

CHILI PLANNING BOARD
March 13, 2012

A meeting of the Chili Planning Board was held on February 14, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson Karen Cox.

PRESENT: Richard Brongo, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Vice Chairperson Karen Cox. Chairman James Martin was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; James Ignatowski, Architectural Advisory Committee Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Pat Tindale, Conservation Board Representative.

Vice Chairperson Karen Cox declared this to be a legally constituted meeting of the Chili Planning Board. She explained the meeting's procedures and introduced the Board and front table. She announced the fire safety exits.

PUBLIC HEARINGS:

1. Application of Jeanne Swartele-Wood, owner; 296 East Second Street, #1B, New York, New York 10009 for resubdivision of two lots in the T.E. Hellaby Resubdivision at properties located at 827 and 833 Ballantyne Road in AC and FPO zone.

Ed Summerhayes was present to represent the application.

MR. SUMMERHAYES: Gentlemen, good evening.

My name is Ed Summerhayes. I'm a land surveyor and my offices in Penfield, New York, and I'm here on behalf of Jeanne Swartele-Wood. And basically, what I am proposing to fight, or what I am proposing on her behalf is an amendment to a subdivision that was done to her parcel back in 2010 -- 2010 where she wanted to separate the barn and a house lot, and so she created an irregular-shaped yard so that she could utilize where the lot -- where the yard had been mowed.

However, she has been unable to sell that in its -- in that configuration, so this is an amendment to that lot. What she would like to do is take off on the highlight -- on the upper portion or the northerly portion of the page, the pink highlighted parcel of land, the trapezoidal parcel of land where the property line in its present form jogs down to the southeast, then south and back to the west. And then southerly.

What she would like to do, the intention of this application, is to transfer that portion of that land back over to Lot R2 -- I think it is R2 -- R-1B, but she wanted to maintain the acreage of both parcels.

So at the southerly end of Lot R-1B -- R-1A, is the -- is where we have moved the line south so that the transfers is -- is consistent and equal, so that the lot sizes remain the same. So it is really just an amendment to the -- to the previous subdivision and the lands as they presently exist.

Since this application has been submitted, um, I received the comments from the Monroe County Planning Committee which are really kind of very minor in nature. The only one of any significance there is that the monumentation needs to be checked by the Monroe County surveyor, and that I understand, and that is arrest -- as a matter of fact, the monumentation is shown on the subdivision, and that will be signed off as a -- as we proceed with this application.

The other correspondence I got was from Lu Engineers, the -- the Town Engineer. And they're -- their comment was that the subdivision does not show the existing leech field on Lot R-1A. And -- I don't know if you can see it from over there, but I -- the site plan for this parcel was approved by the -- by the Health Department in 1986. I have a copy of it here in my notes. And so I have plotted where that leech field was originally proposed, and at this point, I also assume that it was constructed in the somewhat same area. Because Monroe County Health Department does have their inspection process during the construction of a leech field and if it was not in that spot, then I don't think they would have approved it.

So at this point, I can only assume that it's constructed in that spot.

I will add it to the original map, and you will also notice that on the bottom left-hand side of the subdivision, um, this is -- all subdivisions filed in the Clerk's Office require a Monroe County Health Department approval. When I take this in for their signature and show this -- show them that, they will -- if they do have a concern, um, they can look up the -- their notes, their original notes to see where -- their inspection procedures and where it did end up.

And in either case or no matter what, it's located well within the lot and will not be affected

by this application.

And so that really concludes my presentation. If there is any questions, I'm happy to answer them.

PAUL WANZENRIED: Did you say she is going to -- she is trying to sell the parcel?

MR. SUMMERHAYES: She has a contract to sell Lot R-1B. My understanding is that she -- in the last e-mail I got from her, she is going to know by the end of this month whether that deal is going to go through or not. With the projected closing date of April 27th. The realtor she is working with, though, told her whether this deal goes through or not, she said, "If you really want to sell this lot, you really need to straighten that line."

So whether the deal goes through or not, the intention to remain the same.

PAUL WANZENRIED: If the deal -- is she selling it as a -- as a riding academy? Or is she just selling the acreage?

MR. SUMMERHAYES: She is selling the lot as it is. What the intention of it is, I don't know. If it's going to be a riding academy or whether they would plan on putting a house there, I -- I don't know.

PAUL WANZENRIED: Okay. You have a note on the drawings that says, "Variable width, common ingress and egress easement."

Am I to infer from that then that that driveway is the in and out for the parcel R-1-B?

MR. SUMMERHAYES: At the present time, it is.

On the original subdivision that we did in 2010, I also showed sight distances, and I don't think it shows on that, and I don't have a copy of that map.

But I also got sight distances up along Ballantyne Road, up on the northeasterly, near the northeasterly side so that there is an adequate sight distance, should any new buyer want to put in a new driveway. But it would be a temporary or -- or a permanent common access easement for the time being, but it doesn't have to remain so.

PAUL WANZENRIED: No further questions.

JOHN HELLABY: Does that site distance -- it's for an entrance on the west side of that barn that is up along the street?

MR. SUMMERHAYES: It's on -- actually, I got two sight distances, but I think I only reported the one.

Can I go over to the Board?

KAREN COX: Yes.

MR. SUMMERHAYES: Right around in that spot, I have a sight distance -- right in that spot where I marked it on the map, the sight distance looking east is 652 feet, and the sight distance looking west is 369 feet.

PAUL WANZENRIED: From where?

MR. SUMMERHAYES: From that spot --

PAUL WANZENRIED: If I'm standing on the side of that road, I can see that distance?

MR. SUMMERHAYES: Yes. Yes.

PAUL WANZENRIED: And in accordance -- you do realize that is a gully?

MR. SUMMERHAYES: Well, when measuring the sight distance, what we do is you have to measure about 10 feet back from the edge of pavement and at a height as if that -- that -- if the road is constructed at that quarter inch per foot pitch, at 10 feet, you can stand there and -- and look at that.

As a matter of fact, that was also -- is this the Town highway? Because that would have also have had to have been approved by Monroe County DOT. Oh, no it doesn't apply. It's a Town highway.

But it was -- it was measured in accordance with the -- with the standards for sight distances. 10 feet off the edge of pavement, at the grade of the proposed driveway and at 3 1/2 feet from the driveway looking at 4 1/2 feet.

KAREN COX: Where you would be sitting in a car?

MR. SUMMERHAYES: Where you would be sitting in a car?

KAREN COX: Or eye height, I should say.

JOHN HELLABY: Well, I understand what she is trying to do. I talked to her several times, but I guess my question is more to Mr. Lindsay. If I can get your attention for a second.

DAVID LINDSAY: Sorry.

JOHN HELLABY: That's all right. Back in '06 we actually gave Mrs. Swartele a conditional use permit granted for a period of three years for the riding stable, all right?

I guess the only question I have is once this thing does come to sale, would that new owner have to come before this Board with a new proposal if they intend to use it for the same thing? I know it is going to be a tough sell to even put a house down there on that hill to begin with, but I guess my concern is, do they have to come back?

DAVID LINDSAY: Yes. I think it had a three-year stipulation on it, in 2006.

JOHN HELLABY: So technically right now -- and again, I can't honestly say one way or another. If they would still be operating, they would be in violation?

DAVID LINDSAY: Correct.

JOHN HELLABY: Once this parcels sells and that individual decides what they want to do, they would be back in front of this Board for a renewal or a new application?

DAVID LINDSAY: Yes.

JOHN HELLABY: That's all I wanted to hear. I just wanted to make sure there is some controls in place because now you have a situation where the individual is not actually living there, so you got sort of an absentee kind of situation. But we'll address that when it comes

around.

DAVID LINDSAY: I think if there was no timeframe on the special use, it would stay with the property.

JOHN HELLABY: It clearly states three-year in here.

DAVID LINDSAY: But this is a three-year approval, so it expired in 2009.

JOHN HELLABY: And again, she might not even be operating right now. I don't know, and I don't even want to insinuate she is. I just want to make sure we have the controls in place in the future. That's all I got.

DAVID CROSS: Just one question. Has the owner put any improvements or structures in that little trapezoidal piece there?

MR. SUMMERHAYES: No. It's vacant.

KAREN COX: My questions have also been answered.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Karen Cox made a motion to close the Public Hearing portion of this application and John Hellaby 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.

KAREN COX: Since it is a resub, I should have stated this before, we don't have to do SEQR, because it's a resub. So we're done. The only -- I'm sorry, the only -- I guess the only conditional -- the conditions of approval -- see if you agree with me, Board, is we want to show the leech field on the resub map.

The Board indicated they would.

KAREN COX: So that is the one condition. Sorry about that.

MR. SUMMERHAYES: So you're done with the Public Hearing? She has the --

JOHN HELLABY: We have to vote.

KAREN COX: Sorry. New person. See, I said -- I'm the sad ghost of Jim (Martin).

MR. SUMMERHAYES: I like the way you do things.

KAREN COX: One way to speed the meeting up. (Laughter.)

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

1. Show on the final plan the leach field on lot RR-1-A.
2. Application of Frank D'Angelo, P.O. Box 449, Pittsford, New York 14534, property owner: Holt Road Storage LP; for preliminary site plan approval for exterior site improvements for future business at property located at 1615 Scottsville Road in GI and FPO zone.

Robert Avery and Nick D'Angelo were present to represent the application.

MR. ROBERT AVERY: Good evening. My name is Robert Avery. I am a land surveyor with Razak Associates in Penfield, New York.

I'm here on behalf of my client, the owner, Frank D'Angelo for this application. Frank (D'Angelo) is actually working out of State over the last two weeks, but his father, Nick (D'Angelo), is with me here tonight. I was glad he was able to come.

A little history on this. I think you -- probably a lot of you folks may already know the history that we have gone through with this particular parcel, which is the exception parcel out of the Greco property on Scottsville Road, as you recall.

Um, going way back, the land was illegally subdivided and the lot we're talking about was conveyed out by Mr. August Greco without subdivision approval many years ago.

So my client in May of 2011 had to come into the Zoning Board and apply for -- even though it is an existing lot, and SBL number, he had to apply for approval for that undersized lot. He didn't have the proper width or anything. So we did receive that back in May.

The fact there wasn't a subdivision map recorded, we came in in November before you folks for the subdivision approval to legalize these two parcels over here, the one larger Greco and the one my client's property, which we did do in November, and at the 15th meeting, and we were granted preliminary approval for the subdivision, and we had some conditions that were placed on that, which is one of the reasons why we're back here trying to move the ball along.

Your conditions you placed on it -- ADA compliance required for any proposed parking areas on the site.

Our map now does show an expansion to the existing parking by way of an extension to the south of the existing edge of pavement being here to accommodate 20 -- I'm sorry, what do we have here? 13 spaces, I think.

Um, two of which I think I have a handicapped note here.

We also have made the building compliant with ADA with a ramp at the front entry, which is more detailed over here on the architectural.

So we tried to accommodate the issues that go along with that Condition Number 1 in the site plan.

Condition 2 is should -- should cross access easements between number 1611 and number 1615 Scottsville Road be agreed upon, they should be called out on the site plan and a copy of the agreement shall be supplied to the Assistant Town Counsel along with all Monroe County filing information.

Well, my knowledge is that that is not going to happen. It's not -- difficulties dealing with the -- with the adjoining property owner has made that a continuing issue, and I'm quite aware of that having worked on this property for the Grecos and others for I don't know how many years, but quite a few.

So we're not proposing a -- a cross access and a loop access for this at this time, because it -- we can't -- we can't hold them accountable for that. I don't know if that answers your concerns on 2, but that is where we stand at this point.

Item 3, we had an issue where we had to have a new water service installed to our building, because really it was serviced but not individually to that structure. And also that the septic system be shown on the site plan.

Well, we have done both. The existing septic system is right behind the building, squared off area here shown. I know it is there. We located it. The tank was there.

And actually, we do have approval already from the Water Authority. And we have already run our water service line down here to the south of the proposed parking expansion, and up towards the main that -- the final connection still has to be done with -- by the Water Authority. So those two items we have tried to address. That was Condition 3 of your November meeting.

Item 4, partially buried fire hydrant shall be raised to the prior height prior to final approval being granted. Now this occurred when Mr. Greco went and performed some fill operations over here on his side.

I think he finally got that approved maybe after he had already done it. I'm not quite sure. But we have been in discussions with the Water Authority, and they are going to raise that themselves. They have just about had it with waiting for that to be done, so they're going to raise that.

And Condition 5 was the application subject to continuing approval by the Town Engineer and Commissioner of Public Works.

So I wanted to just address those first. It is really nothing new. It's a continuation of what we have been working on since May to try to get these properties up to snuff.

Our client, or my client, Nick (D'Angelo)'s son has already done substantial improvement to at least the rear building. He has replaced the roof, which needed it. It was leaking. New siding, new windows. I believe he has done new drywalling inside.

Am I correct to that?

MR. NICK D'ANGELO: Uh-huh.

MR. ROBERT AVERY: He has done some improvements, basically all he has been able to to up to a certain point here. He doesn't have a tenant in mind for leasing the space, either the garage in the front or the house in the back. You will recall it had many businesses in there over the past. The last one I think was a television repair place.

But he wants to be able to continue improving the property so that with that, he can possibly attract some tenants so that he can lease out the building. So in our site plan, here, then, besides the items already covered, the main portion here would be the extension of the parking. We need to increase the parking on this parcel because it's inadequate as it is, and it has been.

Landscape wise at this point, we have shown proposed four new honey locust trees in the front. Of course, that has all got to be reviewed appropriately here within the Town, so as far as landscaping.

We have comments we received from -- I guess County Comments did not arrive to the Town, I was told, so I -- I don't know. They did the one application, but they weren't able to get ours, I guess -- the prior application.

We do have the March 7th letter from Mike (Slattery) at Lu. The architectural floor plans for the 784 square foot building in the front of the property, that would be the garage building, right up near the right-of-way, shows a proposed restroom in it, and it does. The proposed site plan does not show a water service or a sanitary sewage disposal system for the building. Well, that is correct. But we were kind of not aware of that until the very last minute. We had already generated our prints for submittal, but I do have some smaller-sized prints that do show service, both water and a leech line from that front building to the existing field. I will point it out on the map here for a second.

And that revision to the map, as I indicated, would show the connection to which PVC from the front building force line out to the septic field in the back, and also a 1 1/2 polyethylene water service from the rear of the building to the front building connecting right there (indicating).

So we have shown that to -- based on the wishes of the applicant to have a washroom in that front building, and to address comment one.

The application does not include -- there is -- Item 2, the application does not include a proposed use for the buildings. Therefore, we cannot make a determination of the parking requirements for this property. The proposed buildings have floor areas of 1532 square feet for the rear buildings, 784 square foot for the front; combined total of 2316 and square feet. The proposed 13 spaces meets the requirements for retail and commercial uses that require one -- one

space per 200 square foot of floor areas, and that is what we determined when we prepared the site plan.

And once again, yes, we don't have the proposed use at this time.

Um, comment Number 3, if the front building is renovated to include the two overhead doors shown on the architectural plans, doesn't appear to be adequate space between the building and the closest proposed parking space to allow for movement of vehicles into and out of the building.

Well, it is rather tight, but we feel we still can maneuver, and we don't actually have -- have a definite use for this, possibly storage. I think warehousing is allowed in this zone, if it is within the Airport Overlay District. Small be it, maybe some tradesmen will want to store plumbing supplies in there. Maybe there wouldn't be a vehicle. But we do have -- even though it is tight, we have adequate space to get a vehicle in and out of the door there.

We're kind of limited as to where we can place the door on that existing building.

Um, Item 4, upon completion of the project, applicant shall submit a landscape Certificate of Compliance to the Building Department indicating that the plantings that were approved have been placed in conformance, and that is a Town requirement.

Item 5, the Town Engineer and DPW should be copied on any correspondence with any other approving agencies. We can forward the packet that we had already submitted for the Water Authority and the backflow prevention device. We have already done that.

Um, should not be construed as a complete final review. If Planning Board approval is granted, we requested it be contingent upon Town Engineer and Department of Public Works approval. Was the last comment. I don't have County Comments, so I'm unable to speak on those.

In a nutshell, we would like to move this process along. Client has concerns that even though he does not have a tenant lined up, he -- he fears that the way the property is now -- and he has done his best to start improving these buildings -- he is going to be unable to attract a tenant, unless he does this additional work, i.e., the parking and the new canopy in the front, the new entryway with the ramp, and the improvements to the garage in the front. Which are quite substantial to the garage there. He is actually raising that roof a bit from what it is existing.

And Mr. Arilotta's plans indicate that.

It's not the prettiest looking garage now as it sits there, but with the new roof on there, it will -- it will spruce it up markedly.

That's really all I can speak on right now, but I'm sure you have questions.

KAREN COX: Okay. Thank you.

PAUL WANZENRIED: There is no -- you provided no floor plan for the back building?

MR. ROBERT AVERY: Not at this time, seeing as how we don't know what's going to go in there yet. We're assuming we would have to come back to the Board for, you know, change of use. It will probably be a different use than the prior use which was a TV tube place, so.

PAUL WANZENRIED: Okay. And am I to understand that your relationship with the neighbor is somewhat contentious? Is that what you said?

MR. ROBERT AVERY: Mine, no. I would think between the two, if they can't come to an agreement, yes, I would think so.

PAUL WANZENRIED: So if I understand this drawing correctly, you're showing the two garage doors, but to back out of one would it cross his property line?

MR. ROBERT AVERY: Well, once again, it would -- it would be tight. The 2227 juncture with the 4756 does come to a point there, and you see -- yeah. This is all paved together here, too. It's all paved right across the lot line as it has been for many, many years.

PAUL WANZENRIED: Okay.

MR. ROBERT AVERY: You know we did our due diligence and tried to get this easement. If you recall, I had it all prepared out. I had the meets and bounds description that showed on previous mapping that I had done, and we just couldn't coach the adjoining into accepting.

JOHN NOWICKI: Paul (Wanzenried), can I just ask you and Bob (Avery) a question here? In regards to those double doors in the back, why wouldn't you consider just one big single door, and that would bring it down in width a little bit so you can go in and out of there?

MR. ROBERT AVERY: And sliding it down maybe towards the south more. That's a good idea.

JOHN NOWICKI: I just throw that out for --

PAUL WANZENRIED: No. That is probably where I was headed, so -- exactly. Okay. And the shade area here represents the parking -- a gravel area; is that correct?

MR. ROBERT AVERY: Yes.

PAUL WANZENRIED: You're not banking, this, though? You're not banking the parking?

MR. ROBERT AVERY: No.

PAUL WANZENRIED: All right. I have no further questions.

JOHN HELLABY: Nothing further than the Town Engineer's comments. I know it's a tough situation down there. To make the best use of the building is tough.

JOHN NOWICKI: It would be nice to know what the intended uses are for the front and the back building. The front building will just have two vehicles parked in there or storage, but again, nobody knows what for.

MR. ROBERT AVERY: Well, in speaking with my client, I believe he realizes he would have to come back for the -- for the exact usage once he has a tenant lined up for these. But he

can't even get to that point unless he can make certain -- continue with these improvements to the property. He will not attract any tenant as it is now. So I believe he is expecting that, certainly.

KAREN COX: Coming back for a change of use.

MR. ROBERT AVERY: We don't know what the uses are, and -- John (Nowicki), you're absolutely right. The other uses could, you know -- if they're going to click on some other concern, depending what it is, sure.

I guess I would look at this as more a generic improvement right now so he can get tenants into these buildings, and once he has a -- it's fine-tuned as to --

JOHN NOWICKI: Who is going in?

MR. ROBERT AVERY: Yes.

JOHN NOWICKI: We have to have him back here.

MR. ROBERT AVERY: Right. Right now he can't go any further than what he has already done.

JOHN NOWICKI: That building in the back, that has been there quite a long time, quite a number of years.

MR. ROBERT AVERY: It has been there as long as I can remember.

JOHN HELLABY: 35 plus, if not more.

DAVID CROSS: I guess my -- I will look forward to some comment from the Architectural Review Committee. I don't know if they have seen it yet, but I will wait on that and let you have your chance. And the Conservation Board, too.

RICHARD BRONGO: I have no questions.

KAREN COX: I was going to suggest what John (Nowicki) had said about coming back for the -- when the building was -- when they determine whatever use is going to be.

DAVID LINDSAY: Do you have something you can send us from the Water Authority indicating that they're going --

MR. ROBERT AVERY: Yes. Yes, I can. Regarding the hydrant. And also our submittal and communication with them for the water.

PAT TINDALE: Just one thing. We usually request a Conservation Board checklist be filled out and we have received nothing. So if we can get that, please. It's on the website.

MR. ROBERT AVERY: Thank you.

JAMES IGNATOWSKI: Not too many comments. This is the first time I have actually seen it. I don't know what the original building looked like. There is no colors, nothing, so I -- I can't afford a comment because again this is the first time I have seen it.

KAREN COX: They would have to come present it to the ARC.

JAMES IGNATOWSKI: I would assume they would have to.

MR. ROBERT AVERY: The siding I think has already been done on the back building.

MR. NICK D'ANGELO: The exterior is done. It's all brand new. All new windows, all new siding, all new roof.

MR. ROBERT AVERY: Except for the front portion there. The canopy over the entrance there, with the ramp, that hasn't been done. But the structure is fully sided with new windows and that has been done.

He was able to do that without, you know, appearing before the Planning Board. Just through the Building Department. The same thing with the roof.

KAREN COX: Jim (Martin), do you still -- does that make any difference in -- I mean, you still want them to come talk to the ARC?

JAMES IGNATOWSKI: I think it would be best if they did because -- I think it would be best if they did in case there is any questions down the road why didn't it come before our Board.

KAREN COX: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Just a question. The County Comments that Mr. Avery read were from when? March of --

MR. ROBERT AVERY: No, I didn't read any County Comments.

JOHN NOWICKI: We don't have County Comments.

DOROTHY BORGUS: You don't have --

MR. ROBERT AVERY: They didn't --

DOROTHY BORGUS: Not this one, but the ones you read with the conditions.

MR. ROBERT AVERY: Those were the conditions from the Planning Board, the subdivision.

DOROTHY BORGUS: Okay. Shouldn't the Board wait for County Comments?

MICHAEL JONES: We have to.

KAREN COX: I'm sorry.

JOHN NOWICKI: We can't take final action until we get County Comments.

KAREN COX: Right. I mean, we could -- I guess you could table it or preliminary.

MICHAEL JONES: We can take preliminary action.

KAREN COX: They have paid for final, but since we don't have County Comments --

DOROTHY BORGUS: Thank you.

KAREN COX: We can at least give preliminary approval.

MR. ROBERT AVERY: That's by law; you don't have the comments from the County Commission, so you can't grant final.

MIKE ORLANDO, 19 Doncaster Trail

MR. ORLANDO: Name is Mike Orlando. I live at 19 Doncaster Trail in Henrietta.

The comments that Mr. Avery is making have some factual errors. The property was never owned by Gus Greco, August Greco ever. The part of the property was owned by the DePascales, not Greco. Greco has never owned this property in question. Greco and Mr. DePascale purchased from the DePascale Estate -- when the subdivision was done illegally, Gus Greco, John Greco and DePascale bought various portions of the DePascale Estate. It is continuing to be referenced as though Gus Greco did something. Gus did nothing. He had nothing to do with this property whatsoever. It adjoins property that is owned by his estate and John Greco, and so that is a factual misrepresentation that is continuing to be perpetrated that should not be.

Um, and I happen to be the Store Manager of the property next door. I wish the D'Angelos well in finding a tenant and a suitable use for the property. They have substantially improved what was there. There is no question in my mind that that was the case. But the proposed subdivisions that you brought in -- in past had factual inaccuracies, which is why the family had objected to that, okay, and you're referring to it as though there was someone that was unwilling to compromise when there was no sitting down at a table to discuss any of these issues.

So it's problematic, because it was all considered all in the family at one point in time, and there was a right-of-way across the property and so on.

Right now, the issue is that -- if I could look at the pictures that you have drawn --

MR. ROBERT AVERY: Uh-huh. I don't have the subdivision map up there.

MR. ORLANDO: Well, the other proposed subdivision has nothing to do with what you're asking for. It is completely irrelevant to that.

The -- the -- there is 10 feet from the building this way (indicating), 10 feet from the building this way (indicating). There would not be enough room for where this door is situated to get in and out of there. Because Mr. D'Angelo has said he would put a fence across here (indicating). Should he do that, vehicles would hit that fence.

If there was to be a right-of-way across, that is a different issue entirely.

But at this point in time, that hasn't been brought to the table for either party to actually consider.

What was in contention in the fall was a giving of land this way (indicating), in return for taking down the front building and moving the property line this way (indicating). And that never occurred because the proposal had been made to take all of the land all of the way to the railroad tracks rather than just that specific land that was needed to meet the requirement of the 200 feet of road frontage so that it would be a conforming lot. Because there is certainly 200 feet of conforming lot this way (indicating). Okay?

But if there is an overhead door put here (indicating), that -- that I would object to. There just isn't room for that. The waterline was put in the other day. Um, the building does not have any drywall in it at this moment.

Asbestos was illegally removed from this building, okay? And has miraculously disappeared without an asbestos abatement program.

And the contiguous fire hydrant, the Greenway is what buried the fire hydrant. The Water Authority has a water main turn-on/off box that is over a foot higher than the base of the fire hydrant, and the -- that is the real issue with the fire hydrant. Nothing else.

So, um, I would object to the two doors here (indicating). If there was a larger door further this way (indicating), I would not have an objection. That wouldn't be an issue whatsoever.

But I would object to the way that the doors are shown there (indicating). And, you know, I welcome a tenant next door. It would be good for everybody.

MR. ROBERT AVERY: I'm just glad that someone from the Greco side has come to the meeting, which is good. Let me also -- and I did the original boundary survey on the entire property for the Grecos.

MR. ORLANDO: And I pointed out to you at that time it was incorrect.

MR. ROBERT AVERY: I have worked with the Surrogate Court appointed administrator quite extensively on this property, okay? Mr. -- Mr. Iacovangelo.

MR. ORLANDO: Understood. Understood.

But again, I want to reference the fact that if you check the property ownership, August Greco doesn't appear anywhere in the records of that property.

MR. ROBERT AVERY: Very well, yes, that could have been a mistake on my part, but I would also add that there has been quite a lengthy period of discussion of this. And I am not going to get into it further with boundary issue on this, because it has nothing to do with my client.

MR. NICK D'ANGELO: Nick D'Angelo. I'm Frank's father.

Just to give you a little run down about this, um, what the gentleman says about taking this property, taking the property over the 200 feet and all that stuff, I spoke to Mr. Greco for six months started -- before we got into any of this, because we -- we didn't buy this building obviously. This building we -- we achieve it by foreclosing on the mortgage. And when I talked to Mr. Greco, I said, "I'd be glad to sell the building to you." Or he says if you want -- they had no parking. They have no parking at all. All of the parking is ours. That is what they're using.

So the building, "I told him if you want this front building out, which would make easier for you, you have a nice storefront, we'll move -- take the building down and we -- give us the land on the other side to compensate because you can't use it anyway."

They don't do nothing with the land.

He said, "Oh, yes. Yes, yes, and no." This was about six months.

I said, "You got to make up your mind. We can't keep this building forever."

You know, it was raining inside the building. We had to put a new roof. It was rotting. The siding was falling apart. It was a shamble. I mean, we took up six dumpsters out of there of material. And, you know, we found all this stuff about this building. There is nothing wrong with that building. Actually, it will be an improvement for the whole neighborhood when we get through with it. I mean, it was terrible. Even the front building, when we get through with that, it will look like a sub -- you know, a piece existing it looks like.

Right now it -- it is a mess. I mean, if you know, I am sure you people drove down through there. It looks ten times better than what it was, and we're going to keep on improving it. That's our reputation. That's all we do. We do subdivision all over the place. So -- anything that tell you -- for eight months we have been talking back and forth, back and forth with Jack Greco. He can't make up his mind one way or another. And it has to stop somewhere.

KAREN COX: Okay. Any other public comment?

Karen Cox made a motion to close the Public Hearing portion of this application and John Hellaby 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.

KAREN COX: What is the Board's pleasure? Do we want to table, preliminary approval?

DAVID CROSS: I wouldn't entertain preliminary approval.

I'm hearing the garage issue. I want to make sure it gets reviewed by ARC.

What else?

RICHARD BRONGO: Comments from the County.

DAVID LINDSAY: Chairwoman, a couple other additional comments we're discussing over here I think we need clarification on, as well. One has to do with the rear setback for the -- I guess it would be the existing, but proposed building in the front. I don't know if that was ever -- it seems like you got your variance for the side setback and the front setback.

Do you have an issue with the rear setback at all?

MR. ROBERT AVERY: I believe it included the rear. I believe it included the rear. I'm not sure -- I don't -- I'm not sure if I have the exact determination letter for that, but I would assume.

DAVID LINDSAY: Our property card here doesn't have a reference to the rear setback. It just talks about the front and the side.

MR. ROBERT AVERY: Maybe they were construing the rear as the side. I don't know. I mean, it is pretty evident that it was less than the required I would think when they came before the Zoning Board. I don't -- I don't have the determination letter.

DAVID LINDSAY: All I can speak to is what is in the property card here. It doesn't reference the rear setback. It is another thing I think that needs to be resolved.

KAREN COX: If it's -- if the -- they're going to have to go back in front of Zoning Board?

DAVID LINDSAY: If they -- if they don't have the rear setback variance, yes. I guess what we would need to do is look back at the decision when they came in, and the information I have in front of me here, and see if it matches with what that decision was. And if that is the case, if it does match, then they don't have the rear setback issue resolved yet, they would have to go back.

KAREN COX: So you will work with the --

DAVID LINDSAY: I can check tomorrow. I can check tomorrow.

KAREN COX: You said you had a couple issues?

DAVID LINDSAY: Just there was an issue around the Architectural Review. Um, this is in a GI District, so there is no automatic requirement that it goes for Architectural Review, but the Board has the authority to ask for it, should Chairperson desire to do that.

KAREN COX: Well --

DAVID CROSS: Based on its current use and -- kind of proposed use -- I think it's appropriate it goes in front of the ARC.

KAREN COX: You mean the -- one of the buildings, obviously, you know, has -- has new windows and siding. You know, there -- there is not much that the -- I suppose can be changed about that, but I guess it is the Board's pleasure.

JOHN NOWICKI: With some of the issues that are still pending, on both sides of the aisle here, the fact that we have the opportunity to get a slower pace to this one to do the architectural, to do the landscaping to make it is necessary -- that we're on the same track here, in that a little more time may help to bring things together a lot more smoother, and I would certainly seem more comfortable even if we tabled the application.

JOHN HELLABY: I guess I have to agree with John (Nowicki). Just looking over this plan real quick, I get nervous reading notes this proposed 5400 square foot additional parking area to be paved in the future. I mean, I would like an answer on how long are we plan on leaving it.

JOHN NOWICKI: And we have County Comments to come back. We need to take our time on this one.

KAREN COX: Okay. All right. I guess we'll take a vote on tabling the application.

JOHN HELLABY: Motion has to be made. But I -- but -- I don't see where -- why the applicant can't continue to move forward with improvements, you know, if it is tabled, to get some of these other issues worked out. They get the Conservation Board, the Architectural Review Board. They could be back in here in a month or two and hopefully have everything put behind them.

MR. ROBERT AVERY: Probably would be at minimum two months, I would think.

JOHN HELLABY: I mean, it is -- site improvements can be moving slowly. I know you have been doing a bit of grade work and stuff in this, in the parking --

MR. NICK D'ANGELO: We can't go much further than we have now.

KAREN COX: Site improvements, I don't think they can.

MR. ROBERT AVERY: I don't think there is anything else they can do.

KAREN COX: If there is work in the building that you got a permit for from the Building Department, that could --

MR. ROBERT AVERY: I believe they have gone as far as they can go at this point.

KAREN COX: Well, there is -- well, there are a lot of -- a lot more items than usual on something like this, so I guess I --

PAUL WANZENRIED: Jim (Ignatowski), what is the deadline for your submission for this month? To make this month's meeting?

JAMES IGNATOWSKI: March 21st.

PAUL WANZENRIED: A week out. That's a week out.

KAREN COX: So then by then, I would assume we would have County Comments. Those are the two major items.

PAUL WANZENRIED: Right.

JOHN NOWICKI: So I will put the motion out on the table --

JOHN HELLABY: I will second it.

KAREN COX: To table it?

JOHN NOWICKI: Yes.

KAREN COX: I guess we'll vote on tabling it.

DECISION: Tabled by a vote of 5 yes to 1 no (John Hellaby) until April 10, 2012.
The following should be addressed prior to this meeting:

1. Pending final approval by the Commissioner of Public Works and Town Engineer.
2. Pending receipt of the Monroe County Department of Planning comments.
3. Landscaping checklist to be reviewed by the Conservation Board.
4. Applicant should consider revising double garage doors to a single door.
5. Applicant will be required to come back to the Planning Board for site plan approval for a change of use upon determining the building use.

JOHN HELLABY: Can you get all that stuff done by the next meeting?

MR. ROBERT AVERY: I have to talk to -- I couldn't tell you.

JOHN NOWICKI: April 10th.

KAREN COX: Okay. Meeting is adjourned.

The 2/14/12 Planning Board minutes were approved.

The meeting ended at 7:55 p.m.