

CHILI PLANNING BOARD  
July 10, 2007

A meeting of the Chili Planning Board was held on July 10, 2007 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: George Brinkwart, Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Chris Karelus, Building Department Manager; David Lindsay, Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative.

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

PUBLIC HEARINGS:

1. Application of Hilton Enterprises, c/o Daniel Elstein, 3187 Bellevue Avenue, Syracuse, New York 13219 for conditional use permit to allow professional offices in existing building at property located at 4201 Buffalo Road in N.B. zone.

Ryan Gage was present to represent the application.

JIM POWERS: Mr. Chairman, may I recuse myself?

JAMES MARTIN: Mr. Powers, you can recuse yourself from this.

MR. GAGE: Ryan Gage located at 91 West Forest Drive. I am the real estate salesperson representing Dr. Elstein. He is from Long Island and he couldn't make it up for something like this.

Basically, the building has sat vacant since somewhere between '01 and '03. It was built out as a high-end medical suite. We believe -- I believe for Unity Health, and it's -- I don't believe it has ever gotten any approvals for that use, but the rest of the complex is all on conditional uses. And we have been marketing it since October with no other interests other than a professional doctor's office. And the doctor, Dr. Henry Pasco here from Churchville, New York, just up the street, would like to move his practice in there. And the vacant 2,000 square feet part of the building he would like to make into a small conference center. That's basically the gist of it.

JAMES MARTIN: Is the interior currently set up for a medical office?

MR. GAGE: Yes. I have the site -- the floor plan right here.

JAMES MARTIN: Could you put something on the board so everybody can see it, please?

MR. GAGE: Yep.

The plan is to turn half of this into a conference room and some more small offices up here (indicating). It's a pretty simple plan.

JAMES MARTIN: And the remainder of the building already has exam rooms?

MR. GAGE: This is all built out (indicating).

JOHN NOWICKI: Vacant.

MR. GAGE: '03 is the only time we found electrical records. The complex -- it has been in kind of financial disrepair, I guess you could put it. He partnered with another gentleman that went bankrupt, and he's from Long Island. He really doesn't know a whole lot about the project other than it's costing him money now and he doesn't want it anymore, obviously.

JOHN NOWICKI: When you say "he," who is he?

MR. GAGE: Dr. Daniel Elstein from Long Island. He has a Property Manager out of Syracuse who runs the complex.

JOHN NOWICKI: When you say "the complex," just this one building?

MR. GAGE: There are three buildings within the complex.

JOHN NOWICKI: It has been subdivided off the other parts of the project?

MR. GAGE: No. The plan is for it to be subdivided at a later meeting. We just want to make sure this use is permitted before we go --

JAMES MARTIN: So the three buildings on the aerial that you sent us, somebody sent us, one is a Sheriff's substation?

MR. GAGE: Yes. And the other is the day care center.

JAMES MARTIN: The third building would be the medical office.

JOHN NOWICKI: Those three buildings are all owned by this Dr. Elstein?

MR. GAGE: Yes. Under Hilton Enterprises.

JOHN NOWICKI: By himself he owns it?

MR. GAGE: Yes. He came to an agreement with the bank and basically settled -- because the other gentleman went bankrupt, he took it out of -- before it went to foreclosure, he bought him out.

JOHN NOWICKI: But do you know if a deed has been filed to separate that property from the rest of the project?

MR. GAGE: No. We're not trying to separate it yet. We're just trying to get the conditional use permit passed first and then the next meeting, if we can get the subdivision.

JOHN NOWICKI: You're talking about all three buildings?

MR. GAGE: Yes.

JOHN NOWICKI: It has not been subdivided off?

MR. GAGE: No. It is all one tax parcel currently. The owner doesn't want to pay for a subdivision if the conditional use is not passed, so he wants to --

JOHN NOWICKI: Let me ask you a question. The Substation C that is there, what is the status of that and how much longer do they have to stay there? What is their term of lease? What is the intention there? What about the day care center?

MR. GAGE: He plans on retaining those two buildings. He has no intentions of -- I have asked if he would like to market those also. He has no intentions of selling. He wants to keep those buildings.

JOHN NOWICKI: That is not my question.

MR. GAGE: I don't know the leases. He -- he is very hard to discuss things with. He is very --

JOHN NOWICKI: Then he should be here tonight to answer and address these questions. We should have answers to these questions. I want to know why that piece of land is not subdivided off the other parcel.

JAMES MARTIN: Which are you talking about?

JOHN NOWICKI: He is saying there are three buildings here that Dr. Elstein owns.

KAREN COX: They're one parcel.

MR. GAGE: One parcel.

JOHN HELLABY: They're all sitting on the same parcel.

KAREN COX: He leases those out to the businesses.

JOHN NOWICKI: But my question is, is there a map filed for those three buildings indicating the property lines on that? Is that one parcel? Or are these three buildings separated?

DR. PASCO: It is one parcel because you --

JAMES MARTIN: Name.

DR. PASCO: Henry Pasco. I'm the physician proposing to purchase this building.

Dr. Elstein wanted to lease to it me, but I preferred to purchase it, and therefore, we need to get approval from the variance board. And if that happens, then it will be subdivided off because of significant engineering fees in dividing it off. But we didn't -- I didn't want to purchase it unless we had that prior approval. I didn't want to purchase a building that I couldn't use.

JOHN HELLABY: So the understanding is why move forward without tonight's approval saying that it is a --

MR. GAGE: That it is an okay use.

DR. PASCO: I would be buying a building on speculation.

KAREN COX: Well, would this -- this -- this complex, was it built when the Mayflower complex was built and was it part of that original approval? I --

JOHN NOWICKI: I know it. That is what I am trying to find out.

KAREN COX: That has been there for years. My kids went to day care there when they were babies.

JOHN NOWICKI: The other buildings in that project are houses -- the Mayflower Village project are houses and townhouses. I don't think there are any apartments in there.

JAMES MARTIN: I can ask Mr. Powers because he is in the audience at that point.

It is primarily townhouses in that Mayflower Village at this time; is that correct?

JIM POWERS: Basically probably more patio homes.

JOHN NOWICKI: They're all originally owned.

JIM POWERS: But this particular parcel that you're discussing tonight I believe is a separate tax account number:

JAMES MARTIN: It is separate from the patio home area of the property?

JIM POWERS: Yep.

JOHN NOWICKI: With the three buildings on it. So the three buildings are on one tax account number?

KAREN COX: Yes. The applicant said that.

JAMES MARTIN: That clarifies that.

Comment from the Fire Marshal. If there is intention to use that portion as a conference area, it has to have two entrances and exits for safety purposes. I think there is only one shown on the current -- you know, that we could ascertain from that drawing, okay. There is no way it could be used for a conference room without having multiple entrance/exit capability.

MR. GAGE: There currently is a door in the rear. I don't know if it is shown on there.

DR. PASCO: I don't think it shows on the drawing.

MR. GAGE: It is not shown on the drawing, but there is another exit located here (indicating).

JAMES MARTIN: If this goes through, it will be subject to Fire Marshal inspection anyway, so I mean -- and I noted that capacity is 99. So Fire Marshal's ruling on that is the

building would not have to be sprinklered if it is under 100. So...

That is all I have got.

KAREN COX: You mentioned in your letter that you intend to -- maybe I'm wrong -- lease the conference room for non-profit groups. Does that mean you will charge a small fee and you can lease it?

DR. PASCO: Right. For music recitals from Roberts Wesleyan. My children do them. They have a hard time finding a place for a recital. They could use it say on a Sunday afternoon or something like that. But we would also -- as I mentioned in the letter, we would probably have some lectures to the community in a way to have recognition of the practice there, and so -- it would be self-serving.

KAREN COX: You will be the one -- is it going to be a group practice?

DR. PASCO: It will be a practice. Another physician from Perinton that will be joining me there.

JOHN HELLABY: So it is two physicians that you plan on operating with for the time being?

DR. PASCO: Two physicians and a physician's assistant and a nurse practitioner.

JOHN HELLABY: So there are four. Number of patients at any one given time?

DR. PASCO: Probably about six at a time.

JOHN HELLABY: Ten possibly in the building at any one time?

DR. PASCO: No. Probably about 17 at a time.

JOHN HELLABY: I guess what I am leading up to, and I don't mean to steal the engineer's thunder, but I was thinking about the parking. What will that do with the existing parking? I don't know how much is utilized with the day care and the Sheriff's Department and whatnot presently.

DR. PASCO: Ryan (Gage) has some drawings.

MR. GAGE: I received a letter only a few days ago because of the vacation, the holiday. I put together -- I counted -- I spoke with the station clerk of the police station, and the manager that happened to be at the day care center, asking how many employees and spaces they use. I kind of put it in a little diagram.

KAREN COX: The only reason I know this, because, like I said, my kids went to that day care since they were babies. Certain times of the day, 7:00 to 8 -- say 6:30 to 7:30 and 4:30 to 5:00, the volume is really heavy of parents picking kids up. But I am assuming that would not conflict with your office.

DR. PASCO: Not the morning time. The afternoon might. We would be finishing up at that point.

JOHN HELLABY: So overall, in generality, you have twice the parking you feel you need?

MR. GAGE: Yes. There would be plenty of vacant parking spots.

JOHN HELLABY: Hours of operation?

DR. PASCO: Probably 8:30 to 5:00, Monday through Friday.

JOHN HELLABY: Any changes to the facade of the building outside?

DR. PASCO: Um, no.

JOHN HELLABY: That's all I got right now.

JOHN NOWICKI: It is indicated on here it is not in a drainage district. Why is that?

JAMES MARTIN: We caught that. It is in a drainage district.

JOHN NOWICKI: It is in the drainage district.

You said the Fire Marshal has checked this out?

JAMES MARTIN: His comment based at the DRC meeting was the second doorway, access to the conference room area. That was the only comment he had. Plus we did talk about a sprinkler system and he indicated it was not required under current code.

JOHN NOWICKI: I just want to make sure I am clear on this. It is a single tax account number; there are three buildings.

MR. GAGE: Yes.

JOHN NOWICKI: The three buildings are owned by Hilton Enterprises, Incorporated.

MR. GAGE: Yes.

JOHN NOWICKI: Out of Syracuse, New York.

MR. GAGE: Uh-huh.

JOHN NOWICKI: Do they manage these facilities themselves and they provide for the maintenance and upkeep of the buildings?

MR. GAGE: The Property Manager is out of Syracuse. I'm not 100 percent sure if -- I don't believe they send one -- someone from Syracuse. I think they contract out local companies, you know, to handle the lawn and such. And I know the -- the owner is from down state and he uses the Syracuse office -- the Property Manager pays all of the taxes, handles everything. I always go to the Property Manager for questions, because the owner is -- he is not readily available. He is a retired man. He's -- he's on vacation a lot, and it --

JOHN NOWICKI: The Property Manager is out of Syracuse?

MR. GAGE: Yes.

JOHN NOWICKI: We would like to have that information supplied to the Building Department.

KAREN COX: The contact.

JOHN NOWICKI: Yes. The contacts and phone numbers for the property maintenance.

MR. GAGE: Okay.

JOHN NOWICKI: Just one more -- again, you don't -- you're not aware of how long that contract is with the substation?

MR. GAGE: No. I have no idea.

JOHN NOWICKI: Because there has been some indication they might be moving out of there, the Sheriff's Department.

MR. GAGE: I'm not aware of that at all. The only discussions I had with the owner regarding those two buildings is asking if he would like me to market them at all, and his comments were "absolutely not." Because there was -- there was some little interest from Roberts Wesleyan in the complex at one point in time, and they were kind of interested in the whole complex, and he wanted nothing to do with that. So...

KAREN COX: Wow. That is too bad.

JOHN NOWICKI: Okay.

JOHN HELLABY: Can I jump in? One more thing. Just looking at the original aerial, I guess I was looking at the wrong building. I see it is now the one on the back side.

MR. GAGE: Uh-huh.

JOHN HELLABY: You spoke about subdividing that out of there if you can get the conditional use tonight. What is your intent for property lines around that to get road frontage and whatnot not to lock that piece in there?

DR. PASCO: We have a cross easement on the driveway, so we have access to the road there.

Ryan (Gage), do you have the drawings of how it is being divided off?

JOHN HELLABY: That's fine, you can have cross access to have the paved parking area, but you need to have road front and access somewhere. And I'm not sure where you are going to get that from, looking at that.

DR. PASCO: There is a little bit on that -- on the street that kind of curves around.

JOHN HELLABY: So you're coming down to the street in the bottom is what you're saying, cutting it off that way?

DR. PASCO: Uh-huh. The green area below the proposed office.

JOHN HELLABY: You will have a tough time meeting the frontage requirements. I don't know what they are off the top of my head.

KAREN COX: Is that a driveway on the south --

MR. GAGE: It was for when they were constructing the complex. This actually is an easement for drainage.

KAREN COX: I'm talking about this (indicating).

JOHN HELLABY: The road at the bottom.

MR. GAGE: I think it was once when they built the complex, but it has since been -- it is decommissioned.

KAREN COX: Do you know why it is?

DR. PASCO: It would be nice to put a driveway in there. Is that something that your Board could approve, have another access?

JOHN NOWICKI: I want to go back and review this.

JAMES MARTIN: If we have a site plan, knowing where the current properties lines were -- are, I should say, it would be helpful to us. I agree, I mean subdividing that building off, you know, we can run into some setback issues and --

KAREN COX: Well, it would make traffic flow a whole lot better over there, having experienced what it is like when it is busy.

JAMES MARTIN: Okay. Well, but that is not happening right now.

MR. GAGE: No. I have already contacted a couple of civil engineers to conduct a subdivision and I'm sure this is problems that they're going to run into. I don't have the knowledge of frontage and all of the requirements within the Town.

JAMES MARTIN: Well, just be sure they look at our code book.

MR. GAGE: Okay. Thank you.

JOHN NOWICKI: Probably ought to check the original approved site drawing to see if that was ever connected. And what happened. If it was connected, what happened and why it was taken out.

KAREN COX: I know when they built the parking lot --

JOHN NOWICKI: It looks like it was connected at one time.

KAREN COX: For construction it was, but then it got closed off.

DARIO MARCHIONI: You said this building presently is empty?

MR. GAGE: Yes. I found electrical records from RG&E in 2003, but there has been --

DARIO MARCHIONI: I'm glad it is going to be occupied. Good luck, sir. That's all I have.

KEITH O'TOOLE: Just a comment. The Town Code requires frontage of 40 feet for every subdivision.

I guess if parking is a concern, the Board -- I would be kind of concerned how you would issue a conditional use permit without seeing the boundary lines, parking stalls or anything like that. Perhaps you make the conditional use permit subject to site plan approval. Nothing further.

JAMES MARTIN: You cautioning us to move carefully on this at this point in lieu of not having that information?

KEITH O'TOOLE: You may wish to.

DR. PASCO: With the aerial photo, you can see where the parking spaces are. I know you prefer a drawing, but it is pretty delineated there.

KEITH O'TOOLE: As I understand it, we have a three-building office campus, and there is some sort of an easement agreement. Where its boundaries are, we know not where. And having all that graphically delineated would certainly be helpful showing us what land they propose -- even if it was a sketch at this point, what land they propose to buy, what the lot dimensions would be roughly, what parking stalls are dedicated to their parcel and if not dedicated, what parking stalls can they use in common with the other property owners. Certainly when you add up all of the parking demand, it has to fit within the available parking spaces, I would think.

MR. GAGE: Um, our contract that we have negotiated and come to agree upon, the lots could be shared interchangeably, which from my understanding is very common in office complexes when they are split like this, but this meeting we're not trying to subdivide it. And I feel that's kind of not completely pertinent to, you know, getting -- it should be looked at if he was leasing this, can this use -- this building be used for this use is what we're asking before we spend, you know, 4 or \$5,000 on a subdivision when the use isn't --

JOHN HELLABY: If all he is worried about seeing is if we allow it, could we make it contingent on site plan approval?

KAREN COX: That's what he suggested.

KEITH O'TOOLE: Yes.

KAREN COX: I'm comfortable with that.

CHRIS KARELUS: Echo the second means of egress from the Fire Marshal's office. That needs to be evaluated and the conditional use would be contingent on Fire Marshal's approval.

What also runs off of Keith (O'Toole)'s comment, the access easement agreement, not only that, but with this type of transaction, you're sharing parking, so when those two issues are resolved, and whatever stage it is at in the process, we ask the Building Department be copied on those documents filed. Also to have a copy of the existing and post construction, post redevelopment parking study that has been provided.

JAMES MARTIN: Just to go back to you for a second Keith (O'Toole), would you like to see the easement agreement between all parties as far as this shared parking facility goes?

KEITH O'TOOLE: I certainly would like to see the agreement, the document itself, but I would also like to see it graphically boxed out on the site. We have heard a number of comments, which it is difficult to identify the exact location where this may cover. We have also had discussion about multiple ingress and egress points and it is unclear whether the Board requires the one, the two, and if so, do they have the second one and is that covered by the agreement?

MR. GAGE: I have the contract that we have agreed upon for the subdivision, but it is all -- it's basically the drawings of the parties before anyone has looked at -- like, before -- we went to the subdivision, so they're obviously subject to be -- they will be moved around to fit within the Town requirements, which, you know, we're just waiting to get this approval to go to the next stage and basically -- the gentleman I am representing is willing to pay, you know, the 4 or \$5,000, but he can't unless we have this use, and Henry (Pasco) knows that he is going to move forward with purchasing this building, within the use.

KEITH O'TOOLE: I guess the concern that I have is, why are we doing this separately? I mean the code says professional offices are conditional use in this district. This is not a difficult one. I mean medical offices are professional offices. If all of the applicant is looking for is a nod on that point --

MR. GAGE: That's it.

KEITH O'TOOLE: -- then great. But I don't think you hand out the conditional use permit without something more because the conditional use permit is, in essence, saying use functions based on what they provided us. Well, they have not provided us with a fair amount of pertinent data, which is why I suggested perhaps the permit be made conditioned on site plan approval.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Mr. Martin, thank you very much, members of the Planning Board. I just went up and looked at the map. One thing that surprises me, I didn't see it identified, one individual road in the Town of Chili at the map. In other words, that could be on the east side, west side, north side and south side of the community, and where would we know where it was located?

JAMES MARTIN: Well, we can certainly --

MR. GAGE: I can give him --

JAMES MARTIN: Pin that up there, Karen (Cox).

JAMES MARTIN: Moved to close.

JOHN NOWICKI: Second.

The Public Hearing for this application was closed at this time.

JAMES MARTIN: Obviously we have things a little mixed up here from the standpoint of where we want to go with this. Clearly having a site plan in front of us so we know exactly what is going on with the property, all right, what the proposal is, a potential splitting off of this particular building, what other issues might we be dealing with as a result of that has probably put us in a little bit of a position here where I think we just need more information, all right?

Certainly it is a conditionally permitted use for the zoning. There is no question about that, but based on the comments that you brought forth tonight about future plans, I feel that we need more information to really make a final decision on this.

MR. GAGE: Basically, the reason I came here, obviously, was the owner basically said, you know, \$250 I can part way with, but he just wants to know, and I'm sure Henry (Pasco) wants to know, if everything were -- we were to go forward to get our subdivision, is this something that this Board would approve. We don't want to invest \$5,000 into a subdivision and all these engineer's fees and then, you know, the Town says, "We don't want a doctor's office in there," and that is basically what --

JAMES MARTIN: I know. Well, we have a chicken-and-egg situation, obviously. I mean I can't sit here and say you come back again with all your I's dotted, you will get approval, but we can say certainly this is a conditionally permitted use in this zoning. Given that we do have all of the proper information in front of us, it could be approved. I mean I can't sit here and tell you yes at this point. I would be -- you know, I would be derelict in my duty to do that.

So I think you have taken notes on what you're supposed to do at this point in time. I think number one, certainly we need the site plan. Supply the property management information to the Building Department. You will get all of this in a copy of a letter that I will send to you. We need a site plan. I'm sorry if Hilton Enterprises, you know, doesn't want to spend the money, but that is too bad. We need the information, okay?

And then take a look at your building drawing and figure out where you're going to provide that second egress access point to the conference room area.

Did I forget anything?

MR. GAGE: The door is already there.

JAMES MARTIN: Well, show it on the plan. That is all we're saying.

MR. GAGE: So I have to get like a contractor to draw that?

KAREN COX: No. You can just draw it.

JOHN HELLABY: Show it on the floor plan.

KAREN COX: Use the same symbol as the other door.

JAMES MARTIN: I think where we're headed is probably tabling tonight. If you do your homework and get this done, you can be back for the next meeting and then we can address this. So I am going to make a motion that we table this pending that additional information, that it should be provided to this Board in order to make a final decision on the conditional use permit application.

JOHN NOWICKI: Second.

DECISION: Tabled by a vote of 6 yes with 1 abstention (James Powers) until the August 14, 2007 meeting. The application was tabled pending the completion of the following items:

1. Supply property manager information to the Building Department of the Town of Chili.
  2. An up-to-date site plan should be prepared and supplied to the Planning Board.
  3. Provide a copy of all easement agreements to the Assistant Town Counsel.
  4. A second access/egress point must be provided for conference room use and shown on the building diagram.
2. Application of Performance Paintball, Inc., c/o Chris Martello, 1250 Scottsville Road, Rochester, New York 14624 for conditional use permit to allow a paintball field at property located at 200 Air Park Drive in G.B. zone.
  3. Application of Performance Paintball, Inc., c/o Chris Martello, 1250 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to allow an outdoor paintball field at property located at 200 Air Park Drive in G.B. zone.

Chris Martello was present to represent the application.

MR. MARTELLO: Good evening. I'm Chris Martello. We have spoken before. I would like to erect a paint ball field behind -- on Air Park Drive. The main road is Scottsville Road. Air Park Drive runs parallel to Scottsville Road. You can see from the site plan that I have given you.

It's a temporary facility. I'm looking to put six telephone poles in the ground. It is a temporary use. There is going to be no concrete used; holes used, poles put in, cabling used to put the poles in place. The netting which is being used -- the main reason we're putting the poles in the ground is to protect property. Although Management has said don't even bother with the poles, I know a little bit more than Management. We need the poles in the ground to protect the property. The poles are used for netting.

The netting that is going to be used is certified netting to protect the paint balls from leaving the arena. They will be 15 feet high. That is why the poles are as high as they are. The

netting will not be up 24 hours a day, 7 days a week. The netting will be used on come-alongs and raised and lowered during field operation.

Field operation will only be used on weekends during daylight hours and potentially maybe if we have approval to have something happen after 4:00 in the evening if we needed to have something then. Other than that, that all comes from property management.

KAREN COX: Is that what you mean when you say the poles are in as a temporary measure?

MR. MARTELLO: They could be in the -- in the sense of it is not a building that would need to be demolished. When we're done, the poles go. They're in the dirt.

KAREN COX: This is going to be a seasonal thing?

MR. MARTELLO: Seasonal use only.

JIM POWERS: Is there any problem with the fact that this sits right smack dab on an easement to the City of Rochester and County of Monroe storm sewer?

JOHN HELLABY: It's not a structure.

JIM POWERS: There are a lot of things on that easement. If you go all of the way up to Scottsville Road...

JAMES MARTIN: Has that been investigated?

KAREN COX: Is that where the GCO --

JOHN HELLABY: Out-fall.

KAREN COX: -- out-fall goes? So those buildings would have pre-dated the easement.

JAMES MARTIN: Have you had any contact with the Pure Waters regarding the fact that, you know, the fields -- I mean it is just going to be an empty field, correct?

MR. MARTELLO: That is correct. I have had the Department of Water in there. Prior to this I have had RG&E -- all because of digging, to make sure there was nothing where we planned on putting the poles. So the Dig New York crew has already been there, but that was months and months ago. We have to have them come back in, but we had everybody on site already.

KAREN COX: Doing test pits.

MR. MARTELLO: To paint the lines, we had a general idea where we wanted the field to go, but they came in to make their measurements to make sure there was nothing under the ground where we want to dig and that there wouldn't be any problems.

JAMES MARTIN: Well, if they had to dig, it is just grass on top.

As far as you know -- if you have any letter agreement from the current property owners, you know, regarding your activity, hours of operation?

MR. MARTELLO: Yes. What they're doing is they have that in the lease. They are providing me that in a lease. I'm leasing that land there, and I am also leasing -- I can -- well, it is tough to even see. It is -- let's see here. In this main building, which is the 1250 Scottsville Road, there is a parcel right here (indicating) that comes with these parking spaces (indicating) and we're renting that space, as well, because we're not putting any bath -- any Port-O-Johns out there. We want to keep everything looking essentially just as a vacant field. On weekends there are some nets there where people are playing paint ball. Bathroom, we're renting space for all of the operations.

JAMES MARTIN: Okay. So I think we have covered this the last time, there are bathroom facilities.

MR. MARTELLO: Inside the building, that's correct. That is where the lease comes. The lease is saying -- the lease is saying, you can have -- Chris (Martello), you can have this paint ball field and the space, contingent upon these are your hours of operation, this is what is going on, you need to have insurance, all of that, all of the stuff that comes in a lease. They're very specific to me on that. This --

KAREN COX: Do people rent the facility out to -- you know, is it like a team thing with --

MR. MARTELLO: No. They can rent for private parties, but it -- but it is run by us. They just don't -- don't go out and play without us. We have to have referees and representatives from us that are on site because of insurance regulations.

JAMES MARTIN: Keith (O'Toole), is there any need for you to see the lease agreement for the property owners?

KEITH O'TOOLE: I'm not sure I need to see the lease agreement. I -- judging on -- based on the gentleman's letter, his site actually spreads over 200 Air Park Drive, as well as buildings 1250 and 1260. There should be some evidence that they have the authority to use all of these spaces.

MR. MARTELLO: Are you referring to parking spaces?

KEITH O'TOOLE: Whatever portions of those buildings on the site that you're going to be using. Certainly, you may be leasing 200, but you need to have the right to use these other places, otherwise the representations that you're making to the Board aren't going to hold up.

MR. MARTELLO: So when they put the specific lease together, they should be specific in the lease of what --

KEITH O'TOOLE: That you have the right to use 200. That you have the right to use inside 1250, because you said you --

MR. MARTELLO: Right.

KEITH O'TOOLE: Because of the bathrooms, the retail space, the office space. That you have the right to use the parking that you have called out in your letter at the various other locations.

MR. MARTELLO: Okay.

JAMES MARTIN: I'm just going to basically say provide a copy of the lease indicating that the applicant, you know, has the right to use all of the space and facilities as outlined in your letter of intent. Okay?

JOHN NOWICKI: So what you're saying is we're effectively asking for a copy of the lease?

KEITH O'TOOLE: That would be one way of doing it, certainly.

JOHN NOWICKI: Because you will be leasing space from the building for your equipment, and the bathroom facilities.

Are you having space in 1260? 1260? Or just 1250?

MR. MARTELLO: That is 1250.

JOHN NOWICKI: 1250.

Then you will have the parking arrangements there for the cars?

MR. MARTELLO: That's correct.

JOHN NOWICKI: Plus the field for the operation?

MR. MARTELLO: That's correct.

JOHN NOWICKI: In the lease agreement, I would imagine you would have to provide liability insurance and insurance on the property?

MR. MARTELLO: That's correct. I have that right now for -- I have space there now that I rent for the retail store. This is different space I'm renting for field operations. So they -- they -- but now I am increasing the insurance for field operations. Right now it is just generally liability.

JOHN HELLABY: You say your present store is in here (indicating)?

MR. MARTELLO: Yes.

JOHN HELLABY: Where is it located presently?

MR. MARTELLO: Right -- it's in the same building I pointed to, 1250.

JOHN HELLABY: Tell me one more time how this process works. Somebody comes in and buy a box of paint balls and says, "Hey, I would like to try out my gun. Can I go back?" Or is it a deal that groups all come at the same time, all leave at the same time?

MR. MARTELLO: Are you talking about the field itself?

JOHN HELLABY: Walk me through how this process works.

MR. MARTELLO: The way it works, people show up on these times. They're set up as open play times, and you come at certain time for open play. Open play means anybody shows up to play.

JOHN HELLABY: There is no guarantee. You might have 2, you might have 20?

MR. MARTELLO: That's correct. That's just what open play is. They show up, they buy balls, they pay a field fee and we sign waivers. The waivers are they are signing their life away, essentially, for the liability. It shows the -- for the insurance regulations. And then the -- they get a safety briefing from the referees.

The referees take them out to the field and they chronograph their markers, which is we make sure each one of the markers shoots at the right speed, not higher than what the field allows, what the insurance regulation allows.

JOHN HELLABY: Referees work for?

MR. MARTELLO: They work for me. They're trained by me. They're certified referees because of insurance regulations. After the -- all of the markers are chronographed, you can split up teams and three, two, one, go and they play.

JOHN HELLABY: So there is no -- what about tournament situations or is it always just open play?

MR. MARTELLO: If we decide to hold a tournament, we can hold a tournament there, as well, and just say this time of day is now blocked off for tournament play. The same situation arises for tournaments. Teams they come in, they pay an extra fee, they buy paint, and they're on a schedule of who plays who.

JOHN HELLABY: The whole field, if I remember correctly, is set up with plastic sewer pipe stuff that is moveable, no straw bales.

MR. MARTELLO: No tires, no, nothing. Just the corrugated pipe. Which, unfortunately for me, is going to be expensive. I'm sitting on three air ball fields right now that I could use, but I don't want to use them because the balls do a lot of bouncing off them and I don't want the balls to bounce over the nets. That is why I'm going with the corrugated pipe.

JOHN HELLABY: You're saying the mesh is tight enough?

MR. MARTELLO: So the balls won't go through.

JOHN HELLABY: But the paint --

MR. MARTELLO: The paint can splatter through. When you lay out the netting, you also lay out a safety line, which people, they can stand -- you can't stand up at the net and watch. That is a line you can't cross. When people are looking, you can't cross that line.

KAREN COX: Don't think most people would intentionally shoot at the net because they have paid for the paint balls.

JOHN HELLABY: You're bound to hit it one way or another if you miss the target.

MR. MARTELLO: It is not usually directly shooting at the net.

JOHN HELLABY: My biggest concern is who cleans up this mess and if it doesn't get cleaned up, how does it dissipate and what is it doing to the environment if it is leeching in the ground?

MR. MARTELLO: The balls are gelatin. They're gel caps. The paint is all biodegradable.

JOHN HELLABY: I have seen some of these places that are a disaster.



MR. MARTELLO: I know what you have seen. There's a big mystery here. Most of the people have seen indoor facilities. Outdoor facilities are completely different because you can wash things down. Indoor facilities, where does the water go, where does the stuff go?

JOHN HELLABY: But are these things biodegradable?

MR. MARTELLO: Yes. They just wash away. I have people come in the store all of the time asking, "What do you do with the stuff?" And I tell them it just washes away.

JIM POWERS: It will wash off my car?

MR. MARTELLO: It should wash off your car. There is nothing really there. It is just -- if you have ever been -- I have a friend who -- I consulted -- what I do, I consulted for the Sky Dome. The Sky Dome put an event on called Sky Dome. They asked me to come in, EXO (phonetic) Industries, their paint manufacture. And I laid out in the Sky Dome, what was the size of netting, what the fields were, what the ground was, the turf was going to be.

And so if the Canadians, who really hate us to begin with, over all our guns and stuff, would allow this in the Sky Dome, you know, that is a billion dollar facility. They really didn't leave a big mess. Everything got cleaned up. Nobody got their eyes shot. Balls didn't fly all over the Sky Dome. It is real safe.

JAMES MARTIN: Moving around here. Other issues from the Board?

JOHN NOWICKI: Do you wash down with hoses? When you have a tournament, people go in and wash down the field with hoses?

MR. MARTELLO: At the end, and during the event, you do -- it's -- it is something you have to do during an event. With tournament play a lot more paint is shot than open play. Tournament players tend to shoot a little bit more. What happens is you have to wipe down the bunkers and the reason why is because people tend to rub up against them and it is hard to distinguish if someone was actually hit or a rub. So you're always during the course of tournament wiping down the bunkers. You have to because you can't tell who has been hit and who had been rubbed against something.

JOHN NOWICKI: What is the closest a person can fire a paint ball at a person without them saying "ouch"?

MR. MARTELLO: Depends on your pain threshold. I have been shot as close as this table away and it has never bothered me, but I have shot people this close (indicating) that have fallen to the ground. So it depends -- it depends on, you know, how much you play. A lot of it depends on adrenaline.

Because I have refed and been shot across the room and, oh, that hurts like hell. Excuse my French, but it does. But that is because I'm not expecting to get shot. I'm not playing; I'm someone just standing there. When you're playing, your adrenaline is going and you usually don't feel anything.

JOHN NOWICKI: Are they instructed normally not to shoot at the head?

MR. MARTELLO: At the where?

JOHN NOWICKI: At the head.

MR. MARTELLO: You would actually want to shoot people in the head. And I know people say "I can't believe you said that." The reason why is you're wearing full head and face protection. That is the one place of the body you want to get shot. You're not gonna get hurt.

KAREN COX: They wear a helmet?

MR. MARTELLO: It's not a helmet. What it is, it's -- years ago, old school they used to only wear the goggles. They used to take the masks off and the ear pieces off and it was called a million dollar bounce. You play in the pro circuit, you got shot in the face and the balls bounced off your face. I've done it, everybody in the old days did it. But that is the days when the guns weren't electronic and fast like they are now.

So the industry changed and they said from now on, referees, players, everybody has to all be certified. It has to be full-face mask. Nothing altered, has to be that. Has to be full ear protection now. It doesn't have to be a full helmet. Some manufacturers make a full helmet, but it has to be full covering the ears, covering the face, covering the neck area and the certified goggles.

KAREN COX: Like a goalie mask?

MR. MARTELLO: It's not really a goalie mask, but full protection for the game. You get shot point blank in the face and you're not going to feel anything.

JOHN NOWICKI: The rest of the body is no protection.

MR. MARTELLO: I got a guy in my shop the other day, a big burley guy, "I'm nervous about this," and there is padding. So he bought, you know, a chest protector. He bought forearm protection. I'm like, you know -- he is walking out the door, I got kids coming in that play that don't want any of that stuff, and this guy wants it all. But it depends on your pain threshold.

JOHN NOWICKI: Okay. Our engineer here has some questions in regards to -- you said -- you're going to provide letters from current towns and property owners indicating the approval?

JAMES MARTIN: We asked for that.

JOHN NOWICKI: You already got that. Okay. I guess that is all I got then.

GEORGE BRINKWART: You indicated that there is a safety line behind the netting for people to not be any closer to. Do you anticipate many spectators at the events and how do you plan to accommodate the spectators? Will there be some sort of seating arrangements?

MR. MARTELLO: No seating. They just stand there. Years ago there was a magazine article that came out, and what it was was the old days, all paint ball was in the woods. I always say we used to go to the woods. I'm talking the professional level. The professional level. You

go to the woods and you could walk in, stand there, and a lot of people ask these questions. In the old days when they started games they would say, "Get ready for the one-minute countdown." You say one-minute countdown? You have one minute before the game starts. Why would it be so long? The old days there was no netting. It was all in the woods. So one minute, had everybody yell in the woods, "Get your goggles on" because the spectators stood in the woods right there watching them play.

Nowadays because you have the netting, it is a spectator-friendly sport and you're standing behind the nets. Nobody is wearing goggles behind the nets, but because there is a spray that can come out, you have people stand back 5 feet and it's just so they don't get dirty. They will not get hurt by the spray, but they don't want to get dirty. They --

GEORGE BRINKWART: No seating?

MR. MARTELLO: They just stand there and watch the action.

GEORGE BRINKWART: The spectators, would you have provisions that they can use the facility?

MR. MARTELLO: That's correct. That is what we're renting the extra space for. When they come in, the field -- it is -- is the same as the military. You know, you -- the military you go into your operations area. That is what it is. Then you go out and do your battles. You don't do them there. That is what the rental space is. We're renting space with bathrooms. That is where they come in and get the paint, actual conducting the business, but the actual playing of the game is done on the field.

DARIO MARCHIONI: Just one question. Are there many of these things going on here in our community? Or Monroe County? I mean similar type operations that you're --

MR. MARTELLO: There is quite -- there is a -- a lot of it is -- is, unfortunately, I like to refer to as outlaw ball. It is guys that, you know, they're -- they go out there on the weekend, a whole bunch of them get together and they go off in their own woods and they play.

There are facilities. There is a bunch of us. A guy in Leroy who owns a jello factory. A guy owns the Armory downtown. Used to have the old post office -- a lot of people are familiar with the old post office. There's place on University. A place out in Victor and a place in Avon. They are out there, but the -- but most people -- until -- you really want people playing accredited fields.

I had a -- unfortunately an incident where an attorney called me from Buffalo. In Buffalo there really aren't any fields. I don't even know why, but I had an attorney call me from Buffalo and it was because there was a group that played outlaw ball in the back and got shot. He got shot in the eye. They called me and said, "What can we do here?"

The reason he got shot in the eye, the people that were playing out there had never been to a facility to actually see anything. They had no idea. They were flying blind and they gave the kid a hockey mask and they said, "Here, go off and play." And he had no eye protection, nothing. He had a hockey mask. And, you know, if you are -- if you -- if there aren't accredited fields, you can go and see how it is done, make sure the markers are safe to play in, there is always going to be that story that I get from somebody saying "We heard about this."

It's a horrible thing to hear, but unless there are fields that are available for people to see how it is supposed to be played, you're flying blind.

DARIO MARCHIONI: In other words, this operation actually helps the people that want to get involved in this sport?

MR. MARTELLO: That's correct. To see how it is done correctly.

DARIO MARCHIONI: I see what you're saying. Thank you.

JOHN NOWICKI: What colors do they have for the gel? The colors of the gel?

KAREN COX: The paint.

MR. MARTELLO: The paint we're using is a neon orange shell with a neon yellow fill. Primarily because people like to trace things through the air.

That event I did for the Sky Dome, I recommended the bright-colored shell, and the manufacturer decided to go to the black ball against the black net so they couldn't trace so they could make more money. But smart is to use a bright-colored ball so people can see it move through the air and then a brighter colored fill so people can see when they get marked. I have had some that are like a watery fill and you never know you got shot. That is what we're going to end up using.

CHRIS KARELUS: A couple. The Town Code, you know, this being -- this is going to be viewed as a structure. There is really no setback indications on the site plan, so we just ask -- there is no per yard, no side yard. The Planning Board is given an interpretation on each application to gauge what side yard setback could be required. Looking at some of the pictures of the other similar type facilities, this is going to be viewed as a structure. So we ask that that field, if it grants its approval, get adjusted to recognize the front setback. Where it looks like right now, it looks like it is not in compliance.

No lighting proposed on the field?

MR. MARTELLO: None.

CHRIS KARELUS: What about signage? I understand the use across the street will be used in conjunction with the site. How is the site going to be --

MR. MARTELLO: I may decide to put a sign up. I haven't decided yet. I have a giant sign already that we already have up for the store. Everybody knows where I am now. They're just waiting for a field.

CHRIS KARELUS: The only other concern that the Building Department has is seeing that this site is going to operate in conjunction with the use across the street, a lot of young adults

tend to play the sport. We just want to see that there is a provision made for crossing or some type of safe walk across Air Park Drive if this application proceeds.

Nothing further.

MR. MARTELLO: What do you want? Like a crosswalk?

CHRIS KARELUS: I believe Traffic and Safety will work with you to get that.

JAMES MARTIN: Where would you be indicating on the plan?

CHRIS KARELUS: From what I understood, the building at 1250 would be basically the staging area.

MR. MARTELLO: That's correct.

CHRIS KARELUS: And people at the staging area, as these events happen, cross Air Park Drive as a team, as a whole. The pedestrians that will be coming to view the events will park there and they will have to cross Air Park Drive, as well, to get to the events. Just have them satisfy Traffic and Safety that it has been looked at.

JAMES MARTIN: Crosswalk markings on the pavement?

CHRIS KARELUS: Something to insure that pedestrian walkways -- just so when people do come to an event, it is not everyone crosses at random spots. Just kind of filtered to one safe area.

MR. MARTELLO: Okay.

DAVID LINDSAY: I had a couple additional ones.

You made a comment that you were going to be washing down the facility. Where would you be getting the water from?

MR. MARTELLO: There is a water on site.

DAVID LINDSAY: Water on site. How much water would you be using? I'm concerned with any drainage you're talking. Large quantities or garden hose variety?

MR. MARTELLO: Very garden hose variety. It's -- you know, you're talking not all of the time. The rainwater washes this stuff away. If it gets really gaudy looking in certain spots -- there is always spots on a field where people tend to go to the most and that seems to be areas where it gets the most action, so those are what you wash down, but -- that may be the rainwater is not going to wash it. But this stuff, you're outside, and rainwater washes away.

DAVID LINDSAY: Minimum amount of water?

MR. MARTELLO: Yes, very little.

DAVID LINDSAY: The other thing I had, the two easements appear to be impacted by the RG&E and the storm sewer one. You may have touched on the storm sewer one. I may have missed on that part of the discussion. But have you made contact with Monroe County or RG&E?

MR. MARTELLO: Yes. They all came out prior, because we -- we brought them out because we wanted to know what -- what was on the property to dig. We knew what we wanted to do, the size field we wanted, but we didn't know what was under the ground. So everybody came out. We called that You Dig New York or We Dig New York number. Everybody came out. We told them what we were going to do and they showed us where their stuff is and painted the lines.

DAVID LINDSAY: Neither of those utilities have an issue with you putting in foundations for your 15 foot poles within their easements?

MR. MARTELLO: That's correct. We're -- because we're not putting foundations -- we're just digging the holes and putting telephone poles. We're not dropping concrete, doing any of that.

DAVID LINDSAY: Okay. Nothing further.

BRAD GROVER: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a couple of questions, I guess. How close is this to the river?

JAMES MARTIN: I don't think it is real close. Got to be quite a ways from the river.

MR. MARTELLO: A long way away. And there is so much brush in the way, no ball, no matter what, would ever reach the river.

MS. BORGUS: I wasn't concerned so much about the balls as I was about the flow of the water that you're going to be hosing this field down with getting into the water of the river.

JAMES MARTIN: The biodegradability, are they completely environmentally friendly?

MR. MARTELLO: There used to be a contest done years ago. A kid locally won. It was called a paint ball eating contest and he is still alive to tell the tale.

JOHN NOWICKI: I can verify. I have been in a paint ball war in the Southern Tier on one of the farms that you talked about, controlled environment. Hill side, big hills. And the paint balls, I have to admit, you could -- at the end of the session, at the end of this paint ball war, you couldn't even tell out in the fields where the stuff was.

JAMES MARTIN: As far as getting into the water table, water shed, whatever, they are environmentally friendly?

MR. MARTELLO: They're pig fat and corn oil.

JAMES MARTIN: Okay.

MS. BORGUS: And they're yellow, right?

MR. MARTELLO: The fill is -- the fill -- the fill is oil. It is a food coloring.

MS. BORGUS: I have visions of yellow water in the Genesee River.

MR. MARTELLO: No. In fact, what happens is this -- this is the crazy thing about this stuff, is it -- when it evaporates, it -- the color is gone. It's --

JOHN NOWICKI: Not even your clothes.

MR. MARTELLO: There is no color.

MS. BORGUS: Although this is not relevant to the application, how much is the fee to play?

MR. MARTELLO: I'm the cheapest you will ever find. And I'm surprised none of my competitors are here yelling. It is \$40 for a case of 2,000 paint balls and \$10 field fee. My competitors are at \$100.

KAREN COX: You can go play.

MS. BORGUS: I don't think so.

MR. MARTELLO: Paint ball doesn't matter, if you're old, young, fat, thin, boy or girl.

JAMES MARTIN: Try it. You might like it, Dorothy (Borgus).

SABRINA HENNEMAN, 122 Stryker Road

MS. HENNEMAN: There has been some kind of light references to the structures, the bunkers I guess you called them, about -- I mean you have to have something to kind of hide behind and all those kinds of things. There is an outline there. But are there trees there? What kind of built structures are going to be there? Do you remove them when you're not -- during -- when you're -- during your not open hours of play?

MR. MARTELLO: The field is always grass, but what we're using is we're using corrugated pipe, which is drainage ditch. It will be there, but it rolls around so you can move it from place to place for mowing or any type of work that has to be done there. There are other things that are used out there that are called -- they're the blow-up bunkers, people have seen them. About seven years ago -- they're called air wall. They blow these bumpers up with props, they go up and they come down. The problem with using them is, the balls tend to hit them and they bounce everywhere. If you're trying to do a controlled environment, which is what we're trying to do here, it doesn't -- you don't want to do that. Those balls -- even though you're not trying to shoot over the nets, a ball can go from one spot to the other, hit the top of an air wall and bounce another 40 feet away. So we're trying to keep the balls in the game play.

MS. HENNEMAN: My only thought, I'm not exactly familiar with the site, but how is it going to appear for everybody else who has this big giant structure, you know -- I mean they're big enough that people can hide around. How --

MR. MARTELLO: The structures are actually small. There are some stand-up props, but the -- but the reality what we did is we usually cleaned up the site already. If you had seen it before, we cleaned it up, you would not be saying those comments. There was a lot of junk there, a lot of trash, a lot of building material, a lot of high weeds. We have already gone through and cleaned everything because we wanted to see what we had.

The people around there seemed to put up with a nasty old lot and at least we'll give them something decent. The people around there, they come to my shop and they're buying supplies for the kids and they always ask the question, "When is the field opening?" That is all I can tell you.

MS. HENNEMAN: I'm happy if the neighbors are happy who is going to be driving through it.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: What is the size of your present paint ball sign on the front of the building?

MR. MARTELLO: Um, I don't know.

MR. RETTIG: I ask the question just to make a point, to check and make sure it is within compliance with the Town of Chili Code, and if not, a variance should be applied since it is already up, if it is beyond the approved size.

MR. MARTELLO: I think that the -- the -- the Property Manager there, they had said it was within -- they looked up -- I -- that frontage, I have a lot of frontage on Scottsville Road.

MR. RETTIG: I understand that. I'm not making an assumption. I hope you aren't either. Based upon the sign, just something to check, if you would.

JAMES MARTIN: I will just capture "should be in compliance with the Town of Chili sign ordinance."

JAMES MARTIN: Move to close.

JOHN NOWICKI: Second.

The Public Hearing for the applications was closed at this time.

On Applications 2 and 3, 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 applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

James Martin reviewed the proposed conditions with the Board.

The Board discussed a proposed time frame for the conditional use permit.

The Board agreed on a three-year term if granted.

MR. MARTELLO: Can that go more? My lease there is five?

JAMES MARTIN: That is okay. You will be back in three years just to be sure everything is going okay.

MR. MARTELLO: Okay. Fine.

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

- 1. Approved for a period of three years.
- 2. Provide a copy of the lease indicating the applicant has the right to use all the space and facilities as indicated in the letter of intent.
- 3. Applicant to address any required setback issues.
- 4. Applicant shall provide cross walk markings on pavement between building 1250 and the field.
- 5. Applicant shall comply with the sign ordinance of the Town of Chili.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes with the following conditions:

- 1. Provide a copy of the lease indicating the applicant has the right to use all the space and facilities as indicated in the letter of intent.
- 2. Applicant to address any required setback issues.
- 3. Applicant shall provide cross walk markings on pavement between building 1250 and the field.
- 4. Applicant shall comply with the sign ordinance of the Town of Chili.

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

- 4. Application of Brickwood Homes, c/o FRA Engineering, 530 Summit Point Drive, Henrietta, New York 14467 for preliminary site plan approval to erect 11 apartment buildings totaling 60 units at property located at a portion of 3355 Union Street in RM zone.

GEORGE BRINKWART: Mr. Chairman, I would like to recuse myself from this application.

JAMES MARTIN: You are recused.

MR. AYLING: Hello. I'm Rick Ayling from FRA Engineering with offices located at 530 Summit Point Drive in the Town of Henrietta.

I'm here tonight on behalf of Brickwood Homes to seek preliminary site plan approval for a six-unit luxury style apartment complex referred to as Kings Crossing Apartments.

We were before this Board, or our office was before this Board on two occasions prior. First on February 13th, we were in for conceptual review, conceptual site plan review of the project, at which time the proposal featured 60 units with a linear type of layout, with straight roadways. We were directed to consider alternative layouts to improve aesthetics of the site.

Subsequently, we returned on the March 13th Planning Board meeting for conceptual site plan review with this particular layout here, and we received seemingly favorable direction from the Planning Board to go with this particular layout.

This particular layout presented some unique challenges with respect to the site development. Specifically, it required a variance for setback from the private roadway to the front of the buildings.

We were before the Zoning Board of the Town of Chili on May 15th, at which time a variance was granted to allow a 25 foot setback where 40 is required by the code.

This project is located at 3355 Union Street in the Town of Chili. It is adjacent to the New Hope Community Church. The church building is visible on the site plan to the left near the top of the page.

The site is 8.6 acres in size, zoned RM multi-family residential. The proposed apartment use is permitted under the current zoning.

60 units are proposed for the site. The zoning requirements, if calculated for the site area, would allow 68. The site features 16 percent building lot coverage where 30 percent is allowed by code, and there is well over 50 percent of the site will be left as green space, so it is our opinion that the intensity of this project is appropriate for the area.

These apartments will be townhouses, architectural style. The architectural plan, preliminary architectural plan is located on the right side of the board there. There are some architectural details that are intended to, you know, make these apartments more attractive.

222

Specifically, the additional roof lines and brick veneer at the front of the building and architectural treatment in the gable ends.

Each unit will have a two-car garage and the -- the site will feature -- will maintain mature growth of trees along the south and west sides of the property. You can see there is an area inside the southwest corner which has been identified by the Conservation Board to contain several mature trees, which we intend to maintain with this proposal and along the south property line, as well.

The trees will be maintained there.

There are two areas of federal wetlands on the site. Our office has retained a professional wetland consultant to delineate the boundary of the wetlands. I have a copy of the report. Unfortunately, this is the only copy I have, but I will provide a copy of this to the Town.

Our proposal does not encroach on any of the wetland areas, as are drawn on the plan.

The wetland areas will also remain natural, obviously consistent with the requirements of the Corps of Engineers. And we'll provide some buffering from the traffic along Union Street and also the neighboring church property. As well as visual, aesthetically pleasing units from some of the units, or from the property in general.

Our office has been in contact with New York State DOT as Route 259 is a State highway. We have received concurrence from the DOT that this project will not pose a significant increase in the traffic volumes in the areas and will not require mitigation for the highway.

As well, they have concurred that the entrance location is acceptable and we intend to -- if we are granted preliminary approval, to enter into the permitting process of detailed design of DOT access.

We have also been in contact with the Director of Transportation of the Churchville-Chili School District to coordinate school bus pickup, children pickup within the project. We have received a letter from them that they propose to -- or they find the site acceptable for access for school bus, and they intend to enter from Union Street and travel around the loop and back out onto Union Street so the children will all be picked up at two locations indicated on the plan currently, for the children to gather and be picked up by the school bus so it can make two stops.

And this particular scenario was worked out with the Director of Transportation of the School District.

Previously at the Zoning Board hearing, there was some concern about safety, um, with the -- with the setbacks and the roadway, the way it is. With this proposal we have added an asphalt walk path that goes behind and within some of the units in some of the areas on the site, which would provide pedestrian access to the school bus areas and the open space on the site. We expect that the asphalt walk path would be used for recreational use as well as access to the bus stops, as well as any kind of pedestrian travel that would be required within the site.

The fact that the walk path is not adjacent to the roadway as a sidewalk we feel would be an improvement with respect to safety.

This particular roadway is 20 feet wide and features concrete gutters along both sides, which are an additional 2 1/2 feet, so there is a 25 foot area of passage there. An additional 2 1/2 feet from the 25 that was granted by the Zoning Board, so there is 27 1/2 foot setback to the front of the buildings.

The setback on the corners of the buildings, a couple of the corners is still 25 feet, but we did -- the concern, as I perceived it, was the setback to the front. We did improve that some with this proposal.

I just like to mention also that the traffic volumes within this development and on this roadway will be fairly limited. It is actually a driveway. It's built to roadway standard, but the only traffic will be associated with these units in particular. Um, maintenance vehicles, trash pickup, school buses and the residences, but very limited in scale and intensity -- the site is served by all public utilities. Um, we're proposing private ownership of the sewer and water main. We have been in contact with the Town of Chili, Town Engineer and have entered into discussions about how we're going to specifically design and get approval for the sewers and the concept is understood and at this point acceptable.

We have excavated a piece of water main across the street from the project where we propose to tie in to confirm that the tie-in is feasible and appropriate.

The storm drainage will be handled by a closed drainage system, by conduit to a detention pond on the central northern portion of the site. It is indicated in the plans that was given to the Town with our application.

So with that, I will answer any questions.

JAMES MARTIN: Okay. I will start. When we did the subdivision approval in a previous meeting with for the -- when the New Hope Church came in with the subdivision, we had a fairly significant discussion about the secondary access road that has been required by the Fire Marshal as part of this project, and whether or not that secondary access road connected to anything behind the church. We were told that there was a road in existence behind the church to which this secondary access road would connect.

If you consider wheel tracks in a field as a road, um, we have got a problem because, you know, the Fire Department and Ambulance Corps has to have access, a secondary access point to this project.

And -- so right now, there is no road back there, all right, behind that church. There is kind of a construction trail where vehicles have been driving around this addition that they're constructing right there right now, but this is something that is going to be reviewed between the developer and the Church. That road has to be put in. There has to be access to the -- emergency

access point to this particular project. And at this point, that doesn't exist. Okay. I can categorically say that.

I'm not sure what the Pastor of New Hope was indicating to us when he was present for the subdivision when he said there was a road. I think what he was thinking of was the tracks around the building. Maybe there is a little bit of gravel there, but that is about all that exists. So before any permits are issued, that issue has got to be resolved between the applicant and the Church.

Secondly, as far as the detention pond, the outlet structure and the secondary access road, based on comments from our Commissioner of Public Works, we are going to need easement agreements on those facilities.

In your conversation with the School District, did they request a letter from the applicant relieving them of any liability while the school buses are on that property?

MR. AYLING: Yes, that's correct. They asked for a hold harmless type of agreement and a letter stating such and also to include an agreement to insure that the roadway will remain clear in the winter so the buses can access the same.

JAMES MARTIN: All right. I would request that you provide a copy of those agreements, all right, to the Building Department.

MR. AYLING: Yes. We can do that.

Additionally, with the secondary access road, um, we're working with an existing -- with existing limited site data from what we're showing on the plan for the church side. This driveway, we have been in contact with the Fire Marshal and the Town of Chili to establish the nature of this driveway, the width, the delineation of it, the construction of it and how it will actually function, and we will certainly extend it to another hard surface that will be maintained year round.

I believe there is a parking lot currently to the west of the church, northwest of the church. If we extend the direction it is going, we could connect there, but I understand that you need to see detail of that, and that is no problem for us.

JAMES MARTIN: A parking lot doesn't go anywhere near the termination of your access road. I can tell you that right now.

KAREN COX: I think he was talking about extending it.

JAMES MARTIN: I understand. But right now, it does not go anywhere close to that parking lot.

JOHN NOWICKI: So what have you talked to the Fire Marshal about, what type of road?

MR. AYLING: What we're proposing is a subsurface gravel drive which is consistent with other properties in the Town. The Fire Marshal suggested it. It will be -- appear to be grass on the top, but it will have a sub-base gravel or -- constructed underneath which will support the weight of the heavy emergency vehicles. The --

JOHN NOWICKI: Will you provide a cross-section of that on your drawings?

MR. AYLING: Yes.

JOHN NOWICKI: Okay. What else?

MR. AYLING: The roadway will be delineated. Right now we're proposing trees along both sides of it to illustrate or indicate the corridor so the emergency vehicle could find the subsurface drive as it may not be completely visible.

JAMES MARTIN: There will be a crash gate provided to prevent movement along that emergency access road. That is my understanding.

MR. AYLING: We can provide a gate, yes.

JAMES MARTIN: I think that would be appropriate.

Obviously the other thing is that road will have to be maintained in the wintertime. It will have to be plowed, you know, if there is a significant amount of snow. So that is another thing that --

MR. AYLING: I did have discussion related to that matter with the Fire Marshal and he indicated as long as it was passable, with a snow level on the roadway was -- the subsurface was maintained less than a reasonable amount, say a foot, that would be acceptable to them as is consistent with other properties that are in use currently. So we will propose to do that.

DARIO MARCHIONI: You mentioned about lighting on your presentation. Will you have street lighting, or -- what did you say on that?

MR. AYLING: We have -- our plans have been submitted and there is a sheet on the board here. I will explain it. Right now we're proposing a standard type of downcast pole-mounted light to light each of the two intersections and each of the three parking areas.

Well, there are four parking areas, but one is adjacent to the intersection, so one light will light those, the intersection and that parking area, but there will be five downcast typical pole-mounted streetlights on the project.

The other question, the maintenance and the upkeep of these buildings, is that in-house type or contracted out or how is that --

MR. AYLING: My understanding is that the developer, Brickwood Homes, intends to do the maintenance with their own personnel.

DARIO MARCHIONI: And the keeping, the upgrading of the buildings themselves, the siding, the roof, the whole works.

MR. AYLING: The whole project.

DARIO MARCHIONI: Plowing, everything else.

MR. AYLING: Yep. The project will be entirely privately owned by Brickwood Homes and maintained by Brickwood Homes.

DARIO MARCHIONI: I have another question, if I may. Is Brickwood Homes presently -- are there other projects of this type in the community, that you know, or is this a new venture for them? Is this the first venture? I really don't know too much about Brickwood Homes. Can you explain something to me about what they have done, projects they have done, or project of this type, maintenance of a project like this, where there is a project like this in our community, or some kind of -- and the track record they have for maintaining and keeping -- you know, the performance of -- this is 60 units you're talking about. In other words, can you give us something?

MR. AYLING: This developer is an established developer and builder. He has built several projects in the Greater Rochester area, the Western New York area. A list of completed projects was transmitted to the Town Planning staff --

JAMES MARTIN: We received that.

MR. AYLING: -- a few weeks ago. Most of the projects, I believe all of the projects are residential, I believe single-family home in nature, patio-home-style. This will be the first apartment venture. The developer has solicited input from other projects in the area and modeled this project after what was perceived as the finer points of the existing projects in the area.

DARIO MARCHIONI: But you said he will do all of the maintenance, the building and everything. Does he have that type of infrastructure, the developer? Does he have that -- does he have the ability?

KAREN COX: Does he have the resources?

JAMES MARTIN: Is Mr. VanEpps here?

MR. AYLING: He is not here tonight. Unfortunately, he is out of town this week.

JAMES MARTIN: That's very unfortunate.

JOHN NOWICKI: We had this application for how many months now, three or four months and we never met this guy.

JAMES MARTIN: No, he was present one night.

MR. AYLING: We're available. We have made ourselves available to meet with and tour any existing projects at the request of the Town.

JAMES MARTIN: We were going to go look at one in Penfield last night and we found out he only built two homes in the subdivision, and he hasn't done any multiple-residence building, all right. So there really wasn't anything of this nature that we could go look at.

MR. AYLING: This will be the first apartment complex, I believe, that Brickwood Homes has built. They have built projects similar in scale with single homes.

JOHN NOWICKI: Where is that?

MR. AYLING: Um, they're --

JOHN NOWICKI: I have not received a list. I have asked for the list more than once.

JAMES MARTIN: I apologize for that. I thought copies had been provided to everybody. I have the list.

JOHN NOWICKI: I don't see any apartment projects or am I hearing of any other apartment complexes he owns or maintains. So I don't know where he will get the management skills to operate and maintain this place.

MR. AYLING: Brickwood Homes and Mr. VanEpps is an established builder has been in business in the building industry and has been associated with these types of projects for a long time.

JOHN NOWICKI: You keep saying "associated with these types of projects." Apartment projects?

MR. AYLING: Not apartment projects. This will be the first apartment project --

DARIO MARCHIONI: He has built homes and sold them, never kept --

MR. AYLING: Yes. This is a new venture.

DARIO MARCHIONI: So this is an in-house, keeping, building, the whole works? That is what I am getting at.

JOHN NOWICKI: Will there be a staff on site?

MR. AYLING: He intends to keep the equipment for staff on site.

He has had -- has researched some market information. There is a market study done for the project. He understands what the upkeep costs and the work items that are going to be required to do it. Um, I'm sure if he -- if he had a staffing issue, he could subcontract it, but I don't think it is a problem.

KAREN COX: You don't expect him to hire a management company?

MR. AYLING: Currently he intends to do the maintenance himself. That is the current proposal.

JOHN NOWICKI: Does he have a staff to do this, or are you saying himself? We don't know anything about his company. What is the size of his company? How many employees does he have? Where are his offices? How does he manage this -- how will he manage this place?

MR. AYLING: I don't know the specific details of how it will be maintained.

DARIO MARCHIONI: That is the kind of question we would like to have asked so we could have more confidence in what is going on. Also, the financing, any insight on the type of financing to carry this project through? I don't think I got any information on that.

MR. AYLING: The market study has been done for the project. Mr. VanEpps is fully aware of what the cost of the project is.

JOHN NOWICKI: Where is the market study? I haven't seen that.

MR. AYLING: I can certainly provide that. We will provide that.



DARIO MARCHIONI: Does he have the financial capability? In other words -- I'm just asking. Can you carry this project through? We're very concerned.

MR. AYLING: Yes, he does. He has invested a substantial amount in the project to this point, and I'm confident that he is --

DARIO MARCHIONI: We have nothing. We're in the dark.

MR. AYLING: I will provide it. Yes, we'll provide it. The market study has been done. I don't have a copy to turn it in tonight, but it has been done and I will provide it.

JOHN NOWICKI: Well, those are the issues. I agree with you. We need to see those issues and get that before us and find out more -- I want to see the list of where he has built projects and where he has been associated before, what towns. I also want to see -- this road system inside -- is this going to be built to Town standards, Dave (Lindsay)?

DAVID LINDSAY: I'm sorry?

JOHN NOWICKI: Is this road going to be built to Town standards?

DAVID LINDSAY: It's going to be a private road.

JOHN NOWICKI: You have school buses going in there. Obviously he will plow this road himself, plow it, maintain it, asphalt it, the whole bit.

MR. AYLING: Yes. It is proposed to meet Town standards for a private roadway.

JOHN NOWICKI: The cross-sections of the roads and that will appear on the drawings?

MR. AYLING: Yes. I believe there is a section on the current plans.

JOHN NOWICKI: Again, I'm asking if it will meet Town standards. If you look at the cross-section, how are you meeting the Town standards?

MR. AYLING: We created that particular drawing using the design guidelines from the Town of Chili.

JOHN NOWICKI: The other questions I would have also would be pertaining to the transfer of the properties here. I assume he is having an agreement between the Church and this property?

MR. AYLING: Yes.

JOHN NOWICKI: Buying it from the Church?

MR. AYLING: Yes. This property is being sold.

JOHN NOWICKI: Is it being sold? Does he have an option? What is the financial situation as to the sale and transfer of this property?

MR. AYLING: The purchase agreement has been made to purchase it. Um, I assume subject to these approvals.

JOHN NOWICKI: I would want to make sure that we have -- Counsel sees that information and advises us accordingly.

Then, of course, the access easement agreements would have to take place for the proposed road going into the church property.

I think that is probably it for now. I'm just looking for the information that we have been asking for all along and haven't got.

JAMES MARTIN: Well, we did get it, and I apologize. I thought copies had been put in your mailbox.

JOHN NOWICKI: I didn't get it.

JAMES MARTIN: I believe in other instances where we had a new developer come before us -- I mean we have asked for verification of their financial capability to successfully complete the project. We're not asking for a number, okay, but we have gotten verification, you know, from banks or whatever, okay, that a certain applicant has the financial capability or backing in order to successfully complete a project. As I say, we're not asking for his, you know, his IRS return, but I think something along that line just to verify to us that, you know, he is of a financial situation that would allow him to successfully complete this, and that would be in order for the Board.

MR. AYLING: That's not a problem.

JAMES MARTIN: Now --

JOHN HELLABY: Phasing, there is no indications of phasing on this project. Will you come in and blast the whole thing out in one shot?

MR. AYLING: Yes. He intends to put the road in first and then construct the buildings over a period of approximately a year.

JOHN HELLABY: One year from start to finish on the entire project then?

MR. AYLING: Yes. One phase.

JOHN HELLABY: Cuts and fills balance on this thing? It is always a big bone of contention, because it never fails, you start a project like this and we face two years of trucking topsoil out of there.

MR. AYLING: With the preliminary layout it does balance, yes.

JOHN HELLABY: I would imagine with the amount of buildings and roadways you're putting up here, there will be an overage of topsoil here and you will probably truck it off site.

MR. AYLING: The topsoil, yes, we would probably be able to expend some of it in the green areas, but some of it can be trucked away, sure.

JOHN HELLABY: I guess I wasn't paying too close attention about the maintenance staff. Is it your intent or the owner's intent to have one of these units like a rental agent on site operating out of one of these units?

MR. AYLING: Currently the proposal is to keep the maintenance equipment off site, a central location, in Brickwood --

JOHN HELLABY: Maintenance is off site. What about the rental agent? Is one of them

going to be utilized as a rental office? How will you rent these things?

MR. AYLING: Currently I believe it is the central Brickwood Homes office, not on site.

JOHN HELLABY: So there will be nobody on site, is what you're telling me?

MR. AYLING: With the current proposal, yes. No permanent facility.

JOHN HELLABY: Other than the engineer's comments, I guess that is all I got for now.

KAREN COX: When does he plan to start the -- when -- when would he like to start the project? Let's put it that way.

MR. AYLING: He would like to put the road in this fall before the asphalt plants close and subsequently start the construction of the units in the wintertime.

JIM POWERS: I know Dario (Marchioni) brought up the lighting. I think you said there are going to be five double-lit fixtures on site?

MR. AYLING: They're single-head fixtures.

JIM POWERS: I would like to personally see more lighting, particularly at the -- at Union Street. At the entrance into the project.

And from where the loop is there, from there back to the end building, there is a light way back there, but on the curve up to the -- where the circular is, there is no light. I think you could probably improve the lighting here safety-wise for this whole project. I would definitely like to see something at Union Street. You don't indicate that the sign that you intend to put up there is going to be lit. And I think it would be advantageous to have a light at the intersection.

MR. AYLING: We're receptive to your input on that matter. We proposed the lighting here as a preliminary starting point. We thought it was an appropriate amount. Um, we don't have a problem lighting the sign.

Um, also each of the units will have an entrance light, so there will be a low level of light along the entire roadway essentially, and more intense light over the intersections and parking areas.

JIM POWERS: On the water system going in there, you have two hydrants. Do you have a blow-out on the one that goes into the loop and the one at the end there?

MR. AYLING: I'm sorry? There are two hydrants.

JIM POWERS: You have three on site.

MR. AYLING: They're 600-foot. I used the 600-foot maximum distance for the hydrants.

JIM POWERS: Did the Fire Department say okay on this distance wise?

MR. AYLING: That is the typical distance. We'll certainly provide hydrants to their satisfaction. That is typically --

JIM POWERS: The hydrant there that goes into the loop, if that ends at the waterline, the 6-inch line goes to the hydrant and dead-ends.

MR. AYLING: Correct.

JIM POWERS: The one that goes to the back end of the project, that dead-ends at that hydrant back there, the last building.

MR. AYLING: That's correct.

JIM POWERS: Do they have a blow-out for either of those hydrants?

MR. AYLING: The hydrant can be used to relieve the water.

JIM POWERS: You will not loop this hydrant system in any way, are you? Just --

MR. AYLING: No.

JIM POWERS: Just the way you got it?

MR. AYLING: Just how it is is the current proposal. We thought it would work that way.

It's a private water service. 6-inch line, so there should be plenty of volume.

JIM POWERS: And I know the Chairman brought up the access road there to the rear, and as I am in complete agreement with him, it was a main concern of mine, too, when this project originally came before the Board, and there is no pavement to speak of or gravel or anything back there. And behind the addition that they're putting on, the new building, I -- on the north corner of that building, I would say the northwest corner is about where the asphalt stops. So from there back to where you show you will hook in, there is nothing. So -- as the Chairman said, that's a -- that is really a main concern, too.

MR. AYLING: I'm confident that we can extend that drive to an appropriate surface to receive and support the emergency vehicles.

JIM POWERS: Did Brickwood Homes, did they -- do they have a project in Geneseo that you know of?

MR. AYLING: Cedarwood Estates.

JIM POWERS: Is that cul-de-sac type single-family homes?

MR. AYLING: It is a single-family home development, yes.

JIM POWERS: How is that particular project going? Any idea?

MR. AYLING: I believe it is -- it -- he is undertaking the first stages of construction at this point. I believe. I'm not intimately familiar with the progress of that project.

DARIO MARCHIONI: I got a couple of questions, if I may.

You said you will have basements here, right?

MR. AYLING: Yes.

DARIO MARCHIONI: Okay. As it shows here, the back -- the living room, you will have a little patio there, sliding glass doors. I don't got -- I don't got the elevation. I don't have other elevations -- that is why I am asking this question.

MR. AYLING: That -- that is the currently proposed layout of the building, the preliminary layout. Welcome to receive comment.

DARIO MARCHIONI: Any accommodations for people to go in the backyard at all? Any

access to the backyard, to the green area at all? The residents of this project, will they have any opportunity to go in the green area, do any walking around it, or is it just strictly...

MR. AYLING: We believe that the project has usable access and green space for all of the units as common areas. It will have the mature tree areas along the south and west. It will have extensive quality landscaping and tree plantings within the portions of the site that will be graded, as is indicated on the landscape plan that was submitted to the Town and to the Conservation Board. So we believe it will be an attractive site and usable.

DARIO MARCHIONI: Picnic areas, or picnics, places to sit down in those common areas? In other words, what I am trying to look at here, I don't know if there is an exit from the patio on the first floor off the dining room, living room to the back. Is it open, or just an enclosed patio that you can't go in the back; you have to go to the front?

KAREN COX: You mean is there a sliding glass door?

DARIO MARCHIONI: There is a sliding glass door from the patio. I assume that is a patio in the back, right?

MR. AYLING: I will have to look at the plan.

I'm honestly not certain as to whether that is a concrete patio or not.

DARIO MARCHIONI: Or a wood patio with a fence -- railing around it. I'm trying to get at if a person is in the living room and dining room and wants to get to the backyard, do they have to go to the front of the yard to get there?

MR. AYLING: No. I believe there is a second exit to the house, to the back, yes.

DARIO MARCHIONI: There would be, right?

MR. AYLING: Yes. I believe that is the current proposal, yes, as indicated.

DARIO MARCHIONI: Will you give us other elevations when you come back?

MR. AYLING: Absolutely. These are preliminary architectural features for the intents of illustrating the type of building and basic architectural features. We welcome any comment as you have stated and we'll provide final details and material.

DARIO MARCHIONI: I know in apartment projects, you always have a little green area where you can go in the back, the backyard, you know, put a barbecue pit or something, or whatever they do, or a place to sit down. You know, that is what I am asking for.

Thank you.

JAMES MARTIN: Did you receive a copy of the Town Engineer's comments?

MR. AYLING: Yes. We have received a copy of that comments. And also comments from Monroe County Planning. Most of their comments appear to be technical in nature. I don't believe that --

JAMES MARTIN: We have been through several of the Town Engineer's comments. We have addressed the Corps of Engineers' issue. We have talked about the easements. Variances we have discussed.

It has been talked about the access road. Obviously you know the details associated with your SWPPP and all of those issues. There were some changes that need to be made on the cover sheet that he addressed.

I guess -- do you have a copy with you?

MR. AYLING: Of the comments, sure.

JAMES MARTIN: Yes. I would like to kind of do a quick review of -- of his comments 10, 11, 12 and 13.

MR. AYLING: Comment 10 --

JAMES MARTIN: Read the comment and comment on it.

MR. AYLING: Comment 10 from Town Engineer states, "We request clarification from the applicant's engineers as to why the entrance radius was not modified so that the school bus turning movement does not encroach upon the imposing lane."

This turning radius as proposed -- the program we use is very conservative. This is a low traffic, private drive. We feel that this is not atypical for a project of this nature. Um, the school bus -- the School Board has agreed this is appropriate access area. Um, we can modify a couple of these -- we can modify the radii of the intersections to help improve that, but we were trying to limit the amount of asphalt and roadway area. Not to make the intersections too large. We feel the school bus will be able to access this without a problem.

JAMES MARTIN: Okay.

MR. AYLING: But like I said, if an improvement or modification to those radii is required, we're receptive to that.

Comment 11 from Town Engineer, "Details and dimensions of proposed basketball courts should be added to the plans." Absolutely, this is preliminary plan that indicates the objective. We'll certainly provide that.

Comment 12 in the Town Engineer, "Storm and sanitary sewer information should be illustrated on the profiles."

There are profiles contained within the plans that have been submitted. Whatever specific additional information is required we'll add.

I'm not sure exactly what that is referring to.

Comment 13, "We request that the applicant copy us in on the correspondence with the New York State DOT regarding the entrance to the site and a copy of the wetland report be submitted to our office."

Like I said, I have -- the wetland report has been done. Unfortunately, I don't have copies tonight, but I will forward that on to Town directly.

JAMES MARTIN: All right. And the NYSDOT?

MR. AYLING: The DOT I indicated included -- a copy of your initial correspondence with them where they indicated we did not need to mitigate highway and that the entrance was acceptable pending a detailed negotiation.

DAVID LINDSAY: We would like to be copied on the comments letters that you get back from them.

MR. AYLING: Absolutely. Absolutely.

That was -- further correspondence from the DOT will be undertaken subsequently to the two preliminary approvals.

Comment 14 --

JAMES MARTIN: That is okay. That is just the standard subject to approval, Town Engineer comment.

MR. AYLING: All right. I was reading it.

But I think most of these comments are -- we'll be able to provide the information requested and we're certainly willing to do that.

JAMES MARTIN: Two-second pause for the train to go by.

JOHN NOWICKI: Just consolidated drainage district?

JAMES MARTIN: That, I believe, was again a misnomer. We cleared that up at the DRC. It is in the drainage district.

JOHN NOWICKI: It is in the district?

JAMES MARTIN: Yes.

MR. AYLING: I would like to ask the Board for opinion on one more matter.

Our marketing information has indicated that ranch units will be marketable in this area, and in the event that we were to propose some of the units, the end units be ranch units, would that be acceptable to the Town at this time? It would require a small modifications to the footprint of the buildings from what is proposed, but it would not -- it wouldn't change any of the setback or -- well, setback information. It would be compliant with all zoning. Just a modest change to the footprint of the units to indicate an additional 12 feet on the end of units where it would fit in there. It is approximately a half a unit -- same amount of building square footage, just a little bit different configuration of the end unit to a ranch unit. Same architectural style, just one story living space instead of two.

DARIO MARCHIONI: For like the handicapped type?

MR. AYLING: Ranch units seem to be marketable in a lot of different areas. Currently we propose the two-story for all of them, and I just -- just interest has been expressed that if it was acceptable to the Board, we would consider adding ranch units for our final proposal.

KAREN COX: We have done that before.

JIM POWERS: Jim (Martin), I know out in Mayflower some of the end units we have on the two stories are single story ranch units and they sell like hot cakes. They really market them.

MR. AYLING: It is just a slight change to the footprint of the buildings, but I wanted to mention it now if -- to see if it would be acceptable before we come back.

JAMES MARTIN: I guess, you know, between now and when you come back for final, if you have an opportunity to give us your Plan A and what Plan B might look like, if you did the ranch units on the end, that probably would clarify the issue as far as this Board is concerned.

KAREN COX: Yes. We would want to see the elevations.

JAMES MARTIN: I think we would want to see what that might look like.

MR. AYLING: That's not a problem. We have been thinking about this now for some time so we're in a position that we can do that for you soon.

CHRIS KARELUS: A couple things. So there is not going to be a maintenance building associated with the project at all, I understand? There is going to be no additional accessory structure that will be associated with this plan?

MR. AYLING: Current proposal, no.

CHRIS KARELUS: The bus pickup. I want the Board to note this will be a residential single-family style development. They have two points of pickup, and the foot paths don't really access all those units with what is planned, and my understanding, that is what the District has also looked at and approved, two points of pickup for the site.

MR. AYLING: Yes.

CHRIS KARELUS: I just ask they have the fire service verified with the Fire Marshal and the Building Department, as well, for the project.

Also to point out if these buildings are to stretch out 12 feet off each end, it looks like the scaling of some of these buildings, they're within 40 feet of some -- one another. And I would ask if each of the building changes, if they're made after the approval state, be brought in on a plot plan to the Building Department to evaluate the separation of buildings, because a lot of the elevations on fire service, for example, will change if these buildings separations are going to change, if they will fluctuate.

MR. AYLING: I believe the building code requires a 20 foot separation, and we have that. We understand that, and we will -- we're prepared to meet these requirements as a minimum.

CHRIS KARELUS: Nothing further.

DAVID LINDSAY: I have have a couple other things, just to make you aware. These are not all my comments. I will have them in a letter addressed to you to deal with some of the minor technical issues on the plans.

But also just to clarify, on your plans here you show -- your downspouts to your storm sewers.

MR. AYLING: Yes. Storm lateral.

DAVID LINDSAY: How does everyone think you will do that for Buildings 1, 2, 3, 4, 5, 6 and -- I don't see a storm sewer main there or up around Buildings 55 through 60?

MR. AYLING: The layout of the storm sewer mirrors the layout of the water service. I assume that the storm laterals will be in a similar concept. Should I go into more detail?

DAVID LINDSAY: We can work through that a little bit later. I was concerned how would you run a check. I want to clarify or expand on how you will provide water service to Buildings 37 through 42, and I think that is the one I am concerned about, the water service. 37 to 42. You see your main ends right around Building 26.

MR. AYLING: Yes, that's correct.

DAVID LINDSAY: You just run a long service?

MR. AYLING: Yes. Currently that is what is proposed. You know, it is our opinion that that will function adequately. If we need to modify that, we don't have a problem with that at all.

DAVID LINDSAY: Nothing further at this time.

PAT TINDALE: Nothing but good compliments. They met with us, walked the property. They saved large trees to the south. They saved trees various -- in between the buildings where they can. The landscaping plans are excellent. That was just improved. We were really impressed with them.

MR. AYLING: Thank you.

BRAD GROVER: No additional comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

LOUISE SALATINO, King Road.

MS. SALATINO: My concern is all of the traffic from there. Now there is not even an apartment, so to speak, because it hasn't been built yet, but you got from like about 3:00 when the kids get out of school, plus all that expressway traffic, and then I'm concerned about these buses going in like that. I don't know how that is going to -- that sounds like an accident waiting to happen.

But sometimes when you get the -- the end of King Road, you can't even get out of King Road. It is so backed up with all of the traffic from people coming home from work, and trying to go home, that's the way it is. I can't understand how -- how it's going to be just worse because that is a lot of people that is going to be in those buildings, and cars and everything.

This is our first time that we have found out about this meeting. We didn't know nothing about it. Otherwise we probably would have been more, you know -- known more about this. But I am really concerned about the traffic. Because King Road, every time there is something -- besides they're building more apartments on Attridge Road, from what I understand, and we -- these dump trucks come down our road and you should see the mess and the noise and everything else. But the -- but it is a real traffic problem. And I don't know if -- if anybody really checked everything out like that. I don't know what do you girls think?

MS. SMITH: Hard to turn onto King.

JAMES MARTIN: If you have a comment, please stand and state your name.

JOAN SMITH, 152 King Road

MS. SMITH: Joan Smith, 152 King Road. Um, when they redid the Town center, North Chili, they put all that new road work in there. They stopped at the Meadowbrook Apartments, widening the road. They got nice turning lanes for their entrances. But you get to King Road, and it's back to a narrow little road. And it -- it is an accident waiting to happen.

JAMES MARTIN: Thank you.

MS. SMITH: There is a pole on one side, and if -- if you're trying to turn around the corner, people go past you, and one of these days, they're going up a pole.

JOHN NOWICKI: Does anybody know, Dave (Lindsay) or anybody know, has there been any studies on that road at all by the State because of what that lady just said? I know what she is saying, King Road and the entranceway, there needs to be some improvements there because the flow of traffic is getting very, very high in there. The same on Chili Avenue, from Union Street down to Beaver Road. There has been a study there and we're waiting to see what is going to happen there. Has anything happened Union Street?

DAVID LINDSAY: There may have been and I just may not be aware of it.

JOHN NOWICKI: Can we check that out?

JAMES MARTIN: I'm not aware of any.

KAREN COX: I'm not aware of any. The issue is 15 years ago that intersection was fine, but there has been a lot of increased building which has caused an increase in the traffic. But at this point, it is probably not enough of an increase to be even on the State's radar unless there is clearly an accident issue with that intersection or it is an intersection that is as bad as Union Street and Chili is.

You know, I agree with the ladies in the audience at certain times of the day, and even on Sunday when the -- when the church is letting out, it -- the traffic is very heavy. But it -- if -- you know, did you guys do -- did you do a traffic study? Have you done --

JOHN NOWICKI: I don't think so.

MR. AYLING: No. We didn't do a traffic study. Like I said, we have been in contact with the DOT. They have jurisdiction over this roadway. The level of traffic generated by this project is significantly lower than the threshold that would require a traffic study.

KAREN COX: If the State -- and then if the State DOT who felt that the traffic coming

out of this development was enough to create issues, normally they would ask the developer to mitigate for the traffic with a right-turn lane or something to that effect, which they haven't done. So -- but, you know, the State apparently, in their review, feels the traffic generated by this development is not enough to ask for mitigation. That is -- you know, that I am not saying I agree or disagree with that, but --

JOHN NOWICKI: I disagree. I disagree.

JAMES MARTIN: I disagree, but our hands are tied from the standpoint that the State has approved it. They have not asked for a traffic study.

DAVID LINDSAY: I think it is within your purview to ask for it. If you have concern for that, you could ask for a traffic study.

JAMES MARTIN: Well, we can certainly put that in.

JOHN NOWICKI: Well, you have got -- you have other developments that will be coming in from -- what is the one, Roger Brandt's project right by the firehouse, the intersection they improved, brought up to that point. You have projects in there that will be adding traffic on Union Street.

MS. BORGUS: Union Square.

JOHN NOWICKI: Union Square, thank you.

I think it is appropriate along that whole stretch, because let's face it, that whole area is becoming very, very popular over there. We have new developments at Union and Buffalo Road.

JAMES MARTIN: Pride Mark.

JOHN NOWICKI: Pride Mark is coming in. So I think a traffic study is more than overdue.

KAREN COX: For that development. You're not asking them to do a traffic study for the whole corridor?

JOHN NOWICKI: I want a traffic study for the whole corridor. I'm not saying these people. I'm saying the State should be going in there and doing something there. We should have our elected officials in there doing something about this.

KAREN COX: That is not up to us to make them -- compel them to do that. It is up to the elected officials. I just wanted to clarify what you want the applicant to do is a traffic study for the traffic generated by their development only.

JOHN NOWICKI: I think from a safety point of view, the T intersection that he is going to be generating or that they will be developing here, you may want to see turn-in/turn-out.

KAREN COX: Certainly.

JOHN NOWICKI: That is what I am saying. Either the widening or a bypass lane to get traffic around the intersection.

KAREN COX: I just didn't want anybody in the audience to misconstrue that they're going to do a traffic study for the whole corridor and improve it. I mean that's just not even their purview.

JAMES MARTIN: But I think it would be in order for the applicant to at least conduct minimal traffic study on the project itself and the impact on Union Street.

JOHN NOWICKI: Especially that intersection.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I have several questions on this one.

First of all, a comment. I have been here, I think, every time this project has been brought up either formally or informally. I have been at the Zoning Board when they have been there. I have heard repeatedly from this Board, this Board has asked for the location of other projects of any type this builder has built. And I am shocked to hear tonight that nobody has looked at them except maybe Mr. Martin.

JAMES MARTIN: I received a copy of completed projects by Brickwood Homes, okay. I thought the copies had been put in the mail boxes for all of the other Board members. Obviously they were not.

I made inquiries of the Town of Penfield based on a project supposedly on the list that Mr. VanEpps had completed in Penfield. What I found out was he built two houses in a subdivision. He did not do a total subdivision. I also found out that this is his first attempt to do a Multiple Residence type of project. He has built other projects in several locations in Western New York, including Geneseo, Lima, Farmington and another one in Lima. So there are several projects that Mr. VanEpps has completed in the immediate area of Monroe County. But they are all single-family homes.

So to say you can make a direct comparison of a single-family home to this apartment complex, I don't think probably would be fair from that perspective, Dorothy (Borgus).

MS. BORGUS: Oh, I agree. But I also think you can tell something by the appearance of the homes he builds and obviously nobody has even seen that. I mean we're back to square one here. I just think you're buying a pig in a poke here. You need to look at what he has done. Even if it is just houses, you can get some kind of a feel for the way he constructs.

Now, the question I had about the plan itself is how is garbage and trash going to be handled here?

KAREN COX: Individual toters.

JAMES MARTIN: We are told it would be toters out to the road for pickup. That is what we were told in the informal discussion. I am correct in that?

MR. AYLING: That's correct. To the -- a private roadway for each unit.

MS. BORGUS: Is there going to be any kind of wording in a lease agreement so these totes have to be kept inside unless it is garbage pickup day? Because I can just see a garbage can in front of every one of these 60 units, sitting out in the front yard or near the front door, certainly in these middle units that only have -- you know, they have a front door and a back door and it looks like a patio in the back. I can just see these totes sitting out in full sight. It will be an unsightly mess unless there is some provision in your approvals here that say they have to get this in the lease and the totes have to be kept in the garage.

Um, I definitely agree you should see the market study because there has been an awful lot of building of this type of unit, either townhouses or apartments in Chili. We have seen a tremendous growth in this type of unit. I don't have to certainly tell this Board that. And I really believe that at some point we're going to hit a saturation point here. You have already got another one planned for North Chili. You know, there is talk about another one over on Attridge Road. You know, we're going to reach a point here where these things aren't going to go. They are not going to rent and then what are we going to do with them? And we have already seen enough half-finished projects in the Town.

The church next door to this project is a prime example. That church got started. They stopped. It isn't living quarters, that is for sure with, but we have seen half-finished buildings. How many we got in this Town now, half finished and not done? Well, if they don't rent the first 20 or 30 of these, they may not finish the rest. So I just think you better be awful careful about this market study and be sure that there is a market for these before we get started on something else that doesn't get done.

I don't like the idea of no office for a Property Manager on a project of this size. I was a Property Manager. That was the last job I had before I retired, and I know that you can't work out of your car when you're the Property Manager. You can't. You got to have a site. You got to have a phone. You got to have a desk. You got to have a place where people can call. You got to have a place you go to every day and you're there so you can deal with problems. To do a project of this size without a proper office for a Property Manager is foolishness. It won't work. You ought to insist that there be an office there and that somebody be on site at least part time to deal with a project of this size. That is a big gap in this plan.

The other thing that I am surprised to hear is that they think that if they need to use this -- this second emergency road out that a foot of snow in it is going to be acceptable. I don't know about you, but my car -- maybe my husband's 4-wheel drive, but my car won't go through a foot of snow on a dirt, gravel, grassed driveway. It isn't going to work. You might just as well have nothing in the winter if that is what you're going to be satisfied with. That is pathetic. A foot of snow. That is not acceptable.

Another thing is I heard that they're going to be storing maintenance equipment off site. Well, I think you better find out where. Every time there is a snowstorm, they are going to have to wait to bring equipment in from somewhere. Equipment to maintain this, especially if this man is planning on doing it himself, and not using a management company, he has got a rude awakening if he thinks he can park a snowplow and salters, to salt the road, you know, 5 miles, 10 miles away. Where is he planning on putting them? That is not going to work either.

This plan is short on more than one count. One is that you should have a storage building on this -- on this premises so things can be kept there.

I think this man is very naive. I don't think he has done this before, and it is a big job when you start trying to do property management on 60 units. This is bigger maybe than he realizes. And for him, I think this is a learning project, and Chili doesn't need a learning project. So if we got a problem here, let's get these items listed and have him deal with them up front and get things the way they ought to be before we go forward. These are all items we have to think about.

Thank you.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: Thank you, Dorothy (Borgus). You had a lot of questions as I did, and you answered a few for me, or I don't have to repeat a couple of things.

But I do want to express that I go to King Road. I take that trip to visit my friends, and, um, it is a busy -- it is a busy spot. And it's getting more and more busy.

I didn't hear clearly about these apartments. How big are the apartments?

JAMES MARTIN: You can answer that.

MR. AYLING: They're two- and three-bedroom apartments.

JAMES MARTIN: Square footage approximately?

MR. AYLING: Approximate square footage, I think they're 14 and 15.

MS. BRIXNER: 14 and 15.

UNIDENTIFIED WOMAN: What is the rent?

JAMES MARTIN: I'm sorry, 1,400 square feet approximately in size.

MS. BRIXNER: That is big.

MR. AYLING: They're higher end luxury-style apartments. Proposed rent is \$1,000,

1200.

JAMES MARTIN: Okay. Thank you.

MS. BRIXNER: And about the two-car garage, all of them have two-car garages?

JAMES MARTIN: As the current plan is, yes.

MS. BRIXNER: Wow. That's a lot of traffic coming out of there. I really wonder about that.

Well, thank you very much. That is all I wanted to know, but I think it is going to be a traffic problem and it should be studied as a corridor -- the whole corridor should be studied because you're going to get another Walgreens down there, too? Am I thinking the same thing here? Aren't we going to have a Walgreens built on the corner of Buffalo Road and --

UNIDENTIFIED WOMAN: Union.

KAREN COX: Who knows.

MS. BRIXNER: You know they like to park wherever there is a busy place. Very busy. Look what you're creating for Chili. Be careful.

SABRINA HENNEMAN, 122 Stryker Road

MS. HENNEMAN: I'm at the age where a lot of my friends live in apartments, so I'm very familiar with them, and I'm kind of concerned about the parking. And maybe it can be clarified a little.

I understand that there are two-car garages, but it is not clear how deep the parking lot -- or the drive is and how many cars can fit in there. Since a lot of these are three-bedroom, two- and three-bedroom apartments, a lot of families, especially with kids, now have at least three cars, and, you know, how many cars additional can fit in that, in the driveways? Because you are talking structures, apartments that are the size of a lot of houses, you know, for some people, so these people, these families are going to have parties. They will have summer picnics, you know, holiday gatherings. I'm kind of concerned, because there is really limited numbers of parking, and I visit friends all of the time in apartment complexes and parking is an issue. And does that mean that a lot of people will be parking along the road? Is that wide enough? Is that taken into consideration with the width?

JAMES MARTIN: I think if you look at the plan, there are provisions for additional parking in certain areas in the complex that would be not associated with the particular units themselves. I don't know what the total number of spaces being provided are.

MS. HENNEMAN: 303.

JAMES MARTIN: There are several spaces.

MS. HENNEMAN: My concern is it is kind of haphazard and will easily fill up. At least from my experience visiting people in apartment complexes, there is nothing at all down here. There is only eight here (indicating). Only ten here (indication). So that is like 18 for this central core of 1, 2, 3, 4, 5, 6 -- 7 buildings or so. So I'm a little concerned about parking and how often you will get people parking along the road, which may be okay, but, you know, I'm concerned about safety issues and -- these are big families.

I do think a Property Manager on site is really useful, because, yes, you can call someplace, you know, off site, but having somebody on site seeing, you know, if there is, um -- you know, issues with tenants and, you know, other kind of things, it is really helpful to have somebody on site, and I guess --

JAMES MARTIN: Thank you.

RON PIKUET, 1030 Paul Road

MR. PIKUET: Um, the Church owned this property, and what did -- did the zoning of the church property allow for Multiple Residence or has this been rezoned?

JAMES MARTIN: I believe the zoning that was in place allows this.

MR. PIKUET: It allows it. I don't know what else it allows, but I'm not in favor of more apartments in the Town. Realistically, they don't pay their fair share of the taxes. They come in as a block. I'm really more concerned about the schools.

I approached you on the subject when Park Place was going in and Mr. Iacovangelo told me at that time that there would be about 10 or 12 houses a year, and that has grown like topsy over there. It is an instant village.

As far as traffic impact, 120 cars in and out, that figuring 60 units, at least two cars is 120. A lot have three and four. I don't call this low impact in terms of traffic. And that is a busy corner right there at King Road now.

And most of that traffic will be coming down King Road and down Paul Road to shop at Wegmans and every place else. So I am -- so I more or less get the benefit of that too, which Paul Road is already a busy enough road.

It is wonderful if you live on one of the side streets where the traffic goes by or the south podunk part of Chili and you don't get the traffic, but it seems like so much of the development is going on in the Churchville-Chili School District, and it is almost more than we can handle. We're going to have to build another school, and if it isn't for you folks monitoring and restricting the amount of development that goes on, the School will monitor it all right. They will say, "Well, now we have to build another school." So in a certain sense, in a real sense, if we don't build it, they won't come. If we don't phase it in in a year's time, then we won't have to build a school. Maybe we can accommodate some of this, but the way this is going, I don't think we'll be able to afford it and accommodate it. I don't think we need the apartments.

I think 60 units on 8.4 acres, and the gentleman says there is a 50 percent open space. How can this be? I -- that I don't understand.

As far as the Church owning the property, it sounds like -- it is like a lot of businesses. We buy a big parcel of property and all of a sudden we have a sign out front, "out parcel available." Well, it was supposed to be church property. Now all of a sudden they want to sell it off and they want to put some high-density project in. Although you say it is lower density, it is still high density in terms of the school district and the taxes that we're going to have to pay to support all



of this, in terms of building more facilities.

And as Dorothy (Borgus) said, we're reaching a saturation point. We're not only reaching that, we're at the point we don't want to pay more. There is more to life than living to pay taxes.

So really it falls back on you and the Town Board to restrict the development that goes on in this Town. Some towns have called for moratorium on building. I don't know how you think we're going to sustain all of this.

And for us that are lifelong residents of the town, we're quite concerned. We don't want to leave our homes. Some of you that have moved and lived here a short period of time, "Oh, well, one house is just like another. We sell this one and go off somewhere else where the living is cheaper."

I think people that are in office should have the utmost respect and consideration for the tax-paying public, and we're being overwhelmed in Chili. I don't care what they're doing in other towns, but I care what is going on in Chili.

We need a little more impact from you people on these developments, these out-of-town people that are coming in that want to buy. Isn't it nice to have an apartment complex in your portfolio? Well, I would like to have one, too. But not at the expense of everybody else.

I pay my taxes, and I pay my income taxes, too, and I'm not getting many write-offs, but having a lot of other projects that I get depreciation and tax abatements and everything else.

JAMES MARTIN: Mr. Pikueta, do you have a comment other than the tax issue? Do you have a comment specific to the development itself other than the tax issue?

MR. PIKUETA: I am commenting on the fact I think this needs to be restricted. I think there are other -- if there are other venues other than an apartment complex in the area, I think they ought to be sought out.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: This project over here on Union Street, there, by King Road, um, that corridor, over -- for a fact, as you go down Union Street, you have had a lot of accidents over there by St. Christopher's and the other church that is there, and you have got people passing on the right-hand side.

If you folks want to force the State to do a survey on that, that's proper. With a turning lane, I think this is a golden opportunity. You have got another complex that you're going to be doing over next to the Community Center. You will have to have the same thing right there. You just fixed the corner at Buffalo Road and Union Street. Now you want to get a higher density more into it? You're very foolish on that.

And as high density, \$1,200 a month for an apartment? You have Meadowbrook. You have got the other one by the Community Center it is going to be and then you have got them down farther over at Chili Avenue. The density is getting way out of line.

And \$1,200 a month. Come on. Get real. That is not the way it goes. Half its going to be empty and then you will have people doing the maintenance, snowplowing it? Off site? What are you going to do, have another -- like behind the IGA with the dump trucks in there? The Town has been on their case to get -- get them out of there. They can't even plow that right.

That just isn't going to fly. Then you won't have a maintenance guy in there keeping track of what is going on?

Behind Meadowbrook, that new subdivision back there, how many houses have been broke into? What has been going on back there?

JAMES MARTIN: Is there something that --

MR. GINOVSKY: Yes, I'm stating facts that -- for the given area that you're not even taking into account and this is a public hearing, and I would really appreciate to be heard on this.

JAMES MARTIN: Well, we already heard you. Please --

MR. GINOVSKY: Stop butting in, please, Mr. Martin. Go by the rules.

As I said, you have problems over there on the new subdivision down Parkway. A lot of break-ins. You're having it also over in College Greene. I'm not saying where they're coming from, but it seems they're awful close to some of these apartment complexes.

We need to clamp down on what we're developing in the high density.

As I said before, the Union Street side there, as a turning lane, we need to put some pressure on the State for turning lanes if we're going to do it and do it properly. I don't care what the -- some of the other Board members think New York State ought to do or what they will do. We need to put pressure on them.

KAREN COX: That's a Town Board issue, though. I mean that would be something to go to the Town Board and ask them to do it. We can --

MR. GINOVSKY: Excuse me. I'm speaking to the Chair. Directing my comments to the Chair.

JAMES MARTIN: You are directing your comments to me, but Mrs. -- but Karen (Cox)'s comments are very pertinent. That is a legislative issue. That is a Town Board issue. This Board has no authority --

MR. GINOVSKY: At this point it should be the Planning Board, doing a direction to that point and putting pressure on. The rest of the residents are getting short-changed on it, and there have been multiple accidents on that corner, at the end of King Road, with people passing on the right-hand side. This needs to be addressed as a safety point, by the Planning Board, to put a hold on stuff until something has been done as proper. The residents are being short-changed.

Thank you.

JAMES MARTIN: I will just comment we have no authority to do that.

MR. GINOVSKY: Get balls.

KAREN COX: What was that?

MR. GINOVSKY: Get nerve.

KAREN COX: No. That's not what I heard.

JOHN NOWICKI: I don't -- improper comment.

KAREN COX: No, I'm sorry.

JAMES MARTIN: Please control your comment.

DARIO MARCHIONI: Do you want us to call the Sheriff to have you ousted out of here, sir?

KAREN COX: We don't talk to you in that tone, and I don't appreciate that. Somebody needs to get some manners here.

JAMES MARTIN: Okay. Let's move on.

Are there any other comments from the public at this time?

Move to close.

KAREN COX: Second.

The Public Hearing for this application was closed at this time.

JAMES MARTIN: First of all, you can take a message back to Mr. VanEpps, okay. There are a lot of issues that came up tonight that I wish he was present to give an answer to. He was not physically here and that is probably quite upsetting to me that we did not have the applicant here to answer the questions.

You did an admirable job working for him tonight, and, you know, that was fine, except we really need to have him in front of us to answer a lot of these questions that have come up here tonight.

So I just want to make that comment that this is an unknown quantity to us. He sat out there one night, answered a couple of questions, under one of the informal discussions, and when we get to this point where you're asking for preliminary approval, you know, he knew about this meeting a long time ago. His face should have been out here tonight in front of us. End of comment on that.

JOHN NOWICKI: Absolutely.

JAMES MARTIN: Um, okay. I picked up a lot of things here that bother us as far as our ability to actually pass judgment on this tonight. You will get a letter. You know, certainly Town Engineer approval is one thing, assuming this ever goes forward.

We need a copy of the Churchville-Chili school bus agreement provided to the Building Department.

We need to have easement documents to the Town of Chili for the detention pond outlet structure. Emergency access road.

Provide a copy of the market study to the Planning Board.

Provide a copy of the purchase agreement to the Assistant Town Counsel.

Applicant should engineer and improve site lighting.

Emphasis on Union Street access point. Access road must meet all Fire Marshal requirements and must have access to an adequate roadway on the church property.

Applicant to provide certification of financial capability to undertake this project. The Board is not requesting detailed financial information.

Any building location changes shall be approved by Code Enforcement Officers as to proper separation.

Applicant shall conduct a traffic study related to this project.

Garbage totes should be stored in garage except for pickup day.

Applicant should reconsider the need for on-site location for Project Manager.

Those are the things that I picked up as a result of our discussion.

Given all of that, and given the fact that I think there is still a lot of homework to do, and given the fact I would like to see Mr. VanEpps in front of this Board to answer a lot of the questions that have occurred tonight, I would make a motion that we table this until a lot of those issues are resolved.

JOHN NOWICKI: I second it.

JAMES MARTIN: Is that the feeling of the Board at this time?

I will make a motion that we table this based on the findings of the public hearing tonight. And I have a second on the motion.

DECISION: Tabled by a vote of 6 yes with 1 abstention (George Brinkwart) until the August 14, 2007 meeting pending completion of the following items:

1. Provide a copy of the letter of agreement with the Churchville Chili School District and the applicant regarding all aspects of the school bus activity related to this project.
2. The Town of Chili will require easements for the detention pond, outlet structure, and emergency access road.
3. A copy of the market analysis shall be provided to the Planning Board.

4. A copy of the purchase agreement of the 8.6 acre parcel from the New Hope Church should be provided to the Assistant Town Counsel.
5. The applicant should engineer improved lighting on the site. Emphasis should be placed on Union Street entrance.
6. The applicant shall provide to the Planning Board certification of financial capability to under-take this project. The Board is not asking for detailed financial information.
7. The applicant shall conduct a traffic impact study related to this project.
8. The applicant should reconsider the need for an on site location for a site manager.

In addition, several other items of discussion are noted in this letter that are probable conditions of approval:

1. Town Engineer approval.
2. The emergency access road must meet all technical requirements of the Fire Marshal and Superintendent of Highways. It must have access to an adequate roadway on the adjacent Church property.
3. Any future building location changes from an approved site plan shall be reviewed and approved by the Building Department.
4. Garbage totes shall be stored in the unit's garage except on pick up days.

The Planning Board requests that Mr. VanEpps be present at the next hearing for this project.

(There was a recess in the proceedings.)

5. Application of McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for preliminary subdivision approval to combine six lots into one lot at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuette Drive in G.B. zone.
6. Application of McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for preliminary site plan approval to erect a 14,280 sq. ft. retail store/pharmacy at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuette Drive in G.B. zone.

Betsy Brugg and Alex Wisniewski were present to represent the application.

MS. BRUGG: Thank you very much. Good evening, Mr. Chairman, members of the Planning Board.

For the record, my name is Betsy Brugg. I am an attorney with the firm of Fix, Spindelman, Brovitz and Goldman. I'm here tonight on behalf of McFarland Development.

Just to kind of pick up where we have been and kind of inform you and inform the public, since tonight we are here on our public hearing requesting site plan and subdivision approval, um, we were before this Board in connection with the rezoning of several parcels included in our development project. We also presented informally to this Board and we have been working diligently to address various issues and comments from Town staff throughout this process.

So we're pleased to be here tonight. With me is -- are Alex Wisniewski from LJR Engineers, our Project Engineer and Jeff Taw, our architect.

Since this is our public hearing, I will kind of do a brief overview of the project and start out, um, assuming that everybody here is not familiar with the project.

What we have out here is actually a map showing the parcels that are included in our development. The site consists of six parcels and Pikuette Drive. We are going to be requesting and going to the Town Board to request an abandonment of Pikuette Drive in connection with the project.

In addition, we will be going to the Zoning Board of Appeals in a couple weeks in connection with some various variances. Specifically we're proposing a fence along the property line with the adjacent residential neighbors of 8 feet in height. Code allows, I believe, 4 feet and 6 feet at different points along the property line.

Couple variances in connection with the parking in the front yard and the way the parking is laid out and signage.

So those are some items that we will be taking care of in addition to the applications before this Board.

In connection with the proposal, Walgreens is proposing a 14,820 square foot building,

very similar to some of the other Walgreens Pharmacy stores you might have seen popping up around Monroe County. McFarland Development completed a project in Henrietta recently, and other developers have been around Monroe County proposing Walgreens stores and building them throughout the County.

We are not the -- for the record, for the residents who might be here, we're not affiliated with the developer of the other Walgreens project that came before the Town recently.

In connection with the site, itself, the site is 3.2 acres in size. We don't have a site plan up yet. I will defer to Alex (Wisniewski) to review the site plan and the various aspects of the site plan and subdivision applications.

Since we were last here, we went back to the Conservation Board and obtained their approval of the landscape plan. I think there were some comments about possibly preserving some additional trees if that was possible, which McFarland Development would not have a problem doing that if it was feasible because of the grading issues involved on the site.

In addition, the traffic study that was submitted was reviewed by the Town Engineer, who has concurred with the conclusions that traffic is not an issue or concern on this project.

With that, I will defer to Alex (Wisniewski) to go through the site plan.

MR. WISNIEWSKI: Hi, good evening. My name is Alex Wisniewski. I'm President of LJR Engineering. As Betsy said, I'm the site engineer for the developer on the project. At the risk of being redundant, I will just go through my notes real quickly and overview the project.

Briefly I will take you through the series of drawings. We have made some minor updates per some of the conversation we had at the informational hearing, and I have got some updated drawings that I can pass out, as well.

The subject site is located at the southeast corner of Chili Avenue and Paul Road. It is opposite the Wegmans on Paul Road and opposite the Mobil gas station on Chili Avenue.

There is residential properties, as Betsy (Brugg) stated, located east of the site along Grinnell Drive. The height is comprised of six different parcels located on both sides of Pikuet Drive, currently zoned General Business. To accommodate the development, we'll need to abandon Pikuet Drive and that will become part of the development project, and the parcels will be resubdivided to create a single combined tax parcel and, thus, the subdivision application before you, as well.

The developer would intend to demolish the existing structures within the site boundary to construct the new 14,820 square feet Walgreens that will have drive-through service. The redevelopment site will have paved parking and loading areas, landscaped areas, onsite control of storm water management -- excuse me, storm water runoff, buffering of the adjacent residential properties and we had proposed improved pedestrian access, as well. And I will take you through some of the aspects of that as well in a moment.

Proposed use is permitted within your GB zoning district and consistent with the intent of the Town's Comprehensive Master Plan Update. The site meets -- allows adequate ingress and egress for pedestrians, automobiles, fire protection equipment and delivery vehicles. All utilities necessary to serve the site are readily available for connection at Chili Avenue and/or Paul Road and sufficient capacity exists to serve the site.

We don't anticipate any negative environmental impacts associated with the development. There is obvious positive impacts of the redevelopment including increased tax base, both sales and property taxes, jobs creation, aesthetic improvements and the potential for creating additional economic development in the area. The project budget, excluding land acquisition costs, is in the 2 1/2 to \$3 million range.

The site construction would be completed approximately six months subsequent to receipt of all necessary approvals. Walgreens would then need an additional month approximately to fixturize and import merchandise into the store.

The approximate business hours would be 7:00 a.m. to 9:30, Monday through Saturday, and 8:30 to 6:00 p.m. on Sundays. And the store is expected to create approximately 15 jobs.

Upon the completion of the redevelopment project, it is the intent that Walgreens would purchase the subject property from the developer.

Is it okay if I talk from over here if I speak loud enough?

JAMES MARTIN: Sure.

MR. WISNIEWSKI: The existing site as outlined, the existing parcels are outlined in blue here (indicating). The current Pikuet Drive right-of-way is outlined in green. As part of the development, um, the Town intends to abandon Pikuet Drive partially to the subject parcel, partially to State D.O.T., and the details of that are being worked out both with the Town Board and the New York State DOT.

The existing site is approximately 3 acres in size, and there is currently two access points along Chili Avenue, one being Pikuet Drive, the other being a driveway to one of the homes along Chili Avenue. There are also two existing curb cuts along Paul Road, serving the two homes along Paul Road, as well.

The site generally drains from Chili Ave. in a southeasterly direction towards Paul Road and/or the rear yards of the residential homes fronting on Grinnell Drive.

As part of the redevelopment, as I stated, there will be a new roughly 15,000 square feet Walgreens Pharmacy. There will be drive-through service access on the east side of the building. Um, there will be a drop-off window and a pickup with a single bypass lane promoting counter-clockwise circulation around the building.

The access to both Chili Avenue and Paul Road has been proposed to be consolidated to one point each on Chili and Paul, as shown on the site plan. Um, this has been reviewed and

accepted by DOT. We have submitted a letter to that effect to this Board. To support those driveways and the development in general, there has been substantial traffic analysis done. There has been trip generation reports. There has been a level of service analysis at the intersection of Chili and Paul Road, as well as the individual driveways proposed. There has been an accident history study completed, and there has also been a gap study to determine the ability for vehicles to enter and exit the driveways as appropriate. That has been submitted.

Your Town Engineer has reviewed that and his comments has concurred with the conclusions in that report, also concurring with New York State DOT's acceptance of those driveways.

The parking is currently proposed to accommodate 78 vehicles, which would be appropriate per the requirements of your code, as well as meeting Walgreens' requirements.

There is a loading area proposed, at grade concrete loading pad at the rear of the building with the enclosed -- these are actually compactors enclosed. They deal generally in dry goods, cardboard boxes and whatnot. There is also a small tote enclosure in the rear for the garbage totes, which would be fully enclosed, again, by the -- by shadow box cedar fencing enclosure enclosed on the top, as well.

We do propose to improve the street scape along the entire frontage of Chili Avenue and Paul Road with the addition and extension of new sidewalks and curbing along both thoroughfares. We're trying to promote ADA accessible pedestrian access to the front of the store from Paul Road, from the new sidewalks.

I will get into the -- this is a good plan to touch on, too, the proposed buffering associated with the adjoining residential properties to the east. I can show you on the grading plan, as well, we're proposing through a combination of berming, landscaping and the addition of what we have got proposed currently as an 8-foot shadow box cedar fence, board-on-board cedar fence that would run the entire length of that easterly property line to buffer the residences to the east. It will also be a change in grade that would allow for a berming between the parcels to the east and the subject site.

Um, we have also, as Betsy (Brugg) had mentioned, we have gone back before the Conservation Committee relative to the proposed landscape scheme. They have recommended approval of the plan as presented. The plan does delineate additional buffering proposed in the form of Evergreen trees along that eastern flank. They have -- subsequent to some of the comments received from them initially, we have bolstered the amounts of plantings, size, dimensions, caliper of the proposed plantings to their satisfaction, and I think you have got a recommendation from them to that effect.

The proposed grading and drainage scheme, again, we're -- the site will continue to grade in a southerly fashion. There will be subsurface drainage infrastructure throughout the perimeter of the parking area. The buildings' roof drains will be tied in this infrastructure.

Because of the unique geography of the site, we had to size the underground storm sewer system to accommodate up to a 100-year storm event, which is not conventional. It is oversized to provide for a flood route to convey storm water to this location, which will serve purposes as our storm water management facility. Again, with consideration for the neighbors to the east, we have designed this facility to be a more traditional dry detention facility that would only hold water temporarily, detaining storm water during a storm event to meet the New York State SPDES permit requirements, which we'll have to obtain for the site because we'll disturb more than one acre.

We also, in addition to providing for water quantity, we also have to provide for water quality, and rather than having what you see at a lot of sites, a form of a wet pool, we propose to accommodate the water quality through an underground subsurface proprietary water quality structure, the cost of which is obviously higher than prosing a wet pond, but my experience in other municipalities is there has been some skepticism about safety, mosquito breeding and whatnot associated with wet ponds. And being close to a residential area, we have gone away from that design out of consideration for the neighbors.

The storm water would be directed from the storm water facility underground in a pipe system and tied back into a 36-inch drainage system at Paul Road, and we would design this -- this facility has been designed in size to allow for the reduction of flows to preexisting conditions or less than the pre-existing conditions in some cases.

As I have stated, the utilities necessary to serve the new buildings are all available from Paul Road and Chili Avenue. The building will be sprinklered. We have a 6-inch water service to provide both domestic and fire protection. There will be minimal water usage in the building. Obviously there is just the two bathrooms; less usage than a typical single-family home.

I think that is generally it as far as the utilities go.

Again, I would be happy to try to entertain questions you might have related to the site design.

Like I stated, I have got some updated drawings that -- some minor changes in response to some of the comments made by this Board and the Engineer.

I have got both full size and reduced copies of those, if you -- I think the reduced copies are probably easier to look at. I will pass those out. One of the changes was in response to an early comment we had received from your Superintendent of Highways. He had asked that the proposed sidewalks be offset from the public roads to provide for a snow storage shelf when they plow the roads. That is reflected on the drawing.

If you would like me to field questions related to the site design, I can do that. We can get into the architecture like we did last time.

JIM POWERS: On the map here, it shows a portion of Pikuet Road to be abandoned.

MR. WISNIEWSKI: Subdivision plan are you referring to?

KAREN COX: Yes.

JIM POWERS: Right down in the corner where your driveway comes out here (indicating).

MR. WISNIEWSKI: Correct.

JIM POWERS: Can I assume that entire Pikuet Road will be abandoned and not a portion?

MR. WISNIEWSKI: That is correct. The portion within this boundary is going to be abandoned to allow for the development and would become part of this parcel. The balance of that that protrudes into the existing State right-of-ways would be abandoned to New York State DOT, and they have given us some feedback as to where they would like to create basically this line across that right-of-way (indicating).

JIM POWERS: That is how the State gets involved?

MR. WISNIEWSKI: Correct.

JAMES MARTIN: The abandonment that is associated with the State right-of-way, where does that have to eventually go for approval? Does that have to go to Albany, Betsy (Brugg)?

MS. BRUGG: For the abandonment?

JAMES MARTIN: The State right-of-way issue of Pikuet Drive and where they are drawing the property line and all of that.

MS. BRUGG: We actually have a property line that has been worked out, and that was determined to that -- they are working with us. They have been extremely helpful, and that is why we have a subdivision map that is -- that we have tonight.

There are --

MR. WISNIEWSKI: Just to clarify, it is actually not a State right-of-way being abandoned. It is the Town's right-of-way that is being abandoned. The State is actually receiving lands as part of the deal.

JAMES MARTIN: Just wanted to clarify that.

MR. WISNIEWSKI: The State early on made it clear they're not giving up any right-of-way, and once we assured them that that was not the case, they have been very cooperative since that point.

MS. BRUGG: We have some minor details that have to be worked out with the State in connection with the abandonment of Pikuet Drive and just coordinating with them as to what -- you know, what their role will be. They don't want to take any property that they don't need.

JAMES MARTIN: Understood.

MS. BRUGG: Just some details.

JOHN HELLABY: I think most of my questions were answered last time. The only one I got right now is that Lu's office, on their letter of June 7th, I think before you were in here last month --

MS. BRUGG: Uh-huh.

JAMES MARTIN: Lu's office made comments about wanting to review the comments that were made by the Traffic and Safety Committee. Do you know if you ever got those comments?

DAVID LINDSAY: I did not.

JOHN HELLABY: Did or did not?

DAVID LINDSAY: I did not.

MR. JOHN HELLABY: Are those available to give the Engineer?

MR. WISNIEWSKI: To be honest, I have never seen comment from the Traffic Safety Board.

MS. BRUGG: I was present at that meeting, so I can kind of report to you what happened at that meeting. Our Traffic Engineer attended that meeting. He presented his studies. There was some discussion. The Board had some questions about the location of the Paul Road curb cut. They made a recommendation that was not based upon any type of factual or empirical information whatsoever. It was based on opinion and speculation, which I think, as this Board knows, is not an acceptable basis for making a determination on that issue.

KAREN COX: We talked about that last month.

JOHN NOWICKI: Site plan. I'm very, very happy with the work that the civil -- on the civil side.

MR. WISNIEWSKI: Thank you.

JOHN NOWICKI: I'm waiting for the other side.

GEORGE BRINKWART: At the last meeting we had talked a little bit about the parking that is diagonal there that is directly adjacent to Chili Avenue, and I questioned whether that parking was appropriate there given the fact you need a retaining wall in that area. It might be more appropriate to eliminate those parking spaces and maybe put them along your access drive into the site from Chili Avenue.

Also, we talked a little bit about possibly making this a little more pedestrian friendly, and you maybe putting some paths and park benches or something of that nature and I'm not seeing anything on these realized.

MR. WISNIEWSKI: I don't recall any discussion specific to park benches at all. We have obviously tried to make it pedestrian friendly in terms of access and extending the sidewalks.

GEORGE BRINKWART: I think that was probably just a thought I had now, but I do remember talking --

MR. WISNIEWSKI: I did look further into the issue related to the retaining wall, and

again, this -- it is a very minor retaining wall. And I -- per that discussion, I have added a note specific to the nature of the wall. I have tried to keep the height of that less than 4 or 5 feet so it could be a modular block, laid-back retaining wall, Versa-Lok style retaining wall. We have proposed the ornamental wrought iron fence across of the top of it to give it a nice visual aesthetic.

In terms of being able to eliminate the wall entirely would basically require the abandonment of more than just those four spaces in the corner. Basically you would have to carve out almost eight spaces to minimize or eliminate that wall entirely. And I guess I consulted with my client. I think we're happy with the -- the look, the function of the wall. I don't think there is any concerns from a safety standpoint or otherwise. I don't know if you had a specific concern with the wall at all.

GEORGE BRINKWART: Every time I look at this, I just see a standard prototype Walgreens layout and --

MR. WISNIEWSKI: It is prototype because it is real ideal for functionality.

GEORGE BRINKWART: This site isn't typical. It is a triangular piece. You're trying to force some extra parking in there. I don't think it does justice for the site, and I think you will hear a recurring theme today, this evening, that this is going to be in an area of Chili that is going to be very visible, and we really want to have this site fit that area as best we can. So it is going to be a benefit to all of the people in Chili.

MR. WISNIEWSKI: Absolutely. I think the landscape architect has done a very good job. They wanted a park-like setting. We have put substantial amounts of cost towards the landscaping of the site.

GEORGE BRINKWART: I think you're on the --

MR. WISNIEWSKI: My personal opinion of the wall is it gives it a nice architectural element to the site, especially the wrought iron fence across the top. I think it gives it a nice appealing element myself. Again, we're very conscious of that, and that is why we're working so hard relative to the architecture to give the Town something they're happy with.

GEORGE BRINKWART: I think you're on the right track, but I just see something here that is lacking from a pedestrian standpoint. I guess I -- I would like to see something more in that area, around that area. I mean there is lots of green space here, and I guess I just like to see that green space utilized from the perspective of a pedestrian walking in that area, maybe walking across the street to get to the site. I'm not seeing it in this layout.

MR. WISNIEWSKI: Do you have a specific suggestion that you would like to see?

GEORGE BRINKWART: I just touched on it briefly, you know, earlier in my conversation about maybe putting some park benches, areas where folks can sit down, as they're coming from Walgreens or going to Walgreens, if they want to sit down and have a chat with some folks. I guess that is the kind of feel that I am after. I'm just not seeing it.

MR. WISNIEWSKI: I don't know that my client would be opposed to that. If you have some specific thoughts. Keep in mind, there is a slope that we're dealing with --

GEORGE BRINKWART: Exactly.

MR. WISNIEWSKI: -- approaching the area, and there is really not a lot you can do about that. I think the grade differential is over 20 feet from the intersection to the southeasterly corner of the site. So we have that to contend with. You have a nice open field of green space in this area. You might be able to accommodate something. The grades are generally moderate in that area. You know, maybe even a mulched circled area with a couple of rounded benches that you can promote a sit-and-chat kind of thing.

GEORGE BRINKWART: I think it would benefit Walgreens as well as the folks here.

MR. WISNIEWSKI: I don't see my client as having --

GEORGE BRINKWART: Very high visibility area. It is on the corner. You know, streets on both sides.

MR. WISNIEWSKI: We have tried to -- there is significant cost, obviously, in the new street infrastructure, the curbing and the sidewalks. We are bringing the ADA accessible access to the front of the store from the new sidewalks along the street. So I think we're in tune with trying to promote the pedestrian access to the site and if you feel the addition of, you know, a sitting area would be an improvement, I can --

GEORGE BRINKWART: Well, I'm just one member here. I don't know what the rest of the Board feels like, you know, if -- if they -- if they think it is lacking in pedestrian access or, you know, a feel for pedestrians, then so be it, but that is my two cents.

DARIO MARCHIONI: I think you have a point, George (Brinkwart). We don't want this to be like a factory, you go there in and out. It is someplace where maybe you can feel comfortable going there, since it is in a critical area of Chili. This -- you know, this is strictly business, you know. There is no leeway for -- that's --

JAMES MARTIN: Anything else? Anything else from the Board on site plan?

CHRIS KARELUS: I applaud the applicant for the application of the new sidewalk, too. I just question where the integration is of the sidewalk into the site, as well.

Also, with the project I know there is an encroaching shed on the Gould (phonetic)'s project. I think that should be a project that takes on relocation of that shed so it is in conformance.

MR. WISNIEWSKI: We can -- you know, I guess to not ruffle any feathers, I think the shed you're talking about is shown on the site plan. I was actually trying to design the site in a manner that could leave the shed in its place. I guess my applicant certainly wouldn't have a problem with it moving. The owner might have issue with that. So we were trying to, I guess,

be good neighbors in that regard is all.

CHRIS KARELUS: Nothing further.

DAVID LINDSAY: I have some on the letter to make note. We're still waiting to see the drainage report and the SWPPP, and a complete set of plans. I will be anxious to see that.

PAT TINDALE: We approved the plans, but I think he mentioned we would like to see some trees remain, depending on whether the neighbors wanted them along Grinnell Drive, where, if possible.

BRAD GROVER: Traffic Safety Committee, since we have looked at this back in December, every time we discuss it, we're still not pleased with where the entrance/exit is on Paul Road. Granted we don't have any empirical data like you have, but just the way traffic flows down through there, what we see, we're just not happy with it.

Couple questions were brought up at the last meeting. Pikuette Drive was originally all of the way through down onto Paul Road. Why was that closed off?

KAREN COX: They closed it off when the State did that intersection improvement several years ago. Because it was -- when the turn lanes were added or when the intersection was widened, it was felt that that would be most likely used as a cut-through, as I recall. I was a junior engineer on that project actually.

BRAD GROVER: They're more concerned about it being a cut-through and safety issue of people pulling back out onto the road there?

KAREN COX: The State was concerned, I believe it would be used as a cut-through between Paul Road and Chili Avenue.

BRAD GROVER: To avoid the intersection?

KAREN COX: Correct.

BRAD GROVER: So it became an issue then of people coming out onto Paul Road?

KAREN COX: It's dead-ended at Paul Road.

BRAD GROVER: Right. It is now. But when it was straight through, it was an issue then of people trying to turn out onto Paul Road at that time before the State closed it off?

KAREN COX: I believe so. It was a two-lane road. But the traffic volumes and the intersection realignment, um, negated -- or necessitated closing that off, that it was in full -- the neighbors agreed to that, to that dead end.

BRAD GROVER: At that time it was considered a traffic issue to be closed off, but now it is not?

KAREN COX: I don't see -- I'm not --

BRAD GROVER: They closed it off because they widened the road, Paul Road. With a turning lane, it would be difficult for people to get out onto. Now we have the turn lane there and they will open it up as an entrance/exit.

KAREN COX: Well, you know, the -- this was how many years ago when that was done, 20 years ago? Their standards have changed somewhat. You know, the State has looked at the driveway location.

BRAD GROVER: They have no issues with it now.

KAREN COX: I don't believe they do.

BRAD GROVER: Another question was brought up, and this was looking like five years into the future, if for some reason Walgreens were to fold and another company comes in there, something like a McDonald's where you got a constant flow of traffic in and out, in and out, in and out, would that intersection then be able to handle that kind of flow of traffic, in and out?

KAREN COX: No. Probably not, but I think you would have to address it then. You know, we can't -- you know, they would have to come in for site plan for that use, and most --

BRAD GROVER: To get approval.

JAMES MARTIN: Yes. They would have to go through the whole process. I mean you might end up closing that and say you can only use Chili Avenue. Who knows what would happen.

BRAD GROVER: Those are our comments.

JAMES MARTIN: Any other issues on site plan at this time?

GEORGE BRINKWART: I did have one more comment. And basically I'm echoing what Dave (Lindsay) said. We haven't really seen a full set of plans either. As Dave (Lindsay) mentioned, we're short on details. I think the Board in general would like to see a complete set.

JAMES MARTIN: You ready to do architectural at this point?

MS. BRUGG: Yes. I think we should move on to architecture if we have answered the first round of questions.

We have tonight Jeff Taw is here. The drawing, before he even takes it out, is not the final drawing. There have been other comments made, and it takes time to generate drawings. We are planning to take comments back from this Board tonight. There have been various comments made. I think just as of yesterday, we were able to get a clock for you. That was something that this Board wanted to see. My client wants to give you a beautiful building. He really does. My client is not Walgreens. He is the developer of the site. He wants to give you a nice building. We're doing our very best to try to, um, produce something that the Town will be pleased with.

JAMES MARTIN: I think we understand. I mean you're the intermediaries. Eventually Walgreens --

MS. BRUGG: This is a process. You know this as well as I do. This is a process.

JAMES MARTIN: Walgreens is going to own this site eventually.

MS. BRUGG: They will, correct.

JAMES MARTIN: So, you know, the ultimate responsibility for what goes on that corner,



Walgreens is going to own it, and they will be responsible for the way it looks. And we're dealing, you know, in between.

MS. BRUGG: That's right. We're doing our best to, you know, to get you a nice looking building.

JOHN NOWICKI: Walgreens knows that people in Chili do travel around the United States and around the world, don't they?

MS. BRUGG: Sure. You're right.

There have been various comments that have come from Board members. There has been different opinions, different individual people's opinions that have been involved in the development of the elevations. It has been a process. We're nowhere near finished with the process and certainly we'll produce elevations that are approvable by this Board.

On that, I will let Jeff (Taw) talk to you a little bit about what we have been doing since we were last here.

MR. TAW: Since we were last here, I basically went back to Walgreens and poled them for buildings that other, you know -- other projects that have gone that might be a little closer to what the village -- or what the Town is looking for. And we found one actually nearby and submitted it for some preliminary comments. It was actually a stone, entirely stone building and one of the comments coming back was that -- that brick would be the preferred material, so we have taken that design and re-rendered it in brick.

A couple of the things that I think that are appropriate for the site is the reworking of the corner element. Um, and creating more of a higher tower to address the height and the significance of the intersection.

The one -- one of the versions that you had seen was -- had an indication of a clock there. I have gone back and forth with Walgreens, and that preliminary design that we had shown you, they told me that that clock is now gone, so I think four trips back to the well and they finally agreed that we can put a clock up in the gable element of this piece (indicating). I would probably re-proportion this a little bit to make that clock feel comfortable in this (indicating), probably raise it up even a little bit more.

Another element is an entry canopy supported by two masonry columns that will project out a little bit into the sidewalk. It will give it a little more gracious entry to the unit.

And with the tower element, utilizing a low slope gabled piece. And another part that we have felt would be a little more appropriate for the site is the addition of a formal cornice on top of the -- this cast stone facade or a portion of the facade.

KAREN COX: Is that stone face, or is it --

MR. TAW: This portion, yes. That is a cast stone. The typical materials are a split-face block base and brick. A split-face block band and cast stone surrounding the two primary elevations.

KAREN COX: Can the window above the entrance be made smaller slightly?

MR. TAW: Um, that is a possibility. Um, we can look into that.

KAREN COX: I mean you talked about making the tower taller for the clock, but could you make the window slightly smaller to make room for the clock?

MR. TAW: I think we can probably --

KAREN COX: I mean that is my opinion. I would like to hear what the rest of the Board thinks, or -- or that's a question I should say.

MR. TAW: The other thing I wanted -- I failed to address was the -- typically Walgreens has only the upper band of windows, because below the windows are their -- their merchandising racks, and as part of the initial comments from the Town, we have doubled the size of the windows, and these windows, as I discussed in the prior meeting, Walgreens would use as a display. Since they can't be clear glass, because they back up to merchandising racks, that they would like to display historic photos of a combination of Walgreens and local historic photos.

Visible from the outside?

MR. TAW: Yes, yes.

JIM POWERS: Has Walgreens ever dared think of using wood and nails versus mortar, brick?

MR. TAW: Um, I -- a lot of that has to do with -- with building codes. Typically mortar and brick, they're looking for a -- a really enduring, low-maintenance product. And I honestly can't say if they have used wood anywhere else, but their philosophy is to use very traditional, long-lasting and easy-to-maintain materials. And, you know, it is certainly appropriate, you know, in the setting such as this, I think.

JOHN NOWICKI: I think you have known what this Board wants and I think Walgreens has to supply that. And that's how my vote is going to do. If they do their homework and they pay attention to what the Board has suggested, and I don't have a problem with anything I have seen. If they don't, it will be a negative vote. That is the bottom line with me.

Thank you.

DARIO MARCHIONI: I have to go with what John (Nowicki) said. I think we presented you with a -- our concept, something to work out of.

I see some that has come into our way, but there is still a communication problem here. And I was wondering, if I could put this on the board, if I could remind you what we are thinking about.

MR. TAW: By all means.

JAMES MARTIN: Be my guest.

DARIO MARCHIONI: Is it okay, Mr. Chairman?

JAMES MARTIN: Be my guest.

MS. BRUGG: My only comment on the architecture, I think this -- I think the Board knows this. This is a process. It is a constant discussion as to how to reach something that is mutually agreeable, that works for the community, that works for Chili. We do want to give you a building that you would be proud to see at that intersection, and at the same time it has to be functional for Walgreens, and we do have certainly limitations in certain elements that are sort of given they won't compromise. And, again, there are other elements that we have been able to work -- work on and develop, such as, you know, getting the clock, getting the entry element modified, making various architectural changes that Walgreens may not have made before, but is willing to make on this particular building and still maintains their identity, still is functional, still is durable, still has all of the elements that they also need to have in order to do any project.

JAMES MARTIN: Yes. Such things as the green awnings. I mean I guess -- I think they are very unsightly.

MS. BRUGG: I don't know if the green awnings -- they were on -- I don't think there was a comment of removing them or we would have probably done that between then and now.

JAMES MARTIN: Having some sort of a fixed overhang with columns supporting it would be --

MR. TAW: Which is what we presented the last time.

JAMES MARTIN: I don't know what this white stuff is. You have brick in some spots, but is this stone?

MR. TAW: In this area (indicating)?

KAREN COX: It is white on our --

MS. BRUGG: On your copies?

KAREN COX: Yes. It doesn't look right.

JAMES MARTIN: It is white on ours.

MR. TAW: It is a cast stone.

JAMES MARTIN: Split block?

MR. TAW: No. It is a cast stone. Like a limestone material.

KAREN COX: Looks like laid-up stone.

MR. TAW: Cut like stone.

KEITH O'TOOLE: Is it made out of limestone or made out of concrete?

MR. TAW: There are two products you can use. Cast stone would be a cast concrete product.

KEITH O'TOOLE: Is it concrete block?

MR. TAW: It is not a concrete block. It is a concrete veneer. It is cast stone.

JAMES MARTIN: You know, we -- we're trying to develop something that would -- goes commercial to residential, okay, and --

MR. TAW: We actually have a sample of it, if you would like to see it.

MR. TAW: This is the cast stone material (indicating). This is concrete block (indicating). This is the split-face block that is part of the facade (indicating).

JAMES MARTIN: Yes. That is typically what you see in your cookie cutter design. I mean, you know -- you can go over to Gates and see that, I think.

JAMES MARTIN: Betsy (Brugg), I think we have still got --

MS. BRUGG: We --

JAMES MARTIN: We have an issue around the architectural.

MS. BRUGG: We're going to work on it.

JAMES MARTIN: It would seem to me that the architects at Walgreens, who have approved probably thousands of these drugstores, must have plans on file, must have elevations on file. I can't believe they wouldn't, but maybe they don't. Do you know?

MR. TAW: I have a number of rather ghastly examples in my folder right now. This is probably one of the most -- one of the more elegant adaptations of their designs. Walgreens has basically two prototypes in the northern and southern prototype, and there are, obviously, changes to those designs, because they're from outside architects.

KEITH O'TOOLE: Wouldn't Walgreens, like any other real estate manager, have photographs of their existing stores and couldn't they give us a CD with all of the photographs of all of the stores they have approved, and I bet this Board could flip through that CD in the space of less than an hour and find a couple of examples you're all comfortable with and be all done with this.

MR. TAW: I can't answer that.

MS. BRUGG: I doubt it is that simple.

KEITH O'TOOLE: Scanners are wonderful things.

And I bet it is Walgreens is what is driving this project -- this is not the developer's project. This is ultimately Walgreens' project. I bet if they really wanted this approval, they could slam that all on a CD and ship out the CD to the Board members and you could all at your leisure click through it on your computers, get together, choose a design or two you would like, and that at least should show a baseline, with maybe a little tweaking, and you would be there. And that would be it.

JAMES MARTIN: Excellent suggestion.

DARIO MARCHIONI: I just have a question. I'm sure you sent our concept to Walgreens. Would you be more specific, all of the different items they don't like?

MR. TAW: Well, I think -- and again, I'm -- I'm not representing Walgreens. I can only interpret.

DARIO MARCHIONI: You talked to somebody.

MR. TAW: Yes, I did. They -- I think their goal is to have a corporate identity. They want somebody to look at a building and say that is a Walgreens. Without a sign on it.

DARIO MARCHIONI: If you see this building, you think I wouldn't think it is Walgreens? It has a big sign in front of it.

MR. TAW: I think their interpretation is it takes a sign for somebody to know it is a Walgreens. And again, I really, you know -- I'm not Walgreens' architect.

DARIO MARCHIONI: But you mentioned before, this is a real critical site.

MR. TAW: Uh-huh.

DARIO MARCHIONI: It is transitional between commercial and residential. It is all residential all of the way around you to the east. That effect -- if you go -- if you go down on Mt. Read, to the General Motor factory there, it has almost the same type of entrance that is presented there at your board there. It has that, you know, factory-type entrance. I mean I have seen buildings, I have been around all over -- we want something that is suitable for Chili. I'm not saying that is perfect, that one there, but I'm saying that is a concept that we should work on together, and if you walk down our aisle here, or our corridor, you will see buildings, historical buildings that Chili has, or has had, and that is where some of that concept comes from.

JAMES MARTIN: We're not trying to say you have to build that building. Please don't misunderstand us, from that aspect. We're trying to present concepts what we would like to see.

My concern is -- and this is not to be misunderstood. My concern is that, you know, if we went ahead and did the approvals tonight, I mean it would be like -- I may be wrong on this, but Walgreens would say, okay, you know, move -- give them something, but maybe it is not what we really want to see. That is my concern, okay? If you understand what I am saying. This is not to reflect on all your efforts and your efforts and everybody who has been associated with this project. But that is just such a critical corner to the Town of Chili, and, you know, traffic issues and all of that stuff aside, which certainly is, you know, not being trivialized. But -- you know, getting the clock, that's great. I just think if you could -- if you could do the CD thing, which Keith (O'Toole) has suggested, or come back with, you know, with some other options that, you know, we could take a look at. I'm not exactly sure what the path is forward on this, but I am getting the sense from the Board that we're not here yet.

MR. TAW: Well, I -- we can certainly approach Walgreens and see if they have the ability to produce a disk for you to look at. I can suggest that I would be very happy to drive around Chili with you and you show me what it is that -- that really defines Chili for you and I will see if I can find a way to interpret that.

JAMES MARTIN: You don't have to go too far in this area, I mean to find structures, buildings that, you know, have the columns, have the entrances that I think would be more appropriate for this particular location. Um --

MS. BRUGG: Okay, I guess --

JAMES MARTIN: -- everything.

MS. BRUGG: I guess I want to jump in to the extent that the tone is getting a little negative, but I think it is important to realize a lot of the positive things we have worked out before coming here tonight, so we basically have, from my understanding, architecture is our issue. We are willing to work with you on it. We'll do whatever we need to do to address that. We have taken care of, I think, all of our engineering issues. I think we have addressed all of the staff comments. So we really are not in the middle of nowhere. It is really architecture is the issue.

JAMES MARTIN: You have come a long ways.

DARIO MARCHIONI: We appreciate that.

JAMES MARTIN: We're 80 percent down the road or something like that. I don't know what the right number is, but I just -- Betsy (Brugg), I'm just concerned that if we were to go ahead and say -- and do SEQR, all right, and do preliminary with conditions and et cetera, et cetera, we're going to lose some of our leverage capability on the architectural. That is my concern, to be perfectly frank. I don't want to lose that capability yet. I don't want to lose it period.

MS. BRUGG: I certainly understand your concern. I don't -- I respectfully disagree. I think your leverage is still there. I think that any conditions that this Board would place on any type of approval, you know, are binding conditions and we would have to satisfy any of those conditions. I think there are a number of items that will have to be conditions either way.

JOHN NOWICKI: We have done this before.

MS. BRUGG: Architecture is really the only substantive issue.

JOHN NOWICKI: That is the issue. We have done it before. Just an example. Say we tabled this tonight. They came back here within 30 days and within that 30-day period we accomplish what Keith (O'Toole) said and what Dario (Marchioni) has put up on the board, and by the next time you come here, this thing can be wrapped up in ten minutes.

MS. BRUGG: With all due respect, again, my client has a property under a contract for a limited time period, and he already had it extended once, and the clock -- honestly, it's ticking on him. And we do need to take care of Piku Drive, we do need to get into the drainage district, we do need to get to the Zoning Board. There are so many steps and we do want to get the building built within the time period that we have to work with.

KAREN COX: Well, this is just for preliminary.

MS. BRUGG: Correct. We're here just for preliminary.

KAREN COX: You still have to come back for final.

JOHN NOWICKI: They have to come back for final.

KAREN COX: If it is not --

JAMES MARTIN: You know as well as I do, if we approve preliminary, it is very hard to undo anything.

JOHN NOWICKI: We have done it before. I mean, yes -- they still have to come back for final. If you table this, and they come back in another month, and we waive final, that is what we have done before, many times, and they know what they have to do. They have to go satisfy that architectural treatment. The site guy over here has done a fantastic.

JAMES MARTIN: Site is done. Subdivision is done.

MS. BRUGG: Are you telling Alex (Wisniewski) he can leave now?

(Laughter.)

JOHN HELLABY: Not completely done. Assuming --

JOHN NOWICKI: This is a very critical site.

MS. BRUGG: We do understand that. We do. We'll do whatever we need to do --

DARIO MARCHIONI: We had a census done with the Town of Chili and architectural is a very, very important issue with Chili, Chili residents because they want to see conformity, they want to see good architectural. This is something that we're responsible for.

JOHN NOWICKI: And in regards --

DARIO MARCHIONI: Once this building is put up, and if it looks like that, they are going to think what is wrong with the Planning Board? They are a bunch of --

JOHN NOWICKI: You take back the comments and make the changes to the site, you guys are out of here in no time.

DARIO MARCHIONI: We appreciate Walgreens coming to our community, we really do.

MS. BRUGG: I guess we would appreciate being limited down to what the major issue is. If it is architecture, have it --

JAMES MARTIN: That's it. I mean I -- the comments on site plan were minimal. The subdivision is a no-brainer. It is just that. The architectural. And -- I just -- I mean, I hate to give up our leverage that we have right now. You know, that is my personal feeling. I don't know where the rest of the Board is at.

JOHN NOWICKI: I personally feel what we have done in the past, and we have been very honest about it, we have kept our word, we have tabled them and if the applicant has come back -- because you have quality applications here, you have quality people and it is just a question, you know, of satisfying that architectural treatment. That is all there is to it. We said that before. We said it again tonight. If you come back in the next 30 days, work with us to get it done, it takes ten minutes to come back here and get -- you waive final and you're out of here.

DARIO MARCHIONI: I do think it is good to bring the person in charge over here to talk to him -- well, whoever makes the decision, because I see that we're putting you in a spot.

MR. TAW: Certainly.

DARIO MARCHIONI: Between a rock and a hard place.

MR. TAW: Thank you.

DARIO MARCHIONI: If the person was present, maybe they could see -- you know, get a feeling in Chili, the people here are very cooperative people, you know, make a living --

MR. TAW: Sure. As I said, I would be more than happy -- really want to, and I suggested this before, that I would love to -- to be able to drive through and -- and --

DARIO MARCHIONI: But the guy in charge who is making the decisions, that is who I want to talk to. You know -- you can always go to the top.

MS. BRUGG: So I think we're clear on what our issue is, huh? It is landscaping.

(Laughter.)

MS. BRUGG: Architecture.

JAMES MARTIN: If Walgreens wants to come and meet with us, you know, whatever.

MS. BRUGG: We'll do what we need to do to get this resolved.

JOHN NOWICKI: That is all there is to it.

JAMES MARTIN: You know, it is clear that everything else looks very, very good, absolutely.

We scheduled public hearing on it tonight. I'm willing to go through the public hearing at this point, but if we end up tabling this, there could be -- you know, we could delay the public hearing until the rehearing of this, if we end up tabling it.

Given that it is already 10:30, and we still have two other applications to go, I would recommend right now that perhaps we table this and delay the public hearing until the next hearing on this particular issue. I would make a motion to do that.

Do I have a second?

JOHN NOWICKI: Second.

JIM POWERS: Are you tabling both?

JAMES MARTIN: Tabling both applications until the next meeting and hopefully we can just get it done here and out.

JOHN NOWICKI: First on the agenda.

JAMES MARTIN: First on the agenda. We'll have the public hearing at the next meeting, and then take care of it. And in the meantime, hopefully they would provide us -- you know, we'll get the architectural issues out. There is nothing else that I know of that will hold it up.

JOHN HELLABY: Well, I guess my only concern is to keep this thing in the time frame. We mentioned getting in these options for the group to look at and kind of say, yes, this is what we're looking at. How are we going to guarantee this is going to take place in -- and we're all in

some sort of agreement that it is this two or three, or will we have to wait to next month to say this is the two we think we're agreeing on.

KEITH O'TOOLE: Tell them to get the information by a certain date so you have time enough to digest it.

JOHN NOWICKI: Everybody is either got e-mail or -- whatever.

JAMES MARTIN: Basically.

JOHN NOWICKI: Communication is there.

JAMES MARTIN: Our next meeting, and I am not going to worry about DRC schedules and application schedules and all of that. We will hear this, okay? Our next meeting is the 14th of August, formal Planning Board meeting. So that gives you 14 -- you know, almost 40-some days.

So I guess what I would do right now is request the applicant to supply architectural alternatives in the form of elevations, photos or drawings. By?

JOHN NOWICKI: Two weeks.

The Board discussed the time frame.

JAMES MARTIN: Maybe the three of us can get together at a time to look at this so we don't have a quorum.

There was discussion about individual schedules.

JAMES MARTIN: I think we need them by -- I will say the 27th of July, Betsy (Brugg)?

MS. BRUGG: Okay.

JOHN NOWICKI: That is the latest.

James Martin reviewed the proposed request by the Board.

JAMES MARTIN: I make a formal motion at the time we table this application until the August meeting.

Do I have a second?

JOHN NOWICKI: Second.

DECISION ON APPLICATION #5: Unanimously tabled by a vote of 7 yes until the August 14, 2007 meeting pending completion of the following:

1. The Planning Board requests that the applicant supply architectural alternatives in the form of elevations, photos or drawings by July 27, 2007, for review by the Board. The public hearing was postponed to the next hearing on this application.

The latest architectural rendering submitted for the building shows improvement over previous submissions. The Board feels that it falls short of achieving the transitional features needed to move from commercial to the surrounding residential properties. There are no significant issues pertaining to the subdivision or the site plan at this time.

DECISION ON APPLICATION #6: Unanimously tabled by a vote of 7 yes until the August 14, 2007 meeting pending completion of the following:

1. The Planning Board requests that the applicant supply architectural alternatives in the form of elevations, photos or drawings by July 27, 2007, for review by the Board. The public hearing was postponed to the next hearing on this application.

The latest architectural rendering submitted for the building shows improvement over previous submissions. The Board feels that it falls short of achieving the transitional features needed to move from commercial to the surrounding residential properties. There are no significant issues pertaining to the subdivision or the site plan at this time.

INFORMAL:

1. Byrne Dairy - requesting relief from condition imposed on 12/13/06 to allow the outdoor storage and sale of seasonal products at property located at 3771 Chili Avenue in G.B. zone.

JAMES MARTIN: For the record, I will read to you the letter that I wrote after the last appearance before this Board.

"The Chili Planning Board, June 12th '07, meeting: Unanimously tabled by a vote of six the above-described information. Applicant shall provide to the Planning Board a diagram of the area utilized for outside display of sales items not listed in the approval letter dated December

14th, 2006. The display area shall not exceed 20 linear feet. The applicant shall also supply to the Planning Board a comprehensive list of all potential items to be displayed."  
Hopefully you have those.

Michael McCarthy was present to represent the application.

MR. McCARTHY: Showing you a diagram of the proposed site for our display of outside merchandise as well as a comprehensive list that will be posted in the store at all times for the manager to review. Those are the only items that we would allow them to display outside. They would all be contained within the black rack that is either existing there, is what we would prefer, or there is a slightly smaller black rack as well as a palletized display next to that rack.

JAMES MARTIN: Is that it?

MR. McCARTHY: Yes.

JAMES MARTIN: One of the problems I have is the shrink wrap stuff that gets out there and gets torn open and --

MR. McCARTHY: That is why everything would be contained to the designated area, displayed on the black Benchmaster rack that is existing that you agreed was acceptable at the last meeting, as well as the palletized display.

JOHN NOWICKI: What is the palletized display?

MR. McCARTHY: I -- here is pictures of how it currently exists (indicating).

JOHN NOWICKI: That is what you mean by palletized?

MR. McCARTHY: Yes.

JAMES MARTIN: I know what he means.

A couple of comments. Obviously there has been a significant clean-up --

MR. McCARTHY: Yes.

JAMES MARTIN: -- since you were in before, which I will commend you for. So what you're showing here is representative of what you would have on display?

MR. McCARTHY: Yes. Yep. That would be typical summertime display. In the wintertime it would be -- there would be more rock salt instead of the charcoal, lighter fluid, as well as additional washer fluid on the black rack.

JAMES MARTIN: All right. So there is no Adirondack chairs on here?

MR. McCARTHY: No Christmas trees.

KAREN COX: No dent removers. Right?

(Laughter.)

JAMES MARTIN: Well, you know, maintenance will always be the issue, all right? And, hopefully, by limiting the amount of space, by limiting it to these --

MR. McCARTHY: Everything will be contained within those -- within that display area.

MS. BORGUS: Mr. Chairman, can the public know what you're looking at? I realize it is informal. Could we see what you are seeing? A list, or -- this is important to our neighborhood, too.

JOHN NOWICKI: There is the picture (indicating).

JAMES MARTIN: Here is a picture (indicating).

JOHN NOWICKI: The pictures are there to your right. You will see the pictures of what you get.

JAMES MARTIN: I still have a problem with the shrink wrap stuff, and you know, somebody goes out with a knife, you know, and -- utility knife or whatever and cuts it open and the shrink wrap is laying there all over the place. I think there ought to be something in your guidelines to your managers that that shrink wrap has to be removed properly, okay, and not just left hanging in the wind.

MR. McCARTHY: Right.

JAMES MARTIN: That is my comment. I will go to the Board for other stuff.

DARIO MARCHIONI: If it is maintained, you know, as you are stating, I don't see any problem.

GEORGE BRINKWART: Did you -- maybe this was brought up. Did you have a specific size of this area that you are going to be -- I know you said it is palletized and --

MR. McCARTHY: It's-

JAMES MARTIN: Not to exceed 20 feet.

MR. McCARTHY: The way it is existing, if you're including the ice chest --

JAMES MARTIN: No.

MR. McCARTHY: Then -- then the -- this is only 12 feet.

JAMES MARTIN: Okay. You're well under the limit.

MR. McCARTHY: Yes.

JAMES MARTIN: Thank you.

GEORGE BRINKWART: Are we going to put a size limitation on this display area?

KAREN COX: We did.

MR. McCARTHY: 20 feet.

JAMES MARTIN: No greater than.

JOHN NOWICKI: Can you put an ankle collar on the manager of this place?

(Laughter.)

KAREN COX: Now, you know, let's not get crabby.

GEORGE BRINKWART: 20 feet not to extend past the canopy?

JOHN NOWICKI: Under the canopy.

MR. McCARTHY: Fully contained under the canopy.

JOHN HELLABY: Well, I guess the only question, or more or less a comment I have, the only thing I see on this list that you added that you couldn't display before were four items, that being charcoal, lighter fluid, rock salt, case pack water because you were already allowed, to my knowledge, to display anything related to the motor -- or the gasoline sales, which would be the motor oil, washer fluid, transmission fluid, and you had permission for the propane cylinders and the ice chest.

MR. McCARTHY: Correct.

JOHN HELLABY: I'm still not crazy about it. I guess I just don't buy the box palletized stuff out there. It is hard enough to swallow the display shelving out there, but I just can't see pallets sitting out there with unopened boxes on them. I don't see the necessity if the stuff on that pallet is what is on display there, the reason that it should be there. There is not adequate room in your back room to store these things, then don't have them there.

MR. McCARTHY: Well, it's volume, especially --

JOHN HELLABY: Most of the businesses I'm aware, and I know Wegmans doesn't have palletized stuff out front --

MR. McCARTHY: In their entranceway they do.

JOHN HELLABY: Again, it is not in boxes. I mean the pictures I looked at are boxes on a pallet.

MR. McCARTHY: The Wegmans that I shop at does do palletized box displays in their front vestibule area.

JOHN HELLABY: I don't buy that. I have been with them for 30 plus years, and not to my knowledge. That's all I got.

JIM POWERS: Are we going to dictate as to square footage that he can put stuff out for display?

JAMES MARTIN: In my letter before, I indicated should not exceed 20 linear feet of display area.

JOHN NOWICKI: Has to stay under the canopy.

JAMES MARTIN: Has to be under the canopy, all right, and cannot extend out beyond the sidewalk. You have to have room for people to walk by.

MR. McCARTHY: Right.

JIM POWERS: Originally the items, the specific items, rock salt, pack water, they had permission to put outside for outside display purposes?

KAREN COX: No. That is --

MR. McCARTHY: The automobile-related items. The automobile-related items.

JOHN HELLABY: Oils and stuff.

MR. McCARTHY: Oils and washer fluid.

JIM POWERS: You could put those out before?

MR. McCARTHY: Yes.

JAMES MARTIN: Yes.

JIM POWERS: You also have had a lot other items that are not even on this list out in front of this store.

MR. McCARTHY: That's why we're here today, with the list, so that we can -- so that we can be in compliance. We want to be --

JAMES MARTIN: Not any more. They can't put plastic chairs out there and stuff. This is the only thing they can have out there.

MR. McCARTHY: That list would be an inclusive list?

PAT TINDALE: I said not applicable, but our Board discussed this, and we would prefer to see nothing out there, just so you know.

JAMES MARTIN: As I said before, due to the fact we don't have Town Code to regulate this, and the fairness issue existing, what I said is the --

James Martin read the proposed conditions to the Board.

JAMES MARTIN: Request is for relief of the condition imposed at the December meeting.

KAREN COX: Can we include the list on the letter somehow?

JAMES MARTIN: I will attach it to the decision letter.

DECISION: By a vote of 5 yes to 2 no (Jim Powers, John Hellaby) relief from the previously imposed condition regarding outside display of sales items (see approval letter dated December 14, 2006) is hereby rescinded, subject to the following:

1. All other conditions previously imposed by this Board remain in effect.
2. All items shall be under the canopy.
3. The attached list provided to the Board are the only items that are allowed to be displayed.
4. The area designated for palletized display shall not contain unopened

248

cartons. Unopened cartons should be stored in the stock room.

FOR DISCUSSION:

- 1. Gary Sawtelle - proposed antique shop at 2171 Scottsville Road in A.C. zone.

Gary Sawtelle was present to represent the application.

MR. SAWTELLE: I'm really here tonight at your request to get some -- for you to get some information and for us to get some information about what steps we need to take to open a very small antique shop on our property.

JAMES MARTIN: We reviewed this at DRC. There were a couple of issues that certainly need to be addressed. You would need a conditional use permit to allow this to happen.

MR. SAWTELLE: Right.

JAMES MARTIN: Second thing is, the Commissioner of Public Works says you cannot park in a Town right-of-way. You have two proposed parking spaces in the Town right-of-way and that can't happen. You have to revise the site plan and figure out where you would park cars for this, assuming it does go forward and gets approvals. Because that part is not going to work.

So those are the only pertinent comments that came out of the initial review of your proposal when we did the Design Review Committee analysis of this.

At this point I will turn it over to the Board.

JIM POWERS: I have just one question. That road I thought was abandoned by the --

MR. SAWTELLE: No, no. The road was abandoned by the State to the Town of Chili, in 1928.

JIM POWERS: Because I was just going to ask why can't he park on the right-of-way, because the road has been abandoned. So...okay.

JAMES MARTIN: No. Joe Carr still polices it.

KAREN COX: Abandoned to another municipality. Called jurisdictional transfer.

KAREN COX: Do you -- now, is this a new business?

MR. SAWTELLE: Uh-huh.

KAREN COX: You're not moving it from --

MR. SAWTELLE: No. This is start-up.

KAREN COX: I might have missed this. The hours of operation?

MR. SAWTELLE: Well, what we're proposing is to be open only from April through December, and then at least initially might -- we don't expect more hours than are here, possibly less in terms of the proposed hours.

KAREN COX: Did you plan a -- like a sign out by the road or something on --

MR. SAWTELLE: We're proposing to put a sign on the building, not out on the road. Possibly two signs on the building, because of the way it angles, um, it -- a sign on one side couldn't be seen from the north, coming from the north.

KAREN COX: Assume it will be tasteful?

MR. SAWTELLE: Very tasteful.

KAREN COX: Not lit, no neon.

MR. SAWTELLE: Not lit.

JAMES MARTIN: We have some examples of --

MR. SAWTELLE: It's an antique shop. It's not Walgreens.

(Laughter.)

JOHN HELLABY: Nice.

JAMES MARTIN: Just be sure you take a look at our sign regulations.

MR. SAWTELLE: That's what I need to find out.

JAMES MARTIN: You can go online to our code and find out or go to the Building Department and find out. But don't get tangled up with ZBA, you know, variances if you can avoid it.

MR. SAWTELLE: No. We don't want to.

KAREN COX: That was all I had. Thank you.

JOHN HELLABY: Modifications to the barn area, as far as any structural changes or walls?

MR. SAWTELLE: Um, really at this point there is nothing major that needs to be done. The barn has -- it is finished inside. Um, it has three -- three rooms. Well, one entryway and one room on either side. We're not intending to develop the lower level or the attic level.

JOHN HELLABY: Nothing other than a comment. My mother did it for 30 plus years up on the hill, so I mean it fits in the neighborhood.

JOHN NOWICKI: My question is, have you talked to your neighbors about this and how well do they feel about this?

MR. SAWTELLE: Most of our neighbors that we know -- the neighbors are few and far between along --

JOHN NOWICKI: In the immediate neighborhood.

MR. SAWTELLE: Right. They have all told us that they're very much in favor of it. Um, from the time that we have started discussing it with them. We have but one neighbor on our little road, and they're not moved in yet, but they're not having any problem with it.

JOHN NOWICKI: They all know about it.

MR. SAWTELLE: Pretty much.



CHRIS KARELUS: Signage and access will be two things to focus on.

Also, within the building try to have some type of schematic how -- what your intentions are to have the building adapt to the antique shop. Just giving you some forethought you should bring to the Planning, the next step.

DECISION: Based on the discussion, an application for a conditional use permit must be filed. In addition, the proposed parking arrangement must be modified due to the fact that parking is not allowed in the Town right of way.

The 6/12/07 Planning Board minutes were approved.

The meeting ended at 11:00 p.m.