

CHILI PLANNING BOARD
October 20, 2105

A meeting of the Chili Planning Board was held on October 20, 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: David Cross, Matt Emens, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried. Paul Bloser was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Dick Schickler, Conservation Board Representative; Eric Stowe, Assistant Counsel for the Town.

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 Melissa Pernesky, owner; 95 Sheffer Road, Scottsville, New York 14546 for renewal of Special Use Permit to allow a private animal kennel for a maximum of ten dogs at property located at 95 Sheffer Road in AC zone.

Melissa Pernesky was present to represent the application.

MS. PERNESKY: Hi. I'm Melissa Pernesky, 95 Sheffer Road, owner, and I'm just asking for renewal on my ten-dog kennel.

PAUL WANZENRIED: How many dogs do you have?

MS. PERNESKY: I currently have four.

PAUL WANZENRIED: How many are yours?

MS. PERNESKY: All four.

MICHAEL NYHAN: You mentioned in the past that all of your dogs are currently privately owned. You also mentioned you wanted to take in dogs in the future. Would you be charging for that service?

MS. PERNESKY: It would only be for sake of adoption or rescue so they would become my permanent animals. I never had plans for boarding.

MICHAEL NYHAN: You won't be charging for that?

MS. PERNESKY: No. There is no charge.

MICHAEL NYHAN: And is -- there is a property line directly to the east. You have a diagram that you provided with two buildings highlighted. I assume that is where the animals will be?

MS. PERNESKY: Um, there is two-dog kennel with a carriage barn which is on the east side also bordered by the New York State Thruway.

MICHAEL NYHAN: To the south.

MS. PERNESKY: Southeast.

MICHAEL NYHAN: So to the east of that shed, that kennel there -- is that a property line and what is on the other side of that property?

MS. PERNESKY: Can you point that out exactly? I'm not sure.

MICHAEL NYHAN: On your -- these are your two kennels you're highlighting, correct?

MS. PERNESKY: South of that.

MICHAEL NYHAN: Is the Thruway.

But to the east, is that your property line?

MS. PERNESKY: Could I just see the map?

MICHAEL NYHAN: Sure. It's not clear.

MS. PERNESKY: Um, yes, this is a turnaround for Sheffer Road because it's -- so I think that's --

MICHAEL NYHAN: There is a turnaround. So where the kennel is -- what I'm getting at it is not within 200 feet of somebody else's property.

MS. PERNESKY: No. I think the New York State Thruway owns it. Or the Town because they do mow the circle.

MICHAEL NYHAN: The Town does.

MS. PERNESKY: The Town mows the circle.

MICHAEL NYHAN: Thank you.

JOHN HELLABY: Have there been any complaints, Dave (Lindsay)?

DAVID LINDSAY: We received two complaints last fall. One for unlicensed vehicle. We went -- Code Enforcement made a trip to the property and couldn't locate the unlicensed vehicle.

Two other complaints related to barking dogs. Reached out to Mrs. Pernesky and talked to her about trying to control it and we haven't had any complaints since then.

JOHN HELLABY: So you feel it has been resolved?

DAVID LINDSAY: Uh-huh.

JOHN HELLABY: I guess I got another question for you. I notice that she had to get Zoning Board approval to have the ten dogs. Does she need to go back to the Zoning Board because that has expired, as well? Per the property card, I mean.

DAVID LINDSAY: Are you asking does she have to get Zoning Board approval for --

JOHN HELLABY: She went to the Zoning Board on 9/24/2013 to get granted the variance for the ten dogs. She was allowed four, but she needed the variance. She granted it for a two-year period. In my eyes, she has to go back to the Zoning Board.

DAVID CROSS: It had a two-year limit on it.

ERIC STOWE: Conditioning the area variance for a period of time is not necessarily a great idea, so special permits, yes, variance, no. So I would say no.

JOHN HELLABY: So the two-year term that they put on here is invalid?

ERIC STOWE: Yes.

JOHN HELLABY: All right. Point of clarification I'm trying to make. Um --

ERIC STOWE: There -- Mr. Lindsay is pointing out there is a provision that says if the variance is not used, dealing with some lapsed issues on that, so the special permit would be the better place to condition any time periods.

JOHN HELLABY: Um, I guess I asked a question. Why up to ten dogs?

MS. PERNESKY: It gives me a chance to get a couple more on the property without -- if I stay with just the four, I would to come in and apply each time for the one or two dogs. Just a solid number. There is clearly enough space. Um, just --

JOHN HELLABY: Will your facility house ten dogs?

MS. PERNESKY: Yep.

PAUL WANZENRIED: How many have you had there in the two years you have had this Special Use Permit? What is the maximum number you had?

MS. PERNESKY: Just my four.

PAUL WANZENRIED: Just your four.

JOHN NOWICKI: My questions have been answered.

DAVID CROSS: Just one question. Could you just address the barking dogs complaint, what happened?

MS. PERNESKY: Um, at that time there was a disgruntled neighbor and that's because, um, I attended a Board meeting on that neighbor seeking a permit for a barn. I voiced my opinion at that meeting against the idea of that barn because it was not within the Town codes. He was not granted by the Town the approval and within 12 hours of that meeting, which would be the very next day, he came to the Town and lodged three complaints against me, me, my property, my barn and my vehicles.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I -- I think one of the -- the -- not rules, but the practices that the Zoning Board follows would be a good one here. Try for the least change in our code that you can -- is tolerable and is acceptable to everybody. It sounds like the ten is -- as the applicant says, is just a number that she picked. That doesn't seem as though it is a very good practice to follow. If she hasn't exercised this ten-year -- ten-dog limit in the time she has had it, it seems as though it's a long way from four to ten when it comes to dogs.

As far as barking dogs go, our neighbors for a while had three. There were periods that we didn't know they had dogs even. And they're close, fairly close. But let one of those dogs start barking, let somebody walk down the road and I will tell you, it was intolerable until they got calmed down. So I'm sure there is times when somebody comes down Sheffer Road and those dogs get excited and the same thing happens. So I guess I would have two thoughts on this subject. One, ten seems excessive, even to take in rescue dogs with the plan of keeping them.

And secondly, I would go for a short-term thing on this. I certainly wouldn't go long-term until you see if there are any more problems that come up.

MS. PERNESKY: May I address her comments?

PAUL WANZENRIED: Yes. You may.

MS. PERNESKY: Sheffer Road, I'm the only house on the road. It's a dead-end road. So with the fact that people walk down it, not likely. There is no sidewalks. There is no sidewalks up on Morgan Road. That's very unlikely. We just don't get people walking down the road. I don't know where they would come from.

As far as what she experienced in the past with neighbors, I don't have neighbors. My neighbors are up on Morgan Road. There is a farmer with cows and pigs. I can hear those cows and pigs just as maybe they could possibly once in a while hear my dogs. My neighbors on Morgan Road have dogs. I live by the Thruway. The biggest noise factor are the cars and trucks and brakes, going on that Thruway near the rest area. So obviously anybody driving Morgan Road would not be hearing my dogs and such. None of my neighbors are here to complain.

As far as the number, I have -- I believe I have a right to that. I haven't used it. I have a great condition for my dogs. My dogs are healthy. I have two dogs that are show breed quality with one dog having numerous first place -- they're show quality. So, um, I haven't used it. My dogs are healthy and there is no reason I couldn't pick a couple more. I don't have to bother the Town, the Town resources every time I want to add one or two more dogs. So that is the reason. 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.

MICHAEL NYHAN: What is the period of time requesting on this?

PAUL WANZENRIED: There is no period of time they're requesting. My feeling is that we'll keep it in two.

JOHN HELLABY: I concur.

MICHAEL NYHAN: Two years?

PAUL WANZENRIED: Yes. We'll keep it at two and see how things play out. I have some other conditions I will put on there, as well.

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: Do we want to limit the number of dogs or keep at the ten?

MATT EMENS: Fine with ten with two years.

JOHN NOWICKI: Ten.

PAUL WANZENRIED: Fine with ten. Maximum number of dogs allowed shall be ten.

No boarding of dogs or other animals for profit.

No breeding of dogs for profit as a business.

MICHAEL NYHAN: Are there any previous conditions that were on this property before the kennel that we should just extend?

PAUL WANZENRIED: I just read them.

MICHAEL NYHAN: Those are the ones you read.

PAUL WANZENRIED: The Special Use shall be approved for a period of two years.

All previous conditions imposed by this Board still pertinent to the application shall remain in effect.

MICHAEL NYHAN: Will there be a condition if the Town receives complaints such that it can't be resolved, that this condition be removed for ten dogs?

PAUL WANZENRIED: No. Well, there is a procedure for that, but it's unlikely that that would happen. Are you saying if the dogs got out of control or something?

MICHAEL NYHAN: Correct.

PAUL WANZENRIED: Or continual complaints.

MICHAEL NYHAN: Continuous complaints that the Town does find the dogs are creating a nuisance or noise from barking.

PAUL WANZENRIED: I don't think we can -- there is -- there is a procedure for rescinding the Special Use Permit, but...

JOHN NOWICKI: Only two years.

ERIC STOWE: An automatic revocation, no.

PAUL WANZENRIED: Application is subject to all required permits, inspections and code compliance regulations. I think that's all. Do we have County Comments? I think we did.

DAVID LINDSAY: Actually, we don't need them on the application.

PAUL WANZENRIED: Thank you.

Do you need final approval on this, Dave (Lindsay)?

DAVID LINDSAY: I think it's just the approval of the special use. There is no preliminary or final.

PAUL WANZENRIED: Right.

Given the following conditions, maximum shall be ten dogs.

There's no boarding of dogs or other animals for profit.

There is no breeding of dogs for profit or as a business.

Special Use will be two years.

All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

Application is subject to all required permits and inspections and regulations.

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

1. Maximum number of dogs allowed is ten.
2. No boarding of dogs or other animals for profit.
3. No breeding of dogs for profit or as a business.
4. Special use permit shall be granted for a two year time period, at which time it will be reviewed for an extension.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

6. Application is subject to all required permits, inspections, and code compliance regulations.
2. Application of Dennis Pikueta, owner; 110 Golden Road, Rochester, New York 14624 for preliminary site plan approval to erect a 3,444 sq. ft. maintenance building at property located at 116 Golden Road in GI zone.

John Caruso, Steve Pikueta and Dennis Pikueta were present to represent the application.

MR. CARUSO: Thank you. Good evening, everybody. I'm John Caruso with Passero Associates. I'm here tonight and accompanied by Steve and Dennis Pikueta of Pikueta Paving. The parcel being in a General Industrial Zone is adjacent to I-490 in this area. Their north property line is the south right-of-way line of I-490. If you have ever driven by it, the site is pretty secluded from the overgrowth not only on the north property line but the south property line.

Because the improvements are far into the site and its obscure shape, it is sort of hard to see the property from the road unless you actually drive down there, which I'm sure several of you have.

Nonetheless, we have tried to integrate the design parameters you will be looking for from us even though this is a General Industrial Zone and it's a very sort of rough business, but nonetheless, here is our short presentation.

Um, just a few things. Dennis (Pikueta) and his father have been in business in Chili for over 73 years. I mean, this is a local group of men and women, and they have been on this site for 40 years. So you can imagine it has the opportunity to be reorganized and maybe spruced up. This is a great opportunity with a new construction of a building here for them to focus on that. So Dennis (Pikueta) and I had several conversations about what does constructing a new building on this site entail and what goes with that.

So what does go with that, in addition to the 3,400 square foot building is the existing building -- they will repaint the existing building, and he has already begun to -- if any of you had a chance to see the site, they have removed some of the soil piles that were over the property line and put there over time, and -- and they have cleared the site where they're going to put the building. The building is about 42 by 82, and it will house, you know, one big overhead door. As a matter of fact, I do have a photo. Not a very sexy building, but very -- this is the proposed building?

MR. CARUSO: This is an example of the proposed building. I will show you the height of it. Some projects we bring flare along with function, and this project is more about function. So the purpose of this addition -- or this new building is to get his equipment inside. You know, Dennis (Pikueta) has new equipment that he has purchased and it's different than his father's equipment he had for years where they could put it inside the existing building. His new equipment can't fit inside. It is actually taller than the eave of the existing building. So this would allow him to store his equipment inside this new facility.

The other thing it would allow him to do is do minor repairs on his equipment, where now he has to bring the equipment to another place and he said that the frequency of that -- even for oil changes and things like that, but the frequency of it requires he runs the trucks up and down the roads and he notices it. So he is thinking to be able to store his equipment inside, do his minor repairs to them, maintain his own equipment has collateral benefit of not having traffic on the road. Essentially, that's it.

In addition to it, the collateral benefit is also getting the site reorganized to -- to today's standards.

If I could, I would just like to go into a couple of the comments we received and then I will turn it back to you, Mr. Chair. So two comments we received.

The County Comments from DRC, I think the most interesting one was that I wanted -- that I wanted to address was that there was a comment about a -- this being near or -- or have the proximity to a former waste site. I just want to go on record that we did look that up. It's the other Golden Road. It's the one on the other side of the railroad tracks. I have -- I have a copy of the location of it. We went to the DEC website, and I will just turn this in for the record, but this is the location of that waste site that is on the north side of -- of the Thruway. Or I'm sorry, 490.

Then we did receive the Town Engineer's comments, and what I will do is just take a quick second and go through them with you. There were several comments that made suggestions and recommendation to improve some details for our seed mix, downspouts on the building, yard spigots, water meter box, pavement restoration and trench restoration detail, which we will promise to revise and return in writing to the Town Engineer.

Um, one more notable is storm water calculations were prepared. We will send them along with modifications to the revisions.

And then probably the most significant comment to address was the need for construction easement for removal of the existing topsoil. That's no longer an issue, because we -- because we actually removed the topsoil pile. So it's gone. So if you had a chance to go to the site, you will see the topsoil pile is good.

Um, so those are the only two comments that I had in writing. Along with comments from the Board, Mr. Chair, I will be happy to answer any questions, and then finally, if the Board finds that our application is so far along that they would consider granting a final approval for site

plan. And these are examples of the colors of the building. It is also going to be a red building with white trim and the building up front will be professionally commercially painted, also red with white trim.

PAUL WANZENRIED: Does the applicant store any material, excess material on the site? I.e., if he comes back from a paving job, 8 o'clock at night, he will not leave that sitting in the truck. Will he dump it somewhere, and if so, where will he dump it?

MR. CARUSO: I know that that is true for stone. I have seen some left over stone on the site. Usually that is recycled. I -- I -- I think the area that we're looking for, um, for -- for any left over -- I will just -- this area here (indicating) that's existing already stone. I'm going to ask Dennis (Pikuet) to -- to advise us what he does with any paving material.

MR. DENNIS PIKUET: Dennis Pikuet, 24 Rochelle Drive, Churchville, 14428.

Um, excess material -- assuming you are talking about virgin material at the end of a job?

PAUL WANZENRIED: Yes.

MR. DENNIS PIKUET: Dolomite Products takes that back and recycles it.

PAUL WANZENRIED: Okay. Great.

Is there a need for any sort of exterior lighting, John (Caruso)?

MR. CARUSO: Nothing more than I know our plan does not have a light on it. We propose to put a light over the overhead door, similar to what is there on the existing, but we're not putting parking lights. The project or the site is closed down after working hours. There is no reason. He just has a security light, but there is no reason to illuminate the parking areas. There is no customers that come there. It's not that kind of business. When Dennis (Pikuet) gives a quote, he goes to customer's houses and he does that all from his home office, also. So very simple building-mounted lighting, no site lighting is proposed.

PAUL WANZENRIED: Is the driveway gated?

MR. CARUSO: Yes. The driveway is gated. Is the driveway closed -- is it gated and closed at night?

MR. DENNIS PIKUET: It is.

MR. CARUSO: Yes, it is gated and closed at night, right?

MR. DENNIS PIKUET: Yes.

DAVID CROSS: John (Caruso), you had to get some variances; is that correct?

MR. CARUSO: Yes. Thank you. I didn't mention that. We -- we did go to the Zoning Board and get variances for -- the adjacent property residential zone requires a 100 foot adjacent area, and so there was an adjacent buffer. There is no way -- that property just sort of gets annihilated by the setback requirements.

DAVID CROSS: In August those were approved?

MR. CARUSO: Yes. Those were approved and the building was set right on those variances as approved.

DAVID CROSS: Only other comment I had was to address ADA handicapped spaces.

MR. CARUSO: Yes. We'll definitely be adding a handicapped space.

JOHN NOWICKI: There is a couple other items on the letter from the Town Engineer.

MR. CARUSO: Sure.

JOHN NOWICKI: Provide installation detail of the proposed yard spigot. Hydrant should be used for this installation.

Is that going to be identified on the drawings?

MR. CARUSO: Yes.

JOHN NOWICKI: Water meter box and backflow preventer, same thing?

MR. CARUSO: Yes.

JOHN NOWICKI: Now, is -- according to the Conservation Board, did you go before the Conservation Board with a landscaping plan?

MR. CARUSO: Um, I didn't personally. Um, I don't know if -- I don't know if we did.

JOHN NOWICKI: I have a comment here from the Conservation Board that says the site plans were approved with the condition that the proposed 5 foot pine and spruce trees be planted at a height of 6 feet as per Town Code. The Conservation Board also recommends securing the new trees with guy wires and 2 by 2 stakes using three stakes per tree. Item 13B on the Environmental Assessment Form. So -- so you might have to address that.

MR. CARUSO: Yes. That is no problem.

PAUL WANZENRIED: If there is a requirement for the landscaping plan, general required -- because this project has a dollar value to it, and I think our landscaping plans are -- required to spend at least 1 percent.

MR. CARUSO: Well, there is a landscaping plan that is prepared. I just don't know if anyone from our office actually sat with them or if they just made comments. I just don't know.

JOHN NOWICKI: I think what we need to do is the value of the project itself total and the percentage that is required for the landscaping is adhered to, okay, and we need to see that.

MR. CARUSO: Well, it is my understanding, John (Nowicki), that the landscaping as proposed, other than those detailed changes was acceptable and that they were calling for us to submit drawings.

JOHN NOWICKI: I just want to make sure it meets the code, the 1 percent.

MR. CARUSO: Fine. Yeah.

PAUL WANZENRIED: We can condition that.

JOHN NOWICKI: Okay. Condition that. I think that's all I have got for now. Thank you very much. That's it.

JOHN HELLABY: Are there new fuel storage tanks or are they existing?

MR. CARUSO: Two above-ground fuel storage tanks. There is a pad shown.

JOHN HELLABY: Says "pad," but are the tanks presently existing and you're getting a new pad or are the tanks going to be moved?

MR. CARUSO: Tanks are presently existing.

JOHN HELLABY: They have been inspected by the Fire Marshal?

MR. CARUSO: Yes.

JOHN HELLABY: That's all I have.

MATT EMENS: John (Caruso), on that same topic, the Fire Marshal's comment, other comment was about the water source. Um, the building is 600 feet off the road, et cetera, et cetera.

Are there any -- other than equipment, is there any flammable materials or materials that would increase a fire load that would be of a concern? Obviously fuel tanks was just addressed, but I'm saying of in terms of in the building? It's just equipment parking?

MR. CARUSO: It's a metal building. I don't know to what extent Dennis (Pikuet) is proposing to run insulation up the walls, but any of that insulation has to be fire retarded. You know, it's a very low occupancy building. The guys come in, they leave and go somewhere else and work for the day and come back and put the stuff away. When an equipment -- piece of equipment goes down, they take off, fix it and go back. So it's not a high occupancy building.

I know there is a requirement with the Fire Marshal. I would just like the opportunity to be able to have a team of either the architects with us and Dennis (Pikuet) works with him on, you know, what is acceptable solution to putting fire suppression in that area.

PAUL WANZENRIED: That's more of a building code, Building Department purview anyhow, so they could probably work that out with the Building Department.

MATT EMENS: I guess my question just was, I was trying to understand without having -- I mean it's not a large building. It sounds like the only thing we're really storing in there is equipment. We're trying to get the equipment inside so it doesn't get beat up by the weather.

MR. CARUSO: Yep.

MATT EMENS: Okay. Thank you.

MICHAEL NYHAN: I think all of my questions have been answered with the exception of just one. The building material, is the metal building that you showed us, is there going to be downspouts and gutters for runoff?

MR. CARUSO: Yes. So we'll show those on the plan as requested by the Town Engineer.

PAUL WANZENRIED: The building is heated, correct?

MR. CARUSO: Yes.

PAUL WANZENRIED: Insulated otherwise, right?

MR. CARUSO: Uh-huh.

DICK SCHICKLER: No comment other than trees we mentioned.

PAUL WANZENRIED: So clarify that for us if you would, Mr. Schickler. You have seen --

DICK SCHICKLER: I haven't seen anything on that other than what the girl wrote up and that was -- (inaudible).

PAUL WANZENRIED: So they would need to come see you?

DICK SCHICKLER: Yes.

PAUL WANZENRIED: That would be in lieu of landscaping, the 1 percent.

JOHN NOWICKI: 1 percent of the project cost goes into landscaping. 1 percent of the project cost. So --

PAUL WANZENRIED: No. No. In lieu of landscaping, applicant is to make a donation to the Town's tree planting fun. So you either landscape it or it will be 1 percent.

JOHN NOWICKI: Or the landscaping is going to be worth 1 percent. That is what we're saying.

PAUL WANZENRIED: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FRED TROTT, 101 Golden Road

FRED TROTT: They have been neighbors of ours for 40 years. They have been great neighbors for a business. They have been wonderful. Any problems, we have called them up and they listened to us.

As far as landscaping, to be honest with you, you can't even find that if you look real hard. I don't know why you would need to put any more trees there. It is pretty well hidden. The property, south of them gets developed, I think that is when either that property developer would need to put a berm up or find some trees, but it is heavily wooded at this point. I don't see the point.

PAUL WANZENRIED: Thank you.

MR. CARUSO: Mr. Chairman, to all your points about the landscaping, we all know the regulations, and so what we did is we found a hole along the expressway line. When you drive down there, there is a thin spot and we landscaped the thin spot. That is why you see that.

The building is a \$50,000 structure. 1 percent is \$500. There is definitely more than \$500 worth of landscaping in that hole. So we feel we have met that. If we didn't get a couple, you know, stanchions right to hold it up or some tree size, we absolutely will fix that. So meeting the requirements of the Conservation Board is no problem.

PAUL WANZENRIED: Okay. 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: Any other discussion on this? They have paid for final. Are we comfortable enough with --

DAVID CROSS: Yes.

JOHN HELLABY: Yes.

The Board indicated they were comfort with waiving final.

PAUL WANZENRIED: Any conditions you want to talk about? Not getting any response.

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: Applicant shall supply a landscape plan drawn by a landscape architect with required checklist for Conservation Board for review and approval.

Upon completion of project, applicant shall submit a landscape certificate of compliance with the Building Department from a landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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.

All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

Building permit shall not be issued prior to applicant complying with all conditions.

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

Subject to approval by the Town Fire Marshal.

Any others?

DAVID LINDSAY: Just I -- did you have a condition that the plan be stamped by a landscape architect?

PAUL WANZENRIED: That was the first one out of the gate.

DAVID LINDSAY: In speaking with the Conservation Board Chair, I don't think we need to have that in this case. It is such a minor landscaping plan, so I think we can accept what Passero has done.

PAUL WANZENRIED: Okay.

MR. CARUSO: Thank you.

PAUL WANZENRIED: Applicant shall supply a landscape plan drawn by applicant's engineer. Along with the required checklist to the Conservation Board for review and approval.

All right with that?

DAVID LINDSAY: Yes.

PAUL WANZENRIED: Wonderful.

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

1. The applicant shall supply a landscape plan drawn by applicant's engineer along with the required checklist to the Conservation Board for review and approval.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the applicants engineer 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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
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. Subject to approval by the Town Fire Marshal.

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

3. Application of Left Coast Design Studio, C/O Daniel Baccari, 5500 Broadway, Lancaster, New York 14086, property owner: Greco Estates; for preliminary site plan approval for a parking lot expansion and outdoor display of furniture at property located at 1611 Scottsville Road in GI and FPO zone.

JOHN HELLABY: Mr. Chairman, I would like to request that I recuse myself from this application because of a long-standing relationship with Mr. Greco and this summer (inaudible) designed the building.

PAUL WANZENRIED: Very well, Mr. Hellaby, you're recused.

Dan Baccari was present to represent the application.

MR. BACCARI: I'm Dan Baccari from Left Coast Design. I'm here representing Jack Greco and Greco Estates. There is -- there is two items or issues, I guess, that we're here to begin talking about for that piece of property.

Um, if you haven't seen the property, the survey on the top, the blued out line shows the perimeter of his property. There is one small parcel in his property that's not his. The orange area is the buildings that are there.

The first item has to do with some regrading and millings that Mr. Greco decided to already put on the property. So the things we're talking about today have already happened. I think we're all well aware of that. So what he -- my understanding is -- I wasn't there when this happened, but my understanding is what he did, is he moved some of the topsoil that was placed in a pile on his property from a previous construction project, moved it down on -- closer to the buildings, filled some of the low areas and once he did that, he brought millings in, put them in and created a parking lot.

Um, when I was first contacted by Mr. Greco, I had some concerns -- because he has wetlands on the property, I had concerns that there were issues with Corps and DEC regulations. He produced a letter from the Corps that says that they don't.

I didn't follow up on that letter. I can if we need to. But it seems as though the Corps doesn't have issues with fill that he has placed in the wetlands.

The other issue, other item I'm here to talk about has to do with his outdoor display of furniture that he sells and his request to display even more items which would be -- not items, but he wants to display sheds that he purchases from a supplier and wants to display them on the property. So the drawing to the bottom right shows where he has outdoor furniture on display already. In front of, and behind the existing structures, and to the right, it shows where he wants to display sheds that would be on the perimeter of the -- the area he put the millings in, actually on top of the hill that is there.

So those are the two -- those are the two different aspects what we're here to talk about tonight with respect to that property. Now, I do have comments from the Town Engineer, where he talked about getting more accurate -- which I can do -- get a survey that shows -- topographic survey what's there now. Um, he also asked for, I believe, a survey or some information showing what it was before it was filled. Um, I'm -- I will have to try to see if we can get that information. I tried -- after I got the letter to contact the surveyor that produced that document, that survey that we have there, the -- the number is actually disconnected. I called Razak and asked them what happened. Apparently they split off, so I'm still trying to contact that surveyor.

There are some -- there is some information on that existing survey that leads me to believe there is GIS information he took. I don't know how much GIS information is there. I don't know if I will be able to get a topo that shows me what was there before or if the GIS is just in specific locations he shot when he made that original survey. So I'm not sure what I will be able to get on that.

PAUL WANZENRIED: That it?

DAVID CROSS: Do you have a copy of the Town Engineer's comments?

MR. BACCARI: I do.

DAVID CROSS: Are you comfortable addressing those this evening?

MR. BACCARI: I can't produce the document he is asking for this evening. I just talked about that. He wants a topographic survey.

DAVID CROSS: There is a lot going on here.

MR. BACCARI: There is. I agree.

DAVID CROSS: I -- I -- I would almost say move to table right now before we waste a

whole lot more time until this is addressed. Come back when you're prepared for the -- for the Lu Engineer's comments.

MR. BACCARI: But I would also like to discuss if there is anything else you want before I go spend a significant amount of money to get a topographic survey. I mean, I -- I fully expected to get a table when I came in here. I know there is a lot going on here. I have been talking back and forth to Dave Lindsay. I know all these things have already happened, so I'm coming in after the fact, but I really need -- I would really like to get some comment from the Board as to what else you want me to present. I mean, obviously what I gave is not as detailed as I'm sure you want, but before I spend all that time and money, I would like to know what direction you would like me to go in.

DAVID CROSS: Um, maybe I could ask the side table just one quick question, what the -- I don't know -- admittedly what the code is on display of outdoor storage sheds and furniture. It's a GI zone. It is not addressed at all.

DAVID LINDSAY: I think what I suggested to the applicant, too, is he maybe come in this evening and, you know, present what has occurred to date and see if the Board is willing to give some feedback on what they might find acceptable as far as outside storage and where that might take place so he could better prepare a second set of plans and come back and present them to the Board.

PAUL WANZENRIED: Well, come back with the delineated parking lot, number of spaces required, number of spaces you provided. Come back with a delineated sale area.

DAVID CROSS: To scale.

PAUL WANZENRIED: You know, something that we can look at or justify. Um, both sheds and all of the Adirondack Chairs he, you know, has got out front. I wouldn't put anything out front. That's just a side note. But that's me.

What else?

MICHAEL NYHAN: Yeah. The Army Corps of Engineers you mentioned, the drawing shows there is fill, but there is no connection between your drawing and the letter from the Army Corps of Engineers. It just says the unauthorized action. So there is no way to know that the Army Corps of Engineers is actually approving or okay with that fill of a wetland and it is not somewhere else on the property he may have done it. So we need some way to connect your proposal or the work that he is going to do -- or has already done, connect it to this letter that the Army Corps of Engineers provided because there is no connection.

MR. BACCARI: Understood.

PAUL WANZENRIED: That should be put back on the site -- you know, on the site plan.

MICHAEL NYHAN: No connection between them. I would echo what Paul (Wanzenried) said about front storage in the front of the building, storage of chairs and sheds needs to be somewhere behind the building protected from the roadway.

PAUL WANZENRIED: Some sort of landscape plan, buffer it, lighting. You know, sale -- give me a letter of intent. Show me your hours. You know. Something of that nature. Nature of the business. I mean, a little bit more than what we have got here. I understand you're coming in, you know, late in the game, but something a little more than what we're provided right now.

MR. BACCARI: You want a landscaping plan coordinated with the regulations even though there is no construction?

PAUL WANZENRIED: Well, I want to shield -- I want you to -- I think I want you to -- I just don't want to look at sheds on the hill. I'm sorry. I don't.

MR. BACCARI: You don't have to apologize to me.

DAVID CROSS: I just need to know how that will be done. How is that proposed? You made a hill there --

MR. BACCARI: Apparently, I understand that hill was put there when there was -- when there was construction done, that Mr. Greco didn't put it there.

DAVID CROSS: Still those sheds will be 20 feet up in the air. That is the kind of things we need to know. What is the plan for screening? I know that the opposite --

MR. BACCARI: If you're going to ask to screen what -- what he has got for sale, that is probably --

PAUL WANZENRIED: Flies in the face of it, I get it, but -- I don't know. Dress it up a lit bit.

MR. BACCARI: All right.

MICHAEL NYHAN: I guess from the sale -- the sale of the product in front of the building and right up along the front of the road is not something we would like to see either. It needs to be in the back. Even if it is not screened or hidden, it needs to be moved back, at least back behind the building. If you put these two bottom drawings together, you have a large parking lot completely surrounded by material.

MR. BACCARI: I understand.

MICHAEL NYHAN: By material on all sides that is going to be for sale.

JOHN NOWICKI: Handicapped parking.

PAUL WANZENRIED: That should be addressed in his parking plan.

MR. BACCARI: Yes. There is already parking onsite. There is already paved areas with parking. So I guess what you want me to do is show that. It is not extending the size of the building, so my assumption and an assumption on my part, the parking he has with the handicapped spots he has is already compliant. If it is not, he has to do something with that, too.

PAUL WANZENRIED: I think the engineer said that -- Mike (Hanscom), you didn't make

any comment as to the handicapped parking requirement, did you?

MICHAEL HANSCOM: No, I did not.

PAUL WANZENRIED: I don't remember seeing it there, so.

MICHAEL NYHAN: He is increasing the size of his outside storage, correct?

MR. BACCARI: Correct.

MICHAEL NYHAN: What are the provisions for how he will have that delivered or deliver it, trucks coming in and out, you know? Is there a loading area, unloading area?

PAUL WANZENRIED: He is storing any trailers or dollies that are used to --

MR. BACCARI: If you visited the site, the first time I visited the site, there was several trailers, tractor-trailer trailers on site.

PAUL WANZENRIED: He is still there.

MR. BACCARI: He has registered and licensed two of them that are still there. I believe one was removed. There were several. I advised him about this. There were several unregistered vehicles on the site. He has gotten rid of most of those. There is still one there that he is trying to get out this week. You know, I advised him on a number of things. You know, he and I -- I understand your codes very well. I read through them. My question is, is he even going to be allowed to have an outdoor display? It doesn't really address that in that district.

PAUL WANZENRIED: It is my understanding, it's a preexisting, nonconforming.

MR. BACCARI: Right.

PAUL WANZENRIED: But the Board has the authority now to mandate where it is going to be put. How is that?

MR. BACCARI: Okay.

PAUL WANZENRIED: Okay. From aerial photography July 2015, I see one, two, three tractor-trailers onsite.

MR. BACCARI: There is two now. One is gone.

PAUL WANZENRIED: You said he registered those?

MR. BACCARI: Yes. I -- he sent me -- I have to stop at the site to make sure what he sent me is accurate, but he sent me photographs yesterday of licensed plates and registrations on those -- on those trailers. I can't verify that. I haven't been out there to look.

PAUL WANZENRIED: And he is storing what in those, finished product?

MR. BACCARI: To be honest, I don't know what is in them. I would have to look. I don't know the answer to that. I'm assuming what he is doing is storing, you know, more of the same of what he has on display. If those have to be removed --

PAUL WANZENRIED: That is GI zone.

David (Lindsay), do you have anything to add about those? Because they're registered, he is in the GI --

DAVID LINDSAY: They would be permitted if they were registered and properly licensed. Certainly a condition might be where they're placed on the site when the time comes. I would like to add that we asked the applicant to clarify the wetland boundaries. It looks like maybe he used some dated quadrangle information and we might need to see an updated wetland delineation so we know exactly where those boundaries are.

PAUL WANZENRIED: And add that to your list, Mr. Baccari.

MR. BACCARI: Would we be allowed to get minutes from this or should I take notes?

PAUL WANZENRIED: No. You will get -- you will get -- well, you will get a letter saying we tabled it.

MR. BACCARI: Right.

PAUL WANZENRIED: But he should be able to get the minutes.

DAVID LINDSAY: The minutes will be -- take a little while to produce. I'd suggest you take some good notes.

MR. BACCARI: Okay. Thanks.

DAVID LINDSAY: Just to clarify for the purposes of this application, we would be looking for an updated delineation in the area of the improvements that you made, not the whole property.

MATT EMENS: Might go for a long way if the owner of the business selling this were to be here to answer some of the questions.

PAUL WANZENRIED: Okay. Given the estate, that might be an issue.

Who runs the property right now?

MR. BACCARI: Jack Greco.

PAUL WANZENRIED: He does.

Well, he should probably come in with you the next time you come.

MR. BACCARI: Okay.

PAUL WANZENRIED: All right. I think that would be wise.

JOHN NOWICKI: Should he go before the Conservation Board?

PAUL WANZENRIED: It's GI zone. They don't go before them.

John (Nowicki) asked if they go before the Conservation Board.

DAVID LINDSAY: I think all applications would go before the Conservation Board.

PAUL WANZENRIED: Okay. You think that they should go before that?

JOHN NOWICKI: Yes, especially with up on top of the hill.

PAUL WANZENRIED: Again, they're going to make the case, though, that you can't shield them -- you screen the product they're trying to sell.

DAVID CROSS: Let's see how they proposed to mitigate some of our concerns.

MR. BACCARI: The concern is he has so much so close to the road, right?

PAUL WANZENRIED: That's number one.

MR. BACCARI: Okay.

MATT EMENS: Parking lot has been extended; is that correct?

PAUL WANZENRIED: That's correct. That would be number two.

MATT EMENS: So was that an unpermitted action?

DAVID LINDSAY: That is essentially why he is here. It was an unpermitted, unimproved action. He expanded -- we call it a "parking lot," but it's -- whether it's a parking lot or storage or impervious area, he expanded that area without approval.

MATT EMENS: So it seems that we should look at that as if it was any other new project, even though it has already happened, whether there is plantings that need to happen or buffer --

PAUL WANZENRIED: Plantings, lighting.

JOHN NOWICKI: Whole site plan.

MR. BACCARI: So even though it is millings, are millings allowed in a parking lot or you have to have a non-permeable surface?

DAVID LINDSAY: You could have a gravel milling parking lot.

MR. BACCARI: Okay.

PAUL WANZENRIED: But you will have to account for the spaces required. Show us where the handicapped parking is going to be, how you're going to have signage for that. You know. Excessible spaces, the whole 9 yards there.

MR. BACCARI: Okay.

PAUL WANZENRIED: You're next to the gentleman that -- the sandwich shop, there, right?

MR. BACCARI: He is in this --

PAUL WANZENRIED: The south side of the blue line there.

MR. BACCARI: He is in this small area here. This property wraps all of the way around it.

PAUL WANZENRIED: Okay.

MR. BACCARI: My understanding is, and I don't know this, because obviously it is hard to prove, but he not only -- he not only moved fill or soil from here to here (indicating), but he brought some over here, too (indicating). And, you know, the description that I got, the information I got was that it wasn't from off site. It was from here. He pulled it off there and brought it into there and there (indicating).

PAUL WANZENRIED: Based on the comments that the Board has made tonight and the comments from the engineer, you should have a good baseline to come before us again.

MR. BACCARI: Okay.

PAUL WANZENRIED: All right? Any other questions or any other comments from the Board? Therefore, I make a motion to table this application at this time.

MATT EMENS: Second.

DECISION: Unanimously tabled by a vote of 6 yes with to table until the applicant resubmits for the following reason:

1. Application is incomplete. Further information is required.
4. Application of SMATTL Holdings, LLC, owner; 50 Stable Gate Crossing, Webster, New York 14580 for preliminary subdivision approval of eight lots to be known as Black Creek Industrial Park at property located at 3513 Union Street in GI zone.
5. Application of SMATTL Holdings, LLC, owner; 50 Stable Gate Crossing, Webster, New York 14580 for preliminary site plan approval to erect ten industrial buildings totaling 170,650 sq. ft. per plan submitted at property located at 3513 Union Street in GI zone.

PAUL WANZENRIED: Applications 4 and 5 have been withdrawn tonight.

INFORMAL:

1. Application of DSB Engineers, 2394 Ridgeway Avenue, Rochester, New York 14626, property owner: Forest Creek Equity Corp.; for sketch plan approval for a 161 lot subdivision under Section 278 of Town Law to be known as Rose Hill Estates at property located at 75 and 89 Beaver Road in R-1-20, FPO, FW zone.

Walt Baker and Bernie Iacovangelo were present to represent the application.

MR. BAKER: Good evening. Walt Baker with DSB Engineers. With me tonight is Mr. Bernie Iacovangelo of Forest Creek Equity if you have any questions for him.

The subject property is on the south side of Beaver Road, located approximately 800 feet west of Archer Road and currently zoned, as Chairman stated, R-1-20, which allows single-family homes with minimum lot size 20,000 square feet and width 100 feet and front setback of 60.

We are proposing the 161-lot residential subdivision on the 176 acre parcel under Town Law 278, with dedicated right-of-ways, utilities and open space. The Town Law 278 also referred to as cluster development is a good use for this property versus developing a site as a

conventional plan.

The second plan I posted on the board, so the board on the right-hand side is the conventional layout, which illustrates 232 lots. The plan on the left is the -- the -- the Town Law 278 plan which illustrates 161 lots.

As I stated, um, Town Law 278 is a good use of the property and benefits using Town Law 278 -- it gives the Town flexibility and the approval process to provide open space. In this case, we're going to have greater than 20 percent of the property is going to remain in its existing state. As you all know, Beaver Road Creek -- or I'm sorry, Black Creek is along the south -- south part of the property and we would be able to stay away from that area and preserve that. The 278 plan will also reduce the length of dedicated road. The 278 plan we're proposing, 161 lots, has about 6,000 lineal feet of road versus the conventional plan which is 14,000 square feet of road. So -- or lineal feet of road, which is approximately a 60 percent reduction in the overall road length of the 278 plan versus the conventional plan. Which relates to a benefit to the Town for the immediate and future maintenance when it's a dedicated road to the Town having less road to maintain over the years.

Town Law allows for the flexibility to provide the varied lot sizes that we're proposing. We are proposing three different lot widths for the project. Instead of the conventional zoning, we would have a 70 foot wide lot, 75 foot wide lots and 80 foot wide lots and the front setback would be 35 feet. This will allow for the homes to have a varied price range, which with today's economy and conditions and affordability more home buyers are seeking. The Town Law 278 will also have less impervious surfaces, storm water runoff, which is a benefit to the environment.

As you well know, New York State DEC has mandated the decrease of runoff so the reduction in the overall road length and providing less impervious surface is a benefit to the environment. We would also be requesting waiver for the Town Code as far as the house roof downspout, roof conductors, if you will. I would like to get a waiver on that.

So again, we have done this in the past where it becomes a benefit to the runoff and it doesn't go into the storm system and ultimately to Black Creek and impacts people downstream.

The proposed 278 plan with 161 lots will have a density of -- it works out to be a density -- with the 176 acres, we have a density of .9 lots per acre versus the conventional density plan which is 1.3 lots per acre. Again, it works out to be a 30 percent reduction in the number of lots on the property.

Again, we have approximately 68 lots that will be 70 feet wide, which is about 42 percent of the overall 161 lots; 56 lots shown to be 75 feet wide, and 37 lots that would be 80 feet wide, which is about a 22 percent of the entire project.

The plan, Forest Creek Equity, when we sat down and reviewed the 278 layout, their desire was to create a curvilinear layout and we do have the two entrances off of Beaver Road. We have -- I think it's 40 lots or 43 lots on the western side, which would come off of Beaver Road -- Creek Road and have two cul-de-sacs and then the entrance on the right-hand side of the drawing or to the east has the other 120 lots.

And again, we tried to create a design where we would have T intersections and tried to slow the traffic down by having a curvilinear road, making it more appealing to the home buyers, as well.

Regarding the home designs, MR. IACOVANGELO is here this evening so if you have any questions regarding the style of homes he is proposing and any other amenities that you care to discuss with him. If the Board has any questions.

PAUL WANZENRIED: What is the average acreages of these lots?

MR. BAKER: The individual lots themselves? As you can see, due to the fact -- we're using up the entire acreage and providing all that open space, actually, our lots end up being -- I think, the smallest lot is about 14,000 square feet versus the conventional zoning, which is -- which is 20,000 square feet. We have lots that are in excess of an acre.

PAUL WANZENRIED: When you get into Lots 44 through let's say 39, is any of that in -- in the 100-year flood plain?

MR. BAKER: Yes, the ones along the south, correct.

PAUL WANZENRIED: They're all in the 100-year flood plain?

MR. BAKER: They do have a portion of the 100-year flood plain on the properties, yes. But none of the homes would be within that 100-year flood plain. So it would be basically backyards.

What we did, we tried to lay it out so we would be conscientious of the flood plain. We would have the topography done obviously to verify the exact limit of the flood plain elevation. When we do that, we'll again illustrate how we have a backyard area -- besides the home area, a backyard area that is a usable backyard that is still outside the 100-year flood plain elevation.

PAUL WANZENRIED: There is a value, if you will, that comes off the south corner of the church property there.

MR. BAKER: Right.

PAUL WANZENRIED: That runs diagonal across, sort of follows the backyard there.

MR. BAKER: Correct. Right across here (indicating).

PAUL WANZENRIED: Is that considered a wetland, Walt (Baker)?

MR. BAKER: Um, to the southwest, there's a wetland area, and there's an area behind the church property, I believe it extends on the church property or the topography falls out and it gets relatively flat and created a wetland area. There's a drainage swale that goes through there. That is why we tried to be conscientious of the design and made sure we made those lots so we didn't

impact the wetland. Again, we don't want to have to go for any special permits with the DEC or the federal wetlands.

PAUL WANZENRIED: Lots 161, 160 and 159 would all be curb-cutted to Beaver Road?

MR. BAKER: Correct. We do have three lots on the western -- on the left-hand side, there are three frontage lots in that area just west of the main road entrance. And again, they have three frontage lots to the west of the eastern entrance. So basically a total of six -- six frontage lots on Beaver Road.

PAUL WANZENRIED: And where the first -- let's say see, the most westerly curb cut into the smaller cul-de-sac, where does that line up with say Buckingham's property across the road?

MR. BAKER: Um, in the open field area.

PAUL WANZENRIED: Right in the open field?

MR. BAKER: Yeah. The -- the building is further to the west. The industrial building.

PAUL WANZENRIED: Now, there is a shed and a barn I see there.

MR. BAKER: Correct.

PAUL WANZENRIED: It looks like you're taking those down, right?

MR. BAKER: Correct.

PAUL WANZENRIED: And the silo there.

MR. BAKER: We came in -- Mr. -- Mr. -- Rose Hill Estates is basically the -- was named after the owner's mother's name. So when we came in for Mr. Johnson and subdivided the property and the frontage lots for himself and his sister with the estate, we -- MR.

IACOVANGELO decided he would like to honor his mother by calling it Rose Hill Estates.

PAUL WANZENRIED: Is that a vacant lot there in the northwest corner?

MR. BAKER: Yes.

PAUL WANZENRIED: Who owns that?

MR. BAKER: The Johnsons.

PAUL WANZENRIED: The Johnsons do.

MR. BAKER: Yep. They ended up basically with three frontage lots. The existing house --

PAUL WANZENRIED: Yep. There are two houses.

MR. BAKER: There are two houses, right.

PAUL WANZENRIED: Then to the west of the two houses is a vacant lot?

MR. BAKER: Correct.

PAUL WANZENRIED: Okay. I don't have anything -- oh, one more question.

MR. IACOVANGELO, what style of house, what price point are you putting these houses at?

MR. IACOVANGELO: It's our intention to have this little bit more upscale so as not to compete with Vista Villas, so we'll be starting in this subdivision at -- between 189,9 and 199,9.

One of the things that we wanted to do is, if you really look at this design, um, you know, a little -- few more lots, but it is reminiscent of the way the design came out with Autumn Woods where we have the backyards long that go all of the way back to the creek, and that's what we tried to demonstrate with the -- this design on the subdivision.

This subdivision is named Rose Hill Estates because that was the name of the farm. It was Rose Hill Farm. Gary Johnson had asked me if we would consider using the name Rose Hill because it's part of the whole family tradition. In fact, the Millers were part of the family that resided there originally, and, in fact, Gage Miller, George Miller, was once the Chili Town Supervisor and that whole family emanated from that area of the Town. So that is where -- in fact, Archer Road came from Archie Miller.

So we -- we are planning also to use sidewalks and streetlights on this development. One of the reasons why we wanted to do that is because we find that it's really wonderful to have a traditional appeal for sidewalks in front of the house, streetlights. Families really enjoy it. We have been doing it in most of our subdivisions for the last 15 years, especially out in Henrietta at Berkshire Park Subdivision.

And also, we have met with the DOT. DOT, we talked to them about the fact that there may have been some discussions with the Buckingham Properties' potential development across the street. He said, well, "We can't deal with anything like that now. Whoever comes first, we have to deal with that application."

But one of the things he said, because there is two entrances there, and the fact that there is a couple proposed lots right on Beaver Road, that he would recommend that we put sidewalks along that side of Beaver Road for the subdivision and we -- we told them that we would put that in our preliminary plans. So sidewalks would go right along Beaver Road. Now, they would only go within the property limits that we control, okay, and it wouldn't go to any place else, but in the event the Town ever were able to get additional grants or come up with the funding to do more sidewalks along that area, I think that would be important.

So --

PAUL WANZENRIED: So -- so those are some of the things. As far as the homes, we're going to do the same as we have done in the past. Two stories, one-story homes. We -- we aren't going to eliminate the choice between one-story, 1 1/2-story and two-story homes. We would like to get them a little larger.

We have had conversations with the Churchville-Chili School District. This land falls within that School District. They're extremely excited about, you know, additional development that could bring families into the School District because of the declining enrollment over the years. A little bit because of families getting, you know, started a little later than they used to, 25

years ago, and the number of children per household. So they're very enthusiastic. They have the room, they have the capacity for it and they need additional students.

So we have talked to the DOT. We have talked to the School District.

We have also talked to the Pure Waters. Pure Waters, when we talked to them, they didn't want to have multiple pump stations. There was a pump station that was designed into Vista Villas, and then we had planned, because of the way we were looking at layouts, that there might be a need for another pump station on this. After, you know, much discussion with them and review, Walt (Baker) working with them, there is, you know, discussions of putting a regional pump for this area on a triangular piece that is occupied by an affiliate company of ours, Chili Avenue Associates, right here on this triangular piece. With that, there would be only one pump serving that whole area. That would help them, too, because it would make one large district, you know, for the sewer.

It would pick up our property. Our property would also be on gravity as a result of that discussion. It would pick up the second section of -- Vista Villas and certain portions also of any development on that acreage by Buckingham Properties. So -- it is our intent to have a very nice, upscale environment with a lot of space -- behind the homes, you know, for these buyers and to not have as much density as could be allowed, but bring it down about 161 lots, to make it a choice development for families wanting to live in this Town.

PAUL WANZENRIED: Going back to the sidewalk, so you would sidewalk in front only and from that -- Lot 161 eastward, to the church property, terminate it and pick it back up at Lot 81 and then terminate it at Lot 1; is that correct, along Beaver Road?

MR. IACOVANGELO: We would try to work with the Church and this property to make it contiguous from here straight across. That is what we would like to do.

PAUL WANZENRIED: That is what I would like to see, as well. But the way you worded --

MR. IACOVANGELO: I can only speak for me here until I talk to them.

JOHN NOWICKI: Can I ask a question at this point? In regards to that -- now, that is all State right-of-way? All State right-of-way, correct?

MR. IACOVANGELO: Right.

JOHN NOWICKI: A concern I have is the traffic from Union Street, Chili Avenue to Beaver Road to Scottsville Road has been ignored by our officials, local and State, and it's time that somebody has to look at that before sidewalks go out there. Those roads are a mess. The shoulders are a mess. And you have got to find out -- we need a traffic study big time to see what is going on over here because somebody has to do something there to fix this traffic that's a mess. At nighttime you have 40, 50 cars backed up at Chili and Beaver Road. Doesn't make any sense at all. You have truck traffic on that road. Especially if you put sidewalks out there, you have people that will be exposed to that huge truck traffic. So I think we have to do something with the transportation study.

MR. IACOVANGELO: Well, John (Nowicki), I -- I hear where you're coming from. I'm just telling you that when we talked to Dave Gehring and Bob Dunbeck from DOT, um, their input was to consider sidewalks along there, to tie up -- just so you understand -- to tie the subdivision together so that people can get from one part to the other.

JOHN NOWICKI: I want to see it tied to a Master Plan for that corridor. That corridor needs to be restudied again. We have had enough of this nonsense with the politicians. I'm tired of it.

PAUL WANZENRIED: Anybody else?

MR. IACOVANGELO: Just so we're on the same page, we would provide a traffic study as part of our, you know, submission for preliminary. For our site. That -- that's -- that's the best -- I can't do a regional study.

JOHN NOWICKI: Again, there was a study done 10, 15, 12 years ago. It was the Chili Avenue Beaver Road study -- Corridor Study. The State didn't own the road at the time, except Chili Avenue. That was totally ignored. So now, with the tremendous increase in traffic and construction, we need an updated major study. Period. Thank you.

JOHN HELLABY: The easterly road cut is opposite, I believe, the Beaver Road Extension; is that correct?

MR. BAKER: Correct.

JOHN HELLABY: You feel there is adequate sight distance?

MR. BAKER: Yes. With -- well, Beaver Road Extension?

JOHN HELLABY: I mean, if looking towards the west coming out of there, I seem to recall somewhat of a rise in that grade right there. I -- I'm just concerned of the sight distance on those.

MR. BAKER: As you said to the west, the grade does go further up to the west, correct.

JOHN HELLABY: Adequate sight distance?

MR. BAKER: We'll provide that in the traffic study, but in speaking with DOT, they always try to align the T intersection. To make it a four-way. As Bernie (Iacovangelo) mentioned, we're going to have to provide a traffic study. DOT has a 100 lot -- when you hit that trip number of 100, they want a traffic study. So we expected that, so we'll be doing a traffic study, which will also include the sight distance analysis.

JOHN HELLABY: Is there water service down there already?

MR. BAKER: 16-inch water main on Beaver Road and it goes up across Beaver Road Extension, on the south side, which Bernie (Iacovangelo) mentioned, the triangular property, the 16-inch main goes across to Archer Road and north.

JOHN HELLABY: Who takes ownership of the pump station once it's installed?

MR. BAKER: Gates-Chili Ogden Sewer District. We had conversations with them. Number of years we worked on the Johnson property. We first started looking at this 2 1/2 years ago.

JOHN HELLABY: I kind of distinctly remembering running that thing across lots back there. Can you explain where you plan to run that thing to?

MR. BAKER: The pump station?

JOHN HELLABY: Yeah.

MR. BAKER: As Bernie (Iacovangelo) mentioned, DOT, the road for Beaver Road Extension comes in here (indicating). DOT would like us to put the pump station right about the corner of this property, so right there (indicating). And Vista Villas Phase 2, um, their entrance road is in this general vicinity anyway, so what we do is extend the sanitary gravity-wise over to this pump station and this -- well, on this map, this entire piece would gravity right up to that point. So all gravity sewer up to the pump station and the pump station would service Vista Villas, Rose Hill Estates and anything that happens with Buckingham actually --

JOHN HELLABY: How far off is Vista Villas from extending that main? It doesn't seem like it's in the near future.

MR. BAKER: I have been working on that. They still have a few legal issues they're trying to sort out. They're fully aware of Pure Waters' intent. Gates-Chili Ogden Sewer District is Monroe County Pure Waters. They have been in conversation with us with regard to what Pure Waters wants to do.

JOHN NOWICKI: Where would they pump it to?

MR. BAKER: I'm sorry. They would pump -- go up across the property on Beaver Road Extension road and then head up the west side of Archer Road. There is a manhole, gravity manhole that's in Vista Villas Section 1, just inside the entrance, right where --

JOHN NOWICKI: Goes up Archer Road.

MR. BAKER: Right. Up Archer Road. The 16-inch water main I mentioned is actually under an easement on the property on the west side, so there isn't anything within the right-of-way on Archer Road, which is a Town road.

JOHN HELLABY: Um, you did talk about a lighting district. I assume some sort of nice aesthetic poles and lamp heads and there is a tree planting --

MR. BAKER: Yes.

JOHN HELLABY: -- plan I trust?

MR. BAKER: Yes. We follow -- follow the Town Code as far as tree planting. When we worked on Vista Villas, we met with Conservation Board and did a review what they thought would be a good selection of trees they would like to see, three different species at least of trees so there wouldn't be any -- any problem with a blight or anything.

JOHN HELLABY: Out of curiosity, do you know last time this piece of property was farmed?

MR. BAKER: Phew.

MR. IACOVANGELO: Last year. They turned it again. Johnsons -- the Johnsons had a -- an agreement -- Johnson Lepore had an agreement with the Krenzlers for years and as soon as we purchased the property, we continued that agreement with them. In fact, we're about to sign another lease for a crop for the spring. Last year they did winter wheat and they will probably do it again this year. So, you know, we wouldn't start anything in there, you know, subject to approvals until end of next year any ways.

JOHN HELLABY: I know there has been a movement in this community to try to protect some of this farmland because it's rapidly, and I mean rapidly disappearing. You know, it's some of the most valuable land in the whole State of New York for farming. People say well, the farming industry is dying, and I know there is a gentleman here tonight that would dispute that fact, but again, I don't know what kind of legal recourse we would have to prevent something like this occurring. I mean, it's progress and it's inevitable. It's just a shame, in my eyes, actually, that it's happening, you know.

JOHN NOWICKI: I'm sure the Conservation Board is going to have some strong comments on this also. I'm sure they're going to want to save some of the other stuff for later on. I will pass it on to Dave (Cross).

DAVID CROSS: I mean, Walt (Baker), it is kind of difficult to react to the sketch plan without seeing the critical environmental features. Where is it the flood plain? Where are the wetlands? State and federal? You know, if there -- I certainly know there are some federal wetlands on the site.

MR. BAKER: Right.

DAVID CROSS: Wood lots. Prime -- prime ag soils. You know, we have heard that concern tonight. So if we can show this, all these features mapped on this site, I think we would have a much better -- we could react to the -- to the layout much better.

I do like the fact that you have done a -- a low-impact development with this -- with this Town Law 278. I mean, that's the right thing to do. Um, you know, lots that are 80 feet wide and 1,000 feet deep, I don't think anybody up here is interested in approving something like that, so maybe those back areas, um, to the south, would be in some sort of conservation easement or some -- some mechanism to keep them forever wild or farmed or something like that.

So two more things that -- I think we need a way to connect that east and west entrance. Um, you know, I -- personally, I would like to see -- just bring -- loop your subdivision right through somehow. But I know you have a low area to deal with. But even -- but even for

pedestrian access, so, you know, if your buddy lives on the other side of the neighborhood, you don't have to walk all of the way out. So think about pedestrian linkages between the two sites. This is one long straightaway on the east side of the development, and maybe that could somehow be mitigated with some additional curves or whatever.

MR. BAKER: Basically, right where the 120 lots are, it's high ground. There -- the grade rises and then it falls off, so basically to the northwest and southeast, and again, we -- we looked at the -- the topography of the site based on the aerial maps that we got and we also deal with our environmental consultant, Jean Pollet, who will provide us with wetland delineation. Which obviously once it goes to the County, the County will obviously flag it and say -- show us where all of the wetlands are, flood plains.

So based on that, knowing that, we -- we try to work around those features as it is today. Looking at an interior connection, we'll have to take a look at that.

MR. IACOVANGELO: You know, if that is something that you would like to see -- when you say that, would -- are you -- just so we have a better understanding what you're talking about.

DAVID CROSS: Somehow to be able to link the two sides of the development.

MR. IACOVANGELO: By "side" -- like you mentioned a sidewalk, but did you want a road? You know, because one of the things that, you know, we had talked to -- to the Department of Transportation about, was the fact that they -- they had preferred to have this all off of one entrance and exit. They don't feel that there is too many sites here for one -- for one entrance. I'm just giving you what their point is. We don't feel the same way.

DAVID CROSS: Don't feel the same way. It's a large enough development, I think you need two way -- two ways in and out of Beaver Road.

MR. IACOVANGELO: What I would like to, you know, have you think about, if there was a way that we -- if we came up with a way we could put a pathway connecting them, and easements on four lots, let's say, and made that a walk path connecting them to, okay, and made it a little larger so that emergency vehicles could get through there, too, with a fine sub base.

DAVID CROSS: I think it's a grade idea. Pedestrian link.

MR. BERNIE IACOVANGELO: Not a full road, but like as a pathway that is maybe 15 feet wide, 12, 15 feet wide so at least you could get an emergency vehicle there.

DAVID CROSS: I think --

MR. IACOVANGELO: We have done them before in other communities where you had the gate that locked, okay, with the sub surface roadway so that if there was an emergency vehicle that needed to come through, they just cut the lock, open the gate and drive over that.

But I like your idea about the walkway, maybe connecting it, you know, between a couple of these lots, putting an easement on the lots, make it 6 foot on each side, make it 12 feet, do a sub -- do a surface road, you know. Well designed. This way they get through it. It's a walk path any other time.

DAVID CROSS: Pedestrian access.

MR. IACOVANGELO: Yep. Just a thought. I know, John (Nowicki), you're --

JOHN NOWICKI: Well, I'm thinking security issues. People living in houses and having people walking around your backyards.

MR. IACOVANGELO: Well, that's a big one. When the Town had proposed the pathway along the creek, one of the things that people backing up, even with long lots, didn't like is the -- bringing people. I'm just saying within -- I hear what David (Cross) is saying. Look, if there could be some mobility within the community, it would be nice. Right?

DAVID CROSS: Now is the time to plan for it.

MR. IACOVANGELO: So DOT said, rather than having the mobility, we would like to see the mobility down here so this way they can get around that way (indicating). That is why I said we put the sidewalk there. Just so you know, for every agency you talk to, everybody has a little different slant on how to connect them. And we're just trying to balance it. You know what I'm saying to you?

So -- I just think that walkway between, like we were just mentioning, could be used for two purposes. It could be used for a walk, and I hear where you're coming from, John (Nowicki), but the people buying those lots would know about it already because it would be in. You know what I'm saying to you?

DAVID CROSS: Now is the time. I have been living in this Town for over 40 years and it drives me nuts that none of the -- none of the neighborhoods were ever designed to be connected, you know? To get to your buddy's house one street over, you have to jump over some railroad tracks or jump over a highway. Now is the time to plan for it. I'm just throwing it out there.

MR. IACOVANGELO: I see no reason why we can't, you know, look at some alternatives. At least, you know, put it on the drawing. We could take it off. As we go to preliminary, we can discuss all these in finer detail. Just so you know, gentlemen, I'll work with you anyway you want. I like that idea. I even like it for the, you know, emergency vehicle situation, too. I think we can achieve multiple functions with that.

JOHN NOWICKI: I received some information tonight and I just want to make a statement on the information we got. Chili has just completed a Farmland Protection Plan which is currently being reviewed by the New York State Department of Ag & Markets. When approved, the plan, along with our Open Space and Comprehensive Plan, would provide a basis for legislation and design of a program to protect quality farmland within the Town of -- for qualifying landowners on a volunteer basis. It goes on to talk also that somewhere down the road charging developers for the right to consume farmland is often looked at as the most legitimate method to cover the cost of protecting other farmland within a municipality. Such a charge is

made as a parcel is taken out of agricultural use. So although there is no design plan in place at this time and based on many variables and particularly the timeline that this development is approved, it should be noted there could be possibly a request or a charge made for the consumption of tillable farmland of these parcels. And I would say that this probably is coming from the Wheatland Chili Farmland Protection Plan Steering Committee. Thank you.

JOHN HELLABY: Can I assume you will have this thing subdivided? You will combine these two lots -- they're presently two lots now, right?

MR. BAKER: Two major parcels?

MR. IACOVANGELO: Right.

MR. BAKER: It's in your name.

MR. IACOVANGELO: Yes.

JOHN HELLABY: You will combine them into one lot, though, right?

MR. IACOVANGELO: Well --

JOHN HELLABY: I guess how are you going to do that with these lots? I know each one is going to be individually deeded off.

MR. IACOVANGELO: That's the whole subdivision process. Even though I own two parcels, we're -- what we're asking for is both parcels to be subdivided into this plan. But we -- but we aren't -- we're not in ownership of both parcels.

MR. BAKER: Basically when you have two large parcels like that and subdivide it into 161 parcels, the two parent parcels need to be in the same ownership.

JOHN HELLABY: I know it's early in the game, but any ideas on zoning variances that may be required?

MR. BAKER: No.

JOHN HELLABY: Nothing? Okay. That's all.

JOHN NOWICKI: I'm done for now.

DAVID LINDSAY: We are in the process of finalizing a pedestrian bicycle master plan for the Town, so I would just probably encourage that the applicant to review that and also maybe conversations with the State about sidewalks along Beaver Road there. I'm sure there is some input in that document that seeks to the need -- or lack of -- need of having sidewalks along Beaver Road.

I would also want to talk with the applicant offline about the applicability of 278 in this particular development, but we can talk afterwards.

ERIC STOWE: We were talking about 278, so Dave (Lindsay) covered it.

PAUL WANZENRIED: Wonderful.

DICK SCHICKLER: Yes. I have a question here. Other than the street trees that are supposed to be planted by code, what is the total landscaping plan going to be of this whole project? And also, I really think that a landscape architect ought to be involved to a certain extent because the trees that we're losing in the last five, ten years, the Ash, the Elm. Now you can't plant Blue Spruce, you can't plant Austrian Pines and even, you know, the Maples, we're having problems with them.

I mean, we're a landscape -- I mean board here, but we don't know the best and up-to-date. I think some professional help needs to be put in here. Just because they pick out three trees doesn't necessarily mean they will be the right ones and this is quite a project, so we would like to see it nice. That's all I have.

MR. IACOVANGELO: Just so I understand, because I'm having a little difficulty with my hearing aids with this microphone. You're basically saying, get someone that has a good understanding like Broccolo --

DICK SCHICKLER: Professional.

MR. IACOVANGELO: -- to talk about the species that would be best suited to this area based upon, you know the topography, based upon the site and everything else; correct?

DICK SCHICKLER: Right. Soils and everything. Just because it seems to be, that in the last ten years, we're losing a lot of trees due to insects and disease problems.

MR. IACOVANGELO: Yes. Yes. In fact, one of the homes in Autumn Woods just had to clear out trees that had been there since we built the home in 1986, the whole lot, because of the Ash Borer. The whole lot. I mean it changed the whole, you know, landscape of that house. You're right. That's -- that's well taken point and I think we have got a good working relationship with Broccolo. They're really good in the trees and so forth. We'll talk to them and bring them on. Okay?

DICK SCHICKLER: Just like to be on board with you. Thank you.

MR. IACOVANGELO: Mr. Chairman, in the Town of Chili, are we required to have a sketch plan approval to go top to preliminary or is it just a concept discussion?

PAUL WANZENRIED: Just a concept discussion.

MR. IACOVANGELO: Okay.

PAUL WANZENRIED: We're good.

MR. IACOVANGELO: We're good. Sounds good. That's it. Thank you.

The meeting ended at 8:46 p.m.