

CHILI PLANNING BOARD  
March 11, 2008

A meeting of the Chili Planning Board was held on March 11, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

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

PUBLIC HEARINGS:

1. Application of Omni Point Communications, c/o Hiscock & Barclay, 300 South State Street, 1 Park Place, Syracuse, New York 13202, property owner: D. Mayer & R. Boychuk; for resubdivision approval of Lots 1 and 2 of the Mayer Boychuk Subdivision at properties located at 2914 Chili Avenue and 140 Fenton Road in R-1-12 zone.

JAMES MARTIN: Before we move ahead with this, I would like to state that this application has nothing to do with the cell tower application that was previously brought before this Board. This is simply a resubdivision of property on the parcel, and therefore, if there is anybody here who is thinking that we're going to have a Public Hearing on a cell tower application tonight, that is not the case. This is a resubdivision of a parcel of property.

Matt Kerwin and Daniel Mayer were present to represent the application.

MR. KERWIN: Matt Kerwin with Hiscock & Barclay, here on behalf of Omni Point Communications and the property owner, Daniel Mayer. As you know, we're in preliminary discussions with the Board about our underlying proposal to place a cell tower somewhere in the Town and this property came up as one of the candidates. During the course of the discussions with the Board and with other Town officials it came to our attention that the property was not of the proper size. There is two parcels currently now. One of them is only 2.2 acres. We were advised that that smaller parcel needs to be at least five acres, based on the use that is currently there now.

So with that, I will get into what we have got here. We have prepared a subdivision survey, which I believe all of you have. I can pull this up and show you what we have done.

Can everybody see that? What we have is the large parcel right here (indicating). Essentially two parcels. The smaller of the two is this parcel right here (indicating). This is approximately 2.2 acres. As you can see, there is a barn with a fenced area for horses, the existing house, as well as a shed. The shed is currently not on that parcel. That was an issue that was raised by the Town that needed to be corrected. The larger parcel is this parcel right here (indicating), which is approximately 25.6 acres.

What we have done to essentially -- essentially we have a lot line adjustment. We're trying to shift the lot line to give proper acreage to this parcel (indicating) while retaining this parcel (indicating). Obviously because of the wetlands on the site and the presence of two easements here (indicating) and here (indicating), we wanted to keep these easements on the same parcel as opposed to having them traverse multiple parcels, which would require an amendment of the easements. So we have drawn the lot line like this (indicating). If it comes up kind of at an angle and shoots down to the corner here (indicating), this also preserves access from Chili Ave. If we had drawn the line straight across here (indicating), it would have cut off access from the upper parcel to Chili Ave as well as created issues with the existing easements. So we think we have addressed the concerns that were raised with us by preserving these easements, enlarging this parcel here (indicating), containing all of the elements and structures on this parcel into one parcel as well as, you know, providing access to the retaining -- the remaining larger parcel. So what we're left with is a proposed Lot R1 of approximately 22.6 acres and a proposed Lot R2 of 5 acres.

So with that, I will answer any questions you have.

JIM POWERS: You presently have horses on that property?

MR. KERWIN: My understanding is that Mr. Mayer currently owns horses and this house and the barn is the fenced area here (indicating). That is the reason we needed to have the parcel

enlarged to 5 acres to accommodate the use.

JIM POWERS: So the horses are being used down there illegally then?

MR. KERWIN: That is my understanding.

JIM POWERS: That is the need for the 5 acres?

MR. KERWIN: Yes.

JIM POWERS: Will they use the entire 5 acres to ride the horses on or board the horses on?

MR. KERWIN: I don't know. I honestly can't answer that.

JOHN NOWICKI: I got some questions here. Can you explain to me why this application is under the name Omni Point rather than under Mr. Mayer? Why is it under Omni Point?

MR. KERWIN: Sure. We entered into a lease with the property owner, Mr. Mayer, with the purpose of pursuing a proposed cell tower with this location. As was discussed, we're not before the Board for that, but as our lease provides, we're required to obtain any necessary municipal approvals to proceed with our proposed tower, wherever that may be. But with respect to this property, we're obligated to appear before your Board and retain the required approvals. As was advised to us, obtaining this subdivision is the first thing we need to do because the property is not in compliance right now. As Chairman mentioned, this has nothing to do with the subdivision. We're currently considering other parcels. We're not even sure if this parcel is where we'll end up eventually, but we signed a lease with the landowner. We're obligated under the lease to acquire the approvals before we proceed with any proposed plans we have for placing a telecommunications tower.

JOHN NOWICKI: Short-term lease?

MR. KERWIN: It is a short-term lease.

JOHN NOWICKI: Have you been made aware of some of the comments made in regard to this site in regard to federal wetlands and other issues?

MR. KERWIN: I have. I have seen those letters. Obviously any development work that occurs on this property will have to comply with wetlands delineation requirements from both the DEC and EPA. We're well aware of that. If we proceed with this site, we'll take those into consideration and address them in the manner they require.

GEORGE BRINKWART: The shed that is on there, is that existing? I think you mentioned that before. I didn't hear you.

MR. KERWIN: It is an existing shed. As you can see from the dotted line that runs north to south, it was not on the original 2.2-acre parcel. The side purpose of this enlargement of the parcel is to enclose not only the shed, but the house and the barn and the fenced area on the same parcel rather than having them crossing separate lot lines.

GEORGE BRINKWART: You're having the parcels being currently delineated for wetlands; is that true?

MR. KERWIN: I don't know if that is a requirement for -- I believe that was just a comment for any future development or land disturbance. We don't intend to disturb the land at this point. There may be delineations ongoing right now that I'm not aware of. One for the purposes of this application, um, I don't know if that is a requirement. I...

JAMES MARTIN: We do have a comment from Mr. Karelus that a wetland biologist has completed, all right, a wetland delineation.

MR. KERWIN: I couldn't hear you.

JAMES MARTIN: I'm sorry. We have a comment from our Building Department Manager that a wetlands delineation has been completed by a wetland biologist on the site. So...

CHRIS KARELUS: If I could?

JAMES MARTIN: Yes, go ahead.

CHRIS KARELUS: The wetland delineation was done by DEA Resources in 1999 as part of this project. If the Board sees fit to grant the subdivision, we're going to ask for the Army Corps of Engineers and the State DEC give us letters that they concur with the delineation as provided in '99. In other words, we're eight years detached from when the delineation was done, but the mapping is done per that delineation. So we're just going to ask that happens before the Town signs off on the plans, if we get those letters of concurrence back from the State.

JAMES MARTIN: Okay. Thank you for the clarification.

GEORGE BRINKWART: Have you taken a look at the County Comments?

MR. KERWIN: The -- I don't know if I have seen the County Comments.

GEORGE BRINKWART: There was a comment there on the archaeological sensitivity of the parcel. Have you had a chance to address that?

MR. KERWIN: Oh, you know what, I'm sorry, I did see that. As I said, we're not -- we won't be disturbing the property. This is simply a lot line alteration, move the lot line to make that not-conforming parcel conforming based on the use that occurs there now. If we decide to proceed with any telecommunications application for this larger parcel, we'll -- and -- and any land disturbances will occur as a result, we'll obviously take those comments into consideration and address them accordingly. But right now I don't see any need to --

JAMES MARTIN: There is no construction planned.

MR. KERWIN: Exactly.

GEORGE BRINKWART: Thank you. No questions.

JIM POWERS: You made a comment that you were looking elsewhere for another possible site other than here on Fenton Road.

MR. KERWIN: We have other candidates we're considering, and we're still in the midst of evaluating those candidate sites and determining which site we would like to pursue. This is one

of them. There are others in the town. We haven't made a decision yet.

JIM POWERS: The other sites are in the Town of Chili?

MR. KERWIN: Yes. Some of them are, some of them aren't.

JIM POWERS: You folks are preparing a study or a review to come back to this Board with, are they not, Jim (Martin)?

JAMES MARTIN: Yes. My understanding is that there has been an agreement reached that -- on the cell tower portion, all right, that the applicant will be funding the Town in order for us to have a consultant do an independent study of the need, location, all of the technical aspects associated with the cell tower application, which is really not under review at this time. So that will be happening in the future.

KEITH O'TOOLE: It would appear to me that inasmuch as this is part of a larger project and the applicant's name is -- says it all, really, that approving a subdivision at this point would be somewhat premature. Breaking an application into smaller parts is generally considered to be a violation of the SEQR regulations. You deal with it as one package. You deal with SEQR first and then, and only then, do you start handing out permits, whether it is subdivision, site plan, what have you.

JAMES MARTIN: So...

MR. KERWIN: As I said, if I can just -- if I can comment on that. As I said, this is simply the subdivision application. We're not -- although this would appear to be connected to what we're doing, it needs to be done if we're going to proceed with what we're trying to do and like to do down the road. But whether this happens at this site or some other site in the Town, we haven't made that determination yet. So I don't see any reason why this can't be -- I hesitate to use the word "regimented," but treated on its face for what it is, which is simply a lot line alteration. If we weren't here and the Town became aware of the size of this lot as it sits right now, Mr. Mayer would be in here requesting the same thing.

KAREN COX: But it would be him making the application. I mean the application would come in under his name.

JAMES MARTIN: Well, if I'm interpreting your comment correctly, we really cannot do a segmented SEQR on this.

KEITH O'TOOLE: That's correct. Segmentation is the issue.

JOHN NOWICKI: A question, Mr. Kerwin. If the applicant -- or if the owner, Mr. Mayer, was to come back in on his own, is that something that would be a different situation?

KEITH O'TOOLE: Scratching out the name on the application really doesn't change it. We have a cell tower application pending before the Board. We have a cell tower company's attorney standing in front of us. It is pretty clear that this is preparatory towards a cell tower construction permit. Even though they may be weighing their options and alternatives, the fact is they're here in furtherance of that.

JAMES MARTIN: Let me ask a question for clarification. If we were, by motion, to table this tonight pending the outcome of the cell tower application, would that be an appropriate course of action?

KEITH O'TOOLE: I think you have -- the concern is that the applicant has an application pending before us. Now, if they were to agree to table it, I would feel comfortable with that. In the alternative, if they want to treat it as one application, then I think we would continue forward with the SEQR process towards everything, cell tower, site plan, the whole shot. Leaving applications in limbo without the consent of the applicant is always risky.

JOHN NOWICKI: So now I -- I'm supposing this Board turns this application down, and then the property owner now is in non-compliance with the existing zoning codes. Does he get issued an order to appear back before the Board to get this cleared up?

KEITH O'TOOLE: I don't know that to be the case. I don't know what the history of the subdivision is. I don't know if it had some level of approval, whether it is preexisting, nonconforming or what the case is.

JOHN NOWICKI: Would it have to be researched then? If it was found to be noncompliant, he would have to be given a letter or something, he has to comply.

KEITH O'TOOLE: If the Town has the resources to dedicate towards that level of research. Generally speaking, our code enforcement plan relies on complaints. It's the burden of the property owner to stay in compliance. It is not our burden to turn over every stone to find out if there is some sort of technical violation of the law.

JOHN NOWICKI: Well, we know about it now.

JAMES MARTIN: If we look on the history, 8/28/07, Zoning Board denied the variance to allow two miniature horses on 2.2 acres. So the variance request was denied at that point.

JOHN NOWICKI: But no resubdivision.

KEITH O'TOOLE: Those are horses. Horses are a different issue.

JAMES MARTIN: I don't care if they're miniature or, you know, work horses. I mean, they were horses. And since the variance was denied in August of last year, and based on your comments -- there has never been any approval at any time for the property.

CHRIS KARELUS: Chairman Martin, if I could. The issue before the Building Department with the code enforcement would be a violation to the property. In essence, this map is righting or allowing them to hold the horses. If the two applications need to be heard concurrently, because of the applicant in question being on a different application in Town already, this subdivision pending approval would be enough, I guess, to keep them free from a violation.

Dan Mayer was approached -- Mr. Mayer was approached after the denial to bring his lot

into conformance or remove the horses from the property. It was an either/or scenario the Building Department posed to him. And this was the way that he addressed the letters.

JAMES MARTIN: So if it is denied, basically the horses go.

CHRIS KARELUS: We would have to take action if the denial of the subdivision did not allow at least 5 acres for his property.

KAREN COX: If the Building Department recommended that Mr. Mayer make his property come into conformance, I guess the question is why did he not come in front of us and, again, I understand it is just a different way of doing things, but if he was the one that was told the property is not in conformance, then he should be the one to come in and be getting the property into correct conformance, not the applicant that is here in front of us.

Now, whether it would be seen as a segmenting of the SEQR process, had he come in or not, that is a different story. But it seems to me that if he owns the property, he should be the one coming in to get it into conformance.

MR. KERWIN: If I could, we were approached by -- we got a letter from his attorneys asking us, and pointing to the lease we have with them as evidence of that or in support of his position that we act on his behalf and obtain these approvals. Personally, I don't see where getting the subdivision approval has any bearing on any proposed telecommunications application from Omni Point Communications.

KAREN COX: So your lease says any.

MR. KERWIN: Our lease required to obtain municipal approvals on his behalf connected with the subject of our lease. That being said, we agreed to take -- take on this matter for Mr. Mayer, come in and apply for this resubdivision lot line alteration. Essentially what we're doing is shifting the lot line to enlarge this parcel and bring his parcel into compliance based on the use he has got there now. I don't see where that has any bearing on any future or proposed telecommunications facility for the other parcel, which is currently in compliance, as far as we have been told. The issue is with the smaller parcel which is not in compliance and would not be the location of any proposed facility on our behalf.

GEORGE BRINKWART: So what we're saying basically is the owner read the fine print and realized he could have you do the work which he would normally have to contract someone else to do.

MR. KERWIN: Exactly. So again, I don't see where shifting the lot line to -- to bring in -- an additional 2.88 acres has any bearing on any proposed or future or anticipated application by our client for a telecommunications facility.

JAMES MARTIN: Well, we seem to have a difference of interpretation of the SEQR rules at this point.

KAREN COX: Seems it is kind of a back door way to have somebody get their nonconforming property into conformance at somebody else's expense, but I guess that is personal opinion.

JIM POWERS: Do we have in possession of the Town, a copy of the lease agreement they have with Boychuk Mayer? Now?

CHRIS KARELUS: I don't believe so.

JIM POWERS: Because then we could really dig in and see if, in fact, they can act as a representative, so to speak. Just a thought.

JAMES MARTIN: Keith (O'Toole), you know, if you were to review the lease, make a determination on whether or not this procedure is not segmenting the SEQR process, or whether you still in your legal opinion feel it is segmenting the SEQR process, you know, if we were to table it pending, you know, those legal opinions, and then, you know, essentially make a final determination for the next meeting, is that something that is appropriate at this point?

KEITH O'TOOLE: Not really. The lease is irrelevant. Whatever arrangement they have between themselves doesn't change the greater issue here.

DARIO MARCHIONI: Do I understand correctly if we table the Omni application, then it changes the whole case here? In other words, would it be strictly -- this whole parcel would be strictly going back to the owner's realm of responsibility?

MR. KERWIN: Well, again, I don't -- the way it was described to us is this smaller parcel is not in compliance based on the use that exists there now. It needs to be brought into compliance. Has there been a determination by the Town that we can't proceed with any proposed application for the other parcel if this second parcel, smaller parcel is not brought into compliance? They're separate parcels -- again, we're here on behalf of the property owner with the lease we have with them, and as a courtesy with them to help him bring his property into compliance because we may be pursuing something on the adjacent parcel. That is all we're doing. Obviously we have an interest in keeping him happy, but again, these are separate matters. If he were to come in by himself, if the Building Department became aware of the situation as it exists right now, he would be in here by himself, separate and apart from anything we would be doing down the road. So again, I don't see where these are connected. I appreciate Counsel's opinion, but I think these are separate matters. I don't think segmentation is an issue here.

JOHN NOWICKI: You mentioned the fact before he has his own attorney, Mr. Mayer.

MR. KERWIN: We have a letter in our file from his attorneys pointing to a section of the lease.

JOHN NOWICKI: It would make a lot more sense, because he knew he was not in compliance with that piece of land to have those horses there, that he should be standing there either by himself or with his attorney, and his name on the application and not yours. That is my

bottom line, period.

DARIO MARCHIONI: I understand it is a SEQR that is the stumbling block here.

MR. KERWIN: I don't believe it is.

DARIO MARCHIONI: You have two applications here, yours and his. We have to do a SEQR determination, unless we do -- combine it.

MR. KERWIN: As I mentioned, this has no bearing on any proposed development of the adjacent parcel.

GEORGE BRINKWART: If I remember the plans for the tower, physically, the subdivision of the land doesn't affect the location of what they have proposed anyway, right?

JAMES MARTIN: That's true, but -- is there any more advise you would like to give us at this point?

KEITH O'TOOLE: No, Mr. Chairman.

JAMES MARTIN: Well, let's -- you know, I don't know if we should move forward at this point or not. If you're giving us an opinion as Town Attorney that this is what, potential segmenting of the SEQR process, which we can not do legally, then I don't know how we can move ahead with this application at this point.

DARIO MARCHIONI: That is unless he tables -- the Omni's application.

JAMES MARTIN: Well, that would not be appropriate either.

MR. KERWIN: Again, I don't see what shifting the lot line a couple hundred feet -- I don't see how that has any bearing on any proposed development. Again -- as the Board member just said, our proposed -- I don't have the plans. I'm filling in for my colleague. I apologize, I don't have all of the details. The proposed tower was on this larger parcel. Again, the original parcel stopped right here (indicating). We're redrawing the lot line over here (indicating). It will have no bearing on any proposed or future development of this parcel for a telecommunications facility, if we decide to pursue this site. We're simply redrawing the lot line as a courtesy to Mr. Mayer based on the lease we have with him for the other parcel to enlarge the property and bring it into compliance with the code, based on the advice we got from the Building Department. I don't see where enlarging that parcel has any bearing on the proposed development down the road. It is simply a lot line alteration to bring the property into compliance on the current use.

JAMES MARTIN: I will recess for about five minutes for a session with our Town Attorney on an attorney/client privilege, the whole Board, please.

There was a recess in the meeting from 7:34 p.m. to 7:44 p.m.

JAMES MARTIN: It has been brought to my attention several members of the audience have not been able to hear some of the presentation. I'm not sure about the comments from the Board, the side table, so I would request again that people speak up so everybody in the audience can hear the proceedings.

At this time I would like to make a motion with the client's agreement that this application before us be tabled pending future application that would encompass the entire parcel of property, and that is the motion that I would like to make at this point in time. Do I have a second on that motion to table this application pending that?

JIM POWERS: Second.

JAMES MARTIN: With the client's agreement?

MR. KERWIN: Table the application pending what now?

JAMES MARTIN: That in the future, if Omni Point moves ahead with the proposal on the entire site, okay, that this application would be part and parcel of that process or application at that time. The application before us tonight of the resubdivision would become part of that application. That we would table this tonight and pending that -- that future application.

MR. KERWIN: And if we decide not to table it?

JAMES MARTIN: If you don't agree to table it, then I think you know where that is going to go.

MR. KERWIN: On what basis, though?

JAMES MARTIN: On SEQR segmentation as a grounds.

MR. KERWIN: I guess we'll agree to table it then. I disagree with the Board's determination then.

JAMES MARTIN: The client has agreed to tabling. With the tabling, there will be no more Public Hearing tonight, so at this point in time I would like to move forward with the vote with the Board on tabling this application.

**DECISION:** Unanimously tabled by a vote of 6 yes to table and by agreement of the applicant. The Board indicated that moving ahead with this application in light of a previous appearance before this Board by Omni Point Communications requesting consideration for a cell tower location on the adjoining parcel could be construed as a segmented SEQR process.

- Application of Laura Patrick, owner; 109 Hampton Boulevard, Rochester, New York 14612 for preliminary site plan approval to erect a single-family dwelling at property located at 862 Brook Road in A.C. & FPO zone.

Dave Matt was present to represent the application.

MR. MATT: My name is Dave Matt from Schultz Associates. I'm here on behalf of the Patricks for this site plan on Brook Road. It's about 720 feet east of Humphrey Road, sorry, and it has a flag lot configuration. The lots are already existing, so it is just site plan. About 700 foot of flag lot. The driveway is already existing in there, along the flag lot and it turns east along the southern lot line there. The majority of that is already in.

What our clients are proposing to do is put in a single-family residential home up on the knoll in the southeast corner of this property, sit up on the knoll, and it will look out over the pond that is on the property also. The driveway, coming up along the side of the proposed building, and then with an end-load garage on the north side.

It will have a septic system. We had sandy soils out there. We tested that in June -- or July, sorry. We had some perks going at 3 minutes, some at 44 minutes. But we have sent that to the Health Department, and they are, so far, fine with the design.

We have also talked to the Water Authority. They're all set. We do have a proposed well on this site that will just serve a geothermal heating/cooling system. On your plan it says lawn irrigation, but the Water Authority wouldn't go for that, so it will be strictly for the geothermal, and it will say so on the plans.

The high point on this property is in the southeast. All of the water currently sheds towards the pond on the northeast. We'll keep that same configuration, swale around the house and the driveway. Along the southern side of the driveway, it will go along the driveway, and there is an existing catch basin that will shoot it north towards the pond.

Other than that, got some questions?

JAMES MARTIN: Okay. Are you in possession of the Town Engineer letter with the comments?

MR. MATT: Yes.

JAMES MARTIN: Would you go down through those, at least through Number 6?

MR. MATT: Okay. The first comment is to file a Notice of Intent for the DEC due to the fact that we're disturbing over 1 acre, and then submitting that to the Town Engineer, once it is filed. That's fine. No problem with that.

Second one is -- he asked us to consider providing a drop inlet or culvert along the driveway near the area where the existing and the proposed driveway meet now in order to push that water north on the other side of the driveway. What we'll have is a -- the driveway will essentially catch that water and direct it down to that catch basin that is already existing.

We have had conversation with the engineer and he seems okay with that.

KEN HURLEY: Yep.

MR. MATT: Number 3, consider relocating the northern flowing diversion ditch that goes along the driveway, and then along the septic system. We feel that that is a good or decent place to put a swale right there, and the Health Department is fine with that.

And Number 4, putting erosion control down grade of the foundation drain, easy enough.

File a petition with Town Clerk for a drainage district. We will do that. And put water service calculations on the plans. We have some on there. We'll add some more. We end up with approximately 41 psi at the house with a 2-inch water service line.

JAMES MARTIN: One of the comments that came out when we reviewed this at our preliminary meeting, you're a fair distance off the main road, okay? And again, this is a consideration only, but whether the applicant has considered the installation of a sprinkler system in the house for fire protection, since you are such a long distance off the road, it might be an advisable thing to do. But again, that is a recommendation, not a requirement, obviously.

JIM POWERS: I think that is a good idea. I think there's a hydrant up in front of the -- Les Frear's house, if I'm not mistaken, facing the driveway to the left.

MR. MATT: It's about 60 feet to the east of the driveway.

JIM POWERS: If you had a fire back there, that would be a lot of hose to lay down.

MR. MATT: It would be.

JIM POWERS: Of course you have the pond there.

MR. MATT: The pond is closer to the road.

JIM POWERS: Is this the knoll that is behind the hedgerow that runs parallel to Brook Road, the big line of trees?

MR. MATT: Correct. There is a knoll right in the nook of the hedgerow on the south side and the east side. He is putting the house up on the hill and looking out over the pond.

JIM POWERS: That is high enough so you don't get flooded out?

MR. MATT: It's about -- the basement will be about 12 feet above the flood plain.

JIM POWERS: Flood plain.

KAREN COX: Is that pond a natural-occurring pond?

MR. MATT: I do believe so, and I believe it is year round.

KAREN COX: The reason I'm asking is, I was looking at aerial photos of that area the other day, and not -- the boundaries that are on the parcel I'm looking at looked natural, but on the other side they looked really man-made.

MR. MATT: It does look like some additions were done to the pond. But originally it was an existing pond.

KAREN COX: Do you know if people -- you know, used boats on it, or --

JIM POWERS: Les Frear trains his dogs over there, I know, quite often.

MR. MATT: It's like a Labrador training pond.

KAREN COX: So the owners, the applicant understands the pond will be used by anybody



that --

MR. MATT: Applicant also owns dogs, so it's one of the highlights of the property.

KAREN COX: Okay. That was what I was wondering. Thanks.

JOHN NOWICKI: You're going to add that note about the sprinkler system on the drawings?

MR. MATT: Correct. Recommended sprinkler system.

JAMES MARTIN: I don't want to steal Chris Karelus' thunder, but there was a note under his comments, what testing has been done to determine water support for the proposed geothermal heating system and is this a plan for a primary secondary heating system for the house.

MR. PATRICK: We are intending to drill a well. We have gotten quotes, and if a well is not feasible, then we will not further pursue the geothermal system.

JAMES MARTIN: Okay. Thank you.

DARIO MARCHIONI: I wasn't present at the subdivision, but is there a permit out for this road cutting, for this existing driveway?

MR. MATT: I believe there is. Um, I wasn't part of that either, so...

MR. PATRICK: Yes, sir. That was granted to me four years ago for entrance to the property. We also own 56 acres behind that. We bought quite a bit of property from Mr. Frear, and that's our entrance to that property. We farm the back field. It's an agricultural entrance, and we have a building -- or we have a permit from Joe Carr from five years ago.

DARIO MARCHIONI: The other question I would like to ask, is there any consideration of black-topping a portion of that entrance to the property from the road in? The reason I'm asking that, because as you can see, when it's such a long stone driveway, it has a tendency to bring in stones to the main road and -- during the rainy times and other times. And that would be a way to kind of -- you know, to relieve the main road from stones or stuff that comes in from that huge, long road.

MR. PATRICK: Other driveways exist up and down Brook Road that are not paved, and at that time Mr. Carr told me that I did not need to pave that. We prefer not to pave it.

DARIO MARCHIONI: Because I have seen cases where such a long driveway does, you know, interfere with the main road traffic, in other words. All of the mud sticks to the tires and stones. Just -- just a thought. Okay. No other questions.

JIM POWERS: Are you going to pave any portion of the driveway from Brook Road back onto your property?

MR. PATRICK: No, sir. We have no intentions of doing that.

JIM POWERS: Not at all?

MR. PATRICK: No.

JAMES MARTIN: No paved apron at the road cut at all?

MR. PATRICK: No, sir. There is an existing driveway. Like I say, we were granted a -- a driveway permit four or five years ago, and Mr. Carr did not believe that we needed to pave that at that time when I drew the permit. That was discussed, and there was no need. I don't have the permit with me now, but it's registered obviously with the Town.

But no, we have no intention of paving any portion of that driveway.

JIM POWERS: Is your culvert pipe there now?

MR. PATRICK: Yes, there is.

JIM POWERS: What size is it?

MR. PATRICK: 12-inch.

CHRIS KARELUS: No additional comments.

KEN HURLEY: Addressing the comments that we gave, after that, we're fine with the plans.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

James Martin made a motion to close the Public Hearing, and John Nowicki seconded the motion. The Board was unanimously in favor of the motion to close the Public Hearing.

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

JAMES MARTIN: I would like to see them pave back from at least -- in the right-of-way

KAREN COX: No. You can't do that, Jim (Martin). You got -- he has a permit that Joe Carr issued. If it is within -- you know, if -- we can't make him pave the apron when all of the other people along the road don't have that same requirement. It would be nice if he took it upon himself to do that, but we can't require it. Unless it is a Town standard, and even then, since he has a permit that is still in place, you can't do it.

DARIO MARCHIONI: But aren't we approving a site plan? Site plan has site improvements.

KAREN COX: I'm not going to vote to -- to make somebody pave their apron when everybody along the road doesn't have it. If there was a problem with stones along the road, we'd hear about it from the Highway Superintendent.

JAMES MARTIN: It could be fair to ask the applicant to provide a copy --

KAREN COX: I agree, yes.

JAMES MARTIN: -- of the agreement that you got from Mr. Carr, all right, to the current Highway Superintendent, Mr. Lindsay, all right, for --

MR. PATRICK: Be very happy to.  
JAMES MARTIN: Could you do that?  
MR. PATRICK: I would be very happy to.

James Martin reviewed the proposed conditions with the Board.

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

JAMES MARTIN: They have paid a fee to waive final.

John Nowicki made a motion to waive final.

JAMES MARTIN: I'll second it.

The Board unanimously voted in favor of waiving final.

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

1. The applicant shall provide a copy of the Town of Chili road cut permit to the Highway Superintendent for verification that there is no requirement for paving of the juncture of the driveway with the Town road.

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

3. Application of Mr./Mrs. Philip Nicolosi, owner; 291 Chili Scottsville Road, Churchville, New York 14428 for preliminary subdivision approval with site plan of two lots to be known as Nicolosi Chili Scottsville Subdivision at properties located at 295 & 301 Chili Scottsville Road in PRD & FPO zone.

Rob Fitzgerald, Keith Nicolosi and Phil Nicolosi were present to represent the application.

MR. FITZGERALD: Rob Fitzgerald, project engineer with Avery Engineering, representing Linda Nicolosi tonight. Actually, the two parcels that are for discussion tonight are potentially to be built upon by their two boys, Keith and Phil, which are with me tonight if you have any questions for them.

Presently, there's two existing tax account numbers. They were never filed some time ago. I'm not sure how they got created, so we do have some issues there, but with this application, we're looking for subdivision approval, as well.

We did go in front of the Zoning Board of Appeals to ask for some relief for lot width as well as some front setback variances. It was minimal, around 15, 20 percent, I believe, from the code we're asking for.

And we did receive those variances.

But what they're looking to do is construct individual -- individual homes for their families. They will have a shared driveway, at least the portion that is in the State highway. That portion will be paved per State requirements.

The two houses will have modified raised fill septic systems. We do have a 100-year flood plain that just is to the west of our septics, and actually the -- some of the corners do cross that 100-year flood plain. As per the Health Department requirements, we do have our leech line inverts more than two feet above that base flood elevation, and I believe our basement elevation has been placed around 3.3 feet above that base flood elevation.

There are all of the public utilities, gas, electric and water that will service for the site.

A couple years ago we actually did get one of these lots approved for fill, and at that time, we did have a septic in the front of the lot. As going through the approval process for that, speaking with the Health Department, actually John Englert in particular said, "Rob, why are you doing septic in the front yard? You're kind of fighting grade."

We came to that conclusion, in fact, we were. So this seems to be a better layout. There is a fair amount of fill that will be brought onto the site, but I think with these two lots and how we have the common driveway, it will be raised there and it can taper to either property line and the drainage can get pushed to the back. So I think it is a much better plan with the two lots than even the one lot.

So tonight, um, as Planning Board Chair read, we're looking for hopefully subdivision and site plan approvals today.

JAMES MARTIN: I'm sure you had a copy of Lu Engineers' comments, Town Engineer comments. Would you go down through those, Rob (Fitzgerald), please?

MR. FITZGERALD: Sure. There is eight. I can go through them relatively quickly.

The first one, because we are disturbing more than an acre of land, we'll have to file a Notice of Intent. We do have a SWPPP, and actually it is already on the site plan itself.

Number 2, there is a concern with a 50 percent expansion area. This is a practice we have used with the Health Department for several years now.

As far as being non-typical, for us it is becoming more and more typical as a way -- what



we do is have 8 inch -- 8 feet between our leech lines. We have 10 feet. So if there is a replacement system or expansion, we can just use that same bed and just dig new leech lines in between the existing lot lines. If that is -- I'm sure that is fairly confusing, but that is very typical.

JAMES MARTIN: The Health Department is basically approving that design.

MR. FITZGERALD: Exactly. The roof and footer drains will be discharged to the back of the site. Um, there is a common swale on the -- the common property line, which will discharge to.

Water service calculations, we do do those. I think we provided them. Town Engineer was requesting we put them on the plans. We can certainly add those to the plan.

JAMES MARTIN: You skipped 4. Do you have an application in for the drainage district?

MR. FITZGERALD: Excuse me?

JAMES MARTIN: You skipped 4. Do you have an application pending for drainage district inclusion?

MR. FITZGERALD: Yes. I'm quite sure that paperwork was submitted.

JAMES MARTIN: One way or the other, it is going to have to be done.

MR. FITZGERALD: I think it has been submitted. If it hasn't, we'll make sure it is.

JAMES MARTIN: All right.

MR. FITZGERALD: Number 6, we did look at this, with the last application, and there actually aren't wetlands on this parcel. There are not. And, of course, we'll need a DOT permit and approval before we can get final signatures.

JAMES MARTIN: Okay. Anything else?

MR. FITZGERALD: No. I think -- probably comments -- I can work out with the Town Engineer.

JAMES MARTIN: And as I stated, you have obtained all of the variance approvals from the Zoning Board, in November, is my understanding?

MR. FITZGERALD: Correct.

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

DARIO MARCHIONI: The Nicolosi brothers, which one is going to live where?

MR. KEITH NICOLOSI: I will be on the --

MR. PHIL NICOLOSI: He will be closer to 291.

MR. KEITH NICOLOSI: I will be 293, I believe it is.

DARIO MARCHIONI: You will be in the northern. I understand your mother lives next to you guys, too?

MR. KEITH NICOLOSI: Yes. 291, yep.

DARIO MARCHIONI: That's a family working together. I have no questions.

JOHN NOWICKI: Just one. Do you have a lifetime agreement sharing that driveway together? Somebody plows it and maintains it?

MR. KEITH NICOLOSI: Yes. He is going to be doing that.

JAMES MARTIN: In all honesty, one of you could eventually get a job in California or something and you have to sell the house. So there really has to be some sort of cross-access agreement in place.

MR. FITZGERALD: This came up at the Zoning Board of Appeals as well the common portion will be in the State right-of-way, and then it will branch off from there.

KAREN COX: But who is going -- we've run into this situation before where the homeowners were friends and agreed to do it, and then somebody sells the house --

MR. FITZGERALD: As far as maintenance in the right-of-way.

KAREN COX: As far as plowing that, or, you know -- maintaining snow removal on that Town portion. So when we see this type of thing, even though we understand that, you know, right now it is between family, it could eventually not be between family and it has caused disagreements before for mostly snow removal.

MR. FITZGERALD: And that is something we can address. Um, I -- I live in the same situation, and we do have cross access, where you can't block the driveway, and you have to share responsibility for the plowing. So we can work that out with Counsel.

JOHN NOWICKI: That will be a condition.

JAMES MARTIN: I will just say access egress agreement to be put in place prior -- with regard to the common drive, okay?

MR. FITZGERALD: Sure. Maintenance.

JIM POWERS: Who started the fire at mom's house?

MR. PHIL NICOLOSI: Our sister.

MR. FITZGERALD: That's why she is not here tonight.

(Laughter.)

JIM POWERS: Say hello to her.

MR. PHIL NICOLOSI: I will.

JAMES MARTIN: Chris (Karelus), what I would like to say is access egress agreement to be put in place prior to building permits being issued?

CHRIS KARELUS: I'm sorry.

JAMES MARTIN: What I would like to say is access egress agreement to be put in place pertaining to common drive prior to building permits being issued.

CHRIS KARELUS: That's fine. One thing I would like to ask the applicant: How confident are you, what type of assurances have you gotten back from the State that this location is going to be permitted? Did you get anything back from the State?

MR. FITZGERALD: It is very similar to the driveway location we had from before. I have not seen the DRC comments.

CHRIS KARELUS: I guess we'll hold off for --

MR. FITZGERALD: As far as site distance to drainage, it's a great location. And typically the DOT does prefer to have a shared driveway. They don't always require it with two lots, but it helps the site. It limits the grading.

KAREN COX: It's on here, actually, on the County Comments. We agree with and support one driveway for the proposed two-lot subdivision from New York State DOT, Dave Gehring (phonetic).

CHRIS KARELUS: It's not the fact that they're in support of the single driveway, Karen (Cox). I happen to know the location of that is where they have it shown on the plans. Sometimes they justify it to the east extent or the west extent based on sight distances and so on with the property. I want to find out from Rob (Fitzgerald) if he had gotten some assurances that the location as well as the single curb cut was approved, because that has a lot to do with how the plan, the final plan develops.

Dennis Schulmerich arrived.

MR. FITZGERALD: A while back ago, we were actually in the process of submitting just the one lot site plan. I did have conversation with Tom Palumbo at the western office about doing a common driveway on the property line and he gave me the nod at that point. I don't have anything in writing yet, but as always, that's -- we'll have to have that approved. I can provide that before we have final signatures.

KAREN COX: That is within their sight distance requirements, right?

MR. FITZGERALD: Yes. We don't have sight distance issues for here.

JAMES MARTIN: Is there a condition there, Keith (O'Toole) or Chris (Karelus), or are you happy with the answer?

CHRIS KARELUS: Assuming the driveway does shift. If it does shift, he will have to provide the easement agreement over one of the properties, regardless if it is right on the common lot line or whether it is offset somewhat on the final permit plan review with the DOT.

JAMES MARTIN: All right.

CHRIS KARELUS: Just with respect to the County DRC comments, the DRC came back from the DEC noting that wetland C-19 was impacting in close proximity to the property. I know, Rob (Fitzgerald), you said it wasn't on the property. Can you provide us something, State record plan, something, that will interpret that wetland and where it sits in relation to your property?

MR. FITZGERALD: Sure. I did go through this with the Health Department, too, so I do have documentation. I will provide it to you.

CHRIS KARELUS: Copies to the Building Department, please. That's it. No other comments.

KEN HURLEY: Only comment basically on the wetlands is if they can provide a note saying that the wetlands aren't impacted, they're off the site more than -- than any buffer zones, and -- or a letter certifying that. That's fine.

JAMES MARTIN: Basically what I tried to capture is verification there are no wetlands affected by this site.

PAT TINDALE: Sounds like all of the wetlands have been taken care of. I have no comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing at this time, and Dario Marchioni seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

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

James Martin reviewed the proposed conditions with the Board.

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

1. Pending Town Engineer approval.
2. An access/egress easement for the common drive shall be enacted and recorded prior to the issuance of building permits.
3. Verification shall be made to the Building Department that there will be no impact on wetlands as a result of construction on this site.

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

JAMES MARTIN: Congratulations. I hope it all works out for you, forever.

4. Application of Bill Howard, owner; 3313 Chili Avenue, Rochester, New York 14624. for preliminary site plan approval to erect an 850 sq. ft. addition to office building at property located at 2968 Chili Avenue in N.B. zone.

Bill Howard and Al Arilotta were present to represent the application.

MR. ARILOTTA: Good evening. My name is Al Arilotta. I'm an architect with offices located at 530 Summit Point Drive in Henrietta. My client with me here tonight is Bill Howard. He has an office at 3313 Chili Avenue. Mr. Howard also owns the project tonight at 2968 Chili Avenue on the corner of Chili and Chestnut Ridge Road. It is his intention to construct an 850-square foot addition to the northwest of the existing building. It would be wood framed, very residential in appearance. It would have architectural shingles to match the existing and vinyl sided. We would landscape on both new fronts and also create a handicapped ramp to make the building fully accessible for the first floor.

The parking would be reconfigured just slightly, and we -- he currently has an egress access agreement and parking access agreement with the property next door, which he owns at this time. We did receive a comment from the Town Engineers requesting topography immediately around the building. We had that done and submitted to the Building Department. I don't know if you have those in front of you.

If there are any questions for myself or Mr. Howard, we would be happy to answer them.

JAMES MARTIN: My understanding is there is some sort of jewelry business going into the location; is that correct?

MR. HOWARD: Morning, Board. Bill Howard. Pat Zona owns Nifty Jewelry and he is here. He is actually purchasing this building from me, conditioned on this addition being added to. So Pat (Zona) is here if you need any questions answered. Nifty Jewelry is a cosmetic jewelry. They do trade shows all around the country. Um, it's not retail, but they do travel the country and do trade shows.

JAMES MARTIN: Okay. So no retail sales out of the building?

MR. HOWARD: Not at this current time, no.

JOHN NOWICKI: The existing -- who is in the building now, Bill (Howard)?

MR. HOWARD: Messenger Post Newspaper has vacated the building, but they have a lease until 2010.

JOHN NOWICKI: Empty now?

MR. HOWARD: Correct.

JOHN NOWICKI: He is taking the whole building over?

MR. HOWARD: Correct, and actually purchasing it. He would be the new owner.

JAMES MARTIN: So the lease will transfer?

MR. HOWARD: The lease will go away. I will let them out of the lease.

JAMES MARTIN: That's right.

MR. HOWARD: Because they were --

JOHN NOWICKI: Would you see the intent of leasing -- it looks like he will have his new office, his new garage and the other half of the building will be used for something else. Is that the intent?

MR. HOWARD: No. It's all one. With the garage -- because of the type of business they have with the trade shows, they have a van they load up and they would like security and wouldn't want to leave a van outside and with the weather and the elements --

JOHN NOWICKI: He will use the whole building?

MR. HOWARD: Correct. The whole building is his. He is currently located on Buffalo Road.

JAMES MARTIN: Leads me to a quick question. It says display area on the -- you know, on the blue print. I mean would there be people coming in to look at potential offerings at a trade show?

MR. HOWARD: I think they're brokers. Pat (Zona) can probably answer that better than I can. He just came back from Vegas.

JAMES MARTIN: I guess I would like an answer to that question.

MR. ZONA: There will be a showroom in the front where retailers only, business people would come in to take a look at what we have, yes.

JAMES MARTIN: But no sales?

MR. ZONA: No sales.

JAMES MARTIN: Just display.

MR. ZONA: That's correct.

GEORGE BRINKWART: Do you know how big the parking spaces are in front?

MR. HOWARD: Do I know how big they are? No, I do not. I think there is 25 parking spaces that are there that were allocated.

MR. ARILOTTA: They were 10 by 20's.

CHRIS KARELUS: Bill (Howard) has been cooperative on everything we asked for him on the project. No additional comments.

PAT TINDALE: Landscaping was approved. It was fine.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GRACE CYBIL - 18 Chestnut Ridge Road

MS. CYBIL: I live across, kind of kiddy corner from this building. Grace Cybil, 18 Chestnut Ridge Road.

The left-hand part of the structure exists. The additional part he's adding just about abuts to the pizza store and the store -- Wilson Farms store. It's rather circuitous to get to the entrance to that building when it was the Gates-Chili News. There were about four places you could park. Now you're going to park and start to impede the two driveways that go in and out of the Wilson Farm market. There are two driveways, and if there's going to be a lot of trucks backing in for display reasons and so on, I have some concern about the fact, because this is right at the intersection of Chili Avenue and Chestnut Ridge Road. So you have people going into the market, coming out. There are two different driveways, and there's an addition, the garage he's suggested -- I understand why he is suggesting it, to put a van in it. The actual physical space to me, living kiddy corner from it and seeing the traffic that goes in and out, I have some concern, and I'm not sure what I'm supposed to do with it, but that's my opinion. Okay?

JAMES MARTIN: Thank you. It's my understanding it will be minimal amount of traffic going in and out of this location.

MR. HOWARD: Yes. There would actually be less employees now than there was with Messenger Post, renting it to them.

What she is talking about, we're only really taking the grass area there that comes a little out. It's not even near that intersection. So if you look at that survey.

JAMES MARTIN: I hope that clarifies the comment.

JIM POWERS: Where is the opening for the garage going to be facing? Which direction?

MR. ARILOTTA: The north.

MR. HOWARD: Wilson Farms.

JIM POWERS: To the north? Because it -- towards the pizza and the store --

MR. ARILOTTA: Yes.

KAREN COX: Is that a property line? I will ask a dumb question. Do the parking spaces --

JAMES MARTIN: You have a question?

KAREN COX: Well, yeah. On the new plan that we got, as I look at it now, it looks as though the parking on the north side of the building with the addition enters into another property. No?

MS. CYBIL: It abuts the driveway.

KAREN COX: Am I looking at something wrong here?

MR. ARILOTTA: Yeah. Yes. They are two properties. They're both owned by Mr. Howard, and -- what I was alluding to before -- it's Five Star Properties, what is listed on the map.

JIM POWERS: You're Five Star --

MR. HOWARD: (The witness indicated non-verbally.)

KAREN COX: That would be helpful, I guess, if the map showed somewhere a note here saying --

JAMES MARTIN: You okay?

JIM POWERS: Yes.

James Martin made a motion to close the Public Hearing and John Nowicki seconded the motion. The Board was unanimously in favor of the motion to close the Public Hearing.

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

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

Karen Cox made a motion to waive final and John Nowicki seconded the motion.

There was discussion about whether or not this property is in a drainage district.

MR. HOWARD: It wasn't, but we did make application to put it in the drainage district.

DARIO MARCHIONI: Oh, okay.

MR. HOWARD: It wasn't previously, but we --

JAMES MARTIN: Is it now?

MR. HOWARD: It is now, yes. We did --

JAMES MARTIN: So that was incorrect. All right.

Thank you for picking it up, Dario (Marchioni).

The Board was all in favor of the motion to waive final.

DECISION: Unanimously approved by a vote of 6 yes with no conditions.

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

There was a recess in the meeting.

5. Application of Target Corp., c/o Fix, Spindelman, Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450, property owner: Wegmans; for preliminary subdivision approval of one lot into two lots to be known as Chili Target Subdivision at property located at 3175 Chili Avenue in G.B. zone.
6. Application of Target Corp., c/o Fix, Spindelman, Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450, property owner: Wegmans; for preliminary site plan approval to erect a 133,055 sq. ft. retail building at property located at 3175 Chili Avenue in G.B. zone.

Betsy Brugg, Steve Aldredge and Chris Wood were present to represent the applications.

MS. BRUGG: Thank you very much, Mr. Chairman, members of the Planning Board. It's a pleasure to be here tonight again in connection with the proposed Target development. I think we gave a relatively thorough representation the last time we were here, so I will not go through the details of the size and the site. I think everybody is familiar with the location of the site, the size of the site and what we're talking about. So if there is specific questions, obviously feel free to stop me.

Since our last meeting we have addressed some comments. We did receive some comments from the Town Engineer. We did put it in written submission to address those. Our letter from the Town of Chili Planning Board addressed some questions regarding the roof color and just a few items, and we addressed those in writing, as well. You received that several weeks ago. I think actually back in January. That should have been included in your record. I don't know if you have any questions about any of those items.

I think what we would like to do is let you know what we're here tonight to do, is to request preliminary approval. Obviously we would prefer to get through final, but my understanding is we'll get through at best preliminary tonight, site plan and subdivision approval.

I believe we have addressed all of the comments raised at this Board. There were outstanding issues regarding traffic, which I think is the main issue we need to discuss. Steve Aldredge from FRA, our Traffic Consultant, is here. Chris Wood, our Project Engineer, is also here tonight to talk about the changes to the site plan.

In addition, we would like to ask the Board to waive the 9 1/2-foot wide parking space requirement so we can have 9-foot parking spaces consistent with the parking in the existing Wegmans parking lot. So those are our main items.

If we are successful and obtain approval tonight, our next step would be to go to the Zoning Board of Appeals in request for variances for parking and in connection with signage. Those are the two items that would go to the Zoning Board.

We did receive comments from County DOT. They came in very late this afternoon. We'll talk about those in a minute. We haven't received anything formally written from -- well, there were comments from the State, but they were newer comments that we're expecting. They have not come in today, but I believe the Town has had conversations with State DOT, our engineer has, as well. And we'll get into that.

So what I would like to do is turn it over to Chris (Wood) to talk about the changes to the site plan.

JAMES MARTIN: Before we move on, just to update everybody, where we left this in January, okay, is we declared our intent to become lead agency under the SEQR process starting a 30-day review period. That period ended in February. There was no objections to this Board acting as lead agency to the SEQR process, which we didn't expect there would be.

So, therefore, that has been completed. We kept the Public Hearing open that night so the Public Hearing is continuing on tonight, so just to bring everybody up to date on the action that we took previously on the applicant and this application and where we're at this point. Okay. So now go ahead.

MS. BRUGG: Thank you very much. And I guess obviously before the Board can make a decision we would ask for a SEQR determination.

JAMES MARTIN: Obviously. Can't vote without it.

MR. WOOD: Good evening. I'm Chris Wood with Carmina Woods Morris. We're the site engineers for the project.

Can you see this okay?

Since we met last time, we met with the DOT and addressed some of the comments at the intersection of Chili Avenue. One of their desires originally was to have a right-turn lane into the site for people heading westbound on Chili Avenue. There wasn't enough room to accommodate that because of the structure that was in the close proximity to the driveway, so in lieu of that, and in coordination with the meeting we had with the DOT, we're going to add a -- what they call a slip ramp which would allow some amount of cars that want to turn right into the site to do that without being blocked by the cars that are waiting at the stoplight heading west on Chili Avenue.

And also, in addition to that, we moved the proposed sidewalk which was on the east side to the west side of the driveway, which I think was also a comment of the Planning Board last time we were here, which allowed us to eliminate the stop signs entering and exiting at this four-way intersection, which by moving the sidewalk over here (indicating), we moved the pedestrians

away from the intersection, and that also will allow there not to be backups on Chili Avenue if there is a stop sign there and there is more cars entering that can be accommodated.

As you can see on the plan, we did add the sidewalk. It is actually a handicapped ramp with railings down this side (indicating) of the site, and there is a crosswalk that will give them a safe route back to the plaza and all of the sidewalks for Wegmans and Target and the strip in between are all connected.

The other major change was, if you will, we had a dedicated drive aisle that went around this row of parking over here (indicating), which required that we put a retaining wall along this portion of the site (indicating). We have removed that drive aisle, which also allowed us to remove that portion of the retaining wall, so this amount of green space here (indicating) will remain as is.

Oh, and also as a comment from the Traffic Safety Board, this is the Paul Road entrance, meaning this is Paul Road and this is our driveway (indicating). North is up. We did add a larger radius here (indicating) to allow trucks -- I guess currently the trucks run up on the existing curb and into the landscaping, so we have a 75-foot radius on there, and we did run a simulated truck around there to make sure it could accommodate that.

Other than that, everything on the site plan is pretty much the same as what it was previously.

JAMES MARTIN: Okay. I will open up questions on the site plan issues at this time for the Board.

On that spillway of yours, did Target try to get the State to allow you to bring that spillway back further, or otherwise put another -- make that lane wider? Going back west?

MR. WOOD: The slip?

JIM POWERS: Did you try to --

MR. WOOD: This one here (indicating)?

JIM POWERS: Did you try to get Chili Avenue widened there at all?

MR. WOOD: That is what the DOT initially wanted, but the problem is the proximity of the building to the street, only about 10 feet off the curb line. It is only about 150 feet away from the intersection.

JIM POWERS: Now, from there, from that point to where the traffic can enter on the other driveway, if you're going west on Chili Avenue and you want to make a left-hand turn to go into Target or Wegmans, and the spillway joins and you have the yield sign there --

MR. WOOD: Right.

JIM POWERS: -- how many cars can you get stacked between the spillway ramp there and that signal light?

MR. WOOD: Probably about five or six.

JIM POWERS: That many cars?

MR. WOOD: Uh-huh.

JIM POWERS: Do you think this will really help the traffic situation that much?

MR. WOOD: I think it's a good compromise seeing that we cannot get the turn lane in there because of that house -- or the building. And that should be able to accommodate a good amount of cars. And with us removing the stop signs at the bottom of the driveway, you're not going to have cars backed up to here (indicating) where these guys will have to wait because there is a backup. They will be able to yield anything coming this way (indicating) and then continue on.

JIM POWERS: Can I ask a couple more questions on this project? A couple more questions on drainage?

JAMES MARTIN: Sure. Site plan issues.

JIM POWERS: On your drainage, I might be wrong, but I think you got five or six-drop inlets down towards the store itself.

MR. WOOD: Uh-huh.

JIM POWERS: And I think the -- the elevation on those is 543 point so so. And the upper end of your parking lot you were up around 553, 554 maybe. So you will have a -- if you get a good heavy rain, it will all flow towards the store.

MR. WOOD: Correct. We do have a set of inlets along here (indicating) on the north side of the drive aisle to pick up the stuff that is in this portion (indicating) of the parking lot.

JIM POWERS: From those drop inlets down you have the majority part of your parking lot. What is the elevation of the sidewalk or the store itself, the ground level?

MR. WOOD: Off the top of my head, I don't recall. But I do recall, I think it is about a foot between those catch basins and the finished floor of the store. Which --

JIM POWERS: The reason I ask is because I didn't think there was that much difference between the top of the culverts there, the drop inlets to the sidewalk or the base of the store. I was wondering if we have a real heavy rain, if they're capable of picking everything up.

MR. WOOD: I think they will. This is probably going a little further than I need to. The pipe coming out here is a large pipe because because it picks up the majority of the plaza. I think it is a 36-inch that comes across the front. So the inlets will be bigger than the little two-by-two ones you see in a parking lot, so they should be able to accommodate that.

JIM POWERS: If you go to a 48 before you get through --

MR. WOOD: Actually, it is. We have the intents in here (indicating). It is crowned in the middle and it goes both ways. The crown is actually lower than the curb line of the store. So if this one backed up, it would flow into the one adjacent to it.

JIM POWERS: Behind the store where the detention pond is, are you going to be doing



any work in that area on that --

MR. WOOD: The pond itself will stay as is, the existing pond. We'll be adding the four bays so we bring it up into conformance with the DEC regulations.

JIM POWERS: Is there any outfall to the pond?

MR. WOOD: The outfall is on the west end. It goes into the wetlands. It is an existing outfall that we ran our calculations through, and everything will meet the current requirements.

JIM POWERS: Are those the wetlands that are partially involved with the property beyond Wegmans?

MR. WOOD: I would assume they're probably contiguous with the wetlands. I'm not sure.

KAREN COX: Are you going to go through the comments from the County?

JAMES MARTIN: Yes. I think eventually we'll get to those.

KAREN COX: Okay. Those were -- I don't have any comments on the site plan except to see how they're going to address those.

JOHN NOWICKI: Well, I just got a couple to start with. The Paul Road intersection, is that -- are we going to have signage somewhere that says no truck traffic coming off of Chili Avenue -- that you have to use the Paul Road?

MR. WOOD: That's on the current site plan. I did add no trucks entering here (indicating).

JOHN NOWICKI: And the improvements to the Paul Road T intersection there, is it going to be for coming out right-hand turns also? There is an improvement there.

MR. WOOD: Right-hand this way (indicating)? It was our understanding the trucks would typically make a left out of there.

JOHN NOWICKI: Right. When I looked at that map, is there a median strip that comes down?

MR. WOOD: There is an existing median that --

JOHN NOWICKI: The only reason I ask that, there is an M&T Bank there, and the people coming out of that bank, will they be able to turn left to Wegmans once they come off the ATM machine?

MR. WOOD: Definitely they could. That is the way it is set up now.

JOHN NOWICKI: Is that a raised median?

MR. WOOD: The raised median, the way it was designed originally, the raised median ends right in alignment with the north edge of that driveway so they could make a left out of there if they want to.

JOHN NOWICKI: Because I wouldn't want to see Wegmans lose any business after the people got their money from the ATM.

MR. WOOD: That is the thought. We put the new striped piece in there, and the bank, I think, would have a problem if they couldn't get back into the plaza if we blocked that off.

JOHN NOWICKI: The buildings are connected, aren't they?

MR. WOOD: Yes.

JOHN NOWICKI: But there's -- the -- the ability for fire engines and so have you to get around these buildings?

MR. WOOD: I did run a stimulation of the truck, the fire truck around, and it does make it.

JOHN NOWICKI: They can make the turns and get through there quickly?

MR. WOOD: Yep.

JAMES MARTIN: I believe that was all reviewed by the Fire Marshal.

JOHN NOWICKI: Yep. Okay. And can you refresh my -- what happened with the request we had for the rooftop color and the hiding of the units?

JAMES MARTIN: I can -- in a letter we received from Target, basically their store design incorporates environmental aspects, one of which is a light colored roof which basically improves the, you know, the air-conditioning capability of the building substantially. Certainly, I hope that there is a provision in place to, you know -- I know a light colored roof after five or six years can tend to become quite soiled with just air contamination and that type of thing. I don't know what the provision is. Are they cleaned on some sort of a routine basis, or refurbished so that they don't begin to look shabby, so to speak?

MS. BRUGG: My understanding is they are regularly replaced, and they do recycle the materials. I believe they have put that in writing for you.

JAMES MARTIN: I think, John (Nowicki), from the standpoint of the Wegmans roof and the Target roof, you know, it is their design. They do it to save energy, and I can't argue with that.

MS. BRUGG: And the rooftop really is not visible from the road.

JOHN NOWICKI: Okay. The outside storage of carts, is that still in place out there? Because I notice the Target over in Henrietta, they have moved a lot of their carts inside the store as you go in.

MS. BRUGG: They do have most of their carts inside the store, but they do need carts outside. And it is the same. It is shown here in the corner here, and there is a --

MR. WOOD: We did extend that planter down there with Evergreen plantings in them. If there is any stored in here, we did add Evergreen plantings to the middle island also.

JAMES MARTIN: It is my understanding that seasonal -- you know, seasonal need for more carts, Christmastime and that, but at times they're not needed, they will be shielded from Chili Avenue due to that knee wall that is in there.

GEORGE BRINKWART: First I want to compliment you on the sidewalk going down the

west side. I think that is a very nice touch. The only thing I would ask is possibly putting in a little stop area there with maybe some -- a couple of benches or something so the folks can sit down and rest. Maybe a little towards the top.

MR. WOOD: Before the ramp starts.

GEORGE BRINKWART: Maybe a little bump out there to put a bench or two for the folks to sit down. That would be a nice touch. I'm disappointed that we lost the sidewalk on the other side.

MR. WOOD: I -- you know, again, removing the two stop signs, I don't think we want to encourage people to venture towards the intersection, for that reason. That's why -- that's why we took it out.

GEORGE BRINKWART: Um, true, but it would help folks going the other way. There is a lot of demand for that.

MR. WOOD: Well, there is no -- even when they get to the intersection, there is no safe route for them to get from here back to the store without, you know, crossing the intersection or walking directly through the parking lot. That's kind of --

JAMES MARTIN: My experience is most of the pedestrian traffic comes from the west to the store. There is very little --

GEORGE BRINKWART: Well --

MS. BRUGG: I believe that is what -- we were at Traffic & Safety last week, and I believe that is one of the comments that was made, is most of the traffic does come in this direction (indicating), and this actually gives them a very clear path right to the front door of Target, and then there is a sidewalk along here (indicating). They can really maneuver anywhere in front of the plaza.

GEORGE BRINKWART: As you know, Betsy (Brugg), I'm kind of an advocate for sidewalks because I think it is a good idea to have pedestrian access to our -- especially in our developed areas. But anyway, again, nice job on the sidewalk on the west side.

Also, I'm very impressed you took that drive aisle out to get rid of that retaining wall. I don't think you will ever regret doing that.

MR. WOOD: No. Because we'll spend that money up here instead.

GEORGE BRINKWART: The other question I have, you asked us to reduce the size of the parking spaces, and you said you would get about a 28-car gain on that.

MR. WOOD: Gain. That was -- that was more or less to get closer to what is required by code, rather than getting Target more parking spaces.

GEORGE BRINKWART: Very good. I understand that -- I guess my thought was I would rather see you get rid of more retaining wall and maybe trade those parking spaces for less retaining wall.

MR. WOOD: These up here (indicating)?

GEORGE BRINKWART: Yes. That's my thought.

MR. WOOD: We already -- before we added the 28, we were already on the low range of what Target requires for a building of this size, and taking those out, I think we would be below what would be acceptable to them.

GEORGE BRINKWART: Well, it would be about a wash, right? How many are there now, 20, 21?

MR. WOOD: Right here (indicating)?

GEORGE BRINKWART: Yeah.

MR. WOOD: Probably about 30, I would say. Do you have the -- I can tell you exactly. There's 11 -- or 189 -- 21.

GEORGE BRINKWART: So if you took those out and reduced the spaces, you would still be ahead seven spaces, right?

MR. WOOD: Right. But I think -- again, it was a request that we try to get closer to our variance, what was required by code with our variance request, as opposed to gaining more spaces.

DARIO MARCHIONI: I believe that Wegmans has 9-foot parking --

MR. WOOD: Correct.

JAMES MARTIN: That's correct.

DARIO MARCHIONI: So you are even asking more, 9 1/2?

MR. WOOD: We're asking for 9.

JAMES MARTIN: Code says 9 1/2. They're asking that we waive that to go to 9 feet.

MS. BRUGG: We would like the same size parking spaces as Wegmans. Again, the review that the Zoning Board will conduct will inquire as to whether we're asking the minimum variance necessary, and so by decreasing the size of the parking spaces, we are moving in the direction of -- and demonstrating the minimum relief necessary.

DARIO MARCHIONI: Just a comment. That -- that the price of gas, I think we're going to get smaller cars anyways. So we're going -- you will probably have enough room.

JAMES MARTIN: It would be consistent with what Wegmans has in their parking lot.

MS. BRUGG: It will be consistent with the design, and it really is a positive change.

JAMES MARTIN: Question for you traffic control wise. With the slip ramp coming in off of Chili Avenue, interfacing with let's say left-turn traffic off Chili Avenue, is there going to be a yield sign there?

MR. WOOD: I did. There is actually a yield sign on both sides of -- so if they don't see the one on the right, they will see the one on the left at the tip of the island. There is a dash line there, so they will know there is going to be a merge at that point.

JAMES MARTIN: Okay.

The Board discussed whether they wanted to talk further about site plan or go ahead with the traffic analysis.

CHRIS KARELUS: Chris (Wood), if you could, I know there is a number of places on the plan where guide rail is proposed or fencing. Could you tell the Board what type of fencing, what type of guardrail is going to be anticipated and kind of show them in the plan where it is going to be located? Like the edge elements, the fencing, the guardrail material.

MR. WOOD: On top of all of the retaining wall, for the most part, there will be a decorative aluminum fencing, 4 foot high, and -- picket-style fence. There is a detail of it in your set of plans.

The guide rail will be -- there is an existing guide rail along both sides of the driveway. The one on this side will have to be replaced because we're widening the driveway. That will be your typical box beam guardrail, the typical to match what is out there now.

And there is a little piece of retaining wall here (indicating) along the ramp that goes down. The ramp does have a railing, so that railing will serve as the barrier between the sidewalk and the retaining wall. And I think that is about it.

This small one here (indicating) will have a piece of fence along -- along with that one.

CHRIS KARELUS: I think the only other point of the site plan I would like to make, initially we talked about snow removal from the area and efficiency of parking. I think we'll still request that be a part of this project's planning and operation. If you were at Wegmans today, case in point, you can see what the past weekend, week's worth of snow has done to their parking lot. Probably a good two lanes' worth of parking on, we'll call it the northwest gradient of their lot occupied with snow. So we'll ask for some operations of snow removal be in place to avoid impacting this property's project blacktop parking.

MR. WOOD: Like I said, we'll stockpile it up here (indicating), and once it becomes more than the parking lot can handle, it will be trucked off.

MS. BRUGG: We have actually submitted something in writing from Target that directly addresses snow removal. Target is committed to maintaining their site, and I think they call it first class condition throughout the year, so I don't believe we'll have any issues with snow removal. They go on to address the removal of snow if necessary, so...

JAMES MARTIN: I know in the wintertime both of these large parking lots end up with these huge piles of snow, and Wegmans has a huge pile in their parking lot right now.

MS. BRUGG: We discussed that the last time. That is a lot of space and the snow can be moved to the back when it becomes necessary.

JAMES MARTIN: I guess at this point -- are there any other issues on site plan, any more comments? I mean -- you know, the revisions you have made look very nice, at least to my perspective anyways.

MR. WOOD: Thank you.

JAMES MARTIN: So thank you for --

KAREN COX: It addressed all of the comments or questions we brought up last time.

JAMES MARTIN: Let's move into the traffic issues at this point. However you want to address that, Betsy (Brugg).

MS. BRUGG: Okay. I think the last plan you saw did include some traffic mitigation that was proposed. We had updated our traffic study. We sent it back to the County, sent it back to the State, had some discussions with them. There was a meeting with the State on site. I will let Steve (Aldredge) talk about it specifically, but as mentioned earlier, the litigation proposed on Chili Avenue was changed in response to comments from the State. Um, the Paul Road change is shown there in response to comments from Traffic & Safety last week.

With that said, I will let Steve (Aldredge) go through the traffic and the final comments and the status of that, so...

JAMES MARTIN: Okay.

MR. ALDREDGE: Hi. My name is Steve Aldredge, Traffic Engineer with FRA. Okay. Our last traffic study we completed in January and submitted it to the Town and -- and to New York State DOT and Monroe County DOT.

Um, we received our review from the -- the County DOT at about 5:30 this afternoon, so -- which I believe the Town also -- which -- do all of you folks have a copy of that?

KAREN COX: Yes.

JAMES MARTIN: Yes, we do.

MR. ALDREDGE: Okay. Now, in terms of the State review, um, the State reviewed our first traffic study and sort of going back to that first -- um, in the review of the first traffic study, they, um -- in that one they came back and said that after the approval, um, and construction of the, um, the improvements on Chili Avenue, they would come back six months later and review the operations -- um, the operations of the signal on Chili Avenue. And they had come back with, I guess, comments on what, um -- you know, I guess some differences of the way they thought -- they -- the improvements that they thought should happen at -- at the intersection of Chili Avenue and the Wegmans driveway.

So what we did in response is we came back with essentially the improvements that Chris Wood presented. And we -- we presented those to the State DOT really as a compromise solution because we really felt like many of those improvements satisfied a lot of the concerns and the intent of -- of many of the issues that DOT was presenting. Many of those included the

concerns of the backups, um, the -- that -- that -- the right -- the right turns entering the site, the concerns that the State had in terms of potential for traffic to back up out of the -- out of the plaza, and potentially back up onto Chili Avenue and also, I -- you know, I think a lot of the -- a lot of our proposed improvements in terms of traffic exiting the site, the State basically concurred with the exception that in terms of how the traffic signal would operate.

Their difference of opinion basically was that while we recommended a dual left-turn lanes out of the site, they said that they wanted to -- to only provide a single left-turn lane out of the site and operate the signal in a different manner with the provision that six months after the store opens, that they would allow us to reevaluate the signal and potentially reconsider our initial recommendation.

So what we -- what we ended up discussing with DOT basically is that they have conceptually approved the current site plan. We don't have that in writing, but I do know that, um, that -- that Bob Dunbach (phonetic) from New York State DOT has spoken with -- I believe with Chris (Karelus)? Chris (Karelus), did you get a chance to talk with Bob Dunbach (phonetic) today?

CHRIS KARELUS: Yes, I spoke with him this afternoon.

MR. ALDREDGE: And we were hoping we could get a letter from Mr. Dave Gehring (phonetic), and I think, unfortunately, we weren't able to get that letter to -- to you folks in time for tonight's meeting. Um, but -- but, um, the -- you know, what -- what, um -- you know, I think the basic idea was that many, many of the issues in the January 31st comment letter, um, we think that -- we think that we have satisfied at least, um, the intent of many of those -- many of those issues from DOT and at least in speaking with Mr. Dunbach, um, he indicated to -- at least to myself that he believes that we have satisfied many of those -- most of -- most, if not all, of those concerns.

MS. BRUGG: As Steve (Aldredge) mentioned, we did get the comments and the Town also received the comments from the County at the eleventh hour, so we had to sort of digest a little bit before the meeting, and I think we will probably be contacting the County. I think what we can agree is we are going to work with the County and the State to make sure that we satisfy whatever the requirements will be in connection with traffic. We would like to try to coordinate, I think, the -- the County's comments referring to, you know, whether or not a signal may be needed. They recommend, I think, looking at the signal analysis within a month of the store opening. I think we would like to talk to them about alternative timing for that or trying to work through those traffic issues and coordinate better between the State and the County to address -- to address our traffic analysis. We certainly would prefer to do it only once. I think looking at traffic a month after an opening of a store like Target is not going to give you the kind of information that accurately reflects traffic flows in the area. We would expect that Target to have -- be busy grand opening, and I don't think you will get the kind of information that you want.

We certainly were, um -- you know, we have some concerns with our comments, but we are certainly willing to go back to them and work with them.

JAMES MARTIN: And based on their comments, they're not precluding construction, all right, but they basically want a follow-up analysis of some sort. Okay. As far as that signalization goes. That is the way I would read this.

KAREN COX: I think I agree with Betsy (Brugg) in that you want the two, um, entities to be working together, because the signal -- you know, that is essentially one big system, so you got to work the solutions for both of them at the same time rather than --

JOHN NOWICKI: Makes sense.

MS. BRUGG: And I hope that everyone would agree that the traffic a month after the opening of Target is not -- if you think about what we're opening, this isn't the mom and pop store.

KAREN COX: Six months may be a long time if you're a resident living in that area dealing with traffic, so maybe you can work out something that's a little shorter, but a month is really -- is too short a time to have everything kind of come to a natural state.

JAMES MARTIN: I tried to capture this, and, you know, in a condition phrasing here that I just said, you know, basically final resolution of any outstanding traffic mitigation issues shall be negotiated between the applicant and the controlling Transportation Department. The Town will be a participant in those discussions. I think we can leave it at that for now until some of those issues are resolved --

KAREN COX: Coordinated or negotiated? Is "negotiated" the right word for that --

KEITH O'TOOLE: The appropriate language would be --

JAMES MARTIN: I can say "coordinated."

KAREN COX: What would --

JAMES MARTIN: Pardon?

KEITH O'TOOLE: Approved. The appropriate language would be approved by the Department of Transportation.

JAMES MARTIN: Shall be approved.

KAREN COX: By New York State DOT and Monroe County.

KEITH O'TOOLE: The appropriate DOT with jurisdiction, or appropriate DOTs, if you could.

MS. BRUGG: We definitely have some concerns with these comments, but we are willing to, you know, move forward.

JAMES MARTIN: I will say shall be approved by the appropriate controlling traffic

transportation department.

KEITH O'TOOLE: And constructed to their plans.

JAMES MARTIN: Are we basically okay with that position on the traffic mitigation issues?

JOHN NOWICKI: For this particular issue, yes.

JAMES MARTIN: Okay.

MS. BRUGG: How will that read?

JAMES MARTIN: Pardon?

MS. BRUGG: What was the language?

JAMES MARTIN: Okay. The way it is going to read, hang on.

MS. BRUGG: Sorry.

JAMES MARTIN: I'm still writing. Final resolution of any outstanding traffic mitigation issues shall be approved by the controlling Transportation Department and constructed according to their plans. The Town will be a participant in those discussions.

MS. BRUGG: Okay.

JAMES MARTIN: Okay?

KEITH O'TOOLE: Yes.

JAMES MARTIN: Okay?

MS. BRUGG: That's it. Okay.

JAMES MARTIN: Any other issues, Betsy (Brugg), at this time?

MS. BRUGG: I think Chris (Wood) just wanted to point out one other change regarding -- our sewer.

MR. WOOD: As you recall from the last time, the DEC will not allow us to tie into the existing pump station that is on the site. So we had to amend the subdivision line slightly to exclude that existing pump station that services the remainder of the plaza and we're going to install our own, which will tie into the same sewer as the one right next to it does. It is redundant, but we have to do that because we're subdividing the properties.

JAMES MARTIN: In our discussion with the Town Engineer, you know, the forced mains themselves, the Wegmans forced main is on the Target property, and then eventually your force main crosses over onto their property, so I'm assuming --

MR. WOOD: We'll have to get cross easements for utilities and access and whatnot.

JAMES MARTIN: So any necessary, you know, easements, maintenance easements and all of that will have to be in place obviously.

MR. WOOD: Right.

CHRIS KARELUS: Chairman Martin, I would suggest a general condition just with respect to as final plans develop, that site-related easements, as we're nearing the final stage and preliminary level, easements are going to be coming up with respect to utility. I know the shared parking and cross access to the point of both parties --

MR. WOOD: The emergency one in the back for the Town.

CHRIS KARELUS: Emergency access. There is a number of easements that will come up as this project progresses. I will leave a general condition, that all property easements, whatever they might be, be a condition of this approval.

JAMES MARTIN: So site-related easements shall be in place prior to any permits being issued?

CHRIS KARELUS: And if tonight's meeting is strictly for preliminary, as they progress through the final stages, as well.

JAMES MARTIN: All right. I think you understand what we're asking for, okay, and we'll work on that wording.

Anything else?

MS. BRUGG: I don't think so.

JAMES MARTIN: Additional, you know, questions, concerns, from the Board?

MS. BRUGG: I don't know. I'm never done here before 11 o'clock, so we have to fill like three hours.  
(Laughter.)

There was a discussion off the record.

KEITH O'TOOLE: I would ask as a condition that all permits be subject to Town Engineer's approval.

JAMES MARTIN: I have Town Engineer approval as a condition.

KEITH O'TOOLE: With reference to the easements, I would ask that they be subject to Town Attorney approval, and the idea is that the mylars would not be released until the easements are approved by me and recorded at the County Clerk's Office.

JAMES MARTIN: I will call you for final wording of that tomorrow.

KEITH O'TOOLE: Thank you. Nothing further.

JAMES MARTIN: Right now it will say "subject to Town Attorney approval."

KEITH O'TOOLE: Very well.

CHRIS KARELUS: No additional comments. My understanding was, just to reiterate a point made previously as well, that with the shielding of that -- excuse me, the cart storage areas, um, the bulk storage is all going to be on that lower -- or the northwest quadrant, correct, Chris (Wood)?

MR. WOOD: That is my understanding.

CHRIS KARELUS: To avoid kind of the clutter along both store frontages, if you bring an attractive package to the Town with the green space, just to reiterate that point, as well, they agreed that northwest area would be the primary cart storage. No additional comments.

KEN HURLEY: No additional comments.

PAT TINDALE: We previously approved the plans. I have no comments either.

JAMES MARTIN: Fred (Trott), I know you have several written comments you have submitted.

FRED TROTT: They have addressed a lot of them. They did address a lot of them, and they have met with our Committee. Um, just a couple of things. And I don't remember if we discussed this. The sidewalk coming down that's going through the parking lot, is that raised?

MR. WOOD: The sidewalk, yes.

FRED TROTT: When it crosses over the intersection, where it would be a crosswalk, would that also be raised?

MR. WOOD: The crosswalk?

FRED TROTT: Yes.

MR. WOOD: No, the crosswalk would be flush.

FRED TROTT: Do you think that would be beneficial to have raised also so the cars come across there a little slower?

MR. WOOD: You mean like a speed bump?

FRED TROTT: Not -- I think like the Webster store has it like kind of a raised area.

MR. WOOD: Seeing it is coming down a hill, I don't know that would be the best. Maybe making it out of contrasting material.

FRED TROTT: Yes.

MR. WOOD: Or contrasting striping or something other than a bump may be more appropriate.

FRED TROTT: Yeah. You know, I'm thinking at the Webster Target, they're kind of -- isn't it where you go -- you drive over it, but it is just like a little --

MR. WOOD: Yes. It's gradual.

FRED TROTT: And it's colored so that you know it is a crosswalk.

MR. WOOD: We can take a look at that. We can definitely make it out of a contrasting color material. I don't know if, again, coming down the hill, if you go down and you would have to come back up a little bit --

FRED TROTT: But the rest of it is going down. Through the parking lot, you said --

MR. WOOD: That is raised. Yes. The six-inch curb on each side.

FRED TROTT: Okay. You still support removing the two stop signs inside?

MR. WOOD: Yes. Those are both gone, correct.

FRED TROTT: When you do that, are you planning on putting -- I think we talked about this at the meeting, was putting some flags up or something on the opposite ones.

MR. WOOD: On these (indicating)? Yes, for a period of time until people get used to it.

I think there was a comment at Traffic Safety about people coming down the sidewalk and potentially walking across. We did add some additional landscaping there, some rather low shrubs to get people to tend to go around the corner as opposed to try to cross the intersection.

FRED TROTT: And with the Paul Road entrance/exit, you're also -- you're still widening the right turn -- no, not going in, but going out?

MR. WOOD: We were adding -- adding this lane (indicating).

FRED TROTT: You're still adding the lane?

MR. WOOD: Correct.

FRED TROTT: Okay. Was there any talk of -- we had question about trying to get the people to -- if they would take the sidewalk, to get them to the doctors' offices.

JAMES MARTIN: I don't think that that would be the responsibility of Target to do that, Fred (Trott). I think if those are -- out parcels ever get developed, by Wegmans, at that point in time we would definitely go after, you know, pedestrian access to that side.

FRED TROTT: I think that pretty much covers it. I think the changes they made are good. I think the County's comments as far as the traffic light -- I think with the improvements they're making there, I don't think that -- not too sure about the signal light being needed right off the bat. I agree with waiting six months to see how things pan out.

JAMES MARTIN: The Public Hearing is open at this point. We continued it from the January meeting.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: I see there are no comments from the public. I will make a motion to close the Public Hearing at this time

JOHN NOWICKI: Seconded.

The Board voted unanimously in favor to close the Public Hearing.

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

JAMES MARTIN: The applicant has filled out part one of the long form EAF. It has been provided to us. What I would like to do as far as the SEQR determination, since we have



declared ourselves lead agency and have been given that position, what I would like to do is go through part two of the EAF question by question with the Board to concur with answers that I would propose. If there are objections, please so voice them at any time.

As far as impact on the land goes, will the proposed action result in a physical change to the project site outside of the normal construction activities such that -- there are some examples here. Construction of paved parking areas where thousand or more vehicles type of thing. I think the answer to that is no, there will not be anything outside the normal construction activities.

Question Number 2, will there be any effect on any unique or unusual land forms found on the site such as cliffs, dunes, geological formations? I think the answer is no.

Impact on water. Will the proposed action affect any water body designated as protected? I don't think there is any.

Will the proposed action affect any non-protected existing or new body of water? No.

Will the proposed action affect surface or groundwater quality or quantity? I believe that there will be all of the regulations pertaining to ground water management.

Six, will the proposed action alter drainage flow or patterns or surface water or runoff? I believe that is being taken care of by the site plan issues.

Impact on air. Will the proposed action affect air quality? No.

Impact on plants and animals. Will the proposed action affect any threatened or endangered species? Not to our knowledge.

Will the proposed action substantially affect non-threatened or non-endangered species? Not to our knowledge.

Impact on agricultural land resources. Will the proposed action affect agricultural land resources? There are none.

Impact on the aesthetic resources. Will the proposed action affect aesthetic resources? Um, I don't know of any aesthetic resources that would be impacted by this. We're not going to (inaudible) some historical structure as a result of this building.

Impact on historic and archeological resources. Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance? Not to our knowledge.

Impact on open space and recreation. Will the proposed action affect the quantity or quality of existing or future open spaces for recreational opportunities? No.

Impact on critical environmental areas. Will the proposed action impact the exceptional or unique characteristics of a critical environmental area established pursuant to subdivision -- under the New York State SEQRL law? I don't know of any.

Impact on transportation. Will there be an effect on the existing transportation systems? I believe the answer to that is yes.

And then we go over to the columns on the right that says, can impact be mitigated by project change? The answer to that is yes.

Impact on energy. Will the proposed action affect community source of fuel or energy supply? No.

Noise or odor impact. Will there be objectionable odors, noise or vibrations as a result of the proposed action? I don't believe there will be.

Impact on public health. Will the proposed action affect public health and safety? No.

Impact on growth and character or community or neighborhood. Will the proposed action affect the character of the existing community? Examples are the permanent population of a city, town or village in which the project is located to grow by more than five percent. I don't think as a result of this project that will happen. It's going to happen anyways.

Those are some of the action -- proposed actions will cause changes of density of land use. It is all zoned properly, so I don't see any significant impact on the growth or character of the community or neighborhood.

JOHN NOWICKI: Just the pigeon population.

JAMES MARTIN: The pigeon population. That's not on here.  
(Laughter.)

JAMES MARTIN: So the answer is no.

Is it likely -- is there -- or is there likely to be public controversy related to the potential adverse environmental impacts? I believe the answer is no.

So, given that we have done that review, we have initially declared this as a Type I action under the State Environmental Quality Review Act. After review of part two of the EAF, I would make a motion that we find this to be a negative declaration, and I would like a second on that motion.

JOHN NOWICKI: Second.

JAMES MARTIN: We have a motion and a second to declare this as a negative declaration based on our SEQRL guidelines. The Board was unanimously in favor of the motion.

JAMES MARTIN: So we have done SEQRL --

MS. BRUGG: Very good.

JAMES MARTIN: -- on the applications themselves.

MS. BRUGG: Mr. Chairman, I'm sorry, can I ask that we also not forget about the 9 foot parking spaces --

JAMES MARTIN: We're getting to that.

MS. BRUGG: And the sign -- we didn't talk about the sign location, but that has not changed.

JAMES MARTIN: Sign location is -- if we approve the site plan, the location is approved. The sign detail and design is up to the Zoning Board.

So we have basically two votes. We have preliminary subdivision and preliminary site plan. Um, I would make a motion at this time that the Planning Board waive the requirement for a 9 1/2-foot wide parking space, that that new dimension would be 9 foot. Do I have a second on that motion?

KAREN COX: Second.

JAMES MARTIN: On the motion to waive the parking requirement for 9 1/2-foot wide parking space?

The vote was 5 yes to 1 no (George Brinkwart). The motion passed.

JAMES MARTIN: We're going to do two separate votes, but the conditions will apply to both of the applications that we're voting on at this time.

James Martin reviewed the proposed conditions with the Board.

DECISION ON APPLICATION #5: Unanimously approved by a vote of 6 yes.

The Planning Board, acting as Lead Agency found this application to be a Type 1 Action. After completing a coordinated review of all information and evidence concerning this application, and completing Parts II and (indicating) of the Environmental Assessment Form, the Board by motion and vote made a negative declaration for this action.

The Planning Board, by motion and a vote of 5 for and 1 against waived the requirement that parking spaces be 9.5 feet wide and accepted a width of 9 feet.

DECISION ON APPLICATION #6: Unanimously approved by a vote of 6 yes.

The Planning Board, acting as Lead Agency found this application to be a Type 1 Action. After completing a coordinated review of all information and evidence concerning this application, and completing Parts II and (indicating) of the Environmental Assessment Form, the Board by motion and vote made a negative declaration for this action. The application was approved with the following conditions:

1. Pending Town Engineer approval.
2. Final resolution of any outstanding traffic mitigation issues shall be approved by the controlling transportation department, and constructed according to their plans. The Town Building Department shall be a participant in any on going discussion of these issues.
3. All easements shall be subject to approval by the Assistant Town Counsel. All easements shall be recorded prior to release of the mylars.

JAMES MARTIN: You have preliminary approval.

MS. BRUGG: Thank you very much.

JAMES MARTIN: Obviously a few issues to still be resolved, but we'll look forward when you're ready to coming in for final.

MS. BRUGG: I think I just have one informal request, and that is we'll be contacting the County, as we said, to talk about the comments and the review of the need for a traffic signal, and if it will be possible for the Town to share Traffic & Safety's opinion, that six months will be a good review, either by sending them a copy of the minutes or by having Chris (Karelus) give them a call, we would appreciate the Town's sharing the position expressed by this Board, that looking at it at six months is more reasonable than one month, so...

JAMES MARTIN: Certainly free to -- I'm sure Mr. Karelus will agree.

MS. BRUGG: To coordinate that, to get that information over to County DOT so they're aware of the discussions that went on here tonight.

JAMES MARTIN: Thank you all. I'm so glad you chose Chili as your home for Target Corporation.

The meeting ended at 9:33 p.m.