

CHILI PLANNING BOARD  
November 15, 2016

A meeting of the Chili Planning Board was held on November 15, 2016 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 Michael Nyhan.

PRESENT: Matt Emens, John Hellaby, John Nowicki, Ron Richmond and Chairperson Michael Nyhan. Paul Bloser and David Cross were excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger; Larry Lazenby, Conservation Board Representative.

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

**PUBLIC HEARINGS:**

1. Application of Christopher Martello, 1250 Scottsville Road Suite 30A, Rochester, New York 14624, property owner: Daypart Rochester LP; for renewal of special use permit to allow a hobby, gunsmithing and sporting goods store in suite 30A at property located at 1220 Scottsville Road (aka: 1250 Scottsville Road) in G.B. zone.

Chris Martello was present to represent the application.

MR. MARTELLO: That's me. I'm Chris Martello. I'm the President of Performance Paint Ball and I'm here tonight to renew my Special Use Permit for my hobby store that offers gunsmithing.

MICHAEL NYHAN: Did you receive an email or anybody from your organization receive an email requesting a SEQR application?

MR. MARTELLO: A what?

MICHAEL NYHAN: SEQR application, short form application.

MR. MARTELLO: Yesterday. Yes.

MICHAEL NYHAN: Do you have that with you today, have you completed it?

MR. MARTELLO: Yes. I faxed it back.

MICHAEL NYHAN: Can we receive a copy of that?

MR. MARTELLO: Sure.

MICHAEL NYHAN: Who did you fax it to?

MR. MARTELLO: To Kathy (Reed).

MICHAEL NYHAN: Kathy Reed in the Building Department?

MR. MARTELLO: Uh-huh.

MICHAEL NYHAN: Okay.

MR. MARTELLO: No, I don't have it with me. Sorry.

MICHAEL NYHAN: You don't have it with you?

MR. MARTELLO: No. It's still on the fax machine.

MICHAEL NYHAN: Can you try to recall that from the fax machine, if possible?

MR. MARTELLO: Okay. I can be back in a half-hour then. You can table this.

MICHAEL NYHAN: I think they're going to check the fax machine.

ERIC STOWE: We're figuring on who has access to what room.

You want to recall it and move on to another one?

MICHAEL NYHAN: What we'll do --

MR. MARTELLO: I will be back.

MICHAEL NYHAN: Why don't you wait. We might have it in the office. If you did, in fact, fax it, we'll go look.

MR. MARTELLO: 1250 is not that far away. I know where my fax machine is. If I need to go, just let me know.

MICHAEL NYHAN: Okay. So we'll put that application on hold and recall it later in the evening.

2. Application of Jennifer Reggie, 34 Trestle Trail, North Chili, New York 14514, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite A-1B) to allow a bakery (formerly office space) at property located at 3240 Chili Avenue in G.B. zone.

Jennifer Reggie was present to represent the application.

MS. REGGIE: I'm Jenn Reggie. Owner of Jenn's Cookie Creations here to change over Allstate to a cookie store.

MICHAEL NYHAN: Okay. Can you give us some details around your business and what you plan on doing with the space?

MS. REGGIE: Yes. Just a retail location that will have cookies for sale. We do a lot of custom work so customers will be able to come pick up orders there. My staff will just do all of the decorating and baking of the cookies on site.

MICHAEL NYHAN: Do you have retail sales? Will there be consumption onsite?

MS. REGGIE: No, there will not. Just retail sales.

MICHAEL NYHAN: So this -- what we have is the floor plan, correct, of the store --

MS. REGGIE: Yes.

MICHAEL NYHAN: -- the left-hand side.

MS. REGGIE: Uh-huh.

MICHAEL NYHAN: Perhaps you could walk us through the store, what the tables are for, the display tables, the work areas and the table in the back.

MS. REGGIE: As soon as you come in the door, all of the tables in the front, L-shape are all going to be retail tables that will just display merchandise that can be bought, already packaged.

The first room that -- has two tables and then a blue counter in the back there, that is where our decorators will work. I have a packaging that happens. All of that is going to be in that area. There is a register counter that is going to be in the front, right behind those display tables. Behind that wall is where the baking is going to be, and the sink. I have a back room storage closet. And that other one doesn't really have a wall there.

MICHAEL NYHAN: Which other one?

MS. REGGIE: Right behind -- so it has the two tables and then the counter, that table, that is all going to be a decorating room.

MICHAEL NYHAN: All right. So no cashier counter there?

MS. REGGIE: No what?

MICHAEL NYHAN: No cashier counter?

MS. REGGIE: Yes. On that side. To the right. Well, to my right.

MICHAEL NYHAN: The small table, that won't be there? That will all be the decorating room?

MS. REGGIE: Yes.

MICHAEL NYHAN: I see the one bathroom. What is the other one, the 9 by 1 by 7?

MS. REGGIE: Just a storage room.

MICHAEL NYHAN: Storage room.

And the 12 by 7 by 8 by 10 room, next to the bathroom -- off the bathroom corner?

MS. REGGIE: That's going to be the kitchen. That is where the oven will be. Three-bay sink and a table to roll out cookies.

MICHAEL NYHAN: Refrigeration units?

MS. REGGIE: Yes. The corner next to the bathroom, that will be our refrigerator.

MICHAEL NYHAN: Your deliveries will come to the front door? You have no back access?

MS. REGGIE: Yes.

MICHAEL NYHAN: How frequent are the deliveries?

MS. REGGIE: Twice a week.

MICHAEL NYHAN: Twice a week.

MS. REGGIE: UPS.

MICHAEL NYHAN: Through UPS?

MS. REGGIE: Yes.

JOHN HELLABY: I don't know if I heard hours of operation, what your hours of operation are.

MS. REGGIE: Yep. Tuesday through Thursday, 10 to 5. Friday is 10 to 6. Saturday is going to be 9 to 4 and Sunday 9 to 2. Closed on Monday.

JOHN HELLABY: I assume all your signage will conform to Chili's sign code?

MS. REGGIE: Yes.

JOHN HELLABY: Just a point of interest. Is -- is -- your decorating room you stated is this larger room up here, correct?

MS. REGGIE: Yes.

JOHN HELLABY: Windows along that front?

MS. REGGIE: Yes. It is all -- it's a glass room.

JOHN HELLABY: Because I know people like to see that kind of thing. That's all I got.

JOHN NOWICKI: Just that Mike Hanscom's letter all taken care of?

MICHAEL NYHAN: Yes. I believe in the letter, the parking was sufficient in the front; is that correct, Michael (Hanscom)?

MICHAEL HANSCOM: Yes, it is.

MICHAEL NYHAN: Thank you.

ERIC STOWE: I have no comments.

Paul (Wanzenried) had to step out and asked that I pass along the condition of a building permit being issued.

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan 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.

JOHN HELLABY: Building permit and she already stated they have to get Monroe County Health Department's approval for the operation like that, so that's a given, I guess.  
MICHAEL NYHAN: Conditions from the previous change of use in the plaza. Building permits shall not be issued prior to the -- complying with all conditions. Application is subject to all required permits, inspections and code compliance regulations. Subject to approval by the Town Fire Marshal. And any signage change shall comply with Town Code, including sign permits. And then additionally, there is no outdoor sales?  
MS. REGGIE: No.  
MICHAEL NYHAN: There are to -- no neon lights?  
MS. REGGIE: No.  
MICHAEL NYHAN: In the window?  
Front windows?  
MS. REGGIE: No lights.  
MICHAEL NYHAN: Any other condition?  
ERIC STOWE: Building permit.  
MICHAEL NYHAN: Yes. I did add the building permit.  
Any other conditions with that? So based on the conditions for this application, I have a vote to -- sorry.  
ERIC STOWE: Mr. Chairman, SEQR.  
MICHAEL NYHAN: I'm sorry. Thank you. SEQR application was submitted.

Michael Nyhan 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 John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Application of Jennifer Reggie, 34 Trestle Trail, North Chili, New York 14514, property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in portion of building (Suite A-1B) to allow a bakery (formerly office space) at property located at 3240 Chili Avenue in G.B. zone.  
MATT EMENS: And final?  
MICHAEL NYHAN: And final, correct. So for preliminary and final approval.

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

1. Building permits shall not be issued prior to applicant complying with all conditions.
2. Application is subject to all required permits, inspections, and code compliance regulations.
3. Subject to approval by the Town Fire Marshal.
4. Any signage change shall comply with Town Code, including obtaining sign permits.
5. No neon lights in front windows.
6. No outdoor sales.

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

3. Application of Chili Plaza Properties LLC, owner; 3240 Chili Avenue, Suite B-17, Rochester, New York 14624 for preliminary site plan approval for parking lot and dumpster enclosure modifications at property located at 3240 Chili Avenue in G.B. zone.

Matt Sinacola was present to represent the application.

MR. SINACOLA: These are just mark-ups that help us navigate through the site a little better.

MICHAEL NYHAN: No changes from the plan that was originally submitted other than the mark-up with the color?

MR. SINACOLA: Correct.

Good evening. Mr. Chairman, members of the Board. The name is Matt Sinacola with

Passero Associates. Tonight we're representing Frederick Property Group with the Chili Plaza, and the site modifications that you have before you. Um, the plan set, just to review quickly, has not changed from what was originally submitted. So this does not reflect any changes in feedback we have had to date on the project. And since it's a large site -- I apologize for the small size of that, but I think we can work around it given the limit of what we're probably going to discuss tonight.

I don't expect we'll get any approvals tonight. This is mainly a Public Hearing to gather some information and get people's input on things. I know there is a lot of moving targets on this site, so.

But the bottom line is we're looking to get the parking configurations centralized and clarified and upgraded, restriped to also accommodate the new sites that are about to change or may change in the near future.

Just to quickly guide -- I tried to show in red here the potential Taco Bell site. And then up in the north, there is the Monro Muffler new building. That's roughly -- it's a new location shown. Um, specifically one issue is the refuse and trash control, so we have got a number of dumpster locations proposed since there are none onsite now to speak of, um, and we can talk about that a little bit when we get into this.

There is another area up here for the existing Monro Muffler operation. That will obviously be subject to change. And there is also a new structure, a heated enclosure for the RPZ backflow prevention devices for -- this plaza doesn't have that feature at this point so that has to be updated to bring it up to code. That is the one location.

There is another tie-in off Chili Ave. This blue line (indicating). And just to -- we can get into this, too, but right now, that is still in flux. We're not exactly sure what is going to happen down there. Whether it will be a hot box, enclosed or if it will go interior to the building. That is something to be worked out.

There may be a lot of questions, but I will just open it up to the Board and we can kind of go from there and see where it leads.

MICHAEL NYHAN: So for tonight, I assume you're requesting we table the application and next month you will be back, correct? When we have the actual site plan.

MR. SINACOLA: Right. We have a lot of changes, small alterations to make to the Planning set. We're certainly open to approval if the Board feels comfortable with granting that, but we realize this is discussion.

MICHAEL NYHAN: Okay. We'll go through this and table -- tabling it may be the best thing so we have a complete plan for the next month.

RON RICHMOND: Well, as far as the dumpster areas do go, the new Monroe building, where will they dump?

MR. SINACOLA: There is a -- I show the -- this is based on the preliminary plan that I have seen. And I realize -- I don't think this is approved yet, but --

MATT EMENS: It is.

MR. SINACOLA: Okay. So we'll need to get that information to incorporate it into this design plan.

MATT EMENS: Right.

MR. SINACOLA: But that is the area that I had. You may be able to confirm, Matt (Emens), if that has not changed any.

MATT EMENS: It's pretty close.

MR. SINACOLA: That will cover that, and again, that nullifies the need to really do anything with that existing half enclosure that exists on the north side.

RON RICHMOND: That is what I was going to say. The D designated dumpster area, is that just going to be opened up and be cleared out?

MR. SINACOLA: Yes. It's open now. There is -- there is a visual screening wall on that east side and then all open on the north side with no gating, no screening, just spare tires piled up, which is rather unsightly. That would be cleaned out. I guess we would have to determine, based on the owners' interest, what that turns into, if that just ends up being --

RON RICHMOND: The tires were actually a point when -- when Monroe moves over to the new building, where is their tire storage going to be outside?

MR. SINACOLA: That's a good question.

MATT EMENS: Interior.

RON RICHMOND: It's designated in the same dumpster area?

MR. SINACOLA: Hasn't changed then?

RON RICHMOND: Completely enclosed.

MR. SINACOLA: Oh. So it's staying there. Thanks for clarification.

So obviously the points of screening that and dealing with, you know, these upgrades obviously still apply.

RON RICHMOND: That's what I was getting at. That's all I have for now.

MATT EMENS: So there is a lot of issues that were addressed on the onsite visit.

MICHAEL NYHAN: A lot of issues brought up. Not all addressed yet.

MATT EMENS: I'm a little confused. So really that stuff needs to be put into this drawing.

MR. SINACOLA: Most of these items -- I can review it briefly if you --

MICHAEL NYHAN: I don't want to go through each item. You have the letter addressed to myself, Planning Board Chair dated November 2nd; correct?

MR. SINACOLA: Yes.

RON RICHMOND: There is a lot of striping issues. There is identified areas in the lot that need to be repaired, still, so that is why I didn't bother going into that.

MATT EMENS: That is why I'm kind of -- I don't know what I'm going to really comment on, because we have all these. I think Matt (Sinacola) needs time to put that stuff together.

MICHAEL NYHAN: Correct.

MATT EMENS: So I don't know how much value -- that --

MICHAEL NYHAN: Any other outside comments?

MATT EMENS: I don't think so.

JOHN HELLABY: No. I -- I concur with Matt (Emens) that basically as long as you can go through and address all these concerns on this drawing, um, get all of the Monro Muffler stuff updated on there, and I will caution you that it says that he is looking for a written response to each one of these along with a drawing update.

MR. SINACOLA: Sure.

We just wanted to -- we would like to touch on a few of these, but let's get clarification from the Board as to some of the actions.

MICHAEL NYHAN: Certainly.

MR. SINACOLA: I can do that whenever convenient.

MICHAEL NYHAN: Go through and -- I was going to ask if there is -- everything that you understood and recognized all of the comments.

JOHN NOWICKI: Just a question. Have you heard about the request from the Fire Marshal?

MR. SINACOLA: Um --

JOHN NOWICKI: He wants the hydrant across from Jackson Hewitt -- needs to be restriped around it for emergency access.

MR. SINACOLA: Okay. Is that on a list or is that new?

MICHAEL NYHAN: It is on the list from the engineer.

JOHN NOWICKI: It's on the list?

MICHAEL NYHAN: 1A.

MR. SINACOLA: Yeah. There are three of them that need addressing -- yeah.

RON RICHMOND: You need a hash out around them.

MR. SINACOLA: That's fine.

JOHN NOWICKI: That's all.

MICHAEL NYHAN: You have a few additional items. Let's go through the letter. There are some items that are not in the letter that he would like to you add. We'll start with the letter dated November 22nd, 2016. Anything in here you're not clear about or questions, things you need clarifications from our Town Engineer?

MR. SINACOLA: Just to run through it very quickly, items A, B, C and D, that's fine. We'll modify the plans accordingly.

Item E, it's talking about a gravel area that is along the western extreme of parking behind Buildings A and B. I'm not sure what the purpose of that really was, but obviously when we get the dumpsters set and built, the rest will just be landscaped grass.

MICHAEL NYHAN: You're not sure of the purpose of commenting or why it was done.

MR. SINACOLA: I'm not sure why it was done that way.

MICHAEL NYHAN: I think none of us do. That's what that is addressing. What they will need to do -- they will need to return that to its natural state --

MR. SINACOLA: Yes.

MICHAEL NYHAN: -- or include on the plan what they intend to do with that so we can review it.

MR. SINACOLA: It's in this area. The proposed dumpster area C northward up to that there is a pole. It's about the area that is situated in.

MICHAEL NYHAN: So on the new plan, it needs to indicate that that will be returned to its landscape state.

MR. SINACOLA: Right.

MICHAEL NYHAN: Or what the intention is if they're going to do something different with it so we can review it.

MR. SINACOLA: We'll take care of that.

And there is an area of dirt piles. That will all be cleaned up. Actually, I took the time to take some photographs. If you can see them. You can't see the gravel area well, but that's part of it. These are the dirt piles.

MICHAEL NYHAN: So on that western area along the back tree line, behind the building?

MR. SINACOLA: There is the jog we just looked at. Those will all be cleaned up obviously, so.

PAUL WANZENRIED: Wait, Matt (Sinacola). Can you put that back up there?

MR. SINACOLA: Which one?

PAUL WANZENRIED: The one that showed that nice little fire hydrant.

MR. SINACOLA: The one that is in the parking spot with the bollards around it?

PAUL WANZENRIED: No. Note that, too, will have to conform to Fire Marshal's comment. Most all of them do. There is a section in the code that requires 15 feet around a hydrant.

MR. SINACOLA: Around it. I saw that. We'll have to bump lines around and do what we have to do. As I say, it's a lot of little detail things that need to be shown.

The -- we don't have -- item H refers to the striping wherein and around the -- where the Taco Bell building will potentially be sited, so that's -- that's got to be modified and changed accordingly. So the -- the existing plaza sign, I believe it's going in the same location as the existing one, the new one. I don't know of any other plans, unless ---

MICHAEL NYHAN: No. We'll --

MR. SINACOLA: The plaza sign, the proposed new sign for the plaza? They're going to go where the signs are now?

UNIDENTIFIED SPEAKER: Yes.

MR. SINACOLA: We're not changing location.

MICHAEL NYHAN: That will need to be shown along with landscaping for that sign on the plan.

MR. SINACOLA: All right. Item R, um, the Town Engineer notes that existing lighting plan -- I'm not familiar with one has actually been developed for this project. I don't believe there is one in existence yet, unless --

MICHAEL NYHAN: There have been several requests and conditions people who are selling placed on other applications within this plaza to provide a lighting plan along with photometric plan to determine that lighting is sufficient in the entire plaza. As noted, there are several areas that are rather dark, particularly around the back side of the plaza. Light boxes have been added to the plaza. We don't know if they're dark-sky compliant or not. They were just added and never on a plan.

MR. SINACOLA: There is a number of fixture types and there is a lot of legacy hardware that has been out there.

MICHAEL NYHAN: So what we'll need is a lighting plan and photometric plan to show there is sufficient lighting throughout the parking lot for the entire plaza as well as if they're dark-sky compliant.

MR. SINACOLA: Okay. Got you. I guess I was just looking for clarification. If -- if -- I guess it makes reference in an existing lighting plan -- and I didn't know if that was referring to one that had already been done or been seen before.

MATT EMENS: Full-scale mockup.

MICHAEL NYHAN: We have been asking for it. We have not received one. We do have one for the Monro Muffler that was on their plans. We do not have one for the plaza.

MR. SINACOLA: We'll incorporate that and somehow match it all together.

MICHAEL NYHAN: We would like one plan with all of the currently approved applications in the plaza and they're currently on your existing plan.

MR. SINACOLA: There is a number of building, I think, mounted lights, as well.

MICHAEL NYHAN: Correct.

MR. SINACOLA: So we'll have to inventory those, as well.

I think we have covered everything else up to -- the only last thing are the RPZ issues. Again, once we have the engineering on that nailed down as to exactly what we'll be doing, we can obviously tighten up on the details of that.

And item 11, on the fencing details, um, we'll clarify that. The height of the screening based on the refuse containers and so forth.

MICHAEL NYHAN: Also the material used for that, I think they're showing a chain link fence with vinyl slats.

MR. SINACOLA: That's what we have in the proposal, yes.

MICHAEL NYHAN: Looking in the area, most of those areas, particularly some of those dumpsters are visible. They use white vinyl fencing or some other type of more attractive-type enclosure for those dumpsters, rather than just a chain-link fence.

MR. SINACOLA: Yes. We can consider that. The -- the only drawback with the vinyl is in this setting, um, it may not be as durable and much more subject to damage and marking. Given the commercial nature. It's better -- those are better for residential setting, but, um, it might be better to stick with chain link. It would hold up a lot better. May not be as pretty, but this is not really a residential setting. And it's not terribly visible from anywhere other than the Microtel.

MICHAEL NYHAN: There are residential areas around two sides of the plaza.

MR. SINACOLA: There are.

MICHAEL NYHAN: If you look at some of the dumpster enclosures throughout the Chili Center area, you will notice they're in good repair and they're not chain link fences. They're other materials. So if you can look at that and make some sort of a proposal, we do have some standards that have been followed by the Architectural Review Advisory Committee, as well, so you could always just -- if you would like to submit something to that Committee for their review and approval, you could also do that.

MR. SINACOLA: Yes. We can do that.

MICHAEL NYHAN: They meet just prior to the next meeting, before the Planning Board, so it is 6:30 before the next Planning Board meeting. You can make application to come before the Architectural Advisory Committee for your dumpster enclosures.

MR. SINACOLA: Have they adopted a standard then that is applied to the whole Town?

MICHAEL NYHAN: It's on an individual basis.

MATT EMENS: Actually, what I would say is I would take a look, Matt (Emens), at what -- I don't actually recall, but take a look at what we have talked about doing with -- George (Jarrett) and the guys from Monro Muffler are back there. I don't remember exactly, but I know we did talk through it and we worked through some -- you know, in other words, it may be

something material-wise that you could tie through the rest of the plaza.

MR. SINACOLA: I'm just concerned with the fact that we'll be having numerous tenants using the refuse areas. I'm just not sure -- we have different kinds of waste. I'm just not sure how practical that is. It may be a real maintenance headache trying to keep that looking nice.

MATT EMENS: I would just say take a look --

MR. SINACOLA: We'll look at it and put the pros and cons together. We can talk about it a little bit more before the next meeting.

MICHAEL NYHAN: If you can come before the Architectural Advisory Committee to review that. One of the reasons I bring this up is vinyl chain link fences are terrible to maintain. They look absolutely horrible in a short period of time if you install them. So they would be no less of -- a maintenance problem, as well.

So if you would like to have something more appealing. We just ask that you come before the Architectural Review Committee before the next meeting.

MR. SINACOLA: We'll see what we can do.

MICHAEL NYHAN: Come up with a proposal and get their guidance.

MR. SINACOLA: All right.

MICHAEL NYHAN: Thank you.

MR. SINACOLA: That, I think, clarifies the items on the November 2nd letter.

MICHAEL NYHAN: You will be able to respond to each of these in writing and comply with them and include them in their preliminary and final drawings next month?

MR. SINACOLA: Yes.

MICHAEL NYHAN: Bring both together or request them together?

MR. SINACOLA: Yes. There were a few things not on the engineer's report that I would like to raise, as well. There are some items that are on this drawing that don't belong there, so anything that has not been approved by the Town to have it removed from the drawing, such as the patio behind C6. There has never been an application for a patio. So anything that is in there that has not already been approved by the Town you would like to have removed? Okay.

MICHAEL NYHAN: Unless they are coming to seek approval for those -- specifically for those items, we need to consider those, but we never had application for that. If it will meet part of your application, then you need to note that -- that you are applying for that patio in that location.

MR. SINACOLA: I'm just trying to figure out how we cover this.

MICHAEL NYHAN: The north side, right along --

MR. SINACOLA: Yep. I'm just wondering if it would be more sensible, since we're -- since we're producing a plan that is existing conditions, to simply label it non-approved or something.

MICHAEL NYHAN: Why don't we -- what is wrong with just removing it?

MR. SINACOLA: Then we're not showing all of the existing conditions.

MICHAEL NYHAN: No. There is no patio there.

MR. SINACOLA: Oh, there is no patio?

MICHAEL NYHAN: No.

MR. SINACOLA: Okay.

MICHAEL NYHAN: If it is an existing condition not approved, yes, we would like it on there to show it is -- not approved condition, but there is nothing there right now. It's just on the drawing.

MR. SINACOLA: I follow you. I thought it was already there.

MICHAEL NYHAN: But anything that isn't there, isn't approved, we would like to be removed from the drawing.

MR. SINACOLA: All right. Got you.

MICHAEL NYHAN: Likewise, anything that has been approved, like Lifetime Assistance in B9, just one example that we would like anything that has been approved, also be included in the drawing. That would require some research, but -- for each of those. We have already talked about the existing dirt piles. There is a driving lane that is also a fire lane to the east of Monro Muffler. Currently being blocked by concrete.

MR. SINACOLA: Yes.

MICHAEL NYHAN: Actually, I think that is in the engineer's comments. That needs to be left open and cleared so it is a drive lane.

MR. SINACOLA: Yes.

MICHAEL NYHAN: If you're going to change the driving patterns within the plaza, let's state that and show that for our review, but that's a fire lane that needs to be left open.

MR. SINACOLA: Okay. The -- the -- regarding the driving lanes, the -- the striped islands, um, correct me if I am wrong, did the Board review this earlier -- referring to the -- this primary access way, and I think the engineer suggested these be raised, curbed islands and -- did the Board talk about this before?

PAUL WANZENRIED: Landscape.

MICHAEL NYHAN: Landscaping. They were identified they need to be made larger, so that landscaping can be placed in there.

MR. SINACOLA: Okay.

MICHAEL NYHAN: So they need to be -- based on what landscaping -- or the striping plan for the 15-400 I believe it was?

PAUL WANZENRIED: No. It was based on Monroe's landscaping plan. The islands were to be as wide as Monroe's. Monroe's were wider.

MR. SINACOLA: Okay.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Right now we allowed -- we allowed them to put a landscaped island along Building C, which is at the top of this graphic. They were put in as 5 foot wide because we would anticipate larger plantings, maybe a tree or something. Wouldn't anticipate something like that up close to the building, because that would -- you wouldn't be able to look at who is in there, that sort of thing. Now, when you get down into where you're across from Buildings B and A, at that intersection there, we wanted the plantings -- or the landscaped islands to be larger in width, wider, so that you could accommodate better plantings.

MR. SINACOLA: Okay. Got you.

PAUL WANZENRIED: And I think, Matt (Emens), what we had discussed, was that you would just eat that parking space at the end?

MR. SINACOLA: Yes. We'll lose a strip of parking.

PAUL WANZENRIED: Right.

MR. SINACOLA: The drive lane will be fixed obviously.

PAUL WANZENRIED: Right.

MR. SINACOLA: Okay.

MICHAEL NYHAN: There are comments in the engineer's reports relative to stop bars at each of those islands?

MR. SINACOLA: Yes.

MICHAEL NYHAN: The east/west lane is designed as the driving lane and the other vehicles would need to stop, so there is traffic control. There is no traffic control right now in the parking lot.

MR. SINACOLA: We're all familiar with that. Okay.

MICHAEL NYHAN: So while we're on traffic, the other thing we would like to see is traffic circulation and access plan that depicts the ability of large trucks, full size tractor-trailers to navigate through all of the exits and entrances as well as to all of the buildings, around all of the buildings, showing the loading, the loading areas of those buildings so that we know that the tractor-trailers can fit in the plaza, based on the current traffic patterns and circulation as designed. Right now I don't believe that you would be able to do that, just from looking at it, especially the raised islands along the back, for instance.

MR. SINACOLA: Okay.

MICHAEL NYHAN: The entrance to Paul Road.

MR. SINACOLA: We'll see what we can do. We'll run the model through it and see what we come up with. I'm just wondering --

MICHAEL NYHAN: So for Building C, all of the occupants in Building C along the north side, you depict the deliveries through that part of building so you need to have a tractor-trailer pull in and do that. The front of the, Building C, for instance, tractor-trailers come to Dollar General to deliver their products. The buildings that no longer have rear access, the Building Bs, also take front deliveries, and then, of course, all of the -- you know, the Building A, Building B, um, they all -- the tractor-trailers that come through this parking lot to load and unload, we still need to maintain fire lanes and traffic flow while they're there.

MR. SINACOLA: Okay.

MICHAEL NYHAN: So really the size of the islands will be adequate for that type of traffic flow as well as when the vehicles are parked for loading and unloading, that they're still adequate movement of traffic as well as emergency vehicles.

MR. SINACOLA: Okay. We have got our fire lanes pretty well labeled now.

MICHAEL NYHAN: You know, be sure to work with the Town Fire Marshal in particular to make sure you have all of them designated where they should be.

MR. SINACOLA: Okay. All right. We'll just have to run it around and see what it does to us.

MICHAEL NYHAN: Correct.

MR. SINACOLA: It's kind of an unknown, because we're dealing with a lot of existing stuff. So I can't say it's going to work perfectly.

MICHAEL NYHAN: Well, it needs to work, right? It needs to work. How can you take deliveries for your tenants if you don't have a traffic pattern that works with trucks?

MR. SINACOLA: Well, with a semi, it might be tough.

MICHAEL NYHAN: But that is what delivers to the plaza, semis.

MR. SINACOLA: Yeah.

MICHAEL NYHAN: They don't control the size of the vehicles that -- the deliveries they tend to make, so I see full-sized trucks coming up to every one of these buildings during the day when there is all of the businesses open and there is traffic in the plaza. So you need to have a traffic pattern.

MR. SINACOLA: I'm not denying it doesn't occur. I'm just saying it's -- we're -- we're -- we -- I don't know how -- if it will work by the modeling. It -- it will -- it might not be -- with the margins that we would like to see, it ---

MICHAEL NYHAN: Well, in that case, changes may need be made to these traffic patterns, because none of that was done when -- the current engineering firm proposed these parking spots and none of that was done. We did mention that to them at the time for Traffic Safety reasons and for vehicle movement they needed to be able to provide for that. This is the first time anybody has come in with this plan, I believe, since we made those comments so we need to have it on the plan when we review it.

MR. SINACOLA: All right. We'll run the model and see what we can come up with and see what it impacts and go from there.

MICHAEL NYHAN: Let's see. The pavement repaired in the back is the engineer's letter. The water is covered in the engineer's letter. The light pole. Not only does it need to be replaced or installed, actually, but there is a hole that is undermining the pavement in that area so that needs to be fixed immediately.

Another item that is not in the engineer's report, there are pillars with stone caps along the west sidewalk for Building C1B and C3, which is the Faber Homes and the Dollar General store. There are no protective railings between these pillars. There is a dropoff that leads to an entrance to that -- the business there. Originally, they were told that they were going to have, I believe, wrought iron railings between each of those pillars. So you need to show those on the plan along with pillars, any pillars on the plan right now. It just shows the sidewalk area.

MR. SINACOLA: Yes.

MICHAEL NYHAN: Do you know where that is?

MR. SINACOLA: Yes.

MICHAEL NYHAN: C1B and C3, the drive lane.

MR. SINACOLA: Yep.

MICHAEL NYHAN: Right here (indicating). So there is a walkway. Between the walkway and the parking lot there, there are pillars. There is no protection between the pillars to walk between them and onto the sunken area on the other side.

MR. SINACOLA: Right. Got you. Okay.

MICHAEL NYHAN: If there are any delivery vehicles or vehicles that are parked overnight, we would like to show if there are any areas that the plaza was given approval to do that. The reason I ask that, we have commercial vehicle parking in the no parking area on Chili Avenue every night, Christian Flooring truck. I don't believe they -- they don't have an office in there. I don't see them here on the application, but they're parked up along the roadway in the no parking area, the main drive-thru the middle of Town. We would like that moved back to where their business is and have them park in a parking spot. Also, no vehicles for sale in the parking lot. You see a vehicle along Chili Avenue with for sale signs in the parking lot. We don't want to see that, as well.

Paul (Wanzenried), question on the door signage on the west side of the plaza, including suite numbers and names of tenants. That was part of a condition that the plaza was going to install.

Do you know if that has ever been done? From the April meeting minutes.

PAUL WANZENRIED: Some have it, but not all of them.

MICHAEL NYHAN: That will be a condition when you come in, if that is not done by the next meeting, that they have to install -- there was door signage on the west side of the plaza, including suite numbers and names of tenants.

Larry (Lazenby), did the plaza come before the Conservation Board for these islands? Did you make a recommendation for the size of the plantings? I know we did for Monro Muffler.

LARRY LAZENBY: Monro Muffler was taken care of, but I was going to ask when you made the rounds, we have definitely missed any fall planting opportunities and my question was going to be, what was the plan for the islands that they have had a certain amount of not -- we would not consider it to be growing topsoil, but a certain amount of dirt in those islands up along the Dollar General and Bill Gray's. They have been that way all summer with no attempt for plantings. We were wondering what is their plan for that.

MICHAEL NYHAN: Okay. So Matt (Emens), we're looking for a landscaping plan for all of the islands. Those islands will be raised. They were supposed to be landscaped. We'd like to see a plan submitted with landscaping similar to the Monro Muffler plan, a very thorough plan showing the size of the islands, the height these plantings will be in every island, the types of shrubs and trees and flowers, et cetera. So that is what we would like to have for the entire plan. What we see out there, they are supposed to be raised.

LARRY LAZENBY: Will you be looking for them to come back to us with those?

MICHAEL NYHAN: Yes. I was under the impression they already came to you. If not, we would like to have them submitted.

LARRY LAZENBY: Monro Muffler, yes, but the whole concept of the islands caught us off guard a little bit. So we have not seen anything. My understanding is we have not seen anything regarding those islands.

MICHAEL NYHAN: Okay. So Matt (Emens), could you do that for the Conservation Board, as well?

MR. SINACOLA: Yes.

MICHAEL NYHAN: We'll have them review that before the -- go before the Conservation Board to review that?

MR. SINACOLA: Yes.

MICHAEL NYHAN: Okay.

MR. SINACOLA: We don't even know where the islands are going yet.

MICHAEL NYHAN: So once you do, you can come in front of the Conservation Board so they can approve it.

We'll also be looking for a timeline for these areas to be fixed, the areas we mentioned so when you come in, make sure there is a plan in place so we have a timeline when that will be done. Just reviewing any other notes that I have. We talked about lighting. You mentioned it, as well. There is several different types of lighting throughout the entire parking lot from the

original lighting to lighting that was installed. I'm not really sure when. As well as pack lighting on the buildings. So there is parking lot poles as well as pack lighting. There are all different styles and types of lights.

Is there any plan to start to standardize some of this lighting? Now we have a lighting plan for Monro Muffler, as well, that has been approved. So, you know, there is a possibility we could have five different types of lighting fixtures within a parking lot. So is there any type of a plan to standardize some of these lighting issues as we -- some of the poles are working and they're fine. So I don't see just taking them down for the sake of taking everything down to be uniform. But as they start to replace these and if they have to add any, we would like to see uniform -- pick a style to make that uniform.

MR. SINACOLA: We'll need to inventory what is out there now. As we talked about earlier. So let's see what we have first and see if -- how much of it is compliant and how much isn't. I guess the -- the train of thinking I would have is that we would see what the light fingerprint is, check and see if there is any light trespass to start with, and then work from there. Maybe the ones that may -- we may have a problem with get replaced out and then target something that has more uniformity to the site. But with -- it is kind of hard to speak to it.

I think there is potentially 15 to 20 different fixtures out there. It is kind of a tough one to just wing at this point. So let me get some data.

MICHAEL NYHAN: Right. So that's what we're looking for. If you look at the light plan that Monro Muffler submitted and approved, that would be a good starting point.

MR. SINACOLA: Okay. We'll inventory first, compare those and kind of go from there.

MICHAEL NYHAN: Photometric study will tell you how many more, if any, light poles you will need.

MR. SINACOLA: That is something we can talk about and look at the next time.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: The black grease boxes that are out back behind the plaza -- or behind Building B --

MICHAEL NYHAN: Oh, like -- grease disposal, like dumpsters but smaller, okay.

PAUL WANZENRIED: -- you should probably allocate those to the dumpster enclosures, make sure there is room in the dumpster enclosures for those. I believe there's two back there that I can recall.

MR. SINACOLA: I think there are two.

PAUL WANZENRIED: Um, fire lane goes around in the U. Back behind the pet store, dry cleaner, barber and where Lifetime Assistance is coming in. I believe there is a ramp back there that is going to be installed. And also, Lifetime Assistance, is going to be parking vans. I believe that was on the previous approval. Make sure that they don't interfere with the ability to access dumpster corral B. Okay?

MR. SINACOLA: Okay. Got you.

ERIC STOWE: We may need to -- just as a heads-up, we may need to see Lifetime Assistance, too, for a revised site plan. That's messing up their parking putting a fire lane in there. We just went through when we were told it is not a fire lane. If it is a fire lane, they have to come back.

MR. SINACOLA: Okay. We'll -- we have some data to mine to figure out what is going to work and isn't going to work. You know, again, it kind of goes back to what I was saying about the dumpsters. We have so many different kinds of users out here, we'll -- we'll give it some thought and come back with a recommendation, I guess, what will work best.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Um, do you have any timeline on when you would be back?

MR. SINACOLA: Before this Board?

PAUL WANZENRIED: Yes, sir.

MR. SINACOLA: I was hoping to be back for the next meeting.

PAUL WANZENRIED: Okay.

MR. SINACOLA: That is the plan.

PAUL WANZENRIED: That would be great.

MR. SINACOLA: We'll advise if that is not doable.

PAUL WANZENRIED: Please. Thank you.

MICHAEL HANSCOM: In the previous comment letter that we provided to the applicant, we talked about lighting requirements for the plaza with what the minimum lighting requirements are. So if you don't have a copy of that, let me know and I can send you a copy.

MR. SINACOLA: Yes. That will be good.

LARRY LAZENBY: Just the question, when he comes to the Conservation Board with that landscaping, are you looking for him to come in with landscaping on any and all islands that are being proposed?

MICHAEL NYHAN: Correct. Any of the raised islands as well as the new signage that will be placed in the front on Paul Road, I should say, on Chili Avenue.

LARRY LAZENBY: Do you want him to come to the Conservation Board before he returns to the Planning Board?

MICHAEL NYHAN: I would like to be at the next Conservation Board meeting if that is possible, yes. When is that?

PAUL WANZENRIED: December 5th, I believe.

LARRY LAZENBY: I think -- the first Monday in December.

MICHAEL NYHAN: So Matt (Emens), that is December 5th. Is there an application

date?

LARRY LAZENBY: I would not have that.

MICHAEL NYHAN: Paul (Wanzenried), is there an application date for that? Can they just advise they will be there that night?

PAUL WANZENRIED: Um, call Kathy (Reed).

MR. SINACOLA: I don't think --

PAUL WANZENRIED: I don't think there is a deadline.

MR. SINACOLA: They just like to know who's coming.

MICHAEL NYHAN: Okay. Call Kathy (Reed) and get the date for the December 5th meeting.

MR. SINACOLA: Let's just say we'll get something to you guys. I think that is doable. We can certainly -- because getting the islands and the configuration nailed down is fairly critical. Because everything else hinges on that. We can deal with all of the other details.

LARRY LAZENBY: Do you anticipate coming to that meeting?

MR. SINACOLA: Yes. I think we should be able to get something before you guys just so we have a target, something we can work from.

LARRY LAZENBY: That would be fine.

MR. SINACOLA: Whether we get to Planning with -- you know, we can always defer that to the next meeting if we have to.

MICHAEL NYHAN: Again, I advise you to take a look at Monroe Muffler's plan, the landscaping plan they used on all their islands that was accepted by the Conservation Board.

So what I'll do, Matt (Sinacola), I will open up the Public Hearing hearing portion of the meeting and based on the fact that the request is this gets tabled to the next meeting, I will leave that Public Hearing open so that if anybody would like to comment on the new proposal, the new plan that comes in, they will be able to do that.

MR. SINACOLA: Sure.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: You have got your work cut out for you. But thank heaven that something, somebody -- something is being done and somebody is taking -- getting this -- getting a handle on this. This has been a problem for so long.

As far as the map that's on the Board, the thing that jumps out at me is the lack of plan -- of parking be -- in front of this A Building. There is a lot of stores there, and there is really very, very little parking.

MICHAEL NYHAN: I'm sorry, what building was that?

MS. BORGUS: Building A.

MICHAEL NYHAN: Oh, between the -- between the bank and that building there?

MS. BORGUS: Right. I mean there is a great many businesses in that building. I don't know where -- with this plan, where you would plan on anybody parking to go in any of them. Even the restaurant alone, that's not enough parking even for the restaurant.

MICHAEL NYHAN: One of the comments made -- if I could, Dorothy (Borgus), one of the comments made in the engineering letter that was relative to the parking along -- or around Canandaigua National Bank, asking them to review that and put that on the plan. And the number of spaces were also outlined that were required for that area. So if you could be sure that we have proper number of spaces for the businesses that are currently in there.

MR. SINACOLA: We'll see what we can do. Again, we're living with existing conditions.

MS. BORGUS: Again, I haven't looked --

PAUL WANZENRIED: Should -- should be noted that our Town Code allows for 250 feet from front door of establishment to a parking spot. That's the distance allowed. Okay? So if you draw -- and I have done this -- drawn a 250 foot arc, you will be surprised how far that goes out.

MS. BORGUS: Well, I -- I trust your judgment on that. But all I can think of is if there were businesses in all of those -- in all of the places that are in that building, it looks like it is certainly a sparse parking plan. I don't care. 250 feet even. It would be interesting to see how many people you think are in that building at one time. It's a lot of -- it's going to require a lot of spaces. Okay.

And I was glad to hear you will have the Public Hearing open the next time whenever they come back. Thank you.

MICHAEL NYHAN: You're welcome.

BERNARD IACOVANGELO:

MR. IACOVANGELO: My name is Bernie Iacovangelo and I'm the President of Faber Real Estate Services, and Claridge Decorating Center. We have been in the plaza at our present location since 2004. And we have been in the plaza longer than that in another location which currently houses the Jazzercise and also a few other spots.

First of all, I want to say to the Board, that I -- I echo Dorothy (Borgus)'s comments that the owners of the plaza have done a lot with the plaza. They started back in 2004, took a little hiatus, but they came back last -- or this year and did quite a bit of work and placed a lot of money in it. You have to applaud them for taking that initiative, making that kind of investment to the growth of their plaza.

One of the things that, you know, we, that are in the plaza, though, um, have to deal with is the current operation, okay, of our facilities and taking into consideration what kind of plans they're trying to present to you. So I come here this evening only to make some comments regarding, you know, some of the raised curbing that are located on these plans. Because once we get those raised curbs -- and I understand that it will provide for green space and so on -- it does create a huge restriction.

When this plaza was built in the '90s -- or in the '60s, this is a picture of it back in 1994. It's an aerial. Okay? And as you will see, from this, um, aerial -- so what happened, this was a WT Grant store years ago (indicating). This is where HSBC was (indicating). And this white area here is a concrete pedestrian mall.

That is the way it was for years until the later '90s, when we took this out of here, removed this building and replaced it with the HSBC. Used to be Marine Midland building right over there. And opened this up. Okay? That was done in order to provide a new location, new building for Marine Midland/HSBC which is now Key Bank.

And we opened up the plaza to give some movement out there. At the time, when they built this plaza and they had the WT Grant, you came in and you came around this way (indicating). And this was considered the back of the plaza (indicating).

The new group wants to have a two fronts plaza, which that is wonderful. You know what I'm saying? It's great. It's a new idea. The only difficulty is, that this design, in this plaza, okay, is all -- never took into consideration two fronts.

So as we start talking about traffic flow, please take into consideration now you're now modifying, as Matt (Emens) said earlier, existing conditions. There are certain things you can change and certain things you can't. In fact, I was out talking with Chris Curts, who is one of the managers there, and this would work great -- and I tried to do this back when I was in ownership, was to move the entrance over and have a direct run. That would work great. But this is now the -- the plaza as they have developed it.

And talking about placing those raised medians is going to create some real difficulty in turns. Now, they have built these here, um, up top here, across the front of this building. And when the trucks unload for the Dollar General, it's very difficult. As you had mentioned, you know, taking into consideration some of the minimum turning paths and so forth for tractor-trailers, there is just -- there is not enough room when you start taking into consideration what a tractor-trailer size has, okay? So I think you're right in asking them to show the movement around the plaza. But these are in already.

Back here there's a note on the plan that says five striped islands to be complete -- converted to raised curb landscaping islands. Once that happens, vehicular traffic in this area, tractor-trailer traffic will be very restricted.

We have got two garage doors here for loading and unloading. They're going to be doing -- I'm sorry. Maybe it would be better if I did this. This was the plan that was brought in for the proposed Monroe Muffler. As they brought this in, it has basically the same islands here that they plan on increasing to raised islands. We have got a loading and unloading of tractor-trailers here and here. So if these get raised, you got a couple different problems.

Number 1, there is only a 21 foot area between the light post here and this curb here (indicating). Coming in, the pinch point in the turning radius there becomes extremely difficult. Currently, they have this area here completely shut down (indicating). At one time it was this whole area here (indicating) as a result of a notice from the -- this was back in August 12th. You know, Calvin Baker, the Facilities Manager, dropped this off in the morning and they shut this whole area down and eventually shut everything down all of the way over to here (indicating). They have opened it up since because they had a water leak at this area here (indicating), and a water leak here (indicating), which they have since cured.

But in -- in that meantime, trying to get through here, okay, there is -- there is absolutely no space for stacking of cars. It's extremely dangerous, and even though this gets opened uneventfully, this gets real tight. And so what I'm trying to bring to your attention, putting raised, you know, curbs there, okay, would be very, very difficult for traffic getting around there and adjusting when there is -- sometimes at night you have cars backing up over here because they're waiting to pick up their kids from the karate. So what we're trying -- trying to bring to your attention is that what they did before, and as you can see in these pictures here, is they had islands right in here (indicating), grassed islands, so that it was between the parking spaces, and that might be a better format for you to give you freedom of mobility through the plaza. I know that, you know, concrete raised curbs are expensive. The cost of maintaining them and everything else. I would like, you know, to say that I'm opposed to these raised curbs here and maybe some alternate landscaping curb that would benefit them and the parking. Because before, like I said, this area here, and this area here (indicating), is where the curbs were. So cars came in and went around the plaza this way or around the plaza this way (indicating). So -- because that was a mall in the middle right there.

So the -- the very first and foremost thing is the elimination of these raised gutters -- or raised curbs.

Secondly, um, you know, the two fronts, they may want to give some more consideration to how this is got to work here, because this here, I know with the DOT, we talked to them before, one, this would -- if this could be moved over, it would be much better alignment and for parking and everyone's best interest.

The other thing is this has been shut down since August 12th. They have indicated, as you can read, that there is some kind of issue there. There was water main leaks. They fixed them

both. And there hasn't been any water coming out of it. In fact, Calvin and I spoke about it in my office, and I asked him if he had any geotechnical, you know, supporting data saying that there is a dangerous area here. But this is taking over 80 parking spots out of -- out of use. So that becomes a difficulty, too, because the numbers that were reflected on this plan that was sent to you, um, showed proposed parking on site 623; required, 515. Their numbers are different than that. That -- that they have on the current submission.

And when we take 80 out of there -- actually, at one time, they had over 100 taken out of commission. And since they opened Ferrari's over here, they opened up these here (indicating), because Ferrari's gets very busy, you know, at night.

So I think parking as Paul (Wanzenried) said, the code calls for 250 feet. Unfortunately, in Henrietta, they have one code enforcement official that just gives tickets there to everybody parking, because if you could pull in, people would want to pull into the place. So walking 250 feet for some people is not easy. For others, that's where they should walk, but, you know -- my point is, um, putting these curbs, it will restrict the flow even in here (indicating). I think that you should give some consideration to other methods of doing the curbing, because it was never designed and you're working with conditions, a building that was a WT Grant that has been changed quite a few times from the time I found out that the 2001 was there, you know.

And this just has a lot of issues with parking. So now we opened it up. This here is going to be a real difficulty. And that's why I just wanted to come here this evening, because A, we would like to talk about a different, you know, issue. They have them striped now. Gives them flexibility, especially now with the closure of that much parking. People coming in have to go around. If you had raised curbs there -- if you have to make some type of emergency cut-off, how are you going to get around those raised curbs?

So an alternative should be sought and please, you know, this will never, you know, help with the -- the tractor-trailers we have coming in here. This is really tight. This has got a real pinch point to it now. Actually they're driving in and through here. It's very dangerous. 500-61 of your code talks about dangerous conditions. Let no land or building -- should have that kind of situation.

So talked about that. Talked about the configuration going through there. Mentioned to you about, you know, parking spaces. The dumpsters, you know, one of the things that I -- I -- you know, I -- I'm concerned about is that when you're talking about the dumpsters, I see they -- they have one located here that has always been here. They have got a couple more going here. But, you know, this kind of condition -- I know you want to put gates around it and everything like that, but this a photo from that area now with all of the tires. I hope that is not the way it is going to look when Monroe builds their new one.

The trash around the -- I know you call for no trash there. But then they -- they dropped one off right behind our building today at -- at the back part here, and I don't know what that is for, but the code mentions that you got to have it set up so that your -- they're locked at all times. One of the provisions is they're locked at all times. That would require them giving us a key. I think there is some, you know -- does the gate get locked? But it says the container gets locked. We tried to do that at one time, put locks on them. People lose their keys and everything else.

So I'm trying to assist them to comply with the Town Code, but whatever type of dumpster enclosure you approve, we do see a lot of people doing garage clean-outs and the stuff ends up, you know, in the plaza and what happens is that people that are on -- on CAM charges have to pick up the extra costs of those. And I think that is why the code is the way it is, is to protect landlords from the extensive cost and their tenants.

The thing is I think they're going to have to have a plan on how do we get -- there is the dumpster there that was delivered today. I don't know what the -- if that is going to be a location or not. Because it doesn't show up on the -- on the drawings. So I would -- I just wanted to go over that, and plus, as we approach this weather now, with this area closed down, you know, it starts to restrict your area for snow storage. You know, the conditions here, um, where people are coming in the back, a little slick or something like that, I mean this gets dangerous here (indicating). People just come whipping through here (indicating).

They also put a stop sign in here, which I thought were going for slowing traffic down. The only problem is, this becomes a real drive-thru here (indicating). They might want to consider moving that stop sign up to this location (indicating). Just a suggestion. You see an awful lot of traffic pull out of here, drive down this way (indicating) without stopping because there is no stop sign. They have it down here, but not at that point.

So as I have indicated, I think they have done a great job and continue to do a lot of work. They have a lot of things that they want to, you know, stimulate growth with in the plaza. These couple of things I bring to your attention are a major concern to us and our operation and I don't think it's, you know, good traffic safety and traffic design in the back part there. So that's it.

MICHAEL NYHAN: Thank you.

ROGER MOYNES, 109 Parkway

MR. MOYNES: Roger Moynes, 109 Parkway. One of my concerns is what Bernie (Iacovangelo) touched on. With winter coming on, the back entrance is very tight. If a car is coming in and a car is leaving, it's extremely hazardous. With snow on the ground, with the incline coming into the parking lot, with snow, there is going to be accidents back there. I don't know how long they need to have that taped off and what the reason is for it, but with snow coming on, that back entrance needs to be enlarged for easier access in and out of the plaza, otherwise there is going to be accidents. It is very tight now on dry pavement.

Secondly, I'm glad you're addressing the lighting issue of the parking lot. There is some dark areas in the parking lot, especially around the coffee shop and the dog store now. It's extremely very lacking lighting.

The other concern, and you addressed it, Chairman, is the stop lines. I have seen accidents in the -- because everybody going north and south or east and west, they all think they have the right-of-way, and there have been two or three accidents and I have seen some near-misses.

The only other thing is you're talking about Taco Bell. I would like to see this stuff handled prior to any more approval of buildings in this property. I mean you already approved Monro Muffler, but we're still lacking lighting and all this other stuff. Let's address this stuff before they add anything more into the plaza.

MICHAEL NYHAN: Okay.

MR. IACOVANGELO: Mr. Chairman, to follow up, just one more comment on the lighting. None of the poles in the back work. I think they're putting in a couple poles for a while. A couple in the front didn't work. I don't think there is adequate lighting, and I believe the Board has recognized that, too. You should have a nice lighting plan. The back of our buildings here are lit from lights that are above here, but they don't go out far enough. So lighting all around the plaza is a real concern. When you look at what they have got at KMart plaza, during hours of operation, you know, when it's dark, it is just -- it is amazing. So that gives -- really illuminates the plaza, and I think you need that. Especially if you're going to have those type of raised islands. If they can't see them, they will be hitting them. So I just want to follow up on the lighting.

MICHAEL NYHAN: As stated, I will leave the Public Hearing open. Matt (Sinacola), you have heard comments. Many of them were addressed in the letter but others -- there was also other comments we talked about. This is an opportunity to review all of the circulation and driving patterns within the plaza. It is -- there are a lot of very straight driving areas. There is really no traffic control between the driving lanes and parking areas where there are areas. So again, I just can't stress enough to take all these comments into consideration. This is the opportunities -- this was submitted previously. We gave comments, but it was never changed. This is still the plan we saw. So this is the first preliminary plan we have seen. So if there are any changes, anything to be done, now is the time to do this before you come back in front of us, and I know the Building Department is very familiar with all of these, so working closely with them to address all of the comments relative to the islands, what is the best place for them, the driving patterns, what are the safest. We see cars go from Paul Road to Chili Avenue, every day through that area, because there really is nothing to control their speed, if you will, from a design perspective. So we're looking for design items that would help control a lot of these issues that have been raised. You know, from the back Paul Road entrance to the Chili Avenue entrance, circulation throughout. The stopping of parking areas and driving lanes through the middle, parking areas, that is what we have with the east/west driving lanes.

So really we're looking for you to take into consideration all of the parking, you know, in this -- in this plaza to make it safe for movement for people using the plaza. Backed by design. Not necessarily by stop signs or anything else, because there are people that usually just go through those. But by design. We're looking for environmental design that would help with the safety of the driving patterns and permit all of the deliveries that do need to occur for all of the tenants that are in the plaza.

The other thing that has been mentioned is these closed parking lots along the back that have been closed for months. I don't know what the issue is, but you need to -- a plan as to how and when they will be opened. Without that, I think we just need to eliminate those as parking spaces and you're going to need to figure out a way to fit enough parking spaces into this plaza, discounting those as parking spaces. They have been closed for months now. So if you don't have a plan, we don't show they will be opened, then they are not going to be parking spaces. They will just be vacant space in the parking lot that can't be counted.

MR. SINACOLA: Okay. Yeah. We'll -- again, we'll have to do the modeling on this and see what -- Bernie (Iacovangelo) hit upon my concern looking at it, is that that northern entrance, to get trucks through there and everything, I'm wondering if the raised islands should be pulled back or eliminated and just leave them striped and then do landscaping along the periphery or something so that there is at least an avenue that the trucks can get through. It may not be -- they may be touching lines here and there, but at least it is usable.

MICHAEL NYHAN: I would just ask that you work closely with our Building Department and Town Engineer for all of those items.

MR. SINACOLA: Sure.

MICHAEL NYHAN: And get guidance on that prior to getting to our Board so there is not a delay in not doing that.

MR. SINACOLA: The two new structures, I think we need to factor in the Taco Bell site at least from a conceptual standpoint and how that is going to impact that driving lane that we're talking about.

It would be nice to draw a line somewhere and have separation. But we'll see what that looks like. I know that area is not used -- unless it is -- unless during the farmers' market situation.

MICHAEL NYHAN: What area is not used?

MR. SINACOLA: This southern parking area, which -- sort of spill-over parking.

MICHAEL NYHAN: The no parking area where you're showing the proposed Taco Bell? That area?

MR. SINACOLA: This area does not get used a heck of a lot, on a regular basis. It is clearly open. That -- that is going to go away if this gets built. So I'm just -- we're going to need to look at how this is going to function, is all.

MICHAEL NYHAN: Correct. And the only reason for that being on there is just a concept or idea, and what we're trying to do is -- there is no application for any additional buildings in this -- in this plaza. And I think a comment has been made it should be taken to heart before they come in for any additional buildings, we have conditions that have been open on this plaza for over two years. We need to start seeing some action --

MR. SINACOLA: Okay.

MICHAEL NYHAN: -- and closing those out.

MR. SINACOLA: All right.

MICHAEL NYHAN: Additionally, if you have not had the opportunity, I would ask you to review the Chili Center Master Plan as well as Town of Chili Master Plan, particularly when you draw in the proposal there for the Taco Bell. Make sure that any future plans you're thinking of are in compliance with both of those plans. A lot of work was done on both of them for the look of the Chili Center area.

Then lastly, the comments, there have been a lot of improvements done on this plaza. They have done a lot of work on a number of things. They have made some -- some good strides in improving the way the plaza looks and being able to move in and out of that plaza, so we would really like to see what -- a full plan done as soon as possible and have that implemented so we can move forward with anything else you may want to do in the future.

MR. MOYNES: Mr. Chairman, one other thing. Handicapped parking. There is no post to make it a legal handicapped parking spot and with winter coming on, with -- those handicapped paintings are going to be covered, and to make it a legal one, it should have a post with a sign on it.

MICHAEL NYHAN: Correct.

MR. MOYNES: And there is quite a few that are missing.

MICHAEL NYHAN: Okay. Thank you, Matt (Emens). All of the handicapped signs were placed in the parking lot. Most of them have been knocked down. I don't know if they have been run over or knocked down by vandals. I'm not sure. If you could take a look at --

MR. SINACOLA: Sure.

MICHAEL NYHAN: First of all, where that handicapped parking spaces will end up, based on any new plan that you have. But then, you know, what type of signage can you put in that would be less -- I mean some of these signs didn't last a week that were knocked down. So you need to come up with some sort of a plan to be able to put in a sign that will be less likely to be knocked down.

MR. SINACOLA: We'll review that. Again, that's a -- that's one of those situations where we'll -- we'll have to see what is the best feasible answer. Again, we're not building new, so we have got new regulations that have to be applied to an existing situation, which may -- you know, clearly these have to go here. So it is not rocket science. These have to be close to the doorways. That's by regular --

MICHAEL NYHAN: Yeah. Again, those parking spots, um, based on the occupancy, just to be sure we have enough spots based on the engineer's letter from -- 250 foot from the entrances. Building A I'm talking about. Or Canandaigua National Bank.

MR. SINACOLA: Yes.

MICHAEL NYHAN: This -- there are spots that are not on this drawing that are there, so just make sure you include those spots, as well.

MR. SINACOLA: Okay.

MICHAEL NYHAN: So just for the record, we did receive a letter from the County. County Comments were received. Did you receive a copy of that, as well?

MR. SINACOLA: I did not see that letter. Is that dated -- is there a date on that?

MICHAEL NYHAN: November 9th.

MR. SINACOLA: I'll look, but I didn't see it.

MICHAEL NYHAN: If you don't, there is a copy with the Town.

MR. SINACOLA: Okay.

MICHAEL NYHAN: Those were received. We did receive your SEQR. So at this point, there are no other public comments. We'll leave the public comment open and I understand we'll accept a motion from you, Matt (Sinacola), to table this to the next meeting?

MR. SINACOLA: Yes.

MICHAEL NYHAN: Okay.

There was a discussion off the record.

JOHN HELLABY: Here is a copy for you right there.

MR. SINACOLA: Fantastic. We may have it. I just didn't see it. I didn't expect them to be too much.

MICHAEL NYHAN: So the request from the applicant to leave this -- or to table this until our next December meeting possibly. Table this in the future. We'll have a vote.

DECISION: Unanimously tabled, by a vote of 5 yes to table the above described application to the December 13, 2016 meeting at the applicant's request. The list below are items that were discussed at this meeting and should be addressed in writing for the next meeting:

1. Application is incomplete. Further information is required.
2. Landscape plan (signed and sealed by a licensed landscape architect) has not been submitted to the Conservation Board for review and approval.
3. Pending resolution of Commissioner of Public Works and Town Engineer comments.
4. Site plan review comments from Michael Hanscom, P.E., Town of Chili Engineering, dated November 2, 2016 regarding Planning Board meeting of November 15, 2016. Chili Plaza Properties were discussed and clarifications provided where requested. All items in letter will be addressed in writing and placed on updated preliminary plan.
5. Remove all items on plan not approved for the site, such as patio to the north of Suite C-6, future business along Chili Avenue.
6. Show items on plan approved for site, such as Lifetime Assistance in Suite B-8 (per map on file with the Town).
7. Pillars with stone caps along west sidewalk for Suite C-1B and C-2/3 (Faber Homes and Dollar General) must have railing between pillars 34"-36" in height.
8. Traffic circulation and access plan, which depicts the ability for large box trucks and full-size tractor trailers to navigate from all entrances and exits, around all buildings in the plaza, and loading areas.
9. Show all overnight vehicle parking on plan.
10. No commercial vehicle parking along Chili Avenue in area designated on plans as no parking.
11. No vehicles for sale parked in the lot.
12. Install door signage on west side of plaza to include suite numbers and names of tenants.
13. Install landscape islands as depicted on site plan presented to Conservation Board 4/1/16.
14. Place the grease boxes along B in the dumpster enclosures.
15. May need revised plan for Lifetime Assistance due to fire lane designation.
16. Provide plan to reopen the closed parking spots along north side of building, including timeline.
17. Review Chili Center Master Plan and Town Comprehensive Master Plan.
18. Based on comments looking for Plaza to review all circulation in area and driving safety improvements for main driving area between Paul Road and Chili Avenue along "B".
19. Application will be reheard on December 13th unless the Building Department is advised otherwise.
20. Applicant to appear before the Conservation Board for landscape approval and Architectural Advisory Committee for dumpster enclosures.
21. Public hearing was kept open. Therefore, applicant to obtain new signs to post and maintain as per Town Code.

The Planning Board recalled the application of Chris Martello.

MICHAEL NYHAN: We did receive -- Paul (Wanzenried) found the fax that you sent for your SEQR. So just go ahead.

MR. MARTELLO: Since I sent it, I knew it got sent.

MICHAEL NYHAN: Sometimes they don't go through even though you sent it. So glad it

went through.

MR. MARTELLO: I'm that person that stands there and sees that it says "sent" every page.

MICHAEL NYHAN: If you could just outline again for the audience what your application is for -- this is for a renewal, a Special Use Permit. If you could go through exactly what you do there, what the -- what the function is.

MR. MARTELLO: My name is Chris Martello. I have been in -- running Performance Paint Ball now for 16 years. Six of them in Gates and just signed my new lease that says I have actually been in Chili for ten years now.

I started out doing just repairs for paint ball, but I guess when you're in the shooting industry, you start to branch out in other things. So over the years we have gotten into something from less lethal technology, which are air guns that shoot pepper balls for law enforcement, to darts, to Airsoft. A lot of requests for firearm repairs. So I now do gunsmith work.

MICHAEL NYHAN: Gunsmith, firearms?

MR. MARTELLO: Firearms, yes.

MICHAEL NYHAN: Okay. You store firearms at the property?

MR. MARTELLO: I have to, yeah.

MICHAEL NYHAN: Are you a federal firearms registered dealer? Are you a --

MR. MARTELLO: I actually have four licenses. I have two for federal. One manufacturing, one dealing. Two for the State. One for the State is a dealer. The second for the State is a gunsmith. New York State actually has a gunsmith license before you can touch anything to work on it. Whenever you're making a change, you have -- for -- the big one is for handguns, whenever you're working on a handgun, you have to actually send to the State what you have done, the change to it. There is a form called a P12. And we sign there a line on the bottom what we have changed to it, if you change a color or add a sight, there is actually a form and that form goes directly to State Police. So that is something you have to have. So in order to even have that form -- that's how you become a New York State dealer. New York State doesn't work with the Federal Firearms License number. They just want you -- to see you actually have one. Then the State of New York issues you a number they work off for gunsmithing for handguns.

MICHAEL NYHAN: Okay. And, of course, you obviously follow all of the regulations --

MR. MARTELLO: It is always funny because I tell people how I end up meeting all of the people from the FBI was because close -- actually they're right next door to me. And what happened was when the ATF comes to visit you, they give you this and walk in, "Hello. How are you?"

Actually nice guys. They give you this big book. They say, "Here you go, Chris. Here's a big book. Don't screw anything up or you are going to jail."

Well, that -- for me, that put a fire under my butt. I'm not in the firearm business. I don't have anyone that works for me that says, "Chris, these are the laws. This is how you can do it."

So I ended up buying very special software to keep me compliant. I was so excited. I spent all of this money on hardware, software. I get everything configured. I call ATF in Buffalo. They come visit me. They take one look at it and say, "Can't use it."

I go, "Are you serious?"

They, "Go, no, no. No. We have specific rules you have to follow."

And they said I had to get special variances, and one ATF agent says, "I have been an agent for 18 years I have never seen us issue a variance."

I said, "Okay." So I go, "Who do I send my paperwork into?"

"Just send it to ATF."

I go, "It is kind of a big agency."

He said, "Just sent it to ATF," everything I'm doing. And it was almost one year to the date I got variances. I mean because I got these variances, that enables me to do stuff fully electronic. So everything is done really quick and really fast and to code, exactly what they want so we can keep track of everything that is supposed to be done.

It was always kind of funny, I was never in this industry and now I actually see how this stuff actually works and why it works a certain way.

MICHAEL NYHAN: Great. Thank you.

JOHN NOWICKI: Do you have to discharge firearms at all?

MR. MARTELLO: No. No. Most of the stuff that -- if I -- if I have to, then I have to go to a range and because I'm real lazy, I don't want to be in that position, so no, I never have to discharge them.

JOHN NOWICKI: There is no discharge of weapons?

MR. MARTELLO: I know. I actually had someone that sent me -- I have this guy that works in one of my Buffalo branches, a big red neck. He always says to me, "You done got to put a bullet trap in."

I go, "We're not shooting guns here. It's not happening."

But I -- but I did go the extra mile. ATF -- I have always been kind of surprised there is no legitimate rules, which is even crazier, from the government of how you're supposed to lock anything up. They literally don't have any rules for it. I'm just like -- I'm just putting bars on the windows so people that come in -- the sign says, "Paint ball."

I try to keep everything very -- on the DL, very down low what we do. The big sign says, "Paint ball."

We don't advertise we have this stuff. People always going, "Why do you have bars on your windows?"

But the people that know we do this service, they're in the shop. The -- the other riffraff that you wouldn't -- they don't know what it is. They just know they're coming in there to buy dart supplies or paint balls, but they don't know there is this other world that we work with and we would like to keep it that way.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan 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: We have received your SEQR form. Thank you. We passed it through the Board so we have had an opportunity to review that.

Michael Nyhan 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 John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Any conditions for the application?

JOHN HELLABY: Same as existing one, I guess.

MICHAEL NYHAN: Existing one was four years for the special permit. You want to do four years again?

The Board indicated they would.

MICHAEL NYHAN: Then for conditions -- for conditions all previous conditions imposed by this Board are still pertinent to the application remain in effect.

The application or the app -- the application is subject to all required permits, inspections and code compliance regulations.

And the Special Use Permit is approved for a period of four years.

Paul (Wanzenried), were there any other conditions that you wanted on this?

PAUL WANZENRIED: No.

MICHAEL NYHAN: With those stated conditions, application of Christopher Martello, 1250 Scottsville Road Suite 30A, Rochester, New York 14624, property owner: Daypart Rochester LP; for renewal of special use permit to allow a hobby, gunsmithing and sporting goods store in suite 30A at property located at 1220 Scottsville Road (aka: 1250 Scottsville Road) in G.B. zone.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Application is subject to all required permits, inspections, and code compliance regulations.
3. This special use permit is approved for a period of four (4) years.

MR. MARTELLO: You made my paint ball field permanent.

MICHAEL NYHAN: No. We just voted for four years.

MR. MARTELLO: No, I meant -- I actually have another Special Use Permit with you guys for the paint ball fields.

MICHAEL NYHAN: Right. That is not in front of us now.

MR. MARTELLO: I'm saying -- not that you will -- just asking if you could make this permanent. In four years could you try to make this permanent?

MICHAEL NYHAN: Should have probably asked before we voted. No. We won't make it permanent. It is for four years.

MR. MARTELLO: One quick question. I don't live in -- sorry, I don't live in your town. I live where there are more cows than people.

You really have an ordinance for codes that your dumpsters have to get locked up?

MICHAEL NYHAN: We do have an ordinance in the code. There is a part of our code that addresses many aspects of the dumpsters, yes.

MR. MARTELLO: Ten years.

PAUL WANZENRIED: 500-60E.

MICHAEL NYHAN: There you go.

PAUL WANZENRIED: B. Dumpsters and recycling units shall be locked at all times to prohibit unauthorized use.

MR. MARTELLO: Ten years, dumpsters are still wide open. It costs me a small fortune every month. Send Code Enforcement out, please.

4. Application of Rochester's Cornerstone Group, owner; 366 White Spruce Blvd., Rochester, New York 14623 for recommendation to rezone approximately 47 acres from L.I. (Limited Industrial) to L.I. with ADATOD (Limited Industrial with Airport Development Area Transportation Overlay District) at properties located at 100, 350, 400 International Blvd., and 100, 300 Trade Court.

Roger Brandt was present to represent the application.

MR. BRANDT: Good evening. My name is Roger Brandt, 366 White Spruce Boulevard, Rochester, New York, 14623.

I'm here this evening to request the rezoning as Chairman just outlined. The zoning of the property right now is Limited Industrial. It will remain that underlining zoning but over the top of that, we'll have the ADATOD or the Airport Overlay District.

The reason that -- what initiated this was we're currently working through the process with a company that is a building materials distributor, and they have -- they're under contract to purchase the parcel of land, one of the parcels that we're discussing this evening. It's Lot 201 on Trade Court. And that is -- they're a distributor of building materials and the ADATOD is necessary.

In discussions with certain people at the Town they said, "Gee, it's probably -- will make some sense for the amount of activity which we're seeing, some increased activity these days, perhaps we should do a couple other lots, as well."

So we have elected to request Lots 103, 104 ---

MICHAEL NYHAN: I'm sorry. Excuse me. I'm sorry. Can you just put that in front? Sorry to interrupt.

MR. BRANDT: I got it.

MICHAEL NYHAN: Just want to have it so people can see -- everyone can see what we're talk about. Sorry to interrupt you.

MR. BRANDT: Sure. Sorry about that. This is a small road. This is International Boulevard (indicating). So you have the traffic light here (indicating). Jetview to the north. This is Lot 104. It's nine acres. Lot 103, it's seven acres. This is Lot 106, which is six acres. This is Lot 201, which is about nine acres. And Lot 202 -- 201 and 202 are 13 acres.

So the idea there is to make it a little easier for the potential users. The companies we're talking about right now and the one under contract is a distributor. The ADATOD would allow for warehousing and distribution facilities, truck terminals, motor vehicle sales centers, trailer centers, motor vehicle repair and service stations. Um, we're really -- it's all about the warehouse and distribution at this point in time.

MICHAEL NYHAN: Okay.

MR. BRANDT: So there is one company or one lot right now in -- it's -- it's dotted lines there, American Fleet Maintenance that has the ADATOD zoning. It is 275 International Boulevard.

MICHAEL NYHAN: Dotted line around --

MR. BRANDT: That is the only one that has ADATOD.

And in our discussions with companies like this one, who you will see in the next couple of months, it would be a lot easier if we had that zoning in place to be more competitive.

MICHAEL NYHAN: You have named that tenant, correct?

MR. BRANDT: Company is Kamco, K-A-M-C-O.

MICHAEL NYHAN: That is a distributor?

MR. BRANDT: Distributor, regional company based in Massachusetts and they have an operation here in Rochester and they have selected to move their -- or elected to move their business to Chili.

MICHAEL NYHAN: Okay. And I'm sorry, what -- what do they do?

MR. BRANDT: They distribute drywall, acoustical ceiling tiles.

MICHAEL NYHAN: Building materials?

MR. BRANDT: Building materials.

MICHAEL NYHAN: Completely enclosed building, right?

MR. BRANDT: Correct.

MICHAEL NYHAN: Nothing stored outside? It will be an enclosed building?

MR. BRANDT: They were still finishing their plan. You will see the plan coming in as soon as we get the zoning here.

MICHAEL NYHAN: Sure.

You're not here for site plan approval?

MR. BRANDT: Right.

MICHAEL NYHAN: Sorry.

MR. BRANDT: There may be some racks out back. That is why I'm not positive.

MICHAEL NYHAN: Anything else before we have questions?

MR. BRANDT: No, sir.

JOHN HELLABY: Roger (Brandt), the only question I have, is why those parcels and not the balance of all of that property for future use?

MR. BRANDT: Um, it is really hard to do -- 47 acres. If we start to get into -- we started that direction and it's a -- there is some cost involved in doing this. And -- as well as on those lots -- let's say Lot 105 -- Lot 105 is about 56 acres, but only 20 -- I'm sorry, 15 of it is usable. So we haven't split the wetlands away from the regular acreage. So we may do that down the road.

And that same thing over to the west there on the corner. The same thing. That's a very large parcel, and we would be looking to -- to rezone all of the wetlands. And that probably doesn't make a lot of sense.

MICHAEL NYHAN: You're talking about 600 Trade Court?

MR. BRANDT: Correct.

JOHN HELLABY: That's all I have.

JOHN NOWICKI: Roger (Brandt), I would -- I would really like to know, what kind of impact this would have on the roads, especially with truck traffic, trailer trucks.

Do we need to do a -- a survey here, study to find out what is going -- what does it mean to the roads, especially Paul Road? You know, right now on Chili, we're getting hit big time with truck traffic. All over the place. And my concern is on this one, too. So do we have to do a traffic study?

MICHAEL NYHAN: I think we may when they come in front of us for site plan approval. Right now, this is just to make a recommendation to the Town Board as to whether or not to rezone this to ADATOD and add that to the Limited Industrial.

JOHN NOWICKI: Well, I'm just bringing the point up, because I think --

MICHAEL NYHAN: I understand your concern. And I do -- I will comment this area of Paul Road, particularly the intersection of Jetview Drive has seen recent improvements from, I believe, it was the County.

MR. BRANDT: Actually, it was from the County, the State and the developer.

JOHN HELLABY: It was a long time coming but greatly appreciated.

MICHAEL NYHAN: I think that does improve the area a little bit. But any site that comes before the Board on it, we certainly could ask for a traffic study on any site before the site plan approval. This is just to make a recommendation to the Town Board on whether or not to rezone it.

JOHN NOWICKI: I'm not sure if this would increase the number or the density of the traffic or the impact this will have on these roads, especially with this type of zoning.

MATT EMENS: That's the concern when you go and do all these, that the impact is not really known and you give it to the Town Board without saying you don't real know what is in front of us.

MR. BRANDT: There were traffic studies done years ago when we made some improvements on Paul Road and it anticipated certain amounts of increased traffic, which have obviously never shown up because not even half the land has been sold. So there is -- so there are some historic levels which could be compared to current, and I can't tell you what those are, except that when we went through the process to get the entire site developed, and did the improvements, it was anticipated that there will be certain amounts of groaning based on traffic studies that were done at the time.

JOHN NOWICKI: I just want to put this out there for everybody to be aware of it, because of the densities, the type of zoning that you're talking about and what impact that will have. So you all have to think about that.

MICHAEL NYHAN: Roger (Brandt), I think you recognize that even if it does get rezoned, for each parcel, you would be -- you would be coming before us, and if a traffic study said based on that use, Paul Road needs to be improved or any intersection needs to be improved, that, of course, would be a condition of any approval for any future building or future sites that may go in any one of these pads. Correct?

MR. ROGERS: Correct.

MICHAEL NYHAN: And I think that is what we struggled with. We don't know what is going in there because there is nothing planned right now. We're just looking for a rezoning for the Town Board, but once they do rezone this, for instance, if they have a tenant with a proposed building, they will then come before our Board, Planning Board, for a site plan approval at which point we could ask for a traffic study. And if that traffic study indicated based on the use of the building that improvements needed to be done to that road, then we would make that a condition of the approval of the site plan. We would do that for every lot within that area.

MR. BRANDT: The County, in their engineering of that intersection, they -- and in working with Costich and SRF Associates, Steve Ferrante's group, I know there is a very large capacity that is built into the improvements which were done. I know there is a lot of capacity going up, but I can't tell you exactly what is going to happen in the future.

MICHAEL NYHAN: Right. Okay. All right.

ERIC STOWE: Only that this is just for a recommendation for the Town Board to consider the rezoning. We're not rezoning it here today. Just a recommendation to consider it going forward.

MICHAEL NYHAN: Thank you.

ERIC STOWE: Because we are not granting any approvals, we do not need to do SEQ. We're just making a recommendation.

MICHAEL NYHAN: Correct. All we'll be voting on is a recommendation. So it will just be a recommendation whether or not the Town Board should or should not consider this.

MICHAEL HANSCOM: No additional comments.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TOM PLATT, 414 Paul Road

MR. PLATT: Tom Platt. I live at 414 Paul Road which is right across the street from the

large parcel. And my main concern is truck traffic. Vehicle traffic and truck traffic are two different animals. You live right there on Paul Road and they go down through there at night, and, you know, they're rumbling down the road.

During the day, they like their Jake brakes coming down that hill from the armory. They put that Jake brake on and it just scares everything out of the woods.

But yeah, it -- Light Industrial, cars are one thing and trucks are another. Now, if you had a road going through back over to Jetview Drive off that large parcel, that has cut down truck traffic quite a bit. That -- that was a Godsend.

MR. BRANDT: Right.

MR. PLATT: That was my main concern.

JIM BREWER, 1 Loyalist

MR. BREWER: Jim Brewer, 1 Loyalist. So yeah, that's -- two doors down. Hi, Tom (Platt). Um, I guess I would just add to that, I -- I share that concern, too. I live right across from that field and the prevailing winds are always coming from the southwest, and so I would be concerned of anything that comes in there that is putting out any sort of fume or exhaust in addition.

Of course, noise would be a concern and, of course, the visual. Like the PKG Packaging, which is just to the right of that field, um -- they have the beautiful pine trees. They took them out. I'm like, "Oh, no, what are they doing?"

They put them back. They're small, still, but yeah, and that is just -- it makes a lot of difference just on the visuals and I appreciate what they do for their building and the -- they have been -- occasionally get just a little bit of noise but nothing that would be a concern.

So, you know, noise and fumes would be my greatest concern in addition to just the simple amount of truck traffic itself.

MR. PLATT: One other thing. The noise. The noise, it -- the truck from back there now, during the summer when you have the windows open, they're hooking up those trucks back there at night, you -- they sound like they're right in your bedroom with you. So, yeah. Barriers up would be nice.

Michael Nyhan 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: Any other discussion? As was mentioned, this is just a recommendation from the Town Board to hear this for a rezoning, taking into consideration the items that have already been mentioned are on the engineer's letter as a type of additional businesses that would be the most intensive use, if we added ADATOD to the Limited Industrial zoning.

I would just like to make a comment to the folks in the audience that did make comments, just so you know the process, if this is recommended to go in front of Town Board for rezoning, it would go in front of the Town Board at which point you could speak.

But also before any buildings could be built, the applicant would come before us for a site plan approval at which point you could also make comments relative to any of the items you would want to address prior to those buildings being built.

This is not the only opportunity you have. In the future you would have other opportunities to specifically address any applicant that came to that area. There is no SEQR. That will be determined by the Town Board. No conditions. We'll just take a vote on a recommendation.

Application of Rochester's Cornerstone Group, owner; 366 White Spruce Blvd., Rochester, New York 14623 for recommendation to rezone approximately 47 acres from L.I. (Limited Industrial) to L.I. with ADATOD (Limited Industrial with Airport Development Area Transportation Overlay District) at properties located at 100, 350, 400 International Blvd., and 100, 300 Trade Court.

The Board voted to recommend the rezoning to the Town Board. The vote was 3 yes to 2 no (Matt Emens and John Nowicki) to recommend.

MICHAEL NYHAN: This is defeated.

Eric (Stowe)?

ERIC STOWE: I believe it's a majority of the duly constituted Board, which would be seven, so you would need four.

MICHAEL NYHAN: Four votes, correct.

So the fact is we would just send to this the Town Board that it was not recommended or it is not going before the Town Board now?

ERIC STOWE: Wait.

MICHAEL NYHAN: Way ahead of you, right?

While Eric (Stowe) is looking that up, I need the reasons that we would decline this application. We need to articulate that. So for what reasons are we declining this application -- or this recommendation to go to the Town Board.

ERIC STOWE: We're not declining anything. We're not recommending.

MICHAEL NYHAN: I'm sorry. Not recommending. So what are the reasons for not

recommending it -- this to the Town Board?

MATT EMENS: It's almost 50 acres. And, you know, I appreciate the fact that the one lot is -- sounds like it is under contract that we will see something soon.

MR. BRANDT: Not if it doesn't get the zoning.

MATT EMENS: Hear me out. Approving one -- one of these at ten acres with an actual, you know -- someone coming in, that's one thing. But to just do 50 acres of 5 lots here with the ability, you know -- once again, I'm just looking at this real quick, but all it is, is the vacant lots in the area. So now we're just approving -- not approving. Now we're just recommending that all these lots go to this higher use. It's going to be more traffic with possible -- with -- with a lot of possible truck traffic. I just don't know if the blanket of doing all these lots -- I just don't think it's a solid plan.

RON RICHMOND: Aren't we just recommending that the Town Board review it?

MATT EMENS: We're recommending that we're okay with it.

JOHN NOWICKI: Yeah.

MATT EMENS: That -- we're saying we understand it and we think it's a good use of the -- of the land to rezone it for that.

JOHN NOWICKI: There are some strong issues here we have to look at. Just to recommend it, without reviewing all of these issues, I think is -- it's not in our favor.

MICHAEL NYHAN: Such as?

JOHN NOWICKI: The traffic, the intensity. It's the zoning. The zoning.

We have got -- it's industrial now. It's fine. It's been doing good. You know, I don't know what the neighbors are talking about, because I happen to live in a situation the same way.

ERIC STOWE: If I can.

JOHN NOWICKI: Just the intensity of the zoning that will change this whole picture.

ERIC STOWE: The recommendation to the Town Board is -- the -- if the vote of the Board is that the Town Board not follow -- not adopt a rezoning amendment, you need to provide a report to them with your findings on why based on the criteria set forth in the code for considering the highest intensity use in that zone and then make that recommendation, your finding and report to the Board regarding that.

And then the Town Board has to act on it pursuant to their portion of the code.

MR. BRANDT: 20 years ago we bought the property. Obviously it hasn't worked out very well. We pay between a million and a half, \$2 million in taxes on these properties. It's not working very well. We need some help. We need some flexible zoning.

You're gonna get traffic if we sell the property without ADATOD, but it's taking a longer time. The question is, is the traffic really going to go up? It is going to go up because something is going to happen.

We have a company here coming from out of town very interested in coming. I can't tell you about all their -- it's not my place to tell you about that particular company. There is a couple of trucks a day that come into this place and drop off building materials. So yes, it's going to be more traffic but something is going to happen and you will get tax revenue on a building, not vacant land being paid for that has been sitting vacant for 20 years.

MICHAEL NYHAN: We understand that. We'll make all of these comments in a report to the Town Board.

MR. BRANDT: Great.

MICHAEL NYHAN: So they can consider that when you appear before the Town Board and they make their decision.

MR. BRANDT: Scheduled to go on the 16th, which is tomorrow night to the Town Board.

MICHAEL NYHAN: We'll be sure to make my report then for tomorrow night.

MR. BRANDT: Great.

MICHAEL NYHAN: I would like to know, again, strong issues such as traffic intensity of zoning and 50 acres of zoning for 5 lots without knowing the occupancy and track counts. Completing all -- or just not on the traffic counts. I don't have the code right in front of me, Eric (Stowe). Can you tell me what other areas we need to address?

ERIC STOWE: I believe that's -- I believe that's sufficient. I believe that's sufficient.

MICHAEL NYHAN: Those two comments are sufficient.

ERIC STOWE: Well, if there are other reasons that you're recommending --

MICHAEL NYHAN: I just --

ERIC STOWE: Or not recommending.

MICHAEL NYHAN: I just wanted to address all items. I wanted to be sure I addressed all of the items of the code while we're all here.

MATT EMENS: More than happy to make the point, too, I think once again that all five without real reason is where I have major issue. I don't have an issue with the fact that they have one lot here and the -- and possibly someone coming through but to rezone all of it -- I just don't think -- it's a lot.

MR. BRANDT: Sir, threshold -- can I ask -- two lots? I mean something more than just the one ---

MICHAEL NYHAN: No.

MATT EMENS: We can't do this.

MICHAEL NYHAN: You need to let this go in front of the Town Board now and they will make a decision. I will outline it in a report to them so they have it for tomorrow night's meeting so they can make a decision based on your presentation to them tomorrow night, what the Town Code says that that area is designated for ADATOD, but also their comments for why

we declined to recommend to them the rezoning.

All right?

That's it, the comments for the Town Board. I want to make sure, nothing else? That's it? Okay. So I will be sending a report to the Town Board that we decline the recommendation for --for tomorrow night.

Thank you, sir.

We have a couple of things to vote on here. The minutes. We have three Planning Board minutes to approve. One is the September 20th, 2016, Planning Board. I would like to accept a motion -- make a motion we accept these draft minutes as our official Planning Board minutes.

JOHN HELLABY: Second.

The Planning Board was unanimously in favor of the motion.

MICHAEL NYHAN: September 26th, 2016, the Planning Board minutes, the draft copy received. Make motion to accept these as minutes of our Planning Board.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: And the final is the October 11th, 2016, Chili Planning Board meeting minutes. Make a motion to accept these minute, as well.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Any other business before the Board.

The meeting was adjourned at 9:09 p.m.