

CHILI PLANNING BOARD
June 9, 2015

A meeting of the Chili Planning Board was held on June 9, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Wanzenried.

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

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

Chairperson Paul Wanzenried declared this to be a legally constituted meeting of the Chili Planning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

PAUL WANZENRIED: Old business first. Do I have approval on last month's minutes?
JOHN NOWICKI: So moved.
JOHN HELLABY: Second.

The Planning Board approved the 5/12/15 Planning Board meeting minutes.

PAUL WANZENRIED: I would like to take a moment to recognize Mike Jones. This will be his last meeting and I would like to just say thank you, Mike (Jones). Appreciate all you have done for us. It's been a heck of a ride. (Applause.)
First two applications of John Donlon have been permanently tabled and will not be heard.

1. Application of John Donlon, 85 Allen Street, Apt. 707, Rochester, New York 14608 property owner: Nifty Jewelry, Inc.; for special use permit to allow a funeral home in existing building at property located at 2968 Chili Avenue in NB zone.
2. Application of John Donlon, 85 Allen Street, Apt. 707, Rochester, New York 14608 property owner: Nifty Jewelry, Inc.; for preliminary site plan approval for a change of use to convert existing building (non-retail jewelry store) to a funeral home at property located at 2968 Chili Avenue in NB zone.

DECISION: Project has been tabled indefinitely at the applicant's request.

3. Application of Asif Hussain, 24 Osprey Drive, West Henrietta, New York 14586 for preliminary site plan approval for a change of use to convert existing building (car wash) to a convenience store at property located at 1210 Scottsville Road in GB Zone.

John Clarke was present to represent the application.

MR. CLARKE: Good evening. My name is John Clark. I'm with DDS Companies. I'm here tonight on behalf of Asif Hussain.

Mr. Hussain is proposing to develop the property at 1210 Scottsville Road, and we have previously been here at the last meeting. At that time, we received comment from the Planning Board as well as the Town Engineer. We have since addressed all comments from the Town Engineer and resubmitted those plans. We did receive back some additional comments on Friday, and we feel they're very minor in nature and things that will be provided to the Town once they are available.

As a reminder, the project is renovation of an existing car wash. The car wash will be turned into a convenience store. The existing convenience kiosk that is there today will be removed and the existing gas stations or -- or existing gas pumps and services will be reinstated.

Quickly to go over the comments that were given to us on Friday, I really feel there is only about three that have any significance to them. I feel like I can clarify them right now.

The existing gas tanks, pumps, lines, canopy, all of that -- there was a report given to the Town at the last meeting. There are some deficiencies there that do need to be improved. My client is entering into an agreement with NOCO Energy Corporation. NOCO will own and operate the gas service. So they will come in, once we have approval from the Town, make all of the changes. Any of the improvements that are needed with the tank itself, with the lines leading to the gas pumps, putting in all new gas pumps, making any improvements to the canopy that are required, including the fire suppression system, lighting. They will make the place look brand new.

Once that's done, before they can start operating the gas pumps, they need to go through a series of State regulations that require them to get inspections, reports. There needs to be registration involved with the tanks. So all that will take place.

We'll gather all that information. All that information will be provided to the Town. Certainly the Fire Marshal will have an opportunity to come out and inspect the fire suppression system.

So before those gas pumps are in operation, the Town will have everything that they're requiring here. We just can't give it to you because we don't have it yet. Once the improvements are made, then we will get all that -- all that reporting and inspections done and provide it to the Town.

The other issue was with the existing concrete tank that is located behind the car wash, to the east. Since the last meeting, we have had that tank inspected. We have had the contents tested. Ravi Engineering came in and provided a complete report on that. I do have that report with me. I know I provided some soft copies to the Town Engineer and to Kathy (Reed) at the Town, but I can certainly pass those out right now if you would like to see them. Or I can leave them with you.

The results of that were that the samples taken were inspected by Paradigm Environmental Services. They noted that there was water, soap, and oil residue within the tank. So what Ravi has done, is they have given us recommendations how to handle that tank when it's removed. Based on the -- the testing that was done and the laboratory tests that Paradigm conducted, it was concluded that they're not hazardous materials within that tank. Certainly oil, you don't want it in the environment, can't go in the dirt, but it's considered a non-hazardous material.

So what has to happen is the tank has to be pumped out. That has to be brought off site. The tank needs to be cleaned, power-washed, the contents of that cleaning need to be pumped out, brought off site. The tank itself needs to be crushed and removed from the ground and that material also needs to be brought off site. We'll then backfill, bring up to grade and then pave over top of it.

So I have added all that information to the revised plans. And provided some noteage on there that a qualified contractor must perform this work.

My client will be working with Ravi in conjunction with that to make sure that everything is handled properly. Documentation of that can also be provided to the Town as construction is ongoing.

One of the other things that came up was access easement to the south of the property. Um, it was our understanding that that was a public road. But through investigation, it -- it appears that it is not, and that it is owned by the property owner to the south. We have reviewed all mapping that we can -- can find. Nothing at the County, no deeds. There is nothing that suggests there ever was an easement over that area.

So I guess there is a couple of different ways we can handle it. It has been operating that way previously without issue. So we would like to keep it that way. But if the Town requires an easement, we certainly can go ahead and start the works for getting an easement there. But to contact the owner to the south, hopefully he is agreeable to it. But ultimately, if not, then if the Town does not want to see any traffic go through there, we'll barricade it. We'll bring in some concrete bollards, concrete barricades and we'll prohibit traffic going through there. I prefer it not to hold the project up.

I think we can get through this. We certainly can investigate getting an easement. But ultimately, like I said, we can block that up. Perhaps it can be a condition of Certificate of Occupancy, so we can least get through the site plan approval process and work toward that before they actually take occupancy of the building.

Um, but either way, we'll approach this however the Town would -- whatever the Town would like to see there and hopefully we can gain that easement, but if not, we'll block it off.

And the last issue is the variance that we need for parking in front of the building.

We are scheduled to be on the June 23rd Zoning Board meeting, and we're fairly confident that we will be able to obtain that -- that variance. There is -- all of the businesses up and down that street do have parking in front of their building, so I think that we're going to be fitting right in with the character of the neighborhood.

So other than that, I feel that we have addressed everything that had been brought to us at this point, and I would be glad to answer any questions that you have.

PAUL WANZENRIED: Okay. Thank you.

MICHAEL NYHAN: Elevation, do you have any elevations for the two sides and rear of the building?

MR. CLARKE: I did have an additional elevation of the south side of the building, where the other garage door is going to be, the -- the side and the back will just be siding, and there is no windows back there at all. The side on -- on the east side, there is no windows. And then the -- the two sides, the north and south elevation would be similar to each other. There is a man door and that's it. No other windows.

I did provide a -- soft copies to the Town of those, but I wasn't sure if they made it to everybody or not.

But really, the -- the -- the north and south elevations are basically -- this -- this gray siding (indicating), with a man door. It still has the canopy going over it.

MICHAEL NYHAN: Is that siding replacing the existing siding?

MR. CLARKE: There's a wood that is there now. This would go over top of it.

MICHAEL NYHAN: The blue canopy is replacing the current canopy or being painted?

MR. CLARKE: Being painted.
MICHAEL NYHAN: Current canopy being painted?
MR. CLARKE: Correct.
MICHAEL NYHAN: Canopy being repaired?
MR. CLARKE: Yes. Any deficiencies in it will be repaired and painted.
MICHAEL NYHAN: Rear side, the south side will have one man door and then the -- the east side.
MR. CLARKE: Opposite side.
MICHAEL NYHAN: Right.
MR. CLARKE: This is just going to be this -- the siding. There's no --
MICHAEL NYHAN: Then there is an overhead door -- there is an overhead door, glass overhead door. Is that being removed?
MR. CLARKE: Yes. Both sides are glass overhead doors that will be removed, blocked up and the siding will be over it.
MICHAEL NYHAN: Okay. Great. The parking lot, the asphalt around the back?
MR. CLARKE: Yes.
MICHAEL NYHAN: It has weeds, unlevel. Is that being completely taken out, repaired and replaced?
MR. CLARKE: Yes. Whatever needs to be done as far as the integrity of that pavement section. If they can mill up the surface and repave it, then they will. But in most cases, it will be full depth repair, because like you said, there is a lot of cracking and weeds growing up.
In that back section is where the tank removal is going to be. There is a grass section there as it is. So my recommendation is that that all gets pulled out and repaved.
MICHAEL NYHAN: Entire parking lot going to be addressed in the same manner?
MR. CLARKE: Yes.
MICHAEL NYHAN: Milling and repaired so it is even, leveled and --
MR. CLARKE: It will be -- it will be very nice looking when it is all said and done. It will be a brand new one.
MICHAEL NYHAN: What are the hours of operation for the fuel and for the convenience store?
MR. CLARKE: Um, I'm sorry. I have to defer to my client on that.
MR. HUSSAIN: 6 a.m. to 12 p.m.
PAUL WANZENRIED: Monday through Sunday? Sunday to Sunday?
MR. HUSSAIN: Yes.
MR. CLARKE: Correct. Sunday to Sunday.
MICHAEL NYHAN: 12 a.m. midnight?
MR. CLARKE: Correct.
MICHAEL NYHAN: What about outdoor storage? Is there any intention for outdoor storage or sale items out in front of building, the parking lot?
MR. CLARKE: Um, there isn't, because right in front of the building there is sidewalk and then there is cars that are parking. I don't believe that there are any other intentions for outdoor sales, no.
MICHAEL NYHAN: I thought I saw somewhere in the many documents about propane sale -- tank -- propane.
MR. CLARKE: No. There was a question about the existing bollard over to the north side of the property. There was a question, what had been there in the past and there was an -- an above-ground propane tank that was there, where they must have been filling natural gas tanks or propane tanks or something of that nature. But it's been removed long ago.
MICHAEL NYHAN: Okay. Thank you. In the drawings that we have, they don't show any of the means of entrance or exit. You have updated plans from the Town prior to starting your construction; is that correct?
MR. CLARKE: As far as the architecture of the building, yes. We can do that. We can provide you with additional architectural plans.
MICHAEL NYHAN: Just an accurate drawing that shows all of the features of the building. You have described them. They're not on any prints.
MR. CLARKE: Okay. I will make sure that you get that then. I thought that was part of the package.
MICHAEL NYHAN: Not that I have.
Does anybody have that?
JOHN HELLABY: No.
PAUL WANZENRIED: No. But it does go through the Architectural Review Board -- or Advisory Committee and they have complied with the recommendations. That elevation that you see there, Mike (Nyhan), complies with the recommendations.
MICHAEL NYHAN: Okay. They saw all of the signs then?
PAUL WANZENRIED: That's correct.
MICHAEL NYHAN: Okay. Thank you.
MATT EMENS: So I guess I just want to go back to this side-connecting entrance. Is this necessary to have that in between there?
PAUL WANZENRIED: Not from my standpoint. I don't see any need for it. I don't think I can condition that to a C of O, can I?
JOHN HELLABY: As he has already stated, if he can't get the easement --
MICHAEL JONES: Could you condition the best efforts to obtain the easement?

MATT EMENS: Is there a light there? There is not a light at Airport Drive, correct?

PAUL WANZENRIED: No.

MATT EMENS: Is there any advantage to having the connection?

PAUL WANZENRIED: Not that I'm aware of.

DAVID CROSS: More connections the better for traffic flow.

JOHN NOWICKI: Absolutely.

MR. CLARKE: Only advantage would probably be from people that are coming -- that are heading to the west and want to turn into the gas station before they get to the road to -- to get gas or to go to the convenience store.

So having an access -- they wouldn't have to just go out on the road and make a U turn into the gas station. If they came out of the restaurant.

PAUL WANZENRIED: Matt (Emens), I believe Airpark Drive, if you go south, it will drop into in front of RG&E where there is a light. I believe --

JOHN HELLABY: That whole tie?

PAUL WANZENRIED: I believe you can meander around that way.

MATT EMENS: That's interesting. Well, okay.

I was just going to say -- I just feel like if they can't get an easement, instead of concrete bollards there, if they're already doing asphalt work, to cut that back and rip that out and landscape it? Just think it would look kind of bombed out if they didn't do that, after doing all this work.

DAVID CROSS: I just condition them to get an easement. Very reasonable request and something the applicant can do.

PAUL WANZENRIED: Just straight out.

DAVID CROSS: Yes. I'm seeing him nod back there.

JOHN NOWICKI: Seems like a safer way to go.

MR. CLARKE: I would suspect that we can obtain the easement, but you never know. The property owner to the south may have had issues with the previous owner. I just can't guarantee it. And then -- in which case we would be -- you know, we would work with the Town to come up with a resolution to that. I'm just saying at this moment, you know, that could be an immediate resolution, is to block it off. But we certainly --

DAVID LINDSAY: Mr. Chairman, what -- you might have a condition the applicant makes best effort to obtain easement from the property owner. If they're unable to do that, remove the asphalt there and provide landscaping suitable to the Town.

PAUL WANZENRIED: Thank you.

Although I'm leery about the "best efforts."

DAVID CROSS: Condition to get the easement, and if they can't get it, they come back in.

MICHAEL NYHAN: If they can't get the easement, they remove the asphalt and landscape it.

DAVID CROSS: I think we really want that third access. I think for Traffic Safety, that is pretty important.

MR. CLARKE: I think my clients would like that access, too. As I said, traffic could be coming the other way, rather than having a U-turn. Perhaps we show the plants with the access removed, and while we're going through this effort of construction and renovating the building, we'll have time to get the easement and then we can file the easement with the County, provide the paperwork to the Town.

MICHAEL JONES: Going to what Mr. Cross was saying, it would be approval with easement in place. If they're not able to do that, they would have to come back to modify the site plan. So you approve the site plan with the easement shown and if they can't do it, they come back to modify the site plan.

DAVID CROSS: That's what I'm saying.

PAUL WANZENRIED: I like that better.

JOHN HELLABY: Building being removed up front, it is noted that the concrete pad below it comes out as well; correct?

MR. CLARKE: Correct.

JOHN HELLABY: All getting blacktopped to match back in there.

MR. CLARKE: Yes. The concrete itself will most likely be replaced in its entirety. When NOCO comes in there, they're probably going to want to take that concrete pad out, put a new one down. They will make it a seamless transition from the concrete pad to -- to the asphalt.

JOHN HELLABY: All this work being performed by NOCO or is DDS involved in some of this?

MR. CLARKE: No, no. DDS is not involved.

JOHN HELLABY: So all NOCO?

MR. CLARKE: It will be whoever the owners and NOCO and --

JOHN HELLABY: All right.

MR. CLARKE: Up to them who they decide to come in.

MATT EMENS: NOCO isn't the owner. Your owner is your client here.

MR. CLARKE: The owner of the property who is here with us this evening, he is leasing to my client, who is going to be renovating the car wash into a convenience store. NOCO comes in to run and operate the gas station.

JOHN HELLABY: The existing car wash, I'm assuming it is getting virtually gutted.

MR. CLARKE: Absolutely.

JOHN HELLABY: The concrete slab and everything comes out with the -- with the chain

driving and the stuff that was installed.

MR. CLARKE: Yes. All that stuff has to come out. How they work the floor and do all of that, I'm not exactly sure, but....

JOHN HELLABY: I'm interested in the timing. What do you anticipate? Once you get your approvals, what you think the overall construction period will be?

MR. CLARKE: I know they would like to start as soon as possible. As far as -- did you put a determination how long it will take for the renovations?

MR. HUSSAIN: Month.

MR. CLARKE: Month for the renovation of the building. The parking lot and gas station, I just don't know exactly. I'm sure they will be -- I know NOCO is also eager to get in here and start doing the work they need to do.

JOHN HELLABY: Best guess, probably later this summer.

MR. CLARKE: Yes. Yes.

JOHN HELLABY: All I got right now.

PAUL WANZENRIED: Did you say it would take a month to renovate that building?

MR. HUSSAIN: Uh-huh.

JOHN HELLABY: Will be interesting, but.

PAUL WANZENRIED: You're going from an unheated structure to a heated structure?

MR. HUSSAIN: Yes.

PAUL WANZENRIED: I think your timeframe is a little skewed.

JOHN NOWICKI: Okay. I know we have a letter from Mike Hanscom. You're satisfied based on your comments? Have they addressed all your comments?

MICHAEL HANSCOM: Yes, they have.

JOHN NOWICKI: They have. Okay. I see you have your landscaping plan in place and approved?

MR. CLARKE: Correct.

JOHN NOWICKI: Thank you.

DAVID CROSS: John (Clarke), you may have covered this, so I apologize. Will there be like striped arrows at the entrances on Scottsville Road showing in and out or do you have any signage proposed?

MR. CLARKE: The signage will be a separate package. NOCO will -- they're in charge of all that, so when they're ready, they will have to submit a signage package to the Town. They will have to go through the whole process to make sure that everything adheres to their standards. We did not have arrows proposed on our site plan. There -- there is no regulation from the County that requires it.

DAVID CROSS: Okay. I think that is important with that next to the middle.

There will be a NOCO canopy?

MR. CLARKE: No. It's a Mobil. It will be a Mobil, so the signing on the -- on the canopy will be Mobil.

DAVID CROSS: I would like -- I guess I don't -- I think when we consider final approval, and when we're at that point, a sketch of the canopy. You have some pretty awful looking canopies in Town, and, you know, it's just a simple -- simple sketch. At least three sides of it.

MR. CLARKE: At this point, I'm not able to provide that. I wouldn't be in charge of it. I certainly can request that from NOCO and I think it would be part of the sign package that they brought.

DAVID CROSS: Absolutely. That should be part of the sign package.

You are showing four existing pumps and they're all to remain.

MR. CLARKE: Correct.

DAVID CROSS: Will there be four additional, so you still have half the concrete --

MR. CLARKE: Oh, the canopy that is there -- do you know if there is any additional pumps?

DAVID CROSS: So you will just do four pumps under half the canopy and the other half of the canopy is vacant?

MR. HUSSAIN: Might do diesel in the future.

DAVID CROSS: So you're reserving the space for it?

MR. HUSSAIN: Yeah.

JOHN NOWICKI: You're aware of the Fire Marshal's comments?

MR. CLARKE: Yes.

JOHN NOWICKI: So you have those?

MR. CLARKE: Yes.

MATT EMENS: In -- I think Mike (Jones) touched on it, but we didn't go any further with it. But, um, NOCO has been mentioned. I know that it's not owned by NOCO. But the -- but the concern I would have is since it is tight, Dave (Cross) has mentioned the flow of traffic in here, and that there is parking spots basically wrapping the building. One of the concerns is, I know, typically a lot of gas stations will bring in seasonal products and they get stuffed in parking spots or snow storage areas. I just want to go on record that they're not showing any areas designated for that.

PAUL WANZENRIED: No outside storage.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: It seems an awful lot of this request or this proposition that is being put before the Board is dependent upon other people other than the person that is here making the application. And it sounds like there is three different parties involved, and I hear a lot of "probably"s from -- and I'm sure this man that presented cannot guarantee anything. He can only speak for himself and his client. So I don't know how the Board would like to handle that, but I think you have to get this firmed up. I would think somebody from NOCO should have been here tonight. They're a big piece of this. A very big piece. And they're not even represented.

I do agree with Mr. Cross' comment about the canopy. You have got to be -- that's a very busy area, and I'm sure it is going to be -- somebody is going to want a flashy canopy to get attention because they're going to say people are going so fast up that road they have to be obvious and they have to be colorful and lit. So I do think you need some very, very firm plans on the canopy.

The other thing I would like to see is a condition, a definite condition on outdoor sales. What has happened, and I can point to Byrne Dairy at Union Street and Chili as a perfect example, what they think of later for outside sales, they don't think you, the Town, should consider outside sales. Charcoal, gallons of window washer fluid, beverage machines, ice machines. When they get in business, they get opened and they get a C of O, all of a sudden they're going to want these things. So there is really -- appears at least to me there is no room for any of that. And it ought to be specified not just no outside sales because there will be two different views of what outside sales are, the Town's and the business person. So I think that that ought to be very, very clear what are -- some examples of what are not to be allowed as outside sales. Thank you.

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

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

PAUL WANZENRIED: So far I have ingress/egress easement shall be obtained. If not, the applicant shall return for site plan modification.

And I have no outside storage or outdoor sales pertaining to bulk products.

JOHN HELLABY: Any products.

MICHAEL NYHAN: Any products.

PAUL WANZENRIED: Any products.

PAUL BLOSER: Displays.

PAUL WANZENRIED: Any products, displays. I will work on some language with that. Anything else?

Do you have any commitment?

MR. CLARKE: I provided a letter to the Town that says they are committed to working with my client on this project.

JOHN NOWICKI: Do we have that on file?

DAVID LINDSAY: Restate that. I didn't hear the comment.

PAUL WANZENRIED: Do we have some sort of commitment from NOCO?

JOHN NOWICKI: A letter on file what they're going to do and how they will do it.

DAVID LINDSAY: I'm not aware of that lettering furnished to the Town. Do you know when you sent it in?

MR. CLARKE: With the initial submission that we made two months ago.

DAVID LINDSAY: I would have to pull the file.

JOHN HELLABY: Have you entered into a formal agreement?

MR. CLARKE: They have entered into a formal agreement, yes. They will not do anything until the Town gives approval that they can get going.

JOHN HELLABY: I mean, we can make this conditional as long as we have a copy.

MR. CLARKE: I will resend the copy of the letter that I sent and if there is additional documents I can provide, I certainly will, but I know we did provide a letter to the Town and we can certainly do that again.

PAUL WANZENRIED: So that will be conditioned upon Town's receipt of what, a lease agreement? Working agreement? How do you want to term that?

JOHN NOWICKI: What is the type of word you want for that?

DAVID CROSS: Noco's Operating Agreement.

MICHAEL JONES: Whatever the agreement is, franchise agreement or whatever it is, we just want a copy of that.

MR. CLARKE: Absolutely.

PAUL WANZENRIED: Hours of operation, so it doesn't turn into a 24 hours. Hours of operation to be limited to 6 a.m. to 12 p.m. --

JOHN HELLABY: A.m.

PAUL WANZENRIED: 12 a.m. Forgive me.

MICHAEL JONES: Does the applicant agree to the hours of operation restriction?

PAUL WANZENRIED: He's the one that gave it to us.

MR. CLARKE: Yes.

PAUL WANZENRIED: Do you want me to add "per applicant," Mike (Jones)?

MICHAEL JONES: That would be great.

PAUL WANZENRIED: This is for preliminary. They have paid for final site plan. Do we

want to just grant them preliminary or grant them final?

MICHAEL NYHAN: I would like to see the items that NOCO is going to do. We have no idea what they will be doing, other than they will make it look nice.

MR. CLARKE: Sir, that will be part of the signage package. That is not something that I'm going to be able to provide you. That is part of their signage package. The canopy -- they will detail that canopy for you. This is site plan. This is not going to be your last bite at the apple with Noco's involvement. They will have to come in with all of the signage they want to show on the building, on the canopy, on the gas pumps themselves, at the entrance.

JOHN HELLABY: There will be working drawings. They will get a building permit. They will not get a building permit on that elevation.

MR. CLARKE: Certainly we understand we won't get a building permit. We're just looking for site plan approval tonight. That's all we're trying to do here.

JOHN HELLABY: I mean, I'm not going to get hung up on it. Because it has to go through the whole permit process.

JOHN NOWICKI: Correct. Right.

DAVID CROSS: I agree. I mean, I think we can consider final. I think the sign package will be part of a future deal.

PAUL WANZENRIED: Yes. He has to do something structurally with the canopy, that will be a permit -- any remediation done there will be part of a building permit. That's more than us.

MICHAEL NYHAN: The Town has control over what the canopy will look like, correct, before a permit is issued, building permit? Or is --

PAUL WANZENRIED: The canopy right now, I believe, has a blue banner around it. Is that not correct?

JOHN HELLABY: Typical Mobil canopy, what Booth's has up Chili Avenue.

PAUL WANZENRIED: Or Rice's right there on the corner. It will be blue and white. Not changing anything to it, other than tearing that little building down.

JOHN HELLABY: I'm in favor of it.

PAUL WANZENRIED: I like where it is going.

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

PAUL WANZENRIED: The conditions for this application will be as follows: The ingress and egress easement should be obtained. If not, the applicant will return for a site plan modification.

No outside sales, storage of any products or displays.

Conditioned upon Town receipt of a copy of the Operating Agreement between NOCO and the applicant.

MR. JONES: Could I ask that that be for the Town attorney's review, as well?

PAUL WANZENRIED: Absolutely.

For the Town attorney, as well. Or excuse me, Town Attorney review.

And that the hours of operation shall be from 6 a.m. to 12 a.m., Sunday to Sunday, per the applicant. The applicant's statement. Based on those conditions, this will be for prelim and final.

DAVID LINDSAY: Mr. Chairman.

PAUL WANZENRIED: Oh, wait a minute.

DAVID LINDSAY: Just remind you about your standard conditions that you might have.

JOHN HELLABY: I was just telling him.

PAUL WANZENRIED: My left hand got me here.

Standard Planning Board conditions. Let's see. 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 application remain in effect.

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

You have completed the AAC. The Planning Board affirms the recommendation of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.

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

Applicant is subject to required permits, inspections and code compliance regulations. Pending approval of the Zoning Board of Appeals of all required variances.

And subject to the approval by the Town Fire Marshal. Any signage shall comply with Town Code, including obtaining sign permits.

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

1. Ingress/Egress easement to Air Park Drive should be obtained. If applicant cannot obtain the easement, applicant shall revisit the Planning Board for site plan modification.
2. There shall be no outside display or storage of any kind at any time.
3. Approval is conditioned upon the Town being in receipt of a signed operating agreement between NOCO (gas supplier) and the applicant per the approval of the Planning Board Attorney (Counsel).
4. Operating time shall be 6 am to 12 am 7 days a week (Sunday-Sunday) per the applicant's statement.
5. Applicant to comply with the landscaping plan approved by the Conservation Board.
6. 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.
7. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
8. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
9. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
10. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
11. 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.
12. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
13. Building permits shall not be issued prior to applicant complying with all conditions.
14. Application is subject to all required permits, inspections, and code compliance regulations.
15. Pending approval of the Zoning Board of Appeals of all required variances.
16. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
17. Subject to approval by the Town Fire Marshal.
18. Any signage change shall comply with Town Code, including obtaining sign permits.

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

4. Application of DPB Holdings, LLC, owner; 1 Boon Drive, P.O. Box 370, North Chili, New York 14514 for preliminary site plan approval to erect a 1500 sq. ft. warehouse addition at property located at 1 Boon Drive in a GI zone.

Glenn Thornton and Dan Boon were present to represent the application.

PAUL WANZENRIED: Note, he, too, has paid for preliminary and final.

MR. THORNTON: Good evening. I'm Glenn Thornton with Thornton Engineering, engineer for the applicant, DPB Holdings. With me tonight representing the -- the owner applicant, Dan Boon. Um, yes, we're in front of you hopefully for preliminary and final site plan approval for a 1500 square foot masonry building addition at 1 Boon -- Boon Drive. On the site plan, you can see the location of it. In front of the existing building, um, the offices in the

structure over in this area -- in this corner -- this is all a maintenance area back here. And we're going to do -- we're proposing to add one maintenance bay with a man door and overhead door on the east side of the building that will open up into the current fenced-in yard area. Basically with this -- with this addition, we'll be removing some of the existing chain -- chain-link fence out there to the side of the building and have the door open up into the yard.

Really we have no -- no utility work associated with this outside the building other than the gas service relocation around the footprint. No additional pavement, sidewalks. As I said, the fence, we're actually decreasing the amount of fence. We're code compliant in every way as far as I can determine with setbacks and building heights. The building appearance is going to match exactly what is out there now. It will be just -- what we're doing is maybe moving one of the walls closer to the -- to the street, but the appearance, the height, the painting, everything will be exactly the same. Flat roof.

Putting a little landscaping out front. We just specked out some -- some shrubs in the front we're open. If there is a preference for the type -- I'm pretty boring. Usually I go with Boxwood and lilacs or something that seems to be lower maintenance and they look nice.

PAUL WANZENRIED: Are you aware of the Conservation Board's comments?

MR. THORNTON: No, ma'am. I am not, no. We have not seen those.

PAUL WANZENRIED: We did -- we were aware of this comment before the Conservation Board meeting, and we had submitted a landscaping estimate. We updated that estimate and resubmitted it. Basically we added some more shrubs to get up to the 1 percent. We're up over the 1 percent now.

JOHN NOWICKI: Roughly is that -- do you have any rough idea what the cost of the project is?

MR. THORNTON: I threw out a number \$75,000, so 1 percent would be \$750. I am sure Dan (Boon) would like to see it come in a lot under my budget, but who knows.

JOHN NOWICKI: So you added additional landscaping other than what is on the proposed here?

MR. THORNTON: Yes. We're proposing eight shrubs now. I understand top soil, seeding, things like that are not included in the estimate. But again, I mean Dan (Boon) has a landscaping business, so -- and he keeps the place looking great there.

JOHN NOWICKI: Yes, he does.

MR. THORNTON: So whatever is necessary. It just didn't look like kind of throwing in a whole bunch of shrubs made a lot of sense, but it's a 55 foot area there, so I think 8 shrubs will look good there. But again, we're flexible on the types of plantings, things like that.

JOHN NOWICKI: Always nice to drive by it and see it any ways.

MR. THORNTON: We did receive comments from Monroe County DRC. Basically they said nothing. We received comments from the Town Engineer. We have not responded to those formally yet, but I didn't see any show-stoppers in there. I think we can comply with everything without a problem.

PAUL BLOSER: I'm looking at this as a very straightforward project. Um, the impact is minimal, any place, to anything. The shrubs he is proposing, you know, even at the 1 percent, he has already put a forest in around that building over the last few years. He keeps it up. He keeps the vehicles and business up. I have no problems what he is doing. Good application. I think he will continue with what -- the path he has taken, so there is no floor drains, nothing I'm concerned about with that. It's a straight tie-in. Pretty seamless. I really don't have any questions.

DAVID CROSS: You probably covered it, but will the proposed addition match the existing?

MR. THORNTON: Exactly. Exactly.

JOHN NOWICKI: They always do a good job. No questions.

JOHN HELLABY: You do an excellent job and as I said before, I got a little choked up everything time this thing comes in here because my father designed this building and built it for the Rochester Tel phone company. You're doing a nice job over there.

MR. BOON: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL WANZENRIED: Other than standard boilerplate Planning Board --

JOHN NOWICKI: Waive final?

DAVID CROSS: Second.

PAUL WANZENRIED: Okay. We'll waive final.

I will read through your conditions. Applicant -- you submitted your landscaping. Upon completion of the project applicant shall submit a landscape certificate of compliance to the Building Department from the landscape architect certifying that all approved plantings have been furnished, installed and in substantial conformance with the approved landscape plan.

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

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

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

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

You don't have any easements. Um, nothing there.

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

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

And subject to approval of the Town Fire Marshal. You don't have any signage. Based on those conditions.

DAVID LINDSAY: Mr. Chairman, you have to do SEQR first.

PAUL WANZENRIED: Oh. Yeah. I'm really flying off the handle here.

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

PAUL WANZENRIED: Now, based on those conditions, anybody want to add anything else?

DECISION: Unanimously approved by a vote of 7 yes 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.

5. Application of Robert Fallone, Inc.; owner; 70 Quail Lane, Rochester, New York 14624 for final subdivision approval of 23 lots to be known as King Forest Estates Section 6 at property located at 99 Christina Drive in R-1-15 zone.

Dan Brocht, Robert Fallone and Joe Fallone were present to represent the application.

MR. BROCHT: Good evening. My name is Dan Brocht from Costich Engineering located at 217 Lake Avenue in Rochester. I'm here tonight with Mr. Robert and Mr. Joe Fallone in presentation of requesting the final approval of the next section of King Forest Estates, Subdivision Section 6.

This next section, which is on the overall preliminary in red, will consist of 23 single-family lots on approximately 11 acres. We're proposing to phase this next section into Phase A and Phase B with 9 lots be the first phase and 14 in the second phase.

The -- as you said, it's zoned R-1-15 being developed under Town Law 278. This section is consistent with the overall preliminary approved plans that were approved in September of '95. We are in receipt of comments from the Town, the Town Engineer. We have reviewed those comments. Most of them being non-technical in nature, very few requiring actual design changes. The plans that we have submitted, we can change and make most of the revisions to the plans in a note or a clarification on the plans.

All of the utilities that are in this next section will be connecting to Christina Drive. Everything is internal. And I can go through the comments that are from Lu Engineering one at a time, or if there is some that stand out, that might be a little more in concerned nature to

somebody on the Board, that's at your discretion.

MICHAEL NYHAN: You mentioned you could meet most of those comments, but that means there are a few you can't. Which ones can't you meet?

MR. BROCHT: No. We can address all of the -- all of the comments. What I mean is -- as far as the plans that you have in front of you, most of the comments that are on -- the comments we received from Lu we can address with a note on the plans. There's a few like we proposed an open ditch, swale, to the pond. They requested we pipe it. That would require design change that we agree with and we could do.

MICHAEL NYHAN: Okay.

MR. BROCHT: But again, I can go through them one at a time or we can -- you can let me know if there is something that concerns you.

MICHAEL NYHAN: You just mentioned that could you meet most and I wanted to know which ones you couldn't meet if you couldn't meet all of them.

MR. BROCHT: The term was used before there is no show-stoppers in there for us as far as anything we would disagree with.

PAUL WANZENRIED: So you agree with all of these (indicating)?

MR. BROCHT: Well, we will leave some of them up to discussion with the Town staff, the engineering firm. I reached out today just to introduce myself and to let him know that we're willing to discuss anything in there that needs to be done. The only things that tend to pop out as far as questions I have is, for example, the request for turnarounds at the end of the two stub -- well, the two roads. Phase A, we're proposing to split the project right here at this line here (indicating). With the anticipation of -- I was hoping that with a short run of 200 feet, we could avoid the temporary turnarounds. If the DPW, the Fire Marshal or the Town staff would require that, that is something we would agree to. But again, that would be a discussion I would like to have.

There was another comment which I will address, as far as we did have the wetlands re-delineated. We had the wetlands re-delineated in April 22nd of this year, by Gene Pellett who is from Environmental Resources. There was a request from the Town to have a letter of concession for the DEC to actually view his flagging and to agree with it. That process is actually in the works now. Gene (Pellett) has reached out to the State DEC. There is no appointment set, but he has indicated on a letter that I can present to the Board members if you -- if you would like indicating the timeline of getting the DEC out -- approximate time line, to get the DEC out there to agree with the wetland delineation. And then the letter would be provided to the Town, indicating such.

PAUL WANZENRIED: Mike (Nyhan), do you have anything further?

MICHAEL NYHAN: No, just to the character and the style of the homes in these two sections, A and B, will match the rest of the track of what you said; correct?

MR. BROCHT: Yes, that's correct.

MICHAEL NYHAN: My only question. Thank you.

MATT EMENS: It does look like -- it's a lot of notes on the drawings, but I don't have any questions.

JOHN HELLABY: I was just going to say, it looks like 80 percent of this stuff is just clarification. I wouldn't get too hung up.

Our timing, though, between the two parts of this, that you're talking about, what are you looking timeframe-wise?

MR. BROCHT: Well, again, usually -- usually when we attempt to phase a project, we're unsure what the market will be. And if they sell -- home sales are rapid, then they will jump right into the next section. But I don't know if we have a timeframe.

JOHN HELLABY: The only reason I ask, would it not make more sense instead of temporary turnarounds, just put the whole road section in and binder the turnaround because you know you will be up there eventually?

MR. BROCHT: Then it comes to an upfront cost that, I believe, we would like to avoid. You know, again, we purposely stopped that phase line there, hoping we could avoid the turnarounds, as -- but if it is required by the Town --

JOHN HELLABY: I can't speak for Dave (Lindsay), but in my eyes, I got to believe --

MR. BROCHT: But that was my thinking when we threw that line in there. Again, the same with the stub road. If we could keep it under 200 feet, we're hoping to avoid putting some kind of turnaround in there.

JOHN NOWICKI: Just to bring out Item Number on Lu Engineer's statements here, in regards to the landscaping, the lighting, the site plan?

MR. BROCHT: Yes.

JOHN NOWICKI: The Conservation's comments, they're looking forward to reviewing the prints, including street trees that are planned for the subdivision, species, caliber, frequency of planting, planting list.

Is that something you can provide?

MR. BROCHT: We can. Not at this moment. It's in the works now. What we're going to do, we can provide a lighting location plan, a street tree plan with identification on it.

JOHN NOWICKI: Okay.

MR. BROCHT: We're going to -- our goal is to maintain what -- be consistent with the previous sections.

JOHN NOWICKI: Well, I'm just pointing out to you, Number 2, under Lu Engineers' comments and the Conservation Board, just to comply with that.

MR. BROCHT: Absolutely.

JOHN NOWICKI: If you can keep that going.

MR. BROCHT: We can get that -- I can get a plan out very quickly, open up the discussion.

JOHN NOWICKI: Thank you. Appreciate that. That's all I have.

DAVID CROSS: So Lot 16 -- 18 sticks out like a sore thumb. I know why, because of the sanitary sewer easement?

MR. BROCHT: Yes.

DAVID CROSS: Well, could you bring House 617, put it right on the edge of the sewer easement? That would save a couple of feet. I'm just trying to make the front of the house -- the front of the house aligned a little better and bring Lot 619, the house back maybe 20 feet?

MR. BROCHT: To make more of an even transition?

DAVID CROSS: Yes. So you just don't have that house in the middle of nowhere.

MR. BROCHT: Absolutely.

DAVID CROSS: I think it works grading-wise.

MR. BROCHT: Yes.

DAVID CROSS: That's my only comment.

PAUL BLOSER: Just in reviewing everything, the pages of comments, really there is only a couple items that need attention, just clarifying the prints. I was going to make a comment on the Conservation side of it. The trees and plantings, just that we put in the notes to be consistent with what was done on the rest of the properties. I have no doubt that they would. That's how they do things. You know, they -- always a good development, what they do. They have always done it conservative. That is what I like about his construction sites, nice and clean, more so than a lot of builders around. So I'm anxious to hear Dave (Lindsay)'s comments on the road, but being how this is built and the cul-de-sac there, I would be willing to let him go with the delineation he wants for the phases.

DAVID LINDSAY: In regards to the timeframe on that wetland concurrence letter, do you have an idea when that would be submitted to the Town?

MR. BROCHT: May I?

DAVID LINDSAY: Sure.

MR. BROCHT: I have copies I can hand to them. Basically what Gene (Pellett) indicated is that he has reached out to the DEC. The timeframe that he has given me is getting the DEC onsite within two weeks, for the evaluation. I don't know how long it takes after the DEC looks at the wetland, until they issue the letter, but I -- but I won't speak for --

DAVID LINDSAY: I think it is just something we would like to have in hand before we sign off on any mylars. As far as the turnarounds, it is typically something we ask for. They don't have to be paved. But temporary turnarounds for snowplowing.

We're looking at the timeframe you're going to continue that section, but conservatively speaking, we would ask for a temporary easement and temporary turnaround for snowplows.

MR. BROCHT: Okay.

MICHAEL HANSCOM: No additional comments.

DICK SCHICKLER: Yes. In regards to the landscaping, is there a licensed landscaping architect on board in your company --

MR. BROCHT: There is.

DICK SCHICKLER: -- that will oversee this?

MR. BROCHT: Absolutely.

DICK SCHICKLER: Thank you very much.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Am I to assume that the dotted line there, that is -- that shows the wetland lines, is that the line that they hope to get the DEC to go along with? Or was that the wetland border before?

MR. BROCHT: The -- just to make sure I clarify, this line here (indicating) is the wetland line that we have recently delineated in April.

This is the wetland line here (indicating), and this is the 100 foot buffer line. The actual wetland is back here (indicating).

MS. BORGUS: Okay. My next question would be, some of these people that buy several of these lots are going to buy -- buy land they're not going to be able to do anything with. Are -- is that noted in their deeds when they buy so that they fully understand they're buying a lot of land that they may not be able to use in the future?

PAUL WANZENRIED: Uh-huh.

MS. BORGUS: It is. Thank you.

GARY KANELIS, 68 Marino Drive

MR. KANELIS: I had a couple questions from a couple people in the neighborhood. First, we thought the original plans were to finish Marino Drive. That was the original plans we were told when we built. And that was one of our concerns.

And the other question is, where the equipment is going to be stored at. On the street or right by Mr. Giacomani's house or where are the construction vehicles going to be?

PAUL BLOSER: Sir, could you speak up? I can't hear what you're saying.

Gary Kanellis. Our questions were Number 1.

PAUL BLOSER: I heard about Marino Drive.

MR. KANELLIS: The second part of it being, the next one, where are the construction vehicles stored? Right in the beginning or are pushed back like us? Why we say that, my vehicle looks out at the vehicles generally now. I don't have a problem with it, but I would certainly like to have them pushed back a little built. I'm sure Joe (Fallone) wouldn't have a problem with it either, but that was my question.

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

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

MICHAEL NYHAN: Just to address concerns in the audience, I think that could be worked out with the builder, where the construction equipment would be placed, so as not to interfere with the people that are living there now.

Right, Joe (Fallone)?

MR. JOE FALLONE: (Nodded.)

JOHN HELLABY: Is there another section to complete after this one there? Just going on with his comments, the upper section; right?

MR. BROCHT: The shaded area here is the section still to be done (indicating).

PAUL WANZENRIED: Which section was he referring to? That he thought -- the top?

MR. BROCHT: We believe --

MR. KANELLIS: Yeah. Yeah. We were told that was going to be completed. But it doesn't matter to us. Just...

PAUL WANZENRIED: Therefore, I have the following conditions: That the applicant will comply with all comments by the Town Engineer dated June 4th, 2015, that a temporary turnaround is required and shall be approved by the Commissioner of Public Works.

That a letter indicating DEC concurrence shall be provided to the Town prior to -- signing the mylars.

That lighting and landscaping shall be consistent with the existing neighborhood.

And that all attempts -- I want to park the vehicles somewhere else.

Can you park the vehicles somewhere else?

MR. FALLONE: No.

PAUL WANZENRIED: That's the best place for them?

MR. FALLONE: It's the only place for them.

PAUL WANZENRIED: Anybody else have an issue with that? No?

Based on those conditions.

DAVID CROSS: Lot 16 -- or 617, 618, 619 house adjustments.

MR. BROCHT: Staggering the setbacks.

DAVID CROSS: Please.

PAUL WANZENRIED: Another condition. Lot 16 --

DAVID CROSS: 617, 618, 619.

PAUL WANZENRIED: Shall have better?

DAVID CROSS: Better transition with front of house, something like that. You know what I'm talking about?

MR. BROCHT: Yep.

PAUL WANZENRIED: Shall have better house alignment.

JOHN HELLABY: Will you be able to accomplish that with the way 617 sets? You're still going to have an awful variation.

DAVID CROSS: 617 can be shifted to the southwest, corner easement.

MR. BROCHT: You can move it closer.

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

PAUL WANZENRIED: Based on the applications mentioned, they are looking for final subdivision approval for the 23 lots.

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

1. Applicant shall furnish to the Town correspondence with the DEC (Department of Environmental Conservation) a letter of concurrence with the latest wetland delineation.
2. A temporary turnaround shall be required with phasing new section and is subject to the Commissioner of Public Works purview and approval.
3. Applicant shall be required to comply with all Town Engineer comments dated June 4, 2015.

4. Light and landscaping shall be consistent with the existing neighborhood.
 5. Applicant shall improve house alignments on Lots 617, 618, 619.
 6. Applicant to comply with the landscaping plan approved by the Conservation Board.
 7. 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.
 8. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
 9. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
 10. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
 11. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 12. 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.
 13. Building permits shall not be issued prior to applicant complying with all conditions.
 14. Application is subject to all required permits, inspections, and code compliance regulations.
 15. Subject to approval by the Town Fire Marshal.
6. Application of Bell Atlantic of Rochester, LP, 175 Calkins Road, Rochester, New York 14623, property owner: Esbam Properties, LLC; for Special Use Permit to erect a telecommunications tower at property located at 63 King Road in LI zone.

DICK SCHICKLER: Chairman, I'm going to excuse myself because I work for Verizon.
PAUL WANZENRIED: You are so recused.

Tom Greiner was present to represent the application.

PAUL WANZENRIED: Before you speak, there is nothing wrong with me piggy-backing it, is there?

MICHAEL JONES: Not at all as long as we verbally say what you're doing.

PAUL WANZENRIED: Remind me if I don't.

MICHAEL JONES: I will.

7. Application of Bell Atlantic of Rochester LP, 175 Calkins Road, Rochester, New York 14623, property owner: Esbam Properties, LLC; for preliminary site plan approval to erect a 145' high telecommunications tower at property located at 63 King Road in LI zone.

PAUL WANZENRIED: They have paid preliminary and final.

MR. GREINER: Good evening.

PAUL WANZENRIED: Thank you.

MR. GREINER: My is Tom Greiner, attorney at Nixon Peabody located at Clinton Square in Rochester, on behalf of Verizon Wireless, and with me tonight is Brian Murray from Costich Engineering, the firm for Verizon; as well as Terri Burkholder from Airosmith, the site acquisition consultant for Verizon Wireless. And next to her, my colleague, Erin Kansy, who has worked with me on this application.

And thank you very much for your time tonight.

As the Chair said, we're here for -- in connection with a 145 foot monopole with a 4 foot lighting rod for site plan and special permit under the Chili telecom ordinance.

I have put two boards up on the easel, and you have seen the one on the left and part of the one on the right. So if I could jump right into the actual wireless issue here, and after that, we'll talk about the site and the site plan if that is okay.

But just to give the Board an idea, on the left-hand board -- I'm sorry, they're kind of

curved. I don't know what happened to them. But on the upper -- what we call propagation.

In a propagation -- and I know some members of the Board have been here a long time, have seen me and seen a lot of these applications. Not sure about other members. So bear with me or cut me off if I'm going too long on this.

But the propagations are basically a tool that Verizon and other wireless companies have developed over decades and what they do is you can take a longitude and elevation. They have programs that will then predict their coverage at certain signal strength. And that's, in fact, what these are. So, for example, if you look at that, you will see the West Chili site, the location latitude and longitude and they plugged in the existing coverage from the surrounding sites, which I know the Board is familiar, some of them at least, one is at the old Town Hall. We call it the Chili site.

One is Stony Point, right near the border of Ogden and Chili.

One is the Coldwater site to the northeast.

And one is called the Riga site and that was actually one of the first sites in the entire system in Monroe County that Verizon did back when it was Rochester Tel Mobile and that's to the southwest.

So the propagation shows existing coverage. What you see is the white areas are areas that show less than the signal strength that Verizon is trying to achieve in the area. The blue, or purple, um, has achieved the negative 95 DBM. That is the measure of signal strength.

That has created a lot of issues. And the -- the exhibit where we talk about that, um, the most, is Exhibit F. It is the RF, the radio frequency report put together by Verizon's RF engineer, Peter Franz. And basically what he says in there is we have a 3G system now, and if you watch television, all of the companies are bombarding you with commercials about 4G. 4G is what everybody is building. It's a different kind of technology. And what it is, with the explosion of data, especially, and with voice, the old traditional voice migrating to 4G, being treated and actually conveyed as data, what they're finding is the current system is inadequate.

So what is happening right now, and it's in Peter (Franz)'s report, um, is that those other sites I mentioned, the Riga, Chili, Coldwater and Stony Point, they are trying to serve the area around 490 Union Street and they're failing. And what happens is, the 3G technology would put -- signal strength from a further distance in fine, but what is happening is with 4G, that is interpreted by the technology as noise. It's actually creating a problem. It's creating a problem not only in this area but also in those four sites that are trying to serve this area from a distance.

And so the solution is to put a dominant site right here by 490 and Union, and actually take those other sites and do mechanical adjustments to them to actually shrink their coverage area a little bit in order to provide capacity in their areas and not moving signal that is actually interpreted as noise by the system into the target area. So that's a layperson -- that's my explanation.

Peter (Franz)'s explanation, I think, is a little more difficult to follow, but he's saying the same thing in his, um -- in his report.

So basically, that's the problem. There is no dominant server in the target area around 490 and Union Street. So there's no 4G adequate signal strength. And Number 2, these other sites are suffering, trying to cover the area.

So this site we're proposing will not only solve the problem in the immediate area, but will also help those other sites actually do a better job in their area. So it's a twofold purpose for this site. So the green down now -- taking you down to the bottom propagation there on the left, that is the propagation of the West Chili site at 141 foot center line, 145 foot pole. The antenna is 8 foot and so it's center lines at 141. That's the coverage that will be in effect if and when that site is built.

And then just rounding out the propagations, on the right, starting at the bottom, the yellow would be the coverage that you would get with a site at the telecom ordinance height of 35 feet, and then moving up to the orange is at 121 feet. Excuse me, 101 feet. And the page up at the top is at 121 feet. So we're showing just different heights, showing how they don't really serve the purpose. And that the -- which is why the engineers picked 141 foot center line, because that actually solves the RF issue.

So, again, you're familiar with cell sites. This cell site would have a monopole. It would have a 12 by 30 foot equipment shelter sheltered next to it, which would house all of the radios and equipment as well as a generator, backup generator. The generator, as you may know, is for emergencies. Won't come on for any extended period of time unless there is a real event that actually knocks out the electric.

And other than that, they usually fire these up like most generators at once a week, about 10 a.m. one day a week. Usually a weekday. In addition, there -- again, there is electric and telephone utilities coming in here, underground. The shelter is unmanned. It has one light, security light above it. The pole itself is also unlit.

And before I turn things over to Brian Murray, let me also just direct you to Exhibit E. Exhibit E is a site selection analysis put together by Airosmith and it talks about how they go about it. On page 2, there's the ideal search area or search ring. That aerial you can see our proposed site is Number 1 up at the top of the photograph. The FedEx is in the middle. And then there is a description of the other sites that were checked 2 through 8, and basically, put in there to let the Board know why site Number 1 was picked and why the other ones weren't.

Some of them work from an RF point of view, but the landlord was not interested and then most of the ones around there actually don't work. There is -- interestingly enough, there is a little bit of topography that comes into play, and that was one of the reasons why two of the sites

were rejected. They're just a little low and a little bit too far to the south, but it is actually -- there is a bit of a slope there and the Monroe County Water Authority sites were rejected really because at that location, you would actually have a -- believe it or not, a taller tower and we're trying to limit the height.

If you have been to the actual site, you know it's off of King Road and that there is an existing driveway which would be used and then improved. The electric telephone brought in. If you go to the actual site, you will see that -- I don't believe that site is -- obviously a monopole would be visible. But the actual ground installations, the fence, the equipment shelter and so forth are pretty well obscured by existing vegetation.

We did bring with us a plan to add additional vegetation around the perimeter of the compound. And we can show that to the Board.

Um, in addition, um, Brian (Murray) will -- has submitted a letter to the Board addressing the engineering comments.

We have heard back from County Planning. County Planning had no comment really except to advise that there are wetlands in the proximity as well as part of the stream, and those are substantially to the west of our site and would not have any impact one way or another with the site. So with that, why don't I turn this over to Brian (Murray) for a walkaround of the site as well as addressing engineering comments, and then after that, we're happy obviously to answer any questions. Or answer any questions right now if you would like before Brian (Murray).

PAUL WANZENRIED: Do you know the heights of the other towers? The ones that are --

MR. GREINER: Yeah. The Riga tower is over 200 feet. That's a lit tower. The one at the old Town Hall is -- I'm going to -- it's been a year since I looked at that one. That's somewhere 130 to 150, I think. And I could be -- checked on that. But it something like that. The Stony Point would be a bit higher than this one. And Coldwater, I'm not sure. I really wouldn't even hazard a guess at this point.

You will see in Peter (Franz)'s report, being Exhibit F, that even -- even raising those towers would -- if we even had the ability to raise the height of those towers would have nothing to do with this site. In fact, the issue is not that they can't reach this site. It is that reaching this area actually interferes. It is actually perceived by telephones in the area as interference. They're booming a bit. So this will create dominant signal in this targeted coverage area.

MR. MURRAY: We did receive a copy from Lu Engineers. As far as your comments go, I addressed them all in the letter for the most part. Um, pretty much they were concerned about screening the facility, and so we did take into consideration and we had a landscape architect go ahead and add some screening to the facility.

Um, the road starts at King and via an existing blacktop driveway, and then turns into gravel, and then we're proposing a -- what we call a concrete washout, concrete stone area for knocking off storm water and mud and stuff. Whether it's needed there, we went ahead, above and beyond that way. Existing gravel driveway all of the back to the compound. So realistically all we're doing is disturbing the footprint of the tower itself. The tower, as well as the 12 by 30 foot compound.

There is existing storm drainage on the site as well as a large gravel parking lot, as well, which looks like there was some hand-made ponds to the north. And then to the south there, like Tom (Greiner) was saying, there is existing wetlands but they're 6 to 700 feet from our -- from our property.

And as far as addressing some of the comments in regard to the silt fence, we can go ahead and throw a perimeter silt fence up around the work area. But again, this is an existing driveway. We did propose silt fence on the west side only because that's the way water sheds on that property, so we went ahead and added silt fence there, but again, it's an existing -- it's a stone road. We're just looking to provide minimum upgrades, fill in the potholes and support a crane. That's really as far as the site plan, very basic. Don't take much room.

MR. GREINER: By the way, we did -- this connection with the Town Engineer's comments, we did revise the EAF to just address the few comments and have copies -- I don't know if the Board would like them, but they really comply with -- strictly with the Town Engineer's comments about the -- about the EAF. Can I --

PAUL WANZENRIED: Certainly.

MR. GREINER: Just full copies of them again, even though there were just a few comments.

MICHAEL NYHAN: The photos that were provided with an estimation what the tower would look like from various points, how were those points selected?

MR. GREINER: If you look at that exhibit, and you see the -- in that exhibit, at the end of the photos, there is a view shed analysis sheet that looks like this (indicating) right at the end. So we looked at where the site was, and took -- tried to take points of interest. One, we -- we looked above King Road and just compass points.

MR. MURRAY: I actually took the photos myself along with Jim Lloyd from our office. What it is, we take three balloons and we hang three balloons at various heights. It gives us an alignment so we can go ahead and just use a little Pythagorean theorem and line up and get the tower right.

So we drove around for hours and clocked where we could see it and timed it and timed it and then we would stop and mark on the map where we could no longer see the balloons. The balloons are actually flying higher than what the tower is proposed. That is only for us so we could work where we couldn't see the balloon, but the bottom line of the center balloon

represents the bottom line of the antenna.

MICHAEL NYHAN: So the bottom balloon is the antenna array?

MR. MURRAY: Yes, the antenna array.

MR. GREINER: And sometimes -- I mean this is all just decades of experience by Costich. Um, we used to fly one balloon and if you couldn't see it, you're like, "Am I not seeing it or what is going on?"

So if you fly three balloons at different heights, you have better chance knowing where the balloon is and if you can't see the tower balloon, you know from a view shed point of view, you will not see the tower either, even if you can see the upper balloon.

MICHAEL NYHAN: So you drove around this entire perimeter on the roads?

MR. MURRAY: Correct.

MICHAEL NYHAN: Okay. But none of the views were from any of the backyards of the private areas?

MR. MURRAY: No, no, we don't trespass. No. It was all from roads.

MR. GREINER: But there were some taken from the area subdivision to the north.

MR. MURRAY: Within the --

MICHAEL NYHAN: Intersection?

MR. GREINER: Yes. Just not in their yards, not on their property.

MICHAEL NYHAN: Really trying get some perspective, the size of the antennas, the array. How big are they as far as the height of each one of those? There are 12?

MR. MURRAY: There is 12. Again, in the RF analysis --

MR. GREINER: Tallest are 8 feet. The tallest panels are 8 by 1 by 1 and then some smaller antennas, as well.

MICHAEL NYHAN: And you gave a listing of all your tower sites and the height of your tower sites, but there were multiple heights listed for each one, so I didn't know how to interpret that.

So what is the height of the Chili Center tower, just to get an idea, perspective of the antenna heights as well as the mast that they're mounted on? Is the one located in the Chili Center the old Town Hall? There is two. One at the fire hall -- I don't know which one is yours.

MR. GREINER: You know, it was like 1998 or so we did that. It -- as I said, it's somewhere between 130, 150. It's not higher than 150. I'm pretty sure of that, but it's somewhere within a stone's throw of 150.

MICHAEL NYHAN: Antenna sizes are the same.

MR. GREINER: Pretty much. The Verizon ones are still 8 feet there. And Cingular or what is now AT&T, theirs is about the same size and there it must be Sprint or Nextel used to be on that tower until Sprint took it over. They typically do 4 foot antennas and always have for some reason.

MICHAEL NYHAN: I saw your co-location letter in here, as well. Would AT&T or any other carriers have the same problem in this area as far as -- would they be looking to put an antenna, as well, or would they be permitted to use --

MR. GREINER: They would certainly be permitted to use our tower. I will say that over the years, the distances between antenna arrays has come down incredibly, given the filtering that they do. So, for example, years and years ago when we first started doing this, they were separated by 30 feet, so it actually made it difficult -- you would have to have a really tall tower to make it useful.

Now, it's a matter of just inches between the tip of one set of arrays, the one set of antennas and the tail, if I can, of the other. So it is almost just -- just below and so it's much more convenient to collocate on these. And you can imagine, they built these monopoles to really, um, create the possibility of multiple co-locators, so the foundation is built to do that, as well as the monopole itself.

MATT EMENS: I think it said like three additional.

MR. GREINER: Exactly. You know, these days, I think there are only -- there is probably only four carriers now. There is Verizon, Sprint, AT&T and T Mobile. That's about it. They have merged over the years.

MICHAEL NYHAN: You also mentioned the benefit to public safety. Is that benefit better cell coverage or would they be able to use this tower, as well?

MR. GREINER: Verizon -- again, I have been representing them since about 1985 and their legacy companies. They have always been very good about public safety antennas collocating on their poles. And I think it's no consideration. The -- typically Verizon will want to know if there is an interest by a public safety function just so when they're actually marshaling everything to build the site, they know about it ahead of time. Not to say that they wouldn't -- if it was two years from now, that wouldn't be a problem, but if there is -- but if there is any Town or municipal or County function that wants to go on it and they know it now, they just as soon know it now.

MICHAEL NYHAN: Thank you.

The pictures -- um, the antennas in the pictures, is it relative to the tree height? Is that fairly close to scale, that --

MR. MURRAY: Yes.

MICHAEL NYHAN: -- diameter of the array as well as the mast?

MR. MURRAY: Yes. With a special camera that we use, yes.

MICHAEL NYHAN: Will there be lighting on the tower?

MR. GREINER: No. No lighting on the tower at all, and they have done an aerospace

study for that.

And then for the equipment shelter, itself, as I said, there is one secured LED light above the door and that's all of the lighting at the site. By the way, just as an add-on to what Brian (Murray) was saying, um, when we do these sites in the Adirondack Park, a lot of times we'll do a site and they're probably the most jealous guardians of visual impact in the entire State.

Um, and what we'll do is we do the same kind of simulations. And then when it's built, they ask us to take pictures from those locations again, and so they can see the -- in a sense, the as-built because they continually check how good those simulations are and that is one of the ways they do it, so we can do it here, as well. Typically towns around here don't ask for that, but it's -- but it's actually -- it's a good feature to be able to gain some confidence in these simulations.

MATT EMENS: I would like to start by saying that this is a very impressive tabbed application with lots of detail. And I did actually go through the whole thing, which -- the only thing that's dangerous, I think, in providing all this information, it may cause me to ask questions that I may not have asked if I hadn't had as much detail.

So I would just like to go to Exhibit C. Your applicable legal standards. Obviously, as an attorney, you've prepared this. So my question is, is it -- is the applicable legal standard, is that like what we would also call a precedent study? In other words, you're showing something that there is an issue in another area --

MR. GREINER: No. That is a good question. It's a real good question. We started putting this exhibit in, actually right after this case, in 1993. And what it was, um, is before 1993, the question of wireless telephony, was it a public utility or not, was the open question. I worked on a case back in 1990 and 1991 that went to the Appellate Division that is cited in this exhibit -- or sometimes it is cited in this exhibit -- on page C2, Payne versus Taylor. That was the first Appellate Division case that was down in Chautauqua County outside of Jamestown. And that case was, I think, the first appellate case that said wireless -- they had to come to grips with it. It wasn't a land line. It wasn't electricity. It wasn't steam. It wasn't water, gas.

And so public utilities get a different standard in New York. They're treated like churches and schools. They're considered essential services, and I won't call it a relaxed standard, but it's a different standard. They don't have to show the usual -- like we're at the Zoning Board, needing a use variance. The typical use variance has certain criteria that Mike (Jones) knows about.

Um, for a wireless telephone installation you would never be able to satisfy that, Number 1.

But Number 2, because it's a public utility, it doesn't have to satisfy that. It satisfies the task that is actually in that exhibit. And so we put that exhibit in all of our applications to -- because it's important to view this as the public utility, and then in the next exhibit, we still try to show compliance with Town standards for special permits or area variances or site plan approval, that type of thing.

We don't ever try to show compliance with the usual use variance standards because we would never be able to comply with those. Like if we were a McDonald's in a residential district, you would be maybe tearing their hair out trying to show like the Zoning Board why we should get a use variance. It's very difficult. Public utilities have a different standard and that's what we try to show in that exhibit.

MATT EMENS: I think you mentioned, or one of you mentioned that you did receive the comments and started to address them from Lu Engineers?

MR. GREINER: From?

MATT EMENS: Lu Engineers.

MR. GREINER: Yes. In fact, I think we sent a letter in, I think, it was yesterday.

MR. MURRAY: Yes. Yesterday should have been response to comments.

JOHN NOWICKI: Did you?

Tom Greiner provided hard copies of that letter to the Board.

MR. GREINER: I was just informed that our comment letter came in at 3:30 today, or our response to comments.

JOHN HELLABY: Well, I guess I'm that guy that has been around for a while that you're referring to.

MR. GREINER: I didn't want to call you out by name, Al (Hellaby), but...

JOHN HELLABY: Your report, and again -- I understand all these things. I have been through this a million times. Your report referred to the co-location of the tower that was down on Union and Chili Avenue area, plus or minus. But there's no mention of the one over on Golden Road. Have you folks looked at that at all? The only reason I bring that up, as you know, 15 years ago, when Sprint marched through here, we thought we came up with a game plan that we could utilize co-location on all these towers and not have to keep plopping these things everywhere.

MR. GREINER: You're right. And that is certainly the case. Here's the thing, though. That -- I think the tower you're referring to, I don't think is anywhere close enough. I mean we're talking, now, Al (Hellaby), we're talking 1000 feet, 500 feet making a huge difference. And whereas, um -- yes, Sprint came through. They came through with six and seven applications at a time, as I recall. And the idea is -- there are a lot of co-location opportunities.

The issue is with the technology, that although those applications and the co-location, they come in all of the time -- we're -- we're doing co-location amendments all of the time to existing

sites -- um, but in areas that are outside the core of the City, we're still -- tomorrow night I will be in Perinton for a tower. It -- there is still the need for towers because of the technology.

JOHN HELLABY: Which I'm totally amazed because we're constantly barraged with new technology going away from poles entirely, but that is a separate discussion.

MR. GREINER: All I can say, the closer you are to the city core, probably the less need there is for new towers. There is co-location on roof tops. There's tall buildings. And out here, there aren't.

JOHN HELLABY: Being that you're working with your own grid system, do you envision other areas east of the area that you're working in now that will need additional towers, or will you be able to collocate on Crown Castle's?

MR. GREINER: I was going to say, if you look at what we have here, I think we have plugged the hole between our other sites. I mean, we're actually connecting those -- three or four of those sites by this site. There -- there's -- I would be surprised if we would ever need a tower, and you can -- I know Sandy (Hewlett) is writing this down -- between these sites. The technology that is going to be able to substitute -- will be what they call small cells and those can be on buildings, 20, 30 feet tall. Even on residential, to tell you the truth.

JOHN HELLABY: We'll get to the meat of this application, should it pass. I mean your ground lease is only what, 100 by 100?

MR. GREINER: Correct.

JOHN HELLABY: So technically, the balance of this flag lot could be utilized for something else; am I correct?

MR. GREINER: Correct.

JOHN HELLABY: All right. So the Board should keep that in mind.

Also, as far as safety aspects, the generator that you propose to use, natural gas, propane?

MR. GREINER: I think this one is diesel. It's a diesel generator.

JOHN HELLABY: Is the tank contained within the unit itself?

MR. MURRAY: Yes, it is within the building. The diesel generator itself is in the --

JOHN HELLABY: Double-walled?

MR. MURRAY: Absolutely. Double-walled.

JOHN HELLABY: All right. You know, as well as I do, unfortunately, these things end up as hangouts. And kids will go back in there. They will drink all night. They will throw beer bottles everywhere. I understand that a lot of the onus falls back on the property owner to secure these areas, but I would strongly suggest that this Board recommend that there be some sort of gate up at the head of the property there where you will put the stabilized construction in.

MR. MURRAY: Absolutely. Absolutely.

JOHN HELLABY: Also, but the gate -- the gate doesn't do it alone. You need to construct something off to each side, whether it's to the brush, so they can't drive around that. That goes on constantly.

MR. MURRAY: Yeah. No. I --

JOHN HELLABY: As long as it is taken care of up front, and most kids won't drive into the brush or a ravine type situation. That will alleviate --

MR. MURRAY: Few jersey barriers.

JOHN HELLABY: Doesn't have to go to that extent, because you want it be kind of low key, but keep that in the back of your mind.

MR. GREINER: Okay.

JOHN NOWICKI: Mike (Hanscom) -- I have a question for Mike (Hanscom).

Did you get a copy of the letter from them in regard to your comments?

MICHAEL HANSCOM: Yes, I did.

JOHN NOWICKI: You have?

MICHAEL HANSCOM: Uh-huh.

JOHN NOWICKI: Have you -- have -- do you feel comfortable they have addressed each of your issues?

MICHAEL HANSCOM: Um, they addressed all of the comments except for -- under the Special Use Permit comment, number 12, they did not reply to that comment.

JOHN NOWICKI: Okay. Are you satisfied with their comments with regards to the landscaping, because the -- the Conservation Board has addressed their comment, says, "Regarding the application, the applicant did not provide any detailed landscaping plans. As with past construction of communication towers in the Town of Chili, Conservation Board would like to see a guaranteed maintenance plan for the property. In lieu of a landscaping effort, the 1 percent cost of the project may be donated to the Town of Chili Tree Fund.

Have we seen any landscaping plans at all?

MR. GREINER: It is showing on the revised site plan. I don't have a lot of these, but we're showing some typical plantings around the compound.

JOHN NOWICKI: Is this going to be for our Board?

MR. GREINER: Yes. Yes. Again, if you -- if you go into that site, um, it's really -- it's kind of invisible from outside the site, let's put it that way. But we're happy to put in the landscaping.

JOHN NOWICKI: What about the -- what about the comment here about the -- we would like to see a guaranteed maintenance plan for the property?

MR. GREINER: Um, what would that consist of?

JOHN NOWICKI: I don't know.

DAVID CROSS: Maintenance for the landscaping.

MR. GREINER: We would certainly do that. And also the -- the comment that we didn't respond to, number 12, is that on the removal?

PAUL WANZENRIED: Decommissioning, I believe it is.

DAVID LINDSAY: Mr. Chairman, to tie this all together, too, in Section 500-114 of the code, for telecommunication towers, it talks about security for maintenance and removal, that the applicant would be required to comply with. Basically it stipulates they have to come up with -- provide us with an estimate that covers the maintenance cost and the removal costs and provide a letter of credit to the Town that covers that.

MICHAEL JONES: That should be a condition.

PAUL WANZENRIED: That was -- excuse me.

MR. GREINER: Sorry.

PAUL WANZENRIED: That was 500-14?

DAVID LINDSAY: 500-114.

PAUL WANZENRIED: 114. Thank you.

MR. GREINER: We actually have a letter from Verizon to that effect, as well, agreeing to a removal bond.

PAUL WANZENRIED: Is there a time limit, Mr. Lindsay, on that, in that section?

DAVID LINDSAY: I think they match the time limit, but the letter is silent on agreeing to any sort of letter of credit so we request a condition be placed on approval requiring them to post the letter of credit to cover the maintenance and the removal cost.

MR. GREINER: We're happy to do that.

What we have typically done by the way for that, and I don't know how you want -- how you would want that to happen, but we would have Costich put together an itemized list what it would cost to remove it and usually I just suggest to double it for inflation or --

DAVID LINDSAY: That would suffice. Generally your engineer will provide an estimate, provide to it the Town, the Town Engineer will take a look at it, review it and then it has to be passed by Town Board resolution to approve it and the maintenance, as well.

MR. GREINER: Right.

JOHN NOWICKI: That's all.

DAVID CROSS: Um, as part of your site selection analysis, I'm just curious why you didn't look at the Monroe County Water Authority, the tank in North Chili at the end of what is it, Keith Drive or Keith Terrace? Are you familiar with that property?

MR. GREINER: The only Monroe County Water Authority properties that are listed that -- that the site acquisition company looked at were the two by Paul Road.

DAVID CROSS: I understand that, but within a mile, mile and a quarter, which is even closer, I think Al (Hellaby) brought up the Golden Road tower was -- looks like that is about two miles away.

MR. GREINER: Right.

DAVID CROSS: Mile and a quarter you have a high water tank.

MR. GREINER: That's a problem. Mile and a quarter -- that is what I was saying before. These things are getting sensitive enough that that would be too far away.

DAVID CROSS: We have to do the due diligence to make sure you have it in the right place. You haven't covered it in your site selection analysis.

MR. GREINER: I think because it's too far away. The other sites we looked at are closer than a mile, mile and a quarter.

DAVID CROSS: You think?

MR. GREINER: No, I'm certain they are.

DAVID CROSS: That should be documented in your report, though. That's all I'm asking.

MR. GREINER: I think if you look at Exhibit E, um, you will see the actual -- all --

DAVID CROSS: You have Chili Fire Department listed 3550 -- oh, 3550 Union Street. That's -- you know, that's about a mile away. Okay? So I'm only talking -- this is an extra quarter mile, up extra 100 feet in the air.

Right?

MR. MURRAY: I'm not familiar with that site.

MR. GREINER: I was just going to say I can't really comment on that.

PAUL BLOSER: Go in North Chili. You can't miss it.

MR. MURRAY: Must be too far outside the range. It's all generated on the RF search ring, so if that falls outside --

MR. GREINER: That's why they have a search ring, because that's where they're focusing. We can look at that, but --

DAVID CROSS: I understand. I would appreciate it if you did look at it. Just to make sure we're covering our bases here.

JOHN HELLABY: Can I jump in here to expand on that?

DAVID CROSS: Yes.

JOHN HELLABY: The area you're trying to capture, Tom (Greiner), is it 490? Because I can't envision the rest of the general population out there sustaining this investment.

MR. GREINER: 490 and Union.

JOHN HELLABY: Basically the further north you pull this thing, the further the circle will be pulled away from 490?

MR. GREINER: Exactly. That is really why we're not looking to the north.

JOHN HELLABY: That's all.

MR. GREINER: We can look at the water tank, but again, what we're trying to cover is

Union at 490.

DAVID CROSS: I understand.

MR. GREINER: We can check the box, though.

DAVID CROSS: Please. Please do. Al (Hellaby) brought up a good point about a gate, a security gate so we would like to see that.

And I would like the condition post-construction photo simulations. Mike (Nyhan) brought up a good point.

Oh, and the microwave dishes, the 8 foot diameter microwave dishes, they're not being showed as -- well, proposed in the future. They're probably the ugliest part about this thing.

MR. MURRAY: To be honest, they won't stay. What happens is sometimes for them to activate them quickly, to activate the towers, they have to microwave it, but there is fiber on this site --

DAVID CROSS: Can we take them off the application? Please don't show them.

MR. MURRAY: We'll have to have the RF, but --

MR. GREINER: Pretty sure we can. But we'll have to check with the RF.

DAVID CROSS: That's all I have.

PAUL WANZENRIED: What do you call them?

DAVID CROSS: Microwave dishes.

PAUL BLOSER: I was going to bring up the security gates. I was concerned about that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DON VOGLER, 1250 Paul Road

MR. VOGLER: I have property adjoining this site. I just wondered why you didn't push it back down against the junkyard?

MS. BURKHOLDER: Environmental concerns.

MR. GREINER: Verizon, if it can, tries to stay away from junk yards because they have a really, really strict environmental policy and it's difficult for them to see themselves putting things near junk yards.

MR. VOGLER: What about this area here (indicating)? Or move this back this way (indicating)? That's all.

MR. GREINER: I can only -- I didn't place the site. I can only guess they don't want to interfere with the parking lot that is there.

MR. VOGLER: Okay. Thank you.

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

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

MICHAEL NYHAN: One additional question, if I could.

PAUL WANZENRIED: Certainly. Go ahead.

MICHAEL NYHAN: Adequate turnaround, near the base of the facility, will be an L-shaped turnaround, but on the drawing, it shows it will be a chain-link fence that blocks off the L of the shape, if you will.

MR. MURRAY: No. If you look here, it doesn't. Here is the chain-link fence here (indicating). Here is the L (indicating). We're leaving that for future expansion. That is where the landscaping is. There is a 20 foot wide driveway. You might be seeing the lease line.

MICHAEL NYHAN: Fence is up against the building?

MR. MURRAY: Up right against the building.

MICHAEL NYHAN: All of the paved area open for traffic?

MR. MURRAY: Yes.

MICHAEL NYHAN: Thank you. That was it.

PAUL WANZENRIED: Was this reviewed by the Fire Marshal? I see he has no comments.

DAVID LINDSAY: Yes.

JOHN HELLABY: All these folks are pretty thorough in their investigation.

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

PAUL WANZENRIED: To the conditions.

Applicant shall provide a gate at the entrance along with brush or ravine or entry deterrent -- I like that one. Entry deterrent to each side of the gate at the entrance.

Applicant shall comply with 500-114 and post a letter of credit with the Town of Chili.

Applicant shall check the water tower site in North Chili. Or review the North Chili water tower. For possible usage.

DAVID CROSS: Co-location.

PAUL WANZENRIED: Co-location. Thank you.

Post-construction photos to be provided.

DAVID CROSS: Photo simulations.

PAUL WANZENRIED: Photo simulations.

And remove microwave dishes on the application.

Everyone all right with that?

Based on those conditions, we are going to vote for the Special Use Permit to erect a telecommunications tower at the property. That's application Number 6.

DECISION ON APPLICATION #6: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant shall furnish a gate at the entrance to the property along with an entry deterrent to each side of gated entry. Subject to Commissioner of Public Works approval.
2. Applicant shall comply with Section 500-114 of the Town of Chili Zoning Code, and as such provide a letter of credit to the town of Chili. Subject to the approval of the Commissioner of Public Works.
3. Applicant shall revisit and review the North Chili Water tower for possible tower co-location.
4. Applicant shall provide post construction photo simulations.
5. Applicant shall remove all microwave dishes from application and installation on or to the Tower.
6. Applicant to provide Town a guaranteed maintenance plan for landscaping.
7. Applicant to comply with the landscaping plan approved by the Conservation Board.
8. 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 installed in substantial conformance with the approved landscape plan.
9. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
10. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
11. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
12. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
13. 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.
14. Building permits shall not be issued prior to applicant complying with all conditions.
15. Application is subject to all required permits, inspections, and code compliance regulations.
16. Pending approval of the Zoning Board of Appeals of all required variances.
17. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
18. Subject to approval by the Town Fire Marshal.

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

PAUL WANZENRIED: Remember they did pay for final site plan approval. That would be for preliminary site plan approval to erect the 145 foot high telecommunications tower at the property.

JOHN NOWICKI: Waiving final?

PAUL WANZENRIED: Do you want to waive final?

JOHN NOWICKI: I suggest it.

JOHN HELLABY: I suggest it.

DAVID CROSS: We still have all our conditions.

PAUL WANZENRIED: Based on the conditions previously stated, we will waive final.

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

1. Applicant shall furnish a gate at the entrance to the property along with an entry deterrent to each side of gated entry. Subject to Commissioner of Public Works approval.
2. Applicant shall comply with Section 500-114 of the Town of Chili Zoning Code, and as such provide a letter of credit to the town of Chili. Subject to the approval of the Commissioner of Public Works.
3. Applicant shall revisit and review the North Chili Water tower for possible tower co-location.
4. Applicant shall provide post construction photo simulations.
5. Applicant shall remove all microwave dishes from application and installation on or to the Tower.
6. Applicant to provide Town a guaranteed maintenance plan for landscaping.
7. Applicant to comply with the landscaping plan approved by the Conservation Board.
8. 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 installed in substantial conformance with the approved landscape plan.
9. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
10. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
11. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
12. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
13. 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.
14. Building permits shall not be issued prior to applicant complying with all conditions.
15. Application is subject to all required permits, inspections, and code compliance regulations.
16. Pending approval of the Zoning Board of Appeals of all required variances.
17. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
18. Subject to approval by the Town Fire Marshal.

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

8. Application of Wegmans Food Markets, owner; P.O. Box 30844, Rochester, New York 14692 for preliminary site plan approval to erect a 2400 sq.ft. addition to security building at property located at 249 Fisher Road in GI zone.

Art Pires was present to represent the application.

PAUL WANZENRIED: Please note, they, too, have paid for final.

JOHN HELLABY: Mr. Chairman, I ask to be recused from this application as I'm employed by Wegmans.

PAUL WANZENRIED: You are so recused, Mr. Hellaby.

MR. PIRES: Good evening, Mr. Chair, members of the Board. I'm Art Pires with Wegmans Food Markets. I apologize in advance. I'm at the tail end of a cold. I promise I won't give you anything, but I might have to clear my throat along the way here.

Before we begin, I have a -- basically a number of exhibits which mimic what we have up on the board. I will have enough for the Board and I think two for staff. What I will do is walk through the exhibits quickly and then make the introduction of the application, if I might.

I believe the sound is good enough I could probably walk over.

Right, Sandy (Hewlett)?

At some point. Very simply, we're here for the sake of seeking application for approval of a 2400 square foot addition to our existing office building in the center of our parcel off to the upper left of the three exhibits I have there and the Board has that. You will have the site plan, you will have the aerial, which includes a perspective from the internal Jetview Drive/Market Street driveway which I will speak to more specifically in a minute. Also incorporated in the aerial is the existing building, which is actually the north side, which you see immediately and then to the left of that building photo is the eastern side of the building.

Last but not least, the third exhibit up on the board reflects one of the exhibits you already have, the national wetlands inventory and I will point out where our building is relative. But in essence, it's the center of the site, and we have federal wetlands noted, approximately 1200 lineal foot from our project. So that is not impacting us at all.

Once again, a little clearer location here. Um, typically we have north up. That's not the case here. Right here we have Chili Avenue. Running in this direction (indicating). This is the Jetview Drive extension, shown along here (indicating). This is the Market Street, which intersects Chili Avenue. So again, perspective A, if we're standing at the intersection of Jetview Drive and Market Street, you can see -- barley see -- you can see my red ellipse, if you will, but you can barely make any sense of that. There is the existing office building there, Security Office building.

And B perspective here again, is along one of our internal driveways, D. Looking to the southwest, if you will, you can see the front of the building at this location, and on this larger exhibit, it is in the yellow. That's the small addition to the existing building we have here.

Um, federal wetlands -- and it's the last exhibit -- well, here again, the yellow denotes the existing office building here in the center of the overall complex. Here again, Chili Avenue, Jetview Drive extension. Market Street, we're -- for all practical purposes in the center of the complex. The darker green at the bottom, south is approximately -- once again, from the existing building to the tip of the northern end of the wetlands is approximately 1200 lineal foot. That is just from the mapping. That is current on their website. The project itself here again is the existing lighter beige. The larger is 2400 square feet, single story, block building mimicking what you have today will be an addition.

As far as landscaping, we have submitted to the Board and appeared before the Conservation Board on June 1st and received approval -- a recommendation for approval and I believe that the drawings have been stamped, that being the landscape drawings have been stamped by the Chair. Staff will, I'm sure, advise on that in a second.

We're showing one, two, three, four -- five landscaping, the trees, deciduous trees which are well above the estimated cost of 1 percent of the building construction.

As far as lighting on the project, we have existing -- on the north side we have existing lights that will not -- will be upgrading this type of light, but we will have on the north end of the light, um, of the building, we'll have them over the exits on the north and then the east side here (indicating), just security, and they will be dark sky compliant, blends being parallel to the ground and here again for security lighting only.

As far as site improvements, very nominal at best. Looking at-- back at the site, you can see we're along the private driveway. We have a lawn area here with the patio in front. The intent is to build out the building once again, add and replace that patio with a new one still at the north end.

We will be taking the existing drainage in front of the building which runs parallel with the roadway and enclosing it in a storm system with a couple inlets and that shows on utility plans. That is the extent, the breath and scope of the site improvements.

Once again, the nominal sewer installation. And with inlets, the one, two, three, four, five trees, that's it.

No other proposed site improvements here and the building, once again, straightforward, single block. Approximately 15 foot to the top of block and then to the top of the pyramid is 16 foot, very low profile.

As far as review comments, I can walk through Lu Engineers' comments, their letter of June 1st. I can simply state that we have incorporated all -- or addressed all their comments either by clarification such as one of our plans, we stated it was a 2500 square foot addition. It is 2400. The plans have been reflected to note that. We have added requisite notes. We have clarified and added details.

Should the Board like, I can walk point by point or suffice it to say we have addressed all

those in the updated plans.

As far as Monroe County Department of Planning and Development, um, I can walk through those very quickly.

Um, Number 1, I -- I already addressed the national wetlands inventory map that we're well beyond the 100 natural foot buffer -- natural buffer.

Number 2, as far as New York DEC quote/unquote, according to New York State DEC, it appears a portion of the stream is located on the subject property. There is certainly no streams within this portion of the development. Now, you will look on their website for any kind of mapping and it's quite frankly very archaic. That actually shows a stream going through the adjacent residential neighborhood and onto our property. So point being, is there is no stream. Certainly not within anywhere's of this -- if anything, at the southern end, south of our property, there was some streams in that location.

As far as the DRC, um, Number 1, if the map -- for the final project are going to be filed in the County, the monumentation must be checked by survey. Here again, that's Monroe County DOT. We're not affecting any monumentation number.

The following agencies reviewed this project and have no comment, that being the Health Department.

Last but not least, the project was not sent to the following agencies. That being the State Environmental Conservation and State DOT. The application should verify with these agencies that they do not have jurisdictional requirements.

I have to say I have not -- since we just received this review comment letter from the County Planning and Development today, June 9th, late in the day, we have not contacted them. However, and it's pretty straight forward, that State D -- that Environmental Conservation would have no jurisdiction in addition that we're expanding in our lawn area, a very small amount.

And certainly not State D.O.T. because we're -- once again, we're within our complex off of a private driveway. Well -- hundreds of feet, if not thousands of feet from Chili Avenue.

With that, I would be glad to address any questions, comments that the Board or staff might have.

PAUL WANZENRIED: This is an expansion that you will increase personnel?

MR. PIRES: We might be coupled.

The -- it is actually outgrown at the facility as far as the number of people in existing space. So it's more -- just giving a little more breathing room, a little more efficiencies for our operations.

PAUL WANZENRIED: So you will not increase -- there is no need to increase your parking?

MR. PIRES: That's correct.

MICHAEL NYHAN: On the drawing, it shows the stop sign and the stop line for the existing traffic coming from the warehouse. On the -- that would be the west side of the building, over here (indicating)?

MR. PIRES: Over here (indicating). Yep.

MICHAEL NYHAN: That shows behind the building, the two-story building, correct? Does that interfere with the line of sight for traffic when they're pulling out onto the roadway?

MR. PIRES: So your direction -- so this is where the trailers come into the compound, right here (indicating). Probably exiting here (indicating). This line of sight (indicating), is this the question?

MICHAEL NYHAN: Correct.

MR. PIRES: The answer would be no. Trucks coming. North is here (indicating). Say to the northwest, leaving the site. There is no issue for those that are leaving as they stop here (indicating). You can see here, it's very clear.

MICHAEL NYHAN: So the view -- it only has -- the view is looking beyond the exit at the other parking lot on the road. You have a clear line of sight from where the stop sign is to the roadway. Clear line of sight from the stop sign to that location?

MR. PIRES: Yes.

MICHAEL NYHAN: Outside patio area I'm assuming is the same use --

MR. PIRES: Just staff.

MICHAEL NYHAN: Any protection from that area from vehicle traffic?

MR. PIRES: No, I mean we have tractor-trailers coming very slow, well monitored. This is our security building. All our truck trailer drivers, as well as any of our vendors know, it is a very slow speed in which they're approaching the compound.

But in answer to your question specifically, there is no protection provided for that, and there is no concern, as there has never been an incident to date where its current location is.

MICHAEL NYHAN: And it appears from the elevations the height, building materials are all identical --

MR. PIRES: Correct.

MICHAEL NYHAN: -- to the existing building?

The styles -- in fact, it looks like you're using the existing windows? The north side, using existing windows.

MR. PIRES: I don't know. It will be similar. Definitely match -- the scheme matches exactly.

PAUL WANZENRIED: Could you speak up a little, Art (Pires)?

MR. PIRES: Yes.

MATT EMENS: I'm looking at CA 120, Sheet 45. Is that radius of that turn Mike

(Hanscom) was asking about, that is just going to be left as compacted crusher run?

MR. PIRES: Um, along the roadway?

MATT EMENS: Yes.

MR. PIRES: Yes. Crushed stone.

Crusher run, correct?

MATT EMENS: The reason for that is the drainage?

MR. PIRES: It is just to facilitate sheet draining coming off the roadway. Driveway D, just sheet drains into that.

Then we're going to have the end section there at the west end and then we'll have the inlet midpoint and another inlet at the eastern end of that. Just helping facilitate drainage that is always there and enclosing it in the storm system.

JOHN NOWICKI: I see you got Conservation Board approval already. So you're all set on the landscaping.

MR. PIRES: Thank you.

JOHN NOWICKI: Nice to see you, Art (Pires).

MR. PIRES: You also.

If I might, in closing, if we could ask preliminary and waive final if that's a possibility.

PAUL WANZENRIED: Yes. Duly noted.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

PAUL WANZENRIED: Any conditions other than our standard Board conditions?

Is it necessary that I read those into --

MICHAEL JONES: No.

PAUL WANZENRIED: Great.

JOHN NOWICKI: Waive final.

PAUL WANZENRIED: Great.

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

1. Applicant to comply with the landscaping plan approved by the Conservation Board.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
7. 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.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Subject to approval by the Town Fire Marshal.

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

FOR DISCUSSION:

1. Angelo Licciardello -- proposed eight-lot subdivision at property located at 3513 Union Street in GI zone.

John Clark and Angelo Licciardello were present to represent the application.

MR. CLARKE: Good evening, John Clarke with DDS Engineers. Here tonight on behalf of Mr. Angelo Licciardello. The project or the property that Mr. Licciardello owns is located at 3513 Union Street. That is on the west side of Union Street. It's directly across from Boon Drive, from the FedEx and Boon & Sons' development. In fact, our proposed roadway will line up directly across from there -- their driveway.

So the property is approximately 21.3 acres zoned General Industrial, and the thought that Mr. Licciardello is having is to have an 8-lot subdivision that would be 8 to 12 new buildings, depending on how these end up getting developed. Certainly we're here for informal discussion and we're looking for as much input from the Board as we can get at this point, but the thought would be to put in some new buildings that would adhere to the General Industrial zoning requirements. So we're thinking about a 1300 foot cul-de-sac roadway that would be Town-dedicated, public utilities come from Union Street, sanitary is available, water is available. All of the electric and gas and everything we need is available right at roadway.

Um, we would be required to adhere to all of the New York State DEC storm water regular drainage regulations. There are some wetlands on the property. In the center of the property, um, there have been -- there is some wetlands. They -- they narrow down. They neck down where we would propose to cross them. We're trying to avoid as many permits as possible. There is going to be some disturbance there, so we will have to work with New York State DEC to make sure that we get those taken care of. But we understand that is going to be part of this project, so we'll have to get those permits. But the drainage from the site all kind of works its way from south to north and toward the center of the property, but we feel that through construction and -- methods we can get the site to balance. There may need to be some fill brought in, but we haven't completely determined all that yet. But we feel we'll be pretty close to a balance.

Um, area variances. As we have gone through our zoning analysis, we haven't identified many, but we did identify one, and we did have a PRD meeting with the Town staff and it was relayed to us that there -- that we would be looking to have to get a variance for this. But it is the buffer that's between the residential property that is to the south, and this General Industrial property.

Now, our original thinking was -- this is where the railroad track is, and then there is about a 90 foot right-of-way there. We thought naturally the zoning line would be on this southern property line of the railroad, but according to the mapping that we have seen, the residential zoning actually goes -- it includes the railroad and goes to what is my client's southern property line. So we're going to have to be required to provide 100-foot buffer between that railroad edge and our property. So it seems a little backwards there, but it is what it is.

I understand there has been other -- other developments that have had to adhere to that, so we understand we'll have to go to the ZBA and get that worked out. Because as of right now, we do have some parking in Lots 5 and 7 that would encroach on that, and Lot 8 has a portion of the building and parking that would encroach there, as well.

So we feel there is some justifiable reasoning as to why we may gain that variance, so we would be looking to go to the next available Zoning Board to move forward with this -- the project.

Um, that, in a nutshell, is pretty much everything that we're looking at at this point. And we really do appreciate the opportunity to come in front of the Board tonight to discuss this and try to vet out some things that maybe we haven't picked up on or some things that you think may be obstacles or stumbling blocks as we move forward. Glad to answer any questions you have.

MICHAEL NYHAN: Comments from the Conservation Board relative to the wetlands?

MR. CLARKE: I have not seen the comments.

MICHAEL NYHAN: There was a comment. Concerns relative to the wetlands in this particular complex.

MR. CLARKE: Yes.

MICHAEL NYHAN: Several, the main roadway, the driveways, over the top or through. How do you plan on mitigating that?

MR. CLARKE: Well, we'll have to work with the DEC to see how we can mitigate that. You can disturb up to .1 acres. We'll certainly exceed that. I don't know by how much. We're really trying to minimize that.

Again, you're looking at a conceptual plan. We may have to tighten things up a bit to try and avoid those wetlands as much as possible. If we can -- we feel the design needs to encroach in certain areas, we'll work with them to determine what the mitigation values are. We may have to put back additional wetlands and if we need to find room to do that, we'll have to find room to do that. We understand the wetlands are going to be a challenge, but we think we can work with the DEC to get through those.

MICHAEL NYHAN: Any street lighting on the main road?

MR. CLARKE: At this point we haven't talked much about that street lighting. The Town -- we would like to have the Town take ownership of that in the future. If the Town requires lighting to be on that road, we would certainly entertain it. And as it is a private road, I guess it would depend on the tenants. As people are coming in there, if he has a couple good tenants there and there is an opportunity for C trick or B trick nightshifts, it would be in our best interest to put lighting there.

PAUL WANZENRIED: Will you sell off the individual lots?

MR. CLARKE: Selling off the lots or interested in leasing them?

MR. LICCIARDELLO: Probably leasing them.

MR. CLARKE: Mr. Angelo Licciardello, the owner of the property and his son, Angelo, is here this evening, as well.

Informal discussion, I think it would be good to get their input, as well.

PAUL WANZENRIED: Why storage buildings? That's something they want to put up? Is that something that Mr. Licciardello wants to put up.

MR. CLARKE: I believe he has been approached by someone who has potential interest for those type of storage facilities up.

JOHN NOWICKI: Are we open for discussion here?

PAUL WANZENRIED: That's what it is, discussion.

JOHN NOWICKI: Are you going down the row or is it freewheeling?

JOHN HELLABY: Freewheeling, baby.

PAUL WANZENRIED: Sorry, John (Nowicki). I will maintain order.

MICHAEL NYHAN: Just the area, can't see much beyond past Union Street, but it is very thickly wooded and treed along Union Street.

Are you attempting to keep as much vegetation and trees in that area as much as possible without disturbing? I don't know what it looks like in the back area. I can't see it from the roadway.

MR. CLARKE: Yes. I believe there would be an attempt to keep as much -- there is always an attempt to keep as much as you can. Certainly sight distance out on -- for turning movements out onto the roadway will dictate some of that removal and potential tenant and the exposure that they're looking for could impact the amount of clearing that it gets on there, as well.

MICHAEL NYHAN: I also thought the first time they came in there was a provision where 3535 Union was going to be connected to the lateral sewer so there was no need for the -- for the septic easement. Is -- has that changed? I see it is on here.

MR. CLARKE: I believe that their intent is to eventually tie into the sewer. I think as of right now, because the subdivision has been done, that -- that hasn't -- they haven't actually connected yet, but I think they are intending to. I can't speak exactly to that, but we are providing that easement that is there, so they can operate currently. But I don't know what their -- their eventual plan is.

Angelo (Licciardello), do you know if there is any --

MR. LICCIARDELLO: Yes. Once the sewer gets brought in, they will connect.

MR. CLARKE: They will connect to your sewer was the agreement?

MR. LICCIARDELLO: Yes.

MR. CLARKE: We're proposing to connect with gravity sewer across the street. The sewer on the west side of the road is just too shallow to be able to gravity sewer from the back of the property, so we would need to connect across the road. This is a proposed 10-inch sanitary line.

So once this line is in this, they will connect their buildings through what would be a future easement. It would be an easement to the line that runs through our property. And that would all have to be shown on the plans obviously, that -- that proposed easement.

MICHAEL NYHAN: Thank you.

MATT EMENS: So all -- just one-story buildings?

MR. LICCIARDELLO: Yes.

MATT EMENS: And looking -- I guess I'm just looking at the sanitary -- I was wondering, I see that you're coming across the area.

You're just doing a straight line across. I'm just wondering if there is a way to bring that around to maybe get one of these buildings up closer to the parking.

MR. CLARKE: Front building closer to the road?

MATT EMENS: Just wondering. I don't want the storage buildings up front, but you might want to prevent the parking here and instead of a parking lot and people see a building 600 feet back.

MR. CLARKE: The difficult part of that and we did look at that, was the side setbacks, the rear setbacks. We would have --

MATT EMENS: Because the lot line is there.

MR. CLARKE: Yes. So it kind of prohibited putting a building up there. And the sewer being skewed across the lot was really just to get it as deep as we can. Coming from quite a ways back and having to get underneath the wetland we needed as much space as we could get so as we moved further up the sewer line, we were able to get deeper.

MATT EMENS: Got you. You're pretty tight there. You would be in trouble. You said that most likely they would be owned by you but leased to other companies or owned by and leased to other companies.

So at this point in time, would you spec build any of these, or is this literally going to be

on -- I mean you will phase this out, you know, and -- I mean, do you have any solid plans yet?

MR. LICCIARDELLO: No. I wouldn't spec it. Just -- just wait and hope for the tenant to come along. I wouldn't rule out selling a lot. If it made sense.

JOHN HELLABY: You got to assume somebody has a pretty good business plan and has some prospective clients lined up.

The other reason I ask this, others have tried this. The one that comes to mind is end of Paul Road down by the end of the airport. It still looks like an awful vacant piece of property. It's an awful big bite to take to find out you can't get somebody to move into these things. So I would trust you had a business plan in hand.

Manufacturing, storage, I guess you got to keep in mind, I don't see any truck traffic entrance, loading docks. All these things come into play in these type buildings. And personally, I can't speak for the rest of the Board, I am not real crazy with all these staggered entrances in and out of this thing. Especially if you have FedEx, UPS delivering to all of the buildings, turning in, turning out -- turning in, I think it should be lined up wherever possible like the far one and the beginning one so you haven't got all those intermittent ones stuck there like that. You might be able to combine the lots, the parking agreements with some sort of, you know, cross-access easements or something, as well.

The only other thing that comes to mind is usually in a setting like this, it is nice to have like a picnic area, people want to take lunch or something. I don't see any provisions made for anything like that. Just keep that in the back of your mind. Only thing I got right now.

JOHN NOWICKI: Other than the very big concerns we have over the wetlands, um, I would bring up the fact that one of the major things that should be done in this case would be a traffic study that would include State and local officials and bring it to the fact that it is going to impact the Chili Avenue/Ballantyne Corridor Study area again. So I think that's a big issue.

MR. CLARKE: Absolutely. We understand that they're going to have a lot to say about that when they review these plans and we'll have to adhere to that for sure. We understand.

JOHN NOWICKI: Big issue.

DAVID CROSS: I would have to echo the concern with the traffic study. Um, you mentioned the 100 foot buffer on the south property line. Would that be required on the north property line or the west property line?

MR. CLARKE: No. We're abutted by General Industrial everywhere else. Just the residential to the south.

DAVID CROSS: Okay. And is the -- help me out. The 100 foot buffer, is that a green, an open space, or is that a berm? Does that -- is that supposed to be landscaped?

DAVID LINDSAY: It is a vegetated buffer. So I was going to bring up the point that technically your storm water ponds can't be in the buffer. Any variance you apply for, you want to address that, as well.

MR. CLARKE: So the Town does not consider the storm water facility to be a buffer.

DAVID LINDSAY: It's not vegetated.

DAVID CROSS: Do you -- do you have any interested tenants at this time?

MR. LICCIARDELLO: Just the mini storage. I haven't pursued it without approval.

DAVID CROSS: So you went over the variance, the buffer.

Al (Hellaby) mentioned the picnic area. We did mention this at the last industrial park that came in for discussion. Um, you know, I think with an industrial park this size, that truly warrants some sort of common area. There could be like 100 people working in here. You know. Maybe a trail, common area, someplace to have lunch outside. That would be nice.

MR. CLARKE: I think if we were also to look at aligning the driveways differently, that may free up a little bit of space that would allow for something like that.

PAUL BLOSER: Traffic is going to be my biggest concern. The traffic right now is a mess again. We add volume just up and down that road. My backyard is about lined right up with Lot 5 or 6. So I think I'm going to be looking real close to the buffers and when my neighbors find out about this, they will all be here, so it's going to be a big concern from my standpoint. Because it is -- there's a potential. There is a difference between us, but it's residential.

MR. CLARKE: Your feeling is it may be a difficult chore to get the variance that we are seeking?

PAUL BLOSER: I -- I'm saying you heard him saying vegetated buffer. It's not a pond. And I'm going to be looking at it also. And I, you know -- when Dan Boon, across the road, when he put his in, he had to put 12 foot staggered trees, two lines of them. And he's down. I mean tracks are elevated. The people are up on the hill. He had to do that.

We're almost equal, but we're going to be looking at a buffer just like what he was obligated to do there.

MR. CLARKE: Screen, so it's a screened vegetated buffer?

PAUL BLOSER: Yes.

MR. CLARKE: It's actually screening that you have to provide?

PAUL BLOSER: Well, Dan (Boon) had to do a screening. And we -- we made him -- 10, 12 foot trees.

DAVID CROSS: Vegetation will be critical. Screening.

MR. CLARKE: The train doesn't bother you at all, the train going through there?

DAVID CROSS: He can't hear anyway.

PAUL BLOSER: I used to live in the city. We were right in the landing pattern. I knew most of the pilots by hand when he comes in. If I was standing in the backyard, they would tell

me to sit down and a put seatbelt on. You get used to it. You don't hear the trains any more.

But sitting out there at night, I'm out in the backyard all of the time, and, you know, we have a great visual back there. Um, I'm just saying it's going to be a concern and probably with -- more with my neighbors than me, but you're going to get hit with it.

MR. CLARKE: Okay.

PAUL BLOSER: Okay. So be prepared.

MR. CLARKE: Good advice.

PAUL BLOSER: Look and see what Dan Boon had to do with his property there, because we're going to be consistent.

MR. CLARKE: As long as we're on that subject, any other properties that come along your way recently that have attempted that variance we're thinking of attempting? I'm trying to position my client to make the best decisions he can, and --

PAUL BLOSER: The ones that have come through would be Dan (Boon), who is the most recent one. He went through with the conditions.

MR. CLARKE: He got relief from the 100 foot buffer. He just needed to --

MICHAEL NYHAN: Screening.

PAUL BLOSER: And lighting will be huge.

PAUL WANZENRIED: I think the CM Forwarding on Jet View was required to do that. And we made them put -- they had a huge -- pretty good mountain there.

PAUL BLOSER: Berm, with the trees on top of the berm.

PAUL WANZENRIED: Yes, they did.

MR. CLARKE: Well, the homes are -- obviously the lot -- the property that is directly to the south, at this point, at least a portion of it, is vacant, I believe? Right? Somebody is trying to sell --

PAUL BLOSER: There is a portion of land there. And I'm at 1458. You're welcome to come into my lot and get a visual from there if you would like. I would give you permission.

MR. CLARKE: I would appreciate it.

PAUL BLOSER: Probably one of the cleanest lots to look out.

MR. CLARKE: You're back in the corner. This is Lot 5 (indicating).

PAUL BLOSER: 5 or 6. I would really have to look at an enlarged map.

MR. CLARKE: So you're directly to the south of this, though?

PAUL BLOSER: Oh, yes.

MR. CLARKE: Are there additional residents over here (indicating)?

PAUL BLOSER: Solid houses right to Union Street.

MR. CLARKE: This is vacant land.

PAUL BLOSER: There is vacant land between us and you. Goetz.

MR. CLARKE: So you're not abutting this?

PAUL BLOSER: Not abutting to it, but we're the next one up.

MR. CLARKE: So like 6 or 700 feet away --

MR. LICCIARDELLO: What is between us? Like 80, 90 acres or something?

PAUL BLOSER: I'm not sure of the exact acreage. Again, you're welcome to come over and I will walk out there in the back and you can see visual what we have got. I'm more than open to that.

MR. LICCIARDELLO: There is a "for sale" sign on there.

PAUL BLOSER: Been up for a long time. The stopping block right now and Supervisor Dunning probably echoes, too, is sewers under the tracks are holding development of that land right now. You know, once somebody pays that or works a deal with CSX to make that happen, it will probably get developed and be sold very quickly, I would think. I would hope. It would be nice.

But -- I like it wild, but, you know, you like to see the Town be progressive also and we're here to manage that. We like to see growth. That's why we're here. Just want to have it done right.

MR. CLARKE: What is your address again?

PAUL BLOSER: 1458 Davis. I can give you my phone number when we're done. Otherwise somebody will probably call you, "He's trespassing."

MR. CLARKE: I would appreciate it.

PAUL BLOSER: We do watch out for each other.

MR. CLARKE: Would the next step with this be to go to Zoning? Or do we need to have a final -- or a formal application to come in front of the Planning Board before we went to Zoning? Because obviously any variances we need are critical.

JOHN HELLABY: You don't have final decision actually so you don't know basically what your variance will entail, yet other than that buffer thing.

MR. CLARKE: That's what I mean.

DAVID LINDSAY: If I could chime in. My suggestion would be that you would -- because of the questions around the buffer, you might want to try to obtain your variance before you spend a whole lot of money and energy designing a site you may have to redesign if you don't get your variance.

MR. CLARKE: That would be my thought, that may be the prudent way to go about this. Okay.

I don't suppose at this point there is an opportunity of favorable recommendation to the Zoning Board for variance other than the fact that it would obviously have to be vegetated.

PAUL WANZENRIED: No.

MICHAEL JONES: There is no procedure for that. It is just for your information, what the Board is looking for, and you make your finding with formal application.

MR. CLARKE: Understood.

JOHN HELLABY: Before you close out, it took -- something came to mind on Applications 1 and 2. It took care of itself today because the applicant withdrew, but here is the case.

He came in, he tabled the application last month. All right? The sign went away. So technically he was coming back in. He was never heard and without that sign there, was not -- because all of the neighbors are not notified with a card again because it was tabled.

But I think there ought to be some sort of method put in place that if that happens, these people have to post that property so that the residents know that they're coming back in.

MICHAEL JONES: They do. It is required.

JOHN HELLABY: All right. Then apparently he must have known he was going to pull the application and just never put the sign up.

MICHAEL JONES: I actually believe that was the case.

JOHN HELLABY: All right.

PAUL WANZENRIED: That's a requirement that they have to repost the sign.

MR. CLARKE: We had to repost.

JOHN HELLABY: Just to be a little more vigilant. That's all. I noticed that. Other -- other people asking me about it.

PAUL WANZENRIED: All right. Before I close the meeting, Supervisor Dunning has a word.

SUPERVISOR DUNNING: Yes, thank you Chairman. Appreciate it.

I don't know if this Board is so -- is aware of it, but I will make you all aware of it, tonight is Mr. Jones' last meeting with all of you.

I personally, and on behalf of the Town of Chili, want to thank Michael (Jones) for his service. I know it's a little -- about three years ago that he started with us, and he -- he really shared in the vision that we had for the Town moving forward, what we were expecting from a Planning and Zoning and a variety of other issues that we have had to deal with with the Town of Chili.

And I want to say, Michael (Jones), you have absolutely earned my admiration and respect. You have done just a remarkable job for us. Everything you have been asked to do you have done and then some. You've spent an awful lot of time working with our code revisions.

I personally will miss you here, but I hope that whatever life's travels --- wherever it takes you from here, that you certainly enjoy yourself. You do just have a great time, but know that the Town of Chili, and myself and I'm sure this Board, I can hopefully speak on behalf of the Board and the Zoning Board of Appeals, um, that you will be missed and we did -- we did enjoy our time together and I hope this isn't the last of seeing you.

I'm sure -- hopefully we'll keep up to some degree, but again, I just want to thank you for your service to the Town. You have done a wonderful job and even though it's been a short time, these are some awful big shoes to fill. We will fill them, but we -- but we wish you well in your future.

So thank you, Mr. Chairman. I appreciate it. (Applause.)

The meeting ended at 9:47 p.m.