

CHILI PLANNING BOARD

July 12, 2005

A meeting of the Chili Planning Board was held on June 21, 2005 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: John Hellaby, Dario Marchioni, Karen Cox, John Nowicki, Ray Bleier, Dennis Schulmerich and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; Larry Nissen, Town Engineer; Pat Tindale; Conservation Board representative; Bill Arnold, Fire Department representative; Fred Trott, Traffic Safety Committee representative.

JAMES MARTIN: Public comment to Mr. Kress. I have been asked by the Board to thank you for the notes you have provided us, the updates and the completion on application issues and those types of things. Everybody was pleased to see that as an addition to the notes. I wanted to publicly note that.

DANIEL KRESS: You're welcome, sir.

JAMES MARTIN: We have a lengthy agenda tonight. I would ask for your cooperation during the public hearing portion of tonight's meeting. Please keep your comments pertinent to the application, focused and as short as possible, and hopefully we'll move along very quickly and get out of here at a reasonable hour tonight. OLD BUSINESS:1. Application of Balbir Singh, 1210 Scottsville Road, Rochester, New York 14624, property owner; Pinni Enterprises; for preliminary site plan approval to erect a 20' x 25' addition to convenience store at property located at 1210 Scottsville Road in G.B. zone. John Balinski and Rick Santiago were present to represent the application.

MR. BALINSKI: Good evening. My name is John Balinski, architect with MRA Architecture. We have been retained by Rochester Contracting to represent this project. We put together some preliminary drawings showing the addition. These are basically --

Basically, as I said, we have some preliminary plans for basically a 25-by-25 foot 7 addition, about 512 square feet to the existing convenience store to the west side of the building -- or the east side of the building, I'm sorry.

And basically, there is -- the parking calculations for the site requires per the Town code eight parking spaces. We have done research on the site itself and have come up with nine spaces, so we are in compliance with the parking per the Town code, based on both a service station and a convenience store. We basically are showing the addition on the east side, which will have an entrance adjacent to the parking, so it will be -- but the west side entrance will be maintained for people using the gas pumps so they can come up the west side as well. We have added additional landscaping. There was a landscaped planter existing on the east side which will be removed due to the addition. We'll be adding along the north side of the building a landscape planter box that will wrap around the addition on the other side. We'll have some landscaping going along the corner entrance along the new addition. Its construction will be similar to what -- the building's actual appearance as it is. It will be brick and storefront glazing.

JAMES MARTIN: Are there any toilet facilities planned for this addition?

MR. SANTIAGO: One toilet bathroom on the car wash, which is about 300 feet from the existing building.

JAMES MARTIN: But nothing in the -- in the new building or the addition or the existing, you know --

MR. SANTIAGO: That was correct. Rick, R-i-c-k, Santiago, S-a-n-t-i-a-g-o.

JAMES MARTIN: What specifically is different from this plan that was submitted previously?

MR. BALINSKI: Mr. Santiago can explain some of the previous issues brought up at the prior meeting that he has taken care of through his conversation with, I believe, the Town Engineer. He could highlight those issues.

MR. SANTIAGO: There were several issues. One as an existing one prior to this addition. The cleanup in the back of the car wash. That's been cleaned up. And the setbacks were included in the first plans, with some of the landscaping, the lighting, so we had to go back to the drawing board to get this all put back together.

RAY BLEIER: I did go out there and check the site. One thing I did notice behind the car wash was there are still several items sitting out there, little barrels of things and whatnot. And that would be specifically one question, or one condition, that there would be no outside storage of anything outside the buildings. I did notice a lot of the leaves were cut down in the back of the car wash also. Were you planning on any landscaping there? I didn't see any indicated on the plan.

MR. SANTIAGO: Not at this moment. I'm not sure if you would like to -- if they would like to asphalt the back there in the future. There is dirt and rock and concrete, but right now it is not part of the plan.

RAY BLEIER: You will asphalt it? It is not asphalt now.

MR. SANTIAGO: Some areas are. There are some areas that are rock, dirt, asphalt, concrete.

RAY BLEIER: Last thing, I have a note from the Conservation Department. They have not officially approved the plans, the landscaping.

MR. BALINSKI: Let me speak to that. To the extent of -- if landscaping is a recommendation of the Board for that area, we'll provide a more extensive landscape plan. Whatever the conditions they would like.

MR. SANTIAGO: Also, part of the landscaping we're showing I believe is what the Conservation Board recommended when we met with them, putting it on the north side so that east and west side can see the landscaping. Because right now you can't see it coming from the west side. So what we're showing is what was recommended from the Conservation Board.

RAY BLEIER: I'm sure the Conservation Board representative here will have some input on that.

KAREN COX: Can you review for me again what -- you're expanding this for more retail products?

MR. SANTIAGO: That's correct. That he would like to be able -- right now when you walk in there, it is all congested. I mean you have people coming in just for gas, bumping into people coming in for milk or soda pops or oil, something like that. So they would like to be able to utilize more retail space and be able to put more retail in it.

KAREN COX: So it will be mostly soda, milk, chips, no -- do you plan to do any deli type --

MR. SANTIAGO: No.

KAREN COX: -- sandwiches?

MR. SANTIAGO: No. I mean frozen stuff. We'll add coolers, and I'm not sure -- I believe they'll probably sell sandwiches that are in bags that are already made.

KAREN COX: I would be interested in hearing from the Conservation Board about the landscaping.

JOHN HELLABY: So there is no actual on-site preparation of foodstuffs? All prepackaged items?

MR. SANTIAGO: Yes.

JOHN HELLABY: Additional lighting, I know you're showing additional lighting on the car wash. Is there any additional exterior lighting on the addition portions?

MR. BALINSKI: That would be security lighting on the addition as required, but there are no additional light poles or any parking lighting at this time.

JOHN HELLABY: If I remember correctly, the dumpster enclosure is existing. I do not believe it had a gate on it. Is it your intent -- because this is supposed to be fully enclosed.

MR. BALINSKI: That can be taken care of.

JOHN HELLABY: Outside display -- you covered storage of materials, but outside displays, stacks of soda cases, pop bottles, things you have specials on, is that your intent?

MR. SANTIAGO: To be honest with you, I'm sure they will continue doing what they have been doing.

JOHN HELLABY: What would that be? Have they had outside displays? I'm not that familiar with that --

MR. SANTIAGO: I'm not sure. To be honest with you, I know Pepsi and Coke, they usually run promotional 12 packs for Mobil gas stations and Hess, but I can't answer that.

JOHN HELLABY: It might be put in as part of the conditions to not get out of hand, as far as a 8-foot tall pyramid of Pepsi out there.

Signage, additional signage? I don't see any additional signage pertaining to this application, and I might forewarn you, this Town takes a dim view on tons of neon signs in front of windows, as well.

Hours of operation, will this affect your hours of operation in any way, shape or form? I don't believe it is a 24-hour operation, is it?

MR. SANTIAGO: I don't know if they -- right now, the hours will stay as is.

JOHN HELLABY: Can you tell us what the present hours are? I would like those added as part of the addition.

MR. SANTIAGO: The owner is here. I can ask him if you would like.

Right now they are currently open from 6:00 a.m. to 9:00 p.m., Monday through Saturday, and 8:00 to 8:00 on Sundays.

JAMES MARTIN: Okay.

JOHN HELLABY: Who will actually be constructing this addition? Yourself?

MR. SANTIAGO: Rochester Contracting, correct.

JOHN HELLABY: Time frame for the construction? Once you get approvals behind you, what are we looking at as far as construction?

MR. SANTIAGO: Once all of the approvals are done, we're shooting four to six weeks.

JOHN HELLABY: I guess lastly, as part of this project, are there any upgrades or improvement to the existing car wash facility?

JOHN NOWICKI: The parking lots, are they currently striped or will they be striped?

MR. SANTIAGO: Yes.

JOHN NOWICKI: Gonna be?

MR. SANTIAGO: Gonna be.

JOHN NOWICKI: Handicapped spot?

MR. BALINSKI: We're indicating one spot.

JOHN NOWICKI: Meet the requirements?

MR. BALINSKI: Yes.

JOHN NOWICKI: You currently sell propane tank refills?

MR. BALINSKI: There is a propane tank.

JOHN NOWICKI: I would like to know what that tank is for. Is --

MR. SANTIAGO: I can find out.

JOHN NOWICKI: I want to know if you're selling propane.

MR. SANTIAGO: Yes, they do.

JOHN NOWICKI: Is that protected? I guess -- Dan Kress, can I ask you that question? The propane tank facility there, is that in accordance with any standards that you know of, building codes, or fire codes?

DANIEL KRESS: Steel bollard concrete filled would be required.

JOHN NOWICKI: To protect it.

DANIEL KRESS: Accidentally being reamed by a car, yes.

JOHN NOWICKI: Can you quote that is being protected properly?

RAY BLEIER: There are bollards shown on the drawing.

JOHN HELLABY: I do believe they need a permit from the Fire Marshal yearly or twice every two years.

DANIEL KRESS: If that had not already been caught in the annual inspection from the Fire Marshal, I am sure we can show him that when we go over the permit.

JOHN NOWICKI: I just wanted to say you had cleaned up the site. You made a good effort there. Keep it up. Try a little bit harder. Thank you.

DENNIS SCHULMERICH: Rough calculations, adding about 500 square feet?

MR. BALINSKI: Yes.

DENNIS SCHULMERICH: Any additional parking spaces being added as a result of the addition?

MR. BALINSKI: There is space for nine spaces now, and we're not attempting to add any more.

DENNIS SCHULMERICH: For total square footage you're within code?

MR. BALINSKI: Exactly.

DENNIS SCHULMERICH: I will be interested to hear what the Conservation Board's comment is on landscaping.

DARIO MARCHIONI: You got a lot of flags out there. Do you need all those flags? It looks like a carnival when you drive by there. Is that... I mean we're trying to upgrade the area there. The property next-door is nice and neat. All those flags -- I know they're --

MR. SANTIAGO: Well, I can't answer that. We'll look into that and find out what -- why they're up. And if they have no reason to be up, we'll take them down.

DARIO MARCHIONI: Are they temporary basis just because of some holiday, or are they permanently?

MR. SANTIAGO: They have been up for a while, so I couldn't tell you.

DARIO MARCHIONI: I would like an answer to that also. Will you do something with the entrance for blacktop, the potholes and stuff?

MR. SANTIAGO: One of the things they're looking to do down the future is put asphalt on the entire premises. You know, the back as well as the front.

DARIO MARCHIONI: That would improve that whole property.

MR. SANTIAGO: Right.

JOHN NOWICKI: Could you be a little more specific? The word "future" could mean 100 years. Could you ask the owner if he is going to do it this year, next month, this week?

MR. SANTIAGO: I can ask him.

DARIO MARCHIONI: Why don't we have the owner up here to answer the questions?

MR. BALINSKI: That I can't answer.

MR. SANTIAGO: He said once the addition is complete, that is the next project they're going to work on. Probably get it done this year. It all depends how everything goes.

JOHN NOWICKI: We'll make it a condition. John (Balinski).

DENNIS SCHULMERICH: We may make it a condition.

MS. TINDALE: When they originally appeared before us, we did make the suggestion of the wall, like they do have now, accept a little lower, but the reason we rejected the prints, what we suggested were evergreens spaced evenly throughout the wall there, and you're showing green and red barberry. That is the reason we rejected the plan.

MR. BALINSKI: We can get new plans based on the recommendation.

MS. TINDALE: We would like to have evergreens in there.

MR. BALINSKI: Something lower than the barberry?

MS. TINDALE: Spreading yews would be good, 3-foot on center. It is supposed to equal 1 percent of the cost of the project, the landscaping.

MR. BALINSKI: Very good.

MS. TINDALE: We need prints back to be signed.

JAMES MARTIN: I will put a condition, landscaping plans to be reviewed and approved by the Conservation Board.

DARIO MARCHIONI: That exit driveway to the next-door neighbors, is that in mutual agreement there? You show on the plan an asphalt driveway. Is that a mutual agreement you have with the neighbor next-door?

KAREN COX: Is there a cross-access agreement between --

MR. SANTIAGO: I can ask him. I know it has been there before they moved in. I can ask them if they continue to have an agreement with them or not.

JAMES MARTIN: Yes. Just check on that. Find out.

MR. SANTIAGO: He doesn't know of any agreement. When they purchased the place, they continued to use it like it is.

JAMES MARTIN: Any comment on that, Keith (O'Toole)?

KEITH O'TOOLE: No.

JAMES MARTIN: Just sounds like it is a friendly cross-access.

Basically we're looking at approving preliminary site plan.

The Board discussed whether or not to waive final. The Board discussed the proposed conditions.

James Martin made a motion to close the public hearing portion of this application, and

John Nowicki seconded the motion. The Board unanimously approved the motion.

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

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

JAMES MARTIN: When will you physically start this project?

MR. SANTIAGO: Once Dan (Kress) gives the building permit.

DANIEL KRESS: We have not seen any construction drawings.

The Board further discussed the proposed conditions. DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. No outside storage will be permitted.
2. Dumpster enclosure to be brought up to Town standards.
3. Outside produce displays to be kept to a minimum.
4. Hours of operation will be as stated, Monday through Saturday, 6 a.m. to 9 p.m.; Sunday, 8 a.m. to 8 p.m.
5. Propane tank storage shall meet code requirements.
6. Repair and repaving of parking lot to be completed by May 2006.
7. Landscaping plan to be reviewed and approved by the Conservation Board.

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

2. Application of Four Point Rod & Gun Club, owner; c/o David Fox, 1742 Parma Hilton Road, Hilton, New York 14468 for preliminary site plan approval to erect a 14' x 54'6" addition to clubhouse and a firearms range at property located at 4400 Union Street in A.C. zone.

John Caruso was present to represent the application.

MR. CARUSO: Good evening, Mr. Chairman, Board members. I'm John Caruso on behalf of Passero Associates. We're here to represent Four Point Rod and Gun Club tonight. The last meeting the Board had asked Four Point to improve some of the quality of their drawings, so we offered to help them do that and redrew the drawings to try to clarify some of the issues that weren't shown on those drawings, and I think those issues were with respect to the building. We weren't sure where the septic system was. We measured the system, found out where it was in place and made sure that the building addition didn't have any conflicts with the existing septic system. So we have -- number one, we verified that.

The second thing that we did is we made sure there was adequate parking out there, and that that area was stable with stones and solid enough, and right now that area is being planned to be filled with millings and squared off.

So there is plenty of parking on the parcel. The improvement that they're doing to the building is just an expansion so they can have festivals, Christmas parties or events, shoot-offs. Not to have more people there. So the parking is adequate. They are going to do some lighting improvements. We showed the lighting improvements on the plans, and also the shooting range that they're adding, there was more engineering that was done to the shooting range, and we have shown that to the Town's DRC and to the Town Engineer.

The Town Engineer has also asked us in written form to approve some of the side slopes on the berms. We have done that. They were at one-to-one. Larry (Nissen) added them to be two-to-one, and that way is constructable. I think that -- that

is it.

If the Board is so inclined tonight, we would like to ask for final approval.

There was one other issue. In the original submission for approval, the Four Points had also requested the conditional use permit be renewed. And I know Dan (Kress), that it -- at one of the meetings we talked about maybe letting it expire one more year, but if it wouldn't harm, we could renew the conditional use permit if it didn't get in the way.

So I would ask the Board to consider those things.

JAMES MARTIN: According to our records, it is valid for one more year.

Question on the berms. I know they're there for safety purposes primarily to contain maybe stray bullets within the shooting range itself, but also perhaps to permit, prevent, you know, accidental entrance of a wandering kid or something like that that might try to climb over the top of that berm and get into the range itself.

I believe based on your observations over at GCL, that there is also foliage and trees and things to discourage, you know, people from trying to get over the top of the berm, and it just seems like that might be something from an additional safety standpoint that would be worthy of consideration by the Club just to ensure that, you know, we don't have an accidental event occur. The likelihood is not high, but who knows.

So that's something that I think they should think about, and maybe work with the Conservation Board or somebody to see if there is some way that that could even be made more secure from that standpoint.

I guess at this point I will go to the Board. I will start with Dario (Marchioni) this time.

DARIO MARCHIONI: Last night Karen (Cox) and I went to the -- what is the name again?

KAREN COX: Genesee Conservation League.

DARIO MARCHIONI: We went there and talked with a person named Fred there. We asked the question pertaining to the pitch on those berms, and he said the steeper they are, the better it is in order to -- to add to what Jim (Martin) said, for safety reasons, so no one would climb them or slide down them, so they would be a deterrent for that purpose.

And I think he mentioned one-on-one is what they have over there.

KAREN COX: Yes. The problem with those are -- the stability in building them.

MR. CARUSO: The berms on the original plans were less than one-on-one and Larry (Nissen) and I recognized after looking at them -- we agreed that we would make them one-on-two, knowing when they build them, they probably build them one-on-one-and-a-half. They will build them and then run the dozer up and down, and back laid and then go up and down to compact it. You can't really go less than one-on-one, and one-on-one-and-a-half is where we hope they will turn out.

Jim (Martin), with respect to your comment, what we plan to use is that crown vetch on the side. If you look at the expressway embankments, along Chili Avenue, Ramada Inn area, any of the airports, you will see the crown vetch growing. It grows up in almost a 4-foot tall bush and is pretty thick to get through.

Plus the Four Point has a chain across the gate. It is usually -- you just can't get in there unless it is open, and, you know, people are watching what is going on. It is a very well controlled area. GCL, you don't go in there without earmuffs on. The light is turned on if anybody goes down range, and things of that nature.

DARIO MARCHIONI: Also, another thing that we viewed in other ranges that -- on the rifle range, we had the block wall, the openings for the -- they have a metal -- I don't know what it is called. They have a metal screen that you open it up for -- so you can shoot standing up, or you close it if you're in a prone position. Also they have a different area if you're laying flat, shooting flat. And I was just wondering if they're going to do that in this range.

The other thing, one of the questions we asked is that if somebody with a bullet shoots and accidentally hits the block wall, how would it affect ricochet? They have the metal with a cover on the bottom. They shoot the metal, the bullet is caught from bouncing back. I'm not too familiar with firing ranges, but I think Karen (Cox) can explain it better.

MR. CARUSO: I'm a member at GCL, too. We modeled our design after theirs. You don't want to just use cement blocks that are not filled. They have to be filled. The cement, instead of being a concrete-poured wall where you would get the reflection, the cement block takes the impact and stops the ricochet. But you want it solid

poured so it won't pass through or disintegrate the block.

We have that similar design, which is what they have, and we have the similar design here, and that -- there is a detail shown up above in the upper right, but we don't have any catch -- it's usually for handguns. These are mostly for rifles and shotgun slug.

KAREN COX: Although they did have those deflectors, if you -- for lack of a better term, they had those on the rifle range.

MR. CARUSO: Where did you see them?

KAREN COX: We looked at the pistol range, and then to the north of that is the rifle range, which --

MR. CARUSO: Where all of the tables were and the covered canopy?

KAREN COX: Yes. They have deflectors there. I took some pictures, if you're interested.

MR. CARUSO: Can I see those?

KAREN COX: Well, I will give them all to you. They -- here is the deflector, looking back into the -- where you shoot from.

DARIO MARCHIONI: The reason we're asking these questions, John (Caruso), is for safety reasons.

MR. CARUSO: What we did is we set up the top of our -- the top of this area here (indicating), we set the top of that so it couldn't be shot above any of the berms.

KAREN COX: You will not be sitting to shoot.

MR. CARUSO: This is **adjustable**. They made it -- if you want to stand up, you could raise these up, but the way we have it designed, you can see -- it is only 48 inches to the top.

DARIO MARCHIONI: 4 feet.

MR. CARUSO: Now, if you sit on the bench, if you sit on the bench, it is 36 inches, and then it is 42 inches above, so between 42 inches and 48 inches is where you have to shoot under. The way that works -- the reason it works is because you set the target down low, down to 200 yards. The target is at 36 inches if you look at the design. If they miss by mistake, if you shoot a bullet at 48 inches through the wall, it hits the berm down at the other end at 10 feet. That is why the berm is 15 feet. That is why we showed the profile along the bottom.

So these are the engineering issues that we went through at one of the DRC meetings. We tried to show we thought this through.

DARIO MARCHIONI: In case you have to expand this, probably build another one next to it, do you have enough room? I see they have a lot of room. Room for expansion. You only have one, two, three, four spots.

MR. CARUSO: Oh, it is probably more than that. I just didn't graphically show how many they could fit in there. They could probably fit eight. It is 100 feet wide. The one you saw was probably 75-foot wide.

DARIO MARCHIONI: I just saw four there.

MR. CARUSO: I understand. There is probably room for eight benches in there, which is plenty.

DENNIS SCHULMERICH: So basically what I think I have heard you say, it is designed so it is not possible to fire above the berm.

MR. CARUSO: That's correct. That's how we designed it.

DENNIS SCHULMERICH: So there is no way based on the design that we'll have a stray bullet.

MR. CARUSO: I don't see how it could happen. You know, even if -- even if you shot something and it ricocheted off the ground.

DENNIS SCHULMERICH: Likelihood going the distance --

MR. CARUSO: Plus you don't see it on the plans, but behind the catch berm is all trees. And that is a plus not only for -- if anything ever did happen, but the sound we were thinking.

DENNIS SCHULMERICH: So from elevation perspective, I will accept what you say.

From angular perspective, with the Thruway north of the range, is there a potential for stray bullets heading towards the Thruway?

MR. CARUSO: No. Not that I see. I don't know -- I don't know how you could -- if you're trying to shoot here (indicating), how do you shoot there? If you did, and there was a deflection, that is what the side berms are, solid up 12 feet. I raised them all from when you have seen them last. I raised them all a couple of feet.

DENNIS SCHULMERICH: I'm interested in your thoughts in the next question. I'm not intending to be contentious. I'm just interested in your thoughts. I'm not personally, and I'm not sure if anybody else on the Board is an expert in range design. And I don't know who, from your firm, would be an expert in range design to do this except for your experience that you have or some experts you may have brought in to do this work.

Are there people out there that you have referred yourself to that are experts in this design, and does this design reflect that?

MR. CARUSO: In answer to your question, there are experts out there, and what they do is they use a design manual that is supplied by the NRA, which these folks had the manual. They gave it to me. And he used it to design this. But I can also say that I personally -- I am a shooter. I have been shooting for 25 years, and I am -- I'm a member at GCL, so when they came to me and asked me to do this, this was fun for me. You know what I mean fun? You understand what you're doing when you're doing it, and you know how you want the outcome to be. It was a no-brainer.

We took photos just like you did, and -- I didn't understand what you were saying on the deflection, because it is really not a deflector. It is really to set the limit on shooting. But we did the same thing. That is how I know that the berm needed to be 36 inches and you're shooting at 42, and I used the GCL. So I am a little bit knowledgeable. I'm not an expert, but I did have the manual, and I was able to see how to do this.

DENNIS SCHULMERICH: So what I am leading up to, and a concern I have is -- it is not a no vote, but the concern I have is, not being an expert in this, I can look at the plans, I can interpret what I think you have done, but I don't know that there aren't some obvious questions I should be asking if I had the expertise, and to me, this is more a question of public safety than it is the specifics of the design and the layout, so I guess -- I guess during the balance of the questioning from the Board, I would like to think about what I would like to propose around that. I'm not comfortable that we know enough about these type of designs to approve it without some input from others.

MR. DOODLE: My name is Sam Doodle (phonetic), one of the Directors at Four Point. Life member at Genesee Conservation League. Several years ago, the Empire State Games came through GCL, and they approved that range for the -- and our range is based on the same thing. So if that helps you at all.

DENNIS SCHULMERICH: Empire? Who is that?

MR. DOODLE: The Empire State Games. The NRA was very much involved in that, making sure that all of the ranges were up to date. They approved that.

JOHN NOWICKI: Can I put something on the table just on this debate? Is it possible, John (Caruso) mentioned that he was working with an NRA manual.

MR. DOODLE: About that thick (indicating).

JOHN NOWICKI: Obviously to develop this range, you must have went through it, a chapter or couple chapters and references and all that. What would be so difficult to provide copies of that information that you used to design this to satisfy the Building Department and the Planning Board that you have met the NRA requirements?

MR. CARUSO: It's fine by me. I'll just give you a copy of --

JOHN NOWICKI: Is that something that would work?

DENNIS SCHULMERICH: I'm not trying to create debate here. I'm just wrestling -- I'm wrestling with an issue -- if this was a nuclear power plant we're talking about, I would be no more equipped to talk about a nuclear power plant than I am a rifle range. We're talking about to approve it or not and it is a matter of public safety. I'm not saying you're wrong, but I don't know if it is wrong.

MR. CARUSO: I also had to wrestle with the fact of putting my seal on it. I tell you, I did. I had to put my seal on this plan, and I wasn't just going to wing it.

KAREN COX: If it is any comfort, from the discussions I have had with some of the people at GCL, John (Caruso) is right. There is a manual. They do have some information on their website that I checked out. It is a range design, various alternatives for range design that you can use.

Now, I will throw this out. There are -- I'm trying to remember the title. There are people certified by NRA to do this range design. I don't know if they charge for their services, but --

DENNIS SCHULMERICH: I think that is what I am getting at. Do we have an opportunity to have a certified range designer give it a look over and sign off on it, or is John (Caruso)'s sign-off with the experience you have as a shooter acceptable? I'm raising the question for discussion. Again, not to be contentious.

JOHN NOWICKI: That is a good point. If you had technical information,

drawings, sketches from NRA here, you could convince the Planning Board, the Building Department that you used these to design this rifle range -- is it rifle and pistol or just rifle?

MR. CARUSO: Both.

JOHN NOWICKI: Both. And -- you put your stamp on there that you're assuming the liability, that might go a long way.

JOHN NOWICKI: We have to be careful to make sure we have covered the bases.

LARRY NISSEN: Can I make a suggestion? With regard to that, he suggested the Board consider a -- having the design standard referenced on the plan. What if the design standard referenced the NRA publication, the date, the addition, any limitations, exceptions associated with the design criteria. To me, that is generally how design documents are set up. We list the design criteria referenced and perhaps a statement to the effect that the design is in compliance with those criteria.

JAMES MARTIN: Let me follow you. As part of your review as Town Engineer, John (Caruso) cites the specifications to which the plan is drawn. Would you refer to those and make sure that those specifications have been met, right?

LARRY NISSEN: If I had a copy of them, I would.

MR. CARUSO: Or most of the time they rely on me to cite the right reference.

JAMES MARTIN: I understand that. Would it make you comfortable if John (Caruso) were to supply Lu Engineering with the NRA specifications based, you know -- under which he designed this range, Town Engineer then says yes --

DENNIS SCHULMERICH: I will answer that, if I can ask one question of the engineer.

Would you be in any better position to support the plan if a certified range designer signed off on these plans?

LARRY NISSEN: I think that is a Planning Board issue. I would sign off on the plans without the -- with -- with the correct references to design criteria.

DENNIS SCHULMERICH: That is what I was looking for.

JOHN NOWICKI: Is there also a website for the NRA that you could provide to the Town Engineer?

MR. CARUSO: Yes.

DENNIS SCHULMERICH: I'm not trying to be a barrier here. I want you to understand that.

JOHN NOWICKI: The County referral, are you all set with that?

MR. CARUSO: Yes.

JOHN NOWICKI: Membership growing?

KAREN COX: Probably will.

MR. DOODLE: Presently, it's right around 175 to 200. I know there has been a big interest for having a range on the west side of Town.

JOHN NOWICKI: The types of weapons that will be used on the range, other than pistols, what type of rifles? What kind of caliber will they be? Semi-automatics? What type of weapons will be fired?

MR. CARUSO: Most of the weapons are hunting. They are sport riflemen. They try to shoot for bull's-eye. But I don't know if we have set any limits to caliber.

MR. DOODLE: Not really. The berms are designed to take any of the shells.

MR. CARUSO: The specialty of this range is it is a 200-yard range where most are 175 or are not long enough, and most folk around here who use a range, they're big game hunters or sportsmen. They like to shoot the bull's-eye. The bull at 200 yards. But the guy who is going to shoot -- big game hunters that travel, many of you know them, they're shooting out 300 yards. There is no space to go to even get close to that. 200-yard ranges are premiums. So that is why we wanted to make sure we had the depth in the location of this one.

JOHN NOWICKI: Hours of operation the same? Nothing changes there?

MR. CARUSO: No.

JOHN NOWICKI: The posting, or the submitting to the Town the functions for the year, that is not a problem?

MR. CARUSO: No.

MR. DOODLE: The one thing about the hours of operation, there, on the conditional use permit, our old permit indicated that shooting until dusk, but during the winter months, it gets dark so early that we wanted to change that. That is the reason for

the area lighting that we have addressed there.

JOHN NOWICKI: I think so far all of the questions have been asked. I'm sure some of the other Board members are feeling comfortable with your attempt to satisfy the Board and the Town's requirements. Good luck to you.

JOHN HELLABY: Point of clarification with what John (Caruso) brought you. We're not addressing the conditional use tonight, correct?

JAMES MARTIN: We may have a brief discussion of whether we want to. It is -- their conditional use is good for one more year at this time. There was some discussion perhaps to short --

JOHN HELLABY: My concern is now that the comment was just brought up about the lights, and it clearly states they can shoot 'til dusk, I don't know what the rest of the Board -- it makes no difference to me. I don't know what the neighbors think over there, but that is going to be one of the biggest contentions.

JAMES MARTIN: Given that we may not address the conditional use tonight.

JOHN HELLABY: You might want to advertise it.

Purpose of the clubhouse addition, you might have stated it before, John (Caruso), but I'm -- I guess I'm not clear as far as the addition on the clubhouse.

MR. CARUSO: Well, Sam (Doodle) (phonetic), you can fill in, but the events they have, the clubhouse is just not big enough. They wanted to expand about 14 more feet so they could have more sitting area.

When we have a shoot where they do fund-raising, people come in and they eat lunch. The membership shows up, the 174 show up. Rather than the normal operations -- they found themselves a little tight.

JOHN HELLABY: Open seating, no kitchen facilities, storage?

MR. CARUSO: Just an expansion.

MR. DOODLE: Just an expansion of the area.

JOHN HELLABY: All of the construction matches the existing?

MR. CARUSO: Yes.

JOHN HELLABY: Does the existing septic tank need to be relocated?

MR. CARUSO: No.

JOHN HELLABY: For some reason I see in the back of my mind a minimum distance from the structure that the holding tank has to be.

LARRY NISSEN: 10 feet.

JOHN HELLABY: You're not showing 10 feet.

MR. CARUSO: That is for new construction.

JOHN HELLABY: This is new construction.

MR. CARUSO: If you're building new.

JOHN HELLABY: You're putting a new addition on. I guess -- I don't mean to be a stickler, but I'm thinking it is 10 foot, John (Caruso), I really do.

I will let Larry (Nissen) address the storm water management pond. Is that acceptable to you?

LARRY NISSEN: Yes.

KAREN COX: I'm assuming that when you build this range, that you will have a safety plan in place, similar to the one that I looked at last night.

MR. DOODLE: As you noticed -- I don't know if when you were there you talked to somebody -- that was probably a range officer. So --

KAREN COX: Fred Willette (phonetic).

MR. DOODLE: Exactly the same setup. We'll always have a range officer that is popping in, always checking out what is going on. Definitely.

MR. CARUSO: They require you wear your tag so you're -- you did not sneak in to shoot, you have to have your tag on, glasses on, ear protection. Muzzled down range. Nothing loaded. Off to the side. Very well operated.

RAY BLEIER: Just clarification again on the type of weaponry that we're talking about here.

If somebody came in with an Uzi, would you let them shoot there?

MR. CARUSO: Can't shoot any automatic weapons --

RAY BLEIER: No automatic weapons.

MR. CARUSO: No. They're illegal, Ray (Bleier). You can shoot semi-automatics, but the range officers are in control of people -- you know, it is not like -- I also belong to Rochester Brooks Gun Club, which is open shooting and there is a space you can go there and shoot your semi-automatic gun, but this is more for bull's-eye and target shooting.

RAY BLEIER: I know what the intent is. But I'm wondering about somebody coming in.

MR. CARUSO: If somebody came in and was shooting semi-automatic with rapid fire, the range officer would shut that down.

MR. DOODLE: Correct. Usually you always have just one bullet in the chamber when you're shooting target. Only one at a time. It is not a pop, pop, pop.

RAY BLEIER: There is a range officer present at all times.

MR. DOODLE: I have to be honest. That is not the case. Maybe up at the clubhouse. When the range is in use, there is always somebody going in and out. So you could tell -- you could tell how a range is being used.

MR. CARUSO: Like you ran into Fred (Willette) (phonetic). It is the same situation. They don't stand and monitor. They're volunteers. They're in the pistol range. They come over and check. You see them. You know who they are. They make sure you have your tags.

MR. DOODLE: There is a sign-in book.

KAREN COX: Correct me if I am wrong, but when we were members of the GCL, that membership was pretty much self-policing.

MR. DOODLE: Correct.

KAREN COX: Because they were gun owners and understood the issues. Sometimes somebody might bring a guest, in which case, you know, is the member responsible for the guest's behavior?

MR. DOODLE: Correct.

DARIO MARCHIONI: Will they have a basement?

MR. CARUSO: No.

DARIO MARCHIONI: That 10-foot is more important if you have a basement.

MR. CARUSO: That is correct. That is a good point. Thank you.

MS. TINDALE: One of our Board members was contacted by the adjacent farmer who was having drainage problems as a result of some berms. Has anyone contacted you or contacted the Planning Board or anything?

MR. DOODLE: There are no berms there, so I don't know what they're talking about.

MS. TINDALE: Maybe I have the wording wrong. I didn't receive the phone call. I just know there was an adjacent farmer that was concerned and called one of the Board members about a drainage issue.

KAREN COX: Is he worried that the berm construction is going to exacerbate --

MS. TINDALE: We told him to contact the Planning Board or you folks. I didn't know if you heard from him.

MR. DOODLE: Myself, I did not hear anything. It is not to say our President didn't get a call. We know the farmer next-door. We talk to him all of the time. We'll inquire about that and find out. There is nothing in place.

JAMES MARTIN: If there is some validity to that, I hope, John (Caruso), you work with Larry (Nissen) to make sure that there is mediation of any issue that may exist there.

MR. CARUSO: Our plans have been around. Those folks are there. I have not heard anything.

KAREN COX: You have drainage running off your site into his field. I mean it is not as if his land, according to the way the plans are, the surrounding land doesn't drain into your site. It drains away. So maybe it is a perceived issue.

JAMES MARTIN: I will just put that in as a condition, drainage concern raised by neighboring farm be addressed, and --

MR. CARUSO: How do I address it if we don't know what it is?

JAMES MARTIN: I don't know. You don't --

MR. CARUSO: Do you know who it was?

MS. TINDALE: He did not give me the name, but I can find out.

MR. CARUSO: I would rather not agree to a condition of approval that is hearsay.

MS. TINDALE: When they first came up, he got the phone call. So maybe about two months ago.

JOHN NOWICKI: Has the Town Engineer reviewed the plans for drainage? Are you satisfied the drainage?

JAMES MARTIN: So normal requirements.

LARRY NISSEN: There is very little, if any, increase in impervious areas.

JOHN NOWICKI: I'm not concerned.

DARIO MARCHIONI: Subject to engineer's approval.

JAMES MARTIN: Yes. Subject to Town Engineer's approval.

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

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

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

JOHN NOWICKI: Let's consider waiving final.

JAMES MARTIN: I will poll the Board on that.

The Board decided they would waive final. DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. Design standard to be referenced on plan and design standard information to be supplied to Town Engineer.  
Note: Final site plan approval has been waived by the Planning Board.

PUBLIC HEARINGS:1. Application of Leo McKinney, 538 Whittier Road, Spencerport, New York 14559,

property owner: Helen McKinney; for renewal of conditional use permit to allow a motor vehicle service station with minor repairs at property located at 4210 Buffalo Road in N.B. zone.

Leo McKinney was present to represent the application.

MR. MCKINNEY: No comments. If anybody has any questions, I would be glad to try to answer them. Other than asking for a five-year conditional use permit instead of a three-year.

JAMES MARTIN: As far as the type of work you're doing currently in the garage, basically the use permit is for minor repairs. You're not dropping transmissions or replacing engines or doing anything that I would consider to be major repair on the premises at this time?

MR. MCKINNEY: I'm not actually doing the work at all, sir. We just lease it out.

JAMES MARTIN: Is that type of work going on?

MR. MCKINNEY: As far as I know, to my knowledge, it is brakes, tune-ups, mufflers, tire changes, oil changes, small minor repair.

JAMES MARTIN: No body work going on to your knowledge?

MR. MCKINNEY: No, sir.

JOHN NOWICKI: You're the owner of the property?

MR. MCKINNEY: No. Helen McKinney is.

JOHN NOWICKI: Who is?

MR. MCKINNEY: Helen McKinney.

JAMES MARTIN: I assume that is a relationship --

MR. MCKINNEY: My mother, yes.

JOHN NOWICKI: You're leasing it?

MR. MCKINNEY: To Howard (phonetic) Automotive, yes.

RAY BLEIER: This property has had quite a long history, as far as you can see from the list Dan (Kress) has provided here. I remember this facility from when the first application came in in '76. There was some comment by the Conservation Board about planting. I know it has been an extremely tough battle on that corner. There have

been many attempts to do plantings, but due to road salt, it is just not practical to do that.

If I remember the trees in the back, starting out, people were cutting them down for Christmas trees and there were replantings and replantings to the point now I feel there is adequate screening in the back. I have no problem with the landscaping there. Nothing else.

JOHN NOWICKI: The only comment I have seen before, I don't know if you can verify this or not, if the grounds are not being maintained to the best standards, is that something that can be improved upon?

MR. MCKINNEY: I know the lot to the west of the property is mowed. You know, when it needs mowing. Once every two weeks or whatever. Depending on how it is growing. Is that what you're referring to?

JOHN NOWICKI: Gardening care will help the plantings survive and generally will greatly improve the overall appearance of this Buffalo Road, Westside Drive. It sounds like general housekeeping of the property. I don't know if we can look into that and see what is going on with that.

MR. MCKINNEY: We can look into that.

JOHN NOWICKI: I appreciate that. Thank you.

DENNIS SCHULMERICH: You're looking for a five-year conditional use approval at this time. Do you have a lease for five years from Howard (phonetic) to take it out that far?

MR. MCKINNEY: I didn't talk about a five-year lease, but maybe we can entertain something like that.

DENNIS SCHULMERICH: The obvious purpose for the question is the assignment of the term "with the conditional use permit and the occupant." They have been there for a couple years now.

MR. MCKINNEY: Yes.

DENNIS SCHULMERICH: Another question I think -- I have more for the Board -- do we want to put as a condition of approval defining the range of services in terms of what minor means so we don't get ourselves into a debate down the road in terms of what might be occurring on the premises that they define as minor, and what --

JAMES MARTIN: I think that is defined in our code.

DANIEL KRESS: That is defined in the code with sufficient specifics, and I don't believe it would be necessary.

DENNIS SCHULMERICH: Thank you.

DARIO MARCHIONI: I just have a couple of -- the dumpster there, is that there permanently or just temporary?

MR. MCKINNEY: It is there permanently.

DARIO MARCHIONI: Any way to enclose it?

MR. MCKINNEY: Well, we had an enclosed dumpster there, but it was too small. We have a dumpster enclosure on the left, but that dumpster won't fit inside there. I know it is not on wheels. We did have the one in the side enclosure on wheels, but it was so many parts and muffler parts and brakes and things, whatever that gets tossed out there, the dumpster was too small for what they were going through, so they had to put a bigger dumpster in. It has been working out good, but that is kind of where it has to stay I guess.

DARIO MARCHIONI: I would like to see it -- the Town would look better there, especially the whole corner, a lot of people drive by. The enclosed dumpster would be an improvement.

Also another thing, there are three vehicles there, like old unlicensed vehicles on the west side of the building there. They look like wrecks. Not operable. Will they stay there? Are they just there temporarily?

MR. MCKINNEY: That I'm not sure. I know the plow truck is there.

DARIO MARCHIONI: The plow truck is separate. I'm talking about three more vehicles there plus the plow truck.

MR. MCKINNEY: That I would have to find out about.

DARIO MARCHIONI: They look like they're -- some of them are missing tires. Some are all smashed up. I was just wondering -- if they're there temporarily for a period of time, or will they continue to stay there?

MR. MCKINNEY: I'm hoping it is for a short period of time. I can find out about that.

JOHN NOWICKI: Are there license plates on these vehicles?

DARIO MARCHIONI: No.

JOHN NOWICKI: They're not registered, pull them out of there.

MS. TINDALE: Mr. Nowicki I think stated, I checked it out. The weeds are actually bigger than the plants at this place is what I was referring to.

MR. McKINNEY: Okay. COMMENTS OR QUESTIONS FROM THE AUDIENCE: BEVERLY NEDER - 82 Attridge Road.

MS. NEDER: I would say in general the place is usually pretty well kept up and fairly neat, and if the Board is worried about junk cars, then they should come down and take a look at the station on the corner of Attridge and Buffalo Road. Been trying for years to get the junk cars out of there. It doesn't make any difference. I'm told he is allowed to keep them there because it is part of his business. DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: This station always looks pretty neat to me, and if we're going to worry about landscaping and dumpster enclosures and unregistered vehicles, I have got a good case for you to pursue at the corner of Union Street and Chili Avenue. We can't differentiate here in this town fairly between the people who don't obey the law and the people who do. We have laws. You want to apply them to this man, which is fine. Then they ought to be applied to everybody else. I would like to see you do something about the station at the corner of Union Street and Chili. Then I won't be so critical of your going after this man to make him obey the law.

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

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

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

JAMES MARTIN: We do have a dumpster enclosure law in town.

MS. BORGUS: Not enforced.

JAMES MARTIN: We should enforce it.

MS. BORGUS: Tell that to Mr. Kress.

JAMES MARTIN: The dumpster should meet Town Code specifications.

The cars there, I don't know if they're junk cars or if they're there waiting for repair. Clearly no junk cars can be stored on the premises. We'll grant this conditional use for a period of five years.

DENNIS SCHULMERICH: Does junk cars mean unlicensed vehicles?

MS. NEDER: What defines a junk car?

DENNIS SCHULMERICH: That is what I was just asking.

JAMES MARTIN: I think it is probably one that is not serviceable.

MS. NEDER: One that doors are missing and the windows are missing?

JAMES MARTIN: I don't know. I don't know if we have a definition in the code on junk cars or not.

KEITH O'TOOLE: It is in the code.

JAMES MARTIN: It is in the code.

JOHN NOWICKI: Is it a definition that says unlicensed or unregistered vehicles also have to be removed from the premises.

KEITH O'TOOLE: We have a couple of ordinances that relate to the site issue.

JOHN NOWICKI: Is that something that can be enforced by -- I don't know how I want to say it -- Town Board members being informed of this situation? It has gotten worse.

DANIEL KRESS: It is as enforced as other ordinances are enforced: upon receipt of complaint and confirmation that the property in question is, in fact, in violation. Since the ordinance specifically exempts service stations, enforcement for a service station can be a little difficult.

JOHN NOWICKI: Exempts service stations?

DANIEL KRESS: Yes, sir.

JOHN NOWICKI: When they have junk cars on the site, they're exempt?

DANIEL KRESS: I'm telling you what the code says.

JOHN NOWICKI: Is that true? It is in the code like that, exempt? Exempt service stations?

DANIEL KRESS: I'm telling you what the code says.

JOHN NOWICKI: I would like to see that. I would like to find that out. If that is the case, that would give us a stronger -- I think it would give us a stronger motive to go back to our comprehensive plan that asks that the zoning code be updated, and it be updated as soon as possible to correct these things that are causing this town to have their values decline because of these situations. So I think that is a strong case for doing something. If that is the case. I have not seen it written. I would like to read that. I think we have some hard work ahead of us.

JAMES MARTIN: Given that there is a definition, according to Mr. O'Toole, then basically we're going -- I would continue with that, that -- if they're there for repair, that is one thing. If they're basically unserviceable vehicles that are to be towed to a junkyard somewhere, they cannot be stored on the premises. And we'll grant this for a five-year period of time. DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. All prior conditions pertaining to this conditional use permit will remain in effect.
2. Dumpster enclosure to meet Town Code specifications.
3. No junk cars to be stored on premises.
4. This approval is granted for a period of five (5) years.2. Application of Wegmans Food Markets, owner; 249 Fisher Road, Rochester, New York 14624 for preliminary site plan approval to convert existing health/fitness center to offices at property located at 249 Fisher Road in G.I. zone.  
Art Pires was present to represent the application.

JOHN HELLABY: Mr. Chairman, I would ask to be excused from the next application as I am employed by the applicant.

JAMES MARTIN: You are excused.

MR. PIRES: Good evening. Thank you, Mr. Chair, members of the Board. Art Pires with Wegmans Food Markets here for the proposed application to convert the existing health fitness center at our Market Street complex, and with expansion.

Firstly, I would just like to give an overview for the sake of the Board and then address any technical questions.

As located on the plan at the bottom, the location of the existing health center, fitness center is at that location on the overall site plan. Approximately 890 feet from the right-of-way of Fisher Road, so it is substantially set back from the Fisher Road property. I also have for the sake of the Board -- I will run through a couple of exhibits just to give them a sense of that view, from Fisher Road, number one.

The second photo will be a close-up of the existing facility, noting the look of the facade on the south and the east -- excuse me, the east and the north side of the building.

The last photo I will be presenting to the Board is the actual elevation for the proposed expansion. I will submit that to the Board.

So once again, the location of the property is the structure -- the structure within the overall Market Street complex. It is approximately 890 feet from Fisher Road. The first photograph we have once again shows the perspective from Fisher Road, and the second one is a close-up of the eastern facade as well as northern facade of the existing building.

The last photo is the proposed elevation which obviously includes the existing and the proposed. The existing structure is approximately 37,000 -- 36,700 square feet. The proposal is 48,600. So approximately a 12,000 addition. The northeast corner, the south -- excuse me, eastern end. Very small appendages on the north side and the south side of the existing building.

And it is shown on the elevation.

We have done in a -- the lighter colors you can see the existing building is the main structure, approximately at the peak, 36 feet in height, at the top of the building.

The lower levels here are 17, 18 feet. So on this side -- here is the north side (indicating). The addition will be here (indicating) on the east end, the west end, and then a little on the north side there where you have that.

The second elevation shows the south elevation, which really wouldn't be

perceived from any off-site residences.

Once again, you have at the west end, the east end addition and certainly at the west end, you can see there is an addition, and on the south -- excuse me, east side once again, the 17-foot height addition together.

The purpose of the conversion and expansion is simply we find ourselves in much need of office space for our employees at the existing office complex, located here within our overall Market Street complex. Out of consideration for the employees and the work space, the thought was to take a number of employees from this office complex, bring them over to this new facility, as well as bring about 36 off site from 1500 Brooks Avenue. So this will be a combination employees as well as meeting/training center for our employees when we have constant upgrading of standards. We have district manager training, manager training. We also have seminars that are ongoing.

We also work with Hillside to bring the students there. We have seminars for them, and certainly, last, but not least, we have mini trade shows, if you will, as our suppliers bring in products and we're educated on those particular products. So that is the long and short of it.

The good news is we're not increasing traffic to the development. It will be a decrease from the traffic coming on Chili Avenue, into this complex. Number one.

Number two, where currently the health center is part of the recreation ball fields and the pavilion, so access is off Fisher Road, we're proposing to actually -- so once again, whereas right now the access to the rec center right now comes off Fisher Road to -- and the internal service road and is part of the ball fields, pavilion complex, we're proposing this road here (indicating) is -- to actually provide gates at either end, and it will be an emergency access roadway so all of the employees and people, visitors to this complex, will be coming through the Market Street entrance.

So we have actually -- once again, the transfer of employees from our current offices on site over, and then some incremental from 1500 Brooks Avenue. There is actually a net decrease. Because 50 of the offices are actually going off site, too. So there are various numbers coming and going. The bottom line is net decrease of traffic. That was indicated in the letter from FRA Engineering, which is supplied to the Town Engineer.

Also, we have had verbal communications with New York State D.O.T. and they had no need to comment because of that fact -- because there was a decrease in impacting our Market Street, Chili Avenue roadway.

Parking, we're obviously providing additional parking around the complex. We have more than sufficient parking for that as well as the overall office complex that currently holds about 600 people.

Storm water quality. We're addressing that at the south end of the site, a storm water quality basin. Storm water detention itself, all of the drainage heads out towards the east towards the existing storm detention facility, which is approximately the location of our ball fields. So there is no negative impact with the expansion of this building.

One thing that the plan does not show, and subsequent to the submission of this application, we're proposing on the west side of the building, once again not visible from Fisher Road or certainly Market Street, Chili Avenue, a loading dock at this west side of the building (indicating). Certainly we would present that to the Town, but we ask that that be treated administratively or once again final signatures would necessitate that review by Planning and Engineering. Is it a minor loading dock we would like on the west side of the building. That would be screened with this green area here (indicating). Some of the green area would be taken up, but we would keep the view from the parking lot which is really internal to us as far as perspective.

As far as landscaping, we have met and appeared before the Conservation Board on June 27th, and we have their approval. We're short signatures because I owe them three prints with our landscaping architect's signature, but we have provided more than required as far as the volume of landscaping and dollar amount relative to Town Code at 1 percent of building cost.

That summarizes the application, and any particular questions I would be glad to address at this time.

JAMES MARTIN: The only question I had was on traffic, and you addressed that very well through your correspondence and presentation.

RAY BLEIER: Are there any plans to relocate the health and fitness center?

MR. PIRES: No.

RAY BLEIER: None at all?

MR. PIRES: No.

RAY BLEIER: Big loss to the employees.

MR. PIRES: It definitely is. The company struggled with that. We have had some space crunch for some time and the company is not comfortable with people being very -- working in very tight quarters. By the time -- we may at some point come back with an expansion of the existing major office area, if you will. But we figure by the time we get our design done, came to you and through construction we would be delaying the much-needed office space today. So they definitely had to weigh the cost benefit advantage of using that space as rec center versus getting people there now, the much-needed space for our employees' working environment.

The other factor is the number of individuals that are more directly impacted with proper working space versus recreation. It doesn't preclude some day we may be back, but today we have no current plans.

RAY BLEIER: Any further developments on expanding from 204 directly in?

MR. PIRES: Yes. For the sake of the Board and the audience, what they're referring to is at this point, the 204 Ramp, Chili Avenue (indicating). Actually it is up further. This is an older map. If you took this road and slid it to the north, if you will, the road is proposed into our site (indicating) basically in this location (indicating). It is across New York State lands. New York State Local Office Region 4 has basically supported that. Sent off a letter to The Federal Highway Authority because they're involved in the process only because that stretch of Chili Avenue is part of the National Highway System. So at the last minute the Federal Highway Authority had their two cents put into it. We're working through technicalities of their comments, but we are hoping to start construction July, August of this year, and it would be a two-phased project. The first would be on the -- what we refer to -- we refer to Chili Avenue as north/south. So on the east side we would work the first phase in 2006. On the west side, the ramp would occur in 2007. That would be the first it would open, mid 2007.

KAREN COX: Did you -- I might -- may not have heard this correctly. The entrance from Fisher Road, the current entrance now, is that going to be taken out, or it is just that people accessing the office --

MR. PIRES: The Fisher Road entrance right here (indicating), that will remain. We'll call that the internal roadway off Fisher Road. That will remain. You can see it on the plan. That will remain so people can come into the ball fields and the pavilion here (indicating). This stretch of driveway here (indicating) which currently serves access to the facility was part of the original '94 application actually for this one (indicating). That was separate and distinct from the rest of the Market Street complex. We would like to keep this road, but gate it at either end so these people, both employees and visitors coming to the site would come in Market Street and park in and around the building. So that is the distinctive factor. We're not cutting off access to Fisher Road as a general statement coming into the ball fields and pavilion, but for this particular building or office space, it will be serviced from Chili Avenue, Market Street.

KAREN COX: It is a better access point anyway.

MR. PIRES: Right.

KAREN COX: The loading dock you talked about, you said it is a minor loading dock. Is that for the vendor shows?

MR. PIRES: That is exactly what it is. That is exactly what it is.

Once again, to put it in perspective, on the west side you can see the green space. The trucks will -- they're basically coming in this road, up, and backing in parallel to the building. So we'll have green space between the docking lane, if you will, of the trailer, and our parking over here (indicating). So we'll be screening ourselves from ourselves, but it will be there, and that will be presented to the Board.

JOHN NOWICKI: Just a couple of -- you have seen the -- the Monroe County referral?

MR. PIRES: Boilerplate comments. As a general statement to 1 and 2, this portion of the site is not a wooded lot. Number one, Town wood lot. There are no streams in the area. The rest is relative to monumentation, et cetera.

JOHN NOWICKI: The only other comment I had --

KAREN COX: Did they review the right plans? They made those comments?

JOHN NOWICKI: Did you see that?

Another comment was that the FRA Engineering --

MR. PIRES: Yes.

JOHN NOWICKI: Costitch Engineering.

MR. PIRES: Yes.

JOHN NOWICKI: Again, I compliment you folks. When you look at these drawings and you look at this presentation, you don't miss much. I'm telling you right now, it is a pleasure to see this kind of an application come before the Board.

MR. PIRES: Thank you. I will appreciate that to -- I will pass that on to them.

JOHN NOWICKI: It is a lot of effort. It is a pleasure to see all of that done.

MR. PIRES: Thank you. I will pass it on.

DARIO MARCHIONI: I will echo exactly what John (Nowicki) said. Art (Pires), you did a good job.

MR. PIRES: Thank you.

BILL ARNOLD: Traffic and access, all my questions were answered.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: Just a general question. This will mean no new buildings are in the area, just a change of use for the recreational facilities, which are there currently, to be used for office activity?

JAMES MARTIN: There will be some expansion of the existing building.

MR. PIRES: 12,000-square-foot expansion to the existing facility.

MR. BRIXNER: What direction?

MR. PIRES: One is at the northwest corner. You can see that. On the north side there is an access point to the building. And then on the east end of the building, there is some -- actually, that is a good point. It leads into signage, which I did not address because that was not part of the application initially, but I was just informed today we may be back before the Planning Board asking for building signage. I don't have anything to show because they're still working on the architectural treatment of the building.

On the north side, as you come in this reception area (indicating), if you will, it will simply state the conference center, as an example. Wegmans conference center. On the south side, here (indicating), the hidden entrance, it will say Wegmans' offices or Marketing Department. Something like that. We don't have that. I don't want the Board to be surprised later on when we come in. It would be for signage possibly. So that is it, the extent of it, Jerry (Brixner).

MR. BRIXNER: Follow-up question, hopefully simple. Your complex -- is dissected into two specific spaces. General business and recreational, is it not?

MR. PIRES: Fisher Road recreation, that was correct. With the ball fields and the pavilion, and previously the health fitness center.

MR. BRIXNER: You're not interfering with the recreational --

MR. PIRES: We're taking this facility out of the recreation element and bringing it over to the office warehouse complex.

MR. BRIXNER: Thank you. That answers my question.

IRENE BRIXNER - 14 Hartom Road.

MS. BRIXNER: Thank you very much for turning that map for us. We were struggling just to understand it.

MR. PIRES: Sorry. Just trying to get everybody --

MS. BRIXNER: They all have information, but we don't.

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

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

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

The Board discussed the proposed conditions. DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following condition:

1. Pending approval of the Town Engineer.

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

3. Application of Buckingham Properties, LLC, 1 S. Washington Street, Suite 200, Rochester, New York 14614, property owner: COMIDA; for preliminary subdivision of two lots to be known as 100 Beaver Road LLC Subdivision at properties located at 100 & 102 Beaver Road in L.I. & R.B. zone. No one was present to represent the application.

JAMES MARTIN: First call. I will have a second call after the next public hearing.

There was a recess in the proceedings. 4. Application of Robert Avery and Robert Fitzgerald, 3225 Chili Avenue, Rochester, New York 14624, property owner: Victor Zuber; for rezoning of 5.5 acres from R-1-20 (Residential) to N.B. (Neighborhood Business) at property located at 275 Archer Road. Geoff Considine and Bob Avery were present to represent the application.

JAMES MARTIN: As point of information, how many people are planning to speak during the public hearing portion of this?

(Many hands were raised.)

JAMES MARTIN: Once again, I would just ask that you try to keep your comments as brief as possible. If somebody has already thoroughly covered a point that you wanted to discuss, you still have the right to speak, but if you feel it has been fairly covered, you know, you may want to let it stand at that point. If you want to be heard, you certainly have the right to be heard.

So at this point, Mr. Avery, or whoever is going to speak.

RAY BLEIER: Jim (Martin), before you start, I would just like to make a comment for the purpose of the people in the audience.

The application should read that it is for recommendation by the Planning Board to the Town Board for rezoning. The Planning Board is not voting to rezone the property. Only the Town Board can do that. So the Town Board, regardless of our recommendation, will hold the public hearing for the applicant on the rezoning issue. Is that clear?

JAMES MARTIN: Does everybody understand the Planning Board does not have the authority to rezone any property in the Town of Chili? According to Town rules, any rezoning application will be heard by the Planning Board, and it will be our responsibility to make a recommendation to the Town Board on whether we feel it is an appropriate rezoning request. The Town Board at that time will schedule another public hearing on the specifics application for rezoning, and it is the Town Board who will do the final voting on whether or not the rezoning will occur. So I hope everybody understands that.

Thank you for bringing that up.

MR. CONSIDINE: Good evening. My name is Geoff Considine, Geoffery Alan Associates Design Consultants here with my colleague, Bob Avery, relative to the current application here. If you don't mind, just a few preliminary comments about the property. We're last on the agenda but obviously by the attendance of fine citizenry, we're not least. Chili is fortunate. We have done a lot of zoning procedure all over. You guys are fortunate to have a town that has got some abilities to expand in a very organized and logical fashion. Pittsford is an example, some of these land-locked towns you can't do things.

With that in mind, this is a kind of a unique site in a way. The founding father, the previous Town fathers looked at this entire area, and if you don't mind, I will reference the map there that Bob (Avery) has got prepared -- if you don't mind, I can speak loudly here. The uniqueness of this parcel to a degree is the function of -- the previous Town fathers discussed that as being Limited Industrial.

The current Master Plan, as many of you probably know, considers this extending all of the way down as Limited Industrial, which is now currently R-1 Residential District.

We have got the golf course and planned development across the street.

And this little line here (indicating), by the way, is the 100-year flood plain so that can never be built upon. So just from a standpoint of reference, this parcel is somewhat unique because the way that the Town now is developing in this area, the logical extension is to the west and to the north, which is evidenced by one of your preliminary discussions tonight with another 84 or 88-acre parcel looking on the north side of the railroad tracks, west side of Archer Road.

So given this natural growth in the Town, I remember coming out here years ago when I was a kid, and it was all farm land. Last couple of years, we have a traffic light. 12,000 plus cars a day pass through. Five years from now it will be 20, 25 because it is the natural growth to the west and the north. Bounded by the wetlands to the south, that will probably never be developed. Given all that consideration, and being a Town Board member, it is an interesting balance, because you have to be sensitive to the developer. You have to be sensitive to the Town's growth and development, and you have to be a little clairvoyant in a way to look at what is the natural progression and what is best for the neighborhood development and context.

As an example, let's say somebody came in right now, just talking briefly about some of these properties and said, all those folks that are on the north side of the Beaver Road Extension, we'll give you a million dollars for your property, sell us the property. It is in a Limited Industrial use property. What that means is they could come in there, under the constraints of the Town, predicated on what the Town requirements -- they look at the design of the place, but they could go into manufacturing there.

Again, you probably looked at the Town code. You know what is allowed. Light manufacture, warehouse. You could have motor vehicle repair, including tractor-trailers. That could all occur right now without any zoning approval, any change, anything. The folks on the north side, the northwest side of the intersection there, adjacent to the new golf course -- lucky folks, it is nice to have a backyard golf course. I bet they never thought about it when they bought the property. The dynamic is changing in the area.

Now the code specifically allows for Neighborhood Business. What is a neighborhood business?

The Neighborhood Business, the code is very specific with respect to Neighborhood Business. There are six in the Town now. I won't enumerate them. There are six in the Town that are designed to serve some of the residential needs of the Town.

For instance, dry cleaning, beauty shop, that kind of thing. All is allowed in the district. As a conditional use in a Neighborhood Business District, professional office is allowed and several other ancillary uses.

So Mr. Avery and his associates would look to -- again, considering the development to the west, the development to the north, the influx of the residential use of this area now, and the amount of people -- it is a natural progression being open minded and thinking that a Neighborhood Business parcel in this area is not necessarily out of the question, because all of the other six Neighborhood Business centers are not that close. I mean the closest one is probably Chili and Chestnut Ridge.

So in any case, I think it is important for your citizens to understand -- and I guess I'm a quasi citizen here because my offices are on Scottsville Road in Chili, so we do consider ourselves Chili-related here -- to understand that this, as Mr. Bleier put it very well, is strictly for us to go in front of the Board and ask that they consider this use as a Neighborhood Business, and then it goes to the Planning Board (sic).

However, you have to realize in the Town Code, there are tons of hoops that you have to cross that are all input by the Town. In other words, the citizens will have a chance to look at preliminary site plans. You will have a chance to look at architecture review boards. Final site plans. Conservation Board. Landscaping, parking, lighting. All those things are addressed with public input all of the way through the process.

Again, being an open-minded citizenry, you have to take a look at the big picture and the little picture. The big picture for this area is that a neighborhood business is not that incongruent with what is already going on in the Town now. And in addition, as I indicated initially, you have a new area here that is being developed. You have a beautiful golf course across the street. A lot of residential development, and there is quite a bit of commercial and industrial where Case Hoyt is.

So I guess I am sure we're going to have some comments, some favorable,

some not so perhaps favorable, but the bottom line is that we would like to solicit the Board to consider Mr. Avery's application to recommend the rezoning, and we have an axe to grind, if you will, then as a corollary to this request, and that is on the print because Mr. Avery would propose to move his business to the west end of the parcel, and construct an office building, again, under the constraints that the Town would impose, the citizenry would look at and say that is an acceptable design, that is not an acceptable design.

As an example -- I can put this out or pass it around. This would be the kind of a building that may look good in there (indicating). There is 80 feet separation from the northern edge of that proposed structure to the Beaver Road extension. Mr. Avery has indicated there would be no access, in other words, ingress or egress from the Buffalo Road Extension. It would come off the Beaver Road entrance, Route 252, and it would be screened and it would be an appealing look for the Town.

It wouldn't be a detrimental look.

One other thing about this property, too, and it doesn't show well on there, and this will be discussed further with the Town Board obviously, but you can't build a lot on this property. I will step over here quickly to show you the area.

This is the no-build line right here (indicating). Basically. So you -- you're constrained by the inside of this wetlands, 100-year wetlands, which is the only comment I believe that came back from Monroe County as I recall, and this area right here (indicating).

So it is not that you should be concerned about the fact that there is going to be tremendous change in there, or tremendous amount of disparity between the normal look of what you will get in the area with the new subdivision going in, and the -- there are going to be improvements down the road -- no pun intended -- as a function of the increase in traffic flow.

Mr. Avery, being a long-term resident and his folks, staff of 12 engineers and surveyors, they have done a great job with their -- they're well known in the town. They're not going to be putting something up, and they would not ask this kind of thing if there was any slightest hint of any kind of "schlockiness," if you will, excuse the term. Mr. Avery does a professional job with his business. I have worked with him on quite a few projects. So his reputation as a Town resident and owner of property would be consistent with what the look of this building would be. So at that juncture, sir, I will conclude my initial remarks and I'm sure we will be seeing one another again.

JAMES MARTIN: I guess down the road is always a big question mark as to what potentially could go in there. Obviously we have several permitted uses. There are conditional permitted uses. Any thoughts at this time what might go in there or is it just too early to make a comment?

MR. CONSIDINE: The initial phase of this property -- not only from the economic component, the acquisition of the property and the development of the property, because it is a flat area there -- there will have to be some property -- any egress and ingress in there has to clear sight line distance requirements and that kind of thing. Mr. Avery's building would be on the west end, as we indicated, which doesn't leave a lot of room for something that would go on the east end of it.

However, in future development, would there be such an occasion to put maybe a nice small looking little complex like the Borgota in Phoenix, Arizona, like an Italian looking thing, residence, but with some nice little shops, nice little residence entity that would service the communities with the influx of the residence in the area? It is not incongruent with the Master Plan. You have to be open-minded. But at this point in time, it is too early to say.

JAMES MARTIN: Is that an adequate answer?

MR. ROBERT AVERY: Adequate answer.

Robert Avery. Lifelong Chili resident, been here since 1956 and been in business in Chili for 20 years. And I initially, working with the Zuber family and doing a lot of the surveys over there -- as you know, they're dividing up the land quite a bit over there, this parcel here actually sprung to mind in conversations with him, and my partners, who thought it might be a good spot to finally build our office building, having been in business here for 20 years. So that is really what we're starting the process on right now.

And based on the code of the R-1-20, you know, it's not an allowable or common use within that zone, thereby, the request for the zoning change. And we felt that the Neighborhood Business classification might be the best fit. Um, I don't know how salable these would be for residential with a side, front, backyards all being roads, so on

and so forth.

So that was basically the decision made at that time, to come in initially to try for the rezoning, seeing how the office building would not be able to be constructed in the R-1-20 zone.

And your Master Plan has this triangle targeted for just a continuation southerly of this Limited Industrial zone, which I don't know, you know -- as was mentioned by Geoff (Considine), the existing homes across the street on the extension -- the existing -- the existing homes -- I'm sorry. I have been ill.

The existing properties across the street are Limited Industrial all of the way up to the railroad. So I guess my feeling was that the Limited Industrial, an extension of that, wouldn't necessarily be the wisest thing to do, even though your Master Plan indicates that.

MR. CONSIDINE: Any other questions?

RAY BLEIER: Can you tell me approximately -- the total parcel is 5.547 acres?

MR. CONSIDINE: Yes, sir.

RAY BLEIER: How much of that area could be developed if the rezoning was to Neighborhood Business?

MR. CONSIDINE: In an NB district you're allowed 30 percent lot coverage. So considering the constraints imposed by not only the wetlands, but the no-build line, to answer the question, there is very little space left for development. And that is why I -- just to indicate what Bob (Avery) said, many may not have heard what Bob (Avery) said, this may not be a good fit for Residential. Personally if I were building a house, I wouldn't want to sit on three intersections and 12,000 plus cars a day going by.

So to answer your question in a long-winded way, you're going to be constrained on the east side with the amount of building you could even do.

RAY BLEIER: I'm still looking for a number.

MR. CONSIDINE: I can't give you -- I could probably give you square footage.

MR. ROBERT AVERY: Maybe 2 ½ acres.

RAY BLEIER: About 2 ½.

MR. ROBERT AVERY: I'm guessing. We're in the initial --

RAY BLEIER: Roughly 50 percent or less.

MR. ROBERT AVERY: I'm guessing.

KAREN COX: Would you -- and I know this is looking in the future again, but would you see yourself ever wanting to come in for a resub on this?

MR. ROBERT AVERY: Only for financing reasons, in order to build the building. If the bank required me to split off a parcel in order to finance for construction of the office building, I may have to.

JAMES MARTIN: Be sure you speak in the microphones.

MR. ROBERT AVERY: That would be down the road. But for financing purposes, for construction of our office building, I may be required to divide that off if they would like a separate parcel for that.

KAREN COX: Okay. Will only your offices at this point occupy the building?

MR. ROBERT AVERY: We intend to provide for 3,000 square foot approximate office building for my business and also a smaller, maybe 400-square foot for something like a sole proprietor attorney or something of that nature.

JOHN HELLABY: Is this area, in fact, serviced by public sewers?

MR. ROBERT AVERY: No, not at this time.

JOHN HELLABY: At one time I thought they were going to bring a forced main down that intersection.

MR. ROBERT AVERY: There will be sewer across the Archer Road, the southern entrance into the golf course development, where the town homes are.

JOHN HELLABY: Right.

MR. ROBERT AVERY: For the construction of our office building, we are anticipating going with a septic system.

JOHN HELLABY: That would definitely curtail the use of this entire site.

MR. ROBERT AVERY: For additional further uses.

JOHN HELLABY: What you might put in there.

MR. ROBERT AVERY: Correct.

JOHN NOWICKI: Excuse me. The sewer lines that are going in the subdivision would be accessible, wouldn't they?

MR. ROBERT AVERY: Yes.

JOHN HELLABY: With a forced main. There is a big grade difference there.

JOHN NOWICKI: With a forced main.

JOHN HELLABY: But again, you have a heck of an expense to come from here back to where that tie-in is going to be. That site could be overwhelming, because that is something they would not just put in to service his building. Would you have to pick up the cost of that? I can't foresee that happening in any close future here. That is the point I'm getting at. It will impact his footprint.

JAMES MARTIN: I think when we get the site plan -- if we get that far --

JOHN HELLABY: I know this thing has been on the market for a while, because I recall seeing the sign there for sometime. Do you have a handle on the length of time it has been offered, and during that length of time, had there been any offers made on this parcel for a residential?

MR. ROBERT AVERY: I believe there had been -- my knowledge is there had been an offer made a while back. Someone wanted to put a landscaping business on the whole corner.

JOHN HELLABY: Do you know --

MR. ROBERT AVERY: I have been under contract for a year with Mr. Zuber, so I am unaware other than the thing I have mentioned.

JOHN HELLABY: I would like to know that information as well.

Depending on where this thing goes, naturally with that intersection and the situation that is there, access even to future development here, only out of one driveway? Have you given any thought of that, as far as access to this site in the future?

MR. ROBERT AVERY: Additional access to the highways?

JOHN HELLABY: I mean would a future expansion, proposed future expansion, would that all come out of one driveway to this? I can't foresee -- because you will get extremely close to that intersection. I'm just trying to get a handle on where you're trying to go with that.

MR. ROBERT AVERY: For our phase, it is most important for us to get our office building in, if at all possible, on this property. We would just have the one access on Beaver.

But I'm assuming for future, and if we're limiting any access to the extension, so as not to impact the neighbors up to the north, that possibly a drive could go through and come out opposite the southern entrance into the residential, the golf course. The County would likely have a cross-intersection preference for access out to that road. But for the initial phase of this, we're simply planning on having our driveway access off to the south.

JOHN NOWICKI: I do want to open up a couple of doors here, to take a look at it and think about it and talk about it a little bit.

There are a couple concerns.

This area generally has fallen in -- because of some prior applications in the area for regional considerations, and in going through the Master Plan, the Comprehensive Plan, it called for and asked for a study of the Chili Center regional area, and that has not been done or advanced at this point.

Also, unless I'm wrong here, and I will read you Mr. Kress' comments, that there is also a district called Restricted Business District. And I'm just wondering why you wouldn't have considered that based on the purpose of that district to protect the neighborhood.

MR. ROBERT AVERY: I guess our thought was that the Neighborhood Business classification might offer more for the neighborhood for its future possibilities of limited commercial than strictly the Restricted Business, which, of course, I do know would allow for professional offices.

JOHN NOWICKI: I think the Restricted Business District -- the people will speak for themselves. I think that confines the site to what your operation would be. The Neighborhood Business District opens it up to all kinds of different stores that may not be appropriate for the neighborhood. Let's put it that way. And so I am going to take a very close hearing when people speak about this. I would like to know why the Restricted Business District wasn't considered more strongly in -- in favor of -- in other words, of this Neighborhood District. I want to have that looked at very carefully. And again, I just am not comfortable yet.

In fact, to honest with you, I don't like the Neighborhood Business District at all. I would rather have you come in, "I want a conditional use permit so I can have my

building.” I think the people might be happy with that. But in this case here, I would like to see what this table has to say. I want to listen to the audience, and now we have exposed some areas here for discussion, let's see where it goes.

DENNIS SCHULMERICH: Actually, to take off a bit on what you just said, you know, the fact that -- if -- if it were to be rezoned NB, then as I interpret the code, would you be back in here seeking a conditional use permit for the professional office in the NB zone?

MR. ROBERT AVERY: That was correct.

DENNIS SCHULMERICH: So I think why would we want an NB zone to begin with with that as the intent. If you look at what goes in an NB zone, I think what do you do with the plans of the parcel. And that is an uncertainty for that area. I need to hear what the residents think as well, but I'm a little uncomfortable with this. It makes more sense -- I'm not sure if you can conditionalize an R-1 zone to Restricted Business, but --

MR. ROBERT AVERY: I'm not certain whether you can.

MR. CONSIDINE: We looked at this whole concept and tried to take a look at it in which context it would be most effective for the Town of Chili's code.

The Neighborhood Business seemed -- you don't want General Business in there because the code is very specific relative to what the Neighborhood Business does allow. We have reiterated the dry cleaners, the beauty parlors, those things that service residential neighborhoods. That is why they came in that way.

JOHN NOWICKI: But again, the concept, still which has not been addressed by the Town Fathers is the Comprehensive Plan calling for a study of the Chili Center area. We have to address those needs, because we have the property up in this area that would handle that situation.

Here, again, I want to hear the neighbors because Restricted Business, I think, protects their interest much more than a Neighborhood Business District. That is my opinion, but I want to hear from the people.

DENNIS SCHULMERICH: Again, we're playing tag team back and forth here. When I look at the permitted uses, with no conditional use required for Restricted Business, we have a concept of the building you're talking about, what I would envision you would build, the picture you show, all fits the character of the area very well, by my definition. If you look at attorneys, physicians, architect, accountants, management consultants, that is the type of building that is aligned with what you're talking about.

Now I take a look at Neighborhood Business. I want to hear what the neighbors have to say, as well. If I lived there, I would be much more aligned with what your building would look like and another building beside it that is a professional building as opposed to a grocery store, barber stop, beauty store, soda fountain, dog grooming. They're very different in character. Very different in character. So I will be interested to see what the residents say, as well.

DARIO MARCHIONI: I'm in the same situation here. And if you look at the interpretation under Restricted Business, it really addresses the intent as a buffer zone between the Residential and you have your -- a heavier use, and -- the other question comes to my mind, do you -- it is your intent to basically build this building to move your office over there?

MR. CONSIDINE: That's correct, yes.

DARIO MARCHIONI: It is not the intent later on to sell this property for some reason and build a pizzeria or grocery store? Is that your intent?

MR. ROBERT AVERY: My intent is to finally build a place for my business after being here for 20 years.

DARIO MARCHIONI: If it gets rezoned, it could be done.

MR. ROBERT AVERY: We're here to begin the process. To have the neighbors speak. Public hearing. To see what the best use is. I think evidently the Town Fathers may not be correct in thinking they should extend the Limited Industrial use through this parcel. I don't think anyone here in the room would agree with that. So we're here to start the planning process and get the feedback from the people who live there.

DARIO MARCHIONI: Basically the way I look at it, I have no problem with your office there, a nice looking building. But I would have a problem putting a grocery store, pizzeria or these other aspects.

MR. ROBERT AVERY: Our problem is we can't get a conditional use in the R-1-20 zone for the office building. So there has to be some talk of rezoning one way or another.

DARIO MARCHIONI: What about area variance? You could get an area

variance to put your office building there.

MR. ROBERT AVERY: Use variance?

DARIO MARCHIONI: Yes.

MR. ROBERT AVERY: That is very difficult to --

KEITH O'TOOLE: I don't think that would fly.

MR. ROBERT AVERY: Very difficult road to go.

DENNIS SCHULMERICH: Do you have a preference based on the way -- obviously you do because you have applied for NB, but do you have a response as to whether it went RB over NB?

MR. ROBERT AVERY: I guess personally I thought the NB might be better looking at the future development of that whole corridor. But my whole thing is to see if I can get my building up for my employees, and if it goes RB, it goes RB.

DENNIS SCHULMERICH: If it goes RB, you don't have to come in for conditional use permit.

MR. ROBERT AVERY: Well, I have to come in for site plan.

DENNIS SCHULMERICH: One hurdle out of the way.

MR. CONSIDINE: At this juncture, we'll defer to the audience.

JAMES MARTIN: Side table.

DANIEL KRESS: Nothing further at this time.

FRED TROTT: Just do you have detail as far as what your sight distance would be coming out on Beaver Road?

MR. ROBERT AVERY: The sight distance is adequate for the speed there where we placed it. It is more toward the 55. It is comparable to 55-mile per hour sight distance. It is as you are going towards the crest of the hill. COMMENTS OR QUESTIONS FROM THE AUDIENCE: GARY JOHNSON - 65 West Forest Drive

MR. JOHNSON: I have been before the Planning Board on a drainage issue for the Villas of Chili, the Vistas, the Villas. At that time, there was a discussion of the Master Plan and the potentially putting a pumping station in for a sewer somewhere in that area. Now I understand that you have not covered those issues yet, but with the influx or input of a business in that area, would that impede that pumping station potentially?

JAMES MARTIN: It is hard to say at this point. Thank you for your comment. CHARLES RETTIG - Coldwater Road

MR. RETTIG: Just a question. What is the existing acreage for the wetlands on that parcel at this time?

MR. ROBERT AVERY: Just to -- a clarification, it is not a wetlands. It is a 100-year flood. I'm assuming it is about half of an acre, two-thirds of an acre. It would be a natural place for the retention, storm water retention to be on that parcel. Right down by the corner.

JAMES MARTIN: Subtracting that -- your total parcel is 5.5 acres, right?

MR. ROBERT AVERY: Yes.

JAMES MARTIN: That includes that flood plain?

MR. ROBERT AVERY: Yes. To the right-of-way lines.

JAMES MARTIN: 5.5 acres, including that.

PAUL DOBLESTEIN - 32 Parkway Drive

MR. DOBLESTEIN: Notwithstanding my sympathies with Mr. Avery in his frustration over not being able to gain a more positive impression from the audience or the Board, notwithstanding all that, I would like to remind the Board that having lived in Chili since 1991, I have seen all too frequently how quickly things that could not possibly happen have happened in land development issues. I have seen in North Chili two partly egregious things occur, in which one was a wetland that has been summarily deregulated to benefit development.

The other that is going on -- one of the others that is going on right now is a disaster in North Chili to the residents there caused by the fact that proper planning for the Union Square development between Attridge Road and Union Street was not properly addressed prior to approving those plans, and now we are suffering horrible problems as we try to relocate enlarged sewers. Storm water management is a problem. They have been pumping in North Chili for nearly two weeks to try to relieve groundwater problems so they can replace the sewer line.

All of these things were never supposed to have happened. And that is why my admonition would be that in regard to what Mr. Schulmerich just said, um, I am not comfortable with a whole lot of things when I hear people say this sort of thing can't

happen because we are bounded here by this and we're bounded there by that. We see those things change all of the time in Chili.

And I am witness to the fact that that flood plain probably is not going to be a permanent deterrent to anyone who wants to develop in that area. I have seen enough changes, enough variances, enough easements given on these plans. I have seen enough application of Overlay Districts to a Master Plan that is barely out of its infancy to realize that all of these things that we're hearing tonight are highly negotiable if we don't have firm plans to recommend, for instance, to the Town Council.

I realize, as I am sure many people in this room realize, that the Planning Board cannot summarily make a decision about rezoning a parcel.

However, I would like to remind Mr. Avery and his group that if the citizens don't become involved at this stage, things have an uncanny tendency toward running away from the citizenry, and all of a sudden things are happening that never were supposed to have happened. So I thank the Board for your intelligence with the audience participation in this, and I would like to remind Mr. Avery that we, like Mr. Avery, are Town residents who are committed to being here in Chili, and we're concerned with the growth, the proper orderly growth of our entire town, not just one parcel. Thank you.

GEORGE PETERSON - 18 Beaver Road Extension

MR. PETERSON: I live at 18 Beaver Road Extension. Pretty much been there all my life. Couple things to touch about -- talk about Limited Industrial. I don't know how long ago that whole area was zoned Limited Industrial, but I'm not so sure this Town may keep it there, and the reason I say that, is north of the tracks they're looking at putting residential houses.

Bill Howard is putting in some -- almost 190 houses up on the hill. I'm not so sure that with all these houses going up, that everybody is going to want to be looking at a limited industry. If somebody buys that land south of the tracks, they could come back and rezone it and ask for a variance or whatever to put it in Residential. So I don't want to be locked in because our houses on that street are Light Industry or Limited Industry to say let's go ahead with this particular project.

I'm just saying, you know, some of those nice houses on the hill, when they look west, they have a nice view and won't want to look at Light Industry. I'm just talking in the future, that parcel or whatever area could come up for rezoning is the first issue.

I have talked with Mr. Avery himself. I think if he builds a building there, I think it will blend in with the neighborhood. I think he would do a good job. I'm concerned with the Neighborhood Business District of what else has -- you guys kind of addressed that at the Town Board.

So far I have 19 signatures on a petition that we're asking 275 Archer Road is not changed to Neighborhood Business or remain at least an R-1-20 for now. I didn't think about the Business District you proposed, but we don't want the Neighborhood Business because who knows what can come down here in a few years from now, as you guys had said.

Pretty much, you know, I guess that is all I have for now. I am concerned with -- some of the neighbors along my street are concerned, too, with a lighting plan and -- I mean, it is a nice quiet street. We enjoy it at night and sit on our porch or out in the front yard. It is a nice dark neighborhood. Some people think we're weird for liking a dark neighborhood, but I would be concerned when he puts the building up of limited lighting.

I'm in my backyard. There is a church at the corner of Paul and Archer that is horrendously lit up and nobody is there. It is a form of light pollution. I hope if he does build there, he considers the light pollution issue, too, as well as screening and blocking us off as far as trees and berms and whatever else that would be required.

JAMES MARTIN: Thank you for your comments. Clearly if this does go forward in some fashion there will be many more reviews as has been pointed out. Lighting reviews and all those things would hopefully mediate any of those issues that might exist around that aspect.

GAIL LYLE - 736 Paul Road

MS. LYLE: As long as we're talking about the church up at the corner, our Father's House, the Planning Board is not aware of new information that that church is negotiating with Target right now. They're going to bring a business in on that corner. So if you allow a business on the end of Archer Road, you're going to open the door to the business on the corner of Paul Road and Archer Road.

KAREN COX: Has nothing to do with this.

BARB IRELAND - Archer Road

MS. IRELAND: I have lived there since the year one. I wanted to register my position to changing the zone. In fact, I was quite choked when I came up to the town and looked at the planning. I didn't know it had been changed to whatever you said. I thought it was Residential, Farm Residential, whatever they called it, up until they started talking about the golf course.

I approved going ahead with the golf course because I thought people were well aquatinted and would handle it properly, which I think you have. You're aware of the traffic. You listened to all of the reports when they had the golf course. You know the property. And so I just wanted to register the complaint this not be changed, that it remain residential the way it is.

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: I will support Mrs. Ireland's supposition (sic). A Master Plan does not indicate final zoning. The problem that I have seen in Chili a number of years is the -- the past number of years, oftentimes a Master Plan is adopted by a Master Plan Committee with a purpose of that Master Plan Committee without really a good public input.

So, therefore, I see that the Limited Industrial application suggestion is out of whack.

And on that basis, I would like to see it continue as a residential area, and I would support Mrs. Ireland in that aspect.

JAMES MARTIN: Point of clarification. The zoning that exists in the area right now. This particular parcel is R-1-20. Limited Industrial is on the other side of Beaver Road Extension. To the railroad.

DANIEL KRESS: That's correct.

JAMES MARTIN: So it is not all -- that is in place, right? It is LI in place. So it is not all Residential currently in the area. I just want to clarify that particular issue. This particular parcel is, but the other parcels in the area are not.

DENNIS SCHULMERICH: As I read the map, the houses on Beaver Road Extension are in Light Industrial.

JAMES MARTIN: Okay. DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I was down this afternoon and looked over all of the paperwork for the applications for tonight, and the thing that I noticed right away was that this map is not even signed. Shouldn't this map be signed before it is brought for a public hearing? Is there a stamp on it? There is no signature.

JOHN HELLABY: It is just a proposal. It is not being filed tonight. Ray (Bleier) --

JAMES MARTIN: This is not --

LARRY NISSEN: Information only.

JAMES MARTIN: It is just information.

MS. BORGUS: I'm hearing now about the corner of -- that is in the flood plain being a half to three-quarters of an acre. Would a pond be contemplated on that corner?

JAMES MARTIN: Um, there has been a comment that that might be a place for a retention pond, but I'm not sure how that would go with the DEC and all those other issues that would be associated with it, so I can't answer your question categorically right now. Obviously, it would be subject to a --

MS. BORGUS: That certainly would be a negative in my mind. That is the last thing we need on that corner, is a pond. We're trying to beautify this town. We make one step ahead, two steps backwards, and that -- we have ponds on corners now that are truly unattractive. I can't envision a pond adding to the Town's appearance on that corner.

As far as the NB classification goes, obviously they still will need a conditional use permit if they get Neighborhood Business, because although that is what they want, at the moment, it appears offices are not a permitted use.

JAMES MARTIN: Right.

MS. BORGUS: So it just seems to me sitting here and listening to the comments so far, that Mr. Avery is more concerned with what he is going to do with the rest of the parcel down the line than he is about the correct zoning right now.

I agree with two previous speakers, that the Master Plan, although it calls for Limited Industrial, is not a guarantee that will ever be Limited Industrial. It is a

mighty small spot for Limited Industrial.

I frankly resent the implication of one of the prior speakers for Mr. Avery that these people in the neighborhood could be faced with a tractor-trailer repair on that corner. That is really kind of off the wall. I don't think it pays to threaten people with those kind of things. I thought we ought to be realistic about the possibilities of this piece of land.

During my reading of the paperwork this afternoon at the Building Department, I see that one argument that they make that hasn't been mentioned tonight is that there was supposed to have been a proposed connector road through the Vistas, and that has not happened, and so that land has been subsequently zoned PRD. I don't think that has got one thing to do with the argument that these people make for changing this R-1-20 piece to Light Industrial. It is comparing apples and oranges. No relevance at all. I hope the Planning Board does not take that argument with any merit, because it doesn't have any.

I can just see down the line, if you go Neighborhood Business on this site, that it will be -- there will be an application before you for a convenience store in short order. Very short order. Nobody can resist a convenience store on a corner that is zoned to take it and has 12,000 cars a day passing by. It is an irresistible target. I would have a problem with the road cut on that curve. If you have lived in town long, you remember -- you certainly know that that light at Beaver and Archer has not been in place very long, and before that time, there were some very serious accidents on that corner. Horrible accidents that happened on a regular basis.

We now have a light there. I haven't heard of many accidents lately. Our problem may be solved there. It doesn't make any sense at all to put a road cut such a short distance west of an intersection we have just solved the problems of.

That is a very, very, very, stupid place for a road cut.

And by the applicant's own admission, he talks about possibly 20,000 cars a day in the near future. So by their own admission we have not seen the growth there yet, and any problem that you have today will be exacerbated in short order, let me tell you, if you rezone -- if you recommend rezoning to Neighborhood Business for this piece of land.

I also have a problem with calling the address of this proposed business of Mr. Avery's as 275 Archer Road. I thought in Chili we were trying to solve the problem of having addresses that don't coincide with the location of businesses.

And homes.

And 275 Archer Road, how would you ever find that, if you were looking for it, when the entry is on Beaver Road and sandwiched in between Beaver Road Extension? It has got nothing to do with Archer Road and yet that is the address these people want to use. That also is totally against what we have been trying to do in this Town, especially with corner lots and not having the address coincide with the actual location of the property.

I wasn't very happy to hear that Mr. Avery is looking already for other offices and other occupants in this building. 400 square feet for an attorney. Already I see the handwriting on the wall here, because I'm sure he wants to have a business location, but I also see where he wants to make some money.

That should not be a concern of this Board. The concern of this Board should be the best welfare of the Town of Chili, what is best for this Town down the line.

The Planning Board should think long-term. Mr. Avery and his representatives obviously want you to think short-term. Bad move. Bad, bad move.

We got to think long-term. And along those lines, I'm wondering what happened to the study that the Town was supposed to be conducting about this entire area. I have heard nothing about that in recent months. Has that stalled? Is it off the board? Are we going to forget it now? We can't develop this land around here piecemeal. We're getting some terrible results with it. You're starting something you can't finish unless you know what the plan is before you start.

This is a bad move, and I hope the Planning Board recommends nothing to the Town Board. I think this is not a proposition that should be carried forward for Town Board approval. Thank you. HEATH MILLER - 69 Bellmawr Drive

MR. MILLER: I agree with members of the Board, Mr. Nowicki and Mr. Schulmerich who have mentioned this idea, a more proper zoning for what Mr. Avery would like to do is Restricted Business. From the Town code under Restricted Business District, this district is intended to act as a buffer between

residential areas and the more intensively used districts, including General Business and Neighborhood Business Districts, and so I agree wholeheartedly that this parcel -- I would not like to see it rezoned as Neighborhood Business. Thank you.

MARY ANN BIESENBACH - 242 Archer Road

MS. BIESENBACH: I would like to have the Board also give their recommendations to deny a Neighborhood Business down at that corner. We have supposedly a nice golf course and beautiful homes being built on Archer Road behind me. The traffic still is horrendous, and we're going to have more homes built on the Zuber farm, and the church supposedly at the corner, we still have a lot of traffic going up and down that road, especially when the trains come. We still have a problem with our drainage problem, and we do not want just any old stores being built on that corner. We would prefer residential, if possible. Thank you.

GLENN SCHNEIDER

MR. SCHNEIDER: I, like Mr. Avery, have lived in Chili for 50 years. Um, my parents -- I represent my parents who live at 4 Beaver Road Extension, which is directly across from the property. I have a few questions, though, because obviously 50 years ago my parents bought that property, and if nobody in this room can understand, go to their driveway and look at the view they have had and enjoyed for last 50 years and not businesses or neighborhood businesses that could potentially be there. A few of my questions are, who is the property owner right now?

JAMES MARTIN: According to our record, Victor Zuber.

MR. SCHNEIDER: As of today, there are papers signed that Mr. Zuber sold it to Mr. Avery; is that correct?

KEITH O'TOOLE: No. Mr. Avery has testified that he is under contract.

JAMES MARTIN: He is under contract.

MR. SCHNEIDER: There were no papers signed today by Mr. Zuber to sell to Mr. Avery? He is buying it as a residential piece of property, assuming that you're all going to make that change and make that to a Neighborhood Business of some type of business; is that correct?

MR. ROBERT AVERY: May I answer the gentleman's question?

Sir, I plan on closing on this property on Thursday, regardless what happens.

MR. SCHNEIDER: You do?

MR. ROBERT AVERY: Yes, sir.

MR. SCHNEIDER: If it stays Residential, you will keep the property?

MR. ROBERT AVERY: I'm purchasing it.

MR. SCHNEIDER: You will keep the property if it stays that way? If it doesn't, and you want to, if you don't want it, for my 80 year old father to enjoy the views the rest of his days, I will buy it from you.

MR. ROBERT AVERY: I plan on closing it Thursday morning.

MR. SCHNEIDER: There was traffic. I'm the Transportation Manager at Wegmans. We drive 15 million miles. You better take a look at the traffic coming down Beaver Road from the west to the east and the turning lane. One of Mr. Avery's employees, when they're trying to turn left into his driveway, will be rear-ended and he will have a fatality on his hands the way it is currently set up.

Mr. Avery, I want an honest answer on this. At any time, did you or did your partner make a comment to a real estate agent for Mr. Zuber that, "We have no worry about the residential zoning, okay. We know people on the Town Board."

Has that statement ever been made?

MR. ROBERT AVERY: No, sir.

JAMES MARTIN: I'm not going to require an answer for that.

MR. SCHNEIDER: That is all I have. Thank you.

STEVE GINOVSKY - 19 Hubbard Drive

MR. GINOVSKY: With the traffic that you have on Ballantyne Road, as well as over on Archer Road and the bridge over at Ballantyne opening up, and by the own admission of Mr. Avery here of what is going on, at this point, I think it is a disservice to the residents of Chili and especially the ones over at Archer Road to even consider passing this through. This is going to be rammed through. It is said right here. He will build on 30 percent of the lot, 3,000-square-foot building. And he is going to subdivide the section, next section off. If it warrants it.

Past track record here in Chili, I won't even touch that with 10-foot pole. If you do it, you guys are fools. Thank you.

IRENE BRIXNER - 14 Hartom Road

MS. BRIXNER: It seems this property is not valuable at all, and they're doing us a big favor, but let me tell you something. We have a Master Plan. We're giving away land. We're giving away land because we want more money, put it on the tax rolls. I don't understand what COMIDA means. County of Monroe Industrial Agency, is that what it means?

JAMES MARTIN: That is not a part of this application tonight.

MS. BRIXNER: Okay. That is just a business -- it is -- is that tax exempt?

JAMES MARTIN: It is not part of this application.

KAREN COX: That was Number 3.

MS. BRIXNER: Okay. I'm sorry. I'm sorry.

What I am trying to really say, though, is that we do have -- we don't, in this Town, have an open space program, and I'm wondering, that land, okay, you can't do much with it. Why not just leave it open space? What is the big problem?

GARY JOHNSON - 65 West Forest Drive

MR. JOHNSON: My grandmother used to own the property directly across the street from this triangle. There were two access roads, particularly one was her driveway that came out onto Beaver Road, and the other one crossed over onto Beaver Road also. And since then, it has been changed and Beaver Road Extension has been modified and such.

I know from where my mother lives on Beaver Road there is a crown in the road. People, even though the posted speed limit sign is 45, from my guestimation living there most of my life, people are traveling 60 miles an hour. It is very difficult to get out of the driveway from her house, knowing people are traveling that fast, either from or to that stop light.

I really would appreciate looking at the -- where you're placing that driveway, only because it is a safety concern.

I did pull some poor guy out of a ditch at that location that had been driven off the road by a motorcycle. There have been a lot of accidents at that location. Just please consider it.

KATHY MEINTEL - 5 Wheat Hill

MS. MEINTEL: My property backs up to Archer Road, and I object to this Neighborhood Business, because you know what is going to go in there, the pizza places, all those small businesses, and I just -- I think the Restricted Business, if anything, would be the choice, but I prefer to leave it alone.

DON MAYOUE (phonetic) - 154 Archer Road

MR. MAYOUE: Only been in Chili about four years, and I guess somebody stopped at my house and said something was going on, please stop in.

I appreciate a businessman. I think he should have an option to do something. But at the same time, I walk down Archer Road. Archer Road right now is a 50-mile per hour speed zone if you walk it. Okay?

Very dangerous. Before you put any more businesses in, look at that road to see what you will do with it. If they're doing any expansion to make it a three-lane or whatever. You can't even get out of your driveway. You can't walk down. Where they're talking about putting this business, I think Spencer Speedway would be safer to walk than that area right there because I go down around that triangle. I have to walk towards the traffic, carrying a golf club almost to knock the cars back onto the road.

So I want you to consider that. But look at your long-range plans first. There is so much expansion there. I have said to my wife, great place for a convenience store. I know it. I mean I said if I could afford it, go to Zuber, buy it and be a millionaire.

He doesn't have the right plans yet. There is too much vacant there. Who says he doesn't sell it a year from now. Tear down that building and then he has the zoning and that convenience store goes up. Think about that before you do it. And if I lived down there where they do on Beaver Road, and you give him permission,

I would come back and ask you to reassess my property by about 20 to 30 percent, reduce it, because the value of my property is going to go down. Okay. So just consider those things before you make a decision.

GEORGE PETERSON - 18 Beaver Road Extension

MR. PETERSON: This is a small petition because there are five houses on Beaver Road Extension and a few on Archer Road. But should this be submitted to Town Board and not you guys?

JAMES MARTIN: That would be an appropriate place to submit it.

MR. PETERSON: Just clarifying. I hope I didn't misspeak when I talked about Limited Industrial. I was looking at future -- our houses on Beaver Road Extension, all of the way to the tracks, could that be changed to all Residential where this parcel would no longer blend in with the neighborhood? So I didn't know if I was clear enough on that when I was talking about the long range.

JAMES MARTIN: It is probably possible. Speculative, but possible.

MR. RETTIG: Just to further point, as was previously discussed in regard to a potential need for a future pumping station, I would also like to bring up the point that the Board members and people in the audience have brought up the need for a review of the Master Plan's long-range plans in this area, which has been proposed by Supervisor Tracy Logel, and we haven't seen it, and I don't think the Planning Board has seen that occur yet.

As a result of the two specific points, in addition to comments made by the audience tonight, I personally would think it would behoove the Board, be in the best interest of the Board and the Town and the Town's people, at this time, I would recommend that the Planning Board table this issue until they get better information to make a logical, reasonable decision on a thorough recommendation.

RONALD PIKEUT - 1030 Paul Road

MR. PIKEUT: The problem of the road cut on Beaver Road was mentioned, and that, of course, being down from the crest of the hill as you come west to east, I don't think the Archer Road, possible road cut there was spoken about, and I just would like to say that that, too -- any road cut there would be down from the crest of the hill on Archer Road, and I think that would be very dangerous there, as well.

Both of those road cuts are down. That property drops off towards the creek in the lower part of Beaver Road. So I think that should be thoroughly addressed in the future as well, the problem of the road cut there on Archer Road. No matter what it is rezoned for.

MS. LYLE: I think it should be noted that the property at the end of Archer Road, that that property is tiled by the farmers to drain into Black Creek, so if you disturb that, you would be disturbing all of the tiles to drain the water faster off, and that was told to me by Mr. Zuber. That is why it does drain so well, because it is all tiled.

MR. JOHNSON: I have to disagree.

JAMES MARTIN: I think we're --

MR. JOHNSON: I have to disagree with her comment. She really is not accurate.

JAMES MARTIN: This is not drainage. Those are all site plan issues if they go forward.

James Martin made a motion to close the public hearing portion of this application, and Dennis Schulmerich seconded the motion. The Board unanimously approved the motion.

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

The Board discussed the direction they wanted to go in.

JOHN HELLABY: I believe the Restricted Business is probably a better view for this piece of property. The owner-to-be states that would serve his purpose. It would probably alleviate him from any variances for the time being. It might give the neighbors a little bit more assurance as to what is going to be allowed on that property in the future. Because right now it is the open-ended question I think that is scaring everybody.

KAREN COX: I would support that, that viewpoint. Somebody mentioned at some point that perhaps his proposed use would be allowed as a conditional under R-1, but I don't see where the code would allow that.

JAMES MARTIN: No.

KAREN COX: So that being the case, the Restricted Business does take away a lot of the open-ended uses that Neighborhood Business allows. It is more in keeping with that area.

JAMES MARTIN: I'm very concerned about a high traffic business of a convenience store or something on that location given all of the traffic problems that exist in the area at this point.

There have been comments about, you know, the overall plan for the Archer, Paul, Beaver Road area.

This was not part of those discussions when they were held, you know, at that time. That is not a dead issue. There is still some activity in looking at that whole area.

So I mean I would have a real serious concern about something where you have got traffic pulling in and out, something there on a real frequent basis, given the complexity of the intersection and the traffic flow through there. 12,000 cars a day with the growth that is going on, west of there in Chili, it is just going to get greater and greater. Where it gets to, who knows. So -- that is a very serious concern that I have.

JOHN NOWICKI: I tell you what. I will say it again and I will say it again. We have had applications in that area. Chili Avenue, Paul Road, Archer Road, Beaver Road, that whole area should be coming under as soon as possible a concept, a study concept to develop that properly and accordingly with all of the things we have to look at. Drainage, transportation issues, types of development to go in there.

We have Dr. Fallone over on Archer Road. We have got a subdivision going along the railroad tracks. We have got Buckingham Properties who wants to split their properties and pursue activities, which I don't blame them. They're all good ventures, but we better have a plan in place to guide this Town correctly. And again, going back to the Master Plan, we have asked for architectural review. We have asked for zoning updates. We better get our act together. Thank you.

DENNIS SCHULMERICH: Well said, Mr. Nowicki.

I'm not in favor of NB. It should have been obvious by my comments earlier. Point of order on the application, because the request is for rezoning, or recommendation for rezoning to NB, are we voting yes or no against that, or do we have an opportunity to propose an alternative like the Restricted Business?

I would like to ask the lawyers.

JAMES MARTIN: Please, the public hearing is over.

Can we have a clarification on that issue?

KEITH O'TOOLE: The answer is --

JAMES MARTIN: Do we have the ability to recommend a zoning change other than what has been requested in the application?

KEITH O'TOOLE: That's correct.

DARIO MARCHIONI: It is a recommendation.

DENNIS SCHULMERICH: Okay. With that stated, I'm not in favor of NB.

DARIO MARCHIONI: I'm in the same situation. And I think if we do make recommendation to the Town Board, any other recommendation, I think we should add some other comments that John (Nowicki) just brought out with that recommendation, about that whole area. I think we should just tie that together with this recommendation. Because we are making a decision here very reluctantly, with all of the things we have to look at, to kind of do it blindfolded. So I think we -- it is my opinion. I said it on the record. Send them the recommendation.

We should make a recommendation for what we want the zoning to be and also add all of the different comments that were brought up here tonight, especially the comments John (Nowicki) made.

JOHN HELLABY: If I can jump in, I'm not sure if that -- where do you draw the line in the sand, so to speak? And again, I agree with John (Nowicki). To move forward with this one tonight, there is another one coming in for discussion that has been in here several times. I guess where do you actually draw the line in the sand and say, "Look it, nothing happens until we do get it clarified some way, shape or form."

All you will do is keep limping through these things and ending up with a hodgepodge. I agree with John (Nowicki). I think now is the time to say, look it, we have to draw the line and we have to make a decision. Boom. Right now. Make it happen. And let's get an answer before we do anything.

JOHN NOWICKI: A decision made by a higher authority to get the concept study done and over, so we know what we're --

JOHN HELLABY: We'll stumble through this again, again and again. Unfortunately, the applicant is going to be the one that takes the brunt of it, but where do you draw the line?

DARIO MARCHIONI: Also, most of --

KAREN COX: But the point is, if you deny this tonight or you recommend different development, how does the higher authority get that message from us? Because we have been saying it over and over again, every time we get an --

DENNIS SCHULMERICH: John (Nowicki) has not -- it has been coming across the board from the Planning Board.

KAREN COX: It comes up every time we have an application. If we deny it tonight --

JOHN HELLABY: If that is denied without prejudice, then I guess I am looking -- I'm looking to you Keith (O'Toole), can this application be denied without prejudice, so depending what the findings are from the study, the applicant could reapply at a later date with no penalty?

KEITH O'TOOLE: Nothing to deny or approve. It is just a recommendation.

JOHN NOWICKI: Can't we ask for a moratorium on that area that is specifically outlined by those roads? In other words, from this, ask the Town Board to not go forward until that study is complete?

RAY BLEIER: John (Nowicki), if I am not mistaken, if you invoke a moratorium -- you can't invoke a moratorium with applications pending. It would have to be for future applications.

Is that correct, Keith (O'Toole)?

KEITH O'TOOLE: That is generally the rule, yes.

JAMES MARTIN: Plus the connotation of moratorium.

DARIO MARCHIONI: This is pending. It has not been rezoned yet.

RAY BLEIER: The application has been submitted.

JAMES MARTIN: This is only for recommendation.

DARIO MARCHIONI: It has not been submitted legally to the Town Board. That is the legislative action.

DANIEL KRESS: It's been submitted to the Town Board and directly referred to the Planning Board.

JAMES MARTIN: This application has been submitted?

DANIEL KRESS: Yes, sir, it has.

JAMES MARTIN: To the Town Board.

DARIO MARCHIONI: Has public hearing been set?

DANIEL KRESS: No.

JOHN NOWICKI: What has it been sent to the Town Board for?

DARIO MARCHIONI: The public hearing has not been set?

KEITH O'TOOLE: No. When you submit the paperwork, the day you walk into the Building Department and say, "Here you are" --

JOHN NOWICKI: What is it sent to the Town Board for?

DANIEL KRESS: The application has to be made to the Town Board. They're the only one that can take action on it.

JOHN NOWICKI: The Planning Board does not set a recommendation for rezoning --

DENNIS SCHULMERICH: They could still hear it and rezone it.

DARIO MARCHIONI: Then they get the hot cake.

JOHN NOWICKI: Then I hope all these people show up at this meeting.

KAREN COX: But then our recommendation -- would they have the presence of mind to look at RB as opposed to NB?

DARIO MARCHIONI: If we deny it --

JAMES MARTIN: There is nothing that says that we cannot, as a result of this hearing tonight, send a decision sheet to the Town Board indicating that the Planning Board, given all of the input and given the fact that we feel that a

comprehensive look at the area has not been completed, that we would recommend at this point that no zoning change go forward until that comprehensive look has been completed, and there is a total understanding of the potential use of the property in the area.

DENNIS SCHULMERICH: I would agree with that. We had a good discussion about RB tonight, but I don't think it is appropriate for us to recommend it RB without more discussion.

JOHN NOWICKI: Good move.

DENNIS SCHULMERICH: I would agree with your recommendation.

DARIO MARCHIONI: Second that.

JAMES MARTIN: So that's -- I guess -- okay. I didn't make it a formal motion, but I will make it a formal motion.

JOHN HELLABY: He is jumping in there.

JAMES MARTIN: I will word that as I have just said. The words probably will change, but that is the essence of what will go forward to the Town Board, and -- so I have a second on that motion?

DARIO MARCHIONI: Yes.

JAMES MARTIN: You seconded it. Okay.

The vote at this time then on that -- going forward?

RAY BLEIER: Are we tabling this particular application then?

JOHN NOWICKI: We're not tabling it.

JOHN HELLABY: There is no denial or approval.

JAMES MARTIN: Basically no denial or approval. I'm going to send a response to the Town Board stating that we were unable to make a recommendation based on the fact that there is not a comprehensive plan for the area that would allow us to make an intelligent decision as to whether or not the zoning change is appropriate or not appropriate. That is essentially what I am going to say.

DENNIS SCHULMERICH: Are we not with that approach denying the NB at this point in time?

JOHN HELLABY: We can't deny --

KAREN COX: We're just withholding a recommendation.

JAMES MARTIN: They can take that piece of paper I sent them and tear it up and throw it in the basket and change the zoning.

DENNIS SCHULMERICH: I recognize it is a recommendation, but the way you're phrasing it, you're not endorsing a change to NB.

JAMES MARTIN: That is right. We're not endorsing any zoning change at this time.

DENNIS SCHULMERICH: Okay.

JAMES MARTIN: That has been a motion, seconded, to do that.

The Board was unanimously in favor of the motion.

DECISION: The Chili Planning Board at their 7/12/05 Public Hearing, voted not to recommend rezoning of the above-captioned property to the Town Board by a unanimous vote of seven. The Planning Board received comprehensive input from the applicant and area residents. Given this input, and the fact that the Board agrees that a comprehensive look at the Chili Avenue, Paul Road, Archer Road and Beaver Road quadrant has not been completed, the Board recommends that no zoning change go forward until that comprehensive look is completed. This would give the Board a total understanding of the best potential use of this property.

There was a recess in the proceedings.

JAMES MARTIN: Second last call for Buckingham.

Nobody was present to represent Buckingham Properties, Application #3.

DENNIS SCHULMERICH: I make a motion on Public Hearing Number 3 we deny without prejudice.

JOHN NOWICKI: Second it.

DECISION ON APPLICATION #3: Unanimously denied by a vote of 7 no for the

following

reason:

1. Denied without prejudice due to the failure of the applicant to appear before the Board. The applicant may resubmit this request for consideration at a future Planning Board meeting.

INFORMAL: 1. Application of Ed Vandewater, 38 Bunny Run, Churchville, New York 14428, property owner: Gerald Vanstraeder; for revised site plan approval for additional outside storage of gazebos, sheds, etc. at property located at 3532 Union Street in G.I. zone. Robert Avery and Mr. VanDewater were present to represent the application.

KEITH O'TOOLE: If I may, Mr. Chairman, since the property owner is a client of mine, I'm not going to involve myself in this application. Should you have any legal issues that come up, I suggest you make any approvals subject to approval of the Town Attorney. Thank you.

MR. ROBERT AVERY: Bob Avery, Avery Engineering. I'm here with the applicant, Mr. VanDewater, the owner of Churchville Wood Products, located at 3520 Union Street. Mr. VanDewater has entered into a purchase offer for the property immediately south of his facility, property located at 3532 Union Street, adjoining property 1.8 acres to the south. I believe this is the former television repair facility located just to the south.

And our revised site plan, of course, shows the current facility for where his business is located, and the property to be purchased line south all of the way to the West Shore Railroad. And the purpose of purchasing the property is so that Mr. VanDewater has the opportunity to extend over onto this property, a portion of it a gravel area, .8 acres, for storage of his product. Not display. For storage of his product.

We have proposed basically an extension south of gravel only at this point in time for that storage of product, which is the gazebos, the sheds and various other items that he does sell, and he does have in displayed areas out along Union Street.

The drainage from this will naturally flow into the ditch that runs along the railroad, and heading in a northerly direction along the east side of the property. We have done computations at a 10-year frequency that increase .25 cfs for 10-year storm based on this proposed improvement on the back of the site. We do not propose anything other than the gravel back there. There will be no fencing around it evidently for security.

And we would like to open it up for any questions at this point in time.

JAMES MARTIN: The access to the parcel will still be along the driveway on the north side of the building?

MR. ROBERT AVERY: We're not proposing any new road cuts. Access will be along the east side of the building, back to this gravel area (indicating). We currently have gravel that runs back to this .88 just north of the lot line. This is all gravel right here (indicating). So we're just taking and extending that to the south. Gravel goes right to here (indicating) right now.

Just north of the property line, by about 10 or 15 feet.

JOHN NOWICKI: Did you say you're taking the driveway all of the way back out to Union Street?

MR. ROBERT AVERY: No. No. We would access -- we would access this gravel pad.

JOHN NOWICKI: From the back of the building?

MR. ROBERT AVERY: From around the back of the building, around the back of the building. The east side of the building and back.

JOHN NOWICKI: But he will own all of the way out to Union Street?

MR. ROBERT AVERY: This whole tax account number. We're not combining the two tax account numbers at this point in time. Mr. VanDewater can discuss any plans he has for the existing buildings in the front.

JOHN NOWICKI: I would like to hear about that.

MR. ROBERT AVERY: He is here to answer those questions.

But for the business portion, the purpose of his purchase is to extend the gravel pad so he could store product.

JAMES MARTIN: All right.

RAY BLEIER: Well, I want to know what is happening to that Ray's TV building there.

MR. VANDEWATER: Well, at this point in time, since I do not plan on any further development other than storing the proposed sheds and gazebos on the east side of the property, I intend to -- there is a residential home there that I intend to just continue to lease and the business I would hope to rent out and at that time, depending on anybody who expressed a desire to rent the property, I would, of course, have to come before the Board to get your approval.

RAY BLEIER: I have observed -- actually you have quite a tree line there that screens anything you might have in the back there where you're proposing to store your sheds and gazebos.

You're not using that for showing them? I guess I -- I'm not sure what -- what the logic is there.

MR. VANDEWATER: There is room on the existing facility to show the products that I need, but there are times where I get deliveries or shipments of customers' orders that I need more room to store. I'm not going to say that customers won't be allowed to go back there and look at those sheds or gazebos that are back there, but in my mind, it is basically to store, you know, for orders that we have taken and people are not ready to accept delivery yet. And to actually have more inventory for the customers to purchase.

RAY BLEIER: There are some areas of this property that are very dense with sheds, especially sheds. As a matter of fact, coming down the asphalt drive off of Union Street, I notice one of your sheds is only about a foot from the edge of the pavement, and I think you're in a right-of-way there. Some of your --

MR. VANDEWATER: Well, you could help me with that problem.

(Laughter.)

RAY BLEIER: It is not good business to be in violation of your property line there. I would like to see that thinned out there a little bit.

KAREN COX: Ray (Bleier) touched on a question I have. On the original site plan, there is the crosshatched area that says areas designated for gazebos and storage sheds. With this new storage area, would you then have less product in those areas, or no product in those areas?

MR. VANDEWATER: No. I need those areas to display those products. That's where the parking area is. That is where people come to view products that we sell. So I wouldn't have any desire to make it more difficult for them to access and see the products that we have to offer.

KAREN COX: I kind of -- it looks a little cluttered in my mind. I agree with Ray (Bleier), that everything is a little more jammed in there than what we have envisioned when we agreed to those areas. That is all I had.

JOHN HELLABY: I'm assuming you will leave the tree line in the front to shield that area, that you won't take all that down. It is great the business is that good that you have to expand and keep moving product in there. I know there is no public comment, but I know what the gist of their comment would be. I would hope, and I'm just saying, I would hope that the addition of this storage area alleviates some of this stuff in the front with the swing sets and all -- I don't have a problem with the areas that we designated as far as storage. That is fine. But I know that has always been a big problem with those four gazebos in the front and all of the incidentals that keep filling out there. The chairs, the swing sets. Again, it is just a comment. I would hope that it would maybe alleviate some of that back in that area. It is not saying it ain't there. It is still there. You can take people and show it to them, but to get the congestion out of the front yard. That is all.

JOHN NOWICKI: I guess my first question is, unless there is something wrong on the application here, why haven't you ever applied to be put into the Chili drainage district?

JAMES MARTIN: Is it for just this parcel, Dan (Kress), that that comment --

DANIEL KRESS: That comment -- perhaps I should clarify. The comment does not pertain to the northern parcel. It pertains to the southern parcel.

JAMES MARTIN: The new parcel.

JOHN NOWICKI: Okay. So that has to be included into the drainage district. Okay.

MR. ROBERT AVERY: I believe we did make that application for the southern parcel.

JOHN NOWICKI: Probably just doesn't show up here yet.

MR. ROBERT AVERY: It was filed with the Town Clerk.

JOHN NOWICKI: Other than that, I agree with the other Board members. The only comments I would have is the density of the number of units that you're putting on the site, and I think we're going to have to watch carefully how we landscape this site. Because if we go to the code, we're going to have to start looking at the amount of landscaping we need to buffer these areas.

DENNIS SCHULMERICH: When I look at the revised site plan, and the areas that have been designated as for gazebos and storage sheds, do those areas agree with the initial site plan when they were approved? Is that what we authorized for exhibiting gazebos and storage sheds?

DANIEL KRESS: I'm not sure I understand the question.

DENNIS SCHULMERICH: It seems like a lot of square footage for exhibiting storage sheds and gazebos. Is this site plan in line with what was initially approved for the owner?

DANIEL KRESS: Yes.

DENNIS SCHULMERICH: This is the amount of square footage we have allowed. So the second question then is, is what is shown on the site plan, is that the space that is actually being used to display product?

MR. ROBERT AVERY: To our knowledge, yes. Those would be the approved, pre-approved areas of storage and display, seeing as how we modified the existing drawing when we prepared the new drawing.

I think I had discussions with Mr. Kress on this site, about this storage issue, because I know it comes up when Mr. VanDewater comes in. I don't know -- I guess I had thought that it looked to me as if he was keeping pretty close in compliance with the pre-approved areas of display. I talked with Dan (Kress) a little bit about it. He had opportunity to check through on a few occasions and could probably answer the question.

DANIEL KRESS: I have not done a gazebo-by-gazebo enumeration if that is what you are after. If the Board feels that is necessary, I am sure I could make arrangements with Mr. VanDewater.

DENNIS SCHULMERICH: It just seems to come up ad nauseam, that is all.

It is very cluttered. Is that what you have to do business, I guess, but it is very cluttered.

MR. VANDEWATER: I actually reduced the amount I had out there since last year. Mr. Nowicki made it more than clear to me in the last meeting that he would appreciate that type of -- right now I have reduced the amount that I would put out there. So I feel I'm in the spirit of compromise.

DENNIS SCHULMERICH: Would I be incorrect to interpret what we're talking about is exterior warehousing?

MR. VANDEWATER: If you --

MR. ROBERT AVERY: I guess I would leave that up to someone on the side board to determine what the definition is.

DENNIS SCHULMERICH: You're building inventory and you're storing it, and you're storing it in an exterior environment, so by my definition as product engineer, I would call that exterior warehousing; is that acceptable?

DANIEL KRESS: I would think of it as outdoor storage, but we're talking about the same thing. Storage not contained within a building.

KAREN COX: You say tomato, I say...

DENNIS SCHULMERICH: I can interpret it based on flow of Union Street, this will be visible from Union Street in.

MR. ROBERT AVERY: I believe we have buffering that will be provided by the trees.

DENNIS SCHULMERICH: Enough buffering.

JAMES MARTIN: There is a fair stand of trees there.

MR. ROBERT AVERY: Only clearing the area required for the concrete pad --

MR. VANDEWATER: Gravel.

MR. ROBERT AVERY: Gravel pad. Sorry. It has been a long night.

DENNIS SCHULMERICH: These are conundrums to me. I look at how hard we try to get the architectural integrity of the buildings in Town aligned with what we want the Town to turn into. I'm pro business, clearly, but I'm also pro develop Chili, and I'm not an advocate of exterior warehousing. If this is an inventory buffer so customers can get their product a day or two earlier, I understand that, but the concept of dumping truckloads of gravel and putting gazebos on there is not something I like. As far as the plan goes and what I see here, I don't have any more questions.

DARIO MARCHIONI: Actually, the stuff that you put here is in and out. It comes in, it goes out. Your intention is not to keep items here.

MR. ROBERT AVERY: It is more of a staging area as Ed (VanDewater) can elaborate on the proposed --

DARIO MARCHIONI: You don't want to tie up your money by keeping the merchandise on the site. In a season, you might get extra gazebos, and then as soon as the spring comes there, then they're sold.

MR. VANDEWATER: I'm not into warehousing these things all winter long. It is just I thought what I was trying to do here is accommodate the last concerns of the Board. And that was the property was -- I was maxed out, was the words I heard. So I am trying to reduce that aspect of it.

JOHN NOWICKI: You're moving the visual impact around.

JOHN HELLABY: Out of the line of sight.

MR. VANDEWATER: The railroad embankment there is probably 15 feet high to the south. And I think in general, when you look at the property that I already have, compared to what it was when I purchased it, and I think I'm going to continue with that -- my hopes, what I plan on doing is adding to the front of the building, across the front of Union Street, and then having that storage behind, in addition to the building I got. That is my long-term goal, but --

JOHN NOWICKI: Got you.

DENNIS SCHULMERICH: That is fair. And staging area is a better way to say it.

MR. ROBERT AVERY: That is a better representation, rather than the outdoor storage, correct.

DARIO MARCHIONI: I like gazebos and the storage buildings. They're not a eyesore, but when you put them all together too much -- I can see you're trying to solve the problem. I'm glad your business is growing. That is good. Chili needs that growth.

LARRY NISSEN: I have something I would like to bring up and I apologize for not bringing it up sooner. The way this parcel is proposed to be graded to the south, it will change the drainage pattern somewhat. It presently drains to the east. Sheet flows basically to the channel. With the proposed regrading, much of that flow will be directed to the south and to the ditch located just south of this parcel, and actually onto a property perhaps owned by Jarvee Association. I'm not sure who owns this --

MR. ROBERT AVERY: The railroad.

MR. VANDEWATER: The railroad.

LARRY NISSEN: I guess if it is the railroad, I'm not quite so concerned. But you should be aware that the drainage patterns at least will be somewhat altered.

JAMES MARTIN: You want your letter changed to you want Town Engineer approval on this?

LARRY NISSEN: I guess if it is going to be approved -- I would like to know more about the impact of sending additional water to the south.

JAMES MARTIN: So if it goes through, you want Town Engineer approval?

LARRY NISSEN: Please.

MS. TINDALE: I was going to say no significant environmental impact, but looking at this area in the back here with the additional storage, I'm wondering if maybe a row of Austrian pines, to give somewhat of a buffer back in there.

MR. VANDEWATER: I would like to address that when I proposed the addition to the building that I currently have.

KAREN COX: You said you're not removing any or many of those existing trees that are there now, right?

MR. VANDEWATER: The elevation of what we're doing is going to change. We're going to have to put fill in there below the gravel surface. So that land

will be cleared.

KAREN COX: But there are trees out front?

MR. ROBERT AVERY: The ones in the front will not be disturbed. We will have a buffer.

DARIO MARCHIONI: But later on when you do add to this building, we'll readdress --

MR. VANDEWATER: That's correct.

DARIO MARCHIONI: You will get more landscaping.

MR. VANDEWATER: That will all be addressed.

DENNIS SCHULMERICH: The location you were suggesting Austrian pines, on the south or the east side?

MS. TINDALE: On the east.

DENNIS SCHULMERICH: Thank you.

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

The Board discussed the proposed conditions.

DECISION: Approved by a vote of 6 yes to 1 no (Dennis Schulmerich) with the following conditions:

1. This approval is subject to the approval of the Chili Town Counsel (Richard Stowe).
2. Petition the Town Board, through the Town Clerk's office to include this parcel in the Chili Consolidated Drainage District. This is to be done within 30 days of the date of this letter.
3. Pending approval of the Town Engineer.
4. All previous conditions of approval pertaining to Churchville Wood Products remain in effect.

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

2. Application of Muirfield Development, LLC, 3313 Chili Avenue, Rochester, New York 14624, property owner: Richard Sylvester; for revised subdivision approval granted on 4/13/04 for 16 lot subdivision known as 3360 Chili Avenue Subdivision at property located at 3360 Chili Avenue in R-1-20 zone. John Caruso was present to represent the application.

MR. CARUSO: Good evening. I'm John Caruso here to represent Muirfield Development. Mr. Chairman and Board members, the purpose of our meeting tonight is to bring to you an idea that we had on trying to improve the subdivision that was once approved. And Dennis (Schulmerich), I don't know if you were here when this project was approved.

DENNIS SCHULMERICH: No, but I was on Zoning.

MR. CARUSO: Okay. The April Planning Board meeting in 2004, the Planning Board approved the project for final approval with 16 lots. It is a duplex project. It received a conditional use permit. And one of the conditions of the approval was to have a Homeowners' Association for the project.

The idea came that if we could put this similar unit that is built on the corner of Fenton Road and Chili Avenue, if we could put this building on this parcel, give you the same exact project that you approved, except down the center common wall, have a property line, then we would create instead of 16 lots, it would be 32 lots,

but we would eliminate that rental unit that is on the other side of the duplex. The reason we brought that up is the Planning Board wanted to have a Homeowners' Association. They were concerned that that rental side of the duplex unit would be someone who didn't live there all of the time, and that there may be a maintenance concern. So what came out of that was a Homeowners' Association. The Board made it a condition of approval, and that was it.

The concern that the developers have is how do you do a Homeowners' Association on 16 separate lots. It is a small development to fund a Homeowners' Association.

So if, in fact, you could put this unit on there, and subdivide it, then you could eliminate the duplex, that rental lot, make them all homeowners, and eliminate the Homeowners' Association.

It is easier said than done. That is why they were present tonight to bring this to you. I don't want our presentation to go on too long because I know it is getting late, and you have had some very long applications tonight. But we wanted to know, is this something that may be feasible to the Board. If so, we would then consider bringing it back for a revised final site plan approval or subdivision approval, I should say.

What we propose, as a modification or a change, has issues with it.

The Board granted us approval to move the setback on the 16-lot subdivision up to 40 feet so that we could keep the units away from the railroad tracks and some of the other homeowners along Chili Avenue.

Now, instead of having 16 variances, if you will, we have 32.

We had some variances that we received for Lots 1 and 7 and 16 when we did the project. Now we would have the variances that we received, instead of being three variances for rear yard setbacks, there would be six. So everything that we do, we duplicate. And in speaking with the Chairman, it sort of starts to be getting massive. We have numerous variances. And I want to know what the Board's palate is on that. Is that something acceptable to you? Is there this trade-off that if you do sort of favor that, we are going to have to get the variances? Do you like the fact then that we would not have a rental project, if you will? And do you like the better building and some of the aesthetics that it has to offer.

So here, Ray (Bleier), just take a look at this and pass it on down if you want.

Essentially at the end of the day you wind up with the same project that you approved, except for there is a bunch of extra paperwork and Board meetings for us to go through.

JIM MARTIN: Is that it?

MR. CARUSO: Yes.

JAMES MARTIN: I'm just worried about some precedence setting here with just this massive number of variances that would have to be approved on this project in order for it to move forward.

I'm also concerned about, you know, some of the other issues. You know, a lot line going down the middle of the house. You know, I guess, you know, when we think about where we were when we originally approved this, in April of last year, you know, I thought the HOA -- again, it is not a huge number of lots, but it is not a huge maintenance issue either. So I don't know what the HOA dues might be to insure maintenance of the property. But you're not mowing 50, 60 acres of grass or taking care of a whole bunch of other issues on a small site like that. So maybe the dues would not be unacceptable as far as an HOA goes.

I will defer to the rest of the Board. My own personal opinion right now is that, you know, we table this and let the applicant rethink where he wants to go with this, whether he wants to go back to the original plan that was approved, or whether you want to come forward again and -- you know, at this point. So I will -- I will defer to the Board and hear other comments at this point.

DARIO MARCHIONI: I heard what John (Nowicki) said, so really what you're saying is you're objecting to the Homeowners' Association. Is that the -- is that the nail that --

MR. CARUSO: I guess what happens is -- if you want to buy one of those lots over there, they will build a two-sided -- they will build a big house with two sides and the cost of that house is estimated to be around 240,000, 235,000. That is a big rental. I bought my rental properties for 45,000. If somebody is going to buy a rental property, to live on one side, it will cost 240,000, plus the HOA fee. Now

maybe it is not significant, but it still has to be 75, 80 bucks a month.

So I think what the developer's concern is, is what are his chances of being successful over there with that condition of approval, and if we were to do this, then we would have all lots -- maybe even a Homeowners' Association would work if you had 32 homeowners there all funding it. And you know, they're seeing some action, some real world action on the two buildings that are up, and the people that are coming through it, and some of the feedback that is coming through, that people want to buy them.

DARIO MARCHIONI: Well, I do know that Bill Howard has been building some real -- real class properties. Even those two -- these duplexes there, they're very well built. I like the design.

I see what you mean, how the price goes up in these properties, in these buildings. To maintain that kind of quality. I see what you're saying.

You know, if you're doing that, is it a possibility that actually rezoning this parcel, then, to -- to multiple residency, then, then it falls into that, just like Pumpkin Hill. You have Perna's subdivision, Chestnut Ridge with townhouses there, which do have property lines right in between. I mean if you look to those other properties -- I don't know --

MR. CARUSO: Dario (Marchioni), that is an excellent point. Our meeting here tonight is to bring to you a way to maybe improve the project, but there are some ramifications to it, and some simple things sort of get complicated with a bunch of variances, but at the end of the day we have the same project, without rentals, everybody owns independent and it is a nicer product and all I need to do is go to the Zoning Board to get that straightened out. Now, Jim (Martin) has a good point. There are a lot of variances there.

JAMES MARTIN: A lot of self-imposed hardship.

MR. CARUSO: Yes.

DARIO MARCHIONI: What's your other alternative?

MR. CARUSO: I thought, Keith (O'Toole), could we get a 278 application to try to give the Board the power to adjust those, but I don't have anything to offer. I couldn't do a .32 lot conventional plan. I tried to think that way. I mean I couldn't.

KEITH O'TOOLE: You're not really changing anything, other than adding a lot line.

MR. CARUSO: Right.

DARIO MARCHIONI: What is the other solution? Just single-family homes.

MR. CARUSO: Single-family homes or rezone it, yes.

DARIO MARCHIONI: I don't know. Is there a project like that in Chili, anywhere existing where you have duplexes with the property line right down the middle of it that you can think of?

MR. CARUSO: There is not --

DARIO MARCHIONI: Is there a precedence before this?

MR. CARUSO: Not one in this Town. No. There is one in -- Irondequoit has the -- Preserve. The Preserve in Irondequoit.

There is a project in Irondequoit that has done the same thing. Theirs is on a loop, rather than a cul-de-sac.

JOHN NOWICKI: Seniors only?

MR. CARUSO: I don't know. It is just the same thing with the property line. They own on each side. Basically, it is a townhouse with the two middle -- the two-story units taken out, and the ranches put together, and that is what it is.

DARIO MARCHIONI: How successful is that project?

MR. CARUSO: Dario (Marchioni), I don't know. I'm not an expert on this project. I just threw that in answer to your question. Has it been done in this Town, no. But it has been done in Irondequoit.

JOHN NOWICKI: Each unit has to sell for 120?

MR. CARUSO: 140. Mr. Howard stated 139,900.

DENNIS SCHULMERICH: So basically you have a plan that is the same, but different. Because when it was initially presented, at least what I recall from Zoning, you were coming in with owner-occupied or a duplex that someone would own with the understanding that it will either be in-law on the other side or you rent it. So you were marketing 16 properties around \$240,000 or so.

MR. CARUSO: Correct.

DENNIS SCHULMERICH: Now what I hear you saying is you now are 32 properties with 32 individual owners, some may be related, some may not. It is not a situation where you would have the person owning the home, owning both sides of the duplex. They're buying half -- they're buying a duplex, or half of the house.

MR. CARUSO: That's correct.

DENNIS SCHULMERICH: So by my definition, there is a change to the nature of the project. Now, the drawing may be the same. You may put some lot lines down and create additional variances, but what I see you doing is changing your marketing plan. You're taking the marketability of the property to lower-income purchasers, and the nature of the project is different than what was initially presented. That is what I see. That doesn't mean it is any less attractive. I think the homes that -- I remember this came in around the same time as the duplexes that are going down off of Chestnut Ridge and Chili, and they have turned out to be very large and they're attractive. Very large. And very large.

I think you have a different plan. I don't think it's as simple as drawing lot lines and getting variances.

JOHN NOWICKI: Kimberely Estates, those are individual lots over there? Isn't that true? They sold those off individually?

MR. CARUSO: Not familiar with that.

DENNIS SCHULMERICH: On Beaver by Chili.

KAREN COX: Used to be real funky colors.

DARIO MARCHIONI: They're apartments, but sold individually. They have fire walls.

JOHN NOWICKI: They must have property lines.

MR. HOWARD: Bill Howard with Muirfield Development. I want to let everybody know what transpired. We have offers on the other units. And again, luxury duplexes in-law. That is what they're doing.

But what happened was we had 15 people come through the open. They were elderly people coming from Pius. "Gees, doesn't a builder get it, this is what we want. I don't want to buy a double. Not this big a property. But if I could buy just this unit, I would buy it."

Now, the Homeowners' Association came up with these individuals, and they said, again, "We want the lawn cut; we don't want to deal with it. If somebody would build it, we could get in the property for about 140, be maintained, Homeowners' Association, this is what we're looking for. Taxes won't be as high. They will be affordable. We can live here." And again, so what happened was our wheels were spinning and saying, gee, there was a huge influx that came into this open. This is what they were asking for. If we could just build the exact same units with zero lot line down the middle, this would be successful.

DENNIS SCHULMERICH: So basically what happened is based on potential customers, you learned from them and adjusted your marketing plan and this is ultimately --

MR. CARUSO: Well, it could be here. They were present for discussion.

MR. HOWARD: I'm saying through the discussions of the 15 people that came through that open, they did want the only Homeowners' Association. They did. They were looking for the Homeowners' Association. They wanted to come and go.

DENNIS SCHULMERICH: The Homeowners' Association may not be the sticking point here in terms of what you have or not.

MR. HOWARD: No.

DENNIS SCHULMERICH: The marketing plan changed.

MR. CARUSO: That is what started it. He couldn't sell the \$240,000 building with an HOA, but he could sell half a one, and how bad a project would it be if we were to have a property line down the middle here other than it creates a bunch of zoning issues.

DENNIS SCHULMERICH: You may or may not have an HOA.

MR. HOWARD: They did not mind the Homeowners' Association.

DENNIS SCHULMERICH: If the cost was half.

MR. HOWARD: They liked the units. I offer the Board to check them out. Saturday, Sunday, 1 through 4. You can go through.

JOHN NOWICKI: Basements?

MR. HOWARD: Fall basement. Jacuzzi. Skylights, gas fireplaces, vaulted ceilings, two-car garages, brick front. They really -- again, this is where this

came from.

JOHN NOWICKI: Any idea what the taxes are?

MR. HOWARD: Haven't heard from Linda (Leach) yet regarding that. We have not had the C of O yet from the Building Inspector until we get the other unit done.

MR. CARUSO: But, you know, \$30 -- \$30. What is our rate? So say 40 -- 40 per thousand.

MR. HOWARD: 500 to -- it is still affordable, and that is what they're looking for.

DARIO MARCHIONI: Just a question. Do we have the power to do this, what they're proposing?

MR. HOWARD: We're just informal.

DENNIS SCHULMERICH: This is rezoning.

JAMES MARTIN: Had to be a zoning issue.

JOHN NOWICKI: The site plan stays the same.

KEITH O'TOOLE: It is a resubdivision.

DARIO MARCHIONI: We do have the power to do it.

KEITH O'TOOLE: Not tonight.

MR. CARUSO: Not tonight.

DENNIS SCHULMERICH: Just in general.

MR. CARUSO: That is what we're looking for. So if we did want to do this, we should consider taking it back for rezoning and then come back for a resubdivision approval?

KEITH O'TOOLE: Why rezoning?

MR. HOWARD: What I don't want to --

JAMES MARTIN: You need your variances.

MR. CARUSO: If we rezoned it to multiple family, a lot of the side setback and area variances would go away, but I don't know what other variances would come out of that.

DENNIS SCHULMERICH: Doesn't it make sense when you start talking 25 to 30 variances, that is probably a good indication you're talking about rezoning?

MR. CARUSO: You may be right, but isn't there a minimum -- is there a minimum on rezoning for residential, multi-res, 50 acres? I mean --

DENNIS SCHULMERICH: I don't know that.

MR. CARUSO: And I'm not -- there may be other things that come out of that, too. I guess we wanted to see what the Board's take was on this, and --

MR. HOWARD: What I didn't want to happen was it becomes a cash flow issue. What product can you put out there for return on rent that you will end up building. You already have final. You already have that. Go get the Homeowners' Association, if that is what needs to be done for 16 units and then just do it on cash flow only. That is not what we're wanting to do.

MR. CARUSO: What Bill (Howard) is saying, too, he is concerned that the rental component of this will drive the look and the quality of the structures. If people are looking to build -- not everybody is like Dario Marchioni who builds a beautiful building and puts brick on the front of it if they're trying to see, you know, the cost -- the cash flow analysis on what they can get out of the other side. That is what Bill (Howard) is concerned about might happen to the project.

DARIO MARCHIONI: I have to comment, to answer. If I had to do it again, I would not build a duplex.

KAREN COX: I mean I seem to recall, and granted it has been a while, when one of the times that they came up in front of this Board initially, and the Board was concerned about the duplex/rental aspect of it, we asked about single-family homes, and I recall being told that the market study was showing this type of unit was the hot seller and this was the way to go. So that was somewhat what I based my initial approval vote on.

Now you're coming back a year later saying, gee, we might have not been quite right, and you're asking for lots of zoning variances a year later. I'm not thrilled with the number of variances at all.

MR. HOWARD: Again, the units on Fenton Road, that is how they are being sold and have been sold. So the market is there. It is just that we had an open and we had 15 people come through, and all of them wanted the same thing. So we saw that as an opportunity going, wow, market might have shifted a little. Let's make adjustments. If we put a line down the middle of them to keep aesthetics the same, is

that an opportunity to look at. If not, we need to -- so again, it is for discussion. We want to put it out there.

JOHN NOWICKI: This is a mechanical thing?

MR. CARUSO: Yes.

RAY BLEIER: When this application first came in for the duplexes, as I recall, the people that live along Chili Avenue, they were concerned about the duplex issue, and they would have much rather have seen single lot development in the back there, residential, 20,000 feet.

You know, and it can be bowed a little by -- they became somewhat appeased, but I know they were not happy with it. And to propagate this with -- to me, ridiculous situation of having lot lines down the middle of the building, it goes against my grain. And I'm totally against that, that type of thing.

JOHN HELLABY: I got to agree, Ray (Bleier). We had a concept. Everybody bought into it. The market has changed, but I'm not going to see this forced to the point where somebody has to go out and secure 50 or 60 variances on these lots. Go back to the table. Rethink the thing. Redesign it and come back with single-family homes. Boom.

RAY BLEIER: I would even accept the duplexes as they were originally proposed and approved, but perhaps a combination of single-family residences, as long as they're 20,000 feet.

JOHN NOWICKI: What about townhouses?

RAY BLEIER: With the duplexes?

JOHN NOWICKI: What about townhouses?

RAY BLEIER: No.

DARIO MARCHIONI: We got Pumpkin Hill that is a very successful area.

JOHN NOWICKI: Sold out.

MR. CARUSO: Well, our options are either we go with the approval that we have, or that we move forward with this design change, and we may come up with something to eliminate those variances. And I didn't know coming here tonight whether you were adamantly opposed to all of the variances that are created from this or you like the fact we would get all of these for sale rather than rental.

So I mean that is what we're hearing. We came to hear.

JOHN NOWICKI: I like the idea of for sale because the market obviously is there. As you have seen, we have a booming aging population. The variances, you have a problem. So if you can figure out a way -- if you can overcome that through design changes, and develop that into saleable property, I think it will be good.

MR. CARUSO: Thank you.

MR. HOWARD: Thank you very much.

DECISION: The Board unanimously recommends that the applicant reconsider all options

for this property. As noted, a final site plan for this property was approved at

the April 13, 2004 Planning Board meeting.

FOR DISCUSSION: 1. Perl Development Corp. - proposed 88 lot subdivision at 177 Archer Road in R-1-15 zone. John Caruso and Ermano Capuano were present to represent the application.

MR. CARUSO: Mr. Chairman, this is just to pass around. It is a short. I'm John Caruso with Passero Associates. Mr. Chairman, our discussion tonight was to bring back the Archer Meadows Subdivision.

We have gone through numerous design changes in an effort to try to make the Board satisfied with some of the racetrack potential that the Board was concerned about once before. We have had several meetings with the Traffic and Safety Board, with the Commissioner of Public Works. We have met with the Development Review Committee, and basically what we're asked to do is to bring the project, bring the site plan up a notch in design quality. And to try to do that through the whole project.

What you're seeing here is where we have integrated a four-way intersection in the project, and what this does is it slows the traffic down better than putting the speed -- speed cul-de-sacs in the middle of the row, the eyebrows. We

have gone to that design, the design before this, and we weren't opposed to doing it, but this came up, and this was a better design. It can be developed in phases. It meets all of the requirements of the intent for cross connection to the Fallon development. It has all of the pedestrian trails in and out of it. All of the traffic studies that we did still are in compliance with this layout. All of the storm water management. All of the things that we did for the Archer Block in that presentation. The housing prices have increased from 150,000 minimum to 170,000 minimum. And so what we have done is responded to the Town's concern on this project being just another run-of-the-mill project and we have tried to kick it up a notch.

We would like to take this project forward into preliminary design and we have been hesitant to do that until we have satisfied the Board and we have heard from all of the people we have integrated with, that they believe this is the plan to move forward with, and we just wanted to get your input on it.

RAY BLEIER: Well, it is different from the initial plan I saw, rather than the straight line concept. This is a step forward. Approximately how many variances are you going to be needing on the lot size, John (Caruso)?

MR. CARUSO: There are no variances, Ray (Bleier). We were going to ask the Planning Board within their right to grant us front setbacks so we could stagger some of the front setbacks through the project. It is a 50-foot required setback. We were going to drop it down 40, 45 and 50. We would stagger them. The reason we do that, it makes these lots a little deeper over here (indicating), and it also eliminated a concern Mr. Kress had about people doing additions. They put swimming pools, decks on their backyard and they have to come for variances. If we have to do that, we could have a 57-foot long driveway and not all these variances crop up at the Building Department.

RAY BLEIER: But every lot is 15,000 square feet; is that correct?

MR. CARUSO: Yes.

RAY BLEIER: I guess I have nothing further.

JOHN NOWICKI: So you have the zoning?

MR. CARUSO: Yes. It is zoned.

KAREN COX: I like this layout a lot better than what I have seen from a track standpoint. This is no reflection against the applicant, but I'm going to throw this out, based on the discussion we had earlier in the evening about an application in this same general area. Again, we're in this area that is bordered by Beaver Road, Archer Road, Paul Road, where we're looking for a more regional type of design, and I'm going to just throw that out, that this is in that area. So are we going to move forward with this? I know this is for discussion only.

JAMES MARTIN: To John (Caruso)'s credit, he spearheaded a fair amount of activity --

JOHN NOWICKI: Just looking at that letter, you have done a heck of a lot of work on it.

JAMES MARTIN: We need to move forward with this thing, with some pressure on the Town Board to do something.

JOHN NOWICKI: I agree.

KAREN COX: I know. I know John (Caruso) has been working on that.

But it --

JOHN NOWICKI: You know what, this might pull a lot of things together.

For example, this work that you put into this letter, you talk about The Father's House, and we have had some comments tonight about that. We have talked about this subdivision, Dr. Fallon's project, next to Wegmans. Now we start talking about Buckingham Properties, Mr. Avery's project. Now is the time for the Board, the Town Board to say okay, we have an opportunity to pull all this together. And find -- we're going to find out what is true -- what is happening with The Father's House or what have you. These are all projects that have a major impact on the Chili Center area, in the Town of Chili, and it will have to move ahead so we can finalize traffic studies all over the place. All over this area. Because it is going to have a big impact.

And water, the needs for water, sewer, drainage. If you need regional ponds, what have you. Now is the time to look at all of the land. What is available to us. I think you're moving in the right direction. We have to have everybody to move in the right direction.

KAREN COX: You need everybody who needs to make the decision to buy into moving forward with some more detail on what has already been done.

MR. CARUSO: I just want to point out, on behalf that -- Ermano

(Capuano) and Rich (Coia) who have been here since January. They didn't run into preliminary. They waited until things got set right. This is the only piece of land that you have the folks developing that aren't asking for something. The other applicant was trying to rezone. They're trying to comply with zoning. They're there.

Fallone needs -- had to go for PNOD. Special use permit for the church.

This is the only piece -- and so with proceeding, what he has done, he has tried to put lipstick on a pig, and I think he has very well. This is the only one that is not going to change. Whichever study you -- by the way, John (Nowicki), there is a lot of information that answers all your questions that we did two months ago. Before you spend a lot of money, you might want to answer where all of the sewer is, where all of the water is, the traffic. We really stepped up. What you're talking about is land use. Is it appropriate.

One of the things that we went through was the Comprehensive Plan. Do I say any of the other parcels should be used differently? That is what you're talking about getting your arms around. I have a traffic study going from Beaver Road all of the way to Chili Avenue. It is all done.

JOHN NOWICKI: Who has it?

MR. CARUSO: I got it. The Town.

KAREN COX: Who did it?

MR. CARUSO: I did it. I mean all of the things that you're looking for. Because John (Nowicki) has -- you know how that came off his tongue, because he said it before. We wrote it down and then we went and did a whole bunch of work for two months and then we came back and showed you the presentation. I want that to sink in to you because we did a lot of work. It is available to you. Maybe you need to peer over it to understand it, but it is not about that. It might be more of some of the land uses around. But I will tell you one thing, this will come out of that study after you go and get it done and come back. This piece will not change.

JOHN NOWICKI: I agree.

MR. CARUSO: Whatever we do, this piece is going to wind up looking something like this, and we should line up the entrance across.

JOHN NOWICKI: Do I get the impression that street is a connection to Fallone?

MR. CARUSO: Yes. That stub road is at a future section. Obviously would not be Phase 1. So it could move. Whatever happens with Fallone.

JOHN NOWICKI: What price range?

MR. CARUSO: Minimum 170, up over 200.

JOHN NOWICKI: How many different styles of houses?

MR. CARUSO: I don't know that, John (Nowicki). I know what you're looking for in preliminary design when we come. There are some other things that you folks have asked for that we're ready to submit, too. They have had their financing package put together you wanted to see. You wanted to see their resume on experience. And I will tell you why I know this, because we have already presented it to some Town officials to show them. All you guys have been looking for is right here. So we would like to move on into preliminary design and bring that in to show you.

Whatever happens with this Town in looking at it, I want to be part of it. I want to be part of -- if you look at land uses around, let me sit in on those meetings because I represent The Father's House, and these folks. I'm interested in that.

JOHN NOWICKI: Ut-oh. I have heard the buzz.

DARIO MARCHIONI: There is a piece of property in the front, 175 by 275. What is that for?

MR. CARUSO: The homestead? That is the homestead. We have to leave a 2-acre lot there -- 1-acre lot.

MR. CAPUANO: 100 we -- 200, I think.

DARIO MARCHIONI: The old house will stay there?

MR. CARUSO: Yes.

JOHN NOWICKI: They will rehab it.

MR. CAPUANO: It is a living --

MR. CARUSO: A life estate.

DARIO MARCHIONI: Did you not buy it?

MR. CAPUANO: We did, but he has the right to live there.

DARIO MARCHIONI: But some day --

MR. CAPUANO: No, no. I mean it -- that house stays there. That

house has to stay there.

JOHN NOWICKI: Let me ask you a question. Is that under historical preservation?

MR. CARUSO: I don't think so.

JOHN NOWICKI: Is that under historical preservation? The reason I say that, in the Town of Pittsford, as you are going out of Pittsford south, the developer was -- oh, God, I forgot his name. He renovated that old house on the corner and put in the beautiful subdivision behind it. He renovated this thing. It is gorgeous. I think he sold that first.

MR. CAPUANO: Really?

JOHN NOWICKI: Yes. Dave Galloway was his partner. Ted Spall built the tract out there.

MR. CAPUANO: One of the things Mr. Zuber wanted us to consider and do was for him to be able to live in the house until he passed. So we are obligated by that. But -- we gave him a life estate. So we just work around the house. So --

JOHN NOWICKI: If he passes away, what happens to the house use?

MR. CARUSO: We could clean it up and sell it.

MR. CAPUANO: And sell it.

JOHN NOWICKI: Much better direction.

MR. CARUSO: Thank you.

JAMES MARTIN: You have a pond between 19 and 20?

MR. CARUSO: Yes.

JAMES MARTIN: Be consistent. That ought to be --

MR. CARUSO: That definitely is not drawn correctly. We should make it on one of the lots. You know, what, too, Jim (Martin), I don't know if it will wind up there, but I want to show our intent would be to put one there. It would be correctly lotted, let me say.

DARIO MARCHIONI: The other thing, about -- between the houses in the back and the railroad track, how will you deal with that? A berm there, or trees?

MR. CARUSO: Dario (Marchioni), I'm not sure yet. Right now I wanted to create the distance so we had room to either build a berm, or plant trees. But we'll be doing something there.

DARIO MARCHIONI: I just want to say that train traffic -- if I may, the train traffic is going to double and triple in that spur there because, you know, there will be a lot more trains going there than there used to be.

MR. CARUSO: I have not been able to confirm that. I heard that will happen, but I have not been able to confirm that. I have asked.

DARIO MARCHIONI: I can confirm it, because I hear -- I didn't hear them five years ago, but I hear them every night now.

KAREN COX: It is not as if you people who are possible future homeowners are not going to be aware there is a railroad track there. There is a subdivision off Chestnut Ridge Road with maybe even -- or probably even similar houses that backs right up to the main line, and people -- or maybe that might be South Shore, but people have purchased those over the year.

MR. CARUSO: Look at the project off of Chestnut Ridge Extension, the big beautiful homes, Pridemark's homes. Those are \$300,000 homes, right in the backyard.

JAMES MARTIN: But that is a not a whistle crossing. It goes under -- it goes under.

MR. CARUSO: I hear the train from my house.

JAMES MARTIN: I guess where we're at is, there seems to be some consensus this redesign is meeting a lot of the requirements that we proposed before.

Certainly, there will still be a few variances required, I think, based on, you know -- you will need some setback issues and things like that. That -- I mean those are -- those are Zoning Board issues. We don't have the power --

MR. CARUSO: Where do you see variances?

JAMES MARTIN: Well --

MR. CARUSO: Because the only ones were by design. There might be something when we come up with the design of the subdivision map, but we would look to eliminate those.

JAMES MARTIN: Look to eliminate those. I'm looking at comments from Mr. Kress that some of the lots will require variances.

MR. CARUSO: Our intent is not to have subordinate lots. The only

variance is the one that the Board would want so we could alter the curb appeal by doing little setbacks. We have done that with you folks.

DENNIS SCHULMERICH: But you're balancing off -- what you're doing with that is balancing off curb appeal with mitigating what could be a variance issue immediately or down the road.

MR. CARUSO: Yes.

DENNIS SCHULMERICH: You're doing two things.

JAMES MARTIN: For decks and pools.

MR. CARUSO: We're trying to improve some of the lot functions by doing that. And only within the jurisdiction of the Board. I am not looking for, you know, a lot that is 14,080 square feet. We'll move the property lines to make it 15,000. Okay?

JAMES MARTIN: All right. So I guess what I am hearing is, you know, we would entertain preliminary.

JOHN NOWICKI: Just to share with everybody, wouldn't it be nice if we could have these gentlemen here along with Mr. Fallone and The Father's Church and the Buckingham Property boys and some Town Fathers to sit down and discuss and finalize that whole area and see what these studies are? You have done a lot of work. We have not seen those. I'm not aware of what has gone on here really.

MR. CARUSO: I presented it all at the Planning Board. But I'm not opposed to it. Let's do it.

JOHN NOWICKI: Bring it together so that people can meet and discuss it in a businesslike way and get moving on this thing. We have a lot of things we have to resolve.

MR. CARUSO: If you'd like to do that, I will set the meeting up.

JOHN NOWICKI: I'm just making a suggestion for the Board to think about -- I think --

KAREN COX: I would be amenable to that.

DENNIS SCHULMERICH: I won't mind doing it again. The one thing I will say, this particular project, whether we like the use of that land next to the railroad tracks or not, this particular project is showing progress in terms of coming in and trying to deal with the issues. There are going to be minimal variances required. I see this as a very different issue than what we talked about earlier with Mr. Avery. I see it very different from Our Father's House. I see it very different from the downstream on the verge of the Agricultural District, but it is part of that same region.

JAMES MARTIN: I don't disagree. Part of it, however, I think based on the work that John (Caruso) has done and the extent of this particular project into the overall area is probably balanced, okay, with what is going to happen. I mean this is not something that would, I think, grossly interfere with the development of the area.

JOHN NOWICKI: We want it to grow great together.

DENNIS SCHULMERICH: So in light of the discussion earlier, we can't ignore the fact that this is in that zone.

KAREN COX: Let's move it forward, though.

DENNIS SCHULMERICH: I think the question I have is, what degrees of freedom and control do we have to get those discussions going so we can get some conclusions drawn?

JOHN NOWICKI: That is what we want.

DENNIS SCHULMERICH: That is not just the purview of the Planning Board.

MR. CARUSO: I will make a note that as part of our effort, I -- I would make another effort to get those folks together, and I don't know how many of you can attend. Can we have a meeting like that? I don't want to create a -- are we having a meeting issue? Keith (O'Toole), would we be having a meeting issue?

JAMES MARTIN: It will take some administrative discussion.

MR. CARUSO: I don't know why we couldn't have a meeting with some Town officials and the developers and all to sit down at a table.

JAMES MARTIN: It would have to be open to the public if we have a quorum.

MR. CAPUANO: I'm sorry. The purpose of the meeting would be for everyone to explain what they're trying to do. Is that -- I'm a little confused on what the purpose of the meeting would be.

JAMES MARTIN: Probably something like that. Although, it may include, you know, again -- a review of what -- the Master Plan, where we might be

headed, are we all compatible. The work we have done with some regional pond approaches, all these things need to come together to coalesce into something. I can't give you an agenda right now where we need to go with that.

MR. CARUSO: I would like -- I like -- in addition to Ermano Capuano, the other folks I represent, I would like to have them say, here is where we are, here is the state, and here is how we're moving, all those lines. I would love to hear what Bob a Fallon is doing.

DENNIS SCHULMERICH: I would think if I could be specific about what I would expect from the meeting is, I think we believe that there is a perspective around what the Master Plan says should be happening, but I also think there is confusion as to whether it is playing out that way. So if the people that have plans -- we're seeing a bunch of one-ups in that zone. If we get the people there looking to build in that area to come in and talk to us about where they are, we can compare that with the work that John (Caruso) has done and with the Master Plan and then we can try to determine whether we have alignment, where we have gaps and where we may be missing something.

MR. CARUSO: I agree. I understand that.

DENNIS SCHULMERICH: I don't think that drastically changes anything you have done up to now. I think what it does say is how does your project fit in to everything else that is going on around you.

KAREN COX: Or vice versa.

MR. CARUSO: Or how do they fit in with us.

DENNIS SCHULMERICH: Now, if we all get in there and have groaning and moaning and everybody is vibrating and no conclusions are drawn, that is not a meeting.

MR. CARUSO: I have looked into that so I have insight into it, so the meeting is not as foreign as you might consider it to be. I am going to make an effort to try to talk to each of those folks about what you're looking for and then I will contact Mr. Kress as my contact. Dan (Kress) and I work well together and we'll try to get us together. You can select who you want to attend.

JAMES MARTIN: Good.

DECISION: Based on discussions between the Planning Board and the applicant, it is recommended that the applicant proceed to preliminary site plan approval.

It should also be noted that this property is part of the Chili Avenue, Paul Road, Archer Road and Beaver Road quadrant. Site plans should include recognition of other development ongoing in this quadrant and eliminate any adverse affect it might have on other proposed developments.

The meeting ended at 11:23 p.m.