

CHILI PLANNING BOARD  
May 10, 2011

A meeting of the Chili Planning Board was held on May 10, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson Karen Cox.

PRESENT: Karen Cox, David Cross, John Hellaby, John Nowicki, Theresa Reilly, Paul Wanzenried and Vice Chairperson Karen Cox. James Martin was excused.

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

Vice Chairperson Karen Cox 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.

KAREN COX: I would also like to recognize Paul Bloser, our Zoning Board Chairman. I will make a change in the agenda as published. We're going to hear the application -- the informal application of the Family Video Movie Club. Is there a representative from Family Video?

INFORMAL:

1. Application of Family Video Movie Club, Inc.; owner; 2500 Lehigh Avenue, Glenview, Illinois 60026 for final site plan approval for a change of use in portion of building to allow a Subway restaurant at property located at 4369 in GB zone.

Sukhi Atwal and Joseph Franch were present to represent the application.

MR. ATWAL: My name is Sukhi Atwal. I own Subway, and I'm partner partnering with Family Video and am Subway representative in this case. This has been considered for quite some time, as the application -- this meeting is for final site plan approval for this reason. All questions, all inquiries and all requirements have been fulfilled. Therefore, I appeal that this gives me approval.

JOHN HELLABY: The only thing I have is a point of clarification on this application. It says it is not in a Drainage District. It is in a Drainage District as of July '05.

JOHN NOWICKI: Oh, it is?

JOHN HELLABY: Yes. It is on the paperwork.

KAREN COX: Okay.

JOHN HELLABY: That's all I got.

JOHN NOWICKI: Same question I had.

KAREN COX: Okay. And I have no questions.

DAVID CROSS: The recommendations from the Architectural Advisory Committee, have those been incorporated? Signage, fronting on Buffalo Road is recommended to be externally illuminated? Is that --

MR. ATWAL: Yes. Meeting was held with that Committee and the recommendation has been accepted. Only one point came up that perhaps it will be easier to provide a double door instead of a single door in front.

That -- that we studied the site and considering the total -- the elevation, it was discussed at that time, it appeared that this is a long building. As a matter of fact -- just a second.

Applicant presented photographs to the Board.

MR. ATWAL: As these pictures show, this whole building is already divided into two parts, all of which only on the right side we'll be taking half of that. So to -- so our total frontage is really small. So therefore, it is felt that single door will be built -- suit much better than the double door. Therefore, that suggestion has not been taken into -- just the suggestion, not a requirement.

RICHARD SCHICKLER: I have a comment on the landscaping. The landscaping was really never completed. The shrubs in the front along the building are very sparse and most of them are missing. I toured the area a few weeks ago. The island on the entrance on the south side of the entrance was never completed.

MR. ATWAL: Landscaping will be provided as per the Board's requirement.

JOHN NOWICKI: Mr. Schickler? The previous landscaping was not except up to snuff, was it?

RICHARD SCHICKLER: No, it wasn't -- it wasn't 100 percent, and some of the shrubs are small, especially up in the front. There is hardly anything there, very small and there is an island on the right-hand side as you go in the driveway never done.

JOHN NOWICKI: That has to be accomplished?

DICK SCHICKLER: Pardon me?

JOHN NOWICKI: That has to be done and brought up to snuff, as part of the original approvals, Dick (Schickler).

RICHARD SCHICKLER: Absolutely.

KAREN COX: The island on the Union Street driveway?

RICHARD SCHICKLER: Right-hand side as you go in the entrance, the south side.

KAREN COX: Between the two entrances?

RICHARD SCHICKLER: Right.

MR. ATWAL: My partner, Joe Franch, has joined me, and he has entered the last meeting, so if there is still any note, he will explain what was discussed and -- if we need to.

MR. FRANCH: High my name is Joe Franch with Subway Development of Western New York.

As far as the landscaping, um, Family Video has given a letter to the Town that has affirmed that they will reinstate all of the landscaping that was part of the original C of O. They will bring it up to anything that -- anything that has died off or anything that was required in the original landscaping will be met.

KAREN COX: So that -- that includes building that island that is shown on the original plan that Mr. Schickler just pointed out?

MR. FRANCH: Yes. Whatever was part of the original C of O will be brought to required. And -- they provided a letter, I think, two meetings ago that reaffirmed that.

JOHN NOWICKI: Is that letter on file?

MR. LINDSAY: I believe the letter is on file in the Building Department. I don't have it here with me, but we can certainly make it a condition of the certificate of occupancy.

JOHN NOWICKI: Do we need a letter of credit on that?

DAVID LINDSAY: No, we don't.

KAREN COX: Keith (O'Toole), do I need to do SEQR on --

KEITH O'TOOLE: No, we have already done it.

KAREN COX: We already had the Public Hearing, so I guess we'll vote on the final approval for the project.

JOHN NOWICKI: Subject to the conditions?

KAREN COX: Subject to the conditions of approval, all previous conditions remain in effect.

JOHN NOWICKI: Will we add any before we vote?

KAREN COX: Well, the --

JOHN NOWICKI: I just want --

PAUL WANZENRIED: They agreed to the recommendations of the Architectural Advisory Committee, correct?

JOHN HELLABY: Except for the door.

MR. ATWAL: The door. But the externally illuminated sign -- so I just want that -- I want that in, too, there, that they will do that.

KAREN COX: Okay. Do we want to -- want to talk about the landscaping?

JOHN NOWICKI: I want to strengthen the landscaping so it is done before, prior to any C of O.

MS. REILLY: We have a letter from them dated April 8th and we have a date of June 15th.

JOHN NOWICKI: Okay. Do you have that letter?

KEITH O'TOOLE: Just for purposes of clarification, even if the applicant has agreed to do these things, they should still be conditions.

KAREN COX: Okay.

Karen Cox reviewed the proposed conditions with the Board.

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

1. All previous conditions remain in effect.
2. Applicant to follow the recommendations of the Architectural Advisory Committee.
3. Applicant to install/fix landscaping as shown on original approval.

PUBLIC HEARINGS:

1. Application of Performance Paintball, 1250 Scottsville Road, Rochester, New York

14624; property owner: Davpart Rochester LP; for renewal of special use permit to allow an outdoor paintball field at property located at 200 Air Park Drive in GB zone.

Chris Martello was present to represent the application.

MR. MARTELLO: Hello. My name is Chris Martello. I'm the President of Performance Paintball. I am here to ask for renewal of our special use permit to have our paintball field at 200 Air Park Drive.

KAREN COX: Are you -- have there been any complaints about the property?

DAVID LINDSAY: We have not received any complaints.

PAUL WANZENRIED: I really don't have any questions for him. Cut and dry. As long as no complaints, sound good to me.

JOHN HELLABY: How's business?

MR. MARTELLO: Fortunately, real good. Thank you.

JOHN HELLABY: That's all I got.

JOHN NOWICKI: I still remember my first paintball war. I don't think I am going too far with that.

No, I have seen your operation, and I -- I am not aware of any problems.

MR. MARTELLO: Thank you.

THERESA REILLY: Just a quick question. How far behind the fence, the netting does the property go? I'm asking that because there are some various things directly behind and I don't know if that is permanent storage or just --

MR. MARTELLO: The stuff directly behind the field itself?

THERESA REILLY: 10 to 20 feet.

MR. MARTELLO: That is sadly not mine, and I believe it is all junk.

THERESA REILLY: Your property ends exactly where the netting is?

MR. MARTELLO: I rent to where the field itself ends, and property management uses that as their dumping zone, to say the least.

THERESA REILLY: Absolutely. Nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Madam Chair, could you please ask everybody to pull their mikes forward. It is very difficult to hear. From the side table, as well. I still see mikes like this (indicating) instead of being like that (indicating).

KAREN COX: Jim (Martin), can you pull that one done?

JAMES IGNATOWSKI: I have nothing important to say anyways. (Laughter.)

DOROTHY BORGUS: I see Mr. O'Toole's is still up.

KAREN COX: Mr. O'Toole?

KEITH O'TOOLE: Yes.

DOROTHY BORGUS: Please put the mike down.

KEITH O'TOOLE: Works for me.

DOROTHY BORGUS: Doesn't work for the people in the audience who come to observe this meeting. They need to hear. Thank you.

KAREN COX: Certainly.

JOHN NOWICKI: What was that you said? (Laughter.)

DOROTHY BORGUS: I said it doesn't work -- I don't need a mike. (Laughter.)

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

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

JOHN HELLABY: I just noticed another point of clarification. This one is also marked as not being in a Drainage District, but I find that hard to believe.

I think Mr. DiChario had that whole thing in a Drainage District at one time.

KAREN COX: Okay. I will make note of that.

Karen Cox 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.

Karen Cox reviewed the proposed conditions with the Board.

KAREN COX: We should discuss the timeline for renewal.

JOHN NOWICKI: As far as renewing it again?

KAREN COX: Yes.

JOHN NOWICKI: It was five years?

DAVID CROSS: It was three years.

JOHN NOWICKI: I think keep it the same.

KAREN COX: Three years? How about five?

JOHN NOWICKI: Yeah.

MR. MARTELLO: I would like five if you could do that. Ten?

KAREN COX: Five is fine. Okay.

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

1. All previous conditions imposed by this Board remain in effect.
  2. This special use permit shall now be considered permanent with no expiration date.
2. Application of Doris Green, owner; Emerald Point, Rochester, New York 14624 for special use permit to allow an in-law apartment at property located at 93 Emerald Point in R-1-15 zone.

Doris Green was present to represent the application.

MS. GREEN: Doris Green, owner of 93 Emerald Point.

I purchased the property eight years ago as an in-law from a family who was using it as an in-law. I'm in the process of selling the property. The bank appraiser for the perspective owners has said that it is illegally zoned due to the kitchen and laundry hook-ups in the lower level that never had the correct permits from the former owners. So I am requesting it as a special use permit to use it as an in-law, as it always has been.

The perspective buyers are also using it as an in-law.

KAREN COX: Do you -- in looking at the plan as shown, is there any kind of fire escape/fire access for this? It looks as though this might be a raised ranch, or --

MS. GREEN: It is a raised ranch. The Town came over and looked at it and told me the egress was fine. We have had the electrical all updated in the kitchen and in the laundry area, and the plumbing is to code.

KAREN COX: So the Building Department did inspect it?

MS. GREEN: Yes, they have.

PAUL WANZENRIED: You share a common entrance then?

MS. GREEN: It goes into a foyer. It is a split-level.

PAUL WANZENRIED: Do you share laundry facilities?

MS. GREEN: Yes, on the foyer level.

PAUL WANZENRIED: Is the utilities billed as one, or are they separated utilities?

MS. GREEN: They're billed as one.

PAUL WANZENRIED: Mr. Lindsay, have there been any complaints on this?

DAVID LINDSAY: We do not have any complaints on record.

PAUL WANZENRIED: Any code issues that we should be aware of?

DAVID LINDSAY: There is some minor things I -- that I think you have to do once the special use is approved, as far as a permit you need to obtain; is that correct?

MS. GREEN: I have to obtain a plumbing permit and that has all been put in motion.

PAUL WANZENRIED: Thank you. No further questions.

JOHN HELLABY: We have operated over the last, I don't know how many years, with a boilerplate on in-law apartments, so I have to assume you're going to be hit with that. As long as you're willing to live with that and everything else is all right, I have no questions.

JOHN NOWICKI: Is that the --

KAREN COX: That is the boilerplate. Have you seen this? (Indicating).

MS. GREEN: I don't believe so.

JOHN NOWICKI: Conditions for the in-law?

KAREN COX: Yes.

MS. GREEN: Conditions for the loan, I have seen. They have to use it as an in-law. Can't be rented.

KAREN COX: Do you want me to read them?

JOHN NOWICKI: Yes.

KAREN COX: These are the boilerplate conditions that will accompany this approval.

Number 1, "The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

A copy of this decision must be filed in the Monroe County Clerk's Office under Miscellaneous Records and tied to the liber and page of your deed. The cost for filing is to be reimbursed by the applicant.

"Furnish a copy of your deed, both sides, to the Assistant Town Counsel, pending approval of the Building Inspector" -- which you have started the process -- "and furnish proof of the recording of the deed and decision letter to the Assistant Town Counsel."

It says, "Note: Applicant should consider wider doors in the in-law apartment to be handicapped accessible including grab bars, wheelchair ramp, et cetera."

I -- actually, all of the questions that I have have been answered.

JOHN NOWICKI: As long as that is part of the approval.

KAREN COX: It is.

KEITH O'TOOLE: Just a comment. With regard to the material that you just heard, what I

am expecting you to do is have your attorney take the decision letter you receive from the Town, record it at the Monroe County Clerk's Office, and they will index it against the property address so this way it will come up in the abstract of title and that would satisfy our concerns.

MS. GREEN: Done.

KEITH O'TOOLE: Thank you.

JAMES IGNATOWSKI: Just a quick point.

If it is a split level, how can it be handicapped accessible?

KAREN COX: I --

MS. GREEN: It's not.

KAREN COX: I mean, that's not a condition, Jim (Martin). It is just a -- something they say the applicant should consider.

JAMES IGNATOWSKI: Okay.

KAREN COX: That might be more appropriate, I guess, if you were building a new -- if you were building a new installation.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Will we have drawings tonight put up so that the public understands what we're doing here?

KAREN COX: Yes. That is my fault. My error in not asking these be put up.

DOROTHY BORGUS: Thank you.

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

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

Karen Cox reviewed the proposed conditions with the Board.

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

JOHN NOWICKI: Who is the in-law? Your mother, mother-in-law or father?

MS. GREEN: My mother lives in the lower level. And I believe the new owner's parents are also going to occupy the lower level.

JOHN NOWICKI: Okay. Mother and father, two people?

MS. GREEN: Yes.

JOHN NOWICKI: Okay. Thank you.

KAREN COX: Do you want to have a timeline on this, or just as long as --

THERESA REILLY: It is supposed to be tied to the person who is using it as an in-law, so there is probably not a timeline necessary.

KAREN COX: As long as it is being used by an in-law, that would dictate the timeline.

JOHN NOWICKI: Just a quick question for Keith (O'Toole), the -- the approval will go to the new owners?

KEITH O'TOOLE: I interpret it to mean that so long as an in-law of the property owner, whoever the property owner should be, then the permit remains in effect. So this property owner can sell it to the next property owner --

JOHN NOWICKI: With the same approval?

KEITH O'TOOLE: That's correct.

JOHN NOWICKI: Thank you.

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

1. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
2. The apartment may not be used as a rental unit.
3. Applicant's attorney to file decision letter in book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney. When filing, decision letter shall be indexed against property owner's name.
4. Pending approval of the Building Inspector.
5. All required inspections to be completed by the Building Department.
6. All proper permits (building permits, certificate of occupancy, etc.) must be obtained from the Building Department.

7. This special use permit is granted for as long as used by in-law.

Note: Applicant should consider wider doors in the in-law apartment to be handicap accessible (including grab bars, wheelchair ramp, etc.)

3. Application of Mr. and Mrs. Robert Chapin, owner; 184 Maryview Drive, Webster, New York 14580 for renewal of special use permit to allow a day care center on the first floor of building at property located at 4479 Buffalo Road in R-1-15 zone.

Susan and Robert Chapin were present to represent the application.

MS. CHAPIN: I'm Susan Chapin. This is my husband, Robert Chapin, and we're looking to review this special use permit. I think we have done this three times already to continue to operate the child care center at 4479 Buffalo Road.

KAREN COX: Have you had any calls or questions?

DAVID LINDSAY: We have not, no.

JOHN HELLABY: I guess I have more concerns than questions. I guess Mr. Lindsay can be part of the concerns.

Um, and again, this might be a disgruntled ex-employee, but there is a thing out on Google that basically says the fixtures are falling apart and the whole building is being maintained at a level barely passing inspection. The rooms are about 65 degrees in the winter and upper 80s in the summer.

Are these things routinely, yearly inspected, these -- these facilities by the Building Department?

PAUL WANZENRIED: They're licensed by the State.

JOHN HELLABY: To compound the problem, I don't know if everybody read the paper, low and behold they pulled a permit for the one that is over on Gates and they're directly affiliated because they're all listed on the website. So I have a real concern here.

DAVID LINDSAY: The Building Department does not do yearly inspections on this property.

JOHN HELLABY: If we approve it tonight, I would like the Building Department to pull an inspection on it. Not necessarily yearly, but to go over there and make sure that the building is up to code. Just on that -- that premise. I mean because there is an accusation out there.

And I guess -- is the State pulling the license over on the one in Gates, and how does that impact the rest of your facility?

MR. CHAPIN: It doesn't.

MS. CHAPIN: That totally -- they have separate licenses. They're reviewed.

MR. CHAPIN: We talked to our attorney, and there is an administrative hearing which he believes will be exonerated on that. Because he --

JOHN HELLABY: Just what is out there.

MR. CHAPIN: Our attorney said they overreacted and he is willing to go to court to do that.

MS. CHAPIN: They are separate licenses.

MR. CHAPIN: They did the wrong thing.

MS. CHAPIN: They're separate licenses. This center has been renewed for four years. It was just renewed. We have the Town as well as the -- the Office of Child and Family Services Fire -- Fire Liaisons come out annually to inspect, and if there is anything that needs to be corrected, it has to be corrected within a certain time frame, and it is.

MR. CHAPIN: And what we just did with the electrical, there was a grant through RG&E, and we had just all of the electrical replaced at the center in North Chili. Because they -- because they have this grant and we paid 40 percent and RG&E pays 60 percent and that was all done to upgrade everything.

KAREN COX: When you get your license renewed, the license is through the State. Do they --

MR. CHAPIN: They come out.

KAREN COX: Do they send out a person to --

MS. CHAPIN: Yes.

MR. CHAPIN: They also come out multiple times during the licensing period.

MS. CHAPIN: We have to get a health inspection every year and this has been done.

JOHN HELLABY: But the State per se is only licensing the operation. They're not stating that the building is up to the New York State Building Code standards, correct?

MS. CHAPIN: Yes, because you have to submit either a C of O, or you have to submit inspections related to each site.

MR. CHAPIN: They have a Fire and Health Inspector that comes out, as well as just the regular licensing inspector.

JOHN HELLABY: They have them for the Town's Fire Marshal.

MS. CHAPIN: Both.

MR. CHAPIN: The Fire Marshal comes out from the Town, and from day -- from Day Care Licensing, there is a Fire and Safety Inspector that comes out and inspects everything and makes sure all your inspections are done, that everything is done correctly.

JOHN HELLABY: All right. I'm just bringing up a point. That's all I got right now.

THERESA REILLY: I just have minor questions about signage for your entrance and exit.

It looks like you have had signs there at one point and they're not clearly delineated any more.

Was that for traffic flow and safety or was it just for your own --

MS. CHAPIN: The only signs we have are actually on the inside of the building. We had some outside just signs posted and they were stolen.

MR. CHAPIN: Because there were some questions with the Town of Chili on what signage we can have or not have.

THERESA REILLY: I believe that there is a very faded exit sign at the eastern entrance, and --

MS. CHAPIN: Just an exit sign?

THERESA REILLY: Just an almost un -- you can barely see it. As a matter of fact, I only saw it when I went back around.

MR. CHAPIN: On the inside -- on the inside all of the exit -- all of the exit signs are totally lit.

THERESA REILLY: Is it something that is to direct traffic? If not, it might be better to have it removed.

MS. CHAPIN: Right. We don't --

JOHN NOWICKI: Mr. Lindsay, would there be on file with the Town the original approval of this project and what the site, or the signs would have to be required, to be maintained or upgraded or whatever the case may be? Would there be an original approval?

DAVID LINDSAY: I would think we would have that record in the Building Department, yes.

JOHN NOWICKI: I think we should have that checked along with the building inspection.

KAREN COX: Just to make sure.

JOHN NOWICKI: Just to make sure.

THERESA REILLY: It's a busy road, so just for the flow of traffic going through.

MS. CHAPIN: We can do that. That is fine.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I would suggest that if you have any reservations about the safety issues or the maintenance of the building or whatever, that you don't get too generous with your timeline for renewal and then we'll have a little more leverage.

Thank you.

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

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

Karen Cox reviewed the proposed conditions with the Board.

Karen Cox 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.

KAREN COX: What is everybody's feeling on the timeline?

DAVID CROSS: It's been five years for --

JOHN HELLABY: For the last two or three.

DAVID CROSS: So I'm comfortable with five years.

KAREN COX: Five years. Okay. We'll keep it at five years this time.

MS. CHAPIN: Thank you.

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

1. All previous conditions imposed by this Board remain in effect.
2. Applicant to verify that all signs are in compliance with previous permits/approvals.
3. Fire Marshal to conduct yearly inspection for code compliance.
4. This special use permit is granted for a period of five (5) years.
4. Application of Genesee Valley Regional Market, owner; c/o John Hotto, Lu Engineers, 175 Sully Trail, Pittsford, New York 14534 for special use permit to allow a warehouse/distribution use at property located at 1861 Scottsville Road in LI and FPO zone.
5. Application of Genesee Valley Regional Market, owner; c/o John Hotto, Lu Engineers, 175 Sully Trail, Pittsford, New York 14534 for preliminary site plan approval to erect seven buildings totaling 130,000 square feet for warehouse/distribution use at property

located at 1861 Scottsville Road in LI and FPO zone.

Ron Hotto and Bill Mulligan were present to represent the applications.

MR. HOTTO: Good evening. My name is Ron Hotto of Lu Engineers here representing Genesee Valley Regional Market Authority to present and discuss our preliminary approvals and special use permit for the project at 1861 Scottsville Road, Chili New York.

Our submittal is for 130,000 square feet of warehouse for agricultural businesses. Essentially in two phases.

Right now we're emphasizing Phase 1. We're encouraged because we have two pretty solid tenants lined up. One is Sweet Water Energy. They focus on bio fuel testing and research, alternative fuels from corn derivatives and other agricultural products.

And the other firm is Aftak. They're a filtration company, developing filtration systems for agricultural products like wine, grape juice, that type of stuff. So we're pretty positive about Phase 1 taking off quite rapidly.

Generally our site plan complies with the zoning setbacks, lot dimensions, green space and parking requirements. Conceptually our SWPPP complies with Chapter 5 of the New York State DEC Storm Water Management Design Manual for green infrastructure. We're currently -- as the project design progresses, we'll provide more detail on that including a SWPPP report and detail on our storm water management processes.

We're also currently working with the DEC and Army Corps of Engineers. In fact, we just recently verified the wetlands on the site, specifically the wetlands in the front towards Scottsville Road is -- is federally delineated wetlands and we have a preliminary jurisdictional determination on that.

Um, we have also just recently met with the DEC on their wetlands, and the wetlands on the map on the Board that I'm talking about are faintly outlined in a darker blue line, a pencilled line, and the DEC is currently challenging us on the wetland situation in terms of their approach to taking the federal wetlands under their jurisdiction, as well. We don't agree with them. Their argument is that they're connected hydraulically. They're saying that this wetland back here (indicating) that we have delineated in the field actually extends across onto this private property (indicating) and hydraulically connects to these federal wetlands over here (indicating). So based on the juxtaposition of them and the conductivity, these would all become State wetlands. The constraint in terms of project development is State wetlands require a 100-foot buffer around them.

Based on our informal discussions with them, they have indicated that we can get a permit for going through these buffer areas. We just want to reiterate that we're not actually impacting the technical wetlands. We're just impacting the buffer space.

So they have indicated that they're willing to work with us to get permits for that, and because hypothetically the entrance driveway is going to go where it is going to go. It's a current driveway, basically. It was an old gravel haul road for the mining operation.

But the buffer areas would overlap that road so no matter what we do, we need a permit from the DEC to encroach on those buffer areas. So we're working closely with them daily to try to get a resolution to that.

We have also received review comments from the Highway and Department of Public Works Department and the reviewing engineer, Clough Harbour. We just received those comments Friday and we have not had a chance to respond to them formally. We didn't see anything overly, um -- we can pretty much work with them and respond to those comments diligently.

A lot of them were based on the construction detailing and the actual detailing of hooking up the -- to the sanitary system. In terms of laterals and actual building dimensions and so on and so forth.

Once we solidify our lease agreements with the tenants, we'll have more information on the buildings. They will be designed as part of the final approval process and we can provide that information to you.

We're currently working with the DOT on the driveway permit process. We did get an indication from them they're okay with our driveway location, and the basic geometry of it at this time. They feel that the traffic is not significant at this time. And they will continue working with us to obtain a minor highway work permit.

They did note that they would prefer the tractor-trailers do not go south on Scottsville Road, and they wanted to come from the north off of Jefferson, basically, because the southern part of Scottsville Road is not a qualifying access highway. So we'll have to live with that basically.

So that is where we're at.

Is there any questions?

KAREN COX: Um, with regard to the wetland issue, who has jurisdiction over that type of a decision? I mean, does DEC let Army Corps know what their opinion is on it and --

MR. HOTTO: Yes, it does.

KAREN COX: -- and they work it out amongst themselves?

MR. HOTTO: Well, the State kind of took jurisdiction over them.

KAREN COX: By sending documentation to the Army Corps to prove the conductivity?

MR. HOTTO: Correct.

KAREN COX: Is there any appeals process or -- or --



MR. HOTTO: There's not a formal appeals process, but we can work through the permit process to obtain access to the site, and that is what we intend to do. They have indicated, like I said before, that it's doable.

KAREN COX: What is involved in "doable"? I have heard that before.

MR. HOTTO: A nationwide permit process, water quality certification. Um, technically I don't have a lot of current experience going through buffers, so I don't know exactly what it entails. They tend to kind of, um, you know, go through a lengthy process with it, which we're trying to avoid, so we're trying to work with them.

KAREN COX: It would only be the access, the front part of the access road that is affected?

MR. HOTTO: For the most part. But there is also a small corner. On -- this federal wetland would have 100-foot buffer. It would be this corner (indicating), a little bit of this parking area. But the rest of this, we already kind of anticipate that -- this situation, so we stayed out of that 100-foot buffer all of the way back here, but we didn't anticipate this.

So we're going to try to get a permit for that. If we can't, we might have to move it out, but regardless, we need a permit to get in. There is no way around that.

KAREN COX: That is the most obvious access point, because of the location of the wetland?

MR. HOTTO: Yes. There's -- there's -- we're definitely got going through federal wetlands. And this is a current and existing driveway, and the State has agreed with us that that is the most appropriate location.

KAREN COX: Okay. I was just curious. That is the first time I have heard of something like that.

PAUL WANZENRIED: These buildings are prefab buildings?

MR. HOTTO: Correct.

PAUL WANZENRIED: And each of these tenants you speak of would occupy a building or would they share a building?

MR. HOTTO: Well, depending on the outcome of the buffer thing, we might be able to put up one building and split the square footage. We'll see how it goes. The tenants have indicated that they would like their own building for now, but I think they would be willing to accept one building if it helps us move the process along faster.

PAUL WANZENRIED: And per the engineer's comments, I think it is Mr. Lindsay's letter actually, um, you have -- you will supply us with the snow removal and flood hazard and compatibility of the project, all of that, item 2?

MR. HOTTO: We'll give you a detailed engineering report.

PAUL WANZENRIED: What is the soil makeup over there? Mostly gravel?

MR. HOTTO: It is. Pretty, fairly porous gravel. It was a gravel pit. It is the north end of a drumlin, so you get a lot of glacial till gravel and cobble and stuff like that.

In fact, ironically, the wetlands were not like an ice age type of wetland formation. They're just low spots that were hogged out during the mining operation and they filled in with water. They're not super high quality pristine, you know, vernal pools or anything like that. They're just low pockets of haul areas or, you know, borrow areas, borrow pits.

PAUL WANZENRIED: Are you raising the building pads with fill?

MR. HOTTO: We are.

PAUL WANZENRIED: Approximately how high?

MR. HOTTO: I think it was -- I will say 4 to 6 feet, from one end to the other.

PAUL WANZENRIED: Will that be trucked in or mined on site?

MR. HOTTO: It's probably going to be trucked in.

PAUL WANZENRIED: You mentioned that the DOT would like you to prohibit southbound travel to trucks --

MR. HOTTO: Right.

PAUL WANZENRIED: -- is that correct?

MR. HOTTO: Right.

PAUL WANZENRIED: How would you do that?

MR. HOTTO: They have to come from the north, according to their initial statement. We can give you a copy of that letter. We just received that.

PAUL WANZENRIED: Okay. No further questions.

JOHN HELLABY: Is the food based/agricultural business going to be part of the prerequisite to actually get into this development? I know on Jefferson Road there is glass companies and rubber stamp engraving companies, there is all kinds of businesses in there.

MR. HOTTO: Well, if I understand correctly, and Mr. Mulligan can clarify it, but these need to be very agriculturally oriented companies. Based on the funding and the relationship that Genesee Valley -- Genesee Valley Regional Market has with the State Department of Agriculture, it has to be very closely linked with the support -- you know, supporting New York State and local agriculture.

JOHN HELLABY: Is there some sort of dispensation from the State for this then?

MR. HOTTO: I don't know the details, but Mr. Mulligan can --

MR. MULLIGAN: I can respond to that, John (Hellaby).

You remember about a year and a half -- Bill Mulligan, Genesee Valley Regional Market Manager, 41 Little Glen Road, Pittsford, New York 14534.

About a year and a half ago, the then Governor David Patterson proposed to sweep the accounts of about \$15 million, dissolve the Authority and bring his people in to operate the

facility. Through a compromise with a Senator Neil Breslin and Assemblyman Morelle, they swept the account and set up a system where they will take money each year, left the Authority in tact and the four employees that work there. One of those is myself. I have been there 26 years.

Anything on the footprint at the market on Jefferson Road in Henrietta, those 120 acres remains agriculture/LI industry, which can include hotels, banks, restaurants, coffee shops, cookie companies, everybody from Pepperidge to ARK Glass.

On this property here, one of the conditions was that we would do more an agribusiness, so that is why I have been on the internet looking for businesses such as Sweet Water, Aftak.

We're working with Agrium, which is a big seed company that does about 10 billion a year, 12,000 employees. They sell seed all over the globe from the Soviet Union to South America.

And the important thing is the market makes money every year.

Part of the deal is we also help agriculture. This year we're giving some money to the wine industry; the grape growers; potato growers; a couple million to the City Market on Union Street that is operated by the City of Rochester; 300,000 to a Farmers' Market over in Brighton. You know, we're successful, we're profitable and we're here to help.

JOHN HELLABY: The statement was asked, I guess, about filling the building pads. When you say you're trucking stuff in, it is not a balanced site, so --

MR. HOTTO: I will clarify. There is some cut on the western end. We're cutting the west and filling to the east, but we might have to bring in -- depends on the suitability of the existing soils. We might have to bring in some, you know, more suitable earthwork -- earth material.

JOHN HELLABY: Are you in a Flood Plain Overlay District? Will you be able to maintain the proper floor elevations in the warehouse above the flood plain?

MR. HOTTO: That's a good point. I believe from what I can gather -- the flood plain is actually back here (indicating). I believe the documents indicate a 100-year flood plain elevation is about -- I want to say 523, which is -- is kind of down in this area here (indicating) and back in here (indicating).

I think I labeled that on the plans. This is actually not in the 100-year flood plain, although a portion of this corner (indicating) and this corner (indicating) is.

JOHN HELLABY: I think the last time you were in here I said one of the key factors would be the lighting situation, due to the tract of homes that butts up to the back end of that, but I do not see any photometrics on any of your drawings. Once you come to that point, I would like to see all of the wall packs on the buildings and everything included.

MR. HOTTO: Okay.

JOHN HELLABY: Because I know it really wears on people if they're looking out their window at midnight and it looks like the sun is coming up.

MR. HOTTO: I think we did provide a photometric plan.

JOHN HELLABY: I looked through there and -- unless it got missed.

MR. HOTTO: That's possible, maybe your plan set got skipped. I apologize for that.

JOHN HELLABY: Timing issue, what is it going to be as far as schedule?

MR. HOTTO: Ideally, we would like to start construction late summer, this fall. That's very optimistic, but that's -- based on some tenant demands and requirements, that is what we're shooting for. I mean -- so. It's not unusual for us to be in the middle between those type of issues.

JOHN HELLABY: Last question I got is, I know one of the engineers made the statement about possible turn lanes off of Scottsville Road. If, in fact, you are required to put those in, is that going to be a deal maker or breaker?

MR. HOTTO: Well, I believe Scottsville Road is a State road, and based on our initial -- you know, permit application process with the State, they -- they have indicated that the existing, you know, parameters out there are suitable and that we don't need any additional lanes.

We're not generating a lot of traffic here. Either, you know, workers or -- and/or truck.

JOHN HELLABY: I realize that there is some -- it's horrendous for speed down around that bend and there has been major accidents. I know two or three people have been killed right there, so I figured that might be one of the weighing factors in it.

KAREN COX: So even at full build-out, when -- you know, when you spoke with the State about the access permit, they didn't have any requests or suggestions for the improvements that Clough Harbour suggested or the engineer?

MR. HOTTO: Well, we just got the comments Friday, and we have to take a closer look at that traffic situation, but once we get into the minor driveway permit application, we can kind of dovetail things together and make sure that our -- our driveway is designed properly. But all indications are that we're on the right track, based on the -- the traffic that is to be generated there.

KAREN COX: Okay. I believe you stated, or somebody did when you were in here before, and I think this gentleman from the Regional Market confirmed that this is not going to be a retail type operation.

MR. HOTTO: No. That is correct. There's not going to be regular consumer traffic going in and out of there.

KAREN COX: Okay. I just wanted that entered into the record, just because more -- I think most people in the audience are more familiar with the facility on Jefferson Road.

MR. HOTTO: Just to reinforce the lighting situation, it's important to note we're just lighting basically the entrance driveway from a safety perspective. There will be like 150 watt metal halide lights like 25 feet tall and they will probably be based about 100 feet. The average foot candle generated will be about a 1 foot candle.

As we get into the buildings, we're not going to be doing a lot of floodlights or anything like that. They will be pretty secured buildings, no nighttime activity and we're also preserving a lot of the perimeter woodlands. In fact, most of them.

And, in fact, the site, the proposed site plan is -- we're kind of taking advantage of the existing site where it has already been previously disturbed. We're trying to minimize the -- you know, the removal of existing vegetation, especially around the perimeter.

JOHN NOWICKI: Just to pursue that a little more, what Mr. Hellaby brought up about that intersection. I don't think we want to hurry on this one here. I think we really want to think about that intersection. We have other intersections in this Town that -- that have had professional design to it and they're a mess. Union and Chili Avenue, to begin with. We have got -- we have to think about this one. There is too many -- the traffic speed on that road, the conditions we have had there, this is not going to work in my estimation. Just a T intersection is not what we need there. There is too much at stake here. That is my point, that's my view.

The building architecture, what types of buildings are these? Are these built up? Are they metal buildings? What are they?

MR. MULLIGAN: 12-inch block.

JOHN NOWICKI: 12-inch block building?

MR. MULLIGAN: Yes.

MR. HOTTO: The lower course of the building will probably be like a -- you know, a Butler type buildings or Morton buildings where you have a decorative block base halfway up and then sheet -- sheeting around it with metal roofing. Insulated, sustainable design elements to it. Contemporary architectural appeal.

KAREN COX: Colors? Any specific colors?

MR. HOTTO: Try to minimize the visual impacts. You know, natural greens and beiges and tans. I can direct that, in that fashion.

JOHN NOWICKI: We'll be watching that one, too.

Who are the owners of this property? Who bought this property and when did they buy it?

MR. HOTTO: Genesee Valley Regional Market owns it. I don't know the specifics about when --

MR. MULLIGAN: January of 2010.

JOHN NOWICKI: January 2010?

That is on the tax rolls, Mr. Lindsay?

DAVID LINDSAY: I'm sorry, I missed the question?

JOHN NOWICKI: Are they on the tax rolls, Genesee Valley Regional Market?

DAVID LINDSAY: I don't have that answer right now.

MR. MULLIGAN: We paid a tax bill in January.

JOHN NOWICKI: You did pay a tax bill. So you're not tax exempt then?

MR. MULLIGAN: We're exempt from sales taxes.

JOHN NOWICKI: Not property taxes.

MR. MULLIGAN: Property taxes we pay in Henrietta. We can get an agriculture -- the -- the Assessor's Office told us if we go strictly agriculture, we can get an agricultural exemption.

JOHN NOWICKI: As long as we have these on the -- so you all think about it. As far as when you say "agriculture," every building that goes in there will be selling tomatoes, cucumbers, things like that?

MR. MULLIGAN: No. Sweet Water Energy converts corn to energy.

Aftek sells filtration equipment to graperies and wineries and breweries. They're called agribusiness. They qualify with the State.

As far as traffic, we have put three lights up at the Regional Market at our expense because of the traffic. We're in the busiest intersection in Monroe County. 45,000 cars a day through Jefferson and East Henrietta. We have put three lights up on the property to provide safety. If we have to put a light up here eventually -- I doubt it will get that with 40 people working here, but we have 2,200 people working on our property on Jefferson Road. We're very sensitive to traffic.

JOHN NOWICKI: That is why I am pointing it out. It will be a sensitive area for traffic.

MR. MULLIGAN: This will be a very low impact area.

KAREN COX: I don't mean -- it's not going to take a light, because you need a -- a lot of traffic for a light, but the suggestion was made in one of the engineer's comments about possibly providing a deceleration lane for the trucks turning into the facility, because of the curve on the road and --

JOHN NOWICKI: The sight distances.

KAREN COX: That would be more of a safety improvement. You know, a light is for directional control.

MR. MULLIGAN: We work closely with DOT and I think between the Town of Chili and the Department of Transportation there can be some kind of compromise. I was over there today at 4 o'clock and I came out -- they go way too fast there, but it's very quiet.

JOHN NOWICKI: You have to consider that from a safety standpoint.

MR. MULLIGAN: Thank you.

JOHN NOWICKI: The project itself, do you have a security system in place? Do you -- what are your hours of operation, first of all?

MR. HOTTO: Just normal business hours, I believe. Normal business hours, 8 to 5. I mean -- yeah. It's not overnight production. Or multiple shifts or anything like that.

JOHN NOWICKI: Is there a main gate controlled going in and out?

MR. HOTTO: I haven't even thought -- I don't know -- I don't think so.

JOHN NOWICKI: That road would be open to the public going in and out of there at night.

MR. HOTTO: We have to have it open for emergency access.

JOHN NOWICKI: Again security systems.

MR. MULLIGAN: We have security police on our property at night that will also be over here from 9 at night to probably 4 in the morning, but we like to keep it only for the Fire Department, emergency vehicles or ambulance.

JOHN NOWICKI: Let's face it, security is an issue today. We have to be on top of that one.

That's a beginning. There is a lot of things here that Mr. Lindsay -- have you gotten his letter, correct?

MR. HOTTO: Correct.

JOHN NOWICKI: You got the Clough Harbour letter?

MR. HOTTO: Yes.

JOHN NOWICKI: So we have a long list here to go through, and it will take some time to do all this. So we'll start here and we'll go slow and easy. The other thing, too, I really want you to pay attention to something very critical, and that is the Conservation Board's comments on landscaping. Very, very important here. So don't short change that area. That is all I got for now because I don't want to take up anybody else's time, but we have some things to do here.

DAVID CROSS: I just want to echo Al (Hellaby) and John (Nowicki)'s comment about the intersection there, the driveway entrance. You know, I could even see an acceleration lane for trucks going northbound. You have these -- these vehicles going northbound are going 65 miles an hour and the chance of rear-ending a truck -- I could see that as a real probability. I guess we'll be paying particular attention to that, and -- and a question or maybe a comment about working within the 100 foot buffer of a State wetland, John (Hotto), if you did work within that buffer, would you anticipate having to mitigate wetlands? If you did mitigate, would -- would you do it on site or off site? Or what are your thoughts?

MR. HOTTO: Well, based on our informal discussions recently with the DEC, um, field representatives, we need to go through a formal permit process. But mitigation was not mentioned to date. But if we did go in that direction, we have got plenty of room on the site to do it. And it would make sense to do it contiguously to what is out there now.

DAVID CROSS: Or even enhance the wetlands that are out there.

MR. HOTTO: Absolutely.

THERESA REILLY: This might be a question more for Mr. Mulligan.

With the current companies that you're looking at occupying the space, are you utilizing tractor-trailers? Are they utilizing box trucks? Are you familiar with their method of business so we could try to get a handle on where the traffic stands?

MR. MULLIGAN: Sweet Water Energy is already on over on the property. They're on Mushroom Road, which runs off of Clay Road, which is off of Jefferson, which is part of the market. They're strictly box trucks.

Aftek is in the city, and I don't really know what trucks they use there.

THERESA REILLY: Is this a point that will come up when you're determining which clients, which companies you will be working with in the future?

MR. MULLIGAN: I can get that information for you. I mean, they're two excellent companies, and they work for me because if we don't spend the money here in Monroe County, the State of New York will put it in the New York City. It's that simple.

THERESA REILLY: The agribusiness sounds like we're talking smaller imprints, smaller traffic patterns. When you get into what you listed here as food distribution, then distribution by nature would seem to indicate larger volume of traffic, larger volume of trucking, et cetera.

MR. MULLIGAN: We have on our property, ten of the companies are produce companies. Some are very small, like a Schlenker Produce, where he has five small box trucks.

And then you have the big company like American Fruit. They do probably 40 million a year and they have tractor-trailers. I have talked to our produce companies about moving over there. They don't want to do that because of the expressway and the Thruway contiguous to our property over on Jefferson Road.

So there is not a lot of agribusiness in this area. I have been a year and a half pursuing this and calling people every week. But I need to find it, because if we don't, as I said before, the money will not stay in Monroe County. It will go to New York City. They have all kinds of plans for it in New York City. They want to build farmers markets in Manhattan. They want to do urban farming in Brooklyn. They have all kinds of ideas because that is where their constituency is. It's in New York City.

THERESA REILLY: With that in mind, what is the tipping point for whether or not this happens? How many more of these do you need to work with in order to insure you can keep things open?

MR. MULLIGAN: I see this, Theresa (Reilly), as a six or seven-year plan. You know, hopefully, um, we can do a building for these two interests, but we may not do a building next year. We have replaced everything on our property. It's all brand new. We have added 25 new warehouses. If you ever go over to the market, it is a very attractive, busy place.

THERESA REILLY: I'm quite familiar with it, but because it has a retail aspect of it, I'm also familiar with the difficulty the traffic pattern has with both the old way it was set up and the new way now it has been changed, those are definitely things to consider with the traffic here.

MR. MULLIGAN: I have talked to a lot of retail companies and they have no interest in this at all. This will be strictly Light Industrial, you know -- the key portion of it is agriculture.

THERESA REILLY: Okay. Thank you.

RICHARD SCHICKLER: Conservation Board, I have a couple of comments here.

First of all, we never got a completed checklist from these people in regards to the Conservation Board.

Number 1.

And Number 2, I guess it was noted that they're going to put in 72 White Spruce, 72 Balsam Fir. We normally ask for a 6 to 7 foot when people come to the Conservation Board. I was told they want 2 to 3 foot, and even at that, they wanted to cut the size. Discuss that.

The Red Oaks, they can grow in wet areas, but well drained wet areas, not where they're going to be saturated.

I was thinking if we had some kind of a berm -- because if the whole area is so wet, you could have like a 12-inch berm where the trees were being planted. You're going to put in quite a few there. We don't want to lose them. We want a two-year guarantee, which is pretty standard, but the thing is that some things -- when the trees get replaced in two years, if those trees have grown a couple of feet, we want the trees replaced at that height, not the 2 or 3 foot or whatever we agree on to height. We want the height of the trees that are existing at that time.

Snowplows, it looks like you have some on the plantings, where the Board is concerned about that, and we just wondered if we could put it in the retention pond. That's one of our considerations.

Also, this -- this plan here, is this going to convert corn into ethanol? Is that what we're looking at?

MR. HOTTO: It's not -- from what I understand, it's not a production facility. It's more like a research facility, where they're exploring alternative energy sources from, you know, plant -- plant-based products, corn, grasses, that type of stuff. But they're not going to be producing large amounts of product there for shipment and sale and all of that. It is just a research facility basically.

RICHARD SCHICKLER: I'm just concerned. I'm familiar with the plant out in Medina area and it is constantly -- when they're doing this corn project, the plumes of steam that apparently come out is almost a constant type of thing. I was wondering if it was going to be something similar to that?

MR. HOTTO: I -- I don't think so, but it's -- it's only going to be -- they're talking maybe a 10,000 square foot. That's -- that is more like a research facility, so from what I understand, it's not a production facility.

RICHARD SCHICKLER: Okay. All right. On the Red Oaks, we usually ask for 2 1/2 to 3 inch caliper, and you're asking for 1 1/2, which is pretty small. That's all I have for comments here.

I just don't feel that everybody that comes in here, they go by what we agree on, and then all of a sudden, we're planting 2 to 3 foot trees.

Thank you.

MR. HOTTO: Well, the reason I put that on the list was because -- I appreciate your -- your desire to have mature landscaping, but in my mind, you get more bang for your buck when you buy more small trees and increase -- and increased survivability. That is just my basic philosophy. Just like -- being a guy that likes trees. I mean, you dig -- you dig big trees and half of them die, and they never -- or if they're impacted, they never recover. But if you plant a small tree, once it gets rooted and takes off, you have a nice tree for many, many years. That's just -- that's my approach. I'm not saying, you know, you need to agree with it.

RICHARD SCHICKLER: Well, your landscape architect, and I think if it was balled and burlapped nursery type of tree planted correctly, not in the stone area, and a well-drained topsoil and staked properly, I -- we have gone through many jobs and we have been pretty happy on -- I mean, you take a look at Target or Wegmans or some of the areas around here, they look pretty nice.

MR. HOTTO: If you give us a detail, we'll be more than happy to implement it on the plan. I don't have a problem with that at all.

RICHARD SCHICKLER: We also don't mind if you would meet the Conservation Board. Many of the members would like to have somebody meet at the Board and go over some of this. We would be happy if you could attend that.

MR. HOTTO: That's no problem.

BRAD GROVER: Okay. We have been looking at this section of road here for about a year and a half now, due to there has been four fatalities on this stretch of road. We highly recommend both the acceleration and deceleration lane coming out of there, because you're going to have some big trucks coming in and out of there. There is a lot of traffic on that road going up and down into Jefferson Road and into the city. And they do travel awful fast through there. They're exceeding the speed limit by 10, 15 miles many times. And then get into the winter times where they're still slippery out and they're still trying to travel those speeds and they won't stop in time with a truck coming out of there, so they should have the acceleration and deceleration lanes on there.

That's all I have got.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DICK McNEELY, 26 Genesee View Trail

MR. McNEELY: Dick McNeely. I live at 26 Genesee View Trail. I'm not here representing the townhouse complex. I'm just here actually as a concerned resident.

But first I would like to know, you -- you said there were seven buildings. Am I assuming there are two more up on the left?

MR. HOTTO: There is four buildings in Phase 1, and then we -- we discussed with the Planning Board and the Town about three more buildings back here as part of Phase 2 (indicating).

MR. McNEELY: Towards the river?

MR. HOTTO: The western end of the site, like near the Hillside Children's Center.

MR. McNEELY: Can you show us where the homes from Genesee View Trail are located on there, and also the --

MR. HOTTO: There are some homes here? (Indicating)?

MR. McNEELY: No south.

PAUL WANZENRIED: Go south.

MR. HOTTO: There is a commercial facility here (indicating). It is probably right here (indicating). Riverview. Right here (indicating).

KAREN COX: Do you want to put the front of the plans up? There is an aerial photo on the plan, if that would help.

MR. HOTTO: You can see the triangular, irregular hard-shaped white line is the project site. Then your site -- your streets. I'm not sure exactly what your street is, but that is the housing project.

MR. McNEELY: So you're talking developing where, right in here (indicating)?

MR. HOTTO: This open area, right here (indicating), is right here (indicating). This is all stripped out with gravel.

Your -- your residential community --

KAREN COX: Do you have a -- do you have an idea of approximately how many feet away from the townhouse complex that would be?

MR. HOTTO: There is a row of houses like right here (indicating). This distance right here (indicating), that hatched line -- well, it's about -- that line is about 140 feet right there (indicating). So probably 160 feet -- well, the homes are like literally right here (indicating), as you can see.

KAREN COX: And the -- the warehouse complex is going to be higher in elevation?

MR. HOTTO: This is real high here (indicating), as you know. This is high (indicating). This comes down over 50, 60 feet, I believe.

This (indicating) they cleared this out for gravel and stuff many years ago. So we're taking advantage of the previously disturbed area and putting a lot of stuff down here (indicating).

UNIDENTIFIED SPEAKER: You're not having --

MR. HOTTO: No. We can't even get up there. It's too steep. We cannot by Town Code or development standards get up --

UNIDENTIFIED SPEAKER: You're going more down by the walking trail.

KAREN COX: I'm sorry. We have to have one person asking a question at a time, as I said before. You need to stand up, state your name and your address. So the gentleman who spoke --

MR. McNEELY: Do I still have the floor?

KAREN COX: Yes. We'll take each person individually.

MR. McNEELY: I guess from back there, I thought there -- I don't see where the building is directly located. I thought the open space was the buildings on there. That is why I counted. So you have four there. I counted five because I was looking at the open spaces. You couldn't see it from way back in the corner.

I guess one of the concerns -- again, I would have is where you have got Crestwood and also Riverview, is there going to be any type of fencing put across there for security for us? Because you will have an open gate. I know you're talking about security, but you're not going to put a full-time security guy in there for two buildings. I doubt that very much.

MR. MULLIGAN: Well, we have to have some security over there. The tenants pay security fees.

MR. McNEELY: They will be back and forth.

MR. MULLIGAN: I am probably -- we have got two maintenance guys on our property on Jefferson. We'll have to put somebody over here for mowing grass, plowing snow, salting, security. I don't know if it will be 40 hours, but it will be at least 20.

MR. McNEELY: I would be concerned about the other time in there. You don't have a gate on there. It will not be a gated complex.

And I -- my own personal feeling is -- I don't live right near there. I won't even see it from where I live, but I think there ought to be some sort of fence there and shrubbery so you can't look down into that.

MR. HOTTO: As I mentioned before, sir, we're not doing any -- this is heavily wooded over here (indicating) and the development site is quite a bit lower than this edge of property here (indicating). We're maintaining all of this forest here (indicating), all of it.

In fact, by Town Code we have to preserve this buffer (indicating). We have to.

MR. McNEELY: Right now, the homes in the townhouse complex can look down into Fibertech. We can actually see that, from the cul-de-sacs down in there. And I don't think the residents up there would like to be able to see any view of that at all.

And the same thing, too, somebody talked about odor. Hopefully there is no odor because we'll catch it in the townhouse.

The other thing is we're talking about traffic. You had discussed a little bit about that. I'm the guy that did a lot of the surveying -- not surveying, but I had petitions signed and we have -- we have 159 units in Riverview. Approximately 200 residents. I'm not really sure on that. There is a lot of single people in there. We have a lot of traffic in and out. Fibertech has a lot of traffic in and out.

Then we get down to the School District, or the school, Crestwood. There is about 48 buses that come in and out of there every day. And there is also a lot of visitors and a lot of commercial vehicles in and out of there. Fibertech and Riverview.

You mentioned or somebody mentioned about the traffic speed in that area, and you, I think came out and said that it's quite fast. We have asked to have that reduced to extend that 40 mile an hour down to Brook Road, and I -- hopefully the Planning Board might get a little involved in this or we would hope you would.

KAREN COX: We can't get involved in speed reductions.

MR. McNEELY: I understand that, but recommendations.

KAREN COX: Okay.

MR. McNEELY: Because that traffic up through there, in a survey, if I'm not mistaken, between Wednesday -- they did the survey on Tuesday, but from Wednesday to the following Monday, there was over 7,000 vehicles that come and go, north and southbound on that road. Now, the traffic that exits from the school buses that exit or any big commercial vehicle that exits is only doing about 5 to 10 miles an hour, coming out. And -- in a 55-mile-an-hour zone. That's quite a safety issue, especially when you have three curves on that road.

And we're quite concerned down in Genesee View Trail because of the accidents. And someone over here has mentioned there has been four fatalities since 1995. There is -- also in the last 9 years, there has been 33 accidents that the Fire Department has responded to. That is not counting the accidents that they were not needed at. So we know that there has been at least 33 accidents.

So we are quite concerned about the traffic. Most of it, I think, would be the fact that the speed limit that is on the road and the added traffic that's going to be from you.

Now you're saying everything is going to come down from Jefferson Road. Um, who is going to police that? You know, if you're talking people that live south of there, or people that are coming in from trucks from Scottsville, um, they're very likely to come up Scottsville Road. You know, I just -- I'm not trying to shoot down your project. Don't get me wrong. I don't want to see it in New York City either.

Anyway, those are the concerns that I have, and hopefully the Planning Board will take some of it into consideration.

Thank you.

KAREN COX: Thank you.

MR. McNEELY: Thanks for your time.

JOE BELLO, 25 Overview Circle

MR. BELLO: My name is Joe Bello. I live at 25 Overview Circle. Overview Circle is the townhome which would be directly beneath the last of the proposed warehouses. I will show you. I live right here (indicating).

Genesee Riverview is a pretty quiet community. Over the last 20 years we have become surrounded by commercial enterprises. Just a couple of years ago, the Board allowed a large commercial building to be built on our south side for our neighbor who was a contractor. That neighbor put up a privacy fence. The Genesee Riverview was forced to spend almost \$12,000 to put up trees to help buffer the sound from that, which runs along that upper tier.

During the summer, if you walk up there, it's relatively quiet. Um, but on days when Crestwood, whose property directly abuts where the -- the proposed seventh warehouse would be, um, there are play areas up there, and from my backyard on a summer day, I can hear the kids playing in the backyard. We have a 12 foot berm behind Overview Circle with the trees on the top, and it is probably 20 or 25 feet deep until you get to Crestwood Children's Center, and yet I can still hear the children. That sound is not anything that bothers me, but I'm thinking that once this project gets approved, and it will, they have a tendency to grow. And once we get three or four warehouses built, um, and that -- they begin to talk about developing that back section, sometimes things take on a life of their own.

And when we're now talking about 16 wheelers, traveling in that back section, even if you have 100 feet of sparsely wooded land between Overview Circle and that, you're going to be able to hear those.

And that's one of the major concerns that I have, and that is the noise that is going to be generated at some point when they get that back side developed.

Now I know they're talking about planting trees. I would hope that if the Board, Planning Board does approve this project, that they take a look at that buffer zone and begin to plant those trees now so that five or six years from now those trees are in place, rather than wait for that last building to get built and then plant trees and we'll be waiting another five or six or seven years before those trees are large enough to buffer any of the sound from that.

So I hope that the Board will look closely at how much land that they leave around those buildings to help buffer the sound from -- from that -- from that area because as I say, we don't know today what is going to happen six or seven years down the road, once that project really

gets -- gets rolling.

Second of all, I think the Board touched on many of the issues that I was also concerned about, the lighting, the traffic, with the 18-wheelers that are going to be coming up and down Scottsville Road, and I hope that the Board will consider all of those very carefully and include some restrictions on -- on what they have to do before they give final approval to this.

Thank you.

KAREN COX: Thank you.

SYLVIA WEBBER, 11 Overview Circle

MS. WEBBER: Sylvia Webber. I live at 11 Overview Circle. Again, it's very near the buffer. It's our backyard.

And my main concern is the trucks idling. They don't turn off the trucks when they come in. They -- semi trucks, if you have ever been in a truck stop, they idle all of the time. And the idling would be a major noise nuisance as far as our backyard would be concerned. It would be like living next door to a truck stop really if you get a lot of semi-trucks in there.

ROY MARTIN, 21 Greyson Road

MR. MARTIN: Good evening. Roy Martin, 21 Greyson Road.

I would like to know where Greyson Road is in relation to where the buildings are. Can -- can you tell me, are they butted up to the north in the back building lot?

MR. HOTTO: I don't know where Greyson Road is.

MR. MARTIN: It should be right on the top --

DAVID LINDSAY: It's on the north side.

MR. HOTTO: How is it in relation to Jemison Road?

MR. MARTIN: It's closer.

MR. HOTTO: Farther north? Because Jemison is right here (indicating), and here is the northerly property line (indicating). Here is Jemison which comes around (indicating).

MR. MARTIN: That would be -- Greyson is -- butts right to your back of your property there, the north -- the north end of your property.

MR. HOTTO: (Indicating). I personally don't -- I'm not --

UNIDENTIFIED SPEAKER: This is Greyson right here (indicating). That is not right. Jemison is this side (indicating). That is Circle Drive (indicating).

KAREN COX: So the road that is labeled Jemison on the plans is actually Greyson?

UNIDENTIFIED SPEAKER: Yes.

MR. MARTIN: Okay. What impact would the noise have on our peace and quiet of a residential neighborhood? If you're going to have Sweet Water Energy in there, you know, even during the weekdays, what kind of a noise are they going to make? Like the gentleman said here, you're -- if business, buildings, they're not going to do any production of grinding corn or steam coming out of their buildings. Like in the summertime when we get a southerly breeze, you know, air movement will carry noise. And on -- you know, what kind of an impact is that going to have on noise? Besides your trucking and everything going up and down.

You know, I'm really concerned about noise, okay? We moved into that area ten years ago, and it's peace and quiet, and it's really nice. We can hear birds singing. You know, once in a while the traffic on Scottsville Road, because of the fall weather, winter weather, you pick up noise more. But I'm really concerned about that. I am. That's probably the biggest issue I have with that.

And then behind our property, we have standing water. I have been to the Highway Department here, and they said, "You can't do nothing about it because it's not their property."

Well, now that it's your property, I'm concerned about mosquitoes. It is mosquito infested.

Every year we are beat to death by mosquitoes out there. I have been after the Town, I have been after the people that owned it before, and I get no results. So being a big business, what we are -- do you have any plans on that?

MR. MULLIGAN: To respond to your first point, yes. Sweet Water is already on our property. If you want to come over, I will take you into the warehouse. It's a very quiet operation. I will give you a quick tour of it. They want to get a little bigger, but they come out of RIT. RIT does a lot of incubators, but they outgrew RIT, came over to our place and now they want something a little bigger.

MR. MARTIN: Is that RIT where they had all that noise this past year? They had some generator running up there, and --

MR. MULLIGAN: You need to come over and go through the warehouse.

MR. MARTIN: I believe you, if you say so.

MR. MULLIGAN: It's very quiet.

MR. MARTIN: You don't have any weekend operations, like Saturday, Sunday?

MR. MULLIGAN: Monday through Friday. We're new to Chili. We want to be a good neighbor.

MR. MARTIN: We want to be a good neighbor, too.

MR. MULLIGAN: We'll comply with the Board's requests and requirements.

KAREN COX: As far as the standing water issue goes, do you want to address a little bit -- address that? Some of it can't be --

MR. HOTTO: I understand your concern and I can appreciate the concern because I have the same problem where I live, but like I mentioned earlier, when they -- when they mined this site, back in the old days, they just dug holes as far as they could go to borrow that material, I



think. Then they just didn't care about the drainage. They just left.

So yes, there is standing water. But overtime, the Government decided that these areas are very important environmentally, so they call them wetlands and they're protected. And --

MR. MARTIN: I'm not sure if this piece of property, this certain piece is wetlands.

MR. HOTTO: It is.

MR. MARTIN: I cannot seem to get a good answer on that.

MR. HOTTO: It is. There is no question.

KAREN COX: They have been delineated as part -- you know, gone through --

MR. MARTIN: What about all of the mosquitoes and everything in there? Is anybody concerned about health and stuff like that?

KAREN COX: That is part of what a wetland generates. That's -- I mean, we understand your concern about the health -- the applicant is under certain controls or laws that they have to address with regard to wetlands, and they, you know -- mosquitoes are part of areas that are wet.

MR. MARTIN: But with all of the disease they carry, I would think that -- you know, the Health Department or somebody would be concerned with that particular spot. I mean, there are other places in there that are wetlands, that is fine. Okay? But this particular spot, there is residents. There is houses, three or four houses that butt up right to that. Ed here (indicating) is one of them.

KAREN COX: What I would say is the applicant will make every effort or that will insure that they're not going to add wet areas as part of their development. They have to collect all of the water, storm water that their development generates. But they can't go out and drain wetlands to get rid of standing water for mosquitoes. That would be against the law.

BOB GUELZOW, 29 Greyson Road

MR. GUELZOW: I'm Bob Guelzow. I live at 29 Greyson Road. This was a farm. This was farmed. The total thing was farmed. It was never a mine. Towner was in there. That road is not a road. The kids used to drive back there to party. It was party city. Towner scraped off some land. In fact, there is a big pile of soil in the back that he panned there.

When he done the Civic Center, he sold off some of the topsoil. He never mined there as far as gravel goes.

My concern is number one, and I think the Town should be considered with it, too, I hate this tax exempt crap because I pay taxes, as all these people do, and I don't know why we should be taking this off the tax roll if it becomes agriculture. That's -- if these people are -- I don't care if they're renting from the Public Market. If they're making this corn gas or whatever they're making, they're making money. Let them pay the money, taxes somehow. But I think they should be taxed.

I go to my brother's house in Genesee View Trail. 8 o'clock in the morning, you're lucky if you can get out of there because the traffic is terrible. And they're not all going 80, 90 like people say. They can go 50. I live at Greyson, which is the first house, first -- I'm probably behind maybe the first building there.

The only thing I got, I got a hedge row behind me, and I know there is a gas easement which you can't build there, but I can think of a lot better places to build on that land than putting them in our backyard, because that my backyard.

You know, this land -- this water, by Scottsville Road, it lays there, because the drainage that goes into the river is south of that road, which you call a road. That water used to drain into the river. It can't get there because they never put a drainpipe in there. Could we ask the Town if they could even dig a trench through there to let the water run? Now it has all got into, you know, wetlands and now they can't do nothing. But I don't know.

It seems as though there is enough land -- enough other land in there that you could put the buildings where they wouldn't be so close to Genesee View Trail. I have been there 70 years, better than 70 years, and I would like to, you know -- we hunted that and what have you. It's quiet, there is birds, there is deer. You will have to find a home for the deer.

KAREN COX: Thank you.

MARGARET LIPTON, 3 Overview Circle

MS. LIPTON: Margaret Lipton, 3 Overview Circle, and I'm also on the Board of Directors of our townhouse complex.

Um, I just want to ask you people to please, please think of this traffic problem before you give them approval to do this. I happen to be one of the people that was heading north on Scottsville Road making a left turn into our place and had the whole front end of my car taken off. Um, any -- just a couple more inches further back into the car and it would have been in my door.

This is -- the Fire Department is calling this "Death Alley," and it really is terrible. Any time you want to make a turn into that street, whether you're making a right turn or a left turn -- and we have 159 units. A lot of people are older. They don't go that fast. You have to pull -- if you're making a right turn, you have to pull way over into the road, otherwise they're just going to wipe you out. And if you're making a left turn, the person behind you stops, but the person behind him doesn't know why he is stopping and he starts to pass.

We have tried to -- we have tried to get the State to do something about this. They sent the management company a letter that they were going to put rumble strips there. They're not intending to do anything about this road, and they haven't.

So besides the noise problem that this is going to cause in the whole area, and the traffic

problem this is going to cause, um, I -- I just ask you to please consider all of this. If you can get something, the State to do something about the road first, then give them approval. Because, as this man said, Chili is not going to get any taxes for this. You're just going to get a lot of trouble for it.

Thank you.

KAREN COX: Thank you.

VASANT CHOKSEY, 220 Southwick Court

MR. CHOKSEY: My name is Vasant, V-A-S-A-N-T; last name, C-H-O-K-S-E-Y. I live at 220 Southwick Court. I'm across from the property which you have across the Genesee River on the other side.

My interest came particularly when I was looking at the Board minutes for the Regional Authority there, and there was a mention of a Hillside Meat Packing was being considered for this property, and I don't know much more than that. That's all I know. That kind of triggered some concern in my mind. I said if it is a meat packing place, what would be the drainage -- what would happen? And so I said well, meat packing, that could be classified as agriculture product in a very broad sense. I don't know that. So it raised some questions and that is why I am here.

And lots of questions have been answered.

From my perspective, the drainage for -- if it's a meat packing place, I don't know what kind of stuff they put out. That is a concern. But it looks like you folks are taking care of that.

Right now, this two -- these tenants are being considered. What is the protection in the future, and what would be the kind of tenants that would be there? So as somebody pointed out, once the project starts, it is very difficult to stop, and it's inappropriate to stop somebody and -- it looks like a private business here, and we shouldn't stop them from making any money at it.

So I don't know how that all works. And something was said about the sales tax exempt. How -- can maybe somebody explain that? It would be helpful.

KAREN COX: Do you want to explain that again, Mr. Mulligan?

MR. MULLIGAN: Um, first in response to the Hillside, that is part of Hillside's Children's Center. They're a national organization, and they talked about creating a meat packing distribution center at the property on Jefferson Road. We're built out. We told them we couldn't help them there. They talked about coming over here.

We thought the use was too heavy, too many tractor-trailers. It wasn't a slaughter house, but strictly they were talking about getting into a distribution center where they would hire these kids who, you know, get in trouble and then they're sent to Hillside to get some help, get some direction, get some discipline in their life, but they have since abandoned that particular project.

Um, when we were set up as a State Authority in 1951 over on Jefferson Road, one of the conditions would be we would be exempt from sales taxes.

MR. CHOKSEY: I don't know if Mr. Mulligan addressed the issue of the definition of agricultural product. Is it pretty broad when they define it, or does the Town have any control on it, or is it a State authority? Is there a review board who makes a judgment on any of that? I have no idea.

MR. MULLIGAN: The first approval would come through the Board of Directors that governs the Regional Market. We serve a ten-county area. There are people in agriculture and people that also bring an agricultural product into the Regional Market. People like Rich Vercruyse out of Wayne County, Mark Lagoner, Jack Moore from Gro-Mor Farms, Piedmont Family from Orleans County. There is a guy who brings in maple syrup, Roger Sage from down in Yates County. There is a couple potato growers. Jim Piedmont who brings in (inaudible) potatoes. Dan Kingston is a dairy farmer.

The Market would make the first judgment, the Board of Directors would that I report to, and then it would go to the State Department of Agriculture to confirm the use, and then if they're not happy with it, they can actually, you know, kill the project. They seem pleased with this filtration company and Sweet Water Energy.

KAREN COX: So they would decide if something like a -- for example, a meat packing business would be considered an agribusiness?

MR. MULLIGAN: I just -- you know, I have served on the Town Board in Henrietta for 28 years. There is one thing I have learned. You have got to be a business that the public views as an asset, that the public views as creating jobs, that the public views as serving, you know, a meritis purpose. If it doesn't, you know the public is not going to support it.

I think this has the potential to be a very good project. Um, but I also learned today -- I have been over there six, seven times, that as the people have expressed that live there, you know, that is a very busy road, and I'm on the busiest road in the County, and that is why we have put up all these lights.

MS. LIPTON: Can I say one thing to him about the busiest road? He is on Jefferson Road, and that is four or five lanes. We have got two lanes, 55 miles an hour, two lanes.

If you could get the State to do something about that road, I would say go ahead and build. We're getting killed out there.

MR. MULLIGAN: I would be -- you know, I can't make any promises, but I would be happy to contact DOT and see if that would be reduced to 45. You know, I would write them a letter, the Commissioner. I will send a copy to the Town of Chili. I don't pretend to have a ton of influence with them, but it sounds like it is -- you know, there is a history there of it being a traffic and safety issue.

KAREN COX: Thank you.

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Dorothy Borgus, 31 Stuart Road.

I live a long way from this project, but I sit here and I hear these concerns these people have and they're legitimate. It seems to me there are so many things up in the air about this, I wonder about the wisdom of even going forward with it right now.

First and foremost would be the discussion with the DEC about the wetlands. That could go in any direction. And if you approve this, you don't really know what you're going to end up with, because when you finish dealing with the State and if it comes out -- the decision goes against them, you won't have the project that is envisioned on that board because there won't be room. So you don't really know what you're going to approve unless you get this wetlands thing decided and there is something firm.

I also would like to know how many variances from our zoning code are going to be requested on this project? Does anybody have a feel for that?

MR. HOTTO: All we're looking for is site plan approvals and a special use permit. We have not proposed any variance situations on this project. Area or use.

DOROTHY BORGUS: Will there be signage?

MR. HOTTO: We'll have a simple facility -- overall project sign at the entrance here, like a low monument, compliant with Town Code.

DOROTHY BORGUS: Thank you.

MR. HOTTO: Haven't designed that yet.

DOROTHY BORGUS: I would just like to address the concerns that Mr. Schickler voiced on behalf of the Conservation Board. Everybody that comes to Town and wants to build is subject to our codes, and I don't like the idea of somebody using a threat of the money going to New York City maybe if we don't knuckle under. And we better stick to our code, and this project is no different than any other one, and I would beg the Conservation Board to not bend their rules for one because they will have to bend them for all and then we might just as well not have a code. We have -- we have parameters set up for what is acceptable for landscaping material and landscaping itself, and we need to stick with those and I'm sure that Mr. Schickler will see to it.

Thank you.

KAREN COX: Thank you.

Karen Cox 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.

KAREN COX: What is the Board's call?

THERESA REILLY: Between the engineering reports, there is still a lot of discrepancies between what is here and what is there. There is a lot to address. And -- and the one thing that everyone agrees on is the traffic and safety. There is a lot to go over.

JOHN NOWICKI: Too many questions that have to be answered.

KAREN COX: I think the -- maybe the -- the point about the -- the wetland question is, um, a concern of mine, based on recent experiences I have had in my job that pays all my bills. That type of thing can go either way. It can drag on.

JOHN NOWICKI: Just a thought on that, if I might.

The project that has been sitting there for months on Paul Road because of the DEC -- you're right. You're absolutely right. Because of those wetlands, it can be very, very complicated getting through.

THERESA REILLY: Additionally when you have the State wetlands in the buffer zone, that may affect whether you can have acceleration and deceleration lanes depending on the space available.

JOHN NOWICKI: Yes. That's a big issue.

KAREN COX: So do you prefer to table it --

JOHN NOWICKI: Yes, I would.

KAREN COX: -- until all of these are done -- or are addressed?

JOHN NOWICKI: I will make a motion we table -- to table it.

THERESA REILLY: I'll second it.

KAREN COX: All right. We'll vote on tabling it then.

DECISION ON APPLICATION #4: Unanimously tabled by a vote of 6 yes to table the above described application until the June 14, 2011 meeting for the following reason:

1. Pending further information addressing engineering comments and wetland issues.

DECISION ON APPLICATION #5: Unanimously tabled by a vote of 6 yes to table the above described application until the June 14, 2011 meeting for the following reason:

1. Pending further information addressing engineering comments and wetland issues.

KAREN COX: When do you figure you might be able to come back in to -- for the -- for the items, the questions?

Any idea -- I mean, I know you're at the mercy of the Army Corps and the DEC, and they can't be -- it is like herding cats sometimes.

MR. HOTTO: I think by the next meeting, which is in a month or so, I think we'll have resolution on the wetland situation.

KAREN COX: Okay.

MR. HOTTO: Based on what they're telling us. Like I said before, they have been pretty positive about providing us with a permit to do it. And we have -- we have got some other arguments, as well, to convince them that their jurisdictional determination may be, um, you know -- maybe we can work with them.

KAREN COX: Okay. And then the -- the issue with the traffic, I would assume you could have a dialogue with the State --

MR. HOTTO: The State is going to be the driving factor.

KAREN COX: The -- the speed reduction and the acceleration and the deceleration lanes are going to be two separate discussions because the -- we, as the Planning Board, cannot control the speed of a road. It -- it is up to the State. But the -- but Mr. Mulligan has talked about having a dialog with the State about possibly reducing the speed. They do have control over the -- or the applicant has control over whether they want to go ahead and put in a deceleration lane and acceleration lane. I just want to make that point clear.

MR. MULLIGAN: On the issue of the speed on Scottsville Road, has the Town Board in Chili petitioned the State before on this, to your knowledge, or not?

KAREN COX: I don't know that.

MR. MULLIGAN: Would Mr. Lindsay know?

DAVID LINDSAY: The Town's Traffic and Safety Committee did send a letter to the State DOT maybe a year ago asking them to look at several of our concerns around speed as well as the geometry of the road. We did receive a letter back. They did a study. They looked at the volumes and the accident history there as well as some of our concerns around signage. They felt the results of their studies indicated that they didn't need to reduce the speed or provide supplemental signage. They basically replied to us about the same comment about incorporating some rumble strips down the center line of the road.

KAREN COX: Okay.

MR. MULLIGAN: I will call the Supervisor in the morning and maybe we can do a joint letter. I do have some contacts at DOT and I will make the effort to see if I can get anything done.

KAREN COX: That will help. Okay. So we're going to table this until the June meeting then. Okay.

Thank you.

The 4/12/11 meeting minutes were approved as submitted.

The meeting was adjourned at 8:54 p.m.