

CHILI PLANNING BOARD
June 11, 2013

A meeting of the Chili Planning Board was held on June 11, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Richard Brongo, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

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; RJ Schickler, Vice Chairman of the Conservation Board.

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

OLD BUSINESS:

1. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for special use permit to erect a retail tire supply store and minor motor vehicle service station at property located at 3209 and a portion of 3219 Chili Avenue in G.B. zone.
2. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for site plan approval to erect a 52' x 90' retail tire supply store and minor motor vehicle service station, and 30' x 60' retail building at property located at 3209 and 3219 Chili Avenue in G.B. zone.

Rob Fitzgerald was present to represent the applications.

MR. FITZGERALD: Good evening. My name is Rob Fitzgerald, Project Engineer with Razak Associates, representing Mavis Tire tonight. Just a quick recap, if you will. Um, Mavis Tire is looking to occupy the site.

As you all know, this project has been in front of this Board several times now. We have tried to tweak it and work with the Board for some of the issues on traffic flow. I think we have a nice solution here as far as having the ingress and egress on the western side of the building for traffic. We have actually two means of ingress/egress.

We also do have the overhead bays on the western side of the building, so we don't have four overhead bays facing just straight on Chili Ave.

We also did pull the parking from the front of the structure that was a recommendation from this Board to get more in line with the Comprehensive Plan. We have since pulled that parking to the rear. Again, storage of tires. There is pickup and deliveries twice a week.

All used tires, if you will, will be stored inside. Box truck will come and pick them up, take them off site. So we will not have any dumpsters for it -- and/or tires just hanging out in the back area, if you will.

This plan has been in front of the Conservation Board. It has been approved with some minor improvements which we have since made. It has also been in front of the Architectural Review Board. They were in favor of the plan, as well, with some minor tweaking, decorative lighting and maybe a couple cupolas.

But with that, I did receive another response from the Town Engineer based on my last response and it looks like we're getting down there. I think we only had three or four concerns, if you will. We have since addressed those.

He is looking for some more data for storm water. With our storm water, we are proposing a rain garden. We're also proposing some off-site drainage improvements to help the parcel to the south of us which is owned by the Fire Department.

But with that, I will put it back to the Board and answer any questions that I can.

JAMES MARTIN: Let me just kind of recap where we're at. At the previous meeting, um, going through the application, the Board did a vote on the SEQR declaration for the special use permit. It was approved 5 to 1, so we did have a SEQR negative declaration on the special use permit.

When we came to the site plan for the SEQR approval on the site plan, the Board ended up with a 3/3 tie which was basically no decision on -- on declaration for the SEQR on the site plan.

Um, the Public Hearing was closed and a decision was that we would table all -- both applications to this particular meeting at which time we would have a full Board and that we could at that point move forward with the process.

So that is where we were, and that is essentially where we are. So at this point we do have a negative declaration on the special use permit under SEQR. We do not have a declaration on

the site plan.

So at this point, I'm going to go to the Board and ask -- see if there are further -- any questions, clarification at this point in time on the project itself.

PAUL WANZENRIED: No.

KAREN COX: I just -- excuse me. I just -- one question, just looking at the layout. Cars are going to be pulling in forward and backing out obviously with the -- with the one way -- or the one -- the doors on one side, correct?

MR. FITZGERALD: Correct.

KAREN COX: Okay.

JOHN HELLABY: Nothing further.

JOHN NOWICKI: Just the one point. The trucks are coming in -- we think we discussed there are no tractor-trailers trucks coming in and out of here.

MR. FITZGERALD: That's correct.

JOHN NOWICKI: Was there any further advancement on the cross-access easement with your neighbor?

JAMES MARTIN: Let's address that -- I will ask Mike Jones just to comment on the cross-access easement status at this point in time, for clarification for the Board, on what our options are, essentially.

MR. JONES: Okay. I did provide an e-mail to Mr. Lindsay a couple weeks ago. The cross-access easement issue is that we do have an easement of record from several years ago, back in 2000, 2001. That easement pertains to the three properties. Actually, the property, um -- let me -- 20 -- 3209, 3193 and 3205.

And essentially, um, the cross access privately between the three property owners kicks in when all three grant the cross-access easements. Right now, um, the owner of Town & Country has granted it and as a condition of approval my recommendation would require the applicant to provide a cross-access easement as contemplated in these easements. Easements that are already of record.

That would just leave the third property, which is the pizza shop, for -- for the future to grant that. When that finally kicks in place, all three properties will have cross-access easements privately.

So my recommendation is we require, as a condition, that the applicant provide the cross access, and when we get the third one, physically they can share the entrance and share parking at that point in time.

JAMES MARTIN: Okay. Given that we don't have final clarification, there -- there is options open to the Board. We could ask that that cross-access easement from the tire supply to the restaurant be utilized at this point in time and the access to Chili Avenue be closed. That's an option.

Or we could basically at this point, as a condition of approval, indicate that when all cross-access easements are in place, all right, for all three properties, that at that point in time we would ask this current applicant to close the Chili Avenue access so that all of the traffic would flow to the light at Paul Road.

So those are essentially what are -- what our options are from a condition standpoint on this application. All right. Were it to move forward.

MR. JONES: I agree with that.

JAMES MARTIN: Go ahead.

JOHN NOWICKI: I would just say I would agree with it. You can do it either way. You can require it now or wait until the third cross-access easement is in place and have it a condition that it happens in the future. I think the Board can do either one.

KAREN COX: So if we ask for it now, will we -- will the curb at Town & Country remain a full height curb?

JAMES MARTIN: It couldn't be. Because we would have to have cross access.

KAREN COX: So that -- okay.

JOHN NOWICKI: It would impact Town & Country, yes.

KAREN COX: So that would mean -- if we allowed them to have the entrance on Chili Avenue and asked them to get the cross-access easement, you could have people existing directly on Chili Avenue or using the light?

JOHN NOWICKI: The purpose of the access easement is so that the three properties would all be using -- share the access at the light.

KAREN COX: Okay.

PAUL WANZENRIED: All curb cuts in front of their properties would be eliminated.

MICHAEL JONES: Exactly.

PAUL WANZENRIED: How do you get the pizza shop to engage their easement?

MICHAEL JONES: Next time they come before the Board, we can make it as a condition that they -- so -- so we have the authority now to make it as a condition for this applicant. We don't have the pizza shop in front of us to make them do anything.

PAUL WANZENRIED: Okay.

KAREN COX: So the two property -- only the two properties would be utilizing the lights at that point?

JOHN NOWICKI: At that point.

MICHAEL JONES: At this point.

If you require that, the shared access at this point, it would be for those two properties, correct?

KAREN COX: Okay.

JAMES MARTIN: Let's discuss this for a minute. I mean, this is an important point as to whether or not we want to essentially exercise that option right now, or if the cross-access easement being utilized by Mavis Tire, if this goes forward, um, and that they would have to close the curb cut on Chili Avenue. Or we can hold, put it in as a condition of approval that once the whole three properties are in cross-access easement, then --

PAUL WANZENRIED: No.

JAMES MARTIN: -- then we would implement it then.

KAREN COX: What is the probability that the pizza place is going to be coming in for anything in the near future, meaning in the next three years, five years?

DAVID CROSS: Verizon just came in.

JOHN HELLABY: Verizon was just in.

JAMES MARTIN: Yes. That property was in at that point. There was -- Michael (Jones), there was wording at one point in time about potentially a cross-access easement between -- I think, wasn't there at one time? If I remember correctly, you know, the plan was all three properties, all right, would directly flow to that light at Paul Road. Okay? That was the overall plan.

I don't know. Before my time, I guess.

MR. JONES: And before my time, too. The easements are drafted, you know, not in -- in a very clear manner, but my -- but my understanding from trying to get some history here is that at a point in the past, I guess there was some contemplation that three parcels would be developed together as sort of a plaza type setting and share that -- share the light and have the one access for the three parcels. Regardless, the access easement to the municipality, for purposes of access, that is it immediately. We have that right now.

With respect to the private parties to do, um, you know -- assess responsibilities for costs and that kind of thing, um, there was a trigger that all three properties would have reciprocal easements in that place and that obviously hasn't happened yet.

JAMES MARTIN: Thank you.

At this point, I think what I would like to do is when we finish, you know, with the Board and the side table, um, essentially, we have Option 1 and Option 2. We could make a motion and vote on which option we would like to put in as a condition.

JOHN HELLABY: Well, I think it's a good idea, but without knowing what the impact would be for the traffic flow pattern to the restaurant, I would not want to -- blindly to block that guy tonight. That's not fair to him. I think it is an outstanding idea, but I think if that is the case, we need to do a little more homework for the information as to how it is going to be done.

JAMES MARTIN: I don't disagree with you. I think it's a very sticky issue from the restaurant's perspective.

KAREN COX: He would loose parking.

JOHN NOWICKI: Has the applicant had any discussion with the owners of the restaurant?

MR. FITZGERALD: Yes. And they're not too excited about us using that cross access. You know, from a road standpoint, um, to have one access onto Chili Ave. that has a signal light, it is pretty much a no-brainer. That is the best solution for Chili Avenue traffic on and off.

As far as additional congestion for Town & Country, certainly. You know, ours, we're maybe six trips an hour. Colombini's, Verizon, at least during lunchtime they're more that. They would have a much greater impact than we would. But certainly it's additional cars.

JOHN NOWICKI: I will be honest with you, I'm just saying this because I go to Colombini's. A lot of times I wish we had a cross-access easement to get in and out of there because you're risking your life to get your pizza pie.

JAMES MARTIN: It's a difficult situation. There is no question about that.

David (Cross), I will -- you're next on the list here, so.

DAVID CROSS: This David (Cross)?

JAMES MARTIN: Yes.

DAVID CROSS: I can see -- I mean, I can see the aid of having that cross -- that -- to be able to access through the restaurant now and keep the opening onto Chili Avenue, and at some point in the future when the pizza shop is on board, the -- the curb cut to Chili Avenue gets closed and everyone goes out the light. Probably the best we could hope for right now.

JAMES MARTIN: Without significant impact immediately on the restaurant. Give them time to adjust to whatever may happen.

DAVID CROSS: I think so.

Dick (Brongo)?

RICHARD BRONGO: Is that exit we're talking about -- is an entrance and exit, or is traffic only going to go one way? Is that only an entrance coming in?

MR. FITZGERALD: It's both ways. Ingress and egress.

RICHARD BRONGO: You have the light there, so every time people are stopped for that light, you will not be able to get out of that -- out of that exit.

KAREN COX: Only to go right maybe.

MR. FITZGERALD: To make right turns, certainly, they will have to wait for that green light. When the cars funnel out.

JOHN NOWICKI: Courtesy wave.

MR. FITZGERALD: Courtesy wave or wait for the traffic to clear out until it is their turn.

JOHN NOWICKI: They won't turn left.

JAMES MARTIN: I usually go to the restaurant on Sunday mornings, and I know there is

a lot of hesitancy. People on Paul Road think there is a parking lot across the street, you know, rather than -- you know, they have a green light. So they can come out and go straight. I had a couple close calls with people making that -- that left-hand turn off Paul Road right in front of me thinking that is a parking lot over there. They --

KAREN COX: They don't realize it is signalized.

JAMES MARTIN: They don't realize it is signalized. So, that -- that whole intersection, I think, needs a little more study and a little more development from the standpoint we'll eventually address these issues from a Town perspective.

RICHARD BRONGO: From my standpoint, I would like to see them curb the Chili entrance and use the cross access.

DAVID CROSS: Right now?

RICHARD BRONGO: Right now.

JAMES MARTIN: I'm sorry, you would like to see?

RICHARD BRONGO: Them just block the exit on Chili Avenue and go through the restaurant.

JAMES MARTIN: So you would say exercise the cross-access easement at this point in time so traffic has to move to the right and then out to the left?

RICHARD BRONGO: Then out. They could go left or right once they come out without any trouble.

KAREN COX: Is the restaurant going to lose parking?

JAMES MARTIN: Yes.

KAREN COX: How much? I'm sure that has been asked before and answered.

JAMES MARTIN: Two spaces, at least.

MR. FITZGERALD: We're up front.

Those are -- those are kind of the last spots that they do use. The many times I drive by, it seems those last spots are where people actually park. But yes, there are a few spots that they would lose.

JAMES MARTIN: Other ideas, other discussion?

JOHN NOWICKI: Have you considered one-way in, one-way out? My only concern is coming out of the light, you can't -- that is going to be a tough one for a left-hand turn.

MR. FITZGERALD: Right.

KAREN COX: I have a feeling it may turn into that over time. If you say let's leave the Chili Ave. entrance, a certain percentage of the customers are going to learn that it's easier to get out at the western entrance certain times of the day and might end up with a de facto almost one-way in and one-way out.

MR. FITZGERALD: Well, the western entryway, too, would be two ways so people could still come in and out.

If I could approach the Board, typically this would be your one-way in (indicating), just because you're turning right, and this would be one-way out. So we're almost talking the different -- the opposite. So I think we would at least want that to be two ways.

KAREN COX: You could have both entrances acting as a -- two ways, but I would guess over time when you have customers that know they're going to turn left, like me, because I live west of Chili Center, I'm going to end up turning left out of that -- that entrance further -- further to the west. If you have people that are turning right, they know that certain times of the light, they will be able to make a right turn out of there without too much trouble, so I think it will start to function somewhat, you know, as -- as directional entrances. Maybe that's not a bad thing.

PAUL WANZENRIED: Why don't you do directional entrances?

KAREN COX: They don't work. People don't pay attention to them. You really have to design them in such a way to discourage certain turning movements, because people are going to go in the way they want to go in. So that -- I mean, we have that problem down at Walgreens on Paul Road.

PAUL WANZENRIED: Right.

JAMES MARTIN: Have you seen the ruts over there where people are still trying --

KAREN COX: The only place I actually seen it work, and this is just my small sample is the post office over on Howard Road, because you really -- they -- they have cranked that entrance around to the point where you almost have to make a complete circle to get in the wrong way.

MR. FITZGERALD: Or heading eastbound on Chili Ave. turning into Wegmans, the one-way in at the yield. I'm not sure that is a great example.

KAREN COX: That has been interesting sometimes when people don't see the yield sign.

MR. FITZGERALD: Yes.

PAUL WANZENRIED: I don't know why you would leave it open. I don't understand why we would leave the Chili Ave. curb cut open.

JOHN NOWICKI: The only way I can see that remain open is if it was one-way out, and then you could get -- because you -- because, you know, I think we all know, that you're coming down, and you're going to turn into -- to the Town & Country, this particular project, you're turning to get gas there, at Kwik Fill, you know how tricky that is and how they block that intersection very quickly and traffic is not exactly light there. It's a very busy intersection. So if you have that just a one-way out and right-turn only, at least you could get cars down this exit to come in and satisfy themselves and do the business here. Until they could get the cross access easement agreement worked out between the parties involved, but make it one way out only.

KAREN COX: But people will ignore that. There will be a -- a certain percentage of

people that say, "Oh, the heck with it. I'm going to go in even though it says out."

Look at Arrow Mart up at Chili and Union. Those are straight entrances that are signed "entrance" "exit," and that's my pet peeve. Nobody pays attention to the signs. It's whether -- their convenience. I will go in where I can go in.

JOHN NOWICKI: Then it goes down to cross-access agreement.

JAMES MARTIN: We'll finish up the side table. David (Lindsay), anything further at this point?

DAVID LINDSAY: Nothing further, no.

MIKE HANSCOM: Nothing further, no.

JAMES MARTIN: Dick (Schickler), I think you approved the plans.

RICHARD SHICKLER: The landscaping has been approved by the Conservation Board with the exception, and I met with the owner there about three weeks ago that we leave the Arborvitae on each side, the east and the west. They look good and they add value to the property. And also I talked to the owner. He wasn't sure about the maple -- 2 1/2 inch caliber maple on the east side, but other than that, that is fine.

JAMES MARTIN: I think before we go any further, I will have to do a SEQR determination on the site plan. We have approved the SEQR for the special use permit.

On the site plan, James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board voted 6 yes to 1 no (Hellaby) on the motion.

JAMES MARTIN: On the issue of the cross-access easement, is it the Board's finding at this point in time that what we want to do is implement the cross-access easement with the restaurant property and that eventually once that is in place, that the curb cut to Chili Avenue be closed entirely?

Or do we want to try and implement some sort of one-way in, one-way out, or that we just wait on the whole thing until all cross-access easements are in place for all three properties that are involved with this particular activity? So -- do I hear a motion on -- do we want to have the cross-access easement implemented at this time and the Chili Avenue curb cut closed?

JOHN HELLABY: Well, if you wait until all three parcels agree to it, how do we force their hand to say who pays for the engineering and whatever, the filing? I mean, is that a shared cost between the three of them, an equal cost and who is going to head it up? I guess I just -- the waters are awful muddy here. I mean, I think -- I think it's a great idea, but you -- again, I don't understand -- it's one thing to say that there is a cross easement here, but where is the queuing for these cars that are coming and going, what is expected to be queued up there, for the light cycle. I mean, I would hate to jam this restaurant with all these cars waiting to get at the light out of his parking lot.

MR. JONES: So if the Board decides to require the applicant provide the cross-access easement and wait until the third property provides the same reciprocal easement, the existing easement of record now does provide for responsibility for cost and expenses, so it wouldn't be a matter for this Board to have to deal with because the existing instrument does address that in some fashion. That would not be an issue for this Board.

KAREN COX: Did you say the restaurant has agreed to the cross-access easement?

JOHN HELLABY: Some time ago.

MR. JONES: I'm saying the restaurant has already provided a cross-access easement, but it's reciprocal for the adjoining properties. The adjoining properties have not provided that yet.

KAREN COX: They granted that -- I'm sorry if I'm being stupid here. When they granted that, would they have -- could they have, or would they have thought about the scenario of two businesses -- the volume of cars from two businesses coming onto their property and queuing up in front of the light? Can we answer that?

MICHAEL JONES: I can't answer that question. I don't know what they would have thought at the time they granted it. I know some of the historical facts at the time of what may have been intended ultimately for the three properties.

But what -- what is of record in the easement is that when the adjacent two properties provide their reciprocal easement, that is what was contemplated, they did make some measures or some plans for how costs would be taken care of. So that is what I was simply trying to say, if you don't require immediate access now, and wait until the third property provides the cross access, then the parties have come to a way to deal with the costs.

JOHN NOWICKI: That is the only way you can deal with it, then, I guess, right?

KAREN COX: Fairly? In a fair manner, I would say so.

JOHN NOWICKI: That's what I'm saying, in a fair manner that is probably the only way you can do it. Until we resolve the issue with the three properties.

KAREN COX: Because there's -- I don't know. Maybe at the time that cross access was granted, the property owner didn't picture cars queuing up on the property, you know, times when business -- that the restaurant is heavy and you got cars from both businesses coming in.

Also, what kind of affect would that have on Chili Avenue? There is -- is there -- is there a left-turn lane there? I can't even remember.

PAUL WANZENRIED: I believe there is.

KAREN COX: Might not be big enough, though.

DAVID CROSS: There will clearly have to be some engineering and some traffic study at

that time.

KAREN COX: It is easy enough for us to say that the movement, you know, from a -- from a logistic standpoint, that the movement should be at the traffic light, but there are ramifications of putting additional volume at that point that would not have been ever foreseen when they laid out the left turn pocket and the signal light timing and all of that.

JOHN NOWICKI: What about putting signage into the exit by the light, just saying no left turns? Right turns only. Until they get that resolved down the road.

KAREN COX: Well, you could do that. A sign, I mean, is only as good as people pay attention to it.

JOHN NOWICKI: I realize it.

KAREN COX: You could put it there as a suggestion, but again, I think if somebody -- I would assume that the customer base they're going to get is familiar with this area. They're going to figure out very soon there are certain times of the day turning left out of there is impossible.

JOHN NOWICKI: Absolutely impossible.

KAREN COX: They will go down to the other entrance and turn left where the -- you know, where things are a little easier to deal with. I really think that -- I mean, me, I would do that.

JOHN NOWICKI: You got to work out some kind of a solution here.

JAMES MARTIN: Again, I mean, you could try signage. You could say westbound traffic use the -- steering them to that entrance and exit.

KAREN COX: Until they get familiar with it.

JAMES MARTIN: I know that is one option.

My opinion is, I think for us to cram this down the restaurant's throat right now without clear thinking and engineering on the part of the State of New York who owns the highway, the Town of Chili and -- and the private entities that are involved in this, for us to cram this down their throat right now, I just don't think is being fair to the restaurant business.

KAREN COX: Right.

JAMES MARTIN: That's my opinion on this.

KAREN COX: No, I -- I would agree with that. That it -- it's --

MR. JOHN HELLABY: And hearing the way that it's described inasmuch as all three parcels, I think that this venture we ought to wait until the third one buys in and there is -- there is an avenue that actually distributes the cost. I don't know how it is, but you get it all resolved at one shot instead of piece-mealing it.

DAVID CROSS: I think that is the only way to do it now and then have some signage to help out.

JOHN HELLABY: Over time the way it is set up on the drawings, people will figure out the easiest way to maneuver. Hopefully nobody will get hurt.

JOHN NOWICKI: They will come out of the Service area and go back out the west entrance.

KAREN COX: Yes. If they're turning left. I mean, even if they want to go to Chili/Paul Plaza, you could go out that west entrance and just turn right and then turn left.

JOHN NOWICKI: Lot simpler.

KAREN COX: That's the way I would do it.

JAMES MARTIN: Okay. So I think what I'm hearing right now is the Board's preference would be that we do not exercise the option on making that cross access at this point -- applicable at this point, okay?

JOHN NOWICKI: We have to modify that site plan.

JAMES MARTIN: I think they still should show where it can be.

KAREN COX: Can you show it as future?

JAMES MARTIN: Future cross access?

MR. FITZGERALD: Sure.

KAREN COX: Who knows. We may be revisiting this five years from now, and that will be on there, to say, "Oh, yeah, they did think about this then."

JOHN NOWICKI: That will happen some day. The intent is there. It will happen.

KAREN COX: There is nothing you can do. This is a thing where you really got to get engineering involved. I would call it a mini Ridge Road issue right now. You can't just -- we can't just say okay, some day we're going to be putting three -- three parcels of traffic on there. Somebody is going to have to take a look at what modifications might have to be made to Chili Avenue at the signal, and are they going to need to put medians in? You know, it's a much bigger issue from an engineering standpoint than this application. That's basically the way -- why -- the way Ridge Road ended up the way it was.

My two cents, I guess.

JAMES MARTIN: David Lindsay, let me throw this at you. If, you know, it seems to be the preference of the Board that we hold off on executing the cross-access easement at this time, and until there is some determination on whether all three properties are going to be joint cross access, um, you know, if and when that happens, um, some determination would then have to be made as to what curb cuts get closed, accessing Chili Avenue.

Um, under whose authority would that determination be made, when? Would it be the Superintendent of Highways, the Commissioner of Public Works? Um, you know, how would that decision be made as to who gets it and who doesn't, okay, from that standpoint? If you can't answer that right now, think about it. I'm just curious as to how that decision would be made.

DAVID LINDSAY: I think the original intent and everybody agrees it makes sense that

the access that would be used would be the one at the light and the other two would go away, but it wouldn't strictly be my decision. It would be in discussion with New York State Department of Transportation, in conjunction with them, looking at it as kind of an entire, you know -- on a holistic basis there, the whole stretch there to see what -- what makes better sense.

JAMES MARTIN: Okay. Because what I wrote, and Michael Jones and David (Lindsay) and the Board, listen to what I wrote assuming this goes forward as a condition of approval, at the time all cross-access easements are in place for the three subject properties, a determination shall be made as to what curb cut shall remain in place to Chili Avenue.

I don't know how else to say it right now.

DAVID LINDSAY: I don't know if that is the way we want to word that.

Can you read it again?

JAMES MARTIN: All right. I said at the time all cross-access easements are in place for the three subject properties -- we can list them, okay, by address -- a determination shall be made, all right, as to what curb cuts shall remain in place to Chili Avenue. Or shall be removed. I could say that.

DAVID LINDSAY: 1 second.

KAREN COX: Maybe "shall be removed" is better.

JAMES MARTIN: Shall be closed?

MR. JONES: I think we can safely say that the -- that the single access to be used for the three properties would be the one with the light and the other two would be closed. That is the intent of the easement. The language in the existing easement says that.

KAREN COX: Signalized.

MR. JONES: Yes. Signalized access. As a condition of approval, I'm just requesting that the Board require the applicant to provide their cross-access easement now.

JAMES MARTIN: So we're essentially saying all curb cuts -- not all. We would not close the western curb cut to Chili Avenue, I don't think, but the curb cut for the three existing properties, all right, um, two would lose their -- two would be closed and all traffic would flow to the signalized intersection.

MICHAEL JONES: That's the intent. Of course, when the time comes, this Board may be wanting to review it again.

JAMES MARTIN: What is the address of the Colombini's?

DAVID LINDSAY: 3193.

JAMES MARTIN: 3193.

All right. Now, bear with me. At the time all cross-access easements are in place for the three subject properties, curb cuts for 3209 and 3193 to Chili Avenue will be closed and so all traffic would flow to the signalized intersection at Paul Road.

DAVID LINDSAY: Jim (Martin), I think you want to clarify that. For 3209. Mention -- call it out as the easterly curb cut.

JAMES MARTIN: I will say at the east entrance?

MR. JONES: Yes. Because it's horseshoe shaped.

JAMES MARTIN: I will read this one more time.

DAVID LINDSAY: Hang on a second. We're just looking at the map. The catering business is a separate parcel and that is where the westerly curb cut is, so the way you had it worded will probably suffice.

JAMES MARTIN: Okay. So we'll take that out.

So we're okay with that wording. All right. We now have SEQR done on both applications. On the special use permit. Certainly approval is subject to final approval by Town Engineer and Commissioner of Public Works. Copies of all easements associated with this project will be provided to the Assistant Town Counsel for approval and all filing information and liber and page number shall be noted on the mylars.

Pending approval of the Zoning Board of Appeals for a required variance setback.

And I will include the condition that I just wrote about the cross-access easements as a fourth condition on the special use permit.

JOHN NOWICKI: If we wanted to add something like when we get to the preliminary site plan approval, for example, like restricting panel trucks only on the site; is that something you can do with the special use permit?

JAMES MARTIN: We can certainly add that.

RICHARD BRONGO: You want to say that or do we want to say no tractor-trailer trucks? But there are open tire trucks that sometimes they deliver tires to various members.

JOHN NOWICKI: Trailer trucks.

JAMES MARTIN: We can say, "Semi-trailer, tractor-trailer trucks will be restricted from the property."

Again, that is an enforceability issue --

JOHN NOWICKI: At least we have it there. It is like similar to, um, all storage must be inside the building when it comes to tires or refuse, what have you. That's an enforcement issue.

JAMES MARTIN: So we added semi tractor-trailer trucks are restricted from entering the property. So essentially we have one, two, three, four, five conditions on the special use permit.

So, as far as timeline goes, if this project is eventually approved, once it is built and becomes permanent, we'll set a time line on it. Vote on special use permit.

The time period is not an issue.

DECISION: Approved by a vote of 6 yes to 1 no (John Hellaby) the above described application with the following conditions:

1. In the event and at the time all cross-access easements are in place for properties at 3193, 3205 and 3209 Chili Avenue, a determination shall be made through a process involving the Town of Chili, the NYSDOT, and the property owners as to what curb cuts to Chili Avenue will be closed. The preferred outcome would be that traffic flow from the three properties would flow to the light at Paul Road.
2. Semi-tractor trailer trucks are restricted from entering the property for pick up or delivery purposes.
3. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Pending approval of the Zoning Board of Appeals of all required variances.
10. Subject to approval by the Town Fire Marshal.
11. This special use permit is permanent with no time limit set.

JAMES MARTIN: On the preliminary site plan, I will go down through the conditions. Final approval by Town Engineer and Commissioner of Public Works. Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

Copies of all of the easements associated with the project shall be provided to the Assistant Town Counsel for approval and filing all -- and all filing information shall be noted on the mylars.

Um, the Planning Board affirms the recommendation of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.

Again, pending approval of the Zoning Board of the Appeals for the required variances.

It is subject to the approval of the Town Fire Marshal. We commented on that at the last meeting that the Town Fire Marshal has -- has given us his information on that.

The -- the condition on the cross-access easement and curb cut will also be applied to this. And also the semi-tractor-trailer truck restriction from entering the property.

Any other conditions anybody can think of?

JOHN NOWICKI: This is on the preliminary?

JAMES MARTIN: This is on preliminary site plan.

PAUL WANZENRIED: Did they waive final?

JAMES MARTIN: I was going to get to that. Just going to get back to look at my notes from the last meeting. There was a need to enclose the toters outside of the 30 by 60 foot building.

MR. FITZGERALD: Yes. And actually what we do is designed similar to other businesses. They would be stored inside until the day it was to be picked up and then pulled out.

JAMES MARTIN: The applicant needs to finalize the drainage easement with the Chili Fire Department.

MR. FITZGERALD: We'll still need to do those easements, yes.

JAMES MARTIN: And I believe based on the comments from Mr. Schickler, that you're in agreement at this point in time on the landscaping proposal for the project with the Conservation Board?

MR. FITZGERALD: Yes. Thank you.

JAMES MARTIN: I will take that one off.

JOHN NOWICKI: Just want to ask you a question.

JAMES MARTIN: Go ahead.

JOHN NOWICKI: The Fire Marshal, we have a report of that, his comments?

Yes. We -- we brought that up at the last meeting, but I will be sure that they're in the record.

JOHN NOWICKI: Because it's -- it's quite interesting what he says here, and I would be happy to...

JAMES MARTIN: Okay. The question is, do we waive final at this point? I will do a -- basically a consensus "yay" or "nay" on that?

PAUL WANZENRIED: No.

JOHN HELLABY: No.

KAREN COX: What more is left to be done?

JAMES MARTIN: I don't know.

So we have two -- so final was waived.

DECISION: Approved by a vote of 6 yes to 1 no (John Hellaby) the above described application with the following conditions:

1. In the event and at the time all cross-access easements are in place for properties at 3193, 3205 and 3209 Chili Avenue, a determination shall be made through a process involving the Town of Chili, the NYSDOT, and the property owners as to what curb cuts to Chili Avenue will be closed. The preferred outcome would be that traffic flow from the three properties would flow to the light at Paul Road.
2. Semi-tractor trailer trucks are restricted from entering the property for pick up or delivery purposes.
3. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Pending approval of the Zoning Board of Appeals of all required variances.
10. Subject to approval by the Town Fire Marshal.
11. This special use permit is permanent with no time limit set.

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

3. Application of Morgan Management, LLC, 1170 Pittsford Victor Road, Suite 100, Pittsford, New York 14534, property owners: Westgate Nursing Home and Rochesters Cornerstone Group; for preliminary site plan approval to erect 13 two-story apartment buildings totaling 130 units, and a 4,000 sq. ft. clubhouse with pool at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.

Betsy Brugg, John Caruso, Ted Morgan, Kevin Morgan and Frank Imburgia were present to represent the application.

MS. BRUGG: Thank you very much Mr. Chairman, members of the Planning Board. Pleasure to be here tonight.

Just to kind of recap from where we were, we were here at the Planning Board on

May 14th. At that time, we addressed, I think, all of the previous comments up to that point. We had made some significant changes to the plan. Most significantly going from three-story buildings to two-story buildings.

We laid out the plan based on comparable developments recently approved in the Town. I think we had a really good plan. The Board closed the Public Hearing. SEQR determination and negative declaration were issued.

I think the Board then struggled reaching consensus. It got late into the night and I think everybody was tired, and so we're back here to kind of pick up where we left off.

Um, we did listen to some of the comments. We didn't have an opportunity to respond to some of the comments we heard at the last meeting.

In the interim, John Caruso, who is here tonight from Passero, has made some modifications and improvements to the plans specifically to address comments that we heard at the last meeting, so I will turn it over to John (Caruso) shortly to present those changes to you. I think we have a really good plan now. We were here last time, um, requesting preliminary. I think actually tonight we're prepared to move forward and ask for preliminary and final, as well.

Again, just to recap, on the property that we're talking about, we are in the PRD zoning district, so the use is permitted. The use is not an issue.

I know that was one of the big topics throughout this process as folks comment on the nature of the apartment use. Again, we're not here to talk about the use. That is a permitted use. The property was rezoned from MR to PRD in the mid '90s specifically to allow clustering and flexibility in the bulk requirements which are the setbacks and those elements.

So again, we're not talking about density. The density has already been determined. So really what you're here specifically to talk about, site plan, site plan approval, and I believe we're giving you a great site plan that functions well. We have addressed all of the comments that have been received, you know, from the Fire Marshal, from the Town, from various agencies up to now, and with that, I think I will turn it over to John (Caruso) to give you a -- an update on the things that we have tweaked since the last time we were here.

I also neglected to mention that the developers are here, Ted Morgan and Kevin Morgan and Frank Imburgia, if there are any questions for that.

MR. CARUSO: Good evening. I'm John Caruso with Passero Associates. I guess I would like to begin with -- with -- about last meeting. This is -- this is the second major change to this project that we have made, and when we first come through with these -- and develop these projects to bring to the Board, we're limited in the amount of information that we have. We are -- we're -- the basis of what we design from are the codes, um, the laws, our experience from working in and around this community and from the experience that the Board has granted approvals on.

So we're sort limited to that. And unfortunately, we can't really take into account all of the different considerations from the individual Board members. Although, I would like to have.

And so when -- when some of the Board members say, you know, "We just don't like this, but we're not sure why," it's really hard to measure us -- and are we meeting the requirements of this Board.

And that's really what we're trying to do. When we come in, we're -- we're required to meet those standards, those codes, and this is what we're putting these plans together based on. That's the basis of our work.

So we're asking the Board to consider approving our project on merits that we have achieved and what we have earned through the evolution of the design in this project.

When we first came in and met with you, and I won't beat on this density thing, because we all know this PUD has a very large density to be achieved. But we were trying to achieve it through sort of an innovative and progressive type of building design, something that came out of the green build initiative. Working with architects in and around New York State, we -- we came in with a three-story building product. And that just wasn't good enough for this community at this time. And we understand that.

Respectfully, we really do.

We didn't like it because we were bringing you what we thought was a good product, but this community wasn't ready for it and you were more interested in what are some of the other things that we're doing in and around here, approving projects. And so we sort of retooled to do that.

But when we made that major change from going to six buildings at 156 units, down to -- I don't know we have now, 12, um --

DAVID CROSS: 13.

MR. CARUSO: 13. We made some major changes to try to achieve that, but we predicted we were going to spread. And after all, this is a cluster project. It is. 20 acres of land were given up, and the rest of it has to be built on less land.

And so, um, what -- what we were trying to do is put together a really good cluster project. Some of you Board members weren't comfortable with it. And what we would like to show you today, the three of you that supported the project, we hope you really liked the changes we made because the changes we have made are in the 10 to 20 percent range.

And for those of you that didn't like it, we hope that we can turn you for a full 7-0 vote from changes that we have made. But the changes we have made are in the 10 to 20 percent range. They're not a huge design change that we made from the first considerations of that sort of progressive but unacceptable plan.

And so we're asking you to measure us on the merits of the achievement that we have

made, but based on the basis of what we're allowed to work with.

And so with that, let me show you what they might be.

There's three different versions of the building that you can see that are in your packet. I will get to them last when we talk about buildings.

Overall, as Betsy (Brugg) began to explain, the major changes to this plan solved a lot of access and emergency considerations from the Fire Department, Fire Marshal with two means of access in and around the site.

But in this plan here, we also added in the 26 foot wide roadway. That was one of the Fire Marshal's requests at the last -- the time we met. And there is no other project in this Town that I know of that has a 26 foot wide roadway. Usually it's 24. But, you know, we were able to accommodate that here.

Can I go over there and speak?

JAMES MARTIN: Okay. Sure as long as everybody can hear you.

MR. CARUSO: I'll turn it here. Is there anybody from the community here tonight on behalf -- so you can see that the community outbreak with the -- with respect to the three-story has sort of gone away with this change of building design that we have.

Um, but some of the dissent from the Board last time was parking. And so I wanted to address that. Some of you felt that it was a little bit tight. And so generally what we have done with the plan is, we have squeezed it, we have expanded it, we have moved some things around, and if you look at the plan -- that is why I gave you in your packet tonight a copy of the rendering. I want you just to look at -- you notice there is not a lot of detail with dimensions. I did it on purpose. Look at the colors and look at how evenly spaced the green is in and around the project. That is one of the major changes we made to this version of the plan to try to make you feel more comfortable that even though this is a cluster project, that we have evenly spaced out around the perimeter, interiorly through the whole site the green space and we're over what is required by code.

The second thing that we did is that some of you had some very good comments with respect to parking. And by the way, I agree with that. Um, we could have done a better job with parking in front of the clubhouse, which is now in this plan, wasn't in the other plan, but that was one of the major changes this Board wanted to have, was a clubhouse with a pool and we have integrated that.

Now we have 12 spaces in front of the clubhouse. And if you will notice, we also have a place to add more if we need it in the future. And I -- I know, Paul (Wanzenried), that was one of the things that you had brought up. But see how we can expand it if we need it? So we added another five or six stalls in here (indicating) and we can add more if we need it. I like where we landed on that.

We added 40 overflow or visitor parking to the project. You will see them sprinkled throughout the project now. They're hard to make out, but if you count them, they're there. If you add all of the parking in the project, there is almost 300 parking spaces in this project. And if you divide that out by the number of units, it is almost 2.25 per unit, and that is pretty decent. So we think that we answered your comment and your concern about having visitor parking.

Snow storage on the site plan, if you got the new site plan that we submitted with the changes and our letter, we show a snow storage area, but our motive is still the same. If we get too much snow, we'll truck it out.

There was a comment that came up that we rarely deal with, but it was something this Board heard from the community and that was security. And so this plan includes five security cameras located along the property lines and internally. They're mounted on the backs of buildings and on streetlight poles. And so we have integrated that. That's not an easy thing to add to the project. Infrastructure and circuitry has to run all the way back from this place to that place. That's a long way to do that, but we were able to do that, to integrate that into the plan. We added 25 percent more landscaping because there was some comments about that landscaping was a little bit thin to the perimeter and internally, even though that when we left this meeting last time, the Conservation Board had already approved the landscaping plan that we did. You know, there is -- 1 percent of the project cost has to be associated with that, and so we really kicked it up a notch.

What we tried to do is we tried to screen and buffer a little more from the front. We're pretty comfortable with our property lines here, because if you see from the aerial photo, there is a pretty good stand of trees in here. And when we were trying to sell you on a three-story building, the reason I liked the three-story building on this site is because this is in the center of that PUD and really hard to see with the trees around it.

But nonetheless, those trees are still there, and they do help us with screening. Which means that the landscaping uptick that we offer -- that we're offering now, um, we're able to put it more into the project.

And don't just go by this landscaping plan, which is our landscaping site plan, but I also showed you a foundation planting that matches up, if you will notice, with the elevations and the colored elevation that the architect provided.

So you will see a foundation plan matching the foundation elevation.

Some of the things that the Board was concerned last time was setbacks off the roadway. We plotted in on the aerial the buildings across the street, and you can see they're closer to the street than we are.

Nonetheless, we still added 15 percent improvement here, and these buildings to the right-of-way line, to the main wall is 50 feet. And they were 40 before. But some of these little

balconies that jut out are 5 feet, so to the closest point is 45, but to the main wall is a 50 foot setback and that is what you asked us to do. That is what I was saying when I -- the major juxtaposing that we did, we pushed in, we squeezed out and we moved some things around in here to try to feel a little more comfortable, because I know some of you were concerned about interior.

Then the perimeter of the project, where we had these units into the 30 foot setback, we pulled these back in, and made a nice clear 30 foot perimeter all of the way back around.

My earlier discussion about what we have to work with is our experience in the community and the code. Well, this is quite right similar to what we did at the Greenwood Townhomes which we call PNOD. You know, we had the huge wetland in the middle. We were clustering to the outside and it took us, if you will recall, two or three Board meetings to get this right with the Planning Board on that -- the separation from the drive lane to the building, the driveway, and then the rear setback.

It's the same set up here, where we're able to keep the sidewalk, the -- the driveway lengths are 30 feet. And that is still with a 26 foot wide road. So we were able to maintain 30 feet here, and interiorly, it did not suffer, is my point, from us doing this juxtaposing.

And then lastly, I think one of the things that we wanted to talk about was, well, even if -- with this cluster, how can we make it look different, so it is not a -- not a row of the same color.

And so we're coming back with three different options of -- which we can agree to as part of a condition of approval that we will use these three different colors, and you can see that they have a mixture of brick on the first floor. One doesn't. Two do. In the peaks, there is different soffit treatments. Three different color and roof schemes.

And to just sort of -- to finalize, it's -- it's these changes that we made to this plan in trying to space it all out, break it up. It's still a cluster project, but we tried to make it fit in there a little bit better, and this is our -- our 10 to 20 percent uptick to the plan, and we hope that those Board members that we're looking for this change, that we were able to, um, you know, satisfy some of the major concerns that you had.

So with that, Mr. Chairman, I will turn it back over to you.

JAMES MARTIN: Thank you.

I believe at the last meeting you resolved several issues, school bus access, pickup points, all of those things. You know, clearly we heard a lot from the community about issues that exist in Union Square. There is no question there are some problems over there, but obviously we can't solve those problems.

MR. CARUSO: Right.

JAMES MARTIN: I think the application with security cameras -- I have a question on that. They will be on like what, a 24-hour monitoring system and if there is say, for instance, an unfortunate incident on the property, the video surveillance would be able to be played back and reviewed; is that essentially what that would be?

MR. CARUSO: Yes, exactly.

JAMES MARTIN: All right. I don't have anything further.

PAUL WANZENRIED: I have no comments.

KAREN COX: No questions.

JOHN HELLABY: Nothing further.

JOHN NOWICKI: I would like to hear from the Conservation Board what their comments are going to be.

JAMES MARTIN: Well, when we get over there, we'll get them.

DAVID CROSS: Just like to say, I think you have come a long way since you were first in here.

MR. CARUSO: Thank you.

DAVID CROSS: I like what I'm seeing.

A couple things were missing. Playground. What happened to the playground?

MR. CARUSO: We took it off. From the comments that we had last time, it wasn't -- didn't seem like, um, it was really that big of an issue. We're not opposed to putting it in. The kids will use it.

DAVID CROSS: I would like to see it. I think it's important for a community development like this.

MR. CARUSO: We would have it right next to the clubhouse.

PAUL WANZENRIED: Where it was previously positioned?

MR. CARUSO: We can see that we didn't just leave it blank. We added trees there, but we could relocate the trees and put the playground back.

DAVID CROSS: Keep the trees and the playground.

JOHN HELLABY: It is still on the drawing.

DAVID CROSS: I'm just looking at that right here.

JOHN HELLABY: It's on the drawing.

MR. CARUSO: It's on --

KAREN COX: It's on the new one.

MR. CARUSO: Okay.

PAUL WANZENRIED: Just not on your rendering.

MR. CARUSO: I noticed it was pulled from the plans today. And I didn't know if Jess (Sudol) talked to the owners, but we stand corrected and it's in the plans.

DAVID CROSS: Excellent.

Only other comment is I didn't see any architecturals from the clubhouse, but I would

presume we require that it have the same architectural look as the townhomes or apartments.

MR. CARUSO: Absolutely. Actually, the clubhouse is spectacular. One story but with the nice big roof and it looks really well. We would be happy to submit as condition of our approval to Chairman those elevations.

JAMES MARTIN: You're not required, you know, on a multi-residential to submit, but certainly as a courtesy, I would submit them. They may have some comments.

MR. CARUSO: I was going to submit them to you, not the ARB. But agreeing they are in the same architectural treatment.

DAVID CROSS: That is what I think is important.

JAMES MARTIN: Okay. You will submit them to us?

MR. CARUSO: Yes. Right.

JOHN NOWICKI: With the rendition of the ten-unit apartments that you provided us, there were only eight garages on each one. Is -- does that mean that there is two apartments that are hidden without garages?

MR. CARUSO: Great question. I leave that out so that you will ask that for me.

RICHARD BRONGO: Good.

MR. CARUSO: This -- they're end-loaded. There are two on the end.

RICHARD BRONGO: I have no further questions.

RICHARD SCHICKLER: In regards to the Conservation Board, I think we request a revised landscape print showing the additional 25 percent additional landscaping, the sizes, the plants, locations and so forth by a licensed landscape architect. We would also like to see at least a one-year maintenance program so that somebody is responsible that has the experience of taking care of the plants. You have some nice plants here, the trees, spring, and maintaining these plants.

MR. CARUSO: Mr. Schickler, can I just ask you a question?

RICHARD SCHICKLER: Yes.

JOHN NOWICKI: In the comments from the Conservation Board they mentioned the fact -- it says, "Furthermore, grass seeding is an essential part of the project."

Have you made a statement in regards to the seed, the grass seeding that is going to be required? How does that work on a project like this?

RICHARD SCHICKLER: I was told that the seeding is not part of the 1 percent, but I'm not sure about that now because I checked with one of the members today. So we'll have to go back to the -- to the quotes on that.

JOHN NOWICKI: Take a look at that.

RICHARD SCHICKLER: Will do.

JOHN NOWICKI: You will make that as a part of the plan?

RICHARD SCHICKLER: Yes.

JOHN NOWICKI: So you are comfortable with that?

MR. CARUSO: Morgan Management, first of all, when the plants go in, they will have a one-year guarantee, and they do their own management of their properties, so, it's an easy thing for us to agree to.

JOHN NOWICKI: My question is -- because of the type of seed that is used, you know, there is many different seeds you use.

MR. CARUSO: We do specify the seed in our landscaping plan. It is not left for anybody. We -- we know that there is something that will grow and take.

JOHN NOWICKI: Certain projects you drive through and see the grass looks fantastic, in Chili, several projects and there are others that, you know.

MR. CARUSO: The trick is the topsoil. If you get good topsoil and put it in, it will grow.

JOHN NOWICKI: Thank you very much, gentlemen, and thank you very much for the accomplishments.

MR. CARUSO: Thank you.

JAMES MARTIN: We achieved SEQR on this at the last meeting. So that was completed.

MR. CARUSO: Right. We're asking the Board to consider final.

JAMES MARTIN: You're asking for us to waive final.

MR. CARUSO: Please.

JAMES MARTIN: Before we move on, any other issues before I put this up for a vote?

JOHN NOWICKI: Do you have conditions written down?

JAMES MARTIN: I will go through conditions in a minute. The question before the Board right now, there has been a request to waive final. The fees have been paid to waive final. I can go through the conditions before we -- before we make a decision on that.

JOHN NOWICKI: I would like to do that.

JAMES MARTIN: Assuming this goes forward, upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department from a landscaping architect certifying all approved plantings have been furnished and installed in substantial conformance with the approved landscaping.

Two, subject to final approval of the Town Engineer/Commissioner of Public Works.

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

And applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Copies of all easements -- and I think there are some easements, some you utility easements on the property; is that true, John (Caruso)? If I remember the plan.

MR. CARUSO: Maybe just for storm water management. Because all of the utilities are private.

JAMES MARTIN: I will basically -- copy of all easements associated with the project shall be provided to the Assistant Town Counsel for approval and all filing information, liber and page number should be noted on the mylars.

Building permits will not be issued prior to the applicant complying with the conditions.

Application is subject to all the required permits and inspections and code compliance regulations.

And subject to approval by the Town Fire Marshal, who has already commented on project.

We have to have his comments here. I think we did that last time. Fire Marshall shall require sprinkler, fire alarm systems and the addition of hydrants in the complex. Complex shall require a multi-unit dwelling permit. That was brought up the last time.

The playground shall be included in the plans. Okay? And elevations for the clubhouse shall be submitted to the Planning Board. That's what I have got so far.

Anything else anyone wants to need or add at this point in time?

JOHN NOWICKI: Just this is not something to add, but I feel that you, as Chairman, and the people on the sideboard, Mr. Lindsay, are comfortable that the PRD requirements have all been met?

JAMES MARTIN: Yes. We're comfortable with that. We're comfortable about the density. We're comfortable about the PRD discretion.

JOHN NOWICKI: Great. Thank you.

JOHN HELLABY: I do have one question, though, on the engineer's letter. Why does it state on here, "No building shall be nearer to 60 feet of the streetlight of any dedicated street (indiscernible) to the site except for those lots fronting along the affected major highway listed in 500-59B of this Chapter for which the setback is 75 feet."

Why is that statement in there?

MR. CARUSO: Those comments were his review based on the MFH code, but this is a PRD, PUD.

JAMES MARTIN: I think it was a multi-residential code statement.

JOHN HELLABY: Okay. All right.

JAMES MARTIN: With those conditions, waiving final.

The Board agreed to waive final.

JAMES MARTIN: We did approve subdivision at the last meeting.

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

1. The proposed playground shall be included in the final site plan.
2. The applicant shall submit elevations for the proposed clubhouse for suggestions and recommendations.
3. The applicant shall supply a revised landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
4. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
5. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
6. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
7. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
8. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
9. Building permits shall not be issued prior to applicant complying with all conditions.
10. Application is subject to all required permits, inspections, and code compliance regulations.

11. Subject to approval by the Town Fire Marshal.

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

MR. CARUSO: Thank you very much.

JAMES MARTIN: Thank you, John (Caruso).

MR. CARUSO: Appreciate working with you very much.

MS. BRUGG: Thanks. Hope it's not a late night tonight.

4. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary subdivision approval to combine 5 lots into 1 lot to be known as Roberts Wesleyan College Subdivision at properties located at 15, 17, 21, 23, 25 Orchard Street in R-1-15 zone.

FOR DISCUSSION:

1. Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for proposed site plan to install a campus parking lot at properties located at 15, 17, 21, 23, 25 Orchard Street in R-1-15 zone.

JAMES MARTIN: Before I go any further, I forgot to do at the beginning of the meeting -- if there was anybody waiting for the application on Roberts Wesleyan College, there were two items. One was a Public Hearing and one was for discussion. At the request of the applicant, I'm going to make a motion to table those at this point in time.

JOHN HELLABY: Second.

JAMES MARTIN: Seconded. On tabling the Application Number 4 under Public Hearing and Application Number 1 under discussion for Roberts Wesleyan College.

DECISION: Unanimously tabled by a vote of 7 yes to table.

PUBLIC HEARINGS:

1. Application of Haydar Ogultekin, owner; 380 Park Avenue, Rochester, New York 14607 for preliminary site plan approval for a change of use to allow automobile sales and service (formerly R.V. & Camper rental and repairs) at property located at 1415 Scottsville Road in G.I. zone.

Adam Freeman and Haydar Ogultekin were present to represent the application.

MR. FREEMAN: Good evening. My name is Adam Freeman, an engineer with LandTech, here tonight on behalf of Haydar (Ogultekin) who is actually also here tonight.

The property is just a 1.4 acres in a General Industrial zoning. Basically the proposal is to just to pave some areas that are already gravel and then an area -- another area that is actually landscaped right now, um, so we would be adding a small amount of impervious area to the site. But -- and it would be to go along with the auto repair and sales use on the property.

JAMES MARTIN: Anything else? Presentation standpoint?

MR. FREEMAN: We're adding some building-mounted lighting just to -- and there was a comment from the Town Engineer regarding being dark sky compliant, which they were fully shielded fixtures.

We did get comments from County DRC. The only one of note would be the State DOT regarding closing one of the two entrances onto 383. Given the -- the use of the site and the -- the -- limited development that is actually going on, I think it would be a bit of a -- an in excessive encumbrance to require a DOT permit. You know, the -- the money involved and the time involved in order to close a driveway that likely isn't really going to affect anything. There is not going to be a high volume of traffic that will result in significant conflicts along the roadway. So I don't think that, you know, we -- we really want to go down the closing of one of the entrances.

You know, they are existing. You know, there is no proposed work within the right-of-way at this time. So it would just be an additional step and an expense for the developer.

JAMES MARTIN: Okay.

KAREN COX: Did they give any reason why?

MR. FREEMAN: They claim to promote safety along the corridor. But like I said, the volume of traffic that we're talking about is so limited in comparison to the traffic in the -- that is in the corridor and other businesses in the area, I -- I don't see where there is going to be a significant traffic -- I don't think there is going to be two cars pulling out of this -- the two entrances on the State highway at the same time, where it would potentially cause a conflict.

KAREN COX: That's four lanes there, right? Yeah. Okay.

JAMES MARTIN: When we get to that point, I will ask you to comment, Dave Lindsay, okay?

I went back to the property record on this, which goes back all of the way to 1969. I was looking for anything that may still be pertinent, all right, to the proposed new use of the property.

Um, as far as signage goes, um, there was a variance on the -- on the signage back in 2004.

I -- I don't know what you're proposed signage is right now. Obviously you need to comply with Town Code as far as signage goes.

MR. FREEMAN: Right. At this time we're not showing any -- any proposed signage. Um, if he decides to put up some, you know, any free-standing signs that -- that he would do that, um, at a later time and obviously make sure it complies with any of the -- any of the requirements.

PAUL WANZENRIED: Is that back parking area gated?

MR. FREEMAN: There is a gate.

PAUL WANZENRIED: I see the asphalt driveway going to the rear.

MR. FREEMAN: Yes. There is a gate there. I don't know -- actually --

MR. OGULTEKIN: Two gates.

MR. FREEMAN: So you do use them?

JAMES MARTIN: Wait a minute. Please stand up and -- if you're going to comment.

MR. OGULTEKIN: Yes, I do have a two gates on the end that goes on the back.

JAMES MARTIN: Okay. And they are functional?

MR. OGULTEKIN: Well, I'm not using them right now, but I got a lock on them. It's functional, like we say, you know, open and close them. It's fine.

JOHN NOWICKI: That's not a fenced-in area.

PAUL WANZENRIED: It doesn't appear to be, but I'm just trying to establish to the -- let's see. Where am I, the Old Beahan Road, it looks like an asphalt driveway going back to the gravel. So what I'm asking is this a gate here (indicating)?

JOHN HELLABY: Right.

KAREN COX: Is there a gate on that western access to the back?

PAUL WANZENRIED: Asphalt driveway?

MR. FREEMAN: This one back here (indicating)? Yes. There is a gate that -- that line going across is a gate.

PAUL WANZENRIED: The other gate he speaks of is off the corner of the frame shed?

MR. FREEMAN: Yep. Yep.

PAUL WANZENRIED: Okay. The existing frame shed would be used for what? What be the purpose of that?

MR. OGULTEKIN: I don't know yet. I'm just putting all my old stuff left over from the front, but I didn't decide what I'm going to do yet.

PAUL WANZENRIED: All your repairs will be up in the front building?

MR. OGULTEKIN: Front building, right now.

PAUL WANZENRIED: I don't have any further questions right now.

KAREN COX: The application talked about automobile sales and service.

MR. OGULTEKIN: Yes.

KAREN COX: What percentage of your business would you figure is going to be on the sales side as opposed to service side?

MR. OGULTEKIN: Most will be repair and service and used car, I don't know. I'm just going to start that. I don't have very much idea how many cars I sell, you know, but I don't think it's going to be a lot. Mostly the repair. My main business.

KAREN COX: So the ones, if you had say a handful, four or five for a time for sale, where would you be figuring on parking those?

MR. OGULTEKIN: Probably front.

KAREN COX: The purpose of the back parking lot you're proposing is to store vehicles for people to come pick them up?

MR. OGULTEKIN: If I have more cars, maybe I just put it back there, you know. I want to have extra space. I don't know how I'm going to do with the used car business. You know, I don't want to throw the numbers in my head right now. It won't be the truth.

KAREN COX: The reason I'm asking is we have had down west of your business, there is a -- another business, I guess you would call it, that has vehicle sales, and they had indicated when they came in, you know, a certain number or approximate number which has expanded considerably, and -- you know, the way they have had them parked over the years has been kind of haphazard. That is all I was wondering.

So, you know, what you're telling me is at the moment or for now, the business plan was more service than sales?

MR. OGULTEKIN: That is what I am going right now. I just going to start selling the used cars. I have no idea how many I'm going to sell it, what the price range, I'm going to hold it, how many cars. I don't have very much any idea on that.

KAREN COX: It's more of an aesthetic thing. The previous owner -- I got to say I drive by this property almost every day and it looks better now with the -- with the campers that are gone and wasn't very -- it wasn't very aesthetic back then with the junky-looking campers out there.

MR. OGULTEKIN: It take me eight months to clean up.

KAREN COX: I can believe it. I guess from a Town standpoint, you know, our interest would be to keep it looking, you know, as nice as it does now. That's all I have.

JOHN HELLABY: Well, to expand just a little bit further, though, I think before you leave here tonight, you will have to set your mind how many used cars you will want at that lot at one time. Your display parking, right now I add up and it shows 33 noted as display spaces. The only reason I say that, we're going to want to put a hard number. Actually, two weeks from now,

we don't want to find out you have 100 cars jammed on this lot.

So can you get away with 20 for now? 15? I don't know what the long-term plan is, but we need to know because we need a definite number before we move forward with this. I can guarantee you that.

MR. OGULTEKIN: On the front, I was guessing, you know, if everything goes good, you know, probably 25, 30 cars. I'm just guessing. Somewhere around there. I don't know.

JAMES MARTIN: Well, if you think 20 is a good number.

MR. OGULTEKIN: You want the definite number? Okay. Let's say 25.

JAMES MARTIN: All right.

JOHN NOWICKI: You're talking where, the front, side?

JOHN HELLABY: Right now, if you add up all of the spots that he has stated as display space, if that -- that adds up to 33.

JOHN NOWICKI: You're talking space in the front of the building and the side?

KAREN COX: Where it says, "Display."

JOHN NOWICKI: Not the spots in the back.

JOHN HELLABY: Right. I think before we are done here tonight, we'll say at any one time this is X number of cars you can have on that lot at any one given time, because naturally you say 25, and somebody takes a ride down there and you can say, "Well, these ten are in here for repair."

They're going to want a total number, so we'll get to that one way or another hopefully.

I see no dumpster location on this drawing. What is the plan for trash and --

MR. OGULTEKIN: Just dumpster places -- they fence it next -- next to -- next to that barn.

MR. FREEMAN: There is an existing, um, dumpster pad on the corner here (indicating). It's -- it's labeled on the existing conditions plan.

JOHN HELLABY: Oh, okay.

MR. FREEMAN: Not on site plan.

JOHN HELLABY: Does it have gates on it? It's enclosed, correct?

MR. OGULTEKIN: Yes. They're wood.

JOHN HELLABY: Okay. Hours of operation?

MR. OGULTEKIN: 8 to 6.

JOHN HELLABY: 8 to 6. Seven days a week.

MR. OGULTEKIN: Six days.

JOHN HELLABY: No Sundays?

MR. OGULTEKIN: No.

JOHN HELLABY: What type of repairs are you talking about doing here?

MR. OGULTEKIN: Basic. Tires. Tune-ups and --

JOHN HELLABY: Oil changes?

MR. OGULTEKIN: Oil change.

JOHN HELLABY: No heavy motor changing?

MR. OGULTEKIN: No. No.

MR. JOHN HELLABY: The occasional muffler?

MR. OGULTEKIN: Mufflers, tires, New York State inspection, brakes.

JOHN HELLABY: Are you New York State inspection licensed?

MR. OGULTEKIN: Yes, I do.

JOHN HELLABY: Well, I will echo the other sentiment, it looks a heck of a lot better down here than it has in years. I think somewhere before we are done, we have to come up with a number.

KAREN COX: There's an actual nice-looking building down there.

JOHN NOWICKI: On the existing conditions and demolition plan, you're taking out some evergreen trees?

MR. FREEMAN: Yes.

JOHN NOWICKI: You are proposing in the shading area, in the display spaces is that going to be asphalt paved?

MR. FREEMAN: That shading is asphalt.

JOHN NOWICKI: Will those spaces be marked spaces or just going to be an asphalt surface?

MR. FREEMAN: Um --

JOHN NOWICKI: Will you stripe the spaces? Or not?

MR. OGULTEKIN: Which -- which part are you talking about?

JOHN NOWICKI: The right side of the building. You show -- you show striping in the front of the building and the side and also in the back. Because I assume you're not going to stripe this --

MR. OGULTEKIN: No.

JOHN NOWICKI: But you will asphalt.

What about the space in the back of the building? Will that be asphalt coated, too?

MR. OGULTEKIN: Back of the building?

JOHN NOWICKI: Where you have --

MR. OGULTEKIN: That's stone in there. That's stone.

JOHN NOWICKI: Storage area?

MR. OGULTEKIN: It's a stone over there. Stone.

JOHN NOWICKI: All stone and gravel?

MR. OGULTEKIN: Yes.

JOHN NOWICKI: That going to be a fenced -in area, completely fenced?

MR. OGULTEKIN: Later on I'm going to fence it all around.

JOHN NOWICKI: You will fence it all of the way around?

MR. OGULTEKIN: Yes.

JOHN NOWICKI: You will have a gate for security?

MR. OGULTEKIN: Yes.

JOHN NOWICKI: Are you planning just cars only? Are you going to be getting into big trucks? Anything like that?

MR. OGULTEKIN: It is like trucks, little trucks, not the big trucks. Like Chevy trucks or something.

JOHN NOWICKI: All you're talking about is pickup trucks?

MR. OGULTEKIN: Pick-up trucks.

JOHN NOWICKI: No panel trucks, no tractor-trailer trucks?

MR. OGULTEKIN: No, no, no, no.

JOHN NOWICKI: Okay. I just have a -- what about storage of oil, gasses and that kind of thing? How are you going to store it and get rid of it?

MR. OGULTEKIN: I don't have any gas. I have a basic oil tank outside the building.

JOHN NOWICKI: In the back of the building?

MR. OGULTEKIN: Yes.

JOHN NOWICKI: Is that something that the Fire Marshal will know about it?

MR. OGULTEKIN: They already looked at them. They already came. Everything is safe.

JOHN NOWICKI: And again, I looked at this existing dumpster enclosure, but seeing how many spaces you have here and how many cars you're dealing with, and especially tires, where would you store the tires, old tires?

MR. OGULTEKIN: I usually put the -- by the dumpster. They come pick it up like every week, two weeks, depends how many tires I have.

JOHN NOWICKI: Hmm. Okay. That is something you might want to think about. That could be an awful problem here.

MR. OGULTEKIN: I have another garage and gas station on the Park Avenue. I pile them to the dumpster. They come once a week. It's two -- every two weeks. If we have a lot, they come. If we call them up, they will come and pick it up.

JOHN NOWICKI: I wouldn't want to see a lot of stuff stored there.

JAMES MARTIN: Just to go along with what we were just saying, I note here that shall be no outside storage of materials related to the business other than the used oil tank.

JOHN HELLABY: Is there room inside that frame shed building to actually store them while they're waiting on pickup? The only reason I -- I do know that there is other service stations in the area, and I do know that they're piling outside. They are pretty prompt on coming to pick them up, but I -- if you get any quantity, is there a way you can stack them in the corner of that shed and -- because they have to back up to the dumpster anyway?

MR. OGULTEKIN: There is a place on the back of the dumpster. If you think into looking at them -- they wouldn't even see it under the thing, on the front. Because the dumpster have a fence, wood fence.

JAMES MARTIN: Okay.

JOHN NOWICKI: Are there any landscaping comments on this one here?

PAUL WANZENRIED: Arborvitaes remain as screening.

JOHN NOWICKI: Okay.

RICHARD BRONGO: Approximately how many cars will you have on your property for repair at one time?

MR. OGULTEKIN: Um, I should say like everybody day -- people pick it up at the end of the day. It's not a big job like staying for one week, two weeks. Usually they pick up at end of the day, 4 or 5.

RICHARD BRONGO: 4 or 5. So you're looking for 25 cars for used cars for sale, plus you need another 5 or 6 cars for repair?

MR. OGULTEKIN: Yes.

RICHARD BRONGO: Okay. I have no further questions.

JAMES MARTIN: David (Lindsay), you know, the County Comments that came back about closing the third driveway --

DAVID LINDSAY: Sure. It was actually a comment from Dave Gehring at New York State DOT. That's a State Road there. We had just a lengthy discussion on the benefits of reducing the curb cuts with the previous applicant here. So I think we currently have three access points for this lot, and I think in light of having the State comment that talks about reducing one of those, I think we would be hard-pressed not to support their request, and if we did make that a condition, I would suggest that we -- the one we would delete would be going closest to the intersection and removing that might also require some modifications to the other one. To kind of square it off a little more with Scottsville Road.

JAMES MARTIN: So we basically say the applicant shall comply with all pertinent Monroe County Review Comments and State D.O.T. comments? Is that satisfactory at this point in time?

DAVID LINDSAY: That would probably cover it, yes.

JAMES MARTIN: There was a comment about the Arborvitaes.

RICHARD SHICKLER: The Arborvitaes, the big ones in the back would stay. In

addition, nine Arborvitaes will be installed at least 7 foot in height and the one Celebration Maples on the east side. 2 to 2 1/2 inch caliper. That is the extent of it.

JAMES MARTIN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The question I would have is was the -- was the previous owner allowed to have front parking? On the existing conditions and demolition plan on the map, it looks like they didn't.

JOHN NOWICKI: They had campers out there.

KAREN COX: They had campers out there.

JOHN NOWICKI: All of the time.

MS. BORGUS: But were they legal? That's what I mean.

JAMES MARTIN: Were they legal?

JOHN NOWICKI: They were there for years.

JAMES MARTIN: If I go back and look at the property record, Dorothy (Borgus), again, I will answer your question, there does not appear to have been a Zoning Board variance granted.

MS. BORGUS: For front parking.

JAMES MARTIN: At that point in time.

MS. BORGUS: Well, I guess the problem I have is that -- and there are other people in the room, I won't name them, who sat with me on the Comprehensive Plan Committee for two years, plus, and the one thing we didn't want to see was front parking. That's in the Comprehensive Plan. And yet know I see parking spaces for display that are right up to the road. I don't like that. If you have got some parking on the side and you want to sell a few used cars, then get them away from the road. I don't have a problem with selling some used cars. I just don't like the set-up.

I mean, we have that mess across the street as it is that you -- you know, this Town has struggled with that place, and the way they have taken liberties with our codes, I'm still not sure it is settled, but, again, they get -- they put the cars right out in the right-of-way. Why do -- we don't need this on the other side of the road, too. I -- I can't imagine that you would even consider that.

You know, some parts of Scottsville Road are really improved. And then there is stretches that are terrible -- still terrible, and this is one of stretches. Let's not -- let's not just throw all of the care away just because you got a mess on -- on one side of the road. Let's not duplicate it.

Now, this gentleman says he is going to have mostly service. Well, to sell 25 cars -- cars, used cars, I have a hard time believing that is mostly service when he is only counting on servicing four or five a day. Those numbers don't add up.

I agree with Mr. Hellaby 100 percent, you need hard numbers here. This is what we got into with Perna's station. You know, every time that he would have these -- all these cars sitting there for weeks and months at a time, unlicensed -- some of them were licensed. The excuse was, "I'm waiting for somebody to pick it up."

You got to keep a handle on that. I don't know how you're going to do it. That's your province. You do it. But we can't -- I can see where this -- with all this parking, this could turn into a very unsightly thing very quickly if it gets out of hand.

I think there has got to be some plan for he what is going to do if people don't pick up cars once they're serviced and ready to go. That was the excuse that we had out in West Chili. We -- we just don't -- we don't need to invite more of that. Let's get it settled.

I also agree that the tire disposal is a problem there. Will be a problem. Um, the two-week pickup for used tires is fine. That's probably sufficient. He probably won't sell so many that that two-week pickup isn't sufficient, but you still don't want to have the unsightly piles that are picked up at two weeks and they begin to grow even and you look at a pile then for another two weeks. That has got to be dealt with. If he has a building to spare, it's a good suggestion that he use it and not have those tires visible nor piled around a dumpster.

Let's see if we can't make this a better looking place. I hear from the Board it's much better right now. Let's make sure it stays that way. This has been a problem property as far as being messy since the gas station left there and that's many years ago. I believe it was Taylors. It was always neat then, but it has been an eyesore ever since.

The other thing I would like to see a condition about signs. I know they say they're not planning on signs, but I would like that as a condition if you approve this, that they do abide by the -- the Town's sign code and being that they're -- you know, they're going to want to attract business and if they have used cars and service, they're going to want signs.

So let's get that understood, too. In print. In writing. Look this over carefully, because, you know, the Comprehensive Plan was a big effort. We spent a lot of time on Scottsville Road and that area. Mr. Cross can attest to that. We spent a lot of time on that. Let's make sure we obey the plan.

Thank you.

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

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

JAMES MARTIN: Michael Jones, I'm looking back at the property record here, and in 1995, the Planning Board approved no more than 45 used cars for sale to be parked on the site. Okay? 1998 Stacy's Camper Rentals came in, and the front parking was limited to 24 vehicles, 18 automobile rentals and 6 RVs. Total property parking 45 vehicles.

I don't know if this precedes the issue around front parking to need a variance. I -- it's before my time. John (Nowicki), you might know. You were here.

MS. COX: He has the history.

JAMES MARTIN: My thinking right now is that our code would require a variance for front parking on this property.

MR. JONES: I believe you're right. So the -- any approval would be obviously conditional on whether or not the Zoning Board were to grant the variance or not.

JAMES MARTIN: So I think we need to add that to the mix, that there is a requirement to get Zoning Board approval for front parking.

MR. FREEMAN: Don't variances run with the property?

JAMES MARTIN: There was never a variance granted. These were Planning Board approvals. There was no variance ever, and again, I don't know from a timing perspective what our code read back in those days, but -- whether it needed a variance from the Zoning Board, but the current code says yes, this a change of use and I believe it will require them to get a Zoning Board variance for front parking on the property if that is so desired. There is no choice at this time.

MR. FREEMAN: Right.

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

JAMES MARTIN: Now, hard number on display vehicles. I have --

JOHN HELLABY: I heard 25.

JAMES MARTIN: I heard 25.

JOHN HELLABY: 25 and 5 is 30. I don't know how much simpler you can make it.

JAMES MARTIN: So --

PAUL WANZENRIED: 30.

JAMES MARTIN: I'm hearing 30.

JOHN HELLABY: 30 total at any one point.

JAMES MARTIN: So the condition would read display vehicles shall be limited to no more than 30 vehicles. All right?

PAUL WANZENRIED: No, no, no.

RICHARD BRONGO: Display.

KAREN COX: Total vehicles.

PAUL WANZENRIED: Total vehicles.

JAMES MARTIN: All right. Display vehicles will be limited to 25. Vehicles under repair will have an additional five.

PAUL WANZENRIED: Five. Correct.

JAMES MARTIN: So a total of 30.

JOHN HELLABY: I know you say he will have to go for a zoning variance for the front parking, but somehow I want it to also state that there was approved parking spaces as shown on a site plan, so they don't end up plugging up all of the driveways and everything else. I'm not sure how to word that, because we don't know if he will get the variance, but I mean if he doesn't get it, he will still have to have approved parking spaces on some drawing.

PAUL WANZENRIED: Did he say he was striping it?

JAMES MARTIN: Well --

PAUL WANZENRIED: That's the only way you will get an approved parking space, is if you stripe it. Otherwise it is just willy-nilly.

JAMES MARTIN: I will write basically the parking will be confined to the approved site plan and display vehicle area shall be striped appropriately. Okay?

PAUL WANZENRIED: Uh-huh. He will --

JOHN HELLABY: Applicant has stated his hours of operation will be from 8 a.m. to 6 p.m., Monday through Saturday.

DAVID LINDSAY: Mr. Chairman, can you read to me your conditions that you have? Can you read the conditions that you have?

JAMES MARTIN: I haven't read them all yet. I will.

DAVID LINDSAY: I wanted -- okay.

JAMES MARTIN: I'm still writing, okay. So hours of operation shall be 8 to 6, 6 days a week as stated by the applicant.

He has paid a fee for final. On waiving final?

The Board indicated they would waive final.

JAMES MARTIN: Conditions.

Hours of operation will be 8 a.m. to 6 p.m., 6 days a week as stated by the applicant.

Applicant shall comply with all pertinent Monroe County Development Review Committee Comments and State D.O.T. comments.

Any previous conditions imposed by this Board that are still pertinent to the application remain in effect, and I haven't found any, but I will put that in in anyways.

And pending approval of the Zoning Board of Appeals all required variances.

Subject to approval by the Town Fire Marshal. It will require an operational permit --

MR. OGULTEKIN: I do have.

JAMES MARTIN: -- of the Town Fire Marshal.

Any signage change or signage on the property shall comply with Town Code. You will need to obtain permits for that.

There will be no outside storage of materials related to the business. Except the used oil tank.

Do you want me to address the tire issue? You want -- do you want to be specific about putting those in the shed?

JOHN HELLABY: No outside storage of used tires.

RICHARD BRONGO: Doesn't he have an enclosure for his dumpster? If he has enough room, can't you store his tires in there?

JOHN HELLABY: Yeah.

JAMES MARTIN: Yes. All right. Does that cover what we want?

JOHN HELLABY: I think so.

JAMES MARTIN: Display vehicles shall be limited to no more than 25 vehicles.

And vehicles already repaired shall be limited to 5 for a total of 30 vehicles on site.

Parking will be in compliance with the approved site plan. Display vehicle areas will be striped appropriately.

JOHN HELLABY: Did you have closing that entrance per New York State?

PAUL WANZENRIED: Yes.

KAREN COX: Broad based.

DAVID LINDSAY: Just add the standard verbiage for Town Engineer/DPW approval because if we're reducing the curb cuts, we would like to take a look at that.

JAMES MARTIN: Approval -- final approval by Town Engineer/Commissioner of Public Works. Sorry I missed it. All right.

Given those conditions, we would have done SEQR.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments and New York State Department of Transportation comments.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Pending approval of the Zoning Board of Appeals of all required variances.
5. Subject to approval by the Town Fire Marshal.
6. Any signage change shall comply with Town Code, including obtaining sign permits.
7. Outside storage of materials related to the operation of the business is not permitted. The waste oil tank currently on site can remain in place.
8. The applicant stated that hours of operation shall be from 8:00 a.m. to 6:00 p.m. six days per week.
9. Parking will be in compliance with the approved site plan display vehicle area will be striped appropriately.
10. The number of used vehicles on display for sales purposes shall be restricted to 25. In addition, up to 5 vehicles under going repair may be parked on the property.

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

JAMES MARTIN: Welcome to Chili. I know you're very successful.

KAREN COX: Thanks for working on the property.

JAMES MARTIN: Thank you for cleaning that up.

2. Application of Rochester Gas & Electric, owner; 89 East Avenue, Rochester, New York 14649 for special use permit to erect 5 public utility buildings at property located at 689

Chili Scottsville Road in A.C. zone.

3. Application of Rochester Gas & Electric, owner; 89 East Avenue, Rochester, New York 14649 for preliminary site plan approval to erect 5 public utility buildings at property located at 689 Chili Scottsville Road in A.C. zone.

Brendan Bystrak and Steve Lawler (phonetic) were present to represent the applications.

JOHN HELLABY: Mr. Chairman, I would like to recuse myself from Applications Number 2 and 3 as my wife, as I have been corrected, is the Senior Admin person to the Vice President of RG&E.

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

MR BYSTRAK: Thank you. Good evening. My name is Brendan Bystrak with LaBella Associates. Here with me this evening is Mr. Steve Lawler (phonetic) from Rochester Gas & Electric Corporation.

We're here before the Board seeking the special use and preliminary and final site plan approval. If I can go to the board.

We were in approximately a year ago. We were in for informal discussion with the Board. We presented a plan that basically mimics the delineation of our proposed site development for a natural gas gate station. A natural gas gate station is a point of purchase where RG&E will take gas out of the transmission lines.

It's metered, heated, regulated, odorized. There is an additional pressure cut and then put into the distribution system that basically fuels the Greater Rochester area. Or Monroe County area.

The parcel itself was again subdivided about a month later, came before the Board for subdivision approval. The 18 acres was originally part of the Chili Country Club. The 18 acres were subdivided off, and RG&E since closed on it and has combined the two original properties. So property address is 689 and approximately 18 acres in size. It is on the west side of the road, about a quarter mile south of Humphrey, about quarter mile north of -- I believe it is Morgan Road.

The site has several large encumbrances for development. First, there is a large federal wetland which is a blue circle around it. There is a 400 foot utility easement that crosses, bisects the property that has the overhead high tension power lines that go from Niagara Falls up to the Adirondacks.

Additionally, on the south edge is the Empire Transmission Pipeline which we're proposing our connection to.

Um, there is basically five buildings that we're proposing with this site plan. The first building is approximately 14 feet width by 22 feet. The overall height is about 12 to 13 feet.

The second building, actually, the second and third buildings are both 12 foot by 12 foot. They're small pre-manufactured buildings that will house all of the computers and controls. The first two buildings will actually be owned, operated by National Fuel. They take care of the Empire Transmission Pipeline.

Um, RG&E will grant an easement to those folks. They will own -- they will actually operate the buildings and the pipeline up to about here (indicating), which is called the custody transfer flange. At that point RG&E takes over ownership and control of the station.

So the third building is RG&E's controls.

The fourth building is approximately 28 feet by 54 feet in length. That will house monitors, regulators. It's equipment that actually reduces the pressure from the transmission, gets it down to the distribution pressure sizes.

At that point, the chemical encapsulant, the odorant is injected into the pipeline. It will continue through a second regulation building. That building is 22 by 36 foot in length.

At that point, the gas will then go out and feed into one of the existing transmission lines that exists today along the west side of the road.

When we were before the Board a year ago, we were asked to develop a site plan that first respected 100 foot setback, so we are not seeking any variances for front setback. The project does comply there.

A second request was for us to provide a dense landscape for screening of the property and create a visual barrier, some buffering, berming, again, just over all screening of the proposed use. We have worked with Doug McCord, McCord Snyder Landscaping to develop the plan.

The current concept was to spoil all our material, our excess soil, foundation excavation, pipe spoils to create some berming in front of the property. We did prepare a couple cross-sections after our Conservation Board meeting. One is cut through the heater region. The second through the gate station. And the third near the regulator station.

The buildings will sit anywhere from 6 to about 10 feet below the road. Um, our berms right now are designed to basically bring grade back up to the elevation of Scottsville Road. So on the south end of the site, there is approximately 8 feet of fill going in for those berms.

On the north side, we're adding approximately 4 feet. The intent was providing that -- again, a landscaped buffer for the property.

The darker greens here, those represent a variety of different coniferous trees. Initial planting heights would be 7 to 8 feet. The additional reds, oranges and yellows, those are varying crabs and I believe cherry trees.

Again, we're looking for something to blossom, small little orchard. Very similar to the

landscaping that was prepared for the Mendon gates station.

Um, our storm water, basically we had originally designed this as some pocket ponds with a small wet pond that was going -- overflow, spill out into the existing wetland area. Our landscape architect and I are working back and forth to make sure we have the terminology right from the Town Engineer's comments. They had them defined as a rain garden. We don't actually have the soil matrix. We're really using a dry swale with a wet pond with an overflow.

Some of our other comments -- we did receive County Comments today. Um, and basically, they had comments on -- that we are adjacent to an agricultural property. We are not in an agricultural property, but we're adjacent to it. And they want to make sure we have no drainage impact on farm operation. We don't.

The second request was if we need a permit, to investigate that with the Army Corps. The -- the total disturbance we have in the wetland area is less than 3/10 of an acre, .03. Our total amount of fill is less than 5/1000 of an acre. We only have about 250 feet. That is really just placing a little fill in the wetland area for the one metering building. We do fall underneath a nationwide permit, so again, we don't need to seek Army Corps or DEC wetland permits.

And actually the third was a comment on the tributary that came into the property. Again, we won't be disturbing any stream banks. No Article 15 or 24 permits required. We did receive comments from Lu Engineers. Um, we were -- we were preparing a technical response back addressing all their comments. We also received the memo from the Conservation Board up to the Planning Board. And one of their requests was for us to continue this berm and wrap it around to the south, to provide basically some additional screening for the northbound traffic and for the clubhouse. We'll make those grading modifications and all through alter the landscaping again to fit that revised design.

I believe the second request was to provide a two-year plant warranty. We'll update the notes on our landscaping plan.

The third was to look at the diversity of some of the plantings trying to remove some of the deciduous trees and replace -- remove some of the coniferous trees and replace that with some other deciduous trees. Again, we'll work with the Conservation Board on that.

The one area that we still really need to -- a big focus on, are going to be the architectural look of these five buildings. I did provide some information to the Conservation Board. I do have some materials I can hand out to the Board just to get a quick look. They're basically a standard utility buildings, much like we have designed and looked at last year. There are two manufacturers that we have been working with.

The first is Parkline and the second is Tratchkey (phonetic). They both make utility structures that are all metal frame, metal skin utility buildings. We were requested to -- to basically have the agricultural look to these, and also to make certain that we have like an earth tone.

The idea was to try to come up with something that fits the Agricultural Conservation zoning that we're currently located in. We spent some time yet driving back and forth along the road.

As far as architectural styles go on the barns, there is some of the classic Wells type barns, the old historic stone foundation, wood frame. There is a lot of buildings that appear to be made by -- I believe they're Morton, which are basically like the horse stables down the road and many of the other like garages and storage buildings, garages, that are on agricultural properties.

So I guess, Mr. Schickler, one of the things was just trying to find out from you, the look. When you spoke about the barn style look, is it more of the peaked roof or is it the gambrel style roof? I was really uncertain when I walked away after.

RICHARD SCHICKLER: Well, the Conservation turned the whole thing down because we just don't want metal buildings right on the main highway in front of a country club all boxed in by pine trees. That is where the whole thing started.

And Larry Lazenby was the one that was really more tuned in to some of this here, and we're looking for something to look like the area. It doesn't conform to the -- to the agricultural area. It is just metal buildings and it's blocked and hid deep in. We want something -- nice-looking buildings with landscaping to -- dressed to it. Not just landscaping, a boundary and a box and everything so it can't be seen.

The thing that was talked about is the noise factor. He said it is running 24 hours a day. At night, it could be pretty loud.

MR. BYSTRAK: Correct. The piece of equipment that generates noise would be the two water bath heaters. The regulation equipment would also generate some noise. Those are located inside the buildings. The equipment we have selected actually have silencers on it. The decibel level is measured at, I believe, 70 feet under full load, 3 feet from the units.

The heaters right now, again, under full load, I believe will produce 80 decibels of sound. The only time that these would ever experience a full load would be in your winter months, during your heating season. So during normal operation, the sounds at the golf course, quickly running some numbers, we would have less than 20 decibels at the clubhouse building. I'm sorry, that is actually the banquet building. From the outdoor heaters. That is excluding any type of buffering with the earth berms or landscaping.

So my opinion is that noise will not be an issue at this facility.

RICHARD SHICKLER: You also stated basically that the -- to the Conservation Board that during the night hours, it may be minimal compared to the day hours. I believe you spoke about that. I have to ask the question.

MR. BYSTRAK: From a noise standpoint you're saying?

RICHARD SCHICKLER: Yes.

MR. BYSTRAK: The noise would be just again based on the volume of gas passing through the station. The noise would be similar, I believe, day or night, again, just based on demand for the gas.

Some of the other considerations I believe the Board had asked of us was the utilization of vinyl-coated fencing. So our stand details do show that. That has been submitted. The project will require three variances from the Zoning Board of Appeals.

The first variance is for front fence height. The zoning ordinance I believe allows for a 4 foot fencing in the front. It also required or has a maximum height of 66 foot on the side and rear.

And the third variance is for utilization of barbed wire. The standard gate station security fence system consists of 7 feet of chain link fencing with three strands of barbed wire.

Again, we acknowledge we would have to go before the Zoning Board for variances for those three.

But with that, I can close my recitation and open it up.

JAMES MARTIN: Okay. Thank you.

In the Town Engineer's letter, there were a couple of things noted in the EAF. Basically, there will be some intrusion into the wetlands, but it is very minor at this point.

MR. BYSTRAK: Correct.

JAMES MARTIN: You can -- you can --

MR. BYSTRAK: We'll address that on the EAF. I believe it is underneath "Other."

The one area we're asked for wetland impacts, I believe, was for Articles 15, 24 and 25. So underneath that we put in Army Corps wetland impacts. I believe we have 3/10 of potential disturbance, but we're filling, I believe, 5/1000 of an acre, but we will note that on the EAF.

JAMES MARTIN: You stated that the -- the site, you put "no," but served by existing public utilities.

MR. BYSTRAK: There is no service to the site. There is a water main that runs down the road. There is also overhead.

JAMES MARTIN: I think it shows a gas line down through there.

MR. BYSTRAK: There is no services to it, but there are utility hook-ups. We could check "yes" to that.

JAMES MARTIN: Okay. I will change that.

You stated that you are just outside of the Ag District with this site.

MR. BYSTRAK: Correct. The Southwest Ag District is -- the current fields here (indicating) and our site is actually cut out of that map.

JAMES MARTIN: Okay. There was a question about the number of off-street parking spaces. Obviously there will be some parking available within the site for maintenance purposes; is that correct?

MR. BYSTRAK: Correct.

JAMES MARTIN: Are they shown anywhere on the site plan?

MR. BYSTRAK: Typically what you will have is a single vehicle about 25 to 30 foot box-style utility vehicle. It will come in. The security gate will be open. They will pull in. Gate will be closed. They will likely park by whichever building they need to work on. I believe they're limited to weekly inspections, Steve (Lawler), and then annual maintenance.

MR. LAWLER: There is a variety of inspections required. Steve Lawler, Rochester Gas & Electric engineering. There is a variety of inspections required at the station. There will be weekly inspections, monthly inspections and annual inspections.

JAMES MARTIN: Okay. Thank you.

There was an issue about will the project produce operating noise exceeding local ambient noise levels? The question was not answered. Obviously it will produce some noise.

MR. BYSTRAK: It will produce some noise, correct.

JAMES MARTIN: Would you -- based on what your analysis is, would you expect that to exceed the local ambient noise conditions like traffic on Scottsville Road?

MR. BYSTRAK: I would probably say there would be potential for it yes, during that heating season. During your non-heating season, you wouldn't notice that use is there.

JAMES MARTIN: So can we answer "yes" to that?

MR. BYSTRAK: I would say yes, there is potential.

JAMES MARTIN: The other one was, it said, "Will the project result in increased energy use?"

And you answered, "No."

MR. BYSTRAK: There will be a minor use of electric.

JAMES MARTIN: So there will be a minor. Okay.

PAUL WANZENRIED: How tall are those heating plants?

MR. BYSTRAK: There is actually a photograph in Section 3 of the application booklet. I don't know if you have that. If not, I can quickly grab one and pass it around. The tank -- there are four different manufacturers we're working with now. They vary from 7 1/2 foot diameter up to 9 feet diameter for the main bath area. On top of that there is a small expansion reservoir about 30 inches in diameter so up to about 10 to 12 feet. Associated with that, you will have stacks that will stick up probably 18 to 20 feet above the back of the burners. So the top height is maybe 25 feet above-ground just for the stacks.

Um, the top of these units could be about 12 feet in height. That was one of the things that we talked about with the Conservation Board, was to put in -- an additional like board-on-board

or some other type of screen wall around those units.

JAMES MARTIN: Are you going to do that?

MR. BYSTRAK: Yes. We can do that.

PAUL WANZENRIED: Your front berm is how high?

MR. BYSTRAK: The front berm around this area, it is currently 8 feet in height, which basically brings us up to the elevation of the road. Um, we can easily regrade that, add an additional probably 4 feet in height to that by steeping the slope up on the back side of it. From there, we'll have our tree plantings. They are anywheres from 7 to 8 foot at the initial -- initial installation. Different variety varies from 40 to 55 feet, but the initial height is a 7 to 8 foot size.

PAUL WANZENRIED: So that would be the necessary screening for the stacks, as well?

MR. BYSTRAK: Correct. Correct. The intent was keeping the equipment in the site as low as possible, staying away from the wetlands, putting up the berming and creating basically an evergreen barrier for the visual impacts, so that is where we're getting a little bit different feedback from the Conservation Board of dressing up the buildings a little bit more barn style. The colors aren't an issue either. We can usually work with the Architectural Review and the Conservation Board on the color selections. It is simply the side wall height. These buildings, instead -- they're only about maybe 15 feet from the ground to peak of the roof, so they are a lower profile building. Again, the idea was keeping it low, out of sight.

I'm sorry.

And in -- the conversations with the Board was to try to have these more agricultural looking, and in doing that, maybe open up the landscaping to allow more views into the site. Um, as you travel southbound, the site becomes visible as you approach the box beam guide rail. As you pass about 20 feet in there, you will begin to look past the transmission towers and start to be able to see the site. Same way traveling northbound. About the third entrance for the golf course there is a large stand of trees here that really cuts off the line of sight from the northbound vehicles, so really where you have, you know -- a line of sight into it is maybe about 800 to 1000 feet of the roadway there. We have tried to mitigate that with the evergreen trees.

PAUL WANZENRIED: And the high tension lines are to the north of this area, correct?

MR. BYSTRAK: In developing the site plan, some things we had with respect -- were the wetlands are the front setback, the existing easement. We aren't allowed to place any utility work or actually do any landscaping or plantings in that easement. So that is where we do have a small hole as you come around that corner, between the one high tension tower and where we started to try to put the more intense landscaping in that northern edge. Again, we could expand some berming in that area.

PAUL WANZENRIED: Did I hear you say you have been before the Architectural Review Board or are you going to?

MR. BYSTRAK: We have not been before them yet. We're trying to get basically the building style collected before we approach those folks.

PAUL WANZENRIED: Okay. One more question. Plowed? Plowed every day, or?

MR. LAWLER: When necessary.

PAUL WANZENRIED: When necessary. Okay. No further questions.

KAREN COX: No questions.

JOHN NOWICKI: Um, what does it mean on the landscape drawing that says 28 inch river stone mow strip? What is that?

MR. BYSTRAK: There is a detail on the second page, on 402. Basically what they were looking for is placing some type of a -- like a washed river stone about 4 to 6 inches thick to help keep the vegetation down so they don't have to weed whack or mow right up against the edge of the fencing. That was included in our disturbance for the wetland, is to put that mow strip in.

JOHN NOWICKI: Interesting.

Again, I really leave it up to the Conservation Board. They worked you over pretty good -- I mean the Architectural Review Board.

JAMES MARTIN: Yes. I expect some coordination between Architectural Advisory Committee and the Conservation Board as to what we end up with buildings over there, okay?

JOHN NOWICKI: I agree with you. You will have to do a lot of work.

DAVID CROSS: I agree certainly with John (Nowicki), but I would like to back up even more and as a comment that I brought up a year ago, I think the last time you were in, Brian, June of 2012, and Town Engineer had stated it in his letter Number 1 here, um, he cites Town Code Section 500-27 paragraph C1. And it allows in an AC District with a special use permit public and private utility buildings structures and uses. I -- I think the scope of this project goes beyond that, and I -- I feel that it's -- it's processing of gas. You have got -- you have a major reduction in the pressure of gas. You're odorizing it. There is potential, there is risk for leakage of odorant. There is noises. You're heating it. You're drying it. It's -- it's a process. And that's how I am seeing it at this point, Jim (Martin). I don't know how we, as a Planning Board, could issue a special use permit based on the way I read the Town Code.

JAMES MARTIN: Well, I think when we initially looked at this, we did have some discussion about that, that this is a public utility operation from the standpoint of what is going on there. That -- when we debated this about a year ago, the decision was that we felt it fit within the description of a -- of a utility activity, David (Cross). So I mean, we did -- we just didn't cavalierly decide that RG&E had cart blanche to do whatever they wanted. We did look at that. But I will listen to comments from the rest of the Board. I don't see this as anything other than a utility operation myself.

MR. BYSTRAK: That was our understanding and that is actually why we appeared before

the Board first for an informal discussion, and then second, we came back in in June actually for the subdivision. We weren't going to pursue the property if we didn't have a comfortable feeling that the use was going to be permitted.

KAREN COX: It's not a public utility. It's a private utility. It's privately owned.

JAMES MARTIN: Privately owned but utility.

KAREN COX: That services the public.

JAMES MARTIN: Okay. I -- that's what we did.

DAVID CROSS: I just wanted to get that out there. So everybody could hear it. I heard the berm can be raised if that is necessary. It has to be above the center line of the road, 4 feet, in my mind would be a minimum.

MR. BYSTRAK: Again, we'll also extend that to the south around the meters.

DAVID CROSS: Yes. And I did -- I heard you say "Wells style" barn. That is certainly a historic barn in and around Scottsville and Chili and I think that would be worth looking into.

MR. BYSTRAK: We drove up and down the whole corridor.

Actually, does the screen work?

JAMES MARTIN: I have no idea.

DAVID CROSS: There are beautiful barns in a Chili book you can pick up at the library.

MR. BYSTRAK: We try to again drive by and look at -- again, it's -- you know, with the higher peaked roofs on the same parcel, it was a longer linear type.

DAVID CROSS: You will always see these buildings. You can put whatever screening, but you're going to see the buildings at some point, so it would be nice if they looked like something, a farm, if you will.

PAUL WANZENRIED: You want them to look like the Mendon ones?

DAVID CROSS: Better.

KAREN COX: The Mendon ones are mansard roofs.

DAVID CROSS: They're barn style.

KAREN COX: Gambrel.

JOHN NOWICKI: How about artificial cows and horses out there?

MS. COX: Somebody might shoot them.

MR. BYSTRAK: That's (indicating) more the Wells style. There is a -- the heater building at the Mendon station, that building was there because it's a different technology used to heat the gas. That actually has a large blower. These are basically indirect. They don't have any type of a blower system to actually mix the fuel/air mixture.

I believe they have a five-hour power blower. They actually have much larger stacks and mufflers. The decibel level of those, I believe, was around 120. When you're inside the building, it is extremely noisy. You have to wear hearing protection inside that.

These are completely different. Again, it's a natural draft type burner, so we don't have that type of roar being produced.

We -- we have been exploring with the different manufacturers, the -- the -- which I have been trying to up with a non-combustible building manufacturer. I can look back and do some more research with Steve (Lawler) on that barn and try to find out who the vendor was. I believe it was a custom built barn for it. It is looking at size and scale wise. We also have a budget that have to kind of stay within. The project gets -- basically has a maximum budget we're trying to obviously stay under, so we'll do what we can. And fully acknowledge we need to work with Conservation and ARB.

RICHARD SCHICKLER: I got a question about safety. I know it's not Conservation relayed, but we talked about it at the other day at the Conservation Board. You have high voltage electrical going by there and you're cutting into the Empire Pipeline, is it?

MR. BYSTRAK: Tapping into it.

RICHARD SCHICKLER: Tapping into it. All right. With static electricity and gas around that area, I feel it could be a possibility some day of something happening. And I gave you the experience that I had. I worked with National Grid under those lines and we had to be grounded just by working and our equipment had to be grounded. Even at that, we could not get very far -- close to the cables. There is a lot of high voltage there.

How -- what kind of safety program are you going to have to take care of the situation, or what is that -- what is involved?

MR. BYSTRAK: Basically, the entire perimeter fence will be bonded and grounded. The fencing will have to -- the fabric itself we agreed we would put in the vinyl. The framework itself has to stay the galvanized steel, and that will be grounded all of the way through the site.

Additionally, all of the buildings, all of the equipment, is grounded to the same grid.

Empire will actually have their own separate grounding system. They're very familiar with working underneath that line. We did a tap a year and a half ago, basically in Bergen on the exact same line. They know the safety procedure they have to go through. Actually, the comment originally came up from them, we originally had dual swing gates. The concern there was any type of potential difference and they preferred to see us put in a sliding gate with a metal roller so they were in contact with that grounding system.

I don't feel it's a concern. Again, I don't believe there has been any other instance, Steve (Lawler), that you're aware of?

MR. LAWLER: No.

MR. BYSTRAK: All of the equipment again is isolated, and again National Fuel will be taking care of that, their portion of it and they have special systems they will put on that tap. And you're right, there is an induced current that is generated in pipe lines.

PAUL WANZENRIED: Is that fence line within the landscape buffers?

MR. BYSTRAK: The fencing is located behind it. We have one rule. We try to keep basically a 10 feet clear zone around the inside and outside of that fencing for mowing and general security for inspection.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I have a comment and a question. The comment is that I'm glad to see the Conservation Board is on this, the appearance issue and I have every confidence they will do a great job.

Second, my question is, how well will the berm be maintained? And I bring that up because I can point out lots of berms in Chili, and the -- the -- the thought was good, you know, they're attractive when they're put in. They're a lot of work. They're a lot of trimming, and I -- what is the expectation that that would be, you know, park quality trimming along -- there's a lot of trees. So what -- how -- how well is this going to be maintained? That's a lot of work.

MR. BYSTRAK: I would believe the intent would be to allow this to in-fill to provide a solid visual barrier. I would assume the area around these trees would be probably mowed and maintained. RG&E has several vendors that they contract with. They actually take care of and mow and maintain the insides of these facilities, and again, the perimeter of the outside.

The balance of the parcel will remain as is. We don't plan on touching anything beyond what we need to disturb.

MS. BORGUS: I guess I'm concerned with so many evergreens, that's a lot of trimming under them. It isn't enough to get as close as you can, because pretty soon you got weeds a foot, 2 foot tall growing up around the edge of the trees. That would be my point.

How closely are you going to be trimming around all this berming?

MR. BYSTRAK: I would imagine we would allow that to go wild.

MS. BORGUS: Go wild?

MR. BYSTRAK: We would allow that area to grow in like everything else has grown in from a grass standpoint. There area would be maintained where we have plantings here (indicating) and here (indicating) and probably this front entry (indicating). Obvious it would be mowed around the perimeter and the entire interior.

MS. BORGUS: I will leave that up to the Board, but I think it is important to remember that you are across the street from a country club and this is crucial that this be well maintained.

Thank you.

MR. BYSTRAK: The Conservation Board has also made a request that we provide additional, I believe, supplemental fertilizer and there was another request -- spraying.

RICHARD SCHICKLER: Basically a good maintenance program because you got several different types of trees that get diseased and they get insects and somebody has to know what they're doing. You have a lot with the landscaping.

MR. BYSTRAK: That is why there is diversity, too.

CAROL LAVELL (phonetic), 530 Humphrey Road

MS. LAVELL: I own the property to the north. I'm trying to sell the 25 acres there. And is there going to be any other coverage along that line, you know, of trees growing along there on the other side of the power lines?

MR. BYSTRAK: We are not intending to disturb any of the original. This area (indicating) is all of the wetlands and then with the power lines, we basically aren't allowed to plant trees in that vicinity.

MS. LAVELL: My father -- it's part of the old farm that I grew up on, and my father left the 25 acres. He also gave an easement to the RG&E a long time ago and it guess across that property right along Chili Scottsville Road and I was wondering if that would impact that any more for any use.

MR. BYSTRAK: I think that is where Station 400 is, a small --

MR. LAWLER: There is a little parcel.

MS. LAVELL: Right across that.

MR. LAWLER: This project will not affect that, but we will maintain that easement in the property that is --

MS. LAVELL: There won't be more traffic or anything?

MR. LAWLER: No. We have no plans to do any work at that station.

MS. LAVELL: Okay. Thank you. I was wondering if I could get a map or something to show -- you know, buyers because I had somebody ask already.

MR. LAWLER: Showing?

MS. LAVELL: Showing what is going on there. I'm trying to sell the property. You know, I already had somebody ask me about what it is going to look like.

MR. BYSTRAK: We could provide them. They're public record. If I could have your contact information after the meeting.

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

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

JAMES MARTIN: Applicant has provided us a full EAF on the project. I have gone through Part II like I usually to question by question. I found no significant environmental impacts as a result of this. I hope you all had an opportunity to go through the Part II of the full EAF. But from my standpoint I didn't find anything in here that was of a large impact that would have anything to do with us having to do a Part (indicating) on this as far as the SEQR determination goes.

And certainly any small one could be easily mitigated. So at this point in time, if that is acceptable -- I have gone through this. I haven't found anything that would lead me to make any other statement.

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

JAMES MARTIN: For the record, if anybody has any problem with the environmental determination, it will apply to both preliminary site plan and special use permit. Anybody problems with that?

The Board indicated they had problems with that.

JAMES MARTIN: Upon completion of the project, you need to submit a landscape certificate of compliance. This will all be in the decision letter you get.

Approval is subject to final approval of the Town Engineer and Commissioner of Public Works. Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with any other approving agencies.

Applicant shall comply with pertinent Monroe County Development Review Comments.

Um, are there any -- there aren't any easements on this that I know of.

MR. BYSTRAK: I believe we need to provide a drainage access easement.

JAMES MARTIN: Okay. You're right. So copies of the easements associated with the project shall be provided to the Assistant Town Counsel for approval and all of the filing information shall be noted on the mylars.

Applicant shall submit a building design elevations to the Architectural Advisory Committee and the Conservation Board for their review and recommendation, and basically applicant is to work with the AAC and the Conservation Board on utility buildings design, barn styles preferred.

Um, applicant is subject to all required permits, inspections and code compliance regulations.

Pending approval of Zoning Board of Appeals of all required variances.

Subject to approval of the Town Fire Marshal. I believe he has already been working with you on and that it is subject to his final approval.

Um, that's what I have got. Anything that I have missed?

PAUL WANZENRIED: Sounds about right.

KAREN COX: Sounds good.

JAMES MARTIN: As far as the special use permit, the timeline, once again, once this is constructed, it's forever. Okay? So there is no timeline on the special use permit.

I'm going to basically state that from the conditional standpoint, I'm going to put both -- all of the conditions I read on both the special use permit and the site plan approval. He has paid fee for final consensus on waiving final?

The consensus of the Board was to waive final with the exception of David Cross.

DAVID CROSS: I would like to see architectural. What the heck? How do we know what it will look like?

JOHN NOWICKI: How will we do it?

JAMES MARTIN: Well, we put it in as a condition of approval. We want barn style utility buildings on the property.

JOHN NOWICKI: But we'll leave it up to the two Boards then?

JAMES MARTIN: Do you trust them to make a good decision?

JOHN NOWICKI: I think I would trust them, yes. I think so.

PAUL WANZENRIED: I think that is the way it was written.

KAREN COX: We trust Zoning to make decisions.

JOHN NOWICKI: We really want a good job done.

JAMES MARTIN: I think between the AAC and the Conservation Board, we're going to get what we want.

JOHN NOWICKI: I did mention to you --

MR. BYSTRAK: It was preferred on the two larger. It was -- I understood preferred barn style on the two larger buildings, correct?

DAVID CROSS: All buildings have to have a --

JAMES MARTIN: All buildings. All buildings should basically have the same design and blend together, okay?

JOHN NOWICKI: It has to look like a farm when you're done with it.

KAREN COX: The Union Square ones should look like silos? (Laughter.)

JAMES MARTIN: On the special use permit then -- oh, go back to waiving fine. We did 5 to 1 -- 5 to 1.

Special use permit.

DECISION ON APPLICATION #2: Approved by a vote of 5 yes, 1 no (David Cross) and 1 abstention (John Hellaby) with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substation conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee Comments.
5. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
6. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Pending approval of the Zoning Board of Appeals of all required variances.
9. Subject to approval by the Town Fire Marshal.
10. Applicant to work with the Architectural Advisory Committee and Conservation Board on the design of the utility buildings. Barn style is the preferred design.
11. The landscaping berm shall be maintained in a manner acceptable to the Conservation Board.
12. The special use permit is permanent, with no time limit.

DECISION ON APPLICATION #3: Approved by a vote of 5 yes, 1 no (David Cross) and 1 abstention (John Hellaby) with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substation conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee Comments.
5. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
6. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
7. Application is subject to all required permits, inspections, and code compliance regulations.

8. Pending approval of the Zoning Board of Appeals of all required variances.
9. Subject to approval by the Town Fire Marshal.
10. Applicant to work with the Architectural Advisory Committee and Conservation Board on the design of the utility buildings. Barn style is the preferred design.
11. The landscaping berm shall be maintained in a manner acceptable to the Conservation Board.
12. The special use permit is permanent, with no time limit.

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

JAMES MARTIN: We're done. Thank you.

The meeting ended at 9:33 p.m.