

## CHILI PLANNING BOARD

April 12, 2011

A meeting of the Chili Planning Board was held on April 12, 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: Karen Cox, David Cross, John Hellaby, John Nowicki, Theresa Reilly, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative; Mark Merry Architectural Advisory Committee Representative.

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

JAMES MARTIN: I will recognize Paul Bloser in the back of the room, Chairman of the Zoning Board of Appeals.

Just as an administrative reminder, on Monday, 4/18/11, there will be a Public Hearing on the -- the update of the Master Plan, the 2030 Master Plan for the Town of Chili. So anyone interested in attending that hearing, that is the date. 7 p.m. in this facility.

I may adjust the agenda a little bit tonight.

Is Mr. Solomon here?

No one responded.

Seeing as he is not here at this time, we'll go ahead.

### PUBLIC HEARINGS:

1. Application of Buckingham Properties, 1 S. Washington Street, Suite 200, Rochester, New York, 14614, property owner: Paul Road Industrial Center LLC; for preliminary site plan approval for a change of use in portion of building to allow a warehouse for modifications to commercial and fleet vehicles at property located at 465 Paul Road in LI with ADATOD and FPO zone.

MR. DAILY: Good evening. My name is Bill Daily with Buckingham Properties. The purpose of my presence here is to introduce a change of use for a tenant that is existing at 465 Paul Road, formerly known as the Bausch & Lomb building. The tenant's name is AutoCrafting Solutions. Previously occupied by Ceva Logistics (phonetic). The square footage of the occupancy by Ceva and Auto Crafting Solutions is a approximately 18,800 square feet.

The use of the space is to modify vehicles such as -- when Frontier purchases new vans, they bring them to AutoCrafting Solutions and they put on ladder racks on the vehicles and put on graphics. They do this work inside the building in the space, but they stage the vehicles before and after they do their work in the parking lot outside their space.

Their need for parking outside their space ranges from anywhere from 200 to 302 vehicles. The plan shows 302 vehicles. The letter of intent indicated 200 vehicles, but we would go with the maximum of 302 vehicles which is indicated on the plan.

There will be no modifications required to the exterior of the building. We do have a permit and we're currently under construction to install new restrooms within their space. That work should be done in approximately two weeks.

There are approximately 800 spaces available on the -- on the west side of the building. This would be the west side of the building (indicating).

AutoCrafting Solutions' maximum demand we're forecasting is 302 spaces, which is indicated by the area that is highlighted in the corner of the plan.

That would leave them approximately -- remaining available parking spaces of 498 spaces for the remainder of the occupants on the west side of the building.

The total tenant parking demand for the west side of the building is 63 spaces. I have a parking demand summary based upon the tenants that are in the building and their employees associated for each tenancy. Lifetime Assistance is in 17,280 square feet with 40 employees.

AutoCrafting as 18,800 square feet with four employees.

And Kayex is in 69,000 square feet. They have two employees.

And Pierce Industries is in 58,000 square feet, and they have 17 employees.

That is where we came up with the 63 spaces for the west side of the building.

So there is definitely a surplus of parking available for the intended use of Auto Crafting

Solutions. We don't see an issue with any parking congestion.

I have the summary if anybody would like to see it.

JAMES MARTIN: I will take a copy of it so I can -- I would like a copy.

MR. DAILY: That is all I had at this juncture.

JAMES MARTIN: Since AutoCrafting was before this Board a while back, they were essentially getting approvals for their location on Beahan Road. Obviously you went into great detail as to what the nature of their business was as far as the fleet vans and the internal modifications, exterior labeling, whatever they had to do. At that time I don't remember, you know, that large a number of vehicles being talked about at any one time. I know they were talking about having to use temporary parking space over on Beahan Road, so I'm not exactly sure what changed their mind to come over to the Paul Road location, all right, to begin to process these vehicles through their operation.

Certainly from the standpoint of marshaling these vehicles prior to whatever they do, I know that that happens on a contractual basis. They either get the contract to do it or they don't get the contract to do it. I don't know what they have told you about the frequency within -- with which they would be bringing in this large fleet of vehicles, all right, for modification.

Do you have any answer to that question?

MR. DAILY: The frequency? I did ask that question and the response was, "As much as possible."

They would like to see it as much as possible. That means they're busy. They said the volume would fluctuate anywhere from 0 to a maximum of 300. The odd number 302 is just the way the parking fell, in the ease of segregating the parking lot, to kind of separate their area of parking.

But he didn't have a direct answer on the frequency. Just as much as possible. So the business could survive.

JAMES MARTIN: Okay. I noted you finally are installing bathroom facilities, too, so the Port-A-Potty would be leaving the facility, I would assume?

MR. DAILY: Right.

JAMES MARTIN: There were some engineering comments. One about the additional parking necessary for other spaces. You have answered that question. It appears as though there is adequate parking for the additional vehicles.

There was some discrepancy between 18,000 square feet and 18,800 square feet. What is the actual number?

MR. DAILY: 18,800 square feet. It is corrected on that plan (indicating), and I have additional copies of the plan which indicates 18,800 square feet.

JAMES MARTIN: All right. That is all I have.

PAUL WANZENRIED: If I understand correctly, they're abandoning the Beahan Road location?

MR. DAILY: That I don't know.

JAMES MARTIN: We haven't heard that, Paul (Wanzenried). I don't think so. I think that is still going to be their showroom and -- I think they're maintaining that facility as far as I know, David (Lindsay)?

DAVID LINDSAY: Yes.

JAMES MARTIN: The answer is yes.

KAREN COX: I had the same question, so. Nothing other than that.

JOHN HELLABY: This I would assume is long-term. They are hoping they can pump these vans out of there continuously.

MR. DAILY: We hope so, too.

JOHN HELLABY: Doesn't seem Verizon has that big a fleet, but I assume they are going to do others, as well?

MR. DAILY: I assume that is his business plan, we would like to keep the space leased so hopefully he gets other business other than Frontier.

MR. JOHN HELLABY: Should for some reason he overflows, and I don't know why, but could we make sure that these vans are parked to the rear back end of the place and they don't start migrating up towards the front of the parking lot, I guess, is -- would be my only concern.

MR. DAILY: Yes.

JOHN HELLABY: That's all I have.

JAMES MARTIN: I can put that in as a condition of approval, that parking would be restricted to the area you have currently designated for parking.

MR. DAILY: Right.

JOHN NOWICKI: In regards to the types of materials they will be dealing with, installing on these vehicles, are you comfortable with the loading and unloading of these materials going in and out of that building? You have -- do you have sufficient facilities for that?

MR. DAILY: Well, there are -- there -- there is a loading dock that is associated with it, and the materials that, um -- they're basically pre-fabricated materials that they're installing onto these vehicles. Inside the vans they may have storage racks to -- for Frontier, they have different cubbies, and they come preassembled and they just fit them inside the van. Then they put the Frontier stickers on the van.

JOHN NOWICKI: The materials will be stored inside the building? There is no storage outside the building?

MR. DAILY: Correct. Correct.

JOHN NOWICKI: And dumpster enclosures, are they existing ones they're using?

MR. DAILY: They're using the existing dumpsters, correct.

JOHN NOWICKI: No changes.

MR. DAILY: No changes to the exterior of the building.

JOHN NOWICKI: What is the term of the lease, how many years?

MR. DAILY: I believe it's -- I'm not sure, but I believe it's five.

JOHN NOWICKI: Five years. Okay. That's all I have.

JAMES MARTIN: I will pick up the no storage outside the building as a condition.

PAT TINDALE: I just have a question. I have seen several places come into your place there, and I haven't seen any landscaping improvements or like sprucing up of the property. I'm wondering if we could ask for some type of landscape improvement. The fencing on the west side, it's falling apart. It is falling in. It is all over the place and just full of weeds and brush. If that couldn't be cleaned up and neatened up.

MR. DAILY: We would be very interested in doing that, as well. We want to make sure aesthetics of the building are representative of our company.

PAT TINDALE: Some landscape improvements and some cleaning up. That's all. Thank you.

MR. DAILY: Okay.

JAMES MARTIN: Would you like them to come in and work with you on this -- would you like them to come into the Conservation Board and have a discussion with you?

PAT TINDALE: Yes, that would be nice. Yes, please.

MARK MERRY: Is there planned signage associated with this tenant?

JAMES MARTIN: I'm sorry?

MARK MERRY: Is there any planned signage, exterior signage associated with this tenant?

MR. DAILY: No.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RAMONA ALICIE, 518 Paul Road

MS. ALICIE: I have prepared a statement here if I could come up and read it, please?

JAMES MARTIN: You certainly can, ma'am.

MS. ALICIE: My name is Ramona Alicie, A-L-I-C-I-E, and I live at 518 Paul Road, which is across from the Bausch & Lomb building.

I'm here to read a statement prepared by my partner Benjamin Sarfaty, the homeowner who also lives in the residence at 518 Paul Road. Mr. Sarfaty has trouble speaking, so he asked me to read this statement for him, and it is also my view on the subject.

We are opposed to the modification request being proposed for the property at the old Bausch & Lomb plant for the following reasons: The two-lane road is not equipped to handle this ongoing traffic, and granting this modification would continue to be a danger to homeowners trying to get out of their driveways, children walking to school, runners and cyclists who all use this road. Site plan changes should not be considered for these vehicles. Let's for once let the neighborhood have some input into what goes on there.

I am sure there must be other businesses that are better suited for that building area without having so many commercial vehicles. It seems to me, my family and neighbors the current administration no longer considers the needs or safety issues of the community before allowing such a request. I found out about the hearing by accident.

My next-door neighbor got a notice, but I did not. I have been a homeowner in Chili for 45 years and many of the changes have been detrimental because of the added traffic. Speeding vehicles, leaving commercial parking lots and Paul Road is not equipped to handle this traffic. With new housing developments that have already been approved, shopping plazas built and added to, the roads simply cannot handle any more of this type of traffic.

The fact that they have been misusing the property should result in immediate withdrawal and no further trucking enterprises. This area in question has been zoned for Light Industrial for the past 50 years, and we don't feel there is any reason to change it now. Buckingham Properties obviously did not think to get the proper zoning permits when they moved all those vehicles in, so they should not be allowed to continue now.

It is bad enough that we have suffered loss of outside privacy and loss of quiet in our homes, but we should not be subjected to any further noise pollution which would surely happen if this modification is granted. Only if the comings and goings of the various vehicles being modified.

My home is located across from the site, and I am concerned that my property values have gone in the toilet. If we had applied for the -- if they had applied for the proper permits in the building, the homeowners would have had a chance to voice disapproval before the business was already in place. It seems to me that anything that Buckingham proposes is automatically granted by the Town Board even after the fact.

Again, we respectfully submit that we're totally against any commercial traffic from that facility, more noise, more danger leaving our driveway, more chance for a human fatality, and we do not want the Town Board to grant any modification but rather to have those vehicles removed and keep the facility zoned as Light Industrial.

Thank you.

JAMES MARTIN: Thank you for your comments.

David (Lindsay), have we had any complaints on this location that you're aware of?

DAVID LINDSAY: I'm not aware of any complaints, no.

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: How long do these hundreds of vehicles sit on this property?

JAMES MARTIN: Since I don't work for AutoCrafting, I don't have an answer.

Mr. Daily, do you have an answer for that?

MR. DAILY: I can only estimate, but as soon as they get the vehicles, they fit them out to what they need to do and then the vehicles will leave.

DOROTHY BORGUS: I guess then I question why we need this storage for 2 to 300 vehicles.

JAMES MARTIN: I think, Dorothy (Borgus), if you remember when AutoCrafting was in here originally, these fleets come in. Frontier buys 200 of these vans at one time. They're shipped in for modification by AutoCrafting. So they have to have a place to marshal these vehicles prior to the work that they do on them. So I believe that is the rationale for why they wanted to have this parking space.

If you remember the site on Union Road had very limited parking as far as the ability to handle that many vehicles. So that is my recollection of what AutoCrafting told us when they were here for their prior approvals.

DOROTHY BORGUS: If it only takes a short time as this gentleman says to do the work on a vehicle, then I guess I don't -- then -- then it is relevant how long they're going to sit there because they evidently sit there quite a while. It is not just the time they're being worked on. They're left there then, right?

JAMES MARTIN: I think they are worked on and are piece-mealed out as they complete the work on the van. So --

DOROTHY BORGUS: So they will sit there a considerable length of time.

JAMES MARTIN: I'm not sure how many they handle in a week's period of time.

DOROTHY BORGUS: It is unfortunate somebody from the appropriate company is not here to answer this question before this Board is asked to make a decision.

JAMES MARTIN: I agree with you, Dorothy (Borgus), on that. I was hoping somebody from AutoCrafting would be here, too.

DOROTHY BORGUS: To follow up on your question, Mr. Martin, it appears that AutoCrafting is changing the focus or adding to the focus of their business mission?

JAMES MARTIN: No.

DOROTHY BORGUS: No?

JAMES MARTIN: No. It is exactly what they told us when they were here before.

DOROTHY BORGUS: It really seems odd that they are having two locations, unless they're planning on using this mostly for storage. I would hate to think that that is true, because I don't think the people in the area deserve to have this many vehicles sit there and have the primary function of the space be the -- be the outside storage. That doesn't seem fair.

JAMES MARTIN: Well, I think they also are doing modifications within the facility there, and I -- I think -- I believe they're keeping the Beahan Road site because that was going to be the showroom. It was going to be also used for some of this particular activity, and I'm not sure if they're doing modifications in both locations.

MR. DAILY: I do know that they're -- I'm only familiar with this building, and I know they're doing modifications here within their space, and they needed the parking so they could receive these fleet vehicles, marshal them into the space, fit them out and get them back out. They want to -- I know they want to get the work done as soon as possible, and I know whoever they're working for, be it Frontier or whoever their customer is, they want to get their new vehicles back as soon as possible. So I know everybody is incentivized to get them turned around as quick as possible.

JAMES MARTIN: If I remember, Dorothy (Borgus), when they were here before, I think they indicated to us it could fluctuate like that. They could have 200 vehicles to do at one time, and once they're done, it could go to zero for quite a period of time until they get the next contract to do the modifications. So I don't see this as 200 or 300 vehicles being parked continuously on the property based on what my recollection is of their original application to this Board.

DOROTHY BORGUS: Does the Board have any feeling for -- are these vehicles to be distributed locally when they're outfitted? Or is this a question where they bring them in for -- from a wide geographical area to work on them? Do we know that?

JAMES MARTIN: I don't know the answer to that. I'm assuming since it is Frontier, most of them would probably be marshalled out locally to the Frontier Telephone Company here in Rochester. I know they have mentioned to us Time-Warner was a potential customer. Frontier was another potential customer.

So given that, I don't imagine they're doing vehicle modifications for New York City or something like that. I am sure it is probably the local area, but I cannot definitively state that.

DOROTHY BORGUS: Well, it would seem to me if the Board -- this is -- this is very different from anything you have been asked to do on this site before, if I am correct? I would think that you would not consider a long use for this, an approved use. I think this may be something you better look at in short order here and not let them get out too far and find out you're committed to a long-term commitment, because it could turn into -- since we don't have enough information, you don't, the people in the audience don't, we just don't want to get involved in too much too fast here until we see what we're really into.

Thank you.

JAMES MARTIN: Thank you.

MAURY SARFATY, 518 Paul Road

MR. MAURY SARFATY: My name is Maury Sarfaty. I reside at 518 Paul Road, as well. I find if they're putting 300 vehicles or having a spot over there for 302 vehicles, who is to say they won't come back in six months and want another zoning for another 200 and another 200. If they're asking for 302 spaces in the lot over there, their purpose is going to be that they're going to put 302 vehicles in that parking lot.

All right? That's excessive. All right?

They will be hauling these vehicles over these roads, okay, that are traveled by bikers, walkers, people pulling out of their driveways. We already have a problem with the way the traffic is on this road, as well as all of the other roads that come into Paul Road. All right?

I don't see, as it has been mentioned, the people from the auto company here to represent what they intend to do. I think that this needs to be adjourned to bring these people in and also that we can talk with our neighbors and get more people involved in this, because I don't believe the neighbors know exactly what is going on here.

All right?

So I think somewhere down the line, this will just blow up into a big balloon and it will pop. You're asking for 302 parking lots -- or spaces over there, and they will be back again because they will want more.

And it's not conducive to the neighborhood. There are people that have to look out their windows and look at this. That is not a sight that people want to be looking at in their residential neighborhood. So my proposal is, I think this needs to be chaired (sic) okay and brought back to the Board and have more input from the neighbors and to have the people from the auto company come in and talk more about what they intend to do.

KAREN COX: The -- the two of the people that have spoken have talked about a zoning change, mentioned a zoning change. As far as I -- as near as I can tell, they're not asking for a zoning change; is that correct?

JAMES MARTIN: No. There is nothing listed.

KAREN COX: And you are not adding any additional parking spaces to what was there already, the original use of the building when it was Bausch & Lomb, correct? I mean, it is existing parking area.

MR. DAILY: Correct.

KAREN COX: You're not adding new parking?

MR. DAILY: No.

KAREN COX: So presumably when Bausch & Lomb was in business, and I believe they were running three shifts or at least one shift a day, those parking spaces were used by workers going to work and leaving work.

MR. DAILY: Correct.

KAREN COX: And there is less use of that -- regular use of that parking lot than there would have been when Bausch & Lomb was in business?

MR. DAILY: Correct. Right now I think there is 115 total employees in that entire building, and there is probably close to 900 parking spaces if you count the spaces on the east side of the building. We're just focusing on the west.

KAREN COX: So this business will not add additional regular trips in and out of -- you know, daily regular trips in and out of the building?

MR. DAILY: No.

KAREN COX: Okay. I just wanted to clarify that.

JAMES MARTIN: Having observed what they're doing there, essentially the vehicles do come in. Some come in on car carriers, they're off loaded, modified and then they leave the facility. I don't know what the rate of modification is on a daily basis. I wish someone from AutoCrafting was here to answer some of these questions for us. So I have no idea how many vehicles they process on a daily basis over there with the modifications.

Do you have any idea how many they do on a daily basis?

MR. DAILY: It would be an educated guess, but -- actually, I don't want to guess. I don't really know.

KAREN COX: I mean, I wouldn't think they would fit one out and it would leave the premises. Just -- just thinking from an efficiency standpoint, I would think they would fit a bunch out, 10, 20 at a time and they would leave maybe on a carrier or individually. All 300 will not be leaving in a day?

MR. DAILY: No. I would think -- I look it as an assembly line procedure. They go in and come out, get a group ready and they probably ship out.

KAREN COX: So this building is basically getting -- having less regular trips in and out of the parking lot under the current use than the previous use of Bausch & Lomb?

MR. DAILY: Correct.

JOHN NOWICKI: Is there going to be any additional fuel storage above or below ground?

MR. DAILY: No.

JOHN NOWICKI: What about security issues?

MR. DAILY: Um, I'm not aware of any security issues.

JOHN NOWICKI: Okay. With especially all those vehicles being parked there, there is

no --

MR. DAILY: I have not heard of any.

JOHN NOWICKI: The other question that keeps popping up as we have on Paul Road, I'm not sure if Mr. Lindsay or Karen (Cox) can find out. That is a County Road, correct?

KAREN COX: Correct.

JOHN NOWICKI: We have asked this before and we would like an update if there is any capital projects in the process or the program to improve the Paul Road, because there are things that have to be done to that road. And I'm just wondering if any progress has been made on the capital programs.

KAREN COX: You want me to answer that? I mean -- I am aware of the projects, John (Nowicki), but I'm not the manager, and so, I just hear things.

DAVID LINDSAY: There is a project currently in the works, a multi-phase project. I think there is three phases to it. It is part of the Jet View Drive extension project you probably heard about.

One of the phases is milling and resurfacing along Paul Road, Paul Road all of the way out to and including King Road to Union Street, and I believe that is supposed to take place this summer.

KAREN COX: But there won't be widening or capacity added as part of that project.

DAVID LINDSAY: Not part of the Phase 1.

JAMES MARTIN: I think in subsequent phases, they're looking at intersection improvements around the Jet View Drive intersection, as well as Archer Road intersection. That would be a future phase, Phase 2 or 3. I can't recall the order.

JOHN NOWICKI: I'm thinking as you go up Paul Road, towards Wegmans, you have these deep ditches alongside the road, and they're rather tricky.

DAVID LINDSAY: One of those will be filled in probably within the next couple of weeks, the one directly across the street from the school, there is a stretch there, couple hundred feet that we'll be doing work with the County filling in that ditch.

JOHN NOWICKI: I just want to bring that up. We should have an update once in a while what is going on over there.

DAVID CROSS: Do you have a sense of schedule for Phase 1?

DAVID LINDSAY: I don't. If you would like, I could reach out to the County and talk to a manager to find out what their anticipated schedule will be.

DAVID CROSS: I think this -- that would be good.

JAMES MARTIN: I remember the presentation here when they were talking about the Paul Road project and the issues in the Town.

Again, not to say anything other than there are some things happening and hopefully they will begin to alleviate some of the issues on Paul Road. The Jet View Drive extension project, assuming that goes forward, should take a lot of the heavy truck traffic off of Paul Road, and direct it right over to the entrance to 390, across Chili Avenue. That is one thing that is happening that should alleviate some of the traffic concerns on Paul Road.

I know, you know, having attended the presentation by the Monroe County DOT, yes, they are looking at changes to some of the intersections. Certainly Archer Road, as Mr. Lindsay has mentioned, and Jet View Drive area, to improve those particular areas on Paul Road.

So it is not that the issue is being ignored. Certainly this Board is well aware of the traffic problems in the Town of Chili. Believe me. We hear it almost every application one way or another.

And so we're not making light of that issue. We're we'll aware of it. Things are happening at the County level so we can begin to alleviate some of these problems. The nature of this business is that you don't have 100 vehicles coming and going on a daily basis as part of this operation. As Ms. Cox has already pointed out, it is probably less intensive than when Bausch & Lomb was working full tilt over there.

So given those potential projects coming down the road, and the fact that I -- based on this Board's previous hearing from AutoCrafters and remembering what they told us then, I don't see this as a significant increase in daily usage of that facility from a traffic standpoint. I just wanted to point that out.

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.

JAMES MARTIN: During discussion prior to the vote I want to go through and read the conditions that I have picked up before we vote on this particular application.

James Martin reviewed the proposed conditions of approval.

DAVID LINDSAY: An additional condition would be that the applicant make a -- receive a building permit for the interior improvements as a condition of approval.

JAMES MARTIN: They don't have the permit now?

DAVID LINDSAY: No. I don't believe you have a permit yet, do you?

MR. DAILY: We do. We submitted for it.

DAVID LINDSAY: Okay. Have you actually received the permit or received it?

MR. DAILY: We received it.

JAMES MARTIN: Okay.

They have paid their fee for final. Do we want to waive final at this point in time assuming this goes forward?

The Board was in consensus to waive final on the application.

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

1. All conditions imposed by this Board as part of previous approvals remain in effect.
2. Parking of vehicles associated with the Autocrafting operation shall be restricted to the designated area on the site plan.
3. The applicant shall clean up the brush and repair the fence along the west property line.
4. The applicant shall meet with the Conservation Board to discuss further landscape improvements.
5. Final approval by the Town Engineer and Commissioner of Public Works is required.

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

JAMES MARTIN: Second call. Is there a Thomas Solomon here?

We'll move you up on the agenda at this point in time.

MR. SOLOMON: Thank you.

JAMES MARTIN: Can you give an understanding what you're asking for at this point?

MR. SOLOMON: My name is Tom Solomon, and I represent Nick D'Angelo

JAMES MARTIN: Hang on. I will read the application.

FOR DISCUSSION:

1. Thomas Jay Solomon, Attorney - regarding existing undersized lot with vacant building at 1615 Scottsville Road in GI and FPO zone.

Thomas Solomon was present to represent the matter.

MR. SOLOMON: My name is Tom Solomon. I'm an attorney, and I represent the owner of this property which we took back in foreclosure earlier this year.

In my 43 years of practicing law, this has never happened to me. I had a client buy a lot that wasn't approved. And we didn't find that out until -- during the foreclosure process. Evidently what happened here was this was all owned by one gentleman, and he sold this small piece here to a friend of his and evidently never got subdivision approval, and that man sold it to a guy named Torcello (phonetic), who my client gave a mortgage to. It was a TV repair shop in there that was fairly active, but Torcello is out of there and it is vacant at this point.

Anyway, unfortunately, Mr. Torcello couldn't keep the mortgage payments, so we had to foreclose, and now we're stuck with an undersized lot. And in talking to Ms. Reed, who was very helpful by the way, it would seem the best way to go would be to come here and ask you if there is what -- what your opinion is about actually making this -- allowing us to subdivide this lot, and if that was a possibility, then we would have to go to the Zoning Board because as you can see, this lot is undersized.

We have tried to -- it is interesting, the three heirs here, the two sons and a daughter evidently have some disagreement, so right now Frank Iacovangelo is the public administrator who administers the father's estate, which essentially owns this larger piece. I talked to him today, and you know, it is either we try to buy some piece or they buy us, but nobody can get together on price, obviously.

We very much -- for us, we would rather subdivide it. It is a viable -- I mean, it is a building there, it is a business that is there. I don't see anything that -- surrounding this area that would -- you know, that would make the approval of the subdivision a detriment.

So I hope that is a good explanation and see what the Board thinks.

JAMES MARTIN: Yes. Basically, your minimum lot size is 50,000 square feet and obviously you're under that.

MR. SOLOMON: Oh, yes.

JAMES MARTIN: Is there anything active going on in those buildings?

MR. SOLOMON: Right now, no. Mr. Torcello ran a TV repair shop and he is out of there and left us a basement full of tubes, and --

KAREN COX: Great.

MR. SOLOMON: So we -- my client has been -- I guess you have to have a special place to put those, and he is arranging for that. But he -- he is -- my client is a retired builder, substantial builder, and he takes care of his stuff. He is very good. He is very meticulous, and he doesn't mess around when something has to be done. He gets it done. He was a commercial builder that built big, big projects.

JAMES MARTIN: We have a chicken and egg situation here. I'm not quite sure at this point, um -- subdivision, variance, variance, subdivision. I'm asking your advice on this.

KEITH O'TOOLE: Certainly I think the best place to start would be a Public Hearing for a variance from the Zoning Board of Appeals for the substandard lot size. I believe the applicant is looking for a little direction and get a sense whether you have any show stopper objections at this point.

JAMES MARTIN: You know from a subdivision standpoint, I mean I -- I don't see anything too dramatic.

KAREN COX: I guess I have a couple of questions. How did the original sale take place without the bank realizing that there was an issue then?

MR. SOLOMON: There was no bank involved.

KAREN COX: Cash sale?

MR. SOLOMON: Yes.

KAREN COX: They just said we'll carve off this lot?

MR. SOLOMON: Yes. Evidently.

KAREN COX: Drew a line on a piece of paper and cash passed through.

MR. SOLOMON: As far as I know --

KAREN COX: I'm sure it happens all of the time.

MR. SOLOMON: The father evidently knew this man and this is what he asked for. This was a while back. It didn't happen yesterday.

KAREN COX: What does the future or the current owner have any idea of the intended use? My concern would be if they get an undersized lot, and then they will come back in front of us for a use that is going to need all these variances, is that worth -- I would assume we, as a Board, would look at something and say you want 15 variances, no way.

MR. SOLOMON: I think it is only one that we need, area. We're just undersized. And in all other respects, I think we're okay.

KAREN COX: What if he sells the property? Rhetorical, if he sells the property --

MR. SOLOMON: Right now it can't be sold.

JAMES MARTIN: I think you got maybe some potential setback issues and lot width issues. Your minimum is 200 feet.

THERESA REILLY: Isn't there also an issue with a curb cut, getting into it. I didn't see a separate driveway. Is there a separate curb cut to get in? I didn't see a separate driveway to get into this lot, or does it have to go through the existing lot?

MR. SOLOMON: No, I think the way -- my understanding is, is the jog there creates our driveway.

JAMES MARTIN: Yes. I have looked at the site. I believe there is access to Scottsville Road from the lot. So it is not locked from that perspective.

MR. SOLOMON: Talking with the Chairman of the Zoning Board, if we don't do anything, we essentially have a piece of land with a building on it that is in drift.

JAMES MARTIN: Did get some setback variances back in January of 2010. There was variance for additional front parking. Some -- you know, some setback variances that were granted by the Zoning Board at that time.

There were some conditions about cleaning up the parcels that needed to be done. There was an unregistered vehicle, et cetera, et cetera. So there were some issues at that time. There may have been some code violations and outstanding permits that needed to be taken care of. I'm not sure what the status of those are at this point.

Mr. Bloser, do you have any idea what the status of the conditions are at this point?

PAUL BLOSER: Not at this point, not since the fall looking at them.

MR. SOLOMON: I understand the neighbor Mr. Krieger (phonetic) -- I wrote him a letter. He has a tractor and unregistered vehicle behind our barn there, building, and I told him he had to get it out. If he doesn't, my client will remove it.

JAMES MARTIN: Well, that -- that should have been done as part of the, you know, the variance approval that was --

MR. SOLOMON: We weren't part of that. We weren't the owner then.

JAMES MARTIN: I think Ms. Cox brings up a good point. You know, if the Zoning Board were to see fit to approve the undersized lot, you come back for a subdivision, whoever has this lot is probably going to be significantly restricted to what they could possibly do with that property.

MR. SOLOMON: I would assume either a small business or maybe an office, lawyer, accountant or whatever.

JAMES MARTIN: I mean, what is the rest of the Board's feeling? Would you entertain subdivision assuming they got approved for undersized lot?

DAVID CROSS: I would have concern over the two buildings on an undersized lot having their own water and sewer services.

MR. SOLOMON: I don't know the answer.

DAVID CROSS: They come off the other lot.

MR. SOLOMON: Well, the other building -- right now, it's one lot. This whole thing is one lot. It's mammoth.

The proposal -- there was this proposal to cut it into three. Our -- where my client's house is would have been Lot 2, and the other side where the furniture store is would be Lot 1, and then the huge part of the back would remain Lot 3.

But that has not been approved. If you approve our subdivision, now it goes into two lots.

JOHN HELLABY: Haven't they removed a portion of that front building? That bump-out in the front, has that not been removed?

MR. SOLOMON: I'm unaware of that.

JAMES MARTIN: Well, I guess, you know, any other comments from the Board at this point? I mean, I think Keith (O'Toole) has given Mr. Solomon direction on which way to go here. You know, work on the -- we're powerless until we know what the zoning is.

MR. SOLOMON: It's always do you get the variance first or going to the Planning Board first. I always said you have to go to the Zoning Board to get your variance first, but in this particular case because it is another hearing, and I know we have to come back here, there was no point getting it if everybody here was deadily opposed to the subdivision.

KAREN COX: I guess the only thing is the client needs to know if they -- if he wants to do anything with that in the future, it will be really severely limited, and, you know, if he sells it, whoever owns it or is going to buy it will need to know that, too.

MR. SOLOMON: Yes. You know, the size of it really -- I mean, what are you going to do with it? It is commercial small, commercial establishment. It has the parking, and that will be it.

KAREN COX: Is that --

MR. SOLOMON: Excuse me. The only way for that person to do anything is to buy extra land, if he can do that.

JAMES MARTIN: I think a couple of things, you know, have been brought up. Certainly coming back with all your "I"s dotted. Where are the utilities? You know? I mean, are they separate service for both lots? There are a lot of issues that I think need to be clarified for the Zoning Board before they could even begin to address this.

And but I don't think right now, you know, it would preclude coming back and asking for a subdivision.

JOHN HELLABY: To your point, I think he needs to increase some of the detail on this now before you go -- because I'm not so sure Mr. Greco's driveway doesn't cross that line, too. That might be another problem that arises.

MR. SOLOMON: Well, that's an issue. That's an issue we're going to have to hammer out.

JAMES MARTIN: Yes. This has been brought in -- it wasn't before the Board. This has been brought in for discussion at -- what we call our Design Review Committee by Mr. Iacovangelo before, okay? At one time there was a property line going right down one of the middle of the houses. I mean, it was -- you know, so I am well aware of the issues that have been going on to try to resolve this estate.

MR. SOLOMON: Ms. Reed said this won't be the first time you have had to deal with this lot. When I called her, I said, "You know I'm dealing with your favorite lot."

"No, I don't think so."

JAMES MARTIN: So I think you walk away tonight with the understanding to, you know, come in with a very detailed explanation of what is encompassed within the lot itself and all of the other issues that have been brought up and go before the ZBA is the next step.

Mr. Bloser, a comment?

PAUL BLOSER: Just a quick comment, Mr. Chair. Before the applicant comes to Zoning Board, I would want any other conditions of approval from previous variances complete and finished, otherwise the Board might be moved to postpone or table the application to another date.

JAMES MARTIN: Do you have a copy of that?

MR. SOLOMON: I don't. No, I don't.

JAMES MARTIN: Proceedings from the previous Board action? I can give this to you if you want. This is part of the property record.

MR. SOLOMON: Is it okay if I come up?

JAMES MARTIN: It -- definitely.

MR. SOLOMON: In court, we're not allowed to go up there without permission.

JAMES MARTIN: You can approach the bench.

MR. SOLOMON: That's one thing you don't want to do. (Laughter.)

JAMES MARTIN: So I agree with Mr. Bloser and I already pointed it out, these things have to be resolved.

MR. SOLOMON: Well, I thank you very much. We'll do our best. There is no question we'll comply with this. Thank you very much for your time. I appreciate it. I told someone -- it looks like an Appeals Court here.

Thank you.

2. Application of BVR Construction, c/o Herbert Stephenson II, 244 Lake Avenue, Rochester, New York 14608, property owner: King Road Properties LLC; for renewal of special use permit to allow a construction company at property located at 8 King Road in LI zone.

Jess Sudol was present to represent application.

MR. SUDOL: Good evening. My name is Jess Sudol from Passero Associates. I'm here tonight on behalf of Chip Stevenson and BVR. Unfortunately, Chip (Stevenson) could not be here this evening due to some prior obligations.

As stated, we are here asking for our special permit to be renewed to allow the construction of a 3200 square foot office building and an 8,000 square foot shop building which collectively would house BVR's relocated construction company.

About a little over a year ago we received the site plan approval and the original special permit in conjunction with a subdivision approval. It has taken Mr. Stevenson about a year to get all his finances in a row, but he is now prepared to move forward with the project. He would actually like to start within a month or so, or basically as soon as possible. I think we went over Mr. Stevenson's operations in pretty good detail when we did go through the site plan approval, but I would be happy to answer any questions, especially seeing there are some new members to the Board since that project was approved.

JAMES MARTIN: In the period of time that has transpired since we gave you the approvals and now you're back tonight, have there been any modifications or changes to the site plan that we approved that would be deemed a substantial change as far as the project goes?

MR. SUDOL: No. There have been no changes made whatsoever other than addressing conditions of the previous approval and Town Engineer comments.

PAUL WANZENRIED: What are the Category 5, Category 3, Category 2, Category 4 items labeled on here?

MR. SUDOL: Basically, there is a variety of different equipment that BVR has on site. They're a specialty construction company and sometimes they have Jersey barriers temporarily before they move it to a different site, and we set up the different categories associated with the different zones of their gravel area so that basically it would restrict any views from 490 or King Road where it crosses over 4900. Basically we put all of the taller items behind the building.

PAUL WANZENRIED: They're not raw materials, is what I am getting at?

MR. SUDOL: No.

DAVID LINDSAY: We had received a couple phone calls in the last couple of days in regard to the applicant doing some light clearing on the property. The concern was some -- some of the concerns voiced to us was around the hours of operation for their daily operations as well as what time they might be bringing in vehicles after hours.

Can you expand on that a little bit?

MR. SUDOL: For the construction itself?

DAVID LINDSAY: The operations of the facility itself. Not the construction. We understand that is a temporary situation, and certainly we'll talk about that at the pre-con meeting, but the operation for the business, as well as anything you might expect after hours where they might bring in vehicles after hours.

MR. SUDOL: To be honest with you, I don't remember off the top of my head. I do remember it was presented during our original application in detail, and I believe it would be in the record because we had a lot of discussion on that. I remember it being pretty standard, 7 to 6.

JAMES MARTIN: I remember the hours of operation were pretty standard. There were some exceptions depending on a vehicle coming back from an off-site project.

MR. SUDOL: Yes, on the weekend.

JAMES MARTIN: That might be after hours. I think that was part of the discussion David (Lindsay), but it was not to be any significant use outside of the normal hours of operation.

MR. SUDOL: That's what I recall.

DAVID LINDSAY: Monday through Friday?

MR. SUDOL: I would have to check the record. I believe so, but I would have to check to be sure.

JAMES MARTIN: I believe it was Monday through Friday, standard operation with occasional exceptions to that depending on off-site project somewhere.

I will chime in on that. Certainly, the Town received some complaints about, you know, brush-cutting over the weekend. I don't know what was going on back in there, but clearly, I think you have to respect the -- the residential neighborhood to the north of there, that, you know, I don't really think brush-cutting is a good operation to be doing on a Saturday and Sunday.

MR. SUDOL: Right. I should have mentioned this, but once Mr. Lindsay contacted me and informed me and -- I didn't realize it was going on -- I talked with Mr. Stevenson. He was very apologetic and he didn't mean to ruffle any feathers. To be honest with you, I'm not sure he is familiar with all of the kind of things -- how things typically move in construction, so he said he was going to stop and get all of the ducks in a row before he does anything further. Basically he had a couple guys, employees that need overtime. He said, "Here, go ahead and do this, and I will try to help you out."

MARK MERRY: Not being familiar with this application, and a new member of the Architectural Advisory Committee, are you constructing something on this site?

MR. SUDOL: Yes. We're constructing a 3200 square foot office building, a shop building and associated infrastructure. I believe that the Light Industrial zoned projects aren't subject to your Architectural Advisory Committee review.

JAMES MARTIN: I believe they're outside of the purview in an LI zone, Mark (Merry).

MR. SUDOL: Until he pulls a sign. Then we come.

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: I will go ahead, and since we're renewing the special use permit, I will do SEQR 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: On the timeline special use permit, I think originally when we approved this, we wanted to -- we kind of look at it again in about a two-year period of time or --

MR. SUDOL: I think you really want to see how those different categories worked out and make sure they were hitting their marks, and that is why we said we would come back in a year after everyone had a chance to look at the operation to make sure they were where they were supposed to be.

KAREN COX: I think basically you have to give it a regular construction season. You know.

JAMES MARTIN: I'm thinking maybe like a two-year period.

KAREN COX: Because they will be building in the summer.

JAMES MARTIN: To get the construction completed.

MR. SUDOL: It will be a year before they get done with everything and a year before they're up and fully operational, so two years would seem appropriate.

JAMES MARTIN: Anybody have a problem with two years?

So if we approve this, it will be for a period of two years. All previous conditions imposed by this Board would remain in effect.

MR. SUDOL: Understand.

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

1. All previous conditions imposed by this Board remain in effect.
2. Approved for a period of two years.
3. Application of Calvary Assembly of God Church, owner; 3429 Chili Avenue, Rochester, New York, 14624 for preliminary site plan approval to erect a 36' x 49 1/2' pole barn storage building and expand parking lot at property located at 3429 Chili Avenue in RB and FPO zone.

Rob Fitzgerald and Pastor Bob Reeves were present to represent the application.

MR. FITZGERALD: Good evening, Rob Fitzgerald with Razak Associates, representing my client, who is Calvary Assembly of God.

The project parcel is at the intersection of Chili Ave. and Beaver Road. I do have my clients with me, as well in the back row. I have four of them, and I won't introduce them at this time. If the Board wants to ask them any specific questions as far as operations go.

The main reason why we're here tonight is for the pole barn structure. The pole barn structure was actually shown on our original overall plan, a smaller footprint at this time.

Within the last two years, we were using the existing garage to the east of this site to keep our lawn equipment as well as snowplowing equipment, and since now that is a new medical facility, that garage is no longer there, so they need a house to put their lawn care. They have two lawn mowers as well as a large, um -- a large -- I don't want to call it a dump truck -- a plow. It is a large plow. So what they're trying to do is get that stuff out of the elements and enclosed.

Also, with that, too, if you look to the east of that new barn, we do have a pad. They are starting to get quite a bit as far as garbage, as well as recycling, and they wanted an area to put that, so we have a concrete pad with a dumpster enclosure for -- a roughly 5 by 6 foot dumpster, and we're trying to hide that, if you will, behind the building. We do have it enclosed. And also a couple other items that have been taking place is my client was in front of the Zoning Board of Appeals for a -- for sign variances. I think they -- they were in front of the Board two or three months. It went back and forth, but we do have a couple of signs that we were -- that we're now proposing on this plan that -- variances were approved by the Zoning Board of Appeals, so we wanted to show them on this plan to have just a kind of full up-to-date plan of what the future holds.

We also have a proposed parking lot expansion. The time frame for that is still a few years out. Speaking with my client, we're talking three to five out before that would be constructed. We kind of wanted to give the five-year plan before this Board and look at it all together. So that is where we're at.

With that, too, we're showing this proposed landscaping. Again, that proposed landscaping that we did -- are showing was part of the overall approved landscaping plan when we got this approved.

So -- but with that said, you may say, "Why wasn't it installed at that time," because we

actually had five phases of landscaping. They had a really sophisticated landscaping plan, so they put in what was required in Phase 1 and now we're showing additional landscaping. And most of these are concentrated north of the proposed parking lot, as well as around the new sign.

Then also east of -- or west, I'm sorry, of the new pole barn structure.

Presently, they're looking at having Finger Lakes Construction build this, the pole barn. It will be similar colors to the existing church. Of course, they would like it to complement it and not be an eyesore to the property.

With that, that's a lot for me to talk. I normally don't talk that much, but I will answer any questions the Board may have at this point.

JAMES MARTIN: I assume you received the comments from Lu Engineering?

MR. FITZGERALD: Yes, I have.

JAMES MARTIN: Would you care to begin to address some of those comments because obviously there are some issues on there that need to be handled, and I would like to know where you stand on them.

MR. FITZGERALD: Yep. I actually did get the opportunity to go through and do a response letter for the Town Engineer, Lu Engineers, as well as made those revisions. We can address those pretty well. Going through them, I believe there were seven comments. I have them in front of me.

First one, we're incorrectly showing a cross culvert. If I can approach the Board. There is one cross culvert under Chili Ave. discharging from north to south. We did show that. There is one -- we had another one that is showing in this direction that actually goes under our driveway and heads west. So we have made that change. That was just a drafting error.

Number 2, they wanted -- we didn't have the size on this drainage -- drainage pipe, and that is an 18-inch pipe. We now have the size and inverts on that, as well.

Number 3 was to show the existing gate to the south on Beaver Road. We now have that depicted on the plan. It was just a swing gate. What it was, we were getting a lot of people that were cutting the corner from Beaver Road to Chili. So after hours, if you will, they now have that gate closed off so people can't cut the corner and race around the building, if you will.

Number 4 was to show the front setback. We did have the setback shown to Beaver Road and we have since added a 474 foot front setback.

PAUL WANZENRIED: Hold on.

JAMES MARTIN: Wait a minute. You're reading your response letter. Am I assuming that?

Yes.

KAREN COX: We have a different letter.

JOHN NOWICKI: We have a different letter.

JAMES MARTIN: We have a letter, the original letter from Lu Engineers, okay.

KAREN COX: 14 points on it.

MR. FITZGERALD: Can I see that?

JOHN NOWICKI: We have 14 points on this one.

MR. FITZGERALD: I do not have this letter.

JAMES MARTIN: We do not have your response. You don't have that letter?

MR. FITZGERALD: No.

JAMES MARTIN: It was sent to the applicant.

Didn't get forwarded to you?

PASTOR REEVES: Pastor Bob Reeves, Pastor of the church that is making the application, 16 Spring Brook Drive, North Chili.

We have not received any letter at the church or at my residence with any of the points that you are mentioning.

JAMES MARTIN: Well, it was sent out on the 7th of April.

MIKE HANSCOM: Mr. Martin, I do know that both letters were -- I gave them to my secretary and both letters were mailed to the engineer.

KAREN COX: Oh, so -- so they received one letter, which he was addressing, that we don't have?

MIKE HANSCOM: I apologize. There was one -- one letter that was sent to the Board with major comments, and then I had a bunch of minor, just minor plan little things that I only sent to the -- only sent to the engineer.

JOHN NOWICKI: Why would you do that?

JAMES MARTIN: So what you're responding to, we don't have a copy of.

MIKE HANSCOM: I sent one copy to you, Mr. Martin.

JAMES MARTIN: I never received it. I have your letter dated April 7th. That is the only letter I have.

MIKE HANSCOM: Okay. I apologize if you didn't receive it.

JAMES MARTIN: Okay.

MR. FITZGERALD: The letter I was referring to was April 8th.

JAMES MARTIN: Let's go back to who is on first here.

The letter dated April 7th raised several concerns on the part of the Town Engineer. I apologize, Rob (Fitzgerald), you haven't had a chance to look at these and begin to address them.

I don't know if you want to go down through and just do a quick read, and if you have got an answer at that point, fine. If not, you know, if -- if you can come to some sort of conclusion that it can be addressed, okay --

MR. FITZGERALD: Sure. I think we can work through this.

JAMES MARTIN: It will be pending final approval of the Town Engineer and Commissioner of Public Works, but certainly, you know, there are some issues in here that I really feel need to be understood by the Board.

MR. FITZGERALD: I think we can probably work through quite a few of these now. The first one is a little tough. Town Engineer's measuring disturbance to be 44,000 square feet, which is over the one-acre threshold. Our proposed parking lot is only 24,000 square feet, so I didn't think a pole barn was an additional 20,000. I can clarify. I will have to do it on CAD. I didn't think we're disturbing more than an acre.

JOHN HELLABY: Did they mistakenly include the parking lot that is future?

KAREN COX: If the parking lot, as I understand in your explanation, that is -- that is years out.

MR. FITZGERALD: It is, but even -- the parking lot itself, the expansion is 24,000 square feet. I was reading it off the plan. So we're still 20,000 square feet shy of exceeding an acre.

JAMES MARTIN: Just clarify that with the Town Engineer. All right. Thank you.

MR. FITZGERALD: Okay. And you know, if we have to go to the storm water route, we did one for the overall site development. You know, we'll follow that protocol, if need be. Like I said, I think we are under that. That's the first one, largely.

JAMES MARTIN: Okay.

MR. FITZGERALD: Showing erosion control measures, they're recommending -- we have a single row of silt fence on the south side of our parking lot for erosion control and they're recommending a double row. And use of check dams. We can look into that.

JAMES MARTIN: Let me just clarify. I think you already stated that at this time you have no intention of building the parking lot extension?

MR. FITZGERALD: Well, we would like to get it approved on the plans.

JAMES MARTIN: You would like to get it approved but not on the --

MR. FITZGERALD: Yes.

JAMES MARTIN: So these would apply for future consideration as far as building goes. Okay. I'm squared. Go ahead.

MR. FITZGERALD: Number 3 says the applicant needs to provide erosion control measures for the proposed pole barn. If we don't have it, again, we can show some silt fence. In both these locations, we're boxing out the area, putting down crushed stone.

There won't be a lot of earthwork. It wouldn't be exposed for a lot -- long period, so a silt fence or maybe a small siltation basin should suffice. We can add those to the plans. It shouldn't be a problem.

Number 4, states a concern with the water shedding across the existing parking lot, towards the barn. We did raise the pole barn up approximately a foot so we could shed the water. Yes, we realize in that area, it is going towards the barn, but we're looking to shed it in either direction.

So if you will, this area (indicating) is heading towards the barn, the pole barn, so we look to divert this around the barn.

The question was, is there a better location for it? Well, the -- maybe the easier response is to put it here (indicating) where we still have a watershed area that is coming down on this, and also, too, from the original plan, at some point we did have this area reserved for a larger sanctuary in the future, so I would hate to put it there.

Um, we can look at it further. If it is an issue, maybe we can do something, just a grate drain if you will, in front of here, and we can tie it in and discharge it to the east. That is something I have spoke with my client about, which I can look a little further into that and discuss it with Dave Lindsay and the Town Engineer, as well.

To continue on with Number 4, the recommendation of Lu Engineering, they are recommending relocating the pole barn to the northeast parking lot. You know, we did discuss that, why we're choosing this location. You know, Chili Ave. being more of the main drag, we wanted to kind of set it off the road a little bit so we weren't looking to move the location to the east parking lot.

DAVID LINDSAY: If I can interrupt for just a second. I'm sorry. That is not the northeast parking lot, but northeast of the parking lot where you're showing it.

KAREN COX: Where the --

DAVID LINDSAY: Around -- just around the corner basically on that same parking lot.

JAMES MARTIN: About a 90 degree shift or something?

DAVID LINDSAY: Yes.

JAMES MARTIN: Something to take a look at.

JOHN NOWICKI: Again, is that going to the sanctuary?

MR. FITZGERALD: It interferes with the sanctuary. Quite frankly, that was my suggestion to the Church, but they wanted to keep that for possible expansion. This isn't going to be an easily moveable structure. It is pretty permanent. I don't want to skip over that one and take it too lightly.

They are kind of set in that location. I think to appease the Town Engineer and Dave Lindsay, if we do a trench drain and intercept that water before it gets there, that may take care of that concern.

Number 5 addresses that again, the drainage, how we're going to intercept that water, and I think we'll do some type of trench drain and intercept it. Again, we do have it higher, but there is a little bit of water with that location.

Okay. Moving on, it's all falling into place. They're recommending tying into some type of

interceptor system and tying into the proposed drain that we have.

If I can approach the Board again. We're proposing a 4 inch pipe here (indicating) that is kind of a lower area, if you will, and there is some water that is shedding off the parking lot so we want to intercept that and dry things up, and we could just tie, just T into that with our new -- with our new French drain.

Number 7, they're requesting that we submit elevation details of the proposed sign, for installation of a sign. That is one that I did catch from the other letter, and I do have it on that plan. It is just, you know, the typical 2 x 2, and then it will have brick. It will be a brick facade, concrete cap.

Again, that was discussed at the Zoning Board of Appeals. They're having problems with people knowing where this entryway was so people are cruising by, and it is not really delineated and not set up and nothing shows where it is. So they originally talked about putting two angled signs on either side of it.

So at that point, we went back and forth, and the Zoning Board did not like that idea, and actually it was Mr. Cross that made a recommendation at the Zoning Board to maybe do some pillars to show where the entryway is. The Church bought into that, and so that is why they're proposing that.

So again, approximately 4 feet high, concrete cap, brick enclosure. I think there was talk to maybe put some lettering, or maybe at least an address on it, as well.

Number 8 is requesting lighting contours to be shown on the site plan. We -- the other letter said to show cut sheets of the lighting fixtures, which I do have, but we can certainly add lighting contours around the new lighting. We have those picked out. Going to be obviously very similar to what is on site right now.

Number 9, moving on, our proposed French drain, they're looking for a little more cover on that, so we'll push that down. We'll have to extend it out further to daylight it, but we can get more cover on it. The concern being with frost heave. So we can lower that.

Number 10, DPW is requesting a 10 foot wide sidewalk easement to be provided along Chili Ave., as well as I believe down Beaver Road. I do recall when this was originally approved, working with Joe Carr, that that was the intent, some day, to extend those -- the sidewalks. I do now see that they're actually being extended to our eastern property line. Speaking with the Church that -- I'm sure that is something we can work out with the Town granting that easement.

JAMES MARTIN: Well, it will be a condition of approval.

MR. FITZGERALD: Okay.

And that is not new to us either. Dave Lindsay did approach my client on that, so they're aware that was coming.

JAMES MARTIN: I think 11, 12, 13 and 14 are pretty standard boiler plate stuff, so I -- you know, you addressed the technical issues at this point.

MR. FITZGERALD: There are 14 comments. Sounds like a lot, but I think -- I think with the drainage and just making sure that pole barn isn't going to be flooded out, and I think we can take care of that pretty easily.

PAUL WANZENRIED: Have we -- has the AAC seen the pole barn, the Architectural Advisory Committee?

JAMES MARTIN: Um, I believe Restricted Business comes under your purview.

MARK MERRY: I believe it does. I -- I have no knowledge of having seen this application.

JAMES MARTIN: You have not been before the Architectural --

MR. FITZGERALD: No. We weren't aware they had to review that.

JAMES MARTIN: You have to do that.

PAUL WANZENRIED: Are you proposing any landscaping around the pole barn?

MR. FITZGERALD: The landscaping we're showing at this point is for our signs, the sign on Beaver Road. That is this detail here (indicating). Planting bed, mulch, as well as for our sign, this location off Chili Ave. Lower shrubs, to just kind of accent the sign itself. Then we are also proposing this bank of landscaping as well as another bank of landscaping here (indicating).

With that said, that is what we're committing to on the site plan. Everyone probably travels by the church, and they keep their project up pretty nicely, and they have a guy that kind of takes on the landscaping as a hobby, so they do have other planting areas. For in this -- this area where the ramping is, they do a lot of nice accents there.

Probably something very similar to that will take place along the western side of the barn. We're just looking at larger caliper, and we had quite a bit as it was, so to commit at this point, we want to give the Board enough, but just to let you know, there will probably be even more landscaping provided.

JAMES MARTIN: I will not steal Pat (Tindale)'s thunder because she has a comment from the Conservation Board regarding this application, so I will wait for Pat (Tindale) to bring that up.

PAUL WANZENRIED: Now you're putting this -- it is my understanding you're putting this pole barn where your snow storage was; is that correct? That is your current snow storage location?

MR. FITZGERALD: Well, it is downhill.

PAUL WANZENRIED: Number 4 of the engineer --

MR. FITZGERALD: I guess, in general, there may have been some -- Gunther

(Brunhuber), could you help me with that one, as far as operation, typically where is the know being stored.

MR. BRUNHUBER: It is stored both to the south there and to the east, we would just -- for the owner that is on the property now.

MR. FITZGERALD: Gunther (Brunhuber), could you give your name for the record?

JAMES MARTIN: Could you give your name for the record, please?

MR. BRUNHUBER: Currently, without this, obviously, the snow -- and over here, it is pushed over here (indicating). With this in mind, we would still push down in here (indicating) and we would push over to this side here (indicating).

JAMES MARTIN: For the record, your name, please.

MR. BRUNHUBER: Gunther Brunhuber, Church Administrator, for Calvary Assembly. So I think we definitely have plans to work around that.

We have had great discussions about the drainage here with Rob (Fitzgerald), so we want to raise that up for any -- we want -- accessibility is really one of the issues, to make sure we can access it during the snowstorms and get in and get out, but again, as well as to remove the snow in a -- in -- you know, in an adequate fashion to have it available for Wednesday nights and Sundays.

JAMES MARTIN: Thank you.

PAUL WANZENRIED: Plow still sits outside?

MR. FITZGERALD: Excuse me.

PAUL WANZENRIED: The plow itself, is that still going to sit outside?

MR. FITZGERALD: The intent is this structure would house the plow.

MR. BRUNHUBER: Yes. That's one of the main reasons. We want to get it off the property.

KAREN COX: I just was -- you know, I had a question about the material of the pole barn. So I guess that -- is it wood, metal, frame?

UNIDENTIFIED SPEAKER: Wood frame and steel siding.

KAREN COX: I guess they have to go in front of the AAC.

JOHN NOWICKI: That will be critical for the neighbors across the street.

JOHN HELLABY: Non-heated? Minimal electrical type?

MR. FITZGERALD: Definitely electrical just so -- for safety reasons.

JOHN HELLABY: But non-heated, correct?

MR. FITZGERALD: No heat.

MR. BRUNHUBER: Just lighting, and the loader is a diesel, so it needs to be plugged in.

JOHN NOWICKI: I'm just looking forward to the architectural details of the pole barn and also the landscaping plans that Pat (Tindale) will be reviewing. I think they're critical at this point.

DAVID CROSS: Question. You're showing additional parking. Will you be striping out additional handicapped spaces closer to the building? I just hadn't seen that addressed.

MR. FITZGERALD: That's a great question. That's a great question. I will have to address that, because we do have more handicapped spots. Of course, we need 1 per 21 or 25, so we will probably have to add a couple parking spots by the building.

DAVID CROSS: Just out of curiosity, does the applicant have any ideas that they would want to put the sidewalk in at any time in the near future? It would be a great benefit to the Town, I think. There is sidewalk going to be up to the east property line. I know we can require an easement, but I don't know if we can require a sidewalk. But does the applicant have any thoughts on that?

PASTOR REEVES: We had originally been in discussion with that when we first built the building.

There had been talk about that at that time. That was part of our plans at that time. So we have no difficulty agreeing to an easement for the sidewalk along with the approval -- along with this approval.

DAVID CROSS: What about actual installation of the sidewalk; is that something you would be amenable to?

PASTOR REEVES: We would be amenable, too, but we would just request that work hours not block our Sunday or Wednesday evening services, but otherwise we would have no problems.

DAVID CROSS: Would the applicant -- the question I'm asking is, would the applicant be willing to pay for the sidewalk installation?

PASTOR REEVES: No. If -- if that is the question you're asking, the answer is no.

DAVID CROSS: Okay.

KAREN COX: I didn't think he understood what you were asking.

THERESA REILLY: Materials question, what is the base of the pole barn?

MR. FITZGERALD: Concrete.

THERESA REILLY: So it will be an entire slab, so there wouldn't be any issue with any drainage or leakage with the nature of the equipment you're storing in there? It is all separated from the runoff we're talking about from the parking lot?

MR. FITZGERALD: Correct. So there won't be an internal drain, so we won't be doing a grease trap or anything like that.

THERESA REILLY: Any storage of fuel or anything like that there?

MR. FITZGERALD: Gunther (Brunhuber), any storage of fuel?

MR. BRUNHUBER: Yes, there will be for the lawn mowers.

THERESA REILLY: Quantity?

MR. BRUNHUBER: Five gallons, ten gallons at most.

PAUL WANZENRIED: I have to go back to the plow question. I'm not talking the tractor itself. I'm talking the blade. It is a rather wide blade, 20 feet, 19 feet. You're putting that inside the building?

MR. BRUNHUBER: That's our plan.

PAUL WANZENRIED: Okay. Just making sure we're on the same thing. Great.

PAT TINDALE: I have to comment, don't I?

Number 1, we didn't get a checklist. We usually table a project when we don't get a checklist. I didn't receive that. So I need that from you.

We need to know the dimensions of the pole barn to try to decide plantings around it. You don't give the height, and that really would influence us for trying to do landscaping around that. The landscaping you show here are all under size. The evergreens have to be 6 to 7 foot in height. You know, the -- like the red -- well, shouldn't say yes. White Spruce would have to be 6 to 7 foot, and the evergreen plantings that you show here, the Mugo pine and Junipers, you have 2 inches. They have to be 24 inches. Maybe it is just a typo. I'm not sure what it is, but you need to be 24 inches for the shrub type evergreens and 6 to 7 for the tall evergreens.

MR. FITZGERALD: I'm sure it was supposed to be 2 feet, not 2 inches.

PAT TINDALE: Yes, it shows 2 inches, plus or minus.

And another question, the snow storage, I couldn't really tell where it is going, but it is not going to be going where you're putting in new plantings, is it, by the trees and stuff?

MR. FITZGERALD: No. It's not.

PAT TINDALE: Okay. That's it, but I need revised prints, three prints from you and a checklist, please.

MR. FITZGERALD: Okay.

JAMES MARTIN: Basically, Pat (Tindale), I have set up here if this goes forward, applicant to go before the --

PAT TINDALE: Pardon? I didn't hear you.

JAMES MARTIN: I'm sorry. I said if this goes forward, as a condition of approval, applicant to formally apply to Conservation Board for approval of landscaping plans.

PAT TINDALE: Yes, correct.

JAMES MARTIN: Mark (Merry), you're going to get this to review?

MARK MERRY: Yes. That is my understanding. Thank you.

JAMES MARTIN: When is your next meeting?

MARK MERRY: It's the fourth Wednesday of every month.

JAMES MARTIN: Fourth Wednesday of every month.

KAREN COX: Next week, the week after.

JAMES MARTIN: Fourth Wednesday of April will be the 27th.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: My only comment would be that I believe the eventual success of this project and the way it is going to look on one of our major intersections is going to be in the hands of the Conservation Board and the Architectural Advisory Committee, because those two committees are going to have this on their shoulders, if you will, because their decisions will be critical to the outcome here.

I think, I hope at least, that the people in Chili and the various Boards have learned their lesson on storage buildings from the one that was allowed to be put up at our Father's House on Archer Road. I don't believe there is anybody in Town who is satisfied with that result. Let's learn from our mistakes and let's not have another one like it.

Thank you.

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.

JAMES MARTIN: I will go through conditions, and then I will have a comment about final approval on this.

James Martin reviewed the proposed conditions of approval.

PAT TINDALE: Mr. Chairman, can you request the checklist for the Conservation Board also?

Thank you.

JAMES MARTIN: That is part of the formal application, isn't it?

PAT TINDALE: Yes.

JAMES MARTIN: So Rob (Fitzgerald), checklist along with landscape plans. You know -- you know that, right?

MR. FITZGERALD: I have it. I didn't realize being the pole barn I had to go to either one of those Boards, but we'll certainly take care of it this month.

JAMES MARTIN: As far as final goes, there are too many "I"s to be dotted at this point, I think, to go ahead and waive final at tonight's meeting as far as this application --

JOHN NOWICKI: They have paid.

JAMES MARTIN: They have paid their fee, but I don't see us granting final on it.

KAREN COX: No, not with the drainage issues.

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

1. All conditions imposed by this Board as part of previous approvals remain in effect.
2. Applicant shall submit building design to the Architectural Advisory Committee. The building design is subject to the review and approval of the Architectural Advisory Committee.
3. The applicant shall make a formal application to the Conservation Board for approval of landscape plans prepared by a licensed landscape architect. The landscape plans are subject to the review and approval of the Conservation Board.
4. The applicant shall comply with all on site handicap parking requirements.
5. The applicant shall provide a 10 foot sidewalk easement to the Town of Chili. Easement shall run parallel to the Chili Avenue right of way and is to extend from the eastern property line, along the north frontage of the parcel to the intersection of the Chili Avenue and Beaver Road right of ways. The Town also requests that the applicant enter into discussion with the Commissioner of Public Works regarding an additional easement along the Beaver Road right of way.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Final approval by the Town Engineer and Commissioner of Public Works is required.

There was a recess in the meeting.

4. Application of CBL, LLC owner; 3173 Chili Avenue, Rochester, New York, 14624 for preliminary subdivision approval to combine two lots into one lot to be known as 3209 Chili Avenue Subdivision at properties located at 3209 and 3219 Chili Avenue in GB zone.
5. Application of CBL, LLC owner; 3173 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for a change of use to convert two-story building to a one-story building for retail/office space, including a 1685 square foot addition at property located at 3209 and 3219 Chili Avenue in GB zone.

Rob Fitzgerald was present to represent the applications.

MR. FITZGERALD: Hello. Rob Fitzgerald, Razak Associates, representing Bob Fallone. I was before this Board two months ago to talk informally or on a conceptual basis about this project.

Since then we considered the Board's comments, made some changes that we thought we could work into the plan. I want to start off saying we did appear in front of the landscape Board -- Conservation Board on this project -- they had some minor changes -- as well as in front of the Architectural Review Board for this project, as well coming before this meeting tonight.

To recap, because it was not a Public Hearing, we are proposing the existing front of the building -- first off, the building will have a whole new facade as well as a new hipped roof. Right now it is a flat roof. There is a second story. The second story actually will stay. It will not be used, but it will -- it will pull up the height of the building to give it a nice view as a store front. But again, we'll not be using the second story.

JAMES MARTIN: Do you have copies of the elevation?

MR. FITZGERALD: Yes.

JAMES MARTIN: Would you post those, please?

MR. FITZGERALD: Yes, one second. I believe the Board should have this as part of the application, as well (indicating).

Again, we are proposing to use the front, the first story of the existing structure. It is a kind

of a unique base with a large basement, I believe, 14 or 15 courses. So what we want to do is utilize that space, as well, and with that, we're proposing an addition to the back of the building so there would be a walk-out scenario, if you will. So we would be using the basement, but we can still have handicapped accessibility by access to the rear.

Some of the improvements we want to make to the site is if you look at the front of the building, presently, in addition to completely revamping the structure itself, we want to add landscaping to the front of the building, about 5 or 6 feet out, put a sidewalk another 5 or 6 feet out and then presently asphalt that goes from the west property line to the east property line. I think we're creating a 12 foot grass buffer, if you will, on either side of the property line. We're adding some trees, as well as just some greenery, green space. We want to stick with deciduous trees because it will have a little higher canopy, so we can push snow under them, as well.

So again, we'll have 12 feet on either side where we're pushing snow. As far as the back of the building, um, again, we have quite a bit of square footage, so we need all of the parking spots that we can get. So as you may see, we did change this layout a little bit. What we did is we opened up this area here (indicating), between our parking lot and the existing Kwik Fill. We have put some trees as well as a rain garden. So that will act to help slow down the water that is going to the south as well as that. We didn't label it on the plans, but that will be the bulk of our snow storage. When snow melts, it is a depressed area. There can be a little bit of ponding there, and there will be a relief port out the back, if you will.

The whole parcel is .9 acres, so we're obviously disturbing -- with the existing building and existing parking up front, we're disturbing less than an acre, but we're still taking care of mitigating water quality and quantity. I will just stay at the board, I'm sorry. I will point out a couple other features.

Another issue was the bulk of the parking was in the rear of the building. You know, can somehow we access and get people around, whether it is just workers and not necessarily clientele. So we did extend the sidewalk almost from our western property line in the rear, all of the way to feed the back addition, and we continued around, and we do have two areas where we have six steps that we can tie in towards the front of the building. So we do have that -- at least for employees.

Is it going to be super inviting? Obviously, you know, with the clientele that -- ideally we're going to park in the front parking lot. But if there is no room for employees, we can push them back. We can maybe even designate this area for employee parking just to open up some of the good spots, if you will.

Another item that we did look at that was brought up is possibly doing away with the front parking, and/or putting the building addition in the front of the building. Um, we went back and forth on that. That is why we actually took a couple months to kind of digest your comments.

Two issues we have with that is, you people are really looking for the front parking. If you're talking cell phone operations, things like that, if it is a restaurant or something that could go in the back, because it would be word of mouth -- I don't want to say more flashy, but they really like to have that front parking, some of the feedback we got from one of the vendors.

The other thing is, with the setback, um, setback in this area is actually proposed 75 feet, and there is a clause in the code, if you will, 75 feet or the average of the two buildings on either side of you. So actually we're closer -- I believe we're around 63 feet, so we're still set back further than the two buildings on either side of us. So anything we would propose in the front as far as building addition would require a front setback variance. Most of those buildings are pushed off the road.

Even going west further, State Farm insurance, at one point they did do a building addition. But we're pretty much in line with where the building is now.

So we did tweak the plans. We had some drainage, and in speaking with Dave Lindsay, as well as the Town Engineer, so I think we made some improvements there. We do have the loop around for the pedestrian traffic. Those are two of the major concerns. We did get some more greenery in the back parking area as well as in the front to help with our snow storage because existing how the site is, even in the front, there really is no room for snow storage at all without losing a parking spot.

That's not to say that could still be the case where we're going to get dumped on a couple times a year where we may lose a parking spot or two. I guess that is part of doing business in Rochester. But we have maximized the parking spots we can, and hopefully we'll keep the snow to a minimum. But with that, I will take any questions the Board may have. We'll go from there.

JAMES MARTIN: Um, I have a little bit of an issue, um -- back on January 6th, there was a letter generated by the Town Engineer, which hopefully you got a copy of that one?

MR. FITZGERALD: January 6th?

JAMES MARTIN: Yep.

MR. FITZGERALD: Okay.

JAMES MARTIN: It did go to Mr. Fallone, as the applicant.

Then there was a second letter generated by Mr. Hanscom on April 7th, 2011 which -- I will get to the right letter here.

MR. FITZGERALD: I did have a chance to --

JAMES MARTIN: Did you get a copy of the letter?

MR. FITZGERALD: I don't have the January 6th letter with me. I did have a chance to meet with Dave Lindsay, as well as the Town Engineer, a sit-down meeting to go over that letter.

JAMES MARTIN: My concern is I go back and look at the January 6th letter, and then I look at the April 7th letter, and I -- you know, there are things that were suggested or

recommended in the January 6th letter on this particular application that I still find basically being questioned in the April 7th letter, all right, and there was three months to react to some of these things, and they still exist.

So I guess from the standpoint of the Town Engineer, my -- I mean, certainly, you know, you -- you put out a letter with several suggestions to them, and then I still see the same things in the second letter that you wrote. So my impression was there wasn't much that happened on several of these things.

MR. FITZGERALD: And I would be more than happy to go through the 12 comments.

JAMES MARTIN: Hang on. I have a question to the Town Engineer at this point.

MIKE HANSCOM: Um, when we met with Rob (Fitzgerald), he -- the concept of the January 6th letter, and the one -- the 7th letter are similar, but they're in different locations. I mean, they redesigned the site plan, so they did -- they did address the comments that were in the January letter.

It is just when they -- like the -- the retaining wall is in a different location than it was, and the comment is slightly different from the January 6th letter. It is not the January letter because it was too close to the property line.

Now that is not the case, but it is just that it is a high wall and we would like to see the detail of it.

And then regarding the being greater than one-on-three slope, that application is in a different location now. It is just a small area of the one corner of the parking lot where it is very steep that he has to address, but it is a different location from where it was previously.

JAMES MARTIN: You asked for a cut sheet on the design of the retaining wall. I didn't see that in the package.

Does that exist?

MR. FITZGERALD: I can go through these 12 comments, if you would like.

JAMES MARTIN: Well, go ahead. I'm just -- I'm just curious, because, you know, that was one thing that was asked for, a cut sheet --

MR. FITZGERALD: I have answers and explanations for that.

JAMES MARTIN: All right. Go ahead.

MR. FITZGERALD: We do have 12 comments. We're talking about the same letter, 12 comments?

JAMES MARTIN: April 7th, right?

MR. FITZGERALD: Yes. Okay. The first one is to show the -- they wanted the front setback on Sheet 4, the utility sheet, so we showed that. It was on survey sheet -- Sheet 1, so we added that to Sheet 4, as well. Number 2 is regarding the erosion control and sediment plan. Um, this -- again, there was an area that did not get changed as far as the grading on the southern side. There is a small area here (indicating) that we had to pull out the grades, and we have since revised that. That is just one that we kind of -- we took care of a couple areas and we missed one, so we just missed each other on that.

Then the third one, part of that second comment, continuing on, is the possibility of -- again, at that southern area of the parking lot, it does drop off in grade and the concern with cars if they could roll off, could we do wheel stops or curbs, and we could do wheel stops so the cars don't roll off.

Part of two again, it's the lengthy one. Um, again, it -- that southern area, which we have made some grade revisions to since we got this letter yesterday, so we did lessen that grade, so it is now a one-on-three slope so we should be able to get that in there without any problem, whatsoever. As far as the infiltration trench goes, before it was approximately a one-on-two slope, so it would be steep and made the water just run off it too fast, but we did lighten that up, that slope.

Another one is moving on -- let's see here. I'm sorry. The -- the recommendation was to -- we had a temporary grading easement on the plan that was generally in this location (indicating), shown on a different sheet than what I have up here. And the comment was to -- can we extend that to our western property line to help ease up this grading. And the answer is yes, we can. And that allowed us to get a much gentler slope and take care of pretty much all of his second comment.

JAMES MARTIN: That is with the Chili Fire Department?

MR. FITZGERALD: Correct.

JAMES MARTIN: Thank you.

MR. FITZGERALD: Okay. Number 3 was a concern of obtaining a temporary construction easement to put in both the driveway as well as the building addition. Um, we kind of disagree on this a little bit. We don't feel that one is necessary, but Mr. Fallone has started conversations with Kwik Fill to get a temporary easement, moving forward.

Number 4 is regarding the structural design. They want it to be done by -- for the retaining wall to be done by a structural engineer. This will be a part of the package from the -- from the building itself and the extension because it will be -- they're going to incorporate that into the architectural plans. So that is why we don't have it on our engineering drawings, because it is a structural component which I don't do, and the architect will take care of that and it will be part of the submission for the building permits.

Number 5, the -- they wanted a little more detail on the rain garden. On some of it, we actually had the detail. We did not cross-reference it from our Sheet 4 utility plan, so we have cross-referenced it and added a couple more details. Simple as far as room elevation, and as well as protecting that, so we do have a detail. Again, it wasn't cross-referenced to the utility plan, but

it was on Sheet 9 of 9.

Those are for both 5 and 6.

Number 7, um, you know, it's a preference from the Town Engineer. They like to see the double row of silt fence. That's something that they want to see in the future, we'll certainly show the double row. We had on there single row. We have no problems doing the double row, as long as there is room to do it.

Number 8, we showed one area for snow storage, but -- but the whole reason to redesign this area is so we could have snow storage in this large depressed area, which is also a rain garden, as well as we did delineate snow -- snow storage in these two areas. So we do feel we greatly improved the plan as far as snow storage goes. It just wasn't depicted on the plan in the area of the rain gardens.

JAMES MARTIN: But based on that, there will be no snow being pushed off site --

MR. FITZGERALD: Correct.

JAMES MARTIN: -- on the neighboring property.

MR. FITZGERALD: Well, the intent -- I can provide areas to put the snow, I guess. I can't control necessarily operation, but yes, we have some areas designated for snow stockpiling at this point.

Number 9 was to provide a cross easement for our neighboring property to the east, a 25 foot wide cross easement, and we have since done that. The location would be since we have permission, if you will, to use their drive and their signal light, we're back giving them permission to use our driveway and our curb cut. So we do have that on our plans now, 25 foot wide to benefit our neighbors to the east, Town & Country, I believe it is.

And then 10, 11, 12 are -- yes, we acknowledge them. So I think the two -- the two main ones that maybe we didn't quite, you know, see eye to eye was the retaining wall which, again, we're passing that onto the architect. Just like he does the foundation design, he will take care of that portion, because it is structural.

And then the second one is with the grading to the south, which I think we made good improvements on that, as well.

Okay.

JAMES MARTIN: Okay.

PAUL WANZENRIED: Why the switch in material, when you get back to the one-story addition? It looks like you're putting a brick veneer water table up front and it wraps around the sides. Why not make the back addition with the brick? The orange area versus the red.

MR. FITZGERALD: It looks like it is a mixture in the back.

PAUL WANZENRIED: Right. I'm asking why.

MR. FITZGERALD: I'm not the architect. I don't know, Bob (Fallone).

MR. FALLONE: Cost is the main reason.

PAUL WANZENRIED: Okay. What is the purpose of the overhead door in the back?

MR. FALLONE: I have a preliminary lease with a computer company for the 5,000 square feet, and that would be just for deliveries. No storage of vehicles.

PAUL WANZENRIED: Deliveries to and from?

MR. FALLONE: Yes.

PAUL WANZENRIED: It would be a van that they own, company van?

MR. FALLONE: No, deliveries like FedEx and UPS.

PAUL WANZENRIED: Okay. So they will operate the whole lower level? That is the intention?

MR. FALLONE: That's preliminary. It is not in concrete yet.

PAUL WANZENRIED: That would seem it would make it kind of tight there, you pulling in, backing out, in that corner there. The drive that you're showing, working around those -- the handicapped space and the parking space. And -- doesn't it appear to be somewhat tight there?

MR. FITZGERALD: It's approximately 14 feet there.

PAUL WANZENRIED: Okay. But if he was to back it in, he is -- where would he rotate the vehicle? Pull it into a parking spot, K-turn it out? How do you propose he would do that?

MR. FALLONE: I don't think -- it's not a dock. So I don't think they will be backing up. It is just that is where they will be storing most of their deliveries and when they bring them out, off site. So I don't think the trucks have to actually back up to the door.

PAUL WANZENRIED: I'm somewhat befuddled then to the purpose of the door.

MR. FITZGERALD: We're looking at it like this would be an extra large parking spot, and then this is the loading -- I don't want to call it a ramp because it is flat, but just a loading sidewalk. So the car wouldn't go all of the way up. It would just go in this oversized parking spot and just wheel out, have another room on either side if they had a wheeled cart or something.

PAUL WANZENRIED: Okay. You stated going to snow storage, up in the front you would push the snow to either side?

MR. FITZGERALD: Right.

PAUL WANZENRIED: Will that affect the landscaping you're showing there?

MR. FITZGERALD: We tried to just to -- that is why we didn't do super heavy landscaping there with just deciduous trees. We're not going to do Arborvitae because they would take up all of the room.

We did something with the tree trunks, spaced about 30 feet apart so there is ample room in between the trunks to put the snow.

PAUL WANZENRIED: Down in the back where are we putting the snow, just in this one

little corner?

MR. FITZGERALD: Yes.

PAUL WANZENRIED: Up in the rain garden?

MR. FITZGERALD: Yes. And the large area is the rain garden. I was a little concerned with it at first.

PAUL WANZENRIED: But you're curbing that one area.

MR. FITZGERALD: This would be curbed so they would have to pop it up over the curb.

PAUL WANZENRIED: Okay. Good luck with that. And pursuant to comments from the AAC, they -- they recommended doing windows to both sides. Again -- I see you added windows to the left side and none to the right.

Any reason why you didn't want to do that?

MR. FITZGERALD: Well, we have windows on this side elevation (indicating). This we're just looking into a --

PAUL WANZENRIED: The back of a Kwik Fill.

MR. FITZGERALD: Yes, an old junky building, if you will.

PAUL WANZENRIED: You're still indicating an awning on the back. What is the awning made of?

MR. FALLONE: They don't want the arch.

MR. FITZGERALD: Bob (Fallone) is saying Architectural Review Board didn't want the awning.

PAUL WANZENRIED: That is what I am reading. That is why I am asking. Are you taking it off then?

MR. FALLONE: Yes.

JAMES MARTIN: Just clarification on the fact that we don't have any architectural features on the -- which would be the west side elevation, I believe, Rob (Fitzgerald), the one with no windows?

MR. FITZGERALD: That's -- I don't want to speak for Bob (Fallone), but this area to me doesn't make any sense at all because we're looking at Kwik Fill, but maybe we have the opportunity in this corner (indicating).

MR. FALLONE: Yes.

JAMES MARTIN: Either Mark (Merry) or Paul (Wanzenried).

MR. FITZGERALD: They won't be full windows by any means. They would be taller (inaudible) windows.

JAMES MARTIN: At one time, you know basically we had a -- in our zoning code we had -- you had to have some sort of architectural detail on four sides of the building. I believe that is what is in our code.

PAUL WANZENRIED: My point would be that elevation we're looking at wouldn't coincide with the grading that he has got here. If you look at his grading plan, there is almost 8 feet halfway back on that lower level. The grade is 8 feet higher than the floor. So you would have a hard time putting anything on that side, other than up on the part of the building that is looking into the back of the Kwik Fill. I mean, we can put windows in. That is what the AAC says to do, put windows in there.

JAMES MARTIN: I believe we have a regulation that says you're supposed to have some sort of architectural feature on all four sides of the building.

JOHN HELLABY: They could be spandrel glass, nothing on the inside, just a dummy window on the outside.

JAMES MARTIN: At least on the major, you know, the large building, closer to Chili Avenue, you know, certainly something there.

MR. FITZGERALD: Is that something we can do, Bob (Fallone)?

MR. FALLONE: Yes.

PAUL WANZENRIED: Did you do any research into taking the walls down on the second floor and putting a roof to the second floor? Any thought on that?

MR. FALLONE: Just expense. Just an added expense. Just to do what we're doing is -- is pretty substantial.

PAUL WANZENRIED: It's pretty tall, too. In comparison to the buildings to the left and to the right going down. Once you add that roof on there, it is substantially taller.

MR. FALLONE: We'll still be under the 34 foot.

PAUL WANZENRIED: I don't debate that. I agree.

KAREN COX: One of my questions is more of a curiosity. Was there -- there was no existing easement for that sanitary sewer route because it says proposed 24 foot side sanitary sewer easement?

MR. FITZGERALD: No. At least we're proposing it.

KAREN COX: That's true. That's true.

The other question I had is more for the Town Engineer. Why are we asking the applicant to get a temporary easement from Kwik Fill? Because they're not going on Kwik Fill's property to build anything from what I can see?

MIKE HANSCOM: Well, for the proposed one-story addition, um, there -- the building is only 5 feet from the property line and they're going down a fairly good amount for their excavation for the footer, and the construction of the building. So my concern is whether or not they're going to be able to excavate that close to the Kwik Fill property without having any -- without having any -- to cut back the bank into the property for safety of the -- of the people --

KAREN COX: Okay. That explains it. If -- if somebody should be looking at that, and

then if you're -- you know, either you will have to sheet it or if you do have to do -- lay back, be on the property line, then you will have to get the easement from Kwik Fill.

MR. FITZGERALD: Like I said, this is where we differ with opinions. I say there are residential houses or commercial buildings that we're digging the hole and we're -- you know, there are lots of subdivisions in the area that have 6 foot side ties from the basement to the property line. So the builder and myself feel that we could do it without the easement. So it is something we're trying to look into to keep the process going and not hit a stumbling block.

KAREN COX: So you will excavate it and do a block foundation right away.

MR. FITZGERALD: Just like any other excavation. Obviously you have a large hole. We're digging here (indicating) and here (indicating). Here is a large hole we're digging towards the property line. Yes, it would be nice to have a one-on-one side slope, but when you dig for a foundation, that is pretty much not the case. It is almost vertical.

JAMES MARTIN: It doesn't make sense to get one just in case --

MR. FITZGERALD: That is kind of what our approach is. Again, working with Kwik Fill and getting someone to commit, as minimal as it sounds, to get someone to sign off on an easement, whether it is temporary or not, typically there is attorneys involved and everything else.

KAREN COX: Okay. It is a little clearer now.

JOHN HELLABY: Little further discussion on that second story inside this thing. It is not inhabitable space, no windows. How are you sealing that off? Because you don't plan on taking the floor structure out.

MR. FITZGERALD: We'll not taking the floor structure out.

Could you go over that Bob (Fallone).

MR. FALLONE: What do you mean, seal it?

JOHN HELLABY: It's non-habitable space, no windows or something I can see up there from that drawing.

MR. FALLONE: Right.

JOHN HELLABY: Usually you can't use non-habitable space for anything, so naturally there can't be a lot of use up there. I mean, there has got to be some way to keep from, you know, creeping up there and a desk showing up there. That is my major concern.

MR. FALLONE: Yes. I mean, we're going to actually seal it off -- I mean it will be plywood over the top. Right now there is only one staircase that goes up from the second floor to the first to the basement. So all those staircases are getting eliminated.

JOHN HELLABY: There will be no access up there.

MR. FALLONE: There will be no way to get up there.

JOHN HELLABY: Is that wood frame or bar joists?

MR. FALLONE: Bar joists and concrete.

JOHN HELLABY: Existing room is a flat roof?

MR. FALLONE: Yes.

JOHN HELLABY: You removing the roof or are you just going to stand the trusses over it?

MR. FALLONE: We're just going right over it.

JOHN NOWICKI: Dave Cross has my questions.

DAVID CROSS: The -- in lieu of a dumpster, you're showing two toters up at the northeast corner of the building.

MR. FITZGERALD: Yes.

DAVID CROSS: Will those be adequate size?

MR. FITZGERALD: For our potential use we have right now, the answer is yes. We have minimal waste.

DAVID CROSS: I will ask my own question.

Sanitary sewage, I don't see a lateral -- I'm assuming out the back to that sewer that you will provide an easement for? Or -- or is there a septic system? That's my other question, because there's an approval block on the front page regarding -- calling for an inspection on the sewage disposal --

MR. FITZGERALD: There is definitely not a sewage disposal system, not that I am aware of. I think we had the Health Department note on there so they could sign off on the subdivision sheet.

DAVID CROSS: I just don't see the existing lateral coming out. If it is coming out the back, you have a building addition over the top of it, and I'm curious of the construction details on that. That's all.

MR. FITZGERALD: That's a good point. I don't think we have that shown on there. The sewer is right there so we can get into it, but I will add that to the plans.

THERESA REILLY: I'm glad to see the sidewalk and the curb cut. That's pretty much it. I'm glad to see the sidewalk and the curb cut. I think it will make usage a lot easier. Other than that, no.

JOHN HELLABY: I do have one other thing, Rob (Fitzgerald). On those two stairwells or stairs that you have in those sidewalks, is it an intent to put a handrail on?

MR. FITZGERALD: Yes. There will be a hand railing -- like a black, um -- it's not the technical term. It's not iron. It is iron looking. Tubing.

DAVID LINDSAY: Just one additional thing. We were noticing over here that you have the pipe discharging from the rain garden onto the Fire Department property there.

MR. FITZGERALD: Uh-huh.

DAVID LINDSAY: 12 inch pipe. We understand it would probably be intermittent, but discussing the -- possibly the need for an easement there for that discharge. It is sort of a low spot, or to create more of a sheet flow from that discharge point.

MR. FITZGERALD: We could definitely do some type of, you know, disperse the water. It -- the catch-22 in all these situations, we want to hurry up and get the water off the site into a designated pond and then with that, you need some type of outlet so now what was sheeting across the property to the south, now we're creating a point of discharge.

So I think we -- it naturally does go there. We're slowing it down, but we should probably do some type of spreader to -- you know, there is another small swale, if you will (indicating), that intercepts. I believe that is shown on the utility plan.

DAVID LINDSAY: I guess our concern is we're taking sheet flow and creating a -- making a point of discharge to a neighboring property. So you want adjust -- spread it out a little or on some page projects even we have asked for an easement, permanent easement to allow you to discharge that there.

PAT TINDALE: We talked with -- about Avery the other day is -- I'm assuming you have the information we need, the checklist, landscape architect plans, a change of plantings. You got that information?

MR. FITZGERALD: I did receive that from Robert Avery, yes.

PAT TINDALE: Listening to the discussion here, I'm questioning more things here. One being the rain garden. We were sort of concerned about that and unless they're maintained through hot dry weather, you're going to lose it. But snow storage, snow storage by the rain garden, is that -- did I hear it was curbed?

MR. FITZGERALD: The northern side is, yes.

PAT TINDALE: Just one side of it?

I was just concerned, because if you want the rain to flow in there, it's --

MR. FITZGERALD: The majority of what is going to go here is what is discharging presently from Kwik Fill, as well as getting our downspouts to tie into it. Then we do have the trench drain to take care of some of the back parking lot.

PAT TINDALE: I'm wondering how the plants will live because you will pick up snow and oil and all of the different stuff from the parking lot.

MR. FITZGERALD: That is kind of the -- that is really the intent of the rain garden, is just for that purpose.

PAT TINDALE: For purpose of what? Not for salt and stuff, right?

MR. FITZGERALD: That's why we have salt-tolerant species in there.

PAT TINDALE: You got wetland species, Red Osier and so forth. I don't think it is too salt-tolerant. Anyway, you also indicate snow storage over here (indicating). But -- the three -- where the two trees are, and I'm just very leery of the plowing with the trees. Especially when they're younger. And a lot of snow built up around the base of them.

MR. FITZGERALD: I agree in that location it is probably not feasible this time of year, for a large amount of snow, so it will probably go to the north.

PAT TINDALE: Down here in the parking lot -- this is not my cup of tea, but you're plowing the parking lot, right? And you got washed stone up here (indicating). This -- okay. This area won't be plowed where the rain gardens, are -- okay, forget my comment. I'm done.

BRAD GROVER: I agree with Paul (Wanzenried) there about with the UPS and FedEx making the deliveries in the back of the building there, it doesn't look like there is enough room for them to turn around. They will drive in and have to back all of the way back around to get out of there. You will need some sort of room in there for them to turn around.

MR. FITZGERALD: I -- I hear Mr. Fallone saying we could just eliminate the door. I'm not -- we could do that. That is an easy solution maybe to make it go away.

KAREN COX: There is still -- I mean, you would still have deliveries, though.

MR. FITZGERALD: Personally, I would like to keep it.

KAREN COX: The door doesn't really -- the door is for the ease of the proposed tenant to be able to, I assume, take stuff in and out on hand trucks. You said it is computer -- probably a computer company.

MR. FALLONE: Again, they're -- it is not a concrete lease yet. Because I have also had a dance studio that was interested in it. If it is a dance studio --

KAREN COX: Then the need for that goes away. But my point is just by eliminating the door, there is still -- if it is a type of business that gets FedEx or UPS deliveries, they're still going to have to put a truck back there. And the truck presumably would pull into a parking spot, make their delivery and back out and go.

MR. FITZGERALD: Typically a -- my understanding is a UPS truck, they won't drive straight first into a spot they can't get out of, so a lot of times they back in. If it's a long driveway, they back in to make sure they can get out.

KAREN COX: Or in this case, they take up a parking spot while they make their delivery and then back it up --

JAMES MARTIN: They will take up three parking spots if they're UPS.

MR. FITZGERALD: If this is available (indicating), they could pull in and back up. And quite frankly, they would never make it that far. They would probably stage there until they run in and do the quick delivery.

KAREN COX: So the door is secondary. Removing the door doesn't remove the possibility that there is going to be a business there that will need deliveries. That's all.

JAMES MARTIN: Just clarification on that, Rob (Fitzgerald). This potential tenant,

would they have a van that they own that they would be using, that they would be parking inside?  
MR. FALLONE: I don't know if the computer company has its own van. I don't know for sure.

MR. FITZGERALD: Well, the question was would the van be parking inside?

MR. FALLONE: Oh, no. It wouldn't park inside.

KAREN COX: It is just the idea of the door so the deliveries can come in --

MR. FITZGERALD: Separate door from the main entrance.

KAREN COX: -- from the main entrance and not be in way of the patrons.

MR. FITZGERALD: And to have a little room to maneuver.

KAREN COX: That makes sense to me.

JAMES MARTIN: Obviously we have addressed, you know, the comments from the Architectural Advisory Committee. I believe you have a copy of their recommendations?

MR. FITZGERALD: Yes. Yes.

JAMES MARTIN: And, you know, I -- having looked at the elevations and looked at their recommendations, I guess from a Board perspective, I really feel that the applicant should come into compliance with their recommendations.

Anything else? I will open it up to public comment at this time.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: The first thing I see, of course, is front parking. And having worked on the Comprehensive Plan 2030 Committee for almost two years and being very familiar with the present Comprehensive Plan, um, you know, front parking is not something that we want to cultivate. I thought Mr. Cross would bring that up himself. He is also a member of the Committee.

We talk about having rear parking, and yet every time it comes up, it is just, "Well, we're going to let one more go by."

When are we not going to just allow one more? When are we going to begin to really focus on what we want Chili Center to look like?

You just reach a point when you -- when you just make so many exceptions that after a while, the rule is meaningless and you're getting further and further away from your goal.

I don't like front parking. I can't see where that is going to be adequate for two stores, two retail establishments on the main floor, in the front building, and then you want to take a couple of them and use them for, I guess, snow. How can that ever be adequate to begin with?

I have seen some tight parking allowed in Chili, but this just gets a blue ribbon. This beats all. Two stores and that many spots, what are there? 13, 12? How many are there? That's pathetic. That's really pathetic.

How are we ever going to make Chili Center look like anything when we even entertain a plan like this? This is -- the suggestion has been made and is being entertained to have a committee going forward to just study Chili Center and come up with a workable plan. We're immediately throwing a monkey wrench right into the works because we're starting out with a new building, a revamped building that runs contrary to everything that the planners have envisioned. This is a dysfunctional plan from end to end. It's just dysfunctional.

When I hear cost is the reason we can't have a better plan, it annoys me to no end. Cost is not your worry up there. Should never have been your worry. What we have in the heart of Chili Center should be your worry. And this coming in and just looking at an individual architectural plan or an engineer's drawing, you know, that's all right as far as it goes. You have to do that, but your -- your function as a Planning Board should be to plan. Plan. Not that building, but what the community is going to look like when you get done.

This patch work business is not going to get us where we want to go for Chili Center. This vision is something if we keep allowing buildings like this to go up, we might just as well scrap right now and be satisfied with the hodgepodge we have there now because we're going to keep right on getting it. Even with a new building, we don't improve. It's not right.

And to get back to snow storage, how you would push snow up a curb and get it into that rain garden or whatever he wanted to call it. That's the most ridiculous thought I have ever heard of. Think about that. You have all that snow from all that area up there and you're going to push it up over a curb? I mean, get real. That isn't even practical.

As far as the windows go on the west side, true there is a building there now that is -- that is not much of a credit to Chili Center, but, you know, that won't always be there. And if you allow this building to go up with no windows on that side, the day there is something else there, you're going to have a blank wall. So I suggest you get windows, plan on windows now. You're going to want them there some day and you can't, you know, second guess.

That is what is wrong now. Everybody says, "Well, how did that ever happen in Chili Center?" You know, talking about various things. "How did that ever happen?" "How is that ever allowed?" It is allowed a piece at a time, just like this. A piece and another piece and another piece and pretty soon you haven't got anything.

This is a very dysfunctional building. It is a dysfunctional floor plan. It's -- how in the world you're going to direct traffic into a driveway that is down the street from the building you're going to want to enter from the back is beyond me.

In this Town we have said the Zoning Board has wanted building signs -- address signs on all of the new signs that went up and that makes good sense. What are you going to do now?

When you get to put a sign up at that entrance, it's going to have a street number that doesn't fit the other street numbers because the building it pertains to is going to be down the road. The numbers aren't even going to be in order. What kind of a mess is this for the middle of our main -- our main center of attention here? This is why we're trying to make this better. We make it better one piece at a time. This is not a piece.

There is so many things wrong with this. You better rethink this. It just plain doesn't work for what the future of Chili is supposed to be.

JAMES MARTIN: Thank you.

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: I guess a couple of comments. Certainly what we have there now is a major eyesore in the Town. There is no question about that.

We have been hoping for something to go in there for a long period of time. We finally have a plan in front of us to get rid of an eyesore.

As far as front parking goes, Keith (O'Toole), I mean, they're already allowed front parking from previous construction on that site.

KEITH O'TOOLE: That is my understanding, yes.

JAMES MARTIN: So it's already been grandfathered in essentially.

I agree it is a very tight site. There are a lot of issues.

So discussion on the Board?

DAVID CROSS: Well, I will respond. You know, unfortunately, we don't have the -- the adopted Master Plan that does address a lot of the front parking along Chili -- particularly the Chili Avenue corridor. So I guess that is where I am going to be at tonight.

JAMES MARTIN: It would be nice if we could do something, but obviously it is already permitted. Other discussion issues around this application?

KAREN COX: I just would -- I think the applicant said that he would be amenable to putting -- I guess you would call them false windows or facade windows on that west side of the building; is that correct?

MR. FALLONE: Yes.

KAREN COX: Did I hear that?

MR. FITZGERALD: Correct.

KAREN COX: So that there will be -- it will look like windows, but -- so for the traveling public or the people that see the building, it will look better than just a blank wall would look. I just wanted to be sure we put that in the record.

JAMES MARTIN: I have -- if this goes forward, I do have a condition that the applicant comply with all of the Architectural Advisory Committee recommendations.

KAREN COX: Obviously we don't want a blank wall there. That's the way it is shown right now on the renderings.

THERESA REILLY: I would have a concern with something that has such high traffic volume as a dance studio where the traffic is moving in and out in mass every hour. That is quite a different use than from a computer store with much lower volume of traffic, and that is something else that should be considered in evaluating tenants. I would hope that is something that would be taken into consideration.

JAMES MARTIN: I think having the curb cut would allow access over to the Town & Country to get to that light is a --

THERESA REILLY: Very helpful.

JAMES MARTIN: -- is a benefit.

As far as signage goes, um, the business that is potentially to go into the lower level, how would they be identified? How would the signage be dealt with from that aspect?

MR. FALLONE: I would -- I figured a monument sign. At the entrance. I don't think they're going to really need signage on the back of the building.

JAMES MARTIN: That would be to the west of Kwik Fill where your driveway comes in.

MR. FALLONE: Yes.

MR. FITZGERALD: As far as the address, too, they could have two different addresses. There are two different parcels now -- I'm not sure what addresses they have been assigned, but being two different parcels, they probably have two different addresses and the back pad will have a different address than the front.

Just backing up, it's -- is everything perfect? Would we love to have Kwik Fill and be able to demolish that and have extra land and extra room for parking? There is lots of stuff we would like to have. When it comes down to it, we have a U-shaped parcel. I have a client that was -- had a vision of how to use the basement to actually get this project so it is a building that is not vacant. I have been here for 15 years, and I think it has been vacant 10 of those years, and before that I think it was vacant. So I think he is doing vast improvements to probably the junkiest building in the area, as well as a whole new facade, hip roof, greenery in the front, greenery in the back.

But I think it has sat vacant so long because nobody financially could make it work. I think Mr. Fallone has found a way to make it work, with putting a lot of money into the property. So I think it will be a huge benefit to the area.

You know, could we knock off parking on a couple of spots, but -- but that doesn't help business any, so we have to maximize the parking we have, and I think this plan illustrates that, what we have to work with.

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

JAMES MARTIN: They have paid their fee for preliminary, but I think there is some outstanding issues that really need to be addressed. From an engineering standpoint, there are still a few things I think you need to get together with the Town Engineer and with David Lindsay to address.

You know, we have some easement issues, temporary easement issues, applicant needs to obtain final approval from the Conservation Board.

So at this point in time, I will entertain whether or not we waive final on this application.

What is the feeling of the Board? "Yes" or "no"?

DAVID CROSS: I think coming back would be reasonable.

JAMES MARTIN: Okay. So we'll not waive final tonight.

You have paid the fee, but I think finish getting those "T"s crossed and "I"s dotted, assuming this goes forward.

MR. FITZGERALD: How does that affect you, Bob (Fallone)?

I know he has commitments that are trying to push in.

MR. FALLONE: Could we start doing the facade?

JAMES MARTIN: Well, you certainly could make it --

MR. FITZGERALD: With preliminary approval is there any -- could that kick-start any work on the building?

JAMES MARTIN: David (Lindsay)?

KEITH O'TOOLE: I don't see frankly how they could commence construction on this thing unless he had final approval. If the Board is comfortable, you could give final approval subject to Town Engineer's approval, Town Highway Superintendent approval and so on and do it that way. That would allow them to deal with those issues administratively. But in the absence of final approval, there is no legal accord for them to start construction.

JAMES MARTIN: Certainly one of the conditions, if this goes forward, is that final approval by Town Engineer, Commissioner of Public Works is required for all of the engineering details. If we -- if we waive final approval pending, you know, Town Engineer and Commissioner of Public Works approval, that would be okay with me.

JOHN NOWICKI: It is always subject to. Absolutely. Yes. Subject to.

JAMES MARTIN: Final approval subject to approval, final approval by Town Engineer and Commissioner of Public Works.

KAREN COX: Okay.

JAMES MARTIN: All right. I will so note that in the -- on the letter that is generated on this project.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: On the application itself, waiving final, subject to Town Engineer and Commissioner of Public Works approval:

DECISION ON APPLICATION #4: Unanimously approved by a vote of 7 yes with the following conditions:

1. The applicant shall comply with all recommendations from the Architectural Advisory Committee.
2. The applicant shall obtain final approval of landscape plans from the Conservation Board.
3. The applicant shall obtain a temporary construction easement from the Kwik Fill Service Station on west side of the property.
4. The waiver of final approval is subject to the approval of the Town Engineer and Commissioner of Public Works. Included are all site design aspects as well as previously stated conditions of preliminary approval.

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

JAMES MARTIN: Time out. Come back. All right. The first vote was on the application for the subdivision. Now we need to vote on the revised -- on the site plan. Okay. On the site plan -- thank you for reminding me. On the site plan itself with the same conditions.

DECISION ON APPLICATION #5: Unanimously approved by a vote of 7 yes with the following conditions:

1. The applicant shall comply with all recommendations from the Architectural Advisory Committee.
2. The applicant shall obtain final approval of landscape plans from the Conservation Board.
3. The applicant shall obtain a temporary construction easement from the Kwik Fill Service Station on west side of the property.
4. The waiver of final approval is subject to the approval of the Town Engineer and Commissioner of Public Works. Included are all site design aspects as well as previously stated conditions of preliminary approval.

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

David Cross left the meeting.

INFORMAL:

1. Application of Piero Gatti, The Clubhouse at Chili Country Club, 328 Fisher Road, Rochester, New York 14624 for revised site plan approval for exterior renovations including an addition to existing deck and a 7' x 6'6" vestibule at property located at 760 Chili Scottsville Road in AC and FPO zone.

Piero Gatti was present to represent the application.

MR. GATTI: Good evening. My name is Piero Gatti, and I'm the applicant and owner of the clubhouse at Chili Country Club.

Um, for the past couple of months I have been working on the inside of the clubhouse, and I purposely delayed trying to get the permit to do the outside work because of the timing with the golf season opening and I didn't want to influence getting completed on time, because there is a series of work I would like to do to the outside and improve it as well as I have done with the inside.

The major repair I would like to do is the patio. I have included some drawings and some photos of the area. It's presently a series of layers of concrete that need to be replaced.

In addition to that, um, I would like to place a vestibule where indicated on some of these drawings, which is adjacent to this patio, and I would like to incorporate, enlarge the patio in order to be able to use the entrance correctly.

So I would like to do both of those at the same time, mainly because as you can see on some of these drawings, there is a major slope from where the patio starts now to where the entrance is going to be of 14 inches. The only way to get rid of that is to get rid of all of this deteriorated concrete and start from scratch and take care of it that way.

Um, the third item I was asking for is to be able to enlarge the present deck. Trying to meet an occupancy code, I was asked to close off a door that the golfers were using to go from the dining area to the -- to the -- to the deck. Trying to meet occupancy code, we need to close that off.

We now plan to be able to serve people making a turn through a window we placed there rather than having a door. By -- by the present deck being closed off, it's really hard to be able to serve these people correctly. So I would like to extend it to the end of the building and place some steps there so that they will be able to come up existing steps, walk on to the deck and be able to pick up their lunch.

Those are the three items that I am asking for, and if there are any questions, I'm ready to answer them.

JAMES MARTIN: I think one of the reasons we wanted to have you here tonight is so basically the Board could have an understanding what you're trying to do with the building over there. This, I guess, rises to the level of a change in site plan, you know, the Board would need to formally address.

So at this point, given what we have in front of us, I will ask the Board to take a look at this and any question, comments, to see if this does rise to the level of something that we would want to hear as a site plan application.

Paul (Wanzenried)?

PAUL WANZENRIED: No.

KAREN COX: No.

JOHN HELLABY: I don't think it does either.

JOHN NOWICKI: No.

THERESA REILLY: No.

JAMES MARTIN: Okay. All right. Given that then, I -- I know there is at least one issue that Mr. Lindsay has already brought to my attention that you started the deck work without no permit, which needs to be taken care of.

MR. GATTI: That's not my end.

DAVID LINDSAY: There is a deck being constructed on the property.

MR. GATTI: I was just made aware of that, but --

DAVID LINDSAY: There has been a stop work order issued. We need you to come in and fill out a permit application for that or the property owner.

MR. GATTI: We're in a different business. We're running the clubhouse, which is the building adjacent to the pro shop. The pro shop is where I just found out that they were doing this work. That's being run by the Country Club.

JAMES MARTIN: Okay. Two separate entities.

MR. GATTI: Two different companies.

JAMES MARTIN: Mr. Pompa (phonetic) is doing the deck.

MR. GATTI: Mr. Pompa just got back from Florida.

DAVID LINDSAY: I will check with the Building Inspector tomorrow and we'll clear that up.

JAMES MARTIN: So obviously then this project does not rise to the level of necessitating site plan review; however, certainly all of the permits, anything that you require in order to do this will be subject to obviously Building Inspector evaluations on, you know -- we certainly appreciate, you know, perhaps improving this situation. You know, this has existed over there for a long period of time. That facility, I think, has a lot of potential if it can be brought up to snuff so that --

MR. GATTI: I agree.

JAMES MARTIN: So people will use it and take advantage of it. So given that, I guess you're free to go and no site plan review according to the Board. They have all stated their opinion and good luck with your venture over there, and we so appreciate your patience with us tonight, but I just wanted to be sure the Board knew what was happening and nobody felt we needed to go further with this particular issue.

JOHN NOWICKI: He will have drawings submitted to the Building Department.

JAMES MARTIN: Yes. We have to do that.

JOHN NOWICKI: That will meet the building code so that they're structurally safe and sound.

JAMES MARTIN: Okay. Thank you.

The meeting was adjourned at 9:50 p.m.