

CHILI PLANNING BOARD
February 14, 2006

A meeting of the Chili Planning Board was held on February 14, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Jim Martin.

PRESENT: Karen Cox, Jason Elliotto, 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; Larry Nissen, Town Engineer; Dick Schickler, Conservation Board representative.

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

JAMES MARTIN: Before we hear the first application, I have an administrative announcement. We, as a Planning Board, are going to or have requested to act as lead agency on the SEQR review for the first applicant, which is the Walgreens construction project at the corner of Buffalo Road and Union Street. A letter so requesting a coordinated review went out to several agencies dated the 8th of February. That date started a 30-day clock, all right, in which people that were notified of our situation have an opportunity to respond to the Planning Board, number one, indicating that we can continue to act as lead agency if nobody else wants to take over that responsibility, and also inputting comments pertinent to the SEQR process to us as lead agency.

Given the fact that that 30-day clock is not going to close until March, the Planning Board is not in a position to be able to approve the SEQR process tonight. And that does not allow us to move forward with the application as far as preliminary site plan and preliminary subdivision.

In conversation with the applicant, they still choose to make a presentation to the Board tonight on changes and modifications that they have made and other issues that they want to address. Since we'll not be approving anything tonight -- I was going to take public comment after the applicant has completed their presentation. However, since that will not be happening tonight, we will not -- we will not be taking public input until the next meeting, at which time the approval process will be moving forward.

So I just wanted to notify everybody of that up front.

So at this time, we'll hear the first application, the presentation at least on the first application. There are actually two that will be heard simultaneously tonight, the applications of Maude Development.

OLD BUSINESS:

1. Application of Maude Development, LLC, 22N159 Pepper Road, Barrington, IL 60010, property owners: Mr. & Mrs. Alexander Tulloch & Mr. William Heffron, Jr.; for preliminary subdivision approval to combine four lots into one lot to be known as Walgreens Subdivision at properties located at 4358, 4362 & 4370 Buffalo Road in G.B. zone.
2. Application of Maude Development, LLC, 22N159 Pepper Road, Barrington, IL 60010, property owners: Mr. & Mrs. Alexander Tulloch & Mr. William Heffron, Jr.; for preliminary site plan approval to erect a 14,280 sq. ft. retail pharmacy at properties located at 4358, 4362 & 4370 Buffalo Road in G.B. zone.

Tom Greiner, Brian Maude, Doug Hutter and Mark Costich were present to represent the applications.

MR. GREINER: Good evening. My name is Tom Greiner, attorney with the law firm of Nixon Peabody, located at Clinton Square in Rochester. Here tonight with me are the developer, Brian Maude of Maude Development. We'll go over to the easel. There is Doug Hutter, architect

from Zaxis and Mark Costich, a principal of the Costich Engineering firm, the civil engineers on this project.

We'll have a very brief presentation, really addressing, as the Chair said, the comments, both the Board and the public, that we received on December 13, 2005.

First thing I would like to start out with, I believe the Board has received this, is -- by the way of background, when we were here in December, there was concern on the part of the Board regarding historic issues with respect to the building that is on the premises, and, in fact, I believe, Ms. Cox, you had mentioned that the State D.O.T. had contacted SHPO and had undergone a review of the State reconstruction project of the highway intersection.

Based on that, we did -- based on the Town's urging and our own thoughts, we did prepare a submission to SHPO, and with an architectural report, structural report, photographs and so forth. That filing was made and received by SHPO on January 13 of this year. And just today, Mr. Hutter, as the signatory of the submission to SHPO, did receive a reply, and Mr. Scibetta was copied on it, so I know the Board has it. I just wanted to go over one aspect of it. I will read the paragraph.

It says, "The old stagecoach stop at 4370 Buffalo Road is eligible for the National Register of History Places, therefore, demolition will have an adverse impact on historic resources. In such cases we recommend that the developer explore all alternatives to demolition, including reusing the structure as part of the project or relocating the project. If there are no other alternatives, we recommend that the historic building be documented with interior and exterior measured drawings and interior and exterior archival photographs. In addition, we recommend that copies are provided to the appropriate local repositories such as the library and the historical society."

And, of course, SHPO is perfectly correct. In fact, when I talked to -- this is signed, by the way, Sloane Bullough, who is a Historic Sites Restoration Coordinator with SHPO. I talked with Ms. Bullough in December about this, and we both agreed that if you demolish a structure, you certainly have an adverse impact on that structure. And we talked about the fact that you can get nothing but an adverse effect letter from SHPO in that case. And so she then recommended, and this was the basis for our submission -- we did talk about alternatives, and those were explored in the report. Ms. Bullough did say that sometimes it's -- every structure, every building does have its time, and when we talked about mitigation measures, we talked not only in terms of -- well, we talked about what would the Walgreens look like, but we also talked about what could we do to memorialize the fact that this area, this corner does have some history in the Town of Chili. Even the building itself has had its architectural integrity compromised. The structure itself is not sound.

We talked about what could we do, and one of the things was -- and I think Doug (Hutter) is prepared to just briefly touch upon this, is to, in fact, do something with the bricks and with some photographs to memorialize the site. So we'll touch upon that.

With that, what I would like to do -- in fact, maybe I can -- why don't you take over here. I will hand these out. I will introduce Mr. Hutter, who will go over the architectural changes, and then Mark Costich will go over the site plan comments that the Board and the public had, and hopefully -- we understand you can't make a decision tonight. You can at least hear what changes we have done, what response we have had to the Board and the public's comments from the last meeting in December.

MR. HUTTER: Again, my name is Doug Hutter, Zaxis Architectural, for the record.

What we would like to bring to your attention is a couple of items tonight. One, we have had the opportunity to review and understand where you folks are coming from in December and take those comments and do some modifications, met with a few folks and sit back and go back to corporate Walgreens, which is our client as well, besides Brian (Maude), to make sure that they understand the ramifications in the community and what they present to the community.

So by doing so, they came up with some modifications to the building, and also the little 8 1/2 by 11 sketch provided to you is a sign that we're planning to provide right at the corner of Union and Buffalo Street. The whole idea is to give it a sense of presence and capture the corner as the building did before, and it will have a plaque that local historians can put whatever text is appropriate to tell about the history of this building. So it is, in essence, memorialized in your community.

The building itself -- the bottom drawing I have here represents what we brought in. That is basically a Walgreens that meets the intent of what Walgreens wants.

This meets the intent more of what the community is looking for (indicating). The building itself has changed since -- I will stand here. If you can't hear me, raise your hands, but generally I talk loud. I will bring it up. I would rather be near the drawing than the microphone itself.

So what we did is the front of the building are these two facades. And typically, the

entrance is a flat roof itself. We have put a gabled end roof to respect the area itself, and it becomes a more dominant feature. A little taller to the building. It certainly identifies it as an entrance.

That entrance is right at the corner of the building, which faces the corner of the street and becomes its presence to the community.

That entrance obviously has some single doors with a small canopy at top. It is at a .45 degree angle for everybody so as you looked at it, it has a barrel vault entrance giving coverage for the weather and a nice architectural feature which is represented by these arches (indicating). These arches are above each window (indicating). One exception, there is no window in this area (indicating). That is part of the function of the building. Those arches give aesthetic interest to the facility and they protect the inside of the building from exposure to access sun for their project and display and glares. The original building only had straight canopies along there. Had the same idea, but we wanted to reflect some architectural detail within the building.

We carried those features, those arch features in brick work around the remainder of the building, along the drive-through side of the building so that it becomes just a continuation of that element around it.

Now, the primary element of the Walgreens is this (indicating) -- which is a stone element. I have a couple samples, too, just for material use.

This is the brick that they use on their building. It is a very nice brick. It is a calm brick with reddish, oranges and brown tones. It is not a single monolithic brick itself. They also use a simple cast stone that reflects a limestone-type texture. When that material is up there, it creates a differentiation and gives a mask look to the building. Also, instead of a flat look around the rest of the building itself, we responded to the idea that we wanted to make sure it has a better presence so we have a mansard roof around the rest of the building, giving it more texture, more presence and identifies, gees, there are more sides to the building than having just a flat edge. The building also has pilaster piers which will continue around the sides of the building.

What you're seeing here (indicating) are the dumpster and compactor enclosures. We have those tight to the building, rather than adjacent or near somebody else's property line. We feel that is better for the community area.

There are additional architectural features. On the pilasters we have bases, water tables, small icons and light fixtures to identify those vertical elements as well as horizontal so it gives a complete architectural balance.

At this point in time I will let Mark (Costich) address the site issues and changes from the last meeting.

MR. COSTICH: Thank you. Mark Costich, Costich Engineering. I have some smaller color-ups, and I also have some of the truck turning movements that were discussed last time, for you.

I will try and speak up over by the drawing, myself.

What I have given you is basically a colored rendering, similar to what we have here for the landscape and the site plan layout. Also within the package are turning templates for a large delivery vehicle, being a WB 67, which is an extremely large vehicle. By far the worse case and usually actually not used in a D.O.T. type site design, but that's a Walgreens standard.

We have also put in a garbage truck because that was an issue brought up last time. Also within the package I gave you is some lighting information as well as just a picture of a fence.

I wanted to address site access. Within those packages you will see that you have different depictions utilizing Auto Turn, which is a program that allows us to mimic how trucks turn and it is a fairly conservative program. It assumes that the truck driver can always go 15 miles per hour, which in the case of driving around a site like this, I don't think we want this. So it is fairly conservative in the way it approaches things. It shows that the WB 67, large tractor-trailer over the road, with a sleeper on it, can negotiate the site. It is not easy, but it does work.

The vehicle, the pedestrian or passenger vehicle obviously very easily negotiates the site, as well as garbage trucks which would enter off Buffalo Road, go around the rear of the site, and then they access the enclosures. I think that the -- the terminology of -- of dumpsters is very deceiving in this case. The details for Walgreens, they are really what are called totes. They're completely enclosed. There is a compactor within the building. It pushes the refuse and cardboard out into the totes. The totes are on wheels and can be picked up. It is a fairly small operation relative to what I think we're used to seeing as 40-yard dumpsters and something like that. It is fully enclosed so the truck can just drive in, drive up, pick that and then exit without much difficulty.

Other concerns with regards to the site and access were the driveways and the flare. We have shown instead of actual radii on the exits more of a pavement flare, which is another

D.O.T. standard that can be utilized. This decreases any encroachment into neighboring properties.

We do have two exiting lanes, one entering lane and we did not think that we have any issues with regard to access. We do have sight distance shown on the plans now that basically shows we have adequate sight distance, more than adequate sight distance.

Understanding that storm water was a concern, with respect to how we're approaching it, we are basically going to meet with the guidelines of the Town as well as the New York State Department of Environmental Conservation. We're going to look at continuation of the quantity of storm water for a 1 through 100-year event, as well as treating water quality.

How we're doing that is oversized pipes underground that will hold the water and let it out slowly, as well as the use of a CDS unit, a name brand type device that separates sediments from the storm water prior to discharge.

We have utilized this on a number of larger sites and a number of sites this size, and DEC is fully acceptable of that approach.

There was concern or question about pervious pavement. Pervious pavement I have utilized on other projects. We had one at Cornell University where we had pavements in lab of ornithology, very environmentally sensitive area. They wanted to meet the environmental needs and be as sensitive as possible. In that case we used an approach called bio retention where we have the water going through the pavements, it's filtered, but then we have large areas of either storm water management or man-made wetlands surrounding a parking lot that this water can then be directed to those storm water areas. In a case of this nature, if we were to use pervious pavement, we don't have anywhere to discharge to. There is a very good chance the water would be introduced into the sub-grade of the pavements and then sit there, and once it does that, given our climate that we're in, if we have a freeze/thaw, we could end up with pavements that would look like a bad road after a very short period.

So in this case I don't think that it would be very advisable to use that approach. The approach we're using is fully accepted, and a very good approach.

Understanding that there is concern about grades, how this whole site is going to fit, just to kind of introduce how it works, the site is obviously sitting up higher than the surrounding roadway network. We're approximately 4 foot higher than the Route 303, and about 5 foot higher than Union Street.

This results in about 4 percent grades across the entrance here (indicating), and also 4 percent grades going in this direction (indicating). The parking lot is also about 4 feet higher in this location, as Union Street and Buffalo Road are going down, so as your parking lot -- so it is about a uniform 4 foot height.

We don't see a problem in any of this. We think it will look nice. We do have some landscaping that is going to buffer things, and we think there is quite a bit of perimeter green that will allow this to sit nicely and be buffered.

Another concern would be the lawn area to the rear. There was concern that we're possibly exceeding slopes that were desirable. We were showing a two on one. We have since changed things and are showing a one vertical to three horizontal now, which is a mowable slope.

Landscape, basically we have taken a few different approaches. We do have a perimeter landscaping plan that is mainly shrubs with some trees. We have shrub beds in the front that are defined areas that are shrubs and would not have grass, around the memorial sign and different locations. There we're using burning bushes and hydrangea, as well as burning bush in basically a staggered pattern along the parking in this Buffalo Road area where it is a little closer to the road. That will kind of take out the effective cars in that area.

We have some landscape islands that both provide green for interior as well as traffic control, and we're utilizing shrubs in those areas.

We have also proposed some trees around the perimeter utilizing some snow drift crab and some pears as well as additional -- of the Serbian spruce.

We do propose a fence along the rear, a solid vinyl fence with a decorative top. I believe you have a picture of that in your package. I believe that was requested at the last meeting.

Also, within your -- not within your package, but within the plans, as revised, is a lighting plan. That is utilizing the more standard approach of a shoe box type fixture. You do have cuts of that within your package. I guess the concern was, is this a dark sky type approach. Yes, it is. It is a full cut-off fixture. It is a flat lens, which is very important, not to have the additional glare that is introduced with a sag lens.

We are proposing on the plan different than last time to provide shields along the perimeters that would allow us to additionally shield any spill off the site. We're generally not spilling

anything more than one foot candle, and very -- very much dies off right at the property lines. We do have a little bit more spill in this area, which is a commercial use.

It was brought up to me by Brian (Maude) that he recently did obtain approval from Walgreens to use a more decorative type fixture. We do have proposed to possibly introduce some goose neck type fixtures, which I believe I have a cut of. It would be similar to -- I think you have seen them in different locations, more of an ornamental decorative fixture. The problem with that approach is that they typically are not installed as high as a shoe box. They do have a potential to have some glare, and they are not as efficient. So what that results in is the potential for more poles is not always desirable, because you really do need to meet certain minimum criteria. We're trying to look at an average of 5 foot candles throughout the site. When we start using poles like this, we have some dark spots and the safety factor goes down. What I would like to suggest I do is to go back with this fixture approach, utilizing them in certain key areas, maybe at the entrances for the decorative feel and then around the building in some locations, and supplement it with some of the shoe box fixtures. We have done that in a number of locations and it meets the goals of when you're driving in you see the ornamental fixtures. It looks good, makes you feel good, yet you still have the factor of safety of the more uniform lighting that you get with a shoe box. That is about it with the site.

JAMES MARTIN: I think, you know, in order to facilitate future presentations, questions or issues from the Board, there are a couple of things that I want to point out. We had a comment from the Conservation Board regarding the snow storage area on the site, and suggesting it be moved perhaps to the northeast corner. That is something for you to give some consideration to, from the standpoint of, you know, the next presentation that you're going to make, to see if there is something that can be done.

There was some concern about the aesthetics of the snow pile right at the corner, so to speak. So if there is a way that that could be removed from the sight of people driving by on the roads, that would be good.

Second, again, I'm not sure whether you have a copy of this or not, but I am in possession of a copy of a letter from Roberts Wesleyan College, from President John Martin, no relation, by the way, seeking -- and I will give you a copy of this. They would like to receive some of the bricks, assuming that the old building is demolished in preparation for the construction. They would like to receive, and I don't know what number it is, bricks from the old building so that they could build a memorial outside the Thomas Golisano Library that will be constructed on campus at Roberts Wesleyan College.

In addition to the bricks that are proposed to go into the memorial on the corner, we also have an additional request for bricks from Roberts Wesleyan College. I wanted you to be aware of that. I can give you a copy of the letter at this point.

MR. HUTTER: I was just given one, so we're all set. Thank you.

JAMES MARTIN: Those are the only comments I have at this time, so I will open it up to the Board for any questions or concerns, clarification on the presentation.

JIM POWERS: What we have done in some of the other facilities in town, as far as remembering some of the other buildings and whatnot, a couple of our banks, and I think at Wegmans also, the Historian arranged to have pictures of some of the old sites on the interior, rather than the exterior, and I was just wondering -- I was in a store over in Gates, and there is not much wall space, so to speak, but I was wondering if they might, when you contact the Historian or whomever as far as the plaque is concerned on that corner memorial, whether or not you might consider using some of the old pictures maybe of the inn or some of the old buildings that might have existed in North Chili. I don't know where you would put them other than I know in the store in Gates, back in the one corner is the photo shop, and that was about the only area that I could see that you might display something, but just food for thought.

I do know I sat and was -- not as a member of this Board, but at the presentation you made previously and as a result I went over to look at the store in Gates, and I know that you were going to meet with some of the members of this Board on the changing of the exterior, and I think it is a real big step in the right direction. It's much more presentable than the one in Gates, thank goodness.

Just out of curiosity sake, did Maude approach the property to the east of this, the Gitsis property, as to their availability when you were looking at this site?

MR. MAUDE: What do you mean by "availability"?

JIM POWERS: Whether or not -- did you go approach the Gitsises as far as purchasing their property?

MR. MAUDE: Back in the beginning I put an offer in on the property, and I believe the

sellers raised the price. Whatever their offer was, I met it and they raised it and I didn't pursue it any more after that point in time.

KAREN COX: I wanted to thank the applicant for taking the comments that we made at the last meeting seriously, and doing the work that was done for this presentation. Obviously -- I mean this is much improved from what we saw last time, and the idea of the memorial for the building is a good one, too.

JOHN HELLABY: Just a couple of quick ones at this point.

The redesign of the front, again, I know you worked with some of the Planning Board members and whatnot, but the front entranceway with the window above it, is it still your intention to put a neon sign behind that?

MR. HUTTER: Yes. Sorry I didn't mention that before. Walgreens -- I shouldn't say prototype, but the signature is the mortar and pestle symbol in their advertisement and it is something they display proudly in the store. It is behind the window in a glass area. It is 10 feet back beyond that. They have a neon mortar and pestle symbol that they have on display.

JOHN HELLABY: One of the other things I have is on the front page of your drawing submissions for the site plan, Item Number 9, you have requested area variances. Some of them are pretty self-explanatory as far as front parking. Total number of parking spaces noted on there. But there are some issues that you're looking for variances -- and you have misspelling on your signage on Item B. Signage greater than 150 square feet. I would like to know what it is that you're actually looking for. I mean you're -- you know, how much over the variances are you looking on this?

MR. HUTTER: I don't have the numbers in front of me.

JOHN HELLABY: I think it should be spelled out on the drawing.

Is it the same numbers before the Chili Zoning Board of Appeals?

MR. GREINER: Yes.

JOHN NOWICKI: I will pass that down.

MR. HUTTER: Our intent is a minimal overage.

JOHN HELLABY: It would be helpful if it is put on the drawings.

JAMES MARTIN: Seven wall signs totaling 222 square feet, 150 square feet allowed.

JOHN HELLABY: I really appreciate the information package you gave us, by the way, covering a lot of areas.

Seven more stores planned in the Rochester market. I will ask you point blank, is there another one planned in the Town of Chili?

MR. HUTTER: I can't answer that.

MR. MAUDE: Local demand determines where stores are placed in the market. Chili has enough people, it has the income to support additional stores. I know they're looking, but I don't know if anything is signed up yet.

JOHN HELLABY: Nothing on the board yet, but --

MR. MAUDE: I can't speak for the whole company because we're all individual developers. I can only speak for myself.

JOHN NOWICKI: I would like to compliment Brian Maude and Maude Development and his staff of professionals for the breath of fresh air that you have shown to work with the community and provide us with a project that answers a lot of questions and a lot of the architectural details that we're looking for. It is probably a little bit easier than getting into an Architectural Review Board, but it did work out much better this way.

The other question I have -- I will put it on the table, only because of what is happening in other towns. Will you be using local help to build these projects?

MR. MAUDE: Absolutely.

JOHN NOWICKI: Thank you. That is all I have.

JASON ELLIOTTO: I also noticed here for the store operations, it's going to be from 8 a.m. to 10 p.m.?

MR. MAUDE: That was correct. It is a typical Walgreens store hours.

JASON ELLIOTTO: It says that the lighting will go off shortly after the store is locked up. What time do we think the store is going to be locked up?

MR. MAUDE: You know, I just ask the General Manager in the area how that works. He said -- his answer to me was the lights go off automatically 15 minutes after the last employee leaves. Store hours are 8 to 10. He didn't tell me, and I didn't ask. I didn't think about it, how long does it take them to close down a store once they lock the doors.

JASON ELLIOTTO: That could vary.

MR. MAUDE: I could verify it and get that answer.

JASON ELLIOTTO: Are you planning on having overnight workers stocking the shelves?

MR. MAUDE: No, because that costs more to do. Everything they do is during the normal hours. That would also include like the garbage pickup and deliveries. Not so much garbage pickup, but deliveries, they do that during store hours. I asked that because of our last meeting. They said again, you do it while your employees are there, rather than having them come in at 4 in the morning.

JASON ELLIOTTO: If you could just maybe get back to me on -- how long after 10 o'clock we expect the store to stay open for the lighting problem.

MR. MAUDE: Okay.

JASON ELLIOTTO: It also says that you had planned on hiring -- or total number of employees hired per store is approximately 30. Would you anticipate that for this store?

MR. MAUDE: Yes. Today I talked and he said 30. So I'm hearing 30 to 35 per store.

JASON ELLIOTTO: How many of those are people that are coming in from Walgreens, from other areas, or how many are going to be local people that you are going to hire?

MR. MAUDE: Coming in from other areas?

JASON ELLIOTTO: Are you planning on bringing in managers from other areas to run the store or 30 people from the Chili area?

MR. MAUDE: That is a good question and a question I was not asked before, so I didn't ask that. But I would be happy to ask that and get the information.

JASON ELLIOTTO: And just lastly, with the report from the Conservation Board, you know, I'd just like to stress that I agree that I would like something to be looked into on that north, northeast corner for the snow pile to be built. If it is going to be there, I do think that that could be an issue, having a big snow pile on that corner. And that will cover up -- now that snow pile will cover up the -- some of the plants that are there; is that correct? Some of the proposed plantings on the north -- the north, northeast corner where the snow storage is going to be?

JAMES MARTIN: That is a suggested location.

MR. MAUDE: It is suggested here simply because that is the easiest place for a snowplow to come in and push the snow.

We don't have enough room over here (indicating). Part of my meetings with the Town Board was a concern that they wanted to see some more landscaping along the parking lot to buffer the cars parked there. Now we're 4 feet higher and we'll have the row of bushes in there so it will do a good job.

We wanted to do something along this side (indicating), but logistics and practicality says where are we putting the snow on the site. Those guys want to move it quickly to keep things flowing. We'll push it up this way (indicating). We relocated the bushes, so that is why they're not up against the parking lot. That is why we put it there.

JASON ELLIOTTO: Some of the snow will be piled in the parking lot, taking up the spaces?

MR. MAUDE: They will push it over the curb. If we put the bushes up against the curb like we did here, they would be wiped out the first year. So they're set back a little bit. I will guess -- I'm not clear on the question. If we do pile snow in the area (indicating), what is it we're creating? What problem will that create?

JASON ELLIOTTO: I'm just looking at it as a visibility, if you want your storefront to be that corner, and that is where we're piling snow, just -- maybe, maybe a -- maybe is an appearance of a snow pile. You know, it is just my take on it.

JAMES MARTIN: It is a wintertime aesthetic issue that a lot of people have to deal with. If there is some way to minimize or mitigate it, just investigate it.

MR. MAUDE: I can ask and see, but I think we're kind of limited, because we have these plantings all along here (indicating). We can take a look. We can ask the snowplow guys.

DARIO MARCHIONI: First I would like to thank the architect for the fine drawings --

MR. HUTTER: Thank you.

DARIO MARCHIONI: -- the engineer and the developer for meeting with some of the -- our concerns that we had, with the Planning Board. Welcome to Chili.

KEITH O'TOOLE: A couple of points. Mr. Costich had indicated he had trouble finding decorative lighting that was dark sky certified. If you will take the opportunity to Google it, you will find such lighting. It is not that difficult to find.

Mr. Greiner, I think, at the last meeting indicated they were developing other sites in the County. Where are those sites, Mr. Greiner?

MR. GREINER: Are you saying that our client is developing other sites?

KEITH O'TOOLE: Walgreens.

MR. GREINER: Walgreens is looking at a site, I think they just opened one in Irondequoit. They're looking at a site on Jackson Road in the Town of Webster. They're going through a process there.

KAREN COX: There is one in Greece, too. Corner of Fetzner --

MR. GREINER: Yes. One in Brighton, Elmwood and Clinton, that has been approved, but has had some problems with it. That is not built.

I think that is all I'm aware of right now in our County. Keith (O'Toole), I would suggest to the Board that perhaps you might want to take a look at the architectural elevation for the store in Brighton. It might prove enlightening. Nothing further.

JAMES MARTIN: Thank you.

DICK SCHICKLER: In regards to the snow pile here, looking at this, I take it all of the snow is going to be moved to that area, as it is shown. You do have a large planting there, and you don't necessarily have to be near it, but you're taking all of the snow and it is going to be up there. Not only will it be an aesthetic problem, but you will have a leaching problem with salt scraping off the parking lot, leaching into the planting bed and those plants will not be good. Not only that, you have the snow on the west side of the property. There are prevailing winds from the west that will create visibility problems in the parking lot itself and a dangerous situation as the winds start moving the snow around.

JAMES MARTIN: Okay. Thank you for your comments. I hope you're taking appropriate notes.

JIM POWERS: John (Nowicki) raised a question, a good question, I think. I think that was probably some of the problems out there in Brighton on use of local people on this project. I am assuming that John (Nowicki) means local rather than bringing people in from out of town, so to speak. Do you have any idea as to how many men or personnel might be on that site during development at one time? At the most?

MR. MAUDE: I have never tracked how many people enter the site during the course of construction. The General has been receiving calls. I have been receiving calls from different unions. The project is too early at this point to get into discussions. Once we get permits and we go to bid, the job will be open to everyone to bid.

JIM POWERS: Would that be out of bounds to make that a condition?

JAMES MARTIN: I'm not familiar with local law, that that could be imposed as a condition during the approval process. I don't know the answer.

KEITH O'TOOLE: The labor, source of labor, I think that is outside the jurisdiction of the Board.

JOHN NOWICKI: There was a condition placed -- just for discussion and debate, in the Town of Brighton that somehow they indicated in the newspaper that they had a condition on that project over -- I know it is not the same developer. I think it is a different developer over there, and they had some kind of condition imposed upon that developer that they were to use local people, and so far they have been fined \$6,000 because of that condition not being adhered to and they paid the \$6,000.

MR. GREINER: That was outside of the zoning process that they did that. It wasn't a condition of the zoning approval. It was because the applicant needed a rezoning. They have an incentive zoning ordinance in the Town of Brighton, so it turned into, Mr. Nowicki, like a contract.

JOHN NOWICKI: I just wanted to make you aware of that.

JAMES MARTIN: I will entertain a motion at this time, those Applications 1 and 2 be tabled until a separate meeting at which time we would entertain a more formal process of approval.

JOHN HELLABY: I will make the motion.

KAREN COX: Second.

JOHN NOWICKI: I just wanted to ask a question there. You're on for preliminary here tonight. I know we have a new form involved. That will not affect this project here?

JAMES MARTIN: No. I don't believe it is.

JOHN NOWICKI: The final can be waived.

JAMES MARTIN: But I am expecting a fee to be paid.

JOHN HELLABY: Good point.

JAMES MARTIN: We have a motion to table. It has been seconded on the motion.

DECISION ON APPLICATION #1: Unanimously tabled by a vote of 7 yes until the March 14, 2006 meeting for the following reason:

1. Due to the ongoing coordinated SEQR review process which began on February 8, 2006, this application was tabled pending completion of that process. The Board thanks the applicant for their update presentation and for the significant effort on the part of the applicant to comply with the requests previously imposed by the Board.

DECISION ON APPLICATION #2: Unanimously tabled by a vote of 7 yes until the March 14, 2006 meeting for the following reason:

1. Due to the ongoing coordinated SEQR review process which began on February 8, 2006, this application was tabled pending completion of that process. The Board thanks the applicant for their update presentation and for the significant effort on the part of the applicant to comply with the requests previously imposed by the Board.

JAMES MARTIN: Before we move on, we have some guests. I'm not sure what Boy Scout troop they are.

BOY SCOUT REPRESENTATIVE: Boy Scout 402, Paul Road School. This is our charter facility. And we're also associated with the American Legion in Chili. Three of the boys from the troop.

JAMES MARTIN: Thank you very much. You're here getting a lesson in civics.

There was applause for the Boy Scouts present in the audience.

PUBLIC HEARINGS:

1. Application of Kaplan-Schmidt Electric, 14 Jetview Drive, Rochester, New York 14624, property owner: KSEI Properties; for renewal of conditional use permit to allow an electrical construction company at property located at 14 Jetview Drive in L.I. zone.

Eric Schmidt was present to represent the application.

MR. SCHMIDT: good evening. My name is Eric Schmidt with Kaplan Schmidt Electric and KSEI Properties.

JAMES MARTIN: Anything to add at this point?

MR. SCHMIDT: No changes since the last time.

JAMES MARTIN: This condition was granted 18 November, '02. You're here for a renewal of your conditional use permit. You had to meet Chili Conservation Board proposed additional landscaping on the property.

I was over there and looked it over. The landscaping looks very good.

Mr. Schickler, any comments on the landscaping issue?

DICK SCHICKLER: No comment.

JAMES MARTIN: Thank you.

So at this point, I will go to the Board. Dario (Marchioni), comments?

DARIO MARCHIONI: I would suggest giving him a five-year.

JAMES MARTIN: That's fine.

JOHN NOWICKI: Five years is fine.

JOHN HELLABY: I concur with the five years.

KAREN COX: No comments other than the five year.

JIM POWERS: Same.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY - 19 Hubbard Drive

MR. GINOVSKY: I think the building as such and the property looks excellent. I don't understand why this gentleman has to keep coming back for a Light Industrial area, and there have been no complaints. I'm in favor of it.

JAMES MARTIN: Because our code says it is a conditional use within that zoning, that is the reason.

MR. GINOVSKY: If you can expand it five years, or more.

JAMES MARTIN: Let us work on that.

Jim 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.

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

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

1. The conditional use permit has been renewed for a period of five (5) years.
Any ongoing conditions previously imposed by the Board are still in force.
2. Application of Dario Marchioni, owner; c/o AJ Barea, PLS, 62 Main Street, Brockport, New York 14420 for resubdivision approval of two lots into three lots in the Beaver Road Subdivision at properties located at 229-231 and 233 Beaver Road in R-1-20, FPO & FW zone.

A.J. Barea was present to represent the application.

DARIO MARCHIONI: Mr. Chairman, I request to be excused on the next application.

JAMES MARTIN: Mr. Marchioni is excused on the next application.

MR. BAREA: Good evening. My name is AJ Barea representing Mr. Dario Marchioni on property over on Beaver Road. If I knew I was going to have a bulletin board, I would have made it a little bigger. I'm sure all of the members of the Board have copies of the map. I will just step over. I think I will have a pretty loud voice.

The proposal that we're presenting here is we -- we have right now two existing lots. One is -- I will just highlight it. One is this one right here (indicating). And the other one is this entire area right there (indicating).

There are the two lots. What we're proposing is to realign the boundary line between these two existing lots (indicating) -- I blew it up. I have a detail over on this side (indicating) -- to meet zoning requirements in that we need 10 feet from the property lines, and right now the way -- the way it was originally subdivided, we weren't meeting that. And this is one of the reasons why we're realigning the property line between these two existing lots.

The second part of the proposal is to create an additional lot, using this line here (indicating), which is this one right there (indicating).

And separating this structure from the rest of the property (indicating).

And as simple as that may be, that is about it. We're just subdividing the existing lot into two, and realigning the boundary at this point between the existing two lots. So that we have met zoning requirements as far as side setback. And we have accomplished that on both cases. 10.7, 11.2, 10.2, 10.3. That was not the case before.

JIM POWERS: I'm trying to remember what the elevation was in the 100-year flood plain. I can't remember if it was 525 or 535.

MR. BAREA: 527.

JIM POWERS: I'm close.

MR. BAREA: I have it on the map.

JIM POWERS: Just a couple of questions that don't pertain to what you're asking here. Are these two residences sitting on slab or do they have a full basement? Do you know?

MR. BAREA: I don't know.

JAMES MARTIN: Mr. Marchioni, you can answer that question. Are they on slab or do they have a full basement? Is he here?

MR. BAREA: He really excused himself.

I'm sorry, I'm just the surveyor.

MRS. MARCHIONI: There -- it is a walk-out basement.

JAMES MARTIN: He is back.

MR. BAREA: We have a question whether there is a full basement or is on a slab.

DARIO MARCHIONI: It is on a slab.

JIM POWERS: Do you know what the elevation of those slabs are?

DARIO MARCHIONI: 3 feet above the 100-year flood elevation.

KAREN COX: 530 then.

JIM POWERS: Did you ever put fill -- Dario (Marchioni), don't run away and leave your wife to fend for yourself.

Dario Marchioni left the meeting room.

JIM POWERS: I wanted to see if any fill had been put on that property.

MR. BAREA: I have no way of answering that question. When I was given this project, the structures were already there. My job was to subdivide the property and create property lines.

DENNIS SCIBETTA: I can answer that. He had brought in fill around the building, according to the site plan that was approved for the constructed buildings.

JIM POWERS: Could he have built there without the fill?

DENNIS SCIBETTA: Yes.

JIM POWERS: The reason I ask is because the creek right there takes a real big curve, and I have seen Black Creek change its course over the years tremendously, and my only concern is if that creek decided to run straight there instead of dipping, a good portion --

MR. BAREA: I understand your concern. The creek is right here (indicating). This is the center line of the creek there (indicating). Right now, what it does is comes down, around and back this way (indicating).

If the creek should decide to go straight through like you said, it would most likely do one of these (indicating), which is what it does when it is on a high -- on the high season, when it is really wet, it does tend to go that way. But those houses are sitting, at least from my observation, so far above where the -- where the bed of the creek is, I -- I really doubt that.

JIM POWERS: I was going --

MR. BAREA: But God works in mysterious ways. Whatever he wants to do, he does.

JIM POWERS: The trailer and cement mixer that are sitting down there near the property for sale, I wanted to ask about them.

JOHN NOWICKI: Maybe he is building another duplex down there.

JAMES MARTIN: Do you have a topo of the property? Just for the question.

MR. BAREA: I did -- back to your question, the elevation of the slab is at 534.4.

JAMES MARTIN: So you're at least 7 feet above the flood plain elevation.

MR. BAREA: Yes.

KAREN COX: What is the significance of the fish? CAD operator having fun?

MR. BAREA: Something like that.

KAREN COX: What was the setback with the old property line? Must have been just barely under 10 feet?

MR. BAREA: The side setback? It was 9.7.

KAREN COX: I mean it -- yeah. Just looking at what you have now and how the little line is moving --

MR. BAREA: It was 9.7 and what happened was -- it was 9.7, and when the developer decided to continue with the next building, he figured it was 10, so they pulled 20 from the other building, but there was only 9.7, so it created a zoning violation, which now has been corrected by -- and that is why I had a bit of a discussion whether this is a three-lot subdivision or a two-lot subdivision, which to me is a two-lot subdivision, but since we're changing that one line to accommodate the zoning requirement, it turned into a 3. So instead of a minor subdivision, it is a major subdivision. So here we are tonight.

JOHN HELLABY: Why are you realigning the back line? Just to keep the acreage the same?

MR. BAREA: I'm not realigning the back line.

JOHN HELLABY: This shows you are. The back leg of that line.

MR. BAREA: It was a -- aesthetics, so that they would have half the distance of the back line.

You see a R-5 has 2387 and R-6 has also 2387, so just to split the difference.

JOHN NOWICKI: Nice job in taking these technical changes and correcting them very efficiently. Thank you very much. Nice job.

MR. BAREA: Thank you.

DICK SCHICKLER: I just had a question I'm not sure of. Proposed 75 foot wide

conservation easement to the Town of Chili. Is that being given to the Town of Chili? I don't understand that. Up along Black Creek.

MR. BAREA: Can I answer that?

JAMES MARTIN: Go ahead. Yes.

MR. BAREA: I added that conservation easement in anticipation of a possibility of someone asking for it. I did notice that the subdivision on the south of this project had one, and just in case we -- somebody wanted one, it's there. I could always erase it before I file the map, but I have it on the map just in case.

JAMES MARTIN: Mr. O'Toole, comment on that?

KEITH O'TOOLE: If Mr. Powers is correct, then there is a likelihood that the course of the Black Creek could change and then the easement would in effect become worthless, so unless there is a present advantage in getting that easement, then probably not worth the effort.

JOHN NOWICKI: To go back in history, there was an attempt many years ago when the townhouses on Beaver Road up by Chili Avenue there, the easements along the creek, as development occurred for passive recreation, but it didn't work, for the --

JAMES MARTIN: So your recommendation, Keith (O'Toole), would be to eliminate it before filing the map?

KEITH O'TOOLE: Yes.

JAMES MARTIN: You have an answer to your question.

MR. BAREA: I can -- it is easier to erase it than to try to add it, especially when I have done it in CAD. So I appreciate that. And I appreciate Mr. O'Toole's comments on that, because I did see, and I have a copy of the subdivision to the south, and I can't imagine somebody trying to describe this easement on a deed. There are 72 courses along the creek, just to describe it, but, hey, we got it on there any ways. So thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: I would just like to clear up something. I heard a question from the Board, but didn't hear an answer. I believe it was Mr. Powers, if I am not mistaken, who brought up the issue of the trailer, the cement mixers and so forth. He realizes that may not have a direct impact on this application, but I think this is a good time to take it up. Was there an answer given to that question?

JAMES MARTIN: No, there was not an answer given to that question.

MS. BORGUS: Good time for the Board to assert themselves here. That stuff has set there for years.

JOHN NOWICKI: Is there a "for sale" sign on it?

MS. BORGUS: The trailer and the cement mixer, no. I think it is just a question of it is easy to leave it there. Doesn't quite know what to do with it, so it just sits. It doesn't add something to the major thoroughfare through our town. The Board maybe could give him a little nudge to clean it up.

JAMES MARTIN: I will note it as a condition to ask the applicant to remove extraneous property or equipment from the property.

JOHN NOWICKI: Maybe some year in the town we'll get a Code Enforcement Officer in the town that will do the job.

MS. BORGUS: Amen, thank you.

Jim 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.

DECISION: Approved by a vote of 6 yes with 1 abstention (Dario Marchioni) with the following condition:

1. Applicant to remove all extraneous equipment from property not related to ongoing maintenance.
3. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary site plan approval for campus signage master plan at property

located at 2301 and 2265 Westside Drive in P.I.D. zone.

David Smith and Dan Kilkirk (phonetic) were present to represent the application.

MR. SMITH: David Smith here representing Roberts Wesleyan. I'm the Grounds and Landscape Manager there. With me is Dan Kilkirk (phonetic), our Project Manager at the college. What we're looking for is the Planning Board to approve a sign concept master plan to be worked on over the next few years. The plan of attack is to install the first monument signs at the Buffalo Road entrance summer of 2006. Existing brick sign on Buffalo Road will be removed and the lawn restored to an -- to lawn area in the summer of 2006. I think all of you are probably familiar with the present sign on our campus that is about 20 years old.

The concept from Passero Associates that we have selected is the one you can see on the left. I think all of you have gotten a packet that has that, that sign on it.

Next would be to have two signs at each end of the campus property on Westside Drive. Those would be the next two that we would do.

Following those would be interior signs to replace the outdated campus signs. That was the concept on the right-hand side of the large drawing. Again, you all have a picture of that (indicating).

I received the comments from the project review report, Monroe County Development Review Committee, and prior to this evening, I did -- when we widened Westside Drive, the County widened Westside Drive on our drawings and maps the setback was not adjusted, but I have done that on this concept.

One of the other issues was the Westside Drive/Miller Avenue house, there was a comment that the sign is on that property. The College does own that house and I believe it is scheduled for -- how far should I back up?

JAMES MARTIN: Go back to the house and --

MR. SMITH: The College does own the house at one Miller Avenue, and the second phase of this sign -- monument sign building project will be putting a sign at basically in the back of that property, backyard of that house. The house is scheduled for demolition this summer. But we won't be putting a sign there until probably next year.

Another comment on the report from the Development Committee was survey monuments. The only monument on our property, it was moved when we built the PAC, and it was reinstalled at a transformer that runs along Westside Drive. The south side of Westside Drive there is a transformer vault there that sits in the concrete there. So we're not doing any construction near that.

Larry (Nissen) had some concerns that sight distances were taken into account, and we'll do that. I did make a misstatement on my notes at the bottom of the drawing, and I -- I put 15 feet from the boundary, and I meant to put 15 feet from the right-of-way, so that would be the comment there.

Did add one more comment. Application to the Building Department is anticipated to be made before we begin construction of each of these signs, so we'll make sure that all of the right procedures are made.

JAMES MARTIN: First of all, I want to thank you and appreciate you coming before us tonight with this plan.

MR. SMITH: Thank you.

JAMES MARTIN: I guess I'm not sure from the size of the signs, all that, whether there are any variances that will be required. Have we looked at that, Dennis (Scibetta)?

DENNIS SCIBETTA: Not from this point. It had not been brought up to your attention. But due to the size of the campus and all that, probably I would say in the front -- the front answer, that -- probably not.

KAREN COX: What was that again?

DENNIS SCIBETTA: I don't believe with the amount of frontage that they have, that -- and the overall scheme of the signs, probably less than what they would be required. They may need variances just for the freestanding signs versus building signs or anything like that. So we'll have to look into that, and we'll have a further discussion with them on it.

JAMES MARTIN: Well, before anything is issued, you know, if you will verify whether any variances are required from the Zoning Board.

JASON ELLIOTTO: The signs look nice.

JOHN NOWICKI: Nice addition.

JOHN HELLABY: Nice addition, as well. I guess the only question I have is why the necessity to have two across from the President's residence?

MR. SMITH: I think aesthetics. The face of them, facing, as you're pulling in to have it on the opposite side, I think that is the -- to create an entrance. More defined.

JOHN HELLABY: If you're comfortable with it, I guess I don't have a problem.

KAREN COX: These are not going to have any lighting associated with them, are they?

MR. SMITH: Yes, there will. We won't use what we have now. Right now we have fluorescent. But the -- but we're anticipating low intensity --

KAREN COX: Back lighting?

MR. SMITH: Well, there was -- I believe on John's original sign there was some lighting on the landscape plans behind. I don't know that we'll do that. There will be lighting dusk to dawn to shine on the letters so people can see the letters of the college, yes.

KAREN COX: That is not indicated on those now?

MR. SMITH: No, I don't believe so. There is one here that none of you have. Do you want to see this?

KAREN COX: No. That was just one question that I had.

Current sign has lighting on it?

MR. SMITH: Yes.

KAREN COX: Seems like what you have described is going to be nicer looking anyway. Certainly the signs look great. That was all I had.

JIM POWERS: Does Wesleyan own all four houses on that side of Miller?

MR. SMITH: All but -- I don't know the address, but all but the blue one. The raised ranch we do not own.

JIM POWERS: I think it is a nice -- these are nice looking signs.

MR. SMITH: Thank you.

DENNIS SCIBETTA: Appreciate the overall concept, giving it more of a campus feel, tying it all together. Look forward to working with you on it.

LARRY NISSEN: Nothing other than what was put forth in our comment letter.

JAMES MARTIN: That's been addressed by the applicant.

LARRY NISSEN: Not yet. This is just a concept, though, correct?

JAMES MARTIN: Right.

LARRY NISSEN: We'll be seeing more on -- we want to protect the interest of the College. We want to make sure the signs are not on easements, highway reservations and whatnot. Not sure how much service--

JAMES MARTIN: This is preliminary site plan and we may not waive final. So if you want a condition of -- your final approval, we can add that. You didn't ask for it.

LARRY NISSEN: I think somebody should look at the issue. So you can put us down for -- you can put down if you give final approve --

JAMES MARTIN: If we waive final, you want it subject to Town Engineer?

LARRY NISSEN: Only if you grant final.

MR. SMITH: Can I make a comment?

JAMES MARTIN: Yes.

MR. SMITH: The only easement, other than the highway easement, that I'm aware of, used to be Ogden Telephone has a cable running down Buffalo Road.

LARRY NISSEN: Let -- excuse me. Let me ask this: This site plan, although a very nice job, is not sealed by a professional.

MR. SMITH: Correct.

LARRY NISSEN: Do you intend to pursue that?

MR. SMITH: I would like to not, unless that is required.

LARRY NISSEN: Because I -- we're not going to take -- I think we choose not to have approval be contingent upon engineer's approval if it is not going to be sealed by a professional.

JAMES MARTIN: What is the feeling of the Board on whether or not we need a signed and sealed plan for this?

DARIO MARCHIONI: Would it make a difference?

JOHN HELLABY: Who is actually laying the signs out? Are you hiring a licensed surveyor to stake those out?

MR. SMITH: It would not be a licensed surveyor. It will be a contractor.

JOHN HELLABY: I have a problem with that. They will end up in the right-of-way.

LARRY NISSEN: We won't take responsibility for that.

JOHN HELLABY: I have to agree with Larry (Nissen) on that one.

KEITH O'TOOLE: In light of the size of these masonry signs, I think it would be appropriate to have them sited with a surveyor.

LARRY NISSEN: I agree.

KEITH O'TOOLE: You don't want to have to move them.

JOHN NOWICKI: We want to be sure and don't want to get in trouble. It is a nice effort, nice job.

LARRY NISSEN: We're not going to need approval for this plan that we see here -- or do you want to see this? Do you want to see the plans submitted by the professional, or is this something that you think can be prepared and -- for us to look at?

JAMES MARTIN: If we have the signs cited on the site by a licensed surveyor, if there are any issues around right-of-way or setbacks -- I mean if this is done right --

LARRY NISSEN: Then we don't need approval on it. If they're going to go to that trouble.

JAMES MARTIN: You don't want approval?

LARRY NISSEN: Right. There is some professional responsibility for the placement. That is what I am concerned about.

KAREN COX: To make sure they're not in the highway right-of-way.

MR. SMITH: I do have a drawing here that I believe John worked on, or one of his associates, that does -- the colors are a little funky, but he has on this plan what is really a copy of what I have on my drawing. This was a sidewalk addition (indicating) that we were going to do, but the sign sits here (indicating). He has a 10-foot setback from the right-of-way. So I mean, the concept has been done by a licensed engineer, correct?

MR. CARUSO: Hi. I'm John Caruso. I didn't know you were here tonight, but I saw you -- I saw Jim (Martin) giving you a hard time.

We did lay this out on an engineered plan. It is a site plan. It is not a concept plan.

MR. SMITH: Sorry.

MR. CARUSO: It is a site plan. We did make sure it wasn't sitting on any easements. It was a good call.

I don't think it needs be stamped by an engineer. I will stamp it for him if you would like, but I think the better move is just to ask that a licensed surveyor lay it out. Everything these guys did was right. They let us do it right. So I think what you're looking for, you will get.

JOHN NOWICKI: That is our condition.

JAMES MARTIN: Our condition is sign locations to be cited by a licensed surveyor.

Everybody happy with that?

DICK SCHICKLER: Applicant has met the requirements of the Conservation Board and we also appreciate the plantings around the sign. Good job.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY - 19 Hubbard Drive

MR. GINOVSKY: I heard something about Miller Drive, houses coming down, directed through the Chair.

JAMES MARTIN: Yes. There was a comment that one of the houses will be coming down.

MR. GINOVSKY: I know on Miller Drive there has been problems with parking, and I hope the Board takes into consideration that there shouldn't be any parking on the roadway, on the east side of the road. There is no parking. And now if these houses are coming down and the sign is going to be put somewhere along where one of the houses are coming down, that you don't have any additional parking there, because you can't park on Buffalo Road. And it would kind of close that loop up so we don't have anybody running between cars and getting hit and the residents having trouble getting in and out of the street. I would hope there is some kind of consideration given there.

JAMES MARTIN: Taken note of that, to insure safety measures are met along there.

MR. SMITH: Sure. We have one track meet a year that there would be people that park down there for doing the hammer throw and javelin. But they usually parkway back on the grass. They're not parked on the -- you know, adjacent to the road. So I'm not sure what the issue is.

JAMES MARTIN: Make a note to have your security forces be sure that we don't have issues with parking along that street, please.

MR. SMITH: Yes.

CINDY STELTZ - 11 Orchard Street

MS. STELTZ: We would like to know the dimensions of the sign and how it compares to the existing signs on the campus.

MR. SMITH: Dimensions are 7 feet high to the peak. 5 feet high on the outside. It has a

shape of the front where the letters are, and then there are wings that face toward the back. 11 feet here (indicating) and then 11 feet on each side. So it is fairly massive. 33 feet. Well, it would be less than that, you know, for -- where it is bending, but that is what it is. 30 feet by 7 feet high at the tallest.

The existing signs, there is only two of them. Um, one is a third of the size. The one that is on Orchard Street is a third of the size that is on Buffalo Road. The Buffalo Road one is probably 8 or 10 feet tall. Lengthy, it has got to be 12 feet long, something like that. I can't -- I don't -- don't quote me on that. That is approximately.

MS. STELTZ: All of the new signs will be this size?

MR. SMITH: Yes.

MS. STELTZ: So the one at Orchard Street will be this size?

MR. SMITH: That is the plan.

KAREN COX: But also because of the size of the new signs are angled, you will not have -- you will not be looking at 30 feet of mass. You will be -- you know, it may look somewhat bigger than what is there now, but it will not be gigantic in comparison, because those are angled.

MR. SMITH: This space through here (indicating) is open. There will be shrubs sitting back here (indicating) and a -- I can't remember what tree I had back there. Was it Floribunda Crab? There is an ornamental tree back there.

JAMES MARTIN: So it will have an open, airy look, well landscaped?

MR. SMITH: Yes.

KAREN COX: It may in actuality look less massive than the sign there now?

MR. SMITH: Yes, definitely.

JIM POWERS: The one on Orchard Street and Westside Drive that sits back in those pines, will the pines have to come down there?

MR. SMITH: I'm not sure. I have not looked at that. Hopefully not.

MARGARET MARSHALL - 21 Orchard Street

MS. MARSHALL: The concern about the Orchard Street and Westside Drive sign location would be the safety of that intersection. Can we be assured it will allow for appropriate visibility?

MR. SMITH: Larry (Nissen) brought that up. We would make sure it is set back far enough so there are no issues with that, yes.

LARRY NISSEN: I suggest when the surveyor submits his plans, that that issue be specifically addressed.

JAMES MARTIN: Sight distance.

LARRY NISSEN: Intersection sight distance.

MR. SMITH: Would we do that when we make building permit application? Is that when we would do that?

LARRY NISSEN: That is up to the --

JAMES MARTIN: We'll have --

LARRY NISSEN: I would suggest the site plan. Because if it doesn't meet that requirement, then you won't be in compliance with your site plan, so I suggest you do that at site plan.

Jim 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.

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

JOHN NOWICKI: I recommend we waive final.

JAMES MARTIN: Is the Board okay with waiving final on the application?

The Board indicated they were fine with waiving final on the application.

The Board discussed the proposed conditions.

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

1. Sign locations to be sited by licensed surveyor, with specific emphasis on site distances, for compliance with AASHTO regulations.
2. Applicant will insure any required variances are obtained from the Zoning Board of Appeals.

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

4. Application of 1436 Management, Inc., owner; 1436 Scottsville Road, Rochester, New York 14624 for conditional use permit to allow motor vehicle repairs at properties located at 1430, 1434 and 1436 Scottsville Road in G.B. zone.

Patrick Evans and Michael Evans were present to represent the application.

MR. PATRICK EVANS: Appearing for 1436 Management. This is my son, Michael. First we would like to apologize for the fact it has taken us so long to come into compliance with the conditions set forth before the Board. We would like to point out our neglect was not for reasons of desire, but because of inability, mainly for financial reasons.

Never was there a time when we refused to comply because of arrogant or antagonistic reasons. Our time spent in this location has been a very difficult period for both our family and our business, but we feel we have finally completed all of the conditions as required.

We based our assumptions on the fact that final inspection was done by Mr. Martin and other members of the Town staff and according to Mr. Martin all open items had been cleared. Again, we're sorry it took so long and we will continue to improve the site as time and finances allow. Some of the projects in the future include repairing and refinishing of the roof on the large building and other painting areas of need and hopefully lots of other things.

We hereby respectfully submit and request that the conditional use permit be approved for us as applied for.

JAMES MARTIN: Okay. Correct one administrative issue. The inspection, yes, I was present at the inspection, but the Chief Inspector was Mr. Scibetta from the Building Department. I have in my possession a letter from Mr. Scibetta indicating that all of the eight conditions that were detailed in the letter of inspection dated October 11th, 2005 were satisfied. These conditions needed to be met before application for conditional use permit could be granted.

It should be noted in discussion with the property owners plans for continued improvement and compliance should be filed with the Planning Board so Board members can stay informed of all improvements and how they will affect future applications. So I appreciate you said you have a list of things you plan to work on, as far as the site goes.

One other issue, and I want to be sure that this is cleared up. At the time we did the inspection, I believe it was on January 25th, I requested that a copy of the agreement that you have with Niagara Mohawk for parking of vehicles on their property be supplied to the Planning Board.

As of right now I do not have a copy of that. So I --

MR. MICHAEL EVANS: Here. There it is (indicating).

JAMES MARTIN: I will let Mr. O'Toole review that and make sure that it is proper.

KEITH O'TOOLE: Mr. Chairman, it was a condition of the agreement that the current property owner provide proof of insurance in order to perfect the agreement. If they could provide us with a copy of the insurance binder and receipt they paid for Niagara Mohawk, that would do it for us.

JAMES MARTIN: So you need to provide to us and to Attorney Mr. O'Toole a copy of the insurance binder as requested in that.

MR. PATRICK EVANS: No problem.

JAMES MARTIN: We'll give you a week to do that.

MR. PATRICK EVANS: Okay.

JIM POWERS: I would like to -- Mr. Evans mentioned making improvements over the course of time. Would you object to submitting every time you do make an improvement on that site, a -- notifying the Chairman and the Planning Board and the Building Department in writing that you have done this or done that, so that maybe in the future the road won't be so rough?

MR. PATRICK EVANS: I suppose we could do that. I'm not sure just exactly what type of improvement you would want us to notify. In other words, if we paint the door frame, would we put it in writing and send it in?

JIM POWERS: If you --

MR. MICHAEL EVANS: How about a certain period of time, maybe a year, six months, improvements over that period of time?

JIM POWERS: I think just to keep everybody abreast of what is going on over there, something in writing to the Chairman and the Building Department.

MR. PATRICK EVANS: If that is a condition, we can do it.

JAMES MARTIN: I think with some discretion. We're talking about major items of improvement. You know, painting a door frame, no, I don't think that is fair game, but painting the exterior of the building, cleaning up the rust on the roof, the metal building, those major improvement areas I think Mr. Powers is absolutely right. List those things, what you're planning to do and when you complete them, just send a note to the Building Department and to my attention so that we have it on record that these things have been done.

I have a feeling that there is not going to be a long string on the renewal if it is granted. It won't be for a long period of time. You may be back here in a relatively short period of time and having history of improvements will ease the process.

MR. PATRICK EVANS: Our improvements are basically going to depend on the way business goes, and business the last few years has been up and down like a yo-yo. We have feast and famine. Today we can't do anything wrong. A month ago we couldn't sell anything. It was all we could do to make payroll. All of a sudden now we can't even buy cars to sell because there are none available. Everybody is looking for them.

JAMES MARTIN: That is good news from a business issue standpoint, okay?

MR. PATRICK EVANS: That is the way our improvements work. If we have it, we can do it. If we don't have it, we can't. That is the reason we have been here so many times and so long. It has just been impossible for us.

JAMES MARTIN: Well, you understand what we're asking.

MR. PATRICK EVANS: I do, yes.

MR. MICHAEL EVANS: I have the certificate of insurance here, too.

JAMES MARTIN: You have a copy of the insurance binder?

MR. MICHAEL EVANS: Yes.

JAMES MARTIN: Provide that to the attorney, please.

JAMES MARTIN: We'll remove that condition.

KEITH O'TOOLE: This binder has already expired.

JAMES MARTIN: Do you have an up-to-date binder?

MR. PATRICK EVANS: I'm sure we have one. Whether she has it with her.

MS. EVANS: I don't probably have it with me. I will get it.

KAREN COX: Thank you for working with us to get the things in order. Sorry it has taken so long.

JOHN HELLABY: Same sentiment. Glad we're there.

JOHN NOWICKI: Same thing. Thank you.

JASON ELLIOTTO: What was the item noted from the Fire Marshal's office?

JAMES MARTIN: That had something to do with a panel.

MR. MICHAEL EVANS: Circuit breaker.

MR. PATRICK EVANS: The item noted by the Fire Marshal was taken care of almost immediately after he left, was a blank where a circuit breaker would be. There was a knock-out and nothing was covering it. A 29 cent piece of plastic from Home Depot took care of that.

JAMES MARTIN: That was inspected by the Fire Marshal when we were there.

DARIO MARCHIONI: Thank you. And finally we're there. Hope we can do business in the future.

MR. PATRICK EVANS: Let's hope.

DARIO MARCHIONI: You're a businessman in Chili. We have to work together, so...

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: Once again, we're not anti-business in Chili. We're just trying to do what is right for the Town. This has taken an inordinate amount of time. You're on the right track.

Let's keep moving on the right track.

The Board discussed the proposed conditions.

JOHN HELLABY: In all fairness, we're not making a condition he will make more improvements. He will work forward, but I would agree with two, possibly three years and let's take a look at it and see where we're at then. I would not have a problem with three years, to be honest with you.

JOHN NOWICKI: I won't either.

The Board discussed the length of the conditional use permit.

MR. PATRICK EVANS: At the time of renewal, is it more fees again? We have spent over \$1,000 in fees already. Every time we make an application, and --

JAMES MARTIN: I can't -- I will not change the rules.

MR. PATRICK EVANS: I realize that. I'm just asking the question.

JAMES MARTIN: I think the Board feels that, you know, you have demonstrated finally moving in the right direction. We're going to take a look at this again in three years to be sure there is no deterioration.

MR. PATRICK EVANS: Additional application --

JAMES MARTIN: Yes. There will be an application fee.

MR. PATRICK EVANS: We forgot to ask that question a little over a year ago and when the time came for us to appear we were not on the meeting schedule. We didn't know why. We found out because we had to make another application, even though it was tabled for a period of time. So we have to learn this process. It's a learning process for us, and as a result we screwed up that time.

JAMES MARTIN: I would make a note, put it in your tickler file you have to come back before the Planning Board for renewal.

MR. PATRICK EVANS: We would appreciate as long as possible.

The Board further discussed the proposed conditions of approval.

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

DARIO MARCHIONI: All existing conditions will prevail?

KAREN COX: They have all been met.

JOHN HELLABY: As far as outside storage.

KEITH O'TOOLE: What Mr. Marchioni is indicating is he would like all continuing conditions to remain in effect. All prior continuing conditions of approval. There are some conditions which they have met which are one-timers, like removing the fence posts. Whereas, there are other items like the parking and other site plan issues this are ongoing obligations.

JAMES MARTIN: So all ongoing conditions, previous conditions of approval are still in effect?

KEITH O'TOOLE: Yes.

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

1. Conditional Use Permit approved for a period of three years.
2. Provide a copy of insurance binder as specified in agreement with Niagara Mohawk to the Assistant Town Counsel and Planning Board.
3. All on-going conditions of approval are still in effect.

INFORMAL:

1. Application of The Fathers House, owner; 692 Paul Road, Rochester, New York 14624 for final site plan approval to erect a 56,510 sq. ft. church at property located at 715 Paul Road

in R-1-15 zone.

John Caruso was present to represent the application.

MR. CARUSO: Well, I'm John Caruso with Passero Associates. Before we again, I would like to welcome the new Board members. We look forward to working with you.

And I can't forget congratulations to Karen Cox for her engineering award. I don't know if you know that Karen (Cox) received a very prominent engineering award from APWA.

DARIO MARCHIONI: And she lives in Chili.

MR. CARUSO: And she is a woman Chili engineer.

KAREN COX: Thank you, John (Caruso).

MR. CARUSO: You're welcome.

Our application tonight is for final site plan approval. We spent the better part of 2005 working with the Board to get to an evening like this evening, so I won't take very much more of your time.

I would just like to go through the conditions of approval, Mr. Chairman, if that is okay with you, and then open it up quickly to the Board.

We received preliminary approval in November and you gave us a list of conditions. I would like to go down through them and tell you what we have done. We submitted it back in a letter of writing January 12th, and the site plan reflects those changes.

The first item, condition of approval was all of the parking spaces and the dimensions on the site plans were revised to 9 ½ by 19.

The second condition of approval was all of the easements that pertained to cross access from Lot 1 to Lot 2 and the subdivision that was granted are shown on the plan, and we will give the Town's attorney, Mr. O'Toole, a copy of them

just so he could see that was done appropriately. He usually reviews those.

A list of the recreational uses was requested from the applicant. We supplied in our response letter from not only – the architect to talk about the internal uses, recreational uses of the building, but also we declared what the exterior property function was going to be. We just wanted that in writing for a matter of record.

The fourth item was that we would submit a landscaping plan with a seal on it to the Conservation Board, and we have done that. I checked with Dick (Schickler) tonight to make sure he received it, and he did.

The fifth item was that we would work with the applicant -- with the Town Engineer and the Highway Superintendent to construct what we discussed at that meeting as Phase 1-A. That was those parking improvements, and I will show you over here (indicating), we wanted to get this parking lot here (indicating) built so that the congregation parking across the street would relieve their parking issues and maybe take any cars that would park on the street off the street, because it may have been a safety hazard.

The good news is, if you haven't seen it, that parking lot is built and they're utilizing it. As a matter of fact, it cost them a significant amount of money more to build it in the wintertime because it was difficult to get stiff soils out there. So they really stepped up, dug out the old stuff, brought in some select materials and constructed the roadway out to Archer Road. So that is built.

Item Number 6, dimensions of the landscaping gateway have been designed. They have been submitted to the Town with the plans. I have an extra copy here, but I would also like to add that we did appear before the Zoning Board of Appeals and did go through that with them, and they did grant a variance on the size of the sign.

And then the Item Number 7 was that we would work with the Commissioner of Public Works and the Town Engineer to determine the need for turning lanes for the project entrances. We had done that, and it was determined that no improvements were necessary. However, in Mr. Nissen's letter of recommendation to the Board, they requested that we reserve a highway reservation strip along the northern property line, along Paul Road, and the updated plans do reflect that. We were given word in advance that you would be asking for that, and already have them on the plans.

So with that, I think we have covered all that you were looking for. And if there are any other questions, I will answer them.

DARIO MARCHIONI: Just for the record, 16 plus acreage of land there, do you have any intention for that at the moment, or is that still undecided what to do with the land? That question has come up a few times.

MR. CARUSO: We have no intentions with it. The land was subdivided off with the

intention of possibly adding it to the property next door, but that is not moving forward, as of right now. That was granted approval by the Board to split, but it has been separated from this project.

DARIO MARCHIONI: You mentioned that the entrance, the easement for this property, this other lot here, it is an internal easement. Can you elaborate a little more on that?

MR. CARUSO: Sure. The access roadway right here (indicating) right now is shown over the property line, and because it would share uses to both parcels, we just put an access easement over it that says Lot 1 doesn't mind that Lot 2, which is The Father's House, that a portion of their roadway is on their parcel.

And so we just made common access over one common property line.

Now, the plans that I had seen from the adjacent development that was brought before the Planning Board did not have that there. As a matter of fact, they had their own driveway lined up over here (indicating), and they didn't need this to be present (indicating).

So what we might do is slide this over (indicating) just to be on our property and be done with it. It wouldn't matter either way to us. It might make it a little cleaner and slide it over. I'm working with New York State D.O.T. on the permit to see where they wanted it. They told us they wanted it here (indicating), but I might just clean the plan up and slide it on our property. We have the room. It is just a design detail. That is where that access easement, in common, on both places came in to play. That is where it came up. The whole cross easement issue might go away if we slide it over, based on our final permitting with D.O.T. Okay?

DARIO MARCHIONI: Can you give us an update on that parking, how is it working now, when you're finished with it, what stage it is?

MR. CARUSO: Right now it is about 90 percent complete. All of the stone and the access is in all of the way around. They would just continue to -- in the spring, they will be able to move the dirt out of there. And then they would just dress it up and pave it.

DARIO MARCHIONI: Late spring?

MR. CARUSO: They're on it right now. They're driving on it. It is holding up. All of the drainage is in.

JASON ELLIOTTO: Just if I could get a quick, I guess, summary conclusion why we felt no turning lanes were necessary on this along Paul and Archer.

LARRY NISSEN: D.O.T. has jurisdiction on Paul Road, and they didn't request -- it is not within our jurisdiction to request construction of turning lanes at that location.

JASON ELLIOTTO: Condition seven, on the final site plan. It said that we -- they met with the Town Commissioner of Public Works and Town Engineer and determined there was no need for any roadway improvements.

JOHN NOWICKI: I like that question.

LARRY NISSEN: On Paul Road the State has the call.

JASON ELLIOTTO: Was there a meeting then? Was there a meeting between --

LARRY NISSEN: We have not had a face-to-face on this issue.

KAREN COX: The State reviewed -- would have reviewed the site plan.

LARRY NISSEN: State has reviewed the site plan and made their recommendations.

JOHN NOWICKI: Do we have that in writing?

KAREN COX: It was probably a DRC comment.

LARRY NISSEN: It was a DRC comment.

JOHN NOWICKI: What do you mean DRC comment?

KAREN COX: On one of the site plans.

JAMES MARTIN: Do you recall that?

MR. CARUSO: Yes.

JOHN NOWICKI: I agree with his question. It is a very -- you know, because -- I have it here in red, too. I'm really concerned about the number of cars coming in and out of these driveways. This is a lot of traffic. How can the State walk away? You're telling me the State has the authority here -- I don't totally agree with you on that. The Town should have some control here how this traffic is going to be maintained and these people that live on these roads should feel comfortable that they're going to be safe and that this traffic is going to flow. All you are doing is putting two driveways with how many cars there?

MR. CARUSO: The State has the same concern that you do.

JOHN NOWICKI: But we don't have that in writing. I don't see anything from the State.

MR. CARUSO: It was a comment --

JASON ELLIOTTO: Do we have anything in writing from us that -- because this here, Number 7, says that our office has met with the Town Commissioner of Public Works and Town Engineer and has determined that there is no need for roadway improvements.

LARRY NISSEN: We have spoken about it over the phone.

JASON ELLIOTTO: So it was a phone conversation, not an actual sit-down and -- so this is -- is this how we feel?

LARRY NISSEN: We have not requested any, based upon the traffic study that was done we did not request turning lanes on Archer Road. Again, Paul Road is the jurisdiction of the State. I don't recall what the traffic study said about Paul Road. I don't believe that they recommended them there.

MR. CARUSO: And the State had the same concern that you did, and commented on it, and the State did not require us to put turn lanes in, nor did they, and there is a reason why. The reason why is that we don't meet the threshold that warrants the turn lanes. I don't want you to think that we didn't study this. We studied the heck out of it, okay?

It doesn't meet the thresholds that require a turning lane.

Now, if something changes in the neighborhood, that could change, but it did not require it here. And that is what we -- we met with Joe (Carr) about Archer Road, because that is the Town's jurisdiction, and Archer Road does not require it. But what he did say is that -- because this was the result of all of this work, okay? Well, I'm not sure what the future might hold, and if something changes in this area and we do need to put turn lanes in, I don't want to have to buy land from you, so will you reserve a piece of your land up in there for highway improvements, and we said yes. That was Larry (Nissen)'s recommendation, and that is what I mentioned in my earlier presentation that we did put that in the plan, okay? So that is the result of that work. Unfortunately, I know you guys want to see these turn lanes and all of that, but it is really not necessary for this project. Okay?

JOHN NOWICKI: What about Archer Road having enough right-of-way there for turning lanes in the future?

MR. CARUSO: That is another good point. That is why the sign that is put there, and the pond that we put in is all pulled back off that intersection. If there was room -- if there was right-of-way that was necessary, that -- that sign sits 30 feet off the right-of-way. 42 feet to the center of the sign. And that is off the right-of-way. And in the right-of-way there is another 15 feet at least.

JOHN NOWICKI: I know you put a lot of work into this thing, and again, I'm trying to be like Jason Elliott here and get a comfort zone that this traffic situation will not come up and bite us in the butt here if this thing goes forward and we start seeing some problems here and we have everybody over here, at this table, at least Larry (Nissen) and the Commissioner of Works saying we don't need it. I want it on the record because when it does happen, we'll come back to this record.

JASON ELLIOTTO: I don't know if that is the comment or not. I don't think it has really -- I get that it hasn't been -- a phone conversation about it.

KAREN COX: So what you're looking for is something in record from Joe Carr, something on record written saying we met with the engineer on such-and-such a date and we -- it was mutually agreed that no turning lanes on Archer Road are needed at this time, because the Town -- the State D.O.T. has reviewed this, and by their comments on the DRC paperwork, they had no comments. They would have reviewed -- they would have looked at the same traffic report that Larry (Nissen) looked at, and if they had concern, we would have heard about it back at preliminary.

MR. CARUSO: What you're looking for from the Commissioner of Public Works came through the DRC with Larry (Nissen). It is in his letter.

LARRY NISSEN: I believe in an earlier review we commented on the traffic study that was done, and if memory serves me correctly, we made a comment at that point in time that there was not -- turning lanes were not required at Archer Road and that we concurred with that conclusion.

KAREN COX: They did not meet the threshold.

LARRY NISSEN: That is correct.

KAREN COX: That is not to say in the future if things get built up the threshold won't be met, but at this point it is not the responsibility of this applicant to deal with future stuff, except to do what they have done, which is what we have asked, is reserve enough highway reservation to handle putting in turning lanes.

JOHN NOWICKI: Yes. You are going to have to deal with access management along this road, not only for this project, but probably for other things in the future. You better be prepared for that.

MR. CARUSO: Part of that is coming out in the design. You can see we split the roadway to the west side of the property, and then to the east side of the property, so that there are several

ways to get out of the piece and split in what we call – to distribute the traffic. So those --

JOHN NOWICKI: You are only half the size of the church right now, and the -- are you building the other parking lot on the west side, or are you just doing the one on the east side?

MR. CARUSO: Both with this proposal. This is Phase 1, as you see it here.

JOHN NOWICKI: Capacity of the parking lots holds how many cars?

MR. CARUSO: About 980.

JOHN NOWICKI: There is a threshold someplace.

JAMES MARTIN: It has been looked at by the traffic engineers.

KAREN COX: We have kind of beat this to death.

JOHN NOWICKI: I just --

KAREN COX: I know, John (Nowicki). We have looked at it how many times?

JOHN NOWICKI: I just want it on the record so people understand what we're looking at.

KAREN COX: If we get into this, we'll be back at square one when the applicant has been in here multiple times.

JOHN NOWICKI: I know that.

JAMES MARTIN: And I know Mr. Carr has studied the placement of the sign on the corner for sight distance, even with turning lanes. It meets all requirements as far as sight distances go. It has been looked at. It is not that this hasn't been looked at many, many different ways. So right now, I agree it is not this applicant's responsibility. They have been given a -- you know, clearance, all right, to go ahead without turning lanes.

KAREN COX: But --

JAMES MARTIN: But, yes, I agree there is potential down the road if something else happens, but that we'll have to address that at that time.

JIM POWERS: How far away is the switch of this road from the State to the County?

MR. CARUSO: You know, I don't know. I can't get a straight answer on that. I know they want to do that, but I don't know when.

JAMES MARTIN: It is hung up in Albany, and that is the last we heard.

JOHN NOWICKI: Does Paul Road become a County road?

KAREN COX: That's correct. And like he said, it was to have been done before they broke for the break last year, but it didn't get done and so it is on the slot for this year. As to when it gets done, we don't know.

JAMES MARTIN: We all have the same concern. We have been over it many, many times before you joined the Board, okay. Yes, there is a concern about traffic, but I believe at this time it meets all of the existing criteria.

JOHN NOWICKI: I have a concern in mind. Everything else is going along fairly well, and -- except certain issues on the record which I want to get on, which I did.

Looking at this building, the elevations that were submitted, and the -- the one concern I have, and it is a rather large concern, is the south elevation. It reminds me of Sam's or Wal-Mart's. I don't think that is appropriate for the neighborhood. I think some architectural details or changes have to take place on that wall along with landscaping to address that blank wall back there. It looks too much like a Sam's or Wal-Mart.

MR. CARUSO: Let me talk with the architect, John (Nowicki), and ask him if he could make some recommendations to us on how we could fix that.

JOHN NOWICKI: I would hope so.

MR. CARUSO: If I could, I would like to be able to submit it to the Chairman at DRC or Dennis (Scibetta) to take a look at. I don't disagree with you on that. I know they're very amicable about doing something to change some features.

JOHN NOWICKI: For the neighbors, so they don't have that big blank wall sitting there like that.

JAMES MARTIN: I would think a combination of maybe some architectural modifications and landscaping would probably solve that issue.

MR. CARUSO: I agree.

JAMES MARTIN: I agree with John (Nowicki).

JOHN NOWICKI: You have to break that up.

JAMES MARTIN: It's Wal-Mart.

MR. CARUSO: I think --

DARIO MARCHIONI: Can't you follow the same parapet wall on the same elevation, just carry it around also?

MR. CARUSO: Well, the reason with the -- the reason we don't want to bring that wall around back is it makes the building taller.

DARIO MARCHIONI: The same architecture that you have on the top there. The stripes.

JOHN NOWICKI: Something has to be done with that south elevation.

DARIO MARCHIONI: Three elevations look good, except -- just follow the same other two elevations.

MR. CARUSO: Pierre was pointing out to me when they sell the property across the street, they will bring the -- the youth ministry over here, and you will see one of the additions on the back of this building would be to -- and we can embellish the look of that, like -- like the front of the building. But -- and I agree with that. It will be much better looking, but I think the architect could look at the plan, and we could do something in the interim that would be inexpensive and palatable.

JOHN NOWICKI: Break it up vertical, horizontally or with a combination of landscaping.

MR. CARUSO: I will have him do something and we'll send it in to you.

JOHN NOWICKI: When the neighbors see it, they would go bonkers.

MR. CARUSO: Mr. Martin, we can send that to Mr. Scibetta?

JOHN NOWICKI: No. I want to see it before I vote on it, to be honest.

MR. CARUSO: Before you vote on it?

JOHN NOWICKI: Yes. I won't vote on it unless I have an assurance that the -- there is not a blank elevation.

JAMES MARTIN: You won't vote on it tonight?

MR. CARUSO: If I would have known -- I have done a lot of changes.

JOHN NOWICKI: Well --

JAMES MARTIN: I trust Mr. Caruso's integrity.

MR. CARUSO: If I would have known you wanted it, you could have told me that earlier and I would have brought it down.

JOHN NOWICKI: We can make it a condition.

MR. CARUSO: Thank you.

JOHN NOWICKI: Before any permits are issued.

MR. CARUSO: I am agreeing, but who do you want me to send it to so they can take a look at it?

JOHN NOWICKI: I would like Jim Martin to see it and he could call me.

MR. CARUSO: You're welcome to see it, too.

DARIO MARCHIONI: Send us a copy.

JAMES MARTIN: Provide seven copies.

MR. CARUSO: Sure.

JOHN HELLABY: I agree with that comment.

I guess the only concern I have, and I guess I brought it up last time. I will go there again. How does the existing building across the street play into the whole scheme of this development? And the reason I ask is I still have a major concern of the pedestrian traffic across Paul Road. Again, they do an outstanding job having crossing guards there, but something is just not working. It is still not working. I tried and tried to put my finger on it, and actually, last Sunday, as I'm riding up through there, it dawns on me.

The gentleman that apparently is taking care of their crossing situation has a nice Chevy Impala with flashing lights on it, similar to a Sheriff's car, that he insists on parking right at the edge of the road. Not a problem. People see the lights. They slow down.

But I think where the problem develops is he insists on standing in the center of that road, so you can barely get between him and his car, and every time an individual walks up, he stops the traffic. And talking to other people, common practice would be to walk to the side so if the service is starting or coming from the parking lot, he would walk into the parking lot, wait there until the pedestrians built up and walk down into the traffic, stopping it, allowing them to cross, and then walking back, holding up stragglers, not every time one person was out there, stopping cars. Because he had them backed up into the intersection again this past weekend. And I just -- I need to know how this -- are we going -- even after this is done, will we continue to have a problem. Because I see you have a temporary 5-foot walkway heading over to that existing building. Are we still going to be faced with this dilemma every weekend?

MR. CARUSO: To answer your first question, the plan is to move out of that building into this building and sell that one off. In the interim, they will still be in that church as it is now, and there will be some youth ministry in there. But the long-term game plan is to sell that, help pay for what they just built.

So we have said that publically before and that still remains the same.

On the second question, and it is your perception of what you see out there. I couldn't agree

with you more. We were here last time. It was the same situation. And I'm just going -- this is the second time that they have heard it and we'll have a discussion after this about where the gentleman parks his car and how he maintains traffic.

Because the absolute correct way to do it, and this is from MPOT, is the -- the person -- that is an engineering thing on how you really maintain traffic is you don't stand in the road. You stand to the side of the road, and that is why you're right about that. His car can't be there, because it becomes an obstacle, a fixed object, and your perception is 100 percent right. I couldn't have put it any better. The problem is that you try to squeeze your 8 foot car at 30 miles an hour between his car and him and then down to 20 and down to 10 and we need to get that one obstacle off to the side and teach him how to do that. It is a short-term fix. They have the crossing now across the road from D.O.T.

The long-term fix is what you're approving tonight. I will tell you after this -- they have heard it again. We'll talk about how that is done.

Okay?

JOHN HELLABY: I honestly believe they're doing an outstanding job.

MR. CARUSO: The guy is a sweetheart and does a good job for them. We just --

JOHN HELLABY: I just need to understand the long-term. I guess if -- I understand that they're going to move into this building. This building goes up for sale, while it is on the market, are they going to continue to use it? I mean it might not sell, six, eight months. Will they still use it and have -- the pedestrian traffic is my big concern, and if they are, correct the situation.

JAMES MARTIN: I think you said they'll have youth ministry activities continue in the structure until it is sold.

MR. CARUSO: They have classrooms in this. They are going to find quickly that they can park outside the classrooms and the youth ministries can be in the building. They will move out. It wouldn't make sense to be in both, heating them and cooling them and that is what we'll gravitate towards.

KAREN COX: Even if the youth portion is being used, the amount of pedestrian traffic for that would be less than what is expected for a Sunday service.

MR. CARUSO: The whole sanctuary will be over in the parking lots, so a lot --

JOHN NOWICKI: Let me ask you a question: Couldn't there -- on that road, like for Sunday services or whatever the services are, yellow flashing lights in all directions to warn people that something -- you know, to slow down or reduce the speed? Isn't there something we can do to get some warning signs up or pedestrian signs in the road during services to help out?

MR. CARUSO: The better step on the safety side is you can either do that, and if that doesn't work, you would go to instead of flashing beacons, you could go to alternating beacons. There are several levels of security. The best thing to do is to put a safety officer out there, and they have gone right to that, and that is how they got the State to give them the crosswalk. So they have gone to the best of the best having personal service crossing the road, not leaving it to someone's decision on could they beat a car or not.

I think the best thing for us to do is get the building built and we'll all be on this side of the road.

JAMES MARTIN: For the immediate future I think we have a training issue that needs to be addressed very, very quickly by The Fathers House. That is our expectation.

MR. CARUSO: You got it.

JAMES MARTIN: I see the Reverend du Plessis nodding his head yes. My assumption is it will be taken care of post haste.

JIM POWERS: I have an awful good lesson in engineering, would you call it Denny, today, because I was talking with John (Nowicki) about looping the water system for the fire hydrants from Paul Road back to Paul Road. I got straightened out on that. Real quick.

Do you have any proposed depth on that storm water area down there, on your driveway, Paul Road?

MR. CARUSO: Which one? This one here (indicating)?

JIM POWERS: Up on Paul Road.

MR. CARUSO: Oh, this one (indicating).

JIM POWERS: Near Westway. It looks --

MR. CARUSO: It's about 10 to 15 feet deep.

JIM POWERS: Do you foresee the possibility at all in the near future, if and when that property next door is ever sold, of taking that driveway out to where it cuts into Paul Road now and sliding it down to Westway?

MR. CARUSO: We had proposed that. We tried to a line it up here (indicating), but the

State wanted us to offset it. I don't know why.

KAREN COX: No idea why.

MR. CARUSO: They really wanted it offset. I actually called the Assistant Engineer, Dave Garring (phonetic), in charge there and said, "Dave, was this an oversight? Usually we line them all up where you separate them more than." He said, "No, I don't want them lined up."

KAREN COX: He may have been in a strange mood that day.

MR. CARUSO: So when I was talk -- what I was talking about earlier, it won't be so bad if I moved it more, because more offset is better than slight offset.

But if --- it doesn't make any more sense to push it to the west. And we are being dictated on where that is. But anywhere in there is good to help the distribution of traffic. We wanted it as far away from the intersection as possible.

JIM POWERS: Any idea at all when you expect to put a shovel in the ground?

MR. CARUSO: Pierre (du Plessis) shared good news with me today about financing being offered to them, and they're looking to finish construction drawings and go out to bid by March 1st, so we're looking to start in the spring, like we said, and probably finish in the fall.

JIM POWERS: Recreation should be happy with this, too. I concur with John (Nowicki)'s concern about that south elevation.

JOHN NOWICKI: Just one other question I have. Conservation Board wanted to get this cleared up. The landscaping plans were submitted by the landscape architect, but the original quote in November was \$10,000 and it shows 30,000 on something else. What happens here?

JAMES MARTIN: I think that is a misprint.

MR. CARUSO: Dick (Schickler) brought that up to me during the break. I'm glad he shared it with me. The original cost estimate for the landscaping was 10, but then we finalized the design for the island, or the sign at the gateway feature, and that has a whole lot of brick in it and that, and that came out, and that is why it went up another 20,000.

You have seen this before, but for Jason (Elliotto) and -- we're talking about creating a gateway sign. That was our whole intent, to put some brick in that area. So I told Dick (Schickler) to use 30.

JOHN NOWICKI: Thank you.

The Board discussed the proposed conditions.

JAMES MARTIN: We do not need to do SEQR on this application.

The Board discussed the proposed conditions.

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

1. Architectural modifications to the south elevation should be incorporated in the final design and reviewed by the Planning Board.
2. Pending approval of the Town Engineer.

The meeting ended at 9:40 p.m.