

## CHILI PLANNING BOARD

August 9, 2005

A meeting of the Chili Planning Board was held on August 9, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Dario Marchioni, Karen Cox, John Nowicki, Ray Bleier, Dennis Schulmerich and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; David Lindsay, Town Engineer Representative; Pat Tindale, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

### OLD BUSINESS:

1. Application of Rockford Construction, 8165 Graphic Drive, Belmont MI 49306 for preliminary site plan approval to erect a 4,946 sq. ft. video store at property located at 4369 Buffalo Road in G.B. zone.

Ed Martin, Eric Monroe and Todd Bezenah were present to represent the application.

MR. ED MARTIN: Good evening. My name is Ed Martin. I'm a licensed engineer with Land Tech. Our offices are located at 130 East Main Street in downtown Rochester. I'm here tonight on behalf of Family Video and their application before you.

The Board will recall we first presented this project at your June meeting where we received some very clear directive regarding requested changes, specifically and most prominent were requests for changes to the architectural component of the project. The design team has gone back to the drawing board and made several changes reflected both in the submission that we made to you in the rendering here, and I also have another handout here if we find it necessary to go into more detail about who Family Video is, their success, details of the building itself and that sort of thing.

A couple other issues that were prominent in your feedback to me were regarding mapping of existing utilities. As you know, that whole area has been under construction for quite some time. We were able to accurately map that reflected both in the submission before you and in the renderings up there.

And finally, the third issue of importance that required our attention had to do with the underground storage tanks. Testing was just done recently with a very complicated piece of equipment, and there were what are called magnetic anomalies discovered underground. In laymen's term, there are likely two tanks there. There are two other areas requiring further excavation and exploration.

So with that, I would be happy to answer any questions from the Board.

I have also met with the Conservation Board. One minor revision that they asked is that we pull the sidewalk away from the building to allow for landscaping adjacent to the building between the sidewalk and the building. That is reflected on the plans before you as well as on the rendering up there.

JAMES MARTIN: I note on your plans and on your elevations that you still are proposing a corporate logo which basically looks like a glass obelisk, and if I am not mistaken, it was something like 21 feet above the -- to the top of the obelisk.

MR. ED MARTIN: That would be an approximate measurement. I don't know the specific height of it. I can tell you -- it would be appropriate to hand this out, if I could. These are pictures of recent builds both in the Midwest -- primarily in the Midwest, and I will direct your attention to page 2 which is a recent build that seems to comply very well with the direction of the Board at our last meeting with respect to architectural style. The one major change on that is in

direct relation to the spire that we're talking about. You will note on page 2 that the spire in that building is quite high, typically of Family Video construction. The rendering before you has been lowered quite a bit. You can see it doesn't rise any higher than the peak of the building so it blends in more.

JAMES MARTIN: What page are you referring to?

MR. ED MARTIN: The second page. This is a building that -- in Illinois. It has a lot of the architectural elements we discussed at the last meeting and is consistent with recent builds here. For example, Tim Horton's.

DENNIS SCHULMERICH: Top of the tower is 21 ½ feet from the grade level.

JAMES MARTIN: That's what I thought.

I don't know how the rest of the Board feels, but I personally have a little problem with it. I understand it is a corporate logo type of symbol, but I have been in many areas of the United States where the golden arches have been reduced to about 3 feet high to comply with local architecture. Freeport, Maine is a wonderful example. You would think it is a colonial gift shop rather than a McDonald's.

I will let the rest of the Board chime in on it, but I have a problem with that particular aspect of the architectural rendering on your site plan.

I went down through the list of the other things we had talked about, and I think most of them have been completed since the discussion that we held at the public hearing back in June. As far as the tanks go, I'm not exactly sure, you know, what that means from a standpoint of a DEC issue or contamination issue, but that will have to be addressed and signed off on by Mr. O'Toole as far as being satisfactory from that standpoint, and obviously any other agencies that are involved in the process.

RAY BLEIER: I see there is quite a bit of improvement on the obelisk. It is actually the height of the structure itself, so it is not exceeding it. It looks like it is right up close to the building, as well; is that correct?

MR. ED MARTIN: Yes, sir.

RAY BLEIER: So it is not detached and obnoxious as the earlier drawing indicated. I personally think that it is acceptable to me. I have no problem with it.

As far as all of the other conditions, I have -- you did get the approval at the ZBA for your front parking?

MR. ED MARTIN: Yes, at the June 28th meeting.

RAY BLEIER: Were there any other variances necessary?

MR. ED MARTIN: No, sir. Just the front yard parking.

KAREN COX: I would agree with Ray (Bleier) on the obelisk being less obtrusive, I guess might be a good word.

The color of the roof that is in these photos, is that going to be the color that is used, that is spec'd out for the building, or will it be more like that green?

MR. ED MARTIN: Eric Monroe has some construction materials with him. The shingle will be a black and green speckled. The green is more the fascia along the frontage. Eric (Monroe) is with Rockford Construction. He does all of the construction for Family Video.

MR. MONROE: Eric Monroe, Rockford Construction. It is 532 Sunset, Mount Pleasant, Michigan.

The reason why I gave you those photos is the colored rendering there, it is computer-generated and we can't get the shadows and everything that you will have on this dimensional shake. So that is the reason for the drawing there.

And on the tower you see out front in the drawing, that is the standard tower in that photo. This is the lowered version here (indicating). We do that in segments, because it is standard 8-inch block work. So that is one of the reasons that we get the height, and then we typically would bring it down to the peak of the roof there from their standard 28 feet, which is what I believe is in the picture there.

KAREN COX: The face of the building is split face block?

MR. MONROE: It is a Harvard Brik. Again, that is shown in that photo there. The Harvard Brik is an 8-inch block. It gives you the brick appearance, so that is again shown in that. And then there is actually a split face band that we use as the accent. It doesn't have a score in the middle. So it gives you the stone look with the -- that is the colored band you see on there.

KAREN COX: I would also agree with what the Conservation Board requested, I guess, for some nice landscaping.

JOHN NOWICKI: Is that asphalt shingle or metal roof?

MR. MONROE: Asphalt shingle.

JOHN NOWICKI: Have you used metal roofs before on some other projects?

MR. MONROE: Typically on all our buildings.

JOHN NOWICKI: Why did you go to asphalt roof?

MR. MONROE: Because we were directed to go to asphalt by this Board.

JOHN NOWICKI: In regards to underground tanks, that will be a condition, right?

MR. ED MARTIN: Yes.

JAMES MARTIN: Absolutely.

JOHN NOWICKI: They will have to deal with that.

The lighting, what did you do with the lighting on the site?

MR. ED MARTIN: We have lighting similar to the poles that we have in there, in the picture on page 2. We do have a pole-mounted light at both entrances outside of the New York State right-of-way.

JOHN NOWICKI: Does it meet our dark sky requirement in the code?

MR. ED MARTIN: I will answer this somewhat like a politician. I'm not as familiar with your dark sky's initiative code. They all seem to be different from one code to the next. I can tell you this, and maybe you can answer for me: There will be no cast off light off site.

JOHN NOWICKI: I would just say make sure you conform with the dark sky lighting and we'll make that a condition. That has to be met.

The dumpsters, as far as the enclosure goes, I see a place on it for the dumpster, but what will the dumpster enclosure look like?

MR. ED MARTIN: Right now we show pressure-treated lumber. We have talked about -- in looking at the recent builds, we notice that Tim Horton's did a block. We're very agreeable to make that change if this Board would like that.

JOHN NOWICKI: I would like something more than pressure-treated lumber. I don't know how the other Board members feel, but that is how I feel.

DENNIS SCHULMERICH: I agree with you.

JOHN NOWICKI: Landscaping looks to be okay.

Signage, was that ever discussed at the Zoning Board? Did you change anything on the signage of the building at all?

MR. ED MARTIN: No, sir. We talked briefly preapplication with Mr. Kress regarding that, and we understand and know the limits of the size of signs and expect, much like most businesses, that we'll need to apply for a variance for the area of the sign.

JOHN NOWICKI: And the last thing I have here in my observations is that the tower, in my opinion, is not appropriate for that intersection. I think it should be eliminated or redesigned into a smaller structure, either in some kind of a landscape setting, but it is too large and not appropriate for that intersection.

DENNIS SCHULMERICH: Most of the questions I had have been answered. I have one question around drainage in the back, what would be the southeast corner of the building, which is adjacent to, I believe, Town property. There were some questions I think at the last hearing around the elevation of that and flow and whether that would be managed to prevent flooding, so I just want to make sure that that is dealt with by our Town Engineer as we proceed.

JAMES MARTIN: It is my understanding based on comments that you have looked at that issue, and there are no concerns at this point; is that correct?

DAVID LINDSAY: That's correct. Larry (Nissen) is taking a look at it. He doesn't have any concerns about it.

DARIO MARCHIONI: When do you commence, after the approvals, to begin this project?

MR. ED MARTIN: Pending the removal of the underground storage tanks -- that stands to be the largest determining factor. Were you thinking --

MR. MONROE: We'll start construction in the fall, within a month.

DARIO MARCHIONI: Just one question. This tower, out front, is the light constant in there, or is it flashing? What type of lighting is inside that tower?

MR. ED MARTIN: I understand it to be very subdued, much like a frosted glass with a low wattage light inside to give it a bit of a glow.

DARIO MARCHIONI: What is the sight distance that you can see this thing?

MR. MONROE: You will only be able to see it from the intersection. I mean unless you're coming straight up the road and you look up there, you can see it, but it will not give off light, because it is only as high as the building. It is not like it is going to be -- there -- if it doesn't comply with local codes of lighting, there are shades we can put on it.

MR. ED MARTIN: The top is capped, so it is not casting light upward. I notice that the Hess Station you can pretty much see everything. This will not be like this.

DARIO MARCHIONI: I have been to Las Vegas, and I see those --

MR. MONROE: Not like that.

MR. ED MARTIN: No cowboy hats waving through the area.

DENNIS SCHULMERICH: One color, not flashing?

MR. MONROE: Correct.

DARIO MARCHIONI: Glass blocks?

MR. ED MARTIN: Yes.

DARIO MARCHIONI: All built on concrete slab?

MR. ED MARTIN: Yes, sir.

DENNIS SCHULMERICH: Do you have any Family Video stores that do not have the structure, pylon?

MR. ED MARTIN: I'm guessing anyone in a city type setting wouldn't have one. Would that be correct?

MR. MONROE: Um, right now there is not currently one in Brockport, because that is a remodel, and due to timing, as far as getting the building open, we have not had the tower there. We eliminated it so that we could get our permits, and we'll have to change the site plan, so we're going to be adding this here soon. Because if any of you have ever been over there recently to see our new building over there, it is very plain across the front.

DENNIS SCHULMERICH: Is that the only one of all your stores that does not have the tower?

MR. MONROE: There are stores from years ago, but they have always had some sort of tower in the front, but the tower has changed over the years to what it is now.

DENNIS SCHULMERICH: What is the shortest one that you have?

MR. MONROE: I believe it is that -- the height of the building (indicating).

DARIO MARCHIONI: One more question. Inside the window, are there going to be any neon lighting inside the building shining through the windows? Or just -- any type of advertisement through the windows?

MR. ED MARTIN: The only lighting I see in here are your Family Video signs on the outside.

DARIO MARCHIONI: Within the window itself? For example, we have a pizzeria down the street here that has neon lights you can see a mile away.

MR. MONROE: They have L-E-D open signs as far as neon signs. That's it. There are some light boxes that have actual video covers on them so you can see what new movies are coming and new games, but they're not neon. It has fluorescent lighting behind it, back lit.

DARIO MARCHIONI: Low profile.

MR. MONROE: Yes. With a 5-foot overhang, so everything is back in the windows of the building.

KAREN COX: Those would be outside the building?

MR. MONROE: Inside.

KAREN COX: Okay.

DANIEL KRESS: Couple brief comments. One, if the Board is concerned about specifying what architectural finishes and details are going to be used, I think we want to be careful to realize we have a sheet A-201 in your submission, and since that is very different from this (indicating), that is what I am intending to go by unless this Board specifies otherwise.

The only other thing I will mention is if you go to the definition of sign, in our zoning regulations, it refers, in addition to the sorts of things you might ordinarily think of as signs, to any architectural style, structural alteration or specific coloration of the building or structure that calls attention to the specific place of business by such means shall be considered to be additional signage. So on that basis, I think that the applicant might be well advised to bring that down under 20 feet, otherwise, strictly speaking, it is a freestanding sign requiring a variance.

JAMES MARTIN: I guess I would ask the applicant how they would feel about perhaps being able to tone that thing down just a little bit more from the 21 ½ feet height. I mean, I know, you know, if that is the architectural rendering we're dealing with, it is below the roof of the peak line and not as obtrusive as it was standing up in front of the building, but is there a way it could be toned down a little bit more and still, you know, from a corporate logo standpoint, meet the requirements that the applicant feels they have?

MR. ED MARTIN: I think physically it is certainly possible. I guess the question comes to mind what is achieved by lowering it. The lowering it below the roof I can see because you wouldn't be able to see it down Union or Buffalo, but if you lower it further, you don't gain anything.

If I could direct your attentions to the first page of the handout I gave you, this is a full tower, is what I call it, that is typical of their construction. Even at that size, I don't particularly view this as obtrusive or even prominent for that matter. It is pretty subtle. So I guess I would ask

what is obtained by lowering the tower any further than what we have?

JAMES MARTIN: If you listened to the zoning requirement Mr. Kress just read, we may end up in a situation where you require a variance.

MR. ED MARTIN: I had a question about that, too, but I didn't know if that was the right time to ask it.

JAMES MARTIN: It is appropriate.

MR. ED MARTIN: Could you read that again, because nowhere on here is there lettering. I'm just shocked to hear this is viewed as a sign.

MR. MONROE: Can I address that question? It might help the whole situation here.

JAMES MARTIN: All right.

MR. MONROE: That tower is not freestanding. It is actually a structural element to that building. It is opening up that front roof section. So it is not a freestanding structure. And if the height of it is an issue, then what we can do is we will -- if it is 20 feet is the height requirement, then as long as we can get it approved that it is anything lower than 20 feet, so that way we can have our engineer take care of the block issue and the layout of it. It will have to be redesigned by our steel fabricator. So if we can just say anything lower than 20 feet, if that is the height, that is the requirement, then we can comply with that. But that is not --

DANIEL KRESS: If it is under 20 feet, it is under the maximum height for a sign, so it would not require a variance.

JAMES MARTIN: What is the rest of the Board's feeling on that?

JOHN NOWICKI: How is the lighting inside this thing -- how is it maintained and handled? How do you light this thing?

MR. MONROE: It is actually -- if you look again -- if you look on your second page, on here, you will see in the bottom of the tower, which faces to the back of the -- back towards the building, on that page right there -- on the bottom of the tower you see a piece of steel running across at about 3 feet. That doesn't match the front face. That is actually the door. And it has a built-in ladder system there that holds fluorescent lighting fixtures. It is hooked to a timer with the site lights.

JOHN NOWICKI: So they're all vertical fluorescent fixtures?

MR. MONROE: Correct.

JOHN NOWICKI: What is it, primarily glass block?

MR. MONROE: Yes. It is all structural tube steel with a track in it that holds the glass block in. It is laid up on site.

JAMES MARTIN: So the door allows you maintenance access to the lighting inside?

MR. MONROE: Correct. Inspections.

JOHN NOWICKI: Doesn't ring bells or play chimes, does it?

MR. MONROE: No.

JAMES MARTIN: I will go back again. I mean if -- if it is in compliance with our zoning code, I mean what is the feeling of the Board as far as the structure itself?

RAY BLEIER: I think it is fine, as long as it conforms to the zoning.

KAREN COX: I agree.

JOHN NOWICKI: Get it down in size. Get it down.

DENNIS SCHULMERICH: Don't like it, but...

JOHN NOWICKI: I don't like it either.

DENNIS SCHULMERICH: It is their corporate logo. Doesn't matter whether I like the corporate logo or not. It is whether it is appropriate. I think it is too high.

JAMES MARTIN: I will put in a condition that the corporate logo -- what do we call it, obelisk?

MR. MONROE: We refer to it as a glass block tower.

JAMES MARTIN: The corporate logo glass block tower.

DENNIS SCHULMERICH: I gave a fairly obtuse answer when I said I didn't like it. I will be specific so we can have some point/counterpoint. To me, something to the top of the eave, which is around 13, 8, to 14-foot makes a lot more sense. Large enough to be recognized as a corporate logo. Certainly visible from the intersection as much as the 20-foot one is. I think it would be more in character with the building. That is my position.

JOHN NOWICKI: I would feel more comfortable with that.

JAMES MARTIN: Structurally, is that something that is doable, for that part of the building itself?

DENNIS SCHULMERICH: Talking about the -- if you came around here (indicating).

MR. MONROE: It is certainly doable, but it is not something that the client is willing to

move on, so I mean we -- we have complied with everything except for their corporate logo, and we're willing to reduce it, but that's more than they're willing to move on.

DENNIS SCHULMERICH: So we have the boundaries now.

MR. MONROE: We're trying.

JOHN NOWICKI: Just so the audience and ourselves here -- the business itself, Family Video, would you just explain the type of business people are going in there for? Is it video games? Is it films?

MR. MONROE: It is a movie rental, but they also carry video games, meaning like your Sega games, all of your new home -- any of the new --

MR. ED MARTIN: PlayStation 2.

MR. MONROE: I don't play the games.

But it -- they carry a lot of new release videos. They carry a lot of your older videos, but a lot of it is game rental, and video rental.

DENNIS SCHULMERICH: Hours?

MR. MONROE: Ten to midnight.

RAY BLEIER: I would like to read a section of the code on page 116-24 that has to do with height regulations. "Projections such as chimney, spires, domes, elevator shaft housings, aerials other than freestanding, flag poles and other similar objects not used for human occupancy are not subject to the building height limitations of this chapter."

JAMES MARTIN: Dan (Kress), you were quoting something under the signage?

DANIEL KRESS: Ray (Bleier), we're talking about two different things. For building height, that certainly does apply. What I was referring to is part of the definition of sign, and you do have separate height regulations.

RAY BLEIER: Are we calling this obelisk a sign?

DANIEL KRESS: I'm saying, yes, sir, I do. Based on the language I read you, it is part of a definition of a sign.

JAMES MARTIN: It is just as much a sign to them as the golden arches.

DENNIS SCHULMERICH: Its sole purpose is to be brand recognition.

RAY BLEIER: Matter of interpretation.

DENNIS SCHULMERICH: Tell me what else it is used for.

MR. MONROE: Hold up the building.

DENNIS SCHULMERICH: Come on, guys. Don't try that one.

DARIO MARCHIONI: Without it will the roof stand by itself?

MR. MONROE: No.

DARIO MARCHIONI: So it is holding the roof.

DENNIS SCHULMERICH: So you put four or five in each corner, right?

(Laughter.)

JAMES MARTIN: I guess we come back to where is this going to end up height wise? You will be under 20 feet, so that could be 19 feet 11 3/4 inches.

DENNIS SCHULMERICH: They have indicated 13, 8 or 14 is too low. We have a 6-foot range which will be probably 11-foot --

MR. BEZENAH: Todd Bezenah, Regional Director with Family Video. Again, pleasure to speak to you guys again.

As far as the tower goes, that's been the contention here it seems like. I don't know if -- Eric (Monroe) has been trying to speak on our behalf a little bit and he has done well. The tower, we can do many things to make it as -- what you said less intrusive, as you said. The big thing is at 20 feet, it is substantially lower than where we're at already, and then when you put the cap on it, the lighted section itself is even 2 feet lower than that. The bulbs stop, I would say, about the second row of block. Because you just -- with the length of the light bulbs that you can get, they just don't go that high. So the actual lit part of that tower, you know, you can see the top of that lit part, it is kind of darker up top and it has its split there.

So there is numerous things we can do. We have lowered the tower to what would be under the 20 feet. That is not a problem. If you want to call it 19 feet or 19, 5, we can do that for sure. But we also have shields that really reduce the glow. We do go in residential neighborhoods quite often.

It is not our -- we don't want to come in and be, you know, this bright light that everybody has to come to. That is in no way our intention. Our intention is to be as less intrusive as possible. So we have the ability to shield those lights, angle the shield any which way we want to make that light a little less intrusive out towards the intersection, and face it more towards the building and out towards the side. We have a control over it because it is a shield you put over the bulb with a

dark spot on one side and the light on the other and we can turn it and make it so towards the intersection it is not as bright and back towards the building it is bright. We have that ability. We recognize in communities where we are – we have houses here and there, so we can turn them and we can actually control the amount of, I guess you want to say -- there is hardly any light because it is just frosted, but what comes out. If you want to put a condition on shielding those in a direction that would be feasible to the Building Inspector when he came out, or whatever you want, towards the intersection, that is not a problem at all.

DARIO MARCHIONI: What is worrying us is this picture you have here, that shows it real bright compared to the background.

MR. BEZENA: That is one of the tallest ones we have. That is not a shielded one. If you look at -- I'm looking at it, too. If you look down, you can see the warm glow on the sidewalk. But if you look further out, it is not lighting up anything. It is just kind of more the sidewalk, because the glass block kind of forces it down onto the pad in which it sits. It is just meant to do that.

MR. ED MARTIN: What is striking in that, it is so much higher than the building. If we had eave lighting, if there were eave lights, it would cast a similar glow.

DARIO MARCHIONI: This picture, the signage is behind it, very low, pleasing.

MR. BEZENA: That is our tallest tower. It will be considerably lower -- I mean -- the peak of that will be almost -- if it is even where that little bump-out vestibule starts, that is our whole intention. I have no problem shielding it to make it less of a glow.

JAMES MARTIN: Listen to what I wrote. Shielding interior lights of the glass block tower shall be such to reduce unwanted glow. Anything I should add to that statement?

JOHN NOWICKI: Light directed towards the building.

MR. BEZENA: We can turn them any which way we want.

DARIO MARCHIONI: Midnight shut down?

MR. BEZENA: Yes. They're on timers with all of the outside lights. You can imagine in the summertime when it doesn't get dark until 9, 10 o'clock, they're only on for two hours. In the wintertime, it is the opposite. Of course, we adjust as we go. The last thing we want to do -- we made, I think, a huge improvement from last time, shingled roof. We wanted to do it, and this is our contention, so --

JAMES MARTIN: I understand. It is significantly --

JOHN NOWICKI: Have these ever been used as a hang-out for birds?

MR. BEZENA: No. That's the thing, never had one. First time I have heard that. I have heard airplanes, but -- as far as -- all of our sites do have a tower. Minus Brockport, which they advised, go, get open and -- we're having a big ribbon-cutting ceremony with their council to celebrate that opening this Thursday.

The Board discussed the proposed conditions.

KEITH O'TOOLE: If I may, I had one. They shall provide evidence of compliance with DEC regs pertaining to the underground tanks and any petroleum contamination.

JAMES MARTIN: Did I meet all of that when I said underground tank removal will meet all environmental and legal requirements?

KEITH O'TOOLE: Yes, I guess you did.

JAMES MARTIN: Well, I word it much more simply.

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 the one condition of underground storage tanks listed.

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

1. Underground tank removal will meet all environmental and legal requirements.
2. Pending approval of the Town Engineer.
3. The corporate logo glass block tower will comply with current zoning

code for height (20 feet or less).

4. Shielding of interior lights of the glass block tower shall be such to reduce unwanted glow.
5. Exterior lighting shall comply with dark sky standards per Town Code.
6. Dumpster enclosure will be constructed in a manner to match exterior of the video store.

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

## PUBLIC HEARINGS

1. Application of Ignazio Battisti, 27 Stone Barn Road, Rochester, New York 14624, property owners: I. Battisti & D. Loos; for preliminary subdivision approval of 17 lots to be known as Battisti Subdivision at properties located at 29 Stone Barn Road, 221 & 227 Golden Road, and portion of 24 Sutters Run in R-1-15 zone.

Rob Fitzgerald was present to represent the application.

JAMES MARTIN: Rob (Fitzgerald), you can start, but let me tell you where we're at on this. Maybe you can give us a status update.

Basically, the Board is determined to reopen the SEQR process on this particular application, and, you know, regarding this particular site. The applicant has already received a notice from NYSDEC that their application was incomplete around the wetlands issue and other things. It is the Board's intent to act as lead agency and request a coordinated review, all right, from all interested agencies regarding this site. Therefore, I'm going to move that we table this application tonight until that SEQR review has been completed and that we would postpone the public hearing until that time because there are an awful lot of unknown questions regarding that particular site based on the feedback we got from the County. So that is kind of where we are -- you know, where the Board is at right now regarding this particular application.

Now, if you have a status update for us regarding any of those issues, that would be good to hear, but we're going to move towards coordinated review. Whether we stay as lead agency or not will be up to the other interested agencies. You know, New York State DEC may take over as lead agency on this particular issue. I don't know, since we do have the foundry sand issues and other things concerning that particular site. So just to bring you up to date on our thoughts on this particular application at this point.

MR. FITZGERALD: Certainly very understandable.

We would like to give the Board a brief update where we are with the process. The three major issues, or unique situations, we have both federal, state wetlands and the foundry sand issues. We have been working, of course, with two different groups from the DEC, as well as the Health Department here locally and State.

We feel we're very close to obtaining permits from both the DEC, Army Corps as well as -- well, two from the DEC. One for foundries, mitigation, removal, whatever course we go. If you see, the plan has changed significantly here since previous versions. We're now down to one cul-de-sac and we will have three lots to the west of that. We had two cul-de-sacs. Now, we have one because we lost sites because we had to minimize impact on the wetlands. That is why you see a revised plan. The three lots to the left will now be two lots. As per yesterday -- we have been continuously working with these agencies. Of course, they're large agencies, so it takes a long time to get feedback, but we feel like we're getting close and getting some answers, we hope even before this meeting tonight, not permits in hand, but where we could go ahead and coordinate things. We want to come to the Board because we feel we're close with the agencies because we wanted to start coordinating with this Board, as well.

JAMES MARTIN: Thank you.

RAY BLEIER: Rob (Fitzgerald), did you get copied on this letter from DEC dated August 4th?

MR. FITZGERALD: Yes. I probably have about six different letters from the DEC, but we have the most recent one.

JAMES MARTIN: You have all of the County comments?

MR. FITZGERALD: Yes.

JOHN NOWICKI: And the Town Engineer?

MR. FITZGERALD: Yes.

JAMES MARTIN: I know this is a tough one, but it would not be prudent to move ahead with the public hearing because we need a coordinated review from a SEQR prospective. I move at this time we table this particular application.

DENNIS SCHULMERICH: Second.

DECISION: Unanimously tabled by a vote of 6 yes to table for the following reason:

1. The Chili Planning Board, at their August 9, 2005 public hearing, has determined that the SEQR processes needs to be reopened regarding this site. The applicant is ready in receipt of a notice of incomplete application from NYSDEC.

It is the Board's intent to act as lead agency and request a coordinated review from all interested agencies regarding this site. Therefore, this application will be tabled until such time as that review is complete, and that the public hearing will be postponed until that time.

NANCY HYDE, 179 Golden Road

MS. HYDE: We were never notified about any of this going on until we saw a sign in front of the property that there is going to be a Zoning meeting for this. Now apparently this has been in the works for some time?

When Mr. Fitzsimmons owned the property, he tried to get houses back in there, and it was turned down. Now it is being brought up and he only wanted to put five or six houses back there.

JAMES MARTIN: I'm not sure, Dan (Kress), is the 500-foot -- is that the requirements for notification?

DANIEL KRESS: I believe it is, sir, and we do keep a list of everybody we send notices out to, just so there is no confusion later who got a notice in the mail.

JAMES MARTIN: If you didn't get a notice, I'm not sure why. If you live 1,000 feet from the property in question, you wouldn't have gotten a notice.

Please update -- you can leave your address or whatever with the Building Department so when we do have a formal public hearing on this you will get proper notification.

MS. HYDE: I also want to know where 221 and 227 Golden Road was.

JAMES MARTIN: We're not having a public hearing at this time.

2. Application of David Triassi, DaVassi Homes, owner; 69 Authors Avenue, Henrietta, New York 14467 for resubdivision approval of 4 lots in the Dayton Place Subdivision at properties located at 737, 739, 749 & 751 Marshall Road in R-1-12 zone.

Mike Marcus and David Triassi were present to represent the application.

MR. MARCUS: My name is Mike Marcus. I work with HBMA Architecture Engineering and Land Surveying. I'm subbing in for Larry Henniger who could not make it this evening. We're representing DaVassi Homes. David Triassi is located back there. He is the owner. Basically, we're requesting primary and final approval for revised plans subject to Town Engineer's approval. Specific revisions are two lot lines, 2 10-inch storm ponds and revised grading to go over driveway slopes.

We're also requesting that the Planning Board recommend the reduced set back which we are requesting from the Town of Chili ZBA, which we'll meet on the 23rd of this month.

JAMES MARTIN: Have you received a copy of the Town Engineer's comments?

MR. MARCUS: Yes. The illustration on the board is cleaner than what was submitted. On that revised plan we already show the zoning classification and also the lot areas, revised areas.

JAMES MARTIN: Certainly for resubdivision activity or action, I think it is adequate for

that. I'm not sure whether you come close to meeting site plan requirements at this time.

MR. MARCUS: Actually, it is an approved subdivision. Dayton Place was an approved subdivision. As far as all of the previous details and everything, those will remain the same. All we're asking for is the modification on the grading plan and the change of lot lines and the setback.

JAMES MARTIN: Okay.

DARIO MARCHIONI: Where were the original lot lines?

MR. MARCUS: You could probably see better here (indicating). I also have smaller drawings if you would like to see them.

JAMES MARTIN: Yes, could you please? Because what we have is not the same as what you're showing.

DARIO MARCHIONI: In your comments you mention that you met with Commissioner of Public Works Joe Carr, discussed with him the drainage by putting in the two drainage systems.

MR. MARCUS: Two DIs, yes.

DARIO MARCHIONI: What were the comments again?

MR. MARCUS: Um, I guess -- from what I understand, because Larry (Nissen) -- he is the engineer. I'm just the field technician. I would have to pass those answers on to him. But as far as your question, I guess he was in agreement with the DI's, because it improves the overall grading. In the previous site plan, it was very steep slopes in between the houses, and installing the two DI's at this location removed such a steep slope.

DARIO MARCHIONI: So you're filling in that area by putting in underground drainage?

MR. MARCUS: The slope in between the houses will not be as steep as they were originally on the approved site plan.

DARIO MARCHIONI: Four homes?

MR. MARCUS: Yes.

DARIO MARCHIONI: Who is building these?

MR. MARCUS: David Triassi.

DARIO MARCHIONI: When will you commence?

MR. TRIASSI: Dave Triassi. DaVassi Homes, owner. We're planning on doing them this fall, but some of the blueprints were a little messed up, and I went back for a lot map for the one property, and we realized the driveways are like 11 percent grade, so that is just not feasible for an average person to drive in their driveway and be on a ski slope. So that is the only reason why we're going through this.

The lot is being bigger so we can grade the property out and make it an easy grade. Less steep driveways.

MR. MARCUS: If you want me to put the previous site plan up, I can do that. A copy of the previously approved site plan that shows the grading plan there.

JAMES MARTIN: You have a revised --

MR. MARCUS: I have a smaller version, too.

JOHN NOWICKI: This topography is incorrect?

MR. MARCUS: The topography is pretty accurate, but that grade -- the improved grading is basically pretty rough, and I have -- we have smoothed it out since we submitted so you have a better, clearer picture what has happened there.

JAMES MARTIN: Could you let us have a copy of that?

DARIO MARCHIONI: While you're there, have you built houses before in Chili?

MR. TRIASSI: Not Chili. I have built in Brighton before.

DARIO MARCHIONI: What type of houses?

MR. TRIASSI: About 1500 square foot ranches or maybe even 1900 square foot Colonials.

DARIO MARCHIONI: What is the price range?

MR. TRIASSI: Probably starting from 165 to 195, in that range.

DARIO MARCHIONI: You said you built other houses in Brighton?

MR. TRIASSI: In Brighton, yes.

DARIO MARCHIONI: How many?

MR. TRIASSI: One house in Brighton. This is our first subdivision. That was just a spot lot.

DARIO MARCHIONI: So you will do all these continuously?

MR. TRIASSI: Yes.

DARIO MARCHIONI: You will not sell the lots?

MR. TRIASSI: No. What I am trying to do is build a house as a model and hopefully sell

the rest of them based on that. That is why it is even more of a hard to do if the driveways are that steep.

From my understanding, Town requirements are 10 percent, and it was well over 10 percent. I'm not sure how the blueprint ever got approved to begin with. That is why we're kind of raising the point.

The same thing with setbacks. Average new home, the garage sticks out in front of the house. If you have a garage 10 feet in front of the house with a 75-foot set back, the house will be 85 feet. The people looking out the window of the new houses will look into the back windows of the existing homes, which is an eyesore, in my opinion.

DARIO MARCHIONI: It is a better layout.

JOHN NOWICKI: Asphalt driveways when you build?

MR. TRIASSI: Correct.

JOHN NOWICKI: Any landscaping on the lots?

MR. TRIASSI: We'll be doing some landscaping, but we don't have any of that on a blueprint at this point.

JOHN NOWICKI: One-and-a-half-car garages?

MR. TRIASSI: Most will be two-car garages.

JAMES MARTIN: Obviously, you know, the potential owners, will you sell them a landscaped package? Seeding, and all of the stuff is extra, or do you do that as part of the total package?

MR. TRIASSI: We give them an allowance for the landscaping, and they can use it towards the lawn, landscaping, whatever they want to do. If we build a custom home, it is based on what their needs are and what they recommend or whatever they like.

KAREN COX: You said you will build one house as a model?

MR. TRIASSI: Correct.

KAREN COX: So that the -- these are just representative shapes?

MR. TRIASSI: That is where I got in the trouble. We actually had a house we would put on Lot Number 2, and when we went to go lay it out, the engineer was like, you may have a problem here because the driveways are almost 11 percent incline. We kind of went back to the drawing board and played with the numbers and just realized it is not a feasible driveway for anybody. Kind of dangerous actually in some respects.

KAREN COX: The drainage, backyard drainage from R-1 sheets off the property and goes to where? Is there a dwelling that --

MR. MARCUS: I don't know if you can see it very well. The engineer, he drew this in, basically picking up a high point at the back corner of the house. The house will find its way this way (indicating), and we'll also grade it to catch into this DI here (indicating). By pulling the lot line and pushing it further to the south, it creates more space between those two houses (indicating), so you will get a better grading plan in here (indicating) versus what is on this approved site plan here (indicating), where it is very steep.

KAREN COX: Will those slopes be mowable in the back?

MR. TRIASSI: The ones we have now will be, but the ones before won't. If you look at the site now, there are trees that hide how steep the incline is there. Once you take the trees down, you will see the steep incline on that side of the property.

KAREN COX: You will have to take trees down?

MR. TRIASSI: A couple trees down on the one side of the lot where we have made the lot larger. They're cottonwood trees that we'll have to take down.

DANIEL KRESS: I appreciate these are a balancing act, but the applicant should explain why to alleviate the slope of the driveway, why are we moving the house forward instead of back?

MR. TRIASSI: To keep with the rest of the houses on the block. Most people nowadays use their backyard much more like people used to use their front yard years ago.

DANIEL KRESS: In doing this, you end up with a steeper driveway, which is admittedly a problem. That is what I am trying to understand.

MR. TRIASSI: We're moving the houses forward to copy the aesthetics for the whole street. With the years down the road people won't realize the houses were built 20 years from the existing houses now. We're trying to keep everything to look better on the street, I guess, is the best way to describe it.

MR. MARCUS: I was also instructed that is one of the items we're going to bring up with the Zoning Board as far as the argument to push the setback forward rather than at 75 feet because of the preexisting conditions on either side of the house, and also there was previously a house on,

I believe it was Lot 2 which was much closer to the right-of-way than 60 feet, which was demolished at the time everything was approved.

DANIEL KRESS: And could not have been rebuilt in that location.

DAVID LINDSAY: I just wanted to know what is the steepest driveway here now.

MR. MARCUS: Steepest slope is probably 5 ½ percent.

MR. TRIASSI: Steepest one is Lot 2, the model that we're building. It is in keeping almost with the neighbor's house, to be about the slope of it.

MR. MARCUS: Right. It is -- the steepest one will be 5.3 percent.

PAT TINDALE: I was saying not applicable, but it was just resubdivision is what I was looking at. One thing, street trees would be required on this. And the other thing I question is, my understanding is, and I may be way off base, but if an acre or more of land is disturbed, I thought there was supposed to be some sort of storm water retention or some sort of pond for drainage.

JAMES MARTIN: That is in the Town Engineer's comments, Pat (Tindale).

PAT TINDALE: Okay.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: When was this plan originally -- this subdivision approved?

MR. MARCUS: The date on the map, the signatures from the Town is June 28th, 2001.

MS. BORGUS: It is not that long ago then?

MR. MARCUS: No.

MS. BORGUS: Will there be cellars on these homes?

MR. TRIASSI: Basements, correct.

MS. BORGUS: Basements.

And how big will each one of the lots be?

MR. TRIASSI: Roughly 90 by 160. The last lot we're making slightly bigger. The last lot is slightly bigger and the last is slightly smaller.

MS. BORGUS: These are undersized lots?

JAMES MARTIN: No. I don't think so.

MR. MARCUS: They're about .3 acres.

JAMES MARTIN: R-112.

MS. BORGUS: They won't require a variance?

KAREN COX: Third of an acre.

JAMES MARTIN: No variances required for size.

MS. BORGUS: Okay. Only comment I would have to make is I'm a little surprised this was approved in the fashion it was as recently as four years ago. Quite amazing to me. I expected to hear that this was approved in 1980 something.

JAMES MARTIN: Before my time, Dorothy (Borgus).

MS. BORGUS: Thank you.

DARIO MARCHIONI: You missed that meeting.

MS. BORGUS: Maybe.

(Laughter.)

JAMES MARTIN: Move to close the public hearing.

DENNIS SCHULMERICH: Second.

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

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

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

The Board discussed the proposed conditions.

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

1. Pending approval of the Town Engineer.

2. Pending approval of the Zoning Board of Appeals for front setback variance.
3. Application of Randall Johnson, 2000 Wind Willow Way, Apt. 16, Rochester, New York 14624, property owner: C. Galbraith; for preliminary site plan approval to erect a single-family dwelling at property located at 2150 Scottsville Road in A.C. & FW zone.

Charles Gonson was present to represent the application.

MR. GONSON: Good evening. My name is Charlie Gonson with Paradox Design Architects here representing Randall Johnson. We're here for preliminary site plan approval for a single-family residential project. The lot we're working with is a pre-existing, nonconforming lot. It is undersized and we're before the Zoning Board of Appeals for the necessary area variances for our side yard and front yard setbacks.

This property is also located within the floodway zone, but due to the steep topography, you can see on that section we're 17 feet above the flood level. We have got sewer, water and electric to the site. We have placed the site or the house on the site to minimize views from the site. The house will be bermed to the north and somewhat from the street so it will be as least noticeable.

We have also located the house between an existing overhead telephone line in the back, the edge of the back, so we have created a daylight area so we can increase the living space of the house without increasing the size of the house on the lot. Our goal is to keep the house as small as possible due to the size of the lot. We have placed the house to the north to open up some area to the south for passive solar orientation. We have placed the driveway to the south corner of the lot to maximize site lines for ingress and egress from Scottsville Road.

The applicant has introduced himself to both neighbors and discussed it with both neighbors. They're here tonight, I think, with some concerns or comments.

I have reviewed the Town Engineer's comments. They seem to be fairly minor in nature or technical. I would ask that we look at this as final site plan approval tonight as well as preliminary.

JAMES MARTIN: You have reviewed the Town Engineer's comments. Final site plan must be stamped by a licensed professional --

MR. GONSON: Right. I think water connection and driveway connection were the two issues.

JAMES MARTIN: You need to make application for inclusion in the consolidated drainage district.

MR. GONSON: Correct.

RAY BLEIER: The Monroe County comments -- did you get a copy of their comments?

MR. GONSON: I did not, no.

RAY BLEIER: Item two, the second paragraph, it is indicated that a recent aerial photograph, that the project occurs on or within 500 feet of land in an Ag Production, Monroe County Southwest Ag District. Therefore, an Ag Statement should be submitted for this project as required per law.

Is that a statement of fact, that this project is within 500 feet of land that is used for agricultural activity?

MR. GONSON: Land to the north I would say is not agriculture, but land to the south is.

MS. GOULICK: Land to the south, there is a lot of agricultural.

MR. GONSON: That would be like four times -- this is 80 feet. So within 500 feet.

MS. GOULICK: Within 500 feet.

MR. GONSON: That is a true statement.

RAY BLEIER: You will have to comply with the condition.

MR. GONSON: Yes.

KAREN COX: Is that retaining wall that is shown on the -- between the driveway and the property line --

MR. GONSON: That curving line, yes.

KAREN COX: How high will that be?

MR. GONSON: I believe it is 5 feet.

KAREN COX: Something like keystone block type wall?

MR. GONSON: Correct.

KAREN COX: That will be installed at the time the house is constructed.

MR. GONSON: During construction. We also have a planting area on top of the wall. The land berms up a little bit with plantings on top.

KAREN COX: So that is being put in mostly to give it some more usable space?

MR. GONSON: Outdoor patio, yard, terrace space, yes.

KAREN COX: On the other side you have similar -- you're using T wall to hold that up?

MR. GONSON: On the north of here? Yes. The same sort of retaining wall structure will be there coming up in roughly 4-foot increments in height.

KAREN COX: Wow.

JOHN NOWICKI: Would you consider this an earth sheltered home?

MR. GONSON: We're berming on one side and partially berming on the roadside. So earth sheltered partially I guess would be a term you could apply, but we're not looking at it for that way. It is just for visual to reduce the size of the house on the lot.

JOHN NOWICKI: Basement living space?

MR. GONSON: Potential is there, but not at this point.

JOHN NOWICKI: Height appropriate?

MR. GONSON: Yes.

JOHN NOWICKI: Type of basement wall construction?

MR. GONSON: Superior walls, precast concrete system. Because we're going to have quite a tall concrete wall there.

JOHN NOWICKI: Good for you. Life preservers on the deck there?

MR. GONSON: Right.

(Laughter.)

DENNIS SCHULMERICH: The outline of the existing grade would be retained and you would actually berm up to the side of the house?

MR. GONSON: The grade exists. We're digging out and putting the house against what is left.

DENNIS SCHULMERICH: Construction of the house above the berm or above the dig-out, is it wood construction?

MR. GONSON: Wood construction with siding. We're not sure yet at this point.

DARIO MARCHIONI: From the back there it is quite a drop. I was over there. I had to hold onto a tree.

MR. GONSON: Yes.

DARIO MARCHIONI: One of the things that I am concerned with, when you are exiting Scottsville Road, I parked my car there. To the south, you can't see the approach. If there was a big tractor-trailer coming up, within a split second, it was right on me. I was wondering if you considered that in a way to -- there are some bushes along the edge of the road there. Is there any way to clear that more, to get a better sight?

MR. GONSON: We thought about taking two or three or four of those shrubs closest to where the driveway is going to be out so you could improve the sight lines to the south.

DARIO MARCHIONI: That is a real -- and the other thing, too, the driveway across the street, will this line up with that driveway?

MR. GONSON: No. When you were there, the neighbor's driveway -- this is going to be close to where the neighbor's entry point is.

DARIO MARCHIONI: The one on the same side?

MR. GONSON: Yes.

DARIO MARCHIONI: Across the street?

MR. GONSON: It won't line up with that.

DARIO MARCHIONI: That is quite a cautious area. That is the only thing. As far as the site, I think you will have a heck of a view there. Way, way up there. It is beautiful.

JAMES MARTIN: With the shrubs removed, have you done sight distance measurements?

MR. GONSON: No, we haven't.

JAMES MARTIN: I think that is going to be required.

KAREN COX: Scottsville Road, well, probably.

MR. GONSON: Part of our curb cut?

KAREN COX: Yes. With the driveway permit. I don't know what their -- if they have the same requirements the County does or not.

JAMES MARTIN: I think that is something you better check into.

MR. GONSON: Okay.

DANIEL KRESS: Brief clarification. You have got on the site plan in front of you a very

helpful site section, that if you refer to, you can follow what I am saying hopefully a little better.

Part of this site is in the regulatory floodway. That is not an area -- let me back up. That is an area that is delineated on the federal flood insurance maps and it is not an area in which any permanent structures are ordinarily permitted, and according to our zoning regulations for the FW District, no permanent structures are ordinarily permitted. What needs to be part of the record, whether this Board does it by way of a formal finding or at least into the minutes is that the location of the house may be within the flood plain, where such construction is permitted, but it is not within the floodway where the construction is not. And, of course, the elevation of the house will be well above the minimum 2 feet above the base flood elevation, which would be a requirement for such construction.

I just wanted to clarify that, because if you look at the zoning record for this site, you will see it refers to it as being in the floodway district where ordinarily you wouldn't be able to build. That is why I have told Mr. Gonson, if we do it this way, and establish for the record that he is well above that elevation, you can go ahead and do this.

JAMES MARTIN: Thank you.

DENNIS INCH, 2146 Scottsville Road

MR. INCH: Property owner at 2146 Scottsville Road. That would be to the north of the proposed building site.

The setback between my property and this house would come down to 15 feet, which is not taking into account the drop-off between the proposed building site and my property. As soon as you reach that property line, it is not on the topographical maps here, there is a 10-foot slope going down. So 15 feet from that drop-off, now you're building down probably 20 feet. It doesn't seem -- without any soil testing of what the composition of that soil is, I would be uncomfortable with the setback the way it is now. Particularly because the retaining walls are more like 2 feet from the property line. So the disruption of my property will be taking place during construction.

JAMES MARTIN: I guess I will ask for comment from the Town Engineer at this point on that particular issue.

DAVID LINDSAY: I missed the comment. I was talking with Mr. Kress --

JOHN NOWICKI: South side?

MR. INCH: North side.

KAREN COX: You're worried that some of the soil on their property will slough off into yours or possible slope failure? Because --

MR. INCH: In two areas, correct.

KAREN COX: Because your residence is going to be lower in elevation than their house?

MR. INCH: That's correct. And, you know, unless this is changed from what I was given, that topography is not shown.

KAREN COX: There is not much of the existing topography shown off the property line.

MR. INCH: The topography on the river bank is also incorrect. Your comment about being there and holding onto a tree is a good one, because it goes straight down. And then levels out to a gradual.

KAREN COX: That is what those -- all those narrow lines --

MR. INCH: I understand that, but they're not narrow enough.

DAVID LINDSAY: He has a concern with the bank sloughing off as they're constructing those T walls?

KAREN COX: Correct. And the house itself. His house is on the north, and it is -- I believe he said 10 feet lower than the proposed site, so he is worried about slope failures.

DAVID LINDSAY: I can speak to Larry (Nissen) about that and he will ask for some additional details and engineering backup for that construction in that area. That could clarify this a little bit better.

KAREN COX: You could probably tell from the soils map what is out there.

DARIO MARCHIONI: Let's ask Charlie (Gonson) how he will deal with it.

MR. GONSON: Let me -- I will roughly put where your house is. I think your storage shed is right about here on the edge of the bank (indicating). Isn't that your little shed up there?

MR. INCH: Yes.

MR. GONSON: You walk a ways down and your house sits somewhere down here (indicating).

MR. INCH: 50 feet from the property line.

MR. GONSON: Then have you a dug-out turnaround driveway.

MR. INCH: It is not dug out.

MR. GONSON: Lower than the surrounding property.

MR. INCH: The land slopes down. It was never dug out.

MR. GONSON: Looks like it had been at some point.

MR. INCH: If you look at the land back here, all of the way down, it slopes. So that -- you know, at this point, you're coming extremely close to a property line and then a drop-off.

MR. GONSON: Right. So --

MR. INCH: Then the other concern, just for clarification, is the retaining walls. You know, that is more like 2 feet from the property line.

MR. GONSON: Well, they're more like 5, and our grading doesn't change within 2 feet of the property line, so we're not going to disturb grading within 2 feet of our property line.

MR. INCH: During construction I'm very concerned about that.

MR. GONSON: So we have about 65 feet from where the house construction will be to where his house is located.

MR. INCH: Where the house currently is, but I'm looking at plans of coming to the Board with a variance to build an extension onto my house. So now --

MR. GONSON: I don't know if we can plan for whatever might happen in the future.

MR. INCH: I'm just saying a 15-foot variance there, you know, setback for the type of construction, I don't think is adequate.

MR. GONSON: Correct me if I am wrong, but you said you were concerned that there would be runoff from this construction process onto your property; is that what your concern is?

KAREN COX: No. I think he is worried about the --

MR. GONSON: Erosion?

KAREN COX: -- slope failure. If you're running equipment on it.

MR. GONSON: During the construction process or after?

MR. INCH: Construction process. But your comment about runoff is a good one.

MR. GONSON: Construction, we'll not have any heavy equipment up in this area (indicating). There are trees and shrubs we're trying to maintain. They will start digging from this side and move back from this edge of the bank. There will be no real disturbance against your property line or our property line. There will be no equipment there. The foundation system is precast, coming in with a crane, and set. It is all set in a day. There will not be forms or concrete trucks coming in. One delivery truck, one crane.

MR. INCH: My comment is, I'm very concerned about the setback.

JAMES MARTIN: I understand.

Dave (Lindsay), I think, you know, the -- between you and Larry (Nissen), I think you need to go out and do a very thorough review with this gentleman and the proposed, you know, builder.

MR. GONSON: We would be happy to do some soil testing. We can't because we are only under contract to purchase. If the Board makes it a condition of approval for soil testing, that allows us to get on the site with a backhoe. We would be agreeable to that.

JAMES MARTIN: Agreeable?

DAVID LINDSAY: Yes. I will bring this issue up to Larry (Nissen).

MR. INCH: I have another question for the architect. How far down the slope will that first patio area be?

MR. GONSON: You can see on the section, right here (indicating), so this dotted line is the existing grade. So we're roughly about 12 feet down from the peak of the grading to where this patio level will be.

MR. INCH: 12 feet from the peak of the existing?

MR. GONSON: Of the existing bank.

MR. INCH: Existing bank, right.

KAREN COX: Can I ask a question? Typically around here most basements are constructed with block walls, so the excavation is very large.

MR. GONSON: Correct.

KAREN COX: I'm somewhat familiar with this type of construction. Your excavation probably won't be as large, gigantic a hole because of the precast wall system?

MR. GONSON: Correct. There is still an angle to the excavation wall to keep it from caving in, but we won't have to create as much space outside for the forming and men to work in, so it will be reduced.

KAREN COX: The typical holes you see in the subdivisions around here, it won't be as great.

MR. INCH: How is the runoff, since you brought that subject up, to be handled, because of the topography of that -- being 10 feet below where you are, I'm concerned about it.

MR. GONSON: Okay. Well, all of the runoff here is going to follow all of the original grade lines, so this site typically, or generally now, pitches towards the road. That will remain. All of the topography around this house does the same thing.

We have removed some soil here for this driveway to bring it in level with where the garage floor will be. We can put a dry well in there. We haven't shown it, but we can do that. I don't see a lot of runoff in that area, but that is a possibility if you would like to do that. Other than that, we have taken care of it.

We also provide gutters on our roof edge, and we direct that storm water to dry wells. Something else we would be happy to do if that is going to be a plus for you.

MR. INCH: Thank you.

CHRISTINE GOULICK (phonetic), 2156 Scottsville Road

MS. GOULICK: I'm Christine Goullick, 2156 Scottsville Road, and I also own 2154 Scottsville Road, the plot of land south of this proposed building. I have been there for 19 years, and I have the deed to my property along with the map that I was given and never was it shown to me that this plot of land that Randy (Johnson) is proising to purchase, which he has not yet, is not mine and I know the Galbraith people owned it. I mowed it and planted those bushes you plan on ripping up for 19 years. I'm in the process of retaining a lawyer for an adverse possession lawsuit. I want to bring that to your attention, because I have been -- and my children are now four teenagers, but during the course of my bringing them up, there was a swing set exactly where his house is planning on being, and it was there for 15 years and no one ever bothered to tell me that wasn't land that was mine. I know it sounds hokey. I had a baby two days after I moved in this house and I had three more consecutive years after that.

I dug out my deed and nowhere does it state the lines of the property. I mean maybe if I was an architect, I might know this kind of a map better.

So with that said, I know that when I spoke with, I think it was you or might have been Randy (Johnson), that they're proposing that the line between our house also be only 20 feet. And my children use that top lawn for soccer and all kinds of stuff, and I also have trouble with the digging, and with the retaining wall coming out the driveway. As someone already stated -- I think it was Dario (Marchioni), you can't see a lick of anything coming out that driveway, and I'm the lucky girl because I'm at the top and I still can't see a lick. If there is a Volkswagen or Subaru coming up from the south, I have to move like the dickens. If there is going to be a wall over to the right, that will only hinder my vision of the north even worse than it is now. So I'm, in general, very adverse to this proposal for a number of reasons as I said.

MR. GONSON: Could I clarify the wall thing for you? The wall is back here (indicating). Way back from the road.

MS. GOULICK: I heard driveway and wall at the same time.

MR. GONSON: I wanted to clarify that.

MS. GOULICK: Well, and those shrubs that you plan on digging up I planted and you will not touch any of my shrubs because I planted about 15 --

JAMES MARTIN: Thank you. Are you finished at this point? Do you have more comments?

MS. GOULICK: Thank you.

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

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

The Board discussed the proposed conditions.

MR. GONSON: One clarification on the adverse impact in that is related to disturbance during construction, runoff, things like that. It is not around aesthetics or proximity? That is all zoning issues?

JAMES MARTIN: Those are zoning issues that would be resolved via that process. We're talking about -- yes, construction, you know -- runoff, erosion.

MR. GONSON: Okay.

JAMES MARTIN: Bank, you know, issues.

MR. GONSON: Okay.

JAMES MARTIN: We certainly don't want those banks collapsing or anything. Those are

the issues that I think you need to work very carefully with the Town Engineer to ensure that people living on either side are not adversely affected.

MR. GONSON: Right.

JAMES MARTIN: If there is any indication, I expect the Town Engineer will so notify the Board and the Building Department that, you know, we have a significant issue. If there are sight distance issues with a curb cut, I think that is going to be an important issue for you to resolve also.

MR. GONSON: Property owner is aware they have to make the application to be in the drainage district, but they have delayed it at this point.

JAMES MARTIN: We're doing the best to protect the adjacent homeowners if this does move forward.

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. SEQR

The Board discussed whether or not to waive final.

The Board indicated they would not waive final this evening.

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

1. Per Section 283A of Town Law and Article 25AA of NYS Agriculture and Markets Law, applicant will prepare and submit an agricultural data statement.
2. Site distance for proposed driveway curb cut must comply with NYSDOT standards.
3. Soil testing must be completed and reviewed by the Town Engineer prior to any construction.
4. The Town Engineer will work with applicant and adjacent homeowners to insure there is no adverse impact on adjacent property as a result of this project.
5. Pending approval of the Town Engineer.
6. Applicant to file request with the Town Clerk for inclusion in the Town of Chili Consolidated Drainage District.
7. Applicant will be required to seek all necessary variances from the Town of Chili Zoning Board of Appeals.

Note: As a result of this project, no permanent structure will be constructed in the floodway designated zone.

There was a recess in the proceedings.

4. Application of David Versteeg and Geoffrey Feltner, 76 Amity Street, Spencerport, New York 14559, property owner: Esbam Properties; for preliminary site plan approval to erect 6 mini storage buildings totaling 30,600 sq. ft., including an outside open storage yard at property located at 57 King Road in L.I. zone.
5. Application of David Versteeg and Geoffrey Feltner, 76 Amity Street, Spencerport, New York 14559, property owner: Esbam Properties; for conditional use permit to erect 6 mini storage buildings at property located at 57 King Road in L.I. zone.

Christopher Karelus, Geoffrey Feltner and David Versteeg were present to represent the

application.

MR. KARELUS: Good evening. My name is Christopher Karelus with Schultz Associates in Spencerport. The project site is located in a previously approved subdivision tract, previously approved as the Esbam Subdivision. It included five lots at build-out, all industrial in nature, and what the proposal before the Board this evening is for is, one, to ask approval for a conditional use permit for operation of the mini storage units within an LI District, and, two, for the Board to acknowledge site plan approval on the two phases of development. Lot 4 is where the proposal currently sits.

On to the property, if I can step to the map and still talk, there currently exists an access off King Road, commonly cross-access agreements between the five lots, equal shared responsibilities on maintenance to those roads, and into the project site what here we show on the overall plan as two phased build-outs of the property. The initial three buildings are going to be happening in the first phase if permitted and approved. The initial back Lot 3 buildings will be happening with the second phase. Open storage yards proposed with both phases of the project. The clients did market research. This area is in need of use such as this.

The open storage yards will be proposed with two fashions of storage. Large unit storage to accommodate RV or boat storage and small unit storage, which you usually see about a parking space size. Dealing with the conditional use permit, we understand that the Town has to see that this fits the use for that type of district. The mini storage use has very little in comparison nuisances associated with it, as if you look at other permitted uses in the LI District.

Another concern by the Board is also what type of traffic will this generate. The proposed mini storage use, even at full build-out through both phases, generates less than half of the least intensive use in your LI District, which is light assembling and packaging per the IT trip generation manuals which on average generate 50 trips between the a.m. and p.m. peak periods.

Another area of concern is also what type of energy use is associated with those. The impact for energy on a use such as this is next to none.

Operation on the property, um, currently will just be out of a single office space which is noted on the overall and the site plan. What that is going to be used for is basically renting out the space to a client. It will be holding that space and storage. They're proposing that this place, that the site be gated so security access will only be permitted to the individuals that own or will be renting one of the properties. That will be through a gate, a sliding gate off the main entrance.

Along the main drive aisle will be a parking area to accommodate people when they arrange to rent a space, meet with the owners and give the security card with access to those spaces. In looking how this fits in with the districts and how the Town can look at this as being a good fit for the property, one, you have adjacent uses which are conducive to this type of use. And two, being you kind of think of these as not wanting to sit right on the roadside. These are not completely invisible from the roadside, but they're less obtrusive than say a road frontage property would be. But they do have the ability to be noticed from the roadside. The common drive gives them an access through. Traveling public to and from industrial use, employees and so on will be utilizing this, but it won't have the through traffic on collectors or arterials or any other travel street in the town. We feel this is a good fit for this site for the town.

I guess at this point if I can step back, what I can tell you is with the site planning, I have talked to the Health Department and the Health Department recognizes that -- we have done testing to basically show the Board that this site will support both septic system, and water service can be supported by this site, but with this planning right now, there is no need for it. The office space is only going to operate as a rental, so they call upon the owners, the owners go and physically go and rent the space out. There is not going to be an individual on site during working hours. This is just strictly a storage space that is going to be used by individuals that will go to a owner, rent the space and utilize the space. So there will not be an operator on site.

County Department of Transportation, through their DRC comments, I had a chance to talk to Henry Hertzog. They thought the proposed road with a tie-in to King Road. In actuality, there are no permits from the County needed and all their comments were not in relation to the site. The only thing they ask, we put on the site plans a note and that will be on the final films.

County water has been notified. They require any non-residential use have a backflow preventer with a check system on it so no back waters get into the main line. They ask we note future water service and a note on the plan indicating no water service to the use during the two phases up until say an operator gets in there or toilets are initiated. So they won't have approval with this project either.

I had a chance to talk to Larry Nissen, the Town Engineer. This site will be compliant with

all New York State DEC GPO-21 requirements. There is a pond that was designed and approved for the Esbam property development that manages the storm water. It did not fine tune the details of the permit process so an on-site storm water pond will make this project at full build-out compliant with all of the Phase II regulations for DEC.

Now, I will take a step back, if there are any questions from the Board or the public, and will be more than happy to answer them.

JAMES MARTIN: I think at this point I will go directly to the Board.

RAY BLEIER: Your driveway, will this be paved?

MR. KARELUS: Yes. I failed to mention the Town Engineer did have a comment, he asked of us to note on the plan the structure of the drive and -- we initially had a pre-app with the Town Planning Development Coordinator, and asked if approved, they allow for the gravel to sit for one year so it can allow for settlement. What Larry (Nissen) asked is that we note that on the plan, keep it on the site plan, note the first year gravel through it and then the topcoat will be put on the second year. He asked that a detail regarding the structure of the road be put on there. So those will be on the final films.

JOHN NOWICKI: Are you talking the entire area or just a road coming in?

MR. KARELUS: The entire area. But if -- this overall build-out plan is for the two phases. If you look at the site plan, which is the second phase, which shows in detail the routing of the future utilities, the proposed grading, this is what they're going to be constructing if the approval is granted.

JOHN NOWICKI: First three buildings?

MR. KARELUS: Yes.

JOHN NOWICKI: Asphalt pavement around those buildings?

MR. KARELUS: First year they will let gravel sit so it can settle.

DENNIS SCHULMERICH: Then?

MR. KARELUS: Then the topcoat. There will be a topcoat to the gravel.

JOHN NOWICKI: Asphalt?

MR. KARELUS: Correct.

JAMES MARTIN: Around all of the buildings.

MR. KARELUS: Yes.

JOHN NOWICKI: That will have to be specified at some point.

MR. KARELUS: That is what Larry (Nissen) asked me to do, note it on the plan that -- the structure of the pavement that is going to be there, and also note that the first year would be gravel to allow for settlement and then topcoat put on.

RAY BLEIER: What about lighting? What type of lighting are you having?

MR. KARELUS: They have low wattage lighting that will be along -- I believe it is -- is it thirds on the building? Thirds on the building to provide safe cover. It will be over the office space on the front -- I guess that is going to be the true easterly building. I will have the northeast corner be the office space. That will also be lit over the front portions of the building.

RAY BLEIER: Access 24 hours a day.

MR. KARELUS: Through the security that each individual that rents, yes. They will be able to access.

MR. VERSTEEG: David Versteeg, 39 Walnut Hill Drive.

There won't be access 24 hours. Even with pin pad, there is only access between 6:00 a.m. and 10:00 p.m. No access after 10:00 p.m.

MR. KARELUS: Sorry.

RAY BLEIER: Part of the letter that you have here, it says one employee is anticipated to assist in the operation of the facilities. That sounds kind of iffy.

MR. KARELUS: What they want to do with the first phase, if they're at full vacancy the second year and they get to the second year and they have rental space -- and the gentlemen have jobs outside this interest -- they will need to have a full-time person. They can speak to that a lot easier than I can, but they will figure the need for it. But they do anticipate at full build-out one full-time employee on site.

RAY BLEIER: At start-up time there will not be anybody there?

MR. KARELUS: No.

RAY BLEIER: I'm a little concerned about the open storage there. Can you be more specific as to actually what is going to be out there in the open storage area?

MR. KARELUS: Um, I think what they're targeting is a lot of the areas that build out subdivisions, some of them have homeowners' associations that don't allow storage outside the driveways. A lot of these areas are building in these type scenarios. So those people are all

younger, you know, younger families that are going to have the need.

They have done their market research. They know boat storage for these type of people, RV storage for empty-nesters moving in these areas, they're there. If they can't put it at a home site, they need a place to store it.

RAY BLEIER: It is fine if it is defined. What I am looking at is, yes, if you're going to have RVs, boats and trailers, fine. But I would like you to be that specific. You know, not just leave it for open storage, because you're opening a door to just about anything that could go in there. MR. KARELUS: I think those three issues, like you said, RVs, campers and boats are pretty much what is highlighted in their minds what that is going to be utilized for.

RAY BLEIER: That might be specified as a condition.

JOHN NOWICKI: Dan Kress, we have nothing in our current zoning code now to control RVs, mobile homes and boats and -- in people's driveways? Do we have anything in the code?

DANIEL KRESS: Actually, we do.

JOHN NOWICKI: We do? How come we have them all over town in the driveways?

KAREN COX: Well, --

MR. KARELUS: I guess, you know, what is in that storage yard, what this site offers is probably about halfway down this lot, say probably closer to the right about here (indicating), you just have a wood lot. They're going to preserve as much as they can. This is not going to be from the roadside or from any adjacent lot, you know, completely visible. This is just going to be a storage yard that is going to be --

DENNIS SCHULMERICH: Doesn't matter how visible it is. The issue is what is going to be there and whether that is code or not. Ray (Bleier) is raising a good point. We may qualify -- if this is approved, we may qualify what is allowed and what is not as part of a condition.

MR. KARELUS: That is understandable. I think those three issues are the main highlights what they are targeting to get into those storage yards.

JAMES MARTIN: For clarification, it would be RVs, campers and boats?

MR. KARELUS: Yes.

KAREN COX: And car trailers?

MR. KARELUS: Cars. The car spaces can easily be slipped into a larger space. So if -- you know, the two, back to back can be modified.

DENNIS SCHULMERICH: We don't want pallets of PCBs and dichloroethylene. There is a range of things. Some are acceptable and some are not. We need to find a way to say that.

KAREN COX: The concern of the Board on other applications -- I'm thinking of one recently where material storage was shown, and the materials at the time the application was made were going to be mulch and landscaping materials which morphed into a pile of asphalt millings and -- I mean I know you're not going to be storing that.

MR. KARELUS: I can safely say they're not looking to encourage any nuisance on the site.

MR. FELTNER: Geoff Feltner. We really were going to pretty much limit it to RVs, boats and campers. We had no intention of storing people's junk. It would be motorized, and that was -- we don't have a problem with that. We had no intention of storing anything else.

RAY BLEIER: As long as it is spelled out.

On the second sheet here of your drawing, it looks like where your future three additional storage buildings are is going to initially be your open storage area.

MR. KARELUS: That's what the build-out plan intended to do, is to create the pads for the second storage units to just easily accommodate the site. So there is not a huge disturbance when those buildings will be built.

RAY BLEIER: Drainage for the whole site is taken care of in Phase 1?

MR. KARELUS: Yes. The overall plan, both phases were analyzed when we did our storm water management design.

KAREN COX: What do you do for -- I mean -- for a facility such as this, in an area that gets -- it doesn't get a gigantic amount of traffic all of the time. Do you run into any vandalism issues with the storage units getting broken into occasionally? What do you do about security, providing that?

MR. KARELUS: I think one of the things, one of the implements, aspects of the site was the security gate to provide some type of deterrent. Also, the 6 foot fence around the perimeter, and each inch it is -- they're -- it is a heavy duty metal build, it is not the easiest to -- to just break into.

MR. VERSTEEG: We did some research, and obviously the location of the site -- past site is hidden from passers-by so we're kind of concerned about security. It was our decision whether we wanted to propose a fence or not and right from the get-go we wanted to do that. We think that

is important. The other one was Ray (Bleier)'s question about controlling the access. It is a pin pad, not a card swipe. It is a pin pad. You need access. You can only gain access up until 10:00 p.m. Anything after 10:00 p.m. we don't really want to be part of. If somebody really needs to get in the unit, we can call them and meet them there and override the pass codes to get in, but we just thought, number one, lighting, a gate, a pin pad and then a fairly high fence. We decided not to do any razor wire or barbed wire, but we thought at least a 6-foot high fence was enough to suffice.

KAREN COX: Do you have a rendering what the units look like on the outside?

MR. VERSTEEG: We do.

MR. KARELUS: We took a picture of the exact building they will be putting up and they have a material sample also for you.

KAREN COX: To be honest, I like this location for this type of facility better than the other area where it has been proposed, which is Union Street, but --

MR. KARELUS: They're black and white. It is the only color that tracks the building system, the supplier.

DENNIS SCHULMERICH: Is this one you currently owned or one you photographed?

MR. VERSTEEG: This is over on Linden Avenue.

DENNIS SCHULMERICH: You're the owner?

MR. VERSTEEG: No, no. This one has been under construction. They're putting some new buildings up. They have, I think, about 45 or 50,000 square feet rented right now. But the -- we went to this location because not only the buildings are the right color, but it is the same manufacturer, same structure and run just like we want to run our business.

JOHN NOWICKI: Safety for getting fire equipment in and out, that type of situation, how can you accommodate that if you have a fire in one of these buildings or something caught fire? What kind of precautions are you taking for safety situations?

MR. VERSTEEG: I can address that one, too, if I may. The Chili Fire Department will have an override pass code so they can get in any time.

JOHN NOWICKI: After 10 o'clock?

MR. VERSTEEG: Yes. It will work 24 hours a day.

DENNIS SCHULMERICH: Fires are not allowed after 10 o'clock.

(Laughter.)

MR. VERSTEEG: We hope it is not going to happen. It is not a common occurrence. They will have an override pass code to get trucks in there. There is plenty of room to move around the buildings with a sizable vehicle. We spaced them wider than what is proposed. 30 feet between the buildings and better turning radii on the end of the buildings and the fence.

JOHN NOWICKI: Metal building system you're proposing?

MR. VERSTEEG: Yes. Quarter 12-inch on the roof.

JOHN NOWICKI: You indicated earlier in your presentation that you had studied this site.

Do you have a market study for this?

MR. VERSTEEG: As far as traffic? Population?

JOHN NOWICKI: Market study telling us the need for this type of project?

MR. VERSTEEG: We don't have anything with us tonight. We used --

DENNIS SCHULMERICH: Do you have one at all? Do you have market saturation data? Occupancy data?

MR. KARELUS: No. They're looking at how Chili is built out and the fact these are not around. They understand the need.

DENNIS SCHULMERICH: Seems like the good thing to do.

MR. KARELUS: Not just this, I can tell you experience living here, I know it is a good thing to do. I will put my boat there now.

JOHN NOWICKI: We have a requirement in our code that we require a market study. So if you can provide information, that would be good, whatever you got.

MR. VERSTEEG: We took a lead from what is going on around across the country and when you compare this to other states and nationwide, they look at the gross population and they figure out how much rental square footage that population would support.

JOHN NOWICKI: Not disagreeing with the need. I'm just saying you want -- we want to watch what is going on in this particular field here.

Hours of operation 6:00 a.m. to 10:00 p.m.?

MR. VERSTEEG: That is right.

JOHN NOWICKI: Any security cameras?

MR. VERSTEEG: No surveillance system.

JOHN NOWICKI: Landscaping will be required probably. Are you aware of that?

MR. KARELUS: Yes. They're going to have a perimeter treatment of landscaped plantings, a row of trees along the whole frontage.

JOHN NOWICKI: You will have to go to the Conservation Board for approval on that.

JAMES MARTIN: You will need a landscaping plan to review with the Conservation Board.

JOHN NOWICKI: Signage out by the road?

MR. KARELUS: The property owners will have comprehensive signage.

JOHN NOWICKI: That is something --

MR. KARELUS: Compliant to -- with the Town Code.

JOHN NOWICKI: The roadway, you talked about that. So we're okay there. I think that is probably all I have got. Unless -- you can ask the questions.

KAREN COX: Just thought of one more. When you rent these units out to the -- to people, is there an agreement that they sign that indicates certain things can't -- or where they agree that -- certain things that can't be stored in the storage units, such as lawn chemicals, you know, gasoline, that type of thing?

MR. VERSTEEG: It is heavy enough to hit them over the head with it and make it hurt. It is pretty involved.

KAREN COX: I just wanted to make sure that you have that type of thing in place.

MR. VERSTEEG: Absolutely.

DENNIS SCHULMERICH: Do you have any other -- any of these other -- any businesses like this running anywhere else or is this the first venture?

MR. VERSTEEG: First venture.

DENNIS SCHULMERICH: And typically, I would like to -- I see that, based on the application we're looking at, both a request for preliminary and final. Typically, I feel a lot better when I see drawings that have information around elevation, construction material, landscaping, lighting, and I'm not seeing anything on this, so I'm hesitant to be comfortable with final. Just so I can go on record with that.

I do have a perspective for where this property sits, a 6-foot chain-link fence will be an interesting proposition, but won't be a barrier for anybody getting in there. Somebody leaving RVs and their antique Model T with their PCBs on the back, they're not -- they won't be protected there. I think security is an issue. My perspective.

DARIO MARCHIONI: You are going by the market study, by feeling? There is a need for it. You're assuming there is a need for it. But I also want to make you aware that in our books right now, we have about 200,000 square foot of approximate mini storage within that circle there, within that area. Are you aware of that?

MR. VERSTEEG: We are.

DARIO MARCHIONI: Three projects, including yours. I just want to make you aware, and since you start this in phases, are you just testing the water to see if these are going first and then you add to it?

MR. FELTNER: Excuse me, sir. The building folks, Trachte Building out of Wisconsin, and they really aren't a chain, but we have to do certain market studies as to how many people are in the area, the road traffic, the supportability, the acceptability by the Town. They don't want to build those buildings for us unless we have done all of that, which we have. And normally, what has happened in all of these, when they do it, they build them in phases. Wouldn't make sense to build 15 buildings if you can't fill them up. It makes sense physically and economically to do three or four buildings and go on from there. The one that Dave (Versteeg) mentioned over on Linden Avenue is progressing in the same way. In other words, if there is a need, you will build more. If there is not, they won't build that. But we're aware of the stages.

DARIO MARCHIONI: I just want to make you aware, that it seems to be a very popular area for mini storage, all of a sudden. In that whole area. There is a lot of competition out there.

KAREN COX: The key is getting in there first.

MR. FELTNER: Yes, it is.

DARIO MARCHIONI: That is my concern. I also would like to see a traffic study of -- economic study, or a need for all these mini storages. I would rather see all these three projects put together and study all three of them as one project. In other words, for this area, to see if there is a real need for all these three mini storages that are coming. No reflection on you, but as a planner, I like to see, you know, a study of all of the three projects that are coming and see what impact they would do on that area. And if there is a real need. We're talking about some 200,000 square feet of mini storage, including other towns that are surrounding us also having it. In a radii of 5 miles -- I don't know how many mini storages are building built.

MR. FELTNER: All we can go on, sir, is what is there, and that is also part of our study. We would not be building one if there was one right there already. So we see the need as it is right now. What happens in the future, we can't decide.

DARIO MARCHIONI: Well, I'm just thinking that, we're opening up a box over here for conditional use permits that once we approve one, we have to approve the next one and the next one. It is a real impact in that area. That is my concern. I have no other questions.

DENNIS SCHULMERICH: The issues I have will be when we close the Public Hearing and we have a chance to talk.

RAY BLEIER: I have one more question. What about fire hydrant location on the site?

MR. KARELUS: I believe there is one north of the site. If you look at Lot 3, it is the westerly property line, sitting about right there (indicating). There is a hydrant into the property, and I believe there is one at the roadside, too. There is one at the roadside in front of the 51 residence, which is the Degus residence. There is another one that provides 500 foot of coverage on the site -- onto the site, excuse me.

JAMES MARTIN: From a business perspective, will you be owners of these buildings? Is there some sort of lease arrangement with the company that is going to build them? You will actually physically own the buildings and the maintenance responsibility will be yours?

MR. FELTNER: Yes, sir. Trachte Building are the folks that build the buildings, and we're purchasing the property and we'll be running this business as our business.

JAMES MARTIN: So maintenance of landscaping, exterior conditions, all those things will be your responsibility?

MR. FELTNER: Yes.

JAMES MARTIN: We talked a bit about the site plan issue. We have not talked much about the conditional use issues that we face here. This is in a Limited Industry zone, which in previous conversations we have had on mini storage, particularly another site that was proposed before this Board, that issue was brought up and discussed at great length around the fact that mini storage, per se, all right, is not either permitted or by some stretch a conditional use. I mean you have cited it in your letter, but I refer you to the fact it is limited to the ADATOD District essentially, and you do not fall within the scope of that particular zoning classification.

When we had this discussion previously, a lot of our comments to that particular applicant dealt with the Master Plan issues and the site that was being proposed for the construction of this mini storage as not fitting in with the Master Plan from the standpoint of, you know, the vision that we saw for that particular piece of property.

I will agree with the comment that has been made by another Board member that this particular site probably from the standpoint of, you know, fit -- fit with the Master Plan is much more desirable than the site that was originally discussed by this Board.

So at this point, you know, I guess I would prefer comments from the Board regarding, you know, their feelings around is this a type of business that we could, given the right findings, classify as suitable for a limited industrial site, given the fact that our current zoning, which we all agreed needs to be updated, and this process is underway at this particular time, updating our codes, but is this something that we would feel comfortable with as being, I will say substantially, you know, applicable to a Limited Industrial zoning situation.

So I guess I would like to have some discussion by the Board since we're talking about these two applications simultaneously.

RAY BLEIER: I think the geography of the site has a lot to do with it. Actually, this particular site, I feel, would be appropriate. Now, if you take a Light Industrial area, like off of Paul Road, where you have a lot of Light Industrial type activities going on, then I feel very uncomfortable. So I don't think you can blanketly say, okay, for mini storage areas, let them all go into Light Industrial regardless where they are. I think you have to look at each one individually and see if there is really a good fit. My feeling is this particular location, right alongside the railroad tracks and everything, is appropriate.

KAREN COX: That is pretty much the way I feel also, Jim (Martin). I think that the other site that you were just mentioning is in a -- maybe a more highly visible part of town where you have people from outside the town driving through there. That is why I felt, at least on that one, that it is not something I want to see. But this particular area is by railroad tracks. The buildings that will be -- future buildings that will be around it are going to be somewhat the same character. So I would say that I think this fits the site.

JOHN NOWICKI: The only thing I would like to bring out is the fact that this -- this was approved for the industrial building type of applications. We have five lots. Is it five lots?

MR. KARELUS: Yes.

JOHN NOWICKI: I don't know what impact from an architectural standpoint, if the site -- I agree with what you're saying as far as rental of buildings in here by the railroad tracks, but again, what impact does it have on the other buildings that might be proposed to be built next-door. In other words, these are square metal buildings sitting here. If I'm going in there to invest money and put up another building in there, am I going to be comfortable with mini storages next-door to me? I don't know. I don't know how the market looks at that.

MR. KARELUS: Most industrial uses are more on the operation than the use --

JOHN NOWICKI: We were sold on the idea of having five buildings in here, as an industrial park. Now we're changing the concept, and how that is going to fit, I don't know. You can tell me that.

MR. KARELUS: I just -- seeing how that sets up, that doesn't impress me about a spot that -- like again, traveling public is what is looking at and seeing it outside of who is using it. Most people using space like that are using it for -- a construction outfit. There are other uses that industrial parks built out -- manufacture or steel fabrication. Some are more intensive types of use, and some are less. It is less about the building than what is happening inside. I mean --

JOHN NOWICKI: It will probably have an effect on the character of the property and what is done with the balance of the property. But again, as far as the use goes, next to the railroad tracks, again, looking at the ownership, if it is managed properly and controlled and maintained properly, it is a good spot. But again, my concern would be what impact does it have on the other four lots. What can we get in there other than storage buildings? I don't know. That is all I have for now.

DENNIS SCHULMERICH: Assuming there is a need in the community, and we haven't had one applicant come before us yet that had a credible market plan in place that talks about saturation and need, and assuming there's a need in the community, I think this is as good a place as we're going to find. I'm not an advocate of building these in Chili. There is enough storage. We're not seeing demand from residents, at least at the Town Hall, telling us that we need more storage facilities than we have in the area.

But when you put all of the pieces together and look at the plan as it has been identified, and you look at the location, assuming we get the right architectural integrity, assuming we deal with security issues, assuming we have site plan with the detail we need on it, um, if we need them in Chili, this is probably the best location we have seen to date.

DARIO MARCHIONI: I am kind of concerned. Once we open the door for one project, how can we deny the other projects that are coming up? Just looking in the future. I think mini storage is mini storage. I think we should have a market study, put all these three projects together and have a market study of the need for -- some 200,000 square feet or something else of mini storages.

JAMES MARTIN: Based on previous conversations I have had around mini storage, and we have had numerous ones over the last couple of months, I think there is a self-limiting factor, okay. Basically, demographically driven. Population is one of the controlling elements on how much square footage is justifiable within a community, within a town, within a city. And you know, yes, there have been numerous proposals that have been forthcoming, but I think, you know, you're going to saturate very quickly given the population density of the Town of Chili. I don't know what that number is specifically. I think there is a need, clear need for the open space storage activity that is proposed here. And I'm not going to harp on this, but we do have, you know, a lot of RV violations in town that, you know, people are parking RV vehicles that are in excess of our code in their driveways, and this is an alternative place for them to put those vehicles. Then, you know, that is going to be beneficial to the Town from the aesthetic standpoint. There is no question about that.

So I think Dario (Marchioni), from the standpoint of, you know, the huge amount of proposed mini storage that has been discussed, um, it is going to limit itself very, very quickly, based on the demographic situation that we face here in this town.

So you know, I think, again, I agree essentially with the other members of the Board. If we're going to have mini storage in the Town of Chili, this particular site clearly in my mind is appropriate. I guess that is the word that I would use.

And what impact that may have on the projects that have been proposed, that is out of our control essentially, I think. That becomes the business --

DENNIS SCHULMERICH: Just as we promoted studies in other areas of Chili, whether it be traffic flow or drainage or type of building going on, you know, maybe it is incumbent upon us to have a better understanding of the storage needs in the community and maybe not expect the businesses to come in with their own marketing plans. I honestly don't know how many are

enough. I don't know what the right location is. I don't know if it is where this site is or if it is someplace else in Chili. That is the kind of information that if I had a better sense as to the current saturation, the current demand, the current type of storage requested that residents are asking for, I would feel a little more comfortable knowing this is or is not the right approach.

MR. VERSTEEG: If I could add one thing to the marketing comments. We looked at traffic. The percentage of housing that is multiple-family units as compared to single-family units. Median income, and then the general population. And at about 60,000 is the saturation. 60,000 square feet. So there is room for maybe one more. But if there was a professionally run mini storage in town already, we certainly wouldn't be here tonight. If there is one approved before us, then we'll also withdraw the application.

JOHN NOWICKI: We have one on Scottsville Road.

MR. VERSTEEG: I said professionally run mini storage.

JOHN NOWICKI: I won't mention one, but one I know of, they're very successful, the buildings are somewhat well designed architecturally. Here not too much over what you got, but a little bit more. But they have gone more into heavy RVs, boats, and things like that. But they have a very good security system in place and they have a full-time office. They actually have another business on the site, so that they're there operating their other business along with the rental spaces.

MR. VERSTEEG: I think I know the site you're talking about.

JOHN NOWICKI: On the other side of town.

MR. VERSTEEG: There is one on this side of the town.

JOHN NOWICKI: I'm talking on the other side of the county. It is very well done, nicely maintained and equipped and done right. There are a lot of people that use these. I think a lot of people would like to get the RVs and big boats they have parked in the front yards out of there for the winter months. They need the space if they have in-laws or grand kids coming over.

MR. VERSTEEG: Economically it doesn't make sense to have a full-time body in an office until there is about 30,000 square feet. To have 15,000 and park somebody there doesn't make any sense.

JOHN NOWICKI: But as this thing grows, you will need to look at that --

MR. VERSTEEG: That is why we proposed the septic system in the future and the water.

DENNIS SCHULMERICH: To what degree do you feel individuals, irrespective of where they live, are willing to park a 40, 50, \$60,000 RV if they don't have confidence there is around-the-clock or regulated security?

JOHN NOWICKI: That -- I saw one on Chili Avenue, down the road, advertised for sale for \$132,000. I don't think I would park that in there.

MR. VERSTEEG: Look at Myers Campers. They're lined up out there and there is no security. Somebody sleeping at the desk.

JAMES MARTIN: That is a risk assessment the owner is going to have to make, coming down to where they want to park this thing. It is an issue that the applicant needs to deal with from a general public standpoint. Maybe you should think about better surveillance.

MR. VERSTEEG: And surveillance system shouldn't delay the application either. Because they're not that expensive.

JAMES MARTIN: We can't demand you put it in, but --

MR. VERSTEEG: It wouldn't stop us if that is something that you require.

JOHN NOWICKI: Will the storage buildings be able to accommodate a vehicle?

MR. VERSTEEG: They're 10-foot wide. 30-foot wide.

JOHN NOWICKI: You could get a car or antique vehicle in there?

MR. VERSTEEG: Yes, you could.

DENNIS SCHULMERICH: It is a self-created situation. We're self-creating a hardship here.

JAMES MARTIN: There is no question about that.

DENNIS SCHULMERICH: Whether it is the right location for these buildings or not, it is a self-created hardship.

JAMES MARTIN: I think we have to take a serious look at that factor, that it is a self-created hardship when it comes to granting a conditional use.

DARIO MARCHIONI: I'd just like to make a point. Once we approve this, it is going to be a hard thing to stop anybody else from applying for the same thing.

RAY BLEIER: I take issue with that. I like to treat each application on its own merit, and regardless of that -- you can apply that same logic to subdivisions. You know, if you do certain things in a subdivision, and, you know, you say, well, we should have done that for all

subdivisions. That is not true.

JAMES MARTIN: I think there will be a self-limiting effect. You know, it -- saturation will be reached fairly quickly. I agree with Dennis (Schulmerich). I don't know what that number is.

KAREN COX: Whoever gets in first is the winner.

JAMES MARTIN: Whoever gets there first.

JOHN NOWICKI: The site here is obviously an off-the-road site. It doesn't appear to be -- cause any difficulty as far as that goes.

DENNIS SCHULMERICH: So I agree with whoever gets in first has a leading edge. But let's also go to an earlier application where we now have a Family Video store wanting to build in Chili who will now be challenging the drugstores and convenience stores, Hollywood Video, Blockbuster Video. So the first in doesn't necessarily mean longevity or "stayability." It is the market. That is what we don't understand.

JAMES MARTIN: It is a total business plan. There are many, many aspects that we don't control.

DENNIS SCHULMERICH: I'm just not convinced we have an understanding of this market well enough either ourselves or from the applicants to know what the viability is or isn't. It doesn't impact this application. It is just a general statement.

MR. VERSTEEG: We could submit our findings, too, with traffic --

DENNIS SCHULMERICH: Any education you could provide to us would be greatly provided.

MR. VERSTEEG: There is seasonality and climate controlled storage we have to factor out.

DENNIS SCHULMERICH: That would be helpful.

PAT TINDALE: If it is approved, I would like to see a landscaped plan.

JAMES MARTIN: I have that down as a condition already.

PAUL DOBELSTEIN, 32 Park Way Drive

MR. DOBELSTEIN: I thank the Board for some good, thoughtful comments up there. I wonder if you would accept, please, I have no documentation of these things -- accept these as anecdotal. I have used such facilities when I was traveling and hauling along some industrial agricultural equipment on a trailer.

First of all, I would like to find out if I -- I may have missed it if it was stated. I understand there are three buildings to be constructed now with the possibility of three more; is that correct?

JAMES MARTIN: Phase 1 would be three buildings.

MR. DOBELSTEIN: Phase 1 and 2. Can anyone tell me the exact square footage of the total three buildings to be built initially?

JOHN NOWICKI: 15,000.

JAMES MARTIN: Of the initial three buildings.

MR. DOBELSTEIN: I think the construction of that second group of buildings would have a lot to do with my decision about the worthiness of the project. Because if those don't get built, there is going to be a lot of square footage dedicated to open-air storage. Let me tell you from my own experience looking for such places as I traveled, we would all like to think that we can count on RVs locally and boats locally, et cetera. You're going to likely, without severe restrictions, you will likely wind up with everything from junk cars to storage sheds that people are waiting to put up on their property. Roofing organizations come into town from out of state to do industrial and commercial roofing. They will want to store their tar pots there, skids off of trucks, various aggregates, and there -- you will have a real polyglot in such an area. I have witnessed it myself. I have actually used such facilities in places, for instance, just outside of Philadelphia.

There is a need. There definitely is a need. I think the Board, and I'm sure you all have very active imaginations about this. You will notice some things about that unless very tight restrictions are put on it.

First of all, you will notice -- one of the things that would bother me, I have heard the word a 6-foot fence. A 6-foot security fence is not going to cut the mustard on a project like that, at least without a security guard on top of it.

Six feet is not going to dissuade intruders into the area. There is a severe risk. There -- not only vandalism, but major burglary and theft in such an area.

Another thing I would like to point out, is to be really secure, such an area, especially if it is hidden from the road, is going to require a pretty enormous amount of area lighting to keep it secure.

I would like also to know if the owner of this property has any intention of underwriting the insurance risk of property on the premises and to what limits those would be, because that could get really sticky with major vandalism in something like an RV. Let's hope we have a few of those along with all of the dump trucks that might cruise in and out of the place. But there is a liability to such areas, and usually, when I found such an area to store my equipment in to go on sales calls, I usually had to pick something in an already established -- of course, remember, that I was dealing with larger, older cities. I had to pick something that was in an established and somewhat decrepit industrial zone.

Light industry can mean a lot of things to a lot of us. In the Cleveland, Ohio area, light industry in some parts of Cleveland was restricted to things like the Deluxe Check Printers. In other parts of Cleveland, near Buell Road and the old factories going belly up, light industry meant lawn care facilities with hazardous chemicals around. In my particular case, I was hauling a 55-gallon drum mounted on a piece of farm equipment with what is considered an extremely hazardous material, methylethylthiazine. I was never refused entrance on the basis of the contents of my tank when I pulled into one of these facilities, and asked to keep the thing overnight.

That brings up my last point. What term of storage is going to be regulating the use of this property? Because it is going to make a great deal of difference whether you rent by the day, the week or the month. And then you find when you rent by the month, you have a more committed clientele, because they are pretty sure what they're going to put there, and if you approve of the use of what they put there, you're pretty sure you will be able to fill that space without having to fill the cash register by taking the next six or seven untenable projects into your property. And those are thoughts that I would like the Board to consider, and thank you.

JAMES MARTIN: Thank you, Mr. Dobelstein. You raise a good point.

MR. VERSTEEG: Monthly rental. And the cash flow of the project, the ability to pay the debt back doesn't include any outdoor storage. Any revenue from outdoor storage to pay it back. We can be pretty picky what we take and who we allow in the yard.

MR. KARELUS: We're not intending to do anything like the gentleman suggested, anything associated with anything non-mechanized. No storage yard for materials.

JAMES MARTIN: It will be restricted as a condition of approval, I can guarantee you.

DENNIS SCHULMERICH: What about the underwriting, the liability issue?

JAMES MARTIN: I'm assuming that the owners will carry the appropriate insurance for vandalism protection and -- I mean that is their responsibility.

MR. FELTNER: As a matter of fact, I own an insurance agency, and we will certainly have the appropriate insurance. I know a guy who has a \$150,000 RV, has some insurance of his own, because we'll be covered for liability, vandalism of property of others. You know, that is what I do for a living.

JAMES MARTIN: Thank you.

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: Just a couple of questions. In driving by there, I know it is a deep site, and judging, too, from the comments from the Board, I'm assuming there is nothing else on this industrial site at the present time?

JAMES MARTIN: At the present time, no.

MS. BORGUS: There has been some discussion about allowing car storage. I assume from the comments, too, that if there were any cars stored, they would have to be inside? These gentlemen have said they would only allow RVs, campers and boats outside.

JAMES MARTIN: That is what I have written in my condition.

MS. BORGUS: I think the Board should, if they allow this, should have a provision that there be no work on site on cars stored there. That could be a problem.

In walking a lot of Chili the last week, I have noticed an awful lot of RVs and campers and boats in Chili yards that, obviously, if you obeyed our law, should be in a storage facility of this type.

I think the thing to look at when you're looking at market studies, though, is not the potential for renting these, but if possible, judging how many people, even if it were available, would buy into this plan. You can have all of the facilities you want, but if somebody is so strapped for money in paying for all of the RVs, the toys, the boats, they're not going to oblige themselves of this kind of a facility, sadly. Sadly. Because they might better be in a place like this. I think it is a wonderful idea, but I think you have to look at more than the need, from a marketing standpoint, but is it going to be used. There has got to be some kind of a measurement that these people can come back with that let's you know whether people really do take advantage of those things even if

they're there.

And as far as the violations in our town, again, I say if our Building Department would just get the blinders off, we wouldn't have such a big problem in town, and something like this would be viable and workable and good. But I have said before, I think Chili is a lawless town.

JAMES MARTIN: I can personally attest as a former boat owner it was a scramble every winter to find a place to store that boat. Having had a facility available like this, it would have been a blessing.

MR. VERSTEEG: If I might add one more thing, none of these units have any electric service so it is not like they could unscrew the light bulb and plug tools in or have any light at you. There is no electric service to the units, which should deter people that want to work on the cars or tinker with the motors.

JAMES MARTIN: Wouldn't prevent oil changes in the parking lot.

MR. VERSTEEG: We'll prevent them from doing that.

JAMES MARTIN: I don't disagree. We'll add that. I mean as a condition, no maintenance of any stored vehicles permitted on the site.

MR. VERSTEEG: It is also in the contract it is not allowed.

DENNIS SCHULMERICH: What he said prompted a question. You're open to 10 o'clock at night?

MR. VERSTEEG: It's true.

DENNIS SCHULMERICH: No electric in individual units?

MR. VERSTEEG: Perimeter lighting.

DENNIS SCHULMERICH: If folks pull in to get into the unit, you expect they would turn the vehicles to get the lights there?

MR. VERSTEEG: To get a car?

DENNIS SCHULMERICH: What time is it dark in October around here, 5:30? So you have a lot of time between 5:30 and 10 o'clock. You go over there, and you want to get into the storage facility, how will they see?

MR. VERSTEEG: Just flashlights and headlights.

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: I will apply that SEQR to both applications.

On preliminary site plan I have four conditions listed at this time.

The Board discussed the proposed conditions.

JOHN NOWICKI: We need a copy of the contract.

JAMES MARTIN: Can you provide a copy of the contract?

JOHN NOWICKI: Rental contract.

MR. VERSTEEG: Do you want it now?

JOHN NOWICKI: Yes.

MR. VERSTEEG: Absolutely. I can give it to you tomorrow.

DENNIS SCHULMERICH: Can we put a condition on the term of the storage?

KEITH O'TOOLE: No, it is pushing it.

DENNIS SCHULMERICH: Sure?

KEITH O'TOOLE: Give it a shot.

DAVID LINDSAY: You said -- you used the word "phasing" when you were talking about paving.

MR. KARELUS: Yes. First phase will accommodate second storage yard, the building pad sites and so when the next storage yard is associated with the second phase, the same thing. When that space is created, just a year for the stone to settle before the topcoat is put down.

JOHN NOWICKI: Other one. In your rental agreement, as we were hearing some discussion earlier, chemicals, hazardous materials, flammable materials and explosives. Are they

excluded in your agreement somehow? Because this is something we should consider.

DENNIS SCHULMERICH: We can conditionalize it.

JAMES MARTIN: I will ask you point blank. I mean, are any of those materials permitted under your storage contract?

MR. VERSTEEG: They're not.

JOHN NOWICKI: Could you highlight that when you give us a copy?

MR. VERSTEEG: It is bold type and underlined in the contract.

DENNIS SCHULMERICH: Let's question that for a second. We have no contract in hand that specifies what the terms and conditions are.

JOHN NOWICKI: Provide us a copy of the contract.

DENNIS SCHULMERICH: My point is, we can specify that, and between the time we specify that and ultimately get the contract, there is nothing in our findings that specifies what we expect to be in that contract, and if that contract then comes in and doesn't have that exclusion, there is no issue then.

JAMES MARTIN: The applicant has indicated to us that that is a provision in their rental contract.

MR. VERSTEEG: I can show you that paragraph if you would like. If that is an issue.

DENNIS SCHULMERICH: I guess I would turn to our attorney and ask if it makes sense to conditionalize it or accept it is in the contract.

KEITH O'TOOLE: I would be more comfortable imposing conditions that achieve what you want rather than looking to the contract.

JAMES MARTIN: All right. Fine. What do you want to include as inappropriate?

KAREN COX: Flammable, hazardous, explosive materials.

MR. VERSTEEG: This might help. (Indicating). Includes food and perishable items.

JAMES MARTIN: Can we keep this?

MR. VERSTEEG: Yes. You can keep it. I tore off the important pages.

JAMES MARTIN: I will have the recording secretary make a copy of Item 7 in your contract. Do you want me -- I will read it for the public. "Uses of premises and storage limitations: The unit is for the storage of personal property only and may not be used for residential purposes or to house live animals. The storage unit may not be used for any unlawful purpose, nor will occupant keep in the storage unit any corrosive, explosive or highly flammable material, hazardous or toxic goods or substances; nor any food, nor any other goods which emits odor, is subject to spoilage or decay and/or whose storage or use, contravenes federal, state or local laws and/or creates a risk of loss, damage or injury to owners' premises, the space, or the property of other occupants."

DENNIS SCHULMERICH: So no chickens or pigs.

(Laughter.)

KAREN COX: You can't live in them either.

JOHN NOWICKI: Can't board your dog there for a week.

(Laughter.)

JAMES MARTIN: I will state as a condition that the owners will comply with Section 7 of their rental contract.

MR. KARELUS: That is a good outline to have for drafting the next application.

JOHN NOWICKI: Do we need anything there for the fire department for emergency purposes? Or accessibility? You made mention they would have the ability to have a card --

MR. VERSTEEG: No way to get into the individual units, but into the premises, yes.

KAREN COX: Well, they would have a way. (Laughter.)

MR. VERSTEEG: They won't have a key.

KAREN COX: It is called a purse tool. They won't have a nice way of getting in.

MR. VERSTEEG: A pretty way.

DENNIS SCHULMERICH: I'm assuming as part of the final plan we'll see landscaping and lighting and architectural?

JOHN NOWICKI: The fencing, you might want to consider that fencing as far as kicking it up.

KAREN COX: Razor wire.

JOHN NOWICKI: Or 8-foot.

MR. VERSTEEG: If it is 8 feet or 6 feet, with bolt cutters, does it matter? If you want to get in, you will get in.

JOHN NOWICKI: That is for sure. That is all I have.

DENNIS SCHULMERICH: Mr. Chairman, I have a question. The application has

checked preliminary, final and conditional. Do we need to qualify this is just preliminary?

JAMES MARTIN: We'll indicate this is preliminary approval of the site plan and conditional use permit will be for some period of time.

JOHN NOWICKI: Do we have to indicate in here about Phase 1 and Phase 2? It wasn't stated in the -- it shows they want approval for six mini storage buildings, but it is going to be Phase 1, Phase 2. I don't know if we have to specify that somehow or not.

JAMES MARTIN: If we approve --

JOHN NOWICKI: Approve six.

JAMES MARTIN: If we go with preliminary site plan approving six, they basically have the right to build six buildings.

JOHN NOWICKI: Okay. Just phase it out on the drawings.

Jim Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Esbam Properties owns the whole site. You're one occupant of the site. Do you have an idea what Esbam Properties is planning to do? Will you have signage of an individual nature prior to those other lots being used for something on that particular site?

MR. VERSTEEG: We have asked Gary Squires, the owner, President of Esbam Properties to join us.

JAMES MARTIN: Mr. Squires, would you care to comment?

MR. SQUIRES: Joint sign constructed at road for all five lots.

JAMES MARTIN: In compliance with the Town.

MR. SQUIRES: In compliance with the Town, absolutely. Either that or five signs along that 100-foot --  
(Laughter.)

JAMES MARTIN: One sign.

MR. SQUIRES: All right. Whatever you want.

DENNIS SCHULMERICH: We like the first answer.

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

1. Open storage area will be restricted to storage of vehicles such as Rvs, campers, boat trailers, boats and non-commercial trailers. No commercial storage will be permitted.
2. Applicant shall comply with the use of premises and storage limitations as follows:
  - a. The unit is for the storage of personal property only and may not be used for residential purposes or to house live animals. The storage unit may NOT be used for any unlawful purpose, nor will Occupant keep in the storage unit any corrosive, explosive or highly flammable material, hazardous or toxic goods or substances; nor any food nor any other Goods which emits odor, subject to spoilage or decay and/or whose storage or use, contravenes federal, state or local laws and/or creates a risk of loss, damage or injury to Owner's Premises, the Space, or the property of other Occupants.
3. No maintenance activity on stored vehicles will be permitted on site.
4. A certified landscape plan must be approved by the Chili Conservation Board.
5. Paving will comply with agreement provided by the Town Engineer.
6. Pending approval of the Town Engineer.
7. A copy of the rental agreement to be provided to the Planning Board.

JAMES MARTIN: On the conditional use, the same conditions will apply.

The Board further discussed the proposed conditions.

DENNIS SCHULMERICH: When would construction be complete?

MR. VERSTEEG: Hopefully before Thanksgiving.

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

1. This conditional use permit is approved for a period of two years.
2. All conditions listed under site plan approval apply to this approval.

Note: The Board finds that this use is acceptable under Section 115-17 of the Town of Chili Zoning code for a Limited Industrial District.

6. Application of R.J. Schickler, owner; 870 Chili Scottsville Road, Scottsville, New York 14546  
for resubdivision approval of two lots in the Schickler Subdivision at properties located at 860 & 870 Chili Scottsville Road in A.C. zone.

7. Application of R.J. Schickler; owner; 870 Chili Scottsville Road, Scottsville, New York 14546  
for preliminary site plan approval to erect a 30' x 135' addition to storage building at property located at 860 Chili Scottsville Road in A.C. zone.

Robert Fitzgerald, Dick Schickler and Rich Schickler were present to represent the application.

MR. FITZGERALD: With me tonight is Dick Schickler and also Rich Schickler. Combined the two applications tonight, did I hear that correctly?

JAMES MARTIN: Yes.

MR. FITZGERALD: Presently what we have, if I could approach the Board, is some time ago, actually our office did a mortgage parcel roughly -- well, it is a 5-acre parcel for a bank for finance reasons. At some time frame that map got filed with the Clerk's Office by deed, but there was never a filed subdivision map. So I believe technically right now it is an illegal subdivision. So we're looking to clean that up at this point and actually file this subdivision map. That is application number one.

The other application is to propose a 135 by 30-foot building addition. This would be used for storage of machinery, basically to get their trailers and equipment out of the elements. I do have a landscape plan I will pass around. It is small, and I will tack it up on the board just so the members can see it. This building is well off the road and hidden by lots of existing landscaping, so it wouldn't be visible from the road, but just to give us some nice foundation plantings, those are being proposed.

As far as the building goes, it will be a Finger Lakes metal clad building. I will match the existing roof line with the present structure and also will have a metal roof. I will have two overhead bays on one phase and then one end unit, and also two man doors. I also have a rendering I will pass around.

With that, not too much going on engineeringwise. No other utilities are being proposed except for electrical, which would just be an extension from the existing building.

With that, I will do the best to answer any questions you have or my clients.

RAY BLEIER: Apparently you have trailers on the property now that will be removed, those storage trailers?

MR. RICH SCHICKLER: I can speak to that. The first that is to the west, that will be removed almost immediately. The other existing, the three parallel, those will be removed at a point in time in the future.

RAY BLEIER: What are you using those trailers for right now, what type of storage?

MR. RICH SCHICKLER: Right now we have things such as burlap and pots and landscaping materials, some construction materials, and we anticipate building pallet racks inside

the new structure for those materials.

RAY BLEIER: I thought I heard Rob (Fitzgerald) mention the new building would house equipment and machinery.

MR. RICH SCHICKLER: There is enough space.

RAY BLEIER: Sounds like it is more than that.

MR. RICH SCHICKLER: There is enough space in there where we can run pallet racks along the north wall as well as overhead access to get trucks, trailers and equipment in there.

RAY BLEIER: Any hazardous materials stored in there?

MR. RICH SCHICKLER: Absolutely not.

RAY BLEIER: Flammables, anything of that nature?

MR. RICH SCHICKLER: No.

JAMES MARTIN: As far as the two parcels go, will there be a cross-access agreement?

MR. FITZGERALD: That is a great question for Town Counsel. I believe that is something that may be required.

JAMES MARTIN: Keith (O'Toole)?

KEITH O'TOOLE: It is only required if the other lot doesn't have its own access.

MR. RICH SCHICKLER: Each parcel has had its own independent access for many, many years. There is cross-access between the two parcels. It is a gravel driveway. Honestly, it is only used by the owner of the property, my father, Dick Schickler, to access morning and night his commute to work.

JAMES MARTIN: I understand that, but if that other parcel --

MR. RICH SCHICKLER: They both have independent access. Legal road cuts.

JAMES MARTIN: That is something that would not be required then.

KEITH O'TOOLE: That's correct.

MR. FITZGERALD: We can add that on the plan, too, for clarification. We weren't proposing improvements there, but we can add that to show that there is -- they do have access to that portion.

JAMES MARTIN: Why don't you clarify that?

MR. FITZGERALD: Sure.

JOHN NOWICKI: Have you made application for a drainage district? You're not in a drainage district.

MR. FITZGERALD: I'm not sure if we have filed that information with the drainage district.

MR. RICH SCHICKLER: I don't know.

JOHN NOWICKI: According to the Town, you're not in a drainage district so you have to make application for that.

Any dumpsters for outside storage or anything?

MR. RICH SCHICKLER: No, not in addition to what there is. There is a small debris dumpster.

DENNIS SCHULMERICH: I saw from the diagram where you're going to lap the steel over with the addition. Will they have the same appearance?

MR. RICH SCHICKLER: Yes.

DENNIS SCHULMERICH: And could you describe what hardship would be created -- can you describe what hardship would be created if we put a date when those trailers had to be removed?

MR. RICH SCHICKLER: With the seasonality of the business, we would like to take advantage of the labor force. Our off busy times we can come in and do that at our leisure.

DENNIS SCHULMERICH: If I were to say to you could you give me a date when you felt comfortable you would have all four trailers off the property, could you tell me approximately when you think that might be?

MR. RICH SCHICKLER: 24 months.

DENNIS SCHULMERICH: Okay. So if we --

MR. RICH SCHICKLER: If it has to be, then yes.

DENNIS SCHULMERICH: If we conditionalize it, those trailers have to be removed as a condition of approval within two years, that is acceptable to you?

MR. RICH SCHICKLER: Yes. If it had to be.

DARIO MARCHIONI: The addition, you said strictly for storage. Will there be any bathrooms in there or office area?

MR. RICH SCHICKLER: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

The Board discussed the proposed conditions.

MR. FITZGERALD: As I spoke previously, we'll add that to the plan, to depict it, so if you want to make it a condition to show the other access for the 5-acre parcel, that is not a problem to add onto the drawings.

The Board discussed whether or not to do that.

DENNIS SCHULMERICH: If we waive final, I would like a condition saying we'll get that. If we're not waiving final, I don't need that.

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

1. Removal of four trailers on site will be completed within two years.
2. Applicant will apply to the Town Clerk for inclusion in the Chili Consolidated Drainage District.
3. Applicant will supply an updated site plan showing individual lot access of the two parcels.

The Board discussed the proposed conditions on Application Number 7.

DENNIS SCHULMERICH: Can we identify the number of the trailers?

JAMES MARTIN: Removal of the four trailers.

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

1. Removal of four trailers on site will be completed within two years.
2. Applicant will apply to the Town Clerk for inclusion in the Chili Consolidated Drainage District.
3. Applicant will supply an updated site plan showing individual lot access of the two parcels.

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

FOR DISCUSSION:

1. Douglas Parker - proposed mini storage buildings at property located at 8 King Road and 4 other properties on the north side of Paul Road bordering the expressway to the east and Conrail tracks to the west in L.I. zone.

John Caruso and Doug Parker were present to represent the application.

MR. CARUSO: Mr. Chairman, I'm John Caruso with Passero Associates. With me tonight is Doug Parker.

It was interesting to see how the Board dealt with some of the issues we have been facing. Doug (Parker) and I have talked about doing development in the Chili area for self-storage for a better part of 18 months, and I think, unfortunately, Doug (Parker) isn't here first, but I can tell you there is no one who has studied this topic more in this area than Doug Parker.

Doug Parker is the type of person who takes incremental steps and evaluates each piece of land, and Doug (Parker) has reviewed several pieces of land in this town. Doug Parker has the marketing studies that you were asking the past applicants for, and after he determined that there was a market for such square footage, he would then go into each site and evaluate it individually, and he has then done diligence reports on each parcel of land. So we looked to see if the market was there. Then we would go in to look at the sites to see if they support the facility.

So that is a little bit of background about the level of effort that we go through in evaluating the sites.

This particular site is located at Number 8 King Road. And it is situated between the expressway and the railroad tracks on King Road. It is zoned Light Industrial. It consists of 85 acres of land, but only about 25 of it, 25 acres is developable. That is because there is some severe restrictions due to wetlands. So when we looked at even the past applicant tonight and sitting in with past meetings with this Board, we looked at the other uses, other parcels that were proposed for self-storage. And we looked at the highest and best use of those parcels. And I can't agree with you more that some of the parcels, to use them for self-storage may not be appropriate. But when we look at this piece of land, zoned Light Industrial, it is not the highest and best use as opposed to the Gary Squires subdivision across the street which is -- has good access and things of this nature.

This parcel here is sort of somewhat restricted. And as a result, maybe this is a good site for a low impact type user. As you have heard before, these sites don't generate a lot of traffic. They don't have a lot of people there. They don't have a lot of lights. They don't use a lot of water. They don't discharge a lot of sewer. Why don't we find a site that is sort of restricted, one that is probably primed for some use variance somewhere anyway, and maybe do a low impact type use?

So that is why when we look at this piece, as opposed to all of the other sites that you have seen, that is a very good use for this parcel, but maybe it is not the highest and best use of a Light Industrial piece of land.

This parcel is -- it is used for self-storage, is laid out a little bit different. You can see that we did not use fences here, but we used the buildings to be the security on the perimeter. And I can tell you that our experience, Passero Associates, our experience -- we have designed over 1,000 of these self-storage units, maybe 10,000. We're very lucky and blessed to have been the engineers involved with such gentlemen as the Fredericos who have a 500-unit building north of Ridge Road in the city, and Empire Boulevard, the property that we developed for Dilell (phonetic), which is -- has, oh, I think there is 60,000 square feet there, and we have humidity-controlled buildings there also.

And they can be done very nicely. But those are high exposure sites. This site here sits along the expressway. What we would propose to do is have some sort of treatment, as we did with the one in the city, along the expressway, if it could be seen. But I'm not sure it can be, because I think the site is much lower than the expressway itself.

It can't be seen to the west. The railroad tracks and then the entire wetlands limit the development. You can see on your maps, the wetlands are all through here (indicating). And so only this sliver of land here (indicating) would be available for development.

Even to the Town's future land use plan, the 2010 Comprehensive Plan calls for this piece of land to be General Industrial, and I think warehousing is permitted in General Industrial. So nonetheless, whether you agree with that or not, I think the marketing study led to the selection of the parcel to further investigate for due diligence, which further led to putting a concept plan together and then trying to situate the buildings on the property so that they would be below visibility, secure, and the access to the parcel itself is somewhat remote.

So if you go in to steal something, it is going to be hard to get out. It is hard to get to it to steal something, and if you do, it is insured. And I think all of the conditions and issues that you brought up with leases earlier were really good points. Unfortunately, you saw the lease at the end, but those are boilerplate leases provided by the building companies and they have done millions of them and they're really good leases. I think all of the things that you folks developed were right in line with what industry practice is.

That's it. Any questions?

JOHN NOWICKI: Just on the map, looking at the map here, John (Caruso), what does

proposed material yard mean?

MR. CARUSO: I'm sorry?

JOHN NOWICKI: I can --

MR. CARUSO: Proposed material?

JAMES MARTIN: I can tell you. There was a proposal that perhaps part of the parcel would be donated to the Department of Public Works for potential utilization by the Highway Department.

JOHN NOWICKI: By the Town of Chili?

JAMES MARTIN: It was a proposal.

MR. CARUSO: Just to show other uses of land.

DENNIS SCHULMERICH: It is on the diagram, so out of interest to -- it made -- the proposal would be that the Town of Chili DPW --

MR. CARUSO: Mr. Parker offered it as another -- somewhere you need to use the other half of the land.

JAMES MARTIN: Joe Carr has looked at it and doesn't feel --

JOHN NOWICKI: Does that tie into the physical fuel island, the office?

MR. CARUSO: That is not proposed here tonight. Just to show the other half of the use of the land. Could be somebody's construction yard.

JOHN NOWICKI: I mean we have to be looking at what we're doing here. I was not aware of that.

JAMES MARTIN: I think --

DENNIS SCHULMERICH: Let's take a timeout here for a second. I realize that is not part of the proposal, but the second something shows up on a drawing like this, psychologically you have left a message, and it is on the drawing.

MR. CARUSO: Okay.

DENNIS SCHULMERICH: Somebody has proposed to designate land to the Town apparently as a consequence of what happens with this application. That is what I am walking away with. I don't -- I think putting these things on the drawings like this only adds to the confusion what we're doing with the application and creates dissension in the Town with regard to people working behind the scenes. I don't like this stuff.

JOHN NOWICKI: There is a letter, June 6th, with Douglas Parker's intention. I don't see anything in this letter indicating that was going to the Town of Chili Highway Department.

DENNIS SCHULMERICH: If anybody has an expectation seeing it on a diagram would make me vote for it, it is foolish.

MR. CARUSO: I have stood before this Board before and had a vacant piece of land with nothing shown on it, and Mitch Rakus taught me a lesson one time, Dennis (Schulmerich) why didn't you plan out the rest of this property? And you didn't show me all of the highest and best use. And we aren't proposing to do that there. It was something that we threw on the first concept plan, and it is not labeled as a proposed -- it is not intended to be. The focus is on what he was written in the letter, and --

DENNIS SCHULMERICH: Fine. I'm just looking at your site diagram with proposed Town of Chili DPW and mini storage in one sentence.

MR. CARUSO: It is not in the written application. I'm asking you not to dwell on it.

JOHN NOWICKI: It should come off the map.

DENNIS SCHULMERICH: Shouldn't be there.

MR. CARUSO: It will come off the map.

JOHN NOWICKI: When I look at that -- I was not aware of any of these comments, the impact it has on me when I start to think about traffic patterns, vehicles in and out. The storage is one thing, but you get into something like this, I was like, hmm, well that --

MR. CARUSO: I guess the point is, it is not proposed.

JOHN NOWICKI: I'm crossing it out here and it is coming off the map?

MR. CARUSO: That's correct.

DARIO MARCHIONI: Do you have renderings of the building to show us what they look like?

MR. CARUSO: I have the Trachte -- the whole self-storage. Didn't we submit some -- wasn't there -- wasn't there some drawings, some --

DARIO MARCHIONI: For this application?

MR. CARUSO: Weren't there drawings submitted?

DENNIS SCHULMERICH: I don't have any.

MR. CARUSO: Here you go.

Mr. Caruso showed some pictures to the Board.

MR. CARUSO: Can you put brick up the side of them, that exposure to the driveway?

DENNIS SCHULMERICH: You might want to share this with the other folks that were here earlier tonight.

DARIO MARCHIONI: Slab?

MR. CARUSO: Concrete slab. You can step the buildings up to make up change for grade. They're pretty much steel-studded framed.

DARIO MARCHIONI: Within this compound I call it, surrounding, will it be blacktopped? MR. CARUSO: Yes.

DARIO MARCHIONI: How is the treatment of the surface?

MR. CARUSO: Blacktop, and typically what they try to do is they try to build it on a -- the stone foundation, you let it sit one year and then you pave it. It is consistent with what the previous applicant was asking for.

DARIO MARCHIONI: Have you seen any with concrete? The whole thing concrete? Because what I find in some of these mini storage areas where people come in with the cars, oil spills, you know -- because they really don't put that much blacktop. They put about an inch and a half of blacktop, the ones that I am used to.

MR. CARUSO: I have not seen any that are totally concrete. All of the runs that we have done have been concrete floors with asphalt drive aisles and surfaces.

DARIO MARCHIONI: Drainage system within here, because it looks like it is totally surrounded.

MR. CARUSO: If you lay them out right, because the roofs are pitched one way -- they're not gabled. If you lay them out right, you can put the storm sewer system on one side and pitch all of the water to -- you can pitch them all to the center and put the drain in the middle and then you don't have to do it on the next several rows. You can get efficient with it. The same with the lighting, you can use all sorts of lighting that is motion-sensors-detected so you don't have to have the lights on if it's in a community or, like the past applicant, if he is next to a subdivision, you don't have to have those security lights on until somebody walks by one and then that motion light comes on.

DARIO MARCHIONI: How about hours of operation or any restrictions? Almost the same as the other applicant?

MR. CARUSO: Very similar. They can be set. This is concept. But usually you don't like to have people on the premises -- a couple hours after dark is usually you like to send them out. Most of these facilities are all regulated by swipe cards or pin access.

DARIO MARCHIONI: Will you do this all in one phase?

MR. CARUSO: No. This is built in three phases, and the -- what we would do is we would stone the end of each phase and have the temporary outside storage lot there, and then you just keep moving it down after each phase.

DENNIS SCHULMERICH: Two and two and two?

MR. CARUSO: We would -- this would probably be Phase 1 with the office here (indicating), and here we would have the outside storage and then just move it down. Finally closing it in.

DARIO MARCHIONI: The perimeter is all at once?

MR. CARUSO: No. We would build the first perimeter here, Dario (Marchioni), (indicating). The first perimeter here (indicating). Then we would use a fence just to close off between the buildings.

DARIO MARCHIONI: Another question. What do you estimate the cost of -- construction cost of this whole project, including the roads and everything? How much are you going to invest in Chili with this project?

MR. PARKER: Total project would be just under half million dollars.

DARIO MARCHIONI: The whole thing?

MR. PARKER: Yes.

DARIO MARCHIONI: Under half million dollars?

MR. PARKER: Yes.

DARIO MARCHIONI: You will do this for \$500,000, all of these --

MR. PARKER: Well, that -- the total square footage we're looking to eventually develop is probably in the 50 to 60,000 square foot neighborhood, on the whole project, but that is probably a 7-year vision. It is out of the blocks, maybe 15 to 30,000 square feet, and you can do under -- in the 30,000 to 35,000 square foot you can do under a half million dollars.

DARIO MARCHIONI: What is the size of the storage areas?

MR. CARUSO: 10 by 30 buildings. These are like 25 that we have shown.

DARIO MARCHIONI: What are you renting, 10 by 10?

MR. CARUSO: We can break them up into all different sizes. We haven't designed a unit breakdown. We wouldn't do this until the next phase, but we could tell you the different distribution. Actually, we note it right on the plans.

DARIO MARCHIONI: Separating the units with block walls, or just metal walls?

MR. CARUSO: They're metal walls.

DARIO MARCHIONI: Removable walls?

MR. CARUSO: Usually you set them -- there is enough square footage you can set them where you want. But you can move -- they're 10 feet wide, but you can change the depth of them by changing a panel that way. You could have a 10 by 30 building, you could have a 10 by 15, a 10 by 20, with 10 on the other side. It is infinite.

DARIO MARCHIONI: Outside storage, now what are we talking about? The same discussion with the previous?

MR. CARUSO: Exactly, except I would have liked to add to your list just for the other gentleman's sake, I would have added boat trailers. When people take their boat off, they have this trailer, and that would have been a good one to put on your list. And people are using utility trailers now. I own one. I don't own a pickup truck, but I use a utility trailer to move things around. It is a pain to have it around. So I bring it out to the farm of someone I know and I keep it at the farm. But a utility trailer, a boat trailer, RVs, campers. Um, and boats. Trailers with boats on them for storage.

DARIO MARCHIONI: The office section here, is that going to be on a sewer or septic system?

MR. CARUSO: It would be on sewer.

DARIO MARCHIONI: Sewers here?

MR. CARUSO: There is a sewer in the corner of the parcel pushed under the railroad tracks, and we would access that.

DARIO MARCHIONI: You would have water?

MR. CARUSO: Potable water brought in from the road. I think there is -- is there a fire hydrant layout shown on the plan?

DENNIS SCHULMERICH: I don't think so.

MR. CARUSO: We have schematic utility plan that shows a layout.

DENNIS SCHULMERICH: We had a conversation earlier about power available or lighting available in each unit. What is the response to that? Is there lighting in each unit or no electric?

MR. CARUSO: I have seen it both ways. You know, I haven't talked with Doug (Parker) about that.

MR. PARKER: Actually, the way we -- in the business plan we're putting together, is for one price, rooms with no lights, with no electricity. For an up charge you have the availability of having the lights in the buildings or the spots.

MR. CARUSO: The other thing, you try to put a fire smoke alarm system in the building as it is wired through.

DENNIS SCHULMERICH: The architectural integrity is important. I like what you're doing there.

JOHN NOWICKI: We have picked an architectural style.

MR. CARUSO: I will provide you with one. I thought in -- in my submission it went in with --

DENNIS SCHULMERICH: I'm assuming the picture you showed us and pointed to is what you're looking at?

MR. CARUSO: That's correct. It is hard to see it that size. I would bring it in on an elevation with the materials shown and the color.

JOHN NOWICKI: Is this viewed from the expressway? Can you see it from the expressway?

MR. CARUSO: I have not been able to see the site because the shrubs and the -- the growth is grown up so tall, I don't know without having actually to do the topo on it to see if you will be able to see it. They're not very tall. They're 7 feet to the underside, and then maybe 12 to the top and they pitch -- like the gentleman said before, they're quarter inch, and I think they're using the same company, the Trachte.

DENNIS SCHULMERICH: You referenced a marketing plan. Is that available for review

or considered confidential?

MR. CARUSO: No. It is available.

DARIO MARCHIONI: Do you have another operation like this -- similar to this that you propose that you're running now?

MR. PARKER: No. I have been in the financial planning business. My wife owns a manufacturing company here in Chili.

DARIO MARCHIONI: First venture into mini storage?

MR. PARKER: Yes, sir.

JOHN NOWICKI: Somebody live in the existing house?

MR. CARUSO: You know what that is? That is a -- that is not a house. That is the DeLorenzo building. That is where he stores his cars.

JAMES MARTIN: John (Caruso), you show the driveway kind of wandering through lots or property.

MR. CARUSO: There is an access easement that is adjacent to those properties and what we did is instead of going in and hanging a hard right, we used the access easement to open up that road.

JOHN NOWICKI: Other area of concern is your outside storage area appears to be too tight for RVs, trailers, boats, what have you. Seems small.

MR. CARUSO: There is plenty of room to expand that.

JOHN NOWICKI: The other question I have, is the length of the building facing the western expressway, especially at that length, a break up in the elevations.

JAMES MARTIN: Just trying to picture this in my mind. King Road goes over the expressway here, so the expressway --

MR. PARKER: The grade -- the grade changes right by King Road. It is obviously quite high. As you get further down in the lot, the whole 85 acres stretches a little over a mile all of the way down the expressway. It starts lower than the expressway and works its way up and by King Road it comes up as if there were a ramp planned there at some point.

JAMES MARTIN: Obviously it is a business issue now. You know what you're faced with. RAY BLEIER: Couple of observations. It is a very difficult area to come off of King Road at this particular location. Your line of sight is very limited. I think you may have some difficulty, especially if you get some larger vehicles that you will be bringing into this site. That's one of the negatives that I observed.

I don't want to encourage you or discourage you in light of what transpired earlier, but you know what you're up against.

You are going to have to get a conditional use, you know, for it. It is not a permitted use.

MR. CARUSO: Yes.

RAY BLEIER: Just as the other site was.

MR. CARUSO: I think that is why, Ray (Bleier), we spent a lot of time to talk about is this the highest and best use for Light Industrial, and there are better Light Industrial pieces of land in the area, and this is -- maybe because this isn't a very high use for Light Industrial, that it makes it a good use for self-storage. It is not going over and occupying a good piece of land that could have a building on it that employs people.

DENNIS SCHULMERICH: If you had immediate adjacency to the expressway, you might have another discussion, but there is none.

MR. CARUSO: There is none. There isn't anybody's way that we would be in. We're right in the middle of a neighborhood, but yet we're not. Here is an aerial photo (indicating). I have a better one. Just to show you -- you guys can pass this around, but -- this is from our due diligence report, but it is only this little piece up here in the corner, and here is the expressway (indicating). You can see how long it is. It is 85 acres, and mostly useless, all wetland. The wetland goes like this (indicating), as you can see on the map.

DENNIS SCHULMERICH: All landlocked?

MR. CARUSO: Yes. Here is the railroad track (indicating). Here is the Fallon Development, King Road. You can see, who can do anything with this piece of land?

DARIO MARCHIONI: Is the exit here going to line up with the other -- the other road, what is it called, Paul Road Extension there, the exit to this property?

MR. CARUSO: Does it line up?

DARIO MARCHIONI: For sight -- for traffic flow.

MR. CARUSO: It is past it. It is past it about maybe 100 feet.

John Caruso showed the Board the usable portion of the property.

JAMES MARTIN: Thank you, John (Caruso).

MR. CARUSO: Thank you very much.

DECISION: The Board looks forward to working with the applicant in the future if he decides to move ahead with this project.

The meeting ended at 10:40 p.m.