

CHILI PLANNING BOARD
August 12, 2014

A meeting of the Chili Planning Board was held on August 12, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Wanzenried.

PRESENT: Paul Bloser, Karen Cox, David Cross, Michael Nyhan and Chairperson Paul Wanzenried. John Hellaby and John Nowicki were excused.

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; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative.

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

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

PAUL WANZENRIED: Note that the last application for the Anchor Church will not be heard tonight.

PUBLIC HEARINGS

1. Application of Bank of America, 101 North Tryon, Charlotte, NC 28255, property owner: JR Realty Estate, Inc.; for preliminary site plan approval to erect an ATM kiosk at property located at 4390 Buffalo Road in GB zone.

MR. SCHEID: Good evening. I'm Doug Scheid from Scheid Architectural, along with Steve Parrish from my office representing Bank of America on their current proposal to install an ATM at the entrance of the Buffalo Road plaza. The Bank is proposing to install a new drive-up ATM on the side of the entrance off Buffalo Avenue, as depicted in the drawing there.

We have received a letter from Lu Engineers. This meets with their comments and we're prepared to comment on them, if you would like.

PAUL WANZENRIED: Please go ahead.

MR. SCHEID: There was a concern on traffic flow. I can't say we disagree with some of the comments they have made. I think they're valid. It's not a public street. It is a plaza. Class of service is pretty low, as far as -- I mean pretty high as far as number of traffic. I can't disagree with the comments made by the engineers.

We believe that this location does have no impact on the current parking in the plaza. It doesn't take any spaces away, which is one of the concerns that the Board had with our previous submissions.

Item 4, as far as contours, it is fairly flat out there. We have proposed to not install catch basins but actually grade the drive up to flow into the existing structures. I don't think there will be a problem with that. If this location is approved by the Board, we would certainly submit, you know, grading plans that would be acceptable to the Engineering Department of the Town.

Landscaping, of course, would comply with -- with the requirements of whatever the Conservation Board required. I believe we did show the -- the location of the plan and we'll absolutely show it on the final plans for you.

That really addresses the comments from the Engineering Department, but I would certainly like to hear the comments from the Board.

PAUL WANZENRIED: Okay. At this time, I will open it up for comments to the Board.

MICHAEL NYHAN: The traffic issues that were identified by the engineer that you agree with, how will you remediate those? What is your plan to change that?

MR. SCHEID: I mean, we have traffic control plans, stop signs for our bank participants as they're stopped at the ATM. When they go to leave the ATM, they have clear vision all around them. It is like merging onto an ramp. Certainly you don't go to the right without looking for a car coming there. We recognize there is a potential for the car coming in the plaza. There is really a potential in the plaza for cars to come and go in different locations. I think we all know when you're in a plaza, you have to kind of have your wits about you. We can't do more than to put a traffic control there.

As far as the stop sign for the Tim Horton's is actually set back. If you go out there and take a look at it, right about where the property line is is the stop sign -- the stop line, I'm sorry. There's a stop line there. So that traffic really needs to stop and our inbound traffic would have

really clear access to the ATM in there.

We could move that entrance a little bit more to the north. You know, we don't really need four cars there. We never really have more than two people at an ATM waiting. You know, there is a little more space there -- within the median we could shorten that. If that is something, you know, you feel would improve the Traffic Safety. Again, one of the big things with traffic is visibility. The visibility is very good there. You know, I can't -- you can never protect people from hitting themselves. There is not much else we can do there.

MICHAEL NYHAN: Have you considered where you see the dotted line with the existing curbing is will be removed so the cars can drive straight in?

MR. SCHEID: Yeah.

MICHAEL NYHAN: Have you considered moving that with the curb -- the green curb -- the new curb starts, moving that north?

MR. SCHEID: Yes.

MICHAEL NYHAN: Could you extend that curb around so that it matches where it currently exists?

MR. SCHEID: Correct.

MICHAEL NYHAN: And this would force people to be out in the lane to go back in.

MR. SCHEID: We absolutely could do that. We took a look at that. It would certainly define the entrance to the ATM separate from the exit of the Tim Horton's. We would have no trouble putting that in.

MICHAEL NYHAN: Markings on the road. I didn't see on the drawings -- it's just a sign, correct? For the ATM, it is just a sign? There are no road markings with arrows, correct?

MR. SCHEID: No, no road markings. Not unless it is something you wanted. The Bank doesn't necessarily need that. It is pretty intuitive the way you go into the ATM.

MICHAEL NYHAN: And there currently isn't a stop sign at the Tim Horton's. I'm not sure what the legality of placing a stop sign in that location would be, but perhaps a stop sign would be necessary in exiting?

MR. SCHEID: There is a stop line here. We took a look and that is all of the controls they have. It kind of relies on people to stop.

MICHAEL NYHAN: The sign has more impact than a stop line. Perhaps a stop sign would need to be constructed.

MR. SCHEID: We would be more than willing to put up additional traffic controls there for the Tim Horton's, no problem.

MICHAEL NYHAN: Now at the exit to the ATM, when you exit, you exit straight out and you could very easily wander into that left lane. It is much different than merging on a expressway which is very defined, as you had compared it to. However, would there be a possibility, the same as you extended the curbing at the back, that you shortened that curbing to match the radius of the car you see at the Tim Horton's so the people would be forced to turn right; they couldn't turn left?

MR. SCHEID: Yes, we could do that.

PAUL WANZENRIED: You want to direct them into the parking lot, Mike (Nyhan), right?

MICHAEL NYHAN: Correct. Rather than being able to turn left, you could be -- they would be forced to turn right and then exit either through that driving lane that you see along the store.

MR. SCHEID: Something like this (indicating)? Requiring them to turn left only -- or right only?

MICHAEL NYHAN: Correct. They really would have to go out a certain -- they could turn left, but they would have to go out of their way to do that. Along with a stop sign at that location, they would have to look left for oncoming vehicles.

MR. SCHEID: We could definitely incorporate something like that. I think that would be a safer -- safer corner then for sure.

MICHAEL NYHAN: The Traffic Safety concerns raised need to be addressed.

MR. SCHEID: Absolutely. We just didn't -- without talking to you, we weren't sure what way you were thinking, so it really helps to understand that. We can absolutely incorporate that.

MICHAEL NYHAN: Those are the only questions or comments that I have right now.

KAREN COX: Um, I would say that I echo the -- you know, in looking at the application that is underneath the one you just put -- or the -- sorry, the drawing that you just -- that is underneath the one you just put down, I would echo the engineer's concern, just because I have seen how people behave at the Tim Horton's exit and entrance there. At certain times of the day. And, you know, I know it is not the -- I guess it's not the sole responsibility of the applicant to try to save people from themselves as far as their driving habits go, but you know, in the -- unless you incorporate the two changes that you just showed, I could see a real potential for problems at that location. Um, I do appreciate you and -- you know, coming up with a different idea to save the parking loss that was talked about by one of the business owners.

So I would say that I could support that, you know, this configuration as opposed to the one that is just straight through. And maybe shortening it, but I think that bump-out will go a long way to kind of calming traffic in that area.

MR. PARRISH: I agree. That is something we can absolutely incorporate.

KAREN COX: Okay. That's all I have.

PAUL WANZENRIED: Can you move that jog to the north? I point to the red jog there (indicating), the extension of the island with the grass area that is coming out of Tim Horton's.

How many cars do I need to have queued behind the ATM?

MR. SCHEID: We could actually probably take this up to something like this (indicating) and it would still work with the bank.

KAREN COX: So you have three cars?

MR. SCHEID: Three cars.

PAUL WANZENRIED: I want more separation from the Tim Horton's. That's the main entrance.

MR. SCHEID: We could definitely do that. As I said, at an ATM there is a user, one behind, maybe one more behind and there is never ever -- no one waits. They go to somewhere else.

PAUL WANZENRIED: And I agree with the lower portion there, as well, to extend that and make it an exit to the east only.

MR. SCHEID: Absolutely can incorporate that.

PAUL WANZENRIED: The -- the human nature is to go back out.

MR. SCHEID: I agree with you. I think it would be much better to make them go right.

KAREN COX: It would encourage them to do that. Whether they then just pull a U-ey after they get out is another story, but you can't not legislate people's stupid driving habits.

MR. SCHEID: We can make it pretty hard for them.

KAREN COX: Pretty obviously.

MR. SCHEID: We'll put a big bollard there, if you want.

DAVID CROSS: I don't mind being the bad guy. I -- I just don't think that the front of the plaza, particularly in that main entrance there is room for this. You came to us -- what is this, the third time now?

MR. SCHEID: Sixth.

DAVID CROSS: Fourth time?

MR. SCHEID: Six.

DAVID CROSS: And I think the Board has -- we have pointed some areas that the Bank of America doesn't sound like they're interested. I don't think this is the place for it. So I would be willing to vote tonight.

PAUL BLOSER: I just got a question on the engineer's report, Number 3. Um, the statement that the applicant is no longer proposing to supply additional parking. I wonder if you can comment again on that for me, please.

MR. SCHEID: Well, we were not taking parking away. So the Bank didn't propose to add any parking. Certainly --

PAUL BLOSER: We were looking to parking to the north side, to the back of Rite Aid.

MR. SCHEID: This (indicating)?

PAUL BLOSER: Correct. Is that not part of the package now?

MR. SCHEID: Since we weren't taking spots away, the Bank wasn't proposing to add spots. If that is something that the Board wants to do, the Bank will stripe and add them.

PAUL BLOSER: Well, I think all along, the number one concern of all the tenants in that plaza right now, that are operating businesses, their concern and number one voice of the people I have talked to is there is already a lack of parking. And any spots that we get are going to be greatly appreciated.

And the fact that now I -- I'm hearing that we're -- we're taking it away from the proposal, or eliminating it --

MR. SCHEID: No. I think the Bank is willing to put those spots in, if that is something that the Planning Board -- if that is a condition of approval, we have no trouble with that.

PAUL BLOSER: I would like to see that still maintained as a condition for the Board to consider.

MR. SCHEID: Sure. That is absolutely still on the table.

PAUL BLOSER: I still, like David (Cross), have some great reservations on the location of this. There is a lot going on at the entrance. And that's -- that -- you know, I will echo what he said. I think we have other options in that plaza. But other than that, I -- I don't have any additional questions right now or comments.

MICHAEL JONES: I don't have anything of substance to add.

ED SHERO: Just like to add the building permit -- if this is approved, there will be condition of the building permit would be required. And I would ask the Planning Board to make a stipulation that no building permit be issued until we have -- there are still outstanding sign permits in that plaza that have not been taken care of by the owner -- those sign permits be issued prior to any building permit. Thank you.

MICHAEL HANSCOM: No additional comments.

PAT TINDALE: Not applicable to our Board.

BRAD GROVER: Well, the Safety Committee looked at this and we had several concerns about it. Specifically at the entrance and exit with the traffic flow in and out. Um, and then with -- with seeing what he was describing with the curbing coming out of the exit that forced him to make the right-hand turn, it looks to me just like a Walgreens situation up here. People will make that turn regardless how big that curb is and which way it goes. They will do the U-turn.

Also we were concerned about snowplow removal during the winter months there. You have curbing now creating extra hazards to work around in a small narrow pathway to plow out. It -- just too many issues there that we saw.

PAUL WANZENRIED: Any additional comments from the Board?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I think I have been here for every version of the plan for an ATM by Bank of America since all this talk started. I think this is the worse one yet. The absolute worst. I don't care how you slice the situation, no matter how many excuses you make, there is still no room in that plaza for an ATM, period. Especially this one.

I cannot imagine exiting that drive-thru for that ATM and have to cross over incoming traffic to get out onto Buffalo Road.

And as far as that stop line that was discussed, if you sit in that Tim Horton's and you watch people come and go, you will catch your breath many a time because it's everybody for themselves now. It's a nightmare. It's a traffic fiasco on that corner.

The traffic flow in the whole plaza is a disaster. Maintenance is less than good. Getting anything fixed is a major -- evidently a major obstacle here. The Board, the Town has asked over and over for some major improvements to that plaza and they haven't happened.

And I'm wondering if we haven't learned anything from the fiasco at Walgreens and the entrance and the exits over there. Have we learned nothing? How many messes do we have to have like that in the Town when there is little -- actually so little building going on. I mean, we have very few opportunities to make things better and -- and we don't learn anything. And not only don't we make them better, a lot of times we make them worse and this is a perfect example of making it worse.

This is awful. I cannot imagine what this will do -- it will tie the rest of this plaza in knots. It's horrible now. I don't know what is worse than horrible, but there has got to be a word for it and that is what this will be. You will have accidents.

We don't need this ATM. It is not that the Town is desperate for an ATM. We're not. There is going to be another one right over at the Dunkin' Donuts. There is plenty of opportunity to bank in Town. This is not essential and the Board should say no.

Thank you.

DOUG DEPHILLIPS, 4390 Buffalo Road

MR. DEPHILLIPS: I have been to all these meetings also, and I hate to disagree with Dorothy (Borgus), but I almost looked at this last time -- I almost think this could possibly work.

I like the ideas that Michael (Nyhan) brought up with the curbing and directing them. It's a tight squeeze. I think maybe a couple "no parking" signs on the road would be good. Um, I don't know.

My biggest disappointment was when I saw the plan that came to the store was they eliminated the parking. I think if Bank of America wants to be a valued tenant, I think they could do that parking for us to help us out.

Um, I don't know. I'm not losing parking. I could almost see it working. Let's have a vote tonight, though.

PAUL WANZENRIED: We'll work on that.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a question first. This ATM, is it to be owned by Bank of America, leased or rented?

MR. SCHEID: The Bank will lease the property from the property owner. They own the ATM, but it's a ground lease.

MR. RETTIG: Thank you. My comments lead to this plaza already, to my understanding, having three existing ATMs. We don't need any more ATMs.

Plus the fact we're eliminating with this plan, eliminating green space and wrong way -- and we have wrong-way traffic. People from out of Town, not familiar with the plaza would be, I think, very confused with this plan. Um, there is limited parking now, and there is no additional parking specifically guaranteed or proposed. And this plaza already has too much curbing. I realize that's the layout. But this is additional curbing.

And when you get that additional curbing, the snowplow operators in the winter don't know where the curb is, don't plow it. Cars jump the curb. This is another serious problem along that line. And we have, as I stated, no additional parking with this proposal.

The in and out is too busy. And there are too many issues. I think the Board should vote this down. It's just not a good plan for this plaza being so busy as it is right now without enough parking as it stands right now.

PAUL WANZENRIED: Thank you.

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: You have three options. You can table it to think about it more, you can approve it or we can make a motion to deny.

MICHAEL NYHAN: I think as far as the parking goes, I think it would be great if the Bank of America did that, but I think it is incumbent of the owner of the plaza to do something

with the parking situation, whether it is adding the spots that have been removed from the plan, but it seems the plaza owner should be responsible for that.

PAUL WANZENRIED: Well, we haven't gotten him here for that yet.

MICHAEL NYHAN: Just a comment.

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

PAUL WANZENRIED: Conditions that I have, that the parking be added back in.

KAREN COX: I'm not sure I agree with that.

PAUL WANZENRIED: That the building permit issued without signage -- that all signage permits be satisfied by the plaza owner prior to issuance of a building permit. Isn't it the same as saying they should fix the paving out there, too?

MICHAEL JONES: Yeah, I think what the Building Department is asking for, that it be brought into compliance. So --

ED SHERO: Yep.

MICHAEL JONES: Yep.

PAUL BLOSER: So includes all outstanding --

PAUL WANZENRIED: So signage be brought into compliance. Right?

MICHAEL JONES: Yes.

PAUL WANZENRIED: Thank you.

PAUL BLOSER: How'd you leave the parking? How are you writing it?

PAUL WANZENRIED: I'm writing that the parking should be added back in.

PAUL BLOSER: With the --

KAREN COX: Why are we asking -- I can understand when the -- I am playing Devil's advocate here. I can understand when we saw other versions of this where it was causing a loss of parking, to require them to, you know, supply parking to replace that. But in this scenario, there is no existing parking that is going to be lost. And if the -- if there is a desire for -- or on our part for the parking to be put in, the plaza owner should be responsible for that. I mean, you know, to me it's a little -- I can't think of the word. I just -- they're being a good neighbor saying they will, but how can we make that a condition if they're not causing a loss of parking? It's a nice thing for them to do that.

DAVID CROSS: Because this application is bringing the problem to the forefront here.

PAUL WANZENRIED: That's the same thing with the signage.

KAREN COX: It's not their problem.

DAVID CROSS: It is the same thing with the fixes to the parking lot, the light pole that was leaning over.

KAREN COX: But there was no cost for those. When we wanted to have the parking lot fixed, their client didn't fix it. The plaza owner did. They didn't incur cost.

DAVID CROSS: This is a business relationship between Bank of America and the Plaza.

MICHAEL JONES: If I can jump in, the plaza owner has appointed Bank of America as its agent, so any conditions that this Board imposes will be between those two entities to work out. It is not the Town's concern where the money comes from. It has to be brought into compliance and that the improvements are installed.

KAREN COX: All right.

MICHAEL NYHAN: So a condition can be parking spots are added. We don't care who adds them or who pays for them. Just that they be added, correct?

MICHAEL JONES: That's correct.

KAREN COX: All right.

DAVID CROSS: I think Paul (Bloser) wanted to confirm that new light pole would be included in that parking.

PAUL BLOSER: The islands. The creation of the islands, the light pole as proposed.

PAUL WANZENRIED: As proposed here?

PAUL BLOSER: Yes.

PAUL WANZENRIED: Is that --

MR. SCHEID: Correct.

PAUL WANZENRIED: Okay. Per sketch.

You have been to the Conservation Board. You have been to the Architectural Advisory Board. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works. The Town Engineer and Commissioner will be given copies of all correspondence from other approving agencies.

MICHAEL NYHAN: Excuse me, Paul (Bloser). Do we add the curbing changes here or is that something the Town Engineer would -- their approval, that they would add?

KAREN COX: And the shortened --

MICHAEL NYHAN: The proposals we talked about.

PAUL WANZENRIED: I understand. I'm trying to determine how I can write that. But, um, curbing as proposed and verified by Town Engineer.

KAREN COX: And the short -- and the shorter queue lines.

PAUL WANZENRIED: Engineer. To contain shortened queue. And a right exit. Right exit only. Correct?

MICHAEL NYHAN: Correct.

KAREN COX: Yes.

MICHAEL NYHAN: There is also the addition of the stop sign at the point of the exit.

PAUL WANZENRIED: Okay. And we'll submit -- supply landscaped drawing to the licensed -- to the Conservation Board for review and approval. Application is subject to all required permits, inspections and code regulations. Any signage change shall comply with Town Code, including obtaining a sign permit. Building permit shall not be issued prior to applicant complying with all conditions. At this time, I will put it to a vote.

MICHAEL NYHAN: Yes.

KAREN COX: Yes.

DAVID CROSS: No.

PAUL BLOSER: No.

PAUL WANZENRIED: No.

Motion is denied.

MICHAEL JONES: Actually, Mr. Chair, if I may, three to two, the quorum is required to be four votes one way or another, so legally it's a non-action.

PAUL WANZENRIED: Non-action. Forgive me.

MICHAEL JONES: I suggest a motion to table until the next meeting in September when the full Board is present for a revote.

PAUL WANZENRIED: I make a motion to table this to the next meeting so that we have a full Board present.

MICHAEL NYHAN: That will just be for a revote?

MICHAEL JONES: Yes.

DAVID CROSS: We won't hear the application again.

MICHAEL JONES: I hope not. (Laughter.)

DAVID CROSS: Just a revote.

PAUL WANZENRIED: Motion to table for revote?

MICHAEL NYHAN: It's required, correct?

MICHAEL JONES: Yes.

MICHAEL NYHAN: So yes, I guess we have to do that.

KAREN COX: Yes.

DAVID CROSS: Yes.

PAUL BLOSER: Yes.

PAUL WANZENRIED: Yes.

MR. SCHEID: Just -- would the Board appreciate since we have to agreed to table, which we did, we would just like to submit a plan that incorporates all of your suggested changes so you have that to vote on officially.

PAUL WANZENRIED: I would like that. Thank you.

MR. SCHEID: Done.

DECISION: Unanimously tabled by a vote of 5 yes to the September 16, 2014 meeting. Revised plans shall include the following:

1. Applicant shall add parking to north/east side of property. Eight spots +/- along with lighting and islands as depicted in previous sketches and meetings.
 2. Signage shall be brought into compliance with Town Code.
 3. Curbing as proposed and sketched should contain a shortened queue and right exit only configuration at plaza end along with stop signage.
2. Application of Jimmy Ren, 2370 Lyell Avenue, Rochester, New York 14606, property owner: JR Realty Estate, Inc. for preliminary site plan approval for a change of use in portion of building to allow a massage spa (formerly dance studio) at property located at 4390 Buffalo Road in GB zone.

Jimmy Ren and Cindy Chen were present to represent the application.

MR. Ren: Hi. Name is Jimmy. Last name Ren. So I live at the 2370 Lyell Avenue, Apartment 4, which is 14606.

I have a friend of mine they coming from the New York City want to try open up a massage spa in the Town Plaza. So dancing studio is 1,100 square feet. So they only want to open from 10 to 9 every day, Monday through Saturday -- Monday to Sunday and then probably they only want two employees and need a one car space. That's it.

MS. CHEN: Hi. My name is Cindy Chen. I'm a translator. If he need help, I can translate.

PAUL WANZENRIED: Did he say his name was Jimmy Ren?

MS. CHEN: Yes. He is the plaza owner.

PAUL WANZENRIED: Oh. Fantastic. We'll open this up to Board members.

MICHAEL NYHAN: All of the therapists will be New York State licensed therapists?

MS. CHEN: Yes. We have all the -- you all have the copy.

MICHAEL NYHAN: We have one license. Two therapists you mentioned?

MS. CHEN: Only one so far. Only one.
MICHAEL NYHAN: Okay. And what was the other employee?
MS. CHEN: They only have one person to start out. Depend on how good a business would be.
MICHAEL NYHAN: I understand. Okay. That's the only question I have.
KAREN COX: Which -- where in the plaza -- I can't recall where the dance studio was in the plaza.
MR. REN: Next to the barber shop. The barber shop. The corner.
KAREN COX: Where it goes in the back, where the pizza place is?
MR. REN: Yep. That area there.
KAREN COX: There is an empty place back there?
MR. REN: Yep.
PAUL WANZENRIED: I don't have any questions.
DAVID CROSS: Um, no, I think the application is -- is put together pretty well. One quick question.
Are there any -- so this -- this certificate by the State Education Department, are there any ongoing investigations or any violations that are unsettled against this person?
MS. CHEN: No. There is none.
DAVID CROSS: No. Okay. That is all I have.
PAUL BLOSER: I have no questions.
PAUL WANZENRIED: I have questions. Um, you said there is one person going to work here.
MS. CHEN: Yes. To start out.
PAUL WANZENRIED: To start off. Okay. What is the purpose of the shower?
MS. CHEN: The purpose of the business?
PAUL WANZENRIED: No. The purpose of the shower located on the floor plan.
MS. CHEN: Shower is for the -- like the business owner in case he need to take a shower.
PAUL WANZENRIED: What type of massages are going to happen?
MS. CHEN: It's call reflexology. Like pressure-point massage. There is no acupuncture, no needle involved. Just to relieve the pain, the stress.
PAUL WANZENRIED: The hours of operation?
MR. REN: 10 to 10.
MS. CHEN: 10 to 10.
PAUL WANZENRIED: 10 to 10.
MICHAEL JONES: Nothing to add.
ED SHERO: I'm pretty much the same comment as before, if the Board approves this, that the plans that were submitted to you, that you require a building permit, a plumbing permit and I would ask that you put a condition no building or plumbing permit be granted until the sign permits be taken care of.
PAUL WANZENRIED: That is directed to you, Mr. Ren.
MR. REN: Okay.
PAUL WANZENRIED: Just so we're clear, okay? That is twice now we have heard that tonight, and you, as the property owner, need to step up and take care of that.
MR. REN: Sure.
PAUL WANZENRIED: Thank you.
MR. REN: Thank you.
PAUL WANZENRIED: You were pretty satisfied with this, weren't you, Mike (Hanscom)?
MICHAEL HANSCOM: Yes.
PAT TINDALE: No comments.
BRAD GROVER: No comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I find it interesting to say the least that as many times as Mr. Ren's plaza has been mentioned at this and other meetings, he has not chosen to come forward until tonight when he wants something from you people. And he can take that anyway he wants. That plaza is a mess. It stays a mess. One thing gets fixed; two things get broken. The -- the traffic pattern is horrible. The parking is insufficient.

The plowing is terrible. The snow gets piled in the entranceways in the winter.

We're going to shove -- try to shove another ATM in a plaza that is overwhelmed now. By my notes from the last meeting, 391 spaces were needed without the addition of any more massage shops or whatever this is. And only 123 exist. I think it's time for Mr. Ren to honor his commitment to the people of Chili when he went in business here. He was going to make that plaza better. It's awful.

He should be ashamed.

And now to get to this -- to this situation he wants now, if there is one therapist to start and it's licensed, how is this Board going to be sure if it grows they keep a handle on licensed therapists going forward? Because I think at this point, they have lost control. You say yes to one therapist, you can forget him coming in here, because this is his history. He has proven himself many, many, many times over a lot of years. He won't come back in to let us know

whether they're licensed or not and you won't have a say. You won't even know.

I see the cops being over there very, very frequently.

Does Mr. Ren have other locations has he tried this before? Does he have another spots? I haven't heard that.

When I looked at the plans, it looks like he is planning on how many rooms? Four; am I correct? Were there four rooms on that --

PAUL WANZENRIED: Yes.

MS. BORGUS: -- plan?

This could turn into a bigger thing than you want, that this Town wants. Because obviously he plans to do something with those four rooms or he wouldn't be spending the money, because obviously he doesn't spend his money easily or that plaza would not be the mess it is all of the time.

I would like to know what days he is opened. I think he mentioned and I didn't get it. If I heard correctly, he is talking seven days a week? I would like that clarified.

And we're looking at a 12-hour operation. And if it is six or seven days a week, you got the potential for a lot of problems over there. Here's your chance to make Mr. Ren make good on what he promised when he bought that plaza, that he would make it better. He has been ignoring this Board. He has ignored the people that own businesses in there. It is a disgrace to this Town and here is your opportunity to make it stick.

PAUL WANZENRIED: Thank you. Any other comments?

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I think I heard that there was a shower proposed, and I believe that's one of the requirements for a massage spa; is that correct?

PAUL WANZENRIED: That would be a code question. I would refer to the Building Inspector.

MICHAEL JONES: It's not a local requirement for local Town Code. I'm not aware of what --

MR. RETTIG: I just make -- appreciate that. Something to look into it. I just make the comment, it is my understanding that that is a requirement. I believe it might be a State requirement.

PAUL WANZENRIED: More than likely.

MR. RETTIG: So that is why I make that comment.

Are there restrooms in the facility, men and women?

PAUL WANZENRIED: There is one unisex restroom in the facility.

MR. RETTIG: Again, my comment is for massage spa, that that, I believe, is a State requirement.

PAUL WANZENRIED: Uh-huh.

MR. RETTIG: I again go back to the fact that if we have four rooms, if you have one massage, um, one -- one -- two employees, um, what this might develop into.

But I get back to the basic question, is there ample parking? My comment is, for this facility, for square footage, I don't believe there is. I think the Board deserves to show the people of Chili they have looked into it to make sure that the parking for this particular operation is satisfied.

Thank you.

PAUL WANZENRIED: Thank you.

DOUG DEPHILLIPS, 4390 Buffalo Road

MR. DEPHILLIPS: I don't think -- I hate to say it, but I don't think parking can really be an issue. We have empty spots in that plaza now. It would be nice to see stuff in there. What stuff is, I don't care, but I'd like to see a full plaza, as a member of that plaza. I don't know if you can hold the parking against him. That just might be weird coming from me over the past year, but thanks.

PAUL WANZENRIED: I have a question towards the Building Department. Is there -- or the Town Counsel.

Is there a way that we can know when he hires additional therapists or how do we monitor that there is additional therapists? Are there yearly or biannually inspections or anything like that that can be done?

MICHAEL JONES: I may just point out, this is for site plan approval so we're not talking about any permission from this Board for a use. And it's not typical that we ask for copies of professional licenses to be held at the Town by any other profession. We can, however, make a condition that that be the case, and it can be subject to the code enforcement -- you know, Enforcement Office.

PAUL WANZENRIED: Forgive me, the wording, that is really what I want to know. I can make this a condition, that all additional employees be licensed and must be on file with the Town --

MICHAEL JONES: Well, that they all must be licensed, absolutely. I would caution against -- for site plan purposes that the -- that we keep copies of it, because we're not dealing with the use. We're just dealing with the site plan. I'm not sure that would be related to the site plan.

PAUL WANZENRIED: It would be a tough connection.

MICHAEL JONES: But you can absolutely require it for this particular use. That is, being

designed for the site plan, that they comply with the law. Yes. Then we can have enforcement ability as well as the State, so there would be a double hammer.

PAUL WANZENRIED: Okay. Mr. Ren, do you own any other business like this?

MR. REN: Yes. I have a couple shopping centers. One is in the West Ridge Plaza. One is in the city. The city on Goodman -- Goodman Plaza.

PAUL WANZENRIED: Those are the plazas?

MR. REN: Yep.

PAUL WANZENRIED: I'm talking more specifically --

MR. REN: Business?

PAUL WANZENRIED: -- the massage.

MR. REN: Oh, no, no, no. I mean, this is not my business. I mean -- we know each other. They come in from New York. They want to -- they looking for a business.

And also in the plaza I have three empty space for the past three years already, so I try to, you know -- I call -- so I seen about and gave them space to open a business.

PAUL WANZENRIED: Okay. The days you're going to be open?

MR. REN: Excuse me?

PAUL WANZENRIED: Seven days a week, six days a week?

MR. REN: I'm not sure.

MS. CHEN: Six.

MR. REN: Six days.

MS. CHEN: Six.

PAUL WANZENRIED: Is that Monday through Saturday? What --

MS. CHEN: Monday to Saturday.

PAUL WANZENRIED: Monday through Saturday. Thank you.

KAREN COX: Business hours?

PAUL WANZENRIED: 10 to 10 was what they --

KAREN COX: That is unusual. Who would be coming in for a massage at 10 o'clock? I don't know.

MS. BORGUS: That's the question.

MICHAEL NYHAN: Mr. Ren, are you here on behalf of somebody else that wants to put this business in or are you going to own this business?

MR. REN: It is somebody else.

MICHAEL NYHAN: You won't own the Royal Spot?

MR. REN: No. I don't own the business. They just pay the rent. I try helping them. They are coming from New York.

MICHAEL NYHAN: I understand. Thank you.

PAUL WANZENRIED: So as long as we're talking site plan, Mr. Ren, you have heard some comments regarding signage, parking, paving, lighting, all these aspects need to be up kept. Okay? Kept up.

MR. REN: Yep.

PAUL WANZENRIED: That plaza is not in the best of shape for what we would like to see here in Chili.

MR. REN: Yep. Okay.

MS. BORGUS: I heard the Chair speak to Mr. Ren about the problems and the desires for improvement. I have not seen one bit of comment or a cent or agreement from the applicant. I'd like you to ask the question again, and have him answer you before you vote. Thank you.

PAUL WANZENRIED: Okay. Mrs. Borgus would like me to ask the question again.

You have heard the general --

MR. REN: About snow removing it and I did it. And the lady complained about snow removal for the winter.

PAUL WANZENRIED: Well, she talked about snow removal, but there is signage issues over there you need to rectify with the Building Department. The parking lot needs up kept -- upkeep. You know, these are things that you need to do as a property owner to try to come into compliance with the Town of Chili. Okay? I mean, we want something that is nice.

MR. REN: Sure. I will. You want something nice. I will. I mean -- the lighting is always good for my parking lot. Excuse me. The parking, the lighting is always -- always good, right?

MS. CHEN: The lighting.

MR. REN: This gentleman, he -- he owns the IGA, so he is one of -- he is always -- keeps eyes open for me.

PAUL WANZENRIED: I understand that, but I also understand behind the Rite Aid we had a light pole at 45 degrees for X number of months.

MR. REN: No. Not already.

PAUL WANZENRIED: That has been fixed, we understand that. But you get what I'm saying?

PAUL BLOSER: It took over a year to get it repaired.

PAUL WANZENRIED: You have to be more attentive to the plaza.

MR. REN: Sure. Sure. I can change it.

KAREN COX: Paul (Bloser), if I may, um, when we had issues with the former plaza owner, who was -- seemed to have a similar mind set about the plaza. In other words, just trying to get -- you know, get businesses in and not listening to the Planning Board's concerns then about the way it looked, the way that, you know, the building looked and all of that. We got to a point with one application where we just tabled it and said these issues that seem to be dragging

on and on and on need to be addressed before we are going to entertain any other applications for this property.

Now, I don't know, you know, from a legal standpoint -- we were able to do it then. I don't -- I would think we could do it now if the Board feels as though our concerns that we brought up many times are not being heard and addressed.

PAUL WANZENRIED: That to me would -- that opens up -- I understand what we're saying, but what are we going to do, develop a laundry list of things that need to be done in the plaza?

DAVID CROSS: I think they have brought up -- haven't they brought up a lot of stuff into compliance with the Bank of America application? I'm hearing the signage permits, the -- plaza wide need to be buttoned up and made right with the Building Department. I think that could be a condition.

PAUL WANZENRIED: Right. Agreed.

DAVID CROSS: Yep.

KAREN COX: Well, it's -- I don't know what else to offer, except, yes, we got -- this is our opportunity, I guess, to compel the applicant to bring things up to snuff in order to put this new business in.

PAUL WANZENRIED: Mike (Jones), any comments?

MICHAEL JONES: Um, I guess the only comment I would have, and there are many reasons that the Board may table, but if you're looking for compliance, the conditions would prevent the business from operating until the conditions are met and there's a signoff. So I think you can establish the compliance by way of conditions that tabling for that purpose alone would not be necessary. Now there might be other purposes for tabling, but for that purpose alone, as long as the Board has the conditions that they want available to them now, they can do that. If there is a need to investigate additional conditions, that would be a reason to table.

KAREN COX: All right. I mean, we haven't signed compliance to the last application.

PAUL WANZENRIED: Before we go any further, is there any other comments from the public?

MR. DEPHILLIPS: Um, just with the lighting, um, except for that light pole, I think the way it's designed is generally dark any ways. It is not like we have bulbs out very often. When they do go out, they get replaced. Those bulbs tend -- generally seem to go dim after a year or so any ways. Um, I'm a little confused as to what lighting you're concerned about. I have no idea what the signage problem is, just as a tenant. But I mean, it's not like we have lights out all of the time around the parking lot. It is just as soon as it was in, it was always a dark lot any ways.

PAUL WANZENRIED: I think what I was referring to, Doug (DePhillips), was the pole behind Rite Aid which was dislodged and at an angle for quite a long period of time and that is what I was referring to --

MR. DEPHILLIPS: Okay.

PAUL WANZENRIED: -- specifically. Okay.

KAREN COX: It was more of, I guess -- a commentary or comment on seeming neglect of the --

PAUL WANZENRIED: Duration which it sat at a 45 --

KAREN COX: And, you know, the way it was for months and months.

MR. DEPHILLIPS: Not to defend Jimmy (Ren), but he didn't know it was his for a while because it was so far over. I'm sorry. I have -- don't want to defend him, but I do know he didn't think it was his when it happened.

PAUL WANZENRIED: Mr. Rettig's hand is up.

CHARLES RETTIG.

MR. RETTIG: Just a general comment on lighting. For this Board, it -- it may not directly apply to this application, but generally speaking, when you're talking about parking lots, um, you require a lumens per square foot. For all the parking space. And whether it's North Chili Plaza or Chili Paul Plaza and Chili Center, that really has not been applied in the past. I just make it as a comment.

PAUL WANZENRIED: Any further comments from the audience?

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: If I understand things, this is for site plan, so we can -- signage, would need to be in compliance prior to issuing a building permit or C of O.

ED SHERO: I would prefer the building permit.

PAUL WANZENRIED: Very well. Signage compliance.

DAVID CROSS: Plaza wide.

PAUL WANZENRIED: Yes. Those are all plaza wide, I believe. Signage compliance, plaza wide.

MICHAEL NYHAN: Are there any other outstanding issues other than signage in the plaza as far as code perspective?

ED SHERO: As far as code perspective, that's all I'm aware of.

PAUL WANZENRIED: I get that. The storm basins fixed? That was an issue back when

the Bank of America --

ED SHERO: The one in the main entrance. The one in the main entrance has been fixed.

PAUL WANZENRIED: Has been fixed.

Are there other drainage issues that need to be addressed.

ED SHERO: I'm not aware of any. That is not to say that there isn't.

KAREN COX: I haven't noticed any when I went there. The problem was it appeared over the winter --

ED SHERO: The one in the main entrance.

KAREN COX: Then it got fixed.

MICHAEL NYHAN: So if I could, Chair, make a recommendation that perhaps we just indicate rather than saying all sign permits need to be fixed, that anything out of compliance with the Building Department needs to be brought into compliance before a permit will be issued. So we'll just cover any code issues that we have at the plaza prior to that.

PAUL BLOSER: Would that include Fire Code?

MICHAEL NYHAN: Well, I would want that to include any code issues, whether it is the Fire Marshal's Office or the Building Department.

PAUL WANZENRIED: Signage brought into compliance plaza wide, prior to issuance of building permit.

Any other conditions that we want to put on it?

MICHAEL NYHAN: Can we have additional discussion, if you look at the size of the building, four studios, if you have four studios and four therapists and a receptionist and possibly two people waiting, up to seven, possibly eight people that could be in this building at a time. I have heard a lot about parking in that plaza and it seems to me we did a parking study or Bank of America did a parking study for us to show how deficient it is. I think what I would like to see is a parking plan that any available space in that plaza, how it will be used to increase the amount of parking spaces that they have. That is the first piece. I don't think we can rely on Bank of America do that. Or their application may not get approved and we'll still be deficient on parking space.

So I think this is Mr. Ren and he owns the plaza and if he wants to put additional businesses in there, he needs to bring that into compliance and to our satisfaction before he will be able to do that.

PAUL WANZENRIED: He is extremely deficient, though, in parking. You will not get --

MICHAEL NYHAN: But there is room for additional spaces.

KAREN COX: In other words, if -- if that -- there is that area that Bank of America --

MICHAEL NYHAN: There are spaces that could be added.

KAREN COX: That could be added.

MICHAEL NYHAN: Whether Bank of America goes in there or not, the plaza owner should be required to do that if it is required to be there.

KAREN COX: Or if it would bring the parking lot closer to -- in compliance with the parking.

MICHAEL NYHAN: I'm not looking to -- I think it is 67 percent deficient. I'm not looking to go say you have to come up with a couple hundred more parking spaces, but there is space there that could be --

DAVID CROSS: When you look at this individual application, they could argue very easily that the parking requirements are actually down, not up, versus the previous --

MICHAEL NYHAN: But it is vacant right now. There is nobody in there.

DAVID CROSS: There was a dance place in there.

MICHAEL NYHAN: But it is vacant. There is space along the back of the building. I'm not sure if there is enough space for parking, but I would like to see if there is. Is there room for additional --

PAUL BLOSER: You may not be allowed that because of fire exits. And that is where --

MICHAEL NYHAN: We found space to put additional spaces for the Bank of America to pay for. The property owner now is asking for an application. Why wouldn't we require him to do that?

DAVID CROSS: I think you make a good point on the spaces.

MICHAEL NYHAN: However many that is.

PAUL WANZENRIED: We'll say that additional parking be developed.

DAVID CROSS: For the Bank of America application --

PAUL WANZENRIED: Do I say behind the Rite Aid, or do I say -- should we say some sort of Master Plan, some sort of master parking plan?

MICHAEL NYHAN: I rather see it as a master parking plan for the current development and any future planned development like Burger King and any space there is in this parking lot right now to put additional cars in parking spots.

MR. REN: Can I say something? I mean I was without -- put additional businesses in. We have three business. They move out. So we try to, you know, replace them one business. I mean, probably before they always find why we need new space, new parking space -- I mean just my question. I mean, we have three tenant move out. So right now we try to add one tenant, replace them. So I mean I just don't know why we got issue with the parking space.

MICHAEL NYHAN: To me it sounds like parking is a real big problem over in the plaza.

PAUL WANZENRIED: But you would have a trade-off to some degree. That's what you're arguing, correct?

MR. REN: Yep.

PAUL WANZENRIED: Granted, the Board doesn't dispute that. However, the Board says that per what has been shown to us, a traffic study we recently saw by an applicant that you're associated with, the parking lot or the parking spaces are deficient. So what we want you to do is one, develop a parking plan and it shows how many spaces are there, and make sure they're delineated, and then any space that you can, develop more parking to bring it more closer to compliance.

MR. REN: Do I --

PAUL WANZENRIED: Do you understand?

MR. REN: Yes, I do understand. Thank you.

PAUL WANZENRIED: So we will say -- Master Plan, parking plan be developed and additional parking instituted. Anything else from the Board?

Approval is subject to final approval of the Town Engineer/Commissioner of Public Works. All previous conditions approved by this Board that are still pertinent for this application remain in effect.

KAREN COX: We're only going for --

PAUL WANZENRIED: Site plan.

KAREN COX: Preliminary even though it says final.

PAUL WANZENRIED: He has paid for final. I believe. Yeah. He paid for final.

KAREN COX: But we don't want to vote on that tonight.

PAUL WANZENRIED: Well, I can go through any conditions and then I will make a motion to either table it, and he comes back with a Master Plan -- right? That's -- that's the way I see it.

MICHAEL NYHAN: It be a condition of the approval so he wouldn't be able to move forward until he brought that into the Building Department?

PAUL WANZENRIED: That's correct.

DAVID CROSS: What is -- what -- back to this Master Plan, are you going to make him come -- there is no way he is going to be able to fit all of the parking that is required for the -- for the existing businesses.

PAUL WANZENRIED: But he delineates the parking that is there and he shows where he is going to develop new parking. Or additional parking.

DAVID CROSS: With the Bank of America application, I think we have shown where the additional parking can go. You're familiar with that area, just north of the Rite Aid. Can do you that with this application?

MR. REN: There is no question. Yes. Yes. Because it already has asphalt. We just add a couple stripes.

PAUL WANZENRIED: You're putting a couple poles on each side, putting a couple landscaped curbs on each end. It's a little more than just adding some paint on the asphalt.

DAVID CROSS: I would be comfortable taking this to final vote with the conditions -- except for the Master Plan, the condition be he put in this parking like we just saw up on the screen and let's see a business get in there.

MICHAEL NYHAN: Has that parking been reviewed -- I would assume when you were looking at the Bank of America, was that the only additional spaces we could find -- is where they put them; so there really is not any other space?

PAUL WANZENRIED: There is nothing around back.

MICHAEL NYHAN: I know you can around back but there is probably a fire lane. So I guess I would agree with David (Cross) on that. If it has already been looked at and we know that is the only area where additional parking can be placed then, that the condition be we just install that parking space.

PAUL WANZENRIED: How many spots were there? 8, 12?

KAREN COX: Eight.

PAUL WANZENRIED: Eight spots?

MICHAEL NYHAN: It's on the old plan. It's on the old plan.

KAREN COX: It was on the one we had up.

PAUL WANZENRIED: I'll look that up.

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

Application subject to required permits and inspections of the code.

Any signage change shall comply with Town Code, including obtaining sign permits of which we also have the signage compliance plaza wide, prior to building permit.

MICHAEL NYHAN: The plan was at our July 8th meeting, I believe, the parking we're talking about.

PAUL WANZENRIED: Thank you.

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

PAUL WANZENRIED: Signage, the parking added to the north of the Rite Aid. I guess per Bank of America's sketch, right?

MICHAEL NYHAN: It is subject to final approval, right from the engineer?

PAUL WANZENRIED: We're going to vote final.

DAVID CROSS: I make a motion to -- to waive final.

PAUL WANZENRIED: Waive final. There is a motion to waive final.

PAUL BLOSER: Second.
MICHAEL NYHAN: Excuse me, what does that mean?
PAUL WANZENRIED: It means that this -- they come before the Board for preliminary site plan approval. They have paid for final.
MICHAEL NYHAN: Right.
PAUL WANZENRIED: So we -- we automatically --
KAREN COX: Tonight --
PAUL WANZENRIED: Tonight will be the only time they need to appear before us.
MICHAEL NYHAN: With all of the conditions you just mentioned. I got it. Thank you.
PAUL WANZENRIED: So it was seconded by Paul (Bloser).

The Board was unanimously in favor of the motion to waive final.

PAUL WANZENRIED: On the site plan, we'll take a vote.
KAREN COX: Did you read the conditions again?
PAUL WANZENRIED: Conditions were signage compliance plaza wide brought -- signage brought into compliance plaza wide prior to the issuance of a building permit. Parking added to the north of the Rite Aid, um, per the Bank of America sketch. That is all I can refer to.
MICHAEL NYHAN: From our last meeting.
PAUL WANZENRIED: From the July 8 meeting. He knows he is with -- associated with them, so he knows what to do. And if they balk at doing it, we're making him do it. Okay?
PAUL BLOSER: On the signage, it was all building and Fire Code is compliant.
PAUL WANZENRIED: All buildings and Fire Code signage brought into compliance, plaza wide, prior to issuance of building --
PAUL BLOSER: That includes the signs then.
PAUL WANZENRIED: Very well.

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

1. All building and fire code signage be brought into compliance prior to issuance of a building permit. This is to be confirmed by the Building Department.
2. Parking added to north/east quadrant of property behind Rite Aid as depicted by Bank of America (presentations) per July 8th Planning Board meeting.
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. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. Any signage shall comply with Town Code, including obtaining sign permits.

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

3. Application of Open Door Baptist Church, owner, 350 Chili Scottsville Road, Churchville, New York 14428 for preliminary site plan approval to erect a 30' by 45' pavilion at property located at 350 Chili Scottsville Road in RA-1 and FPO zone.

Joe Lima was present to represent the application.

MR. LIMA: My name is Joe Lima, Treasurer at Open Door Baptist Church, 350 Chili Scottsville Road. Our application is for a 30 by 45 outdoor picnic pavilion. It's an open pavilion with a concrete floor, metal roof, metal gable ends matching our existing pole barn in color and construction. It will be located about 75 feet to the rear of our main parking lot, um, and used for outdoor activities, any events throughout the summer season at our church.
Um, I did receive a -- an email from the engineer last week, and I think I addressed the

questions that were asked. There was one question I think about where are the main bathrooms -- where is the closest bathroom, which is in our main building, probably about 350 feet from the pavilion, but we do rent a Port-A-John for the summer season. It's located outside and it's about 25 feet from the pavilion.

PAUL WANZENRIED: That it?

MR. LIMA: Yes.

PAUL WANZENRIED: Where -- where in your plan would there -- which corner? Southeast? What corner are you putting this up?

MR. LIMA: Can I put this up there?

PAUL WANZENRIED: Please, do.

MR. LIMA: This is -- (indicating).

PAUL WANZENRIED: Yep.

MR. LIMA: It's -- the Port-A-John is located right about here (indicating). Right about here (indicating). It's at the end of our driveway, behind our pole barn. This is our pole barn right here (indicating).

MICHAEL NYHAN: It's currently there?

MR. LIMA: Yes. It's currently there.

PAUL WANZENRIED: Was the -- is this additional parking, has that been developed?

MR. LIMA: Yes. Yes. This is an old site plan when we were developing the addition.

PAUL WANZENRIED: I wasn't sure.

MR. LIMA: All of the black area is the additional parking.

PAUL WANZENRIED: That has been developed?

MR. LIMA: Yes. And it actually extends behind the pole barn.

PAUL WANZENRIED: Okay. I will open the questions from the Board.

MICHAEL NYHAN: Will this be rented out at all?

MR. LIMA: No.

MICHAEL NYHAN: Only going to be used for church functions?

MR. LIMA: Yes.

MICHAEL NYHAN: Will the church be open during events or will it just be if people needed to go in there?

MR. LIMA: Yes, during events it would be open.

MICHAEL NYHAN: The answer was the bathroom was 350 feet away.

MR. LIMA: Quite a bit a ways. This will be for outdoor activities. We have baseball games now. That is what they use the Port-A-Potty for. We don't let them go into the building. It is already being used. If we have a large vacation bible school program during the summer, this would be a great asset to have out there for the summer for that event.

We're going to make it accessible for wheelchairs and seniors that it is easy to walk to. There will be a concrete walkway from the existing drive to the pavilion so they don't have to walk over grass or anything.

MICHAEL NYHAN: It is pretty steep when you go down from the parking lot to your current existing pole barn.

MR. LIMA: Yes.

MICHAEL NYHAN: Will this pavilion be handicapped accessible?

MR. LIMA: Yes, it will be. It flattens out when you get north of the pole barn. It flattens out and is level behind the pole barn.

MICHAEL NYHAN: All grass right now?

MR. LIMA: Grass, yes.

MICHAEL NYHAN: To get behind the pole barn, you have to go down a steep hill? Isn't that right? You see where the Number 6 with the circle in the blacktop?

MR. LIMA: Right in here (indicating), well, right starting about here (indicating), it flattens out all of the way back here (indicating) and it will be flat from here (indicating) across. We're going to put a sidewalk.

MICHAEL NYHAN: Correct me if I am wrong, when I was there looking at it, you see where the parking spots are? And the new blacktop?

MR. LIMA: Yes.

MICHAEL NYHAN: From that point to, the apron that goes along --

MR. LIMA: Yes. That's downhill.

MICHAEL NYHAN: That's very steep, though.

MR. LIMA: Yes.

MICHAEL NYHAN: I don't believe that's ADA compliant.

MR. LIMA: Oh, not from there now.

MICHAEL NYHAN: How would people get from that area down to where it is flat? Where would they park?

MR. LIMA: They park up here (indicating), but they would be walking across the driveway, the blacktop driveway.

MICHAEL NYHAN: That is my point. If you're parked up top and you have to come down the driveway to where the pole barn is, it is an extremely steep hill there. A lot steeper than what I would think is ADA compliant, so there would be no way for anybody to get to that pavilion without some sort of assistance from somebody else. So if it is flat from the parking lot to the pavilion, what I'm saying is you have to provide some sort of access.

PAUL BLOSER: The rear door of the church in the back is at the same ground level.

MR. LIMA: Rear of the church is ground level access.

MICHAEL NYHAN: If you come out of the church, but if you're parking in the parking lot.

PAUL BLOSER: It is ground level.

MR. LIMA: Typically with this outdoor facility they're -- we're applying for, we would probably be in the building first and then go out to the facility. It could be used for a Sunday child's -- Sunday school class, for an activity, but we would probably be in the building first and exit the building out to the picnic pavilion.

MICHAEL NYHAN: Is there parking in the back part of the building for handicapped accessibility? Where is that --

MR. LIMA: There is parking back here (indicating), handicapped accessible because it is all flat, from here to the building (indicating).

MICHAEL NYHAN: And parking spaces -- that looks like the front of the garage, isn't it? Overhead doors?

MR. LIMA: There is overhead doors, but this (indicating) is not the whole map here. There is parking all of the way back here (indicating), and it actually goes around the other side of the building and it's all flat there.

MICHAEL NYHAN: Okay. I did miss that. So it will be handicapped accessible --

MR. LIMA: Yes.

MICHAEL NYHAN: -- if they park down in front of that building?

MR. LIMA: Yes.

MICHAEL NYHAN: Thank you.

KAREN COX: Is there going to be a sidewalk connecting the parking lot to the pavilion if you wanted to roll a wheelchair out there?

MR. LIMA: Yes. It will be about 25 feet long from the blacktop drive on the side of the pole barn to the pavilion. It will be almost flat.

KAREN COX: Maybe do we want to show that on the site plan?

PAUL WANZENRIED: I think he did in his application.

MR. LIMA: I drew it. It is hard to see.

PAUL WANZENRIED: It is delineated on there. I think that is what he was showing.

KAREN COX: Okay. That is all I have.

PAUL BLOSER: The only question I have, if you're making that sidewalk ADA compliant from the parking lot over to the pavilion, wouldn't that have to be 5 foot wide? Instead of 4?

MR. LIMA: Is it 5? Whatever it has to be, we can increase that. I thought 4 was --

KAREN COX: It's 5.

MR. LIMA: It is 5?

KAREN COX: Yes. It's 5.

PAUL WANZENRIED: For the Building Department, Ed (Shero), do you know the answer off the top of your head? ADA sidewalk, is it 5 foot wide or 4 foot?

ED SHERO: I don't believe it is 5.

KAREN COX: It's 5.

PAUL BLOSER: 5 for turning radius.

ED SHERO: I think -- 36 inches.

PAUL BLOSER: Just verify that so there is no problem after the fact.

PAUL WANZENRIED: You have to understand, if it is dual direction, then 60 inches is -- and if it is one way, then you go down to 36. You can go as low as 36.

KAREN COX: Then I take it back. I guess I always deal with dual direction in Public Works.

ED SHERO: Just ask that all of the codes be in compliance with the Building Department prior to issuance of a building permit.

PAUL WANZENRIED: Did we address all of your comments?

MICHAEL HANSCOM: No additional comments.

PAUL WANZENRIED: Did he address all your comments?

MICHAEL HANSCOM: Yes, he did, I think.

PAUL WANZENRIED: You have to speak up over the rain, Mike (Hanscom).

MICHAEL HANSCOM: What he submitted, the revised site plan with layouts --

PAUL WANZENRIED: He addressed them. Okay, great.

PAT TINDALE: We didn't see any landscaping plans, and I know the project is small, but according to code, 1 percent is to be put into landscaping of the cost of the project.

MR. LIMA: Around the perimeter of the --

PAT TINDALE: We would be happy to have it somewhere around your property, just 1 percent, with a small drawing showing us where.

MR. LIMA: That's fine.

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: They are going to waive final.

DAVID CROSS: Make a motion to waive final.

MICHAEL NYHAN: Second.

The Board was unanimously in favor of the motion to waive final.

PAUL WANZENRIED: The conditions will be 1 percent per the Conservation Board.

Do you want to make it that it has to be 5 foot wide?

KAREN COX: If it is not required for building.

DAVID CROSS: Say ADA accessible.

MR. LIMA: Whatever the ADA requirement is.

PAUL WANZENRIED: ADA compliant, and Ed (Shero) wanted it to be building code compliant.

Pat (Tindale), you don't need to see a licensed --

PAT TINDALE: No.

PAUL WANZENRIED: Subject to final approval of the Town Engineer/Commissioner of Public Works.

All previous conditions.

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

And application subject to all required permits, inspections and code compliance regulations. Okay. We have a vote on this application.

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

1. In lieu of landscaping, applicant to make a donation to the Town's tree planting fund in the amount equal to 1% of the total project cost.
2. All walks and construction to be ADA compliant.
3. All construction to be compliant with all Town Codes and State Building Codes.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
7. Building permits shall not be issued prior to applicant complying with all conditions.
8. Application is subject to all required permits, inspections, and code compliance regulations.

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

4. Application of McDonald's USA LLC, 1000 Omega Drive, Suite 1390, Pittsburgh, PA 15205, property owner: Frederick Kuhs; for revised final site plan approval to erect a 3,905 square foot restaurant (original approval granted on 5/12/09) at property located at 3303 Chili Avenue in GB zone.

Louis Buono and Randy Bebout were present to represent the application.

MR. BUONO: My name is Louis Buono and I'm -- although not the property owner, I'm the owner of the business and I want to first of all apologize for what you guys had to endure while traveling along Chili Avenue looking at that building, but I hope you're as happy as I am in this is finally coming to fruition and it's a personal guarantee. I know we had a delay for some time, but after buying it from the previous owner last year, I was able to bring it up and move forward with it.

Um, my family has been in business with McDonald's for 37 years, my dad, so I'm a next gen operator. My dad is also an operator and I was able to learn underneath him and ketchup is in my veins, so I know how important it is to have a business in a community like Chili. I grew up in Chili. This store was the first store I worked in. Was my first job. So it also makes me even happier I'm able to go ahead and bring the new design.

I don't want to call it new because it is almost identical as far as the site layout goes as you guys have seen. The one -- we have a couple changes that we did make and I believe it is all for the better.

As you will see on the photograph -- the -- the elevation, I just added my own little flare to it. I think bodes well to the -- to the rest of the community. So on the left, you will see and I will start with -- on the left, you will see the original elevation that was submitted back in '09. The change that I made, um, that I would like to submit now is on the right which really is just some material changes. Um, the -- the overall structural changes are almost identical. It is really just some of the elements.

The -- the two big changes that I will propose, if you guys are interested, is the siding which is much more durable siding for color, for material. It's actually a lot less maintenance on my behalf, so it is a big benefit for me and a cost savings. But for me, it is prettier and goes well with the -- if you notice, I have also -- am proposing to change on the bottom part to instead of the brick, which is shown on the left, to more of a cultured stone on the bottom. Okay? And I have also added some white trim around the windows as opposed to that -- I will call it the brown -- it's more a brown metal framing that was proposed. This is a white framing around the windows.

The roofing material also changes to a shingle type material as -- as opposed to what is on the left is a metal standard seam. Which again, I think it looks well, a lot prettier with the whole design of thing. I definitely want to point that out.

As far as the site layout, we have done very little to it. The biggest change -- and we're actually asking for you guys to review the variance. The original approval variance was the setback. The code allows for 75 feet setback. We proposed the original to be 55. We're now proposing it be 50 feet. The reason for that is, after reviewing the layout and the current business that I have and the current business that I'm proposing, I wanted to add an additional 5 feet to the -- on the back of the building, which required me to move the building up slightly to not hinder any of the traffic flow that goes behind the building. I have done that in previous projects and it has proved extremely successful and actually almost a necessity. The additional storage for product in the building.

Um, the landscaping stays the same. Some of the minor changes that we have done was to streamline some of the sidewalk from both sides on the east and west for pedestrian walks. Um, we have -- the dumpster, the original plan back in '09 called for the dumpster enclosure to remain the same. Um, I didn't think that that was a viable solution. I'm going to, with the building, tear that down and put up a new enclosure so that it -- instead of just trying to add a coat of paint on there. The direction and the size will stay the same. It will just be brand new, fully enclosed.

Parking spaces remain the same as the original plan, reducing 17 spots going -- as you will see on the plan. And do we have -- I do have, if you would like -- I can either put it on here, but an overlay -- that's what we'll do. You will see here is a red line that shows the new plan and the black line, of course, is the old plan. You will see very little -- very little change.

KAREN COX: You said the red line is the new.

MR. BUONO: Yes. The red line is the new and the black is the old.

MR. BEBOUT: That is the 2009 plan compared to the proposed plans. Very minor changes.

Randy Bebout with TY Lyn International.

MR. BUONO: I do want to mention one thing. The elevation that you guys received on our proposal, there was -- there was an oversight on my behalf. The front entrance and the elevation that you have, and I have new copies if you would like to have them for your plan, shows the entrance in the middle of the building. That was an oversight. It actually doesn't work with that site. In order for us to accommodate that, we would have to actually bump the building out even closer to the road. So the entrance to the building is -- if you see here, looking at is actually on the left. Not in the center. Okay? I wanted to point that out. I do have copies for you guys if you would like to have them.

PAUL WANZENRIED: Yes, we would.

MR. BUONO: One of the changes I also am making -- I have done this at three -- I actually did this -- the conversion at some other sites, is the lot lights. I'm changing them to LED lighting. Um, much more energy-efficient. It's pretty much the standard that -- not that New York State requires but works with RG&E very closely to make sure that we put those in.

MICHAEL NYHAN: Which elevation was changed?

MR. BEBOUT: The front elevation.

MICHAEL NYHAN: Oh, you added the -- I see. Okay. Thank you.

PAUL WANZENRIED: You also added that "McDonald's" there, per our -- well, at least from the ones that you submitted to us. They don't show the "McDonald's."

MR. BUONO: Yes, thank you for that. The -- again the elevations that you had prior to this meeting did not show that McDonald's sign on the building. So that was an oversight of ours.

PAUL WANZENRIED: That's a back-lit sign.

MR. BUONO: Yes, the back-lit sign.

KAREN COX: And the arches are back-lit also?

MR. BUONO: Correct. Those are all LED.

PAUL WANZENRIED: Why just the one side and towards the rear?

MR. BUONO: The other side, if you notice toward the back of the building, is not visible from the road, for line of sight. It's towards the back. Because we center it with that -- I'm not very good with the architectural terms, but it's centered in between the side entrance and the back of the building, and that was the place that it actually fit. It would not fit in the front portion of

the building.

PAUL WANZENRIED: Okay. Anything further?

MR. BUONO: No. Thank you very much.

PAUL BLOSER: The new dumpster area, what are the details on that as far as construction materials?

MR. BUONO: Randy (Bebout), the materials?

MR. BEBOUT: It's proposed to be constructed out of Trex decking, the gates, the sides. So it is maintenance free. We have use -- we use that detail on a lot of other locations. I don't know that that -- there is any in this area, but we -- but we have used it for the past year. A lot of the new enclosures have been built with the Trex gates. This one will have Trex all of the way around.

PAUL BLOSER: Vertical?

MR. BEBOUT: Yes, vertical.

PAUL BLOSER: Board and batten style or just slats butted up together?

MR. BEBOUT: Yes, yes.

PAUL BLOSER: The gates will be the same material?

MR. BEBOUT: That's correct.

PAUL BLOSER: How high will those be, the walls?

MR. BEBOUT: I believe it is 6 or 8 feet.

MR. BUONO: More than 6 feet. I think it's 8 feet. You cannot see the dumpsters as you're -- from standing outside.

PAUL BLOSER: The same footprint of what the existing is?

MR. BUONO: Yes.

PAUL BLOSER: I'm excited to see that, you know, something moving, because that building is starting to look pretty ratty.

MR. BUONO: Yes, it is.

MR. BEBOUT: It is 8 feet.

MR. BUONO: It's a long time coming. That is why I had to apologize. Yes, it is. I'm getting by. You can only imagine the cost -- I ran into duct tape. I'm very excited. We're trying to do this April, April 1st.

PAUL WANZENRIED: Start construction?

MR. BUONO: Start construction.

DAVID CROSS: How many days of construction?

MR. BUONO: 80 to 90 days, so it will be pretty quick.

DAVID CROSS: Do you need any variances for signage on the property, proposed signage, with the monument signs and the building signs?

MR. BUONO: With monument signs we did ask for the variance and were approved back in '09. That has not changed. Monument signs we're keeping. The entrance signs, it's the --

MR. BEBOUT: So the signage is exactly the same as '09. The building signage is the same. The site signage is the same. The only thing we're proposing different which was provided in the package to the Board is that drive-thru canopies which originally we did not have on the project, and the reason we didn't have them at that time, um, was just different parameters for truck movement, if you will. So we couldn't have the one on the outside, so the Corporate theory was if you don't have the one on the outside, you don't have the one on the inside.

The canopies provide a nice convenience for the customer, protection from the rain we just heard and it has a light that shines down, so a little additional security. But we have -- given the McDonald's design requirements, we were able to get the truck around and be able to use both canopies. That was included in the package. It is consistent with the other drive-thru features, if you will.

DAVID CROSS: Okay. One -- one thing I did notice, I did notice drive-thru canopies, the design of them. It did not -- it looks very contemporary. It did not match the style of the architecture you're proposing with the building. Is there an alternate you could or would propose there?

MR. BEBOUT: There really isn't.

DAVID CROSS: That's McDonald's standard?

MR. BEBOUT: They don't manufacture a different type of canopy.

DAVID CROSS: That's a segue to my next comment. I guess I'm not a big fan of the dual drive-thru set up. Maybe you can speak to that a little bit. To me it seems a little gimmicky to get people into the line, but it's still the same time, because most likely you have one --

PAUL BLOSER: Hold-ups up at the window.

DAVID CROSS: -- hold-ups at the window. So maybe you can speak to the double drive-thru concept.

MR. BUONO: Sure.

McDonald's, based on numerous studies actually have found out that the order point is where the longest time is taken. It's the customer's decisions. It is actually a fault of ours because our menu boards have become so extensive, so when customers are coming up, we have a standard of 22 to 25 seconds. That has tripled on average because of the time customers are taking. Um, so, in fact, at the window, it's not. It's the same time there, but we have reduced now the order point.

So the theory is that now customers have the option to go in either lane and it creates a faster drive-through lane, because we are getting more orders into our kitchens, which have also been revamped to accommodate these additional cars coming through. Our drive-thrus now are

averaging anywhere between 70, 75 percent as just the standard industry is. So they found that this has actually streamlined our drive-thru lanes.

DAVID CROSS: I don't have anything else right now, Paul (Wanzenried).

PAUL WANZENRIED: Can you explain what the -- you don't have that elevation up there, do you?

MR. BUONO: Which one? Which one do you need?

PAUL WANZENRIED: The newest elevation, drive-thru elevation. Three windows?

MR. BUONO: Yes. So the third window is a -- with this particular layout, um, there is a lot of times that what we would like to do is provide -- which I have on the existing site right now is parking spaces for customers to pull up and go ahead and wait there. Um, with this layout, it is a little cumbersome to provide those spots for them. So this third window allows me, if a customer had to wait for a special order, to pull them to that point, so that I can continue getting the cars moving behind them, and then that would allow me to go ahead and deliver it through that delivery window.

PAUL WANZENRIED: So 20 feet, I have a car stuck.

MR. BUONO: 25 feet is the distance between center to center?

PAUL WANZENRIED: I'm looking at 20 feet drive aisle width on your drive-thru.

MR. BEBOUT: That's correct. The width of the drive lane is 20 feet.

MR. BUONO: Correct. Sorry. I misunderstood you.

PAUL WANZENRIED: You have 20 feet. I'm at the third window, and the next guy behind me comes up and gets his order.

Is he going to pull around me?

MR. BUONO: Correct.

PAUL WANZENRIED: That seems kind of tight. Both from a width standpoint and from just looking at the elevations where a car is and maneuvering around and that guy whose -- who is trying to get around me.

What you're saying is I'm here, on this third window, guy is going to come up to this window here (indicating), he is getting his order and he has to pull around me like that (indicating)?

MR. BUONO: Correct.

PAUL WANZENRIED: It seems a little tight.

MR. BEBOUT: That car is actually not depicted far enough up. The window is actually right to the front corner. The car is back a little bit. So -- I'm not denying it's a little tight, but there is -- but there is more space there than that what is depicted in this plan.

KAREN COX: This corner here (indicating).

PAUL WANZENRIED: That doesn't put me in any sidewalk?

KAREN COX: Would you be sitting on the sidewalk?

MR. BUONO: No. You see -- right in front of the sidewalk. Right in front of the sidewalk.

MR. BEBOUT: The front part of the car would be past the front of the building, if you will. And then that sidewalk actually has a handrail protection, because the door is right there.

PAUL WANZENRIED: Can I also ask what is the purpose of allowing me to go to the left in front of the building? Is that only to circle back around and order again?

MR. BUONO: So how can I describe it? So customers are very funny. Um, they're very interesting in their natures as they pull onto our lots. It's actually a customer convenience is what we have added there. Many times we find customers that will pull onto our lot and drive around, realizing that they passed a convenient spot, okay? So in an effort not to have them pull off our lot, only have to then pull back on, it's a pull-through in front of our -- while staying on our lot. It's actually a customer convenience.

KAREN COX: Where are you talking?

DAVID CROSS: I'm okay with that. I have a good opportunity to get another one without going back out in the road. I do appreciate that.

MR. BEBOUT: I can tell you -- as a customer, I go through drive-thru a lot and I want to park. I don't want to go inside necessarily. So it gives a customer an opportunity to go through drive-thru and actually go back around to park.

MR. BUONO: We get a lot of servicemen that come through, they only have so much time. They come through the drive-thru, they go around and find a spot, so again, another customer convenience. They will be parking in our lot, and eat in the car while they do their paperwork as opposed to coming inside.

MR. BEBOUT: Given the configuration of the site, we just don't have the ability to do that any other way.

KAREN COX: That was part of the original application.

MR. BUONO: And request, I believe.

KAREN COX: Yes, I think you're right.

MR. BUONO: It was requested that we add that.

MR. BEBOUT: You can see it. We have actually just -- because the building is pulled forward, we pulled it forward a little bit.

MR. BUONO: And some other things we maintained, if you don't mind me bringing up some comments about customers, no matter what you do for them, they won't follow the rules. But we have created as best as possible to force them to insure they don't turn right into the entrance to exit the building, so we have created the curbs and the markings and the arrows and it will be striped as such.

KAREN COX: I think Jim (Martin) might have been the one that brought that up.

PAUL WANZENRIED: Well, yeah, you make a good point. I would like to see is there a way you can make that -- is there a way to bring this down so it's a little more -- I know you're choking this off (indicating), but can you bring that down a little bit (indicating)?

MR. BUONO: We definitely can adjust that.

PAUL WANZENRIED: Back towards the parking lot.

MR. BUONO: Yes.

PAUL WANZENRIED: You're absolutely right. Because the nature of drivers, I'm going to try to get out the in door, so. Okay.

KAREN COX: First of all, I would like to thank you for bringing this back in, because I don't know how -- maybe a year ago I was sitting in drive-thru at Spencerport McDonald's.

MR. BUONO: That's my dad.

KAREN COX: I called Dave Lindsay because I was very unhappy that looked so nice and ours still looked very bad. And at that point, I asked him if there had been any movement on it.

The one thing I do remember from the previous application was that inside there were going to be improvements to make it more -- modernize it to make it more of a place that people would want to come in and not just pound their food and leave, but linger, sit for a cup of coffee.

Are there -- are those improvements still planned?

MR. BUONO: Absolutely. Yeah. We'll be investing an enormous amount of money in that aspect of the dining room to make it much more relevant to our customer base, much more -- a warmer feeling. We -- I -- I mean, I can share with -- just my little flare I'm adding in there, I feel so confident that the Town is going to warm up as they walk into the building.

It definitely will be a place where I will add some technological features in there, but it won't be overwhelming that you're going into a sitcom room at all. But you will be able to have conveniences of technology with WiFi, the outlets that we need, but also be a warm atmosphere where you can enjoy, read a newspaper if -- or an iPad I guess to that.

KAREN COX: I think honestly, the -- just even the outside improvements will encourage people to come and stay there.

MR. BUONO: Yes.

KAREN COX: So that is a good thing. And it will dress up that area well. Um, I -- you know, because -- I saw this three years ago, I don't really have any other questions than that. Just happy.

MR. BUONO: Thank you.

MICHAEL NYHAN: Follow up Paul (Bloser)'s questions on the Trex dumpster material. I missed the color. What color will that be?

MR. BEBOUT: Typically it's a saddle brown, or in this case, it could match the building.

MR. BUONO: I can choose the color that will match the building. I have it -- it will be consist with the building.

MICHAEL NYHAN: And then a couple of questions from the letter you sent in with your application to Kathy Reed on July 11th. Under the building and architecture and signage you proposed the monument signs to be brick, consist of brick, and I think originally the building was going to be brick and they were going to match the building.

Will those signs now match the stone that you're put on the building rather than brick and stone?

MR. BUONO: Correct.

MICHAEL NYHAN: Those will not be brick; they will be stone?

MR. BUONO: Yes.

MICHAEL NYHAN: All right. And they are for traffic volumes -- I know you're using a table that is like a standard.

MR. BEBOUT: It is based on square footage.

MICHAEL NYHAN: Based on square footage so really what it shows is 60, 70 percent of your -- of your business is done through drive-thru, but you're adding a second drive-thru and you're indicating that your business is going to go down because your square footage is going to go down.

Do you have actual numbers? What do you propose or what is your current traffic volume relative to this table or what do you suspect or anticipate it will be with the two drive-thrus?

MR. BUONO: With two drive-thrus, I anticipate the first year, the overall business to increase about 12 percent. What does it mean in number wise? We do average about 900 transactions, simple math, so figure 70 percent of 900, you're looking at roughly 600 and -- let's just say 650. So an additional 10 percent -- I'm looking over an additional 750 customers within our drive-thru, and then an additional 30 to 40 customers on a daily basis in our dining room. And that's in the first year. Um, my skylight goal is 15 percent because of the investment into this particular site.

MICHAEL NYHAN: So 15 percent of what we see today --

MR. BUONO: Correct.

MICHAEL NYHAN: -- from a traffic perspective?

MR. BUONO: Yes.

MICHAEL NYHAN: The landscaping and buffering, you have a lot of landscaping around all of the sides of the building, with the exception of the one that faces Ace Swim Serve, and I know there is a deeded lease, 15 foot between the parking lot of Ace Swim Serve and then a small hill. At that corner you have a couple of pine trees but no landscaping is from that point all of the way to the front entrance where you have a large deciduous tree. I don't know what kind it

is. Is there any way that area could be landscaped, as well? When you come down the road, you're looking at the bottom of a bunch of cars parked in your parking lot.

MR. BUONO: So what we had to do again in order to accommodate everything there, um, is tap into what little space I currently have. Um, in order to make that area wide enough to accommodate the parking spaces I have on the right-hand side -- because I no longer have parking spaces on the left as you can see, because we had to shift the building slightly over toward that side of the lot -- so I have no space.

KAREN COX: Next to the building.

MICHAEL NYHAN: I'm talking --

MR. BUONO: No. That's what I mean. I had to shift everything to the right and the little land that I had, that you are referring to, I actually had to use up, okay, in order to accommodate this site. So I no longer have any land over there to add landscaping.

MICHAEL NYHAN: You are still showing the piece of land on this -- even -- it is outside the red line?

MR. BEBOUT: Off the property.

MR. BUONO: Off the property.

MICHAEL NYHAN: It says deed and leased. Whose is that? Is it yours? Is it a common for you? Whose piece of --

MR. BUONO: That little slope there.

MICHAEL NYHAN: That slope. Whose is that?

MR. BEBOUT: I don't believe it is under McDonald's ownership.

MICHAEL NYHAN: You don't know?

MR. BEBOUT: I mean it's -- that's from an older survey, and it's not McDonald's.

MR. BUONO: This area right here (indicating)?

MICHAEL NYHAN: Correct.

MR. BUONO: It's not ours. It's grass right now, because it is a little slope, so it's not ours.

MICHAEL NYHAN: Then, the last question I had, the last comment, is along with David (Cross)'s, as well, in looking at the signage, um, you know, you did a very nice job with the colors on the building. And I know McDonald's arches are probably a trademark thing that shows this is a McDonald's. You don't need to write "McDonald's" on the building to know it's a McDonald's. But the "order here" and the "maximum height," "drive-thru," all those signs are bright yellow and I believe they're back-lit; is that correct?

MR. BEBOUT: No. The only signs that are back light on the drive-thru are the menu board.

MICHAEL NYHAN: They're reflective vinyl. Right. It just seems it is really going to draw away from the building to have bright yellow letters in the back right next to the -- with all of the other colors you have done and the McDonald's sign is white, so I would like to be able to see those signs, the letters, any ways, become a different color. A white letter, something other than bright yellow.

MR. BUONO: What letters are you referring to? The word "McDonald's" or the actual arches?

MICHAEL NYHAN: No. I just referred to that as understanding why that needed to be yellow, but if you turn on your signage and you have "drive-thru clearance 9 feet" and you have -- I think it is "enter here," yes, and -- "enter here" with a yellow archway across the top, that is the area that of all of the colors that you have chosen and all of the changes you have made to the building are very nice and this is just very out of character and I would like to be able to see that color to be something different.

I understand you will have the canopy for drivers, customer convenience, but the words "order here," I don't -- just don't understand why they have to be a bright yellow. There is delineation on the --

MR. BUONO: Um, so it's -- again, it's a -- half the reason is the customer convenience, so that they can see it.

We have -- it has shown in -- in prior situation, in stores that have varied from that color, that those signs are damaged more frequently because customers can't see them. And -- and because they don't stand out as much. Um, and that has to also do with some of our bollards that we may put in safety areas that we have painted red or some other color that may match the building, but the only color that works -- I don't want to say the best color that works happens to be yellow so customers can visibly see it. It helps -- and that's the primary reason, to avoid customer damage. So it's a customer convenience.

MICHAEL NYHAN: You have a spring-loaded clearance bar that is -- somebody is going to hit prior to ever getting to your canopy, correct? That is the purpose for that being there?

MR. BUONO: Correct.

MICHAEL NYHAN: By the time they get to your canopy, they have already damaged your clearance sign is which a black and yellow.

MR. BUONO: You would think. I don't disagree with you. But -- so we had it happen -- we have had customers go through that, um, on U-Haul trucks for instance. They don't realize they have hit it, because it is spring-loaded, and they just keep going and the only way that they have known that they have hit it is because they can't go anywhere because they have wedged the truck underneath the canopy and they can't go any further. Um...

MR. BEBOUT: We had box trucks actually hit the corner of the canopy and they don't hit the clearance bar and have actually rotated the whole canopy.

MICHAEL NYHAN: I guess -- they won't notice a black and yellow caution bar, they

aren't going to notice your canopy whether it is yellow, white or green, I guess. So why not make it another color more in suit with that site? Because that is going to be very visible from the highway.

MR. BUONO: Um, not as -- not -- it --

MICHAEL NYHAN: The back side of the building, again, there is no landscaping on that west side of your building. I'm not talking about all. I'm just talking about the signage that says "drive-thru" and the sign that says "order here," and there's a very modern looking yellow arch that is the canopy.

MR. BUONO: I'm not certain that we can look at that. Those particular signs are trade marked by McDonald's. I have very little as an owner flexibility on, um, changing the colors out in those particular signs.

I will add that I have walked that line here (indicating). And there are two rather large trees here (indicating), so that your line of sight, as you are driving and approaching this area is very small. And it is difficult to see, and I -- I feel they don't -- they won't stand out as much as you may think until you're on -- actually on my lot and staring right at them. Particularly because of these two large trees that are right here (indicating). During the summertime. Wintertime...

MICHAEL NYHAN: Well, I would disagree. I think it is very out of character with the building, and I would like to see if they could be changed in color.

MR. BUONO: I will make a request to McDonald's. I will definitely make a request to McDonald's.

MICHAEL NYHAN: I have seen McDonald's in my travels that are not very McDonald's looking. New England style. You look at your plan and it gives you a plan number that you're using to build your building. So I'm sure they have numerous plans where they pick a number and there is a style and conformity to whatever the community needs and McDonald's, I think, really could find a way to make that not a bright yellow canopy.

MR. BUONO: I will ask. This is definitely one of those. This is out of the -- out of the standard book that McDonald's is using to -- to build their buildings.

I don't know if you have seen some of the brand new buildings. They're -- they're quite different than what you're looking at right now. Quite different. I will definitely request. I will definitely request.

MICHAEL NYHAN: I know they have standards, but I also know they deviate from those standards, as well, from looking at other McDonald's. Those are all of the questions -- comments that I have. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Well, if this building gets moved any closer to the road, it will give new meaning to drive-thru because you won't even have to get out of your car. You will be served in the street. This is awfully close to the road. And I realize that's a Zoning Board issue, but it also should concern you.

I served on the -- as -- as David Cross did, we served on the Comprehensive Plan Committee, and I believe that you need to dust your book off. Because I don't think that we ever agreed or suggested or recommended that we have things that close to the road. We like rear parking with -- with a building close to the road, but this is really, really close.

Um, it looks to me, and I could be wrong, I would like an explanation if I am, but it looks to me like no matter where you park on this site you are going to have to cross traffic to get to the restaurant. Is that correct?

MR. BUONO: Correct.

MS. BORGUS: How does that work with handicapped people?

MR. BUONO: Well, ADA requires us to stripe it, as you -- as you see, it's noted up there. And that is a sufficient ADA requirement for us to follow.

MS. BORGUS: As somebody who has had three joint replacements myself, I can tell you that I would have a hard time getting across in front of some of those cars, especially the first three months after a surgery. I mean, I -- to me, that is just so that -- there isn't somewhere you can park up to the building.

The other thing I don't understand is on the second drive-thru line -- lane, are those two lanes to merge at some point there before they go toward the window where they would get their order?

MR. BUONO: Yes.

MS. BORGUS: You don't anticipate -- I shouldn't talk to -- Mr. Chairman, does that indicate that they think that's going to be safe? Who -- I mean, I can see some of these people in the drive-thru line, they get a little impatient. I mean they're in the drive-thru line because they're in a hurry.

And about the time that somebody wants to cut back in that outer drive-through lane, I can't really see too many people being polite and letting somebody cut in front of them. I really can't see it. There has got to be a better way to do this than that. We don't get much of an opportunity to replace a McDonald's, what has been 50 years or so --

MR. BUONO: Pushing 40.

MS. BORGUS: 40, that that has been sitting there. So we better get this right, because we're going to be looking at this a long time. In fact, our decedents will be looking at it a long time.

There has to be a better way to do a traffic pattern than two lines trying to merge into one on that far, far south end.

KAREN COX: I mean if I -- if I can speak to that, a little bit, I have gone through numerous double drive-thrus, Tim Horton's, McDonald's, at busy times of the day, and the way the orders are taken controls the way people act in traffic. I have not -- you know, I don't go to either place every day, but the times I have been through there, I have not seen road rage incidents.

MS. BORGUS: Maybe you haven't sat there long enough.

KAREN COX: If I went to McDonald's every day, I would weigh about 600 pounds, but I --

MR. BUONO: I eat at McDonald's every day (indicating). Sometimes twice.

KAREN COX: You are probably running around all of the time.

MR. BUONO: I have four little kids.

I also say I have experience with two other sites, if I may. One is going on the sixth year since we built it. The other one is on its third year. Both with double drive-thru lanes and both with that merge point and we have yet to have any sort of accident or road rage.

And as she had stated, that -- our order technology inside the restaurant allows that -- not to happen.

PAUL WANZENRIED: So it shouldn't be a concern of anybody's.

MS. BORGUS: But you have already given your order at that point that you merged. Now you're headed down to get your -- your food and move out. And I don't -- you know, the sooner you get in that line, the faster you will get food.

MR. BUONO: But the technology insures that -- I don't want -- I'm not guaranteeing anything, because who knows what could happen, but our technology insures that two orders are not taken at the exact same time, so that two cars are not pulling out of that order point at the exact same time.

Now, even if they did pull out at the exact same time, they are separated because McDonald's has spaced the lanes such that if they were to pull out at the exact same time, it would be a -- very difficult for somebody to go ahead and cause any kind of accident for a couple of reasons. One, like I said, with the technology. But also the curvature of that lane, as they're turning. Now, not to say if they decide to start texting or go on the phone or not paying attention -- I don't want to guarantee anything. But like I said, I can only go on my experience. I have two sites, one going on six years and one going on three and we have not had one issue.

MR. BEBOUT: A little to this point, when we were here in 2009, this was relatively new to this area but was not new to southern markets. These double drive-thrus have been in place for ten years and they continue to refine to Louis' point about the spacing and the curvatures.

KAREN COX: The key is you don't have two orders going at exactly the same time. It is like this window, then that window. This one, then that one.

MS. BORGUS: So if these cars get out of line, out of sequence from the order, you expect they're going to pull around one another to go to another window? No?

KAREN COX: They don't get out of sequence.

MS. BORGUS: I just can't envision how this could -- could -- could work, but I'm not an engineer either.

MR. BUONO: I invite you in the store for a personal tour and I would love to show you when we open.

MS. BORGUS: Is this the way Spencerport is?

MR. BUONO: Yes.

MS. BORGUS: You have no problem?

MR. BUONO: No.

KAREN COX: Do you own Spencerport's --

MR. BUONO: That's my dad's.

KAREN COX: That's one I have gone through and observed. Just because I'm an engineer, I have observed the traffic while I'm sitting there and watch it flop back and forth.

MR. BEBOUT: These are all designed so from window back to the order point, it's -- it's an equal space. There is no gaps.

MS. BORGUS: Now what about deliveries?

MR. BUONO: Great question. So deliveries will be handled where -- just like they are today. The truck pulls on the lot. It will be on the west side of the building. The layout of this actually has decreased the time on the lot by 40 percent, so right now they're on my lot an hour and a half. It goes down to about 50 minutes because of the lay -- the efficiencies I have with the side doors and how we actually handle deliveries.

So it will be on the west side of the building, all right? It will pull in, just like they do now, so it will be handled the same way. It won't block any parking spaces, which is the biggest advantage I have now because right now they actually take up parking spaces. And actually they -- it covers the handicapped spots right now. That won't happen with this new layout.

MS. BORGUS: So they have to enter going against oncoming traffic?

MR. BUONO: Correct. Exactly how they do that now.

MS. BORGUS: How long are these trucks?

MR. BUONO: I'm sorry. I apologize. No. No. They're entering with the traffic. All right. I'm sorry.

MS. BORGUS: They're entering with the traffic?

MR. BUONO: With the traffic. They're pulling up on the west side of the building, right

up alongside they stop right there (indicating) and then pull all of the way back around once they're done and they're on the lot in under an hour.

MS. BORGUS: That's not the way they do it now?

MR. BUONO: No. They actually pull in through the exit.

MS. BORGUS: Right.

These trucks are 80 feet long with the cab and the trailer?

MR. BEBOUT: 72.

MS. BORGUS: That's a mighty big truck. I know that.

I looked at the plans today in the Building Office and I wasn't very happy to see snow storage planned for the -- the front setback along Chili Avenue. There was snow storage labeled right along Chili Avenue. That's the last thing we need to see in Chili is dirty snow, long into the spring.

Is there any way we can get rid of that snow storage along Chili Avenue? That's not good.

MR. BEBOUT: We have some other areas labeled. I mean, we have limited space on some of the perimeters, but that was kind of just showing an additional area.

MS. BORGUS: Well, they will put it wherever it is handiest. When they're plowing, I think they look for the closest place to drop it and I would want to see snow storage along Chili Avenue.

MR. BUONO: Agreed.

PAT TINDALE: Can I interrupt for one minute?

PAUL WANZENRIED: Yes, Pat (Tindale).

PAT TINDALE: We didn't get to talk here on the side table, but that is one of the things we brought up, to remove that snow storage, moving it to the south, to the east of the dumpster, because the snow, prevailing westerly wind would blow it across the roadway.

PAUL WANZENRIED: Right.

PAT TINDALE: You will talk to the side table, won't you? (Laughter.)

MS. BORGUS: Now, the other suggestion, I -- I agreed so wholeheartedly with Mr. Nyhan's comments about the landscaping on the west side of the building. I have the perfect solution. I bet Upstate Properties would sell you a few feet and you would have room to put some in. It's available. It's there. It's vacant. I bet you they would sell you 15 or 20 feet and you could do a nice job on the west side of that building that would do Chili proud. I would suggest that.

As the way this stands now, you're going to park right up to the property line. Am I right? Is that -- am I reading that right? When you angle into those parking spaces, the front park bumper will be on the property line. There is a way around it. It is not hard. Might cost you a little money, but there is a lot of property. When you upgrade that McDonald's -- and I think McDonald's can afford a few feet of grass.

MR. BUONO: It's not McDonald's. It's me.

MS. BORGUS: Okay. I think you can afford a few foot of grass.

MR. BUONO: That can be a private conversation, but okay.

MS. BORGUS: The other thing, I hope when you design the inside of this building, you do something about the awful noise problem you have in the existing building. Those chairs scraping on that floor, it's like fingernails on a chalkboard. I mean there isn't a thing in that building that doesn't just bounce the sound right back again and again. It's terrible. So I'm sure with modern technology that will be a lot better. I have every confidence.

So I guess other than the fact that I think it's just too close to the road -- it's too close to Chili Avenue and I think somebody on the Boards ought to take a good look at the Chili Avenue -- the Chili Center plan. That isn't very old. And also take a look at the Master Plan and be sure that we are compliant.

Thank you.

WILLIAM SHELTER, 91 Chestnut Drive

MR. SHELTER: I used to work at this McDonald's and I -- I applaud you, Louis (Buono), for owning it now and I commend you for making the big improvements that this is going to be, and just -- I'm proud to know that this is going to be an asset to the Town of Chili.

MR. BUONO: Thank you.

PAUL WANZENRIED: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Um, I appreciate the applicant putting the sketch up on the board to show the differences in the layouts, et cetera. Um, this is a revised final site plan. I haven't seen it, but I will just ask the question, I assume there are final engineered drawings for this application; is that correct?

PAUL WANZENRIED: Yes.

MR. RETTIG: Thank you. We just haven't seen it tonight or on the board, on the site.

Second comment in regard to the LED lighting, um, I would like to suggest that this be consistent lumens per square foot, and ask the question, accordingly, has this -- has an electrical plan been done by a licensed electrical engineer for the lighting?

MR. BUONO: So yes, part of our process is that we work with a company called Security Lighting that does an assessment on the lot to insure that the lights meet all kind of codes, and they are approved and licensed and that it is sufficient lighting for the space that is needed. They let us know how many lot lights we may need, and actually they're depicted on this site how

many there are on this site layout right now.

MR. RETTIG: Thank you.

PAUL WANZENRIED: I apologize to the side table. I skipped you. Are there any comments?

MICHAEL JONES: Totally okay. I have no comments.

ED SHERO: Nothing.

MICHAEL HANSCOM: No additional comments.

PAUL WANZENRIED: Pat (Tindale), I know you're upset.

PAT TINDALE: The mouth has to move.

I just a litany of things and I laughed when Dorothy (Borgus) brought it up because that was exactly one of the things we said. One of the men on the Board said the worse scenario is the snow is going to go across the roadway. He suggested putting it to the south. You already had some there. But my landscaping plan doesn't show it.

PAUL WANZENRIED: He said located east of the dumpster between the two pear trees.

PAT TINDALE: We thought it would be better to drain down and away from the property.

Also, if you could in place of that snow pile, we suggest that a sugar type flowering crab tree could be there. And I will go on.

You probably don't see this whole list, but, in addition Brandy Wine Maple we would like to see over here if possible (indicating) and in between the sidewalk, your sidewalk leading to your store and inside, it's beautiful. And then if you can take some of your back where the snow storage would be, you probably remove -- you have a great abundance of a dense form of yews. You probably have 15 there. Take the five out between two pears where the snow could be pushed through and move them along your walkway as you come in to the place.

Now, let me see if there is anything else here. Mulch. Triple ground.

I don't know if your partner there gave you all of the information. I think that's about it. And we would need some three landscaped prints showing the changes so we can stamp them and an estimate of construction cost.

That's it. I'm done.

BRAD GROVER: Um, in relation to the -- I think you were talking about the different colors for the clearance signs for drive-thru. Working for a local truck rental company, they need to be in as bright as color as it can be for people's attention because people still will miss them, as you know. We have had several of our trucks go through and roof them and driver doesn't realize all of a sudden and boom he hit it.

So any color that is really contrasting there. Shouldn't blend in. It should be standing out very well so it could be easily seen. Thank you.

MR. BUONO: Can I may be -- just to the suggestion, particularly with the two trees, if -- if you would consider maybe meeting halfway, I don't have an issue adding the trees, but perhaps slightly further back from the road. The -- the sugar maple that you're referring to, um, because of the size -- well --

PAT TINDALE: Sugar type crab.

MR. BUONO: I get mixed up. Due to the size of the maple and how wide it can grow and tall, um, I believe you're proposing that that maple go over here (indicating) and then the crab on this side (indicating). And perhaps instead of on the north side of the sidewalk, we put it on the south side of the sidewalk?

PAT TINDALE: South side.

MR. BUONO: When I say "south" --

PAT TINDALE: No, no. I'm sorry. You're right. The north side.

MR. BUONO: You suggested we put it in the north. I could add them, but perhaps on the other side of the sidewalks on both sides. I only suggest that is that -- because of the nature of the size of these two trees, I'm concerned about the visibility once they mature, that -- that that may hinder. We do get 12 to 18 percent of our business is just based on somebody, um -- I'm sorry, at loss of words -- just stopping immediately because they see the sign, all right? So I can add them, but if I can just set them back a little further in your suggestion.

PAT TINDALE: I just want to double check because the gentleman on our Board was a former landscaper. I would think he would be well aware. I can't picture this Brandy Wine. It's a new one.

MR. BUONO: The maple is about 20, 25 feet in height and goes 12 to 15 feet in width. The crab apple is a little smaller and is about 15 to 20 feet and that's only about 10 to 12 feet in width.

PAT TINDALE: I think he was thinking it would look like a good spot to put something in there, in between two sidewalks, as well.

KAREN COX: You have to keep in mind what they will look like in 15, 10 years.

MR. BUONO: I can put them in if you agree -- if I can just get them on the other side of the sidewalk.

PAT TINDALE: If it works for you better that way, I don't see a problem.

MR. BUONO: The bushes and everything else you suggested I have no problem at all.

PAT TINDALE: Sounds good.

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

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

MICHAEL NYHAN: Zoning variances that were previously approved for setback, it sounds like they have changed. Will they need to --

PAUL WANZENRIED: They are on the docket to go to the Zoning Board of Appeals for the 26th meeting. I believe that's the only variance you're requesting, correct?

MR. BUONO: Correct.

MICHAEL NYHAN: Your previous approval for ZBA for signage, the amount of signage, is that still -- 2009 you received it. If they didn't act on it within a certain period of time, is it still valid?

PAUL WANZENRIED: So it's still valid to the best --

JOHN CROSS: Goes with the land.

MICHAEL NYHAN: Thought you had to act on it with a certain period of time.

MICHAEL JONES: Just conferencing on a variance question.

What were you asking?

PAUL WANZENRIED: That is what we were asking.

MICHAEL JONES: We're talking about the possibility for a variance for the front parking. So I wanted to make sure that was clear.

PAUL WANZENRIED: We were asking about the signage. They achieved -- any variances they achieved for signage back in '09 would still be valid?

MICHAEL JONES: Oh, yeah. Yes, they would, subject to the conditions imposed at that time and the restrictions. So they would not be able to do anything different than what was allowed with that variance. I'm sorry. I was --

PAUL WANZENRIED: No.

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: I believe they are -- this is final.

KAREN COX: Yes.

PAUL WANZENRIED: Yes, it is. Okay. Anything further?

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

1. Applicant shall comply with comments of the Conservation Board and work with them for any changes or alterations.
 2. No snow storage to be to front of building or parcel.
 3. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
 4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
 5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
 6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
 7. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 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.
 11. Any signage change shall comply with Town Code, including obtaining sign permits.
5. Application of Kevin Daley, C & M Forwarding, 45 Jetview Drive, Rochester, New York 14624 for recommendation to rezone approximately 15 acres from LI (Limited Industrial) to LI with ADATOD (Limited Industrial with Airport Development Area Transportation Overlay District) at property located at 44 Jetview Drive and portion of 383 Fisher Road.

Garth Winterkorn and Mike Henry were present to represent the application.

MR. WINTERKORN: Good evening. My name is Garth Winterkorn with Costich Engineering. I'm here with Mike Henry from C&M Forwarding, and we are here to get a referral to the Town Board on a rezone for the Overlay District. Proposing C&M currently owns -- actually it is under the name of 44 Jetview Drive, LLC -- five acres closest to Jet View and they are operating that office and warehouse today. And they're proposing a 74,000 square foot expansion to the warehouse with a service road extending back so they're getting more tractor trailer parking and four additional loading docks which would be located as far to the southeast corner of the expansion of the building.

Um, I don't know how much you want me to get into the site design or --

DAVID CROSS: We're not hearing site plan tonight. It is just a recommendation to rezone. So maybe just a quick overview of the site plan?

PAUL WANZENRIED: Yes. That is all.

MR. WINTERKORN: So what we did try to do is really respect the buffer. As you get towards the northeast of the additional five acres, they're looking to purchase, it is zoned residential, so we put 100 foot buffer in there, and the dirt work with the -- with the nature of it to create the new loading area, we're going to have extra dirt. So we're proposing to put it back in that corner, and basically the entire buffer, the entire 100 foot such that we're actually going to be raising the grade back there above the residents about 6 foot.

And then we're also proposing like 7 foot tall evergreens and -- in scattered rows, offset rows back there.

And if the Board would like, we did do some line-of-sight drawings from the residents, if anyone is interested in seeing that. They're not going to see the trailers at all with this plan, and they're going to see like the top 6 foot of the corner of the expansion of the building.

PAUL WANZENRIED: Even Mr. Amico there? He would be the third property over.

MR. WINTERKORN: With the line-of-sight drawings we did, we took it to the closest residence, which is McNair, I believe.

MICHAEL NYHAN: You're talking about just the north corner here (indicating), for the berm? Or will it extend along the back property?

MR. WINTERKORN: The berm is basically this outline here (indicating). We're just berming the buffer at this point. We're looking to maybe have snow storage in the back. Maybe you can pass that around.

KAREN COX: You wouldn't really need to buffer the back, because it's not going up against house, right?

MR. WINTERKORN: Yes. That is all LI back there.

MICHAEL NYHAN: I'm considering the Amico property there, for looking out. If they will see the trailer storage from the building.

PAUL WANZENRIED: I would think that they could see it.

MR. WINTERKORN: So there is no additional employee parking needed. Um, the existing office and warehouse is going to function like it does today. You guys just need -- feel the need for some additional warehouse space.

MICHAEL NYHAN: What does this change provide to them that the Limited Industrial doesn't? The same existing use that you have currently; you're just making it bigger?

MR. WINTERKORN: This Overlay District was put in a few years back and it actually allows the trucking aspect of their business. I mean the existing that --

PAUL WANZENRIED: -- warehouses.

MR. WINTERKORN: -- warehouse is a trucking place. It's LI. But now that we're coming in for a new expansion, the Overlay District is in place so we have to update the zoning for that.

DAVID CROSS: It aids in the shipping activities associated with like an airport area. That's how I see it.

MICHAEL JONES: That's pretty much right. The ADATOD is required for the trucking and the distribution aspect of the business. That is why a rezoning is required. So this Board is asking -- is being asked to either recommend or not recommend the -- the addition of the overlay zone to this property to allow that use.

MICHAEL NYHAN: We're not approving anything on the site plan. It is just for rezoning, correct? Yes.

PAUL WANZENRIED: We're -- we're just making a recommendation to the Town Board for -- to rezone, to allow for rezoning. So.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Is this on the east or west side of Jet View?

MR. WINTERKORN: East side.

MR. RETTIG: And the 15 acres is the total property or that is an additional --

MR. WINTERKORN: They own five now. They're looking to purchase an additional five.

MR. RETTIG: So then you're asking to rezone the entire parcel. Very good. Thank you very much.

PAUL WANZENRIED: Thank you, Mr. Rettig.

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

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

DECISION: Unanimously approved by a vote of 5 yes to recommend to the Town Board to rezone 44 Jetview Drive and a portion of 383 Fisher Road from L.I. to L.I. with ADATOD. The Town Board will be notified of this decision by copy of the decision letter.

David Cross made a motion to approve the 7/8/14 Planning Board minutes and Karen Cox seconded the motion. The Board was unanimously in favor of the motion to approve the minutes.

The meeting ended at 9:27 p.m.