

CHILI PLANNING BOARD  
July 12, 2011

A meeting of the Chili Planning Board was held on July 12, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: David Cross, John Hellaby, John Nowicki, Theresa Reilly, Paul Wanzenried and Chairperson James Martin. Karen Cox was excused.

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

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

PUBLIC HEARINGS:

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

John Perna was present to represent the application.

MR. JOHN PERNA: Good evening.

JAMES MARTIN: Mr. Perna.

MR. JOHN PERNA: Um, I'm -- I'm doing everything you asked me to do other than I need -- would like to extend the canopy demolition to 120 days instead of 60 because I'm in the process of staining outside, and I'm going to have to replace any damaged cedar due to the fact that the wood-boring bees, and I still got to put a roof on, and I think the canopy is the least of my worries compared to the other things that need to be done first.

If you give me 120 instead of 60 days, it should be done in that timely manner.

JAMES MARTIN: Okay. Anything else?

MR. JOHN PERNA: Um, well, the landscaping, improving every week, and everything else is, too.

JAMES MARTIN: I see you have submitted an updated site plan. We actually need to have a copy of that up on the bulletin board.

MR. JOHN PERNA: She didn't give me enough copies for everybody and myself, so.

JAMES MARTIN: As long as you're up there, would you point out on this updated site plan where you would propose to park the U-Haul vehicles?

MR. JOHN PERNA: U-Haul vehicles would be parked in the southwest corner along here (indicating), and a couple to the rear. It shows where there used to be dumpsters, but they're crossed out. They're no longer there.

JAMES MARTIN: So I'm assuming --

MR. JOHN PERNA: So that would be one, two, three, four, five, six, seven locations.

JAMES MARTIN: So the one location would be next to the two-bay service garage?

MR. JOHN PERNA: No. You have five along the southwest, and then two sideways behind the building.

JAMES MARTIN: Okay. All right. Okay. I see what you're saying. Okay. I will turn it over to the Board at this point.

PAUL WANZENRIED: So are there any unlicensed vehicles on site?

MR. JOHN PERNA: I still have the truck which is going, or I'm going to get a cover per the Town that you can cover it up to six months, which is -- what -- with permission of the Building Department.

JOHN NOWICKI: What is this?

PAUL WANZENRIED: That would be covered with what?

MR. JOHN PERNA: With an automobile cover that is allowed by the Town.

PAUL WANZENRIED: Truck is a pickup truck?

MR. JOHN PERNA: Truck is a Bronco.

JOHN NOWICKI: Is there something in the code?

DAVID LINDSAY: There is some language in the code that allows for an automobile cover. We'll have to pull up the specific section here if you give us a minute.

JOHN NOWICKI: I would like to hear it, because there are other vehicles around Town

then that need to be covered.

PAUL WANZENRIED: You said the -- you're in the process of complying with the Conservation Board?

MR. JOHN PERNA: Just about everything is done with them.

PAUL WANZENRIED: The fence, the existing privacy fence has all been removed.

MR. JOHN PERNA: Just one little section of fences that still has to be removed, but it is no big deal. I have been concentrating on staining the outside of the building.

PAUL WANZENRIED: What happens to the two- bay garage when you -- I assume that we're -- the special use permit to allow a U-Haul business. Will you fix the trucks in there, store them in there?

MR. JOHN PERNA: I do not repair vehicles. I leased out that -- those two bays to another entity who runs a repair shop out of there. It has nothing to do with me, other than I'm the landowner.

U-Haul has their own repair shop on the East Ridge location. They service their own vehicles.

PAUL WANZENRIED: I have no further questions right now.

JOHN HELLABY: John (Perna), what are you going to do for disposal service if you're eliminating the dumpsters?

MR. JOHN PERNA: I have eliminated the dumpsters for quite a while now. We have totes. We leave them inside, because the trash that we create does not have any odor. It is just...

JOHN HELLABY: That's all I have.

JOHN NOWICKI: Just the one statement here, talking about -- about obtaining proper sign permits if allowed or applied for the necessary variance.

Are there any signs on the property that need permits or variances?

MR. JOHN PERNA: Not that I'm aware of. Only sign on the building is the registered repair shop, which I am sure is allowed since this is a New York State sign.

JOHN NOWICKI: Is the canopy something that you and your staff could take down yourselves?

MR. JOHN PERNA: That -- that I am planning on doing. My pockets aren't as deep as some of these other businesses in the Town, so I have to do things myself.

JOHN NOWICKI: Now, you requested a -- get a certificate of compliance for the landscaping plan. Has that been obtained?

JAMES MARTIN: I will let Dick (Schickler) -- maybe when we get to that point, Dick (Schickler) has several issues that I think he wants to address, John (Nowicki), so we'll hold off on that, with the Conservation Board.

JOHN NOWICKI: Okay. I will hold off. That is enough for now.

DAVID CROSS: Just quick question on the parking spaces. You are going to physically stripe these out?

MR. JOHN PERNA: No. There is no reason. It's not like I'm open for people pulling in and finding a place to park. It is just a place where I am going to park the U-Hauls. If somebody drives by and sees I squeezed an extra one in, they can give me a citation.

DAVID CROSS: Is there anything -- I guess with the -- is there anything requiring that he stripes out these spaces or they're just there as -- per plan that is where the vehicles could go?

MR. LINDSAY: I don't believe there is anything in the code that specifically calls -- or requires them to be striped out. I think the intent with the location is to show the area and the maximum number of units he would have parked in that area.

DAVID CROSS: Nothing further.

THERESA REILLY: What is the delay in getting rid of that vehicle? Or is that the one vehicle you're using for snow removal?

MR. JOHN PERNA: That is the one vehicle I use for snow removal.

THERESA REILLY: Is there any potential to put that inside at all?

MR. JOHN PERNA: I will discuss that with my tenants.

THERESA REILLY: Okay. And you made a comment that they're doing repairs on their own vehicles, um, in Greece?

MR. JOHN PERNA: Pardon?

THERESA REILLY: Did you say to the Chair you are not doing automotive repairs there; you're doing their repairs in Greece? There are signs there that is a -- there is an oil change available, so it looks like they are working there.

MR. JOHN PERNA: Yes. They're leasing and running a mechanical repair shop.

THERESA REILLY: Could you explain the comment about them working on some vehicles in Greece? Is that at all pertinent?

MR. JOHN PERNA: Vehicles in Greece?

JOHN HELLABY: What he says is U-Haul services their vehicles at their site in Greece --

MR. JOHN PERNA: No. Irondequoit.

THERESA REILLY: Okay. Very good. That's all.

DAVID LINDSAY: A couple of questions that came up earlier today, Mr. Perna. I don't know whether you can -- whether you're performing vehicle inspections at the property now.

MR. JOHN PERNA: No vehicle inspections are being done at the property or there would be another New York State sign on the property.

DAVID LINDSAY: There is a sign there.

MR. JOHN PERNA: There -- in order to do New York State inspections there would be a yellow inspection sign on the building.

DAVID LINDSAY: No inspections are taking place?

MR. JOHN PERNA: Correct.

DAVID LINDSAY: The Building Department became aware of the fact that your tenant may be interested in selling cars on the property. Do you know anything about that?

MR. JOHN PERNA: Um, that would be something he would have to bring in front of this Board, I'm sure. So I mean it's --

DAVID LINDSAY: You're not aware of that.

MR. JOHN PERNA: I am not aware of that.

DAVID LINDSAY: Nothing further.

DICK SCHICKLER: A couple of things. I met with John Perna on the 24th of June, and we went over the details of what had to be done as per the Conservation Board. And then I went back there on July 7th with the Building Inspector and we -- the three of us went together over everything that had to be done. And as of the 7th, which was Thursday, he had cut all of the lawn areas and he had trimmed all of the shrubs. He said he would take care of the south area and the north or the southwest area, but along Chili Avenue, and along Union Street it has begun to look better, but there is still more work to do.

JAMES MARTIN: I see -- you did write a report based on the inspection the other day.

DICK SCHICKLER: Yes, that's correct.

JAMES MARTIN: For the record, you have recommended railroad ties be removed and replaced with edging?

DICK SCHICKLER: Yes.

JAMES MARTIN: Continue to clean out weeds from the shrub beds.

DICK SCHICKLER: Yes.

JAMES MARTIN: And cut the grass and trim.

DICK SCHICKLER: Right. He did that.

JAMES MARTIN: Plant materials, remove dead and deformed growth. Add crush run area where tanks were removed. Clean up southwest corner, which you mentioned, and clean up west side of the wood fence, rear of the building. Those were the recommendations that came out of that inspection.

Okay. So several of these are ongoing. You were here before and we tabled this application. We asked you to have the canopy removed within 60 days as a probable condition pending where we go tonight.

MR. JOHN PERNA: I asked for 120 if it is feasible.

PAUL WANZENRIED: Is the parking lot currently paved?

MR. JOHN PERNA: Most of it. The only place that is not really paved is behind the building, which is gravel, hard packed down, and when the tanks were removed, I had that load of millings and when you spread them out and when we run over them, they should bind up.

THERESA REILLY: Will there be signage for the U-Haul?

MR. JOHN PERNA: Only what is inside the building, facing from the inside window.

THERESA REILLY: So no outside signage?

MR. JOHN PERNA: No, not unless I come to the Town and get a permit.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: What I am hearing tonight are a lot of suggestions and half-done projects. To suggest something to this man -- and there is a history of this, so I'm not particularly biased on this; it is a history. All you have to do is go back and look at what has happened before. If you want to see what the future looks like, look at the past.

Suggestions to this man don't matter. They just don't. And his attitude, I think, came out loud and clear when he was talking about the striping and he said if somebody wants -- if the Town wants -- somebody wants to complain about the U-Hauls, the Town can write him up another citation. That is his attitude in a nutshell. It always has been.

He talks about signs. I believe Ms. Reilly asked about signs. Twice now over the past couple of weeks there has been a handmade sign stuck in the ground on the corner advertising tire -- oil changes and tire rotations for 29.95 or 24.95 or something. It's there a lot of times when I think he thinks -- or somebody thinks the Town doesn't go by, they're closed, maybe it is not -- maybe it is on a weekend.

But those are illegal signs. These people don't even understand what a sign is in this Town. So when they say they're not going to be signs, that -- that depends on where, what stand, what viewpoint you take what a sign is. I think a handmade sign squashed in the ground on the corner is -- is a sign. That's what we don't want in this Town.

And if -- and this Town has wasted so much money for so many years trying to make this man comply with our codes, that I think we have wasted just about enough money trying to force him into something afterwards when his --

MR. JOHN PERNA: Excuse me, Mr. Chairman.

JAMES MARTIN: Wait a minute. Let Ms. Borgus speak.

DOROTHY BORGUS: -- when his attitude is, "If the Town doesn't like it, they can issue me another citation."

Let's cut this nonsense out.

Now I'm hearing used cars?

I would like to know if there ever was a landscape plan found for this property. Maybe

Mr. Schickler could fill the Board in on that. I would like to know.

The rotting landscape timbers and the weeds that are still left along the road on what were supposed to be berms is still not acceptable.

I would like to know what he is going to do with tires there. He sells tires. Well, if there is no pickup, where are tires going to go? Who is going to pick up used oil? This is all of the things that you people have got to think about here if you're going to let him continue to operate in this fashion. He may have totes out front and that may take care of oil filter boxes, but that doesn't take care of the troublesome stuff like rubber and oil.

He says he doesn't need striping. The whole point of the striping was -- as I recollect, was so that the Town would be able to control how many vehicles he had in there. And put a limit on it. Now is it going to be up to the Code Enforcement Officers to run down there every other week or every week or whenever they get a complaint and start counting vehicles? And then he always has an excuse where there is two or three or four more there than there was supposed to be there. You have to stripe. You have to put some parameters on this thing or you will never get a handle on it.

The place is still a mess. It is better, yes. Yes, it's better, but it has a long way to go. You making suggestions and even thinking about letting him do anything is -- is a foolish way to go, because it hasn't worked in the past. You have to give this man rules and you have got to have -- you got to have a way to define what the rule is so he doesn't wiggle out of it, and find -- he spends more time trying to find a way out of something than it would take to do the thing he is supposed to do. It's a pattern.

And as far as that canopy goes, I'm looking at a letter written to him on Town of Chili stationery dated January the 12th, 2011, and on page 2 it clearly says, "You" -- Mr. Perna, because it is addressed to him, and it is signed by Mr. Shero in the Building Department -- "have you agreed to remove all unlicensed vehicles not part of the U-Haul business from this property by April 2011."

Well, it's July 12th. And you know what? We're still talking about unlicensed vehicles. And we'll be talking about them two months from now and four months from now and a year from now because this is the way it goes with him.

I'm also looking at a -- a -- a comment here on page 1, Number 4, same letter, you stated that you will have the canopy removed by April 15th, 2011." Again, today is July 12th, gentlemen and ladies. This doesn't happen with this guy. And if you don't end it here, I don't know where the end will be. It's a major intersection in our Town. It is a constant mess and let me tell you something, you let him do anything up there with U-Hauls and you will regret it because he will be back here with another citation and more orders and back before the Zoning Board and the Code Enforcement Officers will wear themselves out running up there, and then we'll get the judges involved for what? For what? This is a fool's errand to try to straighten this man out.

Thank you.

MR. JOHN PERNA: Excuse me, Mr. Chairman. I believe at the last meeting you said it wasn't open to the public any more because we had discussed everything that the public wanted to discuss and that it was --

JAMES MARTIN: No. Since we tabled it before the Public Hearing --

MR. JOHN PERNA: There was a Public Hearing the last meeting and we were just going to discuss what matters were left so I wouldn't have to hear the same rigamarole again.

JAMES MARTIN: Well, we tabled it, all right, and I felt that it was appropriate to have additional comments tonight because we did not get comments from the public. Your brother got up and spoke.

MR. JOHN PERNA: Mrs. Borgus spoke at the last meeting. Same speech as she gave tonight.

JAMES MARTIN: Anyways, let's move on.

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

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

KEITH O'TOOLE: We have a couple regulations pertaining to unlicensed vehicles, junked vehicles, abandoned vehicles in the Town of Chili. The regulation that Mr. Perna was referring to deals with the use of those in residentially zoned parcels of land. We have a higher standard there, but we temper that standard with the opaque cover he referred to.

On commercially zoned property, the abandoned vehicle Local Law applies. There you do not have to have a license on each and every vehicle, but it is expected that -- so long as they stay off the public highway, but it is expected they be inoperable condition, that they be in good shape and if a vehicle is sitting there for more than six months, it is presumed to be abandoned.

It certainly is not inappropriate for a commercial use to have equipment used for snow removal and that might be appropriate. Of course, the Planning Board can dictate how it is stored and where it is stored and that sort of thing.

Um, on a different topic, with regard to the striping, from -- from a Code Enforcement point of view, I would ask that you consider requiring striping at least for the U-Hauls, so it is a simple matter either the U-Hauls are parked in the striped spaces designated on the plan, the plan which is approved and attached to his permit so there is no misunderstanding whatsoever. So our

Code Enforcement Officers can simply look at the property and say, "Yep, he is in compliance," or "No, he is not."

And that will be the end of it. Nothing further.

JOHN NOWICKI: So just a point here, Keith (O'Toole), you're saying in this particular case, he -- he is not able to cover a vehicle?

KEITH O'TOOLE: You could certainly mandate that, if you wanted to have it covered.

JOHN NOWICKI: I'm very concerned about setting a precedent here, about having this happening all over the place and I'm not so sure what kind of covers will go on these things.

KEITH O'TOOLE: That is the other issue. Even in the residentially zoned areas, we have seen people throw a tired old tarp over a vehicle and it blows away in the first wind.

I don't know if they make them for pickup trucks. I haven't seen his vehicle. I don't know how large it is. I don't know if they make those form fitting covers that you would get out of automotive magazines on --

JOHN NOWICKI: I don't want to go down this road. I want these vehicles off the property.

MR. JOHN PERNA: Excuse me. He did say it is allowed on a commercial site.

JOHN NOWICKI: I'm saying that, but not the cover.

MR. JOHN PERNA: Not the cover. But the vehicle is allowed on a commercial site for snow removal.

JOHN NOWICKI: For six months?

MR. JOHN PERNA: No. If it is a commercial site, for use on the site.

KEITH O'TOOLE: You're miss -- misinterpreting what was said.

MR. JOHN PERNA: That is what I understood you to say.

KEITH O'TOOLE: If I may clarify.

MR. JOHN PERNA: Okay.

KEITH O'TOOLE: It is certainly not to be surprising that a service station would have vehicles in various states of repair. Inasmuch as the vehicles are there to be repaired. In the normal and ordinary course of business, vehicles come in, they're repaired, but the Board can certainly mandate that parts or the vehicles be in the service bays while that is happening. There is no implied right that you can keep them outside versus inside.

It is a question what the Board demands.

As to your vehicle, your -- your snow removal vehicle, the Board can dictate where it is -- where it is parked. They could actually dictate that it be parked inside if they thought it appropriate.

All I was referring to is the abandoned vehicle law, which says that the vehicle has to be in serviceable, operating condition and on commercially zoned property, so long as that is the case and so long as you are using it and -- and using it on private property and not on the public roads, then in that instance I would argue that that is appropriate unless the Board imposes other conditions.

Nothing further.

JAMES MARTIN: That clarified that. I will listen to the Board and see what they have to suggest in regards to that vehicle.

Again, for clarification, Keith (O'Toole), if this were to go ahead tonight with a -- I will call it a provisional or a conditional special use permit for a limited period of time, um, pending the applicant's compliance with every condition imposed previously and new conditions imposed tonight, um, if at the end of that period of time the applicant, based on inspection by the Code Enforcement Officer, has not complied, we would then at that point lift the special use permit and he would no longer be permitted to have a U-Haul business on the property.

KEITH O'TOOLE: There are a couple of approaches. One is to have a simple time frame on the permit, expires six months, one year, whatever.

An alternative to that is that if he is in violation of the permit, we could take him to court and deal with it that way.

Those are probably the two cleanest ways to go forward.

JAMES MARTIN: Okay. Thank you.

PAUL WANZENRIED: What were the time limits, Keith (O'Toole)? That would be up to us?

JAMES MARTIN: Yes.

PAUL WANZENRIED: So there is no minimum time limit?

KEITH O'TOOLE: Correct.

PAUL WANZENRIED: Thank you.

JAMES MARTIN: Discussion at this point?

JOHN HELLABY: I guess my concern is how will you put the conditions on this, because looking back in the record, there is a litany of items that just stagger the imagination. You would have to go down through all of these at once. I don't think you can say all previous and prior conditions because some of them no longer apply. I don't know the best way to handle it.

JAMES MARTIN: Well, we could certainly say all prior conditions currently applicable.

JOHN HELLABY: I guess.

KEITH O'TOOLE: That's --

JAMES MARTIN: Too vague.

KEITH O'TOOLE: That's vague.

JOHN HELLABY: I figured as much.

THERESA REILLY: I would prefer delineating the conditions and a short time frame so

we can overview it, have oversight on how it is carried out, since some of those things, especially the Conservation Board, has ongoing maintenance, but I try to appreciate the effort to have a viable business there within the infrastructure that he has.

PAUL WANZENRIED: Can we ask why 120 days?

JAMES MARTIN: Yes. Ask.

PAUL WANZENRIED: Why did you pick 120?

MR. JOHN PERNA: I'm doing it myself, and I work 40 hours a week at the post office, and the only time I can really get on something -- I don't want to start it and not be able to finish it.

PAUL WANZENRIED: Curious how you picked 120 days.

MR. JOHN PERNA: Well, because I don't believe I can get it done in 60 days because if the weather stays hot like that, nobody will work on the canopy and I'm thinking once the temperature rolls around, things will be a little cooler and a little easier to do it. And that way I'm not under the gun, because like I previously stated, that I'm in the process of staining the outside. If you drove by, you would notice it, it is looking really nice, and I have a lot of wood that I replaced that the bees have bored into along the overhangs, and I still got to get a roof on before winter, and you can only do so much.

And it is not like an advantage for the canopy to come down because the Town makes \$3,000 a year in property taxes off that canopy because it is assessed for \$60,000.

JOHN NOWICKI: Do you have down the striping as a condition?

JAMES MARTIN: Yes. I'm still debating in my mind how to handle some of the previous conditions that we have imposed that are still applicable versus those that are not applicable any more. You're kind of researching --

JOHN HELLABY: I suppose you could run down through them kind of one at a time. It might take a few minutes here, but there are no other signs, banners, or promotional devices, other than those signs specifically authorized in this special permit.

Only minor repairs will be allowed, which is -- he still got -- even though he is renting it out, it is on that property, a garage operation.

JOHN NOWICKI: Two bays.

JOHN HELLABY: Maximum storage capability, the lot shall not exceed 35 vehicles and the maximum length of storage time for any vehicles shall be limited to 30 days.

JOHN NOWICKI: Hold it right there.

JOHN HELLABY: I'm listening.

JOHN NOWICKI: Does that put an impact on what you're talking about as far as how long they can stay on the site, these unlicensed vehicles? He just said 30 days max.

KEITH O'TOOLE: I -- I would prefer we stayed with the time frames in the code.

JOHN NOWICKI: The code?

KEITH O'TOOLE: Yes.

JOHN NOWICKI: But still applicable, it stays with the code.

JOHN HELLABY: Enclosed storage of all refuse within the building. So he has totes that are inside the building.

No selling of automobiles and/or trailers on the premise.

JOHN NOWICKI: Let's keep that one there.

PAUL WANZENRIED: That is applicable.

JOHN NOWICKI: Let's keep that in there.

JOHN HELLABY: No outside storage of materials or supplies.

You don't get -- he doesn't get any more of those crazy soda promotion things? I mean, one of the conditions was the soda and all of that not be there.

JOHN NOWICKI: You covered that situation with the signs because, as you said, those stick-in-the-ground signs, we don't want those.

THERESA REILLY: As far as those signs, there is a lot of community signs there for car washes and some of the events for schools and that kind of things.

Do you want to make a formal exemption for some of those things that are available to the community, the signs for community football games, lacrosse games, signs for car washes and other charity things that go on?

JAMES MARTIN: Um, I know those signs appear there periodically. Um, I believe it must be with permission of the property owner that they put those signs up. They're there for a short period of time and then they are removed. Again, I think we're talking about any permanent signage has to comply with the Town Code, so...

JOHN HELLABY: I don't know. Other than the new ones you got, I think that is sort a generic -- I wouldn't worry about the soda.

JAMES MARTIN: Can I go back -- the signs -- we certainly would say any signage would have to comply with Town Code. Then there was a second one, Al (Hellaby), that -- I was writing and I missed.

JOHN HELLABY: Um, inside totes for trash.

JAMES MARTIN: Right after the sign you talked about.

JOHN NOWICKI: You got the one with unlicensed vehicles in the code? Striping?

JOHN HELLABY: We talked about the unregistered vehicles.

JOHN NOWICKI: That's all.

JOHN HELLABY: No outside storage of materials.

Oh, the -- maximum storage capacity will not exceed 35 vehicles.

JAMES MARTIN: We're going to change that stored vehicles shall comply with Town Code.

JOHN NOWICKI: Unlicensed vehicles will be according to Town Code.

James Martin and John Hellaby conferred at the dais regarding the proposed conditions.

THERESA REILLY: Do you want to get into specifics? "Shall comply," that is pretty broad.

JOHN HELLABY: Minor repairs in the garage operation?

JAMES MARTIN: Yes.

They don't have to cover it with a tarp.

JOHN NOWICKI: They can't cover it with a tarp.

I make a recommendation to this Board no longer than 90 days, period, to comply with everything.

JAMES MARTIN: Okay. I have heard everything.

PAUL WANZENRIED: 60 would be the end of September, roughly.

JOHN HELLABY: We are saying no -- we're going to give him the permit for 90 days or we need that stuff taken care of in 90 days.

JAMES MARTIN: I think according to what Keith (O'Toole) said, we could give him a special use permit for 90 days.

JOHN HELLABY: All right.

JAMES MARTIN: Subject -- subject to compliance, all right, with the conditions that we are imposing.

THERESA REILLY: That 90 days brings us to the 120 total for the canopy, so those will come together at the same time for review.

JOHN HELLABY: I second John (Nowicki)'s motion.

JAMES MARTIN: I -- okay. We have a motion before us that has been seconded. That time period for this, assuming approval, would be for 90 days.

JOHN NOWICKI: Special use permit.

JAMES MARTIN: If this goes forward, it would be for 90 days. We have the cart in front of the horse.

JOHN HELLABY: Sorry about that.

JAMES MARTIN: It's all right.

Let me just get SEQR out of the way here.

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: Mr. Perna --

MR. JOHN PERNA: Yes.

JAMES MARTIN: -- at this point, the Board feels it is appropriate to grant you a special use permit for a period of 90 days.

MR. JOHN PERNA: Okay.

JAMES MARTIN: All right? You come into compliance with all of the conditions that we have imposed, and -- are we including removal of the canopy in that period of time?

JOHN NOWICKI: Yes, we are.

JAMES MARTIN: Including removal of the canopy. Like my previous letter, you will be limited to eight vehicles on -- U-Haul vehicles on the site, no more than that, at any time. And we'll make that -- that another condition.

Basically where we're at as far as conditions go, all signage shall conform to the Town Code. All right?

That striping shall be required for the parking spaces for the U-Haul vehicles.

Picking up from some of the prior conditions that have been imposed, we have already talked about the signage. Only minor repairs are permitted in the service bays.

Storage of vehicles shall comply with the Town Code.

Enclosed storage shall be -- I'm sorry, shall be for all -- all refuse shall be in enclosed storage.

There shall be no sales of vehicles on the premises.

No outside storage of materials, or supplies.

Any unlicensed vehicle on the property shall be stored in compliance with the Town Code. Applicant shall comply with recommendations of the Conservation Board. There shall be no more than eight U-Haul vehicles on the site at any time.

Now, have I missed any?

KEITH O'TOOLE: If I may.

JAMES MARTIN: Yes.

KEITH O'TOOLE: Do you want -- do you want those vehicles parked in designated spaces? Is that --

JAMES MARTIN: The U-Haul vehicles?

KEITH O'TOOLE: Yes.

JAMES MARTIN: Um, we want them parked -- all right. I will amend that condition that says there shall be no more than eight U-Haul vehicles on the site at any time. They shall be

parked in the designated spaces per site plan.

KEITH O'TOOLE: Thank you.

PAUL WANZENRIED: Do we have to be more specific than that? Southwest corner, behind the building?

JAMES MARTIN: What I would like the applicant to do is to take the site plan, all right, and designate on that site plan where the U-Haul vehicles are going to be parked. Not right now, John (Perna).

MR. JOHN PERNA: I believe it already is.

JAMES MARTIN: I want it supplied to the Building Department, all right, with your designated parking, so that we'll --

KEITH O'TOOLE: Mr. Chairman, actually, the latest print that I got out of my mailbox about 15 minutes ago actually does have that note. It's entitled, "U-Haul parking plan," and there is actually a crosshatched area where it indicates area reserved for U-Haul parking not to exceed eight units, so I think he is already there on that issue.

PAUL WANZENRIED: I'm only counting seven and he has it labeled "employee parking," as well. That is to the rear of the building on the south side?

KEITH O'TOOLE: I think that is correct. I think the reference to the employee parking, that -- that note should be deleted, but otherwise it is the crosshatched area.

PAUL WANZENRIED: He only has seven shown.

KEITH O'TOOLE: That is correct.

JAMES MARTIN: There is only seven spaces shown.

MR. JOHN PERNA: Yeah, I know. That is how I -- I don't feel I need that many, but better more than less.

KEITH O'TOOLE: I think the question is, if you intend to park eight units, you only have seven spaces.

MR. JOHN PERNA: Right. Not a problem.

KEITH O'TOOLE: So perhaps can we limit you -- it to seven then?

MR. JOHN PERNA: Let's limit it to what the plan says.

KEITH O'TOOLE: Very well, seven.

JAMES MARTIN: Fine. It will be seven.

Thank you for bringing that up. I missed that on the plan.

So there shall be no more than seven U-Haul vehicles on the site at any time. They shall be parked in the designated spaces per site plan.

Anything else?

JAMES MARTIN: On the application, just to clarify again, special use permit to allow seven vehicles to be parked on the property as part of the U-Haul business for -- is being voted on. It will be for a period of 90 days, applicant to come into compliance with all of the conditions imposed by this Board. At the end of 90 days, it will be subject to inspection by the Code Enforcement Officer. If the applicant is found to be not in compliance, the special use permit shall be lifted at that time.

Okay?

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

1. This special use permit is approved for a period of 90 days.
2. All signage on the property shall comply with Town Code.
3. Only seven U-Haul vehicles will be permitted to be parked on the property in designated spaces.
4. Striping of the proposed parking spaces for the U-Haul vehicles is required.
5. Only minor repairs shall be permitted in the designated service bays.
6. Storage of vehicles on the property shall be in compliance with Town Code.
7. All refuse shall be contained inside the buildings.
8. Vehicle sales is not permitted on the property.
9. Outside storage of materials and supplies is not permitted.
10. The applicant must come into compliance with all recommendations of the Conservation Board.
11. The canopy shall be removed within the 90 day period of this approval.

At the end of the 90 day period, an inspection by the Town Code Enforcement Officer shall be conducted to determine if the applicant is in compliance with

provisions of this approval. If the applicant is found to not be in compliance, the temporary special use permit shall be revoked. If the applicant is in compliance, the Board will consider extending the special use permit for a longer period of time.

JAMES MARTIN: Please, John (Perna), do what you have to do.

MR. JOHN PERNA: I am.

JAMES MARTIN: All right. And we're serious. If you're not there in 90 days, you can forget your U-Haul business.

MR. JOHN PERNA: Fine.

JAMES MARTIN: You're done.

MR. JOHN PERNA: Done? Thank you.

JAMES MARTIN: I will make a slight change to the agenda at this time. Under Informal tonight, we have an application, Midlakes Development, care of Jerry Goldman.

INFORMAL:

1. Midlakes Development, c/o Jerry Goldman, Atty., Fix, Spindelman, Brovitz and Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450 for request for relief of condition placed on approval granted April 13, 2010, regarding the requirement to submit a copy of the Homeowners' Association offering at property located at 741 Paul Road in RB with PNOD zone.

Betsy Brugg was present to represent the application.

MS. BRUGG: Good evening Mr. Chairman, Members of the Planning Board. It is a pleasure to be here tonight. I see some of the faces have changed since our approval was granted a few months ago, but hopefully you're all familiar with the Greenwood Townhomes project.

We are, indeed, here to request relief and modification of a condition.

One of the conditions on the approval was that copies of the HOA documents be provided to the Assistant Town Counsel.

HOA documents and the creation of an HOA is appropriate when in the future units would be sold off. However, at this point, the project is going to remain a single owner, rental community and for that reason, HOA, an HOA is not necessary. It is not really the appropriate, um, tool to maintain a commitment of -- of maintenance of the common areas by the property owner.

I have been in communication with the Assistant Town Counsel and with Dave Lindsay about changing the vehicle for purposes and for so long as the property remains a rental community. Obviously at such time as units might be sold off in the future, we would take the appropriate steps and provide the Town with evidence of filing of an HOA, creation of an HOA and the appropriate documents. But for the time being, since it will be maintained under single ownership, there is no need to create the Homeowners' Association, nor is there, um -- it creates a lot of -- not only is it an administrative problem to create an entity that has bookkeeping requirements, it is costly to create an HOA, but that part of it really doesn't do anything in furtherance of what the Town's goals are. So with that, I guess what I am asking is that we be allowed to provide some other form of agreement to the Town, similar to what the Town requires for storm water management maintenance or sidewalk maintenance to assure that the Town will -- that the property owner will maintain the common areas, the roads, et cetera.

JAMES MARTIN: Okay. Thank you.

MS. BRUGG: So that is our intent. I did send over some draft language. I don't know if Keith (O'Toole) had an opportunity to look at it.

JAMES MARTIN: Well, I think what we -- you know, to move forward at this point, obviously we understand single owner, it will be for the foreseeable future, as a single owner rental piece of property.

Um, so as far as revision of that condition that we imposed, you know, I think consensus from the Board is that it may be appropriate to do that, but I would leave then the approval of the mechanics up to our Assistant Town Counsel, okay?

MS. BRUGG: That's fine.

JAMES MARTIN: So that is essentially what, you know, we would be -- you know, voting on tonight. You know, as a Board, if we're in agreement, we can change, we can revise it, but the mechanics would be subject to approval by the Assistant Town Counsel.

JOHN NOWICKI: Is the corporation -- how do you address the name of the corporation? How it is it addressed? Is it Midlakes Development Corporation?

MS. BRUGG: The applicant was Midlakes Development, correct. However, if you created a Homeowners' Association, is that your question? We have to create another corporation, which I believe we had -- at one point we were preparing to do so, but after Mr. Howitt spoke with his HOA attorney, he realized that it wasn't necessary. So you would create a separate entity. That entity would then be the Homeowners' Association. Then, assuming there were units to be sold, there would be a declaration filed with some restrictive covenants on the property. That can be accomplished, that same type of restrictive covenant on the property can be accomplished without creating this separate, um, Homeowners' Association

entity, but the HOA would then have an offering to the different homeowners. We're just not going in that direction, so we're sticking with Midlakes.

JOHN NOWICKI: Are these the same owners that came and originally applied before the Planning Board for approve -- still the same?

MS. BRUGG: Yes. The same. The applicant is the developer, which is Midlakes Development. I actually believe title to the property is under -- don't quote me on this, because I haven't looked at the deed, but I believe it is Howitt Paul Road LLC.

KEITH O'TOOLE: Is it Howard Paul Road LLC?

JOHN NOWICKI: Hewitt? Or Howard?

KEITH O'TOOLE: Howitt.

MS. BRUGG: I'm just actually looking at one of the other easements. It is Howitt Paul Road LLC.

Thanks, Keith (O'Toole).

JAMES MARTIN: Did I say that adequately?

KEITH O'TOOLE: Just to clarify, the idea is they would not be required to have the offering plan in place until such time as the property were busted up. If there were anything other than one owner for everything, then at that point, they would be required to do an offering plan, which, in fact, they're required to do by State Law anyway, but we like to have the trigger in place so it is very clear what their obligations are.

Nothing further.

JAMES MARTIN: So I think essentially what we're doing at this point is approving the request for the revision and then the mechanics will be worked out.

MS. BRUGG: Right. Thank you.

DECISION: The Board agrees by a vote of 6 yes that an Offering Plan approved by Counsel for the Town and the NYS Attorney General is not required at this time. However, certain covenants, easements and other assurances are required in lieu of the Offering Plan in order to protect the public's interests. Therefore, the revision of the originally imposed condition (condition #8 of the approval letter dated 4/13/10) is subject to the approval of the Assistant Town Counsel.

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

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

JAMES MARTIN: I would like to have the building elevation put up there, too.

Thank you. Go ahead.

MR. JIM LEPORE: I'm sorry. I am Jim Lepore, son of Al Lepore, one of the partners in the Chili Liquor Store.

Along with Patricia Partridge here, our architect.

The purpose of us being here tonight is we would like to obviously go on with the expansion. It -- at 3218 Chili Avenue. But I would like to start with a question that I got last time, from Mrs. Reilly here. She wondered why, and a couple of you did, as well, why do we need to expand to that size, and I would basically say that we need to expand to that size more so for storage and for buying in volume, so we can compete with the bigger stores. The volumes have increased exponentially since we took over, the amount of products have increased and in order to compete, you need a good margin, so you need to buy in bulk, so we need to have space for storage mostly, and, you know, a little bigger store space to make it easier on ourselves to maintain. There is no way to raise margins, yet it has to be done in volume. Stores that don't do volume are slowly folding, and we do not want to be one of them.

So basically that's it there.

I would like to respond to the Board's comments, but I would like to go to the engineer's comments. I do have somebody here with us that -- that -- that I would like to get him out of here so he doesn't have to stay all night. Dr. Calnon, my neighbor to the west, talked about on the July 1st letter, comments from the engineers.

I would like to -- would you like to come up, Bill (Calnon)?

We have been fantastic neighbors for many years. The question, and the -- the issue was the relation to the lot line, and we're great neighbors. I mean, I don't know what kind of maintenance you would need besides in ten years to paint the thing. You know, maybe hang a foot header down there. I mean, we're such good neighbors, we have actually cut each other's grass. I don't know how much more good neighbors you can get.

We have provided that -- we want to provide that trench drain on our property as a, you know -- it's something that, you know, we want to do so -- to keep the water from, you know, actually building up there, if there were to be any. That would eliminate that problem.

I don't see any issue as far as, you know, the -- between the two of us as far as me leaving the business, him leaving the business, his son to follow him. I just, you know, want to give him a second to speak, if I could.

DR. CALNON: Good evening. My name is Dr. Calnon. As Jim (Lepore) just said, I'm one of the partners in the (inaudible) Properties that owns the professional building at 3220 next door. I'm also one of the dentist shareholders in the corporation that rents all of the space from

that building. And we established that building in 1985 and have had nothing but excellent rapport with our neighbors since that time. And I'm standing here in full support of his application for this.

My way of looking at the closeness of the buildings is they're not going to be any closer than they are now because the lot line diverges as it goes backwards. It goes north, I guess. So at any point it won't be any closer than they currently are.

The alley way, if you will, that would -- will be left between, has good lighting in there. I think from a safety standpoint, that would answer some of the concerns that both of us would have as neighbors in there.

Other than that, I -- you know, I'm fine with it, and I will say that both Jim (Lepore) and his dad, as the project first unfolded in their minds, the first thing they did was come next door and broached the subject with us, if we had any major concerns about this. They walked us around the property and said, "This would be approximately where this would be," and they were very up front about it, which again, is a loud testament to the good neighboring policy we have had all these years.

JAMES MARTIN: Thank you.

MR. LEPORE: Okay. Now, not to go away from that, but to backtrack to the Board's comments, um, in response to them, the Number 1, the environmental form, as far as I know, that has been turned in and all copies are to everybody.

And I think to turn it over for the building elevations to Patricia (Partridge). If you want to comment on that.

JAMES MARTIN: We have a copy. Are you just giving us copies of those elevations?

PAUL WANZENRIED: We have got them.

MR. LEPORE: There was a question as to the clarity of that. The easement for the parking lot, I have seen a rough draft from the lawyer. That's not a problem if you make it, you know -- it will be a non-issue for -- for -- for a condition of the approval. It will not be a problem going forward. The landscape plan, I think we tightened that up pretty good. We just have a question of the eastern retaining wall, which we're discussing here tonight. After that, I think we will be good with the landscape plan.

And I have handed you -- down to Number 6, I have handed you the timeline that we worked over with Patricia (Partridge) and also with John Caruso from Passero.

So I would like to jump into the engineer's comments. It really revolves around parking and how the code is interpreted. I just want to make a few points. The State took a right-of-way a few years back to expand Chili Avenue about 18 feet into our property. That was a loss of 8 to 10 parking spaces. So according to code, we -- we have operated at six spots short for 15 plus years. Okay? I don't really see any major problems. There has been no accidents. As a matter of fact, opening up that back -- the back way has actually alleviated traffic on Chili Avenue.

In order of good faith, knowing that we would expand, we purchased additional parking at ten times what the State gave us for that property in the back.

We thought at some time we would need some additional parking, but, you know, not even that much. Just kind of like an extra.

And another thing is, too, the average customer spends between three and five minutes in the store. They're not eating dinner. They're not getting a haircut. They're not getting their nails done. They're not shopping, doing their grocery shopping for the week, filling up a shopping cart. I mean that is really -- it's really, bam, bam, for the most part.

The second condition -- that is condition one.

Condition 2 was the pedestrian crossing for the additional parking, and I don't have any problem with that. I think it is a great idea. We'll definitely put it in, and, you know, go forward with that, no problem.

Conditions 3 and 4, um, address the neighboring problem with the easement. I would be glad to repair anything that was damaged with -- with Bill (Calnon) and his son, the rest of the doctors there. They're great people, great neighbors, love having them. I don't think there is a problem there.

That's Items 3 and 4.

Items 5 and 6 are the technical details of the -- of the -- the erosion -- the erosion control and the -- the connection to the storm sewer. At the present, I am working, still working with Passero to get those over to you. We did not get the -- did not get the letter myself and Passero was not cc'd on this letter. And I know it is my responsibility to get it to you guys, but there has been vacation for everybody, holiday, and the letter was sent -- was mailed out on the -- written on the 1st, not even sure when it was mailed out. It was not received until last Wednesday, and you're talking during -- during the holiday week I got no calls -- no return calls from anybody pretty much trying to get this done. But we will give you those details ASAP. As soon as I get them from Passero over to here, I will answer any questions that the engineers might have on that.

As far as the building elevations and anything you have for that, I would again, ask Patricia (Partridge) to step up here if you had anything to say on it, any points you wanted to make.

MS. PARTRIDGE: The only change on this, this faded out quite a bit. The stucco is actually, um, more of a tan than -- than yellow (indicating).

And the other question at the Architectural Advisory Committee Board was about this wall (indicating), which is already existing. As you go from out of Town towards -- towards the city, you -- you see part of this past the doctor's office there, and we haven't received any notes from the Board, but in the meantime, I was thinking about this some more, and I think what -- what we

should do is make this part (indicating) the same as what is on the same location on the other side of the building, which is the brick.

So this would all up -- brick, like the other side (indicating). But the rest would be as shown.

Any questions?

MR. LEPORE: I will keep going through the points here. Number 9 was -- actually Number 8. Excuse me. Number 8 was the detail of the retaining wall, which, you know, we will get those details as far as the actual technical details for the parking surcharge, again, working with Passero to see if John Caruso sent that to you guys as our civil engineers on this project.

Number 9, when it comes to the driving off the edge, um, my first -- my first thoughts are to do the curb stones as you have on the edge of parking lot where -- best example to use is KMart. On the west side of the KMart parking lot there is curb stones. There is also a -- about a 2 1/2 foot drop, 3 foot drop going down there, and those curb stones are actually the same height as my curbing that is in the front of my building, but I -- but I would be willing to put curbing, actual cement curbing if that is what the Board would request. Either way works for me. Both 6 inches high. They both do the job. Nobody has gone over a curb yet, knock on wood. You know in all these years I don't see them going over the curb stones, but again, no problem with putting, you know, putting the cement -- putting cement curbing all of the way down 6 inches high like we have in front of the building, bringing it all of the way to the end.

Number 10 has to do with snow removal. Good thing there is, it is me. I'm the one that does that lot. And I take the snow and I take it from south to the north. I drop it in Lot Number 2, and that sidewalk, that's the reserved parking, that's where the snow pile is. It's up on that sidewalk, most of the time, so that there is no loss of parking for either building, and it takes me about 2 1/2 hours to do that lot if there is 3 or 4 inches of snow, but that's on me. I want the parking. I will do that. I have no problem doing it. I have done it for a couple of years, and it's worked out great and we haven't lost one parking spot yet. I can understand if there was going to be a contractor doing it, that they would just take an easy way out, but it is, again, me that is doing it, and I'm telling you that is where I am putting it. You know, it should be -- it should be fine.

As far as Number 11 on the engineer's comments, um, drainage calculation for the storm drains, um, again, it's -- it's something that civil engineering and Passero is willing to do for us. It does not see there is a problem with -- as far as where -- you know, how that goes and where it is going, and the size of the -- the -- the pipe we're putting in is 8 inches rather than 6 inches. There was already a -- the plan in Phase 1 that was okayed. I mean, I don't see there is really that much of a water difference. Just putting the building up. It is not going to -- you know, not going to send any more water that way than it is the other way. You know, like I said, that is if you -- any questions with that, I would be glad to have written in -- written in sketches in -- what do you call it? Technical details sent to you from Passero as soon as they can get them up and running. They're working on them as we speak, trying to answer all of the -- all of the questions.

Um, that's it for me. If -- Patricia (Partridge), do you have anything else?

MS. PARTRIDGE: Nope.

MR. LEPORE: Back to you guys.

JAMES MARTIN: Michael (Hanscom), have you had any contact with Passero on this particular project?

MIKE HANSCOM: Um, no, I haven't.

JAMES MARTIN: Thank you.

On the plan that was submitted, there was no designation of the boundaries of the easement that was going to be put in place with the additional parking on Lot 2 or -- I think --

MS. PARTRIDGE: We -- that can be done as soon as we have your approval for -- it is this shaded part (indicating). It would be this shaded part (indicating).

JAMES MARTIN: So it is kind of -- shared, 19 shared, is that --

MR. LEPORE: Correct.

JAMES MARTIN: -- the boundary of the easement?

MR. LEPORE: That is correct.

JAMES MARTIN: We're not going to include any other parking in that parcel?

MR. LEPORE: No.

JAMES MARTIN: Just the 19.

MR. LEPORE: Just the 19, that's correct.

PAUL WANZENRIED: Did I hear you say you have seen the Architectural Advisory Committee Board?

MS. PARTRIDGE: Committee, yes.

MR. LEPORE: Yes, we have.

PAUL WANZENRIED: Do we get comments from that?

JAMES MARTIN: Matt (Emens), you can comment at this time.

MATTHEW EMENS: The first time Ms. Partridge and the applicant came before us, um, we had quite a few comments and made some revisions and they came back.

Unfortunately, um, they missed the deadline to be on the agenda. We did let Ms. Partridge present what she had. Unfortunately, we did not have time to review any of those things, so at that time we did not supply any comments, so they should be forthcoming.

JAMES MARTIN: So you will have official recommendations -- what is the -- forthcoming, is that a week or two weeks?

MATTHEW EMENS: I actually don't know the answer to that question.

JAMES MARTIN: So at this point, we don't have any formal recommendation, I guess.  
PAUL WANZENRIED: You're not doing anything with the front elevation?  
MR. LEPORE: No, nope.  
PAUL WANZENRIED: There is an island -- the east side you have the island that is right off the front corner of the building, along the east property line. Continue down. There is an island with a light pole in it -- that one (indicating) miscellaneous light pole. Any thought to removing that?  
MR. LEPORE: Yes. We were going to move it down -- up north. Up north, so it would be up at this spot here (indicating).  
PAUL WANZENRIED: That is where it is existing, correct?  
MR. LEPORE: No. It is actually there.  
MS. PARTRIDGE: It will be replaced with a new one.  
MR. LEPORE: We were --  
PAUL WANZENRIED: You're not going to move it physically?  
MR. LEPORE: No. We were thinking of moving it to the edge.  
PAUL WANZENRIED: Okay.  
MR. LEPORE: Just to get that spot.  
PAUL WANZENRIED: Just so I understand, we're talking about moving this light pole to here (indicating)?  
MR. LEPORE: That's correct.  
PAUL WANZENRIED: Great. Thank you.  
Your dumpster enclosures, any thought as to what that is going to be? Similar construction as to what -- the addition?  
MS. PARTRIDGE: I think there is a detail at the bottom of this sheet.  
JAMES MARTIN: Can you speak up a little bit?  
MS. PARTRIDGE: Sorry. There should be a detail at the bottom of the sheet with the parking.  
PAUL WANZENRIED: I didn't see it.  
MS. PARTRIDGE: It is this sheet with the whole parcel.  
PAUL WANZENRIED: Okay.  
And the snow storage then, by that dumpster?  
MR. LEPORE: No. Snow storage would go --  
PAUL WANZENRIED: Strictly across -- going into Lot 2?  
MR. JIM LEPORE: Yes. This whole open green space here (indicating). I take it every time and --  
PAUL WANZENRIED: Push it right across?  
MR. LEPORE: Right there, yep. Same thing we have done at the Paul Road side of Lot 2, as well.  
PAUL WANZENRIED: Given that this expansion will take place, will you still stack boxes up front in that little alcove to the -- it would be the southeast, where the door is there on the side, the east side?  
MR. LEPORE: No.  
PAUL WANZENRIED: We won't expect any more boxes up there?  
MR. LEPORE: No. Boxes will be outside -- outside the back, the back door, mostly inside --  
PAUL WANZENRIED: Are they going to be baled or dismantled?  
MR. LEPORE: They will be flattened and -- you know, and -- every few hours and flattened into the cardboard dumpsters, two -- the double enclosure, the cardboard and the trash.  
PAUL WANZENRIED: The elevations show that you're going to accept truck deliveries to the rear just through that man door?  
MR. LEPORE: Correct.  
PAUL WANZENRIED: There won't be a loading dock or -- a loading dock or no plans for that; just through that man door?  
MR. LEPORE: No, we plan on making that staircase, or the platform in that staircase, um, level with the back end of our biggest two distributors, which is mostly --  
PAUL WANZENRIED: It is going to be -- there is no real details on how big that will be. Are you looking at just a 3 foot or 5 foot wide landing pad on top of that?  
MR. LEPORE: As big as the back of the truck, 5 foot.  
PAUL WANZENRIED: The access up in front, what will that become, on the east side, in the jog? Will that still stay there?  
MS. PARTRIDGE: An exit.  
PAUL WANZENRIED: Egress.  
MR. LEPORE: Yes.  
PAUL WANZENRIED: Is that required by code?  
MS. PARTRIDGE: I think. It's at the top of the stairs from the basement.  
PAUL WANZENRIED: Will the building be sprinklered?  
MR. LEPORE: No, not at this time. We haven't planned that.  
PAUL WANZENRIED: You will have storage in the basement?  
MR. LEPORE: That's correct.  
JOHN HELLABY: Is that wood frame or masonry structure you plan on putting up?  
Wood frame or masonry?  
MR. LEPORE: For the --

JOHN HELLABY: For the exterior walls.

MR. LEPORE: The walls will be poured concrete.

JOHN HELLABY: Foundation walls.

MR. LEPORE: In the form.

JOHN HELLABY: Is it wood on top of that or masonry, block work?

MS. PARTRIDGE: It's a -- it's the integrated -- insulation foam on the outside and poured concrete in the middle. It is very good for insulation.

JOHN HELLABY: For the foundation, but what is the upper structure.

MS. PARTRIDGE: They're going -- both going to be that.

JOHN HELLABY: You're taking it all of the way up?

MS. PARTRIDGE: Yes.

JOHN HELLABY: The next question I have is actually for the doctor, your neighbor. Is there a full basement underneath your building?

DR. CALNON: There is 2,000 square feet of actual basement, and then another 2,000 square feet of a 5 foot high crawl space on the outside.

JOHN HELLABY: How does that corner that butts up to him relate? Is there a full basement under that area or the 5 foot --

DR. CALNON: No. That is the crawl space.

JOHN HELLABY: I would suggest that this Board get Passero to make -- because I got to believe you're probably only what, 4 foot from that property line, if that? And I can understand Mike (Hanscom)'s concern about the closeness of that, and the -- if he ends up down below his footer line, there is a possibility of undermining or blowing out that footer. I would have Passero to supply this Board with certification that their hydraulic engineers have looked at it and approved it, otherwise there will have to be some shoring put in place.

JOHN NOWICKI: I'm clear.

DAVID CROSS: One question, one comment. I will start with a question. The 19 spaces in the back that you plan to get from the adjacent property owner there, how are you going to demarcate that they're for customers only, or -- will you have signs? How do you do that?

MR. JIM LEPORE: I wasn't going to, because we probably won't need them. I mean, maybe one or two days a year, if that.

DAVID CROSS: Then my comment, I'm particularly interested to hear the Architectural Advisory Committee's recommendations for the -- the front elevation. I was hoping to see a little bit more done with the front, with the project -- with a project of this magnitude and size. I -- I think the facade could use some updating at this point. And especially if you're going to be using this EFIS application, it seems reasonable that you would be able to bring that around the front. That's all.

MS. PARTRIDGE: I'm sorry, I didn't hear your last comment.

DAVID CROSS: I was hoping to see some work done with the front elevation, towards the road. Okay?

THERESA REILLY: My only comment would be can you get from the existing plaza owners permission to stripe or to make some type of a walkway (inaudible) pedestrians to the park there. Even if there is not very much traffic there, I was back there, and just to try to walk across, it needs to be delineated so there is a clear and safe way in order to get up to the building.

MR. LEPORE: You're talking about Lot 2?

THERESA REILLY: Yes. Over at the 19 shared.

MR. LEPORE: That is our property.

THERESA REILLY: I apologize. Past your property, where they are shared, I don't see anything delineating showing that they're going to, um, stripe or provide a striped crosswalk.

MR. LEPORE: No. That was in response to the engineer's comments.

THERESA REILLY: I think it is a very valid comment.

MR. LEPORE: I think it is a great idea.

THERESA REILLY: Will not be an issue to get that permission --

MR. LEPORE: Absolutely. Absolutely.

JOHN HELLABY: Your existing building does have a basement in it presently, correct?

MR. LEPORE: Correct.

JOHN HELLABY: Will the floors actually line up with each other, the new addition with the old?

MR. LEPORE: Yes.

JAMES MARTIN: I want to go back to the sidewalk again. In previous appearances before us, we have talked about having some sort of a safety barrier between the sidewalk which goes up along the side of the building and the roadway where cars are going back and forth. I haven't seen anything on any of the elevations or -- that would show that you have got some sort of a barrier there to protect the pedestrians.

MS. PARTRIDGE: There is a curbing -- there is a curb along and then both sides here (indicating).

JAMES MARTIN: A curb?

MS. PARTRIDGE: Uh-huh.

JAMES MARTIN: 6 inch? What is the height of the curb?

MS. PARTRIDGE: Yes, usually.

JAMES MARTIN: I -- I still got a little bit of a problem with that. I don't know if that is going to be adequate. I will let the Board also comment on that, but -- but if we have people walking up and down there --

JOHN HELLABY: The handicapped access has to go somewhere. I don't see it shown.

THERESA REILLY: I think we mentioned the handrail where there is a change in elevation at the corner, and I don't see that noted on the plans.

MS. PARTRIDGE: Where would that be?

JAMES MARTIN: You have a change in elevation. You're going up the hill there to the front of the store, correct?

MS. PARTRIDGE: A handrail?

JAMES MARTIN: So -- so I think specifically, you know, where the cars are going to be going back and forth.

MS. PARTRIDGE: Here (indicating).

JAMES MARTIN: Up and down that hill, all right, I think we need some sort of a barrier between the sidewalk and the driveway. In that area. Not talking about down behind the building, all right. We're going to have that raised and curbed.

MS. PARTRIDGE: Straight along here (indicating)?

JAMES MARTIN: Yes. Along there.

MR. LEPORE: Well, there -- let me interrupt for a second. Handicapped parking, there is space right here (indicating). There is spaces right here (indicating) actually that are wide, that will -- that we'll stripe -- we'll actually stripe these two instead of that, because we actually have the front sidewalk is actually level with the parking lot at this area, so we'll -- we'll make two -- we'll draw two -- two stalls if needed. If more, we'll put a third in this area here (indicating), where we can go across here (indicating), but it is level, like I said, with the parking lot.

So there shouldn't be any handicapped parking coming from that far away nor should there be handicapped parking coming that far --

JAMES MARTIN: You wouldn't have access.

THERESA REILLY: I believe there is still a change in elevation right about where that jog is; is that right? Where it changes? Even if it is not handicapped, when the walkway gets icy in the winter, if there is any change in elevation, you will want something to grab onto instead of sliding down it.

MR. LEPORE: Got you. Understand.

JAMES MARTIN: In the Town Engineer's letter, he did some calculations on the distance between the shared parking and the front entrance of the building, which according to our current code, you know, you can't have anything more than 250 feet away. If you draw a straight line to the building, you're in compliance. If you do the way people are really going to have to walk to get to the front of your building, you're not in compliance.

I will turn to the side table on this.

Will this require a variance from the Zoning Board of Appeals?

KEITH O'TOOLE: When we see the final plan, we can have the Code Enforcement scale it out and make an interpretation, but that is something they'll make the judgment on.

JAMES MARTIN: Okay. But it may require filing for a variance?

KEITH O'TOOLE: It may.

MR. LEPORE: So we're -- so we're calling -- its other property, as you have it defined in the code. 13 years, when the mortgage is done on that property, I can make it the same property; you won't have this problem. I mean, that's what we're talking about, a few spaces here or there. We have operated, like I said, without those spaces for years. I am opening it back up there and it is obviously a lot better and I'm trying to make it, like I had said, a full effort to get the parking to put us into code, interpretation of the code, depending on who you are talking to.

JAMES MARTIN: I don't disagree with your parking statements provided maybe 46 or 47 weeks of the year. There are a couple weeks, Christmastime, Thanksgiving and other, you know, very busy times for you, good for your business, but parking becomes a major issue at your store. I think we have all experienced it and having the extra parking is great if people utilize it at that time of year. So I just want to say, yeah, you don't generally have parking problems, but there are periods of the year where you do have a parking problem.

Um, I want, I guess, to reinforce the comment Mr. Hellaby made regarding your excavation regarding the building next door as to what the engineering aspects of that are going to be, and I agree wholeheartedly that the Project Engineer should certify to the Town Engineer, all right, that there is -- the excavation is not going to have any adverse effect on the footing of the building next door. That is certainly -- should be done.

Um, other comments from the Board? Keith (O'Toole)?

KEITH O'TOOLE: Just a couple of quick things. With regard to the 19 shared spaces, I would suggest the Board authorize me to require an easement. Their attorney would draft a declaration of easement. We would have a -- a picture of the proposed spaces on the back of the easement. The easement gets recorded at the Clerk's Office and then there is no misunderstanding going forward, should the office building parcel ever get sold.

I did note, um, on the aerial view that was supplied by the applicant that there is no striping pretty much outside of the front of the building. I'm assuming that as part of the site plan approval the Board will require striping of all of the proposed spaces, including those 19 spaces.

Nothing further.

DAVID LINDSAY: Only thing additional I would add is in addition to the cross access to the parking easement, you need an easement provided for any storm water discharge from the property. I think the applicant is showing connection of the interior system to the neighboring property so we need some sort of an easement for that.

MIKE HANSCOM: No additional comments.

JAMES MARTIN: No additional comments. Obviously to be perfectly honest, it would have been helpful to have somebody from Passero here tonight that could answer specific engineering questions. You say you're working with them. I understand that. But on the other hand, it would have been nice to have somebody here who is a certified engineer to answer any questions.

MR. LEPORE: Totally agree. Totally agree. I just didn't have the time to make it work for this particular instance.

DICK SCHICKLER: We're looking for the 90 linear feet of the retaining wall detail. And I hope maybe that includes some drainage into that wall and that's it.

JAMES MARTIN: Basically I will pick up several of the comments from the Town Engineer letter, and one of those will be that we need detailed plans for the retaining wall and the parking barrier that you suggested to supply so people don't inadvertently drive over the -- even though it is not very high, it is still probably -- some severe damage to your car if you went over it.

MR. LEPORE: Correct.

BRAD GROVER: I have no issues.

JAMES MARTIN: Matt (Emens), you already had your say. Hopefully we will get those issues -- certainly, if this goes forward, it will be subject to compliance with recommendations from the Architectural Advisory Committee.

PAUL WANZENRIED: They shouldn't be allowed to accept deliveries up front. Even though they're showing it at the back, they will have its die hard -- somehow, something should be put up there to prohibit that. As Mr. Lepore said, the current parking lot and sidewalk come together at that point, and then in the picture he provided there is actually a truck parked there unloading.

Because we're striping the front half, we're safe to assume that parallel parking to Chili Ave. is eliminated? How will we prohibit people from parking parallel like we do now?

MS. PARTRIDGE: Here (indicating)? Read the aerial.

MR. LEPORE: It's not one of the marked spots there.

PAUL WANZENRIED: See the truck there, it is common for people to park there currently. How can we prohibit that?

JAMES MARTIN: You mean along the road?

PAUL WANZENRIED: Yes. It is not shown as one of the marked spaces.

JAMES MARTIN: Um, perhaps we should require some indication, signage wise or something like that, no parking permitted in this area.

THERESA REILLY: Can you just show it with striping, just stripe it out?

JAMES MARTIN: That's okay, except in the wintertime when you can't see it. I'm just trying to think of how the best way to --

JOHN NOWICKI: You don't use it.

MR. LEPORE: People use it, but it is not a parking spot.

People will park wherever they want. There is not much I can do about that. You can put the striping, you know, no parking, and like every other commercial place does and hope for the best.

PAUL WANZENRIED: Right.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I would just like to make one comment and ask one question.

Along the sidewalk you definitely need a railing. I don't know if you have got that down as a condition or have made note of it, but that is not safe without a railing. You have got the hill, and if you're going -- you may even have trucks coming in the -- from the -- from the front of the building and going down that hill, delivery trucks. You have to have the safety of a railing, a sturdy railing.

And the other question, and I think I know the answer, but I want to be sure. We have had no recommendations yet from the Architectural Review Committee on -- on updating the appearance of the front of the building?

JAMES MARTIN: Matt (Emens), I -- I will ask you, was that actually part of the review process?

MATTHEW EMENS: It has been mentioned, and we have been working -- it is still a work in progress, because the -- we didn't receive the stuff in time. We did have it handed to us that night, and there has been quite a few improvements made, you know, leaps and bounds from the first time they presented, and it has been brought up both times, and it has been noted that it is not, um -- their intention at this time to do anything to the front elevation, the existing.

JAMES MARTIN: So I guess the answer, Dorothy (Borgus), is that they reviewed the new elevations, and there were some comments made about the front, but there is no -- there will be no recommendations forthcoming for the front of the building; is that my understanding?

MATTHEW EMENS: The comments we made both times, you know, we asked if there was something going on on the front. I don't think there is anything per se in the code that directs them that they have to. I know there is a couple of people that would really like to see something done, especially to the panel face lit sign that is the canopy. That has been kind of a concern from the beginning, but I don't know -- other than that, um -- I don't know where we can, um, take it.

They have been very good to put additional, you know, materials on, and to work with us from the beginning. So like I said, it is still a work in progress.

JAMES MARTIN: We'll get into that in discussion.

DOROTHY BORGUS: Okay.

JAMES MARTIN: That is at this point the answer.

DOROTHY BORGUS: As somebody who worked for almost two years on the Chili Center Ad Hoc Development Committee along with Mr. Lepore, you know, the intent has always been to upgrade Chili Center to make it more attractive and inviting and modern, if you will, and that building really, the -- the front of it needs a facelift. I don't know what this Board can do about that, and I certainly -- I'm not encouraged by what I'm hearing from the Architectural Review Board -- Committee, but something needs to be done with that. We -- this is an opportunity, one of the few ones we get to improve Chili Center.

And the other three sides of the building will probably be a big improvement. But the -- but the part that we need to worry about, as much if not more, is the appearance from Chili Avenue. We need to upgrade the looks of that building. We don't get many chances like this, so let's take one.

Thank you.

MR. LEPORE: The actual -- may I respond?

JAMES MARTIN: You can -- I will allow you to respond to -- I will ask you, do you have any plans, all right, to do anything to upgrade the front of your building?

MR. LEPORE: We're looking to do something across the top of the east side of the -- of the east -- the east side wall, going to the -- going to the brick, you know, going -- going to the -- to the -- across the top there. As far as the front, it is all stone, the actual front of the building. I don't know how much more nicer you can get than cut stone, in front of it. I mean...

JAMES MARTIN: I'm very familiar with, you know, the stone that is on the front of the building.

Um, I guess what I would like to do is have the Architectural Advisory Committee just take a look and if there is something that you feel could be done without significant cost to the applicant, I would appreciate getting that feedback to the applicant. I agree with Ms. Borgus. I mean, we are trying to do that.

I mean, when they wanted to do the Dunkin' Donuts at the Mobil, you know, we numbed them pretty heavy to upgrade the appearance of the building from the Chili Avenue perspective, so we have precedent for doing that.

So if there are some things that could be done without major, you know, work, as far as your current building goes, I think it would be appreciated by the Town, by this Board, to have that happen.

MR. LEPORE: I would be willing to listen to whatever.

JAMES MARTIN: At this point I will let the Architectural Advisory Committee do their thing and come back with any recommendations if they can.

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

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

JAMES MARTIN: Any additional discussion at this time?

PAUL WANZENRIED: Rooftop mechanicals for the new building, where will they be located? Rooftop, down below?

MR. LEPORE: For?

PAUL WANZENRIED: Mechanicals, HVAC, heating and cooling.

MR. LEPORE: Heating and cooling would be on the roof.

JOHN NOWICKI: They have to be screened.

PAUL WANZENRIED: Yep. You probably want some sort of screening up there.

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: We have a lot of conditions that I have tried to pick up as we have been going through this.

Please chime in if there is anything I have missed.

James Martin reviewed the proposed conditions of approval with the Board.

KEITH O'TOOLE: Mr. Chairman, "for his approval."

JAMES MARTIN: Pardon?

KEITH O'TOOLE: Could you add the language, "for his approval"?

JAMES MARTIN: Sorry, Keith (O'Toole). I would just assume you would approve it.

KEITH O'TOOLE: You would be surprised the way people look at that language.

(Laughter.)

James Martin further reviewed the proposed conditions of approval with the Board.

JAMES MARTIN: This is for preliminary site plan approval. That is what we're voting on.

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

1. The applicant's attorney shall draft an understanding of the easement for shared parking of 19 spaces on lot 2 of the subdivision. A copy of the draft shall be supplied to the Assistant Town Counsel for approval.
2. A guard rail shall be installed between the sidewalk and the driveway on the east side of the building.
3. The applicant shall stripe all proposed parking spaces per Town Code.
4. The area of the front parking lot parallel to Chili Avenue shall be designated a no parking zone with appropriate signage provided.
5. The crosswalk between Lot 1 and Lot 2 shall be striped.
6. Any roof top mechanical units shall be properly screened.
7. There shall be no deliveries permitted thru the front of the building.
8. Final approval is subject to the recommendations of the Architectural Advisory Committee.
9. There are multiple engineering concerns regarding this project that are subject to approval by the Town Engineer and the Commissioner of Public Works. Of particular concern is the proposed excavation in close proximity to the adjacent building. The applicant's engineer shall certify to the Town Engineer and Commissioner of Public Works that this excavation shall not impact the footings of that building.
10. Final approval is subject to approval by the Town Engineer and Commissioner of Public Works.
11. The applicant, upon completion of the project shall supply a certificate of compliance with all proposed landscape plans.

JAMES MARTIN: Final is not waived tonight.

MS. PARTRIDGE: Could you explain that, how that works?

JAMES MARTIN: I'm sorry, what was the question?

MS. PARTRIDGE: Can you explain how that works?

JAMES MARTIN: Okay. You have preliminary authorization, all right, to move ahead with the project. However, there are several unanswered questions, there are several things pending at this time that this Board will expect answers to, formal answers to. The engineer is comfortable with everything that Passero says and does, that the Architectural Advisory Committee comes back with all of their final recommendations.

Once those things are in our hands and, you know, are acceptable, then we can give final approval to the project. It doesn't mean you can't go ahead and continue your effort at this point. You have preliminary, but before you would get a building permit --

MS. PARTRIDGE: Okay.

JAMES MARTIN: -- from the Building Department. You will have to have final approval from this Board.

MS. PARTRIDGE: So it wouldn't necessarily mean us coming to another meeting?

JAMES MARTIN: Yes, it will.

3. Application of Four Point Rod & Gun Club, owner; c/o Guy Slack, 3889 Roosevelt Highway, Hamlin, New York 14464 for renewal of special use permit to allow hunter safety/training, skeet and trap shooting, and archery and firearms shooting at property located at 4400 Union Street in AC zone.

Guy Slack was present to represent the application.

MR. SLACK: Good evening, gentleman, ladies. My name is Guy Slack. I'm a Board member at Four Point Rod and Gun Club, and we are seeking renewal of our conditional use permit.

JAMES MARTIN: Okay. The Town Engineer's letter back to us, um, suggested that again, that David Lindsay -- I thought it was a fairly good suggestion that, you know, based on the approved site plan, that somebody go out and reinspect the property and make sure that berms are still at the proper height, that everything is as it should be on the property. I will accept your

comments on that, but I -- I thought it -- that was a relatively innocuous suggestion by the Town Engineer that may make some sense.

DAVID LINDSAY: With the holiday we have not had the opportunity to do that, but it is our list to do. We can perform that within the next few days if you would like.

JAMES MARTIN: Okay.

MR. SLACK: A Thursday night would be good for you, if -- we're not really open during the day, except on the weekends, so, um, unless you want to make a special arrangement, we would be happy to meet you there.

MR. LINDSAY: I would ask you give me a phone call and we can work out a time.

MR. SLACK: Okay. I can do that, David (Lindsay).

JAMES MARTIN: There has been no complaints that I'm aware of; is that correct?

DAVID LINDSAY: That's correct.

MR. SLACK: I would like to add one -- one comment or item. Our previous use permit requires us to submit special event dates no later than the 31st of January each year. It's become a problem because those dates aren't normally available by the 1st of the year. I know we have two fall shoots coming up that were just planned two weeks ago, so I would like to change that to a minimum of 30 days' notice to the Town, if possible. Events come all of the time and we just don't want to lose out on them, if possible.

JAMES MARTIN: Are there some fixed events that you do have awareness of by the end of the year?

MR. SLACK: None of them have fixed dates, Jim (Martin). In all reality, it is no more than four a year. We have eight available, but it is usually no more than four that we would like to start earlier than 9 o'clock, our normal starting times.

JAMES MARTIN: You're asking us to revise two conditions that have been imposed previously.

MR. SLACK: Correct. To remove the January 31st requirement and make it a 30 days -- minimum 30 day prior notice which would be satisfactory for us.

JAMES MARTIN: And you talked about hours of operation?

MR. SLACK: That's correct. There is -- from time to time, we would like to start at 8 o'clock because there is a lot of people coming in, so we can get it over and done with. That is where the special event dates need to be submitted for notification to the Town so you can ward off any possible complaints that there might be from starting early.

PAUL WANZENRIED: So the early start dates coincide with the special events?

MR. SLACK: That's correct.

PAUL WANZENRIED: Thank you.

JAMES MARTIN: I'm open to discussion on the request to revise these conditions.

JOHN HELLABY: I don't have a problem with the 30 days. I don't know what you can do staying -- I mean, you're still wanting to start at 8 a.m.?

JOHN NOWICKI: Just on for special events.

JOHN HELLABY: You're not suggesting starting at 6:30, 7 o'clock?

MR. SLACK: No. No. 8 o'clock would be the earliest we would start.

JOHN HELLABY: I don't think we have to change that. I think it is fine the way it is.

JOHN NOWICKI: You can leave that one alone.

MR. SLACK: The only request I had was to -- notification to the Town.

JOHN NOWICKI: That is just the one.

MR. SLACK: Be changed to 30 days -- minimum 30 days' notice.

JAMES MARTIN: I mean, you're already covered under the special events.

MR. SLACK: Yes. But that comment wasn't addressing the special events.

JAMES MARTIN: You have regular clientele that want to go out and start before 9 o'clock; is that what you're saying?

MR. SLACK: No, sir.

JAMES MARTIN: I just want to clarify.

MR. SLACK: The special events would be the only hours we want to change to 8 o'clock.

JAMES MARTIN: It already says, "Early starting times for special events shall not exceed eight per year and not before 8 a.m.," so you're already covered with that?

MR. SLACK: That's correct.

JAMES MARTIN: So basically you're asking us to change Condition 4, "Special event dates shall be submitted to the Planning Board annually and submitted no later than January 31st of each year," to read something to the events -- to the effect that you will submit notification of the special events to the Building Department -- essentially that is where they go now --

MR. SLACK: Correct.

JAMES MARTIN: -- to the Building Department -- um, no later than 30 days prior to these -- the special event.

MR. SLACK: That would be correct, yes.

JAMES MARTIN: Something to that effect.

JOHN HELLABY: That will work.

MR. SLACK: I thought it was a reasonable request.

JAMES MARTIN: When we get to the voting part of this, we'll incorporate that if it goes forward.

Time period, I think we gave you five years the last time.

MR. SLACK: Correct.

JOHN NOWICKI: Same thing.

JAMES MARTIN: Keep going at five years?

PAUL WANZENRIED: Five.

JOHN NOWICKI: How is membership? Holding steady?

MR. SLACK: Increasing, actually. There is a lot of -- a lot of people want to see our rifle range going.

JOHN NOWICKI: Good.

DICK SCHICKLER: We had a question on the Conservation Board as regarding the noise factor a little bit, particularly on Sundays. What are your hours on Sundays? Are they from 9 o'clock?

MR. SLACK: 9 o'clock to 8:30 in the evening, correct.

DICK SCHICKLER: Any way to buffer that sound on Sundays, something like that, in any way?

MR. SLACK: Well, the reality is the -- the club normally opens up at 10 o'clock on Sunday. I mean it -- other than special events, we could live with a 10 o'clock open on Sunday. Um, but noise really hasn't been an issue that we're aware of. We have not received any noise complaints at all.

JAMES MARTIN: I will ask Mr. Lindsay if we have any complaints.

DAVID LINDSAY: We have not received any noise complaints.

JAMES MARTIN: There is no complaints on record at this point, but -- okay.

Anything else, Dick (Schickler)?

DICK SCHICKLER: No. That's it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MR. FINLEY: Hi. I'm Kip Finley. I belong to Salmon Creek Community Church a couple doors down from there. We start our services at 10 o'clock in the morning and even though if you try, you can hear gunshots sometime, it doesn't disrupt us at all.

JAMES MARTIN: Thank you for your comment.

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 reviewed the proposed conditions with the Board.

JAMES MARTIN: We're going to modify Condition Number 4 of the previous approval letter to read something to the effect that a special event dates shall -- I'm sorry, notification of special event dates shall be provided to the Building Department no later than 30 days prior to the scheduled event.

MR. SLACK: Thank you.

JAMES MARTIN: Everybody okay with that revision to that condition?

The Board indicated they were okay with that revision.

James Martin further reviewed proposed conditions of approval with the Board.

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

1. Approved for a period of five years.
2. All previous conditions imposed by the Planning Board remain in effect.
3. The approval is subject to the applicant passing on inspection of the site that insures all back stops are still in compliance with the approved site plan.

The Board, by motion and unanimous vote, revised condition number four imposed on the applicant in the approval letter dated July 19, 2006. The revised condition shall read:

All special event dates shall be submitted to the Town of Chili Building Department no later than 30 days prior to the scheduled event.

4. Application of Metalico Rochester, Inc., owner, 1515 Scottsville Road, Rochester, New York 14624 for preliminary subdivision approval to combine three lots into one lot to be known as Metalico Rochester subdivision at property located at 1511, 1515 and 1525 Scottsville Road in GI zone.

5. Application of Metalico Rochester Inc., owner, 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a mechanical metal shredder at property located at 1511, 1515 and 1525 Scottsville Road in GI zone.
6. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for special use permit to allow an auto shredder and dismantling at property located at 1511, 1515, 1525 Scottsville Road in GI zone.

Ron Hall, Kip Finley, David DelBianco, Dan Metz and Andy Maybaum were present to represent the applications.

MR. HALL: Good evening. Mr. Chairman, members of the Board. As I think you're aware --

JAMES MARTIN: Your name for the record, please.

MR. HALL: Ron Hall, Underberg and Kessler, here for the applicant along with Kip Finley.

MR. FINLEY: Yes.

MR. HALL: Obviously we're not here -- as you know, from yesterday's decision that was issued from the Department of Planning and Development for Monroe County, we're not here for the same purposes for which we originally scheduled this meeting with the Board. I thought we would be here under somewhat different circumstances. The Board made a -- the Planning Development Department made a decision to both disapprove the Section 239M referral but also to make a decision disapproving under the County charter, based on the fact that -- the property being within the Airport District.

Based on that, we have some -- we had several options. One of them, we could ask the Board to override the 239M disapproval. However, we have been consulting with Counsel, and we do not believe that is an option with respect to the County charter provision.

The option for the applicant at this juncture with respect to that determination would be to appeal. Again, we have given that consideration and the applicant has decided not to appeal this decision of the Department of Planning and Development. As a result, um, without that approval, obviously the application as structured cannot be approved -- or the approval wouldn't make any sense. And so a determination has been made to amend the application, and I will let Kip (Finley) explain exactly what the amendments entail.

MR. FINLEY: All right. Well, if anyone has driven past Metalico in the last several weeks, you probably have noticed we have been working very hard at getting all of the landscaping in, taking care of all previous conditions of all of our applications and the property is looking very good right now, and the property next door is looking very good. We have had over the years many applications.

So somewhat disappointed that we needed to make the request to remove the shredder from our application, but we still have many components of the application that we still want to preserve. One particularly is the auto dismantling. There is definitely a need for that service regardless whether there is a shredder or not.

Not knowing quite how the meeting would go tonight, we do have representatives from Metalico that can answer your questions. We do have some new people on the Board who may not know some of the parts and the lingo that the rest of us have talked about over the past years.

Just so you do know who we have available for you, David DelBianco is Vice President of Business Development, in the green shirt.

In the middle is Andy Maybaum. He is an Operations Specialist.

And then Dan Metz in the other green, shirt on your left, is the General Manager for the Lee Road facility, which has permits for auto dismantling.

So among all of us, we should be able to answer any of the questions you have. But when we do go through, and we modify our application, we would still be looking for the subdivision portion. In that particular case, we were able to file the subdivision before the project approval was ever challenged, so we currently do get one tax bill, but we would like to make sure that that is a Planning Board approval that we have the -- the three pieces of property combined.

We also want to continue with all of the other site plan provisions, other than basically just extracting the shredder off, and there was pavement and an apron that went towards the tracks that would have gone into the 100 foot buffer area for the wetland across the tracks. We would no longer be doing that paving at that end of the shredder, so that will eliminate that one part of the environmental analysis for that.

And then we do want to have the special permit for auto dismantling. So that is where we're going with when we amend the application. Um, as far as probably for the benefit of some of the newer members, if there are questions, we would be happy to entertain them. I don't recall -- I guess from the agenda, the Public Hearing is still open.

JAMES MARTIN: The Public Hearing is still open.

MR. FINLEY: Okay. So we can address questions that may arise from that.

JAMES MARTIN: All right. Fine.

Yes, I think it would be, um, advantageous for some of the newer Board members that weren't here through all of the ramifications we have been through on this particular project. Just a brief explanation of the auto dismantling operation. I believe there was still an Enviro-Rack that was going to be put in place. So just a very brief explanation of what is entailed with that.

Kip (Finley), either that or a Metalico rep certainly could come forward and do that. I think it would be beneficial to do that.

MR. FINLEY: I will step away. This is Dan Metz with Metalico.

MR. METZ: Hi. Good evening. As Kip (Finley) said, I'm Dan Metz with Metalico. Um, I guess what I can give you, just the general background of auto dismantling, what that entails without getting too detailed. We're trying to green the vehicle, prepare it for final disposition. What that means to us, is reclaiming the more valuable parts of the vehicle, and then preparing it for ultimate disposition or shredding.

Um, when you say the valuable materials, we're looking for catalytic converters, the radiators, things like that that we want to remove first and then take to possibly other markets at a higher rate.

JAMES MARTIN: Okay. Is that Enviro-Rack still going to be part of this activity over there? I mean, as I recall, you basically put the car up there and somebody drove the crank case and drained everything out.

Is that still part of this?

MR. METZ: Enviro system, correct.

JOHN NOWICKI: That is inside? Inside?

MR. FINLEY: Let's go to -- we'll tag team this for a moment.

MR. METZ: Sure.

MR. FINLEY: We got into the semantics over dinner of Enviro-Rack versus an environmental recovery component. Enviro-Rack is a trade name like Band-aid is a trade name for bandage or Kleenex for a tissue. So it may or may not be that trade name, but the picture that is on the screen right now shows basically all of the fluids are coming out so the car is clean before it gets processed.

As far as site plan, for those who may have not seen the site plan, um, I think Theresa (Reilly) and Paul (Wanzenried) are probably the new members -- this was part of our reapplication, and this building here (indicating), which is a small building, you were looking at a picture before of a building that we have at -- or Metalico has at Portland Avenue. This would be part of the application (indicating). This shredder here (indicating) would be all gone. This building here (indicating) is for non-ferrous metal recovery where people can drop in things that are not iron-based, and those get sorted. So we want to keep this (indicating) -- we want to keep the auto dismantling. We want to keep the concrete pad so once the cars are cleaned, they can push the tops down and load them on the trucks. It helps to have a concrete pad.

For the benefit of the newer members, all this yellow work (indicating) is pavement and site improvement works. It was in the application for the shredder, but it was also necessary for storm water control and treatment. So that part of it progressed as just a site plan improvement. We also have a storm water interceptor. There are two large, about 11 foot diameter tanks underground that treat the storm water, settle out the solids. We have a sampling program.

Um, but this gets you oriented with the site. But those are the things we want to keep. We just basically want to take off this (indicating), and then all of the paving that came down here, there is a wetland -- New York State wetland associated with the Little Black Creek basin and the 100-foot buffer comes up right along the edge of our property, and so we'll no longer be impacting that.

JAMES MARTIN: Okay.

MR. FINLEY: So if you have other questions about the environmental part.

JAMES MARTIN: You said that once the cars are essentially clean, um, they get squashed?

MR. METZ: Correct. A soft crush is, I think, what we're looking -- somewhere along those lines. I could refer to --

MR. FINLEY: Operations?

MR. METZ: -- operations if we need to. But to prepare the car, we're looking to squash it, just to get it prepared to go into a trailer to move down the road.

JAMES MARTIN: And this device that is going to squash the cars, is that part of the -- going to be part of the amended application?

MR. FINLEY: It is not really a device. You do it with a shovel.

JAMES MARTIN: Pardon? Could you please --

MR. FINLEY: This is Andy Maybaum, M-A-Y-B-A-U-M.

MR. MAYBAUM: Good evening. The initial plan is to soft crush using existing heavy equipment, the same equipment that you unload the cars with you load the cars with, basically a modified excavator. That would simply soft crush the roof, stack them onto a three-sided legal truck car carrier that would take them down the road to their final destination.

JAMES MARTIN: So this will come down?

MR. MAYBAUM: They will only be hauled to this point. We'll have stripped out all of the valuable pieces at that point.

JAMES MARTIN: It is not some big piece of mechanical equipment?

MR. MAYBAUM: No, sir.

MR. FINLEY: In the old days you would pick it up like this (indicating) and put the car and slam down.

JAMES MARTIN: That what I had in mind.

MR. FINLEY: This is just an excavator like you would use for moving stone on a construction site. They just take the bucket and push the roof down.

PAUL WANZENRIED: Where did you say you were from?

MR. METZ: Lee Road Metalico.  
PAUL WANZENRIED: You do it there?  
MR. METZ: We are permitted for that. We have not installed -- done the installation yet.  
We have trained our people to do this similar dismantling.  
PAUL WANZENRIED: So you will not do it there. You will --  
MR. METZ: We are going to do it in our location also.  
PAUL WANZENRIED: Why two?  
MR. METZ: There's a lot of cars.  
PAUL WANZENRIED: How long do the vehicles stay on site?  
MR. METZ: Quicker we move them, the quicker we get the revenue, so they're very temporary. Ballpark time frame?  
MR. MAYBAUM: 24 hours, 48 if you have a weekend.  
PAUL WANZENRIED: How many cars in a day?  
MR. MAYBAUM: Multiple. I don't think we know the market yet for cars. You have the City of Rochester, you know, we're hoping to flow the cars through there. That is why we're permitting multiple locations. We don't know how many locations we'll do it from. It also gives us the option if cars come in and something happens in one location where equipment is down, Enviro-Rack is not working, we have the option to move the pieces somewhere else to be dealt with. But the goal is to clean the cars, green them, move them off site.  
PAUL WANZENRIED: Once they're crushed, they're put on the trailer, correct?  
MR. MAYBAUM: Correct.  
PAUL WANZENRIED: How many cars on a trailer? Would a trailer ever sit there loaded?  
MR. MAYBAUM: Approximately 12. Could a trailer be loaded that day to be moved the next day, it's possible. Cars are green at that point. You're talking about soft crush, cars drained of all fluids, batteries, and so forth. We're not looking to store processed vehicles, hulks. We're looking to process and move them along.  
Could you have, you know, a load prepped and ready to go for the next day, it's possible like any other finished product, but the goal here, it's a bulky item. We're not looking to store car hulks on the property. We're looking to move them out.  
PAUL WANZENRIED: Kip (Finley), so I can orient myself to the site plan, the purple building you show at the bottom, is that the old armored car facility?  
MR. FINLEY: This one (indicating), doesn't exist.  
PAUL WANZENRIED: That's a new building?  
MR. FINLEY: This building (indicating).  
JOHN HELLABY: Explain it.  
MR. FINLEY: There is a building right here that exists (indicating) that you see from the road, and then this is the office building (indicating) that you see from the road. Here is the scales (indicating).  
Does that help you a little?  
PAUL WANZENRIED: All right. I got it. I'm good. Thank you. All set.  
JOHN HELLABY: How many vehicles do you figure you can queue up at that entrance?  
MR. MAYBAUM: When you say "queue up," I'm not sure I understand.  
MR. FINLEY: This --  
JOHN HELLABY: Right there where the scales are.  
MR. FINLEY: At -- it somewhat depends on what the vehicles are, if they're -- if they're just peddlers coming in with pickup trucks or if they're tractor-trailers. It is about three tractor-trailers. It could be about five or six peddler trucks. Usually it is timed so that they come in as the scales open, so they start processing through as quickly as possible.  
JOHN HELLABY: How long does it take a novice scrap metal person to get across that scale operation? Somebody who has never done it before, drives in there, do they have to get out of their vehicle and go?  
MR. MAYBAUM: No, usually not. There is a greeter at the gate, at the scale. There is a greeter in that facility. That is real -- a novice scrapper is basically a homeowner which is limited to a Saturday. The majority of people that do scrapping on a daily basis, they have been there before. They're either contractors -- they're either our trucks, commercial vehicles or they're scrappers, guys that go out and take material.  
So a known customer that pulls on that scale is on that scale 20 seconds, pulls up, he is immediately identified by the scale operator or the person outside. He is marked in the computer and pulls off the scale. It -- it's not a -- very rare that anybody pulls on that scale and is there for any kind of period of time. It is just not -- doesn't provide any flow. We're not moving anything if they're sitting on the scale.  
JOHN HELLABY: These vehicles come in and somebody tows one in there with tires on it, you will accept it with tires?  
MR. MAYBAUM: They're going to be accepted with the tires, yes. We legally dispose of the tires.  
JOHN HELLABY: They will not come out of there with those on after they are soft crushed?  
MR. MAYBAUM: No. We want the steel and the aluminum wheels off the tires.  
JOHN HELLABY: What are you doing with the tires?  
MR. MAYBAUM: We take the tires -- near usable tires -- all of the tires initially will be loaded in containers or trucks and taken to a tire recycling facility to be dealt with.

JOHN HELLABY: Where are you having these processed after they're hauled out of there? Do you know yet?

MR. MAYBAUM: There is multiple options. They can go to any final destination shredder that is chosen for them.

JOHN HELLABY: Give me some ideas where those shredders are.

MR. MAYBAUM: We shred -- our other facilities are in Pittsburgh, Youngstown. Where else are they going, David (DelBianco)?

Right now we -- we have multiple options.

JAMES MARTIN: Would any of them be going to local shredders?

MR. MAYBAUM: Could be. Honestly that is a corporate question I'm not qualified to answer.

JAMES MARTIN: All right. Just curious.

MR. MAYBAUM: Could they? They could literally go anywhere, local or distant.

PAUL WANZENRIED: You say the tires will be stored on site.

MR. MAYBAUM: No. The tires will be stored on a truck or a container to be removed. Like you would now in a transfer station or a -- anywhere else, loaded into a roll-off container and then hauled away.

JOHN HELLABY: At any given time how many crushed vehicles could possibly be stored there to be shipped out?

MR. MAYBAUM: Our goal is not -- is to have not more than one load, which would be 12 vehicles.

JOHN HELLABY: So if they would impose a condition that you're not to have any more than 12 vehicles at any one time on that site, would you be comfortable with that?

MR. MAYBAUM: I don't -- I don't think you can do that. What happens if you have -- if you have --

JOHN HELLABY: That is why I am asking the question. How many maximum vehicles, soft crushed, would you have stored on that site at any given time?

MR. FINLEY: Probably at least three or four truckloads if something happened.

MR. DEL BIANCO: My name is David DelBianco, Vice President of Business Development at Metalico. When the vehicle has been processed and all of the material has been removed from that, it is now reduced to scrap metal, we would have to determine, does the hulk get special treatment from other pieces of scrap metal that comes into the facility. I may have tanks that have come in. I may have girders that come from a bridge project in Rochester and I may have two dozen girders or two dozen tanks or two dozen cars. So we can answer that, but then we get into do we count how many types of certain pieces of metal scrap we have.

Sometimes when we ship material and there is a lot of lighter material on the load, the best way to control that load is to put two or three flat cars on top of the vehicle before it is covered. It pushes the load down, it keeps anything from shifting on that vehicle and it adds a lot of weight to that load. So we look at it, and I will have to check with our engineers and -- and -- and look at what is under the permit now for our height piles and the size of the piles in the facility.

But we would look at those car hulks, as being, once processed, regular scrap metal, which is controlled by the sizes of the piles that Metalico can have. It does make sense sometimes to mix cars with other lighter scrap on a truckload for efficiency and for maximum pay load on a vehicle.

JOHN HELLABY: That is all I have for right now.

JOHN NOWICKI: I have heard it all.

MR. FINLEY: Couple times.

JOHN NOWICKI: I have heard it all.

THERESA REILLY: You hedged around the volume, but obviously you're projecting some particular volume that you're doing two facilities at one time. Throw out some numbers. You will be doing the same thing at Lee Road as here? What numbers are you playing with?

MR. METZ: To speak on the volume, at my facility on Lee Road in the Town of Gates we're permitted for 25 on the facility at any one time. You take my 25 and this is a much larger operation that we're proposing here, so I could easily triple and see that number. Just -- just with the size that they have, and the space available.

THERESA REILLY: Okay. Where else are you processing like this currently?

MR. METZ: The City of Rochester, Portland Avenue Metalico.

THERESA REILLY: Those are the only other locations you're looking to essentially do --

MR. METZ: Essentially in this market.

PAUL WANZENRIED: You accept cars from anybody? John Q Public? Coming from wreckage yards, salvage yards?

MR. DEL BIANCO: We would accept cars from anyone. Part of the requirements, and this is put in place by the Department of Justice on confirming title and ownership of the vehicles is what controls that, so if the deliverer of a vehicle has proper proof of ownership, then we would receive it from that individual. And it wouldn't be a concern whether it is an individual or a corporation or a tow truck. They still have to prove ownership.

PAUL WANZENRIED: Okay. Thank you.

JAMES MARTIN: Given where we're at at this point in time, I would probably make a motion that we table this until you come forth with an amended application for the Board to deal with. That would include, obviously, final letter from the County essentially describing what

they're comfortable with for the site operation standpoint.

Um, so we can table this to the August meeting, at which time we can properly deal with all of the aspects of this and move on.

JOHN NOWICKI: Will they still --

JAMES MARTIN: They will have amended applications. Subdivision will still be a part of it. Site plan will still be part of it. You're asking for a special use permit for dismantling.

MR. FINLEY: Still three applications, minus the shredder.

JAMES MARTIN: Amended without the shredder. That is essentially where we're headed.

MR. FINLEY: Do we keep the Public Hearing open or do we close that?

JAMES MARTIN: Well, at this point, if we tabled it at this point, I haven't -- the Public Hearing will remain open.

MR. FINLEY: Okay.

JAMES MARTIN: It has been open since September of 2010. I haven't closed it yet. I would -- I would probably defer any comments to the August meeting regarding, you know, the public comment on this, since we're not going to do SEQR tonight, we're not going to move forward at this point in time, too.

MR. FINLEY: Just want to be prepared for questions to know if we need to bring people back to answer questions and things.

JAMES MARTIN: I -- I guess that is up to you, okay? That is where I am at at this point.

JOHN HELLABY: It makes no difference, but is there a reason why we can't do the subdivision this evening? They said they have one tax account number.

KEITH O'TOOLE: No, let's do it as a package.

JAMES MARTIN: Let's keep them as a package.

At this point in time I will make a motion that we table the applications as stated.

MR. FINLEY: Okay. I was just going to say they did offer while they're here from New Jersey if there are any public questions they would answer them if you want, or they will come back.

JAMES MARTIN: Does anybody have any public questions regarding the Metalico operation?

Not seeing, any.

MR. FINLEY: Okay. That's fine.

JAMES MARTIN: So I made a motion that we table the three applications that have been brought before us tonight, depending on the amendment of those applications and resubmittal to the Planning Board for consideration.

DECISION: Due to the need for the amendment of the applications pertaining to this project, the Chili Planning Board, at their July 12, 2011 public hearing unanimously tabled, by a vote of 6 yes, the above described applications. The Board will hear the amended application at the August 9, 2011 meeting. The public hearing is still open.

#### FOR DISCUSSION:

1. Gary Squires, 105 Stottle Road, Churchville, New York 14428 for proposed three-lot subdivision at property located at 102 and 108 Stottle Road in PRD and FPO zone.

Gary Squires and Joe Ardieta were present to represent the application.

MR. ARDIETA: Good evening. My name is Joe Ardieta, spelled A-R-D-I-E-T-A, of Vanguard Engineering.

Tonight I'm substituting for my colleague Chris Martin who previously met with Town staff regarding this application.

Essentially what we're looking to do is take two -- two parcels, 102 and 108 Stottle Road and resubdivision of them into three parcels. Um, one parcel would have roughly 5.8 acres and another one 5 acres, and then the remaining third parcel which would be a flag lot would have roughly 27.1 acres, totaling 37.9.

We met with Town -- Chris Martin met with Town staff, and it is our understanding that staff indicated preference for a -- the -- the flag lot to have a 40 foot wide -- or excuse me, a 40 foot width at the road per code. We have since received a comment from Lu Engineers stating that they would prefer a 60 foot. We would like to stay with the 40 foot.

JAMES MARTIN: So you're going to increase the --

MR. ARDIETA: No. We would like to keep it as shown, with the 40 foot.

JAMES MARTIN: I guess I -- I would ask you to explain why because I had the same impression Lu Engineer has, why you would put a 40 foot.

MR. ARDIETA: The purpose of Lu's comment, my understanding is to be further resubdivision of Lot 3. I can tell you there is no intent to do that at this time. And if you look at those 27 acres, a large portion, if not the majority of land is encumbered by wetland and flood plain. If we took -- if we eliminated say 50 percent of the 27 acres, that leaves roughly 13 1/2. By your code, that would leave the potential for two lots. And we understand that, but if you look at the alignment of those encumbrances, it doesn't bode well to subdivide this Lot 3 into two separate lots.

Um, additionally, the own -- the applicant intends to build a home on Lot 3 and convey it to his son.

JOHN HELLABY: Do you have a rough idea where that house is going on that lot?

MR. ARDIETA: Lot 3?

JOHN HELLABY: Seeing there is so much wetland back there.

MR. ARDIETA: It would go to high ground in the far eastern portion. When you look at the wetland boundary, excuse me, the flood plain boundary, you can see where it makes a U-shape on the far eastern portion. The house would go on the high land, right in the middle of that U.

JOHN HELLABY: Who will plow the driveway?

MR. ARDIETA: It will be one hell of a driveway, that's for sure.

JOHN HELLABY: I was going to say, his driveway is tough enough.

MR. SQUIRES: Same guy.

MR. ARDIETA: With me this evening is Mr. Gary Squires, the applicant.

JAMES MARTIN: David (Lindsay), what is our requirement, is it 60 or 40 feet?

DAVID LINDSAY: 40 feet.

JAMES MARTIN: 40 feet. Okay.

JOHN NOWICKI: I'm fine.

THERESA REILLY: Just limits subdividing, so no problem.

KEITH O'TOOLE: Just a comment. 40 feet is the bare minimum, but you have the authority to go beyond that for certain reasons.

Nothing further.

MR. ARDIETA: Just so the Board understands, we are required to seek a variance on the lot width for Lot 2. If we were to increase the width of that 40 foot wide flag lot, we would require a greater variance on that lot.

JAMES MARTIN: Understanding.

MIKE HANSCOM: Just thinking. No, I guess no comments.

JAMES MARTIN: All right. Well, certainly we understand the variance requirement.

Nothing else I can think of.

JOHN HELLABY: Does that lot perk out there? You have done perk tests?

MR. SQUIRES: No.

MR. ARDIETA: We're actually trying to get through this preliminary stage, or this discussion phase to -- to insure that we have a project and then we'll move forward with the individual lots.

JAMES MARTIN: Okay. I guess you're set at this point. Go ahead.

MR. ARDIETA: All right. Thank you.

DECISION: The Chili Planning Board thanked the applicant for discussing its proposed subdivision at their July 12, 2011 meeting. Based on that discussion, there appears to be no significant issues regarding the plan.

The 6/14/11 Planning Board meeting minutes were approved.

The meeting ended at 9:30 p.m.