

A meeting of the Chili Planning Board was held on June 8, 2004 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 Don Faso.

PRESENT: Ray Bleier, John Hellaby, Karen Cox, James Martin, John Nowicki and Don Faso.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; Larry Nissen, Town Engineer; Charles Robinson, Conservation Board member; Bill Arnold, Fire Department Liaison.

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

OLD BUSINESS:

1. Application of Doug Stacey, owner; 1415 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to allow a Valvoline Quick Lube business at property located at 1415 Scottsville Road in G.I. zone.
2. Application of Doug Stacey, owner; 1415 Scottsville Road, Rochester, New York 14624 for conditional use permit to allow a Valvoline Quick Lube minor automobile repair business at property located at 1415 Scottsville Road in G.I. zone.

Doug Stacey and Rob (Fitzgerald) Fitzgerald were present to represent the applications.

MR. STACEY: I think we have dealt with everything on the list.

DON FASO: "Oil storage location of tank shall be approved by the Fire Marshal."

MR. STACEY: Done. Permit issued.

DON FASO: "Final plans shall show storage plans."

MR. STACEY: It is on the map. The fencing for the tire location is up already. I have pictures if you need them.

JOHN NOWICKI: If I can look on the map here.

MR. STACEY: Rear building, L-shaped fence enclosure.

JOHN NOWICKI: Dumpster side?

MR. STACEY: Other side. It is already up.

DON FASO: Already up. Okay.

MR. STACEY: Most of the tires are removed. The rest are due to come out June 12th.

It is attached to the building, two poles on the ground.

JOHN NOWICKI: Doesn't show on the drawing.

KAREN COX: Yes, it does.

JOHN NOWICKI: Oh, way over here. Okay.

DON FASO: "Applicant shall submit timetable for all uses of the property."

MR. STACEY: Lower left on map.

DON FASO: "Applicant shall submit plans to New York State D.O.T. for review."

MR. STACEY: Done. Rob (Fitzgerald) from Avery just gave you a letter. They have no concerns.

DON FASO: Okay.

MR. STACEY: He had a faxed letter. I have another copy if you need it. They just faxed it in today.

DON FASO: Tom Palumbo. Residency has no comments. "Any work within the right-of-way, including utility work will require separate permits."

MR. STACEY: That is taken care of.

DON FASO: "Landscaping plans shall be submitted to the Conservation Board for review."

MR. STACEY: Will be done June 28th.

DON FASO: "Applicant shall make application to the Zoning Board of Appeals for sign variance."

MR. STACEY: Done. You skipped one. Number 3.

DON FASO: "Parking spaces for all vehicles shall be shown on final plans." That I did see.

MR. STACEY: As of June 1st we have cleared the front line and kept it clean. The parking lot is sealed and striped and handicapped signs have been put up.

JOHN NOWICKI: Looks good.

RAY BLEIER: I did notice -- I was out there. There is a marked improvement over the previous months.

MR. STACEY: More cars will be removed out of the back, but we have been waiting on a gentleman from Monroe County Airport approached us and wanted the wrecks for training. They're due to pull four more out this week.

RAY BLEIER: Last month you indicated a certain time frame when you might be getting out of the trailer rental.

MR. STACEY: The camper rental will be done this fall or winter, depends on the season. The trailer rental, a year after that. The Rent-A-Wreck will be determined by how well Valvoline does.

RAY BLEIER: Good job. Thank you.

KAREN COX: Thank you for addressing all our comments.

JOHN NOWICKI: I have to agree. Good job.

Only question I do have is the -- there will be condition on here subject to the Conservation Board.

DON FASO: When we get to conditions.

JAMES MARTIN: Your tire enclosure facility that you have there now, is that going to be adequate --

MR. STACEY: We're setting up a timetable with Modern Recycling to pick them up every couple weeks.

JAMES MARTIN: Won't be overflowing the fence?

MR. STACEY: We won't do that many tires to begin with. It would take a month before that could even happen.

DANIEL KRESS: One question regarding the timetable. I assume the Valvoline portion of the business you're intending to have --

MR. STACEY: As soon as possible.

DANIEL KRESS: Just wanted to be clear.

DON FASO: You haven't seen the plans, but we'll make it conditioned on your approval.

CHARLES ROBINSON: The Conservation Board was interested in the permits for the removal of petroleum products.

MR. STACEY: None that we know of are required. We have a certified waste hauler hauling the oil away. I have talked to Valvoline and the other people and there are no permits needed that we know of.

DON FASO: Satisfactory?

CHARLES ROBINSON: I suppose.

MR. STACEY: Everybody I talked to, nobody can give me an answer we need any.

DON FASO: It is probably minor oil changes that are dumped right in the recycle can that is picked up.

MR. STACEY: Double wall tank outside with an alarm so it can't be over filled.

CHARLES ROBINSON: If it satisfies you guys, we're satisfied.

JOHN NOWICKI: Variances for proposed use signs?

MR. STACEY: We're all set up with Zoning Board on the 22nd.

JOHN NOWICKI: Fire Marshal has been satisfied?

MR. STACEY: Yes. Has issued a permit and wants to inspect it before we fill the tanks.

DON FASO: Okay. Site plan is first.

On Old Business Application #1, Don Faso made a motion to declare the Board lead agency for SEQR, found this to be an unlisted action, and based on testimony and evidence supplied at the public hearing, made a determination of no significant environmental impact, and the Board all voted yes on the motion.

The Board discussed the proposed conditions.

JOHN NOWICKI: It is refreshing to see an owner take great interest in his property.

MR. STACEY: Thank you. I've been working a lot lately.

JOHN NOWICKI: We'll keep an eye on you.

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

1. Applicant shall submit landscaping plans to the Conservation Board for review and approval.
2. Applicant shall make application to the Zoning Board of Appeals for a sign variance.

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

On Old Business Application #2, Don Faso made a motion to declare the Board lead agency for SEQR, found this to be an unlisted action, and based on testimony and evidence supplied at the public hearing, made a determination of no significant environmental impact, and the Board all voted yes on the motion.

The Board discussed the proposed conditions.

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

1. This Conditional Use Permit is hereby granted for a period of three years.

#### PUBLIC HEARINGS:

1. Application of NYS ARC, owner; 1000 Elmwood Avenue, Rochester, New York 14620 for renewal of conditional use permit to allow a day treatment center at property located at 10 Ballantyne Road in RAO-20 & FPO zone.

DON FASO: Seeing this is a renewal, are there any changes -- I know you did some extensive renovation within the last couple years.

MS. COOPER: Two years ago.

DON FASO: Any changes to the operation that we should know about?

MS. COOPER: No. We're -- we would like to continue to use the facility as a day program site to serve the developmentally disabled.

DON FASO: I understand you're losing your present driveway. Will you now have to exit onto Black Creek Drive?

MS. COOPER: Correct.

KAREN COX: Because of the construction?

DON FASO: Yes.

MS. COOPER: Even once the construction is finished we'll have to use the Black Creek entrance on a regular basis.

DON FASO: Now, the good news is that the State is exchanging some land, giving us some land and giving us some playground equipment in exchange for taking some of our property. The playground is actually school property. So they're taking some of that and giving us some playground equipment. The other thing that I found out from Joe (Carr) is that because of the relocation and the widening of that intersection, there is going to be some sound barrier walls that I think are going to be quite high and probably, in my opinion, not very aesthetic.

MS. COOPER: Dawn Cooper, C-o-o-p-e-r.

DON FASO: Apparently Joe (Carr) was concerned with that. He was out with a pole trying to measure the height and not too pleased with it. But apparently you have some clients that are noise and activity sensitive.

MS. COOPER: Yes. The intersection located closer to the building, the sound barrier will help decrease the noise that is going to occur at that location.

JOHN NOWICKI: Who is putting the barrier up?

MS. COOPER: The State.

JOHN NOWICKI: Did they have barriers on the original drawings?

MS. COOPER: I believe so.

DON FASO: No, no. I remember the original drawings. I think the plans have changed since the last time I saw it. The widening is a lot more extensive than what I originally saw. Fred (Trott), have you seen those?

FRED TROTT: Not the updated ones. The last time I saw it was at RIT.

JOHN NOWICKI: Are the barriers in front of the building?

DON FASO: From what I understand from Joe Carr, you will have the lane way, a curb, a very narrow sidewalk, probably not suitable for walking, and then a wall.

MS. COOPER: Scottsville Road and Ballantyne Road.

KAREN COX: That was put in at the request of ARC to the State? Or -- I mean do you know how those walls came about?

MS. COOPER: No, I do not.

DON FASO: Larry (Nissen), were you involved in any of that?

LARRY NISSEN: Well, there was some discussion about the walls, but I'm not sure there is anything that we can do about it.

DON FASO: Right. Somewhere -- somewhere along the line somebody asked for the walls. Somebody must have brought it to the State's attention. You have clients sensitive to the noise.

MS. COOPER: Sensitive to the noise and also we have individuals that may elope and where the road is now closer to the building, that presented a hazard.

JOHN NOWICKI: I'm just curious. Mr. O'Toole or Larry Nissen, or Mr. Kress, did the State or anybody contact the Town, your departments at all to discuss this issue?

DON FASO: Well, they did Joe (Carr), because Joe (Carr) brought it to my attention.

DANIEL KRESS: I think the bulk of the contact has been with Joe Carr's office.

JOHN NOWICKI: I have some problems with that.

DON FASO: It's not the applicant. It is the State.

JOHN NOWICKI: You will have a massive project there, spending millions of dollars and you can't have the courtesy to let the Town know they will have ugly walls up there.

DON FASO: Well, they did. They contacted the Superintendent of Highways, which was --

JOHN NOWICKI: Not sufficient in my book.

KAREN COX: They have had public meetings, but --

JOHN NOWICKI: There is something wrong with the system if it goes that way.

DON FASO: Anyway, back to business.

RAY BLEIER: Just a curiosity question, is ARC considering the option of relocating?

MS. COOPER: No. It was, I think, some initial discussion that was thrown around because we are looking to recoup some dollars because we're going to have to do some renovation to the facility because the front of the building will no longer be the front of the building. We have to flop it to the

other side and we have to do some -- I think it might be around 200,000 or some dollars to the building in order to reroute our traffic flow and the buses, et cetera. But we are staying. We would like to stay.

DON FASO: You were a good neighbor in your present location.

JOHN HELLABY: Just a curiosity question. Number of clientele roughly?

MS. COOPER: Roughly about 97.

JOHN NOWICKI: Is that the same number roughly you have had all along?

MS. COOPER: Yes.

JOHN NOWICKI: Is the intersection that you're coming out on the street up to Ballantyne Road, is that how the vehicles will come out?

DON FASO: You know how Black Creek -- their driveway is basically going to be --

JOHN NOWICKI: Controlled stop? Stop sign intersection?

MS. COOPER: Stop sign is there.

DON FASO: Here is the present driveway (indicating). This will be eliminated (indicating). Their driveway will be here (indicating).

JOHN NOWICKI: Then they will come out --

DON FASO: They will exit to the north.

JOHN NOWICKI: To the north.

JOHN HELLABY: At the end of the playground.

JOHN NOWICKI: Other than my dissatisfaction the way it was handled, as far as that goes -- it is going to be an eyesore there.

DON FASO: Maybe they will spend nice bucks and put in a decent wall.

JOHN NOWICKI: I won't do it now. There are places all over the County of Monroe where they have done nice things on walls. If we can't get it done over here, there is a serious mistake or something done wrong over here.

JAMES MARTIN: Maybe we can grow some ivy on it.

JOHN NOWICKI: With a wall like this, is it two sides? The Scottsville Road side and the Ballantyne Road?

MS. COOPER: Yes.

JOHN NOWICKI: Did it a present security issue?

MS. COOPER: We did present that to them because we were also concerned about the height because we already have some individuals that -- we haven't had the building vandalized, but we know the individuals are out there, and it does make it more challenging for the police to watch the building. They will actually have to come into the driveway instead of doing a drive-by.

KAREN COX: Vandalized by neighbor -- not by clients.

MS. COOPER: No.

KAREN COX: By people in the neighborhood?

MS. COOPER: Yes.

KAREN COX: You can probably expect some graffiti on that wall.

JOHN NOWICKI: Well, again -- oh, boy.

CHARLES ROBINSON: On behalf of Conservation Board, I would like to respectfully request the Conservation Board be given an opportunity to review the construction of this wall.

DON FASO: You will have to talk to Joe Carr on that.

JOHN NOWICKI: We should make that a condition.

DON FASO: No. We're here for renewal of a conditional use.

CHARLES ROBINSON: They're throwing a wall up there. We have no privacy -- our job is to make sure landscaping, whatever -- I think we should at least be given the opportunity to at least take a look to see what they're doing there.

KAREN COX: That is separate from the application.

CHARLES ROBINSON: Can we have a look at it.

JOHN NOWICKI: How about a letter from the -- memo of the Planning Board to Joe Carr to have a contact so the Conservation Board has a chance to look at this thing.

CHARLES ROBINSON: We just want to look at it. Grant you, it is maybe the State and we can't do anything, but maybe to have it on our inventory, we know it is up there.

DON FASO: When it is up, you won't miss it. It will be there.

CHARLES ROBINSON: We can't do anything about it, but it would be in our inventory so we know it is there.

DON FASO: I will have Joe Carr write a letter.

CHARLES ROBINSON: Could we have Joe Carr contact Dick Schickler and work something out?

DON FASO: Work out --

JOHN NOWICKI: As far as looking at the wall.

CHARLES ROBINSON: Grant you, it is the State and we can probably not do anything about it. I'm just looking at the perspective of our job, that we have a notation there, that somebody comes to the Conservation Board, where did that wall come from? What did you do about it? Here it is. It is the State.

JOHN NOWICKI: Take a look at it.

CHARLES ROBINSON: That is all we're asking.

DON FASO: So noted.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JIM ALLEN, 10 Battlegreen Drive

MR. ALLEN: Just one question. How close to the building is this wall or walls?

Part two, does the Fire Department have any problem with fighting fires there because of walls?

DON FASO: Valid question. Bill (Arnold)?

Larry (Nissen), any idea ball park how close the closest point of the wall is to the building?

LARRY NISSEN: No idea. I haven't seen any plans on it. I expect it is in the State's right-of-way. So how far back is the building from the roadway?

KAREN COX: Well, they have a new right-of-way.

DON FASO: I haven't seen the revised plans. The plans I saw --

LARRY NISSEN: I haven't either.

DON FASO: Actually, I was on the Town Board. They're three years old by now.

LARRY NISSEN: I haven't had the opportunity --

DON FASO: They didn't have a wall.

LARRY NISSEN: -- had the opportunity to take a look at it.

DON FASO: Bill (Arnold), Fire Department comments? Proximity of the wall to the building pose a problem?

BILL ARNOLD: As long as the Fire Marshal is satisfied with it, if it is a non-combustible wall, it shouldn't be an issue. But an issue was brought up about a hydrant. I'm not sure in the scheme of things if there are any hydrants that will be blocked by that wall. That should have been taken care of by the Fire Marshal.

DON FASO: That would be the State?

BILL ARNOLD: I would think so.

DON FASO: The Fire Marshal was not at the meeting when Joe (Carr) was going over this.

JOHN NOWICKI: That is another issue to be looked at before anything is done with this wall.

DON FASO: Well, none of this is pertinent to the application for the renewal of the conditional use.

KAREN COX: The thing, if the wall is too close to the building from the Fire Marshal standpoint --

DON FASO: Then the wall will have to be moved.

KAREN COX: But it is not the applicant's --

JOHN NOWICKI: I'm curious, how did this wall get started, who instigated the application to build this wall, who brought it about? Did you bring it about? Did ARC say I want a wall there and tell the State they want a wall there?

MS. COOPER: At this time I'm really not prepared to comment on the changes that are going to take place on the Scottsville/Ballantyne Road. I'm really not the representative that has all of the knowledge to be able to comment on that.

DON FASO: Actually, when we were looking at the plans in a mini review prior to this meeting, Joe Carr said, "By the way, I want you to be aware of this thing, that we're getting a wall on Scottsville and Ballantyne Road that will be 10 to 12 feet high right off the right-of-way." And we were, "You had to be kidding." That is when he explained about some of the clients having attention problems.

KAREN COX: Well, that is probably the height of the wall is designed according to calculations with noise standards. You can always make a compromise, if they're willing to and lower it.

DON FASO: I assume there are design standards somewhere. You just find the right page.

KAREN COX: Yes. It is based on the type of traffic expected and the amount of decibels that the traffic generates, but it is something that can be compromised if the height of the wall is, you know, objectionable to the people in the neighborhood. I got to believe that probably the people in the neighborhood are not aware that that wall is going to go up if we're not aware of it.

JOHN NOWICKI: I bet you are right. What is wrong asking for a meeting between the State and our Town Engineer, our Conservation Board, Superintendent of Highways, to have a meeting to discuss this wall?

KAREN COX: A representative from the State to discuss the wall. Nothing is wrong with it, but I don't know if you can hold up this application.

JOHN NOWICKI: Yes. That, but I think we should have it on the record here, that the Planning Board has requested a meeting be held as soon as possible to discuss the implications of this wall and the aesthetic effects it will have on the neighborhood, number one, the security issues and the safety issues with the fire hydrants. I think you have enough here to say timeout, folks.

KAREN COX: I'm sure they haven't made the panels yet because they're all precast.

JOHN NOWICKI: We should direct that to Joe Carr's office and have him started on it immediately.

DON FASO: Tomorrow morning.

On renewal of conditional use permit, seeing it is a renewal, Type I SEQR, so no action taken.

The Board discussed the proposed conditions.

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

1. This Conditional Use Permit is hereby granted for a period of five years.
2. Application of Earthborn Builders, owner; 31 N. Union Street, Spencerport, New York 14559 for final subdivision approval of 22 lots to be known as Union Station Section 5 at property located at 3740 Union Street in PRD zone.

John Kim and Mr. Howarth were present to represent the application.

MR. KIM: John Kim with LaDieu Associates here representing Earthborn Buildings seeking final plat approval of 22 lots on 9.65 acres known as Union Station Subdivision Section 5. This section complies with approved preliminary plat. This is the last of three remaining sections.

Proposed project is located on 3740 Union Street, generally south of Chili Avenue and east of Union Street.

Current zoning for this property is Planned Residential Development District. We have received comments from the Town Engineer. Presently we are working with the Town Engineer in resolving Phase 2 SPEDIES permit requirements.

That is all I have. At this time I would like to turn it to the Board for additional comments and questions.

DON FASO: This is Section 5. How many more sections are there?

MR. KIM: Two more.

DON FASO: How many more total lots to go would you say?

MR. HOWARTH: After this, about 50 more lots.

DON FASO: 50 more after the 22?

MR. HOWARTH: Yes.

DON FASO: Looking good, by the way.

MR. HOWARTH: Thank you.

DON FASO: Larry (Nissen), I know you had comments about the Phase 2 storm water. You are working with the engineer. They contacted you?

LARRY NISSEN: Yes. I have spoke with John (Kim) about it. The situation is somewhat similar to Park Place, except this is an earlier subdivision where Park Place had a pond, this development doesn't. So I suggested that they contact DEC for a ruling and John and Dave Lindsay from our office met with Paula Smith at the site a few weeks ago and there was discussion. I haven't seen anything from DEC in writing. John (Kim), if you have received anything --

MR. KIM: No, I have not.

LARRY NISSEN: -- concerning what they're going to require. But we're still waiting to hear on that issue.

MR. KIM: General consensus are they will require some type of storm water management facility for this section. At the end of -- out of Section 3, so...

DON FASO: Out of what?

MR. KIM: End of Section 3, which is right by the pump station, so in that area, there will be a storm water facility to provide water quality volume for the Section 5.

JOHN NOWICKI: For this section, right?

MR. KIM: Yes.

JOHN NOWICKI: Would you describe -- when you talk about storm water treatment facility, describe that.

MR. KIM: The proposed pond that we're looking for would be located in this area here (indicating). Right now, these are the existing structures (indicating). These are all complete (indicating). And this section will drain through existing pipe. We're proposing to pipe three here (indicating), between the lots, and there is storm sewer existing, and drain out to this area here (indicating). We are proposing a storm water management facility to provide water quality volume for just this present section, and including the -- one year and one 10- and 100-year, so to control the flow out into the Black Creek -- Black Creek.

DON FASO: Put the laser pointer on the location. Isn't that on Town property?

MR. KIM: Yes. I have spoken with Joe Carr with respect to this, and he is in favor of placing the pond at this location.

DON FASO: All right.

JOHN NOWICKI: How big a pond?

MR. KIM: Right now there is a pump station here (indicating) and there is a forced main -- across right along here (indicating). This pond will be placed right inside this area right in here (indicating).

JOHN NOWICKI: How deep is the forced main? For sanitary sewers?

MR. KIM: Yes. Normally forced mains are about 5 feet deep.

JOHN NOWICKI: How extensive is this pond and acreage?

MR. KIM: Acreage, I would say about -- it is not very big. It is hard to say. I would say about -- about -- I don't know. 100 maybe by 150 all contained within this area (indicating).

KAREN COX: It will only collect the runoff from the new section?

MR. KIM: No.

DON FASO: Three sections?

MR. KIM: The water shed, there is a ridge along here (indicating). This water is going to collect from -- like this (indicating). It is sized for the entire water shed, but we're providing water quality volume for this present section.

DON FASO: And the other side will drain into?

MR. KIM: Remaining section over here (indicating), there is pond over here fully in compliance with Phase 2.

JOHN NOWICKI: What problems do you see if Black Creek floods? Will it back up into this area?

MR. KIM: Yes, it will. We'll have a berm -- bermed up over here, and this -- the purpose of this is to provide water quality volume. A normal storm, water will be filled at all times and a bigger

storm, water will back up into the creek, pretty much water level and pond level.

DON FASO: We wouldn't be discussing a pond if it wasn't for the new Phase 2 storm water regs.

MR. KIM: Is that correct?

LARRY NISSEN: My understanding from the information I got from Dave, DEC, tentatively, at least, nothing in writing, is going to require provision of water quality treatment which is retention of a smaller volume of water. It won't attenuate a 10- or 50- or 100-year storm or anything like that. It is just basically designed to catch the first half inch of rainfall in any given storm event and hold it for 24 hours, to allow the pollutants to settle out. Oil and grease from cars that gets on the roadways.

DON FASO: The first flush.

LARRY NISSEN: That is the purpose.

JOHN NOWICKI: Who will own this pond?

LARRY NISSEN: I expect it will be -- it will be on Town property, and I expect the Town will maintain this pond. That is not unusual. I mean the maintenance aspect of it.

JOHN NOWICKI: Conservation Board easements?

DON FASO: Even if it was private, Joe (Carr) would want drainage easements around it.

LARRY NISSEN: Yes.

MR. KIM: At least.

KAREN COX: Will it be fenced?

MR. KIM: No. There is quite a bit -- from this property line to the actual water space -- the slope would be at least 1 on 5, which is pretty flat.

DON FASO: It will be strictly detention, not retention?

MR. KIM: No retention.

JOHN NOWICKI: What do you think the average depth will be?

MR. KIM: The depth of the pond is about 4 or 5 feet. It has to be at least that. That is what is required by the New York State DEC, and if it is anything less than that, it will be just overgrowth with cattails and sediment, and may need more maintenance.

JOHN NOWICKI: I need more of a permanent drawing or solution to this thing.

I noticed on the drawings these are now or formerly Earthborn Builders; is that correct?

MR. KIM: Yes.

JOHN NOWICKI: Who is building the homes?

MR. HOWARTH: Ryan Homes.

JOHN NOWICKI: Same style, same quality, same price range?

MR. HOWARTH: Same as we have been doing for the last three years.

JOHN NOWICKI: Again, I'm being careful and cautious here. I want to make sure we're getting the same product.

MR. HOWARTH: I haven't changed -- in fact, we talked about this a couple years ago. If there was going to be any changes, I said I would come back to the Planning Board and tell you about it.

JOHN NOWICKI: The quality and price range stays the same?

MR. HOWARTH: Stays the same.

JOHN NOWICKI: There are various levels they have that concern me.

MR. HOWARTH: We won't sink the level of that track, I will tell you that.

JOHN NOWICKI: That is what I want, on the record.

JAMES MARTIN: I'm assuming Larry (Nissen), with the DEC, will take advantage of this pond issue, satisfactory to the Town. I'm okay.

JOHN HELLABY: None of the lot configuration is changed from the original?

MR. KIM: No, it is not. Same as preliminary plat.

KEITH O'TOOLE: Any approval should be subject to overall Town approval because of the whole site drainage issue.

I would ask that perhaps you consider adding a temporary turnaround easement where Rio Grande Drive terminates into the future section.

And certainly counsel can provide me with that and other easements as a condition of approval.

MR. HOWARTH: I can understand that suggestion, but I plan on coming in in September with the next section that is going to tie it into the existing cul-de-sac, and --

DON FASO: You will finish that loop?

MR. HOWARTH: Yes. I'm finishing that loop up right away. As soon as we start this, we'll start the next one, and hopefully be in here in September for the approval of the next one.

So --

DON FASO: So if we put it as a condition, it will actually be a moot point.

MR. HOWARTH: I don't think we'll need it. We have the cul-de-sac there that is from Section 3, that will be done away with, and it will be all tied together very quickly.

DON FASO: So you're saying we won't need one for snowplows and school buses?

MR. HOWARTH: Don't think so.

CHARLES ROBINSON: Conservation Board would like to see landscaping plan depicting the placement of the trees along with the plant legend outlining the varieties that are going to be planted.

MR. KIM: For street trees?

CHARLES ROBINSON: Yes.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: If this pond is on Town property, is that near the playground there?

DON FASO: No.

MS. NEDER: Okay. Thank you.

DON FASO: There haven't --

LARRY NISSEN: It is near the pump station.

DON FASO: Where the playground equipment is is where the park is.

Don Faso made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing. The Board all voted yes on the motion.

JOHN NOWICKI: Charlie (Robinson), what do you look for when you have that condition?

CHARLES ROBINSON: At minimum we like professionally drawn landscaped plans which contains the placement of the trees as mandated by the Town, I believe they're on diagonal 50 feet apart and should contain a plant legend listing the varieties, height, 2 1/2 to 3 inches in caliper.

MR. KIM: Three inches? My understanding was 2 inches or 3 --

CHARLES ROBINSON: 2 1/2 to 3.

MR. KIM: This landscaping plan for subdivisions, is this something new?

CHARLES ROBINSON: No.

MR. KIM: In the past we have provided the details on the plans with the locations of the tree per lot.

DON FASO: Plus a list. Plus a planting list.

MR. KIM: That is pretty --

CHARLES ROBINSON: Usually one tree per lot, and the new rule is they must be planted on diagonal. In the past you may have find they were lined up and down. Now it is diagonal. 1 1/2 to 3 inches in caliper. Balled, burlapped with a two-year guarantee.

MR. HOWARTH: Have you been down in my subdivision and looked at the trees? We have made a real effort to comply with everything that the Town wants for trees.

CHARLES ROBINSON: I personally have not, but we do have the -- the Conservation takes an effort where we go by and check all landscaping plans. I will bring it to the Board to see whoever is assigned to your particular property to see.

MR. HOWARTH: I wish you would go down and look at my subdivision and see the trees I planted down there and see how they're placed. We have tried to comply with everything that the Town wanted, and we have to vary sometimes because of easements for RG&E and Water Authority and things like that, but I don't think you have to worry about what we're doing down there, because we have followed everything that we should be doing, and I would like you to look at it if you get a chance.

Normally we put a note on the map that we're going to comply to the Town requirements for the

trees, and if you need anything more than that, fine, but I don't think you're going to need it with me.

DON FASO: Thank you, John (Kim). I have got the two conditions. Engineer's approval and Conservation Board approval. Anything else?

KEITH O'TOOLE: Town Board approval.

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

1. Pending approval of the Town Engineer.
  2. Pending review and approval of the Conservation Board.
  3. Pending approval of the Town Board with regard to building a retention pond on Town property.
  4. Applicant shall build a temporary turnaround at the end of Rio Grande Drive.
3. Application of Excel Development Corp., P.O. Box 220, Spencerport, New York 14550, property owner: Gates-Chili School District; for preliminary subdivision approval of 25 lots to be known as Maple Hollow Subdivision at property located at 30 Dallas Drive in R-1-15 zone.

Rob (Fitzgerald) Fitzgerald and Mike Pellano were present to represent the application.

MR. FITZGERALD: My name is Rob (Fitzgerald) Fitzgerald, project engineer with Avery Engineering. I'm representing Mike Pellano with me tonight from Excel Development. He is just now currently completing a subdivision here in Chili, Paul Road Estates. He had 13 lots in there. He was pretty successful with that tract so he is looking to do another one, and quite soon because he has run out of lots in that tract.

As you can see the configuration, we're proposing two cul-de-sacs and we have 25 lots orientated around those which do comply with Town code. We did request two variances from the Zoning Board of Appeals which we did receive a few weeks back, the front setback and the width on the two flag lots. The front setback, it is required 60 feet. We asked them for variance of 10 feet giving us front setback of 50 feet so we could pull our houses closer to the road, essentially giving us a bigger backyard and allowing for greater buffer area in the rear yard which is key because we're completely surrounded by existing residences.

As you can probably notice, there are three existing street stubs going to the property. So probably way back when, it was probably going to be developed for residential use.

DON FASO: The address was Dallas.

MR. FITZGERALD: Then the School District bought it for a possible future elementary school, I believe. I guess they deemed that is not necessary, so Mike (Pellano) does have an approved purchase offer on this parcel.

As far as utility goes, it is kind of nice because we have three stubs we can work off. As far as the sanitary sewer, it actually crosses through our property from the north on Dallas Drive, and that cuts down, so that is presently existing now. So with laying our lots out we try to incorporate the right-of-way where that sewer line is.

So for our sewer extension we can tie in this manhole here, existing, extend 220 feet down to the south, taking care of Kings Way.

For Knights Trail, we have another manhole, once again, conveniently that is existing, that we can tie in that and extend down the next trail. That will require a 10 foot easement, which is kind of standard, because with a 60 foot wide right-of-way you usually run out of room. Usually the storm or sanitary goes into an easement.

For the water we're proposing to tie off Knights Trail and run parallel systems along Kings Way and Knights Trail. At this point we're not looking to loop the lines. We think we have -- it is contingent on the Water Authority, but we think we have enough pressure and also we shouldn't have stagnant water because we have two cul-de-sacs and there are quite a few houses feeding off those lines. That

is the intent at this point.

That brings me to drainage which is always the fun one.

DON FASO: In Chili?

MR. FITZGERALD: In Chili, yes.

There is quite a bit of area that does drain to this parcel from the north -- actually coming all of the way from Chili Ave., and it drains down. We have a pretty significant swale across these back property lines and we have a culvert that dumps on us a pretty substantial amount of water. Our original plan was to dump into a retention pond, then discharge back out, piping this, but the existing channel does run a discharge into another 24-inch pipe, right at the edge of our property line. We wanted to discharge into the pond and redischarge into a smaller pipe tying into the 24-inch pipe.

Then to the south we have another proposed detention pond flowing into an existing manhole. When I say "flowing," we'll tie that into a culvert, tying into the manhole so we won't spill in people's backyards. It will flow into a closed drainage system for both areas.

A few weeks ago we had a meeting with the neighbors, a few who are here tonight. More issues were traffic and drainage. The big issues, the people on Gene Drive were concerned we're barricading the water, backing up into their property. With our drainage calcs with the smaller year storms that was not the case, but with larger storms that was the case, it would possibly back up for a 50-year storm or so. So since then we are now proposing revisions to that with the neighbors' input and we're looking to remove this pond (indicating) and try and close this pipe, existing 24-inch pipe, tying it into the other existing 24-inch pipe so all of the drainage to the north of us, it goes through the property now, we'll pipe it and let it go through. With that we're actually taking away some of the drainage that goes to the swale and we'll redivert it to Meeting House Drive where we have a larger area to control the water.

DON FASO: So we're not taking a drainage problem from the north and shifting it to the south?

MR. FITZGERALD: No. It goes in the channel now. We'll pipe it all. Actually we're taking away some of the area (indicating) bringing it to Meeting House where we have more control.

DON FASO: So no runoff --

MR. FITZGERALD: No increase. There will be a decrease, because we're taking away some of the area that is draining to there.

Unfortunately, like I said, a lot of the concerns did come up at the meeting we have, so we have not had a chance to go through the SPEDIES requirements.

DON FASO: When was this meeting?

KAREN COX: May 17th.

DON FASO: Where held, how many attended?

MR. FITZGERALD: It was held here, probably 40 people here.

JOHN NOWICKI: The pond is coming out?

MR. FITZGERALD: Yes. The only concern is quality control. So we may have to do a small pond. If we do at least -- this is a nice area. It is a high area. Once again, the neighbors had concerns with this, as far as leaving this alone. There are nice mature trees here (indicating). We look like we can at least down scale the pond. The other option -- it is all about quality at this point.

JOHN NOWICKI: You have to change these drawings then?

MR. FITZGERALD: Yes, I do.

JOHN NOWICKI: The pond on the left, will that increase in size?

MR. FITZGERALD: That was oversized to begin with. Our area is only 12 acres, so we oversized it -- since we'll have water, we wanted it to at least look like something and not just be a small

--

DON FASO: 100-year storm?

MR. FITZGERALD: We do not have 100-year storm there.

JOHN NOWICKI: Designed for?

MR. FITZGERALD: For 25, for our 12 acres.

DON FASO: Have you done the calcs for our engineer?

LARRY NISSEN: 25 year won't do it with the new SPEDIES requirements. It will need to retain a 100-year storm. That is my understanding.

MR. FITZGERALD: That is why we're going through the process now. We ran into problems

trying to control the 30 plus acres to the north.

KAREN COX: Which don't have drainage sized for the 100-year storm.

MR. FITZGERALD: Correct. For us to take care of that, it would be most of the site. That is why we're looking at letting it go through. We're in the process of crunching the numbers for the SPEDIES requirements, 100 year as well storm. So with the neighbors' input we think this is the better route to go, but, unfortunately, we don't have the numbers supplied to the Town Engineer at this point.

DON FASO: With the Board's consent, I think I would like to change procedures and go to the audience first -- they're probably more familiar with the area than we are -- and hear from them. Is that acceptable?

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JILL EVANS, Knights Trail

MS. EVANS: I live on Knights Trail. I have a petition signed by 57 people on Daunton Drive, Revere Drive and Knights Trail. It is to reconsider only one access road off the development, off Knights Trail. There are two other dead-end streets that can be connected to the development. Daunton Drive is busy and not very many people obey the stop signs. There are small children in the area. This will drastically affect their safety. With 25 times more the traffic and now people disobeying the stop signs, we see serious problems occurring. This is for you.

Mrs. Evans submitted the petition to the Board.

DON FASO: Just for the audience, I would like to point out that the Superintendent of Highways, Commissioner of Public Works has reviewed the plans and has found the current design and layout satisfactory.

Sandy (Hewlett), let the record show I have been handed a petition containing 57 signatures.

JAMES KEENAN

MR. KEENAN: James Keenan representing my daughter and son-in-law, Mark Evans. I have some comments and concerns, I guess, and the one for the entrance and exits from the subdivision and that pond.

The Daunton Road and Knights Trail residence and adjoining streets to this proposed subdivision bought the houses with the understanding that the property was reserved for a future school, not crowded subdivision like shown here with one entrance and exit. The property has never generated a revenue and this neighborhood really needs a playground with ball fields and such. There is no place for children to play in the immediate area.

It has been something that was proposed, and everybody thought that there would be a school there some day with -- obviously with a playground.

We requested the Highway Superintendent and Traffic Safety Committee review this project in regard to the following problems: One entrance and exit rather than two or three. Concerns would be emergency problems, snowplowing, trash pickup, delivery trucks, school buses and most of all to relieve some of the traffic from Knights Trail and Daunton Drive. Also we have not heard anything from the Town Engineer or the Director of Planning on comments on this project. We don't know if they have commented on this, rather than just the Highway Superintendent. The dead-end streets there were designed for a reason, to make this project work. Now they have dead-end streets. There are three of them there presently, and most of the traffic that goes down has to back out of those streets. There are no turn-arounds there. So that is another concern with it.

Lot variance for the front 50-foot setbacks were needed because the lots have no depth. And with -- I think they're 140 feet deep, some of them.

60-foot front setbacks created rear yards that would make them quite short.

They still will be short with 155 foot depth even with a 50-foot front setback. Creating a second or third entrance would mean losing one or two lots. There seems to be too much density for the homes for this acreage. The other concern is the two detention ponds that are proposed. That indicates there

is a large amount of water runoff created by this project. Obviously there is a safety concern for the children in the neighborhood, especially the pond designed for -- I looked at it, and it showed that pond in the northeast corner there to be 10 feet deep. So it is quite a pond. I don't know what changes are proposed for -- the other problem is who is going to maintain these two ponds? Overall, the lots may meet the minimum 15,000 square foot requirements, but all of the cul-de-sacs, flag lots, lot depth and overall design is very poor and shows a lack of concern for the existing development and good planning, but obtaining the most building lots possible out of these 12 acres.

We would request the Planning Board reserve decision until the project has some design changes or put a playground in there. This is advertised as 30 Dallas Drive, but there is no access to 30 -- to Dallas Drive.

DON FASO: That is just a street address.

MR. KEENAN: The other towns around the area, Irondequoit, Mendon and Pittsford, they're looking for these properties now as open spaces, rather than putting more subdivisions in there. Especially since it will create more drainage problems. Mostly those are the concerns of the people in the neighborhood.

LOUISE HESLIN, 114 Knights Trail

MS. HESLIN: I would like to take this opportunity to request the Planning Board consider the proposed design of the access road to this development. I have reviewed the proposed plans and understand there is only one access road for 25 homes, namely Knights Trail. I'm requesting consideration of possible alternatives, whether it be one or multiple accesses.

My family moved 13 years ago from heavily trafficked Chili Ave. to a quieter, less traveled road, Knights Trail. The Chili Ave. traffic situation was one of the main reasons for my move. Knights Trail is a street that provides access to homes along there and it is used as a through street by others. Increased through traffic due to the entry -- one entry point of this development will create more activity, noise and traffic on Knights Trail. These are the reasons I moved off Chili Ave. Knights Trail is a residential road and I think to Daunton Drive, another residential road, both these roads have minimal, if any, area on either side for foot or bicycle traffic. Adults and children use this development for walking, exercise and riding bikes. Students in the sixth grade and up walk along Knights Trail to bus stops at either end. That includes my children. I only know three current access points to this area, Meeting House, Dallas and Knights Trail. I don't know of any others, but only one has been chosen. A reduction in traffic utilizing Knights Trail would be possible with a second entrance point.

For reasons I stated, and in wishing to maintain the character of this area, please consider a second entryway. Thank you.

SAM CYPRESSI, 84 Daunton Drive

MR. CYPRESSI: In the discussion we had had with the builder at the formal meeting that we had, we were discussing buffer zones, and he had just mentioned a buffer zone, but what size or what depth of a buffer zone are they speaking of?

DON FASO: I think they were granted a front setback variance from the ZBA to pull the houses closer to the road to create more of a backyard. Are you calling that increased buffer zone?

MR. FITZGERALD: The developer, Mike Pellano, is proposing to leave at least a 20-foot buffer on our property of existing vegetation. Other areas that are limited with what vegetation is there, yes. To the north there are some other areas where there is nice vegetation. The plan on the left is trying to depict what is in green, vegetation that we are trying to leave, and we did, of course, pull all our grading out of that area so we don't have to disturb any of the shrubs, trees, or whatnot. So we would like to keep at least a 20-foot buffer.

MR. CYPRESSI: I have another question with regards to the buffer zone. Once it is put in place, what is stopping someone who may be buying a house ten years from now coming in and getting rid of whatever trees are in that area, and turning it into his lawn? Is that possible? How -- who takes care of that?

DON FASO: How do you want to address that, easement to the Town?

MR. FITZGERALD: Asking me?

DON FASO: Or Mike (Pellano). It is a valid question.

MR. FITZGERALD: That is something we could look at. It came up at the meeting. I wasn't sure how we could prevent people from removing trees. Most of these people that are building the homes, they -- in all due respect, they don't want to look in other people's backyards either, so you would like to think they would keep the buffer. It doesn't mean they will. To put conservation easement on everything, is that the way you go, if you have poison ivy -- sometimes it is good to do a little clearing. I'm not sure.

KAREN COX: Even with the conservation easement, what is the enforcement that would keep somebody from -- it would say it on their deed or plat map, but what would keep somebody from going out on Saturday morning --

DON FASO: Who would police it?

KAREN COX: I tend to agree with Rob (Fitzgerald), especially because in this area, most subdivisions don't have trees. If I moved into one that had some nice trees in my backyard, I would try to leave them as much as I could. If you have dead trees, you would want to take them out. So I don't -- it is possible that somebody would cut them all down, but I don't think that somebody would really do that unless they had some dead trees. It is not a guarantee, but I just can't imagine if you have nice trees in your backyard you would come in and mow them all down.

JOHN NOWICKI: What are the value of the trees? Did anybody take inventory what exists in there? Trash trees, what are they?

MR. FITZGERALD: There are certainly a mixture. There is kind of a ridge that runs along here (indicating). There are some nice mature trees in there that would protect our lots from looking at each other, as well. Actually where the pond is, there are some decent trees, as well.

JOHN NOWICKI: Along the property lines, is that just -- it could be green trees?

MR. FITZGERALD: Did we locate all of the trees, no. There are certainly lots of trees. But that is like a buffer we would like to keep at minimum. I think Mike (Pellano) was stating -- was it 40 feet beyond the back of the house? He would like to clear 40 feet and leave the rest natural. Kind of similar to maybe like Wellington over there. He kind of did the same deal over there.

JOHN NOWICKI: Again, is it just overgrowth? Or is it trash, bushes and trees? Is it something that is in that strip outside around the subdivision? What will it look like in five or ten years?

MR. FITZGERALD: It is a mixture. Certainly with trimming some of the trash trees out of there.

DON FASO: Mature scrub.

KAREN COX: Right now it is probably what we would call a woods, which is fine for the way the property is now, but when they get a homeowner that comes in and says I want to clear this out a little more so my kids can play in the backyard --

DON FASO: I want to plant my garden.

KAREN COX: -- they might take out some of the brush.

MR. FITZGERALD: Clear out the brush and leave some of the larger diameter trees.

KAREN COX: In which case, yes, it does reduce the buffer somewhat, but again, I can't imagine somebody would come in and just mow everything down.

MR. FITZGERALD: It is a situation where it is not an open farm field, so we would like to keep some of the trees there. I just want to point out Mike (Pellano) has no intention to clear-cutting the entire parcel. He would like to leave a buffer. It makes it easier for him to sell the parcels as well if there is a natural buffer there.

JOHN NOWICKI: Do the people in the neighborhood, have you met with them and do they have any familiar feelings towards the outside edges of the mature trees that exist? What's their feelings towards the outside boundary line?

MR. FITZGERALD: They were interested in keeping the buffer. They were wondering how you would enforce it. That is a tough one.

JOHN NOWICKI: 20 feet?

MR. FITZGERALD: 20 feet minimum.

JOHN NOWICKI: People will go in and say I will put a garden in there, or attractive landscaping sitting area, they will put up wooden fences and all kinds of -- it could be rather attractive.

MR. FITZGERALD: Right.

JOHN NOWICKI: Could be.

PAT McGRAIN, 56 Daunton Drive

MR. McGRAIN: As I am looking at the map, Knights Trail happens to be south of me, and I live like between Knights Trail and Earl Drive, so I am kind of right in the middle. As people come out, if there is only one exit, let's say they want to come over to Wegmans, which is a pretty popular place, they will have to come down Daunton Drive, go Knights Trail over to Marshall Road. Logically speaking, if we had another exit over on Minute Man, there they could make a shorter swing out. That is one.

Number 2, obviously it would alleviate traffic because right now the way I figure it, 25 houses, that is probably 50 cars, which means approximately 100 trips per day, figuring to and from work. That is without anything.

The stop signs which we have on Knights Trail and Earl Drive really aren't very useful, because people go speedy through there at 60, 70, 80 miles an hour and occasionally we have a policeman come in, give six or eight tickets and everybody slows down for about 12 minutes and that is really the safety concern we have. I don't have any young children.

DON FASO: Statistics show it is the people in the neighborhood that get the tickets.

MR. McGRAIN: It very much could be, but I believe they're probably in the back of the tract. I haven't got one there yet. Notice I use the word "yet."

My other concern is the ponds. I understand that the DEC regulations say we have to have ponds now. Well, unfortunately, we had a child die over in Wellington, if I am not mistaken. In the winter, he walked on ice and fell through. I don't understand the logic of it myself. I think someone maybe from the Fire Department who has to go rescue these people and watch a lifeless child should get a little more involved in stuff like that.

The other thing I'm concerned is people running up and down the street on Daunton Drive. If they want to go Chili Avenue, that is the only way to go. If they want to go in the other area over by Wegmans and the likes, they have no other way to go other than through that Knights Trail again. There are a lot of young children around. I happen to be there 27 years, so my youngest happens to be that old. They don't live there any more. But I kind of feel for the people that way.

I think what has to be looked at is more than one exit and real safety issues. And maybe it's portable speed bumps that they put on Daunton Drive during the summer months, and they pick them up in the wintertime so they can plow. They do it in the city. I have seen them. So those are the types of issues I think we have to look at. I think somebody has to address that, whether it is yourselves or the people who are applying for the permits.

KOSTAS MACIULIS, 25 Dallas Drive

MR. MACIULIS: I'm the one that is closest to the property. I want to show it a little bit. My case is a little different like the others at the Gene Drive. I am right here (indicating). And the rest of Gene Drive is here (indicating). My house is real close to their property. I have only 20 -- actually, I have only 16 feet from the porch 'til their property. So I don't have access to get out the shed to take my tractor over if the future owners owned those lots. Right now it's the school's property, and I had a permission from the School that I could do anything I want with that land there. And now, that ditch is -- draining ditch is really a divider between our property and their property. And I got a picture I will show you. It is a big ditch, it is about at least 3 feet deep, up to here (indicating), and in some places about 10 feet wide. Right now it's mosquitoes got us there, and there is grass growing, cotton trees growing out of there. Before that was seven big cotton trees right next to my property. So I fought with the school administrator and he took it down, those a couple years ago, which was good for everybody there. Everybody were happy because those cottons were going into the garages and the house. I couldn't keep them open, nothing. It was a mess.

But now coming to that easement, I imagine this is that ditch; is that right? Or is it over here (indicating)? What is all this line like that (indicating)?

MR. FITZGERALD: The existing ditch is straddling the property line. The majority is on our property actually.

MR. MACIULIS: The rest of the people on Gene Drive, their property ends at the ditch.

My house is closer here, and I have only 20 feet from the line to the ditch, and -- otherwise on

the north side of the ditch is not my property. And I got only from the porch -- I have only 16 feet to their line, and that -- that ditch is already -- mine up to here (indicating) because my house is closer. This is on Dallas Drive. It is real close to their property. And I was told easement would be 20 feet. You measured from the line, to the ditch is 20 feet, from my line, but on the other end where the little pond is, to the north -- I don't know -- I asked you to come over, but you never showed up.

MR. PELLANO: I did show up. You were not home.

MR. MACIULIS: But the thing is, in the other part, it is real close. I got the pictures, and I don't know if that easement, they say would be for the Town. Actually they say Highway Department takes care of that ditch, which they didn't do a thing for two years so far. It's really bad looking ditch now. And it's got cotton trees growing from the roots that they took down. So my question is, I don't have an access out of the shed, and I got to -- I got a walk-out basement, because it is not my property. It is a hill. It is a little hill. I have a picture. You can see it. So if I don't have an easement, they say Town has an easement. But how about me? How much right do I have? I will be going on their property?

DON FASO: You mentioned you had a picture. Can I see the picture?

MR. MACIULIS: Yes. I have three of them. This is hard to explain when you don't see it, but maybe you can get the idea.

See that hill (indicating), this is going from the --

DON FASO: Where is your shed?

MR. MACIULIS: Shed -- you will see.

Mr. Maciulis explained the pictures to the Board.

JOHN NOWICKI: The door to your shed opens up on the school property?

MR. MACIULIS: Not that close, but my problem is a hill.

Mr. Maciulis further explained the pictures to the Board.

DON FASO: That can't be more than a two-on-one slope.

MR. MACIULIS: This is from the west going east.

DON FASO: If the deal goes through, that will be on the School's property.

MR. MACIULIS: Where do I stand? They say Town has an easement to clear that ditch, but what about me? What rights do I have?

DON FASO: Thank you, sir.

KEVIN BATTIG (phonetic), 17 Daunton Drive

MR. BATTIG: The ditch in question, I have a sump pump and we need that ditch cleaned out. I put the vegetation, those 20 feet. Who is going to maintain it? If the ditch is filled in, I mean the property owner owns the ditch and it is not maintained properly, we could have problems.

DON FASO: There is a 20-foot easement on their property?

LARRY NISSEN: Easement is shown entirely upon the property --

KEITH O'TOOLE: There is reference to a map easement, but not reference to a recorded easement on the book of deeds. That is not considered sufficient. We need a book of deeds easement, so they will have to provide us with proof of that or a brand new easement for that 20-foot swale.

KAREN COX: So there is a drainage easement to the Town of Chili.

DON FASO: Ownership will be owned by Excel, but it will be an easement to the Town and they can't fill it in or do any other altercation or changes to the swale at all.

MR. BATTIG: Town would maintain?

DON FASO: Yes, sir.

TERRY RILEY, 16 Dallas Drive

MS. RILEY: As Joe Carr is aware, Dallas Drive has flooded several times over the past five or six years. It took us four years to get the Town to clean out the drainage system because that is where the flooding was coming from, it was backing up into all of our houses. We have a concern about the pond, and I just have a question about the pond is going to be different now. One of my neighbors,

who is an engineer, was stating the fact that that pond will have to be extremely deep in order to accommodate the runoff from Dallas Drive.

DON FASO: Which pond?

MS. RILEY: The one in the northeast part -- right above that is -- right north of that is Dallas Drive.

MR. FITZGERALD: I agree absolutely.

DON FASO: It is eliminated.

MR. FITZGERALD: As far as the drainage from the north, that will be a direct shot through the property. It is just our incidental portion from our runoff we may need something.

MS. RILEY: If there is something that impedes the runoff from down Dallas Drive, it will back up into our neighborhood. And I just want the -- the Town's engineer to sign off on any plans that we will not be dealing with a backup of water on Dallas Drive.

DON FASO: The engineer is going to have to submit drainage calculations to our Town Engineer who will verify them. That has not been done yet.

MR. FITZGERALD: That's correct.

DON FASO: That will be done.

MS. RILEY: In the eventuality there are problems after the development is built, what do we do?

DON FASO: There shouldn't be any problem.

MS. RILEY: We were told for four years there shouldn't be any problems, but there were.

JOHN NOWICKI: We'll have the Town Engineer stand up at the next meeting and say that there will be no problem.

LARRY NISSEN: We always try to make things better. We always try to do that.

MS. RILEY: They're not, you're the person you go to?

LARRY NISSEN: You go to the DPW. If they wish to get us involved, yes.

JOHN NOWICKI: We have to find out downstream conditions.

MS. RILEY: There is a very deep drainage system below the storm sewer. There is a deep drainage system.

JOHN NOWICKI: We have a lot of work to do here on drainage. We're not close.

JIM ALLEN, 10 Battlegreen Drive

MR. ALLEN: Where is that ditch going to drain into?

MR. FITZGERALD: What I didn't want to do, because this happened after I submitted, I didn't want to bring revised plans and have everybody looking at revised plans.

DON FASO: You have them.

MR. FITZGERALD: Yeah. They're probably 90 percent of the way done. At this point, we realize we'll be back, and we'll have those answers. We'll have those answers before that.

But presently, the ditch and culvert coming from the north, that comes down this swale, this swale empties out into an existing 24-inch pipe. So we're looking to tie in the two 24-inch pipes, if you will.

KAREN COX: With a pipe?

MR. FITZGERALD: Yes. Some of this drainage presently flows into this, of course, from our property, flows into this swale. We're looking to redirect that, a portion of it, anyways, to this proposed pond.

KAREN COX: So the Dallas Drive drainage will just be going through the site, underneath the ground for the pipe -- through a pipe.

MR. FITZGERALD: Yes.

JOHN NOWICKI: I just want to make sure that the downstream structures are sufficient size to carry any additional drainage, so you guys have work to do upstream and downstream to convince me and the Board it will flow.

MR. FITZGERALD: The numbers show there will be a decrease going into the existing pipe.

JOHN NOWICKI: I want to know what is downstream.

MR. FITZGERALD: I have spoke with this gentleman and we need to work further -- he is presently here -- I can't find you.

A portion of the site does drain to his property and his backyard drains to the common property

line and just sits there. We'll see if possibly working with Joe Carr -- there is an existing catch basin in the corner. Maybe with easements and cooperation from the other neighbors we could tie into that and put another catch basin in.

MR. ALLEN: There are four properties that all have problems with it.

DON FASO: I think one of the suggestions the Board will probably make is that you meet with the Drainage Committee and go over the plans.

CHUCK GARDENER, 72 Daunton Drive

MR. GARDENER: I would like to ask the builder, is the reason we can't get other intersections to these cul-de-sacs or whatever you want to call them is because you have located the ponds at the streets?

MR. PELLANO: No.

DON FASO: I can answer that. The developer actually met with or submitted plans to the Superintendent of Highways/Commissioner of Public Works, and this was his suggestion, the best alternative for the site. He is the one that will have to maintain it and plow the roads.

MR. GARDENER: I just want to figure out -- there would be more reasons or advantage to living in that tract if there was other exits. I mean, which includes fire safety, health -- going to the stores, locations, getting in and out, instead of dumping all of that traffic on Daunton Drive, which I still think that you guys are going to end up building a sidewalk on Daunton Drive because people won't be able to exercise, run, walk, ride bikes, let children play. Then you will integrate a traffic light on the corner of 72 Daunton Drive and Chili Ave. because --

DON FASO: Neither one will ever happen. It doesn't warrant sidewalks and won't warrant a light.

MR. GARDENER: Okay.

DON FASO: Telling you the facts.

MR. GARDENER: But I just happen to know the ponds were located at the streets, where they could be exits. So, therefore, if somebody has made up their mind, it looks like that cements the deal, that that is the reason why. Other than that, you will have to take out houses.

DON FASO: Other than what?

MR. GARDENER: You would have to take out houses. In other words, it seems like it is more about property, selling property than it is about making it right for the people who live in the neighborhood.

It just seems that way.

MR. FITZGERALD: I will make a couple of responses to that. Our original plan we submitted to Joe Carr had it going -- they did change the plan. We didn't want to have a through street because it would just be a through street with more people cutting through.

As having two different cul-de-sacs, if you will, you lose the community effect, you know, a small new development. Mike (Pellano) did like to have just one.

MR. GARDENER: I guess from 72 Daunton Drive, if you look at that, we live on Daunton Drive and Knights Trail where all that traffic is coming out. I guess -- it is making it seem like they're trying to say it is only 25 houses. And if they're married and they each have a car, that is 50 cars. And if they have kids that drive, it will be even more cars. And if they have people coming over to visit during that time, there is even more. Then the garbage man, delivery, like people were saying all in here, and that just makes it -- it just doesn't seem any -- I look at those two ponds and I say, you know -- they're right in front of streets. I say why can't they relocate the ponds and make the two streets -- I guess that is more of a reasoning. That is why I say whoever built it, they said okay, fine, 25 people could get out one street, but they're not living there. It will give a whole new meaning to backing out your driveway when all of that traffic comes down in facing the east, which is the sunny side.

DON FASO: Fortunately, they won't travel all at the same time. They won't be 30 seconds apart coming down your road.

MR. GARDENER: But what was a quiet neighborhood --

DON FASO: With 25 homes, it will still be a quiet neighborhood.

MS. EVANS: Right now at 5 o'clock traffic you can't walk out on Daunton now. With your kids, they have to come back inside the house.

DON FASO: Making another entrance would create a faster shortcut.

MR. BATTIG: This is back to the drainage. I just want to make a note that that gets really wet out there in the spring, and after a big storm, and I'm just concerned -- it is more of a concern, with the grading and the roads and everything, the driveways and everything, that it would put more of a strain when -- with the drainage there, because it acts as a sponge and it is really wet. My concern is when we're changing the drainage, that water will overload and want to get in the system faster and I don't want to cause any problems with that. Right now it is kind of like a sponge.

DON FASO: So noted.

MR. KEENAN: It sounds as if you made up your mind.

DON FASO: I have not.

MR. KEENAN: It does from here.

DON FASO: If I give you that impression, I apologize.

MS. RILEY: I guess I just have a statement. I have concerns over all of the excessive development in Chili, and one of the reasons that I moved to Chili, it still had kind of a rural appeal to it, and I see that disappearing with the excessive development. I think that I would hope that the person is looking at long range for what our children will be -- where our children will be living and will it be like some busy roads in Henrietta and Greece, or are we going to actually preserve some of that. Not just this development, but I see development on Paul Road, I see proposed development all over Chili when I drive around. That is a concern I have.

JOHN NOWICKI: Can I make a suggestion? We have a Town Board, and that is an issue really -- I support your issue. I think about that a lot. I think you should, or your neighbors should, and anybody in this audience should pick up your phone and talk to the Supervisor or the Council members of this Town and make them aware of your feelings, because there are a lot of issues in this Town that have to be addressed.

MS. RILEY: I already did reply --

JOHN NOWICKI: If more people bring it up, they will start paying attention to it.

MS. RILEY: I already did reply to our new legislator, because she sent out a card asking that exact question about Chili. So I am just hoping that -- I will contact the Board.

JOHN NOWICKI: I would rather have you call the Supervisor or the Council members because there is a master plan in place that should really be looked at hard and by these local people, not the County Legislator at this point. So anybody in this audience should pick up the phone and start calling the people and make them aware of your feelings. The Planning Board has to act with the instruments we have: The zoning code, master plan, what have you, engineers, Conservation Board, Traffic Safety and all those things come into play here. We listen to you folks, but I'm saying pick up the phone and call your elected officials as soon as possible.

MS. RILEY: I will.

MR. KEENAN: I had some concerns with drainage that Mr. Nowicki mentioned with the drainage to the south downstream. It seems like the engineer made a statement saying I have a decrease in drainage. It is pretty tough to figure that you got -- now you don't have any runoff off that property. Most of it leeches into the ground. But once you develop it, all that blacktop and all those houses, that water has to go someplace.

DON FASO: Which will go to the pond, to the lower portion. The upper pond will be eliminated.

MR. KEENAN: I don't know. It seems to be an awful lot of runoff. But those concerns are just concerns. It is the one exit and the drainage on that property. It just seems to be too dense, and too much -- too much water, drainage problems. Thank you.

MR. GARDENER: I just wanted to ask you a question about what we were talking about a little earlier on the connecting street issue. You said something and I didn't quite understand it. I guess we were all talking at the same time.

You said they will cut through or take shortcuts. I was just wondering what you meant by that.

DON FASO: Access from Marshall to Chili Avenue. If there is a way, people will use it.

MR. GARDENER: You can do it now.

DON FASO: You will just give them another route.

MR. GARDENER: But what is -- what would be the thing? I mean what would be the -- why would it be bad? Why would it be a bad thing? It is a quicker way to get to and out, is what I was trying to express. If you wanted to go to Wegmans, you don't have to go to Daunton Drive. You could go to Paul Road or the one down.

DON FASO: Let me just state that the Chair of our Traffic Safety Committee is sitting right over there, smiling, taking all of this in, which will be reported to his next Traffic Safety Committee meeting when they review the plans.

MR. GARDENER: I was just wondering what you meant by -- in other words, already if you're stuffing all of the traffic on one street.

DON FASO: Fred (Trott), when is the next meeting?

FRED TROTT: May -- I'm sorry. July 1st.

DON FASO: Held at the Highway Garage.

FRED TROTT: First Thursday in July. I believe it is the 1st.

DON FASO: At the Highway Garage.

FRED TROTT: 7 o'clock at night.

DON FASO: You are all invited.

MR. KEENAN: One more comment. What about the Town Engineer and the Town Planner? I mean does everything hinge on the Highway Superintendent making the decisions?

DON FASO: No.

MR. KEENAN: What about the Safety Committee?

DON FASO: The Town Engineer will review it for compliance to our code.

MR. KEENAN: Do they have input as much as the Highway Superintendent?

DON FASO: Input? They have approval power. They have approval power.

MR. KEENAN: The Town --

DON FASO: The Town Engineer -- this engineer already has to satisfy our engineer that this drainage system will work.

MR. KEENAN: It seems --

DON FASO: He will sign it, put his professional stamp on it and our engineer will sign off on it.

MR. KEENAN: Seems like the Highway Superintendent has made a decision here that one entrance and exit on this subdivision is adequate.

DON FASO: Let me say the first plan submitted had the road on Dallas, which was totally unacceptable to the Highway Superintendent. The Superintendent took a look at it and said this will probably work better. I do not want the access onto Dallas. And, therefore, it is not on Dallas.

MR. KEENAN: There is another one over there -- old -- another street that dead-ends Knight Meeting House Road, too.

JOHN NOWICKI: I make a motion we table this application.

RAY BLEIER: I would like to make a few comments first. We didn't get a chance.

First of all, I would like to say that this property is zoned Residential 15. 15,000 square feet per lot. The applicant is not asking any change in that zoning for this piece of property. So what the applicant is doing is something well within our existing zoning code. I would just like to mention that some of the lots are very large. They're not sticking to the bare minimum 15,000. Somebody thought they are cramming them in. When you look at the total piece of property like I did, I said it is beautiful back there. I would like to see larger lots, of course, and things like that. But the applicant is well within his rights to submit this proposal as is.

And as far as the drainage issues go, I personally feel that there are serious drainage issues, and the applicant has a long way to go to resolve all these here, not only to the Town Engineer's satisfaction, but also to my satisfaction before I will vote for approval.

KAREN COX: Ray (Bleier) kind of stole my thunder. The only thing I will put forth is that the applicant also has made a commitment to saving as many of the trees that are there, as he is showing up on the plan. I would hope that he sticks to that plan as much as he can within the construction. We have had some applicants come in front of the Board before that have made the same promises and then have not kept them. So it appears as though the intent is there.

JOHN HELLABY: I think the biggest issue is the drainage issue and I promised somebody I would bring it to Rob (Fitzgerald)'s attention tonight. Lot Number 193, Richard and Patricia Brassier

(phonetic) happen to be on the exact end of that entire water shed coming from Chili Avenue, the cemetery and whatnot. All those -- if you check your line, you will see that they all drain back down -- it is up in that upper left-hand corner. Also in the same token, Lexington Subdivision also drains off into that, so the low point of that whole area is their backyard. And the reason I know that, and it is no secret, she is my administrative assistant, being a little outspoken, they dragged me over there. And I had to go home and change my shoes and socks because they got soaked. I promised I would bring it to light so when the grading process of that ditch -- Joe Carr's crews have been over there several times; it is still a problem. That water is trapped there with nowhere to go. So keep it in mind. That is all.

DON FASO: How many people went to look at Excel's current development off of Paul Road?

Two hands were raised.

DON FASO: For those that don't know, did you mention at the meeting that you are building in Chili off Paul?

MR. PELLANO: Yes.

DON FASO: Nearest cross street, Bucky?

MR. PELLANO: Directly across from Bucky.

DON FASO: I suggest you take a ride down there. I think -- that was first venture into Chili and I think Chili is very satisfied with the results. Nice job, Mike (Pellano).

MR. PELLANO: Thank you.

JOHN NOWICKI: Just so the people involved here realize it, we're not going very fast here. We'll take this very slow and easy because the drainage issues are large. We want to make sure we all understand what is happening upstream, downstream, on the site. I would like to see the inventory of the trees that will be saved marked and identified on the site by the builder and through the Conservation Board.

I would also like to have Traffic Safety get involved in regards to the traffic patterns that are -- that are in the area right now and could be in after this subdivision supposedly if it was built, whether or not we could do speed bumps or other types of traffic control measures in the area. Because I know other towns that I go into -- I'm on the road all of the time -- have various speed bumps sizes and shapes to accommodate all year round so the police can get around them. So we have to look at that. So I want to take it slow and easy. I will not be in any hurry here to jump on this thing. I do like what I have seen in the other subdivisions he has built, and I think we have got good engineers involved and the Planning Board -- at least as far as I'm concerned, I will take it slow and easy on it.

JAMES MARTIN: I guess if they're -- if there is going to be a conversation easement on the backs of the new lots, it would be nice if there was some way they could be marked or something so that the new homeowners would know you shouldn't intrude beyond this point. I know it is their property, but if there is a conservation easement, it would be nice to have notification of that so they say, oh, yeah, I know what that means.

I think also, if I understand it, there may be an issue with street numbering and names in the new subdivision, in that Knights Trail coming in from the east -- you begin to run out of house numbers very quickly, and that, you know, you probably should look at continuation of Knights Trail, giving it a different name from a fire protection standpoint, because you're going to run out of numbers there, and I don't know how you're going to address that. So that is something that I think you should work with the developer on, around dedication of the streets and the name of the street.

I think when we get further down the line, with your revised plans there will be other issues I will have, but that is all for tonight.

DON FASO: I just want to touch on the Monroe County comments, on the review of this application. Their first comment is the 911. The naming convention should be submitted to the 911 center for approval.

Number 2, is the site is located within the Greater Rochester International Airport review area for permit approval. The application has been reviewed for airport considerations and granted airport approval.

Number 3, plans for any extension or relocation of a water main or sanitary sewer must be

submitted to and approved by Monroe County Health.

The New York State DEC issued a new permit on January 8, 2003, which regulates storm water discharge and construction activities with the disturbance greater than one acre. This is known as DEC SPEDIES general permit 0201 and replaces SPEDIES permit 306 and SPEDIES GP96 was issued in 1993 and regulates disturbances of 5 acres or greater. 0201 includes changes in the technical requirements for the design construction and oversight of practices to control erosion, sediment, transport, storm water quality and storm water quantity.

Number 3, if the map for this project is going to be filed, monumentation must be checked.

There are no comments from C, which is Environmental Management.

Number 5, New York State D.O.T. did not participate in coordinated review.

And Number 6, the project was not sent to the following action for review because it did not meet their criteria, and that was Environmental Conservation.

KEITH O'TOOLE: We'll require a declaration of common driveway and utility easements.

With reference to the buffer, there seems to be inconsistency with keeping open the drainage ditch to the north and maintaining whatever vegetative buffer might exist there. The developer's engineer should perhaps delineate where the proposed buffer will be located. I would assume it would be south of that line. In terms of whether the Board would prefer a conservation easement, there certainly is an alternative. There will be a declaration of tract restrictions. The homeowners within the subdivision will retain the right to take their fellow homeowners to court should they start clear-cutting the lot. Generally speaking, we're not situated to enforce conservation easements.

DON FASO: However, we are empowered to enforce drainage easements and we could increase the size of the drainage easement?

KEITH O'TOOLE: Yes, we could.

DON FASO: I was looking at that when we had that laid out. Instead of conservation easement, we could increase the drainage easement and nobody can do disturbance in a drainage easement without Town approval.

KEITH O'TOOLE: You would basically be making a hybrid drainage/conservation easement.

DANIEL KRESS: Don't really have anything to add to the discussions of drainage and traffic that hasn't already been said. On the subject of whether it is by mechanism of a conservation easement or other means, I think it would be a valuable part of any discussion with the Conservation Board in addition to trees out at the street to determine what kind of buffer or screening would be appropriate at the backs, not just to the north, but all of the way around. As I understand it, that was at least part of the rationale for increasing the size of the backyards.

The other two lots where there are screening issues -- this also came up when the Zoning Board discussed the variance application, there ought to be some means provided for screening between the front of Lot 11 and the back of Lot 12 and the front of Lot 10 and the back of Lot 9. We have a couple of flag lots there. When people are pulling out of their driveways, it would be nice if we could come up with some minimal amount of screening to prevent headlights from shining in the back windows of the neighbors as they're going down the way.

Again, I think it will be entirely appropriate for the Conservation Board to take that up with the applicant.

The only other thing I mentioned is the Assessor mentioned the name of Knights Trail isn't going to work because we do run out of house numbers. Knights Trail Circle, Knights Trail End, something else. Past the intersection you will have to come up with something else.

LARRY NISSEN: We're open to discussion, further discussion on points of access and egress.

DON FASO: And a whole slew of drainage comments.

LARRY NISSEN: We'll be taking a three-pronged approach to drainage. We'll look at off-site drainage coming on the site, insuring that there are sufficient facilities on this site to solve whatever problems there are with drainage flows coming into it from off site. We'll also be looking at the development of this site, attenuating the new development and looking to ensure we don't over burden downstream the site. That will be our approach.

CHARLES ROBINSON: We'll take into account the concerns mentioned by Mr. Nowicki and Mr. Kress. We'll request all those items be included on one singular plan with all landscaping and planting legends we need.

BILL ARNOLD: General comment, I assure the public that the Chili Fire Department and the Gates Fire Protection District that covers that tract is very concerned about ponds in general. However, Chili being Chili, there are not many options we can do with drainage.

When we're in those areas we try to take a proactive approach with the neighbors in the areas to try and bring up public awareness to keep the children away from the ponds and keep it as safe as possible. It is either drainage ponds or water in the basement. I'm not really sure what we can do.

DON FASO: You have pumped out a lot of basements.

BILL ARNOLD: We have pumped a lot of basements. I just want to assure everybody we have a great concern for safety in those areas as far as drainage ponds and ditches, et cetera.

FRED TROTT: Well, we're more than welcome to have you attend our Traffic Safety Committee meeting. We'll have -- I will make sure all our committee members are fully abreast of this. I will ask them to go through the area to see if there are any improvements that can be made.

DON FASO: Sandy, I will ask a favor, that you transcribe the minutes of this session first. Make them available as soon as possible.

Rob (Fitzgerald), there is a lot to write so I will not write it down. I think the Board is leaning for a table on this one and I will incorporate the comments from everybody as a reason for the tabling. I will make them available to you as soon as I get them, even though they would be in unapproved draft form, so they can be addressed and in front of you.

JOHN NOWICKI: Made a motion to table.

JOHN HELLABY: Second.

There was a recess in the proceedings.

4. Application of Dr. Robert Fallone, Jr., 3173 Chili Avenue, Rochester, New York 14624, property owner: Towne Plaza, LLC; for resubdivision approval of Lot #1 of the John Deere Subdivision into two lots at property located at 4390 Buffalo Road in G.B. zone.
5. Application of Dr. Robert Fallone; Jr., 3173 Chili Avenue, Rochester, New York 14624, property owner: Towne Plaza, LLC; for preliminary site plan approval to erect a 2,800 sq. ft. Tim Horton's restaurant at property located at 4390 Buffalo Road in G.B. zone.

Mel Farmer, Lou Terragnoli and Dr. Fallone were present to represent the application.

DON FASO: Board members, I received a call from a citizen who informed me that there were -- the signs were not posted within the proper time limit. When I got that call, it was well within the time limit of when they should have been posted. I took a ride over there and, indeed, it was not posted and not posted on the following day. So we can hear the subdivision, but we can't technically hear or vote -- I suppose we could hear it, but we can't vote on the site plan.

So with that, what is the Board's pleasure?

JOHN NOWICKI: Have signs been posted?

DON FASO: No.

JOHN NOWICKI: No. So we can't do anything.

DON FASO: No. Unless you want to hear it. We can do the sub. We can't do the site. We would like to present the renderings and listen to any questions.

KAREN COX: Who was supposed to post those?

MR. FARMER: Right here (indicating).

JOHN NOWICKI: We certainly have questions to ask. It may be beneficial to both parties involved if we do take testimony.

DON FASO: We could do the resub and if the site happens to filter in, as part of the resub, we can review it and make comments on it. But I don't think we're going to be able to vote on the site. Correct, Counselor?

KEITH O'TOOLE: Correct.

JOHN NOWICKI: They could always have a special hearing and pay for it.

DON FASO: The minimum would be -- the deadline for Gates-Chili Post would be Thursday

for publication for special meeting. The deadline for Gates-Chili Post would be the 10th for publication on the 16th. We can hold it the following week. Now the 22nd is the ZBA. Which is Tuesday, our normal night. We're not sure applicant would want to do that.

MR. TERRAGNOLI: I would be interested in that.

JOHN NOWICKI: I thought you might be.

MR. FARMER: Mel Farmer.

RAY BLEIER: You wouldn't have to have the public meeting here in this facility. You could have it at some other Town facility.

The Board discussed a proposed meeting.

DON FASO: Wednesday, the 23rd, or the 24th. I don't think anybody wants to meet on Friday.

The Board discussed proposed conditions.

DON FASO: Entire cost borne to the developer.

MR. O'TOOLE: We could have special meetings earlier since it is one application. We can do like a 6 o'clock.

DON FASO: That is fine with me.

Why don't we proceed with preliminary sub?

MR. FARMER: Thank you.

Mel Farmer Stantech. With me is Lou Terragnoli, Director of Real Estate, and current landowner, Dr. Fallone.

DON FASO: We'll post the property --

MR. FARMER: Yes. I found one of the signs over by Eckerd's or Rite Aid. The other sign, it is long gone. Yes, it will be posted, absolutely.

I need to get.

DON FASO: Call me when you get it up and I will take a look at it.

MR. FARMER: I'll take a picture of it.

KAREN COX: It has to stay up. Is it being ripped down?

MS. NEDER: It never went up. I wouldn't rip it, Counsel.

MR. FARMER: I have old sign in the back of my truck I picked up today.

MS. BORGUS: New sign with different date?

MR. FARMER: Absolutely.

Pretty straightforward subdivision. Previously approved out parcel or thereabouts there is a -- we're subdividing .7 plus or minus acre parcel out of the Towne Plaza, just this area right here (indicating). The existing curb cut here and here (indicating), as part of the Tim Horton's site plan approval. With that, I will open it up. Pretty straightforward.

DON FASO: We basically went through all of the motions last time.

MR. FARMER: Yes.

JOHN NOWICKI: Didn't you make a property line adjustment?

MR. FARMER: We did. At Dan Kress's alignment, we looked at the plan. We have minimum lot -- depth is 250 feet. So we just essentially squared it off so the site does meet Town code.

DON FASO: No questions on the resub. Nothing new.

MR. FARMER: I think the last meeting there were comments.

DON FASO: I found these in the mailbox. Only change is property line?

MR. FARMER: Only change is property line, and --

DON FASO: I have not unfolded this yet.

MR. FARMER: That is about it. I did do a turning movement at the request of the Traffic Safety from last time coming out of Eckerd.

DON FASO: Probably soon you will see a CVS.

MR. FARMER: I did do a turning movement.

DON FASO: They sold their drugstores to CVS and another chain. I forgot.

JOHN NOWICKI: We're -- according to some notes I have here, we're doing the resubdivision, right?

DON FASO: Right.

JOHN NOWICKI: There are several comments here, Mr. Chairman, presented to us to review for application, this application, and I think these questions, if they're -- they should be asked. Do you want to take a look at it, A through G?

DON FASO: For resubdivision approval and site plan. A, the property is already in Drainage District.

The new parcel is proposed as a -- is short of 250-foot minimum lot depth required. It appears that Zoning Board variance will be required. Have you made application?

MR. FARMER: We corrected that.

DON FASO: Okay.

JOHN NOWICKI: That is corrected. Cross that out.

JOHN HELLABY: Along with the second one as well, the next one.

DON FASO: C.

JOHN NOWICKI: C taken care of?

MR. FARMER: Yes.

DON FASO: Signage?

MR. FARMER: Signage, we originally proposed two signs, one on the face and also one facing Union. We took the one off Union. So we meet Town code.

DON FASO: Traffic circulation, it has been approved, looked at by Traffic Safety?

FRED TROTT: On Tim Horton's? Um, yeah. At the time I think we were only concerned about that the one way next to Eckerd's for the drive-thru.

DON FASO: How will you address that?

MR. FARMER: We're adding a sign. If I remember correctly, there is going to be a sign posted here (indicating). If you can refresh my memory on that. The issue was the one way coming out here (indicating).

FRED TROTT: There is one way going the opposite way, going that way. It is a drive-thru for prescriptions. We were concerned that you would get somebody coming to go through drive-thru and you have somebody coming in for your Tim Horton's. So we didn't know how you wanted to address that. We were thinking if you could just channel the people right in at the front --

MR. FARMER: Which area? In here (indicating)?

FRED TROTT: Yes. Try to keep them from going in that, trying to separate it from that one way. We didn't know how you would do it.

DON FASO: Are you suggesting that all of the traffic between the curb and Eckerd's be one way south?

FRED TROTT: Yes. It is one way south now. We didn't know how they -- we wanted them to address it, let's put it that way.

MR. FARMER: We would have a Tim Horton's directional sign for Tim Horton's that says -- pointing left, into the site.

JOHN NOWICKI: What about "do not enter" signs?

MR. FARMER: There are already "do not enters" here.

JOHN NOWICKI: You need a directional sign into Tim Horton's?

MR. FARMER: Right.

DON FASO: The various architectural aspects of the building.

MR. TERRAGNOLI: I have renderings if I may present them?

DON FASO: Absolutely.

MR. TERRAGNOLI: What we did from last time we were here, essentially the building is -- we still maintained the peak in the front of the building. We raised the sides of the building on all four sides so the building would be high enough now to screen for any of the rooftop units. The architect told me that the renderings he has prepared, if you're standing here looking at the building, I said, "We can't have a building with rooftop units showing." He said, "When you're looking at the building, these are elevations you would have." You would not be able to see any of the rooftop units

on the building. So the building is brick on all four sides, except in front here where the windows -- this is the interior portion of the restaurant. The customers eating in the restaurant would be right in this area here (indicating). This is the drive-thru window portion of the restaurant. And then this is the main entrance here (indicating) to the restaurant.

Then I do have one other rendering in back that would show you that we do have -- it is maintained even on the back side of the building, everything. We would continue with the brick, along with the accent brick for the building.

JOHN NOWICKI: That is covered up in the back, too. It is taken up high enough so we don't see anything on the back?

MR. TERRAGNOLI: That's correct. Maintained all of the way in the back, and around.

DON FASO: I like it.

MR. TERRAGNOLI: Thank you.

JOHN NOWICKI: Is that dumpster enclosure I see on your site plan?

MR. TERRAGNOLI: Yes. We have a dumpster enclosure, all brick that will match the building brick. Same brick.

JOHN NOWICKI: Very nice.

Exterior lighting? Did we discuss that the last time we were going to do something with that?

MR. FARMER: Exterior lighting, they are full cut-off fixtures. They're flag-lot fixtures with a house side shield and what that does is help the light spillage behind the fixture, dark sky compliant. Everything is projected down.

JOHN NOWICKI: Thank you. Appreciate that. Signage you're all set.

Landscaping, are you okay?

MR. TERRAGNOLI: We do have Conservation Board approval.

MR. FARMER: We have landscaping plan, Conservation Board approval.

JOHN NOWICKI: Good.

MR. FARMER: 4/26.

JOHN NOWICKI: I assume final comment here, Mr. Fallone is present. We have a comment here to discuss the condition of the plaza itself. As we mentioned to you at the last meeting, we had serious concerns about that condition. And, Mr. Fallone, would you like to address any of those at this time?

MR. FALLONE: What are you going to ask?

JOHN NOWICKI: The Board, you will recall, in November of 2001, the Board received assurances that the appearance of the rear of the plaza buildings, including the rear dumpsters, would be addressed in short order by the plaza owner. While, of course, these matters are not necessarily within the control of the Tim Horton's organization, this may be an opportune time to revisit this and receive further commitment from the plaza owner.

MR. FALLONE: What would you like?

JOHN NOWICKI: I think you know what the Board wants. I mean the Town has codes and ordinances. We want enclosed dumpsters, number one. Number two, the rear of the plaza still is in terrible shape. Tires laying all over the place. Graffiti all over the walls.

MR. FALLONE: Tires are not on my property.

JOHN NOWICKI: The building roof is falling down where the floor plate is. I think there are some safety issues. General appearance, in my opinion -- ask the other Board members. I go over all of the time to see -- look for improvements. I saw some dirt pushed around with a bulldozer in front. I would like to hear what your time line is to get this placed cleaned up. We have been playing around with this since 2001.

MR. FALLONE: I'm really not going to do anything in the back. If you want enclosures, I will put the enclosures in.

JOHN NOWICKI: We have a Town code. Mr. Kress, we have a Town code calling for dumpster enclosures.

DANIEL KRESS: In November of 2001, when an application for preliminary site plan approval of a couple additions and new buildings for this plaza -- this property was before the Planning Board -- among the things that were discussed and conditions of approval was addressing the exterior, rear of the buildings and dumpsters and screening of the rooftop HVAC units. Those are expressed conditions of

the approval.

JOHN NOWICKI: Has anything been done that you know of?

DANIEL KRESS: Well, clearly work still remains to be done in those areas.

JOHN NOWICKI: Hasn't been done.

DON FASO: Were they conditions of approval on 2001?

DANIEL KRESS: They were express conditions of approval granted November 2001.

JOHN NOWICKI: They're not done.

DON FASO: They were to enclose the dumpsters, screen the roof tops and what else?

JOHN NOWICKI: Get rid of the graffiti.

DANIEL KRESS: There is a general statement about addressing the exterior treatment of the rear of the buildings. That is what is in the decision letter. The minutes go into rather more detail about what the expectations were.

DON FASO: Can you -- if those were conditions -- I wasn't on the Board back then in 2001. If those were conditions that the Planning Board placed on -- it was revised site plan approval back then?

DANIEL KRESS: Site plan approval for two additions and two new buildings.

DON FASO: Okay.

KAREN COX: I remember that.

DON FASO: Okay. If they were conditions of approval, Bob (Fallone), and they're not done, they obviously need to be done. You have a couple weeks before Tim Horton's comes back in for site plan approval. Can you give us a time frame of when we could expect to have those conditions taken care of?

MR. FALLONE: You need them done before the next meeting?

DON FASO: I would like to see a timetable of when they will be done.

MR. FALLONE: I can do that.

DON FASO: Because right now you're in violation of the conditions of approval for the site plan.

MR. FALLONE: But I didn't do any additions. I mean really, I really didn't change the plaza since I got at approval, right?

DON FASO: I would think that perhaps redoing the islands and the traffic pattern would constitute starting into the site plan approval process.

MR. FALLONE: I will screen the HVAC units and do the dumpster enclosures. That's about the extent that I will do in the back of the plaza.

DON FASO: Can you give us a timetable? Within a couple weeks?

MR. FALLONE: Yes.

DON FASO: That is a lot to do within two weeks to get the work done, but you should be able to have a time frame of when the Planning Board might expect to see it done.

MR. FALLONE: Yeah.

JOHN NOWICKI: He has already been -- we have -- you have also been selling parcels off of this particular plaza, and is there any other announcements you would like to make as far as who is buying the plaza or any other parcels being sold off?

MR. FALLONE: No.

JOHN NOWICKI: So no activity as far as selling off other parcels?

MR. FALLONE: Not at this time.

JOHN NOWICKI: Okay. Well, I think it needs to be done within a period of three to four weeks completely. Otherwise we have to take another form of action. Three years have gone by.

DON FASO: But the application before us now is Tim Horton's for subdivision.

JOHN NOWICKI: I don't have a problem with Tim Horton's. They have been very, very cooperative, much more so than other people. I don't have a problem with that. It is not fair. It is not fair to the people of Chili, of North Chili, the condition of that plaza. We shouldn't have to wait this long.

RAY BLEIER: I have rode out in back there. John Deere's facility there, you know what is out behind there? Dumpsters not enclosed.

JOHN NOWICKI: All over the place.

RAY BLEIER: It is brand new.

JOHN NOWICKI: Did you drive around the back and see the tires laying all over the place with the graffiti on the walls? Drive around the back of that place. Look at the holes in the wall up in the ceilings over there by the little aisleway there.

MS. NEDER: What about the stacks of cardboard?

JOHN NOWICKI: Oh, I know it, you have been there. You have seen it. It is awful. I'm not very proud of it.

DON FASO: Okay. We're on subdivision approval.

KEITH O'TOOLE: Few things. I stand by in my comments in May, letter of May 11th to the Board. I do have some concerns. Beyond that letter, it would seem inconsistent to be pushing a special meeting until previous issues have been addressed adequately and I'm rather concerned in the event that the subdivision were approved and the site plan were to fall through, you would basically have created a lease parcel designed for a Tim Horton's which would never have a Tim Horton's, so it might not be advisable to approve it at this time, even if you're leaning in that direction. Nothing further.

DANIEL KRESS: Nothing to add to what Keith (O'Toole) just said.

JOHN NOWICKI: Is he saying -- Keith (O'Toole), are you saying we could do that at the special meeting?

DON FASO: If it is tabled, you can hold it any time.

JOHN NOWICKI: Is that what you're saying?

KEITH O'TOOLE: If that is the Board's pleasure, certainly.

JOHN NOWICKI: I would rather see it go that way and let Mr. Fallone come in here and hopefully before that meeting have a time line of events and how soon he would get it done.

DON FASO: I have opened up the public hearing for resub, so let's contain our comments to site plan approval --

RAY BLEIER: Subdivision.

DON FASO: I'm sorry. Subdivision.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: All I have to say is did we learn anything from the Spector situation over on Scottsville Road? How many times was he in here and he was going to clean up and he was going to clean up and he promised he would do it. Nothing ever happened until he was made to put money into an escrow account and given a time line and taken to court. Are you going to be satisfied after three years of no action over there, of listening to the applicant say he is going to do it? I want to see some action. I'm tired -- how long do we have to look at that pile of dirt out in the front that has just recently been spread around a little bit more. It still looks like -- if you're not going to sell it or build on it, then seed it over. You have to take into -- take into consideration the applicant had not shown good faith in the past and I don't think he will do it in the present.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I thoroughly agree, and not only is the Spector fiasco on Scottsville Road a case where the Planning Board got led along, led along almost forever, years and years and years, but how about Perna? It is the same thing. Promises don't equal action. You got to put some teeth in this and get this thing moving and get it moving in a right direction and quit just taking these words because they don't mean anything. History has shown that that is all it is, is a lot of talk. We're tired of looking at that in North Chili.

DON FASO: Keith (O'Toole) does have a valid point.

JAMES MARTIN: I'm concerned about the point that Keith (O'Toole) has made.

JOHN NOWICKI: Table it until a special hearing. I make a motion we table it until the special hearing.

DON FASO: Tabled until June -- well, actually, wait a minute. If the date is not available, Keith O'Toole asked then default to the regular meeting schedule.

DON FASO: Next scheduled meeting would be July 13th or look for alternative date if this hall

is not available.

RAY BLEIER: Look for alternative date.

DON FASO: Would it do if we just said tabled until the next meeting of the Planning Board or special meeting? How should I word that?

KEITH O'TOOLE: Typically we try to table to a given date, if at all possible.

DON FASO: We don't know that date for sure. I don't see a problem with it. There is not a huge sign-up list for this hall during the week.

I will find out first thing tomorrow morning if it is available. If it is not, you better believe I will be on the phone by 9 or 10 o'clock to everybody, including the consultants, with an alternative date. So we'll put down for the 23rd. If it is not available, before the decision letter even gets written, I will have a new date.

JOHN HELLABY: I will second the motion.

DECISION ON APPLICATION #4: Unanimously tabled by a vote of 6 yes until June 23, 2004 for the following reason:

1. The application for site plan approval was tabled for lack of public notice.

DECISION ON APPLICATION #5: Unanimously tabled by a vote of 6 yes until June 23, 2004 for the following reason:

1. Lack of public notification. Signs were not posted within the proper time limits.

INFORMAL:

1. Application of Conifer Realty, LLC, 183 E. Main Street 6th Floor, Rochester, New York 14604 for re-approval of final subdivision of 15 lots to be known as Black Creek Woods Section 3 (previously approved 5/2000) at property located at 561 Paul Road in R-1-15 zone.

DON FASO: Just a little explanation for the Board. The reason that that is back in rather than just having the Chair reupdate a signature, there were some concerns because of the drainage that we had to comply with the Phase 2 storm water requirements. I understand, I got a call from John Caruso today, he has met with you.

LARRY NISSEN: I met with Brian Donnell. I spoke with Brian Donnell about the issue.

DON FASO: What is the issue?

LARRY NISSEN: It has not been finalized.

DON FASO: So is DEC looking at it?

LARRY NISSEN: That is my understanding.

DON FASO: What is the procedure? Tom Fries from Passero Associates.

MR. FRIES: What has happened is we filed for our notice of intent on April 26th, and with the 60 business days, that gives us until July 21st. They did have some conditions, but most of them -- actually all of them have been pertaining -- for example, they just want confirmation it was accurate, application fee. Only thing we had to do was give copy of the SWBPP, which we have done.

DON FASO: No other changes to the subdivision whatsoever.

MR. FRIES: Only other changes, minor detailings with utilities agency changing standards. All of that we have signatures that we need. Water Authority, Department of Health.

DON FASO: We just need to wait to see what DEC is going to do?

MR. FRIES: Yes. Like I said, we haven't heard anything, so...

DON FASO: The only condition we need to put on here is pending review and approval of NYSDEC?

MR. FRIES: Yes.

DON FASO: As soon as you get that, you give me a letter, drop the mylar off and I will sign it.

MR. FRIES: Okay.

LARRY NISSEN: Excuse me, in the event that DEC calls for further improvements --

DON FASO: Pending approval of the Town Engineer?

LARRY NISSEN: In that vein, yes.

DON FASO: Probably wouldn't hurt just to do SEQR again anyway.

Don Faso made a motion to declare the Board lead agency for SEQR, found this to be an unlisted action based on evidence and testimony supplied at the public hearing and made a determination that the application will have no significant environmental impact, and the Board all voted yes on the motion.

JOHN NOWICKI: I just want to note it looks like a nice job on landscaping.

CHARLES ROBINSON: Yes. It should be -- we should note in the notes that the applicant did, in fact -- the Conservation Board said excellent job listing the variety of the trees.

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

1. Pending approval of the Town Engineer.
2. Pending approval of NYSDEC.
2. Application of Calvary Assembly of God Church, owner; 740 Marshall Road, Rochester, New York 14624 for final site plan approval to erect a church at property located at 3249 Chili Avenue in R.B. zone.

Rob (Fitzgerald) Fitzgerald was present to represent the application.

MR. FITZGERALD: Hello. You all know me as Rob (Fitzgerald) Fitzgerald with Avery.

It has been a while since we have been here. We were actually here December 9th. Since then, we have been trying to coordinate between architectural plans, landscaping provisions, as well as ourselves, and taking care of some of the other outstanding issues you always have with site plans. But we think we're far enough along now where we would like final approval and start tidying up all of the loose ends.

Town Engineer approval, we still need to give Larry Nissen the final SPEDIES requirements stuff before he signs off. We do need to take care of that. Submit landscaping plans. They did go in front of the Conservation Board. Pretty detailed landscaping plans.

JOHN NOWICKI: You say they did?

MR. FITZGERALD: They did, yes. They had comments, questions and comments. We made those revisions. We'll be going back to get a final sign-off.

JOHN NOWICKI: That comment that we have on Conservation Board is not correct, then?

CHARLES ROBINSON: That comment is correct because at the time they did -- they came in at one particular point in time. We had suggested that around that particular pond they do landscaping. They brought it back depicting that.

JOHN NOWICKI: We look forward to seeing future plans for landscaping around the church.

CHARLES ROBINSON: Right. The plans we saw didn't show landscaping around the church. So we're looking further to the plans.

JOHN NOWICKI: Now you have it on there.

MR. FITZGERALD: Yes. I'm confused.

JOHN NOWICKI: I don't see landscaping approval yet.

MR. FITZGERALD: I wasn't personally there, but these are actually the plans that were submitted from Dave Frankie (phonetic) and discussed. The overall plan, if you will. Then he did a blowup around the building showing the foundation because they're so small on a large-sized map. There were several comments where we had three Austrian pines. They wanted groups of five, so on and so forth.

DON FASO: Those are not reflected on the --

MR. FITZGERALD: Those changes have been made and he is going to go for final approval

this month.

CHARLES ROBINSON: The Calvary Assembly of God?

DON FASO: Just made sense.

JOHN NOWICKI: You're going back before them for final approval?

MR. FITZGERALD: Yes.

JOHN NOWICKI: Okay.

DON FASO: Makes sense.

JOHN NOWICKI: We're all right.

DON FASO: You just have not seen it?

CHARLES ROBINSON: That's correct.

MR. FITZGERALD: That is true. The church people there, they're looking at the species. Dave Frankie (phonetic) showed them pictures of the different trees and shrubs.

CHARLES ROBINSON: They did come to us. We had a formal discussion. We gave feedback. They would take it back and they will bring us back final plans. It was a very good working session that they participated in.

DON FASO: Exterior renderings?

MR. FITZGERALD: I believe renderings were submitted to the Town.

JOHN NOWICKI: Can somebody describe what the exterior of the building will look like, the types of materials, the colors, the roofing, the siding? Anything -- anybody that can do that?

MR. SECOR: Dave Secor, and the building is going to have like an asphalt, architectural roof shingle that you would see pretty commonly.

DON FASO: What is your relationship?

MR. SECOR: The builder. And the siding is going to be primarily cement board.

DON FASO: Are you with --

MR. SECOR: I am also with the architect. I'm with Secor Lumber Company and with the architect, Bob Eggleston. I'm the engineer on the project.

The cement board, it looks like cedar, but it is prestained to a multitude of colors.

JOHN NOWICKI: Is it clapboard?

MR. SECOR: Yes. A little vertical on taller buildings.

JOHN NOWICKI: Same color all of the way through?

MR. SECOR: Still up. Still in the process of selection.

DON FASO: Is there someone from the congregation here?

PASTOR REEVES: Pastor Bob Reeves, 16 Springbrook Drive, North Chili.

DON FASO: I have a couple of questions. I assume financing is all in place, with mortgage commitment?

PASTOR REEVES: We have commitment to mortgage. We are currently -- there is a gap between what would actually take to break ground, so we're in process of trying to close that gap. Our commitment to our congregation and to community is that we will not start this project until we know we can complete it within a six to eight month time frame. We have no intention of starting something and --

DON FASO: Well, my concern arises out of a situation that exists in Chili at present.

PASTOR REEVES: I'm aware of that situation.

DON FASO: Okay. What I would like to do is, and you can supply this to our Assistant Town Counsel, I don't particularly care to know the finances of your business, but if you could supply that information to our Town Counsel.

PASTOR REEVES: Supply what information?

DON FASO: The mortgage commitment letter and whatever else you need to show the Planning Board, this Town, that you have the means and wherewithal to complete the project, with the understanding that Mr. O'Toole would keep it confidential. I don't need to know the numbers, but I would like to have Mr. O'Toole come back to the Board and say, yep, they can do it.

PASTOR REEVES: I'm happy to do that. I can -- I can tell you that of more immediate concern is our own congregation, and there is no way I will put our congregation in a situation that has also existed in this Town. That put intense pressure on that congregation and has negatively affected it. So just so you know, my personal commitment to our congregation and to this community is we will not

break ground until we have all of our ducks in a row to be able to complete the project.

DON FASO: Do you have a Board of Trustees?

PASTOR REEVES: Yes, Board of Trustees.

DON FASO: I can speak from experience, because I chaired my church's Board of Trustees through a renovation project so I know all about pledging and financing and commitment and pledges move away and drop and don't commit and so I just wanted to make sure that where we are --

PASTOR REEVES: We have gone through a capital campaign. 2.9 percent behind our projected place right. Now, if you have chaired those types of committees, you know we have done well with that. We're also in process of getting final information from our own denominational lending services on what that process is and what our exact amounts will be.

DON FASO: I don't want to know numbers. I just want -- is that okay, Keith (O'Toole)?

KEITH O'TOOLE: It would be difficult for me to pass judgment as to how sufficient a mortgage commitment is unless I know what the underlying costs of the project is.

DON FASO: I'm sure there must be engineer's estimate or builder's estimate somewhere.

KEITH O'TOOLE: Usually it would be the construction contract. And if it is multiple contracts, then multiple contracts and then certainly approve a source of funds for the financing that is not coming through the mortgage. So ultimately if it is a \$2 million project, they have to show us \$2 million worth of source of funds.

JOHN NOWICKI: Do you feel you're on track pretty good?

PASTOR REEVES: We're doing well.

JAMES MARTIN: Does budget include paving of the parking lot?

PASTOR REEVES: At first glance all of the entranceway, as you know -- there -- we have created an entrance that is lowered down in the property to stop the thoroughfare traffic to Chili Ave. That will be paved into the front. Slight parking in the front and then around to the back. The rest may be graded and stoned and then paved at a later time just for site plan cost. That can get very expensive very quickly. It will be paved, but it may not be done at time of construction.

MR. FITZGERALD: Dave Secor and myself were discussing just that, getting more numbers together so we can send it out to bid to give the church more concrete figures what this will cost to see if they can proceed in August or maybe worse-case scenario next August. That is why we're here, to wrap up loose ends, if you will, and see if anything else comes up which could cost some money.

JOHN NOWICKI: You will send it out to bid for getting prices on everything, complete in place, whether it is sidewalks, paving, buildings, landscaping?

MR. FITZGERALD: Correct. Dave Secor, being a building -- I believe he is a PE as well, he has a good idea of the building costs, being with Secor Lumber, but, you know, we need to get some more numbers for the asphalt and our service laterals and all that good stuff, which I am trying to complete in the next couple days.

JOHN NOWICKI: Any steel involved in this building?

MR. SECOR: Not very much.

JOHN NOWICKI: You're lucky.

MR. SECOR: That's for sure.

JOHN NOWICKI: Looking at notes, show detailed lighting plans, all on the drawings?

MR. FITZGERALD: They're on landscaping plans that did not get submitted to the Planning Board. Just to summarize it, we're doing four -- you call them carriage style lights, light poles, if you will, with the nice fixtures on top, more for decorative, if you will. At radius point, if you will, at concrete curb. Another one in front of the building and two others. More of a decorative thing. Then we do have some of the stand shoebox downcast lights, three of those pointing, of course, onto our lot so we're not spilling out.

JOHN NOWICKI: Again, I think this is a site, and I see Rie Rague is here, too, from the neighborhood, you would want to look at the dark sky lighting. It won't cost more; it is just that the dark sky light will keep it down more. They call it dark sky lighting. Byrne Dairy is doing it. Tim Horton's is going to do it.

DON FASO: Where is the site in Penfield you sent --

JOHN NOWICKI: 33 and --

KAREN COX: Canandaigua.

JOHN NOWICKI: In the Farmington area.

MR. FITZGERALD: We have not finalized any fixture at this point.

JOHN NOWICKI: It is in our ordinance. I would like it done in that neighborhood. Shouldn't cost you any more money. It is just a concept.

MR. FITZGERALD: I will adjust the lumens to reflect that.

JOHN NOWICKI: If you have problems finding the information on it, the guy from Byrne Dairy -- I forgot who that was.

DON FASO: Christianson.

JOHN NOWICKI: Or Ron Brand from Farmington and Canandaigua, he has that information.

MR. FITZGERALD: I think Mike Lautherborn (phonetic) is doing that. I will ask him.

DON FASO: Didn't he submit cut sheets for the lighting?

DANIEL KRESS: I don't recall seeing any.

MR. FITZGERALD: I don't think we're nearly having the light that Byrne Dairy will have.

DON FASO: I don't think so.

JOHN NOWICKI: There is no outside storage of materials. That is done. Conditional use granted. As far as I can see --

DANIEL KRESS: You're all set as far as discussions with State and County D.O.T. regarding your road access?

MR. FITZGERALD: Yes and no. We have resubmitted plans to those people. The majority of the DRC comments -- Beaver Road is a County road and State touring road. I had State details on Beaver Road. I put -- the County details should have been on there. I had a sheet of references to that. I have made those changes and resubmitted.

CHARLES ROBINSON: We're clear you will be bringing another set of plans to the Conservation Board?

MR. FITZGERALD: I believe the next meeting, he is on board. They're actually meeting with the Church, the landscaping architect is meeting with the Church on Thursday to finalize, to make sure they're on board. It is quite a bit of landscaping, for the different phases. The Church wants to be comfortable as well with what they're getting because it is not cheap.

DON FASO: That is an ideal corner, right on Chili Avenue, major thoroughfare. We're looking for a first class project.

MR. FITZGERALD: Conservation Board, too, we're separating it into three phases. The Conservation Board did request that some of the berming get done in the Phase 1, so that is some stuff we did juggle around.

CHARLES ROBINSON: We requested that they be allowed -- because they were going up the front, to do the berming in the front and then postpone the back side, which led us to around the pond area. We did, in fact, insist that that be covered in this particular front phase because of visibility sake coming up 252A. So they did, in fact, denote that and put it on the plan. That is what we would congratulate them on having done.

JOHN NOWICKI: Reverend Reeves, I would assume when it does get off the ground there will be invitations going out to neighborhood to join you in a service, I assume?

PASTOR REEVES: Absolutely.

The Board discussed the proposed conditions.

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

1. Pending approval of the Town Engineer.
2. Pending approval of NYSDEC.
3. Pending review and approval of the revised landscaping plans by the Conservation Board.

4. Applicant shall submit the following to our Assistant Town Counsel for review.\*\*
  - a. Financial statement, mortgage commitment and all related documents for the new construction.
  - b. Construction estimate with total amount for building and all site work.  
\*\*This information shall remain confidential and Counsel shall report to the Planning Board that it has been supplied and found to be satisfactory for the completion of this project.
3. Application of Anthony Comunale, owner; 51 King Road, Churchville, New York 14428 for final site plan approval to allow two storage buildings (12' x 24' & 12' x 20') at property located at 51 King Road in L.I. zone.

Anthony Comunale was present to represent the application.

DON FASO: I see a note on here that the encroachment has been removed?

MR. COMUNALE: Yes.

DON FASO: And you moved the buildings?

MR. COMUNALE: Well, only one needs to be moved. The smaller one, which I -- I didn't move it yet because I didn't know if I was supposed to yet or not. And --

DON FASO: You went to the ZBA, right? Didn't I see that you went to the ZBA, the Zoning Board?

MR. COMUNALE: Yes.

DON FASO: They denied the variance?

MR. COMUNALE: Yes.

DON FASO: Does this plan reflect where it is supposed to be?

MR. COMUNALE: Yes.

JOHN NOWICKI: Which plan, the building?

DON FASO: Yes.

JOHN NOWICKI: All of the shelters are still up, right?

DON FASO: This is the one that was in violation that he is going to move.

MR. COMUNALE: The one next to the metal garage.

DON FASO: This one, this plan shows --

JOHN NOWICKI: They're still up, aren't they?

MR. COMUNALE: Yes.

DON FASO: This is the site plan that we're looking at. This does not violate the code, Dan (Kress)?

DANIEL KRESS: If it is at least 8 feet from principal building, it is sufficient.

DON FASO: He is showing 8, 5. So this is technically a revised site plan showing the proper location and if we grant approval, then he can move it and legally put it there?

DANIEL KRESS: Yes.

JOHN NOWICKI: The two all weather shelter ones.

DON FASO: But this is the one that was in violation. It is now -- 8 foot is required. He has it at 8 1/2 feet, and if we approve it, then he can move it and be legal.

JOHN NOWICKI: How long will it take to move it?

MR. COMUNALE: Won't take long. Next week we're going to be away on a trip, so as soon as I get back from that.

DON FASO: How extensive is the anchoring system on a fabric shed?

MR. COMUNALE: You know there is not a lot to it. That one is sitting on a concrete pad that I put around that steel building.

DON FASO: How do you get in the concrete?

MR. COMUNALE: It comes with the building. You drill into the concrete, and then it -- the framework bolts to the concrete anchor.

DON FASO: Are you coming off the pad now?

MR. COMUNALE: I will have to, because it is on the edge of the pad.

DON FASO: I assume there is an anchoring system for ground?

MR. COMUNALE: Yes. About a 2-foot auger you put down into the ground and then it attaches to the framework in the same place that the concrete anchors do.

DON FASO: Now --

JOHN NOWICKI: One question I have got for you, there were some previous -- a previous fill permit that was issued to you back in 1993, and I have some information here that says you need to make a new application for a fill permit and submit an updated topographic information as part of the overall filling plan. Are you aware of that?

MR. COMUNALE: Yes. We took -- that has been -- I talked to Dan (Kress) with that. I believe that is resolved.

JOHN NOWICKI: Has that been resolved, Mr. Kress?

DANIEL KRESS: I don't have any application for a fill permit, sir. I informed Mr. Comunale because it is on a neighboring piece of property, not the property subject of this application, I would put the application on the agenda without a fill permit, but it did not relieve it for the obligation what was done next-door.

JOHN NOWICKI: When will you get a fill permit?

MR. COMUNALE: I have a fill permit application, and as I looked at it, I don't know how I would answer most of the questions on it, because I didn't bring any fill in there.

JOHN NOWICKI: Mr. Kress, is that something you can walk through with him?

DANIEL KRESS: The ordinance makes no reference whatsoever to bringing fill onto the property or importing fill onto the property. All it says is if you alter the grade by more than 6-inches, you need a filling permit. I explained this to Mr. Comunale's attorney. He told me he was going to advise Mr. Comunale that he clearly needed a fill permit.

MR. COMUNALE: Dan (Kress), that is not the way it was when we spoke about this. I explained to you that I did not change grades over there. I didn't.

DON FASO: Tony (Comunale) --

MR. COMUNALE: I didn't bring any material in. All I did, and -- I wish now that I never did it. I did what I did to try to make it look a little better. It was getting, you know, all overgrown, and there was -- the topsoil that we stripped off there, way back when I did the fill, was in different -- did three or four different piles. We moved that over into the big pile that is there now.

DON FASO: The stripped topsoil came from where?

MR. COMUNALE: From that property. When I originally applied for that fill permit.

DON FASO: On this part of the property, not this one (indicating).

MR. COMUNALE: Yes -- no, not on the --

DON FASO: Not on this? Why did you strip topsoil?

MR. COMUNALE: Because we put fill in there. So you know --

DON FASO: Did you get a permit to do that?

MR. COMUNALE: Yes. That was back in '93 or whenever it was.

DON FASO: So you stripped the topsoil. You made spoil piles. You brought in fill, and then you never put the topsoil back over the fill.

MR. COMUNALE: No. The topsoil was stripped off in -- put in some piles there, and last year, you know, I just wanted to try to straighten it out and make it look a little better and we put all of the topsoil there in one pile. Back in '93 when we did that, you know, quite a bit was made about stripping topsoil off a piece of property and then removing it and selling it or whatever, which I didn't do. So obviously, it stayed there.

DON FASO: So after the fill was brought in in '93, you brought in no additional fill whatsoever?

MR. COMUNALE: No.

DON FASO: Is there a time limit on the fill permit?

DANIEL KRESS: Time limit for the fill permit that was issued in 1991, and subsequently in 1992, is one year. So the thing has been expired for ten years.

DON FASO: The pile just sat there for ten years?

MR. COMUNALE: Yes. Like I say, we stripped it off, and it was in a couple different piles. And my piece of property there, there's a lot of water. It is the drainage point for that whole area.

DON FASO: What was the purpose of bringing in the fill?

MR. COMUNALE: It was that -- that property was low. So I -- I wanted to try to fill it so if I ever wanted to do something with it, it would be...

DON FASO: Did the fill permit that was issued in 1992 show proposed final grades?

DANIEL KRESS: I don't have that information in front of me. All I know is that grades were apparently further altered last year, which is why we advised the applicant of that, he needed a new permit.

DON FASO: You have more topsoil?

MR. COMUNALE: All of the topsoil is there. It is in that big pile sitting there.

DON FASO: You want to put it back over the fill?

MR. COMUNALE: No. I really wasn't going to, no.

JOHN NOWICKI: What do we have to do to be in compliance?

DANIEL KRESS: Submit a grading plan and make application for fill permit.

JOHN NOWICKI: That is what you have to do, bottom line.

MR. COMUNALE: Okay.

DON FASO: But that still should not affect this parcel. This parcel stands alone.

JAMES MARTIN: I understand.

DON FASO: Okay. We're telling him what he needs to do to bring this parcel into compliance.

JOHN NOWICKI: The one on the outside here (indicating)?

DON FASO: Over here (indicating).

JOHN NOWICKI: Get it done right.

DON FASO: But this cannot hinge on this (indicating). I just want the Board to be clear on that.

JOHN NOWICKI: This site plan tonight -- if the Building Department and Mr. Kress sees he has moved it, you -- you're going to move it, you're about to move it? Let's put it this way, you better move it.

DON FASO: Tony (Comunale), submit a grading plan, showing final grade to the Building Department, get a fill permit, and go ahead and finish moving it.

JOHN NOWICKI: Get that done before you go on vacation.

DON FASO: The fill permit.

JOHN NOWICKI: Can you get that done?

DON FASO: Not the work.

MR. COMUNALE: Yes, I probably can. We're leaving Tuesday, I think.

JOHN NOWICKI: Try to get in and see it and get it done and over with.

DON FASO: Okay.

CHARLES ROBINSON: In the event that the shelters are actually taken down, that the actual land -- the area be returned to natural state.

DON FASO: Fill in anchor holes on the cement.

CHARLES ROBINSON: In addition, there was concern about possible removal of a tree. Is that still -- are you planning on removal of a tree?

MR. COMUNALE: That is why I asked for a variance because when I move it over the foot and a half, it will be within inches of a pretty good sized oak tree.

CHARLES ROBINSON: You still plan on taking it out?

MR. COMUNALE: Yes. I -- I probably will, yep.

CHARLES ROBINSON: In light of that, if you try to do that, the Conservation Board would request that you plant another one, maybe two and a half, three caliber if you take down the tree. Not a requirement, but just if you take one out, put it back, kind of thing.

MR. COMUNALE: Not a problem.

Don Faso made a motion to declare the Board lead agency for SEQR, found this to be an unlisted action and make a determination this application will have no significant environmental impact, and the Board all voted yes on the motion.

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

1. Applicant shall plant one small tree to replace the tree that will be removed for the relocation of the storage building.

FOR DISCUSSION:

1. Bill Sauers - proposed mini storage buildings at property located at 3326 & 3328 Chili Avenue in G.B. zone.

Bill Sauers was present for the discussion.

MR. SAUERS: We have two pieces of property on Chili Avenue right across from Suburban Propane. One is a vacant lot and another one is a rented out home. Not the homeowner. What we were proposing to do is take that house down, the existing ranch home down and put mini storage buildings on both those pieces of property. The Planning Board approved back in 1993 that on the vacant lot we could put a pizza place in there, but I have lived in Chili since '75 and we don't need another pizza place. I love it, but we have a lot of them here already. So we looked at what can we put on those two pieces of property. This is why I'm here now to talk to you about it.

We have not done any formal engineering studies. I did meet with the Town Engineers. I have met with the Conservation Board to talk over what our plans are and told them what we wanted to do and we listened to their recommendations and they have given good ones. We looked at benefits of putting something there besides a pizza place or just empty lot that has a large "for sale" sign on it for a long time. We said that the mini storage buildings would give us minimal traffic. People are going to just use them and go. They're very infrequently. The hours of operation would be dusk to dawn or 7 to 7. No smells from restaurant cooking. I know that was a big debate when they would put a pizza place in, with the dumpsters and possible rodents there. The smells from the cooking,

Maintained lawn care and snow removal. We would contract that out so it would not just happen once a month or something like that. It would be regular situation. We would not need an extra road cut for vacant piece of property. We would use one to get in and out of both of these garages. We proposed we would have security cameras on site. We would not fence in the property. We do not want to make it look institutionalized on Chili Avenue. We would have security cameras there.

And, again, there would be no more live-in tenants as there is in 3326. As you drive down the street, the driveway on that is really a mess with what is stored outside of that now --

KAREN COX: Is that the house with the perpetual garage sale?

MR. SAUERS: No.

JOHN NOWICKI: We were trying to decide if that was a landscaping business or moving business.

MR. SAUERS: This is the yellow house. I'm here to feel the Board out to see whether I will get a lot of resistance or whether we can work together to see what is going to happen here. When we talked about this with the Conservation Department, I said we're even open to what color building you want. We said maybe we would try to match it to the Ray Sands facility which is one or two properties to the right.

DON FASO: Did you read our code?

MR. SAUERS: Not all of it.

DON FASO: Well, then let me read it to you: The very first permitted use under General Business is any permitted use in a Neighborhood Business District. If I flip to Neighborhood Business, it says: "Permitted uses: Grocery stores; barber shops, beauty shops; clothes cleaning pickup agencies, including self-service cleaning establishments; drugstores, including soda fountains." Those are permitted.

The next permitted use under General Business is "Photographic and artist supplies and studios; music or dancing schools and art galleries; libraries and reading rooms. 3, Professional or business offices; banks and financial institutions; Number 4, Variety store and gift, notion, toy, pet, hobby, video rental/sales and bicycle shops; 5, Garden supply, hardware, home furnishing, health food, furniture, liquor, department stores; 6, Book, stationery, jewelry, leather, luggage and musical instrument stores;

7, Department and clothing stores; 8, New auto parts and household appliances; 9, Restaurants, theaters (not to include drive-in theaters), bowling alleys and places of public assembly; Number 10, Health and/or fitness center; Eleven, Video arcade centers."

Those are permitted.

MR. SAUERS: You're right. I don't know the thing like you do, but when I was talking with the Town Engineering people, we couldn't find anything in there relative to mini storage facilities, so that is why I came.

DON FASO: They're permitted in Town, but not in that district.

MR. SAUERS: That is what we would propose, that we get a conditional use permit. That is what I would be applying for.

DON FASO: That would be a ZBA.

KAREN COX: Zoning variance.

KEITH O'TOOLE: What he is doing is trying to make the similar use argument.

DON FASO: Similar to what?

KEITH O'TOOLE: I'm not saying I agree.

DON FASO: "Public buildings and public utility buildings and structures; Commercial off-street parking lots, subject to the provisions of Article VI, Section 115-33; Dwelling units not on the first floor of a building; Hotels and motels; Small animal hospitals; Hospitals and convalescent homes; Educational, charitable and/or religious institutions; Bus passenger stations; Telegraph, telephone and express offices." These are conditional. "Printing plants, Drive-in theaters, Trailer home sales; Mortuaries; and Uses of similar character, but not specifically listed..."

I'm having a hard time visualizing storage buildings on that particular piece of property.

KAREN COX: Me too.

DON FASO: I really am. I know it is --

MR. SAUERS: What else could we do with that piece of property? That is --

JOHN NOWICKI: Who owns this property?

MR. SAUERS: Ron Evangelista.

JOHN NOWICKI: What is your connection?

MR. SAUERS: We'll be partners in this. I do not own it today. I'm in here on his behalf.

JOHN NOWICKI: Mr. Faso ran off a whole list of things. There has been a sign on that property. Who had it up, Faber?

MR. SAUERS: I think it is.

JOHN NOWICKI: Here is a suggestion. Find yourself a real estate person that can take that code, all of the things he just read, because there is a whole bunch of nice things in there that would fit on that site, and it is not storage sheds. There is a use out there for that site. Somebody is not working very hard to make something fit there. That is my opinion. There is a lot that can happen. Chili Center is growing and will grow rapidly. You have a lot of new things happening in Chili Center. Plazas being developed. New roads coming in. That site, in my opinion, and I think you will find with the neighborhood, sort of demands a better treatment than storage buildings. That is not the right place for storage. They belong on Scottsville Road or over by the airport. You have some work to do or find the right real estate person that knows their business well enough to get somebody into that site. That is my feeling. I will not support a storage building. I don't want it.

DON FASO: It is not even close, Bill (Sauers).

RAY BLEIER: Years ago I remember Ron Evangelista coming into the Planning Board for an informal discussion with a proposal for an ice cream shop there. Basically we told him to go ahead.

MR. SAUERS: He did ice cream and went to pizza, but he decided not to get into the restaurant business after he got the approval.

JOHN NOWICKI: That is a nice site for a particular use. I could see a lot of things that Don (Faso) read off that would fit on that site. Look at the subdivisions and people moving in this town. You can't tell me you can't find something for on that site other than storage buildings. It doesn't make any sense. I won't support it.

MR. SAUERS: Tell me how you really feel, John (Nowicki).

JOHN NOWICKI: You know me.

MR. SAUERS: This is why I came here. Before I went and hired engineers to draw something

up, I wanted to get some work done and see what happens. I now know how most of you feel.

DON FASO: We'll work with you.

MR. SAUERS: But not with storage. It's okay. That is why I am here. I can handle it. Maybe we'll find some other beauty shop.

JOHN NOWICKI: When you come in with a decent proposal, we're not that bad. Right? We're not bad.

MS. NEDER: Sometimes you're not bad enough.

2. Muirfield Development - review condition of approval granted on April 13, 2004 that applicant form a Homeowners Association for proposed subdivision at 3360 Chili Avenue in R-1-20 zone.

DON FASO: First call for Mr. Bill Howard.

Second call for Mr. Bill Howard.

Third and final call for Mr. Bill Howard.

No one was present to represent Muirfield Development.

The meeting ended at 10:25 p.m.