

CHILI PLANNING BOARD
December 11, 2007

A meeting of the Chili Planning Board was held on December 11, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: David Lindsay, Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative.

Councilman Schulmerich, Town Board Liaison, was also in attendance.

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.

PUBLIC HEARINGS:

1. Application of Lee Napoltano, owner; 77 Christina Drive, North Chili, New York 14514 for conditional use permit to erect an addition to house to be used as an in-law apartment at property located at 77 Christina Drive in R-1-15 zone.

Lee and Melissa Napoltano were present to represent the application.

MR. NAPOLTANO: This is my wife Melissa. We just would like to put an in-law addition on.

JAMES MARTIN: Do you have any presentation to give us, or any --

MR. NAPOLTANO: I have got plans, letter of intent that I turned in with it. I don't know if everybody has a copy of that or not.

JAMES MARTIN: I think what you can do -- would you please put one up on the bulletin board -- this is a public hearing -- so everybody can see what you're going to do. Actually, you can use the overhead here if you want to do that.

MR. NAPOLTANO: Sit right behind the garage there.

JAMES MARTIN: Okay. This will be two-story?

MR. NAPOLTANO: The in-law will be single story.

JAMES MARTIN: But are you putting a second story over the --

MR. NAPOLTANO: Garage, yes.

KAREN COX: Storage?

MR. NAPOLTANO: For attic storage. I don't know if I will do that now or in the future. But when I had the drawings done, I just had it put on there. My main intent was for the in-law. When I came for the application, they said that was the only reason I needed the hearing, was for the in-law. I wouldn't need a hearing for the addition above the garage.

JAMES MARTIN: That would be part of your construction plans?

MR. NAPOLTANO: The addition above the garage?

JAMES MARTIN: What you're showing us?

MR. NAPOLTANO: Yes.

JOHN NOWICKI: Which orientation is correct here? I have a map here, the location map.

MR. NAPOLTANO: The location map is correct.

JOHN NOWICKI: The drawing is incorrect?

MR. NAPOLTANO: It's reversed.

JIM POWERS: It's switched.

JAMES MARTIN: It's a mirror image to the -- the architectural plan of the house.

KAREN COX: He was working backwards that day.

JIM POWERS: I spent probably a half hour or 45 minutes over there this afternoon, and I'm quite satisfied with what -- the bedroom is going over the garage there, and then they're going to raise that roof so it corresponds with the other end of the house. It is quite a project.

MR. NAPOLTANO: Yes.

KAREN COX: The bedroom is going over the garage, you say?

MR. NAPOLTANO: Future, possibly.

KAREN COX: Oh, all right. Not the in-law.

MR. NAPOLTANO: No. The in-law is behind the garage.

JIM POWERS: That will be for the kids maybe?

MR. NAPOLTANO: Maybe. Yes.

JOHN HELLABY: I guess the only concern I have is this attic storage. How would something, Chris (Karelus), like this be addressed in the future? Should he decide to turn this -- I

know there has been complications before '92, a bedroom -- I mean, right now it shows no access to this area, and -- I'm not disputing the gentleman's word, but somewhere down the road, if he plans on turning it into a bedroom, how does the Town know this thing meets the building code?

CHRIS KARELUS: The construction of the building will be handled to the code now with the specifications with the building permit. The Town considers it a bedroom once a closet is installed. So once a closet is instituted in that space, it is considered a bedroom.

JOHN HELLABY: You are showing no access to this space at all. How will you get in and out of there?

MR. NAPOLTANO: For storage, through the garage ceiling, fold-out ladder.

JOHN HELLABY: So you got a --

MR. NAPOLTANO: Yep.

JOHN HELLABY: Well, again, it goes back to my question. What triggers the fact that when he puts the closet in there, and reconfigures the bathroom to open that up, at what point will you know that? You're not, I guess is what I am saying.

CHRIS KARELUS: And some of that work, John (Hellaby), is not required to be permitted by the Town if it doesn't peak a certain level of construction -- or a certain cost.

JOHN NOWICKI: Is this something -- because this will come up in our discussion. Is this something that can be handled under the in-law apartment deed requirement?

CHRIS KARELUS: Yes.

JOHN NOWICKI: Because he is going to have to go out and get a deed and have it marked in-law apartment only. This is not to be used for rental property.

CHRIS KARELUS: Correct. This will be only additional space used by relatives, too, and you're correct.

JOHN NOWICKI: My concern is this additional bedroom up here indicates this could become an apartment down the road. How will we protect ourselves from that?

MR. NAPOLTANO: How could a space above my garage become an apartment? I don't understand that. It would have to come through my house, wouldn't it?

KAREN COX: We're not saying that you yourself would turn it into an apartment, but we have seen other situations like this, specifically ones around Roberts Wesleyan, that have actually turned into apartments like this. So we're not accusing you of -- you know, that is your intent now.

JAMES MARTIN: You can sell the house. Somebody could look at that space and say, "I will make that a rental."

MR. NAPOLTANO: Do you have means of -- in your system that protects yourself from that?

JAMES MARTIN: We have -- yes. I mean we'll -- it will probably be a condition. Assuming this goes forward and we approve it, there will be a condition imposed that -- through the Building Department we have a standard form, all right. There will need to be a deed restriction filed on this property that says that the in-law that you're going to build can never be used as rental property.

MR. NAPOLTANO: Right. Correct.

KAREN COX: I didn't mean to interrupt you, John (Nowicki). I just wanted that cleared up.

JOHN NOWICKI: I just wanted to congratulate both you and your in-laws on this adventure that you're entering, because I had the distinct pleasure of doing it myself.

KAREN COX: Me, too.

JOHN NOWICKI: It worked out fantastically. I wish you well on this adventure.

JAMES MARTIN: We kind of glossed over comments we received from the Town Engineer that in this particular area, King Forest Subdivision, there is a lot of flat grades in the yards, the side yards and swales. The recommendation is that roof leaders be tied into the existing storm sewer system. Is that going to happen as part of your construction?

MR. NAPOLTANO: Yes. We'll be digging it up when we do the footing foundation. We'll bring up stubs so we can tie into them.

JOHN NOWICKI: Will you asphalt the driveway?

MR. NAPOLTANO: It is concrete. Right now it veers around to the side of the house around.

JOHN NOWICKI: You have that in there. Okay.

JAMES MARTIN: David (Lindsay), are you okay -- they are going to tie it into the existing storm sewer?

DAVID LINDSAY: Yes.

GEORGE BRINKWART: No questions. Good luck.

DARIO MARCHIONI: I would say the same thing that John (Nowicki) said. It is commendable on your part. It's a family that stays together and takes care of each other.

MR. NAPOLTANO: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing, and Karen Cox seconded the motion.

The Board voted unanimously to approve the motion to close the Public Hearing.

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

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

The Board discussed the proposed conditions.

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

1. The conditional use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
2. The apartment may not be used as a rental unit.
3. A copy of this decision must be filed in the Monroe County Clerk's Office under miscellaneous records and tied to the liber and page of your deed. The cost for filing is to be reimbursed by the applicant.
4. Furnish a copy of your deed (both sides) to the Assistant Town Counsel.
5. Pending approval of the Building Inspector.
6. This conditional use permit is granted for a period of five years.

Note: Applicant should consider wider doors in the in-law apartment to be handicap accessible (including grab bars, wheelchair ramp, etc.).

JAMES MARTIN: I failed to mention, and Mr. Hellaby just brought to my attention, the Crestwood Children's Center application has been withdrawn this evening at the request of the applicant. They're going through the motions right now of looking at their zoning situation over there and will be back in January, probably with a rezoning request to go to a Planned Institution Development on the site along with their site plan, so that is the reason that that is not going to be heard tonight.

2. Application of Grove Place Cemetery Association, owner; 2775 Chili Avenue, Rochester, New York 14624 for conditional use permit to allow a cemetery at property located at 60 Stryker Road in RA-10 zone.
3. Application of Grove Place Cemetery Association, owner; 2775 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to construct Phase 1 of a cemetery at property located at 60 Stryker Road in RA-10 zone.

Dick Ransom, David Ward and Brian Pelkey were present to represent the application.

MR. RANSOM: Good evening. My name is Dick Ransom. I'm a resident of the Town of Chili for 30 years and I'm on the Board of Directors for Grove Place Cemetery Association.

I will be presenting tonight the preliminary plan for Westside Cemetery. Westside Cemetery will try to keep the serenity and peacefulness for a resting place for all of the people on the west side of the city and it will be in accord with the work that has been done since 1856 in Grove Place Cemetery.

The property -- I will try to hold it so everybody can see it. The property is Gates-Chili -- or excuse me, Chili Scottsville Road is on the east, and it is frontage on Stryker Road. The area that we will be talking about will be Phase 1, and it is in the southeast corner of the property. Some of the features that are with this property that we have done is the entranceway we have put in is very visible for anyone coming from the east or west on Stryker Road. So it has easy access to come into that property.

We have also laid out a preliminary overall look at the whole cemetery. Phase 1 will be this area (indicating). I will show you a blown-up picture of that in a moment. But we have laid out the progression. So it starts in the southwest -- southeast corner and then moves across the land, and then the last property areas that are going to be developed are the ones nearest the federal wetland areas.

Phase 1 is this section that is in the center (indicating). It will have about 5,000 graves, and I will show you a little more detail in that. We use grave sites -- about 100 to 150 grave sites a year, so it is about a 25-year roughly plan in the beginning.

Some of the other features are the entranceway will have a gating with landscaping all around so that it will have a very nice appearance from the road, and show off the landscaping that we'll do in the area.

The landscaping is laid out in such a manner that there are tree locations throughout that are all specified where they will be. I will show you a little more detail of how that lays out.

All of the grave sites that will be on the property -- we have specific areas where we will put tree locations and then the graves will be laid out around them. The way that the cemetery is laid out is that the memorial stones that are on -- will be in a back to back situation. So you will

have grave sites going the two directions and about a three-foot distance in between which allows plantings of either flowers or shrubbery or that so we can beautify the area and make the stones stand out better.

Also, the next special feature that is in here are two memorial sites. One of the memorial sites is for veterans, and as you come into the property, and I will show another view of this -- as you come into the property, the very first thing you will see is the flag and the monument area, memorial for veterans. There is a stone there, monument for Army, Air Force, Navy, Marines and Coast Guard. Let me show you that in a different view.

So as you come in, there is a section that is just for military personnel and their family, their spouses, burial and then the memorial is right behind it.

The other end of the property, and we'll show that in more detail also -- at the other end there is a memorial for emergency services, and again, there will be -- in that area there is a monument there for police-related activities, Fire Department and fire-related activities and medical.

This gives an overall view to show some of the landscaping and beauty of the area that has been put into it.

This is the military plaza (indicating). So you can see the monuments that are there for each one of the branches of the services. Also, one of the features of that is pavers. There are about 865 pavers on this section so that anyone who is a member of the service can have their name put on there and they can either have what branch of the service they were in or it could have the time period of their life span.

At the other end of our oval is the one for emergency services. Around it we have put in places for crematory burials, all around in the sides here, and we also have at each one of the plazas crematory benches so remains can be put in the benches.

Here there are pavers for about 473. So again, people who would like to have their loved one's names inscribed on a paver can have their name inscribed and, again, what emergency service they participated in or, again, the life span of their life.

Also on the property we have an office that we're proposing, and with that office -- I will put this up so everyone can see. Again, Stryker Road is here (indicating). You enter into, and over at this section of the property (indicating), Stryker Road is here (indicating).

Over at this section of the property we have a small office, 20 by 20 office and then a pavilion which is 20 by 32 feet. The purpose of the pavilion is to allow in inclement weather for interments if someone would like to use that rather than a tent at a grave site. It would give them that opportunity to use that.

The structure will have a steel roof on it. It has a concrete textured wall. We're still working on what the final design of that will be. It will be something -- we're looking to make it fold into the actual serenity and that of the area and also the ruralness of the area. That is being worked on.

The last part is an overall plan view. One unisex bathroom accessible from the pavilion and from the office. They walk out one door into the unisex bathroom, but there would be one bathroom on the property.

The present evaluation is we have watched our cemetery -- we do between -- this week we really did zero burials, but we have been doing between one and five burials a week. At the burials, interments, there are usually between six on the low side and the highest we have had over the last year are 80 cars, and that was a high profile interment.

So that is my little presentation about what we have got and what we're proposing and we're looking for your approval for preliminary approval.

JAMES MARTIN: Just to clear up a couple administrative things. We did get a report back from the Monroe County Planning Development Department talking about the agricultural situation. The Ag Data Statement was filed at the time you applied for rezoning on this parcel, so there is no Agricultural Data Statement required. It was filed at the time it was rezoned, so we'll get that administrative issue taken care of.

The second one is, according to the application, you would have to file for inclusion in the Consolidated Drainage District. The property is not located in a drainage district at this time. So those are two administrative things.

Have you, or whoever is your engineer on this project, received the comments from the Town Engineer?

MR. RANSOM: Yes, we did. And we're actively working on them now.

JAMES MARTIN: Is there a host of them?

MR. RANSOM: Yes. There were 11 or something.

JOHN NOWICKI: 12.

MR. RANSOM: Was it 12? Yes, sir.

JAMES MARTIN: Well, 11 actually.

JOHN NOWICKI: 11 actually.

JAMES MARTIN: The last one is -- would be construed upon Town Engineer approval. So it -- you know, it's a fair amount of work that needs to be done --

MR. RANSOM: Yes, sir.

JAMES MARTIN: -- on this particular site from a drainage standpoint, storm water pollution prevention.

Question, on the marker stones, will they all be on-grade or will you also allow raised?

MR. RANSOM: We'll allow raised. Right now in the military section, which was in the front, when you come in, we're looking for those to be ground level in the center so you can get

the full view of the memorial for the two -- the two memorial sections and then on the sides we would allow the raised military stones. The rest of the cemetery we're looking to allow raised stones. There are a few locations where we would have them at ground level and that's because of maintenance and things so that -- as we sold that site, we would tell them they have to be a flush marker there. And those are identified in our detail plan.

JAMES MARTIN: All right. Once the cemetery is active, what would the hours be that it would be open to public access?

MR. RANSOM: What is our current hours? Our current hours are from?

8 o'clock in the morning until basically -- sunrise to sunset.

JAMES MARTIN: All right. As far as the maintenance of the cemetery itself, grass cutting and road maintenance and all of that, will that be contracted out or handled by the cemetery?

MR. RANSOM: It will be contracted out, similar to what we do with Grove Place now.

JAMES MARTIN: No equipment storage on site for maintenance purposes?

MR. RANSOM: At this point in time that's not our plan, that's correct.

JAMES MARTIN: All right.

JIM POWERS: I noted there was some yellow tape or ribbon on that site a week or so ago, back in -- from Stryker Road, back in towards the right-hand corner.

MR. RANSOM: The back right-hand corner is a spot where we have soil being stored over in the back side, in the very back right. It's in the eastern and more toward the northern end of the property and we have the proper paperwork and applied for that and got permission to do that until May of next year. What we're doing is taking some of the material that we have that is coming off Grove Place Cemetery, and we're moving that dirt over to this location because as we develop, we'll be able to spread that out into this new area and utilize it effectively.

JIM POWERS: Have you done any test bores back there on this site at all?

MR. RANSOM: Yes. I believe the number was 23 holes that we put in. We took -- we took aerial views from the 1990 time frame and looked where the white areas were on the property. Then we took the most aerials that we had and we went out onto the property and dug 23 holes in the sites that we most expected to see material that had been used for dumping when it was -- when it had that site before.

JIM POWERS: Did you find anything?

MR. RANSOM: Yes, sir. In specific areas we found railroad ties, wood, trees, asphalt, concrete. And the way we have laid out the cemetery, the sections where we have found those, are where -- that's over an area where we have put the small office and the pavilion, so we wouldn't have to be digging down. There is a little work we have to do to just prepare the land for that foundation, but, um, we have done that.

And then the other areas are ones we would look at in the future for -- if we were to put some other building or if we had to put something else there.

JIM POWERS: I have kind of circled spots that I suspect where the Town in the years past have buried things on that site.

MR. RANSOM: Okay.

JIM POWERS: Back in Section -- it looks like Section 8, that would be the northeast corner.

MR. RANSOM: Yes, sir. When you dig in that -- that ground has -- that -- yes, sir. There is a lot of -- in that area we found a lot of debris, a lot of wood. So we had some concerns in that particular area. Yes, sir.

JIM POWERS: We also dumped a lot of leaves back there.

MR. RANSOM: Yes. Leaves and wood.

JIM POWERS: Over in Section 3, there was a lot of concrete asphalt?

MR. RANSOM: That is where we found concrete and I believe one railroad rail in that area when we did our digging. Yes, sir.

JIM POWERS: And there is one other -- one other area that we had buried a lot of wood from the Ice Storm back in '91 or '92.

MR. RANSOM: That would have been over in what would have been Section 9, back up in this area (indicating)?

JIM POWERS: Yes.

MR. RANSOM: Yes. In our digs we did find that. Yes, sir. We had 23 hole digs. By using the aerials from 1990, um, before there was dumping, you can see the white -- the white spots on that, and that is where we focused our addition.

JIM POWERS: Did you find a nice gravel roadway going back in --

MR. RANSOM: There is the remnants of a gravel roadway, and it happens our entranceway that we have comes very, very close to on that -- on that gravel land.

JIM POWERS: You ought to use it. It is pretty good base.

MR. RANSOM: Yes. In fact, when we gone back and talked about the dirt we have stored in the back area over here, that is what we have been coming up, is along that road.

JIM POWERS: On your office and pavilion, are you going to have a septic system there?

MR. RANSOM: Yes, sir. And that's currently in the design -- being designed at this point. We're -- we're putting a contract together.

JIM POWERS: Have you done a perk test on that?

MR. RANSOM: That is all part of what we're contracting right now. We're in the final phases of selecting a house for that contract. They have quoted it to us. They have reviewed all of the drawings and now we're working to set up the final agreement between us.

KAREN COX: Very thorough.

You may have mentioned this, and I apologize if you did. Your time frame for starting the first section?

MR. RANSOM: We would like to -- right now the preliminary plans are we would start in May and by October we would have it in and seeded and then at that point in time, then we would consider our first sales and that's toward the end of next year, 2008.

KAREN COX: Do you expect -- I don't know how to put this not bluntly, but if business is good, would you expect to start the next section within the next couple of years?

MR. RANSOM: No. Right now there are about 5,000 graves that will be in this Phase 1, and we're -- we're -- right now at Grove Place we're doing about 100 to 150 graves, so we are -- with the graves we have, we'll have 20 or -- a little over 20 years, so the next developments will then occur beyond that point, so we'll probably in 10 or 15 years, that is when we'll want to start developing and getting ready for the next sites.

KAREN COX: So the roads -- the road network showing in here will be developed as you open up new sections?

MR. RANSOM: Yes, that's correct. The one road we did have here is -- we did have -- on the back side of the pavilion we do have a stone road, so we had the start of this (indicating). You can see Section 3 can use that and Section 4 as we go.

JOHN HELLABY: Just a curiosity question more than anything. It has been two years since you've been in here, and at that time it sounded like you were in a real hurry to get things going. Where have you been for the last two years?

MR. RANSOM: Hopefully the detail of the drawings that we showed you showed all of the thought we have put into this, and we have been very hard -- we were very aggressive at the beginning, but we felt the smartest thing to do was to be very thorough. So what we have done is put a lot of time into the detail and discussion. There is a lot more to do, but we think we have laid it out quite well from that aspect. But we did back off some of our aggressiveness we had.

JOHN HELLABY: So if I understood your comment a minute ago, you don't plan on actually selling any of these lots until the end of next year, plus or minus?

MR. RANSOM: Yes. That is about the time frame. We have to have the whole site complete and ready before we can sell any plot.

JOHN HELLABY: Section 1, you mentioned going in and doing all your grade work, putting in your infrastructure and the roadways and getting it seeded. What about the rest of the site? Will you touch any of that?

MR. RANSOM: At this point in time we'll leave it as it is.

JOHN HELLABY: How will you transition from this to that then?

MR. RANSOM: As we develop, and we'll be going to Section 3 -- so as we went to -- as we went to the next section, um, as we start to see this area filling up, what we'll do is start planning out how we'll start progressing over to get this graded and then moved. It is laid out in -- I guess the proper way is kind of curved circles here, so what we do is each time we develop the road, we develop for that section that borders onto the next development. That is how we kind of laid it out as we did it. Does that answer your question?

JOHN HELLABY: You talked about the first section taking 15 years plus?

MR. RANSOM: Yes, sir.

JOHN HELLABY: Overall project then, as far as your anticipation? Am I looking at 100 years, 200 years?

MR. RANSOM: We think you're looking at 100 years. There is just under 18,000 graves, so if you took -- that is under 18,000 graves and if you did 150, we'll say in a year, so you're out there 100 years.

JOHN HELLABY: Who actually maintains -- I mean as time goes on, you have a structure put in place that is -- which you're part of membership of. How do you bring new members in to take control of this, to watch this through --

MR. RANSOM: I'm one of the new members they brought in. What happens is we look for recommendations for people and go out and ask for people who would be interested in this type of activity. They then -- I have submitted a resume. They reviewed my resume of my ethics and my approaches, and then based upon that, they voted. Just recently we added another member. Sharon Yackel (phonetic) has joined us just recently into our Board, so we're aggressively trying to bring in new people and develop them as we go.

JOHN HELLABY: They make all of the decisions as far as any of the financial exchanges and whatnot as far as this --

MR. RANSOM: Yes, sir. The Board meets on a regular basis and we have a Secretary/Treasurer who gives reports to our Executive Committee every month with all of the detailed expenditures, including all of the investments and their returns.

JOHN HELLABY: At what present state is the existing cemetery as far as fullness? I mean two years ago you mentioned that you thought that would be filled up --

MR. RANSOM: In about five years, we thought at the time I think when we talked two years ago. I believe the number is about 800 grave sites left is what I believe. So we'll have to see how that develops. At this time there is about 800 of them.

JOHN HELLABY: To sell?

MR. RANSOM: No. 800 internments can occur. Not --

JOHN HELLABY: I mean are there open lots for sale right now, I guess?

MR. RANSOM: Yes, there are. Yes, sir. And there will be right on probably for the next -- I don't know, four or five, six, seven years.

JOHN HELLABY: So with the approval of Phase 1, you go in and grade the property, put in the infrastructure, plant all of the trees, all of the plantings.

MR. RANSOM: Yes. Then the thing we'll have --

JOHN HELLABY: The fence work.

MR. RANSOM: Yes, sir. Then the section where I showed between the stones that we put the hedging or the flowering up, we're going to work on that as the graves come into place, because I don't think it would make sense to have it just across the property. But all of the trees and all of that and all of the shrubbery and everything shown in the front fence will all be done as a part of our project.

JOHN HELLABY: I guess the last question is, you talked about allowing raised headstones, which is fine. Size constrictions or anything? You mentioned about getting through with mowers and whatnot. Are there restrictions --

MR. RANSOM: We have not finalized on the total last restrictions of the size. The way we're laid out, the mowing is a much better approach, because by having the stones back to back, it opens up 17, almost 18 feet where you can cut up in between. And then --

JOHN HELLABY: Weed whackers.

MR. RANSOM: Weed whackers. Thank you. With the string type, you can get around the stones. But we're still looking at what maximum heights we would want and what types of additional flower planters and things like that they could have on the side of the stones. That is not all total finalized yet.

JOHN HELLABY: I have no reason to doubt you won't do a nice job.

MR. RANSOM: These are some of -- we were focusing on looking at what we're trying to accomplish. This is some of the things we're trying. This is at some of the other cemeteries we have been looking at (indicating) and trying to get a view of -- so we can get an idea what the beauty can look like in the cemetery.

JOHN HELLABY: So there is actually plantings in between the stones, so there is minimum maintenance between them?

MR. RANSOM: That's correct. That is part of the reason for the plantings or colorful stones in between, because when you put them back to back, you get the advantage of cutting in the wide area and you don't have to cut up through the back. You have to cut around the fronts and the sides.

JAMES MARTIN: There is one other issue that we have talked about in our Design Review Committee on this. Right now you only have single access into the location.

MR. RANSOM: Yes, sir.

JAMES MARTIN: What is the width of the road going be?

MR. RANSOM: 24 feet is the width of the road going in. The main road going in is 24 feet. The roads all around are 20 and on the curves they're maybe even a little larger than. We did that for accessibility as well as limousines and that to be able to get through the property.

JAMES MARTIN: So you know, with the parking -- you know, according to the diagram, you got like eight assigned parking spaces in there. For a large funeral, you could have -- you said you had up to 80 vehicles.

MR. RANSOM: Yes, sir.

JAMES MARTIN: Is there room for emergency access? Assuming you're going to have roadside parking for a large funeral, if there was a medical emergency, you know, during the internment, would an emergency vehicle be able to access the site to respond to the emergency --

MR. RANSOM: Yes, sir. With the 20-foot wide, we believe -- the answer to that is yes. On top of that, what we did in Section 2, we actually put in back Section -- it is in stone -- the back section here is in stone (indicating), so that when we do have internments, we can park over on the back section over here also (indicating), and then what happens is it leaves us more accessibility. But with the 20-foot wide we shouldn't have any trouble getting emergency vehicles in this way (indicating), this way (indicating) or up around this way (indicating).

Sorry, out here (indicating). These are 20-foot wide all through here (indicating). This is 24-foot coming in (indicating). Then we also have this road over here (indicating) we put in so people can park along the side. We have access to come in this way (indicating) or up around and over in this way (indicating).

JAMES MARTIN: I guess I'm going to ask that, you know, we can sign off with the Fire Marshal on that, Chris (Karelus), that that is an adequate situation for emergency access.

MR. RANSOM: Yes, sir.

JOHN NOWICKI: The fencing on Stryker Road, is that going to be installed in the first phase along the entire length of the property line?

MR. RANSOM: That has been a discussion that has been brought up to us. At this point in time, that is still in discussion. But additional amount for that is \$20,000, for the additional fencing along the side. The concern that we had understood that was with that fencing was that, um, would we be able to repeat the same type of fencing and not give it a funny look if we extend it on out. The fencing, the other side we looked at is -- the fencing we have been considering is a picket steel black fence, which has -- is very traditional to what you had 20 or 30 years ago and it is our belief we ought to be able to repeat that in the future. So we're weighing right now the \$20,000 against the ability to be able to repeat the fence and not hurt the viewing of the property. At this point in time, we're still up in the air, but I will admit we're leaning more toward not spending the 20,000.

JOHN NOWICKI: That is a decision coming shortly?

MR. RANSOM: Yes. We're still working on that. That has to be discussed by the Board.

KAREN COX: Does that cause a security concern? I mean would that make it easier for people wanting to make mischief with the headstones as we have heard happens sometimes?

MR. RANSOM: I can't give a 100 percent answer to that, but there is a hedgerow that goes up where the fence ends, so we do have advantage there is at least a hedgerow that closes it over to a degree. Extending the fence, I'm not sure if they wanted to get in, they couldn't figure a way to get into the property.

So I understand the question, but right now we felt that it was -- it was sufficient for what we started and we'll have to learn as we go.

JAMES MARTIN: Two follow-up questions on the fence situation.

You know, you're showing brick columns --

MR. RANSOM: Yes, sir.

JAMES MARTIN: -- on your diagram.

Obviously, if you build the initial fence now and in 20 years from now you will build in the other section, you will not find the same brick. So, you know, the issues, you know, would you stockpile or store enough brick to complete that fence at this time so at least that would match as far as that fence on Stryker Road?

MR. RANSOM: The brick and the stone would extend -- was only for the gating area, which will be the gating. When we put in another gate, wherever that goes, if it goes to the other end, the far section to the west -- if I say something wrong, please correct me -- if it goes to the far section to the west, that is where we would enter into it. I believe it is concrete columns with a facing on it.

Is that correct?

MR. WARD: Stone veneer with the concrete just for the gated area. And there were no --

JAMES MARTIN: Can we have your name for the record?

MR. WARD: David Ward.

MR. RANSOM: I'm sorry. Excuse me. David Ward is on the -- he has done the cemetery planning for us. He is out of Griever & Ward, who have installed over 4,000 cemeteries in the United States.

MR. WARD: The original intention was to have the stone work only in the gated area and beyond that it would be just the steel picket fence that would extend along the frontage at some point. You know, fencing and security is always an issue with cemeteries, but, again, many times cemeteries leave their gates open and allow employees to enter the property for the ability to periodically check in on, you know, anything like that, and the idea is if you gate it and close it at night, it is an issue they have to consider. Then it also becomes a place that is a haven for people if it is cut off from vehicular access.

But getting back to the question, the end of the stone work was this primary entrance.

JAMES MARTIN: One more follow-up question then. For security reasons then, you do not plan to put any kind of, you know, fencing around the rest of the property at this time?

MR. RANSOM: At this time, we don't.

JOHN NOWICKI: Professional maintenance agreements, do you have those signed by people that buy the sites?

MR. RANSOM: State of New York requires every time you sell a grave site, you have to put an additional charge on for when you buy the site, and then on top of that when you do an interment, you have to pay another fee for the interment.

The finances for our association, we have to maintain and we have the separate files of the permanent maintenance funds kept totally separate from the active funds, and we have at this time sufficient funds to be able to maintain perpetual maintenance. We have met all of the requirements I know of the State of New York relative to the Cemeteries Division.

JOHN NOWICKI: You are a for-profit corporation?

MR. RANSOM: Non-profit.

JOHN NOWICKI: I think that's all I have.

Oh, one other thing. You're a great presenter. You did a great job.

MR. RANSOM: Oh, thank you very much. My knees are knocking up. Hopefully you didn't hear that sound up there.

KAREN COX: You wouldn't know it.

GEORGE BRINKWART: I guess the first thing, I want to compliment you on the width of the roads. It will be nice to have a cemetery that has roads that are not just these little narrow paths. That is nice.

I did have a question regarding the water service you've shown. You're showing that pretty much looped around the road. Is there plans for an irrigation system?

MR. RANSOM: Right now, what we have --

MR. WARD: Right now, the water system or actually for the -- the plan for the water system is just for lot owner convenience, with periodic yard hydrants, mainly for watering flowers and plant materials, not a very intensive use, but generally we don't plan for irrigation for cemeteries in the northeast, other than occasionally in the frontage, but we're not planning that in this case at all. It is primarily for lot owner convenience. We will have to have a separate system for the office if it goes into that point, but that will be a separate, non-seasonal water system.

GEORGE BRINKWART: I know this is covered in some of the comments that the engineer had, but I was curious, you had indicated the borrow area, and it is kind of a depression. Was there a reason why you made that depression in the borrow area?

MR. WARD: I might as well stay up.

Yes. There was an omission on our part on a drain point. There should have been a drain

point at the low end to connect to the drainage basin. That was purely an oversight on our part. It is supposed to drain to the one corner.

The thing that is different about cemeteries is they generate fill overtime. Every time there is a burial made, there is about a yard, yard and a half of surplus soil that has to go somewhere, trying not to leave the property and that borrow area will eventually be replenished, seeded down and replenished and eventually will come back to the grade. The borrow areas work very well in cemeteries for that reason.

DARIO MARCHIONI: Yes. I'm interested in the military plaza. And the headstone. You said that you're going to have the ones ground level and no stand-ups?

MR. RANSOM: Ground level in the center sections we're talking about to keep the view of the entire memorial site, but on the -- the idea would be the center sections in here (indicating) would be ground level. Then what we're looking at is having the military, the higher military ones on the sides. That way when you still drive in Stryker Road, our main entrance, you can see up through the whole plazas and see the memorials to the people. That is our initial plan at this point in time, too.

DARIO MARCHIONI: The reason I'm asking that question is a few years back, they sent me a letter saying I was entitled to a headstone, a flat one. Now, I don't know, that has been many years ago and I never thought of anything, but now I'm trying to think about it. I was wondering if that is how -- how is that treated?

MR. RANSOM: The -- I'm not an expert in that field, but I do know that in the military, that you have the right for a flush or the standard height, and there -- I don't know the exact height. It is 30 inches. I don't know that. But you have the right for that.

What we're looking at is when -- when they do show they're a veteran and they do send in their paperwork for the stone, to get the stone, we would ask they have one of the grave sites in the area that would be flush. If the individual has a preference, they don't want a flush stone there, there will be sites available on the sides that would allow them to go to the higher stone. Arlington has all of the higher stones.

But what we're trying to do is preserve when you come in, that you could actually see the whole memorial site and it would add more honor to the people that were in that memorial site.

This is where you come in off Stryker Road (indicating). These are stones we're looking at. We're looking to keep this flush and on the edges will be the higher stones. So when you drive your vehicle in, you will see the whole memorial.

Mr. Ransom showed the side table the plan.

DARIO MARCHIONI: Also names will be put on the surround center, the plaza itself?

MR. RANSOM: Yes. We'll give that as an option. It will be an additional cost. We have not defined all of that yet. But the stones are 8 by 8 by 2 1/4, I think, and there is enough room to put the name of the individual and the -- like if they're in the Army, you could put "Army" with it, or you could have the -- the born 1945 through 2000 and whatever.

DARIO MARCHIONI: Well, thank you.

JOHN NOWICKI: I just have one more question for you. Do you have plans in the future, for example -- because I travel through major cemeteries in the county here, I notice a lot of activity with above-ground mausoleums for burials above ground. Do you have that?

MR. RANSOM: At Grove Place Cemetery we're evaluating a columbarium for cremains and we're in the process of getting information on that so we can properly apply for all of the requirements to do that. While that's being evaluated, we have also looked that if that was a -- something that would be needed to be looked at in the future, and the statistics we looked at tell us by 2020 there could be as much as 50 percent of the burials could be cremains, and so what we're looking at is -- we might want to have a columbarium on the new site, but that would be down the road some. And the place we have kind of looked at for that, the place we have looked at for that is as you come in off Stryker Road, it would be this section that would be back over here (indicating). We could put something in here (indicating) with a little garden or something of that nature. So...

Mr. Ransom showed the Board the plans.

MR. RANSOM: At this time in our planning we do not have that in, and we're evaluating that and looking to come forward to the Board in the not-too-distance future relative to Grove Place Cemetery on Chili.

JIM POWERS: On your roadways, you said they're 20-foot wide?

MR. RANSOM: Yes, sir.

JIM POWERS: Side to side?

MR. RANSOM: Yes, sir.

JIM POWERS: Concrete gutters in the roadways or asphalt?

MR. RANSOM: No. Just asphalt. I will get --

MR. WARD: The drainage inlets are built into the shoulder of the road. The sections have to be operated on the lawn areas all year round so they're pitched to drain to the road edges and the receivers -- the storm drainage receivers are within the asphalt at the road edge. So there is not a gutters, but there's in effect a gutter-type system, but not concrete.

JIM POWERS: On the west end of the property the American Legion has been using it for parking purposes. Do you have a written agreement or just an understanding with the Legion?

MR. RANSOM: I will bet Brian Pelkey is --

MR. PELKEY: I'm the Counsel for the association. Unfortunately -- two points to consider. Under New York law, we're not allowed to enter into any formal lease agreement with any entity without court approval. So for that basis, we do not have a formal arrangement with the Legion Post. Enough said?

JIM POWERS: I think so.

MR. PELKEY: The other issue, I just wanted to make sure the Board is aware we're governed by the Division of Cemeteries, which comes under the State Department for the State of New York, and our books are audited, if not annually, every other year, and we do have the requirements, as Dick (Ransom) pointed out, we have to set aside ten percent of every lot purchase into a permanent maintenance fund and those funds are strictly scrutinized. Their fear was originally if we were to go broke, so to speak, it would come up to the State to take over. They have now shifted that burden over to the towns, I believe, but yet they still retain oversight over our expenditures.

JIM POWERS: On security, this property, you know, abuts the Baker farm, and there are sections of that where there is hedgerow, but they're going to be large sections that are going to be open to your property. You know, as far as security is concerned, I just hope you're aware of that so in the future you may have to take steps to --

MR. RANSOM: Yes, sir. We will --

MR. PELKEY: The comment I would make on that is actually Grove Place is open pretty much all of the time. If you look at it, all we have is a piece of chain, and we have been very fortunate in we have had minimal problems.

JIM POWERS: But you will have a good piece of recreation property developed in the near future, and you're going to have a lot of -- as it is, we have company down there now. But be aware.

MR. PELKEY: Thank you.

JIM POWERS: And say hello to your father.

MR. PELKEY: I will.

JIM POWERS: Judge Pelkey used to be a JP here in Town. I'm sure you have heard the name.

CHRIS KARELUS: I know at this point they're asking for preliminary review and approval from the Board, but I think the building on site has to be described more precisely. A lot of determinants from County's DRC comments, County Water, Health Department are made on the exact use of that water consumption and so on. We'll also ask the applicant to provide us at the very least some type of location for that septic and preliminary testing.

MR. RANSOM: We're working actively on that now, so we'll have that.

CHRIS KARELUS: One thing I would ask the Board and the Trustees to share with the Town's Planning Board also, they showed some interest in an adjacent parcel on Chili Scottsville. Just -- I guess discuss with them what was brought up with us, and -- was it the Hardley (phonetic) parcel?

MR. PELKEY: Right.

CHRIS KARELUS: The cemetery is looking at it, as well. Just to make them aware it is a potential in the future with this plan.

MR. PELKEY: Obviously one of the problems of this site is the fact that it is relatively hidden, and so there is some concern on the part of the Board that perhaps people will drive by our cemetery all of the time without even realizing that we're there. Indeed there is a cemetery right across the street behind the Legion Post that has been there for quite some time, and so the Board, it would be interested in purchasing some frontage on Chili Scottsville Road. And so preliminary discussions have been made with one of the owners. It is the property with the dilapidated house. I'm sure that most of you are familiar with it.

JIM POWERS: It had a tree growing through the roof.

MR. PELKEY: Yes. So we have spoken with some family members. The owner, as I understand it, is currently residing in a nursing home, and some of the family members have expressed a willingness to sell it to us, and so at some point in the future we might be coming back to the Board with a request for the rezoning of that portion of the parcel so we do have frontage on Chili Scottsville Road. And as the cemetery does grow, to alleviate the concern you had earlier of access, so that we have access not just to Stryker Road, but to Chili Scottsville Road, especially in the event of an emergency.

CHRIS KARELUS: Thank you, Brian (Pelkey). I know when that point was made in our pre-discussions -- one of the concerns we did have about emergency access, that kind of gives them a better understanding on what potential future exists.

MR. PELKEY: But there goes our leverage in negotiating a reasonable price with the owners.

CHRIS KARELUS: I guess we're going to ask also if you have the geotechnical report as well, that you forward it to the Building Department as well, for the test digs.

DAVID LINDSAY: Same thing. I would like to see a copy of the Geotech report. Maybe two copies, one to the Building Department and one to me.

Is there any provisions for internal lighting for the monuments or elsewhere on the property?

MR. RANSOM: The only consideration would be on the flags, to allow the flags to fly 24 hours. The other one would be in the building that is the office building, and that is part of what we have working -- we're waiting to finalize the contract with a company right now that

will work on that with us.

DAVID LINDSAY: On the utility sheet, I noticed you said it is not complete yet, but we'll be looking to see the hydro flow test data on that, as well. And give consideration to moving the catch basin outside of the pavement and incorporate maybe a small roadside swale. It's just my experience with that is you wind up with a problem at the edge of pavement with the asphalt breaking down, so I would just caution you about that.

MR. WARD: I'll just speak to that briefly. The one reason why we don't deal with swales and road off pavement drainages because of the need to walk to grave-side services in wet, icy weather, to not accumulate water at that point. Most of the people that in there are elderly and we just found, from experience that having a swale or ditch to cross is something that is a liability in a cemetery. That is the reason why we located them in the paved area.

DAVID LINDSAY: Okay.

PAT TINDALE: I just wanted to compliment the landscaping was excellent. We really appreciate it.

MR. RANSOM: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Could you identify the green areas on the map? On the billing -- that one there (indicating)?

MR. RANSOM: Those are plantings.

MS. BORGUS: This one and this one (indicating)?

MR. RANSOM: Those are the federal wetlands.

MS. BORGUS: I see. And how will they be maintained? Going forward?

MR. WARD: They're not to be disturbed. The only -- again, it's the second half of the lifespan of the cemetery. The only possible permitting is for one road crossing at the rear here (indicating), but this is the very last development, 100 years plus down the line. Other than that, we're not disturbing any wetlands and there is no setback associated with that.

MS. BORGUS: Your plan would be when the time came, those would be cut, those would be maintained --

MR. WARD: No. Left natural as they are right now.

MS. BORGUS: I guess that is for somebody 100 years from now.

KAREN COX: I was -- who knows what the regulation will be 100 years from now.

MS. BORGUS: How much time in a week, for instance, will that office be maintained, staffed?

MR. RANSOM: Um, right now what happens is that it gets -- about twice a week someone goes over to clean and then whenever we have appointments for people to either have grave sites or if there is a funeral at the site, someone is there. I would tell you probably our experience at Grove Place right now, two days out of the week somebody is there. On active days, there will be somebody there every day. That is only on the active. I would tell you about two days a week.

MS. BORGUS: The way it is handled now, if somebody wants to use the cemetery, they make a call to a number, a phone number and they make arrangements?

MR. RANSOM: You can go in any time.

MS. BORGUS: I mean to buy a grave site.

MR. RANSOM: Yes. You phone the number. Our sales managers have cell phones. It goes right to their phone. They pick it up. They set up a time for you and then they take you through the site to show it. We have -- we have a Sales Manager and we have a second Sales Manager, so now we have a back-up, so if the one is not able to return or answer right away, we have someone who can.

MS. BORGUS: What type of trees did you -- was planned for the cemetery? Many kinds I'm sure, but just a thumbnail sketch.

MR. WARD: Generally they're what we call small to medium size ornamental flowering trees and mid size, things like Bradford Pear, some variety of Red Maple, things like that don't get overly large and won't overwhelm them with maintenance, slow-growing compact materials.

MS. BORGUS: Then I wanted to just ask a question that was related to what Mr. Powers asked. How much of the roadway the Town had put on that property will be utilized? Just for information, for my own information, because there has been a considerable number of Town dollars spent on that roadway. I can't come up with a number off the top of my head, but it was a sizable investment for the Town and it would be too bad if you couldn't utilize that expense.

MR. WARD: The first straight-in entrance road falls within -- within the footprint of that gravel road, but to have a straight -- these have to be arranged in loops. So we had to depart from the straight road up the hill. You have to get funerals in and around, back out again without closing in on these. The material there will be excavated and will need to be excavated and that can be reused for the base, for the roads, but it may have to be repositioned.

MS. BORGUS: Hopefully some use of that material --

MR. WARD: It won't be wasted. It won't be buried.

JIM POWERS: You should be able to put your whole road system in with what is in the ground.

MS. BORGUS: It was a lot of money. A lot of money. So I thank you.

James Martin made a motion to close the Public Hearing, and John Nowicki seconded the motion.

The Board was unanimously in favor of the motion to close the Public Hearing.

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Before I move on to SEQR, time period on a conditional use? I mean...

KAREN COX: To infinity and beyond.
(Laughter.)

JAMES MARTIN: Counsel, can we --

KEITH O'TOOLE: No time period is required. You don't have to have a time period.

JAMES MARTIN: You don't have to have a time period.

KEITH O'TOOLE: Since this is primarily landscaping, it may not be appropriate here.

JAMES MARTIN: So we can waive the requirement for time period?

KEITH O'TOOLE: Yes.

JAMES MARTIN: That answers that question. I'm of a mind right now, and I will listen to the rest of the Board, since we have this long laundry list of outstanding issues with the Town Engineer, that -- to go ahead and do final approval tonight without having basically this taken care of probably is not in our best interest to do that. You have paid your fee, so you wouldn't have to pay it again, all right, to get final approval. And we would wait obviously for -- for the Town Engineer to indicate to us that he is satisfied that everything that -- on his laundry list and whatever issues may occur have been satisfied before we would move on to final.

So I don't know the -- how the rest of the Board feels about that.

The consensus of the Board agreed.

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.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes. The Planning Board by motion and unanimous vote has waived the requirement for a set time period on this application. The following conditions of site plan approval also apply to this conditional use permit:

1. Pending Town Engineer approval of all outstanding issues.
2. Compliance with all county permit requirements.
3. Supply more detailed plans of proposed pavilion/office building to the Building Department and Town Engineer.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes with the following conditions:

1. Pending Town Engineer approval of all outstanding issues.
2. Compliance with all county permit requirements.
3. Supply more detailed plans of proposed pavilion/office building to the Building Department and Town Engineer.

JAMES MARTIN: Thank you very much. It was a wonderful presentation, very detailed, very understandable. So we appreciate the effort that went into that.

MR. RANSOM: Thank you very much for your time and all your help.

4. Application of William Zamiara, Zekes Enterprises, 895 Buffalo Road, Rochester, New York 14624, property owner: Sun/Dic Acquisition Corp.; for conditional use permit to allow a snow removal business at property located at 795 Beahan Road in L.I. zone.
5. Application of William Zamiara, Zekes Enterprises, 895 Buffalo Road, Rochester, New York 14624, property owner: Sun/Dic Acquisition Corp.; for preliminary site plan approval for a change of use in existing building to allow a snow removal business at property located at 795 Beahan Road in L.I. zone.

JAMES MARTIN: I need to amend the application at this time. The property actually changed hands on October 7th and Sun/Dic is no longer the owner of the property. I believe

Mr. Zamiara is now the owner of the property for the record. So I would like to amend this Application 4 and 5 to read that owner is William Zamiara. I make a motion to amend it. Do I have a second on that?

JOHN HELLABY: Second.

JAMES MARTIN: On amending the application.

The Board was unanimously in favor of the motion.

Matthew Sinacola and William Zamiara were present to represent the applications.

MR. SINACOLA: Good evening. My name is Matthew Sinacola with Passero Associates. With me is Bill Zamiara tonight. We're asking the Board to consider the application. Bill (Zamiara) operates a snow removal business, property on Buffalo Road, and as the application letter stipulated, this site is better suited for his business operation. His most important customer is FedEx. By being positioned here near the airport, he is able to serve that -- that is your primary customer?

MR. ZAMIARA: Yes.

MR. SINACOLA: So he was looking forward to using this existing Light Industrial site for that purpose. We are not proposing too many changes to the site. I do want to add -- apology to Pat (Tindale), we met with the Conservation Board last week in an effort to try to preempt some ideas how we might handle the front of the site in the way of landscaping. I meant to get back to her with a plan that she could review as a result of the meeting we had with the Conservation Board. We did have -- we batted around some ideas and the Board was nice enough to give us sort of a breakdown what they thought would be appropriate actions of the site with some shrubs and plantings along the walkway in front of the building, as well as one or two ornamental trees, flowering trees in that landscaped area, the front of the building to try to dress up and improve the appearance of the site from Beahan Road specifically.

The rest of the site is, as you probably are well aware, less appealing from a visual standpoint and presents some eyesore problems, which we have limited control over. But I guess we're looking for the Board's input on this. We're willing to make some changes here if we can -- but that is about it. There -- as a part of this application, Bill (Zamiara) is proposing to store salt within the building. All of his equipment and activities, as far as what little maintenance he would be doing with his equipment, would be inside the building. And that is about it.

There was one other comment made during the Conservation Board meeting regarding storage of a boom truck.

MR. ZAMIARA: We also have B&T Tree. We have a boom truck that goes inside the building.

MR. SINACOLA: That would be during the summer?

MR. ZAMIARA: Year round. When we're done with it at the end of the day, the truck goes inside. That is the reason we bought the property. Everything can go inside, we can close the door and don't have to worry about anything.

MR. SINACOLA: Essentially we're talking about warehousing of equipment.

JOHN NOWICKI: Nothing outside?

MR. SINACOLA: Nothing outside. No.

You indicated you did not want to put a sign up?

MR. ZAMIARA: No signs.

JAMES MARTIN: No designs.

MR. ZAMIARA: There is no reason for someone to come to that building.

JIM POWERS: You're the owner of the building that we're discussing tonight?

MR. ZAMIARA: Yes.

JIM POWERS: The other two buildings on site there --

MR. ZAMIARA: They're not mine. I mean I got letters from all three of the neighbors. In order for them to back their trucks up, they have to come on my property in order to get to their property. They got to come down -- the driveway is in such bad shape that in June we put ten loads of stone in there. In September we put another five loads of stone in there. We haven't made a dent in it. How do we get some of that free stone from the Town?

(Laughter.)

MR. ZAMIARA: It --

MS. BORGUS: It's gone.

(Laughter.)

MR. ZAMIARA: Pretty bad shape. You have the County that is training dogs in the Clancy Carting Building, I understand. I met a couple of the officers. You've got Valano Brothers Plumbing. In order for them to get out of the parking lot, they come on our side.

Then you have the trucking company in the back. When they go to back up their trucks, they're on our property, the entire truck backing up to their building.

JIM POWERS: Are you operating your business out of there now?

MR. ZAMIARA: Yes, no. We started putting stuff in there because we had problems on Buffalo Road. We had three snowplows that came up missing and nobody knows anything about it. I was livid. I started putting trucks in there. I said here, we're not running the business. We started remodeling the building. We took possession of the building. We had been cutting the grass and taking care of it since April.

JIM POWERS: Can you put trucks inside that building now?

MR. ZAMIARA: Yes.

JIM POWERS: Why aren't the trucks inside the building now?

MR. ZAMIARA: They can go inside the building.

JIM POWERS: They were outside today.

MR. ZAMIARA: When you went by? We're working on the building. I have plumbing issues.

JIM POWERS: What will you do in the summer?

MR. ZAMIARA: The trucks -- the equipment will all be inside the building.

JIM POWERS: You have no business that you use --

MR. ZAMIARA: I have a tree business. I have two employees. Myself and two other guys.

JOHN NOWICKI: You cut trees down or --

MR. ZAMIARA: Yep. Yep.

JOHN NOWICKI: You got a business card?

MR. ZAMIARA: Yes, I do.

KAREN COX: Where do you take the tree debris?

MR. ZAMIARA: Terry Tree Service. The Garden Factory. They will take all of the mulch we give them, and then you can buy it back.

KAREN COX: You don't plan on storing anything, that type of thing?

MR. ZAMIARA: Nothing, no.

JIM POWERS: Is the driveway your responsibility to maintain?

MR. ZAMIARA: We're not sure. When we bought it -- it's called Jonathan Drive. I'm hoping you take -- we have a little issue with it. I mean it is combat zone. There is potholes in there. We have a backhoe. The neighbor behind us has a bulldozer. We work together to try to level it off. It's in pretty bad shape.

KAREN COX: You don't know who owns it?

MR. ZAMIARA: No, we don't.

MR. SINACOLA: I don't think it is dedicated. That is part of the problem. And the access -- the physical access is quite generous and is -- is off center from the relatively narrow right-of-way that was originally set up to feed the other lots.

KAREN COX: It has been improved and improved.

MR. SINACOLA: For the back operators to get their trucks in and out of there, they would never be able to use that narrow strip of land the way it is set up. There is sort of a practical issue there. It might behoove you to get into a legal agreement and have an easement set up.

JAMES MARTIN: It sounds like you got trucks backing up on your property, and you got people using this access point -- well, somebody owns it. Obviously it ought to be able to be determined who owns it.

JOHN NOWICKI: You closed on the property?

MR. ZAMIARA: Yes.

JOHN NOWICKI: There was nothing on the closing that showed any easements on the property?

MR. ZAMIARA: Niagara Mohawk has an easement. RG&E has an easement. Frontier Telephone has fiber optics running through the center of it.

JOHN NOWICKI: Nothing on the driveway?

MR. ZAMIARA: No.

JOHN NOWICKI: How old would you say that building is?

MR. ZAMIARA: Got to be 30 years old. And the property behind it, where the trucking company is now, used to be Sun Chemical. They would manufacture the chemicals in this building and take them out back. Then they subdivided it, because they couldn't sell it. The building had been empty for almost two and a half years.

JOHN NOWICKI: Subdividing didn't go far enough.

MR. ZAMIARA: No.

JAMES MARTIN: From an administrative standpoint, what you're asking for, which is primarily a warehousing situation, parking the vehicles and storing materials inside the building, our zoning code under Limited Industrial would require that you apply for what is called the Airport District Overlay. It's called ADATOD, okay? In order for us -- if this goes ahead tonight, to allow conditional use permit, um, for what you're proposing to do with the building, you're going to need that zoning Overlay District applied, all right, to your property.

Because what you're asking for is not a permitted or conditionally permitted use, except if you have that designation. So again, you're going to have to go through that process, presuming that we do end up approving what you're proposing to do with the building.

MR. ZAMIARA: My number one customer being FedEx right there at the airport, doesn't that help me?

JAMES MARTIN: No. It goes with the land. You own that property now. In order to do what you need to do, um, basically under Section 115-16 in our code, um, again, Section 6, warehousing and distribution facilities, provided that they are located with the Airport Development Area Transportation Overlay District, and that is basically something that you're going to have to do. It would be a permitted use, okay, if you get that designation. It is something you would have to go through. Apply for the rezoning to get the ADATOD designation, come before this Board. We make a recommendation to the Town Board. The

Town Board has the authority then to go ahead and apply that zoning to your property.

There are several parcels in the area that already have that, but it is being done on an individual basis. It was not done on an area-wide basis, okay?

Salt storage within the building, what do you do to prevent deterioration of the area where the salt is stored? I know that is murder on concrete.

MR. ZAMIARA: We have cement barriers around the area. When we have it delivered, it is dumped on the asphalt. We take our loader, scoop it up and put it inside the building up against Jersey barriers. It is not actually touching the building, except for the concrete floor.

KAREN COX: Doesn't that damage the floor after a while?

MR. ZAMIARA: I guess after 100 years it would, but...

KAREN COX: Well, you do need moisture and --

JAMES MARTIN: It is something to think about. It will eat that concrete up like crazy. Cars drive in your family garage, and you know how pitted the floor gets just from the salt dripping off the vehicles.

We talked about getting the access easements. I think that is something you should really do for your own protection.

Any vehicle repairs done on site?

MR. ZAMIARA: My own vehicles. They're all new. Fire Marshal was down there yesterday. He saw what we have. Most everything goes back to the dealership.

JAMES MARTIN: Yes. We have the Fire Marshal comments from his visit. I don't know if you have got a copy of that or not.

MR. ZAMIARA: No.

JAMES MARTIN: There are several things that the Fire Marshal is going to require.

Chris (Karelus), I'm assuming he can pick up a copy of the Fire Marshal's comments from the Building Department, from you?

CHRIS KARELUS: Yes. I can give him a copy.

JAMES MARTIN: That will certainly be a condition if we go ahead with this.

Other administrative issue, the property is not within the Town of Chili Consolidated Drainage District. You will have to apply for inclusion in the Consolidated Drainage District.

MR. SINACOLA: Yep.

JAMES MARTIN: Okay. I'm done. Anything else?

CHRIS KARELUS: I just want to point out to the Board, the Building Department and the Fire Marshal Officer are working with Mr. Zamiara.

Also to make the Board aware, one of the comments you shared with the owners is the same one that the Building Department shared about the -- you know, how is this building going to age with the salt and the building for the life of it. We're looking at if the building code now will require something, but it is in this Town's purview with the Planning Board that if that is a part of the building and we want to see this building stay for the life of it, you can make sure that something is mandatory for him to do, and the Building Department checks it is in place to prevent that deterioration from happening. It is a slab-on-grade building. Jersey barriers, they do work. Salt subject to water, um, finds its way in all kind of tiny cracks elsewhere in the building. So that is a concern that the Building Department had with this project moving forward. Just to make the Board aware of that.

Also, one of the concerns I have are the easements on the property. At the very least we know we got three properties now not really working in unison on having agreements in place, but we have the opportunity to have the agreements in place with the current applicant. I suggest the Board make it mandatory that he has these easements locked up for common access at very least on his property. That is within our controls now.

I also want to point out to the Board some of the service lines, the water main is off his property. It appears to be servicing the lot. So the issue with the easements, I would like to see copies of those agreements that you had that showed these common areas were agreed to be used kind of in unison by these three groups, because without these legal easements or anything referenced on the map, um, we're going to ask, at very least, the applicant have those on his parcel.

Another thing he has to do is accessibility and adaptability codes for ADA requirements. He has to, at the very least, stripe the handicapped and post a sign for one space on the site.

MR. ZAMIARA: We plan on black-topping it in the spring.

CHRIS KARELUS: And restricting it?

MR. ZAMIARA: Yes.

CHRIS KARELUS: One handicapped space with the posting has to be there. I will work with you with the building permits and Fire Marshal, as well.

MR. ZAMIARA: Thank you.

MR. SINACOLA: I can add to that. Chris (Karelus), we have got a better fix on some of the utilities on site, and there are a number of them that are strung out in front of this building, including the water. Fire protection system which runs right up against the building and then jogs over to that Jonathan Drive area, then runs further back and around to the hydrant around the back of the building. It is convoluted, but all pretty well nailed down now that we have some of the record information on hand. The amended maps will show all that. We'll provide that.

The initial plans that we sent out were pretty preliminary given the time frame. They were just pretty sketchy, so...

PAT TINDALE: I will just say I look forward to seeing the landscaping plans.

MR. SINACOLA: We will get those, too. Again, I apologize for -- we had some staff

shortages and a few other glitches this week.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: My comment kind of ties into what Pat (Tindale) just said. I'm sure the Conservation Board was going to do a good job with this. They always do. That area of Beahan Road is certainly not the -- a shiny example of Chili's efforts at good planning. Needless to say.

JAMES MARTIN: That was before our time.

MS. BORGUS: I know. Far before your time. Far before your time. I'm not implying it is something to do with this Board. This has been a disaster that has been in the making for years.

But Chris (Karelus)'s idea to get a handle on all this, or as much as possible at this point is a very, very good idea, and some good landscaping might help the appearance of that stretch of road. I'm sure the Conservation Board will do their usual good job and see to it.

Thank you.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing, and John Nowicki seconded the motion.

The Board was unanimously in favor of the motion to close the Public Hearing.

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

James Martin reviewed the proposed conditions with the Board.

The Board discussed a proposed time period on the conditional use permit.

JOHN HELLABY: Help me understand this rezoning thing that you mentioned, the ADATOD District.

JAMES MARTIN: Yes.

JOHN HELLABY: We can still approve this tonight?

JAMES MARTIN: It is conditioned upon him applying for and receiving ADATOD.

JOHN HELLABY: All right.

JAMES MARTIN: The past, that generally has not been an issue with any of the properties in that -- it is already included in the geographical division, all right, as far as what is -- where ADATOD is.

On Application Number 4, 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.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 7 yes with the following conditions:

1. This approval is granted pending on the applicant applying for and being granted the overlay zoning (ADATOD) for this parcel at 795 Beahan Road.
2. The applicant shall comply with all Fire Marshal requirements.
3. The applicant shall apply for inclusion of the parcel into the Town of Chili Consolidated Drainage District. This can be done through the Town Clerk's Office.
4. The applicant shall supply copies of all pertinent easements to the Assistant Town Counsel and the Building Department.
5. The applicant shall prepare and supply an updated utility map to the Building Department and Town Engineer.
6. This conditional use permit is granted for a period of five years.

On Application #5, 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: Applicant has paid their fee for final. Pleasure of the Board to waive final at this time?

The Board indicated they would agree to waive final.

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

1. This approval is granted pending on the applicant applying for and being granted the overlay zoning (ADATOD) for this parcel at 795 Beahan Road.
2. The applicant shall comply with all Fire Marshal requirements.
3. The applicant shall apply for inclusion of the parcel into the Town of Chili Consolidated Drainage District. This can be done through the Town Clerk's Office.
4. The applicant shall supply copies of all pertinent easements to the Assistant Town Counsel and the Building Department.
5. The applicant shall prepare and supply an updated utility map to the Building Department and Town Engineer.
6. Applicant to supply landscaping plan to the Conservation Board.

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

6. Application of Hillside Crestwood Children's Center, owner; c/o David Howard, 1183 Monroe Avenue, Rochester, New York 14620 for preliminary site plan approval to erect two 3,600 sq. ft. housing cottages at property located at 2075 Scottsville Road in A.C. & FPO zone.

DECISION: Application withdrawn at applicant's request.

There was a recess in the meeting.

7. Application of The Fathers House, owner; 692 Paul Road, Rochester, New York 14624 for renewal of conditional use permit to allow a church at property located at 715 Paul Road in R-1-15 zone.

Stan Matusz, Eric Schoenhardt and Reverend du Plessis were present to represent the application.

MR. MATUSZ: Good evening. This is Stan Matusz, and alongside me is Eric Schoenhardt, a Board member at The Fathers House. Eric (Schoenhardt) is managing the project on 715 Paul Road on behalf of the Church.

Approximately one year ago today we were before this Board to request a renewal of our conditional use permit to allow a church at that location, and as the Board members might recall, it was probably a week or two after that that steel was delivered to the site, and we commenced construction on the actual building in January of this year, and since that time, if any of you have driven by the site, you have seen there has been quite a bit of work done. And we're very pleased with the progress we have made.

We're here this evening to request a renewal of that permit. And we're open to any questions that the Board may have at this time.

JAMES MARTIN: We did have a meeting with The Fathers House, Reverend du Plessis and others 11/21/07, and Mr. Karelus and I asked several questions regarding the current status of your building program and other issues that were pertinent at that time. You have responded very nicely with a very colorful response. Black and white print would have been fine, but this is very nice.

With regard to the questions that we asked at that time, and I hope the Board has had a chance to review the response to the questions that were heard at that meeting, and -- essentially what we had asked for was a two-year plan, where things were going over the next two years, given availability of funding, given all of the other, I guess, questions that exist at this time around construction of the church and the other facilities associated with it, disposition of your existing structure on Paul Road and -- so anyhow, this letter that they have sent us is a response to that meeting that we had, basically in preparation, you know, for tonight's hearing on this.

So as I read down through here, um, I feel quite satisfied that you have replied to all of the questions that we asked that day.

You know, there is still a concern about the crossing, pedestrian crossing on Paul Road and your current plan essentially says that by Easter of next year, hopefully most of that is going to go away. Because that is when you plan to really open up the new facility. There will still be some traffic, you know, pedestrian traffic going across Paul Road because the current structure will be used for certain youth functions, et cetera, but it should be significantly reduced from what it currently is at this time.

You're going to close off the vehicular access to Paul Road.

MR. SCHOENHARDT: That has been done.

JAMES MARTIN: The 692 Paul Road, and that should also alleviate a lot of the concerns, the safety concerns at the area.

Soccer field construction, you know, you're going to move ahead with that. And complete that.

So, you know, it's -- it sounds like from a two-year plan perspective, that there aren't a lot of other issues at this time that I think we would need to address, okay, from a -- you know, from a renewal standpoint. But I will go to the Board at this time with other questions and issues that may have come up.

DARIO MARCHIONI: I want to commend you on all of the information. It gives us an insight into the future what is going to happen on this site. It deals with a lot of the questions that I would have. I wish you the best.

MR. MATUSZ: Thank you.

DARIO MARCHIONI: That's all I have.

GEORGE BRINKWART: On average, what's your attendance on a typical Sunday service?

MR. MATUSZ: It's ranging between two and -- 2,000 and 2500 on a weekend. That's across -- it is spread across six services right now. One of those -- one of -- actually two of those actually being on Saturday evening, and four being on Sunday morning.

GEORGE BRINKWART: At any one time there isn't 2,000 people present?

MR. MATUSZ: Not currently, no.

GEORGE BRINKWART: Do you know about what -- how many people you have at a particular service?

MR. MATUSZ: I think the -- the heaviest service would be our third service on a Sunday, and my best estimate would be that we probably top out in the 600 to 700 -- well, probably 650 occupancy range at that service.

GEORGE BRINKWART: Thank you.

JOHN NOWICKI: The coffee shop is mainly just for in-house people?

MR. MATUSZ: That's correct. We do serve coffee in our existing facility mainly for volunteers, because of limited space, but we have a Hospitality Department that serves donuts and coffee. We have a small kitchen in our current facility.

JOHN NOWICKI: It looks like our Building Department, Mr. Karelus and Mr. Martin have everything else under control. I have no questions. Good luck to you and we look forward to the grand opening.

JOHN HELLABY: Well, I guess I'm going right back to my biggest hang-up, the crosswalk. Again, I guess just a general question. It has always been a problem with that gentleman stopping traffic up there. I understand that hopefully the majority of this will go away around Easter time, and I will admit, I haven't seen him there in the last couple of Sundays. I personally made the comment many years ago that you guys did an outstanding job up at that crosswalk protecting those pedestrians. But you compounded the fact by letting this guy stand out there in the middle of the street constantly with a car parked on the edge of the road. I want to hear from you a reassurance that that is no longer taking place, or is it, is it going to take place?

MR. MATUSZ: Effective this past September, we actually closed off that driveway --

JOHN HELLABY: But the gentleman was still there.

MR. MATUSZ: He is only standing on the side of the road at this point in time. We don't have anybody standing in the middle of the road. In fact, we give preference to vehicular traffic on Paul Road.

JOHN HELLABY: The car is still there, on the edge of the street.

MR. MATUSZ: The car is still there at least a couple, two, three services.

JOHN HELLABY: You will get somebody killed out there. I don't know how much clearer I can make that. If you had somebody standing on the edge of the road, watching these people, helping them cross and get out of the street, that would be great, and remove that car. That car sits right on the edge of the road. And it is going to be no time at all before somebody comes, flies up through there and slides into that guy. I don't know how much clearer to make that. I mean that statement has been made over and over and over again here.

Enough said. Just take care of the problem. I mean -- I think it is extremely strange that you were warned, it goes on, but now that you're back in here for the renewal this past Sunday, everything was dressed right dressed. You had the cones out there, everything spotless. Continue to do that. That's all.

JIM POWERS: On the athletic fields, how many are you going to build? Are they all soccer fields or --

MR. MATUSZ: (Indicating).

JIM POWERS: Two.

MR. MATUSZ: Three soccer, one baseball diamond.

MR. SCHOENHARDT: We're doing the three soccer fields this next summer. The baseball fields are in the future. We have to let the three fields sit for a couple years while the grass is established. We'll build those this summer.

JIM POWERS: How big will the soccer fields be?

MR. SCHOENHARDT: Standard size. What, 60 by 120?

JIM POWERS: On the roadway out of the parking lot to Archer Road, is there curbing

along the edge of that road or that driveway?

MR. SCHOENHARDT: Yes.

JIM POWERS: That curbing extends out into Archer Road?

MR. SCHOENHARDT: To be honest, I don't recall whether it extends out into Archer Road. The curbing was put in per Planning. I would have to look it up. I just don't recall off the top of my head how far it extends.

JIM POWERS: You might want to take a look at that, because I know a plow cracked it the other day when they were removing snow, and if that curbing is out as far as it might be, they will not be able to push back on that side of the road. And you know that we get snow over there on Archer Road. Would you take a peek at that?

MR. SCHOENHARDT: Sure. The question would be, if the Town required us to extend the curb to a certain point -- I know when we reduced some of the curbing, the Town had a question about what we removed and where. We got that approved. If the Town requires us to carry it out, that is how far we carried it out.

JIM POWERS: You might have a situation down there that might create big problems.

KAREN COX: You might have to put markers on it just so that the plow drivers know --

JIM POWERS: You wouldn't get your snow pushed back over there. So that's all.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROCKY YARID, 24 Cross Bow Drive

MR. YARID: It was November 15th of 2005 that the first request to the Planning Board for consideration of building this church was made and it was quite a vigorous discussion. During that discussion, I think the question came up about what was going to happen to the current church, whether it was going to be returned back to the tax rolls or whatever, and there was some indication that it could, and there was some desire on the part of the Planning Board to see that happen.

Now, I know we can't force them to, you know, sell it and turn it back to the tax rolls, but where my concern lies with the -- keeping the existing church and using it for other functions is going back to this whole business of parking and safety.

Yes, I didn't -- I have not seen the gentleman in the middle of the road recently, but the car is parked on the side of the road. The lights are flashing. Once I think I saw flares in the middle of the road. It creates -- again, as I said before, it creates a carnival atmosphere that compromises safety. Whenever I drive through that area, now that I'm very used to it, I'm very, very cautious, but I can imagine people not used to it would be less cautious and likely to cause an accident.

And the same issue, now that the parking lot is -- is bigger on the other side and this area is closed off, I still see people parking on Archer Road. If you look at the side of the road, you can still see it being deteriorated from the cars parking there. I'm looking at this whole thing saying they're going to keep the church and we'll have functions there and we'll have the same thing that we had prior to us increasing the parking lot. We're going to have cars parked on the road. We're going to have cars and people crossing, and a need for a crossing guard. I'm a little concerned that it is going to continue, it's going to evolve into something not too good in the near future.

So again, I would request the Board, Planning Board, at this point and going into the future to look at this issue of using the current church and what the impact will be with parking and safety in that area. That's basically it.

JAMES MARTIN: Thank you for your comments. I will just comment on one of your issues. The Church is actively pursuing disposition of the current church. I mean, they have a real estate agent involved in this, so there is activity ongoing at this point.

As far as parking along the side of Archer Road, I don't know why there is any need for that at this point, and I think that needs to be policed.

MR. MATUSZ: We do our best to police that. The best method we have really is to put cones on Archer Road. A lot of it has to do with people arriving to services late, after our parking attendants have, you know, gone inside, and people arriving late and trying to park as close as they can to the building without having to walk a long distance. So we have been putting cones out there.

In the wintertime it gets a little bit tricky with the snowplowing and so forth, but I think it has been fairly effective as long as we put cones on Archer Road.

JAMES MARTIN: I would continue that practice. And, Reverend du Plessis, you have the pulpit. I think you can probably request very emphatically that nobody park along Archer Road.

Thank you.

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: Are the soccer fields and the athletic fields still going where they were originally planned off Archer Road?

MR. SCHOENHARDT: That's correct.

MS. DENIGRIS: Your property goes down to that fire hydrant, right?

MR. SCHOENHARDT: Yes.

MS. DENIGRIS: Is that the line? All right.

And secondly, I don't know why it was so important to have such long -- such tall lights in your parking lot. I live down Archer Road on the other side of the railroad tracks. There is a hill

that goes down there. I can actually see those lights over the top of the hill, and they're on for many, many hours into the night. So I'm wondering why there wasn't an effort to make the light posts shorter and less visible for so far away.

JAMES MARTIN: Do you have a response to that question?

MR. SCHOENHARDT: To be honest with you, I wasn't here when the project was designed. They typically move lights up higher to reduce the number that is required. So I would imagine they just submitted the fewest that would be required and that is just what got approved in terms of the plan. That is why it got put in.

MS. DENIGRIS: Our next request is not to have them on any longer than you have to.

MR. SCHOENHARDT: I think that makes sense. That is a reasonable request. It would certainly save us power if we put them on a timer or something like that and tried to control how long they're on. I'm sure we can accommodate that.

JAMES MARTIN: David (Lindsay), do you remember on the cut sheet, on the illumination levels -- you know, was there any spillage off the property? I don't recall any, but --

DAVID LINDSAY: I don't recall any on that. I think Larry Nissen did that with you. I would have to look back and see that in our files.

MS. DENIGRIS: There must be a point --

JAMES MARTIN: I'm asking our Town Engineer to review the plan that was submitted. If we're getting light spillage off the property, there will be -- have to be -- changed, reduced or eliminated.

MS. DENIGRIS: Okay. Thank you.

GEORGE PETERSON, 18 Beaver Road

MR. PETERSON: Specifically I was one of the ones that brought up the lighting concern, because as I -- and I think I stated the current building on the north side of Paul Road, I said I felt that was grossly lit up all of the time, and I believe I -- I talked about, um, having too much lighting and being so visible.

And at that time, I forget the gentleman's name from Passero Associates that was working with you guys, but at the time I was commenting on the lights. He gave us the impression the lights wouldn't be as tall as they are now. And I think Mr. Nowicki mentioned something about downcast lighting. Now, to me I don't think those qualify as downcast lighting, but it was conveyed to us that all lighting was going to be downcast lighting.

You have lights on the back, the -- which would be the south side of the church that aren't downcast lighting. I mean I can see clearly from my backyard on Beaver Road Extension because I'm almost directly behind you guys. I have been paying attention to the lights. They are on until 6 or 7 in the morning, on the days you have them. You leave them on all night. I don't know why. But as far as the lighting plan, it looks like a shopping plaza almost. I don't know -- to me it seems like if you go with shorter poles, a true downcast lighting and maybe that orange-type lighting instead of the bright white lighting, it might blend into the neighborhood a little better.

A friend could not make it tonight that lives across -- Chuck Schreiber (phonetic) lives on Paul Road. They have that lighting just blaring into their house on it.

The lighting scheme you guys have now is not conducive to the neighborhood. I would really like you guys to address that and make it so it is just not so bright. I can say it was requested at the last meeting.

I think you remember having that conversation, Mr. Nowicki?

JOHN NOWICKI: We'll check into that and make sure this is done right.

MR. PETERSON: Thank you.

MR. YARID: The downcast lighting was brought up in discussion on November 15th, 2005. I remember those discussions clearly.

MR. SCHOENHARDT: What I will do is go confirm that downcast lighting did get installed. In terms of pole height, I can't make a commitment on that. I can say we'll make a commitment to see that the lights are turned off so they're not on all night long. And you know what happens in a construction project, guys install the lights, power them up and nobody sets the timer. We'll take care of it.

MR. PETERSON: It is possible I don't know the true definition of downcast lighting, but when I go up Beaver Road, for example, I wish all their lights were downcast, but Home Trends, the first driveway, the first few poles look like a downcast lighting because you see no filament at all. It is flat bottom.

You can see your filaments. HSBC and ESL have those flat lights where you don't see the filaments. I have seen your lights in operation. I have kind of looked around to see what a true downcast lighting is. Maybe it is an interpretation of what downcast lighting is.

MR. SCHOENHARDT: We'll double check it and make sure -- we'll take care of it.

JAMES MARTIN: I'm making a formal request the Town Engineer reviews the proposed lighting plan and compares it to the as-built condition. I will also request that the hours of illumination be minimized.

James Martin made a motion to close the Public Hearing, and Karen Cox seconded the motion.

The Board was unanimously in favor of the motion.

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

James Martin reviewed proposed conditions with the Board.

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.

The Board discussed the proposed time frame on the conditional use.

James Martin recommended a two-year period of time for renewal.

JOHN HELLABY: Are all of the previous conditions remaining in effect.

JAMES MARTIN: All previous conditions will remain in effect. I will add that.

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

1. Approved for a period of two years.
 2. The Town Engineer will review the proposed lighting plan and compare it to the as built condition. Hours of lighting should be minimized.
 3. All previous conditions remain in effect.
8. Application of McFarland Development; c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for final subdivision approval to combine six lots into one lot at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuet Drive in G.B. zone.

INFORMAL:

1. McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for final site plan approval to erect a 14,820 sq. ft. retail store/pharmacy at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuet Drive in G.B. zone.

Betsy Brugg, Alex Wisniewski and Jeff Taw were present to represent the application.

MS. BRUGG: Good evening, members of the Planning Board, Mr. Chairman. For the record, my name is Betsy Brugg. I'm an attorney with the firm of Fitz, Spindelman, Brovitz & Goldman. I'm here tonight. It is a pleasure to be here on this evening to talk about the final approvals for the proposed Walgreens.

As you mentioned, it has been -- the application is advertised as a Public Hearing on subdivision. What I planned to do tonight was really go through -- essentially we have the same plan. Nothing has changed. When the Board granted preliminary approval, there was a series of conditions. Most of those conditions actually pertained to the site plan, so if you would like, I will head right on into those.

My -- what I thought I would do is go through those. Those were really the only issues left out on the table. I will just start going through those.

JAMES MARTIN: I guess the only thing under subdivision, whether it is pertinent or not, um, at the last Town Board meeting, Mr. Carr explained that the abandonment of Pikuet Drive would be handled under Highway Law.

MS. BRUGG: Yes. Under Highway Law Section 207, no approval is required for the abandonment of Pikuet Drive. That matter is being handled by Mr. Carr. And if it is not completed already, it is near completed.

JAMES MARTIN: Okay. I just wanted to get that clarified up front. Go ahead.

MS. BRUGG: So basically we had a laundry list of items that we need to take care of. I will go right through the approval. There were 26 -- excuse me, 18 conditions. 18 conditions. The first one, the approval was pending Town Engineer approval. That's a matter to be handled, I believe -- I believe we're on Board in respect to engineering issues?

DAVID LINDSAY: We're working through those.

MS. BRUGG: Correct. Number 2, pending approval of the abandonment of Pikuet Drive. As we have already discussed, no approval is required for that to occur.

Number 3, pending all Zoning Board of Appeals approval. We have already been to the Zoning Board. We have obtained all of the necessary approvals. The first being for the -- the first one variance to erect an 8 foot high chain-link fence and stockade fence per the plans submitted.

The second variance -- that one was subject to architectural design and materials to be approved by this Board.

The second variance was for the amount of parking. There were no conditions on that variance.

The third variance was with respect to signage. The Zoning Board granted the relief required for the building-mounted signage with the exception of two signs. They did not approve

the mortar and pedestal emblem that is typically located in the windows above the entrance. There are many Walgreens stores that don't have those, and we are not proposing those. They have been removed from the plan. The windows are still in place. If you drive around Monroe County, you will see a number of other stores that have a similar layout. That is not uncommon for Walgreens to do.

Um, in respect to the building signs, the rest of the sign package was approved. It's -- I believe the same sign package you have seen up to now. Um, the Walgreens signs over the entrance, pharmacy sign, um, two pharmacy signs. And I think that is pretty much it for the building signage.

The additional variance was for the free-standing sign, and what was approved is no reader board; no neon; no more than 64 square feet for the -- as a monument style sign; no taller than the length, the maximum height to be 8 foot, 6 inches; architecture consistent with the building design and to be approved by the Planning Board as part of the site.

Um, it's illustrated here on the drawing, the square footage is actually a little less than what the Board approved. I think we're at 50 -- 55.6 square feet. It is a monument style. It conforms to those requirements. It carries over the architectural elements of the building.

Our architect is here tonight if there are any questions regarding signage.

Let's see. The third -- that was the third and final variance. Let's see.

Number 4, no outside display of sales merchandise, including any vending machines. That is fine.

I would also note that you received a written response with a submission package, so sort of repeating some stuff you have already seen.

No neon signage. Not a problem.

All shopping carts stored interior to the building. Again, that's already a given.

Pending approval of the Town Fire Marshal. That's a matter -- we have not received any comments that require us to address anything on behalf of the Fire Marshal.

Signage package to be presented. We can go into that in further detail if you would like; materials, color schemes and the lighting. Jeff Taw is here again, as I mentioned, to discuss those.

Do you want to stop there and go into the signage? It's the standard Walgreens red signage. Internally illuminated.

JAMES MARTIN: Keep going.

MS. BRUGG: Keep going. Okay.

The applicant shall construct a fence between Walgreens and Grenell Drive for materials other than cedar. Catalogue cut sheets were provided. Hopefully you had a chance to see that. We have them here tonight. What was proposed is something very similar to what is at the car wash on Chili Ave. It's something that this Board had asked us to look at, and I believe it is in a beige tone.

JAMES MARTIN: Is there a copy of that you can put up on the board?

MR. WISNIEWSKI: I was able to get a material sample, as well. I got a brochure that kind of lends a little better feel to the development.

JAMES MARTIN: I think it would give the audience a better perspective what the fence will look like.

MR. WISNIEWSKI: It is manufactured by Certain Teed and distributed locally out of Buffalo by a company called Bufftech. The -- I did have a struggle finding a privacy fence that comes in an 8 foot height. There is a lot of options at 6 feet. Um, this is the -- one of the few products I could actually find at an 8 foot height, which is something that Walgreens would like to have just to maintain the privacy between our store and the neighbors.

But that gives you -- this is the bottom rail. This -- there are these steel structural pieces in the bottom beam to prevent sagging. I do have product literature on the manufacturer. I think you have a copy of the one particular model we suggested. I think that is -- the photo in the literature gives you a feel for what that looks like. But if you want to pass that through.

JAMES MARTIN: Can you just post that? I would like people to see what the fence will look like. You can use this if you want to.

MS. BRUGG: Okay.

MR. WISNIEWSKI: It has a mid rail, too. For the 8 foot height it needs the additional support.

JAMES MARTIN: Thank you.

MS. BRUGG: Continue? Okay.

Number 10, guardrail alternatives possible to be reviewed by the Planning Board. Walgreens is insistent that they will do a highway style fence consistent with New York State DOT standards.

Alex (Wisniewski), do you want to talk about a little modification you made to the guardrail?

MR. WISNIEWSKI: I investigated some alternative materials and/or construction. And I guess Walgreens had similar opinion to a wooden guide rail as this Board had to the wooden fence, and that over time it tends to deteriorate and degrade. With my eye to that, I have been noticing that now driving around, and that is the case. They want a DOT style guardrail mainly for longevity and safety purposes.

It was our opinion that the box beam style guardrail would be the preferred in terms of a visual impact as opposed to the corrugated beam style guide rail. I was able to pull it back from -- from Chili Ave. to some degree to get it further back off the entrance here (indicating).

We had it further up closer to the street. Again, the grade is dropping off at a 3-on-1 side slope behind the curve, so we feel we have a safety perspective. It is a good idea to get that up near the throat of the driveway where the vehicles would be entering. We do in the drawing reference the DOT standard sheet. I do have a copy of that if that is of interest to anyone. I can pass that through.

JOHN NOWICKI: Will that be the rusted?

MR. WISNIEWSKI: My research showed that is not an available product any longer. I mentioned that at the last meeting. I seen it myself driving through the Adirondack Park.

KAREN COX: They rescinded use of that recently.

JOHN NOWICKI: Why is that?

KAREN COX: Because the rail is oxidizing faster than they figured, especially the posts. If you have rusted posts, they -- underground, they're just rotting away.

JOHN NOWICKI: Really?

KAREN COX: So the State just put out an EI sometime in the last couple of months where they rescinded use of it totally. Once they rescind use of it, the guide rail manufacturers don't stock it any more.

JOHN NOWICKI: We don't have a choice.

KAREN COX: It is galvanized or nothing.

JOHN NOWICKI: Okay. Thank you.

MS. BRUGG: The next item, um, let's see. A raised median with appropriate bollard is required between the drive-through lanes and the bypass lanes. Raised curb median as delineated has been added to the drive-through in accordance with the Board's requirements and a trench drain had been proposed to collect drainage in the area.

Do you want to show them what you put in?

MR. WISNIEWSKI: Yes. Basically just what was asked for. There is a raised median now separating the drive-through vehicular traffic from the main body of the traffic flowing through the parking area.

MS. BRUGG: Okay. The next item, the design materials -- I will make sure I didn't skip anything. Design and material selection of the retaining wall shall be reviewed at the final hearing.

Alex (Wisniewski)? Again, this is Alex (Wisniewski)'s --

MR. WISNIEWSKI: We have specified, there is a detail included in the contract drawings set. It is a VERSA-LOK modular split-face block unit. I do have some product literature and photos on that. This is the particular model that we have specified, and I thought this -- I thought this photo was pretty representative of what you would see up at the northwest corner of the site where we have the walk -- or the wall integrated with the ornamental style fence across the top. On this photo they actually transition from ornamental style fence very similar to what we propose into a black vinyl fence which we have now abandoned from our site plans, but that is just a couple representative photos of that wall.

Like I said, there is a detail on that -- I do have a sample in the back of my truck. If three people want to help me carry it in, I would be happy to bring it in. I do have a piece of it.

MS. BRUGG: We were asked to provide cut sheets of the bollard design, color and location of the front entrance. That is also included in the submission.

We were asked after the submission, most recently, about a different bollard design which my understanding is from Alex (Wisniewski) that we're able to do.

MR. WISNIEWSKI: Again, their bollard detail is included on the contract drawing sheet set. I do have some photos what it looks like. It is a polyethylene covered bollard. It's actually called Walgreens gray. Um, they -- it really visually looks more like a brown when you see it in person. That's photos, and the catalogue cut sheet.

Jim (Martin), the cut sheet you provided me is the same exact manufacturer that provides these and if that is the preference -- I have been told by Walgreens they do not want ornamental bollards. I can take that request back to them if that is the direction of the Board.

JAMES MARTIN: Did you bring that sheet up that I gave you?

MR. WISNIEWSKI: Yes.

JAMES MARTIN: This is an alternative that I have suggested that Walgreens should take a very strong look at, because I think it is more in keeping with the building design, and we're going to request that -- these are -- you know, these are sleeves. That is a sleeve. So...

JOHN NOWICKI: You're saying replace this with that (indicating)?

JAMES MARTIN: Replace the very, very mundane looking, with this (indicating).

KAREN COX: What is it, just a sleeve, ornamental sleeve that fits over a pipe?

MR. WISNIEWSKI: You have a steel, 6-inch diameter steel pipe filled with concrete. They slide this polyethylene cover over the top of that. The cut sheet Jim (Martin) pulled out is the same concept. It's more ornamental in nature, obviously.

KAREN COX: I guess my question would be how would those -- not that I don't like this. It is pretty. If those rounded edges got smacked by a plow or something, could they dent?

MR. WISNIEWSKI: I would think the reason they probably don't want ornamental, again, it's a maintenance issue. With the similar sleeve that they have, there is no change in the cross-section in that, so you're not going to have an issue with snowplow incursions. So again, I suggested at the last meeting that we were asked to look at, get some specifics on the bollards. They were pretty clear with me they didn't want ornamental designs. I wasn't given a big, emphatic, N-O, but their message was clear to me.

JOHN HELLABY: Wegmans is using the manufacture's for quite some time.

JAMES MARTIN: Like this?

JOHN HELLABY: Not that style, but we do use the --

KAREN COX: Do they --

JOHN HELLABY: They're different. Depending where they're going.

MR. WISNIEWSKI: Keep in mind, the need and intention of the bollards is the fact that at the front entry where there is any ADA accessible ramps, the parking lot asphalt meets the same elevation of the sidewalk as opposed to a 6-inch reveal. Otherwise, they wouldn't have the bollards at all. So there is a potential for conflict with snowplowing because there is no grade differential between the parking lot and the sidewalk.

JAMES MARTIN: Our preference would be to have more ornamental bollard sleeves on there. Now, this -- there may be other ornamental sleeves that may not be quite as decorative as this, but it would look better than -- it looks to me like an artillery shell.

MR. WISNIEWSKI: I was thinking torpedo, myself. I can certainly take that request to them.

JAMES MARTIN: All right.

JOHN NOWICKI: No artillery shells.

MS. BRUGG: Items 14 and 15 refer to the seating area. The seating area has been relocated to the frontage on Chili Avenue. I think it is a location that is more easily accessible and more likely to be used. The grading and all really seems to be the right location. What has been proposed, I think, is some brick pavers for the surface of that area. It should be nice and attractive and also blend into the site nicely.

The north elevation to be modified per the Planning Board request to include false windows. The elevation is up there. There are two false windows that have been added on that elevation.

Number 17, submit updates of all plans and detail sheets, which we have done.

Number 18, a restriction on the Paul Road access. That has been incorporated into the plan, and I think we have covered the entire list.

KAREN COX: The only thing I would throw out is that now Paul Road is a County highway, the County will be doing the driveway permit.

JAMES MARTIN: Yeah.

MS. BRUGG: We have been in consultation -- we knew this has been coming, so we have been dealing with both throughout.

JAMES MARTIN: When I look at the design of that right-in and right-out only is on Paul Road, I know you have got markers on the pavement --

MR. WISNIEWSKI: It is actually a raised median. It's a raised median.

JAMES MARTIN: Okay. It's a raised median. However, the design would still not prohibit some idiot from trying to drive out the right-in lane coming off of Paul Road.

MR. WISNIEWSKI: Right. Our goal is to prevent that motion from -- it would be a very difficult motion to make a left turn.

JAMES MARTIN: It would be difficult, but not impossible, okay. All I am asking is, again, if some, you know, some directional signs that may say "exit only" or "entrance only," something that would at least clue somebody in maybe they shouldn't be driving --

MR. WISNIEWSKI: Absolutely. I made contact with Monroe County DOT and asked them for their specific criteria for right-in and right-out driveways. I also asked them for specific information on their permit requirements, neither which they seem to have. They just told me to submit plans and they will comment. I am willing to do that. I know what DOT would typically want in that scenario. So I'm more or less relying on State DOT typical standards for the initial submittal.

We have proposed some additional signage to make that very clear. Obviously that was the big issue with Walgreens losing that full access driveway and they have agreed to make that change. Now we're committed to doing it, but now we'll do it in a way that Monroe County DOT will permit and prohibit that motion from being able to take place.

JAMES MARTIN: I mean, pavement marking paint wears for a while. We have winter, it gets covered up. I'm just trying to put another ounce of prevention into some idiot trying to go out that right-out -- right-in on Paul Road --

KAREN COX: The raised median --

JAMES MARTIN: It's gonna help.

KAREN COX: You can't totally idiot-proof any --

JAMES MARTIN: I understand that but I'm just -- you know, the raised median, there is still the opportunity to drive out and try to turn left on Paul Road. I know you can't stop them, but I'm saying maybe a sign would help.

MR. WISNIEWSKI: Again, we have proposed signage. If the DOT tells us they want other signage, no problem. I think physically to try to further eliminate that motion, you got to try to flatten out the approach angle, which means a wider curb cut and if they're agreeable to that, we're agreeable to that. It is really a function what is the DOT going to allow.

We have proposed mountable curb because we have a concern -- Walgreens has a concern just from their truck ingress and egress, that the trucks need to be able to get in and out.

JAMES MARTIN: Understood.

Question on the window of the main entrance. I think in a conversation we had somewhere along the line, Walgreens would be willing to frost that window. Is that my understanding?

MS. BRUGG: Correct. That is an alternative.

JAMES MARTIN: I don't know what preference of the Board is. I would think, you

know, frosting the window would have, you know -- to me would look better.

JOHN HELLABY: It would deter something else from mysteriously showing up in there, too.

JAMES MARTIN: I understand. I think we're going to request that they frost the window.

KEITH O'TOOLE: Mr. Chairman, I ask you call that out as a separate condition so there is clarity down the road that should the frosted glass disappear and something else show up, we don't have to go down that road again.

JAMES MARTIN: Put it in a condition that the window --

KEITH O'TOOLE: Or an alternative, get rid of the square window. It looks rather odd anyway.

JAMES MARTIN: I will put that in. The window over the main entrance will be permanently frosted.

DARIO MARCHIONI: Or removed.

JAMES MARTIN: Or removed.

MS. BRUGG: The removal is not an option as far as Walgreens is concerned. But we are willing to frost the window.

KEITH O'TOOLE: And made opaque.

JOHN HELLABY: So you can't see through it.

KEITH O'TOOLE: Details. Details.

MS. BRUGG: What is that?

KEITH O'TOOLE: Opaque.

MS. BRUGG: Opaque.

JAMES MARTIN: Can I say "permanently frosted and appears opaque"?

KEITH O'TOOLE: "And be opaque."

JOHN HELLABY: Not "appear." It better be --

MS. BRUGG: Translucent?

MR. WISNIEWSKI: I don't know "opaque" is the correct term. It's translucent.

KAREN COX: Translucent would let light in, but not be --

MS. BRUGG: It's still glass. It will not be a solid painted surface, though.

KAREN COX: Right.

JOHN NOWICKI: Translucent?

KEITH O'TOOLE: And that no objects shall be placed behind --

MS. BRUGG: Right. There is no signage proposed.

JAMES MARTIN: I kind of agree. Opaque means that -- it would be painted.

MS. BRUGG: Correct.

JAMES MARTIN: Translucent with no object appearing from behind the window, something to that effect.

KEITH O'TOOLE: No objects being placed.

JAMES MARTIN: No object be placed behind the window.

MS. BRUGG: Translucent with no object. Is that -- sound right?

MR. TAW: It won't happen anyway, but go ahead.

JAMES MARTIN: I will reread this and see if I have got it.

MS. BRUGG: This is taking me back to elementary school, learning about light and reflection and translucent and all of that stuff.

JAMES MARTIN: The window over the main entrance will be permanently frosted translucent and no object will be placed behind the window.

JIM POWERS: The only question I have is to what degree, if any, there has been discussion with the Highway Department Superintendent on the abandonment of Pikuet Drive.

MS. BRUGG: I have had many discussions with Mr. Carr. That matter is completely under control and will be resolved -- will be completed very soon.

JIM POWERS: Now that goes to the Town Board based on what happens here?

MS. BRUGG: It does not go to the Town Board at all. Pursuant to the Highway Law provision that we are utilizing, that applies to Pikuet Drive, it does not require any action on the part of the Town Board.

JIM POWERS: Then the Highway Superintendent can abandon the road?

MS. BRUGG: He will, correct. He will abandon the road.

KAREN COX: They can do that.

JIM POWERS: Oh, okay. Thank you.

JOHN HELLABY: We have come a long way.

MS. BRUGG: Just in time for the new year, right?

JOHN NOWICKI: A real long way. I'm done.

GEORGE BRINKWART: I took a look at the engineering comments and I don't want to go into all of them, but there was one that kind of stuck out and I kind of wanted to get your input on it and it was regarding the emergency spillway for the detention facility.

Also if you could kind of let us know what that 100-year flood surface elevation is. Do you have that information?

MR. WISNIEWSKI: To give a quick synopsis of the drainage scheme here, the site generally drains from northwest to southeast. A good portion of the site, in fact, drains to the rear properties of the folks that live along Grenell Drive here. What we propose to do is, part of the redevelopment is that Number 1, the on-site storm sewer infrastructure has been sized to convey a 100-year storm event, so that will all be passed underground within the pipe system to a detention storage area located on the easterly portion of the site. We propose a cut-off swale

across the easterly perimeter of the site to intercept and divert any waters that would previously have drained towards the residences on Grenell Drive, also taking that to the storm water facility. Um, this is intended to be a dry detention facility as opposed to a wet pond, which sometimes this -- the new SPDES permit would dictate. Under the redevelopment projects, we have selected a water quality structure at the point of discharge into the basin to provide for the water quality that the DEC is looking for. Then the storm water is held temporarily during and shortly after a storm event and released at controlled rates via a pipe system back out to a 36-inch storm system at Paul Road.

In a nightmare scenario, if this storm wat -- the outlet structure fails or is plugged, um, which would be unlikely given the diameter of the -- it is a multi-stage outlet structure, so there are two outlet pipes that control it. In the event that all that goes to heck, um, the high water elevation in this facility gets up to 3 -- or excuse me, 563.5, which is, um -- it's going to be 2 feet lower than the top of the berm elevation. What you typically do is provide what is called an emergency spillway in the event that the water cannot pass through the intended pipe discharge system.

So that spillway is proposed to be at this location, and we have incorporated a swale along, again, this easterly flank to convey the storm water down towards Paul Road. And in response to an earlier request by your engineer, we did add a catch basin at that location to pick it up and take it into the pipe system at the road. I think what Dave (Lindsay) is suggesting is that as you get to the lower extreme of this swale, that there might be the potential for some of that water to sheet off onto the last lot here along Grenell Drive, which again, I point out it does currently. This would only be in a scenario in which the system completely fails and would go through that emergency spillway. Chances are highly probable that water would never, ever, ever, ever surcharge out of this spillway, but in the event it does, we're trying to do it in a controlled manner.

I guess in reaction to Dave (Lindsay)'s comment, what I would suggest is to try to better define this swale and/or have an additional pickup with a catch basin and a pipe system further up the system in that swale to take that water underground sooner. So I think we have -- we have the ability to do that here, and -- unless I'm interpreting Dave (Lindsay)'s comment incorrectly, I think that is the suggestion.

GEORGE BRINKWART: What did you say the 100-year water surface elevation was?

MR. WISNIEWSKI: 563.5.

GEORGE BRINKWART: Okay. Thank you.

DARIO MARCHIONI: Fantastic job you guys did. It's been a long time. It's coming to an end.

I think four of the properties are still not in the Drainage District; am I correct?

MS. BRUGG: Correct. We have made application and my understanding is that is something that will occur after the abandonment of Pikuet Drive is done.

DARIO MARCHIONI: Thank you very much. Keith (O'Toole), just briefly. With reference to Dave Lindsay's letter of December 6th, I -- Items 4 and 7, maintenance agreement with regard to the storm water management feature, I'm assuming that what we're looking for --

JAMES MARTIN: I'm sorry. I cannot hear you.

KEITH O'TOOLE: Item 4 on Dave Lindsay's letter discusses a maintenance agreement with the storm water management feature. Typically we arrange a drainage and storm water easement granted to the Town if the Town wants such an easement, if that is the goal. I'm not sure if that is what we're looking for there.

Do we have any thoughts on that?

JAMES MARTIN: Don't we normally require an easement so that the Town can get in and maintain --

KEITH O'TOOLE: Yeah, but we don't always do that on a private pond like this. We don't always do that on a private pond like this. I'm just wondering if there is some greater issues there, or are we just being cautious at this point?

JAMES MARTIN: What is your advice as Counsel? Is this something we should ask them to do it?

KEITH O'TOOLE: Unless we need it, the answer is no.

JAMES MARTIN: What?

KEITH O'TOOLE: Unless we want it, the answer is no.

JAMES MARTIN: The owner has a responsibility to maintain this system?

KEITH O'TOOLE: And we can call that out as a condition or a note on the back.

The other issue is with regard to Item 7, the sidewalk easement, that -- I don't know if there are any other easements called out, but certainly the mylar won't be approved until we get all of our easements. I review them, and then you're going to record them and provide us evidence of recordation.

MS. BRUGG: Does the Town have a standard form for an easement?

KEITH O'TOOLE: Not for sidewalks.

MR. WISNIEWSKI: Quick question on that. I assume the same offset we proposed along Chili Road (sic) would be appropriate along Paul Road?

KEITH O'TOOLE: I will defer to our fine Town Engineer on that point.

DAVID LINDSAY: Sorry. I was looking for something else in my paperwork.

MR. WISNIEWSKI: The sidewalk offset, the easement. In your letter you call out the need appropriately for an easement dedicated to the Town for maintenance of the sidewalk along Paul Road. There is one proposed along Chili Road (sic) where it encroaches into the site

property. Utilizing the same offset we proposed here would be appropriate at Paul Road?

DAVID LINDSAY: At this point I would say yes. I will just double check with Mr. Carr. If it is something different, I will let you know.

MR. WISNIEWSKI: That initially came from Mr. Carr.

DAVID LINDSAY: Then I think that would be satisfied.

CHRIS KARELUS: The applicants have taken great strides to address most of the comments that came back from the Building Department. I think two points I would just like to bring to the Board's attention.

The Zoning Board of Appeals denied the signage in the windows over the main entry. Okay? This Board is making it so nothing is going to be visible behind those windows at the main entry. I think the Board should find out, one, from the architect if this is going to be a lit feature on the site and how would it play in harmony with the building. And if both signage was denied and anything visible behind the window, what really does that window's purpose serve on this building. I think that is a question the Board should answer.

The second is from the Zoning Board. They wanted this Board to review the signage, review the lighting that is associated with the signage. They suggested that they take a look, whether it be a back-lit sign or whether these signs be lit from down lamps, and in particular, they were going -- they spoke about the lighting associated with the monument sign. So they really wanted the Planning Board to take a look at the signage plans themselves, review them and comment on the lighting as well as the -- just the general appearance of the signs.

And the other point of clarification I need to have through Chairman be made, they kept speaking to the Grenell property fencing. That portion of the fencing is also located on the eastern side, not quite on the Grenell Drive side, so there was what was previously -- Betsy (Brugg), the board-on-board fencing proposed on the east side towards Paul Road -- so there were two sections of 8-foot fence that were approved from the Zoning Board. The one directly adjacent to Grenell residences as well as there is a stretch of fence on the east portion towards Paul Road. Just to make a point, those fence cuts are for two locations.

Correct, Betsy (Brugg)? Alex (Wisniewski) --

MS. BRUGG: I think --

MR. WISNIEWSKI: Chris (Karelus), I'm not sure -- just to clarify, I think they missed the -- the -- the ZBA resolution references chain-link fence, number one. There is no chain-link fence proposed on the site any longer pursuant to this request.

There is the fence that the sample has been provided for is proposed along this entire eastern flank, and then to protect the storm water facility, we have proposed a 6-foot high ornamental fence around the storm water facility. So you have the 8-foot privacy fence here (indicating), a 6-foot ornamental fence here (indicating), and then there's a 4-foot ornamental fence here (indicating). So I think the reason to -- for approaching the ZBA was relative to the height of the fence.

MS. BRUGG: That's correct.

JAMES MARTIN: That's correct.

MR. WISNIEWSKI: There was confusion over the allowance of the fence height? Our intention is this privacy fence, it is 600 feet of fence. We would like it all to be 8 feet. We would like this to be 6 feet so kids aren't hopping over it easily, and that was really the --

MS. BRUGG: That is what was presented to the Zoning Board.

CHRIS KARELUS: Just relaying from them, that the appearance of both of those things, the signage and the fencing, they wanted to see that in this Board's approval.

JAMES MARTIN: Understood.

DAVID LINDSAY: I do have one comment regarding maintenance, and I will let Keith (O'Toole) explain that.

KEITH O'TOOLE: I should have consulted Dave (Lindsay) before I made my earlier comment. He wasn't referring to our typical storm water easements. He was referring to the SWPPP maintenance agreements and we have a local law in place that requires it, which is a different issue entirely, so we still need those. I didn't want the record to reflect that we are abandoning that.

JAMES MARTIN: This is on the new ordinances coming in effect in January. We will need access to the property to inspect the storm water management --

KEITH O'TOOLE: The code is several -- will describe the whole issue.

JAMES MARTIN: I'm sorry?

KEITH O'TOOLE: The maintenance agreements are pretty much the same thing that are being used County wide. The developer should be comfortable with those.

MS. BRUGG: Does that eliminate your earlier comment or separate from your earlier comment?

KEITH O'TOOLE: I think it is clear we still don't want a drainage easement. We just want the SWPPP maintenance agreements.

DAVID LINDSAY: Betsy (Brugg), I will work through that with Alex (Wisniewski) so we're on the same page.

MS. BRUGG: Great. Thank you.

JAMES MARTIN: So SWPPP maintenance agreement shall be provided.

MS. BRUGG: We covered the fencing.

JAMES MARTIN: Is that it, David (Lindsay)?

DAVID LINDSAY: Yes, that's it. Obviously --

JAMES MARTIN: Obviously pending Town Engineer approval with your list of things.

I think we should review the signage.

MS. BRUGG: Right.

JAMES MARTIN: Okay.

MS. BRUGG: Jeff (Taw), do you want to go through the sign package?

MR. TAW: The signs proposed are Walmart's (sic) standard signs.

MS. BRUGG: Walgreens.

MR. TAW: Those guys, too.

MS. BRUGG: Freudian slip.

MR. TAW: There is a "wall" in it. The script signs are channel signs. They're aluminum channel with plexiglass lit internally with LED lighting. The monument sign is a placard sign that is lit internally with fluorescent lighting.

JAMES MARTIN: The monument sign, is that back lit or surface lit?

MR. TAW: It's internally lit.

JAMES MARTIN: Comments on the signage package as it is shown in the elevations?

JOHN NOWICKI: That's all of the signage there is?

MR. TAW: Yep.

MS. BRUGG: You want some more?

(Laughter.)

MR. TAW: We had more, but...

JOHN NOWICKI: You did a good job on that.

JAMES MARTIN: Will the windows be back-lit over the main entrance if they're translucent?

MR. TAW: I didn't discuss that specifically with the Walgreens representative, but it is my guess that since they're asking for frosted light, that it will probably be back-lit. The -- the windows over the entry is -- is signature part of their designs, and if I were to interpret their intentions, it would probably be to show that, you know, the lights are on, "We're open, come on in, this is our entrance."

JOHN HELLABY: I guess I would have a question as to what color light is in that opening then, as far as what their intentions are. I mean is it -- is it 100-watt incandescent light bulb, or is it some back-lit green neon thing?

MS. BRUGG: It is not. There are a number of Walgreens in the area that have the same -- that have the window, the clear glass window with no signage. They're -- they are lit. I don't think they're particularly -- there is no color to them. Just my own -- from driving past the ones I looked at.

MR. TAW: Standard detail would be a strip fluorescent light concealed, just lighting the back wall.

MS. BRUGG: It just illuminates the store.

JAMES MARTIN: Do you need to capture it as a condition? It will be white light essentially.

JOHN HELLABY: I think Chris (Karelus) would like it spelled out.

MS. BRUGG: I don't think Chris (Karelus) likes the windows.

JAMES MARTIN: Do I capture this as a condition? That the lighting behind the translucent windows shall be white?

JOHN HELLABY: You made mention that script signs are all LED. What is the light source from the monument sign? Is that LED, as well?

MR. TAW: I presume it is fluorescent.

JOHN HELLABY: Are those single letters, those script signs, or are they all one unit?

MR. TAW: The pharmacy is individual and the Walgreens is a unit. Probably comes in a couple pieces.

JAMES MARTIN: Are we okay with the sign package? Okay. It's been reviewed.

DARIO MARCHIONI: I misunderstood. What is the intensity of the monument light? How bright is it going to be? Did you mention that?

MR. TAW: No, I don't really have any information as to how bright that would be.

DARIO MARCHIONI: We have one thing down Chili Avenue in front of the pizzeria, that thing you can see for a couple miles.

CHRIS KARELUS: The Zoning Board went through a project with KMart and they worked through the Building Department where they had to provide us the lumens per lamp and they rated the lumens per lamp in each one of the signages. So we scaled it down so they weren't beacons, but they were more subdued lights. We would be willing to do that with this sign package. They would have to give us catalog cuts of the different lumens of each lamp and bring it down to a light level that is not beacon-like. More subdued lighting.

JOHN HELLABY: Good point.

MR. TAW: Is there a defined standard?

The Board further discussed that proposed condition.

MS. BRUGG: What is the proposed condition?

JOHN NOWICKI: Just the Building Department will --

JOHN HELLABY: You can adjust the LED lights.

JOHN NOWICKI: They will decide on it between the two parties so they're not beacon lights.

KAREN COX: Reasonable.

JOHN NOWICKI: I see the stores all over the place. I haven't seen anything unreasonable there with Walgreens.

JAMES MARTIN: I haven't either.

KAREN COX: The question was: Do we have a standard for that?

JOHN NOWICKI: No. I don't think so.

JAMES MARTIN: Probably don't.

I will just say --

JOHN NOWICKI: Be reasonable about it.

JAMES MARTIN: Applicant to supply Building Department with light level of all lit signage for illumination level approval, I guess.

MR. BLOSER: Mr. Chairman, Paul Bloser, Zoning Board.

When we're looking at these signs, um, lately, we're trying to pay a lot of attention to how they're constructed, but we're really looking at night illumination. When we did the Hess gas station over on Buffalo and Union Street, um, the architect there, the building people, they came up with a bulb standard, 40-watt fluorescent bulb, but there is a sleeve that went over it reducing the output, I believe, by about 40 percent, Chris (Karelus). So we have been trying to stay consistent with that type of thing. With the KMart we asked them to do the same thing. That is one of the things we're looking at here. The script signs won't necessarily be fluorescent back-lit. They most probably will be a neon or --

JAMES MARTIN: LED.

MR. BLOSER: Well, they do use the neon bulb behind the plastic structure sometimes. So what we wanted the Planning Board to do is identify the structure of the light, what it was going to be, and then also the output, because the LEDs are usually on rheostats and they can be adjusted up and down. So we wanted it preset so we know what the output is on those so we're consistent with every application this point on.

We did review with Chris (Karelus), there is not a set output in any of our codes. It is something we have been trying to do and our Board has tried to set some standards in ourselves so we're consistent with it from this point on to eliminate huge outputs.

On the street sign, um, we were leaving it kind of open to the Planning Board for construction of that, whether it be an up light, down light or back lit, because it is going to be lit from both sides. And again, our concern -- we were kind of split whether we want it back lit or up lit or whatever. That's your Board's decision on the design of it. But we were concerned of that one because of where it is in relationship to the corner and everything that is going on at that intersection that that output be controlled also. Okay?

JAMES MARTIN: What I have written, applicant to supply Building Department with light level of all lit signage for illumination approval. Because we don't have a standard now to go by.

MR. BLOSER: The last two applications we have had in, the builders have supplied information to the Building Department, so at least we have a standard lumen output based on like a 4-foot fluorescent bulb that we have a comparison to go for.

JAMES MARTIN: Okay. Thank you. I understand that, you know, the fencing, where it is going to be, um -- the privacy fencing and the -- what type of decorative fencing will you have on the other side of the pond?

MR. WISNIEWSKI: It's a -- I submitted some photos. There is a detail on the drawings. I have some more photos here with me. I have a couple of representative photos of the style. Again, it's very similar to what was shown on the top of the retaining wall of the --

JOHN HELLABY: Is that aluminum?

MR. WISNIEWSKI: Yes, it is.

JAMES MARTIN: It looks quite reasonable.

KAREN COX: That looks nice. I have seen it used.

JAMES MARTIN: Any other fence issues?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROCKY YARID, 24 Cross Bow

JAMES MARTIN: This is on subdivision approval, not site plan.

MR. YARID: Subdivision approval -- I'm not sure.

JAMES MARTIN: The only Public Hearing we have is on the subdivision approval. I will entertain very limited comments on the site plan because we really do not have a Public Hearing in place.

MR. YARID: Then I will wait until the site plan portion.

JAMES MARTIN: We have already done that. We're done. We're essentially done at this point. If you have a very limited comment, I will entertain it.

MR. YARID: My name is Rocky Yarid, 24 Cross Bow. I own the property at 27 Grenell, which is adjacent on Paul Road and Grenell, adjacent to the proposed site, and I just want to say I had three concerns: Lighting, water control and, of course, debris, garbage.

And I'm pretty comfortable with the lighting.

I'm a -- somewhat concerned about the water control. The house that I own there, during a quick snow melt, there is quite a bit of water flowing into the sump and the sump works pretty hard. I'm a little concerned we are going to do diligence with the drainage on the property. Again, I don't know -- I don't necessarily have a bad feeling. I'm just nervous about it, because that -- that yard can flood very quickly because it's a little bit lower. So I hope whatever you

guys do, you're doing well.

The other thing is, is there anything mandated on businesses to clean up, you know, their areas on a regular basis, because during the week, I'm constantly out there in the summer picking up Wegmans plastic bags, you know, cigarette packages, and I can see if -- if Walgreens allows the garbage to get accumulated against that fence, eventually it will flow over into my area and I will end up picking up their garbage. I know it is not their fault that the garbage is placed there, but as a result of their activity, it is there, whether it is their fault directly or not. I just didn't know if the Town Board had any mandates on the part of businesses to do a regular job of cleaning up. That would be my only concern.

JAMES MARTIN: Thank you.

I will comment most of the Walgreens sites I have visited are well maintained, the exterior is well maintained and the property is well maintained. My expectation is they will do a similar job, and certainly subject to complaints, the Building Department can follow up on anything that is not maintained.

JIM VANDERVORT, 42 Jensen Drive

MR. VANDERVORT: The building looks beautiful and Walgreens makes billions of dollars a year. I suggest we put a condition in there that the project labor agreement, where if the guy is working on a job --

JAMES MARTIN: No, no, no. You're off base. Please sit down.

James Martin made a motion to close the Public Hearing on the subdivision approval, and John Nowicki seconded the motion.

The Board was unanimously in favor of the motion to close the Public Hearing.

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: There are four properties, Betsy (Brugg), in the proposed site that that are not --

MS. BRUGG: I believe only one of the six is included in the drainage district currently. So the five.

JAMES MARTIN: The whole site will have to be in the drainage district --

MS. BRUGG: Correct. They can't do that until Pikuette Drive is abandoned. That is my understanding. They need to abandon it and include that property.

JAMES MARTIN: I will just add inclusion in the drainage district is required.

SEQR was taken care of at preliminary on this project, so we don't need to do SEQR at this time.

DECISION ON APPLICATION #8: Unanimously approved by a vote of 7 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. The windows over the main entrance will be permanently frosted, translucent, and back lit by white light. No objects will be placed behind the windows.
3. Applicant shall place directional signage at Paul Road entrance/exit based on coordination with MCDOT.
4. The owner shall be responsible for maintenance of the on site storm water management system.
5. A SWPP maintenance agreement between the Town of Chili and the owner shall be provided per local ordinance controlling post construction runoff.
6. Copies of the sidewalk easement shall be provided to the Assistant Town Counsel and the Building Department.
7. The applicant shall insure that the entire parcel is included in the Town of Chili Consolidated Drainage District.
8. The applicant shall supply the Building Department with technical data on the brightness of all lit signage. The Building Department will work with the applicant to determine final intensity of illumination.

JAMES MARTIN: We look forward to a beautiful facility, beautiful site, well maintained.

Thank you for your patience, but I think we have come to a better conclusion.

The 11/13/07 Planning Board minutes were approved.

The meeting ended at 10:14 p.m.