

CHILI PLANNING BOARD MEETING
September 16, 2014

A meeting of the Chili Planning Board was held on September 16, 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: Karen Cox, David Cross, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried.

ALSO PRESENT: David Lindsay, Commissioner of Public Works/Superintendent of Highways; Richard Stowe, Counsel for the Town; Pat Tindale, Conservation Board Representative; James Ignatowski, Architectural Advisory Board representative; Brad Grover, Traffic and Safety Committee representative.

PAUL WANZENRIED: I will make a minor change to the agenda from the order which it was published. We'll hear Applications Number 6 and number 7 first. The first two applications are Buckingham Properties.

6. Application of Buckingham Properties, owner, 259 Alexander Street, Rochester, New York 14607; for resubdivision approval of two lots into two lots in the Paul Road industrial park subdivision at properties located at 465 Paul Road and 300 Aviation Avenue in LI with ADATOD zone.
7. Application of Buckingham Properties, owner, 259 Alexander Street, Rochester, New York 14607; for preliminary site plan approval for change of use in portion of building to allow a fence manufacturing and distribution business, including a new 30' by 60' storage building at properties located at 465 Paul Road and 300 Aviation Avenue in LI with ADATOD zone.

Aaron Malbone was present to represent the applications.

MR. MALBONE: Good evening. I'm Aaron Malbone from Buckingham Properties, 259 Alexander Street, Rochester, New York.

I'm asking our applications be tabled due to the fact we don't have the comments back from the County yet.

PAUL WANZENRIED: Okay. I make a motion to table this to the next meeting.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 6 yes to table until the the October 14, 2014 meeting for the following reason:

1. Monroe County Development Review Committee comments have not been received.
1. Application of Bank of America, 101 North Tryon, Charlotte, NC 28255, property owner: JR Realty Estate, Inc.; for preliminary site plan approval to erect an ATM kiosk at property located at 4390 Buffalo Road in GB zone.

PAUL WANZENRIED: We have heard this. The applicant has submitted some minor improvements based on last month's -- last month's meeting. We are here for a revote. I make a motion to -- I will now take the vote. Excuse me. I don't make any motions. I will now take the vote.

MICHAEL NYHAN: Is this the vote on the --

PAUL WANZENRIED: The vote on the ATM.

MICHAEL NYHAN: Yes.

KAREN COX: No.

JOHN HELLABY: While as I wasn't here last time, I had the opportunity to review the meeting minutes from last month, and I familiarized myself with this thing. And I am in agreement with Dave. I'm going to vote no on this, as well.

JOHN NOWICKI: My comments are the same as Mr. Hellaby. I went over all of the documentation and read all of the stuff and my vote is no.

DAVID CROSS: No.

PAUL WANZENRIED: And I vote no. The application is denied.

JOHN HELLABY: Mr. Stowe, am I correct that they want findings on this?

RICHARD STOWE: Yes.

KAREN COX: "They" being the applicant?

JOHN HELLABY: Well, first and --

RICHARD STOWE: "They" being us.

JOHN HELLABY: First and foremost, it's --

DAVID CROSS: Traffic and safety.

JOHN HELLABY: -- traffic and safety is the major concern here. We have a situation where you're going to put this right in the entrance to the plaza and I just -- granted they have tried diligently to direct the traffic and which way it wants to go, but I know somebody made the statement they did that down at Walgreens -- and they still got people pulling out of there, going to the left, jumping the curb and it just creates havoc unfortunately. That being one finding.

The other finding is I don't know how you could guarantee the queuing of these vehicles. Granted there was testimony that -- to the fact there would only be three cars in the lineup at any one time. There was queuing space for that. But I still say on that rare occasion you could get four or five people and they're hanging back out into that entryway, so the queuing was an issue.

And thirdly, you got a situation that I understand they did not create, but there is not adequate parking in that plaza, and this is only going to deter the situation, compounding the problem more or less.

Somebody else just said this evening there is already three ATMs in that plaza and we really don't need another one. I understand the need for free -- what am I looking for, the term? Free?

KAREN COX: Enterprise?

JOHN HELLABY: Enterprise, but you have to draw the line somewhere. Feel free to add anything you would like.

PAUL WANZENRIED: I think that sums it up. Very accurate.

DECISION: Denied by a vote of 5 no to 1 yes (Michael Nyhan) with the following findings of fact having been cited for reasons for denial:

1. Traffic congestion in already overcrowded plaza.
2. Queuing of vehicles would interrupt traffic flow in plaza.
2. Application of Anchor Christian Church, owner; 375 Beaver Road, Rochester, New York 14624 for Special Use Permit to expand upon church use with an addition at property located at 375 Beaver Road in R-1-20 and FPO zone.
3. Application of Anchor Christian Church, owner; 375 Beaver Road, Rochester, New York 14624 for preliminary site plan approval to erect a 15,010 two-story addition to church at property located at 375 Beaver Road in R-1-20 and FPO zone.

Robert Fitzgerald, Douglas Klotzbach, Brent Mackey and Chris Bacus were present to represent the applications.

MR. FITZGERALD: Rob Fitzgerald with Fitzgerald Engineering representing Anchor Church tonight with Chris Bacus.

I also have with me the architect, Doug Klotzbach, as well as the GC of the project, Brent Mackey.

I will start off -- as far as from a site standpoint, we are, of course, proposing this 15 square foot addition. From an engineering standpoint, we are trying to have a better circulation in the rear of the building.

If I can approach the Board. This is the proposed building addition (indicating). This is the existing church now (indicating). We're looking to have two lanes of cars where they can go in, drop people off, spouses can go back or whomever and then park and then walk into the church.

We did place this building at 2 foot above the 100-year flood plain. That is important and per Town Code.

Another issue that we are working with the New York State DEC, we do have a State wetlands here and this building addition does fall within the State wetlands 100-foot buffer. We do have lots of preliminary conversations with the DEC. They're in general on board with our disturbance because it is approximately 1/10 of an acre, and again, that is only within the adjacent area and that adjacent area is maintained as lawn right now.

A couple things we do need, of course, from the Board. We need our SEQR determination. That is the last piece of the puzzle working with our joint permit with the DEC and the Army Corps is to get our SEQR determination.

Other improvements on the site, we'll have a nice landscape package. We did get to appear in front of the Conservation Board once. Kind of had a phased development of landscaping. We wanted to meet our 1 percent, which is approximately \$9,000. What we want to do is look at the site holistically, so we had a Phase 2 and 3 above that \$9,000.

With some feedback from the Conservation Board, I think they like the landscaping, but they want some in the front now. We had that Phase 2 and 3 because we were really trying -- we wanted to spruce up, of course, the back of the building and that is the new entryway.

So we're going to work with the Conservation Board and kind of go back and forth and say what our real Phase 1 is and then have a smaller Phase 2. So we'll have to visit the Conservation Board again to work out some of the details. Because of the size of this building addition, we will now need to have a sprinkler system in the building. So we're doing a new waterline, as

well, because it is just a smaller domestic service, so this will take care of fire supply, as well.

With that, again, not a ton of site issues, but if I can hand it over to the architect, Doug (Klotzbach), and I can go over some of the renderings.

MR. KLOTZBACH: Good evening. Douglas Klotzbach. I will -- also with us is Chris Bacus, the Senior Minister here. So any questions, internal works -- how the church works as far as classrooms and things like that.

One of the issues -- one of the ideas we had prior before Rob (Fitzgerald) had come on board is looking at the sanctuary space and making a larger sanctuary and really what the need was in the classrooms. There are three services now presently at -- at the church, and it's in a -- in the sanctuary, which is the lower area right here (indicating). This is the sanctuary area and then there's an office area here (indicating). So there is an office area, a sanctuary and then let's call that what it is -- what we call the education wing.

The education wing is the area where we have mostly children's -- there is some adult Bible -- or I would say Sunday School, and that is actually where all that activity happens, is mostly on Sundays. Some on Wednesday night, but very small numbers compared to the Sunday service.

They -- the current occupancy of the -- of the sanctuary is 233, and that is going to be maintained. There are three services so they can get up to the levels that they need, as far as developing the project with -- with the -- with the size of that sanctuary. We're kind of excited.

There is some really nice features. We're taking a building that is done in the '70s, I believe, and developing that into a -- quite a usable structure. One of the issues is it has a split structure. This is the existing -- here (indicating) is actually one story, which the accessibility is here (indicating), and the reason for the ramp is to have a grade accessibility there, not having just the ramp, but actually be able to feel like you're walking into the first floor.

So this addition is designed at that level so the addition is at that level. This is a split level which is down below grade and then one grade going up. So that is the split level. If you look at the plans, we actually integrate, utilizing ramps and stairs to get to those -- which will be three levels: The lower level, the mid-level and then the upper level. Actually four levels and then the area where the classrooms are.

So we have different classrooms associated with the new addition. Mostly this is kindergarten for -- age four, age three, age two. There is an adult classroom. Then an infant area and a toddler area which relates to the -- during the church service, as well as some of the teachers that are involved, and then here are the youth classrooms (indicating) and then the fourth, fifth and second and third graders are located here (indicating) in these rooms, which is really different than what we had -- way we originally proposed four years ago.

So that was part of the confusion of what was on the civil drawings of the 440, versus the -- the 233 in the existing sanctuary.

What we're doing architecturally is we're integrating -- the blue areas, the glass block is being something that would identify the entrance. One of the things that is hard to do is find the entrance in here, and we're redefining that with some of the architecture and the sloping of it. So that is how those would come about.

The area that we're disturbing or working in, as far as foundations, is all previously disturbed area, so we're actually -- that is what DEC -- working closely with DEC since 2010, we have developed a relationship with them, and that's why they're in favor of the project, because of where we're at, what we're doing. And we only have two posts that actually are in the disturbed -- will be in that -- in that buffer area that is natural environment. Those will be the cantilever of this structure -- if you look here is -- is out over the top over the wetlands. The wetlands buffer area.

Other than that, that is pretty much what we have as far as -- of the structure. Is there any -- I guess I don't know if there are any more comments from Chris Bacus that you wanted to say? I think we're in good shape. If there are any questions we can answer along with the plans, that would be great.

MICHAEL NYHAN: Will there be bus service for the students being dropped off or are they dropped off in private vehicles?

MR. KLOTZBACH: They would be private vehicles. I don't know it would be students as much as families being dropped off or elderly. And then they would be parked -- you know, it would be a parent that would drop their kids off and then they would either go and park or go inside or they would be earlier and then they come later.

Is that right, Chris (Bacus)?

MINISTER BACUS: Chris Bacus, Senior Minister at Anchor Christian Church. This is not designed to be a day school or a school during the week. This is designed as education space on Sundays.

MICHAEL NYHAN: Okay.

MINISTER BACUS: So strictly Sunday School kind of things. And we don't have any buses. We have a -- we have one bus for senior and youth group activities, but we don't run it around on Sunday and pick up kids or anything like that.

MICHAEL NYHAN: Each of the classroom spaces will be during a church service. So those three times designated on Sundays will be the only time those student classrooms would be used; is that correct?

MINISTER BACUS: Three times a week currently we use the -- the classes during 9:45 a.m., 11:15 a.m. for about an hour, hour and 15 minutes each of those; and then on Wednesday evenings, we use our classroom space for mid-week services. The --

MICHAEL NYHAN: Thank you.

The youth classroom, what age group is that? What is the youth classroom used for? I see everything up to fifth graders.

MINISTER BACUS: It would be middle school and high school. And you will notice it has a divider --

MICHAEL NYHAN: Right. --

MINISTER BACUS: -- in there. What we intend to do is on Sunday mornings, pull that divider closed and use that for classrooms. On one side middle schoolers. The other side would be high schoolers.

MICHAEL NYHAN: Any overnight activities?

MINISTER BACUS: Never. We're against overnight activities. That's a matter of policy.

MICHAEL NYHAN: What is the below grade level used for, will it be used for?

MINISTER BACUS: Right now?

MICHAEL NYHAN: In the proposal.

MINISTER BACUS: It will -- it will most likely be used for adult classes. All of that area will be for adults.

MR. KLOTZBACH: Then we have this, a cafe, a small area where they can gather between -- as they intermingle between services, the cafe area, and that would be -- it's transitional space that would be used as that, as well as for opportunity for adult classrooms on that floor.

PAUL WANZENRIED: Is --

MICHAEL NYHAN: When is that -- when you walk in the front of the building, are you walking into that lower level?

MR. KLOTZBACH: No. You come in the front of the building and there is a way to get down there. Half a flight of stairs, so about 5 feet down.

MICHAEL NYHAN: I understand when you enter from the rear of the building, that will be the first floor?

MR. KLOTZBACH: Same level going across here (indicating). This (indicating) is the same level all of the way through here (indicating). This is the down (indicating), and this is the down here (indicating).

MICHAEL NYHAN: The upper level is considered the first floor when you're talking about upper level?

MR. KLOTZBACH: The new church level here (indicating). The upper level, existing upper level is above here (indicating). You actually go upstairs to go to that. There is another stairs that you would go up to the second floor that is above here (indicating).

MINISTER BACUS: He is calling it, the upper level -- current upper level mid-level is what he is calling that, to keep our terminology straight.

MR. KLOTZBACH: Does that make sense?

MICHAEL NYHAN: It does. I don't think I have any other questions right now relative to the use of the building.

KAREN COX: What is the -- if this does get approved, will -- do you plan on starting construction immediately, and finishing it all out in the same year?

MR. KLOTZBACH: We really would like to get the foundations in before the winter so then we can continue through construction. That was one of our goals for the project.

Um, because once you get the foundations in place, a lot of things can happen after that, but if we can't get out of the ground before the winter, we would have to wait 'til spring, but our main goal is to start in and once we go forward --

KAREN COX: The question being -- that I can understand from a seasonal standpoint, but the idea, you want to build this fully out?

MR. KLOTZBACH: Oh, yes. I'm sorry.

MINISTER BACUS: Absolutely.

MR. KLOTZBACH: One continuous construction.

KAREN COX: Sorry. I didn't make myself clear. That was all I had.

MR. KLOTZBACH: There is no phases if that is what you're asking.

JOHN HELLABY: Just to expand a little bit, financing is in place, I trust, and the only reason I ask is some of your other counterparts in the Town have gotten into the middle of something and sat there for years. I just -- it is your intent to start and not stop until this thing is 100 percent complete; is that correct?

MINISTER BACUS: You are absolutely correct and that is our intent and our commitment.

JOHN HELLABY: As far as schedule then, you said you will get the foundations in this winter.

Do you anticipate construction being completed by fall of next year at the outside?

MR. KLOTZBACH: Absolutely. Either case, I think. I think if we start in the spring, we would --

MR. MACKEY: We would want to be completed next year either way. The -- we would be sooner -- if we can get the foundation in, we'll be sooner. We're looking at maybe eight months, six to eight months is what we're figuring on as far as the construction time from start to finish.

JOHN HELLABY: Presently, service times, can you -- do you run more than one service during the weekend or during the week?

MINISTER BACUS: We run a small -- on Sunday morning it's 8:15, 9:45 and 11:15.

Wednesday evening it's 7 o'clock. That's start -- those are start times obviously. We run worship and the education classes, the Sunday School classes -- we run those at 9:45 and 11:15, both worship and Bible School on Sundays, and then we run Bible School and various activities on Wednesday evenings.

Of course, we have lots of other things that happen in the church building the rest of the week, but those are the big events.

JOHN HELLABY: Music with your service? I know -- the only reason I ask, there are some churches in Town that have music with their services which is not a problem. I mean, I just don't know to what extent you guys do that, and if this will increase that way, shape or form.

MINISTER BACUS: It will have no bearing on it because we're not changing our worship space where we do music at all.

JOHN HELLABY: What presently is your congregation numbers? Do you know roughly? I don't need to know exactly.

MINISTER BACUS: About 200 if you add all of the three worship services together.

JOHN HELLABY: But they're split between those?

MINISTER BACUS: That's correct.

JOHN HELLABY: Not 200 are there except for special events?

MINISTER BACUS: The seating capacity is 233 per the Fire Marshal calculations, the Fire Code, so we have less than 100 right now in each of our services.

JOHN HELLABY: Did I see somewhere that the Fire Marshal was going to ask for sprinklers?

PAUL WANZENRIED: That's correct.

JOHN HELLABY: Are you aware of that?

MINISTER BACUS: Yes. Rob (Fitzgerald) mentioned that actually a little bit ago.

JOHN HELLABY: Construction slab on grade, nothing underneath because of the wetlands?

MR. KLOTZBACH: That's correct.

JOHN HELLABY: I think the Town Engineer did an excellent job with review and questions on his part. The only other question I have, big concern on the parking. Granted you only have 200 members now. They're like 63 spaces short. You have a little extra property over there, but it is pretty wooded and sort of a rise in the back.

If push came to shove and you had to increase the parking lot, is there any ability to do that?

MR. KLOTZBACH: We had that discussion with your engineer and one of the issues is that the parking -- what was established as the parking count on the civil drawings is not on the architectural. That is the point I was trying to make. Our sanctuary is only 233, which is actually just over 77 parking. So if you took the 77 in a service and if you look at it, I think it's 15 classrooms and each classroom would require -- because they are children in classrooms, it would be two -- two cars per classroom. So we're right at 30. So that is 107, okay? If we took half of that -- the interesting model of the -- of the church is that we have about 77 in the -- in the worship and say 25 car -- teachers in the other -- or what have you. That -- that -- what is interesting, the teacher will now go to service in the second service, and the people worshipping in the first service will be part of the teaching crew of the second service or the -- or I would say the third service. So a lot of it is transitional.

So if you took say a third of the volume and tried to figure out what the maximum cars would be during that time and when it transitions, you have 77 and say 25 which is -- or 20, would be -- or 30. That would be 107. If you took a third of that, that is right around 35, 40 cars. You add that, we're about 140 cars required for the -- we're well underneath that. Even with the maximum value of each of the areas being served, I think we can do that.

The other aspect is in the first -- to make you even feel more comfortable, this area is expandable. As we show different volumes of larger groups. The issue is when we do these type services or these events, say, you know, a small gathering, I think the -- the idea is around 164 people and 130 people, they're really related to this (indicating). You won't -- it's like you wouldn't have a service when you're having this event. So I mean it is sort of like this is a fellowship event. When the fellowship event happened, it would be following the -- the day services. So the reality is the way the building will be used as a normal thing is it would be well under that. We feel we're comfortable where we are at parking wise even in the future perspective.

JOHN HELLABY: Only other thing I have got, and I am sure I will let the architectural experts weigh in on this thing, you're confident this building addition won't outweigh the rest of this building? It is tough to envision how this will look on this paper. It is a pretty overwhelming size addition compared to the existing structure. You're confident that that is not going to overwhelm this thing and just look way out of proportion?

MR. KLOTZBACH: Well, actually the original design had that feature. It was very, very vague. When I got involved, I integrated it more and set it back to bring it down to that side, towards the wetlands.

The other issue is we actually did a three-dimensional model, a fly-around, so you can see it and they presented it. In the fly-around, it really changes the perspective of the reality and you can see where it is at. It looks very comfortable and normal to the existing architecture.

JOHN NOWICKI: I'm asking the question, has the traffic study been done on this project?

PAUL WANZENRIED: No.

JOHN NOWICKI: I'm going to suggest that possibly that that is something that should be

considered because of the neighborhood area, the road patterns, the traffic increases in that area has increased tremendously over the last 20 years and more so in the last five years. I think with the facilities that are in that triangular piece of property over there, that we should really take a close look at the interactions and how to control this traffic flow. That's my main concern.

DAVID CROSS: Well, I guess back to the architectural real quick, I -- is this -- has the Architectural Advisory Committee had any review over this?

JAMES IGNATOWSKI: No.

DAVID CROSS: I guess I would request that it does, they get a chance to look at it. This is the scope and magnitude that I think warrants a look by our experts in the Town, so if you wouldn't mind meeting with them.

MR. KLOTZBACH: Sure.

DAVID CROSS: Maybe Rob (Fitzgerald), if you could help me out a little bit with the development. I realize you have some infrastructure, existing infrastructure in the adjacent wetland buffer area, the 100 foot, but you're proposing quite a bit more. Could you speak to that, where you are in the process with the DEC and the 24 permit?

MR. KLOTZBACH: I did the application with the owner, as well as, with Rob (Fitzgerald)'s help. We have been working with Mack Griffis and -- he is in Avon, and we're actually already submitted for a permit. He could not go any further. Our application couldn't go further until the SEQR declaration is put in place. There is no moving forward on the buffer.

Now, the letter he sent to us, and as you all received, is identifying the idea that they would approve it, and he -- they're waiting for the neg dec as well as the idea that they accepted the original delineation that we did earlier. Those are two conditions of our process with them we started in 2010.

Um, the area that we looked at, and they have -- what they did was we went to them in 2010. They went back to as early as 19 -- I think it was 1992 and took observation of the aerials from that period, identifying if we had encroached any more on the existing wetland buffer and those areas proved that we hadn't. So their preliminary approval was for a 50 foot deep building from our building, and the main part of our building is around 40 feet.

So the reality of it, our encroachment outside of the -- the -- the -- the mowed area is -- is satisfactory for what they're looking for in the buffer area. So we had great conversation with him. He was happy that we started with him in 2010, instead of waiting way to this point.

DAVID CROSS: I think our Board should be careful about, you know, acting on a final decision before -- before we see that permit.

MR. KLOTZBACH: Well, he -- he told me, informed me that the law says that the permit can't go forward until the SEQR is -- has a neg dec, and he gave me the law and unfortunately he gave me the law in which I need to -- I mean, if we can identify that.

JOHN HELLABY: You could actually approve the neg dec and then actually table the application until you receive that permit. I don't know if you would want to do that.

PAUL WANZENRIED: They're waiting for us to make a SEQR determination.

JOHN HELLABY: Which you can do.

DAVID CROSS: Tonight. Then wait for the permit to come in and then approve final.

KAREN COX: Did they tell you how long it would be to issue a permit?

MR. KLOTZBACH: Minimum 45 days because they get the application of which they -- they attach the SEQR and start the application process. 15 days to publish, and then they have 15 days waiting period and then it takes about 15 days to approve it from that application period. So it's about 45 days if all things go smooth along the process.

KAREN COX: Can we -- could we make the building permit -- what is the word I'm looking for?

JOHN HELLABY: Contingent on?

KAREN COX: Yes. Thank you. Contingent on --

JOHN HELLABY: I don't see why not.

KAREN COX: -- them showing the permit?

DAVID CROSS: Make final approval contingent on the Article 24 permit.

RICHARD STOWE: That's it.

MR. KLOTZBACH: Could I address the question, um -- what was that -- traffic. The traffic study.

One of the things that is important for our structure, as you know, it is mostly occupied on -- on a Sunday, which is a reduced -- a very much reduced movement of traffic in that road, on 252. 252A?

MINISTER BACUS: 252.

MR. KLOTZBACH: On Beaver Road. So I guess as far as the traffic, there is some participation on that, but I think we're pretty fortunate with this particular occupancy it would not affect traffic in a negative, negative way.

JOHN NOWICKI: I don't know.

I'm still going to say that's a very difficult intersection to get through at Chili and Beaver Road. It's getting worse and worse. On weekends I would be very concerned about anybody speeding through that down Beaver Road and causing some problems. I would be very careful.

KAREN COX: Well, they're not increasing the size of their sanctuary, which would mean in theory they're -- you know, what did you say, 233 people you could put in?

MINISTER BACUS: Maximum.

JOHN NOWICKI: You're talking more cars going in and out of there, and they're saying there is no buses, right?

JOHN HELLABY: Right.

MINISTER BACUS: Correct.

JOHN NOWICKI: But there will be more cars, and that is adding on that highway system over there that hasn't been touched or looked at in years. Those roads need to be look at and the roads need to be looked at from a safety standpoint.

KAREN COX: Well, if you have the applicant do that one, you know, I mean I -- I don't know. There is a lot of traffic on it during the week. I will give you that. During the week.

JOHN NOWICKI: Absolutely.

KAREN COX: That's not anything that they have responsibility for. That's more of a State responsibility as far as the amount of traffic on that and that intersection being bad. You know, on a Sunday morning -- I have gone through there on a Sunday morning a lot, and it's not -- the traffic isn't as heavy, I guess. I don't -- you know, is it this applicant's responsibility to deal with traffic during the week? I don't think so.

JOHN NOWICKI: I just bring it to the attention of this Board.

KAREN COX: Yes.

PAUL WANZENRIED: Duly noted.

How many parishioners you say you had, 200?

MINISTER BACUS: Men, women and children we have a total of 200. Oh, it's -- it's how we count worshippers, we have 200.

PAUL WANZENRIED: That's men, women and children?

MINISTER BACUS: Yes, sir. Men, women and children.

PAUL WANZENRIED: That is divided between the three services?

MINISTER BACUS: That's divided by three services.

PAUL WANZENRIED: So 66.666?

MINISTER BACUS: First service is small. It has about 25 or so. The other two have --

PAUL WANZENRIED: Humor me.

MINISTER BACUS: Right. You're on the right -- you're on the right track.

PAUL WANZENRIED: I'm getting back to what my colleague, Mr. Hellaby said, this is quite a sizable addition for the amount of parishioners you have. And I'm curious to know why the plans that we had received delineate between age groups and infants and toddlers. To me, it sounds like a daycare, and which you would be running it weekly, during the week. And not necessarily Wednesdays or Sundays.

MINISTER BACUS: Uh-huh. I guess I have two answers for that.

Number 1, this is the terminology that is commonly used in church administration, baby nursery -- because we provide a baby nursery during church. Toddler nursery. And then we structure our Sunday School by ages all of the way through.

PAUL WANZENRIED: You but can fill these rooms, or there is the necessity to divide the rooms? In other words, you have that many infants or that many toddlers that will take up that space?

MINISTER BACUS: Not now.

PAUL WANZENRIED: And that many age two, and that many age three?

MINISTER BACUS: Not now. It's sized for -- it's sized for -- we hope to reach in this property 160 in worship on an average, which you said we have been 66 right now. We hope to reach 160. And 240 in the rest of the building for a total of 400 people per hour.

PAUL WANZENRIED: Now, how many -- how -- how do you propose to get these people?

MINISTER BACUS: Same way all churches get people. By advertising, word of mouth. So on.

But my second answer to your question was, neither I nor any of the other leaders in our church had even thought about a daycare, a school or preschool or anything like that until we got the question from either Mr. -- Lu Engineering or whoever it was from.

Mr. Lindsay, I think, was the first any of us had thought of it. We have no plan nor intention to start any kind of a weekday school of any kind. That wasn't on our radar at all.

PAUL WANZENRIED: Okay.

MINISTER BACUS: That was not the plan when this was drawn.

PAUL WANZENRIED: Okay. All right. I will ask the side table if they have any comments. Mr. Stowe?

RICHARD STOWE: Not other than the one I rendered when I was asked about the DEC permit. You can condition your approval on that if that is a concern of the Board. Other than that, no.

DAVID LINDSAY: Just that the applicant apply for a flood plain development permit and -- if they receive any approval from the Board.

PAUL WANZENRIED: You said flood plain development permit?

DAVID LINDSAY: Yes.

PAT TINDALE: We would just like to have someone come before our Board to discuss some of this landscaping, because there is some material in there that is not going to work, and just to go over plans in general. And I'm glad to hear you're working with the DEC. That's about it.

MR. FITZGERALD: We'll be back.

PAUL WANZENRIED: I was going to say, they did come before you, correct, Pat (Tindale)? I thought I read you had.

PAT TINDALE: They did. We noted on there some of the plant material will not be good

for them, and we would like to see some of it moved from -- just from the parking lot now, we would like to see it moved up more so it is visible from the Beaver Road area. We would just like to discuss that back and forth, maybe come up with something better than we're seeing.

JAMES IGNATOWSKI: Just a comment to the applicant, in that if he does plan to apply to the Architectural Advisory Committee, you will need four packets delivered to the Building Department which will disperse it to our members. We need to see elevations on the site plan.

Also samples of the siding, shingles, whatever house material you will be using on the building. Any cut sheets of any new lighting you will be using on the building. In terms of submission deadlines, that is actually for the September 24th meeting, tomorrow, but if you get it by the end of the week, I will put you on the agenda for the 24th of September.

MR. KLOTZBACH: Of what you seen we have, is that sufficient?

JAMES IGNATOWSKI: No, sir. It has to be looked at by the actual Architectural Board.

MR. KLOTZBACH: The materials that I have shown here today, is that sufficient what you seen, minus the materials and the lighting spec?

JAMES IGNATOWSKI: Yes. Do you have any other elevations that are going to come into view that will have to be reviewed at all? It is kind of a distance for me over here.

MR. KLOTZBACH: There is elevations, first floor second floor and then renderings.

Would you want a pdf or email of the model so you could look at that, as well?

JAMES IGNATOWSKI: A 3D would be fine.

MR. KLOTZBACH: The model is actually a movie you can actually turn around. Would you want to do that?

JAMES IGNATOWSKI: Sure. That would be fine.

MR. KLOTZBACH: I will need the email. You can get that to me.

MR. FITZGERALD: I have requirements, too, so I will follow up to make sure they get what they expect.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: First of all, I'm not against churches. Don't get me wrong on that. That's first of all.

The first part, on here since it's -- I see three levels from what I saw. Is there any lifts or elevators there from the different floors to bring handicapped-type people, funeral, so forth that people can be moved on? I didn't see anything. I think that should be addressed.

The second part, um, issue that I see possibly are -- I heard one van. I don't care if a van comes in or not. Is it going to be parked on the premises where -- caged in, garaged, whatever. That also goes into got to cut the grass once in a while, so lawn mowers and so forth. Where is that going to be stored, brought in, so forth?

The third issue that I can see possibly, and I think it is a very good one, is the traffic. You're coming in off Chili Avenue onto Beaver Road. You have the apartments. People are coming in and out. You have a number of people coming out of the -- in and out of the church. Right-hand turn in. I don't see a big deal. But when you come out of the church, whatever you may have, I don't think you really should have a left-hand turn there because traffic is coming off Chili Avenue and it says 40, but you know they're doing 50. In the wintertime it's a hill and you will be sliding. I don't want to see nobody hit or creamed out.

And there is only a right-hand type turning to that stop sign that we have, the flashing, that is right over here on the side. And they get onto Chili Avenue, plus the other influx of the church across the street. Could be the same hours. You might want to consider that, no left turn. Those are the three issues that I see.

Thank you very much.

PAUL WANZENRIED: Thank you.

BRIAN KOSTER, 245 Chili Riga Townline Road

MR. KOSTER: Good evening. My name is Brian Koster, 245 Chili Riga Town Line Road. I speak on behalf of my mother who lives at 387 Beaver Road adjacent to the church. And from the time the church has been there, up until today, they have been nothing but stellar neighbors. There have been no problems at all with any activity from the church, whether on Sunday or Wednesday that has had any impact on my -- my parents at the time when my dad was still alive. Any activities at the house. So just wanted to reiterate that for everybody's knowledge.

Thank you.

PAUL WANZENRIED: Thank you.

PASTER ROBERT REEVES, 3429 Chili Avenue

PASTOR REEVES: Robert Reeves, and I serve as Pastor of Calvary Assembly, 3429 Chili Avenue. We're actually neighbors of Anchor Church and they have been great neighbors to us. Our churches have actually shared our facilities with each other on times when it was advantageous to do so. I think that healthy churches wind up being the best kind of neighbors because they can most adequately take care of their facilities.

If you -- in our generation don't provide adequate children's ministry, it's very difficult to maintain a healthy church. We recognize the value of having certain space qualifications in public school environments. When churches try to expand their facilities for children's

education, they're basically trying to provide safer environments and an environment for the children to support them.

Also on the traffic issue, interestingly enough, our services, though, are -- our neighbors differ slightly in time. Our services are at 9:30 and 11:00. So we're not actually coming and going at exactly the same time. Also, the traffic on Sunday is nothing near approaching what we see on the weekdays. The weekdays, it is a very serious issue out there and has been for many years. But on Sundays, um, trust me when I tell you, if there was a problem getting out of the church, the Pastor would hear it loud and clear from lots of people, and it is the one thing I have not heard a complaint about. So we're very supportive of their effort with this project.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Thank you. If there is a traffic study done, I would hope that we encompassed a large enough area for it to be meaningful. I don't think you can look at a corner one way or another, you know, from the entrance and the exit of this church and get a definitive answer. I think you have to spread it out a little bit.

I do agree that this is a sizable addition. And having -- living in an old house, very old house, I understand how hard it is to try to add on and make it look right. When I say "right," I mean so that it doesn't look like it's, you know, a hodgepodge of additions. I'm wondering if back in the 1970s when this church was built, if there was ever a -- an advance plan at that point for how an addition would be handled when one was needed. Was there ever any foresight along that line?

MINISTER BACUS: Would you like me to answer at this point?

PAUL WANZENRIED: Go ahead. I don't think we know that, though.

MS. BORGUS: Well, maybe -- if possible, I would like to hear it from the Church.

MINISTER BACUS: Is that all right?

PAUL WANZENRIED: Go ahead.

MINISTER BACUS: Sorry. I don't know the protocol, so I wasn't sure if you want me to answer that. There was a second phase. It went all of the way into the wetland, close to the creek. We knew that wasn't a possibility. I also continued our split level problem that we have. Our split level is a problem for handicapped people. And so that's why we did not want to do it. It also was a problem because of flooding, because we're obviously way below the flood line, the 100-year flood plain. If we continue that elevation. We just wanted to stay completely away from that. So there -- so there definitely was a second phase planned, but it is not workable at this time because the wetlands regulations have come in since that time. We couldn't possibly do it.

MS. BORGUS: Thank you. I would -- I'm -- I'm confident -- I would say I would hope -- I'm confident the Architectural Review Committee, board, is going to take a look -- look at this, and I'm confident Traffic and Safety will take a good look at it. I think it's wonderful that in today's world with what the morals and ethics we have to have facing us, that churches grow. I think that is wonderful. Absolutely wonderful.

But I also think we have to be very sure we build a building that is a credit to the Town. Thank you.

ALAN WELLS, 23 West Crest Drive

MR. WELLS: My name is Alan Wells. I live at 23 West Crest Drive. I'm an elder at Anchor Christian Church. Been a member there since 1988, and I just wanted to make a few comments on some things. We have classrooms for children that are -- that are too crowded right now. Children need space to be able to -- when they're being taught to have extra room so -- you can pack adults in a small classroom. You really can't do that with kids. We have teachers that are -- that are trying to help these kids learn and it's -- it's too crowded. So that is why we have needed to do this, and we -- we have sized -- yes, it is big, but we have sized it so it will have more than enough room so we won't feel cramped if we grow, as we hope to.

I want to make comments on the fact that we had an elevator in this plan, but working with Doug (Klotzbach), he came up with the way to access all of the levels through the ramp system. In fact, our previous plan, the elevator was going to be the only way a handicapped person could -- could go to these different levels and we would have everybody trying to basically wait to get to that elevator. Became problematic.

I think the current solution allows all those classrooms, all of the space to be used more effectively for handicapped accessibility.

I wanted to also mention -- it was mentioned about financing. Our church has undergone a capital campaign. We have more money saved up than I think any church does when they start a project. Yes, we're going to borrow some money, but we do it in a way to make sure we have enough money. We know about the churches that have started and haven't completed, so we're going to make sure we have the funds to go to finish the building.

Um, and then the one further thing I wanted to say was regarding traffic and parking. We went out with the clipboard for several weeks and tracked the number of cars that were in our lot to match that with the number of people so we could then do calculations to determine are the number ratios realistic.

I think we have done quite a bit of homework on that to come up with the current plan, which again, is an improvement done to the five or six other plans we have developed along the way. Our people don't all come and go at the same time. And I have been coming to the church,

like I said, since 1988. I never wait to turn into the -- to the building on Sunday morning. There is really not a traffic problem currently with getting in and out of the church before or after service.

Thank you.

Paul Wanzenried made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. All Board members were in favor of the motion.

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

PAUL WANZENRIED: This is for the Special Use Permit to expand upon church use with an addition at the property. So far what I have heard is final approval should be contingent upon granting Article 24. Traffic study or at least go before the Traffic and Safety Committee.

KAREN COX: Mr. Chairman, I would not support requiring them to do a traffic study.

JOHN HELLABY: I would support them possibly having a -- Traffic and Safety Committee look at it.

JOHN NOWICKI: Somewhere along the line folks on this Board have to wake up and get that study done in that whole corridor.

KAREN COX: But that is a State issue. And I --

JOHN NOWICKI: Somebody has to get it to the Town Board and then say move forward.

KAREN COX: The Town Board has to require it.

JOHN NOWICKI: We'll have serious problems there.

KAREN COX: We have serious problems there during the week. Actually, there has been a study done of the whole corridor, but nobody is doing anything about it because it's a State Road and they will tell you they don't have the funding.

JOHN NOWICKI: They don't, huh? They sure have money for everything else.

KAREN COX: Traffic and Safety, I'm fine with, but requiring them to do a traffic study is overboard.

PAUL WANZENRIED: Okay. I said it would go before the Traffic and Safety Board.

KAREN COX: I'm fine with that.

PAUL WANZENRIED: That a flood plain development permit be obtained and that they see the Conservation Board and the Architectural Advisory Committee.

JOHN NOWICKI: Sounds good.

PAUL WANZENRIED: Anybody want to add anything else?

JOHN HELLABY: Whatever the engineering comments --

MICHAEL NYHAN: Tonight's is for preliminary only not final, correct?

PAUL WANZENRIED: They have paid their final, but we're not going to because we're waiting on the department.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: So if the vote is right, then it will be granted --

There was a discussion at the dais.

MICHAEL NYHAN: We'll need to review it for final at a future date?

PAUL WANZENRIED: Correct.

MICHAEL NYHAN: After we hear from the Architectural Review Board.

PAUL WANZENRIED: All right. I make a motion to declare the Board lead agency as far as SEQR.

MICHAEL NYHAN: Question on that. Still requiring State review with the permit?

PAUL WANZENRIED: Yes. But they need us to determine SEQR, whether it's unlisted or Type I, Type II.

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 with no significant environmental impact, and the Board all voted yes on the motion.

PAUL WANZENRIED: So the condition shall be -- and this is for the Special Use Permit? No. This is for the preliminary site plan. Final approval contingent upon granting Article 24. They shall go before the Conservation Board, Architectural Advisory Committee and Traffic and Safety. And a flood plain development permit shall be obtained.

PAUL WANZENRIED: Anything else, Dave (Lindsay)?

DAVID LINDSAY: No. You guys just did the approvals for the special use at this time; is that what you're doing?

PAUL WANZENRIED: We don't have any conditions for the special use.

DAVID LINDSAY: Sorry. I was talking to Rich Stowe. I missed that part.

PAUL WANZENRIED: We haven't voted on special use yet.

RICHARD STOWE: With -- only because it came up with the previous application when it was tabled, the Board does have County Comments on this, correct?

DAVID LINDSAY: Yes, we do.

JOHN HELLABY: I have not seen them.

RICHARD STOWE: I think they were provided prior to the applicant's --

DAVID LINDSAY: We have County Comments dated August 12th. They were provided

prior to the last meeting.

RICHARD STOWE: When they were tabled before. I only want you to acknowledge you have them for this one because you don't for the other one.

PAUL WANZENRIED: We have County Comments. We're good.

For preliminary only, site plan approval.

JOHN HELLABY: What -- with the Special Use Permit? It doesn't matter. You just going to reverse them.

KAREN COX: On the agenda --

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6 yes with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.
10. This special use permit is permanent with no renewal required.

PAUL WANZENRIED: Regarding application for preliminary only, site plan approval, based on the conditions that I stated now twice.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 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. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
6. Subject to approval by the Town Fire Marshal.
7. Any signage change shall comply with Town Code, including obtaining sign permits.
8. Final approval will be contingent upon receiving the Article 24 permit.
9. Flood Plain Development permit to be obtained from the Building

Department.

10. Applicant to appear before the following Boards for recommendations:
 - a. Architectural Advisory Committee
 - b. Traffic & Safety Committee
 - c. Conservation Board
4. Application of 44 Jetview Drive, LLC, owner; 44 Jetview Drive, Rochester, New York 14624 for preliminary subdivision approval of two lots into two lots to be known as 44 Jetview Drive subdivision at properties located at 44 Jetview Drive and portion of 383 Fisher Road in LI zone.

Garth Winterkorn, Kevin Daley, Karl Schuler and Roger Langer were present to represent the application.

PAUL WANZENRIED: Mr. Counsel, any reason why I can't hear these at the same time simultaneously?

RICHARD STOWE: No, there is not.

PAUL WANZENRIED: If it is okay with the Board, I would like to hear these simultaneously.

5. Application of 44 Jetview Drive, LLC, owner; 44 Jetview Drive, Rochester, New York 14624 for preliminary site plan approval to erect a 74,000 square square warehouse addition the properties located at 44 Jetview Drive and portion of 383 Fisher Road in LI zone.

MR. WINTERKORN: Good evening. Garth Winterkorn with Costich Engineering. With me tonight is Kevin Daley from C & M Forwarding, Karl Schuler from Taylor Builders and Roger Langer from NH Architects.

We're here for preliminary site plan and subdivision approval tonight for a 74,000 square foot warehouse expansion off of Jetview Drive. There is not too many site features to talk about. We're using the existing -- the existing access point, the existing driveway to access the rear of the property. That is where there will be four new loading docks and some storage area for trailers to be left.

When we laid the site out, we were cognizant of the existing residential kind of to the northeast with the buffer area there. So we're generating some access material from the loading docks and earthwork, so what we're proposing is to construct a berm there that is basically 7 foot higher than the grades are today at the property line, and then we're going to supplement that with 6 to 7 foot evergreens with under plantings. So we feel we have done a good job on buffering the residential. We have received comments from County Planning, which basically gave airport approval review to the project.

Um, also comments from the Town Engineer, which I just wanted to touch quickly on a couple of them. Number 1 being the parking, um, actually by code, the parking is based on either of the number of employees or the square footage of the warehouse, in this case whichever is greater, which really kicks the warehouse parking up very high. Kevin (Daley) has supplied some actual numbers of the number of employees he has there today and the number of employees he is projecting five years from now, and the total -- the total number of employees he sees utilizing that parking lot, which I think we have what, 80 spaces?

MR. DALEY: 76.

MR. WINTERKORN: 76 today. 15 employees. So I think the Planning Board per code has the ability to approve it, if we make our case that we don't need the parking, and what we would do is show in the back -- we wouldn't stripe it or pave it or build it, but we would just show dimensionally we could get those spaces back there, what they call banked just to meet code so we wouldn't have to go to the Zoning Board for a variance.

Um, the other one was some comments on the pond. I discussed that with the Town Engineer this afternoon, and we can tweak the grading needed to make the slopes and the aquatic benches and four bays and that stuff work out.

Um, like I said, we have people here tonight. Any questions from the Board or the public, we would be glad to answer them.

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

MICHAEL NYHAN: One -- a few questions. The berming will be constructed -- have you looked at the drainage from the -- it will be the McNair Drive neighbors and where the drainage from the backyard currently goes and where it will go once that berm is constructed?

MR. WINTERKORN: Yes. Going towards the east. We'll continue to make sure that drains properly.

MICHAEL NYHAN: It will drop short of the berm and continue east and west on the property line. Now you will continue that all of the way back?

MR. WINTERKORN: Correct.

MICHAEL NYHAN: Does it drain to the west and then drain, or is it -- does it flow to the east? Which way does it go?

MR. WINTERKORN: Right now those residentials are floating southerly towards this property. So we'll leave probably like 10 foot from the berm to the property line, enough room to

cut in a little swale and make sure that drainage stays.

MICHAEL NYHAN: Where does that drain now, right into little Black Creek?

MR. WINTERKORN: Those houses actually come into the property and then go east. All that goes east. Um, so I don't know if it is Little Black Creek or not. Um, all of the new impervious area we're proposing, the roof, the driveways, the -- the loading areas and trailer storage areas, all of the new impervious area there we're redirecting to the expanded pond, the existing pond we'll make quite a bit larger.

MICHAEL NYHAN: Separate from the drainage you currently have, those -- it's existing now.

MR. WINTERKORN: The area to the east, we're basically -- I don't have the exact numbers, but if there are two or three acres there now, it will be like a third of an acre going there when we're done.

MICHAEL NYHAN: Okay. The -- the proposed warehouse addition, will that be for like the transfer of product? Is that what it is used for? So trailers will come in, drop product off and trailers will come in and be loaded and leave? Is that kind of the operation that you have in that new building?

MR. DALEY: Yes, Mike (Nyhan). In general the existing operation there today is a DHL operation. They're leaving in November, and half the operation that we're ramping up right now is -- is an agent for DHL, so basically going to be the same operation there minus all of the customer brokers and Customer Service people that are all being dispersed into other DHL locations.

The warehouse is -- is -- is going to enhance that and really fill a part for our ever-growing warehouse business, which most of it is on Lee Road right now. Some of that may come there or might just be growth to that and it is primarily truckload quantities in, truckload out. 99 percent of what we do will be through those loading docks that are currently there. We put a couple in the back side, just made sense, but it's pretty much going to operate like it does now. Just a little more space.

MICHAEL NYHAN: That parking lot for the trailers, do you know how many trailers you will have? Will that be sufficient space so you don't have to double stack them or triple stack them? To use the roadway.

MR. DALEY: Yes. It's way more space. Right now if you look at the operation in the front of the loading docks, we're putting 14 trailers. Really we would like to not have any of those there, have some at docks and just empties in the back, if needed.

MICHAEL NYHAN: That will be sufficient so no need for parking in that roadway that leads from where the existing building is back to the --

MR. DALEY: Exactly. Which is what we're doing now.

MICHAEL NYHAN: Thank you. That was the only -- those were the only questions I had.

Thank you.

JOHN HELLABY: Garth (Winterkorn), have you addressed all of the engineer's comments? Have you seen those comments, the Town Engineer's?

MR. WINTERKORN: I did review them and I'm pretty sure we can abide by all of them. I spoke briefly to Michael (Hanscom) this afternoon.

JOHN HELLABY: Is this a 24-hour operation?

MR. DALEY: No.

JOHN HELLABY: The hours of operation?

MR. DALEY: Currently right now their operations -- around 7:30 in the morning.

PAUL WANZENRIED: Kevin (Daley), I don't know if --

MR. DALEY: I'm Kevin Daley, the owner of the current building there. Currently, on the export processing side, which is what they have been doing there for 15 years, they come in around 7:30 and are done around 10 o'clock at night and that will not change. The warehouse business, which is very similar to our Lee Road operation, is primarily 8 to 5, maybe 6 o'clock on a Friday end of the month, but that -- but that part of it is regular 9 to 5.

JOHN HELLABY: So there is no reason for tractors to be running the back parking lot for any reason?

MR. DALEY: No.

JOHN HELLABY: Wallpack lighting, additional wall packs out there?

MR. WINTERKORN: Yes. We are proposing some. I believe we showed some details on the lighting back, so they will be all full cut off.

JOHN HELLABY: Make sure they're not flowing over into the housing back there.

I'm sure the Conservation Board looked at it, but I don't know how thick is it over growth in the rear of that parking lot? You did a nice job with that northeast corner, but should you carry that tree line down that line a little bit, I -- again, I don't know -- can those houses actually see or it is pretty overgrown back there?

MR. WINTERKORN: We did a couple line-of-sights. I believe I left a couple of them with the Board last month when -- when we were in here. Um, it leaves the first couple of houses that are closest to us, which are east of us. That berm and the trees on top of it will block -- they're not going to see any trucks.

PAUL WANZENRIED: I have to agree with five. I would be more concerned about the -- the resident -- the Amicos who may have -- you know, if a truck is rotating around in the lower southeast corners, shining lights back in there. So I would have to agree with Al (Hellaby), I would almost like to see that landscaping dropped down to the south along that property line.

Maybe to the first light pole that you show in the backyard there.

MR. WINTERKORN: I think the woods -- I haven't walked all of the way back there, but, you know, I have walked the site in the area where the expansion is going, and those woods are pretty thick. So we'll definitely look into it. I mean if it -- if it thins out, we can look at providing something. I don't think it is necessary.

PAUL WANZENRIED: None of this is fenced?

MR. WINTERKORN: No.

PAUL WANZENRIED: All open?

MR. WINTERKORN: Uh-huh.

JOHN NOWICKI: My first question is, Mike (Hanscom), the letter you sent out on September 11, 2014, has that been addressed with the applicant totally? All -- all of the items that you have indicated on here?

MICHAEL HANSCOM: We talked about a few -- we -- we primarily talked about the pond and the parking issues this afternoon.

JOHN NOWICKI: There is a lot of issues on here.

MICHAEL HANSCOM: They're all ones he can address.

JOHN NOWICKI: He can address them?

MICHAEL HANSCOM: Yes.

JOHN NOWICKI: And the other question, on the landscaping, you have already met with the applicant?

PAT TINDALE: No.

JOHN NOWICKI: Because have you comments here. But you will be addressing those.

Okay.

Thank you.

As long as that letter has been addressed, because there is a lot of issues there and the Conservation Board.

Thank you.

DAVID LINDSAY: Just that the -- any approvals be contingent upon the Town Board passing a resolution approving the ADATOD overlay for this parcel.

PAUL WANZENRIED: Did you say the Town Board?

DAVID LINDSAY: Yes.

PAUL WANZENRIED: They haven't done it yet.

DAVID LINDSAY: It's on the agenda for tomorrow night's meeting.

RICHARD STOWE: You really can't have it if it isn't there yet and it isn't there yet.

PAUL WANZENRIED: Say that again.

You can't have it if it isn't there yet.

RICHARD STOWE: This whole site plan presumes that the area has been rezoned. This Board recommended that the Town Board rezone it.

PAUL WANZENRIED: That's correct.

RICHARD STOWE: It is on the Town Board agenda to be considered tomorrow night.

KAREN COX: So it has not been approved.

RICHARD STOWE: So you can't approve something that hasn't been rezoned yet. You can approve it conditioned upon the Town Board's approval of the zoning.

JOHN NOWICKI: We can do that subject to their approval?

RICHARD STOWE: Yes.

JOHN HELLABY: Why does the application not state ADATOD? It just says, "Limited Industrial."

PAUL WANZENRIED: It does say ADATOD.

MR. WINTERKORN: I think in my letter of intent I tried to explain it. It was just the timing the way the Board meetings fell.

RICHARD STOWE: It is LI.

MR. WINTERKORN: But there is like an airport-type overlay.

JOHN HELLABY: An overlay.

RICHARD STOWE: Just condition your approval on that, and think if this Board wants to proceed, that is an option.

PAT TINDALE: I do have -- I'm going to ask you folks, also we would like to see before -- our board, we couldn't make a decision on it at all. We need a checklist, which you can get right on the Town's website. It has to be filled out, asks several questions. We need licensed landscape architect sealed prints and we need an estimate of the overall cost of the project, because 1 percent should be put into the landscape.

MR. WINTERKORN: That is 1 percent of the building cost, right?

PAT TINDALE: Correct. It would be easier if someone could come and discuss this with us if you have a landscape architect.

MR. WINTERKORN: We would be glad to.

PAT TINDALE: One minute. I'm going to come back on because I need three sets of the prints of the licensed landscaping architect sealed prints.

MR. WINTERKORN: We can call and try to set up a meeting. We'll call and get you the prints probably through Kathy (Reed) and set up a meeting where we can discuss it.

PAT TINDALE: That would be good.

PAUL WANZENRIED: Jim (Ignatowski), I don't think this applies to you because of the zoning.

JAMES IGNATOWSKI: No. We don't review designs and buildings in the Light

Industrial. However if you have a sign out front and you're making changes to that, the sign does need to come before the Architectural Advisory Committee.

PAUL WANZENRIED: Okay. Garth (Winterkorn), are you doing anything with the sign out front?

MR. DALEY: No.

PAUL WANZENRIED: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FRANK DOHERTY, 429 Fisher Road

MR. DOHERTY: We keep talking about the trucks and the deliveries. What is being stored there? Is it hazardous waste? Because I have no idea.

MR. DALEY: I'm just giving you a -- rough percentages. Probably a third of it is simply Xerox parts destined for primarily South America. They're not finished goods. Mostly plastic parts moulded here in Webster and assembled there and shipped to South America.

Some of the product is local manufacturers. Little bit of Kodak, little bit of Care Stream, little bit of Road Controls, anybody -- manufacturers in here, in Rochester, some of their parts. 90 percent of it are destined to be exported and some is imported and sits there, clears Customs and goes out to the customers.

But it is not -- no hazardous. We're not doing anything hazardous, no bulk liquid or anything like that. It's primarily all air freight, so -- so the regulations for that are really tight. So they don't typically fly hazmat.

MR. DOHERTY: One other question is, how far does it come towards Fisher Road?

PAUL WANZENRIED: What, sir? How far does what? The warehouse?

MR. DALEY: I can just in general terms tell you the five acres that we're having a contract on start from the back of the current building and go out the five acres, but there is about 33 acres to Fisher Road, and the building goes out about one acre from the building.

MR. WINTERKORN: Rear, right here (indicating).

BETTY TOTTEN, 7 McNair Drive

MS. TOTTEN: And I don't see where McNair Drive is on here at all either.

PAUL WANZENRIED: It's the top of the page.

MR. WINTERKORN: Couple of the addresses labeled right here. So cut off on the colored rendering, but --

MICHAEL NYHAN: 35 --

MR. WINTERKORN: Here is 29. 33, 35. I think. So the residential starts here (indicating) and then --

MS. TOTTEN: Okay. That's pretty --

MR. WINTERKORN: 9.

MS. TOTTEN: 7. It's pretty close to those --

MR. WINTERKORN: That is why I discussed we're creating that berm and putting -- a lot of evergreens on it.

MS. TOTTEN: Where is the pond going to be?

MR. WINTERKORN: We're expanding the existing pond.

MS. TOTTEN: Because I get a runoff, in the back of my property from -- on the top of the hill, all of the way down.

MR. WINTERKORN: I think you're quite a bit east of where we're looking at, if you're number 9.

PAUL WANZENRIED: You're quite a ways to the east if you're 9.

MS. TOTTEN: 7. 9 is across the street. No. 9 is next door. That's my only concern, is where that backflow is going behind the houses, because it --

MR. WINTERKORN: I can't promise what we're doing is going to help, but we're directing some of the water that is going east that we're paving to the west to the new pond, expanding the pond.

KAREN COX: Should help.

MS. TOTTEN: It is an existing pond there?

MR. WINTERKORN: Yes.

PAUL WANZENRIED: There is an existing pond.

MS. TOTTEN: Yes. I remember that, too, but the total of water is still there. Okay.

PAUL WANZENRIED: Thank you.

STEVE GINOVKSY, 19 Hubbard Drive

MR. GINOVSKY: I will be a pain in the neck again. I'm surprised on the drainage and so forth. I understand all that.

But in this whole area, after 10 o'clock at night, it is dark. There is nobody there. You have stuff that you're basically exporting, importing, whatever, going through the warehouse. Why wouldn't it all be fenced in and secure? Have got the government agency that is not too far from there fenced in and a number of other areas as security. It -- it is simply amazing. And I think it would be a real tight point and also to kind of secure over by the pond, you know, to keep people from riding snowmobiles, which I know they don't do in Chili, coming through there and falling into a pond and that, as liability. I think the Town really needs to look at something tight on that. We have had a number of fatalities in the past years. You're walking yourself into a

lawsuit point almost God forbid something would happen.

And these fine folks securing a -- a safe location for what their endeavors are inside the warehouse, which I have nothing to do with, in trailers and so forth.

Thank you.

Paul Wanzenried made a motion to close the Public Hearing portion of this application, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

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

PAUL WANZENRIED: Since I'm doing these simultaneously, can I just do one SEQR applied to the vote?

RICHARD STOWE: Yes.

PAUL WANZENRIED: Wait a minute, is not the Town Board the lead agency here?

RICHARD STOWE: Only on the rezoning.

PAUL WANZENRIED: Only on rezoning.

Okay. I remember a letter saying they were lead agency.

RICHARD STOWE: On the rezoning.

PAUL WANZENRIED: Got it. Great. 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 with no significant environmental impact, and the Board all voted yes on the motion.

PAUL WANZENRIED: Conditions I have are -- well, let's say for the subdivision -- it doesn't matter. Either one. Conditioned upon Town Board rezoning. Is that correct, right?

PAUL WANZENRIED: Then I have conditioned upon comments from the Conservation Board. I think they were the only Board that had -- no signage, so AAC is out. Conservation Board was only the Board that needed any input.

DAVID LINDSAY: Just Conservation, yes.

PAUL WANZENRIED: Right?

MICHAEL NYHAN: I believe there were engineering comments that needed to be addressed, I believe.

DAVID LINDSAY: There is usually the standard comment, that is boilerplate.

PAUL WANZENRIED: It's all boilerplate. Based on satisfying the Town Engineer.

JOHN HELLABY: I didn't hear anything brought up about the Fire Marshal's concern.

Garth (Winterkorn), are you aware that he was concerned with access on the south side of that building?

MR. WINTERKORN: Yes, we are. We are going to look into some things. I can actually discuss it with him.

PAUL WANZENRIED: So I have the conditions -- or add the condition that the Fire Marshal's comments be addressed.

Is that satisfactory, Al (Hellaby)?

JOHN HELLABY: Yes.

PAUL WANZENRIED: Thank you.

With regards to the preliminary subdivision of two lots into lots to be known as 44 Jetview Drive subdivision?

DECISION ON APPLICATION #4: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approved upon Town Board approval of rezoning.
2. Approved upon compliance with comments from the Chili Conservation Board.
3. Approved upon compliance with all Fire Marshal comments.
4. 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.
5. 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.
6. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
7. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

8. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
9. 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.
10. Building permits shall not be issued prior to applicant complying with all conditions.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Subject to approval by the Town Fire Marshal.

Note: Final site plan and subdivision approval have been waived by the Planning Board.

PAUL WANZENRIED: With regards to preliminary site plan approval, I believe you paid for final, too, didn't you?

MR. WINTERKORN: Yes.

KAREN COX: Yes.

PAUL WANZENRIED: Yes, they did.

Any restrictions on granting them final approval? I can do that, right?

DAVID CROSS: With the same conditions.

PAUL WANZENRIED: With the same conditions?

RICHARD STOWE: Did you do preliminary and final on the subdivision?

PAUL WANZENRIED: I'm in the process of doing that.

DAVID LINDSAY: You just took a vote for preliminary on subdivision without waiving the final.

PAUL WANZENRIED: Okay. Then I will backtrack and take -- make a motion to waive final on the preliminary subdivision approval for two lots and the lots to we known as 44 Jetview Drive.

The Board was unanimously in favor of the motion.

PAUL WANZENRIED: Now we will go forward with preliminary site plan approval waiving final to erect the 74,000 square foot addition for properties located at 44 Vet View Drive.

MICHAEL NYHAN: With conditions?

PAUL WANZENRIED: With conditions as so noted.

DECISION ON APPLICATION #5: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approved upon Town Board approval of rezoning.
2. Approved upon compliance with comments from the Chili Conservation Board.
3. Approved upon compliance with all Fire Marshal comments.
4. 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.
5. 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.
6. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
7. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
8. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
9. 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.

10. Building permits shall not be issued prior to applicant complying with all conditions.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Subject to approval by the Town Fire Marshal.

Note: Final site plan and subdivision approval have been waived by the Planning Board.

Paul Wanzenried made a motion to approved the 8/12/14 Planning Board minutes, and John Hellaby seconded the motion.

The meeting ended at 8:30 p.m.