

CHILI PLANNING BOARD
December 11, 2012

A meeting of the Chili Planning Board was held on December 11, 2012 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 James Martin.

PRESENT: Richard Brongo, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

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

Chairperson James Martin 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.

JAMES MARTIN: I will make a slight change to the agenda as it is published. We'll be hearing Applications 1 and 2 and then the informal application after we finish the second Public Hearing tonight. Then we'll move on to the additional Public Hearings.

1. Application of Kate Huff and James Polmenteer, 92 Fenton Road, Rochester, New York 14624, property owner: Upstate Properties of Chili LLC; for preliminary site plan approval for a change of use in portion of building to allow a retail monument and memorial store (formerly karate school) at property located at 3313 Chili Avenue in GB zone.

James Polmenteer and Kate Huff were present to represent the application.

MS. HUFF: I'm Kate Huff.

JAMES MARTIN: Any presentation for the Board?

MR. POLMENTEER: No.

JAMES MARTIN: We actually need to have something up for the public to see what you're planning to do.

KAREN COX: You can do that (indicating).

MS. HUFF: Thank you.

JAMES MARTIN: Basically it is an interior sketch plan of the design of the facility. It used to be a karate, mojo or whatever they call those things.

In your letter of intent you indicated there will be no outside storage of any monuments or anything --

MR. POLMENTEER: That's correct.

JAMES MARTIN: -- related to this particular activity.

MR. POLMENTEER: Yes.

JAMES MARTIN: Everything will be contained within the structure itself.

MR. POLMENTEER: Inside.

JAMES MARTIN: As far as it goes, people would come in and review what you have or catalogues or something of that nature, choose what they desire to have for a memorial --

MR. POLMENTEER: Correct.

JAMES MARTIN: -- at the cemetery, I'm assuming?

MR. POLMENTEER: Correct.

JAMES MARTIN: You would take the order and it would be actually fabricated off site?

MR. POLMENTEER: Off site, yes.

JAMES MARTIN: Do you have a definite offsite --

MR. POLMENTEER: I have a shop in East Rochester in Linden Avenue that does all of the actual work.

JAMES MARTIN: So the order would be there. It would go to your shop and you would do the engraving or whatever?

MR. POLMENTEER: Correct.

JAMES MARTIN: As far as interior renovations, I don't think there was anything of any great consequence. Some office spaces and bathroom, closet and then the display area. That's all I got.

PAUL WANZENRIED: Have you done this before?

MR. POLMENTEER: I have been doing this for about 50 years.

PAUL WANZENRIED: You had a previous monument and marker store, I guess is that

what you call it?

MR. POLMENTEER: I have not done retail in this country. I lived in Canada and did work up there. But I have been basically a monument maker, stone cutter since my early teens. I have been in business in East Rochester now for 15 years.

KAREN COX: That was actually my question, was, you know, if you had a retail operation.

Now, why -- I guess I'm curious if the fabrication shop is in East Rochester, you know, the retail store is a distance away from there.

MR. POLMENTEER: Um, I -- I live here now in the area, and there has been some closures and there really isn't any retail memorial stores anywhere around here. The closest really is State Street downtown. You can go out to Leroy, there is one, but there is nothing that services the west end and the south side. So I -- and when that location came up, it looked perfect. It has nice exposure.

KAREN COX: Yeah.

MR. POLMENTEER: It's a nice space inside. It is quite nice. We want to make it a very nice, upscale experience for people.

KAREN COX: So you will have samples of the monuments?

MR. POLMENTEER: Yes. We'll have monuments.

KAREN COX: I'm familiar with the State Street place. You will have samples and people can come in and place their order?

MR. POLMENTEER: Uh-huh.

JOHN HELLABY: Signage will fall in accordance with all of the sign ordinances in the Town of Chili.

MR. POLMENTEER: I'm sorry, sir.

JOHN HELLABY: Signage, the building signage, will follow the ordinance.

MR. POLMENTEER: Yes. I have the paperwork for that. Until this was settled I have not pursued that, but I do have a preliminary design for a sign.

JOHN HELLABY: This type of business doesn't lend itself well to neon flashing open signs and all of that.

MR. POLMENTEER: No. It will just be a plain, unlit sign. It will probably be gray, black and white. It's going to be very conservative.

JOHN NOWICKI: Do you know all of the funeral directors on the west side?

MR. POLMENTEER: I'm familiar with several of them. I do plan on going around and reintroducing myself to some of them. Some of them are tied to other dealers, but that would be -- it would be nice, for example, Mr. Bean down the street here. I have a friend who is an acquaintance of his. Yes. It would be nice to collaborate.

JOHN NOWICKI: Do you actually over in East Rochester carve the monuments and do you physically bring them into the store?

MR. POLMENTEER: Well, there will be monuments in the store.

JOHN NOWICKI: How much do they weigh apiece?

MR. POLMENTEER: Granite is approximate 185 pounds a square foot.

JOHN NOWICKI: How do you move them into the store?

MS. HUFF: Dollies.

JAMES MARTIN: Those are samples, but anything you engrave for a customer would go to the cemetery?

MR. POLMENTEER: Yes. What is in the store stays there. There will be duplicate pieces at the shop.

JOHN NOWICKI: Catalogues to look at.

MR. POLMENTEER: Brochures and catalogues and actual stones, as well.

JOHN NOWICKI: And engraving on the site?

MR. POLMENTEER: No, no. Sales. I have a laser and the whole nine yards over at the shop in East Rochester.

KAREN COX: That's really cool.

JOHN NOWICKI: Thank you very much.

MR. POLMENTEER: Yes. I will give you the nickel tour sometime.

JOHN NOWICKI: I'm at the right age. (Laughter.)

JOHN HELLABY: Don't push it.

KAREN COX: Knock on wood.

RICHARD BRONGO: I'm assuming you will be bringing your product in through the side door rather than front door?

MR. POLMENTEER: Yes.

RICHARD BRONGO: Is the side door wide enough to get your product in?

MR. POLMENTEER: Yeah.

MR. JONES: Nothing really. Just as noted in Michael Hanscom's letter, the resolution should make a specific finding it is the same type of use in character, permitted use.

JAMES MARTIN: It's a very similar. Ace Swim --

MR. JONES: Yes. Just say that when you make the resolution.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin 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.

JAMES MARTIN: I did not note any conditions of approval as we went through. Basically they're asking for preliminary and final. They have paid the fee for final. Consensus of the Board?

The Board indicated they would waive final.

JAMES MARTIN: It will be for an indefinite period as long as you're in business there. So we'll waive final for an indefinite period of time.

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

DECISION: Unanimously approved by a vote of 7 yes with no conditions:

1. All conditions imposed on this site still pertinent to this application remain in effect.

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

2. Application of Mr. and Mrs. David Lukacko, owner; 12 Nyby Road, Rochester, New York 14624 for special use permit to erect a 20' by 36' addition to house for an in-law apartment at property located at 12 Nyby Road in R-1-12 zone.

David Lukacko and Sheila Lukacko were present to represent the application.

MS. LUKACKO: Sheila Lukacko.

MR. LUKACKO: David Lukacko.

JAMES MARTIN: Do you have any presentation tonight for the Board?

MR. LUKACKO: Just --

JAMES MARTIN: This is basically a sketch plan.

MR. LUKACKO: Yes. We submitted earlier, too.

JAMES MARTIN: I know the Town Engineer has been out there, inspected. Parking is not an issue. There wasn't any other significant comments. There are special provisions if this goes forward tonight that I will impose as conditions, if this is approved, and you will get a copy for this, but there are, you know, four conditions that are applied to any in-law activity that comes before this Board. So we'll get to those in a little bit.

I don't have any significant questions at this time.

KAREN COX: I guess the only thing that makes me a little -- I don't want to say nervous, but, you know, my mother-in-law lived with me for ten years, and she was on the first floor and never went to the second floor because of the stair climbing. So I noticed that you -- you know, you are -- there are going to be some stairs, it appears.

MS. LUKACKO: We're thinking about putting ramps in place of the stairs.

KAREN COX: Okay. That would be handy, at the correct grade?

MS. LUKACKO: Yes.

KAREN COX: Is wherever there were stairs, you're thinking about ramps?

MS. LUKACKO: Ramps, right.

KAREN COX: Would you be building the bathroom wheelchair accessible, handicapped accessible?

MS. LUKACKO: We never thought of that.

KAREN COX: We did when we put ours in. Just speaking from experience here, just because, um, towards the end of her life my mother-in-law had a walker and the wider doors were more helpful.

MS. LUKACKO: Great. Thank you.

KAREN COX: That was all.

JOHN HELLABY: Part of this is actually going into the existing structure, correct?

MS. LUKACKO: Yes.

JOHN HELLABY: What are the existing rooms in that portion of the house now?

MS. LUKACKO: The family room right now would be where her bedroom would be. And then in our laundry room we would like to make the bathroom.

JOHN HELLABY: But does the laundry room remain?

MS. LUKACKO: We're hoping the washer and dryer can stay in there somehow, yes.

JOHN HELLABY: You say family room. So is there another sort of family room gathering area upstairs?

MS. LUKACKO: We have a living room, too.

JOHN HELLABY: Oh, okay.

JAMES MARTIN: Split level.

JOHN HELLABY: There is no trees being removed from the lot, correct?

MS. LUKACKO: There might be the evergreen in the backyard, yes.

JOHN HELLABY: You know, rough idea how this impacts the pool as far as distance? Do you know roughly how far from the pool it will end up?

MR. LUKACKO: The tree --

JOHN HELLABY: No, the foundation of the addition.

MR. LUKACKO: Oh, I don't know. What did we say? It's -- let see. It was 48 -- 48 feet.

MS. LUKACKO: It will be plenty of room, but I don't know exactly.

JOHN HELLABY: Well, there is a minimum requirement. I just want to make sure you're aware of that. I don't think you will, but you might want to check.

MR. LUKACKO: Do you know what the minimum requirement is at this point?

PAUL WANZENRIED: I think it is 10 feet.

MS. LUKACKO: I would definitely be 10 foot.

KAREN COX: Yes.

JOHN HELLABY: All right. That is all.

JOHN NOWICKI: I assume the in-law is -- him or her drives a car?

MS. LUKACKO: Yes, she does.

JOHN NOWICKI: They will park in the driveway?

MS. LUKACKO: Yes.

JOHN NOWICKI: Will there be a sidewalk to go all of the way around the back?

MS. LUKACKO: In the front we'll have a sidewalk going to the back. We were wondering if we could have a door also on the side of the house.

JOHN NOWICKI: New sidewalk going in.

MR. LUKACKO: Well, extension to the one we already have.

JOHN NOWICKI: Okay. And then you will put lamps in. The new construction is the new living room area and the new dining and kitchen area?

MR. LUKACKO: Yes. The --

JOHN NOWICKI: The bedroom will be existing.

MS. LUKACKO: Correct.

JOHN NOWICKI: Will there be basement under this?

MR. LUKACKO: No.

JOHN NOWICKI: Just slab-on-grade type thing?

MR. LUKACKO: Yes.

JOHN NOWICKI: Okay. You will certainly enjoy it. I know. I have an in-law apartment.

KAREN COX: We did.

JOHN NOWICKI: We had a lot of fun with it. It has been exciting, so good luck to you.

DAVID CROSS: Just a question on the exterior finishes, will they match the rest of the house? Will the colors be the same?

MS. LUKACKO: Yes.

MR. LUKACKO: Yes. That is what we want to do.

DAVID CROSS: Roofing will match.

MR. LUKACKO: Yes. We just got the roof last year. It is fairly new, so.

RICHARD BRONGO: Just a suggestion. I have to agree with Karen (Cox). I had my mother living with me for a while, too, and there was only one step and that even got to be a problem for her. You might want to consider blocks up and make her living room and kitchen the same level as the bedroom so that there is no steps to consider. And then you would have a space underneath the room if you had to do that, but that is your call. But just something to keep in mind.

MR. LUKACKO: Thank you for the input.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin 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.

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

JAMES MARTIN: Getting back to what I inferred earlier, and you will get a letter on this, assuming it goes through with the final vote, as far as conditions go, a special use permit is granted for use by in-law only, all right, and shall not -- it shall cease to exist when the in-law ceases to use it and shall become permanent if built, okay? So in other words, you understand that? As long as the in-laws are there, it is okay, but you can't rent it out.

MR. LUKACKO: Right. That is what Kathy (Reed) said when we first came in.

JAMES MARTIN: That is the second one. The apartment can't be used a rental unit.

Your attorney is to file a decision letter, which is what I am writing, okay, in the book of deeds at the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney, Mr. Jones, and the Building Department. In filing the decision letter, it shall be indexed against the property owner's name.

So your attorney has to take care of that for you.

And obviously then it would be pending approval of the Building Inspector as far as meeting code requirements and those things that are pertinent to the building.

MR. LUKACKO: Okay.

JAMES MARTIN: For the construction itself. And there has already been several hints about this. It is a note that we put in here that you should consider wider doors and those types of things that could become important later on.

MR. LUKACKO: Sure.

JAMES MARTIN: Anything else? The time period is basically set by condition, as long as it is in use, for in-law use. That is the time period.

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

1. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
2. The apartment may not be used as a rental unit.
3. Applicant's attorney to file decision letter in book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Building Department. When filing, decision letter shall be indexed against property owner's name.
4. Pending approval of the Building Inspector.

Note: Applicant should consider wider doors in the in-law apartment to be handicap accessible (including grab bars, wheelchair ramp, etc.).

INFORMAL:

1. King Road Properties LLC, 244 Lake Avenue, Rochester, New York 14608 for revised site plan approval to eliminate the fence from the southeast corner of the shop building to the southeast corner of the paved area as per the approved site plan at property located at 8 King Road in LI zone.

Herbert Stevenson was present to represent the informal matter.

MR. STEVENSON: My name is Herbert Stevenson. I go by the nickname of Chip. I'm the owner of King Road Properties, LLC, and King Road Properties is the headquarters of BVR Construction. I'm also the owner of BVR Construction.

We have completed our project. I -- I know the photographs are small, but we have completed our project, and when we got near the end, from the corner of the shop -- you can see the shop is in the distance. The larger building is the shop. The -- the approved plan showed a solid fence along the south border of that property with a return here of 8 feet, and it was meant to be a barrier so that people, you know -- it's limited -- the property is zoned Limited Industrial, and that is just a standard for that. This is our yard where we park equipment and so forth. But when we finished -- when we finished what we built so far, our driveway comes into this area (indicating), and there is nobody to the -- you can see from the photographs, these photographs were taken -- this is from our driveway (indicating). You can see our driveway here (indicating). This is from this area looking this way (indicating), that photograph.

Nearby is Paul Road. This is from the north side of Paul Road, on the east side. Approximately the abutment of the bridge (indicating). The middle of the median you can see the one side of 490.

The opposite side of the eastbound lanes of 490. This is on the abutment of the Paul Road bridge (indicating). Just to give you a sense for the natural barrier in this area for any visibility as far as where our operations are over there.

We own all of the properties from the DOT right-of-way to 490 to the railroad, and we really would like not to construct this fence because there is a lot of people who will be working around the shop and going into the yard for equipment over a period of time, and so we looked at it with the natural vegetation there, we thought we would ask the Town if we could not -- not construct this fence (indicating). And I wrote a letter, and I said, you know, if -- if this property -- we own the property to the east also. If this property down here ever became developed and there were other owners or other businesses and so forth in this area (indicating) where it would be a visual, let's say a visual concern of other people who might be driving down this road in the future, we could put this fence up at a later time. But it is just my request not to put that fence up. I think as far as the overall project, we have complied with everything else that was required of our project. That's basically my information.

JAMES MARTIN: I have been back in there. It's a very, very nice looking facility.

MR. STEVENSON: Thank you.

JAMES MARTIN: You have done a marvelous job in meeting all of the requirements that were indicated by the Board.

As I look at the landscaping along the -- I guess I will call it the south edge of the property, you have a lot of pine trees planted there now.

MR. STEVENSON: We do. They probably don't --

JAMES MARTIN: You know, as I observed the site and the -- the best visibility you get is over -- over, I will call it, the King Road, the Paul Road overpass over 490, you get a pretty clear view looking back into your site. And I was wondering, if it would be possible, to extend that row of pines a little farther to the east, which would give some visual, you know, blockage or whatever of the yard without -- without building the fence itself. I think there might be room for it. I'm not sure.

MR. STEVENSON: Let me just explain what we did, so people understand.

This -- this here (indicating), there is a continuous row of pines up to about here (indicating) along the driveway. This is kind of a woody brush area that was never cleared (indicating). Then these are all of the trees that we have planted (indicating). You can see them in this photograph (indicating). They're kind of behind the existing vegetation.

As you're saying down in this area (indicating), well beyond, like over in here (indicating)? We could add those trees. You know, kind of continue the same pattern.

KAREN COX: They will grow in.

PAUL WANZENRIED: In lieu of fence.

MR. STEVENSON: There is area over here (indicating) that is not cleared. If we carried that pattern up to there. I don't think we could do it any more this winter, but we could do it in the spring.

JAMES MARTIN: That is what I am thinking. Because from the expressway you don't see hardly anything in there, but from the overpass, there is a pretty square shot back into the property itself. And having the pines grow up there, I think that would shield any visibility.

MR. STEVENSON: You don't -- that is agreeable. I have no problem with it. I think it would look good also.

JAMES MARTIN: I'm throwing it out to the Board to think about.

KAREN COX: I'm fine with it.

JAMES MARTIN: That's a possibility. That's all I had.

PAUL WANZENRIED: I concur with your assessment. That is what I would suggest, as well.

KAREN COX: Me, too.

JOHN HELLABY: I'm in agreement.

JOHN NOWICKI: I like it.

DAVID CROSS: And I.

RICHARD BRONGO: And I.

PAT TINDALE: I just want to know, are you going to have to clear an area in order to put the additional evergreens in?

MR. STEVENSON: In that area we ran a gravity sewer so it has been cleared right up to the State right-of-way. There is the, um -- there is the plan for that road to follow like an offset from the DOT right-of-way. In other words, if anybody ever -- it's our property, but if anything ever happened to the east of that, so it would be kept the same pattern, and put the trees in there and fit it in there and it has already been cleared. Up until the north/south clearing of what we have developed there so far.

PAT TINDALE: The trees you have in there are excellent by the way. We're really impressed with the landscaping.

MR. STEVENSON: Thank you very much.

JAMES MARTIN: It would be the same species.

MR. STEVENSON: Yes.

JAMES MARTIN: So basically what I am going to do then is -- let's see. Just to be on the safe side, Michael Jones, I will do the SEQR because we are revising the site plan.

MR. JONES: Okay.

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

JAMES MARTIN: What I will do, if this is a positive vote, is in the letter I will indicate that we're requesting extension, all right, of the evergreen plantings --

MR. STEVENSON: There are hardwoods and evergreens. We'll do both.

JAMES MARTIN: Whatever you have done, continue that pattern until you get to the point where it is no longer cleared, all right? Everybody understand what I will ask for?

The Board indicated they understood.

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

1. The applicant agrees to extend the landscape plantings currently in place along the southern property further to the east up to the undisturbed brush and tree line. The Board concurs with the applicant that the new plantings will not be put in place until spring of 2013.

JAMES MARTIN: Once again, you have done a fantastic job over there.

MR. STEVENSON: We're all happy to be over there working in there. We call it the

BVR park.

JAMES MARTIN: You probably have deer walking around your yard.

MR. STEVENSON: We have deer, turkey, geese, ducks.

KAREN COX: A little different than what walks around your yard downtown.

3. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for preliminary subdivision approval of two lots into two lots to be known as 3209 Chili Avenue Subdivision at properties located at 3209 and 3219 Chili Avenue in GB zone.
4. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for special use permit to convert existing building, with addition to a retail tire supply store and minor motor vehicle service station at property located at 3209 and a portion of 3219 Chili Avenue in GB zone.
5. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for preliminary site plan approval for a change of use to convert existing building, including a 1200 sq. ft. addition to a retail tire supply store and minor motor vehicle service station at property located at 3209 and a portion of 3219 Chili Avenue in GB zone.

Rob Fitzgerald and Adrian Goddard were present to represent the applications.

MR. FITZGERALD: Good evening. Yes. My name is Rob Fitzgerald, Project Engineer representing Bob Fallone as well as Mavis Tires. Mavis Tires, if you don't know them from around here, they do have 160 stores and they did acquire Cole Mufflers. So they are large.

This would actually be -- I have the builder here tonight, the developer I should say, Adrian Goddard who would like to purchase this building. Once everything is complete he would probably sign upwards of a 20-year lease to Mavis Tire. This isn't a year in and out. There is a significant investment going into this with an established company.

Primarily what they do, hence the name Mavis Tires, is the tire repair. They also do tire sales. But mostly it is tire services. With that, too, other minor car services. They do provide brake services, mufflers, suspensions, wheel assignments, oil changes, State inspections.

As for the look of the building, it is pretty similar on the three sides as what was previously approved from the Architectural Review Board. If I can approach the Board, the front is different because we do now have four bays and we do have a new front as well as the main entry. We have four bays which are double-stacked. In the back we have storage of tires. We have a showroom up front. There is a waiting area. There is actually a little kids waiting area, as well.

Then, of course, lockers for the workers. Um, mechanical room, toilet. Obviously toilet for the guests that are coming to get their vehicles serviced.

As far as the site plan goes, we did adjust -- presently this property is as such (indicating). We have since extended this property line back to this L-shape, the rear of this L-shaped property line.

So we added about 40 feet. That would take care of their needs. Mr. Fallone would retain ownership of the L-shaped parcel. With that said, we would give access to this parcel through an ingress/egress easement as well as a 20 foot wide drive.

We also wanted to maintain roughly a 9 foot drive aisle heading north to south such that if this got congested, the employees could bring cars toward the back.

Probably not required, as you probably saw, but we do require 14 parking spots which we have. One thing we didn't have on the plans previously was a dumpster enclosure for -- mostly for tires.

As far as the tire pick-ups, they do tire pick-ups twice a week, so it is not sitting out there for a month just accruing tires. They do oil changes, as well, and the oil is picked up once a month.

I did not show any proposed storm water mitigation on this project, simply because we're not increasing the impervious area. It is pretty much dead nuts on. I calc'ed the difference. There is actually a decrease on this parcel, .012 CFS for a ten-year storm, so I did not propose any mitigation. It was brought to my attention by the Town Engineer that there is some ponding and they have drainage problems to the south of us. This property here (indicating). Obviously there is a lot draining towards it. There is Kwik Fill. There is an insurance agency, as well as I believe the Town & Country, as well.

But with that said, and since he shined light on that, we do have a depressed area, which we have for -- a temporary sedimentation basin in. If we needed to, we could possibly convert that to a rain garden to help alleviate some of the drainage that is currently traveling onto the property to our south. Like I said, the parcel itself is only .45 acres, so we don't need to do any SPDES requirements. We're not over an acre. Again, our impervious is staying the same. Because right now the whole front of the building, from lot line to lot line is asphalt and then there is concrete pads in the rear. There is gravel areas. We're also adding some green areas, because there is none now on either side of the front entryway, as well as the triangle piece up front. Those will be landscaped and then we also have some in the back, too.

The Town Engineer brought up a great point. We had our rear door coming out here. He said to prevent some conflicts with vehicles and pedestrians, see if we could realign it into the grass to have a concrete pad and a landing. And also with that, too, we would need, I think, three

steps, maybe four. That was good feedback from the Town Engineer that we would like to incorporate into the plans.

I did receive the Town Engineer's comments. I went through them. I don't know if you want me to go through them now or take some comments from the Board?

JAMES MARTIN: Well, I would be interested to hear how you're handling all of the Town Engineer comments because there certainly were a lot of them.

MR. FITZGERALD: Yep.

JAMES MARTIN: So if you want to, you know, address the pertinent ones that you feel at this time, that would be fine.

MR. FITZGERALD: Yes. I will buzz through them. If I'm going too fast or you want me to hold up, certainly grab my attention.

I will start with the subdivision portion. The first one is just reiterating what we are doing and we're proposing that lot line adjustment.

Then it goes into talking that it is zero side setbacks. One -- then we go down to -- it says the lots don't meet the 250 foot depth. That's true. It doesn't. But again, this parcel we're not changing the lot depth (indicating). This parcel, it actually ends here (indicating), we're actually increasing its depth. So yes, it doesn't meet the 250. I would like to see what the Building Inspector would say if it is preexisting, non-conforming. I realize we're doing a subdivision, but we're actually making the situation better. But if it is deemed that we need a variance, then, of course, we would have to appear before the ZBA.

JAMES MARTIN: I don't see anyway around that. It's in our code, 250 feet.

MR. FITZGERALD: Well, when we did combine these lots previously, that wasn't a condition of approval when we combined the two lots.

JAMES MARTIN: Well, I just -- I don't see anyway around that.

MR. FITZGERALD: Okay. Moving on to Number 2, the gist of that is why are we not combining the two parcels, and the reason is Mr. Fallone would like to continue to own the L-shaped parcel and Mavis' needs are such that they don't need both parcels. But with that said, we did want to give them ingress/egress easement to the back of the parcel such that they could have access.

We haven't -- we're still working out how we want to describe this easement because if it was developed in the future, we would possibly want to shift the driveway, but we would have to give them that access. So I don't know if we would just -- that would be for the attorneys to work through, but there will be an ingress/egress easement.

That touches on 2 and 3, as well as 4. It kind of touches on the subdivision portions of the Town Engineer's comments.

Um, the second group of comments is regarding the special use permit. Number 1 is just stating that -- well, what we are proposing does fit in the zone of the special use permit that we have applied for.

Number 2 is just talking about the parking spots required. He has 14 and we are proposing 14 parking spots, so we do comply there.

And Number 3 is just that this is not the final review letter. There will be more, and we understand that. This is only preliminary at this point. We realize we have some ground to cover as far as going to the Architectural Review Board as well as the Landscaping Board, but we did want to kick off this project and get the Board's feedback.

The next group of comments goes into the site plan portion. The concern was that the building, the proposed building addition, which is this dark brown area (indicating), additional 1200 square feet was too close to this property line to construct the building. And the comment was to obtain an easement from the neighbor Kwik Fill or slide the building 10 feet. We would prefer to keep that same common party wall, the western range line, keep that, so we would just need a temporary easement for approximately 15 feet. That would be our preferred solution. Our backup plan, if we had to, we do have room where we could shift the building 10 feet. But then again, we're offsetting roof lines as well as building lines.

Number 2 discusses storm water. As indicated, we're not increasing impervious area. It is a small site, but I can work through with Dave Lindsay as well as the Town Engineer and if it is deemed necessary to help mitigate some of the drainage issues to the south, we can look into doing the rain garden which would even just help the situation to the south.

Number 3 goes into our one-way travel lane along the east side of the building. We have a 1 foot curb against the building, 9 foot travel way, and 6 foot curb along the eastern side so we do have 10 1/2 feet there total. But keeping it with that 1 foot, I guess if you look at it as a drive-through, typically you have a 12-inch curb so people aren't running into the building, and we're trying to do the same thing in this situation. Again, we think that would be nice. We don't want cars to get queued and stacked up on the Chili Ave. side, so that is kind of a relief port, if you will.

And certainly the Town Engineer -- I think the Building Inspector -- or Dave Lindsay brought up a good point. We don't want large trucks using that lane. Of course, we have to have the appropriate signage it is one-way, you know, not for anything except pedestrian cars. And that signage we can certainly add. 9 foot wide ideal? No, it is not. Banks, typically they have 8 feet. Everyone knows how tight 8 feet is, a teller window. Pretty tight. We have a foot more than that, but it is kind of what we're confined to.

And again, if we just limit it to the employees bringing cars back there, we think that would be a helpful site plan feature, if you will.

Number 4 talks any additional exterior lighting needs to be dark sky compliant, which it

certainly will and we'll add notes on the plan that dictate that. It's actually hard to find ones that are not dark sky compliant nowadays.

Number 5 is a good comment, too, from the Town Engineer. We did terminate our curbing to this point (indicating). The thought was to keep everything sheet flowing so we don't have a point discharge. But if we do extend it just a short distance, we can then capture the runoff into that small depressed area. That's a good comment we would like to incorporate into our plans.

Then more, 5 again is talking about increasing storm water flows to the south, which again reiterating we are not doing that. It's the same. If anything, we can add that rain garden to help alleviate some of their drainage issues.

Number 6, I guess it is something I would like to discuss with the Town Engineer. He is recommending doing swaling or berming to get this area to drain to this existing swale, if you will. Um, we could. My thought is, again, it would be nice just to -- typically you don't want that point discharge. If you have the sheet flow, you keep everything going. Either way. We can work through that detail.

Number 7, I talked about a little bit. Um, that was referring to not having an exit coming out the back where there is potential for somebody opens the door and they're into a traffic lane. This is pretty wide, over 30 feet, so we could put a sidewalk there, but I do like the idea of just rearranging the interior of the building such that we discharge to this grass island and can have like a concrete pad and it's safer. That's a good comment, relatively minor, but it would be a nice addition to the project.

Number 8, I have shown a location for a dumpster enclosure as well as tire enclosure. Again, this isn't something where tires would be building up for 30 days. It does get emptied two times a week.

JAMES MARTIN: Can you locate that on that plan?

MR. FITZGERALD: (Indicating). I just learned something new. That would actually be the dumpster enclosure only. Tire storage would be inside the building.

PAUL WANZENRIED: Where is that? Say that again.

MR. FITZGERALD: Tire storage of used tires would be inside the building.

PAUL WANZENRIED: So there is no dumpster?

MR. FITZGERALD: There is still other garbage. So that will be sized down. I had that 16 by 10, so that will be scaled back for general garbage and recycling.

Number 10 is saying that we potentially would need a letter of credit for the project. And we can discuss that further.

Typically you post a letter of credit if there are public utilities or public sidewalks or public site improvements. In this, they're all private. But again, we can work through those details.

Number 11 talks that we need these plans to be certified by a landscape architect that they were -- that the plantings were installed in general conformity of the improved landscaping plan.

On our landscaping sheet, note Number 14, um, it does state that. So we have covered that.

So that was kind of my first flush the last couple days going through the comments. Obviously this is our kick-start meeting on the project. We still have other Boards to go to. Apparently the Zoning Board, as well.

I did get good feedback from the Town Engineer. I think we can work through a lot of them. Again, it is kind of a small site. You know, so we're not -- again, it's a redevelopment site. Lots of existing asphalt. Lots of building.

As far as the building, to reiterate, the same building pretty much has the hip roof as previously approved.

The question was brought up to me, "Why aren't we just demoing this building?"

Essentially we are. We are keeping the foundation. We'll be filling in the foundation. Of course, the whole front facade will come down, with the four bays. If possible, if we can keep some of the exterior walls, maybe we will. But essentially it is being brought down and we're using the basement as the footers and we will be filling it in.

That's a lot of talking for me, so I will give it to the Board with any comments.

JAMES MARTIN: I will start off by saying that obviously the Town is very anxious to have that eyesore taken down, for a long period of time. But whatever replaces that building, we want it done right, okay? We want it to be an asset to the Town. It's in a very, very central location in the Town of Chili, so from that standpoint, I think we'll look at this one very, very hard from what you're proposing to put in there, and, you know, there is a lot of comments in the Town Engineer letter that I really think you need to look at from a very thorough perspective. You know, there is a lot of comments about some cross-access agreements, those types of things, that I think need to be investigated.

Clearly, even though you're say here your disturbances come up to the minimum requirements from the DEC standpoint, I really think that will have to be looked at very hard. The last thing we want to do is start hurting somebody else to the south of this property because we got more water flowing over there, so that will have to be looked at and studied very carefully by yourself working with the Town Engineer and the Commissioner of Public Works.

I'm glad to hear that the used tires will be stored inside the building. That certainly is something that I had a major concern about, having visited other sales locations and looking at how they handle that problem.

MR. FITZGERALD: Sure.

JAMES MARTIN: Some do it well and some don't do it well. So the expectation is this would be done extremely well. And having them inside the building will certainly be a benefit.

How many employees will be --

MR. FITZGERALD: Seven.

JAMES MARTIN: Seven employees. So seven of your parking spaces will be taken up by employees; is that correct?

MR. FITZGERALD: Yeah. That is why we're thinking let's push them to the back and then we have the whole front open for guests, if you will.

JAMES MARTIN: I -- I have no idea what the average through-put is on a daily basis for people coming in and buying new tires or having service on their vehicles. You have what, eight parking spaces out front, I believe. I don't know. According to our code that will be adequate, but hopefully we won't have other issues.

Drive-thru on the east side of the property, what direction are you proposing that to be one-way?

MR. FITZGERALD: South, towards the back.

JAMES MARTIN: South. What is the primary purpose of that?

MR. FITZGERALD: Just to have a secondary access to the back. So if we did have to have cars that were serviced, you know, bring them to the back so we don't have to drive back out on Chili Avenue and around. It would be one --

JAMES MARTIN: You have seven employees, six parking spaces back there. Where are you going to store the cars back there?

MR. FITZGERALD: We would have maximum of seven. You know, for certain days -- good point. Probably --

JAMES MARTIN: You know. You're out of parking spaces. So I think you will have to rethink that a little bit.

As far as the dumpster goes, I don't know what you're proposing to put in there. I mean, is there adequate access of a vehicle to come in there to hook up to that dumpster? You don't have a lot of space to work with back there.

MR. FITZGERALD: That is a good comment. I need to look into that further, too, to see what exactly our needs are, now that -- I was under the impression tires would be stored outside. So we'll have to visit that one.

JAMES MARTIN: There is a couple comments in here about cross-access easements. One is with Kwik Fill and one with the Town & Country Restaurant. I don't know if there has been any investigation from a legal perspective as to whether or not those cross-access agreements would be able to be put in place. So I don't know the answer to that.

MR. FITZGERALD: Well, we do have -- I'm going through the previous approval on this property, we do have and I have records of the cross ingress/egress easement with Town & Country. I do have that on file. It exists.

As far as Number 2 goes, my client owns both parcels now so legally we could get an ingress/egress easement on that property to access that. So we can take care of that.

JAMES MARTIN: The comment about the 1 foot distance between the proposed addition and the property line, actually how much property space exists, all right, between the two buildings at that point, do you know?

MR. FITZGERALD: The back of the Kwik Fill actually stops short of our proposed building addition. Here is the Kwik Fill's rear line (indicating). So it is almost in alignment with a framed shed. But it looks like the -- 13 feet, 14 feet approximately.

JAMES MARTIN: How much?

MR. FITZGERALD: 13, 14 feet. That's to the frame shed. And again, the rest of the area is more open.

JAMES MARTIN: Well, those are my preliminary comments at this point, Paul (Bloser).

PAUL WANZENRIED: You said Mavis is a national chain?

MR. GODDARD: Regional chain. Adrian Goddard. Yes.

PAUL WANZENRIED: What is the size of your other stores?

MR. GODDARD: They're between 6 and 7,000 square feet.

PAUL WANZENRIED: So we're on a smaller side here?

MR. GODDARD: Yeah.

PAUL WANZENRIED: You said you had seven employees of which we would question the parking on that. You said the snow storage, I see where you're showing your proposed snow storage. It is also where you're proposing plantings, as well, and your handicapped signage.

Do you see it as somewhat congested?

MR. FITZGERALD: We do want some greenery in the front of the building. Really this is the only orientation we would have for the parking so what we're proposing is deciduous trees with the branches up high so there is room to store snow. We won't propose pine where you have limbs all of the way down to the ground.

I think we have three or four trees on either side so we do have some space in between. Like I said presently.

PAUL WANZENRIED: And you have that curb, as well; is that correct?

MR. FITZGERALD: Yep.

PAUL WANZENRIED: Is all of the building lighting -- is the lighting going to be building-mounted or on a pole? I didn't see any signs of any sort of lighting poles.

MR. FITZGERALD: At first flush, we thought it would all be on the building, because it is a tighter site, if you will. But we may have to look into -- well, we do have to look into possibly a pole light in the back that would shine for the back parking lot.

PAUL WANZENRIED: The back parking lot. Would you also light this ingress and

egress that is coming out behind Kwik Fill? Would that be lit to some degree? I will rephrase it. I think it should be lit.

MR. FITZGERALD: I think -- the thing is their hours of operation, which I didn't mention, are Monday, Tuesday, Wednesday, Friday 8 to 6 o'clock. Thursday 8 to 8:30 and Saturday 8 to 5. I hem and haw a little bit because do I think it needs to be lighted because -- most of those hours? Most of them are during the daylight. But I think we'll have to light that, as well. It's a good point.

PAUL WANZENRIED: Deliveries. What kind of delivery trucks would be coming in? Where would they come in, front? Will you deliver off the main? Are we coming in the back end here?

MR. FITZGERALD: Adrian (Goddard), do you know the logistics?

MR. GODDARD: Mostly box trucks. Once every month or so there is a tractor-trailer. We can work around that, if necessary, for a particular site.

PAUL WANZENRIED: Based on your other stores, how many cars do you service a day and how many tires would you switch in a week, a month? Give me a range here.

MR. GODDARD: Through-put in a day, in a good store would be 25 to 30 cars.

PAUL WANZENRIED: Is that tires?

MR. GODDARD: Yes. It's -- it's tires, inspections, you know, sort of simple repairs.

PAUL WANZENRIED: That's quite a turnover.

MR. GODDARD: That's a good store.

PAUL WANZENRIED: That's a good store. Okay.

There is no Fire Marshal comments as of yet, are there?

JAMES MARTIN: As of right now, we do not have Fire Marshal comments. Obviously it's going to be required and an operating permit.

PAUL WANZENRIED: The ceiling height, or the height of this building, can you give us an idea what that is?

MR. FITZGERALD: I'm not sure if we have that worked out.

Mr. Fallone, do you?

MR. FALLONE: The finished building? The finished building would be around 12 to 14 feet high for the ceiling.

PAUL WANZENRIED: For the ceiling.

MR. FALLONE: Then you have the rafters.

PAUL WANZENRIED: Is your proposed construction for that wood frame truss construction?

MR. FALLONE: Yes.

KAREN COX: I guess I'm curious why the current owner wants to maintain ownership of that smaller parcel because I can't imagine there is anything that can be built on that parcel, any structure, given how small the parcel is and the fact that there is an 8-inch sanitary main that you couldn't put a building over.

MR. FITZGERALD: Yes. There is a sewer main that crosses through there. We could do a small -- we sketched in, you know, I think a small 2500 square foot building or possibly, um, selling it to the neighboring parcel, without mentioning any names.

KAREN COX: For what?

MR. FITZGERALD: So they could expand their business when they're ready to.

KAREN COX: All right. You know, I kind of -- you have seven employees, seven possible employees. There is six spaces in the back of that lot. So right now, that is saying to me there is at least one spot that is deficient. Um, so I guess, you know, I would be curious to see how that is going to be answered.

The other, I had a question -- did you say there is not going to be tire sales at this --

MR. GODDARD: There will be.

MR. FITZGERALD: There will be tire sales.

KAREN COX: All right. So similar to say a Dunn Tire?

MR. GODDARD: Yes. They're a competitor, yes.

KAREN COX: Do you have any concerns that there is many similar businesses concentrated in this area as far as attracting customers or, you know --

MR. GODDARD: Not at all. We think this is a great location.

KAREN COX: Where are your other stores? You said they're regional. Just curious.

MR. GODDARD: There are a couple in the Rochester market. Cole Muffler is a chain that we own. There are a couple of those. And scattered all over the State, Long Island, Westchester up through, you know, up through the State up towards Buffalo. About 160 stores. The website you can see all of the locations.

KAREN COX: Okay. Good point.

MR. FITZGERALD: There are two located in Rochester and one in Irondequoit, as well.

KAREN COX: Okay. I just -- I just have a concern, I guess, with -- you know, what is going to be done with that second parcel. The existing, or the parcel where the existing building is, I understand, is -- is a preexisting kind of cramped condition, but if you're looking to put something on that second parcel, and that is the reason that the owner is hanging onto it, I just have a concern about that. That's all I got.

JOHN NOWICKI: Can I just ask, you're talking about Lot 1?

KAREN COX: Yeah. I'm sorry.

JOHN NOWICKI: Who owns Lot 1?

PAUL WANZENRIED: I think he said Mr. Fallone.

JOHN HELLABY: Mr. Fallone.

JOHN NOWICKI: Fallone?

KAREN COX: Right.

JOHN NOWICKI: So why can't it be used for this project for parking spaces or dumpster location?

KAREN COX: That is my point. I -- I -- given the number of employees and the fact that we're trying to -- obviously, the front of the building needs to be kept for customer parking, so, you know, I have heard discussions about employees parking in the back, additional cars being moved back there if there is an overflow. There is not going to be enough room, I don't think, for all of that to take place. I see it spilling over into that part in that -- into that first parcel. So why not expand the parking lot further into that other parcel if it has the same owner?

PAUL WANZENRIED: Well, your name, again, sir?

MR. GODDARD: Adrian Goddard.

PAUL WANZENRIED: How many cars would this -- how many cars would this facility have to serve in a day to be profitable?

MR. GODDARD: Depends on how much -- how much rent ends up getting paid, but, um, probably 12 to 14, something like that.

PAUL WANZENRIED: So you have four cars in -- it's a double deep.

MR. GODDARD: You got 8.

PAUL WANZENRIED: So 8 in the facility itself, right? Then you have 8 out front. So there is 16.

And staging out front for pickup, so all those cars don't sit there all day.

MR. GODDARD: Not many, but it does happen.

PAUL WANZENRIED: Yes. If I drop my car off in the morning and I can't get back there until the end of the day, my car is there all day.

JAMES MARTIN: That's not atypical in some of these locations to have, you know, a customer's car sit there for an extended period of time.

PAUL WANZENRIED: I think that just goes to support Karen (Cox)'s theory and John (Nowicki)'s point that, perhaps the applicant need consider moving parking into Lot 1. Or having some overflow parking banked over there.

MR. FITZGERALD: If I could just add real quick, obviously we are coming back. That is why we're here, to kick start the project.

But that is something we'll look into. You know, maybe even do some banked parking, if you will, so if the need comes up, it is in place and we can pull the trigger. But if we don't have to add more imperviousness, why do it? Let's not have empty parking spots. I think we can all agree we hate to see empty parking spots, but we can look into banking and maybe discuss that further, as well.

DAVID CROSS: Rob (Fitzgerald), maybe show some comparisons for the other Mavis stores and how many parking spaces they have based on number of bays, that sort of thing, so we can get a flavor.

JOHN HELLABY: Are there any other Mavis stores in this area? Are there any other Mavis stores in this area?

MR. GODDARD: Yes. There are two Cole stores in the market, one in Irondequoit.

KAREN COX: Two former Cole stores?

MR. GODDARD: Yes.

JAMES MARTIN: You did not rename them?

MR. GODDARD: Not yet. We're gradually rebranding. Usually dual brands, Mavis/Cole now.

JOHN HELLABY: Just to expand a little more, you said -- I know they do tires. You said they did inspections, they did minor repairs. Can you expand what includes minor repairs, exhaust, brakes? How extensive is this list?

MR. FITZGERALD: (Indicating).

JOHN HELLABY: Brake systems, mufflers, suspension, wheel alignment, tire sales and service, oil change, State inspection and auto accessories. I mean, is that --

MR. GODDARD: Wiper blades. You know. Deodorant things.

MR. FITZGERALD: Kind of goes with the inspection. If you need wiper blades to pass inspection or headlight or something.

JOHN HELLABY: All right.

My other question kind of focusses on this existing building and the fact you want to reuse that foundation. That building has been empty for God, what, 20 years, 25 years? It has been a long time. Can I assume you're going to give the Town a structural engineer's report on the feasibility of reducing that existing foundation?

MR. FALLONE: That has been done already.

JOHN HELLABY: Has it been done? I have not seen it.

JAMES MARTIN: We don't have a copy of that.

Dave Lindsay, do you have a copy of that?

Mike Hanscom, do you have a copy of that?

MR. LINDSAY: I don't think we actually have a formal structural engineer report on the foundation.

JOHN HELLABY: I would be interested in seeing that before this thing moved forward. I have been in the business a long time and these can get pretty nasty looking over periods of none use and heat and whatnot.

MR. FITZGERALD: Sure. I believe that was performed by Jensen Engineering, as well.

JOHN HELLABY: Again, just walk me through how you envision filling this -- I have to assume it is 8 foot plugs from the existing floor slab up, right?

MR. FITZGERALD: Correct. I'm not a contractor. I'm not a means-and-methods guy, but like I said, we are talking that first pretty much the whole front of the building, we're exposing that. So if you compare it to a new home where you're building it up out of the ground, you have the building, a garage. You have the same idea, you have a hole and you start filling it, with select fill, of course. Then eventually when you get machinery in there, you can start bringing it in faster and faster.

KAREN COX: Your letter talks about the fact that you are going to be taking the existing -- the concrete and masonry block and recycling it.

JOHN HELLABY: Which is typical.

KAREN COX: Right. You can --

JAMES MARTIN: How noisy is an on-site crusher?

MR. FITZGERALD: I don't know if the intent was --

JAMES MARTIN: That's what the letter said you were going to do.

MR. FALLONE: Crusher.

JOHN HELLABY: Not so much the noise as the dust that is generated.

JAMES MARTIN: And the vibrations.

JOHN HELLABY: You might want to consider trucking it somewhere else and bringing it back, if that is the case.

KAREN COX: I mean, that material can be used for select fill as long as it is -- you can compact it.

JOHN HELLABY: Well, again, I don't want to do the Building Department's due diligence, and I'm sure they're going to ask for lift compaction tests and everything else that goes along with that type of work, so that is all I have for right now.

JOHN NOWICKI: A question. Mavis Tire, where is their main office?

MR. GODDARD: Westchester.

JOHN NOWICKI: Westchester, New York?

MR. GODDARD: Yes.

JOHN NOWICKI: Okay. That's the main office.

The one area that -- only because I have seen it happen with other businesses in that area, you have mentioned before about deliveries here use -- you think tractor-trailer trucks would make a delivery here?

MR. GODDARD: We can work around that. If it is not feasible, we use box trucks.

JOHN NOWICKI: You're right at a main T intersection there. To get a tractor-trailer in, you will hold up traffic for quite a bit of time to get in there. That will be very dangerous there.

MR. GODDARD: In an ideal situation, we would use tractor-trailers, but if we can't, we would use box trucks.

JOHN NOWICKI: You would have to really look at that seriously so as not to cause any problems in there. In the construction or the demolition of the top half of the building being then inside when you start to reconstruct, there will be open pits in there to drain the oil down below into open pits or just a slab on grade.

JAMES MARTIN: No. Floor lifts; is that correct?

MR. FITZGERALD: Slab on grade.

JOHN NOWICKI: So floor lifts going in. When you take off old tires that come off the cars that want tires, will they be stored in the back room, the storage room?

MR. GODDARD: Yes.

JOHN NOWICKI: Racks or just piled up?

MR. GODDARD: Just piled up. They get picked up twice a week, so.

JOHN NOWICKI: When they get picked up, are they picked up in the back of the building or the front?

MR. GODDARD: Probably the front.

JOHN NOWICKI: Probably the front. Okay.

MR. GODDARD: It -- whichever works better.

JOHN NOWICKI: I think like I say -- the other questions here, a lot of engineering and other questions will come up. I will sit back and wait, but for now --

MR. FITZGERALD: It is kind of tough, too, because it's a nice, well-written five-page comment letter, and I -- I gave it my first flush.

JOHN NOWICKI: I know.

MR. FITZGERALD: Really the best thing is for us to sit down and hash through.

JAMES MARTIN: That is why I always highly recommend that you come in for discussion before you come in asking for preliminary approval because we can deal with a lot of these issues up front in a discussion, all right? And, you know, you came in for preliminary, so.

DAVID CROSS: Just a question about the west entrance, Chili Avenue. Rob (Fitzgerald), are you proposing any signage on that side?

MR. FITZGERALD: Yes. We're going to have to have -- I got to see what the code will allow, but obviously it would be nice to have some directional signage.

DAVID CROSS: You need something over there, right?

MR. FITZGERALD: Yeah.

DAVID CROSS: And you are going to go through Architectural Review?

MR. FITZGERALD: Of course.

DAVID CROSS: The only other thing I will mention right now is probably to propose bollards typically at the northeast corner of the building. And at the edge of the bays, the front of the building.

MR. FITZGERALD: Absolutely. We'll have to.

RICHARD BRONGO: I have just one concern. That proposed addition, you said you needed a 10 foot easement from Kwik Fill to -- to put that in, and if you didn't, you could move the addition 10 foot to the east.

MR. FITZGERALD: Yeah. We don't -- our proposed addition is not across the whole back of the existing building. It stops maybe 25 feet short, so there is room where we could slide it over if need be.

RICHARD BRONGO: If you slide it over, will you still have room for your access door and your dumpster where you were planning on putting it there?

MR. FITZGERALD: Yes. We have around 30 feet there. We need 5 feet for a door.

PAUL WANZENRIED: Did you say you were extending the curb in the back, on the angle, on the diagonal?

MR. FITZGERALD: Correct.

PAUL WANZENRIED: Does that make that one parking spot invalid? Where you have P14? Does that encroach on that enough?

MR. FITZGERALD: Where -- that -- this little area here, we extend it here (indicating).

PAUL WANZENRIED: But it cuts through that parking spot.

MR. FITZGERALD: I could square that parking spot off there, a terminate there. I do have room, too. I could slide it closer to the building. I didn't want it too close. I can massage that.

MR. JONES: I guess I would make a general comment that given the location and the opportunities that redevelopment has, that the applicant when they come back should comment on the consistency with our Comprehensive Plan.

JAMES MARTIN: That's a good point.

DAVID LINDSAY: You mentioned garbage being picked up and deliveries being made by box trucks. How do you intend -- or if you have the area needed in the back to turn those vehicles around, assuming you will be parking back there with the employees.

MR. FITZGERALD: With the addition of the enclosure, we'll have to have a turning area, as well, and that will be, of course, encompassed within the easement.

MIKE HANSCOM: No additional comments at this time.

JAMES MARTIN: I mean very comprehensive in your comments already. I just, you know -- some of them are going to have to be additional addressed by the applicant, the applicant's engineer and working with you and with the Commissioner of Public Works.

PAT TINDALE: I guess we saw plans, but we didn't go over them because we did not receive a checklist and we did not receive any licensed landscape architect sealed prints, so until we do that -- receive those, then we'll make comments. The one thing I would -- make sure that you had crab apple trees shown. Make sure they're the ones that are blight-resistant otherwise you will have trees without leaves on them from August on. The crab apples tend to drop.

I heard snow storage. Snow storage will be under the trees out there? Is that what I am hearing?

MR. FITZGERALD: Uh-huh.

PAT TINDALE: If that is true, make sure they're salt-tolerant.

And we'll give a lot of other comments once we see a licensed landscaping architect sealed print. That is the center of Town, and that person might have some idea that you might not even think of that might make a little space look nice.

MR. FITZGERALD: Certainly we'll be doing that. At this preliminary stage, we -- we want to focus on larger scale issues and then continue to beautify it as we go.

JAMES MARTIN: You did have a little concern about the cost of landscaping associated with this project.

PAT TINDALE: Yes. I thought maybe if I got the checklist, the checklist is supposed to show the -- but you suspect what the project will cost and 1 percent of that goes into landscaping, which I think you know, right?

MR. FITZGERALD: Correct.

PAT TINDALE: Because what we saw did not look like it was 1 percent of what is currently shown on the drawing, but that didn't have the seal on it, so I will be looking forward to that.

BRAD GROVER: The driveway there on the 9 foot driveway, our Committee looked at the plans last week and we feel that needs to be a little bit wider, at least 10 feet for like an emergency vehicle to get back there, fire truck or something, instead of trying to drive all of the way around Chili Avenue and back in. Gives a little more room for maneuverability there. And also with snowplowing, you're plowing that, I can see the snow going right over into the neighbor's parking lot there at the restaurant. I don't know what you will do to control that so it didn't get pushed over into his property.

JAMES MARTIN: Yes. Without having at this point the Fire Marshal review on emergency vehicle access, um, and I'm not sure why we don't have it at this point --

DAVID LINDSAY: I spoke with Mr. Miller, the Fire Marshall today. He doesn't have a concern as far as access from a firefighting capacity. He is comfortable with the layout as is illustrated here. He has access to all sides of the building that he needs.

JAMES MARTIN: Okay. Thank you.

I would like to take a five-minute recess before we open up for public comment. I'm sure people can gather their thoughts on this. I will take a five-minute recess and then we'll move into the Public Hearing portion on this.

There was a recess in the meeting from 8:21 p.m. to 8:30 p.m.

JAMES MARTIN: At this point, I would like to open the Public Hearing portion on this application.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Where to start.

JAMES MARTIN: The beginning.

MS. BORGUS: Where to start. Out of curiosity, not that it will probably have any effect on what this Board decides, but out of curiosity where did this 40 extra feet of land come from? Who was it purchased from? The additional 40 feet at the back.

JAMES MARTIN: Your question is who owned the land --

DOROTHY BORGUS: Before.

JAMES MARTIN: -- prior to this?

DOROTHY BORGUS: Who did Mr. Fallone buy this 40 feet from?

JAMES MARTIN: I don't know.

You don't have to answer if you don't feel comfortable, Mr. Fallone.

MR. FALLONE: From the Truisci family. It was in an estate.

DOROTHY BORGUS: But it wasn't originally part of this parcel?

JAMES MARTIN: '88 or '98, I don't know the answer to that.

MR. FALLONE: Both parcels -- I bought both parcels.

JAMES MARTIN: Pardon?

PAUL WANZENRIED: I think Miss Borgus' question, the 40 feet came from Lot 1 to Lot 2, if I understand correctly.

DOROTHY BORGUS: I see.

PAUL WANZENRIED: There you go.

DOROTHY BORGUS: All right.

JAMES MARTIN: If the subdivision --

DOROTHY BORGUS: We have subdivided and subdivided and now we're going to subdivide again. Okay. Thank you.

JAMES MARTIN: We're squared away.

DOROTHY BORGUS: We're square on that one.

Mention was made of tractor-trailer deliveries. I believe Mr. Nowicki brought that up. That -- as I agree with him, 100 percent, that is impossible. Not only not feasible, it's impossible. So that would have to be off -- off the -- off the books.

And I frankly cannot see old tires being picked up from the front. I hope the Board heard that loud and clear. They're going to haul tires through the store or wherever from and take them out the front. Not -- not good. This is the middle of our Town.

That east driveway is a real problem. And more than one way. It's too narrow for -- for just about anything. Some of the banking drive-thrus are far too narrow. We know -- look at Castile. You can see how many people have hit it, and that is -- maybe 8 feet, maybe 9, I don't know, but it is not wide enough. This 9 feet is not wide enough either.

And looking at the map it would appear that you have a driveway on each side of a curb. Driveway from this store, and the driveway coming out from the rear of Town & Country restaurant. So you have two driveways, side by side, with a -- evidently curb in the middle. That is an invitation to disaster. Town & Country has a lot of older people frequent their restaurant. If you go in there, you will notice a lot of the clientele are older. That's a narrow driveway to circumvent when you come out of there as it is, and to have somebody coming at you -- picture this, you're going out the driveway, leaving Town & Country where you should be and all of a sudden you have a car, with just a curb between you on a 9 foot drive headed south right at you. That is not safe. All they would do is panic and you have a curb between two driveways with people going in opposite directions. Bad, bad news.

I heard how that drive was supposed to be limited to employees. I believe I heard that. I don't know how you will do that, Number 1.

I don't know how you have a drive and say this is for employee use only. But then later in answer to one -- a question of Mr. Martin's, the answer was given the complete -- the cars that had the work finished on them could now be transported to the back to exit by the other driveway. As an easier exit. So you see it isn't just -- it isn't just employees. Evidently customers then are allowed -- are going to be allowed to exit the back way, too, for ease of exit.

9 foot drive and now you have got -- evidently everybody using this 9 foot drive. It's not limited at all.

I have a problem with the snow storage. Um, I believe Mrs. Tindale brought that up. I -- I don't know how you can have trees that you expect to live and you're going to pile salted snow on -- on their roots and think that you're ever going to have anything but half-dead trees. Snow storage with salt in it, which obviously here you're going to have, and plantings that you expect to thrive and blossom, they don't mesh. It doesn't work.

I didn't see the list, but I guess Mr. Hellaby read part of what could be done as far as work on these cars. This is -- that's a substantial list. This is not just a tire company. It's far beyond that.

JAMES MARTIN: If you would like me to repeat it, I can do it.

DOROTHY BORGUS: No. I got the gist of it. It is a lot of work that is not related to tires. It is all part of inspection, but then you need more room to do that. This is a lot of extraneous work that doesn't have really much to do with a retail tire store at all.

There has been another point made about how many of these places there are now. I know that people, the companies entering the market are bound to be optimistic, or they wouldn't be trying to get, you know, a foot in the door, in the area.

But there are a lot of places now to get the same work done. There is a place in North Chili. There is one right at Chili Coldwater Road. I mean, you know, I guess whatever goes in there, I would like to see be a success, and I think when you go in with already a crowded market, I'm not sure about the viability of it.

I personally cannot see 12 to 14 cars a day going through that store, even after it's established. That's a lot of traffic. And it's a very small place, very small site. That is, I think, overly optimistic.

Um, bottom line, I think everybody in Town is pretty sick of the appearance of that building and that property. It's a nightmare. It's an eyesore. It's horrible. But having said that, I think the -- it would be very easy for our Boards and maybe the general public to buy into something that isn't the optimum thing for that property just in haste because maybe something is better than nothing. But that is still the middle of our Town, and what goes in there next will be there a long time.

Um, as somebody who worked on the Comprehensive Plan, as two other people here tonight did, I don't see where this fits our vision at all. We talked about rear parking. Landscaping was a major point. There isn't even any place to do any landscaping there of any amount.

Architectural Review was important. I don't think we envisioned four overhead doors right in the center of our Town.

Zero setback, we didn't envision that either. Bad enough you got a building there that has zero setback, but to add onto it and allow zero setback and then to have to get an easement because you don't even have enough room for that? There is something very, very wrong when you have to impinge on a neighboring property to squeeze a business in. It should be obvious there is not room for what they want to do. They admit it is smaller than other -- most of their other locations. I don't know how much more they can downsize it and make it profitable, but that's their problem.

The thing is the Comprehensive Plan has been mentioned. I think that these applicants should take a hard look at that Comprehensive Plan, and the one that hasn't been mentioned is the study that -- of another Committee that I was on for 2, 2 1/2 years plus is the study we did of the vision for Chili Center. This project fits neither. If you haven't read that study on the future of Chili Center and what we came up with, please read that before you make any decisions. This is -- this is a square you're trying to pound into a round hole. It won't fit. And there are so many things wrong with this.

The other thing I would like to say is that I am very perturbed to say the least that there are no Fire Marshal comments available to this Board tonight. This is not the first time that this has happened. When you meet, you ought to have all of the information at your disposal that is necessary. The Fire Marshal positions are well paid. They're part-time jobs, I know, but there are two of them. They're well-paid positions and it seems as though everybody -- not somebody, but this Board gets ready to make a decision and you realize you don't have any information, you get second-hand verbal information from Mr. Lindsay. That's not sufficient.

And this Board should insist, and I will take issue with this now, now having happened twice I know of, that's enough. This Board, aside from what I will do, this Board should make issue with the fact you don't have the information at your disposal when you need it, and there is no excuse for it.

I would like to just say one more thing. If this -- if this plan proceeds, which I think you're a long way from coming to a decision on this, there is too much wrong with it. But I would like to suggest that any future plans on this have a Public Hearing. I know the -- I know the rule, it has to be substantially different from the plan previous to have another Public Hearing. This is too important for you to stretch that substantially different in the wrong direction. This should be up for public comment in the future. You're a long way from being done, and I think the public is entitled to their views as you go forward.

Thank you.

JAMES MARTIN: Thank you for your comment.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Charles Rettig, Coldwater Road. A couple of questions.

Can the applicant State the dimensions of the existing building, please?

JAMES MARTIN: Yes. The dimensions of the current footprint.

MR. FITZGERALD: 52 by 72.

JAMES MARTIN: Thank you.

MR. FITZGERALD: You're welcome.

MR. RETTIG: In regard to the east driveway, I tend to agree that if they could take 1 foot

out of the existing building, and have the foundation, they could do that to make that 10 feet instead of 9 feet. I don't know what issues that would cause with the building, but I do agree that there is a need for a wider east driveway, the one to be southbound, one lane, one way.

Also, a comment that Fire Marshal information should be submitted to this Board in writing. You should have that now. You do not.

Snow removal in the front and in the back, or snow -- actually -- not snow removal. Snow disposal. Could the applicant please point out where he is at this time talking about, and point out on the layout, snow disposal in the front and snow disposal in the back, please?

MR. FITZGERALD: Essentially the areas that are green on the plan.

JAMES MARTIN: The green areas on the plan. That's what is proposed at this time.

MR. RETTIG: Thank you.

What is -- I didn't see anything. I'm just asking generally, what is the total height of the building, talking about the hip roof? Can you tell me?

JAMES MARTIN: Certainly will be under our allowable height requirements, won't it?

MR. RETTIG: Even if it is approximate at this time. Just trying to get an idea.

MR. FITZGERALD: 20 feet.

MR. FALLONE: 28.

MR. RETTIG: 28. Thank you.

On the proposal for the four overhead doors, generally, I know you don't have specifics, but are you talking about all glass or solid doors?

MR. FALLONE: All glass.

MR. RETTIG: And on the issues put before the Planning Board, can you just generally list not inclusive, but what your Zoning Board issues are with this site, site plan as presented?

JAMES MARTIN: At this point in time, we have only identified the one, the lot depth.

MR. RETTIG: Okay. Thank you. Appreciate it. Okay.

And then lastly, to reiterate, I would appreciate this Board, if they could keep the Public Hearing open, as issues come for changes, revisions, so that they can be properly commented on, as this is a Chili Center facility, we don't -- want to make sure it is done properly. I know the Board does also, but I would appreciate if this Board, Chair, could keep this open for Public Hearing comment as we go along.

Thank you.

JAMES MARTIN: Thank you for your comments.

At this point, we have a lot of issues, I think, that need to get resolved before I think this Board would feel comfortable voting on an application for preliminary approval of any of the three applications that are before us at this point in time.

Therefore, I will make a motion that two things, Number 1, we will keep the Public Hearing open on these applications. I will make a motion at this time that we table this application basically pending resolution of the Commissioner of Public Works, Town Engineer comments, landscape plan needs to be approved by the Conservation Board with a checklist, um, and Fire Marshal needs to give us written input on this, and those are the issues that I think are most pertinent at this point in time.

JOHN HELLABY: I will second that motion.

JAMES MARTIN: The motion has been seconded. On the motion to table this application.

DECISION: Unanimously tabled by a vote of 7 yes to table until the applicant resubmits. The following are reasons for tabling:

1. Landscape plan (signed and sealed by a licensed landscape architect) has not been submitted to the Conservation Board for review and approval.
2. Pending resolution of Commissioner of Public Works and Town Engineer comments.
3. Building elevations have not been submitted to the Architectural Advisory Committee for review and recommendations.
4. Fire Marshal input not complete.

JAMES MARTIN: The application is tabled to the next meeting.

RICHARD BRONGO: January 8th.

JAMES MARTIN: The next scheduled meeting of the Planning Board will be January 8th. Application deadline is December -- has already past, all right? It was December 7th. Although since we already have substantial amount of input on this, we do have the applications in front of us, at this point in time I don't believe that would apply. So the next meeting would be January 8th.

MR. FITZGERALD: Thank you very much for everybody's input.

JAMES MARTIN: Thank you for your input tonight.

JOHN HELLABY: Can I assume you haven't made application to the Zoning Board?

MR. FITZGERALD: I -- no, I have not, no. Nor had I submitted plans intentionally to the Landscaping Board, but I think they just get --

JAMES MARTIN: You also have Architectural Advisory Committee, too.

MR. FITZGERALD: Yep.

JAMES MARTIN: You have some homework to do.

MR. FITZGERALD: Yep.

The 10/9/12 Planning Board minutes were approved. (There was no meeting in November.)

The meeting was adjourned at 8:49 p.m.