

CHILI PLANNING BOARD

April 11, 2006

A meeting of the Chili Planning Board was held on April 11, 2006 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: Karen Cox, Jason Elliotto, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Dennis Scibetta, Building & Plumbing Inspector; Larry Nissen, Town Engineer; Jeron Rogers; Director Planning/Engineering; 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.

PUBLIC HEARINGS:

1. Application of Antonio Rosato, owner; 252 Ballantyne Road, Rochester, New York 14623 for preliminary subdivision approval of three lots to be known as Rosato Subdivision at property located at 252 Ballantyne Road in A.C. & FPO zone.

Antonio Rosato and Mrs. Rosato were present to represent the application.

MR. ROSATO: We did everything according to the request for the last meeting, and John called me and said everything is on the map.

JAMES MARTIN: Yes. After the last meeting, I asked you to supply several things. The purpose of the subdivision; County Law, if there was one in existence that prompted you to file for this subdivision; statement from the Monroe County Health Department that the leech field location meets Health Department needs and standards and plat map with delineation of the floodway and flood plain.

The applicant has provided everything from that request. We do have a letter from Land Tech basically indicating that there is no law that directs you to file for the subdivision. However, there is County policy that you cannot have a single tax number divided by a public right-of-way. So you have to have the three different tax numbers for the parcels that you're asking to have subdivided.

The Health Department signed off on the leech field location in proximity to the lot line, and a closed plat map shows the flood plain and flood way location on the map.

So basically, you have met everything that we asked you to do at the last meeting, and I will now go to the Board for any further questions or concerns.

JIM POWERS: On the map here, it has 15 foot highway reservation that runs almost through the house. Does that mean that is if the County should -- or wants to expand or widen the road there, that that is there for their taking?

KAREN COX: Well, I can answer that. I -- you know, typically the County reserves 15 feet in. Yes, that would be used for that purpose. However, at this point, there are no plans for that, plus Ballantyne Road will be a State road, so the State's practice with that type of thing is to not force a property owner to move a house or a permanent structure if it is encroaching in the right-of-way.

JIM POWERS: Is the County -- is that the --

KAREN COX: That is one of the jurisdictional transfers.

Just this may be semantics, but Land Tech's letter says it is the County's current practice to eliminate single tax numbers, where you stated Jim (Martin), it is a policy. To me that's, you know -- there is a little difference in the language.

JAMES MARTIN: My understanding in discussions with Mr. Scibetta, and you have had discussions with the County Clerk's Office -- that is the basically policy.

DENNIS SCIBETTA: It's the creation of a Z hook on the property. They do not want to do. Mr. Shareef (phonetic) would not put it in writing, but he would also say he would not grant one single tax account, thus the reason for the two, and then the third being that -- the third lot developed out of that, because they did not want the lot across from the house. They wanted that to be part of the other side, which would have created the Z hook against that, so they would not -- they would not approve that. They would not do it, but they would not send a letter to us stating that he couldn't do that, but they were going to give him two tax account numbers anyway, which forced us into doing separate tax account numbers and separate subdivisions, so. It is a long -- believe me. We have been -- with Shareef, McMannis, Murphy, you name them down at the County. We have gone through all of them and had it explained.

KAREN COX: I understand that. That makes sense.

But what I don't quite fathom is why the parcel on the north side needs to be subdivided into two smaller lots. You know, is there --

MR. ROSATO: My daughter, she only afford to buy the house. The bank don't want it no more than two acre, the land and the house. They don't want 5 acres.

KAREN COX: Because of the taxes involved on something that size?

MR. ROSATO: I don't know. Because I wanted -- the rest for my -- I own across the street. I going to keep across the street for my pasture. I keep both of those two lots for myself.

KAREN COX: The parcel through with the food way on it --

MR. ROSATO: Just pasture for myself. I have a little livestock across the street and then he uses it across the street for the pasture.

KAREN COX: There -- you wouldn't have any plans on putting a house --

MR. ROSATO: No.

JOHN NOWICKI: Can't do it.

KAREN COX: Mean --

MR. ROSATO: I would have to come back here anyway to do anything. If I come back, I would have to come back to the Town. You can't get approval, you know.

KAREN COX: All right. That answers my question.

JAMES MARTIN: Nothing can be built on that.

KAREN COX: Well, I just wanted to put that in the minutes, in the record.

JOHN HELLABY: Not so much a question as I guess it is just to expand a little more on the two tax account numbers. As you may or may not know, I was in the surveying business for quite a while. I took the liberty to talk to couple surveyors and called Shareef (phonetic) downtown. It is their practice to issue the numbers, but for future reference it can also be stated on the map to be filed, because there are two separate tax account numbers, it does not constitute two separate distinct parcels of property is a way to get around it, according to those people. Not necessarily in this case, but in the future, you might want to keep that in the back of your mind for reference.

JOHN NOWICKI: Who lives in the house now?

MR. ROSATO: My daughter.

JOHN NOWICKI: By herself?

MR. ROSATO: Her husband.

JOHN NOWICKI: Any children?

MR. ROSATO: No.

JOHN NOWICKI: Just her and her husband. Two people. How long have they been there?

MR. ROSATO: About three years.

JOHN NOWICKI: So they're familiar with the noises from the airport and all of that kind of stuff?

MR. ROSATO: Oh, yeah.

JOHN NOWICKI: The question I have, this -- the County Comments, maybe I didn't pick it up someplace here, but this is close to an Ag District. Was there an article filed for the Ag District? Was there anything filed for the Ag District?

DENNIS SCIBETTA: He does have an Ag District statement on file.

MR. ROSATO: You have to have more acreage? You got to have more activity for the animals. You know, whatever you need to be --

JOHN NOWICKI: I'm just saying, it is one of the rules here, that it gets filed and I haven't seen it.

JAMES MARTIN: I don't have it.

JOHN NOWICKI: Do we have one on file?

DENNIS SCIBETTA: I believe I have seen one, John (Nowicki). I don't have it with me.

JOHN NOWICKI: I want -- I want to make sure that we have it on file.

JAMES MARTIN: So you want that as a condition?

JOHN NOWICKI: I want a condition on it that that is on file and I want the Planning Board

to know about it.

The parcel two with the barn in it, is that -- you say there is livestock in there now?

MR. ROSATO: Yes.

JOHN NOWICKI: What kind of livestock? Horses?

MR. ROSATO: I have a couple of beef, and chicken, and some sheep.

JOHN NOWICKI: Where do the beef graze?

MR. ROSATO: Outside in the back and across the street. That is why he uses the pasture across the street.

JOHN NOWICKI: You can move them across that road safely?

MR. ROSATO: I can leave them over there for the summer.

KAREN COX: Gets them going fast across the road.

MR. ROSATO: When the train goes by, I cross.

(Laughter.)

JOHN NOWICKI: Just before you there is a goose crossing sign.

MR. ROSATO: When the train is blocking traffic, then I cross.

DARIO MARCHIONI: Put a signal light there.

(Laughter.)

JASON ELLIOTTO: Just a quick confirmation that it must have been the Zoning Board meeting in February, did you -- you went to that?

MR. ROSATO: Yes.

JASON ELLIOTTO: You did get a variance because of the lot size?

MR. ROSATO: Yes.

JASON ELLIOTTO: Okay.

JOHN NOWICKI: The property owner is your daughter now. Do they own the property?

MR. ROSATO: No. I'm the owner.

JOHN NOWICKI: You're the owner. Will you be transferring title to them?

MR. ROSATO: They will close. As soon as we get the approval, they will close. The end of the month.

JOHN NOWICKI: Thank you.

MR. ROSATO: You're welcome.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOE HELLABY, 800 Ballantyne Road

MR. JOE HELLABY: Can I approach and show you some pictures? I don't have any qualms. Everybody should be entitled to build their own homes and et cetera. Lord knows that is what my father did for me, but as I have spoke, every time I come here, Ballantyne Road, especially through that stretch is a disaster area. I mean, how many abandoned cars -- I mean, I have even wrote nice e-mails to the Town. Look through those pictures alone. There are two abandoned cars on the property.

There is a dumpster sitting there. I thought dumpsters had to be enclosed. The barnyard looks like that is their dumping ground. There are dish washers, machining machines. All I say, is have them clean up, follow the rules, and then let them have their subdivision. But you guys got some kind of control factor here to make sure at least one spot there gets cleaned up, and if you guys approve it, you might be creating another mess. That is my concern. I appreciate your listening.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The gentleman who just spoke has a good point. Take it. I have said it before. This is a lawless Town. I will say it again every time I'm in here and every chance I get until it changes. It is a lawless Town. I don't know how you can have that kind of junk sitting around property and have it ignored. Here is your chance. Clean it up.

JAMES MARTIN: Thank you.

Move to close the hearing.

KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: We have heard some comments during the public hearing portion of the application regarding the cleanliness of the site. I can include it as a condition of approval it be cleaned up, subject to inspection by the Building Department.

MR. ROSATO: The car broke down. She will move it.

JAMES MARTIN: That will go to the code enforcement part of the Town.

JOHN HELLABY: I would make the suggestion, in order to make sure that it actually sticks, that the signature is not on this map until such a time.

JAMES MARTIN: This has to be signed before it can be filed. So what is a reasonable period of time? 30 days to get the stuff --

MR. ROSATO: That is fine, yes.

JAMES MARTIN: Dennis (Scibetta)?

DENNIS SCIBETTA: You tell me.

JAMES MARTIN: I will make it conditional on a site inspection, 30 days hence. If there is no extraneous junk laying around on the property before we sign the map.

DENNIS SCIBETTA: May 11th, 2006.

JOHN NOWICKI: Cars removed, all of the trash and dumpster removed or enclosed.

DENNIS SCIBETTA: I don't think you can make him enclose the dumpster on his property. It is private property, not a commercial use. There is not a commercial dumpster on his...

JOHN HELLABY: I would question that.

JOHN NOWICKI: I do, too.

Is that your interpretation?

DENNIS SCIBETTA: The dumpster is on a residential site. It is not on a commercial site.

JOHN NOWICKI: You mean everybody in this Town could have a dumpster on their property that has a single-family lot?

DENNIS SCIBETTA: The local dumpster law is in effect for the commercial properties.

JOHN NOWICKI: That is what I am asking. You're telling me your interpretation --

DENNIS SCIBETTA: Anybody that takes a roof off and puts a dumpster in their yard, they don't get a dumpster permit.

JOHN HELLABY: That is different.

DENNIS SCIBETTA: You're asking him to remove the dumpster. It would be a condition to remove the dumpster.

JOHN NOWICKI: Will you remove the dumpster?

MR. ROSATO: We could put it inside the back yard so nobody sees it. I will use the dumpster to clean up the area.

JOHN HELLABY: If it is stuck in that barnyard behind the barns, that is probably considered in a closed -- an enclosure.

MR. ROSATO: We'll remove it. That's all.

JOHN NOWICKI: Now, the other question -- the cars on the property that you're going to sell your daughter, the cars over there -- do they rent any rooms out, or do they rent space out to other people?

MR. ROSATO: No. Both those cars broke down.

MRS. ROSATO: They both belong to my daughter.

JOHN NOWICKI: They get pulled out of there.

MRS. ROSATO: One is repaired and one we're trying to have somebody look at because the car runs but it just has a horrible odor, and they can't seem to find that line. We have had people there looking at it.

MR. ROSATO: We can put them in the garage. I will tell them to put them in the garage is all.

JOHN HELLABY: They're unregistered?

MR. ROSATO: They're registered.

JASON ELLIOTTO: The white one is?

MR. ROSATO: The white one, no.

JASON ELLIOTTO: So that is -- that is the one at issue, then.

DARIO MARCHIONI: The one that is not registered, you will have to do something with.

MR. ROSATO: I'll put it inside.

DARIO MARCHIONI: The other one is okay outside.

JASON ELLIOTTO: The one that is unregistered, the white one, put it in the garage.

JOHN HELLABY: What did we decide on the dumpster?

DARIO MARCHIONI: He will remove it.

JASON ELLIOTTO: You will remove it?

MR. ROSATO: Yes, sir.

James Martin reviewed the proposed conditions with the Board.

JOHN NOWICKI: Can we get a copy of the report back to the Planning Board?

JAMES MARTIN: You will give me a letter or -- on this, and we'll make copies for everybody.

JOHN NOWICKI: That's good. Thank you.

JAMES MARTIN: Does that condition catch what we were saying? Two conditions.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Since there is a subdivision of property, there is no SEQR required.

KEITH O'TOOLE: As to Parcels 2 and 3, which I assume will become Lots 2 and 3, are those going to be developed at any future point?

JASON ELLIOTTO: 2 cannot be.

KAREN COX: 3 can't be.

JASON ELLIOTTO: 3 cannot be.

2 can be, right?

KAREN COX: Questionable.

KEITH O'TOOLE: If a parcel is not going to be developed at any future point, what we should do is impose a requirement of conservation easement.

DARIO MARCHIONI: But that is in a flood way. He can't put a dog house on the lot?

KEITH O'TOOLE: Entirely in the flood way?

LARRY NISSEN: Not the south side.

DARIO MARCHIONI: The whole thing is in the flood way, up to about 5 feet off the road.

KEITH O'TOOLE: On Parcel 2, then?

JOHN NOWICKI: Parcel 2.

JAMES MARTIN: Parcel 2 is not in the flood way.

DARIO MARCHIONI: There is a barn there.

KAREN COX: In the future, that barn -- 50 years from now, the barn might not be there and somebody may come in --

JIM POWERS: That side of the road really floods where the barn is. A lot of water.

KAREN COX: Then it wouldn't be bad to put a conservation easement on it.

JAMES MARTIN: What are you asking us to do?

KEITH O'TOOLE: The question is this: If you believe that any parcel is not developable, I -- I mean, the flood way takes care of Parcel 3. That is a given.

But as to Parcel 2, if you don't want that developed, now is the time to impose a conservation easement, because at some point that parcel is going to get conveyed out or it is going to get foreclosed on, and that is when you will have somebody walking through the Town Hall door saying, "I would like a building permit, please."

JOHN NOWICKI: Put a conservation easement on it.

DARIO MARCHIONI: Since he went to the Zoning Board, we have -- he got a zoning variance for that undersized lot, okay? So legally, he has an undersized lot. Now, it has a barn. It could have a house. It could have anything on it. How could we do that?

KEITH O'TOOLE: He doesn't.

DARIO MARCHIONI: Dario (Marchioni), he doesn't have a lot yet.

DARIO MARCHIONI: Yeah.

JOHN HELLABY: Not until he gets through with us.

DARIO MARCHIONI: We could do that to everybody.

KEITH O'TOOLE: We're not doing this to everybody. We're doing this for a particular reason. What I am gathering from this conversation is that the Board is of the belief this land is unsuitable for development for whatever reason. If I am correct, we should impose a conservation easement. If not, leave it alone.

JASON ELLIOTTO: Do we all think Parcel 2 is undevelopable in the future?

DARIO MARCHIONI: I don't think so.

JAMES MARTIN: I think the discussion was primarily on Parcel 3, Keith (O'Toole).

KEITH O'TOOLE: Okay.

JOHN NOWICKI: What do -- what can do you with Parcel 2?

JASON ELLIOTTO: He got a variance through the Zoning Board.

JOHN NOWICKI: The size.

JASON ELLIOTTO: For the size.

JAMES MARTIN: Let's discuss it. I mean --

JASON ELLIOTTO: Why -- why are we saying we can't develop on that parcel?

JAMES MARTIN: I -- I don't think anybody has said that.

KAREN COX: You could -- I mean, if you assume that 20 years from now the barn disintegrates or gets knocked down by a future property owner, could you put something on -- you could find somebody who wanted to build a garage there to store vintage cars or whatever. It might not even be a dwelling. It might just be a building, storage building. So then the question is, when that barn is gone, do you want any kind of barn on there?

MR. ROSATO: Excuse me. It is not one barn over there. We have about 10, 12 garage over there. It is one barn goes, you got another barn -- it's a lot of building over there. There is more building than land. You knock one barn down, you have another two barns next to it.

KAREN COX: I'm just using that as an illustration. We're assuming that at some point, those -- all of the buildings that are over there could be gone and a future property owner might want to come in and put some other kind of building there. So the question is, do we want that?

DENNIS SCIBETTA: May I ask who said it was an unbuildable lot?

JASON ELLIOTTO: That is what we're discussing.

DENNIS SCIBETTA: I don't think you can take that as unbuildable, even if it is an FPO.

Don't say that. Not without --

KAREN COX: Which is not unbuildable? 3 is because of the flood way. That is already taken care of.

JIM POWERS: Where those barns are, I have seen that really covered with water in the past.

JAMES MARTIN: The problem is, when you look at the map, though, it is not indicated --

JASON ELLIOTTO: It is not --

KAREN COX: But it does get flooded.

JIM POWERS: Oh, yes, really floods.

KAREN COX: It is not suitable for much of anything, except what is going in there now.

JAMES MARTIN: Not habitable.

KAREN COX: Habitable by humans.

JAMES MARTIN: Well, okay. We'll have some discussion.

JASON ELLIOTTO: I'm okay with leaving it.

DARIO MARCHIONI: Yes.

JASON ELLIOTTO: Leaving it as it is.

JOHN NOWICKI: I would like a clearer answer from our Building Department to research the fact what could be built on that, if it is approved the way it is. I don't have a problem with it right now, but down the road, I just can't see something going on that piece of property, to be honest with you. Unless Thomas Terry buys it for his business.

KAREN COX: I mean, if it -- if it floods regularly, as we know it does, is anybody ever going to want to put a new building on that?

JIM POWERS: House boat.

(Laughter.)

KAREN COX: The ark. Future site of the second ark.

(Laughter.)

JOHN HELLABY: Makes no difference to me. If at any time they decide they want to develop it, they would have to come back in for a site plan approval.

DENNIS SCIBETTA: The concern would be hypothetically if they brought sewers down Ballantyne Road, the requirement for the size of the lot could change and things could change. So I think you would have to be aware of, you know, that -- what could happen at that point.

JAMES MARTIN: Let me ask you a technical question. Since this is not in a flood way, per se, they could bring fill in there and build up the elevation of the property, right, in order to -- to alleviate any -- any conditions where water might be a factor?

DENNIS SCIBETTA: You could almost say never -- you can't say never is the thing, because there is always -- there are outs that they have that they could do.

KEITH O'TOOLE: In fact, maybe my recollection is not serving me well. I believe Mr. Rosato developed a subdivision in the Town of Ogden where there was a virtually identical

situation, where massive amounts of fill were brought into an FPO. So the question is -- is not can it be done. It can be done. The question is for you as a -- as whether this is a good subdivision or not, is it appropriate. Should Parcel 2 be developed at some future point or not. Maybe it should be merged back with Parcel 1. Whatever. Every piece of land is unique.

DARIO MARCHIONI: Why are you picking on him, though?

KEITH O'TOOLE: I'm not picking on him, Dario (Marchioni). I'm listening to you all.

DARIO MARCHIONI: You just mentioned something that happened in another Town.

KEITH O'TOOLE: I'm showing that as evidence that an FPO lot, including this particular gentleman, can be developed. That was the question. Can this be built on Mr. Nowicki asked, and the answer is yes.

JASON ELLIOTTO: I think he has given an answer as to why the split. Sounds like financial with the bank.

JAMES MARTIN: I understand that part.

The question is, do we put a conservation easement in place, or do we just let it go as it is.

DARIO MARCHIONI: We let it go as it is. If he ever develops, he has to come for site plan.

JASON ELLIOTTO: I agree with that.

KAREN COX: Yeah.

JAMES MARTIN: I'm hearing you. Basically let the application stand as is, without the conservation easement. Okay.

Once again, subdivision, no SEQR required.

DECISION: Unanimously approved by a vote of 6 yes to 1 no (John Nowicki) with the following conditions:

1. Monroe County Agricultural Data Statement is not required since the property is not in an active agricultural area per Town map.
 2. Applicant will have 30 days to clean up all refuse, junk cars, and remove dumpster from property. An inspection by the Building Department will be conducted to insure the clean-up requirement is completed. Final signatures for filing of the plat map will not occur until the Building Department certifies that the clean-up requirement has been met.
2. Application of Kiddie Kollege, 4479 Buffalo Road, North Chili, New York 14514, property owner: M/M Robert Chapin; for renewal of conditional use permit to allow a day care center on first floor of building at property located at 4479 Buffalo Road in R-1-15 zone.

Bob Chapin and Susan Chapin were present to represent the application.

JAMES MARTIN: Comments or anything at this time?

MR. CHAPIN: None.

JAMES MARTIN: Just to refresh the Board's memory, if you have not read it, the first conditional use permit was granted 16 March, '01. There were no conditions approved at this time -- or conditions imposed at that time. It was approved for a period of five years.

Any changes to the property or anything that we should be aware of since this initial conditional use permit was granted?

MS. CHAPIN: No.

MR. CHAPIN: None.

JOHN NOWICKI: How is business?

MR. CHAPIN: Up and down, to be honest.

JIM POWERS: I hear you had some excitement yesterday at the Kollege. Was -- I think it was yesterday.

KAREN COX: What happened?

JIM POWERS: Didn't someone set off a fire alarm?

MS. CHAPIN: The mother was holding him.

MR. CHAPIN: The mother was holding a toddler and while the parent was talking to the Director, he reached over and -- the toddler reached over, but we immediately called the company and said, "Don't send the fire trucks. We'll put it back."

KAREN COX: At least you know it works?

MR. CHAPIN: Yes.

DARIO MARCHIONI: We never had any complaints about this?

DENNIS SCIBETTA: No.

DARIO MARCHIONI: God bless you.

JASON ELLIOTTO: There are no conditions?

JAMES MARTIN: None were imposed before.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: Move to close the public hearing.

JOHN NOWICKI: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki 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 7 yes with the following condition:

1. The conditional use permit has been renewed for a period of five years.
3. Application of Jeanne Swartel-Wood, 96 Bridle Path Lane, Mahwah, New Jersey 07430, property owner: Thomas Hellaby; for conditional use permit to allow boarding stables and riding academy at property located at 833 Ballantyne Road in A.C. & FPO zone.
4. Application of Jeanne Swartel-Wood, 96 Bridle Path Lane, Mahwah, New Jersey 07430, property owner: Thomas Hellaby; for preliminary site plan approval to allow boarding stables and riding academy at property located at 833 Ballantyne Road in A.C. & FPO zone.

JOHN HELLABY: Mr. Chairman, on the advice of Counsel, I would like to step down on the next two applications as the owner's name of record is a family member.

JAMES MARTIN: You are excused at this time. But you'll be back for the next one.

Thomas Hellaby and Nicole King were present to represent the application.

MR. THOMAS HELLABY: I'm Tom Hellaby, 833 Ballantyne. I'm here representing Jeanne Swartel-Wood.

MS. KING: 833 Ballantyne Road.

JAMES MARTIN: Do you have any comments or presentation this time?

MR. THOMAS HELLABY: Um, basically just.

JAMES MARTIN: Do you have a site map or something you could post on the bulletin board?

MS. KING: I have one. I also have something that Kathy (Reed) recommended I bring with some fencing and things on it. I brought enough for everybody.

JAMES MARTIN: Get something up on the board, please.

KAREN COX: Will you be running the farm?

MS. KING: I will be the rancher.

JASON ELLIOTTO: Is that different from what we have?

JAMES MARTIN: I'm sure it is.

JASON ELLIOTTO: That is different than what we have?

MR. THOMAS HELLABY: That shows the fencing?

MS. KING: Yes.

MR. THOMAS HELLABY: Is that for the Zoning Board?

MS. KING: No.

JASON ELLIOTTO: We don't have anything that shows the fence.

JAMES MARTIN: This is different than what we originally received?

MS. KING: It just has the fencing on it.

MR. THOMAS HELLABY: The original property I had the horses on was fenced. She is redoing the fence line and Kathy Reed suggested that she actually show it on the map.

JIM POWERS: Who is going to be running, actually running the operation?

MR. THOMAS HELLABY: Nicole (King) will be the manager of the horse boarding operation.

JIM POWERS: Will she live on site?

MR. THOMAS HELLABY: Yes.

JIM POWERS: Where?

MR. THOMAS HELLABY: In the house. The people that are buying this are living in New Jersey. They don't plan on moving here for at least a year or so. Nicole (King) will be living in the house and be on site to manage the boarding operation.

JIM POWERS: The family in New Jersey, are they buying this whole site?

MR. THOMAS HELLABY: That is -- potentially they will be buying the whole property.

JIM POWERS: Will they live on site?

MR. THOMAS HELLABY: At some point they might. Their daughter lives on Humphrey Road. Their grandchildren will be living there, as well. At some point they will probably be in the house as well, but they do travel quite a bit. So they -- from what I understand, they wouldn't be there a lot.

JIM POWERS: Nicole (King) will be there 24 hours a day?

MR. THOMAS HELLABY: Pretty much just for safety reasons and you really shouldn't leave horses unattended for any length of time.

JIM POWERS: Do you have another job other than the boarding of the horses?

MS. KING: Nope.

JIM POWERS: The portion there in the lower barn that you're going to have -- what, three stables?

MR. THOMAS HELLABY: Three stalls.

JIM POWERS: Where the metal roof is?

MR. THOMAS HELLABY: Yes.

JIM POWERS: When did you build that?

MR. THOMAS HELLABY: Within the last couple months. When I put up the pole barn, the original sign was to have the stalls on the west side of the barn. Um, what -- when I built the barn in, 2000, that is as far as I went. We never did actually add the stalls until just recently.

JIM POWERS: Who is going to put up the electric fence?

MR. THOMAS HELLABY: That is part of what Nicole (King) would be doing. The original fence was an electric fence. She just basically is redoing what was there and making it a more usable pasture.

KAREN COX: Will you be giving the lessons also?

MS. KING: No.

KAREN COX: That will be done by somebody else?

MS. KING: We're not actually giving lessons right away.

KAREN COX: On the information you gave us, it said something about lessons?

MR. THOMAS HELLABY: Basically what they're trying to do, they obviously want to go through all of the legal steps they need to to get the boarding going, see if it is actually going to be worthwhile, and from that point, okay, if it -- if they have six horses there or whatever, at that point they might offer the lessons or training to the horses, whatever. It is basically to kind of get it off the ground, see if it is going to work, and then grow progressively with it to a point where it is working, and that's pretty much the -- the direction they want to go.

JAMES MARTIN: The existing barn out by the road, do you have any plans to operate that for any kind of retail sales such as a tack shop or something of that nature?

MS. KING: No.

JAMES MARTIN: So there won't be anything like that on the facility?

MS. KING: No.

JOHN NOWICKI: My first question is, I would like to ask this if I can, according to our code, under Article V, we're supposed to get a full disclosure statement and I haven't seen that. Do we have a disclosure statement on file?

DENNIS SCIBETTA: I'm sorry, John (Nowicki), for?

JOHN NOWICKI: Article V. Under preliminary site plan approval, we require a full disclosure statement.

DENNIS SCIBETTA: Disclosure of ownership?

JOHN NOWICKI: Absolutely.

DENNIS SCIBETTA: Mr. Hellaby is the owner of record on that.

JOHN NOWICKI: So the property hasn't been sold?

MR. THOMAS HELLABY: No. It has not been sold.

JOHN NOWICKI: Okay. So what -- why do we have two names on this application then?

MR. THOMAS HELLABY: The people that are interested in buying the property want to make sure that they can actually run a boarding business on the property before they would purchase the property. So basically if they get the approval to do so, they will start the business while I still own the property, and subsequently would buy the property depending on the deal that we finally agree upon.

JOHN NOWICKI: Well, we should have some kind of a written statement, with these people's names and their signatures, as far as I'm concerned, spelling out that in great detail. And I underline the word "great," because I would like to know who is behind all of this. This is a very -- I have -- a very -- sort of a big business here. There is a lot here at stake. I want to make sure that we do this according to what our codes are telling us to do.

One is, I would like to see a statement with their names on it saying that you have either a purchase offer or something in writing between the two parties here, so we know where you're going with this thing. That is number one.

Either a full disclosure statement with their names and addresses and phone numbers and everything else involved, whatever you can provide for us, and the relationship that exists.

Now, the existing house that I am looking at on the site here, is the home itself, the two-story, frame home, has that actually been completed construction wise?

MR. THOMAS HELLABY: The house, yes.

JOHN NOWICKI: What is the addition to the house? What is that?

MR. THOMAS HELLABY: There is an addition that is going above the garage.

JOHN NOWICKI: Above the garage.

MR. THOMAS HELLABY: Yes.

JOHN NOWICKI: Is that under construction?

MR. THOMAS HELLABY: Yes, it is.

JOHN NOWICKI: Do we have a building permit on that?

DENNIS SCIBETTA: Yes, we do.

JOHN NOWICKI: Has -- what is your anticipated completion date on that?

MR. THOMAS HELLABY: Um, probably within a month or two. I -- it is hard to say, depending on the weather obviously.

JOHN NOWICKI: What is the purpose of that addition?

MR. THOMAS HELLABY: It's family room and basically because -- where it is being located, we're losing a bedroom, so there will be a bedroom in the northeast corner of it. And the rest of -- of it is basically a family room and additional bathroom.

JOHN NOWICKI: One person living there, and that is this Nicole King?

MR. THOMAS HELLABY: One person living there?

JOHN NOWICKI: Right.

MR. THOMAS HELLABY: In the house, there will be Nicole (King), her boyfriend and another friend that is helping them out.

JOHN NOWICKI: Who are -- are these people going to be answering to you, the owner? Will you live there?

MR. THOMAS HELLABY: While I own it, yeah.

JOHN NOWICKI: Will you live there or be an absentee owner?

MR. THOMAS HELLABY: I will live there as long as I own the house.

JOHN NOWICKI: You will live there also?

MR. THOMAS HELLABY: Yes.

JOHN NOWICKI: Are you renting space to them?

MR. THOMAS HELLABY: No, I'm not.

JOHN NOWICKI: Will they be employees of yours?

MR. THOMAS HELLABY: Not of mine.

JOHN NOWICKI: Of who?

MR. THOMAS HELLABY: I believe both of the young gentlemen are going to school at the time. Nicole (King), once the farm operation is running, she will be -- she will be working for

Jeanne Swartel-Wood.

JOHN NOWICKI: So then I would like to see a business plan in place also.

MR. THOMAS HELLABY: I believe they have worked on one.

JOHN NOWICKI: This will be operated by whom?

MR. THOMAS HELLABY: I believe they have worked on one.

JOHN NOWICKI: We don't have that. That would be a requirement that we have a business plan.

How about toilet facilities for the public? If you're going to be having people come there, supposedly to learn how to ride? Is that what you're doing?

MS. KING: No. It is commercial horse boarding. Just people that own their horse keep their horse there, that don't have the facility at their own home.

JOHN NOWICKI: Are there toilet facilities there for these people?

MS. KING: We're actually going to have a handicapped Port-A-John.

JOHN NOWICKI: Handicapped Port-A-John. Where is that going on the site? You have to locate that on our site plan for us.

JAMES MARTIN: What was that?

JOHN NOWICKI: The portable johns they will put in for the public.

You said you will not have a tack room, and you will not be selling equipment on the site?

MS. KING: Right.

JOHN NOWICKI: Now, the fencing that you are showing here on this new site plan, is all -- is all proposed fencing; is that correct?

MS. KING: Yes.

JOHN NOWICKI: Have they selected a contractor? Do you have estimates?

MS. KING: No. I'm doing it myself.

JOHN NOWICKI: All that fencing yourself?

MS. KING: Yes.

JOHN NOWICKI: Electric fence?

MS. KING: Yes.

JOHN NOWICKI: Have you qualifications to do that?

MS. KING: Yes.

JOHN NOWICKI: I would like that in writing, too.

How about -- now, the barn itself, the existing barn, the one down below -- not the one -- the one below, the addition on the side of the barn, um, that -- that has a building permit issue also on that? Dennis (Scibetta), is there a building permit on that one, the work they're doing on the side of the barn?

DENNIS SCIBETTA: For the lean-to? I believe that was permitted, yes.

JOHN NOWICKI: That is still under construction?

MR. THOMAS HELLABY: Yes.

JOHN NOWICKI: That has not received a C of O yet?

MR. THOMAS HELLABY: That was correct.

JOHN NOWICKI: The existing barn I saw -- I looked around that barn, on inside I would have some concerns, Mr. Chairman and the Board, over the structural members of the arches. The arches of that barn. I think structural analysis of that would be proper, only because of the public that is going to be using that building. They should be protected, and we should have some satisfaction by a structural engineer that is safe and sound to accommodate people and animals.

JAMES MARTIN: What barn is that?

JOHN NOWICKI: That -- that would be the -- let me see.

JAMES MARTIN: The lower barn?

JOHN NOWICKI: The lower barn.

JOHN NOWICKI: What provisions are in place now to remove the waste generated by the horses on site? How are you going to do that?

MS. KING: Manure spreader.

JOHN NOWICKI: What part of the property is that going on?

MS. KING: I have actually arranged to have it dumped on local farms.

JOHN NOWICKI: Local farms, not on your property?

MS. KING: Uh-uh.

JOHN NOWICKI: Have you agreements from these people that they will accept the horse manure?

MS. KING: Uh-huh.

JOHN NOWICKI: Again, we should have that specified as who that is going to be.

Now, I would assume in this type of business, in that business plan, you will identify the insurance carrier for the liability that you will have to carry?

MS. KING: Uh-huh.

JOHN NOWICKI: For the people, so identify that also.

How is the water going to be fed to the barn for the animals and the people?

MR. THOMAS HELLABY: There is already a hydrant to the barn.

JOHN NOWICKI: Hydrant -- I'm talking about the barn down below.

MR. THOMAS HELLABY: The existing arena has water to it.

JOHN NOWICKI: There is a waterline coming down to the house and the barn?

MR. THOMAS HELLABY: Yes, there is.

JOHN NOWICKI: Okay. And I wonder if the Water Authority is going to require a backflow preventer on that. That is something you might want to research on that.

JAMES MARTIN: It wasn't in their comments. I didn't see it.

JOHN NOWICKI: I didn't see it there.

Did they respond to it at all?

JIM POWERS: Tom (Hellaby), will the horses ever leave this site?

MR. THOMAS HELLABY: I would imagine the owners would want to ride their horses and there might be some that ride on the road or down to the Greenway that is down to the south of us.

JIM POWERS: We talked the other day, and you said you would probably try and get permission from the Wehles to use their property?

MR. THOMAS HELLABY: There are different neighbors that -- local people, and myself including at one time, we have ridden on their property, and Carrie Wehle would be one of them that we would have to get permission to get to the green belt, if we decided to go through the fields instead of down the road.

JIM POWERS: You wouldn't have to go down the road to get to the property?

MR. THOMAS HELLABY: No. We wouldn't have to go on the road to get to the green belt if we did get permission from --

JIM POWERS: To the Wehle property, would you have to go on the road?

MS. KING: No.

JIM POWERS: What is Nicole (King)'s background as far as horses are concerned?

MS. KING: I own horses myself. I have since I was very young. I also help out a couple of friends with horses. I have done for -- for a couple years now, taken care of horses for friends and things like that. So I have had a lot of care-taking experience.

JIM POWERS: The lower barn is not going to be used for riding purposes whatsoever? Inside?

MS. KING: The lower arena, yes.

JIM POWERS: You will use it.

MS. KING: Yes. It is a riding arena.

JIM POWERS: No jumps --

MS. KING: No.

JIM POWERS: -- in the arena?

MS. KING: No.

JIM POWERS: Just ride around in a circle.

MS. KING: Uh-huh.

JOHN NOWICKI: Also your business plan, if you would, present hours of operation.

MS. KING: I believe I put that in there actually.

JOHN NOWICKI: Seven days a week, five days a week?

MS. KING: I put that in there.

JOHN NOWICKI: Do you anticipate any riding on the property, additional lighting? If so, we would want to see that.

Obviously there is going to be no on-street parking. You do show some proposed parking. Is -- I would like to make sure that that meets code, according to our parking requirements for this type of a business. They will have to meet that type of a situation.

And the only -- final comments I might have for now would be to refer to the Monroe County Development Review comments that you would abide by and conform with those comments when it comes to the flood insurance, the wood lands, the backflow preventer and agricultural statement that needs to be submitted, because you're in an agricultural zone.

JAMES MARTIN: That was submitted.

JOHN NOWICKI: Oh, okay.

KAREN COX: Did you get a copy of the comments?

MS. KING: I didn't myself.

JOHN NOWICKI: I would also, just in -- in conclusion, really, I would like to -- before this project gets final approval, is that we have complete reports from our Building Department, our Fire Marshal on all of the properties involved here, all of the parcels -- all of the buildings on this parcel, that they meet codes and are up to standards for the safety of the public. Thank you.

JAMES MARTIN: Going back to the parking issue, you don't show any proposed road cuts other than the existing one that is there now for the driveway.

MR. THOMAS HELLABY: That is correct.

JAMES MARTIN: There is no intention of putting any additional road cuts in or anything of that nature to accommodate the clientele or horse trailers coming and going on the property.

MR. THOMAS HELLABY: No need to. I have been using it for years with a horse trailer.

JAMES MARTIN: That is a wicked situation with that curve there.

MS. KING: Uh-huh.

JIM MARTIN: Is -- the sight distance is minimal?

MS. KING: Yeah.

JAMES MARTIN: I can see somebody trying to back a horse trailer in there or something, and it is a significant safety issue.

MS. KING: No. There is room down below to turn the horse trailer, so you would always be coming out of the driveway existing straight.

JOHN NOWICKI: This should go to Traffic Safety for review anyway because of the -- they might need signage in both directions.

MR. THOMAS HELLABY: It is an existing driveway, though.

JOHN NOWICKI: What -- I don't know. I don't know what our code would require around that. That driveway already exists. There are no additional road cuts being put in there.

JOHN NOWICKI: I just would have them review it for safety considerations.

JAMES MARTIN: I don't know -- I don't think Traffic Safety has seen this.

JOHN NOWICKI: I don't think so.

JASON ELLIOTTO: A couple of things. First, I really would have liked to have had this site plan prior tonight so I could have taken a look at this property a little better. I went down there and looked, but the site map I have seen doesn't include all of this. So I just wanted you to know we have two different site maps and this is the first time I have had a chance to actually look at the site map of the new development that you're looking at.

I notice that there is a proposed sign. Do you have any kind of photo of the sign or what the sign is going to look like?

MS. KING: I attached it with all of the information.

KAREN COX: It is on the application.

JASON ELLIOTTO: I didn't see it.

KAREN COX: Last page.

JAMES MARTIN: This (indicating), right?

MS. KING: Yes.

JAMES MARTIN: Could you post that on the bulletin board, please?

JASON ELLIOTTO: Any lighting on the sign?

MR. THOMAS HELLABY: None proposed. There is no electric there. As far as I know, there will be no lighting on the sign. I don't believe there is a need for it.

JASON ELLIOTTO: How far off the road will it be?

MR. THOMAS HELLABY: Past the right-of-way. Probably -- looks like 10 feet, roughly.

JIM POWERS: How far off the road are the pine trees at the end of the driveway?

MR. THOMAS HELLABY: They start right about at -- probably about the same. What is it, 12 -- about 12 feet beyond the right-of-way.

JASON ELLIOTTO: Also noticed from the County Planning Development, that some of this property is considered part of the Town wood land -- contains wood lands on it. I did see -- is this map that goes all of the way on the outside, the swiggly line there, that is an entire tree line that surrounds the property?

MR. THOMAS HELLABY: Part of it is brush. Most of that just north of the flood lines, which is the south branch of Black Creek was always pasture land. The area to the west side is basically just overgrown because it has not been used in many years.

JASON ELLIOTTO: Are you proposing to go chop any trees down?

MR. THOMAS HELLABY: No. Nothing beyond the -- nothing in the original forest area,

just where that brush is grown and just to recapture -- eventually to recapture that pasture land.

JASON ELLIOTTO: You will cut the brush back.

MR. THOMAS HELLABY: The brush basically where it says Lot 1, just to the west of that.

JASON ELLIOTTO: Okay. But no trees are going to be -- no current trees that --

MR. THOMAS HELLABY: No. Because -- because that is beyond the flood plain and it is close to the -- where the creek is.

JASON ELLIOTTO: Are there trees actually in the -- in this lot, Lot 1 right now?

MR. THOMAS HELLABY: There are a small apple tree and a couple crab apple trees and that is about it. There are maybe four trees at the most.

DARIO MARCHIONI: Just a question. Have you talked to the neighbors about -- about this venture of yours?

MS. KING: I have not.

MR. THOMAS HELLABY: Basically this is just continuing on with what it has always been. I have lived there since '61. We have had anywhere from 14 to 17 horses when I lived there as a child. In the past five, six years, I had up to 11 horses there. Up until two years, a year and a half ago I had three horses of my own, and that is the last time -- there has no been horses on there for a year, but there has always been horses on that property.

JOHN NOWICKI: The Conservation Board has had a chance to review this or look at the drawings?

PAT TINDALE: We found no problem.

JOHN NOWICKI: That's about it.

KEITH O'TOOLE: I looked at the parking issue. There is no specific requirement for this type of use. That being the case, it's up to the Planning Board to determine an adequate number of parking spaces. Nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I had several questions. Um, I have heard about riding in this arena, but -- but am I to understand there aren't going to be lessons, this is just going to be for the exercise of the horses that are there by the owners?

JAMES MARTIN: You can answer that question.

MS. KING: Yes.

MS. BORGUS: Then I'm wondering why riding academy is in the -- the verbiage of tonight's public hearing.

JAMES MARTIN: Do you have an answer to that question?

MS. KING: That is what the Town put.

MR. THOMAS HELLABY: Apparently that is what Kathy Reed or whoever wrote up the signs that went on the property, as well. I was puzzled where that came from. That is exactly what it says on the signage as well for the public hearing.

JAMES MARTIN: So "academy" is a poor choice of words. No teaching going on, no jumping, hunter jumping class or anything like that?

MS. KING: No.

JAMES MARTIN: So it is -- so it is a misnomer and shouldn't have been there.

MS. BORGUS: I would suggest then before you vote you remove that.

JAMES MARTIN: We can make an amended application.

MS. BORGUS: Thank you.

I didn't hear how many horses are supposed to be kept here. What is the plan, how many?

MR. THOMAS HELLABY: Well, there is currently only -- there are three original stalls under the original barn at the road. There are three more right now that are about 50 percent complete that will be to the west of the arena, so there will be a total of six stalls, so at this time there can't be any more than six.

MS. BORGUS: Future plans?

MR. THOMAS HELLABY: I -- I don't know that -- you know, as I said, most of it depends on whether this takes hold and it actually is a -- something they can actually do and -- you know, what they want. I don't know if they -- if they plan on making it any larger or not. It is -- I -- basically I think it is to see if it is going to work or not.

MS. BORGUS: I'm just thinking of this from the Board's perspective. I think you should have a handle on the scope of this, and either limit it somehow until you see if it works. I don't like the feel that nobody knows where this is going and we have a set size in sight, and a building

capacity and stalls, and yet we -- we don't -- it is all kind of iffy. I think you need to deal with that in some way.

JAMES MARTIN: Well, I have noted that we have asked -- we're asking them to provide a comprehensive business plan for the riding and boarding business.

MS. BORGUS: That should help.

I'm also wondering are horse trailers owned by the horses owners to be stored here?

MS. KING: No.

MS. BORGUS: Now --

JOHN NOWICKI: Your point is well taken, because that should be a consideration in -- coming into the property with the horse trailer, I assume. They will need places to turn around and unload the horses and possibly just keep them overnight, so they will have to show some space how they will handle trailers.

MS. BORGUS: My daughter has a horse, and they board it out, and I know that is a real problem, is if you have to haul your horse -- and you do, then you -- sometimes you can't keep your horse trailer at your house, so then you look to the boarder to provide you with a place. So I think that is something the Board should be aware of and deal with. Because that -- because that could be another issue.

JOHN NOWICKI: Why can't you keep your horse trailer at your home?

MS. BORGUS: In Chili you probably could. It is a lawless Town.

MR. THOMAS HELLABY: We have no intentions of letting people leave their trailers there. That is just not something --

MS. KING: No.

JAMES MARTIN: No intention, but I will pick that up as a condition. You know, storage of horse trailers and whatever, won't be permitted.

MS. BORGUS: My next question would be since I don't know the topography of this area, is this on a slope down to the flood plain?

MR. THOMAS HELLABY: Yes.

MS. BORGUS: Okay. As a member of the Black Creek Water Shed Coalition since its inception, we have been very cognizant of pollution entering Black Creek, and therefore, the Genesee River.

I would hope that you do this manure -- is handled in a very comprehensive manner because with that kind of a slope and being that close to the water, you could have a problem. And the problem that I foresee is -- again, my son-in-law has horses. My daughter also has a horse. I guess -- the family is into horses.

But there are many, many times through the winter and the spring when it is wet when you cannot get rid of your manure. You can't. There is just too much snow on the ground. It is too wet. You can't get out with a tractor. It is just impossible. You have to pile it. So I'm wondering with these farmers that these agreements are being made with to get rid of this manure, they're not going to be able to take it in the winter, either.

There has to be an alternate plan for the winter months. Now, if you have a cold, cold winter and you don't have much snow, you don't have a problem. But that doesn't happen too often. And if you have to store manure on that site, and that is a slope, you are going to have pollution of that water way. It can't be avoided. So you should -- if you're not horse people, these are things that you don't probably think of. But it is a real -- it's a reality. You are not going to be able to get rid of that manure through the winter every year. It just isn't going to happen.

And I would like to point out that on Chili Avenue Extension, right in my neighborhood, not in Chili so much because the Town line is pretty close, but as you get into Riga and up Chili Avenue Extension, almost everybody up that road bought a big piece of property, fairly big with the idea they would raise horses. It is not without its problems. And you would only, I believe, find one home up there now that still has horses. That is my son-in-law's place, because he has lots of land. It all sounds good when you start out, you're going to make a business of it, and do all of these things, but it has its own share of problems, let me tell you. So just be aware of them. Thank you.

JOE ROWE, 155 Morgan Road

MR. ROWE: And to her comment on manure, I would like to find out if there is any regulation for any person that has horses. Because if you have enough property and you can have horses, is there any guidance in Town regulation that says you have to have your manure removed? Is that an ordinance, or a -- or a regulation?

JAMES MARTIN: I'm not aware of any. Anybody at the side table aware of any regulation?

DENNIS SCIBETTA: The only thing you will find is something from Cornell Extension or something that would give you the guidance on that.

MR. ROWE: I think it is a pretty good plan she has, that is she is planning on spreading. I know some of the people that have accepted the manure. So I wanted to make that comment. Thank you.

JOE HELLABY, 800 Ballantyne Road

MR. JOE HELLABY: I would like -- I like passing out stuff. This just happens to be their web page of the so-called Hellaby Hill Farm. In there it spells out tack, consignment. Spells out training, everything they say they're not going to do.

Um, trust me, I would rather see a horse farm there than 20 houses. But tonight -- this is the first time I seen it. The biggest concern I got is I never dreamed they would put electric fence. You can ask the landowner himself who told you that he had been there 40 years with horses. Ask him to give you an honest answer how many times we chased them horses out of the road, the neighbor's yards, everything.

Everything from this point (indicating), next to Mr. Bittle (phonetic)'s property all of the way down to here (indicating), is wet three-quarters, seven-eighths of the year. Electric fence will not work. Them horses fool around. And he is telling you. Ask him to give you an honest answer how many times them horses were in the road, or in the neighbor's lawn, poking holes this big, this deep (indicating) in their yard, slip sliding on their driveways. If anything, I would really certainly like to see a hard fence instead of electric fence on this project. I mean there are other concerns, but this one now is probably my biggest. Thank you.

MR. THOMAS HELLABY: We can address that question or comment if you want us to.

JAMES MARTIN: Go ahead.

MR. THOMAS HELLABY: What he is referring to, yes, my horses did get out almost on a regular basis, maybe two, three times a year. Main reason being that I had a single strand high tensile wire fence. One strand. At roughly 4 foot high. I did not, and I intentionally did not put tension on that wire, because if horses run through it, they will basically shave the meat off their bones. So whenever the horses were around and got through it, that -- the fence would give way very easily and they would get out.

The fence that Nicole (King) is putting up is quite a bit different. There is more than one strand at varying heights. It is an extremely visible, white fence that they can see, so they know it is there. What I had was virtually invisible. So that's --

MS. KING: That is one of the main reasons I'm putting in a new fence, is one for the horses' visibility. The other is for safety reasons. The fence that I bought and plan to use is about this big around (indicating). It is white. And it is made out of a soft cotton rope material with electric -- the filaments through it. That is why I plan to have it also three strands 6 feet high, because -- for that reason, so the horses do not get out.

KAREN COX: If they touch it, it gives them a pretty good shock.

MS. KING: Uh-huh.

KAREN COX: Because it is visible they don't go near it again?

MS. KING: Exactly. I -- I also like to say I have my own horses and I use an electric fence, and I use the same kind of thing, a white tape along the top so they can see it. I never have any problems with my horses.

DARIO MARCHIONI: Mr. Hellaby, is that gentleman related to you in any way?

MR. THOMAS HELLABY: Yes, one of my younger brothers.

And Alan is one of my older brothers.

JAMES MARTIN: Who is Joe Rowe?

MR. ROWE: That's me.

JAMES MARTIN: Are you going to be giving clinics, training?

MR. ROWE: I have told them if they wanted to do clinics, I could do them. I am a trainer. I work with people's horses if they have a problem -- horse that bites, kicks, bucks. On occasion you get a boarder with a problem horse, and I'm very good at helping people solve that problem.

I do not have an engagement or a contract or any planned training with Hellaby Hill Farms, but I have offered my services to help them out.

JAMES MARTIN: You know, reading this web page, I would almost put academy back in your title.

MS. KING: There are truly some things -- I didn't look at it, but I have updated my web page as we have gone along, because there have been things that we have kind of just said no, we're not going to do. When we first talked, we had a lot of things that we wanted to do, and then

when we started into it -- as she was mentioning, there are a lot of things. A lot of responsibilities. And we have basically just focused down on the boarding. That is what we would like to do. Like I said, I don't know what the date is of that website.

JAMES MARTIN: Well, it says here Joe Rowe also conducts training seminars, riding clinics and private training for other horse owners.

MR. ROE: I do that at many farms.

JAMES MARTIN: This is specific to Hellaby Hill Farms, which we have been told that is not going to happen at.

MS. KING: I said there would not be any lessons.

MR. THOMAS HELLABY: Basically what happened was once I had the Swartels get in touch with Nicole (King) about doing this, they kind of took it and ran and said we'll do this, this and this. And the website was generated kind of on that premise. The more they discussed and talked about it and actually talked with a -- an accountant to do the business plan, they said well, we kind of need to cut back on this. At this time, there is no sense in dumping all kind of money in engineering on all of this stuff that may or may not work. And also talking with their attorney, about all of these things that would have to be met to appease the Board and their requirements to get all of the other things done, they basically decided to forego all of that at this time, concentrating on just getting it running, get a few horses in there and see where it goes from there basically.

KAREN COX: So their business plan will differ from what this website is showing?

MR. THOMAS HELLABY: Yes. As I say, that was something that was created two or three months ago basically, and discussing with the Swartels and Nicole (King), trying to modify it, get it started and off the ground, obviously they are aware through their attorney, if they venture in these other areas, whether it is a tack consignment shop or whatever, they would have to come back to the Board for approval for that. Even Ed Summerhays (phonetic) talked to us when we first talked about it. These are things that would have to be done subsequently after the fact, after we got the boarding started.

JAMES MARTIN: So your updated business plan that you will provide to us, will specify --

MS. KING: I have them. I didn't bring them. I didn't know they were required.

MR. ROWE: I have a question on that, though. I'm not sure where that comment is going.

If a boarder from another farm like Wehle Farm was to engage me to work on their horse, I'm not aware of any restrictions that I have on helping that person with their horse at that barn. Is that something that I need to consider for future business? Because I am insured to work people's horses wherever they're kept.

JAMES MARTIN: I think you need to work with this organization to find out, you know, exactly what is going to be happening over here, because we have heard the website says one thing and we have heard a different story verbally tonight and we just want to be sure we understand totally what is happening.

I -- you know, I don't know if -- if one of the boarders at this property had a problem horse, and they engaged your services on a private basis, all right, to try to work with that problem horse, um, I don't think there would be any restrictions against that. I certainly don't know of any. But clearly I think we need to understand, you know, the nature of the business, what is going to be happening there, and if that is going to be part and parcel of their operation, that they will have somebody like yourself who is an expert in the field of horse training come in on an occasional basis and help out with a problem horse, tell us.

MR. ROWE: Yes, sir. I believe I have contributed to some of this ambiguity, because initially I offered those services to their boarders, and that might have been put on a web page, but again, Nicole (King) and Tom (Hellaby) and I have no agreement or arrangement for me to do any riding lessons or have any type of academy type training at that farm.

KAREN COX: Him coming to any farm wouldn't be any different than --

JAMES MARTIN: A veterinarian.

KAREN COX: Or a blacksmith, or whomever.

JAMES MARTIN: I would categorize it like a vet or a farrier coming in or something of that nature.

Thank you for the clarification.

CANDY HELLABY, 850 Ballantyne Road

MS. CANDY HELLABY: As a condition to this, I would assume that the Swartels are the applicants, and we should have some sort of a record as to what their intent is, a written statement, how they fit into this whole operation.

JAMES MARTIN: We have asked for that. We have asked for a disclosure agreement. All right?

MS. CANDY HELLABY: It would have been nice if they were here.

JAMES MARTIN: It would have been, but on the other hand, they have a representative here, and that is acceptable practice.

JOHN NOWICKI: We have asked for that statement with their signatures on it, that they have agreed to all of the above.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: In addressing the Black Creek Water Shed Coalition issues which Dorothy Borgus brought up, I believe Monroe County Soil and Water Conservation does have specific rules and guidelines for horse manure in a flood plain. And I -- I believe the specialist at Monroe County Water Conservation is Fran Turner, and I would like to suggest that this Board, under the circumstances, make it a condition that this party review -- review with -- review this with -- this site plan with Monroe County Soil and Water Conservation, and that this Board be aware of that review.

KAREN COX: I don't know if we can impose conditions, because they're not a government --

JOHN NOWICKI: They may have some regulations.

KAREN COX: Well, they may have -- not even regulations. It might be guidelines, because --

JOHN NOWICKI: Just recommendations.

JAMES MARTIN: I can say and comply with any guidelines by the Monroe County Soil --

KAREN COX: Yes. Because they don't have any government jurisdiction.

JIM POWERS: Are you going to have a particular vet that you're contracting with?

MS. KING: Genesee Valley Equine.

KAREN COX: Just up the road?

MS. KING: Yep. I have also, since you kind of brought them up, I actually spoke with Dr. Dwyer and had a consultation with her last week and I have a letter that they wrote, just basically talking about what we went over.

I don't have copies for everybody. I'm sorry.

JASON ELLIOTTO: Can I see the website stuff?

KAREN COX: It is here. It stopped at Jim (Martin).

JAMES MARTIN: It is a letter of support that you will run a good operation essentially.

JOHN NOWICKI: We will -- just make that part of the package that you submit.

JAMES MARTIN: All of the other stuff that we asked for, supply us with a copy of that.

I move we close the public hearing at this time.

JOHN NOWICKI: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: Two applications before us, conditional use permit and preliminary site plan. They have paid a fee for final, but I'm not in a position to say we should waive final at this point in time because we have too many outstanding issues to be met before we would grant final approval for this activity.

I can go down through and read the conditions and we can decide to move ahead with SEQR and voting on the two applications.

James Martin reviewed the proposed conditions with the Board.

JOHN NOWICKI: Cut sheets of the fence.

JAMES MARTIN: It could be manufacturer's sheet -- whatever. We want to know what you're going to put in there and what it looks like.

MS. KING: Okay.

James Martin further reviewed the proposed conditions with the Board.

MR. THOMAS HELLABY: What about their own personal horse trailers, though? What if like Nicole (King) or the Swartels have one? Could they keep their own trailer on their own property?

MS. KING: We will have a trailer, because if a horse gets sick or injured and needs to go to the vet right away --

KAREN COX: For boarders.

JAMES MARTIN: Storage. The -- you're not the owner.

MS. KING: Owner is fine.

JAMES MARTIN: Or employee.

JAMES MARTIN: Preliminary, but not final at this time?

JOHN NOWICKI: My feeling is I don't have a problem suggesting tabling this because of the number of conditions that we have got to meet here. Because we have done this before. When the conditions come in, meet all of the conditions, we can certainly waive final and do it all at one shot. Because they are coming back. No matter what we're doing, they are coming back. So tabling it will not do anything except give them the time to get the information together, to come back to us. It is still open. They can come back under Old Business and as long as they meet all of the requirements, we can waive final and they can get a conditional use.

I make a motion to table this application until all of the information comes back to us.

JIM POWERS: Second.

JAMES MARTIN: On the motion to table at this time?

DECISION ON APPLICATION #3: Tabled by a vote of 6 yes with 1 abstention until the applicant resubmits with the following information:

1. Applicant to provide a full disclosure statement to the Planning Board regarding anticipated business transactions related to the proposed operation.
2. Provide a comprehensive business plan to the Board regarding the proposed horse boarding and riding business at this location.
3. Portable toilet location to be included on site plan.
4. Fence construction plan to be formulated and supplied to the Planning Board.
5. Structural integrity of lower barn should be certified by a licensed engineer.
6. Agreement on manure disposal plan should be supplied in writing to the Planning Board and comply with any guidelines from Monroe County Soil Conservation.
7. Applicant to review need for a back flow preventer with Monroe County Water Authority.
8. A Building Department and Fire Marshal review of the facilities to be completed prior to final approval.
9. Storage of horse trailers on property will not be permitted for anyone other than owner's or employees.

DECISION ON APPLICATION #4: Tabled by a vote of 6 yes with 1 abstention until the applicant resubmits with the following information:

1. Applicant to provide a full disclosure statement to the Planning Board regarding anticipated business transactions related to the proposed operation.
2. Provide a comprehensive business plan to the Board regarding the

proposed horse boarding and riding business at this location.

3. Portable toilet location to be included on site plan.
4. Fence construction plan to be formulated and supplied to the Planning Board.
5. Structural integrity of lower barn should be certified by a licensed engineer.
6. Agreement on manure disposal plan should be supplied in writing to the Planning Board and comply with any guidelines from Monroe County Soil Conservation.
7. Applicant to review need for a back flow preventer with Monroe County Water Authority.
8. A Building Department and Fire Marshal review of the facilities to be completed prior to final approval.
9. Storage of horse trailers on property will not be permitted for anyone other than owner's or employees.

There was a recess in the meeting.

5. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary site plan approval for a 54 vehicle parking lot at property located at 2301 Westside Drive in P.I.D. zone.

Ed Martin was present to represent the application.

MR. ED MARTIN: Good evening. My name is Ed Martin. I'm a licensed engineer with Land Tech. Our office is located at 130 East Main Street in downtown Rochester. I'm here tonight on behalf of Roberts Wesleyan College and their application before you. Also in attendance is Mr. Jim Cuthbert and Dan Kilker from the College.

The application is a rather straightforward one. The site is located on the east side of Orchard Street. The project site itself is 16 tenths of an acre of a 52 ½ acre parcel zoned PID. The PID zoning gives the College flexibility to respond to their needs as they arise. Section 115-20 covers the details of that.

Examples of their response to needs recently include facilities, athletic facilities, dormitories and the pending Golisano Library site.

It is the library that actually created the need for this parking lot. It is displacing a parking lot at the intersection of Orchard Street and Westside Drive.

So we propose the construction of a 54 space parking lot. We're going to utilize two existing access points to Orchard Street to the west. We have been very careful to incorporate safety into the layout of the parking lot. The original layout had four access points coming into the parking lot. We have reduced that to two to minimize the potential conflicts between vehicles and pedestrians.

We have met with the Conservation Board. That occurred March 27th. They did give us their endorsement. I do have a copy of their stamped plan. If the Board needs to see that.

You may notice on the plan that we show no handicapped spaces, and that is also in part two of the PID zoning. The College has the ability to place handicapped parking signs anywhere on -- on the campus in response to need, be it staff, faculty, students, whatever.

They do have handicapped parking spaces right now at Carpenter Hall, which is just south of our site here.

We do propose extensive landscaping throughout the site. The one notable change to the plan before you is a note we have added to our plan as a result of the meeting with the Conservation Board that requires that landscaping at the southeast corner of the parking lot be maintained to a height not to exceed 4 feet and that is to further enhance safety. They don't want anybody lurking in the bushes, literally.

Surface drainage is westerly to Orchard Street. We maintain that drainage pattern. We propose a slight depression just off the pavement to allow for infiltration because we're adding impervious surface. We spoke with Mr. Nissen about this, and he is agreeable to allowing this to go in. If in the future it proves to be a maintenance nightmare, the College has the ability to simply pull a permit from the DPW to make a physical connection to the catch basin. We're doing this to enhance water quality and minimize the impact to downstream receiving waters.

That being said, it is a fairly straightforward application. I would be happy to answer any questions that you may have.

JAMES MARTIN: Are you okay with that statement, Larry (Nissen), that, you know, we talked about the drain issue, on that corner, and --

LARRY NISSEN: It's a private issue, is how I see it.

JAMES MARTIN: I'm sorry?

LARRY NISSEN: It is a private issue. It is on private property. Um, if it was on Town property, I probably wouldn't go for it, but as far as I'm concerned, it is private property. It is up -- it is up to their maintenance forces to deal with and maintain. So --

JAMES MARTIN: Obviously, the College doesn't want a problem.

MR. ED MARTIN: Right.

JAMES MARTIN: So you will monitor ice conditions, other things that can happen, the pooling of the water in the area.

MR. ED MARTIN: We have graded it so the storage occurs off pavement. We call for snow storage in that area, as well. We have proposed grading that would direct any surface runoff directly to the catch basin adjacent to Orchard Street.

JIM POWERS: That catch basin is probably right between your access roads here?

MR. ED MARTIN: I'm sorry?

JIM POWERS: That catch basin you're talking about is about halfway in between where you will access onto Orchard Street, if I remember?

MR. ED MARTIN: It is right in this area here (indicating). It is about 100 feet south of the existing driveway to the right. I can show you on your plan there (indicating).

JIM POWERS: How many parking spaces are in that parking lot where the library is going to go?

MR. ED MARTIN: I don't have an exact count, but it is more than the 54 lots. The reason I know, I went by to look at it, because we're reusing two of the light fixtures from that parking lot. I don't know if you have a count on that.

MR. CUTHBERT: There are 140 spaces there where the library is going to go, and it will end up with 40 spots when the -- when the library is completed.

JIM POWERS: 40 at the library?

MR. CUTHBERT: At the library, yes. We have additional parking that is up on the north campus that is north of Westside Drive that is in the Town of Ogden. We built space when we built the dorm there about five years ago.

JIM POWERS: Out of curiosity sake, facing the -- this parking area from Orchard Street, on the right-hand side there a huge tree not too far in off of Orchard. I don't -- I don't think it is this apple tree that is to be removed.

MR. ED MARTIN: They had a very large tree here (indicating). The trees that are coming down are fairly modest in size. I would --

JIM POWERS: Is it a big tree.

MR. ED MARTIN: That one is big, and we're calling for that to remain.

JAMES MARTIN: The soft maple.

JIM POWERS: It shows it closer here than I thought it was. It is a nice tree. Don't take it down.

JOHN NOWICKI: So nice to see a drawing so well done. Thank you.

MR. ED MARTIN: Thank you. Can I get a tape of this to give to my boss?
(Laughter.)

JASON ELLIOTTO: How many lights?

MR. ED MARTIN: There will be two lights. And they are still up and operating as I understand right now, so if any Board member wanted to get an idea what they look like, they don't cast out completely horizontal. They are down cast.

DARIO MARCHIONI: Dark sky lighting.

MR. ED MARTIN: Dark sky initiatives. It is compliant, yes.

DARIO MARCHIONI: When is this going to be done?

MR. ED MARTIN: Do you have a start date on this?

MR. KILKER: Approximately the middle of May.

DARIO MARCHIONI: This year, right?

MR. KILKER: Yes.

DARIO MARCHIONI: I think it is Wednesday, there is a -- something going on over --

JOHN NOWICKI: 20th.

MR. KILKER: Groundbreaking is the 20th.

DARIO MARCHIONI: Looking forward to coming.

JAMES MARTIN: Happy with the changes.

PAT TINDALE: He mentioned the changes we made.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: I move we close the public hearing.

JOHN NOWICKI: Second that.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki 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 7 yes with the following condition:

1. Pending approval of the Town Engineer.

Note: The Planning Board has waived final site plan approval.

The meeting was ended at 8:45 p.m.