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CHILI PLANNING BOARD
August 14, 2007

A meeting of the Chili Planning Board was held on August 14, 2007 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: Chris Karelus, Building Department Manager; David Lindsay, Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative.

Dennis Schulmerich, Town Board Liaison, was also in attendance.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Planning Board, and therefore, are subject to change.

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: Before we get started, I have an announcement. I am sure several of you are here in regard to the Walgreens applications. The application is going to be tabled tonight at the request of the applicant. We will not be hearing Walgreens's application until the September meeting. So if any of you were here with that specific application in mind, you are free to leave or you can stay and listen to the rest of the proceedings this evening.

OLD BUSINESS:

1. Application of Brickwood Homes, c/o FRA Engineering, 530 Summit Point Drive, Henrietta, New York 14467 for preliminary site plan approval to erect 11 apartment buildings totaling 60 units at property located at a portion of 3355 Union Street in RM zone.

Rick Ayling and Mark VanEpps were present to represent the application.

GEORGE BRINKWART: Mr. Chairman, I request to be recused from hearing this application.

JAMES MARTIN: You're recused.

MR. AYLING: Hello. I'm Rick Ayling from FRA Engineering with offices located at 530 Summit Point Drive, Henrietta. I'm here tonight with Mark VanEpps of Brickwood Homes. We're here to seek site plan approval for the Kings Crossing apartment project. The project is a 60-unit apartment development, luxury-style development located on Union Street, as indicated on the plans on the board.

Our office was before this Board on two occasions prior for conceptual review of the project. We were before the Zoning Board of Appeals on May 15th to seek a variance for setback to the buildings in order to construct the project and in accordance with direction received from this Board.

Also we were before the Planning Board last month for a public hearing for preliminary site plan approval.

Subsequent to the public hearing last month, we received a number of comments from the Board and the audience, and also from the Town's engineering consultant. Subsequently we have provided responses to the comments to the Board members and the Town Engineer. We feel we have been able to address all of the comments that were presented to us, and we're willing to address any questions that the Board may have tonight.

JAMES MARTIN: I guess what I would like you to do is just quickly run down through the answers that you prepared to the letter I drafted after the public hearing so everybody here hears the same story at this time regarding the elements that were included in that letter.

MR. AYLING: I believe you're referring to the July 16th letter?

JAMES MARTIN: The July 16th letter, correct.

MR. AYLING: Um, first item on the letter is a -- the Board requests that we provide a copy of the letter of agreement with the Churchville-Chili School District and the applicant regarding all aspects of school bus activity related to the project.

Um, our office has received a letter from Churchville-Chili School District requesting some conditions in order to -- to provide bus pickup service to the site. Mr. VanEpps has provided the Churchville-Chili School District a letter agreeing to those terms. The terms include snow removal and a hold harmless agreement for the maintenance of the road.

JOHN NOWICKI: If you don't mind, our Town Engineer, in regards to the school buses going in there, the radiuses and the roads and all of that, do they meet the School's requirements

and also the Town standards for the buses to get around those corners and the necessary room?

DAVID LINDSAY: I believe I commented in my last letter on the last meeting on that. I believe the radiuses do, but I will double check that.

JOHN NOWICKI: I just want to make sure. The School may have some issues on that. I just want to make sure you covered that.

MR. AYLING: We provided the School with a site plan and they agreed that the school bus could -- could feasibly access the site as is proposed.

JOHN NOWICKI: Okay. Thank you.

MR. AYLING: A copy of those two letters mentioned have been provided to the Board last month.

Second item on the list, the Town of Chili will require easements for the detention pond outlet structure and emergency access road.

Our office has indicated on the plan the location of the easements, where we think is appropriate. We're willing to provide the agreements to the Town as required.

KAREN COX: Did we get a copy of those plans?

JOHN HELLABY: Last month.

KAREN COX: Never mind.

MR. AYLING: Additionally, we have received a letter from the -- from the adjacent church property and Board of Directors indicating that they will also agree to provide the Town of Chili with an access easement across there for use of the emergency access.

JOHN NOWICKI: Again, back to the Town Engineer, is that access agreement going to be big enough, wide enough, long enough and in such a way -- constructed in such a way that access or emergency vehicles can drive across there and get in there and get out without any problems?

DAVID LINDSAY: We'll review that with the Fire Marshal to make sure it is adequate ingress/egress to meet the fire trucks.

JOHN NOWICKI: That has to be a condition.

JAMES MARTIN: Our requirement is that the access road will meet all Highway Superintendent and Fire Marshal code requirements.

JOHN NOWICKI: That should become part of the design detail for the drawings before the permit is issued.

DAVID LINDSAY: Yes.

MR. AYLING: Um, we understand that the access drive and the associated access easements and pathway will need to comply with Town standards. We have been in contact and received a letter from the Fire Marshal and Town of Chili indicating that the construction that they requested for the drive. We have added a detail to the plans indicating the cross-sectional construction of the drive also.

The third item on the list, a copy of the market analysis should be provided to the Planning Board. Um, we did so a few weeks ago before the DRC meeting.

That's it.

JAMES MARTIN: You have a copy.

MR. AYLING: A fourth item, a copy of the purchase agreement of the 8.6-acre parcel from the New Hope Church be provided to the Assistant Town Counsel. I believe that has been done.

KEITH O'TOOLE: I did see a copy of the purchase offer. It indicates that the applicant has authority to appear here.

MR. AYLING: Fifth item on the letter, the applicant should engineer, improve lighting on the site. Emphasis should be placed on the Union Street entrance.

We have reengineered, redesigned the lighting for the site as indicated in the plan set that was transmitted to the Town a few weeks ago.

JOHN NOWICKI: Okay. Dave Lindsay, you got that?

DAVID LINDSAY: I'm sorry?

JOHN NOWICKI: You got that lighting plan that they resubmitted?

DAVID LINDSAY: I just got these on Friday, which I wasn't in the office on Friday, so I haven't had a chance to look at them.

MR. AYLING: This is a copy of the plan here. Originally we had five light fixtures, which were 400-watt light fixtures with isolated areas of light at the intersections and at the parking areas. This is a redesign with a 12-foot instead of 18-foot pole and a 250-watt fixture which provides a more even distribution of light on the site and lights more of the site. We think it is appropriate with the character and it provides the lighting necessary at the key locations for safety.

JIM POWERS: How many lights on site?

MR. AYLING: 14.

COUNCILMAN POWERS: You got one at the entrance to the --

MR. AYLING: Union Street?

JIM POWERS: Union Street.

MR. AYLING: There is one on each side of the street there.

JIM POWERS: Good.

MR. AYLING: Sixth item, the applicant shall provide to the Planning Board certification of financial capability to undertake this project. The Board is not asking for detailed financial information.

We have had discussion with the DRC committee earlier this month where we addressed

this issue. I feel like we have been able to address it. Is there any more question?

JAMES MARTIN: I have a copy of the bank letter.

MR. AYLING: Okay. The applicant shall conduct traffic impact study related to the project.

We have provided additional traffic analysis and we have had coordination with the New York State DOT regarding the proposed entrance to the site and traffic impacts along Union Street. We have indicated that our calculations have indicated that the level of service is A and B, which is a -- very acceptable for this type of project. The Board has a copy.

The applicant should reconsider the need for a site location for a site manager. Um, we have done so, as currently proposed.

Well, Mark (VanEpps), would you like to comment on that?

MR. VANEPPS: Yes.

JAMES MARTIN: Please, Mark (VanEpps) -- please stand and state your name.

MR. VANEPPS: Hi. I'm Mark VanEpps.

We plan on having an on-site superintendent on premises at the time, someone living in the apartments. So...

JAMES MARTIN: So it will be on-site management, property management?

MR. VANEPPS: Yes.

JOHN NOWICKI: Can I just explore that just a little bit? I just want to make sure, the on-site management person in that unit, will they have contact with your other management people who are going to be responsible for plowing roads and maintaining security systems and other -- maybe other problems that might develop within the project?

MR. VANEPPS: Yes. It will all be handled.

JOHN NOWICKI: Do they use contractors to do the plowing or do you have your own crews?

MR. VANEPPS: No. I will use contractors to do the plowing, a local contractor.

JAMES MARTIN: And landscaping?

MR. VANEPPS: Yes. I'm going to use local landscaping contractors.

JAMES MARTIN: Okay. Thank you.

MR. AYLING: Would you like me to continue?

JAMES MARTIN: Pardon?

MR. AYLING: Would you like me to continue with the discussion items?

JAMES MARTIN: Um, yes. We had listed several probable conditions of an approval if this were to move forward.

Town Engineer approval.

We have already touched on the emergency access road meeting specifications from the Fire Marshal and the Highway Superintendent.

Um, there was a question about any future building change -- any building location changes from the approved site plan should be reviewed and approved by the Building Department.

And the garbage toter shall be stored in the unit's garage except on pickup days. I believe that's gonna be part of the agreement?

MR. AYLING: The lease agreement.

JAMES MARTIN: Okay. Certainly all of the things that were brought up at the public hearing have been answered at this point in time. I will now go to the Board for additional questions or concerns.

JOHN HELLABY: What was the phasing of this project again? Quickly, was there a single phase, and what was the time length of that phase?

MR. AYLING: Mark (VanEpps), would you like to comment?

MR. VANEPPS: Yes. It is a one-phased project and the timeline is approximately two years.

JOHN HELLABY: Three years?

MR. VANEPPS: Two years.

JOHN HELLABY: Starting?

MR. VANEPPS: Whenever I get approval.

JOHN HELLABY: That's all I got right now.

JOHN NOWICKI: You have answered all my questions. Thank you very much.

DARIO MARCHIONI: I'm a little confused. You say you will have an on-site manager. Is it going to be an office, or an apartment, or something saying office with the telephone, emergency number in case somebody wants to get a hold of this person?

MR. VANEPPS: Yes. It will be a person that lives in one of the apartments that I will contract with to manage the project.

DARIO MARCHIONI: If I drive down there, will I see an office, or --

MR. VANEPPS: You will just see a unit with probably a little sign out front that says "office" or something like that on it.

DARIO MARCHIONI: It is a visual office?

MR. VANEPPS: Yes. We can put a sign out front of it.

DARIO MARCHIONI: It is not like somebody way in the unit will manage it, and no one knows who it is --

MR. VANEPPS: It is someone that is going to be approved by me. You know.

DARIO MARCHIONI: That's fine.

JAMES MARTIN: Thank you.

CHRIS KARELUS: Mr. Chairman, thank you. Mr. VanEpps attests to one of these units will be earmarked for on-site management. Building Department will ask that the owner sign the property so that unit is recognizable to all of the individuals, as well as included in the land lease agreement, and that he will provide a copy to the Town before each owner occupies that this point of contact will be on site regarding maintenance, removal of snow, landscaping, issues regarding property maintenance.

We also ask that this Board condition so that it is included in the chain of title so with this property, as well as any future use, that that unit will always be involved in the operations of the management of the facility, apartment complex.

JAMES MARTIN: Okay. I didn't have a chance to write all of that down.

CHRIS KARELUS: To sign that manager's -- to sign the manager's unit on site.

KAREN COX: To put a sign up.

CHRIS KARELUS: To include a copy of the tenant lease agreement to the Town Building Department that will show that that person in that unit is called out within the development.

And also to include in the property's chain of title that that management unit will be here in the now as well with any future use of this property for the same. That just insures his management office will be there for the length of the project.

The Building Department also asks that the fire service hydrant locations and access road be approved as one of the conditions through the Fire Marshal's office. I understand the Fire Marshal has approved the access road, but not the fire service calculations. I understand the Town Engineer has that, but we have to review that with the Fire Marshal.

And also -- since this is not a subdivision of land, there will be no filed subdivision map with this project -- that all easements be filed with the County Clerk's Office prior to final site plan sign-off and approval so we have those recorded with the Liber and page of deeds.

JAMES MARTIN: Did everybody hear those comments? If you would be so kind as to categorize and write those down for me, all right, so -- but everybody heard what he was requesting. So...

Anything else?

CHRIS KARELUS: No. That's it.

DAVID LINDSAY: In addition to what was mentioned here tonight, I do have a number of minor engineering things, but I think I can work directly with the applicant's engineers to resolve those, so nothing further.

PAT TINDALE: We already approved all of the plans.

JAMES MARTIN: Okay. Before we go ahead and vote on this, I would like to do the SEQR process at this point. I would like to do a more formal review of the SEQR process Part 2, just to go through this.

Part A, "Does action exceed any Type 1 threshold in 6 NYCRR Part 617.4?" I believe the answer to that is no.

Will the action receive a coordinated review as provided for unlisted actions? The answer to that is no.

Could the action result in any adverse effects associated with the following: Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? I believe they have all been mitigated at this point.

Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character. I don't believe there is any issues there.

Speak up if any of you disagree with this.

Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species. No.

Community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources. This was zoned from multi-residential, so the answer there is no.

Growth, subsequent development, or related activities likely to be induced by the proposed action. I don't believe there are any.

Long-term or short-term, cumulative, or other effects not identified. There is none.

Other impacts, including changes in use of either quantity or type of energy.

"Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area?" No.

"Is there, or is there likely to be, controversy related to potential adverse environmental impacts?" No.

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

JOHN NOWICKI: Has the architectural detail of the drawings been the same since the last presentation? Have they changed at all?

MR. AYLING: It's the same drawing.

JOHN NOWICKI: Same drawing. Thank you.

JAMES MARTIN: They requested waiver of final at this point. They have paid their fee.

JOHN NOWICKI: I think they have complied with what we requested.

KAREN COX: Yeah.

JAMES MARTIN: We're waiving final.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Mr. Karelus will supply us with his list that you all heard verbally.

DARIO MARCHIONI: Can I hear the other conditions again? He was so fast.

JAMES MARTIN: He will be writing them up. It is essentially that, you know, there will be -- that -- you know, there will be a designation of where the site manager is; that -- that there will be lease agreement language regarding the designation of a Site Manager, that that language will continue with the property. All right? It won't just go away if he moves. Somebody will be there continuing to manage the site. That will be some of the primary elements.

Anything else?

DECISION: Approved by a vote of 6 yes with 1 abstention (George Brinkwart) and the following conditions:

1. Pending approval of the Town Engineer.
2. The emergency access road must meet all technical requirements of the Fire Marshal and Superintendent of Highways. It must have access to an adequate roadway through the adjacent Church property. All easements associated with emergency access road shall be reviewed and approved by the Assistant Town Counsel prior to mylars being signed.
3. The applicant has agreed to provide an on site property manager with the following as conditions:
 - A. In lieu of a permanent management office, the owner agrees to designate an onsite management unit in one of the 60 units with a permanent property manager residing in this unit. This is required to be filed in chain of title of the subject property, and this unit should be designated on the mylar.
 - B. An on site property manager is required to be employed and maintained in one of the 60 apartment units depicted on the final mylar and this shall be recorded in the subject parcel's chain of title for the life of the property. A note stating this shall be added to the final mylar for signoff. Management unit is to be designated on the final mylar for approval.
 - C. A sign shall be permanently posted at the property manager's unit of the project.
4. Copies of tenant lease agreement provided to the Building Department prior to final approval.
5. Fire service and hydrant locations to be reviewed and approved by the Town Fire Marshal.
6. Owner's signature and date block to be added to the final mylar.
7. Site maintenance such as snow removal, lawn mowing, and other landscape work will be contracted to local area vendors. Copies of the maintenance agreements are to be provided to the Building Department prior to the issuance of a Certificate of Occupancy for this project.

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

2. Application of Joe Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for request to rehear application for preliminary site plan approval to allow a parking lot for 11 vehicles at property located at 2652 Chili Avenue in R-1-15 zone.

Larry Heinenger and Joe Gomes were present to represent the application.

MR. HEINENGER: Good evening. This is -- is this (indicating) functioning?

JAMES MARTIN: Yes. I hope it is.

MR. HEINENGER: Okay. Good evening. Larry Heinenger from LA Heinenger Engineering representing Joe Gomes. Joe Gomes is sitting in the back of the room.

I was last here at your meeting on June 12th when you elected to rehear this application and you sent me away with a couple of tasks. One was to review the landscaping with the Conservation Board because there was some question about Arborvitaes as appropriate planting material versus your zoning ordinance for maximum 4 foot high material in the front yard of a

commercial application.

I spoke with Patricia Tindale in the month of July and also attended her Board meeting on the 30th of July, and Patricia (Tindale) was very helpful.

You have a letter from me dated July 12th when I indicated to you that we had reviewed the landscaping plan, actually going back a little bit further.

After the meeting on June 12th, Joe (Gomes) mentioned to me that the neighbor had, since the survey was done about a year ago, had put up a chain-link fence. That kind of changed everything because it made no sense for us to put a stockade fence next to a chain-link fence. I went back to the site that night on June 12th and located the chain-link fence, located on the neighbor to the west that there was a black walnut tree and also that she had a rose garden, so that was explained in my submittal letter of July 12th.

So we have changed the landscaping plan to be on the west five blue holly boy/girl mix so they will bear -- the girls will bear red berries and they will also do -- they will survive under a black walnut tree, which was confirmed by Pat (Tindale) in looking in one of her books.

That transitions to three miniature yew Chadwick variety, which as I explained before, will stay low, and the same variety of yews is being planted against the chain-link fence over along the neighbor to the east, which there is about a 24-inch pin oak just inside her property. So again, these yews will do okay under the oak. They won't grow up tall into the branches of the oak.

I also did the perk test, and there is one hole back in the backyard that was the one that I did a percolation and I know, Jim (Martin), I sent you a copy of pictures of me actually out there taking the test. If you want, I can give them to the Board, but you can see how flat it is.

JAMES MARTIN: We have copies.

MR. HEINENGER: You got copies. Fine.

The one bag that you have that has perk hole number or perk number, that was the one from the perk hole which was in the lowest ground, and you can see that that is a little coarser sand sample than the one that was -- has it got a little writing on it?

JOHN NOWICKI: This one here (indicating)?

MR. HEINENGER: Yes. The other one was up by -- closer to the building, and you can see that is a finer material. The one that Jim (Martin) has in his hand is a little redder, and this is a little more golden and a finer sand. In any case, it's sand.

So we dug down 20 inches, used my standard lath, 1-inch drop and the fourth run was at 1 minute 48 seconds. So it is pretty rapid, very rapid perk. Would not -- so based on doing perk tests, doing the Conservation Board, um, took care of that, and then Dave (Lindsay) had some comments which I addressed today and you have in the envelope explaining the perk test and how that was done.

And I did do a perk test up closer to the home because it was slightly up on slope, and I just dug to see -- again, as I note in my letter, when I visited the site a year ago, I commented to myself how sandy the soils were, and that was at the spot that I had noticed that. In fact, I stopped at the site tonight to verify that where I did do the perk hole was as representative of flat and low as any other spot on the site.

It is also the turf -- since we cut the turf out carefully like you would and put the piece back, you can't really tell where the hole is. Actually, I had to pace it off and did find a little low sag.

Anyway, second comment from David (Lindsay) is a driver backing up from the northwest corner, which would most likely be Joe Gomes himself, would back into the striped area for the handicapped ramp in order to leave his parking lot. Um, I have also indicated, and actually have on a small drawing that I can leave with Dave (Lindsay), because I can always make more, that we're going to raise the -- we're going to raise the elevation of the -- spot elevations of the two points of the northwest and northeast corners of the parking lot of -- I guess from a drafting standpoint if that spot elevation was 97.00, then the 97 contour would have to touch there. So that's just a graphic -- graphic issue.

And lastly, I have no problem with final Planning Board approval subject to engineer's approval.

JAMES MARTIN: Okay. Anything else?

MR. HEINENGER: That's it.

JAMES MARTIN: Thank you.

JIM POWERS: I think somewhere along the line I missed a meeting involving Mr. Gomes, and I think on a rendering that I did see, there was a proposed berm between Mr. Gomes and his neighbor to the east.

MR. HEINENGER: That has been removed. The neighbor to the east, um, is a residential neighbor. That has been removed. I am showing the small amount of dirt that we take out to create this additional, what I am suggesting is it be pushed along the west property line where the parking lot is -- towards the west where the parking lot is so it actually kind of creates a soil curb, so that that parking lot drainage is not running into his property.

JIM POWERS: That is towards the apartment project down there?

MR. HEINENGER: Correct. But we're talking about, you know, this much (indicating). Because right now that parking lot, the eastern edge of that parking lot sheets into his backyard.

MR. HEINENGER: By doing that, their water will be forced to go across the parking lot to the low point, which is a little to the west along Westside Drive.

JIM POWERS: Now I'm talking about the rear of -- between the back of the house and Westside Drive.

MR. HEINENGER: Yes.

JIM POWERS: Okay. All right.

MR. HEINENGER: Not the neighbor with -- not the neighbor with the chain-link fence.

JIM POWERS: Right.

MR. HEINENGER: No. That would just cause trouble.

JIM POWERS: Yup. Okay. Thank you.

KAREN COX: All my questions were answered.

JOHN HELLABY: I have asked the question before, but I guess I will ask it again because I don't remember what the answer was.

Do you intend to overlay the entire parking lot, or is this going to be like a patchwork quilt? I guess I'm looking for a guarantee how you will make the thing look uniform.

MR. HEINENGER: I guess, let me ask you. I think what we -- what I said before was there would be a saw cut to make a clean joint and you will have stone with the binder and topcoat. That would be the minimum, and then, of course, it would be sealed, and then restriped.

JOHN HELLABY: All right. So you will use existing blacktop and --

MR. HEINENGER: I believe so. I think that is in pretty good shape.

JOHN HELLABY: I don't know what the wear surface looks like.

MR. HEINENGER: The other option is you use a mini mill and mill it out, but, um, I think that I would talk to an asphalt man and see what his recommendations were, because ultimately, they're the ones kind of signing off on the work.

I know you're wearing a Wegmans shirt, and I go to Wegmans quite a bit. They just recontoured the Pittsford Plaza parking lot and they moved medians and islands and they saw cut and moved them and did exactly what I am talking about. It is the most efficient use of men -- manpower, machines, diesel fuel, stone and asphalt.

So we want a quality job. Quality is ultimately defined as meeting end-user requirements. Suitability of use.

GEORGE BRINKWART: You're proposing to use the handicapped parking space for the turning movement to get out of that one parking space and that -- you said that probably the owner is going to be using that parking space almost exclusively?

MR. HEINENGER: Yes. David (Lindsay) said, you know, what does everyone think about this?

And I said, well, basically the parking space is essentially a private parking lot, and Joe (Gomes), his son and their partner, the three people would probably be parking over there. And if that is the most difficult parking space to get out of, if I was the owner, I would be the one to park there, rather than have my clients have to jockey around there. But basically, you're jockeying into an area that is never supposed to have a car in it at all. And if you -- if you have to jockey twice, that's -- you have 24 feet to jockey.

The other option, as I said to Dave (Lindsay), is we move the whole parking lot towards Chili Avenue, which is not something I think you want to do anyway.

GEORGE BRINKWART: I think that is a reasonable conclusion, but I think it might be appropriate to put a "No Parking" sign on that stall to help assure people won't be parking in there.

JAMES MARTIN: Or designate it, you know, for Mr. Gomes or something like that so that --

MR. HEINENGER: Could do that.

Do you have a problem with that?

MR. GOMES: No.

JAMES MARTIN: Pardon? Didn't hear your answer. Please stand and answer the question.

MR. GOMES: No. No, no problem.

JAMES MARTIN: It's no problem?

MR. GOMES: No.

JAMES MARTIN: All right. Thank you.

DARIO MARCHIONI: I think you went a long way and complied with most of the conditions, and I think you did a fantastic job.

MR. HEINENGER: Thank you very much.

JAMES MARTIN: I have a question for Pat (Tindale).

Is the proposed landscaping between this property and the property to the east going to be adequate on a year-round basis to prevent headlight glare going into that house on the east side of this property?

PAT TINDALE: That I don't know.

JAMES MARTIN: Could you speak a little louder?

PAT TINDALE: I'm not sure what -- it is just a very difficult location to work with. I mean a black walnut tree is just -- most things don't grow underneath it.

MR. HEINENGER: You're talking about the property to the east where the chain-link fence is?

PAT TINDALE: He said east.

KAREN COX: East is -- the black walnut is on the other side.

JAMES MARTIN: I'm talking about this side (indicating).

KAREN COX: That is the pin oak side.

MR. HEINENGER: I guess in response to the question, I would offer that the closest spaces on the east side to the neighbor's house is the handicapped space. And that will get the

least amount of use. And also would -- given that the handicapped space would be used by a handicapped person during business hours, would get the least amount of use when headlights were on. So because of the striped area where someone exits a vehicle, I -- a handicapped person exits a vehicle, you already have two bushes to your left shielding that -- that house if you kind of think about it. And the yews -- again, the reason I picked them, they are a dense bush, and there is a 4 foot high fence, so ultimately the bushes will be about as high as the fence, which is the height of your headlights.

JAMES MARTIN: Okay. Thank you.

PAT TINDALE: I apologize. I had the wrong direction.

JAMES MARTIN: I guess my only concern is that screening be maintained. I will be driving by there frequently, okay, to be sure that any of those bushes that die are replaced, okay, and that's policed very religiously, assuming we approve this.

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 applicant has paid their fee for waiver of final. Feeling of the Board at this point?

The Board indicated they would waive final.

James Martin reviewed the proposed conditions with the Board.

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

1. Pending approval of the Town Engineer.
2. Parking space (northwest corner parking spot) adjacent to the building will be designated parking for Mr. Gomes.

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

MR. HEINENGER: Thank you very much. I will note that I thank the Board for allowing us to have the 18 foot spaces. That brought the field in 2 feet on both sides which will help with the issue of survivability and good growth of the landscaping. I think there is approximately 8 to 9 feet from the edge of the parking to the property line, so we should be okay.

JAMES MARTIN: As I mentioned earlier, if anybody came in late, under Public Hearings, Items Number 1 and 2 are being tabled at the request of the applicant until the September meeting. Those are the two that concern the Walgreens application.

PUBLIC HEARINGS:

1. Application of McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for preliminary subdivision approval to combine six lots into one lot at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuet Drive in G.B. zone.

DECISION: Tabled at the applicant's request.

2. Application of McFarland Development, c/o Schulman, Curtin, Grundner & Regan, 250 S. Clinton Street, Suite 502, Syracuse, New York 13202 for preliminary site plan approval to erect a 14,820 sq. ft. retail store/pharmacy at properties located at 3127, 3131, 3137 Chili Avenue, 778 & 780 Paul Road, and 5 Pikuet Drive in G.B. zone.

DECISION: Tabled at the applicant's request.

3. Application of Maxton Technology, Inc., 50 Eastman Street, South Easton, MA 02375 for preliminary site plan approval for a change of use in existing building to allow a warehouse/distribution for a telecommunications construction company at property located at 997 Beahan Road in L.I. zone.

Wendel Justice was present to represent the application.

MR. JUSTICE: Wendel Justice, Director of Operations representing Maxton Technology.

JAMES MARTIN: You have given us a revised site plan or updated site plan showing where you constructed the chain-link fence.

MR. JUSTICE: Yes. We contracted New York State --

JAMES MARTIN: What I would like to do is have you post this on the board. I have highlighted where the fence is so people can see this.

So I mean -- so everybody has seen that. It is a very, very minor site plan -- I think it was

originally Gatti Plumbing that occupied the building.

MR. JUSTICE: Gatti Dynamold (phonetic) I believe it was.

JAMES MARTIN: I forget who it was, but any ways. One thing I am going to request, and I think we talked about this, is that since you're in a Light Industrial zone, and you're doing a warehouse distribution activity, under our current zoning, you would need to apply for what we call the ADATOD zoning, which is an Overlay District, Airport District Overlay that would allow that activity to, you know, occur within an LI zone, okay?

MR. JUSTICE: Yes.

JAMES MARTIN: So if you're not prepared to handle it, get -- you know, get an attorney or somebody to help you through that process, but we're going -- if we go ahead and approve this tonight, we're going to condition it on your applying for the ADATOD designation for your activity in this particular zone.

MR. JUSTICE: Now, as far as the warehousing and distribution, we warehouse our own materials for our own use. We don't like distribute it to other people. It is our own materials to use on the projects that we're doing with our own crews. So it is -- we're only warehousing our stuff, not like -- it's not like it is coming in and we're distributing it to other companies in the area. It's strictly for our projects.

JAMES MARTIN: So you are warehousing materials that you use in your construction business?

MR. JUSTICE: Yes.

JAMES MARTIN: And you're not transferring it to some other activity or operation?

MR. JUSTICE: No, we are not.

JAMES MARTIN: Keith (O'Toole), under our current zoning, would that be something that would require ADATOD or since it is for their own personal use, would we not have to move in that direction?

KEITH O'TOOLE: I will take a look at that, Mr. Chairman.

JAMES MARTIN: All right.

MR. JUSTICE: We would be more than happy to comply with that if we do fall underneath that regulation.

JAMES MARTIN: I guess while we're taking a look at that, I will go to the Board at this point.

DARIO MARCHIONI: I -- the building is nice and clean. The grass is cut. It is very, you know, pleasing to drive by there and see a nice looking building. Compliments.

GEORGE BRINKWART: The only thing have you done is basically add the chain-link fence and the gate?

MR. JUSTICE: That's correct.

GEORGE BRINKWART: Do you plan on doing any other improvements to the site?

MR. JUSTICE: In the event that we end up purchasing the building from the current property owners -- as part of our lease, there is a lease with the option to buy -- we would look to install a loading dock. Right now there is no loading dock at the facility, but obviously we would go through the proper Planning Board approval to do that.

JOHN NOWICKI: Currently on the site, facing the building, right rear corner, three trailers are sitting there, I believe.

MR. JUSTICE: Yes. Those are the current property owner's trailers.

JOHN NOWICKI: Is that something that you're going to remove from the site?

MR. JUSTICE: He has agreed if the Planning Board wants those removed -- I mean -- our agreement with him is that we don't need that space, so we allowed him to keep those there because they were there previous to us moving them in. He uses them as storage, but they're not currently Maxton Technology property. So if you require us to move them, I will pass it on to him, and it will be his responsibility to remove those.

JOHN NOWICKI: If you're going to purchase the building --

MR. JUSTICE: If we purchase the building --

JOHN NOWICKI: -- they will be gone anyway, correct?

MR. JUSTICE: Correct.

JAMES MARTIN: You don't have a definite timeline on that?

MR. JUSTICE: If you give me a timeline -- we don't have a definite.

JAMES MARTIN: As far as purchasing the property?

MR. JUSTICE: No, sir. The lease started, I want to say May 1st, so we have a year to decide whether we want to actually purchase the property.

JAMES MARTIN: I mean we can require him to get them out of there now or they can wait until they --

JOHN NOWICKI: I think we should just make it a condition upon purchase or closing of property they remove them.

Then after that, do you expect to do anything in the parking lots, increase the number of spaces for employees or anything like that?

MR. JUSTICE: We don't see any need to at this time.

JOHN NOWICKI: You don't -- do you store equipment outside the building?

MR. JUSTICE: The only equipment, basic -- like trailers. I think we have one trailer, and obviously our trucks are sometimes parked there, but nothing other than that at this time.

JOHN NOWICKI: No 100-foot towers or anything like that?

MR. JUSTICE: No. No.

JOHN NOWICKI: Thank you very much.

JAMES MARTIN: I put upon subsequent purchase of property, trailers shall be removed.
JOHN HELLABY: Your main operation is construction of communication towers?
MR. JUSTICE: Yes, sir.
JOHN HELLABY: Or maintenance or communication towers?
MR. JUSTICE: We actually do both. Our company offers full turn-key service. We actually design and develop the sites as well, but out of this current location we're installing equipment on preexisting structures.
JOHN HELLABY: What type of area would you service out of this location?
MR. JUSTICE: All of Upstate New York. Upstate and Pennsylvania.
JOHN HELLABY: Just those two areas?
MR. JUSTICE: Currently, yes.
JOHN HELLABY: I notice your letter states that you have turn-key implications. It says construction, architects, engineering, building suite, project management, site acquisition -- that's all related to tower. That's nothing to do with general construction?
MR. JUSTICE: Nothing to do with general construction.
JOHN HELLABY: You say all of the material stored there is yours used in your projects. I mean at any time is there any instance where you have towers stored there, parts of towers outside or even cranes? Do you use your own cranes?
MR. JUSTICE: No. We lease out to like NAS something like that. We subcontract that work out because of the liability issues.
JOHN HELLABY: If somebody wanted an actual tower built on their property, they'd contact you and you'd drop ship the parts and pieces there and actually come out and around it.
MR. JUSTICE: There are instances if we're building what we call a roll-in sight that -- if we purchase the materials or are in receipt of it, um, the ideal thing is to have it dropped at the site, but very seldom would we have to store it at that facility.
JOHN HELLABY: How many people do you presently employ?
MR. JUSTICE: Five out of that location. It's actually, including myself -- I'm actually in market most of the time. Um, but then we have probably another three or four that are out of the Massachusetts area that stay in the area during the week and then go back home during --
JOHN HELLABY: There is somebody actually in the building during the day?
MR. JUSTICE: Yes. We're physically in the building during the day. We actually have a client in the building with us as well at this time.
JOHN HELLABY: You employ additional people out on the road then?
MR. JUSTICE: Yes.
KAREN COX: I had all my questions answered. Thanks.
KEITH O'TOOLE: Warehousing is warehousing. ADATOD.
JAMES MARTIN: All right. So they have to apply?
KEITH O'TOOLE: Yes.
JAMES MARTIN: So I would contact somebody that is familiar with the rezoning application process and proceed with that. We're going to condition this tonight that you do that, because that's the only way we can really go ahead and approve this.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm a little puzzled. These people are in here looking for preliminary site plan approval, but I was by there today and it looks like it is very much occupied.

JAMES MARTIN: It is currently occupied.

MS. BORGUS: How did that happen? Don't we have this in the wrong order?

JAMES MARTIN: We're handling the application as it came in. I can't speak to what happened prior to this.

MS. BORGUS: Well, maybe the applicant could explain how they came to Town and moved into a building without the adequate steps in place.

MR. JUSTICE: I can speak on that if she likes. I can tell you what happened as far as how we --

JAMES MARTIN: Make it very brief.

MR. JUSTICE: There was a "for sale" sign on the front of the building. We contacted the landowner about possibly moving into the building because we needed a facility to basically -- we're coming into the market. We had work here. We're not aware that we were supposed to be getting, you know, reuse approval. The building was existing. We thought we could lease it and, you know, start operations.

The Town then notified us this was the process and we followed the process since then.

CHRIS KARELUS: Mrs. Borgus, the Building Department notified him of the needs and we found that the building was occupied and notified him and he followed the process that we had directed him on.

MS. BORGUS: All right. That seems to me, although it may be irrelevant at this point, that was up to Mr. Gatti to let -- you just can't rent a building out for anything in Town. I don't know how it is in Massachusetts, but in New York, and especially in this area, you do things in the right order. You just can't rent a building for whatever you choose at the moment. There are rules.

Now I see a sign up on the front, too.

MR. JUSTICE: Yes. That is a temporary sign at this moment.

MS. BORGUS: I didn't see any mention today when I looked at the paperwork in the Building Department that there was any proposal for a sign. Do you have a sign drawing?

MR. JUSTICE: I was told by the, um -- where we contacted, the Department -- I think it is Premiere Sign we used -- they said that I guess for a temporary sign you don't need a permit, but the Town does have certain guidelines that requires us to get a permit for a permanent signage on the building.

MS. BORGUS: Well, I would hope that that would be part of the condition, so that they are aware of that, they have -- they can't put up any sign any place because they rented whatever building they pleased.

I disagree with those three trailers. I think that is messy. It looks terrible with those three trailers in that lot. And if the owner is willing to get them out of there, I think this Board should take him up on it. This -- this lease to buy could go on for a long time and the way you got this -- you're thinking of wording this, you're leaving the Town hanging out there for who knows how long with those trailers there. And you know just as well as I do, that they won't move them until they're made to. I think you should take him up on the offer to get them out of there right now. They don't add a thing. They detract. They -- they don't do a thing for Chili. Let's get them out of there.

Now, I understand that the Gatti enterprise that was there is under COMIDA. Will any of those benefits come over to this tenant?

JAMES MARTIN: I don't think we're here to discuss COMIDA, Dorothy (Borgus), to be honest.

MS. BORGUS: As point of information, I would like the applicant to answer if he knows.

MR. JUSTICE: I am not even aware of COMIDA.

JAMES MARTIN: You told us there were no COMIDA benefits coming to you.

So they're not transferring.

CHRIS KARELUS: Chairman. We're in the process of -- COMIDA is in process of terminating Gatti's lease, okay, the lease agreement. So this -- so this individual is coming in on their own merit, okay?

And if I -- if I will, I think the applicant can speak to the temporary storage. It was our understanding in talking with some of the reps that it was supposed to be for mobilization and only temporary. So I believe he can speak to that because it was brought to the Building Department those would be a temporary feature on the building site.

MS. BORGUS: As I understand the discussion, these people will have no outside storage of tower materials; am I right?

JAMES MARTIN: Is that correct?

MR. JUSTICE: That's correct at this time, yes.

MS. BORGUS: Okay. And I hope you make that a condition because I can -- there is some messy places down there now, and all those people say, "Well, that is a part of our business. We can't help that, because these are the materials we use in our business."

I just don't want to hear one more like that down there. Just because it is a Light Industrial doesn't mean it has to be messy.

Thank you.

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: Ms. Borgus brought up a couple points worth of discussion. Removal of the trailers. You indicated if Mr. Gatti or whoever has the trailers would take them out of there?

MR. JUSTICE: Yes.

JAMES MARTIN: Board's prerogative to have him do it now?

The Board indicated they would request the trailers be removed now.

DARIO MARCHIONI: Just one question. Has Mr. Gatti ever got a permit or condition to keep these trailers there in the past?

JAMES MARTIN: I have no idea.

JOHN NOWICKI: Doesn't matter.

DARIO MARCHIONI: Doesn't matter.

CHRIS KARELUS: Mr. Chairman, can you put a time frame on that?

JAMES MARTIN: I will put a time frame on that.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Other point Ms. Borgus brought up was outside storage.

MR. JUSTICE: In the event we do need some outside storage, how do I go about that so we don't get in the same situation moving forward? In our currently facility in Mass., we do have like certain steel materials stored outside, but we do have enough room at this facility where if the need arised, we could put it behind the building where it is not seen from the road, but I want to make sure -- I want to know what the limits are to that. Currently we have 12,000 square feet

of storage inside. We really don't need any storage outside, but every business, the intent is to grow. So I don't want to commit to something here without knowing the proper procedure moving forward.

JAMES MARTIN: Okay. Basically what I will say is any outside storage shall be neat and at the rear -- behind the rear of the existing building. Okay?

MR. JUSTICE: That's fine.

KEITH O'TOOLE: You want a limit on the height?

JOHN HELLABY: Height. I was just going to say that.

JAMES MARTIN: Um, certainly can't exceed the height of the building.

KAREN COX: I was going to say do you want to use the building height as the maximum?

JOHN HELLABY: What is a standard trailer height, about 12 foot?

JAMES MARTIN: Yeah. 12 feet.

JOHN HELLABY: 12 foot.

JAMES MARTIN: Shall not exceed 12 feet in height.

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: Fee has been paid for final. Waiver of final?

The Board indicated they would waive final.

James Martin reviewed the proposed conditions with the Board.

CHRIS KARELUS: Mr. Chairman, if you would. I had to double check that. I believe I discussed that with the applicant.

JAMES MARTIN: I'm sorry, I can't hear you.

CHRIS KARELUS: LI District does not allow any outside storage. It is a variance from the code. So if they would like to go in and look at that through the Building Department and go through the Zoning Board of Appeals, they should be able to get those permissions. It is within the code that all storage is within the enclosed buildings.

JAMES MARTIN: Is that in -- what code is that in, Chris (Karelus)?

CHRIS KARELUS: 115-17(E)3.

JAMES MARTIN: 115-17?

CHRIS KARELUS: Yeah, (E)3. Outside. "All assembly, research, engineering, administration, storage and other related activities shall be conducted wholly within enclosed buildings."

It would be a variance from the code. That's why the temporary nature of the buildings were investigated with the applicant at the time of the inquiry.

JAMES MARTIN: Okay. So if I add to that any outside storage shall be neat and behind the rear of the building and shall not exceed 12 feet in height and must be authorized by the Zoning Board of Appeals?

CHRIS KARELUS: It's a variance.

JAMES MARTIN: And must have a variance from the Zoning Board of Appeals.

CHRIS KARELUS: Any outside storage would need a variance. It is not permitted on site. It would need a variance from the Zoning Board of Appeals.

JAMES MARTIN: I have added that statement.

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

1. Applicant shall apply to the Town Board for inclusion of 997 Beahan Road in the ADATOD zoning overlay district.
2. Applicant shall comply with all Town regulations regarding signage.
3. No outside storage of any materials is allowed on this property. All material storage is required to be within the enclosed building.
4. The storage trailers shall be removed within 30 days of the hearing.

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

4. Application of William Howard, 3313 Chili Avenue, Rochester, New York 14624, property owner: Westside Development of Rochester, Inc.; for conditional use permit to allow an ice cream parlor in existing building at property located at 420 Ballantyne Road in PRD, FPO & FW zone.

Bill Howard and Al Arilotta were present to represent the application.

GEORGE BRINKWART: Mr. Chairman, I would like to recuse myself from this

application.

JAMES MARTIN: You're recused.

MR. ARILOTTA: Good evening. My name is Al Arilotta. I'm an architect with offices located at 530 Summit Point Drive in Henrietta. My client with me here tonight is Bill Howard of 3313 Chili Avenue.

It's Mr. Howard's intention to relocate the existing Gelato's operation currently at 25 Old Scottsville Road and most of the equipment to the existing driving range at 420 Ballantyne Road.

The operation would be accessory to the driving range operation. There will be no indoor seating. The equipment will be placed on the existing counters and behind the existing counters with the exception of maybe a one- or two-door reach-in cooler for pop and beverages, water, et cetera.

He is hoping -- well, everybody is hoping this will help the driving range by keeping the kids busy while the parents can get in a few more buckets of balls.

He has updated the tee boxes on the driving range, and it is also his intent to upgrade the existing putting greens and chipping area.

The operation -- the hours of operation will remain the same, and for the most part everything outside will remain the same. The parking areas, the landscape areas. The operation should go on as it is going on today. Are there any questions?

JAMES MARTIN: What are the current hours of operation?

MR. HOWARD: 9 to 9.

MR. ARILOTTA: 9 to 9.

JAMES MARTIN: 9 to 9? I'm assuming that is a seasonal thing. Is that like from April through October or something like that?

MR. HOWARD: Pretty much.

JAMES MARTIN: I don't have anything further.

JIM POWERS: Are you going to sell beyond ice cream and whatnot in the facility?

MR. ARILOTTA: Right now it will probably start off as a limited menu with probably just the dipping case with hard ice cream and hopefully the Gelato's, but the shakes and razzles and sundaes, banana splits and those type of things is really not suited for a driving range atmosphere.

JIM POWERS: No cooked food like hamburgs and hot dogs?

MR. ARILOTTA: No.

KAREN COX: Um, I just wanted -- is the -- is the ice cream operation going to be a year-round?

MR. ARILOTTA: No. Actually, the driving range and ice cream operation are mostly a spring, summer, fall. The ice cream is mostly -- the Gelato's operation now opens in mid May and closes in probably mid September.

JOHN NOWICKI: Just the entranceway in, are there designated signs there saying ingress, egress?

MR. ARILOTTA: No.

JOHN NOWICKI: It is not really well identified that way.

MR. ARILOTTA: Just as enter and exit?

JOHN NOWICKI: Yes. Because you have got other -- other points of ingress, egress there that could be confusing.

MR. ARILOTTA: Right. The temporary permit for the sale of the agricultural products going on right now.

JOHN NOWICKI: Yes. That should be somehow addressed and identified in the minutes

--
MR. ARILOTTA: Contingent on approval, we would -- would you put enter and exit signs?

MR. HOWARD: (Indicated non-verbally.)

JOHN NOWICKI: Yes. I think we should do that for safety reasons.

JAMES MARTIN: So basically you want the egress -- what do you want, John (Nowicki)?

JOHN NOWICKI: Ingress, egress signs so they're posted properly so people can find which entrance to use to get in and get out of this place.

JAMES MARTIN: All right.

JOHN NOWICKI: That's all I had for now. It's a conditional use, right?

JAMES MARTIN: Yes.

JOHN NOWICKI: I just want to see how it goes over the -- that period of time, with this curve and the road there. Because people don't do 40. They do 50 and 60 in through there. We have had some cars go off the road in that area there and I'm a little concerned about it from a safety standpoint. That's all I got for now. I just want to make sure that the safety issues are covered.

DARIO MARCHIONI: I don't see any problem. I wish you -- that this thing would help your business, improve your business in our community. We wish the business people always the best. Thank you.

CHRIS KARELUS: Just to address parking. Nothing in the application addressed the adequacy of the parking. Generally you have two operating uses there. Just the adequacy of the lot. To bring to the Board's attention, this is going to be a restaurant-style use with nothing handicapped, striped, areas designated to bring it to the Board's attention.

Also, with the permanence of some of the unlicensed, abandoned construction vehicles on the property, I would like the owner to speak to kind of time frames for the proposed vehicles. I know this is going to -- this is going to be something attracting more people to the area. Some of

those things are kind of detracting from the roadside appearance of this parcel. I would just like to get some timelines on the permanence of the features on the site. This is part of a whole site.

MR. ARILOTTA: He is presently working with the developer on the remainder portion of the property, the larger project, and we can make it a condition of approval that within 90 -- 90 days?

MR. HOWARD: 90 days.

MR. ARILOTTA: 90 days that the trailers and the two bulldozers will be off that property.

CHRIS KARELUS: Thank you.

JAMES MARTIN: Thank you.

CHRIS KARELUS: Just with respect to, I guess the parking, I know -- again, there will be a lot more of the public encouraged to this piece with the use proposed before the Board, and some type of -- I guess justification that the parking is adequate, adequacy statement and --

JAMES MARTIN: What I have written is all Town Code requirements for parking shall be met by the applicant. That is basically what he has to do.

CHRIS KARELUS: But the surface of the parking and the gravel drive, that nature of it, the signage, some of those things to be -- I guess just verified with the Building Department. Okay?

MR. HOWARD: It is marked with handicapped places there now. There is a ramp that is handicapped accessible.

JAMES MARTIN: So you just have to meet the parking -- Town Code requirements for parking.

PAT TINDALE: Our Board had the same problem he is mentioning. We don't like the storage of the construction equipment on there, but --

JAMES MARTIN: They said they will remove it.

PAT TINDALE: Sounds like it is going to be taken care of. That's it.

JOHN NOWICKI: One more. If you haven't had Gelato's ice cream, I suggest you try it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I haven't heard signage addressed here at any length. That has been a problem at the current location. The Building Department, I think, can tell you they have had complaints about that. They have not been good about signs. They have put signs on the roadsides, up and down Chili Avenue, on the corner of Chili Scottsville Road.

So I envision that you're going to have a sign problem again, unless you address it now.

Then I would also like to know if the vegetable stand has got any connection at all to this ice cream business?

MR. HOWARD: No.

JAMES MARTIN: I think, you know -- to my understanding, there has been a valid vendor's permit issued for the vegetable stand and it has no connection with this application.

MS. BORGUS: What is the -- I heard a temporary permit mentioned.

MR. ARILOTTA: That was for the stand, the vegetable stand.

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

MS. BORGUS: The vegetable stand has a temporary permit?

JAMES MARTIN: Has a vendor's permit issued by the Town Clerk.

MS. BORGUS: Okay. Although that has no bearing on this application before you, that's another very unsafe thing at that location. With the speeds that people travel on that road.

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: As far as conditional use, if we go ahead and approve this, what would the time limit be? I'm open to suggestions.

The Board discussed the proposed time frame.

The Board agreed to a one-year conditional use permit, if approved.

KEITH O'TOOLE: Might I suggest that you run it through -- since this is a seasonal business, might I suggest you run this through the end of next year.

JAMES MARTIN: I can't hear you.

KEITH O'TOOLE: Since this is a seasonal business, perhaps we should run this through the end of next year.

JOHN NOWICKI: Through the end of 2008?

KEITH O'TOOLE: That's correct. That will also give the applicant adequate time to do a renewal.

JAMES MARTIN: Okay. The time limit -- conditional use, through the end of 2008.

James Martin reviewed the proposed conditions with the Board.

DECISION: Approved by a vote of 6 yes with 1 abstention (George Brinkwart) and the following conditions:

1. Conditional use permit is granted through the end of 2008.
2. Hours of operation to be 9:00 am to 9:00 pm in season (April to October).
3. All Town Code requirements for parking shall be met by applicant.
4. Applicant shall comply with all Town Code requirements for signage.

The applicant (Mr. Howard) stated during the Public Hearing that the unlicensed trailers, trucks, and construction equipment parked next to the driving range would be removed within the next 90 days. A notice and checklist of vehicles will be sent out from the Town Building Department regarding this issue.

The 7/10/07 Planning Board meeting minutes were approved.

The meeting ended at 8:23 p.m.