

PLANNING BOARD

February 13, 2007

A meeting of the Chili Planning Board was held on February 13, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Dennis Scibetta, Building & Plumbing Inspector; David Lindsay, Town Engineer representative; 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: Dennis Scibetta was called away to an emergency situation. He will be here as soon as he can.

There is a deviation from the published agenda. The first three items under Old Business, applications of Metalico regarding preliminary site plan, conditional use and subdivision approval are being tabled at the applicant's request to the March meeting so they -- we'll not be hearing those three applications tonight.

OLD BUSINESS:

1. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a mechanical metal shredder at property located at 1525 Scottsville Road in G.I. zone.
2. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for conditional use permit to allow an auto shredder and dismantling at property located at 1511, 1515 & 1525 Scottsville Road in G.I. zone.
3. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary subdivision approval to combine three lots into one lot to be known as Metalico-Scottsville Subdivision at properties located at 1511, 1515 and 1525 Scottsville Road in G.I. zone.

DECISION ON APPLICATIONS 1 THROUGH 3: Tabled to March 13, 2007 at 7:00 p.m. at the applicant's request.

PUBLIC HEARINGS:

JAMES MARTIN: We have a list of eight public hearings that essentially are associated with the co-location of a communication tower. The application is from Cricket Communications. There are four properties on which they are going to co-locate their towers, and I want to hear all of these applications basically simultaneously since they are all very, very -- they all, I guess, are identical in nature from the standpoint of the conditional use that is needed and the site plan approval.

So, therefore, we will be hearing under Public Hearings items 1 through 8 simultaneously.

There are probably going to be questions, and there are a few specific issues to some of the sites

that will be brought up, but I think since we're basically discussing the same thing over and over again, I don't see any need to be hearing every one of these on a separate basis.

So I am going to go through and read these.

JOHN HELLABY: Mr. Chairman, before you continue, I ask to be allowed to step down on Applications 1 through 8 as I am the owner in Applications 3 and 4.

JAMES MARTIN: You're recused, Mr. Hellaby.

1. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, 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.
2. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: LeFrois Development; for preliminary site plan approval to co-locate telecommunications system on existing tower, including equipment building at property located at 50 Jet View Drive in L.I. zone.
3. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: M/M John Hellaby; for conditional use permit to co-locate telecommunications system on existing tower at property located at 850 Ballantyne Road in A.C. zone.
4. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: M/M John Hellaby; for preliminary site plan approval to co-locate telecommunications system on existing tower, including equipment building at property located at 850 Ballantyne Road in A.C. zone.
5. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: B. Graham & C. Moran; for conditional use permit to co-locate telecommunications system on existing tower at property located at 60 Golden road in R-1-20 & LI zone.
6. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: B. Graham & C. Moran; for preliminary site plan approval to co-locate telecommunications system on existing tower, including equipment building at property located at 60 Golden Road in R-1-20 & LI zone.
7. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: Town of Chili; for conditional use permit to co-locate telecommunications system on existing tower at property located at 3720 Union Street in PRD, FPO, FW zone.
8. Application of Cricket Communications, 100 Aviation Avenue, Rochester, New York 14624, property owner: Town of Chili; for preliminary site plan approval to co-locate telecommunications system on existing tower, including equipment building at property located at 3720 Union Street in PRD, FPO, FW zone.

Paul Castelli and Alex Zarate were present to represent the application.

MR. CASTELLI: Good evening, and thank you very much for your time. My name is Paul Castelli here tonight representing Cricket Communications. Our address is 100 Aviation Avenue, Rochester, New York, 14624.

I would first ask if any of the members of the Board have heard of Cricket Communications prior to these application packages? Cricket currently offers cellular or wireless service in Buffalo and Syracuse and 50 plus other markets nationwide.

We just recently in the last year or so acquired the FCC license to offer up -- excuse me, to install and operate a wireless network here in the Rochester, New York metropolitan area. We plan on connecting all three cities together having a pretty large geographic as well as populated area for not only our existing customers but our potential customers in Rochester.

Cricket is a little different than the Verizons, Nextels, Sprints of the world. We operate what I call buffet-style wireless. All you can talk for one monthly price. If you talk -- 3 or 4,000 local minutes a month, your bill doesn't change. It stays one monthly price.

We operate also a little differently in building sites nationwide in the markets that we have moved to in that we don't build towers. As a rule, we try to stay on existing structures, be it a tower, rooftop, water tank, a transmission tower. We don't like the assets and it is also a much easier sell to walk into a jurisdiction and ask to -- for permission to co-locate rather than build new towers or new structures all over the place.

Firstly, as listed on the agenda is what we call our ROC 435 site, which is an existing tower located at 50 Jetview Drive. This tower is a -- is an existing 110 foot monopole tower owned by Global Signal. Global Signal is in the business of both purchasing and building new tower sites to lease tower space to wireless carriers such as ourselves. Cricket has a master lease agreement that allows us to collocate on Global-Signal-owned towers nationwide.

In this case, part of the committed materials was a site lease agreement allowing us to locate on this specific tower. We plan on installing six antennas and six coax cable lines at the 85 foot level on the existing monopole. We plan to locate a -- we have a 10 by 15 lease area that we're entitled to with Global Signal. Inside of that we plan in the northeast corner of the existing fence compound to place a 4 foot by 8 foot steel platform on which we'll place equipment cabinetry. That is located on page A-1 of the plans. Our coax cables will run from the equipment platform into the monopole and up to the 85 foot level and connect to the antenna panels. We'll install a utility rack for power and telephone service. All our conduits will be located underground.

Structural analysis was provided to us by Global Signal done by Samone (phonetic) Engineering who determined that the tower is sufficient as it is -- exists, with the addition of our antennas and coax cable lines. No modifications to the tower were required.

JOHN NOWICKI: Did we see that? Did you see that?

DAVID LINDSAY: We did.

JAMES MARTIN: It was in the analysis.

JOHN NOWICKI: It was in the analysis?

DAVID LINDSAY: Yes.

JOHN NOWICKI: Is this on all of the towers?

MR. CASTELLI: One tower did require modifications and we'll get to that.

JOHN NOWICKI: Sure.

MR. CASTELLI: Do you want to -- would you like me to continue with the next site or should I address questions?

JAMES MARTIN: Why don't you continue with the next site? There are very generic questions that the Town Engineer has raised, and then I want you to deal with those once you have finished your presentation.

MR. CASTELLI: Absolutely. The next site we're looking to co-locate on is what we call ROC 445, Hellaby property. It is located at 850 Ballantyne Road. The site is an existing 130 foot monopole that we're looking to collocate on. Again, the tower is owned by Global Signal. We have a site lease agreement that allows us to locate on this particular pole. We plan to install six antennas at the 100 foot level on this monopole. Install six coax cable lines in the pole.

Again, in this particular site, we'll locate a 4 by 8 foot platform. Although we'll be expanding this compound, if you see on drawing A-1, we show a 10 by 15 foot, which is a 150 square foot fence expansion on the northeast corner. The reason being, there is existing equipment, cabinetry, propane tanks and such within the compound which precluded us from locating within the existing fenced area. However, we're not encroaching on Global Signal's lease area with the property owner. We'll still remain inside of that.

Again, the coax cables will run from the cabinets into the monopole, up to the 100 foot level. We'll install a utility rack next to our platform for power and telephone service and those conduits will run underground. A structural analysis was provided by Global Signal to us run by Samon (phonetic) Engineering which states that the pole is sufficient, including our lines and antennas.

The next project is -- listed on the agenda is what we call ROC 432, Chili Golden Road which is located at 60 Golden Road. It is an existing 130 foot monopole. Again, this pole is owned by Global Signal. We have a site lease agreement to allow us to install at this tower. The -- we did have a

comment from the Town Engineer, and we'll discuss that in a little bit. We have addressed the comment.

We initially showed our equipment installation and compound expansion in the northwest corner of the site. It was pointed out by the Town Engineer that we were outside of Global Signal's lease area, so we have -- and I brought an exhibit. We have corrected that and have received approval from Global Signal to move to the southwest corner, so -- to move all of the way down so we can remain inside the lease area. I apologize for the error. Even the tower owner didn't catch that one.

In any event, we're looking to install six panel antennas and six coax lines at the 95 foot level on the tower. Again, a 4 by 8 steel platform which will house our equipment cabinets.

Again, we're going to expand this compound because the existing fence compound is entirely too crowded with other cabinets and associated equipment. So we would expand this compound to about 84 additional square feet. 6 foot 10 inch by 12 foot 9 inch dimension is how we're looking to expand it. By the 4 by 8 platform we'll install a utility rack for power and telephone service. All of the conduits will be run underground.

A structural analysis was provided to us by Global Signal done by Samone (phonetic) Engineering that shows that the structural analysis -- the structure passed, which shows the tower is sufficient in its current condition for our additional antennas and coax lines.

Lastly will be what we call ROC 444, Chili Union Park, which is located at 3720 Union Street. It's an existing 120 foot monopole. Again, this tower is owned by Global Signal. We have a specific site lease agreement which allows us to locate on this tower. We want to place six panel antennas again at the 110 foot level on this monopole.

The equipment platform that would be located within existing fenced compound, it would be in the eastern half of the compound. 4 by 8 steel platform again on which we would set our cabinetry. The coax cables will run from the cabinets inside the monopole up to the 110 foot level. Utility rack would be installed next to our platform that -- for -- excuse me, for power and telephone service and all conduits will be underground.

Structural analysis was provided to us by Global Signal, done by Samon (phonetic) Engineering, which actually showed that the tower in its current condition would not support the addition of our lines and antennas. Inside of the structural analysis that we provided it shows a modification package which shows rod reinforcement to approximately the first 70, 75 feet of the tower and base plant modifications, which once those modifications have taken place, the tower will support the addition of our lines and antennas.

That is my presentation.

JAMES MARTIN: All right. You do have a copy of the Town Engineer's comments?

MR. CASTELLI: Yes, I do.

JAMES MARTIN: I guess I would like you to address those issues at this point before we go into questions and concerns.

MR. CASTELLI: Certainly. The letter that I have from Lu Engineers has two points. The first on the 50 Jetview Drive is in regard to the short EAF form. Our A & E firm did complete this form. They did select yes which was correct, but they did not provide the agency name and permit approval. It should have listed obviously the Town of Chili and listed either a special permit or conditional use permit approval for the initial tower installation in 1997 or 1998, whenever that did occur. So that was done in error.

That was the only comment that I see on the letter that we needed to address.

JAMES MARTIN: Okay. That applies to all four sites?

MR. CASTELLI: Yes, sir, that is correct.

JAMES MARTIN: So you will have to amend or -- or supply to the Building Department a corrected short form EAF.

MR. CASTELLI: Absolutely.

Secondly, would be for the 850 Ballantyne Road, that letter dated February 8th states, again, first would be the short EAF. That will be corrected.

Second, in order to illustrate all of the improvements are within the existing lease limit lines, we recommend that the limits of the proposed improvements be illustrated on either Sheet P-1 or P-2 or that the lease limit lines be illustrated on Sheet A-1.

I contacted our architectural/engineering firm and they have actually corrected or amended Sheet

A-1 which shows the existing fence compound. It shows the additional fencing that we're going to be installing in reference to the lease area lines. So they superimpose the lease area lines. On this site we can say we're within the -- Global Signal's lease lines with the property owner. As well as I do know it was verified by Global Signal and the property owner, I believe, on site that we were within the lease lines.

JAMES MARTIN: Pause for a second.

Dave (Lindsay), on the other three applications, as I went through there, again, it was a little bit of uncertainty on Sheet A-1 as to whether or not, you know, we're going to be within the confines of the leased area.

Would you prefer to have an adjusted or more detailed A-1 on every location before the building permit is granted?

DAVID LINDSAY: I have -- think it was just on those two, Mr. Chairman, because the other improvements were clearly within the boundaries of the existing fence line. So I was satisfied.

JAMES MARTIN: So you're satisfied with the other three applications?

DAVID LINDSAY: I think there were two.

MR. CASTELLI: Chili/Golden Road would be the other we had issues with.

JAMES MARTIN: That was right. Okay.

All right. Go ahead.

MR. CASTELLI: Okay. The next would be the 60 Golden Road site. Dated February 8th. Again, the first comment about the short EAF, which will be corrected. The second, it appears that a portion of the proposed improvement may extend beyond the existing lease limit lines. In order to verify all of the improvements are within the existing lease, we recommend that the limits of the proposed improvements illustrated on either Sheet P-1 or P-2 or that the lease limit lines be illustrated on Sheet A-1. We have -- in speaking with Global Signal, we did realize that we were installing the compound expansion outside of Global Signal's lease area with the property owner. We have since amended our drawings. I do have an exhibit, if would you like to see it, as to how we have amended it.

JAMES MARTIN: I guess why don't you provide that. Do you have more than one copy?

MR. CASTELLI: I just brought one copy for the hearing tonight, sir.

JAMES MARTIN: Why don't you put it up on the board there and explain what you have done.

MR. CASTELLI: Absolutely. Global Signal, on this particular site, we initially had shown our equipment and our lease area on the northwest corner of the compound. That -- fortunately, the Town Engineer caught if we remained in that corner, we would be encroaching well over Global Signal's existing lease area. We have since relocated to the southwest corner, extending the fence actually less than we were prior, just about 80 or so square feet and we have had our engineering firm basically overlay the survey which shows that we are 1 foot 6 inches off of the existing lease line to the southern border and approximately 6 to 7 feet off the lease line to the west border. So we have made -- certainly made sure we'll stay within the existing lease lines with the expanded fence.

JAMES MARTIN: Thank you.

MR. CASTELLI: Lastly, dated February 8th, this would be for the 3720 Union Street site, the -- again, this would be the point on -- I'm sorry, sir.

I'm sorry, did --

JAMES MARTIN: Item 3 on the letter, providing proper legal description.

MR. CASTELLI: Yes, sir. Our lease agreement with Global Signal provided us an incorrect copy of the legal description for the site. That has been provided by Global Signal. I do have a copy of the legal description tonight. If it pleases the Board, I can.

JAMES MARTIN: Actually, it needs to go to the Building Department, otherwise you won't get a permit --

MR. CASTELLI: Absolutely.

JAMES MARTIN: -- until you have the right documentation in place.

MR. CASTELLI: Yes, sir.

Now to -- to our ROC 444, which is at 3720 Union Street. This would -- point number one would be selecting yes to Number 11 on the short EAF, but we did not provide the agency name or the permit approval, and again, that will be corrected.

JAMES MARTIN: Anything else?

MR. CASTELLI: No, sir.

JAMES MARTIN: Before we go to the Board, I just want to point out once again what we're talking about is antenna co-location on existing towers. Cricket Communications as a co-locator in a lease agreement with the tower owner is not physically responsible for maintenance of the site. However, I think there are some concerns, and I know Mr. Nowicki is prepared to address them about fence expansion and landscape issues that may result from that.

But as far as site maintenance, et cetera, et cetera, these issues have come up before, and as I have said in previous applicants before us for co-location, it is not your direct responsibility, all right, for site maintenance of the tower site itself --

MR. CASTELLI: Correct.

JAMES MARTIN: -- based on your lease agreement with Global Signal. All right. Thank you.

MR. CASTELLI: Sure.

JIM POWERS: The only question I have is on the Ballantyne Road site, um, you are going to be extending the -- the lease line?

MR. CASTELLI: Not the lease line. We would be expanding the fenced compound but staying within the existing leased area.

JIM POWERS: That is true with each of these sites.

MR. CASTELLI: Within each of the sites we'll be within the existing leased area, yes, sir.

JIM POWERS: That's all.

KAREN COX: What is the time frame for you to be starting this work?

MR. CASTELLI: For the entire Rochester market, we're looking to launch our service early summer. Specifically, if we obtain building permits in the next 30 to 60 days, we would be commencing work immediately in order to meet that target.

KAREN COX: You're going other places besides Chili?

MR. CASTELLI: Yes.

JOHN NOWICKI: Question on the Ballantyne site. You're going to be expanding the fenced area?

MR. CASTELLI: Yes, sir.

JOHN NOWICKI: You will obviously be disturbing some trees or shrubs or landscaping?

MR. CASTELLI: Let me pull up, if you don't mind my existing survey so that I can speak more intelligently on it. The survey on P-1 shows the property as it exists. Again, from the surveyor locating existing trees around the site, it appears the area we would be disturbing and expanding the compound, we would not have to remove trees.

JOHN NOWICKI: Can we get that verified somehow out in the field?

DAVID LINDSAY: We can verify that.

JOHN NOWICKI: I would want a condition that that is verified in the field before a building permit is issued on that, and if there is tree replacement or removal, that a letter of credit be posted and an estimate provided by the Conservation Board and our Town Engineer to satisfy that requirement.

MR. CASTELLI: Sure.

JOHN NOWICKI: Okay. So we protect ourselves.

DAVID LINDSAY: This is the Union --

JOHN NOWICKI: Ballantyne Road site, Hellaby property.

JAMES MARTIN: There is also expansion for Golden Road.

MR. CASTELLANI: That is correct.

JAMES MARTIN: I want it for both sites.

JOHN NOWICKI: Both sites.

MR. CASTELLI: Sure.

JOHN NOWICKI: My other question I have for you, my concern is, that all of these existing towers, you have indicated, except one that had to be modified structurally, will accept your equipment based on the structural analysis provided by Samon (phonetic) Engineering?

MR. CASTELLI: Yes, sir.

JOHN NOWICKI: My question is -- Legal Counsel, if he is still here --

KEITH O'TOOLE: I am here.

JOHN NOWICKI: If something fails on the towers, where does the liability fall?

KEITH O'TOOLE: On the property owner.

JOHN NOWICKI: On the property owner? Not on the Global Signal people?

KEITH O'TOOLE: It may well fall on the tenant, the sub tenants, the master tenant, but that really is not our concern. I would assume that if the tower were to fall down and somebody were to get hurt, the property owner would be immediately sued and they would sue anyone else they could find.

JOHN NOWICKI: Well, if that is the case, if – Samon (phonetic) Engineering has analyzed each of these towers?

MR. CASTELLI: Yes, sir.

JOHN NOWICKI: Are they a New York State registered professional engineering firm?

MR. CASTELLI: Yes, sir.

JOHN NOWICKI: Have they given us a stamped drawing?

MR. CASTELLI: Yes, sir.

JOHN NOWICKI: With an engineer's seal on it?

MR. CASTELLI: Yes, sir, all four sites.

JOHN NOWICKI: So the owners have some evidence they were analyzed by a professional engineer.

MR. CASTELLI: Absolutely.

JOHN NOWICKI: And their liability is going to be showing up someplace. I just want that covered.

MR. CASTELLI: If I might say, typically tower lease agreements, the tower owner, in this case, when the towers were built, it was Sprint PCS. They were assumed by Global Signal who is the current owner of the towers. The liability for the tower, be it -- if it falls, if it fails in any way, would be to the tower owner, and the land owner is -- is shielded from the liability associated with the tower.

JOHN NOWICKI: As long as we have it on the record, and we have it in our minutes.

KAREN COX: Each one of the structural analyses for the site is stamped and signed by --

JOHN NOWICKI: That is what I want to know. Because I want the owners, or the lessee -- lessors -- or lessee to have that information available to them. Because hey, you know never know. As long as we're protected.

MR. CASTELLI: Sure.

GEORGE BRINKWART: On those sites that you plan on doing some disturbance of the landscaping and whatnot, I think we would like to see some rudimentary erosion control and make sure you put up some silt fence and down grade to handle any erosion on site.

MR. CASTELLI: Okay.

DARIO MARCHIONI: Paul (Castelli), your lease with Global Signal, is there any chance that the Town can have a copy, you -- you know, a copy of that lease so we know what is really going on with these towers. We're having so many co-locators here, we want to see the leases that Global is subleasing that area, that they comply with some of our, you know -- commitments to that area.

MR. CASTELLI: I believe in each application package I did file a copy of the lease agreement for each site.

JAMES MARTIN: Yes.

MR. CASTELLI: I don't know if you need anything additional other than --

DARIO MARCHIONI: Okay. That was just -- just to make sure on the record we do have one for our Building Department.

MR. CASTELLI: Yes, sir, absolutely.

DARIO MARCHIONI: That's all the questions I have.

JOHN NOWICKI: I just have one more item on the -- that I wanted to present to the Board and to you, I guess, as the applicant. The Conservation Board has requested that 1 percent contribution based on the cost of the expansion under construction per location be placed in the Chili landscaping fund.

JAMES MARTIN: That's kind of a basic request that we have.

MR. CASTELLI: Okay. I will add that -- that the applicant will comply with the Conservation Board request.

JOHN NOWICKI: Thank you. That's all I have.

DAVID LINDSAY: I just have one additional one here. The proposed structural improvements referenced in the report, are they detailed on the plans at all?

MR. CASTELLI: No. The plans may say on the -- excuse me, on the tower elevation page that

modifications to be done by others. But there may not be a specific reference to it.

DAVID LINDSAY: I would just request that that specific -- either the alterations be added or somehow the plans be linked to the report.

MR. CASTELLI: Okay.

JAMES MARTIN: Since you're not subject to approval, you want that as a condition, or are you satisfied with that?

DAVID LINDSAY: I guess I would like it as a condition.

JAMES MARTIN: Pardon? Added as a condition?

DAVID LINDSAY: I --

JAMES MARTIN: I didn't quite hear what you said. Could you speak a little loader, Dave (Lindsay)?

DAVID LINDSAY: That the recommended structural modifications either be added to the construction plans or that the construction plans reference the engineering report for those modifications.

JAMES MARTIN: So the tower modification, and that is for 3720 Union Street?

MR. CASTELLI: Yes, sir.

DAVID LINDSAY: Yes.

JAMES MARTIN: So the tower modification, 3720 Union Street be added to the construction plan.

DAVID LINDSAY: Yes.

JAMES MARTIN: Pat (Tindale), we're getting your 1 percent.

PAT TINDALE: John pretty much covered it. The Golden Road site, if there is tree loss --

JAMES MARTIN: I have a condition that I will read covering that.

JOHN NOWICKI: One last one. Um, I noticed on the applications that they're not in the drainage district.

JAMES MARTIN: That was an error. I have -- Dennis Scibetta has checked on that and verified -- everything that -- everything is in a drainage district is my understanding.

JOHN NOWICKI: As long as it is covered.

JAMES MARTIN: That was covered at the DRC and he has verified that.

JOHN NOWICKI: I'm done.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: It's a little hard to keep track of the players. These poles keep changing ownership and we keep adding co-locators. Can anybody on the Board tell me how many co-locators, including Cricket, will be on these four poles, these four towers?

JAMES MARTIN: Well, within the last six months, this is number two on some of the towers, and I think we had at least one or two before that, plus the original, so I would say we're in the neighborhood of maybe five, you know, various providers on the monopoles. I don't know. Have you got anything?

MR. CASTELLI: Yes, sir. I can give you the numbers for each one. 3720 Union Street, we would be the third cell provider.

Give me one moment to shuffle through papers.

Let's see. On the 850 Ballantyne Road site, again, the data I am giving you is antenna schedule provided in the structural analysis. We would be the second carrier on the 850 Ballantyne Road site.

On the 50 Jetview Drive site, we would be the -- it appears the fifth wireless carrier on that particular site. And --

JAMES MARTIN: I had one right so far.

MR. CASTELLI: Okay. We did 50 Jet View. 60 Golden Road. 60 Golden Road, we would be -- it appears the fourth carrier on that tower.

JAMES MARTIN: Thank you.

MS. BORGUS: And the Board may or may not know this, but maybe the engineer does. What is the maximum that you can put on one of these poles? We're getting up to four and five co-locators.

JAMES MARTIN: Dorothy (Borgus), I don't think anybody is competent to answer that question. I think obviously in the case of the 3720 Union Street, they had an engineering firm come in and do analysis on the strength of the pole and made a determination it need be modified before any more antenna arrays could be put on the tower. My assumption is any co-locator that would have to come in to do the same thing would have to go through the same engineering analysis and have a report verifying that tower itself would be capable of holding the additional weight. I'm sure there is a limit, okay, and it is going to be based on that analysis; am I correct in my assumption?

MR. CASTELLI: Yes, sir.

KAREN COX: Wouldn't there be a limit as far as how low your -- the co-location could be?

MR. CASTELLI: Absolutely. It depends where you are. If you're in a rural area and you're trying to stretch it and get more coverage, as my RF Engineer could attest to, you want to be higher. In an urban area, you will see roof tops on three-story buildings because you want to centralize or want more focused coverage in a smaller area. But yes, there would be a limit as far as height is concerned. These poles were engineered and you will see a lot of the monopoles around Rochester, New York have been modified. When Sprint went through and did a large build-out in the mid '90s, they didn't care about co-locations or the additional revenue. Basically they were trying to beat AT&T and Verizon and to heck with everybody else. Now that tower companies have come in and purchased these towers, they're doing everything engineering wise as they can to get as many carriers as they can on these towers.

MS. BORGUS: The reason I bring that up is interestingly enough, the tower at 3720 Union Street with only three co-locators is the one that is going to have to be modified, and that's 120 feet. Where you have got a 110 foot tower at 50 Jetview Drive that has 5 on it, and it is supposedly okay. It just -- it just, um, it's curious to say the least.

JAMES MARTIN: Thank you.

FRED TROTT, 101 Golden Road

FRED TROTT: I have a couple of questions. One that -- on the blueprints that I saw, the address, the property owners were confused. You had me on the wrong side of the road.

MR. CASTELLI: Okay.

FRED TROTT: And vice versa. You had another neighbor in the wrong spot.

MR. CASTELLI: Okay. I will check that survey.

JAMES MARTIN: Modify that on your site plan, please, before you submit it for building permit.

MR. CASTELLI: Sure.

FRED TROTT: I also had a question about the -- with the RF and the wattage, how -- how does that affect the safety of the neighbors?

MR. CASTELLI: Um, I -- a gentleman here with me tonight, his name is Alex Zarate. He is an RF Engineer that -- I will let him address that if that is okay.

MR. ZARATE: Alex Zarate. I'm a consulting RF Engineer for Cricket. With regards to safety and electromagnetic emissions, we actually conduct studies based on the -- the power output of our sites and any additional carriers who are on the tower, and we -- we conduct that -- we conduct those surveys with a company called Site Safe, and they run analysis to insure that all of the -- all of the levels of radiation emitting from any location are going to be well below the acceptable thresholds for human exposure, and to date, we haven't -- we have never had anything even come close to -- to endangering anyone.

JAMES MARTIN: Could I ask for clarification? Is that based just on your antenna array, or is that a total site analysis?

MR. ZARATE: That's the total. Every carrier on the tower.

JOHN NOWICKI: How do they measure that?

MR. ZARATE: Um, they take -- they take the -- the output in the effective radiated power in watts from us, from everyone else. They -- they have, um -- they run -- they run analysis based on, um, like near field exposure, maximum allowable limits based on distance from -- based on distance from the array. Um, distance from the tower itself and the -- the -- they take -- they take everything into account, the height of each carrier, the kind of antennas they're using, the beam width and they run like propagation loss equations to show what your -- what your effective power is

going to be, at whatever distance you are.

JOHN NOWICKI: You mention also one more thing. They're federal guidelines for that -- that set the parameters --

MR. ZARATE: Yes, sir.

JOHN NOWICKI: -- of what can be done? So those federal guidelines are available for public review?

MR. ZARATE: I believe they're from --

MR. CASTELLI: FCC. I mean, the FCC sets the guidelines for the ERP and for the max -- the maximum power that we're allowed, and I believe -- I can't remember the number off the top of my head. Is it not 10,000? 10,000 watts being the maximum, and we typically come in around 3,000? So we are that much lower? Is that -- does that sound correct, Alex (Zarate)?

MR. ZARATE: The last one I saw we were like tens of thousands of times below the limit.

MR. CASTELLI: That must be at maximum power output.

MR. ZARATE: Maximum exposure.

GEORGE BRINKWART: Do you field verify your data you come up with with actual field measurement?

MR. ZARATE: We have an independent third party do that. The same -- the same people who run the analysis, they do it on site.

KAREN COX: After the installation is put up?

MR. ZARATE: Correct.

FRED TROTT: How can we -- can we get that data?

MR. ZARATE: You can -- you can have it.

FRED TROTT: We can have it?

KAREN COX: Can we put it as a condition of approval that that data be provided to the Town?

JAMES MARTIN: Yes. There is not any reason why we can't have that data on file with the Building Department.

MR. CASTELLI: But that would be post award of the building permit.

JAMES MARTIN: Right. So assuming approval, we would request that your -- whatever, emission data would be placed on file with the Building Department.

MR. CASTELLI: Okay.

JAMES MARTIN: And have it okayed with, you know, the FCC regulations and limits so that, you know, people that live in the neighborhood understand that they're not going to be suffering as a result of the things that are going on.

JOHN NOWICKI: Give us some idea, too, in the future.

FRED TROTT: So if you're going -- just one more RF question. So if you're going to add to a site and there -- your parameters are so -- your wattage and everything is so much lower that you won't have to worry about telling the other cell carriers to turn theirs down?

MR. ZARATE: Well, we -- we pretty much operate independently of all of the other carriers. We're -- I mean we --

FRED TROTT: I'm saying you look at -- they look at a site and they combine everything that is on that tower and how much RF is thrown out.

MR. ZARATE: Correct.

FRED TROTT: So what I am saying is are you that far underneath it that you don't have to worry about -- tell another carrier that they're too high?

MR. ZARATE: That --

MR. TROTT: I guess how much are you below the limit so that it is not an issue?

MR. ZARATE: Um, as -- like I said, the last -- the last report I checked for a site that we did, um -- which is a -- which is a fairly good example, um, we were something on the order of, um, tens of thousands of times below the maximum permissible exposure, and -- we were -- we -- we, individually were below that. Um, all of the carriers combined, um, were below, um -- below the set -- below the set threshold by the FCC, and, um -- so that -- that I mean hasn't been an issue.

JIM POWERS: During your -- during your installation of your antennas, do you take a test on all of the antennas on the pole? What if you are above the standard? Do you take -- start pulling off some of your antennas or what?

MR. ZARATE: Well, I would imagine the first thing we would do would be to --

JIM POWERS: Go somewhere else?

MR. ZARATE: Um, we -- I mean we have means of limiting our power output. That would -- it would affect our coverage. Um, to be honest, you know, it's never -- we have never had such a situation where we would even come close to exceeding anything that would endanger anyone.

JAMES MARTIN: Well, we'll request that the data measurements, once this is approved, assuming that everybody is operating at full power, that you're not exceeding the limit.

MR. ZARATE: All those studies are done in the worse-case scenario with everybody operating in full power, which seldom happens.

FRED TROTT: I have another general question as far as they said that they're going to be moving the fence line northwest. Are they still within wetlands parameters? Because I think when they first built that, they had to move it back because of the wetland buffer.

Dennis Scibetta arrived.

JAMES MARTIN: That wasn't shown on the site plan, to my knowledge.

FRED TROTT: So they're far enough out of it. I just remembered back in '87 they wanted it so much further back. We were told initially it would be so close, and then the expressway, it came up real close. So I wasn't sure where they were as far as the wetlands buffer.

JAMES MARTIN: I will put in a condition verify no wetlands disturbance occurs because of the enclosure addition.

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

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

DARIO MARCHIONI: Paul (Castelli), I notice that ROC 501, is that -- are you coming later on for that, or you don't need that site?

MR. CASTELLI: Yes, sir. Alex (Zarate) just sat down. 501 is indicated on the plots. I don't know if we show coverage levels for that or just show the site. If you could address that, please.

MR. ZARATE: On the -- on the plot that shows the entire region, that does include 501. That does include the coverage provided by 501. It's -- it's all -- all of the Chili sites and 501 and all of the surrounding sites are included in that.

MR. CASTELLI: Yes, that site we would be coming before you for that site in the future. Yes, sir.

JAMES MARTIN: It is not on the docket tonight. 501 is not on the docket.

MR. CASTELLI: Yes, sir, it is not. I don't handle that, so I'm not sure.

DARIO MARCHIONI: I was just curious why you didn't handle that one.

JAMES MARTIN: With Counsel's approval, what I would like to do is go through -- since we have conditional use permit pending on each site, that we would do is SEQR and vote on conditional use to include all four sites as one vote. Would that be acceptable, or do we need to vote separately on each application?

KEITH O'TOOLE: You can do them en masse.

JAMES MARTIN: Pardon?

KEITH O'TOOLE: You can do them as a whole, with one.

JAMES MARTIN: One. Thank you, sir.

On the conditional use permit for all four sites, I am going to do SEQR at this point.

For the conditional use permits for all four sites, James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

The Board discussed the proposed conditions.

For the site plan applications for all four sites, James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

The Board discussed the proposed conditions for the site plan applications.

The Board discussed whether or not to waive final approval.

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

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
3. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.
4. This conditional use permit is approved for a period of five years.

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

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.

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

DECISION ON APPLICATION #3: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Field verification that there will be no landscaping damage at the Ballantyne Road site will be coordinated with the Conservation Board. If damage is unavoidable, the applicant will restore the site to its original conditions.
3. Applicant will comply with the Conservation Board request that 1 percent

of the construction cost be donated to the Town of Chili tree fund.

4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.
5. This conditional use permit is approved for a period of five years.

DECISION ON APPLICATION #4: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Field verification that there will be no landscaping damage at the Golden Road site will be coordinated with the Conservation Board. If damage is unavoidable, the applicant will restore the site to its original conditions.
3. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.

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

DECISION ON APPLICATION #5: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Field verification that there will be no landscaping damage at the Golden Road site will be coordinated with the Conservation Board. If damage is unavoidable, the applicant will restore the site to its original conditions.
3. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.
5. Verify that no wetland disturbance occurs as a result of the enclosure addition at 60 Golden Road.
6. This conditional use permit is approved for a period of five years.

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

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Field verification that there will be no landscaping damage at the Golden

Road site will be coordinated with the Conservation Board. If damage is unavoidable, the applicant will restore the site to its original conditions.

3. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.
5. Verify that no wetland disturbance occurs as a result of the enclosure addition at 60 Golden Road.

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

DECISION ON APPLICATION #7: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
3. The details of the tower modification at 3720 Union Street shall be added to the construction plan.
4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.
5. This conditional use permit is approved for a period of five years.

DECISION ON APPLICATION #8: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. All issues raised in the Town Engineer review letter shall be resolved by the applicant and proper documentation supplied to the Building Department prior to any permits being issued.
2. Applicant will comply with the Conservation Board request that 1 percent of the construction cost be donated to the Town of Chili tree fund.
3. The details of the tower modification at 3720 Union Street shall be added to the construction plan.
4. Data pertaining to the levels of radiation emission from each tower shall be filed with the Building Department and available for review.

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

GEORGE BRINKWART: Mr. Chairman, I would like to recuse myself from this application.

JAMES MARTIN: You're recused.

INFORMAL:

1. Application of Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095, property owner: North Chili Enterprises; for final site plan approval to erect a 3,514 sq. ft. convenience store/service station with fuel pumps and 864 sq. ft. car wash at property located at 4371 & 4375 Buffalo Road in G.B. zone.

Dennis Kennelly and Andy Lautenbacher were present to represent the application.

MR. KENNELLY: Dennis Kennelly from FRA Engineering. With me tonight is Andy Lautenbacher from Hess Corporation. Since we were here for our preliminary approval, we received the conditions. We have addressed those conditions in one form or another. And what I have proposed to do is just go down the list of conditions and address any other comments we have received to date. We do have some small copies of the site plan if anybody would like to --

JAMES MARTIN: Yes.

DENNIS SCIBETTA: Excuse me, Jim (Martin), can we put them up on the document camera and up on the board?

MR. KENNELLY: One of the comments we received was about the lighted canopy. We submitted some additional documentation last month to address how that is done. There was a letter describing it and some photographs sent in for each of the members. What they do -- well, the prototypical lighting band on the canopy is three tubes surrounding the canopy for a total of 320 foot candle output. What is proposed is a 44 percent reduction using a two -- two bulbs wrapped sleeve system, versus three unwrapped. So instead of three tubes, it's two tubes reducing it to 120 foot candles, and that's what is proposed at this site.

KAREN COX: Is that the -- I have two photos here. The 120 foot candles is the dimmest one?

MR. KENNELLY: The dimmest one. Yes. From three tubes to two, a reduction of 44 percent on the lighting. So it is the dimmest it could be.

We had been to the Conservation Board. We received some comments and addressed those comments and have approval from the Conservation Board on the landscape plan.

MR. KENNELLY: The major comment --

JAMES MARTIN: Go ahead.

MR. KENNELLY: We have been to the Zoning Board of Appeals. Two requests were granted. One side setback variance. That was completed. Approval was received on January 25th. So that's taken care of.

The two major comments that were received as part of -- there it goes.

KAREN COX: There it is.

MR. KENNELLY: As part of the preliminary approval was the bypass lane was requested for the carwash. We have proposed that around the back of the 18 foot wide lane around the entire -- the side and around the back and then a 9 foot bypass lane around the carwash. The purpose of that is if -- if somebody is tired of waiting, they have a way to get out. It is not a thoroughfare. We did receive the comments from the Town Engineer that said they would like verification that the 18 foot is wide enough and they recommended that we widen the 9 foot to 10 foot. We have prepared a sketch that shows a generation of -- by computer software called auto CAD that shows two cars moving around the site on the bypass lane and that there -- we designed the 9 foot lane and the curbing so that cars can fit through.

The cars are in light green. They're side by side cars. One car going all of the way around the bypass and the other stacked up. So there is -- we have demonstrated that there is room as laid out on the plans, so we would suggest that we leave it as is.

The bypass is used -- again, very infrequently. When somebody gets tired of waiting, then they have a chance to escape or if a car breaks down, people can get around them. So there is room with the design vehicle, which is basically a -- small SUV or a small pickup truck.

The other major comment we received last time is a condition of preliminary approval, was alternative architectural elevations. We have proposed a brick building. The lighting on the camera is not the best, so I will hand these out to the Board.

These are actual photographs of a completed brick building.

DARIO MARCHIONI: You don't have samples of the brick.

MR. KENNELLY: We don't, but it is real brick. We talked last time about a red brick, but this

is a brownish brick that is similar to some of the other architectural buildings that are recently built in the neighborhood.

That addresses the outstanding comments of -- and conditions of preliminary approval.

JAMES MARTIN: I will go to the Board at this time.

JIM POWERS: Somewhere along the line I read something about the dumpster enclosure.

JOHN NOWICKI: There is a comment here.

JIM POWERS: Is that similar to the building itself, this brick?

JAMES MARTIN: We had -- the dumpster enclosure itself, which is going to be essentially, you know, close to Union Street, if I remember right, we really want it made out of decorative fencing and well landscaped so it is really shielded.

JOHN NOWICKI: Or a brick masonry structure.

MR. KENNELLY: It is a masonry structure. Originally proposed it was split face masonry to match the white building that was previously proposed, but we can change it to the brick to match the building.

JAMES MARTIN: Can you order a couple extra pallets of brick and make it out of brick?

MR. KENNELLY: Yes. It is also landscaped, as well. It is screened, landscaped. It is a nice looking -- whether it is split face or brick, but in this case it will be brick. It will look nice with a nice coping on the top, too. It is white vinyl fencing across the gates.

KAREN COX: The roof line that is shown on here, that's the proposed roof line for North Chili?

MR. KENNELLY: Yes.

KAREN COX: I'm sorry.

MR. KENNELLY: That is the proposed roof line. The other change that -- it's an architectural shingle on -- on the roof versus the standing seam metal that was previously proposed.

KAREN COX: I was going to say, it looks like Hess Express signage is the same?

MR. KENNELLY: Yes.

KAREN COX: So the sign shown on here, this is just illustrative of the wattage that we can expect from the Hess Express words, or is this green and white?

MR. LAUTENBACHER: No -- my name is Andy Lautenbacher with Hess. I'm sorry. Those are actually photographs of segments of canopy fascia. The issue was -- was the illuminated canopy fascia. That was an experiment we had done in the manufacturer's shop a couple years ago. The date is actually I think on the photographs. There is no lighting on the front of the building other than some fluorescent lights in the soffit just to illuminate the sidewalk.

KAREN COX: Oh, all right. I understand.

JOHN HELLABY: The only fluorescent -- or excuse me, neon lighting when you look directly at the storage, the logo, the back wall, there is nothing directly in the front window?

MR. LAUTENBACHER: That is correct. It is in the back of the atrium. It is about 10 or 12 feet inside the building.

JOHN NOWICKI: Could you explain to me a little more -- maybe I'm a little confused here. On these photographs here, of these lights -- these are underneath the canopy?

MR. LAUTENBACHER: Those are canopy fascia.

JOHN NOWICKI: Okay. Are there any obstructions above the top, like -- will you have any dishes up on top of these -- over these pumps, any projecting cans from the lights or anything like that? Are they flat and clean looking?

MR. LAUTENBACHER: The deck lights will illuminate the fueling area and will be recessed in the canopy deck.

JOHN NOWICKI: They won't be sticking up above those?

MR. LAUTENBACHER: No.

MR. KENNELLY: They're flat lenses above.

JOHN NOWICKI: No protrusions above the canopy?

MR. LAUTENBACHER: There will be a satellite dish on the site that will be on top of the building.

JOHN NOWICKI: That will not be on the top of the canopy?

MR. LAUTENBACHER: No.

JOHN NOWICKI: Okay. That answered that one question. The other question I have here,

we have a note that the canopy design, take a look at the one at 441 and 250 that you have over there at that intersection.

MR. KENNELLY: Well, we have preliminary approval on the canopy that was proposed and submitted first go-around, so this is the first we have heard of this.

JAMES MARTIN: That was a note, I think, about the lighting level, of that particular canopy, is where that comment came from. I think what we have submitted is pretty close to that level of illumination.

MR. KENNELLY: So you're talking about the illumination level?

JAMES MARTIN: I think we were primarily talking about the illumination levels.

MR. KENNELLY: We did submit a lighting plan after we had received preliminary approval with all of the ISO diagrams and all of the light levels.

JOHN NOWICKI: The brick, the sides of the building, the rear of the building are all brick?

MR. KENNELLY: Yes.

MR. LAUTENBACHER: All of the way around.

JOHN NOWICKI: Is the rear wall, is that solid brick, or windows in it?

MR. LAUTENBACHER: There are a couple of doors. There are two pairs of doors, side by side. Those are electrical cabinets.

JOHN NOWICKI: Employees?

MR. LAUTENBACHER: No. Electrical cabinets and one single door in the back for emergency use only.

JOHN NOWICKI: To do the dumpsters, where do the employees go?

MR. LAUTENBACHER: Front door. Everything is front door except emergency.

JOHN NOWICKI: I assume the store has inside security systems?

MR. LAUTENBACHER: Yes, it does. We have close-circuit television that is recorded.

JOHN NOWICKI: 24-hour operation?

MR. LAUTENBACHER: Correct.

JOHN NOWICKI: Landscaping, um, the Conservation Board requires that three landscape -- licensed landscape architect plans be stamped and submitted; is that correct?

MR. KENNELLY: Yes. They have been done, completed.

JOHN NOWICKI: We have got them?

PAT TINDALE: No. We approved them, but we need three copies from you to stamp them approved.

MR. KENNELLY: Okay.

PAT TINDALE: One goes to buildings, one to us and one back to you.

MR. LAUTENBACHER: Just copies.

DARIO MARCHIONI: This is very well done. Compliments. Just -- these plans here show this ice box.

MR. LAUTENBACHER: Got to have it.

DARIO MARCHIONI: Got to have an ice box.

MR. LAUTENBACHER: Got to have it.

DARIO MARCHIONI: No other questions. Congratulations.

MR. LAUTENBACHER: Thank you. Compliments to the engineer.

MR. KENNELLY: Thank you.

JAMES MARTIN: I want to reiterate one of the conditions at preliminary was around outside sales. I just want to reaffirm.

MR. LAUTENBACHER: You got to do what you got to do.

JAMES MARTIN: That condition is still in effect.

KAREN COX: All I see in this picture is an ice machine.

MR. LAUTENBACHER: This -- just for your information --

JIM POWERS: There is quite a bit of window space in the front of the windows. What about signs in the windows?

MR. LAUTENBACHER: I would imagine you have regulations governing that. I'm not sure offhand.

JAMES MARTIN: The temporary, you know, 2-for-\$3-type signs that are shown in the diagram on the interior of the windows of the building, I don't know if we have any regulations against

that at this point?

DENNIS SCIBETTA: None that I'm aware of inside the windows is -- we can't regulate that.

JAMES MARTIN: It is hard to control that, Jim (Powers).

MR. LAUTENBACHER: Just for your information, this is a brand new site that had not opened yet when we took these pictures. It is in New Windsor, New York.

JAMES MARTIN: It would be nice, if you know if there were still glass showing and not paper

--

MR. LAUTENBACHER: I agree 100 percent. But I don't run the store.

JAMES MARTIN: I know. I understand. I don't know if there is anyway it can be controlled -- to a degree, it would be nice.

MR. LAUTENBACHER: I will take a shot at it. I'm just a lonely real estate guy.

DARIO MARCHIONI: As long as we don't have the windows full of fluorescent tubes.

MR. LAUTENBACHER: No. You mean neon.

DAVID LINDSAY: I would just like to get a copy of the auto CAD turning. And then just a comment on the bypass lane. There is nothing in the code for the 9 foot requirement, but I did a little bit of research and everything I come across says a minimum of 10 feet for a bypass lane. I guess we'll be looking for that unless you can justify it otherwise.

KAREN COX: 9 feet is tight.

MR. KENNELLY: Okay.

JIM MARTIN: Can you accommodate a 10 foot wide bypass lane at this point?

MR. LAUTENBACHER: I just asked if we would violate anything by doing that, and he advised me we wouldn't, so we'll do it.

JAMES MARTIN: I will just put a bypass lane will be expanded to 10 feet.

MR. KENNELLY: Very good.

JAMES MARTIN: Or widened to 10 feet.

FRED TROTT: I just have a question on the bypass lane. Is that just for one vehicle, the 10 foot wide?

MR. KENNELLY: Yes. Originally we didn't propose a bypass lane. We all agreed it is a good idea in case somebody is stuck or needs to get out for emergencies. It is just if somebody gets tired of waiting or to avoid a breakdown.

JOHN NOWICKI: Quick question. Time line, as far as start and finish?

MR. LAUTENBACHER: Let's see, it is quarter after eight now. We're in a hurry. As soon as -- I think the D.O.T. will be our last approval.

JOHN NOWICKI: As soon as we have the 8 foot of snow coming in tonight.

DENNIS SCIBETTA: Your architects were in contact with us today as a matter of fact and we're awaiting the drawings at any time.

MR. KENNELLY: I have drawings to bring to you as soon as you're ready to have them. And all of the back-up materials, as well.

The Board discussed the proposed conditions.

DECISION: Approved by a vote of 6 yes with 1 abstention (George Brinkwart) with the following conditions:

1. Pending approval of the Town Engineer.
2. The dumpster enclosure will be faced with brick identical to the main building.
3. All previous conditions imposed by this Board remain in effect.
4. The Conservation Board requests will be fulfilled regarding landscaping.
5. The bypass lane will be widened to 10 feet.

JOHN HELLABY: Mr. Chairman, I almost hate to ask you this, but can I be excluded from the next application as I am employed by Wegmans Food Markets?

JAMES MARTIN: You are recused from the next application, Mr. Hellaby.

2. Application of Wegmans Food Markets, Inc., 249 Fisher Road, Rochester, New York 14624 for final site plan approval to erect a 38,500 sq. ft. central kitchen facility at property located at 249 Fisher Road in G.I. zone.

Art Pires and Garth Winterkorn were present to represent the application.

MR. PIRES: Good evening, Mr. Chairman, members of the Board. As noted here, we're here for the final site plan approval of the central kitchen. We did receive preliminary site plan approval in August of this year.

Should it please the Board, I would just like to give an overview of the project, address any outstanding questions that were raised by the Board at the last hearing on August 8th, and then last but not least, also request a couple of amendments to the application.

Firstly, though, I would like to introduce Garth Winterkorn, who is doing an excellent job of putting up our displays over there, and -- of Costich Engineering, who are our civil engineers for this project.

The application, once again, is for the central kitchen, final site plan approval. The location of which is shown on the exhibit, both the exhibit to the right as well as a copy of the same has been provided to the Board as well as staff.

It shows the entire Market Street complex, if you will. More specifically, we have the central kitchen location off here to the south of the existing warehouse, right over here (indicating). That is the location of the central kitchen.

As part of this application, too, we're requesting that there be a modification to the 38,500 square foot building. At the very last minute today, as I was walking out the door, folks from our Design Group responsible for the development of this facility asked that in lieu of an emergency generator being placed on the west side of the building, in lieu of that, we place a 2,000 square foot addition to the 38,500 square foot application of which we would have a combination refrigeration/condenser room where we would also be providing our site electric coming into that location.

Again, once again, the southeast corner of the proposed central kitchen (indicating). The reason that would be located there, it would allow us then any -- in the situation of a power shutdown to actually bring one of our mobile generator units, hook it up at that southern location and continue to run the central kitchen facility. And by the way, you have probably seen in the press, the -- it is also referred to now within Wegmans as the culinary -- Culinary Innovative Center, CIC, if you will. It is one in the same central kitchen application. It is just the name, as you will, is officially internal to Wegmans, the Culinary Innovation Center, the CIC. That is the second amendment I was asking for on the application.

JAMES MARTIN: Clarification on that. So you would be adding 2,000 square feet to the 38,500?

MR. PIRES: That is correct.

JAMES MARTIN: So it would read central kitchen would be 40,500.

MR. PIRES: That is correct. 40,500. That is correct.

The other amendment which we're requesting is at almost the center of the site, located on the exhibit off to the right, and within the circle on your copy of the same plan, is a security building, central command for this facility as well as all of our stores and offices. Currently it is about a 10,000 square foot building. We would like to add 400 square feet at the southwest corner. It -- as folks, both from the Board and the audience can see, first of all, the building is very small. It is well within the heart of the property. Well, away from Fisher Road or Chili Avenue, and certainly a nominal incremental size increase to the existing security center.

The purpose of the building is to enhance our communications facilities, bringing us up to the 21st Century and prepare for beyond.

With that 400 square foot addition, we're asking for a temporary construction communication trailer, once again, immediately to the southeast of the building. Just off the parking lot. Once again, part of the security building complex, if you will.

DARIO MARCHIONI: Art (Pires), I will ask you a favor. Move it over a little bit.

MR. PIRES: Then last but not least, 18 parking spaces as part of this facility. So while there are a number of elements to it, as noted on the exhibit, looking at it, in front of it you can see it is such a minor addition to the building, allowing us to have an enhanced communication center. We would request the trailer be there from March 1st through to July 1st of this year, when we anticipate the construction would be done.

That is it as far as the -- the amendments.

The application, once again, 40,500 square foot building. We would like to address the points raised at the end of the hearing last time. The Storm Water Pollution Prevention Plan, that has been submitted to the Town Engineer. And I take this not necessarily sequentially, but they're all within the minutes from the Board of August 8th.

Refuse collection, we'll be providing an enclosed compactor unit that will be at the southeast end once again of the central kitchen building, off this location right there (indicating). There will be no emergency generator. And at the time of the preliminary we thought there would. We asked for it and believed we had approval for it, but in lieu of it, we're asking for the additional 2,000 with the electric and for some other utility purposes, but that is at the southeast, so we would not have a permanent generator.

Noise assessment, the Board was presented a noise assessment report by Dr. Frank Sciremammano of FES Associates dated October 5th, 2006, reflecting the analysis that was taken on site in August '06. And if I might, just for the record, read the summary note, because there is a lot of technical data in it. In summary, quote, unquote, "Noise generated on the Wegmans site is at a relatively low level and it's effectively attenuated by the existing landscape berm located along the Wegmans western property line. The noise level in the adjacent residential area is primarily due to the local neighborhood sources coupled with the regional traffic and aircraft noise. Noise from the warehouse site is not noticeable and is not significant for the adjacent residential neighborhood under either daytime or nighttime conditions."

Next item from the hearing that was open yet, construction equipment access from Jetview Drive versus we were going to be coming in through Market Street. We had subsequent conversations with your construction personnel and they had requested that I request from the Town access via Jetview Drive, up through the southern end of the site. I had spoken to the Commissioner of DPW, Mr. Joe Carr, and he is accepting of that request.

JAMES MARTIN: Thank you.

MR. PIRES: Contacting of the airport, certainly we'll do that in regard to our cranes.

Just for the record, and I will get into this a little later, but the elevations will show that actually the height of the building as proposed is less than the warehouses that were constructed before, so we are -- we obviously worked with the airport and any FAA regulations and we'll continue to do so.

Point of clarification, if I might. Two things. Reading the minutes, I was -- apparently had said 1998 that the agreement was between Wegmans and COMIDA. It is actually 1988.

Also, the -- another point of clarification. The tax benefits. There's two -- under New York State Real Estate Property Tax Law Section 485-B, we will be -- we're eligible for that tax abatement. Not -- that is not under COMIDA, the real estate property tax. That is not under COMIDA. The tax benefit under COMIDA would just be the sales tax on construction materials, so I wanted that fine point of clarification.

Certainly last, but not least, which was requested from the Board and outstanding at the time of the preliminary application were the elevations and floor plan, which I believe the Board has, staff has and certainly we have an elevation off to the right.

If I can summarize the -- and close out the presentation, the exhibit off to the right, we have the addition. Looking from the east side of the property, you can see the -- at the -- the left end of the exhibit, that is approximately a 29 foot high elevation, as opposed to the 48 foot high warehouse elevation.

The others are exhibits, once again -- this would be from the west side, which would be the Lexington Avenue side. This -- once again, at this end of the site only (indicating) is the central kitchen

addition, the balance of which is the existing warehouse. You can see the profile again, the 29 foot plus or minus versus the 48 foot plus or minus existing, and the others below are the southern, and then enhancements of the western and eastern elevations. That is a summary of the presentation.

I'm sorry. One last thing. Town Engineer's comments. We would like to go through those very quickly.

This is the letter directed to Mr. Jim Martin, Chairman of the Planning Board dated February 8, 2007, um, from Lu Engineers. The key points is a Storm Water Pollution Prevention Plan will be required. That will be submitted with -- that has been submitted and the Notice of Intent to the New York State DEC will occur this week. Point 2 has already been resolved. We have submitted the drainage report.

Number 3, the parking space illustrated on sheet 16 of 18 does not meet the minimum Town standard of 9.5 feet wide and 19 feet in length. As we have requested and we received, certainly on the balance of the parking, on the western side of the warehouse development, both here on the larger and here the more site specific plan. Those were 9 by 18s to date that were granted by the Board. I believe even the balance of the site are that over for the office complex.

But putting that aside, the adjacent parking spaces on the west side of the existing warehouses are, in fact, 9 by 18. We ask the same pattern because it has worked for us.

That point by the way on the western side of the proposed central kitchen, this is -- as discussed during preliminary approvals, but just as a reiteration, this is for employee parking only. The traffic -- all tractor-trailer traffic only comes on the east side. The loading docks are on the east side of the building.

The next point from Mr. -- the Lu Engineers is number four. There appears to be a discrepancy in the storage volume of the proposed pond. My understanding is that Mr. Garth Winterkorn of Costich has spoken to Dave (Lindsay), and that has been resolved, and I stand corrected if otherwise.

DAVID LINDSAY: That is correct. I didn't have the correct grading plan in my set here, and he mailed it to me.

JAMES MARTIN: You're satisfied with it?

DAVID LINDSAY: I have not looked at it yet, but he has e-mailed me a revised grading plan.

MR. PIRES: Fifth item, we have already addressed that as far as Town Engineer's noting that final approval would be contingent upon Town Engineer's.

Last, but not least, landscaping. We have spoken to the Chair of the Conservation Board. Your plans, as well as reviewed by the Conservation Board, has the landscaping proposed as noted on the exhibit, off to the right. Um, a side note. With the existing Market Street here (indicating), part of the 100 Market Street office building, there were a number of evergreens. We had planted about 18. About six or so died. What we had done with discussions with the Conservation Board and, Mr. Chair, that we took the evergreens within this location of the site and actually enhanced and relocated them along this stretch of Market Street (indicating).

So not only did we replace same in kind, we enhanced it with land forms, mulch, additional deciduous trees along the existing internal Market Street and then the additional evergreens. I trust that is acceptable to the Conservation Board.

JAMES MARTIN: You're okay with that?

PAT TINDALE: I need to see landscaping plans.

JAMES MARTIN: Okay.

MR. PIRES: That's -- summarizes the presentation. I would be glad to answer any questions or comments from the Board.

JAMES MARTIN: Very good.

DARIO MARCHIONI: I always ask this question. When are you going to start this project?

MR. PIRES: We would like to start spring of this year, and it would be complete mid 2008.

GEORGE BRINKWART: The reduction in the parking space size, that is usually a consideration when you have tight space, but I think we have ample space there. That -- what is your reason?

MR. PIRES: You're correct. What we're proposing, number one, it works with the 9 by 18s. It works elsewhere on the site. It is internal to the site and we would like to have as least amount of pavement as necessary. And it has certainly no impact on the community.

JOHN NOWICKI: Are your spaces over by the offices 9 by 18s?

MR. PIRES: I need to confirm that, John (Nowicki), but I believe they might be.

JOHN NOWICKI: It flows very nice all the way through there.

MR. PIRES: Exactly. The key is – what I would like to emphasize is that the contiguous parking spaces for the warehouse works and they are 9 by 18. It is internal to the property and in no way impacts the community. It strictly impacts our employees, and we -- we have had no issues to date.

JOHN NOWICKI: They have covered all of the ground. Costich Engineering does a great job and they cover all of the details. As long as the Town Engineer is satisfied on these points you have addressed, I have no questions.

KAREN COX: I don't have any questions.

JIM POWERS: Um, no questions. Well, maybe a couple. On the noise study that was done, um, has there ever been a noise study done on Wegmans and the Lexington Parkway, prior to this?

MR. PIRES: Actually, Dr. Sciremammano and myself were out there and he had taken noise measurements. That is at the preliminary hearing. I thought we had formulated the final report. Come to find out, we never formalized it because our application was on-again/off-again prior to it. So this is the latest and greatest report, once again, October 2006. Within the body of that report, it notes that the readings were taken both on the east side of the berm as well as from Lexington Parkway. So that reflects the conditions and all of the data that is within the report.

JIM POWERS: Did you look to compare the different decibels from those two studies?

MR. PIRES: This one study compares the pre and post -- definitely compares the Lexington and the sound on the east side of the berm, if that is the question. So it has the noise level on the east and west sides. We never finalized -- the initial analysis I had spoken about, which we had gone out on a couple years back, we never finalized the report, but the noise measurements are in line with this final report. But we never finalized the report and never submitted it. I thought we had, and I stand corrected on that. That is where we went back. That is where we finalized the report that Dr. Sciremammano had done in October.

COUNCILMAN POWERS: Does Wegmans do anything about maintaining that berm between your site and Lexington?

MR. PIRES: We -- it is an existing, approximately 20 foot high berm. I believe landscaped with a mature evergreens and deciduous trees, a mix. We do maintain it when necessary. As a general statement going back to '88, '89, my understanding of the approvals is that was supposed to remain a forever wild, if you will, untouched. That was their consensus, and one of the conditions of approval, if not specifically by understanding.

JIM POWERS: Okay. I have had some compliments over the phone on the new ramp hook-up to 204.

MR. PIRES: Thank you. The fourth leg of 204.

JIM POWERS: The sound barrier you have between there and the Henry Circle area. You have done a good job.

MR. PIRES: Thank you very much.

DARIO MARCHIONI: Isn't the berm on a conservation easement?

MR. PIRES: I don't believe it is Wegmans' responsibility at this point. I could be wrong. I don't -- I'm not aware of that. No.

DAVID LINDSAY: Just that you made a statement that you -- that you furnished me the Storm Water Pollution Prevention Plan or will that be coming?

MR. PIRES: I thought we had, Garth (Winterkorn).

MR. WINTERKORN: I'm sorry, Garth Winterkorn from Costich Engineering. We submitted Dave (Lindsay) the drainage report. The SWPPP will follow that.

DAVID LINDSAY: Okay. Thanks.

JAMES MARTIN: It will be conditional on final Town Engineer approval, Dave (Lindsay).

DAVID LINDSAY: I just wanted to make sure it wasn't lost in our office someplace.

PAT TINDALE: I -- it had been approved, but I need three prints to get stamped and signed.

JAMES MARTIN: We have a request before us to amend the application. That was presented. Actually, two amendments to the application. Amendment number one, that the central kitchen will now constitute a 40,500 square foot building.

The second amendment to the application would be a 400 square foot addition to the security building and 18 additional parking spaces.

Is that basically correct?

MR. PIRES: The third element would be the temporary communications trailer while we upgrade the existing communications center and expand 400 feet.

JAMES MARTIN: And a temporary communications trailer.

How long do you envision that being in place, Art (Pires)?

MR. PIRES: March 1 through July 1 of this year.

JAMES MARTIN: Okay. So if I say temporary communications trailer will be in place from 3/1/07 to 7/1/07?

MR. PIRES: Yes. That's fine. I was thinking mid February, but -- if you want mid February. We might get there. Depending on the snows. It might be in mid February.

DENNIS SCIBETTA: He will pay at least six months for a permit for it any ways, so.

JAMES MARTIN: So those are the amendments to the application that we have before us.

I make a motion that we amend the application to include the two additions that I have outlined.

DARIO MARCHIONI: Seconded it.

JAMES MARTIN: On the motion to amend the application with the two additions?

The Board was unanimously in favor of the motion to amend the application.

JAMES MARTIN: SEQR was done at preliminary.

The Board discussed the proposed conditions.

John Nowicki made a motion to waive the parking requirement of 9 ½ feet by 19 feet, to be modified to 9 feet by 18 feet, and Jim Powers seconded the motion. The Board was unanimously in favor of the motion.

The Board further reviewed the proposed conditions.

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

1. Pending approval of the Town Engineer.
2. Applicant will supply three prints of stamped landscape plans to the Conservation Board.

Note: The Planning Board waived the requirement that parking spaces internal to the Wegmans complex will be 9.5' x 19". They will be 9' x 18'.

There was a recess in the proceedings.

3. Application of Pride Mark Development, owner; 2024 W. Henrietta Road, Suite 6D, Rochester, New York 14623 for final site plan approval to erect 17 apartment buildings totaling 105 units at property located at 4416 Buffalo Road in R.M. zone.

John Caruso, Jim Barbato, Jr., Nancy Smythe and Christy Stewart were present to represent the application.

MR. CARUSO: Thank you, Mr. Chairman. Good evening. I'm John Caruso with Passero Associates. We're here tonight representing Pride Mark Homes and Rochester Presbyterian Home, and with us is representatives from both those -- both of our clients, I should say. Jim Barbato, Jr. is here. Nancy Smythe and Christy Stewart. So if you have any questions regarding operations or things like that, we have someone to help answer questions.

Mr. Chairman, at the last meeting, preliminary subdivision and site plan approval, there were two comments for us to address. One of them was we needed to come up with a secondary means of access to this parcel for emergency service, and we were able to resolve that through meeting with Mr.

Scibetta and the Fire Marshal, and if you will look at the plan on your screen, in this area here (indicating), we have an access road that was brought down from up in this area here (indicating). So we moved this building (indicating) over. We lost a unit off of it and we have an access road coming down and tying right in.

So we have full -- full access. If you can look at the -- several drawings we have over here, there is access into the site from here (indicating), in from here (indicating), and then we have two, three internal loops inside our project.

JOHN NOWICKI: That access road, is that controlled by crash gate?

MR. CARUSO: Um, no.

JOHN NOWICKI: It's not.

MR. CARUSO: No. What we're going to -- we don't have the pavement shown. It is shown here (indicating) so you can see what we'll do. What we're going to do is put an inch of topsoil over the -- it and we'll demark the left side of it so you know where to drive down. And you will see the markers all along the left side. Sub base and stone.

JIM POWERS: Will that be gated at all?

JOHN CARUSO: No.

KAREN COX: It will not -- not be obvious it's a road to the general public.

MR. CARUSO: You won't see pavement there.

JOHN NOWICKI: So the Fire Departments know and the emergency vehicles know it can get through there.

MR. CARUSO: Exactly what we worked out with them. How to delineate it, the width of it and where it would go.

The second thing we needed to do was subject to Town Engineer's approval, and of course, there is some buttons to be tied here, but that's pretty much standard procedure.

So with that, we have -- we'll open up to questions, but before I would do that, I would like to show you how we integrated the architecture through the two projects. I have asked the architects to put together a little package. I would like to take three minutes and show you what we plan to do.

There's one of these drawings I left up there to share amongst a couple of you. What you see here (indicating) is the town home that goes on the Pride Mark side of the development. You can see that it is as we promised. It's a single-story structure, but it has the appearance of a two-story structure.

You can see the -- some of the elements to -- to make that appearance is the false window over the garage, in the peak, and it's hard to see from the photo because it's in the shade, but there is sort of a frieze board that runs underneath the soffit that has a bit of, um, structure to it that makes it a little different than just the soffit coming down and meeting the building.

The significance of this building's architecture with the architecture of the RPH units, if I could -- I will turn this around and show it to the audience in just a second, but for the Board's -- for the presentation purposes, you can see some of the fish scale unit that we'll use here and the same thing -- this is a one-story structure, but it has the appeal of two stories, with the windows in the dormers, and this scale here (indicating) is also the same that we'll be putting on the apartment side.

So we're blending the two projects. Even though it is designed by two different architects, we're using some of the same design characteristics, if you will.

The other thing to note is the garage doors that are going to go with -- there is a little carriage house between the buildings shown in the RPH project right here (indicating) and right here (indicating), these little storage areas (indicating). And this -- this carriage door here (indicating) will also be introduced into this project. This is the door we're going to use (indicating). The colors will be different, but the elements of the buildings will be similar.

And if you could, please reference the RPH building. The architect had given me a couple things that he wanted to show you.

Is there an extra copy of that up there? I have one. I just want to put it on the overhead. There you go.

In this area of the building (indicating), you can see that there is a little porch, and this is what I -- for the audience, this is what I just showed the Planning Board. Here is the type of railing that will be used on the porch (indicating). This is a catalogue cut. Using your equipment here (indicating), we're able to show you and the whole room what we mean by the railing, and you can see here it is vinyl railing, and you know, the height is about 42 inches.

Now, between the buildings we planned to put a 6 foot fence, and you can see the character of this. It is solid, and then it is split. It has a frieze line here (indicating) with a -- with the caps on it.

And here is a photo of the -- the siding with the fish scale that you would see. It is hard to see in the other photo, and on the rendering, but it is better shown here in catalogue cut. These are the elements we told you when we met we would try to integrate in these two structures, and here is what they turned out to be.

So with that, I won't belabor it any more. If there are any questions regarding any of this, we'll be happy to answer it, and I have our clients here, and we can talk about any of the operational things you would like to.

JAMES MARTIN: Um, you have touched on most of the Town Engineer comments. You will be providing detail of proposed emergency access that you will be adding to the plans. Um, letter of credit.

MR. CARUSO: Yes. Standard.

JAMES MARTIN: All these things are pretty standard issues. Obviously this will be contingent upon Town Engineer approval.

MR. CARUSO: Uh-huh.

JAMES MARTIN: Okay.

I will go to the Board at this time with any questions or issues.

JIM POWERS: None. Nice looking project.

MR. CARUSO: Thank you.

JAMES MARTIN: One thing. You had mentioned before the approval of the emergency access, I think. Was Joe Carr involved in that also?

MR. CARUSO: Yes. The three of us met. Joe Carr, the -- the Fire Marshal, Jim Christian and Dennis (Scibetta).

JAMES MARTIN: So Joe (Carr) was involved.

MR. CARUSO: Yes.

JAMES MARTIN: You didn't mention his name before.

MR. CARUSO: I'm sorry. I left him out. You're right. Joe (Carr) helped speed the meeting up.

JAMES MARTIN: As usual.

MR. CARUSO: He was pretty clear on what he was looking for.

KAREN COX: I have nothing. I -- I echo Jim (Powers)'s compliment to both applicants. I'm looking forward to seeing this get built.

JOHN HELLABY: I have nothing. It looks good to go to me.

JOHN NOWICKI: Let's see. There was --

JAMES MARTIN: There was one issue that came up. There is going to be some storm drainage work on Town property that was unresolved, Dennis (Scibetta), whether we'll have to have Town approval on that, or whether there is anything that needs to be done around insurance issues or liability issues to work on the Town property.

DENNIS SCIBETTA: Just standard easement, I believe. We discussed that with Keith O'Toole. I believe we're covered on that.

JAMES MARTIN: So there is no issue there. Okay.

KEITH O'TOOLE: If the Town Board approves it. If the Town Board approves it.

JAMES MARTIN: Pending Town Board approval. All right.

KEITH O'TOOLE: Yes.

JAMES MARTIN: So you need to deal with that issue.

MR. CARUSO: For the easement?

KEITH O'TOOLE: Yes. Or for that matter, any work on Town land.

JAMES MARTIN: Should I list that as a condition, or is that -- Mr. O'Toole? Should I list that as a condition, or is that a prerequisite for them to begin work?

KEITH O'TOOLE: Could you list it or not list it? Either way they don't have a right to enter Town land without Town permission.

JAMES MARTIN: All right. I will not list it. Mr. Caruso stated it was requested from the Town Highway Department. I will go to Joe (Carr) and ask him how he wants to deal with that.

JOHN NOWICKI: Streetlighting fixtures?

MR. CARUSO: Standard residential, Colonial.

JOHN NOWICKI: Conservation Board, do you want to address those comments?

PAT TINDALE: Sure.

JOHN NOWICKI: The Conservation Board requests the plantings are proportional to the buildings. Will the larger townhouse units have additional trees? And the -- also, suggest -- they suggest planting Austrian pines that are 6 feet or taller and the Seagreen Junipers should be 18 to 24 inches in size.

MR. CARUSO: If I could get a copy of those comments, I would be happy to address that with Pat (Tindale) and the Board.

Pat (Tindale), just fax them to to me, please.

JOHN NOWICKI: Great job. Looking forward to this one. It's a beauty.

MR. CARUSO: Thank you.

GEORGE BRINKWART: I want to echo that. I think this is a great project. I'm really glad you came to Chili to do this, especially the facility for the seniors there. Unless you personally experience someone with decreasing mental capacity, you don't really appreciate something like this. So definitely, my hats off to you. Thank you for coming.

Also, the buildings are -- they look quite handsome. I think they're very attractive, nice addition.

JOHN NOWICKI: Interesting with John Fahey (phonetic) on the one and the SWBR on the other. Nice blending.

GEORGE BRINKWART: The access road around the center portion, to the east, access drive by the ponds.

MR. CARUSO: Yes.

GEORGE BRINKWART: I was just wondering. It looks like those slopes are fairly steep, and I was concerned of possibly, you know, some vehicles getting maybe out of control and down through that way. And I was wondering if maybe you would consider reducing the slope there on that. Possibly you might even need a safety bench on that pond, as well. That might be able to address that concern, as well.

MR. CARUSO: I will take a look at that. If we can do that, I -- it's a good idea. We should have something like that. So -- if it is -- if it is something I have overlooked, I will -- Chris (Kaurelis) is not here tonight, but I will have Chris (Kaurelis) look at that, and I am sure Dave (Lindsay) will follow up. Chris (Kaurelis) make it in? There he is. We're in several different communities tonight, so we're filling in for each other.

JAMES MARTIN: Chris (Kaurelis), you have to follow up.

MR. CARUSO: When Chris (Kaurelis) follows up for me, I go around seven. When I follow up for him, it is around 9:00, 9:30. But we'll -- George (Brinkwart), it is a good follow-up. We'll look at that and see if we can adjust it and show it to Dave (Lindsay) along with the Joe Carr comment. It sort of all falls under Town Engineer.

GEORGE BRINKWART: The other question, I was wondering if we should add something in the letter of credit to cover the restoration on those areas of the storm sewer improvement that go off the property, that are on the easement?

JAMES MARTIN: Um, I believe when we reviewed that at DRC, um, the -- there was -- there wasn't landscaping damage, but they are going to put a new fence up, all right, along the Town property, if I understand that correctly, but I don't think you were going to touch the trees or anything in that area.

MR. CARUSO: We were told to avoid the trees, so we did. I think what George (Brinkwart) is getting at, whatever we disturb, make sure it is in the letter of credit.

GEORGE BRINKWART: Yes. Because you have the storm sewer that goes across the Town's parcel and the adjacent parcel, as well.

MR. CARUSO: We'll just make sure along with the pipe, there is enough money -- there is money in there for the pipe. There should be money in there to restore the surface.

DARIO MARCHIONI: John (Caruso), a Class A job there. Thank you.

MR. CARUSO: Thank you, Dario (Marchioni).

FRED TROTT: Thank you for getting the access road. Appreciate that.

JAMES MARTIN: A lot of accolades on this project. I think it is a beautiful enhancement to the area, and I wish you all well and certainly wish the Presbyterian Home all the best. It is a very needed facility. We look forward to having you here in Chili.

DENNIS SCIBETTA: Actually, Jim (Martin), there was a question. Was the construction phasing -- did you -- and timing? Have you put anything in place yet, John (Caruso)?

MR. CARUSO: We're really not planning to phase the project. We're planning to -- we want it all approved and it's -- it's really not limited by phase. It's limited by the time we have to build it. A better way to answer the question is, we plan to build in this year's construction schedule the entire Rochester Presbyterian Home, the access roads and seven of the buildings for Pride Mark's buildings. This road here (indicating) we're intending to build it all of the way through.

We don't think we can start all of these foundations (indicating) and build all of the town home buildings in this year's schedule, so we would push the last five buildings into next year's schedule.

What we're trying not to do is make this place look like a bomb went off and tear it all up and then in 24 months we're done. So we're trying to think about how we're going to do it. We need to move some dirt, get it in place, build our roads.

You know, Jim (Barbato) will want to build his community center and use it as a construction office and -- I mean, it is a good idea. Rather than putting a trailer out there. So he has really thought about how he is going to do that. And the RPH site will be constructed separately under different contracts, and so we think we're going to get up to about here (indicating) with the town homes and -- and in this year's construction schedule and all of this (indicating).

KAREN COX: Nice.

MR. BARBATO: Just a correction on that. The community center would be put up and finished not as much for construction office but more of a leasing office to get started. As we start to deliver units for rent, we want a good leasing center there ready to receive potential residents.

JAMES MARTIN: Understand.

John (Caruso), I will just ask you to provide a minimal phasing plan to the Building Department so they understand what your sequencing is, okay?

MR. CARUSO: That's simple enough.

JAMES MARTIN: Can you do that?

MR. CARUSO: Yes.

DENNIS SCIBETTA: Which is the schedule. That's all.

MR. CARUSO: You know, we -- it's a good -- it's a good practice. We'll do that.

JAMES MARTIN: SEQR was handled at preliminary.

James Martin reviewed the proposed conditions with the Board.

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

1. Pending approval of the Town Engineer.
2. Applicant shall review safety aspects of the slope along east access road.
3. Letter of credit will include funds for restoration of disturbed Town property.
4. Provide a phasing plan to the Building Department.

FOR DISCUSSION:

1. Joe Gomes - proposed parking lot and rezoning at 2652 Chili Avenue in R-1-15 zone.

Joe Gomes and Larry Heininger were present to represent the application.

MR. HEININGER: Good evening. Larry Heininger, civil engineer, Vice President of Markus & Associates, also partner in HBMA. As you all know, Joe (Gomes) is a businessman in the Town of Chili. His offices are over on Chili Avenue near Westside Drive, right at the V.

I first got involved in this project over a year ago during the -- during the summer, and the initial discussion was expansion of parking on the Westside Drive area. That's not on your plan right now, but he came out to the site at that time, and there are no storm sewers readily apparent in that part of

Westside Drive. That's also the low side of the property. I talked with Joe Carr about it, and I talked with Larry Nissen from Lu Engineers about it at the time that in order to do parking expansion on the north side of the building, there would have to probably be some dry wells. I observed at that time that the soils were fairly sandy, but that was really as far as the discussion went.

Um, the next thing that came was that Joe (Gomes) wanted to improve his front parking on the Chili Avenue side, so I did a quick sketch that showed 9 by 18 parking spaces, and it would definitely been a 24 foot drive lane, maybe 26. That was submitted to you through Markus & Associates, who is a -- his licensed surveyors is through Markus, and it came back. And I have a question on this with 9 1/2 by 19, which seems to be your standard space, but a 30 foot wide drive lane, is that the standard drive lane in the Town of Chili, the 30 foot wide drive lane?

JAMES MARTIN: You answer -- is that standard? I don't have the code in front of me.

DAVID LINDSAY: I don't know yet. I will look it up.

MR. HEININGER: Typically drive lanes are no less than 24 and generally no larger than 26, and it has to do with whether you're giving the space to the parking or not. But anyway.

On your plan right now is kind of a cleaned-up parking lot. I would advocate a 26 foot wide drive lane is pretty adequate especially with 19 foot deep spaces and you would have more green.

The third thing to discuss here that Joe (Gomes) told me is currently the zoning is R-1, and he has a variance to upgrade his insurance business, and that you're currently going through a Town Master Plan or have recently completed one, and that the Town has some thoughts on how that intersection of Westside Drive and Chili Avenue ought to be developed, and whether the zoning would become General Business, and that's really all I have to say and open it to your discussion.

Joe (Gomes) wanted me to come because I have been doing this for 28 years, and -- he sells insurance. I do engineering.

JAMES MARTIN: I guess what I would like to do is separate the two issues that we talk about, the parking and the site plan. Any discussion from the Board regarding what you have proposed there? Do we have an answer to the question on the minimum?

DAVID LINDSAY: It is in the design criteria book, and I don't have that one with me.

MR. HEININGER: Okay. Well, that can easily be -- be altered, but 30 feet seems excessively wide. So --

JAMES MARTIN: I guess, you know, this is -- when the original proposal was before us for the parking in the rear of the building, which obviously has not worked out for technical reasons, um, I think there was some questions as to, you know, what's generating the need for the additional parking, and, you know, are those -- are those issues still valid? I mean, what is driving the need for the additional parking? Customer use. Is there some rental situation there that -- that there is employees that need to have a place to park? What exactly is the need for the -- for the additional parking? That is one thing that pops in my mind.

I will go to the Board for other questions.

JIM POWERS: Well, I'm sorry that Mr. Gomes is not here himself.

MR. HEININGER: He is right here.

JIM POWERS: Oh, okay. I'm -- I'm curious as to why, and it was brought up the last time Mr. Gomes was in, I think by Mrs. Borgus, that you were granted a land use variance that goes for that land forever, that gives you everything that basically you want other than the parking and why you're so insistent on rezoning this to Neighborhood Business, and to rezone just this section is really kind of spot zoning. And I am wondering why.

MR. GOMES: It was recommend to me when we submitted the application that we do it all at once. It --

JIM POWERS: Why are you so insistent?

MR. GOMES: I'm not insisting, but the insurance business has changed, okay? The banks got -- have got into the insurance business, and I want to make sure I'm in compliance with all of the rules. If I don't need it -- I don't have to have it. It was recommended to me that we put all of the -- onto one application.

MR. HEININGER: So that answers the question. It was recommended to him that as part of the parking, that he go to General Business. If that is not the case, then that is kind of a moot point. Because what you're saying is the variance he has allows him to operate the insurance business, or any business like an insurance business at that location.

JAMES MARTIN: That is correct.

MR. HEININGER: Right?

JAMES MARTIN: That is correct. Now --

MR. HEININGER: Can't have a dance hall or a brewery but --

JAMES MARTIN: As long as we have kind of segued into the zoning issue, I mean if this was rezoned, it opens up the door to several other types of businesses that could be included in an NB zone. Yes, the Master Plan does indicate that that particular area would perhaps eventually become, you know, a Neighborhood Business area within the Town.

MR. HEININGER: Right.

JAMES MARTIN: And through eventuality that may happen some day, I guess. But right now, I agree with Mr. Powers on this, to take one parcel out of this particular area and rezone it to Neighborhood Business, to open up the door to other activities on that one site --

MR. HEININGER: Totally understand.

JAMES MARTIN: -- would be a spot zoning type of thing, and we really refrain from that. At some point in the future when the whole area is perhaps subject to rezoning, then it can be reconsidered at that time, but, you know, we -- but -- you know, I just don't see the need for it. He has a use variance. He could stay in business doing what he is doing, and that's kind of my feeling on it.

JOHN NOWICKI: Can I add something to that? I think, and correct me if I am wrong, but I think the current Master Plan comes up for review, 2010. And if that is the case, that would be the appropriate time to take that neighborhood area and address that -- that -- that recommendation by the original Master Plan to go to Neighborhood Business.

JAMES MARTIN: Certainly could be readdressed.

JOHN NOWICKI: I think that would be the time to do it, because it does call for the Master Plan to be reviewed and updated in 2010.

DENNIS SCIBETTA: You have a basic problem there. You're asking to rezone one property out of three without the condition of the other two. If we rezone this property, we then have problems with the setback of Neighborhood Business meeting a residential.

JOHN NOWICKI: That is what I am saying. If you go to the Master Plan update in 2010, if they make that recommendation, that can go to the Town Board and say here, we have recommended that these properties, three or four, or whatever it takes, be rezoned to Neighborhood Business.

DENNIS SCIBETTA: I understand that. You still have a -- you still have problems with some of the parcels not wanting to go into that zoning.

JOHN NOWICKI: That's -- that's something that has to be debated at that time.

MR. GOMES: If I can just add something?

JAMES MARTIN: Mr. Gomes.

MR. GOMES: Dan Miller is an attorney. He is in favor of rezoning his location, as well. Um, the lady next to -- next to my office, Elliott, she wants to rezone the -- her -- her land, as well. And I -- they -- I believe they all wrote letters to the Town to that effect. If you don't have it, I could probably get it.

DENNIS SCIBETTA: You still have a parcel between those two parcels.

MR. GOMES: There is only one parcel.

DENNIS SCIBETTA: Excuse me. Excuse me. Just a second.

JAMES MARTIN: Let's not get argumentative here.

DENNIS SCIBETTA: There is still a parcel between those two parcels that is Residential, and if we grant a rezoning request to go to anything in the Neighborhood Business or Restricted Business, it creates a -- a problem with variances between the houses. There is not the proper setbacks between the residential property and the -- the Restricted Business. So we have a problem there. That's -- that's number one.

And there is no general -- there is no talking General Business. We never wanted this to be General Business.

JOHN NOWICKI: It was Neighborhood Business.

DENNIS SCIBETTA: The engineer has stated that.

MR. HEININGER: That is the terminology I was told. But NB, Neighborhood Business is what the discussion would be.

DENNIS SCIBETTA: Right. Understand the Neighborhood Business abutting a residential

property needs a setback requirement that cannot be met then by Mr. Gomes' property, so we have a problem with that if we were to grant a rezoning request for that.

JOHN NOWICKI: So what you're saying then, they're better off to do what they have already done?

DENNIS SCIBETTA: Correct. Correct.

JOHN NOWICKI: Conditional use.

JAMES MARTIN: They have a use variance.

JOHN NOWICKI: Use variance on the property, and he could continue to upgrade his business and go from there? If he wants to go in that direction, then let him go.

MR. HEININGER: That is why I was asked to come to the meeting, would I come to the meeting, because I do this, and all of this makes sense to me. Is that -- at this point in time, rezoning this to Neighborhood Business just is not workable?

JOHN NOWICKI: No, it's not workable.

MR. HEININGER: It's not workable.

So leave it.

JIM POWERS: Could I ask a question? If this were rezoned, would that land use variance still hold, Keith (O'Toole), or would that evaporate and go away? And if it did, would he have to come back before the Planning Board for use -- conditional use or whatnot in his building?

KEITH O'TOOLE: I haven't seen the use variance in question, but presumably the use variance would survive the rezoning.

DARIO MARCHIONI: It is grandfathered?

KEITH O'TOOLE: I wouldn't quite use that terminology.

JAMES MARTIN: The use variance would stay in place.

JIM POWERS: How many businesses do you have in your home, Mr. Gomes?

MR. GOMES: How many businesses? Just two, myself, another gentleman that is in there and a -- three people. But I have two sons who I'd like to introduce to the business, and I would like to expand, and I do have an apartment in the back, and I'm thinking, well, maybe I will use the apartment and converting to more business space. I'm not sure if I can do that. Unless I --

JIM POWERS: There is an insurance business and an attorney.

MR. GOMES: Insurance business, real estate man and a guy that does advertising.

JIM POWERS: Do you have a printing business there?

MR. GOMES: No, no, no. It's not a printing business. Just all computer work.

MR. HEININGER: So those three businesses are allowed in that type of business with a variance, correct? And so then...

KAREN COX: So -- just so I understand. Mr. Gomes, if -- you don't need or want the rezoning at this point in order to put the parking lot in?

MR. GOMES: I don't --

KAREN COX: You're only coming in front of the Board asking for a rezoning because somebody suggested you do that. I don't know who that is. I don't need to know. That is the only reason you're wanting to rezone?

MR. GOMES: Yes. I think that's the only reason. Yep.

MR. HEININGER: So it sounds to me like that is kind of off the table right now.

JAMES MARTIN: Yes. I -- I don't think we need to dwell with it any more.

KAREN COX: I just wanted to make sure that he understood.

DARIO MARCHIONI: You can still go to the Town Board. We only make recommendations.

MR. HEININGER: But there is really -- in my mind, there is not a whole lot of point. I came out to the site a year and a half ago. I walked around and said paving this is going to push water onto the neighbors. You need to go to storm sewer, you need SWPPP, it is less than an acre, all of this stuff. You will not be able to connect the one parking lot to the other because the County happens to make a comment where they don't want people cutting from one road to the other.

Then it was let's clean up the front parking lot. It has been jockeyed around, jockeyed around. And then can you come to the meeting because no one seems to make any head way in a year.

Now I'm coming to the meeting and hearing all this stuff, hearing rezoning is not workable, and may be workable four years from now, may be advisable four years from now, it may not be. And the Town Engineer will get back to me on some recommendation of width of of the drive lane of -- kind of

keeping up the existing front parking, and it sounds like we'll have a plan.

Then based on the square footage of the building and the use of the building, the question came up, how much parking is reasonable. So maybe some parking can be put in the backyard, depending again, depending on reasonableness.

JIM POWERS: Was not he granted parking for that west side backyard, so to speak, back in the early '80s?

MR. GOMES: Yes, I was.

JIM POWERS: Why wasn't that pursued?

MR. HEININGER: I don't know. I was told that at some time parking was granted. I don't know why it wasn't pursued at that time. It could have been economic.

MR. GOMES: Yes.

JAMES MARTIN: Jim (Powers), when this was in before, there were a lot of drainage issues associated with that. The rear of the property. You know, the Town wasn't about to spend the amount of money that would be required to extend the sewers and things of that nature down there, the storm sewers. So anyway, I -- you have looked at it. I mean it's -- you know, potential may be there, but would it require a huge amount of money and work to do it.

MR. HEININGER: It also goes back to the square footage of the building, the amount of people that would be there, how much parking is needed.

JAMES MARTIN: And there is also, a serious concern about access to the rear of the building, going along the property line between the Gomes property and the Spuck property. You know, there was some very serious concerns about that particular issue, also. And that is still real in my opinion.

Let's talk about what has been proposed from the site plan perspective. Questions or issues around what is being proposed.

I think, Dennis (Scibetta), correct me if I am wrong, if eventually they come in with a sight plan application, um, there's still going to be a ZBA issue on this; is that correct? Is that correct or incorrect?

DENNIS SCIBETTA: I would assume there would be for the front parking, yes.

JAMES MARTIN: All right.

DENNIS SCIBETTA: Even if it is granted under the site plan, it still has to be approved by -- those number of changes in spaces. So there still would be a ZBA question.

MR. HEININGER: I'm just curious -- what is the question that the ZBA would --

DENNIS SCIBETTA: We don't allow front parking in Chili.

MR. HEININGER: That is what it would be. Okay.

JAMES MARTIN: Questions or issues about what is being proposed? Should they go ahead spend the money on a formal site plan --

JOHN HELLABY: I won't get so hung up on the parking situation, as long as they can address the drainage situation. That is everybody's major concern, the drainage issue. If you can come in there and appease the Town Engineer and show us that it's doable, I'm not going to get so hung up because you're only adding two spaces to what you already did get there. I might get hung up on the back parking issue because it is a big swimming pool issue back. There you would have to really prove to me that these dry wells work.

MR. HEININGER: I agree with you.

JOHN NOWICKI: It's an engineering problem.

GEORGE BRINKWART: Just pretty tight up front. I think we talked about snow storage, too.

DARIO MARCHIONI: I have a question. This pie shape here (indicating), you have -- you know, you have an office on one side, a residential in the middle and office on the left side, a frame building here (indicating). You know, the ideal thing is somebody to purchase this whole piece and really do something with it. That is a good spot. That is a very good location. You know, a line.

MR. HEININGER: You're talking about that intersection, that --

DARIO MARCHIONI: The whole pie there and really do something to this. This way eliminate all this mish-mash here. It interferes. Every time you do something, it interferes with somebody else. And I think that's what our Master Plan suggested, that that would be a Neighborhood Business type of venture here. If this thing came in as one package, rather than, you know -- and I got to understand the residential person who lives there, that is Residential. She wants, you know, tranquility and not commercial next to her or traffic or lights. And if I -- and vice-a-versa

where you have a little, you know, whatever little commercial, it is the operation there now. You want to be able to expand, too. You're limited to expand.

So I think the right way to do it, it is what the Master Plan suggested, is for this whole area, to be re -- you know, Neighborhood Business, and really somebody, you know, come together here and -- and --

MR. HEININGER: You mean a miniature Donald Trump, but not today.

DARIO MARCHIONI: That is what I mean. I understand -- Mr. Gomes, too, he can't move. He -- he -- you know, he is trapped in there, he wants to expand and wants to get bigger. His choice is to sell or stay the way it is. We all like to expand our business, we all like to do better. I can understand his position, too. But you know, if you want to expand, I think -- I think there is a way to do it.

MR. HEININGER: Well --

DARIO MARCHIONI: You purchased all this property. You're in the real estate business. Put it all together --

MR. GOMES: I offered that and -- well, I don't know if I want to discuss that.

JAMES MARTIN: Let's not get into that aspect.

DARIO MARCHIONI: I'm just giving my opinion. I don't know all the details and I don't want to know them. This is the way I would look as a planner. If you look at something here as far as the Town is concerned, I would -- but if it can't be done, I don't know. That is just my opinion.

DAVID LINDSAY: I think you touched on snow storage, did you George (Brinkwart)? George (Brinkwart) did you mention that? There is a section in the code for off-street parking areas, more than five vehicles should be screened by sight-obscuring fence or hedge or plantings. They have a lot of residential districts. That's it.

MR. HEININGER: Okay. Can I contact you in the next several days about the width of the drive lane?

DAVID LINDSAY: Yes. Hypothetically, you know my interest would be to minimize the amount of asphalt.

JAMES MARTIN: Understand.

I guess where we're at --

MR. HEININGER: We're good.

JAMES MARTIN: -- your proposed site plan for the parking looks generally acceptable to the Board. We can probably go forward with that. Obviously the rezoning request will be taken off the table.

MR. HEININGER: Sure. Thank you.

DECISION: Per the Board's discussions, a rezoning request would not be viewed favorably by the Board.

The altered parking plan was reviewed. If the applicant chooses to pursue this project, a formal application should be submitted for Board consideration.

2. Kayex Corp. - proposed 8,800 sq. ft. warehouse addition at 1000 Millstead Way in G.I. zone.

Bob Bringley and Frank Coleman were present to represent the applicant.

MR. BRINGLEY: Good evening. My name is Bob Bringley with Parrone Engineers. Our office is at 349 West Commercial Street in the Town Village of East Rochester. With me here tonight is Frank Coleman, representative of Kayex.

Um, just before I get started, we met with Town staff about a month ago on this project. It's very important to the Kayex Corporation, so we thought it was necessary to get in there as quickly as we can so they can get started. Um, we have made formal submission for preliminary and final approval last week, just because that's the way the agenda works. We thought it would be wise to come in there and present and show you, give you a heads-up what Kayex is proposing.

Site plan is on the board right there. It's off of Paul Road. North is up the page. Millstead Way is on the left-hand side. Um, the project is seven acres, or the project area is seven acres. There's a

45,000 square foot facility there. Kayex is owned by HAMCO Machine & Electric Corporation.

And I wasn't aware of what Kayex did before we were introduced to them, but they make the machines that make crystals that are used in all kinds of different electronics. So it is a very neat little operation. It is really amazing, the machine that they make, and they have been fortunate enough to increase their business. They have requirements to deliver machines. Hence they need this facility to build those machines on time and deliver them to their clients.

What they're looking at is an extension of this 45,000 square foot facility by building what's up in the top part of the -- of that colored-in drawing, the 8800 square foot addition, which would be 50 foot high and allow them for manufacturing purposes.

JOHN NOWICKI: Is that located in the airport zone, right?

MR. BRINGLEY: Yes, it is, I believe.

JAMES MARTIN: That would need approval.

JOHN NOWICKI: You got to get approval from the airport authority.

MR. BRINGLEY: We're aware of that. I believe it has been sent to them. We have contacted them.

Again, seven acres, zoned General Industrial. The requirement for parking, if you look at it, based on the square footage and the zoning, it requires 159, 160 spaces. Right now they have about 74 spaces, which is adequate. They're not going to put on a lot of employees. What they wanted to do, though, was -- right now around the back of the building there is an existing loading dock, and right now the people park there. It makes it very difficult for large vehicles to maneuver. They'd like to move those spaces up around to the north, reconstruct that new parking area north of the addition, put in new storm drainage.

There's sanitary sewer that supplies it and also make improvements to the west side of the building, in terms of fire access.

So that is what that shows on the north, and the west side of the building is improvements for fire access, parking. On the east side of the building, um, there will be a proposal for a new loading dock and at-grade loading dock and one that is depressed by 4 feet. Hence, we improve the circulation back there to allow for tractor-trailers, because once the product is built, it is crated and then they need to get tractor-trailers in there to load it up and truck it off the site.

Um, there's no variances requested under this application. I don't believe other than if the Board can grant a waiver for the parking. And again, we're proposing a slight increase in parking, but the main thing is that we reconfigure the parking to allow for, you know, mainly their employees. Very few -- there's not a lot of visitors on the site other than people like myself or maybe people that they're building machines for.

Um, so we fit all of the required setbacks. We did look at before -- just to give the Board a little more history, of providing parking along where the exiting parking is, but again, that's a front yard, and we didn't want to create any additional processes before. There was a variance granted, I think, a while ago for parking in the front setback, but we, after discussions with Town staff, said well, why don't we move it way in the back, eliminate an additional step, comply with the code and it seemed to work out well. And I think also the building height will work. It is 50 foot maximum under this code and we'll be right at 50 feet.

Um, so with that, either myself or Frank Coleman and -- can answer any questions about the business, and anyways we can improve the site plan application before you today.

JAMES MARTIN: Just -- so you would be going -- you currently have 74 parking spaces for the existing structure, and when you are done, you will have 77 parking spaces for the total facility?

MR. BRINGLEY: Right.

JAMES MARTIN: So I am assuming somewhere along the line there was a variance granted for that?

MR. BRINGLEY: I don't know if it was ever a variance. We did some checking on that. We checked with Kathy (Reed). I don't think they ever addressed it, because it was -- you know, the building was built a while ago, and it was used for different uses, and Kayex sort of got in there and sort of grew into it. But there is no need. I mean if you go out there and look today, they're not utilizing all of the parking today.

JAMES MARTIN: What is the total amount of employees at the time?

MR. COLEMAN: 50 employees.

JAMES MARTIN: That includes management?

MR. COLEMAN: Yes. Sales management.

JAMES MARTIN: Your name.

MR. COLEMAN: I'm sorry. Frank Coleman, from Kayex, manufacturing engineer.

JAMES MARTIN: So 77 spaces are adequate to handle all your employees and any potential visitors to the site?

MR. COLEMAN: Yes. Additional floor space is primarily for construction of equipment.

JAMES MARTIN: I'm glad business is good. Your 8,800 square foot addition, will that -- you know, will there be any additional employees brought in as a result of that or are you pretty much static?

MR. COLEMAN: Our intentions are to look for staff to go out of Town to install the equipment, so there would be additional employees, anywhere from 8 to 12 employees at the most.

DARIO MARCHIONI: What do you consider the front of this building? Is it Millstead Way or Paul Road?

MR. COLEMAN: The entrance is on -- is on Millstead. The main office entrance. But the employees' entrance and parking for office staff is on Paul Road.

MR. BRINGLEY: The address is Millstead. For zoning we considered both basically fronts. You know.

DARIO MARCHIONI: If you mentioned parking in the front of the building, and -- it depends which --

MR. BRINGLEY: Right. We considered both of them fronts along Millstead and Paul.

DARIO MARCHIONI: You just choose one of them.

MR. BRINGLEY: Yes. So.

DARIO MARCHIONI: Okay. Did you mention the addition, the type of architectural addition, or -- or -- what kind of siding -- I mean --

MR. BRINGLEY: It will be very similar. It will be similar to what is there today. There is a high bay there. It is basically a pre-engineered, metal building. Um, you know, with -- with some kind of metal skin on it.

DARIO MARCHIONI: Color and everything to match the existing?

MR. BRINGLEY: Yes.

DARIO MARCHIONI: I believe the building is white now?

MR. COLEMAN: Yes.

MR. BRINGLEY: They have a flat roof. Just be a big box, 50 foot high.

DARIO MARCHIONI: Any lighting? Well, you don't have any residential area here anyway.

MR. BRINGLEY: We'll provide new site lighting around the rear where the new parking is, where the darker gray is. New site lighting for pedestrian movements and safety back in. There -- there will probably be some lights over entryways and things like that.

DARIO MARCHIONI: As far as drainage, you will deal with it through that storm water management facility you have in the back there?

MR. BRINGLEY: Yes. That will meet Phase 1 and Phase 2 requirements for quality and quantity.

DARIO MARCHIONI: Is that big enough?

MR. BRINGLEY: We ran all of the calculations on that and submitted all of the information with the drainage reports last week. So the engineer will be looking at them. We believe it is sufficient.

DARIO MARCHIONI: Thank you for the presentation.

GEORGE BRINKWART: You show a 12-inch combined water sewer service coming in there. Is there a fire hydrant on site anywhere or is this just for in house?

MR. BRINGLEY: There is a hydrant on Millstead and for along Paul. I think there is fire protection. The building is fully sprinkled, and the new building will be sprinkled also. So there will be extension of the sprinkler systems for this new addition.

GEORGE BRINKWART: That's a fairly robust size of the water main coming in there.

MR. BRINGLEY: Yeah, they didn't undersize that. Usually they are too small.

JOHN NOWICKI: Bob (Bringley), what is your timeline here? You're coming here for discussion, and so what is your -- you must have an aggressive timeline.

MR. BRINGLEY: That's -- we're going to come back before the Board March 13th for

preliminary and final. We would like to request that. They would like to get construction as soon as possible because this building has to be delivered in a very short period of time.

JOHN NOWICKI: So you just got to cross the Ts, dot the Is on March 13th.

MR. BRINGLEY: We want a --

JOHN NOWICKI: You need the landscaping plans over there.

MR. BRINGLEY: Yes. That was part of that package. The whole submission package was made last week.

JOHN NOWICKI: You want to start in April?

MR. BRINGLEY: As quick as we can get a building permit. Building plans are under way, and the contractor is -- they lit the match.

JOHN NOWICKI: I know they're already bidding it.

MR. BRINGLEY: They're heating up. Yep.

JOHN HELLABY: You might have mentioned it, but maybe I missed it. The height of this addition will match the last addition that they did over there?

MR. BRINGLEY: The high bay is 50 feet and this will all be 50 feet.

JOHN HELLABY: Pre-engineered, metal clad building?

MR. BRINGLEY: More or less, yes.

JOHN HELLABY: Talked about the site lighting. People that park in that rear parking lot, how do they enter and exit that building? Could they walk all of the way --

MR. COLEMAN: Right now there is an entrance in one of the shipping areas, and we intend to put an entrance in the back of the building.

MR. BRINGLEY: Yes.

MR. COLEMAN: Right off the parking lot.

JOHN HELLABY: The only reason I ask, I see you have a sidewalk along the one end, but it doesn't go anywhere.

MR. BRINGLEY: It will empty out in the back. There -- that is a good question. I think there was intent to access the building for employees on the west side. Yeah. But that hasn't been resolved yet, I don't think. But I can find an answer to that before we meet again.

KAREN COX: All of my questions have already been covered.

JIM POWERS: The -- we have a proposed fire access lane that's going to be asphalt?

MR. BRINGLEY: Yes.

JIM POWERS: Um, that's for the fire vehicles getting in alongside the building?

MR. BRINGLEY: Right.

JIM POWERS: This is a foolish question. Any reason why you didn't swing that out and tie into your driveway there at Millstead?

MR. BRINGLEY: We did look at that. We had a lot of discussion about just bringing that straight out to Millstead. Um, I think the decision was made by Kayex that they would just prefer not to connect it at that point, and the Fire Marshal was satisfied with just providing access to that side of the building. So they didn't care whether -- we looked at the consideration of tying it out to Millstead for that and for, you know, tractor-trailers. Make the circulation for tractor-trailers easier, but I think for budgetary reasons, I think they wanted to control some of the budget issues, and that was one of them. It still is less money to do what we're doing as opposed to tying it all of the way out. So there was some dollar savings there.

DENNIS SCIBETTA: Thank you for making the changes and getting it in. Look forward to it.

JAMES MARTIN: Okay. We'll see you March 13th. Looking forward to it.

MR. BRINGLEY: We'll be back.

DECISION: The Board looks forward to working with the applicant as the project moves forward.

3. FRA Engineering - proposed 56 unit apartment project located at 3355 Union Street in RM zone.

GEORGE BRINKWART: Mr. Chairman, I would like to recuse myself from the discussion.

JAMES MARTIN: You're recused.

Dennis Kennelly was present to represent the application.

MR. KENNELLY: Again, my name is Dennis Kennelly, FRA Engineering, here in -- well, Henrietta. Um, here, again, to present for concept review what we're calling Kings Crossing Apartments by Brickwood Homes. It is on the site of the New Hope Church on Union Street opposite King Street.

What is proposed to purchase 8.6 acres of the total 22.6 acre parcel of land owned by New Home Church to construct 56 apartment units. These are proposed to be high-end apartment units that look more like townhouses. If you flip open to the second page of the aerial photograph -- this is not necessarily the exact building proposed, but this is an example of the proposed architecture that would be similar to this by Brickwood Homes.

Um, this is in a district that is zoned Multi-family. Apartments are permitted up to 12 units and 6 in a row. What are proposed here are four- to six-unit buildings with two stories and single units on the ends. Each unit would have a two-car garage and a full basement. There are some woods on the site as well as some wetlands. The wetlands have been delineated by Jeanne Polette (phonetic) and Environmental Resources, and the plans submitted does represent those wetlands which were surveyed and plotted on the map. There is a lot of natural screening around the site that can remain that is outside of the building area into the buffer zone, so there will be nice screening from the roadways and from the perimeter. Again, a lot of those woods can remain.

There is also, in addition to the 56 apartment buildings, um, some recreational facilities, tennis courts and basketball courts proposed at the ends, and then, of course, we'll have on-site storm water detention to take care of the storm water regulations as proposed and required by the DEC.

Um, Brickwood -- Brickwood homes is a local developer, a custom home builder that primarily works in Ontario, Wayne, Livingston and Monroe County. A little less, though, in Monroe. Primarily based on the competition. Has a little more success in more of the outlying areas. Um, and he is based in Penfield, and he would own this whole complex and would retain ownership throughout. None of the buildings would be for sale or lease. So it would be a true apartment complex with the type of style of a townhome facility. So that is a brief overview.

Did I have a little bit of information? One of the questions was who is Brickwood Homes? Again, a local home builder. He has a website. He is registered, of course, and affiliated with all of the home building associations, so there is more information that can be had, if necessary.

JOHN NOWICKI: Do you know his name? Do you know his name?

MR. KENNELLY: I do know his name. But I'm drawing a blank. I'm pinch-hitting for my workmate. It is somebody that I don't personally know.

JAMES MARTIN: Okay. We kind of got an answer who Brickwood Homes is.

A couple of comments. Not a lot of creativity on the layout, okay? Awfully linear. Is there anything that can be done architecturally to enhance the aesthetics, looks of the site -- what looks to me like a site plan that, you know, reminds me of a military barracks? Okay, I'm sorry, that is what it does.

So that is something that I think ought to be addressed and looked at to see if there is more creativity that could be put in place, I will say, around the site plan design of the buildings, from that standpoint. Certainly will require sanitary sewer district expansion if this were to go through.

MR. KENNELLY: I do have some comments on that if you would like me to address it at this point. We did have conversations with both the Town and the Gates-Chili Ogden Sewer District. There is sewer available across the street as part of the Town Sewer District, which would need to be expanded. But it does not need to become part of the Gates-Chili Sewer District. So it is available. It would be a gravity sewer, but we would need a Town district extension.

JAMES MARTIN: Town district. All right. Thank you.

Um, I mean architecturally, if that is what is being proposed, um, I'm going to assume that Brickwood Homes has done a market study around the need for this type of a development.

I know that the one -- the last high-end apartment complex built in Chili has been very successful, but we have several other apartment complexes in Chili, I don't know what their current occupancy rate is, but I know several of them probably could use a lot more tenants than they have right now. So you know, the last thing we want to see is something go up and fall apart on somebody because, you know, there is no market demand for this type of a -- of a -- of a rental unit.

Um, those are my comments.

Jim (Martin)?

JIM POWERS: Well, I note that when Jim Barbato was in there with his project, we also requested that he have more than one access route into the project. This only has one. That should be looked at. Um, also, would these -- with these wetlands, is there a setback that is required? I see that they're also putting a storm water pond on what they have got designated or -- or as federal wetlands. Um, I don't know if that comes into play in this particular project or not.

DAVID LINDSAY: There is no buffer for the wetland. And I -- it appears to me the pond is outside the limits. Certainly would not be allowed within the wetlands, but --

MR. KENNELLY: The shape of the pond is -- is a round the wetlands. Again, the wetlands were surveyed, so these are actually located. This isn't just a sketch. They were surveyed, so we would build the storm water pond around the -- the federal wetlands, which don't require a buffer. Then we would discharge eventually to the wetland area. There is a natural stream course that -- that is tied to this wetland, so when the water trickles out into the wetlands, it will continue on its natural path as it does today.

KAREN COX: Um, I would agree about the linear design. If we could see something that is a little more creative, that would be nice.

MR. KENNELLY: I think their intent there was to utilize the natural buffering as far as -- because it will be private property versus public roads, so the natural buffering from the roadway, the proposed berm along Union Street is labeled with landscaping, so I think the combination is why it looks so linear at this point, but your point is well taken.

JOHN HELLABY: Echoing the same comments that the rest of the group has had, possibly eliminating a handful of these units and trying to move them around a little bit might enhance it.

JAMES MARTIN: If it is going to be a high-end rental, you want to have something aesthetically pleasing, and, you know.

JOHN NOWICKI: What kind of rental rates are you looking at?

MR. KENNELLY: I can't answer that. But I do recall the owner's name now. It is Mark VanEpps. He's the owner.

JOHN NOWICKI: V-a-n?

MR. KENNELLY: E-p-p-s. He's the owner of Brickwood Homes.

JIM POWERS: Do they build in Geneseo?

MR. KENNELLY: I believe so, yes. Again, I am pinch-hitting, so I'm not familiar with all of these projects. It is one of my partner's. It is his client.

JOHN NOWICKI: The project area itself, have you been there to take a look at it?

MR. KENNELLY: Yes.

JOHN NOWICKI: Any mature trees there that are salvageable?

MR. KENNELLY: I will check. I can't answer that off the top. I haven't studied it closely.

JAMES MARTIN: I think that is something again to coordinate with the Conservation Board.

JOHN NOWICKI: The reason I bring that up, is because of what you're bringing up on the site design. Let's see if you can salvage whatever you can on the -- the mature trees and change that site plan so it is not so linear.

JAMES MARTIN: Pat (Tindale), I think since some time has passed, you should have someone from the Conservation Board go out and look at it.

PAT TINDALE: Yes. He has to submit a checklist any way of any trees that are greater than 8 inches on the property. And that will sort of tell us what's there and then we'll go out and look at it.

MR. KENNELLY: Very good.

DARIO MARCHIONI: Since this land is still owned by the Church.

MR. KENNELLY: Yes.

DARIO MARCHIONI: What is the history behind this? Was this all zoned Multiple Residential -- Multiple Residential? Jim (Powers)? Mr. Powers? Jim (Powers), do you remember the approval of the addition of this church? I mean, it is still under construction. How long it has been?

JIM POWERS: The church there?

DARIO MARCHIONI: Not the addition.

KAREN COX: Got to be 10 years.

JIM POWERS: It has been there for a long time.

DENNIS SCIBETTA: 15.

JIM POWERS: 10 to 12 years, as I know it.

KAREN COX: Is it sale -- is the sale of this land going to allow them to finish that? Maybe that is a -- maybe that is a rhetorical question.

MR. MARTIN: I think it is something we don't need to address right now.

DARIO MARCHIONI: No. But do you remember the history of this property here when the church was -- was it Multiple Residence originally? Or you don't know?

JIM POWERS: You got me.

DARIO MARCHIONI: The exit here, um, I was thinking, um, because you have the church exit. Now you have the apartment exit. If it was a combination of addressing it to confront King Road, since -- in other words, the exit across King Road. Because you will have a -- you will have a few units here. Is that a possibility ever looked into, that the church would give you extra land there to --

MR. KENNELLY: It hasn't been investigated yet. But we would have to prove that the proximity of the access to King Road to the church would all function without any safety problems, if it was to go forward like this. But we have not approached the church about additional lands.

JAMES MARTIN: The only traffic issues are usually Sunday mornings, because there is kind of concurrent, you know, things going on with St. Christopher's and the church across the street. Sometimes there is -- there is a small traffic issue there. It's minor, okay.

DARIO MARCHIONI: Well, you said you didn't know who -- who is going to be the builder, right? Who is the -- the name of the builder?

MR. KENNELLY: No. The builder is -- Mark VanEpps is the owner of Brickwood Homes. They would --

DARIO MARCHIONI: The name?

MR. KENNELLY: Mark VanEpps is the owner of Brickwood Homes. They would build this and own it and retain ownership throughout. So they would be responsible for the maintenance.

DARIO MARCHIONI: Well, my concern also is on this -- the way it is laid out, it could be more -- better laid out so that -- rather than like Jim (Martin) said, it looks like cookie cutter type situation here. They're all the same, all of the way down. I mean, you got a nice piece of property here with all of the trees and everything else that -- you could really put something more on the site. That's about all I have right now.

DENNIS SCIBETTA: One of the questions probably will be a second access point, and it is a State road, so they probably won't grant you the second one on Union Street. To the south, what is the property zoned to the south?

MR. KENNELLY: Light Industrial.

DENNIS SCIBETTA: Okay.

DARIO MARCHIONI: Could an exit on the church property parking lot do it? I think it is going to need to be addressed.

DENNIS SCIBETTA: It will have to be explored.

JAMES MARTIN: You will have to get creative how you will get a second access point.

DENNIS SCIBETTA: On the west side, Westgate Nursing Home is in that area. How -- how close are they, or how close are you to -- to their access there?

JOHN NOWICKI: You mean to put the road through, punch the road through?

DENNIS SCIBETTA: Just a question. I was wondering what was there currently. I don't see anything on it at this point. Is this for future or does this go all of the way back to where Westgate is? I don't believe it is Westgate -- DePaul.

JOHN NOWICKI: That is that Roger Brandt property. It looks like it is probably 4 or 500 feet away from where, I think, you're referring.

DENNIS SCIBETTA: Okay. I have the picture now. I'm sorry.

MR. KENNELLY: Toward the cul-de-sac.

KAREN COX: Which is not a cul-de-sac any more.

DENNIS SCIBETTA: This is a fairly old -- there is a building, I believe, across the street from the W-shaped building on top. There is a building across the street that is not on here.

JAMES MARTIN: This is obviously a fairly old aerial.

KAREN COX: At least a summer's worth.

PAT TINDALE: I just want to thank him for the delineation. I'm glad you did that.

MR. KENNELLY: Helps.

JAMES MARTIN: Well, the decision is to go ahead.

MR. KENNELLY: We heard your comments.

JAMES MARTIN: We'll be looking forward to working with you on this to make it a nice project.

MR. KENNELLY: Very good. Thank you.

DECISION: There were several comments from the Board regarding the site layout. Also, the site design should have two means of access for emergency situations. If the applicant decides to move forward with this project, the Board will work with the applicant to bring about an acceptable design.

The 1/9/07 Planning Board minutes were approved as printed.

The meeting ended at 10:05 p.m.