

CHILI PLANNING BOARD
November 15, 2011

A meeting of the Chili Planning Board was held on November 15, 2011 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, David Cross, John Hellaby, John Nowicki, Theresa Reilly, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Mark Merry, Architectural Advisory Committee Representative.

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

Chairperson James Martin also recognized Zoning Board of Appeals Chairperson Paul Bloser in attendance.

PUBLIC HEARINGS:

1. Application of Kimberly & Gretchen Jenkins, Steven and Nichole Bayly-Henshaw, owners; 1930 Westside Drive, Rochester, New York 14624 for renewal of special use permit to allow a two-family dwelling at property located at 2343 Westside Drive in R-1-15 zone.

Kimberly Jenkins and Steven Bayly Henshaw were present to represent the application.

JAMES MARTIN: Do you have a presentation at all for the Board?

MS. KIMBERLY JENKINS: No. Just what we submitted to the Board.

JAMES MARTIN: Looking back at the record, this special use was granted for a period of five years back in October of 2006. I have looked at the property record, talked to the Building Department. There is no complaints on the property that I know of at this point in time.

Is that correct, David Lindsay?

DAVID LINDSAY: That's correct, yes.

JAMES MARTIN: The Town Engineer did do an inspection. I did look at the place. It appears that -- I don't know how many cars you have parked over there at any one time, how many cars are actually being utilized by the --

MS. KIMBERLY JENKINS: By the tenants.

JAMES MARTIN: By the tenants. Whoever is living in the house.

MS. KIMBERLY JENKINS: There is two cars, usually what is in the driveway. There's a van and a sedan.

JAMES MARTIN: All right. You're about one car short of what might be an authorized parking situation, but you have room for five cars in the driveway. So that was the only thing I had.

PAUL WANZENRIED: So one couple lives in one side and one couple lives on the other side, but you both own the house?

MS. KIMBERLY JENKINS: We are the owners together. We have tenants currently in the property.

PAUL WANZENRIED: Okay. That's it. I have no further comments.

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: We gave them five years before.
I apologize.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ELAINE WELCH, 2341 Westside Drive

MS. WELCH: My name is Elaine Welch, 2341 Westside Drive, so I live right next door to this property. And in discussion with other neighbors in the area, we're not pleased at the idea that there will be a multi-family unit that is right in our neighborhood. I have some questions. I

don't know if you can answer them or not. One was if someone had inspected the property, because I do know the person who built the home in the beginning, and they didn't feel it was suitable for that use.

JAMES MARTIN: Can you hold your comments for a second until the train has passed?

MS. WELCH: Sure.

I understand this is a residential neighborhood for one-family homes based on about 50,000 square feet on the lot. I think it is just a little shy of that, if I am not mistaken because I'm quite familiar with it having lived there for about 40 years.

Um, I wanted to know the maximum number of unrelated individuals that can live in a home, and the reason I am bringing this up is as tenants move, because we're so close to Roberts Wesleyan College, for example, I can see the potential for many students moving in there or trying to. And so I don't know the answer to that question. Unrelated.

JAMES MARTIN: Keith (O'Toole), correct me if I am wrong, but the Local Law that was passed recently essentially limits the number of unrelated persons living in a residence to three. That is what the law says. You can add to that.

KEITH O'TOOLE: It's generally three. However, there is a limited portion of the Town that can be rezoned to allow for four or more under stricter guidance.

MS. WELCH: I did also have a question on the number of cars. I have seen a problem with that. I will be very honest there has been no problem with that currently. And I am mentioning that, because the place immediately to the west of that property has an abundance of cars, jeeps, um, boats, snowmobiles and I don't know how that is happening. And because that is -- has happened, a number of people who looked at that property -- the property in question did not want to buy it with the intent to live there, and I got that from a realtor and I got it from one individual that I knew who was interested in the property, but when they saw the place next door, no.

So I believe these people may be the second owners since the individual was foreclosed, I guess, and the Bank took it over and it went to auction.

But I keep getting this comment, nobody wants to live there and -- you know, as an owner. So that is a problem, having -- what we have next door, to that place.

Um, so again, is there a violation there? And if so, should I look into that in the future?

It's a real problem to all of the neighbors.

I was going to ask if it had been inspected, and apparently that has occurred.

And I wanted to know how many two-family homes are currently in this area? I don't want to see the area deteriorate.

JAMES MARTIN: I have no idea how many two-families.

MS. WELCH: You have no idea. Well, if it is a residential area that has been primarily one-family, if it keeps -- if it moves into a lot of two-family homes, it does change the characteristics of a neighborhood and becomes less stable, I believe, for renting a lot of homes in the area.

I think there is already an abundance of rental units in Chili, so why we need to have another one there.

And I know there have been a number of problems with tenants in the home, and I guess that isn't -- doesn't play any party to this, however, but I think it should. I mean, just this spring, we had a stand-off for several hours because the tenant next door had a gun and the cops were in my yard and telling me, "Stay on the inside of your house," and do this and that. That is kind of scary.

I realize it could happen even if it was the homeowner living there. They told me that the previous spring they had been called to the house three times in a row for complaints, so I don't know what is going on there. But I'm just saying, there are problems. Previous to that, previous tenants there, somebody had a party and beer bottles all over the lawn, my lawn and the lawns across the street.

It is a little disturbing to me to have tenants coming and going. Although I think some of these people have been fairly long-term, I don't know about the others. But I do have concerns. And I hope they will be heard. I have appealed once before or was heard once before along with the neighbor across the street and nobody listened to us then.

I don't know if they will listen to us now. I'm not the only neighbor who is concerned. I'm the only one that was brave enough to come and speak. That is all I can say.

Thank you for listening to me.

JAMES MARTIN: Thank you for your comments.

David (Lindsay), that house with all of the vehicles, I guess I will ask the Building Department to check into that and find out exactly what is going on over there.

DAVID LINDSAY: We'll do that. I'm not familiar with it, but I will speak with the staff tomorrow and we'll follow up on that.

JAMES MARTIN: Maybe we can help clean that up if -- if there is a violation over there.

MS. WELCH: That would be wonderful.

KAREN COX: Now, did you say that the tenants in this house had a -- had a stand-off with a gun?

MS. WELCH: This spring.

MS. KIMBERLY JENKINS: We have -- I have no knowledge of that at all.

MS. WELCH: Well, the Sheriff's Department probably does. Excuse me. The Sheriff's Department probably does because they came and put a light in my window. I didn't know what was going on. They staged themselves in my yard, and the yard next door to me, the other side

of me, and it went on for several hours. The whole -- the whole block was closed off. People couldn't come or go. My son came home from work and couldn't get home because the police wouldn't let him down the street. That happened -- I don't know if it was April maybe. It was sometime in the spring. That's all I can tell you.

PAUL WANZENRIED: How long have you owned the house?

MS. KIMBERLY JENKINS: Since 2006. Henrietta it was.

MR. BAYLY-HENSHAW: It was the date that the --

MS. KIMBERLY JENKINS: And the tenants that are currently there have been there since 2007, so -- and we haven't had any problems with them. So I'm not -- we don't have any knowledge of something like that happening. I'm sure what she is saying might be true, but --

MS. WELCH: It was in the paper.

KAREN COX: I'm just trying to remember, if I read about it.

JAMES MARTIN: I don't remember.

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: How many -- I haven't heard this question asked. How many unrelated people live in this house presently?

JAMES MARTIN: You can answer that question.

MS. KIMBERLY JENKINS: Well, actually the two tenants that live there now, in the two units are actually -- they're family members so they're all related.

JAMES MARTIN: So there --

MS. KIMBERLY JENKINS: There is a --

KAREN COX: One each.

JAMES MARTIN: Two families living there.

MS. KIMBERLY JENKINS: Yes, but they're family members. They're all family members, so they're all related.

DOROTHY BORGUS: So these applicants then do not live there themselves?

MS. KIMBERLY JENKINS: No. We're the owners.

JAMES MARTIN: They're the landlords.

DOROTHY BORGUS: You know it wasn't very long ago in this room that there were multiple families that appeared because of a similar type of problem over in the Ballantyne area, and it seems to me that the risk is very definitely there for areas that are near to colleges, namely Roberts Wesleyan, and RIT, that we could have some serious problems here with these multiple-family homes.

This lady who spoke before me has some legitimate points. Nobody wants to have the police staging a stakeout in their yard because there are problems. And this -- these applicants don't seem to be aware of what is going on in their own home, their own property. Not their own home.

MS. KIMBERLY JENKINS: We -- we're at the property twice a month, checking on it. I mean, just for your knowledge. We're there twice a month, and I drive by it daily because I only live down the street. I mean -- I think we are aware of what is going on.

DOROTHY BORGUS: So I don't know. I -- I'm all for -- you know, for senior living when you have a family member that needs to live in your home and you do it on a temporary basis to accommodate family members, but these special use permits for these multiple residences, places in single-family neighborhoods around colleges is getting to be a serious problem. I think you need to give this some hard thought.

Thank you.

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

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

JAMES MARTIN: I believe from the standpoint of the Town Engineer's comment and his assessment of the property, if this were to go ahead, one of the conditions that I would impose is that the parking in the driveway be limited to five vehicles.

MS. KIMBERLY JENKINS: That's no problem.

JAMES MARTIN: No more than five vehicles.

MS. KIMBERLY JENKINS: That's fine. No problem.

JAMES MARTIN: Other conditions that we feel were aware -- were appropriate --

JOHN NOWICKI: I wouldn't mind putting on the table the fact to shorten up the period of time on the -- from five years down to maybe two or three years just to keep track of this thing. That's my opinion.

JAMES MARTIN: Okay. We have an opinion from Mr. Nowicki on shortening time period.

JOHN HELLABY: I don't know if I would necessarily agree with that. You have a homeowner who, in my eyes, has actually done a nice job over there keeping the place clean. Short of this lady's situation with something that took place over there, there have been no complaints. As I -- I think she stated the bigger problem is with the neighbor on the west side of them.

THERESA RILEY: I say leave it at the five.

KAREN COX: Yeah.

JAMES MARTIN: Okay. So I'm hearing five, John (Nowicki).

JOHN NOWICKI: That's okay. I just put it out there for discussion.

KAREN COX: Would you mind giving your contact information to the lady here in the audience, so if there are issues --

MS. KIMBERLY JENKINS: No problem.

KAREN COX: -- she could give you a call?

MS. KIMBERLY JENKINS: Yes. That's fine.

MS. WELCH: Thank you. I appreciate that.

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

1. All previous conditions imposed by this Board remain in effect.
 2. No more than five licensed vehicles are permitted to be parked on the property.
 3. Special use permit is granted for a period of five years.
2. Application of Samantha Seaman, 31 Paul Road Number 24, Rochester, New York, 14624, property owner: Mr. and Mrs. Arthur Garcia; for special use permit to allow an in-law apartment at property located at 30 Black Creek Road in RAO-20 and FPO zone.

Mark Piccaretto was present to represent the application.

MR. PICCARETTO: Hi. I'm Mark Piccaretto, their real estate broker. They're buying this house on Black Creek Road, and it has an in-law apartment that was put in 30 years ago that the previous owner never -- current owner never got a permit for, so we're trying to apply for a change of use permit to allow the Town -- Town notice that it has an in-law and that it is all up to code.

Um, unlike this previous deal, this is an in-law apartment. Her parents will be living in this house. It will not be rented.

We have submitted the new floor plan and everything, and we're just trying to get a change of use here.

JAMES MARTIN: What were we just given?

MR. PICCARETTO: The thing that you requested on here, a sketch of this unit.

JAMES MARTIN: I have a letter here referring to the as-built floor plan.

KAREN COX: That's what that is.

MR. PICCARETTO: This one (indicating)?

JAMES MARTIN: No. This is -- this is from the licensed professional engineer.

MR. PICCARETTO: Let me see that.

JAMES MARTIN: Kind of -- I guess a late hour to be supplying this information.

MR. PICCARETTO: When we made this application, we had to hire an architect to do this, so they said it would be all right to bring it to the meeting. I was told that by your office here.

JAMES MARTIN: Well, you know, obviously we have not had a chance to study this, nor has our Building Department had a chance to study this.

MR. PICCARETTO: They have been out there. Someone has been out there.

JAMES MARTIN: I know they have been out to the site. Most of us have been out to the site to look at it.

We have Town Engineer comments. A couple of things. You know, I looked at the application. You supplied us a survey map dated, I think, April 10th, 1978.

MR. PICCARETTO: That was provided by the owner.

JAMES MARTIN: I really --

MR. PICCARETTO: There might be a newer survey because we're getting a mortgage here.

JAMES MARTIN: What we need really is an updated site plan on the property, you know, per the Town Engineer's comments. You know, I don't know how to deal with something like that (indicating). You know, it certainly is not good for the Board's deliberation. This is an improvement over what we had (indicating).

MR. PICCARETTO: Are we going to have to come back to this in another time or can we -- can we submit it after the fact?

JAMES MARTIN: Well, certainly you have paid your money for your application. But given the fact that I think we need to have some updated information on the site itself --

MR. PICCARETTO: Okay.

JAMES MARTIN: -- that to move forward with this tonight, certainly I don't think would be appropriate from the standpoint of any kind of approvals. Actually, again, certainly, I think you need to look into any requirements or inspection permits, those types of things that might -- go along with this particular --

MR. PICCARETTO: I was told that the Town would come out and inspect it after we got this thing approved.

JAMES MARTIN: Well, certainly that will be part of the process, yes. That's my -- that's my position on this. I don't think we have enough information. I will defer to the Board and see

what you want to do.

KAREN COX: Why is the applicant being told -- or why would somebody in the Building Department tell the applicant to that he could bring this tonight?

MR. PICCARETTO: We had this weeks ago. If I knew that, I would have got it here. The problem we have here is they have applied for a mortgage and this thing is dragging out because we don't have this use permit. Now we waited -- we could have done this months ago, which we didn't know. So I -- I'm trying to avoid having to wait for another one of these meetings here.

JAMES MARTIN: I understand your dilemma, however.

MR. PICCARETTO: I wish someone would have reviewed this thing and told me if there was something not adequate, we would have brought it.

JAMES MARTIN: David (Lindsay), any comments on that?

DAVID LINDSAY: I would say the Town Engineer's letter speaks to the deficiencies of the application, specifically around the site plan that we asked for, and that was prepared on November 9th. I can't speak to the submittal of this architectural plan. Wasn't there today when it was submitted, but certainly sometimes, you know, if someone comes in at the 11th hour with something, we say, "Bring it to the meeting."

It is certainly not our normal course of procedures, but if they do have it, they're more than welcome to bring it up to the meeting and it is up to the Board to decide if they want to consider that.

PAUL WANZENRIED: It's incomplete.

JAMES MARTIN: Incomplete.

JOHN NOWICKI: What did he say?

JAMES MARTIN: He said it's incomplete.

JOHN NOWICKI: Have we had a Building Inspector out there to go through this in-law apartment to go through it and approve it based on our design requirements?

DAVID LINDSAY: I don't believe they did an in-depth inspection yet.

MR. PICCARETTO: Not an interior.

JOHN NOWICKI: I don't see how you can approve it.

MR. PICCARETTO: We were told we wouldn't get an interior review until this was done. I wish --

DAVID LINDSAY: Typically what we would do here is if the Board did approve this, it would be subject -- a condition would be getting a building permit for the interior modifications and the Building Department would then go out and make those inspections. But one of the things we're missing here is an updated site plan as discussed in the Town Engineer's comment letter.

MR. PICCARETTO: When you say "a site plan," you want a survey, a newer survey?

JAMES MARTIN: It -- there are very specific items in it that is applicable to a site plan that is in our Town Code. So I think whoever you have do this, a licensed surveyor, or you know an engineering firm, they need to look at the code and give us something besides a -- you know, a 20-, 30-some-year-old survey plan. It includes a lot of the information that is not on here.

MR. PICCARETTO: So a new survey. What about this architect's rendering that I brought in? Is that sufficient? Is that all you want is the survey then?

DAVID LINDSAY: The architect's.

JOHN HELLABY: It is not the full house.

MR. PICCARETTO: That was other thing I was told when we made this application, that they did not want the full house.

JOHN HELLABY: I understand.

MR. PICCARETTO: Otherwise we would have done that.

JOHN HELLABY: I understand the applicant has failed to supply all of the information, but I again, I have to ask the question, how this application was submitted on October 14th.

MR. PICCARETTO: No one looked at it.

JOHN HELLABY: These guys don't have any clue until what they need until this letter comes out four weeks later on November 9th, gives them no time to prepare for the meeting.

MR. PICCARETTO: She got the letter.

UNIDENTIFIED FEMALE SPEAKER: I got the letter yesterday.

JOHN HELLABY: This is the same constant complaint before this Board. This is not the first guy that has come up with the problems.

MR. PICCARETTO: We would have gotten everything we needed. It wasn't a problem.

JOHN HELLABY: Somebody in that office needs to review these applications and have enough sense to say, "This is exactly what you're missing and you need to get it in here."

MR. PICCARETTO: That is why we're here tonight with all this information.

JAMES MARTIN: Please. We're not in the Public Hearing portion of this.

MR. PICCARETTO: Just trying to expedite this as quick as possible.

JAMES MARTIN: I understand. I understand the issues around getting mortgages and all of that. I understand. But again, whether or not you had all of the information you required back in the middle of October or whether you didn't, I don't know the answer to that. I --

MR. PICCARETTO: I didn't know -- this is what I was told we needed.

JAMES MARTIN: But what we have is not adequate.

MR. PICCARETTO: Okay. So what do we do from here?

KEITH O'TOOLE: Mr. Chairman, if I may. I would -- I would suggest that the applicant take a copy of the Town Engineer's letter dated November 9th, bring it to a professional engineer

who will certainly know what site plan requires, certainly a professional engineer can pick up the code requirements for the Town of Chili and generate one fairly quickly, I would suspect. It's a two-family house. It's not that complicated to draft one.

MR. PICCARETTO: Okay.

JAMES MARTIN: And basically, the application is for an in-law. That carries a lot of specific covenants from the Town of Chili perspective also that would become part of any approval process. As far as it can only be use for in-laws.

MR. PICCARETTO: That's fine. It is not going to be rented to non-related people. We know that.

JAMES MARTIN: So I guess at this point in time, I think what we probably should do is make a motion to table this, pending you getting an up-to-date site plan before the Board. You can be back here in December. Okay? To get -- to finalize this, and -- that would be my recommendation.

MR. PICCARETTO: No way to do this before then?

JAMES MARTIN: You would have to pay for a separate meeting.

MR. PICCARETTO: What does that cost?

JAMES MARTIN: Well --

KEITH O'TOOLE: A lot.

JOHN HELLABY: It's costly.

JAMES MARTIN: The stenographer, the Board, it's -- you know, it's not cheap.

JAMES MARTIN: So that is where we're at. I want to make a motion.

JOHN NOWICKI: Why is it crossed out here for the Drainage District?

JAMES MARTIN: As far as I know, this area is in a Drainage District.

DAVID LINDSAY: The reason -- we passed the law last year that established the Town wide Drainage District, so it is no longer applicable.

JAMES MARTIN: That's right. I remember that now. So that needs to be taken off our form.

MR. PICCARETTO: The other thing, maybe I was -- and we went to -- we had this -- this sketch done by an architect, which the buyer had to pay. If I knew we just had to have an engineering site plan, now they have to spend additional money because we were given the wrong information.

JAMES MARTIN: Not in my -- my direct purview.

I make a motion we table this application to the December meeting.

JOHN NOWICKI: Second.

DECISION: Unanimously tabled, by a vote of 7 yes to table, the above described application to the December 13, 2011 meeting for the following reason:

1. This application was tabled pending submittal of an updated site plan per Town specifications.

JAMES MARTIN: You're tabled to the December meeting. The 13th of December. Okay?

MR. PICCARETTO: Okay.

JAMES MARTIN: Your application is on file, so it is just updating the information.

MR. PICCARETTO: All right.

3. Application of Jonak, Inc., P.O. Box 449, Pittsford, New York 14534, property owner: Holt Road Storage for preliminary subdivision approval of two lots to be known as Greco Estates Subdivision at properties located at 1611 and 1615 Scottsville Road in GI and FPO zone.

Tom Solomon, Robert Avery and Mr. D'Angelo were present to represent the application.

MR. SOLOMON: Good evening. My name is Tom Solomon, an attorney, and I represent the applicant, which is Jonak. Jonak is the title holder now. Holt Road and Jonak, it's a family -- they're both family businesses. Both -- one family owns both companies, so it is just a change.

I was here in April -- well -- if you remember the history of this property, it was deeded out years ago. It was a small nonconforming parcel, and over the years, I guess there has been some attempts to legalize it. My client happened to give a mortgage to the owner, Mr. Torcello. Unfortunately, we had to foreclose on it.

It was at that time that we began to understand the Zoning and Planning difficulties. I came here in April with a simple request seeing if I could -- could we get subdivision approval, could we get zoning approval and that was something that you had said at the time.

We went to the Zoning Board. The Zoning Board granted us an area variance. So we are a legal lot as far as zoning is concerned. However, we need to be subdivided.

I received -- actually I received this letter today, but it is dated November 14th from Lu Engineers. It is a three-page letter dealing with all of the concerns that the engineer has with this property, and if you don't mind, I will go through these.

JAMES MARTIN: Um, that would probably be the best approach. Just kind of go down through these.

It is my understanding that some of these are applicable to the property in issue tonight as

far as the subdivision goes at 1615 property. But some of them are associated with the 1611 property which is really not, you know -- it's not your client's property or responsibility.

MR. SOLOMON: Right.

Well, let's go down here. Because these can be dealt with quickly.

Well, Number 1, that's what we're doing now.

We're going through a subdivision approval.

Number 2 is a variance, and we have the variance. I believe we have -- that should be part of the file.

Number 3, I don't know that they talked about front yard parking. I don't remember that at all. But that is where the parking is. And the plan is to repave it and make it pitch in the right way.

JAMES MARTIN: Well, that variance was granted.

MR. SOLOMON: Oh, okay.

I'm not sure about the ADA Town Code requirements. Oh, that is a parking space. Okay. I will assume that will be -- when they stripe it.

And five, it talks about the cross easements. At the present time there will not be any easements. We have been in discussion with, um, the current -- one of the current owners, and I believe it's owned by an estate. Mr. Iacovangelo is here, the public administrator, and he is one of the administrators of the deceased owner. We have been unable to come to any agreement with anybody. We thought we would get a bigger parcel, so we wouldn't need zoning, but that has not worked out. So that is why we're proceeding here.

I don't want you to think there is any animosity. There isn't. But just sometimes you can't make a deal.

Number 6, as far as I know, all of the -- all the trailers and stuff have been removed from our property.

They will have to tell you Mr. Greco from time to time, you know, believes that he can just leave one or two of his vehicles behind our -- the building on our property, and we call him and he removes it.

It hasn't got to the point yet where we have to put a fence down there. I hope it doesn't come to that. It hasn't so far.

I guess we have to talk about road -- oh, the building in front, that little building. My client would like to refurbish that and rent it. It's a cute building. I -- I don't think it should be torn down.

Okay. We have to get -- the site plan has not been submitted. We're waiting for -- it's going to be rented. They're waiting for the tenant to see what requirements the tenant will have before we submit a site plan.

Number nine deals with, I believe, 1611, as does, um -- okay. Our -- our leech system -- the septic system is located behind our building, and my client tells me that it has been pumped and examined and everything is fine.

And there is a -- the issue of a waterline. The new waterline has not been put in because we were waiting for subdivision approval. That's not a problem. And there is a concern about the hydrant and my client will take care of that. So, you know, the -- Frank D'Angelo, they were born in the construction business, so they're quite capable of doing things very quickly and very well. I think you will now notice there is a new roof on the building and it is sided, which is a big improvement from what it was when I was here in April.

We would ask for preliminary approval tonight. And then come back because there is probably some trailing issues. If there is any questions here, we have our engineer here and Mr. D'Angelo is here and Frank Iacovangelo.

JAMES MARTIN: Just to verify for the Board, and I will ask Mr. Avery -- still here?

MR. SOLOMON: Yes.

JAMES MARTIN: On the sanitary leech field system, can you verify for the Board you have examined that and --

MR. ROBERT AVERY: Certainly we can locate that and place it right it on the drawing.

JAMES MARTIN: If you come back with a site plan, you will show leech field and everything contained within this lot?

MR. ROBERT AVERY: Absolutely.

JAMES MARTIN: Thank you.

Again, I -- the letter that was generated by the Town Engineer goes back to the letter that was written on June 12th, 2009, by Mr. Karelus.

MR. SOLOMON: Excuse me. I don't have that. I don't have a copy of that. I don't believe.

MR. ROBERT AVERY: Once again, that had to do with an entirely different applicant which was the Grecos. It was an entirely different animal. It was a three-lot subdivision. This is just mapping the existing conditions that you would see on the tax map today.

JAMES MARTIN: But it did precipitate a letter from Mr. Karelus.

MR. ROBERT AVERY: Yes, sir.

JAMES MARTIN: At that time. That was used by the Town Engineer for his punch list that he used to review. That is where that originated as far as the Town Engineer's comments. And knowing that, you know, we have two properties in play, and at the time that this letter was generated, as Mr. Avery as said, it was a different animal, the application at that point in time.

MR. SOLOMON: It is interesting because every time I came to apply, I brought that map, the three-lot subdivision map because it had a lot of information, and the nice lady who is in

charge there said, "No, no, no. I don't want that. I don't want that."

So I have 16 of them in my file.

JAMES MARTIN: So based on that, and again, the Board -- help me out. Some of these comments that were generated by Mr. Karelus back in '09 that have been brought back to bear by the Town Engineer are kind of null and void as far as this particular lot goes, because they're concerning the 1611 property as opposed to the 1615 property, which is what we're being asked to look at tonight as far as this application goes.

So, I guess, right now, um, I will go to the Board.

PAUL WANZENRIED: So Issue 6, and Issue 7, resolved?

MR. SOLOMON: Yes.

PAUL WANZENRIED: That is my understanding?

JAMES MARTIN: Well, he addressed number 7, stating that they want to renovate that building and rent it out.

Item Number 6.

PAUL WANZENRIED: Is that building on 1615?

MR. SOLOMON: Yes.

JAMES MARTIN: The Item Number 6 is basically 1611, which is not part of this -- part of this property.

MR. SOLOMON: Right.

PAUL WANZENRIED: But that is not part of this application, Issue Number 7?

JAMES MARTIN: No, it is not.

KAREN COX: Issue 7 is.

JAMES MARTIN: 7 is.

MR. SOLOMON: 7 is.

KAREN COX: 6 is not.

JAMES MARTIN: Do you want to go down through here? I'm not sure about item number 4, the striped parking, whether that refers to both parcels. Probably does. I can't recall. The cross access of easements, you know, would apply to both properties. There is a common roadway between the two lots.

MR. SOLOMON: There is 8 feet for each person to pass separately, so it is not necessary for an easement.

JAMES MARTIN: My understanding is that has never been recorded.

MR. SOLOMON: There hasn't been one. It doesn't exist.

JAMES MARTIN: So in my mind it is not an easement.

MR. ROBERT AVERY: A separate driveway, existing driveway cuts for each of these properties.

JAMES MARTIN: So if -- if there is an agreement between the two properties owners to have a cross-access easement, that is fine. That would have to be reviewed by our Assistant Town Counsel, and all they normally do. If they can't reach an agreement, at this point in time it is up to your applicant to decide what he wants to do, okay? If he wants to fence it off --

MR. SOLOMON: Well, there is a lot of proposals between us and the other owners, but as I say, I'm not faulting anybody. Sometimes you just can't make an agreement.

JAMES MARTIN: We're not faulting anybody either. The fact there is no easement in place right now that allows cross access.

MR. ROBERT AVERY: No.

MR. SOLOMON: No.

JAMES MARTIN: So six is -- so 6 -- 11ish. This parking lot expansion for the antique store is a 1611 issue. Box truck is a 1611 issue.

KAREN COX: Issue 10 is 1615.

JAMES MARTIN: 10, we don't have a site plan at this point, because obviously there are things still pending on that.

MR. ROBERT AVERY: Mr. Chairman, in regard to the waterline, I did look at the site plan we did two years ago and on that we did already design the water service for his lot.

JAMES MARTIN: All right. So it can be serviced.

MR. ROBERT AVERY: We can include that onto the site plan that he will need, you know, once he has found a use.

JOHN NOWICKI: Not in the ground yet?

MR. ROBERT AVERY: Not in the ground, yet. But we did design it back two years ago already. It shows up on the site plan.

JAMES MARTIN: So I kind of -- does that clarify things for you, Paul (Wanzenried)?

PAUL WANZENRIED: Yep.

JOHN HELLABY: What is the long-term intent of this building?

MR. SOLOMON: I can't hear you.

JOHN HELLABY: What is the long-term intent with this building? What are you going to do with it?

MR. SOLOMON: We -- you know, just rent it, see, you know, what kind of business, whether it is office or a little shop. We don't know. They're going -- they're going to renovate the building. It is renovated on the outside but not the inside. They're going to try to rent it.

JOHN HELLABY: If memory serves me right, the building out in front was a masonry building with a real low roof on it almost like a root cellar or something.

MR. SOLOMON: It could it have been something for the river, like a -- that's what it looked like to me.

JOHN HELLABY: Is it your intent to renovate that?
MR. SOLOMON: Oh, yes. I wouldn't knock it down.
JOHN HELLABY: Leave the same roof line that is on it.
MR. D'ANGELO: Frank D'Angelo, Jonak.
No. We're going to renovate the building and put a new roof system on its truss system.
JOHN HELLABY: Regular truss roof.
MR. D'ANGELO: Yes. Raise it. It already has an 8 foot ceiling in there, so.
JOHN NOWICKI: What is the use of the building?
MR. D'ANGELO: Just rent it. It's a nice building. It's -- you know.
JOHN NOWICKI: For business?
MR. D'ANGELO: Yes.
JAMES MARTIN: No defined use at this time?
MR. D'ANGELO: Not yet.
JOHN NOWICKI: I think at this point we're going to be looking at -- some issues that have to be done before we can go further with this.
JAMES MARTIN: We'll get to that.
DAVID CROSS: I just want to clarify that Lot 2 has already been in front of the Zoning Board this year for variances for side setbacks, lot, size, that sort of thing?
MR. SOLOMON: Yes.
DAVID CROSS: Those approvals were granted?
MR. SOLOMON: Yes.
DAVID CROSS: That's all.
MR. SOLOMON: We wouldn't be here without it.
THERESA RILEY: Just a question on the easements. So the driveway -- there is going to be no easements between the two properties even though the driveway is shared with the 8 foot each?
MR. SOLOMON: It's not a shared driveway. There is enough room between them so each person has their own 8 feet. That is where the line goes right down. As I say, it's not that we don't want -- it is not that we don't want an easement, but as we were discussing it and, you know, trying to work out a deal as to our boundaries and what we were going to give them, what they were going to give us, you know, the people that -- there is an estate and a couple of relatives, and sometimes they just don't agree.
JAMES MARTIN: You know, as well as I do, for future consideration, you either have the easement or you do something to block it off.
MR. SOLOMON: We don't want to get into that. That would be an extreme -- my client -- my client really wanted to do that. I said, "No, no, no. Let's -- let's not cause trouble. Let's see how this thing works out."
I mean, that's an -- obviously a -- a -- one solution. They say good fences make good neighbors, Robert Frost poem. But that is not our intention at this point. We're still open to making arrangement with the -- with the people that own the other parcel. We're going to get, um, land to the south and give up -- we're going to straighten our line out. I guess that was about it. But like I say, we haven't -- we haven't been able to make a deal.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MR. SOLOMON: I'm not used to that, nobody has any comment.
JAMES MARTIN: Seeing there is no public comment, I'll move we close the Public Hearing at this time.

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

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

JAMES MARTIN: I guess I see two paths forward, two options on this particular application. Um, there are some Is that aren't quite dotted and some Ts that aren't quite crossed as far as this particular lot, the 1615.

Um, so the one option would be to table it pending resolution of those issues. The other would be to approve the preliminary, but we do not waive final tonight. Until all those issues have been resolved.

Obviously no mylars would be signed, no filing could occur as a result of that until the Building Department is satisfied, all right, that those issues have been resolved. You come back with a site plan showing us the water service, where the septic system is and all of that. And satisfy the Building Department. Then we could move ahead with final at that point in time. That is the other option. I think they still have a way to go with this.

With Option 2, I don't know where you are from the standpoint of, you know, trying to move ahead with this thing, but you really can't file it until you have the signed mylars anyway. I will defer to the Board at this time. Those are the two options I have.

JOHN HELLABY: I'm in agreement with Option 2.

KAREN COX: Me, too.

PAUL WANZENRIED: Option 2.

JAMES MARTIN: Option 2. Option 2. Okay.

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: We're not waiving final on the application.

Essentially what I am going to say is that, you know, we're going to give this preliminary approval tonight. We're not waiving final and all of the unresolved issues must be satisfied to the Building Department's regulations and rules, and then you would come back for final after that has occurred.

DECISION: Unanimously approved, by a vote of 7 yes, to grant preliminary approval pertaining to the parcels identified as 1611 & 1615 Scottsville Road. Final approval was not waived pending completion of the following site issues outlined in the Town Engineer's letter dated November 14, 2011 pertaining to the 1615 Scottsville Road parcel:

1. ADA compliance is required for any proposed parking areas on the site.
 2. Should cross access easements between 1611 & 1615 Scottsville Road be agreed to, they shall be called out on the site plan and a copy of the agreement shall be supplied to the Assistant Town Counsel along with all Monroe County filing information.
 3. Water service location and septic system location shall be shown on the site plan.
 4. The partially buried fire hydrant shall be raised to the required height prior to final approval being granted.
 5. This application is subject to continuing approval by the Town Engineer and Commissioner of Public Works.
4. Application of Church Radiant, 744 Elmgrove Road, Rochester, New York 14624, property owner: Mr. and Mrs. George Steimer ; for special use permit to allow a church at property located at 525 Paul Road in R-1-15 zone.
 5. Application of Church Radiant, 744 Elmgrove Road, Rochester, New York 14624, property owner: Mr. and Mrs. George Steimer ; for preliminary site plan approval for a change of use to convert existing restaurant/party house to a church at property located at 525 Paul Road in R-1-15 zone.

Shane Smith and Shane Connor were present to represent the application.

PASTOR SMITH: Good evening. Just to recap, my name is Shane Smith and I'm the Pastor of Church Radiant. We have been in existence for two years. We have been leasing space between a tattoo parlor and a liquor store in a brand new strip mall in Gates and our desire is to relocate.

Our desire is to be here located in Chili. We would like to purchase the Carriage House. We have bank approval. Again, like I talked about last time, a big fan of doing things locally, and we have financing with Castile Bank, a commitment letter from them, and full support from our district, full support from our church, and we're just really excited about the possibility.

We're excited about being, you know, a team player, a community player. I mentioned last time that I met before you that I am a Chili kid. I grew up in Chili. I went to school in Chili. I went to college at Roberts Wesleyan, went to seminary at Northeastern.

My wife and I both have a huge burden and a huge heart for the things that are happening in this community.

Kelly, my wife, maybe you know her. She, um -- she currently serves as the Associate Vice President of Corporate Government and Foundation Relations at the Roberts Wesleyan College and she has also recently been awarded 40 under 40 here in Rochester. She is a business professional, but also a person who lives in her community and she serves on, you know, various different committees and Boards.

And I -- I would love the opportunity, you know, to be here at a place like the Carriage House, just because I feel like it -- our hands aren't tied as far as being able to meet the need of people. We have talked about feeding people. We have talked about clothing people.

We have talked about working with the Town, partnering with you. We're not a Lone Ranger church. We're not the kind of church that wants to just do things apart from you or from the Town. We want to work with you. Our building would be open to you. It would be open for meetings for, you know, for Town meetings, for Town dinners. We're -- again, we're very excited about this possibility. We have been talking to the Steimers, George Steimer who has been the owner at the Carriage House. He has been maintaining this facility for 62 years. He has done a great job.

If you have driven by, if you have seen the property there or had a party there, you know it is a landmark here in Chili, and our -- what is important to us is also maintaining, you know, what they have worked so hard to create. A beautiful facility. Landscaped. I mean it is really beautiful.

So we have talked to George (Steimer) about -- we have asked George (Steimer) if he would be willing to stay on and live upstairs in the house and serve as the caretaker of the property. And he has consented. He has agreed to do that.

The issues that came up the last time that we met that we talked about addressing, was traffic. That was the big issue. And so what we have done is we have created a map for you, which just basically -- you can pass it around or do whatever you need to do with it, but it just has where all of our people are located. We have taken our database and we have plugged everybody in. This is where they're located.

Then we have looked at where the Carriage House is and how we're going to get there, the trouble area being right here (indicating). We know that there -- there is a lot of traffic there on Sunday mornings.

JAMES MARTIN: Can you also show that to the audience?

PASTOR SMITH: Yes. It has to be hard to see it where you are.

Um, but we -- we have talked about just encouraging our people, you know, to travel Marshall Road and those that are coming in -- we have encouraged others to come in like the east side, the East Chili Avenue there, the east side of Chili Avenue. So there is different, you know, different ways in which we can -- we're talking 40 cars, too. We're not talking 4,000 people. We're talking 40 cars which we have counted in our parking lot. Which would be 130 people total. 35 of those people being children. And I -- I have broken it down as far as all of the different age groups, but 40 cars is what we're talking about. Two services, which is another way that we have addressed this issue. You know, having a service at 9:30, having a service at 11 o'clock. Which neither one of those times conflict with the traffic problem on Paul Road.

That was -- I mean, that was my take on the last meeting, you know, when I walked away, is hearing from you and trying to figure out how can we work together, how can we make this so it isn't a problem, so it is not congested. I certainly don't want to wait in traffic when I'm trying to get to my church. So I'm thinking about different alternative routes and we have mapped it out. We have given great thought to the different routes which are all highlighted in green, so you have that little problem area which is in red and we're just going to work around it.

Tonight what we would like to do is ask for a special use permit to allow the church to reside at 525 Paul Road, and then also Number 5 talks about the site plan approval, which we would also like for you to approve.

JAMES MARTIN: I think we had a fairly thorough review of this when you brought it in for the review before the Board. I think the Board has a fairly good grasp what you're planning to do. We're all familiar with the property. And so at this point, I don't have any further questions. They were pretty well addressed at the discussion phase.

PAUL WANZENRIED: You said Mr. Steimer will reside upstairs in the house?

PASTOR SMITH: Yes, he will.

PAUL WANZENRIED: Use for the downstairs?

PASTOR SMITH: We talked about offices for staff, talked about have meeting space, once in a while having a small group kind of thing. There is a kitchen there, a snack area.

PAUL WANZENRIED: Do you have an office staff now? Is there a staff that resides like full-time, 8 to 5, or is this just during services?

PASTOR SMITH: No. We have -- I have two people that are part-time for us, and they -- none of us really spend a whole lot of time at the church because that is not where people are. So we're out where people are. My office might be at Strong Memorial Hospital, you know, praying with somebody who just -- who was waiting for his wife to come out of surgery because she was stabbed in the neck two days ago. So our office is wherever people are.

In answer to that, we don't spend a whole lot of time at the church. We have the Sunday meetings, which would be 9 to 11. The 9:30 and the 11 o'clock service, and then throughout the week, you know, there might be the occasional small group meeting which you're talking about maybe ten cars. So it is not like an every-day usage.

PAUL WANZENRIED: What would be the average length of a service?

PASTOR SMITH: Average length of a service would be probably about an hour and 15, 20 minutes.

PAUL WANZENRIED: Next question is, would the Building -- the Building Department going to review floor plans for this? Any adjusted floor plans for this?

DAVID LINDSAY: Yes, they will.

PAUL WANZENRIED: That's all I have for now.

JAMES MARTIN: Certainly, um, the applicant would comply with all pertinent permits, inspections and code compliance regulations. That is a given, Paul (Wanzenried).

KAREN COX: I have no questions, but thank you for providing the location map.

JOHN NOWICKI: Has the liquor license been given up? Has the bar been dismantled?

JOHN HELLABY: Good point.

PASTOR SMITH: George (Steimer), he wants to buy your liquor? (Laughter.)

UNIDENTIFIED SPEAKER: They're going to have a going-away party. We told them it had to be gone.

JOHN NOWICKI: It is just that my oldest son had their wedding reception there many years ago and had his 25th anniversary there. A lot of memories there. Thank you.

THERESA RILEY: When you talked about making the space available to the Town for meetings and things, is this something that you see being widespread, or something that you see turning into another revenue stream, something to help support the church and add to its ministry?

PASTOR SMITH: No, I'm -- to be honest with you, I'm not really thinking about other ways to make money. I think what I am thinking about is meeting the needs our people, and the people -- these are our people here tonight, they believe in tithing, they believe in giving. So that is what sustains what we're doing.

So as far as me trying to do something else, it is just one more thing that I'm adding to my life that is taking me away from where I really need to be. So I look at it not as an opportunity to make money from -- you know, from the Town or different groups, but rather to say, "Hey, if you guys want to use the facility and it's a way for us to be a blessing to you guys, we would like to do that."

THERESA RILEY: Is there a way to separate usage like that at all or to have any kind of oversight as a meeting place versus as a -- a facility again?

JAMES MARTIN: I don't know.

Keith (O'Toole), do you have an answer to that?

KEITH O'TOOLE: If the question is whether you can have more than one use in the same building, the answer is yes. In fact, we do that in shopping centers, for example.

THERESA RILEY: Does that require an additional permit, or is that something that can just kind of grow as time goes on?

KEITH O'TOOLE: If you're doing something that is wholly different from what they're approved as, they would have to come back. If it is a lesser aspect of what you have approved, an accessory use, then they wouldn't.

THERESA RILEY: That is pretty much a judgment call.

KEITH O'TOOLE: Exactly.

JAMES MARTIN: Major fund raising activities that involve bingo or something, they're all -- they're all State regulated, okay, so, you know, you just can't go and do those things.

PASTOR SMITH: The way I think of it, things going through my mind, an elderly luncheon at the church. You know, Thanksgiving-to-go. You know, we have a commercial kitchen that is just obnoxious. It's awesome. We're going to be able to use that again -- I know at one time the Town did partner with -- was it you guys? He partnered with somebody in providing different departments Thanksgiving and different people. So we want to get back to that.

UNIDENTIFIED FEMALE SPEAKER: We used to do the Thanksgiving dinners for the Town.

UNIDENTIFIED MALE SPEAKER: Highway Department.

KAREN COX: Correct me if I am wrong, but if you -- if a facility started using their -- their buildings for a lot of outside meetings, they would enter into a thing with insurance. So you -- so that's not something you want to be dealing with anyways, additional insurance for a lot of outside use?

PASTOR SMITH: Right. I mean, we're not going to throw an ad in the Penny-Saver whoever wants to use our building, they can use it. The idea is, again, working with the Town, if the Town says to us, "You know, look, Shane (Smith), we want to have like a Town meeting there" -- why they would ever need to do that, I don't know, but if they would need the building for any reason, we would say, "You know, come on in."

You know.

PAUL WANZENRIED: You have no inclinations to do any sort of day care or anything like that there?

PASTOR SMITH: I love kids, but I could never see myself doing day care.

KAREN COX: You like them in moderation.

PASTOR SMITH: I can give them back.

DAVID LINDSAY: One question on the pool. You discussed that in the Building Department today. What is your intent with the pool on site?

PASTOR SMITH: The intent with the pool is to put an ad on Craig's List and sell it.

DAVID LINDSAY: Remove the pool from the property?

PASTOR SMITH: Yes.

DAVID LINDSAY: Do you have a timeframe for that?

PASTOR SMITH: Probably wouldn't sell very well now, so I am thinking probably, know, May, if that would work, if everybody would be okay with that.

DAVID LINDSAY: The other question, we discussed this with the Building Inspector and any new use has to be compliant with the New York State Building Code, so we ask the applicant submit a code compliance check with -- from a professional for the intended use on the property as part of the process.

JAMES MARTIN: I previously read applicant to comply with all permits, inspections, and code compliance regulations.

Is that adequate for what you need, David (Lindsay).

DAVID LINDSAY: We're actually asking for something to be submitted to us from a professional, a compliance checklist essentially. If you need specifics, give me a call and I can tell you what we're looking for.

JAMES MARTIN: And submit a code --

DAVID LINDSAY: Code compliance check.

Talk to me tomorrow. I will tell you exactly what it is.

MARK MERRY: Are there any plan alterations to the site, to any of the structures?

MR. CONNOR: No. Not the structures. No.

JAMES MARTIN: No exterior.

MR. CONNOR: No exterior. Interior painting, just cosmetic stuff. And obviously, a bathroom that would facilitate code as Dave (Lindsay) referred to. I think we have had a review done by Tyler International and are -- for the Fire Marshal code, that has been done, and I got that copy for the Fire Marshal, and -- and in sequence to that, we have had everything looked at to make sure it is compliant. We would be adding a -- a -- a -- bathrooms would be modified to comply with what I think David (Lindsay) is referring to. So those would be interior changes that we submit forthcoming.

JAMES MARTIN: Can you provide your name for our stenographer?

MR. CONNOR: Shane Connor.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: We have two applications tonight. One is for special use permit. The other is for preliminary site plan. I'm going to do SEQR at this point in time which will apply to both applications.

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 applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: Given the current -- my current understanding of special use permit since this is essentially going to be a continuous operation for the foreseeable future, I don't see the necessity of applying a timeline to this special use permit. Anybody have a different --

PAUL WANZENRIED: What did we give Fathers House?

JAMES MARTIN: Pardon?

PAUL WANZENRIED: We gave them five years.

JAMES MARTIN: We gave them five years based on a continuing punch list of issues and items that they had never completed.

KAREN COX: It was a little different.

JAMES MARTIN: That was a different set of circumstances, Paul (Wanzenried). I understand what you're saying. Apples and oranges, or are we apples and apples?

PAUL WANZENRIED: One more question. Is there anything in the final site plan that would affect the special use permit? They're just asking for preliminary now.

MR. CONNOR: No. Nothing else.

JAMES MARTIN: So I don't see -- again -- I don't see a timeline associated with this, because it is going to be ongoing, for whatever period of time. Somewhere down the road you decide to move on to something else, then whoever comes in for a change of use at that time, we would address that issue.

JAMES MARTIN: The one condition I have will apply to the site plan, but on special use, there are no conditions at this time.

DECISION ON APPLICATION NUMBER 4: Unanimously approved, by a vote of 7 yes, the above described application with the following conditions:

1. Applicant to comply with all pertinent permits, inspections, and code compliance regulations, and submit a code compliance check list to the Building Department.
2. This special use permit is permanent with no renewal required.

JAMES MARTIN: On the site plan, they have paid their fee for final. What is the consensus of the Board on waiving final?

JOHN NOWICKI: I suggest we waive it.

The Board agreed to waive final approval.

JAMES MARTIN: Applicant to comply with all pertinent permits, inspections and code compliance regulations and submit a code compliance checklist to the Building Department.

JOHN HELLABY: Town Engineer's approval?

JAMES MARTIN: Don't believe he requested it.

No Town Engineer approval on this, correct?

MIKE HANSCOM: I didn't see anything that necessitated it.

JAMES MARTIN: Do not request Town Engineer approval. It's on his letter.

DECISION ON APPLICATION #5: Unanimously approved, by a vote of 7 yes, the above described application with the following conditions:

1. Applicant to comply with all pertinent permits, inspections, and code compliance regulations, and submit a code compliance check list to the Building Department.

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

PASTOR SMITH: Can I ask you one more question, too, because I believe in being totally up front about who we are and what we're doing. I was hoping that we would get in and start to like paint and do some stuff within the building. Just getting it ready.

JOHN HELLABY: That's the guy you have to talk to (indicating).

JAMES MARTIN: We have done our duty.

We have four applications that follow tonight that are basically applications by the same entity dealing essentially with the same property over on Scottsville Road, so at this point, I think we should probably hear 6, 7, 8 and 9 concurrently so that we can get these things cleared off the docket tonight. So I will go ahead and read applications 6, 7, 8 and 9.

6. Application of Essex Hotel Management, LLC, 1250 Scottsville Road, Rochester, New York 14624, property owner: Davpart Rochester LP; for preliminary site plan approval for a change of use in portion of building to allow an appliance parts retail store (formerly office space) at property located at 1220 Scottsville Road, Suite 7 (a/k/a: 1250 Scottsville Road) in GB zone.
7. Application of Essex Hotel Management LLC, 1250 Scottsville Road, Rochester, New York 14624, property owner: Davpart Rochester LP; for preliminary site plan approval for a change of use in portion of building to allow a retail hobby store (formerly office space) at property located at 1220 Scottsville Road, Suite 30A (a/k/a: 1250 Scottsville Road) in GB zone.
8. Application of Essex Hotel Management LLC, 1250 Scottsville Road, Rochester, New York 14624 property own owner: Davpart Rochester LP; for special use permit to allow a church in existing building at property located at 1260 Scottsville Road (a/k/a: 1270 Scottsville Road) in GB zone.
9. Application of Essex Hotel Management LLC, 1250 Scottsville Road, Rochester, New York 14624, property owner: Davpart Rochester LP; for preliminary site plan approval for a change of use to convert existing restaurant/party house to a church at property located at 1260 Scottsville Road (a/k/a: 1270 Scottsville Road) in GB zone.

Joey Lester was present to represent the applications.

MR. LESTER: Good evening, Board. My name is Joey Lester. I'm an employee of Essex Hotel Management, LLC and I'm here representing Davpart Rochester LP.

JAMES MARTIN: Do you have any presentation on any of the issues that --

MR. LESTER: No, I don't. Just what was submitted.

JAMES MARTIN: Okay. As far as you know, the applications that you have before us, you know, the change in use to appliance parts store, the change of use to the hobby shop from general office space, are these primarily interior renovations to the buildings themselves, or are they exterior renovations?

MR. LESTER: No exterior. And they're actually existing tenants now. We just took over management in end of June, so we have been trying to tie up a lot of the loose ends that were existing before we took over.

JAMES MARTIN: Okay. So you're saying they're existing tenants at this time?

MR. LESTER: That's correct.

KAREN COX: These were tenants that were -- these uses were not allowed, but they were tenants in the building.

MR. LESTER: That's correct.

KAREN COX: Former owner just let them in?

MR. LESTER: Yes. There was a disconnect between ownership and the previous management company there. So this -- we come in and we have been trying to pick up the pieces and get everything back to square one and go about it the proper way.

PAUL WANZENRIED: So the businesses are operating today?

MR. LESTER: Yes.

PAUL WANZENRIED: Okay. I don't have anything with regard to which one we're doing first.

KAREN COX: Doing them all together.

PAUL WANZENRIED: I'm fine. I'm good. No comment.

KAREN COX: That was my only question.

JOHN HELLABY: Um, the only question I have got is for the Building Department. Any complaints, problems, issues? I know that Church has been in there for a long time.

DAVID LINDSAY: I don't have any recorded complaints, but we do have some other requirements. When we come to the side table, I'll go over that.

JOHN HELLABY: That's all I got.

JAMES MARTIN: As I went through this, um, again, I will probably steal your thunder, but certainly you will be subject to all required permits, inspections, code compliance and regulations, and as we stated about the previous applicant, you will need to submit a code compliance check sheet to the Building Department for the property. Any signage changes, they must comply with the Town Code as far as our sign regulations go.

MR. LESTER: Yes. The current appliance store moved in right as we were taking over. They have a temporary sign up on the outside of 1250 on the fascia of the building which is going to be pulled down when that fascia gets redone later on this month.

Paint ball has an existing sign on the building. They have an application in, but this item needed to be resolved first before that can be approved.

JAMES MARTIN: I have a comment about our paint ball friends. They park that truck out front.

MR. LESTER: What I found out about that --

JAMES MARTIN: That goes away, okay?

MR. LESTER: -- that truck has been gone. That actually did not belong to that paint ball owner -- the owner of that office -- or that business did not own that truck. That truck was a friend of the management company that owned it before, Geoffrey Allen & Associates. He allowed him to park it there. It's just a coincidence that it was paint ball and there is a paint ball store there, but that was removed shortly after we took over.

JAMES MARTIN: All right. I just want to make sure it stays gone.

MR. LESTER: Definitely. Understood.

DAVID LINDSAY: In regards to Number 8, the church, I guess previously existing there was a restaurant in there that had obtained a building permit and never closed it out. We would like to request that they take the necessary steps to close that building permit out. I think you touched on the code compliance checklist.

Also, these properties here represent a few of the businesses on site and we have been working with the applicant to try to identify the remainders on site and what their uses are. We have asked for them to submit to us kind of a floor plan for the buildings out there that we could then take out to the site and work with the applicant to make sure that all of them are proper and up to speed. So we would just ask that maybe a condition of approval be that they supply us that floor plan. We're still waiting for that, so.

JAMES MARTIN: But I think based on some comments you made to me, that the Essex Hotel Management is really working with the Town to straighten out a lot of these.

DAVID LINDSAY: Oh, yes, they are. It is night and day from what we had before, so.

JAMES MARTIN: All right. Since we're not talking about monument signs or anything like that, AC doesn't get involved.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Can somebody enlighten me how we got so many addresses here? And why they don't agree? We have an address with an a/k/a. How does this happen?

JAMES MARTIN: You can answer that question, if you could.

MR. LESTER: If I could, I would. I don't know.

JOHN NOWICKI: You mean like 1250, 1260, 1270?

THERESA RILEY: Is there something that has to be addressed from a 911 standpoint?

A train whistle sounded.

JAMES MARTIN: Hold on a second.

THERESA RILEY: Is this something that needs to be addressed from a 911 standpoint?

JAMES MARTIN: Um, I would think, David (Lindsay), that there could be some current concerns with 911 perspective, with addresses that are kind of goofy like that. I don't know what your perspective is on that.

DAVID LINDSAY: I suppose there could be some concerns, but again, I don't have an answer on how we ended up with these various addresses for these parcels either.

THERESA RILEY: Is there a way to redesignate?

DAVID LINDSAY: I'm sure I could probably reach out to the Assessor's Office and look into the issue.

JOHN NOWICKI: They're postal addresses?

JAMES MARTIN: I'm assuming so. They must -- the post office must deliver mail to each of these addresses.

MR. LESTER: Yes, to those addresses. Our company has been in that building about 6 years, 1250, and we have always known it as 1250.

1260 is the two-story.

1270 is the church.

1280 is the longer building that kind of mimics ours on the other side.

DAVID LINDSAY: The Building Department will work with the Assessor's Office as well as the applicant to clear up the addresses.

JAMES MARTIN: Just to be sure we don't have any another 911 issues or any other issues associated with that.

Dorothy (Borgus), does that satisfy you?

DOROTHY BORGUS: How long has this situation existed with all these numbers?

JAMES MARTIN: I have no idea.

JOHN HELLABY: A long time.

JOHN NOWICKI: A long time.

JAMES MARTIN: Before my time. I know that.

KAREN COX: The building --

DOROTHY BORGUS: I never seen anything like quite like this. This has to be a strange animal.

JOHN NOWICKI: Goes back a lot of years.

DOROTHY BORGUS: Now, what bar was where the church is?

JAMES MARTIN: It was a restaurant party house.

MR. LESTER: A restaurant party house.

JAMES MARTIN: Do you remember the name?

MR. LESTER: Wasn't Logan's because Logan's was down farther.

JAMES MARTIN: I really don't remember the name, but it was a party house and restaurant in there at one time.

DOROTHY BORGUS: These are in that -- those strip malls? Is that what we're talking about here?

JAMES MARTIN: Right on Scottsville Road, those -- those --

DOROTHY BORGUS: There's a church in there.

JAMES MARTIN: There is a church in there now.

DOROTHY BORGUS: Okay. Looks like a mess.

JAMES MARTIN: Well, we're trying to straighten it out. To the credit of Essex Hotel Management, they're really working with us to get this straightened out.

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

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

JAMES MARTIN: Several of these conditions are going to apply to the -- to the site plan, change of use issues. Let me just -- actually, what I will do is go ahead and do SEQR first and once again, I will do SEQR. It will apply to all four applications.

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 applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

JOHN NOWICKI: Are we waiving final?

JAMES MARTIN: Hold on. One thing at a time. Don't get me confused.

JAMES MARTIN: On the first one, which is Application 6, which is the appliance parts retail store change of use, okay, they have paid a fee for -- for waiving final.

Anybody have any problem with waiving final since they're already --

The Board indicated they would waive final on that application.

JAMES MARTIN: So we're waiving final on that one.

As far as conditions, um, applicant is subject to all required permits, inspections and code compliance regulations and shall provide a code compliance checklist to the Building Department.

Any signage changes shall comply with Town Code.

The Building Department shall to their satisfaction insure Conditions 1 and 2, which I just read, are met prior to issuing the Certificate of Occupancy.

MR. LESTER: Okay.

JAMES MARTIN: So on Application Number 6, we're now voting on the preliminary site plan, waiving final.

DECISION ON APPLICATION NUMBER 6: Unanimously approved by a vote of 7 yes the above described application with the following conditions:

1. The applicant is subject to all required permits, inspections, and code compliance regulations. The applicant shall provide a code compliance check list to the Building Department.
2. Any signage change shall comply with Town code, including obtaining

sign permits.

3. The Building Department shall, to their satisfaction, insure conditions 1 and 2 above are met prior to issuing a Certificate of Occupancy.

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

JAMES MARTIN: Number 7, we're voting on the preliminary site plan approval change of use to allow a hobby store, formerly office space. This is, I believe, the paint ball activity.

MR. LESTER: Yes.

JAMES MARTIN: Once again, the -- they have paid the fee for final. Anybody have any problem waiving final?

The Board indicated they had no problem waiving final on this one.

JAMES MARTIN: Seeing no negatives, we'll waive final.

As far as conditions go, the two that I previously -- previously read, the panel truck shall never be on site again, and the Building Department, once again, to their satisfaction, insure Conditions 1 and 2 are met prior to issues a Certificate of Occupancy.

DECISION ON APPLICATION NUMBER 7: Unanimously approved by a vote of 7 yes the above described application with the following conditions:

1. The applicant is subject to all required permits, inspections, and code compliance regulations. The applicant shall provide a code compliance check list to the Building Department.
2. Any signage change shall comply with Town code, including obtaining sign permits.
3. The Building Department shall, to their satisfaction, insure conditions 1 and 2 above are met prior to issuing a Certificate of Occupancy.

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

JAMES MARTIN: Okay. Number 8 is a special use permit to allow a church at 1260 Scottsville Road. Again, timeline issue. I don't know that we can set a timeline on it.

PAUL WANZENRIED: I want to, but...

JAMES MARTIN: Pardon?

PAUL WANZENRIED: I said I want to, but...

JAMES MARTIN: They have already been in there for what, three or four years?

MR. LESTER: Yes.

JOHN HELLABY: Maybe longer.

JAMES MARTIN: Maybe longer.

I just don't know how we could do that, Paul (Wanzenried).

JOHN NOWICKI: We don't have to.

JAMES MARTIN: So there is no timeline established. As far as conditions of approval, they will be applied in a preliminary site plan approval.

DECISION ON APPLICATION NUMBER 8: Unanimously approved by a vote of 7 yes the above described application with the following conditions:

1. The applicant is subject to all required permits, inspections, and code compliance regulations. The applicant shall provide a code compliance check list to the Building Department.
2. Any signage change shall comply with Town code, including obtaining sign permits.
3. The Building Department shall, to their satisfaction, insure conditions 1 and 2 above are met prior to issuing a Certificate of Occupancy.
4. The pre-existing building permit issued pertaining to this site must be closed out and a Certificate of Occupancy issued.
5. This special use permit is permanent with no renewal required.

JAMES MARTIN: On the site plan for the church, again, they have paid their fee for the final. Do we have any problem with waiving final?

The Board indicated they had no problem with waiving final.

JAMES MARTIN: Once again, the same conditions that I have already applied to the other change of use, um, applications.

DECISION ON APPLICATION NUMBER 9: Unanimously approved by a vote of 7 yes the above described application with the following conditions:

1. The applicant is subject to all required permits, inspections, and code compliance regulations. The applicant shall provide a code compliance check list to the Building Department.
2. Any signage change shall comply with Town code, including obtaining sign permits.
3. The Building Department shall, to their satisfaction, insure conditions 1 and 2 above are met prior to issuing a Certificate of Occupancy.
4. The pre-existing building permit issued pertaining to this site must be closed out and a Certificate of Occupancy issued.

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

JAMES MARTIN: Again, thank you very much for working with us to get some of this stuff straightened out. I know every time something has changed over there, we have tried to track down what has happened.

MR. LESTER: We appreciate your understanding and willingness to work with us also. So thank you, guys, and thank you.

JOHN HELLABY: To answer Dorothy (Borgus)'s question, it was opened as Corey's Restaurant in 1978 and it changed to Barons Airpark Restaurant in '86. Been around a while.

10. Application of John Perna, owner; 3785 Chili Avenue, Churchville New York 14428 for renewal of special use permit to allow a U-Haul business at property located at 3785 Chili Avenue in GB zone.

John Perna was present to represent application.

MR. PERNA: Good evening.

JAMES MARTIN: Good evening.

MR. PERNA: I believe I have fulfilled all your requirements. I really don't even believe -- understand why I had to come back and spend another \$250 for an application fee.

JAMES MARTIN: Because your other one expired.

MR. PERNA: I know.

JAMES MARTIN: Do you have anything else?

MR. PERNA: I'm just here to answer your questions.

JAMES MARTIN: All right. Okay. July 18th, 2011 Planning Board meeting we gave you a 90-day time period to accomplish several things that were never in order, to clean the property up and comply with certain requirements that the Town was dictating to you.

The Town Building Inspector conducted an inspection today, I believe, David (Lindsay)?

DAVID LINDSAY: Yes.

JAMES MARTIN: I will go down through these. All signage on the property shall comply with Town Code. Based on the inspection today, the answer to that is yes, they are now in compliance with Town Code.

Only seven U-Haul vehicles will be permitted to be on parked on the property in designated spaces. You were in compliance with that today. So the answer to that is yes.

Striping of the proposed parking spaces for the U-Haul vehicles is required. That has been done.

Only minor repairs shall be permitted in designated service bay according to the activities that are going on there; you are in compliance that.

Storage of vehicles on the property shall be in compliance with Town Code. We got a little issue with that one. They found five unlicensed vehicles on the property, one of which was your plow truck which we said was okay. Three belong, I believe, to the occupants of the service bays, and one additional vehicle belongs to you, if I understand.

MR. PERNA: I removed that today.

DAVID LINDSAY: Just to clarify, Mr. Chairman, there was actually six. One was the plow truck. There are five additional.

JAMES MARTIN: Plow truck plus five additional. Sorry, I stand corrected on that.

So here we are, and we have something that you were not in compliance with, but I -- but I believe it is something that is going to have to be corrected very quickly. We'll talk about that in a few minutes, okay?

All refuse shall be contained inside the building. Are you in compliance with that?

Vehicle sales is not permitted on the property. You are in compliance that.

Outside storage of materials and supplies is not permitted. You are in compliance with that.

The applicant must come into compliance with all recommendations of the Conservation Board. Based on the Conservation Board comments to this Board, at the present time you have not come in to compliance with all of the recommendations, so that is a no.

Number 11, canopy shall be removed in 90-day period of time. The canopy has been removed. Okay. So based on the checklist that we gave you on the 18th of July, um, you have come a long ways in complying with the requests of this Board and the Town of Chili.

So I guess right now what I will do is go to the Board for any additional comments or concerns.

PAUL WANZENRIED: Is Mr. Perna aware of what the Conservation Board's comments were?

JAMES MARTIN: I'm not sure what -- he is aware of it, but he will be before he leaves here tonight.

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

KAREN COX: Is this issue with the unlicensed vehicles going to be a continuing issue?

MR. PERNA: The one vehicle was one I used to -- to stand on, the big truck in order to take the canopy down. I removed that today. I just haven't got around to moving it earlier.

As far as the -- some of the other one licensed vehicles, I believe that they are either customers or whatnot of the people that are leasing from me, and they are waiting for the people to pick them up because the people decided not to repair them.

KAREN COX: Why aren't there license plates on them?

MR. PERNA: Something not worth fixing people take the plates off, go buy something else and they just haven't come and removed them in a timely manner. If you go to any other repair shop in the Town, you will find unlicensed vehicles of people that have left them behind for repair or whatnot. You go to Carpenters. You go to Booths.

KAREN COX: No. I have seen them. I have seen them. I guess if you can just --

MR. PERNA: I mean, it is not like it is a junkyard or they're unsightly. They're just -- they're waiting for people to pick them up.

KAREN COX: But I mean -- well, you guess --

MR. PERNA: I don't foresee it to be -- it's not going to be -- it will be corrected.

KAREN COX: Okay.

THERESA RILEY: Is it possible to have any type of a policy that if the cars are left there for a certain amount of time, they are surrendered, transferred or whatever so that you can take care of them or your tenants can take care of them?

MR. PERNA: The problem is you can't junk something because of -- you don't have a title to it, and then they could be held responsible by the owners if they get rid of the vehicle without the proper paperwork. It's a catch-22.

THERESA REILLY: Understood. Okay. Nothing else.

JAMES MARTIN: I will let Pat (Tindale) comment on the Conservation Board issue when we get to the side table.

As far as the unlicensed vehicles, I understand the issue of not having registration and you just can't haul them over to Metalico and scrap them or something like that, but clearly --

MR. PERNA: I believe --

JAMES MARTIN: As landlord, John (Perna), I think that you really have a responsibility to manage that and to insure that, you know, if we go ahead tonight and approve, you know, continuation of that, that you police that activity. That's a reasonable period of time we may discuss that, as to how long --

MR. PERNA: I will go by whatever the law states.

JAMES MARTIN: I understand, know an owner can drop something off, change their mind or whatever. But that, I guess, doesn't exempt you from managing the process to keep that site clean and keep unlicensed vehicles off of it. So we're going to have to have some sort of process instituted if this goes ahead, to make sure this happens, and it will obviously be subject to some periodic inspection.

PAT TINDALE: I understand you were asked to remove the railroad ties, which you did do, but the gardens are still not edged along there. And the area to the south and the southwest that was supposed to be cleaned up has not been cleaned up. And the gardens need to be weeded. It is general maintenance that we would like to see done there and the gardens maintained with regularity. That's my comments.

MR. PERNA: Okay. That will be taken care of. They asked me to remove the railroad ties, but I mean if you go to McDonald's, they have railroad ties for -- the railroad ties are just there so the lawnmower wouldn't, you know, go into the shrubs, but the grass -- the weeds have to be pulled around the bushes, but the bushes are well trimmed and they cut the grass low.

PAT TINDALE: It's improving, but it needs a little more improvement.

MR. PERNA: Yes.

JAMES MARTIN: Nothing, I believe, Mark (Merry), from your perspective?

MARK MERRY: Did I hear you correctly that signage is now in compliance?

JAMES MARTIN: Yes.

MARK MERRY: It is. Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I wish I had a dollar for every time I have appeared in this room about this man's enterprise on my -- in an area that is one mile from my house. I am shocked to hear Mr. Lindsay say that they're in compliance there.

There -- I believe -- I think this needs to be expounded on. I'm understanding in back of the station there still is a mess. There is still -- on old sign out there that should be disposed of, the gasoline price signs. That lays there. There is -- there is stuff out there that ought to be gotten rid of. You just can't shove it behind a building and have everybody say it is fine.

As far as the signs go, they're not compliance because they regularly have two banners strung across their bays saying something about oil changes or belt checks or open for business or something. There is actually strung from -- from one post to the other across those bays. That is not compliance. That's not compliance.

And having all these unregistered vehicles is not acceptable. This Board has got an opportunity to finally clean this place up for -- for real. And instead, you're going to dance around the edges and let him go again. It sounds like to me. Well, you're not, because I'm about to ready to file an Article 78 if this Town doesn't start putting their codes into practice. You can't put something on a piece of paper and just ignore it and you think that's -- that's compliance. They're there for a reason and it is to protect the public. The public is the people that have to look at that mess all of the time.

Is it better than it was? Yes, it is. Do they have a long way to go? Yes, they do. And just because Mr. Perna isn't there, he cannot absolve himself of the fact that his tenants are bringing cars in unlicensed again. I'm not so sure that at least one of those cars there doesn't have an out of State plate.

What kind of a deal is this that you can think this is okay? It's not okay. I don't care who has the unlicensed cars there. Who is going to be responsible? Is he going to push it off on the tenant and we're going to go around and around? We go nowhere with this place.

He talks about the landscaping like it was wonderful. It's just old, junky landscape that is -- that has seen its day. It should be gone and replaced. It's all woody, evergreens and overgrown trees. Is it cut back? Yes, but it's unsightly. And -- and as far as removing the landscape timbers, they're in pieces, probably a foot long. He moved them from one place and placed them somewhere else. They're little chunks of rotted wood.

How can you think this is okay? What is wrong with you people?

I want some -- the sign issue has got to stop. You -- they cannot be putting banners up at will. Period.

The place still could use a lot of cleaning up. I -- I thought they were supposed to have corrected the -- the -- the -- or fixed the, um -- the paving where they drew -- where they pulled the tanks out. I don't know -- I think those are millings or something they dumped in there. That is unsightly. The parking lot is beat up. It needs to be replaced. I know that is expensive, and you didn't ask him to do it, but for heavens sakes, couldn't they patch where they took the tanks out instead of leaving that mess right in the front?

If you people think this is an acceptable looking building for a major intersection in our Town, then you shouldn't be sitting on that Board because you don't have any concept of what right is.

Now, the issue before you is -- as to whether you're going to allow him to have a U-Haul business there. If you look back at the notes, you will see in the past he was allowed to have a U-Haul business if -- and the "if" is the -- is the operative word -- if he took them over to property he owns on Union Street and did not leave them on site. Did not leave them on site.

Now, where did that -- where did that -- that point go? Now we're just going to leave him, let him leave them on the corner of Union Street and Chili? It's a main intersection of our Town. It is not a place for a U-Haul business. And he obviously is not able to comply with what you told him to do before, what you agreed to do before. It goes around and around and around with him.

Now, it's enough there. Enough. It's -- it's not the place for this business, period. And we're dealing with somebody who has a different level of expectation than everybody else does, so in his mind, he's fine. In everybody's else's mind, he's not. If you let everybody in this Town do this, we would have a Town wide mess. It's time he was made to conform not -- not to the -- to the -- to the code, to the letter of the code and the spirit of the code. Which he doesn't understand. And he hasn't understood for 25 years. Thank you.

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

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

JAMES MARTIN: At this point I will go to discussion by the Board. Any continuing issues or concerns that you may have based on input from the Building Department and Mr. Perna himself?

JOHN NOWICKI: Explain to me, you're leasing it out to somebody that repairs cars?

MR. PERNA: Yes.

JOHN NOWICKI: Somebody brings a car in, it has a plate on it?

MR. PERNA: Not necessarily.

JOHN NOWICKI: How do they get it there?

MR. PERNA: They towrope it, they tow it, they flatbed it.

JOHN NOWICKI: They do the repairs on it.

MR. PERNA: Say you're selling your car, you have your plate off it. You sell it to somebody. How do they get it out of there?

JOHN NOWICKI: It doesn't seem -- something seems strange here about bringing a car in there and then -- with no plates on it. Why does it keep sitting there if somebody brings it in by truck? Why don't they get it out by truck right away?

MR. PERNA: That has been the question I have been asking myself for 30 years.

JOHN NOWICKI: What about the people leasing this property from you? Why don't you go after them and get them to shape up?

MR. PERNA: Well, I don't think they're really doing such a bad job, believe it or not. They keep the grass cut nice, the shrubs done nice.

JOHN NOWICKI: But the unlicensed vehicles are still there.

MR. PERNA: I realize that.

THERESA RILEY: Is it possible to have an agreement with them that vehicles are left for a certain amount of time, there is a fine involved so they will have a reason to move them?

MR. PERNA: I will have to talk to them about putting a sign up so when their customer drops off a vehicle, it can only be there for a certain period of time.

THERESA RILEY: Or in order to work on unlicensed vehicle, title must be present and will be surrendered -- I'm sure you can work with an attorney -- you're working on low-value vehicles, where people will walk away from, then there certainly is a way to address that.

JOHN NOWICKI: There has to be. There has to be.

THERESA REILLY: Because your tenant is putting you in jeopardy.

MR. PERNA: I know.

JAMES MARTIN: If I go back to previous approvals by this Board, okay, back in 1998, um, going down through approved preliminary site plan change for use of portion of the building, again, only minor repairs will be allowed. At that point in time, they granted a storage capacity on the site of 35 vehicles, okay? And the maximum length of storage time for any vehicle shall be limited to 30 days. But there was nothing specific in here regarding unlicensed vehicles.

Now, the Town has code requirement on unlicensed vehicles; is that correct, David (Lindsay)?

DAVID LINDSAY: Yes, we do.

JAMES MARTIN: All right. And --

JOHN HELLABY: Look at -- item 12 on that.

JAMES MARTIN: I'm sorry. I didn't get down. All unregistered vehicles must be removed from the premises. Okay. I'm sorry. I didn't get that far in my reading.

So again, back in 1998, um, certainly the Board specified that there could be no unregistered vehicles on the premises.

What does our code say as far as allowing an unlicensed vehicle? What is the permitted storage time, if any, and how many?

KEITH O'TOOLE: We have a few different regulations regarding unlicensed vehicles.

Um, we -- they're variously referred to as unlicensed or junk vehicles. Basically, if you have a vehicle in storage inside a building, we generally don't care. It's out of sight. And that's the issue, and it's resolved that way.

In residential areas, we allow a vehicle to be covered by a car cover. And that brings it into compliance.

Beyond that, it's a question of whether a vehicle outside is in operable condition, sufficiently operable such that it can be driven on a public highway. It has to be in working order, inspected, tagged, registered, insured, every darn thing you need to take the car out onto the road and not get a ticket.

JAMES MARTIN: So anything that doesn't meet that requirement is considered an unlicensed vehicle?

KEITH O'TOOLE: As a general rule, yes.

But I think you have to keep in mind to a certain degree that when it comes to motor vehicle repair shops, there will be times when by definition it is not operable. That is why it is at the shop, after all.

So it is incidental to, I believe, the average motor vehicle repair shop that they have vehicles that can't be operated legally. It's more a question of are they just being dumped there, is that it? Or are we having an accessory junkyard in the back of the property as opposed to vehicles that are actually actively being worked on?

JAMES MARTIN: Understood.

Um, hypothetical question. If a site, let's say, had three vehicles on it that have no license plates and they sit there for 30 days, is the Town in a position to cite the owner, all right, for having three unlicensed vehicles on their property for some continuous period of time, via a ticket or something of that nature, or, again, we would have to explore the -- the reason why they're there?

KEITH O'TOOLE: The normal process, such as in a residential area would be we would send out a notice, giving them an opportunity to bring the property into compliance, and then after a reasonable period if the compliance hasn't been achieved, then we reserve the right to prosecute them in Town court or whatever other court we believe appropriate.

In a commercial situation where there is a site plan or special use permit, we would also

look at the conditions and see if they apply. In some instances in a commercial situation, as -- as I just discussed, we may expect something to happen there that wouldn't happen in a residential area. That would override the default provisions of the Town Code. So if this Board said they're allowed to have vehicles there for 45 days, then they're allowed to have them there for 45 days. So long as it was within your jurisdiction to issue such a condition, that is what we will be guided by.

JAMES MARTIN: Okay. Thank you for the clarification.

KAREN COX: Jim (Martin), did you see in that same paragraph, number 11?

JAMES MARTIN: I didn't get to that part yet, but I'm reading it right now.

PAUL WANZENRIED: David (Lindsay), is there anything in the property maintenance code about cars? From New York State?

DAVID LINDSAY: In the Town code or State Code?

PAUL WANZENRIED: State Code.

DAVID LINDSAY: I'm not familiar with that section, but I don't believe there is.

JAMES MARTIN: Back in 1998 -- thank you for pointing that out, Karen (Cox) -- Condition Number 11, um, there are to be no long signs, banners or promotional devices other than the signs specifically authorized in the original approval.

MR. PERNA: Okay. But interior signs are not part of exterior signs. If they got a sign hanging inside their building --

JAMES MARTIN: I believe, you know, you're kind of flaunting this condition, because it is very visible from the road.

MR. PERNA: Every grocery store has signs in their windows. Then would you have to go after every one of them, too? I mean, it's not on the exterior. It's interior.

DOROTHY BORGUS: It is not.

JAMES MARTIN: I think you're stretching that.

MR. PERNA: I'm not stretching. I'm just telling you if you go around and look at every business, any store, they all have signs in their windows, on -- in the inside. They're not exterior signs.

KEITH O'TOOLE: If I may, M Chairman.

JAMES MARTIN: Yes, Mr. O'Toole.

KEITH O'TOOLE: We have historically, as is very common among other towns permitted certain interior signage, basically signage behind the wall of the building, signage behind a window. If it -- if it is truly of that type, it's exempt from our sign code. That's why a Wegmans can, in fact, have a lot of temporary sale signs. Milk is on sale, meat is on sale, what have you, and they don't come in and get a sign permit for those.

JAMES MARTIN: Okay. But in this case we're talking about a banner that is stretched across an overhead door entrance into the service bays.

MR. PERNA: That is interior. If you look at Monro Muffler, they have one in every day door.

KEITH O'TOOLE: I think it's a fact-based situation and Code Enforcement can take a look at it and find out if it is a true interior sign or not. I don't know what Monro Muffler is doing. I don't know if what they're doing is legal. So having company with an illegality by itself is not a defense.

JAMES MARTIN: Continue discussion at this point.

THERESA RILEY: It is obvious whatever we decide has to be for a relatively short time that demonstrate he will stay with that before we even think about going longer.

MR. PERNA: If you want me to go another 90 days and pay another 250, it is ridiculous.

THERESA RILEY: The point being if you go --

MR. PERNA: I mean, I'm not making that much money off this.

THERESA RILEY: The point would be if you go 90 days and successfully comply with the other conditions, then it can be extended past that.

MR. PERNA: Then I have to pay another 250 to come before this Board again so I can listen to Dorothy (Borgus) brutalize me?

THERESA RILEY: You have the option of not.

DAVID LINDSAY: To clarify the reason the applicant had to pay another 250 was because the original approval had expired. If he had appeared before the Board within 90 days, he would not have had to pay.

MR. PERNA: I disagree with that, because when -- I don't believe that to be true.

THERESA RILEY: Well, was that a function of (inaudible) because of election time?

DAVID LINDSAY: It was a function because the applicant didn't appear and make application to come back before the Board. I believe he was on vacation.

JAMES MARTIN: Well, there are certainly some things that, you know -- I will read them and then we'll decide where we want to go. Before we go any further, um, I'm going to do a SEQR determination.

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: We have an unlisted action. We have request for special use permit. We have a couple of things that we're not totally cleaned up and we have a couple of question marks at this point in time on -- on this particular site and this application. Certainly, any

unpermitted, unlicensed vehicles will need to be removed, but, you know, are we going to put a timeline on how long they can be on the property? That's a question. You can think about this.

Certainly any temporary signs such as banners, as it was outlined in the condition back in 1998, um, are not going to be allowed exterior to the building and we'll have Code Enforcement take a look at -- at what is going on over there.

MR. PERNA: My tenants are -- currently have application with the Town for sign permit.

JAMES MARTIN: That's fine. Just going back and reiterating what was the condition in 1998. Cannot be exterior to the building. That's a definite. Okay?

Certainly there needs to be continued improvement of the landscape features on the property, working with the Conservation Board. I don't disagree with some of the public comments that were presented to this Board. The property still needs work, and -- but I -- you know, I have the inspection report from the Building Inspector, and you were essentially in compliance with, um, you know, eight out of the ten conditions that we imposed back in July of this year, so to me, that does show significant effort on the part of the applicant to improve the appearance of it, and certainly getting the canopy out of there was a major accomplishment.

But right now, as far as landscaping goes, certainly we're going into winter, so not much can be done as far as landscaping improvements at this time of year. There is no question about that. So I think Miss Tindale agrees with me as far as the Conservation Board's input on this, around the landscaping issues.

Um, what else, you know, do we look at here as we continue to discuss this?

JOHN NOWICKI: I think you have basically covered it all, except put some kind of a restriction on the unlicensed vehicles.

JAMES MARTIN: Well, as I said, unpermitted, unlicensed vehicles. I mean we -- we talked about a snowplow, and that's -- that's acceptable. This Board talked about that last time, and we agreed that that would be allowed to be on the property. So we're talking about unpermitted, unlicensed vehicles need to be removed from the property, and, um -- and there should be no storage for any period exceeding X. Okay? I'm open to suggestions on that.

DAVID CROSS: 30 days is what was used back in '98. 30 days is what was used back in 1998. There was a maximum -- maximum storage capacity of the lot that shouldn't exceed 35 vehicles and a maximum length of storage time for any vehicles shall be limited to 30 days.

KAREN COX: That seems reasonable.

PAUL WANZENRIED: You're not going to give him 35 cars?

KAREN COX: No. I'm saying the days.

JAMES MARTIN: We would have to go back, I believe, Keith (O'Toole) and rescind that condition that was given to him in 1998. I mean it never was rescinded?

KEITH O'TOOLE: What I would suggest we do is we issue a brand new decision letter that has all of the current conditions that are appropriate tonight.

JAMES MARTIN: From previous --

KEITH O'TOOLE: Yes.

JAMES MARTIN: Rather than say all previous conditions apply --

KEITH O'TOOLE: Or in the alternative, deleting Condition Number 6 from the 1998 letter or something like that.

JAMES MARTIN: You know we have a load of them.

KEITH O'TOOLE: I'm sure Kathy Reed is looking forward to retyping them again.

Mr. Chairman, if I may go to the unlicensed vehicle issue, do you have a site -- I'm sorry, do you have the site plan in front of you?

JAMES MARTIN: I believe we do have something. On the west side of the building, adjacent to the two-bay service garage, there are six designated spaces.

JAMES MARTIN: Okay. On the -- on what side of the building, Keith (O'Toole)? I'm sorry?

KEITH O'TOOLE: West side.

JAMES MARTIN: West side. Where we're allowing the U-Haul parking to take place?

KEITH O'TOOLE: No, no.

JAMES MARTIN: Those -- that's the old plan. I don't have a copy of the new plan here.

Keith (O'Toole), what I would suggest, rather than getting into these issues of how many days an unlicensed vehicle can be located on the property, I would -- I would suggest designating those six spaces for that purpose, so if an unlicensed vehicle is parked there, we can live with it. It's pretty much out of sight. If they have more than six unlicensed vehicles, then they can start parking them inside the service bays. If they run out of space at that point, well, too bad, too sad. There is a provision under the law for garage man's liens. It's not an easy provision and if you have kind of a junker of a car, it's not cost effective. However, if you're getting past eight vehicles on site that are in process, and they don't have plates, then I would -- I would reasonably argue that perhaps the -- the tenant has gotten carried away and it does have some responsibility at that point to stop.

It's really a burden on Code Enforcement to be going over there and -- with a calendar and checking off which vehicle has been parked, how many days and for evidentiary purposes in court, we don't want to get into court, "Well, the thing had one plates one day and the other day."

"And how would you know? You weren't there each and every other day."

It is just impractical. So giving them a certain (inaudible) to do that, and since it is consistent with what their business is, that would seem to me to be a reasonable compromise.

Nothing further.

JAMES MARTIN: Comment on that?

JOHN NOWICKI: I think it makes sense.

JAMES MARTIN: Storage of unlicensed vehicles shall not exceed six. To be -- I'm trying to capture -- to be parked along the side of building.

JAMES MARTIN: In actuality, that would allow, I believe, five in addition to your snowplow.

MR. PERNA: I don't foresee them needing that much, but we'll go with that. That will be fine.

JAMES MARTIN: As far as going back over all of the previous conditions, it is your recommendation -- that would be the subject of about a three-hour meeting, I believe, by this Board tonight to go back over all of those. I'm just trying to figure out how we can deal with that.

KEITH O'TOOLE: I would issue the permit with the new material we added, recaptured all conditions and authorizing Chairman to delete all those unnecessary conditions and work with Kathy Reed in the Building Department.

JOHN NOWICKI: So a new list of conditions.

JAMES MARTIN: So you're saying Chairperson to review all previous imposed conditions. And remove all that are no longer pertinent?

KEITH O'TOOLE: Correct.

JAMES MARTIN: Now we get to another sticky wicket here. As far as timeline goes, since we do have the issue of the landscaping on the property. This obviously cannot be addressed through the winter. I guess we could take a look at this and -- and essentially say, you know, as a condition of approval, the applicant has to continue to improve landscape features with Conservation Board input.

PAUL WANZENRIED: Why don't you ask Pat (Tindale)?

JAMES MARTIN: Well, you know, something like by the first of July next year or something like that, to have that completed.

JOHN NOWICKI: Can we make it a condition that the applicant comes back to this Board at that time to advise the Board of the status? At no cost to him.

KAREN COX: Why July?

PAUL WANZENRIED: Why not June or the end of May?

KAREN COX: June or the end of May. I mean --

JAMES MARTIN: I just throw that out as a potential date. It's not locked in stone.

KAREN COX: Would say go to end of May.

JOHN NOWICKI: June 1st.

KAREN COX: By then the weeds will be growing good.

JAMES MARTIN: Applicant will not be required to reapply.

JAMES MARTIN: But I want some teeth in this, because I want this work done. So if the Conservation Board has said nothing has happened --

PAUL WANZENRIED: Then we revoke the special use.

JAMES MARTIN: Pardon?

PAUL WANZENRIED: Then we revoke special use. It's done.

JOHN NOWICKI: You can actually state that. If it is not done, we'll revoke the special permit.

Is that possible, Keith (O'Toole)?

KEITH O'TOOLE: There is provision for it.

JOHN NOWICKI: Just revoke it.

JAMES MARTIN: So by 6/1/12 to be completed by applicant. If it is not completed, applicant to reapply pending completion to the Conservation Board's satisfaction, all right, that landscaping has been brought up to standards. Um, should applicant fail to comply, then he is subject to revocation of the special use permit.

Does that language sound appropriate Mr. O'Toole?

KEITH O'TOOLE: Yes.

JAMES MARTIN: As far as the timeline tonight, I'm open to suggestions.

JOHN NOWICKI: You mean as far as the permit?

JAMES MARTIN: How long we would continue the special use permit, given we go ahead and vote on this and approve it.

JOHN HELLABY: One year.

JAMES MARTIN: One year. I hear one year.

KAREN COX: Yeah.

JAMES MARTIN: One year. I hear one year. Okay.

Did you see a need to go back through the conditions? I think you heard them all. So we're going ahead to vote on the special use permit renewal for one year period of time, given all of the conditions that I have stated.

One specific, Chairperson is to review all previously imposed conditions and remove all that are no longer pertinent. I just want to reiterate that at this point in time.

We found this to be an unlisted item under SEQR. On the one year conditional approval of the special use permit?

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

1. The special use permit is granted for a period of one year.

2. No temporary signs such as banners or pennants shall be allowed exterior to the building.
3. Temporary storage of unlicensed vehicles shall be limited to five vehicles. The subject vehicles shall be currently in process of being serviced by the designated service bays. The storage area for these vehicles shall be along the west side of the building.
4. The applicant shall continue to improve the overall appearance of the site. Specific attention should be paid to the landscaping. The applicant shall work with the Conservation Board to meet this requirement and complete this work by June 1, 2012. If the applicant completes this work satisfactorily, the Board will consider extending the duration of the special use permit without additional applications. The applicant is advised that if no satisfactory improvements are made, they are subject to revocation of the special use permit.

There are multiple previously imposed conditions related to this property. The Board has authorized the Chairperson to review all previous conditions and eliminate all that are no longer pertinent to this site.

JAMES MARTIN: So you're approved at this point in time. Obviously you heard what the Board has said and you're subject to revocation if you don't get that landscaping cleaned up.

MR. PERNA: I will clean it up.

THERESA RILEY: How are the rentals going?

MR. PERNA: They're not as good as they should be, but nothing is.

JAMES MARTIN: You're done.

MR. PERNA: All right.

There was a recess in the meeting.

11. Application of DPB Holdings, owner; 1 Boon Drive, North Chili, New York 14514 for preliminary site plan approval to allow a recyclable handling operation in previously approved 55 foot by 60 foot structure at property located at 1 Boon Drive in GI zone.

INFORMAL:

1. Approval of an accessory use to the existing special use permit granted to DPB Holdings to allow a recyclable handling operation at property located at 1 Boon Drive in GI zone.

Glenn Thornton, Daniel Boon, Dave Boon and Matt Boon were present to represent the application.

MR. THORNTON: Good evening. Yes. My name is Glenn Thornton with Thornton Engineering, representing Boon & Sons, and with me today I have got -- tonight is Dan (Boon), Dave and Matt (Boon), because I admit I'm not an expert in their business, so I wanted to make sure they were here to answer any questions that might come up.

Um, what -- what we are proposing tonight is to use an existing temporary enclosure that was recently constructed on the property. We want to use that for a recyclable material handling enclosure.

Boon & Sons currently collects trash, and they also collect recyclable materials on their routes. Trash goes to a landfill. The recyclables are picked up by recyclable route collection trucks and currently, you know, each -- each day the trucks leave the facility in the morning, they're out on their routes, they're picking up recyclable materials and they will either come back to the facility at the end of the day, or go directly to a sorting facility to drop off the recyclables and then come back to the facility.

The four trucks probably on a daily basis carry about two tons of material. So what is happening right now is the trucks are out on the collection routes and maybe at the end of the day, they would all be diverted and drop off the materials either at JC Fibers over on Emerson -- is that one --

MR. DANIEL BOON: Mt. Read.

MR. THORNTON: I'm sorry. Mt. Read. Or at the Monroe County Recycling Center on Emerson Street. So we have trucks collecting materials and being routed to drop them off to come back to the facility.

What we're proposing to do is to kind of streamline the operation. Obviously there is financial considerations, as well, and we think we're -- what is being proposed is actually bettering the recyclable collection system within the County, which is one of the County's goals, is to increase the amount of recyclable materials being collected, keep it out of the waste stream, keep it out of the landfills, reuse the materials.

Let me just explain how that is being proposed. Um, brought a couple boards here. The one on the left, colored, is the Boon & Sons property, about 5.8 acres on -- at 1 Boon Drive, near

the new FedEx facility that is being constructed.

Down in the lower right-hand corner, which would be the southeast corner of the -- of the yard area is where the 55 foot by 60 foot temporary enclosure has been erected. It's a fabric-roofed enclosure. That is shown on the -- on the right board.

Took that picture a couple days ago. And you can see the -- the facility was constructed with a solid concrete floor. It's got the stackable concrete blocks on three sides. You can see some blocks in the center, kind of dividing the -- the location where the compactor trailer is parked right now, the red truck, the tractor on the right, pulling the compactor trailers on the left-hand side of the board, and the loader is on the right-hand side.

The facility is about 20 -- 28 foot tall, which will allow the -- the recyclable collection trucks to back into the facility and -- and lift up and dump the materials on the ground where they can be quickly picked up by the -- by the loader and reloaded into the compactor trailer.

And the reason this is being done is because, um, really revenue. Again, where -- where can these materials be taken? The -- the Monroe County facility and JC Fibers is a dual-stream facility. It means there -- there is some sorting required by the customers before Boon & Sons picks up the materials at the curb, in their collection bins.

Um, Boon & Sons is proposing to take these materials up to a facility -- the closest ones right now are up in Buffalo, and what they can take up there is single-stream materials. It means there is no sorting required by the customers. You take recycling materials, be it cardboard, newspapers, tin, plastics, you throw it in your bin. And they pick it up, and they will then take the materials to a single-stream sorting facility.

Unfortunately, those are not in the area yet. We believe, um, they will be in the near future. Maybe within the next few years, people will probably go to the single-stream. Single-stream encourages recycling from residential customers. It's easier to do. It doesn't require you to sort materials into different bins to look at materials and say is this recyclable?

A train whistle sounded.

JAMES MARTIN: Go ahead.

MR. THORNTON: It takes the questions out of recycling on the residential end. You just take your materials, put it in a bin, they're picked up. That -- that should encourage, you know, the residents, the customers, to put more materials in the bins, keep it out of the garbage, out of the waste stream.

So with that, we -- we believe this will -- will -- help satisfy Monroe County goals and really the goals within the -- within the State, country, you know, to reduce the amount of material going to the landfill. When they're brought back to the facility, they will be brought to the facility in Boon & Sons trucks only -- the only recyclable materials brought to this facility will be the materials picked up on -- on Boon & Sons routes in their collection trucks. There will be no other waste haulers bringing materials to this facility.

Therefore, the truck traffic to the facility is exactly the same as it is now. It's the same trucks that come back every night. They will just come back with a couple tons of recyclable materials on board, which then they will place on the floor. It will quickly be picked up and compacted in the trailer. The trailer holds about ten tons of compacted material which makes the trip to Buffalo more economical, more cost effective, more feasible to do that.

And again -- when the material is picked up curbside, it's put in a route collection truck which compacts the material. All we're doing is compacting it more into a bigger -- into a bigger trailer for transport to a recycling sorting facility.

Now, the -- I think the questions that would come up with this sort of facility are, you know, what are the impacts on the environment? What -- what are we going to see? You will not see more traffic. It is the same trucks that come in there every day and leave every day in the morning.

Noise, it -- it -- there shouldn't be noise issues. It is going to be a compactor trailer, these -- diesel motor operating only when the compactor needs to compact materials. That's not constant. It's infrequent. It's when it is being loaded, it will have to be compacted and then the motor is turned off. There will be a loader operating in there for a very short period of time during the day, and this wouldn't be early morning or late in the evening. It typically would be more of an afternoon type operation, you know, when the trucks have emptied the materials, you pick them up, not early in the morning and get it into the trailer. The goal is not to have any material laying on the floor for more than 24 hours. I think mostly, it would be picked up immediately, but I can see sometimes where at the end of the day, a truck might drop something on the floor to be picked up and loaded and the compactor might be full. So there might be a little bit of material, residual material left on the floor, overnight, until the compactor is brought back empty and we can start reloading again.

Um, as I said, it looks like the ten-ton compactor will probably make three or four trips out per week, so that would be the only additional traffic to the facility, would be three or four inbound and outbound trips of the -- of the tractor and compactor trailer per week.

Um, if things work out well.

Um, odor. There should be no odors. This is recyclable materials that is left in the curbside boxes. I mean, typically, papers, plastic container, tin. I mean there could be some residual in some of the containers, but it is very minor. And typically, there is so much paper, cardboard involved, it all gets absorbed in those materials, so you don't see liquids in the material. It -- once it is in the compactor trailer, it gets compacted.

The -- the paper, the cardboards, if there are any fluids left in any of the containers, it is all collected in there. There isn't any liquid left over.

Um, the noise from the operation, I was talking about before with the compactor, yes, the trucks will be dumping onto the floor of the recovery handling enclosure. There is not going to be much noise. Again, it's -- it's a lot of paper, a lot of cardboard, plastics. There is some tin, but it's minor, the amount of noise. And it's -- it's four trucks a day that will be dumping in there. That -- that's all we're going to see.

Um, odors, there really won't be any odors from this being recyclables. To -- to better control any potential for papers being blown around, that is the reason we have such a deep enclosure. You can see the compactor trailer and the tractor fit within the enclosure. That is 60 feet long. We want to keep all of the material towards the back, and that is why we have the stackable blocks between the two units. So the material would go back there, we can pick up the material with the front-end loader. It won't spill over into the -- into the compactor trailer area, and we can contain it.

Now, when the facility is not in use, and there might be some papers left in there on the floor, little residual. There will be a fence that is drawn across, construction fence or something tight enough where materials won't get blown out. And again, the -- the open side of the -- the enclosure is to the north, so we don't believe there -- this is really going to be a lot of potential for wind driving any of the materials out. And additionally, it is on the -- the eastern side of the existing, um, building, that is out there on the site which will kind of shield it from the wind.

Now, um, I know I'm going on and on. I'm trying to tackle any questions that might come up.

Um, since this was first considered by Boon & Sons, we did learn that this type of facility does not require a New York State DEC permit, but it does require a New York State DEC registration. So we have registered the facility with the DEC, and this type of a facility is registered so that Number 1, there is a recordkeeping for the -- for the facility. Um, it -- it's -- it's controlled.

I mean, there will be no -- I would like to say there will be no trash brought back to this facility, but there are times when people, customers, do throw trash in the recycling bins. Boon & Sons driver's are trained and they're instructed if if you see any trash in the bin, do not dump it into the recycling collection truck. You take that, you throw it in with their trash.

So I mean, there still is a potential for a little bit to come. It is well within the limits that are allowed by DEC for this type of facility. And obviously our goal will be zero trash that comes back. There might be a very small portion that might come back. But again, that is going to be hand-sorted by the -- by the truck drivers to -- to prevent that from happening.

Um, and Monroe County Department of Planning and Development, um, recently issued another letter to the Town and in the letter, they had a number of -- I guess comments. They had comments. They wanted us to provide more information about several functions of the facility, how it was going to operate. We did develop an operations plan that we have included and submitted to the Town, including information such as hours of operation, where the material is coming from, as I stated earlier. Um, what we would do in case of equipment failure. If the compactor broke down -- we're not just going to keep bringing material back and dumping it on the floor until the compactor is fixed. We would divert the material to one of the dual-stream sorting facilities in the area. We would probably take it up to JC Fibers up on Mt. Read.

We have included in the operations plan that, you know, we'll have 24 hours to get the equipment up and running again so we can be fully functioning, otherwise the material is diverted. So that material will not be sitting on the floor.

Um, there were a number of other issues, comments raised by the County. I believe in that letter, we address them all. They -- we did get a response letter -- because, I mean, we want to make sure we were doing things properly with the DEC, as well. And they provided a -- a letter, kind of summarizing where we were in the permit process, the registration process, the SEQR process. DEC didn't feel that they needed to be at all involved in the SEQR process, because it's not a permitted action on their part. It's a registration. Doesn't mean the SEQR process doesn't need to happen; it is just that they didn't feel they needed to be a part of that process.

Um, and -- and I guess lastly, um, back in -- in September of this year, with the -- with the Town's blessing, we conducted a two-week PILOT program. Now, we -- obviously we didn't operate in a facility this large, which would have made it much larger for us to operate. We operated in one of the small salt storage enclosures that are -- that are on the site right now. It's much smaller than this, but it was large enough to dump the material inside. The compactor trailer obviously wasn't inside, but it allowed us to operate the -- with the front-end loader inside to contain the material inside.

And, um, we believe it was a success. We didn't create excessive noise. We didn't create a lot of wind-blown material. There weren't any odors. The truck traffic, as I said before, it is just the same traffic that was out there before.

So with the new enclosure, being so much larger, allows us to keep all of the materials inside, it allows us to keep the floor dry, too, being so large. The material is towards the back end. Not that there would be a problem if the material did get wet, but I mean, just for added precaution, the material is dumped in the far end. It stays dry. This thing is graded around it now to drain away from it, so we're not going to get water running into the enclosure. Plus having the roof over top helps a lot, too.

That's it in a nutshell.

JAMES MARTIN: I have been through all of the paperwork, the DEC letter, County

Comments, your response, the operations plan that you have submitted, which I think is a very good summary of -- of what you just have told us from the standpoint of the operation, and, um, I -- it hasn't created any significant questions in my mind, but I will go to the Board at this point in time, and we'll open it up again.

PAUL WANZENRIED: You say the floor of the facility is pitched?

MR. THORNTON: The area outside the facility is pitched away from the floor. The floor is built up a little bit higher, and then the areas outside -- and -- it was recently checked with last night's rain to see if we are keeping the water out, and it -- it is -- it is being very effective. It is a very flat area, but the grade to the north is pitched to the north, and it is draining that way.

MR. DANIEL BOON: The floor is basically flat. Everything outside of it is keeping it out.

PAUL WANZENRIED: Okay. How many cubic feet are in the unloading area?

MR. THORNTON: This is a 3300 square feet enclosure. I would say 2,200. That would be my guess, maybe -- maybe two-thirds. Maybe a little bit more. 22 to 2500 probably.

PAUL WANZENRIED: Cubic feet.

MR. THORNTON: Square feet on the floor. Cubic feet, I don't know.

PAUL WANZENRIED: How much -- how much -- how many cubic feet does a compact truck that goes out on a route carry?

MR. DANIEL BOON: Well, they vary. You see you're talking compacted material.

PAUL WANZENRIED: How many trucks do you have?

MR. DANIEL BOON: Um --

PAUL WANZENRIED: That pick up recycling?

MR. DANIEL BOON: Refuse truck is a compactor truck, Number 1, but a recycling truck has a crusher plate in it. They're a 27 yard truck, but with recyclables, they're not compacted like that. They don't compact very well, I should say. So we -- they compact, but they don't compact like denser products do, the paper and stuff.

THERESA RILEY: Once one of the trucks leaves the facility, it is out all day.

MR. DANIEL BOON: Yes.

PAUL WANZENRIED: Coming back early afternoon or midafternoon.

MR. DANIEL BOON: Yes. Probably -- you know, some days they get done at noon to 2 o'clock.

PAUL WANZENRIED: Then dumps and from there you have one guy that operates that.

MR. DANIEL BOON: There is a guy, that is what he does. He just loads it. This is all it does right here, this chute. He picks it up. It goes in the chute right here. The trailer just has a compactor blade in it that, you know, keeps packing it to the rear. When it is full, it is full.

PAUL WANZENRIED: How far back from the front entry of that building is that chute?

MR. DANIEL BOON: Oh, it is back. It's -- it has got to be back, um -- let -- how many block you say? So --

PAUL WANZENRIED: Middle, one-third.

MR. DANIEL BOON: About half, I would say. It's about in the middle.

JAMES MARTIN: That site is cleaned, the interior, where they unload, is cleaned nightly, daily?

MR. DANIEL BOON: Yes. We will -- we will try to clean it daily. You see, the problem is, and the best answer to that is, too, somebody comes back at 4 o'clock in the afternoon, 4:30, you know, we're -- we're saying we're not -- we don't want to bother anybody at that time of the -- you know, it is a time thing. So we don't want to be making a lot of noise, or bothering with everything, you know, concerning anybody at that time of the day, getting dark. We generally -- we have two options. We could leave the recyclables in the truck overnight or dump them on the floor. We look at that on a -- on a daily basis to decide. If we know we're going to have a lot of wind or stuff, we'll leave it in the truck and won't even take that concern and be bothered with it then. Dump it in the morning and send the truck out for the daily route and then we can load it that morning, that's all. That is what we would do.

PAUL WANZENRIED: Glenn (Thornton), in a single-stream facility -- or Mr. Boon, in a single-stream facility, they take glass, too. Nowhere in any of the materials that you mentioned was glass, but I will assume --

MR. DANIEL BOON: Yes, there is glass, as well.

MR. THORNTON: Yes.

MR. DANIEL BOON: Anything in your recycling box, you know, I -- I want to just help Glenn (Thornton) a little bit here. He is a little nervous.

But what you put at the curbside, you know, is -- is basically it's -- it's sorted and cleaned, okay? We're not supposed to take it unless it is cleaned. We -- we have the option. When the driver looks at that product, if somebody threw dirty kitty litter or something in there, we don't take it. We have two options then. You throw it in the trash or generally we leave it there. We leave it there if it is a contaminated product to have them call us -- that is how we correct the problem. We don't take -- because then we have it right on down the line. We have it at the other end with the recycling plant. So recycling is recycling. It's a commodity.

You know, that's why we're doing what we're doing. You know, we're actually just cutting out the middle man. We're taking it to Buffalo, handling it ourselves.

PAUL WANZENRIED: If odor became an issue, are there methods to control it?

MR. DANIEL BOON: Yes. I mean there is deodorizers we can use; there are other things. But generally, I have to tell you -- and everybody down the line, I mean, we have done it -- the DEC and everybody will tell you, that there is not an issue with that. You know, there is

a lot of, um, recycling being handled all over the country, so. But yes, there are. There are ways to handle it.

PAUL WANZENRIED: Okay. Thank you.

The last question. The -- the lights hang from the ceiling in this building?

MR. DANIEL BOON: Yep. They're only on if we turn them on. We would have no reason to have them lights on at night. We're not working in there. We put them in there -- trash is the only thing in that building. Those two lights and a couple outlets around the top of the block for -- only if we wanted to have an engine heater on that truck or something like that. We don't even do that.

But the lights are for reasons at night, if somebody had to go out there for safety reasons. Um, we're not working out there. We're not working. There is nobody working other than mechanics in the shop.

PAUL WANZENRIED: What time do the trucks go out for pickup?

MR. DANIEL BOON: We start -- we start at 6 a.m. in the morning.

PAUL WANZENRIED: So in the event that one truck was left loaded at night, it would dump at six --

MR. DANIEL BOON: Yes.

PAUL WANZENRIED: -- in theory?

MR. DANIEL BOON: Yes. In theory.

KAREN COX: Um, Glenn (Thornton), I -- I am looking at County Comments that the Planning -- the Planning comments, and I'm sure you're aware, on the back of it, they talk about questions that haven't been addressed. And one of them has to do the blue box containers. They're saying that -- the way I read this is, and this is the way I sort mine, is, you know, I use Mr. Boon's brown box for all my plastic and glass and non-paper stuff, and then a blue box for paper. So -- so the way I am interpreting their comment is they're saying, they're kind of putting Mr. Boon on notice that that is -- paper of mine belongs to them. So --

MR. DANIEL BOON: Can I answer it?

KAREN COX: Yes.

MR. DANIEL BOON: It is a County blue box? I doubt it. I doubt it. I haven't -- they're few and far between. I have been asked this question already. You know, if -- this is what the County is saying.

The County -- number one, I will tell everybody and if they say -- they haven't put out blue boxes in years. They claim they haven't. Anybody has a County blue box today has had it for a long time. And we don't dump their County boxes. We -- as you know, we supply boxes. So you, you know -- I'm not going to tell you somebody is not using somebody else's box, you know -- before it -- be it Suburban or whoever. I mean people tend to collect them for everything, their storage in their garage.

But the County boxes, I -- I would like to take a ride around and you show me how many you can find. I can't. They're few and far between if you see them.

KAREN COX: That clears that up. I just get this feeling that they're -- are they concerned they are going to lose revenue because you're cutting out their --

MR. THORNTON: We don't know.

KAREN COX: I mean, I presume if you're taking the materials to the --

MR. BOON: We don't take it to the County now. We take it to JC Fibers.

KAREN COX: I'm just reading this that they're kind of being territorial about the program.

MR. THORNTON: I'm not sure. I'm not sure. You know. But I think the -- the major issue on any collection is that recordkeeping is kept proper, and that is required with the DEC registration, and wherever you're taking the materials, they have to report.

MR. DANIEL BOON: They have to report, too, where it comes from, what County.

KAREN COX: So then that takes to the inspected --

MR. DANIEL BOON: Just so you understand, what that -- that -- that recycling goes to the same facility we're taking it to.

KAREN COX: Oh, yeah, I can imagine.

So the second comment where they're talking about the SEQR process, the information that you have provided from DEC negates that comment, I'm assuming?

MR. THORNTON: I believe it does. I believe it does. The DEC told us that this is not a permitted action.

KAREN COX: Okay.

MR. THORNTON: So on their end, they don't need to be involved in the SEQR process. I do believe the SEQR process, at the Town level, being it's -- you know, the site plan approval process requires SEQR.

I was just trying to say, we believe that the submittal of the Short Environmental Assessment Form for this action is proper. And I -- and I think the DEC's letter of response kind of backs that up, too.

KAREN COX: It just looks like there is some kind of a difference of opinion from the person who wrote this, for their interpretation, I should say. But as soon as -- since the DEC, who does -- who regulates the program has written to you, then I -- then I think that comment has been addressed. That was all I had.

JOHN HELLABY: How does one take care of rodent control in a situation like this? I mean, because not everybody is going to take the time to rinse that tuna fish can out, and throwing it in the pail.

MR. DANIEL BOON: Same as we do any business. I mean -- we don't have any rodents

now. We won't -- we bait. We do any ways, just because we're out there to -- in the country, you know, and rodents are around. Nobody -- so we do bait. We don't have a rodent problem. We're not losing our bait. So we do control it and watch it.

You know, I -- I got -- with the landscaping company and everything, if I was to leave 50 pounds of grass seed around, the rodents would go after that, too. Just like the bird feeders in your yard, if you don't watch them and watch for it, you will have that problem no matter where you're at.

JOHN NOWICKI: I'm all set. You guys did a good job.

DAVID CROSS: My biggest concern, the north end of this is open, right?

MR. BOON: Yes.

DAVID CROSS: The wind-blown materials.

MR. DANIEL BOON: The wind won't pull it out. We also -- we'll throw a gate. We have a snow fence that we -- we put a snow fence across it at evening time. Always -- always close it any ways. I don't want to pick up anything either. We control it so we know we won't have an issue. Come in in the morning and find -- now there is a fence in the whole yard, too. So it is fenced in -- no matter what, but we don't want to make a mess. The machinery, you -- we show that for two reasons to show. I can put the snow fence across it. It blocks in a lot of ways. If you -- if you were standing, you would understand it. It is really pretty deep and --

DAVID CROSS: I got it. Thanks.

PAT TINDALE: The only comment is our Board would like to have somebody come explain all this. We didn't really have much knowledge to know what this was all about. They would like somebody to come and inform us like you just did tonight. We had a lot of questions and then we just couldn't answer them. But that's all.

JAMES MARTIN: Did the presentations help alleviate --

PAT TINDALE: Oh, definitely. Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KENNETH LARUE, 1373 Paul Road

MR. LARUE: Kenneth LaRue, 1373 Paul Road. I got just a few questions. I mean, they have obviously put a lot of thought into this.

And I remember when they got approval it -- there wasn't going to be any trash handled at this facility, so that is what they're asking for a waiver of; is that correct?

JAMES MARTIN: I don't think I would put it in quite that terminology. They're going to be doing a recyclable handling operation.

MR. LARUE: Refuse, right?

JAMES MARTIN: It's recyclables. It's not --

MR. LARUE: Refuse.

JAMES MARTIN: Not considered trash or something of that nature.

MR. LARUE: Waste? Does waste work? All I'm saying is, I live in the area. I don't really have a big problem with that, but I'm just trying to understand what the waiver is for.

JAMES MARTIN: I think again, um, it will fall back on what the DEC's determination has been on this particular project.

If it was something to be in -- in the trash or -- or something of that nature, they would have required a permit. Okay? For what Mr. Boon is proposing to do, it is only basically a registration of the activity with the DEC, with the -- with the appropriate accounting and reporting regulations associated with that.

I guess I would say in your own example or your own case, you know, what do you put in your recycling box as opposed to what goes in the toter? I mean to me, that is the distinction.

KAREN COX: What is going to a landfill and what --

JAMES MARTIN: And what is going to the recycling stream.

MR. LARUE: Tuna fish can is recycled. A tuna fish can gets recycled, but you probably wouldn't want to leave that in your kitchen for two or three days, would you?

KAREN COX: You rinse it out.

MR. LARUE: So I think one thing is this is open to the north. We have a predominant west wind. It will be a ventur effect, and if you had a truck that came in late at night and you worked on scooping it up in the thing, personally, I think it would be better just to leave it in the truck to avoid a problem.

JAMES MARTIN: I think Mr. Boon has already stated that that is what they would do on a very windy night, leave it in the truck so they would not have papers or anything blowing around. Plus, I think he has already stated that they would enclose the north end of it overnight with some sort of a snow fence or something that would prevent any extraneous papers or something blowing out of the facility. I think is he trying to address that issue.

MR. LARUE: I appreciate that. I heard that. Just as the weather doesn't always predict high winds correctly.

JAMES MARTIN: We understand that.

MR. LARUE: The other thing is Monroe County seems to keep expanding what is recyclable.

JAMES MARTIN: Correct.

MR. LARUE: And so, you know, in the future, that could cause that -- it comes up to -- you know, the -- the place is cleaned, if it is level, I'm not sure how it gets drained or whatever. You know, periodic cleaning fairly often, I think, would be nice.

These are my only real comments.

JAMES MARTIN: Okay. Yeah, when this first came up, I went online and did some research around single-stream recovery activities. This is not just Monroe County activity. This is nationwide. It's the trend. It's where the country is headed from handling recyclables. Um, there is a lot of benefits. Um, you know, right now you have two trucks going through your neighborhood essentially with a modified truck. You would only have one truck going through the neighborhood, picking up both your toters and recyclable materials.

Since it is now single-stream, they don't have to do that separation activity. So I mean there is a lot of potential down-the-road benefits associated with this from an environmental standpoint.

GRAY GARDNER, Paul Road

MR. GRAY GARDNER: Back when Mr. Boon brought his business into Town, there was much talk, much discussion about transfer stations and Sectors and Waste Management, and, um, both the Board assured the audience at the time and Mr. Boon did, as well, that this was not where it was going. But it would certainly seem that it is. I mean, recyclables is still part of the waste stream. Change the name, call it recycling, but you're still dumping trash, picking it up, putting it into another vehicle. You're transferring trash.

I believe Spector started out the same way, with newspapers. It was only newspapers. And -- and some of you people on the Board certainly know what happened with Sectors and Waste Management, as well.

I -- it's pretty clear to me that the Board has already made a decision here. I mean, why would you approve a building to go up if you weren't planning on approving this?

But -- but again, I would just remind you of what has happened in the past and -- and it starts out this way, and then we have a problem.

JAMES MARTIN: Thank you.

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

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

JAMES MARTIN: Discussion at this point on Mr. Thornton's presentation and Mr. Boon's input on what is going on happen on the site? Any discussion?

JOHN NOWICKI: Good presentation.

JAMES MARTIN: As far as conditions go -- actually, before we did that, I want to go ahead and do SEQR.

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

JAMES MARTIN: As far as the site plan, obviously, um, certainly previous conditions imposed remain in effect as far as if this were to move forward, you know, they're well aware of those from the previous hearings before this Board.

Um, other than that, I don't know of any conditions. I will be open to suggestions at this point. Not hearing any, other than all previous conditions.

PAUL WANZENRIED: Is there a time limit on this?

JAMES MARTIN: On the -- on the -- on the SUP?

PAUL WANZENRIED: Yes.

JAMES MARTIN: No.

PAUL WANZENRIED: Do we want one on there?

JAMES MARTIN: I'm sorry. It was down for one year. They came back -- let me just go back.

PAUL WANZENRIED: Just on the accessory use.

JAMES MARTIN: On the accessory use?

PAUL WANZENRIED: Can we limit to the accessory use? That is what he is asking for.

JAMES MARTIN: Mr. O'Toole.

KEITH O'TOOLE: I would suggest you track whatever time limit exists on the principal permit. What you're really doing is amending the original special use permit to clarify by finding of this Board that is an accessory use that is permitted. Having two separate time frames really doesn't work.

JAMES MARTIN: So the time is tied to the original special use permit.

KAREN COX: Do you want to put something down about to solidify the statement about no other haulers bringing stuff in?

KEITH O'TOOLE: If you take a look at the DEC letter, I believe it is November 10th of this year, if I can find it --

KAREN COX: Okay. I might have missed it.

KEITH O'TOOLE: It describes -- as does their registration form, with DEC, dated 10/19/11, but the November 10th letter from the DEC indicates you're proposing to bring only source-separated recyclables from your customers to your facility to be loaded onto a larger

compactor trailer. To be shipped to Buffalo. That pretty much says it, I think, right there.
JAMES MARTIN: So I don't think we really need that.
Anything else? Okay.
On preliminary site plan, they have paid their fee for final.
Waiving final. Consensus?

The Board was in consensus to waive final.

JAMES MARTIN: On the preliminary site plan with just the one condition?
PAUL WANZENRIED: Do we need to put anything about the Conservation Board on there -- Sandy (Hewlett) this is before the voted.
KAREN COX: They just want to look at it.
PAUL WANZENRIED: They just want to look at it.
JAMES MARTIN: Their issue was they didn't understand the operation. There was no landscaping issue.
PAUL WANZENRIED: Okay.
JAMES MARTIN: There isn't any landscaping issues.
PAUL WANZENRIED: Okay. All right. Sorry. Yes.

DECISION: Unanimously approved by a vote of 7 yes the above described application with the following condition:

1. All previous conditions remain in effect.

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

DECISION ON THE INFORMAL APPLICATION NUMBER 1: Unanimously approved by a vote of 7 yes the above described application with the following condition:

1. All previous conditions remain in effect.

The meeting was adjourned at 10:03 p.m.