

## CHILI PLANNING BOARD

May 9, 2006

A meeting of the Chili Planning Board was held on May 9, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

**PRESENT:** Karen Cox, Jason Elliotto, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

**ALSO PRESENT:** Keith O'Toole, Assistant Counsel for the Town; Dennis Scibetta, Building & Plumbing Inspector; Larry Nissen, Town Engineer; Pat Tindale, Conservation Board representative.

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

### OLD BUSINESS:

1. Application of Anthony Rosato, 252 Ballantyne Road, Rochester, New York 14624 for preliminary subdivision approval of three lots at property located at 252 Ballantyne Road. Due to a misinterpretation by the Planning Board, the Board intends to declare themselves lead agency under the SEQR process and re-approve preliminary subdivision approval granted on April 11, 2006.

**JAMES MARTIN:** Due to administrative error on my part, we failed to do the SEQR determination. The applicant is not required to appear tonight since this is an administrative issue. At this point, I would like to go ahead and do the SEQR process on this application. First I will read the application.

James Martin read the application description.

**JAMES MARTIN:** I make a motion that we declare ourselves lead agency as to SEQR, based on information and evidence that was presented at that public hearing.

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

On the application itself with the three-lot subdivision. There were two conditions stated in the letter after the April 11th meeting.

The first one basically cleared up the issue on the Agricultural Data Statement. It is not required since it is not in an active agricultural area at this time.

The second condition was that the applicant will have 30 days to clean up all refuse, junk cars, and remove dumpster from property. An inspection by the Building Department will be conducted to insure the clean-up requirement is completed. Final signatures for filing of the plat map will not occur until the Building Department certifies that the clean-up requirement has been met. That condition will remain in force on the application.

On the app -- sorry. We'll waive final on this.

**JOHN NOWICKI:** Just a question, if I may.

There is -- no final plats been filed at this point for signatures?

**JAMES MARTIN:** No. Nothing has been signed.

**JOHN NOWICKI:** Nothing signed at all.

**DENNIS SCHULMERICH:** I don't believe they have been brought in yet.

**JOHN NOWICKI:** I just wanted to make sure before I vote on it, nothing has been signed.

**JAMES MARTIN:** As far as I know, they have not been brought in. I have not seen them. On the application, waiving final.

**DECISION:** Due to an administrative error at the April 11, 2006 Planning Board meeting, the SEQR determination as not completed. A SEQR determination was made at the May 9, 2006 Planning Board meeting, and the application was unanimously approved by a vote of 7 yes. All conditions stated in the approval letter dated April 18, 2006 remain in effect.

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

2. Application of Jeanne Swartel-Wood, 96 Bridle Path Lane, Mahwah, New Jersey, 07430, property owner: Thomas Hellaby; for conditional use permit to allow boarding stables and riding arena at property located at 833 Ballantyne Road in A.C. & FPO zone.
3. Application of Jeanne Swartel-Wood, 96 Bridle Path Lane, Mahwah, New Jersey, 07430, property owner: Thomas Hellaby; for preliminary site plan approval to allow boarding stables and riding arena at property located at 833 Ballantyne Road in A.C. & FPO zone.

JOHN HELLABY: Mr. Chairman, before you proceed, I would request to be allowed to step down on Applications 2 and 3.

JAMES MARTIN: You are recused.

MR. SCHUM: Thank you. My name is Daniel Schum, attorney representing the applicant this evening.

I have been furnished with a copy of the Board's tabling motion from last meeting. I have had an opportunity to review the application thoroughly, as well as to review the site itself. I would like to make a presentation of this application to the Board, and then hopefully we'll have addressed the matters which the Board had noted in their tabling motion last meeting.

Over on the side board you will see something called Town of Chili, Our Towns. Strangely enough, that was published in the local newspaper about a month ago and that is exactly why we're here. We're here to maintain the rural character of the community, one of the stated goals of the comprehensive plan.

In particular, the comprehensive plan states the existing extensive agricultural operations are to be promoted and existing rural character is to be maintained. The plan, that is your 2010 Comprehensive Plan, must protect agricultural operations from restrictive local laws and to encourage them to stay in business. The areas designated as rural and agricultural shall remain with that designation and where already exist would be expected to continue. All of these are statements directly from the comprehensive plan.

Almost 80 percent of us, the citizens in the Town of Chili believe agricultural areas should be protected by land use and growth management policies.

Your Supervisor, in her executive summary stated seven major themes for the plan. One of which is to maintain the Town's existing character, that is rural, small-town atmosphere with open spaces.

Lastly, agricultural business uses are to be encouraged within designated agricultural areas by special use permit and site plan approval process. That brings us here tonight. We're here to apply for site plan approval and conditional use permit for the property at 833 Ballantyne Road, approximately 21.4 acres, as you see on the site plan and on the board and is part of your package this evening.

We're asking to conduct boarding stables and a riding academy in an Ag Conservation District.

With me is Jeanne Swartel-Wood, the owner of the property; Nicole King, the Farm Manager; and Lee Sinsebox, from Costich Engineering here to answer any questions with respect to the flood ways and those areas, the questions we have in those areas.

First, we're going to look at your Agricultural Conservation District and the intent as stated in your code as to foster customary agricultural operations, to maintain rural residential uses and maintain open rural character. That is stated in your code. That is rural agricultural uses.

Stables and riding academies are permitted uses in the Agricultural Conservation District subject to the Planning Board establishing some reasonable rules and regulations to govern that so it will be in harmony with adjoining uses.

Standards of the statute say that -- just that. The request must be in harmony with the general purpose and intent of the zone. We clearly believe that maintaining a riding stable and academy on this site is within the spirit and intent of the Ag Conservation District.

The statute says also the Planning Board is to take into account the location and the size of the use. We don't believe the location is inappropriate. It is in an Agricultural District. The size is rather small, 21.4 acres. It is never going to be a Rodney Farms. It will never be a Wehle farms. It is not that size. But yet it is there.

It exists now, and under the comprehensive plan, the purpose is to try to maintain that agricultural use in the district.

And lastly, the Board is also to take into account the -- if the establishment of the use will not under the particular circumstances of the case be detrimental to the health, safety or welfare of the community at large. And I don't see, if anything -- and I will ask the Board to have questions available, but that this application does not in any way adversely impact the health, safety or morals -- or general welfare of the community.

You probably know more than I about the property, but generally speaking, before the present owner purchased it, it was a private residence. In 1990, Mr. Hellaby, one of the then owners of the property built an indoor riding arena on the property which exists today.

That was built pursuant to a building permit, validly issued by the Town of Chili.

Presently, there is a small addition to that riding arena to the west, as shown on the plan. There are three stalls being built in that small addition. Again, with a building permit issued by the Town.

We submit there is really no change in the character whatsoever of the property. There are no additional buildings being proposed. The pastures that were there before will be maintained as pastures. They're going to be fenced to protect the horses from the people and the people from the horses.

The upper barn that is on the property has existed is presently being used for equipment storage. There are three stalls in that barn. That is all it will be used for in the future.

There is no change in the character. There will be a small sign. We have submitted a sign plan as part of this application. There is proposed to be a sign outside the property so the property can be identified to potential boarders or users of the property.

I will get into the nine items that the Board requested comment on at the last meeting.

The Board requested a full disclosure statement be provided. There is a written disclosure statement that has been submitted as part of the package.

We would be glad to address any comments the Board might have about the disclosure statement.

In the disclosure statement, there is a business plan. I don't know exactly what the Board was looking for when it said you wanted a comprehensive business plan, but basically, the statement indicates the nature of the business in some detail. We'll have horse boarding. That tells when and how. We're going to have training of horses, as well. And those are the two major business entities that will be conducted on the property. They're the only business entities that will be conducted on the property. There are no retail sales. There is nothing else being conducted.

We will furnish at the owner's request veterinary services on the site for boarded horses. That would, of course, be at the customer's expense, but there is a vet nearby. Typically, horse farms have vets come and service the horses. Ferrier services would be available as well, but on an as-needed basis. Not something our clients would be doing as part of the business, but it is ancillary to a boarding stable and riding academy.

Training would be conducted on the property. Private horse training for the boarders and non-boarders conducted by -- as it says, it would be professional trainers.

The third item on the list was a toilet location. We have that designated. That will be properly screened and available for all of the boarders use. There will be no use of the house facilities by boarders. It will be solely at that location.

We have submitted a fence construction plan. It is shown on the plan to your right. Basically, again, we're -- we're enclosing the pastures which have already been -- existed and been used for pasturing of horses for many years past.

Um, we have also submitted a detailed description of the nature of the fence and how it is to be installed. It will be installed in accordance with the manufacturer's suggested recommendations for installation. Building Department is clearly available to inspect the installation once it is complete.

We have also submitted a structural integrity examination of the lower barn by a licensed engineer. There is a fairly detailed report in the package. And again, we would welcome any questions you might have with respect to that.

The manure disposal plan, my client's manager met with the Conservation Board shortly after the last meeting, and they reviewed this proposal. They made recommendations as to the timeliness of manure disposal, and that is attached as part of the record. And we fully intend to comply with the recommendations of the Conservation Board with respect to that.

We have also submitted signed agreements with adjoining property owners to allow for the spreading of that manure.

There is also a letter from the Monroe County Water Authority. After they reviewed the proposed operation of the horse boarding and riding academy, they submitted a letter which

indicates that there is no further need for backflow prevention devices at the site. We have addressed that item.

I understand that today the Building Department and the Fire Marshal at our request reviewed the site. We had requested that they do that. We welcomed them to review it, and I understand that they did.

He hasn't received obviously comments or recommendation, but if there is anything that needs to be addressed from either of those gentlemen, we'll take them into consideration as a part of your conditions.

Lastly, the item says no storage of horse trailers on the property. Neither the applicant nor the owner want to store anything on the property. There will be, of course, licensed vehicles on the property coming and going to the property to bring horses. They will bring them in trailers that are licensed and registered. Those trailers will be on the property during the time that the horses are there. There will be no unlicensed, no unregistered vehicles on the property at any time. There will be no unlicensed, no unregistered vehicles on the property at any time.

We will have a manure spreader and a tractor. The big old red fire truck is either gone or going to be gone shortly. That is the only unlicensed unregistered vehicle that I know of on the property. We have provided on the site plan areas that we propose for customer parking and trailer parking while they're on the site. The area to the left of the -- or to the right of the driveway as you drive in is highly protected by a full growth of pines.

As the people on the Board know, if you have viewed the property, the property drops off to the south, and there is an area to the left in front of the existing riding academy building where we would propose the parking areas for vehicles while they're on the property. They would be invisible from the road, or not visible, I should say, as well as, I believe, would any of the trailers that are parked in the upper area behind the pine trees. It is a fully grown growth of pine.

Monroe County DRC also had some comments. There was a question of whether or not there was any invasion into the flood plain. As you can see on the map, we have noted the boundaries of the flood plain. We're not doing anything on the property. We're putting up a fence. There is no construction, there is no earthwork, there is no grading, no drainage changes, nothing that will change anywhere near the flood plain area.

Similarly, the wetland, the -- the Chili 12, again, no activity in the wetland adjacent to the wet land or anywhere near the wetland. That is pasture land now. It will be pasture land in the future.

The wood lands are noted. We clearly enjoyed the wood lands to the south as a natural buffer, and they would remain there. Again, there is no activity in the wood lands, no intention to remove any of the wood lands or otherwise touch them.

Federal wetlands, again, same answer, same question.

In the -- in the Ag District, we're not going to change any contours on the property. There is no substantial grade, no grading whatsoever changing other than the installation of some stone for vehicle parking. So we'll not have any effect whatsoever on any of the adjacent agricultural operations, and again, they mention the backflow preventer issue that was already addressed. That is a very quick summary of the responses to the questions posed by the Board at the last meeting. I submit that this property has been used by the Hellaby family for many years privately for horse purposes. It is my understanding that at one point in time they had upwards of 17 horses on this property for their own private use. We propose to continue the use of this property for horses, and as the owner has indicated, she wants to maintain the riding stable. She wants to be able to have people train their horses there, to ride their horses there and to board them there. Not everybody who has a horse has the ability to own a 20 or 30 acre parcel, and as indicated by Our Towns and by the pictures chosen -- I don't know if that was chosen by the D & C or Supervisor, but in either case I would be proud of it.

Chili has a strong heritage of farms like I mentioned, the Rodney Farms and Wehle Farms. The other facilities in the Town that have been here add a real rural character to the community. We believe this facility will provide a valuable service with being in harmony with adjoining properties and also with the spirit and intent of the master plan and your code.

Sorry to be so winded.

JAMES MARTIN: That's okay. Clarification on one comment you made. You said something to the effect that the trailers will be there while the horses are there. If they're boarding a horse there, is it intent that a person that brings the horse to the property in a trailer and boards the horse there will also leave their trailer there?

MR. SCHUM: We won't encourage it. There are people that own horses that don't have the facilities to manage the horse or a trailer. We do have an area to the south of the property, as I

indicated, that is out of -- out of the view, and we -- we can't say that we wouldn't have a boarder or two or maybe even three at one particular time who would be boarding a horse and have a trailer that is licensed and registered.

JAMES MARTIN: Do you know what the actual capacity of that parking area is for the trailers?

MR. SCHUM: We have 21 acres. We're not proposing we would have anywhere near that size of a parking lot, but we have an area adjacent to the riding stable, riding building that could easily accommodate six or eight trailers, if that were the case. We're not going to encourage that, as I indicated. Some people will come to train their horses and bring a horse in a trailer, train the horse, put it back in the trailer and leave because it is a training facility and it is a riding facility. The riding generally speaking, will be for boarders. That is you will board a horse at the facility, you will come and ride your horse and then leave and the horse will stay. So that -- but I can't stand here and tell you there would be -- we don't want to store people's equipment unnecessarily, and we surely don't want anything that can't be moved, that is not licensed and registered to be put on the road.

You know, I think it is probably -- you know, farmers can park all kinds of stuff on their front lawn, and it doesn't mean anything because they're farmers. I don't mean that negatively about farming. The owner will live on the property and she has a vested interest in making sure that her use of her property will not be visually impacted any more than necessary.

JAMES MARTIN: In all of the information that I have seen so far, I have not noted anything about security of tack storage on the facility. I'm assuming tack will be stored by some of the owners on the facility; is that correct?

MS. KING: Uh-huh.

MR. SCHUM: We have both in the lower barn and upper barn, and particularly the upper barn, that is not a public building, but it is available for storage and stalls. We have three stalls in that building right now. And there will be areas designated and locked for -- for tack storage.

JAMES MARTIN: Okay. I know tack can become a very expensive item. I haven't seen anything denoted that there was going to be a secure area for people to store their tack.

MR. SCHUM: Nicole, address that.

JAMES MARTIN: Stand up and state your name.

MS. KING: Nicole King. We had not talked about it before at the prior meeting, so I didn't know if you guys would need to know about it, but there will be an area for that that will be locked, that people can get into that are customers basically.

JAMES MARTIN: Will they have access to that area?

MS. KING: The customers?

JAMES MARTIN: The customers.

MS. KING: The boarders, yes, because their stuff will be in there.

JAMES MARTIN: Thank you.

I understand from Mr. Schum that there was an inspection made by the Fire Marshal and Building Department; is that correct?

DENNIS SCHULMERICH: That was correct.

JAMES MARTIN: Were there any findings of note?

DENNIS SCHULMERICH: No. And if you were to take a New York State Building Code, it is not allowed -- we're not allowed to inspect the agricultural buildings the same way we do normal buildings. It was at their -- they had okayed it and asked us to do it and we agreed to go out and do a courtesy inspection for them.

JOHN NOWICKI: Even when a -- when a building is going to be used --

DENNIS SCHULMERICH: Agricultural purposes.

JOHN NOWICKI: -- for public activities?

DENNIS SCHULMERICH: Still agricultural purpose. That is the --

JOHN NOWICKI: You're not answering my question. They don't have to comply to the code even though they have the public inside the building?

MR. SCHUM: I don't think he said that. I think what he said was if -- if I am not mistaken, there was nothing of note that was noted. Although he is not allowed to inspect it for the same way.

Independently, and I think John (Nowicki), more importantly we have a licensed engineer who put his name on a letter addressed to the owner and to the Town of Chili indicating that they have inspected this building for structural integrity. That was what was requested.

JOHN NOWICKI: I'm trying to find a comfort level here because the public is involved.

MR. SCHUM: I understand.

JOHN NOWICKI: I'm not getting a straight answer.

DENNIS SCHULMERICH: The straight answer, John (Nowicki), is that it is an agricultural use. This is an agricultural use. It is an agricultural use, and that is the only way I can term it, make that determination, that those buildings are for agricultural use, even with the public. They're there as boarders of the horses. The horses are the occupants of those structures. That is the intent of the code and that is the way the code is written on that.

JOHN NOWICKI: Let me ask another question. Is it a corporation that owns this?

MR. SCHUM: The corporation is going to own the business, yes, it is.

JOHN NOWICKI: You will lease the farm from Mr. Hellaby?

MR. SCHUM: The exact details of it -- that is generally how it will happen.

JOHN NOWICKI: Can you supply us with that information?

MS. KING: That is not correct.

MS. SWARTEL-WOOD: Mr. Hellaby has sold the property.

MR. SCHUM: Mr. Hellaby is not involved.

MS. SWARTEL-WOOD: Tom Hellaby has sold the property to my husband and me.

JOHN NOWICKI: There is transfer of ownership?

MS. SWARTEL-WOOD: Yes. We have on advice of attorneys established an S corporation. We'll lease the facilities to an S corporation, the farm, Hellaby Hill Farm to run the stables, the boarding operation and the training that will go on.

MR. SCHUM: I didn't --

JOHN NOWICKI: Mr. Hellaby is out of the picture as far as ownership goes?

MS. SWARTEL-WOOD: We have closed on the property.

JOHN NOWICKI: Who is going to carry the liability insurance in the event that someone gets seriously hurt there?

MS. SWARTEL-WOOD: The farm has liability insurance. I think there is a distinction here that is perhaps not clear. There is -- there are two types of approaches to riders and horses. One is if it is open to the general public, that is if you're giving pony rides or trail rides which would bring in clientele who perhaps would be less experienced and have no relationship to the horse they're riding.

Whereas, this operation will not be that kind. It will be a -- an owner with his or her horse. They will be riding only their own horse. And this is the -- not open to the general public. So it is a very much more restricted operation.

MR. SCHUM: They will have a general liability policy carried by the corporation.

JOHN NOWICKI: That solves some of the problems we had.

MR. SCHUM: Good question.

JAMES MARTIN: No findings of any significance, even though you weren't able to inspect the building according to --

DENNIS SCHULMERICH: We did a thorough inspection.

JAMES MARTIN: I did note that there is a ZBA application in for the fence.

MR. SCHUM: Yes. We were advised that since the adjoining property to the east is used for a residence -- even though it is in an Agricultural Conservation District and could be conceived to be -- it is a fairly large parcel, but it is a residence, and I will actually ask the Building Department for a little clarification because I was talking with Mr. Hellaby just before the meeting, and -- the fence itself will be 6 foot tall. Your ordinance does not allow that. One of the last paragraphs in your fence area of your code says if it is an electrified fence and on a farm and adjacent to a non-farm residence, that it is not allowed obviously unless you get a variance from that. So the application is really for both. That is to have it to be 6 feet high and to be electrified.

JAMES MARTIN: There is a ZBA application in for that?

MR. SCHUM: Yes, there is. We were notified of that by the Town officials after your last meeting. Even though it was not part of what you asked for, we thought it might be best to do that.

JAMES MARTIN: That was discovery after the fact.

MR. SCHUM: Yes. We appreciate that.

JIM POWERS: Just out of curiosity sake, how will you move the horses from field to field because you got sections fenced off here with the electric fence? Will you cut the power? I don't see any gates --

MS. KING: There are gates. We just didn't put them on the plan because it was a basic fencing kind of plan. There are gates.

JIM POWERS: And that fenced area up on the -- near the road there, you will have a wood fence? Is that behind the pine trees?

MS. KING: We had actually talked about that earlier. When I spoke with Kathy, she had suggested for me to put it up there in the plan. But Jeanne and I have actually decided not to do it. It will not even be there.

JIM POWERS: Is there any reason why you didn't, when you put the stables down in the lower barn, you didn't use construction material other than wood for those stables, knowing horses -- if I remember right, the new stables are all wood? Or am I wrong?

MS. KING: Yes.

JIM POWERS: Any reason you didn't use something like masonry block or --

MR. SCHUM: I think Mr. Powers, these people know more than I, but I have been in a few horse barns. Every one I have seen is wood because if push comes to shove, they will kick the wood and not hurt the horse. We wouldn't use masonry or steel.

JIM POWERS: Maybe my memory is fading, but it seems that if there is a fire, and you pull horses out, the first thing they want to do is get back into their stable, and -- that is what I have heard any ways. I thought maybe if there was something other than wood to make it safer for the horses that are being boarded, or -- if per chance no one happened to be around at the time.

MS. KING: It is like Dan (Schum) said. I have honest -- every barn I have been in has always had wood stalls.

KAREN COX: There is probably more of a chance of them in injuring themselves than a fire.

MS. KING: Yes. A horse would kick concrete.

MR. SCHUM: Horses will rear up or become boisterous.

JIM POWERS: I went along, by the way, this afternoon with the Building Inspector and Fire Marshal at lunchtime. There has been a lot of hard work done out there. That lower barn looks real good.

KAREN COX: You asked the question that I was going to ask about the trailer, so you beat me to that. That was the only question I had. I just wanted to express my appreciation for the packet of material that we were given and the presentation that answered all of the questions.

MR. SCHUM: Thank you.

JOHN NOWICKI: I agree with you Karen (Cox), that it is always nice to have the material presented in such a fashion so that you can follow through and it makes a lot more sense than flying from the seat of your pants.

One area I would like to question, that might have something to do with the Building Department, is the existing two-story, frame house, has that been completed construction wise? Is there -- has there been a C of O issued on that house?

DENNIS SCHULMERICH: No, there is not.

JOHN NOWICKI: What is happening to that house and when will we have a C of O on the house?

DENNIS SCHULMERICH: I don't think that is a question that should be brought up in this forum, but --

MR. SCHUM: I think Jeanne (Swartel-Wood) purchased that property. I'm sure it -- she has every intention in the world of completing what has not been completed and complying with the Town codes.

MS. SWARTEL-WOOD: Yes. We had some delays because of -- well, any one who has done an addition --

MR. SCHUM: The lawyers cause the delay.

MS. SWARTEL-WOOD: Anyone who has done an addition or remodel, there are delays. But the idea for adding to the living space was so that the manager has living space within -- on the property, because this seems to be a concern for all people who have -- who are -- who have horses boarded, that they want someone always to be on the property.

JOHN NOWICKI: Can you give us an idea of --

MR. SCHUM: Timeline?

JOHN NOWICKI: When the construction of that house may be completed within a reasonable period of time.

MS. SWARTEL-WOOD: Um, we had aimed for the 1st of June.

JOHN NOWICKI: Okay.

MS. SWARTEL-WOOD: That is what I can tell you.

JOHN NOWICKI: So the activity in getting the house finished --

MS. SWARTEL-WOOD: It is ongoing.

JOHN NOWICKI: The Building Department will be able to go in and issue a certificate of occupancy; is that correct?

DENNIS SCHULMERICH: That is correct. There is a current building permit that is open.

JOHN NOWICKI: That is open.

DENNIS SCHULMERICH: Yes.

JOHN NOWICKI: It has been open for quite a while.

DENNIS SCHULMERICH: No. Only about two months.

KEITH O'TOOLE: They have 18 months.

JOHN NOWICKI: We have a date now to be completed.

MR. SCHUM: That was -- I mean I would say that, you know, by the fall -- I mean being generous, by the fall, they would hope to have a good leg up on all of that.

JAMES MARTIN: With an open building permit, the processes is going forward.

MR. SCHUM: It is being addressed.

JOHN NOWICKI: I'm just -- all I am thinking about is the average citizen as you know, and I know, if they draw a building permit to build a house or put an addition on the house, there are legitimate limits as to how long you let this go on before the wood starts to rot away. I just wanted to accomplish -- that we'll have the project done and not have a property sitting there half done for years to come. That is all.

JASON ELLIOTTO: Nicole (King), you said at the last meeting that you were going to be installing the fence yourself.

MS. KING: Yes.

JASON ELLIOTTO: I'm just reading what you gave me here, as far as the fence installation. I have a couple of questions for you. How many chargers are going to be involved in this fence?

MS. KING: Um, I actually have to check on that. Right now I have one, and it may need more.

JASON ELLIOTTO: Where will you place the charger? On the ground?

MS. KING: I'm not sure yet. Not on the ground.

JASON ELLIOTTO: Just reading this, they recommended either inside an eave or inside the building.

MS. KING: Yes.

JASON ELLIOTTO: Is that your intention?

MS. KING: Yes. He hasn't gotten that far in the process yet. As you said, we have to actually get a variance for the fence, so...

JASON ELLIOTTO: And due to this, are you going to have an electrical inspection? I would like to see an electrical inspection when this is all done. Just by reading some of the recommendations for the fence installation about how it needs to be put in, myself, I would like to see some kind of --

MR. SCHUM: It is a 110 system, I believe.

JOHN NOWICKI: Is it required for an inspection?

JASON ELLIOTTO: Well, according to the manufacturer of the fence, they say if it is a 110 installation, a certified electrician should be used to put it in, and -- well, this -- all this says is their recommendation by the manufacturer that I am reading.

JAMES MARTIN: That is to cover their liability.

JOHN NOWICKI: Is there a code?

DENNIS SCHULMERICH: Ms. King is aware of the required inspections and the code as it is according to this.

MR. SCHUM: If the Building Inspector requires us to have that inspected, we'll surely have that inspected.

DENNIS SCHULMERICH: It comes under the building code. It is being addressed under the building code. It is not for Planning Board purview.

JASON ELLIOTTO: Well, is there -- so is there a code for -- I guess I am confused here.

MR. SCHUM: Let me just try to address it as best we can.

JASON ELLIOTTO: First, you're not an electrician?

MS. KING: No.

JASON ELLIOTTO: So we're not doing it according to the installation request. And then we're not going to ask for an electrical inspection.

MR. SCHUM: That is not what was said, Jason (Elliotto), at all. There are is already existing electricity in the riding stable building, the arena has been certified and inspected. It is on file in the Town of Chili. If you need to plug in a 110 circuit and put the box on the wall to connect it to the outside, it is probably not that much different than plugging in your bug zapper on the back porch.

JASON ELLIOTTO: I don't buy that.

MR. SCHUM: You can --

JASON ELLIOTTO: Hold on.

MR. SCHUM: To protect the safety, health and welfare of the citizens, you can require that all electrical codes be met in the installation of the fencing.

JASON ELLIOTTO: I'm just bringing this up for discussion for us as something, and you know, as I am reading this, and not -- I'm not familiar with this fencing system, just asking these questions. Because this is what the manufacturer recommends.

MR. SCHUM: I think we indicated we'll comply with the manufacturer's recommendations.

JASON ELLIOTTO: But the manufacturer is stating a certified electrician does it, but she is not an electrician.

MR. SCHUM: To connect it. But the fence could be put up by anybody.

JOHN NOWICKI: Does the fence get identified with signage that it is an electrical fence?

MS. KING: Yes. There are little signs on the top rail that say "caution."

JASON ELLIOTTO: Do they come with it?

MS. KING: Yes.

MR. SCHUM: They point to the outside where the public is, not to the inside where the horses are.

JAMES MARTIN: I'm very familiar with electric fences. They give you one heck of a shock. It won't kill you unless there is a lightning storm and you're in contact with the fence and a bolt of lightning hits the fence. Then you would be toast. But if you just touch it, you will get a good zap. It will not kill anybody. Very familiar with the electrical fences. Basically the electrification system is based on the amount of linear footage of the fence you're trying to electrify. The charger just grows in magnitude as you're trying to electrify more lineal foot of fence. There is fall off, all right, as the voltage goes around, and so -- but, you know, I'm sure that you know, the fence itself will comply with any Underwriters Laboratory Code or anything else that needs to be met. Your insurance will probably want that.

JASON ELLIOTTO: Good. I have one -- just two more things real quick. Nicole (King), how many straps will be on the fence?

MS. KING: Three.

JASON ELLIOTTO: Just because again I -- I'm just reading this. Boarding facilities should always put up four strands at 5 feet high due to prospect of new animals unfamiliar with the electric fence. I'm not -- all I am saying is I am reading this.

MS. KING: That is different information from when I actually spoke with them. You can go three or four. Typically what I have seen on boarding facilities is if you have stallions, really, is when you have four.

JASON ELLIOTTO: Will you have stallions?

MS. KING: No.

JASON ELLIOTTO: No breeding?

MS. KING: No, no.

JASON ELLIOTTO: Any thoughts of additional lighting due to the fact that you're going to be open until 10 at night? Is that a concern, or --

MS. KING: Honestly we have not talked about it yet.

JASON ELLIOTTO: Just a thought.

MR. SCHUM: I would think there -- again, if we have the vehicle parking adjacent to the riding building, it probably would be for safety purposes.

JAMES MARTIN: To have a -- to have a safety light out there, not a dusk-to-dawn type of light, but safety light during hours of nighttime operation.

JASON ELLIOTTO: Maybe just something you can consider.

MR. SCHUM: Motion would be good.

JASON ELLIOTTO: Just 10 o'clock, if you will have people walking around your property at 10 o'clock.

JAMES MARTIN: I will not list that as a condition.

JASON ELLIOTTO: Just recommendation for them.

MR. SCHUM: Appreciate it. Good comment.

DARIO MARCHIONI: I want to -- anybody know what the speed limit on that Ballantyne Road is.

MR. SINSEBOX: 30 miles an hour.

DARIO MARCHIONI: You have that curve there. I drove there. In fact, I parked on the side of the road to see the site. So I was wondering, anything we can do to discourage anybody

from parking on that road? Since you have that curve. Parking on the roadside.

MR. SCHUM: We would welcome any traffic control sign -- we can't privately. Obviously we can require that none of our boarders or people who come to the property, you know, park on the side of the road. But we can't control the road itself.

JAMES MARTIN: My understanding -- my understanding is you met with the Traffic Safety Committee; is that correct?

MS. KING: I spoke with Joe Carr.

JAMES MARTIN: There is no recommendation, and in conversation with the Chairman of the Traffic Safety Committee regarding that, clearly it might be something that should be reopened because we clearly would not want roadside parking of horse trailers or anything else along there.

MR. SCHUM: Again, under the code for health safety and welfare, that would be a condition that is very reasonable. We would not only encourage it but enforce it.

JAMES MARTIN: I will add that. No roadside parking of any vehicles associated with the horse stable.

MR. SCHUM: That is fine.

DARIO MARCHIONI: Another question. On the existing barn there, any improvement -- structural improvement to the front or the sides?

MS. KING: Which barn?

DARIO MARCHIONI: The barn by the road. Anything planned?

MS. KING: No.

DARIO MARCHIONI: It needs some improvement.

MS. KING: It actually looks very nice, I thought.

DARIO MARCHIONI: Is the home a single-family or two-family?

MR. SCHUM: Single-family.

DARIO MARCHIONI: One family living there.

MR. SCHUM: They have issued a permit to the single-family home for an addition. That is what it is going to be.

PAT TINDALE: One comment. On the storage of the manure, just make sure it is within 100 feet from any water way.

MR. SCHUM: We submitted your recommendations as part of our package. That is one of the conditions in there. Thank you very much for the help of your Board.

JASON ELLIOTTO: There was two. The four-month period, as well that you recommended.

PAT TINDALE: Yes, yes.

MR. SCHUM: Both. We'll comply with both of those recommendations.

DARIO MARCHIONI: Is this in a drainage district?

JOHN NOWICKI: It says yes.

JOHN NOWICKI: Great presentation.

JAMES MARTIN: I do commend the completeness of the response. Obviously at the previous meeting there was some confusion, okay, as to what exactly was going to happen. I think we have clarified those issues very adequately with this presentation tonight. It sounds like it is going to be a fairly well run and nice addition to the Town of Chili from that standpoint.

JAMES MARTIN: We'll move onto the SEQR process. Since the manure issue has been basically cleared up, I would like to go ahead and make a motion.

On the conditional use permit, 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.

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

JAMES MARTIN: We'll vote separately. There has been a request to waive final on this. Any issues with waiving final?

JOHN NOWICKI: No.

JAMES MARTIN: Hearing none. We'll waive final.

Time frame needed. Usual I would recommend five?

JOHN NOWICKI: Usually we start out with three.

MR. SCHUM: I addressed the time with the owner. I knew it would be a topic of discussion. We would ask for five years. There is a fairly substantial financial investment. Obviously, if there are any violations of the conditions, your ordinance allows you to bring us back in and revoke the permit. So that lever or that clout is always available to the Town. We don't intend to obviously violate any of those conditions and we would -- it is just if we could have the Board consider the five-year permit, we would appreciate it.

DARIO MARCHIONI: Usually we ask three at the beginning, and after that, you could get five or more the second time.

MR. SCHUM: I understand.

JAMES MARTIN: I'm hearing three years for initial time period with potential renewal for five after that. That is what I am hearing.

JASON ELLIOTTO: Good with that.

JOHN NOWICKI: Good with that.

The Board further discussed the proposed conditions.

James Martin reviewed the proposed conditions with the Board.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6yes with 1 abstention with the following conditions:

1. This conditional use permit is granted for a period of three years.
2. All electrical codes shall be met for the electrified fence.
3. There will be no road side parking of any vehicles associated with the boarding stables and riding arena.
4. Applicant will comply with Conservation Board recommendations.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6yes with 1 abstention with the following conditions:

1. All electrical codes shall be met for the electrified fence.
3. There will be no road side parking of any vehicles associated with the boarding stables and riding arena.
4. Applicant will comply with Conservation Board recommendations.

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

#### PUBLIC HEARINGS:

1. Application of Comfort Windows, owner; 60 John Glenn Boulevard, Syracuse, New York 13201 for preliminary site plan approval to erect a 5,000 sq. ft. warehouse addition at property located at 1380 Scottsville Road in G.B. zone.

Rod Prosser was present to represent the application.

JAMES MARTIN: Before we get started, I have application in front of me that says 5,000 square feet. If I add up the square footage based on the plan that was submitted, we're coming up with over 11,000 square feet, and I may need to make an amended agenda here, because I don't know where you're getting your numbers from.

MR. PROSSER: Your numbers are correct. Ours are wrong.

JAMES MARTIN: All right. What is it? What is the final total?

MR. PROSSER: Larry (Nissen), you did that.

JAMES MARTIN: 11,600? Does that sound correct?

LARRY NISSEN: It is 11,400 according to --

MR. PROSSER: 11,600. I -- I apologize.

LARRY NISSEN: It is 11,4.

JAMES MARTIN: Your letter is 11,6?

LARRY NISSEN: It is 11,4.

JAMES MARTIN: That is the final number.

LARRY NISSEN: It is not my application, but that is my interpretation.

MR. PROSSER: That includes the loading dock.

JAMES MARTIN: We need to include everything in your construction plan here.

I will make a motion that we modified -- that we make a -- we make a correction to this application. The application should now read application of Comfort Windows, owner 60 John Glenn Schneider Boulevard, Syracuse New York 13201 for preliminary site plan approval to erect 11,400 square feet of warehouse addition at property located at 1380 Scottsville Road.

JASON ELLIOTTO: Question. Public notice? Does this still fall -- with that type of change?

JAMES MARTIN: Mr. O'Toole, can we hear this based on that change to the agenda?

KEITH O'TOOLE: Pleasure of the Board.

JAMES MARTIN: Pardon?

KEITH O'TOOLE: Pleasure of the Board.

JOHN NOWICKI: Let's have some discussion.

DARIO MARCHIONI: Is this a significant increase?

JASON ELLIOTTO: I would say so. Twice the square footage.

JAMES MARTIN: Twice the square footage.

JOHN NOWICKI: There are other things we may want to add. I don't believe this application is complete as all. There is so much information missing from these documents I'm not really comfortable reviewing it the way it is presented to us right now. Especially with that finding of fact that we have almost 12,000 square feet. We don't have anything identified on these -- on this property here as far as what is being torn down, what is existing, where the piles of dirt are, where the trucks are coming in, there is no driveways or parking indicated. I mean, if I start applying our code requirements, from our checklist here, I find so many missing -- missing things here, no landscape plan, no nothing. I know they have a letter into us, but I will not accept it. I want the Conservation Board to take a look at landscaping.

JASON ELLIOTTO: I think the Conservation Board had quite a few comments of concern.

JOHN NOWICKI: I think so, too.

JAMES MARTIN: They would be part of the discussion, if we continue to hear this at this time.

I will listen to other comments of the Board. Do we want to proceed with this, or do we go to findings to table this until a subsequent meeting to get a better plan in front of us and to correct the application?

JOHN HELLABY: I tend to agree with John (Nowicki). I would like to see a -- a lot clearer site plan that we have here. Like John (Nowicki) says, they lopped off the whole front of Scottsville Road, entrances, exits, where they're parking the vehicles.

JOHN NOWICKI: I want to know where the dirt that is laying out there for years is going.

JOHN HELLABY: All of the piles of fill have three, four and five years on them, back and -- in some of the corners, what are we doing with those.

JOHN NOWICKI: No elevations. We only have one elevation. I want architectural stuff on this.

This is a very important intersection and corner in the Town of Chili. I want more work on it.

DARIO MARCHIONI: In fact, the addition is bigger than the -- what you have existing there.

JOHN NOWICKI: Where are they parking all this stuff? How will the trucks turnaround? Will they pave the parking lots? What will they do to clean it up. I don't see anything on here. I want to see it tabled until they review our code for compliance, all of the way through.

JASON ELLIOTTO: I agree. I think the notice needs to go out, as well.

DARIO MARCHIONI: Handicapped locations, too. Drainage. Underground drainage improvements.

JOHN HELLABY: Lighting.

DARIO MARCHIONI: Any lighting shown on this?

MR. PROSSER: Yes, there is.

JAMES MARTIN: Okay. I guess I'm hearing the pleasure of the Board is to -- we would

make a motion to table this. I need a list then of findings that -- to proceed with that motion at this time. So number one is a more comprehensive site plan.

JOHN NOWICKI: Yes. That they comply with site plan approval, Article V, Section 115-29, starting actually with 115-27 and going through the preliminary site plan procedure and comply with those regulations. That is a good start.

DARIO MARCHIONI: If you get it all together, we could give you final all in one shot.

MR. PROSSER: Thank you.

JAMES MARTIN: The landscape plan be submitted to the Conservation Board.

JOHN NOWICKI: Absolutely. It is all called out in the code.

JOHN HELLABY: Additional elevations on renderings.

The applicant left the meeting room.

The Board further discussed the proposed reasons for tabling.

JAMES MARTIN: I make a motion that we table this application based on the following findings that a more comprehensive site plan be prepared.

He read the list of proposed reasons for tabling.

JOHN NOWICKI: So moved.

JIM POWERS: Second.

DECISION: Unanimously tabled by a vote of 7 yes until the applicant resubmits, for the following reasons:

1. A complete site plan prepared in accordance with Article V Sections 115-27 to 115-29 of the Town of Chili Code must be submitted with the application.
2. All pertinent elevations must be shown on the site plan.
3. The applicant shall submit a landscape plan (signed and sealed by a licensed landscape architect) to the Conservation Board.

DARIO MARCHIONI: The DRC, don't they bring this stuff up at the DRC meeting? A lot of it was, Dario (Marchioni).

PAT TINDALE: I -- I didn't know if it was correct to interrupt. I would like to interrupt and didn't know when I was supposed to be able to do this, but I would like a licensed landscape architect seal.

JOHN NOWICKI: It is called out in the code. We asked him to comply with the code.

PAT TINDALE: It should be 1 percent of the value. If you asked for landscaping, they is showed some landscaping on here -- just a value to them, in back of their place, not even shown on Scottsville Road.

JOHN NOWICKI: Not a lot of thought on it.

JASON ELLIOTTO: I thought your recommendations were very good from the Board.

PAT TINDALE: We looked and have driven back and forth and we're not happy with it at all.

JOHN NOWICKI: They were good recommendations.

2. Application of Independent Order of Odd Fellows, Humboldt Loge #138, owner; 357 Gregory Street, Rochester, New York 14607 for renewal of conditional use permit to allow a recreational facility with ballfields at property located at 412 Ballantyne Road in A.C., FPO & FW zone.

Lambert Hoak (phonetic) was present to represent the application.

MR. HOAK: Lambert Hoak (phonetic), a member of the Board of Trustees of Humboldt Lodge, 138 the Independent Order of Odd Fellows.

As you stated, we're here to ask renewal of our conditional use permit.

JAMES MARTIN: Dennis (Scibetta), on the application, they checked "no" for drainage district. I thought this was in the drainage district.

DENNIS SCHULMERICH: I believe it is.

MR. HOAK: That would be --

DENNIS SCHULMERICH: Why they did --

JASON ELLIOTTO: I'm pretty sure it is in a drainage district.

JAMES MARTIN: It has to be.

JIM POWERS: Why are we hearing this conditional use permit for recreational facility for baseball fields?

JAMES MARTIN: That was a question I was going to ask because there have never been baseball fields on the site. But the original request, if you go way back, was for that. So when the conditional use renewal letter goes out, it states what the original request was for. So ball fields is in there. If they ever have any -- if they are -- are you ever building ball fields on the facility?

MR. HOAK: We probably will. Right now the property is in transition. We bought it and we -- we are certainly considering the use of ball fields for ball fields. We'll be doing some -- some horseshoe pits and other things behind the property at this point. I got this third notice quite late because of the person who was supposed to pass the information on didn't, and rather than tie up the things, we decided to renew the permit, and this is the first time in doing it, so I apologize for not checking the right box. Clearly you know your -- our property better than I do. So we intended to roll it over, get an extension and address the issue as we -- as we make full use of the property.

JIM POWERS: Do you folks operate -- when you use that facility, do you have the bar open?

MR. HOAK: There is no bar. There is a bar there, but we do not -- we do not have an active bar there.

KAREN COX: That was not part of the original conditional use.

MR. HOAK: I'm sure there is a beer drunk there every once in a while, but we do not sell liquor.

JIM POWERS: How often does the VFW use that building?

MR. HOAK: They have meetings once a month and they use the offices on a fairly regular basis, but I don't know the exact amount. I can certainly inquire and get back to you on that.

KAREN COX: How often do -- does the Odd Fellows have events at the building? The reason I am asking, is more out of curiosity. I drive by at different times, and the property is kept up nice, and -- but there is never anybody in the parking lot. So I was -- it is more curiosity.

MR. HOAK: Um, if -- in these sort of fraternal -- charitable beneficial societies, everything moves slowly. We are using the facility more and more. The -- we plan on transferring this summer our meetings over to the facility on a full-time basis. There may be some youth groups that will come over to use that facility, but if you imagine what you go through, the -- these -- these societies have quite a lot of internal politics and it takes a while for anything to happen. So it is not from lack of intention to use it more fully. It is just that we need to get a permit to move our charter to have our meetings and things like that. So I think you will find in the next year, you will see it used on a more regular basis.

KAREN COX: The idea is to move the -- the organization totally from the Gregory Street one or to have them working in tandem.

MR. HOAK: No. Our intention at Humboldt Lodge is to move and be fully operational at the 412 Ballantyne Road, our property. There are other Odd Fellow facilities which use Gregory Street and they may or may not choose to continue there.

KAREN COX: That answers my question then.

JOHN HELLABY: Probably one of the best maintained pieces of property on that stretch of highway.

JASON ELLIOTTO: All maintained nice.

MR. HOAK: Thank you. We try.

JOHN NOWICKI: I concur the property is well maintained. Thank you very much for putting up the stop sign.

DARIO MARCHIONI: One question. I do recall that the VFW was -- had a tax exempt for -- property tax exemption. Does your lodge also, or do we get full taxes on that property?

MR. HOAK: I don't believe we pay full taxes, but I can get back to you on that.

DARIO MARCHIONI: You're not a tax-exempt organization, like a church?

MR. HOAK: I think we fall in a gray area under the 401D or C things, but it -- it is left up to the local municipality as to our status. I don't think it is an automatic, a given.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The public hearing portion of this application was closed at this time.

JAMES MARTIN: Move to close.

JOHN NOWICKI: Second.

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

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

JAMES MARTIN: On original conditional use permit, a copy of the purchase agreement was supposed to be supplied to the Town. Do you remember receiving that, Keith (O'Toole)? In any way shape or form?

KEITH O'TOOLE: How many years ago was that?

JASON ELLIOTTO: 2003.

JAMES MARTIN: It was 2003.

KEITH O'TOOLE: I do not recall.

JAMES MARTIN: Okay.

KAREN COX: Good answer.

JAMES MARTIN: JAMES MARTIN: I will have to expect that that condition was met. It was also a recommendation at that time that the -- that they consider -- you know, resubdividing all of the parcels into one lot. I don't know if that ever happened or not. That was a recommendation. I think all of the -- all of the conditions that were imposed, granted for two years, Fire Marshal obviously approved the facility. They did put the stop sign in. There are not any undone conditions that I know of at this time.

DARIO MARCHIONI: Five years.

JAMES MARTIN: I will make a motion.

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.

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. This conditional use permit renewal is approved for a time period of five years.
2. All previously imposed ongoing conditions remain in effect.
3. Application of Pearce Memorial Church, owner; 4322 Buffalo Road, North Chili, New York 14514 for renewal of conditional use permit for a parking lot with a minor expansion at properties located at 65, 67, 69, 71 Orchard Street in R-1-15 zone.

MR. SCHOENTHAL: Carl Schoenthal, with the MRB Group. We're here to represent the proposal.

As we understand, the Church has been working on ways to improve its parking situation, and the Planning Board back, I believe, in '98 had reviewed this proposal to build a parking lot to the rear of these four parcels, and that parking lot has been utilized and maintained and has functioned very well for the congregation.

There is a desire to expand it marginally to take advantage of some additional spaces that could be made available to the areas that are shown in dark black here. For a total of additional 15 -- presently there is a tree and an island here (indicating). That would free up four spaces here (indicating). Fill this area in (indicating). Create stone parking in here (indicating), leaving a landscape buffer around either side.

Because there is presently buses -- I believe a -- few buses and a trailer parked in there taking up spaces. They would like a gravel area for the storage of those units in this area here (indicating).

And the proposal is to maintain all of the existing landscaping. Back in '98 there was quite a bit of landscaping that was added, that was constructed. So really from the street there will be really no major impacts in terms of aesthetics or changes there.

The Church has been looking at ways to consider continuing the use of this area for parking. Also potentially trying to put in a process by which the other parking areas that are currently being utilized at the college continue to be maintained and utilized.

The only engineering aspect that might come into play is the drainage. Everything will continue to be maintained as is. We went out and inspected -- there is a series of dry wells, chambers, so to speak, that are under the pavement area. We inspected each one and found them to be dry and clean. You can still see the clean stone underneath. So after six or seven years, it has been very good technology. It has been very useful there. But the areas that are proposed to be expanded, they will drain back to existing chambers that are subsurface. So I believe for the purpose of the -- amending the plan, there is also a need for the conditional use to be extended from the original approval.

JAMES MARTIN: What is the schedule upon -- that you maintain as far as inspecting those dry wells? Is it on an annual basis? I mean what is the schedule?

MR. SCHOENTHAL: The maintenance crews after a rainstorm are out. One thing to consider, with the pine trees that are planted there, the pine needs sometimes block off the openings in the grates, which then causes it to back up into the parking lot. So there are -- pretty often there is an inspection being made. On our inspection, after six or seven years of operation, each chamber was clean, actually was dry. So it was very effective at how they had been doing it.

JOHN NOWICKI: Been a pretty dry year.

MR. SCHOENTHAL: This I believe was actually in the wintertime, middle of the winter when we took a look at the chambers.

JAMES MARTIN: To your knowledge, to me inspection means somebody looks on some periodic schedule, and do you have any idea what that schedule is for inspection --

MR. SCHOENTHAL: Honestly, I don't have that knowledge.

JAMES MARTIN: The original approval, the applicant was to provide a maintenance and inspection schedule for the dry wells to the Building Department. I don't know if that is on record Dennis (Scibetta) or not.

DENNIS SCHULMERICH: That was the first I had ever heard of it. I would have to look into it.

JAMES MARTIN: All right.

DENNIS SCHULMERICH: I don't want to tell you no on something that --

JAMES MARTIN: I am -- you know, I am quoting what was asked for in the initial approval of this.

That was about the only one on here that I think needs to be looked at.

MR. SCHOENTHAL: We do have a notation on the plan, I believe it is note Number 4, responsibility to maintain site drainage, distribution piping.

JAMES MARTIN: On the conditional use permit renewal?

KAREN COX: Does the applicant have plans to replace the trees that are being taken out by the new parking with comparable trees?

MR. SCHOENTHAL: There is -- there are no plans to expand -- or to add additional trees there.

The trees that I believe are there, are older trees that are compromised because of the location of the parking lot being close to them. So there is a concern about the -- their maintenance and prolonged life. So they're -- I think a few of them had been removed previous because of that situation, but with the -- with the trees and landscaping that is generally around the area, it is not proposed to add anything at this time.

In fact, there is -- there is just a safety concern about the ones that are there, as well.

KAREN COX: Because they're old?

MR. SCHOENTHAL: Yes. The proximity of the parking to them.

JASON ELLIOTTO: All of the trees? It looks like four maples and one pine?

MR. SCHOENTHAL: Just the four in this area here (indicating). I believe -- yes. There is a pine tree here (indicating). There is one previously that has been removed because of that situation already.

JASON ELLIOTTO: There is a pine tree that is going to be removed at the gravel storage

area?

MR. SCHOENTHAL: Right.

JASON ELLIOTTO: Then four maple trees.

MR. SCHOENTHAL: Correct.

JASON ELLIOTTO: In the parking lot.

MR. SCHOENTHAL: If we were to relocate or put new trees, I don't know where we could propose to do those on the site because everything is kind of tight as it is.

KAREN COX: Well, if they might consider it, somewhere, that would be appreciated. You know, they are large trees. They may not be in great shape, but you know, obviously the four houses I think are rental property, and they own it. You know, it might add to the value of that property. That was all I had.

JAMES MARTIN: I think consultation with the Conservation Board. Maybe there are some ornamental trees that could be planted in there that wouldn't be large trees, but would enhance the landscaping.

PAT TINDALE: Our Board felt that definitely something should be needed. There is no landscaping -- added and they're taking out four or five trees. Our suggestion was to replace the trees or replace them with something.

KAREN COX: You wouldn't have to replace them. I misspoke when I said in kind. Because I'm not saying replace a 2 footer with a 2 footer. It is more could something be planted to offset the impact of removing the old ones. Salt-tolerant species.

MR. SCHOENTHAL: I would propose these landscape island areas be done similarly as the other landscaped islands were installed. There are maple trees installed. I believe back in '98 the concern was buffering and shielding the parking area itself. So in terms of additional -- I mean potentially a buffer in there (indicating), but it is the College and the Church that owns -- owns all of the property. So --

KAREN COX: Well, I would think their landscape people would know, you know, what species would work with the salt and --

MR. SCHOENTHAL: I would suggest that if the Planning Board would like that, we could add something in these areas here (indicating). Would that be acceptable?

JAMES MARTIN: I -- I will put that in as a condition that we would like you to consult with the Conservation Board, you know, on additional landscaping improvements to the site.

JASON ELLIOTTO: Just a quick comment. It is just good to see a good presentation. Every time by MRB. Every time. MRB does a nice job.

MR. SCHOENTHAL: Thank you.

DARIO MARCHIONI: Just one thing. Have there been any complaints on this project? Anything on file? Clean slate?

DENNIS SCIBETTA: Only one I ever heard of is from Mr. Ginovksy.

JAMES MARTIN: Going back on the comments you made about the vehicles or the bus, they're utilized by Pearce Memorial for transportation purposes?

MR. SCHOENTHAL: Correct.

JIM POWERS: On that gravel area, behind the -- 65, how close are you going to be to that house there?

MR. SCHOENTHAL: I believe it is about 10 feet. 10 to 12 feet.

JIM POWERS: Where you're removing the big trees for the larger parking area, is that going to create any drainage problem in the backyard of that little brown house that sits there? It is, I'm guessing, higher than that yard.

MR. SCHOENTHAL: This area in there (indicating) is kind of a high point to begin with. In essence, we're matching those existing grades so that water continues to sheet from the parking lot into the catch basin areas. This will remain as is. This all drains down through the front (indicating). It does have two directions that it runs. This (indicating) is actually higher in this area (indicating) just directly east of the parking.

DARIO MARCHIONI: One more. The way I see it, more and more parking is needed this whole area. Eventually do you see all of the houses coming down?

MR. SCHOENTHAL: I think the Church is looking at options for that to address their overall parking concerns.

DARIO MARCHIONI: It would make things easier for that parking aspect.

MR. SCHOENTHAL: They're also sensitive to the neighborhood and in looking to maintain the residential presence that is there. I -- but I believe -- there will be additional needs in the future.

DARIO MARCHIONI: Push come to shove, they will need more parking.

KAREN COX: They own them. Somebody was smart and bought them.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: Move to close.

JOHN NOWICKI: Second.

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

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

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

The Board discussed the proposed conditions.

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

1. Applicant to consult with the Conservation Board on additional landscaping improvements to the site.
2. This conditional use permit is approved for a period of five years.

INFORMAL:

1. Application of Pearce Memorial Church, 4322 Buffalo Road, North Chili, New York 14514 for renewal of conditional use permit for a parking lot with a minor expansion at properties located at 65, 67, 69, 71 Orchard Street in R-1-15 zone.

(See related discussion above)

The Board reviewed potential conditions.

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.

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

1. Pending approval of the Town Engineer.
2. Applicant to consult with the Conservation Board on potential improvements to the site landscaping.

The meeting ended at 8:30 p.m.