

CHILI PLANNING BOARD
December 9, 2014

A meeting of the Chili Planning Board was held on December 9, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Wanzenried.

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

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

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

PAUL WANZENRIED: I'd like to take a moment right now to acknowledge Karen Cox as this will be her last meeting serving on this Board. I would like to say thank you to the many years of service to the community. We appreciate the insight, knowledge and guidance in the many capacities she has served and wish her the best of success in her future endeavors.

Again, Karen (Cox), thank you.

KAREN COX: Thank you. (Applause.)

PAUL WANZENRIED: Approve last month's meeting minutes. I make a motion to approve last month's meeting minutes.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

PUBLIC HEARINGS:

1. Application of Wegmans Food Markets, c/o Kim Seavert, P.O. Box 30844, Rochester, New York 14624 for preliminary site plan approval to erect a 3,150 sq. ft. salt storage building at property located at 249 Fisher Road in GI zone.

Kim Seavert was present to represent the application.

JOHN HELLABY: Mr. Chairman, I have to recuse myself from this application as I am employed by Wegmans.

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

MS. SEAVERT: Good evening. I'm Kim Seavert, representing Wegmans Food Markets, here tonight seeking application and approval for a 42 foot by 72 foot clear span structure which will be used to house rock salt for our facility use.

Do you mind if I present to the Board -- can you hear me okay?

PAUL WANZENRIED: Just speak loudly.

MS. SEAVERT: Will do. I have handed these out. These are the latest and greatest plans that we have submitted to the Town. Just to orient you with the plans, north is at the top of the page. Fisher Road would be on your right hand side. Jetview Drive that we have just opened recently is along the left side. The building that we're looking to build is located here on the plan (indicating), which is at 249 Fisher Road. It's about 1200 feet west of Fisher Road, in this direction (indicating), and is 1500 feet east of Jetview Drive.

Currently, this area has just lawn at this point, and we're looking to remove the topsoil, place two lifts of 6 inches of compacted millings for a total of 12 inches. The millings will be underneath the structure as well as a small driveway to access this structure which ties into an existing driveway. The structure is going to be for -- what we're calling an insurance salt pile, so it will be completely closed at all times.

Last year we ran into a shortage area wide and we got to a point where we all got a little nervous if our piles ran low or dry what we would do next. So this pile we're proposing would be just in case we ever got to the point where we would need to access that pile. It won't be actually used there. We have another shelter north of the proposed structure that will be used regularly. We're not proposing any new lighting that type.

And then just a few housekeeping notes. We presented to the Board -- the Conservation Board last Monday and have worked back and forth with Pat (Tindale) the past couple days, her Board, and received approval from them.

I have worked with Michael Hanscom from Lu Engineers, report -- I have responded to his comments and revised plans that I have passed out to you folks. He has replied we have met all his comments and he seems to be satisfied with our status at that point. And we also have

worked with the Monroe County Development Review Committee regarding the airport referral form and we have received notice today that they're accepting the plan, as well.

If you keep turning to the other pages I handed out, it shows a picture of the proposed structure and there is also an exhibit of what the view is proposed to look like from Fisher Road where we have some residents along the east side of Fisher Road. So with that, I'm open to answer any questions you folks may have.

PAUL WANZENRIED: Okay. Thank you.

Does this -- you said this was an auxiliary salt storage; is that correct?

MS. SEAVERT: Um, what do you mean by --

PAUL WANZENRIED: Is this your primary salt storage?

MS. SEAVERT: No. This would be -- we're currently looking to go purchase 1,000 tons of salt to store, just as an if-needed basis, if we need to touch the pile. There is a current smaller structure to the north of this location that is actively used throughout the winter.

PAUL WANZENRIED: That is where you mainly draw from?

MS. SEAVERT: Correct.

PAUL WANZENRIED: This will be the auxiliary salt storage?

MS. SEAVERT: Correct.

PAUL WANZENRIED: Is this for just this property, or do you drag salt from this location to stores in the Rochester area?

MS. SEAVERT: This is not for store use, just for facilities. I'm not 100 percent positive, but it may go to our facilities at 1500 Brooks Ave. and 1525 Brooks Ave.

PAUL WANZENRIED: Okay.

MICHAEL NYHAN: I don't have any questions.

KAREN COX: Are you -- it looks like your building has another access road from this parking lot down to the current building, or is that existing?

MS. SEAVERT: No. That is an existing drive.

KAREN COX: Okay. That was all I had.

PAUL WANZENRIED: The Conservation Board, did you agree with their comments that the -- that there be a membrane installed underneath the millings to --

MS. SEAVERT: No. We took -- Lu Engineer's recommendation of the 12 inches of millings and then 5 feet behind concrete blocks sloped away from the building so any runoff off the top of the structure will run away from the building and not back into the salt storage area.

JOHN NOWICKI: I would just like to complement you and your staff and Mike (Hanscom) for doing an excellent job on all of the details that came up on this particular project. You did an excellent job on it.

The only question I would have is trying to get an interpretation from the Fire Marshal what he means by the -- requires a life safety occupancy use permit.

Do you know what that means?

DAVID LINDSAY: It is just the standard operating permit that businesses have to have in the Town. Every business has one.

JOHN NOWICKI: We just have not seen it before.

DAVID LINDSAY: It is a standard permit the Building Department issues.

JOHN NOWICKI: Okay. That is all I have. Thank you again.

DAVID CROSS: One question, Kimberly. So there is an existing cover all building or -- or clear span building. Is the fabric on that white?

MS. SEAVERT: Yes. This one.

DAVID CROSS: Proposing the same thing here?

MS. SEAVERT: Correct.

DAVID CROSS: That's all I had.

PAUL BLOSER: Will this be erected year round?

MS. SEAVERT: Yes. It will be a permanent structure.

PAUL BLOSER: I don't have any questions. The only comment I will make is I know last year salt has been a situation, shortages. It seems American has a monopoly and you can't go someplace else and get it for any reason. No one will admit it, but I know that is what it is. So I guess I like the plan and the details you put into it to accommodate it, so thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL WANZENRIED: David (Dunning), if I'm correct, they did pay for final?

DAVID LINDSAY: Yes, that's -- yep.

PAUL WANZENRIED: Does the Board have any --

DAVID CROSS: Should be in favor.

PAUL WANZENRIED: -- qualms?

KAREN COX: I have no problems with that.

PAUL WANZENRIED: All in agreement on that?

The Board indicated they agreed with waiving final.

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

PAUL WANZENRIED: Any conditions we want put on that, other than the standard boilerplate ones here? We have a list of standard conditions that will be part of a letter that we'll send out to you.

MS. SEAVERT: Okay.

PAUL WANZENRIED: So with regards to this, for preliminary and final site plan approval for the Wegmans application.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.

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

2. Application of Samuel Camarata, DC, 8 Harvest Hill, Rochester, New York 14624, property owner: Alliance Door & Hardware; for preliminary site plan approval for a change of use in portion of building to allow a medical office (chiropractic) in space formerly used as a bakery at property located at 3765 Chili Avenue in NB zone.

Sam Camarata and Lou Bivone were present to represent the application.

MR. CAMARATA: Good evening, everyone. My name is Dr. Sam Camarata. I'm a New York State licensed chiropractor and lifelong Chili resident for 25 years. I have currently been practicing for the past year at Westside Chiropractic over in Gates Chili on Spencerport Road. I plan on opening up my own practice and transitioning into Mr. Bivone's location at 3765 Chili Ave.

Chris here rented the space prior as a bakery, and my goal, my intentions to move the practice from Westside Chiropractic over to Camarata Chiropractic at this current location would be -- story. Give me a second.

-- to offer Chili residents basically an option to other chiropractic care than what is already offered within the community. There are two other chiropractic -- Campanella Chiropractic and Chili Chiropractic.

What I offer is something different. I have traveled across the nation and learned from the best in my profession, if you will, some of the best, safe, scientific and conservative methods in chiropractic care and I'm looking to share them and serve my community members that I grew up with here in Chili.

Any questions?

KAREN COX: I just -- on the mark-up, plan mark-up that we got, it looks like there is some space that's -- can you explain how that -- what this space adjustment is?

MR. CAMARATA: Are you looking at the 850 square foot plan or the 2200?

KAREN COX: The 2250.

MR. CAMARATA: There should be an updated plan. What I will be renting is 820 square feet. There is actually a wall separating myself from the dance studio, which is situated directly behind that space. That's all right -- that has been divided. That is already established.

KAREN COX: So your -- your space is only going to be 850?

MR. CAMARATA: 850 square foot.

Do you have my floor plan and layout?

KAREN COX: I do, yep. Okay. So that was -- the only question I had.

MR. CAMARATA: All of the dimensions. I went in and measured, and that is the most current and up-to-date floor plan.

JOHN HELLABY: Most visible changes to the building outside?

MR. CAMARATA: No, sir.

JOHN HELLABY: The Town will probably require a little bit better documentation to secure a permit and whatever you need for wall constructions or whatever. You need to check with the Building Department.

The other question I have, Dave (Lindsay), you might be the person who knows, a couple years ago they had a parking situation down there that I know we extended the parking. Are you aware of any ongoing problems parking-wise?

DAVID LINDSAY: I'm not aware of any new problems after we addressed it with that decisions around the parking there. I also think the hours of operation are probably different than what was there before so there will probably be less of a parking issue over there.

JOHN NOWICKI: All my questions have been answered.

DAVID CROSS: Nothing further.

PAUL BLOSER: I don't have anything.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: What are the hours of operation?

PAUL WANZENRIED: Hours of operation are as stated to us, Monday, 8 to 12, 3 to 6. Tuesdays he is closed. Wednesday, 8 to 12, 3 to 6. Thursdays, 8 to 12. Friday 8 to 12, 3 to 6. Saturday, 8 to 12 and that's every other Saturday and Sunday closed.

MS. BORGUS: It's hard to come up with comments when there is no plan put up.

JOHN HELLABY: Would you like one placed there, Dorothy (Borgus)?

MS. BORGUS: I would. Does it work tonight -- okay. We're gone back.

JOHN HELLABY: No. That thing is hopeless.

MS. BORGUS: I thought I was the only one that thought that.

PAUL WANZENRIED: Dorothy (Borgus), can I ask if someone else wants to comment?

MS. BORGUS: No, that is okay. My -- my thoughts is that is probably a very good use for that space. It's a small space. It isn't going to be a viable place for many businesses, and if this suits the doctor's plan, I think it will be probably a very, very good use for the building, this space.

The other comment I would like to make, though, the question I guess, is -- I believe Mr. Hellaby brought up the fact about building changes and I'm wondering about the building change that has been made with those lights on the roof. I don't know if the owners here -- if anybody can comment today, but if any -- I hope that the Board has been by there and seen them at night. You have -- you come down especially off of Union Street. If you're getting off 490 and coming from the north and you think you're approaching the landing strip of Rochester International Airport. All of the roof angles -- if you people haven't seen it, you have missed something. It has been up for near a month.

Are they Christmas lights?

JOHN NOWICKI: They're holiday lights.

MS. BORGUS: Are they Christmas lights? There is the question.

KAREN COX: Well, I have seen them. My assumption was based on the way other commercial properties have decorated for Christmas, there is a company that puts that type of light up commercially. I assumed they were holiday lights.

MS. BORGUS: Well, I assume is a bad -- a bad beginning.

MR. BIVONE: Your taste is not that great, Dorothy (Borgus).

PAUL WANZENRIED: Hey, whoa, whoa.

MR. BIVONE: I'm just trying to make a comment. I spent a lot of money to put the lights up.

Lou Bivone. I'm the owner. I spent a lot of money. I think it's very attractive. I know you don't like -- would you like to see red, blue and purple?

MS. BORGUS: I think the building -- the Building Department should check this out.

MR. BIVONE: Didn't realize there is a permit required to put Christmas lights up. Am I correct? Am I correct?

PAUL WANZENRIED: To the best my knowledge there isn't one.

MR. BIVONE: There isn't, right?

PAUL WANZENRIED: To the best of my knowledge.

MS. BORGUS: If, indeed, those are Christmas lights, fine. But if they're there the 15th of January, then we're going to have an issue.

PAUL WANZENRIED: Okay.

MS. BORGUS: Those were never -- if they're meant to be permanent -- they look awfully permanent to me. A lot of money spent to do this. They're clear. If anybody on the Board hasn't seen them. You must not get to West Chili if you haven't seen these.

KAREN COX: They're like the ones that One Step puts on their -- puts -- or put on their building to advertise that they do that at -- for -- as a service, and the one -- the lights on One Step come down or get turned off when the holiday is done.

MS. BORGUS: Well, we'll see. We'll see. Because I know for a fact those were never included -- if they're permanent, they were never included in the original plans for that building, and those lights do violate the zoning code, if they're meant to be permanent.

MR. BIVONE: They're not permanent. I will sign anything you need. The lights will come down after the holidays. That's it.

MS. BORGUS: Thank you.

PAUL WANZENRIED: Thank you.

ED SHAFFER (phonetic)

MR. SHAFFER: Ed Shaffer (phonetic). I'm a resident. I live at the bottom of this facility that is up there. And since it's been -- the driveway has been made, I have had problems, issues with the water coming down onto my property. And I think it was brought up to Lou (Bivone) at one time, and they put a speed bump down at the bottom of the hill, which makes all of the water from the parking lot come down. There are two houses down there, me and Carlene Henley (phonetic) is a neighbor. I'm also speaking on her behalf, my neighbor. She couldn't be here tonight.

All of the water from the parking lot comes straight down the driveway. The whole thing is sloped towards our houses. A good majority of it goes into the water right there, which is all contaminated water in my mind, that is coming out of the parking lot, could be oil, antifreeze. It's not draining in anything but the creek, and it comes right down into our houses. When it rains really heavily, Carlene, my neighbor, will have the water come gushing up to her house where she has to walk through 2 or 3 inches of water just to get into her house.

Where I live, which is down to the left there -- just give me a second.

MR. BIVONE: That is okay.

MR. SHAFFER: It is creating a new gully. It is creating like a new river bed to where the water is flowing. It's a new area and it is deteriorating the ground.

And whatever is in that water is getting into the ground and into Black Creek.

PAUL WANZENRIED: Okay.

MR. SHAFFER: And I would like -- I would like to have somebody take a look at it. I rent from Dario Marchioni here. He is my landlord. He asked me to come tonight and so did Carlene. Those lights look really nice on the roof, too.

MR. BIVONE: Thank you. Thank you.

MR. SHAFFER: They're very professionally done. You did a nice job on that. I was planning on buying this property from my landlord. I haven't yet. I have been there for nine years. We used to have a really nice 500 foot driveway that had a name on top, Willowbend Drive. No more street there no more. I pull into a parking lot, to the back end, and go into my driveway. There is no longer a Willowbend Drive there. It disappeared. Street name is gone. Street sign is gone. I don't know what you all can do about that.

PAUL WANZENRIED: Have you registered anything with the Building Department?

MR. SHAFFER: No.

PAUL WANZENRIED: That is probably your first course of action.

MR. SHAFFER: It is kind of like there used to be a street there. Willowbend Drive. Now you just pull into the parking lot.

PAUL WANZENRIED: I understand.

MR. SHAFFER: We're just a little shoot out the back end of it now.

PAUL WANZENRIED: Okay.

MR. SHAFFER: Those are just two things I wanted to bring up.

MR. BIVONE: This is not why we're here tonight, though; am I correct?

MR. SHAFFER: I was asked to come for my --

MR. BIVONE: But this is not why we're here.

PAUL WANZENRIED: I understand. Okay. Thus, the reason why I said he should approach the Building Department, okay, with these concerns, okay? Duly noted for the record here tonight, but ideally you want to go to the Building Department and take --

MR. SHAFFER: I was asked to come here tonight to speak on behalf of the tenant and the landlord.

DARIO MARCHIONI

MR. MARCHIONI: Good evening. Um, my name is Dario Marchioni. I hate to be here, but we have a problem over there. The reason I'm bringing this problem, because the Planning Board approved a site plan, and the site plan that was approved by the Planning Board is not what is there now. And I know, because I got all of the plans, all of the information. And I made -- exactly three complaints to Department of Public Works, and basically, I -- I would rather have him speak about it, the three informations he gave me.

Mr. Lindsay, can you explain what you told me in the three meetings we had, me and you about the water coming down on our property? Do you remember when we brought the plans there?

PAUL WANZENRIED: But Dario (Marchioni) -- I understand that. This is not -- but this is not pertaining to the application at hand.

MR. MARCHIONI: Yes, but this is something that concerns the Planning Board. They approved something that is not there, what they approved.

PAUL WANZENRIED: Then your first course of action is to go to the Building Department or to talk to Mr. Lindsay.

MR. MARCHIONI: I did. Three times. I can understand his position. He --

PAUL WANZENRIED: But you have to understand my position. And my position right now --

MR. MARCHIONI: First of all, I'm for this application.

But second, I think this is something that is concerning -- concerns the Planning Board. When they approve a project, they expect that project to comply with the Planning Board plans that were brought and approved by all of you gentlemen and lady. That's the reason I'm bringing this up. Because these other avenues, they don't work. You are the people that represent the planning, okay. I have been there for 14 years, and that's what we -- the principle was, that we don't interfere in other people's property. We don't send our water.

50 percent of that whole parking lot is going through that -- that driveway. You -- if you please do me a favor, just go look at it and tell me if that is when you guys approved it, because I would really like to know. I can show you the plans. I will bring them over. That is not what -- and I asked Mr. Lindsay. He -- he has his hands tied. I understand that, too. But on the other hand, what is fair is fair. Okay? Now.

PAUL WANZENRIED: We will look into it.

MR. MARCHIONI: Appreciate that. That's all I ask. That's all I ask. Just look into what you approved. That is all I ask. I appreciate it very much, sir.

PAUL WANZENRIED: I will look into it.

MR. MARCHIONI: Like I said, I hate to do this.

PAUL WANZENRIED: Duly noted. But you approve of tonight's application?

MR. MARCHIONI: Absolutely. That's another reason -- but also I have another problem. Since that water from the -- from the parking lot is directly going into our property, and then from there directly into the creek, I'm going to have a problem with DEC, okay? Now DEC is not going to go after him, because that water is going through our property and into the Black Creek. That is the way --

PAUL WANZENRIED: Even --

MR. MARCHIONI: The person from the DEC told me I'm going to be in a big trouble.

PAUL WANZENRIED: Dario (Marchioni), it has nothing to do --

MR. MARCHIONI: With this application.

PAUL WANZENRIED: That's right. I have to deal with this application. We have other applications.

MR. MARCHIONI: I'm sorry.

PAUL WANZENRIED: We'll look into it. Talk with Dave Lindsay, okay, and I will try and address your concerns.

MR. MARCHIONI: I have a lot of appreciation. We known each other for years. I respect him. With duly respect, sir, but I have --

PAUL WANZENRIED: Duly noted. Okay. Thank you.

MR. MARCHIONI: Yes. I appreciate it.

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: I haven't seen any Fire Marshal comments on the building, have you?

PAUL WANZENRIED: Yes.

JOHN HELLABY: Basically the same thing.

PAUL WANZENRIED: Boilerplate.

JOHN HELLABY: The safety permit.

PAUL WANZENRIED: Good for you, Mike (Nyhan)?

MICHAEL NYHAN: Yes, 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.

JOHN HELLABY: Hours of operation per letter of intent.

PAUL WANZENRIED: We'll make that hours of operation per letter of intent.

JOHN HELLABY: Which is dated November 6th.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: So the updated floor plan, revised floor plan for the new occupancies.

PAUL WANZENRIED: They will have to submit -- yeah. Application is subject to all required permits, inspections and code compliant regulations. That is a boilerplate.

He has waived final, as well. So anybody have any qualms about final?

KAREN COX: No. Great.

The Board indicated they had no problems with waiving final.

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

1. Hours of operation per letter of intent dated November 6, 2014.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. Building permits shall not be issued prior to applicant complying with all conditions.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Subject to approval by the Town Fire Marshal.

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

3. Application of Humboldt Lodge #138, owner; 412 Ballantyne Road, Rochester, New York 14623 for Special Use Permit to allow a recreational facility at property located at 412 Ballantyne Road in AC, FPO, FW zone.

Michael Dinsmore was present to represent the application.

PAUL WANZENRIED: Dave (Lindsay), is this still going to be a recreational facility?

DAVID LINDSAY: I believe they have recreational facility. They withdrew the ball field part of it.

PAUL WANZENRIED: So we're still looking at it as a rec center so to speak?

DAVID LINDSAY: Yes. Yes.

PAUL WANZENRIED: Okay. Sir.

MR. DINSMORE: Michael Dinsmore, D-I-N-S-M-O-R-E. I'm past Grand of the Humboldt Lodge 138 which is the current owner of the building. I'm also Officer of the VFW Post 412 which also uses the building.

The building is currently being used by three organizations. And all non-for-profit. The VFW, the Odd Fellows and the Rebeccas and the Women's Auxiliary Post, so actually four. The building is not used more than I will say 100 to 160 hours a month.

It's -- it has an alarm system on it. We put a lot of money into the building. 35,000, I think, is the number that we just paid to have it repaved. Um, and paying for upkeep. What we're looking for, the reason we have not updated this permit that ran out in 2011, is they received this permit, and kept seeing the ball fields with no intention of putting the ball fields in.

I came in and here talked to this Kathy Reed -- Kathleen Reed and boy, I wish to withdraw the ball fields. She looked at it and said the building is under the Special Use Permit, which shocked everybody at the lodge. We're not out to beat anybody out of the field or what have you.

The lodge has been in Rochester for 163 years, so it is not a new organization. The VFW Post, I think, started around 1970. So I would ask -- I know I'm probably not going to get what I asked for, a permanent Special Use Permit. But -- but I'm looking for something for a lot more than five years. We do not rent the building out other than to a member who may want to use it for a party, anniversary party or whatever. We don't rent it to the general public. Okay?

I don't know what questions you might have, and I'm glad to answer any questions you do have. Other than that, I really don't know what to say, gentlemen and ladies.

MICHAEL NYHAN: Withdrawing the plans for any recreational ball needs?

MR. DINSMORE: Yes. From what I understand, we own approximately 70, 75 acres there. We have no intention doing this. The insurance we're paying on this building has gone through the roof since the storms have hit New Jersey and New York. I mean they have tripled in cost.

MICHAEL NYHAN: There is a trailer in the back. That semi trailer, truck next to it.

MR. DINSMORE: There is a trailer in the back. We're governed by the Sovereign Grand Lodge of the State of New York and there is another lodge for the United States and then the world lodge.

We cannot just sell the property that is in that lodge. We have garments for some of the rituals we have to go through. It's a spinoff of the Masons, is what the Odd Fellows are. We cannot sell the stuff on eBay. So we have materials in there. Garments. Some --

MICHAEL NYHAN: So it is used for storage?

MR. DINSMORE: Storage.

MICHAEL NYHAN: The truck as well as the trailer?

MR. DINSMORE: The truck has to get out of there. Towner truck I asked them to remove.

MICHAEL NYHAN: Will it be removed?

MR. DINSMORE: Yes. If it is a prerequisite, yes, I will get it out of there.

JOHN HELLABY: Only question I have is probably more curiosity than anything. I'm sure I asked it back in '03 when this thing was here, but that separate lot that is actually in the front that is noted as 348 Ballantyne Road, that is still a separate parcel of land, is it not?

MR. DINSMORE: Why that is, I have no idea. I know we get three tax bills.

JOHN HELLABY: Might be to your benefit to combine them sometime because I'm -- if I'm not mistaken, I think that raised septic bed that feeds that building is in that lot.

MR. DINSMORE: How do I go about that? Just a quick brief -- next thing I will come in is ask for a sign permit. That is after I get this hopefully taken care of.

JOHN HELLABY: The quick and simple answer is you should talk to a surveyor or land planner. Basically you have most of the leg work done. I know for a fact that gentleman sitting right there behind you could probably help you out a whole lot. Ask him. But it would be beneficial if you combined it all -- it all be on one tax bill and all those headaches would go away.

MR. DINSMORE: We did a tax exemption with the side with the building on it. The site we do not have at exemption on is across the road.

JOHN HELLABY: Talk to him. He will help you.

JOHN NOWICKI: You own the property on the other side of the road?

MR. DINSMORE: Yes. Goes back 1500 and some odd feet. Again, I believe it is 30 some odd acres. It goes behind the property that Mr. Gamble owned.

JOHN NOWICKI: Oh, behind his property.

KAREN COX: No name on it.

MR. DINSMORE: Somebody just bought it. I know the people who bought it. I don't know their last name. We offered to buy the property and they decided to go to auction with it. We were going to buy it and just tear it down.

JOHN NOWICKI: Gamble's property?

MR. DINSMORE: Yes.

MICHAEL JONES: He is doing a lot of work on it, put some money in it.

MR. DINSMORE: Yes. The new owner.

JOHN NOWICKI: The building you're in existing now, you're on Lot 348 and the property behind you, that is all yours, too?

MR. DINSMORE: Yes. Right down to the center of the creek.

JOHN NOWICKI: Right down to the creek.

You have quite a bit of land over there.

MR. DINSMORE: Yes, sir.

JOHN NOWICKI: And this permit is for 348?

MR. DINSMORE: It's for -- well, there's a bunch -- everything that is on the north side of the road.

JOHN NOWICKI: North side of the road.

MR. DINSMORE: If I can get it on the south side, I would be more than happy to say thank you.

JOHN NOWICKI: Okay. Thank you.

DAVID CROSS: Still trying to understand.

So you never built the ball fields?

MR. DINSMORE: We never built the ball fields.

That was originally started by the VFW Post and I understand they built their building in '98 or '99. They're the ones that started with the ball fields and it was carried on.

DAVID CROSS: You don't intend --

MR. DINSMORE: We do not intend at this time. Liability, insurance, is the number one reason.

DAVID CROSS: But you want to keep your Special Use Permit?

MR. DINSMORE: Yes, because it is all non-for-profit organizations that are in there.

DAVID CROSS: I have nothing further.

PAUL WANZENRIED: So back to the trucks, the trailer is storage?

MR. DINSMORE: Correct.

PAUL WANZENRIED: You don't have any storage in the building that you can store -- I mean is that thing full?

MR. DINSMORE: Well, there -- there is offices, restrooms, a full size kitchen in the building. On the west side of the building is a meeting room used by the VFW and the Odd Fellows. So I mean, there is very little storage. We have three organizations that actually do store stuff in there.

PAUL WANZENRIED: Are you the lead organization, if you will?

MR. DINSMORE: I --

PAUL WANZENRIED: The Independent Order of Odd Fellows?

MR. DINSMORE: Yes. We're in the process -- we purchased it from the VFW, and I think we have three or four years left on the mortgage.

PAUL WANZENRIED: Okay.

JOHN NOWICKI: What is the possibility, down the road, of eliminating that trailer? Somehow.

MR. DINSMORE: Very good possibility. We have some other items in there that I would like to get rid of, but again, the problem is we had the Sovereign Grand Lodge of the State of New York come up from Albany and tell us we could not put the stuff on eBay. We can just

cannot sell it. We have picked up other lodges that have gone under, and naturally we get their stuff with it. And we're -- we're stuck with it. You know, I will look at trying to get rid of it. But who is going to buy garments that are 100 years old? That were used for rituals, putting people through the degrees, the same as the Masons. A lot of stuff is very archaic, but you can't change it. The Odd Fellows started 300 years ago.

JOHN NOWICKI: Are the Masons still existing?

MR. DINSMORE: Yes, on Main Street, the last I knew.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I really have a problem when I drive down that road, which is a couple times a week, seeing those, whatever, trucks, vehicles, trailers, whatever is out in back of that building.

They keep the building nice. The grass is cut. They have redone the driveway. But those -- those -- those storage vehicles, vehicles, whatever that all is out there, is terrible. And I understand the difficulty of getting rid of -- of whatever is -- is in that trailer, but we can -- a Town can't be held hostage for some State organization in Albany and we have to tolerate that maybe forever. Just think about this for a minute. Why would we do this? If these things can't be sold because of significance of their prior use, then things like this are in a respectful way -- are destroyed. Just because you can't sell them doesn't mean you store them forever in a trailer on a main thoroughfare in Chili.

If they want to store them off site, fine. But I -- but -- I don't have any problem with them renewing this -- this -- this timeline on their permit. I don't have any problem with that, if they just get rid of the stuff that is out behind it. You just can't give a forever pass on this just because these people have a problem trying to get rid of something. That is their problem. That is not the problem of this Board.

It shouldn't be the problem of -- of the people in this Town to look at storage trailers evidently without end forever. I mean, this gentleman, he is being very honest with you. He doesn't know how long that trailer will be there. That is what I hear.

And I appreciate his honesty. But the fact is, you -- you can't just buy that. If -- they have to find some way to get rid of what is in the trailer if they can't store it in the building. I'm sorry. That's -- that's -- you can't put that on the people of this Town just because they have a problem they don't know how to solve.

Thank you.

PAT TINDALE: Mr. Chairman, can I ask a question of this gentleman? Something that occurred to me after the fact. I have seen that area flood, where -- where --

MR. DINSMORE: I guess when they built the building -- this is hearsay, so don't hold me to it. I was told that that property was all brought up by the -- the waste that came from Plymouth Avenue.

PAT TINDALE: They built it up high, but it still has flooded back there.

MR. DINSMORE: It slopes down towards the creek so it would have to come up 1,000 feet or more before it would get to the building.

PAT TINDALE: I was just concerned because anything in that truck to me would be vulnerable.

MR. DINSMORE: No.

PAUL WANZENRIED: Did I -- you done, Pat (Tindale)?

PAT TINDALE: Yes, thank you.

MR. DINSMORE: We don't -- we don't want to keep too much stuff in the building for fire hazard. I'm making sure that all of the lights, the exit lights, everything is proper. I'm having everything steam-cleaned in the kitchen. I'm following every rule that we can.

PAUL WANZENRIED: Did I hear you say that you own the property across the street?

MR. DINSMORE: Yes.

PAUL WANZENRIED: Are there trailers on that property?

MR. DINSMORE: No. There is nothing on the property. A mailbox.

PAUL WANZENRIED: Is that on Gamble's property?

KAREN COX: That's on Gamble's property.

JOHN NOWICKI: Let me ask you a question. Can we plant a seed with you to see if that truck can be eliminated some way along the line?

MR. DINSMORE: Which truck are you talking about? Are we talking the Towner truck or tractor-trailer?

JOHN NOWICKI: The tractor-trailer.

MR. DINSMORE: I have a meeting tonight where I will go over the results of this hearing tonight. I am already going to tell them to get the Towner truck out of there. The owner of the truck, three or four weeks ago, you have get it out of here.

I have worked on the lighting, everything on that property, and -- I would just assume get rid of the trailer. I did not want it to begin with.

DAVID CROSS: We'll make it a condition.

PAUL WANZENRIED: Well, I would make it a condition.

MICHAEL NYHAN: There is also alternatives. You could rent storage space around the corner if you have things you have to store. Just not an appropriate place to park a tractor-trailer to store things.

PAUL WANZENRIED: I agree. That is something that should be taken care of and removed.

How do we all feel about a permanent Special Use Permit?

JOHN NOWICKI: Permanent one?

PAUL WANZENRIED: That is what I is asking for.

JOHN NOWICKI: I don't have a problem.

JOHN HELLABY: Any changes would have to come before this Board anyway. If he wanted to add the ball fields in five years.

PAUL WANZENRIED: I'm not a big fan of permanent unlimited time limits.

MICHAEL NYHAN: Special Use Permit, because it is in a flood way, correct?

DAVID CROSS: Ten years.

MICHAEL NYHAN: Last was five years.

JOHN NOWICKI: We'll see who is left here in ten years. (Laughter.)

MR. DINSMORE: This particular lodge has been around for 163 years. We just celebrated it earlier, I think, in March. You know, if you guys -- can I request a 20? You know, I'm just -- we're not-for-profit. If you want \$100 a year for the Planning Board, for the fees or what have you, that's fine, but my biggest fear is in 5 or 10 years I may be buried and the next guy will not realize what is going on with this permit.

JOHN HELLABY: They will remind you.

PAUL WANZENRIED: You better leave some instructions then.

JOHN HELLABY: They will remind you.

MICHAEL NYHAN: Just from history.

JOHN NOWICKI: Just think about how much fun he will have coming before this Board that you're having.

MICHAEL NYHAN: The Special Use Permit was as a result of being in a flood way; is that correct?

PAUL WANZENRIED: No. The Special Use Permit is due to the use versus zoning.

MICHAEL NYHAN: Got it. Okay.

PAUL WANZENRIED: All right. Any other discussion? Anything else?

MICHAEL NYHAN: So the only proper way then would be to rezone it and just keep giving special use permits?

PAUL WANZENRIED: They would be required to keep getting special use permits.

KAREN COX: You would be doing spot zoning.

MR. DINSMORE: That would just be a renewal coming before the Planning Board.

PAUL WANZENRIED: That's correct. And if you're clean and the truck is gone, should be a no-brainer. Okay?

MR. DINSMORE: Uh-huh.

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

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

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

PAUL WANZENRIED: Conditions to this application? Shall be -- removal of truck and trailer.

JOHN HELLABY: Within how long? Because I don't think he will do it tomorrow.

JOHN NOWICKI: No. It will take time.

PAUL WANZENRIED: Give him a year?

MR. DINSMORE: A year would be fantastic.

MICHAEL NYHAN: Think six months is a fair option.

PAUL BLOSER: Remove the truck 30 days.

KAREN COX: Towner truck.

PAUL WANZENRIED: Removal of Towner truck within 30 days. Removal of trailer within six months.

Special Use Permit shall be valid for a ten-year time period. There is standard conditions which you will get those.

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

1. Removal of tow truck within 30 days from the date of the meeting, and trailer within six months of the meeting.
2. Special use permit is approved for a period of ten years.
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.

INFORMAL:

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

Rob Fitzgerald, Douglas Klotzbach and Chris Bacus were present to represent the application.

MR. FITZGERALD: Thank you, Mr. Chairman. Rob Fitzgerald with Fitzgerald Engineering. We were in front of this Board a couple months ago and did receive our Special Use Permit as well as preliminary approval.

Last month we did ask this application to get tabled. My architect got snowed into Buffalo. We still had some issues to work out. We have Architectural Review Board.

Since then we have actually resubmitted to all of the Boards.

PAUL WANZENRIED: Our original plan was just to do the landscaping in the rear of the building, which was more than 1 percent of the construction cost, and have the additional planting around the side and another planting around here, Phase 2, as money allowed.

The Conservation Board wanted to see more of that landscaping pulled up front. In talking to Pastor, he said let's just put it all in. There wouldn't be a Phase 2. So with that, too, we did change a couple species the Conservation Board wasn't pleased with. I think that took care of Pat (Tindale)'s concerns and her Board.

We did have a chance to now meet with the Architectural Review Board twice. It is my understanding they're on board with this project, as well.

This time I would ask Doug (Klotzbach) to kind of go over some of those changes that we have implemented into the plan.

The other big outstanding issue we're working on is our wetlands permit, and I did hand the Planing Board Chairman tonight our approved actual wetlands permit to disturb the 100-year buffer area.

MR. KLOTZBACH: Hi. My name is Douglas Klotzbach from K2 Architecture in the Buffalo area. Actually, grew up in Batavia, so I'm almost a neighbor.

I have -- we worked on the elevations. One of the concerns was some of the architecture wasn't consistent with the original architecture, so in staying with that motive, we took the brick that was in the front -- there are two colors of brick. There is a yellow brick and a red brick, and we're utilizing the -- the yellow brick in the area where we have two ramps, showing the circulation aspect. And then utilizing the brick on the other pediment. And utilizing the same brick on the front of the church, keeping with the architecture.

We also changed some of the roof lines to reduce some of the modern effect on it, and that was pleasing to the Board, the Architectural Review Board. So that is what we have done on the front. The rear wasn't much different. We took out some glass block as an architectural aesthetic and reduced it to a more conventional architecture. As well as the entrance, it had a single sloping roof and they wanted us to keep with the pitched roof, so we went through that process and got that approved. We had that before Thanksgiving. And I think we're in pretty good shape.

I don't know if you're familiar with the plans. I don't know what you have, but it's a real exciting time for the Church to see it grow. It's a time that they're looking at a lot of young growth within the programs that have classrooms for children, Sunday School rooms that increase, and each having a classroom for a grade and an age, it's a real neat thing to see that happen as the church grows and utilizes the same sanctuary because there is room for double services or triple services, so they can work through that.

PAUL WANZENRIED: Okay. Anything else?

MR. FITZGERALD: No. I think that covers the majority of the outstanding issues.

MICHAEL NYHAN: I think there was one other issue, maybe two with the Architectural Review Board. The -- the supports on the east side and the front northeast corner of that building are concrete with a -- I think it was a 6 by 6 attached to that; is that correct?

MR. KLOTZBACH: 8 by 8.

MICHAEL NYHAN: They were looking for something more architecturally pleasing than that concrete.

MR. KLOTZBACH: One we removed. There is actually three that were underneath this -- this area right here (indicating). Um, one of the things that the woods comes across like this (indicating) and you actually won't even see it. But what we're going to do is stucco the bottom of it.

MICHAEL NYHAN: Won't be concrete?

MR. KLOTZBACH: No. It will be exposed concrete, but it will have the finish on it, versus just being like you would see at a concrete form. So and -- and that will be as well as the foundation here, as well. We had that discussion as part of the Architectural Review when they went to approve it.

MICHAEL NYHAN: They did approve that --

MR. KLOTZBACH: Yes. We talked about that. If you look at the notes and the review, we talked about the idea of using a stucco finish or a hardened finish on it. He is not here

tonight.

MICHAEL NYHAN: I believe there was other -- an information -- not sure if it came from the engineer or the Architectural Review Board. I think those pylons were also in the flood plain. There was a concern about erosion in the event of moving water next to those.

Is that --

MR. KLOTZBACH: We're going to maintain the woods itself. We will not excavate around it. So the nature of that area is not going to allow a massive water flow through around those piers. So we feel very comfortable in that. Plus we'll put a cage in them so they will be pretty sound.

The issue is it's not in a flood way. You would have to take out some pretty big trees to make that a flood way. So we feel pretty confident that they're in an -- an area where it will be undisturbed. This is a backup flood area versus being a main river flow like the Black Creek.

MICHAEL NYHAN: There are two issues I recall that they raised. As long as they have been addressed.

MR. KLOTZBACH: I think that was addressed with the engineering aspects.

MICHAEL NYHAN: Thank you.

JOHN HELLABY: The only thing I got, is -- it looks like everything is here, but I see on the September 18th letter from us that you were required to go before the Traffic and Safety Committee.

Did that get done?

PAUL WANZENRIED: Yes.

JOHN HELLABY: Everybody satisfied?

PAUL WANZENRIED: I believe they were.

JOHN HELLABY: That's all I got.

DAVID CROSS: Happy to see you worked with the Architectural Advisory Committee to the extent you did. The plans look great.

DAVID LINDSAY: Just to clarify for the Board, the concern related to the piers and the flood plain. They will be required to have a flood plain development permit at which point we'll take a look at those and put any conditions on them that we -- seem necessary.

PAUL WANZENRIED: I think I have the permit right here, Dave (Lindsay).

DAVID LINDSAY: Okay.

PAT TINDALE: I just have a minor comment. It was agreed when Bob came before us that after you went through Planning, that you provide us with three licensed architect prints so we can stamp them approved.

MR. FITZGERALD: Certainly.

MR. DI VITO: Well, we did go through a lot of it on this one. It was a difficult job, I think, trying to bring the buildings -- the new and the old together, and I think that ultimately we were -- the Committee was very thankful for your hard work on it, and it did -- it did meet our expectations and we're thankful for that.

On the stucco, there was also additional -- I couldn't find it in my minutes as much as I tried to look through it if the stucco gave the same effect as just a poured concrete or masonry. We -- I know we had mentioned stacking stone type finish, on the front of the building. Um, for what it is worth --

MR. KLOTZBACH: Part of that discussion was basically in this area, um, from -- from here over -- referring to the long -- along where the woods are.

MR. DI VITO: That's right.

MR. KLOTZBACH: Looking at this area -- we do have a brick ledge there. We're going to use -- why put stone when we can take the brick right down to at grade. It is the same wearing material. As long as it doesn't reduce the capability of the strength. Because that is a retaining wall. It is a retaining the floor --

MR. DI VITO: Right.

MR. KLOTZBACH: -- the fill and the floor area from coming out. That would be my only concern, to make sure we have the strength that way.

MICHAEL DI VITO: Again. Thank you very much.

MR. KLOTZBACH: You're welcome. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL WANZENRIED: We have granted them SEQR. Unlisted action. We have granted them preliminary and now we'll grant them final.

Any conditions we want to impose other than the standard boilerplate ones that we have?

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

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

There was a pause in the meeting for a passing train whistle.

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

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

Applicant -- they did that -- um, the Planning Board affirms the recommendation of the Architectural Advisory Committee and requests that the applicant comply with these recommendations. They will do that.

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

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

I believe that's it. You're not doing anything with signage, correct?

MR. KLOTZBACH: No.

PAUL WANZENRIED: Not changing any signage?

MINISTER BACUS: No, sir.

MR. KLOTZBACH: That is Chris Bacus, Pastor at Anchor Christian Church.

PAUL WANZENRIED: Therefore, we're ready to vote.

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

1. 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.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. All previous conditions imposed by this Board that are still pertinent to the application shall remain in effect.
7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
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.

SUPERVISOR DUNNING: In my seven years as the Supervisor of the Town of Chili, I have seen some changes on this Board and all of this have been very good and it's because of the quality of the people that have been here and sat here for quite a while.

Mr. Nowicki has been here since, I think -- since dirt was invented.

Besides that, you know, the -- the -- the influence that you have provided, the people that have been here awhile provided to the newer members of this Board has been unprecedented.

And I would like to thank Karen (Cox) for your ten years here. I believe it was ten years that you sat on this -- on this Board. You have always represented the Town very, very well, very professionally, and you have been a tremendous influence on -- on the new members of this Board as well as participating in and being an influence on the current members or all of the members that have been here during your tenure also.

I would just like to thank you on behalf of the Town of Chili for your service and wish you well in whatever it is you decide to do.

And if you ever want to come back and do something, you know, knock on the door. We'll see if we can fit you in somewhere. You're always welcome. Thank you for your service. Greatly appreciated.

KAREN COX: Thank you. It's been an honor. (Applause.)

The meeting ended at 8:04 p.m.

