

CHILI PLANNING BOARD  
August 14, 2012

A meeting of the Chili Planning Board was held on August 14, 2012 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: Richard Brongo, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

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

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

PUBLIC HEARINGS:

1. Application of 1436 Management Inc., owner; 1436 Scottsville Road, Rochester, New York 14624 for renewal of special use permit to allow motor vehicle repairs at property located at 1430, 1434 and 1436 Scottsville Road in GB zone.
2. Application of 1436 Management Inc., owner; 1436 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval for site renovations/parking improvements at property located at 1430, 1434 and 1436 Scottsville Road in GB zone.

Patrick Evans, Michael Evans and Robert Avery were present to represent the application.

MR. PATRICK EVANS: My name is Patrick Evans. I have brought along my son, Michael (Evans) to give me a little hand here. This afternoon around 3 o'clock, I started getting something with my mind and my mind is a little bit screwed up here. I seem to do well with what I'm doing at the moment. Five minutes later I might not be able to remember, so he will give me a hand and hopefully we'll get through this.

We're here as -- obviously about the renewal of the conditional use permit. Also to make some changes to the site plan. Um, Michael (Evans) is not very well versed on it, but hopefully he can answer any questions that I can't. And Bob (Avery) is also helping me. He is the one that did the plans and he is pretty familiar with everything that is going on.

Name is Patrick Evans. I'm from Tiffany Transportation Services. We own 1436 Management, Incorporated which owns this property, and we're applying to have -- for conditional use permit for the repair of motor vehicles which is a use that is not normally for this particular property. We have had these permits in the past, and we're looking to renew it and hoping that maybe we can get a permit at this time.

Our last time we were here, we submitted a new site plan which we thought had been reviewed and approved. It was discussed. And in reading the minutes, we found it was never approved, so we're submitting another new one tonight to try and get that resolved, as well.

The only minor differences -- there are some minor differences to the fact we're no longer in the passenger transportation business which we were in at the time. So our main business right now is the sales and service of motor vehicles, so we're looking to make those changes. The site plan should address that.

Did I leave anything out? I'm open for questions.

JAMES MARTIN: I think when we went back through the history on this, we found what you thought was an approved site plan really was not an approved site plan --

MR. PATRICK EVANS: That's correct.

JAMES MARTIN: -- for the operation over there. That is why we asked you to come back before this Board with your, I guess, up-to-date proposed site plan for the property.

MR. PATRICK EVANS: Right.

JAMES MARTIN: There are some issues that I think we need to deal with. We have some very strong wording from the Conservation Board regarding landscaping on the property, which they have judged to be deficient; is that right?

PAT TINDALE: No words for it actually.

JAMES MARTIN: We also received County Comments that -- says here, "Due to the proximity of this parcel the airport the Monroe County Department of Planning and the Greater Rochester International Airport, we encourage the Town of Chili to maintain a front yard which includes landscaping to increase the aesthetic value of this site."

So once again, I think we're dealing with some issues that to move ahead without a fully

approved licensed landscape architect plan for the site, by the Conservation Board, this Board would be remiss in doing that at this point in time. But I will defer to the Board for any other issues or questions that I have.

Obviously, Mr. Evans, we are -- have been dealing with this site for a long period of time. It still is not up to what I would consider to be aesthetic standards by any stretch of the imagination.

PAUL WANZENRIED: Well, I have the same concerns that the Town Engineer has. We need to eliminate those parking spots within the exit doors. I see they're not taken off.

There is nothing in our Town Code that mandates density of vehicles.

JAMES MARTIN: As far as parking on the property?

PAUL WANZENRIED: As far as how many I can put on the property.

JAMES MARTIN: Only in regard to parking for a business where people come in, buy things and they leave. But as far as selling automobiles, I'm not aware of any restriction for the number of vehicles that can be allowed on the site.

David (Lindsay), any?

DAVID LINDSAY: I'm sorry, can you restate the question?

JAMES MARTIN: Is there anything in our code -- I couldn't find anything that would restrict the number of vehicles that could be contained on the site for sale purposes.

DAVID LINDSAY: I didn't find anything in the code.

JAMES MARTIN: So I looked for that, Paul (Wanzenried). I couldn't find anything that would restrict it.

PAUL WANZENRIED: Because based on -- what happens inside the building? I see on the left-hand side from driving by the building, as I look at the plan, the left-hand side, the one-story masonry block building, is that where you do your car repairs?

MR. PATRICK EVANS: Yes, sir.

PAUL WANZENRIED: What happens in the metal clad warehouse?

MR. PATRICK EVANS: Strictly storage.

PAUL WANZENRIED: Storage of?

MR. PATRICK EVANS: Motor vehicles and parts. We have -- we have vehicles that are traded in that are not fit for the road, and rather than keep them out on the lot, we try to get them out of sight until the time we can dispose of them, usually at scrap yards. Scrap is down right now, so we aren't taking any there. We get these 2 and \$300 trade-ins and the best thing to do is to take them to the scrap yard.

PAUL WANZENRIED: Is it possible to relate to the Board what your vehicle turnover is?

MR. PATRICK EVANS: In what respect?

PAUL WANZENRIED: How are sales?

MR. PATRICK EVANS: How are sales?

PAUL WANZENRIED: Yes. Do you sell a car a month, two cars a month?

MR. PATRICK EVANS: We average about 100 to 110 cars a year. That's what we have been averaging for the last four or five years. Was a little higher for a while. It has leveled off a little now.

PAUL WANZENRIED: I just don't see how -- I see the Fire Marshal has -- has signed off on it, but to me, I mean, if something happens inside that building, how are they fighting this fire? It is just -- it is too crowded. To me, the site is too crowded. That is my only comment.

JOHN NOWICKI: Excuse me. Are you saying the cars are inside the building?

PAUL WANZENRIED: Well, I'm saying -- is it a sprinklered building?

MR. PATRICK EVANS: No.

JOHN NOWICKI: That is my point. What is the safety of inside that building, especially with vehicles in there with gas?

PAUL WANZENRIED: There's not.

JOHN NOWICKI: No safety precautions.

PAUL WANZENRIED: If it is not sprinklered, there is nothing. So you're fighting a fire, but you're fighting a fire from the U of R parking lot, or am I going to fight it from the Jetview Diner or from Scottsville Road. You will not get a truck in there close enough to battle -- and that is a pretty big building, too. To me, that is why I asked the question on density. That's all. Those are my only comments right now.

KAREN COX: I just have the -- a concern, the same concern as probably the rest of the Board about the way the property looks right now, the upkeep of the landscaping.

JOHN HELLABY: I think the Conservation Board and the Town Engineer have it covered right now.

PAUL BLOSER: You did get a copy of the Town Engineer comments?

MR. ROBERT AVERY: (Nodded.)

JOHN NOWICKI: He did? Did he say "yes"?

JAMES MARTIN: Mr. Avery shook his head yes.

Right?

MR. ROBERT AVERY: Yes, yes.

JAMES MARTIN: So the applicant also has a copy.

JOHN NOWICKI: Same as Mr. Hellaby. Two comments from the Chili Conservation Board, Lu Engineers, those have to be addressed and dealt with.

DAVID CROSS: This is a question for Dave Lindsay. Are there any comments on the property from the public?

DAVID LINDSAY: I don't have the complaint file with me, but I don't think there has

been any recent complaints.

DAVID CROSS: I would echo the concerns about the landscaping.

JAMES MARTIN: I did ask Ed Shero about that. To his knowledge, there are no active complaints on the property at this time.

RICHARD BRONGO: I notice this is three separate pieces of property.

Do you actually do vehicle repair on all three pieces of property?

MR. PATRICK EVANS: No.

RICHARD BRONGO: Because that's pretty much what you're asking for in your -- in your request. Is there any reason why you haven't considered combining the three pieces of property into one parcel?

MR. PATRICK EVANS: Yes. We did that several years ago. When we were about to get it approved, um, I forget what the reason was, but it didn't get approved and then we decided not to do it. In case we ever wanted to split the property, if we ever wanted to sell it. Two of the pieces are pretty much one piece, because the line goes down through the middle of the building, but the other parcel, the third parcel is totally separated, separated by a driveway.

So if we were to obviously put all three together as one, if we wanted to selling the one piece, we would not be able to do it or sell the other piece. So at that time -- for some reason it wasn't granted and when it wasn't granted, we decided to withdraw the application to combine them.

JAMES MARTIN: Well, for the record, you did get approval of the subdivision in 2001 from the Planning Board. To my knowledge, you never filed it with the County Clerk. So --

MR. PATRICK EVANS: I can't remember the details, but I remember that we went to do one thing. We couldn't do that because we hadn't done this. We went to do this, couldn't do it because we hadn't done something else. We're always a little too late to get something done, so I said let's forget it.

JAMES MARTIN: But you did get approval of a subdivision plan to combine the three parcels?

MR. PATRICK EVANS: I believe you're right. That's correct.

PAUL WANZENRIED: The Department of Planning, Monroe County, Monroe County Comments say that "The site contains four driveways and should be served by one driveway sized to fit appropriate designed vehicles. Second driveway would require justification and all work in the right-of-way would require a highway permit."

How can they request that or offer that if it is three separate parcels?

RICHARD BRONGO: I don't think they realize it is three separate parcels. That's why I brought it up, you know?

KAREN COX: The only thing that -- that the County tries to do is if you have multiple driveway openings on one parcel, they try to take that down to one for access management. But you have got to have a driveway opening for every parcel.

JAMES MARTIN: How many are you actually using at this time?

MR. PATRICK EVANS: Driveways?

JAMES MARTIN: Yes.

MR. PATRICK EVANS: Three. Three entrances, I should say.

JAMES MARTIN: Karen (Cox), I will defer to you. Is this something that we should look at strongly from a County Comment perspective or...

KAREN COX: I -- I wouldn't push it. I mean, you know --

JAMES MARTIN: All right.

KAREN COX: It would be different if the parcel area or the area where the cars and where the driveway openings are is used by a high volume of traffic. But there is vehicles parked partially blocking two of them on the east side of the property. So really the only -- the only two that look functional from a public use standpoint are the ones in front of the building. The other -- you know, I assume the third one at least on this site plan is partially blocked by the parked cars, used for getting cars in and out.

MR. PATRICK EVANS: That's correct. We use that also to get to the rear of the building. It is our only access to the rear of the building.

KAREN COX: I don't think it is a deal breaker.

DAVID LINDSAY: Just a follow-up on some of the Fire Marshal's comments.

I know he signed off on it. I spoke with him today. He did talk about, I guess it would be on the triangular parcel there to the north, I think we'll call it. That it's where -- where it is adjacent to Scottsville Road, there was a couple parking spaces shown that he would prefer to have removed so they could get a vehicle in, truck vehicle. If you're not sure exactly where it is, stop in to see me or I can give you a call and show you what he is talking about.

JAMES MARTIN: Is he going to generate a letter on that, David (Lindsay)?

DAVID LINDSAY: I will ask him to do that. Something written.

JAMES MARTIN: I think they need to know the specifics what he is asking for.

DAVID LINDSAY: I can run through it with the applicant tomorrow.

JAMES MARTIN: All right.

PAT TINDALE: I don't really know where to begin.

They first came before us in 2001, and at that point, we asked not do give them conditional renewal because of all sorts of landscaping problems. They did put in landscaping, and to me, once the landscaping was in, it's a simple matter to maintain to make it look decent. It's sad. Honest. I did not believe there were evergreen shrubs there very truthfully. I had to search.

I went back twice only because a third party told me they were there. I did find them with

grass knee high. There were boats and cars parked all over them. I don't even know -- it is ridiculous to have them there. They put in five trees on Scottsville Road, and they didn't maintain them and they sawed them off. They didn't replace them. They put in four trees that were decent, Bradford Pears. I get confused on Scottsville Road, but to the south, southwest. When I was there the other day, it is planted next to a big cement pillar. There is a boat resting up against this.

This has been coming up before us on and on. I found comments -- this is interesting. This is from the 2001 Planning Board meeting. "Note: However, landscaping shall be provided all along the full length of the Scottsville Road right-of-way where it parallels the property commencing at the curb and running south."

Now, to me, if you just maintained what you had, replaced what should have been there, the trees were 2 1/2 to 3 inch caliper. They're sawed right off at the ground.

All I'm asking is clean it up. It's discouraging. Even the U of R is not keeping up their property near your area there on the hill and I think it is because of the appearance. They figure you can hardly see it through the weeds.

Those are our comments. We just don't -- we don't want to see any renewal of the conditional use permit until some of these things accomplished. They're never accomplished. We asked this time and again and it's just not happening. Those are my comments.

JAMES MARTIN: Mr. Ignatowski, if this were a change of use where you had an opportunity to do something, you would probably have some -- a list of comments, but there is nothing we can do at this point. It's there and there is really no change of use involved.

MR. PATRICK EVANS: Can I respond?

JAMES MARTIN: Just a moment.

MR. PATRICK EVANS: Briefly?

JAMES MARTIN: Hang on.

MR. PATRICK EVANS: Okay. I just wanted to say in regard to the trees, we had trees out front. They didn't live because of the salt situation. And so when we were at the last final, we talked about trees. It was decided we would put in the trees on the south side, the bushes on the north side, and we were asked to remove the trees out front. They didn't go away by themselves. They continued to sprout. Even when we cut them down, they continued to sprout. So that -- I believe that is what she was talking about, as far as the little stumps that are out there. The ones we planted, I think, are doing fairly well.

We have been cutting the grass quite often. I realize today it's a little high. The mower we have been using wasn't working, so. We have been keeping -- I think we have been keeping it cut pretty well. But that's just me.

JAMES MARTIN: Just a minute. I'm looking at pictorial evidence that was submitted by the Conservation Board, and it's pretty sad.

You have a comment?

MR. MICHAEL EVANS: My name is Mike Evans. I'm his son. I used to work in the business with him until three or four years ago. I branched off in my own business, and I -- you know, I kind of agree with you guys. The place needs some work out front. Needs to be watered. Needs to be maintained. The amount of salt that comes down that road in the wintertime kills everything on the side of the road. The grass is almost gone and has to be brought back to life in the spring.

Those trees, we have done everything we can, fertilizer, everything at the base of them, putting the fertilizer sticks in there and trying to get water and they just don't want to survive. When the snowplows go by, we actually have to move vehicles back because when the snow and ice comes off the road, it piles on top of them.

PAT TINDALE: But why are they sprouting and attempting to live?

MR. MICHAEL EVANS: Because once the spring time comes and they get a little water, they make an attempt at, but it just never been possible to bring them back to full life.

PAT TINDALE: Just seems strange.

MR. MICHAEL EVANS: We have a gentleman that works for us that said, you know, if that tree gets cut, it will resprout again and grow itself back up. It did. We cut it so it wasn't spreading water to the whole tree and it began to resprout. We were hoping it would come back.

But my suggestion would be, you know, as part of my business, I would volunteer to come over and help to get that place a little bit revitalized around the road. It looks like crap now. I would volunteer to help get the water and get grass growing and good topsoil to make the place look a little better.

I agree with you. It needs to be addressed. And I think coming to this meeting and talking with everybody and seeing everybody's thoughts on it brought me to the realization it needs to be done. I think I can guarantee you guys from here on out, I will give him a hand and make sure it gets done.

PAT TINDALE: I would like to see that. There are -- are salt tolerant plants you can put out there.

KAREN COX: I was going to ask Pat (Tindale), are there other plants besides trees, ornamental grasses or something that could be -- I mean, this is what I am seeing a lot when I am driving around in planting areas that are close to roads, there is a lot of ornamental grasses, which --

PAT TINDALE: We'll look up and see if we can get some suggestions, but it would look so much better if you could have something out front there. And just maintain what you have got there may be. Because the vehicles are all -- no sense in having them there because you can't see

them.

MR. MICHAEL EVANS: I work with a couple landscapers and maybe I can get some thoughts. I think everything else you have nailed down.

You have the site plan here. You see where vehicles are parked. It is obviously much cleaner now we don't have the giant buses parked out front. We have just vehicles. He keeps the vehicles clean, retail fashion.

I think if we just clean up that front area, I think everybody here would probably be a little bit happier. Tell me if I am wrong, I suppose.

MR. PATRICK EVANS: I might add that prior to us changing it, there was no grass out there. It was all paved over. We dug all that out, put in dirt and planted grass. It was strictly just all pavement before. And I thought it looked quite a bit better. I realize it needs to be cut right now, and we tried to cut it -- the weeds have been crazy this year. I guess because the rain has been so lacking, we can't get good grass growing, just the weeds.

MR. MICHAEL EVANS: I think that is a minor issue that we can take care of, though.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: When was this applicant in last?

JAMES MARTIN: The last time the applicant was before the Board was --

MR. ROBERT AVERY: '09, I think.

JAMES MARTIN: -- was July of 2009.

MS. BORGUS: Were the conditions that were imposed at that time followed up on?

JAMES MARTIN: Well, most of them, a lot of them dealt with the landscaping issue which we're dealing with tonight, Miss Borgus. The property appearance was -- was part of the conditions that we really imposed, okay?

DOROTHY BORGUS: There were other ones other than landscaping?

JAMES MARTIN: The trailer containing office supplies was supposed to be moved inside the building. I believe that occurred.

Um, the limousine buses currently being parked on a off-site location were to be moved to that location which happened and now they're gone completely.

The waste oil tank, we allowed that to remain outside the building.

And at no time shall bus vehicle parking be allowed -- okay. So that doesn't -- that's a non-issue now because the buses are gone. So those are the conditions.

MS. BORGUS: I believe Mr. Brongo made a legitimate point that hasn't been addressed. Application 1 requests renewal of a special use permit for motor vehicle repairs at three sites. If they do repairs in one, why are the other two properties there? I think you're looking for trouble if you approve that as it is, because now, you know -- you have given permission for work that isn't being done on two properties.

It doesn't make much sense and it could lead to problems down the line. Why aren't we just dealing with the one, where work is -- where motor vehicle work is being -- is being done? I think he has a legitimate point.

JAMES MARTIN: I don't disagree.

MS. BORGUS: So I really would -- if you're doing -- I don't know what you're going to do with tonight but bringing this forward again, I think you ought to settle on the property the work is being done and forget the other two if you bring this back.

This -- when was this permit to -- the special use permit, when was that due to expire?

MR. ROBERT AVERY: It's a two-year.

JAMES MARTIN: We gave them a timeline of two years. It expired July 2011.

MS. BORGUS: Okay. So we're a year plus. Over that. How does that happen?

JAMES MARTIN: I don't know the answer to that, Mrs. Borgus.

MS. BORGUS: Maybe somebody is here from the Building Department or the representative, and they can explain that. I thought we had a computerized system now and the Building Department knew when these things ran out and they were on it. That was the promise made a long time ago. I don't see where it is getting any better. This is just too late in the game to be -- to be worrying about some of this stuff. This is last year's work. Um -- I will have to deal with that tomorrow.

Now, if I heard correctly, the Fire Marshal okayed this plan?

JAMES MARTIN: Now, basically what he says, he has found no violations and all permits are current on the facility. Although he does have some concern about the number of cars and where they are parked and he -- and I asked Mr. Lindsay to do -- to get the Fire Marshal to write a letter with the appropriate comments addressing that, so he has access to that. He -- he is talking about inspections that have -- that have been made on the facility where he found no violations.

And this is -- this is a new site plan, so we're talking -- we're talking about adjustments that may have to be made to this site plan based on the Fire Marshal's inspection.

MS. BORGUS: But we're also talking about Application 1, right, as well?

JAMES MARTIN: We're talking -- we're talking about -- we're doing these concurrently, and he has the same comment basically on both applications, that he has found no violations.

MS. BORGUS: Well, it seems to me the Fire Marshal's job is not just to look to see if there are some violations or there is a problem that exists, but to look at the -- look at the plan and look at the whole project, can it be defended even against fire, and it sounds to me like it

can't be.

So I -- you know, the last time I was in here and the Fire Marshal got brought up, it was -- it was -- you, Mr. Martin, were quite, um, upset, I guess, because you thought the public was questioning the Fire Marshal's professional decision. Well, if the Fire Marshal put an okay on this, and you wouldn't be getting anything else if you hadn't pulled it out of somebody and you hadn't insisted on a letter, I'm wondering about all this. These permissions just can't be handed out. I mean, he has a job. He is paid to do a job. You can't say something is okay when it is so filled with cars you couldn't get a fire truck in to save your soul. How would you ever fight a fire?

Mr. Wanzenried is totally correct. Will you fight the fire from an adjacent property or the road? And the Fire Marshall says this is okay? Well, you better start checking up on some of these decisions before they get to this Board.

I really believe that when the Fire Marshal has a comment on something, the Fire Marshal should be present in this room, sitting over at that side table ready to answer questions and defend what he said was okay. That is where he belongs, sitting right over there. That should be done. I will work on that, too, because this he said/she said when applicants get in here just doesn't work. It just doesn't work. Trying to catch up, play catch-up later with letters after the fact to try to clarify the thing does a disservice to every one of you people who sit on that Board.

Now, is it legitimate for those cars and vehicles he has to be -- to be parked on the right-of-way?

JAMES MARTIN: According to previous conditions imposed, there should be no cars parked on or into the right-of-way.

MS. BORGUS: Are they now?

JAMES MARTIN: According to the inspection made by Mr. Shero, there are no cars infringing on the right-of-way.

MS. BORGUS: That's surprising because they're pretty close.

Well, you know, I have been -- I think I have been at this Board meeting every time that this gentleman has appeared and made his pleas over the years. And all I got to say is, I think you should look at some -- some -- some wise person once defined insanity as keeping doing the same thing over and over and getting the same result every time and expecting that the next time it's going to be different. Your result is going to be the same no matter what you do. It's time to say no to this. Maybe it -- it isn't where this business should be located. Maybe this man is not able to function and do -- and this business on this site for whatever reason it doesn't work. And I thoroughly understand the frustrations of the Conservation Board. It must be a thankless job to try to beautify this Town and make things better when they get as little cooperation as they get.

Thank you.

JAMES MARTIN: Thank you.

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

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

JAMES MARTIN: All right. We have several outstanding issues that, I think, need to get taken care of before this Board would entertain moving ahead, all right, with the applications that we have before us.

I think, Mike Jones, I think clarifying where the repair work is actually being done is a very good suggestion. I think the special use permit only applies to one parcel of the property. It should only apply to that parcel.

We need a landscaped plan signed by a licensed landscape architect to be reviewed by the Conservation Board, who I am sure would be more than happy to work with you to try to get something done over there to try to beautify the property.

Certainly, as far as the new site plan goes, um, we have talked about, you know, the Fire Marshal, you know, looking again at access to the property. And clarifying any comments that he has made verbally, in writing to the Board. So at this point, I don't see the ability of this Board to move forward with this tonight other than to table it pending those issues.

JOHN HELLABY: As part of that statement you just made, though, Jim (Martin), you just said he does not have the authority to park in the right-of-way. If this plan should be updated removing all these that are shown over the right-of-way.

PAUL WANZENRIED: There are five instances.

KAREN COX: They're in the Niagara Mohawk easement.

JAMES MARTIN: That was an old condition, you know, that I would also like you to provide to the Assistant Town Counsel a copy if your ingress/egress agreement with Niagara Mohawk.

MR. PATRICK EVANS: We'll do that again. We have done it every time you asked.

JAMES MARTIN: Well, we have a new Assistant Town Counsel. I would like him to review that. So please provide a copy.

There will be no parking in the right-of-way, okay?

So I will make a motion that we table this pending getting results on all those.

Do I have a second on tabling this?

JOHN HELLABY: Second.

DECISION ON APPLICATIONS #1 AND 2: Unanimously tabled by a vote of 7 yes to table. The applicant shall, prior to the Board rehearing this application:

1. Submit a revised site plan showing an altered parking plan that removes any parking spaces in front of man doors. Also, the revised site plan shall be approved by the Fire Marshal to insure adequate emergency access to three sides of the existing structure.
2. The applicant shall supply a landscape plan drawn by a licensed landscape architect to the Conservation Board for approval.
3. The applicant shall supply a copy of the ingress/egress agreement between 1436 Management and Niagara Mohawk to the Planning Board Attorney.
4. There were multiple comments regarding the overall appearance of the site. The applicant shall improve the appearance of the site.
5. The application requesting a special use permit to allow motor vehicle repairs shall be amended to pertain only to that parcel upon which this activity is being performed.

JAMES MARTIN: We meet again in September. If you can get these things done -- actually, you got a little extra time because the meeting in September is not 'til the 18th rather than the 11th. So you have an extra week actually to work on these issues and get them completed and come back before us and we'll deal with it at this point.

MR. PATRICK EVANS: I will have something in writing as to what these conditions are? I'm not clear on what I have to do.

JAMES MARTIN: You have a letter from me outlining what I have requested you to do.

MR. PATRICK EVANS: Okay. Very good.

3. Application of Joe Benson, 2098 Westside Drive, Rochester, New York 14624, property owner: Joe Benson's Service, Inc., for renewal of special use permit to allow the temporary storage of towed and/or unlicensed vehicles at property located at 1421 Scottsville Road in G1 zone.

Joseph Benson was present to represent the application.

MR. JOSEPH BENSON: Good evening. My name is Joseph Benson. My father owns Joe Benson Service, and we store cars that are towed by the Police Department or illegally parked in the backyard of our shop. And I'm looking to have my conditional use permit to store these vehicles.

Nothing is stored out front. Everything is stored in the back, behind the fence. I bought some more property four years ago to make sure that nothing was up front of the building. And I would like to get a conditional use permit so I can continue to store these cars for the Police Department.

JAMES MARTIN: How many vehicles on a monthly basis do you bring in, do you think?

MR. BENSON: Probably 15, maybe 20. But at the same time, two came in today, and I let three of them go today, so. They're constantly turning over. I maybe have ten vehicles in my property at one time. I used to do a lot of work for the Sheriff's Office and I had a lot more at the time, but I don't do much work for the Sheriff's Office. It is mostly Thruway and they turn over pretty quick. Most of them don't even come back to my shop either.

But once in a while I do have to store things at the shop.

JAMES MARTIN: So you're dealing mostly with what, Rochester Police Department or State Police?

Eee MR. BENSON: Mostly State Police out of the New York State Thruway. I actually do not have an area for the Sheriff's Office that I do. Just for the New York State Police actually.

JAMES MARTIN: These are primarily wrecked vehicles?

MR. BENSON: Most of the time, yes. Yes. Um, there is a few apartment complexes that I do some towing for, illegally parked or abandoned vehicles, so once in a while I have those. And they stay the longest because they have to stay on my property for 30 days. I notify the last owner that I can figure it out and -- but they have to stay on the property for 30 days. The other ones are gone. If I have them three or four days, that's quite a lot.

JAMES MARTIN: The reason I'm poking is the last time we looked at this application, I think your dad was before us.

MR. BENSON: Yes, he was.

JAMES MARTIN: There was an issue about I think it was a tractor-trailer rig or something like that had been involved in a fatal accident, and there were insurance issues and he had to store it for a very long period of time. I don't know if I remember the scenario.

Have you had any more incidents like that.

MR. BENSON: No, no, no. I -- since that one, I have had none. The New York State Police on the Thruway, anything that is a fatal, they take. I tow them to -- well, usually to

Canandaigua, actually, which is good for me, because I don't have to have them on my property. Um, when it was the -- when I was doing the Sheriff's Office and stuff like that, they would come back to my place, but the State Police have a place in Canandaigua and that's where most of them go to.

PAUL WANZENRIED: The parking area, is that gravel based?

MR. BENSON: Off to the Northside is, where I have an agreement with Niagara Mohawk. That is gravel. In front of the building is blacktop.

PAUL WANZENRIED: But behind the building?

MR. BENSON: Behind the building is gravel, yes, it is. Yes, it is.

PAUL WANZENRIED: How do you handle any leaking fluids?

MR. BENSON: We have drain pans that --

PAUL WANZENRIED: You drain it before.

MR. BENSON: Well, when the car goes up there, the drain pan, it is put underneath it and the car is set on top of it.

PAUL WANZENRIED: Then that is taken off site and disposed of properly?

MR. BENSON: Yes. I have a storage tank which I have a permit for. 500 gallons to store antifreeze and oil and all of that stuff.

PAUL WANZENRIED: How many cars -- you are showing 22 spaces by this site map that I have in front of me. Is that approximately correct, that you can store 22 cars back there?

MR. BENSON: That would be -- that would be about right, yeah. Yes. Yes, that would be about right.

JAMES MARTIN: We really need to post that on the board.

PAUL WANZENRIED: I'm done.

JOHN HELLABY: Are you doing any repairs at all over there?

MR. BENSON: No, sir. Just a little bit on my own trucks, but other than that, that's it. I do no outside repair whatsoever.

DAVID CROSS: I will give Pat (Tindale) a chance to talk about the landscaping, but I just read her comments and I totally agree with them. So that's it.

RICHARD BRONGO: Mr. Benson, I see that there was a two-lot subdivision, but it says it was with 1431 Scottsville Road, and this property is 1421 Scottsville Road. When you bought it, you made mention that four years ago you bought some additional property.

Was that formally incorporated into 1421 Scottsville Road?

MR. BENSON: No, sir. That was behind me actually. I brought it from Morbid Tools. They own the property all behind me, and I bought the property from them.

RICHARD BRONGO: So then you're still parking cars on that particular piece of property?

MR. BENSON: That is the piece of property behind my building. I just went further out. I guess it would be -- north/south -- west, just -- just stretched my fence out further so I could, um, be able to store what few cars I have and all of my equipment in the back so that when we're closed, all of the tow trucks and stuff are not sitting out front of the building.

RICHARD BRONGO: But I don't see where that particular piece of property that you bought was incorporated into 1421, where you're asking for permission to park your cars back there.

PAUL WANZENRIED: Did they do that in 2001?

RICHARD BRONGO: With 1431 Scottsville Road and now 1421 Scottsville Road.

MR. BENSON: I'm sorry. We don't own anything at 1431 Scottsville Road. My address is 1421, and the only property I bought -- it might have been more than four years ago -- I'm sorry about that -- is out behind my building. And I do rent a piece of property that Niagara Mohawk has to -- I guess it would be to the north of my building which is that small gravel lot where my employees park.

JOHN HELLABY: Look at the property card, October 16th, 2001. Says, "J. Benson final subdivision approval of two lots Marshall/Benson Subdivision 1431 Scottsville Road. Petition Town Board for Drainage District if not in."

PAUL WANZENRIED: Right.

JOHN HELLABY: So I guess the question is did it ever get filed? I don't know. But he has been in here for approval. Apparently we gave it to him.

JAMES MARTIN: Sounds like he got approval, yes.

RICHARD BRONGO: Then I'm just questioning the card then. Is it supposed to read 1421?

RICHARD BRONGO: Because in 2001, we got the same preliminary approval.

JAMES MARTIN: Then they got final.

No idea what happened to 1431 Scottsville Road.

MR. BENSON: No, sir. I -- I have no clue.

PAUL WANZENRIED: Maybe it's a typographical error.

MR. BENSON: I have been with my father many years and our address has always been 1421.

KAREN COX: What is 1431? Is there even a phone number there?

JAMES MARTIN: Well, based on just looking at what is in the property record, it is difficult to discern -- but you did buy property behind 1421?

MR. BENSON: Behind my building, yes, sir.

JAMES MARTIN: And was there an L-shaped lot that might have come in there from 1431 that you just bought the piece behind the property?

MR. BENSON: No. The property was as wide as my property when I started, just went back further. That's all. I didn't go to the left or to the right or anything. So I don't mean to sound ignorant, but I have no idea what 1431 is.

RICHARD BRONGO: Maybe Kathy needs to take a look at that and see if that shouldn't read 1421.

JAMES MARTIN: We'll certainly take a look at the parcel map and see what happened. I mean, do you have any help for us? I have no idea why --

JOHN HELLABY: Well, it is even possible they could have gotten a street number of 1431 even though there was no access at the time. I mean, because knowing he was going to incorporate it into his property, they still had to have some way of differentiating it because once he bought it, they had to pay the tax on it. That is probably what happened.

MR. JONES: From reading the property card, I have no reason not to believe the two parcels weren't combined and it is only one parcel now, but it seems to reference it was combined with 1431 and probably should have said "1421." It appears as if it is a typographical error on the property history card here, but with respect to this application, I think there is no reason not to believe it is not the one parcel as the history indicates it was combined. The combination was approved and the subsequent action on the property stems. So we can look into just straightening up the housekeeping of whether we're talking about the correct address in our records, make sure it is referenced correctly as 1421 and not 1431.

JAMES MARTIN: Okay. Thank you.

MR. JONES: Beyond that, I don't really have any other comments.

PAT TINDEALE: Nobody gets away from me. Your property is kept up very nice and neat. I have noticed that. But with the comments from the County and the airport asking the Town of Chili to improve landscaping along Scottsville Road, is there someplace even if we could figure out salt tolerant plants like we were doing across the way. Could we try that? Would you be willing to try some kind of plantings either to the front -- the property -- is it to the west of you there, there a green strip. I don't know if it is yours or not, that piece of property.

MR. BENSON: It actually belongs to Niagara Mohawk, and they allow me to plant the Arborvitae which I did which blocks that, and I mow it, but it actually belongs to Niagara Mohawk. I just kind of rent it, I guess, or lease it every year from them. But I do cut the grass there, yes.

PAT TINDEALE: I know Wegmans does that down on Chili. I was just wondering if there is something you can do to enhance it a little bit with some sort of landscaping.

MR. BENSON: I'm sure I could. Um, I -- I --

PAT TINDEALE: I'm not asking for the world.

MR. BENSON: No, I understand. I do have my two poor little pine bushes out front, and I went more after the building this year. I sided the building and the subsequent the driveway, and I sealed the driveway. Because it is tough to get things to grow on Scottsville Road because of the salt and stuff. I am sure they make plants that are salt tolerant. I never looked into them. I can look into it. But I went more after the building and my fence versus the landscaping because I just, you know.

PAT TINDEALE: Your land is kept up decently. I was just wondering -- that whole strip is beginning to just not look good as you go down Scottsville Road.

MR. BENSON: I certainly will see what I can put in there or make sure Niagara Mohawk is okay with me planting more stuff in there. I will absolutely do that.

PAT TINDEALE: I would like to work with you or Board would like to work with you to make suggestions for plants.

MR. BENSON: Not a problem.

PAT TINDEALE: That's what I'm asking. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: We'll check on that subdivision issue.

MR. BENSON: Okay.

JAMES MARTIN: As far as conditions go, there have been some imposed in the past that anything that is still active or pertinent, all right, will be continued. And it would be great if you could work with the Conservation Board, take a look and see what you could do to -- I think this is -- sorry. This -- this is the little parcel you were referring to (indicating)?

PAT TINDEALE: Nodded.

MR. BENSON: This one here? Oh, okay. I had bushes in there. They died. I'm sorry. I haven't put ones back in there, but now I know. I thought you were talking about --

PAT TINDEALE: I'm all mixed up on Scottsville Road.

MR. BENSON: I can take care of putting some bushes in there because salt is not an issue there. They just weren't taken care of and they got to looking real bad, so I thought they would look better if they were out of there. But now I know where you're talking about.

PAT TINDEALE: Similar across the way.

MR. BENSON: I can do that.

JAMES MARTIN: I will just say work with the Conservation Board, see what is a good planting to put in there. They're more than willing to help with you on that.

MR. BENSON: Okay.

JAMES MARTIN: We'll continue all pertinent previous conditions from prior approvals. Timeline? Last time I believe we gave them five years. Any suggestions? I'm open for suggestions.

JOHN NOWICKI: I don't have a problem with five years.

JAMES MARTIN: Five years?

PAUL WANZENRIED: You know me, I'm all for time limits.

JAMES MARTIN: I guess I'm hearing five years.

KAREN COX: Five years is fine.

JAMES MARTIN: So it will be conditionally approved for five years. Now, we'll do SEQR.

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 conditions:

1. Application is approved for a period of five years.
2. The applicant has been asked to work with the Conservation Board on potential landscape improvements.
3. All previous conditions imposed by this Board still pertinent remain in effect.
4. Application of Jonak Inc., P.O. Box 449, Pittsford New York 14534, property owner: Holt Road Storage LP; for special use permit to allow a convenience store in existing building at property located at 1615 Scottsville Road in GI and FPO zone.
5. Application of Jonak, Inc., P.O. Box 449, Pittsford, New York 14534, property owner: Holt Road Storage LP; for preliminary site plan approval for a change of use to convert existing storage building to a convenience store at property located at 1615 Scottsville Road in GI and FPO zone.

Robert Avery and Frank (D'Angelo) D'Angelo were present to represent the applications.

MR. ROBERT AVERY: Robert Avery with Razak Associates with Frank (D'Angelo) D'Angelo, property owner, Jonak.

Um, seems like we have been here a couple times for this project this year.

Um, the property owner has -- is -- is -- has come to the conclusion as to what use he would like for the front of the -- the front of the two structures on the parcel. Convenience store. Um, and of course, as you recall, we had an approved site plan for this generically and we're required to come back once uses were known. And, of course, in this particular zone, we need the use permit for that type of an operation.

So relative to the site plan, we have real -- we have really not done much of anything except extend the sidewalk on the street side to accommodate the one doorway. That's a change from the map that you have been looking at.

As you can see, I believe that is really the only change, other than we don't have the doors in use there on the west side, or -- originally there were thoughts of using the overhead doors, maybe a storage facility but, of course, that will not come into play for a convenience store. So that is not an overhead door there. So. Minor changes to the site plan. I think you will probably want to find out more about the proposed use, but if I could, could I address the engineer's comments? Or --

JAMES MARTIN: Go ahead and address then.

MR. ROBERT AVERY: I can do that now if you would like. But Frank (D'Angelo) is here to answer questions about the use.

Well, 1 and 2 indicate that we do have, I believe, enough available parking for -- for the use. At least on the reading of the quote from the Town Engineer.

JAMES MARTIN: Those calculations were based on the previous use of the --

MR. ROBERT AVERY: Of the back. And once again, we don't know in the back.

JAMES MARTIN: If that use changes, that.

MR. ROBERT AVERY: Yes.

JAMES MARTIN: It can change the complexity of the parking.

MR. ROBERT AVERY: Absolutely. But not knowing at this point in time, we're going with, you know, typically what was there before, and I guess the general -- in a general sense.

Frank (D'Angelo) had submitted, I believe, some hand sketches regarding the -- the floor plans, and actually, um -- we have the architect Al Arilotta, um, prepared an accurate floor plan as that was the next comment that the Town Engineer had. This is just a blowup of -- this is just a blowup of the -- that portion of the architectural drawings. You can see it's dimensioned to

indicate an -- it indicates what will take up that space. You see a counter prep area. You can see the toilet dimension, the toilet room dimension. I think it's pretty self-explanatory.

Okay?

JAMES MARTIN: Uh-huh.

MR. ROBERT AVERY: Um, Town Engineer had no comments from the site engineering view point probably because we had generic site plan just approved. Um, then we get into the -- the comments regarding the other application of it. And the connection to the existing septic tank to -- to the rear of -- from the front building to accommodate the proposed toilet facility. And we did have that system checked, inspected and regarding the next item, I have a letter from our engineer regarding the system itself and its capacity to handle the additional toilet. I will give you the original. I only have three. I e-mailed this to the Town Engineer today at noon. There is a copy.

Number 3, silt fence installed along the southerly boundary line during the installation of the proposed catering service. That water service has already been installed and inspected by the Water Authority and connected to the water main.

Upon completion of the project, the applicant shall submit a landscape Certificate of Compliance. That's always a standard note in Chili and that will be done.

Um, Town Engineer, DPW copied in. Correspondence. Um, they should not be construed as a completed final review and, of course, the plans are -- are always subject to, um, the full block of signatures from the Town of Chili. And I think that's all I have. We didn't really receive the County comments, so I am not privy to them, so.

JAMES MARTIN: I have them.

MR. ROBERT AVERY: Okay. I don't know if they're any different than what we had before.

JAMES MARTIN: There is one we're going to talk about. I think the last time you were before us, there was issues about raising the fire hydrant, okay? The -- the Fire Commissioner has some significant concerns about the elevation of that hydrant. You had indicated that the Water Authority had agreed to do that activity, and that you had something in writing.

MR. ROBERT AVERY: We had -- we had e-mails from them. I -- can I back up a little bit about the hydrant? I --

JAMES MARTIN: Yeah.

MR. ROBERT AVERY: I think it was originally thought that the hydrant, you know, became partially buried due to some other work that might have been done by either my client or his neighbor, which, of course, was not the case. It was done by the highway work that was done along the shoulder of the road there in preparation for that trail extension. So, you know, neither of -- that item was not caused by either property owner.

I think that Frank (D'Angelo) has some more information regarding the -- what the Water Authority is planning to do with the hydrant.

JAMES MARTIN: I guess I'm not worried about who caused it. We have to get it fixed.

MR. D'ANGELO: Frank D'Angelo from Jonak. I just recently talked to the Water Authority this week, and asked about that hydrant again. And basically what -- what Mary told me was it's in the schedule. It's not a priority. We'll get to it.

JAMES MARTIN: Okay.

MR. D'ANGELO: Unfortunately, I can't, you know, grab the Monroe County Water Authority by the ears and make them do it tomorrow, but that's what they're telling me.

JAMES MARTIN: I understand.

MR. D'ANGELO: It's in the works.

JAMES MARTIN: You know, given -- given the concern of the Fire Marshal about the ability to fight a fire on the property with the -- you know, with the way it is currently situated, um, you know, as we -- as we go ahead and look at this, certainly, you know we might think about, you know, building permits and signing mylars and things like that until there has been some satisfaction on that issue.

MR. D'ANGELO: She said it is functional. It just needs to be raised. It's not a danger.

JAMES MARTIN: All right. I think that needs to come in writing from the Monroe County Water Authority to the -- I mean, if it is a functional fire hydrant, that needs to be stated.

MR. ROBERT AVERY: Would there be any way of getting a letter generated from the Town of Chili in that regard rather than us writing it?

JOHN NOWICKI: Get the Fire Marshal to do it.

MR. ROBERT AVERY: I think that might be the way to go because we're kind of in the middle.

JAMES MARTIN: I will defer to Mr. Lindsay on that.

DAVID LINDSAY: We can draft that letter if you provide me the person you're speaking with at the Water Authority.

MR. ROBERT AVERY: Yes, we did.

That might go over better if the Town made the request. Of course, it is for the benefit of both property owners to have it more operational because their properties are right there.

JAMES MARTIN: That's fine. You know, if we do that, then we get something back in writing that says it's an operational hydrant, I think that would probably make the Fire Marshal feel --

MR. D'ANGELO: I --

JAMES MARTIN: -- secure.

MR. D'ANGELO: The grade around it pitches down to the hydrant so it is not really

buried. It's just the grade around it is higher so it looks buried. That is probably the reason why they just haven't gotten to it. I guess they're just busy.

JAMES MARTIN: Okay. On -- on the building itself, um, are you planning to renovate that -- the building that is there? Are you going --

MR. D'ANGELO: Yes.

JAMES MARTIN: Will you tear it down to the slab and put up a new one? What will you do?

MR. D'ANGELO: The Building Department has architectural drawings. They have had them for a while now. I'm just basically waiting for my permits to get going. Yeah. We -- we are going to renovate that building. Obviously for aesthetic reasons we need to get tenants in there. I mean, that -- that property is costing us money.

And we just made the decision to -- to try the -- the store in the front building to get some use out of the property, maybe generate some income and hopefully, you know, that will better the property, and maybe get somebody else in the main building in the back.

JAMES MARTIN: As far as the parking area, that is designated on the site plan, um, you know, certainly based on current, um, parking regulations within the Town, and assuming that that back building is used as a repair and we're okay, um, there is more than enough parking. Including two handicapped spots because you will need one for each -- for each facility.

What are your plans as far as surface treatment of that parking area? Will you pave it?

MR. D'ANGELO: At some point we would like to pave it. I mean, obviously once we are done renovating, we're going to bring the driveway grade up so it is similar to what is next door to our neighbor, the furniture store, more leveled off, has natural drain to the -- to the, you know, the left side of the property. Everything just flows. We just haven't done anything because we're waiting for permits. We're picking away at stuff because we haven't done anything.

JAMES MARTIN: You will eventually get a copy of this. I will read, you know, from the County Comments. The project review report. Item Number 3 says, "Reconstruct the existing entrance to a standard minor commercial entrance. All work in the right-of-way to require a highway work permit."

That's in the County Comments. Okay? So I think you're going to have to address that issue.

MR. ROBERT AVERY: We can revise that entry, yes.

JAMES MARTIN: That's what I have got.

Paul (Wanzenried)?

PAUL WANZENRIED: In your letter of intent, business will operate under normal hours. Could you please qualify what normal hours are? 8 to 8? 9 to 9?

MR. D'ANGELO: Um, in that area, it's -- it's more of a -- how can I say, lunch crowd. I don't -- I don't foresee a whole lot of activity after the business is closed. That -- I guess would be the 5, 6 o'clock range, other than the college or the hospital. Um, one of the reasons why we like to do this in the front is we're not -- we're not looking to become an all-night convenience store. Um, we're looking at something with less risk. Um, just a good old-fashioned sub shop with pizza and milk and orange juice and beer and just snacks that people can stop in and, you know, grab stuff during the day on their way home.

PAUL WANZENRIED: Is there any concern with traffic and the right-of-way and the -- the safe -- your proximity to the railroad and making a left -- making left-hand turns in there? Has that been addressed at all?

MR. D'ANGELO: Not at all. It's a small enough place where there is only going to be the few people working there. Um, mostly family members. Like I said, it's something that is minimal risk. Our kids are grown. We have been in the deli and pizza business before. Um --

PAUL WANZENRIED: With success?

MR. D'ANGELO: Yes. Since -- since the 1980s. Um, when we got married, my wife ran a deli and sub shop, pizza shop with my in-laws. Once we got married and had kids, it was just tough.

Um, now that our kids are grown, and we have this property that is basically costing us money, we thought it would be a place that, you know, offer the services that, um -- again, we're not looking to become the all-night place where, you know, people are hanging out.

It's just -- I have talked to the local businesses. I'm a general contractor so I do a lot of business with, um, the companies in the area, the steel company, the concrete, and so forth. They're pretty excited about it. They said, "We can't wait because there is really no place to get a good sandwich."

And, you know, just through those discussions, we thought, you know, we'll give it a try.

JAMES MARTIN: Um, then --

PAUL WANZENRIED: Am I missing it, or did I not see there is no lighting for this parking lot? Did -- do you have lighting for the parking lot?

MR. ROBERT AVERY: Only -- anything that is going to be proposed by the architect for wall pack on the building, correct?

MR. D'ANGELO: Just what we plan on putting is, you know, just a small building sign with a couple of drop lights right over the door of the building, no big signs. You know, nothing.

MR. ROBERT AVERY: Doorway lights. Nothing proposed for -- for that. And I'm not certain his hours will even be evening from what he has discussed and written.

PAUL WANZENRIED: You don't know what you will put in the back either?

MR. ROBERT AVERY: No, we have no idea. I guess we would assume that would be a daytime business but we don't -- once again, we have to come back in for that approval once he

finds a tenant.

PAUL WANZENRIED: Something to consider.

I have no further questions.

KAREN COX: I have no questions.

JOHN HELLABY: You will be dealing with food scraps in this business. I don't see a dumpster on here unless I'm overlooking something here. Because I'm under the assumption you will not put garbage disposals and try to run this thing into a leech bed.

MR. D'ANGELO: Probably a small roll-away behind. We'll probably look at a small, you know, box on wheels that gets emptied, you know --

JOHN HELLABY: Where do you plan on placing it? I -- the reason I ask, because of food scraps, you will get nasty smells out of this thing.

MR. D'ANGELO: Probably behind the building. I don't anticipate a whole lot of food scraps.

JOHN HELLABY: Well, as I said, I don't know how you will get rid of it, because a smart person will not put a garbage disposal and septic system -- septic system. You're asking for trouble.

MR. D'ANGELO: We don't do that. It will be a small enough container that gets dumped frequently.

JOHN HELLABY: You say behind the building. Which building, though?

MR. D'ANGELO: Probably we're going to squeeze it in behind the front building to a point where we can, you know, take --

JOHN HELLABY: I'm not so crazy about that. Your neighbor already -- you already have issues down there and I can't see you putting that dumpster in his front yard.

MR. D'ANGELO: Like I said, it's not gonna be something that's gonna sit there for days on end. It's not gonna be a huge box. You're talking about a small, a small building. It will be a small enough container.

JOHN HELLABY: But is it a tote you're taking inside every night? It's going to be there.

MR. D'ANGELO: It could be something that small. Yes. Because we don't anticipate --

JOHN HELLABY: I would like to know that before we get too far ahead and say yeah, it's approved.

The next question I got, as far as parking spillage onto your neighbor's property, I know you have a couple handicapped signs there. But there seems to be a spot between them. How are you going to keep these cars from encroaching on that other piece of property? Because you just said you're going to try to get the pavement to match up along that area. And you do not have a crossed access really.

MR. ROBERT AVERY: No. I imagine it would be done just really through the striping. We're not proposing any bollards at this point.

MR. D'ANGELO: Striping or --

JOHN HELLABY: I suggest you look at curb stops.

MR. D'ANGELO: Curb spots.

JOHN HELLABY: Otherwise these people are going to pull right through and you will have problems again. Once they get in and get --

MR. D'ANGELO: My neighbors are pretty excited about what we're doing with that property.

JOHN HELLABY: They will run in and grab a sandwich, and the next thing you know, they will come right through there and right out Greco's driveway.

MR. D'ANGELO: Probably look at curb stops, something -- something simple.

JOHN HELLABY: You mentioned signage. You say just a small sign on the building.

MR. D'ANGELO: Building sign. Right on the front gable.

JOHN HELLABY: No neon signs in the window? That is, a lottery, blah, blah, blah kind of thing?

MR. D'ANGELO: No. What -- we're looking to attract people that just want to stop and have a good sandwich and take it with them.

JAMES MARTIN: Just to follow up, there were a couple more comments from the County. Usual backflow preventer comment, okay?

Then they do address -- any change in volume or type of waste characteristics discharge to go to the existing septic system may require approval from Monroe County Department of Health. So that's also included in this letter, so. Um, just a heads-up.

MR. ROBERT AVERY: Okay. We'll work with the County. Of course, we would need approval sign-off by them anyways.

JOHN NOWICKI: Did you say you had drawings into the Building Department, architectural drawings?

MR. ROBERT AVERY: Yes. We submitted them a while back.

JOHN NOWICKI: Have we seen them?

MR. ROBERT AVERY: Had them up on the board once or twice, I believe.

DAVID CROSS: I don't recall.

JOHN NOWICKI: Will you comment on those?

JAMES IGNATOWSKI: We had drawings before us in terms of the proposal for an elevation.

JOHN NOWICKI: Okay. I will look forward to your comments then.

DAVID CROSS: Did you have comments on them?

JAMES IGNATOWSKI: Took care of the comments, yes.

JOHN NOWICKI: They did. Okay. So we're all set.

DAVID CROSS: That was my question. Thanks.

JOHN NOWICKI: Thank you.

DAVID LINDSAY: I just think the Board would -- probably recommend to the Board that we pin down the location and size of the tote, whether it is a tote or a dumpster.

JAMES MARTIN: Well, what I wrote down is the applicant to install dumpster, okay, according to Town standards.

DAVID LINDSAY: The dumpster would require some enclosures then.

JAMES MARTIN: It needs to be enclosed and have all those Town -- Town standards that calls for that.

MR. ROBERT AVERY: They would be enclosed to the Town's liking, even if he uses a couple totes and didn't really need a huge dumpster box. At the rear location. It would be set forth on the drawing or whatever location.

DAVID LINDSAY: I would just suggest as a condition maybe you indicate where you would like to see that tote stored.

MR. ROBERT AVERY: We could have your comments on that. That would be good.

JOHN HELLABY: Well, again, I'm concerned that -- not knowing where it is going to go, they say behind the building. A truck has to get to it, or is it going back inside the building every night? I mean, because these are the things that are going to come back and bite us. We're going to say okay, not knowing anything, and the next thing you know, Mr. Greco will go through the roof saying, "How could you approve this thing when it is stuck right in my front yard and trucks are coming in my driveway every day to dump it?"

I want to know specifically where it is going, what the size is and what is going in it. Boom. Before I say "yes" or "no."

MR. D'ANGELO: We're probably looking at something in the toter size, even if we have to get two toters or even three toters. We're not going to be looking to store garbage in dumpsters on the property.

JAMES MARTIN: So would you envision like a standard roadside pickup --

MR. D'ANGELO: Yes.

JAMES MARTIN: -- of your toters?

MR. ROBERT AVERY: Would be rolled out on garbage collection day.

MR. D'ANGELO: I would roll out on garbage collection day.

JOHN HELLABY: They ain't going in this building.

MR. ROBERT AVERY: I would suggest maybe they be enclosed with a nice enclosure.

MR. D'ANGELO: Maybe just a small enclosure around the back to tuck two or three toters in. On the west corner, a small enclosure, fully enclosed with a gate.

JOHN HELLABY: Let's see what you're doing and put it on the drawing and we'll see you later.

JAMES MARTIN: I think --

JOHN HELLABY: I don't know how you're going to get anything around there.

DAVID CROSS: I think they have some room to work.

KAREN COX: If he is going to use a toter and -- and he can roll it out.

DAVID LINDSAY: Mr. Chairman --

MR. D'ANGELO: It's probably something we'll bring to the curb, like you mentioned, just like my neighbor has it. A couple little vinyl sections, just something to tuck a toter in, bring it out on garbage day, be it one toter, two or even three. We're not looking to have, you know, a big truck come in and trying to dump a dumpster the size of half your deck here. We not going to be storing that kind of trash.

DAVID LINDSAY: Mr. Chairman, if I could interject for a second, we were discussing this at the side table. It seems like where you have the handicapped parking spots there, the striped parking, you might be able to shift those slightly towards the building in the rear, which would allow you some space there for a toter or two, and maybe as a condition, you indicate that totes should be stored in that location and the property screened. Indicate how many totes you're allowing, one, two, three, the number.

And I think there would be access there for those totes for a garbage vehicle to come in and pick those up there.

JAMES MARTIN: So garbage storage will be in toters?

MR. D'ANGELO: Correct.

JAMES MARTIN: Maximum number allowed, three? Toters to be enclosed on the west side of the property.

JOHN HELLABY: West side of the building?

JAMES MARTIN: West side of the building. Sorry. See if this reads okay, now?

Garbage storage will be in toters. Maximum allowed will be three toters. Toters to be enclosed on west side of the building.

DAVID LINDSAY: Maybe add with final layout to be approved by the Town Engineer.

JAMES MARTIN: That's going to be your condition.

DAVID LINDSAY: That would be fine.

JAMES MARTIN: So that would be inclusive?

DAVID LINDSAY: Yep.

JAMES MARTIN: All right.

MR. ROBERT AVERY: I think what we would like to do is a little back and forth so that we're on the same wavelength as to what is desired.

JAMES MARTIN: Well, you have the basic conditions. Three -- three.

MR. ROBERT AVERY: I mean, exacting where we'll place them.

JAMES MARTIN: You okay now?

JOHN HELLABY: Yes. Just trying to fend off any issues here.

MR. ROBERT AVERY: We're putting curb stops in also to prevent drive-thru over to the Greco property at the end of those stops.

James Martin reviewed the propose condition with the Board.

PAT TINDALE: I don't usually get involved in garbage toters, but I'm going to. In the area that you're in, the Greenway backs right to, and there is a part of the trail there that I maintain. Many, many raccoons and bear. So my suggestion is cage it. I mean, seriously. They're frequently seen there, and -- anyway. That was one comment.

The other is the land was -- in June there was what reconfigured the lot lines or subdivided or something.

MR. ROBERT AVERY: No. No. We legalized the situation that had been there for 30 years.

PAT TINDALE: The landscaping was approved.

MR. ROBERT AVERY: Yes.

PAT TINDALE: We stamped it approved.

MR. ROBERT AVERY: We're not showing anything differently on this one.

PAT TINDALE: I just looked at that to see if it would be affected. It isn't going to be affected, right?

MR. ROBERT AVERY: No.

PAT TINDALE: That's all.

JAMES IGNATOWSKI: Just a couple minor points. According to the agenda, it says this is a convenience store, and looking at the plan, it is more of a deli. I don't know if that has any effect on the codes or not, but that also has affect on your garbage. If it's going to be a convenience store, you will have a lot more boxes, more containers, so it will be more of a recyclable situation, plus the food.

When it came before us, the Architectural Review Board, it was going to be -- it was couched to us being more of an an office possibly. I don't think the elevation will change that it is going to a convenience store, but now the signage has to come into play and it's going to be up to you whether you want us to see that or not in terms of signage.

And also you said you have architectural plans before the Town already? Is that finals?

MR. D'ANGELO: Yep.

JAMES IGNATOWSKI: Um --

MR. ROBERT AVERY: No, they're not final.

JAMES IGNATOWSKI: I don't think they would be final because now have you a pizza parlor. You have to provide --

MR. ROBERT AVERY: We have the revised ones because the floor plan changed, of course, as you found out tonight.

JAMES IGNATOWSKI: Codes will be different for what was originally proposed. If the garbage is not going behind the building, there is enclosure required and it will be up to the Planning Board to have us look at any type of enclosure that may be going up.

JAMES MARTIN: Okay.

JOHN NOWICKI: Will you serve espresso?

MR. D'ANGELO: We will, and it's good, too.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I, too, looked at that wording and assumed it was going to be like Byrne Dairy. Convenience store. To me, that's what it is. I, too, was surprised to see it's a pizza shop.

Um, the only thing I would suggest is that you let the Architectural Review Board do their -- Committee -- do their work. This is a perfect time to use them. Maybe you don't have to. That's really not relevant. For the best interest of the Town, we have -- we have people in place ready to do this job. Please use them. Listen to them.

Thank you.

JAMES MARTIN: Thank you.

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

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

James Martin 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 applications to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: Let me see if I can summarize conditions here before we talk about -- they have asked for final waiver on the site plan. Certainly it's subject to final approval by the

Town Engineer and Commissioner of Public Works which is standard.

Um, the Town will generate a letter to the Monroe County Water Authority requesting certification that the existing fire hydrant is operational.

The County Comments will be adhered to with -- regarding the existing entrance that, again, certifying with the Monroe County Health Department about the nature of the waste going to the septic system and the backflow preventer.

Curb spots to be installed to prevent customer -- customers from exiting through the Greco property.

Signage, will comply with the Town standards. Will be reviewed by the Architectural Advisory Committee for approval.

Garbage storage will be in toters. Maximum allowed will be three toters to be enclosed on the west side of the building. They too -- enclosure is subject to Architectural Advisory Committee review, and I believe the Board would feel very strongly that no building permits be issued until the Architectural Advisory Committee has signed off on the design and the signage.

Going to the Town Engineer's letter. Certainly, we need the landscape architect Certificate of Compliance.

Will there be any -- water service is already in place I believe is what you said, so the need for silt fence in that activity -- because it didn't exist.

MR. ROBERT AVERY: (Nodded).

JAMES MARTIN: Certainly, copy the Town Engineer and Commissioner of Public Works on any correspondence with any other approving agencies. All right.

PAUL WANZENRIED: Mr. Chairman, the County DRC, Item Number 3 says, "Reconstruct existing entrance to standard minor commercial entrance."

JAMES MARTIN: Yes. That's a condition.

PAUL WANZENRIED: Okay. I didn't hear you say that.

JAMES MARTIN: I said compliance with the County Comments.

PAUL WANZENRIED: Very well. Thank you. Sorry.

JOHN HELLABY: You stated hours of operation. Do you want to consider putting those in there so this thing doesn't turn into a 24-hour disaster?

JAMES MARTIN: Um, I mean, you have a proposed hours of operation; am I correct? I mean, what are you proposing to do?

MR. ROBERT AVERY: What do you mean by "normal" I guess is the question?

JAMES MARTIN: 6 in the morning until 9 at night?

MICHAEL JONES: Can I jump in there for just a second? Generally speaking, it is not legally permissible for a Planning Board to impose restriction on hours of operation outside of what the zoning code might already have. So I would just caution the Board that it would be inappropriate legally to assert some conditions that restrict hours of operation that aren't directly related to the site plan issues. So you're treading on some -- you just have to be careful where you're going here.

JAMES MARTIN: Okay. Thank you. But you don't propose to be open 24 hours?

MR. D'ANGELO: We don't plan to be open 24 hours a day, no.

JAMES MARTIN: Okay. On waiving final? I'm looking at the Board for consensus on waiving final.

JOHN NOWICKI: I make a motion that we waive final.

JAMES MARTIN: There has been a motion to waive final.

Do I have a second?

DAVID CROSS: I will second it.

JAMES MARTIN: On waiving final? They have paid their fee.

PAUL WANZENRIED: No.

KAREN COX: Yes.

JOHN HELLABY: No.

JOHN NOWICKI: Yes.

DAVID CROSS: Yes.

RICHARD BRONGO: Yes.

JAMES MARTIN: Yes. I vote yes also.

The motion to waive final was approved by a vote of 5 yes to 2 no (Paul Wanzenried, John Hellaby.)

JAMES MARTIN: On the application. I think what I'm going to do is essentially -- essentially you will get the same listing of conditions on both decision letters, okay? Makes life a little easier.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. All signage shall comply with the Town Zoning Code.
3. Curb stops shall be installed to prevent customers from exiting through the adjoining Greco property.

4. Garbage storage shall be in toters. A maximum of three toters will be allowed. Toters shall be enclosed on the west side of the proposed building, and shall comply with Town standards.
5. All elevations are subject to final review of the Architectural Advisory Committee prior to any building permits being issued.
6. The Town of Chili shall send a letter to the Monroe County Water Authority requesting certification that the existing fire hydrant is operational. Upon receipt of certifications from the Monroe County Water Authority and final approval of the Fire Marshal, building permits may be issued.
7. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
8. The Town Engineer and Commissioner of Public Works should be copied in on any correspondence with other approving agencies.
9. Application is subject to the following conditions from the Monroe County Development Review Committee:
  - a. Plans for the proposed backflow preventer(s) must be submitted to and approved by the supplier of water and the Monroe County Department of Health prior to installation. The plans shall be submitted to the supplier of water who after approval, will forward the submittal to the Monroe County Department of Health for review and approval. For additional information contact Meghan Voellinger at 753-5475.
  - b. Any change in the volume or type of waste characteristics discharging to the existing septic system may require approval of the Monroe County Department of Health. For further information contact Jeff Kosmala at 753-5470.
  - c. Reconstruct the existing entrance to a standard minor commercial entrance. All work in the right of way will require a highway work permit from the New York State Department of Transportation.
10. This special use permit becomes permanent upon completion of this project.

JOHN NOWICKI: Are we limiting it to a specified time?

JAMES MARTIN: Once it's built, it becomes permanent.

JOHN NOWICKI: Okay. That is all I wanted to know. Thank you.

DECISION ON APPLICATION #5: Approved by a vote of 5 yes to 2 no (Paul Wanzenried, John Hellaby) with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. All signage shall comply with the Town Zoning Code.
3. Curb stops shall be installed to prevent customers from exiting through the adjoining Greco property.
4. Garbage storage shall be in toters. A maximum of three toters will be allowed. Toters shall be enclosed on the west side of the proposed building, and shall comply with Town standards.
5. All elevations are subject to final review of the Architectural Advisory Committee prior to any building permits being issued.
6. The Town of Chili shall send a letter to the Monroe County Water Authority requesting certification that the existing fire hydrant is operational. Upon receipt of certifications from the Monroe County Water Authority and final approval of the Fire Marshal, building permits may be issued.

7. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
8. The Town Engineer and Commissioner of Public Works should be copied in on any correspondence with other approving agencies.
9. Application is subject to the following conditions from the Monroe County Development Review Committee:
  - a. Plans for the proposed backflow preventer(s) must be submitted to and approved by the supplier of water and the Monroe County Department of Health prior to installation. The plans shall be submitted to the supplier of water who after approval, will forward the submittal to the Monroe County Department of Health for review and approval. For additional information contact Meghan Voellinger at 753-5475.
  - b. Any change in the volume or type of waste characteristics discharging to the existing septic system may require approval of the Monroe County Department of Health. For further information contact Jeff Kosmala at 753-5470.
  - c. Reconstruct the existing entrance to a standard minor commercial entrance. All work in the right of way will require a highway work permit from the New York State Department of Transportation.

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

6. Application of Robert Gonyo, owner; 903 Chili Scottsville Road, Scottsville, New York 14546 for renewal of special use permit to allow a landscaping business at property located at 903 Chili Scottsville Road in AC zone.

JAMES MARTIN: Before we move ahead on this, I guess I would like Michael Jones to update us on the position or situation that we face on this particular application.

MICHAEL JONES: Yes. I would be happy to do that. In review of the property card history, the parcel, it appears that there was sort of a unique occurrence here. The special use permit had been previously issued and renewed by the Zoning Board of Appeals. The Zoning Board of Appeals has no jurisdiction to issue or renew special use permits, so it was unusual that that was happening. It appears that it happened initially back quite some time ago when the parcel sought a use variance. ZBA at that time determined a use variance wasn't necessary but rather a special permit was necessary.

They took it upon themselves just to issue the special use permit instead of the variance that they found unnecessary. So really the Board ought to correct that administrative error and treat this as a first request for a special use permit.

ZBA has apparently determined that the use is consistent with the zoning through its initial action and subsequent renewals several, several times. So it is just a matter of this Board treating it as a first request for a special use permit.

JAMES MARTIN: So with your permission, what I would like to do is amend the application to read, okay, that the application of Robert Gonyo, 903 Chili Scottsville Road, 14546 for a special use permit. So we'll take that renewal portion out of there.

MR. GONYO: Okay.

JAMES MARTIN: To allow a landscaping business at property located at 903 Chili Scottsville Road in an AC zone.

MR. GONYO: Okay.

JAMES MARTIN: Do you agree to that?

MR. GONYO: Sure. No problem.

JAMES MARTIN: Okay. I really don't have any questions. I mean, I have gone over, I have looked at the property and it looks very neat and orderly. I -- I really don't have anything else. I will go to the Board at this time.

DAVID CROSS: Everything looks really nice from the road. I will just make that comment.

JOHN HELLABY: I almost hate to admit it, but I sat on that Board in 1985. That's all I got.

KAREN COX: I just want to echo everybody's thoughts that the property is really attractive.

MR. GONYO: Thank you.

KAREN COX: Good advertising for the business.

MR. GONYO: Yeah.

DAVID LINDSAY: Just to make the Board aware, the Building Inspector and Fire

Marshall did visit the site recently and found some issues of concern. The only condition that they ask is that the applicant to comply with any operating permits that might be required by the Fire Marshal.

MIKE HANSCOM: I have additional comments. Except the points within my letter stating that typically an application is submitted with the site plan included and one was not included in this application.

JAMES MARTIN: Okay. We need to put one up. I'm sorry, Dorothy (Borgus). We didn't get that up. I have a full one here, Karen (Cox). Put this one up.

PAT TINDALE: As a neighbor and member of Conservation Board and close neighbor, the property is kept up very nicely.

MR. GONYO: Thank you.

JAMES MARTIN: I just want to go -- there were some conditions of approval -- well, I will say there were some conditions. Okay? I just want to go through and -- for the Board's sake, you know, just to talk about these things.

Certainly there will be a timeline that we talked about.

The stockade fence which was to be maintained. I believe that is, you know, in place. Inspected.

To main -- to maintain the barn for storage of vehicles, equipment and supplies used in the landscaping business, which is currently ongoing.

There is no dumping of any waste or recyclable materials whatsoever on the premises.

No storage of inoperable equipment.

West garage -- no parking of the equipment behind the west property line of the abutting property to the north.

MR. GONYO: Right.

JAMES MARTIN: And no on-street parking, no parking employees' cars in the front setback line of the adjoining residence on the north. So I think I'm going to tick off several of those as we go forward with this, as continuing conditions, okay?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

James Martin 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: Timeline? Last time was five years. I'm open to suggestions on timeline at this point. I mean, it's been a well-maintained piece of property for at least five years.

KAREN COX: I have been driving by on a regular basis for the last three years, and it's looked great. So I got to assume previous two were the same.

JOHN NOWICKI: Eight years.

JAMES MARTIN: I hear eight years. Anybody got anything different -- different numbers?

JOHN HELLABY: Strange one.

JAMES MARTIN: That's new. That's a new one. I never had an eight-year.

Eight years. All right.

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

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

1. Approved for a period of eight (8) years.
2. Applicant to apply for an operation permit from the Chili Fire Marshal.
3. Applicant will maintain a stockade fence or equivalent privacy fence at least 6 feet in height along the property line of the adjoining residence on the north from the front line of their garage back to the rear property line.
4. Maintain a barn for the storage of vehicles, equipment, and supplies used in the landscaping business.
5. No dumping of any waste or recyclable materials whatsoever on the premises.
6. No storage of inoperable equipment on premises unless garaged.
7. No parking of equipment behind the west property line of the abutting

property on the north.

8. No on-street parking. No parking of employees cars within front setback line of adjoining residence on the north.

The meeting was adjourned at 8:45 p.m.