

CHILI PLANNING BOARD
May 8, 2007

A meeting of the Chili Planning Board was held on May 8, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: George Brinkwart, Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: David Lindsay, Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Fred Trott, Traffic Safety Committee; Dennis Scibetta, Building & Plumbing Inspector; Richard Schickler, Conservation Board Representative.

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

JAMES MARTIN: Before we hear the first application tonight, I just have a couple of comments. This is Dennis Scibetta's last meeting with the Planning Board. And I want to thank him on behalf of the Board for all his hard work associated with the applications coming before this Board. He and I have worked to improve the coordination between the Building Department and the Planning Board, and we have instituted several changes to that effect. Dennis (Scibetta) has worked diligently to enforce the conditions imposed by this Board as well as regulations of this Town with integrity and fairness and we thank him for that.

We wish you the best in your new endeavor, Dennis (Scibetta).

DENNIS SCIBETTA: Thank you.

(Applause.)

PUBLIC HEARINGS:

1. Application of Buckingham Properties, owner; 1 S. Washington Street, Rochester, New York 14614 for resubdivision approval of two lots in the Paul Road Industrial Park Subdivision at properties located at 465 Paul Road and 300 Aviation Avenue in L.I. with ADATOD and FPO zone.

Duncan Jackson and Richard LeFrois were present to represent the application.

MR. JACKSON: Good evening. My name is Duncan Jackson with the MRB Group. With me tonight is Rich LeFrois and we're representing Buckingham Properties. Our request is to resubdivide a portion of Lot 1 in the Paul Road Industrial Park into Lot 2.

We received comments from the Monroe County DRC and Lu Engineers. Additionally, we contacted the Town after the DRC meeting and we have made revisions to the plans according to their comments.

JAMES MARTIN: If you could put a copy of the plans up on the board, please, so the public can see them.

MR. JACKSON: Sure. As I mentioned, this is Lot 1 (indicating), Lot 2 (indicating) and Lot 3 (indicating). The original Lot 1 property line was at this point (indicating). We have moved it up to here (indicating). And one of the comments -- one of the comments of the -- I also have copies for the Board, if you would like.

One of the comments of the DRC was that the awnings were infringing in the setback, and rather than take the awnings down, there are some steps back there. We moved the property line further south so the property line on this map over here is 105 feet from the building, which puts the awnings and the stairwell out of the 80-foot setback.

Um, the other question that came up was the parking on the west side, and we have shown an easement around that parking area from Lot 2 to Lot 1.

I think these were the same comments that Lu Engineers also had. So if you would like copies of those, I have got them here.

JAMES MARTIN: So you're indicating from what we received initially with the application package, you have made some modifications?

MR. JACKSON: We made the modifications in accordance to the comments of the DRC, and that is -- and Lu Engineers.

As you can see, this is the dimension line here (indicating). I think it is 105 feet from the building now. It was, I believe, 95 before. So that puts everything out of the setback, and the parking area that is over here (indicating), we have an easement shown around that.

JAMES MARTIN: Can you indicate to us the principal reason for requesting this

subdivision?

MR. JACKSON: We're trying to -- we're considering building on this parcel here (indicating), and also transferring this parcel (indicating) to another LLC, and that would be 300 Aviation Avenue, LLC?

MR. LeFROIS: Yes.

JAMES MARTIN: So you are still under the constraints of the inactive hazardous waste site; is that correct?

MR. JACKSON: Yes. We're still under the constraints of the delisted area, but the DEC has indicated that as -- excuse me, as they did on the property -- if you remember, we had a proposal in here that was approved for this parcel, which is also in the delisted area. The DEC has indicated they will review those on an as-come basis. In other words, if we decide to build on Lot 2, DEC will look at it in accordance with the same way they looked at Lot -- which we would -- we called 3B before.

You know, they consider how we're going to fill it, how we're going to excavate it, so on and so forth. I think they did the same -- when we built Aviation Avenue, that was the same treatment there.

JAMES MARTIN: That is all I have, Jim (Powers).

JIM POWERS: I just wondered in the past, have you had problems with hazardous waste on this property in the back where Lot 2 is?

MR. JACKSON: No. No. It's -- you know, it is part of an ongoing thing with Bausch & Lomb to aerate the groundwater in three different areas back there. There are several wells on that property, and that is an ongoing thing. The VOCs have decreased considerably since they started in, I think, 2001.

JIM POWER: You're contemplating on being on this Lot 2 in time?

MR. JACKSON: We probably won't -- I'm not sure exactly yet, because we haven't made a proposal to the DEC, but this area in here (indicating) may or may not be constructed on.

JIM POWERS: Any --

MR. JACKSON: There may be a way to do that, like we did with Lot 3B, where we borrowed earth on the north end and put it on the south end where the hazardous area was, so as long as we have covered it up. DEC accepted it.

JIM POWERS: I notice you have a couple good piles of dirt back there.

MR. JACKSON: It could be.

JIM POWERS: Any intentions of cleaning up the site back there on Lot 2? There is a lot of trash back there. Of course you can't see it from the road, but when you get back down to the cul-de-sac, there is a lot of junk.

MR. LeFROIS: Last year we did go in and we -- Rich LeFrois. Last year we did go in and we mowed it and did quite a bit of work to it. Admittedly, there is still more to be done. We're a little bit restrained at moving dirt because we have DEC restrictions, I guess you would say. So what our goal really is here, is by developing -- by -- ending up with two lots, in essence, instead of one, we're able to clean up a mortgage situation on the first existing building and have a lot that will be available for development once we -- currently we do not have anybody there, but we want to kind of get our ducks in a row and hopefully that area will start to come out again.

JIM POWERS: Thanks.

GEORGE BRINKWART: Do you know what the square footage of the existing building is?

MR. LeFROIS: 300 plus. I would have to -- is it on the plan?

MR. JACKSON: No, it is not on the plan.

MR. LeFROIS: I don't know the exact number. I think it is around 345, 350,000 square feet. Somewhere in that range.

GEORGE BRINKWART: Do you know offhand how many parking spaces you have got?

MR. LeFROIS: No. But it was over parked per code originally, and through the redevelopment, we're trying to -- in Rochester right now there is a lot of buildings similar to this building. Kodak had put a lot of stuff on the market, so on and so forth.

We have been working hard and diligently to find out who the user will be. Obviously we'll make sure all of the parking for the existing building will comply with current codes.

GEORGE BRINKWART: That was my next question. I was going to direct that to the side table. If the subdivision goes through as indicated, is there sufficient space for parking of a building that size?

DENNIS SCIBETTA: Yes.

GEORGE BRINKWART: I have no questions.

DARIO MARCHIONI: No questions. Nice seeing you again.

DENNIS SCIBETTA: We have a question if we do -- if this is to occur, about the setbacks, and it is possible that there may be some problems with the setbacks, the rear setbacks in particular. There is an 80-foot setback that is required, and I believe that is being cut down to 40 feet.

MR. JACKSON: 80-foot in the rear.

DENNIS SCIBETTA: To the rear.

MR. JACKSON: You don't have the new plan.

DENNIS SCIBETTA: Okay.

MR. JACKSON: You're talking about this setback down here (indicating)?

DENNIS SCIBETTA: Between buildings.

MR. JACKSON: Then one here (indicating).

DENNIS SCIBETTA: Yes.

MR. JACKSON: There is an 80-foot setback in here (indicating).

JOHN NOWICKI: You say they don't have a new plan.

MR. JACKSON: I don't think they got one.

DENNIS SCIBETTA: The Assessor raised some questions about the area that is being subdivided as being taken off because of the hazardous waste and wanted to see what the comments were on there.

MR. JACKSON: Actually, the -- well, I think I have a copy of it here.

JAMES MARTIN: You okay now?

DENNIS SCIBETTA: Yes.

DICK SCHICKLER: The only comment that I have is the fence on the west property line is in need of repair or replacement. It looks like it is ready to fall over.

MR. JACKSON: Fence on the west property line.

MR. LeFROIS: We'll take a look at it and make the appropriate adjustments.

JOHN NOWICKI: Is it the west property line fence?

DICK SCHICKLER: The Westside -- West Drive. I didn't look at it, but he said it is about to fall over. The Westside Drive.

MR. JACKSON: You say the fence is falling over on the west side?

DICK SCHICKLER: That is his comment.

MR. LeFROIS: We'll address it accordingly.

JAMES MARTIN: You basically want the fence repaired along the west side. Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: For classification purposes, is this resubdivision a minor subdivision or major subdivision?

JAMES MARTIN: Mr. O'Toole, would you answer that, please?

KEITH O'TOOLE: Major.

JAMES MARTIN: Major.

MR. MILLER: Thank you. Will the Planning Board be doing SEQR for this application?

JAMES MARTIN: Yes.

MR. MILLER: Will the Planning Board require the applicant to prepare an environmental impact statement?

KEITH O'TOOLE: That's undetermined.

MR. MILLER: Okay. Has the Planning Board made a negative declaration under SEQR for this application?

KEITH O'TOOLE: No.

MR. MILLER: If the Planning Board makes a negative declaration on this application, does the Planning Board plan to hold another public hearing on the subdivision approval?

JAMES MARTIN: No.

MR. MILLER: Why not?

JAMES MARTIN: We approve it tonight, why would we hold another public hearing?

MR. MILLER: Referring to State Law Section 276.

JAMES MARTIN: Go ahead.

MR. MILLER: Under Town Law Section 276, a subdivision plat is not deemed complete until a negative declaration has been filed under SEQR or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQR, and that -- it doesn't matter if it is a preliminary plat approval or final plat approval.

JAMES MARTIN: That would assume we ask for an environmental impact statement.

KEITH O'TOOLE: Mr. Chairman, if I may?

JAMES MARTIN: Yes.

KEITH O'TOOLE: The Town has always endeavored to comply with SEQR. We're aware of the obligations under SEQR, that without compliance with SEQR, we would not be able to have a permit that is issued in accordance with the Town law. Um, there are different ways to get there. You can have it contemporaneous. You can have it -- the SEQR before the public hearing. You can have the public hearing at the same time as you do your SEQR review. But the fact is, you have to do the negative declaration or do positive declaration in conjunction with process for adopting what is, in essence, a final environmental impact statement if you go down that route. You're asking questions about what we're going to do in the future and yet the Board hasn't deliberated as yet, so we don't really know.

MR. MILLER: Well, the Chairman just said that if they did make a negative declaration for SEQR, they're not planning on holding another public hearing.

KEITH O'TOOLE: We have only one obligation to hold one public hearing. I believe that's what Mr. Martin was referring to. And this is it.

MR. MILLER: After SEQR is done. Either negative declaration has been filed or if you're requiring an environmental impact statement, once the draft environmental impact statement has been complete.

KEITH O'TOOLE: Mr. Miller, we're aware of our obligations under the law and we'll comply with them.

Mr. Chairman, I believe it is time to move on.

JAMES MARTIN: Thank you.

MR. JACKSON: Mr. Chairman, for the record, if it makes a difference, this is not a subdivision, an original subdivision. This is a resubdivision, simply moving a line. SEQR was done for the original subdivision with a negative dec and so on and so forth.

JAMES MARTIN: That's correct.

JOHN NOWICKI: Thank you.

JAMES MARTIN: They have submitted a short environmental assessment form associated with this application.

MR. MILLER: Could I respond to that, please?

JAMES MARTIN: You can follow it up, Mr. Miller, with another question. Let's not dwell on 276 at this time.

MR. MILLER: No, I won't.

I just want to mention, regarding the subdivision approval process, under Town law you classify subdivisions as minor or major, and this is a resub, but it's being done in a -- what is it, a Light Industrial zone, and, therefore, it makes it a major subdivision.

JAMES MARTIN: That is what Mr. O'Toole said.

MR. MILLER: I realize SEQR was done on the first application, but this is a different application. So I would hold that you have to do another SEQR, and you just said before that you plan to do SEQR on this application. So...

KAREN COX: So he is telling us what we'll be doing in the future.

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

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

JAMES MARTIN: We do have a short environmental assessment form associated with this application. Basically I will go through this. Essentially the first one, three -- two, three, four, five sections essentially explains the location of the application.

Section 5, there is a modification. Project is a resubdivision of a 27.713 acres from Lot 1 into Lot 2. Amount of land is actually is 49.2 acres.

Will the proposed action comply with existing zoning or other existing land use regulations or restrictions? The answer to that question is yes.

What is the present land use in the vicinity of the project? There is some residential in the vicinity basically and other Light Industrial in the vicinity of the project.

Does the action involve the permit approval or funding now or ultimately from any other federal agency, State or local? The answer to that question is no.

Does any aspect of the action have a currently valid permit or approval? The answer to that question is no.

As a result of the proposed action, will existing permit approval require modifications? The answer to that question is no.

Does the action exceed any Type I threshold? I believe the answer to that will be no. If the Board concurs with that.

Will the action receive coordinated review as provided for unlisted actions? The answer to that question is no.

Will the action result in any adverse effects associated with the following. Basically they talk about existing air quality, aesthetics, agricultural, architectural, vegetation, fauna, fish, shellfish, community plans or existing goals as officially adopted, growth, subsequent development or related activities, long-term, short-term, cumulative or other effects, other impacts including changes in use of either quantity or type of energy. Basically the answer to that question is no.

Is there, is there likely to be controversy related to potential adverse environmental impacts. The answer to that question is no.

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

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

1. The applicant shall repair fence along west side of property.
2. Application of Robert Avery and Robert Fitzgerald, owner; 3225 Chili Avenue, Rochester, New York 14624 for resubdivision approval of one lot into two lots in the Beaver Creek South Resubdivision at property located at 275 Archer Road in R.B. and FPO zone.
3. Application of Robert Avery and Robert Fitzgerald, owner; 3225 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to erect a 3,632 sq. ft. professional office building at property located at 275 Archer Road (proposed lot R-1) in R.B. and FPO zone.

Kip Finley, Robert Avery and Robert Fitzgerald were present to represent the applications.

MR. FINLEY: Hello everyone. I am Kip Finley with Avery Engineering. I'm going to be presenting tonight because I'm the -- one of the three partners that doesn't own the property. We thought it would be better if I represent and give the objective answers, and I don't know why I am not included in it, but...

Any ways, in the past, I think it was around December of last year -- of 2005, we had gone through the process for a rezoning of this property. It was once Residential. Now it is Restricted Business, as the Chairman said.

And the whole theory behind that was that eventually this would be the home for our company. So at this time, we need to take some action on the property to keep the zoning in effect. So what we're doing is requesting a subdivision approval so that we can keep about one-third of the property for ourselves, and then have two-thirds of the property that we can sell to have money to raze the building, or put up the building.

That is why over the past several months there has been "for sale" signs on the property trying to get someone interested in doing something similar, only maybe a larger scale office building. I believe you probably have everything that is on the board here. On the right, there is a site plan that shows the entire property in pink. For people that are sitting in the back, the pink square is the building. The yellow is the proposed parking lot and driveway, and the thing that looks like an ameba in the lower right is the storm water facility. That is the lowest part of the site and that would be a marsh type, open water pond for storm water quality.

On the left is just a larger version of our parcel, with the grading, the sanitary waste system and some of the proposed landscaping. Proposed landscaping is in dark green and existing trees that can stay are in light green.

Below is our plan, or our elevation for the front of the building and the side of the building that faces east towards Archer Road.

In this case we did just look through the County Comments, and we did look through the Engineer comments from Joe Lu, so if you have questions regarding that, I should be able to answer those.

We also have in the audience, Rob Fitzgerald is here in the green shirt and Bob Avery is in the black shirt, in case there are questions that they need to answer directly.

JAMES MARTIN: Why don't you go ahead and just go down through the Town Engineer comments, if you could.

MR. FINLEY: Can I have a copy of them? We don't have them yet. The DRC comments, too, after this.

JAMES MARTIN: Yes. The DRC, I don't think there are too many pertinent ones.

MR. FINLEY: I just wondered if you wanted --

KAREN COX: There you go.

MR. FINLEY: These are the comments we're talking about now.

JAMES MARTIN: Yes.

MR. FINLEY: First comment regarding subdivision, there really is no comment on that in particular.

And this is a slight bit in the Flood Protection Overlay Zone and it is Restricted Business.

Other comments, particularly, probably the one we would want to talk about the most at the meeting is we do have a -- a corner of our property is within the 100-year flood plain. It is the yellow line here (indicating). Basically the whole Archer Road and Beaver Road intersection is slightly in there a couple of feet deep, under 100-year storm. Comments on here regarding having the storm water facility in the 100-year overlay area, and within the 100-year flood limit, that's something that I have done personally many times in my career. Usually we just mitigate the amount of fill we put in for the embankment and cut out a little more so when they reach flood level, it all balances. At that point, once you had a 100-year event, you have already taken care of your water quality hours and hours before, and by the time everything is inundated, we're really not worried about what the storm water facility is doing or any of the detention because it's -- at that point there is nothing else left to do.

We can talk more about that specifically, because it sounded like that would be probably the most important comment.

Other comments here, um, gas and electric connection points would be off of Beaver Road Extension. That's where water, electric, telephone, gas, all those facilities are available on Beaver Road Extension.

Um, Monroe County Highway Department has come to the site. They picked the location of the driveway for us. So we're prepared to file for a permit when the time comes.

Waste disposal system, we have had that reviewed by Monroe County Health Department.

The soils don't perk very well here so we're actually having a two-stage system where we'll have a sand filter, gravity fed downstream from the building in front of the building. And then the effluent will be pumped up to an absorption bed in an area where it does perk enough to have that.

JOHN HELLABY: Can I ask the reasoning behind that? Why wouldn't you have it reversed so you don't have that pump in there?

MR. FINLEY: We would have to have the pump pit almost any ways. The sand filter is actually about 3 feet deep. If we put it up next to the building, we would still have to pump it up into and come down --

JOHN HELLABY: But it's typically a Chemung-type raised sand bed system. I mean if you're coming out of the building -- you're saying the pad where the building is going is actually

going to be lower than that sand bed; is that correct? So you would have to pump it out of the building.

MR. FINLEY: This is pretty much the same elevation across the site (indicating). So we would have to bring the building up superficially high to be able to go through all of the sand filter and then down -- it only drops a couple of feet until it gets down here where it really drops fast. We tried all different alternatives and moved it around. That is about the only way it works.

JOHN HELLABY: Just curiosity.

MR. FINLEY: The other thing, too, we need to have 100 feet separation to a property line so we're kind of limited what we can do.

The storm water detention pond, that is another one worth mentioning here. Right now, Bob (Avery) and Rob (Fitzgerald) would be responsible for that as they own the whole property, and then when there is someone else that wants to purchase, we would like them to also join into the maintenance responsibilities as either part of the purchase price or some kind of an annual charge or an agreement for that.

GEORGE BRINKWART: You say you want to retain ownership of the pond --

MR. FINLEY: Until we can sell the property it sits on, and then we'll have to have a joint arrangement for maintenance.

We made the assumption the Town wouldn't want it.

DENNIS SCIBETTA: That's correct.

MR. FINLEY: Landscaping plan, it was conceptual. We did go to the Environmental Board last Monday. The reason we did it that way, as part of the zoning we had a lot of feedback from the community. They wanted to make sure that there was an adequate buffer of landscaping, so we took it to the Conservation Board and submitted it here as a concept. We'll have the landscape architect really design it and get the exact species. We had a few chuckles at the Conservation Board because we aren't landscape architects and the plant details really weren't that correct.

Discharge from the storm water facility is out of the southeast corner, and there is a culvert that crosses under Archer Road that didn't show up on the plots, but there is an 18-inch culvert and it follows the ditch to the stream. So there is a direct discharge. It won't go over Archer Road or Beaver Road.

JIM POWERS: What elevation is that out-fall pipe at?

MR. FINLEY: Ours is at 522, and then the grade drops down to 520 1/2 or so at the culvert invert. So it drops down quite a recess down alongside the road before it goes under the road.

JAMES MARTIN: Where does it go subsequently downstream?

MR. FINLEY: The creek is right there, about 4 or 500 feet east of the intersection.

JAMES MARTIN: To the swale or something where it eventually works its way to the creek?

MR. FINLEY: There is a roadside ditch there it follows. Roadside ditch, pseudo swale. It's not really deep.

JAMES MARTIN: Okay.

MR. FINLEY: 100-year storm elevation, it says we don't have it on our cross-section of the pond. We do have it on the plan view. That's a detail we would take care of. That's all of the comments for the Town Engineer.

This is -- for those who haven't seen it in the audience, most every project going through planning review with Monroe County and all of the agencies that could have some regional comments.

On this one, again, we're talking about the flood, 100-year flood area, and that is something that is taken care of in cooperation with the Town, so we'll have to work on how you want to handle the storm water facility.

JOHN NOWICKI: Can I just bring up a point here?

MR. FINLEY: Uh-huh.

JOHN NOWICKI: There is a study on Ballantyne, Beaver Road study that takes this intersection into consideration, I believe.

MR. FINLEY: Traffic study or drainage study?

JOHN NOWICKI: Traffic. And you might want to take a look at that as far as what they're proposing in that intersection for the structures.

MR. FINLEY: Added lanes or anything?

JOHN NOWICKI: I think they were thinking about putting a roundabout in there.

MR. FINLEY: Cool.

JOHN NOWICKI: The roundabouts.

KAREN COX: I thought it was Chili and Beaver Road.

JOHN NOWICKI: I'm not sure, so you might want to check that study to see if they're doing that.

MR. FINLEY: Is that on file with the Town now?

KAREN COX: Call Scott.

MR. ROBERT AVERY: It is Chili Avenue and Beaver Road.

JOHN NOWICKI: But it came down -- didn't it come all of the way down to the Archer Road?

MR. ROBERT AVERY: I believe the turnabout is proposed for Chili. We'll check.

JOHN NOWICKI: Just make sure of the improvements they're proposing.

KAREN COX: The corridor study was for Ballantyne Road from Jefferson Road to Chili

Avenue.

MR. FINLEY: Personally, I think it would be cool to have a roundabout, because we're trying to have -- we have the sand filter that is somewhat high tech. We have our storm water facility. We're going to build a manmade wetland. To have a roundabout in our front yard, that would be really pretty nice.

JOHN NOWICKI: If you can't find the study, let me know. I have a copy of it and you are welcome to borrow it.

MR. FINLEY: Okay. Thanks.

Most of these comments are repeats of what was on the engineering comments as far as Health Department approvals. There are no monuments, County survey monuments right in the area. There was ownership and maintenance of the detention/retention area, some sight distances and driveway widths. That will all be fixed up for the driveway permit.

Gas and electric -- drainage calculations, we have actually done the drainage calculations for. I guess the -- the Town Engineer had not seen them. What we have done is we have made a prototype building about two to three times the size of ours, plus the associated parking, and used that area as a place holder, and we have designed the storm water facility to allow, or to treat the runoff from everything that could be built there that would fit on the site.

As far as Storm Water Pollution and Prevention Plan, that was one of the comments in one of these.

Our site just disturbs about an acre plus, then building the storm water facility puts it over. We have the Storm Water Pollution Prevention Plan on the actual drawings since it is a fairly simple one. At the time there is site plan review for the much bigger building, I think there definitely would have to be the written book that goes with it, but we were planning to do storm water specifications as part of the construction.

So we missed the culvert crossing Archer Road, but there is one. And then it didn't go to the Department of Transportation -- because even though it is a touring route, it is still a County highway. It didn't go to the Department of Conservation because there is really nothing applicable.

JOHN HELLABY: Can you jump back to Number 9 quickly? It says that you have got -- your construction access to the locations labeled, but I'm wondering where Item Number 2 is coming out.

MR. FINLEY: That was a note copied from a site where we did have two locations, but this is only one.

Our site, as you can see, is off of Beaver Road. Some day in the future the other site would be accessed off of Beaver Road Extension. That was a request by the Town, and we would anticipate that probably the parking lots would be connected some way in a way that we wouldn't want an encouragement of traffic cutting through. We would make it difficult, but we could, for fire access, connect the driveways with the two parking lots that goes through these.

JAMES MARTIN: Is it that?

MR. FINLEY: Yep.

JAMES MARTIN: Joe Carr would want an easement for the pond area, the retention pond area or not an easement --

DAVID LINDSAY: Probably will not want an easement.

KEITH O'TOOLE: Having said that, however --

JAMES MARTIN: Say that again.

KEITH O'TOOLE: Having said that, since Lot R-1 depends on the pond on Lot R-2, even though the pond will be privately owned, it would be appropriate to impose an easement on the Lot -- on the Lot R-2 for the benefit of Lot R-1 at this point, and so if they could graphically depict that on the map and then provide us with the easement prior to our release of the mylar, that should take care of that issue now.

MR. FINLEY: So to clarify, you would like to see the easement we would be granting to the property owner or the agreement we have for shared maintenance. Is that --

KEITH O'TOOLE: To record it now, yes.

MR. FINLEY: So we would be recording it to ourselves now.

KEITH O'TOOLE: That's correct. It is called a declaration easement as opposed to a grant of easement to another party. It works.

JAMES MARTIN: Record easement to be granted to future owners of Lot R-2 prior to mylars being signed.

KEITH O'TOOLE: Impose pond easement for the benefit of Lot R-1 over pond on Lot R-2 prior to release of mylar.

JAMES MARTIN: In your spare time could you write that up for me?

KEITH O'TOOLE: Sure.

KAREN COX: I have a couple. For the benefit of the audience, I'm sure there are people who live on the Extension here. Can you explain what the absorption bed will look like to them?

MR. FINLEY: Sure.

KAREN COX: Just in general.

MR. FINLEY: Let me just take a look.

All right. I'm trying to think if there is anything else in the neighborhood that would be like this. There are a lot of areas on the west side that you see these.

JOHN NOWICKI: Is it the one like down by the Odd Fellows Club?

MR. FINLEY: It's similar, but it won't have vent pipes sticking out like that.

It's basically the ground can't absorb all of the effluent as fast as we would like it to. So

what we do is build up a couple of feet of sand so it can go through the sand and into the ground and it has more time to absorb. So the lawn is actually, I don't know, waist high, chest high and tapered down on the side so we can still mow it, maybe one on four, one on five slope. It will make -- basically look like a mound with a slight table on the top.

MR. PERNA: We have one. We live at 257.

KAREN COX: I just didn't know how many people might be familiar with what it looks like.

JOHN HELLABY: The one at the Odd Fellows you mentioned is extremely high because of the flood plain. This one won't be anywhere near that height.

MR. FINLEY: Another thing, since you brought that up, we were actually kind of proud of it, the sand filter needs to be even deeper, but there is an existing drop off of about 4 feet and the natural topography in and around where the barn used to be, we'll put the sand filter back into the slope so when you actually look at it, the slope looks the same when we're all done. So the front yard we'll hide it very successfully. The backyard, we'll surround it with trees and play jarts on it or something during lunch.

KAREN COX: Play jarts. Where can you find jarts these days?

MR. FINLEY: I have a set.

KAREN COX: If I read the plan correctly, then the side of the building that is going to be facing the neighborhood is considered the back of the building?

MR. FINLEY: Correct. The elevations on the front and back are really very similar. This is the front side (indicating), and about the only difference -- if I can, does appear, is that this set of windows won't be there (indicating) and this set won't be there (indicating), and these (indicating) will be just one window in the lunch room. But basically it will look the same.

The other side of the building, facing west, is very similar to this, except it will have three windows. If you can picture this piece, moved down here (indicating). So it is pretty much the same on all sides. We're not doing one fancy side and then ugly block on the other. It will all be vinyl sided, have architectural treatments, with the shingle or shakes on the gables. Because really, even planting trees, you still see it.

KAREN COX: Will you have parking lot lighting?

MR. FINLEY: I have to ask.

MR. FITZGERALD: Still up in the air a little bit.

MR. FINLEY: We have lighting. It will be on the porch of the building. We thought about a light like you would have in front of a house, the -- what do you call it -- the lamppost that you would have in the front. It's not like we're expecting it to be a high theft, high problem area. So we would have probably one lamppost.

KAREN COX: But your business is not the type that's open, you know, regularly for evening hours. I mean that is my point.

MR. FINLEY: No. Our goal is to leave at 4:30, not work weekends.

KAREN COX: But typically you're not seeing a lot of clients after --

MR. FINLEY: I would say of engineering companies, we probably do see more walk-in just because they feel comfortable doing it, but it's not at night. I mean they come in during the day, they will just stop and ask us for a price, but, no, we don't have a lot of walk-in customers.

KAREN COX: You mentioned DOT picked out or chose the site of the driveway. Someone actually came out and measured?

MR. FINLEY: The white van with the scope, they picked it out. What was his name?

MR. ROBERT AVERY: Ray McQueen.

MR. FINLEY: There is only a limited space where there is really good sight distance and he picked it. We had one note on there where we didn't have the sight distance drawn. I guess it didn't occur to us because we didn't even measure because the County picked it out for us, but we'll get the information and put it on.

JOHN HELLABY: Avery Engineering is going to be the only tenant in this building, that you know?

MR. FINLEY: Our goal is that we'll use the whole building. We do have offices that we have separate from our work areas that if we had a -- an accountant or I should say a comptroller for our company, we would use that at some point. We would have a private office for consultations. In the very beginning, if we were to find some accountant that just needed an office space or an attorney that was a one-person show that needed to rent a room, I guess we might consider that, but the goal is that it is our building.

JOHN HELLABY: Full basement?

MR. FINLEY: No. In this case we would do slab on grade because the water table is kind of high. We don't really need a basement.

JOHN HELLABY: Snow storage?

MR. FINLEY: Snow storage is all along the east side of the parking lot. It drops off a little bit for a swale.

JOHN HELLABY: Dumpster location also while you're over there?

MR. FINLEY: This -- snow storage is here and all off to the side (indicating).

You said dumpster?

JOHN HELLABY: Dumpster, what you're planning on doing there?

MR. FINLEY: We're picturing the tote that we can bring into the utility room like you would have at home.

JOHN HELLABY: You said the lighting will just be on the building proper. Hours that it might be on? Do you envision it being on from sundown to sun up kind of thing, or limited type

lighting?

MR. FINLEY: Yes. It would be porch lights at the doorways for employees, and a lamppost out front.

JOHN HELLABY: I see some extreme care taken in trying to maintain some of the larger trees. But I also recall in some of the preliminary meetings the neighbors on the other back road over there were quite concerned about berms and vision and whatnot. I do notice that you have got quite an amount of pine trees there. Has any thought been given to possibly a berm-type situation similar to what they have got on Paul Road down in front of, what is that, the Harris Seed type thing down there? I mean the lot falls off enough that I think your building will be down in from the road elevation. A 4- or 5-foot berm elevation would give it that much more coverage.

MR. FINLEY: Our big obstacle, there is a huge water main that runs on our property in a easement that we can't fill over. We can't really plant in it.

JOHN HELLABY: But the trees will have to be in from it, as well. I'm not looking for any humongous thing. I'm just looking -- again, I would have to wait and see how many residents are here and what their concerns are.

MR. FINLEY: There is slight room for maybe a foot of a knoll with the trees, but I am limited. We're trying to catch the drainage that comes off the road and bring it around the building.

JOHN HELLABY: The only other question I have is speculation. What do you envision the other lot being kind of? I know it is tough to say, anybody's guess.

MR. FINLEY: Hoping by taking the first step and having our building designed and showing what it will look like -- we're trying to make it look somewhat lodge-like. We're using what they call cottage windows where they put the grills in the top and have glass in the bottom, the shake-type siding in the gables. We picked that because we're right next to a pretty nice open area. We have the creek. We have an area that is flood plain that really won't be developed. So we're trying to make it blend in more so than not. We're hoping that that would be a lead to other people on what they should build to try to make it all look together.

JOHN HELLABY: The only question is: Do you have a strong hold to make that happen? I mean as far as being the property seller, or do you just sell the property and away-they-go type thing? And naturally they would have to come before this Board.

MR. FINLEY: As far as us limiting -- I mean if there was somebody who really wanted a landmark-looking building at the gateway coming into Chili, it will go through the Planning Board to review it and if they have a beautiful monumental building that doesn't look like ours, I would hope it would get approved. But our goal is to try to sway them to do it. We have no deed restrictions at this time.

JIM POWERS: Would you allow -- if someone were to develop the lot next door to you, would you allow them to use your exit to Beaver Road from their parcel? Because you're -- there is not a lot of room to have a road cut on Beaver Road and I don't think you would want one on Archer or the Extension. Just a curiosity.

MR. FINLEY: I don't know. We haven't talked too much about specifically sharing it. We know that if they had a parking lot and we had, it would be wise to connect them somehow for emergency access, fire equipment. The Town had -- or the Town DPW suggested for the larger building we should have a second exit and it should be onto Beaver Road Extension because we already have one onto Beaver Road. Archer is too short. It has turn lanes and things in there.

We would picture there would be a driveway on each side, but that goes through site plan review when it comes.

DENNIS SCIBETTA: Kip (Finley), could you expand on that? Did you consider going on Beaver Road Extension and if you do, if you are going to share the driveways, we would like an easement put in place now beforehand to minimize the road cuts. The second ingress, who spoke to you about that?

MR. FINLEY: We have a letter from Joe Carr that had requested that.

JAMES MARTIN: That's in reference to Lot R-2, correct?

MR. FINLEY: Yes. We probably have it if you want to wait a minute.

DENNIS SCIBETTA: Sure. If I could see that. I wasn't aware of it.

MR. FINLEY: You weren't copied on the memo?

JAMES MARTIN: We will get you copies of that.

MR. FINLEY: As far as easements, we'll have to talk about that. I really can't make the call, unless you guys want to decide now.

We do know that there is an area where there is a large parcel across the street that has a yellow house. Half of the property is developed with the R and the other half is woods. There was a strong feeling during the public hearing last time, if we're going to bring any driveway out, they didn't want it right across from the house. They wanted it where the headlights would face into the woods instead of into the house. So I'm picturing the parking and the driveways would be close to something. That is why I would say we would connect them. We also don't want to bring a driveway out right at an intersection either.

JOHN NOWICKI: What was the argument against Archer Road?

MR. FINLEY: The stacking of traffic coming up to the stoplight. There is also a crest of a hill. You have a pretty good sight distance coming out of Beaver Road Extension, but if you go a little further south, you don't have good sight distance.

JOHN HELLABY: Where the vegetable stand was years ago, they were afraid somebody

would be killed there.

DENNIS SCIBETTA: I think Mr. Carr's position on that has changed since that letter was drafted. I'm not sure that is totally accurate of his view as to what he had given us at our DRC meeting. That is why I was questioning that.

MR. FINLEY: Okay.

JAMES MARTIN: This is a fairly old letter. July of '05. I guess it is something that we would have to probably take a hard look at.

MR. FINLEY: Okay.

JAMES MARTIN: There is a point, if you do sell that lot and there is a proposal before us --

MR. FINLEY: So at this time, I guess our immediate need is to figure out would we want access through our driveway should we design it appropriately and put a easement now, because the driveway in the future we don't have too much control over, but if we share ours, we can put that in place.

DENNIS SCIBETTA: I actually think that would be a wise decision to be made now. If you clear it up now, it would take out something down the road you're not having to do and it is already in place. Again, I -- Mr. Carr expressed his concerns about the safety of exiting onto Beaver Road versus Beaver Road Extension.

MR. FINLEY: As safer onto Beaver Road.

DENNIS SCIBETTA: I'm not aware of any request for a secondary access for fire or anything.

KAREN COX: What was his concern, that Beaver Road Extension was not -- or Beaver Road was not as safe as Beaver Road Extension?

DAVID LINDSAY: He was saying due to the traffic in the morning, the evening, the heavy traffic, that he was just questioning whether or not it was a safer access point off Beaver Road as opposed to coming off Beaver Road Extension for your entrance.

KAREN COX: But if it is -- but if the County cited it...

MR. FINLEY: I think they're saying it would maybe be safer on Beaver Road.

JAMES MARTIN: The County cited it on their road. Beaver Road Extension is a Town road, I believe. So I think it is worth considering, all right, as an option, you know, if there is a way that you could design it. Forget the access onto Beaver Road and have your entrance and exit going onto Beaver Road Extension.

MR. FINLEY: Was Fire Marshal -- well --

DENNIS SCIBETTA: He did not question the secondary access or something.

MR. FINLEY: Then we don't have to go back and ask that question. Pretty much you can get a fire hose to any place on the property by any of the three streets. It has got good access.

JAMES MARTIN: It is not that huge a piece of property.

MR. FINLEY: We'll discuss that. We're hoping tonight, maybe we could take care of subdivision, but we realized with the landscape plan not really being totally complete yet and there was comments that we just saw, we probably won't get the whole way on site plan, so we'll have time to take care of those things.

JOHN NOWICKI: I don't have the plan in front of me. Is there a location on the site, a dumpster location?

MR. FINLEY: We'll use the type of trash totes that you have at home, and have them inside. There is an employee entrance in the back, but we don't have real huge trash needs, and right now we just have a 30-gallon trash can in the office.

JOHN NOWICKI: Would that be in some kind of enclosure attached to the building itself?

MR. FINLEY: I'm thinking it is inside the building.

MR. FITZGERALD: It would be inside.

JOHN NOWICKI: No outside storage of containers?

MR. FINLEY: No. The doorways will be flush to get in and out, so we can wheel the tote in and out.

JOHN NOWICKI: Going back to the architectural drawings again, I'm seeing the residential character to the building, but if you can look at other details such as shutters on windows and things like that to even increase the residential character, I would certainly be looking for something like that.

Are there any rooftop units on the roofs?

MR. FINLEY: I think being the size of this, it is really basically a house. I think we would just have a plain old residential unit on the ground.

JOHN NOWICKI: Okay. So slab on grade. I assume you will have a utility room for the furnace and things like that?

MR. FINLEY: There is a mechanical room in the center of the building that all of the utilities comes in from Beaver Road Extension into the utility room in the center, and that is where the bathrooms and everything are clustered in the middle.

JOHN NOWICKI: Is this being -- going to -- is there a proposed new code for sprinkler systems? Will it be under sprinkler system, this building?

MR. FINLEY: That I don't know. We did design --

DENNIS SCIBETTA: Wouldn't even take effect until 2012.

JOHN NOWICKI: They're underway?

DENNIS SCIBETTA: Yes.

JOHN NOWICKI: I just bring that up, because that is coming up.

MR. FINLEY: I would say I'm not an expert on that. So I don't --

JOHN NOWICKI: Are there any plans to landscape the storm water pond? Is there a berm around it now or proposed? Is there any landscaping proposed around it?

MR. FINLEY: Yes, there is going to be landscaping. It will be a seeded mix.

To give an idea of berm height, it is about 4 feet above the road up at this point (indicating). It is not going to be highly visible from the road. It will actually just slope up as lawn and you may not even realize there is a depression there from the way the cars sit.

Coming down the roads you will be able to see it, because you will be able to see over. What we're going to do is plant the safety bench, which is a wetland mix that has some wild flowers in it. We weren't going to go to any extent of water lilies and things like that.

When this -- whoever purchases this, they may want to do some additional plantings as they do their site, depending on what their building looks like, but for us it is going to be a seed mix with wild flowers.

JOHN NOWICKI: Based on our existing codes, do you have enough parking sites?

MR. FINLEY: Based on employees, we did, yes.

JOHN NOWICKI: I assume that driveways and the parking areas are all paved with asphalt or --

MR. FINLEY: I think that is in the code, isn't it, for a hard surface?

JOHN NOWICKI: Is that in the code?

DARIO MARCHIONI: Handicapped area.

KAREN COX: It is paved. There is a note.

MR. FINLEY: Our goal would be to be paved. If we could have gravel for a year until it settles, that would be okay.

JOHN NOWICKI: I think we want to see it paved. If --

GEORGE BRINKWART: I like your parking space sizes, 10 by 20. I can probably actually pull in there and not get dinged up.

MR. FINLEY: We all have trucks.

GEORGE BRINKWART: Do you have an anticipated start date for construction?

MR. FINLEY: I just thought you were going somewhere with the car thing. My first couple of weeks I backed into one of the employee's cars with my truck and totaled it. We have big parking spaces here.

Anticipated start date, it has a lot to do with whether we can sell this piece of property. Right now the most we can do is clearing ourselves and pruning the trees. We had it brush-hogged. We try to maintain it, but we don't have a construction date right now.

GEORGE BRINKWART: Help me out a little bit. I was looking at your plans for the pond. Is the water surface elevation about 520 or 523?

MR. FINLEY: It's about 6 inches over the safety bench. Yes. About 23. So that the hatched area on the drawing would be wet most of the time. If it was a really dry season, we would have three pools.

DARIO MARCHIONI: Going back to the question that John Hellaby brought up pertaining to the driveway -- I mean the parking lot and protecting that, the residential area, across the street from the parking lot, visual and also lights and stuff, but I understand, you know, how you close up at 4 o'clock, 5 o'clock. But some day down the line this building could be used for somebody else. So just set something in place today.

I would like -- I like the idea what he says for a 4- or 5-foot berm at least alongside the parking lot on the north side with shrubs and everything. And then also, you know, that could continue down the line, depending on who the next project is going to be.

MR. FINLEY: I think we would probably vote more for denser plantings that we would a 4- or 5-foot berm. I have seen many cases where that just doesn't work and it ends up drying out and everything dies. I had -- a berm over 2 or 3 feet really is pushing it. But we can do a more variety of plants even and do some deciduous shrubs mixed with evergreens and make it a little more dense.

DARIO MARCHIONI: Thicker vegetation.

KAREN COX: That would look better, I think.

MR. FINLEY: We have the evergreen spaced pretty closely and only a couple places where it breaks open a little bit, just so it is not completely dense. It also serves as a wind break for us, for our employee entrance in the back.

DARIO MARCHIONI: I have seen areas where they put like a bush fence, type of -- real thick type of bush fence that works, too, because sometimes those trees take long years to grow to have any effect.

MR. FINLEY: We do want to have some views through it just for security so when we drive by at night, we can see if somebody is parked in the parking lot, or -- I mean we'll try to come up with a mix for that, but then we'll be back to the Conservation Board with a landscape architect-designed plan.

DARIO MARCHIONI: I'm just concerned about the lights in the evening, you know, especially in the wintertime it gets pretty dark early and shining on people across the street, there, you know, that is really the concerns I have.

The other thing is, if you would use that -- only that exit and entrance on Beaver Road, how would the configuration be for the next project to tie into that? Is there any idea? I mean -- because this would be the time really to do that if it is possible.

MR. FINLEY: We had already pretty much thought of it. We just thought it was presumptuous to draw too much here. What we would probably do is bring this over and make this more of a T (indicating). And this building would have its parking lot here (indicating), and

we don't know if they would do front or back, but we would bring this in on a curve and follow the contours and bring it up to wherever the parking lot ends up being. We thought about it. The geometry will work for it, and so we would plan an easement somewhere along those lines, but this is where it would come off. We don't want it going through our parking lot to get there.

DARIO MARCHIONI: The entrance on Beaver Road is going to be just the plain entrance or will you put some shrubs around it or something that makes it look more attractive? Are you going to do anything? Any signage? Any lighting on either side? How are you going to treat that entrance? Since we're dealing with a residential -- I mean the building will look like a residential-type complex. Are you going to do any treatment on that entrance. Because that would be very important to reflect the rest of the building?

MR. FINLEY: Well, I guess I would have two points of view on that.

If we made marquis, our entrance -- that would probably not look like most houses. But -- and it also could be a distraction for people pulling in and out. What we thought we would do is with this bank that we have through here (indicating), we would plant a ground cover and then we would have some shade trees in the front. We're trying to direct the focus up to the building that has plantings. If there was a sign, I think it would be a fairly minimal sign. We do have to have some kind of identification with our street number and Avery Engineering and Surveying.

We weren't planning any kind of stone posts or fences or anything at the entrance.

KAREN COX: You couldn't plant anything in the right-of-way anyway.

MR. FINLEY: No. We have a lot of room there. We even toyed with planting wild flowers in the front and now it is a meadow, leave it a meadow, but make it controlled and have wild flowers and just grass up around the parking and the building. That is where we have to talk with a landscaping architect more, but as far as stone pillars or anything, I think there is only one or two houses in the neighborhood that has a fence or decorative entrance.

DARIO MARCHIONI: Will you have lights along both sides of the driveway or any type of pole lights?

MR. FINLEY: I think just one pole light right up near the building.

JOHN NOWICKI: Like a house light?

DARIO MARCHIONI: Thank you.

MR. FINLEY: Okay.

JAMES MARTIN: Anything else from the Board?

DENNIS SCIBETTA: You answered the questions we had about the exits, ingress and egress and that. That has been covered. Thank you.

DAVID LINDSAY: Is the County going to require any lane modifications that you're aware of for the shoulder and entrance?

MR. FINLEY: It is something we would look more at the build-out. For us, we only have nine employees and one customer every three or four hours maybe, and some deliveries. We wouldn't have any lane modifications and they didn't talk about it for that.

As far as the other building, we really don't know who the other tenant would be. We figured part of the reason having another driveway out onto Beaver Road Extension, it would be a little more ordinary exit onto the property to a slower road as you exit out than onto a higher speed road. We thought that was a good point as long as we don't have the driveway right into someone's front yard.

I don't think you would really want to have turn lanes on the curve on Beaver Road. Putting all of the traffic onto one exit would make us ask ourselves those questions of what to do. But even -- I don't think if we had a building three times the size that as maybe 30 employees, that is still not a lot of traffic to warrant turn lanes.

KAREN COX: It is not a high volume business like a store.

MR. FINLEY: Professional offices, people trickle in and trickle out at the end of the day.

DAVID LINDSAY: You say you will forward a drainage report and a SWPPP.

MR. FINLEY: Yes. We thought we did. We do have the drainage report. The SWPPP is actually on the drawings.

We have it here (indicating). It looked like it. This one is referencing that there is a book. It will be very simple, though. But we have most of that stuff done. I thought you had it.

DICK SCHICKLER: Conservation Board reviewed the preliminary site plans and offered some suggestions on the planting material along with some size refinement. There again, we'll be looking for plans drawn up by a licensed landscape architect.

MR. FINLEY: In general, I think they were in favor of the concept of screening the residences, though, and -- okay.

FRED TROTT: The Traffic Safety Committee, along with you, felt that other building should have the easement with their property.

Um, and depending --

JAMES MARTIN: Can't hear you. Speak up.

FRED TROTT: I'm sorry. The Traffic Safety Committee agreed with you that they should have -- the other building should have easement with them, their property.

Also, with the -- do you know what the sight distance is for your entranceway on Beaver Road?

MR. FINLEY: I don't recall what they are, but when the County came out, they were locating the driveway for about a 50-mile-an-hour speed. I think it is 40 or 45 on Beaver Road, so it has to be 6 or 7 00 feet at least.

FRED TROTT: We wouldn't want -- just with the concerns of the road, I wouldn't recommend anything blocking the sight distance.

MR. FINLEY: You mean like driveway pillars or signs or things?

FRED TROTT: Yes.

MR. FINLEY: I agree. On a curve like that, pulling out, I mean the -- you need the visual.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GEORGE PETERSON, Beaver Road Extension

MR. PETERSON: George Peterson. I live on Beaver Road Extension. Just a couple of comments and things.

The first thing I am concerned with is with the resubdivision, what control -- once the new owner takes possession of the property, what control or guarantee do we have to -- when they build to make sure the buildings look similar to theirs? They brought -- you guys talked about this when they came before the Board for rezoning to make sure that somebody wouldn't come in and put a one-story masonry block up there. So I'm -- I don't know what -- if there is something that needs to be put in there or -- I don't know if you call it deed or something that guarantees that they will try to match the job that they're doing on their particular building.

Um, the second question is for the new lot, what is the -- how big of a building can they put on there or the square footage, number one, and what did the perk tests show for that lot as far as what it can support for new buildings?

JAMES MARTIN: You can answer that.

MR. FITZGERALD: I thought I had the night off. I'm Rob Fitzgerald.

Um, the size of the building, the largest building we could actually fit trying to cram in the permitted parking, as well as permitted septic, I believe was 9,000 square feet. It was in that ballpark. And that was cramming the site.

As far as what the Board can do as far as deed restrictions or other type of enforcements for that parcel, we're just here tonight for site plan approval on our parcel. The other parcel, if they want to construct a building, they have to come back in front of this Board and at that point they get to review that project as well as take more public comments.

JAMES MARTIN: Hopefully by then we'll have in place an Architectural Review Committee that will be advising this Board on architectural issues that are associated with projects like this that will, I hope, insure that, you know, whatever goes onto that piece of property will be aesthetically pleasing from the standpoint of the residential area around it and its conformance with the building that Avery plans to build.

So I think that there will be some protection from the standpoint of having that committee in place at that time.

MR. PETERSON: Okay. I was just concerned because I didn't know if that would cause actual -- if that was a restriction it would cause -- make it harder for them to sell that property for them. And the perk test you said it can support?

MR. FITZGERALD: It would be the same type system. We could treat the -- depending on the number of employees, but based on square footage we could fit the system on there to support a 9,000-square-foot building.

MR. PETERSON: The other thing too, I think you guys really addressed it, but I want to reiterate the fact for lighting, obviously most of us have been on the street all of our lives, and we're used to a nice quiet, dark street. I realize in the wintertime when it gets darker earlier, you will have to have the lights on when employees are leaving, but I hope you keep whatever lighting to minimal. I can reference the Jehovah's church, when they first put their church up, they had that lit all of the time and I now it's just a couple of lights. That it's not too bad compared to the church at and Archer and Paul, where their (inaudible).

JAMES MARTIN: Just for your information, I did capture the one comment made by, I believe, Mr. Marchioni. You should -- we request that adequate screening be provided along the north side of the property to prevent headlight glare from hitting the neighborhood houses. We have addressed that. That will have to be negotiated with the Conservation Board before a site plan is finally approved.

MR. PETERSON: Just information. I don't think it will be a benefit from them, but now electric is actually on both sides. The house that went across, they had to run five poles on the south side. Probably easiest to get it on Beaver Road Extension, but I assume you won't need to put any poles on --

MR. ROBERT AVERY: They just did that, right across the street.

MR. PETERSON: If you go on Beaver Road Extension, you won't have to put additional poles on anybody's property, right, for electric?

MR. ROBERT AVERY: Should be able to run it from Beaver Road.

MR. FITZGERALD: I would run the conduit down poles and underground.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is this the same conceptual plan for the building that was brought before the Board before?

JAMES MARTIN: It is very close to what was brought in initially, maybe a few minor changes.

MS. BORGUS: I looked at the plans today in the Building office and I know there are elevation drawings for the other directions -- I know this is south and east and maybe -- I know the Board has, but maybe the audience hasn't seen them. The thing I notice about the plans is there are so few windows, and I would like to just build on a point Mr. Nowicki made, it's very

plain. I mean I'm sure the neighbors want it to fit in as a residence, but it could be dolled up a little bit here.

I think if you look at the drawing on -- I want to say the north side, but you have the drawings there. You can look. It is very plain, for the side -- the whole side of a major building. There is nothing there. I think you want to make it look -- you wouldn't have a house with that few windows. That's my point. It is very, very, very plain. And it could be dressed up with just a little better window treatment. It wouldn't take too much to spiff this up a little bit.

JAMES MARTIN: I guess we would request that, you know -- you know, coming back in for final okay, if there is some elevation changes that you can make from an architectural standpoint and dress that up a little bit, I think it would be appreciated by the neighbors. I don't think it would be that expensive perhaps, unless you have some interior design that requires that kind of configuration.

MR. FINLEY: To explain some of it, most all of the workstations have one window. A lot of the areas we really don't want too much light because we all work on computers, and we would have to have shades over the windows a lot any ways.

There is also the flip side is on the side that is facing north, if we have dense trees and vegetation and a lot of windows on that side of the building, we also have a lot of space to hide people that can break in. So we're trying to find a balance. We were putting -- there is one -- there are four windows on the north side and then we were having the trees a little more sparse so that we have a mix between. I don't -- we would either want lots of windows and really very few trees on the north side. If we spend thousands of dollars to make it look like a residence, we don't want to spend thousand of dollars to cover it. We're trying to find a balance that works.

MS. BORGUS: For this Town and the people that live in it, especially the neighbors in this area, this is going to be very obvious, it is going to be very much a part of their neighborhood. I think that the concern of this Board should be the welfare of the Town and the residents and secondarily the comfort level and the financial ability of the builders to put this up.

I just -- I looked at it today, and frankly, I didn't think it was the same plan that had been introduced before. It looks so different to me. I thought the original building was a lot dressier and a lot more attractive than this. What will this building be constructed of? What will the major construction material be?

JAMES MARTIN: You can answer that.

MR. FINLEY: It will be vinyl clapboard siding and then the gables will have the vinyl what resembles cedar shakes in a corresponding color. Probably some kind of a light earth tone on the bottom and a little darker color on the top to make it not look so tall.

MS. BORGUS: Maybe some trim features. I'm not an architect, but I know it doesn't look very good to me. It certainly could look better. It could be dressed up more and it wouldn't take a lot.

The other question, and I think I understand this, but you don't have any plans to build this in the near future; is that correct?

MR. FINLEY: We don't until there is -- the lot next door sells, so that we have the capital to build it.

MS. BORGUS: As far as the Planning Board is concerned, once this is approved, how long would they have to complete the project?

MR. FINLEY: Like two years before we renew.

JAMES MARTIN: I think --

DENNIS SCIBETTA: No time limit. There is no time limit.

JAMES MARTIN: I don't think there is any specific time limit, Dorothy (Borgus), as far as I can remember in the code.

MS. BORGUS: Okay. So I'm just -- I speak for the neighbors because I wouldn't want to look at a building that looked look that plain, but I also speak for the Town, all of the Town, because that is a major road. I don't know how many tens of thousands of cars go up through that road in a week's time. But I would ask the Board to please have them dress that up a little bit. Thank you.

JAMES MARTIN: I think I have already asked that they take a look at that.

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: I would hope the Board take into consideration, if preliminary site plan approval allows the applicant to start moving dirt or do any development in this area, that they think about this very hard before we allow -- before we do that type of approval. I would hate to see this become a mess like across the street. What was supposed to be the Vistas is an eyesore. It's a disgrace. It looks terrible. The materials and things that have been kept over there for a few years now is just really bad. And I would hope -- I understand the applicant's need for subdivision. I think that is great. But this -- it seems to be heavily contingent on selling that other piece of land what they do with this property. If we allow them to do anything, on this land, until that is done, I think it is a little premature.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: Is there any possibility if -- this land was rezoned to Restricted Business, was there anything in the code that says if you don't do something, you don't build on it in a certain number of years, it reverts back to what it was zoned before?

KEITH O'TOOLE: There is such a provision, but my understanding is that land had already been zoned RB in the first instance. This applicant didn't ask for a rezoning.

DENNIS SCIBETTA: They asked for a rezoning and they were turned down for the rezoning, I believe. Maybe Bob (Avery) could tell us. You asked for it to be zoned, I believe, LI, to change RW to the --

MR. ROBERT AVERY: Neighborhood Business, yes.

JAMES MARTIN: Asked for Neighborhood Business. That was turned down. They requested Restricted Business. That was approved.

KEITH O'TOOLE: Since the prior zoning is RB, and if you had a reverter in two years to RB, in essence it would revert to what it already is. So there is no problem here. That is the short answer.

MR. MILLER: I don't believe it was zoned Restricted Business, though. Why was it rezoned then?

KEITH O'TOOLE: Our records indicate it was zoned RB, Restricted Business. This applicant had asked for a rezoning to NB, but were denied that application.

MR. MILLER: Then why did the Town Board rezone the property to Restricted Business last year if it was zoned Restricted Business?

KEITH O'TOOLE: That is not my understanding of the record.

MR. FINLEY: We put our minds together. I am pretty sure it was R-1-20 before it got rezoned. Not that I wouldn't -- I --

JAMES MARTIN: I believe it was.

KAREN COX: It was.

KEITH O'TOOLE: Garbage in, garbage out.

MR. FINLEY: There is a provision that if we don't act on something within a couple of years, that it would revert. That is why we're here. Well, where --

DARIO MARCHIONI: That is on multiple residency aspect, going to multiple residency.

MR. FINLEY: Oh.

DARIO MARCHIONI: That's other zoning, it isn't?

MR. FINLEY: Oh, okay. Well, we thought -- well, then we could have put this off for a little. We thought we needed to act soon so we weren't outside of that. That is why it is here.

MR. MILLER: Okay. I am assuming this is also considered a major subdivision. Is this considered a major subdivision?

KEITH O'TOOLE: Let's step back just so we can clarify.

JAMES MARTIN: Why don't you do that.

KEITH O'TOOLE: Okay. If, in fact, they had a rezoning last year and I was misinformed and it went from whatever it was to RB, then they have a two-year renewal. Fine. We have clarified that and I correct the record accordingly. My apologies for misleading you.

As to the issue of a major and minor subdivision, there is provision in the State Town Law that allows the Town to make a distinction between types of subdivisions. Some towns do it, some don't. The idea is that you can exempt certain subdivisions from the rigorous process and provide a fast-track method for perhaps a minor lot change, a lot line change. The Town of Chili adopted such a local law a few years back and we allow it primarily between residential properties.

Anything that's not a residential property will be treated as a major subdivision. The fact we call it a major subdivision doesn't make it major in the scope of SEQRA or anything else. It is just a distinction in the State Town Law that has been on the books forever. Thank you.

JAMES MARTIN: Thank you.

MR. MILLER: Thank you for that clarification.

So where are we in the major subdivision approval process? Are we at preliminary plat approval or final?

JAMES MARTIN: The applications before us are for subdivision, all right, of the parcel into two lots, and preliminary site plan approval, all right, for the building as proposed by the applicant. Those are the two applications before us.

MR. MILLER: I understand that. I'm asking for the resubdivision application, that's considered a major subdivision.

JAMES MARTIN: Mr. O'Toole just explained that.

MR. MILLER: I realize that. I'm asking where are we in the major subdivision approval process. We have two processes. One for minor and one for major. Just asking.

KEITH O'TOOLE: This is a major.

JAMES MARTIN: We're still in the process of public hearing.

KEITH O'TOOLE: Mr. Chairman, if you're in front of the Planning Board, it is a major subdivision. The whole point of having a minor subdivision is not to have to come in front of the Planning Board. That is the difference.

MR. MILLER: I understand that. I guess my question is, typically you have preliminary plat approval and final plat approval. So where are we in this process?

KEITH O'TOOLE: Kip (Finley), would I be correct in assuming that you would just love to have final approval if we would grant it?

MR. FINLEY: Yes.

KEITH O'TOOLE: Okay. Thank you.

MR. FINLEY: I believe the way it was set up for the public hearing, we're here to initiate the whole project and if we get to preliminary tonight, it would be great. If we get to final tonight, it would be even better and that somewhere in the process there will be an environmental determination before they can vote.

MR. MILLER: Right. I just wanted clarification since I'm looking at our Town Code and

we have review procedures for both minor and major provisions. So I was looking at review procedure for major subdivision and I just wanted know where we were.

JAMES MARTIN: There is a review of a major subdivision.

MR. MILLER: I will just bring up again for the record my concern about Town Law Section 276 requiring the public hearing after either a neg dec or notice of completion of a final -- of a draft environmental impact statement. I would hope that you would have another public hearing to comply with that State Law. Nothing further.

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

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

JAMES MARTIN: We have before us two applications, the first of which deals with the subdivision of the property into two lots. The second application deals with the preliminary site plan.

At this time, I would like to do SEQR on the resubdivision application first.

On Application Number 2, James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: Before we vote on the application itself, there are some conditions that were presented tonight. Some apply to the preliminary site plan, some maybe are pertinent to the subdivision itself. As far as the resubdivision, the ones I picked up is that the detention pond will be maintained by the current property owner.

James Martin reviewed the proposed conditions with the Board.

KEITH O'TOOLE: Mr. Chairman, if I may add something to that. I would like the Board to consider making a recommendation to the Town Board that they extend the RB designation for three years.

JOHN HELLABY: If that went to a common drive, there would be no need to re-work the property lines the way you have them, correct?

MR. FINLEY: No. The other lot has frontage on streets, but we're just providing access through our site.

James Martin further reviewed the proposed conditions with the Board.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following conditions:

1. The detention pond shall be maintained by current property owner.
2. Applicant shall graphically depict on the mylar an easement over the pond on Lot R-2 for the benefit of Lot R-1. In addition, applicant shall cause to be recorded in the Monroe County Clerk's Office a Declaration of Easement imposing a drainage easement over the pond on Lot R-2 for the benefit of Lot R-1. Said easement shall grant the owners of Lot R-1, rights of ingress, egress and maintenance to the pond. Applicant shall provide the Town Attorney a time stamped copy of the recorded easement.
3. The Planning Board shall initiate a request to the Town Board to extend the rezoning designation per section 115-14.1(H) of the Town of Chili Zoning Code.

JAMES MARTIN: On preliminary site plan, a lot of issues I think still need to be taken care of. Certainly there is landscaping issues, Town Engineer approval. The conditions that I have already read would also pertain to the preliminary site plan. And then one of the things to be discussed with the Conservation Board would be to provide adequate screening along the north side of the property to prevent any headlight glare to the residential properties across the street. So that would be one of the conditions around the preliminary site plan.

I don't feel comfortable waiving final. You requested it. You paid your fee. You don't have to pay it again. That is my feeling at this time, that we not waive final on this.

The Board discussed that they would not waive final.

On Application Number 2, James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the

application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

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

1. Pending approval of the Town Engineer.
 2. The detention pond shall be maintained by current property owner.
 3. Applicant shall graphically depict on the mylar an easement over the pond on Lot R-2 for the benefit of Lot R-1. In addition, applicant shall cause to be recorded in the Monroe County Clerk's Office a Declaration of Easement imposing a drainage easement over the pond on Lot R-2 for the benefit of Lot R-1. Said easement shall grant the owners of Lot R-1, rights of ingress, egress and maintenance to the pond. Applicant shall provide the Town Attorney a time stamped copy of the recorded easement.
 4. The applicant shall provide adequate screening on the north side of the property that will prevent headlight glare from hitting the residential properties on the north side of Beaver Road Extension.
4. Application of Sydor Optics, c/o Michael Virgil, 6264 Canadice Hill Road, Springwater, New York 14560, property owner: 29-31 Jetview Drive LLC; for preliminary site plan approval to erect a 12,000 sq. ft. warehouse addition and parking lot expansion at property located at 31 Jetview Drive in L.I. zone.

Mike Virgil, Jim Sydor and Mike Naselaris were present to represent the application.

MR. VIRGIL: Good evening. My name is Mike Virgil. We were in here back in the fall for a change of use, I believe it was for Sydor Optics. Jim Sydor, President and owner, and Mike Naselaris, General Manager, are here in case there are any business-related questions.

They bought this building and the previous Label World Building at 29. This is actually at 31. And it's often that I work for repeat clients. This is a new client in the same building. I built this building for Saunders back in '97, '98, so I'm very familiar with that project.

At that time on that site plan approval we showed a 12,000-square-foot expansion, but I guess for the good of the order we decided we would come back and present this because it is a new owner. Basically the layout is very similar to what we had at that time. Same width. 120 feet by 120 feet long. There is existing 100-foot setback buffer that was established way back when -- when we built the original project. They're well within the parking requirements. We're adding some additional parking for their use, but showing a reservation for additional parking should the need arise in the future.

The expansion will mimic and basically match the existing rear portion of the building, fractured face block around the perimeter. I think up to 7'4" on the south side. Metal on the back and below-grade block, I think it is five courses on the north side. Siding will match. All those materials are still available.

Um, and that is the elevation there.

There will be one on-grade loading door at the back. Um, no other doors other than personnel doors and windows on the rest of the addition.

Um, we're currently operating under a building permit to renovate the inside of the office as well as the existing building, that manufacturing space. They have three locations now. Corporate office and manufacturing on Blossom Road. Another manufacturing facility over on Fairport Road. And a electro assembly division over on Winton Place. The assembly division and the corporate office will be moving into the existing building. They need additional space to move the other manufacturing operation from Fairport.

And they hope to move in mid June with the first phase. They have extended welcome to everybody if you want to go over and see what their operation is all about, because it is kind of interesting.

Um, we received comments from the Town Engineer, and DDS Engineers, our engineer, responded to them. I don't think they have probably had a chance to look at it, but I have a copy here. Um, one -- first question was a storm water summary about increased storm water volumes for the 110- and 100-year storm and any supporting calculations. They have provided that. I was involved with the initial expansion of Jetview Drive, Jetview Business Park years ago and that park was designed to carry storm water capacity for businesses in the future and the impact of the storm water for this expansion is minimal, as their report shows.

Um, there was a question about a new handicapped space. We showed one on the plan. We didn't -- I guess we negated to show a handicapped sign, so they have added that to a revised plan which has been submitted to the engineer.

Um, there is no additional lighting to be provided for parking. We're relocating a couple wall packs on the building to the rear which served the rear parking as it is now.

Um, and then the proposed area of disturbance is -- is .509 acres for site improvements. That's been added to the plan under site data.

Um, there really weren't any County Comments from what we received back.

Um, I would be glad to answer any other questions, I guess, at this point.

JAMES MARTIN: Well, the area looks very nice. The buildings are all well maintained on the site. Um, basically you're pushing out into an open field. There is grass back there with a little bit of gravel and things. So I don't have any significant issues.

DARIO MARCHIONI: In fact, I think I did the masonry on the very first building. Very nice building.

GEORGE BRINKWART: Did you say that -- relocated light wall packs? You think that will give you sufficient security for the --

MR. VIRGIL: There were no security issues with the former owner as far as vandalism or anything like that. They run a main shift during the day with about 40 to 43 people and they do run a very limited night shift, basically up to 11 o'clock at night for work that is in process.

I think no more than maybe ten people I think -- four people, I'm sorry. And they would probably park more towards the front of the side anyway, and the parking lot is fairly sufficiently lit. I think they're trying to minimize broadcast lighting to the neighbors, trying to be a good neighbor.

JIM POWERS: Just wondering why you wouldn't leave the wall packs there and just -- if you had a couple on the back end.

MR. VIRGIL: The ones we're going to reerect are on the rear now, on the west side. We're just going to move them out to the new west wall.

JAMES MARTIN: There is a couple on that point.

MR. VIRGIL: Yes. There are two little things I forgot to mention.

One thing that the engineer didn't address is a dumpster. There is an existing dumpster enclosure on the southwest corner of the building. West, west end. We would like to relocate something like that and probably put it -- the new on-grade access door is here (indicating). There is a fire exit here (indicating). Probably like to locate it here (indicating) to keep it in the backyard. So maybe extend the paving to have a truck pickup there for that.

That is my fault.

JAMES MARTIN: So that will be on the revised drawings that the Town Engineer will review?

MR. VIRGIL: Yes.

JAMES MARTIN: Just meet all of the code requirements.

MR. VIRGIL: Existing one -- I didn't know to bring this up or not. Their budget is I think being rapidly drained by the amount of money they're spending on the existing building, and they requested -- they may or may not have -- I guess their desire would be if they run a little short on capital, to maybe stone the rear parking lot until next year possibly and then pave it then. I don't know whether that is an issue, yes, no. Maybe.

JAMES MARTIN: Sometimes it makes sense to let it compact for a year and pave it over.

MR. VIRGIL: There is sufficient pavement for stone fall off, if they're worried about it getting to the road. There is a lot of paving to go before you get to the road. The existing building I think is 214 feet. We're adding another 100 to it. It is quite a ways.

DENNIS SCIBETTA: Do you have a hard curbing? Are you proposing a curbed parking lot?

MR. VIRGIL: No. Right now it is just all grass, no curbing.

DENNIS SCIBETTA: Probably just a condition --

MR. VIRGIL: I'm just talking about the part to the extreme west.

DENNIS SCIBETTA: Just to make sure that stone doesn't travel out into the -- further than that.

MR. VIRGIL: I don't think they want that either, so...

DENNIS SCIBETTA: The possibility if you could locate the dumpster area farther away from -- is it Lexington Drive it backs up to?

MR. VIRGIL: I think it is Battle Green.

DENNIS SCIBETTA: Battle Green. If you could locate it farther to the -- to the east or to the -- you know, to the southeast, that would be better than locating it further in the corner in the back. But just to keep the noise from the dumpsters and that away from there. I realize that --

MR. VIRGIL: There is a possibility to put it on the south side, too, I think at that corner.

DENNIS SCIBETTA: Exactly. That is what --

MR. VIRGIL: If that is preferred. I don't think that would be an issue.

DENNIS SCIBETTA: I think that is a little better.

MR. VIRGIL: They're amenable to that.

JAMES MARTIN: You will work that out and show it?

MR. VIRGIL: Yes. It is more in keeping. It is abutting Label World there in a residential area.

DENNIS SCIBETTA: Other issue is the lighting, the wall pack lighting is a requirement of an emergency exit, is it? I don't see that there is that much of a problem, but it is required.

MR. VIRGIL: We can certainly add one if that is an issue.

DICK SCHICKLER: We haven't received any landscape plans for this addition.

MR. VIRGIL: I don't think we were planning on adding any additional landscaping. That is probably why you didn't get one.

JAMES MARTIN: Basically, there is nothing back there to landscape, Dick (Schickler). It is just --

MR. VIRGIL: We did have a good landscaping plan with the initial build and those trees are still in good shape there. I think we are going to replant grass where the existing dumpster

and the disturbed areas that are no longer going to be access areas. That will be reseeded.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question, please. Will there be an application for COMIDA funds for this project?

MR. VIRGIL: I believe it is a COMIDA project.

JAMES MARTIN: You can answer that question, but I don't think it is relevant to this. Thank you.

DENNIS SCIBETTA: Chairman, I think that --

DICK SCHICKLER: I have a question. In lieu of landscaping, usually we at the Town get one percent donated to the landscaping fund.

JAMES MARTIN: There is provision in the code that there should be a contribution, right.

DICK SCHICKLER: Yes. One percent.

JAMES MARTIN: To the Chili Tree Fund. Could you have a conservation?

MR. VIRGIL: Not my money. Talk to Jim (Sydor). You want to address that, Jim (Sydor)?

MR. NASELARIS: Didn't hear the question.

MR. VIRGIL: In lieu of landscaping they have a contributory fund to the tree fund.

MR. NASELARIS: Sure.

MR. VIRGIL: I don't know what you want to assess.

JAMES MARTIN: Per Town Code.

MR. VIRGIL: Is it a percentage?

DARIO MARCHIONI: Yes.

JAMES MARTIN: You can talk to the Conservation Board about that.

MR. VIRGIL: Okay.

DARIO MARCHIONI: When you get the building permit, you can pay.

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

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

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

JAMES MARTIN: They paid a fee and requested waiver of final on the preliminary site plan.

The Board discussed whether or not to waive final.

James Martin reviewed the proposed conditions with the Board.

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

1. Pending approval of the Town Engineer.
2. Show dumpster location on revised drawing.
3. Stone in new parking area should be contained from moving.
4. Add lighting at emergency exit.
5. Per Town code, applicant will make a contribution to the Chili tree fund in lieu of site landscaping.

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

There was a recess in the meeting.

JOHN HELLABY: Mr. Chairman, before you continue, I would ask to be allowed to step down on Applications 5 and 6 as I am a leaseholder with a cellular provider in the Town of Chili.

JAMES MARTIN: Okay.

5. Application of Omni Point Communications, Inc., 1723 Rush Henrietta Townline Road, Rush, New York 14543 for conditional use permit to erect a telecommunications tower at property located at 2914 Chili Avenue (access will be off Fenton Road between #60 & #68) in R-1-12 zone.
6. Application of Omni Point Communications, Inc., 1723 Rush Henrietta Townline Road,

Rush, New York 14543 for preliminary site plan approval to erect a 120 ft. telecommunications tower, including equipment building at property located at 2914 Chili Avenue (access will be off Fenton Road between #60 & #68) in R-1-12 zone.

Jerry Brophy was present to represent the application.

MR. BROPHY: Thank you. I'm Jerry Brophy from Omnipoint Communications and tonight I would like to just explain who we are, what our proposal is, why do we need what we're proposing, what alternatives we investigated, what the Zoning -- how -- how our application applies to the Zoning code and some technical aspects including propagation maps and more technical information regarding the coverage.

Omnipoint is a whole-owned subsidiary of T-Mobile. It is the fourth largest carrier in the United States providing wireless communication services. It's licensed to provide wireless service and wireless communication and data services in the Upstate New York area. And New York State considers Omnipoint Communications because of the service it provides as a public utility.

Our proposed communications facility is on a 25-acre parcel north of the intersection of Chili Avenue and Bright Oaks Drive, and if I look at that on the map, it's, um -- it's just near the intersection of Chestnut Ridge and Fenton Road, and if you followed Fenton Road north up to the S curve, our site would be up near that S curve, which is the north end of the property.

The property itself is quite large, 25 acres, and it extends all of the way -- it has two access points, one on Chili Avenue and one on Fenton Road. Chili Avenue, one is about 1,700 feet from the north point, which is off of -- right near the S curve on Fenton Road.

We have leased a 50-by-50 parcel southeast of that S curve on Fenton Road, and access to the site would be via Fenton Road and then via a newly constructed access road through the treed -- that entire area that you see there, that entire 25 acres is treed and it includes a federal wetland outlined. It looks about the size -- like a football field at an angle there.

And towards the north end of the property there is some hills. There is some elevated ground that is about 20 feet above the wetland area, and that's where we would like to stay, is in that elevated ground to the north.

We met with the Conservation Board and submitted our plans to the Board, and subsequently got Monroe County recommendations regarding cutting of trees and regarding treating the forest as intelligently as we can, and while this site plan shows that -- a rather specific location for that site, what we're planning on doing is having -- taking some additional survey information. The surveyors are going out there tomorrow, and we're going to see if we can move that -- move that site by staying on that high ground somehow and minimizing any impact on the trees. And we'll also do that with the access road, is we'll put some more bends in that access road so that we're eliminating the -- or reducing the impact on the trees too as much as we can.

Additionally, we -- and as required by the code, we got a landscape architect involved, and the architect had some recommendations as to types of screening to make sure that this is not visible by surrounding residences or from people being able to look down the access road as they take that curve. Heaven forbid.

The leased parcel is currently zoned R-1-12, where a tower is permitted following the Planning Board and it will turn out to be the Zoning Board approvals.

Now, we intend for this site to meet all of the setback requirements. As I mentioned, I will have to have some additional information from the -- from the surveyors to determine exactly what that ridge line looks like and exactly where it goes.

The facility we're proposing involves construction of 120-foot galvanized metal monopole that will over time turn a gray color with no reflective surfaces. That is all of the -- all of the attachments will be galvanized metal. And we'll have up to three cabinets, equipment cabinets at the bottom, and each of these cabinets, you might think of them as a size of a refrigerator.

And those would be mounted on a 10-by-16-inch -- or 10-by-16-foot concrete pad.

We're proposing to have six antennas, three facing in each of three directions, with a possibility of a third antenna added to each of these directions at some point in the future, based on technology and traffic considerations.

But for the moment, our application is for six antennas.

We intend to fence the compound, and are planning an 8-foot fence, 6-foot wired mesh with 2 feet of barbed wire, with a parking space, adequate parking space and a turnaround space for our service vehicles and any emergency vehicles. And although the site may move somewhat, the site would be laid out similar to this, with the parking -- the parking and the access to the compound through a gate.

There would be a single light inside of the compound which would be lit only when a technician is there, and it would be directed to shine directly on our equipment cabinets.

So this site uses tans, gray and neutral colors. The cabinets are a neutral color. I didn't mention that, but they're sort of a dark putty gray. So we use the gray neutral colors to blend with the topography, provide for minimal visual intrusion and at the same time, maximizing the protection and aesthetic sensibilities of the neighborhood.

We'll be screening, as I mentioned, the maximum amount to -- using existing trees, and with the additional plantings that would be recommended by the landscape architect.

The site produces no sound vibrations, odor, heat, dust, smoke or light, and the antennas will be operated at only -- only at FCC designated frequencies, and in accordance with the federal

regulations.

With the FAA, we have an application pending to see what their final determination is, whether this would require lighting or not. Um, and on the same hand, we have received from Monroe County their -- their planning and development recommendations saying that this would provide no interference to the Rochester Airport.

The monopole will be designed to accommodate at least three additional carriers, in addition to municipal antennas, which we will agree to allow the municipality to use that at no charge.

The site is monitored electronically, 24 hours a day, and we have an operations center that is a 24-hour operation, and we'll have a telephone number posted so that if there was any concern about the site, there is always a number to call for somebody to be able to take care of whatever the concern is.

The coverage objectives are -- I want to read this, but, um, to provide reliable in-building coverage to residential areas in the Town of Chili; north of Chili, towards I-490; south of Chili towards Paul Road and between the intersections of Archer Road and Pixley Road; and provide reliable in-vehicle coverage along Chili Avenue, I-490, Paul Road and the surrounding residential areas.

And I can show you what our concern looks like, which is also the very first exhibit over there, and that is that the dark green colors represent good coverage, and this is off the T-Mobile website where you can examine the T-Mobile coverage for any area of your choosing.

And the light areas are areas of concern where we would like to improve our coverage.

And our proposed site is that dot right in the middle of the circle and what the circle represents is the search area where the engineers figured that if we located somewhere within that circle, that we would be able to provide the necessary coverage.

On March 23rd we raised a crane on the property and conducted a drive test involving an antenna being hoisted up on a crane, and we did that at several heights to confirm the results of our propagation analyses. The propagation tool being exactly that, a tool that is used to develop what the expected coverage would be, and so any opportunity that we have to double check that, we do, and in this case we did do that.

I drove around to take some photos of that and found it very difficult to actually see the crane. I thought I would be able to bring the Board some photographs, but the only place I could see it was right down at the corner of Fenton and Chestnut.

JAMES MARTIN: What was the crane height?

MR. BROPHY: It was three heights, 100, 120, 140. We do that at three heights because the engineers predict what height they would want and then we go up higher to see if the coverage would be better and then lower to see if the coverage would be acceptable at lower height.

JIM POWERS: That was the height of your antennas?

MR. BROPHY: Yes. During -- in the test when we -- we had the crane hoisted up to 100, 120 and 140.

JAMES MARTIN: What time of the year was this that you did this?

MR. BROPHY: This was -- oh, March 23rd. So just two months ago, or month and a half ago.

We have no plans for additional future sites at this time, but T-Mobile right now is evaluating every year the need for additional sites based on -- based on information from marketing and sales, assistant performance groups to prioritize needs for sites based on our budget requirements. So I'm not saying that we would never have another site here, but I am saying very clearly that we don't have any plans at this time for another site in the Town of Chili.

Regarding co-location opportunities, there are no existing communication towers within the defined search area. And T-Mobile is currently collocated on three towers in the Town of Chili.

We looked at the two closest existing towers, one at 65 Industrial Circle and -- Industrial Park Circle and the existing tower at 50 Jetview and found that using either of those would not work. And then we considered what if we use the both of them, and we found that even if we operated on both of them at the maximum height available, that it still would not provide the necessary coverage.

And I will be able to show you that using the propagation maps in a moment.

We also investigated the feasibility of placing a monopole at the Chili Fire Department, the Wilson Farm Market. We considered the Bean Funeral Home and the cemetery, but for one reason or another, and that is lack of sufficient space, lack of interest, high visibility, especially in the cemetery, and closeness to residential homes, we decided that --

JAMES MARTIN: Please, please. All right.

MR. BROPHY: We decided to pursue this site in the wooded area as the best site, even though it's not exactly the best zoning, because a couple of those areas were Neighborhood Commercial.

In selecting the proposed site, our intent is to establish a communications network within the Town of Chili consistent with all Federal and State regulations and giving due regard to protect the natural features and aesthetic characteristics of the Town.

In my submission, um, I stepped through the ordinance and showed how the various things that we're proposing fell in line with the Town's ordinance. And I don't know that I would -- at a public hearing might not step through each of them.

But I might just mention a couple here.

That is, all affected trees, or all trees exceeding 4 inches in diameter we're tracking and we'll report on how many of them would be affected by our proposal.

Um, regarding the maintenance and the upkeep, once the monopole is built, we'll have a tower inspection done to make sure that the monopole is built according to specifications and then on each maintenance visit to the site, the Omnipoint -- or the Omnipoint technician is instructed to perform a site inspection and to report any discrepancies to the 24-hour bureau. And the network operations control center would track and find a resolution for any of those.

So our sites are in good shape, and they're maintained in good shape by constant vigilance.

Um, the radio emissions, we'll submit a study of the -- after the tower design is complete, we'll have the radio emissions, a certified organization come in and provide a certified report saying that the -- any emissions from this tower are within all federal and -- all federal guidelines and standards.

And I submitted something to the Board that -- that -- it is from the FCC and it explains why a tower generally would not have any harmful emissions, and also I might point out that the Federal Communications Group is so certain of this that they exempt a tower from reporting if the tower is more than 30 meters tall.

In my exhibits, I attached a tow air description of the possible FAA impact and the fact that we have submitted an FAA request for further determination. I attached the search area, which is still up on the board, showing where we were instructed to search for a possible location. I have provided a removal cost estimate so that a proper bond amount can be determined. We provided and we'll resubmit an arborist evaluation after we have moved the site to its better location. And when I say "better," we thoroughly intend to comply in spirit and everything with the recommendations of the Conservation Board.

And a technical memo -- these are the attachments to the technical memo, which gets into a more technical analysis of exactly what we looked at and what were the results, and finally, the environmental assessment forms for the Board's use.

Regarding the technical memo, I would like to step through the figures and to just show what our existing coverage is at this point and why that is presenting a problem to us.

This is the existing coverage, and the green represents in-building coverage. The yellow is in-vehicle coverage, and the white areas is where we don't have adequate service. As you can see, we ended up right in the middle between our three existing sites or among our three existing sites, but we ended up right in the middle, right in a period -- right in an area where we're very concerned about the level of service. And so we looked to see if we could fill that coverage by using the tower, the available space at the tower at 50 Jetview, which is over here (indicating), the dot where I am pointing, and this would be on Figure 2. I'm sorry, Board. I -- can you see this?

JAMES MARTIN: Yes.

MR. BROPHY: Okay. And that shows a minimal amount of coverage that -- that doesn't really get over into our area of interest at all. And so we looked at using the tower at Industrial Parkway, and we saw a similar effect, is that it just -- it just didn't get into the area of our concern, and so we looked at combining those two and we find -- now, keep in mind, I think I will take a moment just to explain why we're so interested in in-building coverage, and that is today, people are using mobile phones for other than driving down the highway. People are using mobile phones as a way of life. And they're using mobile phones at home, at work and while they're shopping and in between. And so what we're trying to do is provide in-building and in-home coverage across our service area.

And so what this shows is that we would have in-building coverage out here (indicating) and we would have in-building coverage in here (indicating), but we would only have in-car coverage or unreliable coverage in the area of our concern.

And so, we looked at placing the tower there (indicating) and looked at running that at 100 feet, as I mentioned. We had a drive test to confirm these results at 100 feet. You can see that it definitely is serving the area of our concern much better than even the combination of those other two sites.

But it still has some gaps in here, and I want to show you the difference between that and 120 feet. And at 120 feet, although it doesn't exactly meet up with the surrounding coverage exactly, it's a much larger footprint than -- than if you didn't -- than if you only went at 100 feet. And so our RF Engineers that are skilled in this analysis look at that and they say that is acceptable. Whereas the gaps created by an antenna at 100 feet are unacceptable.

And so that is what brings us into that particular area, and that's what makes us ask for that particular height.

And I just wanted to point out, that the -- that our other sites, we have three sites in the Town of Chili, and these are the other sites (indicating). Then we're up on the -- I believe it's the Gates -- Gates or Gates-Chili Fire Department, um, just outside the north town border. So, that's what brings us here tonight, is that we're -- we would like to get on our way towards an approval. We have a little bit of work to do ourselves in terms of locating that site, the exact location of that site, but as I described, we're trying to do that to be responsive to the environment and to the specific Town's request, and I will have that available at the next meeting. I will submit a revised site plan showing the specific location.

JAMES MARTIN: Does that conclude -- does that complete your presentation?

MR. BROPHY: With that, I have completed, yes.

JAMES MARTIN: I walked the site, and there is tape running, you know, between trees and then there seems to be like a pad site delineated on that ridge after you go down and come

back up again. Is that approximately what you were trying to demonstrate by the approach road and the pad area itself?

MR. BROPHY: Yes. That got somewhat mixed up depending when you were there.

JAMES MARTIN: I was there today.

MR. BROPHY: The deer go east and west across our tape, but generally, yes, that -- that blue -- blue and orange tape -- or blue and red tape would have somewhat defined the access road, and then the two tapes going east and west would have defined the north and south boundaries of the proposed site. But I also want to point out that we don't intend to go there. We have every intention of moving.

JAMES MARTIN: Um, one concern I have. You know, we don't have any what I consider to be technical experts when it comes to the wireless communication business on the Board, okay, and we may get to a point later on where we'll discuss, you know, the lack of our expertise and what we might be able to do about that.

Um, I guess I will go to the Board at this point for other concerns and issues.

Jim (Powers)?

JIM POWERS: You talked about sitting up on top of a hill there where you want to locate your cabinets and whatnot. Right to the -- going south of there, it is even a little higher, by then you're getting closer and closer to residential homes. Um, is there anything that can be done on the poles engaged in the two here -- engaged at Bowen Road, and I think the other one is up here behind Town Hall as far as closing this gap that you're trying to close with this particular pole?

MR. BROPHY: We're on the Town Hall. We're on the tower at the Town Hall. What was the other one? I'm sorry.

JIM POWERS: Golden Road, are you on the one at Golden Road?

MR. BROPHY: Golden Road was one of those that I pointed out -- oh, I'm sorry. We're on Golden Road. I'm sorry. It was Industrial Parkway that I pointed out.

JIM POWERS: Is there anything that you can do on the existing poles that would allow you to close this gap that you're trying to close with this particular pole?

MR. BROPHY: Okay. So we have worked the past year and a half on upgrading our sites as much as we could to get as much additional coverage out of them considering changes in technology, and we have done what we can do with the existing technology to improve the coverage from our existing sites.

JIM POWERS: This is a well known wetland area in the Town of Chili. I think this is the old Simon property, if I remember right. And this all flows towards Chili Avenue and under Chili into Bright Oaks.

MR. BROPHY: That's correct.

JIM POWERS: When you start removing these trees -- by the way, I see you're talking about removing trees of 4 inches in diameter, and I took a walk up there, too, and there are some big 4-inch. They come out of there, and once you start, those trees are holding a lot of the soil and ground in place. And the other thing is, I don't know, maybe Dennis (Scibetta) can refresh my memory. I question whether or not barbed wire can be used within a residential district for any purpose whatsoever.

DENNIS SCIBETTA: Can't be used anywhere in the Town.

JIM POWERS: Once upon a time you couldn't use barbed wire in the Town. So I'm concerned, because of the location of this project and the barbed wire on the top of that fence.

MR. BROPHY: Well, we'll comply, of course, with any Town ordinance. Um, the reason we did the barbed wire -- we do the barbed wire atop a 6-foot fence, a 6-foot wire mesh fence with 2 feet of barbed wire on top of it, the reason we do that is to get it up so that somebody wouldn't accidentally walk into it, somebody -- somebody would have to be more than 6 feet tall in order to unintentionally encounter that barbed wire. And it's a security for our equipment and it's a -- it's a protection to the residents so residents wouldn't have to be concerned that maybe their children are getting -- are playing around the telecommunications site.

JIM POWERS: Dennis (Scibetta), do you know whether or not it is?

DENNIS SCIBETTA: Under Section 115 -- 115-95, it is up to the Planning Board if they are able -- if the Board grants them permission to locate the barbed wire on top of the fence -- on top of the chain-link fence.

KAREN COX: On the overall site plan, you're showing -- this is more of a clarification. You show two property owner names for the same property. Is it two properties or is it one property?

MR. BROPHY: Can you --

JOHN NOWICKI: It's on the lease agreement.

DENNIS SCIBETTA: I can answer that question. One is a mistake. The Louis A. Rivera property should not have been on there. If you look down farther, it is located at the bottom. There is the other one you're asking about is -- would you point it out?

KAREN COX: Major is the owner of the property then?

DENNIS SCIBETTA: I'm sorry?

JAMES MARTIN: Who actually owns the property?

DENNIS SCIBETTA: It is owned by Mayer (phonetic) and Boychuk, I believe, are the two names that on the deeds we have.

JOHN NOWICKI: So Rivera should not be on there?

DENNIS SCIBETTA: No.

JOHN NOWICKI: Are their names on one deed? Boychuk and Mayer (phonetic), are they on one deed?

DENNIS SCIBETTA: They own two parcels.

JOHN NOWICKI: Doesn't show on the map that way.

DENNIS SCIBETTA: Just second owner is not listed on there.

JOHN NOWICKI: Shows just one big parcel of land.

DENNIS SCIBETTA: No. There are two parcels. One directly west of the large parcel.

JOHN NOWICKI: This one here (indicating). So your lease is with the whole thing. Are they leasing this whole thing?

MR. BROPHY: I can explain. If you look to see where I am pointing here to this -- to Rivera, that is the same name and the same parcel number as Louis Rivera down here (indicating). So this is a stray name. This name should not be there it (indicating).

KAREN COX: The note is in the wrong place.

MR. BROPHY: Secondly, Daniel Mayer (phonetic) owns this parcel right here (indicating) on which he has his home, and he also owns this entire large 25-acre parcel.

JOHN NOWICKI: You're leasing what?

MR. BROPHY: We're leasing a 50-by-50-foot space near the north end of that parcel.

KAREN COX: You indicated earlier, and I may have missed this. I apologize if I did. Um, you set up a crane at various heights. Did you take pictures?

MR. BROPHY: I mentioned that I -- I brought a camera. It was a nice day. I drove around intending to take pictures. The -- and I have a device in my car that it trips to tell me where that is. I barely could see that tower.

KAREN COX: So you didn't take any pictures?

MR. BROPHY: I only took maybe five of them from -- from the -- the food market right at the corner of Chestnut Ridge Road and Fenton, and even when I went straight across -- or straight south to Bright Oaks, I couldn't see the crane. And the only place that I could glimpse it was going up Chili -- Chili Avenue to a cemetery that is up very much on a hill, and at that point, I was very distant from it and I just spotted it in between some trees and I took a picture, but it just -- if you didn't know that that was there, you couldn't -- it would look very much like a tree branch.

KAREN COX: The point that I want to throw out is that even -- I mean -- I'm sure that many of the people in this -- in the audience here tonight live on Fenton Road and are concerned about what if this goes ahead, what is it going to look like from my backyard. So it probably would have been helpful, even if -- I don't -- I am not saying I don't believe you couldn't see it. It would have been helpful to have some photos from those houses to show that you couldn't see the thing or to prove that you couldn't see the crane.

MR. BROPHY: We would be glad to fly a balloon and to announce the date, to fly a balloon up there and take pictures from wherever the Town might consider important and also our A & E firm is somewhat skilled at doing this, and at finding places that might seem important. When they're driving around and they see it, I ought to take a picture from this spot. We would be glad to float a 3-foot bright red weather balloon at 120 feet at a prescribed time, given the parameters it is sometimes hard to do. We have to schedule it early in the morning generally before the morning winds kick up and it has to be a non-windy day. But within those parameters I can schedule that to be done and we can -- that would allow the Town's people opportunities to actually see it from wherever they want to see it from, and we would take pictures to represent -- representative pictures to bring back to the Board for their evaluation.

KAREN COX: That would be appreciated.

JOHN NOWICKI: Did you by any chance take the opportunity to go out and talk to the neighbors in the area that you were proposing to do this?

MR. BROPHY: I didn't. I guess usually I don't. But sometimes I do. And would the Board want me to do that? I think what we end up with --

JAMES MARTIN: I think you will hear plenty of opinion tonight.

MR. BROPHY: Generally, that's -- at the public hearing, the public hearing is well announced and generally we rely on reaction at the public hearing. And in this case, considering that we are in the woods and -- and as -- at least as distant as we could get from any other location, from any residences, I thought how much more can I do.

JOHN NOWICKI: My question, in your travels, wherever you travel to put these towers up, what have you seen in regards to designing these towers to fit an environment where you don't visually see the tower?

MR. BROPHY: There are some means of making these look like something other than towers. Um, and you -- you may have seen trees. You may have seen them concealed against buildings. You may have seen them on top of rooftops where the rooftops are screened so you don't know they're antennas. It just looks like an addition to the building.

But I would say to keep in mind, in that respect, that what we're proposing is a tower 120 feet tall, and we're putting it in a forest of maybe 60-foot tall trees. So it will be pretty hard to pick out something that you might think of as normal and as belonging in that surrounding. And so our choice here has been to just minimize the impact by picking the slim design of a galvanized monopole, and I say the galvanized because of the non-reflective characteristics and the grayish color, over time that just seems to be the least intrusive solution.

KAREN COX: Has anybody ever powder-coated these galvanized poles?

MR. BROPHY: Yes. If the Town would prefer, we can have these painted.

KAREN COX: Painted or powder-coated?

MR. BROPHY: I'm not sure, but factory colored. If the Town wanted to specify powder-coating, um, I view that as a type of painting, but I'm not certain about that.

KAREN COX: Well, it's a little more durable than paint and it lasts better over time.

JOHN NOWICKI: Mr. Chairman, I happen to like what you suggested before. Um, that if this is -- we're going to move forward, that at the expense of the applicant I think we should have an expert people or person to analyze the information that has been presented and address certain areas of concern with the neighbors that we have on this particular application. So I think we need some counseling on who is available to provide that information, and to make that a condition if we move ahead on this application. I would certainly hope that we would see other -- it is -- concerns me when neighborhoods are neglected in regards to early notification of these types of projects by the applicants themselves. And I know there are other types of treatment that can be done to these towers that might make it a little more tolerable and that has not been done. So that is all I have to say for now.

GEORGE BRINKWART: I'm curious. Prior to you initiating your study for the coverage areas, were you triggered by phone calls from your customers that they dropped out or had problems in these areas?

MR. BROPHY: Yes. And in the technical memo that I submitted, that is noted that that is one of the reasons that brings us to this -- to this point, is that, um, continual complaints from people, from our own customer base. And in addition to that, we looked forward to see that we -- we want to develop a good system and we want to develop a system that works for people, not only to serve the existing people, but to be able to attract future customers also.

So we're looking to provide a good, solid, reliable, dependable network.

GEORGE BRINKWART: One of the other things you might want to consider on your site plan is along with your erosion control and demarcating the trees, is that installing some type of construction entrance to keep the material from migrating out onto the highway.

MR. BROPHY: Okay. Generally we stay within, pretty much within our 50-foot area. Now I say --

GEORGE BRINKWART: This -- in particular during the construction process. I mean you want to put in a temporary construction entrance to keep the material from migrating off the site. If you get ahold of the Building Department, I'm sure they could give you some plan specifications for the construction entrance.

MR. BROPHY: What I wanted to point out is we have a 50-by-50-foot area, and since this is designed for co-location, and if I were to show what the site plan looked like, you can see that this is the 50-by-50-foot space here (indicating). We are using this -- we're building the tower in the center and then putting our cabinets, which I described as being about three refrigerator-sized cabinets. So this is not a really very involved construction maneuver, and we generally have room in this 50-by-50-foot area to -- to store any materials that we need. And that is, to say it differently, we generally don't have nor require off -- off-site storage facilities. And I want to say that knowing that we have protections for the trees and fencing to protect the trees, that we'll have those items in place when we begin construction.

GEORGE BRINKWART: I guess I understand what you're saying, that there is not a lot of, you know, in-depth construction involved, but just looking at your grading plan, I do see that you have grading proposed. Any time you move dirt, there is potential for tracking that material out onto the highway. I just want to make sure if you do proceed, you put some measures in place to keep that material from going off site.

MR. BROPHY: Okay.

DARIO MARCHIONI: Going back to the necessity of this pole, communication tower, now you mentioned that presently you're in the mobile business, right? You're surveying the mobile business. What you want to do with this right now here is expand the service to the home for other purposes?

MR. BROPHY: Primarily, yes. We want to improve our in-car coverage, but we definitely need the in-building coverage.

DARIO MARCHIONI: Okay. Now, you also mentioned that you have requests or complaints that a lot of these people in this whole area are not being served. Is that what you're saying? You have a list of these complaints and who are all these people that want this service and also have complained that you're not serving them? Or -- in other words, this whole area that you're covering, do you have documentation of these people that you're -- that -- you want to serve? Do you have that information?

MR. BROPHY: I don't have that readily accessible. Um, and even so, that wouldn't be the whole point. The whole point, or the other part of that is that we're also looking to have a network that supplies our existing customers that have not yet driven through Chili. In two years or sometime, some other time, they may come to Chili, and maybe -- if there is service in Chili or not service in Chili and they know there is no service here, they may elect not to go to a stop here to get gas and make some phone calls. There is no service. Now, that may be an extreme example, but the point is we're trying to build a network and it is not only for the existing customers, it is for the -- right now I think there is 51 percent of people in America have cell phones. So there is still 49 percent that don't. We want to build a system that is capable of taking care of everybody.

DARIO MARCHIONI: Okay. So the people that live in this whole area right now, they're being deprived of your services; is that what you are saying?

MR. BROPHY: We're not providing the level of service that we consider to be adequate.

DARIO MARCHIONI: Once you build this tower, all of the people will flock to the need of your service is what you're saying? I want to understand, if you have something to back that up -- if it is possible to present that information to us because I look at you -- if you put a gas

station, people come. But if they got a gas station already there, why should they come to yours unless you have a better price for the gas. I'm trying to find -- trying to find the reason for this tower here.

What is the reason for it?

MR. BROPHY: Okay. So I can answer that by serving the existing and potential customers.

DARIO MARCHIONI: But you don't have all these people flocking to say they want it.

MR. BROPHY: Right. Although we do. We're the fourth largest carrier and we continue, as all of the wireless carriers do, to grow every day.

DARIO MARCHIONI: You still didn't answer my question. Do you have any documentation people want this and demand this service?

MR. BROPHY: I can -- I will get -- I will work on getting some documentation. Let me find out what is available.

KEITH O'TOOLE: Few comments. Going forward. You might want to consider a redesign of the cell tower in terms of camouflage techniques. The best one I have seen is the one over at Ridgemont Country Club over on Ridge Road in the Town of Greece. That seems to be one that most people find palatable. The artificial tree has been tried and usually doesn't look too good. That would be my recommendation on that.

In terms of a consultant, in the past, it has been a while, but we hired Bill Johnson, a professor from RIT. You could make a recommendation to the Town Board that Dr. Johnson be engaged with direction to the applicant that they place funds in escrow with the Town Clerk to pay for Mr. Johnson's services.

Another recommendation is that the applicant should be required to provide a topographic map of the search area overlaid on the tax map showing tax account numbers and property owners and their addresses.

The applicant has made reference to alternative sites that were considered. They could designate on that map I just described where those alternative sites where a new tower would function were considered. And we can relate that to the topography and the ownership and all of those issues.

Something we have done in the past, and it has been a while, is we asked the applicants to provide photo simulations, superimposing the cell tower photography and shooting that photo simulation from various points. You know, from perhaps Fenton Road, Chili Avenue in the residential neighborhood to the north so we could demonstrate to local residents what the tower might look like in various points. If you choose to go in that direction, you should probably be very specific as to what -- what points you want the photographs taken from.

Nothing further.

DENNIS SCIBETTA: Yes. Where do I start? The first issue is, do you have an issue with temporary power or are you supplying it on site?

JAMES MARTIN: Emergency power.

MR. BROPHY: We have batteries that are in the small cabinets. Each small cabinet has its own set of batteries. We don't have any provision for on-site generators. If something were to happen to this, then we would have some period of time in order to haul a small portable generator in there and power that up for the time of the power interruption.

DENNIS SCIBETTA: So there wouldn't be a need for a ballistic shield on a propane tank or natural gas tank?

MR. BROPHY: No storage of chemicals or flammables.

DENNIS SCIBETTA: As you know, being located on the 60 Jetview Drive site, the problems that we have encountered with the Jetview Drive -- I will just say it goes back for me six years and I started with this. And the gates -- from the start of the gate and the dead arborvitae and everything else, and I get a little bit tired of getting to hear who is taking care of it and hearing the Town residents complain to us that these sites are not being kept up. We do have an issue with maintenance of the site, first of all.

Second one is with the gate, I think the Board would like to see some type of a gate that would look more like a gate to a residential setting so that it isn't the typical tripod gate that is put up. And it doesn't bring any attentions to it as a site. We want to keep people out. We don't want people in. Especially being in their backyards.

And that needs to be -- we have to have some kind of agreement with that.

Secondly -- or thirdly is the maintenance agreement with the site to make sure that the garbage is kept up and who is responsible for that, and when we pick up the phone we don't want to hear that the tower just got sold to A, B, C down the road and then D, C, S -- we would like the current name and address posted on the facility as to who to contact with problems like that, with the maintenance of the site.

The last thing is obviously the residents are very concerned with, and the residents that have spoken to me are the people that are around there that are concerned with sitting in their living room looking out to see this in their backyard. So you're going to need to make them feel comfortable that what they're seeing and what they're going to be seeing from there. And my concern is more with the residents that are directly around this, rather than the people that are passing by, because it isn't going to be seen by them. It is going to be seen by those people in their backyards.

DAVID LINDSAY: I have addressed my comments in a letter, but I have another one. The estimate you submitted, I would like to have that stamped by a PE.

MR. BROPHY: I'm sorry, have what passed by a PE?

DAVID LINDSAY: The estimate you submitted for the demolition of the structure from DES, I would like to see it stamped by a --

MR. BROPHY: I don't whether it was stamped. It was done by our A&E firm and by a PE. I will have that stamped. Is that what you are asking for is a PE stamp?

DAVID LINDSAY: Yes.

DICK SCHICKLER: Question the Conservation Board has, we discussed when Jerry (Brophy) came to the Board last week inside the 50-by-50 compound. We have some beautiful trees that are existing, and if we keep them, the fence is going right next to them and not only that, there is a grounding system that goes around the total fence area which is almost right where the trees are. The cherry trees are 10 inches. Oaks are 16 inches. Some of the Oaks are 22 inches and been there for a long time. If we start taking some of the trees out, then I think you're going to create a problem with wind down the road. The other trees' perimeters around there are used to living in open area and when you get a strong wind like we had a few years ago in that open area, some of the trees will come down. There is only 5 or 6 feet from the fence. Our question was moving that compound, and I'm not sure what you have in that area. It could be moved very easily maybe 15 feet away, which would be helpful. But if they start putting in ground wire all around the perimeter going to the tower, those roots will be destroyed.

MR. BROPHY: We do appreciate the input we got from the Conservation Board. That was very helpful and I think that we're -- I think six trees that definitely would have been affected, and we have gone back, as I mentioned, and we're having additional survey work and additional arborists work to see how we can minimize the impact on the trees and that -- and we will be moving the site. The site will be in a different place than it is shown now. So that particular problem, that exact problem will -- will be a different problem, and we'll work with the Conservation Board and the Monroe County Planning and Department head.

A similar comment is how important the existing foliage is to a town or geographic area, and I completely agree, as I stated to the Planning Board, that we're interested in working with the Planning Board -- I'm sorry, with the Conservation Board to get a good solid recommendation that says that we have a good -- we have a good site here and that is -- by "good," I guess it means as good as we can make it. That is what I am hoping to bring back to the Town Board.

I would like to go back to maintenance of the site. You mentioned Jetview, which we are not on, and I don't want to speak for other tower owners, but T-Mobile posts very conspicuously our contact information. As I would describe, we have a 24-hour bureau to handle any calls that come in at any time, and we have regular inspections that are done by our field personnel who only have to report that to the -- to the operations center, and that issue is revolved by the operations center.

My impression is that our sites are well maintained.

Also, I submitted a copy of the lease to the Town Board in an addendum to my original application, and in there it spells out very clearly that we are responsible to the landowner for maintaining that site in a commercially reasonable condition and repair during the term of this lease. And so we have an obligation to the landowner to -- and the obligation will transfer on to any future owner of that tower.

The lease runs with the tower. So -- so anybody who owns that tower in the future will have the same obligation to the land owner to keep this in reasonable condition.

KEITH O'TOOLE: I think the issue on that point is when the leases are assigned, and they certainly have been assigned, um, the lease doesn't help us much in tracking down the current contact person who may be well buried in some corporate office somewhere. Keeping a current contact person, their name, address, phone number posted on a sign on the site would help us greatly in making sure that the site stays well maintained.

MR. BROPHY: So that's something -- that's very difficult for me to control. Just for example, if this gets sold twice, for example, I won't be able to enforce in any way what that second landowner -- second tower owner has to do.

My impression is that the -- each of the tower owners put the contact information at the site. But that's only an impression and I don't know anything about the specific -- the way it is handled in these particular sites.

JAMES MARTIN: Our Building Department is -- has had to live with the horror of trying to get these sites maintained for a long period of time, and it is -- I will say at best abysmal what these tower owners do. Knowing there is a high turnover, right, for these towers. They're being bought and sold every day. I know there is a lot of money in co-location rentals, that type of thing.

It is certainly, you know, if you were to assign the lease, at least the first time around, that is something that we would have to be insured of, but it's going to be very, very difficult to chase these people down when they're in Shreveport, Louisiana or something like that, and they say they have a contractor in Erie, Pennsylvania that is responsible for maintaining the property, okay? I mean, that's kind of where the road ends sometimes. I just doesn't happen. I'm pontificating a little bit, but it is a continual headache to this Town.

DARIO MARCHIONI: I have some comments on that. Isn't there a mechanism -- now you're leasing from the property owner. It is his responsibility. He is getting the rent for the site. Isn't it his responsibility to make sure that that site stays clean? Although you're doing it as a -- as a renter, but really the homeowner is the guy we should go after. He is the one who should sign a contract with the Town that he is responsible to maintain this property and if you don't do it, he has to go there and do it. He is getting the money. This is the logical way to do that. Not

that we chase the tenants. If I ran a house, I'm responsible to make sure that house is maintained. You can't chase a person that is renting, that doesn't make sense. I don't understand that whole concept. I think the property owner should put, you know -- be responsible. He's the guy who is getting the money.

MR. BROPHY: Our responsibility -- unless we had some other responsibility with the Town, our responsibility is to the landowner, and that is why I submitted the copy of the lease, is to maintain that in a commercially reasonable condition. That is the authority. That travels with the land. So whoever owns that tower will have the same responsibility to the landowner.

DARIO MARCHIONI: I would like to see the landowner, his responsibility. He lives in this Town, he is the guy who owns that land. His responsibility.

JAMES MARTIN: Well, that's on the lease negotiation.

DENNIS SCIBETTA: Costs the Town a lot of money to go out and enforce these, as you know, how long in time and manpower to do this, and it has been wasted in years past. That is the biggest beef. I can't tell you how many hours, Mr. Hellaby could probably tell you how many hours I have had to chase and how long it took just to get the ballistic shields that they refused to do and it has just been a nightmare dealing with them. So if we seem a little bit harsh, it is the reason, because we're going on past practice and it cost the Town a lot of money and I can't see bearing that. There has got to be a better way.

JAMES MARTIN: I agree.

DICK SCHICKLER: On the road going back into the site, I think we mention it already, but I will mention it again. I know you have a right-of-way or easement for the trees in the way. You should be able to be flexible and move around them, not necessarily a straight line. I know we'll also have a trench for Frontier, for Telco. I'm sure and electric for RG&E. So we're going to dig down 3 1/2 feet. You need to be able to --

JOHN NOWICKI: Mr. O'Toole, if I can ask you a question in regard to the maintenance issue, I'm not sure if we can, but is there a way we can insist on some sort of a maintenance contract up front?

KEITH O'TOOLE: It is called a conditional use permit and that is what we do. Um, by setting the conditional lease term, we have some continuing leverage over the property owner to drag them here before us.

JOHN NOWICKI: That's if we can find them, right?

KEITH O'TOOLE: Well, ultimately that is what we have done in the past and it works, but it is just -- it is not a perfect mechanism, as Dario (Marchioni) indicated earlier, where we can certainly go after the property owner, and that is an option, but I can bet you the property owner can certainly find the entity cutting the check every month. Generally speaking, when we can, we prefer to go after the source.

JOHN NOWICKI: I'm trying to figure out who we can go after to get this money to get this stuff updated with all of the problems in the past.

JAMES MARTIN: Obviously you have heard a lot of the issues come up in the discussion we had regarding the siting of this particular tower, proximity to residential neighborhood. All of the issues that we are concerned about. We'll hear all public comment at this time, but if somebody has gotten up and basically covered a point that you wanted to make, certainly I won't restrain you from getting up and reiterating the same point. But in the interest of time -- you know, we would like to go home before midnight. In the interest of time, if the point has been made, maybe, you know, the Board has understood it and we can move on to some other point that may not have been made by one of the other residents in the neighborhood.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BARBARA SCHROEDER, 68 Fenton Road

MS. SCHROEDER: Before I purchased my property, the last time I looked at it, my realtor indicated to me that because there was insufficient frontage between 68 and the adjoining 60 Fenton Road property, that that land would remain forever wild and it would never be developed. So how can the Town grant a variance if there is not enough road frontage for a road to go in there?

My other question to the -- the people from Omniplex (sic) is I need some clarification on the crane that you hoisted in there and if this is some major piece of construction equipment that you took in there. How did you get it in there? And if you were able to get something in there without access from Fenton Road, why can't you potentially build from the access that you took that crane in from?

JAMES MARTIN: Thank you for your comments.

THOMAS WALLACE, 78 Fenton Road.

MR. WALLACE: I believe that crane was erected on the Mayer property next to their barn, which was toward Chestnut Ridge. So that is where the test was done.

Secondly, I'd like to make a point that it is in the flight path of the airport so it is going to need a beacon.

JAMES MARTIN: It is not in flight path to the airport. That is in our documentation. FAA --

MR. WALLACE: The third thing I would like to make a point. I have been a Verizon customer for 20 years and I get very good coverage in my house, in my basement. Maybe T-Mobile should consider using Verizon's towers.

CAROL SEYMOUR, 40 Everett Drive

MS. SEYMOUR: Sorry, I have never really done this. Forgive me. I'm not a very good public speaker.

While I appreciate the concern that everyone and Omni seems to point out about the environmental impact and the site maintenance, I'm more concerned about the people. I kind of took exception to the fact that he said other sites were eliminated because of the neighborhood factor, but that didn't eliminate this site. We are a neighborhood. We're a very well populated neighborhood.

And I kind of have some health concern issues. I know the document stated that what the FA -- or FCC said there is no potential harmful em -- I can't think of the word, anything bad emanating from the towers, but I sure hate to think we'll be the guinea pigs for a long-term study going on.

And also I have Cingular and I have absolutely no problem either.

And again, I know we depend on you as our elected officials to keep us safe and from potential danger and I just ask that you would give us your really earnest and thoughtful consideration if this can be moved somewhere else. There is plenty of open land in Chili that doesn't have -- it isn't in the middle of a neighborhood. I realize the site itself is in the woods, but that doesn't mean that the residents aren't affected by what is coming out of that tower.

I don't think the visual is as important as any possible long-term health effects that could be coming out of this. And just thank you.

DAVID DUPRA, 2915 Chili Avenue

MR. DUPRA: I would like to show you a document -- or basically I just took this just before I came in today. This is the way their notification, if you look, has been posted. I didn't even notice this, and I live right across the street, right here at 2915 Chili Avenue. This has been this way for a couple of days. My wife came in and actually noticed this. I would contend that there are probably a lot of people that would be here that aren't here. Um, anybody that tries to read this sign has to go by on Chili Avenue into -- is more than likely going to get hit. You just can't see the sign when you're driving.

And I haven't seen too many trees that are galvanized in color in the woods in the past. So I am really not sure I like the gentleman's suggestion over here of trying to find something that is more natural cosmetically with the environment.

I also have some stuff that I found on the Internet. I don't know if this would be helpful to you at all. There is documentation what other states have done with regards to tower construction and lower heights, but potentially maybe a few more of them. Perhaps on the top of a telephone pole where they're not as conspicuous.

JAMES MARTIN: Thank you. In regard to your sign posting, there are also letters sent out notifying any affected residents with a certain -- it depends how far away you are --

(People from the audience said four houses.)

JAMES MARTIN: Wait a minute. Please. I can't -- if you were more than that distance away, you will not get a letter. I'm just indicating there is more than one way of notifying the population about pending application before the Board.

MARY DOYLE, 42 Everett Drive

MS. DOYLE: I don't know how you would know how the tower is going to look when you haven't taken the trees down yet. You know, we don't know what trees are going to come down. We don't know what trees are going to come down, so we don't know what the tower is going to look like. I don't know if there is a way they can do it in a picture or something. But I saw the crane and the crane wasn't out. I mean it was near the barn.

The other comment is that I don't know why it is our problem that people driving through that area that maybe have T-Mobile go without. I have driven through other areas that maybe my phone doesn't do it and it is just a dead zone. I mean that's what happens. It's -- I understand maybe the company likes to get rid of that, but I would hope that Chili would look at the residents' priorities over a company's priority. Thank you.

BILL KELLY

MR. KELLY: Hard to know where to start and where to end with this thing. I hear so much about the protection of trees around here. What about the residents of the community? You know, this is a pretty serious thing when you come into a residential area such as we have up there, and all of a sudden try to plop down something 130-foot tall and then say it is screened by trees. It is a residential area for God's sakes. Town Board in the past has always tried to make an effort to put these towers up on Town property or in some area that wasn't residentially impacted. He comes here, says he is going to put 130-foot titan up there, and the trees are going to screen it. He's nuts. That isn't going to happen.

I sit down below there and I can see everything up there. You vision the size of a tree compared to that tower. That tower is going to detract from values in that area, marketability of property in that area and from the residential nature of this community. I resent this very deeply, that they come in and just make this thrust on us and we expect to crumble on that. I don't think this community is prepared or wants to crumble. I would suggest that each of you go up and

envision this as being your homestead and see just how would you feel about this type of impact. I had a whole lot of comments here, all of which are very vital, but by the time we get all through, I don't want to be repeating any more than the others. I think it is a very critical impact on this community, and I would ask the Board to look on it in that vein.

Thank you very much.

HOLLY COMAS (phonetic), 60 Fenton

MS. COMAS: Directly next to where the tower is proposed to go up.

In addition to every single concern that has been mentioned, we also have concerns that it will directly impact our property, the value of our property if we were to resell it with a tower immediately on -- next door, and also along with the trees that are there. If the trees are removed, we do own trees that are immediately next to the trees that will be removed and the impact on these trees and potentially coming down and the cost that we'll have to incur because of that.

BOB CRIDDLE, 15 Brewster Lane

MR. CRIDDLE: I'm Bob Criddle. I live at 15 Brewster Lane. And now I envision myself sitting in my backyard and 3 or 400 feet away, I'm looking at 120-foot tower. And this is my waning years that I hoped to enjoy in my backyard. Now, this tower is plunked, will be plunked right down in the middle of an area where I counted the day going through the enrollment books probably 3 or 400 families, which translates into maybe twice or 2 1/2 times that people. Many of them children. I spent a couple hours today on the Internet checking through -- incidentally, I want to thank Pat Collins for circulating these green petitions, for taking the time to apprise people in the area who are going to be so seriously affected by this encroachment upon our privacy.

Thank you, Pat (Collins).

I did go through the website on a couple of these things, and I know it was mentioned the fact this won't have a great deal of effect, the radiation. But it mentioned on some of these web sites that TV towers, radio towers, cell towers do emit radiation. And in many instances, it has caused serious health problems. This concerns me and I know that the concern of everyone here should be first and foremost in your minds as you sit to make judgment.

You have admitted you don't have the technical expertise. Mr. Nowicki had a good point. Bring in some experts to advise you. You need that. I listened to a lot of gobble guck tonight. I didn't understand any of it. I just got my computer a month ago. I never had one. You know, I'm learning.

I have a cell phone, which I got a couple years ago. I resisted this. I have no empathy for people who drive through dead spots. None whatsoever. They can drive out of that and drive into an area where they can make contact. No problem. No big problem. So I would implore and beg and exhort you to consider this application very seriously and put the best interest of the residents here tonight foremost in your minds.

Thank you.

WILLIAM SHELTER, 91 Chestnut Drive.

MR. SHELTER: William Shelter. I live at 91 Chestnut Drive. If I am looking out our kitchen window, I will see this tower -- tower over every other tree in the neighborhood. I have -- we just recently lost 12 pine trees in the Labor Day storm of '98, which now our whole backyard is wide open to looking at everything else in the neighborhood. My father and I are the only ones living in the house now. We are totally dead set against having a cell tower in the neighborhood. Thank you.

PAT COLLINS, 104 Fenton Road

MR. COLLINS: My name is Patrick Collins. Something we never really considered. When I bought my house 20 years ago, it was sold me also as forever wild. Well, here is some of that forever wild. (Mr. Collins showed the Board some photographs.) Here we have a painted turtle. Very unusual, but it's there. Everybody has one of these. I hate to see what happens to wetlands with all of the frogs. Got to enjoy them. The crickets at night, got to enjoy it. I'm wondering what the effect of the radio waves will do to that.

We also have a friend, a heron that comes into our yards. How many people can say that they have that coming into their yard? Now, if I have a tower emitting something, I won't be able to see this animal. Other animals I have had in my yard. Wild turkeys. How many times you get to see wild turkeys in your yard? I get to see them quite often. There is another picture of the heron. Pretty unique. Don't get to see that every day. You might see it fly. I get to see it walk. Let's not forget the deer. I would hate to see a deer jump a 6-foot fence with barbed wire around it and get stuck in there bleeding to death. There is another one. Beautiful. You know, if -- if I was a hunter, I guess I would have a nice mounting on my wall, but you know what, I love nature, I love that woods that is back there. No offense to my neighbor, but I would hate to see all this go away. There is a turkey vulture. There is a squirrel. Some more turkeys. It -- it's a beautiful neighborhood. It's a residential neighborhood.

As far as the cell phone towers, um, Coldwater Road, it's 1.7 miles away. My son also has Cingular. I hate to say it, has five bars. I send him down to the cellar. It drops to four. He can still talk, but he is in the cellar. Need those towers. You go from Golden Road to Chili Center. If you followed the path of all these towers that we have, this area is not needed.

It's a residential area. If people are coming here to buy their gas and they want to make a

phone call, those are already by the cell towers. There is a reason why the cell towers are where they are now. They're not residential. And I would also let people know just now on Union Street they started at 120 feet and they just raised it. I think the tower is up to 140 feet. I would hate to say, okay, we put 120. He said he wants to go higher. How high are we going to go?

There is a lot -- I will give you my green sheet I handed out. There is a lot of people with illnesses. Granted we can't say it is from this, but 40 years ago we thought asbestos was fine. Now look at us. We also thought lead paint was safe. Now look at us.

Where are we going to be 20 years from now when we see a cell tower -- what are we going to do with it as obsolete? We're doing satellite. Why do we need an ugly tower? It's nature. Let nature stay nature.

Thank you.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: I was looking through the Telecommunications Tower Act that was passed back in '98, and I was looking under the site plan process and what is required to be submitted by the applicant, and one of the things that is required is a grid map. The grid map is defined to be a complete map of all existing or proposed tower locations within the Town of Chili as well as a complete map of all existing or proposed tower locations in all towns adjoining the Town of Chili, together with such narrative or technical data or information relevant or necessary so as to establish the necessity of each tower site, which is the subject of the application. So that is required and I would like to ask if that was ever submitted. Did you ever receive a grid map?

KEITH O'TOOLE: Ask the applicant.

JAMES MARTIN: You can ask the applicant.

MR. BROPHY: I'm sorry, well, the tel -- the Telecommunication Act was initiated when the wireless -- when the wireless concept was developed, and it was revised somewhat after that. And what that particular section refers to, it talks about the way the wireless companies initially were laying out their entire grids, when they would do eight and ten towers at a time, and as you may see, some recent applicants come into the Town of Chili with multiple requests for towers. It is -- they're designing their overall system. And in that case, the grid was appropriate. And it also was related to cellular, and also that particular section of the Telecommunications Act referred to an application. So what it is talking about is an application for multiple sites, we should be displaying the whole grid so you can see how this grid is going to be covering the Town and interact with facilities around the Town.

What I have submitted is a request for a particular tower in a particular location to cover a particular gap in our service, which is long after our initial roll-out of the initial site design for our system. We now have a nationwide system up and running and we're going back and filling known gaps in areas where we need improved coverage.

JAMES MARTIN: Thank you.

MR. MILLER: Okay. Well, the reason why I wanted to know if that grid map had been submitted was just I have heard now people say during the public comment tonight that they do have in-building coverage with Verizon and Cingular. And so I am wondering, I mean these have to be located on some tower somewhere, and have those towers been explored? Has co-location been explored on those towers?

That brings me to another point, under the -- under the standards for issuing a conditional use of this tower, and this is under Section 115-95-E-3. It is regarding shared use. It is in the case of new towers, applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

Has the applicant provided --

JAMES MARTIN: Since we're not the technical experts on all of this stuff, based on my reading of the application and the submissions that he gave to us, I believe that he met the letter of that particular section of our code.

MR. MILLER: Okay. Finally, regarding Section 115-95-H, which refers to existing vegetation, it mentions that clear cutting of all trees in a single contiguous areas exceeding 20,000 square feet shall be prohibited. I wanted to ask with this cell tower that is being proposed, it is going to be 120-feet tall and there is a 25-foot additional requirement for the setback, making a total setback requirement of 145 feet.

JAMES MARTIN: I'm missing your point.

MR. MILLER: Oh.

JAMES MARTIN: The tower height and setback, you're confusing me.

MR. MILLER: The setback is based on tower height.

KEITH O'TOOLE: The applicant is showing 148 setback on their site plan.

MR. MILLER: So my question is then, in that radius that surrounds that cell tower, do they plan to cut all of the vegetation?

KAREN COX: No.

JAMES MARTIN: To the best of my knowledge, the answer is no.

KEITH O'TOOLE: The setback exists as a fall zone. So if the tower falls down, it doesn't fall on anyone's house or head.

MR. MILLER: Right. I understand that. I was just wondering if they plan to clear that area, if it does fall down, so it doesn't fall on trees.

KEITH O'TOOLE: That's not planned.

JAMES MARTIN: They're not planning to clear the fall radius.
MR. MILLER: Okay. Nothing further. Thank you.

JERRY DARBY, 17 Bent-Oak Road

MR. DARBY: Regarding the FAA, the planes coming in from the west and some of the training planes come over our house. Believe me, I think they must be awfully close to the 125. I think the FAA should come out to Bent-Oak Road and take a few photos when jets come in. I'm not certain when they take off because they do a steep decline, but for the training planes going in there, the helicopters, these are coming in I would say very close to the 125, just over our tree tops and I think it is in direct line with the west/east -- or east/west airport runway. I think it is very critical. I would hate to see something happen there.

JAMES MARTIN: Obviously FAA would have to approve anything.

MR. DARBY: They would have to look at that very closely, because these planes do not follow the path sometimes. They are right to the left of the path.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I don't live in the immediate area, but I am a regular at these Planning Board meetings and I have been here through many years as these cell towers have come in and wanted to be approved, and I have been in here when more co-locators wanted to get on these towers, and I hope that the Board especially and the people who are here take the time to really look at our law governing these cell towers.

And I would especially point out the Chapter 115 -- I will give it to you in just a minute. 115-91. It talks about restrictive zone. It lists locations from A through J with A being the most appropriate place for a cell tower right through J, which would be the least appropriate. And I would like to point out that J, the least appropriate place for a cell tower, is a residential district.

JAMES MARTIN: Very familiar with that code.

MS. BORGUS: And I also would like to comment, although the gentleman from Omnipoint thinks that this grid requirement for a map isn't necessary because that's old technology or old history or the old way, it still remains the law of this Town and it should be applied and adhered to. And if he doesn't like it, too bad, but that's our law. Thank you.

JAMES MARTIN: Thank you.

JOSHUA REPP, 55 Fenton

MR. REPP: Across from the proposed site. In addition to the other sites, I just wanted to get some clarification on night lighting. If there is a proposed surveillance system, I would assume it needs lighting in order to function accordingly. A little more information on that, what we might be able to see from our homes.

DAVE DUPRA, 2915 Chili Avenue

MR. DUPRA: One more question. I didn't hear what the lease length was. What's the term in time that -- that his lease is -- proposed lease is for? You seem to be concerned about the property flipping as far as selling off the tower, and I was just thinking about time frame and how long the current lease was proposed for.

JAMES MARTIN: Is that answerable, Mr. O'Toole?

KEITH O'TOOLE: I haven't reviewed the leases yet. I would assume it is probably a 25-year lease, but I'm sure the applicant can tell us.

JAMES MARTIN: Can you tell us what the lease terms were in terms of the duration?

MR. BROPHY: Yes, I can.

I submitted a copy of the lease, and that states that the lease is for a term of five years, initial term of five years with 55-year -- well, I better -- oops, I'm sorry. Let me check that.

The initial term -- this is paragraph two called term. "The initial term of this lease shall be five years and the tenant shall have the right to extend this lease for three additional five-year terms."

JAMES MARTIN: Thank you.

MR. MILLER: One other comment. I would like to request that you either keep the public hearing open on this application -- since it sounds like you're going to be hiring an expert to come in to review this, there has been talk about moving this -- moving the location of the cell tower on the site, so either I would request to keep the public hearing open or when you hold the hearing -- when you consider this preliminary site plan application again, hold a public hearing at that time, as well. Thank you.

JAMES MARTIN: Thank you.

CAROL BROWN, 32 Everett Drive

MR. BROWN: You said that we should have been notified. How close should we -- should people have been notified, Dennis (Scibetta), 500 feet?

DENNIS SCIBETTA: 500 feet, I believe. All of the notifications are on file with the Building Department so we can check them.

MR. BROWN: Another concern I have is that curve is extremely difficult. It's a bad curve and this week, even these just two days, cars have been parked near that curve and you have to go around them and you cannot see on that curve. It is a dangerous curve any time, but with a car parked there it is twice as bad. I worry about vehicles during construction and sight wise, you just cannot see.

KATHLEEN BRATT, 24 Fenton Road.

MS. BRATT: If I went around now and got signatures from the neighbors, would that help in your decision or would it be a waste of time? I just want to know. I'm going to try anything not to get this tower, so...

JAMES MARTIN: Um.

MR. COLLINS: I will do it.

JAMES MARTIN: Petitions do have some relevance, okay, but we also have to follow the law. So I mean -- I'm just trying to indicate they do have some relevance in our deliberation, yes.

DARIO MARCHIONI: But we're not politicians.

JAMES MARTIN: Right. We're not elected officials.

KAREN COX: We're appointed.

MR. COLLINS: After 20 years, what do we do with this monstrosity?

JAMES MARTIN: Well, one step at a time.

MR. COLLINS: Well, I hope I don't have to see it, but what if?

JAMES MARTIN: There is a bond that would be in place if it needed to be taken down, but just one step at a time, all right?

MR. KELLY: Can you accept further written comments after this proceeding, because I'm sure there are other things --

JAMES MARTIN: Yes. Certainly. It has been suggested that we keep the public hearing open on this particular application, which would entail we can receive written comment and perhaps verbal comments on this particular application.

MR. KELLY: This is a sizable impact on this community. I know you all know this. But I can't emphasize it, the importance of dealing with all of these intricate details.

JAMES MARTIN: Thank you.

JERRY DARBY, 17 Bent-Oak Road

MR. DARBY: For the next hearing will that be in the Gates-Chili Post?

JAMES MARTIN: If it is a public hearing, it is always published in the Gates-Chili.

MR. DARBY: We might miss the sign, but it will be published.

JAMES MARTIN: It will be published.

MR. DARBY: That would be how much in advance? Any idea?

JAMES MARTIN: It is in a week before the meeting.

Also on the Town website and --

MR. DARBY: Some of us don't have those.

JAMES MARTIN: There are several areas for notification.

MR. COLLINS: I will let you know.

JAMES MARTIN: Thank you all for your comments. It has been suggested, and I think it is a very good suggestion, since, you know, the data that we have in front of us basically has been generated by Omnipoint, we are not technical experts when it comes to cell tower and signal proliferation and all those things associated with it, that I would recommend at this time, and for further discussion by the Board, that we would table this application, that I would send a request to the Town Board asking them to approve a resolution authorizing the hiring of a technical consultant at the applicant's expense to review all of the technical aspects of this application, certainly looking at proposed location, alternate towers that exist in the Town, all those things that would need to be taken into account as a result of the discussion that we had tonight. And that that would be the -- you know, the plan on this particular -- on these two applications tonight, that they be tabled pending the results of that analysis, that it would be presented to this Board, and certainly would be then open to further public comment based on the results of the technical analysis. That is my suggestion. Um, I'm open to discussion at this time.

JOHN NOWICKI: I would second the motion.

JAMES MARTIN: I haven't made a motion yet.

JOHN NOWICKI: Oh, okay.

GEORGE BRINKWART: I would like to see them fly the balloon, too.

JAMES MARTIN: I think, Mr. Brophy, you know, doing the balloon thing, getting the pictures and all of that would still be appropriate for the next hearing on this application so we have those visuals.

MR. BROPHY: Yes. Can the Board communicate to me in some way if there are any preferred locations?

JAMES MARTIN: I think we're going to let our technical expert guide us in that particular point.

As far as taking pictures of the site --

MR. BROPHY: Yes. As I mentioned, the firm that we hired to do this has some expertise in doing it, but very often there are -- there may be sensitive areas that they wouldn't know about being sensitive.

JAMES MARTIN: Um.

DENNIS SCIBETTA: I would ask the neighbors around there, if they could use their backyards and points of vantage from their houses.

JAMES MARTIN: Certainly Fenton, Chestnut Ridge, Dortmund. There are several streets, you know, in the area that, you know, Chili Avenue, anything that is contiguous with that proposed site probably within a quarter of a mile. I'm just trying to get guess what radius you would look at that.

MR. SCIBETTA: I would say about a quarter of a mile.

DENNIS SCIBETTA: Brewster Lane.

KAREN COX: Any of the people, any of the streets that were mentioned tonight that people live on, I'm sure that some of the -- they wouldn't mind letting you in the backyard to take pictures.

MR. BROPHY: The firm that we hire needs to stay on public property. We can't go on private property without insurance agreements, et cetera, et cetera. And so we would be glad to take them from any public property, but not from people's second-story windows and not from people's backyards.

KAREN COX: You said you were going -- you would let people know when you were flying the balloon, so certainly the people could take pictures of their own in their backyard.

MR. BROPHY: Yes, definitely.

JAMES MARTIN: That would certainly be appropriate. You would be taking pictures from the roads and right-of-ways, those types of locations that are still public access.

MR. BROPHY: Yes.

JAMES MARTIN: That is something you will have to do. There is a hand up in the back.

MR. WALLACE: I really don't see what a balloon will do because it won't show you the mass that you're going to be looking at.

JAMES MARTIN: But it will give you visual impression.

MR. WALLACE: I can tell you, you can see it.

JAMES MARTIN: I'm pretty sure you can see it, but I want to see how much.

MR. WALLACE: You're welcome with my property. I'm a few houses from the location.

KAREN COX: He just said they can't go on private property. If you take pictures to support, you know, what you see, that would be helpful to us, and supply them to the Board.

Thank you.

MR. COLLINS: I prefer this balloon go up sooner than later because we do have a lot of deciduous trees where there are no leaves during the wintertime where we would be seeing more of this pole than not.

JAMES MARTIN: That's going to have to happen in about a week because the leaves are really popping. I don't know how quickly you can arrange that.

MR. BROPHY: A week time frame is reasonable. Then would you like to pick a date and time, as I expressed a preference for early in the morning?

JAMES MARTIN: Why don't you contact your -- you know, your contractor that you will have do this, and I think notify the Building Department as to when this is going to occur, and I think we need to get some public notice out somehow that -- as to the time this is actually going to happen.

KAREN COX: How will you let people know?

JAMES MARTIN: I would say flyers or something to the surrounding area that can then probably by word of mouth be disseminated to a greater population.

DARIO MARCHIONI: We have a volunteer here.

MR. COLLINS: If you give them to me, Patrick Collins, 104 Fenton Road, I would be glad to let people know when that balloon is going up.

JAMES MARTIN: Fine. You have a contact.

MR. COLLINS: 426-3981.

MR. BROPHY: Okay.

MR. COLLINS: I prefer the balloon go up where the tower is going to go up, not down at his barn, which is 1600 feet away from the tower.

MR. BROPHY: Somebody mentioned that, but there's a difficulty of getting the crane into the woods.

JAMES MARTIN: Right. I don't know how you could ever accomplish that.

Everybody happy with that as far as notification? And we'll fly the balloon as quickly as possible.

MR. BURKEHOLDER (phonetic): Terry Burkeholder with Omnipoint Communications. I'm the Project Manager for Buffalo, Rochester. The only concern that I have is that the site is going to move. We would like to wait to do the balloon test a couple of days to make sure that we are in the location that one moves it as far away from the residence as we can, still staying on the ridge, to avoid the 100-foot wetland buffer. So we have a delicate fit we have to make. I want to make sure when we do the balloon test it is in the right location and not 1600 feet away. We're doing the survey tomorrow. We should have some results, hopefully some basic measurements by Friday. We can go back out at the site and meet sometime next week to stake out exactly which location is in the best area to screen it from the neighbors with the existing tree line. There are some deciduous trees there that do block some views. We did notice that. We tried to look at areas that would be screened from -- if you can stand at the site and see a window, we moved it so it was behind a big deciduous tree just to assist in trying to screen it. So we'll try to look at that and we'll do the balloon test once we have that location identified as well as taking into consideration the Conservation Board's issue with the tree removal.

JAMES MARTIN: I think it is logical you fly it from the site that you are --

MR. BURKEHOLDER: That is why I don't want to rush. I want it done as soon as possible, but I don't want to get to the point where we end up flying it 100 feet from where it is -- is actually going to stand.

JAMES MARTIN: I understand.

MR. KELLY: One other question, if you would. Are the owners of the property here at

this hearing today?

JAMES MARTIN: I have no idea. Are the owners of the property here?

PROPERTY OWNER: Right here.

JAMES MARTIN: Yes. They have their hands up in back.

MR. KELLY: That's fine. I just wanted for the record to note they own that land there, plus the land out on Fenton Road. Maybe they should have it put in the backyard where they live.

KAREN COX: I just had one point I wanted to make, and maybe it is a moot point, but at least a couple people mentioned this tonight. That they -- that their impression of the land was forever wild. Um, it is zoned Residential. It doesn't mean that you could ever build a house there. But just so everybody understands, it is not zoned forever wild. So...

JAMES MARTIN: I don't want to insult any real estate agent here, but that is one of the things that you hear quite often.

KAREN COX: We run into that a lot.

JAMES MARTIN: I will make a motion that we table these applications pending the request of the Town Board to authorize the Planning Board getting a technical consultant at the applicant's expense. That resolution will be drawn up in proper terms, but basically that's what it is all about. So I would make a motion at this time that we table these applications pending the results of that investigation. Do I have a second?

KAREN COX: Second.

DECISION ON APPLICATIONS 5 AND 6:

Tabled by a vote of 6 yes with 1 abstention (John Hellaby) until the applicant resubmits for the following reasons:

1. Applicant should investigate the potential redesign of the telecommunications tower to duplicate the existing site located at the Ridgemont Country Club in the Town of Greece.
(Project engineer believed to be Schultz Associates).
2. Petition the Town Board to engage the services for the Planning Board of Cell Tower consultant(s) to investigate alternatives and mitigation of negative impacts of proposed tower. Applicant to deposit certified funds with the Town Clerk to pay for same.
3. Applicant to provide a Topographic Map superimposed over a Tax Map of the search area. Said map shall depict the location of lot lines, tax account numbers, property addresses, and property owners. Said map shall indicate the location of the tower proposed and it shall depict alternative locations where a new tower is technologically feasible.
4. In the interim, the applicant has agreed to conduct a balloon siting experiment to visually display the visibility of the tower at its proposed location. The applicant shall notify the Town and neighboring residential property owners as to the date and time of this experiment. Provide photo simulations of the proposed tower superimposed on existing site conditions. At least one photo simulation will be created from the perspective of a person standing on each public street located within a ¼ mile of the site.

7. Application of Crestwood Children's Center, owner; c/o David Howard, 1183 Monroe Avenue, Rochester, New York 14620 for preliminary site plan approval to erect a 1,503 sq. ft. addition for offices at property located at 2075 Scottsville Road in A.C. & FPO zone.

Steve Banner, Jeff Fuller and Maria Mazurek were present to represent the application.

MR. BANNER: Good evening. Steve Banner, Clark Patterson Associates. It is still the evening here for another hour anyhow. We're here on behalf of Hillside and we thank you for considering our application and hearing us tonight. Plan to put a small addition onto the Crestwood administration building. Most of the site work, in fact, all of the site work is in support of that addition. And I have Jeff Fuller from our office here, architect, to talk about the program and the reason for the addition.

MR. FULLER: Yes. It is pretty straightforward about what is going to go on in this building. As you know, it is a campus that Crestwood has owned for years and Hillside bought them out two to three years ago. And again, they're looking at how the facility is run.

This is just one of the main buildings, but this is the front building, the building people see, the identity of the campus. Part of it was aesthetics. We want people to understand where to go. You can go up there and park and kind of meander through the residence. There are kids living up there in their schools so we don't want to take that chance. So we want some hierarchy as to

where to go. We want something to basically tell you instead of just signage.

That is the first part, but then there is also a functional part of it. And that has to do with the different types of clientele going in this business. This is a business use building. There are psychologists, the executives are there, you know, the President. Social workers. There's nurse, dental. The kids get some of their services there, and when someone is admitted into the building, they're diagnosed and the whole thing starts right there. So, you know, there is quite a lot of things happening there, but basically there is no residence overnight; it is a business occupant building.

Having said that, you know, some funders may come in and want to go see the President, and we may have a child acting up, and all those people right now, all these are in a very small reception room. You know, there are a lot of things happening, and we need to create an area which allows the kids to be kids, and you can see on the plan below, um, you know, the room is quite a bit bigger than what currently exists. Again, they're in a little space like this and all kinds -- there is a fish tank. Is a kid-friendly place and it just doesn't work right now the way they want to run their function.

So what we're proposing is, you know, again, with the hierarchy, a little clock tower to signify where everyone needs to go. Immediate reception, and then separation of children and different types of functions over here (indicating), which may have legal business or whatnot with the executive side of this. There is a little bit -- there are renovations to some mechanical things and this person goes over there to make the flow better when inside. But basically what we're here to talk about tonight is pretty this 1500-square foot addition to the existing building.

Um, aesthetically in exterior what we're talking about is replacing the windows that were the great '70s vintage with horrible insulation and values and so forth. I won't bore you with that.

Again, we're going to tie in the clock tower into the building with the brick work and the windows and the roofing. All of this will come in with the standing seam metal roof and a clock. That is basically what we're doing, just the entrance part of it.

KAREN COX: Looks nice.

MR. FULLER: That is from the architectural point of it.

MR. BANNER: Not a whole lot going on as far as site work. I am in receipt of Town Engineer's comments. I can address those if you want to do that now. I planned on addressing them formally in a letter.

The site, we reduced the impervious area for the site. Drainage flows are going to be increased very slightly. Um, we are basically pulling the sidewalk back from the building to allow for the expansion of the addition, so they're actually increasing the green space there a little bit. Traffic flows will stay pretty much the same, with the exception of an area in the back that, um -- in this area here (indicating), that currently has an antiquated storage -- storage building that will be taken down and we'll be putting some parking back there. The use of this will be twofold. This (indicating) right now is where everybody comes in, staff, any of the public, and when we're working on this (indicating), we're going to migrate the entrance towards the back and have a temporary entrance with signage getting people back there. So this area will be fenced off (indicating). This parking lot will get done first (indicating) so that we can have some closer parking back there in the interim. Once this is built (indicating), this will become a faculty lot (indicating) and we'll open up the front back up. We wanted to keep business as usual and not interrupt the operation at all.

Um, there is some utility work that is going to need to be done in support of the addition. Nothing -- independent from that. The lighting levels out there are adequate now. There was a comment from the Town Engineer whether we're putting any new lighting. We're not increasing any area. This area was lit before and this area was lit before (indicating). We're going to continue to light it. We're salvaging some of the existing poles on new pole beams.

JIM POWERS: Where will you have your coffee now if you're using your break room?

MR. BANNER: Well, that was a consideration. Where is the --

MS. MAZUREK: Actually the break room is going to remain where it is and it will be in operation during construction. Actually the staff of Crestwood was quite concerned about losing that, so we're going to keep it open, yes.

JIM POWERS: I took a visit up there the other day.

MR. BANNER: It's a temporary situation, so that is probably why that is agreeable. Maria with Clark Patterson, also the architect with the project.

JAMES MARTIN: I noticed when I was over there, everything funnels in there for the reception area and kids all over, it -- obviously it was very inadequate for serving your needs. There is no question about that. What is the height of the tower going to be?

MS. MAZUREK: 32 feet to the very tip.

MR. BANNER: 32 feet.

MS. MAZUREK: To the tip of the green roof.

JAMES MARTIN: You're under our limit.

MR. FULLER: 120.

(Laughter.)

MR. BANNER: No towers. No whips on there.

JAMES MARTIN: No antenna arrays on there.

(Laughter.)

JIM POWERS: The black building you will be removing there?

MR. BANNER: Demolished and taken off site.

JIM POWERS: Will you use that for storing your landscaping equipment and whatnot?

MR. FULLER: Um, as part of Hillside's overall master plan, they own, I think, 750,000 square feet -- own or lease across the State and almost that much in acreage. They're consolidating looking at where they spend their money. They actually have a main kitchen in the City of Rochester. They have trucks that -- so they're consolidating all of that. Frankly that building would cost more to repair than to put it up if they ever chose to do it. It is block. Structural issues. The roof needed to be replaced and they really don't want all that staff up there.

MR. BANNER: A lot of the maintenance now will come from off-site staff to maintain, as well. And equipment.

KAREN COX: I have nothing. It's a nice looking building, though.

MR. BANNER: Thank you.

JOHN HELLABY: Couple curiosity points. How many clients do you bus in there on a daily basis?

MR. FULLER: How many clients bus in there?

JOHN HELLABY: Just out of curiosity.

MR. FULLER: There's two schools, and --

MS. MAZUREK: I think that the school enrollment is, I think, around 55 in one of them and 65 in another.

MR. FULLER: A little over 125.

MS. MAZUREK: As far as residences, they have three cottages and each has nine residents.

JOHN HELLABY: How has your operation changed since Hillside took over? I know for one you have been around the corner from where I live to what seems to be an eternity.

MR. FULLER: Cultural shift, because one of the Hillside major properties is on Monroe Avenue. They will be -- they are trying to designate that as center of excellence for older children. This over time they want to be a center of excellence for younger children. We'll still have the same quantity of kids, but just encouraging them and giving them things that Hillside's vision is moving towards more kid friendly space, you know, the interiors. It is just their cultural idea of how to treat these kids.

JOHN HELLABY: I think it is a marvelous thing you're doing. Keep up the good work.

MR. FULLER: Thank you.

JOHN NOWICKI: The parking spaces, Lu takes care of that.

MR. BANNER: I notice that. We'll revise the spaces to meet the 9 1/2 feet by 19.

JOHN NOWICKI: On the application I noticed that you're not in a drainage district.

MR. BANNER: No.

DENNIS SCIBETTA: Didn't catch that one, John (Nowicki). Let me just check.

MR. BANNER: I got that information from Town, so...

DENNIS SCIBETTA: Did Kathy (Reed) mention to you it wasn't?

MR. BANNER: Mary did.

DENNIS SCIBETTA: She did. So application has to be made.

JOHN NOWICKI: That's all I got.

GEORGE BRINKWART: One of the comments the Town Engineer had is that you provide the area of disturbance. Have you figured that out yet?

MR. BANNER: Yes. That is .53 acres or a little more than half acre of disturbance.

GEORGE BRINKWART: Is that figure you just gave me, is that taking into account the fact you will increase the parking area to accommodate --

MR. BANNER: Yes. Full operating construction is -- counts as disturbance. If there is pavement --

GEORGE BRINKWART: I think you misunderstood me. You show 15 by 9 spaces. If you bump those up.

MR. BANNER: That's just striping. The disturbance will be the same.

GEORGE BRINKWART: I guess my question is, you showed a smaller space than what you actually need. So if you maintain the same number of parking spaces --

MR. BANNER: Well, we may not. We may have less spaces.

MR. FULLER: We'll reduce that. The disturbance area is the dark gray. And the addition obviously.

MR. BANNER: And if --

GEORGE BRINKWART: Will you --

MR. BANNER: We may have less spaces or if we increase it, we'll show that number on the cover sheet.

GEORGE BRINKWART: And you're recycling the existing lights. Will you rotate those heads around to cover your parking area?

MR. BANNER: They will be rotated around just the same way they are now. I'm not even sure they have any cut-offs, the type of fixtures they have. I'm not sure if they have directional capabilities. They're some older fixtures. But they will be pointed the same way they are now, just a little bit further away from the building.

GEORGE BRINKWART: The flood plain -- the other thing, the -- Monroe County made a note of the historic -- there may be some historic significance on the site. Were you able to track that down? I think there was some reference to circles (inaudible).

MR. BANNER: Genesee Valley Canal? I'm not aware of any design criteria that we need to adhere to for that.

MR. FULLER: It's not on any list we're aware of and the building has not yet hit 50 yet.

MR. BANNER: And we are across the street from the canal.

GEORGE BRINKWART: Have you got a comment from the Department of Planning and Development?

MR. BANNER: Yes.

GEORGE BRINKWART: Number 2. Would you talk about that a little bit?

MR. BANNER: I have not looked into -- into what controls that we would be -- that we would come under. I will read the comment so everybody can hear. "The Genesee Valley Canal is designated as a national registered historic site located adjacent to the development. Care should be exercised to insure this local historic resource is not adversely impacted by this proposal."

JOHN NOWICKI: Probably off site.

MR. BANNER: We'll take care of that.

GEORGE BRINKWART: If you could just look at that.

MR. BANNER: Fine.

KEITH O'TOOLE: Nice building.

DENNIS SCIBETTA: Like to complement them, Steve (Banner) and Jeff (Fuller), in the meetings we had, and the way they have carried the project out and the preparation of the Master Plan that we were given and everything, and the thoroughness of the project. Good job. Thank you.

MR. BANNER: Thank you, Dennis (Scibetta).

JAMES MARTIN: Dave (Lindsay), Town Engineer approval?

DAVID LINDSAY: To clarify the parking issue, I think you're well aware, Board, it is within the Board's discretion to modify the parking space. I just merely point it out as a difference between what the applicant is proposing and the code. It is spelled out in here unless it is otherwise directed by the Planning Board (inaudible).

JAMES MARTIN: Any hardship to meet the Town Code?

MR. BANNER: We can meet the Town Code. It is a little larger than standard, but we can meet the Town Code. If we lose a few spaces, it is not the end of the world for this client.

GEORGE BRINKWART: I think would it be to your advantage if you have people with -- a bigger space is always nice.

MR. BANNER: There are a lot of big SUVs now.

DICK SCHICKLER: Um, landscaping here. I see a lot of construction here and new gates, new curbs, new fencing, new sidewalks, but I don't see any room for landscaping even though have you taken some landscaping out.

MR. BANNER: We have no landscaping planned. We can add landscaping. Hillside as a rule, um, if you go to any of their other campuses, they work -- they increase their landscaping almost --

MR. FULLER: More than anyone we have worked with.

MR. BANNER: -- more than any client I have worked with. They haven't got to this site yet, but we think --

MR. FULLER: I guess I want to add that to that, too. We just did a cottage down in Bath, New York for them that is 12 -- 12-bed cottage, just a little one-story dorm about 4,000 square feet. I think the building was under a million dollars, and I think the landscaping was close to 100. I mean they add waterfalls and all kind of things. I think, Maria (Mazurek), if you can point to where the playground will be in the play area with the picket fence.

MS. MAZUREK: (Indicating).

MR. FULLER: That is the area for the kids, but the other area adjacent to it, I have to doubt -- we don't know what it is yet, but there will be flower beds and trees there. They do put a lot of money in every year.

MR. BANNER: Is there a guideline?

DICK SCHICKLER: We would like to see a landscape architect or one percent in lieu of --

JAMES MARTIN: Why don't we do this? Obviously you will have some sort of landscape plan, right?

MR. BANNER: Yes.

JAMES MARTIN: I guess as a condition we would ask you to submit that to the Conservation Board for consultation and review and --

MR. BANNER: Absolutely.

JAMES MARTIN: So that we're covered from that perspective.

MR. BANNER: To give us some guidance, you're looking for foundation plantings along the building?

DICK SCHICKLER: Really a landscape plan by a landscaping architect, approved plan or you can come to the Board and we can go over it.

MR. BANNER: You want a landscape plan. That's fine. We can do that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: I just had a question. I notice this is in an AC and FPO zone, and what is the use of the building?

MR. BANNER: Have you ever been over there?

MR. MILLER: No, I haven't.

MR. BANNER: Institutional.

JAMES MARTIN: It is an institution for children in need of special --
MR. FULLER: Behavioral and emotional needs.

MR. MILLER: Okay. And is that allowed in any zoning district then?
MR. BANNER: Did this use predate the zoning?

DARIO MARCHIONI: It is grandfathered.

JAMES MARTIN: This has been there for years and years and years.

MR. BANNER: Over 20 years.

MR. MILLER: Sorry. I don't know the history of this.

JAMES MARTIN: It's -- you know, you're nitpicking -- it's a wonderful and beautiful facility that serves the whole community and you're nitpicking about is it permitted in an agricultural zone. I mean, come on.

DARIO MARCHIONI: He is just putting on an addition in the front.

JAMES MARTIN: I mean, what do you want him to do, tear the whole place down?

MR. MILLER: Mr. Martin, I don't appreciate that comment.

JAMES MARTIN: I'm sorry. I mean, you know, we have had enough tonight. It is an institution that serves beautiful, wonderful needs for the community. They want to put an addition on. It is a beautiful addition to the building. Let's not nitpick.

MR. MILLER: Well, I just -- I was just going through the code. That's all.

KAREN COX: Why not learn the history about the zoning before you ask a question about it?

MR. MILLER: Mrs. Cox, that is why I am asking this question. As I stated before, I don't know the history of this project. I didn't know if they got a use variance for this or not.

KAREN COX: You can call up the Building Department and find that out.

MR. MILLER: Why can't I ask this Board?

KAREN COX: I don't --

KEITH O'TOOLE: To answer your question, if I may.

JAMES MARTIN: Yes, you may, Mr. O'Toole.

KEITH O'TOOLE: In answer to your question, this is a public hearing. You have an opportunity to be heard. If we answer any questions that you may pose, we do it only as a courtesy. We have no obligation to do so. That being the case, you should exercise privilege with some restraint.

JOHN NOWICKI: Well done. Well spoken.

MR. MILLER: Well, I was just looking through the zoning code and I didn't see it as a permitted use. So I was just asking if it was allowed. And it looks like it's not.

Thank you.

DENNIS SCIBETTA: Do we see schools called out in any use, any area, any zone?

JAMES MARTIN: Other comments?

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

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

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: They're asking us to waive final. Fee has been paid.

The Board decided to waive final.

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

1. Pending approval of the Town Engineer.
2. Applicant to revise parking spaces to meet Town Code.
3. Application to be made to the Town Board for inclusion in the Chili Consolidated Drainage District. This is to be done through the Town Clerk's Office.
4. Landscape plan shall be submitted to the Conservation Board.

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

FOR DISCUSSION:

1. Samson Fuel Alternatives - proposed Bio Diesel fuel facility with offices and maintenance at property located at 1382 Scottsville Road in G.B. zone.

Linda Fedele was present to represent the application.

MS. FEDELE: Good evening. Linda Fedele. I own Samson Fuel & Trucking. This is my first appearance. I have no idea. It's been a real experience. So, um, ask me. I will answer at will whatever you gentlemen need to know at this stage, and lady.

JOHN NOWICKI: Whoever put this together for discussion really did a great job. It's amazing. Whoever did this did a fabulous job.

JAMES MARTIN: All of the information is there. Um, a couple of questions. The flammable liquid, the E-85 tank and other types of tanks, would they be above ground or --

MS. FEDELE: E-85, from what I understand through our engineering group, it has to be an underground tank. That -- we're going to do this in phases. That will be Phase 3. First phase coming on board. Above-ground tank will be the diesel tank, environmental friendly with cornstalks, something very attractive on it.

The second tank will be the bio diesel tank, also above-ground located adjacent on the property, side by side parallel.

And when and if the E-85 is introduced into the market in a much higher volume, that tank will be an underground tank as required by law, which I understand it to be as of this date.

JAMES MARTIN: The nature of your business is primarily supplying to other vendors; is that correct?

MS. FEDELE: That's correct.

JAMES MARTIN: Although, if I understand correctly, you would also be serving some drive-up customers?

MS. FEDELE: That's a possibility, yes. For the alternative fuel, the ultra-low sulfur diesel, yes. Our primary business is, though, servicing off property, direct dealing, construction sites, fleet to fleet, commercial, residential and construction.

JOHN NOWICKI: It says here minor repair service area. What is that for?

MS. FEDELE: We have five trucks of our own and we fell into this -- we actually -- I worked with Kathy (Reed) on that as far as any minor repairs we might do. Particularly where the property is located, we're almost kiddy corner from the Henson (phonetic) quarry, so you got owner/operators that have ten-wheel dump trucks, they might need a hose or flat tire, fix a flat or something like that. We worked with the code. I talked with Dennis (Scibetta) about it, too. It is anything minor, nothing major.

JOHN NOWICKI: Requirements for parking on this would be or our code, all right?

DENNIS SCIBETTA: Minimal, yes.

JOHN NOWICKI: They have space here for that?

DENNIS SCIBETTA: Yes.

JOHN NOWICKI: Which this is the one -- this is where Comfort Windows and Doors is presently using part of this property for the fleet.

DENNIS SCIBETTA: Illegally, yes. They were.

JOHN NOWICKI: So we will have a fence up here to get them off that property.

DENNIS SCIBETTA: I certainly hope so.

JOHN NOWICKI: I hope so.

DENNIS SCIBETTA: You will know better than I will on this one, John (Nowicki). You will see it before I will.

KAREN COX: Don't rub it in.

MS. FEDELE: Is that his exit statement?

KAREN COX: Short timer.

JOHN NOWICKI: We need to do something with it, whether it is a landscaping attempt or fence to get them back off.

MS. FEDELE: I want to address the landscaping. We don't show -- or does it address it in this? But I want to address that because it is really a high priority with this type of alternative station. My intention is to have this -- this will be a prototype of 1, 2 or 3 to come down the line, and my intention is to have this extremely environmental friendly. It will be a unique service station. I guess we'll call it that. It will meet and exceed the alternative fuel program as we see it today and that is an ever-changing evolution of changes, but it will be landscaped absolutely beautifully. We have planned for it. We're looking at all kinds of things so that as you, the individual, going down the street, you will be able to know it is an alternative fuel station without looking at the sign. It will be a complement to that.

JOHN NOWICKI: Sounds good.

MS. FEDELE: Do you like that? I thought you might. It will be landscaped beautifully.

JAMES MARTIN: What is the -- your projection on the growth of the E-85?

MS. FEDELE: We did some internet stuff and we looked at flex fuel vehicles that are registered in New York State, and there is about 200,000 registered in New York State and that was as of March -- April. We're in May. Um, and if we took 25 percent of that, we start dwindling it down -- but, of course, the County just bought 40 new vehicles. 40 vehicles aren't much. I would project based on the information that we have right now that we'll see a 25 to 30 percent increase in flex fuels, which would relate to E-85 over the next I would say 24 to 36 months. It's a pretty good estimate.

JAMES MARTIN: So fairly --

MS. FEDELE: Oh, yeah. It's going to be there. It is going to be mandated government. You know --

PB 5/8/07 - Page 41

DARIO MARCHIONI: What's the price? Is it comparable?

MS. FEDELE: Right now it is comparable and you're getting tax breaks on it. You know. One -- it -- is going to seek its level. Right now what they want to do is keep that E-85 under so it promotes the flex fuel purchasing of vehicles and all those things, but eventually I think you will see slightly under what we're paying today, but the prices today are off the chart, so...

The prices today don't reflect what it will be 12 months from now. I can assure you that.

DARIO MARCHIONI: Are you related to Red (Fedele)?

MS. FEDELE: They're all related, the Fedelles.

JOHN NOWICKI: Is that the party house on?

MS. FEDELE: Brook House.

JIM POWERS: I notice on your -- you ever approach the school district? We have a number of school buses this winter that gelled up.

MS. FEDELE: I have to tell you this, on the record, off the record. I was a sleeper cell in one those meetings and we had absolutely zero problems with our fuel. And the morning of February 5th, when everybody was frozen, we were operating as business as normal and I started getting calls from Wegmans and the County of Monroe and everybody and their brother. They were frozen. Town of Greece. I don't think you folks did -- Chili School District were.

KAREN COX: Churchville had some issues.

MS. FEDELE: Okay. So we have an alternative fuel that we use -- alternative fuel with an additive we use and it was very, very successful. We were running around doing crazy things to get people up and running.

The call I got from Wegmans, we can't deliver a gallon of milk or a loaf of bread. So we got them up and running.

We worked with the Greece School District. We haven't approached them yet. Our curve and our growth pattern, we're at a level where we have to kind of back off and say we need to level off here a little bit, but we're experiencing tremendous growth and along with that was as a result of February 5th.

Waste Management was down. We now have 30 percent of all Waste Management's business.

We got the County up and running. Their deicers couldn't deice the planes that day. I mean it was just absolutely horrific scenario. Out of something bad, something good came for the small business.

JIM POWERS: Are you going to do automobile repair work at this?

MS. FEDELE: It's going to be vehicle -- heavy trucks, light, minor -- minor repairs.

Heavy trucks, minor repairs.

JIM POWERS: Just vehicles?

MS. FEDELE: My vehicles and general public.

JIM POWERS: Your personal vehicles will be stored there?

MS. FEDELE: On the property, yes, sir.

JOHN NOWICKI: How many vehicles do you have?

MS. FEDELE: I have five, soon to be six.

KAREN COX: Nice to put a face to the name I have seen on all my construction projects.

MS. FEDELE: It's me. I have been around as long as dirt, I think.

JOHN HELLABY: Will you keep your existing offices on Ridgeway?

MS. FEDELE: That's us. We'll move those to the new location. Everyone knows Wehner Mowers or Drake. That is where we are now.

JOHN NOWICKI: Does Russ LaRocca (phonetic) give you a hard time?

MS. FEDELE: I love that guy. He gives me a hard time all of the time.

JAMES MARTIN: We look forward to your site plan.

MS. FEDELE: Okay. I'm really excited. Thank you, gentlemen.

GEORGE BRINKWART: How much fuel do you anticipate storing on site at any time?

MS. FEDELE: The limit is 30,000. It is 10,000-gallon tanks, okay, so the limit is 30,000.

We're going to migrate that in. It is probably -- we'll probably only have 10,000, and then when the bio, we're only going to do as needed, so it will be migrated in over the next three to four years, exactly how that process will work.

GEORGE BRINKWART: The 30,000 will be including everything, the ethanol and --

DENNIS SCIBETTA: They don't service from there. I think what you're asking, one of the questions is they don't fuel their trucks. They're fueled at the terminal and delivered to the job site. This is strictly for sale on site.

GEORGE BRINKWART: You have a truck that goes to another location?

MS. FEDELE: Pick up the product, yes.

GEORGE BRINKWART: This is not a -- fuel is not stored here that you're delivering?

MS. FEDELE: We'll have fuel storage there, some. Right.

JAMES MARTIN: Very good. Thank you for your patience tonight.

The 4/10/07 Planning Board meeting minutes were approved as submitted.

The meeting ended at 11:32 p.m.