

CHILI PLANNING BOARD  
November 10, 2015

A meeting of the Chili Planning Board was held on November 10, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Wanzenried.

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

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

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

**PUBLIC HEARING:**

1. Application of Fastrac Markets, 6500 New Venture Gear Drive, East Syracuse, New York 13057, property owner: Sumket Development; for preliminary site plan approval to erect a 5,370 sq. Ft. Grocery store with fueling facility at property located at 1064 Scottsville Road in G.B. zone.

Matt Napierala was present to represent the application.

MR. NAPIERALA: Again, I'm Matt Napierala, Napierala Consulting representing Fastrac Markets. With me tonight I have my colleague, Christian Hill, an engineer with Napierala Consulting, who -- I have our consultant, Amy Dake from SRF Consultants to talk about your traffic study, and as well, Mr. Brett Hughes, Real Estate Director, with Fastrac Markets who was absent in our meeting a couple weeks ago, but as I promised, he is here tonight to again address operational comments, questions and concerns.

When we were with you, um, a couple weeks ago, there was some questions that we wanted to address and come back to the Board, as well. I think the Board members are somewhat aware we are in process with regards to our application still. We did meet with the Architectural Review Board earlier tonight and we have one last remaining item we need to clean up with regards to color board designations of our brick and our EIFS. We are intending, as well, with the Conservation Board, which we are on the next agenda meeting, and we are still pending ZBA for area and sign variances. So we still have some steps to go.

Our desire tonight is to address some of those questions and comments that occurred at our last meeting and then hopefully we can start to reduce those issues and start to clean some of these things up so we can keep the process moving forward.

Of those that I would like to specifically talk about dealt with snow storage, truck turning movements and exiting traffic onto Scottsville Road, and specifically Amy (Dake) will discuss that with the Board here in a couple of minutes.

Um, as well, the -- and we -- we addressed this in the updated set of plans to the Board, the storm water management will be with regards to onsite, and we did receive a comment letter from Lu Engineers and understand they have not had full opportunity to review that storm water and SWPPP report, but that is a change from the submission that the Board received previously.

On the east corner of the site will be an onsite water quality and mitigation basin with discharge to the south and it is a similar drainage pattern as the existing site. So with that, I would like to talk about the snow storage and the -- on the view screen up above, we do show some ample areas around the perimeter of the property itself for -- for snow storage. Um, weatherman does say we'll get less snow this year. I don't real know what that means. I don't put a lot of faith in that either. Being born and raised in Upstate New York, I understand we do get a significant amount of snowfall, especially in the early storms before they -- the Lake Erie freezes over.

So with that, along the north face, what we would call is -- what I would call is those 1 or 2-inch type dusting snows. We have ample area to -- to stack and pile some snow as the plow comes through and then discharges the snow itself. Large stacks of snow would be more along the east, kind of periphery, to the storm water basin.

That was a comment that came through more recently, um, with regards to the grading of the storm basin and a guide rail that was just facilitated because of that that as recently as earlier today -- and this is something the Board does not have -- we have looked at regrading that particular area to have a flat plateau and then before we discharge -- or before we grade steeply into the storm water basin, so we have gotten, 12 feet?

MR. HILL: 10 feet.

MR. NAPIERALA: About 10 feet off that flat area of pavement before it will dip down

into the storm water basin, so that will reduce the need for the guide rail and allow us to stack significant amount of snow along that eastern edge of the property itself.

Let's flip to the truck turning movement. Certainly we'll address my -- we can stop now and talk about snow or continue on with my presentation and then entertain questions, and I think we'll probably do that.

With regards to truck movements and truck scenarios, and I think the -- the Traffic and Safety Commissioner had some comments with regard to the truck movements and stuff. And what we're showing essentially is the -- the biggest truck that will be on the site will be our fueling truck. Our fueling truck, in talking to Fastrac operations, would enter the site off the signal and off the main subdivision entry road, come into this -- the site and utilize our southernmost entry drive. Our trucks -- and I think I told the Planning Board earlier -- are Fastrac-owned and operated trucks. All of their trucks have their fuel dumping on the passenger side of the trucks. Some other tanker trucks do have it on the driver side, but all of the trucks that will be delivering to the site are Fastrac owned and operated and they dump on the passenger side. So that fuel truck essentially during that time of dumping would sit under the canopy and essentially take up two of the fueling locations and would dump into the tanks that are sitting here on the south side of that dispenser canopy.

Once they're done discharging the fuel, they would circumvent in a counter-clockwise motion around the -- the subject site and have the ability to totally make that movement and to exit back out at the signalized entry and whether or not they -- they make a right or left or straight movement, they will be in a position to egress the site. I think part of the questions and comments, um, were -- will the truck be discharging and exiting at the right only. Um, and -- and, you know, traffic would kind of outlay that, but the question really became with this particular truck -- which the truck movements that are shown here, based on the AASHTO truck turning radius templates provided in this case through an auto turn program shows essentially the forward wheel and then the big radius lines essentially are the trail wheels of a WB 50 or highway tanker type truck vehicles. Frankly, the tanker trucks that we're dealing with are a little bit smaller, closer to a WB 45, but for factor safety, we show the movements of a WB 50.

As such, we show this movement, the truck would be -- the front of the truck would be along the right side. The trail wheel would be on the inside and the ability of that truck to make that movement and to safely get around our site itself.

So that's truck movements. Quite frankly, when you look at this particular layout and the store, even with the auto turn program, we think it's pretty conservative. I don't know about you guys, but when you actually see truck drivers in action and especially around tight sites, they do a lot better than the auto turn program. But, again, for engineering conservative nature, I think this shows ample ability for that truck to make those movements.

So with that -- again, there was a lot of questions and frankly some heavy discussions with regards to the -- the ability of this right out to work. I want to turn my presentation over to Amy Dake and let Amy (Dake) talk about how that works and frankly her blunt analysis based on her many years of expertise.

Thanks, Amy (Dake).

MS. DAKE: Good evening. My name is Amy Dake with SRF Associates. I did do the traffic study for this site and I just want to first start by saying it is a very valid concern that you have with the right-turn-out driveway. And it was my concern when I first started this project. I wasn't convinced it was going to work and I didn't think DOT would agree to it. Um, once I was able to take a look at the traffic volumes that are out there right now and figure out what our distribution was going to be coming out of each driveway, where the traffic was going and how it was going to work, then I became convinced that it truly would be safe and efficient. Um, what we need to look at is, um, the distribution. So we are expecting that in the p.m. peak hour, 30 percent of the traffic exiting the site will want to turn left onto the far ramp to go north on 390.

Um, and we're expecting 36 percent to make a right turn out of that driveway. What does that mean in real numbers? Well, leaving the driveway, we have got 40 right-turns. Actually turning onto the ramp at night is 14 cars. What happens with the signalized intersection, because we have dual left-turns coming off of the southbound ramp, we would do what is called split-phasing with that traffic signal.

So what happens is the traffic coming off the ramp cannot go at the same time as the traffic exiting the driveway, because there is a major conflict between the left-turn movements and the through movements at that location.

So that adds a whole other phase to the traffic signal and stops the Scottsville Road traffic for that much longer. What it does is create a ton of gaps for the right turn out of the driveway, the right-turn-only driveway.

So every time the traffic on Scottsville Road stops, every time the traffic coming out of our driveway stops, there's a gap. There's a clearance period where the traffic signal is all red and has to wait, so that gives a little bit of a gap. 40 cars making a right turn out is less than 1 car per minute. The way the traffic signal operates, it's, um, a 90-second cycle, so over the course of an hour, that -- that cycle is going to happen 40 times in an hour with a 90-second cycle. So every time that happens, you can get 18 cars out of that driveway. We don't need get to that many out. But what it is doing is it's completely stopping the traffic so there is not really a weave movement, unless the traffic that is turning right is waiting for the traffic signal.

The other consideration is that the right-turn-out driveway is located 425 feet from the stop bar to turn onto that ramp, which is plenty of distance to actually turn out of the driveway and

make that move over. So when we sent this in to the DOT and explained that to them, they were in agreement. Yes, it's safe. It's efficient. What it does, is it provides better circulation for the site. So we don't have traffic circulating back through the parking lot, across the front door of the site, in conflict with pedestrians.

Given the low number of right turns out, the low number of traffic that wants to make that move over to the left turn, it's less of a concern than the conflicts internal to the site with the pedestrians. Does that make sense? Are there any questions?

PAUL WANZENRIED: Can I drive a truck out that right-turn only?

MS. DAKE: What kind of truck?

PAUL WANZENRIED: One of Matt (Napierala)'s tankers.

MS. DAKE: DOT -- I don't think DOT will let him design it for that. Because DOT already -- we had originally proposed a right-in/right-out driveway. DOT doesn't like those because they don't want to see traffic turning left in, which happens a lot when you have right out --

PAUL WANZENRIED: Trust me. We have them.

MS. DAKE: So when they come up with the actual design for this, it's going to have to be a fairly tight design for people trying to make a left turn out or a left turn in.

PAUL WANZENRIED: I think I'm just thinking more of a tanker truck making deliveries and going out the right only on the northeast end of the parcel, making his right only, because he would then go north.

MS. DAKE: Right. Right.

PAUL WANZENRIED: My question then would be to Matt (Napierala) where is the gas coming from? Brett (Hughes)?

MR. HUGHES: Brett Hughes with Fastrac Markets. I can say and just elaborate on Matt (Napierala)'s earlier comments, Fastrac has the unique ability to control all of the tankers. They are all our own drivers that we employ. So given any kind of site constraint like a right out, they would have specific instructions on how to exit that parcel. But regarding where we're actually filling up, so there's -- racks in Marcy, New York that we typically fill up and there's also more racks in western New York, but I'm not familiar with the exact location.

PAUL WANZENRIED: I just know there is fueling facilities to the north, okay? So it would be logical for a tanker truck to maybe try and take that exit, scoot across two lanes of traffic and get to the north, go north on 390. That is where I'm coming from.

MR. HUGHES: Sure.

PAUL WANZENRIED: That is why I asked where the -- is gas coming from. You said it is coming from elsewhere, more than likely they're coming up 390 South, in which case they would use the lighted exit, the lighted egress on the north side or south side of the parcel, if you will. Okay? So that was all I was trying to clarify.

MR. HUGHES: Operationally speaking, that is handled by a different department, so if you need more clarification on where the specific tanker would fill up --

PAUL WANZENRIED: No. You satisfied me. I can't speak for the rest of the Board.

MS. DAKE: Other important thing to remember with the tanker truck, it is most likely not making deliveries during peak hours, so you have a lot less traffic on Scottsville Road.

PAUL WANZENRIED: Right. Okay.

Anything else to your presentation, Amy (Dake)?

MS. DAKE: No. That's it.

JOHN HELLABY: I do have one question for you, Amy (Dake). That right-hand lane coming off 390, I thought the original set of plans showed a straight through lane on that. I see both are left and turns.

DAVID CROSS: They were both left-hand turns. I asked about it at the last meeting. It seems that the lane --

JOHN HELLABY: To the right off should have a straight through arrow, as well.

MS. DAKE: It will. It will. The through movement will be in that curb -- curb left hand -- left-hand turn lane, which is one of the reasons why it has to be split-phased.

JOHN HELLABY: So does the onus of reworking this signal and the signage at the State's property fall back on you, then?

MS. DAKE: Yes.

JOHN HELLABY: Okay. That is all I needed.

PAUL WANZENRIED: Anybody else have any questions for Amy (Dake) before we let her go?

DAVID CROSS: So just one question. Do you have a letter from the State DOT saying that they reviewed the right turn out and concur with that?

MS. DAKE: Yeah. Do you need a copy of it?

PAUL WANZENRIED: I have not seen it. I would ask you to submit that.

Amy Dake handed the document to the Chairperson.

PAUL WANZENRIED: Can I keep it?

MS. DAKE: Yep.

MR. NAPIERALA: If we can, Amy (Dake)'s daughter has a very important volleyball game she would like to run off to, so I would like to let her go.

MS. DAKE: Thank you.

MR. NAPIERALA: We're here to answer any questions as we proceed, but we would like

to talk about those specific items, take those off our list and move forward. Thank you.

MATT EMENS: We're on the truck-turning radius. Why don't we stay there for a minute? I guess a couple of things out of this. One, it does seem to work. Like you said, it's conservative, based on a 50 foot. You're saying typically they're 45 foot.

So then a couple other follow-up questions on that. What again is the frequency of these trucks at this site?

Paul Bloser arrived.

MR. NAPIERALA: Somewhat dependent on the -- the fuel desire of -- of the particular location.

MATT EMENS: Not once a day?

MR. NAPIERALA: Typically about once a day.

MATT EMENS: It is once a day.

MR. NAPIERALA: We're hoping to be as busy as Hylan Drive. It will be once a day.

MATT EMENS: I see you trimmed up on some of your turning radiuses on some of these islands. It just still seems a little tight and I think that that is partly because, like you said, you explained that a bit with the 50 foot and the 45 foot truck. It looks like there is enough room and you're saying you think it works. A couple concerns I guess I have is now that we see this on paper, and I was thinking about this last month, too, is when you come back around and they come back out this front, at the light, um, there is obviously not enough room -- or space for them to line up in there. They're going to wait to come out. Right? So if there is a few cars cued up, it is going to be -- that's going to be a tough right-hand turn out of there, that's for sure.

And I guess the straight is fine and left wouldn't be that bad, but it looks like it is, you know, going to be quite a movement there. And the reason I say that is, that radius right there, maybe that needs to get massaged a bit more. I don't know if it would help it much. You know what I'm saying, right there?

MR. NAPIERALA: So we're not hopping curbs, what we can do is provide some channelization, striping, but move the curb out a bit. We have done that for that particular 90 degree or -- or almost a 180 type of movement. If that is the -- and I think we will review with Operations what that truck potentially would be doing so we would understand if he is going to be, you know, shooting back straight or going to be getting on the north ramp, and as such, we would want to make sure we don't hop curbs. Especially wintertime, we want to keep them on the pavement.

MATT EMENS: Just looks tight now because we have lines on paper, but back to what I said with the 45 and 50, so you're kind of hoping to solve that here. So I think that turning radius there is a little tight out back because of the short queue-up section at the light and the length where your entrance fits that.

The right-hand turn out of there, I guess on Scottsville Road, I'm not so worried about that as much as the fact that I -- like I said, obviously it is not designed for the truck right now. I think that that would be a tough movement to make, and I still would, I guess, shy away from that. If -- unless it makes absolute sense that that is what they need to do.

MR. NAPIERALA: Again, our intent is to -- is to allow that truck, and as Amy (Dake) said, typically these movements would be non-peak. We don't want the trucks conflicting because peak hour, as well, is when the store is in a peak for us, so we want that store to not be encumbered --

MATT EMENS: Blocking two pumps and --

MR. NAPIERALA: Right. The timing of it again, the beauty is we control the delivery timeframes and the frequency of that would be determined of what is ideal for this store for those movements.

MATT EMENS: Couple more things on that while we're on the truck thing, just the flow of this. Um, so I know there is the grocery store in here. And you guys, I think you talked last month how Fastrac has their own food and I saw that, too. Is there a Sysco delivery or is it all -- in other words, is this really the longest truck that is ever on this lot?

MR. NAPIERALA: Typically every delivery in all of the stores, in all 45 in the chain, all of the deliveries come in the front door, so they are, you know, bread truck type size or Coca-Cola type size. So those type of trucks are not tractor-trailers. There might be a Sysco type truck -- I'm not sure of the specific vendors. Maybe Brett (Hughes) can talk about the food vendors that do come in, but it is -- but it is not a highway tractor-trailer that will be unloading in our front door.

MATT EMENS: Okay. And can you tell me, the width of these two lanes behind the -- at the east side here, the south side of the property?

MR. NAPIERALA: Christian (Hill).

MR. HILL: Should be 12 and 12.

MATT EMENS: 12 and 12 is what I was led to believe. I just want to make sure.

MR. NAPIERALA: Do the dimension there.

MR. HILL: 24 feet cross, 12 and 12.

MR. NAPIERALA: We have a complete bypass lane across the back so 12 and 12 should be more than ample.

MATT EMENS: One of the comments in last month's engineering letter from Mike Hanscom was the -- talking about a floor plan. One of the things we can't see in here is exiting the building. It doesn't look like you're showing a door out back there, but I just want to make

sure there is not an exit door swinging out to that --

MR. NAPIERALA: No rear exit door. Essentially we meet the code with the front door and the side door, which is open footprint. There is no segregation, so that meets our Fire Code purpose.

MATT EMENS: And the other thing that I had a note on and it was already in the letter, the snow storage plan seems to be a lot more thought through. I appreciate both these 11 by 17s that show quite a bit of information answering a lot of the questions.

How are they going to push the snow where the guardrail is?

MR. NAPIERALA: That is why we -- it was a very good comment and one of those things when you're doing a million things on a site plan, some overlap. So what -- what we have done since that comment is take a look at the grading to eliminate the guide rail and leave a flat spot so we will not cause any issues with our vehicles. And that flat spot will allow us to eliminate the guide rail and give us that snow storage before we go into the basin. That is the 10 feet I was talking about in my presentation.

MATT EMENS: So it will add on to the south here.

MR. NAPIERALA: Edge of pavement is still there, but the flat grass area before we go into a steep cut for the mitigation basin, we had room -- essentially we graded from the edge of pavement to the east, and we left 10 foot along the embankment before we went up the hill. We just kind of flipped that so we have flat area and then we eliminate that guide rail.

MATT EMENS: Guide rail gone.

MATT NAPIERALA: Guide rail gone. We will have curb with recesses so the water can still flow, so that is the proposal. And that will show up in our -- on our next plan, but that didn't -- the grading plan that was submitted, again, we are kind of working forward here based on the comments we received from Engineering.

MATT EMENS: Okay. Um, that's all I have right now, Paul (Wanzenried).

JOHN HELLABY: I -- I assume all of the engineer's comments have been addressed and are close to being resolved, correct?

MICHAEL HANSCOM: Um, the -- the -- the -- most of the comments that -- on my previous comment letter have been resolved. I haven't received any revised plans for the comments, yet.

JOHN HELLABY: Okay. Question on the 30-inch box culvert. I realize that that does not pertain to any of your parcel per se. But I thought there was a discussion last month that said you were going to utilize part of that.

Is that still the case, or is that all gone now?

MR. NAPIERALA: Sorry. The first part?

JOHN HELLABY: The 30-inch box culvert.

MR. NAPIERALA: We will not be involved with the drainage on the remaining parcel. That -- that agreement with Sumket kind of fell apart, so we're dealing with our storm water on our site and our discharge will be at the east corner to the south and will drain onto Sumket and we have an agreement with him to discharge but not to mitigate.

All right. So his drainage, I believe he is still dealing with that historic drains through the property, but we're not dealing with that.

JOHN HELLABY: On drawing C3, there is a -- an item that is on sort of the -- I guess it's the southeast corner of your parcel that is shown on here. I'm not sure what it is. If you could just tell me what it could possibly be, a light pole or a drop inlet or what is that? There is no notation. It's -- up on your piece of -- little more. Little more. There you go. What is that?

MR. NAPIERALA: Bad layer. That's a proposed structure inside the storm water basin and it got -- that's a drafting issue.

JOHN HELLABY: Okay. So it's nixed. Not supposed to be there.

MATT NAPIERALA: Yes. We'll clean that up.

JOHN HELLABY: I do realize this is preliminary, but I will tell you right now, that I would hope that part of the final condition is no outside storage or sales of items and this Town strongly frowns on windows loaded with neon signs. So I just want to make that point and make sure you're aware of it.

MR. NAPIERALA: I did take note from your conversations last time and that did get back to the Operations and ownership group from my summaries from our last meeting.

JOHN HELLABY: Lastly, hours of operation, is this 24/7?

MR. NAPIERALA: Yes, sir. 24-hour store.

JOHN HELLABY: That's all I have right now.

PAUL WANZENRIED: Um, so the -- the wooden fence rail that you're depicting is gone?

MR. NAPIERALA: Along that east edge, yes, sir.

PAUL WANZENRIED: Not along the south edge?

MR. NAPIERALA: No, sir. We still need it there.

PAUL WANZENRIED: You still need -- why? Why do you still need it there?

MR. NAPIERALA: We have about a -- right from the edge of curb, um, we drop 2 to 3 feet at a 3-on-1 slope. It's been our experience that -- that even though it -- on the grading plan it's two lines. When you're physically there, 3 feet in a car, even though it's a slow-moving car, it's, um, enough to make it look too channelized and the guide rail is just a nice feature to keep there.

PAUL WANZENRIED: The -- but yet you're depicting snow storage back there.

MR. NAPIERALA: Again, just that low -- the little -- you know, when the plow is going through for the 2 inch snow, just like he can on the highway, he can just have that blade kick a

little bit to pile. If it is big piles, he has ample room to kind of keep pushing and to bring that to the back -- to the east side.

PAUL WANZENRIED: And all of these concrete areas that you're depicting are flush? They're not raised?

MR. NAPIERALA: The ones to the north side will be flush. The curbing -- and I'll do it here.

PAUL WANZENRIED: Can you flip that?

MR. NAPIERALA: So -- yes, I can. So the flush curb is along the front, up until the bull nose. Then we start a 6-inch reveal curb wrapping around the rest of the building. So just this front piece is flush curb.

PAUL WANZENRIED: You think it's wise to have the handicapped spots so far removed from the store?

MR. NAPIERALA: The -- the discussions are -- we have a full access entry at this point, and then the -- the bathrooms, as well, are on this side of the building. So with that, in part of our discussions, is -- is we have essentially less than 2 percent grade on all of the sidewalks. It -- you know, it's actually closer to a half a percent. So that becomes a very clean and accessible route to our accessible bathrooms and facility itself. And not saying that we don't have an accessible route from the front door, but from the front door of the store to those bathrooms becomes more of a wandering route in the floor plan layout. Not that bathrooms are the sole purpose, but, again it's -- you know, what we're trying to do is meet design, meet codes and we look at the route from -- from these spaces to this door, compared to a space that is sitting right in front of that store and really we're adding maybe 25 foot to that length is all. So it has been kind of discussed and vetted with the Operations and our Code Compliance Department within Fastrac and they have determined that we are compliant to ADA and that's really what ownership group has directed us to locate.

PAUL WANZENRIED: And the spherical concrete bollards that you put up that you show on the plan, they are part of Fastrac's, shall we say, architectural identity?

MR. NAPIERALA: They are now, yes, sir.

PAUL WANZENRIED: They are now.

MR. NAPIERALA: Well, I say that because the first store we did it was Jefferson and John here in Henrietta. That's the first store we used the spherical balls. You know, up until that store was, I think, the 2012 store?

MR. HUGHES: Yes.

MATT NAPIERALA: So 2012. Every store since 2012 new construction have the spherical balls. The previous stores, mostly in the Syracuse and Utica marketplace of older makes and models do not have those. But they also don't have the -- what we think is the -- the flush curb eliminates the trip and fall hazards and other specific issues for the customers and the reason we went to the zero reveal.

Um, so the -- the new prototype that we're showing here, as far as the facade of the store and the -- what frankly, um, the -- the approach here is not only the new stores, but to retrofit existing stores. The first retrofit will occur in Clay, New York, north of Syracuse and that is essentially a new facade treatment to mimic the facade we're putting on here, essentially re-skinning the face of the store and fixing that to include spherical balls to keep that as a part of the -- the front image of the store itself.

PAUL WANZENRIED: Um, one more. The air -- the pump station, the air pump station, located out in the front? Is there any other spot for that?

MR. NAPIERALA: Yes. We have a lot of flexibility with that. I think in other stores we have put it along the side over here along this area (indicating). And frankly, the pad that we show is probably too big of an exaggeration because it is really a smaller unit than that. I should bring -- I -- I apologize. I have a picture of what that actual unit is, and it is really no more than a 20 foot by 2 foot square. It's not a 6 foot by 6 foot as it shows graphically there. It is kind of a place holder on the layout plan.

PAUL WANZENRIED: Either way, Matt (Napierala), I would rather not see it in the front yard.

MR. NAPIERALA: Agreed. We'll fix that.

PAUL WANZENRIED: Um, what else is there? Oh. Can you share with the Board the disposition of your variances? You mentioned that they were tabled. Did you achieve any of those variance requests? Or was the whole application tabled?

MR. NAPIERALA: The -- the entirety of the application was tabled and the reason for -- essentially classified them as two chunks. We had area variances and sign variances.

So with regards to the area variance, our application had an erroneous number on it with regards to the lot depth that had to be corrected, so we couldn't act on those and the Chair of the ZBA felt let's not separate the area variances into four area variances. Let's approach that at the next meeting all together. So the area variance included the lot depth. It included the parking in the front. It included parking count and there was one other that I can't recall on the top of my head. So those are the areas of specific variances.

Then there was array of sign variances that we volunteered right from the start to table because of discussions that we still had to have with the Architectural Review Board and -- and -- but we did get some good conversation with the ZBA, with regards to that sign application and we have -- we have made some modifications and we'll go back to the ZBA at the next meeting with some reduction in the number and, as well, the -- the sizes of the area and sign variances that we have requested. So I think it -- on the surface, um, it went very well. Um, but

we didn't get anywhere, because of a -- an error on our part, on a dimension for the lot depth.

PAUL WANZENRIED: Okay. I have nothing further.

JOHN NOWICKI: Couple questions. Did you ever do a market study to indicate to yourselves that this was a site that would be beneficial to Fastrac?

MR. HUGHES: So as the Director of Real Estate, kind of my job and my role and responsibility for each potential site to really go out and understand the market, do full traffic studies, given our parameters internally but we understand demographics within a 135-mile radius. 100 percent this is a Town and a site we like. We feel our business model would do well here, so we're definitely looking forward to advancing this through each Board.

JOHN NOWICKI: To move ahead?

MR. HUGHES: Correct.

JOHN NOWICKI: The other question, Mike (Hanscom), has comprehensive -- your report dated November 4th, 2015, has that been addressed completely, your comments?

MICHAEL HANSCOM: Um, we have not received any revised plans yet.

JOHN NOWICKI: So you're working on that?

MR. NAPIERALA: Yes. We received those comments and we have absorbed those but not made a resubmittal based on the November 4 comments.

JOHN NOWICKI: Still working on this one?

MR. NAPIERALA: Yes.

JOHN NOWICKI: That letter?

MR. NAPIERALA: Yes.

JOHN NOWICKI: You asked the question on the Zoning Board.

Conservation Board, I assume, you're working with them, you cleared that up.

MR. NAPIERALA: Yes. Conservation Board, because of the timing, we couldn't get -- we're on, I think, November 30th with Conservation Board. So --

JOHN NOWICKI: One more question for you in regards to the Architectural Review, the top of this building, any air conditioners, compressors, things like that on top of the building? And if there are, would they be architecturally covered so that you can't see them from the ground?

MR. NAPIERALA: You cannot see them from the road.

JOHN NOWICKI: Cannot?

MR. NAPIERALA: Cannot.

PAUL BLOSER: Are they on the roof?

MR. NAPIERALA: Trying to remember.

MR. HUGHES: They're --

MR. NAPIERALA: They're hidden behind the parapet in the front. They are a roof mount. I'm sorry. I'm just a dirt guy. I get confused about buildings.

JOHN NOWICKI: Just wanted to make sure that was addressed.

DAVID CROSS: I'm with you, Matt (Napierala). I'm a dirt guy.

So couple things. So when -- when you're exiting the site on the west side of the site, towards Scottsville Road, um, I think that needs to be, um, striped -- striped.

That's a one-way out, right? Because you don't want people to short circuit coming in. You following me?

MR. NAPIERALA: I'm with you.

DAVID CROSS: So -- I don't know it is going to be signs, stripes.

MR. NAPIERALA: I think we can do some -- both signage and striping. Quite frankly, I think that's a good comment.

DAVID CROSS: We talked about at the last meeting, you're going -- there is going to be a sidewalk coming from the east. I don't know if that is you or Sumket or who that is, but there was discussion about a sidewalk coming in from the east on Scottsville Road.

MATT NAPIERALA: Yes. I recall that now. We should probably show that on the front of --

DAVID CROSS: Yeah, please. I think you're going to need to stripe a sidewalk across the parking lot. I would just like to see how that will happen.

MR. NAPIERALA: Pedestrian access from the sidewalk system.

DAVID CROSS: Right.

PAUL WANZENRIED: I do believe that was Sumket because that was going to go from the Uniform Village all of the way to underneath the bridge.

DAVID CROSS: Yes. They even talked about connecting it -- I think there is sidewalk on the other side of 390.

PAUL WANZENRIED: Right. So I do believe that was Sumket, though, and not Fastrac.

DAVID CROSS: That makes sense.

MR. NAPIERALA: We'll coordinate with the Sumket plans and talk to -- talk to Peter Varis and make sure we put that on. We can do it -- we can do the sidewalk by others or something like but then show a crosswalk so we have that.

I follow what you're saying, Mr. Cross.

DAVID CROSS: Then maybe it's a question for Paul (Wanzenried). The sign package, will it be acted on by the Zoning Board, or is that our jurisdiction?

PAUL WANZENRIED: Acted on by the AAC and the Zoning Board.

PAUL BLOSER: Because of the amount of signs and square footage, the variances are acted on by the Zoning. The architectural element of it is acted on by the AAC. Of which I can -- hang on.

DAVID CROSS: So it is really a Zoning Board call?

PAUL WANZENRIED: Yeah. I will tell you that the AAC approved what they were doing. Okay?

DAVID CROSS: They approved a 13 1/2 foot high.

PAUL WANZENRIED: We approved the architectural element. The 13 1/2 foot is a zoning issue.

DAVID CROSS: With LED display.

PAUL WANZENRIED: We don't want the LEDs, but that is something that --

PAUL BLOSER: Part of the zoning thing.

PAUL WANZENRIED: That is part of the zoning package.

DAVID CROSS: Okay. It just seems excessive to me. I will just go on the record saying it doesn't sound like it is my purview or any of ours, but...

PAUL BLOSER: We can pass our comment to Zoning.

DAVID CROSS: Absolutely.

PAUL WANZENRIED: We can.

PAUL BLOSER: To the Chair, Adam (Cummings).

DAVID CROSS: One more thing. The underground storage tanks, right, so you have the south one that is -- you know, probably only 2 to 3 feet from the south property line. You ever going to dig that up, how you going do that? It just seems like you need, I don't know, at least 10 feet between the edge of that tank and the south lot line.

MR. NAPIERALA: What I can do is talk to our Construction Manager who is putting that in, and we can always bury that tank with some sheets so that we don't interfere with the future property line and/or Sumket is really, um, part of the overall Master Plan that we can potentially get a future grading easement to initiate that.

Frankly, the proximity of that lot line is due to the deal with Sumket themselves. Part of the subdivision that you guys talked about last meeting. But a good point. There is no question. One way or the other, we can -- we got to make sure that that -- those are accessible.

PAUL BLOSER: Most of my questions have been answered already. I have some concerns on the signs also. And -- the LED, that we don't go forward with that.

The only other comment, after everything I have heard everybody talk about now, is in our conditions of approval, to make sure we clarify outdoor advertising of goods for sale. Storing things on the sidewalk, displays. And additional banners and signs. I -- I'm familiar with a lot of your stores, and you tend to be heavy on the signage and banners advertising specials and things. We're a little bit stricter in Chili on that and I want to make sure you're aware of what our codes are and what is and what is not allowed in those banners.

MR. NAPIERALA: Understood.

PAUL BLOSER: To get started with, they're not allowed. And -- in front of the store, on the sidewalk, some places try to sell windshield washer fluid, bags of salt, whatever, whatever. Those are not allowed on the outside of the building. No outside display of product for sale.

MR. NAPIERALA: Thank you.

ERIC STOWE: The -- the storm water agreement, is that going to be a recorded easement or what is going to --

MR. NAPIERALA: The -- there will be an easement, right, between Fastrac Markets and Sumket for the drainage discharge, but the -- the mitigative solution will be onsite, so that will not essentially -- I don't believe we need an easement with regards to the storm water basin itself.

ERIC STOWE: But with respect to the discharge?

MR. NAPIERALA: Yes. That has already been in the works with the real estate.

ERIC STOWE: Just any approval be conditioned on approval of that easement, and conditioned on compliance with all of the ZBA terms and conditions, because there were variances that were granted at the ZBA with respect to cross access, across the parcels and those -- and the like.

So just any approvals would be conditioned on compliance with all of the ZBA terms and contingent upon ZBA approval.

PAUL WANZENRIED: Is pending approval of the Zoning Board of Appeals of all required variances, does that satisfy you?

ERIC STOWE: Contingent upon all required area variances -- all required variances without respect to use or area, yes.

PAUL WANZENRIED: Contingent.

ERIC STOWE: Your approval would be contingent upon compliance of all ZBA variances and requirements.

DAVID LINDSAY: You will be providing an easement to the Town for access to the storm water management feature; is that correct?

MR. NAPIERALA: Yes, sir.

DAVID LINDSAY: That's all.

MICHAEL HANSCOM: Um, you stated that you would be regrading the storm water management area. That is probably going to change your calculations for the volumes there?

MR. NAPIERALA: We were able to maintain the volume, Mr. Hanscom. We just had a flat area to the east and we're flopping that with a flat area to the west side of that basin. So we'll show you all of that in the updated plans that we -- that we are processing for potentially your remaining comments and I understand that you haven't had a chance to review the complete SWPPP, but we'll give you the digital volume analysis from auto CAD so you can confirm that with the volumes shown in the SWPPP documents themselves.



MICHAEL HANSCOM: Yes. If you can just confirm.

MR. NAPIERALA: You know, the stage storage discharge in the detention basin design, we want to show that to you from the new graded CAD drawings so it will be consistent.

MIKE HANSCOM: Correct. Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm hearing this snow storage plan, and to me, it just -- it sounds like a bunch of impossible choices. We're talking curbing. Fencing. And we're still talking about plowing snow into the same areas. I don't think plowing snow up along Scottsville Road is a very bright thing to do. To say the least. As far as plowing snow to the south, I don't see where there is any room to do that either. It looks mighty small. And I'm hearing about some kind of -- you know, a drop-off there, a grade change. And needing a -- needing another fence there. It's never been, um, in my mind, a good idea to push snow into drainage areas. That's not what they're meant for. I just don't see how with that much pavement and that much impervious surface -- this snowplowing thing is not workable. I don't see how you can do this. It is -- it's a lot of wishes and a lot of excuses, but I can't see how that's going to work. You have an awful lot of area and no place to put the snow and I haven't heard one word about drawing snow off site should it be required. Not one word.

Now, as far as that traffic pattern goes, again, I see so many things wrong with that plan for bringing those trucks in and circling around. As I see it, and I -- maybe not wrong, but isn't that truck going to exit parallel to the drive-thru line on the back of that building? There -- they're right next to one another, it appears to me. You will be sitting in the drive-thru line waiting for, I don't know, a pizza to be brought out to you and right there, right next to you you're going to have a tractor-trailer going out of there after making a delivery. I don't think I would like that. It doesn't seem even safe.

And in addition, when you -- when that truck exits going around the site to get out at the light, it seems very, very dangerous to me to have that truck crossing right through the parking lot. That's dangerous. You got people parking and walking into the store, and you got a tractor trailer going right across the -- right across the lot. And it -- the whole thing is just -- it's just not workable. It doesn't look to me.

And secondly, or more -- or more than that, when you go out, it seems that truck, in an effort to make the turn, and I know that is not the picture we were looking at, but it seems to me it takes up both sides of the outgoing traffic lanes. He has to have both lanes there in order to make the turn if I understand those lines right that were on the drawing that was put up. He takes the whole driveway. Coming, going out. The whole width. And the point was made about cars queuing there. If they expect the traffic at this store to be what they claim, they will have cars sitting there. And then have you got the trucks sitting cross ways, you know, east, west, waiting for traffic to clear so they can even get out, even if they took the two lanes to exit.

I know that they -- the whole -- the whole thing comes down to this site is not big enough for what they want to do. It is too small for what they want to accomplish. In so many ways. And I know -- I know they have to go back before Conservation, but -- but there is no room to landscape anything here, it looks like to me. Very, very little. There is no room. It -- it is just a lot of -- a lot of cement, a lot of asphalt, a lot of roof. And I know it's a -- you know, it's -- it's not a residential area. It's in the -- near a residential area, but that is no reason we have to settle for something that is just going to maybe be an eyesore down the line. We need to have it look nice, it has to be workable and I certainly don't see how the snow issues and the traffic pattern issues have been solved at all with what has been brought forth tonight.

PAUL WANZENRIED: Thank you. Any other comments or questions from the audience?

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

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

MICHAEL NYHAN: Paul (Wanzenried), if I could, I have one question.

PAUL WANZENRIED: As many questions as you like.

MICHAEL NYHAN: Question is really to the side table, whether or not we have any jurisdiction or say over their part of the plan we're approving and -- whether the amount -- or the location of those signs.

ERIC STOWE: I would say location, yes; quantity, no. In a sense. Because the variance would determine the -- the -- the area variance for the increase in number would determine the number of signs. Your purview would be the placement of them.

MICHAEL NYHAN: Only the placement. Okay. Thank you.

PAUL WANZENRIED: Matt (Napierala), I also noticed on the depiction behind me, that you're showing snow being deposited along the front edge of the property, along the Scottsville Road side.

MR. NAPIERALA: Again, what we wanted to show there is again these -- this 1-inch snow, and as the guy is plowing, you know, it's inevitable that some of that is going to be discharged. I wouldn't think that those piles would be greater than a foot to 18 inches and the --

the main storage pile would be to the east. But again, we're trying to be real here with regards to operations and plowing snow and -- and we do do a good job. With regards to that, we keep our sites very clean because that's what our customers need and want. If there is a need to do snow storage removal, it will get removed. Every one those parking spaces will remain open because that's how we make money.

PAUL WANZENRIED: Matt (Napierala), does the property drop off by the tanks, to the south of the tanks?

MR. NAPIERALA: There is a slight drop-off, but mainly I think when we have graded the site, we have created a little bit of a hill for the first floor of the building itself. So we self-created -- if you look at the terrain, it's relatively flat from Scottsville Road to our south property line. Probably a 2 to 3 foot drop. But again, since that fuel dispensing pad is essentially level, just like a building pad, that creates the need for some fill along where those tanks are and so there is a drop-off along that south edge, as well as 2 to 3 foot drop-off behind the building and drive-thru access.

Essentially we want that -- this store to be sitting up high so we're pitching away. We want to make sure that all storm water pitches away from our front door.

PAUL WANZENRIED: Let's start talking conditions.

DAVID CROSS: This is for preliminary?

PAUL WANZENRIED: Yeah. I don't know if I want to put --

DAVID CROSS: What did we talk about tonight?

PAUL WANZENRIED: That will be a tough nut.

DAVID CROSS: Did you take good notes, Matt (Emens)?

MR. NAPIERALA: Christian (Hill) did.

DAVID CROSS: There you go.

PAUL WANZENRIED: I hope so. Well, I see it as -- we'll reiterate. I believe this was mentioned at the last meeting, when he -- when he made his presentation, that no outdoor display or sales would be permitted. We'll just reiterate that again.

Um, no banners or A-frames or window or extraneous signage shall be permitted.

We would want to see the responses to the Town Engineer letter dated November 4th.

Um, I would make the -- I would make the condition that snow -- there be no snow storage depicted or indicated to the north side of the property. That would be the Scottsville Road edge. Um, and if they have to truck it off, then they have to truck it off.

There was an easement -- what was the easement that you spoke of, David (Lindsay)?

DAVID LINDSAY: It's a storm water easement. But if you just condition --

PAUL WANZENRIED: Hold on.

DAVID LINDSAY: Sorry.

DAVID CROSS: Matt (Napierala) was going to bury some sheet piling south of the tank or provide some drainage.

PAUL WANZENRIED: It was in regards to the underground tank was the one I was going forward. But now Dave Lindsay, easement for a tank, replacement and repair.

Now, Dave (Lindsay), what was yours?

DAVID LINDSAY: Ours has to do with the storm water, but if you condition upon final approval Commissioner of Public Works and Town Engineer, we'll make sure we have that.

PAUL WANZENRIED: Now, I'm only going to grant preliminary tonight. I'm not granting final.

DAVID LINDSAY: Okay.

PAUL WANZENRIED: I'm in no -- I'm in no position to grant you final tonight.

MR. NAPIERALA: Agreed.

JOHN NOWICKI: I have a question, why would we even have to go -- vote on preliminary tonight? Why wouldn't you take some time to review the minutes of this meeting to make sure that we cover all of the conditions necessary and -- and then come back, because we can always do final at the next meeting if they meet all of the requirements that are discussed tonight?

MATT EMENS: Don't put conditions on now?

JOHN NOWICKI: Don't -- table it. Until we get -- so you have time to look at all of the things discussed tonight as conditions.

DAVID CROSS: The ZBA -- we're still contingent on the ZBA.

PAUL WANZENRIED: And contingent on Conservation Board.

JOHN NOWICKI: Absolutely. I don't think I'm comfortable voting.

DAVID CROSS: They can get all that, come back and --

JOHN NOWICKI: And when they come back, they do all that, final can be waived.

MATT EMENS: The only thing I would say, in -- when it -- when this goes back to Zoning again, if we have not acted at all on it, I just don't know how they would take that, you know, as a vote of confidence. With preliminary, at least -- am I incorrect? Or is that -- is that not valid?

PAUL WANZENRIED: I think -- I think you put conditions on it now so that rectifies those and brings those back for final. I mean, I can put a standard -- a standard Board condition can be pending all -- as Erik (Stowe) wanted it, contingent on approval of the Zoning Board of Appeals of all required variances and requirements. I can put that on. You know, that's a standard -- that can be one of them. I think what we want to do is fire off conditions to him now, things that we want corrected that we want him to take a deeper look at and then come back before us for final so we can -- so we can have -- you follow what I'm saying, John (Nowicki)?

JOHN NOWICKI: I --

PAUL WANZENRIED: I understand your position.

JOHN NOWICKI: Okay. I will leave my vote up to myself then. You go ahead and do what you want to do.

PAUL WANZENRIED: Does the rest of the Board understand where I'm coming from? Right? Paul (Bloser)?

PAUL BLOSER: I'm in agreement with it.

PAUL WANZENRIED: All right. So, I will say, that the applicant shall supply landscape drawing -- he is already on the agenda, but the applicant shall supply a landscape drawing by a landscape architect along with a prior checklist to the Conservation Board for review and approval.

Contingent on approval of all -- of the Zoning Board of Appeals of all required variances and requirements.

We have County Comments from this from the last time, right?

So I think if I say that -- where is that one I'm looking for?

DAVID LINDSAY: About five down. Six down.

PAUL WANZENRIED: The Town Engineer, Commissioner shall be given copies of any correspondence with other approving agencies.

Applicant shall comply with all pertinent Monroe County Development Review Committee comments. And again, we set forth these comments -- these conditions now, John (Nowicki). And the next meeting, on final, all these previous conditions, which is one -- all previous conditions imposed by this Board still pertinent to the application remain in effect.

JOHN NOWICKI: Does that cover the Town Engineer's comments?

PAUL WANZENRIED: Yes. Yes. I just -- approval is subject to final approval by the Town Engineer and Commissioner of Public Works. Okay?

JOHN NOWICKI: And the Fire Marshal?

PAUL WANZENRIED: Subject to approval of the Town Fire Marshal, but I believe he gave us comments on the last meeting which reverted to the sprinklers of the canopy and wanted to make sure -- I think that the sprinklers were in the building, as well.

Did you get those comments, Matt (Napierala)?

MR. NAPIERALA: Um, I think at the meeting we talked about the fire suppression for the fuel dispensing as required. Um, I do not believe by code this building is required to be a sprinklered building, the 5,000 square foot building.

PAUL WANZENRIED: The -- the fire -- per the -- yeah. The -- the comment, the Fire Marshal made, Matt (Napierala), was additional information is needed to determine sprinkler requirement for the cafe portion of the building.

MR. NAPIERALA: Okay.

PAUL WANZENRIED: And the fire suppression system required for the fueling dispensing area.

MR. NAPIERALA: Agreed.

PAUL WANZENRIED: I will make it subject to approval of -- by the Town Fire Marshal. So then no outside sales.

Responses to the Town Engineer letter dated November 4th.

No snow storage to the south side of the property.

Easement for replacement and repair of fuel tanks.

Um, relocate that air pump. Sorry.

JOHN NOWICKI: Any major changes from the Architectural Review Board?

PAUL WANZENRIED: No. Other than -- thank you, John (Nowicki).

Relocate air pump.

That material samples shall be submitted -- bring those to the next Planning Board meeting, Matt (Napierala). Material samples for the building shall be submitted.

DAVID CROSS: Stripe pedestrian access across the parking lot.

PAUL WANZENRIED: Thank you, Dave Cross.

And signage, one way out at the northwest corner. Is that -- signs.

There was a discussion at the dais about that condition.

PAUL WANZENRIED: Sign and stripe egress to the northwest. Okay. Do you want me to review all these?

DAVID CROSS: No.

MICHAEL NYHAN: Don't need to. No.

ERIC STOWE: Mr. Chairman, could we just add in one easement for storm water discharge?

Might be addressed at final, but just as a condition so we don't lose sight of it and it is addressed prior to final.

PAUL WANZENRIED: Easement for storm water discharge to be provided to Assistant Town Counsel?

ERIC STOWE: And approved.

PAUL WANZENRIED: The --

ERIC STOWE: I think just subject to Planning Board Counsel approval would be fine. 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.

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

1. No outdoor display or sales.
2. No banners or extraneous signs on window, a-frame, or otherwise.
3. Compliance with all responses to Town Engineer's correspondence dated November 4, 2015.
4. No snow storage to the North side of the property bordering Scottsville Road.
5. Provide to Town Engineer/Planning Board Counsel for approval easement for replacement and repair of fueling tanks.
6. Relocate air pump to eastern side of property.
7. Per AAC recommendation, material samples and identification for building, dumpster, and signage to be submitted to Town Building Department prior to the start of construction.
8. Provide striped pedestrian access from Scottsville Road to property.
9. Sign and stripe egress to Northwest of property.
10. Provide easement for storm water discharge subject to the Planning Board Counsel approval.
11. 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.
12. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
13. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
14. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
15. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
16. Application is subject to all required permits, inspections, and code compliance regulations.
17. Contingent on approval of the Zoning Board of Appeals of all required variances and requirements.
18. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
19. Subject to approval by the Town Fire Marshal.

PAUL WANZENRIED: Minutes approved?

MICHAEL NYHAN: Correction on one. Shows I was present at the meeting on the 13th and absent on the 20th. Switch that around.

PAUL WANZENRIED: We'll get you corrected.

Approve minutes with corrections. Second?

JOHN HELLABY: Second.

The 10/13/15 and 10/20/15 Planning Board minutes were approved.

The meeting ended at 8:13 p.m.