

CHILI PLANNING BOARD
November 18, 2014

A meeting of the Chili Planning Board was held on November 18, 2014 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, Karen Cox, David Cross, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Matt Emens, Architectural Advisory Committee 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.

Paul Wanzenried made a motion to approve the 10/14/14 Planning Board minutes, and John Nowicki seconded the motion. All Board members were in favor of the motion.

PAUL WANZENRIED: With regard to tonight's agenda, we're going to hear the informal application of Anchor Christian Church, 375 Beaver Road, Rochester, New York 14624 for final site plan approval to erect a 15,010 square -- two-story addition to the church at the property located at 375 Beaver Road in the R-1-20 and FPO zone.

INFORMAL:

1. Application of Anchor Christian Church, owner; 375 Beaver Road, Rochester, New York 14624 for final site plan approval to erect a 15,010 two-story addition to church at property located at 375 Beaver Road in R-1-20 and FPO.

Rob Fitzgerald was present to represent the application.

MR. FITZGERALD: Rob Fitzgerald with Fitzgerald Engineering representing Anchor Church.

Tonight we would ask the Board to table this application until the December meeting. We still have some issues to work out with the Architectural Review Board and also our architect is snowed in in Buffalo tonight.

PAUL WANZENRIED: Okay.

I make a motion to second -- or table this application until next month, okay?

MR. FITZGERALD: Yes.

JOHN HELLABY: I'll second.

DECISION: Unanimously tabled by a vote of 7 yes until the December 9, 2014 meeting for the follow reasons:

1. Building elevations have not been revised and resubmitted to the Architectural Advisory Committee for review and recommendations.
2. Applicant's architect not in attendance to address Architectural Advisory Committee recommendations.

JOHN HELLABY: Are you aware of the Fire Marshal's comments, as well, I trust?

MR. FITZGERALD: I have not received them.

DAVID LINDSAY: I will make sure he gets them.

JOHN HELLABY: Okay.

PUBLIC HEARINGS:

1. Application of Open Door Baptist Church, owner; 350 Chili Scottsville Road, Churchville, New York 14428 for preliminary site plan approval to erect a 22' by 38' addition to church at property located at 350 Chili Scottsville Road in RA-1 zone.

Steve Thompson was present to represent the application.

MR. THOMPSON: Steve Thompson, from Clark Patterson Lee, representing Open Door

Baptist Church this evening. Last month I was here before the Planning Board and we had not received comments at that time from the County Engineer. We have since received those comments, and I have spoken with each of the individuals who made comments on this project from both the County and the State, and they were satisfied with how we have addressed those comments.

We also received additional comments from the Town Engineer, and I did respond back to the Town Engineer with a letter dated November 3rd to address those comments and we made modifications to the plans as requested by the Town Engineer.

Do you have any questions regarding those comments?

PAUL WANZENRIED: It is my understanding that we had gone through -- aside from the comments that were now issued -- the November 3rd comments, that we were in the Public Hearing, so I will ask anybody in the audience that wishes to speak with regards to this application?

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.

MICHAEL NYHAN: The letter from our engineer dated the 31st, are -- all those comments have been addressed? I didn't get a copy of the letter showing --

MICHAEL HANSCOM: I'm sorry, yes. He has addressed all of the comments.

MICHAEL NYHAN: Okay. Okay. So then I just have another couple questions. The addition is for a daycare center; is that correct?

MR. THOMPSON: Not a daycare center. A nursery just to be used on Sundays.

MICHAEL NYHAN: So for parishioners only?

MR. THOMPSON: Correct.

MICHAEL NYHAN: During church services?

MR. THOMPSON: Correct.

MICHAEL NYHAN: Do you know what the hours would be?

MR. THOMPSON: Sunday morning from 9:30 to noonish and Wednesday evening service 7 to 8:30.

MICHAEL NYHAN: Do you know how many children would be in the nursery?

MR. THOMPSON: Approximately 10 to 12.

MICHAEL NYHAN: The last question I have, were there any State permits that were required for that nursery to be in operation that you know of?

MR. THOMPSON: No.

MICHAEL NYHAN: There aren't any. Okay. Only question I had. Thank you.

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?

MICHAEL NYHAN: Has the Architectural Review Board seen this? I read their minutes, but I didn't see any comments for this particular addition.

PAUL WANZENRIED: Matt (Emens), can you say if you have seen this?

MR. EMENS: We have not seen it.

PAUL WANZENRIED: You have not seen it.

MICHAEL NYHAN: I would ask before we give final approval on this, that they have the ability to comment because it is changing the look of the building.

PAUL WANZENRIED: It is, but it's --

DAVID CROSS: I thought we just talked about -- you met the scale of the buildings, the same finishes, the same color scheme. I think Steve (Thompson) went over that very well.

PAUL BLOSER: Same siding on everything.

DAVID LINDSAY: Excuse me.

PAUL WANZENRIED: It disrupts --

DAVID LINDSAY: The zoning doesn't require it goes to AAC. If the Board wishes, you can ask the applicant to go to the AAC.

PAUL WANZENRIED: I'm not sure that I think that's necessary. I understand that it's -- may be disrupting the symmetry of the building, but from anything I have seen, they're going to use like materials. It should blend from a material aspect, if you will. Um, they have got all of the variances. We could make it a condition of approval, Mike (Nyhan), if that would be satisfactory.

MICHAEL NYHAN: It is a standard that we have applied really to almost every building.

PAUL WANZENRIED: But like Dave (Lindsay) said, it's not required. We don't have to send them. We can --

PAUL BLOSER: One of the things, if I can just interject here on this --

PAUL WANZENRIED: Please.

PAUL BLOSER: I have followed this church for a lot of years. We have done the garage.

We have done an addition -- a great addition on the building. We have done a pavilion on it. Everything they have done is exactly to code. Everything matches. Um, everything this church organization has done, it's been first class. Their properties are well taken care of. Um, they have been good to work with. They come in with a good package. We haven't had problems with them on any project they have done here.

I -- I wouldn't see the necessity to go to AAC with this. We covered it last meeting as far as like materials, like everything. Roofing. It is going to be continuous. I don't have a problem with proceeding -- without going to the AAC. I would just stay with the conditions that --

PAUL WANZENRIED: I would agree with that, too.

PAUL BLOSER: -- that they use similar materials to match the existing, which it is already in their prints, so....

MR. THOMPSON: Just to give you a sense of the timeframe, the Church is very anxious to get started with a project. They have conducted a walk-through with some potential contractors last week and are entertaining bids for the project and would like to begin the project very soon, so I'm not sure what the schedule would be to go before the Architectural Review Board, if that is another month or what that means, but --

PAUL WANZENRIED: That is another month out. The meeting -- I think your meeting is what, Wednesday?

MR. EMENS: Next Wednesday.

PAUL WANZENRIED: Next Wednesday.

MR. EMENS: Seems small. It is in the back of the building?

PAUL WANZENRIED: No. It is in the front. It's in the front.

JOHN HELLABY: Same roof slopes and everything else. I don't see where it is going to do any damage.

PAUL WANZENRIED: I'm not -- yeah. I'm not going -- I'm not going to push you into that.

MR. THOMPSON: Okay. Thank you.

PAUL WANZENRIED: So. Any other conditions we want to put on it, put before them? Other than the standard issue we had comments from -- yep. You have Conservation approval?

MICHAEL NYHAN: Were there Fire Marshal comments?

JOHN HELLABY: All of their inspections and permits were up to date with no outstanding violation.

PAUL WANZENRIED: Outdoor public assembly operating permit is going to be required.

PAUL BLOSER: What is that for, an outdoor --

PAUL WANZENRIED: Well, they were in several months ago for an outdoor --

PAUL BLOSER: The pavilion.

PAUL WANZENRIED: -- the pavilion there. So I can only assume that that is follow-up on that.

DAVID LINDSAY: I think that is correct.

PAUL WANZENRIED: Okay.

DAVID LINDSAY: I think you just captured that without your standard -- with any other outstanding permits that are required.

PAUL WANZENRIED: Say that last part again, Dave (Lindsay)? Outstanding what?

DAVID LINDSAY: There is a standard condition on there -- talking about any outstanding permits that might be required, isn't there?

PAUL WANZENRIED: Um, application subject to all required permits inspections and code compliance regulations.

DAVID LINDSAY: There you go.

PAUL WANZENRIED: Okay. Applicant shall comply with all pertinent Monroe County -- there is a list of standard issue comments or -- or conditions that we put on there, so. Very well.

We're ready to vote -- wait. Before you vote. Their fees for final have been paid; is that correct? Dave (Lindsay)?

DAVID LINDSAY: I'm sorry.

PAUL WANZENRIED: Sorry. I believe the fees for final have been paid.

MR. THOMPSON: I believe that is correct.

DAVID LINDSAY: I don't have the sheet in front of me, but just condition if it hasn't been paid, that they pay their final.

PAUL WANZENRIED: So we're going to go for final site plan. Final approval.

DAVID LINDSAY: I'm sorry for interrupting. Yes, it was paid. Mike (Hanscom) has a copy of that over here.

PAUL WANZENRIED: I thought it was.

JOHN HELLABY: In your conditions, does it clearly state that all previous conditions remain in effect? Because looking through the sheet here, apparently there are --

PAUL WANZENRIED: All previous conditions imposed by this Board that are still pertinent to the application remain in effect. A copy of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information shall be noted on mylars.

The Town Engineer, Commissioner of Public Works shall have any copies of any correspondence with any other approving agencies.

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

There is one in here. Applicant shall submit building design elevations to the Architectural Advisory Review Committee for their review and recommendation. We're not going to do that. Subject to the approval of the Town Fire Marshal. And you don't have any signage issues, I believe, right? No signs? Okay. For vote on final site plan?

DECISION: Unanimously approved by a vote of 7 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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. 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.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Subject to approval by the Town Fire Marshal.

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

2. Application of Chili Plaza Properties, owner; 3240 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for a change of use in portion of building (Suite C-9) to allow a medical/physical therapy business (formerly retail store) at property located at 3240 Chili Avenue in GB zone.

Gina Keyes was present to represent the application.

MS. KEYES: Good evening. I'm Gina Keyes. I represent Chili Plaza Properties.

PAUL WANZENRIED: You're the owner?

MS. KEYES: No.

PAUL WANZENRIED: You represent them?

MS. KEYES: Yes.

PAUL WANZENRIED: Okay.

MS. KEYES: That wasn't a good nod. (Laughter.)

PAUL WANZENRIED: Just some things that they want to talk about. Okay. Proceed.

MS. KEYES: We have a new tenant who has secured a lease with the company to occupy the former Blockbuster space to do physical therapy, personal training and rehabilitation services. It is Agape Physical Therapy. We're in Town already. We'll be taking over the complete space of 5,162 square feet. And they will have traditional business hours with moderate traffic. We are seeking approval for the change of use as it was retail and now going to service.

Have you seen the engineer's comments?

MR. SLACK: Yes, from Lu. We -- Lu Engineers?

PAUL WANZENRIED: Yes. That's correct.

MS. KEYES: I have. It was a decision predominantly regarding the parking spaces between 20 and 26 spaces were requested. Required.

We should be able to accommodate that.

PAUL WANZENRIED: And you propose, I -- I believe I read that you propose there will be a total of 20 spaces required for you?

MS. KEYES: Yes.

PAUL WANZENRIED: Or that you would use 20 spaces?

MS. KEYES: Yes.

PAUL WANZENRIED: I will turn this over to the Board at this time.

MICHAEL NYHAN: In a letter you wrote, you stated that there would be some pothole patches and tack coating which was completed and then you would sweep and stripe the lot.

Has that been completed or do you have a timeframe when that will be completed in the coming weeks?

MS. KEYES: The lot has been swept. The evening prior to when it was to be striped -- we had contracted with Taylor (phonetic) Sealing Company and strippers to come through and stripe everything and the next morning there was a no-show. They said they were done for their season. I was like, "Fun."

So we contacted Cardwell Construction. They have since provided us with an estimate to stripe it. We just have to wait for the weather to subside. We do have some warm weather coming and they're going to try to get us striped for the winter so we are in better shape.

MICHAEL NYHAN: Is that the entire parking lot or just the area in front of the new building?

MS. KEYES: No. For the entire parking lot.

MICHAEL NYHAN: Any traffic pattern changes?

MS. KEYES: No.

MICHAEL NYHAN: Lighting. It seems to be a very dark parking lot. Are you looking at the lighting at all, particularly in these areas where the people will be walking in and out of the establishments to their vehicles?

MS. KEYES: At this point, the lighting is noted, as you say, to be dim, but we are not addressing it in the immediate future. We have some plans to get into this coming -- in the next year. The financing for the plaza is coming due in 2015 and the owner is looking to pull some equity out of the plaza to do the renovations that are necessary to lighting and to parking.

MICHAEL NYHAN: During the summer of 2015, is that when you suspect this will be completed?

MS. KEYES: That is what I am literally begging for.

KAREN COX: So will this business then be -- is there going to be like a gym similar to the one -- the building that the physical therapy office is currently in or is the gym just going to be clients to be coming to work out? I'm not quite sure -- I'm not understanding exactly what the business is.

MS. KEYES: Sure. When you look at the space, the right two-thirds of it will be the physical therapy area. The left one-third will be an aerobic area and cardiovascular area. It will be for the patrons of Agape as well as those who would like to participate in a gym membership through Agape and may access it without physical therapy services.

KAREN COX: That was all I had.

JOHN HELLABY: Just to touch a little bit more on Mike (Nyhan)'s concerns on the paving, in regards to their letter from Barnett Realty dated October 16th, 2014, it goes on and touches a little bit more on the long plan of what they -- the long-term plan and what they plan for the paving.

Do you think it would be pertinent that we enter this entire letter into the record this evening? Would you like to do that? Short of reading the entire thing, I could just hand it to Sandy (Hewlett).

MICHAEL JONES: I think you have just done that, by -- by noting the letter and the -- it is part of the record now.

JOHN HELLABY: Very good. That's all I got.

JOHN NOWICKI: Are you comfortable with that as far as the parking lot goes?

JOHN HELLABY: Well, I mean the condition is naturally they're aware -- right -- you're right in the heart of the Town. There has been long-term pavement issues over there, as well as the lighting. You have made the comment here that you realize that fact and hopefully will be working towards resolving that sooner than later.

Is that what I am understanding?

MS. KEYES: Yes, sir.

JOHN NOWICKI: Okay. That is -- should take place in the year 2015.

JOHN HELLABY: I would hope -- well, that's kind of late in the year this year. Probably next year.

KAREN COX: He said '15.

PAUL WANZENRIED: He said '15.

JOHN HELLABY: Okay. I thought he said '14.

JOHN NOWICKI: So we'll be looking forward to watching that.

MS. KEYES: Absolutely.

JOHN NOWICKI: It has been years in coming.

MS. KEYES: Yes, sir.

DAVID CROSS: In addition to the paving and lighting, the landscape islands need some work. Topsoil and seed.

Not (indiscernible), but some re-establishment of grass in those islands, I think, would go a long way.

DAVID LINDSAY: I do have just one question. In regards to the letter, there is a statement there that the financing matures this coming spring. They're making plans and securing estimates to address the pavement areas.

Can you elaborate on how you plan to address the pavement areas? A pot-holing or sealing, or do you think you might be milling it all out and then resurfacing? What --

MS. KEYES: Our intention is to mill the areas where it is necessary and resurface.

DAVID LINDSAY: Okay.

MS. KEYES: To create a far better environment for the tenants and the community there, as well.

DAVID LINDSAY: Do you think you will restripe in advance of that or wait until you do have done that work?

MS. KEYES: We would like to restripe it before we run out of time. It is snowing today. We would like to be able to restripe it. But if we do run out of time, it will be done when we have it sealed -- when it is resurfaced.

DAVID LINDSAY: Do you have any idea when you might receive those estimates?

MS. KEYES: I don't right now.

DAVID LINDSAY: That's all I have.

PAUL WANZENRIED: Any other comments from the Board?

JOHN HELLABY: I would also mention -- I'm not sure it got read into the meeting minutes, but the Fire Marshal's comments that the life safety occupancy use operating permit will be required and no wood framing will be allowed in the space. So you will have to use metal studs and rated drywall most likely.

MS. KEYES: Yes.

MICHAEL NYHAN: Another comment, you have heard from the Board and almost everybody has commented on the parking lot. It is the center of Town. And, you know, if you're going to go through the point of milling and paving, restriping, lighting, I think it would be really a good idea to take a look at the entire traffic pattern within that plaza. Just based on how it is designed and how long ago it was designed. There is a great deal of cross traffic which creates a great deal of problems with cars that are leaving parking spaces and ones that are just traveling through the plaza from one side to the other.

So I think you heard from pretty much everybody here we're very concerned about the parking lot and the look of that and the flow of that. So I would like to ask that if you're going to be looking at this and repaving and restriping in the spring, that you really take a look at the traffic patterns of that parking lot so that it is the most efficient and the safest, as well.

MS. KEYES: Understood. And they -- we did find in the filings that that was reviewed in prior years. I believe at the acquisition, when it was first taken from Iacovangelo to a new owner. And there were some drawings and we saw some changes that were suggested and wanted. So we will be looking at those.

KAREN COX: Didn't John Caruso do -- that is what I was thinking several years.

MS. KEYES: Part was realigning the Paul Road entrance and the criss-cross that happens midway in the front area.

MICHAEL NYHAN: There are several in the front area. About four or five.

KAREN COX: That was five years ago or something like that. I remember.

MS. KEYES: Yes.

MICHAEL NYHAN: A serious look needs to be taken -- a look at that so all those issues can be corrected when you do finally stripe.

MS. KEYES: Yes.

PAUL WANZENRIED: David (Lindsay), did they pay for final?

DAVID LINDSAY: Yes, they did.

PAUL WANZENRIED: That's what you thought. I just wanted to confirm that. Yes. Okay. All right.

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: So from a conditions standpoint --

JOHN HELLABY: Hours of operation as noted.

PAUL WANZENRIED: Yep. Okay. Hours of operation as noted. Our Fire Marshal comments will be part of it. The introduction with the letter, right?

JOHN HELLABY: Required Health Department permits and inspection.

PAUL WANZENRIED: That is a Building Department thing, though, isn't it?

JOHN HELLABY: I don't know. It -- it is regulated by the Health Department somehow, way, shape or form, I think. It's physical therapy, correct?

PAUL WANZENRIED: That has nothing to do with the site plan, though.

PAUL BLOSER: Question. In your plans for next year's investing back into the property at all, are you looking at doing cosmetic changes to the buildings externally at all?

MS. KEYES: Minimal, if any. The facade was redone in 2004.

PAUL BLOSER: Right. I know it was that long ago.

Is this applicant looking at doing anything with signage?

MS. KEYES: On the facade, yes.

PAUL BLOSER: What I would ask is -- as a property owner, you start looking at what people are requesting for signs also, that it is more in line with what the Town wants for signage, that you have a little more continuous look of signs through the property. Some of them over the years have gotten out of hand with colors.

They have replaced them not necessarily needing a variance because of size change, but they don't fit in.

MS. KEYES: Okay. Is there a plan that can provide guidelines for us?

PAUL BLOSER: The Town has set guidelines for signage.

PAUL WANZENRIED: The AAC has a signage --

PAUL BLOSER: Right. But any -- Blockbuster has an open permit for that building right now for a sign that they put up. So before the new tenant puts a sign up the same size as that one, that it be reviewed for colors, for fonts and what it actually looks like. Before it goes up.

PAUL WANZENRIED: The Leaf & Bean sign is goosenecked and is not back-lit. If I --

PAUL BLOSER: That is what I am saying. Everybody has a different type of sign out there.

PAUL WANZENRIED: And every one should follow that, beyond. For aesthetics. I'm sure Bill Gray's would have a real conniption with that.

PAUL BLOSER: That is one of the things I'm getting to. Their sign is wrong.

MS. KEYES: Don't put me on the firing line.

PAUL BLOSER: You kidding me? But just to -- it is the center core of Town. We would like to have it look nice rather than a three-ring circus with everybody going their own way. I think the attraction and value of your property, um, just how the Town sees it. So.

MS. KEYES: So I can get those guidelines from the Architectural Review Committee?

PAUL WANZENRIED: They're online.

PAUL BLOSER: They're online also.

MS. KEYES: Okay.

PAUL WANZENRIED: See --

MR. EMENS: I think the zoning says more about it than ours do.

PAUL WANZENRIED: Right.

MICHAEL NYHAN: Yeah.

PAUL WANZENRIED: You can get them online.

MS. KEYES: Okay.

MR. EMENS: Only thing the Architectural Advisory Committee is looking for, is the building similar or complementing colors or materials of the buildings.

DAVID LINDSAY: I think you're saying you want some uniformity of the signs between the businesses?

PAUL WANZENRIED: Yes. I don't want neon.

DAVID LINDSAY: The code itself doesn't speak to that. It talks about the size and that type of thing, code-related features.

PAUL BLOSER: That is why I'm addressing, too, the property owner, just saying with their tenants, too, what their guidelines are, above and beyond the Town. What they will allow on their buildings. We would like to see it a more conservative look and continuity between all of the businesses. Leaf & Bean does have a very nice looking sign. If we had that continuous for the property, that would be awesome. You can't always do that. What I'm asking is the property owner, that you put some guidelines in with their clients above and beyond what the Town says so that you're controlling the look of your buildings also.

MS. KEYES: Understood.

PAUL BLOSER: Thank you.

PAUL WANZENRIED: You want me to put that as a condition of approval? Conformity and size?

KAREN COX: You can't do that.

PAUL WANZENRIED: I know. Thank you. (Laughter.)

MICHAEL NYHAN: In the zoning code there is a sign standard that you could follow, which is architectural -- architecturally in line with the other surrounding signs and things like that.

PAUL WANZENRIED: Trying to see how we can -- how I can condition the landscaping and the -- the parking lot. How do you put that?

DAVID CROSS: The applicant said it will all be rehabilitated next year.

PAUL WANZENRIED: That is on the record.

DAVID CROSS: Striping, landscaping.

PAUL WANZENRIED: While that is on the record, it's -- I'd like -- I'd like something with a little meat to it.

MICHAEL NYHAN: Did the Conservation Committee -- have they reviewed this?

PAUL WANZENRIED: They did review -- no. That's -- they -- they have nothing -- no. It is not applicable to them.

MICHAEL NYHAN: Okay. Thought I saw it on there.

PAUL WANZENRIED: Mr. Jones?

MICHAEL JONES: Hi. So the discussion is on the record, but as far as a condition goes, I think it would be feasible for enforcement to put a condition that they do something in the future next year. While you have already given them the permit to open the business technically, I don't know how I would be able to enforce that.

PAUL WANZENRIED: That is the same issue I have.

DAVID CROSS: Have them write a letter to the Town saying that they intend to do these improvements and -- in the 2015 construction season and we'll condition that letter.

MICHAEL JONES: We could condition them to update us on the financing and to submit a plan that they intend to carry out in the future. It -- it may not happen if financing doesn't come through and so forth, but we can at least require them to submit the plan.

JOHN NOWICKI: That's a good condition.

PAUL WANZENRIED: Submit a plan.

PAUL BLOSER: I think you understand the sentiment of the Board and the Town.

MS. KEYES: I go to work every day, too. I get it.

PAUL WANZENRIED: Can I -- can I word that as submit a plan for site improvements?

MICHAEL JONES: I would go even more specific than that. Site improvements including the resurfacing of the parking lot. I think there was lighting mentioned.

MICHAEL NYHAN: Striping, light, landscaping.

JOHN HELLABY: Traffic flow.

MICHAEL NYHAN: Traffic flow.

MICHAEL JONES: That should be submitted before the business opening. That should be a priority.

PAUL WANZENRIED: Submit to the Town prior -- I want to say prior to C of O.

MICHAEL JONES: Yes.

DAVID LINDSAY: Yep.

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

1. Hours of operation per letter of intent.
2. Applicant to submit to the Town an outline and time table, in writing, for site improvements which shall address lighting, traffic flow, pavement resurfacing, patching, and re-striping, as well as landscape improvements. This shall be submitted prior to the Town issuing a Certificate of Occupancy for this use.
3. Compliance with Town Engineer's correspondence dated November 14, 2014.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
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.

The meeting was adjourned at 7:40 p.m.