

CHILI PLANNING BOARD  
August 12, 2008

A meeting of the Chili Planning Board was held on August 12, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: George Brinkwart, Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Doug Goff, Architectural Advisory Committee Representative; Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

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

JAMES MARTIN: I will recognize Mr. Paul Bloser, who is in the back of the room, Chairman of the Zoning Board.

There will be one slight modification to the agenda you have in front of you. We'll be hearing Applications 1, 2 and 4. We won't be hearing Application 3 as a final agenda item tonight.

So at this time, I'm ready to hear Application Number 1.

PUBLIC HEARINGS:

1. Application of John Cahoon, owner; 4090 Buffalo Road, Rochester, New York 14624 for resubdivision approval of Lots 2 and 4 of the 3 Circle Drive Subdivision at properties located at 37 & 41 Circle Drive in RAO-20 & FPO zone.

Matthew Sinacola was present to represent the application.

MR. SINACOLA: Good evening, Mr. Chairman, members of the Board, my name is Matt Sinacola with Passero Associates, representing John Cahoon tonight.

And just to quickly recap this project, as I believe probably most of these Board members know, this parcel of land was approved for subdivision and site plan approval for four lots. It was then subsequently approved for a resubdivision which included the back lands as part of Lots 1 and 4.

And now we are entertaining and asking the Board to consider a resubdivision of that resubdivision, changing the back lands to being a part of what was Lot 2 as opposed to what was Lot 4. So we're just switching the ownership from lots -- the larger of the lots would end up being Lot 2 as opposed to Lot 4.

This should not impact in any way the site plan approvals or any of the other conditions on site.

My understanding, this is primarily an action because of the desire of the buyer for Lot 2 to retain control and have ownership of that back lands, which was mostly wetlands. And that is essentially it.

Questions?

JAMES MARTIN: Question for you, Chris (Karelus). There was a fill problem on that property, I believe, when it came in for the original -- the previous resubdivision. Has that been addressed and taken care of?

CHRIS KARELUS: Yes. The current -- the existing fill problem that existed prior to the construction was remedied. The fill you see on the site now is basically going to be supplemental for the home construction, and there is also material there that will be set up for (inaudible) construction.

JAMES MARTIN: That's the only question I have.

KAREN COX: I take it, the owner, the future owner of Lot 2 is maybe some kind of environmentalist? Is he or she aware of the restrictions --

MR. CAHOON: Yes, everybody everyone is aware of it.

GEORGE BRINKWART: Since this entire parcel -- or these parcels are within a flood plain, have you talked with the Town as far as filling, and if there is any, you know, restrictions on the amount of fill that you will need to put in there for the construction of the homes?

MR. SINACOLA: I don't -- I don't know if that was addressed originally.

MR. CAHOON: It was all addressed originally, yeah. Nothing is changing except we're

changing the lot lines. We're putting the land in back from Lot 4 to Lot 2. That's all we're doing.

GEORGE BRINKWART: Right.

Chris (Karelus), are you comfortable with the way they will fill that in the flood plain?

CHRIS KARELUS: Yes. As part of their process they will have to get elevation certifications to the Town. With the new FEMA laws, there is an actual flood plain permit they will be getting when they get their building permit, as well. The issue for the people in the FPO districts and special flood districts. The As, and the AEs when we issue building permits, we have to issue flood plain permits, and they detail all of the guidelines you have to follow in construction.

Again, we checked their elevations with certifications at certain points of the project. So, yeah, we have to make sure they hold up for final.

GEORGE BRINKWART: No further questions.

JIM POWERS: Jim (Martin), there was a question on the front corner of the Lot 4.

MR. CAHOON: You're talking about the land that -- yes. I decided that over to the neighboring property. That was through with your attorney way back when. All that stuff was all taken care of originally. The only thing we're doing is, you know, putting the land onto Lot 2, the back land. It's about 30 acres as opposed it was all with Lot 4 before. So nothing has changed now in the front. We have addressed all of the building issues and the fill issues at that time.

PAT TINDALE: Well, I have a comment. Just very unhappy with the trees that were taken down without permission on the designated tree lot. Should have been a wood-cutting permit.

MR. CAHOON: Which lot? There was a permit issued originally.

PAT TINDALE: Three, four years ago?

MR. CAHOON: Yes. Look in your department. I actually got a tree removal permit from the Town of Chili. Trust me, I did everything on the up and up.

PAT TINDALE: I would like to check that, because I was told it was --

MR. CAHOON: I could find a copy and bring it to you. I have no problem to turn it over to the Building Department. In fact, at the time you didn't even have anything on your books, but at the time, um, you had an issue where it was all in TV with the developer cutting trees and -- down. I remember. Nothing was even on your books at that time, but I said, "Let's make sure we get this," because we don't want history to repeat itself.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of this application at this time, and John Nowicki seconded the motion. All Board members were in favor of 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.

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

1. All previous conditions imposed by this Board remain in effect.
2. Application of Faber Homes, owner; 3240 Chili Avenue, Rochester, New York 14624 for conditional use permit to erect a single-family dwelling with an in-law apartment at property located at 91 West Ham Circle in PRD w/incentive zone.

Bill Arieno and Jeremy Smith were present to represent the application.

MR. ARIENO: Good evening, Chairman and Board members. My name is Bill Arieno, Director of Sales and Marketing for Faber Homes.

MR. SMITH: I'm Jeremy Smith, Project Coordinator with Faber Homes.

MR. ARIENO: We're here this evening to present for a conditional use permit. We are building in Park Place Subdivision, which is a single-family neighborhood, and we're applying for the conditional use permit for a -- an in-law unit to be built for Mr. and Mrs. Hess, and -- for the Hess family, and we have designs up here.

We have first floor elevation, showing the in-law and the single-family. We have a rear elevation and also a side elevation with the design for -- here on Lot 10 -- 1017 Park Place.

Essentially -- I will have Jeremy (Smith) just explain a little bit about the design and how that in-law is going to work.

MR. SMITH: The way we designed it, we kept the in-law to the back of the property to not affect the curb appeal. We have reviewed all side setbacks, front setbacks, rear elevation setbacks. Everything was in compliance with the Building Department, and everything has kept within the side setbacks and all of the easements and drainage easements that are on the property.

The square footage is -- 621, I believe, is the square footage on the in-law portion of the apartment. There is a separate entrance to the back of the property which is right from the outside into the structure itself. There is also an entrance from the main house into the in-law for

access between the two apartments.

The in-law does have a full kitchen, full bathroom, master bedroom, great room.

And full basement below it. The basement is a shared space between the two structures. It is not a separate structure. It's all combined.

MR. ARIENO: I believe there is going to be a separate furnace and --

MR. SMITH: Separate mechanicals, separate furnace and hot water, but all on the same utility bill, not broken apart into two separate dwellings.

MR. ARIENO: And the, um, homeowner, future homeowner here certainly understands this is a conditional use permit and it cannot be used as a two-family or anything like that. It's simply for the in-law. And any future use, certainly those customers would have to come in and apply for the same type of permit.

JAMES MARTIN: Yes. We have a standard set of conditions that we will impose assuming this application is approved.

MR. ARIENO: Okay.

JAMES MARTIN: I have a question for you based on my site visit. There is a 30-foot conservation easement around the perimeter of Park Place, if I remember correct.

MR. ARIENO: Yes.

JAMES MARTIN: Liverpool Heights, that kind of cul-de-sac that goes on the south end -- I was looking at it -- the backyards of some of those houses today. I didn't have a tape measure with me, but it looks to me like there might be some encroachment into that easement. It is supposed to be open space. I see sheds back there, clearing going on back into the 30-foot easement.

Are you making your home buyers aware of the restrictions of that 30-foot easement in place on the rear of their property, if they have to deal with that?

MR. ARIENO: Absolutely. It's a deed restriction on their property. Um, also, as it's clearly stated when we write the purchase agreement -- when we write the purchase agreement to them, it's disclosed to them. I believe it's also on their map, their instrument survey when they close on the property.

I think there are some situations where people have the 30-foot conservation easement and there are areas where that is clear and has been clear since we have developed the subdivision. There was never trees or brush in that space. And in that situation, those people, you know, might have put a swing set or something, made use of that parcel, that portion. Um, but I don't know of any storage sheds that are actually encroached on the 30-foot conservation easement. At least I'm not aware of it.

JAMES MARTIN: I think it would be worth going over there and taking a look at what is going on behind the houses. I don't want to have to send the Building Inspector out there to check on that, but maybe I'm incorrect in my observation. As I say, I did not walk back and take a look.

MR. ARIENO: Liverpool Heights, the cul-de-sac?

JAMES MARTIN: Yes.

MR. ARIENO: We can check on that certainly.

JAMES MARTIN: But there certainly were some sheds that were quite a ways back from the house, the rear of the house, and I just want to be sure that they understand that, you know, there should be no encroachment into that 30-foot easement.

MR. ARIENO: Oh, yeah. Absolutely. They were well aware of it when we sold the property to them.

JIM POWERS: Is that something that is going to be put in the deed about that conservation easement?

JAMES MARTIN: It is already in there.

JOHN NOWICKI: It's a condition.

JIM POWERS: On this particular lot, you had done considerable fill and stopped, and there is quite a distance back to the tree line there, the rear of the property. Are you -- I'm assuming that you're intending to fill back to that tree line.

MR. SMITH: There is a limit, I believe, on this property where we can fill to. There is a portion that does have a wetland on it that we can't -- that we can't touch.

JIM POWERS: There is a wetland to the west.

MR. SMITH: On the rear. The rear corner.

JAMES MARTIN: To the south.

MR. ARIENO: Southwest corner of this parcel, yes.

MR. SMITH: We cannot alter.

JIM POWERS: Is your drainage from this cul-de-sac going back to that tree line?

MR. SMITH: The drainage from the cul-de-sac? There is a retention pond that is designed to drain into?

JIM POWERS: Because this particular lot slopes back to that tree lot.

MR. ARIENO: And the wetlands there, they don't want us to divert too much from the wetlands. They want those to remain the way they are now. So that is why when we designed the subdivision, when we presented that section to you, and -- and in working with, you know, the Building Department, quite a bit of that still goes into those -- that treed area because that tree area you see there is wetland area.

JIM POWERS: Well, facing this particular lot to the right where the woods -- the wood land is there, you have also got a couple more lots that you intend to develop. Are you going to be able to put a house in there without --

MR. ARIENO: Absolutely.

JIM POWERS: -- without encroaching on the wood lands?

MR. ARIENO: Absolutely, yes. 1019 -- 1018, 1019 both of them were very similar. 1018 is more restrictive of what you could do with that, um, the usability of the property. But we're looking for most likely an empty-nester is that is going to enjoy the privacy, the trees, but doesn't necessarily need to have a half acre site for usable space.

A lot of times in a situation why -- an empty-nester wants the privacy of the lot. I think they would enjoy the no through-traffic of the cul-de-sac, but we need someone that doesn't necessarily need a tremendous amount of space for a storage shed or a swing set or something like that.

We have it actually in our sales center, right up on the board for that. We have it shown, marked and delineated where the wetlands are, so that people understand we have plotted the maximum house that can go on there and the maximum use of that lot.

JIM POWERS: Do you intend to do any more filling on that lot?

MR. ARIENO: Um, on 1018, um, and 1019, we're -- I know that there they're currently working on that, and they have done some filling. They have -- not, obviously the wetlands area, but on the lot and the portion that we can fill, yes, they have filled that a little bit so we can raise the level of the lot.

JIM POWERS: You have a 2 or 3-foot drop-off where you have put fill in there, down, going back to the tree line?

MR. ARIENO: Yep.

JIM POWERS: You're going to fill, or are you going to grade that out or what?

MR. ARIENO: We'll fill and make sure the taper of the lot is proper in the back.

JIM POWERS: Some of the drainage will go to the tree line and to the wetland.

MR. ARIENO: Yes. To the wetlands and some would go off to the pond on the side.

Actually, you know, for the right person, it's a perfect site because it affords you the view of the pond, you have the privacy of the trees. You have the privacy of ten acres, but the maintenance of a quarter acre.

KAREN COX: You can't get away from the salesman.

MR. ARIENO: I will leave my card at the door.

(Laughter.)

JOHN NOWICKI: The only question I have got, in the development of all of the Park Place, is this the very first in-law apartment?

MR. ARIENO: It is.

JOHN NOWICKI: That's amazing.

MR. ARIENO: It is amazing.

JOHN NOWICKI: I thought we would see more in there.

MR. ARIENO: We actually -- we will be back next month, and actually we're working with some other people. I'm surprised it came down to the last section, but we have two or three people that are interested in that. I went back to my neighborhood. I live at Wellington. I took some information because we did two in-laws in Wellington.

JOHN NOWICKI: I wish the buyer well, because they do work.

MR. ARIENO: Oh, yeah.

JOHN NOWICKI: Good luck to you.

MR. ARIENO: Thank you.

GEORGE BRINKWART: I want to commend the owners for taking that initiative to develop that sense of family. That is wonderful.

I have a question for you. Would you mind coming up here and just taking this highlighter and marking out the boundary of the in-law apartment for me?

MR. SMITH: (Mr. Smith complied.)

GEORGE BRINKWART: As far as separate entrance, you have a separate entrance from the outside --

MR. SMITH: Yes. This door here (indicating) goes to the outside, and is actually two doors --

Mr. Smith explained the map to Mr. Brinkwart at the dias.

MR. SMITH: From the garage, there is a door on the -- a rear covered porch here (indicating) that leads into the in-law, exit from the outside.

GEORGE BRINKWART: That's done in such a way that it is not obtrusive to the main living -- so those folks can --

MR. SMITH: Correct. So they can come and go without having to walk through the main house itself.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is there anything put -- recorded legally?

JAMES MARTIN: Anything what?

MS. BORGUS: Recorded legally?

JAMES MARTIN: I will read --

MS. BORGUS: About this, because I have visions of these things turning into duplexes.

JAMES MARTIN: I will read a set of conditions that basically states that this has to meet all -- several legal requirements and it can never be used as a rental down the road.

MS. BORGUS: But that would be no different than somebody who added an in-law apartment to an existing home.

JAMES MARTIN: That's correct.

MS. BORGUS: It seems to me this ought to be in a little different category somehow.

JAMES MARTIN: I'm trying to figure out how it would be a different category.

MS. BORGUS: If anybody were to buy an existing home that had a conditional use, they obviously or should see that on the Town records. In an existing home, I -- I can't see that that same set of circumstances would apply.

JAMES MARTIN: Well, it would when they -- if that existing home, which had an in-law addition were eventually sold, it would still apply and be the same thing. Once it is built, it's built. Whether it is built on an existing home or part of a new structure.

MS. BORGUS: Okay. As long as you're sure.

JAMES MARTIN: Yes.

MS. BORGUS: If we get a rash of these, it could be -- I mean, it's great for the people that want to have them at the moment, but I just don't want these to turn into another situation like we have in North Chili.

JAMES MARTIN: That is why I will read the set of conditions before we vote on this.

JOHN NOWICKI: Just so you know, Dorothy (Borgus), I probably -- 15, 18 years ago I did an in-law apartment.

MS. BORGUS: But you added yours.

JOHN NOWICKI: It was in the same home.

MS. BORGUS: Right. But you didn't build it as a unit, in-law and -- in-law apartment and your home together. That is the part I am sticking on here.

JOHN NOWICKI: It came after I built the house, okay, but the interesting part about it is after my mother-in-law passed away, this particular in-law apartment is used by all of my grandchildren and all of the dogs, so there is a different use for these things as you come down the line.

KAREN COX: A lot of the ones we have seen have separate entrances even when they are building onto an existing home.

MS. BORGUS: Right. Probably for safety reasons they would have to.

KAREN COX: They're -- by building this as a new, you know, not built house, they're not having to fit an in-law apartment into an older home. They have designed this in such a way that they have thought about it, there are furnaces. You know, they're doing it in a better, more energy efficient, nicer way.

MS. BORGUS: I can appreciate that. There is all kinds of excuses for the nightmare, real estate nightmare that we have in North Chili with duplexes and rentals and we just want to be very careful we don't end up with that in some of our subdivisions.

KAREN COX: That is the reason we have these conditions because these --

JAMES MARTIN: I think we're all aware there are situations that exist particularly in North Chili that are probably not meeting our requirements.

MS. BORGUS: Not probably. Take "probably" out. Okay. Thank you.

The other thing I would like to comment is I would like to see Mr. Karelus investigate this encroachment problem that you think may be a problem, and you know, I know that this has happened in other parts of the subdivisions off of Union Street. You can see these -- all these sheds and everything right from Union Street. And I'm sure those people there -- they never came in and got permission to do most of the things they did, and they have got to understand that that is not just something that is put in there as a nicety. This is a law. When they buy it, they have to go by the law. So I think Mr. Karelus would probably be well-served to go down there and spend some time.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I agree with -- sorry I'm speaking loud, but I'm hard of hearing. I apologize for that. I'm not mad at anybody. I don't want anyone to get that impression.

First of all, this is a single-family home, in-law apartment. I'm from North Chili. I can attest that there are a number of properties that were quote, "in-law apartments" that are now regular apartments. There is -- on this one here, um, gas, electric I'm assuming. This smells of a two-family.

If I lived in a subdivision and they were all single-family homes there, an in-law apartment, God bless mom and dad -- you don't worry about the separate utility point.

The other part that I want to bring up on this is I don't trust people in general when you're selling properties. It's as simple as that. There's nothing concrete that we can use to hold it back from being used, grandfathered, back-ended as a two-family. We had a whole bunches of -- we had them on Westside Drive. We had them on Sunnyside Lane, throughout the North Chili area.

I think it's a bad -- there should be something put together with the Building Department to come back and check this yearly. Also, to have the situation here, um -- to be monitored. We have to monitor it. Otherwise we might as well throw our zoning and our laws right out the window. Single-family means single-family. Mom and dad wants to move in, fine.

I have one more question to ask. What is an incentive zone? Can someone explain that to me, please?

JAMES MARTIN: Well, it would take a long time to explain it. It goes way back to the basic approval of the subdivision. It was approved under incentive zoning.

In other words, the Town got some benefits out of it and the developer got some benefits out of it. That is essentially incentive zoning.

MR. GINOVSKY: Okay. I didn't know if it was a tax split up or whatever. I'm--

JAMES MARTIN: There was --

MR. GINOVSKY: I'm ignorant to it.

JAMES MARTIN: There was an incentive that, I believe, the Recreation Fund received more money per lot as a condition of the incentive zoning. That was a financial aspect. There were other aspects, physical aspects and financial aspects, but that is how incentive zoning works.

MR. GINOVSKY: Okay. That takes care of that.

But getting back to the in-law apartment, I hope you put something a little more than what has been done in the past, not -- not that I'm yelling at you or blaming you for anything, but we have to have some type of control on this because it's -- if the property is sold, the next person gets it and all of a sudden they will put somebody in there. There is no -- you have got to have something concrete, some teeth in the matter. I would appreciate it if that could be done, sir.

Thank you.

DARIO MARCHIONI: Is this going to have separate meters, like gas?

KAREN COX: They said no.

MR. ARIENO: No.

James Martin made a motion to close the Public Hearing portion of this application at this time, and Karen Cox seconded the motion. All Board members were in favor of 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: We have a standard set of conditions, you can obtain a copy of this, but it will be in a letter pending the outcome of the vote here, if it goes through. Conditional use permit is granted for the use by in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

A copy of this decision must be filed in the Monroe County Clerk's Office under miscellaneous records and tied to the liber and page of your deed.

The cost of filing is to be reimbursed by the applicant.

Applicant will furnish a copy of your deed, both sides to the Assistant Town Counsel.

Pending approval of the Building Inspector.

So those are the conditions, the standard conditions that we would apply and have applied previously on this type of application. I will note here also, and it's something for the applicants to consider, that perhaps for an in-law situation they might want to consider wider doors, okay, handicapped accessibility, grab bars, wheelchair ramps, any of those type of things that may be required in an in-law situation. It's not a must, but it is something to think about, okay?

KEITH O'TOOLE: Mr. Chairman, I would like to make it clear that the expectation is that the applicant's attorney will record the document at the County Clerk's Office and provide us with proof of recording.

JAMES MARTIN: I'm sorry, with proof of?

KEITH O'TOOLE: Proof of recording.

JAMES MARTIN: You want that to come to you, Keith (O'Toole)?

KEITH O'TOOLE: Yes, please.

JAMES MARTIN: Furnish proof of recording of the deed and decision letter to the Assistant Town Counsel.

KEITH O'TOOLE: That's fine, thank you.

JAMES MARTIN: All right.

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

1. The conditional use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
2. The apartment may not be used as a rental unit.
3. A copy of this decision must be filed in the Monroe County Clerk's Office under miscellaneous records and tied to the liber and page of your deed. The cost for filing is to be reimbursed by the applicant.
4. Furnish a copy of your deed (both sides) to the Assistant Town Counsel.
5. Pending approval of the Building Inspector.

6. Furnish proof of recording of the deed and decision letter to the Assistant Town Counsel.

Note: Applicant should consider wider doors in the in-law apartment to be handicap accessible (including grab bars, wheelchair ramp, etc.).

4. Application of Pride Mark Development, owner; 2024 West Henrietta Road, Rochester, New York 14623 for conditional use permit to erect an in-law apartment at property located at 40 Black Cedar Drive in R-1-20 zone.

Noah Saulpaugh was present to represent the application.

MR. SAULPAUGH: Good evening, Chairman. Members of the Board. My name is Noah Saulpaugh. I'm a Foreman for Pride Mark Homes, representing Guy Puglia for conditional use permit to erect an in-law apartment on an existing house, 660 square feet.

It will have -- will not have separate utilities. It has a sliding glass door on the rear of the house and a garage entrance. No front entrance separating from the original structure. Kitchen, two bedroom, living room and a bathroom.

JAMES MARTIN: Anything else?

MR. SAULPAUGH: We had it plotted by our engineers. It fits within the house setbacks lines, rear and side.

JAMES MARTIN: Just barely.

MR. SAULPAUGH: Just barely, yes.

JAMES MARTIN: In that one corner. You have to be very careful digging the foundation.

MR. SAULPAUGH: Yep.

JAMES MARTIN: Okay. I don't have any questions or issues.

I will start with Dario (Marchioni).

DARIO MARCHIONI: I have no questions. I commend you for doing this.

GEORGE BRINKWART: Same comment. I commend you. It's the right thing to do for your folks.

JOHN NOWICKI: Lot of fun, believe me, I know.

Have you considered, you know, the grab bars and all of that in the bathroom?

MR. SAULPAUGH: Yes, we have. We are designing that way now for into the future.

KAREN COX: Two things. I want to commend the owner also for what they're doing.

The other question I have is based on the fact that -- on the plat map here, it looks as though somebody put a note saying it looks like the original house is off.

MR. SAULPAUGH: 4 inches.

JAMES MARTIN: What happens -- when you have one structure that is a tad off, you don't worry about it, but how -- what's the measures that the builder is going to take to insure that that 6 inches is held?

MR. SAULPAUGH: One of the things that we do at Pride Mark is we do -- we stake our own houses on the lot. When we get tight like this where we have tight corners, we'll have the engineers come out and stake it in the hole so we'll do the excavation, they will pin corners for the mason, so when he lays up that foundation, we know right then that he is exactly on.

When it's a normal house and have you feet on either side, we don't have to be that precise and it's a little cost savings for us. If we're off 5, 6 inches, we're okay with that.

With this, we'll have the engineer stake it in the hole after excavation.

KAREN COX: That sounds plausible. I just hate to see somebody have to come back in for a variance. I'm sure you would, too.

MR. SAULPAUGH: Yes.

JIM POWERS: I walked the chalk outline of where the addition was going to go, and back in the south, I think it would be the southwest corner, there were a couple of curved lines next to one -- somebody got carried a way a little bit. I thought maybe those are for elevation marks or whatnot. Is that there for any reason?

MR. SAULPAUGH: I'm not familiar with the marks you're speaking of there. I don't know if the homeowners did that themselves to get a visual. It's not something that we sprayed out.

DARIO MARCHIONI: Just for curiosity of my own. I know you put in a greater value on this house compared to the houses next to it, because you're putting on an addition, so this house will be worth a lot more, but you did consider -- you do understand that, right?

MR. SAULPAUGH: Yes. That development is -- is a little bit, um, diverse, I guess, in house costs.

DARIO MARCHIONI: I want to commend the design of the house.

MR. SAULPAUGH: Thank you. There are some that are still -- you know, will have more square footage and close at a higher cost even after we do this in-law, be they all kind of fit into each other and mesh with each other. We do consider that so we don't hurt one of the other homeowners.

JAMES MARTIN: It's a beautiful neighborhood. It will be beautiful when it gets all finished.

MR. SAULPAUGH: We're getting close, yes.

KEITH O'TOOLE: Same condition as the last application.  
JAMES MARTIN: All right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I take it, that that dark line is the delineation of the in-law apartment; am I correct?

MR. SAULPAUGH: That's correct.

MS. BORGUS: Does that mean that the original homeowner is giving up part of their space within the house?

MR. SAULPAUGH: No. They're adding that space. You want me to show you the existing?

MS. BORGUS: Please.

JAMES MARTIN: You can go ahead and answer that. I don't think so.

MR. SAULPAUGH: No, they're not. This is the existing line of the house right now (indicating). This is the garage that is there (indicating). This is the back wall of their kitchen (indicating). Then we're adding this space onto it (indicating), so it's not coming into any of the existing house.

MS. BORGUS: You're moving the garage?

MR. SAULPAUGH: No. The garage is staying. We're building behind the house.

MS. BORGUS: That's just a partial plan?

MR. SAULPAUGH: That is just the addition. Not the full house. The rest of the house fits over here (indicating).

MS. BORGUS: Oh, oh, okay. Thank you.

NICK TRAFIRO (phonetic), 43 Black Cedar

MR. TRAFIRO: I'm a neighbor across the street, and I was just trying to learn what all this is. I looked on-line, and I might be wrong, but I saw an R-1-20 has a required setback from the rear of 60 feet it says on-line. My understanding is there is a 40-foot setback from the rear line on this particular plan.

JAMES MARTIN: They're well within the setback limits required, all right, based on their site plan that I looked at.

Chris (Karelus)?

CHRIS KARELUS: They're well outside the limit of that, that 60-foot area.

DARIO MARCHIONI: It's 60 foot. I know we talked about it today, but an R-1-20 is 60 foot.

MR. TRAFIRO: Is this 60 feet from the line on this proposal?

MR. SAULPAUGH: I believe that house pad is to the line, right, Chris (Karelus)?

CHRIS KARELUS: The dashed line is what Jim (Martin) told me is the setback for the 60 feet.

MR. SAULPAUGH: Yes.

I believe it is the -- on the house pad. On the house pad where they have the dotted line, is our setbacks all of the way around the property so our house has to maintain staying in that dotted line, and -- the back property line is on an angle, so it runs parallel with that at the same angle, the 60 foot.

JAMES MARTIN: The 60 foot --

MR. SAULPAUGH: Correct.

KAREN COX: Yes. That looks correct. If you look at the front, there is no dimensions on here to that line. There probably should be, but there is dimensions in the front, 45 1/2, and, you know, the back slice looks larger than the front slice. It's 40 feet. It -- is this up on the board?

MR. SAULPAUGH: I just took it down. Did you want to see it?

MR. TRAFIRO: Yes.

KAREN COX: That's the reason that we were asking about the 6 inches, is that it's so close to the setback.

Mr. Saulpaugh explained the dimensions to Mr. Trafiro.

MR. TRAFIRO: Okay. I was just confused.

JAMES MARTIN: I think before they get a building permit, you know, certainly this will be looked at. But your setback line on this plan, the dotted line is 60 feet from the rear property line; is that correct?

MR. SAULPAUGH: Yep.

JAMES MARTIN: Even though on here, is -- is this just to scale or an approximate scale?

MR. SAULPAUGH: I believe it is 50 scale. I believe it's to scale. I have the full site plan if you need to see it.

GEORGE BRINKWART: It's not to scale. It's close --

JAMES MARTIN: You think it's 50 scale?

GEORGE BRINKWART: No, it's not. It's not scaled.

JOHN HELLABY: They're saying the existing tie distance is 69 feet to the other corner. You're already coming out 11 foot, so that gets you past the 60 foot. That won't fit in there if that



60 foot is required.

KAREN COX: Who laid this out?

MR. SAULPAUGH: Costich Engineering.

KAREN COX: Is anybody here who laid it out?

MR. SAULPAUGH: No.

KAREN COX: I would assume it was done to scale if they indicated it fits, but only about 6 inches to play with. They would have scaled it on the cad.

MR. SAULPAUGH: I believe they came out on site and measured it.

KAREN COX: Okay. Well --

MR. SAULPAUGH: Field measurement to see if -- that it fit and I plotted it with the measurements they took.

JAMES MARTIN: I will put a condition here, you know, work with the Building Department to make sure you're meeting the setback requirements otherwise you will be in here asking for a variance.

MR. SAULPAUGH: We'll make sure we do that. This doesn't look right when I put a 50 scale on here. It doesn't add up.

JOHN NOWICKI: It's close.

MR. SAULPAUGH: It's humid out. The paper swelled.

(Laughter.)

JAMES MARTIN: You must have an official instrument surveyor.

CHRIS KARELUS: Jim (Martin), can you leave a condition on there can't be permitted unless it falls within the setback?

JAMES MARTIN: I am putting a condition on there no pulling the building permit until all of the setback requirements are met.

MR. TRAFIRO: I just have one more question. I'm sure this is going to be very nice when you're done. How does -- being that I'm a resident across the street, how does the Town enforce that if this property is ever -- ever changes and that the in-law apartment would be disbanded? What is the process that the Town takes to insure that it stays residential for us? And I just am trying to understand for my own.

JAMES MARTIN: Well, it becomes a code enforcement issue, all right, with the Building Department. I believe that what would -- you know, I will speculate on this, and Keith (O'Toole) and Chris (Karelus), correct me if I am wrong, if the house were sold and it was perceived by neighbors or whatever that the in-law apartment was now being used for a rental, then complaints should be filed with the Building Department, the code would be enforced based on all of the conditions that I have read, that, you know, they're now an illegal situation and it would have to cease at that point in time.

So we do have that, um, you know, previous comments are -- the Building Department going to run around all over Town and check on these things probably not. I will not speak for Mr. Karelus, but probably not. I believe it's a situation that would be monitored by the neighbors and if -- if it were determined that it had been turned into a rental, then it would be stopped, okay?

MR. TRAFIRO: Okay.

KAREN COX: Well, correct me if I am wrong, Jim (Martin), but the fact that the -- there is language on the liber and page tied to this deed, the homeowner, the future or the new homeowner should not claim ignorance of the situation. I mean, at some point their lawyer would say to them, "By the way, you do know this -- there is a condition about this."

So they would be, should be well aware when they buy the house that it's not to be used as an in-law and there -- I'm sorry, it's not to be used as a second residence by unrelated people or whom -- you know, whatever the condition says. So there again, there is a safety measure that if the Town had to go in and stop the use, they have been forewarned already.

JAMES MARTIN: Right. I mean obviously it doesn't prevent somebody from doing it illegally. They can -- they can still ignore, you know, what their lawyer tells them, but I -- I think it wouldn't be very long before the neighbors would recognize there is a rental in that particular unit.

MR. TRAFIRO: Well, I just want to know what our recourse is, in case we're ever faced with that.

JAMES MARTIN: That is your recourse.

KAREN COX: The difference between these two -- or the difference that I see between these two applications tonight and the ones that some in the audience have mentioned in North Chili is that these are legal applications; whereas, in North Chili, a lot of those were built whenever, before we -- we started doing things like this legally, then had to come in, when they were found out, and be grandfathered. The area around North Chili, I guess, is a lot more attractive for the illegal use because of the college being there.

JAMES MARTIN: I hope that answers your question.

MR. TRAFIRO: Yes, thank you.

DARIO MARCHIONI: To follow that up, Mr. Chairman, if you have an in-law, you can charge them rent, right?

JAMES MARTIN: I would expect you could, yes.

DARIO MARCHIONI: That's what I'm trying to say. So charging rent --

JAMES MARTIN: Doesn't preclude the in-law situation, but you -- as long as they're in-laws.

DARIO MARCHIONI: In-laws, rent, expenses, whatever.

JOHN NOWICKI: Generally keep an eye out for two meters in the house.

JAMES MARTIN: If you see two meters, then you have a problem.

James Martin made a motion to close the Public Hearing portion of this application at this time, and John Nowicki seconded the motion. All Board members were in favor of the motion.

JAMES MARTIN: Obviously, it will have the same set of conditions. I will go through those in a second here.

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

JAMES MARTIN: The conditional use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

A copy of this decision must be filed in the Monroe County Clerk's Office under miscellaneous records and tied to the liber and page of your deed.

The cost for filing is to be reimbursed by the applicant.

Furnish a copy of your deed, both sides to the Assistant Town Counsel.

Pending approval of the Building Inspector.

And we want furnished proof of the recording of the deed and decision letter to the Assistant Town Counsel.

And as we have already stated, certainly note about handicapped accessibility, et cetera, et cetera, are always a good idea in this particular instance.

The other condition on this application is the applicant is to work with the Building Department to insure all setback requirements are met.

MR. SAULPAUGH: Okay.

JAMES MARTIN: Those are the conditions.

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

1. Applicant to work with the Building Department to insure all setback requirements are met.
2. The conditional use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
3. The apartment may not be used as a rental unit.
4. A copy of this decision must be filed in the Monroe County Clerk's Office under miscellaneous records and tied to the liber and page of your deed. The cost for filing is to be reimbursed by the applicant.
5. Furnish a copy of your deed (both sides) to the Assistant Town Counsel.
6. Pending approval of the Building Inspector.
7. Furnish proof of recording of the deed and decision letter to the Assistant Town Counsel.

Note: Applicant should consider wider doors in the in-law apartment to be handicap accessible (including grab bars, wheelchair ramp, etc.).

John Hellaby was recused.

3. Application of Wegmans, c/o Arthur Pires, P.O. Box 30844, Rochester, New York 14603-0844 for preliminary site plan approval to erect a four-story office building totaling 400,000 sq. ft. and two one-story additions totaling 2,552 sq. ft. at property located at 249 Fisher Road in L.I. zone.

Art Pires, Garth Winterkorn, Frank Sciremammano, Mark Johns and Adam Frosino were present to represent the application.

MR. PIRES: Good evening, Mr. Chairman, members of the Board. As Mr. Chairman noted, my name is Art Pires with Wegmans Food Markets.

This evening I have a group of our professionals: Frank Sciremammano with FES Associates; Garth Winterkorn, Costich Engineering; um, Adam Frosino, Stantec Consulting; and last but not least, Mark Burns (sic - Johns) with Bergmann Associates.

What I would like to do is just recap very briefly where we are relative to our last meeting on July 8th and then note what communications we have received, as well as communicated to various agencies, as well as the Town, and then address any last questions that the Board may

have. And with the request that we seek preliminary approval after obviously a neg dec should the Board see that appropriate.

Nothing has changed since the last application, last Board meeting rather. The originally application, with the exception of, and I trust the Conservation Board Chair will be speaking to that, but we have, after meeting with them on August 4th, we have revised the landscaping plans.

Number 1, we have added a total of quantities for each of the landscaping items.

Number 2, we have revised the size of the evergreens along the ball fields which would be, if you will, our eastern property line. The eastern property line, eastern edge of pavement on our outer service road. We have revised those to 70-foot evergreens.

And let's see. So we revised the plans, quantities, and I think that's it for now. We also had spoken to the Conservation Board regarding the tree surveying and provided them that information.

As far as the Monroe County Department of Planning and Development, we understand and we will comply with their requirement to contact the FAA in terms of online filing of the form and specifically noting the crane operations for construction of the building, as well as communication with Gary Gasken at the airport at such time we begin construction.

The New York State Office of Preservation and Historic -- Historic Preservation -- Parks and Historic Preservation, we understand there is a comment about archeological project within the vicinity of the project, and we will communicate back to them.

My understanding is when we had built and actually prior to and during the development of the plans and approvals for the Wegmans Market Street North, we actually investigated that there is not an archeological site on our site, but within the vicinity of our project, and we will research our records and be in contact with New York State Office regarding that.

Conservation Board once again, I spoke to it and I trust you will hear more from the Chair in a second.

As far as DEC, we recognize the key points of compliance with storm water management and all requisite permits and we'll comply with that.

Last but not least, as far as traffic and the comment that we received by the Town staff, I have a copy for this Board, as well as the staff, a response letter dated August 8th from Stantec Consulting to my office. In summary, it states that in looking at an analysis of the traffic with the background traffic increase of two percent per year at six percent over three years, um, the bottom line is that overall the intersection levels of operations and individual traffic movements will remain a Level of Service D or better.

So we had submitted initially with a one percent increase per year with a total of three percent over three years. This letter once again from our traffic consultant states that it will be the same, if not better. And I will present one to the Board.

Another item I would like to submit to the Chair, if I might, is that we looked at the County study -- Monroe County study in terms of parking ratios, and as noted in this letter which I will be submitting to the Board and to staff, is that Wegmans, with our proposal of the 600 -- 1641 spaces plus 210 banked, the code requirements are approximately 3653 spaces, if I had the calculations correct. Now Monroe County has 1390, and then if we applied the average peak demand ratio, it would be 1148.

The bottom line is once again, if the code enforces 3653, Wegmans has 1641, excluding the 210 banked, is higher than actually the County study recommendation of 1390, and I have copies for the Board.

JAMES MARTIN: Question on that. Are your calculations based on the current code 11 1/2 by 18 or it is 9 by 18?

DR. SCIREMAMMANO: I did that. It wasn't based on the size of the stall. It was on the number of parking spaces, so independent of the size.

JAMES MARTIN: Independent. All right. Thank you.

DR. SCIREMAMMANO: It was number of parking spaces.

MR. PIRES: So that completes as far as our understanding of what communications, correspondence have been submitted by the involved agencies, along with our responses accordingly.

If there are any questions, I would be glad to address them.

JAMES MARTIN: Just administrative note. I want to remind everybody the public hearing on this application is still open for all aspects. We kept it open at the previous presentation on this, first public hearing. As I remind everybody, we still have a public hearing open at this time.

I don't have any specific questions at this time.

JOHN NOWICKI: Not really at this point. We're just on the prelim site plan, right? We have everything up to snuff here.

GEORGE BRINKWART: The report by Foundation Design, the boring logs for the test holes, a copy of that will go to our Town Engineer?

MR. PIRES: Actually, that has been submitted to the Town. That is not the final report. The final report will be submitted once we have the building design and then we can do a calculations -- requisite calculations, specifics of the design of that building. But currently on record, we do have a preliminary executive summary as well as background information with the Town staff.

JAMES MARTIN: Obviously, there are some variances that are going to be required. I believe, you know, you're already set to appear before the Zoning Board.

MR. PIRES: That's correct. We have made application to the Zoning Board of Appeals

and we expect to be on the agenda August 26th, and we also have appearance before the Town Architectural Advisory Counsel this Thursday the 14th.

JAMES MARTIN: Very good.

JOHN NOWICKI: So your timeline to come back to us for final would be September, October?

MR. PIRES: It's -- that's correct. We would be finalizing -- if any -- we would wait to see if any more additional comments from the Board, staff and then certainly would be September, October, yes.

JAMES MARTIN: Just to go back to the parking issue one more time. The calculations that you did were -- did not take into account the space allocated per vehicle. Is there going to be a need for us to look at, you know, making those spaces narrower?

MR. PIRES: What we would like to do is match the existing spaces that we have, which we had received relief before from, the 9 by 18. So we would mimic that and carry that through the balance of the project. We would like to keep the same parking space, same distance for the drive aisle and carry that through.

As Dr. Sciremammano was referring to, he was to -- looking at the -- the need as far as the number of spaces not specific to the space, but in answer to your question, we would like to keep the same existing ratio, which was the waiver that was granted before, and which currently exists on the site.

JAMES MARTIN: So you have 9 by 18 is what was granted?

MR. PIRES: That's correct.

JOHN NOWICKI: I would like to ask a strange question in my mind.

Based on what is happening in this crazy world today, do you folks see a pattern developing somewhere down the road where you would have to either yourselves or other people would have to consider scooters, hybrid cars and things like that, and smaller spaces? You know --

MR. PIRES: We don't see that at this point, but certainly if and when that becomes the norm, or more economically feasible, and in demand, we would certainly consider that.

JOHN NOWICKI: I'm just wondering if we're going to see that.

DR. SCIREMAMMANO: I can offer an anecdote. At RIT now they're converting several -- they will take a block of three parking spaces, for instance -- during the warm conditions they convert that into motorcycle or scooter parking only. So that is how people are addressing that. In the winter they can revert back to the regular space. They just put -- just sign it. And I -- I see that happening in the future more and more.

JOHN NOWICKI: Yes, I think so, too. Because -- thank you very much.

JAMES MARTIN: Doug (Goff), they will appear before you this week, so I will be looking forward to any additional comments that you may have on the -- you know, when you hear the architectural review.

PAT TINDALE: Well, he has done what he was asked to do for us. And I do appreciate it.

The one thing I'm very disappointed in, however, is the trees that are coming down are all black cherry, the okay, the nice ones. The ones this are remaining are the cotton woods. I want you to change your road.

MR. PIRES: If I might, for the sake of the Board, also, if you're interested, I can show the location of that tree survey and the location. I have an exhibit I can submit to the Board, if they desire.

But briefly stated, it is -- as we come in our driveway here (indicating), up in this location (indicating), that's the outer service road. We are, in essence, if you will, hugging our northern property line, although, leaving some green space to the north side of our service road, our outer service road. That is the location of those trees coming down.

We did look at the design and revised it somewhat, and I believe of the 22, we're saving 12, which is ten more than we were saving before.

MR. JOHNS: I did go out and look at the trees. The dark cherries were not worth saving. They're damaged and split.

Actually the cotton woods are in the best shape, dense cluster and offer more biomass and a presence than the cherries that really are not in good shape at all.

PAT TINDALE: Just upset me. I was like, "Oh, my gosh, all those nice black cherries and the cotton woods are remaining."

I had another question, too. Was it ever resolved on the landscaping, the one percent?

JAMES MARTIN: No. It hasn't been resolved. I think we're going to have some further discussion about that. The plan would be to have that resolved before final.

PAT TINDALE: Okay. Okay. We stamped the prints, so I'm okay.

MR. PIRES: For the sake of the Board and the record, we can provide a larger scale. I just have two with me this evening. But basically the red shows the trees that are coming down because of the outer service road and the green are the ones that are remaining.

FRED TROTT: We got a copy of the traffic study report and we were satisfied.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Variances were mentioned. How many variances are going to be asked for?

JAMES MARTIN: Um, they're going to need a variance probably for parking count, parking greater than 250 feet from the building. Parking relief for the ten contiguous spaces.

Um, area variance will be needed for the building height. Um, those are the ones that I have listed.

Are there any others that I have missed, Chris (Karelus)?

CHRIS KARELUS: Just front yard parking.

JAMES MARTIN: Oh, front yard parking.

MS. BORGUS: Um, in a prior meeting there was a mention made of the number of employees that would be shifted here from other locations. I wonder if we could review that, those numbers.

MR. PIRES: Certainly. I believe on record, and correct me if I am wrong, it was 680 existing. 620 would be coming over to this site.

MS. BORGUS: Will there be any net growth in the number of employees that Wegmans has with the use of this building?

JAMES MARTIN: You can answer that.

MR. PIRES: At this point, no, but the forth -- that is why we're planning the four stories for future growth, correct, and that would be 200 plus.

MS. BORGUS: My last question is are COMIDA funds going to be asked for this project?

MR. PIRES: My understanding is as of January 2009, that comes to closure, if you will, with COMIDA, and we have not made a decision to pursue that.

If I might with the Board, or -- with the public, or -- I have point of clarification, if I might, a question to the Chair.

Regarding the front yard, is that for this Board, the staff or for the Zoning Board?

JAMES MARTIN: Zoning Board.

MR. PIRES: To make a determination as far as what is the front yard.

JAMES MARTIN: Front yard parking would be Zoning Board.

Last chance for public comment on any aspect of this project.

James Martin made a motion to close the Public Hearing portion of this application at this time, and John Nowicki seconded the motion. All Board members were in favor of the motion.

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

JAMES MARTIN: As far as the application itself goes, from a SEQR perspective, um, we declared our intent to become lead agency under SEQR. This is a Type I action. There was no objections to this Planning Board continuing to act as lead agency.

I hope everybody on the Board has had a chance to review the EAF that was submitted with this. And so far, all our comments that have come back from other agencies, there has been nothing of an outstanding nature that would cause us to have some concern from a SEQR perspective.

Given that, I have basically a motion to make regarding the SEQR application at this point.

I will go ahead and read this. Basically, this notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act, SEQRA, for the environmental conservation law.

The Town of Chili Planning Board, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a draft environmental impact statement will not be -- will not be prepared.

The name of the action is Wegmans Market Street Office Expansion, and the location is 249 Fisher Road in the Town of Chili, Monroe County.

As I have already indicated, this is a Type I action.

Description of the action: The proposed action is the expansion of existing office building located within the approximately 147-acre Wegmans Market Street complex in the Town of Chili. The expansion consists of approximately a 400,000-square foot four-story addition, and two one-story additions totaling 2552 square feet to the existing approximately 200,000-square foot office building at this site.

To support the expansion, the existing parking will be reconfigured and expanded to create an additional 792 paved parking spaces. When added to the existing 1008 parking spaces, the total parking for the office building will be 1800 spaces.

In addition, Wegmans is proposing to land bank an area sufficient to provide an additional 210 parking spaces to be utilized in the future only if found necessary. No changes are being proposed to the existing access to the site which consists of two signalized intersections with Chili Avenue.

The existing public sewer and water services to the site will be utilized for the expansion, as well as the existing storm water management system serving the entire complex. An upgrade to one of the existing storm water retention facilities will be necessary to accommodate the expanded use.

Reasons that support the determination: Upon review of all application materials, public input and facts and analyses contained in a full environmental assessment form the following conclusions regarding the environmental impacts have been reached.

The proposed construction will be almost exclusively in areas previously disturbed and graded by prior construction on this site.

These areas contain no unique or unusual geologic structures or land forms.

Subsurface geotechnical investigations indicate that the proposed construction areas present no limitations to the development as proposed. It is concluded that no significant adverse

impacts related to the land development will occur.

Number 2. The conservative traffic assessment indicates that the two existing site access intersections with Chili Avenue can accommodate the additional traffic volume with the proposed expansion while maintaining reasonable levels of traffic operation even during peak hour conditions. It is concluded that no significant traffic impacts will occur.

A detailed study of storm water drainage indicates that, with the site storm water management system, all off-site discharge rates will be reduced as compared to the pre-existing condition of the site. In addition, the existing and proposed storm water detention volumes are sufficient to meet or exceed all New York State Department of Environmental Conservation and Town of Chili standards for water quality control. It is concluded that no significant adverse water quantity or water quality impacts to site drainage will occur.

The proposed office expansion and related parking are centrally located on the 147-acre property, and as demonstrated by the line-of-sight drawings, will not be visible from most adjacent off-site areas. For the Fisher Road residential area, from which the expansion will be visible, the visual impact will be mitigated by the distance to the proposed building and the intervening vegetation and earthen berm. The proposed building is not unusual for the area, and the architectural treatment of the expansion will allow it to blend seamlessly with the existing site office building. Given these factors, no significant adverse visual impacts are expected to result from the proposed project.

The New York State Department of Environmental Conservation has indicated by letter of July 14, 2008 that no known federally listed or proposed endangered or threatened species; State-listed endangered, threatened or rare animal or plant species; significant natural communities; and other significant habitats are reported to exist on the project site or in the immediate site vicinity. Thus, it is concluded that no significant adverse impacts will occur to these types of resources.

The New York State Office of Parks, Recreation and Historic Preservation has indicated by letter on 19, June, 2008 that no properties listed in the State of National Historic Places are located within or adjacent to the project site.

The OPRHP is still reviewing its final information to determine the archaeological sensitivity of the site. If determined necessary by the OPRHP, appropriate investigation and any investigation will be undertaken to address any potential archaeological resources.

There were no other areas of potential significant environmental impact identified.

Any comments or concerns about what I just read from the SEQR perspective? Okay.

Therefore, I would go ahead and make a motion that we accept the draft that I have just read with a negative declaration as far as environmental impact for this particular application.

JOHN NOWICKI: So moved.

JAMES MARTIN: Seconded?

JOHN NOWICKI: Uh-huh.

JAMES MARTIN: It has been seconded.

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: On the application itself, the only thing I picked up is Planning -- you know, there has been request by the applicant for the Planning Board to waive the requirement for an 9 1/2 by 18 parking space and to allow a 9 by 18 foot parking space.

On that particular, I need a motion to waive that requirement.

JOHN NOWICKI: I will make a motion to waive the requirement.

JAMES MARTIN: Could I have a second?

KAREN COX: Second.

JAMES MARTIN: It has been seconded.

The vote on the motion was 5 yes to 1 no (George Brinkwart) with 1 abstention (John Hellaby).

DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following condition:

1. Pending Town Engineer approval.

The Planning Board, by motion and vote waived the requirement of 9.5 x 19 foot parking spaces, allowing a 9 x 18 foot space.

The meeting ended at 8:34 p.m.