

CHILI PLANNING BOARD
June 12, 2012

A meeting of the Chili Planning Board was held on June 12, 2012 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, 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; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative; Michael Divito, Architectural Advisory Committee Representative.

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

JAMES MARTIN: Anyone here for the Turkish Society? I will move the informal application up to the front tonight. Basically it is final approval for your site plan, so you're on.
MR. LABOR: Okay.

INFORMAL:

1. Application of Turkish Society of Rochester, Inc., owner; 677 Beahan Road, Rochester, New York 14624 for final site plan approval to erect an 8,100 square foot mosque at property located at 673 Beahan Road in RA-10 zone.

Patrick Labor was present to represent the application.

MR. LABOR: Good evening. I'm Patrick Labor from Schultz Associates representing The Turkish Society of Rochester, and we're here tonight seeking final approval for the mosque planned on 673 Beahan Road.

Since we were here last, I believe in April, we have been to the Zoning Board of Appeals and we got the side setback variance that was necessary for the project. We have been to the Conservation Board and we submitted revised plans based on their comments. We have also had discussions with the Fire Marshal, and I believe they are set -- I believe he is satisfied with what we have on the plan now.

Basically we ended up having to add a small driveway, if you will, off the portion of the parking lot at 675, and we also extended the existing driveway at 673 towards the proposed building.

These plans also address the Town Engineer's comments and we received a letter -- let's see on the 8th, it is dated that everything has been addressed.

We received a determination of no hazard to air navigation from the FAA, so that was one of the things we were waiting for. We did get that. And the Water Authority, Pure Waters, they're both ready to sign, and the County DOT we have addressed all their comments and are awaiting the go-ahead from them. That is it. Really the site for the most part is the same as it was before.

There was some landscaping added on the frontage along Beahan Road -- well, in between the building and Beahan Road. That's it for the changes.

JAMES MARTIN: Thank you.

Um, pretty much you have answered all of the issues that I had.

John (Nowicki), I believe you had one issue?

JOHN NOWICKI: Yes.

I know we received a letter here from the President, and my concerns are over the neglect of the two properties, 673 and 675 Beahan Road for some time. And I'm very uncomfortable, unless that is cleaned up quickly.

What is going to happen?

MR. LABOR: I believe it has been cleaned up.

JOHN NOWICKI: It has.

MR. LABOR: I went by the site today just to confirm because I know it has been issued for all three Boards we have been to. It has been mowed and I didn't -- I think someone said there were car parts from a past accident. I didn't see any of that. It looked much better than what I heard.

JOHN NOWICKI: Will they continue to address that problem? Because it is not just

cutting the grass.

MR. LABOR: They have assured me that they will.

JOHN NOWICKI: I want some kind of a statement that there is going to be a commitment from this group to clean up those properties quickly, like within 30 days.

MR. LABOR: I believe most of that, if not all of it, has already been done, from what I saw today.

JOHN NOWICKI: Well, we'll add to the treatment of the mosque and the neighbor. I would appreciate that being done quickly.

MR. LABOR: Definitely. I don't think they have any issue with that.

JOHN NOWICKI: That's all.

DAVID CROSS: Pat (Tindale), is the Conservation Board happy with the --

PAT TINDALE: Yes, we are.

DAVID CROSS: -- landscaping at this point?

PAT TINDALE: We invited the neighbor that was questioning extra landscaping to our meeting and he was very satisfied. The plans have been stamped approved and they're in the Building Department.

DAVID CROSS: Very good. That's it.

JAMES MARTIN: Since this is an Informal, there is no Public Hearing on this tonight.

James Martin reviewed the proposed conditions of approval with the Board.

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

1. All previous conditions imposed by this Board that are still pertinent to this application remain in effect.
 2. The applicant shall continue to maintain properties at 673 and 675 Beahan Road.
 3. The applicant shall obtain an operational permit from the Fire Marshal's Office.
1. Application of Calogera Cirri, owner; 604 Chestnut Ridge Road, Rochester, New York 14624 for special use permit to erect an in-law apartment at property located at 604 Chestnut Ridge Road in R-1-15 zone.

James Albright was present to represent the application.

MR. ALBRIGHT: Good evening, Mr. Chairman. Board members. My name is James Albright from Albright Remodeling. I am the proposed contractor to do the project. I'm also certified as an Aging In Place specialist and do a lot with universal design and ADA compliance.

We do a number of these kinds of projects, and what this basically is about is, Mrs. Cirri is in very good health, but she is 82 years old. She is in a two-story home where her bedroom and main bathroom are on the second floor. She has had some issues in the past with stumbling and falling, and her children and she worked out a plan where the children are actually going to eventually buy the house and she is going to live in what we have designed, which is all on one floor, meeting universal design standards with no raised -- you know, no raised steps or anything.

And my architect, Tom Dowdy has worked on several of these with the Planning Board. He has talked to the Building Inspector and made sure all of the Building Inspector's questions were addressed.

There was one comment made at some point in time about whether this might require a sprinkler system because it is a walk-out basement. That has been addressed between Mr. Dowdy and the Building Inspector, and they're going to handle that with minor grading differences. I will be glad to answer any other questions --

JAMES MARTIN: I believe it was brought to your attention there was a grading issue around part of the basement area, the property.

MR. SLACK: They have worked out a compromise on that. They know how they will do it, so the sprinklers are not needed.

JAMES MARTIN: So you will not exceed that 6 foot elevation?

MR. SLACK: No.

JAMES MARTIN: So it will not be a three-story structure?

MR. SLACK: No.

JAMES MARTIN: As far as moving forward, I won't read them at this point in time, depending on the outcome, but there are certain requirements for in-law apartments that are standard within the Town of Chili, and when it gets to conditions, I will read those for the public record, but I will not read those at this time.

There was also a comment by the Town Engineer that the applicant should submit to the Building Department an updated site plan per the Town Engineer's comments. The site plan was based on a survey, I think, back in 1986, so that I think before the Building Department issues any building permits, they really need to see an updated site plan on the property, based on the Town Engineer comments, okay?

I will go to the Board.

JOHN HELLABY: Curiosity more than anything. Full basement or crawl space?

MR. SLACK: Full basement.

JOHN HELLABY: You will access it how? Off the existing house?

MR. SLACK: Yes. The existing house is like a walk-out in the back. They're going to continue that.

JOHN HELLABY: Will you have this accessible from the existing house and the outside, as well?

MR. SLACK: Yes. There will be a set of double doors on it. Basically it will just continue right on out from --

JAMES MARTIN: Actually, we should have a diagram up on the board, if you have an extra?

JOHN HELLABY: Do you have an extra?

I will take it -- the only other question I got then if you have a walk-out basement, are you planning on using that for a living area in any way?

MR. SLACK: No. It is strictly storage. It is strictly to provide access to the existing basement where the gentleman stores his riding lawn mower and that kind of thing, so he is not blocked in with those things.

JOHN NOWICKI: That doesn't represent a hazard, does it, a riding lawn mower down there?

MR. SLACK: I'm sorry.

JOHN NOWICKI: A riding lawn mower in the basement, next to this or underneath this?

MR. SLACK: He has like his garden tools and things.

JOHN NOWICKI: A riding lawn mower, you usually have to put gas in it.

MR. SLACK: I don't know, sir. I mean, he has it mowed -- he has just large, bulky items.

JOHN NOWICKI: I would be concerned with that one.

JAMES MARTIN: David (Lindsay) is not there. I was going to ask that --

MR. SLACK: We have no problem with doing a stipulation that there should be nothing with gas stored underneath there. It is just big, bulk items that they can't fit in the garage.

JOHN NOWICKI: I'm not comfortable with that. Find out what -- I want the Fire Marshal to look into that one. I'm not comfortable with that.

JAMES MARTIN: I will write basically the applicant should review fire code issues with gasoline-powered tractor -- you know, gasoline-powered implements stored in the basement.

Is that okay? All right.

MR. SLACK: We would certainly agree to a restrictive covenant spelling that out.

DAVID CROSS: The architectural look of the addition, will it be similar to the existing house?

MR. SLACK: Yes. The addition is on the back of the property. Very little of it is visible from the road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Two questions. Was there a red and white sign, a notice sign put up on this property for the ten days?

JAMES MARTIN: There is --

MR. SLACK: I'm sorry.

JAMES MARTIN: There is a sign on the property.

MR. SLACK: Yes.

JAMES MARTIN: What is that for? Is that advertising?

MR. SLACK: Advertising this hearing.

DOROTHY BORGUS: Oh.

JAMES MARTIN: Advertising your --

MR. SLACK: This meeting.

JAMES MARTIN: Okay. It is an advertising sign for his business.

JOHN HELLABY: No, nor the zoning --

JAMES MARTIN: For zoning. I misunderstood. Sorry.

DOROTHY BORGUS: It was there; is that what you're saying? The Town's sign, notice, you know, advising the public of this meeting, this Public Hearing was posted?

JAMES MARTIN: Yes. Yes, it was posted. I'm sorry. I misunderstood your question.

DOROTHY BORGUS: The other question I have, would that garage be added and still have enough room for the legal setback?

MR. SLACK: Yes.

JOHN HELLABY: I think that is why they have asked for the updated site plan, Dorothy (Borgus).

Right now they have 58 feet on that side, which I believe this garage is only 16 foot, so they should have room --

MR. SLACK: 14 feet.

JOHN HELLABY: 14 feet. But --

DAVID CROSS: Side setback is 10 foot.

JOHN HELLABY: Only 10 foot in that room, so they have plenty of room, but we have requested an updated site plan.

DOROTHY BORGUS: 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: Assuming this goes forward, I will read the provisions that are standard on all in-law apartments in the Town of Chili. Obviously pending final approval Commissioner of Public Works and Town Engineer.

Pending final approval by the Fire Marshal.

Special use permit is granted for a use by in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

Applicant's attorney to file a decision letter in the book of deeds at the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney, and file decision letter shall be indexed against the property owner's name.

And obviously pending approval of the zoning aspect.

So those are the conditions that are all standard for in-law activities in the Town of Chili.

In addition to that, we have asked the applicant to submit -- to the Building Department an updated site plan, and the applicant should review code issues with the Fire Department regarding gas-powered implements in the basement.

Anything else?

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: Time period will become permanent when the structure is built. No time period to be associated with this.

The conditions I have already read. Any that I have missed?

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

1. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it. It will become permanent upon completion.
2. The apartment may not be used as a rental unit.
3. Applicant's attorney to file decision letter in book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Building Department. When filing, decision letter shall be indexed against property owners' name.
4. Pending approval of the Building Inspector.
5. The applicant shall submit an up to date site plan to the Building Department.
6. The applicant shall contact the Fire Marshal's office and review fire code regulations pertaining to storage of gasoline powered equipment in the basement.

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

2. Application of Westside Development, owner; 3313 Chili Avenue, Rochester, New York 14624 for approval to amend existing special use permit to allow an 18- hole putting course at property located at 420 Ballantyne Road in PRD, FPO, FW zone.
3. Application of Westside Development, owner; 3313 Chili Avenue, Rochester, New York 14624 for special use permit to allow four sports fields at property located at 420 Ballantyne Road in PRD, FPO, FW zone.
4. Application of Westside Development, owner; 3313 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for an 18-hole putting course and four sports fields at property located at 420 Ballantyne Road in PRD, FPO, FW zone.

Bill Howard was present to represent the applications.

MR. HOWARD: Good evening. I'm Bill Howard. I'm the owner at 420 Ballantyne Road, Westside Development. We currently have a 2400 square foot, preexisting building that

currently operates as a seasonal driving range and ice cream parlor. We're looking to add to the scope of what is preexisting there. We have -- we're not really changing anything on the structure of the building itself, lighting, parking. Everything else is preexisting that is there.

The 18-hole putting course is a continuation of the driving range and we have a putting green there now. So that is the Open Space between that and the pond, if you're looking at the site map.

What we have done, um, again this just can't co-exist by itself. As a driving range and just ice cream, we need to add to it. We have open land, 120 acres. Seems to be the most surveyed, topo'ed property in Rochester.

We're trying to complete this project somehow, some way. We currently have a fill permit that we're operating right now under. I -- you know, most of the issues that have come up we have addressed. I know I have a letter from the Town Engineer. We tried to put those on the maps showing our -- the -- from the landscaping, to the putting, to how we would build it. What else can I tell you about it?

We're not trying to build a building. We're just trying to landscape with 4 sports fields and a 18-hole putting course to what is preexisting there. These are permitted uses in this zoning. So there is no structure. So I don't know of any other issues that would come up or that you would like to discuss.

JAMES MARTIN: All right. I think for the record, a couple of issues -- the original conditional use permit at the time was approved back in 1997 for the golf driving range, okay?

MR. HOWARD: Right.

JAMES MARTIN: This being asked for tonight is an amendment of that conditional use which is now a special use to allow the 18-hole putting course, all right, in the front part of the property.

MR. HOWARD: Correct.

JAMES MARTIN: For those of you that may have FOILED the property record on this, back in May of this -- of last year, um, there was an administrative review or request regarding the putting area that was a significant misunderstanding as to what was being asked for at that time. There was an administrative approval granted, but we did not at that time understand it was for 18 holes. We thought it was modification of the existing putting green there in front of the property.

So when we found out it was something significantly different, we asked the applicant to appear tonight just to get the record cleaned out as to what this was actually all about.

If I go to the Town Engineer review of the plans that have so far been submitted regarding the -- particularly the site plan on the property, we find that there are several issues that are, I will say, outstanding as far as a formal review of the preliminary site plan. Most of those comments are in regard to the four playing fields or soccer fields that you have proposed.

MR. HOWARD: Sports fields, yes.

JAMES MARTIN: The sports fields.

Certainly, in order to have a comprehensive and final review by the Town Engineer, I believe that there are several plans and issues that really need to be submitted in order for that to happen. Drainage, the SWPPP, there are several things that are on this letter that, I think, are troubling from the standpoint of moving ahead with the total site plan approval. There are also some concerns about parking.

Would you plan that these fields would just be for practice, or would you have actual tournaments there or --

MR. HOWARD: The beauty of the site is that the parking we have there does accommodate all parts of it, but we do have additional area that has been filled. It is all grass, for additional parking. So we have a number of acres that is maintained and grass just -- that you could use for parking, too, that we wouldn't want to make parking, but it was just, you know -- the overflow is there, if we need it.

JAMES MARTIN: Basic question is, is this just for practice facilities or is it also intended for say a weekend tournament type activity?

MR. HOWARD: Right now just for practice facilities.

In the future, would it grow to a tournament? I don't know if four fields would do it. Davis Park has what, ten fields? Eight. So usually you need more than four for -- for that type of tournament.

JAMES MARTIN: But you're not saying that you might not have a small tournament there some weekend with the four-field accommodation?

MR. HOWARD: Correct. I wouldn't want to be limited that we couldn't do it. I guess if a group came to us and said, "We would like to have a tournament this weekend for four fields."

Because I have -- because I have a number -- I have acres of grass area that they could obviously take any overflow that would...

JAMES MARTIN: Okay.

PAUL WANZENRIED: How many light poles are in the parking lot, shining into the parking lot? I see 13 light poles.

MR. HOWARD: 13 preexisting concrete poles --

PAUL WANZENRIED: That --

MR. HOWARD: -- back lights to this putting green area right now.

PAUL WANZENRIED: But -- but I'm talking about the parking lot.

MR. HOWARD: Sorry.

PAUL WANZENRIED: Talking about the parking lot.

MR. HOWARD: Parking lot, there are all poles along here in the corners.

PAUL WANZENRIED: Anything in the back, on the west side?

MR. HOWARD: No.

PAUL WANZENRIED: So if I am playing at these fields and -- and it is dark, what is lighting me up? Anything?

MR. HOWARD: Nothing to the west.

PAUL WANZENRIED: West. Okay.

The poles and the fence that separate the driving range from this -- the soccer fields, what is the height of those poles?

MR. HOWARD: These are 50 foot poles.

PAUL WANZENRIED: 50 foot tall?

MR. HOWARD: Telephone poles, yes.

JAMES MARTIN: They're spaced 50 foot on center, according to this, right?

MR. HOWARD: Correct.

PAUL WANZENRIED: In this detail that was provided to us, how --

MR. HOWARD: Sport Tech?

PAUL WANZENRIED: Yes. Sport Tech's. How deep are these drainage tubes?

MR. HOWARD: The detail here you can see in the drawings, they're -- whether you build four fields or Astroturf or synthetic fields or grass fields, they're built the same way. The drainage -- you're talking about 6 inch difference -- they're a foot in the ground, and there is a 6-inch stone that goes on top. Then you either put the carpet on or you put the 5 inches or 6 inches of topsoil. But they're constructed the same way.

PAUL WANZENRIED: What is your intention for the topping?

MR. HOWARD: Synthetic. Less maintenance. They last. They have 15, 20-year warranties. So you don't have to fertilize. You don't have to cut. You don't have to keep striping. They're weaved in. You're not waiting for fields to grow. No matter -- if it rains, you know, it always goes off. The practices don't get delayed.

PAUL WANZENRIED: Where are the fields going to drain to?

MR. HOWARD: Right now this has been turned into the Ag District. This is all farmed. It has all been cultivated. Beans are being planted in here now. The fill permit, this is the 525. The existing contours out here are 520. So there is a 5 foot ease -- it goes down and it just drains into the farm field.

PAUL WANZENRIED: Before the creek, right?

MR. HOWARD: Way before the creek. The creek is 1000 feet back here (indicating). I have an aerial I can show you if you...

PAUL WANZENRIED: You show two -- it looks like curb cuts. I know of one, but --

MR. HOWARD: One was a temporary.

That was just -- there shouldn't be two -- there is a -- is a -- there was a temporary access permit that was granted that is the -- left here where trucks are hauling in. That is where the haul road has always been (indicating). It came back for the fill operations.

PAUL WANZENRIED: You will not -- that will be --

MR. HOWARD: That will not stay, no.

PAUL WANZENRIED: That will be dismantled once the fill is completed?

MR. HOWARD: Correct.

PAUL WANZENRIED: I would like to see a little bit better site plan, a little more topography, details.

MR. HOWARD: Is that something -- I mean, it's not like we're building building and structure. It's a sports field.

Is that something we can have detailed by saying subject to the engineer for Town approval with -- with -- before permitting?

JOHN HELLABY: I think there is a lot of drainage issues. To back up what Jim (Martin) said earlier, I'm looking at four pages of concern -- full pages of concern from the Town Engineer in regards to parking, drainage and the whole litany of issues.

MR. HOWARD: We got that and we changed the plan. The first plan submitted didn't have that. Once we got the Town Engineer's comments, they were re -- they were put back on the map, addressed all those issues.

JOHN HELLABY: I don't think we're there yet unless you can take this letter and go through here one by one and prove to me where they are on the drawing.

MR. HOWARD: Okay. Did you want me to do that?

JAMES MARTIN: Hold on for just a second.

Mike Hanscom, have you had a chance to look at the updated plans that were submitted?

MIKE HANSCOM: No, I haven't.

JAMES MARTIN: You haven't had a chance?

MIKE HANSCOM: No, sir.

JAMES MARTIN: So I guess at this point I'm not sure about the Town Engineer having reviewed these plans, if we go through that litany, I don't know. We're still going to come up short. That is my concern, Al (Hellaby) at this point.

JOHN HELLABY: I agree with you.

I guess another question or so is where do we stand on the fill operation down there? How much longer is that going to go on?

MR. HOWARD: It's almost completed now. They're onto the third last -- or the west field right now.

JOHN HELLABY: All right. There has been some substantial -- and again, it is not my call. It is the Town Engineer's and Highway Superintendent, but it appears there has been some damage to the shoulder down there where the truck --

MR. HOWARD: I saw that the other day.

JOHN HELLABY: And along with that, the entrance into your complex itself sure does need some attention, because it --

MR. HOWARD: Yes, it does.

JOHN HELLABY: It is full with potholes. No -- now you will drag all these people in here to use these sports fields and things will unravel quick.

MR. HOWARD: They're four fields. They're not 20 fields. They're four fields.

JOHN HELLABY: But I sat through I couldn't tell you how many meetings out in the Town of Riga. That is how that all started out there. It started small. I think it was Riga. Or was it Parma. Excuse me. The Cobras wanted to build this big sports complex out there. By the time it was all said and done, it ended up growing to 25 sports fields and you just made this statement. You have got nothing but property down there, so I'm getting a little concerned.

MR. HOWARD: I have 350 acres on the other side, too.

JOHN HELLABY: They were trying to cram that on 200 acres.

MR. HOWARD: I'm not doing that. I'm operating a 2400 square foot ice cream driving range. We're just asking for four fields. We're not --

JOHN HELLABY: I know. I know. How do these fields -- again, I know you said they were synthetic surfaces and whatnot, but how you got a 15 or 20 year guarantee, I know for a fact that St. John Fisher with Bills camps over there they --

MR. HOWARD: They're ripping it out.

JOHN HELLABY: Every year.

MR. HOWARD: It's a different field. Totally different field.

JOHN HELLABY: How do these stand up to flooding? You're right at the threshold down there. It wouldn't surprise me if some day you showed up and there is a foot of water down there.

MR. HOWARD: Actually, we wouldn't. That is where the fill was going at the 525 flood plain.

JOHN HELLABY: I wouldn't say we won't. You're in the flood plain down there.

MR. HOWARD: I have been there 13 years and that building has been at 525 and never, ever has that building been under water.

JOHN HELLABY: I have been on Ballantyne Road for 45 years.

MR. HOWARD: Other parts of Ballantyne have been under water but not at that level. So, you know -- the -- the nice part about this, though, John (Hellaby), is that we have DiFiori, who has built six synthetic fields, who did Paetec Park, just finished Mercy High School, that is who we have been working with, who is also bringing in the fill from the airport, who is grading everything for us and who is helping construct it.

So, we -- we have the luxury of having an expert in our local area that knows it, inside and out, and has put this together for us. And they're four fields. We're not asking for sports complex. We're not -- we're just trying to exist on out of that 2400 square foot.

JOHN HELLABY: Right now it doesn't show lighting. What is the intention for lighting?

MR. HOWARD: Nothing is changing than what is there.

JOHN HELLABY: So I will not get nervous all of a sudden three or four of these poles, the light head will mysteriously turn on and --

MR. HOWARD: Absolutely not. Absolutely not. Not the case. Again.

JOHN HELLABY: The only other thing -- concern I have does not actually pertain to this parcel of property, but it is relevant because it is in the subdivision. I meant to bring it up last month when they were here and I forgot all about it. There is no stop sign at the end of Prestwick Drive. I brought that up to several people and it is still not there. I made note of it for months. That subdivision, coming out an Archer Road, there is no stop sign there. I literally had somebody pull right out in front of me and I looked several times. There is no stop sign.

MR. HOWARD: Isn't that a dedicated road by the Town? Didn't we dedicate it back to the Town?

JOHN HELLABY: I would have thought the developer was responsible to put the sign up.

MR. HOWARD: If we were responsible, I would have done it. Believe me.

JAMES MARTIN: David (Lindsay), take note of that.

MR. HOWARD: I would -- again, if there is supposed to be a stop sign there. I will talk to Gary Pooler and I will make it happen. I wasn't aware of it, John (Hellaby).

JOHN HELLABY: Trust me, nobody has been aware of it except me.

MR. HOWARD: I am now, and I'll get on it first thing tomorrow morning. But again, I'm just trying -- we're -- we're just asking for four fields and an 18-hole putting course. We're not trying to build a building. Just with what is preexisting there. I'm sure if there is any issues with drainage, we can work them out with the engineer. I would just look for a contingent on engineer approval or Town approval for that, because I'm sure those are things that can be worked out for four sports fields. Drainage. We don't need the permit until it has been met. I would definitely -- wouldn't go any further until we knew that the Town Engineer was totally satisfied. And I wouldn't even ask for the permit until he was.

And -- but again, I have the luxury of having DiFiori, and an expert in this to help us get this done, and I don't want to lose that opportunity.

JAMES MARTIN: Okay.

MR. HOWARD: I need to know I have a viable project, because all that fill that went in there -- so it wouldn't have the flooding problem, John (Hellaby), um, certainly we're -- we're 5 feet, and we have a huge farm area that is separating -- we got the best scenario happening there now.

JOHN NOWICKI: I have a couple of areas that I would like to discuss a little bit.

MR. HOWARD: Sure.

JOHN NOWICKI: Did you, by any chance, come up with a marketing study to indicate what type of clientele you will be serving here and where they will come from and who?

MR. HOWARD: We have worked with the Chili group. They're starving for field space for practice.

JOHN NOWICKI: You have to identify the groups.

MR. HOWARD: Chili Soccer has come. We had Jim Mort come in. I have talked to the Daileys on the Chili Soccer. Everybody has come to us and approached us.

We had grass there to begin with before we started filling and people were operating out of there doing that currently, so we said let's make the four fields there for practice, which would help the driving range, which would help the putting course, which would help the ice cream. So it is just a little operation that we're trying to be able to put together here to help this survive.

JOHN NOWICKI: Do you have a contract with these people, or --

MR. HOWARD: I have had contracts with them, but it has taken so long to get to this point, and that is why I need to know it is a viable project so I can put that in place.

But they're -- they're all ready to come. It's -- it's like build it and they will come type of thing because everybody has approached us on it. They have come over. Even practiced on the other side where I'm talking about where the additional parking could be. I have had rugby groups out there. I have had soccer camps that we have run.

I have had parties that they had have for graduation. Um, again, we're just trying to find the niche. I think I found it. I found a way to clean this site up once and for all, turning it into the Ag District, planting the crops in there, having the huge buffer between Black Creek and these sports fields that this could all co-exist with no -- with no problems.

JOHN NOWICKI: So these are going to be, you know, local soccer --

MR. HOWARD: Correct.

JOHN NOWICKI: -- people that will be using these fields?

MR. HOWARD: Absolutely.

JOHN NOWICKI: A year from now are you talking about the Elmgrove site Mr. Galina put up?

MR. HOWARD: Which we're aware of. They undersized them. They didn't do them. These are full regulation fields. These aren't just for soccer. You could put the lacrosse in them, football in them. They're an all-purpose facility. It's sports that they can -- again, they can hold these practices at. So you will really not have referees there. Even though you got to count for them in the traffic study, which we have done, parking spaces.

JOHN NOWICKI: That would be my next area I want to sort of go over a little bit, is the traffic concerns on Ballantyne Beaver Road.

There is a huge volume of traffic on that road. I don't know if you have done a traffic study. I don't know if the Traffic Department, Traffic & Safety has looked at this issue. I would certainly like to hear from them how they feel about it, because so many people travel this road, and it would be my concern if the -- that there would be turn-ins and turn-outs from the site to protect people, and also looking to go see how they felt about speed limits, signage, to warn people what is ahead, what is coming. So that is an area that I have concern with.

Other than that, I will wait to hear from Pat (Tindale) on the landscaping issue because I know that is a very big concern. That is all I have at this point, those three areas.

DAVID CROSS: I will echo the comments on the traffic.

Also wondering, the access into the site, is that wide enough for a left-only out and a right out and one in, three lanes?

MR. HOWARD: Yes. Because when it was built, that is how it was designed.

DAVID CROSS: And any lighting proposed for the fields themselves?

MR. HOWARD: No.

DAVID CROSS: Synthetic fields, I applaud you. I think that would be great for the community. That is a big step forward.

PA system, any -- any intention to do --

MR. HOWARD: We have a speaker system out there under the current, um -- again, we're not changing anything.

DAVID CROSS: And sanitary facilities? I see a note for the portable sanitary facilities.

MR. HOWARD: Correct. We have two in -- in the building, but if we needed more, depending -- if you had four fields that were going at once, they -- they say 125 per field.

We would never -- even if you had 40 people on the field, you would have 160, so you will take 160 people off that road, cars.

DAVID CROSS: Right.

And I did notice a comment, Town Engineer, um, about the distance between the soccer fields. I think certainly if you could squeak out a few more feet.

MR. HOWARD: We weren't going to do them. Here is the thing. Being synthetic, and again, I have listened to the expert, DiFiori, how he built them. What they would do is nobody would ever be in the middle. You have berms on both sides, the way this is designed. You have a berm on this side and a berm on this side (indicating). That is where they sit.

The teams are on -- on opposite sides. Nobody ever goes in the middle. Because again, when they do the synthetic, it's one turf that goes around like this (indicating) and all this is Astro turf, the way he engineered it. They cut it in like -- not half, but a quarter. So that was all part of it.

PAUL WANZENRIED: The berms you speak of, they're located on both sides?

MR. HOWARD: They are.

PAUL WANZENRIED: Opposite then that drive aisle? So am I sitting across the drive and/or between drive aisle and synthetic field?

MR. HOWARD: This one is between. If you look, this is -- this is out of scale here, but here is the road that was here (indicating). The berm is here (indicating). It sits down in. If you go look at the site right now, you will see this is higher, the grades are.

PAUL WANZENRIED: So I'm sitting to the west of the drive aisle is what you're telling me?

MR. HOWARD: Correct.

PAUL WANZENRIED: Right?

MR. HOWARD: This is access for handicapped only. This was only to get them in here (indicating).

PAUL WANZENRIED: Well, you would need some access back if I have to drive an ambulance back there, right?

MR. HOWARD: Again, this is all grass. You could drive right on it just like you do at Davis Park if there was an issue on the field. You drive --

PAUL WANZENRIED: I can drive right on the turf?

MR. HOWARD: Not the turf. The top of the grass here. This is all hard. This is all grass, maintained and mowed.

PAUL WANZENRIED: I get that.

Why did you separate out the ADA accessible parking spots?

MR. HOWARD: The only reason, because the Town, in the engineer's letter, said if you had a -- had a tournament, you would need more ADA, and if we had to accommodate that, if it became -- an issue, we needed to have a place to put them. So they wanted to be -- be able to accommodate them. So there wouldn't be any issues. I mean, there is a 120 acre site there. These fields are two acres. It's eight acres.

PAUL WANZENRIED: One more question. Or two actually.

Timeframe you will operate? I mean --

MR. HOWARD: Just like parks. 8 to 11. I think that is what our ice cream is and our driving range is.

PAUL WANZENRIED: Have you seen the comments from the Conservation Board?

MR. HOWARD: I did not. Or have not.

PAUL WANZENRIED: You need a licensed landscape architect; is that correct, Miss Tindale?

PAT TINDALE: Yes.

PAUL WANZENRIED: You need these plans signed by a licensed landscape architect, not a regular architect.

MR. HOWARD: Okay.

PAUL WANZENRIED: So just have that noted.

JOHN NOWICKI: The access pathway along the west side of the fields, is that going to be crushed stone or --

MR. HOWARD: That is what is there now. It's a brown -- brown, um, stone that has been there for, um -- since --

JOHN NOWICKI: Can people in wheelchairs or -- can they get up through that kind of material? Will they have any problem with that?

MR. HOWARD: I haven't had anybody in a wheelchair come up to a driving range yet, but they could. We could accommodate them.

DAVID CROSS: These have to be an ADA comply --

MR. HOWARD: If we had to pave an area there, we could. But it's grass.

MIKE HANSCOM: I look forward to seeing --

JAMES MARTIN: Turn the microphone on so we can hear you.

MIKE HANSCOM: No comments at this time. I look forward to receiving his revised plans.

JAMES MARTIN: Let me ask you point blank, were this to go forward under some condition that the applicant would have to successfully meet all of the requirements that you outlined in your letter, um, before any permits were issued, um, is that something that you feel you and the Town could live with?

MR. HOWARD: Me?

JAMES MARTIN: Pardon. I'm asking Mike Hanscom.

MIKE HANSCOM: Oh, you're asking me? Um --

JAMES MARTIN: I'm just asking. Because if we move forward to a vote tonight, you know, it is going to lock us in, and I just don't want to do something that, um, you're not comfortable with.

MIKE HANSCOM: The biggest issue I have concerns about is the location of the northeast field with regards to the federal wetlands that are located near there. Filling, additional filling that he needs to do for that field could affect those wetlands. Currently they're defined as federal wetlands, but it is my understanding that the DEC is going through this area and

rechecking to decide whether things need to be DEC wetlands instead of federal wetlands.

MR. HOWARD: We have done that. We had a delineation done. We paid \$25,000. Don Wilson did a delineation, which I have talked to the DEC about. I went there before I came to the meeting. They have no copy. I offered to give them a copy and would supply it. We had a full delineation done on the property, the whole thing, both sides. I just gave Dave Lindsay one today because he didn't have a copy which shows that federal wetland that everybody is talking about. We're nowhere even near that. This field here is done (indicating). Right here (indicating). If you look at this map, you will see on my property line here (indicating), is where the federal wetland starts. It comes over. There was a pond that was way back here (indicating). It was the back side of that pond. We're not even near that.

The federal wetland you can fill right up to. We aren't even near it. We're not even filling in the area. The State had a 100 foot buffer on the other side which we're not even near. We turned it into an Ag District. It is all disked and farmed. Again, 120 acres, we're only talking 8 acres there. So we're done with that field.

And I certainly -- I told Steve Miller from DEC that we would get together with him next week and would be more than happy to come out and look at that. I also gave him -- I'm giving him copies of all this stuff because he had no records of any delineation. They disappeared out of his files.

MIKE HANSCOM: If you could let me know when that meeting is going to occur, I would like to attend that.

MR. HOWARD: Sure. Absolutely.

MIKE HANSCOM: Because the first plans that you submitted which showed the fields laid out and the boundaries of the federal wetlands, and in this one, um, the boundary of the federal wetlands appears to be about 70 from the edge of the field. And that's -- that's very close.

MR. HOWARD: What has happened here, over time, we had Avery Engineers had the disk. It went to Passero. It went to FRA. And then John Shields with Pooler. No one has, um -- there has been a lot of turning on and turning off and no one has cleaned it up and the things aren't right on it.

MIKE HANSCOM: And any site plan that you submit, because those wetlands are located that close to the work that you're doing, those boundaries need to be shown on the plan.

MR. HOWARD: Which I have had the delineation done.

MIKE HANSCOM: I understand that. But they were shown on this one plan and you submitted a revised one, and they're not shown on the revised one. They need to be shown on there.

MR. HOWARD: That is why I went and did this. That is why I thought this would clear it up.

MIKE HANSCOM: That one right now calls everything federal wetlands; whereas, we know some of those have become State wetlands. So we have to have a determination which one is which. Because it makes a significant difference, because if it is State wetlands, we have a 100 foot buffer.

MR. HOWARD: Which I'm aware of.

MIKE HANSCOM: You can't do any of that work in the 100 foot buffer. So we have to have that defined before we can go forward with that. And shown on the plan.

MR. HOWARD: Again, we can -- we can go through and -- you don't give a permit if there was an issue. I know there is no issue there.

MIKE HANSCOM: And there is other things that we can work out, like the spacing of the fields, I would recommend that you get together with the local soccer organizations that you're going to work with, and -- and have communications with them regarding the spacing of the fields because some of the things that you said tonight about people only sitting on one side, my son played soccer for 12 years, so I -- I am well aware of how things work, where the fans can sit and where the players can sit, and I know all of the places that I went -- he was in a travel league, so we went a lot of different places.

These fields are way too close together. So -- so I would urge you to meet with them and with the referees to make sure that there is adequate space between the fields before you --

MR. HOWARD: We did. We met with an expert, Jim Mort, who travels all around with the Rochester Football Club, which is the Junior Rhinos, who put this all together, was an integral part in this. This is a practice facility. No was -- again, we -- um, these fields are oversized.

They're not -- they're not the fields that you're used to, accustomed to going. 360 by 240. Total Sports doesn't have anything even close to that. Most high schools don't go to this requirement.

So when you say they're not -- they're too close, they're really not. They're oversized. They're oversized fields. They're --

MIKE HANSCOM: They're full sized adult and high school?

MR. HOWARD: Professional. They're professional fields, but they're --

MIKE HANSCOM: That is fine. But a lot of the rules, regardless whether it is Little Guys Soccer, high school soccer or professional adult leagues, for people to play on these fields, because there is a lot of adult leagues around, the rules are pretty much all of the same. It doesn't change a whole lot. That is what I am trying to say.

MR. HOWARD: We did do that. I mean, that is where we came up with that designs from. They were from them, not us.

PAT TINDALE: The previous conversation here helped me somewhat because we had a

lot of wetland questions, too. Seeing as you're going to meet with the DEC sounds like, it makes me feel so much better. My whole Board is concerned, and we've got e-mails regarding the amount of fill being brought in. I guess I don't understand how that amount of fill -- probably not your call -- can be brought into a flood plain and not affect the people downstream. Because you're just going to elevate that land. The water has to go somewhere. That's a big concern on our Board. I don't know if anything can be worked out about that.

We didn't get the landscaping plans until after we met, so I will need to go over that with our Board, but they need to be stamped by a licensed landscape architect, and that also has to have a plant legend on it which indicates the sizes, locations, and I also need the Conservation Board checklist. That wasn't submitted at all. And that is about it.

BRAD GROVER: Our concern is the traffic eastbound on Ballantyne, making a left-hand turn into this facility. Obviously you will have a lot more traffic going in and out of it. We would like to see a left-hand turn lane or a lane off to the right shoulder for a bypass for people to continue on straight through while people are waiting to make a left-hand turn there. We'll see a lot of traffic increasing on that going in and out of this facility after it is done.

JAMES MARTIN: David (Dunning), any comment on that at this point? I know you deal with Traffic & Safety. Certainly traffic is a major concern over there.

MR. HOWARD: They actually expanded those lanes. They did one on the right-hand side and there is one on the left. They did widen the road for that, which is where our mailbox is. That was already done there.

JAMES MARTIN: I want the Commissioner of Public Works to comment.

DAVID LINDSAY: I think DOT has the opportunity to comment with the County Comments, and I can take a look at those and see if they rendered an opinion or thought on the traffic situation there.

JAMES MARTIN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: When was the last traffic count done on Ballantyne Road? Do we have any idea?

JAMES MARTIN: David (Lindsay), any idea?

DAVID LINDSAY: That is a State road. I don't have that information.

DOROTHY BORGUS: Well, if --

MR. HOWARD: I can answer it.

JAMES MARTIN: If you have an answer, you can answer.

MR. HOWARD: I do. When we put the Vistas project in, um, Steve Hendershott helped us with that. They did a traffic study there. We put the light in at Archer Road. That is how that got put in there. When I was getting the fill for Scottsville Road, they did a traffic study down there when they widened the bridge. So point A to point B, there were two traffic studies done for the Archer Road for the widening of Scottsville Road. So Archer Road, we have been there, what, five years?

JAMES MARTIN: How about Ballantyne Road itself?

MR. HOWARD: It was from the Archer/Ballantyne section.

JAMES MARTIN: To the bridge?

MR. HOWARD: To the bridge where they widened the four lanes on Scottsville Road.

JAMES MARTIN: That is obviously accessible somewhere, the County --

MR. HOWARD: There were two done. One for Scottsville bridge and one for Ballantyne/Archer.

JAMES MARTIN: So we'll find out what is happening over there. We all know, we drive that road a lot. We know the traffic is heavy.

DOROTHY BORGUS: I'm thinking a traffic study that is five years old -- well, more than that when Mr. Hendershott was Supervisor, that is a while ago. I think that is bad -- not bad information. It's old information. Certainly is nothing you should use today.

MR. HOWARD: He just asked when it was done. I was just answering the question.

DOROTHY BORGUS: Now if turn lanes are needed, and obviously if you are going to have this kind of crowd in there, in that kind of a traffic pattern already, you will have to have turn lanes. At least one.

And whose responsibility does this Board foresee that as being? I don't want it to be the taxpayers.

JAMES MARTIN: Mr. Lindsay, do you have a comment on whose responsibility that would be, if it -- if it is mandated by -- it's a State highway at that point, or is that County?

DAVID LINDSAY: It's a State highway.

JAMES MARTIN: So the State DOT, if they warranted a turning lane, who would be responsible to put it in?

DAVID LINDSAY: The -- if it was warranted, it would be the developer's responsibility to put it in. DOT would maintain it after that.

DOROTHY BORGUS: Okay. Thank you.

Now, the one thing I haven't heard mentioned is the curve. That isn't very far from this project. I think that should be discussed. I mean, that's -- it's like the elephant in the room. You can't ignore it. It adds to the traffic problem and it adds to the safety of that area.

So I would hope that the Traffic & Safety would take this -- certainly discuss the curve as well as, um, the speed limits.

The speed limits there, um -- there are speed limits on that road, but they're not on it now. I mean, it's like -- it's like the Indy 500 up through there at rush hour. So I think that has got to be something Traffic & Safety has to take a hard look at, too.

They're probably not low enough for what is there now, and then you will increase it by, um, who knows how many people are coming to this facility if it is approved, so that definitely needs to be looked at.

Um, the question was brought up about the ambulance, about -- Mr. Wanzenried brought it up. I guess I'm maybe naive about it, but I don't see an ambulance driving up on grass to the left. As I'm looking at that map, how is that going to get a stretcher or people, attendants over into the far soccer field if that is where the need is? That's a long way to stretcher a patient.

If that is as close as that ambulance is going to be able to get, is the left side, I think it is putting a terrible burden on an ambulance crew.

MR. HOWARD: We have gators there, just like they do with any high school. Pittsford Mendon, my kids went there. They're all grass fields and all hills. Anybody got hurt, they have the gators and they transport -- obviously, we would have those there. They're there on site.

JAMES MARTIN: You physically have a gator?

MR. HOWARD: Absolutely.

JAMES MARTIN: There?

MR. HOWARD: It's there, yeah. We take -- actually everybody around that wants to come, DEC shows up, we take them out on the gator and bring them down. Show them the facility.

JAMES MARTIN: So obviously there is a provision to get --

MR. HOWARD: The high schools do it.

DOROTHY BORGUS: I really don't care what high schools do. But I'm concerned with this project.

JAMES MARTIN: This project. There is a provision --

MS. BORGUS: I would want some assurance, a written assurance on anything the Planning Board does with this project that a gator would be there later, too. It may be there today, but --

MR. HOWARD: It has been there for 13 years.

DOROTHY BORGUS: All right. Maybe you need a new one.

MR. HOWARD: We have two.

DOROTHY BORGUS: Now, I -- I know it is very easy when you want to get rid of water, to say, "I'm going to run it off on the farm field."

As somebody who owns a farm, I know, I certainly know, you can't flood out crops. They don't grow. They will turn yellow. They will die. You won't get anything. If you want proof of that, look at the farming that has been attempted at the end of Archer Road, where we now we have the geese ponds. I mean, part of that field was always yellow. It didn't live because of water. I don't see how you're going to run all of the water from -- from this -- from these fields, and Lord knows -- well, I guess the fields mostly -- and drop it 5 feet onto a farm field and say we're done, water is gone. That is only giving somebody else the problem.

MR. HOWARD: They're built with 6 inches of stone.

They drain themselves before it dissipates. It is like a septic system. It kind of controls it and then flows it. It doesn't -- it is not like there -- if you paved it and asphalt it and like you're saying put in concrete or pave it. That is what runs off.

DOROTHY BORGUS: I know that. I -- I -- I am aware of it. It runs and it runs onto a crop. Just because it is gone off that field and isn't in a rush, as it goes, doesn't mean that the water isn't going to be harmful to the crops that are 5 feet lower. It's not a rice field. Maybe rice would be a good crop to put there if we're going to run water -- that's a lot of water to run off onto the farm field. Now I also hear this gentleman say he spent \$25,000 on some kind of a delineation of the wetlands. Well, I would say that doesn't -- although it is money, I wouldn't say it amounted to much until the DEC approves it. A DEC delineation of wetlands is when you get down to the bottom line. That is what counts. So I don't think you better be working on any approvals here tonight. You better have more in hand than you have got.

I also am hearing that there is going to be quite a lot of sound over there. They are going to have amplification.

MR. HOWARD: I didn't say that.

DOROTHY BORGUS: I heard something about noise. We are having a problem right now with what was not supposed to be a problem, was supposed to be merely a church and now we have a problem with noise, a big problem that the Town has got to solve. So how much sound will we have over there? Now, my granddaughter lives right by Davis Park and when they're playing soccer, they get those -- those amplifiers out or whatever they use, and you can't sit in her backyard and enjoy yourself.

So let's -- if we're going to have that much noise, let's be honest about it and have it right up front. If you're going to have practice games, which I'm sure they do at Davis Park, too, then I don't see how the sound issue with those -- whatever those things are they use to amplify the sound, I don't see that is going to be any different.

MR. HOWARD: The nice part is there is no neighborhood here. I have one neighbor, Jimmy. He is a great guy, right across the way, and he is totally supporting the project I have no houses. I have no...

DOROTHY BORGUS: And now, the other thing that I'm concerned about, the question was asked, I believe, by Mr. Nowicki just who the proposed customers would -- if you want to call them that, patrons would be for these soccer fields. And it was -- the answer was they -- it was going to be Chili -- Chili Soccer and local kids and all of that. Then why aren't we building professional sized soccer fields? I have a feeling it will not end up Chili local kids.

MR. HOWARD: Yes, it is.

DOROTHY BORGUS: And you want to be aware of that, because there is a lot of things in Chili I could point to many of them that started out one way, we had all kind of assurances that would be it, and suddenly, they're a different animal. So I don't know why you would build professional sized soccer fields, rugby, football, whatever, if you're going to plan on -- having local children or local sports clubs as your patrons.

Go easy on this, Board. Watch what you're doing.

HOLLY COLLINS, 24 Bend Okay Road

MS. COLLINS: She obviously hasn't been back there where he is doing this. I have. I have ridden in the gator, so I know it exists.

Um, noise is not an issue. I have three children, played soccer through to college. I know why he is building that size field, because once they get into high school, that's what they want them on. So they're ready for college. That's the size field.

Noise isn't going to be an issue. Drainage. Okay. I think of my backyard. When it rains, it all disappears. What she is talking about, is like a ton of water. Well, he is making the drainage so there is not going to be a ton of water.

I support things for kids. Kids need things to do other than damaging property, breaking into things, and if you don't support kids and giving them fields, stuff to do, they're going to be in jail, they're going to be breaking into your house. You don't want that. You want kids to be constructive, educated and well rounded.

I support something like this. Chili -- Davis Park, I can't believe they allow those tournaments. It is the worst parking. I'm surprised there is not a million accidents. The fields are very close. They're very small. My child got hurt at Gates-Chili, and they had to call an ambulance, and the ambulance couldn't get close to that field, and they had to gator her off. So I see a lot of it.

I think a lot of what she is bringing up, she needs to see the site. She needs to go there and maybe you guys do, too. He is doing a great job. I think when you get to see it all, you will see where the lines are that you're concerned about, and some things you will see aren't issues.

JOYCE RONCONE, Prestwick Lane

MS. RONCONE: I live very close to that area. I have lived in Chili over 40 years. Five children, played soccer, loved the Town of Chili. Grandchildren now that play soccer, and I can't wait for these fields to be there. We need more soccer fields in Chili. We need more availability for these children and I'm very eager for this to happen. I can't see a problem.

What is the matter with Chestnut Ridge Road -- doesn't that road have a lot of traffic? Ballantyne Road you're saying a lot of traffic that hurts the road -- what is happening to Chestnut Ridge Road where they go into Davis Park? There is more traffic that goes in there certainly than four soccer fields going on over here. I'm very eager to have that happen here.

PATRICK RONCONE

MR. RONCONE: My name is Patrick Roncone, and we have -- I live right off of Archer -- Archer Road, and we see that traffic coming by. The heaviest traffic is probably around 4:30, 5 o'clock. Never -- never -- I have never seen any accidents there. Traffic moves. The only time it stops is when a train goes by. But as far as I'm concerned, I have a daughter that lives in Chili, four children, they all play soccer, and I have four other grandchildren in another Town, and they have played here in Chili. I am all for this -- this complex going up. And he does -- I know this man, and he does a good job on everything that I know that has been done there. So that's my offering for tonight.

JAMES MARTIN: Thank you.

MICHAEL LAROCK, Stallman Drive

MR. LAROCK (phonetic): I just wanted to comment on the signs advertising the gelato up and down 252 that are posted illegally there.

JAMES MARTIN: I think the Building Department is dealing with that issue. Thank you.

MAUREEN HOWARD

MS. HOWARD: Maureen Howard. I don't live in Chili, but I do have three boys all college age now, but they all played soccer from five years all through high school, traveled to many tournaments in the Town of Chili. Davis Field is a horrible facility, getting in and out of. Those fields when it rains are swamped half of the time. It's treacherous trying -- if a car is coming and another car is leaving, trying to fit down that road. It's a terrible facility that hosts the majority of Chili Soccer. That is why people have come to Bill (Howard) and asked -- they have come to him, said, "Chili needs this."

So John Dailey, head of the soccer association, all these people, Jim Mort came to him. These people have come when they heard that this was in the works, kind of. They're -- soccer,

the society, the soccer society of Chili is very excited about this project because they know there is a need. Parents know there is a need. It -- it can just benefit the Town, it can benefit the children.

JAMES MARTIN: Thank you.

MARY MENDOLERA, 5 Oak Twist Circle

MS. MENDOLERA: I'm right next to Davis Park. The noise -- there is not a lot of noise. I'm right next to it. He has done research on the fields it sounds like. He knows what he is talking about.

So the drainage problem, um, the traffic -- I think this is the best thing. My daughter just played -- just started playing soccer. I just came from her game. I wasn't real impressed with that field there. There was a lot of water.

So I think this facility is going to be great for Chili. I think Chili needs something like this. 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: Bill (Howard), not done yet.

MR. HOWARD: Sorry. Thought you were done with me.

JAMES MARTIN: Based on a lot of the comments we just heard from the public, it appears to me that, you know, there is a lot of demand for tournament use on your facility.

MR. HOWARD: I think it is more practice than it is tournaments, but -- that is what I have been approached with.

JAMES MARTIN: I have heard tournaments from several people.

MR. HOWARD: I think they are talking about Davis tournaments.

JAMES MARTIN: And Davis Park doesn't really lend itself.

MR. HOWARD: I'm not doing tournaments.

JAMES MARTIN: I don't live that far from there. I know what the traffic is like on a tournament weekend, okay?

So, you know, are we headed -- really headed in that direction, that we're going to have tournaments over there, because obviously you will have to be able to accommodate that from a parking perspective. Would you have, you know, vendors supplying, you know, coke and hot dogs? I mean, I'm just -- those are the comments that come into my mind when you start talking about tournaments.

Obviously, it is a private facility, not a Town park.

MR. HOWARD: This is being built for practice.

JAMES MARTIN: You have free rain to do more things than perhaps the Town would do as far as vendors and those types of activities on the site. Are we really heading in that direction? That is my question.

MR. HOWARD: I say no. It is a practice facility. That is why all of the groups come to me. They can't get field time. They can't have practices. The schools are booked. You know, with the multiple sports. Lacrosse has gotten big. Soccer is big. Football is big. They fight for field position. So they're looking for alternative places that they can hold these practices. That has -- what has really come across, is practices.

Could there be a tournament with just four fields? I don't think it would be a very well run tournament with just four fields. But I certainly have the open space to accommodate it. This is a flat area. So if someone had to drive in with an ambulance or anybody had to drive in, it is just flat. You can drive in. It is open. There is no encumbrances of rocks and trees. You can get anywhere on the site. I just --

JAMES MARTIN: Would you open this up to multiple sports?

MR. HOWARD: Yes. That was the whole thing. Because they were saying that they -- that's why they were oversized, so that you could hold lacrosse -- because lacrosse has gotten so big, too, and they are fighting for this practice time. They will have tournaments at these other venues. They just need a place to facilitate these practices that they can call home.

JAMES MARTIN: You're saying that lacrosse teams to utilize your facility?

MR. HOWARD: Absolutely. Absolutely.

JAMES MARTIN: Discussion?

JOHN HELLABY: I see a need for it in the community. There is not a lot out there and I think it is a viable project.

However, just because he presently has somebody down pushing dirt around does not constitute an emergency on this Board's part. And John (Nowicki)'s words, I don't think you want to push this thing through just to get it done. I think if he gets in, gets all these engineering problems resolved, gets the DEC involved and all of the questions answered and everything on paper, then we can move forward. But right now if it were forced to a vote tonight, I wouldn't vote on it.

MR. HOWARD: But you agree --

JAMES MARTIN: Let us discuss this for a minute.

MR. HOWARD: All right.

JOHN NOWICKI: I feel the same way Al (Hellaby) does. I feel there are details that need

to be worked out. We have to be comfortable with the safety issues there, environmental issues have been taken care of, the drawings are completed per the engineering letter that was drafted. I feel comfortable with the project coming, but it has to be done right. We have got to have it -- the details on there. I agree with the ladies and the gentlemen in the back, there is going to be a need for it. No question about it. But it is going to take some -- little more engineering and a little more detail to finish it up.

DAVID CROSS: Agreed. John (Nowicki) said it very well.

JAMES MARTIN: You know, let's take a look at the three applications we have before us. You know, the first one is to amend the original special use permit to allow the 18 hole putting course, which, you know, really, there is no engineering issues on that particular aspect of this project.

You know, that is something perhaps we could move ahead with tonight, amending that special use permit. The issue we have is, that site plan approval, there is a special use permit for the four sports fields and then the site plan approval, preliminary site plan is wrapped around both of those issues, the 18-hole putting course and the 4 sports fields that have been outlined to us tonight.

Um, what I am hearing is, so -- you know, a lot of concerns about the four sports fields. I haven't heard any concerns about the 18-hole putting, miniature golf course or whatever want to call it.

JOHN HELLABY: Other than the landscaping issue. I mean, is that --

JAMES MARTIN: That would need to be complete. Certainly a licensed landscape plan would have to be supplied, and that would be, you know -- they would need to comply with all of the Conservation Board requirements as far as that particular part of the project goes.

So I guess at this point, um, you know, there is a couple ways we could go at this. Um, certainly, we could take a look at that, amending the special use permit to permit the 18-hole miniature golf course. If the applicant so desired, he could split -- or ask for an amendment to the site plan application to separate out the 18-hole miniature golf course from the 4 sports fields that we could then take a look at. And then, as far as the overall site plan for the four sports fields themselves, um, the feeling I'm getting from the Board is that you're not ready to proceed with that.

JOHN NOWICKI: You got to table it.

JAMES MARTIN: So, I see that is where we're at right now, okay?

MR. HOWARD: Okay.

JAMES MARTIN: So -- so.

MR. HOWARD: Then I would ask that we would amend that application to accommodate that, and I'll -- I will get back in and meet with the Town Engineer, with the DEC to resolve any of those issues and be back in front of you next month.

JAMES MARTIN: All right. I am then going to make a motion that the --

PAUL WANZENRIED: Wait. I have one question.

JAMES MARTIN: Go ahead.

PAUL WANZENRIED: Sorry. The miniature golf course, it's going to operate under the same timeframe, 8 to 11?

MR. HOWARD: Uh-huh.

PAUL WANZENRIED: How is that lit?

MR. HOWARD: With existing lights that are there. If you drive by, those are there.

PAUL WANZENRIED: They shine down on that.

MR. HOWARD: Correct. They don't go to the road. They are down to the ground.

JAMES MARTIN: They're pretty limited. I went by at night and they really don't spill out to the road.

MR. HOWARD: I couldn't get them approved that way.

JAMES MARTIN: Okay?

PAUL WANZENRIED: Yep. Thank you.

JAMES MARTIN: Moving forward at this point, I will make a motion that we amend the application for preliminary site plan to read for the 18-hole putting range, and that we take out the 4 sports fields that have been asked for. You okay doing it that way, Mike (Jones)?

MICHAEL JONES: That would be fine. I think you want to add that you're going to split the application, and it sounds like the Board is inclined to table the field portion of the application to the next meeting. So --

JAMES MARTIN: So the motion would then read, that the preliminary site plan, we would be moving ahead on the 18-hole miniature golf course; that the request for the four sports fields has been split out and we would then vote to table that as a separate -- as a separate application.

MICHAEL JONES: That is what I am hearing. Mr. Chairman, did you close the Public Hearing on this application?

JAMES MARTIN: Yes, I had.

MICHAEL JONES: So when the Board resumes for the field portion of the meeting, it will just go to discussion and vote and there will be no need to resume the Public Hearing.

JAMES MARTIN: I didn't hear the last part of your comment.

MICHAEL JONES: I'm just asking if you close the Public Hearing. If you close the Public Hearing, when you come back in the future meeting to consider the fields, there would be no need to talk about, have public comment because we have already done that today and you would go right onto the deliberation and the vote.

JAMES MARTIN: Okay. Thank you.

JOHN HELLABY: What if there is a substantial change to this layout, however?

MICHAEL JONES: You could only have a Public Hearing on it by re-noticing it and you would have to do another ad and do that whole process again.

JAMES MARTIN: Certainly wouldn't rule out reintroducing this as a Public Hearing.

MICHAEL JONES: It is not ruled out. But at this point, the way you have proceeded, it is not automatic.

JAMES MARTIN: All right. Thank you.

MR. HOWARD: But I would be back on the following --

MICHAEL JONES: Yes. You absolutely would be back. This is good, because just from a SEQR standpoint, this approval would -- with respect to the 18 holes doesn't bind this Board to any future decision one way or another, so we don't have any segmentation issues, and given the comments this Board might have a difficult time making an environment determination on that aspect.

JAMES MARTIN: On the amended application to split this into two for preliminary site plan approval, those would be Number 1 for the 18-hole miniature golf course, and then Number 2 would be for the 4 sports fields. So essentially, we would have a split preliminary site plan application. So do I have a second on that motion?

PAUL WANZENRIED: Second.

JAMES MARTIN: On the motion itself?

The Board was unanimously in favor of the motion.

JAMES MARTIN: Before we go any further, I will do a SEQR determination, and the SEQR determination we'll be doing will be for the amendment of the original special use permit that was granted for the driving range in 1997.

It will also apply to the preliminary site plan for the 18-hole miniature golf range, okay? So the SEQR is for those two applications at this point.

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: Let's do these one at a time. On amending the original SUP granted in 1997, all previous conditions pertinent to this application remain in effect from that original approval.

The applicant is to comply with Conservation Board requirements. That is a checklist and licensed landscaping architect signature on the -- on the landscaping plan.

Um, those are the only two that I picked up pertinent to that. Those two conditions will also apply to the -- to the 18-hole miniature golf course on the site plan.

So on the amending the special use permit, with those two provisions.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6 yes with the following conditions:

On April 15, 1997, a conditional use permit was granted allowing a golf driving range at 420 Ballantyne Road. This approval amends the previous use permit to allow an 18-hole putting course in addition to the driving range with the following conditions:

1. This amended special use permit becomes permanent upon completion.
2. All previous conditions still pertinent to this application remain in effect.
3. The applicant shall comply with all requirements of the Conservation Board.

JAMES MARTIN: Obviously, again, assuming it gets built, the timeline is permanent.

On the amended preliminary site plan for the 18-hole golf range or putting range in front of the property, there was one issue in here. The Fire Marshal did make a comment that --

JOHN NOWICKI: You're doing --

JAMES MARTIN: On this. I'm sorry. There is no comment.

It would be in regard to the four sports fields. But actually for the 18-hole putting course, too. That you need to obtain an operational permit from the Fire Marshal's office, in addition to the other two conditions that I have, so that would be a third condition.

MR. HOWARD: What is entailed in that?

JAMES MARTIN: Pardon?

MR. HOWARD: From the Fire Marshal?

JAMES MARTIN: Yes. Basically says he has inspected and everything is okay.

MR. HOWARD: Oh, okay.

JAMES MARTIN: So go back again on the conditions that all of the previous conditions imposed still are pertinent and remain in effect. The applicant is to comply with Conservation Board requirements on the checklist and licensed landscape plan, and that the applicant shall obtain operational permit from the Fire Marshal's office.

JOHN NOWICKI: What about Engineer's?

JAMES MARTIN: That will be --

JOHN NOWICKI: Which application?

JAMES MARTIN: That will be on the four sports field part of it. Okay. That we split off.

JOHN NOWICKI: Okay.

JAMES MARTIN: On the 18-hole putting range?

PAUL WANZENRIED: The --

We're voting on -- the --

PAUL WANZENRIED: The previous conditions, right?

JAMES MARTIN: Yes. I included them.

PAUL WANZENRIED: Was the previous Condition 9, denied, as stated here?

Mr. Howard stated 8 to 11. Hours of operation.

JAMES MARTIN: Um, which part of that?

PAUL WANZENRIED: I think it was on 8/14/ 2007, conditional use to allow the ice cream parlor at existing building. Is that we're conditioning on?

JAMES MARTIN: That was for the ice cream parlor. Is the ice cream parlor operating nine to nine?

MR. HOWARD: Yeah.

PAUL WANZENRIED: Just checking. Sorry.

JAMES MARTIN: On the 18-hole putting green?

DECISION ON APPLICATION #3: Unanimously tabled by a vote of 6 yes to table for the following reason:

1. The applicant shall work with the Town Engineer and the Commissioner of Public Works to resolve several outstanding issues pertaining to the site plan.
2. The Traffic & Safety Committee shall review traffic conditions at this site and will make recommendations to the Board and Commissioner of Public Works.

JAMES MARTIN: So those are done. On the preliminary site -- on the special use permit for the four sports fields and the preliminary site plan for the four sports fields that we split out, I will make a motion that we table those two applications, pending resolution of all of the engineering comments received from the Town Engineer. At such time when all those are resolved, we'll be happy to hear this again, all right, and move forward on it.

So on tabling the special use permit for the four sports fields an the preliminary site plan for the four sports fields?

DECISION ON APPLICATION #4: Upon request of the applicant, the original application for preliminary site plan approval of an 18-hole putting course and 4 athletic fields was amended. The 18-hole putting course and the 4 athletic fields were separated into two separate applications. This approval pertains to the 4 athletic fields. This application was unanimously tabled, by a vote of 6 yes to table for the following reasons:

1. The applicant shall work with the Town Engineer and the Commissioner of Public Works to resolve several outstanding issues pertaining to the site plan.
2. The Traffic & Safety Committee shall review traffic conditions at this site and will make recommendations to the Board and Commissioner of Public Works.

Upon request of the applicant, the original application for preliminary site plan approval of an 18-hole putting course and 4 athletic fields was amended. The 18-hole putting course and the 4 athletic fields were separated into two separate applications. This approval pertains to the 18-hole putting course. This application was unanimously approved, by a vote of 6 yes to table with the following conditions:

1. All previous conditions still pertinent to this application remain in effect.
2. The applicant is to comply with all requirements of the Conservation Board.
3. Hours of operation shall be 8:00 am to 11:00 pm

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

JAMES MARTIN: So those are tabled, 6 to 0.
Okay. Thank you.
MR. HOWARD: No. Thank you.

There was a recess in the meeting.

5. Application of Buckingham Properties, LLC, 1 South Washington Street, Rochester, New York 14614, property owner: Paul Road Industrial Center, LLC; for preliminary site plan approval for a change of use in existing out building to allow a high performance engineer tuning business with installation of high performance components at property located at 465 Paul Road in LI with/ADATOD and FPO zone.

Aaron Malbone was present to represent application.

MR. MALBONE: Good evening. My name is Aaron Malbone, representing Buckingham Properties for this project. Essentially, we're looking to modify an existing warehouse building until we can get a user in there. They basically take high performance automobiles, put them on a Dyno Tuner so they can get max performance out of them, modify them a little bit, put some electrical components in them to make them perform as best they can and then ship the cars back out.

JAMES MARTIN: There are going to be modifications to the interior of the building to accommodate this use, correct?

MR. MALBONE: Yes.

JAMES MARTIN: When we reviewed this at the Design Review Committee meeting, the Building Inspector brought up the fact that there is a State Building Code provision that is going to require both a male and female bathroom facility in the building.

MR. MALBONE: We can accommodate that if we need to do that.

JAMES MARTIN: That will be a requirement.

MR. MALBONE: Okay.

JAMES MARTIN: Also, in the Town Engineer letter that we received from Mr. Hanscom, there was a discussion, a technical discussion about the sound level attenuation, based on distance from the building, and there basically were, I guess -- the way the Town Engineer looked at this, it is slightly different manner than the data you had originally submitted, okay, that was fairly comprehensive as far as the attenuation of the noise. I know you want to provision the building to attenuate noise, and then the exposure to the various sound level distances itself and how that attenuated difference doubles from the buildings.

So at this point in time, based on the Town Engineer comments and your original calculations, I think that we really need to have an agreement between the two and then an updated sound level data description be supplied to the Building Department, the Town Engineer and Commissioner of Public Works.

So based on information, you know, we're okay with, you know, any impact on residential that is within approximately where the facility is going to be located.

MR. MALBONE: Sure. I --

JAMES MARTIN: I believe that is one thing that also needs to be done prior to any building permits being issued to make sure that we're not going to have some adverse reaction upon the part of the residential neighborhood in the area.

Those are the issues that I have. Paul (Bloser)?

PAUL WANZENRIED: I have nothing.

JOHN HELLABY: Where do these vehicles come from that they're working on? Are they dealer-owned vehicles?

MR. MALBONE: Individuals. People that own their vehicles and bring them to this company to have them tuned up, so to speak.

JOHN HELLABY: You could go anywhere from stock street vehicle with standard exhaust system onto the -- a funny car type thing.

MR. MALBONE: High performance like Corvettes, Lamborghinis, stuff like that, but they do standard vehicles. If there is a -- any vehicle that you could think of. Their main clientele is high performance.

JOHN HELLABY: They're up there along with the dragster type people that are looking for stuff like this?

MR. MALBONE: Yes. They're all road-legal vehicles, but that's performance, yes.

JOHN HELLABY: All the work is being done inside the building.

MR. MALBONE: Correct.

JOHN HELLABY: Is there any noise-limiting additions being put in there as far as?

MR. MALBONE: We're insulating the building. The tenants will go through after that and drywall it and things like that, but we're adding all new insulation so the sound stays inside the building and doesn't permeate outside it.

JOHN HELLABY: There are baffling panels you can add right on the wall.

MR. MALBONE: Yes. That's what we're doing.

JOHN NOWICKI: Is the Building Department going to know about that? Are they going to be involved in this thing?

MR. MALBONE: We have been talking with them about it. They're aware about it.

JOHN NOWICKI: His point there, you bring these big cars in there and they have the mufflers --

MR. MALBONE: They have an exhaust system that they're submitting with the sound for the building permit.

JOHN NOWICKI: The other question I have is what about the people that work there that have to deal with --

MR. MALBONE: They all have hearing protection.

JOHN NOWICKI: They all have the OSHA requirements to protect themselves and whatnot?

MR. MALBONE: Yes.

JOHN NOWICKI: Is there any other facility like this in the County of Monroe?

MR. MALBONE: They're actually in Monroe County right now off Buffalo Road in the City and would like to relocate from there to Chili. There is -- there is a couple -- other high-performance tuning shops around, yes.

JAMES MARTIN: I -- I think I already mentioned these are all street worthy vehicles?

MR. MALBONE: All street-legal vehicles.

JAMES MARTIN: Nothing something that cannot be driven on our roads?

MR. MALBONE: Correct.

JOHN NOWICKI: Maseratis, Lamborghinis?

MR. MALBONE: I would like to have one.

JOHN HELLABY: A question I got, somebody comes in and trailers a funny car.

MR. MALBONE: They don't do that. They do all street-legal vehicles.

JOHN HELLABY: Everything?

MR. MALBONE: Everything.

JOHN NOWICKI: So they're in here for a preliminary site plan, right? Okay. That is all I got for now.

DAVID CROSS: How many employees?

MR. MALBONE: There is currently four.

DAVID CROSS: Hours of business?

MR. MALBONE: It is 10 to 5, Monday through Friday.

JOHN NOWICKI: Just a -- the -- what is -- what is in the building, the big building right now? What is being --

MR. MALBONE: Main complex? We have a multiple tenants -- the building -- this building right now is vacant. In the big building we have multiple tenants.

JOHN NOWICKI: Multiple people?

MR. MALBONE: Yes.

JOHN NOWICKI: They all know about it.

MR. MALBONE: We spoke with everybody in the facility, yep.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Question in regard to operation of this facility. They will be needing oil and gas, high performance gas. Do they propose to use this or have this available in drums or underground tanks?

MR. MALBONE: They just have a -- 50 gallon -- not even 50 gallon. 5-gallon pail the use. They don't do any oil changes there. They just use the minimum amount of oil and gas to install the parts and make sure everything functions. You bring it and leave it and you come with it type of thing.

JAMES MARTIN: The operation is subject to Fire Marshal inspection and approval.

MR. RETTIG: Understood. And it should be properly, yes.

Question on automotive exhaust, how are you handling that within the building?

MR. MALBONE: The tenant is submitting an exhaust plan for preliminary before they move in with the Town.

MR. RETTIG: I assume, Jim (Martin), that would be approved by the Town Engineer; is that correct?

JAMES MARTIN: Town Engineer, Building Inspector, yes.

MR. RETTIG: Okay. The only other question I have is whether or not this facility reviews -- should be reviewed to delineate it from any New York State DEC brown field that has been noted in the area from Bausch & Lomb so that there is a delineation from these people coming in.

JAMES MARTIN: I don't know if there is any issue on brown field and that particular part of the site. You can answer that question if you know the answer.

MR. MALBONE: We're currently monitoring that site from behind the building to the south of the building now because of Bausch & Lomb. I mean, it is being monitored now, whether we make a note there -- add something to that for this space, we can certainly look at that.

MR. RETTIG: I would just like to make a comment that that should be an issue that this Board should receive some report on just so that they know what the situation is there officially from New York State DEC.

JAMES MARTIN: Okay. Thank you.

MR. RETTIG: Thank you.

JAMES MARTIN: Basically we ask you to certify that you're not, you know, doing anything -- no brown field area, you can certify that?

MR. MALBONE: Yep.

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 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: On the application itself, I have captured a couple of things here. Prior to any permits being issued by the Building Department and the updated sound level data to the Building Department, Town Engineer and Commissioner of Public Works, based on information provided the Town Engineer -- based on the information provided by the Town Engineer in his letter dated 6/6/12. Applicant shall obtain an operational permit from the Fire Marshal's Office. The Town of Chili Building Inspector -- we'll ignore that one. You know, State Code requires female/male bathrooms within the building. And applicant shall certify that there is no issue with brown fields located at this site.

JOHN HELLABY: No outside storage.

MR. MALBONE: I'm sorry?

JOHN HELLABY: No outside storage?

MR. MALBONE: There is storage right next to the building that is part of their space.

JOHN HELLABY: One of the questions I forgot to ask, what are they doing for dumpster or trash service?

MR. MALBONE: There is a screened-in area. The entire building is screened with a fence. They will have it right inside their space.

JAMES MARTIN: You okay?

JOHN HELLABY: Yes. Made by their own volition, they said it is all street-legal vehicles. I guess I would like that stipulated somewhere so they don't get somebody's dragster rolling in there on a trailer.

JAMES MARTIN: Okay. Only street-legal vehicles shall be serviced at this site. Okay.

JOHN NOWICKI: Waiving final?

JOHN HELLABY: Did they pay?

JAMES MARTIN: I'm looking. Yes, they have paid. They have paid their fee for final. The Board have any problem waiving final?

The Board indicated they had no problem waiving fine.

JAMES MARTIN: By consensus vote, we're waiving final.

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

1. Prior to any permits being issued by the Building Department, the applicant shall provide updated sound level data to the Building Department, Town Engineer, and Commissioner of Public Works based on the information provided by the Town Engineer in his letter dated June 6, 2012.
2. The applicant shall obtain an operational permit from the Fire Marshal's Office.
3. The Town of Chili Building Inspector has indicated to the Board that State Code requires both a male and female bathroom facility. The applicant shall comply with this requirement.
4. The applicant shall certify to the Commissioner of Public Works that there are no brown field impairments at this site.
5. Only street-legal vehicles shall be serviced at this site.

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

JOHN HELLABY: Mr. Chairman, I would like to recuse myself from the next application as my wife is employed by RG&E as an assistant to the Vice President.

JAMES MARTIN: You are recused, Mr. Hellaby.

6. Application of Rochester Gas & Electric, 89 East Avenue, Rochester, New York 14649, property owner: RG&E and Chili Ventures, Inc.; for preliminary subdivision approval of 2 lots into 22 lots to be known as RG&E Chili Gate Station Subdivision at properties

located at 689 and 760 Chili Scottsville Road in AC zone.

Brendan Bystrak was present to represent the application.

MR. BYSTRAK: Thank you. Good evening. My name is Brendan Bystrak with LaBella Associates, again, here on behalf of RG&E and Chili Ventures for our subdivision.

Can I talk from the board over there?

JAMES MARTIN: Pardon?

MR. BYSTRAK: Can I talk from the board?

JAMES MARTIN: As long as everybody can hear.

MR. BYSTRAK: As you indicated, a two-lot subdivision. RG&E currently owns 689 Scottsville Chili Road, about a 1200 square foot parcel, .03 acres. Chili Ventures owns approximately 197 acres, and that includes 18 acres on the west side of Scottsville Chili Road.

At this point RG&E would like to purchase the 18 acres and combine it with their parcel. And the remaining 176 acres would be -- remain Chili Ventures, the golf course and Country Club.

We did receive comments from the Town Engineer. I don't believe I have something to address at this time.

We also received comments from the County of Planning and there is really nothing to address there. I could go through those individually, if you would like.

JAMES MARTIN: I think primarily a lot of comments will be put forth when we're doing site plan approval on this. Subdivision is relatively straightforward.

Anybody have any questions at this point of a technical nature of the subdivision? Okay. Fine.

All right. I know eventually down the road you're planning, you know, a gate facility there to tap into a major trunk gas line that goes through the property or close by.

MR. BYSTRAK: Correct. There is a 24-inch transmission main this facility will connect to.

JAMES MARTIN: But we'll deal with that when you come back for your site plan approval.

MR. BYSTRAK: Site plan and special use permit.

Tonight we're just dealing with the subdivision itself. I don't have any questions.

DAVID CROSS: Just one question. No variances would be required for any of the lots changing?

MR. BYSTRAK: Not for the lots, no. It -- it's in the AC District and we conform to all of the size, setback criteria.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Question. What is the current use of the westerly piece?

MR. BYSTRAK: Just former agricultural land.

DOROTHY BORGUS: Former, not farmed out?

MR. BYSTRAK: Correct. Approximately eight acres is currently under Army Corps, federal wetland. And the remaining area has a 400 foot easement for the overhead transmission lines and additional 50 foot easement for the pipeline.

DOROTHY BORGUS: I bring that up because as a member of the Comprehensive Plan Committee, as you know, there was suppose to be agricultural conservation. That is what we foresaw for this area. We do not foresee that.

MR. BYSTRAK: That's correct. Do you want me to address it?

JAMES MARTIN: Pardon? You certainly can address it if you so chose.

MR. BYSTRAK: We did review the 2008 Comprehensive Plan.

DOROTHY BORGUS: There is a new one.

MR. BYSTRAK: In the 2008 Comprehensive Plan it was identified as an area that had federal wetlands and was also identified as an area being severely impaired for development. Then we also reviewed the 2010 which shows the same federal wetland limits. Adjacent to an Agricultural District. Nothing for the flood prone areas. I believe it was slated for residential development as rural lots.

DOROTHY BORGUS: Yes.

MR. BYSTRAK: A highest best use would be the rural development, but it is on a State highway, impaired by wetlands, easements. There is no sewers available. We looked at highest best use would be the gates station facility. Again, we would fit in between the wetlands. Our plan is not to encroach into that wetland area. Obviously can't go within the utility easements today, and we'll have a single curb cut with basically no traffic generated from the facility.

DOROTHY BORGUS: I just want to bring out to the Board we did talk about this area at the Comprehensive Plan. We did. And a member sits right on the Board. So he knows.

DAVID CROSS: Absolutely. I brought it up at the last meeting, Dorothy (Borgus).

DOROTHY BORGUS: So bear that in mind.

JAMES MARTIN: Thank you.

DOROTHY BORGUS: We don't want to have wasted our time.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a direct question. Have -- has there been specific delineation of the wetlands on this property to date?

MR. BYSTRAK: Yes, there has. Gene Platt (phonetic) did a complete Phase 1 arch -- no. He did the wetland site. We also did an archeological 1A and B for this site before proceeding with this Board.

MR. RETTIG: This follows up with future, but you don't have any plans or need to encroach on that --

MR. BYSTRAK: Correct.

MR. RETTIG: -- with your operations?

MR. BYSTRAK: Correct.

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: As far as preliminary subdivision, I don't know of any conditions at this point in time. I'm sure we'll get into more detail as we move down the road on this.

You know, you have provided an Ag Data Sheet. We have all of the proper paperwork at this point in time on the preliminary subdivision. So I don't have any conditions.

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: They have paid the fee for final, to waive final.

Any problems with that? The Board indicated they had no problems with that.

JAMES MARTIN: Final is waived on the subdivision application.

DECISION: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with no conditions.

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

7. Application of 1350 SR, LLC, owner; 1 South Washington Street, Rochester, New York 14624; for preliminary site plan approval to erect a 124,850 square foot tire warehouse/distribution center at property located at 1350 Scottsville Road in GB zone (application for rezoning to GI pending).

JAMES MARTIN: The rezoning application was heard by the Town Board, and the rezoning was granted by the Town Board, so we're now dealing with a GI as opposed to a GB designation.

Richard Tiede and Ken Glazer were present to represent the application.

MR. TIEDE: I am Richard Tiede from Marathon Engineering. With me tonight I have Eric Schoff from my office, and I have got Ken Glazer from the applicant, which is 1350 SR, LLC.

We are requesting site plan approval for a proposed warehouse distribution facility at 1350 Scottsville Road. As was mentioned, it has recently been rezoned to General Industrial and this is a permitted use for the site.

The location of the site is between Scottsville Road and Widener Road, just south of the airport between Comfort Windows & Doors and the RG&E building. It is the former Olympic Bowl site. Should have everybody familiar with where we're at.

The proposed facility is a 124,480 square foot concrete steel building for warehouse and distribution of tires. Included inside that building, in the upper corner is a 4600 square foot office. There is 15 loading docks on the west side. 15 -- 56 parking spaces. This is a revision from the plans submitted that had 62, and I will explain that in a little bit.

We're going to be relocating the main driveway just a little bit to the west. On the easterly side of the site, there was an access easement across the RG&E lot that still exists and we're going to make use of that as a secondary entrance.

Another change on the plans we handed out from what was submitted, a comment from the Fire Marshal was he was make a fire lane along the easterly side. We originally discussed access to the RG&E parking lot and concerns were brought up about that, so we have added a fire lane on the easterly side.

We met with the Conservation Board, and we have made some adjustment to the landscaping from what was submitted on the original plans. We'll be changing out some of the species of trees as they have requested, but two of the major items that we have addressed is right immediately in front of the building, we removed six parking spaces, which is why the parking count went down, and we put a landscaped island in there to kind of shield the foundation of the building.

In addition, we have moved a lot of the landscaping that was towards the back side of the building out to the front to create a much better view along Scottsville Road.

From a storm water standpoint, the existing conditions of the site is generally about 70 percent impervious. There is existing asphalt on the site still from the bowling alley and where the bowling alley building existed, there is crushed stone compacted for structural stability in there which is also impervious. We are going to be decreasing the impervious by 15 percent and the remaining of the storm water that we have along the west side we're going to be collecting in a closed pipe system and taking it to a dry pond near the back edge of the site where water existingly exits the site. The dry pond will help control outflows to lower the preexisting conditions.

The front parking area we're collecting into a closed pipe system, taking it down the east side of the building. Over there also is a grass swale to pick up drainage along that side of the building, and we are taking it down to the back end of the site, where we have a wide grass swale with check dams in it. This will provide water quality and also help control the outflows by slowing the water down.

Our calculations have shown that we have reduced site outflows 25 to 30 percent from the existing conditions.

We will be meeting with the New York State DEC requirements for redevelopment, and by reducing the impervious, we are also going to be providing quality treatment in the swale in the back along with runoff reduction with the trees provided in the landscape to meet the requirements.

And standard New York State DEC control practices will be implemented for erosion control during construction of the site.

There are two variances that we are requesting from the Zoning Board, which we'll be meeting on the 19th to review those. The first is that Widener Road setback. On the back corner of the building, we are encroaching on the 50 foot setback to Widener Road so we'll be requesting a variance for that. And as our site was rezoned and the neighboring sites were not, there is 100 foot zoning landscape buffer that we are asking for variances on east, west and south sides.

JAMES MARTIN: Can I interrupt you for just a second?

I believe you have also proposed an 8 high foot fence. Has that been changed to meet the Town --

MR. TIEDE: Yes. We're going -- I was going to address that in a minute. We were going to reduce that to a 6 foot fence.

DAVID CROSS: Where is that, the fence?

PAUL WANZENRIED: That is the parking area there, in front of the loading docks?

MR. TIEDE: It is security fence around the loading dock area.

We're also asking for a parking waiver from the Planning Board based on the Town Code that would require 312 spaces for this size building. For the use of our building, we only need about 25 to 30 parking spaces. We are providing 56. We have provided a parking bank plan to you that shows that we could provide the 312 spaces. There was a comment from Lu Engineers about the size of the parking spaces. We use a 9 by 18. The Town standard is a 9 1/2 by 19. The 9 by 18 is a typical sized parking space for this use in the region and gets used quite often in many other areas.

We're confident the larger size can work in both the banked layout that we have done and in our design, and if we -- the Board requires us to adjust that, we can do that.

Um, it is also our understanding as part of the parking waiver that we are requesting that the Planning Board can also accept the 9 by 18 size that we have laid out.

We have submitted plans to the County for airport clearance and have received that from the County Engineer. Plans have been submitted to the New York State DOT for review and permitting for the driveway and utility access, and we have submitted plans to all of the respective utility agencies for services. And any comments we received back from them, we'll coordinate with Dave Lindsay and make sure everything is done properly.

To address some of the comments in Lu's letter, there will be a siamese connection on the building front. We'll show that on the plans.

The lighting along the loading dock area has some spillover into the neighboring property. We're currently looking at the different alternatives with the pole height, the mounting arm and the light fixture itself to address that problem so that will no longer exist and plans will be submitted for that.

As I mentioned, we have adjusted the 8 foot fence will be a 6 foot fence, and that will show on plans that we'll submit to David (Lindsay).

The SWPPP and storm water calculations have been submitted to the Town so the Town does have those for review.

The slope along Widener Road in the back, that is 2 on 1. The Town standard is 3 on 1. We have looked at that and we'll be adjusting that to a 3-on-1 slope so we can meet the Town standard there.

We will be submitting updated plans with all of the requested changes to Dave Lindsay for review. So to close, I just like to mention again, we are seeking site plan approval for the site, and if there are any questions.

JAMES MARTIN: Going through my notes. I don't have any specific questions at this time. You have addressed the fence issue. That was one issue that I had. The building will be sprinklered?

MR. TIEDE: Yes, it will.

PAUL WANZENRIED: Um, the office area, it is just an office area, not a showroom?

MR. TIEDE: That's correct.

PAUL WANZENRIED: Truck parking, I assume that trucks are parked there at night; is that correct?

MR. TIEDE: You can answer that.

MR. GLAZER: There will be some trucks.

PAUL WANZENRIED: Any idea what that means?

MR. GLAZER: Um, there -- they come in the morning, they load up, they leave. There might be some trucks still there not finished loading. They're kind of on the move a lot. I don't know if they dock them for the night there. I will have to get back to you on that.

PAUL WANZENRIED: What kind of trucks are they would be the next question? Are we talking pickup trucks or 18-wheelers, box vans, what?

MR. GLAZER: Well, a little of all of them.

MR. TIEDE: The -- the counts we got from American Tire are you will see 1 to 2 trucks a day of the 53 foot length, and 10 to 15 of the 23 foot light commercial van style trucks a day. And while we're talking about, the expectation is 20 to 25 employees and an average of 1 or 2 walk-in customers a day. They don't have too many walk-in customers. It is mostly the commercial customers that come with the trucks.

PAUL WANZENRIED: The commercial customers that come with the trucks, like if I owned a Goodyear store, I come to you and pick up tires?

MR. TIEDE: Correct.

PAUL WANZENRIED: That is on top of the 10 to 15 that already come out of there?

MR. TIEDE: No. That is in that count.

PAUL WANZENRIED: Okay. Where are you piling your snow up?

MR. TIEDE: Mind if I come over to the Board?

PAUL WANZENRIED: Have at it.

MR. TIEDE: We have a little room along the westerly side. We have a rip-wrap swale 5 foot wide. They will be able to put some there. They have to occasionally move some out of the loading dock area.

We have some areas up in front off to the sides that they will be able to push snow. Along with some areas up along the front outside of the gate area that doesn't get some travel will be able to have snow storage area. We'll show the snow storage area on the revised plans submitted to David (Lindsay).

PAUL WANZENRIED: The new fire lane, is that 10 foot wide?

DAVID CROSS: Uh-huh.

PAUL WANZENRIED: So if I drive a truck all of the way down there, how am I getting it out?

DAVID CROSS: Reverse.

PAUL WANZENRIED: You will back it all of the way out of there, huh? Okay? All right.

Um, tire storage within the building, um, do you know how that is? Is it racked? How high? Any idea? Any idea the volume of tires you will have in there?

MR. GLAZER: It is racked. How high are the racks?

MR. TIEDE: I don't know.

MR. GLAZER: It is all on racks. I have seen the racking plan. I don't know exactly how high they are, but certainly enough distance to get lights above them and the sprinkler system.

PAUL WANZENRIED: And the sprinkler system. Okay. I don't have anything more right yet.

JOHN HELLABY: Um, you made mention of walk-in customers. Does this operation sell to the general public in person? You mentioned one or two walk-in customers.

MR. GLAZER: No. Walking in is someone local who has a tire store or, you know, that needs to pick up a bunch of tires.

JOHN HELLABY: So it is just directly wholesale. There --

MR. GLAZER: No common retail where you just walk in to get a few tires.

MR. TIEDE: A better term is an unplanned pickup as opposed to the -- most of the drivers are all scheduled and that type of thing. Occasionally somebody has an unscheduled or unplanned need.

JOHN HELLABY: Is this an added operation for this area, or are you presently operating somewhere else in the area?

MR. GLAZER: Presently on Paul Road.

JOHN HELLABY: It is presently in this area?

MR. GLAZER: Yes.

JOHN NOWICKI: Would you mind, the fence in question here, um, was it required to be reduced to 6 feet?

JAMES MARTIN: Our code says 6 feet. If they wanted 8, they would have to get a variance.

JOHN NOWICKI: Was that a security issue, that --

MR. GLAZER: The fence being there? The fence being there? Yes, it was for security purposes.

JOHN NOWICKI: Are you satisfied with 6 feet?

MR. GLAZER: Yes.

JOHN NOWICKI: You are?

MR. GLAZER: Yes.

JOHN NOWICKI: I just want to make sure that you -- that the security issue has been -- is a concern of mine in the area. So you're satisfied with the security --

MR. GLAZER: Satisfied.

JOHN NOWICKI: Okay. That is all.

DAVID CROSS: Does this have to go to Architectural Review Committee?

PAUL WANZENRIED: It's in GI. No, I don't think so. Not in a GI. It was the GB, I think it would have.

JAMES MARTIN: Does not have to. We could have requested it.

DAVID CROSS: It would be nice for them to take a look at it, the size of the structure going on on Scottsville Road, might be good to take it in front of our Architectural Advisory Committee to see what comment they have.

Looks like you have some opportunity for some landscape berming up along Scottsville Road. Not much, but maybe a little bit in here (indicating). You know a little here and here. Maybe just 3 foot high, as much as you can, to help screen a little bit of the parking (inaudible) just level. I don't know if Pat (Tindale) you will have a similar comment.

This is a trash receptacle? Is that going back in here (indicating)?

MR. TIEDE: That's correct.

DAVID CROSS: I didn't hear number of employees.

MR. TIEDE: It was 20 to 25 employee vehicles per day.

DAVID CROSS: The only thing I picked up, the fire lane you're proposing is asphalt?

MR. TIEDE: That's correct.

DAVID CROSS: I might be nicer to do a surface like a geo grid or something like that if it is okay with our Fire Marshal. Might be nicer for the site --

MR. TIEDE: We put in asphalt in at his request. We can definitely talk to him and --

DAVID CROSS: I think -- if he is okay with it.

PAUL WANZENRIED: To kind of pick up on Dave (Cross)'s idea, and maybe Pat (Tindale) could answer this -- Pat (Tindale) and anybody else, can that island that you -- that landscaped island that you have against the building, could that go to the outside instead of having a long line of carts, that would break that up and put that long line of cars parked against the building? Would that be -- would that be amenable?

JAMES MARTIN: Question is, the island that is proposed alongside the side of the building, could that be moved to the roadside along -- you know, the Scottsville Road parking area?

PAT TINDALE: I don't see why not. We wanted -- there was very little landscaping on Scottsville Road, and that is why we proposed the suggestion that they put some there and break up the islands with that.

PAUL WANZENRIED: I think you want to flop it personally.

DAVID CROSS: I think Paul (Blaser) has a great comment there.

PAT TINDALE: Uh-huh.

JAMES MARTIN: Wouldn't impact your parking, and it might actually enhance your landscaping.

PAUL WANZENRIED: Right.

JAMES MARTIN: It is -- take a look at it. It is a suggestion. Work with the landscaping -- the Conservation Board.

MR. TIEDE: We can take a look at that. I don't think that would be too big a deal.

MICHAEL JONES: Just one process issue comes to my attention. It appears that there has been a little bit of an issue at the department not notifying the City of Rochester, which appears to be within 500 feet from the property line of this project. The City, as an adjacent municipality, they have a right to be heard, so without providing them notice, I would just advise the Board to continue the Public Hearing to the next meeting before taking any action on the matter because you don't technically have jurisdiction to make a decision until the neighboring municipalities decide whether or not they want to comment.

JAMES MARTIN: Everybody understood that?

DAVID CROSS: I'm surprised that the City line is -- is less than 500 feet away.

MICHAEL JONES: Well, there actually was a change in the law just a couple years ago with respect to the neighboring municipalities having a right to be heard in this respect, and, as I understand our secretary to the Building Department didn't demonstrate the 500 feet, when it should be a lesser number, and we're just actually under 500 feet from my measuring it, so it is an easy mistake to make and how close it was -- we're like in the high 400s, but it has to be 500 feet. So I think if you made an approval tonight, it wouldn't hold up. It wouldn't be a valid approval.

So for the applicant's protection, this Board complying with the law, I simply recommend adjourning the Public Hearing, keeping it open so the City has an opportunity to be heard and that at the next meeting you can proceed.

JAMES MARTIN: So basically, this would then be sent to City Planning Council or whatever agency it is for their review.

MICHAEL JONES: We can at least notify the City of Rochester Clerk and let them do what they want. They usually do nothing, but we can't do anything until they do nothing.

JAMES MARTIN: We can't ignore them.

MICHAEL JONES: Correct.

JAMES MARTIN: Everybody understand that? All right.

PAT TINDALE: I wanted to thank them, because they really did try to do what we asked

them to do. And I just had one question. Did you check into -- because we think the landscape materials were really highly overpriced.

MR. TIEDE: We have a -- we haven't confirmed the cost, but --

PAT TINDALE: I would check into that.

You will get back to us with landscape plans and a checklist?

MR. TIEDE: Right.

PAT TINDALE: Thank you.

BRAD GROVER: The trucks that you have here, is this your own fleet or is it just owner operators or --

MR. GLAZER: Their own fleet.

BRAD GROVER: Your own fleet. So they're parked there every night and travel out in the morning with deliveries?

MR. GLAZER: They have ones in Albany and Buffalo. They move around a lot.

BRAD GROVER: So you only have 25 trucks going in and out all day long, that's --

MR. GLAZER: Yes.

BRAD GROVER: That is going to be the extent. They just leave out all day and come back?

MR. GLAZER: I guess. Depends.

BRAD GROVER: Not 23 runs in a day?

MR. GLAZER: No.

BRAD GROVER: Not that much traffic.

The access, the fire lane here, I don't know if you could put a little turnaround at the end there, just even for snowplowing, with the plow guy going down there. Having to back up all that way every time he plows, it will get tiring. Just a little turnaround there he might be able to do for the pickup truck, that is all it would probably need. I don't know if it would be big enough, if you could make it big enough for an emergency vehicle if you had that option to make that room in there. Trying to back 450 feet back up is not easy to do.

MR. TIEDE: We'll definitely work with the Fire Marshal on it.

BRAD GROVER: I'm sure he will suggest it, as well.

JAMES MARTIN: Very valid suggestion to take a look at some way to turn the vehicle around at the end of that fire lane.

RICHARD BRONGO: I have one question. There -- we're concerned how far away it was from the City. Are we talking about across the river, and if it is the City across the river, and if it is not, then it is Brighton across the river. So if we're going to notify the City because it's 500 feet down the road, this way (indicating) then we would also have to notify Brighton because we're within 500 feet of them. Or maybe Brighton ends a little further down. I'm not exactly sure where Brighton --

DAVID LINDSAY: It is not across the river.

It is actually down Widener Road and towards the airport, the two points that we're looking at, where the City -- a piece of the City property comes down along Widener and the canal, stretches down quite far, and then also across Scottsville to the airport is what -- not across the river.

RICHARD BRONGO: But my concern is, if the area across the river, to the building is less than 500 feet, then we would have to notify the --

DAVID LINDSAY: We'll check that.

RICHARD BRONGO: -- the owner across the river, which I think is Brighton.

JAMES MARTIN: I think it is worth checking into, because when the motel goes in here for the car crusher, which I know we had to notify Brighton, so I think it would be worth checking. Thanks for the comment on that.

As Mr. Jones has indicated, we'll go ahead with public comment tonight, but we'll have the public comment open on this because essentially we'll have to table this application so we don't do something that is not a valid approval at this point.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Can you explain and show us where that dry pond is in this layout, please?

JAMES MARTIN: You can answer that.

MR. TIEDE: The dry pond is located down south of the loading dock area. It is this little pond shape area here (indicating). The purpose of a dry pond is just to hold the water during a storm event and slowly release it at a controlled rate.

MR. RETTIG: For the Chair, is that specifically delineated?

JAMES MARTIN: Pardon?

MR. RETTIG: Is that specifically delineated as to a size of volume, do you know?

JAMES MARTIN: That's up to the Town Engineer to look at those calculations to be in compliance with all of the current, you know, DEC issues around drainage. I can't answer that question right now. Certainly will, it will be looked at and will be appropriate.

MR. RETTIG: That pond, therefore, is for SWPPP specifically? SWPPP approval? Okay. Thank you.

Is there any outside storage in this facility?

JAMES MARTIN: You can answer that.

MR. RETTIG: At this facility?

MR. GLAZER: No.

MR. RETTIG: So that would include -- well, let me ask the next question. Are there any used tires to be stored or brought into this site?

JAMES MARTIN: You can answer that.

MR. GLAZER: I don't believe so.

JAMES MARTIN: Certainly in the information that we have had from American Tire, there is no indication that they will be handling any used tires on the site.

MR. RETTIG: Thank you.

JAMES MARTIN: Strictly new.

MR. RETTIG: Has there been any concern with Architectural Conservation as to the percentage, the low percentage of green space with this particular layout compared to what is normally or nominally required by the Town?

JAMES MARTIN: It meets the current requirements from a code perspective. Obviously we're dealing with a site that, when they're all said and done, is going to look significantly better than the previous facility that existed on the site, so I don't see that there is any issues with that.

Pat (Tindale), do you agree with that assessment?

PAT TINDALE: I was just going to say, I know they have more green space than Olympic Bowl.

MR. TIEDE: We have reduced impervious area 15 percent.

MR. RETTIG: I just also wanted to comment, and I am glad Mr. Jones is holding the hearing open, because it is my understanding that as I saw the drawings at the Building Department, this is a new submittal, a different revised submittal with the Fire Marshal; is that correct?

MR. TIEDE: Yes. We are addressing comments that we had received and incorporated some of this in our presentation that should have been -- and we're working with the Town to address comments. We'll be submitting a revised set of plans showing all of the --

MR. RETTIG: Therefore, you should have these revised and completed plans available at the Building Department prior to our next meeting?

JAMES MARTIN: Obviously all -- all of the building plans, everything that needs to be submitted will be submitted prior to, you know, the building permit being issued, so in answer to your question, there will be no building permit until all of the appropriate plans are in place.

MR. RETTIG: I asked from the standpoint of the Public Hearing, because tonight, um, we're seeing a new drawing, and the Public Hearing is being held open.

JAMES MARTIN: It's a modified drawing from what we had before. Yes, the Public Hearing will still be open when we address this.

MR. RETTIG: Okay. Thank you.

This is a wet-sprinklered facility; is that correct?

JAMES MARTIN: Yes.

MR. GLAZER: Yes.

JAMES MARTIN: That has already been stated. It will be a sprinklered facility.

MR. RETTIG: Well, I have a question that if a fire should envelope this site, tires provide very black smoke with petroleum runoff, and to my knowledge, as I have specifically talked with Airport Authority personnel, that this has not been thoroughly reviewed with them. I just wanted --

JAMES MARTIN: It has been reviewed by the Airport Authority and approved. That is all I can tell you. I have that in writing from the County.

MR. RETTIG: Well, I hear what you're saying, that the County Engineer, what he said -- the County Engineer, approving it. But I'm just telling you, that the Airport Authority has not reviewed this in their meeting. This facility -- the reason why I mention this is because if you should have black smoke at this facility, if you should have the fire that -- the petroleum, you're only 500 feet from the airport tower. You're roughly 300 feet from the Genesee River.

Now, I will make mention that New York State DEC personnel as far as the application SEQR for the watershed, is not in the application to the best of my knowledge, and DEC has not reviewed this thoroughly -- in thorough -- in thoroughness to mitigation for potential fire and petroleum runoff that you get from a tire fire, so I do not believe it has been properly or thoroughly investigated.

JAMES MARTIN: Thank you.

MR. RETTIG: I would like to see that -- I would like to know that there is a complete DEC review and know that it has been completely reviewed for these specific problems, potential problems, which I think, in my opinion, and from what I just told you, that the Airport Authority has not reviewed this. Or maybe they were supposed to, but again, if they -- like Mr. Jones says, if they don't review it, it just goes right through, that this should be a major concern. I think it should be readdressed, and I just want to make it known for the record that it should be more definitively reviewed by our Fire Marshal and the Airport Authority.

JAMES MARTIN: Thank you.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: I have mainly an issue that concerns SEQR for this project.

I notice that there is construction of a building that exceeds 100,000 square feet, and under the SEQR regulations, which can be found in Title 6 of the New York Codes Rules and Regulations Part 617, construction of a facility such as this, is a Type I action and would require at least a long environmental assessment form filled out.

When I checked the file today at the Building Department, there was only a short EAF that was on file. There should be a long EAF on file. I would also like to see the Planning Board declare its intent tonight to be lead agency for the project and to send out notice to all other involved agencies so there could be coordinated review under SEQR. Obviously there won't be any approvals tonight because the Public Hearing will be held open, but I'd also like you hold off doing any SEQR until lead agency has been established.

With regards to the notice about the Public Hearing tonight and the 500 foot, um -- 500 feet from the City, I have some maps that I just wanted to show you. The subject property is right here (indicating). And as you can see, this -- this dark line here (indicating) represents the boundary line between Chili and the City of Rochester. So you can see 42 Patriot Way, which is where the State Armory is located, and 1375 Scottsville Road, that is where the airport tower is located. So you can see that distance there is, um, less than 500 feet. This is a legend down here that shows what 200 feet is, and also mentioned, there was a property on the other side, 110 Widener Road, which is actually also in the City of Rochester.

Um, I have a map right here, too (indicating).

So you can see there is just this -- this little piece of the property that juts out there. I know there was some question about the Town of Brighton. I -- you know, the Building Department can check that out, but I -- I don't believe the Town of Brighton is within 500 feet of this parcel. You can see 151 Widener Road, that is still part of Chili. So. That was all. Thank you.

MR. RETTIG: Just as a follow-up to what Mr. Miller had to say, my bottom line comment is you see the airport tower is rather close to this facility. If there should be a fire, a tire fire is very smokey, and my contention is that would require the Rochester Airport to be shut down. So that is why I make the comment for review accordingly.

Thank you.

JAMES MARTIN: I was looking for my listing of thresholds for Type I.

MICHAEL JONES: It is true. It is true.

JAMES MARTIN: Pardon?

MICHAEL JONES: It is true.

JAMES MARTIN: Building over 100,000 square feet. Okay. Since it meets that threshold requirement.

MICHAEL JONES: Mr. Chairman, I wouldn't recommend taking any SEQR action until the applicant gets a long form.

JAMES MARTIN: It requires a long form EAF?

MICHAEL JONES: Yes, and the applicant hasn't gotten that to us.

JAMES MARTIN: All right. Do we need to do a coordinated review if it is a Type I?

Depending on --

MICHAEL JONES: We should do it.

JAMES MARTIN: We should do a coordinated review?

MICHAEL JONES: We should, yes.

JAMES MARTIN: Okay. I will make a SEQR declaration then -- I'm sorry, Miss Borgus. I didn't see your hand.

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I understand it is the purview of this Committee to give the parking waiver for the difference in the parking spaces.

JAMES MARTIN: That is correct.

DOROTHY BORGUS: Since you -- now, and they have more than they say they need now; am I right?

JAMES MARTIN: That's correct.

DOROTHY BORGUS: Since that is the case, why -- why would you allow them a 9 by 18 space? If --

JAMES MARTIN: We haven't yet.

DOROTHY BORGUS: But I'm just saying. Since they have too many spaces, it is in your purview to do it anyway, why don't we get the right-sized spaces? We may not have as many as the Town Code says, and that is okay if they don't need them, but let's at least get them the proper size.

Thank you.

JAMES MARTIN: Thank you.

I will try to make a SEQR motion that the Board --

DAVID CROSS: We're not acting on SEQR. We shouldn't act on SEQR tonight.

JAMES MARTIN: We're going to start a coordinated review tonight. That doesn't --

MICHAEL JONES: My only -- my only concern, Mr. Chairman, is that we -- we don't have the full EAF yet. So the first step in SEQR is for the applicant to submit a full EAF.

JAMES MARTIN: I'm sorry. You're correct.

MICHAEL JONES: I would just recommend that we wait until we get that form and we can go from there.

MR. TIEDE: The information is going to be additive. It not going to substantively change the nature of the -- the practical aspects of this application. So that we don't lose an entire month, could the Board, um, declare an intent to declare themselves lead agency, pending receipt of a completed long form that contains substantially, you know, the information that -- recognizing the short form was already received? Just so that we don't have to lose another month?

MICHAEL JONES: I don't have a problem with declaration of intent to act as lead agent, but I think that is --

JAMES MARTIN: If we wait until we have a full EAF for review, we would not be able to declare ourselves lead agency until the next meeting, and then it starts a 30-day clock for review. I'm just trying to remember in the past if we declared our intent to become lead agency, um, whether that started a 30-day clock at that time. But I think we did have a full EAF in hand at that time. So -- we're between a rock and a hard place on this one without the full EAF. Obviously we would probably be remiss in declaring ourselves -- our intent to become lead agency. What we would send out to the reviewing agencies at this time, we don't have the information.

MICHAEL JONES: It would be subject to getting it and if we didn't get it -- then -- the clock --

MR. TIEDE: That's what I'm saying. If we got it to you, which we could certainly this week, um, so that we could at least start the 30-day clock when you have it --

MICHAEL JONES: 30-day clock would start as soon as --

JAMES MARTIN: I didn't hear it.

MICHAEL JONES: I think the 30-day clock starts as soon as you make your declaration of intent, so we would have to have it right away.

MR. GLAZER: We can get it to you.

MICHAEL JONES: I leave it up to you, Mr. Chairman, the Board's discretion. We don't have that form yet.

JOHN HELLABY: Then we would have to reconvene as a Board, correct, to start that clock? So he -- so either way they will loose.

JAMES MARTIN: Well, if we started -- if we declared our intent tonight and they provided an EAF within 48 hours or something like that before we send them out in mailing to the listed agencies for review, um, that would essentially start the 30-day clock when we sent that information out, correct? If we -- if we just declared our intent. I know it is a slippery issue, but on the other hand, we don't have that information in hand to make that declaration.

MICHAEL JONES: Right. So you could declare your intent tonight and then you would have to have something to send to these agencies right away which would in sum and substance be similar to the short form, but we need the long form. That is what is required.

MR. TIEDE: We have no problem providing that.

JAMES MARTIN: But what would be an appropriate time period to have that information provided so that we can initiate that 30-day clock?

MICHAEL JONES: Tomorrow.

JAMES MARTIN: Tomorrow.

MR. TIEDE: We can get it to you by end of day tomorrow, as many copies -- if everyone on the Board would like one to an address, we can do that. Whatever the Board wishes.

RICHARD BRONGO: Mike (Jones), is the 30 days, the notice that the people have to have to respond?

MICHAEL JONES: Yes.

RICHARD BRONGO: So no matter whether they get it to us tomorrow or not, by the time the next meeting comes, it is not 30 days. It is less than 30 days.

JAMES MARTIN: Absolutely.

MICHAEL JONES: That's right.

RICHARD BRONGO: I mean, even if we had that on file, we still wouldn't be ready for the next meeting.

MICHAEL JONES: Right. I don't know exactly when the next meeting --

JAMES MARTIN: July 10th.

RICHARD BRONGO: July 10th, which is only 28 days from tonight.

MICHAEL JONES: Correct.

JOHN HELLABY: You won't have answer then.

PAUL WANZENRIED: I think the answer is no.

JOHN HELLABY: You're stuck both ways.

JAMES MARTIN: You're stuck until August because we won't meet the 30-day clock, even if we start tomorrow or the next day.

But if we -- we would be fully prepared. We would have all of the comments back for the August meeting, if we start the clock tonight, rather than wait until the July.

RICHARD BRONGO: You can still start it in July because there is five weeks from July to the August meeting.

JOHN HELLABY: Then they can hold a special meeting if they want.

JAMES MARTIN: You can always hold a special meeting if you so desire at the end of the 30-day period, if we have all of the comments back and the Board -- whatever. That is always a prerogative to do that.

JOHN NOWICKI: That is probably the way to do it.

RICHARD BRONGO: If you mailed out your notices at the July meeting, you would still have your 30 days before the August meeting, so --

JOHN NOWICKI: They want it before August.

JAMES MARTIN: I think you want to get this project started.

MR. TIEDE: Yes.

JAMES MARTIN: If we declare our intent tonight to become lead agency, declare it Type I action with the coordinated review necessary, um, you get us the long form EAF tomorrow, we

get that out to all of the pertinent agencies, um, that will basically start the 30-day clock. All right? But we're still going to be short for the July meeting. So we would have to have a special meeting in close proximity to the next regularly scheduled Planning Board meeting, but it would be at the end of the 30-day period. We need to look at a calendar.

July 10th is a regularly scheduled meeting. If we start the 30-day clock, let's say no later than the 14th of this month -- just looking at the calendar, um -- all right. The 30-day clock ends on the 14th of July. It's a Saturday. So we could entertain having a special meeting to get this moving sometime the week of the 16th, assuming we can get a quorum. But it's on your ticket. Town doesn't pay for that.

You understand that?

MR. GLAZER: Yes.

JAMES MARTIN: That's our best option at this point in order to move this project along. I know American Tire is fairly anxious to get going on this. You know, 20, 25 jobs coming to Chili, I think we would like to do what we can to aid that process.

MICHAEL JONES: Mr. Chairman, if the Board was so inclined, the regular scheduled meeting on the 10th, you could move it to the 17th and accommodate everything in one meeting. So there are options we can do offline in terms of how we schedule things.

JOHN NOWICKI: If we did that, it wouldn't cost you any money, would it?

RICHARD BRONGO: Only one meeting.

MICHAEL JONES: Saves us all time. One less meeting.

JAMES MARTIN: Who would it be unfair to if we did that?

MICHAEL JONES: I don't know if anything is scheduled. I am saying, we can maybe discuss it offline to see how it works.

JAMES MARTIN: I will not say anything about it right now. It's an option, but it's -- we have to be fair to everybody. Okay? All right. Let me see if I can word something around this at this point.

JOHN HELLABY: Good luck.

JAMES MARTIN: Based on information, evidence at this hearing, um, the Board intends to declare itself lead agency under the SEQR review process for this project. We find the application to be a Type I action with a coordinated review required. On the SEQR application, um, we need a vote on that.

Do I have a second on that?

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

JAMES MARTIN: So we're on track to get this started. On the application itself, given the situation that we have with the notice to the City and all of that, I would make a motion that we table these applications or this application to a future meeting.

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion.

DECISION: Unanimously tabled, by a vote of 6 yes to table the above described application to a later date pending the outcome of a coordinated SEQRA review process.

JAMES MARTIN: So hopefully we can work this all out. Get the EAF in here as fast as you can tomorrow, and our Planning Board secretary will get the notices out to the particular pertinent agencies and we'll go ahead.

The meeting was adjourned at 9:50 p.m.