

CHILI PLANNING BOARD  
June 8, 2010

A meeting of the Chili Planning Board was held on June 8, 2010 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, Steve Hendershott, Dario Marchioni, John Nowicki and Chairperson James Martin.

ALSO PRESENT: Ken Hurley, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative; Paul Wanzenried, Architectural Advisory Committee.

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: I would like to announce this is Steve Hendershott's last meeting with us. Steve (Hendershott) is moving to a sunny, warmer climate, so I just wanted to say, Steve (Hendershott), it has been a short tenure with the Board, but we appreciate all your efforts and the input you have given us in the time you have been with us and we wish you well in the future. Hope everything goes according to plan.

STEVE HENDERSHOTT: Thank you. Thank you. It has been a pleasure serving with all of you.

1. Application of Transcend Wireless/American Tower, 140 Franklin Street, Auburn, New York, 13021, property owner: Town of Chili; for preliminary site plan approval and special use permit for modifications of telecommunications tower at property located at 3235 Chili Avenue in GB zone.

Michael Baroody was present to represent the application.

MR. BAROODY: Good evening. My name is Michael Baroody. I'm a site acquisition agent working on behalf of Transcend Wireless. Tonight I present on behalf of Clear Wire US LLC for the proposed modification to the wireless facility at 3235 Chili Avenue.

Clear Wire is looking to modify this tower by removing the three existing panel antennas and place three new panel antennas at the same rad center. In addition, they're looking to replace the one existing microwave dish antenna, which is currently a 24-inch dish, and they're looking to increase the capacity slightly and move that to a 36-inch dish.

In regards to the ground space, Clear Wire is not looking to change the footprint in any way. They're going to maximize the existing cabinets by doing more of an interior software upgrade than put any additional cabinets on the ground. So that will remain as is.

In addition, there will be the site -- the site pretty much will not change. No additional noise, no additional traffic. They're only looking to service the site approximately once per month, just as is status quo, and we just tried making the minimal modification to keep up with the demands of the network.

There is one item that we spoke with the Town engineering firm that currently there are -- ATT decommissioned antennas on the tower and for us to make this modification, we need to remove their existing equipment, and before we put up our own, which we will do, we'll have the structural analysis revised according to that, to make -- to satisfy the engineering requirements. We had a quick conference call this morning just to make sure we could address every aspect of the letter I believe that came out, I believe yesterday morning.

JAMES MARTIN: Anything else?

MR. BAROODY: No.

JAMES MARTIN: Ken (Hurley), I'm assuming, based on the telephone conference we had, that we had the initial structural analysis report that said failed, but the modifications proposed and the removal of the existing grade, and I believe the cables, there were some cables that were to be removed that would put the tower into acceptable condition. Is that a finding that --

KEN HURLEY: Yes. The report, as written, said that if they added new antennas on, keeping everything as is, it would fail. But there was a statement at the end saying that if they were removed, it would work. Because it is replacing with different equipment, obviously we would want to have the new report done that said that -- that references the plan, that said proposed modifications will be structurally okay. That can be a condition. I don't see any need

to hold up any decision if you decide to make one.

JAMES MARTIN: So basically you want a new structural analysis plan indicating that the tower is satisfactory?

KEN HURLEY: Correct.

JAMES MARTIN: Okay. There is one issue that I need to bring to your attention. In discussion with Mr. O'Toole, what we would like to do is have the current lease contract reviewed by the Town Attorney, and upon completion of that review, the Town Board will have to issue a letter of authorization allowing you to proceed with the modifications to the tower, so you're going to have to work with the Town Board to insure that that is accomplished as part of this process.

MR. BAROODY: Perfect.

JAMES MARTIN: That will be in the letter that I write, pending the outcome of the vote tonight.

MR. BAROODY: Also, there will also be a third party involved in that. This is an American Tower site and we're leasing through American Tower, so I probably -- I will also involve American Tower since I believe they are having a vested interest in this also, to make sure they're part of this also.

JAMES MARTIN: All right. You know, whatever you feel is appropriate for the review.

MR. BAROODY: Definitely.

STEVE HENDERSHOTT: As long as the Town Engineer is okay structurally, I'm okay with that.

I guess my question would be, so you're -- you're replacing the panels. I understand the dish is going to be a foot larger in diameter?

MR. BAROODY: Correct.

STEVE HENDERSHOTT: From the standpoint of someone looking at the tower, the new panels will look differently how?

MR. BAROODY: They're going to be -- you can never get an antenna that is identical, so it is going to be a few inches taller, a few inches deeper and an inch or two wider, I will say, but we're approximately -- I will give you the rad center here. Looking up at the tower, we have a rad center of 120 feet, so a few inches on the antenna. In my opinion, it won't be a huge aesthetic eyesore. And 12 inches on the dish I think will be minimal.

STEVE HENDERSHOTT: If it were inches different, I would agree with that.

MR. BAROODY: The antennas now we're proposing are only 4 foot. They're not one of the big wireless antennas, which are 8.

KAREN COX: I was just going to ask about the structural report, so as long as it is redone with the new antennas on it and the Town Engineer looks at it, that's -- I will be satisfied.

JOHN NOWICKI: In regards to that, when you get the new report, is there any chance that we, members of this Board, could get a letter from you indicating that the report has been filed and it meets all your requirements?

KEN HURLEY: Sure.

JOHN NOWICKI: Just to make sure it was satisfied, from the structural elements.

The other area I'm not -- not concerned, but I just want to talk to Mr. O'Toole for a minute. Will you be satisfied with all of the -- how many -- how many companies are involved now, three?

MR. BAROODY: Technically, from a legal standpoint, we have a lease interest with American Tower. We don't deal directly with the Town. American Tower deals directly with the Town since they are the tower developer because most carriers aren't interested in more or less being a landlord any more. They tried mitigating that whole aspect of the company.

JOHN NOWICKI: As long as Mr. O'Toole is satisfied reviewing the lease agreements and the liability issues are handled properly, I will be satisfied.

JAMES MARTIN: I addressed that, John (Nowicki).

JOHN NOWICKI: Did you?

JAMES MARTIN: Rich Stowe should do that.

JOHN NOWICKI: All right. I just want to make sure we're covered on that one.

KEITH O'TOOLE: I'm comfortable with that, John (Nowicki).

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

JAMES MARTIN: I'm assuming you would like 1 percent contribution of the construction cost to the Chili Tree Planting Fund.

PAT TINDALE: If we can do it, yes.

JAMES MARTIN: Got that.

MR. BAROODY: I took it down.

JAMES MARTIN: That is a requirement in our code.

MR. BAROODY: 1 percent?

JAMES MARTIN: 1 percent. Okay. You can talk to Pat (Tindale) and make arrangements for that.

MR. BAROODY: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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: We're using two things here. I will do SEQR before we move on any farther.

For both preliminary site plan and special use permit approval, 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 reviewed the proposed conditions with the Board.

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

1. Subject to final Town Engineer approval.
2. The applicant shall coordinate a review of the current lease agreements with all involved parties and the Town Counsel, to insure no changes are required. The applicant shall obtain a letter of authorization from the Town Board allowing the installation work to proceed.
3. A revised structural engineering report must be submitted to the Town Engineer indicating that the tower as modified is no longer in a "failure" mode.
4. All previous conditions imposed by this Board remain in effect.
5. A 1% of construction cost donation should be made to the Town of Chili Landscape fund.

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

2. Application of Choice One Development-Unity II LLC, 642 Kreag Road, Suite 201, Pittsford, New York, 14534, property owner: Chili Avenue Associates; for special use permit to allow a medical laboratory at property located at 3379 Chili Avenue in RB zone.
3. Application of Choice One Development-Unity II LLC, 642 Kreag Road, Suite 201, Pittsford, New York, 14534 for preliminary site plan approval to erect a 21,000 square foot medical center at property located at 3379 Chili Avenue in RB zone.

Bill Valle, Frank Hagelberg, Lee Sinnebox, David Baker and Nancy Yurick were present to represent the applications.

MR. VALLE: Good evening, Chairman Martin, members of the Board and staff. My name is Bill Valle, and I'm representing Choice One Development Unity II, LLC.

We are here this evening -- as Mr. Martin described in the application, we are requesting approval of a special use permit to allow a medical laboratory collection site and outpatient dialysis facility, as well as preliminary and final approval for a single-story 21,000 square foot masonry facility located at 3379 Chili Avenue. The special use permit application is as prepared by Boylan Brown and the site plan is as prepared by Costich Engineering.

Also with me is Frank Hagelberg, our attorney from Boylan Brown; Lee Sinnebox, our Consultant from Costich Engineering; David Baker, our Construction Manager from Choice One Development; and Nancy Yurick, our consultant from Smith Plus Associates Architects. We're here this evening and will answer any questions on the specific application this evening.

The building will be occupied by two departments and one affiliate of Unity Hospital of Rochester, specifically, the Unity Family Medicine practice currently located in the Wegmans Plaza, 16-station outpatient dialysis facility and laboratory collection site operated by ACM Medical Laboratory. As just stated, the family practice will be a relocation of an existing Unity service, albeit an expanded service in Chili. However, the dialysis facility and laboratory collection site will be new services to patients residing in Chili and the surrounding areas.

This project is essentially a duplication of a project we completed in Spencerport early this year and this project has also been approved by the Board of Directors of Unity Health System.

In addition, Unity has filed the Certificate of Need application with State Department -- the New York State Department of Health for the establishment of a 16-station chronic outpatient dialysis facility to be located at the subject property, and they're also in the process of filing an administrative CON review application with the DOH requesting approval to relocate its family medicine practice.

We have proceeded with discussions with Unity over the past several months and we're very close to finalizing our agreement with Unity. Specific to the site and building plans, we have met with the Technical Review Committee and Architectural Review Board and have adhered to the respective recommendations and made all requested changes to the site and

building elevations, and any additional questions regarding site or building plans will be addressed by Mr. Sinnebox and Mr. Baker during the agenda item 3.

Now, please permit me to provide a more detailed outline of the use. As I earlier stated, we're proposing a 21,000 square foot medical office building which will be known as Unity Health at Chili and will house outpatient dialysis, family medicine and an ACM collection site.

With respect to the dialysis facility, the Chili proposed facility will be Unity's fourth facility serving the northwest area of Monroe County. It will be equipped to treat up to 96 end-stage renal path disease patients when fully operating from 6 a.m. to 9 p.m., six days per week. Approximately 75 percent of the patients utilizing the facility will be transported via family support or medical coach.

Based upon our analysis, we believe that there is an unmet need for this dialysis service in the Chili and surrounding areas as evidenced by approximately 80 patients who reside in the Chili area who are currently required to travel significant distances for dialysis three times a week, which is a life-sustaining treatment.

The medical care at the facility will be over seen by Dr. Vijay Jain, the Director of Nephrology Services at Unity, and the unit will be staffed by Registered Nurses, Licensed Practical Nurses and other various other support staff including licensed social workers and renal dieticians. When operating in full capacity, that dialysis facility will employ approximately 15 employees covering two staff shifts six days per week.

With respect to the family medicine practice, the facility will be relocating from the current location at 3173 Chili Avenue to the subject property. The practice is currently staffed by four physicians and one physician's assistant and operates Monday through Friday from 8 -- from 9 a.m. to 5 p.m. Due to significant growth over the past several years in that practice, they have essentially outgrown their current space. As part of this project, the practice will almost double the size of their space and add a sixth caregiver to meet the growing demand for the service in Chili.

Upon relocation, the practice will employ approximately 25 people, including the six caregivers. Lastly, ACM Medical Laboratory will operate a patient service center at the subject property. This will be a new service in Chili offering added convenience for patients being treated at family medicine practices as well as any other outside patients who desire to utilize the service. The collection site will operate Monday through Friday from 8 a.m. to 5 p.m. and will employ three people.

We are excited to be working with Unity in the Town of Chili in this project, but more importantly, we are even more delighted to have the opportunity to develop a world class health care facility that will add and expand much needed health care services to the residents of Chili and its surrounding areas.

In regard to our application for the special use permit, I'm asking Frank Hagelberg to address the specifics of our application. And I will be available to answer any questions you may have throughout the evening. Thank you.

MR. HAGELBERG: Good evening. Before Mr. Baker and Mr. Sinnebox talk about the site plan application, I wanted to talk about the special use permit.

My name is Frank Hagelberg. I'm with the Boylan Brown law firm in Rochester representing the applicant.

The property here is located in an RB business district, and the district includes, among permitted uses, licensed professionals and offices, including physicians, and also talks about medical and dental laboratories special permit uses, and then there is a catch-all that says that uses of a similar character, but not specifically listed, can apply for a special use permit, and that's what we have done, because we're not sure that we fit exactly in either the permitted or specially permitted, but we're certainly very similar to the uses that are mentioned in the zoning ordinance, and it talks about the same general character as permitted uses and we believe that the -- the facility that you heard with the family practice and dialysis and the collection station qualifies with that.

The zoning ordinance, as you are all very familiar, has specific criteria for special use permits, and with your indulgence, I would like to run through those as quickly as I can to show you the manner in which we believe that this project fits within the ordinances requirements. The first general requirement is that the request is in harmony with the general purpose and intent of the Chapter, taking into account the location and size of use, the nature, intensity of the operation's involvement or conducted in connection with it and the size of the site in respect to streets giving access thereto.

The stated purpose of the RB, Restricted Business District, is to provide for the location of professional and administrative offices and related activities in a setting which is attractive and convenient for public uses.

We believe that this site, which will have professional offices and related activities, is conveniently located on Chili Avenue, close to this building, and close to the library, and, therefore, meets that criterion of the zoning ordinance. The RB District purposes include establishing employment opportunities and broadening the tax base. The primary care medical center, dialysis unit and the collection center will employ a total, over all shifts, of approximately 35 people, many of whom will live and shop in the Town of Chili, and patients using the medical building may also be expected to patronize local businesses and services. So we believe that the establishment of those employment opportunities and broadening the tax base, those criteria are also met.

The other condition in the General -- in the Restricted Business District is to act as a buffer

between residential areas and the more intensively used districts including General Business and Neighborhood Business Districts.

As you know, this facility is located very close to this building, and it is between this building (indicating) -- there is one residence on this side of Chili Avenue (indicating) and then the Calvary Assembly of God to the west.

So we believe that -- there is a veterinary care facility on the other side of Chili Avenue as well as some residences as we move towards the east and the more intensive retail uses.

So we believe that this is consistent with the institutional uses maintained by the Town and by the church, and becomes part of the existing buffer between the residential areas west of the church and the commercial areas east of the Town Hall.

The second set of criteria for special use permits says that the establishment, maintenance or operation of the use applied for will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.

We believe that it would be difficult to come up with a use that would be more consistent with the health, safety and general welfare of persons residing or working in the neighborhood, because the proposed medical center providing family medical service, dialysis, treatment, and a laboratory collection station will become available in a new and convenient location in the Town. The Spencerport facility, while opened only since the beginning of the year, has met a real need there, and folks who live in the vicinity are able to access that. We think that this will be a useful addition, both through the relocation of the family medicine practice and the establishment of the dialysis, the collection facility practices.

We don't believe that vehicular traffic to and from the location will impact any nearby residential neighborhoods and we don't believe that there are any Town facilities that will be burdened or negatively impaired. So we think that that -- that that part of the special use permit criteria are also met.

We have submitted a long form Environmental Assessment Form under SEQR, and in addition to the special use permit, we are asking that the Board consider a declaration under SEQR, and unless there are questions about the special use permit criteria, I will turn it over to Mr. Baker and Mr. Sinsebox to talk about the site plan application.

Thank you very much.

JAMES MARTIN: Any questions?

JOHN NOWICKI: Um, I think I'm -- do we want to wait until he gets through the with presentation?

JAMES MARTIN: That's fine.

MR. HAGELBERG: Let's do the whole thing and we can come back.

JOHN NOWICKI: Let's go through the presentation.

MR. SINSEBOX: Mr. Chairman, if I may, I have some handouts that I would like to provide the Board.

Lee Sinsebox with Costich Engineering. I'm here on behalf of the applicant to give you an overview of the site plan and answer -- of course, answer any questions you might have on it.

The pictometry -- do we have that up? The pictometry kind of shows the overall area where the site is located. You're all probably very familiar with it. On the south side of Chili Avenue, it's a 3 1/2 acre parcel. It used to be a residential home on this site that had been removed. We're between the church and the Town Hall, as mentioned before.

Access to this site will be from Chili Avenue. The entrance is approximately 200 feet east of the existing driveway that serviced the original residence. The site topographically generally slopes from Chili Avenue southerly towards Beaver Road, and to give you a sense for elevation and viewing the site from Chili Avenue, the structure will be about 5 to 6 feet lower than Chili Avenue and we're proposing some landscape berming in the front, so it will kind of tuck down in from Chili Avenue, very similar to how you view the Town Hall here from Chili Avenue. It will have pretty much the same look. It will be slab on grade. The utilities that we need to service this site are all available in Chili Avenue. They all have sufficient capacity, gas, electric, sewer and water.

We're proposing a monument sign at the entrance and we have some details on that that we'll review shortly.

Parking has been calculated. We have an adjusted square footage of 18,322 square feet pursuant to your code that would require 110 spaces. We're providing or showing 96. We feel that the 96 is adequate for the project. For example, the dialysis operation of the project, um, the patients usually are dropped off, and then they have a three to four-hour treatment and then someone picks them up, so there isn't a whole lot of parking for dialysis. The employee parking is planned to the south end of the site, the south -- off the south end of the building, and then the balance of the parking is for the other patients.

Site drainage will be managed by a storm water management pond. We have sited that at the southeast corner. That is the lowest elevation of the property. We'll collect the storm sewer drainage from the roof and pavement, direct it to that pond, and provide water quality benefits and peak flow attenuation, and that pond will be in compliance with the Phase 2 regulations.

We also provided a full SWPPP report to your Engineer for his review, the details, sediment erosion control and other potential environmental issues.

Also in your package we have provided a lighting and a landscaping plan. The lighting plan shows the light locations and the photometric calculations. In the handout that I gave you,

which -- shows a pole-mounted fixture to give you an idea what the pole and fixture looks like.

The landscaping plan shows some pretty extensive landscaping. We are aware of the Town's requirements, the Conservation Board's desire to have 1 percent of the overall cost of the project -- it's about a \$3 million project, so we estimated about \$30,000 for the landscaping. The existing trees on the perimeter will be part of the landscaping. We have no reason to take them down or remove them. They'll stay. They're fairly significant trees and they do act as buffer for the neighbors.

The Conservation did review our plan and they made some suggestions to the landscaping, and offered a memo. We have reviewed that and we have no opposition to any of those comments and we -- in fact, we have already addressed those on plans and any future submissions those comments will be fully addressed.

Also, in the handouts you have detail of the dumpster enclosure. It's a picture of the dumpster of the project that was built over on Union Street that was mentioned. It is not -- it's a block structure with reinforced gate on the front and the block will match the color of the building. When we show you the building plans, you will get a sense for that color.

Also in the handouts you have a retaining wall. The retaining wall is necessary at the northwest corner of the building. Slab on grade requires the building to be flat and with the grade change, we're proposing a wall in that corner just to hold the grade so that we can maintain the existing trees up in that area and along the hedge row, so it will be back to grade on -- when the site is graded.

And likewise, the retaining wall will be a block wall, and the block color and texture will also match the building. So any of the masonry work for these structures will match the features of the building and tie it together.

So I will be available to answer any questions. Perhaps maybe review the architect plans, and then I will be here to answer questions.

JAMES MARTIN: Let's finish the presentation and we'll go from there. Is that it?

MR. SINSEBOX: Yes, that is pretty much it.

MR. BAKER: Hello. My name is Dave Baker, Choice One Development, and we're the construction managers for the proposed project. Basically what we have is a 21,000 square foot single-story slab on grade building, structural steel supported, light gauge framing, masonry exterior products and 30-year asphalt shingles on the roof.

As you can see, the lower part of the building -- if you don't mind if I walk away -- this lower band of the building will be a -- what we call a 3-6-9 stone. It is a masonry block, all of the way up the water table. On top of that is a precast stone sill that will sit on top of this block.

At that point, we start with what we call an (unintelligible) sandstone masonry product, and that will be this upper band around the windows, all of the way around the exterior of the building. If you want to take a look at these samples, I can pass them around if you want.

JAMES MARTIN: That is okay.

MR. BAKER: And then above that, the trim ring and the crown moulding will be an EIFS product, similar to this (indicating), as will the eyebrows over the windows.

The columns and the pilasters that hold up the porte-cochere and the corners will be a natural brick, and this is the exact sample that we're talking about, with a highlight band in and around it.

What we did is when we met with the Architectural Review Committee, we tried to incorporate all of the changes that they had requested on that, and I think we have captured pretty much everything they have asked for.

JAMES MARTIN: We'll verify that later.

MR. BAKER: That's the basic layout of the building. The porte-cochere obviously sticks out. It is 14 foot high so trucks can get underneath. As far as the architectural part of the building, I think that's pretty much it.

JAMES MARTIN: Architectural shingles?

MR. BAKER: Yes. 30 years.

JAMES MARTIN: Are we done with the presentation?

MR. BAKER: For the exterior, yup.

JAMES MARTIN: So we can get started.

MR. BAKER: Sure.

JAMES MARTIN: All right. The letters that we received from the Town Engineer and the Commissioner of Public Works were fairly comprehensive in nature. Significant number of issues that were pointed out in their input to the Board, and I don't know exactly where we stand on a lot of these issues. Is someone prepared to address -- I will -- I guess I will defer to the letter that the Town Engineer wrote, Mr. Hurley, which contained 21 items. It was a rather lengthy letter, and -- so let's start there, and we'll see where we're at as far as addressing a lot of the engineering concerns, all right, for this particular application.

MR. SINSEBOX: I haven't seen the comments, Mr. Chairman, but with a brief meeting we had with yourself and the DRC, I got a little insight as to their comments, but I would be happy to answer, address any of those that you may have a particular concern with.

JAMES MARTIN: Um --

JOHN NOWICKI: You didn't see a copy of the letter?

MR. SINSEBOX: Haven't seen it.

JAMES MARTIN: You haven't got it? Did you send a copy?

KEN HURLEY: I faxed it over to their office. I sent it to, um -- I sent it to Mark because his name was the stamp on it. I didn't -- you can have a copy (indicating).

MR. SINSEBOX: Great. Thank you.

KAREN COX: Sitting in Mark's in box probably.

MS. BORGUS: Is that mike on at the podium? We cannot hear.

JAMES MARTIN: It's definitely on. I tapped it earlier. Just, you know, speak closer to the mike.

MR. SINSEBOX: Sure.

JAMES MARTIN: Obviously it will take a little time for you to review all of these and prepare answers. So why don't you sit down and do a quick look through that and we can move on to some of the other issues that we need to deal with.

What about the Dave Lindsay letter?

LEE SINSEBOX: Yes, but most of what Dave (Lindsay) put in there -- Ken, I realize we pretty much covered --

KEN HURLEY: Usually I work with Dave Lindsay, incorporate the majority of his comments into my letter or it's normally stuff that we discuss at our DRC meeting, so it is stuff I already have on my list and he had on his list. So usually we just combine our lists together and put out one final list.

JAMES MARTIN: There is a few things that David (Lindsay) has listed here that are requests for conditions that I will go ahead and review as part of the process tonight, but most of the engineering details in David (Lindsay)'s letter are reflected in your letter, Ken (Hurley).

While we move on quickly to the Architectural Review, Paul (Wanzenried), I know that they reviewed it. I have a copy of your input, and -- so based on what was stated tonight, are we in a good position as far as the architectural activity on this application?

PAUL WANZENRIED: As far as the building is concerned, yes. I'm looking at the dumpster enclosure proposed, and I might have some issues with the chain-link fence. I think I would like to see something different there than a chain-link, something -- some other material, even if you used like a board-on-board, um, stain it to match the sandstone, the Nichi (phonetic) product. I think that would be better than just the slatted chain-link fence.

MR. BAKER: Sure, absolutely. Absolutely we're willing to do that.

PAUL WANZENRIED: As long as the block surround would coincide with say the block water table, I don't think we would have an issue with that. That's more of what we want to see.

MR. BAKER: We put the 3-6-9s around with the precast cap all of the way around it, and then we can also do the board-on-board gate.

PAUL WANZENRIED: Right. If I understand the site plan correctly, you have two proposed dumpster locations?

MR. BAKER: Yep.

PAUL WANZENRIED: One is relatively hidden, the one on the south, the southwest corner.

MR. BAKER: Right down in the far corner.

PAUL WANZENRIED: The one in the east end is extremely visible, so we want that one -- we want them both, but, you know, you got to get a little closer to the building, so it looks like the building.

MR. BAKER: We would be willing to do that for sure.

PAUL WANZENRIED: Other than that, Chairman, they have done everything we requested and we're accepting their proposed samples.

JAMES MARTIN: Thank you.

Okay. Any issues on the architectural from the Board?

JOHN NOWICKI: I have a couple of issues, but start down there.

STEVE HENDERSHOTT: Just on architectural?

JAMES MARTIN: Yes, start on that.

STEVE HENDERSHOTT: I think it looks very well. I do have a question, though -- I think you covered it.

Is the drive up to the front -- has that got an overhead?

MR. BAKER: Yes. It's an overhead porte-cochere that will -- it is hard to see how the side view looks in that picture, but it mimics -- let's see if I can get it here any better.

Not really. But it mimics what those columns are, these pilasters.

STEVE HENDERSHOTT: I can see it. I just couldn't tell if it extended out.

MR. BAKER: Yep.

STEVE HENDERSHOTT: What is the clearance?

MR. BAKER: 14 foot underneath clearance. And that's a -- it gets a fire truck underneath it.

STEVE HENDERSHOTT: I'm not as concerned about the fire truck as I am about buses, because you're going to get a lot of traffic from Lift Line that's -- it's in the Lift Line area, so make sure there is room for the buses to get underneath there as well as Medical Motors you will get in there, and I'm not sure what the clearance height is of those.

MR. BAKER: Our experience is most of the Lift Line buses are actually the shorter of the -- you know, they're not steep. The biggest truck you can get in there is a tractor-trailer, which I think is 13 something clearance on --

STEVE HENDERSHOTT: 13'6".

MR. BAKER: 14 gives them 6 inches underneath, so I think it is more than adequate at that point.

JOHN NOWICKI: Just a point -- speaking of buses, is that going -- are you providing parking for all these buses coming around?

MR. BAKER: No. The buses go in and drop and leave. Just Medical Motor Coach buses, wheelchair buses are what they are.

JOHN NOWICKI: We don't have a lot of buses parked over there.

MR. BAKER: No, no buses parked over there.

STEVE HENDERSHOTT: Typically that is what they do, just drop off.

JOHN NOWICKI: Just wanted to make sure.

KAREN COX: I don't have a question on the architectural.

JOHN NOWICKI: Yes, I want to explore something with you.

The first elevation I saw on this project, um, was probably an early sign, okay.

MR. BAKER: Yes. Preliminary before we went to the Architectural Review.

JOHN NOWICKI: I had some conversation with some of the neighbors in the area, and I did indicate that the Architectural Review Committee was going to look at this, and I see you have made changes, and I wish you would identify for the people in the audience the changes that were made, because of the features now that you have added to that view.

MR. BAKER: Some of the questions I think -- and Chuck, my partner Chuck Berends was at the original meeting, so I'm filling in. He is out of town today.

But some of the issues that were discussed -- I hope everybody can hear -- was how we face Chili Avenue and they wanted more of a front feel. Because of the way we positioned the building, to get the parking where we needed it, it had to go to the back of the building. So the entrance was driven to the back of the building, so in order to keep that -- that front area look, we have added in these massings in the front, taken away this doorway (indicating). So it gives it a front feel, and it is very similar to what we have done across the front of the building itself. So we have kind of mimicked the front and the back rather than just having a plain back.

JOHN NOWICKI: If you don't mind, I just want to ask the Conservation Board -- because I understand your landscaping plan is pretty extensive. Does that blend in with the new architectural treatment? Are you happy with that?

PAT TINDALE: I would say so. We have some suggestions, but nothing -- no major changes.

JOHN NOWICKI: I'm just -- that view is very critical and very important.

MR. BAKER: I didn't hear the question.

JOHN NOWICKI: It was just the landscaping that has been approved by the Conservation Board, how that was going to play with this elevation change here?

MR. BAKER: Yes. We did look at some of the comments and I got a short list of comments that you had about, um -- about the landscaping continuing down, which I think --

JOHN NOWICKI: It will enhance the views.

MR. BAKER: Yeah. And then we have considered this island (indicating) I think was one of the issues that you talked about.

PAT TINDALE: Our reason for that was in the winter when you're snowplowing, the driver won't even know that island is there and he will go right up over it. That is why we suggested more arborvitae around the generator.

MR. BAKER: Absolutely. More arborvitae about the generator.

PAT TINDALE: We questioned why on the east side there that the landscaping stopped.

MR. BAKER: I think that was a plotting issue. We would landscape across the whole east side of it. You're talking about the face of the building itself?

PAT TINDALE: Right.

MR. BAKER: Yes.

PAT TINDALE: The island, one small ornamental tree or shrubs, just something there.

You want me to finish and then will you be done with me?

JAMES MARTIN: Go ahead. You have the floor.

PAT TINDALE: We had a question on the dumpster, too. I know he addressed that. Ours was more of a concern because of being a parking area, that it does have good protection so a car doesn't take it down.

MR. BAKER: Yes.

PAT TINDALE: I think that's it. Oh, we wanted to compliment you on leaving some trees. We always appreciate when you leave natural trees growing there.

MR. BAKER: I think Costich did a good job trying to keep all of the natural trees we had there. And the rest -- we're not really, I don't think, taking any trees away. We're just adding.

PAT TINDALE: Good. Good. And yes to his question, the landscaping in the front along that berm, yes, it looks very nice.

JAMES MARTIN: Okay.

JOHN NOWICKI: Just a question for Pat (Tindale).

MR. BAKER: One other thing. You know, we -- we added window treatments to these with the mullions coming around, and I think that was one of the issues, Paul (Wanzenried), that you had brought up during the --

PAUL WANZENRIED: That's correct.

MR. BAKER: -- the review meeting.

What we have done is taken away a doorway that would normally be here (indicating) and added in a window feature and just moving that doorway down a little bit.

JOHN NOWICKI: Yes. It looked very nice compared to what I originally saw. Thanks for doing that also and the Architectural Review Board for picking that up because that was a concern.

Just a point, Pat (Tindale), to you on one of the comments from -- by Dave Lindsay, I see



there is --

PAT TINDALE: Yes. Checklist.

JOHN NOWICKI: A compliance.

PAT TINDALE: With licensed landscaping architect seal. This is something new that we're doing. They would like to have the licensed landscaping architect seal, the one that does that, sign off on it after the plantings are in to agree that all of the plant material that he shows on the print are actually in there.

MR. BAKER: Yes. They will have a consultant do that.

JAMES MARTIN: It will become a condition of approval that that be done.

PAT TINDALE: I think it is in that --

JAMES MARTIN: As you have stated, Pat (Tindale), it is something new that we're going to start doing to -- to take a little burden off some of the other people in the Town.

PAT TINDALE: Like us.

JAMES MARTIN: And -- so we will be requiring that.

JOHN NOWICKI: Can I just ask one more question? Not sure how much architectural, but another note by Dave Lindsay. Are you preparing to put the sidewalk across the front of the building on Chili Avenue?

MR. SINSEBOX: There is certainly room to do so in front of the berm.

JAMES MARTIN: It will become a requirement. It's in the letter -- a condition of approval will require a sidewalk across the frontage.

MR. SINSEBOX: I presume that would be on easement to the Town.

JAMES MARTIN: Easement to the Town, and concrete, 5 foot concrete sidewalk.

MR. SINSEBOX: Okay.

MR. BAKER: Yep.

JOHN NOWICKI: So architectural, keep going, right?

JAMES MARTIN: We have seem to gotten into a lot of general.

JOHN NOWICKI: I will save some of this --

MR. SINSEBOX: I have had an opportunity to read this. I think I can --

DAVID CROSS: Just a general comment on the renderings. I did have concerns looking at that May 6th rendering and I'm pleased to see some of the front field changes that we're seeing tonight with the additional windows and the gables on the roof lines. It looks a lot better.

MR. BAKER: There is corbelling we added to it to give it a distinct feature. It was a work, obviously, in progress that would -- that the Architectural Review helped. We kind of nailed it down.

DARIO MARCHIONI: On the architect -- the lighting on the building itself, is it soffit lighting?

MR. BAKER: Soffit down lights and then there will be some sconce lights around the pilasters and the columns, but the majority of it will be recessed lighting in the soffit itself.

DARIO MARCHIONI: Okay. The other question --

MR. BAKER: I don't know if you want to take a look at this. This is an actual -- one of our actual facilities, and that kind of gives you what the sconce lighting and the down lighting does on the face of the building (indicating). This picture right here (indicating).

DARIO MARCHIONI: As far as air handlers, will they be on the roof?

MR. BAKER: Right now we want to -- there is an interstitial space between the drop ceiling and the actual joists themselves. We'll put the HVAC units up in that space, duct them and then have remote condensers that would be located out on the outside of the building.

JOHN NOWICKI: Pads.

MR. BAKER: Yes, on pads. Those condensers are -- I think right now we're looking at about 32 to 36 inches high, very unobtrusive. I don't think with the landscaping you would ever see those.

JOHN NOWICKI: You probably won't see them.

MR. BAKER: Yep. We entertained a bunch of different options and that seems to be the less obtrusive to Chili Avenue.

DARIO MARCHIONI: Thank you.

MR. BAKER: Thank you.

JAMES MARTIN: We can move on to general comments at this time.

Question, um -- how will you handle emergencies on the site?

MR. VALLE: Um, we would use the 911 service and coordinate with, um, the Town to make sure that all of those activities are preplanned accordingly. We did that out in Spencerport, met with the Town paramedics, the Fire Department, everything. They toured the building during the construction process, and we'll just coordinate all those activities with the existing emergency services serving the Town.

JAMES MARTIN: So you will be relying on Chili Ambulance essentially to handle emergencies?

MR. VALLE: Yes.

JAMES MARTIN: But I do believe in the case of coronary issues, somebody else has to also respond. I'm not sure what the ruling on that is.

MR. VALLE: We would meet with those companies in advance. We would have a -- we were required -- or Unity will be required to have a written emergency plan that designates exactly who will be called for what type of emergency, so that is a Department of Health -- requirement that it has to be a written plan that they adhere to.

We have a very -- at least in Spencerport there was a very cooperative relationship with the

Town services.

JOHN NOWICKI: Has the Town Fire Marshal looked at this?

JAMES MARTIN: I do not have a letter yet. We have it noted that we'll obviously need a Fire Marshal review and approval, but I did not have anything in writing.

JOHN NOWICKI: I didn't see anything come through.

JAMES MARTIN: Thank you.

Are we ready for engineering comments?

JOHN NOWICKI: Oh, that -- well, okay.

JAMES MARTIN: Questions will come up as we go along.

JOHN NOWICKI: Okay. I thought this was the general questions.

MR. SINSEBOX: I can go down each and every one of these things and address them right here tonight, but I would like to make a general statement, is a lot of them are technical and tweaking of slopes and things like that that we can certainly address those and resubmit those to the Town Engineer for his review. Two or three items on here we just spoke about and are illustrated in the handout.

When we met with the Design Review Committee, we knew that he wanted to see a detail of the light, that he wanted to see the retaining wall and some other things.

And we have the sign picture here. I will pass this around and have you look at this. We certainly would like your comments. If we need to make changes, we can do that, but we can also add that detail to our site plan drawings.

Probably the most significant comment in the Town Engineer's review is the detention pond and the outlet. We have discussed this at the Design Review Committee. We have a sloping grade that leaves the site kind of uniformly and down through the church property and ultimately Beaver Road and then into Black Creek. We have chose that corner for the pond and we chose the outlet to that pond at the lowest point of the property where we can discharge.

That poses some challenges regarding sheet flow versus point discharge and, Dario (Marchioni), I know you had some experience with those that can be problematic. We can do things like flow levelers, dry wells, energy dissipators. There is a lot of different tools, but what we chose to do in this case, is after that meeting with the Design Review Committee, the applicant met with the church to see if they would be interested in working with us and provide an easement. We think that if that discharge can be piped through their property along the property line, down to a fairly substantial pond that is there on their property, that that would be good for them and good for us. Certainly we want to be good neighbors to the church and we don't want to create any erosion or drainage problems there.

That meeting I wasn't at, but I understand they were very receptive of that. We have another meeting scheduled with them next week to answer their questions and show them the details and I have already developed a plan showing that pipe.

By doing so, that also helps us maintain the slopes, provide the 10 foot wide berm and some other features that are mentioned in these comments, make them very easy to address.

And it will certainly keep the Town Engineer apprised to the outcome of that meeting and satisfy all of those comments very easily.

Other comments on the second page deal with the SWPPP itself. Different nomenclatures and mostly housekeeping things within the SWPPP report itself that needs to be corrected or updated or modified or changed and we'll certainly address all those and resubmit the SWPPP, indicating that all of those items will be met to his satisfaction.

Other items are to submit a letter of credit for his review after this Board approves the plan and have a letter of credit. We'll do that.

And there is mention of the Town being copied in on the New York State permit. We have submitted the plans to New York State DOT. Their plans are currently under review. As you know, they have to review and approve and permit the access entrance and we anticipate their input or comments shortly.

And item number 20, the core letter to Boylan Brown indicates that the long form EAF is prepared, but Town Engineer did not comment on it because he hadn't received a copy of it. We would be happy to provide him with a copy.

And then yet the last comment was to provide siding, shingles, paint colors, et cetera, of the buildings and we hope that we have addressed that tonight with the presentation.

So if there is any specific item you want to talk at length about or would like a little more information or response from me on, I would be happy to do that now, but generally I am confident we can satisfy all of these conditions.

JAMES MARTIN: Well, if you fail to come to an agreement with the Church about the drainage issue across the property, what are the alternatives?

MR. SINSEBOX: The alternative would be to pull back the outlet pipe so we have room to put in rip-wrap or an energy dissipator or some kind of a -- there is a flow spreader so we can kind of simulate the runoff going to that corner now under existing conditions with the development conditions. We're capturing 100 percent of the drainage from our site, throttling it back. I think it is a 6-inch formal discharge through our pond, so it is not a significant amount of water. Is it a 3-acre drainage shed. But we can provide some details for the engineer to review or any suggestions he has, we would be happy to -- we have to discharge -- we try to let the discharge go the direction it is going. It is doing it in a way that it won't cause an impact.

JAMES MARTIN: Is the existing pond on the church property adequate to hold your additional input?

MR. SINSEBOX: That's a good question, because I asked the same questions. I haven't

seen any design or detail on it. It is a significant pond. Given the drainage shed, I'm fairly certain there is probably excess capacity in there.

What I don't know is when the pond was designed and built for the church, was it designed for future development of the church property, where they built in some extra capacity. I would be happy to look at that and review that with them. But I think that was suggested at the meeting, if we could -- if we could show that that pond could work, and could we modify it to handle our storm water management, um, that -- it didn't seem to be the direction they wanted to go, but they seemed very favorable to allow us to pipe to it.

JAMES MARTIN: Okay. Do you feel you will have adequate room for snow removal?

MR. SINSEBOX: Yes. Discussing that with the applicant, the pond itself would be where the snow would be transferred to, from the site. If we had a snowstorm in excess where the pond would fill up completely with snow, then they would truck it off site.

JAMES MARTIN: Could you go back and restate, um, you know, the parking requirement and your required number of spaces? I believe we indicated to you to go back and do a recalculation based on the actual space you utilize versus, say, let's say, closets or something like that. Just repeat those numbers again because I know they're different from what I had originally.

MR. SINSEBOX: The architect plans shows the overall area footage of the building at 21,000 square feet. We had the architect calculate common area, like the foyer, the maintenance room, mechanical room and some storage areas, and if you subtract that square footage out, we have 18,322 square feet of actual office or service area, so we base the parking requirements on that. Your code calls for one space for every 200 square feet, plus employee parking, and that calculates to be -- if you base it on those numbers and the Town's code, it would be 110 spaces required, not 124.

JAMES MARTIN: You have got?

MR. SINSEBOX: We have 96. We're prepared to go to the Zoning Board for a variance for that, but it was my understanding that maybe this Board, through the site plan review, it can allow that without the need for a variance.

The real factor is the owner feels it is adequate and we really don't want to put in any more pavement than we need.

JAMES MARTIN: I understand that. The facility built in Ogden, similar to this facility; is that correct?

MR. VALLE: Yes.

JAMES MARTIN: How many parking spaces did you provide for that facility?

MR. VALLE: 102.

JAMES MARTIN: 102.

MR. VALLE: 102 parking spaces.

JAMES MARTIN: Have you ever reached capacity or had a parking issue?

MR. VALLE: None whatsoever. And all of the services will be identical, essentially, in size to that facility, including the number of stations, number of patients treated, et cetera. And the visits to the family practice are almost identical in Chili as they are in Spencerport.

JAMES MARTIN: All right.

Because, yes, we can take a look at this as part of the site plan review, and grant relief from that. However, basically it said the applicant demonstrates to the Planning Board under the site plan approval process that initial needs for parking are less than that is required, the Planning Board may limit parking only if adequate space is reserved to implement such required parking at full development or at any future time. This is a land-banking type system. You know, looking at the plan, I'm not exactly sure without some significant disturbance to the landscaping where you would land-bank future parking on the site. But I guess, you know, when we get to the discussion on that, the Board needs to think about this. Is 96 parking spaces going to be adequate for utilization of this particular site, and if so, we should look at that requirement and perhaps agree with site plan review that 96 spaces is adequate?

JOHN NOWICKI: What size are your stalls?

MR. SINSEBOX: They're 9 by 18, yes.

MS. YURICK: Excuse me. I'm the architect.

JAMES MARTIN: Go ahead. Name, please?

MS. YURICK: Nancy Yurick from the architect's office. I was given the -- I was actually given the task to remove the common space, and I did not take out storage closets. I only took out two vestibules on the -- and I can show you the plan. So I mean if we -- if that is the requirement, that closets can go out and such, it would reduce it.

JAMES MARTIN: I think at this point, you know, the applicant is saying 96 is adequate, sufficient for utilization of the site. Um, and we can -- we can look at that. We can agree as a Board whether we allow this to go ahead or whether we'll require some sort of -- showing some land-banking.

MR. SINSEBOX: I think one of the reasons it works contrary to your code is dialysis -- I'm not sure if you're familiar with how the dialysis works. It is a three or four-hour treatment and I understand after the patients had that treatment, they really can't drive, so as a result, what happens is a family member or a friend will drop them off. They will leave, they will have their treatment and they will come back four hours later and pick them up. That is 8,000 square feet, almost 1/3 of the entire building is devoted for that service, which really lowers the need for parking considerably, if you compare it against what your code says.

JAMES MARTIN: Okay. That's a good point.

JOHN NOWICKI: That is a good point.

KAREN COX: Yeah.

JAMES MARTIN: General questions.

STEVE HENDERSHOTT: General questions?

JAMES MARTIN: Whatever.

STEVE HENDERSHOTT: We have covered a lot of stuff here, so I don't have too much more to ask, but I'm curious as to your drawing shows a generator pad on the western side. What is the size of that generator?

MR. BAKER: I can answer that. Um, typically that generator is about 200 KVA. It's a diesel generator that stands alone, that has a fuel -- a double-walled fuel tank. It has a base ambient noise -- and what we do is a critical sound enclosure on it and a critical silence muffler, so it is a hospital-grade sound enclosure, hospital-grade muffler system, and at 21 foot from that generator, the noise level is 74 DB. And for every, um -- for every 20 feet you walk out further, it reduces it by 5 DB. So at -- you know, pretty much at any area that it is going to come in contact with, it will be under 50 DB at that point.

KAREN COX: 50 decibels being approximately -- what is equivalent?

MR. BAKER: To give you an idea what 80 decibels is, it is traffic noise on Chili Avenue.

KAREN COX: Just for the benefit of the audience.

MR. BAKER: Standard traffic noise. Our talking right now is probably right around 60 DB.

STEVE HENDERSHOTT: That's pretty good.

I would just agree with Conservation saying that, you know, I would like to see that shielded with some --

MR. BAKER: Arborvitaes.

STEVE HENDERSHOTT: It's up to them what they want, but shielded in some way. If it reduces it down that much in noise -- my concern is noise and sight.

MR. BAKER: And keep in mind the generator tests once a week for 20 minutes. We can adjust that time for that test at any time that is good for the neighbors. You know, we did it in Spencerport. We have done it in other locations. Um, everybody has a sweet spot that -- that they have. You know, obviously we don't do it at night. We don't do it in the morning. Um, and it seems to us that like a Saturday around noonish, sometimes works best.

STEVE HENDERSHOTT: I don't have any other questions right now, Jim (Martin).

KAREN COX: I understand the explanation that the two new units will be the ACM, the blood lab and the dialysis unit. Will that create new jobs, or is that operation moving from -- are there going to be some employees at other facilities moving here?

MR. VALLE: With regards to that dialysis, that will be a creation of 15, approximately 15 new jobs over probably a period of two years. That's what is projected.

For ACM, that will be the creation of three jobs, because they -- ACM does not operate a collection site in Chili at this point.

And with respect to Unity Family Medicine, we're probably looking at a creation of two to three positions, full-time. So we're talking in total approximately 20 employees, and we have already been contacted by COMIDA, who is supportive of this project obviously because of the job creation. They're very supportive of our project out in Spencerport, as well.

KAREN COX: Okay.

Lee (Sinsebox), how many -- approximately how many cars a day would you expect for a facility like this?

MR. SINSEBOX: Well -- well, I would have to probably run the calculation, but the hours of operation would influence that. The doctors' offices are just 8 to -- 8 to 5 -- 5 days a week. Dialysis operates on a Saturday and obviously some offices will be closed and some of it will be open. I have to get all of the details on those hours, and what function is -- is operating and then I could provide you with a rough calculation.

KAREN COX: Yes. Because I mean I'm sure -- for the surrounding neighbors, you know, they would like to know -- I -- I mean I wouldn't expect to see a constant stream of cars, but since there was no traffic report for this, they would probably like to know approximately how many trips.

MR. VALLE: If I may, I can address the hours of operation. Um, Unity Family Medicine will operate from 9 a.m. to 5 p.m. with -- and it is closed for lunch. Um, ACM will operate 8 to 5, and they are also closed an hour for lunch. Then dialysis unit, assuming it operates three shifts, would typically treat 16 patients, okay, when -- at full capacity. Um, somewhere in the vicinity of 6:30 to 10:30 in the morning. It is a four-hour treatment three days a week. To be looking about a half hour to an hour for changeover, and you have another shift of four patients -- of 16 patients from probably 11 to 3-ish, and then a final shift from approximately 4 to 8 in the evening, if we were operating in the evening shift, which is the third shift.

Typically, um, it takes a while to get to full capacity. You know, again, it's -- there are patients out here who, I think, will find this very convenient for them rather than traveling into the city three times a week, and as Lee (Sinsebox) indicated, all of these patients, 75 percent of the patients essentially rely upon family transportation, so it is a huge burden when a family member needs to be transported to and from dialysis three times a week.

So at this point in time we only expect, you know, four to five patients per shift that would actually drive themselves.

The other thing, when you're talking about medical transportation, typically, um, the facility will schedule a -- the patients to essentially -- it's a car pool concept, so they will aggregate patients who require that type of medical transport, so the van would be taking not one

patient typically, but three to four, and the facility will coordinate with that transportation service to make it economical for the transportation company and -- and put all of those patients on one shift on the same sequence of days per week.

So in total, I mean -- total number of cars per day, I'm going to guess we're talking somewhere in the vicinity of approximately 100 in total.

KAREN COX: Spaced out over --

MR. VALLE: Spaced out over the course of the day.

KAREN COX: Okay. The last thing, Jim (Martin), I would not support land-banking. I think the -- for the parking spaces. I think that what we're showing, based on their experience with their operation in Spencerport, is satisfactory.

JOHN NOWICKI: My question is, if someone could address the application that was presented to us here, indicates two LLCs, Chili Avenue Associates and Choice One Development, Unity II LLC. And my questions here are basically who is going to end up owning the land, or are you going to split it, who are the principals involved in these corporations? Are they taking tax relief or tax rebates from other government institutions or grants, and is this going to impact our tax base in a positive way?

MR. HAGELBERG: Let me answer the second, sixth and ninth questions.

Chili Avenue Associates LLC is the owner of the property. They have entered into a contract to sell the property to Choice One Development Unity II LLC.

JOHN NOWICKI: Upon approval?

MR. HAGELBERG: Upon approval. So Choice One, Unity LLC will be the owner of the property, and Choice -- and that entity will enter into a lease with Unity for the use of the building, for the three services that we have described. As -- Mr. Valle is a principal of Choice One. As he indicated, we did receive assistance from COMIDA in connection with the Spencerport facility, because of the job creation benefits that were part of the project, and we would anticipate doing the same thing here.

I think I have answered your questions.

JOHN NOWICKI: Okay. But there is still some tax dollars that are coming into the community?

MR. HAGELBERG: There are still some tax dollars coming into the community, because Choice One has, as the owner will be paying property taxes on the -- on the property.

JOHN NOWICKI: Good way of doing it. Thank you very much.

Is ACM going to keep their Gates operation open? Or are they going to close that?

KAREN COX: Good point.

MR. VALLE: I have to be honest, to my knowledge, I don't know the answer to that question. My instincts are they would because they're capturing a certain base of business. One of the key components for ACM to actually come and open up a facility in Chili is the fact that, um, there is going to be direct access for patients that are, um -- that are being treated at Unity Family Medicine, so it is a convenience factor, so that is the reason they are coming to Chili.

JOHN NOWICKI: Thank you very much. That's all I have.

DAVID CROSS: Excuse me. Question on the lighting. Um, the parking lot. Two things. I noticed some spillover to the neighboring properties. I'm not a lighting person, so I really don't know what -- if 2 foot candles or a half foot candle is appropriate off site. Can you address that, please?

MR. SINSEBOX: Yes. Very, very minimal on the -- on the east side. I have to grab my -- .25 and .5 on -- only a couple little bump-outs where that happens on the east side. I guess to put that in perspective, it's about the brightness of -- well, the .5 would be like a half a candle, a candle burning very lightly.

The .25 is almost undetectable.

DAVID CROSS: Okay. I'm satisfied with that.

MR. SINSEBOX: We can shield those. The fixture we picked -- certainly if you have some other fixture you would like.

DAVID CROSS: Sounds like the Town Engineer will review all of the lighting, the shielding.

What about operational lights? Are you looking to -- will the parking lot lights go off at 8 p.m. when that last shift is out?

MR. SINSEBOX: Do you have a timer?

MR. BAKER: There is a building management system that we incorporate which makes this energy-efficient, so it is a computer-based program that will allow it to shut stuff down and turn stuff on at certain times. What we do now is reduce it by half, and just keep some security lighting, just so nobody is in there doing stuff they're not supposed to be doing.

DAVID CROSS: I understand you need some security lighting, but just dark sky lighting is --

MR. BAKER: Absolutely.

DAVID CROSS: -- is appropriate for the residents across the street. Be aware of that.

Then another comment was, um -- have you contemplated a future connection to the property to the east? It may take some pressure off Chili Avenue and to -- to -- to be able to at least plan for it, for right now, and maybe show something off the east side of the parking lot.

MR. SINSEBOX: That could be easily done in the future if you take out a couple of parking spaces and then just stub over there. I'm not sure what the church has planned for that property.

DAVID CROSS: I'm talking about the property to the east.

MR. SINSEBOX: Oh, east. I'm looking west. Sorry.

DAVID CROSS: Chili Scottsville Road.

MR. SINSEBOX: Oh, yeah.

DAVID CROSS: I don't know there is any development planned for that now, could be years off, but just something to think about now. It may take some pressure off Chili Avenue to get some better vehicle traffic out to Chili Scottsville Road.

MR. SINSEBOX: I -- mechanically, yes, very easily just reconfigure a couple parking spaces and connect over there. I think in the event an application comes in for that property to the east, and this Board feels it desires, I think we could -- we would have to talk to the client and he would have to confirm this, but I think there could be a commitment to make a modification in the future as long as his parking could be restored and maybe -- onto the property. But we're not aware of any plans whatsoever.

DAVID CROSS: Neither am I. Just throwing it out there.

MR. VALLE: We would support that.

JAMES MARTIN: Obviously we would require a cross-access easement. It is something that could happen.

MR. SINSEBOX: Especially if it helps access to the site.

MR. HAGELBERG: The quick answer there is if it makes sense for the two property owners and the Town, it won't affect our operation. It could enhance our operation. Certainly something we could consider, but we -- but we're not aware of any proposal right now. If one comes along, it makes good planning sense from all perspectives to do that.

JAMES MARTIN: Thank you.

DARIO MARCHIONI: Lee (Sinsebox), I don't know if you have gave us some information prior, but I am just wondering if you could tell us something about the interior of the building. For example, 13 foot 6 high ceilings.

MR. BAKER: I think I can address that.

DARIO MARCHIONI: Also, fire prevention extinguishers.

MR. BAKER: It will have a full fire sprinkler system. All of the facilities do. Obviously for life safety, um, alarms, fire alarms, things like that.

Um, the ceiling heights range from 10 foot down to the lowest I think would be like 8, 6. And that is soffiting type things, like that.

What was your other question? I'm sorry.

DARIO MARCHIONI: Will this be slab, one level?

MR. BAKER: One level single-story floor slab-on-grade.

DARIO MARCHIONI: Any basements?

MR. BAKER: No, none. Just straight across.

MR. SINSEBOX: Dario (Marchioni), here is a couple photographs that give you a little insight for what the inside of the building looks like.

DARIO MARCHIONI: Thank you.

MR. BAKER: I just want to add to the generator issue. Um, that generator right now is going to set into the -- which is the corner of the building -- if you can see it, so it is shielding -- it is actually shielding the residential area. Um, and it is going to be more than -- I think more than 12 foot below Chili Avenue.

KAREN COX: When you were talking about it before, I was going to bring up the building is shielding it.

MR. BAKER: The building is shielding it. It is below Chili Avenue, so it is recessed down, so it creates a natural noise barrier, and at Chili Avenue, I'm guessing, you know, you will probably be somewhere around 40 DB decibels. It's really -- a lawn mower running is twice as loud as that.

It's not a continuous run item. It only comes on once a week, unless there is a power outage. Obviously we have to support the facility. So it has got a computer system of its own that activates it and shuts it down.

JAMES MARTIN: Okay. Thank you.

KEN HURLEY: Just a couple things. If they do end up hooking up the pond to the church pond, there is a couple of things. If you took care of all of the storm water treatment and can sign off on MS-4 for the site, then we would just need a storm water analysis that at that point to basically extend your discharge point down there and compare the difference of the water sheet flowing down versus piping down and make sure there is no adverse effect, and you will not overload -- but you will change the time that the water would get there normally.

If you're going to use the pond as an overflow or to handle some of your capacity, I have to double check with this, because this is David Lindsay, the Commissioner of Public Works is in charge of MS-4 for the Town, but it is my understanding you would have to do an analysis on both sites together and bring the pond up to compliance with MS-4 requirements for the Church's pond, if you were going to use that as part of it.

MR. SINSEBOX: Yes. I understand that. The plan is, though, is to do all of our storm water management in accordance with the regulations on our site, in our pond, and then just pipe the discharge to the Church's pond so they should see no net change in their pond. Also as part of that would be a permanent easement conveyed to this property owner from the Church to allow the installation of that pipe and maintenance of the pipe, and, of course, we would have a maintenance agreement with the Town of Chili for the maintenance of our storm water --

KEN HURLEY: For emergency maintenance.

MR. SINSEBOX: Right.

KAREN COX: Ken (Hurley), was that pond on the Church property built under the less stringent regulations? I can't remember exactly when it was put in.

KEN HURLEY: I don't remember when it was built. I don't think it was up to the current '88 standards. So they would have to reevaluate the water quality and everything.

JAMES MARTIN: You have made note of that, right, Lee (Sinsebox)?

MR. SINSEBOX: Yes.

KEN HURLEY: One thing I didn't have in my comments, which will probably actually come up from the Fire Marshal. They're going to want to see truck turns for, particularly, the loop around for emergency vehicles and for the bus drop-offs, so that is something we'll kind of mention now instead of waiting for the Fire Department. That is pretty much it. Just as an MS-4, we have to abide by all of the New York State DEC regulations, so a lot of comments to do with that.

PAT TINDALE: Our Board will need three additional landscape drawings with the suggestions that we made incorporated and then I want to thank you, I don't know if it is by choice or the lay of the land for the parking to be behind the building. We have been pushing for this for a long time. Thank you.

JAMES MARTIN: Paul (Wanzenried), we already handled the architectural --

BRAD GROVER: No issues.

JAMES MARTIN: Anything else from the Board or side table?

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL BLOSER, Zoning Board Chairperson

PAUL BLOSER: Paul Bloser, Zoning Chair. I have got a -- just a couple of questions. First of all, I didn't see anything on the prints on signage, on what the -- what they're asking for.

STEVE HENDERSHOTT: Right here (indicating).

PAUL BLOSER: That is a concern I have here.

JAMES MARTIN: It's going to be a monument sign.

MR. BAKER: It will -- do you want me to address it?

JAMES MARTIN: Hang on a second.

PAUL BLOSER: I can look at it afterwards for the sake of time.

JAMES MARTIN: Do you have another question?

PAUL BLOSER: Yes. They briefly hit on the placement of the outdoor air handlers. For Architectural and for Pat (Tindale), Conservation, I would like to suggest that they show exactly how many and where they're being placed so that they know they're adequately being shrubbed.

MR. BAKER: Absolutely.

JAMES MARTIN: Thank you, Pat (Tindale).

PAT GENDREAU-PICKERING, 378 Chili Avenue

MS. PICKERING: Pat Gendreau-Pickering, 378 Chili Avenue, right across the street. My concern is traffic. The traffic on Chili Avenue between the railroad tracks and the church is unbelievable. There are times when we can't get out of our driveway, and I'm very concerned about that.

And I'm wondering if anyone has given a thought on the idea of extending the 30-mile-an-hour limit. Right in front of our home is where it goes to 40 and people start to accelerate at the railroad tracks and we have had accidents at the corner, right out in here where people have been trying to get out on Chili Avenue. My biggest concern is traffic and the speed limit. So for what it is worth, it's a problem now.

JAMES MARTIN: Yes. We know it is a problem. And I mean, it is something that Traffic & Safety is represented here tonight.

Brad (Grover), you can take that under consideration for any recommendation you might want to make on the speed limit in that particular area. So thank you --

MS. PICKERING: I'm not sure.

JAMES MARTIN: The State is in control of that highway, so we can -- I guess probably appeal to the State to maybe make that modification, all right, but they're the ones that have the final decision.

MR. SINSEBOX: She is correct. Right at this site is where the change is. As you're traveling west, it says 40 and you go by the site traveling --

JAMES MARTIN: People are going from 40 to 50 at that point.

MS. PICKERING: Absolutely.

JAMES MARTIN: We know that.

JOHN NOWICKI: The other point, too, because I live right down the street from you, is that on Beaver Road Connection there, on the curve, it's a very, very dangerous curve, and your point is well taken. And just so you know, I have mentioned to officials of the Town, and we have them taking a look at what the State can do and -- because there is a study that has been done for Union Street to Beaver Road, down Beaver Road, to Archer Road, I believe it is, and they're reviewing that now because we have the other critical intersection, Chestnut Ridge and Chili Avenue by the school. That is a very serious intersection also. So there are people looking at the situation. I like your idea of the speed limit being reduced. My wife many years ago had it reduced down to 40. And she couldn't get 30 back then. They wouldn't give it to her. So you have a good point and I hope that the Traffic Safety Committee will pursue it and continue working with our officials in this Town to -- to get it accomplished.

MS. PICKERING: Thank you.

PASTOR ROBERT REEVES, 16 Spring Brook Drive

PASTOR REEVES: Robert Reeves, 16 Spring Brook Drive, North Chili, and Pastor at Calvary Assembly, the adjoining church to the property that they're looking to development.

First of all, I do appreciate their contacting us in advance of this meeting to show us their plans and development. Very courteous of them and we appreciate that. It did raise the issue of being able to pipe water from their pond to our pond, and we were interested in that issue primarily because we do get some water shedding to that area of the property now. If that would help reduce that, that does benefit us. We did want our engineer to have a look at that just to make sure that it didn't exceed our pond capacities. And we have a meeting scheduled with these folks next week. They will be bringing in some plans and we can show that to our engineer and they can get us some information.

I'm not sure if our pond came in under the higher restrictions or not. I do know that our original plans showed a certain square footage pond and that was increased by three times at that point, so I don't know if that was the result of those restrictions or if there is something that has been added since then. Obviously I'm sure that they would be responsible for making sure that that was met. But there is some benefit to some wet area on that portion of the property that could be resolved by this issue, so it does interest us.

JAMES MARTIN: Okay. Thank you for your comments. I'm sure between the engineering firms, both entities and the Town Engineer and the Commissioner of Public Works, we'll work something out that is hopefully satisfactory for everybody involved.

SUZANNE RAGUE, 3390 Chili Avenue

MS. RAGUE: What kind of truck traffic can we expect? Does the Spencerport location have delivery supplies in addition to the buses and so forthcoming in?

JAMES MARTIN: You can answer that.

MR. VALLE: The, um -- the -- the only facility that will have any deliveries is the dialysis center, and they will receive deliveries once every two weeks from their vendors. And periodic FedEx truck, UPS truck for those types of daily deliveries, but those will be relatively infrequent.

MS. RAGUE: In reference to the dumpster location, can you point out on the maps where they are and where the openings face? Do they face northwest or --

MR. BAKER: To give you a better idea, the main dumpster enclosure is right here (indicating), which is at the back end of the property. This being Chili Avenue right here (indicating). So it is basically not visible from any of the properties.

The one that was in question was this one here (indicating), which is a smaller dumpster that is just basically -- services one part of the building. And that's bounded by trees on the back side. Like we said, we'll have an enclosure around that that will match the building itself, and then with a wooden gate that we talked about.

MS. RAGUE: Another question. In reference to the current white garage that is there, I'm assuming that is coming down. Are the trees surrounding that the trees you speak of that will remain on the property?

MR. SINSEBOX: There is two of them that will come down. The ones closer to Chili Avenue will stay.

MS. RAGUE: Okay.

MR. SINSEBOX: In that corner.

MS. RAGUE: Then this berm, that will be built in the back, um, that -- will that have trees with it? I mean that -- there are additional trees.

MR. BAKER: The berm you're talking about along Chili Avenue?

MS. RAGUE: Right. Is that behind the building?

MR. BAKER: Okay, yes. I'm sorry. That is -- would be what we consider behind the building, but it would be the front as it faces Chili Avenue. Yes, and there are several plantings, trees, and shrubbery in that.

MS. RAGUE: Okay. All right. Thank you.

JAMES MARTIN: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would like to start by saying that I -- although this presentation is very complete, I always dislike seeing material handed to the Board as a Public Hearing is about to start. That is no time to be handing information to this Board. You don't have time to look at it properly. It's not fair to you. And I -- I don't like to see that done. All of the paperwork should be in ahead of time.

I believe you were handed a package of material.

JAMES MARTIN: Some cut sheets and some elevations.

JOHN NOWICKI: Just cut sheets.

MS. BORGUS: I don't care what it was, just the point is the paperwork is supposed to be in and you people haven't had time supposedly to digest it.

Now, compared to this Spencerport facility, how does this rate in square footage?

JAMES MARTIN: Um, you can answer that. Compared to the Spencerport facility, how does it compare in square footage?

MR. VALLE: It's identical. And -- for all users.

JAMES MARTIN: Okay.



MS. BORGUS: Um, maybe this question has been answered, but I -- I heard the words -- the -- that this building would, quote, broaden the tax base.

This building then will be taxable? Did I hear that?

JAMES MARTIN: You heard that correctly, yes.

MS. BORGUS: After COMIDA? There will be COMIDA breaks, and then the building will be fully taxable?

JAMES MARTIN: It will follow typical COMIDA pattern, yes, that is my understanding.

MR. HAGELBERG: That's correct.

JAMES MARTIN: All right.

MS. BORGUS: Um, I also heard where a CON was mentioned, Certificate of Need. Has that been received or only applied for?

JAMES MARTIN: You can answer that.

MR. VALLE: That has been applied for.

MS. BORGUS: So there is no paperwork at the present time that would allow this to move forward?

JAMES MARTIN: Go ahead. You can answer that. It is speculative.

MR. HAGELBERG: Unity has applied to the New York State Department of Health for a Certificate of Need. It has a process that takes several months. That is pending. The lease that we have with Unity in Spencerport was contingent upon issuance of the CON. Nothing is going to happen until the CON is issued. Unity has told us they are confident of that being granted, and we're working under that assumption.

JAMES MARTIN: Thank you.

MS. BORGUS: The physician's name was given, the one who will be in charge of this. I wonder if I could have that name again.

MR. HAGELBERG: Dr. Vijay -- his first name V-I-J-A-Y. His last name is spelled J-A-I-N, and he is the Director of Nephrology Services at Unity.

MS. BORGUS: So will there be a physician on site at all times that dialysis is being done?

MR. VALLE: Um, there will not be a physician in the dialysis center on site, nor is it required. However, there will be physicians always in the building because of the Unity family practice next door, which there will be, typical day, probably at least four to five physicians and/or physician assistants that will be in the building. Which is unique, because most outpatient dialysis facilities do not have a physician in the location while dialysis is being performed, except when the physician rounds.

JAMES MARTIN: So that meets New York State Health Department requirements?

MR. VALLE: Yes.

JAMES MARTIN: Thank you.

MS. BORGUS: I also heard a plan mentioned as to emergency handling and that the facility would call the 911 number. My concern is not that they have that plan. I am very concerned about the burden that puts on Chili's ambulance service.

JAMES MARTIN: I brought that up as --

MS. BORGUS: I know.

JAMES MARTIN: -- as part of the issues that I think they face. They have indicated to us that they will work out an agreement with emergency services, via Chili Ambulance, Monroe Ambulance, whoever it is. There is a plan.

Clearly we continue to add activities in this Town that increases the burden on Chili Ambulance, but that is, I guess, the price you have to pay for a growing community, Dorothy (Borgus).

MS. BORGUS: Well, I believe most of the pressures that will be brought by other businesses would be small in comparison to the pressure maybe brought by this facility.

KAREN COX: Part of the facility is already located at the Wegmans Plaza, so presumably Chili Ambulance is dealing with emergencies if there are any emergencies there. The only new facilities are dialysis and the blood lab.

MS. BORGUS: Don't downplay dialysis for the emergency potential.

KAREN COX: I'm not. I'm just saying -- so the audience understands, it is my understanding that a good portion of the patients that are going to be coming to this facility already are coming to a facility in Chili.

JOHN NOWICKI: It has come to my attention, and I could be wrong, but hasn't the Gates Ambulance Service combined and joined now with Chili Ambulance Service?

JAMES MARTIN: Not that I know of.

STEVE HENDERSHOTT: No. They provide backup service.

JOHN NOWICKI: I thought they were together. Okay.

MS. BORGUS: I just don't want the -- um, naive maybe to believe that a dialysis unit is not very sick people. And any kind of an emergency can arise. It is not like you walk into family medicine for a sore throat. You aren't probably going to need an ambulance. But you have people that have serious renal problems, renal failure or they wouldn't be having dialysis. So don't downplay the pressure that we're going to have on our ambulance, and -- and the -- the emergency may be handled, but it is the taxpayers of this Town that may bear the brunt of it. Our bills for our ambulance and our Fire Department are very high now, and they just seem to escalate perpetually and I just want this Board to be aware that there will be another stress, whether you want to admit it or think about it. We can't ignore it. It's there.

JAMES MARTIN: I don't think we're downplaying it, Dorothy (Borgus).

MS. BORGUS: Um, seven on signage. The sign -- we were shown the only sign that is

going to be asked for on that property.

MR. BAKER: It's going --

JAMES MARTIN: Will there be any identifying signs on the building themselves or just the monument sign in the front? I mean obviously we have sign code in the Town. If the signage was going to exceed the requirements, then you will have to go to the Zoning Board for variances.

MR. BAKER: Right. Do you want to address that?

MR. VALLE: That will be the only, um, stand-alone sign. We obviously are required through the Health Department to have signage on the facility, doors on the facility and we'll meet all of those requirements, but that will not cause -- create any issues with regards to additional stand-alone signage. It's a Unity building, so we don't need signs directing folks -- it's fairly self-evident what is where in the facility.

JAMES MARTIN: Thank you.

MS. BORGUS: With regard to the parking spaces; um, they mentioned that the parking spaces are planned to be 9 by 18; is that correct?

JAMES MARTIN: That's correct, Lee (Sinsebox)?

MR. SINSEBOX: Yes.

MS. BORGUS: That's code?

JAMES MARTIN: You will require a variance for that, you know.

MR. SINSEBOX: Then they're not that dimension, because I think we tried to include it in the plans.

JAMES MARTIN: Our requirements, I believe, are 9 1/2.

KEN HURLEY: Mr. Chairman, the plan shows that they're 9 1/2 by 19 1/2.

JAMES MARTIN: Okay. That is your --

JOHN NOWICKI: That's compliant.

JAMES MARTIN: That is the final --

MR. SINSEBOX: Yes.

JAMES MARTIN: They're in compliance.

MR. SINSEBOX: We intended to be in compliance.

MS. BORGUS: Thank you. The other thing I would like to point out, the statement, I believe, Mr. Chairman, you asked if there had been any problems at the Ogden facility with the 106 spaces and the answer was no. However, they also said -- I believe it was 106?

KAREN COX: I thought it was 102.

MR. VALLE: 102.

MS. BORGUS: All right. 102. The point I would like to make, by their own statement that Ogden facility hasn't been opened very long, so I don't think we're looking at a very long test area to see if that is enough. I mean you're looking at another new facility, so there is really no track record to say that that is adequate. So they're really -- they will be very tight on that space, so whatever you give them is what they're going to have, and they're going to have -- we just don't need a problem later when there is no escape valve.

The delivery of supplies will go where? How will they come into the building?

JAMES MARTIN: You can answer that. Where will the supply vehicles deliver their materials?

MR. BAKER: Direct UPS drop-offs will probably come right to the front of the building and be dispersed, FedEx, UPS. Dialysis deliveries will be -- well -- where is that board right here?

It would come in, and this would be the area that would receive deliveries for dialysis (indicating). I don't know if everybody can see that.

MR. SINSEBOX: There is a parking space there that is striped out.

MR. BAKER: It is for delivery process.

DOROTHY BORGUS: Thank you. So where will the laboratory be in the building? If dialysis will be on the front corner, where is the laboratory?

MR. BAKER: Um, tentatively right now we're looking at this area right here (indicating), which is directly off the lobby area. And it's -- it's small in stature. I think there is only three -- three stations in there, where they take samples.

MS. BORGUS: I guess I would like to talk about medical waste. How and when is medical waste -- is red bag waste to be taken off site? How often do you take it?

JAMES MARTIN: I assume according to New York State Health Department regulations. Thank you.

MS. BORGUS: Because the Board should be aware that, um -- as -- as -- having managed sites like this, I'm aware of the problems. I know what can crop up, and dialysis generates a considerable amount of red bag waste. They must have a plan. If you don't mind, I would like to hear how often they plan on pickup.

JAMES MARTIN: Go ahead.

MR. HAGELBERG: If I may. I think the quick answer is that our lease with Unity will require that Unity comply with all State regulations regarding the disposal of medical waste and that's a -- that's obviously something that they're fully familiar with, and we're going to require that they do that as part of the leasing arrangement.

JAMES MARTIN: Thank you.

MS. BORGUS: Do you have an established storage area in the building for red bag waste between pickups?

JAMES MARTIN: You can answer that.

MR. BAKER: Yes. Actually, it's outside accessible. It has its own separate door. Typically, they have an independent contractor that picks up that waste, and I think right now it's twice a week.

MS. BORGUS: Thank you.

MR. BAKER: And they have -- that contractor has their own access to that door.

MS. BORGUS: Okay. So --

MR. BAKER: It will be a key to that door specifically.

MS. BORGUS: And on your drawing, where -- where would that entry be? On -- on the drawing to your building, the schematic of the building?

MR. BAKER: That would be right next to the door we were just showing you for delivery (indicating).

MS. BORGUS: On the corner there.

MR. BAKER: This is Chili Avenue. It is right next to it, so we condensed delivery and that into one general area.

MS. BORGUS: Good thinking.

The only other question I -- concern I had, again, was snow removal, and, um, I will say what I have said before in this Board meeting. I don't think that ponds were ever meant for snow storage.

If you have a lot of snow in the pond and then -- you have a sudden thaw, now you have your pond half full of ice and what have you. I don't think that is adequate.

And they all say that they're going to have it trucked away if they get an overabundance of snow, but that never seems to happen when the occasion arises.

JAMES MARTIN: You can comment on that if you care to.

MR. VALLE: The only thing I will say is -- is when we're serving a health care facility, there is very stringent, um, snowplowing requirements that they have, so we don't have a choice but to keep the parking lot clear. To the extent we have to remove the snow, that's --

MS. BORGUS: I only speak from experience having run these buildings, managed these buildings. I know what happens.

I guess my last point would be, the drainage, and I think that is a concern of this Board, too, that that is handled well. There is going to be significant runoff off this site, and I, frankly, have seen the Church's pond and overflow already, and it isn't that old. So I'm sure you're going to stay on that, because that will be a problem.

JAMES MARTIN: I'm sure the Town Engineer and David Lindsay and the engineering firms involved will stay on top of that.

MS. BORGUS: Thank you.

JAMES MARTIN: Thank you.

PASTOR REEVES: I just omitted one before. We certainly share our neighbors' concern regarding the speed down Chili Avenue. If there is ever anything we can do to participate and help facilitate a slower speed limit there, we would certainly be interested in doing that.

JAMES MARTIN: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: A couple of questions. What is the estimated value of the facility as designed to be built?

JAMES MARTIN: Is that something you care to answer at this time? If not --

MR. VALLE: I'm not clear exactly what the question is.

JAMES MARTIN: Well --

MR. RETTIG: Approximate estimated value of the building facility as designed to be built.

MR. VALLE: Oh, value. I thought he said volume. We -- it's not pertinent to -- I don't think.

JAMES MARTIN: Okay. Thank you.

Next question.

MR. RETTIG: Is this a sprinklered facility?

JAMES MARTIN: It has already been indicated it is a sprinklered facility.

MR. RETTIG: Thank you.

And as I heard answered to the other question, my assumption is that no hazardous waste or medical waste will be in the dumpsters; is that correct?

JAMES MARTIN: Well, according to State regulation, it can't be, so you're correct. It will not be in the dumpsters.

MR. RETTIG: Thank you.

JAMES MARTIN: Thank you.

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: Condition, I'm not sure. This came in with the package, the long form EAF.

KEN HURLEY: I have a copy of it now.

JAMES MARTIN: All right. What I would like to do for SEQR review is go through Part II, item by item, and we'll go through this. Please chime in, Board, as I go through these issues, and -- okay.

First one is will the proposed action result in physical change of the project site? Certainly yes is the answer to that, but I think that is a small, moderate impact as far as that goes.

Will there be an effect on any unique or unusual land forms found on the site: Cliffs, dooms, geological formations? I don't believe there are any, so the answer to that is no.

Impact on water. Will the proposed action affect any water body designated as protected under the Environmental Conservation Law? Examples: Developable areas that contain protected bodies of water, et cetera, et cetera.

Clearly the drainage issue needs to be addressed in full, but as far as this goes, I think there is not going to be any significant impact on water since you have to meet all of the MS-4 requirements.

Will the proposed action affect any non-protected existing or new body of water? No.

Will the proposed action affect surface or groundwater quality or quantity?

And, Ken (Hurley), you can chime in, too, if you feel any of these answers are inappropriate at this point in time.

As far as that goes, again, you're going to have to meet all of the -- all of the MS-4 requirements. I don't see anything in the specifics that would lead me to think that there is going to be any significant effect.

Ken (Hurley)?

KEN HURLEY: (Nodded no.)

JAMES MARTIN: Thank you. Will the proposed action alter drainage flow or patterns or surface water runoff? Possible is yes, but again, it will be a small to moderate impact.

The impact on air. Will the proposed action affect air quality? No.

Impact on plants and animals. Will the proposed action threaten endangered species? I don't believe there is any on the property.

KEN HURLEY: Actually, they indicated that it is in a rare animal zone. Generally in Chili when we get something that falls in that area, it is usually dealing with the bog turtle, and usually they're in the low lands, just off of stream banks and stuff, so I think this is high enough on land that it really wouldn't have any effect.

JAMES MARTIN: So no impact. Thank you.

Will the proposed action substantially affect non-threatened or non-endangered species? I don't believe it will.

Impact on agricultural land use resources. There is none in the area, so there the answer is no.

Impact on aesthetic resources? Will the proposed action affect aesthetic resources? I don't believe there is any aesthetic resources to be affected in the area. The answer is no.

Impact on historic and archeological resources? Um, I don't believe there was any evaluation required on this, so the answer is no.

Impact on open space and recreational. Will the proposed action affect the quantity and quality of the existing and future open spaces or recreational opportunities? I believe the answer is no to that.

Impact on critical environmental areas. Will the proposed action impact an exceptional or unique characteristic of a critical environmental area established pursuant to subdivision be-da-be-bodda-ba? I don't think there is any critical environmental areas on the site, so the answer is no.

Impact on transportation. Will there be an effect to existing transportation systems? Yes. There is going to be some additional traffic, but probably small to moderate impact would be my assessment of that.

Impact on energy. Will the proposed action affect the community sources of fuel or energy supply? Nothing significant.

Noise and odor impact. Will there be objectionable odors, noise or vibrations as a result of the proposed action? I do not believe there will be. We have talked about the generator, and I don't believe that there should be any significant impact as a result of the generator.

Impact on public health. Will the proposed action affect public health and safety? I do not believe it should affect public health and safety.

Impact on growth and character of community or neighborhood. Will the proposed action affect the character of the existing community? Um, it's within the zoning for the particular area. I don't believe that it should have any significant impact on the existing community.

Number 20, is there likely to be public controversy related to this potential -- to potential adverse environmental impacts. We had a Public Hearing. I don't think there was great consequence identified tonight. There is some tweaking that needs to occur, so the answer to that is no.

Okay. Based on a formal review of Part II of the EAF, um, I would like a motion that the Board accept that analysis as has been generated tonight, and that as a result of that, we find this to be -- we declare ourselves to be lead agency as to SEQR and based on this analysis and evidence that has been presented at this hearing, we find the application to be an unlisted action and of no significant environmental impact.

The Board all voted yes on the motion.

JAMES MARTIN: Okay. On the applications. We have got a load of conditions here. I know you paid your fee for final, but I'm not sure we're going to go in that direction tonight. There is a lot of outstanding issues that will need to be addressed, okay? Particularly in the drainage issues and some of those things.

MR. HAGELBERG: Is it your intent to handle the special use permit first and then move to site plan?

JAMES MARTIN: I will handle them separately, that's correct.

MR. HAGELBERG: Okay. Thank you.

JAMES MARTIN: I just -- just reviewing the site plan request for final.

All right. As far as conditions of approval, I will go through the ones I picked up first. The dumpster enclosure modified to board-on-board with the box around to be similar around in all aspects including the water table was the statement.

That we would require a full review by the Fire Marshal for the Town of Chili. That concrete sidewalk to be installed across the frontage of the property with easement to the Town, that is 5 foot concrete sidewalk across the frontage of the property, subject to Town Engineer and Commissioner of Public Works approval. The generator should be shielded by landscaped plantings.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: There were several included in the Commissioner of Public Works letter concerning, again, access easements and the storm water management activities around the pond. Certainly, any easements should be supplied to Department of Public Works and the Assistant Town Counsel for review. They need to be approved and, um, obviously then filed with the County Clerk's Office before we would sign the mylars. Obviously, Lee (Sinsebox), it should be noted on the mylar.

James Martin further reviewed proposed conditions with the Board.

JAMES MARTIN: So those are the conditions that will be imposed on both of the applications. Let's do the special use permit first. We have done SEQR. It applies to this. Those are the conditions that are going to apply.

Special use permit, again, really from a time perspective, once the building is up and running, you know, we can't really set a time limit on the special use permit.

PAT TINDALE: Mr. Chairman, can I interrupt for a minute? I needed to have the Conservation Board -- the prints, the revised prints submitted to us and I didn't hear you say that.

MR. HAGELBERG: Landscaping plans stamped by a landscaping architect.

MR. SINSEBOX: Three copies?

PAT TINDALE: I just need the corrections made we suggested on them and then we'll stamp them approved.

MR. SINSEBOX: I had a note that you need three copies additional.

JAMES MARTIN: Conservation Board requests copies of revised plans, right?

PAT TINDALE: (Nodded yes.)

JAMES MARTIN: Certainly evidence is 96 spaces will be adequate for their use.

I would make a motion that the Planning Board waive the requirement for the required number of parking spaces, and that the number offered as part of the site plan will be adequate for operation of the building or the facility. Do I have a second on that motion?

KAREN COX: Second.

The Board was unanimously in favor of the motion.

JAMES MARTIN: On preliminary site plan. There is enough outstanding issues that I don't think we want to go ahead with final tonight. You have paid your fee, so you don't have to pay it again, okay, but I think it would be probably premature to move ahead and do final at this point. So -- but on the preliminary site plan, given all of the conditions I have read --

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

1. There is no expiration date to this special use permit.
2. A full Fire Marshal review of the site plan is required.
3. The dumpster enclosure gates shall be modified to board on board and shall be stained a color consistent with the stated block material.
4. A five foot wide concrete sidewalk shall be installed across the entire frontage of the property, all necessary easements shall be provided to the Town.
5. The project is subject to final approval by the Commissioner of Public Works and the Town Engineer.

6. The generator pad area should be shielded by additional landscape plantings.
7. The Conservation Board requests copies of the modified landscape plan for final approval.
8. The Town will require that the property owner enter into a Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and that proper access easements are provided around each storm water management feature. The access easement(s) and the SWCFMA will need to be reviewed and approved by the Department of Public Works and the Planning Board attorney and then filed with the County Clerk's office prior to the signing of the mylar's. In addition, the illustrated pond does not appear to fully satisfy all the requirements of the NYS Storm Water Design Manual.
9. Detailed engineering plans, stamped by a NYS licensed engineer for the retaining wall need to be submitted to the Building Department and the Town Engineer prior to installation.
10. A Letter of Credit (LOC) may be required for the Phase II elements of this project. The LOC will need to be reviewed by the Town Engineer and the Department of Public Works and approved of by the Town Board prior to commencement of the project.
11. The Department of Public Works and the Town Engineer should be copied in on any correspondences with any other approving agencies.
12. If prepared the subsurface/soils report should be submitted to the Town and Town Engineer for review.
13. Upon completion of the project, the applicant shall submit a "Landscape Certificate of Compliance" to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan.
14. The applicant shall submit all signage details related to the project for final approval by the Building Department.

The Board reviewed the discrepancy between the required number of parking spaces and the proposed number of spaces provided in the site plan. Per Section 500-43 (C-11) of the Town Zoning Code, the Planning Board granted a waiver to the applicant allowing the reduced number of spaces.

JAMES MARTIN: Thank you again. Very well-detailed presentation. We look forward to continuing to work with you on this and hopefully come to some sort of a final completion on this project. Nice addition to Chili.

MR. HAGELBERG: Thank you all for your attention.

There was a recess in the meeting from 9:08 to 9:15 p.m.

INFORMAL:

1. Application of Hanes Supply, c/o John Carr, 10 Cairn Street, Rochester, New York, 14611, property owner: 20 Jetview Holdings LLC; for final site plan approval to install a parking lot for approximately 30 vehicles at property located at 20 Jet View Drive in LI zone.

John Carr and Richard Stryker were present on behalf of Hanes Supply.

MR. CARR: We're here tonight for our final site plan approval. We have met all of the requirements that you have asked.

JAMES MARTIN: I believe the major issue the last time was dealing with the Conservation Board who approved the landscape design, and a couple of things with the Town Engineer, so there was some comments that came in that any necessary variances, their disposition should be listed on the plan. Okay?

Then standard site design information including area disturbance should also be added to the plan. Has that been taken care of at this point?

MR. CARR: I didn't hear any of those comments.

JAMES MARTIN: You didn't get those comments.

KEN HURLEY: Those comments were on David Lindsay's?

JAMES MARTIN: Yes.

KEN HURLEY: He, David (Lindsay) -- I didn't actually -- I didn't have those on mine.

JAMES MARTIN: So where do we stand on that? Before we sign anything, they will need to be added.

MR. CARR: What were the variances and the comments?

JAMES MARTIN: I believe it was front parking, right? We had --

MR. CARR: We were approved on that.

JAMES MARTIN: You were approved. The Zoning Board gave you the approval. Just a variance --

MR. CARR: Right.

JAMES MARTIN: Just, you know, disposition. You were granted the approval, all right, for the front parking.

Pat (Tindale), landscaping plan?

PAT TINDALE: That's -- my comments were all on the -- I don't know. One of our Board members said it only said one year, and I did not check it out. It is a two-year warranty on all plant materials so everything is fine. I got -- prints were stamped and sent.

MR. STRYKER: We have them. Thank you.

JAMES MARTIN: Pat (Tindale) just said there was a comment before that was wrong, that it was two-year --

MR. CARR: Right. Right.

PAT TINDALE: So we need that corrected.

JAMES MARTIN: So we all square on that?

PAT TINDALE: Yes, it's fine.

JAMES MARTIN: One of the things we'll ask for, as a new policy, is condition of final approval will be that you submit a landscape certificate of compliance to the Building Department from a landscaping architect certifying that all of the approved plantings have been furnished and installed in compliance with your landscaping plan. So a letter, a certificate of compliance.

MR. CARR: As-built, more or less?

JAMES MARTIN: Just to certify that everything has been done according to your plan, okay?

MR. CARR: Okay.

JAMES MARTIN: There is a question about -- the parking area will be used during none-daylight hours?

MR. STRYKER: No.

MR. CARR: That was noted on the site plan.

JAMES MARTIN: Thanks. That takes care of that.

Ken Hurley, I'm a little confused on David (Lindsay)'s Number 5, supporting calculations for proposed retaining wall be submitted to the Town Engineer and the Department of Public Works, and then it says the retaining wall design has been stamped and signed by a New York State licensed engineer. If they have it submitted stamped and signed by the licensed engineer -- have you had a chance to see that?

KEN HURLEY: No, I haven't seen that yet.

MR. CARR: We -- I have a copy of it. I did fax -- or I -- I faxed it over to Dave Lindsay. I can show you a copy of it.

KEN HURLEY: They have a requirement to provide retaining walls 4 feet or higher that you submit the design calculations, the basis for it, which usually involves some kind of soil test to verify the soil conditions.

MR. CARR: We were just told we need a -- need a professional engineer to -- to stamp the drawing.

KEN HURLEY: Yes. But we need something to review. We're basically -- we can't sit there and redesign it to see if it works or not. We need the person who designed it and signed off on it to give us their calculations showing it works. We verify his calculations. We don't do our own to verify that works.

MR. CARR: I understand. So we go back to the professional engineer and ask him for his calculations and --

KAREN COX: Presumably if he or she stamped it, they have done calculations.

MR. CARR: This is a stamped --

JAMES MARTIN: It's going to be subject still to Town Engineer and Commissioner of Public Works approval and that will be part of that process, okay, to get that information.

MR. CARR: All right.

JAMES MARTIN: That's all of the issues I have.

STEVE HENDERSHOTT: I don't have any.

KAREN COX: I don't either.

JAMES MARTIN: So we did SEQR at preliminary. I have a couple of things.

James Martin reviewed the proposed conditions with the Board.

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

1. Subject to Town Engineer and Commissioner of Public Works approval.

2. All previous conditions remain in effect.
3. Upon completion of the project, the applicant shall submit a "Landscape Certificate of Compliance" to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

The meeting was adjourned at 9:18 p.m.