

CHILI PLANNING BOARD
June 14, 2011

A meeting of the Chili Planning Board was held on June 14, 2011 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, David Cross, John Hellaby, John Nowicki, Theresa Reilly, and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Richard Schickler, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative.

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

JAMES MARTIN: And Mr. Paul Bloser has just entered the room, Chairman of the Zoning Board. Good evening, Paul (Bloser).

We are going to move the agenda around a little bit tonight. First thing on the agenda that we're going to hear is Monroe County Department of Environmental Services for the proposed recycling center at property located at 10 Avion Drive in LI zone.

FOR DISCUSSION:

1. Monroe County Department of Environmental Services -- for proposed recycling center at property located at 10 Avion Drive in L.I zone.

Mike Garland was present to represent the matter for discussion.

MR. GARLAND: My name is Mike Garland, Director of Environmental Services for Monroe County, located at 50 West Main Street in Rochester.

On behalf of County Executive Maggie Brooks, I'd like to thank Chairman Martin and the entire Chili Planning Board for the opportunity to present the ECO Park project as well as thank Supervisor Dunning for the support he and his staff have provided to date.

If I could just quickly introduce our team tonight. With me is Jeff Richardson, Senior District Manager for Waste Management; Drew Smith, County Environmental and Regulatory Compliance Manager; and Tom Sinclair, Household Hazardous Waste and Pharmaceutical Collections Manager.

As you may recall, County Executive Brooks announced the ECO Park at her State of the County address on May 9th as one of her green initiatives to expand the County's existing recycling program.

Through a partnership with Waste Management, the ECO Park will offer County residents a geographically-central, one-stop-drop location to properly dispose of items for recovery and recycling.

The County has partnered with Waste Management to create the ECO Park at Waste Management's existing Avion Drive solid waste transfer facility.

Waste Management is, and will continue to be, the property owner and permit holder for this site.

By way of background, the County's initial goal for this project was to find a new location for the County's household hazardous waste operation, which is currently located at the Pure Waters Rochester Operation Center, also known as the ROC, on East Henrietta Road.

Various sites were considered for the new household hazardous waste facility including the ROC, the County's Fleet Center on Paul Road, and Waste Management's Avion Drive transfer facility.

All viable options, except Avion Drive, required a large capital investment to either construct a new building or convert an existing facility for household hazardous waste collections.

The Avion Drive site offered several benefits, namely it's within an industrial setting; centrally located in the County; it's adjacent to the County's Leaf Composting Site at Avion Drive; close proximity to the County's Fleet Center; is an available facility with an active Part 360 Solid Waste Permit; requires a low capital investment and has abundant floor space for household hazardous waste collections and offers an opportunity for expanded recycling and recovery services.

The site is specifically situated at 10 Avion Drive, which is owned by Waste Management,

and is permitted by the State Department of Environmental Conservation under an active Part 360 Solid Waste Transfer Station Permit.

The building was originally constructed in 1995 and opened as a transfer station by Spector Waste Paper Corporation.

Waste Management acquired the Transfer Station in 2005 from Republic Industries.

In 2007, Waste Management "mothballed" the facility so as to combine its solid waste volume with other volumes received at the County's transfer facility on Emerson Street.

The site is approximately 13.5 acres. The building is about 66,000 square feet. The building has operable fire security and video system, and the facility has an 8-foot high fence around its perimeter.

The scope of services that are being proposed to be offered at the facility were included in the submission to the Planning Board. Those services will be provided by the County, or Waste Management, or its respective vendors.

The services include household hazardous waste collection, pharmaceutical collections, waste tire collections, white goods, which are also known as common heavy consumer durables, some of which contain CFCs, and refrigerators, dehumidifiers, other white goods, stoves and things of that nature.

We also intend to provide confidential document shredding, e-waste collection, compact fluorescent collection, propane tanks, rechargeable batteries, sneakers, syringes and textiles as well as offer a compost give-back to the community.

There will be two levels of service. There will be a daily drop off for residents to come and drop off the materials, and we'll also offer a full-service event.

The initial operation will again provide the daily drop-off, Wednesdays through Saturdays. We're programmed to offer those services from 7:30 in the morning to 1 p.m. Most services will be available, but during our full-service events, we'll include all services as well as household hazardous waste which requires a contractor to be on site, pharmaceutical collections which requires a law enforcement presence, as well as waste tires and the CFC containing white goods which there may be a fee for.

All material collected at the ECO Park will be stored inside the building with the exception of the propane tanks. Those will be stored outside the building.

The long-term plan for the facility is to create a permanent household hazardous waste. We'll be conducting up to about 30 events per year for the full-service events. We can do more when we convert the building as a permanent household hazardous waste facility.

The customers will be directed along Avion Drive to the facility through way-finding signs. They will enter the facility. There will be opportunities and areas for them to drop off the materials themselves. In some cases, for instance, household hazardous waste, it requires someone to assist the resident to dispose of that material.

After unloading the materials, again, they will drive into the building, they will drive around and there will be stations for the respective material they would like to dispose of and then the customer will drive out of the building and exit onto Avion Drive and out to Paul Road.

The building, as you know, is relatively new and very well maintained by Waste Management. There is some interior improvements we're going to make, which include additional overhead lighting, improved ventilations and minor office renovations, new interior access door and some floor striping.

The exterior improvements that we propose include painting of the bollards and wooden fence. We will be installing signage, some of -- all of which we've shown on the board there. Monument sign on the intersection of Avion Drive and Paul Road, which is the V-shaped sign. On the building itself we would include the County and Waste Management logo and above that, the logo we have created for ECO Park. The site plan would show some way-finding as well through the site.

We've worked very closely with Monroe County's Department of Transportation on traffic improvements on Paul Road. Most notably we've reduced the speed limit from 55 to 45 miles an hour in that vicinity. We've installed intersection warning signs so travellers on Paul Road are -- are made aware of the upcoming intersections with Avion Drive.

Um, there's a northbound bypass lane that we'll install and mark by broken white line and it has heavy duty paving in the -- in the shoulder there that would allow for bypass for vehicles going around, some of whom might be turning left into the facility. On Avion Drive we'll be installing a double yellow line with two exit lanes for folks exiting out onto Paul Road. There's adequate shoulder width and depth on Paul Road for deceleration and acceleration for travelers entering and exiting the site.

In terms of SEQOR, the County has established as Lead Agency on May 18th. The County issued a negative declaration on May 31st that concluded the project would result in no significant adverse impact on existing air, water quality, noise, flooding or soil erosion, and energy consumption.

Traffic will not be adversely affected as the facility is currently approved to allow up to 696 one-way truck trips per day.

At the ECO Park, um, the daily drop-off schedule, we expect peak traffic to be approximately 20 passenger vehicles per hour, Wednesday through Saturday, which translates to about 110 passenger vehicles per day. During the full-service event we expect peak traffic to be about 90 passenger vehicles per hour, that would occur 1 to 3 times a month. Again, we have up to 30 events per year, full-service events. That translates on those days to about 495 passenger vehicles per day.

Permits required for this facility, we're pursuing a modification to Waste Management's existing solid waste transfer permit, the Part 360 permit I mentioned before. That permit modification is required because we've expanded the services within the facility. Um, we've been meeting regularly with the State DEC, and they're very supportive of the project so we expect no issue in obtaining that permit. We're working closely with the Town to obtain the necessary permits as well, including the variance from the Zoning Board, which we hope to obtain in July for the building sign, again, showing the top of that diagram on the right. We have submitted a highway permit for the monument sign, that is shown in the middle of that diagram, as well as we will be submitting an operating permit from the Town Fire Marshal. Current schedule is to open the facility in the fourth quarter of this year.

And in closing, on behalf of Jeff Richardson and myself, we would like to express our respective organization's ongoing commitment to be a good neighbor at the site.

And at this point, we would be happy to answer any questions and address any comments you might have.

JAMES MARTIN: Just a question, in the -- the mulch operation, I believe, people can come and draw off of your -- off the mulch pile. How will that be controlled?

MR. GARLAND: As you know, we have an ongoing compost operation there. We have been running it for a few years now, and I think quite successfully. All of that operation will be inside the perimeter fence, so it would be only available during the days that the facility is open. Um, it would be set back from the facility itself. Compost would not be located inside the building. We would set up an area, some jersey barriers to provide adequate and ample access to obtain the material.

JOHN HELLABY: Question of curiosity. How does this impact your present blue box recycling stuff at Iola? Is it the old Iola --

MR. GARLAND: Thanks for asking. Our recycling center is over on Lee Road in the City and that's for the residential curbside recycling program. This supplements it. We'll offer the opportunity if people have recyclable material that didn't get picked up at curbside, they can dispose of it here if they want to. In fact, we want to provide an opportunity for people to get rid of bulky recyclable material. But in terms of our residential curbside recycling program, this is separate and distinct. We have a separate operator on the road that runs our blue bin recycling program.

JOHN HELLABY: You presently have some boxes over, though, on the corner of Westfall and East Henrietta. Does that go away or does that stay there?

MR. GARLAND: That will stay there. Only because there's a lot of demand for that on East Henrietta Road. We will have the opportunity, again, on ECO Park site for people who want to get rid of recyclable materials, but it will be within the fence. We want to keep all that within the fence. Again, we're not open 24/7 like we are over at the Rochester Operation Center. That's under surveillance, so we don't have issues there.

JOHN HELLABY: That's all.

JOHN NOWICKI: I'm just curious. If -- if things are coming in to be recycled, what is the process inside, for example, if you have a refrigerator with freon or items like that, what's the process? How does it go out of the building?

MR. GARLAND: We have plenty of space in the building. It's a very large building. We have areas where we can store the material. Waste Management's vendor will collect that material. When we have a sufficient quantity of the material, some of that will have to have the CFCs, the chlorofluorocarbons removed.

JOHN NOWICKI: On site?

MR. GARLAND: Yep. That would be on site.

JOHN NOWICKI: Is there a safety procedure for that? Is it a certain area?

JEFF RICHARDSON: Yeah, they're a licensed vendor. Licensed vendor, licensed to do it.

JAMES MARTIN: Just -- your name for the record.

JEFF RICHARDSON: I'm sorry. Jeff Richardson with Waste Management.

JOHN NOWICKI: I'm just -- I'm just interested in how you handle the chemicals and what impact it has on the air, how you handle it, how you ship it out, how you get rid of the stuff once you receive it.

MR. GARLAND: Waste Management actually currently offers this service on the east side at their High Acres Landfill and again has a licensed contractor vendor to manage that.

JOHN NOWICKI: Does a lot of the stuff go to landfill areas?

MR. GARLAND: Well, there is obviously material, available material within that scrap metal and others, plastics that can be recovered or recycled. You know, any items that can't would have to be land-filled, but the intent is to try to keep this waste stream out of the landfill. In years past most of what we're going to be handling here would have gone to a landfill.

JOHN NOWICKI: That's why I'm just curious. You see all of these different things you've got listed here, and, um, that -- propane tanks, is that something you do on premises, outside the site?

MR. GARLAND: Yes. That's correct.

DAVID CROSS: One question about the existing site lighting. What's there, and what are you proposing -- are you proposing any on this project?

MR. GARLAND: We're proposing no new exterior lighting. I guess with the exception of the site lighting for the -- excuse me, for the monument sign on Avion Drive. We light that. You can see a solar panel. There are some overhead lights on the top diagram, streetlights, wall

packs, but it's minimal, and again, we propose to add no more than what is there.

THERESA REILLY: Let's see if I understand this right. When you're doing an event, special collection event, you said you can have up to 90 cars per hour?

MR. GARLAND: That's correct.

THERESA REILLY: Is that reflective of what's going on currently over at Pure Waters area?

MR. GARLAND: Well, that may be a significant portion, or I should say the majority of the 90 would be the household hazardous waste events. We have good numbers on there. We work with Waste Management who collects other materials at other sites, so that 90 represents all services.

THERESA REILLY: So you're processing these cars that are coming in and driving through and forming a line in under a minute?

MR. GARLAND: In terms of our household hazardous waste, we can move that through -- well, it wouldn't all be single file. We've designed a system and maybe the diagram we submitted to you might illustrate it better, but there will be bypass lanes in there, so we expect to be able to sort of segregate the intended -- you know, the customer's desire in terms of what material they would like to dispose of into the respective areas. So we'll have drive-thru, pass-through. We can process the household hazardous material quickly.

And I could also say, too, it's by appointment for household hazardous waste, and that allows us to meter the flow, the throughput, and it -- it gets done very efficiently. We've been doing that for a long -- how long?

MR. GREINER: 20 years.

MR. GARLAND: 20 years. We have it really down to a science.

THERESA REILLY: During your special collection events, that is not by appointment but just when they come?

MR. GARLAND: The household hazardous waste collection will only be offered during full-service events, and that would be during an appointment.

THERESA REILLY: Okay.

MR. GARLAND: We also offer mobile collections, which you might know about. We have one here in the Town of Chili at the DPW facility in September. Those are mobile. That's where we get out to the suburban areas and make it a little more convenient for residents. This will be similar to what we offer over at the Rochester Operations Center on East Henrietta Road.

JOHN NOWICKI: Just a question. Does this generate any income for the County?

MR. GARLAND: Um, for the County, I can say it does not. You know, our household hazardous waste, there's a driver behind that, and pharmaceuticals is to get it out of the sewer and protect the treatment plant and the collection system. So that was the motivating force for that. In the past, people put it down the drain.

I can't speak for Waste Management or its vendors, but certainly there is recoverable materials in there. I know for our plastics and our Number 1 and Number 2s, our vendor for the curbside recycling program, there is value in the material for the fiber and plastic, so certainly there's value.

JOHN NOWICKI: For Waste Management to pick up, not the County?

MR. GARLAND: That's correct.

JAMES MARTIN: Well, thank you very much for your -- for your very detailed presentation. We look forward to this -- you know, it's a nice benefit to the Town. It is locally located, so as you move forward, we'll look forward to having a very nice facility here.

MR. GARLAND: Thanks for your support.

JAMES MARTIN: Anybody here from the Calvary Assembly of God? We'll move you up on the agenda at this point to take care of your final approval.

INFORMAL:

1. Application of Calvary Assembly of God Church, owner; 3249 Chili Avenue, Rochester, New York 14624 for final site plan approval to erect a 36' x 49 1/2' pole barn storage building and parking lot expansion at property located at 3249 Chili Avenue in R.B. & FPO zone.

Robert Reeves was present to represent the application.

PASTOR REEVES: Yes. My name is Robert Reeves. I serve as Pastor of the Calvary Assembly. The address is 16 Spring Brook Drive, North Chili. And I think you have our updated information, so I guess I'm open to any questions or suggestions you have.

JAMES MARTIN: Basically we have a letter from the Town Engineer stating that essentially you've satisfactorily addressed all of the previous comments, which was good. Still, we'll require a -- assuming this goes forward at this point, a landscape certificate of compliance to the Building Department, which will be a condition of approval.

Also, it is certainly contingent on final Town Engineer, Commissioner of Public Works approval.

PASTOR REEVES: Right.

JAMES MARTIN: At this point, I will go to the Board.

JOHN NOWICKI: They have seen the comments from the Conservation Board?

JAMES MARTIN: I don't know if they have seen that.

JOHN NOWICKI: I hope they have been made aware of it.

JAMES MARTIN: There were some suggestions that the Conservation Board has made.

Dick (Schickler), any comment on those at this point?

DICK SCHICKLER: We're looking to dress up the building a little bit with some Arborvitaes or maybe some White Spruce. Nothing major. Just fix it up a little more.

PASTOR REEVES: Okay.

JAMES MARTIN: So basically, continue to work with the Conservation Board. We'll get you a copy of their suggestions on, you know, whatever needs to be done over there from a landscaping perspective.

On the application, it's pending Town Engineer and Commissioner of Public Works approval. All previous conditions imposed from the previous hearings remain in effect.

As far as the landscaping goes, please work with the Conservation Board on the plan update that they have suggested and supply a Certificate of Compliance once your landscaping has been completed to the Building Department.

PASTOR REEVES: Sure.

JAMES MARTIN: On the application for final site plan approval.

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

1. Pending final approval by the Town Engineer and Commissioner of Public Works.
2. A Certificate of Compliance for the updated landscape plan shall be submitted to the Building Department.
3. All previous conditions imposed by this Board remain in effect.

JAMES MARTIN: Just as an update to this, SEQR was completed at the preliminary hearing.

OLD BUSINESS:

1. Application of Genesee Valley Regional Market, owner; c/o John Hotto, Lu Engineers, 175 Sully Trail, Pittsford, New York 14534 for special use permit to allow a warehouse/distribution use at property located at 1861 Scottsville Road in L.I. & FPO zone.
2. Application of Genesee Valley Regional Market, owner; c/o John Hotto, Lu Engineers, 175 Sully Trail, Pittsford, New York 14534 for preliminary site plan approval to erect 7 buildings totaling 130,000 sq. ft. for warehouse/distribution use at property located at 1861 Scottsville Road in L.I. & FPO zone.

James Hotto was present to represent the applications.

JAMES MARTIN: I think we have a basic understanding where we're headed tonight, but I asked you to come in and update the Board on what your current plans are at this point in time.

MR. HOTTO: Sure.

Good evening. My name is John Hotto from Lu Engineers representing Genesee Valley Regional Market Authority.

As the Chairman mentioned, we're here to follow up on a submittal for preliminary approvals and a special use permit. Um, we did receive quite a few comments from the DPW, the consulting engineer and the Conservation Board. We responded to those comments in a letter to the Planning Board. We are here to help clarify the lead agency status for the project as a Type I project.

As part of the resubmittal, we are proposing some changes. Primarily, we have eliminated Phase 2 for now. The program doesn't fit Phase 2 right now. We want to focus on the road and infrastructure and the four buildings of Phase 1.

Also, as a part of the Planning Board's concerns regarding traffic, um, we did -- excuse me, we had a dialogue with the DOT, and they agree with us that there is -- there's no -- right-turn lane in, left-turn lane in off of Scottsville Road are not warranted. However, we are going to provide a -- a right-turn deceleration lane or shoulder for the trucks to use, to help clean up the traffic situation out there.

JAMES MARTIN: This is being the southbound?

MR. HOTTO: Southbound on Scottsville. It's really a reinforced shoulder per DOT pavement specs. It will be 10 feet wide and approximately 400 feet long.

In response to the Conservation Board, we have revised plans to show the proper sizing of the proposed trees per their checklist.

We've have also counted and mapped trees greater than 12 inches in diameter at breast height to be removed as a result of the project.

We also, through Dave Lindsay, worked with the Fire Marshal to provide remote dry pipe systems for fire protection on the buildings. In lieu of providing 26-foot wide access row and drive aisles, we're proposing 24-foot wide aisles with the system to reduce overall pavement on the project site.

Further up is the DEC has taken jurisdiction over all of the wetlands on the site. And they -- so that would impose a 100-foot buffer around all of the wetlands on the site. That does impact our originally submitted plan that you have with you. Towards the eastern end, Building 1 is within the 100-foot buffer. We're currently working with them to see -- to try to determine the feasibility of doing what we propose with that building in the corner of the parking lot there.

We are probably going to offer mitigation, because we need to get as much square footage on there as we can to justify the cost of the road and infrastructure and other costs. We have prepared an alternative plan if -- if the DEC decides that we cannot build in the buffer, we submitted that as part of the application. It's called Plan B, alternative Plan B. It does show three buildings as part of Phase 1.

Do you want me to show the plans, or -- it's --

JAMES MARTIN: It's not a Public Hearing tonight. You know, we'll do this when you're in for the formal hearing, okay?

You already touched on it, and we'll just reiterate this will be a Type I action which will precipitate a coordinated review, so we'll get into that in a minute.

I will go to the Board for any questions or clarifications at this point that they may have.

KAREN COX: Um, so if -- so if you have to build the alternative, will that mean that in total there's going to be one less building, like in a full build-out? If you are talking three buildings in Part 1, Phase 1.

MR. HOTTO: I'm not sure. It depends on how they -- the thing evolves.

KAREN COX: Okay.

JOHN NOWICKI: That's a good question. Because you're -- you have an overall of seven buildings, right, that you could be -- could ultimately be built?

MR. HOTTO: The original submittal showed seven buildings in two phases.

Phase 1 had four buildings and Phase 2 had three. Right now we're taking off Phase 2.

JOHN NOWICKI: You're back to four buildings but you also have an alternative site Plan B.

MR. HOTTO: Right.

JOHN NOWICKI: Which is three?

MR. HOTTO: Correct.

JOHN NOWICKI: How soon will you make a decision which way you're going to go?

MR. HOTTO: I can't answer that question. We're working with them as much as we can.

JOHN NOWICKI: So until they make those decisions, you will have to make it for four -- until we find out what's going on.

MR. HOTTO: Right.

KAREN COX: That was all I had.

JOHN HELLABY: One of the questions I think I asked last time was the photometrics on all of the site lighting, which I do not see yet. There's a light shown on the landscape plan, but no photometrics shown on there yet.

MR. HOTTO: I'm pretty sure I showed a light plan in there. It's an independent plan. I hope it was in there. I hope I didn't miss it again.

JOHN HELLABY: I'll look.

MR. HOTTO: Go ahead.

JOHN NOWICKI: My concern would be from a -- from our engineering side and the transportation issues, that intersection, the T intersection. I'm concerned over that. Even though you talk about a 10-foot deceleration lane. The question -- I want to make sure that that is designed so that trucks don't pull out left into the oncoming traffic, going in that situation and hopefully the deceleration lane is wide enough to accept a tractor-trailer truck.

So for the safety of the traffic, my biggest concern right now -- because there's a lot of information and detail, but that one I am really concerned about.

KAREN COX: John (Nowicki), there was a -- an e-mail from State that talked about the trucks only being able to get to the site from Jefferson Road. No one would be allowed to -- or not -- you know, in the neighborhood. I think it was the letter.

JAMES MARTIN: The letter from --

MR. HOTTO: They -- they prefer that it come from the north exclusively.

KAREN COX: Scottsville Road south of the proposed highway is not a qualifying or access highway. WB 67 tractor-trailers would only be permitted access to the site from the north.

JOHN NOWICKI: That -- how would they be coming from the north? What major road or --

KAREN COX: Jefferson Road. Scottsville.

JOHN NOWICKI: Then we'll go south?

KAREN COX: Yep.

JOHN NOWICKI: So again, they won't be turning right into that project, in the deceleration lane?

KAREN COX: Yes.

JOHN NOWICKI: Again, that's my concern, the movement of those trucks. Because as I mentioned to you before, I was very disappointed in Union Street and Chili Avenue, because a truck driver there, even in order to get around the corner, they have to go into oncoming traffic, and that whole intersection is a mess. I don't want to see that happen again in Chili.

MR. HOTTO: The intersection is designed to DOT standards.

JOHN NOWICKI: Chili/Union was designed to DOT standards, too, and that hasn't done us any favors. I'm just saying (inaudible).

JAMES MARTIN: I think the turning radius you're proposing for the road cut will adequately address the tractor-trailer being able to make that turn without having to do a wide --

JOHN NOWICKI: We have enough safety issues in Chili.

JAMES MARTIN: I agree.

JOHN HELLABY: I believe it's in here. I apologize.

DAVID LINDSAY: No comment, but the lighting plan is in there. It is OSL-1.

MIKE HANSCOM: I turn it over to the gentleman from Clough Harbour.

MR. EWELL: Just two comments. The light plan is in here, as you know, and the radius --

JAMES MARTIN: Name?

MR. EWELL: My name is Todd Ewell with CHA, consulting engineer that reviewed the plans.

Um, the turning radius, if it's a concern, the DOT says it's not warranted, but I'm sure you've probably run the auto turn to check the tires and make sure you could increase the radius.

MR. HOTTO: We had to submit that as part of the preliminary driveway permit and it does require for the turning radius.

MR. EWELL: You can probably provide that to the Board to just show them that that radius works.

JAMES MARTIN: For a formal hearing, we need to have that.

MR. EWELL: Yep.

DICK SCHICKLER: The Conservation Board has received updated landscape plans. Some of the updates were -- I will go over this briefly.

13 8 foot on point Red Maples went from an inch and a half caliper to 2 1/2 inch caliper with two-year guarantee. And then we went to five additional Red Maples, the same, and then we went to 25 Red Oak from an inch and a half to 2 1/2 inch caliper, which is pretty standard.

And then there was a quantity approximately of 150 pine trees at a foot and a half, which is the last time we talked. In lieu of that, we went to the 40 White Spruce 6 to 7 foot in height, two-year guaranteed, balled and burlapped. And Balsam Fir, 6 foot to 7 foot in height balled and burlapped, two-year guarantee.

And snow removal we have instead of snow going on the plants, we're going to -- on the snow storage area, on the south side, and other than that, we'll --

JAMES MARTIN: Obviously, we'll supply a copy of the Conservation Board comments.

BRAD GROVER: I agree with the deceleration lane for the right-hand turn but the trucks are going to be making a left-hand turn to come back out and go back up Scottsville Road. They don't accelerate that fast. We requested before to have a widening of the road there so they had a lane on the right shoulder that they could use to accelerate. I could see issues there with the amount of traffic that's on Scottsville.

JAMES MARTIN: Yeah, I hear what you're saying. However, the State DOT who has jurisdiction did not warrant that based on the traffic study.

MR. HOTTO: Based on our discussions with the -- with the two -- the two tenants, the one tenant, the bio energy outfit will have one pickup truck a week of corn coming in for experiments. And the other company, the filtration company will have one tractor-trailer every two weeks. So it's not like an in-and-out situation. It's like a periodic delivery of product or equipment or whatever.

It's not like a -- it's not like a railroad where, you know -- switch yard or something like that. It's not a typical coming and going.

Each -- each tenant will probably have ten employees max. They're pretty -- you know, a low-key operation.

JAMES MARTIN: Since we have determined the SEQR classification, I will just basically read this for the record. Under Section 617-4, subsection B2 of the SEQR Act, basically reads as the adoption and changes in the allowable use within any zoning district affecting 25 or more acres, um, that district, shall be considered a Type I action. Therefore, I'm going to make a motion that the Planning Board intend to be -- to declare itself lead agency in the SEQR review process for this project. We find this application to be a Type I action with a coordinated review required.

JOHN HELLABY: Second.

JAMES MARTIN: That motion has been seconded. On the motion to declare ourselves, our intent to become lead agency.

DECISION: Unanimously tabled by a vote of six yes to table until the August 9, 2011 meeting.

JAMES MARTIN: The 30 day clock has started.

MR. HOTTO: Thanks.

JAMES MARTIN: Thank you.

PUBLIC HEARINGS:

1. Application of John Perna, owner; 3785 Chili Avenue, Churchville, New York 14428 for special use permit to allow a U-Haul business at property located at 3785 Chili Avenue in G.B. zone.

John Perna and Jim Perna were present to represent the application.

MR. JOHN PERNA: Good evening.

JAMES MARTIN: Do you have a presentation for us?

MR. JOHN PERNA: Basically, I just want to be able to leave the trucks there, because I'm -- I'm a one-man operation and with the original arrangement we had was I had to park them on Union Street and then haul them back and forth, but since I'm a one-man operation, it's not practical. And they're not ugly trucks. I don't have that many of them. They come and they go. It's not like they're filling up the parking lot. And it's a need and a necessity of the area, because people are moving in and out of the Town all of the time.

JAMES MARTIN: I guess a couple of things. Number 1, you have a punch list of things to complete prior to us being able to actually hear this application.

David (Lindsay), I believe the Building Department has confirmed that that punch list has been completed?

DAVID LINDSAY: Um, we did check on that punch list and at the time they made application for this meeting, it was complete.

JAMES MARTIN: Thank you.

I guess there are a few things that I would like to, at this point in time, address as far as the site goes.

I did another inspection. You have still got the sign out in back, I believe, that had a logo on it, and --

MR. JOHN PERNA: There is no logo on it, but it's laying out back. Which I should have just left it up, because I had a permit for the sign, but I was requested to remove it, so I did put it down.

JAMES MARTIN: All right. It's laying out back.

MR. JOHN PERNA: Right.

MR. JAMES PERNA: You might want to put that sign back up. You're not going to get rid of it. I'm sorry.

JAMES MARTIN: Hold off a minute. We're not ready for any more comments.

The landscaping, I think is probably not still in compliance with the original. You've cleaned it up some, but I think it's still an area that continues to be looked at.

MR. JOHN PERNA: Have you driven by it recently?

JAMES MARTIN: I was there today.

MR. JOHN PERNA: Really? You didn't think it looked nice?

JAMES MARTIN: You have improved it. I will wait for Mr. Schickler with his comments from the Conservation Board.

We still have the issue of the canopy, John (Perna).

MR. JOHN PERNA: Well, the canopy really should not be an issue due to the fact it's assessed at \$60,000 that I'm paying property taxes on. It would be to my benefit to remove it than leave it up, but I just haven't gotten around to moving it. As long as I'm paying property taxes on it, I don't see why that would be an issue.

JAMES MARTIN: Because I think it's an unsightly thing on your property.

MR. JOHN PERNA: I realize that.

JAMES MARTIN: Your property would look better.

MR. JOHN PERNA: I know that. And it would reduce my property taxes also but until I have the time to remove it, it's not like it's an illegal thing.

JAMES MARTIN: No, but I think it's something that we're going to look at pretty hard as far as the Board goes and really would like to see it out.

MR. JOHN PERNA: I would like to get it out of there but, you know, I work full-time plus I work part-time, plus...

JAMES MARTIN: When you were here before, and we've talked a little bit about this, um, I know you had problems with trucks bottoming out on the two --

MR. JOHN PERNA: Well, that has been taken care of because I had -- the problem was, they kept raising Union Street.

JAMES MARTIN: I know.

MR. JOHN PERNA: That's been corrected, believe it or not.

JAMES MARTIN: I think what we would like to see, and again -- as long as there are other comments from the Board, not to remove any of those road cuts, but to perhaps barricade one of them so that you have only one road cut going to Union Street, the one perhaps the trucks don't bottom out on and then you have two road cuts to Chili Avenue. And by blockading it, I don't mean a pile of millings.

MR. JOHN PERNA: The millings are there to fill in the holes for when the canopy comes down.

JAMES MARTIN: Again, if this were to go through and get approval tonight, I certainly would not want to have any of your vehicles or trucks or anything parked in front of your building. Your proposed parking sites are behind, along the side of the building.

MR. JOHN PERNA: The only time they're parked in the front is when people drop them off in the middle of the night and nobody is there.

JAMES MARTIN: Okay.

KAREN COX: I guess I second Jim (Martin)'s wish that the canopy could come down. You've made it look nicer than it did even a month ago. I will say thank you for doing that.

Just -- I think it would benefit the business, really, if the canopy came down.

MR. JOHN PERNA: I plan on getting it done. I had one son graduate from college, that

killed two weekends. I have another son getting married. That's gonna kill another couple weekends. And then with the rain and everything, and I'm -- I can only do -- only time I could do anything is Saturday and Sundays.

KAREN COX: If you got the millings there, then you obviously have a plan, or, you know, you intend to take it down.

MR. JOHN PERNA: I do plan on taking it down, because I was going to fill where the pole -- where the columns are with the millings, in the parking lot.

KAREN COX: Then you could presumably go get a reassessment, which would be to your advantage, I guess.

JAMES MARTIN: I would think so. If he is assessed for 60,000.

KAREN COX: You know, right now, it's -- I think sometimes it's confusing to people, is it a gas station or is it --

MR. JOHN PERNA: Last year it cost me 50,000 to remove the tanks and the pumps that I didn't want to do, but due to the fact that the Planning Board allowed two other places to open up across the street from me and put me out of that business...

KAREN COX: So if you -- somebody drops the -- a vehicle off in the middle of the night, then you -- you come --

MR. JOHN PERNA: I come the next day, and then I check it in, and I move it behind the building or on the side.

JAMES MARTIN: Who does it if you're not there?

MR. JOHN PERNA: I have several retired gentlemen that hang out every morning because they don't smoke in their houses, so they sit out in front of my place and smoke.

JAMES MARTIN: But you don't have a specific individual who would --

MR. JOHN PERNA: Well --

JAMES MARTIN: Who moves trucks if you're not there?

MR. JOHN PERNA: I have people that will do it if I'm not available. It's to my best interest not to have them out front, anyways, for protection, people breaking in.

KAREN COX: That was all I have, Jim (Martin).

JOHN HELLABY: Is this presently the only business you operate up there, John (Perna), just the leasing of the tractor and trailers?

MR. JOHN PERNA: Personally, yes. I lease out the repair site.

MR. JOHN HELLABY: Somebody else is still operating out of the site?

MR. JOHN PERNA: Somebody new came in. I had somebody come in last July, but then he baled in February because he said there wasn't no business. I said, "Well, you got to work Saturdays and Sundays if you have to make it in that business," but he chose not to.

I got new people in there currently.

JOHN HELLABY: Do you offer any things like other U-Haul centers as far as boxes, trailer hitches and all that stuff?

MR. JOHN PERNA: I was doing all of that, but I got out of it. I'm just renting the trucks and trailers.

JOHN NOWICKI: I was just thinking, until we have the conditions listed, so we know where we're going with this application --

JAMES MARTIN: I haven't written any down.

JOHN NOWICKI: There will be some written down. I can tell you that. And then we'll have to decide how long before we would grant approval on this.

DAVID CROSS: For the special use permit, we don't have to add automotive repair, because that is already allowed under the --

JAMES MARTIN: I'm sorry?

DAVID CROSS: The automotive repair that John (Perna) mentioned, that is already allowed, so we don't have to amend to add that.

JAMES MARTIN: That's already permitted there.

DAVID CROSS: Third, um -- second -- Karen (Cox) seconded, I'll third the whole canopy thing. Maybe we put a condition by the end of the summer.

MR. JOHN PERNA: I would like to donate it to the Town for the new Town Hall -- the new thing they want to build, instead of them spending money to buy one, but I guess the Town would rather spend money on a new one that the big trucks will demolish when they drive under it.

THERESA REILLY: I took another drive through there today and I just wanted to know how you could address the bottoming out and that curb issue. Obviously a lot of that is out of your control, but if you were to block that off somehow, how would you do it so it's visually not unappealing and still gets the message across?

MR. JOHN PERNA: Possibly put some planters there.

THERESA REILLY: Something high enough so people can see? Just even coming out today, you had to really cut that angle.

MR. JOHN PERNA: I could move the big rocks I have on the lawn.

THERESA REILLY: It's probably in your best interest instead of trucks getting hung up there.

MR. JOHN PERNA: They don't really get hung up there since they fixed the road. That was an issue from years ago.

THERESA REILLY: Or bottoming out, whatever is taking place. So you can have a plan in place to stop -- to take care of that problem. That's all.

KEITH O'TOOLE: Yes, a couple of things. The plan that Mr. Perna has submitted

appears to be a 1992 plan, which the Planning Board turned down at the time when he originally approached the Town for his U-Haul business. There is a more recent site plan on file with the Town that was, I believe, approved in 1998. It's the Avery Bonnerwith site plan. Certainly cleaner and easier to read, and I think there needs to be some direction from the Planning Board as to how many spaces you're going to allow for various parking of U-Haul trailers, so perhaps the Town Engineer, working with Mr. Perna, can simply mark-up the Avery Bonnerwith plan and show where they're going to be located. In this manner, Code Enforcement can simply pull out the most recent plan and say this is where they're supposed to be, and either they are or they aren't. The old conditions with regard to the hours that the trucks could be on the site were just unenforceable. We tried and it just didn't work.

Nothing further.

DICK SCHICKLER: There were landscape plans given out some time ago and I don't have an update on that right now, but if they were complete as we agreed before, I guess that would be fine with us.

JAMES MARTIN: Okay. I guess what I would like, you know, somebody from Conservation Board to go out and, you know -- if this goes forward, to spend some time with John (Perna) to be sure that what was originally proposed to be there is there, and cleaned up.

DICK SCHICKLER: Okay. I will get a print and meet with him on that and take care of it.

JAMES MARTIN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: With regard to this letter the Town sent to Mr. Perna on January the 12th, has Number 3 been complied with?

JAMES MARTIN: According to the Building Department, it has been complied with.

DAVID LINDSAY: I don't have a copy of the letter in front of me. If I can see it --

JAMES MARTIN: I will read Number 3, David (Lindsay). "Submit a drawing showing all signs on the property including size, location, colors, et cetera, and obtain the proper sign permits above or apply for the necessary variances. This is to be done within 30 days of the date of this letter."

DAVID LINDSAY: I believe -- I believe that that's true, but I would have to double check on that.

JAMES MARTIN: Okay. We'll double check on that, Dorothy (Borgus), to be sure he's in compliance with that.

DOROTHY BORGUS: Number 4 on that same letter says, you stated -- this is addressed to Mr. Perna. "You stated that you would have the canopy removed by April 15th, 2011."

So if he has an excuse now, he has family affairs to take care of, and I -- I can't buy that. That -- that's two months ago.

MR. JOHN PERNA: Excuse me, but I'm paying property taxes on the canopy. It's not like it's an abandoned building or something. I am paying property taxes. Probably more on that canopy than some people are paying on their houses.

DOROTHY BORGUS: That may be. I'm not going to argue with the applicant. I'm addressing the Board, please.

JAMES MARTIN: John (Perna), just let Dorothy (Borgus) talk, all right? Let's not get into a he said/she said situation.

DOROTHY BORGUS: I don't want to.

That may well be, what Mr. Perna says, but then I don't know why he stated this back in January. It -- it seems this is another case of, you know, I'm going to do something and then when I walk away, he tends to think that he's -- he's excused from it just because he's not in the building any more. That's what the history of this whole project from day one has been. It's promises that have not been kept.

Um, the -- I guess my point would be that if you want to know what the future is going to be, look to the past. And this has just been one continual breaking of word, one habitual trying to weasel out of an agreement made, always looking for a little bit of a hole that we can crawl through and not -- not comply with what the Board has said or what we've agreed to do.

It's an eyesore, people. And I hear the Board say it looks better. It does look better, but "better" is -- is -- is the operative word. It looked so bad, that anything he did would have been better. Anything. It still is not good. This week I see now we have pendants strung up on the canopy, another sign added this week. Did everybody see that? That's an addition this week. It gets -- it just piles on. You can't -- you can't ever say it's going to get better because we loose ground down there all of the time. There's a multiple amount of signs on that building. Are we ever going to take any of them down?

That's why I asked about Number 3 on that letter. There are many signs on that building. We have a sign code in this Town.

The banners and the signs have been ongoing problems as long as he's been there.

The landscaping, if you want to call it that, is an overgrown, unsightly mess. The weeds in the -- in the so-called landscaping are sometimes higher than the bushes. There were timbers around them, landscape timbers. They have rotted away. They're not there any more, which is probably a good thing, because they -- they looked worse than nothing. The grass gets cut when it's, you know, 6, 8 inches high. The gentleman that cut it a couple weeks ago was having all he

could do to push the lawn mower. The grass was so overgrown on that corner.

And I still remember when the landscape plan was put forth before, and Mr. Perna tried to get around it by putting in plastic evergreens. You may remember that. I do. Fake bushes is what he -- I mean, he's always looking for a loop hole, always looking for a way to get out of what he agreed to do, or what he was told to do.

Right now we have a tent truck that is parked there a lot. A lot. And I think that goes back to -- I believe it was Mr. Hellaby's question, how many businesses were being run out of there. It's a large van and evidently is a tent business. And periodically I've seen them washing hundreds of white chairs in the parking lot. I assume it's another business.

MR. JAMES PERNA: It's his business, Dorothy (Borgus).

DOROTHY BORGUS: Please, I'm addressing the Board.

In the past we've had Indian rug sales. We've had a Coke machine, Coke trucks parked there with bargains on hot dogs and soda pop over weekends and holidays. The infractions go on and on and on with this property.

Um, I would like to ask, if you don't mind, Mr. Martin, if you would inquire of the Building Department how many complaints have been received for that site within like the past -- well, I don't know, pick a time. Three years.

JAMES MARTIN: Do you have a number on that, David (Lindsay)?

DAVID LINDSAY: I have eight complaints that date back to 2004. Total of eight complaints from 2004.

JAMES MARTIN: Eight from 2004. All right. Thank you.

DOROTHY BORGUS: This building -- this property and this business tends to be a total waste of resources for our Building Department. Our Building Department should not be wasting your tax money and my tax money going up there trying to force, and I mean it, force these people to obey the code and obey the promises, follow through on what they agree to do. We just spend too much -- too much money on that property, and -- and the alternative is to just let him do whatever he wants. He doesn't care.

He says the U-Hauls are only there -- you know, they're in and out. Well, it's in my neighborhood. It's a mile from me. I'm by it two, three times a day. Those trucks don't move for days sometimes. I certainly would know if a truck moved off of spot, you know, in two or three days. Those trucks don't move that much. As far as it being a necessary advantage for the neighborhoods and for Chili with people moving in and out, you can get U-Hauls lots of places. They have a big lot over on Jefferson Road. Any kind of a U-Haul you want. It's ten minutes from home. We don't need it. It's not a necessary. It won't make life in Chili any better.

As a taxpayer, I'm just tired of the steady compromises and the breaking of the law that goes on with this business. It's not needed, and you know what? I remember one hearing and I could look it up to tell you what year it is. I can't tell you offhand, but his brother came in and said let him do what he asked to do, and if you have a complaint, you come to him, the brother. That doesn't work either. This family is a nice family. They're just rotten neighbors. Rotten neighbors. We don't want that blight in our Town, especially that close to our property any longer. And if you -- if you grant this tonight, you can give him a list of rules and conditions as long as your arm, and all it will come of it is that the Building Department will spend more and more and more time up there trying to make him comply. It just doesn't work. And if you want to see what a U-Haul business looks like, go over to Jefferson Road and look at that. Do we want that on a major corner of our Town? We're trying to improve that area, and it's come a long way but not if you put a U-Haul business there. We go right backward.

And I believe that the definition of insanity is doing the same thing over and over and expecting a different result the next time. This Board has -- and this Town has been exposed to enough of this nonsense. It's time to say no. If he can run a garage there, or a -- or a repair business, if somebody can make a success of that, that's fine. That's fine. But keep it neat, get the landscaping cleaned up, get rid of the mess on that corner. Fix the pavement. He talks about taking those millings and filling in when he takes the canopy down, which who knows whether that will ever happen. He promised it in January, and it isn't done yet. But even then, now we've got a blacktop that's all, you know -- we're just going to put millings in the holes? You know, that blacktop has got to be fixed. It's a mess in there. So just dumping the millings in those holes is not going to do the trick. It's just not going to do the trick.

I think everybody in the neighborhood is sick of it looking the way it does. And to grant another -- a U-Haul business in there which has been denied by this Board before, and then, you know, unfortunately, granted with conditions that have just been nothing but a -- an aggravation and a farce, then I mean, I don't see why we would even be considering this again. You can't keep trying to make something work that won't work.

Thank you.

JAMES MARTIN: Thank you. Jim (Martin) Perna.

MR. JAMES PERNA: If I had my way, okay, I would -- I told him a long time ago I would take a bulldozer to that place. He would be \$21,000 a year ahead. Okay? But he keeps sticking with it, okay? This year, we're trying to -- he's going to try to do the painting in the front, trying to get that done, trying to do the roof. We're going to try to take the canopy down. We had a tenant in there that was paying \$2,000, \$2,100 a month in rent and he paid for two months and took off. Okay? So that's why we took the tanks out, because that was -- we wanted to try to get that place worked out, okay?

If -- if we get the next three to four weeks, we would like to get the canopy down -- not that he wants to do it. I have been forcing him to do it, so we get \$4,000 off the tax rolls. He is

paying -- he was paying 21,000. Now he's paying 18,000 a year on that place. And I don't think there's too many people in this Town paying 18,000 on a piece of property. Okay?

This kid, you know, it's been a heartache. You know, what happened to him when they closed Union Street, you know, destroyed his gas business. Then the gas business came back and they built those other stations across the street. I mean, if he -- you know, if somebody would come along and wanted to buy that corner at a reasonable price, he would have dumped it a long time ago. You know, it's just we're stuck with it. We're stuck with it all. It's a hardship being in business today.

Um, you know, we're doing the best we can do, with the finances that he has to work with. You know, it just costs money. He collects nine months rent just to break even and then the other three months, it goes into the building. That's it. There's nothing there.

And, you know, up until now we've been supporting him. My dad was helping him and everything, just to pay the taxes. So that's the biggest heartache with that. But, you know, we'll try to do the best we can. We'll try to get the canopy down ASAP. That's all I can say. You know, that's my hope. I've been on his butt for the last six months about it. That's all we can do. But it's a gas station. I mean, it's a gas station. That's it.

I mean, you know, other than making -- you know, like I said, the building needs -- the roof needs to be fixed. He's going to try to get that done. And the outside painting he will start this week, weather permitting, but he wants the place to do good. We've got good tenants in there. We want to try to keep them there.

Like I said, if something else came up good with that corner, we would love to get rid of it, but nothing has materialized, so he's just hanging in there, doing the best he can do. Thank you.

JAMES MARTIN: Are you actively trying to market the place at this point?

MR. JAMES PERNA: Yes. He's had it listed and everything. I mean, it's been listed and everything. It's a losing proposition. I mean, you know -- if -- if I had my way, I would -- like I said, a year ago, I would have bulldozed it and left it the way it was, no tanks, no nothing, just bulldozed it. And, you know, he didn't want to do it. But I mean, that's what I would have done. It would have saved him like another 17,000 a year. I mean, it's just -- he's working at the Post Office to support the gas station.

JAMES MARTIN: Thank you.

Just going back and looking at the history, some of the previous applications and their outcome. Um, as far as the dumpster facility, are you planning to have a dumpster on the facility?

MR. JOHN PERNA: I got rid of the dumpsters and I have totes inside, so it's one less thing I have to pay the Town for permits to have.

JAMES MARTIN: You didn't exactly get rid of them. There are still parts out back there.

MR. JOHN PERNA: I just have two pieces of fence there just in case something has to be hidden. You know, you never know.

JAMES MARTIN: The truck that has the plow on the front?

MR. JOHN PERNA: I told my tenants they've got to bring that in at night, but basically that's just maintenance.

JAMES MARTIN: Who does that belong to?

MR. JOHN PERNA: It belongs to me, but it's there to remove the snow in the wintertime.

JAMES MARTIN: It has an out-of-date Colorado license plate on it?

MR. JOHN PERNA: Correct. But it's never going to go on the road. It's just no different than somebody having a lawn tractor on the side of their building to cut their grass. It's there for maintenance. It's not there to be driven.

JAMES MARTIN: I would consider it to be an unlicensed vehicle on your property.

MR. JOHN PERNA: Okay. So a farmer has a tractor on the side of his house, not using it during the winter, that's the same principle, isn't it?

JAMES MARTIN: No, it is not.

I'll tell you what I picked up so far.

JOHN NOWICKI: Make it a condition.

JAMES MARTIN: We talked about the canopy. And if this were to go forward, I think we should set a definitive timeline on the removal of that canopy.

JOHN NOWICKI: Yep.

JAMES MARTIN: If it goes forward. We'll talk about if it goes, what the timeline should be. But the applicant needs to continue to work with the Conservation Board on any -- any and all landscaping issues on the site to bring that up to previously approved conditions.

The applicant should work with the Building Department to update the most recent site plan regarding number of parking spaces for the trucks and where they will be located.

JOHN NOWICKI: Some --

JAMES MARTIN: Does that hit what you were after, Mr. O'Toole?

KEITH O'TOOLE: That helps, but some direction as to how many vehicles you're permitting would be helpful, as well.

JAMES MARTIN: All right.

KEITH O'TOOLE: May I approach for a moment?

JAMES MARTIN: Yes.

KEITH O'TOOLE: This is the old Bonnerwith plan (indicating). That thing has the old plan, the new plan, which has a fair number of vehicles parked out front, which I suspect folks wouldn't be too pleased with, and I think it's fairly unrealistic -- on the old plan they have them all stacked up, like 15 in one location and I don't see that happening.

If all we're going to do is identify areas where they can be parked, compare that to the new plan, get a sense of what storage you would have for how many vehicles. Actually, that -- maybe we can -- would you mind rotating that around? Here (indicating) he had originally proposed 12 vehicles. Three more, 15.

I mean, we had a gazillion vehicles on that plan.

KAREN COX: How could that even be possible?

KEITH O'TOOLE: I mean, this thing would never happen, it would never look like that (indicating). Particularly if people are dropping off U-Hauls. They're not skilled drivers.

Perhaps a question for Mr. Perna. How many U-Haul spaces do you need on the site?

MR. JOHN PERNA: I'm currently only assigned one truck that's going to always be in and out. But when people drop off from out of town, you might end up with two one night, three another night, but usually those are considered one-way trucks and they come and they go. They don't sit or if -- because U-Haul makes money by moving them, not having them sit around.

KEITH O'TOOLE: The question is how many spaces, how many parking spaces do you need, worse-case scenario?

MR. JOHN PERNA: I need one for a few trailers and -- at one time, at my peak I was up to seven local trucks, but that has dwindled.

KEITH O'TOOLE: So what's the worse case now?

MR. JOHN PERNA: I would rather talk -- say seven than say one and then be in trouble every week.

JAMES MARTIN: Could you differentiate between trailers and trucks? Because I think there's obviously a space difference between the trailers and trucks.

MR. JOHN PERNA: Right. The trailers, some of them are only 4 by 8. Others are 4 by 6. 5 by 9. I mean, they don't take that much room anyways.

JAMES MARTIN: So, I mean, what I'm trying to get at, would you need four spaces for trailers and three spaces for trucks or what would be --

MR. JOHN PERNA: Well, I still have my Union Street property, so I can always just -- if -- if the occasion rules there was an abundance of stuff that all of a sudden showed up at my place, which I doubt will ever happen, because now U-Haul is so modernized that they direct the people to where they need the equipment and not just where they want to drop it off, and they give them discounts for doing that.

So it's -- I probably need three trucks and maybe three trailers, but, you know, then -- a tow dolly and an auto transport. But chances are, I only -- won't have that much equipment around.

Currently I have two trucks on my lot, one open trailer, one tow dolly and one auto transport.

KEITH O'TOOLE: Why don't we do this? I'm counting eight, if my math is working there. Why don't we have Mr. Perna meet with the Town Engineer or the Building Department to lay out eight spaces on the site, using their professional judgment. They can scale the spaces to accommodate the size of the vehicles and Mr. Perna can give them the dimensions of the vehicles. I suspect the normal 10 by 20 parking spaces that we use for passenger vehicles may not accommodate all of his vehicles.

They can make a photocopy of the Avery Bonnerwith map, sketch on top of it, and then we'll designate this is where they're supposed to be and either they're in the spaces or they're not for Code Enforcement purposes.

THERESA REILLY: Does that have any effect on vehicles that would be parked for repair? Since we're taking up spaces with trucks, does that do anything to the repair spaces?

KEITH O'TOOLE: It would certainly chew up some of his parking but in light of his current tenants -- what are your current tenants, by the way?

MR. JOHN PERNA: What do you mean?

KEITH O'TOOLE: Who do you have there?

MR. JOHN PERNA: Two gentlemen, father and son, and they're just repairing a few cars.

KEITH O'TOOLE: Okay. I would think they would have sufficient parking, but Mr. Perna can discuss that with the Town Engineer, as well.

THERESA REILLY: We have to clearly address that.

MR. JOHN PERNA: Since you're no longer selling gas, you don't need that much parking any more. It's not like Byrne Dairy where you can't even get in and out of the place.

JAMES MARTIN: We have no idea what -- how many vehicles a repair business would have on site at any given time.

MR. JOHN PERNA: Pardon me?

JAMES MARTIN: The repair business that you're leasing, how many vehicles do they have --

MR. JOHN PERNA: You know, they would like to have probably 40. They would like to be successful, but right now they're just starting out, and they have like -- there are the two that they drive in and they try to get done what they get done that day. So --

KEITH O'TOOLE: Either they fit on the site or they don't.

MR. JOHN PERNA: I'm sure there is plenty enough spaces -- it showed there -- it showed there that if you stacked them, if you have people dropping off and waiting, on that map I submitted. Basically I submitted that map because it shows how many parking spaces can possibly be in that place. It's not like you got to have it so people can get in and out, because the idea is if you stack them, if you have cars to be repaired, you put them in a row and take care of one at a time. The only ones that have to be available or mobile are the ones people are picking up.

But I doubt that place will ever do the volume that I did years ago.

JAMES MARTIN: Obviously if this goes forward, I will clean this up before the letter goes out, but essentially the applicant is to work with the Building Department to update the most recent site plan regarding the number of parking spaces for trucks and where they will be located. The parking for eight spaces shall be allowed; size and location to be determined between the Building Department and the Town Engineer and the applicant.

Parking spaces for the repair business again shall be agreed to between the applicant and the Building Department as to location and number.

Have I captured the essence of that, Keith (O'Toole)?

KEITH O'TOOLE: Yes. I guess the question I have is, do we want them to settle on that, mark that revised site plan by a given date, or -- or simpler still, how long will this permit be good for?

JOHN NOWICKI: Why do we have to vote on the permit tonight? Until these conditions are met, do we have to vote on it?

KEITH O'TOOLE: We don't have to.

JOHN NOWICKI: I don't I want to until they're met.

KEITH O'TOOLE: We can give that -- Mr. Perna until next month to get that resolved with the Town officials.

JOHN NOWICKI: I'm not going to vote on it.

JAMES MARTIN: To finish what I captured so far, in the January 12th letter of this year, Number 3 on the signage, we've asked the Commissioner of Public Works to verify it has been complete.

Obviously all previous conditions still in effect remain in effect. No unlicensed vehicles shall be stored on the property.

JOHN NOWICKI: You have him removing the canopy?

JAMES MARTIN: Well, okay. I have got that. We just didn't agree on the timeline for that. I mean, I heard two, three weeks. I heard -- obviously --

MR. JOHN PERNA: You might as well make it the end of August, because this month is gone.

JAMES MARTIN: We can give you 90 days. Is that --

JOHN NOWICKI: How about 60?

MR. JOHN PERNA: Let's make it 90, because I -- you know, it is summer.

JAMES MARTIN: Well, we're going to make it, not you.

MR. JOHN PERNA: All right. All right.

JAMES MARTIN: I've heard 60 days proposed.

KAREN COX: That brings us to the end of August, so...

JAMES MARTIN: Pretty much, 60 days?

JOHN NOWICKI: Yep.

JAMES MARTIN: Do I have a consensus?

The Board indicated they agreed with 60 days.

JAMES MARTIN: You have 60 days. But you hear the sentiment of the Board. We're not going to go further, any further with approval tonight until we have this updated site plan, you working with the Building Department, Code Enforcement people, whatever you have to. I will outline all of this in a letter and, you know, essentially what you got to do. You have to have some sort of a site plan in front of us that says you got eight spaces, here's how you're going to use them, you've got X number of spaces for the repair business, where are they going to be, the size of those spaces.

JOHN NOWICKI: The signs are legal.

JAMES MARTIN: We've already talked about the signs, that's Number 3.

JOHN NOWICKI: And remove the sign, the old one he has laying in back there. Get the stuff off the property.

JAMES MARTIN: I think -- I will catch that. Continue to remove any, you know --

KEITH O'TOOLE: Shall we table this to a given meeting date?

JAMES MARTIN: Yes. We'll table it to a given meeting date.

I will just say continue to remove debris from property.

As far as coming into compliance with the parking space issue, let me get my schedule out here. The next meeting of this Board is July 12th.

MR. JOHN PERNA: All right.

JAMES MARTIN: We can table it to that specific date --

MR. JOHN PERNA: You want to table it until I get the canopy down?

JAMES MARTIN: That means -- no. We're giving you 60 days to get the canopy down, okay? We're giving you to July 12th to be back with an updated site plan with all of the parking arrangements outlined and agreed to between yourself and the Town.

MR. JOHN PERNA: Okay.

JAMES MARTIN: All right? So you got between now and July 12th to get that done. We've had a Public Hearing. I haven't closed it yet, but I will eventually close it so there will be no public comment unless there are additional comments tonight from the audience at this point.

So are there additional comments from the public?

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I would just like to point out, because Mr. Perna said, after all, it is a gas station, that some of the neatest buildings in Chili are gas stations, the grass is cut, they plant flowers, they're painted, they're well maintained. My father owned a gas station for years when I was growing up and it was neat as a pin. So I don't want to hear, "Well, it's only a gas station, so all bets are off."

No.

As far as the landscaping goes, I have every confidence that the Conservation Board will see to it that that landscaping is probably, I would think, I would hope anyway, removed. That -- those bushes are so old they have got trunks on some of those bushes maybe as big as your arm. They're -- they're ruined. There's no hope for them. And I'm sure the Conservation Board is going to deal with this. Trimming them, trimming that mess he has there, what has survived all these years is not going to work. It's a sad, sick looking landscaping. It -- he ought to start over and then try to keep it in shape, trimmed. And it would be nice, too -- I know it's only a gas station, but it would be nice if the grass got cut there a little more often, too. Thank you.

JAMES MARTIN: Thank you. I think I will add that the applicant provides a Certificate of Compliance for the landscape plan.

Any more comments at this point? If not, I will make a motion to close the Public Hearing.

JOHN HELLABY: Second it.

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

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

JAMES MARTIN: At this point we'll table this application I believe pending your activity with the Town. We'll table this application, and I will vote on that in a minute, to 7/12/11.

I make a motion that we table this application, pending completion of the parking arrangement agreement between the applicant and the Town. It's tabled until July 12th, 2011. On tabling --

JOHN NOWICKI: Just a question. You just mentioned one item. What are the conditions?

JAMES MARTIN: Well, at the time of approval, they will go into effect. We're not approving anything tonight. We will get a letter out.

JOHN NOWICKI: They have to be done, too, before we approve anything.

JAMES MARTIN: Well, some of it is going to get a little longer term, but yes. All right? So on the motion to table the application?

DECISION: Unanimously tabled by a vote of 6 yes until the time pending completion of the following:

1. The Board has established a limit of 8 parking spaces for the proposed U-Haul business at the site. The applicant shall work with the Building Department to update the most recent site plan to show size and location of these 8 spaces. In addition, the applicant shall identify the number of vehicle parking spaces needed for the auto repair business located on the site. These spaces shall also be delineated on the updated site plan and be agreed to by the Building Department.
2. In a letter to the applicant dated January 12, 2011, it was requested that he submit a drawing showing all signs on the property including size, location, color, etc. and obtain proper sign permits if allowed or apply for necessary variances. The Commissioner of Public Works shall verify the completion of this request. If it has not been completed, it will need to be complete prior to the July 12, 2011 hearing.

The Board also indicated the following as probable conditions should this application be approved.

1. The canopy shall be removed within 60 days.
2. The applicant shall work with the Conservation Board to improve site landscaping.
3. No unlicensed vehicles shall be stored on the site.
4. The applicant shall remove all remaining debris from the site.
5. The applicant shall supply a Certificate of Compliance with the landscape plan.

JAMES MARTIN: John (Perna), it is in your court. Do you have a copy of the --

MR. JOHN PERNA: No. But I'm sure I can get it from you guys.

JOHN HELLABY: Mr. Chairman, I request to be allowed to step down on the next application as I am employed by Wegmans.

JAMES MARTIN: You are excused, Mr. Hellaby.

2. Application of Wegmans Food Markets, owner; P.O. Box 30844, Rochester, New York 14603 for preliminary site plan approval for a change of use in portion of building to allow a nail salon (formerly retail store) at property located at 3175 Chili Avenue in G.B. zone.

Art Pires and Danny Pollard were present to represent the application.

MR. PIRES: Good evening, Mr. Chairman, members of the Board and staff, Art Pires with Wegmans Food Markets as plaza owner. I'm here to give a brief on the application for a request for a change in use from a current retail space of approximately 31 square feet to a nail and pedicure salon.

With me this evening is the owner of the business, Mr. Danny Pollard who should there be any specific questions I can't address from the Board, I am sure he will be able to address that.

Quickly for the sake of the Board's -- we have an aerial here showing the Wegmans Plaza, Chili Avenue, bottom right, main entrance at this point. (Indicating).

The store -- the business location is approximately located just west of Wegmans, in the Open Space. There is a little corridor between Wegmans and the first retail space. Above it you can see here again (indicating) on elevation this is the Dream Nails proposed signage on the facade. Off to the left here facing the plaza looking south, this is the Wegmans store, western end (indicating).

So here again, approximate location is the midpoint of the east end of the Wegmans building, if you will, and the west end of Target to give you an approximate location.

Mr. Pollard's business, should the Board approve all municipal agency permits and whatever permits are for operation of a salon -- would like to have his business open in August. There is approximately five employees at the start of the business. Hours of operation is noted in a letter from his architect, ALA (phonetic) Architects -- if I say their name correctly, is noted in that letter to the Board. Monday through Friday, 10 to 7 p.m. and Saturday from 10 to 5 p.m. and it's closed on Sunday.

As far as proposed signage, that was also submitted with the package. Using the Town's calculation of one rectangle around the extreme limits of the lettering, I believe it is 260 square foot, the largest letter being 3 foot and the small letters being 2 foot, 3 foot or so.

The -- the -- I have mentioned -- as far as the re-work of the building, that he will -- that being Mr. Pollard -- has secured his own contractor to do the change-out from the existing retail to the nail salon. Wegmans will have a slight, you know, very small percentage, maybe 2, 1 percent of the work is relative to adjustment of sprinkler heads within the building and then some extensions through the roof for a -- for an exhaust system.

There is a floor plan below. The Board, once again, has that application. I'm not sure if there's any particular questions to that, but Mr. Pollard could address that.

Pretty straightforward application. We would ask the Board to waive final on this particular case. Certainly a very benign application within an existing plaza, and at this time, I would be glad to address any questions from the Board.

JAMES MARTIN: Art (Pires), you mentioned permits. What agencies are going to have to issue permit for this applicant, this operation?

MR. PIRES: As far as the actual business itself?

JAMES MARTIN: As far as the business goes.

MR. PIRES: Mr. Pollard might have some questions. He has had 15 years' experience with various salons in New York State: Amherst, New York; Greece, New York and now in Chili.

Mr. Pollard, Danny (Pollard), do you have specifics as far as any sort of New York State licensing? Beyond the local building permit code, is the one I was referring to. Are there any other permits? You can address the Board up here.

MR. POLLARD: Yes.

JAMES MARTIN: Please come forward and address the Board. State your name and go from there.

MR. POLLARD: Yes. My name is Danny Pollard, and they -- for the nail salon, yes, it is required by the State, the license is. But as soon as -- I have to get like, um, apply for a corporation paper first, or a d/b/a first before I can apply for the State license.

But as soon as -- I already have two other businesses under -- with the State, so this one -- as long as you have to go file with the property rent first and go to d/b/a or file corporations, and then I can file first step. But the first step is use -- the first step I'm taking right now for the space, to rent the space first, that you -- to get the permit to get it to -- to use the space before I can take any other actions.

JAMES MARTIN: County, Public Department of Health involved in the permitting?

MR. PIRES: My understanding is no on that. And as far as comments, others, we did receive the Town engineer's comments and a letter I believe it was May 19th, so I understand there is no comments from the Town Engineer.

JAMES MARTIN: Correct.

THERESA REILLY: It is a very large facility and there is obviously quite a few other places right within this area. Is there any particular reason that this is the best viable place to do this?

MR. POLLARD: Um, well, I've been waiting for this space for so long. Originally when I first come to America, this is my hometown, and I just want to come back.

MR. PIRES: If I could add to that, I think the -- if I might be so bold, Wegmans' name itself, I think, is an attractive place for our tenants. The businesses, if they're not within our plaza certainly like to be located there because of the synergy with that -- our operations.

MR. POLLARD: I have two locations with Wegmans right now. One in -- one in Greece, at Ridgmont Plaza and one in Amherst.

THERESA REILLY: That's all.

DAVID CROSS: Has this -- has the sign been through the Architectural Advisory Committee?

JAMES MARTIN: Um, to the best of my knowledge, I don't think so, but -- but there is already a sign on the facade at one point when Hallmark was there.

MR. PIRES: Hallmark's sign is down. I was there.

But no, in answer to your question, the answer is no. I certainly haven't. And short of this Board passing it or the Building Department passing it on for review, I'm not aware of that either.

DAVID CROSS: I just want to make sure it is consistent with the other storefront signs.

MR. PIRES: Understood. Correct. And just to brief for the Board, too, the -- it's white acrylic letters with the red LED back-lit, if you will, bulbs, so at nighttime -- and then there's I'll say a bronze strip, a painted strip shown there that is shown on the application, part of the package.

KAREN COX: This right here (indicating)?

MR. PIRES: Exactly. That's why I say the rectangle is 260 square feet but the actual lettering is maybe 65 square feet; is that what it says?

KAREN COX: 65 square feet.

MR. PIRES: Actual letters. So as far as the lettering, if it's -- if there's not a firm understanding, if it meets the Town Code, I would ask then the Planning Board, once again, waive -- approve waiving final conditional upon the sign meeting that at this point, short of us seeking a variance. I know that's a little lengthy, but in other words, the point is we'll certainly review it if -- if it is -- is within code, would it be approved by this Board. Then if not, it would be incumbent upon us to seek a variance, if it is not. So if we can ask that from the Board so we can have the approval tonight, with that condition.

JOHN NOWICKI: I'm not familiar with the nail studio. Do you do hands and feet or just hands?

MR. POLLARD: Yes. Hand and pedicure.

KAREN COX: You should go get a pedicure, John (Nowicki).

MR. PIRES: I'll go with you, John (Nowicki). (Laughter.)

THERESA REILLY: He has an awful lot of pedicure chairs back here. An awful lot. I think he may have room.

There was a discussion off the record.

James Martin reviewed the proposed conditions with the Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: How many employees are planned for this location?

MR. PIRES: Initially, five. If I might speak --

JAMES MARTIN: Yes. You can answer the question, Art (Pires).

MR. PIRES: Thank you.

DOROTHY BORGUS: The reason I ask that, I kind of agree with Ms. Reilly. That's a lot of pedicure stations and a lot of nail stations. That's -- that is a huge undertaking if the -- the plan is to have every one of those stations manned.

JAMES MARTIN: I believe the business risk is on Mr. Pollard.

MR. PIRES: Here again, I think his record speaks for itself. 15 years' experience and you have multiple businesses that actually you've bought and sold already; is that correct?

MR. POLLARD: Yes.

MR. PIRES: In that line of work.

THERESA REILLY: Is this similar size to the existing ones?

MR. POLLARD: Smaller size than we have in Greece. We have 3,600 square feet there.

DOROTHY BORGUS: And I just want to be certain, there is nothing going on at this but nails and pedicures? No tanning?

MR. POLLARD: No. You see the drawing, just pedicures.

KAREN COX: It shows waxing.

DOROTHY BORGUS: And break rooms that could convert -- I'm just concerned we'll get into more than we -- more than we agreed on here now.

JAMES MARTIN: There is nothing else other than what's --

MR. POLLARD: Nothing else.

JAMES MARTIN: -- proposed on that plan.

DOROTHY BORGUS: Thank you.
JAMES MARTIN: Other comments?

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

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: They have paid the fee to waive final.

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

JAMES MARTIN: They have paid the fee and requested waiver of final. Consensus on that?

The consensus of the Board was to waive final.

JAMES MARTIN: Final is waived.
MR. PIRES: Thank you.

DECISION: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with the following condition:

1. The proposed sign shall be reviewed by the Building Department to insure compliance with Town Code (permit required)

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

3. Application of Aldo Lepore, owner; 234 Fisher Road, Rochester, New York 14624 for preliminary site plan approval for Phase II of proposed expansion project, to include a 5,000 sq. ft. addition at property located at 3210 Chili Avenue in G.B. zone.

Patricia Partridge and Jim Lepore were present to represent the application.

MS. PARTRIDGE: Hello. My name is Patricia Partridge. I'm an architect and I'm doing the construction drawings for the building.

MR. LEPORE: Jim (Lepore), owner -- co-owner with my father Aldo (Lepore), been in business there for 40 years, so I would like to keep it here and make it bigger.

MS. PARTRIDGE: So just to start out, we have been to both the Architectural Advisory Committee and the Conservation Board.

The Architectural Advisory Committee building -- Committee gave us some suggestions on how to improve the outside of the building, which we're incorporating. And I -- we have passed out the revised landscape plan that incorporated their suggestions.

We're proposing a 5,000 square foot addition to the existing Chili Liquor Store that is at 3210 Chili Avenue. The owner purchased the property behind the liquor store in order to accommodate additional parking. It's a -- an office building.

The office building is used primarily during the daytime, between 8 and 5, and the activity at the liquor store is normally early evening and weekends. And so we're proposing to avail ourselves of the parking regulation 543 C10 that allows sharing of parking since the businesses are not open -- that don't have their most activity at the same time.

And along with that, um, the one that we just handed out that isn't the landscape plan, but the other one, shows what is now a landscaped area. Right here (indicating). If you've been by there at all, it's very nice, a picnic table, some trees and a very nice lawn. We would like to be able to keep that until it comes to a point where it's obvious that more parking is needed.

At that time -- at that time, this land banked parking (indicating) -- banked parking could be made available.

But the -- the office building is normally not fully occupied. It's anywhere between 50 and 70 percent.

MR. LEPORE: Right now it's at 30 percent. It has never been over 70 percent, unfortunately.

MS. PARTRIDGE: So we're hoping to keep that area, which is this part here (indicating) landscaped the way it is now. If you have a chance to go by there, it's really pretty. This is the same plan you have, the landscape plan. It just doesn't show the amounts.

We're proposing an island that would be along here somewhere (indicating) that would slow the traffic down. This -- people come off of Paul Road and go through to the shopping back there. It -- at rapid speed.

We have provided the 14-foot wide truck access.

Now, on the original plan that you had, it showed snow here (indicating), but the

Conservation Board suggested that we use the other lot that's back here (indicating). And -- and put plantings in that area instead.

Any question about the --

JAMES MARTIN: Yes. I have a lot of questions.

MS. PARTRIDGE: Anything I can clarify?

JAMES MARTIN: Is that -- essentially are you finished with your presentation?

MS. PARTRIDGE: I think so.

MR. LEPORE: I just want to say that there is handicapped kids that actually -- 5 o'clock is actually understated. It's actually 3 o'clock that get bussed in and bussed out by the school buses, so they're even out of there before 5 o'clock. It's 3 o'clock, maybe the employees might stay a little later and then it's pretty much an open game as far as parking goes back there. I just want to throw that in there.

MS. PARTRIDGE: We provided -- at the first phase, they asked that a sidewalk be provided for the people parking, so we -- so we have added that.

This would also accommodate people, if there was overflow parking in the other lot. (Indicating).

JAMES MARTIN: Is that it?

Okay. Back when you were before the Board seeking approval for what I will call Phase 1 of the project, the Board leaned very heavily into you about pedestrian safety coming from that back parking lot up to the front of the building to access your store. And you did nothing, all right, to address that concern as far as this Board is concerned. So to me, that's -- that's a major issue. I mean, it just didn't happen. We expected that there was going to be something done for pedestrian safety to come up from the rear of the building to the front of the building. So that has bothered me quite a bit.

Question about the proposed use of the addition. Is that simply for inventory storage?

MR. LEPORE: No. It would be -- it would be the upper -- it's the same as it is now. The upper level is retail. The lower level would be storage.

JAMES MARTIN: So you will be adding 5,000 additional square feet of retail?

MR. LEPORE: Yes, give or take whatever the drawing is there.

JOHN NOWICKI: Just so I'm clear -- it is a good question. Is this a two-story in the back? Are you just --

JAMES MARTIN: It says one-story. I didn't know how you were going to get retail space out of one-story?

MR. LEPORE: What do you mean? I guess I don't follow.

JOHN NOWICKI: It says, "one-story building addition with basement."

MR. LEPORE: Yes. Just like it is now. Except it will go straight back north.

JOHN NOWICKI: So it's the same building you have now, but you're just pushing the retail space out with the basement going out?

MR. LEPORE: Correct.

JOHN NOWICKI: You will have exposed walls out the addition in the back?

MR. LEPORE: Correct. It will be a little bit raised.

JAMES MARTIN: Without elevation, it is hard for us to really picture what you're doing here.

MS. PARTRIDGE: Well -- oh, without a drawing, you mean. The elevation would be on the -- on that.

KAREN COX: They mean an elevation drawing.

JAMES MARTIN: I'm still not clear in my mind how you're matching up your existing store with this addition.

MS. PARTRIDGE: The difference between where the back door is, which is at the level of the first floor is only dropped down enough for a truck to back up and unload. So it's only a matter of that much more (indicating).

JOHN NOWICKI: I have to see elevations.

THERESA REILLY: Are you saying you're using the parking lot to be raised up, almost like most people would build a dock?

MS. PARTRIDGE: No.

JOHN NOWICKI: We have to have this.

THERESA REILLY: Front elevation, side elevation.

MR. LEPORE: I guess I didn't hear the question. Say that again.

THERESA REILLY: The front elevation, the picture of the building. You said the Architectural Review Board had some suggestions on how to change it. That's what we would have hoped to see, the changes they suggested plus from the side so that we can see both levels and then from the rear so we can see both levels, where they tie in and --

MS. PARTRIDGE: I have a sketchy drawing, if you would like to see it. It's not that fancy.

KAREN COX: Well, they're supposed to be part of the submittal.

JAMES MARTIN: So when this is finished, you will be selling, all right, from an additional 5,000 square feet of space?

MR. LEPORE: That's the plan. Well, no. Because some of it will be where the -- where the back bay will come in -- or where the trucks will come in, there will be a -- you know, a break area, bathroom area, little receiving area.

JAMES MARTIN: How are you raising the building to get, you know, in line with -- I mean, there's a big drop-off behind your building. All right? Right now.

MR. LEPORE: I thought the elevation map, I thought that was clear, I guess. I guess I'm not sure what you're asking.

THERESA REILLY: You said there are break rooms and such. It is not denoted on there. That is why it looks like the whole thing is retail.

MR. LEPORE: That will be right here (indicating).

THERESA REILLY: So that is --

MR. LEPORE: Right. I guess what you're saying is you want to see -- to see what the back looks like?

JOHN NOWICKI: Yes. A two-story, in the back. You have a basement on the -- the first floor, which is being pushed out from the existing building?

MS. PARTRIDGE: This is -- this is the first floor floor (indicating).

JOHN NOWICKI: First floor of what?

MS. PARTRIDGE: Of this retail --

JOHN NOWICKI: Existing building?

MS. PARTRIDGE: Yes.

JOHN NOWICKI: Existing building?

MS. PARTRIDGE: It's the part that -- the addition. This is the back of the addition (indicating).

JOHN NOWICKI: You're losing me.

THERESA REILLY: You're saying the first floor is the existing level?

MR. LEPORE: Correct.

THERESA REILLY: But as you're doing this building, because the basement is below that, when we're looking at it from the back, we'll see a two-story, so what you're calling the first-story will end up on top.

MS. PARTRIDGE: No. It's bermed up so it's only as high as a truck would be to back up to the level of the dock.

MR. LEPORE: Right. In other words, all of that -- all of what you're excavating will be pushed farther north and then leveled off and then paved, so it's closer to the elevation of what you have now, not exact, but that much shorter.

JAMES MARTIN: So you're bringing fill in so --

JOHN NOWICKI: You're filling.

JAMES MARTIN: So you're building a one-story building on some fill, is that what you're doing?

MR. LEPORE: Not on fill. It's going to be on a basement.

THERESA REILLY: What they're taking out to excavate the basement will be on the side.

MR. LEPORE: I don't need any more than that.

MS. PARTRIDGE: I'm really sorry that is unclear.

THERESA REILLY: When we're looking at the elevation that you have denoted here with the change in elevation, are we looking at what exists currently or what it is going to be after you have changed --

MS. PARTRIDGE: The little dashed lines are the current.

MR. LEPORE: This is what it is going to be (indicating).

MS. PARTRIDGE: The dark lines are proposed.

THERESA REILLY: Okay.

JAMES MARTIN: Finished floor is 575 at current building.

JOHN NOWICKI: This is 575. So that is the same elevation. The existing building's first floor -- when I walk in your store, I'm going to walk back through that wall in the back --

MR. LEPORE: Correct.

JOHN NOWICKI: -- onto a new floor plan?

MR. LEPORE: Correct.

JOHN NOWICKI: That is 5,000 square feet, and below that is a basement?

MR. LEPORE: Correct.

JOHN NOWICKI: With walls, and that's where the truck will back up underneath, the store underneath?

MR. LEPORE: No.

MS. PARTRIDGE: No. The truck backs up to the first floor.

MR. LEPORE: No, no, no. If you look at this -- if you have the one --

Multiple side conversations occurred.

JOHN NOWICKI: So they're filling?

MR. LEPORE: It's not as much as you might think. Trucks will be loading in the main floor, going down a conveyor belt. It won't be flat loading down.

JOHN NOWICKI: So your trucks will unload to the first floor --

MR. LEPORE: Correct.

JOHN NOWICKI: -- elevation of the existing building, which is being pushed back?

MR. LEPORE: Correct. Exactly.

JOHN NOWICKI: So then the trucks, there will be an elevation -- grade back there. The trucks will come back up a little hill.

MR. LEPORE: Right. Which we plan on using the actual fill from the site itself. I don't think we would need any more, because you're a lot less space behind it between that and the cut-through.

JOHN NOWICKI: Would have been a lot easier if there was an elevation depicting that.

MR. LEPORE: We'll definitely make one.

JAMES MARTIN: Any articulation with a new building, that would have helped us get a better understanding of what you're trying to do here.

MR. LEPORE: Got you.

MS. PARTRIDGE: Sorry.

JAMES MARTIN: So back to my basic question, you are adding retail space?

MR. LEPORE: Correct.

JAMES MARTIN: All right. Will you be storing inventory in -- is there a lower level that you will be using for storage?

MR. LEPORE: Yes. Yes.

JAMES MARTIN: All right. That leads us to a bit of a problem that we have and Town Engineer comments on this application. Basically, for 8,530 square feet of retail space, what you're going to end up with, all right, we would require 43 parking spaces, okay? You're showing 26 on the proposed site plan, okay?

MS. PARTRIDGE: Right.

JAMES MARTIN: You're saying your overflow parking is over at this other area, parking behind the Paul Road complex?

MR. LEPORE: Correct.

JAMES MARTIN: I guess, you know, at this point in time, since you're -- there is common ownership between the two parcels, that's okay, because there's one owner. If that Paul Road parcel gets sold in the future, has to be subdivided and it is a separate parcel of property at this time, without -- you know, without easements to allow that parking to -- you know, to exist on that other lot, um, you're not going to have adequate parking to facilitate 8,500 or -- or 8,530 square feet of retail space.

So I think it's something that we need to think about, because clearly, it could be problems down the line. If -- if you sold that, the tenant says no way you're going to park on my property -- you don't have adequate parking.

KAREN COX: You wouldn't then.

JAMES MARTIN: You would not then.

MR. LEPORE: Right. Well, we would make -- like he said, some kind of easement. If you want us to do that, we'll do -- part of the sale of that land.

MS. PARTRIDGE: Is he not expecting to sell that land?

JAMES MARTIN: I'm pointing it out, because you -- you're not meeting code, based on the lot that is to be subdivided for your liquor store.

MR. LEPORE: Correct.

JAMES MARTIN: Um, Town Engineer had a lot of comments, and I don't want to steal Mike (Hanscom)'s thunder, but there's a lot of issues that -- from an engineering standpoint that are going to have to be dealt with. And I don't know, are you -- you will be given a copy of the letter from the Town Engineer. You know, certainly a 65-foot long walk that is located approximately 2 feet from the neighboring property line, how will you maintain that? You know, that's -- that's an issue. There could be an effect on a proposed trench drain that runs along the property line.

And I'm assuming, this is based on the engineering diagram that was done by Passero back in -- I don't know, when did they do this? May of -- well, it's dated May of 2011. Is this updated?

MS. PARTRIDGE: Yes. It was just updated.

JAMES MARTIN: Did Passero update this?

MR. LEPORE: Yes.

MS. PARTRIDGE: The parking was changed to incorporate the truck access that's required.

JAMES MARTIN: So this -- so this is the latest --

JOHN NOWICKI: That's the new one.

JAMES MARTIN: There was no EAF, Environmental Assessment Form, in the application.

MS. PARTRIDGE: She said that just one was required.

JAMES MARTIN: Pardon?

MS. PARTRIDGE: Um, Kathy (Reed) said just one was required.

KAREN COX: Just one?

JAMES MARTIN: Well, I have nothing. I have no short form or anything.

MS. PARTRIDGE: Okay. Well, she has it in the office then. It was a short form.

JAMES MARTIN: Normally it's included with the application. You know, something of this nature, we would accept a short form EAF from a SEQR perspective. So I have no SEQR information at this point.

MS. PARTRIDGE: Okay. Could that have been given to each person?

JAMES MARTIN: Well --

MS. PARTRIDGE: Oh. Okay.

JAMES MARTIN: Get it to Kathy (Reed).

MS. PARTRIDGE: Kathy (Reed) has it already.

KEITH O'TOOLE: If I may, Mr. Chairman, it's the applicant's burden to submit a full set of applications and multiple copies for each and every Town official involved, so it takes more than one.

MS. PARTRIDGE: I apologize.

JAMES MARTIN: Whatever the number of copies are required, please submit them, but we're kind of stuck tonight.

I don't know how we'll vote on SEQR when we don't have any environmental information.

MS. PARTRIDGE: Okay. I apologize. I was just following what I was told, so -- but I understand it's my burden.

JAMES MARTIN: You've done good. You've gone to Architectural Advisory Committee. We don't have their comments yet. You've gone to Conservation Board, but, you know, that's a really gaping hole in the application not to have a SEQR Environmental Assessment Form in the application.

All right. I'm going to go to the Board for additional comments and concerns at this point, but, you know, we can't vote on SEQR tonight, we can't vote on the application. We're stuck.

KAREN COX: The only thing is I would echo Jim (Martin)'s concern or whatever you want to call it about the parking, and the cross access. Right now, you're right, there's a lot of parking out back, out back there. So we'll just have to be aware if the building gets sold, how you would work that out.

JOHN HELLABY: I think we're missing a little bit more than the SEQR thing. I have the Architectural Review Board comments, they're dated April 27th, 2011. They were actually distributed a month ago. There is a laundry list of stuff on here, but Item Number 1, I've never seen the original drawings, nor have I seen the updated drawings that shows all of these have been taken care of. I have no way of making any decisions tonight, because I don't know if they have done anything.

JOHN NOWICKI: Well, that -- that letter is here. Yeah.

JOHN HELLABY: We need an entire architectural building package.

JOHN NOWICKI: Their comments.

JOHN HELLABY: So add that to the list.

MS. PARTRIDGE: Can I see that? Would you mind?

I would love to have a copy of this.

JOHN HELLABY: We'll see that you get one.

MS. PARTRIDGE: Thank you.

JAMES MARTIN: Yes, I will get you a copy of that.

JOHN NOWICKI: I think they know exactly where we're going.

MS. PARTRIDGE: Do you see any problems with the -- the form that you said we're missing?

KAREN COX: See any problems, what do you mean?

JAMES MARTIN: Well, you fill out Part I. We'll take care of Part II, assuming there is no issues with Part I.

MS. PARTRIDGE: Well, we filled it out.

JAMES MARTIN: I don't know where it is.

MS. PARTRIDGE: I'm just saying, I can get one to you.

JOHN NOWICKI: We really should see some elevations.

JOHN HELLABY: You will need all of that.

JOHN NOWICKI: You will take that letter and go with the letter --

MS. PARTRIDGE: I'm sorry, I haven't seen that letter, so I'm sorry.

DAVID CROSS: Just one comment, particularly interested in the front elevation. I would like to see it brought up to snuff with the Architectural Advisory Committee's recommendations, so I will look forward to seeing it.

MS. PARTRIDGE: The front? They had suggestion to the front?

DAVID CROSS: Yes. You will see it in the letter. They did capture all of those comments really well.

THERESA REILLY: I can understand wanting to expand as large as possible, but it looks for a couple of different reasons, both for the parking constraint and from the proximity to your property edge, that you may need to think about reducing the size of that 2 feet -- building within 2 feet of your property line isn't going to work. You still have the parking issues that are directly correlated to the size of the building.

MR. LEPORE: But the thing is, we acquired that property for the parking. That is what we acquired the property for. So I mean, it was subdivided just for -- it's for tax purposes, to show the two pieces, and it just happened to be divided for that -- along that cut-through. You know, I mean -- to me, I see no difference between that cut-through and driving down a -- you know, a lane in Wegmans. There is no difference. As a matter of fact, the lane in Wegmans is more dangerous. So, you know, I don't understand -- I don't understand the different -- the parking aspect.

And the other thing, is, too, we have expanded in 1993 and put an extra thousand square feet in there. And, you know, not for nothing, but, you know, this is the -- this is the limit where we can go. So it's like I'm not going to do a half and then do a half again. That's -- that's my only point.

If Dr. Callahan (phonetic), Bill, has no problem with it, I can't see why anybody else would have a problem with it. I spoke with Bill (Steimer). I talked to him. And, you know, he's great. That's great. "I have no problem with where it was going to be." We walked the line together. He is -- he is -- you know -- "Wish you the best of luck."

THERESA REILLY: So obtaining a temporary easement would not be an issue then?

MR. LEPORE: Absolutely not.

THERESA REILLY: That certainly takes care of the one problem. But as you look through the letter from the engineers about the parking space, the spaces in correlation to the size, just for your consideration as we go through this to take a look at this.

MS. PARTRIDGE: It was our understanding that the side setback was the property line.

THERESA REILLY: Is there actually -- I mean, 2 feet -- I couldn't find the -- I couldn't find one specific.

JAMES MARTIN: There is no setback.

Your dad got a copy of the engineering report. Okay?

MR. LEPORE: He's -- he's not doing very well, so.

JAMES MARTIN: Sorry to hear that.

MR. LEPORE: That's --

JAMES MARTIN: It's in the mail, but we'll provide a copy.

MR. LEPORE: Okay.

JAMES MARTIN: You have these comments, because there are several in here you will need to address.

MR. LEPORE: Okay. Thank you.

KEITH O'TOOLE: On the parking, what we would need is a permanent parking easement that would -- I guess stretch over the -- the Chili/Paul Commons LLC property, 2008 Passero map, um, and it would really be helpful to have one sheet that shows the whole parking arrangement for both lots. We have this mosaic of paper here which is difficult to follow, and when the easement gets recorded, the easement should provide that it is permanent, that it can't be changed without Town permission and it is going to have to get recorded at the County Clerk's Office, and it should have a plan on the back that shows the location of the shared parking spaces. Even though current tenants at the office building may have no problem with this, that -- that tends to change over time.

And I also note that even on the sheet supplied, it -- the office building has parking in back, which means they're undersized for the amount of size that they normally should have under the code. So we need to have some clarity on that. So one sheet that shows all of the parking, the drive aisles, that shows the handicapped spaces. I think I see a loading zone on this one site plan but there's no designation what the handicapped spaces are. It would be very helpful.

Thank you.

DAVID LINDSAY: Just to follow up on some of the comments of the Board. I would just encourage the architect to set up a time to come in and sit with us as soon as possible. We can help you through this process. Certainly there is some additional information that the Board likes to see, that we would like to see. Please set some time aside, give me a call and we can set up a time and help you go through the process.

MS. PARTRIDGE: Thank you.

JAMES MARTIN: Any additional comments to your letter?

MIKE HANSCOM: No.

JAMES MARTIN: Dick (Schickler), you provided Conservation Board recommendations.

DICK SCHICKLER: Yes. Um, first of all, we need a landscape print which includes plant legend, showing the types of plants, the sizes and the placements of such. We have discussed plant materials at the last Conservation Board and we just need a print showing where they're going to go, what they are, so at a later date we know what's going on.

And we're not looking at a whole bunch here. We're looking at approximately five burning bushes, a Red Sunset Maple, 2 1/2 to 3 inches, Some arborvitae to go in line with a border where the privet hedge is now which is missing, so that Wendy's is not seen from either direction type of thing.

We're also -- we'll talk about a retaining wall. We want to know what's going to be railroad ties, pavers or stone, kind of the length, the height and the makeup of the material with a two-year guarantee. That's all we're looking for. It doesn't have to be a certified landscape architect, but something that we can see what's happening.

MS. PARTRIDGE: Just to note, I just gave him the planting plan. I -- I was going to wait until after --

DICK SCHICKLER: Yes, but excuse me, it doesn't show us exactly where these plants are going to go like we talked about. We just need something that is marked up. It doesn't show anything on here.

MS. PARTRIDGE: I'm sorry. I thought you had these.

JAMES MARTIN: Mr. Lepore, I want to go back to one thing that I -- it's a real issue with me. We really leaned on you about getting pedestrian safety in place during Phase 1, and I'm not sure where we're going to end up when you come back in for formal approval on this, but I may recommend that, you know, we're not going to allow a building permit to go forward for the addition until you get that pedestrian safety issue cleared up. I'm just giving you a little heads up on that. It is still a very significant issue in my mind.

MR. LEPORE: What would you like me to --

JAMES MARTIN: There is no walk, there is no way right now, other than climbing up that bank, all right, to get from the rear parking to the front of the store. I know you're trying to encompass this into Phase 2 --

MR. LEPORE: Correct.

JAMES MARTIN: -- but at least have some access to get up along the side of your building without having to, you know, climb through the rubble.

MR. LEPORE: Okay. Oh, I see, there is four steps there that we put in. I mean, just

temporarily, because we didn't want to, you know -- I -- to be honest with you, I wanted to go ahead and do this last year and -- because we couldn't make the year before to finish Phase 1, and when I went to do it last year, my actual paver told me I'm not putting this up and to rip it down if you're going to go in in '11 and dig it all up again and spend 60 grand, 70 grand.

JAMES MARTIN: We asked for some railings, we asked for some protection, all right, from cars coming down that -- that ramp as far as pedestrian safety goes. Four steps to me doesn't -- doesn't meet that criteria, okay? Do you understand what I'm saying?

MR. LEPORE: Yes. Yep.

JAMES MARTIN: Given where we stand on the completeness of the application, I would make a motion that we table this. When do you think you would be ready to return to this Board?

MS. PARTRIDGE: As soon as you meet next.

JAMES MARTIN: Well, we're meeting on July 12th.

MS. PARTRIDGE: Okay.

JAMES MARTIN: So we'll table this. I can table it until the July 12th meeting.

MS. PARTRIDGE: Okay.

JAMES MARTIN: On the motion to table this application until the July 12th meeting?

DECISION: Unanimously tabled by a vote of 6 yes until the July 12, 2011 meeting. The applicant shall provide the following documentation:

1. A completed Environmental Assessment Form.
2. Building elevations showing all views of the proposed addition and its relationship to the existing building.
3. A permanent easement allowing parking on Lot 2 of the subdivision for customers patronizing the retail store. Also, a detailed consolidated parking plan shall be prepared.
4. A detailed landscape plan shall be provided to the Conservation Board.
5. A detailed response to the Town Engineer comments.
6. A timeline for completion of the project.

The 5/10/11 meeting minutes were approved as submitted.

The meeting ended at 9:18 p.m.