

CHILI PLANNING BOARD  
July 8, 2014

A meeting of the Chili Planning Board was held on July 8, 2014 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 Paul Wanzenried.

PRESENT: Paul Blosier, Karen Cox, David Cross, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Pat Tindale, Conservation Board Representative; Matt Emens, Architectural Advisory Committee Representative.

Chairperson Paul Wanzenried 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 RG&E, owner; 89 East Avenue, Rochester, New York 14649 for revised final site plan approval to relocate proposed pipe storage building as shown on site plan at property located at 1300 Scottsville Road in GB zone.

JOHN HELLABY: Mr. Chairman, I ask to recuse myself from the first application as my wife is the Assistant to the President of RG&E.

PAUL WANZENRIED: Mr. Hellaby, you are recused.

JOHN HELLABY: Thank you.

Mike Schaffron was present to represent the application.

MR. SCHAFFRON: Good evening. I'm Mike Schaffron of Labella Associates, 300 State Street, Rochester, New York. I'm here this evening on behalf of Rochester Gas & Electric to request final site plan approval for the construction of a pipe storage building, as well as a concrete pad, as a work platform for transformers. If it pleases the Board, I can put a few exhibits up.

PAUL WANZENRIED: We would like that. Thank you.

MR. SCHAFFRON: As you have indicated, the -- this is a reapproval of a project. This project was approved by the Planning Board at its January 14th meeting. At that point in time, the proposed pipe storage building was located within the materials storage yard, approximately this location (indicating). We did fulfill all of the contingencies at which the site plan approval was granted. At that point in time, RG&E re-evaluated its need and felt it was more important to locate that building a little further to the east outside this storage area and allow this work area to be constructed in here for them to work on their transformers.

So we're basically relocating the building a few hundred feet to the east. It is the same building, the same materials of construction, the same footprint in height as previously approved. Both areas here are currently stone covered, so they're somewhat of an impervious surface, as it will be following construction of the pipe storage building, as well as the work pad for the transformer area.

Um, the disturbed area is still well below one acre, and therefore, it doesn't require coverage under the general permit for storm water discharges from construction activities.

And this area is located in the General Business zone, and is -- as a result of the construction of these two elements, we're not anticipating any increase in traffic, any additional need for public utilities in this area.

We have received comments from the Town Engineer. I think the -- the one major comment is that we want -- he wanted an animal screen put over the end of the 6 inch French drain and we will comply with that. There is also some minor comments regarding adding signature lines to the drawing, which we will comply with, as well.

PAUL WANZENRIED: Was the initial building within the screened area, or fenced-in area?

MR. SCHAFFRON: Yes, it was.

PAUL WANZENRIED: Are you fencing in this building now?

MR. SCHAFFRON: No, we are not. Well, there is an outer fence around this area, so it will be fenced. There is another fenced area for the materials storage yard as that needs a little heightened security so materials don't leave the site.

So this pipe storage building will be located outside that former screened area -- fenced

area, but this will also be fenced area in here (indicating). So it is still within an enclosed fenced area, though it's a different fenced area.

PAUL WANZENRIED: So you're not concerned about loss of material?

MR. SCHAFFRON: Well, this area is fenced (indicating), and there is a secured guard gate here (indicating) that people have to get paged in in order to open up the gate, so both areas are secure.

PAUL WANZENRIED: I will turn my comments for the Board.

MICHAEL NYHAN: Currently gas pipe storage at the facility, correct? You're just going to enclose it now in a building or is this a new product you're storing?

MR. SCHAFFRON: It's existing product that would be stored within the building and kept for emergency purposes.

MICHAEL NYHAN: Okay. Thank you. Only question I had.

KAREN COX: The concrete pad for working on the transformers, is that going to -- going to involve any kind of discharge of hazardous materials when they work on it?

MR. SCHAFFRON: No. It's going to be kind of enclosed, so if they do have any spills, it's going to be enclosed to that pad itself.

KAREN COX: Okay. That was all I had.

JOHN NOWICKI: No. I'm satisfied with the project.

DAVID CROSS: With the changes to the site plan, you don't need any variances from the Zoning Board?

MR. SCHAFFRON: That's correct. We meet all setbacks required.

DAVID CROSS: Okay.

MR. SCHAFFRON: As you will probably recall from the earlier application, one of the contingencies is that the existing building obtain a -- a variance. During its original construction and review by the Planning Board, somehow the height variance was missed, and that zoning variance was approved on February 25th of this year for that height variance.

DAVID CROSS: Very good. That's all.

PAT TINDALE: I'm assuming the landscaping remains the same?

MR. SCHAFFRON: Yes. Thank you for bringing that up. We did have the landscaping plan approved by the Conservation Board. There is no changes to that. And even with the addition of the concrete pad, we're well over 1 percent as far as construction costs for landscaping plant materials.

PAT TINDALE: I assumed that, but I wanted to double check. Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive North Chili

STEVE GINOVSKY: I have a question to ask in regard to the Chair -- Miss Cox asked the question. Hazardous material.

Are these wet transformers or are these dry? If they're wet, is there any -- since it's going to be relocated to a different area, is there any diked-in walls or type space in case there is any leakage, because I did believe I overheard that there is going to be -- there is some water area here, some runoff and as such for containment, like you would have double tanks for gas and so forth. That's the only question I have.

And if -- it is a wet one, I think it would beheld the Town and for the environment to be set, because the Genesee River is not too far and that's our drinking water. Thank you.

Paul Wanzenried 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.

PAUL WANZENRIED: You may answer that question. Transformers, wet or dry.

MR. SCHAFFRON: Transformers do have oil in them. They're mineral oil, not PCB oil like it was in days gone past. Rochester Gas & Electric has a spill prevention and countermeasures plan approved for all transformer storage areas. So those -- the thought of a release from the area has been considered in developing these plans.

PAUL WANZENRIED: But the pad that you will do these repairs or alterations to the transformers, that is just a standard concrete pad?

MR. SCHAFFRON: Yes. It's basically contained.

PAUL WANZENRIED: It's not burned at the end or diked at the end or does not drain to a filtration system or anything like that.

MR. SCHAFFRON: It would be enclosed, so there would be curbs around this, so a release could not accidentally occur. But it would be within the area where if there is transformers, they would be under their SPCC plan.

PAUL WANZENRIED: Do you have any construction plans to that effect?

MR. SCHAFFRON: Um --

PAUL WANZENRIED: Not necessarily with you, but --

MR. SCHAFFRON: We could.

PAUL WANZENRIED: But could you submit them to the Town?

MR. SCHAFFRON: Yes.

DAVID CROSS: Maybe if we could have a copy of the SPCC plan for the file.

PAUL WANZENRIED: Yes. Just submit it to the Town Engineer, that is all I'm asking.

Paul Wanzenried 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.

PAUL WANZENRIED: Let's go through any conditions you want to put on this. The standard conditions will be that the landscape plan be drawn by architect. You have already done that.

Upon completion -- we need to submit a Landscape Certificate of Compliance to the Building Department from the landscape architect. Approval is subject to approval by the Town Engineer and Commissioner of Public Works of the -- the Town Engineer and Commissioner of Public Works get copies. Corresponding with any approving agencies. I don't believe that this went through the Monroe County Development Review Committee. Did we have comments from that?

DAVID LINDSAY: The original project, I think we had those comments from them.

PAUL WANZENRIED: Okay. So they would still apply.

Um, all previous conditions imposed by their Board are still pertinent to the application. Copies of all easements associated with the project shall be provided to the Assistant Town Counsel for approval and all filing information shall be noted on the mylars. The applicant shall submit building design elevations -- you have that. The Planning Board -- building permits shall not be issued prior to application complying with all conditions. Pending approval -- um -- no. Town Fire Marshal has no comment. Okay.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
  2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
  3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
  4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
  5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
  6. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
  7. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
  8. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
  9. Building permits shall not be issued prior to applicant complying with all conditions.
  10. Application is subject to all required permits, inspections, and code compliance regulations.
  11. Subject to approval by the Town Fire Marshal.
2. Application of Bank of America, 101 North Tryon, Charlotte, NC, 28255, property owner: JR Realty Estate, Inc.; for preliminary site plan approval to erect an ATM kiosk at property located at 4390 Buffalo Road in GB zone.

There was a pause in the proceedings.

Doug Scheid and Steve Parrish were present to represent the application.

MR. SCHEID: My name is Doug Scheid. This is Steve Parrish from Scheid Architectural.

We're here on behalf of Bank of America again.

I do have one small copy in color.

PAUL WANZENRIED: Is that anything new?

MR. SCHEID: Yes.

PAUL WANZENRIED: Is it this (indicating)?

MR. SCHEID: It's that. You have it.

PAUL WANZENRIED: I think all of the members of the Board do, but the community at large probably doesn't.

MR. SCHEID: It's represented on the drawing over here to the right, too.

Last month this was tabled so that we could have the opportunity to design primarily a bypass lane because our ATM created a dead-end that we created and illustrated on this revised plan.

We also included the landscape aisles, repaired the light pole on the two ends of the proposed new parking spaces. And maximized the -- you know, the number of parking spaces between those two islands as requested by the Board.

Additionally, as you received, we did a parking analysis for the plaza. Everybody get a copy of that?

PAUL WANZENRIED: Yes, we did. It was early this morning, I believe it was.

MR. SCHEID: Yeah. Well, we had to go out and measure the plaza and do the zoning analysis, so as you can see, by your zoning code, the required parking spaces for that plaza would be 391 total. 241 of that for the grocery store alone.

There are currently 123 parking spaces at the parking plaza. After we do this development, there would be 128, or an increase of 5 spaces.

We also did some historical look back to about year 2001. We could find data for it, so you could see a little of the history what happened to the plaza over time.

So in essence, you know, the Bank's proposal is to place an ATM on an island here (indicating). We have included the bypass lane for your request. We have increased the parking at the plaza to make it better for the -- for the -- store -- the stores at the plaza now. That's what we can do.

PAUL WANZENRIED: Where you're showing your new parking, is there a reason why that's not butted up against the property line of the right side?

MR. SCHEID: We wanted to keep the parking all in line here (indicating). We could shift it down, but it would be offset then. It would make the -- the -- the driving lane a bit wider. We could certainly do that if that is something you wanted us to do. We could move it all of the way down to the property line. There is about 10 foot from the striping to the property line.

KAREN COX: So you -- by looking this -- this parking in over -- you said you have added five spaces?

MR. SCHEID: Correct.

KAREN COX: Increased the total five spaces. And the -- the ATM was going to remove how many spaces over where it was, or is, I should say?

MR. SCHEID: By installing the ATM, we remove a total --

MR. PARRISH: Between the ATM and bypass lane and islands, we're removing 8 spaces. We're putting in 13, so an increase of 5.

KAREN COX: You're replacing 8 over there (indicating).

JOHN HELLABY: So that bypass lane is actually eliminating two additional parking spots, correct?

MR. SCHEID: That's correct.

JOHN HELLABY: Do you plan on curbing that?

MR. SCHEID: Yes.

JOHN HELLABY: How wide is that -- wider than the existing parking spots?

MR. SCHEID: That's about a 6 foot curbed island there?

MR. PARRISH: Yes.

JOHN HELLABY: I'm just afraid some little old lady will get trapped down in there and she is going to get hung up on that curb unfortunately.

MR. SCHEID: Well, the bypass lane is a full 20 --

MR. PARRISH: 13 feet wide.

JOHN HELLABY: Not same width as a parking spot?

MR. PARRISH: No, it is wider.

MR. SCHEID: Sorry. I thought you were your -- the curbed island is 6 foot. The bypass lane is 13 1/2 foot.

MR. PARRISH: It's 13.

KAREN COX: That's wider than the travel lane.

JOHN HELLABY: That's all I got.

JOHN NOWICKI: Have you met with the Conservation Board in regards to that?

MR. SCHEID: Mr. Parrish went to the Conservation Board last --

MR. PARRISH: Monday. Last Monday.

JOHN NOWICKI: Have you answered all their questions?

MR. PARRISH: There was a couple conditions they wanted to see. Actual species of plants and have a final approval over that. And they were also looking for the Bank to provide the guarantee for maintenance and the -- the landscaping surviving versus the plaza owner.

JOHN NOWICKI: Okay. That will be part of our --

MR. SCHEID: Which the Bank will be willing to do.

JOHN NOWICKI: Parking study has been appreciated. Thank you. You have covered all of the Town Engineer comments.

MR. PARRISH: The engineer's comments, there was basically a note that needed to be taken off the cover sheet as far as where the assumed car was coming from and the other location was in regards to the parking study being provided.

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

DAVID CROSS: What is the reason that the 6 foot wide island is not longer to the south? You have a striped area. Um, so does -- it is only 20 foot long, the 6 foot wide bypass lane.

MR. PARRISH: It's the property line, is the issue. In order to extend that the full length of two spaces, you would be crossing onto Tim Horton's property.

DAVID CROSS: Which would require another legal instrument to make it happen. I just wondered if it would be -- has this been referred to Traffic and Safety at all, Paul (Wanzenried), do you know? Or anyone at the side table?

DAVID LINDSAY: Traffic and Safety has looked at it. Do you have a specific question? I couldn't hear your comments.

DAVID CROSS: Sorry. With the bypass lane is the 6 foot wide island -- that is only maybe 20 foot long, goes up through the Tim Horton's property line, ends there. I'm wondering if it should be extended to the south, which would require another legal instrument with Tim Horton's, but if it is the right thing to do there for safety.

MR. SCHEID: We didn't really see any benefit to extending the island. It makes it easier to exit out of there.

DAVID LINDSAY: Traffic and Safety did look at it at the June meeting, but they didn't look at the revised set of plans. They didn't meet in July, so they haven't had a chance to look at this again.

DAVID CROSS: I think a condition that they take one last look at it be advisable. And then maybe a sign on the small -- see if you're -- if you're driving between those two, you know, parking aisles, towards the ATM, you're traveling west, um, maybe a sign that says, you know, "exit," "bypass" or something that -- pointing to the left or the south.

MR. SCHEID: Sure. We -- we would have an exit only on -- I'm sorry. We would not have an exit only. We would be entering that way. But here you would -- like a "do not enter" sign? One way out?

DAVID CROSS: I think so. Yes. I mean, people will try to go out to the north.

MR. SCHEID: It is a parking lot. After all, you're right. People will do kind of what they want.

DAVID CROSS: It's scary. The parking in this plaza is woefully undersized as it is. I know you're making the situation maybe a little bit better by adding a few spots, but it's -- it's tough. It's a tough spot to put an ATM. That's all I have right now.

PAUL BLOSER: On the drive lanes, and the curbs along this, are they proposed being concrete?

MR. SCHEID: Correct.

PAUL BLOSER: One of the things I would like to have the Board consider, also the architect, is do those in granite. There is going to be a lot of traffic through there. There is going to be -- I'm assuming a regular dose of salting, to keep them clear in the winter, all of which really raises heck with concrete curbs. The granite will hold up a lot better for a longer period of time. Just a suggestion. It's going to be -- if this goes through, it is going to be proposed as a high traffic area with potentially, okay, a lot of salting, plowing and clean up. And it would just hold up better than concrete ever will, in that situation.

PAUL WANZENRIED: Do you have any response to that?

PAUL BLOSER: Probably not.

MR. SCHEID: In commercial development, concrete is pretty much the standard. Granite are used in street situations or maybe in a historic district granite is required. Certainly we can take it back to the Bank.

PAUL BLOSER: Or in high-traffic areas where you will be susceptible to banking and scraping.

MR. SCHEID: After doing banking for about 25 years, the standard is concrete. If it is a requirement -- would you require it at all curbed island or are you just talking on the inside of the drive-up?

PAUL BLOSER: I'm talking the lanes in that drive-thru where your vehicles -- funneling things through, they will be salting it probably heavier to keep it -- and just the plows going through there, just a suggestion, because concrete doesn't hold up to that.

MR. SCHEID: Again, it's not the Bank's standard. If it's a requirement from the Town, we --

PAUL BLOSER: I understand. I understand. Just something that I'm throwing out for the Board to consider, their thoughts on it.

MR. SCHEID: Sure.

PAUL BLOSER: It is my experience working with -- in the trades.

MR. SCHEID: I don't disagree with you.

PAUL WANZENRIED: Did you give any consideration to snow storage?

MR. SCHEID: We don't. The Bank doesn't actually plow the plaza. The plaza owner does. It's part of the common area charges. So not any more than the rest of the plaza.

PAUL WANZENRIED: Because I, for the life of me, don't see where you're putting it. You have taken away the spots.

PAUL BLOSER: The additional spaces up to the north side of the bank is usually where there is snow staged. That is where they push it.

PAUL WANZENRIED: They're putting parking there now.

PAUL BLOSER: So it's a valid question.

PAUL WANZENRIED: Who parks there? I mean, you have created parking that is somewhat segregated or away from the general plaza. I still believe this is in the wrong position. That's my opinion.

DAVID LINDSAY: I think at the June Traffic Safety Committee meeting, when we did review this, we discussed the opportunity to have some parking area and they're explaining it on the map, and there was concerns about the usefulness of that parking being segregated away from the businesses, so I just wanted to convey that to the Board.

PAT TINDALE: He pretty much covered the landscaping issue.

PAUL WANZENRIED: So clarify that for me, please. The Bank will maintain the -- the plantings and --

PAT TINDALE: Two-year warranty, whether it's new material or transplanted material. They're going to try to match the existing plantings that are there in the plaza. There isn't much room to do almost anything there. It's very hard.

PAUL WANZENRIED: Right, but the Bank will be responsible for --

PAT TINDALE: Yes. Yes. They accepted responsibility, so.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Those numbers were read rather quickly. How many -- could you refresh my notes here? How many parking spaces are needed per this analysis, 300 and --

DAVID CROSS: 391.

MS. BORGUS: 391.

DAVID CROSS: 391.

MS. BORGUS: There are going to be 128?

PAUL WANZENRIED: That's correct.

MS. BORGUS: I guess if I was sitting up there instead of you, I would be voting no because I don't see how you have room for one more thing in that plaza. Not one more thing. If you need 100 -- you need 391 and you have 128, you're woefully short. You're not even close. And when -- obviously this has been a mistake, and that's all it is, is a mistake made by previous Boards to keep allowing more and more development when there was no room. I can't see compounding it one more time. I would hate to think -- you think it is so bad we're just going to throw up our hands and let anything happen to that plaza. If there is no room, there is no room. It's a valid point about the snow. That plaza is a nightmare for snowplowing and snow storage now. Again, you're going to make it worse.

And lastly, if you do go through with this thing, which I certainly would not, Mr. Blosers comments should be taken to heart. I don't care what has been the precedent. I don't care what kind of curbing they put in before. Let's put in something, something that's an addition to that plaza that is permanent and that lasts as opposed to some of the stuff that we have agreed to before. Let's keep our standards up where they should be.

And again, this is nothing that we should be doing. We can't keep making a bad situation worse. That plaza is a nightmare now. Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I have lived in North Chili since 1961. I have been there for that whole plaza, the whole 9 yards, back when it was a Super Duper. A movie theater was there.

Now, I'm going to make some comment on this. First of all, that's not going to get plowed, I will guarantee. They can't even plow it now. And there is no place to put the snow. You need 391 spaces and you only have 120 some? Not even close with the center medians.

The only reason they fixed the light is because they got jacked up on it here. Let's face it. That's been leaning over for almost a year.

And we haven't even talked about catch basins catching the water from the vehicles and so forth. They just fixed part of the parking lot. The main entrance going in. It took them three weeks, and they put a catch basin in. Don't ask me where it is going, but I will tell you it's not going in the darn sewer.

And this here happens to be for this plaza -- this was one of our first sewer districts. It ran along the side of the IGA or Super Duper, whatever you want to call it now.

And the bank, it runs through there. It's deteriorated. It's undersized. Over on Union Street, where the water run off -- that goes over to the corner. It's still flooding over to the side. Over in Tim Horton's, when you came in from the drugstore there, fixing the catch basin, yes, where is that catch basin go to? Nowhere. It's plugged. They capped over the top. I seen it with my own eyes.

And you're going to put in a drive-through here? And you're going to plow it and you're going to put the snow where? There is no place to put it. This is not the location for this.

You have -- used to have a bank over on the side with a money machine. I think that would -- that might be a more sensible location if you need to use your ATM. This is not. And this plaza is a disaster. This is not the place for it, period. And like I said, I've been in the Town since '61. I've seen it. Thank you.

DOUG PHILLIPS, 4390 Buffalo Road

MR. PHILLIPS: I don't know. This is the fourth meeting we had on this, and every time it gets worse for me, I think. You know my concerns about the loss of parking, the congestion. Um, more curbing, more signs, don't go this way, go that way. It just doesn't make sense. The parking that is being created, I consider that already there. It is for Dunkin' Donuts customers. My customers aren't going to park over there. They will just get frustrated and drive down the road. The ATM is not going to create any jobs. So it's going to potentially be losing jobs in the area. And that's all. You know how I feel. Thank you.

Paul Wanzenried 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.

JOHN HELLABY: I tell you, I think you have an awful bad situation over there, and unfortunately -- I shouldn't say "unfortunately." I have to agree with Dorothy (Borgus). You can't take a bad situation and make it worse. I mean, it's not -- it's not like they're missing 50 parking spaces. They're 67 percent deficient. They have only got 33 percent of the required spaces over there now, and granted, putting this in is going to add a handful more, but I will tell you, with the -- with the traffic flow problems they're going to create, the parking deficiency, the opposition by existing tenants and the public in general, I just don't think this is the right thing to do.

DAVID CROSS: Al (Hellaby), I will add, this Board has brought up some reasonable alternative locations for the ATM that haven't been --

JOHN HELLABY: Correct.

DAVID CROSS: -- I guess accepted by the applicant. So I will leave it at that.

JOHN HELLABY: They're not key locations. They're not right out in front of the plaza, right in the middle of the traffic flow, but I agree with you they would work better. Unfortunately, if they're around the side where there is a little less exposure -- I don't see it working any other way. I really don't.

PAUL WANZENRIED: I would agree.

MR. SCHEID: I do have -- if you will allow, we did take your concerns back to the Bank and we do have, you know, a location that they would -- would be acceptable to them. If -- if it is something that you will entertain. That would be to locate.

PAUL WANZENRIED: Wait a minute. Whoa, whoa, whoa, whoa.

MR. SCHEID: The Board has brought up alternate locations, so we have been working pretty diligently between a landlord and the tenant and the Board to get something that works for you.

PAUL WANZENRIED: Understood. But if I remember correctly, in the last meeting, we -- we approached the subject of alternate locations.

MR. SCHEID: I think you were talking over here (indicating), which the Bank definitely did not want to do. But what we found, in pushing this a little further, is that the -- there is land on -- on the -- it is the west side of Tim Horton's here (indicating).

PAUL WANZENRIED: The main fire lane.

MR. SCHEID: Well, there is actually -- it doesn't take away the main fire lane at all. Again, you have to understand you're -- we're in a tough spot just like you are.

PAUL WANZENRIED: I understand.

MR. SCHEID: So we're trying.

PAUL BLOSER: Did you say west side of Tim Horton's?

MR. SCHEID: There is a -- there is a gas spot over here (indicating), part of it, that the Bank could locate an ATM in. They are amenable to it.

MR. PARRISH: The bank is. It has not been discussed with the landlord yet. So the landlord may say no.

MR. SCHEID: But it seems to, after listening to your comments last week, you know, obviously we were required to push what the Bank wants and also bring up another alternative, yet that I don't think the Board brought up, but that we discovered through some more analysis.

MICHAEL JONES: Mr. Chairman, may I pop in here for a second?

PAUL WANZENRIED: You want me to come to you?

MICHAEL JONES: Well, I may. It sounds like a -- like an alternative is being proposed by the applicant that wasn't previously presented. We have already closed the Public Hearing. If the applicant wishes to table the application and come back with a revision, that -- that public can comment on and the Board could have time to review before making the vote, that could -- they could make that request now.

But -- in other words, we're starting all over after and that's not the right procedure.

PAUL WANZENRIED: I assure you, I was not going to vote. Okay?

PAUL BLOSER: I would also, if we're -- we're looking at the possibility of an alternative plan, um, I would certainly want Traffic and Safety input before we even discuss it again. And comments from the -- Lu -- Lu Engineers, let them have another look at it and have those packages complete so we're not wasting more of your time in multiple meetings and/or our time at this point. But based on where you started with this, I agree, it's another application. Um, or a major enough change that we can't even look at it tonight.

PAUL WANZENRIED: I agree.

MR. SCHEID: Fair enough. I think then I would -- I would ask the Board to -- you would consider that a separate application where the Bank would request it versus what you did. Then procedurally you could table or you could deny. I mean, it would really be up to -- your pleasure.

MICHAEL JONES: Well, that is up to you. If you want to allow the Board to go ahead with the vote, just be advised if it's a denial, it would be a year before a similar application could be heard.

MR. SCHEID: I suppose -- okay. If the Board would be willing to table, that's what we would request.

PAUL WANZENRIED: Okay.

JOHN HELLABY: As long as -- as long as the applicant is aware of the fact when he comes back with this proposed changes, they still face the -- the possibility of being denied. I just -- is -- that is clear?

MR. SCHEID: Sure. Understood.

PAUL WANZENRIED: Then I make a motion that we table this application until a prior [sic] meeting.

MR. SCHEID: If we could request the next meeting, that would be great.

PAUL WANZENRIED: If you can get it turned in.

JOHN HELLABY: I don't know. The deadline is in a day or two?

DAVID LINDSAY: Friday, I believe.

PAUL WANZENRIED: You have to turn it around pretty quick.

PAUL BLOSER: Can you get preliminary concept into the office for DRC also?

Mr. Scheid handed a document to the Board.

PAUL WANZENRIED: DRC.

MR. SCHEID: I can give you preliminary concept now.

MICHAEL NYHAN: So Board discussion on any other locations within this plaza other than behind the Rite Aid?

MR. SCHEID: No.

PAUL WANZENRIED: Well, technically, yes. You had it on the other side of this bank of -- parking at one point, moved to the west.

MR. SCHEID: The initial request.

MR. PARRISH: The initial location was -- was here (indicating). Per Board comments looking at the alternate locations, we were looking at the -- this location (indicating). The Board recommended looking at this location (indicating), and we have -- you know, there is -- on the west side of the plaza there -- you're in a similar situation as here. So --

MR. SCHEID: With the advantage that this has, it takes the ATM away from all of the existing users of the parking and has zero impact on the parking. So it's a big advantage to you all of the -- you could still create the 100 places behind Rite Aid if you wanted to, or if you require the Bank to, it has some advantages. I think it's worth considering.

JOHN HELLABY: I think part of the discussion regarding alternate spacing, though, you threw out the side along Family Dollar, as well, which you guys shuttered at to begin with.

MR. SCHEID: The Bank has a certain visibility requirement. We got them to buy this location adjacent to Tim Horton's, but it has not been negotiated with the landlord yet, just the Bank. Our client.

PAUL WANZENRIED: What are those in small details? What is the site requirements?

MR. SCHEID: For parking the --

PAUL WANZENRIED: No, no. For Bank of America visibility requirements.

MR. SCHEID: Visibility, they have to -- I'll be honest, they are looking for two-car stack is all they really need. They want it visible from the street. They want it fairly easy to get in and out. You have noticed that some of -- some are collocated at Tim Horton's. You have see them collocated at Wendy's. Collocated at Taco Bell, Burger King. Those are good locations. Dunkin' Donuts where Five Star put one in two or three months ago. So it is really a convenience for the public.

If we can get it in a spot that is out of the way but still visible from the street, that is beneficial to the Bank. Again, if it is just a spot that we saw after your comments last month --

PAUL WANZENRIED: But your visibility requirement is off of Chili Ave.?

MR. SCHEID: Correct.

PAUL WANZENRIED: Not Union Street -- or not Buffalo Road. Excuse me. Forgive me.

MR. SCHEID: Correct.

PAUL WANZENRIED: The Bank --

MR. SCHEID: The Bank did not like behind the right-of-way. They do like adjacent to the Tim Horton's.

MICHAEL NYHAN: Has Dunkin' Donuts been considered?

MR. SCHEID: Not enough land going there.

PAUL WANZENRIED: Five Star is putting one in there.

MR. SCHEID: This location that we came up with seems to be pretty good.

PAUL BLOSER: While you're talking to the landlord in negotiation for using this new proposed spot, um, please have the discussion on snow storage for this parking lot. If we're

doing those spaces, the north side of the bank, that is a question that is -- still looms as to what you're doing with snow. So we'll ask that question at the next meeting.

MR. SCHEID: Sure. I think we could create some snow storage. Of course, if we have a Western New York or Rochester snowstorm --

PAUL BLOSER: Very much so, but it stays for the winter. So that is a question, where those spaces are, if there is a spot right now.

JOHN HELLABY: I don't mean to prolong this, because this is preliminary. But is that not the main entrance in and out of that plaza?

MR. SCHEID: Yes.

JOHN HELLABY: You guarantee you will not stack those cars and queue them back into the road when people are trying to get in and out of there?

MR. SCHEID: Again, a lot of years doing bank work, the most I have ever seen at an ATM is three. I think we have provided four. Four, correct. So no, it won't stack into the main driving lane. I can say that with a lot of confidence.

PAUL WANZENRIED: I make a motion that we table this application until further -- prior [sic] meeting.

JOHN NOWICKI: So moved.

The Board was unanimously in favor of the motion to table the application.

DECISION: Unanimously tabled by a vote of 7 yes to a future date as applicant wishes to present another design as an alternate proposal.

FOR DISCUSSION:

1. Application of Archer Road Vista, LLC, owner; 783 Wangum Road, Fishers, New York 14453 for proposed new layout for the Vista Villas Subdivision Sections 2-6 at properties located at 100, 103 and 104 Club House Drive and 5 Prestwick Lane in PRD zone.

Walt Baker and Gary Pooler were present to represent the application.

JOHN HELLABY: Mr. Chairman, after consultation with Counsel, I'm going to recuse myself for this application.

PAUL WANZENRIED: You're so recused.

MR. BAKER: Good evening. I'm Walt Baker with DSB Engineers and Architects. We're here tonight, as Chairman stated, on behalf of Archer Road Vista, LLC for the project known as Vista Villa Subdivision.

Gary Pooler, Managing Partner, is with me tonight. If you have any questions for him, I am sure he would be happy to answer them for you.

As the Board will recall, we were here last April at the Planning Board meeting, and were tabled pending a decision of the Zoning Board of Appeals. I'm sure the Board recalls the original site plan showed varied lots from 8,500 square feet on up to 74,000 square feet.

The Board will recall, we -- we redesigned this site from its original project from 2006, which had the golf course and the Homeowners' Association, and subsequent to the revisions that we started last summer, um, we dissolved the Homeowners' Association for the project and proceeded with design plans, modifying the existing lots that were left in Phase 1 which were filed at the County, and utilized that area from the previous golf course and added those to the existing homes or properties that were in Phase 1. And then we redesigned the remainder of the project, which we submitted and called Phases 2 through 6 from the original design which had a golf course obviously encircling the whole project and a clubhouse.

So with that, when the Board asked us to approach the Zoning Board regarding the lot sizes, due to the fact that this project was approved as a PRD and part of the PRD zoning stipulated that there was a lot size requirement that they be between 10,000 minimum and 20,000 maximum and our design, our redesign of the project, as the Board will recall, as I stated was 8,500 square feet on up in excess of 20,000 square feet.

So the Board asked us to approach the Zoning Board to get a variance, if -- if they would -- if they would so give us a variance for that.

We did attend the meeting in May. The Board actually denied us for that request, for the -- for the 8,500 on up through 20,000 square feet. So we went back to the drawing board, redesigned the site. The Board asked us also -- the Zoning Board asked us also to consider segregating Phase 1 from the remainder of the lands, which will be 2 through 6, and if we did that, we could come back to the Zoning Board for Phase 1 only, and present the variances -- request for variances for those lots that were remaining in -- in Phase 1 that would not comply with the code.

Again, a lot -- we ended up redesigning the site from the original 45 lots in Phase 1 to the 41 lots with the redesign. Of that, there were 14 lots that were going to be in excess of 10,000 square feet, and two lots that were under 10,000 square feet were actually lots that were from the original townhouse application.

So at that June meeting, um, the Zoning Board did approve the project for Phase 1 only, and allowed us the variances for those lots in excess of 10,000 -- in excess of 20,000 and the two lots less than 10,000 square feet.

Now, being the fact that we segregated the project with Phase 1 and Phase 2 through 6, um, Mr. Pooler and -- we went back to the drawing board, as I stated, and redesigned Phases 2 through 6 to make all of the lots on the remainder of the project comply with the PRD zoning requirement of 10,000 to 20,000 square feet.

So the plan that I presented to the Board and for discussion tonight illustrates the project that remains, 2 through 6, and the 174 lots -- 75 lots -- 174. We have 41 lots in Phase 1, so 174 lots that are -- encompasses Phases 2 through 6 and all of the lots, as I have stated, comply with the zoning requirement of minimum 10,000 and maximum 20,000 square feet.

We did receive comments from the Town Engineer regarding the -- the revised plan that we presented, and this first comment was that -- he stated it appears all of the lots meet the minimum requirement of 10,000 square feet and the maximum 20,000 square feet.

He is also noted that there appears to be six lots that meet the minimum 60 foot requirement which we presented to the Board, 60 foot minimum lot width. However, they are pie-shaped lots. He noted six lots that are pie-shaped lots which are actually converging toward the rear of the lot, if you will -- so they're pie-shaped lots, but not narrow at the front and wide at the back; they're wide at the front and narrow at the back. The code, he stated that the mean lot width needs to be 60 feet. So we're going to have to look at those six lots to make sure they comply with the 60 foot requirement for the code, so we can adjust those lot lines to do that.

He also noted that there may be another three lots that meet that, but again, the concept plan we presented, he noted the scale is 100 scale, so we can show it all on one sheet. Obviously when we go further on in preliminary, we'll have -- the 100 scale, will be 50 scale plans, twice the size with all of the lot calcs and we can address his concern to make them all comply as he requested.

His fourth comment was basically the -- the definition from the code that is stated what the mean lot width means -- a lot of times code states at front setback you have to maintain the 60 feet on the right-of-way. Sometimes you actually have it 60 feet at the right-of-way and wider at the setbacks. This particular code states the mean lot width, which entails the width of the property from the front setback to the rear setback. We can address those lots he is discussing to make sure they comply with the code.

If the Board has any questions?

PAUL WANZENRIED: I have one. The flood plain seems to traverse a couple lots. Most significantly, I believe, 403, 330, 333, back in there.

How does that impact a homeowner? Are they required to get flood insurance at that point?

MR. BAKER: Yes.

PAUL WANZENRIED: So that would significantly raise the cost of those houses.

MR. BAKER: Um, well, again, it would be the homeowner's insurance policy, but then it's based on the company he deals with and also the determination when they go with the lowest architectural opening, the flood plain impacts that a lot. How it will vary from lot to lot, I'm not quite sure.

PAUL WANZENRIED: Have you been to the Conservation Board?

MR. BAKER: No, sir.

PAUL WANZENRIED: Okay. I will let Pat (Tindale) comment on that.

MICHAEL NYHAN: Do you have a timeframe on Phase 2 through 6 or for completion of Phase 1 also?

MR. BAKER: We like to proceed along with adjusting those lots -- also based on the redesign of Phase 2 through 6, I haven't done anything with revising all of the utilities and moving the utility manholes so everything complies what the Commissioner would like to see and what the Town Engineer would like to see.

So we would like to get a positive response and then we would move forward with Phase 2 and hopefully have that approved this year and look at construction this winter and ready for the spring. Then the subsequent phases would hopefully be yearly.

MICHAEL NYHAN: Thank you.

KAREN COX: Paul (Blosier) asked the question I was going to ask, so he stole my thunder.

PAUL WANZENRIED: Sorry.

JOHN NOWICKI: I want to hear what the Conservation Board has to say.

DAVID CROSS: I'd just like to clarify, Mr. Baker, it didn't sound like you really had any objection to any of Lu Engineer's comments.

MR. BAKER: No, sir. We can comply with those.

PAUL BLOSER: What is your backup plan?

MR. BAKER: I'm sorry?

PAUL BLOSER: The bank had one. (Laughter). I was wondering what the back-up plan was.

MR. BAKER: We don't want to be tabled.

PAUL BLOSER: I'm concerned about the flood plain. That's a big thing and just some of the lot sizes still -- my own personal thing, bothers me.

I -- I have been working on a project for four months up in Greece and I go by the project up there. I just don't like the look of the things that concentrated. But, you know, it's just (indiscernible) plan. That's my big concern, is just there is so much there. So other than that, I really don't have any comments.

MICHAEL JONES: I just -- I just remind the Board, again, all dimensional requirements

other than the 10,000, maximum 20,000 are subject to this Board's review. Um, no disagreement with the engineer's comments on the 60 foot width, but again, that is something that this Board can take -- take a position on when the plan is voted.

PAT TINDALE: I have got a couple of comments and they have -- some of them have been mentioned. Flood plain was our main concern. It's between 13 and 18 houses that are in the flood plain. We're curious whether the homeowner would be subject to the more expensive flood insurances and to make sure they're forewarned of this before they purchase the house.

Um, the other thing is, we see a lot of building going on. I have never seen any street tree plans and we were just wondering why that is.

MR. BAKER: Um, at this point in time, we have only actually done the concept review. I think when we first came in with the preliminary plan, we had a note on the plan we would comply with the Town requirements as far as the tree planting policy. Obviously we can -- we can show them on the -- on the grading plan, which typically the grading plan shows the tree location.

PAUL WANZENRIED: Pat (Tindale), are you referring to Phase 1?

PAT TINDALE: To anything. We have not seen any street tree plans for this whole development. The thing that did come through, and I'm sure it was in error, it showed conifer, evergreen, which you never use for a street tree. It didn't actually -- it just showed a diagram. The one tree listed, I think, was White Spruce or something, White Pine. But there has never been any, and usually we do see, you know, especially in developments, street trees.

MR. BAKER: When you say "street trees," are you referring to a lot tree or a street tree between the sidewalk and the gutter?

PAT TINDALE: It's in the code, the distance and there has to be one tree per lot.

MR. BAKER: Per lot.

PAT TINDALE: And the corner lots there is an exception I can't remember.

MR. BAKER: We had a note on the plan to that effect we would comply with the requirement for the lot trees. When you say "street trees," I think of street trees being within the right-of-way between the sidewalk and the gutter. So there is no requirement for that. You're not asking -- you're talking about lot trees?

PAT TINDALE: I don't know what you call it. It's in code.

MR. BAKER: Yes. Lot trees.

PAT TINDALE: Yes, probably.

MR. BAKER: We had a note on the previous plans to that effect. We didn't show a dot on each one, but we could.

PAT TINDALE: But it showed an evergreen on the way, way back.

MR. BAKER: That wasn't us. I don't know who did that.

PAT TINDALE: Since then we didn't see anything. So what we got to see is the street trees on a print so we can see what they are and so forth.

MR. BAKER: Yes, ma'am. Typically what we do is alternate the species.

PAT TINDALE: Yes.

MR. BAKER: Deciduous, we have three different species. If, in fact, there is some type of a blight or a bug that affects one type of tree, it won't affect the others. We call out all three different types.

JOHN NOWICKI: You don't have a plan that you've seen and your Board has seen as far as what they are going to plant?

PAT TINDALE: Wait a minute. Say that again. I'm sorry. You haven't?

JOHN NOWICKI: You haven't seen a plan?

PAT TINDALE: We have seen the print, like I see right here next to me, but never any indication of any, you know -- any landscaping, street trees, anything like that.

JOHN NOWICKI: Maybe we should get one.

PAUL WANZENRIED: We should get one because we're already knee deep into Phase 1. Walt (Baker), like I mentioned, we'll make sure we put the lot tree designation on there and the alternating species. You have to note that and get that to the Conservation Board.

PAUL BLOSER: I have another question related to that. You know, we look at the lot maps. If you take this and just propose on here -- do an overlay of proposed houses, concept, average-sized house, pop one on every lot, with a driveway, what is left on the lawn for green space to accommodate a tree? The comment from Conservation on what kind of root system can that lawn maintain at that point with a house and basements and driveways. I -- the only reason I say that is because I do look at the one in Greece and I wonder how they will ever put trees in there. Then they will have people that will want a storage shed for their lawn mower or their lawn toys and you don't have setbacks for sheds now. We're going to need two or three zoning parts just to keep up with applications for this one.

MR. BAKER: For sheds? Well, actually, if the Board recalls, the previous meetings I had copies of the typical lot, what the size layout is.

PAUL BLOSER: Has Conservation seen that? And what kind of trees will be available to fit on the green space left on the lot?

MR. BAKER: With the 35 foot front setback, that is from the right-of-way not to the street. So even though everybody thinks they own to the gutter, they only own to the right-of-way. There is another, obviously 17 feet.

PAUL BLOSER: That is what I -- I'm looking at, what is left and I would like their comments.

MR. BAKER: I will actually put one on the grading plan, as well as make sure the Board

gets it.

PAUL BLOSER: That would be great. I would just hate to see a field of houses. I would like to see the trees.

MR. BAKER: These are questions I can readily answer.

PAT TINDALE: Also, when you do that, could you give us three prints?

MR. BAKER: Yes.

PAT TINDALE: Thank you.

DAVID CROSS: And throw the utilities on there, too, Mr. Baker.

MR. BAKER: How the utilities affect it.

DAVID CROSS: Water services. You have to know where the lot tree would go. While you're throwing it on there, it is --

MR. BAKER: Another click of the button.

DAVID LINDSAY: Just to clarify for the Board, we have a standard street tree planting detail I shared with the applicant that we generally apply to subdivisions in the Town where we like to see those trees planted in relation to the sidewalks and utilities and that is something we're looking at to see if the applicant can comply with on this project.

PAUL WANZENRIED: Has that been submitted to them before?

DAVID LINDSAY: I think we had a similar detail to them on Phase 1 and we directed them to take a look at it.

MR. BAKER: I know we had a note on the plan with regard to complying with the code.

DAVID LINDSAY: Goes back to the original approval in 2002 for that. Original Phase 1 there was a street tree planting detail layout there and we'll share that information with the applicant and make sure they comply with that.

PAUL WANZENRIED: I think they need to get into the Conservation Board ASAP with Phase 1 so that they can get at it. They're knee deep in Phase 1 now. In terms of building. You know, they have got, I don't know, how many houses either under construction or constructed.

DAVID LINDSAY: Sure.

PAUL WANZENRIED: I think they should meet with the Conservation Board ASAP.

MR. BAKER: I will coordinate that with the Commissioner.

PAUL WANZENRIED: Anything else from the Board?

MICHAEL NYHAN: One other question, just to remind me. What were the original number of homes for this entire proposal?

MR. BAKER: 226, and we're down to 215.

MICHAEL NYHAN: From the original proposal, from when it was --

MR. BAKER: Originally.

MR. POOLER: There was 193 with a clubhouse, golf course. We're down to 216 now. I think we're trying to firm up the number of lots, because Walt (Baker) is at a point where he has to do all of the engineering and when we change the lot lines, it changes the engineering. So I'm trying to get to a number so he can do his job.

MR. BAKER: The original application for 106 was 198 plus the clubhouse, and the clubhouse had a parking lot with, I think, 200 parking spaces and then an 18-hole golf course.

MICHAEL NYHAN: The 216 homes proposed, does that include the existing homes that are there now?

MR. BAKER: Total, correct. There is 41 in Phase 1. That's again been approved by the ZBA for refiled (indiscernible). We lost four lots there.

Thank you very much. Again, I'll follow up with the Commissioner and meet with the ZBA and hopefully be back --

PAUL WANZENRIED: Hold it. Wait. We have a letter here. Thanks, Al (Hellaby).

JOHN HELLABY: No problem.

PAUL WANZENRIED: I have a letter here from CSX. Are you aware of this letter?

MR. BAKER: No, sir.

PAUL WANZENRIED: You should read this. Now I'm done.

MR. BAKER: All right. I can take this with me?

PAUL WANZENRIED: Yes.

MR. BAKER: Thank you.

PAUL WANZENRIED: That concludes --

JOHN HELLABY: Don't close the meeting.

PAUL WANZENRIED: I make a motion to approve the meeting minutes of June 10, 2014.

JOHN HELLABY: Second.

The Board voted 6 yes with 1 abstention (Michael Nyhan) to approved the 6/10/14 Planning Board meeting minutes.

The meeting ended at 8:11 p.m.