

CHILI PLANNING BOARD
June 10, 2014

A meeting of the Chili Planning Board was held on June 10, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson John Hellaby.

PRESENT: Karen Cox, David Cross, John Nowicki, Paul Wanzenried and Vice Chairperson John Hellaby.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative.

Vice Chairperson John Hellaby 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.

PUBLIC HEARINGS:

1. Application of Michael Scamacca, 25 Arborway Lane, Rochester, New York 14612, property owner: Beverly Scamacca; for revised site plan approval to grant relief of condition placed on approval granted on April 13, 1999, that there be no outside storage of equipment for sale at property located at 3498 Union Street in GI zone.

Michael Scamacca was present to represent the application.

MR. SCAMACCA: Good evening. My name is Michael Scamacca.

I'm just looking for relief of a condition that was granted in 2000. I put a building up on Union Street, and I was told I could have a little pad out there to display equipment for sale, and I have had that ever since. I didn't realize it was in violation.

Then I -- last in 2013, I received a letter from the Town saying I was in violation, so to speak. But it is really just more or less an extension of my driveway in the front. It is stone, gravel, and I put a forklift out there for sale. I'm in a GI zone and that's the nature of my business. So I'm looking for relief of that condition.

JOHN HELLABY: As I look at your application, excuse me, the original condition of approval, there were 11 items pointed out. I won't read down through all of them, but you're just looking for relief from number 9, no outside storage of tow motors or related equipment for sale. The only reason I ask that, somebody has actually circled number 2 on here, as well, no outside storage of materials or supplies.

MR. SCAMACCA: Right. 2 and 9 is what I would like, if I could.

JOHN HELLABY: I will refer to the other Board members, but I think I'm going to be a little reluctant to approve Number 2 because it opens -- it throws the gates wide open for storage of all kinds of stuff. I see there is something in the parking lot behind the building. I didn't take the time to drive back there. I was hoping you would explain to me what is piled back there that should not be there.

MR. SCAMACCA: We have a 4,000 square foot building, and I have forklift trucks in it that we repair. In order to do the repairs, we have to take them out in the day and park them to give us room inside the building to work on our existing. Almost like an automotive repair shop. But other than that, we don't keep things out there usually. If we're swamped and there is a lot of inside business, then we might have to do that from time to time, and like I say, there is a little pad in front, an extension of the driveway. We do display a piece of equipment on there. I think it's essential for the business.

JOHN HELLABY: I will note that the Fire Marshal commented that the last inspection was August of 2013 with no violation, current operating permits for waste oil and repair garage expire August 2014. There are no comments from the Conservation Board this evening.

The only other question I would have is for Mr. Lindsay, has there been any complaints or anything as far as cleanliness over there?

DAVID LINDSAY: No. We have no complaints on record.

JOHN HELLABY: Did you receive a letter from our Town Engineer in regards to his comments?

MR. SCAMACCA: Yes, I did.

JOHN HELLABY: Are you aware of the fact there is a 15 foot wide sanitary sewer easement that runs right along the front of that property and that you cannot -- I guess first of all, what are you going to construct the pad on?

MR. SCAMACCA: I'm not going to. It is an extension of my driveway. It has been there since we put the building up 14 years ago. It is just gravel and stone.

JOHN HELLABY: You're calling for a 30 by 30 pad and what I see out there is nowhere

near 30 by 30.

MR. SCAMACCA: It doesn't have to be, but that is what we asked for.

JOHN HELLABY: You're not planning on doing anything with that. What is there is what is there?

MR. SCAMACCA: Exactly right.

JOHN HELLABY: All right.

PAUL WANZENRIED: How many tow motors do you plan on putting out there?

MR. SCAMACCA: Usually one at a time, and generally speaking we bring them in in the evening because we don't want to leave them out subject to vandalism. It is like one forklift parked out there for sale?

PAUL WANZENRIED: How big is your forklift? 7 foot by 4? 8 foot by 4? I guess I'm trying to inquire as to why you need a 30 by 30 pad.

MR. SCAMACCA: I just thought I have the room to turn around and things of that nature. It doesn't have to be. Right now, and I don't even know the size, but it might be 10 by 15. I don't have any plans of changing it, but I just had to put a number down when I filled out the application. But right now I think it's 10 by 15 or something like that. That's all we need. Forklift -- I guess I could best explain it is about the size of a golf cart. If anybody is familiar with a golf cart, they're not much bigger than that.

PAUL WANZENRIED: Um, so if you move -- if you were to move this pad back out of the easement, as I'm seeing it, how does that affect the walk out of -- your mom's -- or Beverly's house?

MR. SCAMACCA: Doesn't affect anything other than I lose exposure to passing traffic that I'm trying to accomplish. When you say it's an easement, I mean, there is nothing concrete or anything like that. So I mean if they -- if the Town had to dig or something, no problem. It's not a permanent structure in other words. That's my -- my take.

PAUL WANZENRIED: So it is just the pad that is existing?

MR. SCAMACCA: Once again, I will use that phrase. It's almost like an extension of my driveway. A turnaround or something of that nature there. That is the whole size of it.

PAUL WANZENRIED: I don't have anything else.

KAREN COX: Um, you said in your presentation that you were told you could have this. Do you remember -- I mean --

MR. SCAMACCA: I can't hear you.

KAREN COX: I'm sorry. When you had your presentation, you said you were told you could have this. Do you -- by the Town?

MR. SCAMACCA: Well, Mr. John Cross was the President of the Board back then, and when I applied to construct the building, the discussion was you have -- obviously you're going to sell equipment. You got to have a display pad. Sure. Boom. But evidently, I never got it in writing.

KAREN COX: So somehow it didn't get in there.

MR. SCAMACCA: It was a natural, you're opening a business, you sell equipment, you have to display it. It makes sense.

KAREN COX: Just curious. You said now you would not be -- it's gravel now.

MR. SCAMACCA: Yep.

KAREN COX: You're not planning on putting concrete or anything like that?

MR. SCAMACCA: No, no. Not necessary.

KAREN COX: Because when I saw the word "pad," I think about, you know, it's actually going to be like a patio type construction.

MR. SCAMACCA: No. Gravel has been -- it has been working for 14 years and will continue to work.

JOHN NOWICKI: So no new construction going on?

MR. SCAMACCA: None.

JOHN NOWICKI: What you see there is what we get.

MR. SCAMACCA: Yes.

JOHN NOWICKI: As the engineer letter indicates, lighting at all?

MR. SCAMACCA: No, nothing.

JOHN NOWICKI: Just day operation, out there during the day and put it in at night.

MR. SCAMACCA: Exactly.

DAVID CROSS: Quick question. What -- could you achieve the same thing by -- I know you have a sign out there, but it doesn't -- I don't know that it quite gives the passerby the impression that you're selling or repairing forklifts.

Could you achieve the same thing by an updated or upgraded sign?

MR. SCAMACCA: No. Because sometimes it's a used piece of equipment and we put it out there and somebody going by says, "Oh, that's just what I need." They come in. If they see a sign, they might keep going. Chances are they will. But they see a particular piece of equipment that suits their needs, they stop and pull in. Almost like somebody putting a boat out for sale in their yard versus a sign.

MR. JONES: Essentially this is just an application to revise previous approval, no new building so the Board would be able to impose conditions related to the number of pieces of equipment and so forth. Nothing further.

JOHN HELLABY: Before I turn it over to let the audience, if they have any questions, we do need to nail down the number of lifts. You mentioned that you wanted one out there at a time that you were going to take in in the evening.

MR. SCAMACCA: Right now I would say one at a time would be more than sufficient, but what about down the road? I don't know if it would change.

JOHN HELLABY: That is why I'm looking from you for some direction here. What is the maximum number you could ever foresee out there at one time?

MR. SCAMACCA: I mean if it was two or three, that would be an awful lot, but more than likely, it will be one at a time because we have to bring them in.

JOHN HELLABY: So a maximum of three lifts on that pad at any given time you would be satisfied?

MR. SCAMACCA: Oh, yeah. I don't think we would ever exceed that. I know we wouldn't.

JOHN HELLABY: The other thing I would like to nail down is the outside storage. As I said, I don't feel comfortable with getting away from item number 2 that refers to directly the outside storage of materials and supplies. In the rear parking lot, how many lifts have you stated -- you take them in, you work on them, drive them back out and park them out of the way. So with that I have to assume there is no other materials out there, no parts, no cans, no unregistered vehicles?

MR. SCAMACCA: From time to time, there has been in the past. Just because like for example, we might take a part off and set it out there while we maneuver a machine around or something like that. So from time to time, there is something out there, but it's way behind the buildings. It's out of the public view.

JOHN HELLABY: I sympathize with you, but I'm afraid, like I said, if we don't have some control, we have no control and basically you could store a mountain of stuff back there and I -- there wouldn't be a lot we could do about it. So I'm trying to get a happy compromise here as to -- as far as what you do have out there, and what you anticipate being out there.

MR. SCAMACCA: Right.

JOHN HELLABY: Granted, it's a little bit out -- I will be honest with you. I drove by there today. I see there was something back there, but unless you physically drive in there -- I don't know if that side access off the road that goes back into the crusher is still open, whether or not you can see anything from there. I didn't know in there.

MR. SCAMACCA: There is a gate.

JOHN HELLABY: Is there a gate back there?

MR. SCAMACCA: Yes. Like I say, occasionally I will have a boat trailer back there, and -- and a few forklifts and things of that nature there. Um, forklift has a big steel counterweight on the back and we have to take it off to do engine repair. We might just set it in the yard because it's big, it's bulky, can't keep it in the shop. We set it out there while we repair the engine and then pick it up and put it back on the forklift for customers. So things move in and out.

JOHN HELLABY: Well, I'll get a general feeling from the Board and see if we can't come up with a compromise here. In other words, as far as what is out there. Because I don't want to see stuff just strewn all over basically.

MR. SCAMACCA: We have been there for 14 years. Like I say, from the main road, I don't think it's an eyesore. We work diligently to keep it that way, and I think it has been to that point. But we'll do whatever it takes.

JOHN HELLABY: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I see that the address of the applicant is not the address of the owner. Who lives in that house?

JOHN HELLABY: I don't know.

MR. SCAMACCA: It's rental property.

JOHN HELLABY: Do you rent that property?

DOROTHY BORGUS: I was here the last time, I think the last time, maybe the last two times that this same subject was discussed and it was brought out at that time that there is nothing in the record from 1999 or whenever that says that this was to be allowed. Um, it sounds to be like there is a lot of outside storage going on here that whether -- whether it is out of sight or not is really not the issue. He was told he couldn't do it. Yet he has evidently persisted in doing it. Maybe it's not a workable site for what he wants to do. I don't know that. That is up to him as a businessman. I do know that out of sight does not mean it's okay, and there is other examples of that, not very far from him on Union Street, where there is -- you know, it was just supposed to be incidental storage and now it's a virtual junkyard, which it needs to be dealt with, too, but that's another point.

Um, everybody in Town can't use that criteria. If you don't see it, it isn't wrong. No matter what you told me, no matter what I'm doing, it isn't wrong because you can't see it. This Board can't operate like that. This Town wouldn't looked like much for long. It would be a mess if everybody followed that same line of thought.

I would have to disagree that somebody is just going to be driving up Union Street and see a forklift and run in and buy it. I don't think that is something that you buy on the spur of the moment. I don't think that used forklifts are especially an attractive thing to be out at the road. And I frankly feel due to the fact that this man hasn't really abided by the code before, I don't think that you're going to see him abide by it again.

If you okay one forklift, you're going to be having the fight the next time about two. There is different ways to advertise when you're in that business. I hope he takes advantage of them. I like to see people succeed but not at the expense of the Town's people, not at the expense of everybody else who uses that road on a daily basis. Um, I think we should following the zoning.

Thank you.

MR. SCAMACCA: Well, a couple comments --

JOHN HELLABY: Hold on. Hold on.

MR. SCAMACCA: Oh.

JOHN HELLABY: Nothing else from the audience?

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

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

MR. SCAMACCA: There are several places down Union Street that sell used cars and they have them lined up on the road. Does a used car look better than a used forklift? That is one question.

JOHN HELLABY: Again, I understand your concern, but those are not part of the application this evening. Tonight we're just hearing yours.

MR. SCAMACCA: You do it for one; you have to do it for all. Right along those lines --

JOHN HELLABY: Unfortunately, that is the point that Dorothy (Borgus) was trying to make.

MR. SCAMACCA: Yes.

JOHN HELLABY: If we don't get a handle on this for you, then how do we stop the next person, right? We take each application on its own merits. I don't care what is going on either side of you. All right? If they're in violation, that's why the Building Department is here. They will go enforce the -- the zoning ordinance, all right?

MR. SCAMACCA: I submitted a letter to you and all of the Board members last time I came with a list. I drove down Union Street and just took a notice of people that had equipment or whatever stored out in their yard for sale or whatever. So much as New York State Department of Transportation has trucks, trailers and equipment stored in their yard.

Um, do you still have that list from the last?

JOHN HELLABY: I do not presently have it.

MR. SCAMACCA: Would you like to see this one here?

JOHN HELLABY: No, not particularly.

MR. SCAMACCA: I have probably like 20 different addresses on Union Street that have camper trailers parked in their yards, used cars for sale.

JOHN HELLABY: Again, I don't know what approvals they have. Tonight we're just hearing your application.

MR. SCAMACCA: Yep.

JOHN HELLABY: And we're trying to make it equitable for everybody.

MR. SCAMACCA: The other thing, comment I will make towards her statement was, that she doesn't believe people go by and see a forklift and stop in and buy it, but I have records where we have sold equipment to somebody passing by, so yes, you do. It is kind of like if you park a camper out on the lawn to sell it, somebody goes by and sees it and they stop.

JOHN HELLABY: We understand.

MR. SCAMACCA: It's the same thing here.

JOHN HELLABY: I guess I'll pole the Board here on what the thoughts might be. He asked for three lifts at one time. I guess I'm comfortable with that. I think the one thing I would ask you to do is -- is take some time and dress that area up. Right now, it's just -- it's a pile of stone that is blended into the yard.

MR. SCAMACCA: Right.

JOHN HELLABY: What I would like you to see is actually square it up, clean it up, so it is presentable so you can park these three lifts.

MR. SCAMACCA: Sure.

JOHN HELLABY: I'm not so concerned about the right-of-way, as you stipulated. It's stone. If they have to dig through there, you can move your lifts and away they go.

MR. SCAMACCA: Any time. And you lose the gravel. All right?

I guess right now we're hung up on the outside storage, though. And I don't have a definitive answer. I don't want to say there is no outside storage, but how can you -- how do you curtail what his operation has?

PAUL BLOSER: I would like to offer a couple things. First of all, I drive by that a couple times a day. And over the last -- since you have been in there, I -- I think in comparison to other properties, you have kept it up. Yes, there are things out there on occasion on the outside of the building, and I guess what I would like to do when there are conditions is tighten up our conditions on the property, as far as storage of the materials in the back end.

So the weight plates, I can understand those. Being familiar with the business, they are a heavy, bulky item. You need the room just to get them off and maneuver them. If they're staged in back of the building, while the repair is going on and they can't be seen from the road, that I wouldn't have a problem with. And when you get into other items like stacking tires, or the rims from the tow motors, um, housings, fenders, hoods, forks, um, that's where I have a problem

seeing that stuff laying around.

And I would like to have a strong restriction on that.

Um, a weight plate up against the back of the building overnight, I can understand just because of what is involved in the weight of the things jockeying them around.

As far as tow motors in front, I would like to see a maximum of two. I think three is getting excessive. Two out there at the maximum. Someone driving by, they will see this is a tow motor business. They might have something else in the back. We'll go take a look. Don't want to have a line of tow motors on Union Street. So I would rather have a maximum of two. That's my two cents' worth.

PAUL WANZENRIED: I think he has done fine with one. Just keep it at one. Why -- why increase it? How many -- 14 years? He has been there 14 years and he has put one out front. Let it be one. And I agree with you, Al (Hellaby), delineate the pad, okay? Show us where it is. And just can't be haphazard. It's an extension of the driveway. No. I think we should delineate it. And I agree with Paul (Bloser), you know. No scrap -- anything behind the building.

PAUL BLOSER: One of the things, if you have an internal tow motor, it's a certain set of profile tires. Someone will drive by and see one that is good for outside and that is specifically what they're looking for, and an outside tow motor is larger diameter tires, more ground clearance. You know, that is something that a farm might be grabbing. It might be a -- it might be a junkyard looking for one. So I -- so I would be happy with the two, based on what I have seen him do with the property. Rather than the one.

JOHN HELLABY: I'm hearing two, I'm hearing one.

JOHN NOWICKI: Two.

KAREN COX: I agree with two.

DAVID CROSS: With probably a reduced size footprint. Won't need a 30 by 30.

PAUL WANZENRIED: You don't need 30 by 30.

JOHN NOWICKI: Defined location. And also I would like to suggest that they define the area for outside storage.

JOHN HELLABY: All right.

PAUL WANZENRIED: I think that would be behind the building.

JOHN NOWICKI: Defined area.

JOHN HELLABY: Um, so what I'm hearing, as far as conditions, we uphold all of the existing ones except items Number 2 and 9. The new ones would be no more than two tow motors at the display area at any one time.

Repair items stored at the rear of building, no more than 30 days.

No trash or any materials not directly related to forklift repair to be stored at any time.

Sound reasonable?

Mr. Jones, would you agree with that? Not to catch you off guard.

MICHAEL JONES: No, I have no objection to those.

JOHN HELLABY: All right.

Does that sound like something you can live with?

MR. SCAMACCA: (Nodded).

DAVID LINDSAY: I think we wanted to also delineate the location this would be taking place.

JOHN HELLABY: You are correct. You are correct. Excuse me. Define/delineate on your map, which was attached to your application, exact location for the pad -- I mean, he has got -- he has got it actually delineated on here. Do you want distances from anything, as far as that front pad goes?

DAVID CROSS: You want to say off the back of the easement?

DAVID LINDSAY: I think the way it is graphically represented would be sufficient.

JOHN HELLABY: As far as the outside storage, um, past the rear line of the building, was that sufficient if everything is behind the rear projection of the building and nothing on the side and nothing in the front?

JOHN NOWICKI: We have it.

MR. SCAMACCA: (Nodded).

JOHN HELLABY: All right.

PAUL BLOSER: Size of the pad? He has got the request for 30 by 30. Can we reduce it to 15 by 15?

MR. SCAMACCA: Yes.

JOHN HELLABY: Can you do this on 15 by 15?

MR. SCAMACCA: Yes.

JOHN HELLABY: Then we'll say 15 by 15.

Anything else? Thank you.

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

JOHN HELLABY: We're amending item 2 and 9. The pad will be 15 by 15, as delineated on your map. Hopefully now that it is reduced in size, that it is held back to the back line of the right-of-way.

No more than two motors displayed at any one time. Repair items stored at the rear of the building at no more than 30 days and no trash or any materials not directly related to the forklift repair be stored at any time, and all storage to be past the back projection line of the building.

DAVID LINDSAY: Mr. Chairman, in regards to the map, can I ask the applicant to submit a revised map that shows the specific now reduced in size 15 by 15 to the Building Department?

JOHN HELLABY: You will need to submit a revised map to the Building Department.

MR. SCAMACCA: One map?

DAVID LINDSAY: One will suffice.

JOHN HELLABY: So if you take this map, reduce the size of that, and then mark the back area as storage area.

MR. SCAMACCA: Okay.

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

1. Delineate and dress up gravel pad to be used as equipment display area, to be no larger than 15' x 15'.
 2. All repair items and/or parts to be stored past the back line (east wall) of the building at the rear of the property.
 3. The above areas to be noted on site drawing and submitted to the Building Department by the applicant.
 4. No more than two (2) tow motors displayed at any time.
 5. No trash or any materials not directly related to the forklift business to be stored anywhere outside.
 6. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Application of Brian Malatesta, owner; 2674 Chili Avenue, Rochester, New York 14624 for Special Use Permit to convert existing single-family dwelling with professional office to a two-family dwelling at property located at 2674 Chili Avenue in R-1-20 zone.

Brian and Janice Malatesta were present to represent the application.

MR. MALATESTA: Good evening, Chairman and fellow Board members and women. I'm Brian Malatesta. This is my wife. I am the owner of 2674, and I am in your honor to be representing here.

I ask for permission for a Special Use Permit to convert existing single-family dwelling with the professional office building there or was there to a two-family dwelling at that address.

JOHN HELLABY: Is that it?

MR. MALATESTA: That is it, yes.

JOHN HELLABY: We have comments from the Fire Marshal's office. He has no comment.

In this paperwork there was a letter dated July 27th, 2012, from the Building Department that says in response to your inquiry regarding the above application or captioned property, excuse me, please be advised at June 19th, 2012, the Zoning Board gave approval of 2674 Chili Avenue could be used as an apartment. So apparently it had to come in for a Special Use Permit for the application, is my understanding.

KAREN COX: Yes. Special Use Permit use for that zone.

JOHN HELLABY: Conservation Board had no comments.

I assume the dentist office all goes away. You won't have a professional office.

MR. MALATESTA: I would like to be a professional, but yeah, that has been removed.

Yes.

PAUL WANZENRIED: You're just converting the first floor?

MR. MALATESTA: Correct.

PAUL WANZENRIED: Do you reside at the property?

MR. MALATESTA: I do not.

PAUL WANZENRIED: Is the second floor currently rented?

MR. MALATESTA: Yes, it is. I mean in one week.

MS. MALATESTA: June 15th.

Two firemen will be there that go to Gates. But, yes, in one week they will sign paperwork.

PAUL WANZENRIED: To reside in the second-floor apartment?

MS. MALATESTA: Correct.

MR. MALATESTA: Yeah.

KAREN COX: Um, the -- the site plan sketch shows the parking lot.

Do you plan on leaving that all asphalt or eventually taking some of it and putting back in grass? Or not really planning on anything?

MS. MALATESTA: We -- we plan on building, um -- two garages to make it look more

like a single-family home, or a multi-family home eventually. We would like to like convert it to where the entire street looks like homes. We want that -- the property to look like that, eventually.

KAREN COX: So it would be garages for the tenants?

MS. MALATESTA: Yes.

KAREN COX: So right now that is why you would want to leave that asphalt?

MR. MALATESTA: Yes.

MS. MALATESTA: Yes.

MR. MALATESTA: Currently leave it the way it is.

JOHN HELLABY: Can we have your name for the record?

KAREN COX: That's quite a large apartment on the first floor.

DAVID CROSS: How many bedrooms total? Three on the first floor and two on the second.

MR. MALATESTA: There is two on the second floor, with one bathroom. And there is three on the first floor with a full bath, half bath on the first floor.

JOHN HELLABY: Before I go to the side table, I'll also mention that we do have the County Comments, and basically it's just stating that it was in the Greater Rochester International Airport Review Area and this application has been reviewed for airport considerations and has been granted approval.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: Pretty cut and dry. Any other discussion? Was used as a dentist office for quite some time. The dentist has apparently moved out and converting it back to usable property, so.

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

JOHN NOWICKI: Is this going to be a permanent? Not a designated timeframe?

JOHN HELLABY: No.

DECISION: Unanimously approved by a vote of 6 yes with no conditions. Applicant be advised that a building permit will be required to convert this dwelling to a two-family dwelling.

3. Application of Frank D'Angelo, P.O. Box 449, Pittsford, New York 14534, property owner: Jonak, Inc.; for revised site plan approval to allow a wood-burning oven in rear building at property located at 1615 Scottsville Road in GI and FPO zone.

Frank D'Angelo was present to represent the application.

MR. D'ANGELO: Good evening. My name is Frank D'Angelo. Basically, um, I appreciate you guys listening to me talk about this oven tonight, but basically what we want to do is just put a wood-fired oven behind the service bar in the back building. It's a self-contained unit. It's a kit. Sits on a platform.

JOHN HELLABY: As there is no other food prep area in that building?

WILLIAM DINGUS: That is not a kitchen area. We have a full state-of-the-art kitchen in the building in the front. We have no intentions putting a kitchen in that back building.

JOHN HELLABY: What is the purpose of this?

MR. D'ANGELO: Quite honestly, it's something that looks nice behind a service bar. Um, we would be doing beer and wine, no liquor. And again, it's something nice to look at. All of the food is prepped up front. We have warmers that we use to keep the food warm in the back once it is brought back there for parties or dinners or whatever. It could be used as a food warmer, but more than -- but really, it's just the whole ambiance thing. It just looks nice behind a bar especially when you don't have a bunch of liquor bottles and everything else stacked back up there. It is something that a lot of restaurants are doing now, they're putting these in behind the bars.

KAREN COX: So it is at -- like bar height?

MR. D'ANGELO: Yes. No, no, no. The whole -- the whole unit is probably 2 foot by 3 foot. It comes in a kit. You know, it's a fireproof dome. It's got a B vent that goes through the roof.

KAREN COX: Does it put a lot of heat out?

MR. D'ANGELO: Almost like a wood --

JOHN HELLABY: Is it gas or is it wood?

MR. D'ANGELO: Wood.
JOHN HELLABY: So you have to physically bring the wood in and clean the ashes out?
MR. D'ANGELO: Yes.
JOHN NOWICKI: Big pieces of wood or small pieces of wood?
MR. D'ANGELO: Small pieces of wood.
PAUL BLOSER: Pizza places are using them.
MR. D'ANGELO: A lot of the restaurants and places are doing it now.
JOHN NOWICKI: Not for pizza.
MR. D'ANGELO: You could use it for pizza but we're not going to put a kitchen back there. Like I said, we have pizza ovens. We have everything out front. We have a whole state-of-the-art kitchen.
JOHN NOWICKI: No pizza back there?
MR. D'ANGELO: We have pizzas in the back there.
JOHN NOWICKI: In this oven you will do them?
MR. D'ANGELO: We will probably be doing the pizzas up front. And like I said, from, you know, the looks of the thing, you could put them in there as a food warmer. It can certainly cook pizza if you put enough wood there. We won't have dump truck loads of wood delivered to try to run this thing at 1000 degrees.
JOHN HELLABY: Well, I would assume that the Health Department would have to give you approval, too, if --
MR. D'ANGELO: No. I already talked to them. As a matter of fact, we just had our inspection and we passed with flying colors. Also for the back, also.
JOHN HELLABY: The oven is in there now or no?
MR. D'ANGELO: No, no.
JOHN NOWICKI: They had no problem with the oven?
MR. D'ANGELO: No.
JOHN HELLABY: We'll get back on track.
PAUL WANZENRIED: In your floor plan sketch, it looks like in the southwest corner you have the initials "FP."
Is that already a fireplace?
MR. D'ANGELO: Yes. In the opposite corner? Yes. That's just a fireplace that's basically a light bulb. It's electric. Again, it's just something under the television. People sit back there. It's like a little corner back there that is kind of a coffee lounge. They have coffee back there. They have free WiFi, cable TV.
PAUL WANZENRIED: What is this located in front of the bathrooms (indicating)?
MR. D'ANGELO: I don't have that sketch with me.
PAUL WANZENRIED: That right there (indicating). What is that?
MR. D'ANGELO: That's a staircase to the basement.
PAUL WANZENRIED: Okay. And this is the existing fireplace?
MR. D'ANGELO: Yes. Again, it's --
PAUL WANZENRIED: I know, electric. A light bulb. I got that. Okay.
JOHN HELLABY: Anything else?
PAUL WANZENRIED: Is this building open during the hours of operation for the front building? Is one open later than the other?
MR. D'ANGELO: No.
PAUL WANZENRIED: Open the same hours?
MR. D'ANGELO: They are open the same hours. If we have a graduation party or birthday party going on, um, the back could be open later, obviously. Um, but we have had a bunch of, you know, get-togethers. Now it's open for lunch as overflow from the front building every day. And that would be the only place that, you know, we would have any beer and wine served, once we got the license for that. That's -- it's in process.
PAUL WANZENRIED: The door that is next to the fireplace, is that part of your egress for code?
MR. D'ANGELO: Yes. That is secondary egress along with a double door.
PAUL WANZENRIED: In the front?
MR. D'ANGELO: The deck and one in the front.
PAUL WANZENRIED: Does the deck have stairs to grade?
MR. D'ANGELO: No.
PAUL WANZENRIED: Okay. I think I would just make some sort of caveat about a wood stove. I can see him storing it on the north side right by that door, going out and getting the wood.
MR. D'ANGELO: The intention is not to store a lot of firewood. It is something that maybe would be stored outside there, and -- in maybe like a Rubbermaid thing that holds like two garbage cans, something like that. We're not -- I don't want rodents. We won't have piles of wood and tarps. I mean, if you have driven by the place, we keep it pretty nice.
PAUL WANZENRIED: I have. I have. I'm not inferring that at all.
MR. D'ANGELO: Yeah.
PAUL WANZENRIED: But my two cents.
KAREN COX: Um, just curious, because I remember this coming through for the initial approvals.
How has business been?
MR. D'ANGELO: Good.

KAREN COX: Decent?

MR. D'ANGELO: Yeah. Yeah. I mean, even some of the Town people occasionally come for lunch. Like I said, the back building, um, is open every day. You know, I'm out there every morning before the lunch hour. Um, I wash all of the tables down. You know, I keep it really nice for people to want to, you know, relax during their lunch hour.

KAREN COX: When I drove by the other day, I realize the front building looked really nice, and so that back building is just, you said, during the day it's open for overflow and --

MR. D'ANGELO: Yes. Because we don't have much seating in the front. We, you know -- the back building really has, you know, the public bathrooms. People bring their laptops. You know, we get a lot of the people from RG&E. They come. They take their whole one-hour lunch back there and sit with the laptop with the WiFi and everything and people really like it.

KAREN COX: Oh, good. Okay. I guess I don't go to the right restaurants.

MR. D'ANGELO: You have to come check it out.

JOHN NOWICKI: The Fire Marshal made a statement, inspected and approved for an assembly operating permit.

What does he mean by "assemblies"?

PAUL WANZENRIED: Assembly is a faction of the code. Assembly business. Mercantile. They're all occupancy types per the code.

JOHN NOWICKI: He is satisfied then. Okay. Thank you.

DAVID LINDSAY: Just if it is approved, that he obtain the proper permits from the Fire Marshall's office.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: Any other discussion? Nothing.

Well, the two conditions I have heard, it's the appropriate permits from the Fire Marshal's office. And I would like to note on your site plan drawing, your wood storage area noted on here, and then supply this drawing to the Building Department.

MR. D'ANGELO: I mean it might be something as simple as a plastic garbage can.

JOHN HELLABY: That's great. Just note it on here where you will store it. Just like an outside storage dumpster area so there is never a concern or question, as long as we have it noted here. That way when a ten-wheeler shows up and dumps it out behind Greco's, we don't have to listen to it. We have it on here.

MR. D'ANGELO: If I show like one of those, either a couple -- like a little Rubbermaid thing off to the side of the secondary staircase, that is okay?

JOHN HELLABY: That's all I'm asking for. As long as the Fire Marshal is okay with it, you need to show it on the drawing when you come in.

MR. D'ANGELO: Is that something I would do when I submit for a permit or is that something you want like --

DAVID LINDSAY: I think when you submit for the permit, that's fine.

MR. D'ANGELO: Okay.

JOHN HELLABY: Okay.

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

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

1. Wood storage area to be shown on site drawing and submitted to the Building Department.
2. Secure all required permits from the Fir Marshal's Office.
4. Application of Bank of America, 101 North Tryon, Charlotte, NC 28255, property owner: JR Realty Estate, Inc.; for preliminary site plan approval to erect an ATM kiosk at property located at 4390 Buffalo Road in GB zone.

Doug Schied and Steve Parrish were present to represent the application.

MR. SCHIED: Good evening. My name is Doug Schied with Schied Architectural. With me is Steve Parrish from my office. We're here on behalf of the Bank.

I know we have been before you on a couple of different occasions and looked at a couple different spots you requested for this ATM. The Bank has taken a look at the three different locations and decided that this is the best location.

It is here. I think it was the Board's recommendation on the -- on the first time we came through. We had shown it here (indicating). You asked us to put it here (indicating).

At the last meeting you asked us to look at a spot over here (indicating) which didn't work for the Bank at all. So we're back to this -- this location as being the best location within this plaza, gives the best approach for traffic, gives the best stacking, gives no problem with cars leaving -- the typical ATM has stacks of two, maybe three cars. We have stacking space for four cars, correct?

We also shown an easement going to the north originally because that was closer to the spot. The utility easement will likely go down to Buffalo Road on the property held by the landlord. So easements should not be required from this tax parcel which was pointed out by Lu Engineering, I think, on this go-around.

We have replaced the parking that is going to be lost, the four spots lost here over (indicating) on the east side between the old Five Star Bank and the pharmacy. We have added an island, a round, the light pole that is being replaced right now. If you stopped out there, you can see the light pole that got damaged is being replaced. Some landscaping around that to provide for -- protective from being hit again.

The landlord has addressed, I think, the maintenance issues that were pointed out by the Town Engineer. If you go out and look, the asphalt has been repaired. And I think it's in reasonable condition. You know, again, we're not the plaza maintainers. We are just really trying to get approval on this little ATM.

JOHN HELLABY: That it?

MR. SCHIED: And I think Lu Engineering also pointed out that we may need a landscape Certificate of Compliance if it is required. Certainly we'll -- we'll provide that as requested by the Conservation Board. I think that's addressed all of the comment that were sent to us.

JOHN HELLABY: All right. I will note the Fire Marshal comments, has no comments on this application. Unfortunately, we do not have a representative -- a representative from the Conservation Board here this evening, but in their comment letter, it says the Conservation Board suggests that a representative from the Bank of America meet with the Conservation Board with updated plans. It says Eckerd Drugstore appears to be on the site plan. License architect prints. How will the plantings be maintained? Will the company install a sprinkler system -- these are all details you can work out with the Conservation Board.

So -- one of the requirements is that you get things squared away with them before the permit is issued.

MR. SCHIED: We would certainly, you know, entertain a condition on that no problem.

JOHN HELLABY: One of the other conditions put on here a couple months ago when you were in, and we wanted -- the reason it was actually tabled, we asked you to work with the plaza owner to ascertain whether or not there was enough parking spaces, if you will, in the existing plaza. I realize that is not Bank of America's problem, but after taking a really close cursory look at this thing, I counted the parking spaces that are there, and I think we have done ourselves an injustice in approving some of these other out parcels in the front of this plaza, because right now, the count I get is 123 spots, which I find way short of what it should be.

Unfortunately, you didn't cause that issue. Some of these other approvals did. I think -- but I don't know what shared access agreements are on all these other out parcels at this time.

One of the other comments, and Michael (Jones) can address it as we go through the table, but there was questions as far as easements, as well, for your electric fees and things like that. We'll need all those worked out.

MR. SCHIED: As I stated earlier, the easements that we had -- we had shown as potential to the north, we're not going to need. We are going to get our utility on the property from the owner.

JOHN HELLABY: All right.

MR. SCHIED: We don't need an easement for that. It goes on the landlord's property right out to Buffalo. That is the most direct pathway. And the parking concern, we have replaced the parking that we're taking up over here.

JOHN HELLABY: Right. Right. All right.

PAUL WANZENRIED: Still don't agree with the way it blocks off that third -- that flow through in the traffic. It dead-ends that bank -- that bank of parking. I really wish the Bank would reconsider, but other than that, I don't have anything.

KAREN COX: Well, I would have -- being at this plaza at various times during the day, during the week, there are -- I would agree with Al (Hellaby), that, you know, somehow over the years, the parking has diminished. You know, I know when we put these out parcels in, we checked that, but it -- but there are some days when it is really difficult to find parking.

Um, the other thing that I wondered is, you had indicated that light pole was being fixed and maybe you can't answer this question, but it's not -- it looks like it is not going to be protected by anything again. It's not going to be in its own island.

MR. SCHIED: We're proposing to enclose it in an island.

KAREN COX: I must have missed that.

MR. SCHIED: I pointed that out. Maybe I spoke too quickly. Where the light pole now is being repaired we're proposing a landscape island surrounding it and upright curbing to protect it.

KAREN COX: My mistake then. I figured if it wasn't protected by an island, somebody would smack it again.

MR. SCHIED: Absolutely.

KAREN COX: Um, you know, I wish there was a way that we could utilize that wide

expanse of seemingly dead space behind Rite Aid, but, I mean, you did -- you indicated that you have replaced the four spaces that are lost with ones next to the island, so that --

MR. SCHIED: The Bank would be willing to stripe additional spots here. We don't have a problem with that. If that is something that the Board would ask the Bank to do -- right now what we're doing is replacing what we are taking away. We could certainly add some more parking here.

JOHN HELLABY: I would be open to that suggestion. However, just looking at that, I don't know what the traffic flow pattern is presently back there with that drive-thru prescription thing and people coming and going out of that side entrance, if it is feasible.

MR. SCHIED: It is. We would actually even propose -- I think the Bank would be amenable to putting another island here (indicating) to control this traffic (indicating) rather than have the free-for-all.

JOHN HELLABY: That makes more sense.

KAREN COX: Makes more sense. Right now it is kind of a free-for-all with people coming in that entrance and they just kind of go (indicating).

MR. SCHIED: We are doing it here (indicating). We could certainly incorporate another small island here (indicating) and --

KAREN COX: That would --

JOHN HELLABY: That --

JOHN NOWICKI: Good idea.

MR. SCHIED: We don't have a problem with that.

KAREN COX: Would it be used all of the time, maybe not, but it would be a place for, you know, maybe the -- the --

MR. SCHIED: Employees.

KAREN COX: The employees or --

MR. SCHIED: Sure. Or long trucks or something to get it out of the spots near the grocery store that were brought up at the last meeting.

I think, too, it would help prevent some of the contractor vehicles from pulling in there and really making a mess of things.

KAREN COX: Yes. That is what you would hope.

MR. SCHIED: Sure. We would be willing to do that.

JOHN NOWICKI: I assume you have addressed all of the engineer's comments and satisfied those? His recent letter?

MR. SCHIED: Yes. We received the letter. We actually have a response. I could just reiterate and go through. Easements, like I said, we're attempting to go and secure, you know, our utilities to the kiosk without easements, so that shouldn't be a problem.

Again, we're always subject to the utility company. They may say, "No, you have to come from here." If we need to do that, we would certainly get whatever easements are required.

Um, there was repairs to the parking lot. I guess I would defer to the engineers, if the repairs that the landlord has made, if they're satisfactory. I mean -- we don't -- we don't maintain the property.

JOHN HELLABY: We realize that. I realize that.

DAVID LINDSAY: There is a subsequent letter dated June 5th. I don't know if you have that there.

MR. SCHIED: Yes.

DAVID LINDSAY: I think in that letter, the letter -- Lu Engineers describes the repairs made to the parking lot. I still need to make a site visit myself to make sure they are accurate. I will be doing that shortly. There are also a couple other comments in there related to light pole, and I think an island at the west end of those new parking spots.

KAREN COX: As a user of that parking lot a lot, they did repair it. You know, they took the dip out.

DAVID LINDSAY: I think usually these types of projects are contingent upon Town Engineer and Commissioner of Public Works approval so that is something certainly we would check on before we signed off on the mylars.

JOHN NOWICKI: Thank you. That's all I had.

MR. SCHIED: We have a letter to the Planning Board that addresses the items in the June 5th letter that we would be happy to give them to you. I described them verbally tonight. We had a comment on parking size which we have addressed on the plan. They had concern on the repairs, which we addressed. The curbed island which we addressed. And the landscape certificate of compliance I verbally talked about it, but we have it in written form, too. We would be happy to give it to you.

JOHN HELLABY: We would appreciate it.

PAUL BLOSER: I want to go back to the lighting on that one where the lamp is. You said that is being repaired --

MR. SCHIED: It's actually --

PAUL BLOSER: -- putting an island around it.

MR. PARRISH: It is up right now.

PAUL BLOSER: I haven't looked at it on the -- but Saturday or Sunday, it was still in a precarious position.

MR. PARRISH: I can --

PAUL BLOSER: Last day or two.

MR. PARRISH: We stopped out there on the way over.

Mr. Schied showed a photo on his phone to the Board.

PAUL BLOSER: Does it work, too?

MR. PARRISH: There is no fixture on it yet, but the pole and the base are upright. If anyone else --

PAUL BLOSER: You're talking about possibly painting more lines going across, putting an additional island at the other end?

MR. SCHIED: If that is something that the Board would grant a condition that we do that, I think the Bank --

KAREN COX: Yes, I would like that.

PAUL BLOSER: The only thing I will say, and -- I just -- again, what I said at the last couple meetings, that is a dark corner. If you put an island up there, you're almost going to have to put a light on it because people come around the corner of that building, with the lot, shooting to go to the drive-thru, it -- I can see especially at night or the wintertime, they're going to be up over that curb if they can't see it.

MR. SCHIED: Again, it is something we can certainly tell the landlord and Bank of America to look at. If it is a dark spot, they don't want to create a hazard either.

PAUL BLOSER: If you have been over there at night, I would encourage to you do that. We know what it is like trying to pull in and out of there at night. You probably seen it as the owner of the store (indicating). Just -- to me there is not enough lighting at that east end of the plaza. And it is just problematic.

MR. SCHIED: Did the Dunkin' Donuts provide some additional lighting over there that may improve that situation?

JOHN HELLABY: It should. I would think.

PAUL BLOSER: In the proposal for the lot over on that site they are, yes.

KAREN COX: They will. Some of it will spill out. I mean, we don't -- we don't --

PAUL BLOSER: But we're also asking for shielded lights. How far will it spill?

KAREN COX: The type of light fixture we require is more the shoebox.

MR. SCHIED: Dark sky compliance, zero off the lot line.

KAREN COX: It will be brighter than it is now over there.

PAUL BLOSER: But their lighting is placed to the east of their building, the other side of the driveway.

KAREN COX: Yes.

PAUL BLOSER: So it is not, you know, spacing between lamps again.

MR. SCHIED: Again, if you included that in the condition, no, the Bank has no choice to not do it if you grant it, but I'm sure that they would not want to create more of a hazard there.

PAUL BLOSER: I'm not looking to add expense to the whole thing. The curb is great. Extending the parking is great, but if you put a curb there, we'll have cars up over the edge of it if they can't see it.

MR. JONES: I don't see the need for any -- any easements I would need to review.

DAVID LINDSAY: If this is approved this evening, maybe the Board could stipulate the number of parking spaces to be added along that area that we're talking about. I think they talked about four, but --

JOHN HELLABY: It will be tough to say. I would have to approximate. Can I just state "maximize"?

DAVID LINDSAY: That's fine, or make it contingent upon Town Engineer, Commissioner of Public Works.

MR. SCHIED: Like an additional six, for a total of six additional replacing with the four we took away, so there would be ten spots over there.

JOHN HELLABY: We'll work that out.

MICHAEL HANSCOM: Just when you place the -- when you place the island at the far end, next to Union Street, um, make sure that you maintain 24 foot wide lane between the island and the existing curb.

MR. SCHIED: Sure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: When this applicant was in before, if my memory serves me correctly, their -- this ATM looked like a telephone booth.

Has there been any improvement on the appearance of this?

JOHN HELLABY: There isn't a lot you can do with an ATM that stands alone in the middle of a parking lot. I -- I don't know if you have an actual drawing of it with you? Or graphic you can put up here, that you can put on the screen.

MR. SCHIED: Thank God we have the capacity, and frankly they put these kiosks across the country. They're standard.

MS. BORGUS: Tough luck. Tough luck. In Chili we don't have to take anything that just comes along. I think that is why we're in this predicament now with not having enough parking spaces. You know, we have accepted too much too easily in the past.

MR. SCHIED: Branding is very important to the Bank. This is what they would like to you approve.

DAVID CROSS: Is that brick face?

JOHN HELLABY: Is that an earth tone stucco?

MR. SCHIED: Metal.

MR. PARRISH: It's actually Dryvit. A stucco. These are pre-fabricated units. Designed for security, as well.

JOHN HELLABY: Lighting is fluorescent.

MR. SCHIED: Combination of lighting. There is the New York State ATM Safety Act that the Bank has to comply with. There's a minimum foot-candle, within 60 foot of the bank and different requirements in that.

JOHN NOWICKI: Do they have camera protection?

MR. PARRISH: I believe there is a camera in the ATM itself. That's a big part of the lighting, is to get -- record faces on the camera.

MS. BORGUS: So it's stucco.

JOHN HELLABY: It's an earth tone stucco.

I'm trying to think of something around here --

KAREN COX: Wouldn't it be like the facade on the plaza over here?

PAUL WANZENRIED: Pontillo's.

KAREN COX: Yeah.

PAUL WANZENRIED: That's these stucco --

JOHN HELLABY: It's what they call a Dryvit system. It's actually troweled on. It's a masonry skim over top of a -- like an insulation board.

MR. SCHIED: Generically called exterior installation finish system.

MS. BORGUS: As pointed out, it is not the fault of this applicant that the Town is in this position. We have -- we have taken up what was a very, very roomy piece of property and out parceled it until -- until we have outdone ourselves here. Poor -- poor choices along the line. And I think the Board, this Board, any Board has got -- Zoning, Planning, have all got to come to the same conclusion that that piece of property is full. It cannot take any more. There is no room for anything there any more. To the detriment, I think, of some people who are already in there and trying to make a living.

And if we don't know how many parking spaces that we have, which it sounds like we don't, I think that would be something we need to do if not for this applicant, for the Town records so we know in the future what we're dealing with. Somebody better take this on as a project and be able to come up with a number of spots that are there to use, because it sounds like we don't know. And that's a terrible way to move forward in this day and age.

Thank you.

JOHN HELLABY: Thank you, Dorothy (Borgus).

DOUGLAS PHILLIPS, 4393 Buffalo Road

MR. PHILLIPS: Douglas Phillips, 4393 Buffalo Road. I own the supermarket grocery store. Same plan as last time, so my feelings are exactly the same.

I -- besides the parking, I am concerned about cutting off this driveway (indicating). What are cars going to do? How will they turn around if all these spots are pulled because of Tim Horton's customers, my employees? What -- they're going to start backing out of here? It just -- for me to try to run a professional business, I feel as though I need a professional building, professional parking lot.

This just kind of (indicating) ruins the traffic flow of people coming through here (indicating). I have asked the landlord to consider striping all of the way out here (indicating) for Dunkin' Donuts customers and maybe striping along down here (indicating) for employee parking. Um, so I was surprised to see this (indicating).

Last meeting we discussed that this (indicating) is really going to take up more than four spots because you have to restripe the rest of these lines. How wide are all my spots going to end up being here? The Town has a -- what is it, 9 -- 9 foot 6 inches someplace I read earlier today. So I -- I -- what are these going to end up?

MR. PARRISH: Those are 9 feet.

MR. PHILLIPS: How many will I lose?

MR. PARRISH: We are striping of it at 9 foot wide. You would lose four spaces. So if we needed to maintain --

MR. PHILLIPS: Each line?

MR. PARRISH: Each space would be 9 foot. If we needed to maintain the 9 foot 6 for the Town requirements, we would only lose -- it would be another 4, but we can make those up with the additional that we had talked about previously doing.

MR. PHILLIPS: Which I was hoping to add on for Dunkin' Donuts customers. Um, again, safety, here we have all our ATM traffic coming out to my crosswalk, where people will be existing the store. Um, the light pole is upright. Um, potholes were repaired. The guy that plows the lot assures me those will be torn up next winter. Um, maybe half inch asphalt on those spots.

Which raised this up (indicating), which has caused all of the water that used to go flowing here, now flows over here (indicating). Used to pool here (indicating), where these cars are. They patched that, and now it pools all along here (indicating). Does not reach this catch basin (indicating).

I watched them clean out two of the catch basins. They cleaned out the stone and dust in it. No flushing. Didn't see them clean out this catch basin on here (indicating) or here

(indicating). Just these two here (indicating).

The other thing is the shrubs. Um, plan called for using existing shrubs on the site. Will that include the dead trees that are out there? That is my last comment.

LUANN VANPEURSEM, 17 Club House Drive

MS. VANPEURSEM: Luann Vanpeursem, 17 Club House Drive, and I just have one question. I remember from the last meeting, um, there was a recommendation that the landlord of the property be present so that certain issues can be addressed to him.

JOHN HELLABY: It wasn't a recommendation that the landlord be present. It was that they work with the landlord to figure out his parking space situation. There was no request to him to be here.

MS. VANPEURSEM: Okay. Thank you.

JOHN HELLABY: That it?

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

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

JOHN HELLABY: I guess I have a heightened concern, now, because looking at this thing as quickly as I did, I did not realize, until it was pointed out that -- that you are blocking off that travel lane, which sort of bottlenecks everybody in there.

PAUL WANZENRIED: Exactly.

JOHN HELLABY: In that area. Which in my eyes, it is going to make it an awful tough sell. Just for the flow of things around there. And I, off the top of my head, don't see anyway around it. Just because -- you will have a bigger problem with IT if it was open. And you're virtually going to lose all those spots that are up against those things because nobody will want to pull down into the bull nose and have nowhere to go. I agree with that. I hate that.

There is nothing worse than getting stuck -- especially if you have some little old lady there that now has to back out there. That is going to get ugly.

I don't know. That is my own opinion. I will go to the --

PAUL WANZENRIED: That is why that alternate location works so well now. I still stand behind the -- behind the right side. I understand the visibility issue. Put a sign up there. It's lit up anyhow because of the ATM Safety Act. Why not. It just doesn't make sense where it is. In that center of the parking lot.

KAREN COX: I guess, I -- you know, the gentleman from the store pointed out a legitimate thing with pedestrian safety, because there will be people that gun it.

PAUL WANZENRIED: Right.

MS. COX: Out of the ATM, not thinking about people -- I seen it happen just from people pulling out of parking spots on Friday night. They want to get home. They pull out. Somebody is walking across the fire lane and --

PAUL WANZENRIED: Can somebody refresh my memory why we wanted to move this other side as opposed to down the other end?

JOHN HELLABY: We're afraid of entering traffic off --

PAUL WANZENRIED: Union Street? That's -- that's 100 feet away.

DAVID CROSS: Well, the direction of flow, is reversed with this. They're going to enter from the north and -- which would be going -- you're stacking cars into that -- into the drive lane out in front of the --

PAUL WANZENRIED: But you will stack them now in the main entrance or you are going to run them behind.

DAVID CROSS: I think they showed that -- the -- the -- the amount of room they had for stacking is sufficient. We went through that the last meeting. Whether there was going to be three or four cars.

MR. PARRISH: The maximum transactions again, during a B time, which was 11 to 3 in the afternoon, they were estimating eight an hour, and -- two minutes was the average transaction time.

PAUL WANZENRIED: Right. So that would -- that would go against the theory that you're going to have a car in the right-of-way, queuing in the right-of-way off Union Street.

DAVID CROSS: Certainly not Union Street, but there was -- there were cars being stacked out in the 24 foot lane, out --

KAREN COX: Fire lane.

DAVID CROSS: Lane out in front of Food Towne and that is real busy out there.

PAUL WANZENRIED: I'm saying if it is on the east end of that parking block. Not reverse -- reverse in direction and put it on the east end of the parking lot.

DAVID CROSS: Then we'll choke up the -- we'll choke the travel area through that end, too. I agree, Paul (Bloser). I -- I don't like the way the traffic is impeded kind of east/west through that central corridor. I don't -- I still don't see why it can't be put along the edge -- the north edge of the Eckerd there.

MR. SCHIED: We proposed that to that Bank and the Bank is absolutely not interested in that. So.

DAVID CROSS: Okay.

JOHN HELLABY: What is your consensus? Are you comfortable with that?

PAUL BLOSER: I think he has done a lot, overall in that plaza. Just -- without adequate parking to start with, it's -- it's difficult finding places to park and this will compound the problem.

JOHN HELLABY: I guess -- I guess at this venture, hearing what I'm hearing, is -- you know, I'm a reasonable guy and I don't want to force this thing to a vote and have it shot down, but I got a gut feeling that that is what is going to happen. I will ask you for your input.

Would you be willing to table this thing and take it back to the drawing board? Because like I said, that is a bad situation. I mean -- that is the only thing that is stopping it in my mind, is that cut-through there. You're going to cause a big problem there.

MR. SCHIED: We can -- we can provide a bypass lane down here to the south.

JOHN HELLABY: Then you lose more spots.

MR. SCHIED: We'll lose more spots. The Bank is willing to create the spots we take away by this, and including the bypass. So, you know --

JOHN HELLABY: I guess my thought would be I would like you -- to see you go back to the drawing board and put it on paper and show us how you propose to do this.

MR. SCHIED: Let me ask you this. If the Bank -- if the Bank provides a bypass lane for this so it is not a dead-end, which is a concern we understand, and the Bank provides parking to make up for at least what they're taking away here -- in other words, they're not taking away any parking. They will replace car for car anything taken up by this development, including the bypass, and they will create as many as there is space available -- okay, if the branch is willing to do that --

JOHN HELLABY: You're asking me would I vote on that tonight? No.

MR. SCHIED: I'm not asking that because I know I can't do that, but are there any other concerns that you're asking the Bank to address?

PAUL WANZENRIED: Pedestrians.

KAREN COX: Pedestrians.

PAUL WANZENRIED: You're dumping them right in front of the Food Towne.

MR. SCHIED: This (indicating). This is eight hours an hour. That's like a fraction compared to the main entrance of the plaza. I don't think --

JOHN HELLABY: I'm not so concerned because you have a driveway lane. People are driving through there all day. It is one more car.

MR. SCHIED: It's stopped traffic. So it is not -- it may seem like a lot, but this is stopped traffic, so it is not a hazard.

KAREN COX: I guess it's not any more of a hazard than somebody pulling out of a parking spot and the existing parking spots that's there now.

MR. SCHIED: Or backing out, even worse, right?

KAREN COX: It's a tough -- you -- I mean, I don't know if delineating a crosswalk by that door would -- like Wegmans does, would wake people up. Who -- you know. I don't know. But I guess -- because -- you know, you got people walking across there. Then there is further -- you know, other places where they're walking. I don't know that is the answer.

PAUL WANZENRIED: Whose responsibility is that? The Bank of America or the property owner?

MR. SCHIED: The Bank has a stop sign here (indicating) for their customers, and "do not enter" sign so people don't enter the wrong way.

KAREN COX: I guess it is more of a general comment for the -- again, for the property owner. And, you know, sometimes if you have delineated walkways, it does wake motorists up to kind of calm down. Right now it's a straight shot in from -- from Union Street. And somebody wants to go to the -- you know, Marks Pizzeria or whatever, they're like (indicating) going.

MR. SCHIED: If the Planning Board is telling me they would like the Bank to stripe the Food Towne's walkway, I think we can probably get them to pay for the paint. Maybe Food Towne could take care of the signage or something. Because it is usually a portable sign.

KAREN COX: David (Lindsay), I don't know, then we're getting -- like in my mind, we're starting to go say --

JOHN HELLABY: Like I said, I don't want to engineer this thing for them. I think what I would -- what I would do is entertain a motion to let you guys go back to the drawing board, rethink this thing and come up with something better than what you have right now. I mean, because if you're asking me to sit here tonight and vote on -- on the if come, I'm not comfort --

MR. SCHIED: Not trying to do that, but just trying to understand the issue so when we come back, there is not another list of issues.

JOHN HELLABY: That is why I'm asking the Board. Are you going be comfortable with that, if they can do something with this turning lane? It still means that hammerhead is there, and you're blocked off --

MR. SCHIED: No. No, it wouldn't. It would give you an out.

DAVID CROSS: A bypass lane would be a way to go.

MR. SCHIED: We can do that.

JOHN HELLABY: One way or up, both, I guess? But you're going to lose all those spots.

MR. SCHIED: One way is enough. I don't think you need to go both ways. It's such a small lot. But --

JOHN HELLABY: Do I have a motion?

JOHN NOWICKI: The gentleman in the front row had his hand up.

JOHN HELLABY: The Public Hearing is closed.

MR. PHILLIPS: Well, he's talking about creating parking that is already there. I can stripe that tomorrow. It's already there. It's a small lot. You're taking up parking.

JOHN HELLABY: I know. I know.

MR. SCHIED: What we don't want to do is do all of this, you did all that, addressed --

MR. PHILLIPS: I could have my employees start parking over there tomorrow. That's what I'm going to do.

KAREN COX: By the light that is being repaired, you mean?

MR. PHILLIPS: As soon as he is done repairing the light pole.

JOHN HELLABY: What is down the side line, where you go around to the back of that? Again, I understand it takes you -- you a little bit --

MR. SCHIED: Here (indicating).

JOHN HELLABY: No way over to the west side of the property?

MR. SCHIED: West side is over here (indicating), John.

JOHN HELLABY: Down -- is there a drive-through lane that goes around?

MR. SCHIED: This (indicating)?

PAUL WANZENRIED: Here (indicating).

JOHN HELLABY: Yep, there. What is that?

KAREN COX: Just takes you to the --

PAUL WANZENRIED: Back side, behind the building.

JOHN HELLABY: No accessibility or anything to be putting it over there and out of the way?

KAREN COX: No. I mean it --

MR. SCHIED: The ATM? No. The Bank -- the Bank wouldn't be interested in putting an ATM behind the building.

PAUL WANZENRIED: I think I was thinking more on the south -- or the southwest.

MR. SCHIED: Down here (indicating)? I think the initial proposal was actually over here (indicating), wasn't it?

PAUL WANZENRIED: More on this side. The initial proposal was over here (indicating). He is thinking more here (indicating).

What about this parcel in here (indicating)?

MR. SCHIED: Same thing.

KAREN COX: That is covered up by a building.

PAUL WANZENRIED: Can't always get what we want.

KAREN COX: But if the Bank -- I mean, I can't imagine a Bank would be interested in putting an ATM between two buildings. Can't see it from the road. I mean, that's -- and again, when you're -- when you're looking at the side of the Family Dollar that is blocked off --

JOHN HELLABY: Somewhere down the street, further down?

MR. SCHIED: I don't pick the sites. Sorry.

JOHN HELLABY: I don't know. What is the consensus? If they make these changes, are we going to be comfortable with that? I don't want to put him through the motions for not here? Do we vote on it or do we want to have him look at it?

KAREN COX: Is there some way we could have them, excuse me -- and this goes back to legalities, I guess, if they come back with a sketch plan? Is there some way we could vote on -- or take a look at a draft? You know.

MR. SCHIED: What I would suggest is you guys don't meet until next month. We'll go back. We'll make these changes. We'll submit it to you. If there is anything else, if you could just let us know right now, we'll include it and then you can vote on it. If it is no, it is no. If it is yes, it is yes.

JOHN HELLABY: Is that something we can do through you, Dave (Lindsay), and, Mike (Jones), there to -- like one of the DRC meetings to critique the thing and see if there is any tweaking that would need to be done before it came back?

DAVID LINDSAY: Certainly, yes. If they submit it to us before our DRC meeting, take a look at it and provide feedback to the applicant prior to the July meeting.

MR. SCHIED: So I'm clear, so we understand it, it is maximize parking. Make sure we have a bypass lane. Make sure we light anything we put out here. That's it.

And traffic controls?

JOHN HELLABY: And to get through with the Conservation Board. Right? Did you just state that?

MR. SCHIED: I think that was just going to be a condition of approval that --

JOHN HELLABY: Eventually got to get through them to get it done. So, but yeah.

MR. SCHIED: I think the Town -- the Town's Engineer said that the Conservation Board may want to see us, and if they do, they would require a certificate of completion, I believe, was the comment.

DAVID LINDSAY: I think the comment from the Conservation Board was they wanted you to come before them. The Town Engineer's comment had to do with us being required for the end of the project, to submit a certificate of landscape compliance.

The other thing I just want to advise the applicant, when you -- when you provided the architectural renderings of the kiosk or the ATM, you have a signage on there that you will have to apply for and obtain any sign -- a sign permit.

MICHAEL JONES: I just want to -- sorry about that. I just want to say I don't think the Board is intending to engineer the project for the applicant what needs to be done. I think the suggestion was a tabling, re-work the project, come up with some improvements (indiscernible).

I don't want there to be an impression that if any of these particular changes are made, that there will be an expectation of approval. The Board has sole discretion to (indiscernible).

MR. SCHIED: We understand. We just want to have the concerns.

PAUL BLOSER: I have one more thing. We keep looking at the requirements of the grocery store and the bank. Um, one of the things that currently happens, too, and they haven't been here representing themselves, but Rite Aid gets their deliveries in the rear of the store, a tractor-trailer. If we go across the back end there with islands and parking, um, is there anything in Rite Aid's site plan that we approved for deliveries?

JOHN HELLABY: That is why my earlier statement, I don't know what the traffic flow pattern is back there. I -- nor does that drawing tell me.

PAUL BLOSER: I want to throw that big caution up to you guys, if we allowed Rite Aid something right now and here we are taking it away by adding spots.

KAREN COX: We don't know.

PAUL BLOSER: We don't know.

KAREN COX: They're allowed by --

MR. SCHIED: We can only work on our property. This is their property.

KAREN COX: They're allowed by operation. But what did their approval say?

JOHN HELLABY: I don't think it had any references to traffic flow back there. It is just -- we'll pull the drawing and take a look at it.

MR. SCHIED: I'm sure you didn't approve something for them off their property.

JOHN HELLABY: All right.

John Nowicki made a motion to table the application and Karen Cox seconded the motion. The Board was unanimously in favor of the motion to table.

DECISION: Unanimously tabled by a vote of 6 yes to table the above described application to the July 8, 2014 meeting. The applicant is to submit revised drawings for the Development Review Committee's review and comment prior to being heard at the next meeting. The revised drawings should address the following issues:

1. As proposed kiosk will block the ability for through traffic, west bound, in parking lot, show bypass to keep vehicles from being trapped at the end of the travel lane.
2. Landscaped island to be installed at "repaired light pole" at the northwest corner of the Rite Aid Pharmacy.
3. Install lighted island at northeast corner of Rite Aid Pharmacy. Maintain 24 foot drive lane along east side of Rite Aid.
4. Maximize and stripe the parking spots between the islands noted in item 2 and 3.

The 5/13/14 Planning Board meeting minutes were approved.

The meeting ended at 8:28 p.m.