINGS: I think the -- the bottom of the slab I think is 5 or 6 feet thick. Then it actually has walls that comes up and then the shredder sits on top of the walls. So when the scrap gets pulverized, it falls out the bottom of the machine and hits what they call an oscillating table that takes it out from underneath the machine.

JERON ROGERS: How far down did you go with your pylings?

MR. JENNINGS: We're thinking 70 feet. We're just thinking that. Our -- we -- the past owners have driven pylings on that property to put the shredder in.

MR. FINLEY: The former sheerer were on a similar situation. Concrete pylons with a concrete pad and shredder on top. The foundation for this will be a major factor.

MR. DRURY: You can imagine, this is a pretty expensive project for us, so it will be well engineered. The last thing we need is for it not to work.

PAT TINDALE: One thing. I think you have answered more than enough all of the recycling and environmental questions I was going to ask, but just one thing. Are those dumpsters going to disappear, that line -- along that wall? I thought they were going behind. There is a whole row of them.

MR. FINLEY: The north driveway?

PAT TINDALE: I think so.

MR. JENNINGS: Aren't they pretty? (Laughter.)

KAREN COX: Depends what pair of glasses you have on.

MR. JENNINGS: Behind the warehouse?

MR. SOUTHCOTT: You're talking about the long drive behind the warehouse? Yes, if we can facilitate a little more land, we can move those containers.

MR. JENNINGS: That is one -- that is --

MR. DRURY: We can't promise that we can move them. But we can -- as --

PAT TINDALE: Your drawing indicated that. I thought the drawing indicated they were going back around.

MR. FINLEY: No. This is the -- what they have done, at least what I have noticed, the dumpsters that once came from the building out to the road are all now back behind the range line of their parking cars there, unless --

MR. JENNINGS: We're behind the bar. You mean right by the bar?

PAT TINDALE: Yes.

MR. JENNINGS: That road? I have -- I didn't know --

MR. DRURY: Is that fence solid that separates the --

PAT TINDALE: I don't know. I just saw them. The other day I was there, there was a little pocket parked down there, and when I pulled out, it was the most obvious thing I saw. I was heading south on the road. I am always confused in my direction.

MR. JENNINGS: I think we may have a way to address that to eliminate that. I will talk to Dean (Southcott) --

PAT TINDALE: If you can. It would look nicer.

MR. DRURY: We probably can't do anything until at least spring.

PAT TINDALE: That is fine. Just as long as it is worked out.

JAMES MARTIN: I have listed final approval of landscaping plans by the Conservation Board.

MR. FINLEY: If I could, to answer that one, we hadn't thought about too much more new landscaping as long as the parking lot part is done. Because as part of the parking lot, we were fortifying with a lot of evergreens to pretty much screen the whole front of the property, so we really are covering everything we can in the front yard, and we really can't landscape in the yard. So I don't know if there will be much new on top of the parking lot project.

JAMES MARTIN: Just review it with the Conservation Board.

FRED TROTT: No issues.

JOHN NOWICKI: How about the Fire Marshal? What will the Fire Marshal say about this? Explosions, and getting in and out of there?

MR. FINLEY: Have not talked to anybody on that.

JOHN NOWICKI: He may want to take a look at this one.

DENNIS SCIBETTA: He has reviewed it at DRC.

JOHN NOWICKI: He has?

DENNIS SCIBETTA: Yes.

JOHN NOWICKI: Has he expressed any problems with it?

DENNIS SCIBETTA: No, not different than what we had with the Union Processing, and I think that is a different situation.

JOHN NOWICKI: Okay. I just want to make sure that he had a chance to look at it and he could get vehicles in and out of there.

DENNIS SCIBETTA: Yes. To that effect he has.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RALPH BARBARO, 180 Hillary Drive

MR. BARBARO: Mr. Barbaro. Ralph Barbaro. I live at 180 Hillary Drive.

Do your people on your present site, either in Lackawanna, Buffalo or here, wear protective helmets?

MR. JENNINGS: Yes.

MR. BARBARO: Are the equipment operators, do they have any additional materials or hearing attenuation devices that they wear either inside their helmets or in addition to their helmets?

MR. JENNINGS: No, because they're mostly in the cabs which are totally --

MR. BARBARO: They're enclosed in cabs to protect from the noise?

MR. JENNINGS: We're running hydraulic cranes where you don't hear the clunking any more.

MR. BARBARO: Do you have a facility that has a shredder like this?

MR. DRURY: No.

MR. BARBARO: Do you know of one?

MR. DRURY: Several.

MR. BARBARO: Nearby?

MR. DRURY: Well, I won't go to Union as an example.

MR. BARBARO: The one that is like the one you're building?

MR. DRURY: Adams probably. But we don't -- we have no relationship with the owners, other than we know them as in the scrap industry, so we can't guarantee that they would allow anyone to come in, but --

MR. BARBARO: Could you inquire?

MR. DRURY: We can absolutely inquire.

MR. BARBARO: Would you be willing to bus a dozen or more people down to see one if it is allowed?

MR. JENNINGS: I think we'll be needing planes.

MR. DRURY: He is down in Mercer. I -- I don't think we would get into the one -- is it Oswego? Outside of Binghamton. Binghamton would be the closest location. But again, unfortunately, people tend -- you would have to go during operating hours. They would have to have a shutdown while you're there, which is unlikely they would be willing to do that. If we put in a shredder, we're his competitors, even though he is two hours away. So I would say it would be pretty unlikely that anyone would allow us in.

MR. BARBARO: Okay. I would like to talk a little bit more about noise abatement to the Board. Um, I was an engineer at Kodak for a number of years, and I would have to reach back about 20 years to the time when I dealt with noise abatement.

You talk about 115 decibels of noise at the site, at the site of the equipment, but you also talk about that when you get a little ways away from the equipment, the noise blends in to all of the other noise in the area. And at about 85 decibels, I think you said. And my recollection of the 85 decibel OSHA figure is that that 85 decibels was allowed for short, infrequent periods of time. Now, again, I'm

reaching about back about 20 years. But we had to address 85 decibels of noise at Eastman Kodak Company.

MR. DRURY: Most of the employees --

MR. BARBARO: It was objectionable. Let me finish.

MR. DRURY: Sure. Sorry.

MR. BARBARO: There are a lot of ways to address noise abatement issues other than building buildings around noisy equipment. I think it is a -- a building would be out of the question for a number of reasons, but you can have noise abatement equipment that -- or devices that you hang from parts of the equipment. You have seen them in use in stadiums, and you have seen them in use in auditoriums.

And it doesn't take 85 decibels, continuous, to be objectionable. Objectionable is a lot less than that. All of you I think will remember the old Planning Board meeting room in the old town hall and the freestanding air conditioner on the one side, and when it went off, it was probably at the 70 or 75 decibel level, and nobody on that side of the room could hear you and you could not hear them. And if you picture this site having a number of sources of sound, in the 85 decibel range, the total sound will never be more than 85 decibels, but the frequency of that sound will be a lot more, or a lot greater, and it will -- the actual amount of noise will be greater even though it is not higher than 85 decibels. And I think you need to think about that, and have these people think about ways they can attenuate that noise, and get 115 decibels down by 30 or 35 decibels to an area that is acceptable.

And they can do that fairly easily by having freestanding noise barriers. They don't have to be concrete like they put along the highways. There is a lot of foam materials. Cork, lead, are all noise attenuation materials.

And there is an excellent product out that has been out for 30 years called Sound Coat and for \$1,000 you can buy a lot of Sound Coat.

Just to give you an idea how effective it is, we took a 5-horsepower vacuum cleaner -- you know how noisy those are -- and we put it in a box, a cardboard box that was lined with Sound Coat and it was impossible to hear it. It is that simple. I don't think the whole thing cost \$20. That was 20 years ago. Today Sound Coat is still available. For \$1,000 you can buy a lot of Sound Coat. You could make some wooden fixtures that you can hang from the steel structure around that thing and attenuate a lot of that noise without any tax issues, I'm sure, and make it a much lower level of sound emanating from that machinery. And you might even, since you already attenuate the noise for your employees by enclosing them, you might use that same method to attenuate some of the other noises that emanate from your property. 85 decibels is objectionable.

That railroad, the train that went by, the whistle was probably up over 100 decibels, but just the sound of the track, the train going down the tracks, was probably approaching 75 or 80 decibels here inside this building. So that is the kind of noise you're talking about. And there are ways to address it without spending a lot of money.

Just -- if you have ever seen office landscaping, you see partitions that are put up that are 5 or 6 feet high filled with fabric and filled with foam. Those are some of the ways of attenuating office noise. The same principles and techniques can be used with slightly different materials to attenuate the types of noises that they're talking about here. So keep that in mind, that you don't have to build a building to attenuate the noise.

JAMES MARTIN: Thank you.

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: I live in North Chili, not too far from Union Processing, and the same assurances were given many years ago when Union Processing came to town. However, they have not been a good neighbor. The frequent explosions, the debris on the road on Union Street that you always have to be careful for, and the unsightliness when you do see the pile of cars that they have stacked up there. It is like they're never, ever going to get through them. And it is just too bad that Chili and the west side of town has become a dumping ground for everything that other towns don't want. And I don't really see the need for another nuisance business like this in town.

And one question I have is what happens to the paint on the cars as they go through this crushing, shredding process? Is there lead in that paint? Does it scrape off, flake off?

MR. DRURY: I know there is no lead in the paint. That was outlawed years ago. If it is -- if it stays on steel, it ends up going to the mill and they have all sorts of air controls in their processes. If it

ends up in the fluff, the waste material, it goes to a landfill for safe disposal.

I would just point out, unlike Union Processing, I believe we have been a good neighbor to the folks, the homes in our area, and to the businesses in our area who are also our neighbors. You know, even though we do occasionally have a mud issue, we work hard and have street sweepers that clean the road. We also have piles of materials on site, but again, we try to keep them as controlled as possible. So any complaints we receive from the Town about -- I don't think we have ever had a litter complaint for material on the roads and if we do, we certainly clean it up. Unlike Union, if someone does come to us with an issue, we address it immediately.

And again, I think it will be a much better location for the shredding, not because you should put it on our side of the town because you live on the other side of town, but because we're maybe a more conscientious operator than Union.

MS. NEDER: You made a reference to the fact the industry has changed dramatically over the last 20 years and you're glad you're in it now than 20 years ago because of the advances they have made. Now, how old is this piece of recycled equipment you're going --

MR. DRURY: Probably 1980 is the --

MR. JENNINGS: It is the downstream. Not the actual machine. The machines have not changed that much. It is the downstream, once the material is shredded, it is the non-ferrous sorting operations that have, you know, advanced by light years compared to where they have been.

MS. NEDER: So in retrospect, they haven't made any advances in machinery?

MR. JENNINGS: They have made advances. They have made them a lot bigger.

MS. NEDER: Probably a lot noisier, too.

MR. JENNINGS: Chicago has one right downtown. They have them in Philly.

MR. DRURY: They're in downtown -- not Manhattan, but in the Bronx in the middle of a residential area.

MS. NEDER: It's a shame. They're noisy.

MR. DRURY: Unfortunately, the cost of moving the material that has to be recycled to distant places is so expensive today. We all saw what happened when gasoline went to 3.50 a gallon. Diesel fuel is more expensive, and now if you don't have close facilities, you're moving that material further away, and ultimately, we, the consumer, pay for it. One way or another you pay for it.

MS. NEDER: One other question I have. Are they in a drainage district?

JAMES MARTIN: That was addressed when they came in for their site plan approval for the parking, Beverly (Neder), and the answer is yes.

MS. NEDER: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The question I have, is this picture an actual picture of the crusher that these people are buying?

MR. JENNINGS: No.

JIM MARTIN: Is that an accurate picture of the crusher you're buying?

MR. JENNINGS: No.

MR. DRURY: That is representative of what the machine would look like.

MS. BORGUS: You say "representative." How close a representation?

MR. JENNINGS: It is pretty darn close.

MR. DRURY: Very similar.

MS. BORGUS: How old is this machine?

MR. JENNINGS: That one is, I think, two years old.

MS. BORGUS: Two years old, and you're talking 26 years old.

MR. JENNINGS: Yes. It doesn't -- the technology of the shredder box has not changed. That part there, if I showed you a picture from 1970, would look the same. It is the stuff that is down here, the downstream (indicating), that does the segregation, that has all changed.

MS. BORGUS: This is two years old.

MR. JENNINGS: Ours will be painted.

MS. BORGUS: Now, in this picture, there is quite a pile of cars there. Do you anticipate that many cars being present on site?

MR. JENNINGS: Typically what happens when a company makes the decision to build, they will build inventory prior to the actual start-up of the machine. They don't start the machine and then have an empty lot and have people on the payroll. That wouldn't make any sense. So they will start stockpiling, but we're under the pile limitations and heights. We have to be within the -- within your ordinance, so...

MS. BORGUS: Again, with regard to Union Processing, the same laws apply to them, but the Board still knows the years and years and years of problems. So the law is no different between the two -- shouldn't be different in the way it is applied to the two businesses, but we know the history. So the Board should take that under consideration.

MR. DRURY: Just one point addressing the piles. Prior to the fire of the sheerer we stockpiled raw material for the sheerer. When you put material through a sheerer, the finished product takes up a lot more room because it is not nearly as dense as the product coming out of a sheerer. So we have managed bulkier material for years without getting any complaints.

MR. SOUTHCOTT: Not while I have been there.

MR. JENNINGS: Long time.

MS. BORGUS: The piles at Union Processing has been an ongoing problem. So have the explosions. These gentlemen stand here, and probably in good faith, they're telling you, the Board, and us the public, that we won't have any problems. But the fact of the matter is that they also say this is new to them. So I'm not sure how much faith you can put in these comments. Although they're given -- they're probably given in their good faith -- you have got to question the validity of their comments because they don't have any experience to back it up with.

MR. DRURY: May I respond?

JAMES MARTIN: Yes, you can respond to that.

MR. DRURY: Warren (Jennings) ran a shredder similar to this facility, was it in Denver?

MR. JENNINGS: I ran a facility with a shredder, 3,000 horsepower. We ran a facility in Jersey City, one in Brooklyn. Both -- one run by a World War II submarine engine, 8,000 horsepower and handled 50,000 tons a month. One in Jersey City, 50,000 ran by Hugo's News, the largest scrap recycler in the world. And then ran two, one in Newark and one in New Haven, Connecticut. I guess I have been recycled a bit. (Laughter.)

MS. BORGUS: All I know is I sit here and I hear this and it sounds very much like the promises and the opinions that we heard back when Union Processing came in all those years ago. They were going to be the answer to our tax problem. They were going to bring money into Town. They were not going to be a problem. They -- oh, they had -- it was going to be just a perfect situation. It has been anything but. I think -- I did appreciate, I believe it was Mr. Nowicki asking about the tax situation. Um --

KAREN COX: It was Mr. Martin.

MS. BORGUS: Mr. Martin. That was going to be the big issue over there, because they were going to bring all these taxes in, and then as soon as they get in there, they said this is not a building, and I believe they won on that point. And the tax takes for the Town for Union Processing, given the fact that we have had all these problems for so many years has really been about nothing. Their taxes are minimal because they don't pay tax on what they don't call a structure. They fought it and they won. So I don't know how much tax you're going to get out of this for whatever grief comes to bear on the people of not only Chili, but Brighton.

I am very concerned. I have heard about how they will treat the water, but I'm very concerned about the proximity of Genesee River to this site. Now, you know, in the final analysis, whatever drainage comes off that site, however well they think they're going to treat it, all that water, with whatever pollution remains, who knows what that will be, will still end up in our drinking water. So the Board better bear that in mind. I just don't know how we get so lucky we can have so many of these in Chili. I guess we live right. The Board better think of all of these problems. I am sure they will think long and hard on this one. Thank you.

JARRETT CUMMINGS

MR. CUMMINGS: I just have a couple of questions.

KAREN COX: Your address?

MR. CUMMINGS: I actually represent a client that wishes to remain undisclosed.

JAMES MARTIN: Could you come forward?

MR. CUMMINGS: I represent a client that wishes to remain undisclosed at this point in time. We'll disclose it later, if that is okay with the Board.

In the letter Metalico said there would be a 30 percent increase in truck traffic. And I guess that would be attributable probably to the cars, because you guys aren't processing that now. And where would these cars be stored?

MR. JENNINGS: At the facility.

MR. CUMMINGS: At 1515, 1525?

JAMES MARTIN: I think what is going to happen, we have already asked them to combine the three parcels into one, so that would be hopefully a single address for the site. So they will be stored at that address, once that is completed.

MR. CUMMINGS: I have actually got a request in to Mr. Brongo, I believe his name is.

JAMES MARTIN: Town Clerk.

MR. CUMMINGS: Yes. There is speculation there is a conditional use on 1515 where they can't -- there is no autos that are supposed to be stored on that property. And I don't have documentation yet. I have to wait until I get all of that documentation, so that is an issue that I would hope you would consider.

JAMES MARTIN: We have already addressed that. We'll get a ruling on the conditional use and that issue.

MR. CUMMINGS: Okay. The other issue is, mega facility. What is a mega facility? You mentioned that earlier? The people you are buying the machine from are a mega facility and Rochester couldn't support that?

MR. DRURY: May I respond? I think you misunderstood. Mega shredder refers to a much larger machine with larger capacity than the one we would be installing. What we're referring to is of the several shredders we're considering for purchase, subject to approval here, one of them has been replaced by the owner with a much larger mega shredder. That is what I was referring to.

And just a question for the Board, is it unusual for someone to ask questions of the Board without disclosing who they're representing?

KEITH O'TOOLE: He is allowed to. There is no law. It is a public hearing.

MR. DRURY: Okay.

MR. CUMMINGS: The reason why I ask that, you said the market couldn't handle a mega shredder. Would the combination of Union Processing and the shredder that you propose -- would the market be able to support that?

MR. DRURY: Yes.

MR. CUMMINGS: Yes?

MR. DRURY: The shredder which we were referring to, um, is -- can handle probably four to five times what any shredder in this market can handle.

MR. CUMMINGS: So you're saying two shredders, close proximity, the market can support that.

MR. DRURY: It is happening already.

MR. CUMMINGS: Mr. Marchioni, great question. Vibration, railroad tracks. Who uses the railroad tracks, just Metalico?

MR. DRURY: There are a couple of accounts down the track from us.

MR. CUMMINGS: The reason why I raise that, you bring up a good point, would the vibrations -- have there been any studies, would it damage the tracks at all, leading to an accident in the future?

MR. DRURY: I'm sure the railroad would address that issue.

MR. CUMMINGS: So you actually don't repair the railroad? Do you own it, or does --

MR. DRURY: It is not our rail. It is owned by the Railroad.

MR. CUMMINGS: Okay. I just wonder if they have any suggestions.

KAREN COX: It is Rochester and Southern.

MR. CUMMINGS: I just wonder if the vibration would loosen the ties and warp the tracks and things like that. It could lead to a potential --

MR. DRURY: I am sure you have seen industrial railroads passing on tracks where literally millions and millions of tons of material are crossing rail without any of the issues occurring.

JAMES MARTIN: The applicant indicated if it was significant vibration, the machine, it would shake itself apart, therefore, they dampen any vibration created by the machine, therefore transferring to the railroad tracks would be a minimal risk.

MR. CUMMINGS: Just want to bring it up.

KAREN COX: It is on landfill soil, not bedrock, and that will absorb vibrations also.

MR. CUMMINGS: Okay. I appreciate your time.

JAMES MARTIN: Thank you.

STEVE GINOVSKI, 19 Hubbard Drive, North Chili

MR. GINOVSKI: Mr. Chairman, this picture is similar to what we are expecting to have in Chili over at this location, from what I understood?

JAMES MARTIN: It is a representation of what the machine may look like. It is not the actual machine.

MR. GINOVSKI: Okay. That is number one.

Number two, something was said about Union Processing, even though it -- this here is a different situation, or location. Whatever you want to call it. I can tell you firsthand, Union Processing -- I have been in there. I see exactly what is going on. You take these vehicles, you run it through this pulverizer and you have the fluid that is coming right out into the ground. You have literally rats running around there drunk. I am telling you, they drink the glycol, and guess what, they go crazy. That is what would happen. That is exactly what Union Processing is. This is next to the Genesee River? You will put a process like that in and take a chance of polluting the Great Lakes, without a bladder system? Is that what this Town is really wanting to get into? Or even the west side of the county? The landfill we have out in Riga has at least a bladder system there. There is nothing proposed on this to be a collection point. I think it is very irresponsible to even consider it.

And also, again, at Union Processing, you do have radiation detectors on the intake. I have seen it. And that is so whatever comes in, that they can pull some cars out. That is all it is for. It is not after it goes through the process and what you put into the cars going out -- railroad cars or truck cars going back to their facility.

And a bell unit like this, you have two large motors with these bells on cams, taking a car and pounding the heck out of it. And you say it is -- it is at 85 decibels for level and it is not deafening? Guess what? I disagree. I have heard it. If you go to Union Processing, when it is in operation, you're dodging chunks of steel like this (indicating) coming out the side because it blasts through. And you're going to have that over at Scottsville Road on a 9-acre plot.

Another point about the Union Processing, that they said is a temporary unit, and they have won that. The Town has been shafted on it, I hate to say. And I have worked on that process over there. And I have seen it in operation. At this point it is premature without all of the information on the pollution, more than anything else. Sound level is a great thing, but we have the law on the book where it says if it is -- happens to be annoying to a person. That is how our law is written. Very loosely. And the Town is very interested in getting that pushed through. The pollution point, there has to be more to it than what is being put on the table. Thank you very much.

JAMES MARTIN: Thank you.

I move to close the Public Hearing on this.

JOHN NOWICKI: Second.

Jim 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: Couple of follow-ons with some of the comments that we heard. There must be OSHA regulations around noise level and ear protection in existence in an operation like this. I'm assuming that there are OSHA laws that regulate this, the noise, as far as the employees are concerned; am I correct in that assumption?

MR. FINLEY: Yes. I looked those up this week, and it -- the gentleman is really pretty close. It is 90 decibels is allowable for an eight-hour day.

JAMES MARTIN: Continuously or intermittently?

MR. FINLEY: What I was looking at was not that detailed to know.

JAMES MARTIN: My assumption is that any OSHA regulation for noise protection will be met, okay, as a result of the operation, were it to go forward.

MR. FINLEY: Right. And that also -- we wouldn't even want it that loud at the perimeter of the property. I mean that is loud.

JAMES MARTIN: There were some good suggestions that you might want to look into for perhaps some additional noise abatement that could be put on site relatively inexpensively that, again, would contain the noise, if this goes forward.

The issue about the drainage and, you know, the water collection system, and the type of treatment that is going to be applied to the drainage from the facility before it goes downstream, I think we want to -- greater detail on that particular activity as far as the site is concerned to be reviewed by the Town Engineer, to be sure that whatever goes downstream, all right, is going to be totally free of any environmentally unfriendly contamination.

So that, I think, to me, is a key issue, all right, on this particular site from the standpoint of the comments that we have heard.

I don't have any other follow-on comments at this time. I will go to the Board. Are there other issues --

JOHN HELLABY: Well, I think some of the things I would like to see also depend on where this thing goes, is there some sort of spill response plan and emergency response plan that I would assume must be in writing somewhere. You sustained a pretty serious fire down there, so it should be in writing. I would like the opportunity to review that.

I would also like a clear-cut definition on the plans for these dirty cars. The statement was made, well, yeah, maybe we won't do it. It is either yes or no, and if it is yes, how is it going to be addressed?

You know, what type of facility is going to be there, how are they going to be looked at, how are they going to be taken care of. And I would also, you know -- the comment was made that, yeah, we're being directed by the State that we have to clean up the mud situation for the quality of water routine. I would like a time frame. Are we talking two years? Are we talking three years? Are we talking ten years? I am not putting a finger saying it has to be done in six months, but I want to know, how much longer is this?

MR. FINLEY: Okay.

JAMES MARTIN: Obviously there is a whole bag full of environmental issues around this project. You have given us a short form EAF, okay, that those of us who are familiar with short form EAF know they don't address much in way of detailed information on the environmental impact of a project of this magnitude. For us to go ahead and do part two, I don't feel competent based on what we have heard here tonight we could legitimately fill out part two on a short form EAF and come to some sort of a SEQR position on this particular project.

I just don't feel we got all of the information from a Board perspective that we would really like to have. This is my opinion. I will go to the rest of the Board for their input on this, but I think we're maybe leaning towards a full EAF, Kip (Finley), to be honest with you, so we could have a better feel where this is going to be addressed from an environmental standpoint.

MR. FINLEY: We assumed it is probably unlisted. Probably not a Type II. Probably a Type I.

JAMES MARTIN: Probably unlisted, but I don't feel confident in making that declaration tonight based on what we have heard here and the concerns that I still think need to be addressed.

MR. FINLEY: There is probably quite a bit existing that can be documented better so you know what is going on.

JAMES MARTIN: I would like to see, you know, you take a crack at maybe revising the site plan, let's get the lots consolidated so we know exactly where we stand from the positioning of equipment. So there are several issues that are outstanding at this point in time. I just don't feel confident that I could vote one way or the other right now on SEQR, okay, and not being able to do that, obviously we'll have to table this until we can actually go ahead and do a SEQR declaration on this particular project. That is where I am at personally, but I will defer to the rest of the Board. I'm only one vote.

JOHN HELLABY: I agree. I think there are some questions that need to be answered before

you move forward.

JOHN NOWICKI: You got County Comments. You got Engineering Comments.

KAREN COX: County Comments are minimal.

JOHN NOWICKI: The site plan itself needs a lot more detail, as far as where all of this untreated product is going to be going to. I want to know where the -- if it is liquid, where is the liquid going, how is it going to get off the site. The treatments. It has to be shown. We need that in detail. The OSHA requirements, that has to be brought to us and put before us as far as the employees and the protection provided and what is going on here, that kind of stuff. I think there is a lot to be had here. I agree with you on the SEQR process. I think we have a lot of work ahead of you.

DARIO MARCHIONI: I have a -- in Gates, on Lee Road, the Town has set up a benefit package for their recycling process over there, and I was kind of worried about if there is no tax revenue involved in this, that -- that -- this is not a structure, or -- as the question was brought up, is there a process that they -- that the Town, itself, can get some sort of a benefit package? I mean, there --

JAMES MARTIN: I think obviously this is an Assessor issue as to whether or not something that can be assembled and disassembled and moved, whether there is a taxable structure or not. I don't know the answer to that. That has to be an Assessor issue, I'm assuming.

KEITH O'TOOLE: It primarily is.

JAMES MARTIN: Okay.

JOHN NOWICKI: Can we look at what has happened over on Union Street and get a feel for what has happened over there?

JAMES MARTIN: I mean, we have heard a lot of information here tonight about new State regulations concerning this type of a facility. I would assume that they would apply to the Union Street facility also, but there is another issue. We can deal with that through the proper channels.

JIM POWERS: On the Union Processing deal, I think it was proved by them that it was a transferable -- or not transferable, but -- not a permanent structure; it could be moved. It was transportable or something of that nature.

DARIO MARCHIONI: Well, in Gates they have the same situation there, but the Town Board -- I mean the -- they levied a -- a host package, or a benefit package for them that they -- so much process is going through that plant, and the Town gets -- the Town gets a percentage of the revenue from it.

JAMES MARTIN: I think that is --

DARIO MARCHIONI: Something to look into it.

JAMES MARTIN: To me, that is something that the Town Board would have to explore. That is a legislative action. I don't think the Planning Board has the authority to, you know, move on that particular type of an issue. I think that --

DARIO MARCHIONI: The reason is that the Town Board in Gates -- conditional use permits are dealt by the Town Board in Gates rather than the Planning Board. So they can do that --

JAMES MARTIN: I understand.

DARIO MARCHIONI: -- specifically for -- to address that issue. Where I think maybe we should let the Town Board look at this, and --

JAMES MARTIN: I will discuss that, all right, with the Town Board and let them take a look at it. I still feel strongly that is a legislative act.

DARIO MARCHIONI: They should be aware of it, though.

JAMES MARTIN: Other comments or discussion at this point? Obviously I have written down several things here. I will send up a letter outlining several things that I think are going to need to be done in the near future, on this particular project.

I would make a motion at this time that we table it pending the additional input that we are requesting as a Planning Board.

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to table.

JAMES MARTIN: I won't put down a specific date. If you can get back to us and let us know what you need in a way of time line to address the issues that we raised here tonight and let me know.

DECISION: Unanimously tabled by a vote of 6 yes to table until the applicant resubmits. After lengthy discussion, the Board voted to table this application due to several concerns about the environmental impact of this project. The Board requested that a full EAF be prepared by the applicant that will better enable the Board to make a SEQR determination. Emphasis should be placed on noise containment, and treatment and control of potential ground water and drainage pollution due to site activities. A clear understanding of “dirty car” handling should be provided to the Board.

The Board requests that the applicant contact the Town of Chili’s Assessor’s Office and proceed with consolidation of the current three-lot parcel into a single lot. The Board has also asked for an opinion from the Assistant Town Counsel regarding the need for a Conditional Use Permit applying to a metal shredding operation at this site in a General Industrial zone.

The applicant should review the proposed site plan and make necessary adjustments to preclude setback variances.

There was a recess in the meeting.

2. Application of Rochester’s Cornerstone Group, owner; 100 Corporate Woods Ste. 200, Rochester, New York 14623 for preliminary site plan approval to erect 9 buildings totaling 42 apartment units at property located at 45 & 46 Union Square Boulevard in RM & PRD zone.

Roger Brandt was present to represent the application with Maggie Bringewatt and John Raymond.

MR. BRANDT: Good evening. My name is Roger Brandt with Rochester's Cornerstone Group. With me tonight I have Maggie Bringewatt, who is with Rochester's Cornerstone Group, formerly of Providence Housing Corporation, and John Raymond from D.J. Parrone, the civil engineer for this proposed development.

We are here tonight to seek preliminary site plan approval for a planned 42-unit extension to Phase 2 of a development which was done ten years ago called Union Meadows. At this point in time we're affectionately calling this Union Meadows Phase 2. We're working on the creativity of the name, but Phase 2 right now sounds pretty good.

This particular development will be very similar in style, although not exact. It will be very similar in composition of -- tenants will be income-qualified and this particular development has been very, very -- Union Meadows Phase 1 has been very successful, meeting the housing needs for many of the needy in Chili. We'll talk about the wait list and where we are with occupancy in just a few moments. This particular development is proposed to be on both sides of Union Square Boulevard. Within the last 45 to 60 days we have finished the extension of Union Square Boulevard, which has been extended and now is joined up with Union Street. And the improvements on Union Street took many years to accomplish, but I think everybody will agree that the improvements out there are very nice. It has opened up that area, and I think it is a dramatic improvement in the appearance and safety of the area.

What I would like to do is hand over the podium to Maggie Bringewatt to talk a little more about Union Meadows and the concept as well as where we are right now with regard to our level of interest by proposed tenants.

MS. BRINGEWATT: Thank you, Roger (Brandt).

As Roger (Brandt) said, we were here over ten years ago now and received -- I know we're all getting younger -- received site plan approval for Union Meadows 1. That project included construction of a dedicated road, Linea Lane, and development of the 48 townhouse units and a community building. The project has been quite successful in those ten years. It is always fully occupied and has a substantial wait list now of over 120 families. 38 waiting for the one-bedrooms, 53 for the two-bedrooms and 29 for the three-bedrooms.

In addition, as you are aware, we also have a separate senior project, Union Park, which was completed, I believe a year and a half or two years ago also. 50 units for seniors, which is also fully occupied and has a waiting list. The design for Union Meadows 1 was very successful in the respect that there are individual entrances to each of the units, individual attached garages, patios in the rear. The one element that we have altered over time is basically to increase the size of the units a bit so that we will not require any variances at all from Town requirements. The one-bedrooms are 782 square feet for the living space alone. The twos are 924 and the threes are 1264. 1264 square feet.

I do have a brief -- or a shortened fact sheet which I will give you so that you can read along with me, but our desire is to basically build on the success of Union Meadows 1, to create a very similar style using the same architect and the same builder, and to follow a time schedule which would involve applying for funding from the State of New York this February, hopefully if we are funded to -- we would receive announcement of that decision in July and would move ahead with construction either in the fall or the spring, depending on weather. We are targeting the housing for elderly and working individuals and families, and there will be also four totally handicapped-accessible units. The units, as Roger (Brandt) said, are income-qualified and the maximum income limits for a single person are 26,000 and some, and for four persons 38,000. We have met with the County of Monroe on several occasions to discuss this with their community development and Planning Department, and they have expressed an interest in the project and we're hopeful that they will also be willing to provide some funding for the project.

The site plan has been designed by Parrone to build on the same type of neighborhood feel. The buildings are primarily single-story, slab-on-grade. There will be two two-story buildings located within this second phase. And we will -- we haven't chosen the final color selections yet, but they will be slightly different than Union Meadows 1, so there is a little variety on the site.

MR. BRANDT: We have planned, as you can see, nine buildings, nine residential buildings, and then there will be a community building very similar to what we have at Union Meadows. With our funding source, you must have a certain amount of community space, shared space for every apartment. Depending upon the size, there is a certain number requirement for community space. So we'll be building a building very close to the same size as we have right now that contains a rental office, laundry facilities, maintenance garage for storage as well as a community room. The community room for the first phase is used by families for parties, for -- they have had kids' parties there. We do have a playground now behind the building, which was put together just within the last couple of years. The seniors who tend to occupy the one-bedroom units, over at Union Meadows 1, do use the community center probably more than the families do. But this will be located right here (indicating).

This particular road right here (indicating) will be -- not really a road, but more of a driveway. It will not be public dedicated. It will be a private drive, if you will. We do have some access overflow parking on this (indicating). These particular units (indicating) will back directly onto Union Square Boulevard.

All of the units will have their own toters, if you will, for -- as far as garbage, there is no centralized dumpster location for these 42 units, which is planned.

The property boundaries will be something very close to the boundary of this stream, which is actually a -- is a federal wetland, and I know there was a comment from the County with regard to 53, are you going to be impacting wetlands, how close are you going to get? The development will be a fully -- fully out of the wetland, which is again in the stream channel which flows into a detention facility which was built several years ago.

There were some comments from the Town Engineer, and at this time, John Raymond, if you can address those comments from the Town Engineer, that would be great.

MR. RAYMOND: I can pass out the responses first. We got two sets of comments dated November 10th and 13th. Most of the comments are technical in nature, nothing really stands out. Gary Smith, who is the engineer for this project, spoke with Joe Carr this morning.

A couple of the items on the storm sewers. One was the layout of them, being in the pavement, and there are some easements to RG&E and Frontier that they had to work around, and this is why the storm sewers and the manholes are in the pavement, and Joe (Carr) understands this.

Also, there was a comment about the number of feet contributing to the catch basins, and we can add in another set of catch basins to make it underneath the 300-foot Town max.

JAMES MARTIN: So the current figure is 5.96 acres?

MR. RAYMOND: Correct.

JAMES MARTIN: I had -- Dave (Lindsay) had a comment about there is a 12-inch storm sewer that is not in an existing storm sewer easement. Has it been clarified it is in the easement --

MR. RAYMOND: The easement on the map right now is a sanitary easement. We did find a record drawing this morning dated 1998. It was January '98, and there is a storm sewer easement to the Town of Chili there, so we can add that to the plan.

JAMES MARTIN: All right.

This is a -- David (Lindsay), have you had a chance to review that?

DAVE LINDSAY: I spoke with Mr. Smith at your office yesterday about these comments and I was satisfied with his responses. I think he was going to go over them in more detail. The topsoil was the only one he didn't give me an answer on.

MR. BRANDT: I could provide an answer. With regard to -- there are some piles of topsoil which were stored up in here (indicating) over the last many years. And the topsoil -- the plan right now is to present to the Town Engineer proof, some calculation to show what topsoil is on the site and what is available to the site, and any excess topsoil, we'll seek a permit to sell the topsoil and use the natural resource in the community. So that is what the plan is. There is a goodly sum over there. I can only guess. I don't -- someone had measured it. Do you remember, John (Raymond)?

MR. RAYMOND: No, I don't.

MR. BRANDT: It is somewhere over 8,000 yards of excess topsoil.

JAMES MARTIN: Actually, there are two piles over there on the property. One where you're actually proposing to build, essentially.

MR. BRANDT: Right.

JAMES MARTIN: And then there is another one.

MR. BRANDT: Another one further down -- actually, there is a pile down here, as well (indicating). There are some other piles right in this area here (indicating).

JAMES MARTIN: So in your calculations, you are looking at all existing piles of topsoil on the property?

MR. BRANDT: Right. We'll show that -- for the development, you know, there is some topsoil still in place, and anything that is remaining, we'll show that we have already top-soiled certain areas and there is plenty in place to provide adequate cover.

JAMES MARTIN: All right.

JOHN NOWICKI: Jackie Martel (phonetic) know you have that topsoil?

MR. BRANDT: She is one of people we have talked to.

JIM POWERS: Just remembering, when you built on Cornflower, there, you had quite a difference in the lots on Attridge Road and the lots on Cornflower. You're going to experience the same here on the west side of the Boulevard, I believe, with possibly Buildings 1 and 2.

MR. BRANDT: Actually, no, Jim (Powers). That is still topsoil here (indicating). So the grade, once you remove the piles of dirt, it is a nice grade. It is a pretty flat surface.

JIM POWERS: On the buildings there along the Boulevard, had you looked at any other possible way of commingling the driveways to each of the buildings so you only have one versus two or three cuts to each building?

MR. BRANDT: We had looked at that. In fact, we had met with Joe Carr, the Director of Public Works, and trying to figure out, is there another way, is this the best manner, and you know what, it is no different than the single-family homes, so I guess we have decided that is probably the most efficient way to do it.

JOHN NOWICKI: The management, is it the same for Phase 2 as Phase I?

MR. BRANDT: Yes. Providence Housing will be the -- Providence, who manages Phase 1, is going to be the management, once it is built.

JOHN NOWICKI: That has gone very well.

MR. BRANDT: As you can see, it is meeting a real need in the community. We have got -- you know, we have 120 plus -- we have 170 people on an application wait list. So obviously people put their name in and they have to find housing.

JOHN NOWICKI: My second question was: Are most of the people from the west side?

MR. BRANDT: 14624 and 14514 are almost half of the people.

JOHN NOWICKI: Wow. That is amazing.

DARIO MARCHIONI: Did you mention anything about the architecture of these buildings? Brick, or -- or also what type of heating and air-conditioning?

MR. BRANDT: We did not. Would you like us to? We are still, Dario (Marchioni), working -- it will be very similar to Union -- the first phase, but we're looking at some accents on the front, whether it is some -- it will not be all brick, but there may be some brick accents, some different colors and a little different style, but it will be pretty close to that. As far as the heating, they all have their individual heating and cooling units.

DARIO MARCHIONI: In the windows or centralized?

MR. BRANDT: No. Centralized. That is a change. There has been a change in the regulations or the design handbook for developing for this type of housing. They insist on central air now. It is more efficient, and it's --

KAREN COX: More aesthetic.

MR. BRANDT: Yes.

JAMES MARTIN: You will have exterior compressors?

MR. BRANDT: Small residential, because they will each have their own unit. There will be 42 separate units out there.

JAMES MARTIN: Will they be sound-proofed in some way? I can remember when my son had an apartment down in Virginia, and they had four of these things right outside the guest bedroom window, and you tried to sleep at night, and it was absolutely impossible, particularly in the summer time, because they were coming on. So I just -- you know, something to think about. I mean it can be bothersome, particularly if they're located near a bedroom situation.

MR. BRANDT: Right. It is a good point.

DARIO MARCHIONI: The other question, any type of sprinkler systems in these buildings, or will they be -- I don't know.

MS. BRINGEWATT: No.

MR. BRANDT: No. When we developed the senior project, it was, because it was one large building, but for these, it is like individual small -- small residential buildings, so that they're not --

DARIO MARCHIONI: With standard controls for smoke detectors --

MS. BRINGEWATT: Yes.

DARIO MARCHIONI: In other words, regular house-type?

MR. BRANDT: Correct.

JIM POWERS: Do you pay a recreation fee per unit on these buildings?

MR. BRANDT: I don't know.

DENNIS SCIBETTA: I would assume yes, per dwelling. Per dwelling unit.

JIM POWERS: Recreation fee --

DENNIS SCIBETTA: In accordance -- that is their standard fee, yes.

MR. BRANDT: With regard to the taxes, we'll not seek a payment in lieu of taxes. The rule is, for this type of facility -- we did have a payment in lieu on the first one, but again, some of the regulations have changed. What we have here is the Assessor will value it based upon an income approach to value. It is a commercial apartment project, and they will assess it based upon the value of the property and pay taxes accordingly.

DARIO MARCHIONI: Roger (Brandt), ceiling heights, is it eight or nine? Everybody is building them nine now.

MS. BRINGEWATT: They're eight.

DARIO MARCHIONI: No heatilaters like the fireplaces in the project?

MS. BRINGEWATT: No.

JAMES MARTIN: Pat (Tindale), you had a comment about --

PAT TINDALE: A licensed landscaping architect-sealed print. That will be coming?

MR. BRANDT: Sure.

JAMES MARTIN: In other words, I will just make it a condition that licensed landscape plan be submitted to the Conservation Board for approval.

PAT TINDALE: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just want to clarify this topsoil issue. It sounds kind of immaterial, but when you see the size of the mountains of dirt that have been over there for a decade, are we -- what is -- I guess maybe I don't understand. Are we going to level these off? They're to go? There won't be any mountains left? Have I understood that correctly?

JAMES MARTIN: Yes. They have room to -- do you need some for the farm?

MS. BORGUS: No. But my mother-in-law lived in the adult care facility for three years. It is a wonderful place. I cannot speak too highly of it. It is great. But she looked out the front of that building for all of the years she lived there at that pile. It was such a distraction and a detraction and it was so unnecessary. Eventually it got screened and they, you know -- and then they screened it day and night and the dirt was all over the place, in the building, on the building. It was a disaster. It should never have been there in the building. If we're going to continue to build over there, I don't think we ought to have those piles of dirt. Period. There is plenty of land to level it off on. John (Nowicki) is right.

JAMES MARTIN: Some should be leveled off, and obviously it is a natural resource and some of it will be sold.

MS. BORGUS: As long as they're not there. As long as they're not there for another ten years. That is the point. That ought to be written into whatever agreement the Town makes or approvals they give, that those are not there, period.

JOHN NOWICKI: Can that be built with --

MS. BORGUS: Thank you.

MR. BRANDT: We can't build these units without moving the dirt. So they have -- that has to go.

JAMES MARTIN: I will just put topsoil piles shall be removed as soon as practical.

DARIO MARCHIONI: Removed or leveled off?

JAMES MARTIN: Okay.

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: Ten years ago when this was first approved, one of the conditions was that the topsoil was to remain on the land and to be used there, and that is what Mr. Brandt agreed to at the time.

Two years ago he decided to take it upon himself to get rid of it without obtaining a permit. Upon complaint, he then obtained the permit.

There were certain conditions attached to the permit, which were not followed. They started early in the morning, before they were supposed to. They sifted on weekends, and in spite of my complaints, nothing was done about it. Eventually that dirt disappeared.

But we suffered through a late summer and fall with dirty windows and dirt and soot upon everything.

Now the pile that he is proposing to -- and I assume, it will be sifted on site, it would be better if it would just be loaded on a truck and hauled out of there instead of being sifted on site -- is much closer to a residential area than the site he sifted where the senior apartments are now. And I would like some conditions with teeth in them this time to be laid down upon how this soil is going to be removed.

I don't want a lot of dirt and dust and beep, beep, beep, beeps going on all summer long. It carries, and they started at 6:30, 7 o'clock in the morning in spite of the permit saying that they weren't supposed to start until 8.

I would also like a stipulation that the contractors' trucks use the Union Street entrance instead of Attridge Road. I don't think Attridge Road is built to a specification to carry those heavy trucks coming in and out of there, loaded with dirt. And I would like to know if there is going to be some kind of physical barrier in back of the four units that will back up to Mr. Holmes' property on Attridge Road.

JOHN NOWICKI: What do you mean by "physical barrier"?

MS. NEDER: Between the existing Union Meadows Phase 1 and the residential homes, he has a wooden fence.

MS. BRINGEWATT: That was put up --

MR. BRANDT: This wooden fence here (indicating).

MS. NEDER: I don't know who put it up.

MR. BRANDT: Is it the house up here (indicating)? Mr. Holmes (sic)?

MS. NEDER: Yes. He owns that big piece of land there.

MR. BRANDT: Mr. Hoehn. I'm sorry. Hoehn. His house is up here (indicating)?

MS. NEDER: Yes. He owns all of that land there, and some of it is wetlands.

MR. BRANDT: It is treed there heavily. We weren't planning on any fence there. It is quite a distance from the residential.

MS. NEDER: How far are the back of the houses from that lot line?

MR. BRANDT: From the lot line? Probably -- looks like somewhere between 60 and 75 feet.

MS. NEDER: That's not much.

MR. BRANDT: It is not, but again, we don't have any houses back (indicating).

MS. NEDER: No, but what I am saying is, he and his sister live there. They're elderly, and I'm sure a lot of the kids that are going to be in those units, when they want to walk up Attridge Road, will be cutting through his backyard to do so, instead of going up to Union Square Boulevard and around.

JAMES MARTIN: Could you give it some consideration to preventing that trespass possibility?

MR. BRANDT: Right. We'll take a look at it.

MS. NEDER: It is a big piece of land he owns. And it would be very tempting for them to go cutting through there, thinking that because a lot of it is kept natural, that it is --

MR. BRANDT: Doesn't belong to anybody.

MS. NEDER: Right. Which we all know people think.

DARIO MARCHIONI: Put a few signs there, no trespassing.

MS. NEDER: Nobody follows those any more than they do no posted signs. You know that. Please. You can put up signs until the cows come home and it won't make any difference.

DARIO MARCHIONI: I thought they go to school today, kids.

MS. NEDER: These kids come walking up Attridge Road and my husband has to go up every day and pick up the debris they deposit along the roadside because they can't carry it until they get home.

KAREN COX: That happens everywhere.

MS. NEDER: I know, but we didn't use to have it. Now we have it.

And the other problem that I would like to discuss is the maintenance of the empty residential lots in the so-called island track. Now, within the last few weeks and two months ago, when Cornerstone was coming to appear before this Board, those lots were trimmed and maintained. Before that, they were left to go wild and unsightly. And I don't think it does any favors to the people that live there to have to look at an unkept, ugly lot next to them, because nobody is taking care of it, with pipes sticking up out of the ground.

People that try to sell their house -- there is one house that has been for sale there now for over a year, right next to an empty, ugly lot. Who wants to buy into that? I think there should be some stipulation, somebody has to own these lots, and there is a Town ordinance that the grass has to be cut. It is not being followed back there. I had a hard enough time this summer getting the commercial businesses in North Chili to cut their lawns without taking this on. But I think this is the time to address that problem. It is not -- it may be unbuilt upon land, but it is in a residential area, and it should be brush hogged at least a few times a year to keep everything down. Thank you.

DALE BARTFIELD, 8 Cherry Blossom

MR. BARTFIELD: I spoke to Roger (Brandt) several times in the past. I have brought together a few questions, so please bear with me, from other homeowners on both Cherry Blossom as well as on Cornflower.

Several concerns in the area. First off, it is a Ryan Home original development. Why or what was the intention -- I personally moved into the area about three years ago. My wife and I chose it because of the area. It was very quiet, very refrained, enjoyed the atmosphere and such. Most recently within the past two months I had to move my mother into Westwood Commons, so I'm very familiar with the development overall as to what it has to offer. I don't dispute what your intentions are. I fully understand, you know, what you have to accomplish and everything else.

On the left side of that picture there on the map there are three homes that were originally Ryan development. Was there never any intent to go forward with single-family homes continuing down

Union Square?

MR. BRANDT: No, there wasn't. There was a possibility, but originally if you look at the original concept plan, when the plan was adopted, it showed townhouses just like this going along Union Square Boulevard.

MR. BARTFIELD: Fair enough. Where are the two stories? You mentioned there are two buildings that will be used as two-story units. Which ones are those?

MR. BRANDT: These two, Maggie (Bringewatt)?

MS. BRINGEWATT: Yes.

MR. BARTFIELD: So they would be on the side with the current existing two-story?

MR. BRANDT: Right. Just like the ones -- it is one-story -- actually, these would be two-story, just like the ones over at Union Meadows.

MR. BARTFIELD: What are the future plans for the entrance created on Union as far as the undeveloped area that just has the roadway going through it with sidewalk? One question in there, is lighting going to be placed in that strip?

MR. BRANDT: There is -- I'm trying to think if there is lighting -- there is lighting on Union Square Boulevard.

MR. BARTFIELD: Not on the strip just recently added going out to Union Street. The lighting ends at Westwood Commons.

MR. BRANDT: Westwood Commons. I would say that it is not going to be lit. The Town accepted dedication of that road, and the decision was made not to put lights on there.

MR. BARTFIELD: What were the plans for that area?

MR. BRANDT: Zoned Planned Residential Development District. Up in this area here (indicating), the plan is to -- we have talked to some people with regard to some medical professional office space. We have talked to a couple of people who are interested in their businesses there, like an accounting firm. So we're envisioning perhaps something like a residential-style office building.

MR. BARTFIELD: Okay. The reason I bring that up is both Cornflower and Cherry Blossom are dead-end or cul-de-sac streets in the neighborhood. In the two streets there is between 20 and 22 children in the neighborhood, all in basically grade school. Now with the addition this year of about four others, that I'm aware of, that are all under the age of one now, my concern comes into play with it being a family neighborhood, the amount of traffic coming through there has been substantial. As happens any time you open up a new roadway. And what people are doing, a lot of the time, is they're cutting through from Union to avoid the traffic light at Buffalo Road and they're cutting back over to Attridge and vice versa. Easily the traffic has multiplied tenfold. There is well over the number of cars that you never seen before coming through the neighborhood, people just aimlessly roaming because they don't know it is a dead-end area so they're backing into the cul-de-sacs coming in and out.

I understand what she is saying as far as the vacant lots not being taken care of. Some of them are 4 ½ feet tall with weeds. There have been several close-call incidents with people coming flying through the area. If this is going to go forward, I would ask the Town to consider putting -- ask the Board to consider putting in either dead-end signs or no outlet signs would probably be more preferable on the two streets there so we're not dealing with traffic coming straight into the family-developed area.

JOHN NOWICKI: How about speed bumps?

MR. BARTFIELD: I don't know necessarily -- the speed bumps are necessarily the way.

KAREN COX: The Town doesn't like them. No outlet signs will reduce some of it.

MR. BARTFIELD: I understand. But --

JAMES MARTIN: You're asking for no outlet signs on Cherry Blossom and Cornflower.

MR. BARTFIELD: More or less Cornflower at the major intersection where it intersects the four-way stop. There are people that cruise that stop sign, going into your Phase 1 all of the time. There has been a couple -- there has actually been a couple instances where somebody did hit another vehicle in the past year and a half. In any case, if that proceeds forward, I would ask if that is possible.

JAMES MARTIN: Fred (Trott), would you look at that issue and make --

FRED TROTT: Cornflower and?

MR. BARTFIELD: Cherry Blossom. A cul-de-sac off Cornflower.

JAMES MARTIN: We'll have the Traffic Safety Committee address that and make a recommendation to the Director of Public Works as to whether appropriate signage should be there.

KAREN COX: The issue of people not stopping at the stop sign, they do it in my neighborhood.

Everybody in my neighborhood doesn't stop at the sign. We found that -- I live on the corner. We watched who came in and who stopped, and, you know, some of it obviously was visitors, but a lot of it was people in the neighborhood. It is an ongoing issue.

MR. BARTFIELD: I understand.

JAMES MARTIN: We'll look at that and do what is best. I agree with Ms. Cox.

MR. BARTFIELD: I fully understand. I fully understand.

KAREN COX: I don't think people realize it saves no time going through the neighborhood, trying to avoid that stoplight. I mean you go way out of your way. Maybe people realize after doing it for a while that it doesn't save any amount of time.

MR. BARTFIELD: It honestly hasn't cut down the traffic. Obviously if construction vehicles get in there, it will stop for a while.

Like I stated, with the safety with children, safety with the seniors. Many of the seniors use Union Square to walk on, both in the street and on the sidewalk. Obviously the street is not your concern, but the amount of traffic that is going to be down there is going to be quite a bit. I mean if you're talking 42 units, you're talking the possibility of 84 cars. If every family has two cars, versus if there was originally -- getting -- actually January of 2005, there was actually listed on the -- actually 19 lots total and that was included on that. That -- and Roger (Brandt) knows I'm a realtor also. That is something that apparently went by the wayside early part of last year. That is why I asked whether or not there were any plans for single-family homes going down there. So it does concern me having a senior mother that is down in that development, and obviously the care and concern of people just whipping through the neighborhood and adding that much more traffic in there.

The dark area that I asked about, whether there are no traffic lights and no plans for traffic lights down off that extension, since that has been opened you -- I would assume you did that because of needing the extra roadway to handle the amount of cars that you probably need getting to and from the development that you're processing. With that being unlighted, there has been a large increase of people hanging out back there, driving off road, just -- more or less just roaming around. You can find the mud trails every day. And it is just people that are aimlessly hanging out. They go way back deep in some of those areas, and it is bringing an unwelcomed presence to the neighborhood. It really is.

MR. BRANDT: Where are you saying?

MR. BARTFIELD: Just past the nursing home.

MR. BRANDT: Back here (indicating)?

MR. BARTFIELD: Yes. With that being no plans of developing that, that apparently will not change any.

MR. BRANDT: There are plans, but --

MR. BARTFIELD: Not in the present future. So streetlights might be --

JAMES MARTIN: I mean, certainly if that is happening, I mean, call the Sheriff's Department and have them come in and police it. Really.

MR. BARTFIELD: Well, as far as the standpoint of a developer coming in, that -- my concern is if that is the case, there are already streetlights on Union Square. You made the effort to put the roadway and the sidewalks in, run the lights the rest of the way. It is not that great a distance.

KAREN COX: I was not on the Board at the time the original proposal was approved, but I know when we did the -- the subdivision, Bernie (Iacovangelo)'s subdivision, didn't we require street lighting on all of the sections? Didn't that happen on this one, Roger (Brandt)? It seems odd to me there is lighting in the area where the houses are and there is not now, unless there are provisions that have been made when it gets built up that lighting will be put in?

JERON ROGERS: There were discussions with Joe Carr, RG&E, and ourselves, and I think -- I don't recall exactly what happened, but I think there is some conduit laid here. I don't -- I would have to talk to Joe (Carr) and see exactly what the decision was made.

KAREN COX: That would make sense that they laid the underground work, and then as new -- as the area is built up, then the lighting would be put in, so that people who work there, the owners would be paying for the street lighting.

JAMES MARTIN: It wouldn't make sense right now for the lighting district to be extended into that area, because you're going to be paying -- you will be paying, on your tax bill, for lights over there. I mean the lighting district is pretty much confined to the built-up area at this point. Down the road, I

think you're right, I think there was conduit laid in there. I think there was provision to provide an extension of the lighting district.

MR. BRANDT: As it gets developed.

JAMES MARTIN: As it is developed. Eventually, but who knows when.

MR. BARTFIELD: There are four streetlights in that section that you're proposed in right there. The distance from that, where it ends to Union Street is probably maybe eight lights. It is not a sum that we should be worried about as far as tax dollars go.

DENNIS SCIBETTA: Who said there wouldn't be streetlights there?

JAMES MARTIN: Nobody said there wouldn't be.

DENNIS SCIBETTA: In a pre-construction meeting, the conduits are in place, and there is a number and a percentage of when the land is occupied as to when those streetlights go in and are required to go in. That is being followed by the Town. They won't put them in on vacant land.

KAREN COX: Not even if the residents who lived there agreed to pay --

DENNIS SCIBETTA: I don't think you would get that agreement. So probably wouldn't be.

KAREN COX: If you did, could it happen?

DENNIS SCIBETTA: Question for RG&E or whoever supplies that area. Because that is an agreement that they have with that and -- and Dick Brongo, and as far as the lighting district, and how it was created.

KAREN COX: I mean -- this --

JAMES MARTIN: It becomes a legislative issue at this point.

KAREN COX: Just for the benefit of the applicant, that is why I asked that question. So now we're -- you know --

MR. BARTFIELD: That is fine. Thank you.

The last question I have, regarding the vacant lots again, what are the plans at this point? I mean, they have been sitting on the market for a couple of years now. One by one, there has been somebody that has picked them up, and currently there is one that is just being built at the moment, and he has already sold that one. Is there any aggressive effort being put forward to get these finished off?

MR. BRANDT: This extension (indicating) we're hoping will allow those to be sold off.

One right here at the corner is owned by one builder, and it -- it is onesies, twosies, at this point. We would love to get rid of them. We had discussions with several builders over the last six months, and it is a matter of time.

MR. BARTFIELD: I will make the point I do realize you have the one listed behind my house that I have asked you about myself, but in any case, that is really all I had to address. Thank you for your time.

JAMES MARTIN: Move to close.

KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

KAREN COX: If we put conditions on the topsoil operation two years ago and they weren't followed, as far as putting conditions on it to -- that have teeth, I don't know what more can be done except more enforcement.

JAMES MARTIN: Dennis (Scibetta), do you set conditions when you issue permits regulating time of operation and those types of things?

DENNIS SCIBETTA: Yes.

JAMES MARTIN: Okay.

DENNIS SCIBETTA: I know that they have changed somewhat for topsoil. We did change those when we adopted a new fee schedule, so there -- it is a little stricter on that.

JAMES MARTIN: Okay. One thing I would like to do, is -- on the SEQR process, to get a little bit tighter, all right, in our review on SEQR, and we do have a short form environmental assessment on this project. We're required to fill out part two, all right, as a --

KAREN COX: Agency.

JAMES MARTIN: – as the agency involved. What I would like to do is just kind of go down through that Section 2 as a Board to be sure that, you know, we have covered all of the issues that are associated with this particular project.

First question is, does the action exceed any Type I threshold? I do not believe that this action exceeds any Type I threshold.

Will the action receive coordinated review as provided for unlisted actions? The answer to that is no. We will not do a coordinated review on this project.

Section C basically says could action result in any adverse effects associated with the following. Okay. The following are existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems. Explain briefly.

I think I would -- I would answer that yes, that they're being mitigated by the engineering plan associated with the project.

Aesthetic, agricultural, archaeological, historic or other natural cultural resources; or community or neighborhood character. I don't believe there is any significant impact.

Vegetation or fauna, fish, shellfish or wildlife species, significant habits or threatened or endangered species. I don't believe there is any impact on that.

Do you concur as a Board?

The Board concurred.

JAMES MARTIN: The community's existing plans or goals as officially adopted or a change in use or intensity of use of land or other natural resources. Certainly I don't see anything that is going against our community plan on this particular thing.

Growth, subsequent development or related activities likely to be induced by the proposed action. Clearly the applicant has plans to develop, you know, further as far as the total site goes at this time, but I don't see anything that hasn't been already looked at in previous appearances before the Board.

Long-term, short-term cumulative or other effects not identified. I don't know of any.

Other impacts, including changes in use of either quantity or type of energy. Explain briefly.

I don't see any significant impacts. I will just say no significant impact.

Okay. Is there, or is there likely to be controversy related to the potential adverse environmental impacts? No.

Determination of significance. Basically, that will go into our usual spiel on the SEQR process.

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: Fee has been paid to waive final. Consensus of the Board? Yes. We'll waive final.

James Martin reviewed the proposed conditions with the Board.

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

1. Pending approval of the Town Engineer.
2. Landscaping plans (signed and sealed by a licensed landscape architect) shall be submitted to the Chili Conservation Board for approval.
3. Topsoil piles shall be removed as soon as practical.
4. Topsoil removal shall be regulated per permit approval by the Building Department.

5. Applicant shall consider providing a barrier between the project site and adjacent property on Attridge Road. Specifically, the Frederick J. Hoehn property located to the northwest of the proposed project.
6. Applicant will maintain empty lots owned by the applicant in accordance with Town Code, and will work with other owners of empty lots to insure maintenance is carried out per Town Code.

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

INFORMAL:

1. George Rice's Service, owner; 3152 Chili Avenue, Rochester, New York 14624 for final site plan approval for a change of use in portion of building to convert service bays to retail area at property located at 3152 Chili Avenue in G.B. zone.

Kip Finley and George Rice were present to represent the application.

MR. FINLEY: Hello. I'm Kip Finley with Avery Engineering. I'm worn out still from the first session, so I'm glad we're in the informal part.

Basically with this project, I think that we have addressed all of the different items that came up at the last meeting. Primarily, I mean the one most sensitive to me was that we have rearranged the parking and the traffic circulation. I couldn't live with not a unanimous vote, especially when a Traffic Engineer wouldn't vote yes. So the plans you have in front of you have a traffic pattern now where customers can park outside the store and not have to cross any travel path to get to the store.

I will step over and talk loud enough.

We have kept the handicapped spot where it is pretty much now. We have added five spots along -- close to the store (indicating). And we have brought -- the green line is the queue for the donut window. Right now, instead of coming up next to the building, it is coming up next to the carwash, so that there is more room to circulate around and these people can walk right up to the building. We have eliminated the parking right in front of the building.

Also, I believe you have building plans that the applicant has gone to some effort to come up with ideas as far as what can be done to the face of the building.

Back to traffic, we have some signage now on the plan, showing where we indicate do not enters, yields, one way. I think we're still under the consensus of the applicant and us that the site is plenty big enough for all these things to happen. We just needed to make them more orderly. I think we're just open for questions since we're part way through this.

JAMES MARTIN: I have one more suggestion after studying your revised traffic flow pattern. The exit out onto Coldwater Road, okay, entrance/exit onto Coldwater Road, I still think we have a dangerous condition there of people trying to turn left out of that exit onto Coldwater Road across four lanes of traffic with right-turn lanes and left-turn lanes and straight-through lanes. I really would like to see some way on that -- that we could control traffic coming out of -- going in is not a problem. You know, coming up Coldwater Road. But certainly making a left turn across traffic there with the increase in traffic that you could anticipate having a Dunkin' Donuts on the facility, is there a way that we could control that so that there is no left turn coming out of that exit onto Coldwater Road?

MR. FINLEY: As far as physically controlling it with a curb or trying to make the maneuver, it would hurt us as having cars pull in.

MR. RICE: George Rice. I'm the owner of the property. That curb cut was installed and the State approved it for the tractor-trailers because we have the big loads of gas that come in, but we could have a sign up, no left turn.

JAMES MARTIN: Well, I -- something that would just --

MR. RICE: I would put up a sign there.

JAMES MARTIN: Some people would look at it and other people would ignore it.

MR. RICE: In respect, I think K Mart should put a sign up no left turn because they come through three lanes of traffic. We go through one.

KAREN COX: It's a bad situation.

MR. RICE: It is a bad situation. I will put a sign up, but I think K Mart should have one saying no left turn, too. Because they have -- I pull out on there on a right and I have almost -- they are crazy to go left out of my place or left out of their place.

KAREN COX: I hate to say it, I was one of the design engineers on that project. They would not allow that -- that driveway configuration by today's standards.

MR. RICE: They didn't want to do it then, but Mobil was the only one that had the tankers, the big ones.

JAMES MARTIN: I understand your need for the trucks to pull in there, but putting up a sign --

MR. RICE: I will put up a no left hand --

JAMES MARTIN: It might help.

FRED TROTT: Beyond the fact you stole my thunder, my -- one thing you might be able to do that wouldn't affect the dump trucks as much is if you had a raised cement barrier, that way the people that are driving cars would have to still make that right-hand turn. They would be blocked from making the left-hand turn.

MR. RICE: I have a drainage issue because the drainage goes out to the tile and across the storm sewers.

MR. FINLEY: I know what he means.

FRED TROTT: Just a little cement thing, just like three or four inches that will divert people's eyes and make them want to go right, along with the sign. Because we also proposed that. But we had it -- I didn't think about the tractor-trailers as much as, you need to -- the sign is only going to do 1 percent. The people will want to make that left-hand turn, but if you have something that will stop them from making --

KAREN COX: Is that driveway wide enough for the truck turning --

MR. FINLEY: The truck would have to drive over there.

FRED TROTT: Yes. That is why I am saying just like a solid cement, you know, that -- you see -- you know what I am talking about, where they're just ramped four inches.

MR. FINLEY: I am almost picturing probably --

JAMES MARTIN: Like a low speed bump. That might be a help, too.

MR. FINLEY: I'm picturing it would be better in striping just so that truck is not going up over it.

JAMES MARTIN: Stripe it. Something that would help. Okay? All right. Appreciate that.

As far as the elevations you submitted, I -- the Board had a chance to look at these. I know what my vote would be.

MR. RICE: The bottom one?

JOHN NOWICKI: I'm the bottom one.

MR. RICE: I'm the bottom one.

JAMES MARTIN: For an elevation.

MR. RICE: I like it, too.

JAMES MARTIN: New acrylic stucco.

MR. RICE: Met with them yesterday. He said the fascia, even though it is fake fascia, it is so light, it won't affect the stability of it. But I like the bottom one.

JAMES MARTIN: We'll call it Plan C, the bottom one.

MR. RICE: Yes.

JAMES MARTIN: That is the one we agreed to. Very good. Appreciate that. Very much, very much, very much.

MR. RICE: He was right. I'm doing the whole interior. A little outside won't hurt nothing.

JAMES MARTIN: It will enhance the appearance of the building.

MR. RICE: I do, too.

KAREN COX: I appreciate you changing the traffic pattern around.

JAMES MARTIN: So basically the -- on the application. You have agreed to look at left-turn issue. I will not put it in as a condition. You want it a condition of final?

MR. RICE: I will put a sign up.

DARIO MARCHIONI: Or else we won't buy gas over there. (Laughter.)

JAMES MARTIN: We did SEQR at preliminary.

DECISION: Unanimously approved by a vote of 6 yes with no conditions.

The Planning Board reviewed the architectural renderings submitted by the applicant that show an enhanced exterior appearance of the building. The Board chose the rendering showing the two gables constructed of acrylic stucco. It is the Board's expectation that the building will be modified in accordance with that plan.

The 10/17/06 Planning Board meeting minutes were approved as submitted.

The meeting ended at 10:20 p.m.