

CHILI PLANNING BOARD

June 13, 2006

A meeting of the Chili Planning Board was held on June 13, 2006 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: Karen Cox, Jason Elliotto, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Dennis Scibetta, Building & Plumbing Inspector; Larry Nissen and David Lindsay, Town Engineers; Pat Tindale, Conservation Board representative; Fred Trott, Traffic Safety Committee representative; Jeron Rogers, Director of Planning/Engineering.

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: Quick administrative note. This is the last meeting that Larry Nissen is going to be with us representing the Town Engineer. On behalf of the Board, I would like to thank Larry (Nissen) for his many years of service to the Planning Board and to the Town.

It has been a very pleasure for everybody to work with you. We wish you well in your future endeavors. I understand Dave Lindsay, sitting at your right, will be taking over as a representative for the Town Engineer. So thank you very much for your service.

As I stated earlier, it is my prerogative to change the agenda. Item Number 5, for those of you that got a copy of the agenda -- I understand we ran out. That is the application of North American Properties regarding the request for rezoning on the property on Paul Road. We're going to move that to the number one slot tonight on the agenda. I know most of the people in front of me are interested in that particular application. I thought we would clear that off the docket first so many of you could go home early.

So without further adieu.

PUBLIC HEARINGS:

5. Application of North American Properties; 1080 Holcomb Bridge Road, Building 200, Suite 150, Roswell, GA 30076, property owners: Fallone Enterprises, LLC and The Fathers House for recommendation to rezone approximately 53 acres from PNOD (Planned Neighborhood Overlay District) and R-1-15 (Residential) to G.B. (General Business) at property located at 741 Paul Road (36 acres) and portion of 715 Paul Road (17 acres).

Jeff Pape was present to represent the application.

MR. PAPE: Good evening. My name is Jeff Pape with North American Properties. We are the applicant. I'm going to keep this very brief tonight for two reasons. We expect that the Board will not act tonight on any recommendation for the rezoning itself for two reasons.

When we appeared before the Planning Board back in December, you all expressed the desire to not move forward with this application until the Master Plan Update Committee had made their formal recommendations.

While the draft study has been made public, we recognize that still needs to be finalized.

Second, it would be premature to ask the Planning Board to take action on the rezoning recommendation without the SEQR process getting started and moving forward with that. So we're going to hold off on giving a presentation tonight and request that you table any recommendation for the rezoning itself. That brings me to the second point.

The one thing we would ask tonight is that the Planning Board consider going ahead and taking action to declare its intent to act as lead agency to get that 30-day clock started ticking. There have been several concerns raised by both the community as well as Town members -- Town Board members and Planning Board members. We feel that getting the SEQR process started will give us the opportunity to start to investigate those and bring some of the preliminary studies we have done to the forefront, and we need a lead agency to coordinate that.

So with that said, again, that is the only thing that we would request the Board consider night and we are certainly here to answer any questions.

JAMES MARTIN: Thank you. You stole my speech.

MR. PAPE: Sorry.

JAMES MARTIN: That is all right. I think you have said it very adequately, that when you were before us with the original application, the Board felt that until the update of the Master Plan Update Committee had been finalized, that we were not in a position to make any recommendation on the rezoning request. Where we stand tonight is essentially what you said. A draft recommendation has been prepared by the Master Plan Update Committee. It was reviewed at a public session, I believe, on May 24th. There have been some modifications to the original draft based on the outcome of that particular -- the input, I guess from the citizens that night at that review. It will -- it will be presented to the Town Board.

The Town Board at that point in time will need to schedule a public hearing on the recommendations, and they eventually will formally vote on adoption of the recommendations or modification to those recommendations.

At that point in time, they will become part of our master plan.

So the second part of the request to move ahead -- we use the term "SEQR" around here very regularly. For those of you that are not familiar with that particular acronym, it does stand for the State Environmental Quality Review Act which is a set of laws that govern projects of this nature or any nature, I guess, that may have environmental impact under State Law. We have to review any application in relationship to that particular process.

What has been requested tonight by the applicant is that the Planning Board declare its intention -- I emphasize the word "intention" -- to become lead agency. And by lead agency, essentially the responsibility to ensure that all environmental aspects of the project are carried out properly, reviewed properly, that the process is taken to completion falls upon the lead agency. It would be their responsibility to ensure that all of the Is are dotted and Ts are crossed on the environmental aspects of the project. They have asked us to declare our intent to become lead agency. That does not necessarily mean that the Planning Board would become lead agency.

We would send out a letter to all interested parties, and believe me, there are numerous interested parties in this particular application -- indicating to them it is our intention to become lead agency. That would start a 30-day clock process upon which the other agencies that may be involved in this particular application could either accede to that request that the Planning Board become lead agency or to say no, we really think it had ought to be our prerogative to be lead agency on this particular issue.

So it does not constitute in any way, shape or form an approval of this application, and I want to emphasize that fact to everybody that is here. If we were to go ahead and vote on a motion to declare ourselves lead agency under the SEQR process, it does not constitute an approval of this particular application. It still needs to go through several steps along the way before it would become an approved process, the key being that the property would need to be rezoned.

That is not the prerogative of this Board. Any rezoning that occurs in the Town of Chili is under the authority of the Town Board, not the Planning Board. The Planning Board only acts as a recommending body to the Town Board.

So I hope everybody understands that, that the Planning Board does not have the authority to rezone any property in the Town of Chili. So that said, if we were to go ahead and make a motion to declare ourselves lead agency, under the SEQR process, I want everybody to understand that it is an intent only. There is no approval of this application. There is no approval of any rezoning, so please understand that.

I don't want you to leave here tonight, if we were to go ahead and say yes, we will become -- we will declare our intention to become lead agency, that it constitutes an approval. So that being said, I guess I have one other statement that I would like to make.

You know, it certainly is the obligation of this Board or any Board or agency in the Town of Chili to make a fair and balanced determination on any application of this nature. You know, it's -- you know, to approve or not approve an application, it needs to be done in a timely fashion, in a timely manner. To have commercial developer -- development applicants just throw their hands in

the air and walk away out of frustration because of -- the Town has had a lack of response to the request is really not the way we want to do business.

So I just wanted to say that. That is kind of the end of the sermon, but clearly the Town of Chili does need some commercial development. I'm not saying this is right, wrong or anything. But to have applicants walk away in frustration is not the way we should be doing business in this Town. End of sermon.

I will now go to the Board for any requests or comments they have regarding this particular application.

KAREN COX: Have they gotten Larry (Nissen)'s letter about comments on the EAF?

JAMES MARTIN: Um, I -- Mr. Pape, have you received a copy of the letter from the Town Engineer?

MR. PAPE: Yes. Our engineer provided that to us.

JAMES MARTIN: Thank you.

JIM POWERS: This opens up a 30-day period; is that correct?

JAMES MARTIN: On the declaration of our intent, yes.

JIM POWERS: Our next Planning Board meeting is scheduled for, I think, the 11th of July.

JAMES MARTIN: That would be the next meeting, yes. The 11th of the July would be the next meeting.

JIM POWERS: I don't believe the Town Board meets until possibly the 12th of July. Therefore, this applicant probably wouldn't come back before the Planning Board until August?

JAMES MARTIN: I think we cannot really, you know, in my opinion anyways, move ahead until the Town Board has acted upon the recommendations. If they don't do it in July, yes, we are going to be off until August.

JOHN NOWICKI: So it could take, one, two, three months before it comes back before the Planning Board.

JAMES MARTIN: It's possible, yes.

KAREN COX: Back to Larry (Nissen)'s letter, the applicant indicated that they gave us this documentation to -- to go with our letter to declare ourselves as lead agency. Are you going to address Lu Engineer's comments and provide a revised copy?

MR. PAPE: Um, we can certainly do that. Whatever the Board prefers. We can handle that however the Board prefers. We can address those comments now or during the SEQR process once it is started. Several of the comments were things such as applicant made the statement, but it is not substantiated. We didn't want to submit all of the studies until we had a lead agency to coordinate it and then we'll back up the studies.

JAMES MARTIN: I think that is fair to hold off until you know which we're way going to go.

KAREN COX: That answers my question. Thank you.

JOHN NOWICKI: Just when the resolution comes up, items as we go through them, I would hope that they would be explained to the audience in some kind of fashion so they know what to expect, what kind of time frame we're looking at ahead of us here. It could be a lengthy time frame by the time we get through a Town Board, having a public hearing there, get -- SEQR.

MR. PAPE: We just want to get it started.

JASON ELLIOTTO: I guess the Planning Board shouldn't move forward until this application is approved by the Town Board through the Comprehensive Review Committee. And is anything that you said -- there are some changes in the copy that we have to the finalized one that is going to go in front of the Board? Are any of those changes to do with areas of this property?

JOHN NOWICKI: Um, they're minor changes based on the public hearing -- again, most of the recommendations that you have in front of you in this draft copy are the major ones, okay? And the Town Board should be getting this draft, along with the changes --

JASON ELLIOTTO: Is that the new draft?

JOHN NOWICKI: No. This is the same one.

KAREN COX: That is the one that is on line?

JASON ELLIOTTO: That is the old one.

JOHN NOWICKI: Have there have been minor changes?

JASON ELLIOTTO: To do with this property?

JOHN NOWICKI: I'm just saying to the draft.

JAMES MARTIN: The Update Committee did not deal with any specific property.

DARIO MARCHIONI: Some of my questions have already been answered, so I'm all set.

JAMES MARTIN: Procedural issue. If we make a motion and move to table this application, as it is written tonight, there will be no public hearing at this meeting. There will be

no public hearing if we table this. Tonight. There will be a public hearing down the road, but not tonight if we table this application.

JOHN NOWICKI: There will be more than one.

JAMES MARTIN: Depending on the SEQR outcome, there could be two public hearings. Two or three related to the application before the Planning Board, related to the application to the Town Board, if it gets to that point and then a public hearing on the SEQR process. So there are three potential public hearings down the road on this particular application. But procedurally tonight if we table this, there will be no public hearing.

So I hope I'm not disappointing a lot of people, but on the other hand, I think it would be premature, all right, at this point to go ahead and have a public hearing until we know that the SEQR process 30-day window has closed and we're moving ahead.

MR. BRIXNER: You advertised a public hearing for tonight.

JAMES MARTIN: It is advertised as a public hearing, Mr. Brixner. However, if we table this application, there will not be a public hearing. That is a standard procedural issue. Therefore, I will not recognize anybody in the audience.

I would like at this point in time to read a motion. I want everybody to listen very carefully, and I will try to explain as we go through this motion.

"Whereas, the Planning Board of the Town of Chili ("Planning Board") is considering the applications of North American Properties to rezone certain properties on Paul Road and develop such properties for uses permitted under the zoning code" -- that is fairly straightforward. That if the property got rezoned, and it could move ahead to a development under any permitted use under the zoning code -- "Whereas, due to the aggregate scope of said applications" -- this is a fairly large project -- "(and any amendment thereof), their enactment would qualify as a Type I action under the New York State Environmental Quality Review Act ("SEQR"); and" --

Type I action is the most serious environmental impact action that exists under the New York State statutes.

"Whereas, the Planning Board is desirous of reviewing the combined environmental impact of these applications, and,

Whereas, the Planning Board is in receipt of draft recommendations" -- and I quote again, "draft recommendations of the Town of Chili Comprehensive Plan Committee which have not been approved by the Town Board,

Now, therefore, be it resolved that the Planning Board classifies this action as a Type I action under SEQR, and requires a long form environmental assessment form" -- EAF is the acronym for that -- "finds that it is an Involved Agency" -- that is the Planning Board is an involved agency -- "and declares its intent" -- and I underline the word "intent" again -- "to be the Lead Agency, and shall cause to be delivered to the other Involved Agencies notices of the Board's intent to become Lead Agency."

That essentially is a letter that I signed that goes out to all interested agencies regarding this particular project, stating that we have declared our intention to become lead agency on this particular project.

And 'Finds that the recommendations of the Town of Chili Comprehensive Plan Review Committee have not been reviewed or approved by the Town Board, and that a rezoning recommendation would -- would be premature until that has occurred."

That is the motion that I put before the Board.

Are there any clarifications or questions on this particular motion at this time?

Do I have a second of this motion?

DARIO MARCHIONI: Second.

JAMES MARTIN: The motion has been offered by myself and seconded by Dario Marchioni.

Any further discussion at this point?

The Board unanimously approved the motion by a vote of 7 yes.

JAMES MARTIN: Yes. So essentially it is tabled until the Town Board acts upon the recommendations of the Master Plan Update Committee.

MR. PAPE: Understood.

JAMES MARTIN: We will send out a letter declaring our intention to become lead agency as to SEQR, and that will start the 30-day clock on that particular process.

MR. PAPE: Great. Thank you all. I appreciate it.

JAMES MARTIN: I will declare a five-minute recess for the hall to clear.

DECISION: Unanimously tabled by a vote of 7 yes to table pending action by the Chili Town Board on the recommendations of the Chili Comprehensive Plan Review Committee. The Planning Board did declare its intentions to act as lead agency for the SEQR process (see above resolution).

1. Application of Rochester Rental & Sales, Inc., 1220 Scottsville Road, Rochester, New York 14624, property owner: Davport Rochester LP; for conditional use permit to allow an automobile rental agency at property located at 1260 Scottsville Road in G.B. zone.
2. Application of Rochester Rental & Sales, Inc., 1220 Scottsville Road, Rochester, New York 14624, property owner: Davport Rochester LP; for preliminary site plan approval for a change of use in portion of building to allow an automobile rental agency at property located at 1260 Scottsville Road in G.B. zone.

Shel Beaston was present to represent the applications.

MR BEASTON: Shel Beaston with Rochester Rental. We have operated an auto rental agency at 1260 -- 1250 Scottsville Road. On the application it says 1220. I believe it is a typo there. We have been at 1250 Scottsville Road for the last five years.

I appeared before the Board five years ago to get a conditional use permit. We're reapplying for the permit.

Over the past five years, there have not been any problems with the Town or the neighbors with the auto rental agency. With the renewal of the permit we're asking permission to move from 1250 to 1260, right next door. Both buildings are zoned General Business as part of the Air Park business complex.

The new location would be on the side of the building so we wouldn't face Scottsville Road any more. We would be next to Save Light Glass.

Does the Board have any questions for us?

JAMES MARTIN: Based on my site visit, you have already moved.

MR. BEASTON: That is correct. We're asking for permission to renew the permit in order to do that. We were in a time crunch.

JAMES MARTIN: I will read for the Board's edification the original approval granted for a period of five years. Only condition was that it was restricted to passenger vehicles and mini vans only. That is still the nature of your business?

MR. BEASTON: Yes, sir.

JIM POWERS: Is a variance required for the sign, or did they obtain a sign permit to move the sign from one building to the other?

MR. BEASTON: That was in the original application. And we did pay the fee, but that has not been granted yet.

JAMES MARTIN: So -- Dennis (Scibetta) clarification on that? That is a ZBA issue at this point?

DENNIS SCIBETTA: Yes. It is in front of them. We have the application for it, but it is just the matter of changing from the one building to the other. It is --

JAMES MARTIN: The sign is the same as it was on the original building?

DENNIS SCIBETTA: Correct.

JAMES MARTIN: Same sign?

MR. BEASTON: Yes. It is moved, so it is harder to see from the main road.

JIM POWERS: On the parking, when I was over there, there were cars parked outside of the hash marks where the safety glass place is, and there were cars parked where you have them marked here on your map, those last three spots. I don't know if those cars were parked outside of those hash marks were --

MR. BEASTON: They could be Safety Light's customers.

JIM POWERS: If that be the case, why wouldn't you possibly move your three slots towards Scottsville Road where the other four are so that their customers have some place to park.

MR. BEASTON: That's a very good idea, sir. We try to move carts around to make room for everybody there.

JIM POWERS: Who gives you permission to use this parking area?

MR. BEASTON: The owner of the property said that we could park anywhere on their

property. If we have overflow, we can park in the back in the other parking lots. But usually there is only a couple of cars on our lot every night. We have a very small fleet.

KAREN COX: Is it the same owner for both of those buildings?

MR. BEASTON: Yes. Used to be Ron DiChario, and he sold out to Davport.

KAREN COX: So they just bought the two buildings?

MR. BEASTON: The entire complex, except for the one that the DiCharios still own.

KAREN COX: Those -- the vehicles that are there, they rent them right there at your new location, and they're there for people to pick up?

MR. BEASTON: Yes. But the majority of the cars are rented out and rented as much as possible.

KAREN COX: They're kept what?

MR. BEASTON: Out on rent. We don't try to have like 20, 30 cars sitting there. That is not the type of business we're in. We're -- as soon as a car comes back, it goes right back out.

JOHN HELLABY: Question for Dennis (Scibetta). No complaints?

DENNIS SCIBETTA: I see none in there.

JOHN HELLABY: The only other thing, in the original application, was there a limit on the number of vehicles that they can park over there?

JAMES MARTIN: No. No, there is no limit. It is restricted to passenger vehicles and mini vans.

JOHN NOWICKI: Rentals to airport patrons?

MR. BEASTON: Yes. Local use. People going on vacation, and airport customers.

JASON ELLIOTTO: When did you move?

MR. BEASTON: At the end of April our lease ran out. Our lease with the one building ran out.

JASON ELLIOTTO: So your intention was to move at the end of April then?

MR. BEASTON: Yes.

JASON ELLIOTTO: You filed your application with us in April?

MR. BEASTON: Yes. When I received the letter stating the permit needed to be renewed. Before that I was unaware it had been five years ago that a permit needed to be renewed.

JASON ELLIOTTO: In your letter, it says at no one time there is basically more than seven vehicles in the lot?

MR. BEASTON: That was correct.

JASON ELLIOTTO: So your business is not going to expand?

MR. BEASTON: We're in the 15 to 25 vehicle market right now.

JASON ELLIOTTO: That is where you plan on staying?

MR. BEASTON: That is where we'll be for a long time, I believe.

JASON ELLIOTTO: With the new business that is going to go into your old place, they're going to be okay with you using the parking spots next to the same location that you have marked here for us?

MR. BEASTON: There is plenty of parking throughout the development. And out in front of that building, there are numerous spots.

JASON ELLIOTTO: What is behind the building, the new building? What is in the back?

MR. BEASTON: The Safe Light Glass and behind Safe Light Glass is a records-keeping business for a doctor's office.

JASON ELLIOTTO: So there are no parking spots behind the new building?

MR. BEASTON: Behind the new building?

JASON ELLIOTTO: Where the edge of the asphalt and the fence is from the --

MR. BEASTON: Yes. There are parking spots back there also, yes. It doesn't show on the current plan, but there is parking back there, and the old helicopter landing zone, since they moved that, that has been designated parking also.

JASON ELLIOTTO: So would it be possible to move the rental vehicles to the rear of the property?

MR. BEASTON: Of course, sure.

JASON ELLIOTTO: Just because there is no set limit on -- we don't have a set limit on how many cars they can have. I know he sees his business staying this size, but who knows down the road. I might like to see the parking in the back myself.

DENNIS SCIBETTA: Mr. Chairman, I believe it is not to exceed 15 vehicles was the original conditions.

JAMES MARTIN: It wasn't written that way. The letter dated April 17th, '01, doesn't -- doesn't designate number of vehicles.

DENNIS SCIBETTA: It refers to the original agreement. In the original agreement it was called out in 1987, and also 1994, that it be limited to 15 vehicles.

JAMES MARTIN: Okay. All right. So that was -- all right. All -- all old conditions. All right. So that wasn't picked up at that time. I don't have that document. I just have the most recent one. So there is a limitation of 15 vehicles. That will continue.

MR. BEASTON: 15 vehicles on the lot?

JASON ELLIOTTO: That is what the condition is.

JIM POWERS: If they use 15 on the lot there, there will be no parking available for the safety glass place next door.

JASON ELLIOTTO: That was my concern. That is what my concern is.

JOHN NOWICKI: Put the parking in the back.

JASON ELLIOTTO: Really they have, according to their note here, 15 to 25 cars, and I -- you know, it is good to see that they're out -- but we all know that sometimes you will have 15 or 20 vehicles that will actually be there, and if they're all parked, you know, where they have it designated right now, you know, 15 vehicles, and if I was that new business going into his old business, and the vehicles are all going to be there --

JOHN HELLABY: I would almost believe that the landlord -- if the landlord notices he is compromising a bunch of the spots for the other businesses, he will come to him and say, "We have to work something out. Move half your vehicles somewhere else" -- I don't know if we need to say they need to be parked in the back as much as he has to understand they have to make it work, and I would take the gentleman at his word saying, "We won't clog the lot up." I understand where you're coming from.

JAMES MARTIN: He is restricted to 15. Okay. You can't have any more than --

MR. BEASTON: I can't have any more in my business or on the lot?

JOHN HELLABY: On the lot.

JAMES MARTIN: On the lot.

MR. BEASTON: That's fine.

DARIO MARCHIONI: Around the building there are fire lanes, right for emergency vehicles and everything, so that is designated as open space for traveling of the vehicles all of the way around this complex.

MR. BEASTON: Yes.

DARIO MARCHIONI: So you can't park in those areas.

MR. BEASTON: I understand that. I understand that. We will only park the vehicles on designated parking, and the complex is very large. There are buildings out behind. I can park -- I can park in the slots out there. There are probably seven or eight buildings on the complex. I --

DARIO MARCHIONI: That is why if you overflow here, you will have to go in some place else. You will not block entrances or exits or fire lanes. That you can't do. I am sure your lease will apply to that. You're controlled by a lease?

MR. BEASTON: Yes. But I just wouldn't do that. That would be common sense.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TIM LANCASTER, 3 Dutch Valley

MR. LANCASTER: Can I ask questions and also make statements? Couple of questions. Can I ask questions about his proposal and also make a statement also to the Board about this?

JAMES MARTIN: Public hearing. You have the floor.

JASON ELLIOTTO: Say what you want.

MR. LANCASTER: That is great. I have no questions.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I guess I would just like to clarify this so I -- so I am sure I have this straight. His conditional use ran out in April 2006, right? Am I right?

JAMES MARTIN: Correct.

MS. BORGUS: He went ahead and he moved, and he changed his sign, and now he is here sometime later; am I right?

JASON ELLIOTTO: Well, according to this, it looks like he filled out the application to come in front of us in April. April 7th.

MS. BORGUS: That's still a little late, though, when you're in business and you're planning on doing something like this. It's called no forethought.

JASON ELLIOTTO: I agree with that.

MS. BORGUS: Also, I question how he could file in April and here it is two months later, two months plus later and he is finally getting in there. What was the problem?

KAREN COX: You would have to defer to the Building Department on that one.

MS. BORGUS: I don't care who answers.

JAMES MARTIN: The application for us to hear didn't come to us.

MS. BORGUS: As Chairman, could you ask the Building Department how that happens?

DARIO MARCHIONI: He is here. The point is he is here now. Let's deal with this.

MS. BORGUS: This is a bad pattern. If this is going to be a pattern -- unless there is some extraordinary reason. Two months should not go by between an application and applicant standing in front of the Board for a decision, especially when he has already moved.

JASON ELLIOTTO: What was the date of the original application? When did it actually run out, the original?

JAMES MARTIN: 17th of April.

JASON ELLIOTTO: So it ran out and he filed on the 7th.

DARIO MARCHIONI: Plenty of time.

KAREN COX: So in theory he filed early enough to be considered.

JASON ELLIOTTO: Then he moved at the end of the month.

JOHN NOWICKI: Because his lease ended.

JAMES MARTIN: Dorothy (Borgus), I don't want a witch hunt on this. I don't know why it got to us.

MS. BORGUS: Could you may be ask? You're the Chairman. I would ask him, but you're the Chairman. This can't be a pattern in this Town. We have enough lawlessness in this Town without that kind of time expiring between when an application is put in and when they get before you. Especially when the applicant has taken upon himself to move, change his signs. It involves two boards in this Town and he didn't bother ever considering the ramifications.

Number one, it shows something is wrong in the Building Department.

Secondly, it shows a total disregard for people in this Town for not only the Planning Board, but the Zoning Board, as well. Thank you.

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: I went over to look at the signs that you put up, or the material you put up shortly a little while ago. I'm confused by the top directional information as to where the business is. It looks like it is done by a first-grader in his advanced work. Very poorly located. It doesn't show -- very poorly pointed out. It doesn't show where Scottsville Road is. It doesn't show if there is any off-shoot roads into any of the places that I have -- I am aware of that Mr. DiChario owns. I don't know the area. But it is a terrible, terrible map, and I would be ashamed if I were an applicant to provide a map such as that so the audience can't understand what -- where it is located. Thank you.

JASON ELLIOTTO: Jerry (Brixner), Scottsville Road is on the map.

MR. BRIXNER: Pardon me?

JASON ELLIOTTO: Scottsville Road is on the map. New York State Route 383.

KAREN COX: The driveway cuts are shown.

JASON ELLIOTTO: It says "road."

MR. BRIXNER: It says "road" up at the top. Scottsville Road.

But what is all this down here with all of the Xs and the straight lines? What is this (indicating)? What is the straight line across here (indicating)? What is this area over here (indicating)? What does it represent? It has all Xs and crosses and dots.

KAREN COX: Easements.

JASON ELLIOTTO: Some are the sewer easements.

JAMES MARTIN: On the site plan itself, I think most of the information that we needed -- this is simply moving the sign from the front of one building to the side of another building. I mean, it wasn't a major site plan renovation. There were no changes to the site itself other than the sign moving from Building A to Building B.

MR. BRIXNER: Well, Mr. Chairman, my objection is the fact that all you need to do, as far as I'm concerned, I don't need to know where all of the sewer lines are, but I would like to know where the business is. I can see 383. It does not say Scottsville Road. It says 383.

JASON ELLIOTTO: Same thing, Jerry (Brixner).

MR. BRIXNER: I understand that, Mr. Nowicki (sic). I'm not that unaware. It still does not say Scottsville Road. In my opinion, it is a very, very poor example of the location. I think the

Planning Board and the applicant should be ashamed that they allow something like that to go up for individuals to review.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of these applications, and John Nowicki seconded the motion. The Board was unanimously in favor of the motion.

The Public Hearing portion of these applications was closed at this time.

On the conditional use, 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.

The Board discussed the proposed conditions.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 7 yes with the following conditions:

1. Approved for a period of five years.
2. All previous conditions imposed by the Planning Board remain in effect:
 - a. Restricted to passenger vehicles and mini vans only.

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

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following conditions:

1. All previous conditions imposed by the Planning Board remain in effect:
 - a. Restricted to passenger vehicles and mini vans only.

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

3. Application of Joe Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for recommendation to rezone approximately .46 acres from R-1-15 (Residential) to G.B. (General Business) at property located at 2652 Chili Avenue.
4. Application of Joe Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to install a parking lot for approximately 13 vehicles at property located at 2652 Chili Avenue in R-1-15 zone.

Joe Gomes was present to represent the application.

MR. GOMES: I own 2652 Chili Avenue. I have been there for 20 years. In compliance with the master plan, we wanted to change that to the General Business. Joe Gomes, owner 2652 Chili Avenue. I own an insurance and real estate agency. Been there for 20 years, and I am here tonight to apply for one parking, additional parking that we need due to growth, and the consideration for change of that area to General Business, which is in compliance to the master plan.

JAMES MARTIN: A couple of things. Number one, the master plan for that particular area does not call for General Business. It calls for Neighborhood Business. There is a major difference between General Business and Neighborhood Business.

MR. GOMES: Whatever it is, Mr. Chairman. When we applied, I wasn't sure. That's what we wrote down. So --

JAMES MARTIN: Well, I just wanted to clarify that for everybody's purpose, that the master plan says Neighborhood Business. I would not be in favor of General Business in that

particular area.

MR. GOMES: That's fine.

JAMES MARTIN: I guess --

MR. GOMES: Mr. Chairman, there is a question here.

JAMES MARTIN: We're not in the public hearing stage yet, please.

In your letter of intent, you had mentioned already, you would like to see us consider rezoning 2648, 2650, 2654 Chili Avenue. Are you owner of any of those properties?

MR. GOMES: No, I'm not, but we spoke with the owners of those properties and they're in favor. They signed an affidavit to that effect.

JAMES MARTIN: Well, I don't --

KAREN COX: They have to come in for that.

JAMES MARTIN: Mr. O'Toole, I don't believe there is any legal thing here where he could represent those properties.

KEITH O'TOOLE: No. You can make a suggestion on your own motion to the Town Board, but no, it -- nothing he could do is binding at this point.

JAMES MARTIN: Thank you.

Okay. We're hearing these basically together at this point in time.

JIM POWERS: Often I have gone past Mr. Gomes' place there, and I have yet to see the front parking area full. Why are you requesting an additional 13 lots?

MR. GOMES: Yes. Whether we use the 13 lots, I don't know. But what we have is not adequate. And Chili Avenue, when we have six parking spaces only assigned to us, at times it does get filled, and they can't stop on Chili Avenue, and they just keep on going. So.

JIM POWERS: Why 13 spaces?

MR. GOMES: It doesn't have to be 13 spaces. It was zoned up to 14, I believe, so whatever you folks decide on. I do need some additional spaces to get the cars off of Chili Avenue.

JIM POWERS: Have you made any inquiries of the County as to making a road cut into Westside Drive?

MR. GOMES: No, I haven't. There are 22 copies of this site plan that has gone everywhere, County and -- it was handed into the Town. So I don't know what -- what they do with it, but I would think that they -- the State or the County road, these people should have gotten a copy.

JIM POWERS: Where do you propose to put the drainage from this parking lot?

MR. GOMES: Drainage, I have had the Superintendent of Highways out there, um, at different times because there is some water that accumulates in my property. I am the lowest property in that -- out of the four, and there are two possibilities, but the first possibility is not recommended, and that would be to retain the water on the property by installing a -- a thousand-gallon tank.

The most likely and feasible would be to connect to the storm sewers to the west of the property. And I have contacted the Town Engineers and they have looked at the maps, and since, Joe (Carr) now needed something from the Town so we can proceed.

JIM POWERS: How do you propose to screen this parking lot from your neighbors?

MR. GOMES: Propose to screen it? No.

JIM POWERS: Just going to put in asphalt parking lot and --

MR. GOMES: Yes. It would be an asphalt parking lot, if it is okay.

JIM POWERS: You will not screen?

MR. GOMES: What do you mean "screen it"?

JIM POWERS: Trees or --

MR. GOMES: What is it? Oh, yeah. You have maps of that. I hired an architect. You should all have maps of -- the Conservation Board, they have maps of all of the landscaping and the Town -- it was all submitted.

JOHN NOWICKI: Where is the landscaping plan?

JAMES MARTIN: You have anything like that?

PAT TINDALE: Yes, I do.

JASON ELLIOTTO: Is there three? I see three pine trees; is that correct?

PAT TINDALE: There is more than that. I -- if you want -- do you want to see what I have?

JASON ELLIOTTO: Around the proposed parking lot site, though? Was there more than the three?

JAMES MARTIN: You have a landscaping plan, Pat (Tindale)?

PAT TINDALE: Yes. It is stamped by a licensed landscape architect.

JAMES MARTIN: Well, you have something we don't have.

PAT TINDALE: It abuts to another parking lot.

DARIO MARCHIONI: Can we have an additional copy for the Board?

MR. GOMES: I don't have it, no. I submitted everything that I had to submit.

The Board reviewed the landscaping plan.

KAREN COX: Dennis (Scibetta), to clarify, when the applicant submits the number of copies that is required, I believe he mentioned 22, the Town does not send -- you don't send plans to the various agencies?

DENNIS SCIBETTA: Yes. We send them down to Monroe County and they're distributed there.

KAREN COX: I stand corrected.

Jim (Martin) had asked a question about the driveway cut on Westside Drive. That would occur if and/or when the County issues a highway work permit. So I just wanted to clarify that.

DENNIS SCIBETTA: Karen (Cox), if I may, we had not received the County comments as of 4 o'clock this afternoon, so I don't know if they have come in or not.

KAREN COX: Have you seen the comments from the Town Engineer on this? On the plans.

MR. GOMES: What is the date on that?

KAREN COX: June 8th.

MR. GOMES: Um, I think I might have seen that letter.

JAMES MARTIN: It went to Markes & Associates. Is that your engineer?

MR. GOMES: Oh, yes. Markes. It went to him.

JAMES MARTIN: They have not shared it with you obviously?

MR. GOMES: I saw something in a -- a letter. I'm not sure if that is the one. I would have to read it.

KAREN COX: He brings up the issue of the poor drainage. When you said you're going to connect to the sewers, to the west, sewers on Westside Drive, you mean?

MR. GOMES: Right. Westside Drive. Go along Westside Drive.

KAREN COX: Those are not shown anywhere on the plans. So the -- you know, and there is no piping shown on this plan either to -- to give us an idea how you plan to connect to those sewers. That is all just something --

MR. GOMES: Is what the -- the Town Engineers wanted a site plan from the -- from the Town so they can look at it and say this is the way it is going to be.

KAREN COX: I understand that. It -- but if you -- if you have looked at the fact that on-site storage for the excess water is not feasible and you want to connect to the sewers, storm sewers either on Westside Drive or on state right-of-way, you're going to need to show the drainage plan, where the catch basins are going to be, how you will hook into it.

MR. GOMES: That is up to the Town Engineer, my --

JOHN NOWICKI: What Town Engineer are you talking about?

MR. GOMES: The first, I don't --

LARRY NISSEN: I spoke with Mr. Gomes at one time. I have also spoken with Joe Carr about this. The nearest point to tie in for the storm sewer is about 400 feet to the west, my understanding. On Westside Drive. Now, I don't know -- apparently nobody has made a commitment to bridge that 400 foot gap that I'm aware of.

So at this point in time, they seem to be out of reach. When I saw this site plan, there was no provision for drainage. Storage of excess storm water. So that is why I made no -- I made note in my comments that we needed to have a -- well, my comment number one.

I will read it if you like. We have noted that this area is poorly drained under current conditions and that standing water is prevalent on this property and adjacent properties after rain storms. Construction of the parking lot will result in increase in the area of impervious surfaces and will generate additional storm water runoff. We recommend that at a minimum the site plan clearly indicate the manner in which additional storm water generated on site by a 10-year recurrence interval storm will be defined so as to not adversely impact adjacent properties.

JOHN NOWICKI: Does the applicant have this letter?

LARRY NISSEN: I telefaxed this letter to Markes Associates who prepared the site plan.

KAREN COX: I will share with you my copy.

JOHN NOWICKI: Date of the letter?

LARRY NISSEN: It was sent last Friday.

JOHN NOWICKI: June 8th.

LARRY NISSEN: I believe I faxed it Friday the 9th.

JOHN NOWICKI: I'm having trouble why this application is before the Board, to be honest. When you look at the requirements under Article 5 site plan approval, there is a lot missing.

KAREN COX: There is a lot missing.

JOHN NOWICKI: As far as the site drainage goes, there are ways of solving the problems. If the engineer was present, we could ask those conditions. There are impervious materials that could be used for the parking lot itself. There are underground containment vessels perforated for -- for conditions like this. These all should be presented to the Board in a reasonably well engineered manner. We don't have it in front of us. I will not look at any more of this.

JAMES MARTIN: I agree on the site plan there are considerable issues. Looking at the site itself, you have a big basin in that backyard. It is my understanding in discussion with the Building Department, in order to make your parking lot work, there would have to be some fill brought in. This will cause runoff in different directions. We have a host of issues on the site plan that need to be addressed by your engineer, in conjunction with the Town Engineer and our Superintendent of Public Works, because you know, to pay for 400 feet of piping to connect into a storm sewer, you know, that is an expensive proposition.

KAREN COX: That is a maintenance project in itself.

JAMES MARTIN: That may not be financially a satisfactory solution to the problem from the Town's perspective. We have a ways to go on the site plan, to be honest with you, before we can operate on that particular thing.

On the rezoning recommendation, since basically, you know that is perhaps apart from the site plan itself, um, are there issues and questions around the rezoning at -- that the request itself. Let's address that at this point.

JOHN HELLABY: Has the applicant actually formally asked us to revise this application to Neighborhood Business and is that agreeable to the Planning Board?

JAMES MARTIN: We can --

JOHN HELLABY: I have not heard that yet.

JAMES MARTIN: We can entertain a motion to amend this application, or we have the right to say we don't recommend General Business. All right. As you know, the request is.

JOHN NOWICKI: Why can't we --

JOHN HELLABY: Well, I guess the more important question is, does that throw this out of line where it should be readvertised? Is that that big --

KEITH O'TOOLE: The short answer is no. You can recommend it be rezoned GI if you feel it is appropriate.

JAMES MARTIN: We can say no to General Business and say it --

JOHN NOWICKI: Wouldn't it be nice to have a letter from each of the property owners who are being -- supposedly agreeing to this rezoning on these different addresses here, so that we have those letters in front of us and each one of those properties owners saying, "Okay, NB is good." I would like to go along with that so we can then make recommendations to the Town Board and have them act on the whole parcel at once so we don't have to have this keep coming back before us over and over again.

JAMES MARTIN: I would not disagree with that.

JOHN NOWICKI: I think this application should be tabled until we have that information in front of us.

JOHN HELLABY: I do have some more.

JAMES MARTIN: Go ahead.

JOHN HELLABY: I guess the biggest question is after 20 years, why all of a sudden the rezoning? You're presently operating an insurance business down there. And I guess the question -- in the back of my mind, are you renovating? Are you making improvements to put other businesses in this business?

MR. GOMES: No. The renovations you saw are the new windows going up. The wrong ones came in, so we had to put up some temporary sheeting there. There is -- no, there are no changes. There are no changes. But the need -- the growth was there. I need the additional parking space, and so --

KAREN COX: Did somebody --

JOHN HELLABY: I don't think you had to go through the rezoning to change your actual layout. I just --

MR. GOMES: I guess when we did it, it was to comply with the master plan. So we said well, let's all do it at once in compliance with the master plan. Whatever. If it is --

JAMES MARTIN: The master plan states that it should be Neighborhood Business.

JOHN NOWICKI: But you have other issues here to deal with.

JOHN HELLABY: Again, I tend to agree with John (Nowicki). I probably wouldn't have a problem with it, but there are a lot of open issues.

JOHN NOWICKI: One thing is the drive-thru traffic that you could experience on this property if we don't have a speed bump or some kind of control there to prevent that from happening.

JAMES MARTIN: When we get to site plan, I agree with you, I don't think -- if this goes forward, we have a -- the Westside Drive parking lot and the Chili Avenue parking lot, for connection, because you will have a cut-off there.

MR. GOMES: Doesn't have to come in.

JAMES MARTIN: There are lots of locations -- I mean, there are are lots of issues we'll have to address.

Keith (O'Toole), from a standpoint of the rezoning recommendation itself, what would be required if the additional property owners in the area are in favor of requesting this rezoning? Should we have an application from each of them separately in order to, you know, entertain that, or could there be a collective affidavit coming in stating that they are all in favor of rezoning their property to the Neighborhood Business?

KEITH O'TOOLE: There is no legal requirement for you to -- not recommendation. You can recommend that the entire Town be rezoned if that is what you feel is appropriate. I can tell you that the Town Board would probably not entertain such an application or recommendation unless they had requests from the property owners themselves.

Um, I -- it is possible that one or more of the property owners is actually present with us this evening, so you might want to open the hearing at least to that extent to see if anyone has any comments.

JAMES MARTIN: Thank you.

We have been freelancing from the Board.

JASON ELLIOTTO: I'm interested in hearing the neighbors.

DARIO MARCHIONI: In the site, thinking of planning here, if I -- you know, there are three parcels here. You will have three cuts, road cuts. If we can consolidate -- you know, for one road cut where it services the whole parcel to address so we don't have -- as we planned in the past, you know. I think this whole -- all three parcels really should be looked at for drainage of all three parcels. We'll come up with the same question again on the next parcel and the next parcel. The traffic, you know, if it is done together as three, we could solve a problem collectively in the rezoning aspect.

If the neighbors' intention is for the rezoning, I think it would be to their advantage to work together so we could deal with all of these issues so it wouldn't be strictly for one person.

JASON ELLIOTTO: Have you talked to all your neighbors?

MR. GOMES: Yes, I have. And three are in agreement. The other one, the engineer tried the contact, and --

JASON ELLIOTTO: Did you try to contact them?

MR. GOMES: Um, no. No.

JIM POWERS: When you -- the Spucks live to the east of you on Chili Avenue? The Spucks?

MR. GOMES: They're still there.

JIM POWERS: Does Daniel Miller --

MR. GOMES: Yes, Daniel Miller.

JIM POWERS: Is he in favor?

MR. GOMES: He is in favor. Um, and there are people here tonight that I will not say. They can speak and whoever else is in favor, they can speak.

KAREN COX: But the two properties to the east of you are functioning as residential properties right at the moment?

MR. GOMES: The whole area right there is residential. Miller, Spucks, Gomes, Elliott Cornish. So that is -- it is in the master plan that that section there be rezoned to Neighborhood Business.

JAMES MARTIN: Neighborhood Business.

MR. GOMES: Right.

JASON ELLIOTTO: You have no intentions of doing any other kind of business there?

MR. GOMES: No. That is my real estate insurance business. The insurance business has changed throughout the years. Getting into the banking, and --

JASON ELLIOTTO: Right now, you -- your parking lot is not adequate?

MR. GOMES: No. Not adequate. Absolutely not. And Chili Avenue, at times, it is a lot of traffic. And there is -- they want to come in and they can't, because the parking lot is full at times. So we need some relief parking space. Whatever number of parking spaces -- if it was approved for 14, but if you don't want it at 14 --

JASON ELLIOTTO: The original was -- your current one was approved for 14.

MR. GOMES: No. No, no. That was 20 some odd years ago it was approved for six or seven. Then we went to the -- before the Zoning Board not too long ago and they approved it for 14 parking spaces facing Chili Avenue.

KAREN COX: How would you get 14 on there?

MR. GOMES: Or 13.

KEITH O'TOOLE: They may well have approved the front parking but the spaces are not approved.

JAMES MARTIN: Can you look at the record what is actually approved for that site?

JOHN NOWICKI: What is required for the site under our code?

JAMES MARTIN: Well --

KAREN COX: Well, I have one question for you. Can we -- can you vote tonight on the rezoning and table the site plan approval, or do both of those --

JOHN NOWICKI: Table both of them.

JAMES MARTIN: Um, Mr. O'Toole, we could vote on the rezoning recommendation and table the site plan. Is that possible?

KEITH O'TOOLE: Yes.

JOHN NOWICKI: Why wouldn't we want the other people in there?

JAMES MARTIN: She just asked a clarification question.

KAREN COX: I'm not ready to vote on the site plan at all as we have it now. There is a lot of stuff that is lacking. I guess the vote on the rezoning is the pleasure of the rest of the Board.

JAMES MARTIN: I guess I will state my feelings on that. I mean if there is interest on other parties in the area, to have a total rezoning of, you know, that particular parcel of land, um, I think I would like to address it as a collective issue rather than a piece-meal issue. That is my own personal feeling on that. We don't have any, you know, documentation in front of us tonight that would allow us to move forward on that particular direction.

But, you know, I think what I would like to do -- I will go to the side table. We'll finish with the Board and open it up to comment at this time from a public hearing perspective. If both of these get tabled tonight, I don't think we should close the public hearing. I think we should keep it open, and then subsequently, if we -- you know, when we rehear these applications, the public hearing portion would still be available for participants.

KEITH O'TOOLE: Just a comment. I checked with code enforcement, the -- and it would appear at the very least the Spuck property is zoned R-1 and the Cornish property is, as well. I would note that adjoining residential properties to a commercial use are required to have screening, vegetative fencing, walls, what have you, and that is supposed to be borne on the developer's property which would be the gentleman before us.

Nothing further.

FRED TROTT: The committee has some concerns about having the cut-through, obviously. You know, we wouldn't -- we have concerns that people will be using that as a cut-through, and I don't think speed bumps would help them out in that area.

PAT TINDALE: I do. It is signed by a landscape architect, but the plant legend, it doesn't show where the plants are going on the print itself. And then on the checklist that they handed us, something is definitely wrong. The estimated project cost is listed as \$2,564. The estimated landscape cost, which is 1 percent of the total project is listed at -- as 10,000. So there is something wrong here.

KAREN COX: Flip-flopped.

JAMES MARTIN: We need to straighten that out also.

I will open it up to the public hearing portion on these applications, and as I indicated before, if we end up tabling these based on discussion that we have had, I am -- I will keep the public hearing open for when we actually go ahead and hear that they are -- if they're tabled tonight.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: I think it is a good judgment to allow the public to speak before you

adjourn it or table it.

I want to note that Mr. Gomes has been in business for 20 years. I'm well aware of his activity and I think it is probably great.

But I -- but I wish to note that his -- he is leading on a parking lot onto Westside Drive. I'm a little concerned if that does not become a little bit of a -- what is that, spot zoning situation where you put a neighborhood action on -- into a new road. So I just call your attention to the Westside Drive parking application.

Um, I think it should be Neighborhood Business, which is -- which it has been, and thank you for the opportunity to speak.

ROBERT PLACE

MR. PLACE: I'm an attorney with offices at 27 Pleasant Street in the Village of Fairport. I'm here on behalf of Betty and Michael Spuck who own 2651 Chili Avenue, which is the property to the east of this application. They are adamantly opposed to any rezoning of this parcel. They tell me that they have never given permission for a rezoning, and you know, as I look at this application, I find it somewhat upsetting. I think you pointed some of this out, that the zoning that he was requesting is similar to what Northern American Properties was requiring, which was General Business. Certainly if there was any rezoning, typically he would go one classification up, which would be your Restricted Business. But even that, at this point would appear to be spot zoning.

And the Spucks vehemently object to that. Their home has been there for a number of years. The house immediately to the west of this -- Mr. Gomes' property is also Residential, as I understand it. And so they -- they do oppose it.

This now -- he apparently has some permits which permit the existing business, which then brings us to some of the site plan issues which are involved with this. As I look at his plan on there, it does show a -- basically a driveway, a road that goes right next to the Spuck's property. Her bedroom happens to be on the west side of the house. It would be almost impossible for him to provide adequate screening to that property.

There is a water problem, and there -- there is a letter here from Joe Carr which was addressed to Mr. Nissen, Lu Engineers that actually says it is 500 feet to the nearest storm sewer inlet, and he indicates that the Town has no desire to extend the storm sewer to that particular inlet.

They might potentially be able to deal with some of the storm water with dry wells, but again, if you look at that particular project, and the lot coverage, it is basically all pavement or building. I note that you have some lot coverage restrictions within your own code, 25 to 30 percent. I don't know if that includes impervious surface or if it is just for the structure itself.

But clearly, as you look at that, it is an over-utilization of that particular property, and again, the Spucks would strenuously object to that. It would have severely adverse consequences to their property, and because the property drops off to the back, I think it is almost impossible for them to screen that.

Again, I think you have addressed some of the issues with the cut-off, but if there were a cut-off as he is proposing on the plan, they would have a stream of traffic probably trying avoid the light on Chili Avenue. So again, we would object to any parking in the back. I think under the present zoning, he would actually need a variance for that, and potentially a use variance.

Again, I was not able to get a hold of all of the previous minutes for the prior approvals that he has. You know, the existing use of the properties is very careful, and if his existing maintenance of the property is any indication of what it might be if he got further approvals here, again, it says that -- what type of adverse impacts may occur to the neighbors with the signage that he has. It appears there is neon signage, a very large sign in the front.

As I take a cursory look at it, it appears to provide some obstruction for anybody that might be pulling out of his lot and also makes it difficult to see up the road when you're pulling out of the Spucks' driveway.

I also notice there was a sandwich sign on the parcel itself. Anything that he does here is clearly going to dump water onto the Spucks' parcel. Contrary to Mr. Gomes' representation, Mr. Carr said that basically based on the elevations, that he believes that any construction here will create ponding in the Spucks' backyard.

So again, I would ask that you look at this very closely. It seems to be an over-utilization of this property. It is a -- according to the application it is .46 acres, and the lot coverage is -- is excessive as to what he is proposing. It appears very little thought has been put into any drainage issues, any screening issues.

As I look at the site now, there are lights there that are oftentimes left on all night that shine

onto the neighbor's property. There is no effort at any screening to basically protect the residential uses to the east, and the one to the west, as I understand it, there is a fence that has been put up, but I believe that that is owned by the neighbors, not by Mr. Gomes.

So again, you know, as you take a look at this, you -- I know that, again, you -- you are certainly well aware of SEQR based on your previous comments, and I would ask that you consider the adverse impacts to the Spuck property before you would even consider a SEQR determination. It doesn't appear that he has done anything to mitigate these negative impacts that would occur to the Spucks' property or to the property to the west, frankly.

LISA HOLMES, 2651 Chili Avenue

MS. HOLMES: Directly across the street from Mr. Gomes, the applicant's property. I need to say in the five years that my family and I have lived there, even at 2 o'clock in the morning when his neon sign is flashing in my bedroom window which is in the front of our house, I have never seen that parking lot full, ever.

Like the attorney just said, this area has -- is becoming increasingly commercial. I am against any kind of rezoning that is going to open the door for further commercial business use of our neighborhood. I don't want to look at a parking lot across the street any more than I already have to, or any more -- any larger business.

SCOTT BOYCE (phonetic)

MR. BOYCE: Speaking on behalf of Joe Gomes. We have an apartment complex right next door that is nothing but parking lot with buildings in between. 2654 Chili Avenue. My mother lives right next to Joe (Gomes). His neon sign, the -- for Mrs. Holmes, she has bushes and trees across the front of her house. If anything, the neon sign would bother me and my mother and it doesn't. The sign literally faces the bedroom, my bedroom on the west side of his house. Um, I have seen for the years my mother has been there, for ten years -- and I have seen people almost cause accidents on Chili Avenue trying to get into Joe (Gomes)'s because he has had cars there.

You have three businesses, I do believe, and an apartment there. When everybody is all trying to get in, six spaces is not enough. I don't know how you will work around the water issue in the backyard. But I think personally, if -- if it is in his backyard, you know, it just alleviates a little bit of congestion on Chili Avenue where they can use Westside Drive versus -- peak hours, rush hour on Chili Avenue. That section is very dangerous right there trying to get out.

You have two lanes that drop to one lane, extremely fast. And if somebody is trying to come out and you have rush hour coming up Chili Avenue, if they have another way to get into Joe (Gomes)'s, it could alleviate the possibility of an accident. As to water runoff, our driveway floods out just the way it is right now.

Like I said, I don't know what you guys will do, but I'm in favor of Joe (Gomes) and his parking lot and I'm will -- my mother and I are -- we talked with Joe (Gomes) about the rezoning. We were in favor of the rezoning. Thank you.

ELEANOR CORNISH

MS. CORNISH: I am very concerned -- and I have not mentioned it to Joe. I'm very concerned about traffic trying to use -- to use a road, you know, using his parking lot from the back to the front, to cut off the traffic lane. I didn't realize that until tonight as you were speaking. But with the apartments next door, until they put up a gate, that was going on all of the time. And I can see that, you know -- because I am kind of right in the middle.

Parking lot, considering how many I'm surrounded with will not make much more difference. I have them all around me already, but that would be a concern.

SABRINA HENNEMAN (phonetic), 122 Stryker Road

MS. HENNEMAN: I was wondering if you could explain the differences between Neighborhood Business, General Business and Restricted Business, you also mentioned, just so we know what might go in or what might change. Thank you.

JAMES MARTIN: Basically, under the current Town Code, Neighborhood Business zone. Permitted uses: grocery stores; barber shops and beauty shops; clothes-cleaning, pickup agency, including self-service cleaning establishments; drugstore, including soda fountain; dog grooming establishments, excluding boarding facilities or kennels.

Under conditional uses -- and this requires an additional permit in order to have this -- you can have residential units not on the ground floor of the building. In other words, upstairs apartment. Conversion of an existing dwelling unit to a permitted use. Public and private

utility buildings, structures and uses, but not including construction storage or repair yards, warehouses, power plants and similar uses. Professional or business offices, which this essentially would be. Funeral homes and mortuaries. Those are the basic uses you could have in a Neighborhood Business.

When you go over to General Business, you know, that opens up the door to all kinds of different things. It is any permitted use in a Neighborhood Business District which I just read. Then you get into photographic and artist supplies and studios, music or dancing schools and art galleries, libraries and reading rooms. Professional or business offices, banks and financial institutions. Variety store and gift, notion, toy, pet, hobby, video rental/sales and bicycle shops. Garden supply, hardware, home furnishing, health food, furniture, liquor and department stores. Book, stationery, jewelry, leather, luggage and musical instrument stores. Department and clothing stores. New auto parts and household appliances. Restaurants, theaters (not to include a drive-in theater), bowling alleys and places of public assemblage. Health and/or fitness centers. Video arcade centers.

Conditional uses would be public buildings and public utility buildings and structures. Commercial off-street parking lots, subject to certain provisions within the code. Dwelling units not on the first floor of the building. Hotels and motels. Small animal hospitals. Hospitals and convalescent homes. Educational, charitable and/or religious institutions. Bus passenger stations. Telegraph, telephone and express offices. Printing plants. Drive-in theaters. Trailer home sales. Mortuaries and funeral home.

So you can understand why we're not going to go with the General Business situation in this particular request if it is ever approved. So is does that answer your question?

MS. HENNEMAN: Yes, thank you.

KAREN COX: She wanted Restricted Business, too.

MS. HENNEMAN: That was mentioned. I don't know if that is in the mix. If I can find them on line, I will look at them.

JAMES MARTIN: I think certainly Restricted Business is -- basically it is doctors' offices, business offices, those types of things.

MS. HENNEMAN: Thank you.

KATHY SWEETMAN, 51 Cooper Drive

MS. SWEETMAN: On a general level, the more I have read and the more I learned by coming to Town meetings this past year, the more I feel zoning should not be arbitrarily decided. Spot zoning changes create any many changes and when you make zoning changes for one property owner, you cannot refuse other property owners without being judged capricious or prejudiced.

Referring to this property in particular, I pass it every day on my way to work. There are signs plastered on it, and at the street, there has been no attempt to make the property attractive. Changing the zoning and enlarging it would just make it a bigger eyesore.

I'm a little confused because the gentleman said something about three businesses and an apartment all in that one little building. I thought they were just talking about one business.

Thank you.

BETTY SPUCK

MS. SPUCK: I live next door to Mr. Gomes and he has told me the last few meetings I have come to, he has the money, the power and he gets what he wants, and he said there's 21 people waiting to move into his so-called offices, and they will be driving by my bedroom windows looking in, which I find kind of difficult because I have shoulder-height windows. Unless they're in tractor-trailers.

And I have a road in front, a road in back. I do not need another road next -- right by my bedroom windows.

JIM MARTIN: Is that all?

MS. SPUCK: That's it.

JOHN NOWICKI: What is your address again?

MS. SPUCK: 2651 Chili Avenue.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Could we get this clarified? Just how -- what is in that building? How many businesses, and is there an apartment?

JAMES MARTIN: Mr. Gomes, you can answer that question, please.

MR. GOMES: Yes, there is an apartment. There are two businesses in that building. Now,

what the gentleman was referring to, in that quadrant if you will, there are three businesses, the attorney, my office, and the apartment complex and just down the street is a beauty shop and a dentist. I think that is what he is referring to.

MS. BORGUS: That was the first question.

From what I have heard here, this gentleman does not plan on building anything more on this .46 acres.

JAMES MARTIN: You can answer that question, Mr. Gomes.

MR. GOMES: Yes. At this time, there are no plans.

MS. BORGUS: Okay. Now, what he has in the building right now, as I understand it, is allowable under a Land Use Variance he got in 1992 which gave him permission to put this type of a professional and commercial, I guess you call it, commercial operations in an R-1-15 zoning, and it also gave him at that time -- he got 14 front parking spaces. I'm a little confused. Now he says there is six. If, indeed he got this Land Use Variance in 1992, and it covers what he currently has in the -- in the building, then I don't see why he is here.

He already can do everything he is doing. So I don't understand why he is even appearing before the Planning Board unless he has some other plan that he is not divulging at this time. He has everything he needs right now.

I went down there. I have gone by in the neighborhood today, and I looked at the back of the building, and I will tell you there are some real maintenance issues there. He evidently has that building so full of businesses and apartments that he doesn't have any room for anything else because in the back of the building, there are old tires, plastic pipe, gasoline cans, lattice work, lumber. You name it, it is down both sides of the building and in the rear. It is a mess. And if he has those maintenance issues when he is just trying to cram all these little businesses and an apartment in that building, I can't imagine what you will have when you give him more parking space.

Also, the illegal A-frame sign that was mentioned before, I saw it today, too. And I was at the Zoning Board when the gentleman came and got permission for the existing sign that he has now. And there was a big -- he made a big to-do how he needed that much signage and it wasn't going to cut off sight distance on Chili Avenue.

Well, if that sign was what he wanted then, I don't know why he has to have another sign out there between that one and the right-of-way that is illegal, advertising his insurance business.

The water problem is serious. And I'm sure the Planning Board is going to look at it in that light.

Also, with regard to Neighborhood Business, I hope the Board takes into account the minimum lot size for Neighborhood Business, which according to my notes here, is two acres. He has .46. So I am not sure that he is even eligible for this classification.

Also, another point of the law says no building shall be erected nearer than 60 feet to any street or property line except for those lots fronting along the affected major highways for which the setback shall be 75 feet. I'm not sure he could even comply with that.

Also, there -- according to Neighborhood Business, there is going to be no enclosed storage of goods, equipment, garbage or debris. He can't meet that specification. He has a lot of homework to do here. The Planning Board has a lot of looking. Just be careful what you're doing here. Because we don't want to end up with something down at the edge of Chili that we were not prepared to face.

Thank you.

JAMES MARTIN: Thank you.

At this point, I see no more comments but as I indicated earlier, I will not close the public hearing aspect of this hearing. We will keep it open.

JASON ELLIOTTO: I just have a question for you. Any discussion between you and the apartment complex to allow them to use your parking facility as an overflow to their lot?

MR. GOMES: They don't have that possibility because they don't have enough parking over there either.

JASON ELLIOTTO: That is what I am saying. I go by there a lot, too, and I see they stack their cars and they don't have enough parking at the apartment complex. So my question to you is, any talk with them for allowing them to overflow into a new parking lot that you have?

MR. GOMES: Oh --

JASON ELLIOTTO: You see what I am saying?

MR. GOMES: Yeah. If it helps Chili, I don't have a problem.

JASON ELLIOTTO: You have talked to them about it.

MR. GOMES: No, I have not. That thought never came to my mind. It is a good idea.

JASON ELLIOTTO: I'm not suggesting it.

MR. GOMES: I'm not saying whether you're saying it or not.

JASON ELLIOTTO: Okay.

JIM POWERS: I'm just wondering -- twice I think, two or three times tonight the number 14 parking spaces came up, and I'm just -- knowing the front yard over there, Mr. Gomes, I don't know how they get 14 in the front of it. I'm just wondering if they had not approved the back where he is requesting the 13 today --

JAMES MARTIN: I think we need to study the record on that.

JOHN NOWICKI: We need to study all of the records on this particular project. We're not going any place on this baby.

JAMES MARTIN: I don't think there's anything we can do anything tonight except look for a tabling.

Was there ever a taking when they widened Chili Avenue down this that took property?

MR. GOMES: That was before I bought it they did that.

KAREN COX: I'm sure when it originally was two lanes and when they widened it out, they bought right-of-way.

JAMES MARTIN: We'll have to study that issue and look at the records. Clearly there are a lot of question marks around this application.

I guess at this point, um, on both of the applications, I think what I am hearing the Board say is that we should table them, pending further study and improvement of the site plan and clarification on several issues.

JASON ELLIOTTO: In reference to the rezoning issue, we have had two residents here tonight speak that do not wish this area to be rezoned. One of them lives at -- 2654 and one lives at 2651 -- I'm sorry.

KAREN COX: 26 --

JASON ELLIOTTO: One is a neighbor to the east and one is a neighbor across the street. So I don't see how they will come back with anything that will change my opinion on that, if the neighbors -- two of the neighbors who live directly in that neighborhood are already against it.

KAREN COX: Not the rezoning, but he could come back with an approved site plan. I mean. The businesses that he has there, is -- is allowed under the '92 approval.

JOHN NOWICKI: What I would like to see under that '92 -- I would like to see the Land Use Variance. I would like to see the conditions. I want to see the records before the Planning Board before I do anything on this site. There are a lot of conditions on -- on the site plan review process we have not even seen yet.

KAREN COX: The point is he could come back and drop the rezoning request and still come back after doing home work with a site plan.

JASON ELLIOTTO: But we -- I agree with that. I'm just saying I'm not for rezoning. Not today or tomorrow for rezoning.

KAREN COX: Not unless there is a --

KEITH O'TOOLE: If I may interject, I have just discovered that we didn't get our County Comments back, and the referral misses the 30-day window, so we're really not in a position to do the rezoning, even so.

JOHN NOWICKI: This property is not in a drainage district either, according to the notes.

JAMES MARTIN: I thought we clarified that at DRC.

DENNIS SCIBETTA: I thought we did also.

KEITH O'TOOLE: New information made itself available.

JOHN NOWICKI: Got to get before the Planning Board. We're not getting information.

JAMES MARTIN: I make a motion that we table the application for rezoning recommendation and that we table the application for preliminary site plan to have a subsequent meeting, pending clarification on all of the issues that we have discussed here tonight.

JOHN NOWICKI: Second.

DECISION ON APPLICATION #3: Unanimously tabled by a vote of 7 yes to table. A request for a General Business designation for the site is not consistent with the 2010 Comprehensive Master Plan. Neighborhood Business is called for in the Master Plan. Therefore, the Board suggests the applicant modify its application to Neighborhood Business rather than General Business. The applicant's request for the Board to consider rezoning of other properties in the area is inappropriate due

to the fact that the applicant does not have any legal standing regarding those properties.

DECISION ON APPLICATION #4: Unanimously tabled by a vote of 7 yes to table until the applicant resubmits. The Board indicated to the applicant that the site plan submitted was not adequate. This was particularly true in the drainage aspects of the site. It was also evident that any front and rear parking areas should not allow a cut-through from Westside Drive to Chili Avenue. If the applicant continues to pursue this project, the Board would strongly suggest that the applicant's engineer appear before the Planning Board and a more comprehensive site plan be prepared.

FOR DISCUSSION:

1. Yaro Enterprises - proposed distribution warehouse at 39 Jet View Drive in L.I. zone.

Kip Finley and Tony Karik were present to represent the application.

MR. FINLEY: Good evening. My name is Kip Finley, with Avery Engineering, and this is Tony Karik with Yaro Enterprises.

What we're here to discuss tonight is putting in a trucking distribution facility in the industrial park on Jet View Drive. This parcel is just north of where Airline Drive comes into the east. It is about a 3800 (sic) square foot facility, and I thought maybe Tony (KARIK) would be the best one to explain what the business type is. Then I have some other questions after that.

MR. KARIK: It is actually 38,000.

MR. FINLEY: Sorry. Been a long day.

MR. KARIK: We specialize in transportation, mostly trucking. We specialize in transportation, basically in trucking. We have a terminal out in Ontario, California. We chose that particular location. We have been looking around, particularly the Chili region because it is such a good location for a transportation hub, and future plans of them extending Jetview Drive with the 490 out there, through Wegmans.

What we do -- our -- pretty much the business we're in is, we bring shipments in from California, Washington and we ship freight back out for the Rochester, Massachusetts region, Buffalo, and we're similar to the building that is north of us, which is C & M Forwarding. They mostly run more Northeast and kind of Midwest. We kind of handle more West Coast.

Anybody have questions?

JAMES MARTIN: So basically it's kind of like a cross-docking operation where you bring in freight from one area to another and ship it out to another.

MR. KARIK: Cross-docking wouldn't -- would really simplify us. Many times we have to store it, repackage it. It would come over in a container, for instance, from LA to Rochester, and we would have to palletize it, shrink-wrap it, sort it, basically. For instance, one-fourth of the load will go to Jersey, one-fourth to Rochester, Buffalo, Auburn, New York.

So cross-docking -- wouldn't really classify us as cross-dockers. We sometimes have to store it for a couple of days for a customer to be ready to receive it.

JAMES MARTIN: Does it come in on semis and go out on semis?

MR. KARIK: Yes.

KAREN COX: What kind of materials are --

MR. KARIK: General commodities from electronics -- nothing HAZMAT, nothing flammable. Insurance is too high to even consider that stuff.

JIM POWERS: 24/7 operation?

MR. KARIK: No. It's 8 a.m. to midnight. Because --

JIM POWERS: How many days?

MR. KARIK: Six days a week.

JIM POWERS: How many semis are involved in your operation?

MR. KARIK: It's hard to say, to narrow that down. We might have a semi not come to our yard for two or three months. They're on the road. I have a truck that has been out for four months and all he does is West Coast. But you can estimate 20, 30 trucks.

JIM POWERS: Do you plan on storing any of the semis on site?

MR. KARIK: They would have to be parked on site, yes.

JIM POWERS: How many?

MR. KARIK: We don't make money when they stand, so probably about ten trucks. We would have trailers, too, though.

JIM POWERS: I notice on your plan that the rear of the building is an overhead door. The purpose of that portion of the building, is that where would you bring your trucks in for repair work or whatnot?

MR. KARIK: Minor repair. We wouldn't do oil changes, no type of engine services because that's not what we specialize in.

JIM POWERS: Is that the portion of the building that you do this?

MR. FINLEY: This corner right here (indicating). That is a shop area where we talked about things like if a bridge or sign slices a trailer, they will pop rivet it together or put on a broken mud flap or something like that. It is more economical to send out oil changes, tire repairs, engine replacements to a professional.

MR. KARIK: We have Metzger Gear that is located in Henrietta that does all of our maintenance work. The bigger portion of our repairs.

MR. FINLEY: Basically we have a use standpoint. One of the reasons we are present for discussion purposes is that it's basically permitted in the code as long as it would be in the Airport Development Transportation Overlay District, which it is just outside of that. It is mostly to the south of Paul Road. We're somewhat of a cross-breed between the warehouse and trucking and slightly into what I read above in the code for the light manufacturing where they're repackaging products and that. It is mostly trucking and distribution.

So we're looking for direction on how much they can develop on this site if it is a conditional use, or what mechanism they would be able to use.

They already have purchased the site because they were does -- there were six or seven other businesses like it just right in the park, and then we did realize going through the process, that it just technically is not in the Overlay District.

JIM POWERS: This does not appear in the Overlay District, does it? The airport?

JAMES MARTIN: I think as he said --

MR. FINLEY: I have never seen a map, but it is described.

JOHN HELLABY: Just on the outskirts of it.

JIM POWERS: So they would be after a conditional use?

JAMES MARTIN: Well, we always have that.

There is wording in most of the codes that says the Board at their discretion can determine whether or not the -- the proposed business is similar to other businesses existing in the area. Okay. That -- it would give some credence or allowance to, you know, letting -- letting it go. I mean you have C & M Forwarding, which I think -- which is a similar business right next door.

MR. FINLEY: I had a few minutes to do a Google search. Came up with eight companies within a quarter mile that do the same thing. I have them numbered on the side here. If you flip through, that whole park, plus International Drive, Paul Road and Beahan Road, there are all exactly the same businesses around because it is such a good location.

JIM POWERS: Before I run away, in their -- in this group of papers that they submitted in there, sewer conditions and storm water reviews, Town of Chili Public Works, and just so that they're aware of it, I'm sure Avery or whomever is, it is Monroe County Pure Waters. Don't let Chili do your sewers.

(Laughter.)

JAMES MARTIN: To your knowledge, businesses that are in that industrial park similar to this, are they operating under conditional use? That is before my time, so I don't know the answer.

DENNIS SCIBETTA: I believe it is "yes" to that. C & M Forwarding, there -- there are a list of about five or six businesses that are very similar and like in nature to this business.

JAMES MARTIN: All right.

KEITH O'TOOLE: You should note, however, the code did change a few years back so there may be some grandfathering going on there.

JAMES MARTIN: I understand.

DENNIS SCIBETTA: That is before all of us, Jim (Martin). Sorry.

JAMES MARTIN: I understand. But it does say uses of a similar character but not specifically listed in this subsection must apply to conditional use -- for conditional use. Such conditional use shall be granted upon the finding that the Board finds the same general character of the above permitted uses in accordance with the stated purposes of the district.

JAMES MARTIN: So we have some latitude, I guess, if this proceeds to site plan, and

those types of --

MR. FINLEY: It seemed there was enough similar uses to convince them to purchase it. When you drive through, it looks like this is the natural place for that. But when you look in the book, it is not technically.

JAMES MARTIN: The building itself, I think you had some sort of a description, the elevation, what type of building it would be.

MR. FINLEY: Actually, I did have a couple of things that I wanted to go through.

Um, one of them, the building is about 38,000 square feet. The front portion would be office space. The middle portion is basically the warehousing floor and distribution area.

Um, they would like to make the front of the building a little more appealing than some of the other buildings in the park. We're holding up on our landscape plan in the very front because they're talking about different colors of block and different window treatments in there.

We have stepped the building down the site so that we don't have too much earthwork. The office is just a little lower than the street. There is almost a berm on the site existing. Then we step 4 foot down to the floor of the warehouse and distribution area, and then another 4 feet down for the pavement area for the docks. So we really don't have a ton of other work on the site. Otherwise it will be a steel warehouse building, pretty much like the other buildings in the neighborhood.

Um, from an engineering point of view, the biggest things are -- it is on public water, on public sewer. The storm water detention was already designed into the industrial park. When we talked with Larry Nissen and we talked with DEC, they said that water quality was really the only thing we had to treat. So we have some sand filters in there to take care of that.

The -- we did meet with the Conservation Board informally last week when we had another project for them, and the meeting seemed to go pretty well, and they liked the idea that in the back, there is a spot where the drainage system goes through the hedge row, and there's a house that can see directly over to C & M Forwarding, and there is another house that could see back to where these doors are.

So we have proposed landscaping improvements over the pipe and around the pipe, if DPW will agree with that, plus landscaping at the back of the circulation row, plus landscaping around the lawn where the sand filter is so we have three layers of landscaping.

We also honor the 100-foot buffer plus the 80 foot setback, plus even a little bit more to the building.

And then we have put all of our truck storage up tight to the building, instead of in the back like the neighbors do.

There are two variances that we know of. This is a little narrower lot, so in order to get the truck maneuvers, we had to go across the setback line a few feet. To separate the employees and customer parking from the trucking, we wanted to put the parking in the front like C & M Forwarding did. So I think there are two variances for this.

Really, other than any questions we can answer about the function or -- we have the landscape design pretty much done, storm water design. We really would like to know what path we should take and what applications to fill out. Is it a conditional use, that type of thing.

JAMES MARTIN: I have a question. Approximately how many employees would you have on site?

MR. KARIK: You mean car wise, or personnel in the office?

JAMES MARTIN: Well, kind of like permanent personnel. I know your truck drivers will come and go, but permanent personnel.

MR. KARIK: We're thinking up to ten.

JAMES MARTIN: All right.

MR. FINLEY: You would be stealing the jobs from Gates and moving them over to Chili if that helps any.

(Laughter.)

JAMES MARTIN: Do you lease or own your trucks?

MR. KARIK: We own them.

JAMES MARTIN: Have you applied for any kind of tax abatement or tax relief on this particular project?

MR. KARIK: We have spoken with, I think, it is COMIDA, and they said for us to get the site plan approved and then come back and talk to them.

JOHN HELLABY: The biggest concerns I have, is the parking situation for the trucks adequate? You mentioned your neighbor to the north, and I don't -- I haven't been down there in a while, but forever there was a parking problem down there. They were jockeying their trailers out

on Jetview Drive. And I also notice that the back end of this, and I don't -- I guess I do understand why there is a gravel parking lot. Probably just easier maintenance wise instead of having to do something with the blacktop all of the time, but whenever it rains, you end up with potholes back there and you drag that mess clear out of there every time the trucks go out.

MR. FINLEY: I think it is mostly initial cost.

JOHN HELLABY: And lastly, because everybody is overlooking the whole thing -- I will not touch the earlier statement about the connector, but I want to know what is going on with that intersection at Jetview Drive and Paul Road that they constantly roll trailers over in -- that went out to bid to be reconstructed and never got done. Somewhere along this line, we put a stipulation on these developers down there, that there was no more development down there to be done until those intersection improvements were accomplished. Somebody needs to find the paperwork. I have known for a fact that it exists.

JIM MARTIN: Is that the thing Roger Brandt was working on?

JOHN HELLABY: It went to bid and for some reason they pulled the plug on it.

JAMES MARTIN: Obviously we know there was a big proposal for the global modality grandiose scheme over there, the old Gottry building that fell through.

There was some hesitancy to go ahead and finish that until they knew which direction that was going to go, because if that went, they would reroute Paul Road. There was a major connection issue that could have resulted if that thing had gone forward. The multimodal transportation thing.

So -- so my understanding is that is dead in the water. That is not going to happen.

So I think now we need to bring some pressure on the parties that make the commitment to get that road improvement done at --

JOHN HELLABY: It is a nightmare.

JAMES MARTIN: So -- I -- you know, I -- the Jetview Drive connector, yes, it is being discussed.

MR. FINLEY: I had not briefed him on that, but I heard that is not really on the top priority list or any priority list.

JAMES MARTIN: It is being discussed.

MR. FINLEY: Is the intersection something we have control over, or has control over us, or who would have been committing to improve it?

JOHN HELLABY: I almost think it has control over them, because I almost think there was a stipulation no more development took place in there. Somebody needs to find that agreement.

MR. FINLEY: They should have told the person that sold him the lot.

JOHN HELLABY: I'm just saying.

JAMES MARTIN: We'll have an opportunity Thursday to pursue this.

MR. FINLEY: We'll research that. We'll --

JAMES MARTIN: We'll bring everybody up to date on that.

KAREN COX: That went out to bid three or four years ago.

MR. FINLEY: That would be a big concern if that is why the person was so desperate to sell the property because they knew they didn't have a chance to develop it, and then they dump it on Yaros.

JAMES MARTIN: I can't answer that question.

MR. FINLEY: We would be real curious to get the answer to that, though.

JAMES MARTIN: Clearly, there were intentions to improve that intersection.

MR. FINLEY: It is a tight squeeze. We sat out there and watched the trucks to see what size was coming in.

JAMES MARTIN: Mr. Hellaby's issue, we need to resolve that. That was before my time on the Board.

DARIO MARCHIONI: You said you will go -- you said you will go to the ZBA for parking in the front, right?

MR. FINLEY: Well, we would like to know if you would agree.

JAMES MARTIN: They would need a setback variance.

DARIO MARCHIONI: Also, I believe every ten contiguous parking, you have to have a break. You have a lot more than ten.

The other question, I don't know if we mentioned anything about lighting. Especially in the back, because I know we have a 100-foot buffer between residential area and these buildings, but are we going to have that dark sky type lighting to address it for security, or what kind of lighting will you be dealing with? This will be brought up on the site plan.

JAMES MARTIN: You might as well think about it now.

MR. FINLEY: We had not even talked about it, but I know if we are lighting, it would probably be the dark sky standards and around the back of the building, there is not that much use around the clock. Most of the work goes on the north side.

DARIO MARCHIONI: I'm glad you're coming to Chili. Thank you.

LARRY NISSEN: Dave (Lindsay) and I are looking over the drainage report, Kip (Finley). I know we spoke on the phone, but I have something I would like to bring up at this point in time to save you sometime later.

You made the statement that the site is currently 2 1/2 or 3 acres, something like that.

MR. FINLEY: 4.3.

LARRY NISSEN: A full SWPPP will be required for this site.

MR. FINLEY: I just read that tonight.

LARRY NISSEN: Unless -- it gets an exemption only for residential development if it is less than 5 acres.

Now, with regard to quantity, we may be able to help you with the old Jet View records with regard to volume available, or you know, things of that nature. We may be able to make certain information available to you, but I think you should probably -- I think you should probably plan on needing to provide for quantity as well there.

The original volume that was installed there was installed many years ago and doesn't meet current standards. Unless you get a waiver from DEC, unless DEC signs off on the quality restrictions or requirements -- unless they're willing to waive that, we'll ask you to investigate the need.

MR. FINLEY: I think what they had -- if we thought the park had the capacity for the detention, that we still needed to address water quality, because that never would have been addressed. I mean the pipes just empty out. There is no hold back.

LARRY NISSEN: Did they ask you to address quantity?

MR. FINLEY: They just said, "address quality."

KAREN COX: Who is "they"?

LARRY NISSEN: We'll want to see anything on that for the Town's records.

JAMES MARTIN: Obviously we have a couple things to research and look into. Hopefully we can move forward with the project.

MR. FINLEY: Should we be moving ahead toward a preliminary submission for July, as we learn the answers to these things, and have a site plan application with a request for conditional use, or what should we do next?

JAMES MARTIN: I would see no reason, you know, at this point not to proceed.

MR. FINLEY: Would the Board be upset if we checked the schedule and could we go to the ZBA first since you have seen the project now, rather than just go to the ZBA before Planning Board? How do you --

JAMES MARTIN: We have that chicken-and-egg discussion lots of times. I think they're minimal ZBA variances required. If you're looking at 10 or 12 variances, they would probably want us to approve site plan before they would deal with the issue. Since we're talking about two fairly, you know, minor variance requests, I don't see any problems if you want to go to the ZBA first.

MR. FINLEY: Try it.

JAMES MARTIN: They might table it. That is their prerogative. We don't control them.

MR. FINLEY: Okay. More of an ethical thing. I didn't want to go to them before you, but since we're here --

JAMES MARTIN: Basically, I think it would be okay if you wanted to do that.

JOHN NOWICKI: You might want to look into porous pavements to see what kind of cost that would be for the trailer --

MR. FINLEY: Like Flexipave?

JOHN NOWICKI: Porous pavement products.

MR. FINLEY: My neighbor sells that. It is three times the cost of asphalt.

JOHN NOWICKI: The rubber stuff I saw at Homearama last week --

MR. FINLEY: My neighbor installed it at my client's house. Just very coarse, like the permeable base that the D.O.T. uses. It's still a lot more than gravel. But we can talk about it. We have a lot of area for it to track off versus some of the other places that don't.

DECISION: The Board's comments focused on drainage, lighting, site screening, materials for the paved areas of the site.

The meeting ended at 9:12 p.m.