

CHILI PLANNING BOARD
May 12, 2009

A meeting of the Chili Planning Board was held on May 12, 2009 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Michael Divito, Architectural Advisory Committee Representative; Brad Grover, Traffic Safety Representative; Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Counsel for the Town; Dick Schickler, Conservation Board Representative.

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

JAMES MARTIN: I will also recognize Paul Bloser, who is with us, in the back of the room, Chairman of the Zoning Board.

First two are under Old Business. Hearing these under Old Business, we closed the Public Hearing at the last meeting that we heard these applications, therefore, there will be no additional public comment tonight on these applications.

OLD BUSINESS:

1. Application of Daniel Boon, 20 Berna Lane, Rochester, New York 14624, property owner: Jarvee Associates; for special use permit to allow a residential/commercial landscaping & snowplowing business, commercial roll-off service and residential refuse collection business at property located at 3520-A Union Street in G.I. zone.
2. Application of Daniel Boon, 20 Berna Lane, Rochester, New York 14624, property owner: Jarvee Associates; for preliminary site plan approval for a change of use of property to allow a residential/commercial landscaping and snowplowing business, commercial roll-off service and residential refuse collection business at property located at 3520-A Union Street in G.I. zone.

Daniel Boon, Matt Boon and Kip Finley were present to represent the applications.

JAMES MARTIN: Basically what I would like to do is kind of go through a step-by-step process. Mr. Finley, if you would step to the podium, please.

MR. SCHUM: Excuse me, Mr. Chairman. I would like a point of order if I could.

JAMES MARTIN: Mr. Schum, quickly?

MR. SCHUM: You indicated there would be no public speaking this evening.

JAMES MARTIN: No, it was closed at the last hearing.

MR. SCHUM: Then why is this gentleman stepping forward?

JAMES MARTIN: Because he is the applicant's representative.

MR. SCHUM: He is going to speak?

JAMES MARTIN: He is the engineer in charge of the project.

MR. SCHUM: I am just asking the question. He is going to be allowed to speak. He will --

JAMES MARTIN: He will be allowed to answer my questions, Mr. Schum, okay?

MR. SCHUM: You have no new evidence?

JAMES MARTIN: There is no new evidence to be presented. The Public Hearing was closed officially at the last hearing. There will be no additional public comment. I'm -- I'm well within my rights. The Public Hearing was closed, by vote, by this Board.

MR. SCHUM: It was tabled actually.

JAMES MARTIN: The Public Hearing was closed.

MR. SCHUM: If I hear one new -- new element of information from the engineer, I'm going to object to the Board's ruling.

JAMES MARTIN: Thank you very much.

DARIO MARCHIONI: Mr. Chairman, I make a motion that we do open, if there is any new evidence.

JAMES MARTIN: We have a motion to open Public Hearing. Do I have a second?

DARIO MARCHIONI: I don't think we need a second.

JAMES MARTIN: I think we need a second. Mr. Marchioni, if we're going to do this

correctly, I need a second from the Board. Do I have a second?

I have no second, therefore, we are moving on.

Okay. After the last hearing, I wrote a letter outlining several issues that needed to be looked into or resolved as a result of that hearing.

Okay. The first issue was that the proposed plan to show the roll-off storage area was deemed inadequate to meet the code specifications as stated in Town of Chili code requirements Section 500-60(E)1, 2 and 3.

I believe that in order to respond to the Board's issue on that particular aspect, um, Mr. Finley, that you are now proposing shielding vis-a-vis vinyl strapping through the fence and also plantings along --

MR. SCHUM: Mr. Chairman, how did this information come to your attention if he hasn't presented it to the Board?

JAMES MARTIN: How has it come to my attention?

MR. SCHUM: Yes. You're answering the question you asked. How did it come to your attention if he hasn't been asked to address the Board on this issue.

JAMES MARTIN: Because I have a letter of response to my --

MR. SCHUM: So he is entitled to submit a letter in response to your questions? Am I entitled to submit a letter in response to your questions?

JAMES MARTIN: Mr. O'Toole?

KEITH O'TOOLE: Yes.

MR. SCHUM: Thank you. I will submit a letter in writing to every question that you have asked.

JAMES MARTIN: I will ask for a point of order and a response and advice from our Assistant Town Counsel on this issue.

DARIO MARCHIONI: What is the problem having the people speak? What is --

JAMES MARTIN: Mr. Marchioni, you made your motion. It was not seconded. I'm going to ask Mr. O'Toole to help us out.

DARIO MARCHIONI: This is a Public Hearing. These are the people that are affected with this project.

JAMES MARTIN: Mr. O'Toole, please? Loudly so I can hear you.

KEITH O'TOOLE: I believe the Board can take notice of any documents it has received, including the -- the decision of the Zoning Board of Appeals, which approved the variance which involves the 60 foot, I believe, of buffering that you were just referring to.

Does that address your concern?

JAMES MARTIN: That addresses the buffering concern.

The issue was the adequacy of the shielding of the roll-off storage area which was addressed by this Board at the last meeting.

KEITH O'TOOLE: I believe that was discussed at the Public Hearing. In fact, and I believe everyone had an opportunity to be heard.

JAMES MARTIN: Yes.

Okay, Mr. Finley. You can elaborate.

MR. FINLEY: All of that is true, what you said. We have, in our proposal, privacy slats added to the existing chain link fence in the area to screen the roll-off containers that was marked on our plans.

We also have a fairly dense evergreen screening next to that along the west side of the property, and since the Zoning Board of Appeals, we did resubmit a plan to the Conservation Board and the Planning Board that showed a proposed landscaped layout in the buffer area along the railroad.

JAMES MARTIN: Do you have an 11 by 17 that you can show on the overhead projector?

MR. FINLEY: I have a full size of that, and there is an 11 by 17 that would be in the packet that you have. The -- the bigger one may be more helpful.

JAMES MARTIN: Whatever you desire to do.

MR. FINLEY: Okay. Can you put that up?

JAMES MARTIN: Please so indicate on the diagram exactly what you're talking about and the way it was agreed.

MR. FINLEY: This is the site. I imagine everyone is fairly familiar with it. The yellow area is the container storage area.

This red area (indicating) is the area where we would put the vinyl privacy slats in the fence. To address the code that talks about screening of roll-off containers or recyclable containers.

This is what we're calling the west side buffer or screening (indicating), which is 37 evergreen trees planted along there.

This is the 60 foot buffer (indicating) that we're talking about. In this area (indicating), there is 45 new trees proposed to supplement the existing trees that are there.

All of the existing vegetation that is in good shape and tall -- we have some fairly large trees -- would all stay and this will be filled in to make it somewhat natural.

We're taking out the pavement that is within the buffer area, part of the compound was inside that 60 feet. That pavement will be coming out. It will still remain gravel, though, because we talked to the Fire Marshal and it would be best to have access at least for firemen with hoses around that part of the building.

So those are the three topics that Mr. Martin has been asking about. West side shield (indicating), dumpster area (indicating) and the buffer (indicating).

JAMES MARTIN: Okay. Thank you.

You kind of got a little ahead of me on my checklist, but that is all right.

It is my understanding, based on conversations with Mr. O'Toole, that in order to meet the requirement for the shielding of the -- of the roll-off area, that since the 6 foot fence will not allow a 12-inch free board above the roll-offs, that the Zoning Board variance will be required or if you build an 8 foot fence along the existing chain link fence, the zoning variance would also be required for that.

MR. FINLEY: Yes. We understand pretty much any option requires --

JAMES MARTIN: You understand that, okay. All right.

The -- as has already been mentioned, at the April 28th, 2009, meeting of the Town of Chili Zoning Board of Appeals, um, the application approving a 60 foot buffer along the south property line was approved, and the -- the condition was that, you know, obviously we would look at that at tonight's meeting. So that zoning variance, it was 40 feet of relief given from the required 100 foot of buffer.

MR. FINLEY: Yes.

JAMES MARTIN: 60 foot buffer was approved.

You have already touched on the new landscaping plans that were submitted and discussed by the Conservation Board. I do have the Conservation Board comments, and I will read those for the record at this point. The western border will have conifers staggered at 10 feet which equates to 5 feet separation. They will be planted near a grade drop-off, but Mike Santini (phonetic) of Ted Collins Tree and Landscape assured that there is room to plant a staggered row of conifers in that area. Norway Spruce will be planted on the lower row and White Spruce on the upper row of the staggering. Asphalt will be removed at the southeast area where additional trees and vegetation will be planted. It is possible a small berm could be considered in the area where the asphalt is to be removed.

Existing vegetation such as Juniper and hardwoods will remain to the south along with the planting with additional mixed species that will tolerate the difficult conditions presently caused by the railroad and wet conditions. Salt tolerant plants are advised in some areas due to the previous salt storage on the premises. Revised plans would be ready by May 7th for review.

Those have been reviewed?

MR. FINLEY: Those were submitted and we were able to accomplish that berm.

JAMES MARTIN: Thank you.

Okay. I had asked for a noise study. When we get to the long form EAF, we'll comment on that at that point in time.

MR. FINLEY: It was attached.

JAMES MARTIN: It was submitted.

The lighting specifications will be in compliance with all of our code, and I will have further comments on that as we move along.

Um, we had asked for the Commissioner of Public Works to review all of the utility easements for the property. I have a letter from Mr. Lindsay. I'm not going to read the whole thing. He has studied the site and the application. I will quote for the record two pertinent sections here.

"I request that the owner of the parcel grants an access and maintenance easement to the Town of Chili and enters into a soil management agreement with the Town to insure that the channel is cleaned and maintained by the property owner."

And the second thing is, "I have spoken with Keith O'Toole and worked out specific language of the agreement with him. Once completed, I can supply the applicant with a copy of the document for signatures. After which it needs to be filed with the County Clerks's office."

MR. FINLEY: That was reasonable. We'll do that.

JAMES MARTIN: So Mr. Lindsay has reviewed it, and at this point in time, he is requesting those --

MR. FINLEY: That's fine.

JAMES MARTIN: He also commented that there is a large pile of brush and debris located in the southwest corner of the property that appears to be impeding drainage. Material should be removed and the proper grade of the swale should be reestablished. Those are his comments.

Fire Marshal has given us a letter regarding the site.

MR. FINLEY: He said he would.

JAMES MARTIN: Basically, what the Fire Marshal has said is, again, for the record, building access is good on site. If access is maintained on the other three sides of the accessory buildings that is located southeast of the main building, I will allow landscaping up to the south side restricting access to that side. An installation permit for the proposed waste oil storage heater shall be obtained. We have other locations throughout the Town that use these types of units and have not experienced any issues with them.

We have also asked that you submit cut sheets for the heating unit for the main building. I have that. The Board has all seen that. A maintenance agreement for the fuel storage tanks. We have something in regard to the fuel storage maintenance agreement.

I forget the company that is going to do that.

MR. FINLEY: That is Townsend Oil.

JAMES MARTIN: Pardon?

MR. FINLEY: That's Townsend Oil Corporation. And then actually we do have the actual signed agreement. So we just took the draft that you had, and it has been executed.

JAMES MARTIN: Okay. As for a -- provide a maintenance agreement on the Tritan geo-trap filters for pollution control off site?

MR. FINLEY: Yes. Questions about that were regarding the manufacturer. The manufacturer doesn't provide it, but Okar Equipment locally does, so we have an agreement with them.

JAMES MARTIN: We also asked to have a copy of the shared driveway agreement provided to the Assistant Town Counsel.

MR. FINLEY: Yes. That was submitted one time before. That has been --

JAMES MARTIN: Pardon?

MR. FINLEY: We submitted that prior to the punch list letter. That came with the previous one.

JAMES MARTIN: Keith (O'Toole), you have that?

KEITH O'TOOLE: I have seen it.

JAMES MARTIN: Okay. Thank you.

Okay. I will go to the Board. Is there anything from the previous hearing and letter that I wrote that I have failed to cover at this point?

MR. SCHUM: Item Number 2.

KAREN COX: Item Number 2 on what letter?

JAMES MARTIN: I covered that. Mr. Lindsay has -- I covered that in Mr. Lindsay's response.

MR. SCHUM: I'm sorry?

JAMES MARTIN: I covered that in Mr. Lindsay's response to the Board. He went over and evaluated all of the swales on the site and that has been taken care of.

MR. SCHUM: It says there is -- engineers affirms --

JAMES MARTIN: Mr. Schum, I'm --

MR. SCHUM: I'm reading the letter, Mr. Chairman. It says you're unable to locate the easement. Is there an easement or is there not an easement? That was the question in your letter.

JAMES MARTIN: There is not at the present time.

Okay.

KAREN COX: Health Department, about --

JAMES MARTIN: It is irrelevant. Mr. Finley has certified the septic system on site.

JOHN NOWICKI: Thank you.

MR. FINLEY: Yes. We knew about that.

MR. VAN DE WATER: Everything is irrelevant.

JAMES MARTIN: Mr. Van De Water, you saw the letter. It came back. The Health Department basically says Mr. Finley --

MR. SCHUM: You're starting to introduce evidence, Mr. Chairman. You're starting to introduce evidence.

JAMES MARTIN: I'm not.

MR. SCHUM: Yes, you are. You're introducing -- you're talking about the Health Department letter. And if you are, I would like a -- I would like to have an opportunity to respond to that Health Department letter because you opened the door. Yes, you did.

JAMES MARTIN: I can let Mr. Schum respond to a letter that basically says that Mr. Finley's certification of the system is acceptable to the Monroe County Health Department, if he cares to comment on that?

KEITH O'TOOLE: If you would like.

JAMES MARTIN: I will let you comment on that Mr. Schum because I'm a nice guy.

MR. SCHUM: Thank you. That letter is based on a report submitted by the developer's engineer that presumes certain facts that this Board has no ability and has never verified. That is, the quantity of water used at Turner Drive, and the quantity of water used by the prior owner at this property. They're presuming certain numbers based on certain usage at Turner Drive. They're combining uses at this property that they don't have at Turner Drive, but you haven't even bothered to take a look at whether or not that is accurate or not, or whether or not there is going to be more people using it than at Turner Drive. You just took the information. He submitted it to the -- to the Health Department and they said based on those numbers, they're right. But what about if they're wrong?

Thank you, Mr. Chairman.

JAMES MARTIN: Thank you for your comments, Mr. Schum.

Okay. Do you have anything --

KAREN COX: I have nothing further. I believe the applicant has addressed all of the points in the letter.

JOHN HELLABY: No comment.

JOHN NOWICKI: Everything is covered.

GEORGE BRINKWART: I have no questions.

DARIO MARCHIONI: Yes. Just -- if I can have your permission to ask Mr. Finley pertaining -- at the Conservation Board meeting --

MR. GRAY GARDNER: Can't hear you, Dario (Marchioni).

JAMES MARTIN: Dario (Marchioni), would you put your microphone down, please?

DARIO MARCHIONI: At the Conservation Board meeting, Mr. Finley, there was a meeting at the -- mentioned there was a meeting at the site with numerous Town Board, Planning Board members and other members. Mr. Finley distinctly asked the Chairman of the Planning Board what this meaningful screening means, and Chairman explained it so he designed the

screening according to that. So would you explain to me what did he say? What --

JAMES MARTIN: I will -- I will answer that question initially.

DARIO MARCHIONI: Okay.

JAMES MARTIN: Basically what I stated was that the screening and the plantings and everything that goes into the buffer needed to be reviewed by the Conservation Board and the applicant's landscape architect to insure that we had maximum survivability. I also again quoted the code on the buffer as far as maintenance goes. I did not specify any of the plantings that needed to be made. That was up to the landscaping architect and the Conservation Board to agree on what those plantings would be.

DARIO MARCHIONI: Thank you, sir.

JAMES MARTIN: Anything else, Dario (Marchioni)?

DARIO MARCHIONI: No.

JAMES MARTIN: Keith (O'Toole)?

KEITH O'TOOLE: Just to remind you that if the Board ops to approve this project this evening, that you have to make a finding with regard to the zoning issue, as to whether this is, in fact, a special use permit, and I -- I believe I have stated this on the record a few more times, it's just a reminder.

Nothing further.

CHRIS KARELUS: Um, from my office, the Fire Marshal has looked at the change modification, if you will, with the 60 foot buffer that was approved by the Zoning Board. And again, just to reiterate what was heard from the Board, he is in agreement that that can be an acceptable arrangement for the drive aisle to that building, that is going to be, I guess, modified with the buffer to that south area.

I gave the Board a list of outstanding conditions, and I would ask that they include, assuming an approval or moving forward on the project, um, to point out also with the Health Department's approval on the septic system, I would also ask that the Board anchor with this project's permit, the -- in the essence of a failure of that system, that they connect to the sanitary sewer. I think it's logical. The owner has already alluded to the fact they will do it, but I ask they anchor that on the condition. I also ask that you anchor the five-year improvement schedule the owner talked to on the project. I think the Planning Board last meeting found that acceptable.

Um, we do have a number of building, demolition permits, sign permits and life and safety permits subject to this parcel. I ask you include that on any approval the project may get this evening. An open item at the last meeting was the mulch storage heights to the project. I remember the applicant had requested the Board consider a 12 foot, and my recommendation to the Board was about a 10 foot. I also ask that they consider any type of mulch storage height condition on the project this evening. I understand from the applicant this evening they have finalized and submitted to the Board some of the maintenance agreements regarding the storage tanks. Um, we'll get that copied into the Building Department.

Um, also, number of complaints regarding the vehicles stored on the property. Also ask the Board just list -- that they be kept in good operating condition, properly licensed and roadworthy.

The applicant and owner have agreed to provide lighting shields to the south side of the project site as well as cut-off lighting, the lighting fixtures. I ask that you anchor that in the approval.

Also the two-year guarantee required on the plantings, include that in the letter, and with that being said, I think that is all the Building Department has regarding the project.

Thank you.

KEN HURLEY: No additional engineering comments.

DICK SCHICKLER: Conservation Board agrees to the prints with Ted Collins, and we believe the plants are suited for the area. We went around and around a few times and came up with a good solution, I believe, with Ted Collins and their experience and are very suitable for the conditions at the site.

JAMES MARTIN: Nothing from Architectural Review. Brad (Grover), no issues?

MR. GROVER: No issues.

JAMES MARTIN: Thank you.

Okay. I have captured several potential conditions if this were to move ahead for approval tonight. What I would like to do is ask Mr. Boon to come up to the podium.

MR. FINLEY: Dan Boon, 20 Berna Lane.

JAMES MARTIN: If this were to be approved, and I say if this were to be approved, I believe that, you know, potential conditions of approval certainly would be continuing to get final Town Engineer approval on the site. The height of the mulch piles was proposed to be 12. I think that's a little too high. I would like to see them at 10 feet. Will go to the Board for consensus on that.

JOHN HELLABY: I, as well.

JAMES MARTIN: You will limit the mulch piles to 10 feet.

Okay. As Mr. Karelus has already indicated, um, if this was approved, it would be certainly subject to all applicable permits.

Um, the proposed five-year plan for site improvements, which we have on file, shall be listed as a condition of approval if this moves ahead.

Certainly failure of the on-site septic system would require immediate hook-up to the sanitary sewer at Union Street.

All right. You would need to provide all New York State DEC permits and maintenance

agreements on the fuel storage tank to the Building Department, you know, prior to sign-off on the project plans and we will require -- would require that you submit annual inspection logs to the Building Department.

MR. DANIEL BOON: Okay.

JAMES MARTIN: There shall be no storage of junk vehicles, inoperable vehicles or any other miscellaneous junk on the site.

Light shields, as indicated by Mr. Karelus, should be installed on the south side. All of the site lighting and wall mounted lights should be supplied with cut-off fixtures.

MR. DANIEL BOON: Okay.

JAMES MARTIN: Per the Conservation Board, all of the plantings will require a two-year guarantee, and certainly per Town Code required in the 60 foot buffer, that requires perpetual maintenance.

MR. DANIEL BOON: Okay.

JAMES MARTIN: The common roadway leading to the site should be repaired.

There shall be no 8 foot roll-offs stored in the proposed roll-off storage area. Do you understand that?

MR. DANIEL BOON: Yep.

MR. SCHUM: What was that again, Mr. Chairman?

JAMES MARTIN: There should be no 8 foot roll-offs stored in the proposed roll-off storage area.

And then you would require a Zoning Board approval of the shielding height of the roll-off storage area. Since there is only about 5 inches of free board and it requires --

MR. DANIEL BOON: Yes. I understand.

JAMES MARTIN: Okay. Those were the ones that I had kind of jotted down.

JOHN HELLABY: Mr. Chairman, I would like the hours of operation added to that. I'm trying to find those. They were stated here somewhere.

MR. FINLEY: Those would probably be in the -- one of the response letters, the last one, or the one before.

JAMES MARTIN: It is my understanding from previous testimony that you are proposing to put in block heaters for your diesel vehicles?

MR. DANIEL BOON: Yes.

JAMES MARTIN: So the warm-up time in the morning will be drastically reduced?

MR. DANIEL BOON: Yes.

JAMES MARTIN: Proposed hours of operation shall be -- you operate from what, six in the morning until when? You have maintenance going on, based on previous testimony, until about 11 o'clock at night?

MR. DANIEL BOON: Yes, sir.

JAMES MARTIN: But no trucks -- unless --

JOHN HELLABY: If I recall correctly, I think the hours of -- are -- of actual operation were 6:00 a.m. to 6:00 p.m.

MR. DANIEL BOON: 6 to 6, yes.

JOHN HELLABY: Trucks.

MR. DANIEL BOON: Trucks.

MR. FINLEY: Weekdays.

JOHN HELLABY: One mechanic working inside.

MR. DANIEL BOON: Inside.

JOHN HELLABY: Until 11:00 p.m., correct?

MR. DANIEL BOON: Yes.

JOHN HELLABY: No Sunday work if I recall.

MR. DANIEL BOON: No.

JOHN HELLABY: Other than the fact if you had snow.

MR. DANIEL BOON: Snow. If we have to go out -- salt trucks have to go out at 3 or 4 in the morning, they will go salt, but they're inside the building, drive them out and they leave.

JAMES MARTIN: So the vehicle maintenance operation shall run to 11:00 p.m.

JOHN HELLABY: Inside.

JAMES MARTIN: Vehicle maintenance operation shall run to 11:00 p.m. inside the maintenance building. All right?

JOHN HELLABY: Right.

Comment was made in regard to the road repairs. Jim (Martin), I just -- I would like some sort of time frame on that, as well. I mean -- it could be repaired, but I want it earlier in that five-year plan than later in that plan, and quite honestly, I don't remember seeing it in the five-year plan.

MR. FINLEY: It's in the plan, but I don't remember what time frame it was.

JAMES MARTIN: I don't remember what the timeline on it was either. Um --

MR. FINLEY: I guess one of the things is that it needs to be repaired fairly soon because his trucks are going to be more damaged going over it.

MR. DANIEL BOON: We're going to patch it now. And we're going to dress it.

JOHN HELLABY: So there is no argument later.

JAMES MARTIN: All right. Common roadway leading from the site shall be repaired.

Do we have a specific time on when the repairs will be completed, if this goes through?

MR. DANIEL BOON: Yes. As far as patching and repairing it for now, it will be done before we start operating. We need to get some of that done. And then we can maintain it until

we go at it --

JAMES MARTIN: If this gets approved, if the Zoning Board approves it, would you have that completed let's say by the middle of July or something in that time frame?

MR. DANIEL BOON: Before we start -- whenever I start operating, it will probably be August now. I will say sometime in August, hopefully, it will be done by.

JAMES MARTIN: Shall we say by August 15th?

MR. DANIEL BOON: Yep. We say "repair," we're talking patching it?

JAMES MARTIN: Understood.

MR. DANIEL BOON: Yep. It will be done.

JAMES MARTIN: It will put in by August 15th.

Anything else?

JOHN HELLABY: Yes. Those vinyl fence slats, I have not -- never been real crazy about them, but if the rest of the Board insists on using them, I would like them inspected yearly and replaced as required, because they do deteriorate in a big hurry.

JAMES MARTIN: So --

JOHN NOWICKI: They were -- in an environmental friendly color, too.

JAMES MARTIN: Vinyl slats shall be an environmentally suitable color.

KEITH O'TOOLE: Mr. Chairman, what does that mean? An environmentally suitable color?

JOHN HELLABY: Earth tone. Earth tone.

JAMES MARTIN: I have been told they come in earth tone and green.

KEITH O'TOOLE: Make your choice and give them direction.

JOHN HELLABY: Earth tone.

JAMES MARTIN: Vinyl slats shall be earth tone in color.

MR. VAN DE WATER: Don't they have purple ones?

JAMES MARTIN: And shall be inspected.

JOHN HELLABY: In light of Mr. Boon's own presentation, I would like it stated that no truck washing inside or out will take place there, due to the fact that there are no sanitary -- or storm sewers, excuse me. We don't need to aggravate the situation.

JAMES MARTIN: So no truck washing permitted on site?

JOHN HELLABY: Well, wash-out of, either.

JAMES MARTIN: Truck washing or wash-out.

JOHN HELLABY: Wash-out of.

JAMES MARTIN: Anything else?

Side yard, no trucks stored on site, and trash, but that would only be in an emergency situation, and it would be very short lived according to your testimony?

MR. DANIEL BOON: Yes.

KAREN COX: They were going to be inside.

MR. DANIEL BOON: Yes. If they're brought back for failure or whatever of some sort.

JAMES MARTIN: Okay. Anything else from the Board as far as potential conditions?

All right. What I would like to do at this point, one of the other things I asked for in my letter was a full EAF which was prepared by the applicant.

JOHN NOWICKI: What did you ask for?

JAMES MARTIN: I asked for a long form EAF. Okay? Which was prepared. What I would like to do for SEQR determination is to go through this, point by point, as we have done before.

Under Part II, the first issue is, will the proposed action result in physical change to the project site? And what they cite for examples are construction on slopes greater than 15 percent, construction on land with depth of water table less than 3 feet, construction of paved parking areas up for a 1,000 more or more vehicles, construction on land where bedrock is exposed or generally within 3 feet of existing ground surface construction that will continue for more than one-year, excavation for mining purposes. Those are the issues that they basically talk about, under this particular question.

I believe the answer to that is no.

Will there be an effect on any unique or unusual land forms found on the site? Since it is a preexisting site, the answer to that is no.

Impact on water. Will the proposed action affect any water body designated or protected? The answer to that is no.

Will the proposed action affect any non-protected, existing or new body of water? No.

Will the proposed action affect surface or groundwater quality, quality or quantity. I believe the answer to that is yes, and there are some small to moderate impacts. Under one, I did check proposed action will require the storage of petroleum or chemical products greater than 1100 gallons. I believe the answer to that is a small to moderate impact. Certainly the fuel storage tanks, based on previous testimony before this Board is that they will be new tanks with a containment area engineered by the company that is going to supply the fuel.

MR. FINLEY: That mitigates that.

JAMES MARTIN: All right. Second thing, proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. Certainly the runoff from the pavements is going to be treated by the Tritan filter to insure that we do not have pollution running off the site.

So I believe that those mitigations will take care of that particular issue.

Will the proposed action alter drainage flow patterns, flow or patterns of surface water

runoff? Nothing of any consequence. I believe the answer to that is no. Impact on air. Will the action affect air quality?

Things that they cite here are proposed action will induce 1,000 or more vehicle trips in any given hour. Proposed action will result in incineration of more than one ton of refuse per hour, emission rate of total contaminants will exceed five pounds per hour or heat source producing more than ten million BTUs per hour. The proposed action will allow an increase in the amount of land committed to industrial use, proposed action will allow an increase in the density of industrial development with the existing industrial areas. I don't believe there is any impact as a result of those, and I couldn't think of any other impact.

Impact on plants and animals. Will the proposed action affect any threatened or endangered species? Since it is a preexisting site, the answer to that is no.

Will the proposed action substantially affect non-threatened or non-endangered species. Again, the answer to that is no. Impact on industrial land resources, there is none. There is no industrial land resources being utilized.

Impact on aesthetic resources. This one, um, I did check a "yes" under small to moderate impact. Basically, um, will the proposed action affect aesthetic resources? Proposed land uses or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man made or natural. You know, certainly there is going to be some aesthetic impact, but I think it is being mitigated by the fact that that the Zoning Board granted a variance. There will be a 60 foot buffer along the south line and the evergreen screening along the west property line has been significantly increased from the original site plan. I would note also that basically that is a GI to GI utilization. So the screening is going to be essentially for shielding the roll-off area, the container area on the site.

Impact on historic and archeological resources. Will the proposed action -- on any site or structure of historic or prehistoric or paleontological importance? This is a preexisting site, so the answer to that is no.

Impact on open space and recreation. Will the proposed action affect the quantity or quality of the existing or future open spaces or recreational opportunities? It is a preexisting site. Once again, the answer to that is no.

Impact on critical environmental areas. Will the proposed action or impact the exceptional or unique characteristics of a critical environmental area established pursuant to Subdivision 6NYCRR 617-14(g). It is preexisting again, so the answer to that is no.

Impact on transportation, whether it be in effect to existing transportation systems. Um, what they essentially list here is alteration of present patterns of movement of people and/or goods, proposed action will result in major traffic problems. Certainly there will be trucks coming and going, but I don't envision that it would be any more significant at this point than it was, you know, with the previous utilization of the site.

Impact on energy -- so the answer to that is no.

Will the proposed action affect the community -- community sources of fuel or energy supply? No.

Noise and odor impact. Will there be objectionable odors, noise or vibrations as a result of the proposed action? Again, that is a -- I checked "yes" on that one. There is not going to be any blasting. Odors will occur routinely more than one hour per day? And the answer to that is no.

Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. And at my request, there was a noise study provided. I hope the Board has all had an opportunity to look at this and evaluate it.

Um, certainly, from the standpoint of some of the mitigation that the applicant has indicated with the -- with the block warmers and the diesel trucks, the remainder of the trucks essentially will be gas powered snowblowers and those types of vehicles.

Um, I didn't see anything in here that was going to generate a substantial amount of additional noise. Although -- I'm sorry, I take that back. Certainly there will be some noise generated from the site, but I didn't see anything in here that would indicate that we would have a significant objectionable level of noise generated by utilization of the site for the proposed activity.

Um --

MR. SCHUM: Can the public see a copy of that?

MR. SULLIVAN: Yes. The noise study wasn't done before.

MR. SCHUM: We -- no one has had an opportunity to see that. What is the date of that?

Who made it?

MR. FINLEY: April 22nd.

MR. SCHUM: Strangely enough it is prepared by the same engineer standing in front of us.

MR. SULLIVAN: I never heard of a noise study. They never came to my backyard and heard that noise study.

JAMES MARTIN: I'm sorry.

MR. SULLIVAN: Which is across the field with the trucks running.

JAMES MARTIN: I'm sorry, this is not the Public Hearing.

MR. SCHUM: No comment for the environmental issues, Mr. Chairman?

MR. SULLIVAN: The noise study wasn't ever done before this meeting.

JAMES MARTIN: We requested it. It was submitted to the Building Department. I'm assuming --

MR. SULLIVAN: On what date was the noise study done?

JAMES MARTIN: It was FOILable by the --

MR. SCHUM: Can I see a copy of it, Mr. Chairman?

MR. SULLIVAN: On what date was the noise study done?

JAMES MARTIN: Do you have a date when was that done?

MR. FINLEY: We submitted with -- we submitted --

MR. SULLIVAN: How can we have nothing to say about this?

MR. FINLEY: We submitted it with the -- our April 22nd package.

JAMES MARTIN: Please. Order.

I'm sorry, Mr. Finley.

MR. FINLEY: We submitted it with our April 22nd response to your punch list.

JAMES MARTIN: So it was in the Building Department on April 22nd.

MR. SCHUM: Can I see a copy of it, please?

JAMES MARTIN: Sure. You can certainly see a copy. It was certainly FOILable, inside the Building Department.

MR. SCHUM: I would hope you would share it freely with the public.

JAMES MARTIN: Impact on public health. Will the proposed action affect public health and safety? The answer to that is essentially no.

Impact on growth and character of the community and neighborhood. Will the proposed action affect the character of the existing community? The examples are the permanent population of a city or Town or village in which the project is located will be more than 5 percent. Municipal budget or capital expenditures or operating services will increase by more than five percent. Proposed action will conflict with with officially adopted plans or goals. Proposed action will cause a change in the density of land use. Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community. Development will create demand for additional community services. For example, schools, police, fire, et cetera. I believe the answer to that is no.

The last question, is there or is there likely to be public controversy related to the potential adverse environmental impact. I think we have had plenty of input from the public regarding this particular question. Certainly there has been public controversy over this particular application, so the answer to that is yes.

Are there any comments or questions from the Board regarding the review of the EAF?

JOHN NOWICKI: No.

KAREN COX: No comment.

JAMES MARTIN: Therefore, I would like to make a motion to declare ourselves lead agency as to SEQR, based on information and evidence presented at this hearing, we find this application to be an unlisted action and of no significant environmental impact.

The motion was approved by a vote of 5 yes to 1 no (Dario Marchioni).

KEITH O'TOOLE: Mr. Chairman, can we have a resolution of the Board with regard to the Part II of the EAF?

MR. SCHUM: No.

JAMES MARTIN: I'm sorry, resolution what, Mr. O'Toole?

KEITH O'TOOLE: I would like to clarify that the Board adopts the resolution as -- as you just discussed it, just the -- strike that. That the Board adopts the Part II of the EAF as you just discussed with the --

JAMES MARTIN: Thank you.

KEITH O'TOOLE: The decisions you made based on that.

JAMES MARTIN: Okay.

MR. SCHUM: This is being done after the fact of the vote for non-significance. Let the record reflect that.

KEITH O'TOOLE: And after we're done with that, I would like the Board to revote on the declaration of significance.

MR. SCHUM: Can't unring the bell.

JAMES MARTIN: Okay. At this time, I make a motion to rescind the previous vote. Is that correct, Mr. O'Toole?

KEITH O'TOOLE: No. You don't have to do that. I would ask for a resolution of the Board adopting the Part II of the EAF, just as you have discussed on the record.

JAMES MARTIN: Okay. Thank you. Mr. Schum confused me. All right.

Therefore, I will make a motion that we adopt a resolution -- you know, that we adopt the finding that there is no significant --

KEITH O'TOOLE: No, Mr. Chairman.

JAMES MARTIN: I'm sorry. I'm confused.

MR. SCHUM: If you don't know what you're doing --

KAREN COX: Could we have some quiet from the audience?

KEITH O'TOOLE: Just to clarify.

JAMES MARTIN: To clarify. That our vote --

KEITH O'TOOLE: Perhaps -- I cannot make a motion, but I can suggest a wording for a motion which perhaps somebody can offer, and then somebody else can second.

JOHN HELLABY: I -- I would like to make -- to make a motion to adopt Part II as just discussed, the EAF form, for -- I don't want to say approval. For -- for a vote to adopt as discussed.

KEITH O'TOOLE: By Chairman Martin.

JOHN HELLABY: By Chairman Martin.

KEITH O'TOOLE: And the Board.

JOHN HELLABY: And the Board.

JOHN NOWICKI: Second.

JAMES MARTIN: Seconded. All right. On the motion to adopt the EAF as discussed by myself, Karen (Cox)?

KAREN COX: Yes.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: No.

JAMES MARTIN: I vote yes also.

KEITH O'TOOLE: Now, if I may, you may wish to reaffirm your vote, your declaration of no significant environmental impact on this -- on this unlisted action.

JAMES MARTIN: All right. At this time, based on previous motion, I now make a motion to declare ourselves lead agency as to SEQR based on information and evidence presented at this hearing. We find this application to be an unlisted action and of no significant environmental impact.

KAREN COX: Yes.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: I vote no.

JAMES MARTIN: I vote yes also.

All right. On the application -- first application is for a special use permit. I can go back and review the conditions that we have put in place, or as I have previously stated.

Mr. O'Toole, then we'll have to make a finding on the special use permit?

KEITH O'TOOLE: In fact, if I may, I can offer language which you may prefer to use.

Quote, the proposed use is, indeed, of the same general character as the permitted uses in Section 500-21(B) and is in accordance with the purpose of this district in Section 500-21(A). Which is to say, that the proposed use is similar in character to the permitted uses found in the General Industrial District, and is in accordance with the purposes of that district.

Thank you.

JOHN NOWICKI: You have that for the record.

JAMES MARTIN: Well, I think I need to read that for the record.

Is it okay, can I have a copy of that?

Okay. On the special use permit, essentially that the proposal, proposed use is, indeed, of the same general character as the permitted uses in 500-21(B) and is in accordance with the purpose of this district in Section 500-21(A). That is what I am reading as a finding on the special use permit.

Do you want me to go back and review the conditions that I have already read? Do we need to review those conditions?

JOHN HELLABY: I don't think so.

KAREN COX: I don't think so. They're on the record already.

JAMES MARTIN: Okay. So we are finding essentially that the proposed use is indeed in the general characteristic of the permitted uses in Section 500- 21(B) and is in accordance with the purpose of this district as in Section 500- 21(A).

On the special use permit, with that finding and the conditions that we are -- I have already talked about, Karen (Cox)?

KAREN COX: Yes.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: No.

JAMES MARTIN: I vote yes also.

The proposal is carried 5 to 1 on the special use permit.

DECISION ON APPLICATION NUMBER 1: Approved by a vote of 5 yes to 1 no (Dario Marchioni) based on the following finding:

1. The proposed use is indeed of the same general character as the permitted uses in Section 500-21(B) of the Town of Chili Code and is in accordance with the purpose of this district in Section 500-21(A).

The application is approved with the following conditions:

1. This special use permit is valid for one year. Upon issuance of a Building Permit, the special use permit becomes permanent.
2. Pending Town Engineer approval.

3. The height of the proposed mulch piles shall be limited to 10 feet.
4. This approval is subject to the applicant obtaining all applicable permits.
5. The proposed 5-year plan for site improvements is attached and is a condition of approval.
6. Should the on-site septic system fail, the applicant will be required to hook up to the existing sanitary sewer at Union Street.
7. The applicant shall provide all NYSDEC permits and a copy of the maintenance agreement for on site fuel storage tanks to the Building Department. In addition, copies of annual inspection reports shall be supplied to the Building Department.
8. No non-serviceable vehicles, junk vehicles, or miscellaneous junk shall be permitted on the site.
9. Light shields shall be installed on all south side site lighting. All wall-mounted lighting shall be supplied with cut-off fixtures.
10. Per the Conservation Board review, all plantings will require a two-year guarantee. Per Town Code, the 60 foot buffer along the south property line shall be perpetually maintained.
11. The shared roadway leading to the site shall be repaired.
12. No 8 foot roll-off units shall be stored in the proposed roll-off storage area on the site plan.
13. A variance for the height of the roll-off shielding is required.
14. The hours of operation shall be from 6:00 am to 6:00 pm for routine activities. Vehicle maintenance activity shall run to 11:00 pm. All vehicle maintenance shall be conducted inside the maintenance facility. The Board takes note that the snow plowing activity is based on need and can occur at any time. The applicant has indicated to the Board that the snowplow vehicles dispatched from the site are gas powered pick-ups and will not create a significant amount of noise.
15. The proposed vinyl slatting of the chain link fence shall be earth tone in color. The vinyl slatting shall be properly maintained.
16. No truck washing or wash out shall be permitted on site.
17. All easement arrangements shall be completed per the request of the Commissioner of Public Works.

JAMES MARTIN: On the preliminary site plan, change of use of the property, with the same conditions in effect, Karen (Cox)?

JOHN NOWICKI: Mr. Chairman, are we going to waive final?

JAMES MARTIN: I would at this point in time -- I don't know. I will defer to the Board's feelings on this. The fee has been paid to waive final. Do you feel comfortable? I will look for a consensus on the Board.

JOHN NOWICKI: I believe the testimony is in place, it's on the record. We have managed up to this point, and I think --

MR. GRAY GARDNER: We can't hear you.

KAREN COX: You have to.

JOHN NOWICKI: Because my voice is weak today, I apologize. But I would suggest we waive final.

MR. SCHUM: Is that subject to Zoning Board of Appeals positive action at the next Board meeting? How can you make a final site plan review if you don't have all of the variances in place?

JOHN NOWICKI: It is up to you. You can advise me on that one.

KEITH O'TOOLE: I believe that is an interpretation for the Code Enforcement Officer to make. In the event that they need a variance that drives a change in the site plan, then certainly they would have to come back if they don't get that variance.

JOHN NOWICKI: So we could go ahead and waive final?

KEITH O'TOOLE: Yes.

JOHN NOWICKI: I suggest we waive final.

JAMES MARTIN: Then I will entertain a motion on doing that.

JOHN NOWICKI: Yes. I will make it a motion.

JAMES MARTIN: We need a motion to waive final. Do I have a second?

KAREN COX: Second.

JAMES MARTIN: It has been seconded.

On waiving final, Karen (Cox)?

KAREN COX: Yes.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: No.

JAMES MARTIN: I will vote yes also. Final is waived.

On the site plan, with the conditions that I have previously read?

KAREN COX: Yes.

JOHN HELLABY: Yes.

JOHN NOWICKI: Yes.

GEORGE BRINKWART: Yes.

DARIO MARCHIONI: I vote no.

JAMES MARTIN: I vote yes.

It's approved, 5 to 0 -- or 5 to 1, excuse me.

DECISION ON APPLICATION NUMBER 2: Approved by a vote of 5 yes to 1 no (Dario Marchioni) with the following conditions:

1. Pending Town Engineer approval.
2. The height of the proposed mulch piles shall be limited to 10 feet.
3. This approval is subject to the applicant obtaining all applicable permits.
4. The proposed 5 year plan for site improvements is attached and is a condition of approval.
5. Should the on site septic system fail, the applicant will be required to hook up to the existing sanitary sewer at Union Street.
6. The applicant shall provide all NYSDEC permits and a copy of the maintenance agreement for on site fuel storage tanks to the Building Department. In addition, copies of annual inspection reports shall be supplied to the Building Department.
7. No non-serviceable vehicles, junk vehicles, or miscellaneous junk shall be permitted on the site.
8. Light shields shall be installed on all south side site lighting. All wall-mounted lighting shall be supplied with cut off fixtures.
9. Per the Conservation Board review, all plantings will require a two-year guarantee. Per Town Code, the 60 foot buffer along the south property line shall be perpetually maintained.
10. The shared roadway leading to the site shall be repaired.
11. No 8 foot roll-off units shall be stored in the proposed roll-off storage area on the site plan.
12. A variance for the height of the roll-off shielding is required.
13. The hours of operation shall be from 6:00 am to 6:00 pm for routine activities. Vehicle maintenance activity shall run to 11:00 pm. All vehicle maintenance shall be conducted inside the maintenance facility. The Board takes note that the snow plowing activity is based on need and can occur at any time. The applicant has indicated to the Board that the snowplow vehicles dispatched from the site are gas powered pick-ups and will not create a significant amount of noise.
14. The proposed vinyl slatting of the chain link fence shall be earth tone in color. The vinyl slatting shall be properly maintained.
15. No truck washing or wash out shall be permitted on site.
16. All easement arrangements shall be completed per the request of the Commissioner of Public Works.

Note: By resolution the Planning Board adopted Part II of the Environmental Assessment Form with the answers as discussed by the Planning Board Chairman

on the record.

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

JAMES MARTIN: That concludes the items.

MR. SCHUM: No, it does not, your Honor -- or Mr. Chairman. You indicated I would have an opportunity to submit a written response to the questions you posed. I would like to submit them now.

JAMES MARTIN: You certainly can for the record, Mr. Schum. If you want to submit them.

MR. SCHUM: Thank you. I will submit them to -- whomever.

JAMES MARTIN: What are you proposing to do, Mr. Schum?

MR. SCHUM: I'm proposing to submit a written record of objections to the -- answers to the questions which you posed at the last meeting.

KEITH O'TOOLE: If I may, um, Code Enforcement Officer will be happy to take that from you and we can provide a copy to the members of the Board.

MR. SCHUM: Thank you. I have highlighted all of the answers to the questions which I would like to be part of the record.

Is the Board going to require a letter of credit for structure improvements as required by the code, and if so, has there been any submittal of that? Any -- any estimate of the costs of those improvements, including the five-year plan, or is that just waived, as well?

JAMES MARTIN: I don't believe it is the prerogative of this Board to do that; is that correct, Mr. O'Toole? I believe it is the public -- Superintendent of Public Works to requires --

KEITH O'TOOLE: The Planning Board does not vote on a letter of credit.

JAMES MARTIN: It is not a voting matter, is it?

KEITH O'TOOLE: No.

MR. SCHUM: It is not a condition that one be posted? That is the question. No? You're going to trust the person to do five years' worth of work at the site? Thank you.

MR. FINLEY: Thank you.

JAMES MARTIN: I will allow time for the room to clear before we have another Public Hearing -- I'm sorry, the first Public Hearing.

PUBLIC HEARINGS:

1. Application of Daniel Mayer, owner; 140 Fenton Road, Rochester, New York 14624 for resubdivision approval of Lots 1 & 2 of the Mayer Boychuk Subdivision at properties located at 2914 Chili Avenue and 140 Fenton Road in R1-12 zone.

Daniel Mayer and Regan Boychuk were present to represent the application.

MS. BOYCHUK: I'm Regan Boychuk, 140 Fenton Road. And we are here tonight to present our subdivision for -- so we can make our parcel -- we currently own two parcels. One is about two acres and one is about 26 acres.

Prior to purchasing our horses, we had come to the Town and asked if it was okay to get horses, even though the actual parcel that they sit on is slightly under two acres, considering that we own the adjoining 26, 27 acres and we were told it was fine. So we went ahead and purchased the horses. Um, however, I believe there was a complaint made by somebody that made the Town then come back to us and said that we had to combine the parcels into a subdivision.

So that is why we're here today, to submit our subdivision so we can make the parcel that the horses are on --

MR. MAYER: It is to make it so we comply to the code, and we have our house and our barn with the horses on five acres.

JAMES MARTIN: So essentially you're carving out a five-acre parcel?

MS. BOYCHUK: Correct.

MR. MAYER: Correct.

JAMES MARTIN: I don't have any questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Do we have a map for public --

JAMES MARTIN: I'm sorry. Yes, we do.

MR. MAYER: I have a map here I can put on the board.

JAMES MARTIN: If you have one full size, yes. My apologies to the audience. I should have gotten it up before.

JAMES MARTIN: Do you have a question?

DOROTHY BORGUS: No. Just a point of order that I think that should be done.

JAMES MARTIN: I apologize.

James Martin made a motion to close the Public Hearing portion of this application, and Karen Cox seconded the motion. All Board members were in favor of the motion.

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

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

JAMES MARTIN: There is no conditions of approval that I know of. I haven't heard.

DECISION: Unanimously approved by a vote of 6 yes with no conditions.

JOHN HELLABY: Mr. Chairman, I would like to recuse myself from Applications Number 2 and 3 as I presently hold a lease for one of the cell towers in the Town.

JAMES MARTIN: You're recused, Mr. Hellaby.

2. Application of T. Mobile, c/o Steven Milana, 7791 Gloria Drive, Baldwinsville, NY. 13027 property owner: Town of Chili; for preliminary site plan approval and special use permit for modifications of telecommunications tower to replace antennas at property located at 3235 Chili Avenue in G.B. zone.
3. Application of T. Mobile, c/o Steven Milana, 7791 Gloria Drive, Baldwinsville, NY. 13027 property owner: B. Graham & C. Moran; for preliminary site plan approval and special use permit for modifications of telecommunications tower to replace antennas at property located at 60 Golden Road in R-1-20 zone.

No one was present to represent T Mobile.

JAMES MARTIN: First call.

AUDIENCE MEMBER: I think he just went outside with Chris (Karelus).

Steven Milana was present to represent T Mobile.

JAMES MARTIN: All right. Do you have something you can put up on display for the public, or do you have a small enough version that can be shown on our overhead projector?

MR. MILANA: I have a picture of the actual site plan, if that --

JAMES MARTIN: Yes. Do you have both site plan and special use -- I will add -- I will basically read these at this time.

James Martin read the application description for Applications Number 2 and 3 at this time.

MR. MILANA: I don't know if this will really --

JAMES MARTIN: We're going to hear them simultaneously, but we'll be talking about both of them, George (Brinkwart).

MR. MILANA: I don't know that really helps anything. Basically what T Mobile has been doing across its entire network, so to become competitive with the other carriers that are there and upgrade all of the systems up to 3G, which is third generation of technology. It increases download speeds, picture capability. That is basically it.

And all we have asked to do really is on the one site, um, on -- on Chili Avenue, is to basically replace the six existing antennas that are there with six new antennas, as well as add a small base cabinet down at the bottom and some coax.

On the other site, basically there is three antennas there, right now, and we will just be replacing those three, so that will also remain. So it really wouldn't affect the visibility, the visible outlook of the tower at all.

That's really it. We -- we had a problem with the one tower on Chili Avenue that was addressed as far as the structural, um -- structural problem that they had with the site. We had our engineers do a structural analysis by which it failed slightly. American Tower, who owns the tower, also has another tenant on there, Verizon, and they have applied with modifications that would bring it up to spec, so that would be done before our upgrade, and the -- and really the only reason for that is just the -- the weight of the coax that is going up the tower, along with Verizon's, um, improvements. They wanted to make sure that the tower was strong enough. That is really it.

JAMES MARTIN: Okay. As far as the arrays themselves, are they larger than the existing arrays currently on the tower?

MR. MILANA: They're comparable. I think they're actually 4 inches longer. Other than that, they're basically the same. From where they're sitting up there, you would never know the difference.

JAMES MARTIN: Um, have you been in communication with American Tower? Do you know when they're going to complete the structural modifications to the Chili Avenue tower itself?

MR. MILANA: I'm not exactly sure of the construction schedule. I know they have applied for the building permit. I think it's just basically they have to come and pick it up. I believe.

JAMES MARTIN: Okay. I will go to the Board at this time.

DARIO MARCHIONI: I don't have any questions. Thanks for coming.

MR. MILANA: Thank you.

GEORGE BRINKWART: Can -- do you know offhand what the modifications are going to be to the -- to get the tower structurally sound?

MR. MILANA: I believe there are a couple of brackets where the tower is actually pieced together that they wanted beefed up. I believe that is what the modifications were.

JAMES MARTIN: I think, Chris (Karelus), if I remember correctly, Verizon brought in the specifics of what those modifications needed to be; is that correct?

CHRIS KARELUS: Yes.

JAMES MARTIN: When they made their application.

CHRIS KARELUS: We actually have permits in the Building Department that were approved structurally as well as reviewed through Lu's office, Lu Engineer's office for the structural plans. The permits are ready. So as far as their collocate and previous Verizon collocate, the permit currently pending in the Building Department handles every concern we were concerned about.

GEORGE BRINKWART: So have you structural plans on file.

CHRIS KARELUS: Yes, and they were both reviewed through our office and Lu's office.

JOHN NOWICKI: The one comment is based on the Conservation Board, indicating they -- the donation to the landscape fund.

MR. MILANA: I'm sorry, I didn't hear that.

JAMES MARTIN: Um, essentially, I believe in the comments from the Conservation Board that came back is in lieu of any additional landscaping on the sites themselves, there is a one percent requirement of the building cost that should be --

MR. MILANA: Yes. We have already submitted that.

JAMES MARTIN: That should be submitted to the Town of Chili Tree Fund.

MR. MILANA: Yes. We have already agreed to that and submitted that.

JOHN NOWICKI: That is all taken care of. Thank you.

JAMES MARTIN: You have agreed that you're going to do that.

MR. MILANA: Yes, we already have.

KEITH O'TOOLE: Just a request that all of the prior conditions remain in effect.

JAMES MARTIN: All right.

CHRIS KARELUS: No comments. The applicant has been great in dealing with the previous comments that were submitted to him.

MR. MILANA: I would like to say Mr. Karelus was extremely helpful in walking me through the process and was also great to work with.

JOHN NOWICKI: Thank you.

DARIO MARCHIONI: We have some good people in this Town.

MR. MILANA: Yes. Absolutely. I was a little scared after the last thing to come up, but...

JAMES MARTIN: Ken (Hurley), help -- help me out. I know on the 3235 Chili Avenue, you want Town Engineer on that approval, the final?

KEN HURLEY: Actually, the letter we got, it will suffice. They won't have to make any changes once the Verizon work -- basically they're adding some cross bracing. Once that work is done, then we don't need to review it.

JAMES MARTIN: Okay. Do you want me to continue to carry that? And in your letter you requested Town Engineer approval, but do you want me to carry that or delete it?

KEN HURLEY: You can delete it.

JAMES MARTIN: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FRED TROTT, 101 Golden Road

MR. TROTT: Just a little -- I have a couple of requests that you make conditions on the approval. Um, one of them being work hours be from 8 to 4, Monday through Friday. The other being that the employees that do the antennas use radios, and that they do some kind of cable management.

Brief history, when Cricket came in, they brought in a group from out of State, down south, and what they ended up doing was working on Saturday and Sunday, and they used vulgar language, yelling at each other from the bottom of the tower to the top of the tower. And when they were completely done, they decided to do brake stands up and down the street.

KAREN COX: Do what?

FRED TROTT: Brake stands. Burn-outs. They just had a wild party. So that is why I'm asking for these.

And the cable management, the tower, when the wind is over 20 miles an hour, you hear the cable snapping inside the tower, and it is very loud. If that is possible that you can handle that.

MR. MILANA: I can get that word out to the Construction Manager, absolutely. I would -- that is the next process in this, is to deal with them, and let them know, you know, whatever conditions were agreed to. I know what you're talking about. I have been on site where that does happen, as a Construction Manager, so I know exactly what your concerns are. The only thing with the slapping of that cable, I believe that is probably the safety chain that is

there, and I'm not sure that they can really do much about that. It is supposed to be a spring load, but I will bring that up to them.

FRED TROTT: Okay. That's all.

JAMES MARTIN: So basically, I have written work hours for completion of antenna installation shall be 8 to 4, weekdays only. Is that -- does that make you happy, Fred (Trott)? And then all coaxial cables to be secured -- where is what I want to add here? Secured and -- according to engineering specifications?

MR. MILANA: Don't believe he is talking about the coaxial. I think he is actually talking about the safety chain cable that goes up the side of the tower that the climber actually hooks into it. It is an OSHA requirement that that cable is in existence. So what happens a lot of time, the spring gets weakened after -- you know, from using it or from actually moving around in the wind. But I can ask them to take a look at that and correct that. Other than that, the cable will absolutely be fastened to the tower.

JAMES MARTIN: So safety chain shall be inspected and repaired as necessary. Okay?

James Martin made a motion to close the Public Hearing portion of this application, and John Nowicki seconded the motion. All Board members were in favor of the motion.

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

JAMES MARTIN: We'll handle these one at a time after I do the SEQR.

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

DECISION ON APPLICATION NUMBER 2: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with the following conditions:

1. In lieu of landscaping, a donation of 1% of the construction cost shall be made to the Town of Chili Tree Fund.
2. A building permit for co-locate reconstruction shall not be issued until all necessary tower modifications and reconstruction are complete.
3. All prior conditions remain in effect.

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

On Application Number 3, 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.

JOHN NOWICKI: Can I ask a question? Prelimb? Are we voting final?

JAMES MARTIN: I'm sorry. Good catch, John (Nowicki). Yes, they have paid the fee to waive final.

Consensus of the Board to waive final on this application?

The Board indicated they had no problem waiving final.

JAMES MARTIN: All right. Final is waived.

Back to the vote on Application Number 3. Waiving final with the conditions I have read.

The Board was unanimously in favor of the motion to waive final.

JAMES MARTIN: On the second application for 60 Golden Road with the same conditions I have read and waiving final, final waived?

The Board was unanimously in favor of the motion.

JAMES MARTIN: I will read SEQR here to be correct.

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 ON APPLICATION NUMBER 3: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with the following conditions:

1. In lieu of landscaping, a donation of 1% of the construction cost shall be made to the Town of Chili Tree Fund.
2. All prior conditions remain in effect.
3. The Board specifies that hours of work for installation of the new antenna arrays shall be from 8:00 am to 4:00 pm weekdays only.
4. The safety chain within the tower shall be inspected and repaired if necessary to eliminate the noise annoyance currently being generated.
5. All coaxial cables be secured according to engineering standards.

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

4. Application of TRM Architecture Design & Planning, P.O. Box 507, Getzville, New York 14068, property owner: M. Vamvakitis; for preliminary site plan approval for a change of use to convert existing building to a retail store, including a new 4,100 sq. ft. addition at property located at 1132 Scottsville Road in G.B. zone.

Matt Moscati and Barry Muskat were present to represent the application.

MR. MOSCATI: Good evening, Mr. Chairman. My name is Matt Moscati with TRM Architects. I'm here tonight with Barry Muskat of United Uniform and the development company who are developing this parcel for his uniform facility.

JAMES MARTIN: Do you have a display?

MR. MOSCATI: Yes, I do. I was going to start off with a picture of the existing facility, but it is laminated and doesn't show up too well through the projector.

JAMES MARTIN: Won't come out of the laminate?

MR. MOSCATI: No. It has been there. It will -- is a photograph of the existing Manny's Restaurant, showing it is unoccupied and it is in deteriorated condition since closing as a restaurant.

CHRIS KARELUS: It will show if you give it a second. Just needs to focus on it. Not -- not great. Thanks, Chris (Karelus).

MR. MOSCATI: Okay. What is important is what is coming next.

JAMES MARTIN: If you want, post them on the board.

MR. MOSCATI: Sure.

So what I will start with is the site plan that is being proposed. So what you have at the top of the screen is Scottsville Road, and if you have the existing --

JAMES MARTIN: Chris (Karelus). Can that focus any better?

CHRIS KARELUS: Yes.

MR. MOSCATI: Okay. So at the top of the screen you have Scottsville Road, and you -- the existing drive inlets, the existing landscaped area in the center.

All right. So this dotted line here (indicating) that indicates the existing footprint of the front half of the restaurant, um, this dark line here (indicating) represents the -- the new footprint of this door that is being proposed.

JAMES MARTIN: Can I interrupt you for a second? Can everybody hear him in the back of the room?

The indication was everyone could hear.

MR. MOSCATI: What we have indicated primarily is the existing parking spaces that are on the -- let's call -- this is the west side of the property (indicating), um, and the east side of the property (indicating). You can see we have removed some of the parcel -- the parking spaces that are existing that are adjacent to the -- to the building to create the appropriate size drive aisles all of the way around the building. With the front of the building, um, increasing in its prom -- or decreasing its proximity to Scottsville Road, there are two parking spaces on either side existing that have been removed.

But for all intents and purposes, um, the -- the -- the site, the paved portion of the site is staying the same other than where the footprint of the new building is.

We have relocated and placed a new pylon sign in this oval shaped planting area to meet the setback requirements for signage off of the right-of-way.

We have added four Bradford pears that were suggested, working with the municipality, and we have dressed up the landscaping in the front of the building that is currently landscaped area.

Um, those are the main highlights on the site plan.

So we have a preliminary fixture plan here, kind of shows the new addition to the front is sales area, with the vestibule, air lock area, check-out counters and staff. Some back of house changing areas, toilet rooms, break room, conference room, a work area where they're doing sewing and preparation of garments and then reusing some space, further space in the back of the house for storage, a little receiving desk in the back so that people can kind of see how we are

reusing the existing building.

Then we get to some elevation, some work in -- drawings in progress. It shows a canopy that extends out over a storefront system, kind of a floating plan. That canopy is transparent material. The ceiling inside the store is also exposed, part of the identity of the -- of the business.

We have got a concrete water table that we have incorporated, sort of a plinth that the building sits above. That is also a change to -- working with the Architectural Review Board and a comment from that -- the introduction of that element.

We have a refloating plan that sits out in front of the glass box that articulates entry and you can see we have a minimal sign, meeting the signage square footage limitations for United Uniform.

The rear elevation shows primarily the piecemeal sections of the existing building that we're reusing for back of house, and you can see projections on either side of that, of the new sales area. Again, we're trying to maximize the impact of the new building and diminish what people see from the old restaurant.

This is a side elevation. Again, similar, transparent canopy above, and then storefront system. We maintain that storefront system as a clear story, high windows, similar to what you have behind you. Then we have an opaque surface which helps with retailing on the inside, and again, the concrete base. You can see how the entry piece, the vestibule's air lock is projecting outside, and is actually half outside, half in. Again, you can see the pieces to the rear where we're reusing the existing building.

And then their rendering, as well. I will focus in. So again, minimizing the appearance of the building in the back, floating plain above, the storefront system, the opaque flanks of the wall below the clear story, the concrete water table, the proposed new pylon sign set back further away from the street, some police officers and other public servant vehicles as that is the primary patron of the facility.

So I will put the site plan back up on the screen.

I know I went pretty quick. Just in summary, we're -- we're seeking the -- that the Planning Board declares itself the lead agency, that we hopefully can receive a negative dec. We have a meeting with COMIDA shortly, and that is one of their submissions that they're hoping to receive to make that process continue. We're also looking for preliminary site plan approval and waiving of the final site plan. That's been reviewed with staff.

Thank you.

JAMES MARTIN: Thank you. You already answered one of my questions. The types of uniforms are primarily for police, fire, EMTs, those types of -- public employees?

MR. MOSCATI: Yes, sir.

JAMES MARTIN: Any other types of uniforms that you sell?

MR. MOSCATI: I would like to allow Barry (Muskat), the owner of the business to answer operational questions.

MR. MUSKAT: Thank you. I just --

JAMES MARTIN: Name for the record.

MR. MUSKAT: I introduce myself. I am Barry Muskat. My position at United Uniform is President.

Just so you know a little bit about us, United Uniform was founded in 1949 by Michael Wolf. We are headquartered in Buffalo. Our headquarters is Audubon Industrial Park in the Town of Amherst. We have facilities in Rochester and Syracuse.

We have been in the Rochester market for about 16 years. We're currently in a rented facility. We're looking to make a commitment to this market. We're excited about the opportunity to be in Chili and the location and operating a viable business, and turning a building that is pretty much an eyesore at the current time into what we think is a very handsome facility.

So to answer your question, most of our business is done with municipalities, public safety, law enforcement, police, fire, EMTs and so forth. We do carry some industrial uniforms. Most of our work is done by contract.

JAMES MARTIN: Thank you.

Um, as far as the number of employees, will you be employing more employees here or just moving employees from your current location?

MR. MUSKAT: We actually -- we total 35 employees -- or 33 employees, I guess, currently in our three facilities. In our Rochester location, we currently have three part-time -- three full-time, one part-time employee. We say that that will definitely continue, and we know that we'll create at least one additional position. We're saying that will happen in the second year, but, um, I think that there will truthfully be more employees needed, but we're guaranteeing that there will be at least one position created.

JAMES MARTIN: Is your business primarily at your location, or do you deliver orders to municipalities, depending on, you know, the nature of the -- you know, what you have sold?

MR. MUSKAT: Well, the way things typically work, we currently have for a number of years served, for example, Monroe County Sheriff. Um, often if they're new recruits, we either go to their facility -- we have to be a successful bidder on the project. We go to their facility, measure them, doing the servicing or they have to be able to come to our facility for such a thing.

We normally -- most of our shipments are done by UPS. Um -- what was the rest of the question?

JAMES MARTIN: Well, do you have delivery vans that you would --

MR. MUSKAT: We don't. We use -- we use a vendor such as UPS or FedEx. 95 percent of our shipments go by UPS.

JAMES MARTIN: How many shipments do you make on a daily basis?

MR. MUSKAT: Actually, probably just one truck arriving on a typical day for -- for deliveries, and then there would be a pickup. And I don't know if our Rochester location, that may even just be the same delivery and pickup at the same time.

JAMES MARTIN: Okay. Thank you.

KAREN COX: You -- are you going to have normal retail hours of operation?

MR. MUSKAT: Yes. Our hours are 9 to 5, Monday through Friday. I think on Thursday we're open to 7 or 7:30. We're open Saturdays from 9 to 1, to -- to have a Committee to be able to come to us or people be able to come to us. But basically it is daylight hours that we're there.

KAREN COX: The rendering that you showed of the building, was that -- the one that we have in our packet is less detailed, so I'm assuming that rendering was done as a result of meeting with the Architectural Review Committee?

MR. MOSCATI: Yes.

KAREN COX: And suggestions they made.

MR. MOSCATI: Yes. It's -- Barry (MUSKAT) has been pushing me pretty hard to develop things as quickly as possible, and I believe the rendering that you have was more preliminary than what I presented today, and includes a larger footprint. It also includes the opaque walls on the east and west sides. The building got lower than the rendering that you have. What else has changed?

KAREN COX: Yes, that is fine.

JOHN HELLABY: I guess I was going to ask why that location, but seeing what you're selling, you got pretty much a captive audience down there next door and across the street.

MR. MUSKAT: We're pretty excited about the location.

JOHN HELLABY: That answered that question. It sounds like your schedule is pretty aggressive. However, we're missing an awful lot of stuff here. You know, you're asking to get through -- I see no -- no drainage issues, no elevations, no sewer connections -- you know, I can see possibly giving you the thumbs up to proceed tonight, but I can't see you getting through this whole thing. I might be wrong.

It is at the stage it looks to me like you should have come in here, you know, informally and discussed it with this Board a month or so ago and figured out exactly what it was we were looking for and you would have been a little bit further ahead.

MR. MOSCATI: Well, may I speak to some of the things you mentioned?

JOHN HELLABY: Yes.

MR. MOSCATI: Um, the existing site has -- the drawings that were created that you have were based on site plans that were on record here in the municipalities. We have since hired a licensed surveyor to survey the property, provide us utility and grading information, and, um, I will give you -- that has been executed and I -- it has been delivered.

The -- the storm water management on the existing site is all surface runoff to the perimeter, and in speaking with the Town Engineer, um, we're not proposing to change that with our partial demolition and addition.

As far as sanitary utility, um, the -- the existing -- the -- the fixture count within the existing facility, we are maintaining from the bathroom standpoint, and of course, a restaurant, they have a lot more sinks, so we're diminishing the outflow in the sanitary system, keeping the new -- the new toilet facilities roughly in the same location as the existing, keeping the plumbing count the same. And the only modification really is to add accessibility to the toilet rooms.

Um, we -- so that is sanitary and storm.

Grading, um, the site is -- slopes towards Scottsville Road. Um, fairly steeply at the throats of the driveway, but once you get up past maybe 20 feet in, um, it -- it levels off and the grades are relatively flat. We -- on our preliminary grading plan, we're shooting -- indicating some new spot grades which are only going to require us to include a drop curve and accessibility ramp at let's call it the northwest corner of the building, and at the other concrete pads are going to be sloped -- the asphalt will be sloped to -- up to them, because it is insignificant how much the rise is. And it goes with the natural existing grades so that the amount of asphalt work that we're doing is mostly patching and repairing some potholes and, of course, patching and repairing where we had to dig for foundations. So that --

JOHN HELLABY: Have you had any conversations with the Architectural Review Board?

MR. MOSCATI: We -- via e-mail we had distributed probably the rendering that the Planning Board member mentioned earlier. We got preliminary feedback from them. They -- because I was concerned after reading the Town's Architectural Review Board kind of design standards and -- we presented something today that we think fits in the context of Scottsville Road, in this location, being adjacent to the airport and the ancillary services that are there. And, of course, the similar in nature to the -- to the police training facility.

The -- the comments back from the Architectural Review Board were more historical in nature, didn't really fit with the vision for United Uniform, and we incorporated just some masonry water table. We used to have the glass coming to grade, but we felt it -- if we made it look like a -- like a glass box floating on top of a plinth, that we really like that look for the store as well, and those were -- that was the minor modification that we did, reacting to their comments.

JOHN HELLABY: The only other question I have is in regards to this vinyl fence. It's a little unclear on this drawing exactly the extent of it, and the height. Can you just give -- walk me around the outside real quick, what you're proposing?

MR. MOSCATI: Sure. Just to make sure -- this is the -- roundness on like an L shape, this is where the existing steel yard is (indicating), I believe the fabrication. And then to the east is a vacant lot.

So currently on the three interior lot lines, there is a chain link fence that comes up about 5 to 6 feet. And to screen off the things that are being stored, stock piled in the steel yard, the length of the -- calling it the west property line is where we're hoping to install the vinyl fence. The -- the other three -- the other two sides, we feel that the back one, the building is screened significantly, and then on the east side, it's -- it's, you know -- it's undeveloped land, woods, so it doesn't look as bad. So really we're just trying to screen the steel yard from our patrons on this side (indicating).

We put in an application to the Zoning Board of Appeals for the height of that fence. I believe we set it at eight, but I did that just because, um, if I asked for it at eight, we can get it for anything below that, if it gets granted, and that was kind of a decision I made with without advising with the -- didn't have a chance to confer that with Barry (Muskat), so I just thought I would play it safe.

JOHN HELLABY: I would be a little concerned on the sight distance coming down Scottsville Road with that exit if there is a 6 foot or 8 foot high vinyl fence down the right-of-way. Because even though I think, and I don't recall, I think it is 40 down through there -- they do 55 plus.

MR. MOSCATI: Well, if the Board would like us to step that vinyl fence, we're certainly open to that recommendation.

JOHN NOWICKI: The only question I have, have you given any thought to security issues around the property?

MR. MOSCATI: Um, well, security issues, we have -- we're going to have a fence now on three sides.

Um, we -- we expect a lot of visibility. We have a lot of street presence from the lighting that is emitted from the building itself, in the front, and then on the existing back lot, we are considering building-mounted lighting to light up the back to discourage security issues.

Um --

MR. MUSKAT: Do you want to make us aware of any security issues we should be concerned about?

JOHN NOWICKI: Just bringing them to your attention.

KAREN COX: Public safety/training center is down the block, so one would hope there isn't.

MR. MOSCATI: There is going to be an alarm system on the building, security issues along those lines.

Thank you.

GEORGE BRINKWART: I like what you're trying to do here. I think this is going to be a nice -- a nice change here, when this all gets shaped out. But I have to agree with Mr. Hellaby. I mean you're lacking some stuff here. Do you have a lighting plan? And what are your intentions for lighting? A landscaping plan by a licensed architect or landscape architect. Detailed sheets for any of these improvements or repairs that you're going to be doing for your parking lot, you know, sections for that.

I think you got a ways to go.

Also I notice, too, that you have got a -- a -- comments back from the New York State DOT. They don't want to have to -- two driveway cuts there. So have you had a chance to speak to those folks and resolve that issue?

JAMES MARTIN: Um, Mr. Karelus and I have talked to them this afternoon about that comment, George (Brinkwart). I will let Chris (Karelus) comment on that.

CHRIS KARELUS: If I could, we had a discussion with the State DOT regarding the DRC comments. Their impression was that there was going to be -- this was a proposal. They were under -- they were not under the understanding this is an existing site being reused for a new use. They thought there were two new curb cuts being introduced to Scottsville, so the existing permitted curb cuts that are there are permissible for the site. Their recommendation to restrict it to one is still there, but again, they thought those were proposed cuts and not existing reused sites.

GEORGE BRINKWART: My other question was, too, you -- in your submittal, you're saying that you need to go before the Zoning Board for setback variance for the front.

I guess my question was, did you look at all at resizing the building so you would not need to have that setback variance?

MR. MOSCATI: Yes, sir. Um, we had an original footprint, and when we saw that -- when we determined that it encroached towards Scottsville, um, we looked at widening the building to allow for the sales floor to still have the adequate square footage, and it became two issues as far as choking the side lanes and, um, disturbing the traffic flow around the site, and, um, also the configuration of the sales floor becoming wider and shallower as opposed to more of a square. So from both an operational, inside the store and site flow, it was determined that we would pursue this -- this variance for this -- for the ten -- going from a required 75 to a 65-yard front -- frontage.

GEORGE BRINKWART: I guess I understand your desire to retain those architectural features inside the building, but I -- but I think it might be -- maybe you should re -- revisit that, you know. Unless -- unless a variance -- I mean if you're creating your own hardship, I don't know, I can't speak for the Zoning Board, but that might not be -- they might not look favorable

upon that. But anyway you will have to hash that out. Like I say I like what you're doing here, but I guess I can't -- I wouldn't support waiving final tonight. Preliminary certainly I think you're on the right track.

MR. MOSCATI: One question. Is it -- is it lack of information that leads you to that?

GEORGE BRINKWART: Yes. I would like to see the thing refined a little better.

JOHN HELLABY: Chris (Karelus), have they submitted any other drawings to you other than what we're looking at? Even -- he implies that he has got other things out there.

MR. MOSCATI: I haven't submitted.

JOHN HELLABY: You haven't?

MR. MOSCATI: No.

CHRIS KARELUS: We have received working drawings from the applicant. You know, it's important that the Board knows this is an adaptive reuse of the site. With the site being reused, what I discussed with Mr. Moscati was trying to keep -- in the flavor of what we need to keep, accessibility, drive aisle arrangements, the Fire Marshal being concerned with, you know, the accessibility issues being taken care of with the site plan approval. What they provided to the Board was the existing reuse of the site with the -- with the ability to reuse that frontage of the building.

What we have asked them for is those detail-in-nature questions that the Town Engineer is really concerned with in getting the specific issues with regards to site -- site details on the -- on the sidewalk and the intricacies that are just kind of in his office's approvals, but with the whole site being looked at, adaptive reuse of this site is really nothing more than the front of the building being lopped off and being reused and able to accommodate a new business. They did discuss with us the ability to expand east to west on this site. What it does is, it chokes out your drive aisles and doesn't give you the ability to have a 26 foot width to your drive aisle which is kind of a standard fire code arrangement we like to keep with each project. So in the Fire Marshal's opinion, this proposal, which stretches more towards Scottsville is better in favor of the overall accessibility arrangement on the drive aisle.

So the detail in nature comments that you're alluding to, in all -- all respect to both interests here, it's really just a refacing of this building. They're looking to reuse the parking area, you know, they're going to refresh and do some restriping, introduce new landscaping from what I understood, but it is really a reuse of a site and a change in use on a previously approved site in Town.

GEORGE BRINKWART: I understand what you're saying, and I agree with you, but I think -- as a matter of fact, I think we're going to hear something similar later tonight about reuse of an existing structure, but -- but we are having demolition here, and a substantial part of this is going to be new. I wouldn't mind seeing some more detail.

JAMES MARTIN: I think, you know, we have the Town Engineer's letter, all right, addressing several of the detailed issues that are not currently on our plan. And it would seem that providing the detail that has been requested is not out of the question. As far as moving ahead from this point forward, if we were to go ahead with preliminary tonight, you know, those additional details can be provided before final approval. You know, certainly if we were to vote on this, we would have to do the SEQR declaration, and so I -- so I guess I'm kind of agreeing with the Board. I would like to see some of these other things, you know, presented to us, all right, in a more detailed plan. That is -- that is what I think the Board is saying. Because obviously -- you know, you're going to be doing some demolition, some new construction, having a -- you know, an idea where the utilities feed into the site and all of those things, certainly, as the Town Engineer has pointed out, um, are not out of the question, or out of the ordinary in the site plan review process.

JAMES MARTIN: Does that summarize it?

GEORGE BRINKWART: That's it.

DARIO MARCHIONI: Um, you're actually adding to an existing building, but what is the square footage that you're actually adding, say minus the existing building? Like one-third you're adding to the square footage, footprint?

MR. MOSCATI: Let's see. Round numbers, okay?

DARIO MARCHIONI: Yes.

MR. MOSCATI: Um, existing building is roughly 3100 square feet.

MR. MUSKAT: 3120.

MR. MOSCATI: And then 5700 is what we're hoping to end up with.

DARIO MARCHIONI: So you're adding 2,000 square foot additional to what you're having right now?

MR. MOSCATI: Correct. Well, I mean you have to discount the demolition of the existing portion of the building.

DARIO MARCHIONI: The existing building now has X amount of square footage. What are you actually adding more is -- another 2,000 square foot to it?

MR. MOSCATI: Yes. 2400.

DARIO MARCHIONI: 2400. But it looks like to me you're adding about a third additional square footage. According to the footprint.

MR. MOSCATI: Right. You just have to discount the portion of the new footprint that was part of the old footprint.

DARIO MARCHIONI: In other words, the old footprint is right on the interior part of the --

MR. MOSCATI: Correct.

DARIO MARCHIONI: One more question. Under the -- you know, the Drainage District, you're not in a Drainage District presently. Okay? The other question is, the two entrances, one entrance, exit and one is enter, or are they both entrance and exits?

MR. MOSCATI: The -- go ahead.

DARIO MARCHIONI: Are they both entrance and exit, entrance and exit on one side or one is entrance and one is exit?

MR. MOSCATI: Well, the one that swings out is definitely an exit and the one that swings in, you know, you could exit that way if you don't want to pull a door -- I mean if you don't want to push, you can pull. But the legal exits from the building, there is one in the front. There is one in the southwest corner of the sales floor, and then there is one to the rear of the building, an existing exit to the south. So in the end, there are three legal exits.

DARIO MARCHIONI: Three?

KAREN COX: Were you talking about the driveways, Dario (Marchioni)?

DARIO MARCHIONI: No. I'm talking the entrance from Scottsville Road.

MR. MOSCATI: Oh, I'm sorry.

DARIO MARCHIONI: The driveway entrances, are they both entrance and exit or one is entrance and one is exit?

MR. MOSCATI: I'm sorry. I misunderstood the question.

DARIO MARCHIONI: Will there be a sign there saying "enter" and "exit," or --

MR. MOSCATI: Both existing curb cuts are both enter and exit.

JOHN NOWICKI: The restaurant had the same thing.

MR. MUSKAT: I think he is talking about the door.

MR. MOSCATI: I answered the door question. And now I'm answering the curb cut question.

DARIO MARCHIONI: I just wanted to know if you were going to designate one as an entrance and one as an exit.

MR. MOSCATI: No. Our intent was to keep it as existing.

DARIO MARCHIONI: Well, I congratulate you. It has -- I used to go there for breakfast a few years back, but, you know, like everything else, it came down, and I commend you for coming here and cleaning it up and make it look presentable. You're adding to the beauty of Chili with that.

MR. MOSCATI: Thank you.

JAMES MARTIN: This is a note regarding the property record. The site is not included in the Consolidated Drainage District. You will have to make application to the Town Board for inclusion in the Consolidated Drainage District.

MR. MOSCATI: Just to note, I have made that application through the Clerk's Office.

Thank you.

JAMES MARTIN: You have already made the application.

MR. MOSCATI: Yes.

KEITH O'TOOLE: Just a couple of quick ones. If you actually make the parking spaces to Town standard in depth, it would appear because of the expansion of the building, that the drive aisles appear to be about 20 feet wide, which seems a little unusually narrow. The other item is that the dumpster enclosure only has three sides and is, therefore, not an enclosure.

Nothing further.

CHRIS KARELUS: I think it is exciting and anticipated reuse of the site. I would just -- the -- the site itself with regards to this -- the zoning variances, um, the 8 foot privacy fence, what I would ask the Board include is a condition to have clear vision areas that are associated with our code with respect to entrance and exit. Regarding Mr. Hellaby's comment, I would ask that if that is still a concern that hangs over the Board's head, include that as a condition. We can look at those clear vision areas as we look forward to permitting the site fence, which because if it is an 8 foot or a 6 foot fence, it would be a permitted fence on the site.

If the Board does decide to move forward with final, I would also recommend that it be subject to all building permits, demolition permits from the department.

And nothing further.

KEN HURLEY: I have no comments at this time. As more design plans come in, I am sure I will have some additional comments. None right now.

DICK SCHICKLER: As Conservation Board has not received a landscape plan drawn up by a licensed landscape architect, I know it is not much landscaping involved in this, so I don't know how you want to handle this. The print looks pretty good to me, but I don't know if it's one percent of the project landscaping.

JAMES MARTIN: Basically you have a choice. You can put plantings in equal to 1 percent of the project cost, or you can make a contribution to the Chili Tree Fund of a comparable amount of money, okay? You have -- there has been no submitted landscape plan at this time?

DICK SCHICKLER: No.

JAMES MARTIN: All right.

DICK SCHICKLER: Not drawn up by a licensed landscape architect.

JAMES MARTIN: All right. Which is a requirement. Okay? So those are your choices. Um, I basically would say that, you know, if we get through preliminary tonight, there are going to be several catch-up things to do before you would get final approval, all right, for this project. And that is one of them. You're going to have to deal with the landscape issue with the Conservation Board. So I will capture that as, you know, landscape -- landscape plan shall be

submitted to the Conservation Board for approval.

MICHAEL DIVITO: Just that the Architectural Advisory Committee did have an opportunity to provide feedback to the project, and Paul Wanzenried, our Chair, submitted some of those recommendations, and I believe at this point they have been taken into consideration.

JAMES MARTIN: So you're basically comfortable --

MICHAEL DIVITO: Yes.

JAMES MARTIN: I think the proposed architecture is pretty much in keeping with what is on Scottsville Road.

MICHAEL DIVITO: It is consistent with the area. Especially with the new properties in the area. And I think it's consistent with that.

JAMES MARTIN: They're all aluminum, glass and --

MICHAEL DIVITO: Pretty much.

MR. GROVER: No comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: How many Zoning Board variances are -- is the applicant anticipating requesting here?

JAMES MARTIN: At this time, I believe there are two, the front setback requirement, and the height of the vinyl fence separating them from Kozel Steel. The proposal would be an 8 foot fence. Obviously 6 foot is allowed. So that would require a variance and the front setback would require the variance.

MS. BORGUS: Is parking going to be sufficient? The number of spaces?

JAMES MARTIN: Parking what?

MS. BORGUS: Are parking spaces sufficient?

JAMES MARTIN: Yes. I believe the plan says they meet all our code requirements for number of parking spaces, yes.

MS. BORGUS: Thank you.

JAMES MARTIN: Thank you.

DEBBIE HARRINGTON, 5 Janice Drive

MS. HARRINGTON: It sounds like a good plan for a building that has been vacant over and over for years.

Is the uniforms going to be -- are the uniforms going to be washed and, you know, laundered and -- is there going to be, you know, solutions and that, and is -- is there preparation to --

MR. MUSKAT: It's a great question. May I answer that?

We absolutely don't do that. We strictly sell the uniforms. That is a uniform rental service. We don't provide that, so there is no washing equipment. We do some light pressing for tailoring, but that has no environmental consequence.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of the application, and Dario Marchioni seconded the motion. All Board members were in favor of the motion.

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

James Martin reviewed the proposed conditions with the Board.

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

JAMES MARTIN: I think there are several things that would prevent me from going ahead and suggesting we waive final at this point based on what we have been given. Certainly there are several comments from the Town Engineer, the landscape plan, all of those things that I think need to be done in order for us to give final blessing to this project, although certainly we, you know, don't want to imply in any way, shape or form that we don't want you coming here. We welcome you to the Town of Chili. We want you to come to the Town of Chili, but obviously you still got some things that we need to have done to meet all our code requirements.

MR. MUSKAT: Since you're addressing me, may I just answer? There is one piece that we didn't maybe convey, and that is our need from a business point of view to get this done as quickly as possible. We want to be in business, in Chili in the fall, open, operational, have it a viable working place, and we would like to be done with construction by mid fall. We have got a very aggressive schedule. I would just like to state that your Town staff has been extremely helpful. I think that they would tell you that Matt (Moscati) has followed all of their suggestions, they're that we're very much willing to work with you.

I would assure you as the Principal in the company and the development -- and the holding company that holds the real estate, that we really want to comply with your wishes. If you want a 6 foot fence and you don't deem an 8 foot fence, you know, appropriate, and you're going to guarantee some way that we won't see our unsightly neighbors and it won't -- you know, then we

are willing to work with you.

If you think we need one front door instead of two front doors, we're not locked into it. We really want your input and we're willing to work with it. So that being said, if you could look at it as an adaptive reuse of a current facility, that's a huge improvement, and give us as many approvals as you can so that I, as a businessman trying to do this in the most economic sensible way, paying a professional to do plans, you know, so that we can do this one time, pay him one time to do it the way you want it, I would like as many approvals as we can. If we need to come back for some minor things -- but I would like to know if you like the design.

I would have to tell you that we're not really negotiable on the size. We have a size that we need for our building. Truthfully, we came -- I don't know if this is out of order to say, but we came to Town and off the record got the unofficial plans that were on file and based on that figured out what size building was we could build. Those were not exactly, exactly what we paid a professional surveyor to survey the site. So that is why we are coming forth asking for a variance. I still think going by the site lots of times a 65 foot setback is, you know, pretty adequate for the site. The building visually sits very far back. I just want to assure you of our cooperation but just tell you of our timetable and our need to move our facility and be a viable working facility by the fall.

JAMES MARTIN: Okay.

MR. MUSKAT: Thank you.

JAMES MARTIN: In response to that, I think a couple of things. Obviously the height of the fence is your call. Okay? If you decide you only want to put up a 6 foot fence, then that variance request goes away. The 65 foot front setback is not going to go away. You're still going to need to do that.

MR. MUSKAT: Right.

JAMES MARTIN: Obviously, the Zoning Board meets on the -- I believe it is still on the 26th of May.

MR. MUSKAT: I think it is next week.

JAMES MARTIN: Yes. It is the last Tuesday of the month. Okay. We will be back in session on the 9th of June. Okay? So if you can address the issues that we brought up -- I think the Board is very happy with the design of your building. The Architectural Review Committee has said it is okay. I don't think there is any issue with the size of your building, the architecture of your building, your -- you know, the way you're going to enter and exit off of Scottsville Road. I don't think there are any site issues per se, okay? I just think that we have a couple of other things to clean up, to -- to really basically meet the requirements that we have for site plan approval. So that is what we're talking about at this point in time. No, I -- I certainly don't want to hinder your timeline. If you are good to go on June 9th and you want to be in business by the fall sometime, I'm not sure -- I'm hoping that that would still meet your proposed schedule. All right?

So I think that is where we're at right now. I don't think we can just, you know -- ignore some of these things that are before us here. That wouldn't be proper, because we have held other applicants to the same standards, and for us to just say well, you know, "Go ahead and do your thing," I don't think that would be acceptable from our -- our standpoint of meeting code requirements.

JOHN HELLABY: I agree with you, Jim (Martin). And I -- I can honestly say I know where you're coming from, but we're bound by Chapter 500-39 or Section 539 and 500-40 for preliminary and final site plan approval. And I can appreciate what it is you're trying to do.

We let you guys get away with that, everybody that comes through that door is going to expect the same treatment. We're governed -- and trust me, I understand you're going to do everything you need to do, but as part of our duties on this Board, it is to insure that it is getting done in accordance with this (indicating).

MR. MUSKAT: I just say I respect that, and based on your comments, that is what I was looking for. If you're happy with the design, we can live with June 9th and still start construction at the end of June.

JAMES MARTIN: Oh, absolutely.

MR. MUSKAT: As long as you tell us we're on the right track.

JAMES MARTIN: Once you have your permits from the Building Department, you know, if you get those the next day, you could be under construction. So you know, that's just kind of where things are at.

JOHN HELLABY: Again, the statement I made just a little earlier, and again, this is the first time I have seen your firm in here that I recall, and I have been around quite a while. In the future, it's nice to get something at this stage to come in for an informal discussion, to -- you should have been in here a month or two prior to this, and you might have got a little bit further ahead is all I'm saying.

MR. MOSCATI: Thank you, sir.

JAMES MARTIN: I have read the conditions. We have done SEQR. On the application for preliminary site plan approval. Change of use, not waiving final.

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

1. Pending Town Engineer approval.
2. Applicant shall obtain any required variances from the Zoning Board of

Appeals.

3. To insure traffic safety, clear vision areas should be in compliance with Town Code.
 4. Applicant indicated that application for inclusion in the Consolidated Drainage District has been completed.
 5. The dumpster enclosure shall comply with Town code requirements.
 6. A landscape plan shall be submitted to the Conservation Board for approval.
5. Application of McDonalds USA LLC; 1000 Omega Street, Suite 1390, Pittsburgh, PA 15205 property owner: F. Kuhs: for preliminary site plan approval to erect a new 3,897 sq. ft. restaurant to replace existing restaurant at property located at 3303 Chili Avenue in G.B. zone.

Randy Bebout and Scott (unidentified last name) were present to represent the application.

MR. BEBOUT: Good evening, Mr. Chairman, Board members. I'm Randy Bebout with FRA Engineering and Architecture.

First things, if I could approach and hand out updated plans.

JAMES MARTIN: You have them up over there? Yes, please.

MR. BEBOUT: We were here on February 10th, and presented a -- informally the plan, and I kind of went over that at that point in time in pretty good detail, so I won't go through everything again, but I will kind of walk through what has occurred since then and the changes that have occurred to the plan.

First thing, biggest thing on the site plan that has changed since then, we revised the parking layout. Initially we had parking located in front of the building, and we had parking located in that triangular island on the east side of the building. As you can see from the plan, we have removed that. We have located all of the parking behind the building setback, which is currently 55 feet to the front of the building which is -- represents the dimensions of the column of the overhang and then the actual dimension to the building face is 60 feet, which is consistent with what we had originally submitted.

Um, the 5 foot difference is due to the change in the building elevation, which I will talk about.

And then on the parking, the other thing we did, there was some discussion at that meeting about the two-way parking versus one-way. Again, with -- with keeping consistent with what McDonalds typically does, they want to maintain one-way parking. It works a lot better for a drive-thru operation. So what we did is kind of met in the middle and changed it to 75 degree to make it a little easier to back out to address some of the Town staff's concerns.

Additionally, we changed drive-thru lane width. It was 20 feet. We increased that to 22 feet.

And then as I just previously mentioned, we did change the building elevation. What we had presented originally was the McDonalds proto building. We were provided a letter from the Architectural Board, before we even got there, that said that that doesn't meet the Town's code requirements.

Took that back to McDonalds. They looked at the code requirements, architectural code requirements in detail and came up with this elevation, went through and submitted that to the Architectural Board. They were very favorable with the building. They -- very positive and thanked McDonalds for the effort that they put into this. Out of that meeting came some very minor suggestions. I will just go through those quickly.

Increase the trim on the windows and doors to 6 inches and make it a contrasting color. There is some variations shown on the rendering of the width of the trim.

Provide six-panel doors on the freezer cooler and stock room doors. Those are the two doors on the middle elevation on the west side, and then enlarge gables on east side of the building over drive-thru windows. That's on the lower elevation on the drawing. Corporate would not agree to doing -- increasing the trim and making it a contrasting color. They prefer to leave it as is.

The same with the six-panel doors. Although they were agreeable to enlarging the gables on the drive-thru side over drive-thru windows which will end up being more consistent with the gables that you see on the front and on the west side elevation.

On May 4th, we attended the Conservation Board meeting, and they reviewed the landscape plan. Um, the result of that meeting was there was some very minor revisions to the plan, changing some topsoil depths and then just some specifications on the mulch. And we just added a note that -- about plantings that if they're replaced in two years, they need to be replaced at the growth and not the original planted size.

We have made our application to the Zoning Board of Appeals for the area variance for the front building setback and for a -- multiple sign variances. Of course, with the drive-thru operation, we have numerous double menu boards with the side-by-side drive-thru, all those being considered freestanding signs so we are asking for some sign variances, and that is

schedule for next week.

We have submitted the plans to all of the agencies, that being Water Authority, Health Department, Pure Waters and conceptually to New York State DOT.

Talked to the Water Authority today. They have done the review, haven't issued any comments, but they have no issue with what we're proposing, which is -- we're proposing a 6-inch water service, so the building will be sprinklered and that waterline is located on the north side of Chili Avenue, so we will be boring across Chili Avenue, but they have looked at the plans -- other than just some technical things, they're okay with the approach.

Health Department has to approve that, because it is a -- because of the size of the service. Pure Waters, I spoke with them. Um, as I -- as I believe I mentioned at the last meeting, we are running a new lateral and grease trap from the new building to the back southeast corner where there is an existing lateral that runs on an easement just to the north of the -- I believe it is the restaurant building there.

Pure Waters looked at it. They have no issue with what we're doing. The only thing that they are probably going to require is, I think, I offered at that meeting that we'll have to televise that existing line. If it needs to be repaired, that will be part of the construction.

And DOT, we had submitted the plan. They had no comments on the driveways, and the only comment they had was on the location of the receiving pit on the boring on the north side. The difficulty we have with that is the water main is located approximately under the sidewalk on the north side of Chili Avenue. The good thing is that the road actually has three lanes in there, so we will have room to do -- to maintain two lanes, if that is the route we go, and have appropriate maintenance and protection of traffic.

We did address or have -- receive some additional Town staff comments. I will just make some notes on that. ADA compliant. This site will be fully ADA compliant, and will be inspected when the restaurant is -- the construction is completed. That is part of McDonalds' internal process. If something is determined that it is not ADA compliant, it will be removed and repaired.

Lights along the -- the pole-mounted lights along the perimeter property lines, particularly those on the east and south sides will have external glare shields. Additional comment from Town staff was -- in addition to what the Conservation Board had asked us, we added the -- you can see the big -- the six big circles, actually there are seven. One was already there. Along the east and south properties lines, we added pear trees along those properties lines just to provide a back-drop to the building and additional screening.

And then the other -- the last set of items that we received were comments from the Town Engineer, and I will just walk through those. Comment Number 1 was about increasing the drive -- drive-thru lane width on the east side of the building to 20 feet. Originally we had it at 12. We went to 16, and we have agreed to take that to 20 just for access.

The second item, which is in regards to the front bypass, and I know we have discussed this at the informal meeting. The purpose of the front bypass is to allow vehicles to leave drive-thru and be able to park. Um, given this configuration and the fact that we have to have the parking behind the front of the building, um, there really isn't a good means to accomplish that without having people circulate back around.

And then additionally, there was the talk at the time, KFC was still an alive project and there was -- the Town had requested -- the Town Engineer had requested that we do the cross access, so -- at the time McDonalds wasn't sure they wanted to do it. They contemplated and looked it and decided yes, this is a good thing for us. McDonalds wants to keep the front bypass, so when that parcel to the west becomes developed, they can develop the cross access.

Originally, there is a little tip on the front of the -- at the west end of that front bypass lane where it intersects with the western driveway. Originally we had that striping. Town Engineer suggested that we make that curbing to further -- to keep people circulating around the building to the south, so that kind of preventing them and discouraging them from trying to exit out the entrance lane. We did that, and in addition to that, I actually narrowed -- we actually narrowed the entrance drive up to 20 feet. Originally we had it at 24.

As you can see from the plans submitted, the truck access -- truck deliveries on the site can still make it, but by making it narrow, it further makes that movement very difficult and why anybody would want to try to do that, you know, who knows?

But -- then on top of that, we have added a sign, as you leave the drive-thru lane, heading north, when you come to the T, we have provided a sign that says "exit to the right" and "parking to the left."

Comment Number 3, the snow storage areas have been added to the site plan, and I would just note on that, um, we have no concern with snow storage. We're actually decreasing the impervious, so I'm not aware of any problems that exist today, so I don't see any concern with that.

Soil stockpile and associated silt fencing have been shown on the grading plan, and we have located that in the triangular island and then provided a silt fence around that to keep it from any topsoil or soil stockpile from moving off site.

The roof lateral, um, is shown on the utility plan and all of the clean-outs for sanitary sewer laterals are shown on the utility plan. That was Item 5.

Item 6, light fixture details for both the pole mounted, which -- the pole mounted detail was submitted with the original package. That has been added to the lighting plan and then with the revised plans that you received, we did add the gooseneck lights that will be located on the building. If I didn't mention it, the signs on the building are not informally illuminated. They're

lit by the gooseneck lights that are shown on the lighting plan.

And then the last item we had received from the Town Engineer was a comment about the parking stall size. Um, the Town Code says that you have to fit a vehicle in a 9 1/2 by 19 foot box. Angled is allowed, but it has to meet ITE requirements. There was a question whether our parking stall sizes did meet that. And, in fact, we took a look at it. We were -- we're proposing 19 by 9 1/2. We looked at ITE. There is different categories for large vehicles and small vehicles. We actually exceed the dimension for a large vehicle, which is for a 45 degree one-way is 18 1/2 wide, and -- I'm sorry, 18 1/2 foot depth perpendicular to the stall and 9 foot width for a fast food restaurant.

Just for reference, the small car parking size for a one-way 75 degree aisle is 16 foot perpendicular to the curb and 8 foot wide with a 17 foot aisle width, and that is one of the reasons we bumped the aisle width up to 20 feet because that is what ITE said was needed.

As part of that, in addition to that 22 feet, we have a drive-thru lane that is 10 feet wide on the west side of the building. Which, you know, a car is only 6 foot. If he is a couple feet off the curb, there is actually even a little bit more room there.

So with all of that, given all of the work we have done and the steps we have taken and the revised plans we have provided, the details that are included in this -- let me stop for just a second. The one thing, other thing that I provided on the package, you probably already noticed by now is a picture of the vinyl fence that will be installed along the east property line.

So with that, um, we request -- we would ask the Board to grant us preliminary approval and waive fine. Obviously on the condition that we're going to address any additional Town Engineer comments, satisfy all of the agency approvals and any additional Board comments that you folks may have. With that I can answer any questions.

JAMES MARTIN: Okay. Thank you.

Just a quick question. Corporate said no to the suggested changes by the Architectural Review Committee in Town. I mean basically they didn't give a reason; they just said no?

MR. BEBOUT: That was the direction Scott got, yes, on two of the three. I --

JAMES MARTIN: All right. I just --

KEITH O'TOOLE: At the risk of sounding difficult, you can still make it a condition, you know.

JAMES MARTIN: I understand that.

SCOTT: I believe they wanted it to blend in. They wanted the building to blend. They didn't want it to be contrasting.

KAREN COX: Blend into what?

SCOTT: The side of it to be one uniform look. They didn't want the six-panel doors there. The doors are painted to match.

JAMES MARTIN: You can paint six-panel doors to match the color of the building. I do it all of the time.

SCOTT: They're industrial doors, though.

JAMES MARTIN: I understand.

SCOTT: Do they make an industrial six-panel door?

JAMES MARTIN: I don't paint industrial six-panel doors.

SCOTT: I'm asking a question. I don't know if they do or don't.

KEITH O'TOOLE: I'm pretty sure you can get six-panel doors.

SCOTT: I can take it back and ask them.

JAMES MARTIN: I just, you know -- we try do these things to make things aesthetically pleasing in Town as we can, and I think that is a issue that needs to be revisited, okay?

SCOTT: The doors?

JAMES MARTIN: The doors, particularly. And, um, I guess I understand you are saying they want, you know, a consistent look for the length of the building, but, you know, most buildings I think that look aesthetically pleasing do have contrasting trim around the windows. That is my opinion. So I guess just revisit it again with them.

I have a concern about the -- about drive-thru or the, you know, the left turn from the pickup window going across the front of the building and people non-exiting to that west -- through that west access point.

We worked very hard with the Walgreens over here in Chili Center, Paul Road and Chili Avenue, trying to design a right-in and right-out, you know, access, ingress, egress point off of Paul Road.

Um, I'm not sure if we have particularly careless drivers in the Town of Chili or if we have particularly drivers that don't care, but there are people that are -- that are grossly violating that right in/right out only point on -- off of Paul Road. And some are just driving up over the curb, all right, to get into it. Some are -- it's clearly marked, you know, exit only. They are driving in across three lanes of traffic to get into the Walgreens over here. And I'm very concerned that we have these kind of drivers in the Town of Chili that just don't care.

Um, I don't know what could be done. I know you have curved it. I know you put a curb in there. I don't know if a bollard or something would prevent them from driving up over the curb to try to prevent them from driving --

SCOTT: We could put a bollard there with a sign on it you can't drive over there.

JAMES MARTIN: Yes, something.

SCOTT: Just another arrow.

MR. BEBOUT: The only other thought I had, and again, it won't do anything in the winter, but just something on the pavement, you know, some additional, kind of like hatching so that

maybe, you know -- our actual curb to curb is 20 feet. Maybe we put -- maybe we make that 14 feet, and we stripe the other, and just -- just discouragement that something -- something you see. But -- I mean I don't see the benefit -- I'm not saying it is not going to happen, but I don't see the benefit of somebody making that move, other than, I guess they might be saving 40 feet of driving instead of going the other way.

KAREN COX: Because they're idiots.

JAMES MARTIN: We didn't see it with Walgreens either. We didn't think anybody would even try it, but they do it all of the time. There is going to be an accident over here one of these days. I feel very sorry about it. We did everything we can from a traffic safety perspective to prevent it from happening, but we can't prevent stupidity.

MR. BEBOUT: I think it's a benefit. Again, the Town originally asked for it. I think it is a benefit because if that property does get involved, someone going to McDonalds and then someone heading to the karate place or whatever else is back there, it certainly saves them from having to dump out on Chili and then jump back in.

SCOTT: What if we did do the bollard right at the very point there?

KAREN COX: I think --

SCOTT: You can't drive over a steel bollard full of concrete.

KAREN COX: Something sticking up in the face will convince them --

JOHN NOWICKI: You have concrete curb there, right?

JAMES MARTIN: They will drive over it.

SCOTT: So it will either be in their face or their hood.

JOHN NOWICKI: Good move. Just put the bollard and the sign. If you have a couple stupid people out there, we can't control that.

KAREN COX: If you have the concrete curb and the bollard and somebody drives over it and damages their car, because of the bollard, then they're idiots.

JAMES MARTIN: Make it highly visible. Now they have some very nice decorative bollards.

SCOTT: We do that standard at our buildings. Yellow post that goes over it, plastic sleeve.

JAMES MARTIN: All right. Okay.

Trying to think if there are any other issues we have.

KAREN COX: I just -- I think the plan looks good. I think you listened to our -- what we had asked for, what our concerns were, and if you can check into the reasoning behind Corporate saying no about the things the Architectural Review Committee asked for.

Other than, I don't have any comments. It looks great. It will be nicer than that red roof that is there.

JOHN HELLABY: Are those light fixtures inside that dumpster enclosure? What are those dark boxes?

MR. BEBOUT: Yes.

SCOTT: Those are light fixtures for employee safety.

MR. BEBOUT: They're wall packs that shine down.

SCOTT: Light doesn't go up. Only down.

JOHN HELLABY: Are they on as needed?

SCOTT: They're only on at night.

JOHN HELLABY: They're on all night?

SCOTT: Yes. It prevents someone from hiding in the trash corral if you're going out there with garbage and you get jumped. At least you can see what is there.

JOHN HELLABY: I assume your trash pickup is extremely off hours because you have temporary parking spots in front of it?

SCOTT: It is an off-hour pickup.

JOHN HELLABY: The truck comes in and has to what, sort of swing around?

SCOTT: It is the existing trash corral that is there now. We're just going to reuse it and paint it.

MR. BEBOUT: When we were here for informal review, there was a question at that time whether we could keep it given the grades, but we did make it work and that will be painted to match the building. Plus it is going to have landscaping all around it, so you probably won't even see it, once it -- once they mature.

JOHN NOWICKI: First of all, compliments on a very nice job. Architecturally, site work, whole bit, very nice job.

MR. BEBOUT: Thank you.

JOHN NOWICKI: One of the questions I have, as you're coming through drive-thru windows there, the sign on the map here says exit to the left, parking to the right. Shouldn't those arrows be reversed?

KAREN COX: It's because it is flipped.

MR. BEBOUT: That is the sign you're going to look at as you are driving at it.

KAREN COX: Look at the symbol of the sign -- the straight line, facing the traffic, on the plan.

MR. BEBOUT: If the contractor gets it wrong, we'll replace it.

JOHN NOWICKI: Other than that, siting looks good. Let's get this thing built.

GEORGE BRINKWART: Nice job on the plans. Lots of detail. Very good.

MR. BEBOUT: Thank you.

GEORGE BRINKWART: Did you have a question? Pedestrian access, I know we talked,

Dario (Marchioni) mentioned it as well about providing pedestrian access to the back lot.

MR. BEBOUT: Correct. Did I forget that? We -- I did forget to mention we did look at it. The difficulty we have is the grading between the parcels. It is McDonalds' policy they won't build anything unless it can be ADA compliant. As you can see from the 1-on-4, 1-on-3 slopes we have there, there is really no means to do that.

GEORGE BRINKWART: You're saying McDonalds doesn't want anything on their site that is not ADA compliant?

SCOTT: That's correct.

MR. BEBOUT: That's correct.

GEORGE BRINKWART: The other thing I was looking at and was curious about, you have the one sidewalk going in there, but there is nothing on the west side.

MR. BEBOUT: That's correct. Again, that's --

GEORGE BRINKWART: I don't think you got grading issues there, do you?

MR. BEBOUT: Well, I mean you would be into putting the sidewalk in with hand rails and landings. Because -- we looked at that, plus we --

GEORGE BRINKWART: To the west of that entrance?

MR. BEBOUT: Plus we -- the fact that the cross access may or may not be there some day.

GEORGE BRINKWART: I guess I would rather have sidewalk than cross access, because I think it is important to have pedestrian access for -- for --

SCOTT: Can we do it without handrails?

MR. BEBOUT: No, I don't think so.

GEORGE BRINKWART: Take a look at that to see if there is something you can do without having to put in ramping. I mean you have quite a bit of distance between the 556 and 557. Maybe you can push those contours around.

MR. BEBOUT: If we can make it work, we'll put it in.

GEORGE BRINKWART: One more thing. Some amenities for our pedestrians, as well. I know wherever possible we have tried putting in a little area for maybe a park bench or picnic bench or something like that, and I really like what you have done on the east side there with that sweeping sidewalk coming into the side. And I think that would be a really nice place for a -- you know, a park bench or something like that. Can you do something like that for us?

MR. BEBOUT: He has the checkbook, not me.

SCOTT: We can do that. What we have done in the past, like a little semi-circle, and all of our brick work -- all our concrete work now is stamped brick, so we can do like one or two benches.

GEORGE BRINKWART: That would be outstanding.

SCOTT: Bolted down.

JOHN NOWICKI: Absolutely.

GEORGE BRINKWART: I think that adds a nice flavor to it. Gives folks a sense of community, a place of rest.

DARIO MARCHIONI: In fact, if you just drive down Chili Avenue, Walgreens, you will see the same type of arrangement they have right off the sidewalk.

Also, I'm sure you -- be sure you put a garbage pail or something, one of these nice-looking baskets. You know, they sit there, they want to put garbage in -- or what you call it -- refuse.

SCOTT: Trash can.

DARIO MARCHIONI: Trash can. With the nice iron around it. I have seen them.

SCOTT: We have real nice ones we do now.

DARIO MARCHIONI: That will be important so people don't throw things on the ground. Because McDonalds' bags, you see them all of the way down. No criticism, but you do -- the wind blows, I'm talking.

SCOTT: Yes.

DARIO MARCHIONI: So that would help, you know. But, you know, I'll -- I just wanted to add what the rest of the Board members said. This is excellent. We appreciate this very much. Thank you for coming to Chili.

SCOTT: Thank you.

KEITH O'TOOLE: A couple of quick comments. The front bypass would seem to be a useless appendage at this point. There is no present plan on the neighboring property. If it doesn't extend to the property line. It seems highly unlikely that McDonalds or its franchisee is going to come back in and add more asphalt at some future date, and there is no easement in place anyway, and I -- as a personal comment, one of the things I have always liked about the existing McDonalds site is it does have a fair amount of landscaping up front and having that bypass would eliminate that for really no good reason.

Nothing further.

MR. BEBOUT: There is a play place in front of it now.

DARIO MARCHIONI: You could put snow there.

KAREN COX: You have to have snow storage.

CHRIS KARELUS: Just a couple of comments. I know Mr. Bebout had hit up -- I talked to him about the comments I had through the Building Department's office. Pretty much he covered everything that I needed to see with regards to the cut-offs, light shields, everything that we can get as far as sensitivity with the adjacent residences across the way. He has handled it really well with the project site.

The variances I want to bring to the Board's attention. Again, the existing building is not conforming with the front setback, so in reality, um, this setback is slightly closer than the

previous variance, or the previous site, only because if you see the canopy that surrounds the building, those grounded elements, those columns are actually considered structural to the building, so that is what we have to view as your front setback, your front most area to the property line.

Um, outside of that, what I can only talk to the Board about is as we have reviewed the project at DRC, when we talked about the west adjacent drive aisle, this project was viewed in unison with the KFC proposal that was previously before the Board. So that weighed heavily in the overall design requests that were made of both applicants.

And nothing further.

JAMES MARTIN: Thank you.

KEN HURLEY: Just a couple of quick comments.

We received the SWPPP. We're in the process of doing final check to make sure that it is acceptable for Department of Public Works to sign off on it as compliant.

Um, just so you're aware.

And we asked that if the applicant can submit copies of comments from and to New York State DOT, they can copy myself and Dave Lindsay at the Department of Public Works, we would appreciate it.

JAMES MARTIN: Okay. So you want comments from State D.O.T. submitted to you and to David (Lindsay)?

KEN HURLEY: Correct.

DICK SCHICKLER: I got a set of landscape plans here drawn up by Heinrich Fischer. He has done an excellent job. A lot of quality material plants here. They're all large, good size, and I'm sure it is going to enhance McDonalds, and I think they went above and beyond on the landscaping here. It is going to not only beautify McDonalds but will also beautify Chili Avenue, our Main Street.

MICHAEL DIVITO: Okay. I would like to check on that. You said the gables were enlarged?

MR. BEBOUT: Correct. They will be.

MICHAEL DIVITO: That's great. And the gooseneck lighting, I think you did say that.

MR. BEBOUT: Yes.

MICHAEL DIVITO: Panel doors are really out of the question.

SCOTT: I will ask and do my due diligence.

JAMES MARTIN: We'll ask that to be reviewed.

MICHAEL DIVITO: Good. Industrial is a slab steel door with -- with a beautiful building you created, it just doesn't seem to fly. But I would hope that could be achieved, personally. And I think weren't columns added for balance?

MR. BEBOUT: Yes. That is not reflected on that rendering. There is just some --

MICHAEL DIVITO: Very nice. You guys were great to work with.

MR. BEBOUT: Thank you.

Just so the Board is aware, I can point out on the bottom elevation, which is the east elevation at the far left there will be another column and then on the middle elevation there will be another column on the far right, which just balances out the --

JAMES MARTIN: Okay. Very nice.

MICHAEL DIVITO: In addition to daytime viewing, when this is lit up at night, I think this building will be acceptable for Chili Avenue. It will look great.

JAMES MARTIN: Thank you, Mike (Divito).

MR. GROVER: As you have already alluded to about the issue we have with Walgreens, we're seeing the same thing here with this front drive-thru. We can see people trying to make a right-hand turn to go straight across onto Rose Road instead of coming down the exit, making the left and the right. We're just not happy with that front cross drive there. We would like to see the present position that you have now, where you make the drive-thru, the exits off to the right, you actually do it before the crosswalks, so you only have one road going across the crosswalks, instead of the two crossing right now. That is what we were talking about at our Committee meeting last week and Committee was in approval of that type of plan existing to the type of exits that you have now, where you would just have the one from the drive-thru.

MR. BEBOUT: We did receive that sketch from -- that came from you, correct?

MR. GROVER: Yes.

MR. BEBOUT: The concern that McDonalds had with this is it is just a little abrupt. The radius starts pretty quickly after you exit the window, and the idea behind this was that, um, you would exit out and you would be able to get into the first couple of parking spaces. Um, and again, McDonalds isn't comfortable with this. People are usually a little busy when they first leave with money and bags and drinks, and we would just like to give them a little more room to maneuver.

JAMES MARTIN: Yes. Let me ask a couple of silly questions.

Um, you know, there might be some financial advantage not to lay out all that asphalt across the front of the building, okay? Just poking at a couple of things here. Um, without altering, you know, the exit from drive-thru pickup, um, but -- what is the probability of somebody picking their, you know, their happy meals up, okay, and then wanting to drive around and park over on the west side of the building?

SCOTT: It is actually one of our --

KAREN COX: We talked about that at --

MR. BEBOUT: I do it all of the time.

JAMES MARTIN: What is the probability?
SCOTT: It is one of our national gold standards. It is one of our national gold standards.
We design all of our buildings to have that.
JAMES MARTIN: Okay.
So they drive back around and park and eat.
SCOTT: Or they have an opportunity to look in their bag.
JAMES MARTIN: To be sure they got the right meal. You never make mistakes.
SCOTT: No. It does happen.
KAREN COX: Well, the bollard -- I mean the -- that drive-thru, or that driveway across
from Rose Road is a full access -- or is it just going to be an entrance, I'm sorry?
MR. BEBOUT: Just an entrance.
KAREN COX: So if the bollard is put up to discourage people from trying to --
SCOTT: To jump it.
KAREN COX: -- to jump it or make that difficult turn, I think the -- that might address
the --
JOHN NOWICKI: Make the curb high enough and put a bollard in.
JAMES MARTIN: That is a given. We're going to.
JOHN NOWICKI: Make the curb higher and put the bollard in.
JAMES MARTIN: Like I said, I'm just trying to approach a couple of things. If that is
your -- you know, you're in the business, I'm not. All right. If you're telling me a lot of people
do that --
MR. BEBOUT: Again, I do it all of the time.
JOHN NOWICKI: I do. With the grand kids. Drive around.
MR. BEBOUT: Whether it is lazy to just go through drive-thru and eat in your car, but --
KAREN COX: I have done it when I have been all sweaty and muddy from job sites. I
don't feel like going in and sitting in front of people.
DARIO MARCHIONI: How many McDonalds are there in North America?
MR. BEBOUT: 20,000, 15,000.
KAREN COX: I want to sit there and listen to my radio.
MR. BEBOUT: And this is isn't -- just a final comment, this isn't a unique layout,
having --
JAMES MARTIN: I understand. I understand. I'm pleased that we have added the pear
trees along the east. That is very nice. We do have a cut sheet on the fence that you're proposing
to build. It looks nice.
MR. BEBOUT: I don't know if it was. That will be on the drawings. I thought it -- I had
it -- might have had the detail on the actual construction drawings, but if not, it will be on there.
JAMES MARTIN: You have it. White is the choice of color?
SCOTT: Yes.
JAMES MARTIN: Okay. The color of your building is going to be basically earth tone?
SCOTT: Yes. It is going to be James hardy plank.
MR. BEBOUT: Monterrey taupe.
JAMES MARTIN: You ever think about making the fence earth tone in color so it is --
SCOTT: We could look at it. It is prepurchased. It is whatever the PVC comes as.
MR. BEBOUT: They have it -- similar color.
SCOTT: If they have it in putty, that's fine.
JAMES MARTIN: I think might not be as glaring and it might blend in better with the
building.
SCOTT: No problem with me.
JAMES MARTIN: Board?
DARIO MARCHIONI: Doesn't --
SCOTT: Putty fence. Whatever the color is.
KAREN COX: It will look -- that is the color you want in this climate.
MR. BEBOUT: Consider it done.
JAMES MARTIN: Vinyl fence shall be earth tone.
DARIO MARCHIONI: What is behind Walgreens there, between Walgreens and the
residential area? Is that white?
JAMES MARTIN: Earth tone.
KAREN COX: It is like a putty color.
DARIO MARCHIONI: That looks nice. Very nice.
KAREN COX: Blends in nice there.
It will look less like a Hess.
JAMES MARTIN: Anything else from the Board?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Refresh my memory. How are you going to handle deliveries on this site?
MR. BEBOUT: Our site plan that was submitted to the Town shows truck deliveries, they
will enter in the entrance drive. It has been designed that they can circle around the building and
come out the exit drive.

MS. BORGUS: When they're unloading, though, they're in the driveway?

MR. BEBOUT: Yes. McDonalds uses a new palletized delivery system so they can park

anywhere on the site that is less congested, and they just have a pallet little driver and they drive it up to the building, unlike in the past times, they had to be next to the building with a conveyor. I have talked about that with Scott tonight. Kind of the southeast corner would be an ideal location out of the main drive-through area, and it would still permit cars to get by.

JAMES MARTIN: What size are these trucks?

SCOTT: 53 foot.

MR. BEBOUT: Regular delivery trucks, or semi trucks?

JAMES MARTIN: Turning radiuses are all okay?

MR. BEBOUT: Yep.

KAREN COX: They're on the plan, actually.

MS. BORGUS: So you wouldn't have cars boxed in --

MR. BEBOUT: No.

MS. BORGUS: -- when you delivered?

MR. BEBOUT: No.

JAMES MARTIN: What time are your normal delivery times for your supplies?

SCOTT: Varies.

MS. BORGUS: Where is your snow storage?

JAMES MARTIN: You can use this if you want to show it.

MS. BORGUS: Just point on the pictures. That is fine.

MR. BEBOUT: We have some on the east side, in that kind of jog area adjacent to the service station. There is some in the front island. There is some in the triangular island on the east side and then snow storage area on that west area, between the other plaza and the entrance drive. And again, I would -- as I said, there is -- there is less impervious than there is today, so we see no concern with that.

MS. BORGUS: Okay. In this present plan, is there any trim around the windows?

MR. BEBOUT: Yes.

MS. BORGUS: It is what color?

MR. BEBOUT: Monterrey taupe, the same color as the siding. There is the aluminum bronze, the actual window, but then a casing around the window of the -- made out of the hardy plank siding.

MS. BORGUS: I'm just thinking in terms of the Sands Glass building that would be very close to this building, and the white trim on that adds so much to that building. It -- I'm assuming we're looking at about the same color as the Sands Glass building, probably something similar.

JAMES MARTIN: Similar.

MS. BORGUS: And the white trim on that building just -- just makes that building. It's -- it is striking, and I just think this building would look a touch more attractive if they had a little break-up of some of the color. And now McDonalds maybe doesn't want to do that, but the Town is in the driver's seat here, and this Board makes the decision, and, you know, McDonalds really -- they have to go along. Think it is time we got what we wanted here and we got the look we wanted.

JAMES MARTIN: Um, what color are the columns going to be?

SCOTT: White.

JAMES MARTIN: White.

MS. BORGUS: That is not too much white. That is not that much white, though. Not many columns.

JAMES MARTIN: The point I'm trying to make, they already have white trims on the columns so putting white trim around the windows --

KAREN COX: Could be too much.

MS. BORGUS: Would be a big improvement.

MR. BEBOUT: There is actually a white dental moulding along the roof line. Probably hard to see from there.

KAREN COX: I think it might be too much white. It is all subjective.

SCOTT: I will push for the six-panel doors.

JAMES MARTIN: Push for those, all right. Okay.

MICHAEL DIVITO: The -- we went around on that one for a bit on the Architectural Review Committee and the bronze trim was in keeping with the roof color, and so we were trying to accomplish two things. Maintaining the consistencies there as well as the white on the columns, the white on the moulding, so that we had a contrast of elements. But color is in -- beauty is in the eye of the beholder.

JAMES MARTIN: Well, we basically said the applicant review the Architectural Review Committee comments with corporate headquarters and hopefully they will cave in on one of them, okay? Unless you want to be very specific here.

JOHN NOWICKI: No.

CHRIS KARELUS: Chairman Martin, one thing I would ask that you just get on record with the applicants is the type of materials for siding, roofing, that they are using brick element to the building. I know unfortunately they didn't bring the materials here for you guys to preview, but just kind of getting that on record. I heard verbally conveyed through the applicant, hardy plank and the architectural shingle, but again, just to hear that from the applicant and have the Board understand what they're doing to the building.

SCOTT: It will be a bronze standing seam roof. It will be a James hardy plank siding and the lower wainscot will be a brick.

JAMES MARTIN: Was that provided to the Architectural Review Committee, the

building materials?

MICHAEL DIVITO: Yes, it was.

JAMES MARTIN: Do you have a record of that?

MICHAEL DIVITO: Yes, we do.

JAMES MARTIN: Could you provide that to me, please?

MICHAEL DIVITO: Yes.

JAMES MARTIN: Thank you.

I will just say building materials will comply with samples submitted to the Architectural Review Committee. Okay.

MR. BEBOUT: All of that is noted on this rendering. There is a little legend.

JAMES MARTIN: Okay.

MS. BORGUS: I didn't know if we got way --

JAMES MARTIN: No, no.

MS. BORGUS: Okay. I had one more comment. That -- that bypass, as -- as plans have evolved and other plans have gone by the wayside, really isn't necessary. And I can't quite imagine sitting at the front window of that restaurant and looking out and having a car pass within feet of me while I'm eating, and that is what we're going to have. I mean try to envision this. You're sitting in the front of the restaurant, and a car goes through that bypass, and -- it just isn't -- it isn't attractive. It isn't -- certainly isn't aesthetic. I don't see any reason for it. I did when the KFC was a possibility.

We -- we have tried to get park-like settings in front as many stores as possible, especially in Chili Center, and that bypass defeats the park-like atmosphere we're trying to get here. They have some beautiful landscaping, and I would like to see more -- more lawn and more landscaping and just forget that bypass.

JOHN NOWICKI: There is a corporate need there. Remember that. There is a corporate requirement and people, they have studied this for a lot of years, and they want people to flow through there and go and park their cars and eat. I have seen this all over the country in my travels. I don't see anything wrong with that. I think they have done a good job on the landscaping. I don't see anything wrong with it. They put the bollards there so they don't make that right-hand turn on the high curb. It is going to be good for the corporation, McDonalds and good for the people, too, as well.

MR. BEBOUT: I would just add one thing to it, as a reminder, FYI. That drive lane, actually, we're sitting down -- whether it is 3 feet, 4 feet, so from -- the view from the road, I mean you might catch a glance of it, but you're overlooking it.

KAREN COX: I think a lot of people, I mean, just based on my experience of eating at fast food restaurants, if I choose to sit in the front of the building, and it is surrounded by parking lot, um, I don't even notice the cars going by. You just -- it's a parking lot outside the building, so you expect cars to be going by.

MS. BORGUS: Well, if you sit in Tim Horton's and you sit on the west end of the building, the cars go through that drive-thru, and they're that far from you (indicating).

KAREN COX: I know. I mean --

MS. BORGUS: It's -- it's not a very -- it's -- I won't sit on that side of the restaurant. It's not very pleasant.

KAREN COX: That's a personal -- there are other places you can sit in a restaurant. I'm just saying from personal experience, I ignore it. I don't even notice it. So.

MS. BORGUS: We'll, we get one crack at this, so we got to get it right.

JAMES MARTIN: I understand.

KAREN COX: It has more green space in the front of it on the new one than it does on the old one, anyway.

JAMES MARTIN: I think there is a huge improvement over what is there.

KAREN COX: I can't sit in front of the old restaurant because of the playground aspect.

MR. BEBOUT: I have to believe the landowner, even though KFC is gone, is still marketing that property.

JAMES MARTIN: We can't speculate on that. We have no idea what is going to happen over there.

JAMES MARTIN: Okay. Other comments, Dorothy (Borgus)?

MS. BORGUS: No thank you.

WILLIAM SHELTER, 91 Chestnut Drive

MR. SHELTER: William Shelter, 91 Chestnut Drive. I used to work at the present location, and what I see here is -- to me is a big improvement and I'm happy to see it come to Chili.

But there is one concern I do have with the entrance into the restaurant from Chili Avenue, on the west side. I have seen people actually pull out of the parking lot and go out the in, the entrance. And is there some kind of concern with -- some kind of way to make that entrance only, and not an exit?

JAMES MARTIN: On the west side? Care to comment on that? It is already entrance only, right?

MR. BEBOUT: It is entrance only. It's 20 feet. Which Chris (Karelus) can correct me, but I believe that is the minimum required for fire access. I don't see us making it any narrower.

KAREN COX: I don't think you can guarantee, even if with a sign.

MR. BEBOUT: We have angled parking that is set up for one-way. It is tough to do

anything more than that.

KAREN COX: Unless you put a spike strip up.
(Laughter.)

KAREN COX: We made the -- we asked that the owner of the Arrow Mart at the corner of Union Street and Chili Avenue put up signs to make the westernmost driveway exit only, and people still ignore it. And you know, short of having a police officer sitting at a driveway constantly and handing out tickets, the owners are kind of limited in what they can do to actually compel people to -- to be courteous drivers. I mean the situation on Paul Road is a good example. So they can't guarantee that some discourteous driver will not try that.

JAMES MARTIN: I think we have done everything we can to try to mitigate this, to the maximum degree, but again, we can't prevent stupidity. Okay? And carelessness, as well.

HEATH MILLER, 69 Bell Mawr Drive

MR. MILLER: Could you just explain, could the Board explain or the applicant explain why it is that it is just an entrance that is proposed and why they didn't propose putting an entrance and exit on the west side? I haven't been with this application since they came before the Board, so I don't know.

JAMES MARTIN: You can answer that question.

MR. BEBOUT: It just becomes -- you know, if -- I think what you're referring to is just having one access point. The difficulty with that is the truck movement. Um, to try to envision getting a truck around the front of the building, um, where he would have to -- he would be coming, heading north on the east side, making the left, and then having to make basically a 180, because he would be heading west, generally speaking, he is going to want to head back east, so that would be a very difficult movement for a tractor-trailer to make.

MR. MILLER: I'm not suggesting only one access point. I just wondering why is it on the western side, why you only have the entrance.

MR. BEBOUT: Because it is a one-way circulation and I don't think you would get DOT to approve having both with one a full access and the other just an exit.

JAMES MARTIN: Yes. I think the key is, Mr. Miller, it is a one-way circulation with the property.

MR. MILLER: That is the rationale for having that --

JAMES MARTIN: Yes.

SCOTT: The other side is exit only.

MR. MILLER: Oh, yes, you're right. I didn't realize that. Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and Karen Cox seconded the motion. All Board members were in favor of the motion.

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: According to the application form I have, there is -- there was no fee paid for final.

MR. BEBOUT: Okay.

JAMES MARTIN: At least not on my sheet. Chris (Karelus), I will ask you to just take a quick look. It is not registered as having been paid.

DARIO MARCHIONI: Did you pay it?

JAMES MARTIN: If you have a record of it, that would be good.

MR. BEBOUT: I'm just looking at the letter. Bear with me. We paid 350, which was probably just for preliminary?

JAMES MARTIN: That is just preliminary. Okay.

SCOTT: How much is the fee?

JAMES MARTIN: Is that going to jerk your schedule around because it has got to -- we can't waive final without --

MR. BEBOUT: Learn something new every day.

JAMES MARTIN: If you can get a check in tomorrow morning --

SCOTT: We can have the check tomorrow.

JAMES MARTIN: Mr. Karelus, are you okay with that?

CHRIS KARELUS: Yes. I would ask with the check they just get their application updated indicating final.

JAMES MARTIN: I didn't hear your comment.

CHRIS KARELUS: I would just ask they finalize their application. The request is final. I guess it is in the Board's purview to waive the final, if on -- upon request, that we can process it tomorrow.

KAREN COX: Yes.

JAMES MARTIN: I will make a motion that we -- if we move ahead and vote on this, that final be waived pending completion of all application processes by tomorrow. Okay? Is that essentially what you want?

CHRIS KARELUS: Yes.

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 made a motion to waive final pending the application being processed on May 13, 2009, and Dario Marchioni seconded the motion. All Board members were in favor of the motion.

JAMES MARTIN: Tomorrow morning.

MR. BEBOUT: I will be here.

DARIO MARCHIONI: Not before nine.

JAMES MARTIN: I have read the conditions of approval.

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

1. Pending Town Engineer approval.
2. Applicant to review Architectural Review Committee comments with corporate headquarters for reconsideration.
3. Applicant to install a decorative bollard at point specified per Planning Board discussion to prevent exit attempts through west access road cut.
4. Applicant to investigate pedestrian access from west side of site.
5. Applicant to add benches in east landscaped area for customer use.
6. Comments from stated DOT submitted to be submitted to Highway Superintendent and Town Engineer.
7. Vinyl fence shall be earth tone in color.
8. Building materials will comply with samples supplied to the Architectural Review Committee.

Note: By motion and vote, the Planning Board waived final approval conditioned on the applicant completing all application procedures on May 13, 2009.

INFORMAL:

1. Application of Michael Kolozvary, owner; 367 Archer Road, Rochester, New York 14623 for preliminary site plan approval to erect a single-family dwelling at property located at 335 Archer Road in AC, FPO, FW zone.

Brian Sorochty was present to represent the application.

JAMES MARTIN: We need to amend that. This is for final site plan approval. The way this application was posted was for preliminary site plan. We are hearing final site plan. I need to amend this application by motion to vote of the Board.

MR. SOROCHTY: Okay.

John Nowicki made a motion to amend this application, and John Hellaby seconded the motion. All Board members were in favor of the motion.

JAMES MARTIN: I will -- have you done your thing? I will go to the -- basically, the side table first. Are there any outstanding issues?

Mr. Hurley, we're having a hearing on this. Mr. Hurley, I need you. Are there any outstanding issues based on your previous comments, Mr. Hurley?

KEN HURLEY: No, there is not. Everything has been addressed.

JAMES MARTIN: Mr. Karelus, any outstanding issues from your perspective?

CHRIS KARELUS: No.

JAMES MARTIN: Mr. O'Toole, any outstanding issues from your perspective?

KEITH O'TOOLE: At some point I would like to see the proposed access easement and I would like it to have a utility provision in there.

Nothing else.

JAMES MARTIN: So do you understand, provide your access, common access agreement to the Assistant Town Counsel, if it hasn't been done?

MR. SOROCHTY: Yes, I will.

DARIO MARCHIONI: There is a 44.

MR. SOROCHTY: There is an existing driveway there now, which the new house will be sharing.

DARIO MARCHIONI: But 40 feet is assigned for this particular house, right?

MR. SOROCHTY: The width of the house? It is 40 by 60, yes, the footprint.

The Board discussed the application.

JAMES MARTIN: I don't think there are any issues. I know the Conservation Board has commented about the flood plain, but if they meet new code requirements and FEMA requirements, you can't say no, Dick (Schickler).

Any issues that you know of that are outstanding on this application based on our previous hearing and approval at preliminary?

KAREN COX: I don't think so.

JOHN HELLABY: I got nothing.

GEORGE BRINKWART: No questions.

JAMES MARTIN: Okay. This is not a public hearing, so at this point in time -- we did SEQR at the preliminary. I have got a couple of things here.

I still -- I have a letter from Mr. Lindsay basically exempting them from the MS4 application and the NOI; is that correct?

KEN HURLEY: Correct. We're just looking for a statement so that the owner is aware of what the SWPPP contains.

JAMES MARTIN: Okay. You got that.

MR. SOROCHTY: Yes.

JAMES MARTIN: Okay.

So I still -- any issues, I'm going to continue, pending final Town Engineer approval. That was on our condition letter, previous time. All previous conditions remain in effect. Provide a common access egress agreement -- I'm sorry, provide an access egress agreement for the common driveway to the Assistant Town Counsel.

DECISION: Approved, as amended, by a vote of 5 yes to 1 no (John Nowicki) with the following conditions:

1. Pending final Town Engineer approval.
2. Provide access/egress agreement for the common driveway to the Assistant Town Counsel.
3. All previous conditions remain in effect.

The meeting ended at 10:18 p.m.