

CHILI PLANNING BOARD
August 9, 2011

A meeting of the Chili Planning Board was held on August 9, 2011 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: Karen Cox, David Cross, John Nowicki, Paul Wanzenried and Chairperson James Martin. Theresa Reilly and John Hellaby were excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Michael DiVito, 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 The Fathers House, owner; 715 Paul Road, Rochester, New York 14624 for renewal of special use permit to allow a church at property located at 715 Paul Road in R-1-15 zone.

Matthew Sinacola was present to represent the application.

MR. SINACOLA: Good evening Mr. Chairman, members of the Board.

JAMES MARTIN: Do you have anything to display?

MR. SINACOLA: I can put that up here if you would like.

Good evening. My name is Matt Sinacola with Passero Associates. With me tonight is Eric Rowlands, The Fathers House. And tonight we are requesting of the Board to grant us the extension of the special use permit for this parcel and for this use.

The Board may recall that back in October we had a meeting on this issue, and at the time, we were issued an approval, extension I should say, on that application and given six months to resolve what was stated at the time as the final outstanding issue, that being resolution of the landscaping on site.

The timing of that was -- there was a certain amount of time needed to provide some more work on site, tree planting, the establishment of grass and that sort of thing.

I believe some of the trees were also replaced due to winter damage this spring.

As a result, this as-built plan was generated to address that. Pat (Tindale) on the Conservation Board was able to review that with us. I actually walked the site with the landscape architect and checked and made a counting of the plantings on site and so forth.

As a result, that was approved and I believe the Board has a copy of it. I have an extra copy if they don't have one.

JAMES MARTIN: No. We have the original site plan. We do not have that.

MR. SINACOLA: Okay. That was -- it may have been issued after that application was made. I can get you a copy.

JAMES MARTIN: Well, the issue is the Conservation Board has reviewed this. Are they in compliance with --

PAT TINDALE: Yes, I would say so. They had vandalism, too, where they were taking --

JAMES MARTIN: Use your mike.

PAT TINDALE: They had vandalism and they had replaced a lot -- replaced all those trees. They got additional trees on the property. They put in evergreens back by the storage shed where we asked for them. I walked the property with Mike Egan and approved it as is.

JAMES MARTIN: Okay. Thank you.

MR. SINACOLA: Now, Jim (Martin), I understand you talked to John Caruso, I believe?

JAMES MARTIN: Yes, about 5:30.

MR. SINACOLA: He -- I talked to him, and he indicated that there -- in addition or beyond what was originally stated in October, there might be another issue about the plans.

JAMES MARTIN: Well, we have some discussions and, David Lindsay, chime in if you want to about relief from some of the original I want to say walking trails, you know, the basketball courts. The problem is you submitted a site plan and all that stuff is still on here.

So I guess the question in my mind is what is the future status, and if that is something that is going to be removed, all right, from the site, because you're not ever going to build it, then what I said to John (Caruso) was, you know, we need basically an updated site plan to show

what -- what the future is. What is this going to look like in 2015, 2016, somewhere down the road. Because right now what you submitted with the application still shows walking trails, still shows basketball courts, still shows all that stuff on there. As I said, we did have conversations about relief on some of those things, but --

MR. SINACOLA: Okay.

JAMES MARTIN: But that is one issue.

Um, the sign is another issue, all right. I know that there has been a reduction in the size of the proposed sign on the corner of Archer and Paul Road. And whatever comes forth from the redesign of that sign needs to be reviewed by the Architectural Advisory Committee. They have -- they have put in place the fact that they have to review all of the sign details and so that is an outstanding issue at this time as to what is that sign really going to be, and then we need to have that reviewed, completed by the Architectural Advisory Committee.

Um, David (Lindsay), there was a note about final inspection of the storage shed.

Has that occurred?

DAVID LINDSAY: I believe final inspection of the storage shed has been completed, and they closed out a couple of the remaining permits in the Building Department. To point out the relief -- I think the request was not a complete relief but merely an extended time they wanted to assess whether the features were needed or not, and I think they asked for, I think, it was a three-year relief.

JAMES MARTIN: I know we talked about it, and there was some uncertainty whether it was ever going to happen. So I don't know if anybody is here to address that, whether or not that is still in the plans down the road, or is that going to be purged from the site plan eventually? What I asked John (Caruso) was, once they made that determination, at the time the sign is being addressed, come back with a cleaned up site plan, "this is what we're going to have."

Then, you know, given that fact, um, we probably could go ahead with the -- a more -- I don't want to say a permanent special use permit on the property as opposed to continuing these two- or three-, four-year extensions that we have been giving.

So that was one thing.

There was a comment from the Fire Marshal regarding false alarms being perpetrated due to smoke being used during interior events. Um, I'm just passing on what the Fire Marshal has related to me. Again, something that I think the -- the Church needs to be aware of. If you're going to use smoke during internal events, it is something that you need to pay attention to. I don't know how many. He didn't have a definite number, but he said there have been several false alarms generated by smoke interior to the building.

Another question I have is this site plan we have shows a lot of future parking areas on the site. I don't know how many of those eventually will be turned into actual parking areas, so again, something to be cleaned up on any kind of a final site plan that comes out of future discussion.

MR. SINACOLA: Okay. Yeah, I can address some of this.

The -- modifying the site plan to reflect the existing conditions and deletion -- I think you mentioned and I think it was communicated in letter format last year on two occasions, and I think John Caruso gave some explanation in the letters regarding the deletion of the bike trail and some of the sports fields. I believe you guys -- Eric (Rowlands), correct me if I am wrong, you want to keep the soccer fields, the ball fields and --

MR. ROWLANDS: Basketball.

JAMES MARTIN: If you're going to answer, give your name for the record, please.

MR. ROWLANDS: My name is Eric Rowlands, Finance Director at The Fathers House. And to answer the question, what do we intend to keep for now is the football fields, soccer fields -- sorry, the basketball courts and the softball field.

JAMES MARTIN: Thank you.

MR. SINACOLA: And the volleyball courts would be deleted? Just for clarification.

MR. ROWLANDS: If we need to delete them, we can delete them. Um, there -- there is no real sense of urgency for them. We -- we did think we might keep them there in case we needed them, but if it -- if it makes more sense to remove them and come back for approval later if we ever were to need them, then we can do that.

JAMES MARTIN: I think timeline is the irrelevant. If this isn't going to happen for five or ten years -- I'm just looking for, let's say, a clearer picture, a clearer as-built site plan as to what you're going to end up with.

MR. ROWLANDS: Understood.

MR. SINACOLA: Yes. That is relatively -- I mean, this is kind of a real simple issue. We can simply modify that site plan to reflect obviously the improvements on site that have been constructed and delete those we have no intention of building and leave those on and identify them if they are potential future additions. Given they're approved, of course, on the approved set, so it is just sort of a backing off of what was originally there.

The sign, the monument -- the freestanding sign at the intersection, I actually made the presentation before the Architectural Board, the first round. They had a good deal of input on that. We are preparing a return to that Board to find a comfort level between what the Church would like to build and what the Board would like to see. We do have, of course, the original sign and landscaping and grill work and so forth that was a part of the original package. So we will work with them obviously. We realize the procedure there, we have to get their letter of approval before we can get the sign approved.

And I guess, again, I would have to refer to Eric (Rowlands) regarding the Fire Marshal,

the false alarms.

Do you know anything that --

MR. ROWLANDS: That was prior to my time, so I don't have a comment on that for now.

JOHN NOWICKI: Question, was the Fire Department actually responding to those responses?

JAMES MARTIN: According to the Fire Marshal, there has been response. You're wired to into the Fire Department with the alarm system?

MR. ROWLANDS: Correct.

JAMES MARTIN: Apparently, it was tripped, so.

MR. SINACOLA: You indicated the Fire Marshal did not give an indication of the number of times? Was this recent, do you know?

JAMES MARTIN: It had been an ongoing thing. I wish I could give you the exact quote. The Fire Marshal did not have that information when he got back to me and he did not get back to me with an update on that. I apologize for that.

One other thing, for the record, again, we do have a complaint that has been brought to the Town's attention by a resident who lives essentially across Archer Road from the facility about "Noise on Sunday is very annoying. The rap music is loud enough so we cannot sit on our patio or if in the house, we have to turn the sound way up to hear the TV. What prompted this note was the lack of any noise yesterday. Does this have something to do with their zoning appeal?"

So I wanted that for the record that we do have this complaint about very loud noise emanating from the facility on Sunday. So is there a way to tone that down?

MR. ROWLANDS: Yes, I think we have. It's a summer program at the moment. So there is quite a bit of activity outside. It has been very hot, as well, so some of the doors have been open to try to help ventilation.

Um, as far as I know, we received that e-mail about three weeks ago, a bit longer, maybe four weeks ago?

JAMES MARTIN: This is dated August 8th.

MR. ROWLANDS: To you. The original.

JAMES MARTIN: To the Building Department.

MR. ROWLANDS: We got that e-mail about three, maybe four weeks ago now. Um, we did respond to the neighbor. As far as I know, it's the only complaint in the last 2 1/2 years or so.

Again, I'm -- I arrived October of last year. I'm not aware of any other complaints. So it is not like it is an ongoing thing. And certainly, um, we don't want to -- our intention isn't to upset the neighbors, so we certainly do do and will do whatever we can.

JAMES MARTIN: Thank you.

MR. SINACOLA: We would love to move this part of it forward. I mean it -- with regard to noise and I mean the -- obviously the ordinances apply to that, and beyond any action we take here tonight, things will still apply. There's a mechanism to take care of those things.

But I just -- just trying to separate things that may be more of unrelated to the special use permit aspect of this decision, and things that may be too minor from that standpoint. But it would be really nice to try to get an action tonight, but the -- the site plan modification is relatively a simple item. We can certainly provide that for the record at any point.

If -- if the Board is uncomfortable with taking any motion tonight, we can hold off, but we certainly could do that as a condition, too, if you prefer.

JAMES MARTIN: Okay. Well, we'll see where that goes.

JOHN NOWICKI: Just a question. In regards to the site plan, was that site plan originally approved by this Board the way it is with all of the sports facilities on the drawing?

KAREN COX: Uh-huh.

JAMES MARTIN: That's correct.

JOHN NOWICKI: So what would be the reason to modify it? It is already approved.

JAMES MARTIN: Well, the reason to modify it, we have conversations and we have a letter from Passero stating that they want relief from several of the original aspects that were approved as part of the original site plan as it essentially exists right now.

JOHN NOWICKI: Who wants relief?

JAMES MARTIN: The Fathers House.

PAUL WANZENRIED: There is no timeline to put it in.

JAMES MARTIN: All I'm saying is we have a letter in-house asking for relief from some of the facilities that were originally approved in the original site plan.

JOHN NOWICKI: They want them off the drawing?

JAMES MARTIN: Yes. They want relief from putting those things in. That's my understanding.

MR. SINACOLA: The impression was that because they appeared on the originally approved plans, we wanted to make it clear that we didn't -- not -- not that it would be an expected improvement that had to be installed before, you know, this entire situation be closed off. So we were just putting something in writing and filing it as notice that we would like to delete these items and not make them a requirement.

That's all.

JOHN NOWICKI: So we do -- so then we do need a cleaned-up site plan that we can reapprove.

JAMES MARTIN: Right. Essentially. And, you know, I think that would take care of the issue. Then if they come back in five years and say we'll put in volleyball courts or whatever --

MR. SINACOLA: It would have to be reexamined and approved.

JAMES MARTIN: -- they would need a revised site plan.
JOHN NOWICKI: Yep. I think we need that as a condition.
MR. SINACOLA: We can easily do that. Certainly.
PAT TINDALE: I have to make an addition. We approved the plan but not the plantings beneath the sign because of the sign being changed.
So we approved all of the rest of the landscaping, but not that beneath the sign. Okay? That's all.
JAMES MARTIN: Understood. The sign will be dealt with.
MR. SINACOLA: We'll come up with something nice.
JAMES MARTIN: Michael (DiVito), obviously you're still in flux working on it.
MR. DI VITO: Yes. We're working cooperatively with them.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Um, I'm hearing about a meeting that happened in October. Could you fill me in on that? Where was that held? This gentleman is talking about a meeting in October.

JAMES MARTIN: It was here at the Planning Board. We gave them an extension on the landscaping at that point.

DOROTHY BORGUS: Okay. But August is not ten months from April -- October to August is ten months.

JAMES MARTIN: We gave them 'til -- I will go back specifically to the Board action. We gave them until July 1st for completion, so they're here tonight after they have had the inspection by the Conservation Board at the meeting.

DOROTHY BORGUS: Well, I -- I will get to the -- my final point in a minute. This sign, how -- how big is that proposed sign? Now I realize it is not part of this application, but information only, how big is that?

JAMES MARTIN: You can answer that question if you have an answer.

MR. SINACOLA: I can relay that there was an upper limit stipulated, and actually approved for the record, and it will be -- the one I -- we were proposing was actually smaller than what was actually granted. Which I think was 75 square feet. I have to double check.

JAMES MARTIN: They were approved for a free-standing sign to be 75 square feet by the Zoning Board on January 2006. They were denied a variance to erect a wall sign of similar size. So it is smaller than 75 square feet.

DOROTHY BORGUS: I guess just in hearing all of the problems there have been with this particular development, that seem to go on yet today, I find it hard to believe that this Board would even consider a permanent use permit at least now. Maybe in a few years when this has all settled out and all of the problems are resolved, maybe.

Right now, you don't have these problems solved. They go on and on and on. So just think about that. It is not the time now to be giving any -- even a consideration to a permanent special use permit. Keep a time limit on it until you get this project under control. 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: Essentially there is an understanding where we're heading with this project.

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: Essentially all previous conditions have been imposed by the Board that are still applicable. Some are and some are not any more at this point. So the site previous approvals remain in effect.

I would like to again go with a limited time period for renewal until we can essentially get all these things cleaned up. Bring you back at least one more time, and hopefully with all of the issues resolved.

I will open it up to suggestions for a time period at this point.

JOHN NOWICKI: To clean it up --

DAVID CROSS: We did eight months last time. Six to eight months.

JOHN NOWICKI: I'm sure they can get that all cleaned up in six to eight months.

MR. SINACOLA: I suspect we can turn this around in just a matter of a few days.

JOHN NOWICKI: It won't --

KAREN COX: You got to have some time frame for the other items.

JAMES MARTIN: The signage issue -- there are several things. I don't know what the timeline, pending on the sign is at this point. What I would like to do is kind of at the time --

MR. SINACOLA: Include that.

JAMES MARTIN: -- through the process clean up these other things.

JOHN NOWICKI: Let me ask you a question. If you make it a year and you get it all done in six months and you come back, we just change it; is that right?

KAREN COX: A year is good.

PAUL WANZENRIED: A year.

JOHN NOWICKI: A year. You get it all done in six months, you come back and we get it all cleaned up.

JAMES MARTIN: We'll make it a year.

DECISION: Unanimously approved by a vote of 5 yes a one-year extension of the special use permit. This time period should be used by the applicant to clarify the desired as-built site plan. This would include previously discussed issues such as the walking trails and basketball courts. This will also give the applicant time to resolve the revisions to the proposed sign.

All previous conditions imposed by this Board that are still applicable to the site and previous approvals remain in effect.

2. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary subdivision approval to combine three lots into one lot to be known as Metalico Rochester Subdivision at property located at 1511, 1515 and 1525 Scottsville Road in GI zone.
3. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to allow auto dismantling at property located at 1511, 1515 and 1525 Scottsville Road in GI zone.
4. Application of Metalico Rochester, Inc., owner; 1515 Scottsville Road, Rochester, New York 14624 for special use permit to allow auto dismantling at property located at 1511, 1515, 1525 Scottsville Road in GI zone.

JAMES MARTIN: Reminder to the audience that the Public Hearing is still open on this project for all aspects, including the environmental review.

Kip Finley was present to represent the application.

MR. FINLEY: I don't necessarily need this, but...

JAMES MARTIN: I don't know. David (Lindsay), we got it to work earlier. Do you want to do your magic again?

DAVID LINDSAY: I say we just probably not use it.

MR. FINLEY: That's fine. I think we can describe everything.

JAMES MARTIN: We need to have something up for the public to see, Mr. Finley.

MR. FINLEY: Hello everyone, I'm Kip Finley representing Metalico Corporation, Metalico Rochester to be exact.

We're back again after our hearing on July 12th where our application was tabled. Since then we did our homework. We reapplied with some supplemental information to remove the automobile shredder from our application. For the benefit of the audience, that was a particular item in our application where Monroe County coordinated review did not approve that piece of it, although they had no trouble with the rest of that.

Since then we have gone through the Airport review and the County review, and they had issued their letter today. I don't know if you people have it. I think it came through earlier this morning. But basically there is a few things on that that I thought we should summarize.

We also have comments from Lu Engineers that I can summarize, and then answer any questions.

Basically, for this project, we did have approval a couple of years ago. It was challenged. The only change now is the automobile shredder is removed and the concrete apron that was at the discharge end by the railroad is not going to be quite so far. We don't need it any more. That eliminates the need for us to get a wetland permit to work in the 100 foot adjacent area.

So that is really the only change to it.

On the drawings that we had with our application, we simply crossed off the shredder equipment because the rest of the plans remain basically the same.

What we would propose is that if approved, we'll actually go back in CAD and take that off of the drawing and reissue mylars that can be reviewed and signed. So as far as drawings and that display, that is not that much there.

Another key factor is at one time the shredder building was 49 feet tall. Now without that in the application, our tallest building is the non-ferrous metal recovery and auto dismantling hut which 24 feet tall, which was no problem for the airport.

Comments from the County. Basically, the only condition of the review and their approvals was that we had to let them know if we're going to need a crane for operation to build anything on the site that is more than 50 feet tall. That's just a standard thing where we need to get a temporary permit if we're going to use a crane to erect a building that is 24 feet tall. We shouldn't ever need to do that.

We did look into the flood boundary comment, but basically we're not in the flood way,

we're not in the 100-year flood plain. The very corner of our site is in the 500-year flood plain so we really have no flooding impacts.

The other comments, we had to show our erosion and sediment control methods, but those are on the drawings that were original drawings, and most of that work had been done before the challenge, so I don't know that erosion control measures is the issue right now other than, I think, when we do commence further phases, we need to get an updated SPDES permit because that has been ended.

There were other comments from other agencies. The typical thing was basically the -- working in the adjacent area of the wetland CI, for Chili -30, and we no longer are proposing work in that adjacent area.

Lu Engineer's comments seem to be the same for all three actions. Basically no additional comments in addition to what they have done in the past. And Planning Board, if approval is given, requests that it be contingent upon Town Engineer's approval. So at some point, they will have to sign the drawings and see the final results.

I think that is basically everything that has transpired since then.

We did provide a set of full-sized plans to the third-party reviewer that the Town has hired to review this application and also provided the revised EAF form that came in with your application. The revisions to the EAF form were basically crossing out the word "shredder," crossing out the descriptions of the shredder and taking the height from 49 to 24 feet and taking the wetland, potential wetland impact out of it. So it was just a few revisions on the EAF that we submitted quite a while ago.

So I would be happy to answer any questions. We do have three people from Metalico here, all different specialties, corporate, operation, auto dismantling. I think we answered quite a bit last time, but they're here just in case.

JAMES MARTIN: Okay, good.

Just a follow-up on one of the items that was conditioned from some previous efforts. The height of the piles was restricted to 25 feet on the site. That was a condition that was in the original approval. And we were supposed to have some poles put in place with some sort of a mark delineating where the 25 foot height is. I have been by there several times to look. I don't know if I have seen those yet or not. I don't know if those have been put in place.

MR. FINLEY: The poles are there. I guess you need to know where to look.

JAMES MARTIN: I guess I just couldn't see them or something.

MR. FINLEY: One of the poles is on the north side right next to the warehouse. It may have a spotlight on it, but it is a wooden utility pole with a band of color. I think it is orange or yellow at that elevation and then there is another pole on the south side of the yard that has the same. So you can walk in the gate and visualize across. They're wide bands of color, so you can see them.

JAMES MARTIN: Thank you. I appreciate it. I just couldn't see them where they are located.

MR. FINLEY: Pile heights fluctuate. Sometimes we're way below, and sometimes we're right there.

JAMES MARTIN: Before we get into the EAF and the SEQR review, do you have any questions from an engineering standpoint?

MR. FINLEY: I don't think Mr. Wanzenried was here through the whole application, so I can answer any questions.

JAMES MARTIN: He has been here since the beginning now.

MR. FINLEY: Well, there are some people that have been here since the beginning.

PAUL WANZENRIED: You said the height of the buildings was 24 feet. That is both buildings.

MR. FINLEY: That would be the tallest that either of the two proposed buildings would be. They're not designed at this point, but we decided to pick a maximum that we could live with.

PAUL WANZENRIED: Is the larger building enclosed?

MR. FINLEY: The larger one on your drawings would be -- well, frankly, it -- we have two buildings that are pink here (indicating). The bigger building would be the taller one, more than likely, and it is enclosed. It would be a regular steel warehouse.

PAUL WANZENRIED: The other one is just like an open pole barn type structure.

MR. FINLEY: Enclosed on at least two or three sides for the weather.

KAREN COX: I'm sure that this probably was asked last month. I apologize, I was on vacation.

Um, the vehicles are going to be dismantled in a building?

MR. FINLEY: Uh-huh.

KAREN COX: Is there -- assuming there is a way for the fluids to be collected and disposed of?

MR. FINLEY: Yes. It's -- it's an environmental recovery rack. There is trade names for them. One of them is Enviro-Rack. Basically the car gets lifted up and put on a stationary lift, a platform and then there is all various tanks for antifreeze, gasoline, oil, brake fluid, all of the things that are in cars and then they strategically go through or puncture or drill into each one of those reservoirs and drain into these tanks so they can be recycled or recovered, and then when that is all done, the car is virtually dry. It has a little bit. They move it around, and then at that point, once things like freon, mercury -- you have a -- pop switches for your trunk light, hood light, stuff like that, all of the other precious materials are recovered out of there, it goes into --

basically it's scrap steel just like a refrigerator, a stove or an I-beam or whatever, so it can be transported to a shredder along with all of the rest of the steel that is on the -- in the piles.

KAREN COX: Do you have to get any kind of a special permit from other organizations besides us for that type of operation?

MR. FINLEY: Yes. Definitely Department of Motor Vehicles watches it pretty closely so people aren't just borrowing someone's car and bringing it in without title. So we have to actually be licensed by the State Department of Motor Vehicles to be able to accept titles. They have to be clear valid titles to be able to then terminate the title and dispose of the vehicle.

KAREN COX: But then no inspections of the facility like from say DEC or --

MR. FINLEY: DEC is always able to come onto the site because we have an industrial SPDES permit in addition to the construction SPDES permit we have had during construction and then for the storm water facilities. But we have to monitor our discharges from the site from our storm water due to the industrial SPDES permit.

So they can always come and look and see if we have oil spills or other -- things that need to be cleaned up. So that is covered with DEC.

KAREN COX: Okay. That was all I had.

JOHN NOWICKI: I just want to take some time here a little bit and try to get a picture in my mind here. Inside the building now, could you explain to me the type of construction of the floor in the building?

MR. FINLEY: Of the dismantling or the warehouse?

JOHN NOWICKI: Where you bring the cars in and drain them.

MR. FINLEY: That would be concrete, more than likely. It should be a hard surface so it can be maintained.

JOHN NOWICKI: Is there going to be a floor drainage system in this building?

MR. FINLEY: Usually there doesn't need to be, but if there is going to be one, when it is designed, it -- it would be kind of like our bulk heads for our metals -- turnings, where they have oils that are on there, so if it rains on those areas, it is collected in a sump. It's not really a drainage system. It doesn't connect to the storm water system. Those get pumped out and then taken inside, and we have a permitted recovery system that burns off the water and uses the oil, so we recycle that. It would be the same thing -- dismantling hut wouldn't have rainwater because it is undercover, but any fluids that would drain to a sump get taken inside and burned off.

JOHN NOWICKI: Inside the big building?

MR. FINLEY: Yes. There is an evaporator in there that is permitted with the State to be able to get rid of oils and fluids and thing.

JOHN NOWICKI: So are you basically saying that if they have a car that is in -- in the rack and they will be draining all of the fluids out of it and something happens, and say the gas tank spills all over the floor, what -- paint a picture for us of what happens to that gas if it hits the floor.

What are you doing?

MR. FINLEY: Well, in that case -- do you want -- one of our experts.

JAMES MARTIN: Name for the record.

MR. FINLEY: Name, rank, serial number, address, first born.

MR. FRANK: Robert Frank. I'm GM of Metalico Rochester. And in regards to the Enviro-Rack, I guess we're calling it, referring to it as, it is a self-contained unit. There's a floor in it, and there is a grid on the floor, so if anything does spill out of any of the containment, it goes into that -- it's a secondary containment. So you will have one for oil, one for gear oil from the -- in the transmission, but if it ever spills out of any of those, if they leak, which it does at times, it goes into the bottom and that is sumped out. In the --

JOHN NOWICKI: Car goes into a building, but another container?

MR. FRANK: A rack with a secondary containment.

JOHN NOWICKI: So that stuff will never get to the concrete floor?

MR. FRANK: No.

JOHN NOWICKI: Then you pump it out of there.

MR. FRANK: Yes. Everything drains into a -- certain containers, but if it does spill, it will go into that secondary containment.

JOHN NOWICKI: And the -- again, I'm looking at the possibility of -- what is the possibility of the -- a fire, an explosion? How do you --

MR. FRANK: Everything is done with air tools. We don't have electric. The only way you would get it is with a spark of some kind.

JOHN NOWICKI: Do you have a system that would, you know, immediately go on and --

MR. FRANK: There is fire extinguishers, but there is not anything that -- everything is done, there is not anything that is going to cause a fire in there. There is nothing burning.

MR. FINLEY: The tools they use are special anti-spark tools. When you puncture the gas tank, there is a special tool to do that that limits it where it doesn't have a spark.

JOHN NOWICKI: I'm just trying to make sure that we, in -- in the Town know that there is no possibility of an explosion. We would like to know about it.

Mr. MUELLER: My name is Ken Mueller. I'm Chief Operating Officer for Metalico based in Cranford, New Jersey. In compliance with any building construction that we would have, I'm certain that the construction of a new building would have fire prevention mechanisms in place, suppression systems, whether it is water systems or whatever.

I will tell you that the use of this machine, I have had -- I have operated it a -- a number of

them. I have never had a problem. I'm not saying that there wouldn't be a problem, but I'm saying that I have never had a problem.

Each individual tank has a separate secondary tank, okay, so, you know, I'm penetrating the -- the reservoir for a gas tank, let's say, and it is a easy reservoir because most of them are made out of plastic, so you really don't have any sparks. So you penetrate, or you penetrate the tank. It immediately has a hose hooked up into the penetration area, you know, the -- the -- whatever is doing the -- whatever is doing the actual penetration has an orifice in it that allows the fluids to automatically drain directly into that tank.

So that is how it works. Um, you know, you can't say never on anything, but I -- but I would say that this is about as close to fool proof as is possible.

Everything in our industry is made upon green and it's made upon safety. It's made about environmentally conscious efforts.

JOHN NOWICKI: We have to be so sure of ourselves and so secure here.

MR. MUELLER: Absolutely.

JOHN NOWICKI: My other question would be, it sounds like the possibility of anything getting into the environment, it doesn't sound like it can get there. It sounds like you have it controlled inside these tanks.

MR. MUELLER: It is, sir.

JOHN NOWICKI: So there is no way these things, if they leaked.

MR. MUELLER: The secondary containments, we learned that from oil tanks years ago. Oil refineries and stuff like that, they have all their own secondary containments.

JOHN NOWICKI: Everything is contained in this unit and doesn't look like it could get into local environment.

MR. MUELLER: In addition to that, there is no cross-contamination with the reservoir itself. There is a reservoir for oil, antifreeze, gasoline. We have to relieve the freon because of the CTC, carbon, EPA rules and all that stuff, too.

JOHN NOWICKI: That is all in place?

MR. MUELLER: All done. And we have to report mercury switches to the EPA. We have to report freon recoveries to the EPA. We have to do all of that stuff for compliance to the alphabets gurus.

JOHN NOWICKI: Thank you. I appreciate that.

MR. FINLEY: Just to clarify, when he was talking about fire suppression, we're not going to have a sprinkler system in the building, but there will be handheld fire suppression, fire extinguishes and stuff like that, but there wouldn't be water run out to the yard to that.

Eventually on the plans there are locations for fire hydrants in the yard, so if there is an emergency, the Fire Department can come in and hook up, but as far as a sprinkler in that building, it's not a weatherized, winterized building, so there is not a water sprinkler in it.

JOHN NOWICKI: It is my understanding that once this drainage takes place, it gets soft crushed. Is that what you call it, soft crushing?

MR. FINLEY: Yes.

JOHN NOWICKI: It is removed and just stored outside?

MR. FINLEY: Yes. When the car is done, they take a loader and push the roof in so it is a little more compact than just a free-standing car.

JOHN NOWICKI: Tires on the vehicle, they are taken off before they go in?

MR. MUELLER: Our business plan, sir -- our business plan is we're constructing a large facility in Buffalo, Lackawanna, actually, and our business plan is to remove these vehicles, remove all of our iron units, practically on a daily basis. Not a lot of storage there so we won't have an ugly eyesore facility. We want to transfer the materials over to our Buffalo location. Again, we're doing this indoors. It's a shredding operation, indoors, if you can believe that. And we'll be processing this material literally within a week, within five days.

It's -- it's -- you have to -- you have to look at our industry almost like a -- like a flowing river. Even though the river is always there, the product lines change on a daily basis. It's never the same. So we -- we akin ourselves to a stream, a flowing river with our products and everything that we have -- everything that we handle. So we really don't store a lot of items more than, you know, two weeks at a time, something like that.

With the tires, um, you know, the -- the likelihood is that we'll take them, leave them on the cars, take them to our shredder and they will shred off and -- the tires will go in as waste and out to the landfills at that point.

JOHN NOWICKI: Out in Lackawanna.

MR. MUELLER: Out in Lackawanna, not here.

JOHN NOWICKI: Do you normally pile say six of these vehicles on a tractor-trailer?

MR. MUELLER: You know, our plan is to -- we'll have large enough trucks to where we'll put a lot more than six vehicles, but, you know, if we soft crush them, we'll put a lot of the light iron underneath and put the car bodies on top and move it out across the truck.

JOHN NOWICKI: You know where I'm going. Do you have any idea when you leave the facility, get on Scottsville Road, how would you get to 490 westbound, to Buffalo?

MR. MUELLER: I live in Pittsburgh. I don't know that one. I -- I -- you know, it is easy to just go straight over to 390 and go south. If we go 390, that's one way. I don't know if -- anything about the 490.

JOHN NOWICKI: That's probably the good way to do it because you have the four-lane traffic, hit the expressway and get out of here. We have certain roads in our Town I'm watching very carefully because they need repair. Some of this heavy traffic -- you got to help us out there.

MR. FRANK: The State road won't change. Scottsville Road to 390.

JOHN NOWICKI: To 390, perfect. Now I have some other simple questions here for you. This letter that you were going over from the County, they indicated here on page 1, it says, "Project has not yet received the required Article 24 permit for construction activities in adjacent area of Class 1 wetland."

Is that something that we should be watching and looking at or what?

MR. FINLEY: It is something you should be aware of, yes.

At one time when the shredder was there and you pictured this whole assembly line, it was going to discharge at the railroad so they could pick it up and put them on the railroad cars, so the apron went out to the tracks.

JOHN NOWICKI: This is out.

MR. FINLEY: No, it is not necessarily.

The 100 foot adjacent area is kind of on our side of the tracks a few feet.

JOHN NOWICKI: I'm just trying to get some of this cleared out of here so we have an understanding here. The next page says, "Additional comments."

Project has not yet received Article 24 permit for construction activities -- same thing. So you're clear there.

One more, and then I will probably let you go for a little while. We have this package here from FES.

JAMES MARTIN: We'll review that.

JOHN NOWICKI: When will we do that?

JAMES MARTIN: After we're done with Mr. Finley.

JOHN NOWICKI: There are several questions I have here.

JAMES MARTIN: We'll reserve those for Dr. Sciremammano.

JOHN NOWICKI: I have a whole bunch here. I want to thank you, gentlemen, very much for your -- the answers to the questions. I appreciate it. Thank you. That's all I got for now.

DAVID CROSS: The industrial SPDES permit, have you amended that permit with the DEC, Kip (Finley), or --

MR. FINLEY: I personally have not taken care of that particular one, but you mean amended as far as?

DAVID CROSS: As far as these improvements.

MR. FINLEY: Actually, they weren't in it at that point, because we never got that far. The storm water facility and things like that was in the industrial permit, but as far as equipment like a shredder and things, were never actually in there at that point because it is not permitted yet. But that would be a topic just to make note of, because once we have auto dismantling permitted, you do need to update or whoever is doing that service for you.

PAUL WANZENRIED: What would the increase in number of trucks be? Any idea how many cars you're going to shred in a day?

MR. FRANK: Again, our flow goes up and down and should not be noticeable. It is not like you're going to have a flurry of cars, but just -- I would imagine if on a good day you get six to ten cars, which is maybe a truckload.

PAUL WANZENRIED: Are these brought in by commercial strappers?

MR. FRANK: Tow truck, a flat bed.

PAUL WANZENRIED: Back to the comment about the river and the ebb and flow, um, any other use for this structure? As your business changes, is there any other use for that structure?

MR. FRANK: No.

PAUL WANZENRIED: Strictly auto dismantling.

MR. FRANK: Yes.

MR. FINLEY: It's not very big. It is actually going to be a light-duty construction phase, so it won't be a concrete block building or something substantial.

PAUL WANZENRIED: And the other building?

MR. FINLEY: The other building would be more substantial, an actual warehouse.

PAT TINDALE: I just have a question, and I haven't looked at this recently, but, um, the land behind, by the railroad where I heard you say something about loading the trains, do they still load the trains back in that area?

MR. FINLEY: I think, '87.

PAT TINDALE: Is it as bad as I saw it last time where they missed most of the cars and it drops all over into the canal and everywhere else?

MR. MUELLER: We would hope not because that is worth a lot of money to us.

PAT TINDALE: It was lethal. You couldn't even walk through this. I went back to look and everything is up to my chin now, and I decided not to. Take a look at that and see, to the west would it be. I think it's the -- the Pennsylvania Railroad --

MR. FINLEY: I do hope you have walked out front and seen all of the landscaping that has gone on.

PAT TINDALE: I took my bike and went and looked at it. All very nice.

MR. FINLEY: All landscaping -- any approval ever given to Metalico for that property is all in now.

PAT TINDALE: Yeah. It is a vast improvement. I wish they would improve the bike trail, the Greenway Trail.

MR. FINLEY: Believe me, if you could get a permit and get the State to allow it, it would be lot more appealing, but right now touching something that is owned by the States Parks

Department is not where we want to go.

MR. MUELLER: If we don't have better service by the Railroad, it might become a bike system (Laughter.)

MR. DI VITO: Just a thank you perhaps for taking our junk cars out of our community. Someone has to do it. Thank you.

MR. FINLEY: Now the time for me to get down and go through the environmental.

JAMES MARTIN: Actually, what I want to do is open it up for public comment and then we'll go to the environmental review.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MR. SCIREMAMMANO: Evening, ladies and gentlemen. Frank Sciremammano with FES Associates, 18 Glen Hill Drive, Rochester.

I was hired by the Town to help with the environmental review of this project. It is a Type I action due to the fact that the Greenway Trail runs adjacent to the site. It is actually on Scottsville Road at that point.

Um, so based on the application materials and Part I of the EAF submitted by the applicant, I prepared Part II and Part III of the EAF and then a draft negative declaration for your consideration.

Um, I won't run through the entire Part II and Part III, but I do want to hit the highlights. In general, in Part II, you're identifying what areas there may be impacts, and in Part III, you discuss those impacts and evaluate them.

Um, let me preface everything by saying we went through all of this, I believe, in 2007, and the project as it stands now is essentially unchanged from that with the exception of the shredder being gone. So a lot of this looks the same as we had in 2007, except that a lot of the site work has been done already.

So why don't I go through -- we identified first there would be impacts to land. That's -- whenever you're going to do anything to a piece of property. Here it solves really minor changes when you talk about development, and the primary change is that the site is basically going to be capped over the condition that it was back in 2007, meaning they put in pavement. They put in hard surfaces and they put in a storm water collection system, all of which was not there in 2007. If you had been out on the site prior to the current owners, you would have seen a lot of mud and a lot of water running off the site, carrying sediment and pollutants and also truck traffic dragging that mud out into the road and having that run off into the river.

So as of a site visit I did last September, most of the propose -- most of the proposed pavement had been installed. The storm water system had been installed, and everything appeared to be working fine.

The southern portion of the site where the shredder was proposed obviously wasn't complete yet, and I don't believe it is complete right now. That would be part of the project that they will do after this -- after getting the approval.

There is a landfill under the -- the site, an old landfill, and there was some concern about breaching that. However, the excavations will be shallow to this. In fact, most of them have been completed. It is not anticipated the waste will be breached and, if anything, it will be an improvement by capping the site and preventing water from running through the waste and then leeching out.

Um, in terms of drainage and storm water quality, I believe that the site improvements are actually improving the situation. We talked about the bike path. I also use that Greenway Trail and I -- in fact, I told Mr. Martin years ago that Scottsville Road is a bad place for the bike riders because of all of the stones and the junk. I used to get flats out there, so I didn't -- now, it's clean. A vast improvement over the last couple of years, and I credit the new operation at the site.

So a substantial part of the site has been covered with impervious surface. The sub surface storm water management system is installed and seems to be working fine. It is all in compliance with the storm water SPDES permit.

Now, there are two permits here. One is for industrial activity. SPDES permit for industrial discharges associated with industrial activity. The other is for the construction.

What I found was there was a little bit of discrepancy between the two, so you will see some language in here saying that the applicant should, as part of their final engineering, make sure that those two line up, that there is no discrepancy between the construction SPDES permit and the industrial activity SPDES permit.

And by the way, a lot of the questions Mr. Nowicki raised about fluids and so forth are addressed in that industrial SPDES permit.

So again, I'm assuming that for purposes of the environmental review, the storm water management plan, including the remaining storm water management system would be in compliance with the new standards that came out this year, and that they will be consistent with the SPDES permit that they have for industrial activity.

In terms of air quality, the application materials indicated that about 50 additional trucks per day bringing the total to about 245 per day. Um, that's insignificant in comparison to the over

16,000 per day on that Scottsville Road in that area.

So in terms of air quality, impacts from the truck traffic, I don't think they're significant. There is also no receptors in the immediate area that will be affected by the diesel emissions.

The other potential source of air emissions is what we call fugitive dust emissions. This is where you have trucks and other vehicles running over bare surfaces, kicking up the dust and blowing it off the side. Again, by paving the site, by putting in the hard surfaces, they have eliminated that as a real problem. So I didn't see, again, any impacts in terms of air quality.

Local transportation system, in terms of the truck traffic, again, 50 additional trucks represent about 1.5 percent of what is out there now, not a significant impact, especially if they retain their current route going up Scottsville Road to 390.

In terms of public health and safety, as you know, the larger issue was the shredder and perhaps an explosion. That has now been removed. I would assess the danger of explosion or fire here is no worse than any gas station. Or auto body shop. So I don't see that as being a problem any more.

There are two things that we looked at in terms of public health and safety. One is sanitary sewage, and the other is this waste that runs underneath at a risk of contaminants leeching out. They have an on-site leech field, sand-filled system that is built up in the front. They have a permit for it. Department of Health inspects it. Doesn't seem to be a problem with it, and the additional employees they're projecting can be handled by that system. If there is a problem, they have room to expand that system.

Again, I addressed the waste under the site a little earlier. By capping this site, you're actually reducing the potential for water to leech through and carry contaminants out, so I don't see that as a problem.

In terms of cultural and recreational resources, there was a letter from the New York State Office of Parks Historic Preservation in January of 2007 saying there will be no impact upon cultural resources in terms of those eligible for State or national registers of historic places.

In addition, by capping the site and not excavating, if there any prehistoric or archeological resources, they won't be disturbed.

Um, in terms of the Greenway, again, as I said earlier, I think there will actually be an improvement to that and not a detriment.

In terms of noise, there was an analysis submitted in January of 2007 where they modeled the noise with the shredder, and at the closest residence, which is across the river in the Town of Brighton, basically they found the transportation as the primary source of noise there; aircraft, as well as traffic. And even with the shredder, the noise levels would not have changed significantly. So without the shredder, there should be no significant impact in terms of noise to those residents over there.

So that is the thumbnail sketch. You have the complete text and I would be happy to answer any questions.

JAMES MARTIN: At this point, what I would like to do, and, Sandy (Hewlett), I apologize for this. It will be a little bit lengthy, but I can give a draft of it. But I wanted -- I want to read this into the record.

"The Town of Chili Planning Board, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and Draft Environmental Impact Statement will not be prepared."

Certainly the actions of Metalico Rochester auto dismantling and site improvements is a Type I action.

Um, the reasons for supporting this determination. "Upon review of all application materials, public input and facts and analyses contained in the full Environmental Assessment Form, the following conclusions regarding environmental impacts have been reached: Excavation and other changes to the site will be minimal and almost the entire site is proposed to be capped with impermeable cover. Therefore, impacts to the land, and the materials buried under the site, will not be significant and will be outweighed by environmental benefits of the proposed project.

Upon compliance with all applicable storm water management standards, and given the fact that the site storm water system will be upgraded as compared to the existing condition, it is concluded that the proposed project will result in a reduction in the off-site discharge of pollutants associated with storm water flows. Given this, the project will not result in any significant negative environmental impacts related to drainage and storm water quality, including potential impacts to the adjacent and downstream waters, including wetland areas.

New and increased sources of air emissions due to the proposed project do not have the potential to impact local air quality. Increases in truck traffic to the facility will be minimal and paving of the site should result in a decrease in fugitive dust emissions from open surfaces.

In addition, there are no sensitive air receptors in the immediate site vicinity. It is concluded that no significant air quality impacts will occur due to the proposed project.

Given the good operating conditions present and the small projected increase in traffic volume of approximately 1 1/2 percent impacts with respect to transportation should be insignificant.

Public health and safety issues related to sanitary sewage treatment and disposal and the risk of containment release from the waste underlying the site have been examined.

No problems or deficiencies have been identified with the existing sand filter sewage disposal system utilized at the site. The addition of six new employees due to the project should not result in a significant flow increase that would overtax this system. In the event such a

problem occurs, there is sufficient area in the vicinity of the existing system for an upgrade and/or expansion.

Construction of the proposed project over the site of a former landfill should not result in a potential increase in the discharge of subsurface contamination to the environment. This is due to the fact that proposed excavations should not be deep enough to penetrate the underlying landfill.

Thus, there should be no direct exposure of the underlying waste materials. In addition, as a result of this project most of the site will be covered by impervious pavement and concrete. This should reduce the amount of infiltration at the site and reduce the risk of subsurface pollutant release from the underlying waste.

On the basis of all of the above reasons, it is concluded that the proposed project will not result in any significant environmental impacts related to public health and safety.

The New York State Office of Parks, Recreation and Historic Preservation has determined that the project 'will have no impact upon cultural resources and is eligible for inclusion in the State and National Registers of Historic Places.'

It is also expected that the project will have no impact upon prehistoric cultural resources since the project site has been extensively disturbed in the past, including the excavation of a large area and its subsequent filling with municipal waste.

Impacts related to the Genesee Greenway Recreational Trail, which runs along the Scottsville Road frontage at the site, should be positive since paving of the project area will result in less debris being transported to the roadway shoulders.

On the basis of the above factors, it is concluded that the proposed project will not result in any significant impacts to cultural or recreational resources and may, in fact, result in an improved condition for the adjacent Genesee Greenway/Recreational Trail.

The results of a noise impact study indicate that noise levels at the closest sensitive receptors in the project vicinity are dominated by transportation sources. Modeling indicates that noise resulting from the proposed site improvements would result in an insignificant increase relative to existing noise levels and the NYSDEC standards. Therefore, no significant noise impacts are expected to result from the proposed project."

So that is the negative declaration as I had already stated. The -- it is determined that there is no significant environmental impact as a result of this activity.

The Board all voted yes on the SEQR determination.

JAMES MARTIN: We have basically the SEQR determination and neg dec, those are clear. It goes along with the preliminary site plan and the special use permit.

We have three applications before us tonight. The first application is for the preliminary subdivision. There are some conditions that I would like to bring forth at this time as -- all three of these will be contingent upon approval of the Town Engineer and Commissioner of Public Works. All applicable previous conditions imposed by this Board will remain in effect. The County has imposed the condition -- I will go back and read that -- "The applicant will need to notify and coordinate construction equipment such as cranes with a boom height of 50 feet or higher with the Greater Rochester International Airport.

The applicant is required to contact Gary Gaskin, Greater Rochester International Airport" -- telephone number given -- "to obtain permission for use of such equipment."

Those are the three conditions that I have listed.

JOHN NOWICKI: Just a question. Why is it preliminary?

JAMES MARTIN: Well, basically that is what the application says. We're doing subdivision, combining three lots into one, is what we're doing.

MR. FINLEY: We had to pick up as if it were a new application.

JOHN NOWICKI: So it's not final.

JAMES MARTIN: Well, we'll get to this in a minute.

MR. FINLEY: It's subdivision. You have to go step by step.

JAMES MARTIN: On the subdivision.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 5 yes with the following conditions:

1. Contingent on approval of Town Engineer and Commissioner of Public Works.
2. All applicable previous conditions imposed by this Board remain in effect.
3. The applicant will need to notify and coordinate the use of construction equipment such as cranes with a boom height of 50' or higher with the Greater Rochester International Airport. The applicant is required to contact Gary Gaskin, Greater Rochester International Airport at (585) 753-7009 to obtain permission for use of such equipment.
4. The special use permit is granted with no time limit.

Note: Final subdivision and site plan approval have been waived by the

Planning Board.

JAMES MARTIN: Now we have a site plan. Fee has been paid for final. I will go to the Board at this point for consensus on whether or not we waive final, given everything they have done with this project over the last what, four years.

JOHN NOWICKI: I would waive final.

The Board indicated they would waive final.

JAMES MARTIN: So we're waiving final on the site plan.

MR. FINLEY: Site or subdivision?

JAMES MARTIN: On the site plan, given the conditions that I have read.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 5 yes with the following conditions:

1. Contingent on approval of Town Engineer and Commissioner of Public Works.
2. All applicable previous conditions imposed by this Board remain in effect.
3. The applicant will need to notify and coordinate the use of construction equipment such as cranes with a boom height of 50' or higher with the Greater Rochester International Airport. The applicant is required to contact Gary Gaskin, Greater Rochester International Airport at (585) 753-7009 to obtain permission for use of such equipment.
4. The special use permit is granted with no time limit.

Note: Final subdivision and site plan approval have been waived by the Planning Board.

JAMES MARTIN: Okay. On the special use permit, again, once the facility is built and up and running, it essentially becomes permanent until something changes on the site.

KAREN COX: The permit does?

JAMES MARTIN: We can -- we could specify a period of time as a conditional special use permit if that is the desire of the Board or we could just basically say they have a special use permit in perpetuity until they just cease the business or something changes.

PAUL WANZENRIED: Is that facility inspected in any way on a certain basis or a certain time period?

JAMES MARTIN: I don't think it would be subject to any inspection by the Town.

DAVID LINDSAY: Just the Fire Marshal will make annual inspections, and on occasion the Building Department does drive business to look at the height of the piles.

JAMES MARTIN: It is subject to those, you know -- those -- certainly the Fire Marshal inspection.

JOHN NOWICKI: Or any complaints that came in.

JAMES MARTIN: Or if there were complaints, that would trigger -- trigger, you know, an inspection.

JOHN NOWICKI: I don't have anything.

KAREN COX: I guess if there were -- if the Fire Marshal saw something of concern during the inspection, they would let the Town know, wouldn't they?

JAMES MARTIN: Well, they certainly would let the Town know. Obviously, if they're not in compliance, with State fire codes, they would have to be remedied immediately.

I don't -- I do not see a need for a timeline.

KAREN COX: No.

JAMES MARTIN: Continuing the operation for some period of time.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 5 yes with the following conditions:

1. Contingent on approval of Town Engineer and Commissioner of Public Works.
2. All applicable previous conditions imposed by this Board remain in effect.
3. The applicant will need to notify and coordinate the use of construction equipment such as cranes with a boom height of 50' or higher with the Greater Rochester International Airport. The applicant is required to contact Gary Gaskin, Greater Rochester International Airport at (585) 753-7009 to obtain permission for use of such equipment.
4. The special use permit is granted with no time limit.

Note: Final subdivision and site plan approval have been waived by the Planning Board.

JAMES MARTIN: I think we have finally come to an end with this project.

KAREN COX: Did you say four years?

JAMES MARTIN: We started this in '07.

KAREN COX: Seemed like only two.

MR. FINLEY: We started it even before that, designing it.

KEITH O'TOOLE: Excuse me, Mr. Chairman. Did you grant final on the subdivision?

JAMES MARTIN: Pardon?

KEITH O'TOOLE: Did the Board grant final on the subdivision?

JAMES MARTIN: I'm sorry, we should go back.

MR. FINLEY: I would like to make sure every one is --

KAREN COX: All "I"s are dotted.

JAMES MARTIN: Yes. Thank you for the reminder, Keith (O'Toole).

On the -- on the subdivision itself, consensus for granting final on that also?

The Board indicated they would grant final on that also.

JAMES MARTIN: Thank you very much for your participation and input.

MR. FINLEY: We're going to miss you a lot.

OLD BUSINESS:

1. Application of Genesee Valley Regional Market, owner; c/o John Hotto, Lu Engineers, 175 Sully Trail, Pittsford, New York 14534 for special use permit to allow a warehouse/distribution use at property located at 1861 Scottsville Road in LI and FPO zone.
2. Application of Genesee Valley Regional Market, owner; c/o John Hotto, Lu Engineers, 175 Sully Trail, Pittsford, New York 14534 for preliminary site plan approval to erect seven buildings totaling 130,000 square feet for warehouse/distribution use at property located at 1861 Scottsville Road in LI and FPO zone.

John Hotto was present to represent the applications.

MR. HOTTO: Good evening. My name is John Hotto from Lu Engineers, the Project Manager for this Genesee Valley Regional Market at 1861 Scottsville Road. We are here to gain the special use permit and site plan approvals for a -- for the project. We have addressed all of the consulting engineer's comments.

We received a letter from -- a copy of a letter to Mr. Lindsay from Clough Harbour Associates indicating that we have satisfied all their comments from a technical engineering standpoint.

We are still having our plans reviewed by the New York State Department of Transportation for the driveway permit, and as previously discussed, we are prepared to provide a reinforced shoulder along basically the northwest side of the road to satisfy the community's concerns regarding access to the site.

We're also awaiting some confirmation from SHPO, State Parks, Recreation and Historic Preservation, New York State regarding the archeological determination on the site. And what we have done there is we had been in this dialogue with them regarding the site, and when we started this project, as you recall -- if you recall, we had Phase 1, which was here (indicating) and Phase 2 is back here (indicating). And they approached it big picture wise, indicating that they wanted us to look at both phases. So what we have done is we told them that Phase 2 is -- is out of the picture for now, for the -- for the near future anyways, or distant future.

And we supplied them with photographic evidence that Phase 1 is being placed on land that was previously disturbed. And, um, procedurally, when land is previously disturbed, um, they don't require an archeological investigation. So, um, the paperwork is still sitting on their desk regarding Phase 2. So that is where we're at with that.

But the basic protocol is that if the site has not been disturbed and you're not proposing a development there, you don't really need to look at it. So that is kind of our approach for that. So we're really just waiting for their final determination on the -- on the cultural resources.

And contingent on that, we're also -- will be awaiting our nationwide permit for the wetlands situation. The State has taken jurisdiction over all of the wetlands on site.

Are there any questions?

JAMES MARTIN: Um, so at this point you're going ahead with the four facilities in Phase 1?

MR. HOTTO: Correct.

JAMES MARTIN: In the coordinated review that we did, we have received responses from the Department of -- County -- responses from the Department of Environmental Services and Monroe County Water Authority.

The State DEC sent a letter. There were a lot of issues in that letter, but I believe based on

the review of Clough Harbour, all of those issues have been satisfactorily addressed by the -- by Lu Engineers.

Am I correct in that assumption?

MR. HOTTO: Correct.

JAMES MARTIN: I believe previous reviews of this project, there were three tenants that were pretty much identified.

Has a fourth been identified at this point?

MR. HOTTO: No.

JAMES MARTIN: So -- so the three buildings where you have got definite commitments will be built. The fourth one will be on hold until there is a tenant identified; is that correct?

MR. HOTTO: Correct.

JAMES MARTIN: Which of the four will you be building initially?

MR. HOTTO: The first three. We, um -- well, it's going to depend on the tenant, but we're going to probably -- this will be the first one (indicating) and this is the second one (indicating).

JAMES MARTIN: So you're just working your way back in?

MR. HOTTO: Yeah. Initially we'll be putting the infrastructure all of the way in, water mains, sanitary sewer, the road and we'll be doing this whole pad probably (indicating) just as a matter of earthwork and site preparation. Then as these tenants become occupied -- occupants, we'll develop this site and then the next one and then the next one.

JAMES MARTIN: That's all I got.

JOHN NOWICKI: Your conversation indicated that you do have potential tenants for these buildings?

MR. HOTTO: Correct.

JOHN NOWICKI: So your projected time schedule would be -- let's see what are we here, August? Would you start this year construction?

MR. HOTTO: Yes, probably with the infrastructure and the mass grading and preparation.

JOHN NOWICKI: Next year --

MR. HOTTO: Probably spring, building framing and maybe winter. But I'm not sure yet.

JOHN NOWICKI: We have had the Architectural Review on the buildings and all that?

JAMES MARTIN: Um, I don't think this --

KAREN COX: Don't think it needs this.

JOHN NOWICKI: Doesn't fall under that one?

KAREN COX: No.

JOHN NOWICKI: Landscaping, I think that has been taken care of, too, right?

JAMES MARTIN: Well, I -- I will let Pat (Tindale) comment on that.

JOHN NOWICKI: That's all I got for now.

JAMES MARTIN: Pat (Tindale), comment -- you did make a comment that the plan -- you did receive the revised plan?

PAT TINDALE: Yes. I have to apologize for that, gentlemen, because I have been away for about three months here, and I know you called me many times. I wasn't in the office.

You did do -- I know Dick (Schickler) dealt with you and it looks like you followed through on the plans. The only concern I have, and you may have it, but I couldn't tell on the plans. You have the evergreens to the back there, to the west I believe it would be?

MR. HOTTO: Yes. We have provided --

PAT TINDALE: He had suggested a 2 foot berm or something to divide it up, because it is butting to the wetland in the back there.

MR. HOTTO: We are getting near a wetland here (indicating), but there will be an embankment down, because we're raising a little bit of fill here (indicating), and then we are providing at the toe of the slope an Evergreen buffer.

PAT TINDALE: So they will be on sort of a rise?

MR. HOTTO: Well, no, they will be on like the toe -- the toe of the slope or a little bit on the embankment.

PAT TINDALE: They do much better with dryer feet is why. If there is anything that can be done about, you know -- just a slight berm or something, because --

MR. HOTTO: We can put them up on the embankment. I think that would help a lot.

KAREN COX: If you get them off the toe of the slope.

PAT TINDALE: That's the only suggestion we had, but otherwise it looked good.

MR. HOTTO: Okay.

JAMES MARTIN: I will just catch that as a condition. The applicant shall comply with the suggestions from the Conservation Board.

PAT TINDALE: You're right. I did not even read my own notes. Sorry about that.

I did get a revised print after our Conservation Board meeting, but we need one more print because we need to stamp three prints. One goes to you, one to the Building Department and one to us. All I need is the landscape print. I don't need the whole set.

MR. HOTTO: Okay.

PAT TINDALE: Thank you.

JAMES MARTIN: Michael (DiVito), this isn't subject to review?

MR. DI VITO: No comment.

JAMES MARTIN: Any other issues from anybody, Board wise or side table?

What I would like to do on the SEQR determination is kind of quickly run through Part II of the EAF. The applicant has fill out Part I.

So stay with me. I hope you have all had a chance to review Part I, the comments. And the

long form EAF.

As far as impact on land, yes, there an impact on land. It's a small to moderate, and it is construction on land with depth of the water table is less than 3 feet. So I don't see that as any significant impact.

Will there be an affect on any unique or unusual land forms found on the side such as cliffs dooms, geological formations? The answer is no. There aren't any.

Impact on water. Will the proposed action affect any water body designated as protected? The answer is no.

Will the proposed action affect any non-protected, existing or new body of water? The answer is no.

Will the proposed action affect surface or groundwater quality and -- um, certainly, yes, and you will require a discharge permit. There is a small moderate impact that we would not have to address and is a -- is a Part III.

Will the proposed action alter drainage flows or patterns or surface water runoff that will be controlled? And the answer is no.

Impact on air. Will the proposed action affect air quality? There isn't going to be any significant impact on air quality, so the answer is no.

Impact on plants and animals. Will the proposed action affect any threatened or endangered species? That has been reviewed and the answer is no.

Will the proposed action substantially affect non-threatened or non-endangered species? I'm sure there is some deer on the property, but essentially the answer is no.

Impact on agricultural land resources? There are none in the area, so the answer is no.

Impact on aesthetic resources, um, there aren't any real aesthetic resources. The answer is no.

Impact on historical and archaeological resources? You have addressed that. There certainly is none with Phase 1 at this point.

MR. HOTTO: Correct.

JAMES MARTIN: Phase 2 is to be determined?

MR. HOTTO: Correct.

When we do Phase 2, hypothetically, we will probably have to do an archeological Phase 1.

JAMES MARTIN: Okay. Impact on open space and recreation. That is not currently existing in the area, so the answer is no.

Impact on current environmental areas. There are no identified CEAs in the area, so the answer is no.

Impact on transportation. Um, certainly there is going to be a small impact on transportation due to the vehicles entering and exiting the property, but State DOT has determined there no significant impact as a result of this action.

Impact on energy. Will the proposed action affect community resources of fuel or energy supply? The answer is no.

Noise and odor impact. Will there be objectionable odors, noises or vibrations as a result of the proposed action? There is nothing stated that would create any issues around noise and odor.

Impact on public health sand safety? There has been nothing identified, so the answer to that is no.

Impact on growth and character of the community or neighborhood. It is essentially empty ground at this point. There is kind of a cable business, I think, next door is that is already kind of semi-industrial. Fiberoptics business. So there really, I don't think, will be significant impact on the character of the area.

Although -- is there likely to be public controversy related to the potential adverse environmental impacts? The answer is no.

Preliminary review of the full EAF submitted.

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

JAMES MARTIN: We have two applications before us, special use permit and preliminary site plan. I have picked up some conditions here. Contingent on approval of Commissioner of Publics Works, and the reviewing engineering firm, which in this case is Clough Harbour.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Let's do preliminary site plan first with the conditions.

I believe the fee has been paid for final.

Any issue with waiving final on this one?

The Board indicated they would waive final on site plan.

DECISION ON APPLICATION #2: Unanimously approved, by a vote of 5 yes, the amended application with the following conditions:

1. Contingent on approval of Commissioner of Public Works and the reviewing engineering firm (Clough Harbour Associates).
2. Applicant to obtain all pertinent permits and agency approvals.
3. Applicant shall comply with additional comments from the Conservation Board.
4. The special use permit is approved for a period of five years.

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

JAMES MARTIN: Once again with the SUP, once the facilities up, it essentially becomes --

JOHN NOWICKI: Just a thought on that because you have a Phase 2 in the background there, and it might just give us a little opportunity to see how this thing goes before we extend that permit so I wouldn't mind seeing a limit to the special use permit at this time.

JAMES MARTIN: Given what I understand the sequencing might be over the future time period here, um, I would -- I would propose five years at this point. That way things will begin to settle out and you will know if you will be adding additional. That gives us a chance to bring it back in.

JOHN NOWICKI: Take a look-see.

JAMES MARTIN: I will propose a five-year period on the special use permit with the conditions that I have read.

DECISION ON APPLICATION #1: Unanimously approved, by a vote of 5 yes the amended application with the following conditions:

1. Contingent on approval of Commissioner of Public Works and the reviewing engineering firm (Clough Harbour Associates).
2. Applicant to obtain all pertinent permits and agency approvals.
3. Applicant shall comply with additional comments from the Conservation Board.
4. The special use permit is approved for a period of five years.

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

JAMES MARTIN: Welcome to Chili.

MR. HOTTO: Thank you very much.

The 7/12/11 meeting minutes were approved as modified.

The meeting ended at 8:34 p.m.