

CHILI PLANNING BOARD  
April 8, 2008

A meeting of the Chili Planning Board was held on April 8, 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, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; 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 Heritage Christian Services Foundation, owner; 349 W. Commercial Street, Suite 2795, East Rochester, New York 14445 for preliminary subdivision approval of three lots to be known as Heritage-Westside Subdivision at property located at 1125 Westside Drive in R-1-12 zone.

Kip (Finley) Finley and Dan Stuart were present to represent the application.

MR. FINLEY: Hello, everybody. I'm Kip Finley with of Avery Engineering and Surveying. And this is Dan Stuart with Heritage Christian Services. We're going to tag-team in tonight because Dan (Stuart) has a lot of information about what Heritage Christian Services does, how they operate, and I have the background on the site, if that is all right.

Our drawings probably are the best place to start for a quick explanation of what this is for the people that are here for the meeting, and then Dan (Stuart) will explain more about the program. We're here tonight for a three-lot subdivision which is taking the existing parcel that has a farm house and a barn, and splitting it into two reverse frontage lots or what they call flag lots, because there is a flagpole, and then a greater flag, and then subdividing out the house and the barn so they can use that as a day treatment center. There will be a driveway that shares access to the two new homes that are going to be in the back, and then we'll loop the driveway through for this house that is going to be restored and used as a day program for Heritage Christian Services.

This is generally what the house looks like (indicating), although in the way we have laid it out, the garage becomes a side-load garage. But at least for tonight this gives you an idea of the type of structure how tall it is. The colors are the best we can do with magic markers before the meeting, but it is earth tones with brick and probably a brown roof.

I think Dan (Stuart) can really explain now what the use of the two homes and the existing building will be.

MR. STUART: What we have proposed here will be two individual homes, six bedrooms each. They will have one kitchen, 2 1/2 bathrooms. Um, fairly decent sized living room and off the back maybe some sort of a four-season sun porch. Approximate size of the house, 3,600 square feet. This is each house that I'm referring to.

Heritage Christian Services -- let me back up a little bit -- serves people that have development disabilities. Currently we serve over 320 people in New York State with developmental districts in residential programs. We have 51 group homes, 11 located in Buffalo. The rest here in Rochester. We also have operate -- operate a number of day programs between Rochester and Buffalo also. Springdale Farms being one of our premier programs which is a partnership with the County of Monroe.

We also have a number of other services with Heritage, ranging from service coordination, caseworkers that work with people in the community. We have been around approximately 25 years. This is where we're hoping to go with our next proposal for two more houses.

MR. FINLEY: I guess we can take two directions, whichever would be more favorable to the Board. We do have comments from the Town Engineer. We have comments from the Monroe County Planning Department. I think about the only thing I would just like to say for the audience is that we did take this project before the Zoning Board of Appeals for some dimensional -- approval of some dimensions on the lots and we did get into quite a bit of site plan discussion at that meeting so they would understand what was happening so they could make their decisions. One of the residents, Mrs. McKenna, was there, and I don't think she is here

tonight, and we talked quite a bit about how this project would affect her property and then tonight with the Planning Board is really the correct venue for anybody that lives in the neighborhood to talk, and we can answer questions about that.

So let us know what you would like us to discuss next.

JAMES MARTIN: Um, I think, Kip (Finley), if you would go through the Town Engineer comments, it probably will begin to answer some of the questions and concerns, all right, that the Board is going to have. We may interrupt you going through there with questions and issues, so if you want to go ahead and start that, and I will just let the Board chime in freely with any questions or issues they may have as you are going down through that checklist.

MR. FINLEY: Okay. That would be fine. There are ten comments, so bear with me. If you're here to see other applications, we'll --

JAMES MARTIN: If you want to go up to the podium, so everybody can hear.

MR. FINLEY: Sure. These are comments from the Lu Engineering, who is the Town's engineer. First comment was to provide a note that the existing driveway located on Lot 1 shall be removed upon completion of the proposed common drive. Lot 1 on the subdivision is the lot that retains the house and the barn. So we're talking about the existing driveway that's close to the east property line.

In that case, if you don't mind if I jump between the two, that was also a similar comment from Monroe County Department of Transportation. When we have a project like this, it goes through a number of different agencies for review, and the County Department of Transportation said they would prefer to eliminate that driveway also, like the Town Engineer had said. So if we can address that together, in most cases we definitely understand the County's desire and the Town's desire to control access and have fewer cars backing out into the street and pulling out into the street. In this particular case, with the nature of the day program that is going to be in that existing farm house, they bring the people in with a van, an extended van, and drop them off for their program and then the van may or may not leave. It's generally Heritage's policy not to have these drivers try to back up the vans on property when you have members around, so we do want to keep the driveway. We do have it proposed -- this is the existing driveway they're talking about (indicating). This is the shared driveway (indicating). We would like to connect those so when a van pulls in, they can discharge the residents from other homes that come here out the right-hand side. Usually if you have been on a lift van or seen a lift van, they discharge and then have them pull out, and this is actually the better driveway (indicating). It will be wider, built for two-way traffic. So that is one topic, we would like to keep that driveway.

JAMES MARTIN: Would that be one-way in?

MR. FINLEY: It is one of those cases where it is such a low use, I don't know it needs to be noted one way or another. It would be just a standard residential driveway with a couple trips a day. I think if somebody sees the van pulling out, they would just stop and let them pull out so they could go in. We weren't picturing it would have to be signed.

JOHN NOWICKI: What is the purpose of the people going to the existing farm house?

MR. STUART: The existing farm house will be a day habitation site so six individuals either from existing houses through Heritage or the community would go there, would do different activities at the house or may go out and volunteer in the community, Meals on Wheels, different opportunities in the community.

JOHN NOWICKI: They don't have those facilities where they're staying?

MR. STUART: They -- the individuals that would report to the day hab would more than likely live in a home similar to this, more than likely not this home in general, or one of these two homes we have proposed here. They would come from another home in the community.

JOHN NOWICKI: Right. So why are they coming here?

MR. STUART: Excuse me?

JOHN NOWICKI: Why don't they get their services where they live?

MR. STUART: Um, I guess the same way we go out for a job during the day, we don't provide all of our services at home for an individual. These people that we serve are higher functioning. They do interact with the community. Here's an opportunity for them to learn other skills in the community, and this is a hub for them to get that out of -- it's a work-type related setting for them, or instead of being home and having those services brought to them.

JOHN NOWICKI: Then after they -- do they do other work in the newer -- newer homes that you are building there, too? The new ones?

MR. STUART: The people that will front to the front home, no, more than likely will not have any interaction per se with the homes or any responsibilities of the home in the back area. Some of the skills that we do work on at day programs range from cooking skills, computer skills, Springdale Farms, great opportunity working with animals, interaction with the community, whole variety of different things. Art therapy studios. We cover quite a range throughout our programs.

JOHN NOWICKI: Thank you.

JIM POWERS: What are the numbers that you contemplate on bringing in?

MR. STUART: This day program will be certified for between six to eight people. There will be three staff people scheduled for this day program.

JIM POWERS: Just six to eight per day.

MR. STUART: Six to eight people per day, yes. And it would be the same consistent people that would be reporting to the site.

JOHN HELLABY: What hours? Do they all come in at once and all leave at once? Or is there traffic coming and going on a constant basis?

MR. STUART: It will fluctuate a little bit. Typical hours are between 8:30 and 9:00 and usually leave between 3:30 and 4 o'clock would be a typical day.

JIM POWERS: What is the age range of the people of the --

MR. STUART: People that we serve residentially range over the age of 18 up to senior citizens. Um, it -- as far as service coordination, other services, we do offer it to under age 18, but in a residential program it is over age 18.

MR. FINLEY: Does that answer at least how things function with respect to the driveway? Any more questions about that?

JAMES MARTIN: Well, it -- um, I -- I still have this feeling that having a one-way in in that particular driveway, so you just circulate, have it marked that way might be advantageous for traffic flow off of Westside Drive.

MR. STUART: We would be open to anything like that, but in the same breath we would try to maintain the residential feel the best we can. A lot of times with Heritage, even our parking lots in the homes, the best we can, and some towns have little different rules on it, we don't have handicapped parking stickers or signs. These people know they're handicapped. They don't need to be reminded of it, so --

JAMES MARTIN: I'm not thinking about --

MR. STUART: I'm just saying as far as the signage and stuff like that, if our -- our preference would be to try to stay away from it just to kind of keep it as residential feel as we can.

JAMES MARTIN: I understand that, but I'm not talking about, you know, the residents per se. I'm talking about traffic flow off of Westside Drive.

MR. STUART: We can also work that through with our staff, encourage, "Hey, this is the way you enter and exit the site." Um, which, you know, we do have some good results with that also.

MR. FINLEY: I guess to continue on then, next comment doesn't really require action. Due to proximity of the Town line, the plans will be forwarded to the Town of Gates.

JAMES MARTIN: That has been taken care of.

MR. FINLEY: Makes sense.

JAMES MARTIN: Um, Design Engineer shall place a note stating that the driveway section shall be suitable to support a fire truck. That would be, I'm assuming the central shared driveway where a fire truck or ambulance would go back to that loop into the driveway. That's -- makes sense.

Um, maintenance and access agreement among --

JOHN NOWICKI: Can I ask you a question in regards to that, our Town Engineer? Have you looked at the cross-section of that driveway going in?

KEN HURLEY: I believe there is two inches of pavement with --

JOHN NOWICKI: Is that sufficient to handle fire trucks going in and out of there?

MR. KENNELLY: I didn't do an analysis. It looked thin, just from general what most people propose, so -- it is just something -- if the engineer feels that it works for that, and he puts a note on there saying it is suitable for fire truck, and the first fire truck goes in there and crushes the driveway, the Town can say, "Look, your engineer said that this was suitable."

It's more of a liability to the Town and the Fire Department's concern, they don't want to ruin somebody's driveway. If they analyze it and it works for them, then --

JOHN NOWICKI: We would want a letter on record.

MR. KENNELLY: Yes. We would ask for a note on the plan stating it is suitable.

JAMES MARTIN: There would be a note on the plan that they certify the driveway would be good for a fire truck.

JIM POWERS: Out of curiosity stake, do you contemplate on putting a hydrant on site back where the two group homes are? If not, could you tell me how many feet it is from the nearest hydrant that they would have to drop hose back to?

MR. FINLEY: I'm pinch-hitting for Rob Fitzgerald tonight, so let me check this.

MR. STUART: I believe it shows on the west side of the driveway entrance.

JIM POWERS: There is a hydrant, I think, to the -- towards the expressway.

JOHN HELLABY: There is --

MR. FINLEY: There is a hydrant right at the east property line of the existing house. This dimension here (indicating) is 229 feet. So both houses would be within 3 or 400 feet of a hydrant. And also, they're sprinklered, right?

MR. STUART: Yes. Both houses will have complete sprinkler systems.

MR. FINLEY: So the distance for a firehouse to make it within the 500 feet is appropriate and they're sprinklered.

JAMES MARTIN: I guess I'm going to request that the Fire Marshal, you know, put a letter in the file basically agreeing to the condition, you know, what you have proposed here from a utility standpoint, either agreeing or disagreeing with that assessment.

Thank you.

MR. FINLEY: Is that -- you're taking care of that?

JAMES MARTIN: Mr. Karelus will take care of that.

MR. FINLEY: Another comment was a maintenance and access agreement between all three lots shall be provided prior to the final map approvals. As I understand it, it is written, the descriptions is -- has been created. It's the blue dashed area on the property subdivision map there, so there is one in place that we can provide to the Town.

JAMES MARTIN: Okay. Copies of that to the Building Department and the Assistant

Town Attorney.

MR. FINLEY: Location of proposed utilities contradicts with tree protection detail. It appears that utility locations will compromise the health of existing mature trees on site. Please locate utilities outside of existing tree drip lines. Propose and note utilities to be installed by directional drilling or note trees to be removed, and then for review by the Planning Board.

On this site there are some trees that need to be removed for the project and some trees that Heritage would like taken down for protection of the house. The -- there are still trees that will stay along the driveway.

I was just checking for a note, because our intent is that there is a tree that is dead at the end of the driveway that was hit by lightning, and there are some other mature trees that are on the McKenna side of the property. It shows water and gas lines going in that corridor. We were going to be pushing our directional drilling well under the trees, through there, because we do want to keep those trees.

The sewer would be in the driveway. That has to be open-trenched, so we would put that there will be no trees -- and the same with the electrical and phone that is direct-buried cable -- in an area tight to the driveway, so we're not affecting trees.

I think on the whole, there is seven trees of varying condition that come out on the site. A couple of the ones in the front are large spruce trees that kind of tower over the house and from what we have talked with Heritage, they would prefer those to come down before they fall down, seeing how a lot have done that in the area.

The one that is probably the biggest one of interest is there is a 60-inch deciduous tree in the backyard that really appears to be a nice tree. Maybe -- you have seen it, and you can explain what is wrong with it.

MR. STUART: There are a number of cables that over history have been installed in the tree holding the leaders together and the majority of those cables are already snapped. The condition of the tree, in my opinion, is going to present a safety hazard to the site.

JAMES MARTIN: Previous applications before this Board when we have had a tree of that magnitude in question, um, we have had, you know, an arborist do an assessment of the health of the tree to make a determination on whether or not it is truly a safety hazard or whether it is not a safety hazard.

MR. STUART: We would be willing to have that --

JAMES MARTIN: I would like to have an official report on the health of that tree. I think the Conservation Board would also like to have that, and also, I will make -- Pat (Tindale), I don't want to steal your thunder, but Conservation Board's comment on this particular application is that the Conservation Board checklist was missing. It is very difficult to determine, you know, what trees on the premises are really going to stay and which ones aren't. I was there. I have done a walk of the property. I was trying to figure out based on the plan we had in front of us which ones were going to stay and which ones weren't going to stay. Certainly any trees greater than 8-inch in diameter need to be discussed with the Conservation Board. Clearly comments from Mr. Karelus, you know, there certainly is the ability to do directional drilling, all right, to get underneath the roots, or you know, so that you're not disturbing the tree roots themselves.

As far as the large pine trees that might fall on the house, I don't know how to answer that one. Obviously there is a lot of people in the Town of Chili that have had some significant problems with the wind storm we had earlier this year. A lot of large spruce trees did come down. They were just torn up by the roots. So that is always a concern.

But clearly, the bottom line is, there is an awful lot of beautiful trees on that piece of property, and if this were to go forward, we would want everyone that can be maintained to be maintained.

MR. FINLEY: Well, that's -- Heritage will take care of having an arborist come out. That 60-inch tree is one of the ones that doesn't have to come down for us to accomplish the project. It was more a case they're seeing it split apart and it was on the wish list.

MR. STUART: It consists of 3 or 4 different leaders from the trunks.

JAMES MARTIN: I know. I have studied it. So I know what you're talking about, but I want to be sure --

MR. STUART: Understood. It is subject to removal.

MR. FINLEY: We can touch that or come back and touch on that when we hear from the Conservation Board, too, as far as landscape plan and that.

That was the same comment, it just continued on comment six, is to, I think, more clearly note all of the trees to be removed, and it talks about the 60-inch tree.

Then there was a comment Monroe County DOT approval will be required for the proposed driveway. We understand that.

Schematic drainage shown on the plan does not appear to provide water quality or runoff detention. Although schematic at this point, how does the engineer propose to protect the property to the east from concentrated discharge of storm water?

I -- I guess that the plan isn't that clear read on the utility plan -- or the drainage plan. What we intended to do is at the -- I will draw them on here for you. Everything is flowing towards Westside Drive. We put in two depressions (indicating) which by DEC standards, they're the dry swales. I think what it looked like on the plan is we just had a pipe outlet discharging. This one (indicating), when it flows in through the grass swale, I guess this actually would be the wet swale, will go under the driveway to a dry swale which basically that's a ditch with no obvious outlet, but then it has an under drain with sand that is kind of the opposite of a septic system. The water will perk into the sand, go into a perforated pipe and then weep out to where it is

already draining. So we are going to be doing water quality and quantity detention. I just don't think it was very clear on the plans.

Otherwise, the rest of the side is being dispersed in the directions it already flows. So we are -- this backyard for the Paul Smith, it shows on here, their backyard appears to be usable pretty much up to the garage and then it drops off some, and the natural drainage comes back through the property, and we're intending to do that, but we're planning to hold it back and drain it through sand so that it trickles out instead of just dumping onto the site.

Number 9, the detail shows a proposed private driveway section with a crushed stone surface. That -- it's going to be paved, right?

MR. STUART: Yes.

JAMES MARTIN: Yes. It looks like it is all asphalt, right?

MR. STUART: Yes.

MR. FINLEY: I -- that section will be fixed up. That goes along with the Fire Department comment.

Then this should not be construed as complete and final review of the application and additional comments may be forthcoming as we continue our review of the plans and so on. That takes care of the Town comments.

Did you folks get the DRC comments to look at?

KAREN COX: Yes.

JAMES MARTIN: Yes. We got them.

MR. FINLEY: I think there was only two that really were things that were -- that should be discussed. If you want me to go through all --

JAMES MARTIN: Well, clearly the woodlands -- we have talked about the trees and the woodlands. You are going to need to work with the Conservation Board on that particular issue.

MR. FINLEY: Yes. The mapped wood lot is just behind the property, between the -- where we show the proposed houses and the expressway is pretty wooded over there.

JAMES MARTIN: Right. Is there any intention to do anything with that particular area of the property?

MR. STUART: No. Our intention would be to leave it as --

MR. FINLEY: Makes a nice screen for the expressway.

JAMES MARTIN: Yes. You need a noise and visual screen back there.

MR. FINLEY: Another comment here that didn't make sense was they say that it's near a federal wetland, but then when we did our first screening on the project, we didn't see -- we did a double check today, and up is to the top of the screen, and our site is right here (indicating). There are federal wetlands north of Westside Drive and the other side of the expressway. But there is no mapped wetlands on our site and none of those numbers are the same as that is in the comment, so I think that one is erroneous.

JAMES MARTIN: Okay.

KAREN COX: It gives you a contact. Mel Schrader (phonetic)?

MR. FINLEY: Pardon?

KAREN COX: Mel Schrader (phonetic) made the comment, right?

MR. FINLEY: Yep.

KAREN COX: You could probably call him and see what he was looking at.

MR. FINLEY: We can check that, but even walking the site, there's no federal wetlands, even anything that qualifies but not mapped. We didn't see anything.

JAMES MARTIN: I couldn't find anything that looked like a wetland.

MR. FINLEY: No. Then the other attachment to this was the County Transportation comments. Most of these are very common as far as checking their monumentation in the area and tells us about the permit process for the County driveway, which we will be going through that process.

Intersection sight distances, I guess they may not be on our drawing, but we should show that.

MR. FINLEY: That is a common thing when you put a new driveway in, to show good sight distance in both directions. The sight distance at the new driveway is better than even at the old driveway, but I didn't see that here (indicating), and we'll have to check that.

JAMES MARTIN: From the crest of the ridge over the expressway.

MR. FINLEY: Another question is where will gas be accessed? Right now, this drawing shows it comes in here, the area of the water main. We're quite sure there is a gas line on the south side of the road, but we haven't gotten any records from RG&E to show exactly where it is at, but that will also require a permit from Monroe County, probably through RG&E to connect the gas for the houses. Also, it will be the water connection, too. Monroe County Water Authority takes care of that through -- we pay a fee and they make the connection and they get the permits for it.

And then there was the comment about removing the other driveway, the existing driveway, which I guess since they say they would prefer, we would defer to the Planning Board. And we talked about making it a one-way in.

JAMES MARTIN: I can understand your concern about the bus -- you know, the buses coming in with your day-treatment clients, and it would probably make some sense to maintain that, you know, to have it one way to where we're not having interfering traffic coming in and out of there.

MR. FINLEY: That helps Heritage eliminate one other potential safety hazard, backing over somebody.

JAMES MARTIN: No, I understand that.

MR. FINLEY: Other than that, we can sit down.

JAMES MARTIN: Anything else?

MR. FINLEY: I don't think so. We can answer questions when they come up from the audience.

JAMES MARTIN: The barn that is on the property, intention to leave that in place?

MR. STUART: Yes. Just as it is now, the intention is to leave it exactly the way it is.

JOHN NOWICKI: Use it for?

MR. STUART: Kip (Finley) was just asking as far as modifications in the house, the objective would be to use just the first floor. Um, as far as -- it would about replacing some flooring and stuff like that in the house. No major renovations intended for the house. Some discussions were maybe we might add a small deck to it, was about the extent of it.

JOHN NOWICKI: And the barn is used for just maintenance equipment or storage.

MR. STUART: It's being used -- nothing -- a little bit of storage in there right now. The structure with the barn with the wood floor elevated and what have you is limited to what we can store in there. I believe there are right now some wheelchairs stored in the barn that were used for our international ministry, just a holding place. I think we may have 100 wheelchairs in there that would cycle through the years and as trucks become available to get them down to different locations in the country.

JOHN NOWICKI: Heritage will be maintaining the barn itself?

MR. STUART: Absolutely. As far as painting and maintenance on the building, absolutely.

JAMES MARTIN: A point of interest, you know, the -- it's -- the Riedman house. I mean it does have some historical interest to the Town, but there was never any application for this particular property to obtain landmark status, so at this point in time, there is nothing from a historical significant standpoint regarding this particular house, so I just wanted to indicate that, and that is from the -- from our Town Historical Preservation Board, a note from them.

MR. FINLEY: As far as that, it is an attractive house, and they do have an architect, licensed architect going through the house to make sure that it will meet the codes for what they're going to use it for, and everything I seen from him works on the back of the house, as far as a doorway, or a ramp coming up, it's all going to be into the back, between the house and the barn and nothing on the front of the house. I think it generally will look pretty much the same, just be maintained.

JAMES MARTIN: Okay.

MR. STUART: Our intention on the whole lot, especially the -- I believe it is a beech tree to the east side of the house, to maintain the look of the house all of the way around the best we can with the plantings that are there. John (Riedman) continues to do the farming in the lower lot. There is a little garden down below that John (Riedman) does have access to for the next number of years.

JAMES MARTIN: I did note the property is not included in a Consolidated Drainage District, at least according to the application.

MR. FINLEY: We do have the application that, I believe, has been submitted, though. That was in my crib notes from Bob Avery. I believe he had the application filled out.

JAMES MARTIN: All right. Okay.

JIM POWERS: Just a couple of questions. Is this Heritage's first venture into Chili?

MR. STUART: No. We have a house located out on Buffalo Road. I'm trying to think what else is out in this area. Sedgwick is Ogden. We do have a few houses in the ball park area of Chili.

JIM POWERS: Does Heritage own any other property in the Town of Chili other than Buffalo Road?

MR. STUART: No, not at this time. We are always looking for additional properties on sanitary sewer, if there was something available. We would definitely be interested in other opportunities if something did come up.

KAREN COX: You said each house was going to have how many bedrooms, six?

MR. STUART: Six bedrooms, yes.

KAREN COX: And there would be a staff member there 24 --

MR. STUART: There will be staffing there 24 hours a day. There will be at least one staff there on the overnight shift. Staff will be awake at all times. The staff will not be sleeping on the overnight shift.

KAREN COX: Okay. And so I would assume that the -- also the -- the house will be serviced by a van, which is the reason for the large --

MR. STUART: Yes. Well, the individuals that we're proposing for this home fortunately are yet to have a lift type van. It would more than likely at this time be a minivan for each of the homes.

KAREN COX: But you -- but the reason you have got the large loop in there is because you might --

MR. STUART: At some point, it could fall to that. Our opinion on the larger loop was we were going to need to create either a hammer head or access for the emergency vehicles. Um, knowing the flow of and the distance back there, we thought that fit better to service the two homes.

KAREN COX: And -- okay. There --

MR. STUART: The buses that we do, Heritage does operate, not saying that there can't be



an outside vendor that may come in to pick somebody you up, but the buses that Heritage does operate are a lift van. It is a single axle. Some may have dual wheels on the back, approximately 24-foot in length, high top type lift vehicle.

KAREN COX: And were the landscape plans -- have or have not been developed?

MR. STUART: We have not yet.

MR. FINLEY: No. In that case, this is the first group home we have done in Chili, so we're picturing them as residences, so we didn't actually prepare a landscape plan, but we did talk with the -- Mrs. Tindale on the way in, and that we should have one for this type of a use.

Some of that, just as more information, is when we were at the Zoning Board meeting, we did make some site plan progress or discussions, and Mrs. McKenna was here. The evergreen hedge row that is across the back of her property is good screening from waist or shoulder high up, but since we are going to be having some parking right behind the house, Heritage did agree that they would help her supplement that by doing landscaping underneath those trees in her backyard as long as she was willing to let them on the property.

And then also, down -- this is probably worth showing on the drawing. Behind the McKenna house which has a lot of windows, there is a row of evergreen trees (indicating). Heritage is willing to plant in her backyard lower shrubs so that they fill in the gap between the bottom of the evergreens and the ground. And also, on the side, the common property line between the two, they're willing to work with her to pick some shrubs to put down there, so we have got that in the works, but we haven't hired a landscape architect to do a plan yet, and then --

MR. STUART: Typically if we do a substantial amount of landscape plantings, what I mentioned to Kip (Finley) also, in that center loop our intention would be to raise the elevation up on that a little bit, maybe 2 1/2, 3 foot high with a -- little plantings in there to break up a little bit of the asphalt visually from that back area. I can also get a list of other homes that Heritage operates, especially our newer models like this that -- you're more than willing to go take a look at. We do a substantial amount of plantings in there. They do look very nice in the communities.

KAREN COX: I mean you wouldn't expect -- because this is supposed to -- this is a residence. You know, I guess what I would think of as landscaping for something like this would be more what you would see in a regular neighborhood, you know, nothing fancy. But I like the idea of putting things -- something in the middle of the loop, because that would kind of dress things up a little bit.

MR. FINLEY: There is -- even with the utilities, there are some spaces that are suitable for planting some trees.

KAREN COX: Okay. That was all.

JOHN HELLABY: Kip (Finley), you mentioned briefly about variances, and I keep hearing mention of the Zoning Board. Can you just review what variances were required and the status of them?

KAREN COX: There was nothing in our notes.

MR. FINLEY: Okay. Let me think here.

JIM POWERS: The road cut on Westside Drive would have been one. It is 20 feet and you got 28.

MR. FINLEY: Town of Chili standard for a flag lot is 40 feet of frontage along the road. In this case, we don't have that. When we keep a setback to a property line off of the house that already exists, it cut us down to a pretty narrow width. We split the difference in half. These are 28 1/2 feet on each of them, so it was about a 10 percent, 11 percent reduction. And then we alter the lines so that at the -- where the flag starts, it's 40 feet here (indicating), and it is 40 feet off the center line here (indicating).

When we went through that process, there is actually other properties along Westside Drive -- there's a couple houses down here (indicating), and other situations where there's almost this identical situation about six or seven doors down to the east, and they had -- the throat of their flags was even less than 28 feet. So when the Planning Board went -- or the -- excuse me, the Zoning Board of Appeals went through that and realized that if this land were to be developed for any reason, with two lots, that something like that would have to be done and they saw enough of a precedence and not being a major variance. They granted that. I don't know if -- did we -- anything about parking? It is not a commercial property, so I don't think there was a variance for that.

JAMES MARTIN: I think you will still need a variance for front parking some.

MR. FINLEY: With a house? Is it because of the extent of it, or?

JAMES MARTIN: Pardon?

MR. FINLEY: I just wondered is it because there is parking at all, or the size of the lots?

JAMES MARTIN: Well, it's -- where your parking is, okay, it's -- it's going to require a variance. It's front parking.

MR. FINLEY: I got to check. We may have done that already.

JAMES MARTIN: Not according to the list.

MR. FINLEY: Oh.

KAREN COX: There was nothing on the Zoning Board notes that they even appeared.

JAMES MARTIN: They approved the variance on the lot width, but there was no application as far as I know.

Mr. Bloser, was there any application for front parking?

PAUL BLOSER: No application to my memory.

MR. FINLEY: I was trying to do it by memory. You had the list right there.

JOHN HELLABY: You mentioned something about the 40-foot width at the rear of the

lot, which actually is one of my other questions, as to why the spew in that dividing line. Is there any reason in your mind? You just wanted that 40-foot backyard?

MR. FINLEY: We were trying to make an effort to show we could at least get 40 someplace in the line.

JOHN HELLABY: Lighting? As far as driveway lighting?

MR. STUART: It would be residential lighting. We do -- we would probably have -- it would be a residential light down the length of the driveway, some surface mount lights on the building.

JOHN HELLABY: So you don't actually show any pole locations right now. You say residential, just driveway type fixtures.

MR. STUART: Correct.

JOHN HELLABY: 100, 150-watt bulb.

MR. STUART: 100-watt bulb more than likely.

JOHN HELLABY: We talked a little bit about the front area, how people come in during the day and then leave, and I think you mentioned briefly about the two houses in the back. Those are permanent type residences?

MR. STUART: Yes.

JOHN HELLABY: Could you expand just a little bit more on who comes and goes and what the traffic flow might be back there?

MR. STUART: Typical pattern would be first thing in the morning there may be three staff people reporting to the house to assist people to get their breakfasts, get up, get dressed, get ready to go to work or day program.

From there, 9, 9:30, it would ramp down and more than likely would be just the manager of the house there. In the afternoon, when people come home, same thing, may ramp up again to three staff people, work with them, showers, go out in the community, different things.

We may have, during the day, somebody come in for physical therapy or occupational therapy or potentially a nurse may stop by the site just to verify records and/or work with an individual of the house.

At night then it would drop down. Usually around 10 o'clock to 12 o'clock, it would drop back down to one, potentially two, depending on the needs of the people for the home.

JOHN HELLABY: Forgive my ignorance, because I do not know the capabilities of these people. You stated several times there is somebody there alone, a manager or whatever. What happens when a situation arises and that individual needs help, not necessarily medical help, but say that they can't handle a situation on their own?

MR. STUART: Okay. The manager of the house, or staffing, um, if -- if the staffing -- there's a very -- it's called an individual support plan for each individual that lives in that house. With that, it's very explicit on how much time, for example, they may be able to spend in the community, how many people need to be there. It is one-on-one care. It is one -- one staff person for three people in the home, very detailed, the plan, on what their levels of supervision will be. When I say the manager will be there, the manager, staff person will be working on schedules and what have you during the day while the individuals are out at the program.

JOHN HELLABY: So these people actually leave during the day, as well?

MR. STUART: Yes. The individuals that will leave there will more than likely go to another program. Some of them work in the community. A number of, you know -- Springdale Farms is another large program that Heritage has that we have approximately 40 plus people that attend that program during the day.

JOHN HELLABY: All right. That's all I got for right now.

GEORGE BRINKWART: Kip (Finley), do you know offhand how many acres of disturbance you have on site?

MR. FINLEY: I don't, because I didn't design it, but I'm pretty sure it is over an acre and we're going to be doing a SWPPP for it. That would be my guess.

GEORGE BRINKWART: I guess that makes my next question a little difficult for you to answer, but I was curious how the earthwork balanced out, if you anticipate trucking of material on site or off site.

MR. FINLEY: Just from having seen the grading plan, the houses are fit pretty tightly to the existing grade, and as far as the driveway going in, there really wasn't much grading lines. I don't think there is a lot of earthwork at all. It is probably more of the digging of the basements, which that fill can be put in the middle circle to mound that a little. So I wouldn't picture much is leaving. What would be coming in is stone and asphalt and building materials.

GEORGE BRINKWART: And you answered my next question, too. I was curious if there is full basements under the house.

MR. STUART: Half. We do try to get some full basement for storage in there. The rest under the bedroom wing typically is crawlspace.

GEORGE BRINKWART: That is all of the questions I have for now.

DARIO MARCHIONI: Most of the questions have been pretty well addressed.

MR. STUART: Thank you.

KEITH O'TOOLE: A couple of points. With regard to the parking, State Law treats group homes as single-family houses. As such, under our zoning code, we exempt single-family houses from the front yard parking requirement, at least in terms of zoning. From a site plan point of view, rather, you have the authority to move the parking, if that is what you want to do. You have the authority to have it reconfigured as to size, as to location. You can impose conditions as to screening by fence, by landscaping or otherwise. So the short answer is no, I don't believe



they have to go back to the Zoning Board for a variance, but if you're concerned about it, you can address those issues.

With regard to the Riedman property, based on the representations I have heard so far, it's rather unclear as to whether that would qualify as a group home. I do believe a group home is a residential facility, single-family or not, you have people living there. If the treatment facility doesn't have people living there, I don't believe it's considered a group home. Certainly, if the applicant's attorneys can show me otherwise, I will keep an open mind on it, but I think the two group homes, the 3,600 square foot structures are fine, but the Riedman house doesn't seem to comply with our zoning. In essence, it sounds like it's a clinic more than anything else.

Nothing further.

JAMES MARTIN: Would it -- would it fall under the definition of a school, do you think?

KEITH O'TOOLE: I don't believe so. I have read that. It's -- they're not teaching anyone anything there. If it was a day care center, which is in essence a variation on a nursery school, but a day care center is a place where you put children as opposed to a place where you conduct medical treatment. Those seem to me to be different things.

KAREN COX: I don't -- they were not conducting medical.

JAMES MARTIN: No, I didn't hear medical. I thought I heard you say you were using it for training.

MR. STUART: Training purposes.

JAMES MARTIN: Of your residential programs?

MR. STUART: Yes.

JAMES MARTIN: Teaching skills?

MR. STUART: Correct.

JAMES MARTIN: Cooking skills?

MR. STUART: Cooking skills, computer skills. Um, interaction with the community. It will be a help from people to go from there, into the community also.

JAMES MARTIN: So there is an educational aspect to that particular facility.

KEITH O'TOOLE: Then the question would be, and it's really a question for Code Enforcement, not for this Board, to determine whether, in fact, they're operating a school, and as such, they would have to get a conditional use permit if, in fact, it is a school. There may be some incidents of education there, but the question is, is that the predominant use on the property?

JAMES MARTIN: So if I were to state that a conditional use permit may be required for the training facility on the premises to be determined, all right, by the Building Department or Code Enforcement, is that adequate to cover this particular issue at this time?

KEITH O'TOOLE: I think that's fine, but I don't think it has any effect, because really whether you say that or not, it is still something that the Building Department has to deal with.

JAMES MARTIN: I'm going to capture that.

MR. STUART: Prior -- we did have some discussions with the prior Supervisor of the Town, and yes, as far as the use variance permit or something, you know, we would be willing to discuss if we needed it.

CHRIS KARELUS: Chairman Martin?

JAMES MARTIN: One second.

CHRIS KARELUS: I just want to let you know this wouldn't impact the site or subdivision, but to the owner this would impact your ability to get in and use the site. In essence, you would not be able to draw a building permit until this use permit were granted, so as far as your scheduling goes, I understand -- the evaluation of the use by the Building Department, you see initially it wouldn't be a permitted use that we couldn't grant a permit out right. You would have to go for another level of approval. We would determine if that were a conditional use permit or not, based on more workings with you to understand the true nature of the use, okay?

MR. STUART: Yes.

CHRIS KARELUS: Just so you clearly understand what he was discussing.

MR. STUART: In that discussion, Chris (Karelus), so therefore, is it once that use permit for the building -- does it affect just that one lot or will it affect all three lots?

CHRIS KARELUS: Just that single lot.

MR. STUART: Okay. Understood.

CHRIS KARELUS: The day treatment facility is what needs to get evaluated and that just sits on Lot 1. The other two would be permitted out right, with the Board's authorization.

JAMES MARTIN: What I have written, the conditional use permit may be required for operation of the training day care program in the Riedman house to be determined by the Building Department.

MR. STUART: For Lot 1. Okay. Good.

CHRIS KARELUS: I've taken the opportunity to go visit and get ahold of the Portland Avenue plans you have. I know one thing that I applaud that plan. You did a wonderful job of integrating the parking plan with that project, with the sensitivity of the fact it was imbedded in a neighborhood.

I'm going to be recommending to the Board through my comments that they pursue other -- other means of having that parking associated. The Riedman property, the perception of that property has always been the horses, the farm, the cottage house. I would like to see the Board and the Town maintain that type of feel and I really feel that bringing parking to the front of this is going to detract from that. Let alone, you will get some of the spills off lights from people that will be parking, queuing up in those places, so that is one thing I would like to see your design

professionals work on for you.

MR. STUART: Some comments on that, Chris (Karelus). When we did this design, um, we are going through some green building criteria. We're applying for some federal loans and what have you to assist in this house. Part of the building design is to eliminate the addition or amount of parking or roadway back into the facility. So there were some points that were playing into that. Our opinion is that the distance back from the house, without impacting the trees and what have you, and the rear of the property either, that we would want some setback for the house, separation from the neighbors of the house, so a lot of that was discussed there.

And I appreciate Portland Ave. and everybody tried to get us to put the parking on the other side, but it had such an impact on the neighbor and did setback there, and the way it is now, it -- it was the appropriate decision for that one. There may be some challenges on how to still create the separation or individual personalities of those homes by flipping the parking. You know, we can look at it, but I -- but I would be concerned on if we're bettering the neighborhood and taking a hit as far as creating our own backyard, our own areas by doing so.

CHRIS KARELUS: So are you going for LEED accreditation on this project?

MR. STUART: Yes. Not LEED, but green criteria on the building design.

CHRIS KARELUS: If I can sit with you to understand what the design criterias are, I guess we can work with you, but it is definitely one of the recommendations I would highly recommend to the Board, again, due to the nature of where the site is.

The other comment I did have, um, with maintenance and snow removal and the ground maintenance, all those equipments will be stored on the site?

MR. STUART: No. We contract out all lawn and snow removal.

CHRIS KARELUS: They're within the Town for those services.

MR. STUART: As far as the contractors? Typically lawn contracts we have a three-year contract on. I'm not sure who it is this year. Prior it was Dugan Lawn Care out of Spencerport. And as far as the snow removal, typically it's somebody local in the area. We have probably six different contracts for the snow removal for the agency.

CHRIS KARELUS: I can echo that the Fire Marshal had concerns about the truck-turning movements within the private driveway. Again, I will work with him, the hydrant location, as well as accessibility to the site is verified. I would be an advocate for trenchless technology on this one, too. You know, a lot of very, very good tree species on the site that I think should be preserved.

The project did receive a letter from the adjacent owner that I wanted to read to the Planning Board. This did go to the Zoning Board's attention, but it had a lot of site plan concerns on it, so if I could read it.

I was from an -- if she is here, I apologize for the name. Mr. and Mrs. Wish -- Wischmeyer.

CHRIS KARELUS: Is that --

MR. WISCHMEYER: We're here.

CHRIS KARELUS: Would you at this point in time -- would you like to discuss the letter? I know I did receive the letter and your e-mail. I guess we'll hold off for public comment on that one. That was it.

JAMES MARTIN: Thank you.

MR. KENNELLY: No engineering comments at this time. Um, other than continued -- contingent on engineer's approval and go forward.

PAT TINDALE: Our Board concurred with Mr. O'Toole's comment there, because we figured with the day treatment program that it was going to go back to be rezoned. This is why I was asking for a landscaping plans from you, because it just seemed a little above and beyond the two, you know, group homes.

As for the trees, I would really like to walk the property, if I could, with somebody.

MR. STUART: Absolutely.

PAT TINDALE: Just to see exactly -- I mean, I parked on the front. I have driven by, but just to get the lay of the land to see if there is anything we can do -- there is another big one out in front.

MR. STUART: Absolutely. I'm more than willing to walk the property.

PAT TINDALE: I would like to do that and if possible get some landscaping, too.

FRED TROTT: Just was wondering about the sight distance from the asphalt driveway, the existing one to the Trabold and Westside. Is that --

MR. FINLEY: That one I can't answer it technically, because I -- we don't have it on the plan and I didn't measure it, but have pulled out of that driveway with my car, and I didn't notice it being bad. If we're going to be using that as a one-way in, then I think that one isn't so important as the new shared driveway we're putting in. We need to verify the sight distance for that.

FRED TROTT: That was appropriate. That's all. I agree with you with the one-way in.

JAMES MARTIN: Okay.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOHN WISCHMEYER, 1161 Westside Drive

MR. WISCHMEYER: Hello. We're John and Fiona Wischmeyer. We live at 1161 Westside Drive, and we did, indeed, write this letter. It's hard to know where to begin, but we just want to say that we have some very major concerns about this project, and we'll try to outline

what we said in the letter.

But we did write to Heritage Christian Services and had no response. At that point, we might have settled for less, but at this point, we may take things further.

And I would like to just point out, our -- our major concerns are the fact that there is this driveway that we feel could -- it is existing and could be used. Whereas, this almost is like a trunk road now coming through, it seems to me we got people coming and going during the daytime, coming and going at night, vans coming in, we have got lights, we have got impact on the neighbors and the driveway that comes right near the bedroom window of the McKennas.

Our concern is also with the placement of the homes. Taking up this property here (indicating).

But what I would like to say to start with is, it is not only us that is here. We wrote to our neighbors before we came here tonight and we're also representing 1016 Westside Drive, Oscinato (phonetic); Riekerd (phonetic) at 1104 Westside Drive; Valenti at 1079 Westside Drive. We -- and we're also here with the Ellises and the McKennas.

Where to start? It's just -- if you come into the Town Hall, you see pictures of farm houses and heritage, and here we are going to pave over and build another parking lot. Now, I know that we are hearing details and it is almost a done deal, so I don't know if we're even going to be able to argue this point, but we would like to start from the beginning and talk about just what this project is. I think Fiona --

FIONA WISCHMEYER, 1161 Westside Drive

MS. WISCHMEYER: I'm English. I live some of the time in England, and when we moved over here, I was particularly struck by that site, the Riedman site. Behind the house is this stunning meadow, and I think I can't believe that -- that this Town is going to ignore the fact of the beauty and the specialness of that site and put two modern buildings with parking, with paving, with lighting, with people coming and going, and I think -- I think it's -- I think it's a terrible waste of a beautiful site, and I -- I understand particularly over here that -- that I think you need to value a site like that, which I do think is particularly special. The trees are beautiful and it is a stunning site. Every -- every time I see it, whatever season, it is an absolutely beautiful site. There is wildlife there.

I think it is something that you should preserve, and I think when I look around Rochester, there are dozens of empty properties, and I think there are properties that Christian Heritage could use rather than building two new buildings on this site.

MR. WISCHMEYER: I would like to add to that. Also my wife works in charities in England and also for a residential charity similar to this, so she knows what she is speaking about in that regard.

Also, some of the other concerns. It's -- it's where the houses are, and it's where the driveways are that impact -- you know, we're using two words here. We're using "heritage." By the way, I have heard some things that are very encouraging tonight, and it's not to dispute your work or anything about that. It is just a fact this is a business we feel.

We're using the term "residential homes," but especially the Riedman house, it seems like if -- it is a business, and there is going to be people and staff coming and going. Also the fact that it's, um, Heritage Christian is -- ironical in the sense this is a heritage that is going to vanish. It's the last farm in that area of Westside Drive.

Now, I have a feeling in me it's almost too late to even make those arguments. We're not tree-huggers. It's not coming from that point of view, but it's about impact on neighbors. And so that driveway, for instance, going so close to the McKennas, I think that Bill McKenna had to fight a previous development and won about certain issues impacting his house, and if it is for caring for people, I feel that the consultation hasn't happened to care for this particular -- well, them and us, I suppose. It's coming right near our property, and all of a sudden, we're going to be looking out on this. This sounds like "not in our backyard," and I don't mean it just this way, but there are some other places, and because the land is given, it should be paved. I felt listening tonight a lot of this really hasn't been thought through. Six to eight people, um -- some things being -- I think kind of we're making the reasons as we go because we have the land.

The fire trucks, um, Bob and I noticed fire trucks always going up and down around Chili. You know, they're testing them out. They could test out that driveway, a curved driveway that is there now.

The trees, I'm glad to hear so many people concerned about the trees that are there and the mature trees. It's a beautiful site, and if -- if they can be preserved. But that driveway, um -- this driveway (indicating) -- this is the one we fear will take down a lot of the trees, and that -- if it is only for six to eight people, is it necessary?

You know -- the argument seems to be going two ways. There will either be not a lot of people and do we really need this, or -- or there will be a lot of people and then there is going to be a lot of disturbance?

So when we wrote to Heritage, we said could we work with this driveway (indicating), and with the houses not taking up all of the land -- there is the barn, and I think Patty McKenna made the point if the houses could be located behind the barn, two houses just behind the barn, that would remove them from the property and some of this meadow and land could be preserved so that could you still have that feeling that there is farmland there, which is just going to be paved over. Why in Rochester is that continually happening?

MS. WISCHMEYER: We also have concerns about the day care center at the Riedman house. To us it seems like this is a business. This isn't a charity -- so -- it is a charity, but this is

not a residential home. This is not a formal home as other houses, and having a day care center there just seems to us as if they're operating a business.

And we have heard tonight there is not going to be very much traffic coming in and out, but I suggest there is going to be a lot of traffic, a lot of to'ing and fro'ing, a lot of mini buses coming and delivering people and picking people up, and I think it is going to be a lot more than was actually suggested tonight.

MR. WISCHMEYER: So we're wondering will it stop at two houses or is there the possibility in the future of a third house? And with so many subdivisions going in, does there have to be this for the subdivision? And that has led me to I'm afraid -- I wish we had been responded to, but I talked today to two lawyers to try to see what they might say and to look at the plans. I feel that strongly about it. We both do. It is not against the work, I hasten to say, but it is just about the fact of having to use this. We think of Hinchey Road where there's that Hinchey mansion, something to preserve for the area, as well.

I don't know if you want me to go through the letter we sent, but I will yield if somebody else wanted to say anything at this point and we can come back.

JAMES MARTIN: You have the podium at this time. If you desire to do that, you're free to speak.

MR. WISCHMEYER: When we leave, are we finished, once we step down? Well, then, if we go through a few points in the letter. Just excuse us for a second. We're not used to this.

I guess the points are that, you know, even for the children in the area, it still looks like the country. Why do we always have to see that receding? And the buildings that go up are often very bland and featureless where the older houses are, you know, they had style. We would like to see that preserved.

Fiona (Wischmeyer) thought about the Riedman house itself, if that couldn't be one of the homes. Couldn't that somehow have an extension on it and be one of the homes? I appreciate maybe there is a garden there and maybe that's going to contradict this argument, but that curved driveway, the existing one could run straight back by the barn. I'm sorry to keep doing this. But I think there is one way where the driveway could come back past the barn and into the homes, and you wouldn't need all this (indicating). That would help the McKennas. I think a lot of that would go away.

And then if this could be moved over, would you preserve a good part of the meadow and the field? I'm glad to hear the trees in the back will be preserved. But I think you can still save more than this shows. So and -- so the points were a new 20-foot wide driveway is proposed. It runs very close to the McKennas, cutting down ten or more mature trees. Now I'm hearing -- you know, we talked about trees, and I'm not sure where we stand on the trees. It looks like some might be kept and nobody is really very sure. Um, I don't have much hope there. The new driveway, these three buildings will generate significant traffic. It is right close to a very busy junction at Coldwater Road, so our recommendations were to retain the current driveway. To eliminate the cut down -- you wouldn't have to cut down those trees. This would reduce a lot of the disturbance to our neighbors. Not so much -- I think we're the next house over. There is the Riedman property, McKennas and Wischmeyers. But it would eliminate that disturbance. It would insure that the junction is further away from the busy Coldwater Road.

Then we talked about adding on possibly to the Riedman house. I know Mr. Riedman has made this donation. I don't question his generosity. There might be some tax implication for him. I don't know why these things are done. And I don't -- I'm not trying to be smart about this, but that's a business transaction. You're coming in, and running some services because you have been given the land, but are we really convinced that we're sure what is going to happen here, that there will be the supervision? That it is absolutely necessary. With property values now slightly declining, aren't there other houses that would be used in the meantime and let the land sit for a few years until -- until we see, you know, maybe someplace else could be used right now that is already built over. Think of all those shopping malls. They open, they close and there is a ghost town. Just trying to preserve what we can. If we think of some further points, we'll make them, but thank you for hearing us.

JAMES MARTIN: Thank you for your comments.

BILL McKENNA

MR. McKENNA: My name is Bill McKenna. I live next door to the Riedman property. I was here a few years back when Mr. Riedman or his son tried to put three houses in the back, and at that time, the Board did not go along with it, if I recall my memory correctly.

I'm not against what is going on with the houses. MR. WISCHMEYER has said a lot of things. My wife has talked to -- are you Mr. Stuart?

MR. STUART: Yes.

MR. McKENNA: Yes.

MR. FINLEY: We talked.

MR. McKENNA: Yes. And she was very happy with the conversation except for one thing, and that was mentioned tonight by one of the -- the gentleman over here, the Building Department man, Mr. Karelus. And that is the parking lot. And I think my wife at the time said can't you put the parking lot in the back of the houses and the houses in the front so the houses are facing the street? Parking lot is hidden, it's out of the way.

And again, save as many trees as you can. Trees are important. I -- I hate to take down a tree. I -- I will put spikes in the ground, anything to keep a tree going.

So, you know, that is all I have to say about it. Everything else has been said and I'm not

going to say anything else, okay?

Thank you for letting me speak.

JAMES MARTIN: Just as a matter of record, in 1994, the Planning Board did give preliminary subdivision approval for five lots on the Riedman property. Petition for Town Board for drainage district. The final was waived. It was approved for five lots.

MR. McKENNA: Oh, it was approved? I thought it wasn't.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: In light of the three-lot subdivision, I think it's a little bit much. I would like to back up a little bit if I may, sir.

There's two homes here that are going to be proposed to be put in the back. There's six potential people that are going to be living in each home, if I did hear that correct. That means 12 people living in these two homes, minimum of one, maybe two personnel as supervisors there to monitor. There's parking for both of those, let's say, two per, so that is four vehicles that will be parked by these homes. A fairly -- possibly -- I just heard possibly a new narrow road coming back. Our Chili Fire Department has pretty good equipment. God forbid we have a fire here, you would have to get an aerial bucket truck in there or a ladder truck. That is not even saying two pumpers to get in there to supply water if there was a fire. I think it's a little bit much.

Also, I did hear some comment that there is another home here in Chili. I'm not quite sure what one it is. If it is the one on Buffalo Road or the one on Union Street. If it happens to be the one on Buffalo Road, which is right down the street from where I live, there's parking on -- the personnel are parking on Buffalo Road. The driveways are full with six to seven vehicles. They're parking down Buffalo Road, at least four in a row, and it's right near -- not too far from the Kiddie College. I -- with all that taken into consideration, at that part, from that location, if that is the one, and then you want to put this in.

Then we go into the big farm house to redo for training. Buses, personnel, in an R-1 area, and then you're saying -- I have heard trees being taken down. Just look in North Chili what has gone on there, and I can attest, and I know it is two different issues. It is almost like clear-cut. I see what is going on over there at the Walgreens, and it's -- it will probably be a similar operation going on. Yes, we'll try to save them. That was said for one issue in North Chili, and with this one, it's going to be another clear-cut. You are going to lose them. There is no ifs, ands or buts. You can see it right now. I can -- I sit at Jitters and I see it. It's wrong.

Then these fine citizens here that live in the area, deem to live here in Chili. And having lights coming up a driveway at all hours, and I hope they don't need ambulance service coming in here. With those lights and as such, they might as well live in Las Vegas or some big city. Don't live in Chili because R-1 means nothing. I feel sorry for them. And I feel sorry for Christian Heritage. They have acquired the property and it's hard to hold them back. They can do whatever they want, once they acquire it, once they get the approval.

But I think with all these personnel, they're going to be here in the parking, and then I also did hear the drainage going down to Westside Drive, just down the road there a little bit, quote, we're the -- there's wetlands and as such. That's flooded over. Now, you take the trees down, the water can't absorb. Sand will just take so much. And it will -- what we have on Westside Drive, that floods over. You're intensifying the problem here. I do not think this is really a correct point to be done here in Chili, and some more thought needs to be given into it.

And like I said, two homes set back with 12 patients or 18-year-olds and over, in -- and the schooling I don't think is -- this is really the right location for this. And that's my personal feeling.

Thank you very much.

JAMES MARTIN: Thank you for your comments.

JUDY GING, 1124 Westside Drive

MS. GING: My name is Judy GING, and I live at 1124 Westside Drive. I wondered if it is appropriate to ask Mr. Stuart a question?

JAMES MARTIN: Ask the question of -- you can ask it through me.

MS. GING: Well, he mentioned that there might be people needing one-on-one care, and I wondered if the people that needed one-on-one care needed that care for behavioral reasons or physical reasons?

JAMES MARTIN: Um, I don't think that is relevant to the discussion, to be honest with you. It depends on, you know, if the individual and --

MS. GING: Well, can you ask Mr. Stuart why someone might require one-on-one care for behavioral questions?

JAMES MARTIN: If you choose to answer that, you can do so. I won't force you to answer that question.

MR. STUART: The individuals we have for this home, nine of them are currently being served by Heritage at another home over in Greece. It's on Ridgeway Ave. A situation on there, at Ridgeway is getting challenged with the traffic and what have you. So -- but we do have nine of the individuals already being cared for by Heritage. It ranges. I don't know the abilities or -- of the individuals here or what the staffing ratios will be. I don't believe there are anybody here with behavioral issues that I'm aware of or anybody that does need a one-on-one staffing ratio.

MS. GING: Just a question I had.

I wanted to talk about a couple of things about the traffic. Um, they mentioned who's coming in in the morning because people are coming there to be serviced at the day treatment,

but you have 12 individuals who might be shipped off to different areas during the morning to go to different other day treatment centers. So you have the potential for somebody going to Springdale Farms, and somebody going to another site and somebody going to another site.

Now this will all be taking place about 8:30 in the morning, which is when the Florence Brasser bus goes down Westside Drive. And there -- and between my house and the next-door neighbors' we have five little children, the oldest one is nine, so we're going to have a lot of time at Florence Brasser. This is a crossover situation for some of them, so we're going to have kids that have to wait for the bus at 8:30 in front of Heritage with the vans coming in and out, and I see this as a safety issue, with the bus stopping and the traffic.

I also see a problem -- I don't know how many people experience trying to pull in and out of Westside Drive with the Coldwater traffic, but unfortunately, the Coldwater Road -- and I'm probably guilty of this, as well, people aren't perfect about signalling where they're going when they're coming off Coldwater onto Westside. So what you have is people that may not have their left turn signal coming out, and then you -- you can't predict their behavior. So now we have vans coming in and out. We have the Coldwater traffic coming over, and as anybody that is familiar with the area knows, if a train is -- has just gone through, now we have got all of the traffic coming from Westside Drive and all of the traffic coming from Coldwater, because as you know, the train crosses Westside and then Coldwater right away, and so then we have all this traffic, and it happens in the morning and then we're going to add more traffic to that. So that is just a concern I have.

I also have a concern about construction traffic. I'm not sure the extent of this project, but we're going to have a lot of construction vehicles coming in and out, and going back and forth while this is going on.

And my -- my house is a ranch, directly across from Riedman's, directly across from where they want to put the driveway. My bedrooms are on the front of the house, so it sounds like I'm going to have some nice light traffic coming in my bedrooms at different hours. That is a concern I have.

I just want to review my notes for one second.

I guess that is pretty much the majority of it. Um, I don't know how you can limit the traffic. I mean, it is just a terrible time. The timing is bad, with the school buses coming down. And it just seems like it's going to be a problem with the kids waiting for the buses and coming in and out. And also I don't know how they can reduce the lights coming into my house, and -- I kind of wondered how the driveway was in relationship to mine, the new -- the proposed driveway.

KAREN COX: Just about opposite.

MS. GING: Just about opposite, right.

KAREN COX: It is offset a little bit, but not much.

MS. GING: Okay. So that is pretty much it. I guess that covers it. It is just -- it's just a big concern. I -- I just -- I don't even want to have my kids playing in the front yard any more because if there is going to be this added traffic and, you know, staff coming and going and -- I'm really concerned about the construction traffic more. That is -- and I don't know how long this project might take or if you have an estimate. Or if I can ask you if they have an estimate.

KAREN COX: Probably takes about the same time as a regular residential house, right?

MR. STUART: Our -- what we would propose is to build both houses at the same time under one contract so it would be one contractor handling both projects at the same time. I would estimate six months for a construction period.

KAREN COX: But when you say you're -- you're concerned about construction traffic, are you thinking more about the type of traffic you would see on a -- like a big road project, because you know, the -- they would be bringing in in the beginning some -- some construction equipment to excavate the basements. You would be getting some deliveries of materials. But once the house is framed, then it's -- you know, tradesmen in pickups that are coming and going, so there would be some amount of time where there is big equipment, but it wouldn't be all six months.

MS. GING: Well, I'm concerned equally about the tradesmen coming and going. That's a lot of traffic, with little kids on a busy road.

Okay. Thank you.

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: I just wanted to add a few comments because I have had personal experience with the ARC of Monroe. My sister is a resident at one of their homes and the ARC right now is going through a lot of downsizing of their homes. Um, and my sister is in one that they're going to downsize and keep it at seven residents. Um, they are going to demolish the huge house that is there now and put a small ranch style house so it has an open view throughout the house, and the City, they have had to go through -- jump through a lot of hoops with the City being very, very careful about how many trees are cut down. This is the city where people are used to having very few trees at all. They're very, very careful about how many trees and they're not allowed to cut any more trees than except if maybe the tree is sitting right where the house has to go.

I have a feeling that out in the country here we feel that we have so many trees we can afford to cut some down. I think somewhere down the road, um, we're going to wonder what happened to all of our trees.

Secondly, it would be really nice for those residents to have as much vegetation around and



have as comfortable a landscaping for them to live in. If there's a beautiful meadow there, wouldn't it be nice to have those houses facing that beautiful meadow and have that driveway come in on the original driveway that's there right now? Couldn't there be less destruction of what's there and provide more for those who are living there?

Um, they also require parking in the back, and that's something that's coming down the road for all designs of new habitats, is to have parking away and out of sight. And there's no reason why that parking couldn't be in the back of the houses so that the people are looking at the houses, and even the residents don't have to look out on a concrete pavement driveway. They can look out on a meadow and some trees.

Speaking to the traffic at my sister's house, when they have a staff meeting, which they will have either once a week, maybe twice a week, at least, they will have many, many cars there, because they will require all of the staff from all of the shifts to be there. That's how they communicate. So there could be as many as seven or eight cars there depending on how many people they have staffing each house, so you have got 12 residents with two or three people on each staff -- each shift, so you're going to have a lot of people parking there. And they will be coming and going.

In addition to this particular residence, there is going to be an effort to have a training area for them, so there is going to be staff coming and going to help support that training center.

And the vans in the morning do come and go in all different directions. That's the way they should be. But you're going to have a lot of traffic between 7:30 and 8:30 coming and going.

So it's going to be a very, very busy complex. This is not going to be just a small residential setting. The fact that he put two houses together -- I know the ARC would never -- never do that. There's just too much going on. It's none -- it doesn't foster a residential homey feeling for the people who are living there.

So those are my observations from my personal experience.

Thanks.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I will stand here if you don't mind. I had several questions and a comment, comments.

A mention was made of the vans that will be carrying these residents to and from these houses. I -- I see that it looks like a normal height garage door on that garage. Will these vans fit in the garage?

JAMES MARTIN: You can ask that question. I don't think they will be parked in the garage.

MR. STUART: No. If it was an ICF lift type van, no, it wouldn't be. We try to keep the residential feel of the house. That is why we don't put the high doors on it. These houses would be scheduled at this point to have a normal minivan type structures that would fit inside the garage and the objective would be to house at least one vehicle in the garage.

JAMES MARTIN: Thank you.

MS. BORGUS: I -- I very much agree with some of the comments that the prior speaker made, and if you think about some of the group homes right here in Chili, for instance the one down close to Suburban on the north side of Chili Avenue, or the new group home on Coldwater Road, the one that just opened recently, um, those -- those two come to mind. There is another one further down Chili near Pixley. The thing that makes them so obvious, I guess, in a residential area, is the amount of cars and traffic that are constantly in those -- in those driveways. No matter how nice the house looks and no matter how well it is cared for, you don't have to wonder what's -- if that is a group home, because the number -- the amount of cars and traffic is -- is just -- just sets it right off. You can't miss it.

So I'm thinking that -- I don't know why this plan couldn't be turned around, and that parking be put toward the expressway. Why does the parking have to be stuck right up in the front there, and -- and obviously from listening to other speakers, that is a real sticking point, especially to the neighbors, and I don't blame them. I just don't see why this plan isn't turned around. Those houses should be up closer if they're going to be there, and the parking should be toward the expressway.

I also agree that something could be done with the existing driveway. Obviously the other driveway is a problem. I think this just needs a little work. That existing driveway could be made to serve the needs, and then you have eliminated a lot of complaints and a lot of arguments here.

I also am very concerned about the drainage issue because I don't know if the gentleman that is immediately to the east is present here tonight, but if I were he, I would be a little concerned about their drainage just coming across the back of my property. We happen to have that where we live now. We're a long way from this. I'm not implying that. But it isn't very nice to have everybody just think that the water runs your way, it is okay, it is off their property. That man just -- if I were he, I would have some serious objection to that water being -- however it gets there, through sand beds or whatever, ending up on my property. If the drainage is originally toward Westside Drive, which I think is what I heard, and suddenly we are now steering it to the west across somebody else's land, I think that's an issue. Whether it's filtered or not, he's getting water that he didn't get before, it sounds like.

Um, how many acres are in these three parcels?

JAMES MARTIN: How many total acres here? 5.5, I believe.

MS. BORGUS: 5.5. Now I heard the word "farm," "Riedman Farm" several times. Was

this originally a bigger piece of land?

JAMES MARTIN: I have no idea.

MS. BORGUS: I guess I don't understand why we're calling it a farm.

MR. ELLIS: I think because it was before they built the expressway.

MS. BORGUS: That probably answers my question again.

JAMES MARTIN: Can I have your name?

MR. ELLIS: Bob Ellis. I'm at -- right beside the couple here.

MS. BORGUS: I would like to end my comments with the fact that this Heritage Christian Services does wonderful work. They do. I have been to some of their facilities and they are top notch. They're wonderful.

I just think this plan needs some work and they ought to rethink the layout here of the driveway, where it goes and the parking and where they put it.

Thank you.

JAMES MARTIN: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: If I can ask the applicant, would they answer the question through the Chair, please, as to what is proposed on the site drainage, please?

JAMES MARTIN: As far as the final drainage plans goes --

MR. RETTIG: Yes.

JAMES MARTIN: I don't know if Mr. Finley -- if it had been totally engineered at this point. You can comment on that question.

MR. FINLEY: Yes. There -- it's not a very complex drainage plan. It is just two houses. What we are doing, the drainage is all going into the same places that it does originally. Right now, water drains this way (indicating), this way (indicating), this way (indicating) and this way (indicating). What we're doing is all of the way the grading works and the areas that are pavement and more impervious area, which would run off a little faster are going to go into swales in the yard that will hold back the water, and then it will get filtered through sand and put back right where it goes now.

In the backyards, other than one or two downspouts, there is really no other impervious area. That's going to continue to drain the same direction it already does.

But there is really not much to it. There is no piped collection system or anything like that.

JAMES MARTIN: Obviously this will be reviewed by the Town Engineer. You know, you can't have water going off your property and flooding somebody else's property, so that has to be engineered properly to make sure that does not happen.

MR. RETTIG: Well, I thank Mr. Finley for a general explanation.

Thank you.

At the recent Zoning Board of Appeals meeting, when variances were presented on this property, it was presented as a two-lot property division. Why is the applicant going for three lots at the site plan?

JAMES MARTIN: Mr. Bloser, I believe that was amended to three lots; is that correct?

PAUL BLOSER: It was amended to three lots.

MR. RETTIG: Thank you.

MR. WISCHMEYER: I will be brief because I have spoken already.

JAMES MARTIN: That's all right. You have the floor.

MR. WISCHMEYER: I guess I have a question, too, to ask why Heritage didn't respond to us. That would be a question. They seem like nice people, and we don't dispute their work. But I'm gratified by the number of people who have spoken here, and I know everybody is anxious to get to Target, but I think Target so going to be quick when you -- compared to us.

When you look at the map, you see a shoe horn. I feel they're trying to shoe horn something full of problems, and as you rightly say, maybe the parking lot can go in the back. Then you ruin the meadow. Keep it out in the front and then it creates all that business.

Everybody has talked -- everybody has talked about the driveway. So I guess I'm asking the Chair if this is a preliminary hearing, what kind of a chance do we citizens have? Will people take note of what we said? There is a lot of strong feeling here and the next meeting we'll get double the number. I feel now I do want to go to law. I feel like I want to try to stop the whole project. I'm just getting more and more incensed and trying to keep her more and more calm. I guess we could try to work with the plan and modify it, but I would like to know what chance we have. And if it is a preliminary hearing, how much time do we have and what -- what do we need to do.

JAMES MARTIN: Well, this is the public hearing tonight on this application, okay? And to comment on your concern, I mean obviously, yes, there have been several issues raised here tonight which this Board has heard and needs to pay attention to. And, you know, before we move on, we'll have some discussion, all right, about, you know, the issues that have been raised by people like yourself and other people in the audience tonight.

Um, I will say one thing at this point, and I don't want to get on legal thin ice, but, you know, the State of New York Mental Hygiene Law does dictate several things that, you know, the Town just can't, you know, supercede or do something about. So I hope you understand that, that the State of New York, you know, basically, is the overriding agency when it comes to this type of an application, all right, for a group home situation. So we are limited as to, you know, what we can do around this. But certainly, as our Assistant Town Counsel has already indicated, there are things from a site plan perspective, other issues that we can address, all right, as a

Planning Board. We do have control over those particular issues. So I just want you to understand that aspect of what we're dealing with.

MS. BORGUS: I just --

JAMES MARTIN: Good to have you back with us.

MS. BORGUS: Thank you. Good to be back.

I just had one question. It -- it was my impression at least this is the one and only public hearing that will be held on this proposal; am I correct?

JAMES MARTIN: At this point, you're correct. If I choose to, I can keep the public hearing open. After we have some discussion, we'll make a decision on whether -- where we're going to go with this at this point, but if I move to close the public hearing seconded and voted and approved, this will be it, there will be no more public hearing.

JOHN NOWICKI: Except for the final, right?

JAMES MARTIN: We -- no. We -- if we close the public hearing, the final will be --

KAREN COX: There is no comment.

JAMES MARTIN: This is subdivision. I take that back. We still have a public hearing as a subdivision.

JOHN NOWICKI: We still have another public hearing.

JAMES MARTIN: I stand corrected. If we do a preliminary tonight, and -- the subdivision final will be a public hearing also.

MS. BORGUS: Thank you.

JAMES MARTIN: I wrote down several comments as things were going along in the discussion, and comments from the audience. Obviously some of this purely technical, you know, Town Engineer approval. Applicant should file for inclusion in the Consolidated Drainage District, copy of the cross-access easements to be provided to Assistant Town Attorney and the Building Department for approval. Existing driveway should become one way in only if it's approved as it is currently designed. Um, the applicant should work with the Conservation Board to maximize tree preservations. Several site plan details need to be added. Applicant should work with the Conservation Board and neighbors to provide adequate screening of the proposed residences and site landscape plan.

Um, conditional use permit may be required for operation of the training day care program in the Riedman house as to be determined by the Building Department.

Next one I wrote, I want everybody to listen to very carefully. Design criteria for architecture, parking and other site plan issues should be reviewed in order to maintain the original aesthetic feel of the property. Did everybody hear what I just said?

JOHN NOWICKI: Are you suggesting by that statement that this go before the Architectural Review Committee?

JAMES MARTIN: Assuming there is one in place.

JOHN NOWICKI: Well, let's wait until it gets in place.

JAMES MARTIN: Um, I think that's one of the major issues that has been brought up tonight, and I just think the design needs to be relooked at in relationship to that statement.

JIM POWERS: Jim (Martin), would that include the removal of the one driveway and use the existing driveway?

JAMES MARTIN: It includes all aspects of design, okay? That is why I tried to capture everything, architecture, parking and site plan.

JIM POWERS: Thanks.

JAMES MARTIN: And obviously, it needs to be in compliance with any Fire Marshal requirement.

So we have got a lot of things that have been brought up tonight and I think really need to be looked at from a site perspective. As far as the subdivision goes, we could certainly move ahead with preliminary tonight, given the fact that that they're not going to waive final. It would still allow another public hearing on this. That is one possibility.

We could certainly move to table this, pending you know, the relook at the situation. That's another possibility.

JOHN NOWICKI: You want opinions?

JAMES MARTIN: I'm open to them, yes.

JOHN NOWICKI: My opinion is this, because I'm sitting here listening to a lot of information that was presented by the applicants, also by the audience who have a lot of good comments, our side table over here, engineering, legal, planning, all kinds of regulations have to be looked at. All of the comments made are impacting this plan. There is too much to be -- there is too much involved here, the Architectural Review Committee that we we need to have done. I think the information, once the minutes are prepared, should go back to the applicant, their engineers and architects for really serious consideration of making changes. Okay? I'm not going to say what kind of changes, but they know what they have heard tonight. They know what is on the record. I think we should table this application until all of that information is brought forth to these people and we get it back to this Board after it is reviewed by the Architectural Review Committee, plus all that information is back to us. I think it should be tabled. That's my opinion.

JAMES MARTIN: Mr. Nowicki is -- has made a comment on this.

DARIO MARCHIONI: Are we going around?

I think we got to use the good neighbor policy here, where a project has to comply with what the neighbors also have to live with this. And we have heard what -- a lot of comments, the concerns of the neighbors. And I think you should take the site plan back and address some of

these issues. I mean you -- you know you have an Engineering Department that can make miracles out of this, you know, change it around and address these issues and still get your project for your purpose.

DARIO MARCHIONI: These people will have to live with it. They were here before you. They have a better right, as far as I'm concerned.

JOHN HELLABY: I understand their concerns. It could go either way with me. The only thing that is swaying me, this was actually approved as a five-lot subdivision 14 years ago and for some reason never moved forward, which it could have. I mean if the thing ends up get -- either way he has to come back.

A couple things I did not hear on your list, though, Jim (Martin), was I would like to see site lighting depicted in full on the drawings. And I know -- I don't know whether or not you covered it under your broad statement with the Conservation Board's approval, but you had mentioned something about the arborist's report on the 60-inch tree, and I don't know if you had a couple other ones in mind to see if you could save them.

KAREN COX: Could the arborist, while he or she is out there look at all --

JOHN HELLABY: In general.

KAREN COX: -- in general look at all of the trees?

JAMES MARTIN: I think so. Plus the Conservation Board is fairly knowledgeable on trees.

Yes, you're right, the arborist report. I'm assuming it is site lighting --

JOHN HELLABY: Again, they mentioned it was just driveway lighting, but I would like to see depicted what it is. Is it -- is a pole every 30-foot, every 50-foot kind of thing?

JAMES MARTIN: Well, I did make a comment that several site plan details need to be added. That was one of them.

JOHN HELLABY: That is a particular one.

JAMES MARTIN: Mr. Nowicki has made a motion that we table this application.

DARIO MARCHIONI: I second the motion.

JAMES MARTIN: The motion has been seconded to table this particular application.

DECISION: Unanimously tabled by a vote of 7 yes. Three of the Board's major concerns involved:

1. The aesthetic aspects of the design criteria for the project that would be in keeping with the pre-existing use of the property, specifically architecture, parking and other site plan issues.
2. Tree preservation on the site.
3. Landscape buffering of neighboring properties.

The Board also listed several potential conditions for approval of this project. They include:

1. An arborist evaluation of the large tree in the center of the property.
2. An approval by the Fire Marshal.
3. A complete site plan with all pertinent details (i.e. lighting, sight distances, etc.)
4. Town engineer approval.
5. Drainage district application.
6. Copies of cross access agreements to be provided to the Assistant Town Counsel and Building Department.
7. Consideration of driveway routing.

JAMES MARTIN: This is tabled. You have taken copious notes. I will try to summarize this in a letter back to you, and you know we'll rehear it as soon as you're ready to come before us again.

Thank you for your input so far.

2. Application of Niagara Car Wash, LLC, owner; 5 West 10th Street, Erie, PA 16501 for renewal of conditional use permit to allow a car wash at property located at 3270 Chili Avenue in G.B. zone.

John Munch was present to represent the application.

JOHN MUNCH: Niagara Car Wash, 5 West Tenth Street, Erie, Pennsylvania, 16501.

This is, I guess, the second time we have been back here because they were one-year provisional uses, and, um, obviously it's already an existing business. And last year another one-year provisional use was granted and we have not had any real changes in the use involved.

Or the operation involved. I guess it's just more a matter of me fielding any questions that might have come up since then from the Board, which I'm prepared to do.

JAMES MARTIN: Um, last time there were concerns raised about lighting from the building, trash pickup and water drainage off site. We lost our Building Department guy.

MR. MUNCH: I believe they were raised by a neighbor, Fran Schroeder, who was here, and I met with Mrs. Schroeder immediately after the meeting, like that same day, that night. She agreed to go over and show me what they wanted to have done. We agreed to have our people police -- with her permission, she lets us go on her property to see if there is any papers and we pick up anything, obviously whether it came from us or not. We do that regularly every day.

And then at the same time, the drainage issue per se, her issue was we power wash that concrete, and they were power washing towards her property which was causing the water to go right into her backyard, and I talked to the -- our manager and he instructed everybody, "Hey, you know, this is a simple solution. Power wash the other way," which they have done.

The other one was she had said -- at that time she sometimes rents the house out, but back then was living in there. May be living there or not, I'm not sure at this point now. But again she said, "I can see these those lights in my window."

"Let's go look at them," and we did in the evening.

It's neon and neon is what it is. There is not a way to dim neon. We checked with our lighting people, but I offered to, in a letter, well, actually a couple follow-up phone calls and a letter, "Would you like us to plant something, some type of screening? Probably to get the height up would have to be on your property," and didn't get any response to that. So nothing really happened with that.

So we followed up as best as possible on all of those concerns and haven't heard anything back from Mrs. Schroeder or anybody else.

KAREN COX: She had the house being used as a car lot for a while this summer.

MR. MUNCH: What is that?

KAREN COX: I said the house was being used like a mini used car lot for a while this summer.

MR. MUNCH: Yes. There was some stuff out front my manager brought to our attention, but basically I said just keep policing the trash along the fence and anything small enough to pick up. Any big items obviously we left alone.

JAMES MARTIN: That problem next door was addressed.

KAREN COX: Yes, it was.

JOHN NOWICKI: The Building Department did a good job about cleaning that up.

JAMES MARTIN: Do you know where Mr. Karelus went?

MR. KENNELLY: No.

JAMES MARTIN: According to the records we have in front of us, there have been no complaints on the property. I was just going to ask him to verify that when he gets back.

JOHN HELLABY: If Mr. Karelus isn't here -- I have one for him, but let's see if he comes in before we go to a vote.

MR. MUNCH: I did have one question. Is -- since we have a moment, is -- we've been back a couple years. Is there a point where we sort of get like the permanent occupancy permit? We have been doing one year at a time.

JAMES MARTIN: We'll get to that, okay.

MR. MUNCH: Just curious if it's possible.

JAMES MARTIN: Mr. Karelus, Niagara Car Wash, do you have anything in your complaint files regarding this particular site? The applicant has addressed the conditions that were imposed, previous approval of the conditional use. I'm just wondering if there has been any other issues.

CHRIS KARELUS: Nope. Initially there was -- I think there was some about the light spill, but I think --

JAMES MARTIN: He tried to address that with the neighbor but she never replied to his inquiries.

CHRIS KARELUS: Just with respect to the light spill. If there was an attempt to address it with the neighbor, for the Town, that was the only one filed. I can't remember, but is the condition -- the building address number -- is the building address posted on the signage on the building?

MR. MUNCH: You know what, I will have to check.

CHRIS KARELUS: That is the only condition I couldn't verify was completed or either left outstanding.

MR. MUNCH: The address needs to be on the front of the building. We usually do it on the glass. Is that okay?

CHRIS KARELUS: I think if I can just talk to the -- one condition of the approval, it just made mention that the street number should be somewhere on the front of the building, so.

MR. MUNCH: No problem.

CHRIS KARELUS: If you can bring a simple plan where it will be on the building, to the Building Department, that will suffice.

MR. MUNCH: Wasn't aware of that one, but I will take care of that one.

DARIO MARCHIONI: Last time you were here I think we mentioned about the -- the

intensity of those fluorescent lights and you said there was a way of controlling those, to dim them down a little bit.

MR. MUNCH: No, I think what I -- when Miss Schroeder said -- and I don't know if neon can be dimmed. I just don't know enough about lighting.

DARIO MARCHIONI: Were you here the last time?

MR. MUNCH: Yes, it was me. I said I would look into it, which I did. I went over with her and first of all looked at what she was talking about --

DARIO MARCHIONI: I'm talking about the general lights.

MR. MUNCH: The other lights are all of the -- you know, I think originally we're talking they're all the sort of -- the lights, not the lights emanating from the sign, but just the lights all have the shielding, you know, the Night Hawk, I think they call it, directed in towards the site so those don't have any bleed off. What she said, "That is all fine and good, but your sign package, because my house is so close" -- not that she could see it looking right at it, but it was bleeding off onto her property. I went over with her and looked at that.

I addressed it with the sign guy. He said it is neon, charged gas in a tube. There is not a dimmer switch option there. In other words, you can't dim it down. So we were talking -- that's what led me to have the conversation with her about potential screening.

DARIO MARCHIONI: No dimmer control then?

MR. MUNCH: No. Not for the sign package. And the -- the lights per se aren't the problem. They're all shielded. The light package is designed to not bleed off the site. But the sign -- the sign, you know, emanates light and that was the issue, because their bedroom window was there.

DARIO MARCHIONI: Well, the other issue was brought up, too, you could drive a mile away and you can still see those lights on Chili Avenue, all of the way down, the night time, it's like a Christmas tree.

MR. MUNCH: That was the sign package that was --

DARIO MARCHIONI: It is really lit up. The question I asked is, I thought you said that there was a way of dimming those lights, rather than having full intensity to dim them down.

MR. MUNCH: I think we agreed to say we would find out. To be honest, I'm very ignorant, you know, I mean of light, you know, and so I would look into it. I looked into it, and neon -- you can't really dim neon is what I have been told. You know, it's just gas flowing through a tube with a charge and whatever it is, what it is. You can't put a dimmer switch on it, et cetera, et cetera.

DARIO MARCHIONI: Okay.

MR. MUNCH: I did look into it, but that is what I was told.

DARIO MARCHIONI: That you cannot dim fluorescent lights.

MR. MUNCH: Oh, you can -- I mean, I didn't look into the actual lighting on the site, because none of that is bleeding off the site. You know, if you drive by and see, you will see they're all the little shielded lights that kind of face-down and in towards the building. You know.

DARIO MARCHIONI: Well, the reason I'm bringing this up, if it could be possible to dim them down, it would be better than to have full exposure on those lights, because we never had that -- I never believed that we would have that much lighting on that project when we went through the process.

MR. MUNCH: It's a double-edged sword, too, because all of them are sort of lit the same. We do everything to prevent bleed-off, but by the same token, it's nice and bright and the idea is safe and clean, and you know, that's the -- there is a reason for that, too.

DARIO MARCHIONI: Yes, but Christmas trees are only once a year, you know?

MR. MUNCH: Yes. I remember the last meeting.

KAREN COX: How could you not forget?

JOHN HELLABY: Well, the question I had pertains back to the original permit, and I know it was before Mr. Karelus' time, but one of the original conditions was that a noise measurement for the mechanical operation was to be made at the property line. I don't know if that was ever done, and along those same lines, it says that -- at the end of the first year of start-up of operation, a review will be held to determine if any noise complaints have been received concerning the operation of the car wash. Am I correct in assuming that there have been none?

CHRIS KARELUS: I looked in the file. There has not been one. I did see in the '05 -- a notice, though, was that there is a positive finding, and again, this -- I didn't see a complaint logged in there regarding noise.

You know, when I did go and look at the operation, there was no one in the facility. Relatively, as the vehicle enters, the rear door shuts, so it is self-contained. The noise, if it were open, the noise would be different, but I'm not going to use my ear as a sound-metering instrument, but there has not been anything in the complaint log regarding that. So I guess to use that as a measure. I guess the adjacent neighbors could have (inaudible) voice a concern.

JOHN NOWICKI: The point you might want to think about, too, in the noise factor is people going in there with boom boxes.

MR. MUNCH: We discussed all this in the approvals, and I know it was a long time ago, but that is the reason those doors come down, and we did take measurements with a noise meter, you know, just standing there with it. It washes out at the property line to the ambient noise, you know, the undetectable if the building wasn't there and it was just traffic on the street.

JOHN NOWICKI: Don't have you people on site once in a while, or do --



MR. MUNCH: We do. A couple times a day. But we don't -- as far as -- the other point that was made, because this is on all our sites, as they're coming in to pull in, you know, you roll your windows up because you're about to go in the car wash, so we have not had any noise complaints. Not just on this site. We never had a noise complaint on any site.

JOHN NOWICKI: (Inaudible) boom boxes.

MR. MUNCH: Yeah. You know what, I mean I hear them in my neighborhood. I know exactly what you mean. But the good news is as they're pulling up, they're rolling up, I guess is what I am saying.

CHRIS KARELUS: The only thing I have -- Mr. Munch, maybe you can help educate me on this. I didn't see the site plan and I didn't give to the Board in my recommendation or letters to them, but do you have a recycler unit, to recycle the water you utilize?

MR. MUNCH: Yes. Well, if you look in the front where it says "underground take cover" -- well, that might not be right. There is an oil water separator that -- the machines themselves recycle a percentage of the water. I don't know exactly what percent it is, and it is not a huge percent. The recycling ones we looked into that could recover more water had an odor associated with those car washes. So when we went and visited the sites, it was outweighed. It was problematic for the neighbors. Certain days you can smell it. Ours only smells clean, but it does recycle what it can recycle cleanly without an odor.

CHRIS KARELUS: Is there a maintenance contract that you have so the oil water separator trap is recycled?

MR. MUNCH: Yes, exactly so. In other words, not to be unscientific, the truck pulls up and there is a catch and he goes and puts the hose down into the clean-out and it cleans out the clean-out which is below the base and part where the water drains. So environmentally, the other thing the manufacture says about these, is this is much more friendly than washing your car in the driveway, and that is really our competition. I mean, we're not the detailer, the Delta Sonic of the world. It is a convenience sort of thing, and it's -- it serves just immediate area, and so it is actually environmentally a big plus.

CHRIS KARELUS: Does that happen annually about twice a year?

MR. MUNCH: Depends on volume. I don't know how often it happens. It is more often than annually. This is a low-volume site. Heavy volume sites, I think he is there every couple months during busy times.

CHRIS KARELUS: Do you have a contract with the site?

MR. MUNCH: I don't know if we have a written contract or not. I can get the name of the written contractor who does it.

CHRIS KARELUS: If you do, would you mind sharing it with the Building Department, because I know one of the things that was evident, that there was a good amount of recycled amount of water on the parking. It looked like a lot of the recycled water, and it is probably due to the season, the tail end of the season, the residual salt season.

MR. MUNCH: That is the busiest season where everybody has the salt. That is when they're out there the most, but there is a group that comes and takes them out. I will have the manager call you and give you the name of the group.

CHRIS KARELUS: Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROSALIE ALBANO, 35 Shrubbery Lane

MS. ALBANO: I have an issue, and I beg to differ with this gentleman here because my bedroom is right behind the car wash and I am -- my --

JAMES MARTIN: Can I have your name and address, please?

MS. ALBANO: John and Rosalie Albano, and I'm representing my husband who is disabled. 35 Shrubbery Lane.

Now, 3/4 of my yard is fenced by your wash -- car wash, and the lights are quite bright. We brought this up when it was first put on the board, but I would like to read something to you.

My husband and I have resided in behind the car wash. We have been residents of Chili for 35 years. The past summer and the oncoming one are a growing concern to us. We objected to the car wash operating on a 24-hour basis. I challenge any of the Board members to spend a few nights at my house. I will even give you coffee and cake, between 9 and 11 o'clock, and if you want to stay later, that's fine, too. Because that's when we get the screeching tires, the boom boxes that line up and -- and don't go through the car wash. We also have skateboarding during the day, and also loud, foul language.

Now, if this would be shut down at 10, 11 o'clock at night, opened up at 7 o'clock in the morning, I'd love it, it would be great.

Also, last fall the attendant is keeping -- that is keeping the car wash clean is blowing all of the leaves from the car wash under the fence into my yard. I have picked up bags of debris, pop cans, chips, and other debris that I won't even mention here. Styrofoam boxes. They're either blown or thrown over the fence. I don't enjoy doing this. My husband cannot clean the yard. I have to hire a person to clean the yard. And I think there's a little red flag about two feet from the fence, and I don't know if that means that it's your property, but if it is, that part should be cleaned by you people. I really would like you to look into that.

Other than that, I mean, I objected. A lot of us objected to having the car wash there, but it's there now. We're going to have to live with it. But we don't need all this garbage and we don't need those lights shining. I feel like I'm living in Tinseltown. This is ridiculous. And I

hope you people can do something about it. If not, the invitation is still open to come over.

Thank you.

JAMES MARTIN: Thank you.

MR. MUNCH: You know, if I can just -- a couple things I can do something about, um, I would be very happy to have our attendants go clean that backyard.

MS. ALBANO: Just the area that is near the fence. I don't expect to you do the rest of it. That is my job.

MR. MUNCH: With your permission they will police it. If is stuff is getting blown under the fence, I will make sure it is not our guys blowing it under with the blowers.

MS. ALBANO: Oh, I have seen him do it, I'm sorry.

MR. MUNCH: I'm not questioning it. I'm saying if it is happening, I will stop it. And with your permission, they will just keep going around the side of the fence. We'll have no problem with that, for debris.

We did, if you recall, you required us to put the vinyl fence for lights, and we did, you know, so we -- we did what we could, which was like a \$14,000 fence. I mean it is a nice fence, it's pretty. The whole intent is to block out --

MS. ALBANO: It is a nice-looking fence.

MR. MUNCH: That is what it was intended to do. And I will also have my guys check into skateboarding because we don't usually get that. They shouldn't be skateboarding that --

KAREN COX: It has that nice concrete parking lot.

MS. ALBANO: Excuse me again. I called the summer -- last summer when we were having the trouble with the kids with the skateboards, they told me to call the police. I called the police. They said it is not their problem, and by the time they get there, they're not there anyway.

MR. MUNCH: We can shoe them away if we see them. There is a phone number on the building, but I will give you my card. We try to take care of issues if they come up. We'll take care of the ones we can. That is the best we can do.

DONNA CADY, 31 Shrubbery Lane

MS. CADY: I agree wholeheartedly with Rosalie (Albano). Something has to be done about the noise. When the people are at the vacuums, could a little sign be put up, "Please turn off radios"? I'm not asking for a 10 by 12 sign. The noise, everything in the house shakes. I have already gotten rid of one curio cabinet with everything in it. All my good china and everything is relegated to the basement. No china cabinet for that any more.

Don't think about sitting on your deck and reading the paper and having a quiet cup of coffee. It isn't going to happen.

I spoke with somebody in the office about a sign, and it was, "Oh, we can't have more signs."

I don't want a big one. Whether people would read a small one, who knows?

KAREN COX: Whether they would follow it --

JAMES MARTIN: Is the primary problem the radio noise?

MS. CADY: Oh, my God, yes.

JAMES MARTIN: Not the vacuums?

MS. CADY: Well, the vacuums you can live with, or I can.

KAREN COX: It's just the boom, boom.

MS. CADY: Continuous. Now, this is what, April? Now we will live -- 'til December probably with this noise. Um, my children are all gone. When they were young and they played the radios too loud, I just went down and turned the circuit breaker off. I can't do that with any cars that -- there is no peace and quiet.

KAREN COX: A paint ball gun?

(Laughter.)

MS. CADY: Oh, please, I have thought of better guns than than, but I'm a non-violent person.

(Laughter.)

JOHN NOWICKI: Can I offer you a possible suggestion? Just for your information, whether or not you use this or not, the Town of Chili does have a noise ordinance which in many cases is difficult to enforce. However, Dennis Schulmerich, a Town Councilman, is reviewing that ordinance right now, and there are may be ways that that can be enforced through the Sheriff's Department based on if he updates the ordinance and puts certain controls in there that they can use. So you may want to check with him and see where he is at with that noise ordinance.

MS. CADY: Well, I was told to call the Sheriff's Department when there were noise complaints.

JOHN NOWICKI: Let them know there is a noise ordinance that they should be enforcing.

MS. CADY: It is a nuisance call. Even though it is a noise ordinance, it's a nuisance call as far as they're concerned.

JAMES MARTIN: I know. And their response is going to be --

MS. CADY: And by the time anybody would arrive, even if they were sitting in the plaza, the people would be long gone. I mean, the car wash itself, I -- I use it. It is the only one I use, because -- I don't need the windows in my car open.

JOHN NOWICKI: I can appreciate what you're saying.

MS. CADY: But to tell me no signs, just a little one, maybe for a week, "please turn off radios while using vacuum cleaner"? Anything.

And the skateboarders, too. I have yelled at them. I feel like an idiot. I'm out on my back deck. I don't care any more.

MS. ALBANO: If they had someone work on the site, they could control that.

MS. CADY: They're only there in the morning and at nighttime. When they're there and they're doing their blowing with the leaf blower or whatever he has, can't you get him a pack that would take him boom, boom ten minutes instead of the whoosh, whoosh, whoosh?

MR. MUNCH: Well, I'll obviously look into how they're using the leaf blower, because it hasn't been a problem in where -- also it must be the way he is using it or what he is doing with it.

MS. CADY: He just goes (indicating) and --

KAREN COX: Is he paid by the hour?

MR. MUNCH: Yes.

MS. CADY: It goes under the fence into the yards.

MR. MUNCH: That's a problem. We'll address that.

MS. CADY: Well, you know how my yard is.

MR. MUNCH: We're happy to go all of the way around. We can definitely put that in their job.

MS. CADY: Yes, I'm sure. I would love that.

MR. MUNCH: If it is okay with you.

MS. CADY: Please. I have had a whole lot worse people in my backyard than --

MR. MUNCH: Workers.

MS. CADY: That's my main concern. The radios with the vacuum cleaners. I was serenaded from 3 o'clock until I left today, and that music is not my generation. So if -- maybe if it was, I might like it, but it wasn't.

Thank you.

JAMES MARTIN: Thank you.

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: When we originally approved this, our expectations certainly were you were going to be a good neighbor in the Town of Chili, okay? Even though there isn't written complaints on file, obviously we have had some tonight that clearly need to be addressed.

Let me ask you a pure business question. You have been in business long enough now to know what your through-put is, all right, at various times of the day, okay? From 11 at night until 6 in the morning, have you a lot of traffic going through your car wash?

MR. MUNCH: No. And if you will recall, it's not the problem that we're worried about lost business. The machines automatically bleed. You know, to shut it down is to shut the circuit breaker off, and there is some other problems with that when we talked to the manufacturer about it.

JAMES MARTIN: Yes. We asked you to investigate that from a technical standpoint.

MR. MUNCH: We did, and if you will recall, we brought a letter in from the manufacturer with his response on, here is what I anticipate is the problems, and you know, you will have freeze-ups and you will have -- they're all across the country. Wherever this type of equipment is, it is in 24-hour car washes and all of ours are.

JAMES MARTIN: I will ask you another question. I mean, I can understand freeze-ups and things of that nature. But if you don't have any cars going through, I mean you don't have any water coming out of your, you know, your -- your spouts in there, your nozzles or whatever it is, okay, but you don't have any freeze-up problems. As long as the doors are closed, you have heat inside the wash -- the -- you know, the compartments themselves?

MR. MUNCH: Right. It is just turning the system off is a problem. Because it --

JAMES MARTIN: Is there no way you can just lock the doors?

MR. MUNCH: We sure can. You know -- I think we were kind of talking this through. It -- it's, you know, we can get the records. We do almost no business at night. I mean after 11, it's -- everybody is home. But the -- but the, um -- we had discussed to chain off the door. What happens when they run into the chain? You know, you run into other problems.

JAMES MARTIN: But your system won't allow you to block -- lock -- if somebody comes in and tries to do a car wash, the door is all contained within the same software or whatever is controlling the --

MR. MUNCH: Right. It should, but it doesn't. That is what we investigated, is whether they had alternative software, and no, it never came up before. You know, as far as -- and then they started delineating all of the problems it would cause, and that is why they never do it that way and that is what we run into. But we're a traffic-driven kind of thing, and we usually -- if you live more than two miles away, chances are you're not using us, and so it has always been a self-regulating thing. It is not the high-volume kind of car wash.

JAMES MARTIN: I understand that.

DARIO MARCHIONI: What if he just shuts the lights around the building and a sign that says closed and everything in the building is operable?

KAREN COX: You see the noise issues have come prior to 11 o'clock, as I understand

from the neighbors. It's -- you know, it is 7 to 11 or whatever.

JOHN HELLABY: Put an A-frame gate across at night there and the guy closes the gate.

JAMES MARTIN: I know the radio noise can happen at any time of the day. I understand that. Obviously this lady is most annoyed when it is happening late at night or early morning, okay? Clearly there is a way that you could prevent people from using the car wash from 11 o'clock at night.

MR. MUNCH: Right. A chain or a -- some type of barricade.

JAMES MARTIN: Like Mr. Hellaby says --

JOHN HELLABY: Put an A-frame, you close at 11 o'clock at night and reopen at 6:30 in the morning.

MR. MUNCH: Right. I mean, obviously from a business perspective, now we have to have part-time people who are willing to come in at 11 at night and 6:30 in the morning.

GEORGE BRINKWART: Do you have noise problems after 11?

JAMES MARTIN: The question is, are you experiencing noise, boom boxes?

MS. CADY: We will be now that the weather is nicer.

KAREN COX: Because people are out later.

MS. CADY: Yes, and quite a few people use the vacuums, where -- and don't always use the car wash.

JAMES MARTIN: I understand that. We're trying to get at an issue here, is there a way we can help. We can't prevent everything, but is there a way we can help?

KAREN COX: So, you know, on an average night in the summertime, is -- is the majority of the noise happening say from the hours of 7 to 11?

MS. CADY: No. No. I wouldn't say the majority of it.

JOHN HELLABY: The gist I got from this lady over here (indicating) is that the kids or somebody were hanging out back there after those hours.

MS. CADY: Well, they do.

JOHN HELLABY: That's what I think this gentleman needs to deter, by putting that gate across.

KAREN COX: If they're hanging out.

MR. MUNCH: They're not customers.

JOHN HELLABY: But they're --

KAREN COX: Are they walking in?

MR. MUNCH: If we shut the lights out, now we do have a problem.

JOHN HELLABY: I'm not saying that. I'm saying they're hanging out in their vehicles. If you put a gate across that entrance and close that gate at 11 o'clock, you eliminate the vehicles hanging out back there. If you have kids hanging back there with that gate closed, she has just cause to notify the Sheriff's Department of possible criminal or a break-in type activity. They're not supposed to be there. The place is closed.

MR. MUNCH: Right. But I mean if they're hanging out and there -- you know, they're up to know good already, and -- and nobody being back there will make it -- it will make it worse.

JAMES MARTIN: You don't want them there any more than anybody else.

MR. MUNCH: No, we don't.

JAMES MARTIN: I mean, I -- I'm suggesting that you look into the possibility of -- of, you know, having no operation between let's say 11 o'clock at night and 6:30 the next morning or 6:00 the next morning and a way of controlling that without having to shut your wash machine down.

MR. MUNCH: Right. I mean --

JAMES MARTIN: Where is the Board on this?

JOHN NOWICKI: Do you have other places in Monroe County?

MR. MUNCH: We have got five of these in Erie, one in Cicero, one in Clay, one here.

JOHN NOWICKI: Just one here in Monroe County?

MR. MUNCH: Right. We're working on a couple more. They're all 24-hour. Pretty much all our competitors are. It is sort of like the gas stations of the world.

JOHN NOWICKI: It is too bad you can't have a security force, you know, but that's not going to happen.

DARIO MARCHIONI: How long would it take if somebody had your number, if there is a problem, and they call you up, say to get those people out of there?

MR. MUNCH: That goes -- that would be relatively prompt, because it goes to an answering service and if they said there is a problem, somebody shouldn't be around your car wash, we could have the answering service to call the police.

JOHN NOWICKI: Maybe that's the -- maybe that is what we should do.

MR. MUNCH: Right. I will give you my numbers.

MS. CADY: Do you know we call over there? He's there, but he doesn't answer the phone.

MR. MUNCH: No, it is not ringing there. He doesn't have a phone there. It -- there -- if you call the line, you're getting the same -- you will get the same answering service as someone in Erie, Pennsylvania does.

MS. CADY: Nobody answers that either.

MR. MUNCH: We just got a 24-hour answering service. It's new.

MS. CADY: I haven't called in the last month.

MR. MUNCH: It's brand new. What we were doing is having it go to our offices, but then for after-hour stuff, so people don't just have to leave a message, we got an answering service.

MS. CADY: Can I talk to people there during the day?

MR. MUNCH: There is people there, too.

KAREN COX: It's like an answering service at a doctor's office where you get a person that says, "I will call Dr. So and so."

MR. MUNCH: Yes. But it's new. We didn't have that before.

JAMES MARTIN: Okay. This is all well and good, but you still have the concern that the Sheriff's Department, all right, is responding to a nuisance call. It is not going to be very high on their priority list.

KAREN COX: There isn't anyway we can compel them unfortunately to --

JAMES MARTIN: Unfortunately, we're in that situation, so to help with some of the issues, I mean, if we can limit the hours of operation, all right, that I would think would be a step forward, okay?

JOHN NOWICKI: But there doesn't seem to be any reasonable way to do that.

JOHN HELLABY: With a gate. I just -- I can't get over that.

DARIO MARCHIONI: The kids will go over the gate.

JAMES MARTIN: Well --

JAMES MARTIN: Cars won't go in there.

JOHN HELLABY: If cars aren't going to go in there -- from what I am understanding, they're if hanging out there back in their vehicles, with the radios blaring, chirping the tires or whatever it is they're doing, that will probably eliminate 85 percent of the issue.

KAREN COX: Are they hanging around back there? I mean -- or is it because they're sitting there using the vacuum and they got the --

MS. CADY: A little bit of both.

KAREN COX: They just go and hang out.

MS. CADY: Right. They can go to the park and do the same thing. We'll still hear them, but not -- they won't be under our bedroom windows, or -- or like I sleep all night with a fan on on high even when the air is on. My house is all closed up, and the noise is still atrocious.

KAREN COX: I just -- I mean, to me it sounds like -- and maybe I'm hearing something wrong, Jim (Martin), that a lot of the hanging around and the boom box noise and all of that, the skateboarding is occurring before the hours of 11 o'clock, so -- and what they're saying is they get no cars in through -- from 11 to 6, or -- or very little. So what does -- what -- not that -- I'm not trying to say --

JAMES MARTIN: But I also heard when good weather comes along, we have late-night problems there.

KAREN COX: So you would address some of that.

JAMES MARTIN: Done?

KAREN COX: It would address some of that, but not all of that.

JAMES MARTIN: That is like I said, we can't solve all of the problems. Maybe we can help eliminate some of the problems.

MS. ALBANO: Why can't they staff an employee from 7 to 11?

MR. MUNCH: All of these, there are practical concerns. You know, we're trying to run a business.

JAMES MARTIN: I understand.

MR. MUNCH: We really shouldn't be prejudiced much more than like a Wegmans or a gas station. You know, like to staff a full-time person or try to find a part-timer up at 6:30 and work at 11:00 p.m. to try to get 15 minutes -- it is going to be difficult for us.

KAREN COX: None of this type of business has a -- has an attendant, unfortunately. You know, it's just the nature of the business.

DARIO MARCHIONI: Why don't you come up with a program that can eliminate part of these problems and present it -- you know, best the business.

MR. MUNCH: And here would be my theory, too. If I could give these two ladies a number that -- that we have an answering service, we have cameras on the lot where we can monitor it and if they say they were there at this time, we can go see who was there on the cameras. You know, and I mean -- I would be willing to do that, provide it to the Sheriff's Department. This is the first I have heard of it, but I definitely will try to address it. Nobody called me.

MS. CADY: Well, when I called, nobody answered.

MR. MUNCH: I will give you my number tonight.

MS. CADY: Yes, you will.

MR. MUNCH: I do want to help.

JAMES MARTIN: It is not just these two residents. I want your emergency access number for all of the surrounding residences, all right, around your property there, not just these two.

Now, I understand your position regarding the 24-hour-a-day operation.

I think, you know, given the situation that, you know, we're going to have to continue to monitor this, because we're not -- you're not getting a clean bill health.

MR. MUNCH: Right. I didn't know that until tonight.

JAMES MARTIN: Well, you better stay more on top of this at your site location, okay? Talking to your regional people or your on-site people as to what is going on. To come in here and say you didn't know anything about it --

MR. MUNCH: Right. And I mean --

JAMES MARTIN: -- that doesn't wash with me. You're in charge, all right? Okay?

MR. MUNCH: Okay.

JOHN NOWICKI: How about you also give a card to the Building Department so they have it on file? So if anybody else calls in or complains, at least you get a number to call.

KAREN COX: Yes. I guess the -- based on what we found out tonight, that -- you know, that there haven't been calls, any calls to the Building Department saying this is going on -- so, you know, I'm just throwing that out, that -- that if there is issues like this, you can also call -- along with calling the emergency number, you can call the Building Department and say, "Hey, this is happening."

They will log that in, and then -- you know, we will know about it also. Because, you know, if we get something from the Building Department before the meeting that says no known complaints, but we're hearing -- I mean, because people haven't called in and said, "Hey, you know, there is lots of skateboarders."

MS. CADY: I have stopped in. That's a difference?

JAMES MARTIN: Well, one thing -- sorry to interrupt you. If you do have a situation like that, please put it in writing to the Building Department. It has much more weight. It gets recorded. Mr. Karelus can say, "Yes, I have got five written complaints, okay, on this particular piece of property."

MS. CADY: Okay.

KAREN COX: That could even be in the form of an e-mail, correct?

JAMES MARTIN: E-mail, letter, memo.

KAREN COX: There is a link to the Building Department online.

JAMES MARTIN: I will back away then from this -- looking at eliminating the hours, because -- but I have got three things I just want to read and we can go from there.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Now, you're asking for a longer time period, but given the evidence in front of us, I don't see going for more than a year at this time in renewing this, to see how we're going in a year from now.

Feeling of the Board?

JOHN HELLABY: I agree.

The Board agreed with the one-year time frame.

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.

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

1. Approved for a period of one year.
2. Applicant to insure street number is visible on the front of building.
3. Applicant shall address concerns of Shrubbery Lane residents (i.e. noise, trash, lighting etc.).
4. Applicant shall supply new emergency number to surrounding residents and the Building Department.
5. All previous conditions remain in effect.

JAMES MARTIN: So you're approved again for a year, and you need to address those issues.

I will declare a ten-minute recess before the next public hearing.

There was a recess in the meeting.

JOHN HELLABY: Mr. Chairman, prior to restarting your meeting, I request to be allowed to step down on the next two applications as I'm employed by the land owner.

JAMES MARTIN: You are recused, Mr. Hellaby.

3. Application of Target Corp., c/o Fix, Spindelman, Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450, property owner: Wegmans; for final 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.

INFORMAL:

1. Application of Target Corp., c/o Fix, Spindelman, Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450, property owner: Wegmans; for final 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, Chris Wood and Bill Moore were present to represent the applications.

MS. BRUGG: What I would like to do right now is make a motion to amend that application since the size of the store is being reduced slightly.

JAMES MARTIN: To my understanding that application should be amended to read 128,800.

MS. BRUGG: That's correct.

JAMES MARTIN: I make a motion to amend this application to read to erect a 128,800 square foot building.

JOHN NOWICKI: Second.

The voting members of the Board were all in favor of the motion to amend the application.

MS. BRUGG: Good evening. It's a pleasure to be here tonight. For the record, my name is Betsy Brugg. I'm an attorney with the firm of Fix, Spindelman, Brovitz & Goldman. With me tonight is Chris Wood, our Project Engineer from Carmina, Wood & Morris.

Let's see. We were last before this Board and we obtained our preliminary approval. There was not actually a whole lot of work that we needed to do after that in order to prepare -- to submit our final application.

We did in the interim go to the Zoning Board of Appeals for the required variances. There were a number of variances required in connection with the site plan, primarily parking related and variances in connection with the site plan. We have obtained all of the necessary variances for the project, and this is really the last step in the approval process for us.

As you pointed out, probably the most significant change and probably the only real change to the site plan is a change to the size of the building. That is something that conforms to the size -- the building that Target is now doing. The building has been reduced, as you said, to -- what was it, 128,800 square feet. The original building was 133,055 square feet. Let's see. There was a letter submitted with the application noting that change and also noting that additional plantings were added around the monument sign at the request of the Zoning Board of Appeals. Um, those are really the only significant changes to the site plan.

As far as the subdivision, we are asking to divide out a portion of the existing Wegmans property for the project. The size of the parcel is approximately 11.31 acres in size. Again, there is no changes to the subdivision maps since we were last here.

Um, rather than get into material that you have already been presented with, I guess I will ask if you have any questions or Chris (Wood) can get into any specifics.

JAMES MARTIN: Okay. The new footprint is related to the change in design of the storm; is that correct? My understanding is --

MR. WOOD: Right.

JAMES MARTIN: -- there is no changes in elevation, no changes in architecture.

MR. WOOD: All we did is take 13 feet out of the middle and push the west end 13 feet to the east. Along with the parking. Which actually allows us to not impact that side hill at all.

JAMES MARTIN: Okay. Thank you.

DARIO MARCHIONI: No questions. I think you did a good job. It's been a long one.

JOHN NOWICKI: Just a couple. Just going through my notes again, Traffic Safety Committee -- I got this on March 11th. Is that something current?

KAREN COX: March, what is that? Oh --

FRED TROTT: Last month's?

JOHN NOWICKI: Yes. Something about the entrance, move the median back so to allow more tractor-trailers to make the right turn.

FRED TROTT: Yes. They made the adjustments to the curbing there.

JOHN NOWICKI: That has all been taken care of?

FRED TROTT: Yes. They satisfied all our questions.

I do have a new one, though.

JOHN NOWICKI: The parapets in the walls were raised high enough so the view from the road we won't see the rooftop units?

MR. WOOD: Yes.

JOHN NOWICKI: We talked about the black roof, but you went that direction. You got your variances and all from the Zoning Board. Okay. Sounds good.

KAREN COX: Um, this letter from Monroe County DOT, about the traffic signal, they -- last time DOT asked for a traffic study after a month, or -- or this got changed to six months, to match --

JOHN NOWICKI: That is going to be part of the approval, in the approval.

KAREN COX: Yes. It should be.

JOHN NOWICKI: That has to be.

MS. BRUGG: Well, I believe the condition on the preliminary approval continues to be, you know, acceptable language.

JAMES MARTIN: The way that that was written, at preliminary, was that it's -- the applicant in coordination with the governing bodies of the various roads involved need to address those road cut issues. I'm paraphrasing what I said. I don't remember exactly what it is.

MS. BRUGG: I have it in front of me. Final resolution 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 ongoing discussion on these issues.

KAREN COX: Okay. That is all I had, Jim (Martin).

JIM POWERS: I just have one he question. On the west side of the building, have you added to put parking back in there that was not there before?

MS. BRUGG: No. I believe the parking has moved. Nothing has been added.

JIM POWERS: That parking has been there period, right, from the get-go?

MS. BRUGG: Correct.

MR. KENNELLY: The only engineering comment we had was Dave Lindsay had mentioned he wanted to do some adjustment on the eastern end of the detention pond. Other than that, everything is good.

FRED TROTT: Just one thing, and it's not hugely important, but we removed the stop signs on the one coming down from Chili Avenue. Do -- do you think it would be -- I notice there is a four-way stop on the one on the Paul Road side. Is -- should we consider removing that one? Just as to keep it coincided, or as far as queuing up backlog on the traffic coming onto Paul Road.

MR. WOOD: I don't see why we can't. If there was a signal there, I would say yes for sure, but if there is not, I think you may want to leave those signs there until the point in time where a signal may be required there.

FRED TROTT: Okay. That was all. I just -- it was something I noticed and I thought are we going to be confusing the driveway by having four-way on one side and not on the other.

JAMES MARTIN: I -- but that would actually be on Wegmans' parcel, I believe.

KAREN COX: I think the -- I think the issue of removing the stop signs on the Chili Avenue exit was to avoid the queuing of traffic up the hill, because of the -- so, I don't think it's --

JAMES MARTIN: It's a thought. But that's going to be monitored for -- and in six months we'll see how that is going.

Thank you.

As far as public hearing goes, I will accept comments on the subdivision only.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KIP FINLEY

MR. FINLEY: Kip Finley, with Avery Engineering, and an area resident. I usually do try to avoid public hearings, because I'm at them so many times, but I wanted to say I would fully approve of the subdivision for this and putting in a Target store. It brings a more critical mass to the business area, so that it brings people into Chili, so they can shop at all of the stores, and also just my two cents for my wife was that she is in this plaza at least once every day, and having Target here will save her from having to then go to Henrietta to go to Target. It's much better to keep all our business right in the community. So we fully support it.

JAMES MARTIN: Thank you.

Any further comments?

James Martin moved to close the public hearing and Dario Marchioni seconded the motion. The Board voted 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: Any other comments from the Board? We have completed SEQR at the preliminary. Any more comments? Okay. On the final subdivision, all previous conditions all right imposed still exist.

DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby). All previous conditions remain in effect.

JAMES MARTIN: SEQR was completed at preliminary. All previous conditions remain in place.

JOHN NOWICKI: Have all of the legal documents been processed and they're all taken care of?

KEITH O'TOOLE: No.

JOHN NOWICKI: You're still waiting for that?

KEITH O'TOOLE: Yes.

JOHN NOWICKI: That was all part of preliminary.

JAMES MARTIN: All previous conditions remain in effect. Okay? Okay. On the final site plan.

DECISION: Amended application approved by a vote of 6 yes with 1 abstention (John Hellaby) to erect a 128,800 sq. ft. retail building. All previous conditions remain in effect.

DARIO MARCHIONI: Good luck. Hope to see you again.

JAMES MARTIN: Wonderful. Thank you.

MS. BRUGG: Thank you very much.

JAMES MARTIN: God speed, break ground as soon as you can.

2. Indus Real Estate, LLC, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates; for conceptual approval for a two-lot subdivision and a proposed three-story, 65-70 room hotel at property located at 3260 Chili Avenue in G.B. zone.

Kip Finley, Jett Metha, Darryl Martin, Darrin Harvel (phonetic) and Bernie Iacovangelo were present to represent the application.

MR. FINLEY: Hello, everyone. It's Kip Finley again with Avery Engineering and Land Surveying. I wanted to start out tonight by showing you one key thing to get started. This is something that everyone has in their packets. I thought part of tonight is to -- to talk about what type of hotel is going -- or is proposed here, and then also a couple of site issues, but for Microtel, the last six years, highest in guest satisfaction in their class.

You should -- all of the Board members should have a black folder that has that information in it. And a lot of information about the chain.

And then just to give people an idea, this is a typical room (indicating), sofa, bed, seating area (indicating). This is another variety, another type of room (indicating). I will leave that up.

The application that we are in to talk about conceptually is for a site plan, subdivision and conditional use for putting a hotel in the business area. It's something that is permitted with some additional level of review by the Planning Board.

The -- Jett Metha with Indus Realty is here, in the black suit, and Darryl Martin, the architect is here tonight in the green shirt. We're doing the site work, so we have enough people here to answer some questions.

Just to show you on this plan, the subdivision part is really -- the Valvoline store that is in the front is really on one big piece of land right now, and we're subdividing out that parcel to basically resemble what their lease boundary is, which would leave a flag lot for the hotel.

This is the hotel (indicating) location. We have parking in front and back, so we're going to be needing to go to the Zoning Board of Appeals for front yard parking.

We also have -- like we had talked about in the other project that has a flag lot, once we take out the lease boundary, which isn't that easy to change, we don't have 40 feet in the front, but to accomplish what the goal of having a 40-foot flag is so that there is enough roof for driveway, utilities and that, we're having a utility easement along the side that make it more than 40 so we can accomplish all of the things that we do.

Also, there's an existing sign out front that has the Valvoline, the bank and the insurance company. We're going to add one more panel for Microtel that's already approved with the variance for that sign, so there is room to put a sign.

We're going to have building-mounted signage that's on this side (indicating) which is the front and also the plaza side of the building. That won't be illuminated.

Then we're going to have another sign, pedestal type sign of less than the 20 feet by code to have the Microtel logo on that, and that also would require a variance to put up that kind of a sign. So we do have a couple of things.

We came to the Planning Board first as a concept so that they can -- Planning Board can get a comfort level with the project and then we'll be going to the Zoning Board of Appeals.

This gives a flavor of the architecture for the building. As we hear, there is an Architectural Review Board coming into fruition that will be taking a look at this. We don't really have the full guidelines to go with now, but the bottom is brick. The second and third floor would be clapboard to resemble the houses in the neighborhood. The brick, like the commercial buildings in the neighborhood, to mix it together. Gabled roofs so that it looks more like residential architecture that surrounds it.

One of the key topics for this project would be views of it from the neighbors. I think you're neighbors, right, close by?

In this particular case, I have this diagram that we can go through a little bit more. It shows the views and what we're doing for screening.

Would it be best to have Mr. Metha talk about the type of the hotel, or keep going on the site?

JAMES MARTIN: Question, you know, on your screening. I'm assuming that trees originally that will be planted are going to be what, 10, 12 feet tall? How long will it take to -- for them to grow to the height that --

MR. FINLEY: What we did -- I knew screening would be the biggest topic, so that is why we did this diagram. Right now there is a board fence that comes back to about here (indicating). What we're going to do for screening is a combination of taking board fence around, and also the landscape architect on the project is giving us some ideas of different trees that can be planted along here (indicating).

This house is actually probably Number 27, if anybody has got 27 Shrubbery. It's a little bit higher in grade than where the hotel is. This is the utility line. What we did is took a 5 1/2

foot tall person looking up at the top and tried to figure out what is needed to screen it. It's about 29, 30 feet.

JAMES MARTIN: How much?

MR. FINLEY: 59 to 30 feet would screen the building. We know that evergreens planted in a row aren't going to completely screen it, but then we would also look back to this zoning permits a plaza, auto parts stores, the things you would see all around the rest of Chili Avenue, and compared to a hotel, we're thinking that a partially screened view of a hotel through evergreen trees that will grow may be more favorable than the roof of an auto parts store or a plaza.

But any ways, the landscape architect is giving us an idea of a white spruce grows to be 40 to 60 feet tall over many years; Colorado Spruce, 30 to 60 feet; Norway Spruce, 60 to 70 feet; a Bosnian Pine, 30 to 40 feet. There is some of them here where he has actually picked a fast-growing rate. Norway Spruce actually grows about the fastest, so I think we would want to pick something that grows pretty fast and tops out.

As far as from the back, there is no houses right directly behind it, and a lot of the vegetation that's on that bank can stay. We're talking about cleaning it up, getting all of the sumacs and junk out and then planting on this side. There's dead trees. We need to plant a lot more, take the dead trees out.

That would probably be the most to stay visually at this point.

The other big topic, as far as preliminary review, this was access for fire -- or emergency vehicles. So the plan that we have does accommodate a second entrance. This was in the Fire Marshal's letter, to not only have just one, but to actually have an entrance so if this is blocked, a truck can come in and around the back and actually go around the building. So our aisles have been widened up to accommodate that.

Just a note on that secondary entrance, there is some low-hanging wires in there. Discussion with Mr. Karelus, I believe, a truck took those out sometime in the not too distant past, so certainly it is something that needs to be looked at. I mean if this ever goes forward, you know, you got to have those out of the way of any fire truck that might be going through there.

MR. FINLEY: Another comment was regarding cross access through the process. There is an easement in place that allows that. It has already been filed when the other development was done.

JAMES MARTIN: Questions on site plan?

DARIO MARCHIONI: Why are you asking for a 30-foot entrance? Roof front, 30 feet, first of all? You said something about -- there is a -- a lease agreement or something?

MR. FINLEY: Right. Right now, the Valvoline area -- the building area is leased to a national company. I don't know -- I can't remember if it is Ashland Oil, a national company has an area that they lease.

DARIO MARCHIONI: The question is this: Whoever leased this building, they knew they would have had to have a 40-foot entrance there, right, minimum for a flag lot? Now why would you set up a lease, leaving 30 feet left for -- for a road frontage on a flag lot? This is a self-made problem. I think we should stick with our -- you know, we should stick with our standards. This is lowering our standards. This is a commercial piece of property.

This project might not even, you know, fly. And if you look at the record of this property, going back, you know -- there has been a lot of approved projects on this property. For example, a fast food, a motor vehicle service station, a Kentucky Fried Chicken. None of these -- none of these projects went forward. What -- what makes it for sure now if you subdivide this this is going what is going on?

MR. FINLEY: Well, two things.

DARIO MARCHIONI: In other words, the point is why should we lower our standards on a commercial piece of property. We ask for a residential home 40-foot. So that is the question I have.

MR. FINLEY: Okay. Well, I can answer a couple of things. As far as that, the whole -- the whole property functions as a plaza or will function as a plaza. In that case, I don't know the history of how it ended up with that width being there for the lease boundary, but I think what is important is that when we do go to the Zoning Board of Appeals, we can talk about how we are providing enough space for all of the utilities and all of the things that need to fit in the 40 feet.

There is other situations where there are plazas where you're accessing across other people's property to get in. If it was a case where we split it across and had an access easement from both directions, I think that could also happen.

I don't really know why it ended up being at that width, but that would be part --

DARIO MARCHIONI: But the original developer owned that whole piece, parcel. Whatever he did, he left that 30-foot. If that's what you're saying is -- that's left over because of the -- some lease agreement, okay? That's -- they should look -- we should follow our standards of 40-foot minimum. That's the minimum. And besides, I think, you know, this is a commercial piece of property. What if you need two -- you know, two right-of-ways in and one out in the future or any -- or any four lane entrance there, for exit and entrance? You know, you're going to be tied down to -- you don't have room.

MR. FINLEY: I guess that is why we're at the concept stage, so it hasn't been subdivided yet. So -- so -- we'll make note of that.

DARIO MARCHIONI: That is one point to go on.

MR. FINLEY: I was trying to think. You had two points. One of them was that.

But -- oh, as far as the business itself, I don't know what else has been proposed here, but I

guess if there has been a lot of attempts and nothing has gone through --

DARIO MARCHIONI: There has been a lot of approvals. They went through the Planning Board. I have been here a long time and I went through all these approvals and they never matured. A lot -- so they kept ongoing, one, two, three, four, five, six, seven. You know, finally we got a mini lube and the bank there. So -- so I'm just looking at the history of this property, that -- that we don't get into that position where we're going to get something and -- we cannot foresee. I'm trying to protect the Town and its interest in what is going to happen in the future.

MR. FINLEY: When we were going through the initial process and submitting information, we were asked by the Building Department to submit a market study for this, and I think maybe that question came up because of what you're talking about is that what proof is there that this is a good location for this? Is there any kind of statistical information? There is a -- there is a market study in your packets that shows.

JOHN NOWICKI: There is?

MR. FINLEY: Should be.

JOHN NOWICKI: Where?

JAMES MARTIN: I will ask Mr. Mehta about -- about the marketing study.

MR. FINLEY: It looks like this (indicating).

JAMES MARTIN: Other issues for Kip (Finley) at this point?

DARIO MARCHIONI: Yes. What -- what is inspiring this -- is this a hotel or a motel? The first public hearing it was called a motel. Now all of a sudden it's a hotel. Which one is it? The only -- what is the difference?

MR. FINLEY: Some of this is probably semantics that I just --

DARIO MARCHIONI: There's a big difference between a hotel and a motel.

MR. MEHTA: My name is Jett Metha with Indus, project developer.

To answer your question, sir, the -- I hear that alot. The answer I have always been given is a motel traditionally has been a building with exterior corridors, which you drive up to and enter the room from the outside.

A hotel is a contained corridor facility like the one being proposed.

DARIO MARCHIONI: Okay. But the way I understand it, and I have been to a lot of hotels and motels is that a hotel has other amenities. For example, it has a restaurant, has conference rooms, has, you know, meeting rooms, has, you know -- a hotel has a lot of services. You know, a lot of -- and also, a hotel, on the first floor, there is no rooms, most of the hotels. They're mainly used for commercial purpose, for -- for gift shops, flower shops. These are all -- that's what a hotel is.

A motel is simply a room and a parking lot. You park and you go up to your room and that's it. There is no amenity whatsoever in a motel. Okay. It's a one-nighter, or -- or -- I don't know what kind of people use those motels, too, but there is a lot of history behind motels. If you ask the Town of Gates, just check with their Police Department, they will tell you what motel problems they have had over there, Lyell Motel and the other motels.

So I want a distinction between a hotel and a motel. You're saying that this is a hotel, a typical hotel across the country?

MR. MEHTA: There is a large part of the up -- if you want to call it the lodging industry that are select service or limited-service hotels. These are facilities that typically do not have a restaurant. They use restaurant services which are nearby. Rather than having gift shops, um, these select service lodges or hotels have vending areas or 24-hour pantries on an honor system.

This is a chain that is owned by Hyatt Hotels. Hyatt we probably all know as a very large full-service conference hotel resort chain. They got into this business maybe ten years ago when they bought the brand from actually a local developer.

Microtel business was borne out of the Rochester area. The first one was built in Henrietta. It's really regarded as best in class. It won the J.D. Powers six years in a row.

The rooms do have quite a few amenities. First of all, new construction is nice. There's hair dryers, ironing boards, flat panel LCD TVs, movies, continental breakfast served in the morning, internet service. There's a guest laundry facility, business center, a fitness room.

I have trouble answering your question. I guess it doesn't matter if it is a Hyatt or a Holiday Inn. A room is a room and you can't not sell one to one person and so -- so you could have the same problems at the Woodcliff or at the Microtel, so what are you going to do?

DARIO MARCHIONI: Last weekend I was in Toronto, in a Monte Carlo, a hotel. That was a totally masonry building with arches in the front, big long entrances. I mean, it was awesome, the building itself, the shape. I think that community is very proud of that building. I -- I would want that in my community. You're talking about a wood structure here that -- you know, it just doesn't -- it's not the kind of quality that this Town deserves. That's my opinion. I think this Town deserves better.

But either way, who is going to be running -- who is going to own this building?

MR. MEHTA: Our company will own and operate it.

DARIO MARCHIONI: Your company will totally own it?

MR. MEHTA: Yes.

DARIO MARCHIONI: You will be governing this, the whole maintenance?

MR. MEHTA: Yes.

DARIO MARCHIONI: As you do to other ones?

MR. MEHTA: That's correct.

DARIO MARCHIONI: Now, how is this -- the room service being rented? Like by the

month, by the week?

MR. MEHTA: By the night.

DARIO MARCHIONI: By the year.

MR. MEHTA: By the night. Oftentimes we'll get extended stay, construction crews or corporate travel, people relocating to an area who may stay a week or a month or longer, but our typical is a two-night stay. Businesses generally a third, business and government travellers a third, leisure travellers a third, and, you know, generated from community needs, be it a weddings or funerals.

DARIO MARCHIONI: But if a business person would not -- they would not come to this kind of hotel, they would want a conference room, they would want a place they can dine, eat, drink and relax. You know, with -- you know, that's where I have been. A high quality, you bring your family, your relatives, you know, it's a leisure place.

This is strictly a -- a -- you know, a sleeping quarters type of thing. It's not -- I don't see any quality. But that's just my opinion.

GEORGE BRINKWART: I thought you had said there were conference rooms, but there is not.

MR. MEHTA: There is a business center, a guest laundry and a fitness room. We have built these, Microtel Inn and Suites with conference rooms. We were in a community where we developed one a few years ago where the Town specifically asked that we build a meeting room. We obliged and it is very busy and we use it all of the time. So there is meeting services. We would -- we could certainly add one here. It is part of our design. We just didn't see a need maybe necessarily for this in Chili. If this Board feels necessary, then we would. Meeting rooms are very typical in this type of product.

GEORGE BRINKWART: Question for you, Kip (Finley). The existing -- there isn't much of an existing pond but basically you're taking that area, that depression there, and upgrading that into Phase 2?

MR. FINLEY: Yes. We are. Right now it's undersized, and we had to look in to see if it was designed for future development, because the site looked kind of like it was set up for an additional building, but it wasn't sized big enough, so we are going to be increasing the size for that.

GEORGE BRINKWART: Will you be doing the outfall structure to try to retain 24-hour detention?

MR. FINLEY: I think we'll actually be putting a controlled structure on the outlet. Right now, it's pretty much what goes in, goes out. Some people think that it may infiltrate because they don't ever see it full. We're not going to count on that. Once the weather is -- now that it is getting better, we're going to do some perk testing in the bottom and do some test pits, but we're going to treat it as a regular pond storm water facility and put a control structure in.

GEORGE BRINKWART: The outfall, that goes to the storm sewer along Chili Avenue?

MR. FINLEY: Yes.

GEORGE BRINKWART: The existing pipe, is that 12-inch?

MR. FINLEY: Actually, I have Darrin Harvel (phonetic) here from our office who is doing a lot of the design. He thinks it is 12. I do recall something like that.

GEORGE BRINKWART: You think that is adequate for the development --

MR. FINLEY: Well, when we hold it back, yes.

GEORGE BRINKWART: Another question or comment. I think last time we were here we talked about sidewalks and pedestrian access, and I think we asked for some sidewalk to Chili Ave. I see on the revised plan you submitted to us, you do have a piece of sidewalk going to the plaza. But I think we would like to see a sidewalk access to Chili Avenue, as well.

MR. FINLEY: That makes sense. I don't remember the comment, but it does. The plaza we figure will actually be like Jett (Mehta) was saying, if there is a restaurant -- well, four restaurants. There's also some novelty stores there, there is tanning, there's banking. So we figure that the plaza will get a lot of use in support from the people staying there. So that was a key to have cross access there for cars and pedestrians.

JOHN NOWICKI: Actually, I'm not going to ask you a lot of questions at this particular moment in time, because first of all, I'm not convinced of the project itself. And until I see this come back from our Architectural Review Committee, because I really feel that I'm looking at ten pounds of something and it's in a five-pound area. I'm very, very uncomfortable with this project. There's a lot of issues here that are going to take some time to overcome, whether they're site problems, whether they're safety problems with the Fire Department. All kinds of visual problems in the neighborhood that would have to be dealt with. The height of the building. I -- I'm just going to take a pass until we get the report back from the Committee, the Architectural Committee. First of all, I will tell you right now, I'm not happy with it.

JAMES MARTIN: A question on the market study. Um, I mean, there is a lot of data in here. Okay. Obviously, I didn't look at every specific number, okay? Because I would go blind trying to do that.

JOHN NOWICKI: We just got this tonight.

JAMES MARTIN: No. It was in there before.

But specific to the Chili Ave. area, there is a feeling having some sort of hotel in the Chili area is good for the community, okay? But as far as the market study goes, I mean, it looks to me as though there was some thing to spit this out of a computer somewhere. It talks about occupancy rates and rate of return and break-even points and all of that, but specific to the Chili area itself, um, you have numbers that substantiate, you know, the need or the requirement for the



size of the hotel that you're proposing to build? I know there was some things highlighted in here, but I was having a bit of a problem trying to determine how they, you know, apply directly to our community, I guess.

MR. MEHTA: I will try to answer and maybe explain this report the best I can. This -- this was a study put together by Smith Travel. It's a company which compiles data for the lodging industry throughout the United States. It is very difficult to put a feasibility or market study together in a community where there is not a set of hotels to work off of. So when you're kind of coming to a market for the first time, you have to use what amounts to the closest properties. So we take a sample set of the nearest hotels and in this case they're listed on Tab Number 9.

JAMES MARTIN: Yes. I have that in front of me.

MR. MEHTA: All of the hotels listed here, including our properties and most in the country submit their numbers, their occupancy, their average daily rate, their revenue per available room night to Smith Travel who will compile the studies. It is simply a feasibility study to say if there is market share and if the hotel project should move forward. If there is more demand than supply in a market. And we look for certain numbers and matrixes which come out of this report to determine demand. This is the study that is the benchmark of the industry and used all over the country frankly to determine where developers put hotels.

Um, people generally regard it as much better to look at and based in facts and hard numbers from existing hotels some of which have been open 30 plus years than a simple survey.

This study shows that there is a clear need for more lodging in this market. It was part of the reason why we're here to today.

JAMES MARTIN: Pardon my ignorance on this, but you have listed, two, four, six, eight properties that are in the general vicinity of Chili. Is there a way to relate their occupancy rate and all of that back to the numbers that precede this, or are those just numbers that are essentially for a, you know, universal type of occupancy rate across the United States?

MR. MEHTA: No. They call it the occupancy rate as a -- that is the sample set. If you look at -- I believe it is Tab 6, it will say "Day of the week analysis." It will show occupancy, 80 R, rev par, along the left-hand column.

JAMES MARTIN: Yep.

MR. MEHTA: Um, so what it is saying here, is the hotels in the sample set run aggregate 63.9 percent occupancy.

JAMES MARTIN: So this relates to the sample set?

MR. MEHTA: Exactly.

JAMES MARTIN: That was my question. I couldn't determine whether this related to the sample set or whether this was just --

MR. MEHTA: No. No, no. This is directly from that sample set.

JAMES MARTIN: Okay. All right. All right.

MR. MEHTA: A typical Microtel and most select service hotels, a break-even percentage is 50 percent occupancy. Anything over 60 percent is really pretty strong.

Typically Microtel, because when they're new construction, travellers tend to gravitate toward new facilities. They tend to run about 10 percent higher occupancy than the market, or the sample set. So simply looking at this, we could make a judgment that the hotel would run consistent with the market, if not slightly above.

JAMES MARTIN: Okay. And you feel confident that this study would merit a 65 to 70 room hotel --

MR. MEHTA: Very much so. The -- the property also goes through -- this site has already gone through a pretty rigorous site selection process through the brand, Hyatt, Global Hyatt Corporation. It got through the Committee with a lot of support.

JAMES MARTIN: You have talked about amenities, basically an exercise room, small business center. Could you describe what is in the business center? Is it just a couple of desks with, you know, a computer hook-up? What is it?

MR. MEHTA: Um, the business center is a, um, room maybe 12 by 12 with a desk along one side with two workstations. Your typical, you know, Dell computer is set up with access to the Internet, with your basic Microsoft Suite connected to a copier and a printer. There is a telephone. These are for guests who are staying who might not have brought a lap top computer. They need to go down and access the internet, get on email, maybe download a file, check their flight, use Mapquest, just, you know, simple hour get on line, maybe check out some local restaurants or attractions or just in general stay connected.

The business centers in our hotels have been so popular, that the facility we're opening next week in Bath we're adding two computers just to meet the demand. Typically customers will go in and use it for an hour and be on their way.

JAMES MARTIN: Is there an hourly rate charge?

MR. MEHTA: It's part of the room rate.

JAMES MARTIN: Service of the hotel?

MR. MEHTA: That's correct, for copies and phone, et cetera.

JAMES MARTIN: Other amenities? You serve like a buffet breakfast in the morning?

MR. MEHTA: The breakfast is bagels, muffins, juice, cereals. There is oatmeal. Um, pretty wide variety. It's expanded --

JAMES MARTIN: Not a hot breakfast, per se.

MR. MEHTA: Not a hot breakfast per se. Yogurt.

JAMES MARTIN: There is tables to eat at.

MR. MEHTA: We have a breakfast room with maybe 15 seats. We'll have a TV, a breakfast bar which is serviced by an attendant. It is typically there between 5:00 and 10:00 a.m. in the morning. It's pretty popular.

JAMES MARTIN: Fresh fruit offered?

MR. MEHTA: Yes.

JAMES MARTIN: And then your exercise room, um, typical --

MR. MEHTA: Typical exercise room. Sports mat floor, mirrors and another flat panel TV, elliptical machine, Universal machine, couple mats for stretching and basic exercise.

JAMES MARTIN: And you have 24-hour front desk?

MR. MEHTA: We do.

JAMES MARTIN: Maintenance?

MR. MEHTA: Correct.

JOHN HELLABY: I think at this point, I don't have a lot of questions. I unfortunately kind of agree with John (Nowicki) in the fact that I get this eerie feeling we had this conversation two months ago. I would have hoped these drawings would have been a little bit further along. Granted you're in here for a conceptual subdivision. Personally, I don't have a big problem with the project. I do believe it's something needed in the Town of Chili, but I'm real hung up on -- the fact is I wish the site design would have been further along with drainage and lighting and landscaping and all of those things to say will all these items that are part of the amenities to this project fit in this before we give approval. So I'm almost caught in a situation where my -- back of my mind is saying why were you in here in February? Yes, we talked about it conceptually, and I thought there were a lot of things brought to the table then. Maybe I'm mistaken, but I -- but I'm hung up with not being further along than where it is, I guess.

JAMES MARTIN: I think there has been progress, but --

JOHN HELLABY: Right. I agree. There is progress. But -- but again, there is a long way to go, but a lot of these things I'm hearing is something I could have sworn I heard two months ago, but that's all.

KAREN COX: Um, most of my questions have already been asked by you guys. The one thing that I wondered is I -- you have at least one or two of these types of facilities in other parts of the State.

Have you had any instances of -- I don't know how to put this. The rooms being rented for uses other than the typical, you know, family staying over, business person?

MR. MEHTA: We have had very, very few instances. Very few. Um, at maybe most some had loud noise. We have a facility near a ski resort. Sometimes we'll get a rowdy group of a day of skiing. Maybe at worse, which I have seen in my years of the business, we'll have hockey teams or soccer teams and the kids run down hallways and they disrupt the guests. But they're all pretty good kids and they tend to go back to their rooms.

We really have had very -- maybe at times there has been some -- one person will check into a room and a small party will gather and it causes noise, but these things get shut down very quickly.

It is difficult in a hotel. People check in with a photo ID and a credit card. There is surveillance systems. We have all of the corridors, the outside of the buildings, it's shot with infrared cameras that can see both day and night. They're well-lit facilities. We really have been very few instances. I don't think this type of brand new construction product gets some of the rift-raft that maybe we're talking about. I think they still gravitate to maybe 30-year old roadside motels where no one is looking.

KAREN COX: But -- I have stayed at a number of hotels in the area, you know, especially in the wintertime, the hockey teams are there, so I mean, you know, it's typical.

JAMES MARTIN: I assume you train your front desk personnel to recognize potential elicited activity that can occur?

MR. MEHTA: Absolutely. We're pretty tuned into it.

JAMES MARTIN: So obviously, it is always a concern. You can't be 100 percent, but hopefully 99.9 percent.

MR. MEHTA: Sure.

JAMES MARTIN: I only have -- I agree with John (Nowicki).

One question, when the Presbyterian Home out in North Chili came in with their project, we required them to put in a second or emergency access route, and I'm wondering why in this case we aren't doing the same with this project? We have crammed a lot of things back in here, and -- on a few acres, a couple of acres, and I'm wondering why there couldn't be, if there isn't, and I don't know if the Fire Department has requested such, that there be another route from behind the plaza, where the Village Pub is, to tie into the back in case the front part gets blocked off for some reason or another. I think I raised that question the last time you folks were in here, but I didn't get in any satisfactory answer, so I'm just wondering if that might not be a consideration.

KAREN COX: There is a -- Chris (Karelus), there are two access points to the site, one off Chili Avenue and one from the plaza.

CHRIS KARELUS: I can share -- I will share with the Board the Fire Marshal's comments. The Fire Marshal, the plan he reviewed, just to understand was dated 3/3/08, so it is not the most recent, nor I do think he has had the opportunity to review this yet.

The proposed second point of access that he had suggested they look into, so we're talking about the north side of the building, the back side of the building, if you will, the drive aisle that runs east to west there, to extend that into the existing Chili Town Plaza. Okay, that was his

recommendation of the project for second means of access. The second access to the point.

I will read his correspondence. Review of the preliminary site plans dated 3/3/08 for Microtel Inn and Suites located at 3260 Chili Ave. found the following issues that shall be addressed before we can move forward on the project. Fire lane access around the entire building shall be maintained at New York State Code standard width of 26 feet wide. The proposed fire lane width will not be adequate to accommodate the jack stabilizer spreader of 18 feet and the corresponding fire ladder. Increasing the width to the State standard 26 feet would lessen the ladder steep angle created by placing the apparatus so close to the structure. The second comment. Secondary access to the site shall be supplied. The proposed one access in its proximity to the main entrance to the building would make access difficult to second and third responding apparatuses. Supplying the secondary access will alleviate the possibility of the only access being blocked by the supply line from the hydrant to the first apparatus. I recommend a secondary access adjacent to the rear parking from Chili Paul Plaza parking to be looked into."

So the suggested approach was via the rear parking access to Chili Town Plaza.

JAMES MARTIN: So that would constitute actually the already existing easement coming from the plaza and another one --

CHRIS KARELUS: No.

JAMES MARTIN: If I understand --

CHRIS KARELUS: I can step to the board. I will point it out.

MR. FINLEY: You're talking here (indicating).

CHRIS KARELUS: Yes. That was the route the Fire Marshal suggested. For second means of access.

MR. FINLEY: Maybe just to answer that. When he first saw the plan, this was blocked off here (indicating). There was just one entrance coming in.

The hydrant is going to be right here (indicating). And there is another hydrant in the back (indicating). And the way I understood it is that what they're afraid of is if they bring a truck in, hook the hose up and pull the truck around, that you can't really drive through there any more because the hose is blocking it in.

So we put this in so another truck can come in and come around the back and hook the hose up. We did widen all of the aisles 26 feet except on this side (indicating) where it is tight. We put an asphalt pad, heavy duty pavement for the outriggers next to the pavement so that they could actually put the outriggers out on the ladder truck. There are windows and doors on the ends just like there is -- the hallway has a -- the door and a window at the end of the hallway, so theoretically they would need to put a ladder truck at whatever side of the building they would need.

The reason we picked this over (indicating), this location (indicating) is that this also helps us on a day-to-day basis by letting guests come out and go to the plaza, versus guests coming out back here between the dumpster enclosures to the back of it. For the once or twice in a lifetime that there needs to be a fire truck, we figured that we are providing two separate paths from two different driveways that bring them in and around. That was the logic behind it. If we're going to put a driveway, we want one that works every day versus something in the back that goes to nowhere.

I mean, I understand this thumbs around to King Road, but that -- we would have to discuss that with the plaza owner to see. Right now we know they allow this (indicating). If that helps to understand why we have the two access points here.

JOHN NOWICKI: You could put a crash gate in the back.

CHRIS KARELUS: What you would have to look at is the State standard, State Code requires 26 feet, so if the bump-out wouldn't qualify. The State minimum is 26. It's not a Town. It's a fire code standard for the occupancy and use.

MR. FINLEY: Right. There is -- that basic reason for that is for putting the outriggers out. The regular apparatus road is only 20 feet. So --

CHRIS KARELUS: I will have to comment back to the Board on that.

JAMES MARTIN: My assumption is there needs to be an analysis of this latest plan by the Fire Marshal. It will either be approved, rejected or modified depending on what his findings are.

JAMES MARTIN: Other concept issues?

Going back to this buffering and screening, that's going to be a major issue, obviously a major, major issue. And my expectation is that you will work with the Conservation Board on some proposals and going with proposals at this time to really research the best approach, all right, for the residents that are going to perhaps be affected by this -- by this proposal. So I want that really studied very hard.

MR. FINLEY: I think it would be that way with any application of whatever goes in, that it has to be addressed.

MR. BERNIE IACOVANGELO: Bernie Iacovangelo. Mr. Chairman, may I make a couple comments as a co-applicant on the subdivision?

JAMES MARTIN: Certainly, Mr. Iacovangelo.

MR. BERNIE IACOVANGELO: First of all, I -- my name is Bernard Iacovangelo, and I'm a partner with the Chili Avenue Associates, LLC. You know, it's amazing that in this community we have talked about having some kind of facility where guests can come and visit, attend a wedding, anniversary and be able to stay in a hotel.

We have had the Chili Soccer Association's annual tournament well over 15 years, and

have required all of the participants that come from out of town, from Canada, from Niagara Falls, from Pennsylvania, Ohio to stay outside of our community. Even though it's a huge potential revenue generator for us, we send them outside of our community.

We have had all sorts of events at Roberts Wesleyan, parents weekends, graduation, coming in for sporting events. Some want to stay locally, but we have to send them out of Town for that. We have all talked as residents of the community we need some type of opportunity for us to have some kind of hotel.

Well, I never imagined that someone would come to me and say, "We selected your site, we found that our corporate headquarters feels that this is a good location for a hotel."

And we started discussing it. My thoughts always were that it had to be near an interchange on an expressway or something of that nature to have a successful location.

I was informed, of course, that they said, "No, we need to be near for business travellers, for people staying there, restaurants, opportunity to get to a Radio Shack, pull out and get gasoline right across the street." They want to be able to get out of their room and have some services. Barber shop in case they need to get a haircut. Beauty salon in case they need to have their hair done, nails before a wedding. So these items are all -- of service are all there at the plaza, and so they convinced me that this would be a good site.

I share Dario (Marchioni)'s comments also. I have been a lifelong -- not lifelong resident. I have been in Chili since 1973, and I got to tell you, I would like to have a Monte Carlo Hotel here, but we got 27,000 people in Chili. They got 5 million people in Toronto, and it's got the seat of the Canadian Stock Exchange. It's got the busiest airport in Canada. It's one of the top six cities in size and the whole -- in the whole country of Canada. I would love to have it here, but I'm not so sure.

MS. ALBANO: Put it in your backyard then.

MR. BERNIE IACOVANGELO: It would work.

So -- and John (Nowicki), I agree, it seems like at first to me, too, that it was a ten-pound item in a five-pound bag, but as you start to look at other things, you start looking at the Wesley Inn in Webster, you start looking at the Fairfield Inn in Rochester, the Holiday Inn Express in Webster. The -- these places, number one, they're all starting to be called "Inns" and "Expresses" and so on, and what happens is this is at -- they're putting 80, 90 rooms on 2.19 acres, 2.89 acres, 1.79 acres, and I even see it when I go to Fairfield, Virginia, Buoy, Maryland, that many of these types of, you know -- you know, hotels have, you know -- their locations on small parcels. And they do it with such great synergy between the residential neighborhood, okay, and -- you know, their property.

So I -- so I share some of your thoughts, and I share some of your feelings, but when you really start getting into it, and I think you're right, as they start to present more information in a preliminary, I think you will start to see I don't think it is such a huge item on a small parcel as compared to similar projects in other towns and other areas. As long as it is done with the proper synergy and screening and so forth to benefit the residents.

So I'm in favor of the application. More for the residents, if there was a better site than that, I think they would have located before. We have been asking for it in this community for years.

So I -- so I hear your comments and I share some of the feelings, but I got to say one thing, that the guy that was at the top of the State went to a very expensive hotel in order to perform illegal activity and is no longer our Governor, and I don't think it was done in a Microtel or a Wesleyan or Fairfield Inn. I think that it was a very posh hotel in Washington D.C., so I think that where there is opportunity, and inclination, you're going to find that these kind of things happen, okay? So I don't think that should be a criteria for a Planning Board to determine whether or not a business is going to be sufficient in a community or not.

Those are are my comments, and those are my thoughts on some of the ideas brought forth, so I think that you're right, there is some additional work that has to be done on this application, but I think that, you know, with more dialogue and discussion, I think this can become a very, very beautiful project for the Town of Chili.

Thank you very much.

DARIO MARCHIONI: Excuse me. While you're there, can I ask you some questions?

MR. BERNIE IACOVANGELO: Absolutely.

DARIO MARCHIONI: Now, you know you're an attorney. What does General Business say to you? What -- this property is zoned General Business, correct?

MR. BERNIE IACOVANGELO: Correct.

DARIO MARCHIONI: What is the purpose of zoning of General Business?

MR. BERNIE IACOVANGELO: Well, I think-

DARIO MARCHIONI: The purpose is -- I will read it for you, okay? The purpose, the -- the purpose of this district is to make provision within the Town for larger concentration of retailing and service activities in the form of unified shopping centers. Do you think this is what is -- it calls for in a General Business?

MR. BERNIE IACOVANGELO: Did you read all of it? Did you read the conditional uses?

DARIO MARCHIONI: Conditional uses is something way beyond -- I mean -- conditional uses are something that we -- it's not even allowed. We have to go to conditional uses for special occasions. Why do we have to do this kind of thing, favor for you to go in a special -- exactly to go for a special conditional use for something like this where in Chili right now we don't have that much commercial property left for retail? You know, it's all eaten up. Okay. This is the

only place left and it should be what it was planned for for retail.

I have been in here for, you know, what 40 years and I'm -- and I'm involved and I see how these plans always change. We had -- for example, we had a commercial piece of property where Blueberry Hill is now. That is residential. Where the Cedars of Chili was commercial, that's residential. We killed all our commercial property. What we got to do now, tear out the Town Hall and complex to put commercial there? There is something wrong here. There is something wrong here.

MR. BERNIE IACOVANGELO: Dario (Marchioni), I think you got some great points here --

DARIO MARCHIONI: I'm trying to protect this Town. And I'm trying to stick with the plans that we submitted for this Town, the Master Plan. If this is commercial, this should stay commercial. As far as I'm concerned, this is residential.

Another thing, too, if we are going to get a hotel or motel or whatever you call it, I think we should get nothing but the best. We should have the first floor completely for retail, for shops, for a barber shop, like you said, a hairdresser shop. If somebody wants to shine their shoes, we should allow that. They don't have to go walking in the middle of the winter to go walking down the mall for these amenities. It should be built within this motel. This is how you plan things. Okay? They're going to have to go in the middle of the winter with their pajamas to get a cup of coffee?

You see what -- and you have been around. I know what you said about Toronto. Toronto. You know how many thousands of motels Toronto has, motels, and they're one better than the other. I have been all over, too. New York City, Times Square, Dunkirk. You know, everywhere you go, you see these beautiful projects, buildings, plenty of parking, with all kinds of amenities, fountains in the front. Okay? Statues.

What is this? This is -- this -- you might sell this to a hick town, but not Chili. Chili is where you live. It is supposed to be the best place in the world to you, okay? Is this what you want to sell us? That is why -- I don't know. You know, you should have more proud -- you should be proud of this Town and you should give us the best. That's my opinion.

JAMES MARTIN: Anything else from the Board?

You all done, Bernie (Iacovangelo)?

MR. BERNIE IACOVANGELO: I'm all done.

JAMES MARTIN: Thank you.

KEITH O'TOOLE: Briefly. We received a letter from DEC stating -- it was actually addressed to Darrin Harvel (phonetic), Avery Engineering, dated March 26th, indicates that the site appears to fall within an archeologically sensitive area. It might be appropriate to require the applicant to go obtain a letter from SHPO at this point for a little more information on that.

And perhaps identify on the map where this archaeological sensitive area is located.

JAMES MARTIN: Kip (Finley), were you aware of that?

MR. FINLEY: Yes.

JAMES MARTIN: That's all I need to know.

MR. FINLEY: I was going to answer it, but we can take it up later.

CHRIS KARELUS: I think with -- with respect to DRC comments, we did receive DRC on the project. Did you want me to run through those now, or --

JAMES MARTIN: Have we covered a lot of them or are there still some open issues?

CHRIS KARELUS: I think there is one, the site up front has to get involved with any of their approval status, food establishments should be contacting the Health Department for (inaudible). Rules and regulations for those types of uses, I think, is -- as the review develops, I can share with the Board a thorough, kind of a review of them, if you will. It's very general in nature.

What I did want to do is thank you for providing the Town what you did. I see this more as a feasibility study, though, for this site. What I'm trying to guide the Town Planning Board to get from you is a true market study, so that when you have 65 or 70 rooms and we know the life blood of your operation requires at the minimum a 50 percent occupancy rate consistently, what I'm looking to help them insure with this market study is this is proof positive that this will be there, so that this building will be, you know, with its proper approvals in place, overtime, will be a viable operation for the continued -- for the life of our Town. We know what happens if these places fall below your marks. They are ghost towns. So we need to have you provide the Town a market study. You know your competing interest in here showed nothing but a comparison to the age of the building. My experiences with these types of projects, they show a comparison in where they're drawing their personnel from.

And what additional -- like say for instance, within the Rochester breakdown, they will restrict that to the southeast, southwest and south corner where Town of Chili will fall so they have it even restricted more towards our area. I would really like to see the Planning Board get this fine-tuned so all of the planned parts to your project are included in that study, and it really has to be readable for any individual, not someone that can go in and number crunch and see that the supply and demand and that the needs are here based on a projected negative that the area provides.

So, you know, if you could, you know -- then if you could do a feasibility study that will provide kind of a base for the Rochester area, but I think this Board really needs concrete market study to provide rooms, um, the local assessment, everything proof positive for this site with for that project.

MR. MEHTA: Okay.

CHRIS KARELUS: Thank you.

JAMES MARTIN: Obviously subject to all of the Town Engineer approval issues that -- if it comes to be you're going to do --

MR. KENNELLY: Right. There is -- right now from a conceptual standpoint, um, Avery Engineering did put together a preliminary engineering report that addresses some of the issues. Um, drainage, water pressure, stuff like that. Into a preliminary design it's definitely going to have to be hardened up and worked on, but from a concept right now, they have addressed it.

JAMES MARTIN: Pat (Tindale), I think you're going to have your work to do if this goes forward.

PAT TINDALE: I'm going to call Jack and the Beanstalk, I think. Our comment was really just the size of the structure totally seems to overwhelm the size of the land and there is no landscaping that will totally be able to, you know, do it, as far as I'm concerned. We'll look it over carefully, but I have not received any landscaping at all or any checklist or anything that I should have received.

FRED TROTT: You pretty much covered a lot of the issues that we had, the size of the road, the radius around the curbs, I think, will be problematic for emergency vehicles.

Um, also we would like to see a traffic study for the intersection of both Chili Scottsville Road and Chili Avenue. That I -- I believe is already a failing intersection. I'm just wondering the more vehicles we're adding to it will be causing, and pushing it over the edge.

JAMES MARTIN: Okay. A lot of good discussion. A lot of comments. I guess what I would look forward to at this point is your reacting to this comments and the comments discussion coming into the next DRC meeting with perhaps an updated set of plans reflecting a lot of comments you have heard tonight so we can get another crack at this.

Okay? Everybody feel comfortable with that at this point?

DECISION: Several items were brought out during the on-going discussion of the proposed Microtel in Chili Center. The minutes of the meeting will reflect a more comprehensive review of the Board's remarks. Some of the major ones are:

1. Landscape buffering of the neighboring residences.
2. Fire Marshal analysis of all emergency access points.
3. S.H.P.O. approval of any site disturbance.
4. Traffic impact statement.
5. Sidewalk access to Chili Avenue Some of the
6. Architectural design.
7. A more specific market analysis for the proposed location.
8. Drainage engineering issues.

JAMES MARTIN: Okay. Anything else before we adjourn? No.

The meeting ended at 10:55 p.m.