

A meeting of the Chili Planning Board was held on March 9, 2004 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: John Hellaby, Dario Marchioni, Karen Cox, James Martin, John Nowicki and Don Faso.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; David Lindsay, Town Engineer Representative; Bill Arnold, Fire Department Liaison; Fred Trott, Traffic & Safety Committee Liaison.

Chairperson Don Faso 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.

#### INFORMAL DISCUSSION:

##### 1. Suburban Propane - appearing at the request and invitation of the Planning Board.

DON FASO: The first item is informal discussion by Suburban Propane appearing at the request and invitation of the Planning Board. The Planning Board, I believe it was in January, asked me to invite them in, and I talked to Dave (Dreis) in February and invited him in, and he graciously agreed to come and talk to us, so, Dave (Dreis), if you won't mind coming to the podium.

MR. DREIS: David Dreis, D-r-e-i-s.

DON FASO: Dave (Dreis), I guess I will start it off. One of the things that prompted the invitation, the concern that a lot of people have at grade crossings, with the railroad, and of course there has been a tragic death in Henrietta and numerous failings of gates over the past few months, so I guess it kind of prompted or triggered in our own mind what would happen in a case where should the gates fail and a train hit a car, and if it is going eastbound, heading right towards Suburban Propane with tanks, a railroad car -- our concern is safety. I realize that you were there first and the Town kind of grew up around you and now you have a town hall and library as your neighbor, and through no fault of your own you're in middle of metropolitan area. I guess our concern is safety. I am sure you have all kinds of stats and adhere to all kinds of safety records, but what kind of things do you plan for? Do you have contingency plans for something like that? I think when you and I talked you said that the railroad car is empty.

MR. DREIS: Railroad car is now gone. Answer your first question first. We do plan for contingencies, of course. We have an emergency action plan that is a corporate policy that we have this plan. It is monitored and put in place by our corporate safety people. Annually we have a week-long safety week we call it, safety program where we go through safety procedures and what to do in case of X and how to deal with situations and so forth.

That, along with our monthly safety meeting that is on every -- once a month, is kind of the heart of our safety program.

All of our equipment is up to spec and meets all criteria. We have the Fire Department come in on an annual basis and they do a walk-through our facility. The FRA comes in every year, the Federal Railroad Administration comes in and checks the spur, checks our equipment and makes sure it meets all code.

DON FASO: I didn't know that.

MR. DREIS: Yes, they do. That has been going on for as long as I have been here, for 12 years. They check that. We also have to comply with all D.O.T. regulations in terms of all of our

equipment, our trucks on the road. For instance, you will notice we all stop before we cross the tracks, just like a school bus will.

DON FASO: These days, so do I.

MR. DREIS: Smart people do. So we have a full range of safety programs that are in place to, you know, protect the citizens of Chili, and the general public.

DON FASO: Bill (Arnold), does the Fire Department train at all at --

BILL ARNOLD: Periodically we go over and do a walk-through. We have had the propane trucks down to our facilities to find out where the propane shut-offs are, the appropriate measures to take in the event of a leak. We stay up pretty current with that. We also have a preplan in case something happens at their facility, we know what we're looking at. We have emergency contact numbers. We stay in pretty good touch with each other. I think they run a very safe operation there and in the unlikely event that a car should get hit at that grade crossing, I think we would be able to handle that emergency fairly easily. Actually, I think the way you're situated, I'm not saying it is not going to happen, but usually when a car is struck, usually it stays on the same side the car was struck on, so it would be on the opposite side of the tracks. Very rarely train heading eastbound would push a car over into their facility. We had cars struck at the other grade crossing down closer to Cedars of Chili. So it can happen, but I think we're fairly well covered.

DON FASO: Was that the staged one?

BILL ARNOLD: That was a staged one and actually we had one there I think -- I can't remember when that was, but we did stage one there as well.

DON FASO: I remember the staged one.

BILL ARNOLD: Most recently we had one on Union Street as well, too. A car got hit there this past June.

KAREN COX: At the at-grade crossing?

BILL ARNOLD: Yes. That had nothing to do with the failure of the grade crossing.

DON FASO: That was driver stupidity?

BILL ARNOLD: Well, yes.

KAREN COX: In a way of speaking.

MR. DREIS: I will agree with what you say. We work closely with the Chili Fire Department as well as the other fire departments in the area. We have trained over 650 fire fighters in the Monroe County area ourselves out of our facility. They all have a pretty good idea where we stand and what we do. I have gotten calls in the middle of the night from folks in the Fire Department, dispatch. We'll come down and go through like suspected gas odor if somebody drives by.

DON FASO: At this facility?

MR. DREIS: Yes. It is rare it ever happens, but we have a real good relationship with them.

DON FASO: Do you ever get calls anywhere in the County for leaking or suspected leaking propane tanks someplace?

MR. DREIS: Yes. You just deal with them on priority basis. That is obviously our first call that you go take care of right away.

JAMES MARTIN: There is no doubt your safety record is impeccable, and certainly discussion of all of the things that you do is well in order. I just wonder about the vulnerability of your large storage tanks there to any kind of a -- let's say a major derailment by a train going through that crossing. Are they impervious to let's say high-powered rifle shot? I mean those types of things that could conceivably, you know, do something to those tanks to rupture their integrity, which I think then would be a major problem as opposed to minor problem. It is not one of those little canisters leaking. You would have a huge tank leaking. That is my question, as to how, you know, impervious are those tanks to a major type of impact?

MR. DREIS: Well, let me take it a piece at a time. To go back to your first comment about the structure of the tank and getting hit by a car or whatever, in that case, these tanks have internal valves that will automatically close off if a line ruptures. It is an excess flow system that if the gas comes out too fast, it will snap close so no more gas can come. Even if the tank was to come off its pier, which would take a pretty big impact to do that, the tank's valving should all close. We do close the manual valves at night, as well. The only time they're open is when we're working in the yard.

As far as it withstanding a gunshot, I guess that would depend on, you know, the caliber of the

gun and so forth. I can't tell you for sure it would. I'm not going to try. But they have very thick steel. I can't tell you exactly.

DON FASO: Is that a double-walled tank?

MR. DREIS: No. It is single wall, but it is very thick. We keep them -- they can't rust from the inside. They're kept coated on the outside to keep them from deteriorating. That is part of the safety inspection done regularly.

DON FASO: How many gallons is that?

MR. DREIS: Each of the two larger tanks are 30,000 gallons. The smaller is 18,000.

DON FASO: What's a railroad car?

MR. DREIS: Railroad car is 30,000 gallons.

DON FASO: It is not there. Do you plan on having it in there in the summertime?

MR. DREIS: Probably not this summer. I do plan on having rail cars again there in the winter. It depends on the most effective way for us to transport fuel to the facility. This winter it turned out that transports worked a little better for us.

DON FASO: You mean over the road?

MR. DREIS: Over-the-road transports, yes.

JOHN NOWICKI: Due to the fact that over the last few years we have had some new construction around your facility, the Town Hall, the library, and we have some other projects in close proximity to that railroad track, as far as duplexes and housing, single-family residential housing, if that railroad car or one of those tanks somehow, whatever missile would cause it to penetrate that, would an explosion take place? If an explosion would take place, from ground zero, how far out would that impact the structures that are in the neighborhood and how far would you have to evacuate people from that area? Are there plans in place for the worse-case scenario, and is that plan tied to our Fire Department or through the County emergency departments that we have? I will stop there for now because I would like an answer on that scenario.

MR. DREIS: Okay. As far as what would the size of the impact be, were there to be an explosion, that's really going to depend on how much fuel escaped and exploded. What was the scenario that really involved it. You know, we could start playing a lot of what ifs. I will tell you our plan calls for 3,000 feet around the plant in a radius as an evacuation area. So, in fact, our emergency action plan shows we have the affected area and where we would want to concentrate and work with the Fire Department to make sure they're in tune with it.

I can't tell you that for sure. Over -- let me back up a step.

Over the years I have seen many instances with propane tanks. People backing into them with cars and running over underground tanks with lawn mowers and bulldozers and things and not had an explosion yet. There's been gas released oftentimes, but you do have to have the right conditions to have an explosion.

BILL ARNOLD: Typically it is impinged upon by fire when you have explosions. If the relief valves are working appropriately, that shouldn't be a problem. But as he stated, the gas release is an issue, as long as it doesn't find any sources of ignition. But an explosion of that magnitude would have to involve some kind of impingement of flame on that tank and the relief valve itself not working.

DON FASO: Is propane heavier or lighter than air?

MR. DREIS: Heavier than air. So it will settle, but it dissipates pretty well.

JOHN NOWICKI: I have heard in the past -- I don't know if it is a wife's tale or not. If the tank catches fire, you have to keep them cool to prevent them from exploding. Is there some truth to that?

MR. DREIS: What we're trying to do is prevent the tank from blowing apart. If it was a case where the valve of the tank was on fire, for instance, we put a water fog on the tank to keep it cool. You don't need a lot of water to keep it cool enough. We're just keeping the flames from impinging on the tank to the point that it weakens the steel of the tank. And again, our folks at the Chili Fire Department have spent pretty extensive time going over that with us.

So yeah, if the tank is actually on fire, the relief valve, for instance, has flames coming out of it, we just keep water on the tank and we can control the situation very well.

JOHN NOWICKI: Can I ask one more?

MR. DREIS: Yes.

DON FASO: We have them now.

JOHN NOWICKI: Under the new home security that you have in the country now, are there any documents that have been issued or instructions issued to a national standard or state standard to improve the protection of the public from around facilities like this, either through barrier constructions or other types of suggested improvements? Is anything going on in that area?

MR. DREIS: That is a good area. There has not been any mandated changes or anything like that. After 911, Suburban set our own policies in place to make a stringent policy even more stringent. And you will notice now as you drive by our plant during the day, the gate is always closed. It is locked unless somebody is in there. The storage tanks are shut off until somebody is actively working with the tanks. All of the keys are out of the vehicles. Years ago we used to leave them on the back of the trucks so if the Fire Department needed to get them out in an emergency it was easier to do that, but obviously the precedent had to change, so we now bring our keys inside and lock the trucks and the facility down as tight as possible. We're very cognizant about people, you know, having any undue interest in the building or facility, and our employees are very good about watching for that.

DON FASO: Is it considered a high risk target?

MR. DREIS: There is no designation or anything saying that, no.

DARIO MARCHIONI: Do you have any kind of alarm system in case somebody intrudes, cuts the fence for some sort of sabotage? You have crazy people.

MR. DREIS: No, we don't. But again, all of the valves being shut off and the internals are closed, so you would have to get the power to the motors in order to get the gas out of the tanks, to get -- the pumps to get it out of the tanks. That is the other thing we do as well is we cut the power to the whole facility outside with the exception of the security lighting and our engine heaters and so forth. But that is what we do. It is difficult to get the gas out of the tanks because it is a closed system.

DARIO MARCHIONI: But there is nothing like if somebody cuts a fence, an alarm would go off?

MR. DREIS: No.

JOHN HELLABY: Is that all vapor propane? Is there any liquid storage there?

MR. DREIS: What we store is liquid. It is all liquid. When you get your gas grill tank filled you get 20 pounds of liquid in it, and you burn the vapor off of the top of that. If you -- it equates to a pot of water on a stove. 212 degrees you produce steam. Propane produces propane vapor at anything above 44 degrees below zero and that's how it works.

DON FASO: 20 pounds is what, six gallons?

MR. DREIS: 4.7.

JOHN HELLABY: To expand on what Dario (Marchioni) said about the alarm system, I know you say that you manually lock down all of the big tanks, but what about all these -- the hundred pounders and 250s around the yard, are they all dry? I don't know how you prepare them when you store them.

MR. DREIS: No. There is gas in the tanks.

JOHN HELLABY: That is technically something if they wanted to go back and monkey with those valves, they have access to a limited supply?

MR. DREIS: To a limited supply, yes, that is true.

JOHN NOWICKI: I would like to explore some other areas, but not tonight.

DON FASO: Well, we have them.

JOHN NOWICKI: No, no.

I would just hopefully think that some of the questions that were asked here tonight, that they would take them back and certainly maybe think about security in this community. Because you're in a very vulnerable position there with the railroad and the main highway. If you don't have security systems on your facility now, whether it be cameras, or motion detectors or what have you, I think it would certainly give you some thought to go back and think about that.

JOHN HELLABY: One last thing, real quick, is that the way this whole community is coming together with the new construction and upgrade and even Chili Paul Plaza, they're here tonight to make a presentation -- I know you have done a lot of remodel work, seven, eight, nine years ago. Long-term future, do you see any upgrades? Of course, naturally you would have to put up with the industry standards and whatnot, but is there anything down the road that you can say you are going to upgrade

the facility? In the foreseeable future, I guess.

MR. DREIS: The plant itself, the propane side of the business, the plan itself, the tanks, the piping, the dock facility, the warehousing, they were all replaced about seven years ago. We had the yard repaved -- paved I should say. Not repaved. Paved two years ago. The building has been resided. We have done some work inside to improve it aesthetically, and make it work a little better for us as our business place. So I think we have done pretty much what we intend to do at this time.

DARIO MARCHIONI: One more question. I know about different agencies in government trying to get a better community, sometimes there are federal grants, state grants. Have you ever thought about relocating to another more appropriate location with some community help in financing the relocation?

MR. DREIS: Are you talking about having the Town Hall relocated? Is that what you're saying? (Laughter.)

MR. DREIS: As Don started out, we were here first.

DON FASO: We're cognizant of that.

MR. DREIS: I understand what you're saying.

DARIO MARCHIONI: I know it is a burden, we would be asking tremendous burden on you, but if there was some sort of grant or some sort of way we could work the government and make it feasible for you in a way, just a thought of relocating, somewhere down the line.

MR. DREIS: I understand what you're saying. I have to tell you, ultimately that wouldn't be my decision, first of all. But secondly, I have to -- because it is growing up around us, we have changed the type of business that we perform, as well. When this building was first built, as you know it was all farmland around here, and we serviced the farm community and we have had to adapt to the changes to survive, of course. And I invite you all to stop by and see, but we have a full hearth center with fireplace inserts and that. That is becoming an integral part of our business. With that, the value of being on Chili Avenue in a growing community, that is a good place for us. It is convenient for our trucks to get on the expressway and so forth, too. I think over the years we have had a good safety record. We haven't been, you know, a bad neighbor, I don't think.

DON FASO: You have been a good neighbor. Very good neighbor. The building is very aesthetically pleasing. It is well maintained and very obvious it is well maintained.

JOHN NOWICKI: Will you be getting into the propane or natural gas standby power generators?

MR. DREIS: Yes. We don't sell those ourselves, but we do service those.

JOHN NOWICKI: That seems to be taking on. There is a big interest in those lately.

MR. DREIS: Luckily propane still continues to be a fuel that there is a lot of applications for, and as long as that is the case, I hope we'll be a viable neighbor of yours here.

JAMES MARTIN: Quick follow up to Dario (Marchioni)'s question. You know, would it be conceptual down the road somewhere that perhaps the main, the large storage tanks could be relocated to a more rural location; you could still maintain your headquarters and all your sales activity at the building on Chili, but if there was some feasibility to that down the road, again, I throw that out as a consideration. You know, that is hoping nothing ever happens and it probably never ever will, but if something were to happen, obviously this building would be jeopardized and the library would be jeopardized and a large amount of the Town of Chili would be jeopardized. I just throw that out. There are areas within Chili where storage tanks of that nature, you know, probably would not cause nearly, you know, the problem that they might in the current location. So it is just something to think about. I understand you're not in the position to make that decision. That's a corporate type of decision, but if the government were to help with something like that, that would be something to think about in the future.

JOHN NOWICKI: I think that is a good idea. Hopefully you can get a copy of the minutes from this meeting tonight and pass it on to the corporate headquarters and let them know what this Town, the Planning Board and the community as a whole is thinking about the security of the situation, so that maybe you could develop a corporate policy or plan, and if you did, I'm sure you would come back as a courtesy to this Town to let us know what is going on.

MR. DREIS: If any changes are made, I would be happy to do that.

DON FASO: Thank you, David (Dreis). I appreciate you taking your time out of your busy

schedule to come help us.

JOHN NOWICKI: Is the price going up or down?

MR. DREIS: Down.

(Laughter.)

OLD BUSINESS:

1. Application of Stephanie LeVan, owner; 83 Percy Road, Churchville, New York 14428 for conditional use permit to convert single-family dwelling to two-family dwelling at property located at 2343 Westside Drive in R-1-15 zone.

Stephanie LeVan was present to represent the application.

DON FASO: This is a continuation of a hearing we had a couple months ago, and when you made that presentation, the Board directed you to meet with Dan Kress to discuss the feasibility of actually coming into compliance with all of the code and I see you have met with Dan (Kress) and Dan (Kress) has forwarded a memo to the Planning Board, a copy of it. It is actually addressed to you.

With that, I have had a chance to read this thing. I assume all of the Board has had a chance to review it.

KAREN COX: The one question I have is, the memo talks about 2343 Westside Drive and then 21 Berry Lane. What --

DANIEL KRESS: I'm sorry. That's a typo.

KAREN COX: That is what I thought.

DANIEL KRESS: I had a similar situation elsewhere and I attempted to reuse somebody else's memo.

DON FASO: Talk about cut and paste.

(Laughter.)

DON FASO: What is this you're passing out?

MS. LEVAN: I was just trying to address the concerns that the Planning Board had at the last meeting. One concern that Mr. Nowicki brought up was have we been an applicant to the Drainage District. That application is complete.

Another question was is there sufficient square footage for studio apartments. I got the requirements from Dan (Kress), and we have abundantly more square footage in the house than a studio apartment requires.

Also, are there other doubles in the Reddick Acres area? I wasn't sure how Mr. Kress was going to address that question. This is an informal presentation of that, because I don't have the same information, but on the last page of your handout you will see a map, a partial map of the Reddick Acres Subdivision. This is just my own -- my husband and I personally know 14 families in the subdivision reflected by this map. Nine out of the 14 are doubles. Nine out of those homes are doubles. Are the plans consistent with code? Understanding that it would be more helpful to the Planning Board, we went ahead and hired a contractor to draft up the plans, which you also see as part of your handout, and we have submitted those plans and I am sure we'll have much more dialoguing to do with Mr. Kress, but we're aware of what he required -- what the Building Department requires, and are trying to reflect that in the plans, but we're on our way.

DON FASO: One of my concerns, and I think the rest of the Board had the same opinion, was that you knew what you were getting into to convert this to make it comply with the code.

MS. LEVAN: I do.

DON FASO: As long as you knew that, I personally don't have a problem with the two-family. I mean it is not out of character with the neighborhood. We all know there are a lot of them there. Legal and illegal.

KAREN COX: Well, it is better that this one is legal, because of the smoke alarms, and -- in light of what has been happening recently with fires.

DON FASO: So there is nothing on Dan (Kress)'s list that should be a problem for you? You will comply with everything?

MS. LEVAN: Yes. In regards to the wood stove, we'll have that eliminated. It was put in at some point in a previous owner's residence there, and rather than finding the manufacturer's instructions, we're going to simply eliminate the wood stove. The tenants that we currently have in the upper portion are aware that they're not to use the stove, and we have already discussed that with them.

DANIEL KRESS: After making a site visit and reviewing the requirements in the code, which results in the February 17th list you have in front of you, I think it is safe to say there are no significant obstacles to successfully converting this house to two-family.

JOHN NOWICKI: A question. You will be applying for a building permit?

DANIEL KRESS: They will have to do that, that's correct.

JOHN NOWICKI: Before that they will get a C of O?

DANIEL KRESS: Once the work is done and passed an inspection, that's correct.

JOHN NOWICKI: They will comply with all of the information that you have provided to us in the memorandum?

DANIEL KRESS: They will have to do that if they want a C of O, yes, sir.

Don Faso declared the Board lead agency for SEQR, found this to be an unlisted action and made a determination based on evidence and testimony presented at the hearing that this will have no significant environmental impact.

The Board all voted yes on the motion.

The Board discussed the proposed conditions.

JOHN NOWICKI: In the C of O, the issuance of the building permit, will that automatically go to the Assessor's Office for a review as far as the valuation of the property?

DANIEL KRESS: I don't know what the exact mechanism is. I can tell you that at some point the Assessor's Office does occasionally go through. I shouldn't even say occasionally. Does regularly go through the permits that are issued, so yes, at some point this will come to their attention.

JOHN NOWICKI: It should be noted.

DON FASO: That is not a condition.

MS. LEVAN: For your comfort, the assessment on the house is 20,000 more than we paid for it, and it is 30,000 more than they previously paid for it, so it is adequately assessed, I think.

DECISION: Unanimously approved by a vote of 6 yes with the following condition:

1. Applicant shall come into compliance with all applicable building codes for a two-family dwelling.

PUBLIC HEARINGS:

1. Application of Benderson Development, owner; 570 Delaware Avenue, Buffalo, New York 14202 for preliminary subdivision approval to combine two lots into one lot to be known as K-Mart Plaza Subdivision at properties located at 800-810 and 822 Paul Road in G.B. zone.

Randy Bebout, Bob Trybulski and Lou Terragnoli were present to represent the application.

MR. BEBOUT: Good evening. My name is Randy Bebout and I'm with FRA Engineering, 530 Summit Point Drive, Henrietta New York, 14467. I'm here tonight on behalf of Benderson Development seeking subdivision approval for lands at the northwest corner of Chili Avenue and Chili Center Coldwater Road associated with the proposed Tim Horton's. The parcel is currently consisting of two lots with the first -- larger lot consisting of 9.67 acres and the smaller lot which is in the southwest corner consisting of 1.08 acres. It is proposed to subdivide this into one parcel referred to as Lot 1 on the subdivision map for a total of 10.76 acres. The land will be all owned by Benderson Development. And the resubdivision has no impacts on the current zoning or anything else.

DARIO MARCHIONI: Can you show us on the map exactly where the boundary lines of the two lots are now?

MR. BEBOUT: I have highlighted it in green. It is this line (indicating) that traverses north and south and this line (indicating) that is east and west.

JOHN NOWICKI: The bank that is situated will be situated in Lot 1?

MR. BEBOUT: That's correct. It is currently -- that will not change.

JOHN NOWICKI: That building is owned by Benderson Development?

MR. BEBOUT: The lands are.

JOHN NOWICKI: The building is owned by the bank?

MR. BEBOUT: I'm not sure what the ownership of the bank is.

DON FASO: County Comments are as follows: One is the standard comment about the supplier of water. Number 2, it was reviewed by the Health Department. Number 3, standard note about monumentation. There are no comments from Environmental Management, State D.O.T., Soil and Water and DEC.

KAREN COX: Do you have a copy of those?

MR. BEBOUT: Yes, I do. In regards to the comments, we'll be submitting to the Water Authority and Health Department for water service and backflow requirements associated with the Tim Horton's, and the plans will also be submitted to the Health Department in regards to the comment for the regulations for restaurants in New York State.

DON FASO: Randy (Bebout), I still have a concern about the traffic pattern, I really do.

MR. BEBOUT: Okay. Let me hang our site plan up.

DON FASO: All right. Is that something different than what we have got?

MR. BEBOUT: Yes, it is.

JOHN NOWICKI: While you're doing that, do you know who owns the K Mart building?

MR. TRYBULSKI: I don't know for sure, but I work for Benderson Development. I would think that Benderson Development owns the building and the land. The bank one, based on typically how a lot of their properties work out, that one could theoretically -- the building could be owned by the bank.

JOHN NOWICKI: I would like to know that.

MR. TRYBULSKI: I can find that out easily enough.

DON FASO: Well, if it was owned by the bank, I'm sure that they -- that they own the land, that it would be subdivided off.

MR. TRYBULSKI: No. They would lease the ground.

DON FASO: So you will install concrete bumpers; is that what I am seeing?

MR. BEBOUT: That's correct. If I will, I can just run through the changes, summarize the changes?

DON FASO: All right.

MR. BEBOUT: As you know, it is a proposed approximately 3,200 area foot restaurant with seating, service and drive-through service. It is proposed that we have 24-foot wide, two-lane drive-through lanes on all four sides of the building with an 11-foot wide drive-through lane on the north and west sides, and that kind of summarizes the site layout. As I mentioned before, the building is located in an area that currently is existing pavement, and a small portion is the existing detention facility which is being relocated. The changes that you see on this plan, since the submission to the Planning Board for this meeting, consist of adding the large landscaped islands. There are a total of five of those. Three to the west of the center median and two to the east, and we have actually picked up four parking spaces there on those two to the east. We have added the wheel stops east of Tim Horton's in an area where the Town Engineer recommended the concrete curbing in that area.

We have also added a curbed island at the end of the center main median in an effort to keep people from entering the plaza and heading up the wrong side of the median. We have increased the size of the island north of the drive-through, and actually that will be a landscaped island in lieu of concrete as it was previously shown. We have removed the parking on the south side of Tim Horton's and shifted the building forward to allow for the landscaped islands north of the building and the K Mart parking area, and in shifting the building, we did that to minimize the parking loss to K Mart and the -- by shifting the building we're also going to be required to go back to the ZBA for a building setback as

we're now into the front building setback, and also we have added additional signage and striping particularly in the entrance area, the main intersection. We have added stop bars on both the east and west sides. We have also added a sign at the end of the median, just a "keep right" sign to help people continue up the right way of the island. And something else that I researched today was I put a call into the Monroe County Sheriff's Office and just inquired about any reported accidents within the plaza. The only records they had was from June of last year to October, and there was no reported accidents from the sheriff's office.

And then just to summarize where we're at in the process, we have appeared in front of the ZBA on February 24th and were granted variances for number of parking spaces, for parking in the front setback and signage and we're scheduled to appear in front of the Conservation Board on March 29th to discuss the landscaping.

DON FASO: ZBA gave you all your signs but one?

MR. BEBOUT: Yes. They took away one directional sign on the west side.

DON FASO: But they approved everything else?

MR. BEBOUT: That's correct.

DON FASO: I like it a lot better than the original application.

MR. BEBOUT: Well, we have added the landscaped --

DON FASO: You did put a lot of thought into it. It is very obvious.

A question on the bumper stops, will those be staked in place?

MR. BEBOUT: Yes.

DON FASO: What is the liability or what is the problem -- will it be a problem for snow removal?

MR. BEBOUT: They will have to as if it was curbed. They will have to plow around them. The reason we decided to go with the wheel stops in lieu of a curbed island was, the minute we introduce a curbed island in there it kind of changes the parking, not only on the south end of the plaza, but the north end near the K Mart area. We have been working with K Mart closely on this, and as of right now they're not objectionable to the plan, but it has been kind of a fine line. There are some concerns with doing too much and having them look at it as if, you know -- giving them opportunity to break the lease.

KEITH O'TOOLE: You're trying to say if you improve the traffic flow, K Mart will break the lease?

MR. BEBOUT: No, we're not implying that, but K Mart has been -- again, they're not objectionable to this, but we have shown them some things and it is just they weren't crazy about changing -- having any major changes in the plaza, particularly loss of parking, and anything we do is ultimately going to affect the number of parking spaces.

KEITH O'TOOLE: Well, certainly adding the pad site, wouldn't that eliminate the parking? If you're trying to keep K Mart happy, perhaps don't develop the pad site.

MR. BEBOUT: Well, they have seen the plan. They're not objectionable to the number of spaces they have lost, but as we continue and do more and more, it is going to become less favorable to them.

KAREN COX: They're probably concerned about losing the prime spots that are close to the door, if you want to be honest. I mean if you go there any time during the week, those spots that are out at the very west part of the parking lot are empty. But the ones that are near the center island are full because people perceive those to be closer to the door.

DON FASO: But up closer to Chili Avenue the only cars you see up there are the ones with people taking two spots because they don't want somebody else to run into them.

KAREN COX: If you put an island in that area where the parking bumpers are shown, then you are losing some of what I think they consider the prime parking spots.

DON FASO: I guess I don't have a problem with the bumpers. It is a solution to the problem.

MR. BEBOUT: As the Town Engineer mentioned, it will keep people from parking, you know, going into the Tim Horton's and coming out and heading north up the drive aisle the wrong way.

DON FASO: Right.

MR. BEBOUT: Just to kind of add to what Keith (O'Toole) said, I mean the concern with K Mart is losing too much parking and just any major changes to the plaza itself in regards to site circulation. We have pushed the building forward. Obviously we don't want to go back to the ZBA if

we can avoid it, but we have done it to address some of the comments we have seen from the Town in regards to the landscape islands. We pushed the building forward to minimize that parking loss and, in essence, that will force us back to the ZBA. We're trying to balance that out, keeping the parking, but yet...

KAREN COX: That curved portion on the end of the existing center aisle will probably go not a long way, or somewhat more positive way to keep people in the aisle that they're supposed to be in. It will be awful hard to veer left and go down the wrong way with a curb in there.

MR. BEBOUT: Correct. We'll also have a sign in there, "keep right," to steer people to the left -- or the right side of the aisle.

We have -- I don't think mentioned, we have also added the landscaped islands on the south and west side of the Tim Horton's which was also in the mark-up from Keith (O'Toole). We have added those in to add more landscaping and to meet the Town code.

JOHN NOWICKI: Have you been before the Conservation Board yet?

MR. BEBOUT: Not yet. On the 29th.

KAREN COX: So the north side of the building, where the drive-through is, that is a concrete island now as opposed to on the plans here it looks like it was just a stripe?

MR. BEBOUT: It will be a landscaped island.

KAREN COX: But it will be a physical barrier?

MR. BEBOUT: Yes. Before it was shown as 2 feet wide and we were showing it as concrete. Now we have increased it to about 6 feet wide, and we can provide some landscaping in there. We have also -- in doing all of this, we have eliminated the parking north of the detention facility which gives us a little more green area in that area.

DON FASO: I think it is much better.

KAREN COX: I do, too. It is better. I mean it has to be better than what is out there now.

DON FASO: Randy (Bebout), I guess the other thing that we would like to see, and I don't know whether you have it, architectural records.

MR. BEBOUT: Lou Terragnoli from Tim Horton's has those.

MR. TERRAGNOLI: Good evening. Lou Terragnoli, Director of Real Estate with Tim Horton's, here to present some architectural records. I remember two specific comments last time we were together that the Board had. The term "a little bit boxy" was used, so we have addressed that, and there was also concern regarding the HVAC system and that be properly screened. We have come up with something, and I will show you now and I'm encouraged to hear your thoughts.

Let me just start for a second with the front elevation, which is right here (indicating). What is different from the last elevation you saw is right here (indicating), in the last elevation it was just straight across and I think that caused the Board some concern, so we tried to give the Board a little more appeal by adding this arch situation here (indicating). This would be the front of the building, with the main entrance. We have also added this screening around the roof that would take care of your concern with regard to any visibility to the HVAC system.

This is the west side of the building in the plaza (indicating). Here we have the drive-through window (indicating). We also added a peak on this side of the building (indicating) and we have kept the screening going around this side of the building also once again for the HVAC.

Continuing on with the elevations, this is the back of the building (indicating). It will have a combination of brick. It will be all brick and accent brick along here (indicating). This is the rear of the building.

On the east side of the building, we have continued with the theme of putting in a peak, so we have added three peaks to the building. Once again, the screening here (indicating) goes along this side of the building for the HVAC. The building is brick on all four sides, combination of brick with the accent brick. The exception of -- we have the windows here (indicating) at the front of the restaurant where the customers would be dining, and this is also a side door to the restaurant.

So we're hoping that you like the building. Some thought went into it with regard to the peaks and giving it less of that box feel that was mentioned last time.

JOHN NOWICKI: The top elevation, is that facing K Mart?

MR. TERRAGNOLI: Yes. That would be facing K Mart. You would not be able to see this part of the building at all from the road. From the road you would be seeing one of the sides of the

building with the peak.

DARIO MARCHIONI: Still a flat roof, though, the rest of the building?

MR. TERRAGNOLI: That's correct.

JOHN NOWICKI: What is the fencing, the screening made out of? What does it consist of?

MR. TERRAGNOLI: It is metal roof screen.

JOHN NOWICKI: Do you have --

MR. TERRAGNOLI: I can bring in a sample at another point. I don't have it.

JOHN NOWICKI: In other words, are you going to be able to see anything at all? Is it slats of metal or a solid piece of metal?

MR. TERRAGNOLI: Solid. You won't be able to see the HVAC at all.

DON FASO: Like board-on-board. I know what he is talking about.

DARIO MARCHIONI: Angle or straight up and down?

MR. TERRAGNOLI: Straight up.

JOHN NOWICKI: Made out of aluminum?

MR. TERRAGNOLI: Metal.

JOHN NOWICKI: Which kind of metal?

MR. TRYBULSKI: Aluminum.

JOHN NOWICKI: Painted a color?

MR. TERRAGNOLI: Painted to match the effis around the building, which would be a beige.

JOHN NOWICKI: Do you know the color of the brick?

MR. TERRAGNOLI: The brick to the building is a reddish brick with a beige accent brick here (indicating).

DON FASO: Isn't that typically --

MR. TERRAGNOLI: That is our standard brick if you visited any other locations in the area.

DARIO MARCHIONI: Would it be difficult to put in a slant so it doesn't look like a fence up there?

MR. TERRAGNOLI: I would have to investigate that.

JOHN NOWICKI: If you tilt it back a little bit, that shouldn't be too hard to do. It would still maintain the visual.

DARIO MARCHIONI: So it looks like a roof rather than flat roof.

JOHN NOWICKI: If you could consider that.

MR. TERRAGNOLI: Sure.

DARIO MARCHIONI: McDonald's, they did that on Chili Avenue, slanted.

KEITH O'TOOLE: Mansard.

MR. TRYBULSKI: That is not hard to do.

JOHN HELLABY: How does it relate to the parapet? Does it come out to the face of the parapet? Does it step back in? I'm getting at is there some sort of relief line so it doesn't look like one big solid mass going up?

MR. TERRAGNOLI: I believe it is stepped back a little it.

MR. TRYBULSKI: It is probably stepped back.

JOHN HELLABY: So you have a gravel stop on the parapet and that screening there is actually stepped in maybe 6 or 8 inches behind the parapet, and then framed up from there?

MR. TERRAGNOLI: That's correct.

JOHN HELLABY: I think I agree, that if it was a mansard type situation with metal studs and whatnot, it -- kicked in, on all four sides, it would give it more perception of being a roof type situation than a flat roof structure.

MR. TERRAGNOLI: We could certainly look into that. I don't view that as an issue at all.

DARIO MARCHIONI: Back on the site plan, it has to be 15 or 16 years ago when I was Chairman on the Drainage Committee, this detention pond here (indicating), there was an issue with it at that time. And the issue was the feasibility of eliminating this detention pond completely was the question. But after they improved Chili Avenue and they put a new pipe under Chili Avenue, the upstream could take more water, for the upstream. Now, I don't have the engineering drainage report, but I have never seen water in this thing here. It has always been dry. In fact, before we used to have a lot of complaints because people would throw beer cans, paper there, and it was kind of a mess.

DON FASO: Maybe Dave (Lindsay) can interject here. I did talk to Larry (Nissen) and to Joe Carr. I think the original talk of eliminating the pond or the detention area was a moot point with the storm water regulations.

DON FASO: Phase 2 storm water regulations.

DAVID LINDSAY: That's correct.

DARIO MARCHIONI: But can it be sized down so he doesn't have to tear up the rest of the parking lot?

DAVID LINDSAY: I would have to check with Larry (Nissen). I have not looked at the drainage report.

DON FASO: Did you get a copy of Larry (Nissen)'s letter?

MR. BEBOUT: All I can offer is we have done the drainage calculations. The pond functions adequately with the proposed improvements. There is no significant change with what is proposed.

DARIO MARCHIONI: You're tearing up some of the northern part of the parking lot to resize the -- for the area --

MR. BEBOUT: A minor area. I mean we're -- basically our goal was to basically reconstruct the pond in the same configuration that it was today. And that is what we have accomplished.

DARIO MARCHIONI: My question is: Do you have to have it this size?

KAREN COX: Can it be made smaller?

MR. BEBOUT: I understand the question. I can't answer that now. I would have to look at the drainage report to see if it could be reduced.

DARIO MARCHIONI: It would give you more parking spots if you're concerned about that area there. Also, you know, if it is not necessary, why have it? In fact, it is the only plaza that has a pond right in the middle of it in all of Chili.

MR. BEBOUT: By the size of the plaza, I'm guessing, even though you stated that the pond never has water in it, I'm guessing if you ran the calculations, the pond is sized appropriately, and it may be hard to justify making it smaller based on the calculations.

DAVID LINDSAY: You do need the pond. There is one pipe that drains out of that pond, a 10-inch pipe and you have a 30-inch pipe draining into it plus another 12-inch use. It is just designed to be a dry pond. The invert of the outlet pipe is at the bottom of the pond. It is designed not to hold water.

KAREN COX: Unless it needs --

DAVID LINDSAY: Unless you need it for detention purposes. That is why the outlet is a 10-inch pipe.

DON FASO: The engineer is satisfied.

Randy (Bebout) your office was copied in on this. Comment Number 3 about the retaining wall, the information is incomplete.

MR. BEBOUT: Yes. We actually have a complete retaining wall designed that has yet -- yet to be forwarded. We just received it yesterday and we'll be forwarding it to Lu Engineers.

JOHN NOWICKI: Are those baskets they will use?

MR. BEBOUT: Segmental block wall. VERSA-LOK, but similar to all of the others.

KAREN COX: That will look nice.

DARIO MARCHIONI: On the site plan, I don't see any drainage easement in this pond dedicated to the Town of Chili. I don't see any easements at all. Usually we have an easement around --

MR. BEBOUT: I don't believe there is any, but I can research that.

DARIO MARCHIONI: We usually do that.

DON FASO: For emergency access only.

MR. BEBOUT: There isn't any shown on the survey. I can double check that.

DON FASO: Would Benderson Development have a problem with giving an easement to the Town for emergency access?

MR. TRYBULSKI: I don't believe so. I can confirm that, but I can't see where they would.

JOHN HELLABY: Have you dug any test holes there?

MR. BEBOUT: Yes. They did a geotechnical report associated with doing the building and the retaining wall.

JOHN HELLABY: Find anything? It is just about where the old church sat.

MR. BEBOUT: Nothing out of the ordinary.

KAREN COX: No archeological artifacts? Is that what you're getting at? Let's not bring that up.

JOHN NOWICKI: Just a question. The Benderson Development K Mart building, let's find out who owns that. Do you have any plans to upgrade that or do anything with that building at all?

MR. TRYBULSKI: I can find out, but it would be in concert with K Mart.

JOHN NOWICKI: If you do, just let the Chairman know on a separate note. I'm just curious. Because that looks like it could be brought up to higher standards, you might say.

MR. TRYBULSKI: Okay. Sure.

FRED TROTT: I was just trying to get a better view of it. Is it my understanding that you are going to have concrete bumpers that are going to be east of Tim Horton's and west of the exit?

MR. BEBOUT: That's correct.

FRED TROTT: Just because I -- I happen to be a bad driver, too. What is going to stop a person from noticing -- is there going to be anything noticing those bumpers are there? The wintertime, people are like, "donuts," and boom.

MR. BEBOUT: Typically I would think the snowplow, being that they're there -- I have them shown incorrect on the plan. There will be bumpers on both sides, so I am assuming there will be a little snow pile in between those bumpers in the winter because they won't be able to get a plow behind them, so that in itself will kind of delineate where they're at.

FRED TROTT: That is what we were looking for as far as our Board. I just happened to think is somebody going to see the concrete if they're concentrating how to get in?

KAREN COX: If there is a snow pile like he is saying, they will avoid that.

FRED TROTT: I've done it. It's not fun on an oil pan.

DON FASO: Gone bouncing over a few of those?

FRED TROTT: I didn't make it over it. It kind of stopped at the oil pan and went clunk.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I don't know how the other people in the audience feel, but I'm a little disappointed in this architectural change in view of what was mentioned to the applicant last time. I expected him to come back with something a little better than this.

DON FASO: It is not a colored rendering. You have to visualize what you're looking at.

MS. BORGUS: It doesn't do it for me. It just doesn't -- how much could it cost to put a few gables and, you know, not just a peak here and there, but really do a job on gables. We got to get a little tough in this town and realize that we're in the driver's seat here. If these people want to do business here, then, you know, we should be able to have something nice to look at. This is right in the middle of our business district. We have made some vast improvements down there with other buildings. I just think this is not enough of an effort. I'm sorry. I --

JOHN NOWICKI: She has a point. I will be honest.

I will be honest. I agree with you, Dorothy (Borgus). I thought I would see more of an architectural treatment to it. After reviewing the minutes from the last meeting, we certainly gave them enough information on how we felt about the architectural treatment about the building and I understand there was a letter dated here February 2004 from Keith O'Toole's office, and there are indications here, Tim Horton's, Division of Wendy's, has a number of architectural designs in Canada and other parts of the country that maybe might be a little more sophisticated than this, and I was hoping, especially in Chili Center, with what we're trying to do there -- I agree with you. I really do.

MS. BORGUS: I hear the screening on the top will be a beige. The brick is more reddish beige or whatever. We still have a beige box. A beige box. We don't need a beige box. These people are welcome to come to town. I hope they do well.

JOHN NOWICKI: They will do well. It is a great location.

MS. BORGUS: Let's get a little umph in it. Thank you.

TAMMY MARSHALL, 836 Paul Road Square

MS. MARSHALL: Right next to the Benderson Development property.

I have just a quick list, but first of all, I would like to say when you commented earlier about the other company where the Town had grown up around them, the Town has truly grown up around our house as well as with this property.

I have a couple of concerns. Is there going to be -- I don't understand your plan, so I hope you will give me a moment or two to explain some things. Is there some kind of a wall or something to block the speaker from the drive-through that will help keep that noise down? My concern is we already have one speaker at Wendy's. We'll have another drive-through speaker here. I realize it -- I don't think it is facing our house. I think it is facing K Mart.

DON FASO: Yes. Can you hear the one at Wendy's?

MS. MARSHALL: Yes. It depends on the way it is blowing, but it is a problem. It is a problem for the whole first section down in Pumpkin Hill. So I have some concerns about that. I know before they ripped down the house for the parking lot there by Wendy's, she used to have to go over and talk to them about turning the volume down, turn the volume down, the kids playing around on the speaker at night. That becomes a bigger issue. I mean don't misunderstand me, Benderson Development has been great to work with and I appreciate the opportunity. You have improved the property a lot. I just hope you keep your ears open to what could be happening.

You are talking about reshaping the holding pond. I'm wondering how much farther out is it going towards K Mart and narrowing? Is it coming closer to our home?

MR. BEBOUT: No further to the west. It is just being expanded to the north, probably 20, 30 feet.

MS. MARSHALL: 20, 30 feet off the other side?

MR. BEBOUT: I will show you.

MS. MARSHALL: Are you narrowing it 20, 30 feet?

MR. BEBOUT: The current configuration of the pond -- it is actually outlined like right here (indicating) and comes down and is in kind of a funny shape with a little triangle here (indicating). We're taking this area about in here (indicating) and we're putting it in here (indicating). So this existing line here (indicating) is remaining the same and we're just pushing it to the north, like I said, probably 20 or 30 feet.

MS. MARSHALL: I don't understand all your terminology. Is there any external mechanism, heating, air-conditioning, things that are going to produce more outside noise that are stationed outside that we'll hear?

DON FASO: Rooftop units.

MS. MARSHALL: How much noise will they create? If you walk behind the back of K Mart, and I don't live behind K Mart, I won't say I hear them. I don't. But if you walk back there, and I do, there is a lot of noise off of those units back there. So that is why I have additional concern for what is going to come from this one in the front.

DON FASO: With the architectural treatment they're proposing, the noise should be directed upward, not outward.

MS. MARSHALL: This building will be shorter than even K Mart? It will be shorter than K Mart?

MR. TERRAGNOLI: The building is about 18 feet high.

DON FASO: Do you know what --

MR. TRYBULSKI: Probably typically like 20 feet. It could be 21 at the most. Something like that.

MS. MARSHALL: You will have some noise, I would assume.

MR. TERRAGNOLI: The HVAC noise would be minimal given the screening and placement of the building.

MR. TRYBULSKI: Plus it is a new store. I don't know the age of the K Mart units.

KAREN COX: The size of the store.

MR. TRYBULSKI: Yes. It is probably a good piece of equipment in there for K Mart.

MS. MARSHALL: I'm just concerned about the noise there.

You talked about a retaining wall. Can you help me?

MR. BEBOUT: That runs north and south here along the western edge of the parking.

MS. MARSHALL: Is it a concrete wall?

MR. BEBOUT: A block wall made out of concrete, but it is individual blocks that get stacked and it steps back as it gets stacked. It is reinforced with geo-grid fabric.

MS. MARSHALL: In the ground or standing up?

MR. BEBOUT: In the ground.

MS. MARSHALL: It is part of the pond?

MR. BEBOUT: It will be the east face of the pond.

KAREN COX: Have you seen the retention pond at Marketplace Mall on the West Henrietta side, Marketplace Mall? There are a couple of ponds that have that type of wall.

MR. BEBOUT: Irondequoit Mall.

MS. MARSHALL: I haven't paid attention enough.

MR. BEBOUT: If you're familiar with Irondequoit Mall, I don't know if you have ever been there, that would be a similar type wall. It is just a block wall that would be the orange tone color, gray, or tan or something.

MS. MARSHALL: So then in addition to this retaining wall that is in the ground, you will have a fence around it again? The existing fence that is going to be there will be removed and replaced with a new face around the entire four sides of the pond?

MR. BEBOUT: Yes.

MS. MARSHALL: Could you have a stockade fence on the side of this Tim Horton's, on that one side to help block noise again, to block debris, anything of that nature? Because we all know we're going to get more junk all over the parking lot, all over our yard and the areas around there.

MR. BEBOUT: We'll consider it.

MS. MARSHALL: I would ask that you do that.

Have you thought about what are we going to do about all of the kids that are already hanging out in the parking lot, spring, summer and fall? I know you try to prevent skateboarding, but there is skateboarding all of the time. The kids around there, they park in the parking lots. They are hanging out, drinking, I mean that kind of stuff. Do you have security in that parking lot?

MR. BEBOUT: I imagine not, but --

MR. TRYBULSKI: Benderson Development does have a -- they're aware of that. Obviously speeding is just an issue in every one of our plazas. I have had to look into a few things that you can do to kind of thwart them and it is really difficult.

MS. MARSHALL: I know they're moving your concrete stuff to use --

MR. TRYBULSKI: Yes.

MS. MARSHALL: It is giving them more stuff to move around. Especially with the 24 hours, now your lights will be on longer, which is going to keep them in the parking lots longer.

MR. TRYBULSKI: I can talk -- has there been specific police incidents? I mean --

MS. MARSHALL: Last year I flagged a sheriff down because you had -- there were kids getting in the carts. Some were skateboarding, some were in the carts and they were pushing each other down the hill while videotaping it. I mean this was a big fun deal to them, and I said somebody --

KAREN COX: Whose children are these?

MS. MARSHALL: -- somebody will get seriously hurt and I would think that is your liability, too.

MR. TRYBULSKI: You're right. I'm not directly involved in property management, but I do work out of the same office with the guy who is in charge of that property and I can talk to him about that.

MS. MARSHALL: Have you done any studies, have you looked at people exiting -- and I will talk from where I live and my concern -- existing on that west side, I believe it is -- yes. People don't stop at the stop sign. People are walking in there in the summer, kids are walking there year-round. People do not stop at that stop sign. It is not a safe area at all. I mean you talk about people trying to get in and out of Coldwater Road and Chili Avenue, but people coming in and out of the church, the preschool, the bus that comes in and out of there, people do not stop at that stop sign.

KAREN COX: The exit from the plaza onto Paul Road Square?

MS. MARSHALL: Yes.

KAREN COX: I have seen them just blast through there.

MS. MARSHALL: I have great difficulty just backing out of the driveway, you know --

MR. BEBOUT: I guess the only thing I could offer there, there is not much more that we can do. Maybe if there is not a stop bar we could add a stop bar.

MS. MARSHALL: I understand you can't physically do anything unless you plant a person there to police it, but it adds to my concern of the traffic flow. You're adding traffic flow here. You're adding it 24 hours a day. It's a spot where I can set up a video camera and show you how many times a day -- I don't care who it is -- the people don't stop. The traffic flow is already out of hand. I'm just concerned about adding more to it.

MR. BEBOUT: I would like to stress the majority of the traffic for Tim Horton's, the majority of the business would be in the a.m. hours between 7 and 9 when there is not a lot of other activity in the plaza, so the actual increase in traffic for the plaza is very minimal.

MS. MARSHALL: I would agree with you there. It only makes sense, but if they were a 24-hour business, somewhere along the line -- it is proven they must be making money outside of those hours, so that is why they're open 24 hours.

MR. BEBOUT: This is true.

DON FASO: I bet the sheriff's department would probably be one of the late night customers.

MS. MARSHALL: I hope they will.

MR. TERRAGNOLI: They will be encouraged to do so.

LOU GRACEY, 742 Paul Road

MR. GRACEY: My concern is this, and I haven't heard them addressed, but all restaurants, including Tim Horton's, will generate trash. Where do you plan to put it? Where will you fence it? How do you plan to make the opening so the waste removal trucks can get to it and easily get it out of there and dispose it?

DON FASO: We'll get Randy (Bebout) to describe it, but this is the third time we have seen this. We have had him in for discussion twice. We have already had this discussion.

MR. GRACEY: Can you show me where you would be putting it?

MR. BEBOUT: The dumpster would be located here in the northwest corner of the Tim Horton's area (indicating). The doors will face east. The trucks can get to it by coming in either this way (indicating), or it can actually -- depending what type of day, if it was early in the morning, prior to the major traffic, they could come in through the drive-through lane. It will be an enclosure with --

MR. GRACEY: Brick enclosure to match the building?

MR. BEBOUT: With gates that will be closed.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: You know, I'm very happy you are coming to our town. I don't like shopping over there, because I don't even like the looks of it, to tell you the truth, and I'm hoping it improves it quite a bit, but there was mention that you have other plans. Do they have other plans like from Canada, the sites in Canada? Can you bring in some other plans? This is such an important part of our town. We really, really would love to see this look good, and I wondered if you do have alternate plans, if we could see them? If we could view them? Is it possible? Other concept plans?

DON FASO: Well, that will be something the Board will discuss when we --

MS. BRIXNER: We would love to see something really special. I mean really and truly it will be so nice to go down Chili Avenue and see a building that is so remarkably different that really adds a lot.

I'm wondering about that pond. Is that pond simply there because of retention of water or is it there because of also the beauty of entrance?

MR. BEBOUT: As someone mentioned, it is designed as a dry pond for detention during large storms. Also it has some water quality benefit to it so water can get treated before it leaves the site, but that is strictly the main purpose of it. We are adding landscaping on the north side of the pond.

MS. BRIXNER: You are. I just would love to see, you know, what other plans, sites they have

elsewhere that might really make us say, "We want you," you know. If it is possible.

RON PIKEUT, 1030 Paul Road

MR. PIKEUT: It seems like a lot of building for that particular location from where it comes in off Chili Avenue, even moving the pond to the west. I would like to know that the pond -- you call it a pond. I have never seen any water in it, and it has always been kind of an eyesore with a lot of garbage in it. Where does the water go? I didn't hear when you discussed that. Is it piped across Chili Avenue?

MR. BEBOUT: There's an outlet pipe on the southwest corner out to a storm sewer system on Paul Road Square which I believe ultimately gets into the system along Chili Avenue and that system continues on west.

MR. PIKEUT: Dumps somewhere to the south of Chili Avenue?

MR. BEBOUT: Yes.

DON FASO: Eventually through the park at the old complex.

MR. PIKEUT: Oh, that is right. That makes sense.

Is there a real need for a facility there or would piping just take care of that with some kind of underground?

DON FASO: They looked at the possibility of eliminating it, but when they got into the Phase 2 storm water regs, it is needed. With the Phase 2 you have to take care of the sediment.

What is the term call now? Forebays?

MR. BEBOUT: Forebays and deep pools.

DON FASO: They're all new storm water regulations to -- they're all federal storm --

JAMES MARTIN: Not just quantity, but quality of water, too.

DON FASO: We have known this was coming for five years.

MR. PIKEUT: Okay. Well, the present one has been an eyesore. I would like to see that improved.

The building, that land to the south as you go towards the K Mart building is -- you know, there is quite an elevation there and then it drops off. What will they do, cut it off and the building will set down? Will it set up near the elevation at the front?

MR. BEBOUT: It will drop along the building as you go to the northwest.

MR. PIKEUT: So it will drop immediately to the south of the building, to the earth berm, right? The earth berm there --

MR. BEBOUT: When you come in, the grade will remain essentially the same. The grade will be dropping down in this direction (indicating), and we'll be tying into the existing parking lot.

MR. PIKEUT: So the building will sit down in elevation from the high point on the south line of the property then?

MR. BEBOUT: Slightly, yes.

MR. PIKEUT: Slightly. There won't be any parking on the south end? Or will there?

MR. BEBOUT: No parking here (indicating).

MR. PIKEUT: Will that be green area?

MR. BEBOUT: Sidewalk and landscaping.

MR. PIKEUT: Even that gray area to the south of the building?

MR. BEBOUT: This is sidewalk for people that park here, to get into the building.

MR. PIKEUT: The gray area is landscaping, too, beyond the sidewalk?

MR. BEBOUT: The gray area is sidewalk. The dark green area is the landscaping areas.

MR. PIKEUT: The other is parking lot?

MR. BEBOUT: I'm sorry, yes. All this (indicating), dark gray, is --

MR. PIKEUT: There will be parking south of the building then?

MR. BEBOUT: Yes.

MR. PIKEUT: They will be cutting it down? It is more or less flat to the building on the south side?

MR. BEBOUT: Yes, it will be flat.

MR. PIKEUT: The other thing, the lighting there, you will probably upgrade the lighting similar to what Wendy's has done on the south side, aren't you?

MR. BEBOUT: There is an existing pole somewhere in this vicinity. There is some existing striping here. We're relocating the existing pole to here (indicating). There is an existing pole somewhere in this vicinity that will get relocated to here (indicating) and there will be one light pole added here (indicating).

MR. PIKEUT: Adding just one?

MR. BEBOUT: Which will match the style and height and color of the exiting pole.

MR. PIKEUT: These are lights focused towards a certain area of the building.

MR. BEBOUT: Shoe boxes pointed down .

MR. PIKEUT: Wendy's has upgraded their lighting and they generate a lot of light in the area.

You said there were no accidents reported here, but I think you would have to go to the Gates Tim Horton's to find out what kind of traffic this generates. Because there have been no accidents generated at this point, you're still adding a facility that will bring so many cars into this area via the Paul Road Square and off of Chili Avenue, so it is not to say that we won't be incurring accidents with the increased traffic.

MR. BEBOUT: I wasn't implying that. I was just implying there was some concern about traffic circulations, and I just checked and they said in this time frame there is none now.

MR. PIKEUT: Do you know how much the Gates facilities generates in terms of traffic? That is a relatively new --

MR. TERRAGNOLI: What specific traffic information?

MR. PIKEUT: How much volume.

MR. TERRAGNOLI: The peak hours are in the morning. What we see at that store is -- the peak hour model is being followed at that store. However, we have seen a decent amount of traffic at lunch and early afternoon, so it has spread itself throughout the day. You have to remember Tim Horton's is convenience. It is not a destination. We won't be pulling people from other areas of Rochester to come to this store. This will be Chili's Tim Horton's and it will be here to service the local residents, so that traffic that will be coming into the store will be the traffic that will be generated locally.

I would also like to add that applicants are being interviewed right now from the Rochester area, and specifically at this store, although, Tim Horton's corporate is involved at this point, will have a local franchisee in the store. So if there are issues with regard to the store, garbage, which we have not had, but if there was a concern, this is not, you know, trying to get someone on the phone for an 800 number. You will walk in the store and you will be able to meet with the owner. I think someone asked earlier about the speaker. The speaker will point in toward the K Mart. I'm 100 percent confident when I say that the area residents should not hear that speaker volume. If I am wrong, you can go into the store and tell the owner, and he has the ability to adjust the volume. But I don't believe I'm wrong.

MR. PIKEUT: You don't have any idea how many in a peak morning, in a local restaurant, how many cars we can expect?

MR. TERRAGNOLI: Each location is different. We would have to do a traffic study at a particular store to get those counts.

MR. PIKEUT: I would certainly wish you well. I just question how many restaurants will be able to do business in Chili as we have seen with pizza parlors and other local restaurants. You just kind of wonder. The traffic is a concern, as well.

DON FASO: I think they will do very well.

MR. PIKEUT: I certainly hope so.

Don Faso made a motion to declare the Board lead agency for SEQR, found this to be an unlisted action and based on evidence and testimony presented at the hearing, made a determination of no significant environmental impact, and the Board all voted yes on the motion.

The Board discussed the proposed conditions.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant shall indicated building ownership of all buildings on this parcel.

2. Applicant shall grant a drainage easement to the Town of Chili for the detention pond.

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

Done Faso made a motion to declare the Board lead agency as far as SEQR, found this to be an unlisted action and based on testimony and evidence presented at the hearing, made a determination of no significant environmental impact, and the Board all voted yes on the motion.

The Board discussed the proposed conditions.

JOHN NOWICKI: I always bring this up. I am the guilty party. I agree with the audience. You should go back and do some more thinking on architectural.

JOHN HELLABY: I agree with John (Nowicki). I would insist they come back with colored renderings so we know what we're getting.

JOHN NOWICKI: I pulled the minutes out from the last meeting and we went over pretty clearly what we're looking for, especially the buildings that we have already had constructed in front of Wegmans with gable roofs and the dentist, we made him dress up that building. So we have been working hard on this for years and I don't think we should let this one slide by. You have an opportunity here to work up the town and do a good job, and I think they will. It is just a question of we need the design.

DARIO MARCHIONI: Also, if you could take a picture of one of your other locations and give us four sides, the typical what we're going to get.

MR. TERRAGNOLI: I was just going to say we'll go back and take a look at the renderings to see what we can do. However, I would like to apologize. It was the architect's error in not sending colored renderings for this evening. It is our policy to have colored renderings, but it was a mistake made tonight. It was the architect's error.

DARIO MARCHIONI: Will the site plan reflect --

DON FASO: That has been submitted. I'm happy with the parking lot layout.

DANIEL KRESS: It appears an additional variance will now be necessary.

DON FASO: They have already stated that. But now he can go back to the ZBA with site plan approval.

JOHN HELLABY: Do you want to go back to the ZBA until we get a final building layout per se?

DON FASO: Well, the elevations won't change the footprint.

MR. TERRAGNOLI: They will not change the footprint.

JOHN NOWICKI: They will be back in probably next month, April for the final. We will wrap up the architectural.

MR. TERRAGNOLI: I'm confident we'll have something that will please everyone.

DON FASO: April 13th, the cut-off would be next week.

DANIEL KRESS: For ZBA?

DON FASO: Planning Board. They want to get back on for final.

DANIEL KRESS: Cut off is Friday. I can have something even next week sometime.

MR. BEBOUT: No problem.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. Landscaping plans (signed and stamped by a licensed landscape architect) shall be submitted to the Conservation Board for review and approval.

3. Applicant shall submit color renderings for the building elevations.

INFORMAL:

1. Application of Chili Paul Properties, c/o Kravetz Realty, 95 Allens Creek Road, Building 2, Suite 301, Rochester, New York 14618 for revised site plan approval and proposed improvements to Chili Paul Plaza at property located at 3240 Chili Avenue in G.B. zone.

Dan Aken was present to represent the application.

MR. AKEN: Good evening. Dan Aken here representing Chili Plaza Properties, which is a subsidiary of Kravetz Realty, with FRA Engineering Offices, 530 Summit Point Drive, Henrietta, New York, 14467. I'm here tonight for two reasons. The first is to discuss facade renovations and some minor site plan improvements to the plaza and then, secondly, I would like to have a more informal discussion with the Planning Board discussing some of the future ideas or concepts with this property as it specifically relates to the possibility for adding out parcels to this piece of property.

The first and easiest thing will be the facade improvements. We're taking the existing plaza. I have some photos of the existing plaza. They were not taken on the greatest day, but it will make you wish we didn't have snow again, and compare those and contrast those with the elevations that are being proposed.

I have a rendering of the elevation which was done by Mossein Associates and the area we're looking at now is primarily just the frontage of Buildings 1, 2, and 3, just for some orientation. Chili Avenue roughly east/west (indicating), Paul Road tying in (indicating). This is the Auto Zone, Subway that sits at the corner (indicating). I mean a full set of architectural drawings was submitted as part of our original application.

I hope the Building Department has the full set of architectural drawings. If they do not, I will get more forwarded to the Town.

In general, what the Chili Plaza property is looking at -- this is under new ownership. They recently purchased this property about three months ago, three or four months ago. They own other plazas throughout the Monroe County area. Most notably West Ridge Road Plaza where Century Liquor is. They have done similar improvements, taken down old facades. They're looking at removing existing ceiling systems and continuous fluorescent light fixtures, the long 8-foot fixtures. The existing store fronts will remain. There is no proposal to add additional square footage or additional size to any of the buildings at this time. As I mentioned, these will be facade improvements to the three main buildings, and they're looking primarily to paint the exterior and the brick in the rear of the buildings is number one.

Number two --

JOHN NOWICKI: All of the way, painting the brick all of the way around the back?

MR. AKEN: That is correct. More extensive facade improvements, as you can see here (indicating), would be carried out throughout the entire faces here (indicating).

DON FASO: This theme will be carried out?

MR. AKEN: Yes. In full set of architectural drawings, though they're not colored, you can see the types of materials they're looking at, and some of the architectural treatments.

Again, for orientation, this little carriage house type feature will be located right here (indicating) on this corner adding a nice pitch. A clock tower is proposed sitting in this nook here (indicating). You will have the clock tower. You will have a pitched roof on those two areas. They're looking at a nice beige cream color effis type material. The existing signs will be used. They will be lifted off the building and placed back, roughly centered across the effis. They're looking at a nice effis column. These will be wrapped over the aluminum poles that are there now.

They're looking at basically an effis based stone. These are more of the -- like the field stone. They're not the field stone, but the more of the composite material, the effis type materials, all pre-manufactured materials.

So that will be on the first two and a half -- two, two and a half feet or so at the knee wall.

It doesn't show very well on this plan here, but up underneath this area will be repainted to match

the color of the effis. New vinyl underneath the canopies. The existing, I said fluorescent lights will come down. There will be recessed lighting so it will get rid of the glare that you see as you're driving down Chili Avenue and -- when you see the fluorescent lights pop out at you.

In addition to that, they're looking at minor site improvements. When I say "minor," I'm talking sealing the parking lot and restriping as the parking lot is today. So just --

JOHN NOWICKI: Have you driven through this parking lot?

MR. AKEN: Yes.

JOHN NOWICKI: Do you think a restriping will satisfy that parking lot?

MR. AKEN: No. That will be the second part of my recitation. What I am looking for in the first part --

DON FASO: You paid attention on the other one.

MR. AKEN: I'm just looking for concurrence that this is an appropriate theme. Being new owners, they want a nice impression on the Town. They want to make sure this plaza is up and ready -- I believe there is a festival held in this plaza. Their intent is to have everything taken care of and completely finished, at least the facade improvements by the time the festival takes place.

DON FASO: End of July. You have some hustling.

MR. AKEN: I'm not doing the construction so it is not my concern.

JOHN NOWICKI: You're with Kravetz Realty?

MR. AKEN: I'm with FRA Engineering. Unfortunately Kravetz, Brad Kuskin, the individual managing the property, is out of town and has been out of town for a week or so and couldn't make the meeting.

JOHN NOWICKI: I hope you go back and tell him by the time we get through here, you will have a lot of comments he is going to have to pay attention to. This site has been neglected for years.

MR. AKEN: I want to be absolutely clear that this site may have been neglected in the past, but this is under new ownership. He recognizes the problems, and he is trying to fix those and he --

JOHN NOWICKI: I understand that. We'll want to know where Kravetz Realty also owns other strip malls.

MR. AKEN: As I mentioned, if any of you are in the city at all, and your travels, corner of Bernice Street and West Ridge Road, Century Liquor, Bathtub Billy's, that plaza there, that's a plaza that was in quite similar --

JOHN NOWICKI: They rehabbed that?

MR. AKEN: Yes, they did.

KAREN COX: That looked like garbage for years.

MR. AKEN: That is the same exact type of treatments.

JOHN NOWICKI: We're not done with you yet.

MR. AKEN: That is the first part of what they would like to be able to get done and I said that is something they want to get done immediately. The second piece is more of the pie in the sky as new owners and having made an investment in this piece of property, they're trying -- they have been talking to some franchises and are looking at the possibility of two out-parcel buildings, or out-parcel locations within this property. And these are again here for discussion purposes to find out if this is something that the Planning Board, number one, would entertain, number two, would consider in a favorable manner.

The first piece of property or area is approximately six-tenths of an acre, it would be up front. This would be a direct competitor to your last application. They're in current conversations with a Dunkin Donuts about providing some type of location here.

DON FASO: We don't have to market it, folks.

MR. AKEN: So that is what they're discussing here.

In the back location, I believe this is -- this is Monro? This is Monro. Directly across from Monro they're in discussions with a Fridays type of a sit-down restaurant, more of a sit-down restaurant for this type of location.

In both instances, substantial improvements to the parking lot would be taking place.

DON FASO: Let me interrupt you there. The site plan that I'm looking at has an out parcel further back.

MR. AKEN: It does, and as --

DON FASO: Are --

MR. AKEN: Let me -- again, absolutely clear, the intention is not to then locate an out parcel here. It would be one or the other. They were previously talking with someone about this location. That --

DON FASO: Is Monro guaranteed so many spots?

MR. AKEN: That's correct. That is what we're trying to work out right now, is just how Fridays -- Fridays has -- they need 150 shared parking spaces, so that is what we're trying to work out to make sure, number one, we're meeting code with the number of parking spaces and, number two, that the tenants remain happy with the number of shared parking spaces. As I mentioned, we're at the beginning stages of all these things, which is why we wanted to get before the Planning Board as early on as possible before we make even an application on any of these things.

Back to the improvements, there would be curbing, increase in landscape areas which currently there are very few. This would also provide for a better channelization of traffic flow and parking patterns. For instance, the Dunkin Donuts, all of this would actually be landscaped, so we could have some nice landscaping features here and help to better channelize the traffic in the east/west direction.

If this property at the rear were to develop as we have shown, again, we would be able to better channelize this main traffic aisle here, providing some curb islands on both the west and the east sides. These would be landscaped islands, and again, it would help better get rid of that no man's land area here when you drive in at either one of these access points. So that is what is up in the air right now, at least conceptually. There are no firm plans for those out parcels. Again, they're in discussions with several properties who have shown an interest in this plaza. They're trying to again recoup some of the expenses that they would outlay for, number one, the plaza and, number two, the improvements. The only thing that they are steadfast in favor of is getting the facade improvements up and going as quick as humanly possible.

DON FASO: Are you aware that Chili Avenue was going to be rehabbed in front of the plaza this spring?

MR. AKEN: Yes. We have not received -- I think we contacted New York State D.O.T. to look into that and find out exactly what was going on there.

DON FASO: Can I ask you where the right-of-way acquisition stands? Was that taken care of before the sale?

MR. AKEN: I believe so. We had some discussions with -- this is a residential home right here (indicating).

DON FASO: Grover.

MR. AKEN: Yes.

DON FASO: For sale.

MR. AKEN: It is for sale, and he had -- Kravetz had looked at purchasing that property and probably amassing it with the rest of the plaza, and I think because of -- the right-of-way takings were so great that three-quarters of an acre parcel was actually reduced down to less than a half acre. So my hunch is that the acquisitions regarding the right-of-way expansion and that have already been taken care of.

DON FASO: And the property to the west, where Valvoline and the bank are and the one vacant parcel, does Kravetz own those?

MR. AKEN: No. Just what is outlined in the heavy black there.

DON FASO: So Faber still retains those three out parcels?

MR. AKEN: To my knowledge, I believe.

DON FASO: It is the bank, the motor oil and one vacant parcel -- other side.

MR. AKEN: Over here (indicating)?

DON FASO: Outside your --

MR. AKEN: Just what I have shown in black is what is in Kravetz's holdings currently.

DON FASO: Then there is a common driveway. Is there an ingress and egress?

MR. AKEN: I believe he has some type -- I don't know if it is even a firm written agreement with the folks for use of this piece of property (indicating), or this driveway (indicating). It does wrap around and through this piece of property (indicating).

DON FASO: I hate to see it blocked off.

MR. AKEN: Yes. We have no interest in that either. I believe that is something that he would continue to pursue and make sure he had a firm commitment.

DON FASO: I thought that would have been taken care of before sale.

MR. AKEN: He might have.

DON FASO: One of the tenants in the audience is very interested in that.

MR. AKEN: Okay. As we have proposed, there are no changes to any of the access points at this time. Certainly we would expect direction from the Planning Board and others if we were to pursue out parcels.

DON FASO: But this does not take into account the widening of Chili Avenue, right?

MR. AKEN: That plan does not reflect that, correct. I believe we have accurately displayed on there the right-of-way, the extent of the right-of-way and where that would protrude into the property. I'm under the impression right now that we would not be giving up any additional green space at the front of the plaza for any of that work.

DON FASO: Well, the eastern entrance is very confusing. I mean it is like you pull in, and, you know, whoever is going the fastest seems to declare right-of-way. It is very, very confusing when you pull in there. And it is not much better on the western entrance, either. Only because the aisles just don't line up properly the way they are now.

MR. AKEN: That was our number one concern. We also did -- I should mention a similar site analysis for the plaza that I referred to, West Ridge Plaza in the city. What we did there was go through that piece of property for Mr. Kuskin and make some recommendation as to internal circulation access points, things along those lines, and that is precisely what they did at that location, is mill resurface the parking lot, restripe it and put some granite islands that allowed for better traffic flow and landscaping.

DON FASO: Will you do any of that on this?

MR. AKEN: Again, the first and most pressing issue is to get the facades in place so he can keep the tenants happy and attract people to the area, and once that takes place, I believe you will see us before you for additional site improvements, including possibility of one or both of the out parcels.

DON FASO: If you get them done by the Chil-E Fest, you will have 10,000 very happy people.

MR. AKEN: I think that is what he is aiming for.

KAREN COX: I mean if you can pass back to your client that this looks so much better. The rendering looks so much better than what is out there now.

DON FASO: You saw what we did to Randy (Bebout) on the parking lot.

MR. AKEN: We sit a couple offices away from one another so I am well aware what is going on.

DON FASO: It is probably "that Chili Planning Board."

JOHN NOWICKI: You heard the audience tonight and the Board. I will go beyond what you have got here. Because again, Paul Road is a very busy road, and the facades on that side, the treatment of that side is going to have to be taken into consideration. Especially if you're going to start moving up a TGI Fridays restaurant in that area. That will have to be addressed.

These facades that will be put up, you want to make sure that they darn sure block and cover any rooftop units out there because he has ugly units there.

MR. AKEN: I believe that is the intent.

JOHN NOWICKI: Again, look at the other sides that you're not proposing facades on where you will just paint the walls, you may want to look at some screening that will have to take place up on those areas.

The parking lot, we would certainly like statements on the parking lot as far as whether there are remedial repairs now initially until you can get in and come in on the out parcels, but that parking lot is a disaster. Just like you did on Ridge Road, over by Bathtub Billy's, that worked out rather nicely. If you can accomplish the same thing here, we'll be in good shape. Watch the State reconstruction and those entranceways. They are old-fashioned. They need modern engineering.

MR. AKEN: I don't want to get into spending all of my client's money, but I'll bring all of the items back to him. We have mentioned them to him. I believe as cash flow becomes more abundant as it relates to this property, I think you will see those come to you.

JAMES MARTIN: Clearly the north side is a mess. There are dumpsters, garbage, it is a real eyesore from Paul Road, and that just absolutely has to be cleaned up. There is no question about it.

And the facades may come a little later as you do your out parcel work, but clearly, it is a disaster. It takes a little more money to clean it up.

DON FASO: Basically the plaza has two frontages and Paul Road was always ignored. Always ignored. That is really sad.

MR. AKEN: It sets up to where the traffic is. The traffic is on Chili. I think if you get -- one of the benefits of getting a Fridays in there is it is attracting more people and revenues come up, and Fridays has the ability to demand how the rest of the plaza is upkeep, and I think it will be a benefit if a chain like that were to be able to get in there.

DON FASO: Now, would a chain like that actually move in with competition from a Bill Gray's?

MR. AKEN: I believe so.

DON FASO: Probably different clientele.

MR. AKEN: They have expressed an interest and there have been quite a few other fast food type operations as well as the quick sit-down type places that have expressed an interest because as you drive around in this area, there is not really a presence.

DON FASO: There is not a middle class chain like Applebee's or Fridays.

MR. AKEN: That's correct.

DON FASO: We don't need another Burger King.

MR. AKEN: Right.

JOHN NOWICKI: I'm sure they're well aware of the development taking place around the center.

MR. AKEN: Absolutely. That is one of the things that attracted Kravetz to looking at this property.

DARIO MARCHIONI: The entrance on the west side of the plaza there, who owns that property? You have it cut out on this layout.

MR. AKEN: I think actually, um, this line might comes down like this (indicating). It should actually be shifted over there. This is there (indicating). They do own that driveway there, because this is just a small residential house that has its own curb cut there (indicating). So that is part of the plaza.

DARIO MARCHIONI: That entrance probably still would be utilized?

MR. AKEN: As it is proposed, yes. Right now there is no proposal not to. What we're trying to encourage to take place is that maybe that -- that gets reduced or -- I believe there is another curb cut down here (indicating), and if this piece of property were to get purchased, it gives us an opportunity to shift some locations a little bit. Retail never wants to get rid of driveways, but I think we can do something to better channelize the traffic flow on the site and onto Chili Avenue. But as it stands now, we have no firm plans to do anything with any of the access points, as it is right now.

JOHN NOWICKI: One more note. As you talk to your owners for the project, the other area that will be really looked at, too, would be signage. We need signage that brings it into the modern world.

MR. AKEN: That was one of the things Mr. Kuskin mentioned to me in our phone conversation earlier today. He is well aware that the freestanding sign out at the front of the road is likely going to go away. He is fully aware of that. I think he is just -- he has an interest in making sure that his tenants stay happy and if there is a way that he can accomplish that with the Planning Board's input to get something that is either a monument or a low-standing sign that still accomplishes that, he is flexible.

DARIO MARCHIONI: One more question. The Iacovangelos still own a big parcel to the west. Originally they came in with a proposal for an athletic building. You know that, right?

MR. AKEN: I was not aware of the application. I was aware of the ownership.

DARIO MARCHIONI: Do they have any easement to come into the back of the plaza?

MR. AKEN: I believe this is -- I believe he has a -- Kravetz has an agreement with them for this driveway here (indicating) because I believe it cuts through the lower portion of his piece of property, and it is in everyone's best interest if they can grant each other cross access, and Kravetz and the tenants in this plaza will remain happy, and I think that will help that parcel out, as well. The more people we can keep off Chili Avenue without having to go out and back around I think the better off it would be.

KAREN COX: No question.

JOHN NOWICKI: Conservation Board. They look forward to reviewing proposed

landscaping plans when it is approved.

JOHN HELLABY: I like this.

DARIO MARCHIONI: I notice you got some empty spots available. How is the outlook on that?

MR. AKEN: It seems to be fairly positive. Again, he has been talking to quite a few people, and I think that is why he is so eager in getting the facade treatments in place, because it just makes the entire plaza that much more attractive and helps his marketing efforts and that, and that is where he is headed. He has put together some marketing pieces trying to get those spaces occupied, but the better the place looks, the easier it is to do.

DON FASO: Question. Town & Country, how are they coming? I think their lease is up in June or July?

DANIEL KRESS: My understanding is their lease is up sometime this summer. Work has been progressing on the new location across the street. They have a little ways to go on that, but as I understand it, it is their intention to be in there by the time their lease is up.

DON FASO: The out parcels, will they be for sale or part of the --

MR. AKEN: The buildings would be likely owned by franchisees. The property would be a ground lease, so that again, Kravetz Realty or Chili Paul Associates would maintain ownership of that property. They would maintain maintenance responsibilities. That seems to be the way they have acted in the past. I expect they would act that way for this piece of property, as well. It gets to all of the issues with trash collection and maintenance and those types of things.

DON FASO: Will we look at you in a month or two for formal application?

MR. AKEN: In regards to the out parcels, I would certainly think so. As it stands now.

DON FASO: What about revised site plan for the existing plaza?

MR. AKEN: Right. I believe so. I believe he is just trying to get things finalized and then we'll be back. I don't know what else needs to be done as far as the facade improvements go. If that is something that needs to come back before the Planning Board or if that is something he can get started on.

DON FASO: That is revised site plan, is it not, with the traffic and the islands and everything?

DANIEL KRESS: That is my understanding.

JOHN NOWICKI: As long as he takes back and listens to the Planning Board, because if they start on that project like they did over on North Chili and end up with a mess -- I don't want to see that happen. I would rather see him come back before the Planning Board as a quick, informal, here is what we got, here is what you will get. I don't want another mess on our hands.

DON FASO: Do you think he would be able to attend the site plan approval?

MR. AKEN: I do believe that. When is the next date that we could -- I don't know.

DON FASO: April 13th would be the next meeting. The cut-off for submittal of the plans would be this Friday.

DON FASO: We would entertain him again informally if he is so inclined.

KAREN COX: The reason that you might not be familiar with what is going on in North Chili, there is a plaza who -- when they came in, everything looked great, and now it's lagged. The construction has lagged and it looks terrible. And we haven't had any -- we haven't had a --

DON FASO: A lot of broken promises.

JOHN NOWICKI: We would like to maintain a communication between the Planning Board and Kravetz.

MR. AKEN: Yes.

JOHN NOWICKI: And whether that means you come in every month informally to tell us what is going on, it is better for this Town and better for the relationship between us. I think we should do that in the future.

KAREN COX: Especially with something like this, being it is right in the middle of the town.

JOHN NOWICKI: It is a big impact here.

MR. AKEN: In general, the facade treatments are acceptable and I'm not anticipating having any changes to those then. And the only changes to the site would be any landscaping and minor site improvements, those types of things?

JOHN NOWICKI: Yes. If you discuss Paul Road, the back, the screening, the little things.

You know.

DARIO MARCHIONI: I just have a suggestion. These stones, manufactured stones, I notice that if you put them too close to the sidewalk starter road, the snow kind of deteriorates it. If you put a starter like a 4-inch or 6-inch starter stone and set them higher, it protects them from the water. I have just seen that. I have just seen them totally deteriorate.

KEITH O'TOOLE: Two things. I don't know how -- with regard to the North Chili situation, for example, I don't know how concerned the Board is, but perhaps you may wish to have certain site improvements completed before any out parcels are permitted.

The other issue is with regard to the Dunkin Donuts. My recollection is when the old Marine Midland was taken down, not only the Board, but the previous owner was quite pleased because it opened up the plaza in terms of traffic flow, but made it easier to lease out space such as Auto Zone space. I wonder if the Dunkin Donuts site might recreate a portion of those problems.

MR. AKEN: That is something that we have taken a look at, which was a concern of Mr. Kuskin's as far as the orientation of the building and how that would protrude and we have taken a look at some of the sight view areas driving on either -- in either direction of Chili Avenue. As the building sits there, I think it will be fine. I think if it changes shape to some of the other proposals it might not be and it might be a problem.

DANIEL KRESS: Forgive me, I am being obtuse, but if I could just be completely clear on this point before I issue a permit for any facade renovations. The Planning Board is, in fact, interested in seeing the applicant come back with further detail?

DON FASO: Yes.

DANIEL KRESS: Okay. Thank you.

BILL ARNOLD: Just in light of the potential of the plaza being revised again, I have some serious concerns regarding traffic flow in that particular area, and I know it gets bottlenecked at that -- particularly that east entrance with a lot of people going in different directions, primarily my operation over there, too.

DON FASO: You still think you can get your traffic light, don't you?

BILL ARNOLD: I don't want the traffic light. That actually hinders things more. But anything that they can do to look at either relocating an entrance or whatever, to a centrally located spot where maybe it can be controlled by a light, I don't know, it might be more helpful. The two entrances there I think will cause a problem if you get that much business into that area.

FRED TROTT: I agree wholeheartedly with him.

DON FASO: I don't normally go to the audience, but Gary (Gayton) did talk to me about a couple of concerns and I saw him raise his hands. Did I cover everything?

GARY GAYTON, 34 Evergreen Drive

MR. GAYTON: You just touched on it with traffic control device or lack of one. It is very difficult for us merchants.

DON FASO: We have been trying. The State says no. We don't exceed the threshold to warrant a traffic light.

MR. AKEN: If there were a consolidation of driveways, that might be a possibility. And that is something I will bring back to my client to let him know if that is something he had an interest in, my firm can run the numbers and see if it is a possibility when consolidating all of those if it is a worthwhile going after it. Again, it is something we have done elsewhere.

FRED TROTT: I think with Chili Avenue improvements, there was a light proposed to be put in there.

DON FASO: The conduit is going in.

KAREN COX: They are probably putting the conduit in.

FRED TROTT: But not the light. I know we got real close.

DON FASO: A lot closer than we were.

BILL ARNOLD: Where was the location of the light going to be?

DON FASO: I have seen plans, but I can't tell you off the top of my head.

BILL ARNOLD: If it was in the area of the old Town Hall, if they made the main entrance there, it would be nice.

DON FASO: Joe Carr, can he tell you?

DAVID LINDSAY: I have the plans for the Chili Avenue widening here, and that is where it is going to go.

KAREN COX: When it eventually goes in.

BILL ARNOLD: Would the east entrance to the plaza be there, or would it --

DAVID LINDSAY: That is staying open.

BILL ARNOLD: That is an issue.

DON FASO: Have there been any incidents with fire trucks leaving the site?

BILL ARNOLD: Not that there were any accidents, but accidents in and out of there for the volunteers and --

DON FASO: You mean where the road narrows down?

BILL ARNOLD: Not only there, but that particular entranceway into there, you have that center median and people that want to turn right, turn left and it gets bottlenecked in there.

DON FASO: Hence the widening.

For the Board's clarification on this, the Town was really concerned about the timing of the widening of the road with the Chil-E Fest, and we were trying to move it up so that most of the work would be done prior to the Chil-E Fest. It looks like that is not going to happen.

DAVID LINDSAY: We have a preconstruction meeting tomorrow morning at Joe Carr's office and we'll raise that issue with them.

The meeting ended at 9:06 p.m.