

CHILI PLANNING BOARD
April 10, 2011

A meeting of the Chili Planning Board was held on April 10, 2011 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: Richard Brongo, Karen Cox, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin. David Cross was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; Ed Shero, Building and Plumbing Inspector; Pat Tindale, Conservation Board 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.

JOHN NOWICKI: Mr. Chairman, I would like to make an announcement for the people in the audience tonight. It has been a great pleasure that I would like to have you warmly recognize with me the lovely lady to my right, Pat Tindale who is -- been involved with the Conservation Board for a long time and who had made many, many contributions to our community, has been selected by the Gates-Chili Chamber of Commerce to be the Citizen of the Year Award. Thank you. (Applause.)

JOHN NOWICKI: For further information, she will be presented the award at the Diplomat Party House on April 24th. If anybody is interested, you can contact the Gates-Chili Chamber.

Thank you.

JAMES MARTIN: Thank you, John (Nowicki).

OLD BUSINESS:

1. Application of Frank D'Angelo, P.O. Box 449, Pittsford, New York 14534, property owner: Holt Road Storage LP; for preliminary site plan approval for exterior site improvements for future business at property located at 1615 Scottsville Road in GI and FPO zone.

Robert Avery, Frank D'Angelo and Thomas Solomon were present to represent the application.

MR. ROBERT AVERY: Robert Avery, Razak Associates. I'm a land surveyor with the firm. 2060 Fairport Nine Mile Line Road, Penfield, New York. With me is the applicant, Frank D'Angelo; his attorney, Thomas Solomon. Tom (Solomon) has been to quite a few zoning meetings through this process, through the years. But we're glad to be back in front of you.

We were tabled for a few items at the March 13th meeting. I don't know if you would like me to run down through those from the -- from Karen (Cox)'s letter.

Project pends final approval from the Commissioner of Public Works and Town Engineer.

JAMES MARTIN: That continues to stand.

MR. ROBERT AVERY: Which we know. Pending receipt of the Monroe County Department of Planning comments.

Now, we did receive those a couple days later than the meeting, I guess. But I have gone through them. And I can briefly go through them. A lot of these are the keyed-in comments that we see from time to time from the County.

Um, the site is located within the International -- Greater Rochester International Airport review area. This application has been reviewed for airport considerations and granted approval.

According to FEMA, the site may be located in a 100-year flood plain. We have clearly shown that on the site plan drawing. None of our improvements are within it.

Site plan showing sediment and erosion control methods and locations to be used during construction, which we have.

Um, we have an existing septic system for items on the back page from the Health Department, so that is -- is already in place. Um, we will need to run it by them if we connect for the one toilet that we're proposing for the front garage building. So that will go to them.

Backflow prevention device. That has been approved and submitted e-mail -- e-mails to the Chairman regarding that.

Um, the map is not going to be filed. We don't have any new driveway access. And those were County Comments.

We have sent the landscaping in. I guess the Conservation Board has looked at it. They had a couple recommendations, which I am sure you will get to. There were questions regarding the double garage doors on the west side of the front building, due to turning radius difficulties,

et cetera. So we have actually reduced that down to a single overhead door, slid way down to the south. I think I gave the Board members revised copies of the floor plan showing that.

The client and the architect did meet with the Architectural Review Board at their last meeting. There were a couple other questions that had been brought up at the prior meeting. One, regarding the placing of a riser on the hydrant in the front setback area, and I did provide an e-mail to the Chairman regarding that from the Water Authority, and they're going to be doing that themselves.

JAMES MARTIN: Anything else?

MR. ROBERT AVERY: I don't believe so.

JAMES MARTIN: I don't have any questions at this time. I will go to the Board.

JOHN NOWICKI: I'm -- I want to hear from the Town Engineer and Pat (Tindale) in regards to their comments because -- just to make sure we're covering the bases here, because there were a lot of comments in the past.

JAMES MARTIN: Mike Hanscom, John (Nowicki) asked you to do a quick summary of anything you feel is pertinent or still outstanding on this from the Town Engineer standpoint.

MIKE HANSCOM: Um --

JAMES MARTIN: Could you use the mike so we can all hear you, please?

MIKE HANSCOM: I don't believe I have any additional comments right now.

JAMES MARTIN: Thank you. You're satisfied.

JOHN NOWICKI: Because there were quite a few. I just wanted to make it clear they were covered with everything on the drawings, right?

MIKE HANSCOM: I believe so, yes.

PAT TINDALE: Our Board actually didn't have the landscaping.

JAMES MARTIN: Use the microphone. We want everybody in the audience to hear what is being said.

PAT TINDALE: We didn't have the plans in time for the meeting or the checklist, so our Board has not actually seen it. Um, they looked over the first larger site plan drawing and the suggestion was made that we have landscaping along the front of the building and we would like a completed checklist. We have it now almost complete except the documentation of the estimated cost of the project. That's about it. Otherwise, it's okay.

JAMES MARTIN: So would you like a condition, pending approval of the Conservation Board on the landscaping?

PAT TINDALE: Yes, please. And checklist.

MR. ROBERT AVERY: Mr. Chairman, I did neglect one item that was discovered -- through the Building Department that evidently not all of the setback variances were secured for this when we went to Zoning on a couple different occasions a year ago. So we will be submitting by the deadline, which is the end of this week, to receive the final setback variance, and this is existing conditions once again. This was deemed to be a rear setback problem, the northwest corner of the garage, westerly to that little short piece of north/south running line which I guess can be construed as a rear line, so we're going to be applying to the Zoning Board for that. That was -- I guess that was discovered at the last meeting, so. And they did check in the office. I spoke with Kathy (Reed) about it.

JAMES MARTIN: All right. That will be a condition, pending approval of the ZBA on the required setback variance.

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

JAMES MARTIN: We're doing preliminary. Do I have a consensus on waiving final on this?

The Board indicated they would waive final.

JAMES MARTIN: Final is waived.

As far as the application goes, all previous conditions imposed by this Board that are still pertinent remain in effect.

James Martin reviewed the proposed conditions of approval with the Board.

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

1. All previous conditions imposed by this Board that are still pertinent to this project remain in effect.
2. This application is subject to the approval of the Conservation Board of the required check list and landscape plan.
3. This application is subject to the approval of the Zoning Board of Appeals for the required setback variance.

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

PUBLIC HEARINGS:

JAMES MARTIN: Under Public Hearings we have several scheduled. Hearings 1, 2 and 3 on the agenda will be heard simultaneously.

1. Application The Turkish Society of Rochester, Inc., owner; 673 Beahan Road, Rochester, New York 14624 for preliminary site plan approval to erect an 8,100 square foot mosque at property located at 673 Beahan Road in RA-10 zone.
2. Application of The Turkish Society of Rochester, Inc., owner; 673 Beahan Road, Rochester, New York 14624 for special use permit to erect a mosque at property located at 673 Beahan Road in RA-10 zone.
3. Application of The Turkish Society of Rochester, Inc., owner; 673 Beahan Road, Rochester, New York 14624 for special use permit to allow a religious school in existing dwelling at property located at 673 Beahan Road in RA-10 zone.

Patrick Labor, Chris Schultz, Larry Fenity and Ali Calik were present to represent the applications.

MR. LABOR: Good evening. I'm Patrick Labor from Schultz Associates, and I'm joined tonight by Chris Schultz, the President of Schultz Associates; and Larry Fenity of Fenity Architecture, and also representatives The Turkish Society of Rochester.

This proposal, as was stated, is for The Turkish Society of Rochester mosque. There are three sites involved, three parcels of land involved with this project. 673 Beahan Road, being the northern parcel, a small parcel in between these two, 675, that has a house on it, and then a large parcel that has the Party House and the main parking lot at 677 Beahan Road.

These parcels, two of them are zoned General Business, and that would be 675 and 677. The large parcel here, the north one, 673, that has the house and the existing garage is zoned RA-10.

Just as a side note, we did look into combining these parcels early on with the Building Department back in November of last year, and it was determined that because of the current zoning of the north parcel, which the bulk of the improvements are slated to be on, since that is RA-10, which does allow conditional use permits for religious structures, um, it would be best to keep that separate. If we tried to rezone that parcel to GB, with the Town Board, in order to merge all these three, um, from our discussions, it just doesn't sound like that was going to be able to happen. The Comprehensive Plan says this area should all be Light Industrial. That doesn't allow for religious structures, and I didn't see anywhere in the code that GB allows for religious structures.

The other thought was taking the two southern parcels and bring them to RA-10, but the problem we have with that is that the Party House can't function there. So in the end, it made the most sense to leave the three parcels separate, and I will get into how there is going to be cross access and parking easements throughout the sites, to make sure that everything can be linked.

So with the three parcels involved, the total acreage is just over 11, 11 acres. Existing grades mostly slope westerly towards Little Black Creek. Everything eventually makes it there from the site.

The proposal is to a construct 8100 square foot mosque, as shown in this area here (indicating) approximately 150 feet back from the Beahan Road right-of-way.

There will be seven handicapped parking spaces around the drop-off loop, that loop that is being proposed off the existing parking lot for the Party House off of 677. Access to the site will continue to be the existing driveway, over here to Beahan Road, off 677. The proposed building will require that the existing block -- or the existing block garage on 673 be removed. The existing house at 673 will remain and be used as a Sunday School of sorts. And we can get into more of that with the special use permit.

The house at 675 will also remain, and the Party House will remain and still be utilized.

Also proposed, obviously is the storm water detention facility to handle storm water from the improvements. And one item, also you may notice that the building, the proposed building is turned at kind of an odd angle. That has to do with the religious requirements of the mosque. It needs to face a point in Mecca at a certain angle so that the front of it is facing along a great circle around the earth at the shortest distance possible, so that is why it is facing off into the northeast direction.

With that turn, um, we were going to need an area variance to the side, a side area variance to 675. Even if the building was straight on with the right-of-way, um, and we have -- it made it a little more extreme with the turn of the building, but we have been to the Zoning Board. We were there last month and we'll be there again next week, hopefully to wrap up that one variance.

I will give you just some quick items of note about the building. It's roughly 90 by 90. Um, the main dome is about 54 feet tall and the minarets, there will be two of them on the west -- well, on the north -- on the western edge of the building, one on the north and one on the south side. Those will be about 58.6 feet tall.

That has gone through the DRC and the Airport Authority. They noted in their -- in the DRC comments that the building location, the pond and all of that has been conditionally approved along with the height pending a couple conditions on there, and I can go into that when

we get to that point. Utilities, the site has access to all major utilities. Water and sewer are both on the west side of Beahan Road. It's my understanding that this building will be sprinklered, so what you have on there right now is a 2-inch service that will change to a 4 to handle the sprinkler system.

Storm sewer, there will be a small portion of the storm sewer, a couple basins -- well, a couple inlets, field inlets for the bio retention area here in the drop-off loop. A proposed pond and a ditch line heading towards Little Black Creek to discharge the storm water. Um, the creek itself does have wetlands associated with it, but we're approximately 400 feet away from those. We're not getting anywhere near them and we're keeping the trees that surround that area about 200 feet off intact, so the riparian corridor spoken about in the DEC will still be there.

In terms of landscaping, we will be putting together a landscaping plan. The Turkish Society did have a neighborhood meeting, I believe, at the beginning of the year -- or in February, and at that time, it was identified that the neighbor to the north that is -- at 669 would like to have a visual buffer along the property line. So one of the things that we will be adding is a line of staggered fir and spruce trees to help buffer that property from the proposed building and the loss of the trees and the brush that would be coming down for -- to make the building site work because of all of the grading in that area.

And then we'll be looking into any additional grading that would go on around the building and the drop-off loop.

We are proposing three lights around the drop-off loop and those are all dark sky compliant, and the contours are shown on the plan.

And garbage disposal will be handled with the existing dumpster enclosure that is located at the west end of the party house site.

As I mentioned earlier, we did receive DRC comments. We got them, I believe, yesterday. Um, in the first comments pertain -- if you would like me to go into those now?

JAMES MARTIN: Yes, please.

MR. LABOR: The first ones that are directly from the Planning Department speak of the airport and, um, conditions that have to do with their approval of the application. Just as a quick overview, the east/west runway, I believe, it's -- let's see. It is the 1020 runway. Somewhere over here (indicating) in the flight path actually comes through on this dotted line (indicating) through the site.

So being in that area, there is conditions that have to be met with how tall the building is. That's why we have it set just below that 59 foot level. But it basically says here, that they have approved it with these conditions on here. They state that the proposed building will be very close but below the 34 to 1 approach surface to the runway threshold, and then they go on to say that that area is kind of restricted by the train tracks that run next to it for take-offs and landings because of a hazard. If something should hit a train, is what I am wondering.

So they say that that shouldn't be a problem. And also that we'll need to submit another package to the FAA for construction equipment because typically they rise higher than the building itself in order to construct it. And then should the FAA obstruction evaluation find any issue with the height of the building, the applicant will need to conform to the FAA requirement for the height of the structure, and obviously we will.

For Number 2, they make note of the noise, saying that we're just outside the 65 decibel noise contour line, and they make suggestions on building window choices, door choices, that type of items to try to keep the building quieter on the inside. I'm sure we'll be looking into that.

Number 3, that's to do with the wetland that I spoke of earlier, and that's, um, in conjunction -- it's surrounding basically the creek on the west end of our site. They're saying that we should leave at least 100 foot natural buffer around it. As I stated before, we're about 450 feet from that, so we shouldn't have an issue. We won't be impacting it.

Um, the next one -- the next comment Number 4, is pretty much the same thing, where they're asking you -- asking us to keep the riparian buffer along the creek, which we're doing and then some, so I don't believe there should be any issue with that.

Um, going on to the project review report, um, let's see. Number 1 has to do with the backflow preventer, and that we'll have to submit to the Monroe County Department of Health, which we know. That's a standard comment.

Number 2. Will have to check monumentation with the DOT, and we'll do that.

I don't believe there is any survey monuments in the work area, so that should not be an issue.

We'll add the standard note that the County DOT has asked us to add about highway drainage and how it must be maintained.

I spoke with the DOT about Number 5. They're saying a traffic analysis is required. Um, it was clarified a little bit that all they're looking for basically is a statement that -- based on numbers that the proposed building will not exceed the use that is being -- that is existing with the Party House, which it won't. It -- it is just not the same type of animal. There is -- the amount of traffic generated by the Party House is much in excess of what the mosque will generate, so we'll be getting that information and sending that off to them, but we don't anticipate a problem with that at all.

Number 6 lists permits we'll have to get from the DOT for the utility connections and the shoulder.

Number 7 speaks to the materials that will be installed in the County right-of-way and how they must meet the requirements.

Number 8 is just a detail that they want shown on the plans for asphalt shoulder

replacement for the utility connections.

And Number 9 is a review fee, which we'll get to them.

And then Number 10 says it wasn't sent to the DEC or the New York State Department of Transportation because it doesn't meet their criteria.

I also have review letters from the Town Engineer.

JAMES MARTIN: As far as that goes, I -- you can do the general comments one. The site specifics project notes, that's between you and the Town Engineer. You can get those satisfied.

MR. LABOR: Okay.

JAMES MARTIN: I don't want to get into all of that detail.

MR. LABOR: Nope. That is fine. This is a letter dated April 3rd. First set of comments has to do with the special use permit for the mosque in an RA-10 zone.

Basically what they say, we have no comments from a site engineering standpoint regarding the issuance of a special use permit for a religious institution. Any comments we may have regarding parking have been provided in a previous comment letter dated January 6th and I believe we're fine with parking. We have adequate parking for both uses shown on the site.

Number 2 says, "If final Planning Board approval is given, we do not request it be contingent upon Town Engineer approval."

So that is the --

JOHN NOWICKI: Would you repeat that?

MR. LABOR: Yes. "If final Planning Board approval is given, we do not request it be contingent upon Town Engineer approval."

This is just for the special use permit for the mosque.

JAMES MARTIN: Not for the site.

JOHN NOWICKI: Just want to make that clear.

MR. LABOR: The second is similar. This is a special use permit for the religious school to be held at the existing house, at 673. Let's see. The applicant has not provided information regarding the number of students and teachers that are expected to simultaneously use the exist dwelling. The Chili Town Code requires 1 parking space for 15 seats or student stations. There appears to be adequate space in the existing driveway to allow for two -- parking for two cars without interference with cars when they pull out of the driveway.

There also appears to be adequate space to allow parking up to four cars with cooperation between the drivers for leaving the driveway.

We would recommend that the applicant -- we would recommend to the applicant that they consider expanding the existing parking area to allow sufficient room for parking of four to six cars with enough turnaround area so each car can leave the parking area independently. Um, I assume that you're going -- the people using the Sunday School will be parking in the main lot.

MR. CALIK: Yep.

MR. LABOR: So that is the idea of this, not having people parking in that house driveway, but in the main lot and then walking over to the Sunday School.

JAMES MARTIN: Okay.

MR. LABOR: So --

JAMES MARTIN: All right.

MR. LABOR: That is what we're looking to do for that, not having everybody cram into that small space.

MIKE HANSCOM: Looking at your site plan, then one comment I would make in regards to that, I didn't see any walking paths.

MR. LABOR: Right. I was looking at that today. We'll link up with a pathway from that drop-off area, up to the existing house.

JAMES MARTIN: That's not shown on the current drawing.

MR. LABOR: It's not on there right now. I think that is the safest for everyone involved.

Number 2 says, "We have no further comments from a site engineering standpoint regarding the issuance of a special use permit for a religious school."

Number 3, "If final Planning Board approval is given, we do not request that it be contingent upon Town Engineering approval."

The next set of comments speaks to the site plan itself. Um, Number 1 states, "A church and similar religious institutions are allowed as a special use in the RA-10 zone."

That is why we're here tonight, for the special use permit and the site plan approval.

Number 2 states that, "Two primary use buildings are typically not allowed on a single site; however, it is not unusual to have a major ancillary building associated with the worship space of a religious institution. We would recommend that the permitted uses of the existing two-story frame house at 673 Beahan Road -- at the 673 Beahan Road property be defined in the special use permit for the property," and we have no problem with that.

JAMES MARTIN: That will be for religious education purposes?

MR. LABOR: Correct.

JAMES MARTIN: Number 3, Town Engineer and I had a conversation about that this afternoon. Came to the conclusion it is not pertinent to this application. You are exempt from the height requirement.

MR. LABOR: Okay. Number 4, "The proposed site plan should be reviewed by the Fire Marshal."

It's our understanding that the Fire Department needs to have fire truck access to a minimum of three sides of the building. I'm not sure if that has been taken a look at yet or not. Access to the building -- it is set back 150 feet from the roadway, but you do have access from

this parking area and drive-thru lane, so I will wait to see what is set. I don't know if there has been any other information that -- that has come from that yet, but --

JOHN NOWICKI: Does the Fire Marshal have the drawings? Has he had the chance to look at this?

JAMES MARTIN: We had -- he had a preliminary look at the DRC. I don't have a letter yet from the Fire Marshal. That will be a condition of approval, that the Fire Marshal will have to approve this.

MR. LABOR: I will check with him directly.

JAMES MARTIN: It will be a condition of approval.

MR. LABOR: Okay.

Number 5, "The proposed prayer hall building does not lie within the required setbacks on all sides. It does meet the required setbacks with regard to the common property lines that are also owned by others. This includes the northwest and east property lines. It does not meet the setback requirement with regard to the southern property line common with 675 Beahan Road, which is also owned by The Turkish Society of Rochester."

Our thought with this was, um, we meet the setbacks that are stated here to everybody else. If there is one we need to get a variance for, let's make it to ourselves. So that is where we're at right now with the Zoning Board. As I stated, we'll be back there again next week for a second meeting to hopefully wrap that up.

Number 6. "Please revert -- please refer to our January 6th, 2012 review letter for the sketch plan for our analysis on the parking requirements for the proposed mosque. The proposed sharing of parking spaces with 675 Beahan Road and 697 Beahan Road appears to be adequate."

We think so also. I think we're all set with that.

Number 7. "We would recommend that the Planning Board require the applicant to create cross-access easements between 673 Beahan Road, 675 Beahan Road for the entrance driveway to the mosque and also between 673 Beahan Road and 677 Beahan Road for the exit driveway for the mosque."

And we'll be doing that. There will be cross-access easements, parking easements throughout the site in addition to an easement to the Town to get back to the storm water facility and the ditch line heading back to Black Creek as a requirement of SPDES.

Let's see. Number 8. "If the proposed mosque has any building-mounted exterior lights, then the lighting contours for these lights should be shown on the lighting plan. All exterior lights are to meet the Town of Chili's dark sky requirements."

I don't believe there are any. There aren't any as of yet.

MR. FENITY: Only that's -- that -- what would be required by code at the exits, as we're required to light an exit.

Larry Fenity, Fenity Associates Architects.

And my comment was simply the only lights we're planning on at this point are those required by code that we have to light at exits, for fire exits and people leaving, et cetera, in the case of emergency. That is the only lighting we're planning on the exterior of the building at this point.

MR. LABOR: So I will add that.

Number 9. "Landscaping plan has not been provided for the project except for the bio retention areas."

We wanted to make sure that we had gotten through the FAA, um, the Airport Authority comments to make sure that this building was not going to drastically change in location and size before we completed the full landscaping plan for this project, but there is one in the works right now. Um, starting with the buffer that I mentioned along the north property line, and there will be some landscaping shown around the building in the drop-off loop, and that will be sent to the Town prior to final. After this meeting.

Now that we have the information that we can move forward with it, at least from the FAA and the Airport Authority, we'll be putting that together.

Um, Number 11 says, "We'll provide a separate letter to Jim Martin, Planning Board Chairman, and David Lindsay, the Commissioner of Public Works, with detailed comments on the submitted site plan and the Storm Water Pollution Prevention Plan that do not affect the overall design of the project. And I have that. I don't see any issue with those comments and I believe I can address them. Without complication."

Number 12, "Upon the completion of the project, the applicant shall submit a landscape Certificate of Compliance to the Building Department from the landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan."

That's fine. We'll do that obviously.

Number 13. "The Town Engineer and Department of Public Works should be copied in on any correspondence with other approving agencies."

And I will make sure I do that.

Number 14 states, "This should not be construed as a complete and final review of this application. If Planning Board approval is granted, we request that it be contingent upon Town Engineer and Department of Public Works approval."

JOHN NOWICKI: I just got a question for you on Number 10. Did you comment on that? Has that been taken care of through --

MR. LABOR: Oh, actually, I believe I might have skipped that. Yeah, that was -- Number 10 states, "The Greater Rochester International Airport may object to the use of a micro pool

storm water management basin. Because it could attract water fowl in one of the airport's flight paths. If the Airport raises this objection, we would recommend use of a combination of bio retention areas for water quality treatment and a dry detention pond for control of peak discharge rates. The detention pond will drain completely after it discharges the detained storm water."

That is speaking to the proposed facility that we have right here (indicating) , the storm water facility. That comment was raised before, um, kind of as a previous set of comments that we got from DRC before they put out their official letter, and I sent the information back to Renee Kessler at Monroe County Planning and Development, regarding the pond and the small water surface area that it will have. It will be surrounded by wetland plants so it won't be something conducive for geese being able to get in and out of it easily. And I'm assuming based on the DEC comments that that answered their question regarding that and they don't have a problem with the pond the way it is, based on the DEC comments.

JOHN NOWICKI: But you still have to submit to the FAA, and you will have to get a report back from them, right?

MR. LABOR: It has gone to the FAA.

JOHN NOWICKI: Have they commented on that yet?

MR. LABOR: It's gone -- I know they have it. Um, I'm not sure -- I'm not doing that part myself.

JOHN NOWICKI: You're waiting to hear from them, right?

MR. LABOR: I believe the FAA review is in conjunction with the Airport Authority's review and what they're looking for us to do now in the first -- the first comment of the DRC comments was submit another package to the FAA for the construction equipment. Yeah. But from the next one, it looks like we are still waiting to hear from -- a response from the FAA.

JOHN NOWICKI: We're still waiting.

MR. LABOR: What they are saying is if we tell you it has to be shorter, it has to be shorter. If that is what it comes down to, that's what we'll do.

MIKE HANSCOM: Mr. Chairman, I did receive an e-mail from Gary Gaskin, the airport engineer, after I submitted this letter saying that as far as he was concerned, he was okay with the pond as shown on the plans.

JAMES MARTIN: Yes. I saw that note. Basically your drainage, you know, system is acceptable to the Airport. They're not worried about water fowl.

MR. LABOR: Right.

JAMES MARTIN: Okay.

MR. LABOR: That's all I have for the comment letters. And the overview of the project.

JAMES MARTIN: Thank you.

Um, a couple of questions. Um, and I wanted to go over something that we talked about early on in the discussion phase of this project. Um, as far as the use of the existing house for religious school activities -- and you may want to come up -- just state your name.

MR. CALIK: Ali Calik, the President of the Advisory Board The Turkish Society of Rochester.

JAMES MARTIN: As far as that goes, when would you actually be doing educational activities?

MR. CALIK: As soon as we get the permit.

JAMES MARTIN: When? What would be your schedule?

MR. CALIK: Only Sundays, only three hours. This is not just for religious. It is also education, as well how they read and write in Turkish, so it is not solely for religious school. It is only three hours, Sundays. That's all it is.

JAMES MARTIN: Three hours on Sundays?

MR. CALIK: Yes, that's it.

JAMES MARTIN: As far as -- another issue, and we did talk about that at the discussion phase on -- on this, at that point in time, you said that you would not be putting in loud speakers or anything in the minarets --

MR. CALIK: That's correct.

JAMES MARTIN: -- to do a call to prayer five times a day, which is, you know --

MR. CALIK: Never being utilized for that purpose.

JAMES MARTIN: So you will not be doing that?

MR. CALIK: No, we won't be doing that.

JAMES MARTIN: You won't be doing call to prayer five times --

MR. CALIK: No, we won't be. All internal.

JAMES MARTIN: It will be internal.

MR. CALIK: Inside the mosque. Nothing outside. No speakers out there at all.

JAMES MARTIN: Relatively subdued inside the building? Will it pretty much be contained within the building?

MR. CALIK: It will be contained in the building. You will not hear it from outside the building at all.

JOHN NOWICKI: Just a question along those lines, you -- there was a comment here about doors, windows and that for noise retention from the outside, but is that going to be thought about, too, from the --

MR. CALIK: We haven't thought about that yet.

JOHN NOWICKI: -- to have an affect on the noise from the inside; is that right? That would have an impact on the noise from the inside, too.

MR. CALIK: That's correct. Just the -- the noise won't come out either.

JAMES MARTIN: That is fine. I think that was a very pertinent comment about noise control from the exterior because you will have ambient noise from the aircraft on occasion, so that would probably be -- be a very good idea.

As far as -- you know, as I said earlier, as far as all of the detail notes on the site plan itself, that will be worked out between the developer's engineer and the Town Engineer and the Commissioner of Public Works.

That's all I have got at this point.

I will go to the Board.

PAUL WANZENRIED: The access to the mosque, is that curved?

MR. LABOR: Yes, I believe it is. Yes. It is curbed -- it is curbed right up to the radiuses that connect to the existing parking lot.

PAUL WANZENRIED: No external lighting, light poles in there? Not showing anything.

MR. LABOR: There are three light poles around the -- the lane there.

PAUL WANZENRIED: So those will all be dark sky compliant?

MR. LABOR: Yes. Right.

PAUL WANZENRIED: When this is plowed, where is the snow storage? I don't see it on either side.

MR. LABOR: Basically, I think what they're going to do is plow it towards the north, and off into the west and the flat area that we have here opposite the mosque.

PAUL WANZENRIED: Up over the curb?

MR. LABOR: Yes. We don't have any other option.

We're just talking the driveway there, so we shouldn't have a terrible amount of snow.

PAUL WANZENRIED: Plus all of the handicapped spots, right?

MR. LABOR: Right.

PAUL WANZENRIED: What is the purpose of 675? I missed that.

MR. CALIK: Can I answer that question?

JAMES MARTIN: Go ahead.

MR. CALIK: Currently we do have a clergy that lives in there.

PAUL WANZENRIED: So that's -- okay. Thank you.

MR. CALIK: No problem.

PAUL WANZENRIED: Just about the Fire Marshal's, that will be a big concern.

KAREN COX: I just had the same question he did, about the religious school, what that entails.

JOHN HELLABY: In January, I asked whether or not you would have some sort of Public Forum. I think you might have touched on it briefly.

MR. LABOR: Right.

JOHN HELLABY: Did that occur? Because we never got notified. I had wanted to attend that, and I am hoping that there is people here to speak as to what went on there.

JAMES MARTIN: I can speak for that. I attended it.

JOHN HELLABY: Oh, you did? You didn't tell me.

MR. LABOR: I believe the invitation was open. We held it in February.

JAMES MARTIN: He was holding out.

MR. CALIK: First week of February.

JAMES MARTIN: Anyways.

JOHN HELLABY: The general response?

JAMES MARTIN: They had a neighborhood meeting on a Saturday. It was a very snowy day, but I think half a dozen neighbors showed up for the meeting. There were no objections voiced by any of the neighbors at that public -- or that neighborhood meeting that they had. So they got a very favorable response from the neighborhood. And again, complimented the current activities that go on at The Turkish Society over there. The neighbors are very complimentary of their control of the activities and felt like they were being very, very good neighbors.

JOHN HELLABY: Good.

JAMES MARTIN: Did I say it correctly?

MR. CALIK: Excellent.

JOHN HELLABY: We also discussed very quickly in January funding. It was your intent to put the shell up, get the outside done and get the interior finishes sort of as time went on.

Is that still the game plan?

MR. CALIK: That's the game plan.

JOHN HELLABY: Basically, you have a general feel of how long it's going to take to finish this thing up once you start?

MR. CALIK: Our goal is to finish it before the winter, right? We're just going to start as soon as --

JOHN HELLABY: That is just the shell. I mean, what about fitting out the inside so it is actually usable?

MR. CALIK: It may take a number of years. I'm not going to just --

JOHN HELLABY: I get concerned when you say "number of years." We already have a situation --

MR. CALIK: We do have ceramics we like to put up there. It will be nice walls, like walls here, but we want to have the special ceramics and all that kind -- some kind of art in there. That is what I am trying to say. It will be walls up there. It won't be just ugly looking stuff. It will be still some kind of -- what would be? What would I say out there? It will be, um, the -- unique to our culture, our -- our religious beliefs that will -- there will be some ceramics out

there.

JOHN NOWICKI: On that question there, um, I have -- I have the same concern as you do as far as when he says, "a number of years." I will assume this will go out to public bid? Is this project going out to public bid?

JOHN HELLABY: Are you doing the work yourself or --

MR. CALIK: One of our members is -- is -- it's actually a contractor, so he will be doing it.

JOHN NOWICKI: So there is a construction schedule that will be supplied?

MR. CALIK: Yes.

JOHN NOWICKI: So in other words, the landscaping, for example, will be done this year?

MR. CALIK: As soon as we start the project. Obviously we want to make sure our members neighbors are happy with us. We'll put the landscaping in.

JOHN NOWICKI: All of the outside work will be done?

MR. CALIK: Yes.

JOHN NOWICKI: Just the inside work that will take time.

MR. CALIK: I'm not going to say -- I don't know at this point, but it will be done in time. That -- that is kind of a guesstimate at this time.

MR. LABOR: Is it fair to say most of the improvements that will be delayed will be the ornamental?

MR. CALIK: Yes.

MR. LABOR: There will be plain finish on the walls. It won't be bear studs. It will be the tiling they like to put in, the more ornate items that pertain to the culture, but the building will be functional and up.

JAMES MARTIN: I think if any of you have ever seen the inside of the mosque, they're very ornate, the mosaics, the tile. So that is what wall you will be working on over the next several years?

MR. CALIK: That's correct.

JOHN HELLABY: The minarets are below the threshold that require lights on them for the airport? Because I know they're on that approach way. Is there any need to have a light on the top of these things?

MR. LABOR: We haven't been told that they need a light.

JAMES MARTIN: I think that will be pending final FAA approval.

JOHN NOWICKI: You're still waiting for that?

JOHN HELLABY: We don't know --

MR. LABOR: We don't know -- they're below -- they're a touch below the maximum elevation, but if they need it, we'll do it.

JAMES MARTIN: Point of interest, the site, there are some pine trees over there that are fairly tall. I don't know what the height of those pine trees are, whether they exceed 58.8 feet or not, but.

MR. LABOR: Very close.

JAMES MARTIN: But the --

JOHN HELLABY: Only other thing you got is more or less a statement than anything else. We asked about exterior lighting. You said not at this time. There will be lighting at the exits at this time. I get a little concerned when somebody doesn't come right out and say there is none, never going to be anything. I would just like it noted that should for some reason you see a need to put these big floodlights, and granted being on the end of the runway the Airport would probably frown on it, to actually light the entire structure up, I would like that to come back from before our Board for approval.

MR. LABOR: I don't know if we can clear it up right now. Are the lighting involved with the entrances and exits --

JOHN HELLABY: I don't mind that. It is the accent lighting to actually light these minarets up and everything else up from the ground at some later point in time is what I am trying to point out here.

MR. FENITY: Again, our plans -- we have no plans for doing that.

JOHN HELLABY: You don't have a plan to do that today, but six years from now, somebody might have a separate application we need to do --

MR. FENITY: Then they should come back to you and we can make it a condition that will be acceptable to our client. But we're not including that in the construction plans at this time.

JOHN HELLABY: That's fine.

JAMES MARTIN: I would imagine that would be under the purview of the Airport Authority or the FAA for them to even think about doing that.

MR. LABOR: Any up lighting wouldn't meet Town Code anyway, so.

JOHN NOWICKI: I just wanted to make some points here with, Mike (Hanscom). We have the FAA report that is still coming back to us. We haven't heard on that yet. That will be rather important.

And, Mike (Hanscom), I have three different letters here, two dated April 3rd and one dated January 6th. And reviewing these, there are an awful lot of details here that you brought to the attention of this Board. Are you satisfied at this point, or not satisfied that these have all been met on the drawings?

I'm not talking to the attorney, I'm sorry. I'm sorry, Mike (Jones). I'm talking to the --

MIKE HANSCOM: Um, well, they haven't provided any revised plans.

JOHN NOWICKI: So we have some work to do yet, to get these up to date and up to speed here and get them done? Based on these letters and all of the detail that we're looking at right here, we have got a long way to go yet?

MIKE HANSCOM: The general concept of it all is fine.

JOHN NOWICKI: Well, I think we have to be, you know, very sure that we get this done.

JAMES MARTIN: For one, I didn't -- our review is all of the detail notes Michael (Hanscom) generated based on the site plan will have to be worked out between the engineer and the applicant.

JOHN NOWICKI: That is --

JAMES MARTIN: I think they will address your concerns, John (Nowicki).

JOHN NOWICKI: There are a lot of concerns here.

JAMES MARTIN: I don't disagree with you. They need to be taken care of.

JOHN NOWICKI: I want it on the record there is some work we need to do here.

MR. LABOR: And I have already spoken to the Town Engineer, or at least via e-mail that we intend to do everything on there. We don't dispute everything. I think at the end I would just like to say I don't -- visually, you will not see much change to the plan once all these are addressed. A lot have to do with the SWPPP report, some notes.

JOHN NOWICKI: I will be looking for a letter from our Town Engineer.

MR. LABOR: Oh, absolutely. And I will respond to all of his --

JOHN NOWICKI: Just like the Fire Marshal, too. I want to hear from him. The Conservation Board.

MR. LABOR: Absolutely.

JAMES MARTIN: We're only looking at preliminary tonight. I don't think we can move to final tonight.

JOHN NOWICKI: Thank you. That is all I have for now.

RICHARD BRONGO: No further questions. All of mine have been answered.

MR. JONES: Just a couple of things. I think first I want to confirm from the applicant that with respect to the exterior and by call to prayer, whether or not they would commit that that would be -- they would -- that would be a condition of approval they would not have an exterior amplified call to prayer. I just want to make sure that is going to be part of the resolution.

MR. LABOR: We have stated we don't have a problem with that at all.

MR. JONES: Only other thing is the ZBA talked about a landscape buffer that the applicant referenced. Might be more appropriate for this Board to make that a condition of any approval here, because it is part of the site plan and not necessarily related to the variance.

JAMES MARTIN: With regard to what?

MR. JONES: To the northern property boundary with the neighbor, the land not owned by the applicant, approximately 50 feet from the property line.

MR. LABOR: 669.

JAMES MARTIN: All right. I will say -- basically, I already have condition pending approval of landscaping plans from the Conservation Board including property on the north boundary line.

MR. JONES: Very good. Just wanted to make sure that is taken care of.

MIKE HANSCOM: No further questions.

PAT TINDALE: Of course I have to comment. I just need -- he probably knows this, the Conservation Board needs the plans, landscape plans stamped and a completed checklist. That's it.

MR. LABOR: Absolutely. We'll get that to you.

JOHN NOWICKI: You still need the zoning approval.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHRIS JUDD, 669 Beahan Road

MR. JUDD: My name is Chris Judd, 669 Beahan Road. I was at the meeting at The Turkish Society and we talked, and we talked about if it could be set back further, and I understand they have future plans and that is why they're moving it up front.

Um, right now my backyard is completely surrounded by woods, totally private, no noise, and we talked about the things that would try keeping that in place, and I heard a lot of good things tonight, but I do want to make sure that these things happen. The buffer, I want to understand it, I want it written. The noise that was brought up, I would really like them to do special windows or noise controls. It would change my life style where I am right now.

The cleanliness of the existing house, um, they said it was going to be kept up and maintained, but truthfully, it has been very nice for a while, and there was an auto accident in the front yard and there are still car parts out there from a year ago. Weeds around the house. It has basically been abandoned for a while so that is a concern.

A couple doors down, as you know, we have another abandoned house with heavy equipment out front, had outhouses out front for years. I don't want a replicate of that.

So just want to get that out there. I would like to see the landscaping approval and what is going to be there, because it is going to be my property that is right next door. I just want to voice that.

JAMES MARTIN: Thank you.

DOROTHY BORGUS, 31 Stuart Road.

DOROTHY BORGUS: Um, I believe Mr. Judd just mentioned future plans. Maybe for the sake of the audience or neighbors that are here, maybe it would be good for us to know what future plans are there before this goes any further. When this group came in what, a couple years ago, and wanted to buy the Party House, you know, there was no mention of doing what they're doing now. So although I have no problem with it, I think that it's got to be above board and discussed as to what the ultimate plan is going to be for these three pieces of property. It makes a -- I think it is a considerable concern. It would be for me if I was in the neighborhood, and if -- and if, you know, property isn't being kept up to snuff, then, you know, that's something that we need to know up front. So maybe the applicant would like to tell us what their future plans are.

JAMES MARTIN: Thank you.

REGINA LAPP-HARMON

MS. LAPP-HARMON: Regina Lapp-Harmon. I live in West Henrietta, although I own a home at 4 Jensen Drive.

Today I took a little cruise and went up and down the street by The Turkish Society. I go along the side. I stopped and parked and looked around at the homes on the one side and the homes on the other side, and all of the buildings and there is work that really does need to be done on both sides of that street to keep Chili looking like a nice community, a clean one, a neat one, a tidy one. I think both sides of the road need some help.

JAMES MARTIN: Thank you.

DWAYNE ANDREWS, 653 Beahan Road

MR. ANDREWS: My name is Dwayne Andrews. I live at 653 Beahan Road. Um, as he mentioned, there is an abandoned house right there next door to me. Um, I have run into some drainage problems with that house being built, which is going into my yard. That is something I would like to see addressed with their retention ponds and the drainage that they were talking about going back to the creek.

JAMES MARTIN: Okay. Obviously, you know, as part of the process of -- if this is approved, moving forward, the Town Engineer, you know, working with the Commissioner of Public Works needs to address those issues. If there are, you know, drainage issues that could be exacerbated by this, they will be remediated so they don't have any adverse effect on your property.

Conditions that exist that are not related to this project, you have to talk to the Commissioner of Public Works about it.

MR. ANDREWS: I'm skeptical because the house next door that was being built, obviously something went through -- it snuck through, because their drainage problem is right on my property.

JAMES MARTIN: You should bring that up with the Commissioner of Public Works.

MR. ANDREWS: It was already brought up.

JAMES MARTIN: Okay.

MR. ANDREWS: Thanks.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: I know the architect is here. Are there any issues or concerns or anything you want to bring up? You know, we have closed the Public Hearing, but the architecture has already been reviewed.

MR. FENITY: I was here just to answer any questions if there were any.

JOHN NOWICKI: The additional comment I might have, the concern some people might have about the existing maintenance on the property, I would hope that would be addressed by the next time they came back.

JAMES MARTIN: Dorothy (Borgus) brought up the issue of future activities on the property. I don't know if you have anything in mind at this point in time that you would be willing to share. I know you have talked about maybe some athletic fields or things of that nature on the property. You can go ahead and comment on that.

MR. CALIK: Yep. We never -- we have been sharing this, all this information all along, since day one that we just came here and like three years, four years ago, like we just told exactly what we wanted to do. Right behind the building -- I -- I don't know orientation of it, but I will try to describe. In this area (indicating), in the future we would like to build some indoor soccer facility to be utilized. That is the only plan that we have at this point yet. When is that going to happen? I don't have any -- at this point I don't know dates on that, but that is the plan, what we would like to execute if it is possible.

JAMES MARTIN: So that is basically a -- just an indoor soccer field.

MR. CALIK: Indoor sports facility. Let's put it that way. Not soccer, but soccer will be a part of it.

JAMES MARTIN: On the southern piece of property no plans for it?

MR. CALIK: No, not at this point. Thank you.

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

JAMES MARTIN: Basically that SEQR finding will apply to all three applications. Based on the fact we have several outstanding issues, I don't think we're in a position to waive final at this particular meeting. As far as we would go ahead and approve this, final would not be waived tonight.

JOHN NOWICKI: I have a comment I would like to make. And you're going to bring this up for preliminary? Is that what you're thinking of?

JAMES MARTIN: I have all these conditions to read yet, so...

JOHN NOWICKI: All right. I will listen to it, because I am concerned.

JAMES MARTIN: All right. Let me go through and read the conditions that apply. Again, I will be essentially applying these to -- most of these are preliminary site plan conditions. Some may crossover and apply to special use permits. And generally speaking, what I will do in a decision letter, if this goes forward, is it will probably show up on all three decision letters, pending the outcome out of the vote on the particular application.

We have pending final approval Commissioner of Public Works and Town Engineer.

We have pending Fire Marshal approval.

We have obtaining all required ZBA approvals.

We have applicant to comply with all County and FAA requirements.

We have the applicant to show pathway on the site plan between the parking lot and the education facility.

We -- a -- cross-access agreements will be drawn up between the 673 and 675 and 673, 677 and copies of these access agreements will be supplied to the Assistant Town Counsel for review.

We have pending approval of landscape plans by the Conservation Board including the required buffer on the north property line.

The applicant agrees that there will be no external broadcasting of the call to prayer.

That's what I have. I have eight at this point.

JOHN NOWICKI: Can we request a letter from the owners in regards to the maintenance of the existing buildings there that need to be repaired and how they're going to handle that?

James Martin reviewed the proposed conditions of approval suggested by John Nowicki.

RICHARD BRONGO: Should we have the Building Department to inspect the structure that will be used as the school or the learning center, that it would meet specific codes for that use?

JAMES MARTIN: Mr. Shero, I will let you answer that.

ED SHERO: The building would have to go through a change of use.

JAMES MARTIN: Can you use the microphone so everybody can hear you?

ED SHERO: The building would have to meet change of use requirements. If it is used as a single-family house and now is being used as a school, there would have to be certain upgrades, such as handicapped accessibility, handicapped bathrooms, so there would be some kind of permit review before it could be used or permitted.

JAMES MARTIN: I will include that, applicant to meet all required Building Department permits, okay?

ED SHERO: Building Department's approval, I would say.

JAMES MARTIN: I have the addition of those two other than what I have read. We'll vote separately on the three applications.

On Application Number 1, the preliminary site plan, not waiving final, with the conditions that I have read.

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

1. This approval is subject to the final approval of the Town Engineer and the Commissioner of Public Works.
2. This approval is subject to approval by the Fire Marshal.
3. This approval is subject to the applicant obtaining approval of all required variances by the Zoning of Appeals.
4. The applicant shall comply with all Federal Aviation Authority and Monroe County requirements.
5. The applicant shall construct a pathway from the parking lot to the proposed education facility at 673 Beahan Road and revise site plans accordingly.
6. Cross access agreements shall be put in place between 673 and 675 Beahan Road and 673 and 677 Beahan Road. Copies of these agreements

shall be provided to the Assistant Town Counsel.

7. This approval is subject to the approval by the Conservation Board of the required check list and landscape plans.
8. The applicant shall construct as part of the landscape plan a buffer between 673 and 669 Beahan Road. The buffer shall be constructed in a manner agreeable to the Conservation Board, the residents of 669 Beahan Road and the applicant.
9. The applicant shall not utilize any means to externally broadcast the call to prayer. This condition is per agreement between the Planning Board and the applicant.
10. The applicant shall maintain the existing structure at 673 and 675 Beahan Road in accordance with New York State Building codes.
11. The applicant shall comply with any required permits and/or inspections for any modifications to the existing structure at 673 Beahan Road.
12. Upon completion of the project, the applicant shall supply a Landscape Certificate of Compliance to the Building Department indicating that all approved plantings have been installed in accordance with the approved landscape plan.
13. The Town Engineer and the Commissioner of Public Works shall be copied in on any correspondence with any other approving agencies.

JAMES MARTIN: Application Number 2, special use permit for the mosque. I need to clarify at this point in time that if we grant the special use permit for the mosque, and assuming construction commences and it gets built, it becomes permanent, so there is no time restrictions in place on the special use permit for the mosque on that site.

PAUL WANZENRIED: Can you permit that prior to site plan approval?

JOHN NOWICKI: That is an interesting point. Let's ask the attorney, Mike Jones on that.

JAMES MARTIN: If we go ahead and approve the special use permit for the mosque, knowing if it gets built it becomes permanent, can we do that prior to final approval of the site plan? That's the question.

MR. JONES: I don't see why not. The site is the layout of it. The special use is the use, so yes, you can.

JAMES MARTIN: Okay. Thank you for that clarification.

On the special use permit for the mosque?

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

1. This approval is subject to the final approval of the Town Engineer and the Commissioner of Public Works.
2. This approval is subject to approval by the Fire Marshal.
3. This approval is subject to the applicant obtaining approval of all required variances by the Zoning of Appeals.
4. The applicant shall comply with all Federal Aviation Authority and Monroe County requirements.
5. The applicant shall construct a pathway from the parking lot to the proposed education facility at 673 Beahan Road and revise site plans accordingly.
6. Cross access agreements shall be put in place between 673 and 675 Beahan Road and 673 and 677 Beahan Road. Copies of these agreements shall be provided to the Assistant Town Counsel.
7. This approval is subject to the approval by the Conservation Board of the required check list and landscape plans.
8. The applicant shall construct as part of the landscape plan a buffer between 673 and 669 Beahan Road. The buffer shall be constructed in a manner agreeable to the Conservation Board, the residents of 669 Beahan Road and the applicant.

9. The applicant shall not utilize any means to externally broadcast the call to prayer. This condition is per agreement between the Planning Board and the applicant.
10. The applicant shall maintain the existing structure at 673 and 675 Beahan Road in accordance with New York State Building codes.
11. The applicant shall comply with any required permits and/or inspections for any modifications to the existing structure at 673 Beahan Road.
12. Upon completion of the project, the applicant shall supply a Landscape Certificate of Compliance to the Building Department indicating that all approved plantings have been installed in accordance with the approved landscape plan.
13. The Town Engineer and the Commissioner of Public Works shall be copied in on any correspondence with any other approving agencies.

JAMES MARTIN: Last one is the special use permit for the religious education school in the existing structure. Again, just -- that's the one where you really need to apply for and get all of the pertinent Building Department permits and inspections in order to meet the requirement of change of use of that particular facility.

JOHN NOWICKI: Is that something we should wait for before we vote on this?

JAMES MARTIN: Well, we can certainly hold it off to the final, if that is what you feel comfortable with.

JOHN NOWICKI: I feel more comfortable with that.

JAMES MARTIN: Again, I don't see why it is -- why it is a significant issue.

PAUL WANZENRIED: Why? I'm asking John (Nowicki) why?

JOHN NOWICKI: I just want to see the schedule --

JAMES MARTIN: It's a condition --

JOHN NOWICKI: Code Enforcement.

JAMES MARTIN: It's a condition of approval. If they don't, it --

PAUL WANZENRIED: They can't operate.

JAMES MARTIN: Then we would rescind the special use permit at this time.

JOHN NOWICKI: You feel comfortable with that?

JAMES MARTIN: I feel comfortable with it.

PAUL WANZENRIED: I agree.

JAMES MARTIN: On the special use permit for the religious school?

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 yes with the following conditions:

1. This approval is subject to the final approval of the Town Engineer and the Commissioner of Public Works.
2. This approval is subject to approval by the Fire Marshal.
3. This approval is subject to the applicant obtaining approval of all required variances by the Zoning of Appeals.
4. The applicant shall comply with all Federal Aviation Authority and Monroe County requirements.
5. The applicant shall construct a pathway from the parking lot to the proposed education facility at 673 Beahan Road and revise site plans accordingly.
6. Cross access agreements shall be put in place between 673 and 675 Beahan Road and 673 and 677 Beahan Road. Copies of these agreements shall be provided to the Assistant Town Counsel.
7. This approval is subject to the approval by the Conservation Board of the required check list and landscape plans.
8. The applicant shall construct as part of the landscape plan a buffer between 673 and 669 Beahan Road. The buffer shall be constructed in a manner agreeable to the Conservation Board, the residents of 669 Beahan Road and the applicant.
9. The applicant shall not utilize any means to externally broadcast the call to prayer. This condition is per agreement between the Planning Board and

the applicant.

10. The applicant shall maintain the existing structure at 673 and 675 Beahan Road in accordance with New York State Building codes.
11. The applicant shall comply with any required permits and/or inspections for any modifications to the existing structure at 673 Beahan Road.
12. Upon completion of the project, the applicant shall supply a Landscape Certificate of Compliance to the Building Department indicating that all approved plantings have been installed in accordance with the approved landscape plan.
13. The Town Engineer and the Commissioner of Public Works shall be copied in on any correspondence with any other approving agencies.

JAMES MARTIN: Very good. Thank you. It has been a bit of a haul to get it to this point, but I think we're 90 percent of the way there.

MR. LABOR: We'll have everything satisfied and we'll be back.

4. Application of The Fathers House, owner; 715 Paul Road, Rochester, New York 14624 for renewal of special use permit to allow a church at property located at 715 Paul Road in R-1-15 zone.

Matthew Sinacola was present to represent the application.

MR. SINACOLA: Good evening, ladies and gentlemen. My name is Matt Sinacola with Passero Associates representing The Fathers House this evening. No one from The Fathers House was able to attend this evening's meeting. Eric wanted to, but he was technically off duty he told me this week. They had quite a large event this past weekend.

This evening we are before the Board to get a -- hopefully a permanent extension to our special use permit for the site. You may recall this Board did grant us a one-year extension at the last meeting this past fall, at which time the Board expressed a couple of concerns predominantly to allow The Fathers House enough time to install the sign at the intersection of Archer and Paul Road, and to clarify on the plan, the as-built plan, what has been constructed on site and what items they intend to build and what items they do not intend to build.

What you have before you is an attempt to answer those questions. As you know, and I'm sure most of you have had a chance to see the sign has been installed with the associated landscaping that was sort of held on -- put on hold on the initial plan, and the plans that have been modified to illustrate what has been developed on site and to show the items that The Fathers House would like to keep in the near term planning stage. Specifically, we have added the storage garage building and the associated gravel driving area in the back of the building.

We have removed the proposed walking trails that were on the original design plans. We are including the potential expansion of the parking space, the parking lots around the periphery of the site, as well as the -- this sort of an access route around the back of the building.

Two of the athletic fields, soccer fields as well as the area reserved for the baseball field have been installed. The baseball field essentially only consists of the back stop at this point. There is no stone dust base lines or anything installed.

And they would like to eventually put a third soccer field in. There is room for it, but it is not graded for that yet.

Other than that, the other items were removed from the site plan. So that this should give you a fairly good baseline as far as where the site stands today and the amount of improvements on the site.

Um, Pat (Tindale) gave us a review of the landscaping for the site area --

And congratulations, but the way. I will be one of the first --

-- and sent us a nice note about their review of that. I believe the Town Engineer had no comments on this, at this point. And I think that pretty much summarizes things.

Again, we're looking for the Board to grant us a permanent status, with the special use permit, so that they can continue to function, and obviously, anything, building additions, anything like that, we have made it very clear to the folks at Fathers House that they have to come back to this Board for future development.

And it's entirely likely if you were to see expansion of this parking facility and so forth, that will probably happen in conjunction with building additions and that sort of thing, which means you will see any of that in any event. But they wanted to make sure it was clear to this Board that that is their intention, to expand into this space in the future. Obviously landscaping, additional landscaping would have to be a part of that design plan.

So I'm hoping that answers the concerns we had before, which -- which held up the permit status.

JAMES MARTIN: I wish somebody was hear from the church. Is there anybody here from the church at all?

MR. SINACOLA: No, I don't believe there is.

JAMES MARTIN: From an engineering standpoint, you know, you have met what we asked you to do as far as this as-built site plan and that is all well and good. The reason I was hoping somebody was here from the church is we continue to get noise complaints emanating from the facility, very, very heavy base vibrations noise coming out of the building. And we addressed that, I believe, last time somebody was before this Board, and something was going to be done to try to control it. Apparently it hasn't worked.

MR. SINACOLA: Okay.

JAMES MARTIN: I really feel in the interest of -- the public interest in this Town, you know, the health and welfare and all of those things in our code, that they really should address that issue, that they should tone down the music to get it so that we're not having these very heavy base beats emanating, you know, from the building itself. It is very annoying to the people that live across Archer Road that are in close proximity to the facility.

MR. SINACOLA: Was that expressed -- were these complaints address -- expressed to the -- were they informed?

JAMES MARTIN: I don't know if they have been exactly addressed to the Church itself, Ed (Shero)? I have read the complaints. But I'm bringing it up in a Public Forum tonight that I really think the Church needs to address that issue.

RICHARD BRONGO: I guess my concern would be with the new construction that is happening on the other side of the church, with all of the condos and apartments and everything, it's only going to multiply the problem.

JAMES MARTIN: I really don't see the need to have the music that loud. I mean, you know, it's not -- you know, Wilson Stadium.

JOHN NOWICKI: Hopefully they can address a letter back to the Board to tell us how they will handle that situation.

MR. SINACOLA: Okay. I'm just trying to -- I'm trying to quantify it. They will need to be given some kind of idea if there is a specific timeframe where the noise is being heard outside of the building, because if it is just a hearsay, I don't know how we can -- how I can get that information to them and tell them what they need to kind of do, give them some guidance. With the complaints, do we have it on record in a letter or something? Anything specific?

JAMES MARTIN: I believe there are one or two from -- from the Clay Hill residents. We'll -- we'll -- I think that, you know, the administration of the Church should work with the Building Department. They can see the complaints. I agree with them. I think the Board is going to request a response regarding the noise complaints.

MR. SINACOLA: Okay. Is it possible, Jim (Martin), for us to just table this then and allow us a chance --

JAMES MARTIN: I don't think it will affect -- I -- I -- I'm writing this in. I'm bringing it up. I don't think it will affect us moving forward with approving --

MR. SINACOLA: Okay.

JAMES MARTIN: You have done everything we asked you to do. This is not, you know, an issue of the as-built site plan. This is something that has come forward, I think, in the interim.

MR. SINACOLA: I was just concerned because I asked if anything else had gone to the administrators at the church, because we did talk about some of those other issues. Noise was one I do recall we talked about. And the response I got was that they hadn't heard of anything, but it sounds like other people, obviously, so...

JAMES MARTIN: Okay.

PAUL WANZENRIED: Other than if you're going to write that letter, how do we enforce it? How is it enforced? How is there a follow-up on it?

JAMES MARTIN: Well, we have had some discussions about that in the Building Department.

PAUL WANZENRIED: It took them five years to get the landscaping done.

JAMES MARTIN: We don't have the technical equipment to enforce the noise -- the noise ordinances in the Town. We would have to request the Sheriff's Department to do that for us. Again, that's something I think that the Church needs to work -- needs to work with the Building Department on.

As far as that goes, I think if the complaints continue, then I would behoove the Building Department to probably contact the Sheriff's Office and make a determination on exactly how bad the noise level is and -- so the proper activities could be taken.

JOHN NOWICKI: Hopefully we'll see a community action between The Fathers House and the Building Department to work it out. It would be nice to see that happen.

PAUL WANZENRIED: We're voting on a special use permit that is infinite?

JOHN NOWICKI: That's right. Infinite.

JAMES MARTIN: We're voting on a special use permit. I'm citing this tonight as a continuing issue.

KAREN COX: Presumably if the Board passed that and there were still noise complaints, it is out of our hands then to have the Building Department and --

JAMES MARTIN: Code enforcement.

KAREN COX: And Code Enforcement.

JOHN NOWICKI: There is a noise ordinance.

KAREN COX: Yeah. So it is enforceable by other means?

JAMES MARTIN: Yes. I just want to surface it in writing tonight as part of this Public Forum that we have.

RICHARD BRONGO: Can we do a one or two-year extension to see how that problem --

KAREN COX: Well, I think it goes down to -- it becomes a Code Enforcement thing, not a Planning Board enforcement thing. We're not -- we're not the police arm of the Town when it comes to noise ordinances. That's a -- that's a purely Code Enforcement issue.

JAMES MARTIN: It is.

KAREN COX: I mean, it's a good thing to bring up while we're here in this forum to say we're still getting complaints, but I don't think it is the purview of this Board to --

JAMES MARTIN: Yes. We have just asked them to send a letter to the Building Department, all right, regarding how they're going to address this issue. But it does affect, you know --

Dick (Brongo), you don't have the history of this. We have done SUPs one year, one year, one year for a time. They have completed the checklist. I have talked with David (Lindsay) and Cheryl about that. We did have a long punch list of things they had to do.

I know, Pat (Tindale), you still have a little concern about one of the drainage areas, but in general, they have completed everything that was on our Town checklist, and to keep going one year at a time, I don't think is appropriate.

PAUL WANZENRIED: Okay.

KAREN COX: No comment.

JOHN HELLABY: Well, if you're making comments, I think you should also note the parking/traffic situation that continues to be a problem with the parking on Archer Road, time and time and time again. They assure us nobody will park out there, but I go by there on a Sunday afternoon and there are cars right up to that intersection.

JOHN NOWICKI: On the road?

JOHN HELLABY: On the road, on Archer Road.

JOHN NOWICKI: Really?

PAUL WANZENRIED: Old church area.

JOHN HELLABY: Old church area. I don't know how you cure somebody's behavior.

The unfortunate thing is that people are in such a hurry to get out of the church to make a left-hand turn onto Archer out of this side exit that they actually sneak out there when traffic is stopped. Now they're two and three abreast blocking the southbound traffic so they have to stop. Hello? It just goes on every weekend.

JOHN NOWICKI: Wow.

JOHN HELLABY: So if you're going to address it, you might as well let them know that the problems continue. As I say, I don't know how you're going to correct the situation. You know, the Sheriff's Deputies cruise by this and just keep right on going.

KAREN COX: The only way you can keep people from parking on a road is whoever owns the road, and I will admit I'm not sure who it is there -- you got to put up "no parking" signs like they did in front of Roberts Wesleyan and Buffalo Road and start ticketing. That is the only way you will be able to legally enforce no cars parking on the side of the road. You can ask and say, "Please don't park there," but if there is no -- nothing, no ordinance, there is no legal way of making people move.

JOHN NOWICKI: It's a good way to raise some money. (Laughter.)

KAREN COX: You have to create a no parking zone.

JOHN HELLABY: I think part of the burden falls back on the Town. I hate to say it. There are a list of roads in the Town Code where there is no parking allowed; however, none of them have signs stating that effect. So yes, the onus probably falls a little bit back on the Town because the signage is not there. So who is going to enforce it?

KAREN COX: Well, if it is in the Town Code, it's enforceable.

JOHN HELLABY: It's in there.

KAREN COX: But it has to be brought up to the enforcing agency that, you know, basically you want to go over and start handing out tickets on these roads.

I mean there is probably a good reason why there is "no parking" signs, because they cost money to make and put back up when the snowplows hit them and the kids steal them.

JAMES MARTIN: That should be irrelevant. Obviously it is a significant problem. That's a Town road, I'm assume, Archer?

KAREN COX: Some of it is County, I think. I wish I had my map. I could tell you.

JAMES MARTIN: Would you be satisfied if I make a commitment to address this with the Building Department?

JOHN HELLABY: That's fine.

Like I said, I don't know how you cure it.

KAREN COX: What is that?

ED SHERO: Whether it's a Town road or County Road, it's still an issue for the Sheriff's to enforce.

KAREN COX: I think the no parking zones are set up by the Town. Now that I think about it.

ED SHERO: We have a few streets in Town where there is no parking on. I don't believe Archer is one of them.

KAREN COX: But I don't think if somebody besides the Town owned it, the County highway, the County would come back and say if you don't want people parking on that road, then you create the no parking zone.

JAMES MARTIN: I will set up a meeting with Mr. Lindsay and Supervisor Dunning and we'll address this issue.

KAREN COX: It's the only way you will completely stop it.

JOHN NOWICKI: If they have a huge growth there, they will have to do what U of R did on Scottsville Road and have shuttle buses back and forth from someplace.

MR. SINACOLA: I will certainly add it to the notes and communicate that to the applicant that the parking on Archer is a no-no and that -- I'm sure they can make some effort during their assemblies to inform the parishioners that that is an issue.

KAREN COX: Unless you have somebody out there that is going to be like --

JAMES MARTIN: It should be --

MR. SINACOLA: They may be willing to put some small signs up. I can't speak for them tonight.

KAREN COX: I think they have said in the past, you know, in the years that we have been going -- doing things with this property, they said they have asked. But again, you have people, new people coming into the church, people leaving, you know, people visiting. I don't -- unless you got a sign there, people are going to park there.

JAMES MARTIN: Okay.

KAREN COX: We're beating a dead horse. I know. Sorry.

JAMES MARTIN: Pat (Tindale), I know you had a small concern.

PAT TINDALE: Yes, just some of our Board members -- it has been going on for months, notice that the spillway of the pond, the storm water pond on Paul Road, on the east side, what they did is instead of digging it down, and putting rock in, it looks like they just either didn't dig it deep enough or just piled the rock on top. It is silting like mad. It's to their advantage because that pond will just fill up and it will be an expense to them to dredge the thing out. It is just a suggestion. I'm just going to mention it. I talked to Dave Lindsay. He was going to check it and get back. I didn't realize he wouldn't be here. You might want to mention it to the Church to let them look at it.

MR. SINACOLA: I will look at it myself. I was doing the last SWPPP reports out there before it was closed. If that did silt up, it is a functional issue for the storm water control on the pond so it should be taken out and --

PAT TINDALE: Either side of the pile of rocks goes down. I go back and forth to work that way.

MR. SINACOLA: I will check that, Pat (Tindale).

JAMES MARTIN: So you have talked to David (Lindsay) about that. I will not put that in as a condition.

PAT TINDALE: No. That's okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I was here a year ago when you gave the last one-year extension, and I beg to disagree with the Board, but I still think you have some of the same problems, and I don't care frankly how many years you give them a year at a time. You got to get a handle on this thing. You don't have one obviously. They have drainage problems. They have parking problems. You still got noise problems. You got community complaints. And obviously, they're planning on expanding here again. And the way this -- the scale that this Church operates on, I don't know as you're ever going to get this under control again. If you can't get a handle on it now. I mean, they're -- they're talking about expanding parking lots. They're talking about adding soccer fields. They're talking about, you know, plans of expansion of the buildings down the line.

Now I know they have to come back for another plan. They would have to come back for approval to expand the building. But before we just let this just run away, let's at least get this thing under control before we just give them cart blanche to go ahead now. They're not ready. This isn't ready to be -- for permanent approval. I'm sorry. It's not in the best interest of the people that live around there, and I don't think it is in the best interest of the Town in general. You have too many problems here yet. There is not one thing wrong with giving them another year to get it -- their act together. On a lot of counts.

Thank you.

ROCKWELL YARD, 24 Crossbow Road

MR. YARID: My name is Rockwell Yarid, 24 Crossbow Road. I live approximately a quarter mile from the church and, um, I would say in general the traffic is -- I wish it wasn't that way, but there is nothing we can do about it now. It's water under the bridge. Future expansions that increase the numbers there will, in fact, have an impact on the neighborhood. But it's -- it's liveable.

I'm saying that from a point of view that in 2005 when this first came up for approval by this Board, the -- their engineer said that it would have no impact on the neighborhood because it was the -- the peak use was on Sunday mornings. Well, it might be a -- Sunday mornings, but we also have a lot of use on Wednesday, Fridays, Saturdays, significant use. So the traffic is still in my mind quite disruptive to the neighborhood as a whole, but I know there is not much we can do about that at this point. But in any future considerations for expansion, I really hope that this Board will consider requiring more be done about traffic on that area.

But at this moment, it is liveable. I think one of the biggest problems that was created by the Church was having that -- that crossing guard stopping traffic and that created hell. And, of course, they have, you know, that -- not having as many people crossing the street when they're

having main services, so things are acceptable at the moment.

But to confirm what John (Nowicki) had said and a few people had said, there is still people parking on the side of the road, Archer Road quite a bit. And I hope that you would be successful, Mr. Chairman, in getting the Town to do -- put some signs up. I think that is what is necessary.

Until those signs are up, you know, people -- personally, if I drove into a neighborhood and there are no signs there, I would probably park there, too, if I didn't know any better. I think it is an appropriate time, given the number of people that use that facility, to put something up. Guys, there is no excuse for it, but there is still parking on the side of Archer Road. I don't know about Sunday mornings, because I sleep 'til noon on Sundays mornings, but I definitely know quite often on Wednesdays -- Wednesdays is apparently a big time there. I don't know why, but there is neither here nor there. But I do know there is still parking on the side of the road.

Besides the danger it imposes to traffic, I think it also tends to damage the shoulders of the road, if -- if you go down and take a look around, that side of the road on Archer looks quite ratty. If you go other places on Archer, there is green grasses right up to the road.

So I hope that you will have -- you will be effective in maybe doing something about that. Thank you.

JAMES MARTIN: Thank you.

ROBERT AVERY, 37 Fox Commons

MR. ROBERT AVERY: Robert Avery, 37 Fox Commons down in Chili.

Just maybe a point of information. A number of years, maybe many now ago, I was Chairman of the Traffic and Safety Committee here in the Town, okay? I believe Archer Road is a Town highway in that stretch, and we had these matters that came before us when I was a Chairman. I don't know if it has changed now. The attorney could tell you that, but we would make recommendation to the Town Board for a certain section to be slated and marked as no parking, and then signs would go up. We would make the recommendation to the Town Board and they would act on it one way or the another. That's my knowledge from a number of years ago.

JAMES MARTIN: As I said, I will try to get something started. It may get referred to Traffic & Safety, but I will meet with Mr. Lindsay and Mr. Dunning.

REGINA LAPP-HARMON

MS. LAPP-HARMON: Regina Lapp-Harmon. I certainly didn't think I was going to stand here tonight and talk about The Fathers House, but Sunday morning when I come home from my church, um, going down that one street, I don't know those roads, I'm not really from here, but going down towards the Ballantyne Bridge, I don't know how many accidents there has been over there, lately, or in the last couple of years, but there is going to be one. Um, I pretty much witnessed it Sunday morning. There was cars parked all along the grass, and the cars were coming out of that gate, I will call it, and they were being quite impatient. They whip out and make their hard left turn to go up towards the traffic light and somebody is going to hit somebody. I didn't even see too much proceeding with caution, to be honest. Maybe they were in a hurry to get home for their meal or to -- I don't know or -- but they could at least proceed in a more cautious manner coming out of the church, because really we had the right-of-way. They didn't.

People were -- were being gracious enough to let some people come out, but there is -- but there is problems there. It is an issue. Something needs to be done.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

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

JAMES MARTIN: Discussion on the Board? There are still some outstanding issues, but on the other hand, they have completed everything we put on the checklist. They have given us an as-built plan that we requested. As far as you know, the previous review of this particular facility. So.

JOHN HELLABY: I see both sides of the coin.

I totally agree with Dorothy (Borgus) inasmuch as, you know, it's nice that we have a handle. However, on the other side, they're in here for a special use permit for a church facility. That's all that is probably ever going to be is a church facility, and do we really want to go through the rigamarole of going through the same thing year after year after year after year?

I think I -- I agree with you it becomes an enforcement issue. You know, check the "no parking" signs, get the Sheriff's Department involved. They're out there. Let them start patrolling this road on Sunday morning. If they see a problem, do something about it. I mean, we pay the taxes to have these people out there. So again, I mean, you got to look at both sides of it.

KAREN COX: The Board is not really a function of the -- a function of the Planning

Board is not as a constant Code Enforcement arm of the Building Department, and it's -- you know, this -- like you say, they have addressed the site issues that we brought up. You know, the other two issues with traffic and the noise, are -- seem to be a problem that are -- that is going to be around until some higher power of the law gets involved.

I think Mr. Avery's suggestion of the Traffic & Safety Board talking to the Town Board or however it is handled at this point is a good idea.

JOHN NOWICKI: That part I agree with you, but again, one of the major problems we have not only in this community but all over the place is enforcement. You can't get some of these laws enforced. Our noise ordinance has never been enforced.

KAREN COX: But the Board can't -- I mean, I -- my neighbor makes a lot of noise sometimes, you know. But, you know, the purpose of the Planning Board is not to be the Code Enforcement arm of the Town.

JOHN NOWICKI: Again, that is an issue that should go to the Supervisor's office in regard -- not only this particular project, but around Town there are several areas in the Town that need enforcement, whether it is junk cars, unlicensed vehicles. They're laying all over the place. So until you get enforcement on the line here and get it done, that's going to be a problem.

I would like to -- to vote on this thing and say we won't have you come back here, but I would also like some way to have the connection with The Fathers House so that we can get these things accomplished.

KAREN COX: So we come back in here next year -- unless a no parking zone has been -- you know, they're not going to be changing this plan in a year.

JAMES MARTIN: No.

KAREN COX: And unless movement is made to create a no parking zone on Archer Road and, you know, the -- the enforcement of the noise issue happens, we're going to be sitting here arguing the same points, because nothing will have changed on the site plan in a year.

PAUL WANZENRIED: That's a function of the business that they do, and that's what we govern.

KAREN COX: To a certain extent. I -- you know, it's -- it's money that is going to be spent on -- on a tax -- by the taxpayers on a meeting to what end? We extend it another year and another year and another year. You know, I think it's -- this -- those complaints are out of this Board's purview at this point, and into --

JOHN HELLABY: Enforcement issue.

KAREN COX: Town Board/enforcement.

JOHN NOWICKI: Can we then as a Board with -- send a memorandum to the Town Board about these -- the seriousness of these areas of concern?

KAREN COX: I wouldn't see why not.

JOHN NOWICKI: They have it for the record here so that we can say yes, we have addressed it, we sent it to the Town Board. Now let's get some action on it.

KAREN COX: These are items, certain properties that come up for conditional use permits, and every time they come up, we hear the same complaints, and -- and, you know, we can't -- I can't go out and ticket the cars on Archer Road. And --

JOHN NOWICKI: I would go along --

With memorandum going from the Town Board to this Board, having people sit out here and what -- what has been notified -- we have all addressed tonight. Get it on record. So we can follow up with the Town Board.

PAUL WANZENRIED: But after this vote, we won't hear from it any more. Because it's infinite.

JOHN NOWICKI: What?

PAUL WANZENRIED: Because it is infinite.

JOHN HELLABY: Unless they expand.

JOHN NOWICKI: Well, they come back here for everything, anything, they better get something done over here. If they ever come back before this Board, they're going to be in trouble.

KAREN COX: But what -- if it is in infinite, and then the -- there are still issues going on, there are ways for the people in the Town to -- to go to the Town Board and complain. You know, they -- that is the Board and -- you know, the organization is better able to handle these long-term issues with properties. Unless they come back in -- if they come back in five years from now for an expansion of the building, certainly, we could ask for a traffic -- you know, they will have to provide a traffic report that, you know -- maybe those issues are still going on. And -- and then we sit there and say we can't vote on this until these long-standing issues are addressed.

But, you know, how many times have we talked about this, and it is still there. We can't do anything more. I don't think.

JOHN NOWICKI: Let's go with the memorandum.

JAMES MARTIN: I -- all right. I have already made a commitment, all right, to sit down with Dave Lindsay and David Dunning regarding these issues. I will -- I will prepare a memo from the Planning Board to the Town Board regarding our frustration with the continuing parking issues and noise complaints on the property, okay? But I -- you know, we have had enough discussion.

Are they relevant to what they're trying to vote on at this point in time? No, they're not. They have done what we have asked them to do, all right, from a site plan, an as-built site plan and have taken care of all of the checklist items that the Town gave them, all right? But

basically, you know, what I have done is all previously conditions that have been imposed by the Board that are still pertinent to the project are still in effect. You know, we have requested (inaudible) regarding the noise complaints from the Building Department and the Board -- and a memo from the Planning Board and the Town Board regarding our frustration with the continuing parking issues and the noise complaints on this property. All right?

Okay. Given that, that we're voting on, again, special use permit, knowing that, you know, it will become essentially permanent at this point in time, we have done the SEQR, so at this point on the application itself.

DECISION: Approved by a vote of 5 yes to 1 no (Paul Wanzenried) with the following conditions:

1. All previous conditions imposed by this Board that are still pertinent to this application remain in effect.
2. The Planning Board requests a response from the applicant to the Building Department outlining their proposed methods to control the loud music emanating from the church during certain activities.
3. The special use permit is now permanent with no time limit.

There was a recess in the meeting.

5. Application of Richard Schickler, Jr., owner; 870 Chili Scottsville Road, Scottsville, New York 14546 for preliminary site plan approval to erect an 81' by 60' metal fabrication building at property located at 860 Chili Scottsville Road in AC zone.

Robert Avery, Richard Schickler and Rich Schickler were present to represent the application.

MR. ROBERT AVERY: Robert Avery from Razak Associates, 2060 Nine Mile Point Road in Fairport -- or I'm sorry, in Penfield.

I'm here with the property owner, Richard Schickler, and his son, Rich (Schickler), seated to his right who operates the business on the property. And we're here before you this evening to seek approval to construct a 60 foot by 81 foot metal clad building to be used for storage and repair on their existing property. And we're planning on placing it, um, in the -- to the south of the existing building, 30 feet south as a matter of fact, and placing it more or less in the middle of the lawn section of the existing structure.

There is a need to do this at this point in time for the business. In doing so, we will be able to remove four metal steel storage trailers that are currently parked on the site and used for storage. Those will be removed effectively if we receive approval for this building. To be serviced by electric.

This building is pretty much storage, as I said, and repair. Mr. Schickler will get into that, more particulars, as we move forward.

Now, at the same time that we're seeking approval to do this, we have an existing, um, filling site that is at the end of the Arborvitae row here (indicating) that has above-ground diesel tanks that they use for fueling the vehicles and equipment. While they're building this building, if they get approval, they would like to bring that up to date a little bit by pouring a 25 foot by 18 foot concrete pad, having -- they're not going to put any more than the three that are on there now. However, they will be new tanks that they are going to be purchasing to put on this. I believe that the volume of the gallons will be the same total of what we have now; is that correct?

MR. RICH SCHICKLER: That's right, right.

MR. ROBERT AVERY: Nothing additional. Just that they're sprucing it up so to speak. The building itself is anticipated to the exact same color -- colors as the existing building, which is a green roof, if you have been back there and a light beige below to match what we have out there.

There will be two overhead doors on the east side of the building, and we have them noted. You can see the bollards on other side. There's an overhead door on the south side. We have a man door on the back and on the other side.

There is no bathrooms to be in this facility as I mentioned. Electric heat. We have very minimal grading in order to set this on the site as it is. You can see that we have moved one contour line.

Um, this doesn't affect any of the parking in that area or yard area that we have there now, because actually what is there now is a -- is a concrete block storage enclosure that is kind of an open shed, not the greatest looking thing, and that will be removed because it will be sitting -- the new building will be sitting right where that is.

I think at one point in time, maybe that storage area was for mulch and items like that; is that correct?

MR. RICH SCHICKLER: And salt.

MR. ROBERT AVERY: And salt, yeah. So that's basically what we have.

I would like to make note, however, that we did go to the Conservation Board. We have also submitted plans to them. I believe you have a copy this evening.

PAT TINDALE: Yes.

MR. ROBERT AVERY: We're going to be kind of matching the same type of foundation plantings that we currently have along the south side of the building to the north. And we do have quite a bit there on site. I mean, let's face it, with a landscaping business -- mainly originated as a landscaping business. Of course now it has gone onto Patriot Towers and so on and so forth. But we feel that this building will -- will not only satisfy their needs right now, it kind of eliminates these issues here with these ugly storage trailers we got here, cleans up the site a bit. Nice new pad for these fuel tanks, and -- the fueling station.

Um, I have some comments that were received by -- from the County that I can go over if you would like me to. Or shall I wait?

JAMES MARTIN: They're mostly boilerplate, weren't they? You can.

MR. ROBERT AVERY: Well, portion of the property in federal wetland; that would be the pond area.

JAMES MARTIN: We do have the Ag statement.

MR. ROBERT AVERY: Ag statement I filled out and sent in.

Because we do -- you know, there is farming operations within a number of feet of -- of this parcel to the south mainly and to the -- and to the southwest, on the opposite side of the State highway.

Um, portion of the stream, yes, that is located quite a ways out. We're nowhere near any stream. Once again, we're not affecting any virgin ground with this. It is going to be sitting right on the gravel that is there right now. We're not disturbing anything. It's in a natural state at this time.

Um, we will not have a lot of run-off caused by this expansion. Um, erosion control methods. I don't believe there are any.

Supplemental sheet, monumentation, if -- if the map is going to the Clerk's Office, our subdivision map is going to the Clerk's Office, which we haven't quite filed yet by the way. We're working on just a couple matters with the agreement for the maintenance of the pond. That has to be finalized. Other than that, we can file that pretty soon.

No highway work permit will be required because we're not going to be working within Route 386. We're a couple hundred feet away from that right-of-way.

Um, no comments from the Health Department. Wasn't sent to DEC.

And we had also the Town Engineer's comments dated April 3rd. Additional information for the required -- required for the plantings and landscape beds, which we have provided to the auxiliary board, um, we --

Number 2. "We recommend that the Planning Board request additional information regarding the existing fuel tanks to be removed and the new fuel tanks that are to be installed. New fuel tank installation plans should be reviewed by the Fire Marshal for compliance with the New York State Fire Code."

I believe Rich (Stowe) has brought some information regarding those with him tonight. Of course, those all have to be completely reviewed by the Town Fire Marshall, has to be in total compliance.

Upon completion of the project, the -- this Item 3, we need to submit a landscape Certificate of Compliance as is required on all projects, which we shall do.

Town Engineer, the DPW, copied in on all correspondence with other approving agencies.

And this should not be construed as complete and final review, contingent upon, of course, the Town Engineer and the DPW's approval.

JAMES MARTIN: That it?

MR. ROBERT AVERY: That's all I have.

JAMES MARTIN: I don't have any questions.

PAUL WANZENRIED: What -- what do the existing steel storage containers that you're getting rid of contain?

MR. RICH SCHICKLER: Richard Schickler, 3064 Huntington (inaudible), Honeoye Falls, New York.

They currently store various overstock items such as tower lighting, components, some smaller galvanized steel components and cables and antennas.

PAUL WANZENRIED: That material will be put into this building.

MR. RICH SCHICKLER: The vast majority will. The galvanized stock will be centralized into this building as well as the steel hardware and tower parts that are in the other warehouse will be centralized in this, and the more technical components will be put into the existing warehouse.

PAUL WANZENRIED: What is the flooring of this building going to be?

MR. RICH SCHICKLER: 4,000 psi concrete.

PAUL WANZENRIED: Heat the building?

MR. RICH SCHICKLER: It will be heated with overhead radiant heat.

PAUL WANZENRIED: Any plumbing in the building?

MR. RICH SCHICKLER: No.

PAUL WANZENRIED: Mr. Avery talked of repairs. What type of repairs?

MR. RICH SCHICKLER: A growing part of our business is the rehabilitation, upgrade and repair of existing communication towers, including emergency 911 towers, and as part of that business it requires the on-site, um, assembly and modification of -- of galvanized steel, off-the-shelf steel components modified either by cutting, welding or assembling, bolting together and then those parts are transported to another tower site for installation on existing

towers.

PAUL WANZENRIED: Is there an on-site staff that will be in this building?

MR. RICH SCHICKLER: There won't be now. We don't anticipate having any more than a part-time welder. Most of the labor efforts into those upgrades are done on site, anywhere in the nine states that we work right now. So right now, I don't have a plan for a full-time on -- on-site staff.

PAUL WANZENRIED: Okay. How many -- how many fuel tanks do you have there at present?

MR. RICH SCHICKLER: Up to very recently we had four. We reduced that to three recently. A -- two 500 gallon tanks and a 1,000 gallon tank.

PAUL WANZENRIED: Those are the new tanks?

MR. RICH SCHICKLER: No. The two tanks are two 500 gallon double-wall and a 1,000 gallon double-wall. We were changing from 1,000 gallons of unleaded to 1,000 of ultra low sulfur on road diesel.

PAUL WANZENRIED: All three diesel or one --

MR. RICH SCHICKLER: There would be a low sulfur off-road diesel. Also, a sulfur on-road diesel and a 500 gallon unleaded. We were converting from single-wall tanks to double-wall tanks and adding a DEC compliant drain barrier, dike system.

PAUL WANZENRIED: They are all above-ground?

MR. RICH SCHICKLER: They are all above-ground. The concrete pad is basically being added just for convenience factor to park on during the fueling, to control if there are any spills and also, um, just over the years, it is difficult to keep the tanks level and above grade properly.

PAUL WANZENRIED: Okay. Thank you.

JOHN HELLABY: Any exterior lighting in the building?

MR. RICH SCHICKLER: Nothing more than decorative, but nothing more planned right now.

RICHARD BRONGO: Nothing once he says there was a retaining wall for spills on the fuel.

PAT TINDALE: We just received the landscape plans and completed checklist, so after our next Board meeting, we'll review it.

JAMES MARTIN: Okay. I have pending approval by the Conservation Board, checklist.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ED KOWALSKI, 569 Morgan Road

MR. KOWALSKI: Ed Kowalski, 569 Morgan Road.

All the material that you got stored on the property now, that will be stored inside the building?

MR. RICH SCHICKLER: Not all of the material. Substantial amount of the material will be -- as most folks know, and you know we have divested in snow removal and commercial property maintenance and landscape, which has substantially reduced the number of on-site materials, the volume of materials and this will continue to reduce outdoor storage.

MR. KOWALSKI: Excellent. The building is supposed to be located south. Is this south of the offices?

MR. RICH SCHICKLER: South of the warehouse.

MR. KOWALSKI: The ones have you now?

MR. RICH SCHICKLER: That's correct.

MR. ROBERT AVERY: Here is existing building here (indicating). The shaded in one. Here is the proposed (indicating).

MR. KOWALSKI: You will not be storing any kind of material on the outside of these, will you?

MR. RICH SCHICKLER: On the outside, no. There is primarily landscaping.

MR. KOWALSKI: Will -- those towers that you're building now, will you be raising and lowering these buildings?

MR. RICH SCHICKLER: On rare occasion. Um, for example, two weeks ago we were asked by a private customer to raise test and basically take through the raising/lowering process of a military tower.

MR. KOWALSKI: But it won't be a permanent thing?

MR. RICH SCHICKLER: No plans for anything more than temporary structures, including possible temporary training structures.

MR. KOWALSKI: You said the drainage. You have nothing to do worry about the drainage. It won't drain back on my property?

MR. RICH SCHICKLER: I don't think we'll have any impact on the current draining system.

MR. KOWALSKI: Not draining down towards the pond and back towards my property?

MR. RICH SCHICKLER: It shouldn't. Any of the previous business operations, um, that may have impacted any issues on your property will be brought back to what they -- they were.

MR. KOWALSKI: Okay. You suggested before changing the drainage of the pond, going west.

MR. RICH SCHICKLER: Yes.

MR. KOWALSKI: Now if you have it going west, there is a gully there.

MR. RICH SCHICKLER: Yes.

MR. KOWALSKI: Is that where she is going to drain into?

MR. RICH SCHICKLER: There is a lower gully -- main pond approximately 4 1/2 acres. There is a smaller pond dug directly to the east of that was draining more closely to your property. That has since been filled in and regraded to more closely mimic what was before that pond was dug.

MR. KOWALSKI: But the drainage of the large pond, where are you going to drain that to?

MR. RICH SCHICKLER: That -- that is -- that spillway has been fortified and updated and now is draining where it was originally years ago.

MR. KOWALSKI: Okay.

MR. RICH SCHICKLER: And including the -- the pavement stone spillway for silting even in times of heavy draining.

MR. KOWALSKI: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: Discussion on the application at this time. I have picked up three conditions, but let's go ahead and do SEQR.

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

JAMES MARTIN: Conditions I picked up are pending final approval of the Commissioner of Public Works and the Town Engineer.

Fuel tank replacement is to be reviewed and approved by the Town Fire Marshal.

And is pending approval of the Conservation Board including the checklist and (inaudible). I believe the fee has been paid for final?

MR. ROBERT AVERY: Yes, it has.

JAMES MARTIN: Consensus on waiving final?

The Board indicated they would waive final approval.

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

1. Pending final approval by the Commissioner of Public Works and Town Engineer.
2. Fuel tank replacement to be reviewed and approved by the Fire Marshal.
3. Pending approval of the Conservation Board including check list and Licensed Landscape Architect plans.

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

6. Application of Ken Glazer, 1 South Washington Street, Rochester, New York 14614, property owner: 3171 Chili LLC; for preliminary site plan approval for a change of use in portion of building to allow a martial arts studio on nights and weekends (office space during the day) at property located at 7171 Chili Avenue in GB zone.

Ken Glazer and Mark Caparco were present to represent the application.

MR. KEN GLAZER: Good evening, Board members. My name is Ken Glazer. I am an owner at 3171 Chili, LLC.

Tonight the building that we have in discussion is located in the Wegmans/Target plaza. It's the building directly behind the new Five Star Bank.

We have an interesting situation where we have a pending lease with one tenant looking to go use it as a dual purpose space. Both of these current businesses, Alpha Checkpoint and Caparco Martial Arts are on Chili Avenue, and they have once previously shared a space in a similar manner prior to their current locations.

So they're familiar with this, and they came in front of the Town to get that approved once before.

Um, the Alpha Checkpoint is perfectly in line with the uses of the building. They're a medical use.

The martial arts, what makes this work well in terms of the lease and the other tenants is that they have hours that start at 6 p.m. Classes are at 6:00 or 7:30, and I think by appointment only on weekends. So I have spoken to the other tenants and they have no problems with this as long as it is off hours.

We have a letter from the engineer talking about parking. We have no problems with that

either. That's pretty much it.

JAMES MARTIN: I noted on the plan that the adjoining occupants, there is a Dr. Roncone and Dr. Glowinsky and Harding.

Do they have weekend or evening hours?

MR. GLAZER: They do not. I have spoken to both of them, and once in a while they will come in at night, but they don't typically do actual work on patients.

And in addition to that, this is a very quiet -- I know is it a karate martial arts, but apparently not a loud -- they're not yelling, not kicking walls or anything.

Mark Caparco, the owner, is here if you would like to ask anything in particular about what he does in the martial arts.

JAMES MARTIN: I have a grandson who was involved in karate training. I know essentially what it entails. There is from time to time mat thuds, but it is very limited. And as far as screaming or anything like some sports activities, it doesn't occur.

MR. KEN GLAZER: As far as I know, not to mention, it is always off hours.

JAMES MARTIN: But there are some very strict rules and the demeanor of the trainees. So I just wanted to make sure that the two occupants were okay.

MR. GLAZER: Yep. Yep.

JAMES MARTIN: That's all I have.

PAUL WANZENRIED: I'm good, thank you.

JOHN HELLABY: No physical changes to the structure itself?

MR. GLAZER: No.

JAMES MARTIN: I did -- one thing obviously you will need to obtain any pertinent permits and inspection schedules from the Building Department or any modifications to the interior of the building.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

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

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

1. Applicant to obtain all pertinent permits and inspections per Town of Chili Building Department requirements.

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

7. Application of Buckingham Properties, 1 South Washington Street, Rochester, New York 14614, property owner: 1350 SR LLC; for recommendation to rezone approximately seven acres from GB (General Business) to GI (General Industrial) at property located at 1350 Scottsville Road.

Betsy Brugg, Eric Schoff, Larry Glazer and Ken Glazer were present to represent the application.

MS. BRUGG: Good evening.

JAMES MARTIN: I know you have a presentation, but I guess what I would like to do before you get started is to essentially say that this is not a site plan review tonight. This is basically a review of the suitability of the land, all right, for a recommended rezoning. So we're not going to get into site plan issues per se.

If this goes ahead and gets rezoned and they come back with a site plan, we'll address the site plan issues at that time.

Fair enough?

MS. BRUGG: Sounds good. Long night already. (Laughter.)

Thank you very much.

For the record, my name is Betsy Brugg. I'm an attorney with the firm of Fix, Spindelman, Brovitz & Goldman, and I'm here tonight on this application to request a recommendation from the Planning Board on a proposed rezoning of property at 1350 Scottsville Road.

Just to clarify, um --

JAMES MARTIN: Do you have a map or something you can put up for the public?

MS. BRUGG: Yes.

I will start by pointing out there is a minor discrepancy on the rezoning map, a description that were submitted -- the technical detail having to do with the meets and bounds description of the property not extending into -- out to the center line of Widener Road. So we have corrected that. It doesn't affect this application to the extent of the Public Hearing. There was no detail included in the legal notice or anything like that that would make a difference. Just really a technical correction. We have forwarded updated descriptions and maps to the Town, but since

David Lindsay is not here tonight, we were asked to bring additional copies for the Board.

This won't mean a whole lot. It's a legal description. And I also have an updated map.

And again, it's a very, very minor technical distinction with the -- with the lines for the rezoning area now extending it now to the center line of the road.

And with me tonight is Eric Schoff from Marathon Engineering. Also Ken Glazer and Larry Glazer, the property owners and developers of the property, should the project go forward, are also here tonight to answer any questions.

So I think this is actually a relatively straightforward request. We're requesting rezoning of approximately -- the new updated number is 7.26 acres of property at 1350 Scottsville Road. Which for those of us who are local yokels, was the old Olympic Bowl. And if you drive by there, there is not a whole lot there to look at at the moment.

You're probably all familiar with the neighborhood. The -- this particular side of the street is zoned for the most part General Commercial at this time. It's a mature established area of the Town. Um, it's opposite the airport, opposite property that is actually located in the City of Rochester. The -- immediately adjacent properties are both zoned General Business and General Industrial. We're attached to Zoning districts.

The area, if you drive through there is not what you think of your typical General Business neighborhood. Many of the uses along this corridor are more intense types of uses. We have the Transit Authority, obviously the airport, the -- the -- I'm not exactly sure what goes on over at the Koziel property, but there are a lot of outdoor storage a lot of trucking, more intense types of activities than you would typically contemplate in your General Business area.

So what is being proposed is something that is really consistent with the character of the neighborhood. And that's consistent with really the whole concept for this particular area of the Town.

Um, zoning as -- as we all know, requires us to take a look at the Comprehensive Plan. The Town did just spend some time updating and developing a new Comprehensive Plan, so I did take a look at that. That was something that was pointed out to me.

I -- I combed through the entire Comprehensive Plan and there is actually not a whole lot that specifically addresses the Scottsville corridor. There is not a whole lot there.

I'm guessing that there is -- the property that is there is the property that is there. The Comprehensive Plan really speaks to, and really goes through some of the more recent development in the area and really outlines and lists some of those items.

Specifically for Sub Area 6, it speaks to the Regional Fire Training Facility, the Public Safety Communications Facility, the Rochester Gas & Electric Training and Maintenance Facility, which is right next door to this property. New hangers along Scottsville Road on the airport property, the former sewer district treatment plant being converted to major transportation facility for the County of Monroe. Um, and some new flex space that includes office and warehouse facility.

We are also directly adjacent to industrially zoned property which includes, you know, a substantially sized Wegmans facility.

So the process requires us to come to the Board, request your recommendation, obtain your recommendation. If we are successful, our next step will be to request a Public Hearing from the Town Board.

As the Chairman mentioned, we are not here to speak to any specific site plan or any specific project. We're really looking at the bigger picture and the rezoning of this piece of property. We are bringing this forth because we do have a development proposal that we hope to move forward with in the very near future.

There is a tenant that wants to come into this space. Just to give you a little bit of information -- I won't get into too much detail -- the proposal is for 124,850 square foot warehouse and regional distribution center for a national tire distribution company.

So again, something that will be consistent with the character of the neighborhood. But again, if we go forward with the project, we will have to come back to the Board for the site plan approval process and we'll have to go through all of the various hoops that the Town requires for approval of development. So we'll deal with that at a later stage. With that, I will stop talking and see if you have any questions for me.

JAMES MARTIN: For clarification, this is the old Olympic Bowl site.

MS. BRUGG: It is.

JAMES MARTIN: Which has been demolished. Currently a vacant lot. It -- previous discussions, there was some indication that the occupant to the south, Comfort Windows, may in the future entertain also requesting rezoning of their property, but at this point in time, that is not --

MS. BRUGG: Correct -- it is not that they're totally opposed. They're just not really prepared at this point to go forward with that. We have a definite need to go forward with it at this time. We have some timing issues because we actually do have a business that would like to come into Town. That is definitely consistent with the Comprehensive Plan and specific goal outlined for economic development, bringing a pretty substantially sized business into Town. So yeah, that could happen.

Allowing their zoning to remain as is is equally consistent with the zoning scheme for the Town; either way, it's consistent.

JAMES MARTIN: Obviously, the large RG&E facility across Widener Road is zoned General Industrial at this time.

I don't have anything further.

PAUL WANZENRIED: Does this property have access to Widener Road? Can you access Widener Road from this property?

MR. SCHOFF: There isn't currently.

MS. BRUGG: It has frontage.

PAUL WANZENRIED: They have frontage.

MS. BRUGG: It has frontage.

PAUL WANZENRIED: No further questions.

JOHN HELLABY: Clarify the comment you just made. The -- the RG&E building, which is actually kind of northeast of them, is that General Industrial?

MS. BRUGG: I think perhaps he was referring to the Wegmans.

JOHN HELLABY: He was referring to the fresh facility.

MS. BRUGG: Yeah.

JOHN HELLABY: It's not Wegmans. It's rented.

MS. BRUGG: The one you are familiar with. The one that used to be Empire Beef.

That's General Industrial. We're adjacent to General Industrial.

JOHN HELLABY: What is RG&E?

MS. BRUGG: RG&E is in General Business. I can give you a zoning map here. If you look at the zoning map currently, um, this immediate area -- this is really small.

JAMES MARTIN: Can you put it --

JOHN HELLABY: Where did you find that? Because I couldn't even find that.

MS. BRUGG: It has mysteriously disappeared from the website. It is difficult to find. I have lots of copies. They're a dollar from Town Clerk.

RICHARD BRONGO: \$3.

MS. BRUGG: Excuse me. Times have changed. Prices have gone up.

Essentially we're talking about this section here (indicating), the southeast side of Scottsville. Largely this red area (indicating) is General Business. The little white area, I believe, is owned by the County or the City, so it doesn't fall within the zoning. The white area across the street is all property within the City of Rochester. The green area further to the north, um, is zoned General Industrial, and the area further to the south and adjacent to this particular parcel along Widener is also General Industrial.

You can see there is a substantial amount of green area. Also more significantly, the general character of the neighborhood, while some of the zoning is General Business, it is really a more intense use area.

MR. JONES: I don't have any specific comments. I can answer any questions the Board might have.

JAMES MARTIN: I guess the issue before the Board is do we feel that a rezone recommendation -- I should open it up to the public at this point before we get into discussion. I'm sorry.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: As somebody who spent 2 1/2 years on this Comprehensive Plan, I hope this Board honors it. The -- the prior Comprehensive Plan gathered dust on the shelf, and I'm not so sure that the Board has even looked at it. Consequently didn't get followed.

This time a lot of work has gone into this, and if you look at illustration 5.17 in your Comprehensive Plan -- I hope you have looked at that. Has the Board looked at that?

JAMES MARTIN: Future land use? Yes, Dorothy (Borgus), we have.

DOROTHY BORGUS: You have all looked at that, I hope? All of you?

It shows General Business, and I don't see why with the little bit of General Business land that we have left in Chili, and there is not much, that we should turn this into Light Industrial. I just don't see the point. If it is a good piece of land, and it is on Scottsville Road, and it is clear, and it's ready to go, let's find a business that fits the zoning we have.

This -- this, you know, intermixing zoning classifications in a neighborhood has been a big problem in Chili in the past. I don't know why we keep doing it.

And it really is insulting, I think, to people who sat on that Board and worked as hard as we did for 2 1/2 years. We'll just start continuing to do what we did in the past when we create the mess we have.

There has been a lot of improvements on Scottsville Road. It's a big improvement from what it used to be. I don't see why we would take a step backwards. Let's stick with General Business. There has got to be something that would be fitting to use for -- for that site that fits the zoning.

There is no reason it can't be profitable at -- something in there profitable as General Business. Spot zoning has been the downfall of so many areas in this Town. Let's not keep it up.

Thank you.

MS. BRUGG: I can address the comments.

JAMES MARTIN: Betsy (Brugg), you can comment.

MS. BRUGG: I would be happy. By this definition, this is not spot zoning. Spot zoning is a defined term and it does not apply to a specific size piece of property necessarily. Spot zoning is a case where you have a zoning of a piece of property that is detrimental to the neighborhood and is not consistent with the surrounding area. Where you have a piece of property that is directly adjacent to the General Industrial District and you are -- are requesting a rezoning to that

district, you would not have a spot zoning situation.

So not only are we consistent with adjacent zoning, we also are not detrimental in -- in any way. By definition, we don't fall within spot zoning. That is definitely not an issue on this particular case.

In respect to the Comprehensive Plan process, I did look a little bit more into that just because I know that the Town has a brand new Comprehensive Plan, and I know that Dorothy (Borgus) attends the meetings regularly, so I was prepared to deal with that issue.

Um, essentially the general concept with zoning is that it should be consistent with comprehensive planning. However, the law is very clear that the Comprehensive Plan is not intended to replace the legislative authority of the Town Board to rezone property. It is intended to provide a guidance document, to provide guidance in future land use planning. It is not intended to dictate zoning and there is lots of case law out there.

In fact, I would love to quote from some of the cases because the obligation is to support comprehensive planning, not slavish servitude to any particular Comprehensive Plan. In fact, there are a couple recent cases, one out of the Town of Amherst in the Fourth Department, which is -- Rochester and Chili are located in the Fourth Department -- that specifically addresses a situation where there actually was conflicting language in a Comprehensive Plan, and the Town Board chose to rezone despite the differing position the Comprehensive Plan.

And where there is even a debatable argument, um, you -- both in both directions, the Court decided in favor of the Town upholding the Town legislative authority to rezone and again recognizing that a Comprehensive Plan is supposed be a guidance document. Supposed to acknowledge or recognize that there is change and that you have to recognize the dynamic of change, and that by enacting a Comprehensive Plan, you are not replacing your zoning. You're not taking the authority from the Town Board. It is really just a guidance document.

And in the particular case of your Comprehensive Plan, which I have read from front to back, I do recognize that we do have an existing future land use plan that is included that does show this area in red. However, there really is not a single statement in the Comprehensive Plan that is contrary to the zoning request that is before you. In fact, there is virtually nothing said about this particular sub area in the plan.

There is recognition that there is existing commercial and industrial development in the area and that it is consistent with the airport. There is recognition of existing land uses that have been recently developed in the area. There really is nothing there at all that directly goes contrary to the request before you.

So I don't believe we have any issues with the Comprehensive Plan. Um, nor do we have any spot zoning issues, as I mentioned before. So I don't think you have any legal issues whatsoever here.

I would be happy to provide case law to the Board's attorney if that is necessary.

JAMES MARTIN: Thank you.

MR. JONES: By all means. I would just agree with Miss Brugg's definition of spot zoning. I been asked to look at this and I have concluded it is not spot zoning. I think the consistency with the Comprehensive Plan issue certainly is an issue with -- for this Board, but as far as a rezoning determination is ultimately made by the Town Board, it is really more in their lap to decide.

KAREN COX: You're in agreement it is not spot zoning?

MR. JONES: In my judgment this is not a spot zoning request.

KAREN COX: Okay.

JAMES MARTIN: I was just looking down through the list of things that would be permitted in a General Business, and the proposed tenant for this property is -- could almost go either way with a special use permit or a zoning, but I think it makes more sense to look at the rezoning application as opposed to continuing to maintain it in General Business.

Any more discussion on that issue?

Dorothy (Borgus), you have another comment?

DOROTHY BORGUS: I do. Is -- is there any property northeast of this that is -- that is Light Industrial? On the map, it all appears to be General Business. The only thing that would be different would be land that obviously is on the other side of Widener Road, from the map.

Is there anything --

JOHN NOWICKI: What is Kozel Steel?

PAUL WANZENRIED: GB.

DOROTHY BORGUS: All this red area, is there anything in that red area along Scottsville Road, from this map, that is now Light Industrial? You say Kozel Steel? That is way down though.

JOHN NOWICKI: Not that far down.

DOROTHY BORGUS: It's certainly not next door, but a long shot.

JOHN NOWICKI: You can walk to it.

KAREN COX: There is a couple parcels on the other side that are that green color. Whatever that is. Whatever those two-pieces are.

DOROTHY BORGUS: Well.

JOHN HELLABY: Wilmorite.

DOROTHY BORGUS: Isn't this why we have industrial parks, for this kind of distribution center? Don't we have land already set aside on industrial parks? How about down off of Paul Road? Um, you know, across from Jet View. There is plenty of land in there if anybody -- we have already planned for this. We have set aside a place. It's zoned properly for just what they

want to do. So why would we rezone something now? Why would we even do that? I don't see a reason. It isn't as though we don't have another place for them to go. There is probably a lot better suited.

JOHN NOWICKI: How about jobs? How about tax base?

DOROTHY BORGUS: Wouldn't you get the same tax base and same jobs over in an industrial park off the Paul Road?

JOHN NOWICKI: I have to agree. It is a toss-up. It is GI. GB. The project recommended could fit the slot nicely on either one of these things.

DOROTHY BORGUS: So why do this?

JOHN NOWICKI: What is wrong with GI?

DOROTHY BORGUS: What is wrong with GI? I don't think that is the way we planned to have Scottsville Road look. We wouldn't have -- all of the improvements made there over the years does not -- don't lend themselves to -- to rezoning something for -- just because somebody that owns the land wants it. Everybody doesn't all get everything they want in life. You know, you buy something. You know what it is zoned. As long as we have another place for this business so go -- the land is plentiful, it is zoned properly, it seems to me when you have a Light Industrial process or a business, you go where the land is zoned for that, and we have lots of places to go.

MR. LARRY GLAZER: Larry Glazer. I'm the property owner, and I just want you to know in response to this comment that we showed them locations all over -- all over the Town of Chili. They rejected everything. They were going to another Town. The reason this works is because of the access to the expressway. Without that, they would not be here.

KAREN COX: That is what I was going to point out.

MR. LARRY GLAZER: That is the driving factor because they have delivery trucks and they measure every mile for gas consumption. They would not locate in the Town. Just same issue that FedEx had.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: So the issue before us is basically we don't rezone. We recommend to the Town whether we feel it is an appropriate use of the property or not. Given what we have heard tonight, there is no conditions or any issues. There is no SEQR. That is up to the Town Board at their hearing assuming this goes forward.

So on the recommendation to rezone the property from General Business to General Industrial?

KAREN COX: Paul (Wanzenried) has a question.

PAUL WANZENRIED: Your comment earlier about the GB and the GI, that this type of business could fit in either category, there is nothing --

JOHN HELLABY: Special use.

JAMES MARTIN: You need a special use permit and it has got some, you know, marginal issues that we would have to deal with, all right, in order to grant a special use permit. You know, when you look down through the things that are, either, you know, permitted or special use permitted, it -- it's -- again, our zoning code sometimes when I read it, I scratch my head, okay, for the stuff that is in here. If it was a General Business, I mean you could have a drive-in theater there. It's crazy some of the stuff that can be put into -- into these districts.

The GI makes it very clean from the standpoint of this proposed use of the property. Warehousing specifically is not called out for right in the General Business zone. So it makes it difficult. You have to fall back on this -- you know, this list of uses of similar character and that type of -- verbiage that is in here, and it just makes it cleaner to -- to move it to a GB, which then there is no question about the permitted use.

KAREN COX: We tried very hard to not have special use permit situations or have them as little as possible just because of the logistics involved with them as we saw earlier tonight.

Isn't that -- I mean, is that a correct thing to state?

JAMES MARTIN: I think that is a correct assumption. So that is the rationale.

PAUL WANZENRIED: Thank you.

JAMES MARTIN: So on the recommendation to rezone?

DECISION: The Board found that the proposed General Industrial designation was not inconsistent with current zoning of parcels just south of 1350 Scottsville Road. The Board also found that the proposed use of the property would be consistent with the General Industrial designation and is similar to other facilities in the area. Therefore, the Board recommends approval of this rezoning request by a vote of 5 yes, 1 no (Paul Wanzenried).

The Town Board will be notified of this decision by copy of a decision letter. Applicant be advised that it must now petition the Town Board, through the Town Clerk's Office, to set a Public Hearing before the Town Board on this rezoning application.

JAMES MARTIN: So I will be formulating a letter to the Town Board basically indicating that the Planning Board has had its Public Hearing and that it is our recommendation that they give consideration to the rezoning of the property from General Business to General Industrial.

MS. BRUGG: Thank you very much.