

CHILI PLANNING BOARD
September 9, 2008

A meeting of the Chili Planning Board was held on September 9, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

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

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

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

JAMES MARTIN: I will also recognize Dennis Schulmerich here from the Town Board as our liaison.

One administrative announcement. Basically I have a letter requesting continuation of the proposed public hearing we were going to have on the Microtel. This proposed continuation has been given to us by Avery Engineering on behalf of the applicant. There was an error in posting the public notice sign pending the hearing tonight, therefore, we will not be hearing the Microtel application at this meeting.

DARIO MARCHIONI: Mr. Chairman, may I say something? May I have a minute? I would like to express a sincere apology to all those people who have been coming here month after month after month to hear this application. They're concerned about this application. And for some reason or another, it keeps -- it keeps being removed from the agenda.

JIM POWERS: Jim (Martin), on the Microtel, we have had an unusual request that one of our Board members recuse themselves from that particular hearing, and I am wondering if it would behoove this Board after the Planning Board meeting to go into an Executive Session to discuss that particular subject. Just to get your thoughts on it.

JAMES MARTIN: Mr. O'Toole, I will defer to you for any comment on that. I believe we probably have the capability to do that, but I'm seeking legal advice on this.

KEITH O'TOOLE: If you're looking for legal advice, we can meet in private. That's correct.

DARIO MARCHIONI: I second that motion.

JAMES MARTIN: Well, it hasn't been a motion yet.

JIM POWERS: I put it in the form of a resolution if I have to.

JAMES MARTIN: Is it necessary to do a resolution, Mr. O'Toole?

KEITH O'TOOLE: It would be appropriate.

JIM POWERS: I didn't catch what Keith (O'Toole) said.

JOHN NOWICKI: He said it's appropriate.

JIM POWERS: I do so then.

JAMES MARTIN: So you so move we have an Executive Session at the completion of our proceedings tonight to discuss that particular issue on recusal of one of the Board members from the Microtel hearing?

JIM POWERS: Yes.

JOHN NOWICKI: So moved.

KAREN COX: Second.

JAMES MARTIN: It has been moved and seconded.

On the motion?

The Board was unanimously in favor of the motion.

JAMES MARTIN: We'll adjourn to Executive Session at the completion of our proceedings tonight. (Note: See statement at the end of the minutes.)

OLD BUSINESS:

1. Application of Hillside Crestwood Children's Center, owner; c/o David Howard, 1183 Monroe Avenue, Rochester, New York 14620 for preliminary site plan approval to erect two 3,600 sq. ft. housing cottages at property located at 2075 Scottsville Road in A.C.&

FPO zone.

Steve Matter was present to represent the application.

JAMES MARTIN: We did have a public hearing on this back in January of this year.

MR. MATTER: Good evening. As you know, we appeared here before you, I believe it was last December, for site plan review for two cottages on the Hillside Crestwood site. At that point we needed to have a change in zoning for the property. We went through that. I got the change in zoning.

Along the way there was a subsequent, um, request from SHPO to do a site investigation for cultural resources on site. We did a Phase 1-A study for that. Um, SHPO returned with a no impact from our project, and at this point, now we're -- appear before you for final approval.

JAMES MARTIN: Okay. Anything else?

MR. MATTER: I would like to note that we did get Town Engineer's most recent comments. We received them after business hours on Friday. I'm prepared to discuss them if you want, but we -- we haven't had a whole lot of time to fully address them or contact the Town Engineer to discuss those issues. There was nothing on there that was earth shattering that would preclude us from moving forward.

JAMES MARTIN: I believe there is one aspect in here, and I will defer to Mr. Hurley in a minute, but in looking at the site plan, positioning of the cottages in relationship to the roadways, and there is going to be walkways going to the cottages.

MR. MATTER: Correct.

JAMES MARTIN: They are a fair distance from the roadway themselves. There is a recommendation from the Town Engineer that the portion of the sidewalk area that actually goes to the cottages themselves be designed or engineered in a way that would support emergency vehicles having to get to the cottage.

MR. MATTER: Yes.

JAMES MARTIN: So to me that's something that has -- you know, Planning Board, I think we need to insure that we have that safety measure taken care of. If there is an issue, you know, that the emergency vehicles have the ability to get to the cottages themselves.

MR. MATTER: To be honest with you, when we first looked at that and discussed it in-house, we thought the 12-foot was excessive. We would be agreeable to widen it to 10 feet, and the -- it would be designed for vehicle use.

JAMES MARTIN: Well?

JOHN NOWICKI: What type of vehicle use are you talking about?

MR. MATTER: Snowplows.

JOHN NOWICKI: What about the fire trucks?

MR. MATTER: That is very infrequent use. I will hold up -- they don't go up there every day and get pounded. That is one of the comments that I wanted the opportunity to discuss with the Town Engineer.

JAMES MARTIN: I think the concern is if you make them narrower, in the wintertime, you have snow banks that you plowed on either side. We just -- we want to be sure that there is adequate width in that access lane, all right, to the cottages that would accommodate, you know, the largest emergency vehicle that might have to go down there.

MR. MATTER: Certainly. That is a concern and a desire of the owner, as well. I'm not opposed to widening that. We felt 12 foot was excessive for a vehicle that is even -- your heavier fire truck equipment is 8 foot wide. And --

GEORGE BRINKWART: Typical travel lane on a highway is at least 12 feet?

KAREN COX: Not necessarily.

MR. MATTER: 11 feet.

GEORGE BRINKWART: 12 feet I don't think is unreasonable to ask for.

MR. MATTER: Part of the tone we're trying to set up there is a neighborhood, sidewalks, friendly, and if that is certainly -- if the Board wishes to have it be 12 feet, um, then that's what we'll do.

KAREN COX: 12 feet is like the width of an interstate lane. I mean --

JAMES MARTIN: I have heard 11 feet is an acceptable lane width; is that correct?

KAREN COX: Well, 11 feet is -- let me step back. 11 feet is usually the travel lane width on a collector highway. 10, you have some subdivisions that have 10 foot wide lanes with gutters, which would make it a little wider. 12 feet I think is excessive. You know --

JAMES MARTIN: Ken (Hurley), if we narrowed this down to 11?

KEN HURLEY: That would be fine.

JAMES MARTIN: If is that a compromise. You want 10, and he asked for 12, so can we make it 11.

MR. MATTER: We can make it 11.

KEN HURLEY: They can do with that or grass pavers on the side as long as it is structural enough.

MR. MATTER: We can discuss that with -- if we make the Town Engineer happy, does that satisfy the Board?

JAMES MARTIN: This will be pending Town Engineer approval, so if you make the Town Engineer happy, but I think the Board really would like -- we can't say we want 11 feet and be done with it.

MR. MATTER: Okay. The other request that was along with that comment was for 10

inches of sub base. I'm not sure where that number came out. We can beef up the pavement, but 10 inches of sub base, in our opinion, is overkill.

KEN HURLEY: There was a minimal amount of pavement on the design. I think it was less than 2 inches, or 2 inches or less. With the 6 inches of sub base, it wouldn't support it. As an engineer, you can design something that will support traffic, that is fine.

MR. MATTER: We'll contact our geotechnical engineer who does our pavement recommendations for us. We would hope that emergency vehicle use would be very, very, very infrequent up there.

JAMES MARTIN: We would hope so also. However --

MR. MATTER: However, an infrequent use, um, the pavement does not get pounded. It does not -- it does not require something that is similar to a roadway pavement, but, again, we can discuss that with the Town Engineer and make it subject to his approval.

JOHN NOWICKI: We'll want to see a cross-section on that road base.

KEN HURLEY: Yes. They have a detail on there right now for the standard sidewalk.

JOHN NOWICKI: I want to see all of the details on that.

JAMES MARTIN: There were several comments from the Town Engineer. There are others you would like to comment on?

MR. MATTER: Sure. We can comment on them. We will provide you with an NOI for your records.

The detention area side slopes will be redesigned to be no steeper than 1 on 4.

We'll add an anti-seep collar.

We hopefully anticipate to have the NOI submitted before September 30th. If not, then we'll certainly give it to you for your approval prior to sending it to the DEC.

Again, we got these late Friday, so I'm not quite as prepared to be able to speak of the pavement section and such as we have not looked at what beefing that up would be.

JAMES MARTIN: I have comment here from Building Department Manager that I would also like to go over. Several of these will be conditions of approval.

We have already talked about the first one, the access for emergency vehicles.

Okay. There has been a previously approved landscaping plan for the facilities over there that, I believe, the Conservation Board has approved --

MR. MATTER: Yes.

JAMES MARTIN: You did have a stamped landscape plan.

MR. MATTER: Yes.

JAMES MARTIN: However, basically nothing has been done, okay?

MR. MATTER: The project hasn't started.

JAMES MARTIN: On the prior projects that have been approved.

Basically, what has been recommended by Building Department Manager is that this landscaping, all right, be done, all right, as part of the permitting process. And you can discuss that with Building Department Manager, but certainly that will be a condition of approval on this application if it does go forward.

Secondly, the project site has existing buildings that were not basically built with Town permit, and that -- it has been recommended by the Building Department that as a condition of approval, that any new permit construction will not be granted until you resolve the issue with the existing non-permitted buildings on the site.

MR. MATTER: Certainly.

MS. MARUZEK: Can I comment on that?

MR. MATTER: Maria (Maruzek) was at a meeting.

MS. MARUZEK: Good morning. My name is Maria Maruzek. I'm the architect for the project. This morning we met with Mr. Karelus and the Building Inspector, and we discussed how to approach most efficient way, the issue of the existing building that was put up on the site by the owner. And I think we agreed that we will apply for a demolition permit with the application for our building permit for the new project.

JAMES MARTIN: So you will have concurrence, is that what I understand, Chris (Karelus)?

MS. MARUZEK: The owner explained the --

CHRIS KARELUS: They will resolve the issue, okay? What they would like to do is be able to have that site serve as a future shed or building, if you will. So if you look at the northeast quadrant, the northeast part of your plan, there is a metal hangar on the site. It was just a built structure without permits. They will take that down. What they would like to do is rebuild one with permits so the site plan the Town would be approving would have a proposed new building for satisfying their maintenance needs. So that will be part of their site plan, the reconstruction of that building.

But now rather than trying to go through the process of trying to permit the building, they will demo it, so we'll get a pending application before they build the new structure, pending demo permit. But that condition should take care of us.

MS. MARUZEK: As the owner already has contractor selected for the project, they also this morning spoke with them to commission them to have them demolish the building that was erected without a permit. So they are seriously moving on -- in that direction.

MR. MATTER: I would like to add that the owner never shared with us the erection of that shed.

JOHN NOWICKI: My concern, Mr. Karelus, is how all of this happened in the first place, that this application, or this applicant did not get permits, did not finish landscaping, why is the

Town inspecting these projects, why aren't we getting these things inspected?

CHRIS KARELUS: If you look, in your booklet today, in your packet, if you go in the back, there is a notice of violation on the property. It was actually brought to our attention -- well, when the applicant initiated the process last fall. Right? Last fall, early winter?

The Fire Marshal at that time brought it to my attention and we acted on it.

JOHN NOWICKI: Was the landscaping finished?

CHRIS KARELUS: No. The previous project he was speaking to, the project was initiated. The structure itself was not built, but that project was permitted. It was permitted so everything that was involved with that project is part -- has to be constructed, so we still have technically a permit for that building to be constructed with -- part of the site improvements haven't been installed because the building itself hasn't been constructed. So the Conservation Board approved the landscape plan. We'll just ask that both those landscape plans be put in with this project, because it is still an outstanding plan that's yet to be installed.

JOHN NOWICKI: Then what I want to see, or at least what I would suggest is a letter of credit on all of that landscaping over there. I don't feel comfortable with this application at all. I want a letter of credit covering the landscaping over there. So it gets done, this time.

MR. MATTER: Well, to -- to take it further, um, the previous project that was permitted, nothing was built.

JOHN NOWICKI: I'm still concerned over the fact that the landscaping has to get done here.

CHRIS KARELUS: Steve (Matter), if I could, part of the permit is the site improvements. So the site improvements are installed -- just because the building itself, the clock tower, all of the aesthetic improvements to the building had not been constructed. Technically part of the site plan hadn't been built, so it qualifies the landscaping to go with this, that plan.

MR. MATTER: I'm a little confused on a project that was never built, that we're going to put planting up that is going to be in the way if we ever build it. As of right now, we do not have funding for that project.

CHRIS KARELUS: This Board and the Conservation Board anticipates landscaping plans to be installed as part of a project. Once you're permitted, that project is part of the construction plan. The site plan improvements are anticipated to be installed. The landscaping plan is part of the anticipated project. You still have an open permit. Those landscaping -- that landscaping is anticipated to be installed.

MR. MATTER: Well, you're talking about the colored building?

CHRIS KARELUS: Yes.

JAMES MARTIN: The previous project was that new addition to the front of your main building; is that correct?

MR. MATTER: That's correct. And the plantings were foundation plantings for a structure that is not going to be there. So...

JAMES MARTIN: You're never going to build that structure?

MS. MARUZEK: Hopefully they will.

MR. MATTER: Hopefully they will, but we don't want the plantings in the way of the construction. The plantings are always last to go in. What we would consider is putting the plantings elsewhere. Would that be acceptable, or do you want them in front of that --

CHRIS KARELUS: I would suggest you work with Pat (Tindale). Work with Pat (Tindale) on that.

JAMES MARTIN: All right. So where are we at?

JOHN NOWICKI: Where are we?

JAMES MARTIN: We're going to allow them.

MR. MATTER: We can provide a letter of credit or something of that nature for the dollar amount of the plantings.

JAMES MARTIN: Chris (Karelus), and Pat (Tindale), I will defer to you. Is that an acceptable compromise on this?

PAT TINDALE: I would say a letter of credit would be more logical. Chris (Karelus) knows more about it probably.

CHRIS KARELUS: If we can secure a letter of credit, they can work with Pat (Tindale) on an estimate and get that line item established and I will work with them on getting the letter.

JOHN NOWICKI: Before --

CHRIS KARELUS: Yes, I don't think it will take too much time.

MR. MATTER: We can talk to the owner. He may want to install that planting in front of their --

MS. MARUZEK: I think it probably will be either way, um -- either letter of credit or we, in fact, will install those plantings and then if they have to pull them out later and reinstall them, so be it. I mean that's kind of -- that might be.

KAREN COX: Doesn't make sense so.

JOHN NOWICKI: But you can work with the letter of -- Conservation Board and establish a letter of credit for all of the plantings to be done on the project.

MS. MARUZEK: It doesn't make sense to put them in before the building.

JAMES MARTIN: We agree with that.

KAREN COX: It doesn't make any sense to put them in and then rip them out however many years from now -- it could be a year, it could be five, ten. I would say that whatever is acceptable to the Landscaping Committee is what we should put in there.

JOHN NOWICKI: On the architectural review, have you had a chance to look at the

comments?

DARYL COX: Yes. Basically the only two things that they -- we had a concern with was that the -- well, I will read it word for word. "The bricks shall be of similar color and characteristics to the existing brick used on the surrounding buildings," and then the Committee was a little bit nervous about the standing seam roof. The red is a very vague term, so the Committee ended up deciding that the roofing material should match that of the existing surrounding buildings due to the possibility of visibility of a red roof as submitted is not recommended.

MS. MARUZEK: Um, actually I became aware of this comment this morning, and I prepared an alternate version of the building. If I may just show you.

I still will discuss this option with the owner, like I mentioned before. The owner is very enthusiastic about red colors, so they might be a little bit disappointed, but basically what this version shows right now, brick I think we never contested that. That is a good idea to match the brick to the rosy color of the school and other buildings.

The roof, this one shows a shingled roof, basically a -- normal gray shingles like most of the buildings on the site. Certainly it looks more fitting into the site.

Again, the owner was trying to make those houses attractive to children, young children, but this looks more like a building for anybody, but if -- if this is a comment from the Town, I -- I don't think that this will be really screaming and kicking and not getting their building erected because of that.

DARYL COX: The biggest concern was they didn't want it to stand out. That red roof was so -- you know, just like you said, something a kid would like but not necessarily what would fit in the Town. And this looks like, you know -- with -- you know, the brick is similar in color, that looks like what we asked for.

GEORGE BRINKWART: I would like to compliment you on a nice set of drawings. I could have one comment. That is with regard to a key map or a location map. It would be nice to have somewhere as a key showing the entire property, how it aligns with the adjoining roads. Although I did want to rehash the topic you brought up as far as the width of the emergency road. I think it is a good idea that you run it by the Town Engineer to make sure it meets all of the engineering requirements of the Town, but there is one other person I would like you to run that by and that is our Fire Marshal because he may or may not want 10 feet. And quite frankly, you're right. 8 feet may be the width of the widest vehicle, but that gives you one foot on either side of the road to fit that, and if you're in the middle of an emergency situation in the middle of winter, the odds of hitting a one foot target with a truck that size is not very good.

And the last thing we want to do is see an 8,000 pound fire truck stuck out there trying to get to the site. So let's run that by the Fire Marshal and go with his recommendation.

MR. MATTER: I agree with that.

GEORGE BRINKWART: If it is 10, fine. If it is 12, that's what it is going to be.

Most school sidewalks which you would want access to are 8 to 10. So -- so he would be familiar with that.

That's all I have.

JAMES MARTIN: We did review that with the Fire Marshal at the DRC meeting. I don't remember us agreeing on an exact width. It was to be determined, if I remember correct.

DARIO MARCHIONI: I -- I'm glad you brought that up. I went the other day to measure that ladder truck the fire truck has -- it measured 9 feet wide by 45 feet long, and 15 feet high.

MR. MATTER: I would hope a ladder truck wouldn't be needed on these --

DARIO MARCHIONI: I understand. Those trucks get big. That's all.

JAMES MARTIN: This is for preliminary site plan.

MR. MATTER: If I could, I would like to add that I -- the owner and the applicant appreciates the swift manner by which the environmental process went back earlier in the part of the year, February, the help from the staff. We were fortunate to go swiftly, and secure the, um, the funding for the project because of the efforts of the staff and the Board.

JAMES MARTIN: Getting your rezoning and all of that stuff?

MR. MATTER: Yes.

JAMES MARTIN: There are a lot of issues here. I'm not comfortable saying we're waiving final on this at this point. That is my own opinion on this.

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Did I miss anything?

GEORGE BRINKWART: You want to leave the width up to the Fire Marshal. Minimum 11, pending Fire Marshal --

JAMES MARTIN: I will say will be a minimum of 11. Shall be 11 feet wide or as determined by the Fire Marshal.

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

1. Pending Town Engineer approval.

2. The sidewalk section design for emergency vehicle access shall be 11 feet wide, or a width as determined by the Fire Marshal, and shall be of such design to sustain the weight of emergency vehicles.
3. The applicant shall provide a letter of credit for all previously approved landscaping and will work with the Conservation Board to bring themselves into compliance with all aspects of their landscape plan.
4. The Planning Board requires that no new permits for construction be issued until all prior unpermitted construction issues on the project site are resolved to the Building Department's satisfaction.
5. The applicant shall comply with the Architectural Review Committee recommendations regarding roofing material.

PUBLIC HEARINGS:

1. Application of Faber Homes, owner; 3240 Chili Avenue, Rochester, New York 14624 for conditional use permit to erect a single-family dwelling with in-law apartment at property located at 69 West Ham Circle in PRD w/incentive zoning.

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

MR. SMITH: Good evening, Chairman, Board members. I'm Jeremy Smith, a Project Coordinator with Faber Homes. We're here to have application for a conditional use permit for Lot 1006 Park Place, which is 96 -- or 69 West Ham Circle in North Chili, to construct a single-family home with an in-law apartment.

I pinned up on boards over here a copy of the floor plan and the rear elevation. I have highlighted the in-law portions of the structure. It was signed, you know, as minimal impact on the front elevation as we could. It's mainly on the back side of the home, behind the garage, with the entrance through the garage into the in-law.

JAMES MARTIN: Anything else?

MR. SMITH: No.

JAMES MARTIN: Okay. I will go to the Board.

DARIO MARCHIONI: As you know, we're going to put conditions on this.

MR. SMITH: Absolutely.

DARIO MARCHIONI: You have been here before.

There are some comments here from the Town pertaining to drainage, how much grade is being maintained on the project. I don't know if you're aware of these comments.

MR. SMITH: Are we talking about the swale in the back of the property, or --

DARIO MARCHIONI: Well, I would like to --

CHRIS KARELUS: Jeremy (Smith), the survey map that we got shows a proposed retaining wall, and I know the grading in that backyard drops off pretty significant for West Ham, so one of the things we just asked the Town Board, Department of Public Works Commissioner of DRC asked that he works with you folks and the Town Engineer to understand what is happening with that retaining wall if it were to differ from the subdivision map.

MR. SMITH: Absolutely. Just as we did with the swale on the other side of the road there, around the bend, we have intentions of shooting it to make sure that -- the proper drainage and we'll absolutely get together with the Town Engineer and satisfy their needs.

CHRIS KARELUS: That was just shown on the survey map. I just wanted to make sure we can understand what is going on.

MR. SMITH: Okay.

JAMES MARTIN: I know, Ken (Hurley), you didn't request it, but I will put it in as a condition, Town Engineer approval.

KEN HURLEY: Okay.

DARIO MARCHIONI: Also, again, I would like, to -- this is commendable that they have relatives in the same house. It's a service.

MR. ARIENO: Mike and Trish are here this evening, and their mom.

DARIO MARCHIONI: Welcome to Chili. Thank you. That's all I have.

GEORGE BRINKWART: I want to echo what Dario (Marchioni) said. It is very nice that you're doing that. It's wonderful.

Only one question. Do you have a way to access that abutment from the drive so that a person coming and going doesn't have to go through the home to access the -- that apartment?

MR. ARIENO: There is an entrance on the back of the home, all of the way in the back of the in-law. There is not one more towards the front. The only entrance on the front side of it is through the garage.

GEORGE BRINKWART: Would you consider putting in some pavers or something so that a person could have a little bit more freedom to come and go without disturbing the rest of the home?

MR. SMITH: I'm not following.

GEORGE BRINKWART: Pavers or something around the --

MR. SMITH: Around? You see, here, the second entrance is all of the way in the back (indicating). So you're requesting pavers around?

GEORGE BRINKWART: Yes.

MR. SMITH: If that is one of your requirements, it could be addressed.

GEORGE BRINKWART: Maybe in your particular case that might not be appropriate, but I think it would be nice. It would give them a little more independence to come and go without disturbing the rest of the house.

MR. SMITH: Well, in order to get in, you don't have to actually walk through the main house, so it is a second entrance into the in-law, so you really wouldn't be disturbing the main house.

JOHN NOWICKI: The access is through the garage, right?

MR. SMITH: Through the garage.

KAREN COX: The back entrance is a sliding glass door which most people don't use for main egress and egress.

UNIDENTIFIED SPEAKER: We'll have a side entrance on the side of the garage --

JAMES MARTIN: Sir, wait a minute.

KAREN COX: There will be opportunity.

MR. SMITH: I will address it, Mike (Slattery).

The way that we designed it, there is another entrance on the side of the garage, so there is access from the outside of the garage without opening the overhead door to get into the garage, to get into the in-law if that is where your concern is.

GEORGE BRINKWART: Where is that entrance? Can you point it out?

Mr. Smith went to the dais to explain the plan to the Board.

JOHN NOWICKI: Is there a sidewalk coming from the driveway to the side door?

MR. SMITH: As a standard, we don't usually put them, but if you recommend it, we certainly will.

JOHN NOWICKI: Oh, absolutely.

KAREN COX: At least to the main door.

JAMES MARTIN: We'll put it as a condition. We certainly wouldn't just recommend it.

MR. ARIENO: I think that would be smart.

JOHN NOWICKI: The only thing I have, Traffic & Safety, um, they had a comment on -- they had complaints from area residents about the construction workers driving reckless through the project.

JAMES MARTIN: Comments on that, Fred (Trott)?

FRED TROTT: Couldn't hear you.

JOHN NOWICKI: Your comment about the area residents, about --

FRED TROTT: Yes. As a matter of fact, we had residents from that area come to our meeting last month. They were concerned about traffic and speeding through the subdivision, and they mentioned contractors were one of the violators. If it is possible to talk to your workers and the contractors to be aware of the -- their speed with the children, especially during school season.

MR. ARIENO: Absolutely.

JOHN NOWICKI: I hope they have as much fun as I did with my in-laws. Thank you.

JOHN HELLABY: No real concerns. Just a comment. The owners might want to investigate the door width at this time. It might not be an issue, but some of those door openings look awful narrow, and the possibility of future needs for a ramp at the entrance door out of the garage to make -- just to make sure there is room for a 1 on 12 slope in there should it be required.

KAREN COX: I would echo what Al (Hellaby) said, and I just want to commend the owners for doing this for their in-laws.

JIM POWERS: Maybe they can think about renaming West Ham Circle to In-law's Way or something.

JAMES MARTIN: That's a possibility.

(Laughter.)

JAMES MARTIN: I will be reading the laundry list of conditions prior to the vote on this particular application, so I won't read those at this time.

JOHN NOWICKI: We have a couple more areas of concern down here.

GEORGE BRINKWART: We're just discussing the door width and was wondering if it might be more appropriate to at least put a 3-foot door on the main entrances in. I know moving furniture in and out, you can never have a wide enough door.

JOHN NOWICKI: The other question, too, in the bathroom are you planning to have grab bars and things like that to make it easier --

MR. SMITH: There is not any designed into the plan. Um --

JOHN NOWICKI: That's a pretty small door, 2 foot 2 going in and out. That is not a big door.

KAREN COX: I mean this is the time to --

JAMES MARTIN: To do it.

KAREN COX: To make -- the doors into a room, to make it wide enough for future consideration. You know, the grab bars are something that can be added later when they're needed. That's certainly easy enough to do. The door modifications are hard to do.

MR. SMITH: That is what we recommend with the grab bars. There are contractors that specialize in grab bars and things of that nature and they come out and they work with the individuals and take their personal measurements so the grab bars are located in the right areas for them.

JAMES MARTIN: I think, you know, what you're hearing obviously is work architecturally with the -- with the owner, the person who is going to build this, to take all those things into consideration, because Karen (Cox) is absolutely right, to try to retrofit down the road is a lot more expensive --

MR. SMITH: I totally agree with you. We have gone through several meetings with the homeowners where we have gone through every aspect of the home, up to this point.

JAMES MARTIN: Okay.

CHRIS KARELUS: Just a point. You know, I applaud the work they're doing there. Most of these apartments, when they do transition, chances are each individual that's in the home and -- not to pigeon hole the user, but that aged individual for a certain period of time gets to a transition point in their life, and with the Board having these, you kind of have to look at the transition period and may be best fit these in-laws to try to service the transition period to be ADA compliant with their next step, their next venue.

If they can satisfy the Town Highway Department with respect to the wall, no other comments from the Building Department.

KEN HURLEY: No other comments other than the retaining wall.

JAMES MARTIN: All right. You're on tap with approving that, with working with Mr. Lindsay.

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.

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

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

JAMES MARTIN: At the last meeting when you brought in the previous application for conditional use for in-law apartment, I commented that I thought there may be some violation of the conservation easement on some of the properties over there. I think it was Liverpool Heights, if I remember correctly.

Have you had an opportunity to check on that and to verify that there are no violations of that conservation easement?

MR. ARIENO: We have gone back there and just done a visual inspection, because we have one lot that's left in that section that backs up to that area, Lot 701 that actually we're going to start shortly. And there is a storage shed, I didn't even know. I think you might have referred to that last time. There is a storage shed back there. It is obviously on the customer's property. That closed probably about a year and a half or two years ago. So I'm -- without going into looking into that, we don't know if that is on the conservation easement or not. But it is something we will look into.

JAMES MARTIN: Well, I think you should look into it, because obviously you're violating -- that owner is violating the conservation easement if they have a storage shed or something in that 30 foot conservation easement, and if it is, they're going to be required to move it.

MR. ARIENO: It is just difficult as a builder now, because they have closed on the property --

JAMES MARTIN: I understand.

MR. ARIENO: -- for us to enforce it. What I did do to make sure is obviously anyone that is in that situation, that they're aware of it. Obviously, we talked about the deed, it's in there, but we're letting everyone know. We even have a situation with conservation easements and pond disclosures when they have wetland -- not wetland, but pond easements on the property just so they understand, because we have a huge pond in that back section. So we are letting them know. It is -- just as a builder, it is tough for us to go back and enforce something like that. I don't know if that is something you would do.

JOHN NOWICKI: The Town Board may have to pass a resolution and have it removed.

JAMES MARTIN: I think we're firing a shot across the bow and giving you early warning. If you have some people over there -- you seem to be washing your hands of all responsibility. As a developer, I think you still have responsibility to go to those people and say, "Hey, your shed isn't where it is -- it's not supposed to be where it is," okay? And I just feel very strongly about that. Conservation easement is there, and it cannot be violated.

JOHN NOWICKI: The Building Department is notified of it now, and if it has to go to the Town Board, there is a Town Board representative here that is aware of the situation, so I suggest you go ahead and do something.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: I guess time period on this is basically stated until the in-law ceases to use it.

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

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

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

KEN HURLEY: Mr. Chairman, were you going to put in a condition about the retaining wall?

JAMES MARTIN: Basically I said Town Engineer approval.

KEN HURLEY: Okay.

JAMES MARTIN: Which that is what you're dealing with, a retaining wall and the grading.

KEN HURLEY: Thank you.

2. Application of Aspenwood Associates, owner; 95 Allens Creek Road, Building 1, Rochester, New York 14618 for renewal of conditional use permit to allow a car wash at property located at 4392 Buffalo Road in G.B. zone.

Dave Magee was present to represent the application.

MR. MAGEE: I'm one of the members of the Laser Wash Group, LLC out of Rochester, New York. We are the owners of the car wash, and we lease the property from Aspenwood. And we're here for a renewal of our conditional use permit.

JAMES MARTIN: Thank you.

Chris (Karelus), I'm assuming from your comments there have been no complaints registered on this particular building and use?

CHRIS KARELUS: No.

JAMES MARTIN: Thank you.

DARIO MARCHIONI: I just want to make a comment. You keep that place really nice and neat. We appreciate that very much.

MR. MAGEE: Thank you very much.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: The only comment I have is I wonder if the applicant is going to replace the plantings that died out along the east side of the building, the side that faces Tim Horton's. There were some small evergreen bushes and various plantings in there that seem to have died off over the winter.

Thank you.

JAMES MARTIN: You can answer that. Obviously you have to keep the landscaping up to the original plan. If you have dead trees over there, they need to be replaced.

MR. MAGEE: At this time I'm unaware of any dead trees. I know --

MS. NEDER: They're not trees. Just small little shrubs along the side of the building.

MR. MAGEE: Then we'll replace them.

JAMES MARTIN: I will just say applicant to replace any dead landscape plantings per original landscape plan, okay?

PAT TINDALE: Jim (Martin), how long has that been in there, the car wash? I mean is it more than two years?

JOHN NOWICKI: Have you been there longer than two years?

JAMES MARTIN: Hang on.

PAT TINDALE: My only thought is if it is -- you should have a two-year warranty where they could be replaced without charge.

JAMES MARTIN: I couldn't hear you.

PAT TINDALE: The only thing I was saying, if it is -- has been two years -- a 2-year warranty was requested on all of the planters so you could probably get them replaced. If it has been two years.

JOHN NOWICKI: It's close. We approved it August 21st of 2006.

JAMES MARTIN: Well, obviously, it's in your best interest to keep it --

MR. MAGEE: Absolutely. Absolutely.

JAMES MARTIN: Basically, I have said applicant to replace any dead landscape plantings per original landscape plan.

MR. MAGEE: That's fair.

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

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

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

The Board discussed the time period for the renewal.

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

1. Approved for a period of five years.
 2. Applicant to replace any dead landscape planting per original landscape plan.
 3. Applicant shall comply with all previous conditions.
3. Application of Chili Self Storage, c/o Peter Feltner, 204 Croyden Road, Rochester, New York 14610 for renewal of conditional use permit to allow six mini storage buildings at property located at 57 King Road in L.I. zone.

MR. FELTNER: Good evening. Peter Feltner from -- one of the owners of Chili Self Storage, looking to extend our conditional use permit.

JAMES MARTIN: Any other comments or presentations?

MR. FELTNER: No other real comments. The only thing I think were hanging on is our paving and I have attached a contract that we have signed, and they're starting paving on Monday to pave around the six buildings for the next week.

JOHN NOWICKI: There is a letter of intent?

MR. FELTNER: What did you say?

JOHN NOWICKI: Letter of intent?

MR. FELTNER: It's behind the letter of intent.

JIM POWERS: Does that include the road going into the sheds, off the -- off the road off King Road?

MR. FELTNER: The road off King Road is paved, and we'll pave from there all of the way around the six buildings.

JAMES MARTIN: Your intention is to leave the heavy storage area as gravel, as I understand it?

MR. FELTNER: Yes.

JAMES MARTIN: I just want the Board to be sure. They're not going to pave where they're parking RVs and boats and things of that nature. I can understand that because of the heavy weight.

MR. FELTNER: They just sit there and it would create more hassle and swells and replace things, and this way with the stone, we can move it and compact it and just make sure it is a stable ground for them.

KAREN COX: Asphalt is expensive, too.

MR. FELTNER: Yes, it is.

JAMES MARTIN: I am just running down the comments from the Building Department.

Chris (Karelus), I believe they're basically in compliance now with all of the previous requirements we have imposed on them; is that correct?

CHRIS KARELUS: Yes.

DARIO MARCHIONI: Good luck.

MR. FELTNER: Thank you.

JAMES MARTIN: Hang on. We haven't voted.

MR. FELTNER: I got one. I thought that was enough.

(Laughter.)

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 members were all in favor of the motion.

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

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

James Martin reviewed the proposed conditions.

The Board decided to proceed with a five-year time period for renewal.

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

1. Approved for a period of five years.
2. Applicant shall comply with all previous conditions.

JAMES MARTIN: I need to announce that we will be moving from this room into a attorney/client privilege session at this time, not an Executive Session.

The meeting ended at 8 p.m.