

CHILI PLANNING BOARD  
April 8, 2014

A meeting of the Chili Planning Board was held on April 8, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson John Hellaby.

PRESENT: Paul Bloser, Karen Cox, David Cross, John Nowicki, Paul Wanzenried and Vice Chairperson John Hellaby. Jim Martin was excused.

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

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

PUBLIC HEARINGS:

1. Application of JFJ Holdings LLC, 280 Merrimack Street, Methuen, MA 01844 for preliminary site plan approval to convert existing building (bank) to a restaurant and retail store at property located at 3249 Union Street in GB zone.

Brian Bouchard was present to represent the application.

MR. BOUCHARD: Thank you, Mr. Chairman. Brian Bouchard with CHA Consulting. We're the engineer working on behalf of the applicant for this project.

The site, as you mentioned, is located at 3249 Union Street in the colored site plan that is up on the board there. Town Plaza would be directly to the left. Union Street is shown right in the center of the page. The entrance to the plaza is just to the bottom of the page, and to give you a little general direction, the drugstore is located right on the corner there to the bottom of the page of Union and Route 33. This is an existing out parcel within Town Plaza. It's -- its own property. Formerly the bank with the drive-thru canopy.

As you mentioned, it is in the GB, General Business District. We would be proposing to demolish a portion of the building which would be the drive-thru canopy that the bank used to operate and renovate the remainder of the building into a Dunkin' Donuts drive-thru restaurant with attached retail space.

Also on the site plan, as we discussed before, is a one-way lane out front for the existing bank to still have an ATM kiosk on the site. The changes that we reviewed at the last meeting a few months ago, this -- this project, as you remember, guys saw it last -- last year, almost a year ago at this point and at the last meeting we discussed some of the major changes that were made to the site plan, which included reducing the number of parking spaces to fit as much green space in the front as we could.

We also rearranged that ATM kiosk entrance in the way it is configured to avoid some of the traffic conflicts that were there before and also where the drive-thrus for the Dunkin' Donuts come in we rearranged the dumpster there to try to avoid a lot of the traffic conflicts there, as well.

Since the last meeting we've shown a couple of smaller -- smaller changes. If you notice, the last plan that we talked about had the ATM coming this way (indicating). It really didn't make a difference to the bank. It functions better this way that we show it on the plan now. We come in the plaza, make the immediate right-hand turn to make the one-way in the opposite direction now. The reason for that was at the request of the bank, because the ATM would, you know, be facing east as opposed to west, so the wind coming from the west, they have issues with like the snow and ice and things. It functions better for them this way and probably functions better for the site because if you come in, you visit the ATM and go around the back of the building without having to traverse the site. So we reversed the direction of the ATM there.

The latest plans also had the lighting plan. We also included the dumpster detail in that set of plans as requested from the comment letter from Lu Engineering. We also showed the snow storage areas on site.

At the request of the Board, we made two changes. One was to bring a sidewalk connection to Union Street. That's now shown on the plan. There was some extraneous parking spaces here, as well. They're kind of far from either the plaza or even this building and the Board noted that somebody trying to park there right at the entrance might not be the best spot. We didn't need the spaces, so we showed them being removed.

Also since the last meeting, we have attended the Zoning Board of Appeals and the variance for the front yard parking was approved. As you know, front yard parking is not

allowed in the district, but given that the building is all of the way at the back property line, it was really the only logical spot. As we did work with the reconfiguring of the parking area, we tried to minimize the setback as best we could. That variance was approved and it is now noted on the plan.

We also visited the Conservation Board with the landscape plan. They had a few minor changes. We updated it for them and resubmitted at their last meeting and that was approved.

We have also been to the Architectural Advisory Committee. A lot has changed with respect to the windows and things we were doing with the building. Um, they requested some gooseneck lighting for the signage as opposed to internally lit signage. They had some comments on how the windows were set up to get the building a little more symmetrical than what was previously shown.

We reduced the height of the towers. The towers match the Town Plaza, so it is consistent with the buildings in the area, but we also brought a masonry brick line at the water table there, you can see on the drawing, to bring some of the masonry finishes in.

We resubmitted that plan to them. They requested a little bit more time to look at it. So hopefully with the changes that we have made, we would be looking for your -- for your preliminary site plan approval tonight contingent on the engineer and legal's final review and also perhaps the final say of the Architectural Review Committee will be seeing the plan at their next meeting. So if you have any questions, I would be happy to answer them.

JOHN HELLABY: Um, I think I was informed that we tried to get an easement from the plaza owner in regards to the pull out lane, which drive-up window but you weren't able to secure that.

MR. BOUCHARD: We proposed purchasing a strip of land or asking for an easement to get an egress lane through there. They were not willing to provide that. What we did is we just left that -- it's about 14 feet wide, maybe 13 feet wide. We left that as an edge of pavement in case there is the need to get a vehicle out of there. You could scurry around it, or an emergency vehicle could still get around it because it is not completely enclosed in curbing. That was a change that was made based on that comment.

JOHN HELLABY: Per Lu Engineer's letter dated February 28th, they requested copies, I believe, of the easements. Did we receive those?

MR. BOUCHARD: We did. We did dig up out of the Monroe County Clerk's Office there an existing ingress and egress easement. Given that this site does not have a curb cut to Union Street, it provides ingress and egress through the plaza property. It also includes the shared parking agreement because there are parking spaces that are shared between the two sites and it also includes some utilities that cross between the site that are existing now, too. So we provided a copy of those agreements to the Counsel, I believe.

JOHN HELLABY: All right. Only other thing I would see -- I think you have covered everything else, was the proposed exterior lighting, including building mounted lighting must meet the Town's dark sky requirements, and I know that -- I believe the -- the Architectural Committee was looking for some light cuts and whatnot, but I will let you address that because somehow I ended up with two different letters on this application.

I will also note that we have received County Comments. They are somewhat boilerplate. The only one that really pops off the plan is for the proposed restaurant, cafeteria, bakery, food take-out facility, pizza parlor, ice cream parlor and/or tavern must be submitted to and reviewed by the Monroe County Health Department Title 10 of the official compliance law code rules of regulations. I think that is it.

MR. BOUCHARD: Correct. That is for the service of food. So that will be part of the building permit process before the C of O is issued.

PAUL WANZENRIED: The space there are -- to the new sidewalk extension that extends to 259 from the property?

MR. BOUCHARD: Yes.

PAUL WANZENRIED: To the south of that you're showing green area.

MR. BOUCHARD: Correct.

PAUL WANZENRIED: You said you -- do you have an easement to take that pavement um, because that crosses your property line.

MR. BOUCHARD: So there is some -- you know, obviously a little bit of the area -- and I actually, you know, probably could have noted that on the plan. That would need to be a coordination between the two property owners, given that it is private to private. It exists. It's just an asphalt edge of pavement now. To take it out -- I don't think would be -- it would need to be something that the two owners would need to agree to. Otherwise -- the intention is to replace it with green space. Otherwise it would probably have to just be left as asphalt if they're not in agreement with actually removing the asphalt there. But it is really a matter of 8 or 9 feet, and I think it functions best for both people to not have the conflict there, so.

PAUL WANZENRIED: The -- I see four-inch -- it looks like shrubs that go all of the way up along the sidewalk there on Union Street. There is -- there is three large trees you're taking out.

MR. BOUCHARD: Yes. So.

PAUL WANZENRIED: Wait a minute. I'm not done.

MR. BOUCHARD: Okay. Go for it.

PAUL WANZENRIED: The one that is closest to Union Street, you have your -- you have your signage is -- is near there. Is that why you're taking that tree down?

MR. BOUCHARD: Correct.

PAUL WANZENRIED: Is there any way you can salvage that tree? And is it worth it? I direct this to Miss Tindale, as well. The 16-inch tree that is in the corner of the property.

PAT TINDALE: We were commenting on it. I was told it was due to a swale.

MR. BOUCHARD: There is an existing swale there that needs to be extended as part of the site work, so there will be some grading that has to happen in or around the drip line of that tree. Um, so really any -- any disturbance within the drip line of the tree compromises the integrity of the tree maybe not right away but in the future, so we propose taking that tree out. The other tree, two trees that you noted are within the asphalt area. So those three trees are planned on being removed and it was shown on our landscape plan it was approved by the Conservation Board. The four-inch trees that you see -- they are actually not shrubs. They're street trees. They're trees that will remain along the sidewalk there. Those are not within the -- the area that will be graded. So those will remain.

PAUL WANZENRIED: Is there any way you can adjust the swale to salvage that tree? Is it worth it?

MR. BOUCHARD: I don't believe it to be worth it.

PAT TINDALE: That is something we would like -- we were discussing --

DAVID LINDSAY: Turn your mike.

KAREN COX: Put your mike down.

PAT TINDALE: Put it in my mouth?

JOHN HELLABY: There you go.

PAT TINDALE: We discussed, and, in fact, I called David (Lindsay) on it. If there is any way you can save that, the Board would like to see it remain because it's much larger than the existing street trees. If there is any hope of doing it, I would appreciate it also.

KAREN COX: I mean -- there's a certain -- I would think is there a certain amount of drip line you could effect without killing the whole tree. I mean, you know --

PAT TINDALE: Why not leave it and if it dies, take it down.

KAREN COX: I guess maybe having experience doing this with highway work, we have done a lot of digging around big trees that miraculously seem to live.

PAT TINDALE: I'm told -- guy on our Board is into this quite a bit and I know you can lose about 30 percent without the tree dying. Any more than that, you know.

KAREN COX: That's not really a deep swale, too, is it?

MR. BOUCHARD: No, it's not. I guess what I would offer is that I could look at the actual grading of the plan and if it works out, we could try to salvage it or at least try to work around it as best as possible. And if at that time -- if it feels like it needs to come out or if -- you know, if there is a purpose for it coming out, we may have to take it out, but I can make a note on the plan to try to work it around it if that works for you all.

KAREN COX: That's fair.

PAUL WANZENRIED: Yeah. I would appreciate that. That would be great.

Um, the snow storage is all in that one corner. In the upper northeast corner of the property, if you will? Right?

MR. BOUCHARD: Correct. Yeah. So there is large green area out front that the snow would push to. Logically putting it in one of the corners works well because there is a center island where that kiosk is. So in pushing with the plow, you will push with the straight lines to try to get it up in the corner would be best. It is kind of the best spot visually, as well, and not having to put it down where the pylon sign is because that sort of comprises the sight lines to the driveway and things. The area is not that big, so that snow storage area is plenty big for the volume of the winters that we do get.

PAUL WANZENRIED: The drive-thru lane, you will push that where?

MR. BOUCHARD: Drive-thru lane would probably be pushed out toward the back, toward the front and then around. Again, that is kind of a smaller area, too. Um, I'm sure that they push snow onto the -- you know, to the adjacent property now as it stands, but they would probably do the best to bring it out front and get it into the green area, as well.

PAUL WANZENRIED: I have nothing further right now.

KAREN COX: Well, I definitely like the traffic flow on the ATM lane better. It makes sense the way it is set up and I also like the look of the building and the sidewalk extension.

If the -- if the property owner gives you a hard time about the green area, where the parking was, could it be replaced with like a hardscape surface that would look nice but not, you know -- not make it look like parking area? Just a thought.

MR. BOUCHARD: I think we -- so, again, we can talk about that with them. I think we would probably be battling the same battle with respect to whether or not we can dig on that imaginary line.

If they don't mind us removing the parking spaces, it would make sense first to try to get green space. If they don't want to do that, they may not be willing to have some sort of hardscape there, but we can look at that and try to work something out with them. I would think it would be best to be green space.

KAREN COX: I like the way it looks. That was all I had.

JOHN NOWICKI: Just a comment. We have received the Fire Marshal comments and he states that the fire access is adequate. And I would like to just congratulate the presenter tonight on doing a very excellent job in presenting the site. Very detailed.

MR. BOUCHARD: Thank you.

DAVID CROSS: I echo the same thing. This plan came a long way. You listened to our concerns and addressed them very well. One note, on the demolition plan if you just call out for

that striping to be removed. That is the only thing I picked up, the striping on the parking spaces.

MR. BOUCHARD: On the parking spaces.

DAVID CROSS: Thank you.

PAUL BLOSER: I will echo what they said.

But I do have a question. The last hearing I brought up a point about pedestrian traffic and lighting. I see you have two light poles on the -- on the island just at the east of the building. But I was looking to get something addressed for visibility along the sidewalk. Because that is a really dark walk. Um, and again, just in the last couple of weeks, I was over there coming out of the grocery store. It was after dark. It was raining out, and people walk and you can't see them. Part of it is they're wearing dark clothes, but it's a dark stretch. And I don't know if there is anybody representing the property here, landowners, but that light that has been out for over a year now, that got clocked by a truck or something, is still at an angle, no lighting on it and that is one of the worst corners there.

KAREN COX: That whole parking lot is looking really bad now.

PAUL BLOSER: It's a disaster now. We have a section crossed off with saw horses the other day.

PAUL WANZENRIED: That's the main fire access.

PAUL BLOSER: Exactly. I don't know from a Town standpoint if there anything we can do.

DAVID LINDSAY: You will see it on the application for the ATM.

KAREN COX: The lighting.

DAVID LINDSAY: The next one will also address the lighting there.

MR. BOUCHARD: If I could circle back to the site lighting on our plan, we do show two poles in the island here.

PAUL BLOSER: That is what I was mentioning.

MR. BOUCHARD: Idea being that number one, typically site lighting is -- you know, when we send it out to the photometric specialist, they may not have looked out at the road and the sidewalk because there are no vehicles parked there. So the positioning of the two poles number one serve the parking lot. There is also ATM security requirements for a certain radius around there. So you will notice that those radius circles are drawn on our photometric plan. The light from this southernmost standard that is in the island does cast almost 2 foot candles down toward the sidewalk, so the lighting should be improved. I'm not sure you want to go much higher than 2 to 5 foot candles on a sidewalk.

PAUL BLOSER: I understand that, but I guess I'm looking more not at a huge elevated light, but something more at a -- a city street front light, just a -- just a smaller profile, something along the walk. It is a college town. There are kids going back to the grocery store, the donut shop, the coffee shop. The pizza shop. They have a gym down there. There's a lot -- there is a lot of pedestrian traffic walking through there.

KAREN COX: You're talking --

PAUL BLOSER: I'm concerned about that.

MR. BOUCHARD: What I can maybe look to do, as long as the ATM stays fairly consistent and we have one kind of positioned right over the ATM there. There might be a way to drag that one down so it is still not within somebody trying to pull off that island and hit it, but we could probably move it down 10 feet. That will put 5 or 6 foot candles all of the way out to where the monument sign is shown along the sidewalk and that would probably bring some of the light closer to the sidewalk without adding a completely new standard which may adjust the light levels so they're not as consistent as what the photometrics show now.

PAUL BLOSER: The entrance to the parking lot there now, where you have the hatch marks over the sidewalk.

MR. BOUCHARD: Yeah.

PAUL BLOSER: You have got the ADA plates on both ends, the detectable warning plates there and the walks. And just -- I think we need some lighting at that sidewalk crossing to identify the opening. You will have curbs there. It is just -- it's a -- it's a dark area. So.

MR. BOUCHARD: Understood. So I can see if we can move it around. And if we can't move it around and keep it consistent, we may have to add a -- a light pole.

PAUL BLOSER: A small light pole. Not one of the parking lot ones, but more a sidewalk lining pole that is -- you know, the bulbs are 10 foot off the walk or something like that. Just decorative, something that works with the site. But I -- you have a crosswalk there. Cars will be zipping in and out. You have an ATM. People do stupid things in cars and building a sidewalk, going across there, I see that as a problem area.

MR. BOUCHARD: Sure. We can see if we can touch that up a little bit. That would be fine.

DAVID LINDSAY: As far as the lighting, you might just want to consider like a bollard type lighting. We have them at the sidewalk, highway garage. They are nice and provide a little architectural treatment. They shine right down at sidewalk, nothing huge.

MR. BOUCHARD: I made a note. Bollard lighting. We can look at that.

MR. LINDSAY: The parking you will be getting rid of there on the south side of the property, you don't have approval there from the property owner on that?

MR. BOUCHARD: Don't believe that they have actually secured anything in writing from them. So, again, it would probably be -- the private to private agreement that would have to happen. I mean, they have construction vehicles coming in and out anyway, so they would need to coordinate.

DAVID LINDSAY: Once you resolve that, I guess we would like to see -- if it does go forward, if you can show a temporary construction easement on the plan and we would like to see any agreement you might have with them regarding maintenance of the area, plowing, that type of thing.

PAT TINDALE: I would like him to consider saving that tree, if possible.

JAMES IGNATOWSKI: To answer Chairman's question about the lighting, um, at the February AAC when the first presentation was made, the Committee noted that concurrent lighting on the building was not acceptable and that -- and requested it be more or less of a gooseneck lighting with a down shine on the building, instead of up shine on the building.

And we did request cut sheets for the type of gooseneck fixtures he was going to use. Mr. Bouchard did come to our March meeting but wasn't on the agenda because he did not submit drawings in advance of the March ACC meeting, so we tabled it until the April meeting. So at the time we had no comments on whether the new gooseneck lighting meets our requirements or not.

JOHN HELLABY: Is he on for this month's meeting now?

JAMES IGNATOWSKI: Have not received any drawings yet in advance of the meeting so as of now, no.

MR. BOUCHARD: But we are -- we are prepared and the cut sheets will be, you know, submitted and based on the comments that we did get from the Committee to date, I think we addressed them all. There was actually some informal comments that went back and forth at the last meeting that we're looking to take care of that aren't on that plan, as well, and I believe we'll be in a position to get them the plans ahead of the meeting so we can make the agenda.

JAMES IGNATOWSKI: Sir, do you know when you get them to us? A week in advance? This is a large structure.

MR. BOUCHARD: The day after the meeting I did send some of the updates to the architect, so I am waiting for that plan back from them. Tomorrow it will give me another chance to hound them for it, but I see no issue getting them seven to ten days before the meeting so you do have time to look at it. If that would be fine.

JAMES IGNATOWSKI: Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: When the applicant was in at -- when I believe it was informal, before this Board before, there was some discussion about the awnings. Are those still meant to be awnings on the -- on the east side of the building? I see the one on the front is obviously an awning, but I can't tell from this view.

Are those still awnings?

JOHN HELLABY: You can answer that.

MR. BOUCHARD: Sure. So you -- all of the colored -- I can point at it here. These are fabric awnings that are shown from the front elevation, and you will notice that this is sort of the profile view of the side awning. That is exactly similar to what you see here. This is just the profile of it.

JOHN HELLABY: Is that only over the drive-up window, the side awning?

MR. BOUCHARD: The side awning is, but there are similar awnings that are over the actual windows themselves. It's a fabric awning with metal structure around it, so yes.

MS. BORGUS: I guess I would be a little concerned about the fabric awnings. They look nice when they first go up, but I'm just wondering what we'll have down the line. We have a lot of maintenance problems with that plaza as has been noted tonight. We all know that. But it would be nice if we could come up with something that would be more permanent, I guess, would be the way I would phrase it. And that would look as good in a year or two as they do today because to replace that many awnings might be, um, an issue for the owner and I don't know how much sway the Town would have to make that happen should they need to be redone.

JOHN HELLABY: I know the Architectural Committee has looked at it and it is noted in their letter and if they have to make a return trip back here, I am sure they don't (indiscernible).

MS. BORGUS: The other thing I would request, are those two different colors between the awnings on the donut shop and the awnings on retail? Is that just the way the drawing is done, or --

MR. BOUCHARD: They're two separate uses. They're two separate. Dunkin' Donuts obviously had a lot more orange on the plan from the beginning. We have scaled that back based on the comments from the AAC. It's part of their franchise look. So the orange does go with the Dunkin' Donuts side of the building. To separate the businesses, it is sort of shown now as like an off-reddish color. The final drawing will have more of the earth tone brown color to match the rest of the building, but they will be different colors. It is to separate the two different uses and the fact that there are two different uses in the building. But the red was kind of a touchy subject with the AAC, and there is not a tenant for it, so there is no color code specific for it and we're going to try to turn it more of a brown or an earth tone color with it.

JOHN HELLABY: Excuse my interruption, Dorothy (Borgus), but did you say there was a tenant for that other space?

MR. BOUCHARD: There is not a tenant and that is the reason why the colors don't matter for that side, but to separate the two, um, is a benefit for, you know, two uses in separating them when you approach the building. It won't be that red building but more of a brown color at the

request of the ARC.

MS. BORGUS: I leave that up to the discretion of the Architectural Review Committee. They know what they're doing.

The other question I would have is -- not a question, but a point. I'm sure you have looked at this. Just please reassure me that that sign is not going to be a problem for sight distance. I'm assuming it is going right at the corner.

MR. BOUCHARD: The sign.

JOHN HELLABY: It has to meet all of the zoning ordinances.

MS. BORGUS: Okay. I'm sure. I know. But you're -- you're just going to put your okay on this and I hope everybody has thought about it. I guess you're going to put your okay.

KAREN COX: It can't go in the right-of-way. If it was in the right-of-way, it would be a sight distance -- it is well outside of the --

MR. BOUCHARD: The size of the sign, the construction of the sign, the fact it was a monument sign, the gooseneck light, it is actually a 15 foot setback from the property line which is even further away from the actual curb line. In terms of sight distance, it is probably 30, 35 feet, so everything conforms to what the rules and regulations with the sign code are with respect to this location and size.

MS. BORGUS: It will be a very nice thing when that building is repurposed and we can use it and it becomes a credit to the Town.

Thank you.

JOHN HELLABY: Thank you.

DOUGLAS PHILLIPS, 4390 Buffalo Road

MR. PHILLIPS: I own the grocery store. Little embarrassed to be a tenant there right now, but that is beside the point.

I have concerns that they will have adequate parking. Tim Horton's right now does not. They don't have parking for trucks, buses or anything in tow. So all that traffic ends up in my parking lot, or in the Town Plaza's parking lot, as do some of their employees and customers.

Um, some trucks even park in the main driveway, which I guess if that is a fire exit, that should be considered as a fire hazard.

Has parking been addressed for any of these vehicles?

JOHN HELLABY: Well, the Town Engineer actually looked at it. It does have adequate spaces for its intended use per the drawing. It says that a total maximum required parking space is 18 spaces, 17 parking spaces have been proposed within the property boundary and an additional 12 spaces have been identified in adjacent property located to the south because, I believe, there is an easement that they're allowed to use that parking. So there is -- so according to our zoning, there is adequate parking spots. And again, I understand your concern. If the business flourishes, naturally he will have more customers in there. But right now, he meets the zoning requirements.

MR. PHILLIPS: How about the employee parking? That is part of the zoning?

JOHN HELLABY: That's included.

MR. BOUCHARD: So in terms --

MR. PHILLIPS: How will you handle deliveries, trailer trucks coming in and out?

JOHN HELLABY: I don't think you would have trailer trucks coming in and out of there, that size.

MR. BOUCHARD: The deliveries are made at opening, so they're not in conflict with their actual customers, whether it is a standalone site or a shared site like this. And in general, the -- the shared parking easement isn't for a certain number of spaces. It's a shared parking agreement between this site and the neighboring site, so all of the 100 spaces and any room that there is to park a bus or truck or anything in tow would be shared amongst the two sites based on the agreement that is in place.

MR. PHILLIPS: There are no 100 spaces. I counted them today. I have 55 spaces in front of the store. So -- I mean, Sunday morning I had nine RG&E trucks pull into the parking lot with trailers.

KAREN COX: Some of the -- I mean, you know, just from a personal standpoint of -- of -- we use that business a lot of days. On my taking my daughter to school, I have noticed obviously in the morning it's busy. There are a lot of trucks. I mean at least this year, some of it has been exacerbated because of the owner of the plaza not trucking snow off the property and I think some of the parking spots have been filled with snow mounds. In fact, one of the egress points, ingress and egress points has been shutoff because of a snow mound. Also, those spots, you know, they haven't marked the pavement for years in that -- in that parking lot. So I -- you know.

MR. PHILLIPS: The main lot in front of where I am at, or -- are fairly well marked, getting further towards this -- this part of the area has not been marked.

KAREN COX: Right. It's -- it's pretty poorly done. Pretty poorly marked.

MR. PHILLIPS: And drive-thru, they're going to enter the back and exit the front right where the old bank had their drive-thru from the looks of it?

JOHN HELLABY: Correct.

MR. PHILLIPS: Snow storage. They -- I eliminated them plowing -- the bank plowing snow onto our side of the lot, because, as you know, snow is an issue. I try to get the landlord to have the snow plowed up that lot. Um, we're -- I'm going to have issues with the landlord next year about that.

So this easement for shared parking, that encompasses the whole plaza?

JOHN HELLABY: Correct.

MR. PHILLIPS: Now, as far as parking goes, I would -- I would hesitate to see any parking taken out for green space at this point. Um, and I see there are two stores. What is -- what is the size of the second store and how does that fit into the equation?

JOHN HELLABY: I don't know exactly what the square footage is.

MR. BOUCHARD: The footprint you see there is the exact building as it sits today. The only thing being removed is the canopy that used to serve the ATM kiosk and teller windows for the bank. In repurposing the building, it makes sense to use all four walls that are there. Dunkin' Donuts itself only needs about 2,000 square foot of space and that leaves an additional almost 1500 square feet of retail space. They have shared stores elsewhere. It would be either a similar -- you know, not a competitor, but maybe another restaurant or retail store that can fit in that space. The purpose of outfitting it as Dunkin' Donuts as a whole doesn't make sense because we don't need that much space. So we'll reserve it for another tenant that somebody might use. If you're an entrepreneur, it's available, is just left as a retail space for a tenant in the future.

KAREN COX: Can I ask you -- sorry. Can I ask you a question whether -- because again, I -- I use your store. I have been through the parking lot at all different times of the day.

Has this been a problem that's -- that has been around for -- you know, been a problem for several years or has it gotten worse, way worse this year? I'm just trying to put my finger on -- you know, in the morning I have seen a lot of trucks. Then they leave. I have come through in a -- like the middle of the day and I have been able to park and use the businesses. But I can understand.

MR. PHILLIPS: Friday nights -- some of this is going into my next -- the next proposal here. Um, Friday nights that parking lot is full between Jake's and the Chinese restaurant take-out. We do a Friday night fish fry. That parking lot is full Friday nights. I brought up the trailer trucks, because I -- Family Dollar, their trailer trucks come in the front of my plaza, across the front of the whole plaza, spin around, they drive over curbs to get to deliver back there. Um, the Budget rental truck that was parked out in the driveway this morning. Their deliveries block that egress, I guess, from their little parking spot into our lot.

JOHN HELLABY: It sounds like you need to have a real good conversation with the leaseholder or the landlord over there. Because that is basically a problem between you and him.

MR. PHILLIPS: Parking?

JOHN HELLABY: Not this applicant.

MR. PHILLIPS: If, well -- per code, how many parking spots should there be for --

JOHN HELLABY: Well, I have no clue because I don't know what the square footage is of all that plaza and the -- all different uses over there. It could be figured out.

MR. PHILLIPS: 15 years ago my parking lot went out to Buffalo Road. I probably have triple the parking spaces I have today.

JOHN HELLABY: Sure. Now you got all of those other businesses out there that took up all those spots. I realize that. But that is an issue between you and your landlord. That's not something we can correct today. I mean, like I said, I don't know without going through the calculations.

MR. PHILLIPS: My question is where are these customers going to park?

MR. BOUCHARD: There is 18 parking spaces required by code and there is 22 provided on the site plan. Aside from that there is a shared parking agreement already in place.

MR. PHILLIPS: One building, two businesses?

MR. BOUCHARD: Correct.

MR. PHILLIPS: Okay.

JOHN HELLABY: Thank you. Any others?

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

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

DAVID LINDSAY: Mr. Chairman, just another condition to add. In reviewing the access parking agreement by the applicant, we make note there is a section in here that talks about not utilizing parking on an adjacent parcel. It seems based on the previous site plan, that has been taking place, but we'll ask the applicant to amend this easement agreement and provide documentation to us that that is taking place unless there is another easement agreement out there that we're not aware of that already reflects that.

JOHN HELLABY: All right. Duly noted. They have not paid final. They are only going to get preliminary.

MR. BOUCHARD: Is that a matter of a check? Is that what you meant?

JOHN HELLABY: I asked earlier today about that, and I'm -- I'm not sure that is going to fly.

DAVID CROSS: I would like to see it fly if they could pay it by Friday.

MR. BOUCHARD: I don't think there is many changes that would be needed and the conditions stand as they are. If it is a matter of a check, I apologize because I don't even think I was aware --

JOHN HELLABY: Mr. Jones, your comments?

MICHAEL JONES: We were just talking about it. If the applicant will seek final on these plans and wants to provide the check tomorrow, I would have no problem if the Board is

comfortable with that.

MR. BOUCHARD: That would be fine from our end, yeah.

JOHN HELLABY: Okay. Works for me. I will go over conditions in a minute.

PAUL WANZENRIED: That final is not on the agenda, so is that opening us up then?

MICHAEL JONES: It will be the Board's comfort level. I don't believe it will open us up because the application would be the same. If it is the applicant's request to include final with this application with no changes at all, and the public had a chance to speak on this with no changes, then I would have no problem with that. But if the Board would rather, you could put it on the agenda for a future meeting.

PAUL WANZENRIED: I don't know. If you say it's okay, I'm all right. But I want your okay on this. I want your blessing.

MICHAEL JONES: I'm comfortable with it. Procedurally it's just a matter of the check because it would have been paid and would have been the same exact application. So procedurally it's just a matter of the application fee.

JOHN HELLABY: All right.

John Hellaby 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.

JOHN HELLABY: As far as conditions, um, you will work out your details with the Architectural Committee and make sure you're on this coming month's agenda. Supply them, I believe, with the cut sheets on lighting. Material samples, I believe you asked for, as well, and the awning details.

Striping on parking spaces to be removed. Secure approval to remove parking spaces at the front and supply the Town Counsel with that agreement.

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

Final approval to be approved by the Town Engineer and Commissioner of Public Works.

Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Copies of all easements associated with this project shall be provided by Assistant Town Counsel and approved and all filing information such as Liber and page number shall be noted on the mylars. Um, and please also update the ones that we're looking for.

The Planning Board affirms recommendations of the Architectural Advisory Committee and requests the applicant supply corrections.

Applicant is subject to all required permits, inspections and code compliance and any signage shall comply with Town Code, including obtaining a sign permit.

The vote?

PAUL WANZENRIED: Should adjust the swale to save the tree?

JOHN HELLABY: Oh, yes. Are we going to say, "Save the tree," or, "Try to save the tree"?

KAREN COX: Adjust the swale to protect the tree as best as possible. If possible.

JOHN HELLABY: All right.

KAREN COX: The lighting, making the bollard lighting or investigating the use of the bollard lighting.

MR. BOUCHARD: Lighting the sidewalk, or something like that.

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

1. Adjust the swale to save/protect tree.
2. Use dark sky lighting.
3. Investigate use of bollard lighting along sidewalks.
4. Secure approval from the plaza owner to repave parking spaces and remove striping.
5. Supply the Architectural Advisory Committee with:
  - a. Cut sheets on all lighting
  - b. Samples of materials
  - c. Awning details
6. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
7. Approval is subject to final approval by the Town Engineer and

Commissioner of Public Works.

8. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
9. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars, including access/parking agreements.
10. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Any signage shall comply with Town Code, including obtaining sign permits.

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

2. Application of Bank of America, 101 North Tryon, Charlotte, NC 28255, property owner: JR Realty Estate, Inc.; for preliminary site plan approval to erect an ATM kiosk at property located at 4390 Buffalo Road in GB zone.

JOHN HELLABY: While he is getting ready, I will just remind the Board that this application was heard back on November 12th. At that time it was deemed detrimental to the traffic flow off of Union Street and was tabled at that time to review options.

Stephen Parrish was present to represent the application.

MR. PARRISH: My name is Stephen Parrish. I'm with Scheid Architectural here on behalf of Bank America. The easiest way to show is initially, um, the initial proposal had the ATM kiosk located on the eastern end of the property on an island and was removing two parking spaces, and the concern at the time was that stacking space during peak times would cause an issue with traffic coming in off the Union Street entrance.

So what we did is we looked at having the kiosk located on one of the center islands, basically right off the Buffalo Road entrance, so you would come in off Buffalo Road, pull in, create new islands to create a separate basically drive-in lane that would give stacking spaces for approximately three cars, plus one at the ATM. So our traffic flow would be changed to basically try and address the stacking issue at peak times, and we're looking at peak transactions an hour during peak times.

The layout of the islands is similar. You would have two light fixtures as required for the New York State ATM Safety Act and it would be the stand alone kiosk for the ATM. That's about it.

JOHN HELLABY: That it?

Do you have a copy of the Lu Engineering letter dated April 2nd?

MR. PARRISH: I don't believe I got -- received that.

JOHN HELLABY: If you could just go down through and address those, I would appreciate it.

MR. PARRISH: Drawing C-01 partial site plan -- we could -- drop in during construction. We can do that. That's not a problem. Providing a detail. Shouldn't be any issue with that. Um, utility easement as far as the -- from the adjacent properties, I know we discussed that on the property previous meeting back in November and that wouldn't be a problem to, you know -- getting -- as far as providing a copy to the Town.

Um -- in regards to the cleaning out the storm sewer and the catch basins, that is something that we would -- have to be discussed with the landlord. And repairing potholes to the entrance to the plaza. Um, I mean, we're -- I'm representing the bank on this. I can't speak to any of the landlord's -- any issues he has with the storm drainage or the parking lot.

JOHN HELLABY: All right. We'll note that we have the -- County Comments again, boilerplate stuff that this map for this project is going to be filed in the County Clerk's Office, monumentation must be checked by the Monroe County Transportation Survey Office. That's basically it.

With that, I will go to the Board. Paul (Wanzenried)?

PAUL WANZENRIED: Were we the ones that said there was traffic -- we were concerned about the traffic off Union Street?

JOHN HELLABY: Yes. We deemed it was detrimental to the traffic flow off of Union Street at the time.

PAUL WANZENRIED: And this is a solution?

JOHN HELLABY: It's further into the plaza.

PAUL WANZENRIED: But now I'm dumping traffic into this gentleman's grocery store,

and you said 8 transactions per 60 minutes, so that is 7.5 cars an hour.

MR. PARRISH: That's during peak times.

PAUL WANZENRIED: That's peak time. What's a peak time?

MR. PARRISH: I have a little spreadsheet here.

PAUL WANZENRIED: Thank you.

MR. PARRISH: Basically the bank was looking at number of projected monthly transactions at 4,432. Based on 30 days, that was 148 a day. They took 20 percent of that during the peak hours of 11 to 3 p.m. and looking at the peak per hour, you're looking at 8 transactions per hour at the peak time. And with assumed transaction time of two minutes each time. So it -- so at the max, you're talking eight an hour.

PAUL WANZENRIED: Now, where is this data based off of? An average of a branch or a kiosk?

MR. PARRISH: They look at -- they tracked all their transactions from all their branches so -- recently they closed the Churchville branch. They were looking at that -- patterns from that branch and some of the other local branches determining who is going to be coming in to use this ATM. Any time they do this, it is based on a specific location. It's not just a general -- we say this across the country.

PAUL WANZENRIED: Okay. And if I understand your demo plan, and the construction plan, we are going to take up for -- and demolish 1234-8 spots.

MR. PARRISH: It would only be four. Because I have called out to restripe across the way. The spaces are actually wider than they need to be, so we can pick up space and not have to take out eight. We would only be losing four.

PAUL WANZENRIED: How wide are the spaces there existing?

MR. PARRISH: I believe they were 10 feet plus.

PAUL WANZENRIED: And you're now going to restripe them all as what, 9?

MR. PARRISH: Yes.

PAUL WANZENRIED: Are you just -- are you just restriping those between the two medians, if you will?

MR. PARRISH: Yes. That section from where the ATM is over to the east, to the -- to the next set of islands.

PAUL WANZENRIED: And where do the people coming -- when I'm done with my business at the ATM, where am I going?

MR. PARRISH: Would you pull out into the main aisle way, running in front of the plaza?

PAUL WANZENRIED: Both logically I would be going back towards Union Street. So I have a traffic issue, no matter where this thing is located. To me.

DAVID CROSS: It's better here than where it was.

PAUL WANZENRIED: You think 10.

DAVID CROSS: Absolutely.

PAUL WANZENRIED: I disagree.

DAVID CROSS: There is a place to stack cars. They can go left or right out of here.

MR. PARRISH: The stacking was the issue the last time.

DAVID CROSS: They were stacking up in front of the east/west drive aisle in front of the grocery store.

PAUL WANZENRIED: You're saying if they stack out, they're going to stack across the front?

DAVID CROSS: No. They stack to the south, right?

MR. PARRISH: Yes.

PAUL WANZENRIED: So if you flop this, it doesn't matter.

KAREN COX: You're staking --

PAUL WANZENRIED: You're still stacking in the south area.

KAREN COX: You're stacking into Tim Horton's drive-thru possibly.

DAVID CROSS: I'm not following you. How many cars can stack?

MR. PARRISH: There would be three plus the one at the ATM, so you would have room for four cars in there at any given time.

DAVID CROSS: That seems reasonable to me.

JOHN NOWICKI: For a kiosk.

DAVID CROSS: For a kiosk, with these counts.

PAUL WANZENRIED: Okay. I'm not seeing it, but go on.

KAREN COX: Well, I guess, you know, I think because we saw these -- maybe we saw these -- the Dunkin' Donuts proposal and the ATM proposal -- I can't remember if we saw them before at the same meeting or not, but given that we're seeing them at the same meeting tonight, and the fact that the Dunkin' Donuts proposal has an ATM already, which I am sure anybody -- you don't have to be a member of that bank to use that ATM, just as you don't need to be a member of Bank of America to use their ATM, I'm questioning whether in this small space we really need two ATMs, and given the concern that we have heard from the gentleman who owns the grocery store, in my experience with being there at times on Friday nights, um, I'm concerned about the loss of the parking, to be honest. And whether -- whether we really need two of the same -- similar businesses that close. I mean, when I have used these -- these independent kiosks, they have always been kind of located out in the middle of nowhere in a small parking lot. So I guess I'm not really supportive of this entire proposal. That's all I have to say.

MR. PARRISH: My question to that is how do you then determine which ATM stays and which goes?

KAREN COX: Correct. That's the quandary.

MR. PARRISH: And again, also -- sorry, as far as separate customers, um, people -- if you had a choice of your bank or a separate bank, would you -- which one will you go to? The one you pay a fee for or not?

KAREN COX: I pay a fee everywhere I go -- every ATM that is not an ESL -- I mean, every ATM I have used, I have to pay a fee.

MR. PARRISH: But I guess the other part is this ATM will take the place of a branch at another location that will allow deposits. It's not just a -- I'm going to take cash out.

KAREN COX: True. But I mean -- yes, you -- I agree, you have a point, which one do you choose. I just -- I'm trying to, you know, think about the concerns of an adjacent property holder who has told us that right now his business would be affected by the surrounding businesses. And that's not -- I guess not your fault. It is maybe a more global concern.

DAVID CROSS: If I -- if -- I may cut in, maybe the better way to look at it, if we had a level of comfort with the parking on an overall plaza-wise -- so if you could show us the counts -- you will have to look at the other uses in the plaza, work with the landlord and show us that the landlord can afford to lose four spots, I think that would go a long way. I don't see anything on the plans to address that.

MR. PARRISH: Okay.

JOHN NOWICKI: It would be nice, if I could cut in, too, have the owner of the plaza come back with you to address these issues into this plaza.

MR. PARRISH: That's -- I'm -- I'm here on behalf of the bank, so I have no say in having the landlord here.

KAREN COX: I'm having a sense -- I'm having a feeling of déjà vu because probably ten years ago we were saying the same thing about a previous owner to this -- of this property for different reasons. But we wanted the owner to come to address concerns that aren't in the control of the applicants. But they do affect the surrounding business owners and the users of the plaza. So I guess the -- the question that I have is, how do we -- how do we address all these concerns? I mean, we have a business owner here saying his customers are having trouble finding parking.

JOHN NOWICKI: Can we ask our attorney if we can request the owner of the plaza to come before this Board and address those questions?

KAREN COX: I mean, you know, there are lights that aren't working. The pavement is in terrible shape. You know.

JOHN HELLABY: There is ongoing issues over there.

PAUL WANZENRIED: Back to the application. Can -- can I -- can you look at possibly doing the -- the area behind the Rite Aid, if there is anyway -- it looks to me from this aerial photograph that you could easily do some sort of pull-up kiosk behind drive-thru lanes right there.

KAREN COX: You're going -- drive-thru lanes are going westbound and the -- to make the ATM work, you might have to send people eastbound. I don't know. I mean, I looked at that.

PAUL WANZENRIED: It looks to me like that space is -- is an empty space, which may be more conducive to a standalone kiosk.

KAREN COX: Except for the street lit parking light that is almost falling over.

PAUL WANZENRIED: But maybe that parking light could be incorporated and we get it fixed, so there is a win-win. Okay? I'm just -- you know, just from the aerial photograph that I'm seeing. To me.

JOHN HELLABY: If I could interrupt just for a second. Let me revert to the Town Counsel who wanted to cut in here a minute ago.

MICHAEL JONES: Mr. Chair, if the question is whether or not the Board can require the property owner to appear or have his agent to appear, I think the answer is yes. This applicant doesn't really own the real property, so certainly as to -- the owner would be benefiting from the lease to come in and explain the -- the other uses and the parking counts and so forth.

KAREN COX: I mean that's -- I think Mr. Cross has a point that you -- over time, we have -- businesses have been added to this parcel piecemeal and every time a business gets added, we say, oh, yeah, there is enough parking. But we have been looking at the individual businesses. The problem is, at certain times of the day, the customers for those businesses, especially Tim Horton's, spill out into other areas of that parking lot that the parking is supposed to be use for. You know. It's -- and this is something that happens in a lot of areas where you start adding out-parcels in large areas of parking. So we're at the point now where we're hearing from a business owner that he's having issues. And, you know, I don't know what the solution is.

JOHN NOWICKI: Well, that is why I bring up the point to get the owner here because we have other issues besides the project. We have site conditions problems with sanitary sewers, and we have to get this thing cleaned up. We have got -- you know, in order to get these projects moved and -- let's face it. This is a very attractive piece of property that is an asset to North Chili, but it needs a lot of work. You have to have that owner come in and talk to us.

MR. PARRISH: Question for the owner would it be just in relation to this project, or you know, as far as other issues on the site that aren't related to this project?

JOHN NOWICKI: When -- when he gets here, he will get questioned.

KAREN COX: Well, I think the -- like in relation to this application, um, my -- you know, again, my concern is, we're losing, you said, four --

MR. PARRISH: Four sparking spaces.

KAREN COX: Four sparking spaces. The condition of the site has nothing to do with

your application. It's not the responsibility of your client to address. The loss of the parking would be something that I feel is somewhat -- you know, applicable to that application. And it's -- you know, if we're going to lose four spots, where can we gain four spots. If we find out that the parking in that parking lot is not adequate for all those businesses.

JOHN HELLABY: I'm -- anything else?

MICHAEL JONES: Aside from the issues that the Board brought up, I would also like to see the property owner work with the previous application to address the parking easements that are going to be required for the Dunkin' Donuts property.

JOHN HELLABY: All right. Mr. Lindsay.

DAVID LINDSAY: Assuming that the ATM stays in its current location as proposed, we would ask that, I guess, on the east side of that curbed island there, there is two spots that are going to be somewhat challenging to use, and we think you might need to stripe one of those so that car can back out so you don't have two cars sitting back to back to make that turn to get out of there.

And certainly I think our comments stand on their own as far as addressing problems at the entrance to the property owner. We're asking the property owner to deal with as far as potholes and the entrance and the light pole issue.

JAMES IGNATOWSKI: I guess only question is the client has to prove that he has enough parking in a situation such as this where he is sharing it, but doesn't he also have to prove that spaces he is taking up does not take away from other businesses or renders them under the parking limit required for a business?

DAVID CROSS: Look at parking on a whole, the whole plaza. You have to --

MR. PARRISH: It is tough to get into with the bank, but my other question would be if -- if existing parking is inadequate per current standards, would it be something grandfathered that we remove four, we put four back? Or is it going to be something where you remove four and you have to bring it up to current standards, which, you know, as far as the bank, that would be something on the owner, not on the bank. That is my concern there, is --

KAREN COX: I mean, how could you compel -- because the -- again, if we -- if we're doing this parcel piecemeal, how can you legally make one business make something whole? I --

JOHN HELLABY: You can't.

JAMES IGNATOWSKI: He is changing a situation that occurs right now. He is changing the current situation. It's okay right now yet he comes in --

KAREN COX: We don't know if it is okay. We have heard -- mathematically we don't know if it's -- if what the parking that is available out there now, with this total square footage of all those buildings actually works.

JAMES IGNATOWSKI: You have to do it sometime.

KAREN COX: Right. So -- so -- he doesn't know it either.

JOHN HELLABY: Unfortunately, I think he is the straw that broke the camel's back. I mean, and that's -- I got a feeling that is the way it is going down.

DAVID CROSS: I think Paul (Bloser) had a good point about maybe moving this behind the -- maybe behind the Rite Aid works real well.

MR. PARRISH: My concern with that, you're crossing traffic at that point and that's just a safety issue.

JOHN HELLABY: Right.

MR. PARRISH: I would rather lose parking than risk anything like that.

KAREN COX: Yeah, it's -- you're caught in the middle of it.

JOHN NOWICKI: Well, who would -- how could we possibly go ahead and get an analysis of the -- all of the businesses that are in the plaza right now and what parking requirements are for each one of those businesses, based on the square footage we have now? Who would be responsible to put that together?

JOHN HELLABY: I would say it would be the property owner/landlord and the unfortunate problem is if we want to move forward with this -- you know, getting this project in that plaza, he is going to have to supply that information.

JOHN NOWICKI: We need that information.

KAREN COX: I mean, some of it I think couldn't you -- some of these businesses are new enough that they have been approved within the last seven or eight years. And you could go back and research records, I would think.

DAVID CROSS: You're working off square footage.

JOHN HELLABY: It's not --

JOHN NOWICKI: We just have to have that information. We have to follow the code and get it done.

JOHN HELLABY: All right.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOUG PHILLIPS, Food Towne, 4390 Buffalo Road.

MR. PHILLIPS: I spoke to you about my concerns for safety and parking at the last issue so I'm a little surprised we're losing more spaces now. I have got notes, but I will skip a lot of them at this point.

I measured the parking spaces this morning. The space I measured was only one space, but it was 8 foot, 8 inches wide, not 10 feet.

MR. PARRISH: I can tell you for a fact I measured every space along that front. I have

my notes.

MR. PHILLIPS: If my tape measure is wrong, I'm sorry.

MR. PARRISH: I'm not -- I'm saying there are some --

JOHN HELLABY: Through the Chair, gentlemen.

MR. PHILLIPS: How about the exit for this drive-thru? 60 feet from my front door?

Thousand people come in and out a day, shopping carts, carrying bags of groceries, children. Um, it's right there. 60 feet from my front door. Um, we're blocking a driveway. The traffic that is -- that is -- that cuts across there, where is that going to go? Right or left? If they want to go to Union Street, they're turning left. Where does that driveway come out? Right near my front door. Seems a little unsafe having all these extra cars driving right there.

I think that's it. I can't -- I don't want to lose the parking. It seems unsafe to have it there.

JOHN HELLABY: Understood. Understood.

MR. PHILLIPS: The driveway.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Um, the point was made, I believe, by Miss Cox about, you know, the -- the advisability of -- of having so many ATMs. I believe there is an ATM also in the grocery store. How many ATMs do we need in one plaza, people? Three ATMs in one plaza. There is one in the grocery store. There is going to be one in Dunkin' Donuts and this one. I -- I mean how many -- how many square feet would that be with three ATMs in it? That is crazy. That's just ludicrous. Thank you.

MARK TRZYZEWSKI, 8 Gateway Circle

MR. TRZYZEWSKI: Looks like the two proposals tonight are related. Are they going to be assessed together as a set? They're in the same plaza, the same space, more people going in and out, you mean -- you're changing the -- I go to that plaza and I shop at that plaza. So you're changing the nature of the plaza. You're bringing more conflict into the plaza. At the same time you have two things at once. You just assessed one and now you're assessing two, but you need to assess these together as a set because it changes the complexity of the plaza. Right now that plaza is not fully utilized, which I understand you want the best thing for the plaza, but in my opinion, you would need to assess these together to see if you're still doing requirements for the total plaza -- the plaza can support and not to consider them one by one.

It is not really fair to the second gentleman that you go ahead and approve the first one without assessing his needs also. Just a comment. Not a question.

JOHN HELLABY: I understand. I appreciate it. That it?

MR. TRZYZEWSKI: That's it.

John Hellaby 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.

MICHAEL JONES: Mr. Chair, if I can just -- if the Board is inclined to table the application, um, might I suggest that maybe we reopen the Public Hearing and keep it open until the next time that this application comes back, just so that public comment might be heard on any revisions?

JOHN HELLABY: Good point.

I will rescind that last vote and reopen the public portion so that way we have that opportunity.

But I'm getting the general feeling from the Board, that that is the intent. Unfortunately, I get the perception that we're still not pleased with traffic flow patterns. We would like to really understand what the parking situation is over there, so I guess we're going to have to get the owner of the plaza involved to figure out, you know, is there adequate spaces there now. Over the years they have been cannibalizing some of these spots with the drugstore on the corner and some of the other parcels that have gone in there over time.

Please feel free to jump in here, guys, or gal, if you have any other --

JOHN NOWICKI: That's the only avenue we got.

JOHN HELLABY: Right. So I think at this venture, um --

DAVID LINDSAY: Mr. Chairman, also maybe just to capture Paul (Wanzenried)'s comment there about relocating it, maybe that's an option, too, that the applicant should look at. That might alleviate some of the concerns around parking.

JOHN HELLABY: That is one of the things I noted. I think there is concerns with traffic flow. There was concerns about possibly finding a better location within the plaza. Um, we would like, you know, you, as well as some pressure from the Town Planning Board here, work with the plaza owner and, you know, get an overall review of the parking and can it -- can they afford to even lose any additional spots. And if, in fact, they can't, you brought up the point then if they lose a spot, you will have to replace it somewhere else. Where that is, I do not know. You will have to address that.

BOB EVERTS, 85 Ramble Wood Drive, North Chili

MR. EVERTS: I kind of agree with what this gentleman said here. I live in North Chili, and a lot of us in North Chili feel abandoned by Five Star having moved over there and left us

with just an ATM, and the other ATM that was there -- referred to within the stores are not full service ATMs. You can't make deposits on those ATMs. So we're not going have three as was indicated by previous comments.

And I agree with what he said in terms of -- because we got these two together now, I don't think we should be going forward with the -- with the first one, and actually I think they're going to have more -- more cars to the parking lot having two -- having a restaurant and a retail outlet and this stand alone ATM kiosk is. I don't think we should also be giving an advantage to Five Star saying let's approve that one and if there is any room left we'll let this guy in. They need to be looked at together.

JOHN HELLABY: Okay. Thank you.

Paul Wanzenried made a motion to table the application and David Cross seconded the motion. (See below for motion vote.)

JOHN HELLABY: Motion to table pending the information we're looking for.

PAUL WANZENRIED: From the property or present owners of the property?

JOHN HELLABY: Right.

Mr. Lindsay, do you want a note for repair work at this time, or do you want that when we move this thing forward?

DAVID LINDSAY: Do it when we move forward.

DECISION: Unanimously tabled by a vote of 6 yes the above described application to a date to be determined, for the following reasons:

1. The Planning Board members have concerns with traffic flow in the plaza. Applicant to review possible options.
2. Due to the fact that parking spaces are being eliminated with this application, applicant needs to work with the plaza owner to verify to the Planning Board that there are sufficient parking spaces per code for the entire plaza.
3. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval.
3. Application of New Hope Community Church, owner; 3355 Union Street, North Chili, New York 14514 for Special Use Permit to allow an indoor sports complex at property located at 3355 Union Street in RM zone.
4. Application of New Hope Community Church, owner; 3355 Union Street, North Chili, New York 14514 for preliminary site plan approval for a change of use in portion of building to allow an indoor sports facility at property located at 3355 Union Street in RM zone.

Phil Lepore and Joe O'Donnell were present to represent the application.

MR. LEPORE: Mr. Chairman, Board members, my name is Phil Lepore. I'm here on behalf of New Hope Community Church. I thought I would just move forward here with -- with point 3, the application for Special Use Permit use.

I just want to refer to the letter received from Lu Engineers and just open it up to the Board for questions. I also have a -- our architect, Joe O'Donnell is here if we need to direct questions to him.

JOHN HELLABY: As far as the Special Use Permit goes, as stated in Lu Engineer's letter of April 3rd, an indoor sports complex appears to be allowed in an RM zone district with a Special Use Permit as per Section 500-14 paragraph C3 of the Chili Town Code as follows. Recreation use such parks, playgrounds golf courses or driving range, country clubs, swimming clubs and tennis clubs and whatnot including such intensive recreation uses as a racetrack or amusement park.

It also goes on to state there appears to be adequate parking to support this proposed use and would recommend that the Planning Board request the applicant to provide a proposed floor plan of the interior of the building, which I think have you done.

MR. LEPORE: Yes.

JOHN HELLABY: If the Planning Board approval is granted, (indiscernible).

Questions. Paul (Wanzenried)?

PAUL WANZENRIED: I will let my other colleagues question first, please.

KAREN COX: I'm sure this was stated at the -- where you were when you came in front of us at the last meeting. What is the size of the soccer fields? Are they -- are they similar to the size of the fields in -- at TSE? Is it --

MR. LEPORE: No.

KAREN COX: Or will they be smaller?

MR. LEPORE: I will let Mr. O'Donnell answer that.

MR. O'DONNELL: They're much smaller in scale. The idea is they're two fields proposed

for mini practices. This one at the top measures 56 by 74. The one at the bottom also measures about 56 by 78 due to the jog in the building. And it's our intention to have a separation net when those two activities are going on concurrently, but also then to offer the net would be removable or pulled to one side to allow one larger field.

But the whole intent is about maybe at the larger field, 6 on 6 players, not 11 on 11 like TSE which is almost a full scale indoor soccer field.

KAREN COX: Do you know what the dimensions of that are?

MR. O'DONNELL: TSE, I know, is a good-sized field. I have been there. So this is really -- you know, the intent of this is to recreate a reuse of the building that was obviously intended for a Community Center. It's a much less intense use now. There is no spectator seating, so the intent is not to have people there watching -- I mean, I'm not going to say a couple parents wouldn't be standing along the side lines, but it's not like a game situation that you would have at TSE and that. There is a couple small warmup fields that are like 38 by 37. This one is about 41 by 48. Those are just -- while teams are waiting to play if there is a three-on-three match -- this is, I think, more similar to, um -- what is the one in Henrietta?

MR. LEPORE: Brighton Sports Zone.

MR. O'DONNELL: No. The other one in Henrietta.

PAUL WANZENRIED: Sports Garden.

MR. O'DONNELL: I believe they have smaller scale fields there. I haven't played soccer in a long time.

KAREN COX: TSE is the only one I have been in.

MR. O'DONNELL: This is not even close. If I had to guess from my memory, I would say this is not even -- this way is probably not even more than half of that.

KAREN COX: All right. That's a good visual.

MR. O'DONNELL: Okay. TSE has two smaller fields in addition to their larger field. Their smaller fields are larger than this.

KAREN COX: Okay. Because I have watched lacrosse games on that boarded field.

MR. O'DONNELL: If I may just and then, and I don't know if this is for item 4 or not, that's why the parking is not as intense as was originally -- I think and Lu Engineers confirmed that in their letter that the parking actually exceeds what would be required. And again, given that there won't be church functioning going on simultaneously with the practice fields, we have more parking than we need.

DAVID CROSS: Just a quick question. Will the church actually be running this operation or will you have an operator do it? How does that work?

MR. LEPORE: The church will be operating the -- the complex.

PAUL WANZENRIED: The expansion of the parking, is this a parking lot that you're showing being expanded, the whiteout area there or is that existing?

MR. LEPORE: No. It is existing.

PAUL WANZENRIED: Are you striping this?

MR. LEPORE: Yes.

PAUL WANZENRIED: It doesn't look very striped right now.

MR. LEPORE: It's not. It will be. It's part of our project.

PAUL WANZENRIED: You will asphalt it?

MR. O'DONNELL: It is asphalt.

MR. LEPORE: It's all asphalt.

MR. O'DONNELL: Just not striped.

MR. JIM LEPORE: I mean it was striped, but it has worn out.

PAUL WANZENREID: In terms of the floor plan, you showed three doors in the lower right-hand corner.

MR. O'DONNELL: Over here (indicating).

PAUL WANZENRIED: Yep. Those three. Where do they go?

MR. O'DONNELL: Well, actually this -- the -- this plan may have been taken off the proposed plan for the Community Center. These two do not exist (indicating). This leads into the offices of the church itself. These two won't be there. I apologize for that drafting error.

PAUL WANZENRIED: And what are the two squares down in front?

MR. O'DONNELL: This was a proposed elevator and elevator machine room, a mechanical room that would not be utilized because the second floor mezzanine was not part of this project. That's still something may -- way off in the future.

PAUL WANZENRIED: That's a good segue, because standing looking at the building today and I'm trying to decipher where the elevation changes happen. You know, where I'm tying in. And I believe we asked at the last meeting we were here for a full floor plan of the building so we could get an understanding of how this is all connected and intertwined.

MR. LEPORE: Right.

PAUL WANZENREID: My next question will be the hours of operation. Is it manned? You're saying that this is a Community Center, open to the community, as you previously state. So what are the hours of operation? Are there fees required? Do I have to pay dues? Anything like that.

MR. LEPORE: To answer your question, is -- yes. Some of those operational issues about fees and dues, um, have to be spec'd out. The hours of operation like any -- we're not going to be open until midnight. Probably 10 p.m. 7 -- 7 a.m. Not outside of the realm of the -- what are the existing church hours of operation. When they have services in the morning, the doors are open at 7 a.m. They -- sometimes they have evening services and they close at 10. So the impact to

the environment is -- is not -- it would not create any imposition.

PAUL WANZENRIED: Okay.

MR. LEPORE: In addition to what already exists.

PAUL WANZENRIED: Okay. Has anybody done -- have you looked at the building -- that's been vacant for quite a few years. It is still structurally stable? I mean, it seems to be deteriorating to some degree on the outside. There is some paint peeling and those items.

MR. O'DONNELL: I did a -- a building analysis. They asked me as part of my scope of services to come in to check to make sure there wasn't any significant damage, structurally and that. There is not any signs of that at this point. There is definitely some maintenance issues related to the paint you mentioned and some small areas of mortar that needs to be retucked and pointed, but in -- but generally speaking, it's in good shape. It doesn't -- it may not appear to be especially when you go inside, it is a little damp, but that is something that can obviously be handled -- once the systems are up and running, the HVAC systems will dry that back right back out. But certainly I saw no evidence of any settlements, no evidence of any structural fatigue. In fact, when steel rusts, it actually protects itself, so.

JOHN NOWICKI: Paul (Wanzenried), can I just interject for a second?

PAUL WANZENRIED: Hop on it.

JOHN NOWICKI: Because you brought the building up. Fire Marshal made a comment. Did you --

MR. O'DONNELL: Which comment did he make?

JOHN NOWICKI: The church is current on inspections. Fire access looks good but still need complete review for the occupant load for evaluation on the need for sprinklers.

MR. O'DONNELL: Yes. We did do that calculation. I did speak with not only the Fire Marshal, but the Building Inspector. And the advantage of the building code is that you are allowed increases in occupancy related to the sprinkler base on the fact that we're open on all sides of the building and -- and I think that was one of the reasons why Lu Engineer wanted to be sure that the access road was being maintained. That's critical to the calculation of the increase and occupancy load of a building per New York State Building Code.

So based on this use, given the fact that it is an assembly but not with spectator seating, um, we're going to be okay without the sprinklers, based on my calculations.

JOHN NOWICKI: Okay. As long as you're aware of it.

PAUL WANZENRIED: Well, the access road, now that it is brought up, are you going -- it doesn't look like it is really maintained. I see it is there, but he --

MR. LEPORE: It's not paved, but we do tend to it. It's not like got huge potholes or any of it. It is drivable.

PAUL WANZENRIED: It is constructed enough to take that fire truck that will drive around there.

MR. O'DONNELL: Let me address that. The building code does not specifically say it has to be drivable. It has to be open. So that a truck could get --

PAUL WANZENRIED: The Fire Code is going to mandate certain construction practices for that.

MR. O'DONNELL: If that is the case, that will certainly be a less expensive option than sprinklering the building, so we'll take that as a condition of your approval.

PAUL WANZENRIED: Okay. What is the ceiling heights in the warm-up areas? Are they tall?

MR. LEPORE: They're -- they're --

MR. O'DONNELL: I should know that.

MR. LEPORE: If --

MR. O'DONNELL: Right now they're about 12 feet.

MR. LEPORE: I would say 12 feet, because the mezzanine is half -- it is like 25 feet inside there.

MR. O'DONNELL: 12 feet if I recall.

PAUL WANZENRIED: How do you access the mezzanine?

MR. O'DONNELL: You wouldn't be able to under this scenario. We obviously don't want anybody up there. The original building was designed that this stairwell went down the mezzanine area and the elevator accessed that. This stairwell will only be constructed to be an emergency exit out the building this way. There will be no stairs upstairs to that building, to that area. Obviously the elevator is not in.

PAUL WANZENRIED: Does that lounge overlook the playing fields or is it --

MR. O'DONNELL: The idea from an architect standpoint, I would love to see it. Because that would be kind of a nice feature to have. So the intent is to have -- there are three openings now there, and I proposed to the Church that we could get some plexiglas and put that in there and make it a nice feature so that if you did, a few parents that wanted to watch, they could go in and watch or a nice spot for the kids after their -- their game they could get in here. If we put in vending machines, they could have a Gatorade or something and kind of watch their friends play. It is not intended again as, you know, like the Bill Gray's arena at ESL where it's, you know, something where everybody is up there, parties are going on and things like that. It is not that intent. I would like to do it over here because -- but we would have to take down masonry walls, so.

JOHN HELLABY: There is no new additions going on this building, correct? Everything --

MR. LEPORE: Correct.

JOHN HELLABY: -- is inside, so there are no site alterations to speak of.

MR. LEPORE: No. That's correct.

JOHN NOWICKI: Just one other thing. I'm sure Pat (Tindale) -- the Conservation Board has comments?

PAT TINDALE: Yes.

JOHN NOWICKI: Thank you.

PAT TINDALE: Um, we notice the landscape plans, they're from 1997.

MR. LEPORE: That's correct.

PAT TINDALE: Are the plantings in that you show there?

MR. LEPORE: Um, not -- I'm not sure if all of them are in. But that is something that we could address.

PAT TINDALE: Yes. We would like to invite you to come to our Board to discuss this, because some of the plant materials shown here is something you should never be putting in any longer because of disease and different things.

MR. O'DONNELL: That's what happened. We put them in and they died. (Laughter.)

PAT TINDALE: I don't remember seeing any in there.

KAREN COX: Pat (Tindale), your comment said something about Bradford Pears.

PAT TINDALE: That's one right there that definitely should not go in. There are several things. So if this comes to fruition, you would come visit us with some newer landscape plans.

MR. LEPORE: Certainly.

JAMES IGNATOWSKI: I remember distinctly that for the longest time, that building was not enclosed and the decking and the bar joists were exposed to weather, and so I question what Mr. Wanzenried asked about the structure and maybe it's prudent to get the engineer's letter saying that the structure is okay.

MR. O'DONNELL: As licensed architect does -- is my letter fine?

JAMES IGNATOWSKI: That's up to the Board.

KAREN COX: What are the rules?

JOHN HELLABY: It should be sufficient. We will do that.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: When this applicant was here before, um, I believe we were told that this would be a -- a -- I don't want to say money making operation, but charges would be made to use this facility. Now, it is a church and as such, I am positive they don't pay taxes. And Mr. Wanzenried, I believe, brought that up. He didn't get an answer. What is the plan?

JOHN HELLABY: We have been assured that the Assessor's Office and the Town Attorney will address that at the appropriate time.

MS. BORGUS: Tonight?

JOHN HELLABY: Not tonight, but at the appropriate time if this moves forward and it is deemed to be a money-making operation, that will be addressed by the Assessor's Office.

MS. BORGUS: It will. The same night that this applicant was here you had another application from yet another church for another soccer operation. Bear in mind, this is different because they have their building; the other group did not. But you can rest assured the other group will be back if you approve this tonight. Be ready. Be ready. It isn't quite the same, but when you open the door, you don't know what will come in.

I guess -- I'm assured that they will be taxed then for this if they do make money for it. I guess on that basis, I would still have to say that I object strongly to a church not being a church. You can't be fish and fowl. And I think it's kind of a -- I don't want to say a slap in the face, but I do believe that when a church comes in and -- and they get the benefits of -- of being tax free, which is fine, that they come back and I almost feel like something is not quite right here. I like to hear the whole story, and I get a horrible feeling that we're not hearing the whole story here. It's just a feeling I have. It's like something is being held back. And they may have the parking, but I -- but I just strongly object to churches branching out into business after they had the benefit of a tax free status for so long.

MARK TRZYZEWSKI, 6 Gateway Circle

MR. TRZYZEWSKI: I would actually like to thank the applicant for proposing the development. I think it's a good opportunity for us to have the children and the youth and the adults of the community to actually have some place to do winter sports. Again, you look at our area, we have a very short summer. There is limited opportunities for indoor activities in Chili. If I wanted to go do something similar, I would have to go to Henrietta or Gates, and in my community, I would rather keep the business in my community.

And even though it is part of a church, I have no objection to it being part of a church. If they're going to make money, they should be paying the taxes. But I think it also gives the Church the opportunity to branch out into the community and give more exposure to the church, residents of the community by offering a service like this so I have no objection to the proposal.

John Hellaby 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.

JOHN HELLABY: More curiosity thing than anything. Seeing how long the building sat in the condition it's in, where might the funding be coming from and can you give me a rough idea of the construction schedule for this proposed build-out?

MR. LEPORE: We can. Um, it would be some -- somewhere between -- because there is wide ranges how much work -- work would be to donate and how much work would actually be paid for. Somewhere between 3 and 500,000. Where the funds come from, would be through fund-raising efforts internal and external within our church. I know there is a lot of people that would love to see a community, a sports complex in Chili, so there is fund-raising efforts. There is financing. The Church currently has a bond that they -- that they utilize to pay and enclose the building several years ago to make sure that the structural integrity would not be -- would not be -- deteriorate.

So there is currently financing, and -- so we may expand that financing, whatever is not able to be raised through -- through fund-raising, we would do through financing. But we feel strongly that this is a benefit to our community. That is the mission of this church. It is a non-profit entity. We would be doing business primarily with other non-profit entities to benefit them, and that's what churches do. Benefit the community.

JOHN HELLABY: Um, as far as construction, what do you envision for the construction schedule? Are you looking at a year, five years, are you looking at ten?

MR. LEPORE: No. I think I can defer to Mr. O'Donnell on what the construction project -- if it were all properly financed.

MR. O'DONNELL: If it were properly financed, the structure being in place, this is probably an eight-month project at most. And I -- I'm a little conservative given the fact as Phil (Lepore) mentioned some work would be donated, so that will not happen quite as fast if you have guys there eight 10-hour days. It would be some nights and weekends things, so I want to be a little conservative and say eight months would probably be a realistic schedule.

JOHN HELLABY: Okay. Thank you.

PAUL WANZENRIED: Do you have lighting in that parking lot?

MR. LEPORE: Yes.

PAUL WANZENRIED: Is it adequate?

MR. LEPORE: Yes. We believe so and we'll add light to go the front, the front doors on -- dark sky compliant lighting.

MR. O'DONNELL: Just out in here a little bit to get people there.

John Hellaby 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.

JOHN HELLABY: We'll vote on the two applications separately. I have the same conditions listed on both of them, though.

I would like a letter of soundness from a licensed architect/engineer on the existing structure.

The applicant shall supply a landscape plan drawing by licensed landscaping architect along with a registered checklist -- or required checklist to the Conservation Board for review and approval, and you shall attend one of their meetings in the very near future to work those details out with them.

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

Applicant shall comply with all pertinent Monroe County Development Review Committee comments. We did get their comments. Again, boilerplate stuff that I don't really applies, but one is if the map is -- of this project is going to be filed with the County Clerk's Office, monumentation must be checked by the Monroe County Department of Transportation Survey Office.

Monroe County Department of DOT requests a copy of any traffic data prepared for this project, which I assume there was none; am I correct? You didn't do any traffic study for this?

MR. LEPORE: No. That was not necessary.

JOHN HELLABY: All work within the Route 259 Corridor right-of-way will require New York State Department of Highway work permits.

Application is subject to all required permits, inspection and code compliance regulations and subject to approval by the Town Fire Marshal.

Did I miss anything? All right.

Do we want a time period on the Special Use Permit?

DAVID CROSS: Yes. Two years?

JOHN HELLABY: Two years?

JOHN NOWICKI: Two years sounds good.

JOHN HELLABY: So it will be a period of approval on Special Use Permit for two years.

MR. LEPORE: Thank you, Mr. Chairman.

JOHN HELLABY: On the vote for the Special Use Permit?

The Board voted in favor of the motion 5 yes to 1 no (Paul Wanzenried). (See below)

JOHN HELLABY: On application for preliminary site plan approval. They have paid final. There are no actual site changes taking place.

JOHN NOWICKI: I move we move for final.

The Board voted in favor of the motion to waive final 5 yes to 1 no (Paul Wanzenried).

MICHAEL JONES: Mr. Chair, just a question. Did the SEQR resolution cover both applications?

JOHN HELLABY: Oh, I should have noted that. I'm sorry. It should have.

MICHAEL JONES: Okay. Very well.

JOHN HELLABY: I apologize for not making that clear.

MICHAEL JONES: Since you're taking them separately, I just wanted to make sure you were doing it for both.

JOHN HELLABY: Thank you.

DECISION ON APPLICATIONS 3 AND 4: Approved by a vote of 5 yes to 1 no (Paul Wanzenried) with the following conditions:

1. Special use permit is approved for a period of two years.
2. Submit inspection report by a licensed architect or engineer verifying soundness of existing structure prior to construction.
3. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
4. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Subject to approval by the Town Fire Marshal.

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

There was a recess in the meeting.

5. Application of Archer Road Vista, LLC, owner; 783 Wangum Road, Fishers, New York 14453 for re-approval of preliminary subdivision approval of 180 lots to be known as Vista Villas Sections 2-6 at properties located at 100, 103, and 104 Clubhouse Drive and 5 Prestwick Lane in PRD zone.

Walt Baker was present to represent the application.

MR. BAKER: Good evening.

JOHN HELLABY: Good evening.

MR. BAKER: I'm Walt Baker with DSB Architects. With me tonight is Mr. Gary Pooler, Managing Partner for Archer Road Vistas, LLC, and as Chairman stated, we're here tonight for preliminary for Phases 2 through -- 2 through 6 and final for Phase 2.

As the Board recalls, we were in last month and we were tabled at that meeting based on some technical comments that we received from the Town Engineer and the Commissioner. Since then, I have met with the Town Engineer and the Commissioner and gone over those issues that anyone had. I'm sure you have seen his response letter based on our meeting and also there was an issue regarding the \$500 donation in lieu of parkland open space for the project, and that needed to be accepted or approved by the Town Board which has since happened. So the -- we have proceeded with that.

We have also submitted an application to the Zoning Board of Appeals based on our previous meeting, and to -- to get a -- an area variance for the lot sizes. As you well know, we proposed the lot sizes on this project to range from 8,500 square feet up to in excess of 30,000 square feet.

The map that I have posted on the board illustrates that. It is the same map that we looked at back in December when we came in for re-approval for Phase 1, and we did make some minor changes from last summer as the Board recalls for the road alignment. We had comments regarding that. So we did that. And I brought a few things just as a point of reference regarding the lot sizes, because lot sizes seems to be a concern.

Now, what I just handed out basically is a -- I did a comparison based on the original plan that was approved for the project with the townhouses and also the single-family lots which was approved back in 2004 versus what we're proposing now, and as you can see, the original plan for lots under 10,000 square feet, there was actually 95 -- the townhouse lots, of course -- there was 95 townhouse lots proposed out of the 193 lots that were actually under 10,000 square feet. Obviously there were townhouses that were connected together, but as you all know, a townhouse lot is a single lot that has a separate tax account number that is filed with the County. So it is still a lot that is technically under 10,000 square feet, but it was approved that way, and I just wanted to reference that, that there were 95 lots under 10,000 square feet. There was actually three townhouse lots that were over 10,000 square feet. And single-family lots, there was two lots that were every 10,000 square feet. And 93 of the 193 lots were actually in between the 10,000 and 20,000, which is referenced in the PRD code. Excuse me. The proposed lots I noted that we have 221 lots total, single-family lots that we have 219.

There is actually two townhouse lots that will remain that were previously sold with the original plan, and they're occupied by private owners right now, so there is actually going to be two existing townhouse lots that are built, and the remainder would be just single-family lots as we proposed on the plan.

Now, of that, we have 95 lots that are under 10,000 square feet like I mentioned. Our minimum lot size is 8,500 square feet, and there is a range. We started at 8,500 square feet and it continues up from there. We have a group of lots that are 8,700 square feet and then they go up to 10,000 in excess of 30,000. So I note it on here, as well, that the lots over 10,000 square feet, there is actually 22 of the lots that are over 10,000 square feet, and 104 lots that actually fall within the range of 10,000 to 20,000 square feet.

So I just want to bring that to the Board's attention that we do have lot sizes that are actually similar in -- in quantity as we did from the original plan back in 2004.

I also have other items here that I would like to hand out.

I might as well hand this out now.

JOHN HELLABY: Anything else, sir?

MR. BAKER: I think that's it. Basically what I -- what I have handed out is a -- a lot size -- it was Lot 211 that was on our plan, which is in Phase 2, and it's a lot that is 8,700 square feet. Like I mentioned, our smallest lot is 8,500 square feet, but actually that lot is 65 feet wide, so lots that are 8,700 square feet are 60 feet in width. So what I wanted to represent is the house plans, I also handed out the house plans that are proposed for the project and the house plan that I show on that plot plan is the largest model that will be used on the site.

I also handed out photographs, and the photographs are of those houses that are on another project that I worked on up in Greece, and -- to represent what they look like as they were built versus on paper, so you can get an idea, a sense of how the lot fits. Again, our smallest lot is going to be 60 feet wide. The lots in the photograph are actually 55 feet wide. The smallest house is 36 feet wide and the largest one which I show on the map, on that plot plan is 44 feet wide. So the largest house which is 2500 square feet is 44 feet in width and it's on a 60 foot lot, so we're proposing 5 foot side setbacks, so there is ample room to fit the house within that setback distance and still have enough room to maintain -- one of the comments was mentioned by the Town Engineer, 15 foot between structures. So we're actually going to have -- even if you built two of the largest houses in the proposed project would be 44 feet in width, we would end up with 16 feet separation between the structures. And as I mentioned, the photographs, I think it illustrates the separation distance and how the grading is handled, the downspouts and the condition of how the project is going to be built, the lot sizes shouldn't be an issue.

Again, we come out with the project that's ranging in lot sizes. We do have lot sizes, like I mentioned that are 15,000 square feet, 20,000 square feet. So depends on what the perspective home buyer is interested in, they can select from a variety of lot sizes within the project which seems to be the -- the trend for today with the market that's out there, and the affordability for the home buyer.

JOHN HELLABY: Is that it?

MR. BAKER: Do you have any questions?

JOHN HELLABY: I don't know if I have questions, but I took the liberty to jot down a couple of things here. And I'm still not getting the warm and fuzzy feeling reading through Michael Hanscom's plan review dated March 6th and April 3rd. Michael (Hanscom)'s letter of April states in Item Number 1 that his review comments are an update to and in addition to his previous March 6th letter, which tells me that you can't just look at the one letter; you have to look at both of them.

And I -- trust me, I understand that you have been working diligently with him to get through these things, but I firmly believe there is still a lot of unanswered questions and open issues that need to get resolved before we move through an approval on this. All right?

One of the major factors, as you alluded to, is the 92 of the 180 proposed lots in Sections 2, 3, 4 and 5 and 6 that are under 10,000 square foot lot size, which are the minimum called out in the PRD zone. Um, and again, you said by your own admission that it was originally designed for town homes, where the lot lines would have run right through the structure, and yes, you're correct in your statement, that was a legal lot for that particular use. But we have changed that use entirely, in my eyes.

Um, I know that you have an application made before the ZBA for the variance. However, if not received, this could alter the overall layout of the subdivision. I'm not in favor personally of reducing these lots from -- for minimum lot size, which was required due to the fact that it's

going to hamper grading and impact the setbacks on these structures. You know, again, I know for many years on this Board that the Planning Board can make approvals with conditions, but quite frankly, I don't see how we went from being one of the premiere subdivisions on the west side of this County to where we are today. All right? So I personally am not going to ram-rod this thing through until all "T"s are crossed and all of the "I"s are dotted to make sure that everything is 100 percent and I'm not at that point right now.

I mean, I will go to the other Board members, but I think we still got a lot of homework to do here. I really do. And again, the biggest issue is the -- getting through this zoning. And with that being said, I will go to you Mr. Bloser. If you have comments.

PAUL BLOSER: Um, yeah. I have been following this project for a long time, and -- not only from being on the Zoning Board, but I have tried to attend all Planning Board meetings just to stay up with it when stuff does come to Zoning.

And, you know, talking about your lot sizes and such. Going back to the original site plans, these were all town home -- patio homes, two-bedroom, some three-bedroom. More conducive to a smaller lot, especially when they were joined together. And now we're doing all single-family, multi-story homes. In some cases ranches, but a lot of multi-story houses. And I'm looking at the density of it. Smaller yards.

And when I'm looking at 3 and 4-bedroom houses, it tells me there will be a lot of kids running there, with no yards. And it's more like -- it's more like living in the city, but we haven't provided a park setting for the kids to stretch their legs and to run, which means they will be running in the streets. That's a concern I have.

There has been so many changes on this project over the last several years, I'm wondering why this has not gone to -- I'm new to this Board, but I'm wondering why this hasn't gone to a new site plan because all of the changes on here are really conducive to a site plan. The houses that were approved again were patio homes, stone fronts, full architectural shingles, amenities, all upscale housing, and this is not what's there now, and I look and see what is going up and how they're sitting almost on the road, on top of each other, the first couple that have gone up there at the corner. My personal thing is I don't like the look of it. And I think it's going to be a lot of housing in there. So to make lots smaller, I -- I guess I have a problem with that also.

DAVID CROSS: I -- Al (Hellaby), I think you said it really well. You know, I get the idea of a PRD. You do have a -- quite a bit of flexibility between 10,000 and 20,000 square feet. I think 10,000 square foot is -- is a very small lot. I -- I would have a problem with approving anything lower than that. And, you know, one thing Paul (Bloser) said, you know, the idea of a PRD is to offer some incent -- some incentives, maybe some open spaces throughout the community, throughout the subdivision, common areas for kids to play or whatever. I mean, that's why you're doing that density, so you can show those areas, and I don't see any of that here. So I -- I will stop there for now.

JOHN NOWICKI: I tend to agree with Paul (Bloser) and David (Cross). This is a very, very important project to the Town of Chili. It's a big project. And your comments are -- are well taken. The other factor that we're going to have to look at down the road, too, in the future of this Town, is the traffic generated from this project impacting Archer Road, Paul Road, Beaver Road. It's going to have a major impact. So I agree so far what has been said here. There is not a lot of details that have been worked out in regards to drainage, setbacks, and issues like that that are in both these letters, dated March 6th and April 3rd. So there is quite a bit of work to do yet. So that is my comments on that.

KAREN COX: I echo the sentiments of my other -- my fellow Board members. I definitely agree with Mr. Cross, that a 10,000 square foot lot is pretty small. It's what I call a city lot, and there are some people who don't mind lots that size because they don't enjoy outside -- or taking care of the outside, but I would not want to go with anything smaller with the size of the dwellings that you -- that you're proposing. And to me, it just looks like there is too much jammed in one area, so I think there is work that has to be done on it.

PAUL WANZENRIED: I would -- well, now I know why I go first. (Laughter.)

KAREN COX: Just say "ditto."

PAUL WANZENRIED: Boy, this is -- I -- I echo the sentiments of the Board. There was a -- was a traffic study done for this at the beginning of the previous -- way back when this was first developed there was -- but was it done for the intensity that we're dealing with now? I understand, Walt (Baker), your little diagram here of where we're practically putting in the same amount of housing and the same elements and that, but this just looks tight.

I do have a question about the ponds. Who -- who -- who takes care of those ponds? Who's responsible for the ponds?

MR. BAKER: It will be under easement to the Town.

PAUL WANZENRIED: Easement to the Town?

MR. BAKER: Correct.

PAUL WANZENRIED: Are we concerned that they come into the properties?

MR. BAKER: The easement is into the properties.

PAUL WANZENRIED: Well, I'm just looking at the delineation of the ponds that you have. It looks like they cross into -- i.e., if I bought Lot 207, I would own -- I would think that I would own a piece of that pond because it's in my yard.

MR. BAKER: Right. It under easement to the Town for maintenance. You do own that land, however, it is under Town easement for maintenance and care.

PAUL WANZENRIED: How deep are those ponds?

MR. BAKER: So you have waterfront property. People like that.

PAUL WANZENRIED: How deep are those ponds?

MR. BAKER: How deep are the ponds? The static water level is 3 to 4 feet and during a storm event it rises.

PAUL WANZENRIED: It rises.

What else did I want to say? The fact that the 100-year flood plain seems to crease across the back phase of lot -- Phase 3 and Phase 4 and then jumps off up here in the front there in Phase 2. Does that hinder you building into those lots?

MR. BAKER: No. Actually it's a better situation than what was approved previously. They had the ponds in the flood plain.

PAUL WANZENRIED: Okay. One of the comments I think Mr. Hanscom made, the Town Engineer made was about Nearfield Drive being 64 wide.

MR. BAKER: Correct. The right-of-way.

PAUL WANZENRIED: But yet is there -- is there a certain point that it -- that it squeezes down to 60?

MR. BAKER: It tapers in as you past --

PAUL WANZENRIED: Once you get past Prestwick?

MR. BAKER: Correct.

PAUL WANZENRIED: Is that in compliance with what Mr. Hanscom is -- and Mr. Lindsay is requiring?

DAVID LINDSAY: We're satisfied with that alignment and the right-of-way there. It's providing basically a collector street for the entrance to the subdivision where the vast majority of those cars will come out.

PAUL WANZENRIED: Okay. I just wanted to make sure I understood the definition of "collector." Okay. That's all I have. I said -- I --

JOHN HELLABY: Well --

PAUL WANZENRIED: I agree with the Board.

JOHN HELLABY: The only other comment I have is, some other information that came to light this evening was on the fire density coverage, is that due to the density, I believe that this thing was designed, and correct me if I am wrong, here, Michael (Hanscom), for 500 gallons per minute and now with this density, it might require 1,000 on the water main size?

MICHAEL HANSCOM: Um, the -- the Insurance Services Office, that's an organization that does recommendations for -- for fire flow for fire protection. Um, for this type of density, they recommend that you provide at least 1,000 gallons per minute for houses that are spaced between 11 feet and 33 feet apart.

I looked at the engineer's report and they modeled it currently for 500 gallons a minute.

JOHN HELLABY: All right. Well, with that being said, I will not open it up to the public. I will make a motion that we table this application until we get the determination from the ZBA on whether or not these lot sizes are going to fly, and that we make sure all of the Commissioner of Public Works and Engineer comments have been addressed and they are 100 percent satisfied with those comments.

Do I have a second?

PAUL WANZENRIED: Second.

PAUL BLOSER: I have one more question real quick just for clarification. Several meetings ago I thought that -- maybe I misunderstood something here, but Paul (Wanzenried) just asked a question about the ponds, and I thought several meetings ago it was expressed we weren't, as a Town, going to take on the responsibility of those ponds, and now am I hearing we are.

JOHN HELLABY: That I don't recall.

DAVID LINDSAY: I think the original proposal maybe had the property being given to the Town and in this one -- it was -- typical subdivision is that we obtain an easement over the ponds in subdivisions for maintenance of them. In this case, that is what is happening. The property does not get transferred to the Town. We just have an easement over that.

PAUL BLOSER: So again, because I am not clear on this, the Town then assumes responsibility for the maintenance of the ponds?

DAVID LINDSAY: We do. In subdivision development we do that.

In commercial developments, we enter into a maintenance agreement with the property owner to maintain the ponds. We get an access easement in case they fail to do that, but in a subdivision in general, we'll accept maintenance responsibility of those ponds.

JOHN HELLABY: The original --

PAUL BLOSER: Liability also?

DAVID LINDSAY: I'm sorry?

PAUL BLOSER: Liability also?

DAVID LINDSAY: We -- we have an easement. We're not property owners. We have an easement for maintenance.

KAREN COX: It's basically an access easement to go in.

DAVID LINDSAY: Clean the muck out of the pond.

JOHN HELLABY: Right. And what you're thinking of, I think the original application had an HMO or Homeowners' Association that was actually saddled with that responsibility. I think that is what you're alluding to.

MR. LINDSAY: The original application years ago had an HOA and some property lines crossed into the ponds. We would still, regardless -- maybe a property owner or homeowner might own part of a pond, but we still would have an access easement over it for maintenance.

JOHN HELLABY: On the motion to table?

DECISION: Unanimously tabled, by a vote of 6 yes until the May 13, 2014 meeting for the following reason:

1. Pending decision of the Zoning Board of Appeals on lot sizes.
2. Updated traffic study to be submitted.

MR. BAKER: If I could mention a couple things in response to your comments? Um, the density of the project, again, we're at 221 lots versus 198, so density hasn't changed that significantly.

Plus the clubhouse is no longer in the project.

The townhouse units, if you talk about space that people, families would buy a townhouse, you have the same situation, probably even greater situation where they had less open space or backyard space.

As you well know, children today, they go to school, they join a soccer club, they go to soccer fields. We have allowed or proposed an extra \$500 per lot to help with that recreation fee, and there is ample space. I think if you look on that site plan I showed you for the lot, the backyards are 75 feet deep. I mean, average person uses about 30 feet of their backyard in depth.

JOHN HELLABY: I understand your concerns, and again, you -- you also have to understand that we're -- the burden to us is to look out for the -- what is best for the Town of Chili.

MR. BAKER: But it's a failed project. The project didn't make it.

JOHN HELLABY: The way this whole project came down, nobody's -- and name pointing fingers at anybody -- is that I will really -- really feel bad for these people that bought in there from the day one, thought they were going to be on an 18-hole championship golf course and had the rug yanked out from underneath them. This Board has to do its due diligence to make sure every last detail has been looked at.

MR. BAKER: Right. As you can see, the people that presently live there now have not shown up at one meeting in objection to it. I mean, I think they are probably in favor of it, just to see the job completed.

JOHN HELLABY: Well, we'll see what happens as these meetings progress. They might show up. I don't know.

MR. BAKER: Right.

JOHN HELLABY: Because they didn't have the opportunity tonight.

MR. BAKER: They didn't?

JOHN HELLABY: But thank you for your time.

MR. BAKER: All right. Thank you.

JOHN HELLABY: Any other discussion?

The 3/11/14 Planning Board minutes were approved.

The meeting was adjourned at 9:16 p.m.