

CHILI PLANNING BOARD

December 14, 2004

A meeting of the Chili Planning Board was held on December 14, 2004 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 Jim Martin.

PRESENT: John Hellaby, Dario Marchioni, Karen Cox, John Nowicki,
Dennis Schulmerich and Chairperson Jim Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; Larry Nissen, Town Engineer;
Brad Grover, Traffic Safety Committee representative.

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

JAMES MARTIN: Before we begin with the first application, which is essentially Earthborn Builders, final subdivision -- revised final subdivision approval 55 lots -- I have the following statement I would like to read at this time.

"At the November 9th Planning Board meeting, this application was tabled due to the following reasons: Insufficient information pertaining to Town Engineer's comments; lack of an approved restoration plan pertaining to removal of trees from Town Park property; said plan to be approved by the Town Engineer, Conservation Board and Town Board."

We are hearing this application as old business. I will, however, allow limited public comment on this application. The reasons for tabling the application as previously stated have been resolved by the applicant. The Town Engineer has provided a full set of comments regarding this application. The restoration plan pertaining to the tree removal has been approved by the Town Engineer on November 24th, the Conservation Board on November 29th, and the Town Board on December 1st.

Therefore, any comments pertaining to this application will be limited to the revised final subdivision plan. I will not hear any comments related to actions associated with the tree removal and restoration plan. With that understanding, we will proceed with the application.

OLD BUSINESS:

1. Application of Earthborn Builders, owner; 31 N. Union Street, Spencerport, New York 14559 for revised final subdivision approval of 22 lots to be known as Union Station Section 5 at property located at 3740 Union Street in PRD zone.

Daniel Schum and Mr. Kim were present to represent the application.

MR. DANIEL SCHUM: For the record, my name is Daniel Schum. I appear here on behalf of Earthborn Builders, and also as a representative of Earthborn Builders. With me tonight is a representative of the developers's engineer to answer any technical questions concerning this section of the subdivision.

As you can see upon the plan that is on the board before -- before the Board, it has been previously submitted, the on-site storm water retention has not been provided for the wetlands of the proposed subdivision. This is the only change from the preliminary plan which was previously approved by this Board in the early 1990s.

Otherwise the lot layout, the configuration of the lots, the road layout, the storm water drainage, sanitary sewers and all other facilities are as they were approved in the early 1990s.

The storm water detention facilities within the subdivision have been reviewed and approved by the DEC in terms of size and quality and quantity of retention, and we believe that the plan is in otherwise all respects in compliance with the Town of Chili Planning and Zoning provisions relating to this subdivision. We welcome any technical questions either I or the developer's engineer can answer.

As indicated by the Chairman, the off-site improvements have been reviewed by every board in this Town, including the Town Board, Conservation Board and have been reviewed and approved, so we look forward to final approval of this section so we may proceed with site grading and drainage and making this available for development in the spring. Questions from the Board are welcomed.

RAY BLEIER: Can you give some of the specifics about the drainage pond on Lot 507?

MR. DANIEL SCHUM: Yes. The developer's engineer will answer that for you.

MR. KIM: This pond is in compliance with the Phase 2, which is located on 507. Initially, the pond was designed utilizing two lots in the backyards but due to the zoning requirements,

that didn't have enough backyard usage, so we had to utilize the full lot to design the pond.

This pond has a two-stage -- two small ponds within one pond, one meaning four-bay, which is to trap the bigger size before it goes onto the larger pond where most of the small particles are settled before it exits through an existing storm sewer system out onto the open ditch and onto Black Creek.

The pond is approximately about 5 or 6 feet deep and again, it meets the water quality and quantity portion that is required by the Phase 2 requirements.

RAY BLEIER: Now, is this pond just going to be able to handle this particular section or future sections?

MR. KIM: This is just to serve the water shed for Section 5. There is a huge knoll that subdivides the property like so. Basically this will serve the entire impervious area in Section 5 and the rear lots along here (indicating). There is a division, right here (indicating).

MR. DANIEL SCHUM: Let me indicate that Section 5 is the darker lots outlined in green. This is Section 6 (indicating), called the future section on the map. These ponds in this location (indicating) are designed to carry everything from the divide that runs to the south. This is designed (indicating) to carry everything from Section 5 eventually back into Black Creek. There is a divide here (indicating). It is obviously not readily available from the flat map as you see it, but that is the way it is designed.

KAREN COX: Ray (Bleier) asked a question I was going to ask, but the future sections, I will have -- will have something similar to handle quality and quantity?

MR. KIM: Yes, right here (indicating). This section -- again, divisions here (indicating), and this pond will take in all this impervious area here (indicating), along with everything else here, including the back yards will serve and be collected through storm sewers -- again, here is four bay -- two four bays (indicating), and storm sewers discharge here (indicating), and discharges through here (indicating). It will trap, get the larger particles out and moves on to the larger area, and again further discharges through an existing swale and onto Black Creek.

JOHN HELLABY: The only question I have pertains to the pond, as well. Side slopes on this pond? Because the section is actually a little bit misleading due to the scale of it.

MR. KIM: Slopes on the pond is one on four. That is pretty good. 1 foot, rise per 4 foot across.

JOHN HELLABY: Easy enough to maneuver?

MR. KIM: Yes.

JOHN HELLABY: Standing water in this pond (indicating). This is one of the most interesting outfall structures I have seen in a long time. Actually, the invert of that outfall structure is pretty much under water most of the time?

MR. KIM: Right. Inverts have shown catch basin with -- due to a very small orifice that is discharging, I took a 12-inch pipe and took it downwards with -- where the ponds slope. That way it would be hidden at all times to prevent -- so all of the waters will be going upwards, raising it the same level.

JOHN HELLABY: In a situation like that, that is not going to end up getting sluffed over and actually sediment filled?

MR. KIM: No. I think I had it enough -- it is not deep enough. It is not going all of the way to the bottom, that -- that it won't have opportunity to trap it is big enough. It is 12 inches wide. Again, this bigger stuff would be settled, and that would be the last -- the longest travel time before it gets there.

JOHN HELLABY: Is there any back-up type device required on the in-fall pipe? Any type of flapper?

MR. KIM: No. That is to protect any leaves or twigs because it -- as it submerges, it won't get up there. That is the whole purpose of designing it that way, to prevent clogging.

JOHN HELLABY: Percentagewise, 50 percent of the time standing water in this thing?

MR. LEE: 100 percent. I believe at the elevation -- 530 -- 538, I believe.

MR. KIM: That is water quality volume that is required by the DEC to maintain. And -- a

little more than what is required.

JOHN NOWICKI: On the pond itself you're providing the Town with a -- an easement on that. Do you have the easements?

MR. KIM: Yes. Initially came with 22 lots. By the time it is done, I think it would become 21, because it is -- 507 will be split into two, and we'll have private ownership. However, it will provide drainage easement for purposes to the Town of Chili for drainage.

JOHN NOWICKI: The other one I would ask is as far as the letters of credit, for the spring plantings, is that going to be taken care of or posted prior?

MR. DANIEL SCHUM: Yes.

JAMES MARTIN: Comment on that. As one of the questions on this approval tonight, I'm going to ask that the applicant will comply with the Town Board permit that was issued at the 12/1/04 Town Board meeting which included extension of the letter of credit to cover the cost of the reforestation.

JOHN NOWICKI: So that will be taken care of?

MR. DANIEL SCHUM: Yes.

JOHN NOWICKI: Have you seen the letter from our engineer in regards to this project? He has four comments.

MR. KIM: Yes, I did.

JOHN NOWICKI: You're comfortable with addressing the four issues in the letter?

MR. KIM: Yes. I have been in contact with the Town Engineer, and I believe we have addressed all of the comments. There are a couple minor issues that we could clear up shortly after the meeting.

JOHN NOWICKI: It will not come to a slug fest?

MR. KIM: Not at all.

(Laughter.)

JOHN NOWICKI: That's all I got.

DENNIS SCHULMERICH: Can you describe any other changes to the plan we're seeing here tonight from what was previously submitted, aside from the ponds?

MR. KIM: There really is not any changes as far as underground utilities. I had to relocate the low point through here (indicating), which is basically just grading -- other than that, it is really -- there is not really anything utility wise. Section 5 would cover regrading of Section 6. Which it was not included with the set of plans that I provided, and this section was not -- also not included. However, that was initially provided to you, and there are no changes to that plan. So only changes will be making this part, Section 7, making part of the Section 5 approval for regrading only.

DENNIS SCHULMERICH: The other question I had around the easement was answered and I will defer any other questions until after the public hearing.

DARIO MARCHIONI: Mr. Kim?

MR. KIM: That is okay.

DARIO MARCHIONI: I was just wondering if you could give me a little more explanation on how you could divide this lot. Tell me what you will have this lot to be in.

MR. KIM: There will be like any other property line. Basically we're resubdividing this property line right in the middle. It gives half to -- gives half to adjoining lots.

DARIO MARCHIONI: Ownership?

MR. KIM: Yes. Owned by --

DARIO MARCHIONI: You will need subdivision approval to do that.

MR. DANIEL SCHUM: We would ask this Board to approve it with that in mind. We can -- we can submit it to the Town Engineer with a line down the middle, but we do intend to sell, if you will, half of the -- of that pond lot to the adjacent owner on each side so that they would have the free ownership, and it would be subject at all times to an easement to the Town over all of the lot actually, probably, for access for maintenance and upkeep of the pond that is on the lot. But we would ask that that be a part of the approval process. We don't want to have to come back a month from now to have -- draw a line down the middle of that lot, because it is clearly intended it not be owned by -- we could deed it to the Town of Chili, but don't think the Town needs to own that lot. They just need to have an easement over it for the purposes of maintenance, and we would like to divide it down the middle physically and make it part of each lot and we can reflect it on the final plan that is submitted for approval if there are any questions about it.

It is a good question, Dario (Marchioni), and I appreciate it, but that is the concept once we got into the interior lots, to put a pond on it, we know the Town needs an easement. Somebody has to own it. It surely won't add much value to the adjacent lot, but again, people might want a pond

on their lot, or a half of a pond, if you will.

RAY BLEIER: What if the adjacent owners don't want the ownership of it?

MR. DANIEL SCHUM: It will be sold that way. That -- that is why we need the line down the middle. So it will be sold that way. No different than any other of the subdivision lots in the Town that have a pond on them. They're sold with the pond on them subject to an easement.

RAY BLEIER: It will not be an option?

MR. DANIEL SCHUM: No, no, no. None whatsoever.

DARIO MARCHIONI: Other question I have, will you put any landscaping around this pond?

MR. DANIEL SCHUM: Extensive.

KAREN COX: It is on the plans.

MR. KIM: It is on the landscaping plans, the detail. The letter of credit will cover that portion, as well.

JAMES MARTIN: Keith (O'Toole), on redrawing the lot line down the middle of the pond, any issues on that as far as approval goes tonight?

KEITH O'TOOLE: No. In fact, the reason they're doing it is to comply with Town policy having land deeded to the Town just for that purpose. We don't want to own the lot by splitting it off. In fact, they're mitigating the impact on the community and it is a good thing.

JAMES MARTIN: As I stated previously, we'll listen to comments regarding the revised subdivision only. Are there any people, any of the audience here tonight that live in Union Station that would care to comment?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MIKE BOWEN, 18 Rio Grande Drive

MR. BOWEN: I'm -- I have a question about the south pond. You had mentioned that the north pond was about 4 to 5 feet deep of permanent water in the retention pond. Can you give us some details about that southern pond as to how deep it is?

JAMES MARTIN: At this time -- that will be the subject of a -- of an approval down the road; is that correct?

MR. KIM: Yes. This will come back with Section 6 with more details and everything else. We go through the same process.

JAMES MARTIN: It would be difficult to answer all of the technical questions tonight.

MR. DANIEL SCHUM: I can say to Mr. Bowen, it will be located on what used to be three other lots that are now not there.

MR. KIM: Four lots.

MR. DANIEL SCHUM: Obviously it will be sized to carry the retention and detention for the balance of Sections 6 and 7. And it -- it is intended to obviously come back around and connect to Black Creek where it was before. It will be a wet pond. It will not be a dry pond. It is intended to hold water, not just detain water. The engineer has sized the pond presently to -- and it hasn't been reviewed by the Town Engineer so we can't really comment on the final design, but it is intended to be a wet pond. It will probably be as deep or as close to as deep as the proposed pond in Section 5. Conceptually. General answer to your question.

MR. BOWEN: I do have one more question. It is not with respect to the trees, but at the last meeting there was -- looked like some kind of a structure, like a damming structure was being built on the terminus so water would exit the north pond, underground into the drainage ditch to the north of all of the lots. There was a damn -- what looked like a dike that was built there. Can you just describe --

MR. DANIEL SCHUM: On the pond itself? The outflow device?

MR. KIM: The open ditch here (indicating)?

MR. BOWEN: I'm not sure what that is called.

MR. KIM: The two previous sections we used this as an area to trap the sediments. Basically it slows the water down and has sediment settle before it gets out any further. There are a couple of them, that should be there. As this project goes on, we may have to raise it and may have to be replaced. Eventually this project gets completed, this is all cleaned out and it will be just open.

MR. BOWEN: So there are no plans to actually damn it and create --

MR. KIM: Not at all. This is just temporary purposes to prevent any sediments from moving onto Black Creek. Temporary measures. .

JAMES MARTIN: Any other residents from Union Station that have any comments or

questions?

(No response.)

JAMES MARTIN: Any other questions or comments from the audience in general?

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: I do not live in the immediate vicinity, but I am a taxpayer in the Town of Chili. This particular proposal, application was on the agenda I understand at the November meeting. I understand it was under public hearing. I'm a little puzzled how come it was tabled at that point?

JAMES MARTIN: This is a procedural issue, Mr. Brixner. According to the advice of Counsel, we were able to hear this as Old Business tonight. I have generously opened it up to public comments which you are hearing at this point in time. And I don't understand what your issue is at this point.

MR. BRIXNER: Well, my issue is, sir, this particular issue coming as an application that is not subject to a quote "public hearing," I just don't understand why it is not subject to a quote "public hearing."

JAMES MARTIN: Because we had a public hearing back in -- already.

MR. BRIXNER: Is this a public hearing?

KEITH O'TOOLE: Mr. Chairman --

JAMES MARTIN: Yes, Mr. O'Toole?

KEITH O'TOOLE: While I appreciate Mr. Brixner's comments, I respectfully point out this is not a debating society. If Mr. Brixner wants a legal opinion, it would be appropriate for him to turn to his attorney for advice.

JAMES MARTIN: Thank you.

MR. BRIXNER: I have heard Mr. O'Toole. I do not respect him for that type of a remark. I would like to ask how come -- this is set as a public hearing.

JAMES MARTIN: This is not. This is old business, Mr. Brixner.

MR. BRIXNER: Well, how can you evade the subject of having a public hearing scheduled in November, a meeting tabled and then the next month it comes up as old business? That doesn't make one iota of sense. That in my opinion, sir, is a regress on a -- to the community of Chili, to the whole Town of Chili that you are evading the public hearing notification that you had put in for November.

JAMES MARTIN: Thank you for your comments, Mr. Brixner. Mr. Brixner, it is a procedural matter. Do you have a comment pertinent to the revised subdivision on Section 5?

MR. BRIXNER: I have a question that a gentleman by the name of Heath Miller sent to you personally, on behalf of himself for you to distribute to the Planning Board members and to the Planning Board attorney.

JAMES MARTIN: Again, you're on to procedural issues, Mr. Brixner. Do you have a comment regarding the revised subdivision of Section 5 of Union Station?

MR. BRIXNER: Finally, I would like to ask, if I may, I think it is very, very appropriate, more than appropriate, should have been handled in the first place, that this pond proposal does go on the developer's property and not on the Town of Chili park property.

Thank you very much.

JAMES MARTIN: That is what is happening. Thank you very much, Mr. Brixner.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would have to back up what Mr. Brixner just said. I don't really care whether you people want to hear about procedural issues or whatever. There has been no public hearing on that application in its present state. The June 8th -- I believe June 8th public hearing, um, that -- the conditions were not fulfilled there. The time line is off. It is 188 days. There were only 180 days allowed under the law. We had a public hearing scheduled. It was tabled. There was no opportunity for the people to speak. Now we don't have a public hearing. I -- I don't understand how this Board operates. I said it before. I think this is a lawless town. If this Board proceeds in this fashion, I think you're all party to it. There comes a point when we have to obey the laws of this Town. I don't think this is appropriate this is being heard tonight. You don't consider this a public hearing, I take it?

JAMES MARTIN: You're commenting right now, Mrs. Borgus.

MS. BORGUS: It was not advertised. There were no signs up. Procedure has not been followed. This is not the law.

JAMES MARTIN: We'll, I'm not going to get into a procedural debate with you.

MS. BORGUS: I think procedural debate has to precede the debate about the specifics of the plan.

MR. DANIEL SCHUM: Do you have any issues about the plan, Dorothy (Borgus)? I'm just asking.

JAMES MARTIN: Time out. All right.

MR. DANIEL SCHUM: I'm sorry.

JAMES MARTIN: I asked for comments regarding the revised subdivision. I am not asking for procedural comments. I'm not asking for anything else other than comments regarding the revised subdivision.

MS. BORGUS: In other words, this Board doesn't care about the Town law?

JAMES MARTIN: Yes, we do.

MS. BORGUS: Why aren't you following it?

JAMES MARTIN: We're not finished quiet yet, Dorothy (Borgus).

MS. BORGUS: We need a public hearing. We need advertising. We need to follow the law. We need signs. We need to do what the Town law says is necessary for all these applications. This is being shoved through. This has been a mess from day one, and now we're just trying to finish it up as fast as we can regardless of the law the and the rights of the people of this Town. I think is disgraceful if you people proceed with this without ever even discussing the fact that we're being short-changed.

JAMES MARTIN: Thank you for your comments. Anything else?

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Just want to note this is not a public hearing per the Town code, and the -- you mentioned the June 8th public hearing, and it should be noted that per Town Law, that if there is substantial change, which there is in this, there should be a public hearing.

I reference Heath Miller's December 13th, 2004 letter to you, Mr. Martin, listing the fact that this is -- the reasons why, according to Chapter 96 of the 13 -- 96 13©) of the Town Code is not being followed.

JAMES MARTIN: Do you have a comment regarding the revised subdivision, Mr. Rettig?

MR. RETTIG: Yes, I do. You have not even indicated the December 13th letter for the public record which should be in the public record, number one.

Number two, has the Conservation Board issued a letter of corrections in regard to incorporations for the conditions of the reforestation plan which is incorporated here in the planning?

JAMES MARTIN: There is a letter approving the reforestation plan signed by the Conservation Board. I will not say anything further on that. I told you I don't want to talk about trees.

MR. RETTIG: That is the Conservation Board. The Conservation Board has a letter in regards to the reforestation.

JAMES MARTIN: I do not want to hear comments about the trees or reforestation plan. I made that perfectly clear at the beginning of this discussion. So if you have anything further to say about trees, please don't.

MR. RETTIG: Well, this particular meeting, under old business, when it was listed as a public hearing, is thereby totally illegal, improper and as Dorothy Borgus pointed out, we have a lawless town. You're not even following the Town Law. Thank you very much.

JAMES MARTIN: Thank you for your comments.

Anything else? I'm going to stop here at this point.

MR. DANIEL SCHUM: If I could, just in closing, Mr. Chairman and members of the Board, as I indicated to the Board, if this Board were to look back at the planning that was approved for Section 5 on a preliminary basis in the early 1990s, you will find it substantially in accordance with what is here except for the blue space where there is a pond now that was not there before. I will submit the preliminarily approved plan done in the 1990s and this final application was the subject of many public hearings conducted by this Board in the 1990's. There is no substantial change in the plan as presented except for the exception of that pond on one lot. I would ask for the Board's approval and I would ask for the Board's consideration of dividing that lot into two parcels or two halves, if you will. It will be submitted to the Town Engineer to be deeded to the adjoining owners as part of those lots.

Thank you very much.

DENNIS SCHULMERICH: As has been suggested tonight that the Planning Board is in violation of the law, stated both verbally and in writing, what is counsel's opinion regarding that

statement?

KEITH O'TOOLE: I respectfully disagree.

DENNIS SCHULMERICH: Okay. So from your point of view, the approach that the Planning Board is taking to hearing the case tonight and having listened to the statements is in accordance with --

KEITH O'TOOLE: It is perfectly legal. It is consistent with State Law. Not just simply local law, but State Law, as well. It is consistent with the practice of this Board.

There is one issue that we do need to clarify. Clearly we have gone past the 180-day limit since preliminary approval was granted on June 8 for the revised subdivision. According to Section 96-13(e), this Board does have within their power the ability to grant a 90-day extension regarding that particular requirement. I need a motion from the Board approving an extension. This extension would allow all sign requirements to be met.

JOHN NOWICKI: I will make that motion.

RAY BLEIER: I will second it.

JAMES MARTIN: The motion has been made and seconded. Now I will hear a vote.

The vote on the motion was seven yes in favor of the motion.

JAMES MARTIN: I have four conditions at this point. Applicant will comply with Town Board permit issued at 12/1/04 Town Board meeting. That essentially applies to the letter of credit. The Planning Board has granted a 90-day extension on this application to allow completion of all signing requirements for Section 96-13(e) of the Town Code.

Subject to Town Engineer approval, correct, Larry (Nissen)?

LARRY NISSEN: Yes, please.

JAMES MARTIN: I also -- at the request of the applicant to approve the division of Lot 507 as a condition of this approval tonight, I believe that is -- the request was --

DANIEL KRESS: Mr. Chairman, excuse me for possibly splitting hairs here, but could you phrase that in such a way is clear that the lot is not only to be split, but each half is to be combined with the adjacent lots, 506 and 508?

JAMES MARTIN: Okay.

DANIEL KRESS: Just want to clarify the applicant's intention.

RAY BLEIER: This becomes a 21-lot subdivision.

MR. DANIEL SCHUM: That's correct.

JAMES MARTIN: So the subdivision of Lot 507 is approved, a portion of this lot will be -- let me get with the legal language here -- by fee simple, become part of Lot 505 and 50 --

JOHN HELLABY: 506 and 508.

JAMES MARTIN: 506 and 508.

RAY BLEIER: You're coming in with final revised plan.

MR. DANIEL SCHUM: The final plan will be submitted to the Town Engineer and Planning Board for approval, and it will physically do away with 507.

MR. KIM: Renumbered.

JAMES MARTIN: Dan (Kress), that is a minor subdivision situation, as far as that particular lot? You know, sometimes we have these things come through that are minor --

DANIEL KRESS: I suppose it could be if it were to be done separately at a later date, but my understanding is we're trying to do it tonight as part of this approval.

JAMES MARTIN: Okay. Let's carry it forward then. I will read the way I have it written. Division Lot 507 is approved and a portion of this lot will be deeded and become part of Lots 506 and 508. We okay with that?

JAMES MARTIN: As far as SEQR goes, we have already completed SEQR on this application.

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

1. Applicant will comply with the Town Board permit issued at the December 1, 2004 Town Board meeting.
2. The Planning Board grants a 90-day extension on this application to allow completion of all signing requirements per Section 96-13(E) of Town Code.
3. Pending approval of the Town Engineer.

4. Resubdivision of Lot 507 which contains the retention pond is approved. The divided portions of this lot will be adjoined to Lots 506 and 508 by deed transfer.

JOHN HELLABY: Mr. Chairman, prior to starting the application, I request I step down because I'm a leaseholder with one of the cellular providers.

JAMES MARTIN: Thank you, Mr. Hellaby.

Before we start the public hearing portion of this agenda, I -- in the interest of fairness to all, during the public hearings of our agenda, I would respectfully request you keep your comments brief and pertinent to the application. If a previous speaker has covered a point you want to make, please refrain from repeating this. It will allow all to be heard and allow the meeting to end at a reasonable time. Thank you.

PUBLIC HEARINGS:

1. Application of Verizon Wireless, c/o Nixon, Peabody, P.O. Box 31051 Clinton Square, Rochester, New York 14603, property owner: LeFrois Development; for preliminary site plan approval to co-locate telecommunications system on existing tower at property located at 50 Jet View Drive in L.I. zone.
2. Application of Verizon Wireless, c/o Nixon, Peabody, P.O. Box 31051 Clinton Square, Rochester, New York 14603, property owner: LeFrois Development; for conditional use permit to co-locate telecommunications system on existing tower at property located at 50 Jet View Drive in L.I. zone.

Tom Greiner and Sandra Brooks were present to represent the application.

MR. GREINER: Good evening. Tom Greiner, attorney at Nixon, Peabody, here on behalf of Verizon Wireless. We me tonight is Sandra Brooks, an employee of Verizon and Project Manager for this.

Simply stated, this is an application for conditional use permit site plan approval to locate a Verizon Wireless cell site at the existing Sprint tower off of Jet View and Jacklyn Drive.

Currently, the area is served by a site at the airport, a site that the Airport approved a number of years ago. The Airport has requested that we remove our array from that site. This is our replacement site for that.

County Planning has said this is a local approval and stated that they had looked at the airport approval, which has been granted, which the Board or staff, I believe, has.

In addition, the Zoning Board on November 23rd granted area variances for the height and also for the setback of the buildings. So that part is complete.

We also have -- if the Board would care to see this, we have propagations showing if the site with the airport were intact and also this site, showing comparison as well as if neither site were there, the large hole that would leave in Verizon Wireless's coverage for this area of Chili. If the Board would like to see that.

But basically, it is a simple application for a 10 foot extension to put the Verizon array at basically the only spot it can go above the trees. If the Board is familiar with this site, you will know that several antenna arrays are there. If we went below the lowest one, we would be in the trees. As the Board knows from many other applications, wireless signal is so weak, that leaves would seriously interfere with its broadcast. So we have to go on top, and that is the reason for the 10 foot extension.

JAMES MARTIN: We have photo simulations. So the Board has what the Zoning Board saw. We just thought it might be convenient for you to see what is below there in your packets.

JAMES MARTIN: I think we'll just post these on the Board over here.

MR. GREINER: All right. If you want, I can take this one -- it is bigger. It is the same. If anyone cares to see, these are the existing views. One from McNair, one from Jet View, showing the three antenna arrays on the monopole. These are the corresponding views showing the 10 foot extension with the Verizon array on it.

KAREN COX: Now there was a third one that said something about view of second tower.

MR. GREINER: That was an alternative plan that -- one we discussed with the Town. We had an option of adding another tower. That is not part of the application. That is really these

two views here.

We don't want to take up a lot of time, but if there are any questions, we'll be happy to answer them.

DARIO MARCHIONI: I don't have too many questions. Tom, Mr. Greiner?

MR. GREINER: Tom is fine.

DARIO MARCHIONI: I would like to compliment you on this presentation and this documented information here. In all of the years I have been in Planning Board, I have never seen anything so in-depth, organized, a pleasure just going through it.

MR. GREINER: Thank you. Appreciate that.

Also nice to have my client here to hear this.

DARIO MARCHIONI: Really. In fact, I'm -- I'm puzzled. I don't have a question after going through this -- it answered every question that I might have. It is in here. Thank you, sir.

MR. GREINER: Appreciate it.

DENNIS SCHULMERICH: I like the idea of a shared tower as opposed to another tower. It makes good sense here.

The only question I have, as I was looking through the application and looking at the information that was received and the legal notice, I see reference to the extension of the tower. I don't see reference to the 10 by 20 foot building.

Are there any issues associated with that that the Planning Board needs to be aware of?

MR. GREINER: The building is the equipment shelter.

DENNIS SCHULMERICH: Put on the site?

MR. GREINER: Yes. Put on a foundation, and it will be actually placed there by a crane with the telephone equipment in it.

DENNIS SCHULMERICH: No variances required for that?

MR. GREINER: There were.

DENNIS SCHULMERICH: That is why you went to the Zoning Board?

MR. GREINER: Yes. We went -- we got our setback variances --

DENNIS SCHULMERICH: For that building?

MR. GREINER: Yes.

JOHN NOWICKI: In regards to the building, will you have to do any other landscaping around the building?

MR. GREINER: We don't think so, Mr. Nowicki, only in the sense that the site, if you're familiar with it, there is a driveway that the existing carriers use here (indicating). This is all heavily wooded here. Well, here it is, here are the photographs (indicating). You won't see that building.

JOHN NOWICKI: All right.

MR. GREINER: It is possible you may see it -- it is possible to see it from Jet View, but that is industrial. But you won't see it from the residential area at all.

JOHN NOWICKI: Under the comments from the Conservation Board, they indicated you were willing to put 1 percent of the building costs into the landscaping fund; is that correct?

RAY BLEIER: That was a recommendation.

MR. GREINER: That we do what?

JOHN NOWICKI: 1 percent of the building costs will go into a landscaping fund?

MS. BROOKS: For this project?

JOHN NOWICKI: In lieu of landscaping.

MR. GREINER: When you talk about the building, are you talking about the building?

JOHN NOWICKI: The addition.

MS. BROOKS: First time hearing about it.

MR. GREINER: Um, let me just ask my client something.

MS. BROOKS: Would we pay it to the Town?

MR. GREINER: We'll be happy to do that.

JOHN NOWICKI: We'll make that as a condition.

MR. GREINER: It comes out to about \$500. In case you had a different idea than we did.

JOHN NOWICKI: We need trees. I'm only kidding.

Dan Kress, on the Planning Board application, as indicated here, the property is not in a drainage district yet, and your comments here on the memoranda says it is. Is this in a drainage district?

DANIEL KRESS: I verified that the property is, in fact, already in the town wide drainage district.

JOHN NOWICKI: So we don't have to worry about that.

KAREN COX: Did you get a copy of the engineer's letter commenting on the site? He had a question about the letter stating that the equipment shelter would be 10 by 20, but the plans indicate a larger building?

MR. GREINER: Maybe slightly larger. 11 by 26 maybe.

MS. BROOKS: That is the size of it?

KAREN COX: What was the discrepancy?

MR. GREINER: There are different sized buildings used. Apparently -- I believe the plan does call out the 11 by 32.

KAREN COX: So the letter had -- just the letter was incorrect then?

MR. GREINER: It may very well have been. I haven't seen the engineer's letter.

KAREN COX: Your --

MR. GREINER: There are different sized buildings.

KAREN COX: Understood.

MS. BROOKS: It is right here, it is the 11 by 32.

KAREN COX: What was the reason that you had to remove the tower from the airport? Was that FAA?

MR. GREINER: It is really the Airport said they have other uses for that area of the airport. They really didn't go into detail with us. I mean, it is really under -- under the arrangement that Verizon's -- Frontier, Cellular, now Verizon had, the Airport always had that option. They exercised that option. They really haven't told us. But it was interesting because I -- I can remember sitting on airplanes and if you look out -- I think it is the north/south runway you can see it as you're sitting there. They decided they would use that area for something else.

MS. BROOKS: They said they have future plans and wouldn't disclose them.

MR. GREINER: Pretty vague.

MS. BROOKS: They just sent us a letter.

MR. GREINER: We tried to do something obviously that would comply with the Town's collocation area. Sandra (Brooks) scoured the area looking for something appropriate. This appeared and this generally is a nice replacement site.

KAREN COX: Do you see this site coming back before the Board in time in the next three or four years for another extension?

MR. GREINER: For us, no.

MS. BROOKS: Not for our needs.

MR. GREINER: It is obviously Sprint's tower. They have a number of other providers on that wouldn't tell us their plans. But Verizon, I think if we wanted -- if we needed something higher, to actually replace the coverage that the airport site had, we would just apply for that extension. We were clearly trying to minimize any extension, and so we have applied for the height we need. Actually, we could go a little lower, but we can't fit into before the existing carriers. The 10 foot is to get a tiny bit of antenna separation.

RAY BLEIER: What is the structure of your antenna to what is on there? Is it similar, less?

MS. BROOKS: They're similar panel antennas to what is up there. All of the carriers pretty much use the same type of panel antennas, same color, same design.

RAY BLEIER: Judging from the pole, it looks like maybe this is the last collocation you can do on that pole?

MR. GREINER: Well, we actually -- it is not strictly too -- it is the last one we're doing. But just to be -- give you a total answer here, um, let's say another provider that is not there now wanted to locate and provide their coverage for their phone system in this area, they could -- if the pole were structurally sound enough, they could themselves put another extension on and put their antennas on top of ours.

RAY BLEIER: It looked like the pole was tapering and you were getting -- you were getting close to thinness.

MR. GREINER: We did our structural to make sure we were fine and we are. We did not investigate the next one up. You may be right. It may be with this pole they would have to rebuild the whole pole in order to go higher than we are.

KAREN COX: There will be a point where they would have to -- structurally where they would have to rebuild it.

MR. GREINER: Rebuild it entirely.

Now, the news is, in this industry, there is a lot of consolidation. You know, AT&T and Cingular have just merged and there is talk of Sprint and Nextel merging. So the chance of another provider coming is probably more remote than they have ever been.

JAMES MARTIN: Mr. Kress, before I go to the side table, will we need a resubmission of

an as-built once they have completed their buildings and it will not be the same as what was in the original plan?

DANIEL KRESS: If -- if it is going to deviate from the site plan that is going to be on file, then yes, we would ask for an as-built.

MS. BROOKS: It is not, though.

MR. GREINER: I think the plan was accurate. It could have been the letter that misstated -- but the plan, Sandra (Brooks) just verified is the 11 by 32. So that is correct.

JAMES MARTIN: That resolves that issue. Thank you.

DARIO MARCHIONI: One question. Mr. Greiner, under the -- under accessory facilities, is the structure that you're going to put there going to be red brick? Does it have the red brick you will order?

MR. GREINER: It is really more of a pre-fabricated aggregate.

MS. BROOKS: Aggregate stone, the pebbly natural look. It is the same ones we always use that blends in with the background.

DARIO MARCHIONI: Here it says with red brick on the facing. On the face of the building. So your comments -- it said it specifically complies with this requirement.

KAREN COX: Show him where you're reading.

KEITH O'TOOLE: Page 4.

MS. BROOKS: It will be aggregate stone. Red brick would stick out more than what is there. I have been to that site many times. There is nothing red brick there.

MR. GREINER: It should state it is aggregate material. It is the -- I apologize for that.

The -- these are pre-fabricated structures that come with equipment. Lucent will put the equipment in, and they will just put the building in with a crane. I think in this particular case because the site is surrounded by trees, they're dense trees, what you would be talking about would be actually adding some sort of brick facing to a site that no one can see.

MS. BROOKS: I have a picture there of what is existing. If you want to see the other ones. That must have been an -- a mistake in the application. It is a picture showing all of the -- we order them from the same companies.

MR. GREINER: They're all pretty much standard now.

JAMES MARTIN: Anybody have an issue with the fact there is a misstatement on the submission?

The Board indicated they had no problems with it.

JOHN NOWICKI: Any security problems at all with the site?

MS. BROOKS: It is 24/7 going to Arnock (phonetic) in Rochester on Calkins Road. We never had a problem with it.

MR. GREINER: They have got -- as you know, Verizon, just in New York, has hundreds of sites. I have personally worked with Sandra (Brooks)'s company on most of those many hundreds of sites, eight or so hundred of them, and I can't recall any -- thank goodness. No problems at all.

MS. BROOKS: Before I can go -- before a tech can go in, they have to call the Arnock (phonetic) and notify them because it is a security thing. We can't get our own people in without calling first.

KAREN COX: Does this site have similar mischief issues that go on compared -- similar to what -- the Golden Road site?

JOHN NOWICKI: Where they drive up in there as a lover's lane?

KAREN COX: I haven't heard of anything.

MS. BROOKS: This backs up to the Rochester Drug Cooperative.

KAREN COX: Right. We have a -- at least one other site in town where there are things that go on that don't thrill the neighbors.

JAMES MARTIN: No known complaints according to Mr. Kress.

KEITH O'TOOLE: With regard to the accessory facilities, it is a code requirement. It would behoove the Board, if you don't agree with it, to waive the requirement. The other issue is the Town code and actually under SEQR, there is a requirement to mitigate visual impact. The Board has -- I realize it has been a while, but the last time one came through, we required the Board to have flush-mounted antenna panels on the tower rather than have them hang out on booms. That is certainly an option. Nothing further.

MS. BROOKS: Problem with that would be is the existing -- I know there is one, for instance, at another site where we have -- all of them were consistent. To have the other ones out there and ours inside would create interference because you have them inside and the others are

outside. I think it would be a problem.

KEITH O'TOOLE: If the Board would like to investigate that issue, our policy in the past is to hire an RF consultant. Mr. Greiner knows Mr. Johnson, if the Board was of interest to do that.

MR. GREINER: Let me ask a question. Are you saying, Keith (O'Toole), that the other antennas on this facility are flush-mounted?

KEITH O'TOOLE: I'm not saying that.

MR. GREINER: I misunderstood. Because all of the antennas are the full arrays with separation of antennas from each other.

KEITH O'TOOLE: I don't disagree. I haven't seen the site myself.

MR. GREINER: I just went over to look at the picture because they felt they were all full arrays.

JOHN NOWICKI: They're all full arrays. So you're matching what is existing?

MR. GREINER: Correct.

JOHN NOWICKI: This picture shows the proposed (indicating)?

MS. BROOKS: Yes.

JOHN NOWICKI: That is what it is going to go look like.

JAMES MARTIN: Are you saying, Keith (O'Toole), we need to waive that requirement?

KEITH O'TOOLE: The camouflaging is discretionary. The manner in which you achieve it is different at every site. It may not be required here. In light of the existing situation, it may not provide significant benefit. I merely point out we remain consistent with the Town Planning Board practice as you have raised this issue in the past.

JOHN NOWICKI: This doesn't appear to be the place to make it look like a tree.

KEITH O'TOOLE: I was not offering that as a suggestion.

MR. GREINER: I have seen some of the tree towers that should be camouflaged as towers.

KAREN COX: Yes. I know one that comes to mind.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: I move to close the public hearing.

John Nowicki seconded the motion.

The Board was unanimously in favor of the motion to close the public hearing portion of this application.

The public hearing portion of this application was closed at this time.

The Board discussed the proposed conditions for both applications.

RAY BLEIER: I make a motion to waive the requirement for the exterior structure.

JOHN NOWICKI: Second the motion.

JAMES MARTIN: As far as the array placement on the antenna itself, it will match existing arrays on the antenna. I don't think we need to do anything further with that.

Jim 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 conditions.

DECISION ON APPLICATION #1: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. Pending approval of the Town Engineer.
2. The Planning Board has waived the requirement for brick facing on the proposed equipment building.
3. The antenna array placement to be consistent with existing conditions.

4. A contribution of 1% of the construction costs to be donated to the Town Landscaping fund.

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

DECISION ON APPLICATION #2: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. Pending approval of the Town Engineer.
 2. The Planning Board has waived the requirement for brick facing on the proposed equipment building.
 3. The antenna array placement to be consistent with existing conditions.
 4. A contribution of 1% of the construction costs to be donated to the Town Landscaping fund.
 5. This conditional use permit is approved for a period of five (5) years.
3. Application of Postler & Jaeckle Corp., 615 South Avenue, Rochester, New York 14620, property owner: Cardella Products, Inc.; for preliminary site plan approval to allow the temporary use of property for a fabrication facility and storage/staging area at property located at 1064 Scottsville Road in G.I. zone.

MR. MICHAEL SCHUM: Good evening, Mr. Chairman. Michael Schum with Postler & Jaeckle Corporation. I'm looking to -- for site plan approval for the use of this site at 1064 Scottsville Road as you described.

We would like to use this property for a period of a minimum of six months, potentially ten months or longer if other projects that we're engaging with the University of Rochester become successful.

The proposed use is for material storage and fabrication in one of the buildings. There will be some outside storage of some piping materials which, in the packet that I submitted, there are some pictures to give you -- try to give you a conception what some of those pipes will look like.

We also would like to have permission to put an office trailer on the site for use of our Job Site Superintendent and management personnel.

We did some clean up already. If any of you have driven by the site.

JOHN NOWICKI: Oh, yeah.

JAMES MARTIN: It really looks better.

MR. MICHAEL SCHUM: We have tried to dress it up a little bit. We we're not using the whole site. The dotted line I submitted shows the proposed area we're planning on using. We have more clean-up to do, weather permitting. I guess that is about it.

RAY BLEIER: Just how extensive an area will be used for the outside storage of different materials?

MR. MICHAEL SCHUM: Other than along Scottsville Road, you will see on the drawing -- I believe it is in the packet, marked number six, which would be for parking. On the west side of the west building, we're proposing to store the piping materials, which they will be 40 foot long lengths of pipe, and they will be mostly on the west side of that building and would extend out probably 60 to 70 feet on the side, stacked on piles, similar to what you see in the pictures. Then the rest of the material will be inside of the east building, and some material inside of the west building where we'll be doing fabrication.

JOHN NOWICKI: What type of piping is it used for?

MR. MICHAEL SCHUM: Preinsulated steel pipe that -- the University is in the process of switching their heating and domestic hot water from steam to hot water, and they're in the process of putting a cogeneration plant in to generate their own electricity. The off-shoot would be hot water that they would use to heat their buildings.

JOHN NOWICKI: That is what these pipes are for?

MR. MICHAEL SCHUM: That is what the preliminary system is for. The next part of the project which is bid on Friday is the cogeneration plant itself.

JOHN NOWICKI: Haven't heard that word in a long time. Cogeneration.

MR. MICHAEL SCHUM: They have been talking about it for quite a while. It is finally coming around.

JOHN NOWICKI: Interesting.

RAY BLEIER: The only trailer we'll see on the property is the one trailer for office purposes?

MR. MICHAEL SCHUM: That's correct. I show it on the drawing in the front of the east building, and looking at the site and now using it -- now actually being out there, it may be best for us to put it on the side, in between the two buildings, so you wouldn't see it as directly from the street and it would be easier for our people to access the other two buildings. So there would be only the one office trailer.

RAY BLEIER: What about other types of trailers delivering the material?

MR. MICHAEL SCHUM: Those will not be on site except when we're unloading them. There will be eight to ten containers coming in sometime in January or February. They will be on site while we unload them. Once they're unloaded, they will be off site. The only other probably large piece of equipment outside is we have a flatbed tractor-trailer to transport the pipes from Scottsville Road to the University. And that will be parked on site.

And we have some -- what we call work vans. They're like -- similar to a U-Haul moving truck. We have four of those which presently we're storing them inside of the fabrication building. Those, when the weather gets better, those may be parked outside. But right now those are all being parked inside.

RAY BLEIER: What about dumpsters for waste material?

MR. MICHAEL SCHUM: Good question. We presently have a 30-yard dumpster on site that is used for clean-up purposes. When we're done with that, we'll have a small eight-yard dumpster parked in the back of the east building which is where that will be parked. You won't see it from the street. It will be behind the east building for trash and that type of debris.

KAREN COX: Was this put in for comparison purposes (indicating)?

MR. MICHAEL SCHUM: The owner sent that up to me, and I threw it in to show it was being used for similar use.

KAREN COX: I took a look at it. It took me 30 seconds. Based on the vintage of the cars in the photos it was pretty old.

MR. MICHAEL SCHUM: That is just to show there were similar materials stored there at one time.

KAREN COX: I have a feeling your site will be a little less messy looking.

JOHN NOWICKI: You have had trucks in there already as far as site access. No problem coming and going, no problems getting in and out of there?

MR. MICHAEL SCHUM: No. Seems to be going well from that aspect.

JOHN HELLABY: How many trips a day will you make up to the University, roughly?

MR. MICHAEL SCHUM: Roughly, probably minor. Maybe six trips, maybe less. In the springtime when the weather gets better, we'll probably have more crews working, so that could get to be maybe ten, but that is probably the max.

JAMES MARTIN: As far as lifting the pipe onto the flatbed, will you have a piece of equipment doing that?

MR. MICHAEL SCHUM: We have a knuckle boom crane on the trailer we purchased. It folds up behind the cab. We have a rough terrain forklift that we're parking inside the east building, and we'll be using that for pallets and things like that.

JOHN NOWICKI: Again, it is indicated in my notes this property is not in a drainage district; is that correct?

DANIEL KRESS: That's correct.

JOHN NOWICKI: Application will be made to get into a drainage district, by the owner.

MR. MICHAEL SCHUM: By the owner?

JOHN NOWICKI: Yes.

Are you comfortable with any security measures you will take to protect that site when nobody is at the site? Will you make provisions for that?

MR. MICHAEL SCHUM: There was an existing -- the owner had a small security system in both buildings. I'm working with a security company right now. We're going to -- he had photo electric sensors in there. We'll have to disconnect those and put in motion detectors. I also added an outside light on the side of both buildings to kind of illuminate it a little better.

JOHN NOWICKI: You're making a smart move there.

Will you have any signage out front or things like that? Any big sign?

MR. MICHAEL SCHUM: There are no signs on the property right now. There is not a

number to say what number Scottsville Road is. I'm looking to put a small sign on the gate just to indicate that it is Postler & Jaeckle that is occupying the space and the street address for delivery purposes.

JOHN NOWICKI: Any propane tanks outside?

MR. MICHAEL SCHUM: Good question. I did talk with the Fire Marshal and took out a permit for an outside propane tank which would be located on the south side of the south building, 15 to 20 feet away from the building per his code for use for temporary heat. We will have some supplementary propane tanks for the forklift. They will be -- I'm working with the local vendor to provide a couple containers to contain the propane tanks and keep them stored properly. They will be on the south side of the building.

JOHN NOWICKI: You're working with the Fire Marshal to take care of that all?

MR. MICHAEL SCHUM: Yes.

DENNIS SCHULMERICH: The application indicates temporary use and you mentioned at least six months. Any sense what the long end would be?

MR. MICHAEL SCHUM: Well, my present arrangement with the owner is a six-month lease with a potential -- 30-day agreement to extend as long as we need it or until he possibly has an -- someone that would like to buy it.

To be honest with you, since we're on the site right now, I have been talking to my people about potentially looking to buy the property because it is such a nice location. Since we started fixing it up, I had three phone calls from other people that are interested in the property.

KAREN COX: That is all it took.

MR. MICHAEL SCHUM: I think it is creating a little activity there.

DENNIS SCHULMERICH: This project has a projected duration how long?

MR. MICHAEL SCHUM: We're supposed to be done with this one phase by August 5th of next year. Then there is a phase that is being bid on Friday and another phase that is being bid mid January which may extend the project into December to January of the following year.

DENNIS SCHULMERICH: This could be a couple years by the time it is done if you don't acquire the property?

MR. MICHAEL SCHUM: It might.

DENNIS SCHULMERICH: Assuming you exit the property, the intention would be to remove all materials that you brought in?

MR. MICHAEL SCHUM: Yes. Everything we brought in, we'll take out. The only thing that would stay would be changes to like the security system and the lighting. We would leave that.

JOHN NOWICKI: We won't say restore to its original condition.

(Laughter.)

DENNIS SCHULMERICH: Will there be inventory of other materials than the pipes?

MR. MICHAEL SCHUM: Basically fittings and what they call sleeve kits that you put over the joints when the pipes are put together. Other than that, not at this time.

DENNIS SCHULMERICH: Is there any hazardous material to be stored on the property? Propane already mentioned, but any other?

MR. MICHAEL SCHUM: No.

DARIO MARCHIONI: Did you mention if they have bathroom facilities in here?

MR. MICHAEL SCHUM: Presently, it does not have bathroom facilities. We do have a temporary Port-A-John on site which is typical for like construction type use. I'm going to look into something maybe a little more permanent if we're successful in one of the other phases so -- because we'll be there longer. Right now we're there for the six months and not planning to have anything more permanent than that.

DARIO MARCHIONI: I do remember the original building had bathrooms.

MR. MICHAEL SCHUM: The original building has been demolished. I assume the sewer was disconnected at that time. But.

DARIO MARCHIONI: But there is water here? There is water service?

MR. MICHAEL SCHUM: Basically just electric. No water that I'm aware of. Not in the two buildings. We're not really planning -- we don't need water for our use. So we'll have some -- what do you call it in the -- in the office trailer.

JOHN NOWICKI: Bottled water.

MR. MICHAEL SCHUM: Bottled water.

DARIO MARCHIONI: Roughing it?

MR. MICHAEL SCHUM: We're roughing it.

JAMES MARTIN: Where is the temporary Port-A-John facility being located?

MR. MICHAEL SCHUM: Right now, in between the two buildings -- in between the two buildings, about middle of the way.

KEITH O'TOOLE: It may be appropriate to consider fixing an expiration date, putting one far enough out to factor any potential delays or problems that the construction project may have.

JOHN NOWICKI: What would you be comfortable with?

MR. MICHAEL SCHUM: If we're successful with the other two phases and we would stay at this location, I would like to see if we could put it out to like June or August of '06, if that is possible.

JOHN NOWICKI: Labor Day to make it safe.

JOHN HELLABY: Owner is probably hoping he gets the other phases so he stays there.

KEITH O'TOOLE: We'll need a letter from the property owner agreeing to that, as well.

JAMES MARTIN: So we would request a letter from the property owner on that.

Confirming that date.

DANIEL KRESS: The letter we got from the property owner currently agrees to the six-month time frame. I agree with Keith (O'Toole) we need something to go beyond that.

KEITH O'TOOLE: For clarification purposes, we don't expect the owner to say he is leasing it out for that time. He will be subject to whatever lease he provides.

KAREN COX: This just avoids bringing the applicant in again after six months.

MR. MICHAEL SCHUM: That would be great if we could do that.

KAREN COX: Or when you get the two bids, I should say.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: With regard to these vehicles, the four work trucks and tractor trailer, will those be visible from the road?

MR. MICHAEL SCHUM: You would be able to see them, yeah.

MS. BORGUS: The Port-A-John is visible from the road, as well?

MR. MICHAEL SCHUM: Just barely. It is between the two buildings. If you were to stop, you could probably see it, or if you were walking by.

MS. BORGUS: There have been so many improvements on Scottsville Road, I would think it would be helpful if these vehicles could be parked where they weren't visible. Is there any place --

JOHN NOWICKI: It is a construction site. I think that is a fact I -- a condition of the site being approved, I'm already pleased with. That improved the appearance. For the temporary use, I don't think it is a big deal.

KAREN COX: I don't either. If it was a permanent thing, then you would be --

JOHN NOWICKI: If it were permanent, we could suggest something different.

MR. MICHAEL SCHUM: I can make an effort to keep the vehicles not right parked on Scottsville Road. We will be having cars parked there during the day for the employees that are working there, but I can make an effort if they're not inside the building, to keep them not right on the main drag.

JOHN HELLABY: I don't know if that is such a hot idea. He is liable to find all of the windows taken out of them.

MR. MICHAEL SCHUM: That is a concern. We do have a lot invested in the vehicles as far as tools and equipment inside the vehicles. That is one of the reasons we're keeping them inside now.

JOHN HELLABY: The crane truck is brand new?

MR. MICHAEL SCHUM: Not brand new, but it is in good shape.

JOHN NOWICKI: That is why I asked about the security system on site.

JAMES MARTIN: If you look at the surrounding area, I don't think it would be too detrimental to have even vehicles parked on site.

KAREN COX: They're not junky looking vehicles from what I have seen, either from what I have seen on the road --

MR. MICHAEL SCHUM: They're fairly decent. They're U-Haul cargo vans. White with an orange cap. Just like what you see on the road from U-Haul basically.

JOHN NOWICKI: You could put some signs on the fencing "Beware of dog."

MS. BORGUS: Forklift is going to be inside?

MR. MICHAEL SCHUM: Yes.

MS. BORGUS: I'm sure Postler & Jaeckle will do a good job. They were used many, many times by my former employee. They always did a good job and finished up properly. They had a wonderful relationship.

JAMES MARTIN: They have made a huge improvement on that site. You should go by there.

KAREN COX: Want the picture for comparison?

MS. BORGUS: No. I remember.

JAMES MARTIN: I move we close the public hearing on this.

John Nowicki seconded the motion.

The Board was unanimously in favor of closing the public hearing portion of this application.

Jim 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 conditions.

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

1. Petition the Town Board, through the Town Clerk's Office, to incorporate this site into the Chili Consolidated Drainage District.
2. The approval of this temporary use expires on September 1, 2006.
3. Applicant to submit a letter to the Planning Board from the property owner agreeing to possible extended use by Postler & Jaeckle of the site up to the expiration date.

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

4. Application of Aramark Uniform Services, owner; c/o John Lupinos, 2021 Midwest Road, Suite 305, Oak Brook, IL 60611, for preliminary site plan approval to erect a 30' x 35' addition for a waste water treatment facility, with related site improvements, for an industrial laundry facility at property located at 200 Trade Court in L.I. zone.

Paul Gonya and Trevor Jones were present to represent the application.

MR. GONYA: Paul Gonya from GMA Design Group representing Aramark tonight. The property at 200 Trade Court is currently being renovated by Aramark for a commercial laundry service and they're requesting that they can add an addition to the rear southeast corner of that building for their waste treatment facilities. The proposed building would be 30 by 35 feet. It would be metal sided, the same as the existing building. There is an adjacent reclaimed water tank to it that is part of the -- their system for getting water in for cleaning and filtering the water before it leaves the facility.

The finish on the building, as I said, will match the existing. The roof line matches the existing. It is in the rear and not visible from the street.

JAMES MARTIN: That's it?

MR. GONYA: Yes.

DARIO MARCHIONI: Can you tell us a little bit about the business?

MR. GONYA: Aramark uniform service, they provide uniforms to things like car dealerships, the postal service, that kind of facility. They provide the uniforms. They take them in, clean them, repair them and send them back out again for reuse.

DARIO MARCHIONI: How many employees? A little more information. Hours of operation?

MR. GONYA: They have an office staff, a front office staff that operates during business hours and then they have 12 employees at two different shifts during the day that operate the facility. So they work two eight-hour shifts. The building is open for 16 hours a day.

DARIO MARCHIONI: Local business? Uniforms delivered to the local business?

MR. GONYA: Yes. Servicing local customers in the area.

DARIO MARCHIONI: What type of trucks coming in and out of here?

MR. GONYA: They are --

MR. JONES: Trevor Jones with the Murray Company. They look like UPS vans except they're white with Aramark signs on it. They're pretty small vans, not large at all.

DARIO MARCHIONI: How many?

MR. JONES: Right now they have about seven. It is -- there is normally -- they go out in the morning with clean product and once they're done with that clean product, they are picking up the soiled product and bringing it back for cleaning for the next go-around. Pretty small.

DENNIS SCHULMERICH: The question regarding the addition to the existing building, the appearance of the addition will match that of the existing building?

MR. GONYA: Yes. The -- the existing building has metal siding on it. We'll cover this in metal siding, painted the same cover and we're just extending the roof out the same slope to cover that addition.

DENNIS SCHULMERICH: Any signage that will be associated with the building to advertise the business?

MR. GONYA: Ultimately, I believe, there will be signage on the front. I don't know if that has been addressed yet.

MR. JONES: They're planning the existing old awning sign is -- at this point in time removing that and replacing it with the Aramark sign in that exact same spot but no signs on the road or anything like that.

RAY BLEIER: For people in the audience, can you show exactly what you're doing here? It might be not be clear for everybody.

MR. JONES: This is the overall plan of the building (indicating). This is Trade Court up here (indicating). Then you have Paul Road on this section here (indicating). And this is the proposed water treatment building here (indicating), and this circle is the actual tank here. This is a larger version in that section (indicating). This is if you're -- if you're looking from the U.S. Marine and Navy Reserve Center, this is where you would be looking at the back in the section here (indicating), and this section here (indicating) is the new building itself.

DENNIS SCHULMERICH: There is reference to the spoils resulting from the treatment collected and hauled off. Is it hazardous waste?

MR. JONES: Non-hazardous waste, and actually once all of the water is compressed out of it, it goes into a dumpster and then to a landfill.

DENNIS SCHULMERICH: Dumpstered off the property?

MR. JONES: Yes, sir.

JOHN NOWICKI: Speaking of dumpsters, is there an enclosure there for the dumpsters?

MR. JONES: This is the compactor. The dumpster is in, underneath it there. It just drops straight out the bottom.

JOHN NOWICKI: Any additional lighting on the building or property?

MR. JONES: The building has existing wall lighting and site lighting.

JOHN NOWICKI: All set.

MR. JONES: Yes, sir.

JOHN NOWICKI: Any sign among on the building?

MR. JONES: Only signage on the building now is in this location at the front of the build that says Ron Ink at this moment in time. That is only location they're looking to put the sign.

JOHN NOWICKI: Your own sign there?

MR. GONYA: Yes.

JOHN NOWICKI: Landscaping, we had comments from our Conservation Board? They indicated they would like to see the landscaping plans that were supposed to be done on the original building completed. Are you aware of that?

MR. GONYA: No. We're not aware of that.

JOHN NOWICKI: Mr. Kress, were you aware of that comment?

DANIEL KRESS: Yes. Yes. I had that conversation with Mr. Rubinos (phonetic) who originally contacted my office about the application. Apparently, it is not clear -- I believe most, if not necessarily all of the original landscaping was installed but clearly was not maintained. Doing the -- during the period when the building sat empty, apparently much of it has died off. The Conservation Board's concern is that be restored to something approximating the original plan.

JOHN NOWICKI: Can you do something about that to address that issue?

MR. JONES: Yes, sir.

JAMES MARTIN: Is this a lease or sale on this building?

MR. JONES: Now owned by Aramark Industries.

JAMES MARTIN: You purchased the property?

MR. JONES: Yes, sir.

JAMES MARTIN: I am assuming you had discussion with Gates-Chili Ogden Sewer District regarding your outflow. Any particular conversations regarding that activity?

MR. GONYA: Not that we're aware of.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: What was this building used for before?

MR. JONES: Manufacturing of ink.

MS. BORGUS: What was the name of the company?

MR. JONES: Ron Ink.

MS. BORGUS: Oh, really. That was supposed to have been one of our success stories.

DENNIS SCHULMERICH: It was.

MS. BORGUS: Past tense. I don't know if this -- either one of these gentlemen here can answer -- are COMIDA funds involved in this project?

JAMES MARTIN: Any COMIDA involvement in this project?

MR. GONYA: No.

MR. JONES: Well, define -- is that community involvement?

MS. BORGUS: County of Monroe Industrial Development Agency funds?

MR. JONES: No, I don't believe so.

JAMES MARTIN: It is an agency that tries to promote business.

MR. JONES: I know a local agency came out and met with Aramark, I guess, for development in that area, and they met a couple times, but that is all I know about it.

JAMES MARTIN: You don't know of any commitments by COMIDA?

MR. JONES: No, sir.

James Martin made a motion to close the public hearing. John Nowicki seconded the motion. The Board was unanimously in favor of closing the public hearing at this time.

Jim Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, 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 condition:

1. Restore landscaping plans to original conditions.

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

There was a recess in the proceedings.

5. Application of Niagara Car Wash, c/o David Sadaly, 5 W. 10th Street, Erie, PA 16501, property owner: M. Truisi; for preliminary site plan approval to erect a 40' x 67' car wash at property located at 3270 Chili Avenue in G.B. zone.
6. Application of Niagara Car Wash, c/o David Sadaly, 5 W. 10th Street, Erie, PA 16501, property owner: M. Truisi; for conditional use permit to erect a car wash at property located at 3270 Chili Avenue in G.B. zone.

David Sadaly and Justin Myers were present to represent the application.

MR. SADALY: Dave Sadaly. Thank you for allowing me to come back. Jack Munch, who was here last time, is stuck in Erie with the 24-inch snow and jack-knifed trucks on 90, so he could

not make it.

However, we did take your comments and I did proceed and do a site plan. I have been working with Avery Engineering. We have started a landscaping plan and drainage report.

I did change, as you can see, the front elevations. We started out with the larger building and then on my last presentation, I flipped the building. But I did redraw those for viewing tonight. I will have Avery Engineering point out a few things on the site plan to describe it.

MR. MYERS: Justin Myers with Avery Engineering, with Don Avery. As you know, the location of the site is on 3270 Chili Avenue. On the north side of Chili Ave. There are two -- presently there are two access points to the site, and the westernmost access will be eliminated. It is a residential driveway. The eastern site will be --

JOHN NOWICKI: Excuse me. The people in the back can't hear you. Can you speak up louder into the microphone?

MR. MYERS: There are two access points existing for the site right now, and the westernmost site will be eliminated. The eastern will be updated to a commercial access driveway.

As you know, the site, the facility itself is a three auto bay carwash with mechanical building. There will also be two vacuum stations. The proposed utilities are public utilities, two-inch waterline and a six-inch sanitary sewer lateral which will go to an oil separator before it is discharged. Gas and electric will be underground.

As far as the proposed grading on the site, we have -- the site itself, the building and to the back of the building we have graded it so it would run to the east corner to a dry well and the front will run towards Chili Ave., the existing system.

There is a slight increase from the existing conditions now to developed conditions as far as runoff. And numerically, 1.25 cubic feet per second to 2.4, so very slight. To mitigate that we proposed the driveway at the northeast corner. If by chance there is a larger frequency storm, it would follow the natural pattern and drain into the catch basin, the existing to the east of our property.

And as far as erosion control, we're proposing stake bales around the dry well. We're also proposing a garbage dumpster in the northwest corner which will be enclosed by board-on-board fence. And there is also a 6 foot white vinyl fence to the rear, on the rear property line and along the west property line.

We do have landscaping plans, if you would like to see them. They were prepared by a registered landscaping architect, Dave Franke (phonetic).

JOHN NOWICKI: I would like to see one.

Have you been to the Conservation Board?

MR. MYERS: We do plan to appear before them at the end of the month.

Town Engineer has requested information on queuing and a drainage study which has been supplied to him by Don Avery. We received the DRC comments for the site. Fairly typical. We do have to -- pending appeal tonight we have to appear before the Water Authority. And we won't be filing anything with the County Clerk because it is not a subdivision. And the applicant has been in contact with the DOT -- with the DOT as far as access to the site.

RAY BLEIER: Little bit curious about the two vacuum islands there, on the right side of the bays. How are people -- well, do they usually go through the carwash and then vacuum or vacuum and then do the carwash?

MR. SADALY: Um, I have seen it both ways. I mean, it just depends. On this site, we just have the one vacuum station with two vacuums, but -- that is why we made this distance here. It is like 25 feet, which gives them enough room if they want to pull in this way (indicating) and go out. Or if they wanted to join the line. Like I mentioned before, we very rarely on our other sites stack more than four cars. That is the most we have seen. So that is not a problem. There would be enough room for them to turn in back.

RAY BLEIER: That was my concern. If they went there first, and they wanted to get in the queuing line for the wash, you know, however they want to -- how they want to navigate that.

MR. SADALY: Most of our line is only four or five cars which would be in here anyway (indicating).

RAY BLEIER: Did we change the traffic flow here? I thought at one time we were going up the westerly edge and swinging around?

MR. SADALY: Well, at one time -- of course, at one time we tried to utilize two drives. After talking to DOT, they really frowned upon that.

Plus, they were not commercial drives. So this is based on their suggestion of how to -- actually it is a better traffic flow than what we had previously. So we come in here, hug the

right-hand side, go through and out.

RAY BLEIER: You were in for informal twice. I thought the second time traffic was up on the westerly edge, coming in from that way, with the vacuums closer to the east boundary line?

MR. SADALY: Here (indicating)?

RAY BLEIER: Yes.

MR. SADALY: One time we had them in the back and tried to move them up closer to give us more separation from the residences in the back.

RAY BLEIER: Do you feel that this traffic flow is going to allow for more queuing of vehicles than coming in, queuing from the westerly edge?

MR. SADALY: Even with this, it gives more space. I think maybe one car less, but we had enough space to -- this is a better -- I guess was a better circulation pattern. That came from when I met with DOT.

RAY BLEIER: There were issues by the Town Engineer. Can somebody address these here?

MR. AVERY: We all know that Saturday probably -- there is a good day in the winter, Saturday is the biggest time to wash your car. Or Sunday afternoon. So yesterday -- or Saturday, I went down and it was a busy day, and I counted the traffic down at the carwash at Fisher Road. And then I counted the traffic up here. Now I did not get into the fact it was a lousy day and I -- there were cars getting washed, but the traffic volume was 66 percent less at this site than I did the at the one down there -- you know, the one I'm talking about Fisher Road.

Then I asked them down there, this guy -- I asked him, how far does it back up? And they told me, and I measured out how many cars. I presented the report to our town -- your Town Engineer, giving you the count what it was backed up down there, and what it was backed -- would be backed up on this, on the same type. We -- we're quite close on it. And actually we have 66 percent less traffic here than we would at the other.

Now that doesn't mean that maybe more people would come up here. I don't know that. But I thought it was a good measure of what we would have as far as queuing was concerned.

KAREN COX: I think from what I have observed, at the Mobil carwash and actually I have done this myself, if I get in line there and I see there are three cars stacked up at each -- or at the door, I usually don't wait to get the car washed.

MR. AVERY: That is true. If there is a line, people won't wait. They will go on and come back later.

KAREN COX: That is for comparison purpose. My point is that you say you never -- you usually don't get more than four or five cars stacked up. That may be why. People just say I will come back when it is less busy.

MR. SADALY: We have had some sites where we just have two, but the -- you know, our philosophy is to get people in and out fast. And that is why we, you know, go to the three.

RAY BLEIER: What is the average time for a carwash?

MR. SADALY: If you get the double wash double dry, about seven minutes.

JAMES MARTIN: Maximum?

KAREN COX: So probably is four or five?

MR. SADALY: Yes. On a good day, we probably wash I would say, 100 cars. There are a lot of days it is a lot less. Very few days more, although we would like to change that.

MR. AVERY: Fisher Road carwash, they indicated it depends -- I average about 1.8 minutes for the cars on a sample that I took on Sunday. They were -- there were more cars down there on Sunday.

JOHN NOWICKI: In your operation here you don't have people wiping the cars down as they come out, do you?

MR. SADALY: No.

JOHN NOWICKI: Down on Fisher Road they have people wiping the cars as you pull out.

MR. SADALY: Yes. As opposed to like Delta Sonic -- once they come out with the dryer, they exit right out.

RAY BLEIER: Do you have copies of Town Engineer's comments? He was -- he was recommending that you have a study by a licensed professional engineer.

MR. AVERY: That is -- yes.

JOHN NOWICKI: That is what he is.

MR. AVERY: I have the copy here. I would be glad to supply as many as you would like and I would put them in the office tomorrow morning. Okay? Our Town Engineer has one.

RAY BLEIER: There are three issues. You dealt with number two.

Number one was significant portion of the site is proposed to drain to a dry well at the

northeast corner. Design calculations for the well have not been submitted to date. Is there anything on that?

LARRY NISSEN: I have gotten some calcs submitted since that time.

MR. AVERY: I apologize for not getting them in sooner. They have been submitted. We have -- we have an area in the back there where we have a dry well, and -- for a ten-year storm, it will not go beyond the contour you show there. I think it is 560. It will not go beyond that. That is for a ten-year storm. That assumes, of course, that ten year, 15-minute duration storm. It also assumes that the -- that the dry well is, you know, is empty, but it -- but I'm not assuming any absorption out of that. Now the soils are good there, too. That soil map shows that is sand in that area, similar to where -- you know, up along Chili Avenue, a sandy area.

KAREN COX: Is that the one spot where there is sand?

JOHN NOWICKI: Never seen sand in Chili.

DENNIS SCHULMERICH: Somebody dumped a sandbox.

MR. AVERY: Then the overflow would go to that property there where we have a catch basin. Where it goes now.

JAMES MARTIN: I am assuming you haven't had a chance -- this will be subject to Town Engineer approval?

LARRY NISSEN: Yes.

JAMES MARTIN: You have not had a chance to review the calculations?

LARRY NISSEN: Not totally.

KAREN COX: This site is a big improvement what was brought in on the conceptual plans. You have done a lot of work addressing our concerns, and comments. And I would -- I like the way the building looks. I think it will be a nice addition to that area in comparison to what is there now. That is the only comment I had.

JOHN HELLABY: Great improvement from when they first came in here. Would you just go over the color -- because I'm sure this place does not have a purple roof.

MR. SADALY: It is a gray. Actually, I made those off my color copier off the office. It is more like this, the architect's -- it is a gray. I made it to match the bank next door.

JOHN HELLABY: Stucco color?

MR. SADALY: More a -- I guess could you call it an off white. It is not brown. It will be darker than the -- I guess the renovated plaza.

JOHN HELLABY: Probably have asked you this before, but I know the hours of operation are 24 hours self-service. I'm not real crazy about this thing being unmanned. You said there is a service tech available for emergency kind of thing?

MR. SADALY: Yes. Our maintenance crew, we'll have local people for that.

JOHN HELLABY: Lighting situation, as far as after hours type lighting, I don't know how the lighting -- I see you have included the down light fixtures for the back and whatnot, but you know, I don't care what type of fixture it is, it emits some sort of light, and I don't know how offensive it will be to some of the surrounding properties to the back.

JOHN NOWICKI: Good question. Because we have in our ordinance dark sky lighting. Are you aware of that?

MR. SADALY: In fact, that is what that is.

JOHN HELLABY: I think it is.

JOHN NOWICKI: I hope so.

MR. SADALY: I guess -- in the catalogue cuts on the fixtures, they call it cut-off lighting, but the same principal, it is up in a typical shoe box but the lamp is actually up inside so you don't see any glare.

JOHN NOWICKI: Has to be dark sky lighting.

MR. SADALY: Just like Byrne Dairy down the road. That is the type of lighting.

KAREN COX: Not a lot of bleed off on those hours.

JOHN HELLABY: After hours all of the lights are on dusk-to-dawn type thing?

MR. SADALY: Yes. We maintain with our -- keep our security cameras on. We monitor those.

JOHN HELLABY: I don't know if you have a way to track this or not, but say somewhere along the lines you figure this thing is not paying the electric bills so to speak from midnight to 5 a.m. I mean, is there a fall-back plan that you could actually shut this thing down for those hours.

MR. SADALY: Um, not really.

JOHN HELLABY: I can't visualize anybody washing their car at three in the morning, but I'm not a trick worker. I don't know.

MR. SADALY: Every once in a while we'll catch somebody at the end of a 3 to 11 shift,

but there aren't many people. You know, our customers come, and they flow with the traffic. So there is, you know, hardly any use at night. But it is just with an automatic Internet operation, I guess, it is just hard to shut it down.

JOHN HELLABY: Like I said, I think you have come a long way from your original conception. That is my only hang-up right now, is not having somebody there and how fast a response time if you need somebody there, and how this is going to impact the surrounding properties at three in the morning, so to speak, if it becomes a situation.

Again, I don't know, youths hanging around, how you would address those situations?

MR. SADALY: With our other sites we have not had problems. In fact, the way we maintain them and -- and with the lighting security, we have -- the customers, they vary in age.

JOHN HELLABY: All your present locations are in Erie right now?

MR. SADALY: That's correct. We have -- due to the weather we're going to start a couple in Syracuse. We're look at other sites in the Rochester area. Winter has kind of slowed down the ability to do that.

JAMES MARTIN: Heard you say your color scheme would be close to the plaza?

MR. SADALY: No. The plaza turned out to be white. Way back when we talked about watching -- there was an option of having white. Actually our buildings are more this tan (indicating). If you remember the -- originally had photos, but they were washed out so you really couldn't tell it was a -- I call it off-white. You can call it beige, I guess. But it is not white.

JAMES MARTIN: You will be inconsistent with the plaza colors; is that what I am hearing?

MR. SADALY: Well, I guess --

JAMES MARTIN: Any reason why you can't be consistent with the plaza colors?

MR. SADALY: Yes. Because originally we are told that the plaza was going to be tan.

JAMES MARTIN: But you have not built your building yet.

MR. SADALY: We could.

JAMES MARTIN: I'm just thinking for architectural consistency in the center of town, it would be nice if you could match the colors, with the largest structure in the center of town.

MR. SADALY: Sure we can do that. That is not a problem to us. I mean we like to do a little -- the two-tone, this -- the bottom, the wainscoting here is normally a little darker. But as far as the stucco color, we can go -- we can --

JAMES MARTIN: I think it would be nice if you could match it.

RAY BLEIER: I think it would be better if they were more conforming to the neighbors, the bank, the Valvoline.

JAMES MARTIN: The bank is brick. The Valvoline is brick. They're not doing brick.

MR. SADALY: And I think that was the -- if I remember the comments originally, the bank was brick, so you didn't want white. That would be a real contrast with that. It was more to go to an earth-tone color. So it wouldn't be so stark and would blend in.

KAREN COX: Well, that is a good point. I mean, the plaza is fairly far away. If you -- if you have a color that is close to what they have.

JAMES MARTIN: May work.

KAREN COX: How many people driving by are going to be able to discern that the carwash is a different beige than the plaza? I mean, I'm not trying to discount what you're saying, Jim (Martin).

JAMES MARTIN: My only point is this Board has been pretty adamant about architectural consistency.

KAREN COX: They fit in with the roof lines and all of that. Um, and you know, it -- I don't know if color, making it totally -- or maybe it could be a color that is closer to what they have.

JAMES MARTIN: I could live with that, I guess.

Other issue. On your landscaping plan, proposed planting on adjoining property is subject to approval by owner of neighboring property. Any discussion about your ability to go in there and put plantings on there?

MR. SADALY: I guess our landscaping architect has talked to someone on the Conservation Board. That was brought up to break up, I guess, some of this white fence. Although, up know, you can't really see much of it. The white fence stopped here (indicating), just like it does on this side (indicating). The building is going to kind of break it up on this side. They were worried about this side. And I said, well, we could do that, but I haven't talked to these people, and actually, it is the same owner that owns this property (indicating). So I haven't had a chance to. I don't know what the use is going to be in the near future of this property. I mean, I just -- I just am guessing this is for sale, and this is going to become more I guess what is zoned

General Business, I believe. Conservation Board wanted something planted on that side. We would be happy to do this. I don't know where this property in -- stands as far as being, you know -- I know it is on the market, I'm pretty sure.

JOHN NOWICKI: My concern would be more the back line. Because that property, you're totally right. That sells off, we can deal with that as it is sold off.

JAMES MARTIN: That back line is all residential.

MR. SADALY: Jack Munch talked to the people back here. Now, on this side of the fence (indicating), I can only say that there is nothing on -- you know, when they look out.

They have a pool back there, and they probably just wanted to utilize their yard. I don't know -- I don't think that is a concern.

JOHN NOWICKI: You have a fence going on the back line?

MR. SADALY: Yes. This white vinyl fence that is along the Valvoline property actually continues all of the way back and that house sits back here (indicating). They have white vinyl fence on this side (indicating). What we're going to do is just to bring some continuity with it, stay with the same white vinyl fence like this (indicating), out this point to match what it does over here (indicating).

JOHN NOWICKI: 6 foot?

MR. SADALY: Yes.

JOHN NOWICKI: Back before the Conservation Board for final landscaping approval; is that correct? You haven't been before the Conservation Board?

MR. SADALY: I know the landscaping architect has talked to a member from the Board to get some ideas so at least we would know.

JOHN NOWICKI: Are there any rooftop units on this building?

MR. SADALY: No.

JOHN NOWICKI: So everything is down below or inside?

MR. SADALY: Yes.

JOHN NOWICKI: You will have to join a drainage district?

MR. SADALY: That's correct. I do have that application.

JOHN NOWICKI: Mr. Avery, are you aware of the County Comments, all set with that?

MR. AVERY: Yes.

DENNIS SCHULMERICH: Last time you were in, there was an audio barriers discussion. You then would have still the same plan where there is some degree of audio on the back side of the building where folks would be putting their money in the box. It was indicated that that had been tested and evaluated for ability to not be able to hear from adjacent property?

MR. SADALY: That's correct. It is less than -- I forget the decibel reading, but it is less than 60 which is a conversation at a foot.

DENNIS SCHULMERICH: Hasn't changed.

Once the unit starts, as far as the bay, assuming you're talking two or three in the morning, the sound from the carwash, it was referenced last time that the doors automatically close and the back doors would continue to close all year long to preserve silence?

MR. SADALY: That's correct. All year long. We can control those, but we are going to make sure those doors are closed all of the time when the cars in there.

DENNIS SCHULMERICH: Similar issues around light management with adjacent neighbors. It sounds like we're dealing with that with specific type of lights.

The other final question is around signage. When I look at signage on the building, has this been calculated in such a way there are no variances required for the sign?

MR. SADALY: Actually, I wanted to talk a little bit about signage. Not on this, but I believe what I have submitted before you, I did a square foot calculation, and with the -- I believe the front signage turns out to be like 89 square feet, and then the side is something. But total together on these two elevations totaled out to 132. Now I know there is a -- your ordinance, I believe, is 100 square feet and then a possibility of 32 for a pylon sign. I guess what I would ask is if there is any possibility if we could take that -- we do not have a pylon sign or any street signage at all, if we could take that 32 feet and apply that for the building and just -- actually there is our standard signage and it just turns out that the total is 132, which is the 100 plus the 32, which was kind of amazing there.

JAMES MARTIN: You will have to go before the Zoning Board on that.

MR. SADALY: Okay.

DENNIS SCHULMERICH: Assuming for purposes of signage, when you have something "open 24 hours" on the garage door, is that counted as signage?

KAREN COX: That is counted --

DANIEL KRESS: If it goes beyond a simple "exit" or "enter," that would count as signage.

DENNIS SCHULMERICH: I'm not sure that has been calculated in your square footage. As you go before the ZBA, so you don't get caught up in a detail, you will want to calculate the square footage of the wording on the doors and take that in a variance request, as well.

MR. SADALY: I could see on the open 24 hours. In other places I have experienced where it says like exit, any type of directional signage is not, you know -- I guess I could talk to the Zoning Board about that.

DENNIS SCHULMERICH: Defer to the side table on that.

DANIEL KRESS: There are provisions for directional signage as long as they don't end up turning into additional advertising signs. A simple sign with "exit" on it is a directional sign. A simple exit sign with letters that say "Niagara carwash" with letters twice as big as "exit" is advertising.

DENNIS SCHULMERICH: 24 hours advertising?

DANIEL KRESS: Getting away from a directional sign more towards advertising.

DENNIS SCHULMERICH: I think you need to add in the 24 hours.

MR. SADALY: That is why I put the calculation on there.

DENNIS SCHULMERICH: I'm sorry. It is there.

MR. SADALY: I told you what I had figured and what it was.

DENNIS SCHULMERICH: That is fine. I didn't realize it was there. That is all I have.

DARIO MARCHIONI: Just looking at the site plan, the landscaping, you don't have no pole lights at all to light the parking lot at all, nothing?

MR. SADALY: No. With the lights, on the elevations of the building -- in the front, you don't have a -- like -- in the soffit area, you have recessed lights.

DARIO MARCHIONI: Whole parking lot is unlit?

MR. SADALY: It will cast out. To where --

DARIO MARCHIONI: Even at the far end? Just wondering nighttime, how dark will it be? Way down -- to that V-shaped area?

DENNIS SCHULMERICH: Your queuing area. He is wondering if the queuing area will be illuminated.

MR. SADALY: It will be illuminated off the building. This corner here, I don't -- I'm trying to remember if there is a light back here on the power pole or not. But this will be illuminated here (indicating). Kind of irregular shaped property. I know this light (indicating) will carry back into here (indicating).

MR. SADALY: We make it a point at the property lines -- I said that. The lighting can be adjusted as far as the height, where it is on the building. I mean we normally have around one foot candle at the property -- which is not very bright, but it is enough to see. This being here in the middle of the night, um, I forget where the lights are, but you can still see people moving around back here. Even as it is now.

DARIO MARCHIONI: My compliments. Well laid out. I like the building.

DANIEL KRESS: Only item I would like to ask the Board to think about a little bit, the site statistics refer to side rear setbacks as none and 40 feet respectively. Technically, that is correct, but it is really incomplete. For the side yard, the code provides no requirements except when prescribed by the Planning Board pursuant to Article V, which is the site plan provisions. When abutting an R-1 or RM District or another street, the side yard is supposed to be a minimum of 40 feet. For the rear yard, similar line with no requirements, except when prescribed by the Planning Board pursuant to Article V, when abutting an R-1 or RM rear yard or another street, the rear yard is to be a minimum of 40 feet.

You have one district to the north, to the rear of this parcel. You have got R-1 with another residential parcel to the west. The main reason I'm pointing this out, just be real sure you're comfortable with the amount of buffering being provided here in terms of both distances, also the fencing and any landscaping. I'm not clear, for example, on the way the fencing ends at the front face of the building and shouldn't extend further towards the street.

JOHN NOWICKI: The property to the west, though, that is zoned General Business.

DANIEL KRESS: That's correct.

DARIO MARCHIONI: It might even come down.

DANIEL KRESS: I don't know when that will be developed. That might be residential property for another 100 years.

DARIO MARCHIONI: The way things are going down the street, it will be developed soon.

DANIEL KRESS: I don't know we can take it for granted. I just want the Board comfortable with the amount of buffering provided, particularly on the west. 21 feet is a minimal

distance.

DENNIS SCHULMERICH: In your question, are you raising question around the queuing lane and its location to the lot line on the east or is that not your thinking?

DANIEL KRESS: No. I'm raising a question that there are three ways to provide buffering. Distance, screening such as a fence and landscaping, and somehow between these three, be sure you're comfortable with what is provided.

DENNIS SCHULMERICH: You're referring to the residential property more than the --

DANIEL KRESS: Yes.

LARRY NISSEN: It seems to me -- well, the Town has no standards for carwashes, as far as queuing, number of queuing spaces. It -- it seems to me from looking at this site and just with regard to my knowledge of other carwashes in the area, that this seems to be fairly generously sized from the other carwashes in the area.

So on that basis, it seems to me that there is a fairly adequate amount of space here. But on the same token, I can't assure you that on a nice 70 degree Saturday in March when everybody goes to get their car washed at the same time, we won't have a problem with vehicles queuing back onto Chili Avenue. I guess that is my take on it.

It is similar to the way we design our storm sewer system. We design them for ten-year flows. Every once in a while you get a 25-year storm and there is temporary flooding, and that can happen here, as well. I just want you to keep that in mind.

JOHN NOWICKI: If you're interested, just for the heck of it, a carwash very similar to this has just opened up next to the main post office on Jefferson Road, same type of building on a smaller parcel, to be honest. You might want to take a look at it.

KAREN COX: I just can't believe -- I'm speaking more from a personal standpoint than anything, I agree with you theoretically that could happen. But I -- you know, when you're talking about storm sewer getting -- getting flooded, that is nature. When you're talking about this, it is human nature. If I saw cars queuing back on Chili Avenue, there is no way I could stop for a carwash. And I can't imagine even if it -- even if they were getting near the vacuum units, I would say the heck with it, I will come back later. So -- and -- so I -- so I can't believe that somebody would actually stand in line or sit in line, their car hanging out onto Chili Avenue.

DENNIS SCHULMERICH: We have a bigger issue with gas stations who are offering the nickel off on Sundays.

KAREN COX: I'm not trying to discount what he is saying there. It is just for the audience.

LARRY NISSEN: There are other carwashes that there have been problems with.

KAREN COX: I agree.

LARRY NISSEN: Vehicles queuing back. It has happened.

KAREN COX: I have seen it myself.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOHN ALBANO, 35 Shrubbery Lane

MR. ALBANO: That carwash will be right behind my property. Open 24 hours a day?

MR. SADALY: Yes.

JAMES MARTIN: That is the plan.

MR. ALBANO: We have so much noise from the kids around there, with the cars blaring. We call the police a number of times, the sheriff. I'm afraid it will make a lot of noise with the carwash. They will hang around there. There are also a lot of skateboarders. The kids will be all over. 24 hours, I don't like it. I'm against it.

ROSALEE ALBANO, 35 Shrubbery Lane

MS. ALBANO: There is no one to police this area when that carwash is open. After 10 o'clock at night, we're going to be hearing those doors going up and down. The light -- now we have a colonial. We sit up high. Those lights will be right in our bedroom. I'm against it also. The building is nice. I agree it is better than what we have there now. But I'm against 24 hours to begin with.

JAMES MARTIN: I think the lighting issue, we have talked about that. That can be controlled so there is no spillage off the site.

MS. ALBANO: How about the noise of the doors going up and down all night long?

JAMES MARTIN: Any technical data on what that noise level will be at the property line?

MR. SADALY: You can't hear the doors. I mean they're -- they're plexiglass. They're a lightweight door.

KAREN COX: You can?

MR. SADALY: Cannot. I mean, it is just a door. I mean, if you stand at the property line, you won't be able to hear the doors.

DARIO MARCHIONI: Look a garage -- my garage door, you can hardly hear it.

MR. SADALY: It is not -- it is not a chain drive, you know, like you here clank, clank, clank, clank, clank. You know.

KAREN COX: Is -- are there issues, because I -- I don't -- I'm not down in that area in the middle of the night or late at night. Are there issues that anybody is aware of skateboarders in the plaza? I -- I have seen them occasionally, during the day. But at night?

MR. SADALY: I have been to this site at a half a dozen times between two and four in the morning, and I can hear -- and parking back behind the bank here, I can hear people at the gas pumps because Kwik Fill is opened up. I think this McDonald's, did they start the 24 hours service?

JOHN NOWICKI: They're open late. Let me just add to what that couple was thinking about one of the problems that has developed in the town, especially through the center and the fringes of the center area are cars with boom boxes, and they may have some concern because you can hear them in the center or on these main drags, especially if they're going for a carwash. We do have an ordinance in the Town, a noise ordinance, but the problem you will find in any town, nobody will enforce these things. The police departments are so busy with other problems, that they put this on the back burner. There is a noise ordinance. So you can ask them to do something about it. There was just an article in the paper that said they will have an instrument to measure the decibel levels these boom boxes. So you could have that problem here. So you have security people monitoring this thing, or you can eliminate that somehow.

MR. SADALY: We don't have that problem at our sites. I think we have at least four cameras, and maybe we can increase that. But I think when -- when they see the video cameras and their display -- you know, you can tell, they're not hidden. Um, like I said, we haven't had a problem with vandalism with people. With kids hanging out.

JOHN NOWICKI: Today you have to be aware of security issues. We talk to all of the applicants that come here if they're in the areas with security -- it could be a security problem. You have to deal with it.

JAMES MARTIN: I think the point you raise about the boom boxes, loud radios and cars, it could be a concern because you will have cars queued there. On a nice summer night they may not have windows shut sitting there in the queue waiting to go to the carwash. They could have their radio blasting away. You can pull up to some of these cars and your windows start vibrating. I know what that is like.

And you know, to control that, I am not sure how the heck we can do that.

MR. SADALY: I can just say, I guess we have done a lot of surveys where we have stayed on our sites, you know, until late at night. And I guess 99 -- I'm not saying no one has ever pulled in with windows down and blasting, but I mean -- because we haven't seen it. I mean our customer -- we just haven't seen it.

DENNIS SCHULMERICH: Do you have any of your businesses that are not open 24 hours?

MR. SADALY: No. They're all 24 hours. Just because of the way the machinery is set up.

DENNIS SCHULMERICH: Is the machinery -- is the machinery programmable from a remote location?

MR. SADALY: Yes.

DENNIS SCHULMERICH: So you could conceivably be open something less than 24 hours? Conceivably?

MR. SADALY: I -- don't think so. I mean, just the way it is -- I guess it is controlled --

DENNIS SCHULMERICH: For instance, what I mean by that, the doors would in the actually -- would not accept money. Your -- your equipment -- I mean certainly, I have looked at many, many business cases and created many of my own. I can't believe your business case is built on the trade from 2 in the morning to 7 in the morning. If it is, you have a bigger issue. If, in fact, the downtime of your equipment doesn't require shut-down and start-up costs what is the negative impact of lock-down from 1 in the morning or midnight until 7 in the morning?

MR. SADALY: I know we have discussed it with our equipment manufacturer. He has not been able to do that for us. Why, I don't know. I don't know if it has to -- you know, to do with the programming of the machines or not.

DENNIS SCHULMERICH: Okay.

RAY BLEIER: You have this -- it is kind of interesting, the comments. First you're saying

you will have the cars queuing up there, blaring away. Then on the second note, you're saying you are not doing that much business overnight, so if that is the case, you won't get the queuing and you have three bays, you know, to handle three cars, and quite frankly, it is hard for me to imagine more than three or four cars coming in there and forming a queue.

JAMES MARTIN: As far as technical operation, there are operations that you can measure the noise level at the property line. Or you can approximate it from your existing locations by measuring it a set distance from your operation. For clarification purposes, it would be nice to have technical information. How much noise will be at the residential property line so that you know you can say it is like, you know, normal conversation, you will not be any louder than that, or actually less than that.

KAREN COX: I recall some kind of information about that on one of the conceptals.

JAMES MARTIN: There was some decibel information, but I'm not sure it was specific to this.

KAREN COX: I mean -- you know -- I just recall seeing something.

JAMES MARTIN: I would like it equated to something people can understand besides decibels.

MR. SADALY: At the property line, it is never more than 60. It is less than that. That is normal conversation at a foot.

JAMES MARTIN: It is a logarithmic scale. If it is less than that, it is helpful.

MR. SADALY: Okay.

JOHN HELLABY: Another thing helping the issue dramatically was the point that Dan (Kress) tried to make. He has to work with the Conservation Board to get some better planting on that back line. Like John Nowicki said earlier, it is not so much planting Arborvitae on the property line, but the back line has to be addressed in some way, shape or form. You have a fence there, but a fence doesn't do a lot to negate the noise issue. If you had staggered plantings of pines, not necessarily just two straight rows of pines, break them up and put in some different varieties in there to absorb some of that sound.

MR. SADALY: I think -- I may be wrong but when we go before the Conservation Board, the idea was to break up the starkness of the fence from Chili Avenue, because they had some -- there are some pipes here. That was the reason. On this side of the fence there are no -- there are plantings, so...

JOHN NOWICKI: You know, again -- I don't know if it would work or not here, but you might think about. I'm trying to think -- over on Howard Road, they took their fencing, and they opened it up and angled it like this (indicating), and between sections they planted big Austrian Pines.

In other words, it wasn't a solid fence all of the way across the fence. They sort of turned the fences and put berms in between and big trees on top. It looked pretty darn good.

MR. SADALY: One of the things that the fence does, to -- we normally do a full privacy fence, is because it does give you the headlight control, you know from the cars queuing up.

JOHN NOWICKI: That's true. That's true.

MR. SADALY: That is the reason for it. I think that is why -- I don't know, but I would just -- an engineering guess why they did the white vinyl privacy fence here (indicating) is because cars come around like this (indicating). I know they're not open, but it gets dark sometimes at 3 or whatever.

JAMES MARTIN: It is something you need to work with the Conservation Board on to see how we could maximize that buffering. That would be my comment on that. I will change that condition. Final landscaping plan with maximum buffering must be approved by the Conservation Board.

RAY BLEIER: In particular to the north.

JESSIE THROWER, 33 Shrubbery Lane

MR. THROWER: I have issues with the 24-hour operation. I also have issues with the security, the noise concerns, because in the summertime if you have your windows open, you can hear kids at Kwik Fill making a lot of racket. I can just see it here at the carwash, too. I would rather not have it happening -- security. You have cameras. There you will call somebody and where are they going to be at, Erie? It will not be real efficient for Rochester.

MR. SADALY: The actual people, the maintenance people and the people that take care of it will be local. So.

MR. THROWER: How will they respond in -- if a complaint is called to them?

MR. SADALY: They will have -- be on call.

MR. THROWER: How will they respond if we call, if we call them?

MR. SADALY: Well, you -- we have a published number to call if there is a problem. Actually, we do that even -- publish it on a couple places on the building.

JAMES MARTIN: Would you supply that to all of the adjoining residents also?

MR. SADALY: Sure.

DENNIS SCHULMERICH: They literally respond to the facility?

MR. SADALY: Yes.

KAREN COX: Even if it is a noise complaint?

MR. SADALY: Yes.

KEITH O'TOOLE: What is the response time?

MR. SADALY: I have not hired my person locally yet, so I don't know where he lives.

KEITH O'TOOLE: What is the average response time in other facilities?

MR. SADALY: Most places, depending on the time of night whether he is jumping out of bed -- like 11 o'clock at night, usually 15, 20 minutes.

KEITH O'TOOLE: So if the gentleman calls you at 3 in the morning, what kind of response time could he expect?

MR. SADALY: Could take an hour, I would think.

KEITH O'TOOLE: Thank you.

MR. SADALY: Unless they called -- if it is real loud, call the Police Department or local authorities.

DARIO MARCHIONI: They take 15, 20 minutes to come, too.

KAREN COX: That time of night, yes.

CHRIS SCHMIDT, 37 Shrubbery Lane

MR. SCHMIDT: I just had a question about the refuse container in the back corner behind Mr. Albano's house. Will that be in a structure of some sort?

MR. SADALY: Well, what we'll do is do it out of the same white vinyl fencing to totally conceal that. And actually, um, our normal carwashes have the self-serve bays and when that happens, you get a lot more people dumping a lot more trash. On our automatic bays it is a small trash can container. I think a three-yard probably. We tucked it in this corner here (indicating), so it would be concealed so, you know, looking back from this way you wouldn't see it at all.

MR. SCHMIDT: Most of your refuse would be from the vacuums and probably soap containers of some sort?

MR. SADALY: Not the soap containers. We buy in bulk and those are returned. It is not -- it is not like they come in plastic containers. Those go back to our vendor. So the only -- we do put trash receptacles around and -- because when you make those available, people have packs of -- cigarette packages and things like that, they toss them in the can versus on the ground.

JOHN NOWICKI: You don't have public bathrooms in there?

MR. SADALY: No. In fact, this is a -- this is a mechanic room (indicating). I think it said mechanic room and office. It is really not -- really no office there at all.

James Martin made a motion to close the public hearing on this application. John Nowicki seconded the motion. The Board unanimously approved the motion to close the public hearing on this application.

The public hearing on this application was closed at this time.

JOHN NOWICKI: I would like to make a recommendation if I can. On the application for preliminary site plan approval, I think the applicant has a significant amount of work to do, and I am not so sure we couldn't get him to come back after we tabled it, and if he did all of the work and got it done, we could waive final at the next meeting. He has a lot of work to do.

RAY BLEIER: I'm more in favor of granting preliminary tonight.

DARIO MARCHIONI: Yes. Let's get preliminary.

JOHN HELLABY: Right now the concept is great. I think it is the issue with the Conservation Board and plantings and stuff out back. I will not get so hung up on that I won't give him preliminary.

JOHN NOWICKI: Okay. I just want to bring it to your attention.

JAMES MARTIN: Feeling of the Board to move ahead?

Jim 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 conditions.

DENNIS SCHULMERICH: It is not obvious to me the business case can be made. Residents' comments have been negative to 24 hours. Very few business in Chili that are 24-hour operations. This is a noise-generating business. I'm sorry, I have hard time believing that all noise stops at the lot line when, in fact, neighbors say they can hear things going on across the street in the gas station. I am very pro having this business in Chili. I think it is attractive. I think it is going to be a very positive addition, but I'm having a hard time believing positive business case can be generated for a 24-hour operation like this.

RAY BLEIER: We have Tim Horton's opening 24 hours.

DENNIS SCHULMERICH: They don't have machines running cleaning cars.

RAY BLEIER: Some of the issues with cars running with loud radios, regardless what type business it is can happen.

KAREN COX: What would the applicant be able to provide? He has indicated -- he has told us that the manufacturer of the machinery says that it can't be programmed --

JOHN HELLABY: I guess this is the key to the whole thing. Can the applicant come back to us with documentation as to why that equipment can't be shut down?

DENNIS SCHULMERICH: Remotely accessible. They control the doors from off-site locations. Assuming no shutdown and cost as a result of it being down for four or five hours there -- it is not obvious there is a negative impact of cost to a shutdown. I would like that to be proven. If, in fact, there is a negative cost that impacts the business case, I would be open to a 24-hour operation. But if the business case is not negatively impacted by this being shut down four or five hours a day, I don't know why we would want to have that.

JAMES MARTIN: I will read this.

The Board discussed the proposed conditions.

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

1. Petition the Town Board, through the Town Clerk's Office, to incorporate this parcel in the Chili Consolidated Drainage District.
2. Pending approval of the Town Engineer.
3. Final landscaping plan, with maximum buffering to the north, must be approved by the Chili Conservation Board and Planning Board.
4. Pending Zoning Board of Appeals approval for variance for signage size and square footage.
5. Noise measurements for the mechanical operation to be made at property line.
6. Applicant to supply technical proof that operation must be 24 hour per day activity.

KEITH O'TOOLE: On the issue of conditional use, if the applicant can't provide technical data he can't turn off the machinery, do you want to establish hours of operation in that event?

DENNIS SCHULMERICH: If they can, control for less than 24? Is that what you're saying?

RAY BLEIER: There are more issues than that involved here. I think it is part of the business. Psychologically, do I want to know if a place is closing down at 10 o'clock at night or 11 o'clock at night? You know, this concept of the idea it is open 24 hours means I don't even have to think about it. If I want a carwash, I can go. You know, so I think it is part of the business plan myself.

DENNIS SCHULMERICH: That was my point. Prove the business case is positive as a

result of being open 24 hours. If there is minimal impact on business case, we should be considering the impact on the residents in the immediate area, as well.

JOHN NOWICKI: What that draws your attention to is the definite specific need for enforcement to become part of our living. As we grow and put these issues before us, we have to address the enforcement of our codes, whether it is a noise ordinance or what have you. I think we have to address it to the Town Board -- a letter from this Board to the Town Board and a copy to the Sheriff's Department over in Union -- Buffalo Road.

KAREN COX: Because even last year we have had three businesses come in front of us who have said it -- it either costs them no money or costs them more money -- costs them no money to stay open or little money. You know, to stay open 24 hours, so why not? I mean -- in a nutshell, that is kind of what I remember Byrne Dairy saying. Because we were concerned about the 24-hour operation there, and the explanation was that shutting everything down and making sure there was security was going to be more expensive than having somebody -- pay somebody to be there all night for the little business that comes in.

JOHN NOWICKI: Charter One Bank was robbed the other day.

KAREN COX: Broad daylight.

JOHN NOWICKI: We have issues that should be addressed with law enforcement people.

JAMES MARTIN: Per Keith (O'Toole)'s suggestion, if operational hours can be controlled, we reserve the right to limit business hours. Is that what you're essentially saying?

KEITH O'TOOLE: Correct.

JAMES MARTIN: The Planning Board reserves the right to limit business hours.

DENNIS SCHULMERICH: So to be clear to the applicant, the question I am asking is not "yes" or "no," it can or can't be shut down, but if -- but if you say it cannot be shut down or it can be shut down, we would like to understand the business case implications, as well. That is really the question. I mean, prove that there is merit to its being open 24 hours.

MR. SADALY: I know -- I'm sure that the people that would -- too bad Jack Munch can't be here because he wrote most of the business plan, but I know just because we have other retail properties other than carwashes, this 24/7 idea, whether it is information or retail or, you know, it -- like I said, I don't know about this McDonald's but Burger King started, Wendy's. I don't know if the Wendy's here in town is.

DENNIS SCHULMERICH: But how I'm differentiating it here, we have a business that will have no humans on site. So if you can -- from a remote location do a lock-down and from a remote location put the equipment in standby such there is no start-up time or start-up costs to turn it on in the morning, and it is all done remotely, there is no negative implications I can see short of whatever incremental revenue is generated from three, four cars between two in the morning or seven in the morning or midnight and six or whatever time we ultimately end up picking. I think this is a time when most people want to be sleeping. During the summer, they want their windows open. I appreciate the work that has gone to define what noise control means, but there is no such thing as perfect noise control. If we can find a win/win situation for both the residents and the business, why wouldn't we do that? That is simply the question.

JOHN NOWICKI: I agree with you.

KAREN COX: Yeah.

DECISION ON APPLICATION #6: Unanimously approved by a vote of 7 yes with the following conditions:

1. Petition the Town Board, through the Town Clerk's Office, to incorporate this parcel in the Chili Consolidated Drainage District.
2. Pending approval of the Town Engineer.
3. Final landscaping plan, with maximum buffering to the north, must be approved by the Chili Conservation Board and Planning Board.
4. Pending Zoning Board of Appeals approval for variance for signage size and square footage.
5. Noise measurements for the mechanical operation to be made at property line.
6. Applicant to supply technical proof that operation must be 24 hour per day

activity.

7. This conditional use permit is approved for a period of two years.
8. If operational hours can be controlled, the Planning Board reserves the right to limit business hours.

JAMES MARTIN: We cannot verify there were any signs posted for this application, for the Lepore application. Nobody on Planning Board could verify the signs were posted. So I have no choice but to table the application.

MR. CARUSO: Okay. As soon as Dario (Marchioni) gets back we'll vote.

7. Application of Mr. & Mrs. James Lepore, owner; 3218 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to erect a single-family dwelling at property located at 75 Beaver Road in R-1-20, FPO, FW zone.

JAMES MARTIN: I make a motion that we table this application due to the fact these signs were not posted.

DENNIS SCHULMERICH: So moved.

JOHN NOWICKI: Seconded it.

DECISION: Unanimously tabled by a vote of 7 yes to table until the January 11, 2005 meeting for the following reason:

1. Public hearing notice signs not properly posted. Applicant to obtain new sign(s) at the Chili Building Department to post and maintain per Town Code.

INFORMAL:

1. Application of St. Pius X Church, 3032 Chili Avenue, Rochester, New York 14624 for final site plan approval to erect an 11,400 sq. ft. addition to church at property located at 3032 Chili Avenue in R-1-12 zone.

DENNIS SCHULMERICH: Mr. Chairman, I ask to be removed from the discussion.

DARIO MARCHIONI: Mr. Chairman, I will remove myself from discussion.

Lee Sinsebox, Sean Moran and Mr. Aman were present to represent the application.

MR. SINSEBOX: We lost half the Board again, I guess. We were here in October. The Board granted preliminary approval. We also had a SEQR determination. With your preliminary approval, you had conditions. I would like to get into our resubmission did address them on the plans, but we'll go through them quickly. First one, you asked us to review with the Commissioner of Public Works the potential for easement requirement around a detention pond and maintenance. You may recall we had a storm water management area designed for this project and questions came up regarding operation of that.

I did speak with Mr. Carr. He said they will not be requiring an easement. The Town is not going to be maintaining it. However, they will have an agreement with the Church where they can enter the property to monitor it or inspect it or to check the condition, and the Church would be obligated to make any corrections that the Town may require on that.

Second comment was you asked us to review the landscaping plan with the Conservation Board with special consideration for tree preservation. There was some suggestion by one of the Board members that perhaps there might be an opportunity to save some of the existing trees in the parking area that was being re-worked. Member from our staff did meet with the Conservation Board and we found four of them. The trees that could be saved in that parking area, we ended up losing four or five parking spaces, but we feel that would still be workable. Those are shown on these resubmitted plans, where those are.

Also, the Conservation Board suggested that we do some foundation plantings along the front of the addition or building, and that is also noted on the plan. So those are in response. The Church will have their own consulting -- landscape consultant determine which would be the best

species for those. We did not want to commit to them, but the tree sizes will be in conformance with the Town's requirements.

We were also asked to provide you with a construction schedule, and I believe Mr. Nichols did hand that out. It looks like the completion of everything would be about fall of next year, and we'll start in March of this year, and all of the aspects of the construction phase of the site improvement work and building is noted on that schedule.

Fourth item was pending Town Engineer's comments. As far as I know, I believe we have everything addressed with Mr. Nissen. Certainly, I will take care of any of the incidental things he may have prior to asking him to sign the plans. And last comment was the Planning Board waive the parking requirements under Section 115-33. That was the requirement where we have islands every ten spaces, and the initial plan didn't have any, but with this tree preservation we're doing, we'll save those.

Sean Moran is here from the architect department if you have any questions for him. And Mr. Aman, from the church, also will be happy to answer any questions you may have.

JOHN NOWICKI: All I will say is to the gentlemen present tonight, you always do such a fantastic job. You put this together well. You have answered everything that we have asked you to do. And I'm just happy for you and wish you Merry Christmas and Happy New Year. That is all I will say.

MR. SINSEBOX: You too.

MR. NICHOLS: Same back.

JOHN HELLABY: Thoroughly submitted and gone over. I'm glad they were able to save some of the trees.

KAREN COX: I echo what other guys have said.

RAY BLEIER: Comfortable to know that the final plan is not differing from the preliminary as submitted previously. All of the conditions have been met that were imposed on the preliminary approval.

MR. SINSEBOX: I'm sure St. Pius would have you as members, but I'm glad you're not, so at least we could have a quorum.

JAMES MARTIN: You have done a marvelous job doing everything we asked of you.

DECISION: Approved by a vote of 5 yes with 2 abstentions (Dennis Schulmerich, Dario Marchioni) with the following conditions:

1. Pending approval of the Town Engineer.
2. Pending approval by the Department of Planning, Zoning & Development and the Planning Board Counsel of the agreement between the Town Highway Superintendent and St. Pius X Church regarding access to the proposed retention pond.
2. Application of Atlantic Properties, owner; 301 Exchange Boulevard, Rochester, New York 14608 for final resubdivision approval of Lot #1 into two lots in the Parkland at Chili Subdivision at property located at 3793 Chili Avenue in RM zone.
3. Application of Atlantic Properties, owner; 301 Exchange Boulevard, Rochester, New York 14608 for final site plan approval to erect a 32,000 sq. ft. 80 unit senior apartment building, including a 20' x 20' maintenance garage and 14' x 20' cooling tower enclosure at property located at 3793 Chili Avenue in R.M. zone.

John Caruso, Tim Poley, Richard Rozen and Anthony DiMarzo were present to represent the application.

MR. CARUSO: Good evening, everybody. I will try not to be too long this evening.

Mr. Chairman, I will just sort of quickly run down through the preliminary letter of November 15th, and not necessarily in order that is listed, but I would like to go through and then come back to some of the ones we would discuss at the end.

First item was pending Town Engineer's approval. There were some issues the Town asked us to look into with respect to drainage, cross access. We have not only prepared the solutions to those, but Larry (Nissen) had generated an additional comment letter and that had -- it questioned some handicapped accessibility to the site, and we have also resolved those with our preliminary

site improvements.

Those have been faxed over to him in sort of a short-review process. It wouldn't be fair to ask him to comment thoroughly on that tonight, but I can tell you with respect to the comment letter he submitted we have a response that we have designed and I will go into it further if you wish to speak more about it. I guess like -- like most approvals that you grant you grant them subject to the preliminary approval and any new conditions at final. Any -- obviously Larry (Nissen) likes a last look and that is fine with us. Planning Board attorney approval for easements and things of that nature. There are some other things we'll talk about further in agreement down the line here.

A total site barrier. Dario (Marchioni) you asked us to increase some landscaping in here. I think we added another six or seven trees up on this bank to try to screen and fill in areas that weren't screened in there, so we have done that.

The Fire Marshal. The Fire Marshal has reviewed our plan. We're going to be adding a roadway up in here (indicating), through the apartment area between these two buildings which will give him access to the back side here. That was already worked out with him at the last meeting when we were here. He was meeting with the Fire Commissioners, and I believe he had discussions with Dan on that, and I will leave that up to you to talk to Dan (Kress) more about it if you would like.

We have detailed the outdoor recreation areas. There is a sidewalk on our plans and park benches here and out the front door.

We also have been in the process of preparing as-built drawings for the entire project which Mr. O'Toole had asked that we certify and submit before the plans are signed. We do have that probably 95 percent done. We're very close with that.

So the issues that I had skipped over was -- first item was pending Zoning Board of Appeals approval. We had been to the Zoning Board of Appeals and we were able to discuss with them the quantity of variance we have really related to the fact our code doesn't have a senior housing code. We went through each of the issues with them, and I think at the end of the meeting we were at the one yard line, about this far (indicating) from getting our variances.

The Board brought up that there would be a separation by putting a subdivision line to these buildings here (indicating) and they wanted us to modify that one variance request for the side setback. As a result we did. And we were notified that the variance modification that we made was accepted and now to come back and finalize getting our variances.

The variance that was really not as a result of these -- the appropriate zoning which was senior housing was the front setback or parking in the front setback for the project, but when we explained our front door was here (indicating) and it is really not the front door off Chili Avenue, the Board was in favor of the location of the parking lot in the front setback. It was a practical difficulty, but they did understand where we were coming from.

So with that, we intend to go back to the Zoning Board next Tuesday night and obtain our variances. I expect it to be a very short meeting, and I'm thankful for that. We did thoroughly go through each of them and we're asking you if you would grant us our final approvals this evening subject to obtaining those variances.

And the last issue that I wanted to discuss tonight was the -- the Town's -- Planning Board Attorney Mr. O'Toole asked us to provide cross easements for recreation that went with the overall project and for parking because we talked about parking in there being an overflow issue. That certainly is not a problem. We have -- Mark IV's attorneys are working on that with Keith (O'Toole). It's just a matter of both of them getting what they want legally from each other. There is no reservation to allow cross access between both parcels or for the parking.

There might be -- Keith (O'Toole), I don't know the specifics about your discussions with Mr. Kotary, whether -- on the parking issue, whether they wanted parking designated in one area. We actually don't care to have it limited to one area. They can park anywhere they want. I didn't know if you were talking with them about trying to designate an area or not.

KEITH O'TOOLE: My discussion was access to the parking wherever parking may be. I assume over the years parking may be adjusted so there is no point in being too specific.

MR. CARUSO: Very good. We agree. Especially with us, extending sidewalk into the fire lane, people may want to park here (indicating) if there is an event for overflow. We do agree to allow cross parking and cross access. The only thing that was a matter of concern was allowing the senior housing facility to have use of the clubhouse. The reason that is, is there are some compatibility issues.

Tim Poley is here who knows the operations of these facilities very well and he knows the development, as well as with architect Rich Rozen and Anthony DiMarzo, the project sponsor is

here, but I wanted Tim (Poley) to come up to talk two minutes about what is in this building that makes these people not have to go to the clubhouse, and hopefully, this is for the benefit of the side table also, but we wanted to try to exclude that from the cross use, just the clubhouse portion.

MR. POLEY: Timothy Poley, consultant to the developer. Just let me spend a moment just discussing I think probably the access and the use of the Community Center for the Parklands apartments by our seniors.

First, I would like to really suggest our senior facility is completely a self-contained facility, designed that way and designated that way by our experience. It has its own recreational facilities, own fitness facilities, own common areas. In fact, 30 percent of our facilities is common areas used by individual seniors. Really there is no need for seniors to use any of the other facilities located on Parklands property.

In addition to that, the community center at the Parklands was really designated and designed for the 176 apartment units that we really have at Parklands. By allowing our seniors to go there at full capacity, almost 100 seniors with doubles in the room, it would be overwhelming that particular facility and would be outside of our original plan and intent for the size of that facility.

In addition to that, most of our residents although ambulatory -- but if they were using the facilities over there for recreation or fitness, even though they're contained there, I think the thought of an 80-year-old coming back with perspiration, coming back to our facility is a little hard to look at.

Finally, I think the encumbrance that would put on the property, it would be very difficult even though they're in common ownership, two separate LLCs, but common ownership now, in the future if we looked at selling those facilities on a separate basis, that encumbrance of having that use of individual facility would be difficult. Parking and access are relatively easy to work with, but the shared use of that individual building, I think you would find it difficult from a purchaser and financing for that facility.

So I think probably in the final analysis, we find it is not only difficult but maybe somewhat imprudent to use the recreational facility that is both part of the Parklands apartments as part of the senior living facility. It is not necessary. We're self-contained. I think there are some difficulties in the purchase and sale, and in addition to that, I think that in terms of the overpowering if, in fact, we had our 70 or 100 residents using that facility would certainly distract the use of the facility by our Parkland apartments. I just wanted to make those points for a moment.

MR. CARUSO: In closing, I guess we went from a lot of the issues with the building down to some of the minor issues around the site. We have all agreed to keep the intent of this project separate for the sake of financing but integrated with what we agreed to in the overall preliminary approval, crossing access for recreation and parking as it may be needed. We don't have any other comments to make.

JAMES MARTIN: Cross easement on the recreation, if you're self-contained, utilization by the residents in your -- in your major facility would be almost nil. I'm assuming at this point. I don't understand the reluctance to grant that cross easement, given the fact that hardly anybody from the facility would probably go over there to use it.

MR. POLEY: I believe -- I have been financing properties for very long time, 25 years in my career. I will tell you in terms of financing of that particular type of usage, we have had difficulty in both purchasing and developing the property and financing. Particularly, now I have a building on another person's property that has the use of that facility. I would suggest to you in terms of financing, it is no difficulty with common ownership, the same LLCs with same participants, but once I leave that realm, it is difficult in terms of providing financing and undue hardship on this particular project and my client. So that is one reason I think it would be very difficult.

JOHN NOWICKI: What you're saying is the property becomes encumbered.

MR. POLEY: Yes. I have the facility, the management of that facility, two different management teams now if they were separated in terms of ownership. It becomes a difficulty in terms of financing the property because I have an encumbrance. It is different than walking or access encumbrance. Now this is the use of the facility. When they can they use it. What are the rules they use. It becomes more complex. We want to avoid it.

JAMES MARTIN: I just wanted an expansion on the explanation.

DENNIS SCHULMERICH: Rationale for the initial statement made was?

MR. CARUSO: Rationale was we had always agreed that the whole park, whole project as overall was going to have interactive trail systems, sidewalks and the point was brought up when we asked for the subdivision, we really are affecting our overall preliminary approval and the approvals were granted with that intent in mind. We didn't have an objection saying -- cross use is

what we're talking about. Cross access is more traffic. We went to attorneys at Mark IV. They said yes, they can do that. It was to try to get on the same page with Keith (O'Toole) how it should be accepted. Then the building came into play and we said wait a minute, and that is when all of the sort of negative things come out of having the building in it. But we really don't have a problem with cross use.

JAMES MARTIN: In my letter outlining all of the conditions, um, I did ask although not binding, okay, to have the applicant take a look at perhaps a scaled-back project that would meet the business case requirements and perhaps more suitable for the location. I don't know whether that has been done or whether there are any comments on that, but I certainly did ask that, you know, at least it be looked at to see if there was anything that could be done in that regard. It wasn't a binding requirement. But 80 units is an absolute necessity for business case in this particular property.

MR. POLEY: I will suggest to you it is at the very low end of the scale. Independent living communities in the Rochester area, you will find I don't believe there are any below 80. Our smaller project is 89 units at Legacy at Willow Pond. That is our smallest facility. Most of the facilities quite frankly are in the 125 to 175 range. That is really because of economies of scale. The same participants you need to run these facilities, the Recreation Director, the chef, the Executive Director at the facility, if you start to spread those over smaller units, you start increasing the pricing and it prices it out of the market. You find from an ideal point of view, it is 125 to 130. Below 90 is very difficult. And on a higher scale very few of the facilities are much larger than 200. Somewhere in the 80 to 200 range is the ideal facility, and we find our current smallest facility, 89, if I look at margins on that facility, they're significantly lower than margins at 175; therefore, I have to increase the pricing.

One of the problems we have in the Town of Chili from a pure demographic -- in order to fit the pattern of demographics in Chili, we're trying to keep our cost relatively low as possibly can and every decrease in size of the unit will force us to increase the cost of the unit, placing us out of the marketplace.

RAY BLEIER: Keith (O'Toole), were you at the hearing, at the Zoning Board hearing by the applicant?

KEITH O'TOOLE: No, I wasn't. Rich (Stowe) was there.

RAY BLEIER: Dan (Kress), you were there?

DANIEL KRESS: Yes.

RAY BLEIER: What was the flavor of the Zoning Board on these variances? You know, on their letter of tabling they only cite one particular issue that had to do with setback to the departments. Was there a lot of concern? I mean --

DANIEL KRESS: I think it is fair to say there was some concern. Was it felt the concerns were insurmountable? Certainly not. Frankly, the only reason there wasn't a vote then, and there was, because it was realized at a late stage in the discussion that technically variances are actually required on both sides of the property line for buildings on both sides of the property. The Board wanted those proposed distances on the west side of the proposed property line verified prior to making a decision on the overall request.

RAY BLEIER: Just wanted a feel to see where we're going. I don't want to give the Zoning Board -- if we approve this tonight, but -- added pressure on them to okay some of those variances. You're saying that you felt they were not impossible to meet all those conditions?

DANIEL KRESS: Certainly I wouldn't presume to speak for the Board but that -- I think that is a fair characterization.

RAY BLEIER: You have addressed all of the conditions given on the preliminary, so that is all I have to deal with right now.

JOHN HELLABY: The only thing I have got is Larry (Nissen)'s letter looks pretty extensive. You don't see any stumbling blocks here, do you, sir?

LARRY NISSEN: According to ADA standards, there has to be a handicapped accessible route, as I understand it, from the building to the roadway off the site. The grading plan as put forth, I couldn't see an accessible route. I did receive a marked up fax for an alternative route, but I can't verify it from this that it meets the standard either. So I will just stick with it until we come up with something that does.

JAMES MARTIN: You're staying with your statement in your letter at this time?

LARRY NISSEN: Yes.

JAMES MARTIN: There are some ADA issues around slopes and grades.

LARRY NISSEN: That's correct.

MR. CARUSO: That is why we said subject to it. We have a solution to it that we did

design and fax to him, but it is not fair to say to the guy, Larry (Nissen), this definitely works. You know, we don't need to do that tonight.

JAMES MARTIN: It will be subject to his --

MR. CARUSO: Please.

JOHN NOWICKI: One comment. The letter from Jim Christian. His second paragraph. "These plans now meet the approval of Joe Carr from the Highway, Chris Fish, the Chili Fire Chief and myself regarding emergency service access. Would you please convey to the Planning Board that you no longer have concerns regarding emergency access to this project?"

MR. CARUSO: I've been looking for that letter.

JOHN NOWICKI: Here is a copy.

DENNIS SCHULMERICH: Question regarding the 89-unit facility that Legacy runs. What size parcel is that on compared to the parcel in Chili?

MR. ROZEN: 4.7, I do believe.

MR. POLEY: 4.7.

DENNIS SCHULMERICH: We're 3.9. How many of the facilities are three stories?

MR. ROZEN: Only the one under construction in Brighton.

MR. POLEY: The reason this is three stories is because of the slope of the land.

DENNIS SCHULMERICH: More slope of the land rather than size of the parcel?

MR. POLEY: Yes, the slope of the land. With the slope of the land, it allowed us to basically cut down the steps that the senior has to make to come in the dining room. That is what it allowed us to do. It is sort of a beneficial find that we were able to do. One of the things we try to do is shorten the number of steps to get to the dining room.

DENNIS SCHULMERICH: In total how many variances did we end up with?

MR. CARUSO: I think the total was six.

DENNIS SCHULMERICH: I'm -- probably because I didn't listen properly, but I'm still a little confused around the conversation that we had around the importance or desirability of cross access versus the encumbrance that results from a financing perspective. We asked for the -- we asked for that cross access for a reason, I believe, and now we're being told that it is not available?

MR. CARUSO: The cross use?

DENNIS SCHULMERICH: Cross use to the facilities.

MR. POLEY: You have all that. We're just talking about the community center itself. All other cross accesses we are -- were granted without any question.

DENNIS SCHULMERICH: Parking?

MR. POLEY: Yes.

DENNIS SCHULMERICH: Trails?

MR. POLEY: Yes.

DENNIS SCHULMERICH: The community center?

MR. POLEY: The community center has a problem. It was built for 176 individuals and we're --

DENNIS SCHULMERICH: So you have comparable --

MR. CARUSO: The one in the senior facility is closer.

DENNIS SCHULMERICH: I want to follow up on this. To clarify, if a senior steps off the trail, they will not be shot; they can use the common area?

MR. POLEY: Yes.

KEITH O'TOOLE: They can go down.

MR. CARUSO: You know. Like you said, we're not being specific to the things that he -- where they have to be. It wasn't -- not intended to be that type agreement.

KEITH O'TOOLE: Any and all recreational uses that any of the other occupants on any of the parcels, they may all use them except inside the building?

MR. CARUSO: Yes. Just like the original overall approval was intended to say.

DENNIS SCHULMERICH: Thank you. I was confused by the initial discussion.

Question regarding -- so this is an observation in making the tour of the Legacy facility in Greece.

As I was touring the facility for the hour or hour and a half that I was there, I observed somewhere between 40 and 60 percent of the people were either using canes, walkers or wheelchairs. So with that as a reference, I remain concerned around the fact for the size of this facility with only having one elevator. Because I believe if one elevator goes down, you have a significant population that can't move forward.

MR. ROZEN: We agree. There are two elevators.

DENNIS SCHULMERICH: You're fast.

MR. ROZEN: That was a month ago. The plan has been modified. There are definitely two elevators.

DENNIS SCHULMERICH: That helps immensely.

So I'm left with gut reaction. Number one, I'm extremely impressed with the quality of what I saw in Greece. Extremely impressed with the way the facility is run. I think it will be a marvelous idea for Chili.

My gut tells me I'm uncomfortable with the size of the facility and the property. Doesn't mean it is a "yes" or "no" vote, but every other concern you have mentioned has -- that I have had has been dealt with. I'm still left with the fact that because of the density what we're doing here, it is requiring a number of variances that we need to ask for, and I wish there was a way we didn't have to have those variances, and it is tied to your business case with 80 units. I wish there was a ying and a yang.

DARIO MARCHIONI: After a few of us had that tour at the Legacy in -- on -- off Mt. Read there, it gave me a different outlook to what this whole concept is all about. In fact, I want to compliment the owner. It is a beautiful location there.

MR. DiMARZO: Thank you.

DARIO MARCHIONI: I talked to some of the people that are living there, and they say they like it.

Is it possible to have some sort of fencing between the gas station and -- rather than just removing five trees from one area and moving them to another? Is it a possibility? I'm concerned about that. I don't think that will do it. If it is possible.

MR. CARUSO: Our intent was to screen. I didn't move more there. I added more.

DARIO MARCHIONI: Says to relocate the trees.

JAMES MARTIN: According to plan, there was relocation of the trees on the north side of the property to the screening barrier.

JOHN NOWICKI: Conservation also increased the size to eight-footers.

DARIO MARCHIONI: You can still see through the trees.

MR. CARUSO: You want to screen the back of that.

JAMES MARTIN: Shield the back end of that gas station.

DARIO MARCHIONI: \$70,000 in landscaping. One picket fence, plastic fence you have in the entrance, put some of that there. Especially in the little area there, right --

MR. CARUSO: It is possible. I want to see where is the best place to put it.

JAMES MARTIN: You don't need to decide that tonight. You know what we're trying to do.

MR. CARUSO: We'll say yes to do it. I wanted to intelligently say where I will place it. I will get with Richard (Rozen) because he is very good at that. We'll put in at least three sections of fence or maybe four sections. Let me find out where it is there, and we'll move the pines so you just don't see the fence up on the hill. We're not afraid to add two or three more trees. What my landscaper was doing is relocating some that were there in a better positioning. Maybe I leave those there and add more. Maybe that is more cost effective for us.

Have you seen these people's operation? They will not skimp on that. You know what they're trying to do.

JAMES MARTIN: I second the comments. Very impressed with the tour of the Greece facility. Glad to hear that there will be two elevators because that was my major concern. So I think all in all, I have great confidence in this operation fulfilling the promises that they make.

DARIO MARCHIONI: I just want to compliment them. I'm very impressed. Thank you, sir.

The Board discussed some proposed conditions.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. Pending Zoning Board of Appeals approval for required variances.
3. Pending final approval of all cross easements by the Planning Board Attorney.

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

1. Pending approval of the Town Engineer.
2. Pending Zoning Board of Appeals approval for required variances.
3. Pending final approval of all cross easements by the Planning Board Attorney.

FOR DISCUSSION:

1. The Fathers House - proposed church at property located at 177 Archer Road in R-1-15 zone.

John Caruso was present to represent the application.

MR. CARUSO: I will be short. I'm very pleased to welcome several representatives of The Father's House. With me tonight is the Business Manager, who I'm working with, Gordon Ringheart (phonetic). Fathers House is on the corner of Archer and Paul Road; on the northwest corner is the current facility.

Something is happening to the church. They planned strategically to grow. They have and they are growing. Their attendance now is up to about 1,000 people on -- a week. And they have -- they're having three services on Sunday. They seat around 400 people. They pretty much fill the place and anybody who lives in the neighborhood knows their parking is really across the street from their facility.

But the purpose of our presentation to you tonight is to justify the growth of their church and their need to expand into another site. Their site they're in now is not big enough for them to expand their building. They would expand it to the area where there is parking lot and then they wouldn't have enough parking. We know they don't have enough parking now. So they have initiated an expansion campaign. They have had this parcel that they are looking to purchase across the street, a portion of the Zuber parcel, about 60 acres.

They have hired McKnight Enterprises out of Ohio, which is a design/build architectural construction company, to master plan this property. And working with McKnight, Passero has looked at the site development aspects and some of the planning aspects of doing this new Father's House campus in the Town of Chili. Some of the questions that you might have, we tried to anticipate. We also had a chance to meet with other officials to see where their concerns are.

So the question comes up what are you going to do with the existing church. And we would like to have that -- sell that parcel and have it turned into maybe some professional offices but get it back on the tax rolls.

Some of the other considerations that we had with respect to planning of the site would be to construct a new 2500-seat facility. This would be the new sanctuary (indicating). It has a very elaborate floor plan that includes education for both adults and youth of different ages. It has recreation facilities in it. It has meeting rooms. And so on and so forth. The project is very large, as you see it right now. This would be the ultimate master plan, but it would be constructed in phases.

In addition to the facility, it would be supported by access around the entire parcel, loop roads, ancillary remote parking areas for different functions of the building to occur without affecting the other areas. Main parking for church services. Alignment with adjacent intersections and roadways within the Town so that we're not coming out too close to the intersection. There are passive and active recreation trails, soccer fields, baseball fields. These are always things that could happen in the future. The master plan even includes a small amphitheater.

The parcel would propose to have typical sewer, water and storm water management in the corners. Any of the ball fields would not be illuminated. Most of the services for -- how does the facility operate? It is Sunday and then during the evening, during the course of the week. What the project phasing might look like -- Gordon, a five to eight-year program to maximum build-out?

MR. RINGHEART: Basically, yes.

MR. CARUSO: So let's say approximately a five to eight-year-old build-out, but Phase 1 would be the main sanctuary. This part of the building (indicating). I will draw a little rectangle. This area here (indicating), would not be included in Phase 1. So essentially, um, we have the

main sanctuary here (indicating). Then we would collect probably half this parking lot to be constructed and the other ancillary lots could be left off. That is to be determined as we would start to move through some sort of approval process. I would have to find out more about the needs assessment from the architect who designed it and then tried to convince him we don't need all this pavement. We want to try to strip it down a little bit, if you will. This is the grand master plan. It pretty much shows everything in their needs assessment he has put into a campus program and we would just look at how does it come into construction on a phased progression.

MR. CARUSO: Our approval process would be site plan approval for all that you see. Subdivision to establish a property line right here (indicating).

And we would need a conditional use permit from the Planning Board to operate in a residential district.

JOHN NOWICKI: Does your property go below that line?

MR. CARUSO: The whole Zuber farm including the exception parcel, because this is his house (indicating). This is the whole hundred acres (indicating).

JOHN NOWICKI: They picked it up.

MR. CARUSO: Everything to this line (indicating).

JOHN NOWICKI: So south of that is not theirs?

MR. CARUSO: South is 40 acres of land, not included here.

DENNIS SCHULMERICH: Picked up, already been acquired?

MR. CARUSO: They plan to close before the end of the year. What we're trying to do is we're trying to get to this Board so that they can get some level of feedback from you to see, you know, do we want to move forward with this project before they close on it.

DARIO MARCHIONI: Is there a house here?

MR. CARUSO: Up here (indicating) with an old barn.

DARIO MARCHIONI: I know you're very familiar with this. You did a good one with Scottsville Chili Road there; the Baptist church, it came out really, really nice. You have familiarity. Give us the same type of thing.

DENNIS SCHULMERICH: Question for you regarding the phases. Sounds like it would be done over a period of time. We have one example of a church in town that is in midstream and has been for multiple years and quite unsightly.

MR. CARUSO: I know it well.

DENNIS SCHULMERICH: I'm assuming you start with the sanctuary and then go through some phases. Will you have a way when you build the sanctuary to finish it off with a finished appearance, and then when you're ready for the next phase, you break in and add on?

MR. CARUSO: It is unfortunate situations like that cause to you be more cautious which makes us prove we'll have to do it a certain way. It is going to be our task to show you that. I think when it gets to the guy to the left of you, he will start asking -- I want to see some financial stuff. We're prepared to do that, too.

JOHN NOWICKI: We did that so you know -- you know with the last church approved at Beaver and Chili, the same situation. We don't want to see that happen to you folks. It has happened on Union Street. The other thing on Union Street, too, you can see the architectural treatment there was terrible.

Again, we want to see very, very good architecture on these projects. So if you only build 60 percent of the building, the other 40 percent we have to see how that will come into play after a period of aiming so that we don't end up with a miss match.

DENNIS SCHULMERICH: You indicated that probably the church vacating would be converted to office complex. Would that need rezoning as a result or is that zoned for --

KAREN COX: That was my question.

DANIEL KRESS: Probably will require some sort of rezoning or zoning variance. My concern is how do you do that instead and still provide adequate parking, because currently most of the parking for that is off the site. I'm assuming these folks wouldn't want to continue parking on the south side of Paul Road.

MR. CARUSO: It was our intent to do something with the parcel. We'll have to make sure there is adequate parking, you know, to support the office space.

JOHN NOWICKI: They have the house there, too.

MR. CARUSO: Yes.

JOHN NOWICKI: Again, you have to take a look at that in case that was demolished and you turn that into a parking lot, how many parking spaces could end up on that side. You have parking spaces there now. Professional office building. If you think about the ones you know or go to, it might work.

MR. CARUSO: The intent was, you know -- a 60-acre piece of prime development land coming off the tax rolls, the Town would be concerned. To put something back on is what they have to offer. You know, to try to put the other piece back up on the tax rolls.

JOHN NOWICKI: One hand it is very exciting to see the growth of churches because it is a positive sign in society today and makes me comfortable to see that type of growth, but again we have to be practical, too.

MR. CARUSO: There are certain standards this Board and this Town, they spell out anybody can come in and -- I'm very fortunate to have met these people, to be part of this. We have some grand plans for the corner of Archer Road and you know I guess -- this is going to be an opportunity for us to bring something forth to you that you're supposed to be seeing from any applicant and hopefully we can put a touch on it. We want to screen this area, or nature fence. We want to do some brick. We want to pull it across the intersection. If the State ever comes through or the County and expands this, we don't want this elaborate fencing and landscaping in front of it to get destroyed, so we're using our heads as we try to promote the entrance of this intersection along this area here (indicating).

JOHN NOWICKI: Question to you. Have you been to Nazareth College? Take a look how they angled their parking over there. They make it up. You may have to walk a little bit to get to the sanctuary or buildings, but it is quite unique. You could take those three rectangle black boxes there and really be creative and have park-like settings around those and not lose the spaces.

MR. CARUSO: We have 60 something acres. There is a lot we can work with. Unfortunately, I didn't have much say of the master plan, but it really wasn't for me to have that say at the beginning. It is for me now to try to improve what another professional has done and maybe by clipping off this. We have 100 feet of setback right there (indicating). It is hard to see at 120 scale and across the room with my red pointer, but you're right. I can take some of this and balance it around and put it around the back side of this (indicating), and it may even shorten -- I may even improve the design by taking 20 stalls across here (indicating) and putting them here (indicating). Might be shorter to get into the sanctuary.

JOHN NOWICKI: You're seeing more letters to the editor even in the downtown area about opening up green spaces for people and passive recreation and the property that is going -- to the north, to Wegmans -- you will see some activity in there, that -- that also -- face it. It will enhance Chili Center. You're seeing a lot of improvements in Chili Center.

MR. CARUSO: It was ironic to have St. Pius doing an expansion and we are literally down the street to do another expansion.

JOHN NOWICKI: There are a couple people that -- I would be concerned over the amphitheater in the neighborhood. You might have some problems with that.

MR. CARUSO: Let's talk about that and -- openly. Amphitheater was something he put on. The amphitheater wasn't to have concerts. It was really to have outdoor services. And I didn't know that either until I had a chance to meet and talk to them. They wanted to have a place where it was beautiful outside on a Sunday morning. They could have three places to have mass, or services. It wasn't for us -- for them to bring in electric equipment because anyway you turned this amphitheater, there was going to be some neighbor impacted, especially the Supervisor who lives in this area. And we know if the Supervisor can hear what goes on over at the Chil-E Festival, this was way too close.

JOHN NOWICKI: Just bringing it to your attention.

MR. CARUSO: So when we get to the plan where it actually gets implemented, we'll have to show a little more of the technical on it.

DENNIS SCHULMERICH: Does your master plan in any way, shape or form consider adding any type of living or residences similar to what you have seen in other organizations put in, senior complexes, senior living? Is there -- is that in master plan?

MR. CARUSO: Not in this master plan. That is an excellent question. I have been involved in some of the other projects. It is not on their master plan right now. Right now they're really trying to find a place to service their parishioners. Basically right now, one of the benefits of doing this project is we clean up a huge safety issue on Sunday, you know, where they have to hire someone to come down so their people can cross the street to get to the church.

JOHN NOWICKI: Are most of the people from Chili or all over?

MR. RINGHEART: All over.

MR. CARUSO: Do you know any demographics for Chili?

MR. RINGHEART: I don't, no. But we could provide it.

MR. CARUSO: If you know.

KAREN COX: Huge growth.

MR. RINGHEART: It has been huge.

MR. RINGHEART: If you remember a year and half ago, we were concerned about 500 people for the parking area. It has doubled since then.

KAREN COX: Word of mouth.

JAMES MARTIN: Clearly getting that safety issue cleared up. That is a major concern. So many people crossing that road and so many crazy drivers. Some day they will meet.

JOHN NOWICKI: That is very good point. Just so you know in the area around the airport, Archer Road, as you know, is heavily traveled. I don't see the traffic counts go down. To do your traffic study in this area, John Caruso, will probably be very, very important. Especially when you look at the development that is going to be taking and occurring at the airport area, Beahan Road, Paul Road. Probably traveling up and down Paul Road. Somewhere along the line -- is that a State road or County road?

KAREN COX: County.

MR. CARUSO: Used to be a State road that went to County.

JOHN NOWICKI: That will have to be looked at for improvements on the shoulder. My wife fell off the shoulder and totaled her car before your church.

MR. CARUSO: I heard there was improvement coming for Paul Road. Don't forget they paved it all about three years ago, the whole thing.

JOHN NOWICKI: They have a lot --

MR. CARUSO: I think they're doing a shoulder improvement.

KAREN COX: What usually happens when jurisdiction will transfer -- because -- I know because I'm involved in all of this going on, the Highway Maintenance Manager that is assigned to that area will take a look at what is existing there and see if it meets the County's requirements and if it doesn't, then there is a safety issue, an improvement is planned. John (Caruso) has heard more than I have.

JOHN NOWICKI: Are we basically done?

RAY BLEIER: Only concern I had was the extensive amount of parking close to Paul Road.

BRAD GROVER: We just had a couple issues on the traffic safety. The exit out on Paul Road, the sight distance there coming up from the left from the Wegmans plaza area, just making sure there is enough sight distance.

Also, issue was brought up of possibility of people using that as cut-through to avoid the signal light after Paul and Archer. But if you change your parking lot area, that would probably take care of that.

DECISION: The Chili Planning Board reviewed the above proposal to erect a church at 177 Archer Road. The Board thanks the applicant for sharing its plans and looks forward to working with them on their project.

The meeting ended at 11:08 p.m.