

CHILI PLANNING BOARD
February 10, 2009

A meeting of the Chili Planning Board was held on February 10, 2009 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

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

JAMES MARTIN: There is one agenda change I will announce at this time. It has been requested by the applicant that the application for the Kolozvary site plan be moved to the March meeting, so we will not be hearing that particular item on the agenda tonight.

JOHN HELLABY: Mr. Chairman, I request to be allowed to step down on Public Hearing Application Number 1 and Informal Hearing Application Number 1, as I am employed by Wegmans Food Markets.

JAMES MARTIN: You are recused, Mr. Hellaby.

PUBLIC HEARINGS:

1. Application of Wegmans Food Markets, owner; P.O. Box 30844, Rochester, New York 14603-0844 for preliminary subdivision approval of two lots to be known as Chili-Paul Office complex subdivision at property located at 3175 Chili Avenue (office buildings known as 3171 Chili Avenue) in G.B. zone.

INFORMAL:

1. Application of Wegmans Food Markets, owner; P.O. Box 30844, Rochester, New York 14603-0844 for final site plan approval to erect a 2,900 sq. ft. addition to maintenance building at property located at 201 Fisher Road in L.I. zone.

Art Pires was present to represent the applications.

JAMES MARTIN: Your choice which one you want to go first, but we'll have a public hearing first on the Number 1 application.

MR. PIRES: Understood.

Thank you Mr. Chairman, members of the Board, Art Pires, Wegmans Food Markets. Thank you for the opportunity to appear.

I would like to, if it serves the Board, to present the application for the store maintenance building, the final approval for that. This is supplemental to the preliminary approval received on December 9th. The primary and only change to the site plan as submitted recently is the removal of the 23 spaces of the tractor-trailer areas previously located at the south end of the store maintenance building.

As noted during the preliminary hearings, we would be taking that off. You have an exhibit which is an extract which shows the proposed four spaces up here, which would be just east of the existing construction pole barn area. There would be a stone pad with chain-link fence around the perimeter, 6 foot chain link fence. That is the breath and scope of the change from preliminary to final. No other changes in the proposed building size or parking improvements.

I would be glad to address any questions of the Board.

JAMES MARTIN: At the December 9th, 2008, hearing, there were some conditions that were placed on the approval that night. One of them was pending Town Engineer approval.

Ken (Hurley), have you had a chance to review this and are there any issues?

KEN HURLEY: I have reviewed it and we have no issues.

JAMES MARTIN: Okay. Thank you.

That was the only one of any significance that night.

I don't have anything.

CHRIS KARELUS: Just ask that a condition be placed on it that all easements, standards

language, all easements be filed prior to the filing of the map.

I know I talked to the engineer, but the right-of-way that is north of the property, that is confirmed that is still owned by the County, still active County right-of-way.

Talking about this area right in here (indicating).

MR. PIRES: We're talking about the store maintenance application, right?

CHRIS KARELUS: I'm sorry. I thought we were in the Public Hearing. I apologize.

JAMES MARTIN: You're on the other application.

CHRIS KARELUS: Yes. I was going on the order of the agenda. Sorry. No questions regarding that.

JAMES MARTIN: I will note tonight all prior conditions -- there was really only the one that remained in effect --

MR. PIRES: Understood. Certainly.

JAMES MARTIN: SEQR was done at the preliminary. We don't need to do SEQR on this.

DECISION ON INFORMAL APPLICATION #1: Approved by a vote of 6 yes with 1 abstention (John Hellaby). All prior conditions remain in effect.

JAMES MARTIN: I already read the application for the Public Hearing on the two-lot subdivision, so you can go ahead and proceed with that.

MR. PIRES: Thank you once again, Mr. Chairman.

What we would like to do, we do have an application in for preliminary, and we would request at the end of the presentation and discussion that the Board consider waiving final for this.

The proposed subdivision of this acreage is at the north end, if you will, of the existing Wegmans property. We have Chili Avenue off here (indicating) on the sketch, off to the left (indicating), just a hair. The Board has exhibits of same.

We have in dark green the entire parcel. What you see around the perimeter -- well, actually you have the two large rectangles in the middle. Those are the two existing offices. Off to the right, upper right, we have the -- which is the northeast, if you will, is the proposed water main easement, and that would be from the future property owner to Wegmans to allow us to utilize that hydrant.

Off to the southwest, if you will, the purple easement, that is what we're proposing as an easement for both temporary construction easement for -- in the event that the sale of this property and the closing occurs prior to the installation of this retaining wall, which is just off and on Wegmans property and is part of the Target application. So depending on timing, if the purchase and the closing of the property occur prior to the installation of the retaining wall, they would need land to locate their equipment and to construct the wall. Also, that easement will also serve as a maintenance easement.

The other easement, there is an existing storm water easement down at the south end of the property, running east/west, if you will. That will allow drainage to flow across the future property there from Wegmans across to Wegmans.

The Town Engineer had another number of review comments. I can address those at this time, and in brief, should it please the Board.

JAMES MARTIN: Go ahead.

MR. PIRES: I trust the Board has a copy of that. Number 1, in regard to a drainage easement in favor of the Chili/Paul office complex across Wegmans adjoining property to the west, that would refer to this little portion of land right here (indicating), once again, off the west side of the out parcel, the office complex out parcel, if you will, the subdivision parcel.

The -- that has been drafted. We expect execution of this easement agreement at the time of the property sale.

Also, there was a comment about a drainage easement in favor of Wegmans across the adjoining Target property. It's currently in place, and per the terms of an executed operations and easement agreement between Target and the Wegmans. What the comment from -- if I speak directly on this, it refers to the fact that if drainage is coming once again from both Wegmans' parcel onto the east of the future subdivision parcel, that it would be able to flow through a closed storm system, through Target's property, down to the storm water basin, at the back of Wegmans property.

Once again, the existing easement in place between Target and Wegmans allows for that flow.

The storm water drainage.

As far as utility plan, we have submitted a utility plan. That is being reviewed and having discussions with the Town Engineer as well as Mr. Karelus' office.

We ask that if the Board should decide to approve this application, subdivision application, that it be conditioned upon final review and signed off by both Building Department Manager, as well as Town Engineer. But we will work toward that end with our consulting engineers, Costich Engineering.

Next item under consideration is the determination of need and submittal date for a temporary construction easement at a later date. Once again, depending on the final engineering design, if there would be need for any usage of sitting on Wegmans parcel, if you will, that kind of easement agreement would be decided and executed between Wegmans and the buyer at the

time it was finalized as far as the utility plans. I mean that is in the best interest of both Wegmans and the buyer at that time of closing, and we'll certainly comply with that.

The fourth item as far as the pump station details and calculations or any other acceptable design, that is where we are, in fact, pursuing another possible design. If you look off to the right and -- you have extracts of this plan, too. This is a utility plan. You can barely see in yellow it denotes the perimeter of the parcel. Once again, the two large brown rectangles.

Up in the upper right-hand corner, you can see there's a green line, highlighted line. That is the currently proposed forced main and sanitary sewer forced main up in that location with a manhole. We're looking at the possibility of an alternate utility design, and therefore, once again, should the Board decide to approve the application, it would be subject to the final review of the Department Manager and Town Engineer. But here again, those details would be supplied at a later date once that is all finalized.

Item Number 5 in the letter from Lu Engineers once again dated January 22nd and our response of February 9th, um, as to the Town review, all aspects of the application associated with utilities and parking as submitted. And what that refers to, um, rather than try to project what the future buyer would do this -- with this property, we don't have any knowledge of that. We ask that that once again -- this application be treated on its own merit, separate and distinct from any other possible use of that parcel down the line.

Any engineering details, once again, for the utility plan we'll supply at a later date.

That I believe addresses the comments of the Town Engineer. Here again, coming back to the sketch of the utility plan, once again, the -- the forced -- sanitary forced main is the one highlighted in blue. At the upper right-hand corner, the northeast corner we have the water services, and those are really the only two current utilities we showed needing revision on this plan.

I would be glad to address any questions the Board may have at this time.

JAMES MARTIN: There was some confusion about a right-of-way location, I believe it was, you know -- help me on this, Chris (Karelus). It was on -- along Chili Avenue.

CHRIS KARELUS: That is what I was -- what I was alluding to initially. There was a Perry piece, a very awkward piece, believe it or not that has a right-of-way north and south of that small haircut business on the -- the very corner of the intersection. And actually on the north side of this parcel there is zoned right-of-way still that stretches from what we know as Paul Road now and just east of the Chili Road access at Wegmans. It is a very unique piece of property but gives them the frontage.

And what Costich had done was verified it is right-of-way through the County, and I just want to make a point -- previous Mapworks noted it as former right-of-way, so there would have been question on frontage, but the verification through the County, there is enough owned frontage to meet code.

MR. PIRES: Correct me if I am wrong, this is the right-of-way you're referring to?

CHRIS KARELUS: Correct.

KAREN COX: The old alignment?

MR. PIRES: Correct.

JAMES MARTIN: So that gives them relief from any concern on that particular issue.

CHRIS KARELUS: Yes.

JIM POWERS: The only one I have is this parcel is now under COMIDA; is that correct?

MR. PIRES: That's correct. COMIDA granted -- we're the lessee, that being Wegmans, and we have an agreement with them to sell the property.

JIM POWERS: Will COMIDA stay with that property when you sell it?

MR. PIRES: No, it will not.

KAREN COX: Art (Pires) answered all of the questions I had.

JOHN NOWICKI: Who formerly owned this property?

MR. PIRES: Formerly? Before Wegmans? I don't know that, John (Nowicki).

KAREN COX: Dave Henderson owned it. Or, no. The buildings?

JAMES MARTIN: They were leased? Wegmans owned the property. The building --

MR. PIRES: Right. I thought we were going prior to Wegmans. I thought that was the question.

JOHN NOWICKI: Are you picking up the buildings?

MR. PIRES: We are not.

JOHN NOWICKI: Just the land?

MR. PIRES: We're selling the land.

JOHN NOWICKI: You're selling the land, including everything?

JAMES MARTIN: The land and the buildings?

MR. PIRES: Correct.

JOHN NOWICKI: Okay. Now, I got it.

On the County's -- have you addressed the comments from the Department of Planning and development, the Monroe County comments?

MR. PIRES: I apologize, John (Nowicki). I have not seen those. I would be glad to address them if you can read them.

JAMES MARTIN: They just came out today.

JOHN NOWICKI: You want a copy?

MR. PIRES: Sure.

JAMES MARTIN: I think most of them are boilerplate.

KAREN COX: They must have come out late today. I went by this morning and they

weren't out.

MR. PIRES: If I might paraphrase real quickly. Number 1 plans for any extension or relocation of water main or sanitary sewer must be submitted to and approved by the Monroe County Department of Health pursuant to and -- technical. Yes. We understood.

Number 2. Plans for the proposed back-flow preventer must be submitted to and approved by the supplier of water and Monroe County Department of Health prior to installation. Plans should be submitted to the supplier of water after approval or before submitted to the Monroe County Department of Health for review and approval. Understood.

Number 3. Standard verbiage. Monumentation must be checked by the MCDES contact. Survey office. Duly noted.

4. Are there any survey monuments in the work area? If there is, a \$1,200 security deposit and survey report may be required to protect it. Duly noted.

5. Paul Road is now currently Road 168. Revise accordingly. We will do that on the plans prior to signatures if there is approval.

Number 6. Explain how access is proposed to top of embankment at 12-inch water main and 8-inch sanitary connection points. Um, in both cases, my understanding since it is a public right-of-way, they would allow access at that point.

KAREN COX: What was that comment about the road?

MR. PIRES: Explain how access is proposed to top of embankment of 12-inch water main and 8-inch sanitary connection points. Which here again, I believe they're speaking at the northeast corner of the property, which is in the location at the top of this hill (indicating). Here again, that is the old right-of-way. I think our simple response is it would be on the existing right-of-way.

JOHN NOWICKI: Okay.

MR. PIRES: Number 7, highway work permit is required for all work proposed within the Route 33A right-of-way, including utilities, drainage grading and sidewalk work duly noted.

8. This project was sent to the following agencies. However, their response has not been received by our office in time for inclusion of this report. When our office receives these agencies' comments, they will be sent out as an addendum. That would refer to actually just one New York State Department of Environmental Conservation.

JAMES MARTIN: Just a second. My assumption is if the subdivision is approved, then these would apply to the new owner of the property; is that correct? All of the permits and everything --

MR. PIRES: Certainly -- yes. As far as construction, yes.

JOHN NOWICKI: These will be a condition.

JAMES MARTIN: Pardon?

JOHN NOWICKI: Condition? Or is this something the applicant has to --

JAMES MARTIN: Well, the applicant would have to comply -- no, the new owner would have to comply with this.

MR. PIRES: That would be my understanding.

JOHN NOWICKI: I just want it so it is on the record.

The other question I have is according to the Town of Chili Planning Board application, it indicates it is not in the drainage district; is that correct? Can anybody answer that question?

DARIO MARCHIONI: I thought all Wegmans was in the drainage.

JOHN NOWICKI: I'm sorry. Yes, it is in. I'm sorry. Yes, it is in. You're in the district. Okay.

That's all I have.

Any other questions I will let Mr. Karelus pick up on. Thank you.

GEORGE BRINKWART: Basically the purpose of the sanitary pump station is you want it to separate the sanitary from the existing that goes to the south; is that correct?

MR. PIRES: Right. The basic principal here is right now all of the facilities, buildings on site that utilize the sanitary sewer system, it's under one parcel, that being the Wegmans parcel. Um, you're allowed by statute, if you will, health regulations, you can have one private owner into a public sewer. Currently you have that situation right now.

Once you subdivide it, if you had the property remain as it is without a revision to the sanitary line, you would then be having this out parcel, the applicant and effluent from this building would be flowing from one private owner to another private owner and then to a public main. So to address that, there needs to be a separate discharge point from that future out parcel, and that is the proposed design up to I will say Chili Avenue, if you will. It is the Ogden -- Chili Ogden Sewer District.

GEORGE BRINKWART: What can you tell me about the pump station? What have you decided on with that?

MR. PIRES: We are still actually looking at the design and also in discussion with the potential owner about what is the most efficient, cost effective means of doing that. Rest assured, that certainly once again, our engineers, Costich Engineering and Wegmans are pursuing a design that is industry standards and certainly would be reviewed and could not be installed short of review and approval by the Town Engineer and the Town department -- Building Department.

GEORGE BRINKWART: Have you had a chance to submit the RPZ report to the Town Engineer?

MR. PIRES: We have not. We'll be doing that. In fact, we have just recently been searching high and low for any kind of architectural on those two office buildings. Thanks to

Mr. Karelus and his fine organization, they were able to find some drawings which we're working on now, plus we just recently had the opportunity of being allowed in the buildings to once again analyze what is the existing conditions so we can take the next step for design.

GEORGE BRINKWART: I guess just as a comment, Art (Pires), I don't have a problem with preliminary approval, but I think there is just a lot of things that haven't been submitted to us. I guess I would have a problem going all of the way with final on this.

MR. PIRES: And I can appreciate that. I think the point is whether preliminary or final is conditioned on engineering approval. We can't go anywhere without those being signed off. This allows us to take this next step with the potential buyer. Short of that, it is just hanging out there. We can't do anything, even with the final, if we don't get those plans, don't have them signed off, so that is -- in essence stops the project if we never have that presented to the satisfaction of the Town and the governing agencies.

GEORGE BRINKWART: You're absolutely correct, but I just think there is a whole lot of information missing that we usually have when we start granting final approvals.

MR. PIRES: I appreciate your position. This is a subdivision. It is a preexisting development. It is not like a site starting from scratch. It is more relocation of existing utilities. As a basic analogy is, if anyone were to put an extension on your house and you had to do some revision of your laterals, storm, electric services, et cetera, we see that this application is similar to that.

Once again, the Town and the agencies still have that final stamp on the engineering plans which they always and typically do anyway even with final. Even if 98 percent of the drawings were there to satisfaction today.

Appreciate your position and I just ask the Board to take our points into consideration.

GEORGE BRINKWART: Nothing further.

DARIO MARCHIONI: Art (Pires), just a clarification. These buildings will be sold for the -- whoever is going to buy them to use them, and they are presently being used, correct?

MR. PIRES: I can't speak to that, Dario (Marchioni), as far as the ultimate use of the property. When I say I can't speak to that, I don't know the answer to it.

DARIO MARCHIONI: They would have to come before us --

MR. PIRES: Understood. Certainly with the sale of the property, they would still be under the obligation of compliance with land use zoning law in the Town.

DARIO MARCHIONI: The other question I have, is this project called Chili/Paul office complex? Is that a --

MR. PIRES: That's the --

DARIO MARCHIONI: Is this a trade name?

MR. PIRES: Not a trade name. Something to help identify this parcel.

DARIO MARCHIONI: Because I believe that Mr. Lepore's building is also called Chili/Paul office complex.

MR. PIRES: If that is the case, we'll certainly make sure not to have a formalization of that name, if it is in conflict. Appreciate that, pointing it out. No. I think it was more of a matter of fact and -- and I will clarify, I think when the applications were made and/or responses were brought back to the Town, that was the title given to it to help identify that particular parcel. It is duly noted and we'll make sure it doesn't go down the line as a formal advertised name. That's an excellent point.

DARIO MARCHIONI: ESL next door, that is still owned by Wegmans; is that correct?

MR. PIRES: That's correct. One of our tenants.

DARIO MARCHIONI: Does not change that at all.

MR. PIRES: Does not change the owner/tenant relationship, no.

JAMES MARTIN: I will just pick that up, Dario (Marchioni), as a condition, if we approve this, that the Chili/Paul office complex name cannot be used, okay?

MR. PIRES: Because it is already in existence.

JAMES MARTIN: For this purpose.

KEITH O'TOOLE: Just that before we release the mylar, I would like to see the new easements that are proposed.

MR. PIRES: Once again, we understand that. As addressed in our response, comments to that will be submitted to Counsel.

KEITH O'TOOLE: Thank you. Nothing further.

CHRIS KARELUS: Put the Board's mind at ease a little bit. Wegmans has been working with our office, extensively working on the utilities and how -- they're actually trying to get into the building, identifying fixture units. You should also rest assured that each one of the steps through County Water and County Sewer, they will have an independent permit process they have to go through whether its Wegmans or a future owner.

I think a condition all permits and plans from any County or State Agency be required on the project, kind of as an umbrella covering anything they have to accomplish. You know, the file sharing and what they are doing through Costich Engineering, I'm pretty confident they are in touch with the County Pure Waters. I'm sure of that. They have already gotten through County Water Authority.

The way this project initially progressed, when this type of project comes before the Town, it wasn't required to have backflow. Not because it is a non-residential use. The subdivision is only required to have RPZ, and it is only brought on because of the subdivision. There is no question on how the system is functioning.

Outside of the work that you were -- you seen today, part of the retaining wall project, we

coordinated our office, opportunities on this site to stage some of the fills temporarily. They have been excellent to work with.

So I can assure you that they have never not contacted our office through any step in this process. No other question or comments.

KEN HURLEY: All my comments have been addressed.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ALDO LEPORE

MR. LEPORE: I have one objection, with the name, that you're going to use. The name is already being taken. I'm doing business with that name.

JAMES MARTIN: I noted that, Mr. Lepore. I noted if this is approved, as a condition, they cannot use that name.

MR. LEPORE: Oh, fine. Thank you.

And also another thing. I was wondering if you're ever going to put a fence on that 12 foot drop that they have from Chili Avenue to that parking lot. I mean, even my grandchildren sometime, we're going to that ice cream place and they run right on the edge of that cliff.

JAMES MARTIN: Thank you. Any other comments?

MR. LEPORE: That's it. Thank you.

James Martin made a motion to close the Public Hearing, and John Nowicki seconded the motion. All voting Board members were in favor of the motion to close the Public Hearing.

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

JAMES MARTIN: You have supplied us a short form environmental impact statement. I would like to go ahead and do SEQR at this time.

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

JAMES MARTIN: Art (Pires) has requested waiving final on this.

What I think I would like to do tonight is to make a motion that the Board, given the evidence presented to us, waive final on this particular application.

Do I have a second on that?

DARIO MARCHIONI: Second.

The vote was 5 yes to 1 no (George Brinkwart) with 1 abstention (John Hellaby) on the motion to waive final.

James Martin reviewed the proposed conditions with the Board.

DECISION ON PUBLIC HEARING APPLICATION #1: Approved by a of 5 yes to 1 no (George Brinkwart) with 1 abstention (John Hellaby) with the following conditions:

1. Before the plat map is signed, the final utility plan shall be reviewed and approved by the Town Engineer, Superintendent of Public Works, and Building Department Manager.
2. All easements regarding drainage, parking, ingress and egress on shared roadways and any other easement deemed necessary by the Assistant Town Counsel shall be reviewed and approved by the Assistant Town Counsel.
3. All County DRC comments will be complied with.
4. The Chili Paul Office Complex name cannot be used in relation to this project due to the fact that it is in use at another location.
5. All permits pertinent to change of ownership shall be executed appropriately.

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

FOR DISCUSSION:

JAMES MARTIN: We have one item for discussion tonight. Basically a concept review.

1. McDonald's Restaurant, for redevelopment of site with new 3,897 sq. ft. restaurant at.

property located at 3303 Chili Avenue in G.B. zone.

Randy Bebout was present to represent the application.

MR. BEBOUT: Good evening, Mr. Chairman, Planning Board members. My name is Randy Bebout with FRA Engineering. I'm here on behalf of McDonalds USA, LLC, here to talk about the proposed redevelopment of the McDonald's restaurant at 3303 Chili Avenue. Essentially, the plan is to demolish the existing building and start all over with new pavement, new facilities, landscaping, lighting.

The proposed layout is very similar to existing in regards to parking location, building position. The building, the proposed building sits approximately a foot and a half to 2 feet behind the existing building as far as the front of it goes.

As far as in a east/west location, the building is actually shifted slightly to the west, probably 3 to 4 feet. I did provide a site overlay so you can kind of see that.

The number of parking spaces is being reduced. Currently there is 56 spaces. We're proposing to reduce that down to 37. The parking spaces on the west side are almost identical to existing. The parking space in the rear along the south side is almost identical to existing. Essentially what has occurred is we have removed the parking that is currently on the -- adjacent to the building on the west side and flipped that over to the east side and -- in that little triangle area. The purpose of doing that is the addition of the side-by-side drive-thru which is two ordering points, something McDonald's is doing for all of their restaurants now. This has been constructed in Perinton, East Avenue, in this configuration and we're currently going through an approval process for the one in Brockport for a similar side-by-side ordering.

And what this does is just improves the efficiency of the drive-thru operation. McDonald's drive-thru business is about 60 to 70 percent of their business. So the -- so as far as the circulation of the site, it's the same as existing. It is intended to be a one-way circulation with angled parking. It really functions better for a drive-thru operation and keeps everybody going in the same direction. The driveways that are shown on this plan are in the exact same location as they are existing. We're not proposing any changes to the driveways.

We have added a front bypass lane in front of the building, and this is really just to -- just as a result of the slight reconfiguration of the site. What that front bypass lane does is allows people to come out of the drive-thru and if they want to park, they can go back into the parking lot and park, gives them that option.

With this proposed plan, it is my understanding that we would need variances for front building setback and front parking setback. The proposed front building setback is 60 feet. Again, that is set back a little further than existing. The parking setback is a little slightly more than existing, so it is comparable existing to proposed.

As far as the architecture goes, I have posted up the proposed rendering on the building. I also submitted in the package a picture of the store that was constructed at Lyell Avenue. This is McDonald's new proposed building. This is what they're building everywhere. It is referred to as their brand building, if you will. The mansard roof was their brand for 50 plus years. Now this building will be their future brand identity. Constructed of Quick Brick, it has two different shades of Quick Brick on the drive-thru side, which is the east side of the building. They do have some accents with some darker Quick Brick blocks.

The front, which is shown on the top left is a -- would be constructed out of split face block, and it's like a coffee white color. The awnings are metal awnings which from a maintenance standpoint is an improvement over the fabric because it just stays looking newer, where the fabric fades.

In regards to signage, the intent right now is to keep the existing pole sign, keep the existing directionals. You can see from the rendering the proposed building signage would exist of a fascia on the building. There's three arched logos, one on the north side and one on the east and west sides. East and west side, and there is another fascia shown on the east side of the building.

In regards to the -- we did get some Town Engineer, preliminary comments. I can just go through those.

The comment Number 1 was in regards to the bypass lane and the fact that the Town Engineer is suggesting that it be wider to allow cars. If I understood it correctly, cars that are going in the drive-thru are kind of in that island and once you're in there, you can't get out, which is similar to existing. I don't know if there is known problems with that configuration. McDonald's has used this configuration elsewhere. It hasn't been an issue. It is a fairly short distance.

Then in the front, we had the front bypass lanes, whether you're going east or you're going west, we had those at 15 feet. Again, with the intentions of those being one way. I think his suggestion was again that we widen those. And I guess we're open to discussion on that.

Comment Number 2 is in regards to -- I understand there is another development to the west of here, going on at the same time. Um, the question was in regards to the cross access. I think McDonald's would -- is again open to that -- to reviewing that, and without seeing the plan, we would like to review the plan and see how that may or may not impact their site.

Also, there is a slight grade difference. I'm sure it can be overcome, but without seeing the plan, I'm not exactly sure how that would be accomplished.

Comment Number 3, um, referencing the truck movements on the site. Um, we have run a

truck through the site. I can get at -- entering on the western driveway, exiting on the eastern driveway. We'll provide that at preliminary submission showing the truck-turning movements. That is one of the benefits of just keeping the driveways where they are, the truck movements looks pretty good.

Comment Number 4 was about adding the required variance to the site data table. We can certainly do that with our preliminary submission.

And Number 5 was just in regard to the Fire Marshal reviewing the plan. I don't have any comment on that. So with that, I can answer any questions.

JAMES MARTIN: Um, regarding the drive-thru aisles and the ability to exit that in case of an emergency, I mean we have been pretty adamant with previous applicants that have had similar situations where they have had a drive-thru aisle, that there must be the ability for any car that is in the queue, you know, waiting to order or to pick up their order, that for whatever reason, if they have to leave, on an emergency basis they have to be able to escape, get out of there. I don't think we'll bend on that. I don't care if McDonald's had experience that says it works. You know, that is something that we have required other applicants to do, and so I think from a site plan design standpoint, that is going to have to be accommodated.

MR. BEBOUT: Okay.

JAMES MARTIN: Certainly, you know, there is -- there is issues around, you know, the -- the front -- I don't know what you're calling those bypass lanes or what, you know, the ones that go east and west on the front of the building. Um, you know, we would be looking for, you know, some green space and some very nice landscaping.

MR. BEBOUT: Certainly part of McDonald's intentions -- their new sites we're using a licensed landscape architect, going to great lengths to make the site look nice.

JAMES MARTIN: Obviously something that you will address with the Conservation Board --

MR. BEBOUT: Right.

JAMES MARTIN: -- as this project moves forward to insure that we do have, you know, very nice green space, adequate landscaping along the Chili Avenue portion of the site.

You know, you touched on some coordination with the, you know, the project that is being proposed to the west of this -- you know, the new McDonald's.

We would certainly hope that there is some coordination for cross access so that we don't have people driving into one place and having to drive out again and then make a quick turn to the right to get into McDonald's or going in reverse. That just doesn't make any sense from the standpoint of Traffic & Safety, so hopefully, the two corporations -- I know they're two independent corporations, but, you know, they would be able to work together on this particular aspect and insure that we have got a workable system when we're finished with both projects, assuming the other one does come to pass.

JAMES MARTIN: As far as the architecture goes, um, I'm not going to say an awful lot about that. We do have an Architectural Advisory Committee in Town. We do have standards that have been put in place, guidelines and standards. The expectation is that this would be reviewed by the Architectural Review Committee for comments and recommendations to the Board as to, you know, their perception of what is being proposed here from an architecture design standpoint. I have seen that particular design. I didn't see it in Lyell Avenue. I saw it in Perinton at 250 and 31 I think that is where it is.

MR. BEBOUT: Yes, correct.

JAMES MARTIN: Right at that intersection there. And you know, it's not a bad-looking building, but I would like the Architectural Review Committee to take a look at it as it relates to our current standards and guidelines.

MR. BEBOUT: We are scheduled to go in front of them at the end of the month.

JAMES MARTIN: Thank you.

That's all I have got. I will go to the Board, Jim (Martin).

JIM POWERS: My only concern is the -- the double drive-thru components. I think if I were driving through, I probably would pick the first left-hand turn rather than the second because I might get hung up back there.

MR. BEBOUT: Which is everybody's normal reaction, is -- they refer to it as the primary lane because that is typically where it goes. Where you see the outer lane -- it can be used at any time, but where it is really used is during the peak hours. This plan provides stacking. What that double drive-thru does is increased -- reduces the congestion on site providing more stacking so it doesn't get backed up onto the site. There is actually 12 cars. From the window where you pick up your food, all of the way back to the opposite side of the building, there is stacking for 12 cars. But it -- but McDonald's has studied this side-by-side in great detail. It was done down south for many years before it was done up here and they kind of fine-tuned it. It has a natural merge point.

Some people look at it and say there must be accidents. There is really not. Because one car is ordering, they pull ahead. The next one orders and you're just really getting in line, if you will.

JIM POWERS: The crossover in front of the building there, going west, you said people might come out from the drive-thru and go over and park along the side of the building, and what, to go back into the building to eat what they just bought in the drive-thru? I would assume --

MR. BEBOUT: Two things. Because of this -- because of the change in the layout, the current site has -- I forget if it is two or three parking spaces where -- you're kind of -- existing

conditions are in the same configuration. You're in a island and you can't get out. They have two or three spaces if need be -- if they have to pull a car because maybe the order isn't ready, they can park a car there or they want to get their food and park, they can do that. With this revised configuration, it doesn't allow for that, so what we have done is provide the bypass -- personally myself a lot of times I go in the drive-thru, and I like to park. I just go through the drive-thru and park and eat in my car. It just gives the people the ability to do that. I can't speak to what is going to happen with the cross access, but if the cross access becomes part of this.

JIM POWERS: This might be a good place, knowing we're looking at the cross between Kentucky Fried Chicken and McDonald's.

MR. BEBOUT: That would have to be a part of it to make it work.

JIM POWERS: This might be the place to make it work, and tie it up in front of Kentucky Fried Chicken. It's a possibility any ways.

KAREN COX: Somewhere on these plans, excuse me, I saw a note, a 24-hour operation.

MR. BEBOUT: That's correct.

KAREN COX: Is the restaurant -- is it just the drive-thru that is going to be 24 hours, or the whole restaurant?

MR. BEBOUT: I know the drive-thru is 24 hours. The restaurant, it varies from location to location. I will have to get back to you on that whether or not.

KAREN COX: If there is enough demand.

MR. BEBOUT: Depends on the area and whether there is enough demand or not. I will find that information out and let you know.

KAREN COX: Is the seating area on the new restaurant going to be smaller than what is there now?

MR. BEBOUT: Generally speaking, yes. Um, again, because the drive-thru business is -- is the majority of their business, but what -- what changes, which I didn't speak to is the -- and again, I don't know if any of you have been in the new McDonald's. They have what is called their Forever Young theme. It is not the plastic seating, cheap decor you might have seen in some of the past. They're doing stone work, fireplace, flat screen TVs, Wi Fi and, of course, the specialty coffee --

KAREN COX: Going after the Starbucks crowd.

MR. BEBOUT: So what they are finding out, they don't have many people sitting down, but they're sitting there longer with their lap tops or they can sit there and watch the news. Those elements -- in some places, there are fireplaces. Can't speak to what is going to be here, but those chew up some of the seating area. So generally the seating count inside is less. I don't know off the top of my head what it is there, but I would speculate it is probably less and we can get those numbers.

JOHN HELLABY: Along that same line, do you know how this floor square footage compares to the existing?

MR. BEBOUT: Yes. This building is actually 400 and -- I think it is 401 square feet smaller.

JOHN HELLABY: You touched briefly on the extent of the renovation sight wise. Can you expand a little bit on the site utility aspect as far as drainage and lighting and things like that?

MR. BEBOUT: Yep. Absolutely. It will be a whole new lighting layout. We'll use the dark sky compliant fixture, affixed fixture with down lighting.

You -- utilities, storm water, currently the -- there's, I think, one or two catch basins in the back, and it ties into a storm pipe that goes out to the plaza. We'll essentially reutilize that pipe, but we'll be disturbing more than an acre, so we'll be addressing the storm water pollution prevention requirements and probably have an underground water quality structure to treat water quality. The runoff patterns will be the same. It will be just the difference of shifting around catch basins, but the outlet will be the same, and the discharge -- as the plan stands right now, we're actually increasing green space, reducing impervious, so there will be a little less runoff.

Water, um, the water is actually on the north side of Chili Avenue. Currently, they only have a one-inch service, so we'll be upgrading that service to provide fire protection to the building, so we'll be looking at a bore underneath Route 33, so we have -- we'll go through the process and get that permitted with the DOT and work with the Water Authority on that.

Gasses -- gasses along the south side of the site, electric -- off the top of my head, I'm not exactly sure where electric is. Sanitary comes out the -- currently comes out the back of the building and heads in a southeast direction. I think it's through that -- behind that building and that residential property. Our plan is that we would just reuse that lateral. Typically what we do in this case is we'll verify the condition of that and then just connect into that. We'll provide a new grease trap sized accordingly.

JOHN HELLABY: What is your intent as far as downstream checking the condition of the existing pipes and structures?

MR. BEBOUT: A lot of times if -- if deemed necessary, they will televise it.

JOHN HELLABY: General idea on timing should everything be --

MR. BEBOUT: Timing, certainly a -- a summer of '09 project. Um, you know, once we get through the approvals and DOT permits, I mean midsummer will be my best guess right now.

KAREN COX: So they're going to literally close this location --

MR. BEBOUT: Yes.

KAREN COX: -- while they're --

MR. BEBOUT: Generally what they will do is close a location and they try to locate the crew to other stores during that -- that time period. It's generally an 85 to 90-day time period

from demolition to opening the doors, so it is fairly quickly.

JOHN HELLABY: Masonry back-up with the Quick Brick (inaudible).

MR. BEBOUT: Just the Quick Brick construction with steel trusses.

JOHN HELLABY: You're using full width Quick Brick? I don't think they would support structural --

MR. BEBOUT: Yes.

MR. JOHN HELLABY: They will.

MR. BEBOUT: Yes.

JOHN HELLABY: I guess the only other concern is trying to get through the Architectural Review Board. Just one curiosity question. You probably don't have an answer. But somewhere along the lines I would like to know what goes on the equipment pad that is right inside the manager's office. There is a concrete equipment pad shown in the manager's area. Just curiosity what type of equipment.

MR. BEBOUT: I will have to get you an answer on that. I don't know.

JOHN HELLABY: Probably the air compressor.

JOHN HELLABY: That is all I got.

JAMES MARTIN: I will steal a little bit of the Building Department Manager's thunder here for a second.

Again, the coordination opportunity with your lighting, the site lighting. It would be certainly nice to have it identical to what is going in next door, all right, so we -- you know, as far as that aspect of the site goes. Coordination opportunity so that we end up with something that looks --

MR. BEBOUT: Uniform.

JAMES MARTIN: -- uniform as opposed to hodgepodge. That would be nice to do.

Certainly, Al (Hellaby) touched on the utility stuff. You know, inspection and what is necessary as far as any particular utility placement.

One comment here, I -- and I don't remember it. I should. I have lived here longer than 30 years, but the original building was built how long ago?

MR. BEBOUT: It's in that time frame. Typically these are 25 to 30-year old stores.

KAREN COX: Kind of looks like it.

MR. BEBOUT: It is getting tired. I will find out an exact date on that.

JAMES MARTIN: Let me just look at the property record here seeing when this was approved.

KAREN COX: There you go.

JAMES MARTIN: No date on it. Oh, yeah. I think around 1979, okay, is -- so it is about 30 years. Certainly the condition of the parking lot is also something that needs to be evaluated. You know, 30-year old parking lot has seen a lot of wear and tear.

MR. BEBOUT: Generally it is new sub base, a full new pavement section and we have some grading to work there because the new building has -- or the existing building has some steeper slopes in the handicapped areas, so we'll certainly improve on the accessibility, which is a major focus of McDonald's. They really take it to the nth degree in you may only need one ramp on the building for accessibility, but they like them everywhere because moms with strollers and so on and so forth and it makes life easier for everybody.

On the grading comment, one thing I didn't mention that is shown on the plan, the existing dumpster enclosure at this point in time is intending to stay, but depending on what what happens with the grading, that may or may not be able to occur. If it doesn't occur, the trash corral would be reconstructed and it will match the building with Quick Brick so it would be consistent from building to --

JAMES MARTIN: I think that is probably a good idea.

MR. BEBOUT: The likelihood is that is probably what is going to be happening because I think we're going to be raising the grades so we won't be able to keep that.

JAMES MARTIN: I can almost guarantee if you come in for site plan, we'll want the dumpster enclosure to be appearing like the building.

MR. BEBOUT: I mean -- if it was to stay, we would certainly modify it to make that happen.

JAMES MARTIN: I did notice on the property card, too, that for some reason this isn't in a drainage district, which kind of puzzles me a little bit, but it is something that you ought to look into, I guess, because if it is not, you will have to petition for inclusion in the Consolidated Drainage District.

JOHN NOWICKI: All good points. My concerns will be the architectural treatment, how that comes about and also the coordination and cooperation that is going to exist between this project and the one next door. I'm sure that working with the Building Department we can bring this about so it is an asset to our Town, and again, we're going to have to face the same thing you're facing, architectural treatments and all those things.

MR. BEBOUT: Curious where they are at in the process?

JOHN NOWICKI: That I don't know.

JAMES MARTIN: They have asked for continuance. I think they're going to be here in March for their concept review, so they're not too far behind.

GEORGE BRINKWART: Not too much. I was just curious if you had an idea where your first floor elevation would be, lower, higher than existing?

MR. BEBOUT: Don't know that yet. It's too early to tell. Generally these aren't far off from where they are existing. Generally we go up with them. This may be an exception to that

just because of the -- I think it is 9, 8 or 9 feet from front to back on this so it is -- for a long flat building, it's pretty significant.

GEORGE BRINKWART: The other other thing I ask you to take a look at, Randy (Bebout), is see if you can provide some pedestrian access to the back. That area in the back there, that mall is developing nicely and it sure would be handy to have folks access it from the back there, walk up to it.

MR. BEBOUT: Okay. We'll take a look at that.

DARIO MARCHIONI: George (Brinkwart) took my question. I use the gym in the morning, and I cross there and get a senior citizen coffee, in the morning, so what he said would help.

MR. BEBOUT: Okay.

DARIO MARCHIONI: Not only myself. Other people do that, too.

The other thing is, are these steps, all --

MR. BEBOUT: No. Adjacent to the building?

DARIO MARCHIONI: Yes.

MR. BEBOUT: Those are ramps. Those are ramps.

DARIO MARCHIONI: Just ramps, not steps?

MR. BEBOUT: Yes. No steps.

DARIO MARCHIONI: Okay. They look like --

MR. BEBOUT: It is just how we indicate the ramp.

DARIO MARCHIONI: We really appreciate you coming and revising this McDonald's.

MR. BEBOUT: They're excited about it. I think the Town is, and I think it is good for everybody.

DARIO MARCHIONI: In fact, when we went to Saratoga Springs seminars, we saw some of the McDonald's that look like you're walking into a residential -- I mean fancy restaurant.

MR. BEBOUT: I would invite anybody to -- East Avenue just opened two months ago. Um, Perinton, you mentioned. I mean those are -- just to see some of the different decors. It is a vast improvement over what they have today.

DARIO MARCHIONI: And also I understand McDonald's is growing fast, especially with our -- you know, our economy situation.

MR. BEBOUT: They're doing well.

JOHN NOWICKI: Sales are up.

MR. BEBOUT: Sales are up.

KEITH O'TOOLE: Just briefly. On the architectural, it might help the Board, the Architectural Board if you brought along photographs of non-traditional McDonald's designs that you have constructed in other communities, particularly outside of the Monroe County area. Nothing further.

CHRIS KARELUS: Just if I could, I will make a couple recommendations to the Board. With all due respect, Randy (Bebout), the site is existing, but I don't think the Board should really look at this project and take what was done wrong in the past and look at it as we should accept that in the future.

I will be recommending, as I did with the Kentucky Fried Chicken project, the front of the building, this range line here is where we deem the variance necessary, I will be recommending that we deny the variance. I think it's a good opportunity for a lot of these areas that have been parked closer to the road, rather than having the perception of a car, we'll actually have the perception of green space and an attractive building.

This site currently under concept is over parked for what is needed by code by about -- from what I see, by square footage, by seat count and by table count, probably a good ten spaces. So the opportunity is available for the Board to scale this project back in parking and promote more green space.

One area I did talk to Randy (Bebout) about and we discussed at DRC that I see is problematic is the six spaces in this area here (indicating). I see that as an opportunity. The previous use, having been there with my family and I know the theming of McDonald's is kind of changing pace, but the outdoor areas have been well utilized with families, with kids and so on. Maybe this is a good opportunity to present what Leaf & Bean has, a small promenade area where there is outdoor seating areas for the fair weather. Really none of that presents itself on this plan that currently exists for the site, and I see it is well utilized.

Again, with the front yard parking, I think this will be a beautiful attribute, our west entrance into Town, if we can get this area parked to code and the green spaces promoted more towards the frontage. Again, just recommendations to the Board, things I see when I reviewed the plan.

The other opportunity, and I know we have a one-way traffic configuration around the building, the 45s lend it better to a driver to have ease of access on less of a turn, but we're looking at parking stalls that now have a width about 22 to 23 feet. Where if they were 90-degree spaces, we would gain an additional 8 feet of green space on either side to (inaudible) be able to play with for additional greenery. Again, just something to bring to the Board's attention.

The drive aisle width, in my opinion, 20-foot plus additional space for the drive lanes is sufficient enough area for people to pull into a 90 and out of a 90, so something else for the Board to consider with future plans.

I agree with the Board. I concur. I think site lighting -- we should coordinate manufacturer and model so we have two projects in good unison.

And again, I just think this is a good opportunity with a 30-year old project to make sure that everything that was antiquated with the project we can bring to current and make new. I know their intent is to have this place be someplace to be proud of, and I think as our west entry into that Town Center, we have the opportunity to do great things here with these two projects.

JAMES MARTIN: Thank you.

KEN HURLEY: Just maybe a little clarification for Randy (Bebout). What we were talking about at the DRC meeting and you had commented on, with -- with the stacking cars going around waiting for the drive-thru, what -- what we want to try to do is reduce any possibility of somebody getting stuck and having to leave, but they cannot leave.

Um, not necessarily even having a full width, 12-foot wide drive aisle to get out, but just maybe reduce a little bit and just, you know, on your double drive-thru, reduce that island size by a couple of feet on each side would give the opportunity if somebody was stuck, they had a sick kid, they're in the car, they got a phone call from the baby-sitter and they have to get home, they don't have to wait that three or five minutes for the cars in front to move to let them out.

And the same thing with those six parking spots just adjacent to the drive aisle on the north side of the building. Again, if you could have a bypass lane there, um, you will get three or four cars stacked up and if somebody has to get out, they have to wait. Just something to think about.

MR. BEBOUT: The side, I think we can work with the side. As far as the island in the back, um, that -- there is specific design requirements that make that thing work properly and make the sign placement and orientation such that people see it, so it is a little tougher to do it on the south side of the building.

On the east side we'll certainly look at that and see what we can do to -- just -- Chris (Karelus), you know, in response to your comments, I certainly -- we would have a concern about the 90-degree because it lends itself to people to come in and now they're going to turn out and they will turn out facing traffic. Where we work there is an existing fast food restaurant that has two-way traffic, and you go in there at lunch time and you have a car facing you in the drive-thru, you got one one coming -- it just gets very confusing. We feel strongly that the angled parking and one-way circulation really works better. But again, we're open to discussion and taking a look at it.

CHRIS KARELUS: The other thing, too, and this is not to belabor the point, but a lot of times angled parking, your blind spot is twice as hard to figure out if someone is coming so you can --

MR. BEBOUT: I understood.

CHRIS KARELUS: So you can get in and out of that space. The 90 gives you a clearer view on approaching traffic to be able to exit the parking stall. So I mean I -- I -- again, I would be willing to look at the alternatives with you.

MR. BEBOUT: Yep.

CHRIS KARELUS: We can work on it.

JAMES MARTIN: Pat (Tindale), I'm assuming that we'll be looking at this with a fine tooth comb from a landscaping perspective as they move forward with the project.

PAT TINDALE: I'm not hearing you too well.

JAMES MARTIN: I'm assuming that you will be working with them very closely as this project moves forward as far as the landscaping goes on this particular site.

PAT TINDALE: Yes. Definitely. He is going to hear the same thing over and over about continuity because that was our Board's decision. We would love to see some continuity, especially along the Chili Avenue side.

And I agree with Chris (Karelus), more green in the front the better. We're looking forward to seeing your prints.

BRAD GROVER: Well, the only concern that we had is on this drive-thru with the dual exit here, where they would make the left turn and continue back in and through. I don't know if you will have any kind of signage there on the end to indicate which way they should go only, because I can see cars trying to make the right turn and come right back out that entranceway there.

MR. BEBOUT: You're talking as you come in front of the building?

BRAD GROVER: Yes.

MR. BEBOUT: We can have signage there directing people.

BRAD GROVER: We can just see people trying to come back out that way. If they have to wait to make a left turn, they go this way to get out so they don't have to wait.

MR. BEBOUT: You notice we have looped it around to make it harder for people to make that movement.

JAMES MARTIN: Daryl (Cox), you have got your work cut out for you.

DARYL COX: It is all up to review, so it is just a lot of guidelines that I don't know if you have seen and reviewed. This may be of a national design, but we're trying to keep a concept of our Town, so have you seen the guidelines?

MR. BEBOUT: I have. I looked at them. I believe -- I want to say the McDonald's architects have looked at them. You know, as I said, this is their brand building, this is what they would like to build.

They're open to suggestion, but I mean -- I think in -- just so I have an understanding and I can relate it to them, is the -- is the architectural code, is it -- it -- is it advisory recommendations, or is it this is what you have to do --

DARYL COX: It's not specifically laws. It is what we recommend and what we don't so that we --

MR. BEBOUT: That is how I understood it.

DARYL COX: We make the recommendation to Jim (Martin). We don't make any determination.

KEITH O'TOOLE: If I may build on that.

It's advisory from the Architectural Review Committee, but their recommendation goes to the Planning Board at which point it becomes binding.

So in answer to your question, is this just a whimsical suggestion, the answer is no. If they give you advice, I think it's fairly likely that the Planning Board will hammer it in stone.

Nothing further.

DARYL COX: So it is just whether or not the design fits the character of the Town. Not whether it fits the character of McDonald's.

MR. BEBOUT: Understood.

DARYL COX: That is the key.

JAMES MARTIN: Mr. O'Toole explained it very eloquently.

MR. BEBOUT: Very well done.

JOHN NOWICKI: Thank you, Mr. O'Toole. I think he has the message.

JAMES MARTIN: Good luck. We look forward to working with you, and I think we can make this a good project for the Town, so we look forward to the next discussion with you.

MR. BEBOUT: Thank you. Appreciate your time.

The meeting ended at 8:13 p.m.