

CHILI PLANNING BOARD  
February 9, 2016

A meeting of the Chili Planning Board was held on February 9, 2016 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 Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Matt Emens, John Hellaby, John Nowicki, Ron Richmond and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger; Larry Lazenby, Conservation Board Representative.

Chairperson Michael Nyhan 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.

MICHAEL NYHAN: We'll change the order of our meeting tonight.

INFORMAL:

2. Application of Cornerstone Urgent Care, c/o Peter Morse, 875 East Main Street, Rochester, New York 14605 for final site plan approval for a change of use to convert existing building to an urgent care center at property located at 2968 Chili Avenue in N.B. zone.

MICHAEL NYHAN: At the applicant's request, this has been withdrawn for tonight and rescheduled for our March meeting.

PUBLIC HEARINGS:

1. Application of Archer Road Vista, LLC, owner; 783 County Road 42, Fishers, New York 14453 for resubdivision approval of one lot into four lots in the Vistas at the Links Subdivision at property located at 100 Club House Drive in PRD zone.

John Shields was present to represent the application.

JOHN HELLABY: Mr. Chairman, on advice of Counsel, I will recuse myself from this application.

MICHAEL NYHAN: This was -- application was heard last month and was tabled to demonstrate the feasibility of access to Parcel 2 from Archer Road along the south portion of Parcel 1.

MR. SHIELDS: Thank you, sir, good evening. My name is John Shields, here this -- this evening representing Archer Road, LLC for a four-lot subdivision. The parcel is approximately 280 acres in a PRD zone. A portion of this parcel was approved by the Planning Board previously for residential subdivision. Vista Villas Phase 2 through 6 received preliminary approval in the past, and Phase 2 has received conditional final approval from the Planning Board.

And as Chairman mentioned, we were here about a month ago and were sent back to review some of the details specifically with respect to access. We have worked with the -- excuse me, with the Superintendent of Highways, with the Building Department, a little bit with the Town Engineer, as well, in order to reconfigure some of the lots in order to provide an additional access, provide a couple of things.

First, we provided an additional point of access to Parcel 2, which if you have the -- the colored exhibit -- if not, I might have one or two I can pass around there. Parcel 2 is the purple parcel towards the east of the property.

Previously we had shown a 60 foot right-of-way leading up --

MICHAEL NYHAN: Excuse me. John, do you have a copy you could place underneath the projector here?

Thank you.

MR. SHIELDS: Sure.

You're welcome. Little difficult to see with the colors, but Parcel 2 is -- is -- is -- again, the easternmost parcel. Previously we had only provided a 60 foot point of access to that parcel and it was -- it was determined that that access crossed over an existing RG&E easement and there was the potential in the future RG&E would be within its rights apparently to block that point of access with -- with construction of pipes, utility transformers, whatever they wanted to do, so it was a real possibility that that point of access could be blocked by RG&E.

So what we did, again, working with the Town and various departments and staff, we gave

an alternate -- we kept that point of access in place, because that is currently being utilized by the farmers who are working that property. So we did keep that in place, but in the event that RG&E does obstruct access, at that point we have given an alternate point of access, a 95 foot -- we bring that lot all of the way up to Archer Road, with the 95 foot wide frontage that's located -- I will make a reference to the exhibit that is on display as a blue parcel. Just to the south of that blue parcel, we -- we -- we brought in a 95 foot frontage to Parcel 2 which could be used in the event that the existing access to that parcel is blocked for any reason.

When we did that, we had to shift the -- the Parcel 3 is the red parcel with the exhibit. We shifted that frontage down. That still has 60 feet of frontage along Archer Road and then we, of course, adjusted Parcel 4, which is the yellow line, as well.

In the -- in the -- in the exhibits that we handed in as part of the application, reapplication, amended application, we included some color exhibits and we showed -- on one of those we showed the residential development, Phases 2 through 6 I mentioned earlier. We showed the lot lines and the proposed grading for that residential subdivision. We did that to verify that even after construction of that residential subdivision, as it is proposed, there would still be adequate room to -- to bring driveways and a trail in to -- from east to west without -- we could -- we could build our ponds, do our grading for the residential and still have room to bring in future driveways if Parcels 2 and 3 ever did require them. So those were big changes.

We also took the easement that is being offered to the Town, as well as a reciprocal easement between Parcels 2 and 3 at the request of the Highway Superintendent. We extended that parcel to the east in order to provide an opportunity for what is currently a landlocked parcel to gain access to the parcel. What -- the -- the applicant will offer that easement to the owner of that landlocked parcel, give them the opportunity to -- to legally access their property.

Those were the big changes that we made. Um, sounds very simple here, but we did go through a couple iterations and the Town was very gracious to work with us over the past month on those.

With that, I -- I think we're still into a Public Hearing, so we'll answer some questions from the Board and staff, public, whatever. Whatever comes up.

DAVID CROSS: I'll look at the side table and ask our Assistant Counsel. You had a chance to review things and you're comfortable at this point?

ERIC STOWE: Yes. And I talked to Mr. Shields, Mr. Lindsay, Mr. Wanzenried about all of it. My only concern was we could not rely on the access point to the north as the sole access point. So as long as they had another one, that that met all of the criteria, I was fine with it.

DAVID CROSS: Good.

ERIC STOWE: Talking with Dave (Lindsay) here about the easements and making any approvals subject to -- any site subdivision subject to approval of those easements, but along also the access easement to the Town that bisects Parcel 3, the red parcel. It appears that easement would cross over and potentially block access to Parcel 3. I know that won't be the intent. We can re-work the language, but just so there is something in there to re-work that so that easement never precludes access to the whole parcel.

MR. SHIELDS: Okay.

DAVID LINDSAY: Mr. Chairman, that concern can be addressed with our standard condition that says any final approval subject to Town Engineer and Commissioner of Public Works approval and we can also stipulate any final easement language gets reviewed and approved by the Counsel to the Board.

MICHAEL NYHAN: Okay. Thank you.

DAVID LINDSAY: No other questions.

PAUL WANZENRIED: No comments.

MICHAEL NYHAN: So work with the Town to create the type of easement we're looking for so Parcel 2 does not get landlocked?

MR. SHIELDS: Sure.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm assuming that the yellow is Parcel 4? It's kind of hard to read from here.

MICHAEL NYHAN: Correct. It's the furthest to the south. You have 1, 2, 3 and then 4.

MS. BORGUS: Okay. Blue with 1, right?

MATT EMENS: Purple and red blend together.

MICHAEL NYHAN: This is Parcel 1 (indicating). This will be the easement they put in for Parcel 2.

MS. BORGUS: The red? The red?

MR. SHIELDS: Parcel 2 is purple. It is hard to read, as well. Parcel 3 is the read.

MS. BORGUS: Oh, okay. What is going to be the planned use for Parcel 4 down the line?

MICHAEL NYHAN: At this point, none has been stated. We did ask that question at the last meeting, and there has been no indication of any development for any of the parcels at this point.

MS. BORGUS: Well, I guess my question would be then who is going to maintain that right-of-way? Eventually if that isn't maintained, that is going to grow up to trees and shrubs and you wouldn't be able to get through there. Owning land along Black Creek, I know how quickly these things fill in. So what -- what -- what preparation has made -- for plans to keep that open

over time?

MICHAEL NYHAN: You're talking about the easement -- for Parcel 2 and Parcel 3?

MS. BORGUS: Uh-huh. Uh-huh. That's been arranged for, that is another thing. It is 95 feet wide?

MICHAEL NYHAN: I'm sorry, John (Shields), how wide was that?

Parcel 2 you're talking about?

MS. BORGUS: No. The entryway into Parcel 2.

MR. SHIELDS: Parcel 2 is 95 feet. Parcel 3 is a 60 foot right-of-way.

MS. BORGUS: I was just concerned about, you know, if there is really big farm equipment to go through there, you have to have substantial width to accommodate it which is all of the more reason it has to be kept clear. That would be my main problem with that. Thank you.

PAT LOMANDO, 1 Club House Drive

MR. LOMANDO: Club House Drive, number 1. I understand two entrances to the subdivision off Archer Road, correct? One existing, and one new?

MICHAEL NYHAN: There would be -- there will be an existing entrance to the Parcel 1, which is where the homes are built. Parcel 2 has an existing easement or an existing entrance along the railroad tracks.

MR. LOMANDO: You're talking about an additional one.

MICHAEL NYHAN: In the event that one becomes blocked because of the easement with the RG&E, we're requesting a second easement to Parcel 1 so Parcel 2 does not become landlocked.

MR. LOMANDO: That's a great idea. I agree with that. That should be -- how many homes or additional homes or site subdivisions are in are there?

MICHAEL NYHAN: None. For Parcel 2?

MR. LOMANDO: You're considering Number 1 in the blue?

MICHAEL NYHAN: No, we're not considering Number 1. We're considering the subdivision to -- to subdivide this land into four parcels total.

MR. LOMANDO: So no approval for building of the homes in that area right now period?

MICHAEL NYHAN: That was already previously heard and approved at another meeting.

MR. LOMANDO: Well, I didn't hear about that. I wasn't notified about that.

MICHAEL NYHAN: David (Lindsay), did you have a response for Paul (Bloser)?

DAVID LINDSAY: I think perhaps the resident is misunderstanding what we're doing here. Parcel 1 is what was previously reviewed and approved. There are no homes being proposed for Parcel 2, 3 or 4. We're just subdividing land into different pieces.

MR. LOMANDO: But he commented it was already approved.

DAVID LINDSAY: Parcel 1, I believe six additional phases. One of those phases was approved at a previous meeting. Others are still preliminary.

MR. LOMANDO: Nothing approved there as of now?

DAVID LINDSAY: Yes.

MR. LOMANDO: We'll be notified for additional hearings for those?

DAVID LINDSAY: That's correct.

LUANN VANPEURSEM, 17 Club House Drive

MS. VANPEURSEM: Luann Vanpeursem, 17 Club House Drive

I'm just wondering why it is being subdivided this way? Is there a reason for utilities or something? Help me understand why the subdivision is being requested like this.

MICHAEL NYHAN: John (Shields), I think we asked that in the past. Any purpose for this land at this point for this subdivision?

MR. SHIELDS: Each individual parcel is cut around its highest and best -- what the owner/ developer believes is the highest and best use for each one. If -- with the subdivision, would bring the opportunity for -- for the owner to convey each of those parcels individually. There is no offer that I'm aware of on the table for the sale of any of them, but with the subdivision, it would create that opportunity. I'm not sure if that answers the question. That is really the general reason to --

MS. VANPEURSEM: So the owner may sell it to different developers?

MR. SHIELDS: To anyone. To whoever would want to come in and make an offer for the individual parcels. Including Parcel 1, which is -- which was previously approved for residential.

BILL STEIMER, 1060 Reed Road

BILL STEIMER: 1060 Reed Road, Scottsville.

I also have a -- a question or more questions on the second egress to Parcel 2. Um, to -- to the best of my knowledge, the farmers that have been farming that Parcel 2, the last ones to have -- actually go in at the bottom of the blue area on Archer at this point, and run right across diagonally to Parcel 2, so basically, because you can't fit today's ag equipment through where our north egress was, from a width standpoint, um -- so I guess my question is, it sounds as though the south egress is only going to come into play if the north is presented with an interference from RG&E? Or are we saying from day one that the egress to the south is going to be okay?

MICHAEL NYHAN: John (Shields), can you answer the current -- the way that farm equipment is currently entering that land?

MR. SHIELDS: It is my understanding that the equipment does have the -- there used to

be a stone entrance in, I think, an area you're describing that is south of Parcel 1. I think most of that stone has been taken up. I know for a fact that there is a driveway coming into -- coming from Archer Road, to the east, just south of the railroad track. It is my understanding that that is where -- I know there are utility poles and there are other -- there is other infrastructure there, but it is my understanding that the farmer takes his equipment into the property that way. If you're telling me that he doesn't now and he uses to the south, then I guess kudos to everyone involved for creating that 95 foot frontage to the south to continue to be used as access to Parcel 2.

BILL STEIMER: The question is, is that -- from this day forth, is that going to be an egress, or is it a secondary egress if something happens to the north egress by RG&E?

MR. SHIELDS: Well, it's available. If you're telling me they can't use the -- this is news to me. But if you're telling me they can't currently use the egress to the north --

BILL STEIMER: Depends on the type of equipment that goes in.

MR. SHIELDS: Okay. I guess I would answer the question, I think -- I think this is an answer to your question. It is available for egress and ingress to Lot 2. If somebody who accesses Lot 2 chooses to use the south or the north, I don't think we have any say one way or another.

BILL STEIMER: So then this is that the lessee, or if it changes ownership, is Parcel 2's -- who is going to maintain either of those? Is it the owner of Parcel 2, or whoever that may be?

MR. SHIELDS: Let me just clarify this. There is more than just an easement. Parcel 2 actually owns this property, that 95 feet out to Archer Road. Yes, there is an easement over top of that, but there is ownership by Parcel 2 of that 95 feet of frontage. So I would say Parcel 2 wants to access their property from that point.

BILL STEIMER: They need to maintain it.

MR. SHIELDS: They're going to maintain it.

BILL STEIMER: All right. Thank you.

MICHAEL NYHAN: So the easement that we're talking about to the south is now Parcel 2? You took a portion of what was going to be Parcel 3, and added that to Parcel 2, so now there is two means of entrance to Parcel 2? Before that there was one, just the one at the railroad tracks.

MS. VANPEURSEM: I do have one more question. The blue is Parcel 2? What is Parcel 2?

MICHAEL NYHAN: Blue -- light blue is Parcel 1. And just to the north of that, and just to the south of that, a purple color, that is Parcel 2.

MS. VANPEURSEM: I'm wondering, the purpose is to eventually build homes; is that correct? That's the ultimate goal here?

MR. SHIELDS: The only --

MICHAEL NYHAN: No. It has been stated that they do not have any intention yet for that land. If the owner wanted to sell it, they could. If they wanted to develop it, of course, they would have to go through the process with the Town in order to do that.

MS. VANPEURSEM: So where the current houses are right now, in -- in Parcel 1, Phase 1, rather, I'm just wondering while -- why they are bringing dirt and road tar in and dumping it behind the houses there, and building up a hill back there. Is there any what -- what is going -- the plan for that? Are they trying to fill it in or something?

MICHAEL NYHAN: That you don't know. I don't know if the Highway Department is familiar with any activity back there.

DAVID LINDSAY: I'm not aware of any activity, but we can make a trip by there tomorrow to see what is happening and get back to the Building Department or the Board if you wish.

MICHAEL NYHAN: You're not aware of any?

MR. SHIELDS: No.

ROXANNE LOMANDO, 1 Club House Drive

MS. LOMANDO: Roxanne Lomando, 1 Club House Drive

It is right behind our house and they're up and down there. It has been going on since Faber took over the development. Constant dump trucks. Dumping everything up there.

DAVID LINDSAY: We'll take a look at it.

MR. LOMANDO: We have actually --

DAVID LINDSAY: 1 Club House, you said?

MR. LOMANDO: 1.

MS. VANPEURSEM: Dave (Lindsay), it is all along behind the whole houses on that side. I spoke to you about it during the summer when it first started.

DAVID LINDSAY: We'll take a look at it tomorrow.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: It -- I'm thinking if this is a concern, and this may be used, this southern entree way may be used more than anticipated, sounds like, maybe the -- this should be a condition of any approvals you give them, is that that -- not just hear it in testimony or talk here tonight, but I know going forward, that anything that isn't written down as a condition is not enforceable. So maybe the -- the keeping that entree way clear, clear enough for farm equipment to use, should be a condition of any approvals they receive tonight. In other words, let's just not talk about it. Let's make it a condition, because things are soon forgotten, and especially if this land were to change owners, I can see where this would just be a forgot issue.

Thank you.

MICHAEL NYHAN: John (Shields), if I could ask a question, the current land, they would lease that land if somebody were to farm it? They would lease that land to a farmer; is that correct?

MR. SHIELDS: As it is today leased, they would continue to lease to a farmer.

MICHAEL NYHAN: That is what they're doing today? As part of that lease, does the farmer maintain that roadway, do you know?

MR. SHIELDS: I'm unsure.

MICHAEL NYHAN: The current roadway.

MR. SHIELDS: I'm unsure, to be honest. I don't know.

MATT EMENS: Probably not, because my guess is the farmer goes in whichever way he needs to, because it has the same owner right now. Right? So it doesn't really matter.

ERIC STOWE: Mr. Chairman, with respect to the -- to the parcel to the southern entry point, it will be difficult if not impossible for the Town to enforce any condition requiring them to make it clear. If Parcel 2's owner decides he wants to let it grow up to be a hunting preserve, we can't mandate they maintain access to it. It's their right. It may devalue the property if it is required to be cleared for access for future development or use, but we won't be able to enforce it and say your parcel cannot be accessed, it must be cleared.

That's -- now, if we object -- if there are easements or other reasons for the Town to go back, that is a different issue, but as it stands today, that is not a clear, enforceable condition we can place on it.

MICHAEL NYHAN: Thank you.

MR. LOMANDO: I just have one more thing to add. Since we have been there in April of 2009, the farmers use the street every year to go back and forth to their -- they have never used the easement by the railroad tracks, ever.

JOHN NOWICKI: The street?

MR. LOMANDO: They come down the street with their equipment. No traffic can get in or out. It's ridiculous.

MS. VANPEURSEM: They're tearing up the road again.

MR. LOMANDO: No one heard of it. It shouldn't be allowed. Something needs to be done about them.

JOHN NOWICKI: On Prestwick Lane?

MS. LOMBANDO: Prestwick and Club House. We have had to go out and move cars because the tractors were stuck and couldn't get through. We had a party at our house and had to have everybody move the cars so the tractor could get through because he couldn't get through another way. And that's our concern. If nobody is going to maintain this easement, then we have to worry?

ERIC STOWE: I -- that is separate than forcing somebody to maintain the access down there. Accessing the farmland from that area is different than maintaining the access.

MR. LOMANDO: It should be illegal.

MS. LOMANDO: Who do we call?

MR. LOMANDO: We have called the Town and nothing is done.

MS. LOMANDO: We have called the cops. They're not coming out there. You have children out there playing.

DAVID LINDSAY: We'll look into that issue. That honestly is the first time I heard about farm access equipment going down the public street. I have not heard of that complaint before, but we will look into that tomorrow with both the -- with the farmers and the property owner.

MR. LOMANDO: I have actually spoken to the Supervisor of the Highway Department myself a few times.

DAVID LINDSAY: That would be me. I don't recall that conversation unless you spoke with someone else, sir.

MR. LOMANDO: It was someone else, then. I wish I had their card. They left me a card in case I had other issues.

JOHN NOWICKI: Mr. Lindsay, what is the possibility of posting those roads with no farm equipment allowed?

DAVID LINDSAY: I would have to look into the legalities of that. We can certainly reach out to the farmers as well as the property owner and restrict access to that property across the public street. Depends on the size of equipment and what they're bringing in and whatnot, but it's something we can look into tomorrow.

JOHN NOWICKI: Not only affecting the neighbors on those streets but the taxpayers that will have to repair those roads.

DAVID LINDSAY: Absolutely. I don't dispute that at all. I wasn't aware of it. I'm not sure who they spoke to at the department, but it was not passed up to me. The first I heard of it. I just need some time to look into it.

JOHN NOWICKI: I would be more comfortable to have that problem solved before we do anything.

MR. LOMANDO: Absolutely.

MICHAEL NYHAN: Thank you, Dave (Dillon). Any other comments from the public?

Michael Nyhan made a motion to close the Public Hearing portion of this application, and Matt Emens seconded the motion. The Board unanimously approved the motion.

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

MICHAEL NYHAN: For conditions, and actually Dave (Dillon), before I put this condition on there, I will ask -- the Town Assessor had asked for a -- an updated Soil Group Worksheet.

Do you know if that was received?

PAUL WANZENRIED: No. The -- the applicant has spoken with the Assessor and he -- as of today, and he is well aware that he needs to submit the updated soil work -- Soil Group Worksheet for the 100 Club House Drive parcel. Um, as it stands now -- and he also needs to submit a Soil Group Worksheet for after it is subdivided. But Mr. Shields is well aware of this.

MICHAEL NYHAN: Okay. I will leave it as a condition then.

PAUL WANZENRIED: Yes. Thank you.

MICHAEL NYHAN: No further questions or comments, I will read the Planning Board conditions.

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

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

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

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

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information.

Liber and page numbers shall be noted on the mylars.

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

The applicant shall provide an updated Soil Group Worksheet to the Town Assessor for the four parcels being subdivided.

Any other conditions?

JOHN NOWICKI: What will we do about preventing farm equipment from using those roads?

MICHAEL NYHAN: That is an issue the Town needs to address and really not part of this application. So I would ask if -- they have indicated they're going to address it and I think we need to let them work with the neighbors to do that.

JOHN NOWICKI: Any -- any idea how you would solve that problem?

DAVID LINDSAY: Nothing specifically. I have been talking with the Counsel here about the legalities of posting. I don't think there is anything out there that says I can legally restrict farm access vehicles. It is centered around load posting, but then you have to be careful with that because you will restrict UPS trucks or school buses or construction vehicles if they're building a house. It will require a little bit of research on our part and see if I can work with the Counsel to come up with a condition.

JOHN NOWICKI: Can we make it a condition?

ERIC STOWE: Really not bearing on -- it's not bearing on the -- we can't mandate which access point is used. So to go back with Parcel 2, um, the reason for the southern access point is because if it was solely the north, that could be blocked via RG&E setting poles or other obstructions. So that required a second access point. That is where the southern access point came in. And to restrict and say Parcel 2 must be accessed, via that route, when there are two access points, potentially, we can't mandate which one it is.

There is no improvements being sought over this so they can technically access their -- their property any way they choose legally. So restricting access off of a public street, with -- that's -- that is not subject to this application is problematic.

Number 2, if Parcel 1 is sold or -- I'm assuming the access is coming over Prestwick and Club House to reach back to Parcel 2 -- the owner of Parcel 1 could restrict that access and say you can't cross Parcel 1 to get to Parcel 2. So it -- it's just beyond the purview of this application.

JOHN NOWICKI: Is there a neighborhood association?

ERIC STOWE: I don't know the answer.

JOHN NOWICKI: I just think something has to be done to protect the people.

ERIC STOWE: It's not necessarily through this application, though.

MICHAEL NYHAN: I think David (Lindsay) has indicated he will look into that to try to resolve the issue.

JOHN NOWICKI: Okay. So noted in the minutes, right?

Michael Nyhan 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 Matt Emens seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Vote on the application with conditions I have stated?

DECISION: Approved by a vote of 5 yes, 1 abstention (Ron Richmond) and 1 recusal (John Hellaby) 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. The applicant shall provide an updated Soil Group Worksheet to the Town Assessor for the 4 parcels being subdivided.

BILL STEIMER: Mr. Chairman, just point of clarification, um, for the Assessor's Office to do their thing, the Soils Group Worksheet is actually done by Monroe County Soil and Water Conservation District, and I noticed in the conditions you included Parcels 1 through 4. They would only be looking at 2, 3 and 4 because you have already approved a plat for 1. And that would save them a lot of work.

So maybe the condition should only read Soils Group Worksheet for Parcels 2, 3 and 4. Or actually, Parcel 2.

MICHAEL NYHAN: So -- so Eric (Stowe), the Assessor specifically asked for the four parcels.

How would we proceed with this?

ERIC STOWE: If the Assessor required the four parcels, I would say the four parcels. And if she changes it, and it is changed so we don't need Parcel 1, then that's okay. But --

BILL STEIMER: That takes care of it.

MR. SHIELDS: Can I just weigh in a little bit? I did have a conversation with Jennie Miller yesterday and Paul (Wanzenried) -- Paul (Wanzenried) said it very specifically and clearly, I believe, that she wants -- there was previous subdivision done for this property. It -- it increases the acreage -- the acreage of the property. She needs a Soil Group Worksheet for the property in its current state. And in addition, once this subdivision is complete, once the -- once the easements are filed and the conditions are met and the map is filed, then she has asked for us to go back to the County -- the County Soil and Water folks and have them prepare a new Soil Worksheet given the -- the -- the layout of the -- of the site as we were -- as just approved.

So we owe them two -- we owe her two Soil Worksheets. And Parcel 1 does have preliminary approval, but that plat has not been filed yet. I believe she will want to see the Soil Group Worksheets for Parcel 1, in its current state. The area that is Parcel 1. And then Parcel 1 would actually become Parcel 1. I think she will want to see both of those.

I think we have no problem meeting that. I want to leave it up to her to make the final decision. I'm comfortable putting that in as a condition.

MICHAEL NYHAN: Thank you. That is one of the conditions for those four samples and the Building Department will work closely with our Assessor to make sure they approve any -- to make sure before they make any final approvals on this, that they have what they need.

Thank you, Bill (Steimer), for raising that. Appreciate that.

3. Application of Genesee Valley Regional Market, owner; c/o William Mulligan, 900 Jefferson Road, Rochester, New York 14623 for preliminary site plan approval to erect five industrial buildings totaling 80,500 sq. ft. at property located at 1861 Scottsville Road in L.I. zone.

Bob Hutteman was present to represent the application.

MR. HUTTEMAN: Good evening. Bob Hutteman with Lu Engineers. I'm representing the applicant, Genesee Valley Regional Market. We're here tonight looking for preliminary and final site plan approval for Phase 2 of 1861 Scottsville Road.

There is a couple drawings on the board. The bottom right is proposed Phase 2 development which is roughly 12 acres in size. The other drawing up above is the complete map of the entire parcel, which is roughly 82 acres.

Couple years ago, we were here and got final and preliminary site plan approval for Phase 1. And we're looking to extend it into Phase 2, which would include the -- the construction of five pre-engineered buildings roughly in size -- ranging in size from 10,000 square feet up to 20,000 square feet for a total between the five buildings about 80,000 square foot of new building. All of the zoning requirements, it's Limited Industrial.

We're not here to look for any variances. It's all within the existing zoning. The site does

have State and federal wetlands. We're not -- Phase 1 had some impacts to the federal wetlands, but Phase 2 has -- we're slightly into the buffer area of the -- of the State wetland just to get some grade, very minor. We have the permit for that. It's an Article 24 permit from DEC. That's in the works.

The -- in the -- let's say -- if I can walk over here, the Town also has the 100 foot vegetated buffer, which is right through here. You can see right in this corner, we're into that 100 foot vegetated buffer requirement just to do some minor grading work, and the landscaping plans that we prepared -- once we do that slight grading work, we're going to put in two rows of evergreen trees to re-establish that 100 foot vegetated buffer. The site requires significant earth work, so we'll also be looking to get the 5-acre waiver in order to get the earthwork done for the storm water requirements.

The site, our proposed drainage, we're not changing the existing drainage at all right now. Currently, the site drains to the northwest, into the State wetland, and our proposed drainage maintains that drainage pattern. So our proposed development will not push any additional drainage off the site. Some of the things that -- with the Phase 1, um, site plan, we did our traffic analysis for Phase 1, and that traffic analysis included the complete buildout of the site, which included the Phase 2 development.

And working with DOT at the time, that -- the requirement, there was no major changes to our entrance point. They -- as -- one of their requirements was you -- to just widen the shoulder. There shouldn't be any issues with traffic into the site.

I believe the applicant's intention is to maybe install one building, per year. He does have a need for additional buildings, but we're not looking to put all five up at once. He will probably put maybe one to two a year. And -- and it's -- the use of the building, I think he has some -- some have agricultural uses. He -- he doesn't propose to lease the buildings to any type of trucking company that will have a lot of heavy trucks in and out. It is going to be mostly -- the use of the buildings will require just panel truck deliveries, nothing significant. We do provide the required number of -- or parking spots, which is about 202 parking spots, so that is within the zoning requirements. Um, and the only other unique aspect of the site, when we do the earthwork, a lot of that dirt is going to get shoved to level up the building pads, so we had some fill, roughly anywhere from 5 to 10 feet in height underneath the proposed building pads.

So at some point we're not proposing to take any dirt off site or bring any dirt on site. So the topsoil will remain on site. The applicant has no intention at this time to sell the topsoil off. And one of the other issues that we're still working through, Phase 1, um, didn't require an archaeological study since it was being -- since it was constructed in an abandoned gravel pit, so the determination there was pre-disturbed. We're working through that study now for the Phase 2 area and we anticipate there shouldn't be any issues with that, as well.

MICHAEL NYHAN: Any other items?

MR. HUTTEMAN: Um, we were tabled at the January meeting and -- we have most of the comments received from Public Works and the Town Engineer's we have addressed, so -- so we're here tonight looking for preliminary and final site plan approval.

MICHAEL NYHAN: Okay. Just to be clear, you're not proposing to build any buildings now, just improving the site so you can build them in the future?

MR. HUTTEMAN: Correct.

MICHAEL NYHAN: The County Comments, last page they made a comment there was expiration on the DEC permit.

Were you aware of that?

MR. HUTTEMAN: Did they reference what DEC permit?

MICHAEL NYHAN: Lot of permits there, I know. There -- it is a very long number, 8-2-662. County Comments, on the last page, page 2.

MR. HUTTEMAN: I can look into that.

MICHAEL NYHAN: You can look into that.

They mentioned it expired and if it goes beyond this year, you need to reapply, so you might want to take a look at that.

Also, the comments from our Town Highway Department and from Labella-- Labella Associates, as the engineer representing the Town, the latest dated February 5th letter, you will be able to comply with any items within that, as well?

MR. HUTTEMAN: Correct.

MATT EMENS: Mike (Nyhan), you touched on the -- County Comments -- response number 12, on the February 1st letter about the Fire Marshal's comments. Did you see the Fire Marshall Office's comments?

MR. HUTTEMAN: Comment 12, you said?

MATT EMENS: Yeah. Well, it's your -- your February 1st letter, page 3, comment 12, the separate -- I'm just wondering if you did get a separate letter.

MR. HUTTEMAN: I haven't seen that yet.

MATT EMENS: Looks like minor detail to work through. Seems like a feasible thing to get through?

DAVID LINDSAY: Yes. To date, I spoke with Labella before the meeting and he addressed all of the major technical and engineering related issues. Anything that must be resolved are minor in nature and we'll address it before we sign off on the mylars.

MATT EMENS: Okay. I don't have anything more.

JOHN NOWICKI: That's on the fire issue.

JOHN HELLABY: I assume you will be back in here once these buildings are sold or

leased or the final configuration for each one?

MR. HUTTEMAN: Yes. I believe the process is once the applicant has a tenant, he comes and gets a building permit from the Town at that point.

JOHN HELLABY: But will you need to bring each -- I mean, are you -- are you 100 percent positive you're going to stick to the footprints that is shown on these drawings? The point I'm trying to make, these buildings modify in size and get shoved a little bit, you will have to come in for final approval on each one of these.

MR. HUTTEMAN: At this time, we're not looking to change the layout. The buildings were sized -- I think there is a 10,000 square foot, a couple 20,000 and two 15,000. So he has built that into his site plan.

JOHN HELLABY: All right.

MR. HUTTEMAN: Depending on the use of the building.

JOHN HELLABY: All right. That is all I have for right now.

JOHN NOWICKI: Would you just comment again on -- on -- on the -- how much traffic -- tractor-trailer trucks, will they be allowed on the site? You were -- you're talking about other trucks, other types of trucks.

MR. HUTTEMAN: Um, the applicant is designing or proposing his -- he will not -- his proposed tenants will not -- he is not going to lease to a trucking company like -- none of these buildings will have a loading dock. That's not the use that he is trying to propose for these five sites. So basically the truck traffic that you would see would be a UPS delivery truck or --

JOHN NOWICKI: So we will not see tractor-trailer trucks --

MR. HUTTEMAN: No.

JOHN NOWICKI: -- going in and out of there?

So we'll make that -- keep that as a note in our brain when they come back in for building approvals, that we don't see a lot of tractor -- any tractor-trailer trucks coming in there.

MR. HUTTEMAN: Just one other thing to note, the roadway and the utilities will still be under private ownership. We're not looking for the Town to take ownership of the road at this time.

JOHN NOWICKI: Well, just the -- the traffic study and the --

MR. HUTTEMAN: Yes.

JOHN NOWICKI: The truck traffic. Thank you. That's all I have for you.

DAVID CROSS: Did you -- are there any -- are there any buyers identified or tenants identified at this point?

MR. HUTTEMAN: I can't speak for the applicant, but he does have a few in mind. He is constantly getting phone calls. And knowing Bill the way I do, he -- he -- he weeds out bad tenants.

DAVID CROSS: Yeah.

MR. HUTTEMAN: He is just looking for the right fit.

DAVID CROSS: Just curious on that.

And then when you get these long corridor parking here, and I see the hatched areas intermediately spaced in front of the buildings, Bob (Hutteman), are they like raised crosswalk, like hatched-out areas?

MR. HUTTEMAN: What drawing are you looking at?

DAVID CROSS: I'm looking at sheet S-1. Sheet 6 of 19.

MR. HUTTEMAN: Yep.

DAVID CROSS: If they have raise the crosswalk areas, it is probably a good thing.

MR. HUTTEMAN: I don't believe they are raised crosswalks. I guess it is just a way for people to park opposite the building to get across.

DAVID CROSS: I'm thinking maybe something is needed for traffic calming. That's a long stretch.

PAUL BLOSER: Speed bumps.

DAVID CROSS: 1000 feet of raceway there. Something in there. I don't know if it should be raised -- I would defer to --

MR. HUTTEMAN: The other thing to keep in mind, it is parking on both sides, so I would say it is similar to going to a shopping center where you're driving between parking -- parked cars on either side, so that provides a little bit of traffic calming.

DAVID CROSS: Yep.

JOHN NOWICKI: It sure does.

DAVID CROSS: Just curious.

MR. HUTTEMAN: Well, it is a crosswalk. They're called a crosswalk.

DAVID CROSS: I guess I will just look for the side table to make sure there are traffic-calming devices.

DAVID LINDSAY: I will work with the applicant and speak with Labella to review that and it may be a matter of adding some additional signage for pedestrian crossing and maybe some more pavement markings, but we'll ask him to review that.

DAVID CROSS: Thank you. Nothing further.

PAUL BLOSER: I have two things. I guess on the south side of the parking lot, you see the section of parking spaces and your raised sidewalk, with integral curb, and I see three breaks in it going down that lane, 36 foot, 41'3", 64'9". I would like to see that sidewalk continuous. From a maintenance standpoint, you get snowblowers, whatever in there, it gives them a straight shot to go down the sidewalk and clear those off. Right now they're going to have the -- I can foresee a foot packing worn into those dirt areas. Nice days, people want a break at lunch, they

may be walking down that sidewalk.

MR. HUTTEMAN: Okay.

PAUL BLOSER: I would rather see a continuous sidewalk right down through there.

And the other thing that just kind of strikes me as I'm seeing these is one, two, three, four, five warehouses, um, I understand where you're coming from or what you're saying and what you're selling us, but when you got buildings that size, and none allocating for the potential delivery of a tractor-trailer truck for loading, I see traffic issues. I -- if you label them as offices, I guess that would be one thing. But to show them as warehouses, I just don't see where -- I mean, if warehouse setting is going to be a distribution center for some company, you're going to have a truck in and out of there whether it is a supply of raw material, supply of goods or sending off of finished product of some sort.

So again, if it was labeled "offices," I would look at it differently. Or -- but you have them -- labeled them "warehouses." It -- we're kind of giving you an open-ended approval without knowing what we're going to have there, what the buildings are going to look like or what traffic we'll really have with a finished business. I just see it as a problem. Even though it's privately owned, privately maintained, I see it as a problem. I don't have enough information.

MR. HUTTEMAN: Well, I think the warehouse is -- the technology may be semantics here. They will be pre-engineered buildings and the intention is once the -- the -- Bill -- or the applicant identifies a user, the space is delineated inside for that specific use.

PAUL BLOSER: Built out for whatever. Maybe it is semantics, but I'm looking at it right now as we're approving a warehouse. And based on that, I see traffic flow as a problem. I -- that is just me. I -- I'm one voice of seven here. So I -- I just want to have it -- at least it's on record at this point. Any building that is done there, I would like to see each building individually on what it is and what is proposed for and what is -- its design is going to be because we really don't even have a look of what the building -- a -- pre-engineered buildings, you can have anything from a steel-sided warehouse, to nice stone buildings so -- there is a lot of variants here we're not seeing.

MR. HUTTEMAN: I think -- this is one of the existing buildings. I know the applicant is trying to stick to this pre-engineered building. The masonry comes up at least 10 feet with the metal siding. So that is kind of -- a template of the proposed buildings.

PAUL BLOSER: So continue the look of what you already got in there.

MR. HUTTEMAN: Correct. They're just single-story. They won't be two-story buildings. Just single-story.

PAUL BLOSER: I guess I would like that put into the conditions that additional buildings be consistent with what is already there. So we don't have a hodgepodge.

ERIC STOWE: The enforceability of the condition on this one is based on its status as an Authority. That being an entity higher than -- outranking the Town of Chili, so that provision particularly might be difficult. So --

PAUL BLOSER: Which provision?

ERIC STOWE: The buildings all in conformity with each other, being the same. Just because it's an Authority.

MICHAEL NYHAN: I would ask or add before any building is built, they would still have to come before the Building Department for a permit and a review of the buildings; is that correct?

ERIC STOWE: The building permit absolutely. I don't know they need to be in front of this Board for approval.

JOHN NOWICKI: Oh, really?

MICHAEL NYHAN: But they would -- the Building Department would still have to review and approve --

ERIC STOWE: Prior to the issuance of a building permit.

MICHAEL NYHAN: So they would still have control over what that complex would look like from a building perspective in the future?

ERIC STOWE: Not -- not entirely.

MICHAEL NYHAN: Okay.

ERIC STOWE: But if it -- right. Code compliant. They would be reviewing code compliance, yes. But not necessarily design or -- or those items.

MICHAEL NYHAN: Okay.

JOHN NOWICKI: Would they have control over the pattern of the roads as far as -- supposing they changed it to low tractor-trailers in there?

ERIC STOWE: From a code standpoint, yes. These aren't dedicated, though.

JOHN NOWICKI: That is why I'm asking the question, because they're not dedicated roads. So they would be the authority -- the authority and control how they would develop the roads and what they allow in there for truck traffic.

MR. HUTTEMAN: It's not our -- I don't believe it's the applicant's intention to turn the roads over to Chili in the future. However, the roads are designed to Town of Chili standards. So...

MATT EMENS: Can I ask a question to the side table?

Mr. Lindsay, your letter, February 5th letter 2F, talks about the -- requesting approval. Can you expand on that a little bit? I guess I'm a little confused.

DAVID LINDSAY: Sure. What I was just trying to indicate, there is the approval for a total of 80,500 square feet of building space. Under that threshold, they didn't trip any Type I SEQR actions. I think we were just putting that comment in there to advise the applicant if they

changed the buildings sizes in such a fashion it trips and goes above that, they would have to go back and do a SEQR approval.

MATT EMENS: The comment is specific to SEQR?

DAVID LINDSAY: Yes.

MATT EMENS: Thank you. Got you.

DAVID LINDSAY: I think as far as the site improvements, the applicant is here before the Board and we're reviewing their site improvements and their pads. Assuming that there is no significant changes in those site improvements, the process would be to come to the Building Department and secure a building permit for those buildings as they have in Phase 1. If there is any significant changes to the road layout, parking count, anything like that, we would ask the applicant to come back in and get a revised site plan approval for those changes.

But they didn't make any type of changes like that for the first phase. I don't anticipate doing anything like that for the second phase. I assume they will build what they propose here.

JOHN HELLABY: I have one other quick question.

Does the present building layout have the same dumpster enclosure configuration? The only reason I ask is, I assume there will be front loader type containers on these things. Is there enough room for a truck to pull in there and get these things and then turn around and get back out of there?

MR. HUTTEMAN: The way it is laid out, the truck does have access to the enclosure.

JOHN HELLABY: So you're saying he will turn in there, but can you back back out of there and drive back out? Or does he have to back all of the way back out of that thing?

MR. HUTTEMAN: He would have to back out. Obviously there is not enough turning radius where the dumpster enclosures are located.

MATT EMENS: That's how it is on the front buildings, though, too?

MR. HUTTEMAN: Front buildings, there is a loop road, so they have -- so the trucks come in and I believe the dumpsters are located behind the buildings so.

Phase 1, the buildings are inside the loop.

JOHN HELLABY: Would it make more sense to jockey those things over so they're on the end of that runway and kind of slide your snow storage to the left of each one of them?

MR. HUTTEMAN: That --

JOHN HELLABY: I'm just -- just throwing it out there.

PAUL BLOSER: I agree.

JOHN HELLABY: I don't know how they would ever get that truck in there to get those things.

I understand they would come at some unGodly hour in the morning when nobody is there, but it is still a tough sell. I wouldn't want to drive that truck.

MR. HUTTEMAN: We can look at it and make some improvements.

LARRY LAZENBY: You have to excuse my voice.

The Conservation Board has a couple of questions. We request that before any ground breaker or anything begins back there, that we're sure that the DEC permits have been granted and awarded just from the standpoint that there are so many of these construction platforms they're putting in. The -- border is so close and even in some cases right into the wetland area, that we would want to make sure those permits are in hand before anything begins. We just deal with situations like this before where it turns into, "Oh, I forgot," and then it's almost too late.

The second question, the gentleman made a comment -- no disrespect to you, sir, but after all of the years of the Conservation Board, the hair kind of goes back up on my neck when I hear somebody say when they're regarding topsoil -- which is not replenishable and one of the most expensive commodities in the world -- when I hear somebody say, "We have no plans at this time to sell off any of the topsoil."

Well, we heard that at the development right next to Wegmans, as well. The next thing you know, you have signs up all over the place.

We understand it's well within their right to sell that topsoil, but I would ask that they take a very good look at the Town Code that requires a certain number of inches of that top quality -- and it's top quality, because that was all farmland before anybody went back there -- top quality topsoil goes back into that property and that the topsoil that they're moving -- or removing for the construction is not all sold off and then second-grade topsoil is brought in to then build the property back up.

So, you know, I would like to see something put in there again as a condition, to guarantee that whatever you sell off, you make sure that there is enough topsoil left to leave on all of those properties.

Can I -- I hate the word "assume." Can the Conservation Board assume that each one of those platforms, five in all, um, will come to the Conservation Board on an individual basis for landscaping review and property review as they -- before they begin any type of construction? This is not one individual project consisting of five construction platforms, because each one is being viewed as an individual project. Am I correct in thinking that each project will come to us as a renter is taken on and we'll have the opportunity to look at landscaping plans?

We consider this very important with the number of properties either entering into or bordering on the wetlands. We want to see what is being done. Those are -- are our concerns.

MICHAEL NYHAN: I will ask Paul (Wanzenried) and David (Lindsay) that question.

DAVID LINDSAY: I ask the applicant, as part of your application as far as landscaping, you're proposing the street trees pretty much at this point. You're not proposing any foundation plantings, anything like, associated with the buildings that would go in at the time, right?

MR. HUTTEMAN: Correct. There is a landscaping plan as part of our submittal, but at this point it is mostly trees, no specific buildings --

DAVID LINDSAY: I think what would happen at the time they come in for a building permit, we would reach out to the Conservation Board and ask them to weigh in on the foundation plantings that they're proposing at that time.

Just to clarify the issues around the DEC permit, we simply don't sign off on the mylars until we have them in hand. We hold off on the mylars until we have the actual permits in hand.

MICHAEL NYHAN: That will be a condition that the permits will be required. Any other requirements from the Conservation Board such as having a landscape certificate of compliance for the Building Department? Is that part of what you're saying?

DAVID LINDSAY: Again, it is one of our standard conditions, the letter that talks about once the project is complete, they need to provide a landscape Certificate of Compliance that street trees are all put in, right caliper and that is done by their landscape architect.

MICHAEL NYHAN: Okay. Very good.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: There has been some considerable thought given into the -- the issue of what buildings -- what businesses are going in here, and obviously there are no answers forthcoming.

I'm wondering in the four existing buildings now, in the first phase what's in those buildings? Can we -- through the Chair could we ask what businesses are presently --

MICHAEL NYHAN: Certainly.

MS. BORGUS: -- functioning in Phase 1?

MICHAEL NYHAN: Do you know what buildings are in there now?

MR. HUTTEMAN: I know there -- I'm not sure if it was there. There was a gym in one of the buildings, like a fitness center. I can't speak to what is in the other buildings. But obviously the use of the building has to fit within the zoning that we're in, the Limited Industrial. We would not propose anything that is not permitted.

MS. BORGUS: It's my recollection that the time this original project was proposed, there was a real urgency to it, because they -- the -- the buildings that were presently on Jefferson Road in -- in the market, belatedly didn't fit an agricultural type of business. And the Government, a larger government than this Authority we're talking about was hot after them because they had things in there that were totally unrelated to agriculture.

And I'm wondering about a gym. I'm wondering about the buildings they have in there now. I heard -- and maybe it's a rumor. I heard child care center. You know, I mean, what are we talking about in these -- these warehouses? I would be a little leery myself if I sat on that Board and I didn't have some -- some kind of control over -- or at least a vision of what was going to go into these five buildings.

And Mr. Bloser makes an excellent point about trucking. Any time you have that much warehouse space, trucking is a vital part of that business. No business can operate in this day and age, back in that area, off the main road, so far off of Scottsville Road and have this size of a building and think you would be -- you would be pretty naive to think you will not have to use trucking. Pretty naive.

So -- but I sure would like to know, you know -- I think if those buildings are occupied, somebody that wants this passed tonight ought to be able to say what is in there already. I mean gyms and child care centers, I don't think that solves the problem that the original application indicated. It was because that was what was down at the market on Jefferson Road and that is why it was so urgent that they move to to something that complied more with the need for agricultural type businesses.

Seems to me you ought to have some more to base your decision on than what you're hearing tonight. Thank you.

MARGARET LIPTON, 3 Overview Circle

MS. LIPTON: I'm Margaret Lipton, 3 Overview Circle. I'm at the Town -- I live at the townhomes that back up into the woods, where they're going to be building. I guess there is only going to be a 100 foot tree line.

And last year, when they -- and I don't know if -- the man from the Conservation watched this at all, all of the trees were chopped down, and it sounded like a war zone from 7 o'clock in the morning until 7, 9 o'clock at night and on Sundays.

So I hope that if you're going to have them going around with the big trucks and everything, that you limit -- have it a certain time, because for the rest of us that are back there -- there are quite a few people from the Homeowners' Association here. But it did. It sounded like a war zone. Crashing and banging and big heavy equipment. I would also like to know if you can put a restriction on the type of renter that goes in there, like you're talking about, the tractor-trailer trucks. Because I have talked to the owner. He mentioned there is someone that wants to bring his 40 trucks down there. And he's putting him off.

But I think you people need to make a restriction on that. We don't need any more traffic like this on Scottsville Road and any more deaths. We had two deaths that we have been having. We had two deaths out in front of our townhouse complex. You have them over near Fibertech, which is very close to his entrance. You need to put a stop to this.

And yes, there is a big child care place in there now, with children, a lot of people bring

their kids there. All they need to do is run away from their parents -- they're smaller kids. They have a play area inside the place. They serve them food. All you need to do is go down there and look and see what's there.

I do think you need another traffic analysis done. Originally when this -- this started -- I'm sorry, I get nervous -- originally when this started, it was either in 2010, 2011, and I spoke then. They had wanted only seven warehouses. The first phase was agreed to with three warehouses and then Phase 2, the last phase was only supposed to have four. Somewhere in between or you have had other meetings that sorry I didn't know about, but you have approved for a total of nine warehouses now. And those are coming up towards our townhouses, and 100 foot tree line is not going to help with the noise or the lights.

And if you have a long road going back there -- that road goes long. It's a nice strip for race cars to go in there at night. They do it on Ballantyne and Brook Road. And you're going to have accidents in there.

And if it's private property, I don't know how you stop it unless you have them put the bumps in the roads to stop people from speeding down there, because that is going to be a long way.

I guess that's it. I just need -- we need your help. There is a bunch here that are backed up to this. All we -- we have been hearing is noise. And I don't see anyone out there helping us. You have agreed to everything so far. And that's not what a Town Board should do. You should be worried about your people here. And we need help with this.

MICHAEL NYHAN: Okay.

MS. LIPTON: That circular drive that comes up there is coming towards our home and the 100 foot line will not help with all of the noise. And if you come back there and you look at the trees, because they have taken down all those trees last year, all of the winds that we get from the west and the north, have knocked down -- you will see all kinds of trees lying down there now. They have knocked down the existing trees.

Thank you.

DIANE BOOTS, 93 Genesee View Trail

MS. BOOTS: Diane Boots, I live at 93 Genesee View Trail, the same townhouse complex she was referring to. I am, too, concerned about the travel of the -- the traffic assessment that has been completed. We go up and down that road every day to work. We have seen several accidents, fatal accidents. Even coming out of our complex, it's dangerous. And adding another set of vehicles or -- or occupants that come out that driveway every day is adding concern for me. I'm curious to know how many parking lots are -- parking lots are allocated in Phase 1. I think you said 200 in Phase 3?

MR. HUTTEMAN: The number of parking spaces is predicated on the building size. So depending on the use of the building --

MS. BUSBOOTS: Full occupancy could be how many parking spaces?

MR. HUTTEMAN: Can't speak to the number of parking spots in Phase 1. But it --

MS. BUSBOOTS: How many --

MR. HUTTEMAN: It wouldn't be any more than 200, because we only have four buildings in Phase 1.

MS. BUSBOOTS: So 200, maybe 150.

MR. HUTTEMAN: 3 to 400, in that range.

MS. BUSBOOTS: If full capacity, even at 300, full capacity, peak hours, rush hour, special events, there are children events in there -- my children took the kids to some sort of bouncy house. If it's full capacity and that many cars coming in at peak time on a 55-mile-an-hour road and we're already having trouble, I, too, am concerned about the traffic assessment and maybe it is time to revisit that again. Especially if there is any kind of plans to do a Phase 3 or 4. I -- I'm not even sure what is -- so -- this is a good one to look at the traffic and Maggie had some other good points, but I think they have been said.

Michael Nyhan 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.

ERIC STOWE: Might be beneficial to do Executive Session for some legal discussion.

MICHAEL NYHAN: Certainly.

I make a motion -- I make a motion for Executive Session.

RON RICHMOND: Second.

The Board was unanimously in favor of the motion.

The Planning Board went into Executive Session at 8:21 p.m.

MICHAEL NYHAN: I make a motion to come out of Executive Session and resume the meeting.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

The Planning Board returned from Executive Session at 8:33 p.m.

ERIC STOWE: So the purpose of the Executive Session is to discuss legal issues. There have been a lot of issues raised and I have the pleasure of trying to explain some of them. The applicant is an Authority, which is a body recognized by New York State, as a quasi-governmental Authority. Being that, there are also limited immunities from Zoning and Planning regulations from Authorities.

If this entity qualifies for some of those, the Town cannot impose all of the conditions it may otherwise be able to impose on an applicant in a traditional site plan approval. So some of the issues with respect to uses or design criteria or accessibility may not fall within the purview of the Town to impose those regulations, and it's not a Town rule. It's not a County rule. It's a State rule.

So that was the purpose, was to explain to the Board those rules and go over what the Town can and cannot do in this unique application.

I hope that clarifies some of the questions. The Town may not be able to offer every avenue of relief being sought by the residents. Part of the reason the applicant -- you know, a question raised, well, why did they come in if they have to do this? Part of it is so that everyone is aware what is going on. And there is a discussion and the applicant can hear, "Hey, here are some of the concerns and we would like you to address these." And in the interest of being a good neighbor, whether we can impose them as conditions or not, is what falls under the legal discussion, though.

MICHAEL NYHAN: Thank you. Any other Board discussion? No. Okay.

Michael Nyhan 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.

MICHAEL NYHAN: For conditions on the application, upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department for -- from a land -- 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 the Commissioner of Public Works.

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

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

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

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

Application is subject to all required permits, inspections and code compliance regulations, and it is subject to the approval of the Town Fire Marshal.

Any other conditions that I missed that we talked about? No?

With those conditions, I would ask for a vote on the application of the Genesee Valley Regional Market.

The Board unanimously approved the application by a vote of 6 yes with 1 abstention (Ron Richmond.)

MR. HUTTEMAN: Is that preliminary and final approval?

MICHAEL NYHAN: Sorry. We need to -- the applicant applied for preliminary and final. I didn't mention that when we took a vote.

Should we revote on that as preliminary and final?

ERIC STOWE: Just as preliminary and final to clarify.

MICHAEL NYHAN: I would like to take a revote based on the same conditions I already read. This is for preliminary and final.

DECISION: Approved by a vote of 6 yes with 1 abstention (Ron Richmond) the above described application with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.

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

MICHAEL NYHAN: Thank you for raising that so there is no confusion down the road.

OLD BUSINESS:

1. Application of Westside Development, owner; 3313 Chili Avenue, Rochester, New York 14624 for special use permit to allow 4 sports fields at property located at 420 Ballantyne Road in PRD, FPO, FW zone.

Joe Jacobs and Matthew Sinacola were present to represent the application.

MICHAEL NYHAN: This was previously heard and tabled. The initial hearing Public Hearing was open and closed and SEQR was completed. As -- there was no SEQR required.

MR. JACOBS: My name is Joe Jacobs with Passero Associates. Matthew Sinacola also of Passero and Chili resident is here, as well. We're representing Westside Development, Bill Howard.

The previous plan that came to you last meeting, um, point of clarification, did it receive preliminary site plan approval?

MICHAEL NYHAN: Last meeting, preliminary site approval. Tonight there is a separate piece for final. This is for the Special Use Permit.

MR. JACOBS: Special Use Permit and for final site plan approval.

So the things that have changed since last meeting, um, we -- we responded to engineering comments from Lu Engineers in a -- in response to the response to the comments, there was some additional comments generated. The comments are based on the addition, revision of some details, some -- we're going to -- reminders of the letter of credit and the other conditions of the engineering approval such as Storm Water Maintenance Agreement. So we are -- we have those comments and we're going to work to respond to them.

In addition, we submitted a traffic study. The traffic study, um, was based on traffic counts that we performed in the area, also ITE trip gens. Right now this shows -- shows level of service at A or B. We did a left-turn analysis. No left turn is warranted based on the -- the proposed use as a -- as defined on the site plans.

And lastly, too, we also met with the Conservation Board. Um, Matt Sinacola made the presentation to the Conservation Board last week, and as far as that goes, we had not received any comments yet. We are looking to finalize budgetary numbers to do the 1 percent landscaping requirement. And that's -- that is where it stands.

MICHAEL NYHAN: That was your presentation for the Special Use Permit? Or for the final, as well?

MR. JACOBS: Final, as well, yes.

MICHAEL NYHAN: Let's start with the Special Use Permit. I have questions on that and then we'll move to the final site plan.

Any questions on the Special Use Permit?

The Board indicated they had no questions on that.

MICHAEL NYHAN: Special Use Permit? Any comments or questions on Special Use Permit from the side table?

The side table indicated they had no comments on the Special Use Permit.

MICHAEL NYHAN: As matter of order, Eric (Stowe), I think we would complete the special use and then vote on that and move to final. They're two -- one is old business and one is informal?

ERIC STOWE: Yes. That's fine. Although -- all that is legally required is that the review happens together. The order of the vote, I'm not --

MICHAEL NYHAN: Let's complete the entire review and then vote on each of them separately.

ERIC STOWE: No. Review already happened together, so you can vote on them at

whatever time you like.

MICHAEL NYHAN: Got it. Okay. Thank you.

Any other discussion on the special use permit? I will take a vote on the Special Use Permit for four soccer fields at 420 Ballantyne Road, Town of Chili.

Is there a time constraint we can place on Special Use Permit this for project?

ERIC STOWE: You will run into issues with it.

JOHN HELLABY: I figured that.

ERIC STOWE: The only question -- did you do a SEQR resolution on this one?

MICHAEL NYHAN: I was advised that it was already completed.

ERIC STOWE: They did SEQR. Okay.

MICHAEL NYHAN: Is that correct, Paul (Wanzenried)?

ERIC STOWE: Reference to the prior SEQR is all that is needed.

MICHAEL NYHAN: Again, no SEQR was required because it had already been previously completed. Okay. Thank you.

Any other items?

JOHN NOWICKI: We can put a limit on the Special Use Permit?

MICHAEL NYHAN: I think he mentioned it would be problematic.

ERIC STOWE: Tough to do.

MICHAEL NYHAN: Anyone want a time limit, or no? No? Okay.

We'll vote on Special Use Permit for soccer fields.

DECISION: Approved by a vote of 6 yes with 1 abstention (Ron Richmond) with no conditions.

INFORMAL:

1. Application of William Howard, Westside Development, owner; 3313 Chili Avenue, Rochester, New York 14624 for final site plan approval for four sports fields at property located at 420 Ballantyne Road in PRD, FPO, FW zone.

MICHAEL NYHAN: For informal hearing for the final review of the site plan approval, SEQR was also previously completed on this one as well as the public comment.

MATT EMENS: The traffic study, a couple questions on that. I will get to the right page here. Appendix D, the second page, which is the graph showing that the left turn is not warranted, can you explain that better without the graph? The graph is pretty cut and dry. The general gist is you have done a traffic study, you have looked at the counts. There is a certain amount or a cutoff that then tells you --

MR. JACOBS: Right.

MATT EMENS: -- whether that is needed or not needed or warranted, as the terminology used here. So basically you guys have reviewed that and I'm understanding that a left-turn lane into the facility --

MR. JACOBS: Correct.

MATT EMENS: -- so you do not disrupt through traffic?

MR. JACOBS: Eastbound traffic to Henrietta, to the Thruway, no left turn is warranted into the site.

MATT EMENS: How close -- without me reducing all of the numbers here, how close is it? I mean is it like grossly off or is it close --

MR. JACOBS: From what I remember, it -- in order of magnitude of two to three. So I believe we're only projecting to -- say 60 -- 60 trips. So, you know, essentially, on average, the -- the trips generated by this facility are -- are -- are -- are low enough that it doesn't warrant that. You know, there are times, maybe once a week, usually, you know, if -- if we do a tournament, say, that there will be more traffic. But because those, um -- I guess -- because of that time, the -- and the -- and -- it doesn't warrant a permanent solution to -- to have that left turn in.

Now, when we did the trip counts, too, as well, we observed the fact that there is significant gaps in traffic on -- on Ballantyne Road. So if there were -- if there are people trying to make that left turn, there is enough of a -- a -- an opportunity for them to make it into the site safely.

MATT EMENS: Just to make sure that I understand, this is based on the current proposed four fields?

MR. JACOBS: Correct.

MATT EMENS: And the existing facility?

MR. JACOBS: Correct. We did ITE trip gens off the soccer facility and use of the four fields.

MATT EMENS: I'm not sure it is possible, but if there were further development on the site that could increase the amount, then, therefore, warranting a left turn?

MR. JACOBS: It is foreseeable, yeah.

MATT EMENS: And I think -- I think the big things still out there, even in this latest response to the response, I think as you put it, the February 3rd letter, still quite a few outstanding items in terms of the ADA and connection to the sidewalk and the bathroom and parking facilities. You will guys take care of that?

MR. JACOBS: Yes.

MATT EMENS: That was a hot topic last month or two months ago. So that is all I got

right now.

JOHN HELLABY: The Town of Chili's letter dated December 9th, 2015, which was the conditions placed on the preliminary site plan approval, one of them was number 9, "Pending approval of the Zoning Board of Appeals for all required variances."

Were there any variances required?

MR. JACOBS: There was no variances required.

JOHN HELLABY: What about the front parking? Is that covered under the owner's existing operation?

MICHAEL NYHAN: Is that December --

JOHN HELLABY: December 9th.

MICHAEL NYHAN: Anybody recall?

JOHN HELLABY: Did they need a variance for that front parking?

RON RICHMOND: I was AWOL from that meeting, so I don't -- I don't even remember hearing it.

JOHN HELLABY: Well, while somebody is researching, the other one I have, item 12, "Applicant to comply with all recommendations and conditions of the Traffic Safety Committee."

I don't see any conditions or recommendations on any sort of letter or anything from them. I don't recall if they were actually at the meeting and made their comments known because I don't have the meeting minutes.

DAVID LINDSAY: Traffic Safety reviews the pending applications at their monthly meeting and I don't believe they raised any issues with this particular applicant. We did review some of the concerns about traffic at the entrance and discussed how the DOT does their review, but I don't think they had anything internal or concerns besides what was brought up by the Town Engineer.

JOHN HELLABY: The other thing I have, I still have a real concern on how you will delineate those parking spots.

Has a decision been made? Because I know it is just a gravel lot and over time, you can paint, stripe the thing, but it will end up a mess eventually, and people will just be where they end up.

I also have a concern for where the handicapped spots are, if that is just gravel. I think that should be blacktopped, striped, and then you need to delineate these parking spaces in some way, shape or form, whether it's with bollards and chain or something that -- to tell people, this is where you line up. I don't know what your thoughts are on that.

MR. JACOBS: Well, the applicant has -- has made a note that, you know, more often than not, this gravel lot is going to be a majority entity. It will not be to capacity. On those events where, um, their -- there is foreseeably going to be a lot of traffic, he intends on having employees as parking attendants who will actually direct people to the locations of where they should be parking. The -- you're correct. I mean, the parking lot striping on the site plan was shown illustratively to show that we can have a -- the 213 recommended spaces for the Planning Board.

Um, there is no plans at this time to provide any paving or any blacktopping, blacktop surfaces for the handicapped parking spots.

The thing is, when you go to have just a certain part of the parking lot, um, blacktopped, you know, you run into plowing concerns and the -- the -- you know, the -- the asphalt will actually unravel pretty quickly, substantially -- maybe not this winter, but that's the maintenance concern. You know, if you pave just a small portion, you will have to pave a substantial portion.

JOHN HELLABY: Put a concrete pad there. All right. Well, somebody tell me about that front parking, but that is all I have.

JOHN NOWICKI: I want to touch base with you on the traffic coming in and out of that place, the traffic study. Are you saying in your study that coming out of the project, turning left is not acceptable?

MR. JACOBS: No. The -- the amount of trips coming in and out does not warrant coming into the -- into the property does not warrant a -- a left-turn lane.

JOHN NOWICKI: Coming from west to east you can't turn left into the site?

MR. JACOBS: You can.

JOHN NOWICKI: You can. At certain times of the day?

MR. JACOBS: There are adequate, um -- we looked at the peak hour of trip gens per ITE. We looked at the maximum, um -- the potential -- you know, potential demand for -- for -- for turning into the parking lot.

JOHN NOWICKI: West to east left-hand turn, is that Monday through Friday or just on weekends?

MR. JACOBS: I believe we did Monday through Wednesday.

JOHN NOWICKI: Soccer games normally take place in the afternoon or at night?

MR. JACOBS: Yeah.

JOHN NOWICKI: Have you ever gone out there and watched the traffic?

MR. JACOBS: I have personally on a previous job, but also to -- Matt Sinacola who is a resident did the actual traffic counts.

MR. SINACOLA: If I can add in, John (Nowicki), I was actually there -- we identified the peak hour, which turns out to be about 5:30, about -- about 8 to 9 minute span around that, centered on 5:30 in the evenings. That's when the biggest flux of traffic seems to occur weekly. And it's -- there's a pretty substantial block of traffic, but it's interestingly broken. I think it's

because of the signaling down at Scottsville.

So the traffic comes in in a block and then there is a respite and another block comes through. It is only for about eight minutes, nine minutes where it is a real issue and on either end it trails off pretty dramatically.

JOHN NOWICKI: Somebody has to wake up. Scottsville Road to Chili Avenue to Union Street, we need another study. We need road work done. We need everything done in that area. That traffic is unbelievable.

MR. SINACOLA: It's pretty substantial.

JOHN NOWICKI: We keep throwing more trucks in there every year. It's crazy. I think we're going to have some problems getting in and out of this place here.

MR. SINACOLA: We also did -- I was the one who did most of the volume calculations at Archer and Ballantyne. The thing that struck me was I saw four people run a red light while sitting there for two hours which surprised me. Just blew through it.

JOHN NOWICKI: Getting worse.

MR. SINACOLA: I don't know what the answer to that is. When the light is red, you're supposed to stop.

JOHN NOWICKI: I'm just hoping some day somebody will pay attention to what is going on through that whole corridor. It's not easy. Thank you.

DAVID CROSS: I brought it up maybe in the previous application to this, but, um -- what was my point? Sorry. It's been a long day. Oh. The existing light poles that are leaning in the -- the existing poles that are holding up the netting, um, those will -- will -- we'll condition those that they be straightened as part of this application. Is that within our purview? I would like to see them straightened, if anything else.

PAUL WANZENRIED: The -- in the -- what day was this? The 8th -- on the 8th, the Planning Board, we did make a condition that they should straighten the existing poles. The light poles.

DAVID CROSS: Okay.

PAUL WANZENRIED: We can make it a condition now for straightening the netting poles, as well.

DAVID CROSS: They look terrible.

PAUL BLOSER: Poles and netting needs to be repaired.

PAUL WANZENRIED: Also to Mr. Hellaby's question with regard -- regards to the variance, there is a variance for front parking on that parcel, so that's intact.

MATT EMENS: Comment 14 on the engineer's letter says it again, Dave (Cross), about the -- the condition of approval.

DAVID CROSS: Okay. Thanks, Matt (Emens).

I -- I think we're going to have a problem with the drive entrance. There is two drive entrances within 100 feet of each other onto a major corridor. The traffic study only identified the one main entrance to the east. What is the plan? What is the intent? Will you get rid of the drive entrance, the westerly drive entrance?

MR. JACOBS: There is no plan to eliminate that westerly entrance.

DAVID CROSS: Did the County -- it is a County Road?

DAVID LINDSAY: State.

DAVID CROSS: County road.

Did the State have any comment on the two entrances?

DAVID LINDSAY: When I spoke with Dave Goehring, I brought him up to speed on the status of the application, what he reviewed. We had a little bit of a conversation about the entrances there and the number of trips. He didn't -- he indicated to me from a State standpoint, they didn't have any concerns with the proposal or the traffic that was being generated. If the Board would like, I could revisit the secondary entrance with him to make sure he is comfortable with that.

DAVID CROSS: I think we need to. Absolutely. I think big soccer tournament, there will be a lot of vehicles entering and exiting probably at the same time. They're close. I think it is responsible that we would have that westerly entrance choked off, closed down, gated, whatever. Maybe -- maybe just turned into an emergency access with a gate there. Something.

DAVID LINDSAY: I guess it is something also to maybe ask the applicant if it is something they're willing to do at this point.

MR. JACOBS: That's something that we can bring up.

DAVID CROSS: The only other comment I have, I see some landscaping, and I guess I -- I would like to hear what your comments are, because I know you put some thought into it, but the landscaping in the back is great and everything, but, you know, I -- I think what is it, 1 percent of the project? You know, maybe we could use some landscaping along the front, along the right-of-way also. But I will -- but I will leave that to your comment. That's all I have.

DAVID LINDSAY: Just to clarify, that second entrance, the applicant addressed a willingness to remove the second curb cut?

MR. JACOBS: No, I expressed -- I will discuss it with them.

DAVID LINDSAY: Okay.

MICHAEL NYHAN: Dave (Lindsay), you will also discuss that with New York State DOT before any final approval is given; correct?

DAVID LINDSAY: I think the approach here is I will wait until I hear back from the applicant on if they're just willing to shut it off or get rid of it. If not, I will reach out to the State DOT and get input from Dave Goehring and provide it back to the Board.

DAVID CROSS: I think it would be acceptable for like an emergency type gate there.

PAUL WANZENRIED: Just that all previous conditions of this -- of the Planning Board be -- remain in force.

LARRY LAZENBY: To address the landscaping first, the plan -- the Conservation Board has decided to go with the 1 percent donation, because the location -- location of the fields are so far back that landscaping around there would be -- would serve no purpose. And we also did not want to enforce any kind of landscaping up around the drive areas, keeping in mind that we already are aware that that is going to be a real problem, and we did not want to run the risk of any landscaping request on the part of the Conservation Board to contribute to the difficulty of people pulling out of any one of those, so we are willing to go with the 1 percent donation for the project.

The second concern we do have, though, is that everybody is well aware of the elevation change that that property has gone through during the years as a result of the tremendous amount of fill that has been brought in, and we appreciate the -- the drainage retaining areas to the north of all of the fields, because everything as a result of the elevation is going to drain directly into those wetlands that the DEC has tried so hard to protect. But there is nothing to the west with approximately 90 parking spaces now going to be there, as well as turf fields which do not hold water the same as a regular grass field. All of that is going to drain directly into those wetlands with no -- nothing acting as a filtration, similar to what you have for the north. We would like to see something considered to the west where one of the largest areas of that wetland is right there. Something that is going to slow down the direct drainage from going there. And I -- I didn't see anything on my plans, unless there was something on any other plans similar to what is on the north of the -- of the field. There is going to be a lot of drainage coming off this property, going directly to the wetlands. So it's a concern we have.

MICHAEL NYHAN: Okay. I know there is drainage on the fields and there's a drainage plan.

Mike (Hanscom), did you want to comment on any drainage necessary to the -- to the west?

MICHAEL HANSCOM: Um, well, the drainage off the soccer fields themselves will all drain into the storm water management ponds they're constructing to the north of the fields.

The parking area is preexisting. Um, so that -- that wasn't something that we could consider regarding storm water quality for this application, because it is not new construction. They provided water quality for -- to account for the new asphalt millings access road they're putting in.

MICHAEL NYHAN: So that has been accounted for in the plan, and it doesn't believe it is necessary to have another pond; correct?

MICHAEL HANSCOM: They shouldn't need another pond. I mean another than what they're providing.

MICHAEL NYHAN: Okay. SEQR was completed on this, as well, correct?

DAVID LINDSAY: (Indicated non-verbally.)

MICHAEL NYHAN: Done on preliminary, correct, Paul (Wanzenried)?

PAUL WANZENRIED: Nods.

MICHAEL NYHAN: So no need for SEQR.

So for conditions, actually I did have one other question relative to the parking. I did have a concern with the gravel parking lot with no real control over where people will park unless somebody is physically there telling them where to park. Which under major tournaments, I understand you will have somebody on site to do that, but every night of the week during normal soccer games will you have anybody there to direct where people should park?

MR. JACOBS: We're anticipating during those afternoon -- you're not going to be having games so much. You will have practices, more parents dropping off. There will not be as much of a demand for parking real estate on those days.

So we're not anticipating any parking -- I mean, there is plenty of parking onsite.

MICHAEL NYHAN: I thought I saw it on the plan, you will have handicapped parking signs along the north of the parking lot; is that correct, to delineate the handicapped spaces?

MR. JACOBS: Yes.

MICHAEL NYHAN: Signs mounted in the ground?

MR. JACOBS: Yes.

MICHAEL NYHAN: Okay. So for the conditions then on -- only other condition in addition to the standard ones was to have the existing poles and protective netting along the east property line straightened and repaired to the satisfaction of the Town.

JOHN HELLABY: To make sure they were included --

DAVID CROSS: The western drive entrance. Something with the west drive entrance. How you want to word that?

MICHAEL NYHAN: David (Lindsay) indicated he would -- David (Lindsay), can you repeat that?

DAVID LINDSAY: I think we just want signoff on any plans until we come to some understanding with the State. Certainly the State could get back to the Town and say they're okay with the secondary entrance. Um -- I guess maybe a condition upon compliance with any State and -- in regards to the secondary entrance.

DAVID CROSS: I would like to go further. I don't know. I can see a problem there. It's a tough road.

JOHN NOWICKI: Very tough road.

DAVID CROSS: I think they can handle it operationally with Dave (Lindsay).

ERIC STOWE: So I don't have a problem with the condition for its removal, if that's a condition -- I understand you can't make a decision without your client here to okay it -- but absent an agreement, to make it a condition or -- it becomes then an order of the Board that's a condition of the final approval. If that makes sense. We could -- they could agree to it as a condition or it's all very nice, or we're ordering it and then making it a point of contention, which it is within your purview.

DAVID CROSS: I want to make it a condition that David Lindsay is happy with the -- with the result.

MICHAEL NYHAN: I think the original condition was compliance with any New York State DOT requirements regarding the two entrance/exits on Ballantyne Road.

DAVID LINDSAY: I think I can also reach -- when I talk to Mr. Goehring, express the concerns of the Board and certainly the concerns perhaps Traffic Safety might have regarding the secondary entrance.

DAVID CROSS: Might have been overlooked.

DAVID LINDSAY: Might have been overlooked. I'll look to see if we have some indication from them on this.

DAVID CROSS: That would be fine with me.

MICHAEL NYHAN: So we'll make it a condition of approval with the New York State DOT; is that correct? Can you read the condition you want me to put on here so I have it right?

What I have right now is compliance with any New York State DOT requirement regarding two entrance/exits on Ballantyne Road.

ERIC STOWE: That was my concern, as well, what Dave (Lindsay) just said. That makes it -- if the State is okay, we're then okay.

MICHAEL NYHAN: Okay.

DAVID LINDSAY: If the Board -- if the Board is comfortable with that, I can go to Mr. Goehring and express the concerns of the Board as well as the Traffic Safety Committee, but at the end of the day if they're okay with it, the way that is worded, we're going to be okay with that. I'm not sure if that is the intent Mr. Cross --

DAVID CROSS: I would like to go further. I just assume cut the thing off.

JOHN HELLABY: I don't want to speak for Dave (Cross), but I would think that the secondary entrance with a gate or something, what happens if somebody gets clipped at that entrance, which we know the traffic is tough, and now you have wrecked vehicles blocking that thing. How will you get them people in and out of there? I would use it as a secondary entrance.

DAVID CROSS: My concern is multiple vehicles coming out onto a very busy road.

JOHN HELLABY: But you have a gate there. Like I said, emergency access type submission.

DAVID CROSS: Then let's have him put an emergency type gate there. Barricade gate. Double leaf. 25 footer.

MICHAEL NYHAN: How about -- can we create a condition -- rather than on New York State -- compliance to any requirements regarding two entrances/exits on Ballantyne Road per the --

ERIC STOWE: Then that provides them no direction. It leaves it in limbo.

DAVID LINDSAY: If the Board is comfortable asking for a gate, you condition it on the gate and leave it up to the applicant to accept it or not.

JOHN HELLABY: I think you need a secondary egress out of there if something happens.

DAVID CROSS: Gives them flexibility. Condition it on a gate.

MATT EMENS: I agree with that.

DAVID CROSS: The west entrance. I mean the east entrance is nicer. It's paved. The west entrance is just gravel drive, right, Matt (Sinacola)?

MR. SINACOLA: Yeah. I would point out, too, the west entrance currently has a gate. There is one there now.

DAVID CROSS: No.

PAUL BLOSER: Single one --

MR. SINACOLA: Or a barrier.

PAUL BLOSER: Maybe just a chain.

MR. SINACOLA: Might be just a chain.

DAVID CROSS: Needs a substantial gate. Double leaf.

MATT EMENS: You will have people trying to turn left out of there to try to beat people out. Will be a mess.

MICHAEL NYHAN: So what I have now is to provide a gate on the west entrance to be used for west entrances only and not normally opened to traffic.

JOHN HELLABY: Sounds good.

PAUL BLOSER: I would give a general detail what you're looking at, double gate, swing, 25 foot.

DAVID CROSS: They can get a detail from the Highway Department.

MICHAEL NYHAN: Okay. All right. I think we have it. So a -- the conditions for this vote, one in lieu of landscaping, applicant to make a donation to the Town tree planting fund in an amount of 1 percent of the total project. Larry (Lazenby), is that what you're referring to?

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

The Town Engineer and Commissioner of Public Works shall be given copies of any

correspondence with other approving agencies.

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 applicant remain in effect.

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

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

And it is subject to the approval of the Town Fire Marshal.

Existing poles and protective netting along the east property line need to be straightened and repaired to the satisfaction of the Town.

And provide a gate to the west entrance to be used for emergency purposes only and not normally open to the traffic.

Does that cover everything?

MR. JACOBS: I have a point -- question. Point of clarification. On the 1 percent donation of landscaping, is that set in stone? Can the -- can the applicant choose to use the 1 percent on his property?

MICHAEL NYHAN: No. That's -- that's what they had requested, that the 1 percent go to the Tree Fund.

MR. JACOBS: Okay.

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

1. In lieu of landscaping, applicant to make a donation to the Town's tree planting fund in the amount equal to 1% of the total project cost.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. Existing poles and protective netting along east property line to be straightened and repaired to the satisfaction of the Town.
10. Provide a gate on the west entrance to be used for emergency purposes only and not normally open to traffic.

Michael Nyhan made a motion to accept the minutes from the January 12, 2016 Planning Board meeting, and John Hellaby seconded the motion. The Board was all in favor of the motion with 1 abstention (Ron Richmond).

The meeting ended at 9:16 p.m.