

CHILI PLANNING BOARD
October 13, 2015

A meeting of the Chili Planning Board was held on October 13, 2015 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 Paul Wanzenried.

PRESENT: Paul Bloser, David Cross, Matt Emens, John Hellaby, John Nowicki, and Chairperson Paul Wanzenried. Michael Nyhan was excused.

ALSO PRESENT: Brad Grover Traffic Safety Committee Representative Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Eric Stowe, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative;

Chairperson Paul Wanzenried 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.

1. Application of Chili Plaza Properties, LLC, owner; 3240 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for a change of use to convert portion of restaurant (Suite B-18) to office space at property located at 3240 Chili Avenue in GB zone.

Ray Trotta was present to represent the application.

MR. TROTTA: Ladies and gentlemen of the Board, my name is Ray Trotta of Holland Tratta. I'm representing Bob Avery from Arrow Point Surveying. Bob (Avery) unfortunately was a little ill this evening so he asked me to attend. So basically I'll be on later tonight on the exact same plaza, so we just figured it made some sense.

This application, what we're looking at is a very minor change to the existing Chili/Paul Plaza. The -- Stonewood Builders, the Property Manager of the plaza, is looking to take a larger area for their office and expand into where the restaurant area is, which is a vacant restaurant, so they're expanding by about, I think, 1800 square feet to a total of just over 3,000 square feet. Right now they're about 1200 square feet. They're expanding an additional 1880 to get to the 3,000.

One of the questions that came up was in doing this, it was going from restaurant space to office space because they're just expanding their office and it was asked how many employees they are. So when Lu Engineers actually did the review, they -- they looked at it from a square footage basis based upon office on approximately 12 employees, but there is actually going to be an additional 3. So they're going to have some throw-off space, some conference space and -- and basically probably will be a total of six to eight total employees that will be in that area. So they're thinking about a place for some the tenants to come and sit down with the Property Managers and things of that nature and clients to come, as well, for some of the builders.

So right now what we're looking to do or -- basically it has to go in front of the Planning Board because we're changing from restaurant to the office, but we're pretty much not changing the dynamic of the plaza at all. It is pretty consistent with what is there. It is just basically the space was formerly a restaurant and now it's an office space.

Now the restaurant, just so everybody knows, is vacant. The equipment has been taken out. It has been in broom-clean condition, so as far as what the existing space looks like, there is no more remnants of a restaurant, if you will. That being said, we looked over the request from Lu Engineers that reviewed it and we have plenty of parking. Which actually I can go into more detail later on in the discussion when we talk about the overall plaza.

Right now, Lu was saying about 16 spaces. We have much more than that available, and we have easily 16 spaces right outside of -- outside and actually there is an area behind, as most of you know. I'm right down the street.

One of the questions that I will bring up later in the discussion about the overall plaza is some of the questions were there seemed to be a little stall, which there was, on the paving of the overall plaza.

PAUL WANZENRIED: Let's just stick to this application.

MR. TROTTA: Okay. I was just bringing that up as it regards to the parking. Sorry. I can bring it up after.

Other than that, we addressed all of the items from Lu.

Any questions?

MATT EMENS: My first question is for Mike Hanscom. Is your letter response dated October 7th responding to the drawings dated October 6th in our package? Because I have two different drawings. I was just making sure of that.

MICHAEL HANSCOM: It was responding to the most recent drawing.

MATT EMENS: Just wanted to make sure. I don't have any questions at this time.

JOHN HELLABY: I have nothing.

JOHN NOWICKI: You're going to be here until the end of the evening?

MR. TROTTA: Yes, I will.

JOHN NOWICKI: Good luck. No questions.

MR. TROTTA: I need to feel good right now.

DAVID CROSS: Just a question for Mike (Hanscom). I didn't get a chance to review your letter, but you're okay with the parking for change of use there?

MICHAEL HANSCOM: As far as I know. I think we -- in the past, the Board has requested a parking study by the plaza owner, but I'm not aware if any has actually come forth yet.

DAVID CROSS: For the change of use, how many additional spaces are --

MR. TROTTA: You're basically -- this is actually more from a square footage standpoint, it goes from 10 to 16. Six more spaces. The reality is we're only going to have six to eight employees total, so originally the ten that was required by the space is actually more than sufficient for what we need.

PAUL WANZENRIED: Are the bathrooms for Stonewood's space, or the restaurant, are they still there?

MR. TROTTA: I believe -- I think they have been demoed out.

PAUL WANZENRIED: That space is clean.

MR. TROTTA: Yes. There is one bath that's in the corner that I believe is remaining. I'm pretty sure about that one. We would be able to -- for that size space, inside office, to have a unisex restroom.

PAUL WANZENRIED: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I -- I -- just a word of caution, and I am thinking now of the plaza in North Chili where the same parking spaces were repeatedly and mistakenly counted at various times as changes were made in the plaza. So you know at the end of the day, I believe when -- I believe the grocery store owner wanted to make modifications, nobody really knew how many parking spaces were really allowed to what store over there. And since a parking study is normally done, as I'm hearing now, in this type of an application, it -- it may be a good idea to get a parking study done. It would be a shame if we had the same situation at Chili Center and we just kept counting the same parking spaces multiple times. Thank you.

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

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

JOHN HELLABY: To Dorothy (Borgus)'s comment, I totally support her comment, and I think she can be assured it will be brought up at further discussions. I think this is minor enough that it will not impact how many spots he has right now.

PAUL WANZENRIED: I would agree with that.

Paul Wanzenried 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.

PAUL WANZENRIED: One condition will be that the application is subject to all required permits, inspections and code compliance regulations.

Any signage change shall comply with the Town Code, including obtaining sign permits. Anything else?

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Applicant shall submit a parking study to the Town Engineer and Commissioner of Public Works.
2. Application is subject to all required permits, inspections, and code compliance regulations.
3. Applicant to comply with all recommendations and conditions of the Traffic & Safety Committee.

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

2. Application of Legacy at Chili Park LLC, 301 Exchange Blvd. Suite 200, Rochester, New York 14624 for special use permit to erect a convalescent facility with associated units at property located at 3360 Chili Avenue in R-1-20 zone.

Don Riley, John Caruso, Brian Powers, Chris DiMarzo and Chris Nadler were present to represent the application.

MR. RILEY: Mr. Chairman, members of the Board, ladies and gentlemen, we appear once again in front of you for the purposes of review of our proposal.

As you may recall at our last meeting, um, we made a series of commitments to the Board and to our neighbors. We fulfilled -- partially fulfilled them but made efforts to fulfill them all. We also submitted site plan details to your Planning Department and there's -- it is my understanding -- Brian Powers is with us tonight -- and your internal staff did review those. Brian Powers is with us. Brian (Powers) is our in-house PE. He refuses to give me his PE number because he thinks I'll report him to the State Education Department.

John Caruso, our consulting engineer, Passero Associates.

Chris DiMarzo, our Chief Operating Officer and owner is with us.

And Chris Nadler who serves as our Counsel.

So as not to overwhelm anyone with a large group, this is -- as I explained last time, this is the team we form when we do our projects and we all play different roles and have responsibilities.

One of the things that we indicated and we were graciously received by the neighbors -- Sue and Bob are with us tonight. With them, and most of their immediate neighbors, we did actually do our own version of a trudge and reviewed the back of their properties and the northern border of our parcel. We -- we spent considerable time looking at what is there.

There are some objects, not yours, Sue, but that one gentleman has telephone poles that somebody made into a dramatic gymnastic swing set. He was not the owner but apparently the owner at the time worked for RG&E and could come and get the poles any time they would like. He will not let his own children on them for purposes of safety.

We also reviewed with the Schwabs -- they had taken the time to plant some pines that happen to be technically on our property. We believe that they -- if they can't be preserved -- they're beautiful trees, we can replace them, enhance them. John (Caruso), at a point of review will get into the details of the landscaping.

We met with the doctors, the -- the veterinarian practice and we have sketched a proposed linkage of our westernmost connection to Chili Avenue, and I -- I have got a sketch of it. I would be -- with your permission, Mr. Chairman, I would be glad to present it to you to have you look at it. It's a rudimentary sketch that shows some additional parking they may be able to pick up. But we believe we can create a sense of entry for them and for our purposes.

Um, we brought tonight -- and Brent, you have the -- the -- the picture board? I don't know whether we presented that last time, but it's representative of the -- of the nature and design and architecture, style, that our Legacy communities have presented around the community, including Parklands. It shows our effort -- this is under construction right now in the Town of Greece on Maiden Lane, near Tops Market. That's a seven-acre site. That is a convalescence, by your ordinance, assisted, enhanced and memory care. The foundation is in and soon we'll be starting to raise that building. That's a one-story, pretty similar to what we have shown you as to how it is serviced and how deliveries are made and where -- where the front access will be.

Brian (Powers) and Ed spent considerable time with our immediate neighbors. It is surrounded by single-family homes and the landscaping and all that goes with it. This use of -- as we're proposing, the special permit we're seeking, we understand it is consistent with the zoning of your Comprehensive Plan. As you know, we have submitted traffic information and John (Caruso) can speak to that, if it is necessary.

We are also -- item 3, Mr. Chairman, on your agenda tonight, and without further adieu, I ask John Caruso to come forward for the purposes of taking you through any detail or responding to any technical questions you may have.

Chris (DiMarzo) and I are here to answer additional operational questions, if you will, about how a Legacy like this operates. You have taken the time, many of your Board members to go visit a Legacy onsite and to see it. We also will be more than happy to speak to you about the cottages and how they relate to the community itself. There may be some questions surrounding that. We have examples and models of that currently in the Legacy family.

Recently, as you know, we -- we transitioned an independent community on Norton Street near the expressway. Cranberry Landing was an independent community and is now a -- a continuum of care community, just what we're proposing to build in Chili.

You know it's a 13-some-acre site. There is some drainage issues that have been challenging to our neighbors. Our most immediate neighbor gets flooded regularly. Even with an insignificant storm, her home is designed with a garage that goes below the first level and thus there is a back door. We spent some time in her backyard. We think we can help allay some of that.

There are some issues that your consulting engineer has -- has put in front of the Board and ourselves, and John (Caruso) will respond to those, I'm sure.

John Caruso, please, if it is your pleasure.

Mr. Chairman, John Caruso.

MR. CARUSO: So I'm just projecting the same model rendering we have over there. All right. So I have a -- I have two versions of our presentation tonight, Mr. Chairman. One is where Mr. Riley and I would stand up and talk about water pressure, sewage flow and pipe culverts, or I could go through a summary version?

PAUL WANZENRIED: Well --

MR. CARUSO: I think you want the second summary version.

PAUL WANZENRIED: I kind of want the summary version.

MR. CARUSO: Of course you do. So let me deal with that.

The purpose of our meeting tonight is follow-up on the last presentation that we did in which we were requesting a special permit. All of the things that go with a special permit, including a site plan approval and SEQR, and so I'm going to talk really quickly about where we left off and the things we have done from the last meeting to today and ultimately we would like to ask the Board to consider granting us a SEQR approval, special permit. And if appropriate, maybe the Board would consider giving us preliminary approval. Then we can talk about where we're going on from there.

So this is not the last you will hear of us. There are several other meetings we know we'll have with the Town, including Zoning Board of Appeals and I will talk about that.

So moving on, from the last meeting, in our presentation, we discussed that Passero Associates had worked with another customer on this site in particular in the past. And the benefit of that is that we got to understand and know what the SEQR issues are associated with this property. And quite frankly, and quickly, they are traffic, drainage and buffering with the concern of being nice to our neighbors. And so we -- we live there. They're going to live there. And so I want to show you how we have included that into the plan.

The other thing that we did from the last meeting is we defined that, the site plan approval had to run with the special permit. And so Passero went away and prepared preliminary site plans, and we submitted them to the Town so that you could see what we're -- were going -- what we were planning to do in a more detailed fashion. That also gave the Town Engineer a chance to look at the other SEQR issue we're looking to address and that was drainage.

Then finally, at the last meeting, I went through the 16 special permit standards, and I talked about each of them. So without having to go through them again, I'm available to -- to talk with you about it. So those were the issues that we talked about at last month's meeting.

With respect to the SEQR issues, um, because we wanted you to be able to make a declaration on SEQR, I will talk about them real quick. The first one was traffic. We submitted a traffic study with our initial application. It has also been reviewed by New York State DOT. New York State DOT came back from their review and said they agree our project will not have an impact on the transportation system in this area, however, they did comment that they wanted us to remove our westerly entrance.

And we talked about that when we met because we know that DOT usually only allows one curb cut per parcel. And we can supply with that, by putting a turnaround or cul-de-sac here or something that would obviously serve emergency vehicles and snowplows. That's a fall-back position.

I think what Mr. Riley just pointed out to you in that sketch is we want to pursue this with the DOT. Even if we don't win, we want to pursue it. I think there is a good sell in that, if we were able to combine the curb cut with the Animal Hospital with our driveway, we would have a net/net of one access into that area. And so we just haven't gone back to DOT yet, but we plan to do that with that sketch.

So that's it with respect to traffic.

With respect to drainage, having prepared the preliminary design site plans and having them submitted, the Town Engineer was able to do a thorough review of the plan. I won't put words in his mouth and say they were comprehensive and he won't have any more, but I will go as far as to say he did a good thorough review. I personally have gone through the comments with our engineering staff and we can address each and every one of those comments.

The significance being, that our preliminary plans address the drainage issues that that site currently has. And everywhere from water coming on the site to water that gets up or can get near the neighbors' yards. So we put designs in place in our plans to mitigate those concerns, and I think that, you know, my -- my testimony to you is that I read your engineer's reviews and we can address each one of those comments.

The last SEQR issue that we wanted to bring up was buffering. And I think between the last set of plans you saw and the plans you're seeing here tonight, which is why I wanted to broadcast that thing, because I don't think the neighbors could see the changes that we most recently made, but this entire property line, all of the way around, all three sides, the north, east and west side, we have added screening. We have gone out and looked at the vegetation that is there. We looked at what we're proposing to do on our grading plan and we doubled up our screening to our neighbors. That was what we always said that we would -- wanted to do. It's our intentions to protect each others' properties, and, you know, there are some trees on our property that the neighbors want to maintain and we're going to oblige with that, but we also added some additional screening. So that is shown on our plan here and it will also show up on our amended landscaping plan.

So finally, um, with respect to the special permit -- so that was SEQR. I wanted to go through what we had done on SEQR so you felt comfortable in offering a declaration.

For the special permit, I won't go through the 16 standards on the permit, but I have them available to me if anybody wants to ask a question on them. We did go through them at the last meeting, and so I will just move off of that. We would like to ask the Town to issue the special permit. The significance of getting SEQR and the special permit done will allow us to move forward with our land use contract.

Um, the other thing that is occurring, is -- is a business decision amongst the Mark IV Enterprises is, quite frankly, that this is a custom-designed building for this site. This is not a

Legacy building they can pick from any of the communities. This is -- with their new license, this is an assisted living memory care. This -- this building here is not in the can. It's not on the shelf. And to -- to go to the level that this Board would need to approve this project is down the road, and that's what we want to bring to you at final. I think Mr. Riley was trying to show with these drawings, the elevations and the architectural elements and the features in the plan, we're just not there yet. That is why we're not asking for final. But with your approval, maybe even site plan with conditions would allow us to close on the land and then enter that world where we're going to work on the final design issues and get the architectural plans done.

I -- I just want to add one more thing, and then I will open it up for questions, is that I want you to know that we plan to attend Zoning Board of Appeals for some variances that are needed on the back side where the railroad tracks are. Inside that setback line, that rear setback, we have our air-conditioning coolers. We have a maintenance building, a garage to keep equipment in. Um, we have our dumpster enclosures. They're tight up against that railroad property, and so we're going to be going to the Zoning Board of Appeals anyway. That is why we're not challenging this front setback interpretation. It hurts us in a way, but we're going to be going there anyway, so while we're there, we'll ask for the variance and go through that. So we're not going to challenge that interpretation. We're going to be there anyway.

And so between preliminary approval and final approval, we're going to be going to get that Zoning Board of Appeals variance and then we'll come back for final with all of these comments addressed and the architectural plans to go through in detail. So if there is any questions, you know, thanks for listening.

PAUL WANZENRIED: Thank you.

MATT EMENS: So are we commenting on both applications then?

PAUL WANZENRIED: No.

MATT EMENS: What are we commenting on?

PAUL WANZENRIED: I just want to know how you feel about SEQR, and the Special Use Permit. Then we'll open up the application that is on the agenda, item number 3.

MATT EMENS: That is what I wanted to make sure.

I guess the point would be, or my comment would be, is that I don't have any issues with the Special Use Permit or SEQR, as long as the original comments from the previous conversation were actually resolved, from -- from last month's application.

MR. CARUSO: Sure.

JOHN HELLABY: I don't particularly have a problem with it. I just question whether or not we can make this thing work with the amount of stuff that the engineer has got here. I guess it would be up to Michael (Hanscom) to make sure that these buildings are going to fit on this plot. I would hate to give them the approval on something we are going to have to take six months to turn around to try to squeeze into this thing. I mean, are you confident we can make this work? I'm just -- you're the engineer. You know the limits on these things. Some of these setbacks look pretty substantial in my eyes.

MICHAEL HANSCOM: Um, well, it is too early for me to state whether it is going to work or not. It all depends on whether or not the ZBA approves their variance and whether or not they satisfy the Fire Marshal with access to the south side of the building.

PAUL WANZENRIED: I think we can handle that via --

JOHN HELLABY: Right. Like I said, I personally don't have a problem with the concept and the Special Use Permit.

PAUL WANZENRIED: We'll have another half-hour with them, Al (Hellaby). Don't worry.

JOHN NOWICKI: I will go along with you two gentlemen here and basically feel comfortable with the Special Use Permit. But until they get into the plan itself, um, I will hold off.

DAVID CROSS: I feel the same way as John (Nowicki). We had a pretty good discussion about noise, backing-up trucks, deliveries, back-up alarms on vehicles, ambulances, that sort of thing. So I would be willing to go forward with that.

But I do have some concerns related to the site plan, though.

PAUL WANZENRIED: Okay.

ERIC STOWE: Mr. Chairman, just what we had discussed earlier today with respect to any conditions on the special use, that those would be more related to the cottages and their integration and use along with the care facility as it is provided today, making sure that any leases would be requiring that residents do more than take part in recreation and meals at the facility, but are receiving some level of care that would tie it in with the rest and convalescent uses that are permitted under Special Use Permit. The rest of mine would be more towards site plan.

DAVID LINDSAY: No comments on special use.

MICHAEL HANSCOM: No comments on the special use.

PAT TINDALE: Probably no comments at this point, but as the project moves along, I'm sure John (Caruso) knows what we need. Okay. Thank you.

BRAD GROVER: No comment on the special use.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL ENSSLE, 3390 Chili Avenue

MR. ENSSLE: Paul Enssle, 3390 Chili Avenue. I guess these guys spoke with all of the

neighbors. No one spoke with me. I own the majority of the property bordering his property.

PAUL WANZENRIED: West side?

MR. ENSSLE: Yes. I own everything there. I'm concerned if they build this and if for some reason the runoff they're talking about doesn't work, you're going to make my land considered a wetland, and I'm going to lose all development or any use I have for that property right now. There is a small portion of my property that is considered wetland. In fact, behind the Animal Hospital, I own all behind that. It looks like about -- that house been there since 1840, but at one time it looks like there was some type of a retaining pond that was built there but now it's, you know -- since then, built up. And this spring is the first year I was there and that thing was over flooded. I'm worried in the spring it will come down and deem my property wetland or I will lose all property value that I have into this right now. That's my concern.

I really would like to speak with an engineer, the Town of Chili, just -- I haven't heard nothing. No one came and met with me. I had one guy come over that wanted to buy some of my land. That was it. You know, everyone else spoke with the people but no one came and spoke with me. So that kind of, you know, is upsetting, but -- seeing I -- I own 90 percent of the property bordering it or a good portion of it. And that's all I have to say.

PAUL WANZENRIED: I'm sure Mr. Riley or Mr. Caruso would be more than happy to talk to --

MR. RILEY: Mr. Chairman, I gave you my card after the last meeting. Sue actually called me and set the meeting up with her neighbors, so I would be more than happy to come out.

You have 37 acres, right?

MR. ENSSLE: No. I own about 13.

MR. RILEY: Oh, okay. I would be more than happy to come out. And --

MR. ENSSLE: I just didn't think I had to call you and ask. I figured if you wanted to do that, someone would get a hold of me.

MR. RILEY: I didn't have your contact information, so I would be more than happy to do that. And Brian (Powers) can come with me.

MR. ENSSLE: That would be great. Thank you.

MR. RILEY: Sure.

PATRICIA JENDREAU-PICKERING, 3378 Chili Avenue

MS. JENDREAU-PICKERING: My name is Patricia Jendreau-Pickering. I'm at 3378 Chili Avenue.

Um, my first question is, I'd like to know what the date of the traffic study was, how recent it was. And I really like to see the results. Traffic is one of the biggest issues that we have on this stretch of Chili Avenue, without this development. With Unity across the street, with 386, with the traffic going in and out of this facility and the Animal Hospital, the church on the corner, traffic is horrendous. Getting out of our driveway is -- is really bad. Um, I was glad to hear that the DOT suggested that, um, you do a cul-de-sac or turnaround, because that would really make our lives more miserable than it is also on traffic if you had that exit. Even if you combine it with the Animal Hospital. That isn't going to save traffic for us, going in and out of this development, along with the Animal Hospital and along with Unity? Okay?

My next question is, I would like to know if you staked the property when you surveyed it? A survey had been done prior to this development, and they had actually staked it and the stakes were out at the back of our property and those stakes and flags are now gone and I haven't seen anything out there. So is there anything out there to mark where the property lines are?

MR. CARUSO: I will address all these to you when you -- I will let her finish.

PAUL WANZENRIED: Keep going, Miss Pickering.

MS. JENDREAU-PICKERING: Okay. My next concern is if, in fact, we have to have the road on the west end, what type of streetlights are we talking about when you now have a two-lane going back in there? Again, the other issue we have is the fact that the lights from Unity across the street are -- are really bad. The next question I have is that you use the word adding -- "additional screening." If you could define for me what you mean by "screening."

So -- just one last comment. The concept of this facility I am for. There -- there is no question in my mind about that. The traffic issue and the road going out between my property and the Animal Hospital is my biggest concern.

Thanks.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The Board evidently has been privy to some last-minute information on solving some of the veterinary hospital's parking. Could maybe the -- maybe the public needs to see that, as well. Again, I brought this up to the Board before, and I will bring it up one more time, that information should be available to the public long before a Public Hearing and that is the fault of the applicant because they don't -- they don't get on the stick and they bring it in here at the last minute and everybody is supposed to go on faith. Could we have on the --

DAVID CROSS: This was from the last meeting, wasn't it, Paul (Wanzenried)?

MS. BORGUS: Could we have on the overhead -- oh, the overhead doesn't work.

PAUL WANZENRIED: My fault.

MS. BORGUS: Briefly explain it to myself and other people in the audience.

PAUL WANZENRIED: Basically, what -- what that sheet proposes is to eliminate the curb cut at the Animal Hospital. The Animal Hospital will exit onto the new road that they're putting in. Okay? So there is only one curb cut, Dorothy (Borgus). Instead of having two curb

cuts next to each other, there will be one curb cut.

MS. BORGUS: Is that the curb cut that the State DOT at this point is discouraging?

PAUL WANZENRIED: That is the one they're discouraging.

MS. BORGUS: The Animal Hospital wouldn't get any benefit at all if that were the case.

PAUL WANZENRIED: If the Animal Hospital considers eliminating their front -- their curb cut a benefit? Then yes.

MS. BORGUS: Um, I would think that everybody along Chili Avenue, homeowners who got investment in their homes there would be up in arms about this. Because this isn't the first time this piece of property has been up for development. And the last time I definitely remember the furor about the drainage issues from back there. When you -- when I look at that plan, there is this -- there is a huge percentage of that acreage that's impervious surfaces. I don't know how in the world you can -- you can expect somebody downstream -- I guess it's to be the Town of Chili, and maybe the church, is going to -- is going to suffer for this. The church is eventually, as I understand it, going to build out to the -- to the -- to the back of their current -- their current church. They're going to in time expand, you know, toward the Unity building. They're going to want to put a parking lot back there. And here you are, you're just pushing all this drainage right off on the church property. May run across their property now, but this is going to hurt later. Because as plans develop there, this is not going to work very well for them.

I'm also wondering, the -- the mention was made of going to ZBA, and the Board knows how I feel about going to ZBA before you go through Planning. It is always a disaster. And I would like the applicant to -- to list how many variances they're going to ask for, that they expect to at this point.

I'm not sure this is a relevant question at this point. Tell me if it is not. But is this memory care complex going to be fenced? I ask that because the one in North Chili is. That was a big issue over there, and that -- the people who developed that very graciously came right up with a fence, no arguments asked. This is even a worse site for memory care people in a way. It is right against the railroad tracks. I bring up a safety issue here, a big one.

All in all, if I were the neighbors, I would be worried.

PAUL WANZENRIED: Thank you.

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

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

PAUL WANZENRIED: Special Use Permit should be conditioned on the approval of the Counsel of the Planning Board for the lease for the cottages.

I think that the special permit shall be further conditioned that any future changes to the lease regarding eligibility for residency in the cottage must be approved by the Assistant Counsel for the Town.

Lease shall require the lessee or family member of lessee receiving medical care at the rest home on the parcel.

Only those persons receiving medical care or persons who are immediately family members who are receiving medical care at the rest home shall be eligible to lease a cottage unit. Medical services offered by the rest home on the parcel must be utilized by a lessee or a lessee's immediate family member in order to be eligible to reside in a cottage.

Medical care shall have its common definition. Shall not include utilization of ancillary services at the rest home, including but not limited to recreational activities, housekeeping services and meal services.

Cottages shall at all times be leased and not be offered for sale. These leases shall be not transferable by both the lessor and the lessee, and that the lessor shall at times be the owner in fee of the parcel.

In addition, applicant shall comply with all pertinent Monroe County Development Review Committee comments. The applicant shall submit building design elevations to the Architectural Advisory Committee for review and recommendation.

Application is subject to all the required permits and inspections and code compliance regulations and any signage change shall comply with the Town Code, including obtaining sign permits.

Are we all in agreement with those conditions?

I also propose that the special use be granted for five years.

JOHN NOWICKI: It's a start.

PAUL WANZENRIED: Given that --

JOHN NOWICKI: Just a question.

PAUL WANZENRIED: Yes?

JOHN NOWICKI: In regards to Mike Hanscom's letter here, in regards to the Special Use Permit, are we incorporating those -- have they been reviewed and that is part of the -- the -- the special use permit?

PAUL WANZENRIED: It's my understanding -- I put that as one of the conditions. Um, we'll add, approval is subject to final approval by Town Engineer and Commissioner of Public Works.

Is that satisfactory, John (Nowicki)?

JOHN NOWICKI: I think we have to cover that letter. Very lengthy.

PAUL WANZENRIED: And we'll -- Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with our approving agencies.

DAVID CROSS: Subject to Zoning Board approval also.

PAUL WANZENRIED: And that it shall be subject to -- I think I said that one, didn't I? No.

Pending approval of Zoning Board of Appeals for all required variances.

MR. RILEY: Mr. Chairman, one question? The -- the five-year, we understand.

Could that start with the issuance of the C of O, because it will take us probably the better part of a year to get through the Department of Health and then construction itself would -- would be a period, too, so if it could start with the issuance with the first C of O as a condition, that would be helpful to us.

PAUL WANZENRIED: First C of O of what, Don (Riley)?

MR. RILEY: Whatever you issue a C of O on.

PAUL WANZENRIED: No. I think I'm asking more towards C of O of the main facility or the cottages.

MR. CARUSO: Go main building.

MR. RILEY: Main building.

PAUL WANZENRIED: Main building. I won't do it with the cottages. It will be the main building.

MR. RILEY: Yes, that's fine.

PAUL WANZENRIED: Will you run construction concurrent with your application to the State, for licensure?

MR. RILEY: Chris (DiMarzo), would we start construction before we're finished with -- with the licensure procedure?

MR. CHRIS DIMARZO: Yes.

PAUL WANZENRIED: This is not your first rodeo, so I am assuming you know the ins and outs?

MR. RILEY: It could come -- it could actually come nicely together. Let's hope it does. But if you use the C of O on the main building, that gives us some room.

PAUL WANZENRIED: We all right with that?

ERIC STOWE: Either that, or the other option is to just extend it for the period of time that you think. I mean, if it is six years or seven -- either way, I think you're okay with them.

MR. CARUSO: Or make it seven years.

MR. RILEY: It -- five -- it doesn't matter. The time isn't -- we just want to save a year. While I'm here, Mr. Chairman, Pat (Jendreau-Pickering) asked some questions about lighting and all those, and those were the subject of the last hearing, too, which is understandable, but our lighting will be prescribed by the -- by what the Town and fire safety and others issue, but our -- but people will be living on our site, too, and our lighting can't annoy them or trouble them any more than the people who are near us.

That -- that goes without saying, that a commercial office park may have some lighting. I know it has been troublesome to Pat (Jendreau-Pickering) and some of their neighbors. So we're going to be designing this for our people to live there in the quietude that they want to and also to safely travel on that road.

The second issue about the doctors, we just thought it made sense. We really don't care, Mr. Chairman. If the doctors aren't interested in making that connection, that's okay, too. This is not a secret meeting with the doctors. In fact, I had two meetings with them in the treatment room and I was expecting to get some treats when I came out and when I finished, but it's their call and the Planning Board's call. We don't care. But as a neighbor, we thought it made some sense.

The third thing with the State, is their first answer on access is no, but little do they understand the -- the nature of this convalescent use and the seniors who will be living there and the fire services. When we -- we had to adjust that building in Greece for fire purposes, for fire safety purposes. The Town rightfully wanted a loop all of the way around the building. It wasn't in our first design. But they cooperated by reducing the -- the width of that safety loop, if you will. So we'll be working through those, but the doctor thing that I showed you tonight was for -- was as a courtesy to you because we said we were working on it with the Hospital. The Animal Hospital doesn't want it, that is okay, too. Then we'll work on the screening. The screening that John (Nowicki) spoke to we consider very important because the neighbors are there, and they expect as close to possible what we're used to. But they're used to nothing being back there. We hope that matching with what we can preserve and in some cases what they planted on this property, that is what that screening is all about. It's not a token. It's not a tribute. It's a serious effort on our part to screen the view from our buildings to those backyards and those backyards to our buildings.

We also will be the owners and operators of this. We don't build it and then hand it to someone else. So our commitment to maintenance and plowing and lights and our neighbors continues. It doesn't end with these approvals.

Um, and -- and to Pat (Jendreau-Pickering) -- to Pat (Jendreau-Pickering), the issue of traffic, as important as can it handle any more cars, is what I heard from some of your neighbors and you may very well have told me yourself. That the speed on that road is the troublesome part. That the traffic exceeds the current speed and if -- if the neighbors and the Town and ourselves, we would -- we not mind dealing with the State in a request to them, and that is maybe to reduce the speed on that road. That may create gaps. It may create opportunities for people to

get in and out of their driveways.

So we remain committed to all those issues. We take them deadly seriously, and we're not trivial about any of those things whatsoever and we will deal with our immediate neighbors and the Town for the foreseeable future.

Thank you.

MR. NADLER: Chris Nadler, I'm attorney for Mark IV and the Legacy. Can I address the medical requirement for the conditions, if that is okay with you?

PAUL WANZENRIED: Okay.

MR. NADLER: I just wanted to point out, that Section 500-13 C provides a Special Use Permit for hospitals and rest, nursing and convalescent homes.

As I talked with your attorney at the last meeting, um, rest homes are defined as a place where people who are old or are unable to take care of themselves can live and be taken care of or an establishment that provides housing and general care for the aged or convalescent.

So not having medical services, not requiring medical services is still a specially permitted use on this parcel, in the -- in the Residential District.

Requiring -- requiring the tie-in of the medical services will -- would be appropriate if it was a Special Use Permit exclusively for a nursing home or a convalescent home, but the dictionary defines a rest home as something that doesn't specifically require medical care. I think this is a specially permitted use in this district, even if the cottages don't require medical care at the main facility. So we would respectfully ask that the leases be tied in some other way to the main facility, but not specifically to receiving medical care at the main facility. 500-13 C(2).

ERIC STOWE: I was headed more for convalescent. I can't disagree with the definition of rest home nor its inclusion in our code. It is a special permitted use. The full definition being an establishment that provides housing and general care for the aged, which we don't want to get in the business of encouraging the age discrimination, or the convalescent. And the definition of convalescent is recovering from sickness or disability, partially restored to health or strength and/or of relating to convalescence.

So the general overarching theme is that medical treatment will be provided beyond laundry services and that is where the Town was coming from, with that condition specifically, is that there is some use beyond general maintenance and food and laundry services or the like. And there is more connection to the convalescence, those who use a rest home.

MR. NADLER: I understand that, but the issue is the definition says, "General care for the aged or the convalescent."

So I think your code permits just care for the aged, which "general care," I think, would include housekeeping, laundry, food and recreation services. Even if they're not requiring specifically medical services. The -- the conjunction is an "or," not an "and."

ERIC STOWE: I agree. I -- I think there needs to be some general tie-in so that we are not setting a true -- this is not a senior living community that is dictated by age. This is a care facility with those using a level. So I think that we move on from the general care for the aged and we're into the "or the convalescent," because if all ages will be permitted to live there, as there is no age restriction on it, then we're into the convalescent care, that being the medical portion of the definition. And the general intent, and -- what the condition of the special permit is seeking to prevent is preventing a use that is not consistent with that, and that would be multi-family.

MR. RILEY: The -- when we dealt with this issue, the initial thought was putting an age on it, as -- as some sort of an indicator most polite, if you will, of who was going to be living there. And we understand exactly what your concern is. We, too, are concerned with people that come in and say they will build -- these are apartments for seniors and then they have a -- they have a clubhouse and they don't pro -- they have no program, they're two stories, in some cases aren't even elevators and they gut the senior in need of independent care. One of the problems I have is I don't know how we can render a lease and not violate HIPAA, and what if a person comes in and needs medical care, lives there, gets better? Do they have to move out? I mean, this is -- this is maybe a challenge to your -- to your ordinance, but we will -- but we will demonstrate in the lease their direct connection to all the services, both medical and technically non-medical that operate there.

Not only can I say it, but it happens every day at Clover Blossom. It happens at Erie Station. There are people who in some cases bring medical care into their house through home health care. We wouldn't want to preclude them from living there, having health care of Rochester or Visiting Nurse Service or one of the others come in and take care of their meds, do some bathing, prepare -- in some cases prepare meals individually. That -- that's going to transpire.

We -- we think we can write a lease that would satisfy your Counsel, protect your ordinance and protect you from what we want to be protected from, people that are making you believe they're building senior housing and don't. And then they will be in flipping it. It has happened in some communities. It has happened in towns. "Yes, I want to build senior housing."

Everybody that lives around it says, "I can't be against senior housing."

By design, by physical relationship, by the amount they're going to be paying to live there, will far exceed what they would pay if they just wanted to move into a nice little townhouse in Chili. It will be two times that amount. Maybe in some cases even more.

So we'll certainly work with you, but, medical care -- stating medical care in a lease probably would -- would be as -- as violative of the privacy of those people as age

discrimination.

ERIC STOWE: Mr. Chairman, with respect to that, I don't think it is the Town's intention to go in and pull the medical records of the residents and insure that they are complying. It more allows the Town a level of control if there are complaints, if it is apparent there are people living there that are not utilizing the services and are there, it's a level of control. I certainly acknowledge HIPAA would be protective for the residents. We're not going and doing that, nor should we be in the practice of that. It's more a level of control and -- and continuing compliance with the special use and the intent of the -- of this permitted special use.

MR. RILEY: We'll work with your Counsel to write it the way he feels comfortable and you do, too.

PAUL WANZENRIED: The way I said it is kind of the way I'm comfortable.

MR. RILEY: We hope it's achievable and we're committed to it being achievable.

MR. NADLER: Can I make a suggestion that instead of the specific definitions for medical service, that it be generally conditioned on approval by your Counsel, who knows what you want, but I believe that as Mr. Riley said, we can craft a lease that will satisfy your concerns. It won't be dependent on medical services, but it will make sure that these are not generally available rental facilities, and I think we'll be able to satisfy your Counsel, as well.

You know, the specific definition protects the applicant really. So your attorney knows what the Planning Board wants and we know what the Planning Board wants, but I think we could craft something that was just generally conditioned on the Planning Board's attorney's approval. I think that might make it more workable for everybody, so we can really, really put something together that would satisfy your concerns about these being generally available rental units.

DAVID CROSS: I would be okay with that.

JOHN NOWICKI: I would be okay with that, too. Makes more sense.

DAVID CROSS: Counsel put a lot of thought into it, so have you, and I think there can be an agreement made and this will be a condition of this decision.

MATT EMENS: We just have to see it in laymen's terms, maybe not the legalese that they will work out.

ERIC STOWE: I'm looking through this one.

PAUL WANZENRIED: Take your time. I'm trying to mull over a condition.

MR. NADLER: Maybe attorney approval based on -- to satisfy the concern that apartments would be available for general rental purposes.

ERIC STOWE: Mr. Chairman, I think if -- if the special permit were issued and the -- with the conditions previously recited by you and instead of "medical," it says "general," we still retain the right to review the lease and make sure that that covers that. It -- you --

PAUL WANZENRIED: So everywhere I said "medical," you want me to say "general services."

Is that it?

ERIC STOWE: General -- "general" would replace "medical."

And we still retain the -- the ability to review the lease and make sure it is satisfactory.

PAUL WANZENRIED: All right.

ERIC STOWE: Mr. Chairman, one more thing. I think that would require, as well, striking the conditions relating to defining medical services.

PAUL WANZENRIED: So you want to --

ERIC STOWE: The sentence beginning, "Medical care shall have its common definition" would be stricken and removed.

PAUL WANZENRIED: Up to -- to the end?

ERIC STOWE: Through the end, yes, sir.

PAUL WANZENRIED: Thank you.

ERIC STOWE: And all other instances of "medical" would be replaced with "general." If the Board is comfortable with that condition and our review of the lease.

PAUL WANZENRIED: Let me reread it for all parties.

Ready, Chris (Nadler)?

MR. NADLER: Yes.

PAUL WANZENRIED: "Said lease shall require that the lessee or family member of the lessee be receiving general care at the rest home on the parcel. Only those persons who are receiving general care or persons whose immediate family members are receiving general care at the rest home shall be eligible to lease a cottage unit. General services offered by the rest home on the parcel must be utilized by lessee or lessee's immediate family member in order to be eligible to reside in a cottage."

You all right with that?

MR. NADLER: I think that's very agreeable and we appreciate your willingness to work with us on that.

Thank you.

PAUL WANZENRIED: You still want -- Eric (Stowe), do you still want lease agreements subject to the Town Counsel?

ERIC STOWE: Yes, sir. Other conditions -- you were reading paragraph 3. The remaining paragraphs would remain the same.

PAUL WANZENRIED: That's correct.

Because those have no references to "medical" in them. So we would still maintain those. In addition, the timeframe for the special use will be five years to begin upon Certificate of

Occupancy of the convalescent facility.

We agreed with that?

MR. CARUSO: Yes.

PAUL WANZENRIED: Great. We all in agreement up here? All right. Then let's put it to a vote.

ERIC STOWE: Mr. Chairman, sorry to interrupt. Just before that, was there a vote yet on SEQR?

JOHN HELLABY: No.

PAUL WANZENRIED: I'm about to do that.

ERIC STOWE: Great. Thank you.

JOHN HELLABY: Before you move forward with SEQR, let me state that this has the wrong School District noted on it, on page 3. It is stated as Gates-Chili. It is actually Churchville-Chili, per the Town's records.

PAUL WANZENRIED: Isn't that for the -- for the site plan? Preliminary site plan. We can catch it on the next one.

Paul Wanzenried 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.

PAUL WANZENRIED: Based on conditions set forth that I just read -- do you need to hear them again?

The Board indicated they did not.

PAUL WANZENRIED: Then for the Special Use Permit.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Said special use permit is conditioned upon the approval by the Counsel to the Planning Board of the lease for the "cottages".
 2. Said special use permit shall further be conditioned that any future changes to the lease, regarding eligibility for residency in the cottages, must be approved by Assistant Counsel to the Town.
 3. Said lease shall require that the lessee, or family members of the lessee, be receiving general care at the rest home on the parcel. Only those persons who are receiving general care, or persons whose immediate family members are receiving general care at the rest home, shall be eligible to lease a cottage unit. General services offered by the rest home on the parcel must be utilized by a lessee or a lessee's immediate family member in order to be eligible to reside in a cottage.
 4. The cottages shall at all times be leased and shall not be offered for sale. The leases shall be non-transferable by both the lessor and the lessee.
 5. The lessor shall at all times be the owner in fee of the parcel.
 6. Special use permit shall be granted for a 5 year term to begin upon the obtaining of a Certificate of Occupancy for the convalescent facility.
 7. All lease agreements shall be subject to the approval of the Assistant Town Counsel.
3. Application of Legacy at Chili Park LLC, 301 Exchange Blvd. Suite 200, Rochester, New York 14624 for preliminary site plan approval to erect a 109 unit convalescent facility with 8 buildings totaling 28 cottage units at property located at 3360 Chili Avenue in R-1-20 zone.

Don Riley, John Caruso, Brian Powers, Chris DiMarzo and Chris Nadler were present to represent the application.

PAUL WANZENRIED: I believe, Mr. Caruso, you have questions to answer from the community with regard to this, and I'm sure that the members of the Board will have questions, as well.

MR. CARUSO: I have no further presentation. With respect to the comments from the public, the first one was concerned about drainage leaving -- Paul (Enssle), I didn't catch your last name.

But Paul (Enssle) owns the property to the west. That's the parcel where the drainage actually originates and drains onto this property. I can tell you that we do a thorough job in our -- and our engineering for the drainage is reviewed by the Town Engineer. He already has

reviewed our drainage design and has given us some very good feedback that we plan to incorporate.

That was my promise earlier, to incorporate that into this plan. But we have multiple locations of drainage coming onto this property that we have designed to the Town standards. That is 10- and 25-year design storms. So I can assure you that we are capturing water coming onto our property and will not be backing water up onto his property.

Secondly, Don (Riley) addressed traffic and the western entrance. There was a question about staking the property. I don't know if -- I don't believe that we staked the perimeter of this property. The stakes that any resident may have seen out there may have been test pits that were done in and around the property. I'm not sure. But they're not -- we did not stake the property corners on the topo survey.

Define screening. The screening is defined by Evergreen trees we're putting around through the holes along that perimeter as I pointed out earlier.

And then lastly, um, there was comments, opinions and conjecture that really didn't have any engineering support behind them, and don't require any response.

Questions from the Board?

MATT EMENS: So, John (Caruso), you just talked about the landscaping, and I just wanted to capture this before I move onto the other stuff.

C-105 in the set of drawings I have dated 9/4, um, your -- correct me if I am wrong, you're stating that this drawing shows more landscaping?

MR. CARUSO: I was trying to put that up. This drawing does not have the -- this drawing shows the new landscaping on the perimeter there. You're welcome to pass that around to the Board. But the other landscaping plan just had some trees planted and some of the residences' backyards where we saw some openings, but, you know, the -- the property right now is wide open, mowed to the ground, and so it's an open field. It's not like there is a set of woods back there. We wanted to try to -- of course, they have the woods in their own backyard -- to try to insert some additional screening. That was our -- our attempt to do that.

Don't forget, this is not a two-story building. It's a one-story building so you won't have that sea of wall in the backyard.

MATT EMENS: What is the elevation? That drops down back there, right? So then those trees will be above -- will they be in the same grade plain as the building?

MR. CARUSO: Yes. We'll carry the grade at the back of their property and put the trees there and then we'll grade into the property. So ipso facto, we'll preserve a 10 foot area and do the planting there.

MATT EMENS: Right. So that was one of my comments, that it seemed a bit light around there. You have already addressed that.

I guess just to kind of get into the engineering comments from Michael Hanscom, you already kind of addressed in generalities that you seem to think that all these things are achievable and you guys can look at these things. I think the biggest thing I see on there is 3. 3, which refers to drawing C-102, and it's talking about the setbacks. I know we have already heard from different people about the variances that may be required, that may not be required, that you may be going to get or have to try to get. I'm just wondering, because I -- because I appreciate the fact that it is a tight site, and I know even last month when you guys came, you did you a lot of work to get this to fit in here very well. And there are still a few challenges left. I think this is one of them.

So those items, is there a way to relocate those in a different point in the site? Maybe it's not central. Instead of spreading them out across that back line, to get them in an area where you could kind of group them together and screen them? And then maybe we don't completely get out of the -- the variance, but I don't want to take away valuable property.

It also just kind of seems they're scattered down this road, as we go. I don't know if there was real design to that or if we just put them where they fit. You know, not -- I'm not trying to be rude or -- in terms of the layout.

MR. CARUSO: If you will -- if you will allow me to be very honest with you, um, I will happily meet with Mark IV and see if there is a better layout that's -- that functions better for them that might allow us to minimize our variance. Because as you know, when you go to the Zoning Board of Appeals, you try to say, "Look. When we first designed it, it was 10 feet off the pavement, but I can make it 8 and here is why."

And if it's better, it's, "Okay. We grant the variance."

So I'm absolutely willing to do that. But I also wanted to point out this. This is a railroad track. The value of the land between that and the building is worthless. The fact there is a setback on it is an impairment on it. We should be able to build right up to it. And what they did, they put their chiller, all of the gurgling noise and fan noise here by the railroad tracks and not anywhere near the building side. For a reason they did that. And this is a bat wing, so it blocks all of the noise -- they might actually have a -- a sound reduction from the trains going by as a result of this building, with the solid barrier there. I mean, that's a real world issue.

So putting the -- that stuff over there, where the refuse truck goes to pick up, where their truck is going to get the snowplow and snow blower out, that might be a great place to put that stuff on the piece of land that is essentially worthless.

So that's another way of looking at it, and why we -- we didn't feel that if I laid that on the Zoning Board of Appeals, they would say, "Gees, of all of the places to put that, that is probably a good place to put it."

But we will look at it and see if maybe they're better off together. You know, impair one

area rather than scattered out.

MATT EMENS: I don't necessarily care so much about -- I'm trying to think how to word this without sounding -- I guess I don't -- I'm more interested in the grouping of them together as opposed to being scattered out.

I think that -- I also appreciate your point about the railroad. It's the railroad. It's not -- but maybe that gives the opportunity to present, you know -- you know, I see the rendering of what you guys are -- most likely going to do here architecturally and the site layout, and the fact that maybe those could be taken away and make a little bit more of that area nicer with a little different landscaping and plantings there as opposed to putting these utilitarian -- I know they are necessities -- you know, just putting them further away from the main facility.

I also -- I don't know how much validity we can get it -- we can get into the discussion about how much that is going to help with the sound from the railroad tracks. Um, it's -- it's one thing across -- I mean, how many -- is that -- is that 1,000, 1,200 feet?

MR. CARUSO: It's going to be an immense reduction in sound.

MATT EMENS: For cooling towers?

MR. CARUSO: Chiller. Yeah. That -- that -- that being over there. But I mean, just that building placed between -- a solid barrier between any two points of -- sources for sound and reception -- which is why they put the walls up instead of trees along the expressway, um, because we don't put trees up to block sound. We put them up to visually block.

MATT EMENS: But what I'm getting at, John (Caruso), we're talking about -- it is not dimension on here, but let's say it is 25 feet wide of pavement around the cooling tower, the station, the generator. That 30 feet a little further down will do the same thing, just at a different point. Am I missing something?

MR. CARUSO: No. I'm agreeing with the -- with the opportunity to try to cluster these in one area and instead of having them scattered out, I think we can achieve it. I just want to -- I want to take that back and if that is something I can come back to you and say here is how we addressed it --

MATT EMENS: Okay. Thanks.

MR. CARUSO: Okay. You're welcome.

MATT EMENS: Obviously the Fire Marshal comments with the entrance, and I know we also have the comment about the westernmost entrance. I think there is a lot of discussion to be had there. I don't know if it is necessarily where I want to go with it right now.

MR. CARUSO: I maybe want to relieve you of one concern. We have been talking with the Fire Marshal and we worked out an access around the side of the building, by -- by constructing a pathway around here, where -- you see right now, the Fire Marshal can fight a fire on this side of the building all of the way up to each side, except for right here. Except they can also be right here (indicating) and get into the back. And so what we -- what we agreed to do is offer an extended large sidewalk. They would never drive back there anyway, but they --

MATT EMENS: Vehicle access.

MR. CARUSO: -- but it would be a man or a smaller piece of equipment can get there and that is what we have agreed to resolve that firefighting issue.

MATT EMENS: Okay. That's important. Thank you.

There is also a thing, a comment Number 4 talks about adding the list of the granted and/or required zoning variances for the property.

Um, I was a little confused by that, Mike (Hanscom). Is that -- is that -- is that -- are there current variances on the property, or are you saying when they go to get variances, it needs to be listed on here?

MICHAEL HANSCOM: Um, what I'm saying is any variances that the Planning Board identifies with engineer -- with the -- or the Building Department identifies that they need to obtain needs to be listed on the plans. And then before the drawings are signed, um, by all of the parties in the Town, they need to be listed as to what variances have been obtained and the date they were obtained.

MATT EMENS: Okay. Thanks for that.

MR. CARUSO: On page 1, we typically list the variances that we are proposing and then before you finalize them, you say the Zoning Board of Appeals granted a front setback variance of 30 feet on 12 -- on 11/15 --

MATT EMENS: My confusion was if there was a previous variance. That is what I was just clarifying.

And I guess the other one in terms of the setback discussion is still out there, seems to be looming a bit, in regards to the cottages. And their setback. And I guess I'm just bringing that up, because that's on here and I know it was on the last time, and I know the one thing that jumped out was one of the comments, in Mike (Hanscom)'s letter, which is 8C, so I guess I just -- I'm interested in the setbacks and the zoning things probably the most out of all this.

MR. CARUSO: So when we designed -- from doing several town home projects in this community and having them at 20 and 25 feet, um, we know that this community prefers them to be at 30. And so when we did the Greenwood town home project, we redesigned that twice. If you remember, John (Caruso), you know, you guys just weren't good with it. So we went back and actually entered into the rear setback which was preferred.

So when we did this project, we knew that minimum, um, that we would have for a driveway length would be 30 feet. That is why you will see the very shortest one is only 30 feet. But there are others that extend beyond 30.

MATT EMENS: So basically you will not be able to park more than two cars deep in a

driveway?

MR. CARUSO: Right.

MATT EMENS: Actually, very tough to get to. It would be tight.

MR. CARUSO: That is not our intention, to park more than two. It would be one in the garage.

MATT EMENS: I'm saying from a census scale, if you base it for people on a parking spot is what I'm getting at.

MR. CARUSO: It's intended for one car.

MATT EMENS: I guess I just wanted to bring up 13, which was about drainage and proposed grading and some concerns about the neighboring properties. I know Don (Riley) has mentioned numerous times and you guys have already shown and addressed you want to help the neighbors out and make sure that the neighbors understand all this. So I know it has been brought up again under the special use, and I know, John (Caruso), you have addressed the issues in terms of drainage and obviously our Town Engineer is looking at the drainage, but, you know, you guys have said you will take care of the neighbors, and you said you build, you own and you operate and you will stay to do that. I just think I want to say out loud again, any of these items that are on here, that the neighbors still have questions about, should -- should -- we have the time, we should take the time to make sure they're comfortable and understand it.

MR. CARUSO: I want to answer that one specifically for you because I did read all these comments and I did get with my group to make sure we could address it. That one talks about that northeast corner of that property. As a result of that comment -- and I really meant it. We can meet and make the changes. We had some good input. We plan to change the design over there, which means we don't have to drop the grade, which would allow water to go in their yard. We can adjust some elevation so we'll contain it within the pond area and we'll also move some pipes around and pipe from one pond to the other, rather than to try to do an overflow, so that we could have the ground at full height there rather than a ditch and that allows us to put some landscaping in place I just showed you. You didn't know that, but that is the significant changes we're making to make that corner better.

MATT EMENS: The other one, once again, goes back to the neighbors and the lighting. I think this lighting will be extremely important. I know we're not there yet, but I know we're discussing preliminary right now and I'm on board with just discussing preliminary, obviously. But that will be very important and obviously, as you know, the rules of the road here and what we need and don't need to see, and that lighting plan is going to be very important.

MR. CARUSO: Absolutely.

MATT EMENS: I think that is all I got.

MR. CARUSO: When you guys are talking about lighting, are you talking about site lighting, the building lighting or the lighting along the roadways?

PAUL WANZENRIED: All of it.

MATT EMENS: The building lighting is extremely important, but whether or not there is a western entrance or not, what does that street lighting look like? What is the outside looking like on the cottages? Is there a light on that street? Is there a light on the fronts of the cottages? Is there lights on the back of the cottages? Just understanding in general from an architectural standpoint, and like you guys said, we're not there to look at that kind of detail, but I think it will be very important to understand that and make sure everyone, especially the neighbors understand that.

MR. CARUSO: A photometric plan tells the whole story. So we'll make sure that you have that.

MR. RILEY: And the basic principle, and I am really not trying to be facetious, is our residents don't want to be bothered by the lights either. These are people living there. And nor do they want to be bothered by their neighbors. So the screening works both ways. And it works out pretty well.

There was a mention during the remarks that were made that I do want to speak to and that is very, very important, since we have been talking about care tonight. The memory care unfortunately is a locked part of this building. Our memory care residents will not be walking outside the building ever. They will be in the courtyards, the large courtyards that are totally -- totally encircled by their buildings, and they will be designed and built for the use of all of the -- this is the memory care area here (indicating). So we take that obviously seriously. So do the staff that will be handling those memory care communities.

One of the nicest memory care communities is over at the Jewish Home. If you get a chance in your role of trying to keep up to speed, take a look at that. And -- and when Maiden Lane is done, we will welcome you to come and look at it. So those are locked units.

There was mention of fencing and that. I have to tell you, the only day fencing looks good is the day it is put up and after that, it is sort of a nightmare. We don't throw that up unless -- without a serious thought and look at what -- what that fencing would mean. But our residents will not be out wandering around.

JOHN HELLABY: All my operational questions were answered last month. As I stated before, just in a general statement, with the amount of stuff that, you know, the Town Engineer, who I think has done an excellent job of reviewing these plans, the Fire Marshal has some big concerns. The Conservation Board is still looking for landscaping. You know, the lights -- the lighting issue, there are several drainage issues brought to light here, including doing some perk tests. You're not even sure if the infiltration system will work yet without that data, probably.

I'm a little concerned on the amount of homework that still is left to do there. That's all.

PAUL WANZENRIED: Based on that, and -- there is no architectural plans available, um, I think I have to share your concern. I'm wondering if it wouldn't be better to table this until next month and then you come forward with preliminary final or something like that and throw that out to -- as an option. You could continue listening to all our comments and take them, and then come back with a more complete plan. We would like to have answers -- I usually don't like the answer, "Yes, we can comply with everything."

That doesn't fly with me. I would rather see it on the plan, as do most of these Board members.

MR. CARUSO: We, too. You know, we -- getting preliminary tonight or we're certainly not ready for final, um, we're working to the same end, and you know, knowing we have worked with you guys before, um, I think the special permit and SEQOR allows us to enter the world of trying to put this building together. I didn't put it into our presentation, but you know, when we start actually designing this building, we may be able to, um, mitigate, shorten some of the variances that we have with that front setback. We might pick up a couple of feet, and that was to the benefit of going through this process. So we do allow -- we do appreciate what you have given us tonight and if we want to continue on table, we can agree to that. We'll go finish up our homework and come back.

PAUL WANZENRIED: I will continue with comments to the Board, side table. I don't know.

Should I open the Public Hearing or --

ERIC STOWE: If we're not having a complete application for the public to comment on, might it not make more sense to get the final -- the final preliminary and then do the public comments so we're doing it once and not leaving it open like we did once previously?

PAUL WANZENRIED: Okay.

ERIC STOWE: That is my only thought.

PAUL WANZENRIED: No. I think I'm in agreement with that, Eric (Stowe). So we'll listen to the Board comments and then I will -- I will table it.

MR. CARUSO: Very good.

PAUL WANZENRIED: You agree with that?

MR. CARUSO: Yes.

JOHN NOWICKI: I have one area, and I want to thank Mike Hanscom again like Al (Hellaby) did. They have done a great job in looking at all of the details here. One of the areas that Mr. Riley suggested he would be happy to do some work on is to get our local officials and our State officials to really look at the traffic. Because this is a problem.

And with more sidewalks going in, over the last few years, we have seen more bicyclists, more people walking up and down the roads and the speeds need to be controlled. We need a lot of work on Chili Avenue. From Chili Center, right to Union Street. So I appreciate your efforts, and please, see if you can get the local and State officials to get their butts going. Thank you.

DAVID CROSS: That was kind of a nice segue I will lead into. Traffic calming device, if you will, on Chili Avenue, maybe a crosswalk should be talked about with the DOT. Maybe at the northeast corner of the intersection of 386 and 33A. Right now you have a sidewalk to nowhere. I generally don't like sidewalks to nowhere. I think the Board would echo that.

Um, and I wouldn't push this, but I -- but I'm wondering if Don (Riley) or Brian (Powers) or John (Caruso), you may have approached the neighbors out front, about the possibility of building a sidewalk across their frontage, which would link your westerly sidewalk to the easterly sidewalk, and I think a nice connection across Chili Avenue to the Town Hall would really be -- I think it would be nice for the community. I would never want to push it if the neighbors push back on it, though.

MR. RILEY: The neighbors asked us to come down and take a look at the backyard. We actually did have that discussion. The challenge is with the right-of-way that the State has for that road, with their setbacks, um, it -- that sidewalk may be a whole lot closer to their front doors than they would like, but again, we'll take a real hard look at that. But I heard loud and clear, the perception of the people that live there, speed of the traffic is as -- is as burdensome as the amount of the traffic. And while we're talking to them about the access point, um, John (Caruso), has worked with DOT for years, as you may have, and I have, and we'll try to get to the right people and say, "Look, we just happen to be building this here, but we're going to have seniors living in this community and we want" -- I can tell you, we watch Mt. Read Boulevard very carefully because Park Crescent is on Mt. Read Boulevard. We have worked with the Town and the authorities on speed associated with that, because seniors coming and going may very well not have the acute awareness that maybe somebody younger has. Some young people don't have the acute awareness either, but that is something that we're going to be committed to not only during this review process but when we're operating that community. So it's a well -- well taken comment.

DAVID CROSS: And I -- you know, to address the -- the driveway entrance on the west side of the side, I think it is necessary for -- for a project this size and the use, with the convalescence use, you're talking about emergency vehicles. I -- I -- two entrances, definitely needed. Plus that would be a really long cul-de-sac if something ever happened.

MR. CARUSO: We agreed. We -- we knew that -- that they didn't want it, but we did put this plan together as a document to take with us to meet with them and say -- but it has to start with the Animal Hospital.

DAVID CROSS: Agreed. Agreed. Two more quick things. And Pat (Tindale) will probably pick up on this for the Conservation Board, but the hot boxes with the -- the hot box

with the backflow preventer, maybe a little more vegetated screening around that.

Then architectural, um -- particularly the building face, um, on the main convalescence home, to the -- the building face that is facing Chili Avenue, maybe -- maybe appropriate thing for that would be a village style. Maybe it's a front porch, um, that sort of thing to really blend it in with the community to have a residential feel there.

MR. RILEY: Um, as you guys call it hot boxes, we call them butt ugly. But Maiden Lane actually, we're building what will look like a country pump house over the -- over the hot box. It will -- we'll show you those renderings.

DAVID CROSS: An aluminum building?

MR. RILEY: Yes. It's going to be a building onto itself and it will have the same -- the same design as -- as the main building.

DAVID CROSS: Good.

MR. CARUSO: So I got -- your last comment was on the architectural comment, and I got that in there, and so -- I think that -- sort of can't wait to present to you back what the architectural looks like. You know, we won't be putting all our glory up at the front entrance. Just where the drop-off is, we'll carry it around the whole -- this building has a lot of perception and a lot of views, and so we look to bring that forward to you.

DAVID CROSS: Looking forward to seeing it.

PAUL WANZENRIED: John (Caruso), do you have a timeframe when you would be back before us?

MR. CARUSO: Well, today is -- tomorrow is day one of getting the architectural on board now that we have special permit. I think that is going to do a lot for Chris DiMarzo and the DiMarzo Mark IV Enterprises. This was a big stepping stone, and I think that, you know, going forward, we have a lot of good work from all parties involved that sort of gives us a direction on how to come back and get preliminary and final from you.

PAUL WANZENRIED: Okay. Based on that, I make a motion to table this application to a future date as the applicant applies.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 5 yes to table until the applicant resubmits for the following reasons:

1. Application is incomplete. Further information is required.
2. Landscape plan (signed and sealed by a licensed landscape architect) has not been submitted to the Conservation Board for review and approval.
3. Building elevations have not been submitted to the Architectural Advisory Committee for review and recommendations.
4. Application of DPB Holdings LLC, owner; 1 Boon Drive, PO Box 370, North Chili, New York 14514 for preliminary site plan approval for a parking lot expansion at property located at 1 Boon Drive in G.I. zone.

Daniel Boon was present to represent the application.

PAUL WANZENRIED: Gentlemen of the Board, I believe Mr. Boon has -- let me check. Hang on. I believe he paid for final, as well. It is my understanding we will be able to review this as final.

DAVID LINDSAY: Mr. Boon has paid for final.

PAUL WANZENRIED: Do we have any issues with preliminary and final?

DAVID LINDSAY: No issues with that.

PAUL WANZENRIED: The floor is yours, Mr. Boon.

MR. BOON: Dan Boon, 1 Boon Drive.

I come in front of you tonight to ask -- we're trying to add 20 parking spaces that you see. You know, we have a good problem. We have -- since I stood in front of you six years ago, um, kind of our business, as far as our employees go, we have doubled our employees. We only had 30 and now we're over 60. So we're -- we're kind of, you know, outgrown our parking area.

But I looked at many ways to try to do something. But you see we put our employees -- have just gone down so far in the yard that I'm losing all my yard space.

I approached FedEx, tried to buy some of the land that was next to me. That can't happen right now. I have done different things to try to come up with an answer and we have -- only thing I have left is to do this in the front. Strictly would be for employees. It would just take a little pressure off of our inside yard to get some of the cars out of it.

PAUL WANZENRIED: Are you relocating the inside parking to the outside?

MR. BOON: No. The inside parking we have gone beyond the parking boxes. We're just down in the yard. So we had about 30 -- it was 30 parking spaces. So we're just past it that much. By taking 20 -- that is about what I could fit in there. The two spaces is -- to put 20 parking spaces in there, it would help take a lot of pressure off.

PAUL WANZENRIED: Okay. You did achieve your variance for front yard parking?

MR. BOON: Yes.

PAUL WANZENRIED: Very good. Thank you.

I have one question and I will turn it over to the Board. Snow storage, where will you put your snow for this little bit?

MR. BOON: We would have to -- we still have a little bit on the one side of the front. Obviously we would have to take it to the back. We take a lot to the back now. I own 60 feet the other side of the fence line, so -- and we have a creek on one side. We try to take it in different spots. I store it in the back. If it gets to be too much, we have to put some over the back fence. But we have to have a real tough winter to go to that extreme.

MATT EMENS: So it looks like in the response letter, the revised site plan, which is quite small, that the handicapped parking spaces --

MR. BOON: There is actually -- there is actually two handicapped parking spaces there now. The problem is, is -- my employees are using them. They're parking over all of them. When I originally had done that, there were two inside the fence. You see where the hashed out area is against the fence. That is why it was there like that. There are handicapped spots and them first two. So they are technically there. I mean, I can add -- it's just that I don't have, um, a need for it. I think that -- I believe they said it is two that would bring me -- that would keep me within code.

MATT EMENS: I think the only concern is just making sure it is compliant as necessary.

MR. BOON: Right. I had to. I will tell you -- I will tell you what I have done. At least not there now, they put it inside the building, but there was a -- I made a post with the handicapped sign, that is how it was supposed to be put -- I have it on a welded ring so that we can move it around in the winter when we're plowing and then put it back. So it is just not sitting there now. Again, we're just using everything we can use right now.

MATT EMENS: It looks like the signage is a detail on here and they called out some -- which it wasn't on the original S1 drawing, and I see where you're saying the loading zone is hashed out there.

MR. BOON: It is hashed out all across that fence.

MATT EMENS: As long as that is addressed and Mr. Hanscom is okay with that, I don't have any questions.

JOHN HELLABY: Is the fence staying where it is?

MR. BOON: Fence is staying where it is at.

JOHN HELLABY: Do you have wheel chucks or something to keep people from driving into this fence?

MR. BOON: We're going to leave -- I'm sorry. There is a berm there now, some plantings on it. I'm leaving that there. I'm leaving that vegetation across that fence. You know.

JOHN HELLABY: So there is a landscape area before the --

MR. BOON: There is a landscaped area. Not very wide.

JOHN HELLABY: That is just on the one side. What about the back part?

MR. BOON: There is landscaping across that. There are trees there.

JOHN HELLABY: All right. That's all I got. You run a neat operation.

MR. BOON: Whatever we got to do. Talking roadside -- I was going to talk to Mr. Lindsay about that. Shows we'll move some of the trees on the side and put them -- it is going to be -- I would like to do something different, put smaller vegetation out there. If I put anything, for the reason being, it's going to be low. Is it an area where you have to come out of the driveway, the trees I put in there, asked to put in there six years ago, they will grow to be 30 feet high. They're going to be a problem. So I would like to move them and put something maybe on the corner a little different just so it is not blocking, for safety reasons is all. But we can work that out, I think, where I can.

JOHN HELLABY: I'm sure you can come up with a compromise with the Conservation Board.

PAUL WANZENRIED: You're showing two signs. What are those signs?

MR. BOON: There is a Boon & Sons sign now. There are two smaller signs. All them are direction signs, okay, for employees. I think one of them is to tell the trucks to go -- there is no truck entrance and there is an employee entrance.

JOHN NOWICKI: Nice job everybody. You have done a great job and I look forward to seeing you out there some day. Thank you.

PAT TINDALE: Comment. First I have a question. You're talking about the trees. Is it going to be something different?

MR. BOON: Pat (Tindale), you know the trees I put in there? Those trees will grow to be 30 feet tall. I don't think we want them out on the roadside. I would like to put something a little different or move the trees -- keep the trees, but I don't think that is the place for them. There will be a lawn area in there. I just look at -- I think -- Dave (Lindsay) because plowing the road, he will not want the vegetation that close to the road. So we'll do some different.

PAT TINDALE: Different than you show here.

MR. BOON: The trees, it shows -- when the engineer did that, he showed moving the trees around there, but those trees will get very large and it will be -- I don't think that it is the right tree to put there.

PAT TINDALE: You will come up with new landscaping.

MR. BOON: Something shorter that will look nice but stay dwarf where it is not blocking the view. That is what happens. You put stuff in and after five years, it's a problem.

PAT TINDALE: You will send me a print.

MR. BOON: I will give you something that -- that makes more sense to put there, to keep it nice. The other trees, I have to move them -- I can move them, keep them on the side. I just

don't want to ruin these trees either because them trees have been doing well. I'll figure it out.

PAT TINDALE: Don't just get rid of them.

MR. BOON: No. We'll replant them somewhere.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL WANZENRIED: Upon completion of the project, the applicant shall submit a landscape Certificate of Compliance to the Building Department from landscape architect certifying that all approved plantings have been furnished and installed in substantial compliance with the approved landscape plan.

Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

The applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Applicant is subject to required permits, inspections and code compliant regulations.

And subject to approval of the Town Fire Marshal, which he had no comment.

And any signage change shall comply with the Town Code including obtaining sign permits.

You okay with that?

MR. BOON: No. I won't add anything. I will leave it the way it is, I guess.

PAUL WANZENRIED: Based on that, I will make a motion to declare the Board --

PAT TINDALE: Excuse me one minute. I didn't catch the beginning. Did you mention that he has to come back to the Conservation Board with some landscape prints? I know he mentioned the licensed landscape architect's approval there. But what we got now is not what he is going to be doing.

PAUL WANZENRIED: So you want to add he shall supply a landscape plan drawn by a licensed --

PAT TINDALE: Probably won't need that for -- because of the size of the project, but, yes, I need new prints showing what is he going to put there.

PAUL WANZENRIED: Okay. Applicant shall submit to Conservation Board a revised landscape plan for their approval.

Is that all right, Pat (Tindale)?

PAT TINDALE: Sounds good.

PAUL WANZENRIED: Great.

Paul Wanzenried 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 5 yes with the following conditions:

1. Applicant shall submit a revised landscape plan to the Conservation Board for their approval.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Subject to approval by the Town Fire Marshal
8. Any signage change shall comply with Town Code, including obtaining sign permits.

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

5. Application of Sumket Development, owner; 1001 Lexington Avenue, Rochester, New York 14606 for preliminary subdivision approval of one lot into two lots to be known as 1064 Scottsville Road Subdivision at property located at 1064 Scottsville Road in G.B. zone.

Peter Varis and Pepsy Kettavong were present to represent the application.

MR. VARIS: Good evening. My name is Peter Varis from BME Associates appearing tonight on behalf of Sumket Development. Also with me this evening is Mr. Pepsy Kettavong, the owner, developer from Sumket Development.

We are appearing this evening to request subdivision approval to create two lots of property that is located at 1064 Scottsville Road. The property consists of 6.1 acres that's located on the south side of Scottsville Road at the Interstate 390 interchange.

The property is currently vacant and is zoned GB General Business. The property occupies approximately 624 feet of frontage along Scottsville Road and is approximately 350 feet deep. All of that complying with the bulk area requirements of the General Business zoning district.

The applicant wishes to create two lots as highlighted in green on the print that's on the board and per the subdivision plans that were submitted to you with our application. Lot 1, which is on the left side and the bottom of the map, would consist of just under 4 1/2 acres. It would -- it would have 236 feet of frontage along Scottsville Road.

Lot 2 would occupy about 388 feet of frontage along Scottsville Road and will have a depth ranging anywhere from 165 feet to 188 feet. Lot 2 is designated for development at this time, and actually is on your agenda a little bit later this evening. We do acknowledge that Lot 2 would require an area variance for its lot depth as the 160 foot feet of depth or 165 foot minimum feet of depth is less than the 250 feet required in the GB Zone. However, Lot 2, excuse me, has been created based on what the purchaser needs as it relates to their site plan, but I will allow them to discuss that when their item comes up in the agenda.

Lot 1 is being reserved for future development. At this time it is planned it would be developed per those uses allowed in the GB Zone and we acknowledge obviously any proposal for Lot 1 would be subject to a separate and independent site plan review before this Board.

Um, we did provide you a short form EAF for this. We do believe it is an unlisted action under SEQR. There were a couple minor comments that we received from the Town Engineer, which we will be able to address, we believe, without any problems with the Town Engineer.

So at this time, um, we can answer any questions that the Board may have regarding this subdivision application.

PAUL WANZENRIED: Are you selling off Lot 1?

MR. VARIS: No. Lot 1 is being retained by Sumket.

PAUL WANZENRIED: That is the larger lot.

MR. VARIS: I mean Lot 2.

PAUL WANZENRIED: You're selling Lot 2?

MR. VARIS: Correct.

PAUL WANZENRIED: At one point I thought we were dividing this into three lots. Has that gone away? Is there still potential for that?

MR. VARIS: I think there is a potential for that. Mr. Kettavong can obviously speak to that. It is his intent, as has been discussed -- I guess maybe for the record, we appeared back in the winter and early spring to get a portion of this property rezoned to GB, because it had a split zoning district. One of the intended uses here is Mr. Kettavong intends to put his art studio on this property. It is still his intention to do that on a portion of Lot 1. It is just at this time, we're not sure what the other user will be, and until that is known, we don't want to create the third lot without knowing what the dimensional requirements would be. So that is why Lot 1 in its -- as it is being proposed today is being retained by Sumket, but it is possible it could be divided in the future, yes.

PAUL WANZENRIED: Because of the interwoven between these two applications that you are pertaining to and the next two applications, I know that there is a pond filtration basin or retention basin, rather, being put into the rear of Lot 1. Lot 2 will drain to that?

MR. VARIS: Yes. Actually, I was remiss in maybe not explaining that in -- in my opening remarks and I apologize for that.

The subdivision plan as -- as submitted and would be filed would include easements between the lots. There would be a shared access, utility easement coming off of Scottsville Road, which I will discuss with the site plan application in a little bit more detail. That -- basically access is to be shared by the lot. That easement will be installed. There are also, um -- this area here (indicating), um, that is a proposed drainage easement that would be shared between -- at this case -- or at this time, between Lots 1 and 2. It is the intent -- lot -- Lot 2 will have its own storm sewer system, drainage system, but ultimately it would drain into that facility on Lot 1. So yes, those -- those cross access, cross -- cross drainage easements would be filed with this subdivision plan.

PAUL WANZENRIED: That's what I wanted to hear. Okay. Thank you.

MATT EMENS: In regards to the subdivision only, correct?

PAUL WANZENRIED: That's correct.

MATT EMENS: Peter (Varis), you already mentioned this, but I just want to go back to it real quick. Lot 2 is being sized -- as you said, I want to clarify this -- is being sized based on the fact that an application that is on later tonight -- in other words, the site layout drove the outline of -- and size of Lot 2 that we're subdividing or talking about subdividing; is that correct?

MR. VARIS: Yes.

MATT EMENS: I don't have any other questions at this time.

JOHN HELLABY: I don't have anything else.

JOHN NOWICKI: No questions.

DAVID CROSS: No, nothing for this application.

ERIC STOWE: Just approval of the easements, specifically we're creating two lots -- the cross-access easement as it pertains to those two parcels.

PAUL WANZENRIED: You want that as a condition, correct?

ERIC STOWE: That would -- that would be our request.

DAVID LINDSAY: I believe the intent is to provide an easement to the Town for the 30-inch box storm sewer, correct?

MR. VARIS: Yes.

DAVID LINDSAY: So it is in essence we're taking ownership of that storm sewer?

MR. VARIS: Well, that's a good question, Dave (Lindsay). And what I mean by that, what Mr. Lindsay is referring to, is -- is this area here (indicating). There currently is what appears to be an abandoned -- abandoned 30 inch by 30 inch storm sewer that runs through the property. Through a lot of work and investigation with the Town, with Monroe County, with the State DOT, with the City of Rochester, nobody claims any knowledge or ownership of this storm sewer. So at this point in time, what we're showing is placing an easement over it, and it wasn't really intended to be ownership at this time. It was really just to allow access, maintenance and inspection, because nobody has claimed ownership of the storm sewer. But we do believe it's prudent, um, that -- that an access and rights are granted to the authorities such that if they have ever any need to get to it.

DAVID LINDSAY: I guess my point would be then if maintenance is going to be part of the -- that easement access, I don't know if you had an opportunity to televise the sewer yet. I guess if you haven't, we would request you do that and furnish a copy of that to the Town for our review to make sure we're inheriting a good sewer.

MR. VARIS: We have televised it. And it was through that televising process, I think we were able to confirm it is pretty much abandoned. Just bear me, please. If you look at about that area there (indicating), there is an existing manhole there. We televised north. About 50 to 75 feet north, the sewer was collapsed. About 70 feet south, it was -- the camera couldn't go any further because of roots. Um, but we do have that. We can provide that to you.

DAVID LINDSAY: Not accepting any drainage from the road at all?

MR. VARIS: No. We did confirm that with State DOT. The point being, is I believe when we move forward with Lot 1 site plan review, we will likely have a proposal that that sewer is abandoned and that a new storm sewer system is installed as part of Lot 1 site development. It is not required for anything at this point, nor is it required at this time for Lot 2 development.

DAVID LINDSAY: Sounds reasonable. If you can just forward the video to us, that would be great.

PAUL WANZENRIED: Did you say it was sanitary or storm?

MR. VARIS: It's a storm sewer.

MICHAEL HANSCOM: Nothing right now, thanks.

BRAD GROVER: Um, the east side of the lot here, you have got this turn in and turn out, where it looks like a right turn in, right turn out only. Does that --

PAUL WANZENRIED: Wait, Brad (Grover). That's going to be for the next application.

BRAD GROVER: Sorry.

PAUL WANZENRIED: You will deal with site plan. We'll catch that comment. I share your concern.

MATT EMENS: So I have a question. I know what -- we're trying do this in a specific order for a specific reason. Um, in terms of the subdivision. But to go back to my comment at the beginning about the depth of the lot, um, unless my memory is incorrect and I'm just looking through the comments for the applicant later on this evening, in regards to that lot, there seems to be a few variance issues that would be required, and it seems that the depth of this lot is driving this. So my concern is -- right now, is -- while I don't really have a problem with the size of the lot and this presentation, my concern is -- is if we approve it now and then we talk about these items later, we have kind of backed ourselves into a corner.

MR. VARIS: I think that's a very fair observation.

MATT EMENS: So I guess I don't really know how to handle that. But my point is, that maybe Lot 2 is not the right size.

PAUL WANZENRIED: Right size for what?

MATT EMENS: The proposed application coming before you. He specifically said, and I asked the question, and he clarified --

DAVID CROSS: Paul (Wanzenried), won't we condition both applications to be contingent on Zoning Board approval? I can --

ERIC STOWE: I think what the Board -- what the Board would be best suited to do is condition any subdivision on a future variance because it would be an invalid lot line as it stands now. So condition any approval on the variance from the approval of the ZBA.

PAUL WANZENRIED: Yes. I believe the standard -- the standard Board condition is,

pending approval of the Zoning Board of Appeals for all of the required variances, right? That's what you're looking for?

MATT EMENS: Yes. I guess we're halfway there. I am just saying --

PAUL WANZENRIED: Give me a condition.

MATT EMENS: Maybe I'm misunderstanding this is something that we typically do.

ERIC STOWE: We have a chicken and the egg. Do you get the variance first for the lot line that doesn't exist or the lot line and get the variance for it? Either way, they have to be conditioned on one another.

MATT EMENS: So the question I have, I guess, then still outstanding, is your -- Paul (Wanzenried), your points about the Zoning Board, what about our approval of the site plan for the proposed use of the lot? That doesn't get conditioned?

ERIC STOWE: Conditioned, as well.

PAUL WANZENRIED: That would have that same condition as that application.

MATT EMENS: Then I'm good.

PAUL WANZENRIED: It's -- I'm doing it both times.

MATT EMENS: I'm good. I'm still new.

PAUL WANZENRIED: You're all right with that language?

MATT EMENS: Yeah. On Application Number 5.

PAUL WANZENRIED: Mrs. Borgus is looking at me like I didn't allow public comment.

MS. BORGUS: Right.

PAUL WANZENRIED: I knew you were out there for something. Okay. Sorry. Forgive me.

MS. BORGUS: Somebody else may have an opinion.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

PAUL WANZENRIED: All that and you don't want to make a comment? You're killing me.

MS. BORGUS: I like procedure followed.

PAUL WANZENRIED: I know you do. Thank you very much.

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

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

Paul Wanzenried 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.

PAUL WANZENRIED: Now, to the conditions for this application. Approval will be subject to final approval by the Town Engineer and Commissioner of Public Works.

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information; i.e., liber and page number shall be noted on the mylars.

And pending approval of the Zoning Board of Appeals of all required variances.

Is there any other condition that anyone would like to make? No?

The Board voted on the application. (See below)

DAVID LINDSAY: Did they pay final?

PAUL WANZENRIED: Just dawned on me.

MATT EMENS: Yep.

PAUL WANZENRIED: Did they?

MR. VARIS: Yes.

PAUL WANZENRIED: Okay. It's on the site plan one. That's why.

Any objection to this being preliminary final for subdivision? No objections. So I will revote for preliminary and final.

ERIC STOWE: Mr. Chairman, can we just do a motion with -- just procedurally a motion with the same conditions as previously stated?

PAUL WANZENRIED: You want me to make a motion for preliminary and final?

ERIC STOWE: Preliminary and final or to add final to the preliminary.

PAUL WANZENRIED: As opposed to voting again.

ERIC STOWE: And voting again. Motion with a vote.

PAUL WANZENRIED: All right. I make a motion to add final approval to the preliminary approval we just voted on.

ERIC STOWE: With the same terms and conditions.

PAUL WANZENRIED: The same conditions.

ERIC STOWE: Thank you.
DAVID CROSS: So moved.

The Board unanimously voted in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
5. Application is subject to all required permits, inspections, and code compliance regulations.
6. Pending approval of the Zoning Board of Appeals of all required variances.

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

6. Application of Sumket Development, owner; 1001 Lexington Avenue, Rochester, New York 14606 for preliminary site plan approval to install roadway, utility and infrastructure improvements for future site development at property located at 1064 Scottsville Road in G.B. zone.

Peter Varis and Pepsy Kettavong were present to represent the application.

MR. VARIS: Again, my name is Peter Varis from BME Associates on behalf of Sumket Development. We are requesting site plan approval to allow installation of infrastructure that would allow for the development of the 6.1 acre property located at 1064 Scottsville Road. As mentioned earlier, the property is located on the south side of Scottsville Road at the I-390 southbound ramp interchange and the property is zoned GB, General Business. The applicant is proposing infrastructure. As the developer, they would construct this infrastructure to allow for the development of both -- of Lot 2 and the future development of Lot 1 of this property. The infrastructure installation would include installation of a public water main that would be extended from the upper left-hand corner of the property here (indicating). It would be extended along the frontage of Scottsville Road until it reaches the interchange or the intersection with the 390 ramp. That water main would be dedicated to the Monroe County Water Authority. Then a private main would be extended on the property for use by the lots within the property.

The developer would also install a sanitary sewer. There is sanitary sewer along Scottsville Road, along the property frontage. We would construct a manhole over that sewer and extend a 8-inch sanitary sewer onto the property.

The project would also include the installation of a storm water management system that would be located in this area of the property here (indicating). It is a proposed facility that would be -- that has been designed and would be constructed to manage both water quality and water volume runoff from the -- the total 6.1 acres for the post construction condition. We have designed that per the New York State DEC design manual. We have prepared a Storm Water Pollution Prevention Plan for that. Those documents have been submitted to the Department of Public Works and the Town Engineer for their review.

Um, with regards to highway access, there would be two points of access proposed for this project. There would be a full access that would be installed at this point here (indicating), right across from the I-390 ramp to create a four-way intersection. Um, that would -- that access would include -- or excuse me, consist of one ingress lane and two egress lanes. The two exit lanes would be one -- one would be a left-turn lane and the second would be a through, to allow access onto 390, or a right and a shared right-turn lane onto Scottsville Road.

A second point of access is proposed here (indicating), approximately -- approximately about 75 feet off of that north -- or upper right-hand corner property line. That would be a right-out only. There would actually be no ingress allowed to the property at that location. It would be for egress only.

This access design actually has been prepared per consultation with the New York State DOT. The owner, developer commissioned a traffic study to be completed for this property. That was done in the spring of 2015 and submitted to the DOT. As part of that traffic study, the land uses proposed were of a gas station convenience store, an art studio and then we selected for a third use the highest intensity traffic generator, which was a sit-down restaurant. Not saying

that that is what is going to be there, but we selected the highest traffic generator.

That traffic study was prepared. It found that with improvements that I will discuss here in a few moments, that the intersection would operate at an acceptable level of service, at a level of service of B or better.

With regards to the full access, as I mentioned, the property would be served by the one ingress and the two egress lanes. It would be a fully signalized intersection with signal phase -- signal heads being installed on the property side of the existing signal system.

This -- there would also be a left-turn lane, installed here. Currently, it is -- it is a striped median. That would be removed, and that would be a left-turn lane into the property.

All of this was documented in a letter from the State DOT to the applicant on -- dated June 16, 2015. That letter I do know was copied to the Town also. It was the DOT's letter accepting the findings of the traffic study and identifying the mitigation measures to be installed.

The -- originally, the applicant had hoped at that right end of the property to do a right-in/right-out, but DOT is not allowing that. They specifically state that, "We agree with the proposed right-out driveway. However, the right-in driveway is not warranted and may encourage entering left-turn vehicles and therefore is not to be allowed."

So it will be a right-out only. Again, not to jump too far ahead. The main reason for that right-out access is because of the use that is proposed for Lot Number 2. It is very difficult for the truck traffic that that use would generate to them to circulate and get back out to what is being, you know, called the main access point to the property, which I'm sure will be reviewed as part of the site plan review part of that. The DOT recommendations also include the requirement for a sidewalk to be installed along the entire property frontage. That will be completed by the developer also. It actually will also be extended under the 390 overpass and connect to the existing sidewalk that was just constructed this summer, that I think terminates at the City and Town line, but the DOT is requesting that that sidewalk be installed underneath the overpass, and that will be done as part of the highway work also.

So the Scottsville Road left-turn lane into the site, the -- the signal -- reconstitution of the signals, all of that would be installed by the developer as part of this site plan application that we bring before you.

We have reviewed the comments from the Town Engineer, which primarily focused a lot on the -- excuse me, on the drainage design storm water management plan. We find those to be primarily technical in nature. We'll address them either through written responses and revising the plans per their request.

Um, so with that, we have really nothing further to present to you this evening, but can answer any questions you have as it relates to the infrastructure that the developer looks to install on this property at this time.

PAUL WANZENRIED: Did you say the DOT was making you -- asking that the sidewalk extend across both Lots 1 and 2, the whole properties?

MR. VARIS: Correct. Starting here, to here, and through the underpass. Or overpass, excuse me. I failed to point out, at this area here (indicating), there would also be pedestrian signals installed, as required by them, crosswalks, to fully DOT design standards.

PAUL WANZENRIED: No bus stops or anything in that location?

MR. VARIS: No.

PAUL WANZENRIED: That you're aware of?

MR. VARIS: No.

PAUL WANZENRIED: Even farther down under the overpass?

MR. VARIS: I'm not sure if there is any further in that direction. I do not know that.

MATT EMENS: You just mentioned sidewalks. I don't see that on the drawings. Am I missing it? Just not on these yet?

MR. VARIS: That's correct. I apologize for that. Those are actually being placed on our DOT highway permit plans, but we can add those to these site plans. That is just an oversight on our part.

MATT EMENS: Obviously that work, other work that is out, left-turn lane is just not on here, is under your separate permit with the DOT.

MR. VARIS: Correct. We would submit those. One of the comments of the Town Engineer was copies of all correspondence, so that would fall under that umbrella. Yes, the Town would be copied on the submission for the DOT for the permit work.

MATT EMENS: There was comment Number 3 about the engineer's report, and he -- he did have a more detailed -- is there a more detailed response? Am I missing that?

DAVID LINDSAY: For general purposes, when we do in-depth detailed review of the plans and drawings, we usually furnish a copy of those comments to the Chairman -- or the Chairman of the Planning Board.

MATT EMENS: I don't have any other questions or comments at this time.

JOHN HELLABY: Little bit confused inasmuch as I thought I just heard you say that that 30-inch box storm sewer was totally collapsed and unusable, yet you're tying the outfall from this water management area into it. Help me understand what is going on.

MR. VARIS: What he is referring to is we're tying into it here (indicating). That pipe currently discharges about here (indicating). Okay? We were able to access it from its discharge. The discharge is day lit. You can find it. We were able to televise it up in that direction, so we were able to see that that storm sewer is, um -- is clear, clear path, and is -- is in good condition. So the connection point from there back is good. We'll provide that information to the DPW and the Town Engineer also as he commented earlier.

But it is the intent that that would all be a private system. There was a comment from the Town Engineer, and we acknowledged that storm water management system will be a private system, but yet, the appropriate maintenance -- or excuse me, inspection easements would be provided along with the required maintenance agreement.

JOHN HELLABY: Just out of curiosity, timing on all of this? What do you anticipate as far as trying to get all this site improvement stuff done?

MR. VARIS: Um, the -- the -- the controlling factor will be the State DOT, with regards to their review of the permit plans and issuing the work permits, and then also given there is also pavement work associated with it, we would anticipate this work would happen in the spring of 2016. Point being, there is just not enough time from now until the paving season ends here in about six weeks, for the permit process to be completed with the Department of Transportation. So I would expect a spring construction.

JOHN HELLABY: Is some sort of exploratory survey been done as far as any waste or materials dumped on this site? Because I know Standard Builders was there for an eternity, and --

MR. VARIS: Yes. There was a -- the property did go through a remediation. And -- before Sumket purchased it, they did do -- had an environmental audit of the property done and obviously would not purchase it without it. I will use the term "a clean bill of health."

But yes, that has gone through the process, with the DEC.

PAUL WANZENRIED: Is any of that documentation provided to the Town?

MR. KETTAVONG: I believe we submitted it.

MR. VARIS: Dave (Lindsay), I'm sorry, I can't remember if we did.

DAVID LINDSAY: I can't remember. But we will ask for that.

MR. VARIS: If we have it, we will.

DAVID LINDSAY: To follow up, I think one of the County Comments speaks to that. I don't know if you had a copy that.

MR. VARIS: I have not seen it.

DAVID LINDSAY: The one from Mr. Frazer said the proposed project is located in the proximity of a current former waste site and the applicant may conduct an investigation to determine any potential impacts.

MR. VARIS: Okay. And that's been done. So we'll provide the DPW with the results of the environmental audit and the documentation on the site clean-up.

JOHN NOWICKI: You have addressed all of the comments from Lu Engineers on the letters?

MR. VARIS: We have not done that yet. We wanted to wait to get the Planning Board comments also and then we'll do it all in one step.

JOHN NOWICKI: You will take care of those?

MR. VARIS: Yes, yes.

DAVID CROSS: Just a couple of things. So you're going to build the sidewalk across the frontage? I would be interested to see, Peter (Varis), how you can bring pedestrians through the parking lot towards the front of the Fastrac safely, maybe some striping so that, you know -- you can show that later.

Little unclear, so the -- the exit lanes coming off of 390, you know, directly opposite this new drive entrance, is that -- is the lane furthest to the west going to be restriped, remarked, resigned straight and turn left so that -- yeah, so --

MR. VARIS: Yes.

DAVID CROSS: So --

MR. VARIS: Yes. That was one of the comments in the DOT letter and I apologize for not identifying that. Um, it's -- it states that -- that not only do we have to restripe it, but the signage on the cross wire has to show that it's a straight through left-turn movement now also.

DAVID CROSS: Okay. And then I don't know if we're talking about a sign application package tonight, Paul (Wanzenried), or does that come later?

I'm not in favor -- I am in favor of the monument versus the free-standing sign, and I did see an electronic reader board. I wouldn't advocate for anything like that either.

PAUL WANZENRIED: Those will pertain to -- those pertain to Applications 7 and 8, David (Lindsay).

DAVID CROSS: Okay. Two more things. You have got a really nice trail along the -- along the river, and maybe not this development, but future development, that somehow you can incorporate some pedestrian tie. You know, an art studio -- I don't now whatever it is, but I'd think about that for the future.

MR. VARIS: I don't want to steal Mr. Kettavong's thunder, but my point being, he had discussions with the City. The property is owned by the City of Rochester. He had discussions with them about incorporating some type of sculpture garden along that area that relates to the studio he will be running. That is a key component how he intends to develop that.

DAVID CROSS: All right.

PAUL WANZENRIED: And then did -- are you the same developer that built the Fastrac in Hylan Drive in Henrietta?

MR. VARIS: No.

DAVID CROSS: Different developer. Okay. Saw it today for the first time. Looks good.

PAUL WANZENRIED: Again, that's -- give it a half-hour and we'll be there.

ERIC STOWE: Just that any easements be subject to Counsel review and that any approvals be conditioned on obtaining variances.

PAUL WANZENRIED: Our standard Planning Board condition work for you, Eric (Stowe)?

ERIC STOWE: Yes, sir.

DAVID LINDSAY: Just wanted to revisit the issue of the 30-inch box portion of the storm sewer on City of Rochester property. Who is going to be responsible for ownership and maintenance of that?

MR. VARIS: There has been discussions that the developer would secure an easement from the City that would allow them -- because again, it will be a private storm sewer.

DAVID LINDSAY: Just like to make sure we get copied in on that one, as well. Revisiting the one on the site that's, I guess, for all intents and purposes that is abandoned, if it is not receiving any flow, I'm not sure why we would need to offer an easement to the Town for that. I guess our -- our thoughts would be you probably just fill it with flowable fill at this point and not give us an easement over it.

MR. VARIS: That's fine. I think that is something we would like to work out with you.

DAVID LINDSAY: We can do that separately.

MR. VARIS: Just the reality, what do you want?

BRAD GROVER: As was mentioned earlier, right-out there, I know the State said okay, but I have seen those. They just don't work right. I'm going to see people trying to make a left turn out of there to go back onto 390. It is going to happen. It is just the way people drive. That can be closed off. Normally, I'd like to see entrances and exits. But that won't work. Having to use the light, that would be the best choice for in and out of there.

PAUL WANZENRIED: Did you say the State was requiring that or that is on your wish list, let's say?

MR. VARIS: We proposed a right-in/right-out. That's the desire. Again, it's that chicken and egg thing. I don't mean to interrupt on this, but I think that really has to be part of the site plan discussion for the next application as to why it is needed.

PAUL WANZENRIED: Caught up in my own thunder.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Paul Wanzenried 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.

PAUL WANZENRIED: Remediation document shall be provided to the DPW.

Applicant shall comply with all pertinent Monroe County Development review comments.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information, liber and page number, shall be noted on the mylars.

Application is subject to all required permits, inspections and code compliance regulations.

Pending approval of the Zoning Board of Appeals for all required variances.

Any signage change shall comply with the Town Code, including obtaining sign permits.

DAVID LINDSAY: Subject to final approval of the Town Engineer, that one there and Commissioner of Public Works.

PAUL WANZENRIED: Yep.

DAVID LINDSAY: And below that.

PAUL WANZENRIED: Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with approving agencies.

DAVID LINDSAY: Yes.

PAUL WANZENRIED: Very well. Thank you.

DAVID LINDSAY: Mr. Chairman, I remind you, they did pay for final.

PAUL WANZENRIED: I was just looking that up, David (Lindsay). Thank you.

So -- to vote for preliminary and final site plan approval, to install roadway utility and infrastructure improvements for future site development for the property located at 1064 Scottsville Road in GB Zone.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. All remediation documents pertaining to this site shall be submitted to the Town Engineer and Commissioner of Public Works for approval.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
7. Building permits shall not be issued prior to applicant complying with all conditions.
8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Pending approval of the Zoning Board of Appeals of all required variances.
10. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
11. Subject to approval by the Town Fire Marshal.
12. Any signage change shall comply with Town Code, including obtaining sign permits.

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

7. Application of Fastrac Markets, 6500 New Venture Gear Drive, East Syracuse, New York 13057, property owner: Sumket Development; for special use permit to erect a grocery store with fueling facility at property located at 1064 Scottsville Road in G.B. zone.

Matt Napierala was present to represent the application.

MR. NAPIERALA: Good evening, Mr. Chairman, Board members, my name is Matt Napierala, Napierala Consulting representing Fastrac Markets. We are the developer of Hylan Drive. With the -- tonight I would need to apologize, the real estate representative from Fastrac Markets is unavailable tonight. He extends his apologies. There is a large trade show out west that he is at and he will certainly be joining us at any future and other meetings, so he does apologize. He has been to some of the DRC meetings and Conservation meetings at this point. His name is Brett Hughes and he will be joining me at future meetings.

Again, we are Lot Number 2 of 1064 Scottsville Road. The proposed development is a Fastrac store with fueling pumps. The -- the application that is before the Board tonight. Item number 7 is for a Special Use Permit to erect a grocery store with the accessory use of fuel sales. So I guess we'll address that particular item initially first.

I do want to indicate that since our initial submission to the Board, um, and with frankly some pretty significant success down the road in Henrietta, the ownership group is making a modification to the application. Instead of a fuel dispenser of six fueling pumps, they want to increase that to eight fueling pumps so that that particular plan is not in front of the Board. I have shown it on my screen itself. The configuration of that, essentially, the typical Fastrac has more than ample space between their dispensers. 34 feet. That was the initial layout. Um, the current layout we're showing here from center line to center line of dispensers is 28 feet. Certainly ample for -- for the two vehicles that will be there with ample space between that, so we essentially consolidated the fuel pad a little bit and also consolidated the -- some asphalt there on the north end of our driveway to accomplish essentially adding two additional fuel dispensers that is currently before you.

So we'll take the -- the Board's decision of whether or not we can continue forward or not or if we have to come back next month upon final submission, but that essentially is a revision that is -- quite frankly, the end result of -- as the ownership group indicated, the Rochester market loves Fastrac, so we're going to add two more fuel dispensers. So -- so part of -- part of what is offered in that fuel is something that is potentially and very unique to the market and that is ethanol-free regular fuel that is on two of the dispensers, which is relatively unique. There are ethanol-free at other locations, but it's ethanol free premium, but this is ethanol-free regular as well as some diesel options on that for -- mostly for the smaller vehicles that do have diesel, you know, some diesel pickup trucks and diesel foreign cars and such.

So again, with regards to that special permit, um, with this application, as -- as we get into item 8 a little later on, I just want to recognize, as well, that this project will be going before the ZBA for some variances. With regards to one variance is, we do have parking in the front and we will discuss that with the ZBA with regards to site circulation and how this is a four-sided building and the necessity to have the parking along the front. We talked about -- a little bit

about -- with -- with Mr. Varis, the lot depth and the lot configuration. 250 feet is required and we're shy about 186 feet at our narrowest point. That will be discussed with the ZBA. Part of that was a function of being a part of the land developer's overall piece of property, and being a subdivided piece and land acquisition costs and other real estate items came into play with regard to that lot depth and lot depth issue.

We have a sign height issue that we'll be talking with the ZBA on our monument pylon sign.

The other item we'll be talking with ZBA is parking spaces. Since where our application is for a grocery store use, the parking requirement in Chili is one space per 75 gross square foot which requires 72 parking spaces. Our typical layout, and certainly in this day and age, we don't want to be overly excessive -- this particular plan provides 46 surface parking spaces for our 5,000 square foot store as well as 16 additional spaces at the fuel dispensers. So we have a total of -- essentially there is not many people who fuel the car and move the car. Typically they fuel the car and then walk into the store, so we recognize that, and so we have a total really of 62 spaces. So we're a little bit shy of the code requirement with regards to that.

But again, for the special permit use, the special permit discussion is for the use of fueling associated with a grocery store. I'm here to answer any of those questions and hopefully we can keep this thing moving forward.

Thank you.

ERIC STOWE: Same conditions as before, just variances and the easements.

PAUL WANZENRIED: Okay. Got it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Paul Wanzenried 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.

PAUL WANZENRIED: Conditions. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval. And all filing information: i.e, liber and page number shall be noted on the mylars.

Pending approval of the Zoning Board of Appeals for all required variances.

Any signage change shall comply with Town Code, including obtaining sign permits.

And application is subject to all required permits, inspections and code compliance regulations.

Then for the Special Use Permit to erect a grocery store with fueling facility with property located at 1064 GB Zone.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
5. Building permits shall not be issued prior to applicant complying with all conditions.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Pending approval of the Zoning Board of Appeals of all required variances.
8. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

9. Subject to approval by the Town Fire Marshal.
 10. Any signage change shall comply with Town Code, including obtaining sign permits.
8. Application of Fastrac Markets, 6500 New Venture Gear Drive, East Syracuse, New York 13057, property owner: Sumket Development; for preliminary site plan approval to erect a 5,370 sq. ft. Grocery store with fueling facility at property located at 1064 Scottsville Road in G.B. zone.

Matt Napierala was present to represent the application.

MR. NAPIERALA: Thank you, Mr. Chairman. Again, my name is Matt Napierala, site engineer for Fastrac Markets. We are representing Fastrac Markets, and I apologize for the absence of Brett Hughes, our Real Estate Director.

With regards to the site plan itself, um, I just want to recognize the fact that last week we were before the Conservation Board and met with Pat (Tindale) and their group, and essentially from that conversation, we have hired Doug McCord to prepare a landscape plan which he'll be preparing in the next hopefully week or so and be able to make a resubmission with regards to landscaping as well as all requirements of the Conservation Board. So we're recognizing that and we'll be providing that to the Conservation Board itself.

As well, earlier this evening, we met with the Architectural Review Board, and in those discussions, our project architect was with us. I do have a -- actual photographic picture of the -- of the store of what it will look like, with -- with a brick surround on the bottom, as well as EIFS, all hard building materials. And Mr. Chairman, was a member of that Board. And as far as the building material pieces and the building architectural, I believe we received favorable comments from the Architectural Board with the visual aspect of the building. There was further discussion with regards to signage, which I'll get into in a minute.

The site plan development, of which the Board received essentially -- I will call it a preliminary package itself. Again, we are Lot Number 2 of -- of the Sumket Subdivision at the intersection of 390 and Scottsville Road itself. Utilizing a common easement off the signalized intersection, and as Varis talked about, we'll have that particular access to allow us to get into the site. Part of the conversation, as well, that was -- was led by the developer's group was conversations with DOT for both the signalized access and all of the necessary improvements to allow that signalized access, but as well as conversations with regards to the secondary access which will be a right-out only.

Actually, my plan will have to be adjusted. Some of that information has just come about with the coordination with BME Associates. So right-out only at our easternmost intersection. Part of the reasoning for that is truck circulation. The only truck really deliveries that we have are our fuel. Fastrac Markets has their own fueling vehicles and own fueling trucks of which we can schedule our own routes.

But, as well, we have the advantage of having the operations and the operator people in-house to talk to about when we do these layouts, okay, how are you going to access the site and how did your trucks work? And what I found out is uniquely Fastrac, their discharges are on the passenger side of their trucks. A lot of the fueling trucks are on the driver's side. But essentially the thought process here is the trucks would come in, whether they come in off Scottsville Road or coming off 390, and they would come to this part of the access to the site (indicating) and they would actually park their trucks underneath the canopy at that location to the left side of the underground storage tanks. They would discharge their fuel and from that location, they would go in a counterclockwise movement around the building and be able to access the right-out only and be able to get out of the site. They certainly could -- could, if definitely needed, and I think we have all seen what these truck drivers do -- they could continue around, but what we're worried about is essentially this relatively short point here (indicating) to -- to get access to the signal without kind of plugging this lane.

So that is one of the primary reasons to allow that -- that right-out only. We would envision that most of the customers, especially the fuel customers would come back out to the signalized entry. And again, the whole -- the whole movement and the weave movement that Traffic and Safety was talking about was a part of the syncroanalysis of the traffic during both the PM and AM peak. That discussion, how many vehicles from the trip generation would be making that movement was thoroughly analyzed, reviewed and accepted by DOT and felt that movement was acceptable but the right-in movement -- not as a movement, that the right-in movement was bad, but they were fearful providing proper geometry and how do we control the illegal lefts. So that is the reason DOT denied it.

Again, I just learned of this information recently so it doesn't appear. So I wanted to get that out because I know that is a point of conversation we'll talk about in a little bit.

With regards to -- with regards to our utility, utility access, as Peter Varis was talking about, from BME, utilities will be coming down the common drive which we'll access our water, public water and our sanitary sewer system. Um, this -- this particular facility does have a commercial kitchen of which we'll have appropriate grease traps and necessary preliminary treatment prior to discharge into the public sewer.

With regards to -- I think I addressed a little about in the earlier conversations, parking some of the variance issues that we have to deal with with the ZBA. But we feel based on our

experience, um, and the particular prototype, that, um, the -- the 46 spaces plus the additional 16 spaces is more than adequate for this particular prototype of which 4 stores are now open and operating. Of this particular make and model, um, that all of them open in 2015, and, um, there are two more under construction in the Onondaga County area -- and the goal here is next year to have five to six more stores under construction. So this is a building program that Fastrac Markets is going through. Um, not only here in Monroe County, but as well, um, in the urbanized areas outside of Buffalo, Syracuse and Albany. So the -- so the group is aggressively taking this new prototype and moving it essentially down the Thruway belt.

Part of the reason, and I didn't really get into this discussion, I think -- Chairman has heard this with regards to the Board, but this new convenience store prototype is similar to what we would see and the ownership group is a member of what he calls a study group of convenience store chains that are more prevalent down south and out in the Midwest. Wawa, Sheetz, QuikTrip. This is the type of store and we -- the Fastrac group believes it's a new model of convenience store, um, and as such, even though in those four stores, the drive-thru has not been very well-received or not well-received, but has been well-utilized, it is the future of the market and the future of the customer and the customer has the ability, um, to -- to utilize that type of thing. It is kind of like it might not be effective today, but in -- this is a five to ten-year, what's the market going to bring and that particular convenience is -- is what the wave of the future in this study group is telling the ownership.

So that is another component that you haven't seen in a lot of convenience stores, is -- is a drive-thru. With this particular layout, we believe we have a more than sufficient stacking distance to access that particular drive-thru service, and again, currently, um, the operations of those four active stores, it has been very minimal use of the drive-thru. Again, this is our own product. It is a Fastrac product. It's not going to be franchised. There is not an internal Dunkin' Donuts. Not an internal Starbucks. This is Fastrac and Fastrac goods. In this program, essentially the prepared food items, they have acquired a lead chef from Panera and that's the type of food quality they are looking at for the Fastrac Markets.

Site plan wise that gets into some of the marketing aspects, but I wanted to get into the feel who they are, what they're doing. You guys have had, you know, stores kind of close by, Jefferson John was opened a couple years ago and now as Mr. Cross said, the brand new store just opened through weeks ago off of Hylan Drive in the Town of Henrietta.

It's a nice looking prototype store. Certainly, we entertain all comments and again, because of some of those recent chains, we're at -- we're more than happy to come back and address every comment and clean this application up to address these recent changes and revisions.

Thank you very much.

PAUL WANZENRIED: Matt (Napierala), could you elaborate -- I had shared with the Board the elevation sheets, but those elevation sheets depict the front canopy. Your current depiction there on the big board, has the canopy going away.

Could you speak to that for a moment?

MR. NAPIERALA: Yes, I certainly can.

Frankly, it was a little bit of a challenge with regards to the ownership, when I started working with them four or five years ago. The traditional alignment is a canopy similar to Hylan Drive right in front of the store, right off the frontage. Um, the -- the desire is because of what I was just talking about in regards to the -- the quality of the building and the quality of the food service is -- instead of highlighting that fuel, that fuel becomes essentially a convenient and a service item, but the -- but the fuel canopy being off to the side. And in this particular arrangement and layout -- and frankly, if you get into the city, this is a -- an alignment that was developed for the Ridge and Dewey store. We call it Kodak, right off of Kodak Park. So that store opened up, um, a little bit earlier than Hylan Drive, late August. That store opened up and it has this same layout with the fuel on the side, the -- the indoor and outdoor seating access off of that piece. And again, the ownership group is more than pleased. It has -- the store frontage, it has this very nice looking store, closer to the road without being blocked by the fuel canopy, and, um, the -- the services and the use, and I think everyone that is even close to the markets understands the margins on fuel are so tight and so low, they don't make their money on the fuel. Their -- their money is in that convenient market, and that's where their margins are a little bit better and that is really what they're pushing, is this convenience item.

So hopefully that answers your question, Paul (Wanzenried).

PAUL WANZENRIED: Any thought to flipping the building? I don't know. I, for one, if I'm sitting out and eating something, would I want to be looking at fuel stations and smelling fueling? Whereas, if the eating was on the east side, I would look at the side of the bank, but...

MR. NAPIERALA: I tell you the reason why, right now, in our floor plan layout, the coolers are an L shape wrapped around this edge. If we flipped it, any of the fueling customers would have to -- not that that many pay by cash, but they would have to walk only into the front door. So we do have a mirror image along these prototypes where we certainly can put, instead of -- again, with the front door here, a right-hand indoor seating, there can be left-hand indoor seating. That is not a problem architecturally. The issue getting somewhat of the ability of this customer getting into the store. We would entertain that conversation if it became a particular issue. We haven't seen it, um, at the -- at the Kodak store. And frankly with regards to the venting and everything, anything, there is not a big odor problem at all.

PAUL WANZENRIED: Is that the best possible place for the air pump, out front?

MR. NAPIERALA: We're very flexible with that. Frankly, what is shown graphically there is very small. We can move that at the whim of the Board. Again, we can push that off to

one of these sides, as well. It is just kind of more of a placeholder on the plan. We didn't want to forget it. So we know we'll put an air pump somewhere onsite.

MATT EMENS: Drive-thru like you said is not for like a Dunkin' Donuts or fast food. Kind of specific just to this brand?

MR. NAPIERALA: It is our brand.

MATT EMENS: Couple things. What are you planning for stacking? It looks like you got basically three cars past the menu board to the window graphically shown, so how do you see that kind of stacking up with the menu board?

MR. NAPIERALA: We didn't graphically show this, but frankly the -- the stack essentially would be almost a wrap around the building, if indeed, we got into something and if we started to show what the ability is to stack. Because this aisle here is a wide aisle, as well, so we could -- we could wrap along the front of the building. And even graphically, the spacing, we're more than generous with regards to that particular graphic more to show those cars rather than an actual stack. We can get easily six cars without encumbering any of the driveways.

MATT EMENS: Before the message board or in total?

MR. NAPIERALA: In total.

MATT EMENS: I guess then if this a new model or prototype of the fast -- does the group have any feedback yet on -- is that sufficient or is that what we just --

MR. NAPIERALA: They -- they would be more than happy -- right now, they would be thrilled if they had a stack of six cars in the drive-thru. This is similar to what -- I know -- don't shoot me, but we have a drive-thru Panera. Panera is starting the same type of scenario. And we haven't even in those lunch hours in the drive-thru Paneras haven't seen more than four cars sitting at Panera. That is a similar type thing we would expect here.

MATT EMENS: The concern I have is the placement of it is directly related to the architecture, you know, the floor plan, right, the placement of the window and the signage of the -- and what happens is, is in these scenarios when it does get busy, it just pushes out into the parking lot or it pushes out into the gas arena and now it just -- it -- it kind of muddies the waters and I know that isn't the average. That's the peak times. But I'm just talking through, you know, some scenarios there.

So the other thing, I guess, if they have gotten this feedback, and that's based on their store and their drive-thru, not a McDonald's or Tim Horton's or whatever, and that seems feasible, I guess, then I'm accepting of that for now.

The -- to go back to the flow of the traffic and talk a little bit about, I guess, what interested me is you brought up the fact they have their own fuel trucking, correct?

MR. NAPIERALA: Correct.

MATT EMENS: Then they have control over this.

MR. NAPIERALA: 100 percent control over them.

MATT EMENS: Then I go back to your comments you made most of the people -- I actually, um, may or may not go to the Fastrac in Henrietta on Jefferson, which may not be yours, but it's a Fastrac.

MR. NAPIERALA: They're all ours.

MATT EMENS: You own them. Okay. One of the things is the left in -- well, basically the right-in and right-out onto Jefferson, which you can also -- it's not signed, you can also turn left out of there, I believe, which is a nightmare.

It's a mess. I guess what I would go to, we already talked about this being a possible issue and a concern, and if you're thinking that most of the people, which I would agree, when they leave here, are going to go over and get the control of that light and have a controlled exit, either back out onto 390, which I'll bet most people will do or kick out on to Scottsville Road either way, with -- use a traffic device, and have you control over your trucking. I think looking at the way this site plan works and like you said, there are different ways he can maneuver around this site, um, I'm starting to think that right-hand turn really doesn't need to be there. That right-hand-out on the upper right-hand corner. What is it, northeast? Might not really need to be there. Or I'm not seeing the reason. Maybe other people are.

And the other concern, I guess, I have is with, you know, we talked about the depth of the lot. I brought that up in the beginning with the subdivision, looking at the comments here for this specific site plan. Um, I can appreciate the fact that you have pulled the building forward as far as you can, based on the simple math of the parking stalls, the 24 foot -- or actually you have a 30 foot wide drive in the front, another parking stall, plenty of sidewalk around the building. Because I don't think we really want to push that around too much, and the fact that it is a long and narrow site does help you by pulling that back, so I can appreciate that, the fueling portion that you mentioned.

So I don't have as many concerns about that, any more, and the parking, I guess the one thing I would say about the parking is I don't -- you talked about people walking over, that either leave their car and come in and pay or come and make a quick purchase and jump in their car and drive out. I'm just wondering if the parking spots up to the upper left-hand corner, northwest, you know, are -- I guess what I'm looking at is, if you did get rid of the right-hand turn out and you slid that bank of 25 spots down to the east, if you will, um, it makes the parking more usable in terms of the building itself and the entrances. It is just a thought.

And my experience with the air stations is, um, that it needs to be strategically placed and they're always a pain. If they're in the parking lot, which I have seen done successfully, then you can't clean the snow out around them. And if they're off the lot, then they're too far away and people take up two parking spots. So that is a challenge that is a small detail, but I think it

remains to be worked out.

The other thing I'm looking at on the actual site layout of this, is the dumpsters, the location of the dumpsters. Enclosure. Um, you know, we have got two -- two forms of traffic coming through there. The people that are leaving and the people that are leaving drive-thru. And at some point in time, my concern is is that is going to get botched up right there. I know -- how many times does the dumpster get emptied in a week, once?

MR. NAPIERALA: Twice a week they anticipate. Typically twice a week.

MATT EMENS: So I'm just wondering if there is a more advantageous spot for that so the truck is not blocking the whole lane of traffic going to get to the dumpster.

Once again, I'm pointing out like a two-time-a-week issue, but it's just a -- it's just a point for discussion.

MR. NAPIERALA: We don't have -- frankly, when we did this layout, we were trying to be sensitive to the aesthetics off of Scottsville Road, but certainly there's room to push it to the north and put it off of this main drive, as well. The other opportunity potentially would be -- and again, frankly, not with the -- not with the new area, because we're so tight with Pepsy (Kettavong)'s development, but we can certainly try to find a place to put that -- dumpster 8 by 16 area.

MATT EMENS: And the comment you made and I can kind of see it, but that is showing 8. Our drawing shows the 6. The spacing in between you said is 34 on our drawings. 34 feet. It is 28 now on that.

MR. NAPIERALA: 28. So if you think a standard car is about 9 foot wide, you put then -- there is still plenty or ample room in between.

JOHN HELLABY: As far as drive-thru, I'm unclear what you can get up at a drive-up. Quick turnaround, or are you making custom sandwiches and stuff?

MR. NAPIERALA: What they have done, they essentially allow anything in the store to be purchased through drive-thru except for alcohol or lottery tickets because that's law.

The typical menu board is the typical menu board you would see at a Panera or a Tim Horton's as far as the particular sandwiches, you know, that are -- that are easily and ready to bake for some of those particular items.

The experience is potentially a mother with two kids in the wintertime and just getting out of the doctor's office to be able to drive up and say, "Can someone run around and get me a loaf of bread and a quart of milk? "

That certainly is allowable and is something that they would do without a problem. This is a properly staffed store, so unlike a normal convenience store that would have two, maybe three people, this store will have six to eight working during those peak hours especially to be able to, again, handle the customer.

Again, if you have done some traveling, which I have a son who is in college down south and you stop into a Sheetz and you see the efficiency of that store, they actually, you -- Fastrac in this program developed a full kitchen in their warehouse in East Syracuse and they train their staff and time them with stop watches, military style, to get out product. And that training continues as these store opens. They bring the staff in and they have them trained before grand opening so there is a certain time limit that they -- they handle that drive-thru service so that there is efficiency. So, in that sense, they are allowed to essentially get anything from a -- as the Fastrac is known for, the take and bake pizzas to a speciality sandwich to just a cup of coffee.

There are particularly and we haven't really demarked that but at the end of the drive-thru -- there are some spaces that can -- some Boards we have them marked as drive-thru customers only at the end of the -- at the end of the run, so if there is a long lead item, they can park there and wait for someone to walk outside to hand it to them.

JOHN HELLABY: I do frequent a lot of the Sheetz down in the Pennsylvania area and I know during lunchtime, they are extremely busy. So little concerned with that as much as some of the other issues, snow storage, will that all be down here on the far end.

MR. NAPIERALA: We talked about that with Pat (Tindale)'s Conservation Board. Operationally the thought is to utilize the north end, pushing straight essentially for the most part. Certainly because of this tight site and tight configuration, if they get into a -- you know, a nor'easter, 2 footer or those type of scenarios, they will have to haul some of this stuff off. No question about it. Or if we get into an elongated winter like we had last winter where we had no snow melt all of the way to March, they will have to handle it, but operationally, they're very good about it. They are not losing any parking spaces because they're -- because they want to make it good and convenient for their customers. They're very efficient.

JOHN HELLABY: How many outdoor seating spots are allotted in a plan?

MR. NAPIERALA: Essentially four tables and each table is a permanent table that has, I think, four -- four mid- -- maybe one of them has six chairs on the outdoor seating, so there's room for 24 people plus or minus on the outdoor. The indoor seating, again, same configuration you will see down the road at Hylan Drive. Gosh, is there -- um, I have to look at the floor plan, but I think there are ten -- ten seats on the inside.

JOHN HELLABY: These outside ones are actually affixed so you can't take them and move them around?

MR. NAPIERALA: Very are affixed outdoor furniture.

JOHN HELLABY: Real concern in this community about outside storage of product and sale of pallets of Coke and whatever. Um, it's not a real thing we enjoy. So what is the intent there? Do you know?

MR. NAPIERALA: Um, with this new prototype, they want to keep it clean, but at the

same time, operations in marketing do go crazy, so if that is a desire of the Board, please let us know so I can relay that to the ownership.

JOHN HELLABY: That could be a condition that there is no outside storage --

MR. NAPIERALA: I understand.

JOHN HELLABY: So you're aware of it.

I don't see any -- guess, I take it, back. There are building wall packs as far as lighting, down lighting, correct, on the building?

MR. NAPIERALA: Yes, there are. There are some wall packs, as well. We do have a photometric plan. They are outdoor LED packs that are on there, down cast, dark sky compliant fixtures with the capability of shielding, but I think we're in pretty good shape here with the photometrics.

JOHN HELLABY: I agree with the comment on the right-turn lane. The only other thing is this is all sheet-drained to the back or no?

MR. NAPIERALA: Well, I think Peter (Varis) just -- just touched upon this, and this is another part of a revision that is going to have to be dealt with. In last week's conversation between the real estate group from Fastrac and Pepsy (Kettavong), um, they have not come to terms with regards to the cost for us to share the storm water management system. The new design of which we have -- which we have performed in this -- in this area on the east end we'll be providing our own mitigation upon which we'll be discharging into -- we'll have an easement discharge into the -- the Peter Varis' storm water area which will be south of us.

But as far as the water quality and quantity mitigation, we will be providing that onsite ourselves now, which is a change from our application. Um, one thing that we have going for us here is if you remember Peter (Varis)'s aerial photography, the previous development was primarily along this area, as the impervious area itself. So we'll be handling our mitigation and providing a complete SWPPP in conformance with the DEC requirements, a portion of which will be redevelopment because of the existing impervious area, so essentially 80 percent of this is impervious to -- impervious of which then we'll mitigate water quality and quantity and discharge into Peter Varis' basin to the south.

So that is a modification to this application, and again, part of the reason why, you know, our -- our -- our preliminary plan will have to be, you know, resubmitted so that Town Engineer can do a thorough review of our submittal.

JOHN HELLABY: Lastly, timing I know they said they wouldn't be into doing any site improvements until springtime. What do you anticipate as far as construction schedule?

MR. NAPIERALA: Well, again, I don't disagree with what Peter (Varis) indicated. We are into October. We know we -- we have to come back before the Board, so, you know, say that -- you know, we're into November, you know, maybe even December before approvals. You know, really you will not break ground here until the spring.

JOHN HELLABY: How long does it usually take to construct?

MR. NAPIERALA: They're trying to get better because frankly Hylan Drive and Kodak took about 120 days. Their goal is to be under 90 days from breaking ground to opening the door.

JOHN HELLABY: That is all I got right now.

JOHN NOWICKI: Only question I have for you, the Fire Marshal's comments.

MR. NAPIERALA: I didn't -- for whatever reason, maybe one of my colleagues in my office saw them, but I did not, so I have to address those. I apologize, John (Nowicki).

JOHN NOWICKI: Make sure you address them.

MR. NAPIERALA: Yes, sir. I will.

DAVID CROSS: My apologies. I got ahead of myself two applications ago, but same concerns about pedestrian linkage into the site. You understand that.

MR. NAPIERALA: Yes. I think we have some opportunities to do that. And provide some crosswalks from -- from again this frontage -- but from that frontage sidewalk, we'll provide a crosswalk to our front door.

DAVID CROSS: The sign package, will that go in front of the Zoning Board?

PAUL WANZENRIED: Sign package will go before the Zoning Board, and it has been through one round of the AAC.

DAVID CROSS: Okay. We'll, just offer up comment I'm not a fan of large pedestal signs. Monument sign is fine, and I don't think anyone is looking for an electronic reader board.

MR. NAPIERALA: With regards to the electronic reader board -- and we did talk about that with the Architectural Board. Part of this day and age, think -- we have a digital photo, if you go to Hylan Drive, the digital -- most of that digital board is price sign, and -- and with the almost biweekly changes of gas prices, um, the digital reader board is a safety issue in the business itself because they can change those prices now from the inside, rather than having somebody, you know, in the old days going out to a pylon side, putting a ladder up in all kind of weather changing prices. Because of the technology, those digital boards have all kinds of capability and as such, again, Operations and Marketing says, "Well not only -- can we do other things?"

The are certainly capabilities. I think the Architectural Review Board had very similar comments and concerns, but as far as the digital read out, I think, for this particular use, there is a necessity for -- for our employee safety as well as the -- the -- the reason is, you know, this sign will be changing quite frequently because of the climate of the oil prices and gas prices and such.

DAVID CROSS: I'm sure the AAC will make sure we get something nice. That's all I have.

PAUL WANZENRIED: The -- on the pictures that you have provided, there are banner boards, I will call them, between the lower windows and the upper windows where I can read "toasted subs" and "smoothies" and that.

Is that part of your sign package? And do we count that as signage?

You haven't seen the picture, have you?

DAVID LINDSAY: I have not.

PAUL WANZENRIED: Hang on. I'm coming over, Dave (Lindsay).

MR. NAPIERALA: While you're doing that, there has been conversations. It depends on the Town and the Board. Are these window signs part of the glass or are they actual building signs? That is again -- we'll take Code's review and as such account for them or -- or modify the plan.

MATT EMENS: If I remember correctly, there was a precedent for that before about the branding. It is not necessarily a sign.

PAUL WANZENRIED: I guess that goes to the awning. The awning -- right now you're showing them as leaves, but I believe in one --

MR. NAPIERALA: I think the rendering shows something different.

PAUL WANZENRIED: Rendering shows a coffee mug and you know.

MR. NAPIERALA: That was probably 12 months ago and I haven't got a new rendering from the architects, but the little wheat leaf is the current -- that's the awnings are -- all four of the brand new stores, that's what they decided on.

PAUL WANZENRIED: Okay. That's fine. That's -- that's an architectural accoutrement, but anything other than that, would --

MR. NAPIERALA: Understand.

PAUL WANZENRIED: And I do believe that the -- those toasted sub, the banner boards if you will, between the -- between the upper and lower, those will have to be --

MR. NAPIERALA: Inclusive.

PAUL WANZENRIED: -- part of the sign package.

MR. NAPIERALA: We'll account for those and see what our numbers will look like.

PAUL WANZENRIED: I agree with Al (Hellaby), no outside product storage or sales. We want none of that.

And I think you should move the air pump.

ERIC STOWE: For the fourth time on the same one, cross access easements and all.

PAUL WANZENRIED: That cross easement.

Now, did you just state that you would do your own SWPPP onsite?

MR. NAPIERALA: Yes, sir. As of four days ago.

PAUL WANZENRIED: Ironically, Mr. Varis didn't relate that.

MR. NAPIERALA: Well, he did subtly, but I didn't think he really wanted to divulge for whatever. But he indicated we will be discharging into his system, which is true.

PAUL WANZENRIED: So you still going to need easements and such?

ERIC STOWE: Well, the drainage, the cross access between the two parcels, um, and any other easements that are necessary in the -- in the property just subject to our approval. And then still the area variance. Or all of the variances, I should say.

PAUL WANZENRIED: All of the variances, right, for the ZBA. I have one other question. You said that -- you primarily will push snow towards the east, right?

MR. NAPIERALA: Yes, sir. That's the -- in talking to Operations, that's what they told me after the -- after Pat (Tindale)'s Conservation Board.

PAUL WANZENRIED: In looking at -- excuse me for one minute. Here's where I'm going to go with this.

Are you concerned about piling up enough snow at that end, that it starts to drift up and then blows over onto 390?

MR. NAPIERALA: It's quite an embankment.

PAUL WANZENRIED: But it's possible. Because the wind is going to come howling through there and it will take it up and over.

DAVID CROSS: Isn't road deck 20, 25 feet in the air?

PAUL WANZENRIED: The airport engineers built something that dumped snow onto 390, too.

BRAD GROVER: That was high up and coming down.

PAUL WANZENRIED: I don't know if it was the other way around, but still --

MR. NAPIERALA: If you want --

PAUL WANZENRIED: I'm reaching, but I know --

MR. NAPIERALA: If you want us to draw a section. I will have to talk to my son about the aeronautical wind traffic. He is more into the aerospace than I am, but I can look at it. Certainly with regards to -- I know we can calculate the snow storage capability and what the mound will look like after a 100-inch snow season or something like that.

PAUL WANZENRIED: Great. Humor me for the final.

MR. NAPIERALA: I absolutely will.

PAUL WANZENRIED: Thank you, man.

You did say you hired Doug McCord?

MR. NAPIERALA: Yes, sir.

PAT TINDALE: Satisfied. He is coming back.

BRAD GROVER: You mentioned these are your own tankers coming in and dumping their load?

MR. NAPIERALA: Yet.

BRAD GROVER: Going out empty at that point because you have all control on that? You know how much you would need to put in and they go out empty?

MR. NAPIERALA: That's not my expertise, but if it's anything like Hylan Drive, they will be empty.

BRAD GROVER: You still have the right turn going out where your trucks are going. You're sending them down into a narrow City road empty. I could see them wanting to get back on the expressway to go back and get reloaded again. You're sending them down into a tight congested area with that right-turn-only there. Again, that's not a good turn for them to take. You know, it's not roads designed for heavy tractor-trailer trucks.

MR. NAPIERALA: What I will do for our next discussion is I will talk with the -- with the Truck Operations Chief who I regularly talk to, and I will show a turning radius movement based on auto turn with regards to that particular tanker and the movements, and see if we can get them back to -- back to the signalized intersection.

BRAD GROVER: That would be the best.

MR. NAPIERALA: Yes, sir.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm a little confused. I am hearing, I think -- I thought I heard previously that the depth of the lot for this Fastrac was going to require a Zoning Board variance because the lot is not as deep as our code asks.

PAUL WANZENRIED: That's correct.

MS. BORGUS: On the other hand, now I'm hearing there's no room for the snow. I'm hearing that we need a right-turn out because the trucks can't easily maneuver around the property. I'm hearing that we have a drive-thru that may or may not be used in the back of the store. I'm hearing that we're putting more pumps in which doesn't show on this plan. It sounds to me like -- and I did -- I thought I heard that it was the wishes of the Fastrac store that we're driving the smaller depth.

Well, what's right here? We have two stories here. We have two versions. If Fastrac is -- doesn't want more space, how can they be standing here now and saying they can't do this or that because it's a tight site. Well, whose -- whose decision is that? Let's not make it such a tight site then. They obviously need more room for a lot of reasons that have just been brought up. They don't have enough space to maneuver and do what they want to do.

And Mr. Wanzenried's idea about the blowing snow is well taken. People never thought about that over at the airport and how many people died because of that blowing snow? This is a -- this is bad. You can't have snow blowing over onto the expressway. And who knows? This is Rochester. You don't know what the winters are going to be like so you can't make assumptions it is going to be a snap. It may not be.

With regard to these banner boards, again, I was to the Town Hall today and I didn't see the photograph that obviously has been -- the Board has been privy to.

PAUL WANZENRIED: Same one up there right now actually.

MS. BORGUS: Any outside signage incorporated into the buildings has to be a no-no. We can't have that kind of tacky stuff in Chili.

I think these people should be aware that signage will be a big, big issue. Big. Electronic signs. Tonight I hear the same arguments I've heard before again and again and again in this room as to why people need these electronic boards. They don't. Period. They're awful. We have, I believe, one in Chili that I shutter every time I go past it because it was very unnecessary in that case, too. More so than either the other cases have heard. It's awful. I think most people in Town shutter just like I do. It's awful. They're terrible. You know, there is no point in coming in and offering all these excuses, because this Town has heard them all before. It didn't work.

No outside sales is a wonderful idea that I believe Mr. Hellaby brought up. That has been a major problem with one store in Chili that I won't mention at the intersection of Chili Avenue and Union Street, because what turns into what you think is going to be ice cream, an ice cream window, suddenly is propane tanks, firewood for the parks, window washing equipment, charcoal, soda. It's -- pretty soon the whole outside is just another marketplace. Bad business. It's time we stopped that in this Town.

With the right turn, um, I think the point has been made and I would back it up, just because you think somebody is going to turn right out of a lane that looks like it is -- should be a right lane, doesn't work here either and Walgreens is the perfect example. We have made that mistake once in this Town. We should have learned. Let's not repeat our problems. Thank you.

MR. KETTAVONG: I have a question for Matt (Napierala) actually. Matt (Napierala), I didn't meet to put you on the spot, but since we're trying to get this project forward, what better way to address in front of the Board here.

In regards to the water management, I know we have been discussing months and months regarding share -- share -- share a situation where the Lot A -- I mean Lot 2 and Lot 1 will be a shared retention pond management and storm water management. Due to the costs and the construction costs and the something costs, now you turn your focus to develop that on your own site and the problem that I have with that, now you're going to try to discharge -- discard it into our site.

The question I have for you is that, um, what happens if we decided let's say that's not going to work for us, one. Two, can you do something in that site that you have right now to -- to resolve that?

MR. NAPIERALA: I will address that. Essentially, in any storm water design, we have to essentially meet performance standard.

Right now, there is runoff from this 70,000 square foot property that runs off and runs to the south direction and essentially drains -- the low spot is right here (indicating). Our design will essentially match or be less than existing conditions. So an existing condition -- and I don't have the numbers in my head, but I will use fictitious numbers.

Say an existing condition in the 25-year event, there is 10 cubic feet per second of flow leaving the site at this location. Then it -- it is traveling south and gets to this point. In our proposed design, we will have from the -- again, the proposed design, through the mitigation system, the rate of runoff for that same storm event will be 9.5 or 9 cubic feet per second discharging into the same location.

So we're not adversely impacting adjoining properties. We're meeting the performance standard of DEC. But just like we can't adversely impact the -- the property to the south, the property to the south has to allow us to discharge at a rate that is, you know -- it -- it meets the existing condition or less. Um, quite frankly, and it wasn't the -- the decision became a -- purely a monetary decision with regards to can we do something cheaper ourselves than contribute to a master storm water system on -- on Pepsy (Kettavong)'s property. So that was a decision that was made literally four days ago and we scurried and provided a design review. Again, fictitious numbers, but we'll provide a complete report that says in an existing condition, the tributary runoff to the south is X and in a proposed condition, the runoff conditions will be Y. For the 100, the 10, the 25, the 2-year event. So all those storms, we'll meet that performance standards as we would in any type of development scenario. Water quantity and quality will be handled.

PAUL WANZENRIED: Are you still going to sheet-drain it to that pond?

MR. NAPIERALA: It will be a point discharge.

PAUL WANZENRIED: Now, your property, your 70,000, that will all drain towards your retention?

MR. NAPIERALA: Correct. We're going to get everything to our system and --

PAUL WANZENRIED: How are you getting it there is what I'm asking?

MR. NAPIERALA: Combination of piping system.

PAUL WANZENRIED: That's what I wanted to know.

MR. NAPIERALA: Yes. There will be some piping system to make that happen.

PAUL WANZENRIED: You have not developed the SWPPP?

MR. NAPIERALA: I have a draft on my desk that will be available within two days.

DAVID LINDSAY: Mr. Chairman, I think in light of the fact that the drainage issues are unresolved, I think it is maybe difficult to approve any sort of preliminary approval at this point. Certainly it would be difficult to maybe render a decision with regards to SEQ. R.

PAUL WANZENRIED: Yeah. I'm thinking the same thing, Dave (Lindsay).

MR. NAPIERALA: I don't have a problem with that, sir.

PAUL WANZENRIED: Well, let's see. I have gone through the Public Hearing. So I think I can close that out.

ERIC STOWE: You could leave it open, you could close it.

PAUL WANZENRIED: All right. I will leave it open. So at this point in time, I will make a motion to table this application until the applicant applies, reapplies.

ERIC STOWE: With the public comment remaining opening.

PAUL WANZENRIED: With the Public Hearing -- you want to use "hearing" or "comment"?

ERIC STOWE: Hearing.

PAUL WANZENRIED: With the Public Hearing remaining open.

Do I have a second?

MATT EMENS: Second.

DECISION: Unanimously tabled by a vote of 5 yes to table until the applicant resubmits for the following reasons:

1. Application is incomplete. Further information is required.
2. Landscape plan (signed and sealed by a licensed landscape architect) has not been submitted to the Conservation Board for review and approval.

FOR DISCUSSION:

1. Chili Plaza Properties proposed site improvements to Chili Paul Plaza at 3240 Chili Avenue.

Ray Trotta, Rob Fitzgerald and George Jarrett were present to represent the matter for discussion.

MR. TROTТА: Ladies and gentlemen of the Board, again, I'm Ray Trotta of Holland Tratta, the design Program Manager overall of the Chili/Paul Plaza representing Mike Kuskin, the owner, which is Frederick Property Group.

I have to my right -- I have Rob Fitzgerald from Fitzgerald Engineering and to my left, George Jarrett from Monro Muffler.

This evening I just wanted to kind of talk a little bit about -- I witnessed obviously this evening Mrs. Borgus' procedural comments and which are well stated, this is what we're here for.

Tonight we're just looking at obviously a discussion item and the reason why we're here, is I believe last meeting, um, Michael (Kuskin) came in and just very bright-eyed and bushy-tailed told you everything he wanted to do with the plaza. And he was very excited about it and we love the energy, but I think the Board's comments were okay, you know, what we want to see is a plan. What is the long-term goals? What are you looking at doing at the plaza?

That is why we're here this evening. This evening what we're going to talk about is just that, is planning for the future of this plaza and looking at everything that was brought up in this entire evening, including the parking analysis, looking at a long-term Master Plan of what is the capacity of the plaza and also looking at ultimately our goal is this is -- first step is Phase 1, is why we're here, is -- is basically for Monro Muffler to build a new -- a new outbuilding, free-standing building, basically to the -- I believe that's the northeast, the northeast of their current property that is attached to the plaza that would free up some space in the existing plaza.

That being said, if I may walk over here a little bit, is -- basically what I took is just highlighted the concept plan a little bit, because I know there was a lot of discussion and obviously everybody that is here today, concerned about what kind of new development is going to happen at the plaza.

And what we're looking at right now, is -- is basically this pink area, Phase 1, is the proposed development of a Monro Muffler free-stander, which is one that is a known.

And then we have Phase 2, which we're looking at potentially a restaurant with -- with drive-thru located at the front entry that's off Chili Avenue. That's at the southwest side. That would also include potentially a new -- a new pylon sign that's a lot better and upgraded architectural design from what is currently there. The thought there is, if people have been to the plaza, the tower element that almost looks like the -- the lighthouse beacon right around this location in the plaza would be kind of like the theme that's going on within the plaza and that would be a pylon sign at this location.

Phase 3 would be another duplicate sign of that on Paul Road, that would basically be tenant delineation and a way of finding for the plaza itself. And then part of Phase 3 would be the -- basically re -- redo of the rear facades, if you will, that are facing Paul Road.

So the idea of this whole design is basically to have these -- the whole plaza not look like the back of the plaza or the front of the plaza. The entire surround of the plaza is intended to be developed and have -- have entry -- entry points on the rear of the plaza and obviously the ones that are there.

All of these blue items, I just want to go on record, they say "TBD," because that's exactly what they are. We don't know exactly what is going to go in these spaces, but to the point of master planning, and doing the parking analysis, we looked at what is appropriate to put on the site, based upon the size of the site and based upon the -- probably the needs, if you will, that would service in a typical retail fashion of a project of this size.

Currently, right now, believe it or not, the plaza, even though I know it's been left for a while as far as -- as far as maintenance improvements, but what they're doing is renovating the entire plaza. The idea is to make this more of a -- a current standard nice shopping facility that is convenience driven without a question. It's not going to be a Regional Market place but -- convenience driven, but what we would like to do is attract some of the new retailers that would make it more a destination space and make you spend a little more time there.

Now, that being said, I know there was some concern about -- about the density of buildings on -- on the project, and right now, I just want to say, that currently this entire site is -- is impervious. It is paved, pretty much the entire thing. We're not adding any other paving than the small grass area right here at the corner of Paul that -- where Monro Muffler is intending to go. Every other area is currently paved, which I brought over here with the aerial photograph so everybody can see, is basically this plan, superimposed over here, is basically showing all of the grass area and the buffer area currently there will remain there. There is no change at all there. We're looking at the paved areas that are currently there, and basically putting buildings, parking associated with it around it.

To -- to the point of the parking, we currently have, um -- I have to look at my notes over here. But basically we have 605 spaces required, and we're currently showing with all of the new buildings that are proposed -- but I mean, these are just conceptual right now, we actually are -- are supplying 715 spots. So we have over 100 spots that are still on the paving that is there. So I just want to make sure everybody kind of understands what we're working with, as we go.

As far as the building layouts, um, again, what I stated is other than this little area of Monro Muffler that we're putting in here, we are -- we increasing paving right here, but we're also going to be increasing landscaping throughout the entire site. So this -- this project is basically cleaning up an old plaza which is already under renovation. One of the comments I know that was coming back from the Town was there was a concern that paving was going ahead, going great and then kind of stalled. That was a real concern. We investigated that. We talked to the ownership and basically they were doing concrete work that they had to get done before they did the continuation of the paving. If anyone has been out there recently, they have continued paving and they are currently paving.

JOHN NOWICKI: No, they're not. There was nobody out there paving this week.

MR. TROTTA: I think they were paving.

JOHN NOWICKI: All of the equipment is gone.

MR. FITZGERALD: Last weekend.

MR. TROTTA: Last weekend. There is a roller in the back actually.

JOHN NOWICKI: Doing nothing.

MR. TROTTA: They're planning on paving again next week. They're going to have all their paving done by -- actually, I talked to Michael (Kuskin) about that. As you know, the site contractor is -- is obviously -- earlier application was right onsite, but they will be done by November when the paving season is done -- is complete.

So they're basically setting the catch basins. They are doing some -- the paving that is still -- I actually have photos on my phone. I was out there. This is the front parking area right here. They are still paving. We actually talked to them the other day. They will be paving this, I believe, next week. And in this area over here they're paving.

JOHN NOWICKI: To the left of the buildings in the back they have a lot of work.

MR. TROTTA: You are correct. Back here, as well. We actually had a conference call and we were talking about, you know, you got to continue paving even though, you know, it's -- one side of a typical developer is that you don't want to pave and then -- and then absolutely dig it out, but they realize they have to stabilize the entire site. So they will have that done by the end of the year.

The other thing is that the goal of a Monro Muffler, which is one of the two -- I would say this is really the only known is Monro Muffler. This one right here is a letter of intent. So this is intended. The rest of them, are all -- are all up to debate. Quite frankly, we don't know right now. We are just kind of looking at what -- what makes sense to put in there. I know there was a concern about the self-storage on the back side that borders the neighborhood on this side, and the reason why we looked at that, that was we figured it's a residential scale, single-story buildings that would actually act as a buffer to the rear of the plaza.

So the intention of this is obviously to have a use, but also this rear of the plaza that is now facing the neighborhood would now be buffered with the back -- the back side of a building, so it would buffer sound and also aesthetically what is in this whole area.

Now, that being said, if the Board -- we're here for comment. If the Board says absolutely we don't want those there or the neighbors don't want those, we want that feedback. We want to solicit that feedback. I mean we want to make this a viable site and we want to do what we can, you know, to make it viable. But that being said, this is -- this is a community plaza. It is right down the street from here, and we want to make it work for everybody. We want everybody in this room to actually shop there.

So one of the things I did want to say on orientation of the buildings is basically where they are set, it kind of looks a little odd on site plan, except when you look at there is a very large storm sewer that's -- that's going through this site and we had to orient around it. And that is basically why the buildings are placed where they are. It is kind of odd you can see the separation right here, but basically, this grayed area, hatched area, as you can see, we put buildings on the -- either side of it. So the only thing over top of it is the paving.

JOHN NOWICKI: Have you talked to the existing business owners in there in regards to their parking requirements? In other words, you have 12,000 square foot retail space here, and what about the businesses that are already there? What is that going to do to them and their parking needs?

MR. TROTTA: Well, kind -- that's a good question, but the reality is, it -- it was left in a dilapidated state, if you will, and the free-for-all how the parking was set up. By delineating the parking spaces, now they actually have a far superior marked out parking areas that we intend for each one. So there is more than sufficient parking area in front of not one business, not two businesses but all of the businesses. If you look at this overall master plan, um, the intent is to have as many frontage parking spaces to the businesses themselves as possible. So -- so before it was, I -- you know, if you went there eight months ago or even six months ago, it was kind of like it -- it was odd how it was parked. What we intend to do is have point-of-access parking so you each -- each tenant has closer parking to their actual point of business.

PAUL WANZENRIED: I think your thought is a little misguided. For one, you have -- on the corner have you Subway, Auto Zone, Shaheen's and then at the Leaf & Bean. And I'm starting from the main 17,000 square feet on the east side and working my way north. Those are probably the three most viable areas for parking that -- that -- the patrons of the plaza use for parking. Okay? And you're not starting me, parking -- I, as an unhandicapped individual, will not start parking until I'm in the second row, back before the Auto Zone, second lane.

MR. TROTTA: Okay.

PAUL WANZENRIED: There is a Steering Committee right now that is developing the Chili Center Master Plan. We really don't want to see buildings with parking to the front. I would rather those buildings be to the front and the parking to the back.

MR. TROTTA: Okay.

PAUL WANZENRIED: Which way may or may not change your orientation.

Thirdly, not a big fan of a fast food restaurant being right on my Main Street.

MR. TROTTA: Okay. Fair enough.

PAUL WANZENRIED: As to the Monro Muffler, I don't have any objections to what you want to do with that just yet. I will wait for you to propose something more formally.

MR. TROTTA: Okay.

PAUL WANZENRIED: I would be concerned about the large retail there to the east and what sort of egress -- ingress and egress to the adjoining property that's there --

MR. TROTTA: I agree.

PAUL WANZENRIED: -- that is there now and how it is impacted. I'm not a big fan how that restaurant -- I will jog around.

I'm not a big fan how that Phase 2, the ingress and egress that is so tight up front, that will never work. Never work.

Um, I don't agree with the 12,000 in the center. If you want to put that 12,000 somewhere, stuff it out back where you have the car wash or out back somewhere, but in the center where parking is -- is really needed for all -- for the plaza patrons there, it just doesn't work. I don't see it working. And you're not going to park on the back side of the 50,000 square foot building because that's where all your services come in. You have gas meters, pipe bollards. That is pushing everything. Your storage sheds. It is pushing everything off into the green space. I just don't -- I'm not on board.

MR. TROTTA: That's a fair statement. That's a fair statement. One of the things we were doing and just so everybody knows, this is like a crack at, you know, okay, we have got a storm easement coming through. We got -- where can we conveniently park people around this center building. We looked at projects which you're probably familiar with at Eastview Mall that's across the street, Benderson's development where the Walmart is. Five Guys or the GMC is exactly like this layout and it works extremely effectively right now. So we were -- we were just trying to look at okay, what brings a lot of vibe to this -- to this plaza. And one -- and I -- trust me, and the development team is not against moving buildings around or -- or even some of them going away. What we're trying to do is trying to make this plaza a long-term, not a ten-year success. We're trying to make it a 30-year success. One of the things to do that is to make a critical mass. If we can get it to a critical mass, that it might be some kind of happy medium and I'm not sure what -- exactly what that is right at the moment. We were looking at it purely from where the buildings can be, what size the buildings can be, parking ratios and this is step one. We're -- we're nowhere near -- it is going to be step 20 by the time we probably settle on exactly what the plan is.

So your comments are a well -- well-received, and one of the things with the -- with this storm main is -- it's is a conundrum. It's tough. So we're trying -- we're trying to work around it and be extremely creative.

MATT EMENS: Graphically, it's just lines on the paper. Can you explain why -- what problems it presents and how it can't be solved?

MR. TROTTA: What is the exact size of it, do you know?

MR. FITZGERALD: I think it's like a 4 or 5 foot box culvert.

MR. TROTTA: It's a box culvert. Not a drain. Solid concrete. Probably the walls are 1 to 2 foot wide and it's 4 foot in diameter. I mean it's enormous. It's kind of like -- like Rob (Fitzgerald) said, it's like a huge box culvert underneath the ground.

PAUL WANZENRIED: I think I would really like to see the management team and the people in charge of the plaza try to get tenants that will stay and tenants that will attract more people into the plaza as opposed to coming up with, you know, I'm going to throw this building up and that building up and so forth. We just had an application today where he is taking retail space out and converting it to office space. Well, great. Some people are coming there to work. I guess that's a good thing, but on the same token; you know, you're going to want a shopping plaza? Put retail in it. Okay.

MATT EMENS: Other points I have, too, isn't Monro Muffler the end tenant in the existing -- so now we're going to unplug them, build a new building. Don't get me wrong, I'm not saying you don't deserve a new building that that is not a viable project. But now you have plucked out one of your tenants out of a space that was already leased. So I mean, that's a business decision that obviously they need to make, but I just don't think -- other thing, too, long-term planning, I won't get on board with making a giant building -- let's take people out of there unless you have a good master plan put together because I know vacancy is an issue.

I don't know the -- I don't know -- currently right now I know the restaurant closed and the business expanding that we talked about on the first agenda -- item on the agenda, but what is the vacancy of the existing buildings?

MR. TROTTA: Actually, it's fairly decent right now as far as -- I want to say it's about 85 percent occupied. And if not more.

And to your point all these -- I mean, the whole blue areas, which is -- from the concept is -- is more than half of what we're proposing, is TBD because we -- we wouldn't even come in here for an application without having tenants already on board. So we're not going to build anything without a tenant.

The vacancy is not an issue. But I will say, we did want to master plan it and see does it fit. And that's -- that's the idea. I'm not saying -- we're not locked in this plan by any means. The intention is to come in here and the one thing we do want to do is the Monro Muffler is Phase 1.

Phase 2, we want to discuss some kind of variation of -- of what is proposed and that may spin, it may come back. You know, it might move over to the other side. You know, all those different things. But everything else is just up -- it is brainstorming right now. It is to -- to the point. It is a catch-22. You know, it is kind of like people don't want to see this on a plan, but I want a parking analysis. We can't do a parking analysis unless we put something on a plan and work around it. So -- so what we have to do this is the first step of many to kind of fine-tune where we're going.

MATT EMENS: I definitely urge you to go back to Paul (Wanzenried)'s comment on the

master planning thing and going back to the point there is a steering committee now and I think you meant to say revising and updating the Master Plan for -- for Chili Center.

JOHN NOWICKI: One other thought, too, they should think about the type of architecture that's going to go on the site. And the site lighting itself is very critical.

MR. TROTTA: Absolutely right.

JOHN NOWICKI: So we need to see things like that. I think the architecture to me is extremely important for the center especially when we're doing update to the master plan Chili Center study. But architecture is very, very important.

PAUL WANZENRIED: You know, I want to point out, where are you pushing snow on this thing? Where am I pushing snow?

FRED TROTT: You know, would probably be in this entire -- problem, this entire back area here?

MR. FITZGERALD: Correct.

MR. TROTTA: Which is --

PAUL WANZENRIED: I want to be your snow contractor, okay? That's what I want to be. If they disrupt this much or -- how much do they disrupt before they trigger a storm water --

DAVID LINDSAY: Actually, even though they're not increasing the impervious area, they have to meet storm water regulation in regards to redevelopment so there would be some impact in regards to that.

DAVID CROSS: I think it has been captured pretty well. Pay attention to the Chili Center Master Plan. Forthcoming. Should be wrapped up by the end of the year rear, right?

PAUL WANZENRIED: I think so. We're on track for that.

MR. TROTTA: Understood.

PAUL WANZENRIED: It is for discussion.

SUPERVISOR DUNNING: As Chief Administrator of the Town, I guess I would like to add a comment to what you and Mr. Cross and Mr. Emens have already said. We reached out to the owner of the plaza through our Chili Center Master Plan only to be hung up on. I would appreciate it if Mr. Kuskin and perhaps Mr. Fitzgerald have a conversation with our consultant to see what it is exactly the Town would be looking for in that spot before you consider doing anything more there or any other planning.

PAUL WANZENRIED: Especially along Chili Ave.

MR. TROTTA: Honestly, we would be completely open to that. Was that in the last two weeks?

SUPERVISOR DUNNING: Within the past three months, three to four months that our consultant has been trying to reach out to Mr. Kuskin and it has not been a friendly welcome.

MR. TROTTA: Well, if I could answer that, twofold. Is first of all, we have been brought into the project probably 2 1/2 to 3 weeks ago. So we were brought in under the recommendation of -- to go to consultant. So basically, we're totally open to working, you know, and obviously, Paul (Wanzenried), we have been to talk to you immediately.

SUPERVISOR DUNNING: Have Mr. Kuskin call me tomorrow and I will give him the number of our consultant and you can talk to him.

MR. TROTTA: I'm on it.

PAUL WANZENRIED: I hesitate, but now I let you speak, Mr. Supervisor. Do I open this now --

SUPERVISOR DUNNING: Not a Public Hearing. Informal discussion. I made my comments as Supervisor to the Town of Chili and also a member of the Chili Center Master Plan.

PAUL WANZENRIED: Okay.

SUPERVISOR DUNNING: To answer your question, I would say no. Unless Eric (Stowe) says otherwise.

PAUL WANZENRIED: All right then.

JOHN HELLABY: Meeting minutes?

PAUL WANZENRIED: Make a motion to approve last month's meeting minutes.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion to accept the 9/8/15 meeting minutes.

The meeting ended at 11:00 p.m.