

CHILI PLANNING BOARD
September 8, 2009

A meeting of the Chili Planning Board was held on September 8, 2009 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Counsel for the Town; Richard Schickler, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative.

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

JAMES MARTIN: Paul Bloser is with us, Chairman of the Zoning Board. For those of who you may have missed it on the front door, Applications Numbers 1, 2, 3 and 4 will not be heard tonight. They have been withdrawn at the request of the applicant.

The Application Number 1 probably will not be heard.

Again, Applications 2, 3 and 4 pertaining to the Microtel in Chili Center will probably be heard in November of this year at the November Planning Board meeting.

That brings us to Application Number 5 under Public Hearings.

PUBLIC HEARINGS:

1. Application of Rodney Jones, owner; 122 Old Chili Scottsville Road, Churchville, New York 14428 for special use permit to allow a rental apartment in lower level of dwelling (previously approved as in-law apartment) at property located at 122 Old Chili Scottsville Road in R-1-20 & FPO zone.

DECISION: Application withdrawn per the applicant's request.

2. Application of Indus Companies, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates for preliminary subdivision approval of one lot into two lots to be known as Microtel Inn & Suites at property located at 3260 Chili Avenue in G.B. zone.

Application withdrawn from tonight's agenda at the applicant's request.

3. Application of Indus Companies, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates for special use permit to erect a hotel at property located at 3260 Chili Avenue in G.B. zone.

Application withdrawn from tonight's agenda at the applicant's request.

4. Application of Indus Companies, 1170 Pittsford Victor Road, Pittsford, New York 14534, property owner: Chili Avenue Associates for preliminary site plan approval to erect a 52-room hotel at property located at 3260 Chili Avenue in G.B. zone.

Application withdrawn from tonight's agenda at the applicant's request.

5. Application of Larry Glazer, 1 South Washington Street, Rochester, New York 14614, property owner: 100 Beaver Road, LLC for resubdivision approval of two lots into three lots in the 100 Beaver Road Subdivision at property located at 104 Beaver Road and 1 QCI Drive in L.I. & RB zone.

No one was present to represent the application.

JAMES MARTIN: I will set this aside. This is first call.

6. Application of Chris Curts, Autocrafting, 170 Jefferson Road, Rochester, New York 14623 for preliminary site plan approval for a change of use to allow motor vehicle sales, parts distribution and service to serve municipal and fleet companies. at property located at 997 Beahan Road in L.I. w/ADATOD zone.

MR. SOROCHTY: Good evening, everyone. My is Brian Sorochty with DDS Engineers here tonight on behalf of our client, Chris Curts. He is the owner of Autocrafting.

As you know, our client is looking to relocate his current business which is currently located on Jefferson Road to the site at 997 Beahan Road. The July meeting he was granted a special use permit, and we're here tonight, of course, seeking site plan approval.

The plans you have in front of you detail the site improvements necessary for the project. Um, to briefly summarize what those improvements entail, um, this is an existing 14,000 square foot building, so what he is doing is adding three new entrances on the north side of the building. That area also involves some restriping of the parking lot for handicapped accessibility. We are proposing some new asphalt areas, one of which is in the front of the building, right along Beahan Road. That area is identified to be used for temporary vehicle display.

Another asphalt area is located on the north side of the existing parking. It is an existing gravel area, which he is simply just surfacing. And then we have a new lot, north side of the ditch, which holds about 30 parking spots. Also our plans now make provisions for a future 8,000 square foot building expansion, and we have also included some limited lighting improvement as well as some landscaping improvements. We have already been to Conservation Board. I do have a signed plan from them.

Also, we have addressed the Town DRC comments, and we are currently working with the Town Engineer on some minor engineering issues related to storm water. So with that, I will be happy to take your questions.

JAMES MARTIN: Yes. I would like to go into the DRC comments for a few minutes here. I think there are several valid points in here that I think we need to probably talk about for a minute.

I think there is a suggestion in here that some sort of a swing gate or something be put in place on that access road to the vehicle display area so we don't have customers pulling in there or trying to park there, or, you know, some way to prevent that from happening. I think that is a very valid suggestion as far as the DRC comments, and I think I would condition any approval on that.

Um, certainly there will be proposed new light fixtures. They need to be dark sky compliant.

MR. SOROCHTY: Okay.

JAMES MARTIN: Another comment. I know there is a -- currently a grease/oil/water separator on the premises. It needs to be shown on the final site plan and to verify all of the internal plumbing from the floor drains or whatever that might have oil and grease going into the sewer system from inside the building, that -- that they all go to that oil/water -- sorry, oil/grease/water separator, so please, I want that on the final plans.

MR. SOROCHTY: Okay. I'm not sure if you guys are -- we revised plans based on the DRC comments.

JAMES MARTIN: I know it is there, but verify that all of the internal plumbing that needs to go to that goes to that.

MR. SOROCHTY: Absolutely. We will.

JAMES MARTIN: In a previous hearing before this Board there was a company called Maxim Technologies that was occupying that building prior to this application and we did approve some outdoor storage for them. They were in some sort of cell tower construction business, but we essentially at the time -- anything that is going to be stored outside should be on the west side of the building so that it is not visible from Beahan Road.

The other thing that has been recommended in here is I would like the applicant to supply to us -- is a list of all of the materials that are proposed to be stored outside, to -- to the Planning Board and to the Building Department.

Um, I didn't -- I thought -- I thought I might have missed it. Is the new dumpster enclosure included on the site plan?

MR. SOROCHTY: Yes.

JAMES MARTIN: Okay. All right.

And any existing enclosures need to be brought up to code?

MR. SOROCHTY: Understood.

JAMES MARTIN: Um, certainly any signage associated with the project needs to be in compliance with Town Code.

MR. SOROCHTY: Okay.

JAMES MARTIN: Um, the last item that I had, based on DRC comments is that detectable warning strips need to be provided at any walk-grade transition points to be in compliance with ADA, and just add a note to the site plan regarding that. That would be good.

Um, those are the comments based on, you know, what came out of the DRC. I think we do have a copy of that; is that correct?

MR. SOROCHTY: Yes. Um -- I believe we do.

JAMES MARTIN: So I haven't hit you with anything dramatic.

MR. SOROCHTY: No. But one question, I think we had added some signage by the parking area -- I should say the vehicle display area on the front of the building. We added some signage there which indicated, you know, proposed -- you know, no parking any time, so to your -- that is not to your satisfaction?

You're still looking for a proposed swing gate, some sort of positive barrier to prevent any customers from driving up front?

JAMES MARTIN: Yes. Something just to prevent them from driving in there. I don't care whether it is just a plastic chain across.

MR. SOROCHTY: Okay.

JAMES MARTIN: It doesn't need to be anything expensive or unsightly. Just something that -- you know -- "Oh, I shouldn't drive down this road or driveway."

Okay?

MR. SOROCHTY: No problem.

JIM POWERS: At the -- I guess it would be the north -- maybe the northeast corner where evidently it is a dumpster area now, is that going to remain? Are you going to repair that -- that fencing back there or remove it?

MR. SOROCHTY: Yes. We're proposing a new dumpster enclosure in that area.

JIM POWERS: Are the materials that you plan on storing behind the building, if it is your hopes of expanding that building in the future, where would you put this material when you do expand, should you do so?

MR. SOROCHTY: I believe that would go inside. My understanding is Mr. Curtis is running a little late. He should be here. But he said mainly what is going to be stored on the outside of there, it is a racking system that holds like truck caps because, I guess, they do work, truck conversions. It will be mostly truck cap storage, but I will make sure we get a list to you folks exactly what is going to be stored out there. But our assumption is that that storage will be moved inside, inside the building, when, and if, an expansion happened.

JIM POWERS: On the -- is it the east side of the building, are you proposing to expand the existing parking area that is there now?

MR. SOROCHTY: The east side of the building?

JIM POWERS: Maybe I have the wrong side of the building.

MR. SOROCHTY: There is parking sort of on the west side that we are proposing to expand. There is no parking on the -- well --

JIM POWERS: Where the existing parking is, the entrance to that parking area.

MR. SOROCHTY: Yes. That area is being expanded. There is an existing gravel area that is adjacent to it right now, and we are proposing to pave it. My understanding is that that gravel area was part of the original site plan, so it is currently going to be surfaced, so yes.

JAMES MARTIN: It has been there all along.

JIM POWERS: Did you mention the investigating that -- the entrance to the display area?

JAMES MARTIN: Yes.

JIM POWERS: That is all I have.

JOHN HELLABY: Well, I guess I got just a comment because the DRC comments pretty much covered everything in your preliminary walk-through. We went over quite a bit. I guess I got to ask the enforcement capability of this, moving these vehicles off that front area, every night, um, I would much rather see the verbiage say something about, you know, no more than three or four parked in that area, because I think you're going to be hard-pressed to get these people to move those vehicles every single night out of that parking area, if it is okayed through here tonight. I mean -- and the enforcement will be probably the bigger issue.

JAMES MARTIN: I think when we had some discussion about that, there was a security concern that, you know, there really -- some of those are fairly expensive display vehicles, and I think there was a security concern that is why they -- in addition to us not wanting to be there, that they didn't want to be there.

JOHN HELLABY: I'm just thinking the Jefferson Road site, you go by there many hours and there are vehicles out in the front parking lot. There is no moving them in that secured storage area or whatever.

MR. SOROCHTY: That is a much smaller area than what he has got here.

JAMES MARTIN: And a lot busier area.

CHRIS KARELUS: I think, you know, the Board had asked them, as part of the other permitting process, to remove it. I think the way he has tried to bring the landscaping in, he wants it to be attractive and all new vehicles he displays. If he were here to speak to it -- I asked him that question. Nothing but his handicapped accessible vehicles is what he is intending to display. If the Board will allow him the ability to have it overnight, I guess it is the Board's decision.

Either way, I mean -- I'm happy to see that he brought in landscaping. The Conservation Board worked with him, rather than just having cars out there. It will be more of an attractive display. If the Board sees fit to allow him to have it overnight, I don't think he would mind.

JAMES MARTIN: I think when we did the special use permit, we felt fairly strongly we didn't want them out there, except during normal business hours. So...

JOHN HELLABY: Just a comment.

JAMES MARTIN: Yes.

JOHN HELLABY: You can leave it in there. I guess my question is, who is going to enforce it? That is all I got.

JAMES MARTIN: That comes up quite often.

JOHN HELLABY: I know.

JOHN NOWICKI: The comments have been taken care of. I feel comfortable. The DRC comments are all taken care of. The landscaping has been through the Conservation Board. You're all done there, right?

MR. SOROCHTY: Yes.

JOHN NOWICKI: That is all I got. Everything else is taken care of.

GEORGE BRINKWART: I like what you're proposing. I have some questions on the plans.

First off, you said you have some revised plans? How come we don't have those?

MR. SOROCHTY: The revised plans were submitted -- what they did is they addressed the DRC comments. Those were submitted on the 3rd.

GEORGE BRINKWART: They're in my mailbox.

JOHN HELLABY: They were in there tonight.

GEORGE BRINKWART: Okay. That is my fault. Including landscaping plan?

JAMES MARTIN: Yes. We have a landscaping plan.

MR. SOROCHTY: I have the stamped copy if you would like to take a look at it.

GEORGE BRINKWART: Sure. Please.

What are your hours of operation going to be?

MR. SOROCHTY: That's a good question. And Mr. Curts is here just in time, as I planned it, to answer it.

Chris Curts arrived to the meeting.

JAMES MARTIN: Introduce yourself and then you have a question.

MR. CURTS: Chris Curts from Autocrafting.

JAMES MARTIN: We had a question here. Normal hours of operation?

MR. CURTS: Normal hours of operation are around 8:30 to 6:00. We have two different companies. One is 8:30 to 5:00, and one is 9 to 6, Monday through Friday. Saturdays we are open 9 to 2.

GEORGE BRINKWART: The -- how many vehicles did you plan on putting -- I think maybe we covered it, but I missed it.

MR. CURTS: For display area, there's four.

GEORGE BRINKWART: Those would be?

MR. CURTS: Those are wheelchair accessible mini vans.

JAMES MARTIN: You're still planning to move them back inside --

MR. CURTS: Correct.

JAMES MARTIN: -- after the normal business hours?

MR. CURTS: Correct.

GEORGE BRINKWART: I have seen a few things, and maybe these are on the plans that I have in my mailbox and I haven't seen, but did you determine the area of disturbance? Ken (Hurley)'s -- our -- our Town Engineer's last letter said the disturbance is over an acre; is that correct?

MR. SOROCHTY: Yes. What happened was the initial plans showed that the area of disturbance was just under an acre. At last minute, we made some grading modifications around the building and that pushed us over an acre, but we're going to sort of pare that back and work with Ken (Hurley) and get it so it is under an acre. But we are still providing some pretty decent water quality treatment around the edges of the new impervious areas of the building.

GEORGE BRINKWART: I guess that is kind of a critical question for me, because if you can't trim that back, you will have to put in some sort of storm water management facility and that will chew up more acreage anyways, so if you're close, I mean I guess -- I guess I have a few questions on that.

First, I would like to know what -- if you are over an acre, or -- I guess I just don't see how you will trim that down. Are you confident you're going to trim that down to under an acre?

MR. SOROCHTY: Yes. Absolutely confident. There is -- you know, the building that we have shown, for one example, is an 8,000 square foot expansion. That was, um -- you know, if that had to be modified slightly, there is some grading on the north end of that building that depicts a swale. Those grades could be tightened up slightly. There is plenty of room for some tightening of the grades, if you will, on the site to get it under an acre. That was always the intention.

GEORGE BRINKWART: Are the plans that I don't have, do they reflect those grading changes?

MR. SOROCHTY: No, they do not. That is a comment that -- that is what we're trying to work through with Ken (Hurley) right now to button that up.

GEORGE BRINKWART: I guess I have a question for Ken (Hurley). Do you suppose -- does it look reasonable they will be able to get that under an acre? You and I had a brief discussion on it.

KEN HURLEY: If they can't get it under an acre, what they will have to do, my recommendation would be to look at some of the less disruptive acceptable DEC practices like infiltration trenches, stuff like that, where you can get water quality and reduce the flow, but you don't have to have a big detention pond. If you got to the point where you needed a detention pond, that might change going from little over an acre to over two acres, with the disturbance now. The Planning Board might then want to look at it again.

But I think right now, since they're not -- they break even close to an acre, even a little over an acre, I think what they need, if they want to pick an alternate practice that is accepted, they can keep the disruption in the site down pretty well.

GEORGE BRINKWART: I guess if you're going to put in some storm water management facilities, I guess there is a whole host of things I would like to ask you once you pick your facility, and I would also like to see whatever practice you pick, how that is going to fit into this

site and the grading you will have to change.

You have talked to Dave Lindsay at all about --

MR. SOROCHTY: Yes. We met with Dave (Lindsay), and we have been working with Ken (Hurley) on this, too.

GEORGE BRINKWART: That existing swale that goes there, and it is not shown on this plan, but that looks like it could use some work, and I think David (Lindsay) indicated to me that it would probably be nice to have that swale cleaned up a little bit and get it to flow, because right now it is all overgrown and you have --

MR. SOROCHTY: The north end gets kind of thick, but the -- from where we're showing our proposed driveway crossing there back towards the road is actually pretty clean. But yes, there is sort of a thick area in there.

And that could be -- that could be cleaned out, you know. It could -- cut down some of the under brush to help the flow.

MR. CURTS: Can tell you overall we're going to stay under the acre. I'm not at a point right now with the build-outs and everything else I will have in process with this building that I'm looking to spend the money today or probably in the next year to two to put in a full storm water management system. We will keep it under an acre. If we have to eliminate the building, if we have to shorten the parking space, that is the full intention. We realize if we continue to grow in this point, we'll have much larger needs than that is here. We'll have to go through and redesign this property to meet every standard, so I can assure you that we're going to stay under an acre.

GEORGE BRINKWART: I guess -- well, I guess you may wish you would be able to, but even complying with some of the things Dave Lindsay would want you to do will push that number closer to or over an acre. I guess what I'm saying is, I think it is a good project. I think it will work. I don't see major problems here. I just don't have a lot of information here on what this thing will look like when it is all said and done. I guess that is the only question I have. I guess that also kind of, um, brings me to the end of my questions.

MR. SOROCHTY: Okay. I will just offer up to you when we met with Dave Lindsay, one of the things he asked us to look into it was adding some, you know, wetland type species, plantings into the swale area to help with water quality and things. We discussed that with Chris (Karelus). That is something that we would be willing to do, as well. That was the only -- that was the extent of Dave's comment. I wasn't at the meeting. Another Project Manager attended it, but that was the thrust of it from my understanding. So...

DARIO MARCHIONI: I want to deal with the issue again of this front parking for daytime use only. You say you will only put four vehicles there?

MR. CURTS: That's correct.

DARIO MARCHIONI: The parking lot is kind of full, is it?

MR. CURTS: It is. There is a couple reasons we designed it to that space. Obviously, I'm sensitive to the overall ground construction based on the fact I need the space in the rear of the building for true parking, not for display purposes, but the reason for that is a couple fold. One, from a symmetrical standpoint for visual aesthetics with the landscaping we decided to put in there per the request of the Conservation Board.

It makes it easier to plow. Makes it easier for us to be able to move snow in the proper areas where it will not overflow and destroy the landscaping or have huge mounds of snow.

Secondarily, which I think is the most important reason, is it allows us to properly display these vehicles. We have both side-entry and rear-entry wheelchair accessible vehicles that we would like to properly display from both sides of the road. So to be able to properly stagger these things takes up a lot more space than a traditional four parking spots for say like a used car dealer.

When the ramp is fully deployed out, you have actually about 11 to 12 feet to properly access one of these vehicles to get in to demonstrate it. That is the reason we designed the space like we did. It is symmetrical from an aesthetic standpoint, and more importantly, the functional space. From a plowing standpoint in the wintertime, because of the snow we get here obviously, as well as being able to use the space correctly.

DARIO MARCHIONI: In other words, you will park the vehicles parallel with the building instead of -- parallel with the building instead of --

MR. CURTS: Depending upon -- in a perfect world, and this is all dependent upon my inventory from time to time. I have different makes and models as well as the difference between side- and rear-entry. In a perfect world, we'll be able to properly display both a side- and rear-entry, viewable from both access points.

So it is kind of a stagger where if you can imagine -- for some reason, this direction always throws me off. I'm pretty good with direction, because I don't know -- is Beahan Road heading north? If you're heading towards Chili Avenue at that point? If you're heading north and south -- if you're heading south on the road, I would like to see a side-entry and a rear-entry and then heading north the same way.

So I would probably draw it, but essentially the vehicles will be staggered so it is not like a traditional four parking spots per se that would demonstrate these vehicles. It would probably be equivalent of 8 to 10 parking spots in order to achieve aesthetics what we're looking to do.

DARIO MARCHIONI: Did you ever look into the -- consider the -- that you have things like this in front of buildings, but they're made of these bricks that actually grass grows in between them that you can park on them? Have you ever looked into that?

MR. CURTS: You know, I haven't.

DARIO MARCHIONI: This way -- because grass grows in them as well as vehicles -- and

would it act like a front. I have seen it in parking lots of like -- where they park cars for car lots or -- for dealers.

MR. CURTS: It may be a viable option, but in my impression of the space, based on working with my landscaping team as well as the Conservation Board, I don't feel that we would be able to adequately keep it safe and slip free in the winter time. By salting, I think we'll not only destroy the grass, but I think we're going to become a little more visually unpleasing by trying to go and do something that is set out to be more pleasing. I think the standard asphalt will be not only cost effective for me, which is important, but it will properly do what it is that we need to and we'll be able to dress it up and make it look pleasing to the eye with some landscaping in front of it.

DARIO MARCHIONI: Also, things like this, they stamp the blacktop, too, to make it look like bricks.

MR. CURTS: I have never heard of stamped asphalt. I have heard of stamped concrete.

DARIO MARCHIONI: I have seen it in Charlotte.

MR. CURTS: I haven't been down there in a while.

DARIO MARCHIONI: In other words, what I am trying to get at, you have a lot of blacktop in the front. I was thinking of trying to reduce it, you know. If you know you will put vehicles there in the day. Weekends you won't have vehicles there, Saturday and Sundays, too.

MR. CURTS: Correct.

DARIO MARCHIONI: Just to minimize the impact.

MR. CURTS: I'm very big in aesthetics of my company and aesthetics of my facility. Um, to be quite honest, something like that really from my standpoint, whether I would be comfortable going forward with that would really be dependent upon price. I'm not in a position with all of the money I'm putting out in this project to go out and spend another 10 or \$15,000 on a display area floor that is truly not very visible from the road at 45 miles an hour with trees coming from each side.

Um, certainly DDS has the capabilities of doing anything. If they can find a way to coordinate something like that on a cost-effective manner for me, I would be happy to entertain it, but in all honesty, I'm not prepared to spend 10, 15, \$20,000 to make that area look a little more pleasing to the eye when the problem is such that it will be blocked by the low-lying shrubs and bushes that are designed in the landscaping plan here.

DARIO MARCHIONI: That's all of the questions I have.

CHRIS KARELUS: I forwarded the applicant the DRC comments and the revised plans addressed all of the comments.

JAMES MARTIN: Ken (Hurley), obviously pending Town Engineer approval. We're going to have to watch this one carefully for disturbance.

KEN HURLEY: I would recommend actually on top of Town Engineer's approval, you attach Commissioner of Public Works since it is right on the edge of being an MS4. Being over an acre of disturbance, David (Lindsay) will have to sign off and if it goes under an acre, it still falls under the over half acre that Chili requires storm water treatment, where he is going to want to see some sort of rain garden design or something and agree to provide some sort of storm water quality.

JAMES MARTIN: Okay. I just want -- I want your comments on this. I did pick up in the conversation that we're going to ask the applicant to do some swale clean-out.

KEN HURLEY: Yes. David Lindsay had send me an e-mail.

JAMES MARTIN: Also to improve water quality, there has been a request to do something, some plantings or something to improve the downstream water quality; is that correct?

KEN HURLEY: That's correct.

JAMES MARTIN: Okay. Anything else?

KEN HURLEY: Nope, other than we'll just continue to review it and hopefully you can stay under an acre of disturbance.

JAMES MARTIN: Okay.

DICK SCHICKLER: Conservation Board received an updated landscape print here with planting sizes which weren't on there before and some additional plantings and we're pretty good.

JAMES MARTIN: You're aware of the Conservation Board comments?

MR. SOROCHTY: Yes.

JAMES MARTIN: Just for the record, letter from the Fire Marshal that I just wanted to include this, you know, for the record tonight. The project may require installation permits depending on the parameters of the project and will require operating permits from the office of the Fire Marshal. Okay?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I hear what Mr. Marchioni is saying about these vehicles displayed in the front of this building. I know when the forklift sales company on Union Street came before this Board, they were told they could not display forklifts on Union Street. And it seems as though every time that this Board allows a display of vehicles near the road, and I'm thinking about Tiffany Limo, it ends disastrously. It is just a constant compliance problem. So I'm wondering why we're doing it again.

I understand this gentleman would like to display his product. Anybody who is in business

wants to display their product and they want to get it as close to the road and as obvious as possible. I understand that.

But if we allowed everyone to do that, we wouldn't have a very good looking Town. We haven't allowed it so far in many, many places and I don't like to see it done here.

Um, I don't believe in buying a handicapped vehicle like he is describing is an impulse buy, so I don't think it has to be at the road so it triggers the idea, "I have to have one of these things."

It is a destination buy, it seems to me. So I don't see any reason for them to be out at the road at all. At all. Other than it is a sales -- a -- it's a sales idea, and I understand that.

But as I say, we don't let other people just park all their products at the road. This is very close to the road. This is an opportunity where we can make that area look better. I don't think that displaying vehicles there would do it.

And another thing I would like to suggest, is if you are going to even consider front sales of these four vehicles, display sales, we get it in the conditions so that there is no question afterwards what they're supposed to be doing if they're allowed to do it. I still think it is a bad idea, and I understand Mr. Marchioni's reservations.

Thank you.

JAMES MARTIN: Thank you.

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

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

JAMES MARTIN: As far as discussion goes at this time, I want to go back to Al (Hellaby)'s comment. In the decision letter granting the special use permit, we said display vehicles shall be on display only during normal business hours. Okay? Which implies that they go inside the building after dark. We still feel that that is adequate to cover this particular issue, or do you want to strengthen that from the perspective of this hearing tonight?

GEORGE BRINKWART: I think that is fine.

DARIO MARCHIONI: I think we put a specific time, hours.

JAMES MARTIN: You know, you stated normal business hours are 8:30 to 6:00.

MR. CURTS: I would propose from a simplistic standpoint, maybe dusk to dawn.

Obviously there are nights we're there to 7:00, 7:30 and we're working and it is not impossible we couldn't get around to moving a vehicle and vice a versa in the morning. Maybe simplicity standpoint we put a dusk to dawn clause --

JAMES MARTIN: 8 to 5.

MR. CURTS: I would say dusk to dawn. Maybe during the summer it might be 8 o'clock at night.

JAMES MARTIN: No. I don't like that dusk to dawn.

MR. CURTS: 5 o'clock, honestly, is not conducive for me. Traffic flow is much greater after 5 o'clock than more before. For me to spend the amount of money I'm spending and to put the effort I'm putting into it, I would definitely like to have a proper showing of this during proper traffic hours.

JOHN NOWICKI: Your business hours during the week?

MR. CURTS: 8:30 to 6 o'clock.

JOHN NOWICKI: What about on the weekends?

MR. CURTS: 9 to 2. We change some times. 9 to 2. We're not open past 2 o'clock.

JOHN NOWICKI: I don't have a problem with the business hours.

JAMES MARTIN: So normal business I'm going to say Monday through Friday, 8:30 to 6:00. Saturday, 9 to 1.

JOHN HELLABY: He said by his admission you should put no more than four vehicles, so that the number is...

JAMES MARTIN: Okay.

DARIO MARCHIONI: At any time.

JAMES MARTIN: No more than four at any 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.

DARIO MARCHIONI: Just one question. In case there is a violation, what is the procedure? In other words, he doesn't follow --

KEITH O'TOOLE: File a complaint with the Code Enforcement Officer. The Code Enforcement Officer investigates, and if appropriate, he issues a ticket for violating the site plan.

DARIO MARCHIONI: Thank you, sir.

JAMES MARTIN: Okay. They have paid fee for final, but we have this disturbance thing. I mean -- you know, from the standpoint of either we waive final or are not waiving final tonight.

JOHN NOWICKI: We have our engineers to watch it carefully.

GEORGE BRINKWART: But we're not seeing what is going to change.

JOHN NOWICKI: I trust him. He is our Town Engineer.

GEORGE BRINKWART: Well, I trust Ken (Hurley) implicitly, but I would like to see what I'm voting for.

DARIO MARCHIONI: He comes from Missouri. He wants to see it.

MR. CURTS: If I may.

GEORGE BRINKWART: I have no problem with preliminary. I think it is a good project.

MR. CURTS: The only change that you may see is a scaled-down version of what you see there. Um --

GEORGE BRINKWART: I would like to see that.

MR. CURTS: Well, and we thought we had it until there was a difference of opinion in the disturbance areas.

GEORGE BRINKWART: It is not just a scaled-down version. It is over an acre.

MR. CURTS: It will not be over an acre. I'm telling you as owner of the company who is not going to spend the tens of thousands of dollars it will take for the engineering costs to put in a storm water management system, it will not be over an acre. My impression, based on the calculations we made is that the --

GEORGE BRINKWART: Initial calculations already showed it 1.4. That is a rough engineering estimate. So you're going to clean up the swale. That will bump it up even more. I would be very, very surprised if this -- this plan would have to substantially change for you to get it under an acre. That is what I am talking about. I want to see -- I want to see it in its final appearance before I would feel comfortable giving you final approval.

MR. CURTS: Object.

GEORGE BRINKWART: I'm one vote amongst the others. Take a shot.

DARIO MARCHIONI: I agree with that. The fact that -- like our Chairman once said, which I commend him for it, "We can't trust anybody."

JOHN NOWICKI: I'm sorry, I trust our Town Engineer. That is my opinion.

GEORGE BRINKWART: I trust Ken (Hurley). It is not a matter of trusting Ken (Hurley).

JOHN NOWICKI: That is what we're paying him for.

MR. SOROCHTY: The major thing you will see different is the future building expansion cut back as needed and that will reduce the grade around the building. We'll aim to get this down below.

GEORGE BRINKWART: Okay. Show me.

MR. SOROCHTY: Well, the final plan -- your engineer will review that, and those plans will be available --

GEORGE BRINKWART: That is the Town Engineer. We are the Planning Board.

MR. SOROCHTY: I understand that. I'm just telling you we had a future building expansion. That expansion can be cut back. It could be 2,000 square feet. It could go away all together.

GEORGE BRINKWART: I don't want to vote on a building that could be 2,000 or 10,000. I want to see it on the plans, and then I will give you my vote.

JAMES MARTIN: Well, right now, they have paid the fee to waive final at this point in time. Um, if we were to go ahead with preliminary, that will not stop you from basically moving ahead with the project, if preliminary is approved. Okay.

And then, you know, get the calculations done, give us a plan that satisfies us that it is under an acre.

MR. CURTS: Forgive my ignorance. My concern here is twofold.

Obviously I have to protect the interests of my pocketbook in this whole process, which, always is difficult and challenging.

And secondarily, and most importantly, I need to be operational in this place in the next to 6 to 8 weeks. My lease is up October 31st at my current building. I do not have the choice of going month to month. I would have to sign a five-year extension. As you guys have seen from my pension to make things happen and make everybody happy that has asked anything of me, I will do whatever I have to do within reason to make sure that everybody and anybody is happy in this process. I just ask that we keep it to a level of reasonability where it doesn't start costing me tens of thousands of dollars to appease things that most people would consider unnecessary.

JAMES MARTIN: No. We're not saying that. I guess if we go ahead and do preliminary tonight, okay, um, I don't think that should prevent you from moving ahead. Essentially you have gotten your approval. We just need this last small issue revolved and whether you're under an acre.

MR. CURTS: That would allow me to go ahead and start doing the garage doors, vestibule build-outs, as well as the display area and some of the small improvements around the building that are -- that are on the scope for immediate --

JAMES MARTIN: Chris (Karelus), any reason why we wouldn't let him move ahead with that?

CHRIS KARELUS: I have no problems with helping him move forward. I understood his time lines. He shared with me the fact that the lease ends in October, and I relayed to the Board as soon as I was made aware of it, I wanted to make sure the Board was aware of it. The engineering items, Ken (Hurley) just said if they revise the plans and prove it to him, he is willing to work with him. So whatever assurance that lends the Board.

JAMES MARTIN: Okay. So if -- if we go ahead with preliminary, and you get these calculations in ASAP, um, we'll take a -- we'll take a quick look at that, and, you know, should be a quick -- quickly at the next meeting to get your final, proving that you're under the one acre. And it shouldn't, as far as Mr. Karelus is concerned, you can move ahead with your --

MR. CURTS: That would be my concern.

JOHN NOWICKI: That is on the record. Will you put that in the letter?

JAMES MARTIN: We won't waive final. Okay?

JOHN NOWICKI: Yes.

JAMES MARTIN: We won't waive final, based on the fact that they need to do those calculations. That is on the record.

JOHN NOWICKI: It is on the record that Mr. Karelus will allow him to move forward and do certain things on the site to get this timeline going.

JAMES MARTIN: I understand that and we don't want to stand in the way of you're moving forward on that.

MR. CURTS: I appreciate that.

JAMES MARTIN: But Mr. Brinkwart has brought up a good point, we don't have the calculation officially finalized, right?

MR. SOROCHTY: Right.

JAMES MARTIN: So you okay with me?

Chris (Karelus), I just wrote down Building Department will allow work to proceed pending final approval.

CHRIS KARELUS: I will just leave something else with the Board, too. The 8,000 square foot addition as Mr. Curts was telling me about his future plans, he was talking about the 8,000 square foot addition and everything that would be associated with that addition. He doesn't intend to do that now.

JAMES MARTIN: I understand.

CHRIS KARELUS: Just so the Board is aware. He is prepared to do that, I believe, he said -- he can speak to it, but it was in his five-year program. In order for him to do that, I told him we would have to have that approved through the Planning Board before we could even permit it in the Building Department. So I know what his intent was, to show the whole project, so in the future when he was ready to do the addition, he could pull permits for it and then move forward with the construction of the project.

DARIO MARCHIONI: One question. But the plans he will submit, will not show that, right?

CHRIS KARELUS: No. It won't show them.

JAMES MARTIN: What we sign will not show that.

Are you okay with that?

MR. CURTS: I am.

JAMES MARTIN: I want to be sure. I want to keep everybody happy.

James Martin reviewed the proposed conditions with the Board.

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

1. Pending Town Engineer and Supt. Of Highways/Commissioner of Public Works approval.
2. All light fixtures shall be dark sky compliant.
3. The final site plan shall show location of the existing grease, oil/water separator and that all internal floor drains connect to the separator unit.
4. Any outside storage shall be confined to the west side of the building as was previously approved for the previous tenant. A list of all items to be stored outside shall be supplied to the Planning Board and the Building Department.
5. The proposed dumpster enclosure and any existing enclosures shall be constructed per Town Code.
6. All project signage shall conform to Town Code.
7. Detectable warning strips shall be installed at all walk/grade transitions for ADA compliance. Please note this on the final site plan.
8. All previous conditions remain in effect.
9. Applicant shall clean existing drainage swale and improve water quality per the request of the Commissioner of Public Works.
10. The Building Department will allow work to proceed pending final approval by the Planning Board.
11. A condition imposed on the applicant at the July 2009 Planning Board approval of a Special Use Permit restricted the display of vehicles on the front pad sites to normal business hours. This condition has been amended as follows:

- A. There shall be no more than four (4) vehicles on display at any time. Display hours shall be 8:30 am to 6:00 pm Monday thru Friday and 9:00 am to 1:00 pm Saturdays.

Application Number 5 was recalled.

Larry Glazer and Ken Glazer were present to represent the application.

JAMES MARTIN: Good evening, everybody. My name is Ken Glazer. I represent Buckingham Properties. We manage 100 Beaver Road, LLC, which owns the property we're discussing tonight at 104 Beaver Road and QCI Drive.

We're looking -- we're proposing tonight a resubdivision from two parcels to three parcels. And that is pretty much the gist of it.

JAMES MARTIN: Is that it?

MR. KEN GLAZER: As simple as it is.

JAMES MARTIN: I think everybody is pretty much aware that this resubdivision is creating a lot on which the proposed new Highway Department garage is going to be built for the Town of Chili. That is my understanding.

If you look at the resubdivision map, the proposed Lot R-1-A, which is on the other side of the railroad tracts, would, in theory, be a landlocked -- landlocked lot which we can't knowingly create. However, my understanding is that property contiguous with that particular parcel which is currently owned by the Wegmans Corporation, is being donated to the Town of Chili, which would then be contiguous with this parcel, and then essentially would allow that parcel to then have access and would not be a landlocked parcel any more.

MR. KEN GLAZER: Correct.

JAMES MARTIN: I just wanted to clarify that.

DARIO MARCHIONI: Simple subdivision. I don't have any questions.

JOHN HELLABY: The only thing I have is on the property card for 100 -- or 104, excuse me, Beaver Road, it doesn't say anything about Drainage District. Yes, no?

JOHN NOWICKI: No, it is not in a Drainage District.

JOHN HELLABY: I guess I don't know why --

JAMES MARTIN: On the application.

JOHN HELLABY: Which property is 104 referring to?

JAMES MARTIN: Would that have been the whole parcel at one time?

MR. KEN GLAZER: At one point it was. It was resubdivided last year for the QCI Drive, which is the existing building in the center. So everything south of the tracks.

CHRIS KARELUS: Mr. Hellaby, I don't know if we can look at. I'm sure the applicants will be more willing --

JOHN HELLABY: I'm a little bit --

JAMES MARTIN: If it is not a Drainage District, application will have to be made for inclusion.

JOHN HELLABY: I'm confused because it has the acreage listed at 7.03 acres, and I don't see anything that relates to that. Is it something that was put in here inadvertently?

MR. KEN GLAZER: Seven acres should be the parcel 1-A, the small one. The north side of the tracks.

CHRIS KARELUS: Probably a difference between the survey and what the original listing was, but I believe that was the piece just north of the rail tracts.

JOHN HELLABY: All right. That is -- I mean, it doesn't have the exact acreage, but it is close to the same. Off by a tenth or so.

JOHN NOWICKI: I think that is what he has got.

JAMES MARTIN: You okay?

JOHN HELLABY: If that is being donated to the Town.

JOHN NOWICKI: Makes no difference.

JOHN HELLABY: Makes no difference.

CHRIS KARELUS: Part of the purchase agreement with Chili.

JOHN HELLABY: That's all.

JIM POWERS: The R-1-A, that was part of the purchase by the Town also, right?

MR. KEN GLAZER: Yes. It's included.

DARIO MARCHIONI: Just a clarification. Now we're going to put all this land into the Drainage District? All of the lands into the Drainage District, right?

JOHN HELLABY: It says that 100 is, Dario (Marchioni).

DARIO MARCHIONI: It says no.

JOHN HELLABY: The Town property wouldn't be. The Town doesn't pay taxes to itself.

JAMES MARTIN: What is your question?

DARIO MARCHIONI: It says, "Are you in a Drainage District?" And it said, "No."

I don't know. So we are going to put this --

JOHN HELLABY: It says 100 is in a Drainage District. It is on the -- 147.57 acres. It says yes.

JOHN NOWICKI: It is on the property card.

JOHN HELLABY: It is on the existing property that the Town owns. It is already in a Drainage District.

DARIO MARCHIONI: Find out why here it says no.

JOHN NOWICKI: He has the property record.

JOHN HELLABY: I have the property card. It's right on the property card.

JOHN NOWICKI: That is entirely different than that.

DARIO MARCHIONI: That is the confusion.

JAMES MARTIN: I think we're okay. I think we're okay. All right.

KEN HURLEY: I just had a question for the applicant. The survey map shows it has what is labeled as sanitary line cutting across the subdivided lot going over to the lot with the building back along the railroad. Is that a full sanitary sewer line or is that just a service line for the building?

MR. KEN GLAZER: Um, I think that is a service, just for the building.

KEN HURLEY: That cuts all of the way across the back.

MR. KEN GLAZER: Yes, if I understand it correctly.

KEN HURLEY: I was just trying to see if they subdivide that off, if it will have frontage with sanitary service there, or will they have to chase down the sanitary connection somewhere else?

MR. KEN GLAZER: I'm not actually quite sure about that. That is probably something we'll figure out on the...

KEN HURLEY: Fair enough. We'll find out. There is manholes there so we can easily check.

JAMES MARTIN: You had requested no approval authority. Is that still valid?

KEN HURLEY: That is still valid.

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. All Board members were in favor of the motion to close the Public Hearing.

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

JAMES MARTIN: Keith (O'Toole), Town Board has already declared themselves as lead agency on this particular property?

KEITH O'TOOLE: May I see that, please? Do you have the letter?

JAMES MARTIN: I had it in my file and I forgot to bring it.

James Martin showed Keith O'Toole the letter he had requested.

JAMES MARTIN: There will be no SEQR determination by this Board. The Town Board owns the SEQR on this.

Basically with this transfer of land that is going on, Wegmans and the parcel, R-1-A, um, condition I will put in is that the deed pertaining to the transfer of the property being donated by Wegmans to the Town of Chili shall be finalized and filed with the County Clerks's Office. That is a condition of this approval tonight. So that is going to need to be tracked, and I think, again, a notification to the Assistant Town Counsel would be appropriate, that that has been done.

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

1. The deed pertaining to the transfer of property being donated by Wegmans to the Town of Chili shall be finalized and filed with the County Clerk's Office. Notification of the filing shall be provided to the Assistant Town Counsel.

INFORMAL:

1. Jill Wilson, 4283 Buffalo Road, North Chili, New York 14514 for approval to amend special use permit granted on 12/9/08 to Thomas McDonald to allow a two-family dwelling. New property owner is requesting an extension of the 90-day time frame to bring dwelling up to NYS Building Codes at property located at 4277 Buffalo Road in R-1-15 zone.

CHRIS KARELUS: Chairman Martin, Ms. Wilson called this afternoon. She wasn't able to make the meeting, but I would just ask the Board for the courtesy, she is a new owner on the property. The Board had previously granted the special permit to the seller of the property who basically neglected the Board's conditions. Ms. Wilson is buying into the property, fully intends within the same time parameter that the original applicant promised the Board to get the code compliance checked and all of the construction done on the site.

And I would just ask if I could introduce it to the Board and if you see it fit to extend the courtesy to her to extend that condition. She will have it done by December of this year. Just so you can understand, while Mrs. Wilson was under purchase and sale agreement, the owner, who was the applicant last December or last year, applied to the Board, the owner neglected it. Now the new owner fully intends to bring it into compliance.

JAMES MARTIN: Based on your comments, some of the things that we have requested

have already been taken care of by the new owner; is that correct?

CHRIS KARELUS: Yes. We did an inspection on the site. They have removed the sheds, deteriorating sheds and cleaned up all of the rear yard that had the garbage and debris. They took care of the other two outstanding items that were previous conditions.

JAMES MARTIN: If we were to grant this 90-day extension, in your estimate, is that going to be an adequate period of time for her to complete all of the code issues that need to be corrected?

CHRIS KARELUS: We have already met with the contractor, and as soon as the Board sees it fit to extend on the courtesy, she will pull the permits to get done what she needs to do. She understands what she needs to get accomplished. The previous owner really didn't have an understanding.

JAMES MARTIN: Is the previous owner off the premises at this point?

CHRIS KARELUS: No longer has an interest in it. He is pretty much gone.

JAMES MARTIN: Anybody else have any questions for Mr. Karelus, who seems to be representing the applicant?

JOHN NOWICKI: The project has closed and Jill Wilson is the current owner?

CHRIS KARELUS: Yes.

JOHN NOWICKI: Marcia Havens, the attorney?

CHRIS KARELUS: Correct.

JAMES MARTIN: Any discussion at this point? They're asking for a 90-day extension.

I did check with Mr. O'Toole, the special permit conveys with the property. All right? So it carries forward.

JOHN NOWICKI: Sounds like the Building Department has it under control.

JAMES MARTIN: Any problem granting a 90-day extension to this to allow her to get all their code violations up to compliance?

James Martin made a motion to grant the 90-day extension. John Nowicki seconded the motion. All Board members were in favor of the motion.

DECISION: The Planning Board has granted a 90-day extension per the applicant's request. All previous conditions imposed by the Board remain in effect.

The meeting ended at 8:08 p.m.