

CHILI PLANNING BOARD
September 20, 2005

A meeting of the Chili Planning Board was held on September 20, 2005 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 Jim Martin.

PRESENT: John Hellaby, Dario Marchioni, Karen Cox, John Nowicki, Ray Bleier, Dennis Schulmerich and Chairperson Jim Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; David Lindsay, Town Engineer; Richard Schickler, Conservation Board representative.

Chairperson Jim 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: Chairperson's prerogative to adjust the agenda. Tonight we had an informal item of Randall Johnson. Mr. Johnson asked that we table this until the October meeting for reasons that I don't have all of the details on. But at this point, I would like to have a motion that we table this application.

JOHN NOWICKI: So moved.

JAMES MARTIN: Second?

DENNIS SCHULMERICH: Seconded.

The Board was unanimously in favor of the motion to table.

JAMES MARTIN: If anybody was here to hear that application, you can leave unless you want to stay to listen to the rest of them.

PUBLIC HEARINGS:

1. Application of Robert Avery & Robert Fitzgerald, owners; 3225 Chili Avenue, Rochester, New York 14624 for recommendation to rezone 5.5 acres from R-1-20 (residential) and FPO to R.B. (Restricted Business) & FPO at property located at 275 Beaver Road.

Rob Fitzgerald, Robert Avery and Geoffrey Considine were present to represent the application.

MR. CONSIDINE: Good evening, Geoffrey Considine, Architectural Design Consultants representing Bob Avery and Rob Fitzgerald relative to the property on the Beaver Road Extension, Archer Road parcel.

It is a good thing we didn't ask for a casino last time because we had a rather spirited discussion, didn't we, last meeting? The recommendations of the Board or the thoughts of the Board relative to the rezoning from Neighborhood Business to Restricted Business certainly makes a lot more sense. The concept that Mr. Avery and Mr. Fitzgerald have are that they're interested in providing an office space for themselves in this area and relocating from the present location on Chili Avenue. Long time residents of Chili. Business owners in Chili. Committed to the Town.

It makes sense as well if we do a Restricted Business in this area because it is consistent with the development that is going on in that area. We have a large resubdivision across the street on the east side of Archer Road. The development is to that south and southwest side of Town. So in the zoning ordinance relative to the zoning and Restricted Business, Mr. Avery and Mr. Fitzgerald's business certainly fits within that context. The alternative course is to stay with the residential, in which case technically they're allowed to not only put up duplexes, but there is a

plethora of things that are also allowed within the code. Hospitals, hospice care, those kinds of things. I think in your deliberations, you will see in the best interest of the Town, that certainly is a viable concept for that particular area.

Now, we have, as you can see on the board there -- we have the initial concept of how that particular parcel may be developed with Mr. Avery's building and Mr. Fitzgerald's building on the west side of the parcel. The look of the -- that may be included within that particular area would be office-type complexes, with hipped roofs, some glazing to the south exposure because of the natural look of the southeast, and also the -- some passive solar recreation potentially. This is a concept plan, not in concrete by any means.

It restricts the development of that particular parcel so it would be consistent with the -- again, I say the development that normally would incur from that area, in terms of attorneys, doctors, professional land surveyors, engineering, that kind of thing. That is allowed in that Restricted Business area.

There are a few things that, of course, we have to discuss after the fact, as it were, once we get into preliminary and finals. That would be traffic flow, egress, ingress into the property, that kind of thing. I won't bore the Board with that kind of detail at this juncture other than to say we have done some sight distance calculations relative to -- I know we had a relative expert last time that testified about the sight distance if there was a left-hand turn eastbound, turning north into the property, if indeed we access the parcel from the south side on Beaver Road, west of Archer. So those kind of elements are certainly up for discussion. But the overriding consideration for this evening's discussion would be that this zoning change, which would be going to Restricted Business, I think would fit within the spirit and the -- if not the letter of what the Town is looking for in that particular area.

So at this juncture, I would be more than willing to entertain any questions the Board would have, and certainly I'm supported by both Mr. Avery and Mr. Fitzgerald, who are here this evening.

JAMES MARTIN: At this point, I would like to request that not only from the Board and side table public hearing perspective, we're dealing with a recommendation for rezoning. I don't want to get into a lot of issues with the site plan as a part of this discussion. If this were to go forward, the Town Board would eventually approve this rezoning request, and then certainly we would have adequate time for questions, issues on the public hearing and site plan. So please keep that in mind as we move forward at this point.

The second thing is, when we had this before us in July, there was a spirited discussion, and there is no question about that. There was -- the response that I wrote in regard to the discussion that was held that night was that, you know, there was a plan moving ahead to take a look at the Chili, Archer, Beaver, Paul Road quadrant, so to speak, to see what makes the most sense from a longer term perspective, and we felt quite strongly until that study was completed, that it was difficult for us to, you know, move ahead with any kind of recommendation for a rezoning, and I think that that still stands as far as, you know, this particular Board goes. We certainly would love to have that in hand, you know, as part of the discussion that we're about to have. But we do not have it at this point. And there are plans being made at this time to move ahead with that type of activity, but when that will actually, you know, commence and terminate, I don't know. I don't have an answer to that, whether it's six months, two months, I don't know the answer. Okay?

So with that, I'm going to go to the Board for questions and issues.

MR. CONSIDINE: May I just interrupt, Mr. Chairman, for one second now. In your deliberations in terms of the overall perspective here, certainly we understand there is a dynamic with respect to looking at the overall value for the Town in terms of development. We understand that. Mr. Avery and Mr. Fitzgerald have had some side bar, if you will, discussions with the Town relative to the use of that particular area. As you know, it is Light Industrial as we speak right now.

However, you can't constrain potentially -- I should rephrase that. It is difficult to constrain development for somebody who has purchased a property with the good faith that the property could be utilized in a manner that is going to continue to perpetuate their economic viability, if you will, and so I guess my point is, that we can't live in perpetuity with respect to a potential development review that could take several years. So I mean as long as we are all -- we all can agree that there is a -- there is some limitation as to how we can proceed on this, that allows my clients to proceed in a manner of good faith along with the Town, in concert that makes some sense

so that they can pursue development and not sit on vacant land forever, bottom line.

JAMES MARTIN: Okay. Understood.

RAY BLEIER: Well, I'm glad that you did take into consideration some of the comments the Board made about a preferred rezoning to RB rather than NB. That will result in a less intense usage of this parcel.

I am also grateful for the fact that you have depicted what a typical development on this parcel might be. Very often we would ask that same type of question on a rezoning. What are your intentions, what are you going to do with the property, et cetera.

Now, I understand that the initial building proposed is going to be the office facility.

I would just like to ask, what time frame do you have for any future development of buildings, and do you have tenants in mind already coming downstream?

MR. CONSIDINE: First of all, I would like to just say my clients look at this as kind of a gate way. Because as you proceed west on Ballantyne Road and Beaver Road, this is really kind of a little small gateway, especially considering the golf course and the development on the east side of their parcel. Therefore, they're looking to develop this parcel in a way that the buildings, the landscaping, the egress would be consistent with what any Town would want -- and I do these kind of Planning Board issues all over the County. We all understand how an appearance is critical to how something looks overall.

I can assure you that Mr. Avery and Mr. Fitzgerald are committed to develop this parcel in such a way that it would be enhancing to the basically north on Archer Road, and west on Beaver Road. So let me just assure you, sir, that when you talk about development, what will it look like, that kind of thing, there are constraints, percentage of lot coverage, all of the elements that impinge on this, and it is not like they will try to put a thousand units in a billiard pocket, let's put it that way.

RAY BLEIER: You're not answering my question. You're dealing in a lot of generalities. I'm asking specific questions. I would appreciate it if you would --

MR. CONSIDINE: I certainly would. I am sorry if I missed the point.

MR. FITZGERALD: If I could try to tackle that one, Ray (Bleier). I just want to mention we did have a meeting at the fire hall with the neighbors to go over a lot of this, as well, as far as our time frame, what we're looking at for a building, possible future build-out. That is the question. What is our time frame for future build-out.

At this point we have Avery Engineering as a client for the building, and that's it for us.

The building that is shown in brown we would like to bring in someone else, maybe an attorney or a smaller-- someone that needs a maximum 1200 square feet so they could run their business out of there, so they could help pay our taxes, to be frank.

As far as other buildings, we don't have plans at this time. Our biggest thing is the overall view. You know, this is a big investment, of course, and -- personally an emotional one for Bob (Avery) and I. But our biggest thing is our building and our investment and if we were to expand or possibly build another building, it is hard to say. The monies would have to be there. We would love to start construction of our building as far as -- as soon as the spring, if, you know, all of the monies are in place. But beyond that, we don't have any other tenants or anything else lined up besides getting us a new home that is handicapped accessible and a place to store our files because we're kind of tight right now.

RAY BLEIER: That is fine. Just want to add one more thing, and that is I would appreciate on your architecture design to have something a little more consistent with the residential nature of the area there.

MR. CONSIDINE: Well, we have tried to incorporate a hip roof. We have tried to incorporate a residential look. Again, this is all strictly preliminary.

RAY BLEIER: I know it is site plan related, but you just might want to keep that in mind as you go ahead, assuming you get the okay.

MR. FITZGERALD: That would be our intention, the look and the feel we were looking at as well having.

KAREN COX: Rob (Fitzgerald) answered the first question that I had with respect to their plans for the immediate development.

You said you met with the neighbors, and would you like to tell us how that meeting came out, what the results were?

MR. FITZGERALD: What were the results? Well, obviously we just invited the people in this vicinity, the north side of Beaver Road Extension and then up Archer Road, either side of the

road. I believe there were 17 houses we wrote letters to. I think the meeting went pretty well. Obviously the neighbors have concerns of what the structure is going to look like, and I think, too -- I don't want to speak for them, and some of the neighbors are here, and I think they can speak for themselves, as well. I don't think they're as concerned with our building. They understand what we're looking to do, but they do fear the possibilities. Hopefully with going to Restricted Business they won't have to worry about convenience stores or high traffic volume, it would be the same. We're just looking in the future, but if there were other buildings, they would have to be professional buildings. I think they like that much better.

KAREN COX: You brought up the change in the zoning to Restricted Business.

MR. FITZGERALD: Yes.

KAREN COX: They were more positive about that?

MR. FITZGERALD: I would say they were more positive, yes. Less traffic. Traffic was a big issue.

KAREN COX: Certainly, okay.

MR. FITZGERALD: To mention that, too, one large concern, as well, is to have this -- to not have this -- Glenn Schneider and Dorothy Sale's (phonetic) home, it is a really nice home, and they're concerned with the access. At this point, we wouldn't want that. We want our access off Beaver Road, but we're getting more to the site planning issues. But we don't have an objective getting rid of that, by any means.

MR. CONSIDINE: Karen (Cox), if I could interject very quickly, I think there was a certain edification from Rob (Fitzgerald) and Bob (Avery) when they met these neighbors with respect to the code. I think there was some misunderstandings, if you will, relative to what was allowed in this particular area versus what was proposed in this particular area. As I indicated before to Mr. Martin, you know, it is certainly the -- Restricted Business is a lot more restrictive than the current zoning. And I think that -- I think the neighbors got a sense of what they're trying to do, and I think they alleviated some of their fears and concerns relative to the last spirited discussion that we had here a couple of months ago.

DENNIS SCHULMERICH: Could you clarify that last comment that Restricted Business is much more restrictive than the current zoning?

MR. CONSIDINE: I guess I -- maybe I should qualify that, Dennis (Schulmerich). When I say that, if you look at the current zoning, there are a lot of things that can be done in the current zoning, and Dan (Kress), correct me if I am wrong, here, that is much more restrictive than Restricted Business. The current zoning allows for hospitals, the convalescent care.

DENNIS SCHULMERICH: R-1-20?

MR. CONSIDINE: Yes.

MR. AVERY: Rob (Fitzgerald) looked at this. We brought it up with our meetings with the neighbors.

MR. FITZGERALD: Outright permitted use. Single-family homes are outright permitted. Other uses in the zone that would require conditional use permit are churches, hospital.

DENNIS SCHULMERICH: Permitted versus conditional use might be something that needs to be stated.

KAREN COX: Certainly a possibility.

MR. CONSIDINE: Certainly a possibility. Thank you for correcting my English, Karen (Cox).

DENNIS SCHULMERICH: I understand you now.

JOHN HELLABY: All my questions would be somewhat site-plan related so I will refrain from dragging that out. I do, however, like the idea of this zone over what was proposed last time. However, the Planning Board did make a finding, as Mr. Martin has stated, and I do take a little bit of an exception to the statement as far as the delay inasmuch as the land was purchased. It was purchased as residential and had we proceeded with the residential zoning, there would be no delay. So it is sort of self-inflicted here. But I'm not saying I'm -- I'm sure they will do an outstanding job, but I think the Planning Board has made a recommendation already and we're going to have to stand by it.

JOHN NOWICKI: I want to start first by complementing you gentlemen for listening to the Board and going in this direction. I feel that Restricted Business protects this Town and the neighbors and gives us a solid foundation in that area to be really creative. That creativity would come from the type of architecture we see down the road, the landscaping. I think from what I am hearing tonight, the cooperation will be there, and that I think that goal is going to be achieved.

I'm happy also to see in the paper in the last week a headline indicating that the study is moving forward. Because, as Mr. Hellaby mentioned, and a few other Board members here, that we put a condition on the last time you were here to not move forward until that study is complete, to be honest with you.

My personal views are this. I'm happy to see it. I have no problem moving ahead with Restricted Business because I think what we'll see as you come back in for preliminary and final are drawings and site drawings that are going to be rather handsome, and I feel very comfortable with that. So now it is a question of moving this on somehow to a Town Board position, and working with this, updating this comprehensive plan for this area.

That is the only key that we have to figure out. But other than that, congratulations, and thanks for taking the voice of the Planning Board and working with them.

MR. CONSIDINE: Well, I would have to comment again, Mr. Nowicki, that Bob Avery has been a lifelong resident of Chili. My business is in Chili, for crying out loud. I don't think he would do anything esoteric to diminish what the Town -- what he would like to see in his own Town.

JOHN NOWICKI: I'll be honest. The first time you guys said you met with the neighbors, that is one of the first things I like to hear. When I was in the development business, that is one of the things we did years ago, to meet with the neighbors first before you meet with the Town to say if they like us, hate us. I appreciate that. Nice job.

JAMES MARTIN: A comment regarding the letter that I wrote, the findings the last time you were before the Board, they were a recommendation and you used the word "condition." It really was not a condition. There was no approval, nothing.

MR. CONSIDINE: I think we all understand that.

JAMES MARTIN: I just wanted to clarify that issue.

JOHN NOWICKI: But that is all I have to say. Good luck to you.

DENNIS SCHULMERICH: I also would like to express thanks for considering the input from the last meeting. You have referenced "spirited discussion" a few times. Um, I might suggest that that spirited discussion was prompted by the fact that you came in with a Neighborhood Business request that would then require a conditional use application and it just made no sense to us, made no sense to me, and ultimately the rest of the Board made their own decisions, as well. So I appreciate the fact you have gone back and assessed that.

I do think that the intention of the code is to provide Restricted Business as a buffer between Residential and Light Industrial, which is exactly the situation we're in. The homes on the north side happen to be Light Industrial and the property around it is R-1-20.

I do see the RB zoning making a lot of sense as a transition zoning, and I do understand the desire we have for a more thorough assessment of the master plan. However, this land is landlocked and will always be landlocked. I don't see that ever changing. I think the RB zoning is very appropriate for what you're trying to do here. So, you know, unlike the last time we met, this makes a lot more sense to me.

MR. CONSIDINE: I would also like to make a comment as we're speaking with this general concept. The location of this particular parcel and the restrictions imposed upon this parcel with respect to actual development -- I don't know if that was brought up at the Town Board meeting or not -- there is very little land area. I shouldn't say "land area." There is a restricted land area that is available for development because of the drainage and the building lines. So as far as the actual neighbors are concerned, you know, this can't be a Southview Commons, if you will, analogous to that in Henrietta.

So the owners of the particular parcel are constrained by, as you can see, how far east their building is by virtue of the restricted building line, over in this area (indicating).

So there is a very limited area within this dashed line that actual building and construction can occur.

So the point I'm making is that, you know, with the proper landscaping and the proper look of this parcel, it is a nice segway into a gate way into that particular corridor, and that is why that Restricted Business again -- we all concur, seems to make the most sense for the Town. Thank you, Dennis (Schulmerich).

DENNIS SCHULMERICH: The only other comment I would like to make is for anyone in the audience that may be looking at that map, I am not being influenced one way or another by where ingress and egress is. This is strictly a rezoning discussion. Preliminary and final site plan discussion comes later. So if anyone has objections to where the buildings or roads are, it is not

influencing me or probably anyone else up here.

MR. CONSIDINE: This is strictly a straw man that we built, burned down. There are a lot of hurdles we have to jump over prior to any definitive decision on ingress and egress out of the parcel.

DARIO MARCHIONI: I have no problem with the RB, Restricted Business. The only problem that I have is that -- to vote on this, I'd sure like to have some basis, some finding of facts so that I could make that decision. That is one of the -- an overall study of that area, to make that basis.

MR. CONSIDINE: When you speak of finding of facts, what context are you speaking, sir?

DARIO MARCHIONI: We should really study that whole area so we're making the proper decision.

MR. CONSIDINE: I understand. Like I say, this is a unique parcel within the Town of Chili. There is no question about it. This is kind of your entryway.

DARIO MARCHIONI: I would like to see a building from here.

MR. CONSIDINE: You can't go any further south than here (indicating).

DARIO MARCHIONI: I have to have the basis for making that decision.

MR. CONSIDINE: I think -- if I can address that directly, sir, I think my clients are kind of caught between a rock and a hard place, to a degree. They have the property. They want to proceed on perpetuating their businesses in terms of building and moving. They want to amortize their investment relative to buying a piece of property that they think is well worth the price.

On the other hand, it's difficult to be constrained by the looking at the overall picture and having to, as I indicated before, having to wait and -- and X amount of time until studies are made, decisions are made, that kind of thing, and I guess I would say -- I was going to mention this to Mr. Martin, is that my request might be, on behalf of Bob (Avery) and Rob (Fitzgerald), would be that perhaps a recommendation, however you could couch it in terms of how you actually work with the Town Board, that, you know, maybe this thing could move forward to expedite potentially a look at this particular parcel in terms of positively looking at it in RB as opposed to Neighborhood Business or keeping it in existing zoning, in which case they're well within their rights -- and this is nothing other than just a comment, they're well within their rights within the existing zoning -- they could turn around and sell the property to a developer, and do something within the constraints of what the zoning allows right now without ever coming back here.

But their desire is to develop this parcel in a way that not only benefits their own business, and in that context, allows them to control the rest of the development in there, because they don't want to be in an area that is not consistent with their own goals and desires and values as far as the Chili residents and business owners, and I guess that is really kind of bottom line where my clients are.

DENNIS SCHULMERICH: Comment I would have, and I mean this politely.

MR. CONSIDINE: Oh, please.

DENNIS SCHULMERICH: You have mentioned a couple times about hardship that your client would be subjected to as owners of record. I might suggest to you that they were not the owners of record at the last hearing where we had this issue.

MR. CONSIDINE: I understand.

DENNIS SCHULMERICH: They have a self-created hardship here. If you choose to bring the word "hardship" up, it is self-created.

MR. CONSIDINE: We all have to balance our budget, Dennis (Schulmerich). When I say hardship, it is not a hardship --

DENNIS SCHULMERICH: You're making it sound like a plight on to the Planning Board, if we don't give you what you want, we're creating a hardship for the owner, and that doesn't resonate well with me.

MR. CONSIDINE: Please don't misinterpret that. I'm not saying it is a hardship in that way. If you buy a car, you want to drive it tomorrow, not sit in the transmission shop for six months.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I agree very strongly with what I am hearing from some members of the Board, that this is no time to be making change here when we have a study in process, working -- it is not coming down the line. It is now. It is happening. This is -- this would be a very poor time

to jump the gun just because these people are in a hurry. I understand that they want to move, but that is the way business goes. It is the way life is. You don't always get what you want. Sometimes you have to go with the flow. The flow right now is toward doing a complete study of that area and seeing where the Town needs to be. So I don't see where the situation has changed, excuse me, from July when you said you had insufficient information to proceed. Nothing has changed.

I would like to bring up something that may be an administrative question. But I see tonight's public hearing advertised as this property being 275 Beaver Road. And the public hearing notice -- actually informal hearing notice from July 12th says the -- I'm sorry, it is a public hearing. From July 12th, says it is at 275 Archer Road. So we have a different road here on the two months. So what is the proper address there?

JAMES MARTIN: Would you care to comment on that Rob (Fitzgerald) or Dan (Kress)? I didn't pick that up, that we changed roads.

MR. AVERY: I believe there are three numbers because it has three road frontages.

MS. BORGUS: The number is the same, just a different road.

DANIEL KRESS: The correct address is 275 Archer.

MR. AVERY: I had 275 Archer on the application because that is what I had the first time.

KAREN COX: Somehow it got translated as 275 Beaver.

JAMES MARTIN: Somehow in the translation from the application to what was put in the agenda. The application is correct, 275 Archer Road.

MS. BORGUS: Well, I think that the Board is on the right track in their -- in holding this off until we have a little more information to go on and we know what the Town's plan is for the entire area. Thank you.

BARBARA IRELAND, 268 Archer Road

MS. IRELAND: Barbara Ireland, and I live at 268 Archer Road. I have prepared a brief statement because I don't think very well on my feet.

I want to express my thanks and appreciation for the work of the Planning and Zoning Board. I appreciate the many hours of thoughtful considerations you have given. The accusations, criticisms you put up with. I'm well aware of your problems of drainage and traffic and costs. I, of course, would like Chili to stay the same. I am thankful I have been able to have lived where I have lived, this close to the city, for over 50 years and still have a feeling of the country.

I have faith in and respect for your efforts to accommodate the inevitable growth with maintaining the beauty and the rural feeling of our town. Thank you.

JAMES MARTIN: Thank you for your comments.

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: I was one of the neighbors that attended the meeting last week, and we were appreciative of the fact that we had a chance to really discuss it and get a feel for it ahead of time.

And I understand that down the road we're going to be talking about planning. We were concerned primarily with the fact that that piece of property could actually be sold and someone who perhaps was not a resident of Chili could do something with a little chunk of that land. We are -- we are glad it is going to be Restricted Business. That certainly helps a great deal. But as you know, a lot of us have stood up and talked about other development that is going on in that area and traffic is a very big concern.

And we don't know where that is going, and we would hope -- I'm beginning to feel and hear a sense from the Planning Board that you are there to protect us as neighbors and to protect the town from future development that is not healthy for us. And so I would be concerned that we jump into this and have whatever buildings going on -- if that ended up being a doctor's building there with a lot of people coming and going and having it be out onto Beaver Extension, which is really a tiny road-- no one at our meeting last week is aware of any kind of study, traffic study that has been done except that one was done apparently on Beaver Road in 2003, which was two long years ago. A lot has happened in two years. I guess it has to deal with whether it is a County road or Town road or whoever and whoever is going to do the study, but we need an unbiased study of that whole area because it could become just overwhelming. We all know about the railroad tracks and the intersection down there and the Ballantyne corridor that is coming along. So I think it is very wise from what I hear from the Planning Board that you're concerned about the results

and having some factual information about making a decision into what goes in there. So thank you very much for your support.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I would like to ask a couple of questions. The 5.5 acres, what part, what proportion of that is the entire Beaver Road Extension, Beaver Road, Archer Road area? Is that -- is the purchase of that whole?

JAMES MARTIN: You're talking about the triangle that exists on those three roads? I think it is 5.5 acres.

MR. AVERY: Land area is 5.5.

MR. CONSIDINE: That is the whole area between the roads.

MR. BRIXNER: Thank you. I appreciate that information. What do I see on the map? I see three different shadings, and I see five areas.

JAMES MARTIN: Let's not get too involved in site plan issues. You know, we're talking about rezoning. I think this is just purely a sketch to give some idea what might happen in the future, Mr. Brixner. I don't think it is anything as a definite plan at this point in time. Is that fair?

MR. FITZGERALD: That's fair.

JAMES MARTIN: So basically it is not a site plan review. It is recommendation for rezoning. Okay?

MR. BRIXNER: Thank you.

JAMES MARTIN: All right.

MR. CONSIDINE: Mr. Martin, can I just make a comment about the traffic for one second and then finish up?

JAMES MARTIN: That is fine. You can answer that.

MR. CONSIDINE: Relative to traffic, obviously when the Neighborhood Business was postulated back in July -- again, our spirited discussion, obviously much more traffic flow.

With Restricted Business, you have much less traffic flow, obviously. In the current condition that the zoning -- let's assume we weren't going to ask for the zoning change, that there potentially could be a lot more traffic generated by the existing zoning now, as opposed to a Restricted Business. So I just wanted to alleviate that and also remind both the citizens of Chili and the Board this is -- like Mr. Martin said, this is strictly a concept plan, a straw man as to where the ingress/egress out of the parcel is, how much development -- Dan Kress, the Town -- there are limitations based on the actual building area.

I think the traffic situation will certainly be addressed down the road, ad nauseam.

Jim Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: Not knowing when the study is going to commence and be completed, it would seem to me we should at least entertain some thoughts of recommending to the Town Board that there be some acceleration of the overall study so we don't hold up progress on this particular site for an extended period of time, which I don't think is fair to the applicant, assuming we move ahead with a recommendation to the Town Board to rezone it to Restricted Business. So I will open up for discussion at this point on the part of the Board and see where we go.

JOHN HELLABY: My take on the whole thing would be, you know, again, I do agree this Restricted Business is a better -- any evil out there. However, we did make a recommendation in July, and I would like to see the Planning Board stick by that recommendation and quite possibly, as you stated, just inform the Town Board the necessity to accelerate this process. I can't see this process taking a year or two years, but I think it is a process that we need to undertake. We need to undertake that to keep the faith of these people in this community. We can't come up here one month and give these people a recommendation as to our thoughts on something, and then turn around two months later and change it. I -- you know, because next month it could be another application in that corridor. That corridor is getting a lot of stuff going on.

There is rumor in the pipe mill right now that there is other stuff going on up there, and I would like to see it all put down and actually have a plan in place. So I think we should stick by

this letter and just inform the Town Board they need to accelerate the process in that whole general area. That is my thoughts.

RAY BLEIER: I have a slightly different concept myself. I am reading in the paper such things as tying all this into a comprehensive plan update. And for all of us that have been on these updates for many years now, they do not happen overnight, and I know the last update took well over a year, not two years, recommendations went to the Town Board. The Town Board accepted, you know, the master plan update in principle, but again, there are many things that were recommended in the master plan update that never got addressed and are still outstanding. So --

JOHN NOWICKI: One of them was the Chili Center Corridor Study, which was in that plan.

RAY BLEIER: Also -- well, I feel that yes, in July we did make a recommendation to the Town Board, but again, you have to remember, this is just a recommendation. It is not a set of conditions saying we're not going to do this until something is done at the Town Board level. So I feel that, in all fairness to the applicants, that we should proceed and make a recommendation to the Town Board for rezoning.

Now we're not going to rezone tonight. No matter which way we vote, it is still up to the applicant. He could proceed to the Town Board regardless of our decision with a rezoning application. But I don't think I would like to see the thing just sit here in limbo. I think a definite vote should be taken tonight whether it is a positive or negative vote.

JOHN NOWICKI: I would like to add a couple things to that. I think the intent here tonight was to tell the applicants of the positive nature of their move to Restricted Business. I think the Board feels comfortable with that, and I think we feel comfortable with the applicants themselves that they're town residents, that they can perform for us.

I think it is a question of wording, and I think the move by the elected officials to move ahead on the study itself, if we could define that to the core, because the core shouldn't take that long to get moving. There are traffic studies that have already been done along Chili Avenue and Beaver Road. We just received notice that Calvary of God is going to break ground, which is part of that area. We know there are other activities on Beaver Road, Archer Road, all kind of things are happening here.

So it is important that we move on this core study rather quickly. The comprehensive plan part, which takes longer, could be at the end of it. We don't have to get into the whole Town concept off the bat. We have to have this core thing done first.

I have no problem holding -- how do I want to put this? It is going to take them a few months to get everything together. They will have to go prelim, final. They have to have the Town Board move ahead to get this study -- there has got to be some way we can work together without causing too many problems for the Town and the applicant because we're all basically Town people here, we're all taxpayers here.

JAMES MARTIN: I don't disagree with anything you have said. I see it the same way. I think that the quadrant study or whatever you want to call it is something that can move ahead on an accelerated pace because this is a microcosm of the Town, and the master plan update is something that will move along in a little more methodical pace because there is much more detail to look at if you look at the entire town. I don't disagree with what you're saying at all, John (Nowicki). I support that position 100 percent. And -- you know, we certainly would emphasize in any finding that we make tonight to the Town Board that that portion of the study be placed, you know, on a high priority basis and be started, you know, as soon as possible and completed as soon as possible so it is not only fair to us, the Planning Board, you know, when we have to deal with site plan issues on the whole area over there, but also it is fair to the applicant from the standpoint that they're not held up unduly in completing what I think is a very good thing for the Town of Chili.

JOHN NOWICKI: Can I ask legal counsel a question?

JAMES MARTIN: Go ahead.

JOHN NOWICKI: Keith (O'Toole), in structuring the wording of something like this, is there a possibility that each Board member could make his own comment on personal feelings -- rather than a vote, I would almost like to see some kind of a modified tabling. If that is conceivable that we could send it to the Town Board and say here is where we're at. We want to work with the Town Board and the applicant to get this moving in the right direction. We all feel comfortable, but we want it timed with the core study. Is this something we could do to indicate not only to the applicant, but also to our Town constituents that we are going to move in this

direction, positively.

KEITH O'TOOLE: The Board acts as a body. There is only one vote, and it comes from the Planning Board. There is nothing that holds you back individually from submitting your own comments to the Town Board should you feel those are appropriate. You can tack those on to the back. But it is only one vote with one recommendation, and that recommendation can contain references to the studies that you think are important, or certain aspects of the study which are believed need to be dealt with at this point.

JOHN NOWICKI: We can condition the vote to a core study only, to implement--

KEITH O'TOOLE: There are no conditions. This is a recommendation.

JAMES MARTIN: But the recommendation could be to the Town Board that the Archer, Beaver, Chili, Paul area study, as I said, be started as soon as possible and be completed as soon as possible and that we would move ahead with a recommendation to the Town Board and Restricted Business is probably an appropriate zoning for this particular parcel, but that we still feel from a site planning perspective our hands will be tied somewhat due to the fact we don't have all of the information we would like with regard to the site plan. Is that a fair summary, Keith (O'Toole), of what we could say?

KEITH O'TOOLE: I don't think you get into the site plan issues at all. But everything else I would agree with, yes.

JOHN NOWICKI: How are we going to do this?

KAREN COX: What is the vehicle?

JOHN NOWICKI: Without actually voting on it.

JAMES MARTIN: We'll have to vote.

KAREN COX: You have to vote, but Keith (O'Toole) said you could reference in -- correct me if I am wrong, Keith (O'Toole), reference in our letter the statement that Jim (Martin) just made or something similar to that. That we're voting -- here is our vote, but we also want the Town Board to be aware of why we made that vote or the thought process behind it -- that vote.

KEITH O'TOOLE: Your findings in essence, that was correct.

JOHN NOWICKI: You can do that with the findings behind the vote?

JAMES MARTIN: They -- yes. I will do those as findings.

JOHN NOWICKI: Based on the minutes and the people you have heard here, I think it would have to be finding of facts that are strong and purposeful and directed to the Town Board to say get going, and don't waste any time on this thing. It has to go.

JAMES MARTIN: Certainly, Keith (O'Toole), I can reference the July 13th letter, the findings that we made at that time, that we felt very strongly that we needed that input. And we still need that input, but we're going to go ahead and make a recommendation on the zoning tonight, and ask that the Town Board accelerate the study.

KEITH O'TOOLE: That was correct.

JAMES MARTIN: Okay.

JAMES MARTIN: Everybody kind of clear where we're headed?

DENNIS SCHULMERICH: I am, but I think I see this more along the view of Ray (Bleier).

I see it -- I see a parallel issue. I see multiple things happening at once. The two topics I hear us talking about tonight, take the master plan out for a second. Can't disassociate them completely, but for purposes of what we're talking about now, take the master plan update out of it. And think of that triangle of property and the application we have before us for rezoning, does it make sense for that triangle of property to be RB or NB or GB or R-1-20 or Light Industrial. If there is a recommendation from the Planning Board, what makes the most sense based on everything we have heard.

My personal opinion is, and it was the last time we were here, RB makes the most sense. It is an excellent buffer for a lousy piece of land in terms of putting a neighborhood there. I don't mean lousy from a perspective of development. I mean lousy from the perspective you wouldn't put -- you want to talk about drivers coming out on Archer and Beaver Road, that's a lousy situation. If you take that triangle of land, what is the best use for it? No doubt in my mind it is RB. That is what I think we're voting on tonight.

I also think even when this master plan is done, I don't care what it says, I will still think RB is the right zoning. Then based on the outcome of the master plan, what did you allow there, to be built there aligned with RB. What does the preliminary and final site plan look like. Then you build what is aligned with the recommendation and you wait for that recommendation to come out before you do anything.

I have no problem rezoning this to RB. I think the property deserves RB. I would also tell you if we had the request for zoning and site plan in front of us that had preliminary and final, there is no way I would approve the site plan. But I do think the land deserves to be rezoned.

KAREN COX: I would agree with that.

JOHN NOWICKI: I have no problem with that.

DENNIS SCHULMERICH: Please, for purposes of the minutes, it is not a lousy piece of land. It is a lousy site for a neighborhood to be built on. If I offended you, I apologize.

MR. FITZGERALD: No, I know what you meant.

MR. CONSIDINE: Unique. Maybe that is the word.

DENNIS SCHULMERICH: Unique.

JOHN NOWICKI: We have done good on this one.

JAMES MARTIN: I certainly will take into account all of the comments that have been forthcoming from the Board and discussion, and findings and recommendation that goes forward to the Town Board on this particular application. So at this point in time, I think we're ready for a vote basically to recommend that the zoning on this particular parcel of property be changed from its current zoning of R-1-20 to RB.

DECISION: By a vote of 6 yes to 1 no (John Hellaby), the Board makes a positive recommendation to rezone this property as requested. It should be noted that this property lies within the boundaries of the Beaver Road, Archer Road, Paul Road and Chili Avenue quadrant. This quadrant has been the subject of a request by this Board for a comprehensive study of the area to determine the total impact of all the development projects currently proposed for this area. This would include such items as traffic, drainage and environmental impact on the subject area and surrounding areas of the Town of Chili.

The Planning Board makes a request of the Town Board that this study be commenced and completed as soon as possible. The Planning Board will be hearing other proposals related to development of this area and having this study complete is vital to the Planning Board's ability to make an informed decision on these matters.

The Town Board will be notified of this decision by copy of the decision letter. Applicant should be advised that they must now petition the Town Board, through the Town Clerk's Office to set a public hearing before the Town Board on this rezoning application.

2. Application of Gary Kissel, owner; 123 Wickens Road, Scottsville, New York 14546 and Erin Bardwell, owner; 125 Wickens Road, Scottsville, New York 14546 for resubdivision approval of three lots in the Wickens-Kissel Subdivision at properties located at 123, 125 & 127 Wickens Road in A.C. zone.

Robert Avery was present to represent the application.

JOHN NOWICKI: He looks familiar.

MR. AVERY: Bob Avery with Avery Engineering.

Here for resubdivision. Two lots owned by Mr. Kissel and his daughter on Wickens Road. I had actually subdivided these two lots which were at that time known as Lot 1 and 2, actually just last year, through the minor subdivision application process. We are back in front of the Board tonight for a simple explanation to indicate or to receive approval for a lot line adjustment prior to Mr. Kissel's sale of the overall ag piece which is on both sides of the Wickens Road. They wanted to straighten out basically his lot and his daughter's lot, and let me grab one of my famous highlighters so I can show you the conditions prior.

We basically last year -- well, this is Mr. Kissel's lot here (indicating). It has always been here (indicating). We just numbered it as a lot when we did our subdivision last year. And then he split out this five-acre parcel right here (indicating) and sold it to his daughter, this L-shaped thing. Okay? Five acres. What we're doing now is going to maintain five acres for Lot R-1, but instead of this wrap-around here (indicating), because it goes out and extends into the agricultural

land a little bit, we'll basically just shorten it, take a little more road frontage to contain the five acres, and then this little piece here (indicating) will just be conveyed over from the daughter to the father for Lot R-2.

The wells and septic systems are all located within the parcels. They meet the five-acre requirement on the larger lot. We have never met the five-acre requirement on the smaller lot because it was originally a deed lot.

KAREN COX: What shape is Mr. Kissel's new lot going to be then?

MR. AVERY: This here (indicating).

KAREN COX: What about the portion below that, between the yellow and the pink?

MR. AVERY: That will be sold off to the farmer who is buying the agricultural piece, with the rest of the farm on both sides of the road, as you can see from the property in set. This will straighten the back line out. Right now, it actually is farmed, you know, up to this line where I have it, so, you know, we kind of want to straighten that out for ease of farming for the gentleman who is buying it. So it is really a lot line alteration is what you're looking at.

We were required to come back in because it has been less than five years since we did the minor subdivision application.

DENNIS SCHULMERICH: So the land that is going to be conveyed to Mr. Kissel is land he is already farming?

MR. AVERY: He doesn't personally farm it.

DENNIS SCHULMERICH: But it is farmed? But it is farmed?

MR. AVERY: Right.

JAMES MARTIN: I was out there looking around. There are for sale signs all over the land out there.

MR. AVERY: He indicated to me he has a buyer for the whole ag piece, both sides of the road. That is why we wanted to get this done before the closing.

RAY BLEIER: He wasn't selling off either of these two lots then?

MR. AVERY: Not to my knowledge, unless he is moving south. I don't believe his daughter is.

JAMES MARTIN: So there is some indication based on the for sale signs, that, you know, something is going to happen out there.

MR. AVERY: He is selling the whole piece.

JAMES MARTIN: He is selling the farm, essentially, and maintaining these lots.

MR. AVERY: Yes, where he lives and where his daughter and son-in-law lives.

JAMES MARTIN: What is the total acreage of the whole farm?

MR. AVERY: I think I have it in the inset.

JAMES MARTIN: Can't remember off the top of my head.

MR. AVERY: 122.8.

RAY BLEIER: No, other than the comment from the Town Engineer, if there is any development, since it is not totally surveyed -- you're not allowed to do any modification of buildings or additions, et cetera, et cetera, which I'm sure they're aware of.

MR. AVERY: They didn't want to go through the expense of having me survey the 128 acres and -- so we have just labeled it remaining lands.

RAY BLEIER: I did notice some of those buildings are in pretty rough shape.

MR. AVERY: He is in the process of removing some. As you can see, we have shown that on the drawing there. And actually, the roof came in on one of the bigger long barns there. They're in the process of taking those down.

JAMES MARTIN: So you don't -- continued removal of the debris.

MR. AVERY: Yes, as far as I know. I don't know about any permitting that has been done relative to that. If there has, I'm not sure. Dan (Kress) may know.

JOHN NOWICKI: What are the comments from the DRC, Monroe County?

MR. AVERY: We did have some from the DRC indicating it is an agricultural use area, and that is certainly true, that the project occurs within 500 feet of agricultural production because it is currently farmed and there is a classified stream that runs across the farm, and that basically drains off this north portion right here (indicating) and actually kind of heads in a southwest direction, this stream, but it is not on either of these parcels.

KAREN COX: Nothing was getting built.

MR. AVERY: It wasn't reviewed by the Health Department or the Environmental Management Council.

JOHN NOWICKI: As long as it is in the record that we brought it to your attention, and you're aware of these comments -- because there were some here that need to be paid attention to a little bit. Engineer's comments were taken care of. That is all taken care of there. Nothing else.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Jim Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

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

DECISION: Unanimously approved by a vote of 7 yes with no conditions.

Unanimously approved by a vote of 7 yes with no conditions.

There was a recess in the meeting.

4. Application of Jay Rund, 127 Railroad Street, Rochester, New York 14609, owner: Nina Ball and Donald Graczyk; for conditional use permit to erect 11 mini storage buildings at property located at 3497, 3501 and portion of 3457 Union Street in G.I. zone.

Jay Rund and Rob Fitzgerald were present to represent the application.

JAMES MARTIN: I am going to hear Application 4 first on conditional use. After we determine where we're going with that, we'll move on to 3.

It should be Light Industrial.

DANIEL KRESS: All our information is General Industrial.

KAREN COX: Oh, great.

JAMES MARTIN: I will confer with Mr. Kress for just a second.

It is General Industrial. Thank you for your patience. It is General Industrial.

MR. RUND: Good evening. My name is Jay Rund. I would like to point out the address shown for myself is my business address, 127 Railroad Street in downtown. I'm a long-time Chili resident of Autumn Wood. I have also brought representatives from my Avery Engineering firm, Rob Fitzgerald and my architect, Geoff Considine, on the project. I would like to thank the members of the Planning Board.

I own two self-storage facilities downtown, downtown Rochester, called Deep Discount Storage. Excuse me. I became interested in developing a storage facility in Chili last year after my second facility attained full occupancy downtown, which is effectively 100 percent. That is industry standard full occupancy with -- combined with the knowledge no available storage on this side of the Town of Chili, I attended several self-storage development workshops and combined with my eight years' experience in operating self-storage and additional ten years or so in real estate sales development, investing and networking aspects of real estate, I began to focus a substantial amount of time, energy and money to develop the perfect site for self-storage.

I now represent a group of investors with a total net worth in the tens of millions of dollars and found a proper location for a state of the art self-storage facility.

I have been to quite a few of the Planning Board hearings regarding not only my proposal, but other proposals for self-storage in the Town of Chili since May of this year, and it came to my attention at the last meeting, I believe it was in July, that the Board was kind of looking for some answers regarding demographics and how demographics solutions are arrived at in the storage business. So I'd like to take a moment, if I could, of the Board's time to walk the members through a very brief synopsis how we arrived at the demographics for our facility, and to that end, I would just like to briefly hand out something that you can walk through with me as I walk through my version of this to give you a quick synopsis of the demographics involved here.

JAMES MARTIN: It would have been convenient if we had gotten this in advance.

MR. RUND: It is so simple and we'll focus on a couple key points. The reason for the first few pages is the experts from the following pages came from two of the development seminars that I attended. The first one was in January of this year, in Orlando, Florida by Trachte Building Systems. The second one was a very comprehensive development seminar put on by Buzz Victor (phonetic) in Philadelphia in March of this year with some other very high ranking and knowledgeable people that have been in the self-storage business for years and years.

The next two pages that start with "approaching the market," very simply, on page 2, I wanted to show you that most of the customers for storage come within basically -- basically from within a three-mile radius of a particular site, as evidenced by this little handout here.

I also wanted to point out within three miles of the site there are five large apartment complexes, and a college and it's on a major cut-through route to Riga obviously from 490 to Buffalo Road and vice versa which generates a tremendous amount of traffic for this area. But given the fact that most of our customers come within three miles of the site's location, the next page shows you a demographic report using 3501 Union Street, specifically, which is our subject property here, and again, these numbers are from 2004, that within this radius, there are approximately 21,250 people that live within three miles in 2004, which obviously with the development happening in the Town, that is substantially more at this point.

The next page is from the developer's seminar in March that I attended and it shows the characteristics of a perfect site. As you can see, it is one that is located on a major arterial which this site complies with. I gave it a half point for being halfway between the city's densest multi-family residential and regional mall because it is definitely halfway between Chili's concentration of multi-family residential and Chili Center. I gave a half a point for being on a corner, which it will be on a corner once the balance of the 82 acres that is under contract is developed.

But there is no turn bay or signal light currently at the location, so I only gave it a half point for that.

It is slightly above street grade for enhanced visibility which this site is and already zoned for self-storage as a use by right. The reason that I came to that conclusion is because I examined the minutes of the November 13th, 1990 Planning Board allowing Scottsville Mini Storage to be built in a General Industrial zone, and of course, the Board's recent approval of a facility in a Light Industrial zone, confirms the use is allowed in a General Industrial zone based on Chili zoning code, and the particular proposal that we have put forth does comply with all zoning requirements.

We're not requesting any setback adjustments or anything that would require any Zoning Board approval.

The reason that I put the next page in is to simply show near the bottom of the page that in the northeast portion of the United States, and using very conservative numbers for all these demographic comparisons, a minimum of three square feet per person within any three-mile zone would be interested in storage. So multiplying the three-mile population of 21,250, by 3 feet per person, yields a formula of 63,750 square feet of storage needed. Since there are currently no other mini storage facilities or self-storage facilities within that three-mile radius, our proposal is for approximately 60,000 square feet. You will see on a further page that break even for most mini storage facilities is 60 percent of occupancy. Using the 80 percent formula for us, that indicates that 48,000 square feet of our 60,000-square-foot facility would be available as part of the 63,000 feet and taking into account a recent proposal that is also up before the Board tonight for approximately 30,000 square feet to be built on King Road, that site is 1.7 miles from 3501 Union Street. I know that they're proposing to build the other facility in two phases of approximately 15,000 feet each. Of course, being 1.7 miles away, they will get the benefit of 1.7 miles beyond this radius to fill up the other half of their 30,000 square foot facility. So taking that 80 percent of the 15,000 feet that would be competing with us, that shows that we're going to have about 60,000 square feet of available profitable mini storage available, which is still under the 63,750 square feet indicated by all of the demographic studies that I have proposed to you now.

And then finally the last page of this synopsis shows some of the economics involved with our particular site, and it shows that the break even occurs at 62.6 percent of occupancy which is pretty close to the industry standards.

As you can see, at 80 percent on the cash flow analysis at the bottom, 80 percent of occupancy, these facilities make a very reasonable return on investment, and anything over 80 percent of this industry is very, very excellent. So again, I'm using conservative numbers in coming up with the need for 63,000 square feet of storage. Again, I only bring this up because

having been an observer at the July meeting where two other mini storage facilities were proposed, the demographics did appear to be a concern of the Board. I want to show you we have seriously studied the demographics for this site and we can certainly co-exist with another facility.

And being at these other presentations, I did want to highlight the fact that by the development of this particular facility, we are offering the Town of Chili residents an alternative to some of the other storage facilities that are being proposed. This is going to be a 21st Century state-of-the-art facility. Some of the components of modern self-storage require tremendous visibility, high traffic count and fully staffed sales office selling storage-related ancillary products such as boxes, packing materials, blocks, push lights, et cetera.

Our facility will feature high tech lighting, including a mixture of area lighting and lighting systems specific to a particular area of units. In other words, when a customer comes into our gates, which will be key-card activated, a bank of lights will go on, lighting -- illuminating their particular section where their unit is so they will have ample light to operate after dark. The facility is certainly not going to be open 24 hours, but it certainly will be open in the wintertime when it is dark at 5 o'clock. They will be able to access the unit at 8 o'clock, and we would like to offer a high tech way for illuminating versus headlights.

Some of the other features of the facility, it will include and feature fully paved driveways and entrances at all areas around the building. It will have 8-foot security fence, video monitoring that will basically be the key to the development of the remaining 75 acres which are currently inaccessible. They're adjacent to this site, and are part of the entire project. We're here tonight to talk specifically about -- and answer all your questions regarding this mini storage and self-storage facility which we certainly would like to build in Chili.

At this point, I would be happy to entertain any questions, any architectural or technical/engineering questions can be answered by my associates behind me, as well. As you can see, we did bring in an artist rendering of the front building that will be facing Union Street that will replace the current Chili Automotive building which will be torn down, and this (indicating) is the office building, and it also includes the back end which would face Union Street of five self-storage units.

JAMES MARTIN: You don't have any artist rendering what the storage building would be? The elevations provided are pretty generic.

MR. RUND: Very standard throughout the industry. Trachte is a very well-known builder. They build probably hundreds of facilities around the country annually.

Do you have one of their catalogues with you?

Because the storage buildings themselves are fairly standard in the industry, and we'll be --

JAMES MARTIN: Basically kind of a prefab that they move to the site and erect?

MR. RUND: That's correct. They will all feature peaked roofs, rather than flat roofs.

JAMES MARTIN: Basically metal-clad buildings?

MR. RUND: Right.

JAMES MARTIN: Okay. I'm going to go to the Board at this point for discussion and questions and issues.

RAY BLEIER: I would like to read you the definition of a GI district here. "The purpose of this district is to provide for the establishment of heavier industrial uses essentially to the development of the balanced economic base in an industrial environment to regulate such industrial development so it will not be detrimental or hazardous to the surrounding community and the citizens thereof."

And they list a series of permitted uses. Obviously the storage buildings are not included in the permitted uses, and that is why you're in for a conditional use. I guess what I am trying to get to is, you know, you had this large parcel of property in a GI zone, and this first application that you're coming in for, this here is not a General Industrial permitted use. It is a conditional use. And this whole parcel is ideal for industrial development, and you are not coming in with an industrial development as one of your first projects for this parcel.

I'm still not convinced -- why should this Planning Board give you the okay for conditional use for this property? Yet I see all this information you have here, all of the seminar data and all that. Of course, we just got it tonight, and it's a little bit hard to digest at this point in time. Can you come out and give some specific reasons why we should give you a conditional use permit for this parcel at this time?

MR. RUND: Well, when I began my search, as a matter of fact, to tell you the truth, the first

site that I actually looked at was in an agricultural zone on Ballantyne Road which had a tendency to flood quite often, as well. And as I went in and worked with the Town Building Department, they strongly recommended that I seek another zone.

At that point, I looked at where the current single facility that I'm aware of in the Town of Chili, which is Scottsville Mini Storage on Scottsville Road, what zone that was built in. It is built in a General Industrial zone. I did file a Freedom of Information Act and got the minutes from that Board meeting and examined the whole process of the Planning Board. Zoning was never brought up as an issue at that meeting when the conditional use permit was issued. I also based it on the fact that the Board recently allowed it in Light Industrial. One of the first things in the zoning book, if I recall, is any Light Industrial use is also allowed in General Industrial.

I don't want to give anybody the impression that there may not be at some point -- and again, I don't want to really -- I really want to focus on the self-storage facility at this point, but the balance of the 74 acres that will remain after this facility is built will not necessarily contain industrial uses on the front. To me it makes more sense to possibly solicit potentially some retail uses for the front of that property, move more towards a professional office building in the center and then when you get to the back of the property, as I mentioned at our last meeting, I have had extensive contact with representatives from CSX that told me I can access the rail lines from two different points in the back western corner of the property. They have also indicated to me that their projections for the next few years indicate a lot of industries will come along that want to receive their materials by rail. The Town of Chili is actively soliciting rail in this town. I have heard a lot of talk about a development of a rail hub near the airport. CSX indicates that many of their customers that would access rail also want to be near an airport, interstate. This site also complies with all of those requirements.

So I can see it being an industrial use, more towards the back of the property. But, again, in an effort to focus more on the self-storage, I would say to you that we may at some point as we start to develop the balance of the property seek to have retail on the front since there is a shortage of retail space available in Chili Center at this point and the area is still growing. Not to mention the fact the D.O.T. improvement on Union Street would allow for easier handling of traffic.

RAY BLEIER: During the course of your informal presentation there was not much mention of any retail usage of this property. As a matter of fact, you came in and said it was an industrial park, and with the emphasis on industry-use type activity there and not the storage, and now all of a sudden here you're coming in with the first thing going into this place is a storage facility for which you need this conditional use permit.

MR. RUND: Again, Mr. Bleier, I do want to clarify, we have done absolutely no research or work on the balance of the property yet.

By my saying retail, it is simply a concept that I have in mind for the property. Obviously it will have to be looked at very closely with Town officials when we start to find potential buyers or tenants for the balance of the property. I think I will have interest for retail people over there because of the lack of space in the Chili Center area and the intersection of Union Street and Buffalo Road is pretty well developed at this point. And I'm not saying one way or another what the balance of the property will be, since we, A, not only have -- we have been unable to do any work on it, while focusing on the key portion of the project that we're talking about here today, but 40 acres of that property is tied up with a farm lease right now and we can't really do anything with it until that expires in December of 2006. So we have actually had no opportunity to do any work on what type of concepts or plans we have for the balance of the property. We just know that having a fine facility like this on the corner will enhance the visibility of the property. It will enhance the marketability of the property, and, you know, basically it is warehousing and warehousing is allowed in a General Industrial.

RAY BLEIER: The comprehensive plan has indicated that this is a prime industrial piece of property, and at that time, it says, you know, pending the sewers and water viability, it would be an excellent site for development. And, well, now, those utilities are in place, and so therefore, this is an ideal industrial site, you know, that should be pursued in that direction for development.

MR. RUND: I absolutely agree with you, Mr. Bleier. And as a matter of fact, the further development of this site would not be possible with the -- without the acquisition of the Ball property, which adds the frontage to the balance of the Graczyk property. Without the -- the Graczyk property, it is inaccessible without the Ball property. So in effect we're putting 75 acres of prime industrial property on the map that would not normally have been on the map because of inaccessibility from Union Street.

RAY BLEIER: I'm not convinced granting conditional use permit for a storage facility is a good opening use for development on this particular site. I need to be convinced that --

MR. RUND: I tried to supply data. Again, you know, attending 50 hours of development seminars, it is very hard to put forth in a very brief synopsis. But from an economic standpoint and from a perfect site, quote/unquote, point of view, it just happens to be in the type of zoning that allows for self-storage in the Town of Chili, and it is the perfect site because --

RAY BLEIER: First of all, there is no zoning --

DENNIS SCHULMERICH: That is not in effect --

JAMES MARTIN: There is no zoning for self-storage.

RAY BLEIER: There is no zoning that has a permitted use for self-storage.

MR. RUND: Again, I submit that the precedent has been established by already allowing self-storage in General Industrial, that is the zoning to look for it.

MR. CONSIDINE: Excuse me, Geoff Considine, Architectural Design. To answer your question directly, sir -- long time no see, by the way -- I understand what your point was relative to why would you put self-storage in an area that could potentially be an industrial area. I would submit to the Town, however, that this is a relatively benign use of this particular parcel. I mean, within the allowable uses in this area, General Industrial, my goodness, you could have grinding going on 24 hours a day, OSHA could be in there. You know, we have to maintain the -- any noxious fumes, all of the other things. This is a much less obtrusive use for this particular parcel.

RAY BLEIER: That is why it is zoned General Industrial, to allow those heavier types of industry.

MR. CONSIDINE: That is the purview of the Board. The choice is, if there is going to be a use in this area, there is going to be some development in this area, how would you best use the area? Would you like an industrial use in there? Or would it be consideration of the Board to have a use that is less obtrusive, more benign? You will ultimately have a -- there are additional areas that Jay (Rund) was speaking about that could be developed industrially, but this does not diminish the ability to use this parcel in that context.

RAY BLEIER: I think that we do not have an over abundance of industrial-type use in the Town, and if we are going to start allowing lesser uses such as storage, and all that, we're cutting away at our availability and we'll have less opportunities to get the type of development that is, you know, zoned for there.

MR. CONSIDINE: We're not here to discuss the adjacent property, but Jay (Rund)'s point was well taken. There is certainly a lot of acreage available beyond this parcel. We're not talking a huge amount of land here. Again, we're throwing ourselves at the mercy of the Board to take a look at this to say in the overall context of how much land is available, to what degree do residents of Chili want industrial activity in an area versus an area that is maybe a little less active relative to traffic, noise, lighting, that kind of thing, within certain periods of time. This may not be a bad use of this particular small segment of the overall use that is available within the Town of Chili for the industrial areas. So that is the only point I'm trying to bring up to the Board.

MR. RUND: I would like to reiterate by developing this parcel, you allow the 78-acre parcel that is currently virtually unusable, which is all General Industrial, to be used and opened up to development. So you're not taking 7.6 acres of industrial land away from Chili. You're adding 75 acres that couldn't normally be developed.

JAMES MARTIN: I think that the intent of the master plan was that that whole area over there, as it is zoned for General Industrial, be used for industrial uses. As I look through the master plan, and again, this comment was part of the economic development portion of the master plan --

MR. RUND: Mr. Martin, just a second because I have a copy of it with me, and I want to read along with you.

JAMES MARTIN: Page 4-19 of that section. Although this is referenced to Light Industrial, the goal, and I would assume that Industrial, whether it is Light Industrial or General Industrial, the goal would be the same, to plan areas for non-obtrusive Light Industrial or I would add General Industrial, and/or office park development in order to provide a variety of employment opportunities and increase the tax base.

You know, mini storage I don't think creates an awful lot of job opportunities. It may have some positive impact on the tax base.

I go over to the next page 4-20 and it excludes retail business except for supporting services utilized by the industrial office park tenants. Then we go back to the section where, you

know, it talks about when sewer service is provided, that that area, you know, generally should be used for industrial use. It does reference some zoning changes may be needed for conformance. There were proposed zoning changes that I don't believe were ever put into effect.

So, you know, I have to side with Mr. Bleier on this. The master plan says, you know, it's -- it should all be industrial. It says we ought to exclude retail. The goal is to provide jobs, and I don't see a consistency here.

I will turn it over to Ray (Bleier). Are you finished at this point?

RAY BLEIER: Pretty much, so.

MR. RUND: Can I make just one comment? Because you didn't touch on one thing there. You said storage is retail. It is really -- retail is a very, very minute part of the storage business. Storage is basically warehousing, with service, and it is warehousing for small users.

JAMES MARTIN: But I hear you talking about putting retail in there. In addition --

MR. RUND: There would be an office with a sales staff that is devoted to renting out units. However, as ancillary, and because there is a sales staff there, the tenants need locks, the tenants -- it is a one-stop shop for them to buy packing materials and whatnot. We're not talking about a Wal-Mart. We're talking about strictly warehousing and storage-related items that are necessary for those folks to have when they come in there. They have to buy a lock if they don't have their own. They have to buy packing materials. It is a one-stop shop for them. But it is all strictly related to the warehousing and storage business. It is not selling bicycle locks or anything like that.

DENNIS SCHULMERICH: Could we possibly remove the photograph on the bulletin board so we're not confusing people thinking that that is what the storage facility will look like?

JAMES MARTIN: Good. Everybody understand that is not what a proposed storage facility will look like? That is an architectural concept drawing of what the office structure might look like.

MR. CONSIDINE: That would be -- yes, Dennis (Schulmerich), what that is, that really was provided for -- for Jay (Rund) for the view on Union Street, and that is what the facade would look like for the building.

Now, on the left side of the office space there, that basically backs up to storage areas, which is annotated here on the site plan. This is the office area in -- this area here (indicating), which is this (indicating).

And this facade here (indicating) is basically storage area in the back side of it. That is merely to be providing a view, landscaped and giving a nice appearance from the Union Street, north/south perspective.

While on that topic, and if you don't mind me indulging, we all understand, southbound traffic on 259, coming over the bridge, and Jay (Rund) indicated earlier, that the actual units would have a gable roof. Quite frankly, you know, we have to say it. Anything that goes in there is not going to be beautiful looking, I guess.

JAMES MARTIN: That is not necessarily true. It can be.

MR. CONSIDINE: It certainly can be. Oh, yes. There is no question about it. Split face block. But you're going to see a roof, regardless whether you have Light Industrial in there. Coming over the 259 bridge southbound over the railroad tracks, you will see roof lines. That is the only point I'm trying to make to the Board.

Excuse me, Mr. Martin. I didn't want to get your umbrage there, but certainly you will see a roof line as you come southbound. Northbound, that is the view you will have as you pass that particular facility. That is designed to screen this entire parcel between landscaping and the facade of that building.

DENNIS SCHULMERICH: So simply stated, just to make my point, what resides behind that, which is the substantial percentage of what -- the buildings will not have that appearance.

MR. CONSIDINE: Correct. Because they're all oriented the wrong way.

DENNIS SCHULMERICH: I'm sorry.

KAREN COX: I guess I would agree with Ray (Bleier) and Jim (Martin) as far as the industrial use goes. We have -- and Mr. Considine pointed out what could go in there -- or what they're proposing is less obtrusive than what could go in there. In theory, that is true, but just to the north of this facility, over the bridge, we have Chili Plastics, and I don't live over there, but I travel over there a lot, and certainly I have never been offended by odors or pollution or anything that they have put out.

Um, it -- I would rather see an industrial use for this property. It is close to the railroad. It

is close to 490. It is a good spot for a manufacturing facility.

Whether that can come to pass with the economic times we're in, I don't know, but I would rather not disallow -- or lock up a portion of this parcel that could be used for something that it is zoned for.

MR. RUND: Again, Ms. Cox, I have to remind you, that without the addition of this frontage to the Graczyk property, you're losing 78 acres of industrial land for development. This actually opens up that area for development. So again, you have -- yes, you're losing 7.6 acres of highly developed intense industrial use, but you're gaining 75 acres of that type of a potential. And certainly if the market exists for that type of development to be there, we're going to pursue it with vigor and the greatest possible endeavor.

JOHN HELLABY: In just talking about the -- we are just talking conditional use portion?

JAMES MARTIN: Conditional use only.

JOHN HELLABY: So actually, the site -- I guess I'm a little bit confused on the subdivision portion of this thing, with these three lots, where this is all panning out. I mean you presently own the Ball property?

MR. RUND: We have these three lots under contract, contingent upon receiving approval from the Planning Board for the conditional use permit and preliminary and final approval, and it is also conditioned upon, obviously, the environmental, which we have been quite immersed in already.

JOHN HELLABY: Resub would take part of the site plan.

MR. RUND: Subdivision approval has been granted, I believe in the June meeting. You weren't at that one.

JOHN NOWICKI: Basically, I think Ray (Bleier) has hit the nail on the head. My bottom line is looking over the years that we have worked on this particular stretch of road, and all of the time and energy that has been put to get the sewers in there, I would like to see more time looking at the existing zoning that we have there to encourage that type of development. I'm not excited with this one. That is my bottom line.

DENNIS SCHULMERICH: Several factors that I'm considering as I hear this proposal. The first is we're starting to get some input around market studies, supply, demand, demographics, that's good. I think it is going to help us to understand. We have some tonight, some prior tonight. It will help us understand the degree to which -- how quickly we'll saturate the market.

And quite frankly, I smell a foot race going on right now. We have three different applications in front of us around this, and my take is, one, maybe two, will be the winners. At that point in time, for the location they're talking about going, you're all very close to each other. So I don't see any way that -- for the demographic studies I have seen to date, that three specific facilities are going to work.

With that said, it is incumbent upon us to understand the location selection and the selection that makes the most sense for the Town. We talked a lot about architectural. I have seen some storage facilities that I wouldn't mind living near and I have seen some I would want to be as far away as I could get. We have an opportunity here with more than one applicant coming before us to understand what is the best we can get for Chili in terms of architectural.

And finally, I'm very much aligned with where Ray (Bleier) started out. We have GI zoning here. I understand the times we're in, but that piece of property, it is not obvious to me it makes sense to conditionalize it.

I do appreciate your comment around roughly 10 percent of the acreage being this and the balance could be GI. Once you open the door to this, I don't know where you go.

MR. RUND: Appreciate your comment about living close to one, since I live right around the corner from this one. And obviously it is in my best interest and my neighbor's best interest to have the nicest facility in Monroe County.

DENNIS SCHULMERICH: I'm really torn with this type of business, because I do see a need. I do think it is important that we factor those needs in when you look at the number of occupants we have in Chili and other uses.

I have seen some of these units that really are attractive, and I know there are additional costs incurred to make them attractive. I think we have to have expectations of the businesses that move to Chili for the benefit of the residents, irrespective of the zoning. So I see the Planning Board in a great position here to, quite frankly, play one against the other to see who is coming forward with the best plan, and above and beyond that, you know, we'll see how it plays out. I'm not an advocate of conditionalizing it at this point in time.

MR. RUND: I would also like to point out the total investment in this project, just the self-storage facility is approximately \$3 million by the time you attain total build-out.

DENNIS SCHULMERICH: Thank you.

MR. RUND: You're welcome. Thank you.

DARIO MARCHIONI: Jay (Rund), I'm looking at this map. Right now we have 7.60 acres, Lot Number 1, with an old building in front of it. You're in the real estate business. What kind of industrial development can we get on 7.6? How many people are asking for this now? I mean even within the next five, ten years, who would want an industrial development in this area that you could foresee? In other words, what is the other alternative?

MR. RUND: I'm finding, and again, 20 years in the commercial real estate business, that at this point there is an extreme glut of industrial space in the Monroe County market. Any companies that need to build a building right now, it is because their needs do not conform with -- they have a glut of buildings available on the market, both for lease or sale. I'm also finding that a company that can afford to custom build a building as opposed to taking the great value in the vacant buildings out there now will be a very large company that needs a large facility, probably on 20 or more acres.

DARIO MARCHIONI: So in other words, you have 7.6 there with an old building in the front. If this does not get approved, or doesn't go anywhere, we'll be looking at that for the next five, ten years.

MR. RUND: At least. You may never see the development of the last 75 acres because if she decides to sell that to somebody independent of the 78 acres, the 78 acres is done.

DARIO MARCHIONI: So there is no urgent development for GI now?

MR. RUND: No. But if there is, we can offer the amenities available by the rail access. I think that is the next big market for industrial development, to access the rails. This site is not anywhere near the rails. The rails are on the western part of this property. You can have actually two points of access from the CSX rail system, according to them. But you're still talking almost three quarters of a mile away from Union Street because that is how long the property goes along the tracks.

DARIO MARCHIONI: So would you say -- wouldn't it be better to see a nice looking building like this on this property, developed, instead of leaving the property the way it is for the next 10, 15 years?

MR. RUND: As I said to Dennis (Schulmerich), I would rather live around the corner from that than what is there now. And believe me, I don't mean to slight any of the owners that have been here already, but we have done extensive environmental studies on this. I have two books here that have cost thousand of dollars. The Board mentioned these environmental studies the last time we were here so I brought them with me. I can't share them with you now, but I can certainly tell you 3501 Union Street is a junkyard basically. So we would be replacing a junkyard with that.

DENNIS SCHULMERICH: Is there a point in time when you would be able to share the studies?

MR. RUND: After they officially become mine, which is when we close on the property.

RAY BLEIER: You mentioned that there is a glut of General Industrial area available in Monroe County, and then you're asking us to chop a part of our General Industrial area for a use that is not typical for General Industrial, so thereby reducing the available land for industrial use out there. It seems to, you know, hit pretty hard here. We are primarily concerned with the Town of Chili, not so much Monroe County in general.

So --

MR. RUND: Again, I'm reiterating the point I'm bringing 78 acres of industrial land to market, not taking away 7.5 acres what is there. The 78 acre parcel that belongs to Mr. Graczyk is not accessible from Union Street now. So it has absolutely no industrial appeal.

JAMES MARTIN: Help me understand. You have, you know, contracts pending approval for both the Nina Ball property and the Graczyk property.

MR. RUND: That's correct.

JAMES MARTIN: So if your project did not go forward, all right, and you don't exercise your options or whatever, for the -- I don't know what the right terminology is, someone could come along in the future and again buy the whole parcel up and move ahead with the General Industrial development.

MR. RUND: Again, the idea for any developer for this property is to put the highest and best use on the property. Although it may not be the highest and best use in terms of jobs, it is the

highest and best use in terms of the use of that 7.6-acre parcel, again, because it is identified in all of the paperwork I have done here by demographic studies, it is the perfect self-storage site. Probably one of the ten best in the country.

MR. CONSIDINE: Mr. Martin, if I could address Ray (Bleier)'s point, Ray (Bleier) is on track and his perspective is broad relative to the tax base, the best use of property. We certainly understand where you're coming from relative to what is the best use of this parcel.

The 7.5 acres Dario (Marchioni) talked about in terms of how long will it take to ultimately develop this, you take a look, in my business, you take a look at infrastructure, with what it would take to actually get sewers, water. We understand the economic aspect of creating jobs. In the ideal world it would be wonderful to have a plethora of businesses come in that property, have all kind of new jobs created and that thing, but the reality is not that. The reality is roads have to be constructed in there. Sewers have to be constructed. Water lines have to be. It is just not going to.

We property manage an \$11 million project and I'm about 70 percent on that project. This is in Chili on Scottsville Road where my offices are. So I guess my point, sir, is this, and to the Board, is that this is something that doesn't at all affect any utilities insofar as any kind of extra sewers, any kind of extra water. This is a benign, less obtrusive, as I indicated before, piece of property that is a small portion of this industrial area which may ultimately help, given that the site plan that they -- the owners or Jay (Rund) is intending, and his group is intending to build, may open this up to this particular industrial area. It may just help to accelerate that development process.

And if you did a nice job on that, the tax base will not change. You're right on target again, sir.

Taxes are taxes. I don't care what you put there, whether it is self-storage. Tax base is all going to be the same. But at least it gets some impetus going in this particular area, which is a little better than what we have at this juncture. If it is not approved, of course, as Dario (Marchioni) said, it could sit there two months. Somebody could come in and take it. It could sit there 20 years. That is the only point I would amplify, and just to follow up on your situation here, you're 100 percent right, but that is the balancing act that you and the Town of Chili residents have to ultimately look at in terms of what is the best for Chili overall in terms of the short term and the long term.

MR. RUND: If I could just add one thing to that, I look at the self-storage facility as the key to the development of the balance of the property because it will attract attention. It will beautify the space. It is going to highlight an entrance to a very large piece of land that is not accessible right now, and it is going to draw attention because it is going to be actually quite beautiful compared to what is there now. So I look at it as a cornerstone and a key to the development of the 78-acre parcel. Not a detriment. Okay.

RAY BLEIER: I look at it differently. I personally do not think that storage facilities add beauty to a piece of property. I have to look at it as a utility. A needed thing, granted, you know, but it doesn't add beauty. When you see -- it is like garage, garage, garage, you know, one right side by side, for -- look at what you're proposing. My God, ultimate build-out is huge. You know, and it is going to be so domineering, and it is -- believe me, it will not be attractive. It will not be beautiful.

MR. RUND: I disagree. I think they can be made attractive and beautiful. I have seen many examples of it.

RAY BLEIER: Beauty is in the eyes of the beholders.

MR. RUND: That's absolutely correct. I agree with you, Mr. Bleier.

JAMES MARTIN: I have never seen one that I would classify as beautiful.

In a comment about industrial development, I think the Town has been doing fairly well if you look at some of the things going on over on Paul Road. We have a couple beautiful new facilities by the old Bausch & Lomb plant over there, other facilities down the road, so to say that we're not getting, you know, or we're saturated or whatever word you want to use, I guess I would not totally agree.

MR. RUND: I would have to agree that Chili is doing better than a lot of other towns, but county wide there is a glut of it. I appreciate the fact as a Chili taxpayer that Chili is doing a better job than a lot of the other towns, but I want to make it clear I was talking about Monroe County as a whole, and certainly not the Town of Chili itself because there is no question that the Town of Chili is growing in every respect, residential, commercial, retail and industrial.

JAMES MARTIN: The problem we have, you know, we try to keep a balance. We have a very significant problem in this Town. We have four school districts, okay? And it makes a big difference to the taxpayer in each of those separate districts as to how much commercial versus residential development you have in your particular school district. And I think it is an obligation of this Board to see what we can do, if anything, to try and create as much balance in that particular ratio as we can, so that you don't have one school district which is just almost 100 percent residential which really raises havoc with the average homeowner from a school tax perspective if they don't have any commercial development as part of the tax base within that school district.

So I think the Planning Board needs to take that into account also when we look at the future of this Town, and the things that we need to do to try to bring some balance to that equation. Gates-Chili has the benefit of a lot of commercial development. Churchville-Chili doesn't have the benefit of a lot of commercial development. Certainly Wheatland Chili doesn't. And so it's -- you know, it is an issue that I look at from a longer-term perspective, how do we achieve that balance and maintain that balance because it isn't at this point in time balanced, as far as I'm concerned. So you know, to take an opportunity for commercial development of a General Industrial nature and to utilize it for something that may not create as much tax base revenue as we could, you know, given some other alternative, again, that is the point that bothers me to some degree. And you as a Chili taxpayer ought to be sensitive to that.

MR. RUND: I absolutely am, and I would like to clarify or expound upon two points that you brought up there. The first being the tax base. I really can't envision, or if you made me think of another type of use that could invest \$3 million in this seven-acre parcel, I would be hard pressed to say this industry could build a three million facility on seven acres or this one could. The only low impact I see -- granted it will only generate maybe four or five jobs, but \$3 million is -- I think is a pretty good build-out for a seven-acre site. And therefore, I don't think it can get a higher and better use for that.

The second point I want to make, you mentioned a commercial enterprise on an industrial parcel. We're all talking about how ugly these things are and how nobody wants to be near them. I couldn't imagine somebody coming before the Board and asking to put one of these in a commercially zoned site.

DARIO MARCHIONI: Jay (Rund), I have a question. Will you ask for any tax exemption on this parcel, such as COMIDA, for example?

MR. RUND: I don't think we qualify for any tax exemptions.

DARIO MARCHIONI: If this lot was developed for an industrial entity, usually they come under COMIDA so the Town won't get that much revenue -- you will not ask for any exemptions whatsoever?

MR. RUND: I agree there are really no exemptions this type of facility would be entitled to. It will be paying the full shot on the property taxes. One of the nice things about self-storage is they kind -- even though there is substantial investment required for the properties, the economics are built into the system that it can pay the full shot of the taxes, so there -- we don't intend to ask for any, nor do we feel there is any available. It is just an area that is not touched upon in any of the development circles I have been involved in to try to get any kind of tax breaks. They have all pretty well resolved themselves to paying the full shot of taxes on the cost of the property.

DARIO MARCHIONI: Some of the projects on Jet View, they fell under the COMIDA. For many years they didn't have to pay the full shot of taxes. So we're talking about tax revenue for this 7.6 acres. I think your development -- we would be getting the full amount.

MR. RUND: Absolutely.

DANIEL KRESS: I would like to clarify for the record what the zoning does and does not permit. Self-storage facility such as proposed is not a permitted use in any zoning district in the Town of Chili. Mr. Rund was informed of that by me when he first met with me.

Warehousing is not a permitted use. Warehousing per se in a General Industrial District.

What is a permitted use, according to the language in the ordinance, is wholesale warehousing and distribution of prepared or packaged merchandise. That is not consistent with what we're talking about here. So what I said to Mr. Rund, as I said to everyone who has come in to propose a self-storage type facility, is you have to make the case to the Planning Board that you can get a conditional use permit because your use is of a similar character to the permitted uses and is consistent with the stated purpose of the district. I would just like the record to reflect that, because this is not in any way, shape or form a permitted use in this district.

DARIO MARCHIONI: He brought up the question about Scottsville Road Mini Storage.

DANIEL KRESS: I would have to research that.

DARIO MARCHIONI: How did we handle that one?

DANIEL KRESS: I would have to research that. I can't answer that one.

MR. RUND: I have a copy of the minutes with me if you would like to look at them. I know it is not appropriate, but it is only about a page. If you would like to look at it, I would be happy to show it to you.

JAMES MARTIN: I guess at this time we'll defer that.

DAVID LINDSAY: In Larry (Nissen)'s letter he mentioned we had received a drainage report. We did receive one from Avery. Larry (Nissen) is taking a look at it now.

RICHARD SCHICKLER: We have a landscaping plan approved on 8/29. We're happy with that. I do have a couple of questions on the storage of materials in the mini storages such as gas or chemicals, oil, or whatever, and how it is -- how is that controlled. Or people repairing their vehicles in the storages, in the bedding and things of -- say cars or whatever, leaving their oil or whatever may be laying around. How do you control that?

JAMES MARTIN: That is a site plan issue, and Dick (Schickler) -- the rental contract generally very specifically says no hazardous materials can be stored on site.

As far as car repair and all of that, we can certainly address that as a site plan issue, okay, if it comes to that. Anything else?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER - 82 Attridge Road

MS. NEDER: I myself would rather see an industrial site on this property. They tend to put -- if you consider the parcel as a whole, not just the seven acres, because I think anyone who is going in there would do the same as Mr. Rund, buy the front piece and take the back. You look at the former Elmgrove site and Heidelberg on Elmgrove Road and Federal Express, they all have nice looking buildings, and Caudwell Manufacturing. I would rather see that than a lot of buildings that look like a rabbit warrens back in there, and only clutter up the landscape. Thank you.

Jim Martin made a motion to close the public hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: Clearly we have, as stated by Mr. Kress, a situation where the mini storage is not a permitted use in any of the zoning districts within the Town. We have master plan language which certainly has indicated the desire to have this become an Industrial site, General Industrial site, or Light Industrial site depending on what type of industry chooses to go in there.

So I guess, you know, comments, discussions from the Board at this point. I mean we have been through a lot here already.

JOHN NOWICKI: Again, my bottom line that I expressed before, if you look at the General Industrial District, the purpose of this district is to provide for the establishment of heavier industrial uses essential to the development of a balanced economic base in an industrial environment and to regulate such industrial development so that it will not be detrimental or hazardous to the surrounding community and the citizens thereof. That is my bottom line. I think that is what we should be looking at, this land for that use.

JAMES MARTIN: That is conducive for that if you're -- by the railroad tracks, it has economic viability. Who has a crystal ball? You know, who can predict what might happen on this particular site over there? Clearly, it is close to good transportation. And is ideal for that particular type of use. That is my feeling on it any way.

DARIO MARCHIONI: He did present the fact there is a need for storage. Um, what he is doing is cleaning up that parcel there by promoting this development on that parcel. He is creating a tax base.

Conditional use permits, we have given conditional use permits, as far as -- many years that I have been on this Board, numerous times. For the same arguments we're putting in right now. So if I look at what is best for Chili, to have a piece of property at the condition it is right now, such as -- I remember Nina Ball, for not cleaning the place up, she was even sent to jail for a few days.

We had a lot of problems with the conservation, the upkeep of the back there, where there were trucks, the gravel. It has been -- that piece of property there has been in our mind for years and years and years. Here is a developer now that wants to do something. Should we take this opportunity or not and just let it go the way it was before? That is the question to answer.

As far as the conditional use permit, we have granted those so many times in the past with the same arguments. That is my position.

RAY BLEIER: I'm not convinced that having the storage facility there -- to the extent that it is occupying a good portion of the property there, the 7.6 acres is a good marketing situation that will draw future industrial use to that area.

I -- I'm just not convinced it will.

JAMES MARTIN: I agree. I'm not sure that that is going to be conducive to anybody wanting to utilize the additional property there for industrial purposes.

JOHN HELLABY: I guess I tend to agree with Dario (Marchioni), and -- the respect that yeah, there is an opportunity to do something. I don't believe we have the industry -- the industrial beating the doors down in the Town of Chili. It is quite obvious, the parcels down by the airport have been quite idle for some time. Now you have the opportunity to do something, open up the rest of it. Maybe it is not the world's greatest thing, but it is a necessity. They're starting to pop up at different places.

And as far as mixture and conduciveness, I mean, it is anybody's guess. There is one right on Jefferson Road in front of Manitou Concrete, for crying out loud. They're popping up all over, and it doesn't seem to deter other people from going around them. It is a lot less intense than something producing fumes, noise, traffic, you know, heavy-duty traffic as far as truck traffic and things like that.

I don't know. It is just a personal feeling.

JAMES MARTIN: Well, those are considerations that we need to take into account.

DENNIS SCHULMERICH: When I factor in the -- there are basically three of these on the horizon for us now as proposals, and look at the demand that we have seen from two of the three in terms of market studies, with an expected third one coming in, I don't see the Town supporting three of these. I just don't. So now in my thinking, what is the best location for two of them, assuming two can survive. What have we heard around potential architectural integrity? What would fit into -- best fits into existing zoning, a potential use for the property. And when I put the pieces together, and I have to factor in the thinking from the other potential businesses, conditionalizing this property and taking it out of it, it just doesn't add up to me.

Jim 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: I didn't really hear anything that I would consider a condition as far as this application goes in all of the discussion. Anything you would like me to note as a condition or comment?

DARIO MARCHIONI: As far as the architectural of designing this thing that would be more pleasing, that would be done in site plan.

JAMES MARTIN: That is site plan.

DARIO MARCHIONI: We can discuss the layout of the site plan as far as the other aspects.

JAMES MARTIN: That would be site plan.

DARIO MARCHIONI: The last application had conditional use.

JAMES MARTIN: Yes, we did.

DARIO MARCHIONI: There is another one coming up, too. The one that is coming up, would you have to give a conditional use permit on that one, too?

KAREN COX: We don't have to.

DARIO MARCHIONI: They're all conditional use.

JAMES MARTIN: I don't know which one you're referring to.

DARIO MARCHIONI: The one along the expressway.

KEITH O'TOOLE: May I suggest something here? Because the discussion seems to be focused in great part as to whether this is even permitted under our code. If, in fact, it is not permitted under our code and you so find, we're done.

If it is permitted under our code, and you would have to find that, in this particular

circumstance, you have to make a finding to that effect, then what I would suggest we do is we hold off on actually voting on the permit itself. Then we would start the discussion of the site plan, and then when you -- if at that point you wish to approve the conditional use permit, then the conditions would be the conditions of both the conditional use permit and of the site plan.

JAMES MARTIN: That is a fast forward.

Or --

KEITH O'TOOLE: Or a fast exit.

JAMES MARTIN: Or we could vote on the application as it stands right now and if it does not succeed, there is no need to hear the site plan.

KEITH O'TOOLE: The concern I have, is vote -- if you were to approve the conditional use permit, and you want to attach conditions to the site plan that you don't attach to the conditional use permit, it raises the question why would you do that? There should be some consistency in that regard.

JAMES MARTIN: I understand. I understand.

DARIO MARCHIONI: You're putting the cart before the horse.

KEITH O'TOOLE: You can do it in two stages. You can vote on that finding right now. And that either kills the whole permit process, or at least it keeps it open. Bifurcating it.

JOHN NOWICKI: You have heard the testimony on the conditional use. Call for a vote.

JAMES MARTIN: What is the feeling of the Board? Alternate proposal? Clearly we can move ahead with the vote.

DARIO MARCHIONI: One question. How can you make a full decision unless we hear everything about the site plan and everything else?

JOHN NOWICKI: Zoning issue.

JAMES MARTIN: It is a conditional use issue, a non-permitted use in a General Industrial zone.

DARIO MARCHIONI: How did we do it in the last application?

KEITH O'TOOLE: If I may address that. I don't know if you have your code book in front of the Board. If you look at 115-18-C-2, there is an analysis that the Board has to make. Usually the Board doesn't do this because it is not required. If it is kind of a -- kind of flex zoning, if you will. The Board has to establish whether the proposed use is similar in character to the permitted uses, since, as Mr. Kress indicates, it is not on the list. It is normally not a permitted use. It is like if you had a permitted use with videotape rentals and they said, well, we actually rent DVDs, darn near the same thing. That is the finding you have to make. It is a two-point analysis. Not only darn near, but you also have to find that the purposes of the district, which in this case are heavy industry, match up with what they're proposing, and if both of those points aren't met, then the answer is no. So, in fact, you can have something permitted in the LI District, but you can't necessarily bootstrap it in there because it is not on the list. Because the gentleman had indicated that we have previously indicated that you could have mini storage in an LI, but the only reason that exists is because of a similar provision in the LI. You can't bootstrap up to the second level.

JAMES MARTIN: Straw pole. Vote on this, or to -- or to move on to site plan hearing and then if, you know, we can then revote or -- not revote. We can vote on the conditional use. If it got approved, all of the conditions for the site plan would apply. If not approved, then it is done. Done deal.

KEITH O'TOOLE: Jim (Martin), I'm sorry -- maybe we're not on the same page. What I am suggesting is you vote on finding as to whether it is of similar character.

JAMES MARTIN: I'm sorry.

KEITH O'TOOLE: Then that quickly settles the issue.

JAMES MARTIN: Okay. So we're voting on a finding and whether this is a use similar to and -- I can certainly read 115-18 sub C, sub 2. Basically, what you were reading is uses of a similar character, but not specifically listed. In this subsection, in subsection B, "must apply to the Planning Board for a conditional use permit. Such permit shall be granted upon a finding by the Board that said use is indeed of the same general character as the above permitted uses and is in accordance with the stated purpose of this district."

And under General Industrial, I think you have all read this. LI district. "Cold-storage plants and ice manufacturers, including storage and offices; printing, publishing and bookbinding; public utility buildings and yards; retail or combination retail, wholesale lumber and building materials yard, not including concrete mixing; light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery and

welding; wholesale distribution and warehousing of all standard types of prepared or packaged merchandise, excluding, however, such uses as fertilizer, explosives, compost and nitrocellulose; processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet- and rug-cleaning plants, cleaning and dyeing plants, tire-retreading, recapping and rebuilding; all types of automobile, motorcycle, truck and equipment sales, repair and rental.

Conditional uses: The following uses and their accessory uses are permitted when authorized in accordance with Article 4: Automobile and truck service station. So those are the permitted and the one conditional. The rest of it has to be a finding -- or this conditional use requested tonight has to be a finding by this Board we feel it fits within the scope of those described activities. So...

We have completed SEQR, and I guess we would vote on whether or not the Planning Board finds that the requested conditional use of mini storage fits within the scope of the General Industrial zoning district as described in our current code.

I will go back one step. You said if we make a finding one way or another on this. If the finding comes out that we would go ahead with a permitted use, how do we -- would we then put the conditions that might come out of the site plan hearing in context of this particular application.

KEITH O'TOOLE: That is easy. You just leave the conditional use permit hearing open, and move on to the site plan and add that to the mix. Then vote on both at the same time and you're done. It works, John (Nowicki).

JOHN NOWICKI: He wants us to review the site plan.

DENNIS SCHULMERICH: That is not what I'm hearing.

If we vote no, it is not -- can I restate what I think I heard?

KEITH O'TOOLE: Simplify, please.

DENNIS SCHULMERICH: If we vote no, it does not align with the code, we're done. We don't hear anything. We're done with conditional use. We're done with site plan. If we find it is aligned with the use, then rather than vote on conditional use, we open up the discussion on preliminary and then you do both conditional use and preliminary at the same time.

JAMES MARTIN: That is my understanding.

KEITH O'TOOLE: That was right.

DARIO MARCHIONI: You mentioned precedence with the development of Scottsville Road, the other mini storage.

MR. RUND: That is in General Industrial.

DARIO MARCHIONI: He did research. I don't know too much about it.

KEITH O'TOOLE: I have.

DARIO MARCHIONI: How is that going to relate with this then? How did -- that's okay.

KEITH O'TOOLE: Would you like the cliff notes version? I have reviewed the minutes of -- submitted by the gentleman. I noted that there are actually no findings in there as required by the code. I didn't see the application. There was no application submitted by the gentleman. I don't know whether the project was grandfathered in part. To my mind, as an attorney, in looking at land use law in this state, this doesn't make the argument sufficient to establish that they're locked in.

DARIO MARCHIONI: Okay.

JAMES MARTIN: Thank you. Okay. As to the finding and whether or not we feel that this application of mini storage is within the scope of the General Industrial District. On the finding, Ray (Bleier)?

RAY BLEIER: Is it -- say that again.

JOHN NOWICKI: We're not voting on the application.

JAMES MARTIN: We're not voting on the application. We're voting on the finding, whether or not the Planning Board feels or finds that the requested -- the requested use, all right, is within the scope of the General --

RAY BLEIER: No.

JAMES MARTIN: Industrial District.

JAMES MARTIN: You're voting no.

KAREN COX: I vote no.

JOHN HELLABY: Tough one, but I'm going to have to say no, as well.

JOHN NOWICKI: Looking at it, I have to say no, because it doesn't fit.

DENNIS SCHULMERICH: No.

DARIO MARCHIONI: I say no, too, under those conditions.

JAMES MARTIN: I say no, also.

So the finding of the Board, the requested use is not allowable under current zoning.

DARIO MARCHIONI: Does that mean no mini storages are allowed under GI, correct?

JAMES MARTIN: Under GI.

DARIO MARCHIONI: I mean General Industrial.

JAMES MARTIN: That's what it says.

DENNIS SCHULMERICH: We'll have to ask our attorney that question. What are the consequences off your finding? Is it specific to this application? Is it specific to GI zoning in this particular property? Is it specific to any GI zoning within Chili?

KEITH O'TOOLE: I don't buy the precedent argument. The Board consists of certain people at certain times, and while we hate to admit this is conceivable, it is conceivable that the Board could actually make the mistake at some point, whether in 1990 or in 2005. Every application is considered on its own merits, applying the law as it stands on that given date. So enough said.

JAMES MARTIN: I guess we're done.

MR. RUND: Mr. Chairman, can I say one other thing or is it inappropriate for me?

JOHN HELLABY: Actually, it is still open. We --

KEITH O'TOOLE: Yes.

JAMES MARTIN: I'm sorry.

KEITH O'TOOLE: I think the gentleman, if I may, has gone to a great deal of effort. It is not about him. It is about the zoning issue. If he wants to add something, that may be appropriate.

DENNIS SCHULMERICH: But we need to vote again.

KEITH O'TOOLE: Yes, we do. We're not done here. You have at least two more votes.

JAMES MARTIN: So I will give you about 30 seconds if you have something you want to say.

MR. RUND: The thing I wanted to add, and I don't have the zoning book with me unfortunately, but one of the top lines under General Industrial says that anything allowed in a Light Industrial zone is allowed in a General Industrial zone, and you have already approved one recently in a Light Industrial zone.

KEITH O'TOOLE: And if I may address that, the code states that not only does it have to be permitted or similar in character to something that is permitted, it also states that it has to fit in with the purposes of this zone. So even if something was pushed in under the LI, using that same argument, that doesn't carry over to the GI because the LI and the GI districts have different legislative purposes. And the legislative purposes actually set out in 115-18-A -- I'm sure your engineer can provide you with a copy of that.

MR. CONSIDINE: Doesn't a less intensive use supersede a greater intensive use?

KEITH O'TOOLE: No. That is not what the statute says. The purpose speaks of establishment of heavier industrial uses essentially to the development of a balanced economic base. The zoning argument, at least very simplified, and I will not speak to the comprehensive plan because it goes into it more, is that we basically lose potential development if we eliminate GI. Just as we would lose potential development if we eliminated LI. We need a little bit of everything to make the economy work.

MR. CONSIDINE: The tax base is all in the balance, so that is blind justice.

KEITH O'TOOLE: It is a policy decision made by the Town Board that GI has its place.

MR. CONSIDINE: I understand. Your code just indicated the tax base versus the use.

KEITH O'TOOLE: Not quite, no.

DENNIS SCHULMERICH: Are we reopening the hearing?

KEITH O'TOOLE: The hearing is still open. We just kind of had an interim vote.

JAMES MARTIN: The conditional use part is still open?

KEITH O'TOOLE: Yes.

JAMES MARTIN: Any more discussion on the conditional use aspect?

JAMES MARTIN: Conditional use permit application. All voted no.

KEITH O'TOOLE: You need findings on that, pulling the findings from earlier and attaching it to this.

JAMES MARTIN: Based on previous findings.

KEITH O'TOOLE: That the proposed project is not permitted in the GI zone. You still need a vote on the site plan.

DECISION ON APPLICATION #4: The Planning Board found that a mini storage facility is not a permitted use in a General Industrial zone as per Section 115-18(B) of the Town of Chili Zoning Code, nor a conditionally permitted use under Section 115-18©).

The Planning Board finds also that the facility violates the purpose provisions of the General Industrial District at Section 115-18(a) as mini storage is clearly not a "heavier industrial use." Therefore, the request for a conditional use permit was denied by a unanimous vote of seven.

3. Application of Jay Rund, 127 Railroad Street, Rochester, New York 14609, owner: Nina Ball and Donald Graczyk; for preliminary site plan approval to erect 11 mini storage buildings with 630 units and one office building at property located at 3497, 3501 and portion of 3457 Union Street in G.I. zone.

JAMES MARTIN: This is a new wrinkle for me. Since there is no conditional use, there is no really strong need for discussion on site plan. We need to vote to clear the agenda.

KEITH O'TOOLE: Let's vote.

JAMES MARTIN: On the preliminary site plan.

Keith (O'Toole), do we need SEQR on that?

KEITH O'TOOLE: You did SEQR for the whole project.

DENNIS SCHULMERICH: Is it pertinent that the application is indicating both preliminary and final?

JAMES MARTIN: I will not need this to say both preliminary and final site plan.

No SEQR. Nothing -- no discussion at this point.

DECISION ON APPLICATION #3: Based on the finding of the Planning Board that a mini storage facility is not a permitted use nor a conditionally permitted use in a General Industrial District, the site plan application was denied by a unanimous vote of seven.

INFORMAL:

1. Application of Randall Johnson, 2000 Wind Willow Way, Apt. 16, Rochester, New York 14624 for final site plan approval to erect a single-family dwelling at property located at 2150 Scottsville Road in A.C. & F.W. zone.

DECISION: Unanimously tabled to the October 13, 2005 meeting by a vote of 7 yes to table for the following reason:

1. Tabled per the applicant's request, and will be heard at a later date.
2. Application of David Versteeg & Geoffrey Feltner, 76 Amity Street, Spencerport, New York 14559 for final site plan approval to erect 6 mini storage buildings totaling 30,600 sq. ft. at property located at 57 King Road in L.I. zone.

Chris Karelus was present to represent the application.

MR. KARELUS: Good evening. My name is Chris Karelus, a manager for Schultz, and I will be representing the King Road mini storage proposal.

At the August meeting, we brought before the Board arguments in favor of a conditional use permit that the Board granted and also gave the opportunity for the client to get a preliminary site plan approval with final based on the bunch of conditions that came back after the August meeting and receipt of a landscaped architect plan and lighting plan showing the fixtures there that we installed at the site and the spill associated with those fixtures.

All of the additional conditions the Board placed on the plan or the Board placed on the project have either been noted within the site plan or have been actually physically added to the site plan improvements. Two additional sheets added to the construction set that were furnished to

the Board, landscape plan and lighting plan and Trachte Building supplied an architectural appearance for what the office and the mini storage would look like on the property.

The demand study that was given to the Board, also as the gentleman just was discussing, it talks about a pretty standard ceiling that the Town has recommended through that demand study to meet and hopefully not exceed for the benefit of Chili.

With this project, with the arguments we supplied -- also I would like to rehash this, what was made a conditional use permit, the fact that this site was unique is one of the arguments that we made in the fact that it is off of a traveled road, a collector, arterial in the Town, make it a good fit for the site, as well. So the financial assets that this site has were one of the strong arguments, I think a very strong basis for the Board making their decision at the August meeting.

So we had a chance to discuss with Lu Engineering, the storm water report that was submitted. The approved it. As I said in the last meeting, it is all Phase II compliant, that all projects like this have to comply with.

I guess at this point, with the additional information that has been given to the Board and the review boards, Conservation Board and Town Engineer, I will ask if the Board has any additional comments or concerns on the project.

JAMES MARTIN: Clarification, in the study that you have submitted, you're using different formulas to calculate requirements, total square footage, et cetera, et cetera. One formula, you came up with 1247 units will be in demand. Then you went down and said 977 units times square footage. I don't know where we lost 300 units here between the one formula calculation and second. Do you have any comments on that? Just a clarification issue.

MR. KARELUS: The report was furnished to us to provide to the Board. So if I could ask the source for the clients here.

MR. VERSTEEG: Dave Versteeg. I think one of the things that was missed in the last presentation was the competition. We had Easy Storage -- we have some competition that you need to make adjustments for. There is Easy Storage on Howard. There is Mini Max Storage in Churchville. A brand new facility being built on Elmgrove and 531. I don't know if you have seen it, but it is going up currently. Then there is where Harris Seeds used to be, Mayflower Storage. There are no adjustments made for any competition in the last area, add the territories and customers definitely overlap. So we needed to make some downward adjustments to what we consider the total demand in Chili to be. So that is why we have kind of refined that and pulled those estimates in. So if 60,000 is the number that we gave, 60,000 square foot, if -- the number that the last gentleman gave, um, it still didn't account for any competition in his number. We're proposing 30,000 square feet with an additional 25 to 30,000 square feet of outdoor storage, which comes pretty close to the total of 60,000 square feet that would be in total demand.

JAMES MARTIN: That is, as you stated here, about 60 percent of your total projected in the Town of Chili.

MR. VERSTEEG: Our demand study came up with a higher number than his did, but we both went to the same seminars and crunched the numbers and came out pretty close.

DENNIS SCHULMERICH: I understand the question you asked. I'm not sure you got an answer to it.

MR. VERSTEEG: Adjustment for competition.

DENNIS SCHULMERICH: At the top of page 7, the total households, let me know when you find that. Got that page?

MR. VERSTEEG: Yes.

DENNIS SCHULMERICH: So if you go through the calculation you have there, 1247 units. Right below that you have boxed an area with that 1247 now becoming 977. Is that dropped solely because of competition or do you yield competition below where you take your factor down 30 percent? I'm just trying to figure out the jump from 1247 to 977.

JAMES MARTIN: I thought you said it was competition.

MR. VERSTEEG: We have an adjustment down there for competition.

DENNIS SCHULMERICH: That is why I didn't know what the trans --

MR. VERSTEEG: Two different ways. One is by household and one is by population. To be honest, I can't remember if that was an adjustment for competition and that going from 1247 to 977.

DENNIS SCHULMERICH: One could be by household and the other population, and this you deal with competition down below.

MR. VERSTEEG: That was true.

DENNIS SCHULMERICH: That's fine. Thank you.

KAREN COX: After seeing the product that the last applicant offered, from an architectural standpoint, I will just throw this out. I'm kind of disappointed in myself that I didn't ask if there were other choices for architectural treatments on these buildings. That is my naivete in the business. I understand each company has its own design and yes, this is off the beaten path, if you compare it to the last application. But I am just going to throw out to the audience that I'm disappointed, somewhat disappointed that these buildings aren't as -- I don't want to use the word "beautiful," but as pleasing as the previous application. However, the applicant has addressed everything that we asked for in the last meeting, and so that was the only comment I had.

JOHN HELLABY: I was not at last month's meeting and missed most of the presentation. In all fairness to the application, not having been able to get a copy of the meeting minutes from last month to review, I have every intention to abstain on this application, so I guess I have no question.

JOHN NOWICKI: The landscaping plans are approved.

MR. KARELUS: We had comments with the Conservation Board. There are a couple questions regarding just the trees that were noted on the project. The Conservation Board had a chance to walk the site and actually see the trees that will be removed with the construction and the replacement of equal hardwoods and -- in excess of what would be those three streets, in excess of eight -- 8-inch caliper. The landscape edging that we're proposing at the frontage of these buildings to soften the appearance of such a hard structure is going to pretty much offset that. So again --

JOHN NOWICKI: I agree with Karen Cox. I'm disappointed with the architecture of these units.

What about your paving? Will you be paving this property, or what is the intent?

MR. KARELUS: The only thing that the Town Engineer asked is that we specify the method of the paving so they will have gravel down and allowed to settle for a year before the binder and structure.

JOHN NOWICKI: Is that through the project, or --

MR. KARELUS: Everything utilized will be paved in that fashion. With that one year allowed to settle and the second with the binder and top course.

JOHN NOWICKI: Okay. I guess that is it.

KAREN COX: Excuse me for a minute. Did we put that on as a condition? The paving?

JAMES MARTIN: Yes.

KAREN COX: All right.

DENNIS SCHULMERICH: I like Karen (Cox)'s comment on the appearance of the building. I am pleased that the build-out will be occurring at a pace that can determine the alignment meeting the Town, and based on my review of a significant number of marketing plans for other businesses, typically I find that the marketing plan grossly overstates the actual demand, at least in the early build-out, and then you hope for hockey sticks where you need to build a lot more than you have. That is a nice problem to have. I like the fact your square footage to start with is by calculation significantly less than the model would suggest because I think it puts you in a position where you stand a reasonable chance of actually filling the units. So from a business perspective, I'm -- again, aside from the aesthetic appearance and how it ends up, this particular plan and its location and the build out right and the number of units makes a lot of sense to me. No questions. Just comments.

DARIO MARCHIONI: I'm looking at the site plan now. Just a question for Dan (Kress). He will have an office there. Will he need handicapped -- will he have to blacktop the front for handicapped or solid surface for handicapped parking?

DANIEL KRESS: You have to have accessible route to the main entrance. He could put down a fine gravel path. That could be achieved short of actually paving it, but some care will have to be taken to accomplish that.

DARIO MARCHIONI: In other words, a handicapped spot.

DANIEL KRESS: Doesn't have to be paved. It is certainly preferable.

MR. KARELUS: There will be access from the parking along the office space, to the front door. It is not a stand-alone parking area.

DARIO MARCHIONI: Will not be paved for a year?

MR. KARELUS: That is right. They will have stone and all of the crusher run down for the parking paving.

DARIO MARCHIONI: I was under the impression you would have to have accessibility of parking -- you would have to have a hard base for that. Either blacktop or concrete or something like that.

MR. VERSTEEG: If I might add to that, we don't have any public restrooms at the facility. It is not a full working office. Until we go to Phase 2. It is -- there are no bathrooms available for not only the staff -- they will be plumbed in, but not finished until we go to Phase 2. So there is no ADA -- we don't need ADA compliant bathrooms initially, but -- even when the office is up and running, it is not -- they're not public restrooms, just for the employee.

JOHN NOWICKI: Will you put in the septic system initially?

MR. VERSTEEG: We'll pipe it out to the side and run the pipe back to the septic system in, but not the leech field initially.

DENNIS SCHULMERICH: Can I have a side table interpretation of what you just said because I'm surprised?

DANIEL KRESS: I'm not sure I agree with that and I would need a little more information on the number of employees on the premises and would need to research the building code requirements. A sole proprietor type situation, you always have a bathroom.

DENNIS SCHULMERICH: Lack of bathrooms. And quite frankly, and I think Dario Marchioni rose this point earlier, handicapped accessibility, understanding specifically what we expect and what we're getting for that seems fair to me.

JAMES MARTIN: Should I make a condition then that applicant shall comply with all ADA requirements?

DANIEL KRESS: You're welcome to do that. Quite honestly, whether you do this or not it is going to be required by building code. We'll take care of it as building permit issue.

JAMES MARTIN: I will put it down here.

MR. KARELUS: This way, Dan (Kress), on the plan you will note the Water Authority approval and septic system as designed is required on the project noted on site plan and all throughout, as well.

JOHN NOWICKI: You have several lots in the subdivision, but signage on the property? One sign out front for identifying all of the various buildings on the site or how would you do it for signage?

MR. VERSTEEG: True. One sign. We did talk about that last time a little bit because Gary Squires was with us, and in cooperation with Gary (Squires), we'll have one sign post.

JOHN NOWICKI: That is going on in the construction of the first phase?

MR. VERSTEEG: Your sign will be up there.

MR. KARELUS: Comprehensive sign for the project.

MR. VERSTEEG: Two posts with one sign on it.

JOHN NOWICKI: One sign for all of the people in there.

MR. JOHNSON: Yes.

JOHN NOWICKI: First one.

MR. VERSTEEG: Biggest one.

KAREN COX: Biggest allowed by the zoning.

MR. VERSTEEG: That was right. (Laughter.)

JAMES MARTIN: SEQR.

RAY BLEIER: You did SEQR on preliminary.

JAMES MARTIN: Doing it again?

KEITH O'TOOLE: You don't have to.

JAMES MARTIN: Don't have to do it.

KEITH O'TOOLE: I hope the vote turns out the same.

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

DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. Pending approval of the Town Engineer.

2. All previous conditions imposed by this Board at the preliminary hearing are still in effect.
3. Applicant shall comply with all ADA requirements.

The meeting ended at 10:07 p.m.