

CHILI PLANNING BOARD
March 9, 2010

A meeting of the Chili Planning Board was held on March 9, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: George Brinkwart, Steve Hendershott, Dario Marchioni, John Nowicki and Chairperson James Martin.

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

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

JAMES MARTIN: Since there are no public hearings tonight, there will be no public participation.

James Martin indicated John Hellaby and Karen Cox were excused for out of Town business reasons. He indicated Dave Lindsay was also out of Town on business.

James Martin recognized Paul Bloser, Zoning Board Chairperson, present in the audience.

INFORMAL:

1. The Fathers House - approval of final renderings for storage building based on Architectural Advisory Committee recommendations at property located at 715 Paul Road in R-1-15 zone.

JAMES MARTIN: There was a request that came in from Fathers House to approve a storage building on the facility.

Michael Egan was present to represent the application.

MR. EGAN: Good evening. I'm Michael Egan, Project Coordinator for The Fathers House for this project.

JAMES MARTIN: I believe based on input that we have gotten from the Architectural Review Committee and the fact you had several discussions with them regarding the architecture of this proposed building, that at this point in time, the Committee and yourselves have essentially agreed on a proposed --

MR. EGAN: Yes.

JAMES MARTIN: -- plan for the building.

Based on the pictures, I guess the renderings that have been submitted, it essentially looks like a pole barn type of building, but the Architectural Review Committee has essentially approved it.

We had one comment from the Conservation Board from Pat (Tindale). Basically no checklist on landscaping plans have been submitted. The Conservation Board wonders whether this new building will eliminate the cargo box storage currently on the property?

MR. EGAN: Yes, it will.

JAMES MARTIN: It will. All right. Pat (Tindale).

JAMES MARTIN: Pat (Tindale), you got your answer?

PAT TINDALE: I didn't get it on the check list and the landscape plans. Are they exempt from the checklist and the landscape plans? I mean, we have received nothing.

JAMES MARTIN: You haven't received them?

PAT TINDALE: No.

JAMES MARTIN: Are you going to do any substantial landscaping with this that needs to be reviewed by the Conservation Board?

MR. EGAN: In discussion with the architecture, we were going to do a 4 to 5 foot berm between the parking lot and the building to help screen it from Paul Road. That was about the only difference from the original plan.

JAMES MARTIN: I think what I would like to do is basically, you know, if we move ahead with this, condition it that please review your landscaping plans with the Conservation Board. Pat (Tindale), take a look at them, and let us know if you approve them.

PAT TINDALE: Fine.

JAMES MARTIN: Are you okay with that?

JOHN NOWICKI: Sounds good.

JAMES MARTIN: I would like to have that done prior to you starting construction?

MR. EGAN: Can I do it parallel with the building -- I assume I need a new building permit, because we have changed contractors.

JAMES MARTIN: I think you are probably going to. Discuss that with the Building Department, but I believe the answer is yes.

I will just put applicant to review landscaping plans with the Conservation Board for approval.

JAMES MARTIN: Given that the Architectural Review Committee has blessed this, I will make a motion that we accept the plans as submitted by The Fathers House.

JOHN NOWICKI: Second.

DECISION: Unanimously approved by a vote of 5 yes the final renderings of the proposed storage building based on the Architectural Advisory Committee recommendations. The application was approved with the following condition:

1. Applicant to review landscape plans with the Conservation Board for approval.

JAMES MARTIN: Thank you for cooperating on this as far as getting this thing done right.

MR. EGAN: No problem.

OLD BUSINESS:

1. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624, property owner: Arthur Stock; for preliminary site plan approval for a change of use to convert existing building to office/storage space area and to use existing parking lot for the staging and parking of trucks and roll-offs at property located at 1509 Scottsville Road in G.I. zone.

Kip Finley, Jim Bucky and Bob Frank were present to represent the applications.

MR. FINLEY: Hello, everyone. Kip Finley with Avery Engineering.

And I guess I would like to ask, do you want us to go through and review past things or would you like to have the panel ask questions?

JAMES MARTIN: Well, what I would like you to do -- you have submitted a package and -- answering several issues that have been raised when we had the discussion at the previous meeting. What I would like you to do, Kip (Finley), is go through your response to those issues that have been raised and then we'll go from there.

MR. FINLEY: Okay. Sure.

I will use the projector as needed tonight.

Just as a recap, this was here, the original application in November last year. Went through the February meeting. It was tabled because there was still some questions that the Board had that we resolved.

We submitted some supplemental information to come before the Board tonight.

I think as of the last meeting, we did know that the Zoning Board of Appeals did look at this and granted the variance for the 8 foot tall fence, and the no locks on the roll-off container and not a continuous fence. We're past the Zoning Board.

Since the last time we saw you, we did go to the land -- well, Conservation Board to review landscape plans for this, and also the visual simulations that we did, they took a look at those.

So we do have signed-off plans from the Conservation Board, and they did agree with the limits of the fence that we proposed this time. We extended them.

Incidentally, through the exercise of going to that meeting, you should know that the landscaping for this is over \$27,000, and it doesn't include the 24,000 for the fence. Just to give you an idea of the magnitude. So we exceed the requirements quite a bit for the 1 percent of construction cost.

JOHN NOWICKI: Speaking of the landscaping, questions here that the Conservation Board brought up, and I just want to know if they have been taken care of already. You mentioned the -- eliminating the Austrian Pines and substituting the Bosnian Pines. Has that been taken care of?

PAT TINDALE: He is aware of that, yes.

MR. FINLEY: We know about it. It will be on the mylars. The landscape architect agreed that would be fine.

JOHN NOWICKI: Then there is another comment, extend the railroad timber planters until they fill the gap along the north side entrance road.

MR. FINLEY: We're aware of this.

JOHN NOWICKI: This will eliminate cars possibly sinking in the grass.

MR. FINLEY: We don't have variance for front yard parking and we don't need any employee parking because the use is for storage. There is timbers there and there is a gap right

now where you would access the first bay of parking. Once we have grass there, they have asked us to take some of the timbers that we're removing in the front and close that gap so that a car doesn't come in and park on the lawn or something.

JOHN NOWICKI: So you are going to fill the gap?

MR. FINLEY: Yes. That will be on the final plans.

JOHN NOWICKI: Last one, it was suggested that the tractor-trailer parking area commence parking at the rear of this area and leave ten of the front spots open to approve overall appearance of the site. That --

MR. FINLEY: Yes.

JOHN NOWICKI: That has been accomplished.

MR. FINLEY: Actually, I have not driven past the site, but now that the snow melted, they have cleaned the whole site. I don't know if anybody can verify that, but, um, actually Jim Bucky is here tonight with the Metalico jacket. He is in charge of -- of all their environmental compliance, and he recalled from a previous Planning Board meeting there was a request to do that, which would be basically fill from the back and only use the front of the parking area for the tall trailers when it was absolutely necessary. So, he's now gotten that relayed through the staff at the facility, and they cleaned up, took a lot of the things out there this past week, and they're -- they will comply with that.

JOHN NOWICKI: Okay. Those are the three things. Thank you.

MR. FINLEY: From our last meeting, I took a bunch of notes and -- from the letter that we received. One of them was to go to the Conservation Board, and we did do that. We had hired Dave Franky to do the landscape plan for that. The upgrades to the Greenway Trail, um, in the sake of putting in all of the landscaping, we didn't do anything else to the trail itself. You will see on the simulations, though, that we're also dressing up the front some more to make the trail a little better experience than along the side of a parking lot. So I will go through that soon.

I did talk with the Fire Marshal, but I don't know if he actually sent a memo through staff or not.

JAMES MARTIN: Yes. We do have a memo from the Fire Marshal.

MR. FINLEY: Is it okay?

JAMES MARTIN: Essentially indicating, you know, you would be in compliance with any of the fire codes at this point. Um, I guess the only open question on that is, um, comment from Mr. Hellaby that -- you know, the container storage within the building was acceptable. However, will they be using forklifts or fuel-fired tow motor vehicles inside and how would they gain entry to the building?

MR. FINLEY: Okay. All right. Actually, we're just joined with Bob Frank who runs that facility.

JAMES MARTIN: What is the answer to that?

MR. FINLEY: He was shaking his head no. The carts are actually something you can push yourself inside, and we do have pictures in the package that show -- the easiest way to prove they could get in, there a couple guys pushed one in and took a couple pictures of them. You don't need tow motors because they're empty.

JAMES MARTIN: If you're going to comment, state your name for the record.

MR. FRANK: My name is Bob Frank. General Manager of Metalico Rochester.

MR. FINLEY: And?

MR. FRANK: And the carts that are in that -- for the building are on wheels. So one person can easily push them.

JAMES MARTIN: How do you get them to the building?

MR. FRANK: They will drive up to the door. We'll have a lift gate on the truck lower them down and then roll them in.

JAMES MARTIN: Okay. Thank you.

MR. FINLEY: There is a view of it for -- it is kind of -- I don't know how you get the glare off, but you can see is there a wheel here (indicating). They're basically just tubs with wheels, and they do fit.

JOHN NOWICKI: No forklift inside? Okay.

MR. FINLEY: Okay. So there are no vehicles inside.

Fence along the property line should be constructed to block the views or visibility from Scottsville Road. We did do two simulations for that, and we -- these are what we showed the Conservation Board also, so they did give comments.

Just to confirm that we have the right area, there are two views that we did. One of them is coming south on Scottsville Road from the area where the Greenway parking lot is, and that shows that sight line of the 84 Lumber building cuts off your view at a certain point. If you keep going and strain yourself and you're not crashing in, you can look further back, but it's pretty wooded up through this point (indicating), and then it opens right up. That is the first place you would actually look at this site.

Then we have the other location from the street, which would be from the Greenway.

For those that aren't familiar, the Greenway comes up into the right-of-way, runs along here (indicating) on this gravel path, and then further down, it crosses back out and goes down by the river.

So the first view really at this particular time of year, 84 Lumber was full of trusses and stairs and everything, so you really can't see our site. It is not always like that. In the summer that dwindles down.

Um, right now, the front of our site, we do have -- there are railroad ties across here

(indicating). There is gravel parking. There are mature trees that will stay.

JAMES MARTIN: The gravel parking will be converted to grass; is that correct?

MR. FINLEY: Right.

This one (indicating), all you can see in here (indicating) is there is a little blue fence, and then you can see there are the trees that we're planting, are shown, but they're shown as winter, because the pictures we took were winter.

The key thing is that the fence goes far enough back that it actually is cut off by the building of 84 Lumber, and then our trees actually go another 100 feet past that. And I will show you on the plan.

This one is probably a little easier to see. We're going to take out the gravel, put in lawn. Take out the railroad ties. The place they were talking about putting a timber is right here (indicating). To block it so people don't drive in and onto the grass.

We're putting trees over in front. We're putting evergreens here (indicating), and then down the whole side we're putting deciduous trees. The 8 foot fence doesn't really cover the tractor-trailers.

The 8 foot marks or the 8 foot dimension was relating to the code that deals with roll-off containers being 2 feet above the containers. There is really not an ordinance to screen trucks, but to make it look better, we did deciduous trees down the side. You can see the start of one.

It's probably best to just show you on the plan that this is that cut-off line (indicating). The 84 Lumber building is here (indicating). So that's the spot (indicating) where the photo cuts off. Our fence goes another 100 foot past that to catch some of these other views, and then our trees go another 100 feet past that.

So we're trying to take an extra measure there and the taller trees that will block the trucks most of the year.

JOHN NOWICKI: What kind of trees are those, the Bosnian Pines?

MR. FINLEY: The Bosnians are these and evergreens in front. These are spruce trees (indicating). These are red -- red maple, I think.

JOHN NOWICKI: Red maples?

MR. FINLEY: Red maple here (indicating). And there is an ornamental tree here (indicating), crab apple. The depression with the timbers here will be filled in so the lawn rolls up to the building. This all gets top soiled and seeded in the front so we're actually giving them a front yard, which along the Greenway Trail you see this view instead of parked cars and gravel and railroad ties and all of that.

JAMES MARTIN: Just a question, Pat (Tindale). Why would we go with deciduous rather than evergreen trees as far as screening goes along that border?

PAT TINDALE: Because it is very wet along there and we didn't think an evergreen would probably grow well. I would much prefer yet to see evergreens in there.

JOHN NOWICKI: It's not on a berm then? No berm then?

PAT TINDALE: No.

JAMES MARTIN: Well, what is your preference? To go with Austrian Pines?

PAT TINDALE: If we would come up with an evergreen that we would consider would live along there, we might prefer that.

JOHN NOWICKI: I'm going to say, yeah, because I -- I agree with Jimmy (Martin). Why would you go --

MR. FINLEY: The other rationale from Dave Franky was that the trees -- deciduous trees will grow faster and cover up the trucks a lot faster. If you're dealing with evergreens that are pointed, it will be a lot longer before they ever really get tall enough to do anything, and they're planted pretty close together, so even during the winter, if you look at how the brush on maple -- these are maples, also (indicating). If you look how dense the -- the wood of it is, he felt that that would be better, faster than evergreens, plus we don't want to put a berm there, because our drainage kind of flows that way. And then the evergreens wouldn't live.

JOHN NOWICKI: Okay. Some rationale behind it.

MR. FINLEY: Yeah. It's not what you would normally think of as perfect, but it is the best workable --

JAMES MARTIN: Sounds like a compromise at this point, essentially.

PAT TINDALE: Yes. Unless the landscape architect would recommend an evergreen that he felt would, you know, grow there.

MR. FINLEY: I don't --

PAT TINDALE: A yew might, but -- but that is more of a bushy --

MR. FINLEY: We talked about it, but he wasn't thinking it would work.

JAMES MARTIN: Are we going to stay with the plan as presented to us tonight with the deciduous trees?

PAT TINDALE: If you're happy with it. It satisfied us. We preferred evergreens, but we okayed the maples.

MR. FINLEY: We had that same conversation before they agreed and stamped it.

JAMES MARTIN: Well, where is the Board on this? I don't want to drop it right now.

JOHN NOWICKI: Unless there was some specific tree that was brought up in the -- in the discussions between Conservation Board and their landscape architect. There obviously isn't a special tree, pine tree that has to go in there.

STEVE HENDERSHOTT: No point in putting in a pine tree if it is not going to grow.

JOHN NOWICKI: If it is going to die.

STEVE HENDERSHOTT: Exactly. Having the hardwoods -- when they fill out, nine

months of the year they will have leaves on them with pretty good coverage. The rest of the time, not as good, but better than not having anything there.

JOHN NOWICKI: I'm just glad to see the rationale behind it.

JAMES MARTIN: Okay. That is all I was trying to get at. Okay. So we're comfortable leaving it where it is at this point?

The Board indicated they were comfortable leaving that point.

MR. FINLEY: The next one, Number 4 and Number 9 kind of go together. We did provide the lease to -- I hope -- did Kathy (Reed) forward it to you, Keith (O'Toole)?

KEITH O'TOOLE: Yes.

MR. FINLEY: So he could comment on it, but the lease states that Metalico is responsible for everything. The owner doesn't want any responsibility for maintenance.

Um, Number 5, as far as the applicant guaranteeing that the bins will be empty, no oils and that, would either of you like to address that as to how you do that, or what -- what you have in place that your employees would know not to take stuff about solvents over there.

MR. FRANK: Everything when it goes over there -- the material is dumped in the yard. We don't leave full boxes of material, because -- for security reasons.

MR. FINLEY: Okay.

MR. FRANK: Everything would be dumped in the yard. Anything with -- with any liquid would go in an area where there is an -- a -- a catch basin so we can control it.

JAMES MARTIN: Would that container remain in that area that is suitable for oils and solvents and not go to this other building?

MR. FRANK: Well, no. Everything would be -- if there is any liquid at all, it would be drained out. It is dumped out and will be left up for a period of time until the material runs off that. Then usually the containers with liquid on them have gasket seals around the back of the boxes.

MR. FINLEY: In --

MR. FRANK: Most of our containers don't have liquids. You know, anything that has -- with the -- in construction and demolition is structural beams. There is no liquids in those. The only ones would be from manufacturing where there is steel turnings, and those all have gasket seals because you couldn't leave them by the customer.

JAMES MARTIN: Yes. I visited your facility where those turning containers, you know, are basically unloaded. There is a lot of solvents and a lot of oil that exudes from those containers. Or at least it seemed like there was a lot of solvents.

MR. FRANK: On which, the roll-offs?

MR. FINLEY: If you went to the site next door.

JAMES MARTIN: The old site -- where you're currently doing that. Where you have the, you know --

MR. FRANK: Processing.

JAMES MARTIN: -- the processing facility to handle that. So none of those containers --

MR. FRANK: They're not solvents. If anything, it would be a water soluble emulsified cutting oil. We have that on an area, there is a concrete pad with a drain.

JAMES MARTIN: Right. Right. Correct.

MR. FINLEY: Pretty much those get rotated to the machine shops and stay pretty much where the bunkers are with the catch basins, and then we have a program where they drain that, take it in and evaporate it.

The ones that you see like we had in here are more for things like hub caps and other metal parts that are dry.

JAMES MARTIN: Okay. So you will have an SOP within the facility that any of those containers that were brought to your -- to the other side of your -- of your facility there, all right, that came -- that contain turnings or solvents or other things, they won't get rotated over to this other building for storage?

MR. FRANK: No.

JAMES MARTIN: All right. Thank you.

MR. FINLEY: Number 6 actually showed up also. This is the one about the weight of trucks on the parking. It showed up in Dave Lindsay's comments also.

His request was to have a letter signed by a professional engineer that certifies adequacy of existing gravel. I did not dig any holes. I went over and looked at it. We could dig a hole and I could measure the depth of the stone.

But basically the crushed stone has been in place 30 or 40 years and been trampled on. It wasn't showing distress. But we could follow up with something where I actually look and measure the depth of the stone.

JAMES MARTIN: We also have a comment from the Town Engineer regarding that particular, um, situation, and, um, I believe it's in the best interest of everybody concerned on this that we do have some certification that that area is going to hold up under the rigors of tractor-trailer trucks in and out, storing, so I guess I would like to put in a condition that you provide that certification to the Town Engineer as to the stability of that particular parking area.

MR. FINLEY: We'll do that.

JAMES MARTIN: Okay.

You okay with that, Ken (Hurley)?

KEN HURLEY: Yes, that's fine.

MR. FINLEY: One was to -- another comment was to verify that the containers do fit inside the building, and that we did show that -- photographs of the types of containers they would use and just put them in and take -- took pictures instead of trying to measure floor plans and that.

Does that answer the question?

JAMES MARTIN: Yes.

MR. FINLEY: Okay. No new lighting is proposed on the site.

The maintenance is in the lease, that -- the maintenance agreement is the lease, because it states they're in charge of that.

Number 10 about controlling mud onto Scottsville Road is also a comment from Dave Lindsay, and he is suggesting here to increase the amount of asphalt that we have.

Right now the asphalt, the driveway is paved up to about here (indicating). 50 feet is in here somewhere (indicating), and I did talk with Metalico, and they're willing to pave a little more up to maybe the end of the building to do --

JAMES MARTIN: How much would that be?

MR. FINLEY: About 70 feet probably.

JAMES MARTIN: How much?

MR. FINLEY: Looks like it would be more like 70 feet.

JAMES MARTIN: Okay. That's fine.

MR. FINLEY: Right now, just to reiterate for the record, Metalico does have street sweepers and at the other site they really deal with the mud quite a bit more than this would ever generate. We have had lots and lots of complaints in previous years, so they actually have a sweeping program. We reroute the trucks to exit and track off in the whole parking lot, sweep the parking lot and inside the yard, now, too. There has been a lot of paving improvements in there. I think some 80,000 square feet of new pavement put in as part of that site plan. And so the mud problem should be pretty much gone away by now.

JAMES MARTIN: Okay. So it will be about another 70 feet. Okay.

GEORGE BRINKWART: How do you deal with the complaints? Do you have a number people can call if there is -- stuff is tracked out?

MR. FINLEY: They usually call DEC or the Town and then the Town or DEC calls Metalico. Is that generally what happens?

MR. FRANK: Yes. They come by and regularly stop in. It is not now this time of year, but in the dryer weather, they will come around and just talk to us and ask how we're doing with the maintenance.

MR. FINLEY: So far that is how it happens. Most people wouldn't stop, probably get a phone number to call Metalico. They would call an authority to put the screws on them and make them do something about it, I would guess.

Is that okay?

GEORGE BRINKWART: It's -- yeah. I mean, I think there has been a problem in the past with stuff being tracked out on the road, probably as recently as last summer.

MR. FINLEY: It was very bad until they paved last fall.

MR. FRANK: It wasn't last summer. We did it a year ago.

MR. FINLEY: I do remember getting letters even from the Building Department, but I think that has all been taken care of since then.

JAMES MARTIN: I think it is significantly better than it was, okay?

MR. FINLEY: All right. Number 11 was the -- as far as trailers repairs and rebuilding and things on site, we have talked that over, too. It's clearer now that the only trailers that should be there are registered trailers that get rotated in and out to the clients and the roll-offs containers, and -- anything that is a scrap piece or salvage piece to fix up one of their trailers or something really needs to be kept by the maintenance facility that they already have, where those type of things are. That has been pretty much discussed now that -- and the site is cleaned up now. They wanted to do that to make sure people could see it's different.

JAMES MARTIN: Thank you.

MR. FINLEY: That was these comments from when we were tabled. No other comments from DRC.

JAMES MARTIN: Um, you know, we do have comments from Lu Engineering.

MR. FINLEY: I haven't seen those, but if you tell me what they are, I can answer them.

JAMES MARTIN: You answered them on your letter.

MR. FINLEY: Oh, I thought there was even a newer -- oh, okay. I thought there was a new letter -- letter that was a couple days old.

JAMES MARTIN: Let's go through those and if Ken (Hurley) has something new about it, he'll go through them.

Some of them we have already covered in the previous comments, so.

MR. FINLEY: Plans were revised to show the trailer layout, and those are actually shown now in the slots. We actually put the grid in, and the number of trailers that can be there, the number of containers that can be there are on your plans.

Overflow parking that at -- once said is really not necessary. There is no employees in here (indicating).

Which kind of rolls into Number 3, and Number 4, which there is no handicapped spots because there is no parking, because there is no employees.

Um, the gravel parking lot, or the pavement that crosses over, we show that as removal now. We're actually taking out about 8 feet and digging it out to put the trees in on our side of

the property line, and then also taking out the gravel that goes over -- or at least seeding it so it can start being mowed.

JAMES MARTIN: Okay.

MR. FINLEY: Oh, drainage. Um, one of the changes we did, since then, is -- there really is no collection system, but at least a good half of the site flows forward. It's -- the reason we took the railroad ties out and put the lawn in is the drainage can flow over the grass now and into the catch basin that is in the highway system. And that doesn't cross the trail to do it. The -- the catch basin is on the inboard side so we don't have anything flowing across the trail.

The rest of the site, we have got the plantings now that intercept, so it is actually going to go into this planting bed with the trees on this (indicating). The rest of the site here (indicating) really just migrates off. There is no ditches or anything until the other side of the tracks, and then further down behind 84 Lumber. So we really didn't have much we could do there.

And then I think I noted, if not here, is that the whole site is on the landfill, the former landfill, so that water quality perking in and that is not any worse of an issue than what we already have underneath the site from the C & D landfill.

Does that kind of address that one?

JAMES MARTIN: Go ahead.

MR. FINLEY: We did take care of doing some photographs for the fence, extended that, did a planting plan. So that takes care of -- those were the last round of Lu comments.

Was there a letter in --

KEN HURLEY: There was another one. The only other comment that really wasn't addressed in Dave Lindsay's is you show an area that really is on 84 Lumber's property that you have to clean up the existing gravel. Because it is on 84 Lumber's property, you have to get an agreement from them saying it is okay to work on that. They probably won't have a problem if you're going to be planting grass, but they don't want to have somebody out there working on someone else's property and starting a problem.

MR. FINLEY: We'll have to work on that. I don't know how the relationship is, but I think 84 Lumber thinks that Metalico owns it and is supposed to mow it, so they will probably -- the fence -- 84 Lumber's fence is about 20 feet off the property line, so whoever has been mowing this traditionally (indicating), mows up to their fence anyway. So we'll have to tell them first that they own it, and then by the way, "Can we continue to work on it?"

As far as that, would you just have a letter from them to give to the Building Department or something? I don't think we would do an easement for --

KEITH O'TOOLE: In light of the circumstances, I think a letter gets the job done.

JAMES MARTIN: Okay. A letter agreement between the Metalico and 84 Lumber as to maintenance of that area.

MR. FINLEY: Is that the only other things?

KEN HURLEY: Yes. Everything else was addressed.

MR. FINLEY: Okay. Can you put -- is that a condition, so I don't forget?

JAMES MARTIN: I am writing as you speak.

MR. FINLEY: Okay.

MR. FINLEY: I think that is everything, at least so far.

JAMES MARTIN: How should I describe that area, Kip (Finley)?

MR. FINLEY: I guess it would be the lawn space between the north property line of 1509 and the fence line of 84 Lumber, south fence line of 84 Lumber.

MR. FINLEY: I do know of one other thing. The only other thing I thought, if it came up -- I'm not sure if I heard it. It was the Conservation Board and maybe Al (Hellaby) commented on the color of the fence.

JOHN NOWICKI: Yes. He wanted to know if you would change the color to an earth tone.

MR. FINLEY: Well, if it was a stand alone project, we probably would because I personally think a blue fence is not -- doesn't blend in very well, but I will give you this, in context is that Metalico's corporate colors are blue, and so we have got their existing fence between their maintenance building, um -- this is where the scales are (indicating). So this building is white and blue (indicating). The fence is blue (indicating). Their signs are blue (indicating).

JOHN NOWICKI: So the blue will stay?

MR. FINLEY: Yes. We were recommending blue for the fence, and then 84 Lumber is blue. And I actually looked around. There are two blue houses across the river. So -- here is 84 Lumber. So I guess if we're doing context sensitive, blue is okay. It wouldn't be my first choice, but it -- but it is the corporate identity and there is a lot of blue. So I just wanted to make sure Al (Hellaby) knew we talked about that and there is a reason why it is blue.

JAMES MARTIN: Okay. He did have a comment regarding the color choice.

MR. FINLEY: I didn't really know all of his comments, but do we have any other ones?

JAMES MARTIN: You have covered them all.

JOHN NOWICKI: You blew that one. (Laughter.)

MR. FINLEY: That's pretty bad.

JAMES MARTIN: Anything else, Kip (Finley)?

MR. FINLEY: I don't think so. I think we did address everything, answered everything.

STEVE HENDERSHOTT: This is really a very difficult site where the Town has over the years worked to very much improve aesthetics of Scottsville Road, but just the nature of this business makes it difficult all of the way around to try to do a lot of improvement, so I

compliment you on your attempt to do that with the landscaping and putting up the fence, et cetera.

MR. FINLEY: Thanks.

STEVE HENDERSHOTT: I, too, think blue is not the greatest looking color, but I think you're right, if that is what everything else is, it would probably be more of an eyesore to go to something else at this point.

MR. FINLEY: It would be out of place.

STEVE HENDERSHOTT: Question. I'm not sure who to ask this of since Dave Lindsay is not here. Maybe Keith (O'Toole). But you spent a lot of time talking about the containers going to that building, and that they're able to use the existing door ways, so there is no modifications. The containers are small enough to get through there?

MR. FINLEY: Correct. That was one of the points brought up earlier is that we don't have any plans that show building modifications, so I think that is why Al (Hellaby) wanted to make sure that there weren't any.

STEVE HENDERSHOTT: If down the road, the nature of their business changes, and they decide that they want to add bigger containers into that, so they come into the Town to get a building permit, how are we tracking that today, the Planning Board? If we approve that, are we approving it with -- that they're not going to make modifications to the building? How will we be assured something won't fall through the cracks as we get down the road?

MR. FINLEY: I could answer that.

JAMES MARTIN: You can make an attempt and we'll comment on that. Go ahead.

MR. FINLEY: When I talked with the Fire Marshal, and -- so he would make the decision regarding whether this use was allowed in a building and without the sprinklers, because it is not a heated building. At this point, it is a warehouse. He said it is okay now for now, but if you come in for any building permit to do anything else to the building and put anything else besides empty, dry containers in there, we'll be addressing the sprinklers and other issues.

I don't know if he wrote that in his memo, but that is what he told me. He is planning on addressing it if you come in with any changes. I never actually saw his letter.

JAMES MARTIN: There is nothing specific in his memo addressing that particular issue.

Keith (O'Toole), anything that we should capture as a condition around that, or would that be triggered by the application for a building permit?

KEITH O'TOOLE: Typically the application for a building permit does trigger a Planning and Zoning review. On occasions where it is just a change in occupancy, but I don't see that as an issue here. I think they would want to change something physically to the premises and that would be the opportunity to -- to bring them back before the Board.

JAMES MARTIN: Okay. So the Building Department at that time would trigger a review, if necessary?

KEITH O'TOOLE: Correct.

JAMES MARTIN: Okay.

STEVE HENDERSHOTT: I, too, along with -- I think a lot of people up here, including Al (Hellaby) and Karen (Cox), are concerned about the mud tracking onto the highway. I think it is an ongoing problem. So you state in your reply that you have an active program to control mud tracking.

Is that what you described, the sweeping, et cetera?

MR. FINLEY: Uh-huh. For this facility, we have our construction activity SPDES that -- now for the facility next door, we'll have to renew it when we do more construction, but there is also the industrial SPDES that we have to comply with, so the -- so -- well, you weren't here for that. We put in a dual Stormceptor, which is a trade name for an underground vortechnic unit that filters the storm water, and when you have an industrial SPDES permit, you actually have to monitor it and test it and sample it and make sure it meets a lot of different requirements.

So they need to keep the yard clean in itself just so they don't trigger or trip their thresholds for the different things that they're testing for there. So they have been pretty much forced by the other SPDES permit to have to keep the yard swept, which keeps the road cleaner and the parking lot cleaner, so it is -- from the time I have been working with them, the three or four, it has improved about 200 percent, because the yard is becoming more and more paved, as we progress that site plan, and we actually have a closed drainage system with treatment now. I don't know what else we can offer to do for that.

STEVE HENDERSHOTT: I think it is good that you're willing to consider putting another 20 feet of pavement in there. I don't think that is going to be a big thing to help that. But what happens, again, if you look down the road -- so all of a sudden there is a wet spring or the mud seeps up through the gravel with all of the extra activity on it, and now there is mud tracking out onto the road.

What is the recourse that the Town has on that, since it has been discussed here? Is that something that the Building Department would go out and issue a citation for? Is it something that would generate them coming back in to the Planning Board?

KEITH O'TOOLE: We tend to run into this with construction sites.

STEVE HENDERSHOTT: Yes.

KEITH O'TOOLE: And perhaps the -- the simplest thing to do is add it on as a condition that they keep Scottsville Road clean and free of debris, and that will allow us to just simply go in and issue them notice and a ticket, if necessary.

STEVE HENDERSHOTT: Okay.

JAMES MARTIN: Just a comment on that. I know when you were here before us before

with the shredder activity, all right, and -- you know, we have been all of the way through the approval process on that. I know there were a lot of modifications to the yard. There was additional paving that would be incorporated into that site plan that we addressed at that time. I don't know how much of that has been completed at this point, pending, again, the rehearing of the -- of the shredder application. I don't know if you can answer that.

MR. FINLEY: Bob (Frank) was reminding me of other things they have done. As I said earlier, we put in -- when we got the approved site plan, there were some -- or some of the features went with the shredder. That was contested. We didn't do some of those things.

Other things were issues related to storm water, mud on the road, and they did do those projects. They put in about two acres of paving, put in the drainage system, the storm water treatment system, and then Bob (Frank) was reminding me that the looped road where the trucks go around, they dumped a lot of millings in there and actually made a gravel road for the loop. So a lot of the yard where the trucks come into contact now is much cleaner.

For the site next door, it is all a gravel parking lot with clean trucks coming off the highway, dumping a trailer, picking up a trailer and leaving. So we don't have the same situation to deal with there like we do in the yard. There is actually unpaved areas. These are all hard surface, stone or asphalt, so I'm not seeing this site to be much of a problem.

MR. FRANK: We also, we have peddlers that come in, we make defined areas out of the blocks so the peddlers don't drive in the area where there would have been mud. We -- the loop around that our trucks go around has been covered with millings, and what we have now, any of the vehicles that come in off the street go into a paved area only. And there is signs on -- for each item they bring in, they will dump off in those areas. So they never touch mud.

Actually, we have more customers now because of that, because they don't want the mud on their tires and flats. There has been a lot of problems with that, so it is a nice, cleaner environment to work in now.

MR. FINLEY: I'm hoping that answers your question about this particular site is not really a muddy site, so it shouldn't be a problem.

JAMES MARTIN: All right. Just go back to a comment for a second. I don't know how much of what we approved originally, you know, for the shredder application has been achieved. Or is there more paving to still be done as a result of perhaps a future approval of the shredder application?

MR. FINLEY: Well, there would be -- when the shredder hopefully gets approved, there is pavement around the shredder and other parts of the yard.

JAMES MARTIN: So there will be additional paving back in that area where the shredder is proposed to go?

MR. FINLEY: Yes. Eventually the goal is to pave everything so they don't have to deal with the mud, the tires. The cost of repairing split tires on their vehicles -- I have gone to a plant before where they do the retreads. The cost of just the shredding tires with steel and all of that, they want it clean so they can just scrape it and clean it.

MR. FRANK: Sweep it.

JAMES MARTIN: All right. Thank you.

STEVE HENDERSHOTT: That's all I have. Thanks.

JOHN NOWICKI: So again, going back to Al Hellaby's letter here, just to make sure the installation of the runoff systems and that is -- who monitors that? DEC monitors that for groundwater protection? Any serious run-offs to the river?

MR. FINLEY: Well, for this particular site, there is really no discharge point. It's all overland flow.

On the other site where there is actually a discharge point to the river, that is monitored and has to be reported and that is tested routinely.

JOHN NOWICKI: Overland flow you're talking about, is that eventually getting to what, Black Creek?

MR. FINLEY: At some point it -- the site is pretty much divided in half. It flows this way (indicating) and this way (indicating). This comes to the highway system that goes down to a culvert that goes into the river (indicating).

This side goes back to along the railroad bed (indicating), and it kind of follows a ditch here (indicating), and I think there may be a culvert underneath here (indicating). The Greenway Trail lady says there is a culvert back here (indicating) to the creek.

So eventually they do, but they're traveling over hundreds of feet of grass and gravel and everything before they get there. There is no piped drainage system that actually has a piped outlet to anything, so we don't -- there is nothing to monitor.

JOHN NOWICKI: Okay. But, again, all the oils and things like that are not necessarily on that site, are they?

MR. FINLEY: Not as part of the operation. They're -- there would be no difference than any warehouse where they park their trucks. I mean there could be something that leaks, but generally the trucks that have the oils are on the road. They're there for ten minutes to switch things around, and they're gone. The trailers have wheel bearings maybe or brake -- air brakes.

JOHN NOWICKI: All of the workings on those trailers are all inside?

MR. FINLEY: That is next door in the maintenance building.

JOHN NOWICKI: Okay. I think that is -- we wanted to answer his questions. Okay. Thank you very much.

GEORGE BRINKWART: Kip (Finley), at the last meeting we covered some ground. We spoke about it earlier, today, too, the Greenway Trail. I guess I would ask you depict the location

of the Greenway Trail on the plans. I do that with the reasoning that I would like to have the landscaping not interfere and definitely enhance the presence of the Greenway Trail.

MR. FINLEY: Okay. They are -- it doesn't show up as much. Do you have a plan there? I will show you that the lines are there. But it doesn't really.

Kip Finley used a plan at the dais to answer George Brinkwart's question.

MR. FINLEY: It's right abutting the shoulder of the road. There is a little grass and some ditches.

GEORGE BRINKWART: I guess -- okay. Where does it continue?

MR. FINLEY: It goes across all of Metalico's frontage.

GEORGE BRINKWART: It is kind of hard to follow.

MR. FINLEY: It is basically about 12 feet of gravel abutting the shoulder of the road. It goes across our whole frontage.

JOHN NOWICKI: Do you know if anybody uses that trail?

MR. FINLEY: Pat (Tindale) does.

STEVE HENDERSHOTT: They moved that out by the road instead of using the old rail bed because no one wanted to pay for a pedestrian-guarded crossing where it crosses the railroad tracks there. It comes across Scottsville Road, comes down by 84 and their place, crosses the tracks and then meanders back to where the -- the road bed was -- or rail bed.

JOHN NOWICKI: Okay.

GEORGE BRINKWART: Okay. I guess I see where you indicated it to the north there, more, but it kind -- kind of loses track of it when it goes down through. Maybe you could tidy it up and label it as such. That would be helpful.

I guess having said that and you indicate where it is, it is obvious that our landscaping is not going to interfere with that. But please depict that so we can follow that through there.

MR. FINLEY: Okay.

GEORGE BRINKWART: That's all I have.

PAT TINDALE: Not really. We -- we talked before about maybe helping with the Greenway at the front of the place there. I don't know if any consideration has been given to that or not.

MR. FINLEY: I think you should probably talk with her afterwards to just talk about trail things because you have a lot of frontage. If we could do that instead of like trying to agree on what to do while we're standing here, maybe they could think of something that would help the trail. She is on the Committee for that --

MR. FRANK: Okay.

MR. FINLEY: -- for that trail.

Is that okay?

JAMES MARTIN: Okay. So they will talk to --

PAT TINDALE: That's fine.

JAMES MARTIN: -- whatever they can do to enhance it.

JOHN NOWICKI: I just have a question for my own curiosity. If a person brings an automobile into a site, a car shredder, how do you handle the removal of the oil and gas in those tanks?

MR. FRANK: It is done before that. We have another facility that we do have an Enviro-Rack it is called. The car goes on the rack. Everything is contained. There's a drain pan on the bottom. Each of the fluids, the antifreeze, the oils, gas is all --

JOHN NOWICKI: Drains in that?

MR. FRANK: Yes, in separate containers.

JAMES MARTIN: I think you showed us a sample of that when the shredder application was before us. It has holes in it and everything drains right out?

MR. FRANK: Yes.

JOHN NOWICKI: That material is taken off site somewhere.

MR. FINLEY: For now. The shredder application was for the shredder, auto dismantling, a subdivision, a couple of things, and eventually it would be nice to have one here if the shredder is here so they don't have to take them other places. Now they just deal with it off site.

JOHN NOWICKI: Thank you. Appreciate it.

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

JAMES MARTIN: We have two before us. We'll move separately on these, but I wanted to go through the conditions that I have picked up as we have reviewed.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Did I miss anything?

MR. FINLEY: Well, labeling the Greenway on the trail?

JAMES MARTIN: Pardon?

MR. FINLEY: Labeling the Greenway Trail on the final plans.

GEORGE BRINKWART: Yes, please.

JAMES MARTIN: Yes. I'm sorry.

Outlining the Greenway Trail on the final plans.

JOHN NOWICKI: Nice going.

MR. FINLEY: It would make the plans easier, I'm agreeable.

STEVE HENDERSHOTT: Are we putting the condition in there -- or did you say it about, um, nothing -- no -- the discussion about the -- not modifying the building to get containers in there any bigger?

JAMES MARTIN: That would be triggered by any application through the Building Department, Steve (Hendershott). So I don't think we need to have that as a condition of approval.

STEVE HENDERSHOTT: Okay.

JAMES MARTIN: At this point I believe the fee has been paid for final. I will go to a consensus of the Board to see if we waive final on this.

JOHN NOWICKI: I make a motion we waive final.

STEVE HENDERSHOTT: Second it.

The Board voted unanimously in favor of waiving final.

DECISION ON APPLICATION NUMBER 1: Unanimously approved by a vote of 5 yes with the following conditions:

1. Pending Town Engineer approval.
2. Applicant shall comply with Conservation Board comments, and consult with them about possible enhancements to the Greenway Trail frontage.
3. The applicant shall provide engineer certification to the Town Engineer and Commissioner of Public Works that the proposed parking area for roll-offs and trailers will withstand the wear and tear of tractor trailer parking and traversing.
4. Approximately 70 feet of additional paving will be added to the existing driveway.
5. A letter of agreement between 84 Lumber and Metalico regarding maintenance of the grassed area between the north property line of Metalico and the fence on the south side of 84 Lumber shall be provided to the Building Department.
6. Scottsville Road shall be kept clean and free of mud tracking from vehicles leaving the Metalico site.
7. The Greenway Trail shall be better delineated on the final site plan.

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

JAMES MARTIN: On the special use permit, here again, I don't know whether we would go with a time limit at this point in time or not.

Keith (O'Toole), do you think it is appropriate to put a time limit, or should we just leave it open-ended at this time, for the duration of the operation?

KEITH O'TOOLE: Board's pleasure.

JOHN NOWICKI: I would leave it open.

STEVE HENDERSHOTT: I agree.

GEORGE BRINKWART: What does that mean?

JAMES MARTIN: For the duration of the operation.

GEORGE BRINKWART: The only thing I thought is if -- my only thinking was that if, you know, they kind of fall short on this -- keeping the road clean, maybe we might want to take another look at that.

JAMES MARTIN: Well, we have already listed that as a condition of approval, so if they don't adhere to it, then they'll be back.

GEORGE BRINKWART: Oh, okay.

JAMES MARTIN: Okay. So it will be open-ended as far as the timeline.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 5 yes with the following conditions:

1. Pending Town Engineer approval.
2. Applicant shall comply with Conservation Board comments, and consult with them about possible enhancements to the Greenway Trail frontage.

3. The applicant shall provide engineer certification to the Town Engineer and Commissioner of Public Works that the proposed parking area for roll-offs and trailers will withstand the wear and tear of tractor trailer parking and traversing.
4. Approximately 70 feet of additional paving will be added to the existing driveway.
5. A letter of agreement between 84 Lumber and Metalico regarding maintenance of the grassed area between the north property line of Metalico and the fence on the south side of 84 Lumber shall be provided to the Building Department.
6. Scottsville Road shall be kept clean and free of mud tracking from vehicles leaving the Metalico site.
7. The Greenway Trail shall be better delineated on the final site plan.
8. The special use permit is granted for the duration of this operation.

JAMES MARTIN: You're approved 5 to 0. Thank you for continuing, you know, confidence in Chili and having your business here and hopefully everything will continue to go well for you. I hope the scrap market comes back up.

JOHN NOWICKI: Just one word of caution, I wanted to say this weekend they're calling for huge rain storms, so you might want to watch Scottsville Road.

DARIO MARCHIONI: Kip (Finley), I just want to say, you did a great job.

There was a recess in the meeting from 8:06 to 8:11 p.m.

FOR DISCUSSION:

1. The Hunter Group - for proposed young adult recreation center in portion of building at property located at 1220 Scottsville Road in G.B. zone.

John Magar and Geoffrey Alan were present to represent the application.

MR. MAGAR: Good evening, ladies and gentlemen. John Magar, and thank you for the opportunity to present my program.

What we're requesting here is the alcohol-free, um, dance recreation club that is located over at Scottsville Road, 1220 Scottsville Road, the former -- former site of the gym, if you're familiar with it.

This is the, um -- this is the site plan. This -- this yellow is the -- is the proposed building on the end of this plaza (indicating). And the parking is, um -- there is a -- parking for like 532 vehicles. There is plenty of room for parking.

One of the concerns was -- was traffic flow. As far as the kids to get into here. The -- this is Scottsville Road (indicating).

This is going to be a membership. A membership only for this club. And the reason being is that -- it addressed the thing a few years ago in Henrietta. They had a problem with the, um, undesirables coming -- coming in and just storming the place, and there was -- it was way over occupancy and so forth. This was over behind Outback Steak, the old Gold Circle store. It was short-lived because of the fact -- because this happened. There was controversy with the Town, and because nothing was controlled, the security was not -- was not taken care of. So I want to address this, because of the fact that this is not going to happen here because of the membership only.

So the -- the traffic pattern for people to come into this is -- this is Scottsville Road. If they come in, in here (indicating), the -- there would be a security here (indicating). If you don't have a membership card, these -- these represent cones (indicating). This blue line (indicating), they pull in here (indicating) and go right back out Scottsville Road. They give them a membership application to go home and fill out. They have to be a member.

If they are a member, they would go straight in here for all of the parking facilities and so forth. So right at Scottsville Road, right at the entrance there they will decide if they're going to leave or if they come. There will be no loitering or people hanging out in the parking lot or whatever the case will be.

Okay?

The -- the other issue is, because of the -- because it is a membership, the application, you will have to be screened, a criminal background check. There will be -- we speak to the guidance counselors at the school and so forth to make sure that they are credible, um -- good representation for this club and a good person to be in there.

Because of the fact that this is the -- a lot of companies -- a lot of places have been in business and out of business because of the problem with the facts of the fights and so on and so forth. That is why we're addressing this right up front, because this is an issue that we do not want to have a problem with.

Now, as far as security, that is what the green spots are. The security people that will be stationed on the outside area of the parking lot, we have parking here (indicating) a person here (indicating), here (indicating) and over here (indicating).

They all got communications with radios and so forth and visual. The radios is very important because of the fact that the entire -- all of the people in the outside -- we figure there are like eight security that will be stationed outside.

And the -- here, again, controlling the -- controlling any issues, but here again, remember these will be members that are going to be in the parking area. And not just people off the street.

The -- this is the -- you have -- you have this in your package (indicating).

For the -- that facility, to the inside, this is conceptual of it. The -- the main entrance will be here (indicating). Lobby and so forth and security. These green dots here (indicating) again are security. They're stationed inside the building.

This is the lobby area with the snack bar area here (indicating). Coat check and a viewing room. I will touch base on viewing room in a second but as far as security, they will be stationed throughout the facility. Permit stations here (indicating). This is a floating security (indicating), so they will be moving throughout the, um, facility, paying attention to make sure everybody is paying attention to everything, too, at their stations.

This one will have six stationary security and one floating. Here again, security is important. Even with members, you're going to get -- kids are kids. They're going to -- they're -- there are going to be fights, okay? And we have a strict policy as far as the fighting. Any confrontations that -- that they will have the security -- the security will be in complete control as far as if they're going to lose their membership. We'll give them one warning, depending on the incident and so forth, but this will be in the membership package that they will know we will not tolerate any fighting behavior and so on and so forth. We want this to be a safe -- create an environment for the kids to come and to hang out. It will be a great place for them to go. The parents will be satisfied that it is a well secure facility. That they know that the kids can come here and -- and have a safe, great time.

Come back to the viewing room. The viewing room is available for membership -- members' parents. And the reason being is, the parents from -- from what I found as far as focus groups, parents are concerned they're not -- they're -- they're concerned for their kids' safety. If they're going to go someplace -- they feel secure movies are good, so they let them go to movies. We want them to be able to have the security, knowing that, um, the -- that they can come and view this.

Now the viewing area, the viewing room is for -- if your child is a member, you will show ID and so forth. If they're a valid member, you can come in. This will be close circuit TV. They can come and watch the close circuit TV. There will be cameras throughout. The parents will not be able to go into the -- into the facility, but they can view it on close circuit TV, so they know their kids are in a safe environment. There is security, that we're doing a great job, you know, with their kids. Because that is huge, with trust. That they know that their kids are having a good time.

As far as the, um -- this is like a lounge -- the -- I'm sorry, the game room. We'll have the games in here, some pool tables. A lounge area here it (indicating). There will be a lounge here (indicating). This is the soda bar (indicating). Of course, the big dance floor (indicating). The DJ booth will be here (indicating). And some seating along here (indicating). This will be a lounge area, we believe.

These walls will be half-walls. This will all be open, because of the fact that -- the security has to be able to visually see everything that is going on throughout the facility. So these here (indicating) are not to the ceiling. Half-walls, that will be open. So, you know, at all times it can be observed.

And the other thing I wanted to address was as far as the occupancy level, we're looking like -- like 650 to 800 kids at a time. This depends on the -- on the Fire Marshal who would give the last approval as far as the numbers and so forth, but that is the number ranges that we're looking at.

As far as parking, like I say, there is 532 spots for -- 632 spots for the parking, and the -- the -- a lot of these kids will be coming together. You know, two, three, four kids at a time, because obviously they will car pool and save money and gas and so forth and have drivers. So it is not like one person -- each person will have a car. Especially with the younger ones, they won't have vehicles. The parents will be dropping them off or neighbors or whatever.

Guests. Okay. In the -- the other concern was like if you're a member, how many guests are going to be allowed per -- per member, because of the fact if a friend is in town or a friend is not a member and they want to bring them in or so forth. We'll allow one guest per member, and we'll get ID from them, and they will get -- the member will be responsible for their guest. And here again, this is very important that we keep, you know, keep it as a safe, healthy environment for the -- for -- for our clients.

Okay. Covered everything? Okay. Okay. Questions? No, good. (Laughter.)

JAMES MARTIN: We're not done with you.

My comments are going to be relatively short. Okay. I have a prepared document here that was generated from when Geoff (Alan) came in to the DRC and subsequent conversations we have had after the -- you know, the formal presentation at the DRC.

JAMES MARTIN: As far as I'm concerned, I'm going to give you a copy of this. And I think before I would get into any serious consideration or discussion of this particular application, I think we need to have a very comprehensive response to this list.

MR. MAGAR: Okay.

JAMES MARTIN: You have covered a couple of items that are on that list, but not very many that are on that list. My feeling is that there are a lot of issues that we're going to have to deal with. There is no question in my mind about that. The mixing of, you know -- I know your age range is early teens to up to 20, you know, the predrinking legal age.

MR. MAGAR: Right.

JAMES MARTIN: You know, it is -- sure, traffic going in will come, onesie, twosie, threesie, foursies, but letting 650 people out at midnight, that is going to be an issue. I mean, those are the things that we really need to understand as to how this operation is going to function from the standpoint of, you know, your plan, I guess.

So I think everybody on the Board has hopefully seen that list that was generated. If there is anything else that you have thought of, all right, in addition to the questions that are on there, then I will go to the Board at this time. But I think it is a very comprehensive list, and in all seriousness, we're going to need to have some pretty good answers to those questions.

STEVE HENDERSHOTT: This is preliminary.

JAMES MARTIN: This is just discussion.

STEVE HENDERSHOTT: The -- I do have a few questions. What are the range of ages that are going to be allowed to be members in here? From youngest to oldest?

MR. MAGAR: We have -- about 13 to 20 is going to be the age range. We're shooting for. Friday nights like 13 to 16, and Saturday nights will be 16 to 20.

STEVE HENDERSHOTT: I see. Okay. How does one become a member?

MR. MAGAR: An application that they fill out, and we, in house, review it and we check the references, check background checks and so forth, and that's how they become a member. They will have all picture IDs, and it will be a swipe strip on their card. There will be a thing when they come.

STEVE HENDERSHOTT: Cost for membership?

MR. MAGAR: \$25.

STEVE HENDERSHOTT: What is the -- of the space -- I'm familiar where it is, but I haven't actually been inside of it, or at least in many years. What is the total square footage of the space you want to occupy?

MR. MAGAR: About 10,000.

STEVE HENDERSHOTT: That's all I have.

JOHN NOWICKI: Just one, because there is a lot to go that is going to be coming up, but once the young person gets inside, I -- are they paying for each one of these activities separately?

MR. MAGAR: Oh, no. One admission in. That is for the dancing and the -- the -- the pool tables, for example, will have the -- the quarter slots. Yes, they have to pay for the pool games.

JOHN NOWICKI: Coin-operated?

MR. MAGAR: Yes.

JOHN NOWICKI: But they can go on the dance floor for no charge?

MR. MAGAR: Lounge areas, yes.

JOHN NOWICKI: Soda bar is a charge?

MR. MAGAR: Yes.

JOHN NOWICKI: Check the coats free or not?

MR. MAGAR: Dollar fee for the coat check. The reason being we have to have an attendant there for that because if they need something out of their purse or coat, they need to bring it over to them.

JOHN NOWICKI: The snack bar, of course, that is cash?

MR. MAGAR: Yes, sir.

JOHN NOWICKI: Where did you say you had an operation similar to this before?

MR. MAGAR: I had one in Canandaigua, back in the '80s. And it was a very -- it was a successful operation, under age for years. It worked out very well.

JOHN NOWICKI: Same age group?

MR. MAGAR: Yes.

JOHN NOWICKI: Early teens to 20?

MR. MAGAR: Yes. Alcohol-free.

JOHN NOWICKI: Well, that's a start. Again, a lot more coming up.

GEORGE BRINKWART: It's a very good comprehensive list of questions that DRC put together.

Talk briefly about the membership fee. You said it was \$25. Is there an additional fee for the night?

MR. MAGAR: Yes. Between 10 and \$12 is what it would be for a night. And the -- the -- being a membership and paying that fee, we have to put a -- some value to it, because obviously if somebody gets something for nothing, there isn't much to it, but if you're a member, there will be perks and so forth that are going to be, um, available. The more often you can come, the more benefits you have. You can reserve a lounge area for you and your friends and so forth. Give-aways, we'll be having and contests and stuff.

GEORGE BRINKWART: Do you plan on having any activities outside during the summer?

MR. MAGAR: Outside, no. Everything is inside.

GEORGE BRINKWART: Everything inside.

MR. MAGAR: Right.

GEORGE BRINKWART: You talked briefly earlier about the manned -- you come into the facility off of Scottsville Road and there will be some sort of a manned station where they check the ID or the --

MR. MAGAR: To see if you're a member, yes. That was -- that was here (indicating). So if you're a member, you can come in and go to parking. If you're not a member, these -- these are coned off (indicating). You will be squared out here and go back out on Scottsville Road and leave the facility.

GEORGE BRINKWART: About how many people, security, and those kinds of people will be outside, in the outside area?

MR. MAGAR: These are all of the green things. Eight. We figure eight security stations outside, with the parking lots and the front and so forth. We're also going to employ off-duty police officers, especially -- one outside and one will be inside. Because if there is ever -- I mean, they -- they're -- they're very influential, these kids, if there is a -- if there is a police officer on site. And I think the parents will like that, too. You know, knowing that they will have a secure...

GEORGE BRINKWART: That's all I have for right now.

JAMES MARTIN: Anything, Dario (Marchioni)?

DARIO MARCHIONI: Yes. We're -- we're basically talking about school kids, right?

MR. MAGAR: Yes, sir.

DARIO MARCHIONI: In other words, high school, right up to high school.

MR. MAGAR: And college kids. A lot of college are under 20.

DARIO MARCHIONI: Under 20, if they're smart enough.

MR. MAGAR: Yeah, right.

DARIO MARCHIONI: Okay. Is this seasonal or all year long?

MR. MAGAR: All year long.

DARIO MARCHIONI: The whole year, right?

MR. MAGAR: Yeah.

DARIO MARCHIONI: The hours basically, I don't know if you mentioned the hours of operation?

MR. MAGAR: We're looking like on Friday night -- you see -- it depends. It will be determined on our clientele, what they want, but right now from the focus groups we been talking about, 8 to 1 on a Friday night and 8 to 2 on Saturdays.

DARIO MARCHIONI: Every day of the week, too?

MR. MAGAR: No. Just weekends. And like during the -- during the week -- if there is a special event -- let's say for example the kids have off of school for -- for a Monday for, um, Columbus Day, for example. We would offer a Sunday night also, because they have no school the next day.

Then during the summer, there is no school, we might do like a Wednesday or something during the summer. It depends on what, um -- what they want.

DARIO MARCHIONI: So basically you're saying Friday night, Saturday night and also Sunday night?

MR. MAGAR: For sure. Only Sunday night if there is no school on Monday.

DARIO MARCHIONI: Basically Friday and Saturday night?

MR. MAGAR: Friday and Saturday for sure.

DARIO MARCHIONI: And holidays.

That is during school time. How about when there is no school?

MR. MAGAR: Still Friday and Saturday and maybe one night during the week, like we had, once a month, twice a month. Depends on the demand. If they have other things to do in the summertime and there wouldn't be demand for it, we won't do it. Won't be economically feasible.

DARIO MARCHIONI: You're talking about a lot of kids here. Where is your -- in other words, where are you going to get these kids from? What is your prediction that -- how many kids are around that area, or -- in other words, where will you get your clientele from basically? You have done a study on this, right?

MR. MAGAR: The clientele we have researched that are in schools for these ages and so forth, the outlying. Outside the City of Rochester is -- is the research we have done. We're looking like between 14 to 15,000, um, kids, that -- as far as, you know, Canandaigua, Batavia, because of the fact we're not that far away. They will drive, because there is no other place. There is no other place for them to go. And they know -- it is like 45 minutes from Canandaigua. It is 35 minutes from Batavia but like Penfield, Perinton, the west, the Gates, Greece, and all of those is where they are coming from. Those are their numbers and that is our focus group.

DARIO MARCHIONI: The city, too.

MR. MAGAR: The city, yes, but where the kids -- that is just the research we did, for the numbers for those towns. Without the city. Without the city kids.

DARIO MARCHIONI: Okay. So if it -- if you're saying there's a 13-year-old kid coming in, right? I mean, they're dropped off, right? Or are they dropped off in the front, or the parking lot? How are they dropped off?

MR. MAGAR: They're dropped off -- this would be the entrance right here in front where this is (indicating). If they're a member they come in, the parents drop them off and they go right in the facility right here (indicating). Right at the front door.

DARIO MARCHIONI: They're dropped off. How about picking up?

MR. MAGAR: Picking up? This is going to -- for example, for pickup, this will be an

exit -- at the end of the night, not the entrance. This will be an exit, this will be an exit and this will be an exit from all of the parking area, so there is a lot -- like your concern about the -- about everybody leaving at one time.

If they're going to be picked up if they're under age and so forth, this here is an area that the kid can call -- say for example the parent is out here (indicating). They call them on a cell phone and say, "Okay. I'm out here on the side of the building."

We'll put numbers like along the side so if they're at -- at Spot 7, for example, the -- the -- there is -- there is two exits along here (indicating). They need to come out the front or the side and they come over to Spot 7. That is where the parents will be.

DARIO MARCHIONI: That is the staging area for the pickup?

MR. MAGAR: Especially for the younger ones. If you're picking up people, it works out well because they don't have to go back in the parking lot to get a car.

DARIO MARCHIONI: A 13-year-old kid is still a kid.

MR. MAGAR: This is the nice part of -- about it. Because they can have the contact, and they know they'll be out here and their security will be out here. It is well lit up. Lights along along the building and so forth. It's a good -- it's a good site. It really is.

DARIO MARCHIONI: And basically the -- you're saying that the kids, 13, 14, 15, until 2 o'clock in the morning, 1 o'clock in the morning they will be --

MR. MAGAR: We'll be open. But -- but when the parents decide that -- how late the kids can stay --

DARIO MARCHIONI: Okay. The -- the -- the parents will decide the time they drop the kids and when they pick them up.

MR. MAGAR: Oh, yeah. There -- it is not our -- we'll be open so if there is 16-year-old parents -- or parents of 16-year-olds say they can stay there until 1:00, okay. Obviously the younger ones won't allow that. I would hope not.

DARIO MARCHIONI: So -- and also coming to this, this event, you can come from what time to come into this event?

MR. MAGAR: We'll open at 8 o'clock so you can come in.

DARIO MARCHIONI: So somebody can come in at 9:00, though?

MR. MAGAR: Yes.

DARIO MARCHIONI: Or 10:00, too.

MR. MAGAR: Yes, sir.

DARIO MARCHIONI: So it's not all at one particular time? They're not coming in at one time?

MR. MAGAR: No.

DARIO MARCHIONI: Start from 8, to 10, 11, and somewhere they have to stop coming in, right?

MR. MAGAR: That is why this is going to be the entrance, and this will be the thing -- this is the exit. You know, after 11 o'clock or whatever the case may be, when they come in, now this is all -- these are all exits because nobody will be coming in except for the parents coming in to pick up the kids.

DARIO MARCHIONI: Okay. So I see -- but the music is on all night, so they can come and out whenever they want. Okay. Well -- okay. I will let somebody else ask the questions. Thank you very much.

MR. MAGAR: Thank you.

JOHN NOWICKI: Is there smoking allowed inside this building?

MR. MAGAR: No. No alcohol, no drugs. Everything -- the security at this -- at the entrance -- here. In the lobby, when you come into the area here, this is where the security is, and this will be people that will -- that will have a wand to check for, um, metal for weapons. Um, alcohol, drugs, purses will be searched by a woman to -- like we did before, to make sure there is no -- nothing coming in that is -- that is illegal.

And -- and this is how we have to keep it safe. Very, very important, because of the fact -- plus the membership, it will be good. These kids are -- they're -- they're not the -- they're not the gangs. They're not the hoodlums. They're not the thugs, people. This is what we don't want. That is what happened in Henrietta. That is what we're eliminating by having the membership.

JOHN NOWICKI: So you have the membership fee plus the fee there during the night. They pay \$25 up front and then they go -- when they go, they pay another 10 or 12 bucks.

MR. MAGAR: But 25 is initial, just for the one time. Because that pays for processing the paperwork and the background checks and so forth and the calls to the guidance counselor.

JOHN NOWICKI: They pay 10 to 12 bucks to get in, and whatever they want to spend inside is up to them?

MR. MAGAR: That's correct.

GEORGE BRINKWART: The facility in Canandaigua, is that still in operation?

MR. MAGAR: No. That was back in the '80s.

GEORGE BRINKWART: How long did that operate?

MR. MAGAR: Oh, had that probably five years.

KEITH O'TOOLE: Couple of questions. You -- you mentioned you operated a facility in Canandaigua. Was that the city or the Town?

MR. MAGAR: City.

KEITH O'TOOLE: What was the address of that?

MR. MAGAR: Oh. Lake Shore -- Lake Shore Boulevard, but I don't know the number. I don't remember it.

JAMES MARTIN: Did it have a name?

MR. MAGAR: Yes. It was Generations. It was -- it was Starlighter before that, and the person I purchased it from had it -- it was in operation as -- under -- you know non-alcoholic club before I purchased it.

KEITH O'TOOLE: Why did you shut it down?

MR. MAGAR: Because Pandemonium opened up in Rochester, in Henrietta. If you remember that one, it was over on -- it is in here, on -- over by the Fairgrounds and they opened that up, and because of the fact it was new and everything, kids all went from Canandaigua to Henrietta, because of a brand new facility, they wanted to check it out, so business -- business diminished.

KEITH O'TOOLE: Did you operate the facility under your name, your business name?

MR. MAGAR: It was a corporation.

KEITH O'TOOLE: What is the name of the corporation?

MR. MAGAR: It was Starlighter -- it was Starlighter Corporation.

KEITH O'TOOLE: What is the name of the current corporation?

MR. MAGAR: This -- this corporation will be formed for this particular one.

KEITH O'TOOLE: For profit, not for profit?

MR. MAGAR: For profit.

KEITH O'TOOLE: Nothing further at this time. Thank you.

JAMES MARTIN: Thank you.

BRAD GROVER: You talk about the traffic coming in off of Scottsville. I was just wondering how the traffic would be backing up on Scottsville. I could see that happening with everybody trying to get into this location. You know, you could have 10, 15 cars waiting to make the turn into it as they're being checked in at that point.

Also, looking at -- if I'm looking at the right -- Air Park Drive, the side road, did you have security on that? It looks like they could come into the back way on that.

MR. MAGAR: He is talking about this here (indicating). No. That would be blocked off because of the fact that, um -- remember there is no businesses -- there is no operation, nothing going on here at night. So this would be roped off, so they can only enter here (indicating). We have security at these entrances and so forth. You know, we're not -- we didn't figure security down here (indicating) because this is the fact where the sign would be, this is where the club is, and -- but that is a good question. This would be (indicating) blocked off so --

BRAD GROVER: I could see them coming in the back way, sneaking in to get into it.

MR. MAGAR: Right. No. That is not the case.

BRAD GROVER: No further questions.

JAMES MARTIN: Anything else from the Board? Okay.

Thank you for the presentation.

MR. MAGAR: Thanks for the list.

JAMES MARTIN: You have some homework to do.

James Martin announced he would adjourn the meeting. A gentleman indicated he had something to add to the presentation.

MR. ALAN: We're Geoffrey Alan Associates. We're representing the -- I will probably speak louder this way. We're representing the landlord, or the owners of the building. So we're kind of in the same boat you guys are, little trepidation with this whole operation. However, if you look outside the box a little bit, I think that is what the company that owns this did.

You're looking at some jobs here. Not only from the standpoint of their activity, but we have the Mobil station that was very depressed about the gym going out of business. Sal's Birdland. We're concerned about security, concerned about the trash after the fact.

So we're in the same boat as you guys are, making sure that this thing goes forward in the proper way.

But the landlords are the -- the owners are committed to looking at the property, looking to go forward a little bit and Mr. -- or John Magar and his people are successful businessmen. He has hired a person who is a consultant to him. So this is not a fly-by-night. It's a fair -- a fair amount of investment in this business, too. So that is all I have, Jim (Martin), at this point.

Thank you very much.

JAMES MARTIN: Okay.

The meeting was adjourned at 8:41 p.m.