

CHILI PLANNING BOARD
January 17, 2017

A meeting of the Chili Planning Board was held on January 17, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson John Hellaby.

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

Vice Chairperson John Hellaby 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 American Packaging, c/o Lee Foerster, 100 APC Way, Columbus, Wisconsin 53925 for resubdivision approval of Lot ARB1 of the 100 Beaver Road Resubdivision into two lots at property located at 100 Beaver Road in L.I. zone.
2. Application of American Packaging, c/o Lee Foerster, 100 APC Way, Columbus, Wisconsin 53925 for preliminary site plan approval to erect a 400,000 sq. ft. Light Manufacturing warehouse at property located at 100 Beaver Road in L.I. zone.

JOHN HELLABY: I would remind everyone this application was presented at a December 13th Public Hearing where it was tabled at that time to allow for coordinate review of SEQR by other approving agencies, and I would also like to note this is an allowed use in the LI zone.

Jerry Goldman, Matt Tomlinson, Amy Dake, Jeff LaDue, and Lee Foerster were present to represent the applications.

MR. GOLDMAN: Good evening, Acting Chairman, members of the Board. My name is Jerry Goldman. I'm the attorney and agent for American Packaging Corporation who is your applicant this evening. As Acting Chairman pointed out, we are here for a number of things. He did mention the preliminary approval that we started out with at the December meeting, the State Environmental Quality Review Act and application for final approval which was submitted in December. So what I'm going to do is likely recap where we were at the December meeting to bring you up to date on what has happened since the December 13th meeting and I will conclude my comments and then Matt Tomlinson, who is the Project Engineer from Marathon Engineering will continue with more of the detail of some of the information that was discussed at the December meeting and some issues that have come up since then.

And we do have a number of other individuals who I will introduce as they are called up to -- able to respond to questions that the Board may have about the application itself.

As Acting Chairman pointed out, this is a subdivision of a portion of the 100 Beaver Road property. It is east of the QCI facility on Beaver Road. The property is currently vacant. When we started our Public Hearing on December 13th, one action that this Board took was that the Board declared its intent to be lead agency under SEQR. Because of the size of this action, it is deemed -- what was referred to as a Type I action and requires a coordinated review among all involved agencies. Among those agencies one is to be the lead agency. This Board primarily as a result of the fact they have the largest approvals to deal with, um, declared their intent to be lead agency under SEQR. Notices went out to all of the other involved agencies sent out by the Town as required and we'll talk about the disposition of SEQR a little bit later.

At the Public Hearing on December 13th, there were primarily four issues that were left for further elaboration and discussion. One was traffic and awaiting State DOT review of the traffic impact analysis which was prepared by the traffic consultants SRF Associates, represented this evening by Amy Dake in the front row.

Second was for us to address engineering comments which came from Lu Engineers. Mike (Hanscom) had comprehensive comments that were provided.

Third was to refine our architectural. There was some concerns relative to the architectural elevations which were presented and some suggestions for improvements.

And fourth was to address public comment on landscaping on the easterly boundary of the site.

Since that December 13th meeting, we have been working actively to address all of those points and some of them were incorporated in the final site plan application which was filed on or about December 22nd. In that final site plan application, we addressed all of the outstanding comments from the Town Engineer as well as from County Planning which had done a review on this. We updated the Environmental Assessment Form with new information and the site plan included enhanced landscaping on the east end of the site.

Concurrent with that filing, we filed our Zoning Board of Appeals application. At the meeting on December 13th, we indicated that we would be applying for two variances from the Zoning Board of Appeals. One is to allow parking in the front yard of the site, which we think is an appropriate place, given the depth of the site and the depth of the building and the need in the back to be able to access the railroad spur.

And also, a request for a reduction in the number of parking spaces required under code.

This applicant has had tremendous experience in a facility just like this and we are providing parking which is -- which is -- seemed to be sufficient based upon their experience. In addition, we -- we have a number of land-banked parking spaces which are a part of our site plan that we don't need to build but are depicting in the event that there becomes a need for parking that we would have the ability to do it. That will remain green for the time being.

This particular plan was reviewed by the Conservation Board on January 9th. We have a representative of the Conservation Board here. I won't -- I won't steal his thunder other than to say the Conservation Board did stamp the landscaping plan which was submitted at that meeting.

The State DOT review culminated in a letter dated January 12th, which I believe has been distributed to the Board. Um, there is one change I should point out. When we first came to this Board in December, our initial thought was during Phase 1, we would be a three-shift operation six days a week. Since that time, there has been a further review and what is going to happen is we're going to be dealing with 12-hour shifts 7 days a week as will occur in Phase 2. We did amend our traffic impact analysis to incorporate that and that was submitted and reviewed by State DOT, and the conclusions of State DOT were essentially they agreed with the conclusions in the traffic report and are requiring no additional mitigation beyond what is depicted except for widening of the entry driveway that we -- that we have no problem doing.

With regard to the architectural, we have submitted additional architectural information to indicate a break-up of the building. You can see it on the drawings. I believe that some of that may have been circulated in the Town, as well. And we'll be able to discuss that if -- if the Board desires.

Um, there has been no challenge to the Town Board acting as lead agency under SEQR. 30-day period has passed for anyone to challenge that designation. So now the Town Planning Board is fully authorized to go ahead and to deal with the SEQR review and our understanding is that a draft Part 2 and Part 3 of the EAF which we prepared as guidance, not necessarily as a final document, has been shared with the Board and that you could very well be reviewing that tonight.

Also, if SEQR is completed, um, then the Planning Board can proceed to fully consider the preliminary subdivision and site applications as well as final subdivision and site applications.

So with that introduction, I will turn it over to Matt (Tomlinson) to talk a little bit more about the details of information to fill in some of the questions that were at the December meeting. Thank you.

MR. TOMLINSON: Good evening. As Jerry (Goldman) mentioned, my name is Matt Tomlinson with Marathon Engineering. I just want to step through a little of the coordination we have done with outside agencies as well as documents that have been submitted and revised and then introduce Lee Foerster with American Packaging to talk a little bit more about the air permit and where that is in the process. And Jeff LaDue, the architect from SWBR, will talk about the facade changes made in reference to the comments we received at the last meeting.

So from a planned perspective, the package that you got in front of you has had quite a bit of additional detail added to the site plans. Primarily in response to Town Engineer comments, we have responded to Mike (Hanscom)'s comments and coordinated with him and Dave Lindsay with regards to some changes that needed to be made, updates, clarifications, that kind of thing from a layout standpoint and from a site circulation or presentation standpoint, they have been tweaks, not major modifications.

Jerry (Goldman) mentioned comments received from the State DOT. We have also received comments from the Monroe County Water Authority relative to water service to the project, Gates-Chili Ogden Sewer District with regards to sanitary sewer to the project and Monroe County Health Department for both the water and sanitary extension. All comments received have been minor in nature and are just typical engineering comments that we will continue to address prior to mylars getting signed by all approving agencies. Some of the other agencies or organizations we have coordinated with we have submitted our Army Corps Engineers wetland permit. We are below the threshold for a nationwide permit. They will be issuing a jurisdictional determination and a wetland permit. We anticipate that by mid-February, so that is proceeding.

We have also sat down with the Fire Marshal and Code Enforcement to discuss access, hydrant placement and that kind of thing as well as things like Fire Department connections, a Knox box for access into gated areas and spill containments plans mentioned in the Town Engineer's office.

So we are -- we'll continue to work with them, but we have captured the majority of the changes that they requested or -- or modifications that they have requested on the plan set in

front of you.

As Jerry (Goldman) mentioned, we also have made landscaping changes to the east side. That was a concern raised at the Planning Board as well as suggestion by the Conservation Board, and so we have added quite a bit of landscaping to the east side of the property.

Another area that was discussed adding some landscaping to was along the road frontage on the westerly side of the drive aisle. That was discussed with the Conservation Board and the landscape architect, Heinrich Fisher was there with me and explained his thoughts in providing the landscaping that he did in that we don't want to create a hedge along Beaver Road per se, but he structured it with some plantings back near the wetland, the wetland area and the plantings in the parking lot to give a layered approach or look through that landscaping back to the building.

As Jerry (Goldman) mentioned, the Conservation Board approved the landscaping as shown on the plans.

Some of the other things that we have done is prepared a stormwater Pollution Prevention Plan that goes into the design of the stormwater management facilities. Town Engineer is currently reviewing that, but we will finalize that prior to filing the NOI for site work commencing.

Jerry (Goldman) mentioned our DOT letter. We'll get specific comments on that permit application prior to the contractor being allowed to submit for the permit. But there are no major changes and as Jerry (Goldman) mentioned, they approved the location of the driveway as well as the non- -- no mitigation being performed.

With that, I would like to turn it over to Lee Foerster to talk a little bit about the air handling permit or the permit they will be obtaining from the DEC.

MR. FOERSTER: Lee Foerster, Senior Engineer with American Packaging Corporation. We submitted an air construction permit back in December. A week and a half ago, we received comments back from NYDEC. Most of those were clerical and so forth and we responded to those. That was sent back to them on Monday of this week.

With respect to the RTO, a lot of people don't understand what a regenerative thermal oxidizer is. Being we run solvent-based inks, we have emissions that come from compressors and that goes to the RTO where it is burned at 1500 degrees. So there is no emissions of EOCs to the atmosphere. That's basically all I needed to -- if there is any questions with regard to that.

JOHN HELLABY: I have one. That was one of my questions. How many of these RTOs are actually employed there?

MR. FOERSTER: In -- in Phase 1, we'll have one. At full build-out, we'll have three.

JOHN HELLABY: And where exactly are they located? They're not on the roof, right? They're too big for that.

MR. FOERSTER: No. The east side. Basically northeast side. They will be staged three of them deep. Going north.

JOHN HELLABY: How is that, actually the byproduct collected throughout the building? I mean is that some sort of ductwork?

MR. FOERSTER: Right. There will be ductwork on the roof.

JOHN HELLABY: All right. I assume these things have stacks to them?

MR. FOERSTER: Yes.

JOHN HELLABY: Do they elevate above the roof level?

MR. FOERSTER: Yes. 40 feet high.

JOHN HELLABY: So that is what, about 5 foot above the roof?

MR. FOERSTER: Yes. The roof is 35 and some change.

JOHN HELLABY: Okay. So that's all I got right now.

MR. TOMLINSON: I will have Jeff LaDue from SWBR talk about the facade changes made since the last meeting.

MR. LADUE: Jeff LaDue with SWBR, Project Manager. First meeting there were comments from the Board regarding the front elevation. At the time, we had shown the fenestration at the main entrance and out from there was basically just the plain facade. There was some concern about it, the size of the facade and the lack of fenestration.

So we went back to the drawing board, so to speak, had several, I guess, renditions that we reviewed with the owner. The one that we're presenting is the owner-approved version. Basically what we're doing is using three panel color variations that range from light gray, medium gray to dark gray to basically break up the front of the building on a smaller scale. So at the base of the darker vertical -- vertical elements, we would have basically glazed elements and as you work down to the ends, we go to a darker gray that then turns the corner on the side of the building, basically reinforcing the ends as a -- sort of a mass trying to sort of establish the ends of the building.

And then along the back, we're just repeating the -- the light gray that comes from the front and that end of the building or that back side will be expanded so, you know, we provide it -- only a minimal amount of fenestration there at the access, but from the standpoint of access of the doors egress.

The -- there was a -- there was a request to have a rendering done that approximated the view from Beaver Road which you have copies of. So we tried to represent this from an aesthetic standpoint, sort of what is proposed on the site plan overhead with the tree line across the street and then up the road. Tried not to basically build them out too much so you couldn't see basically the scale of the building in relation to Beaver Road, to try to not hide it, but basically if you look at the landscaping, ultimately when -- when it starts to grow out, it will be more of sort of a path that will enter the building. You won't get a full view of the building until

you enter the parking lot for the most part. We are proposing a monument sign and a building logo. Both of those we'll submit as a separate package knowing that the logo that's presented here is larger than what would be allowed, so we would have separate discussion regarding that and also plan for the monument sign.

But what we wanted to try to do is at least give you a sense of the building wall and at least some more -- representative from an onsite perspective. This is actually down at the road, so it takes into account the fall of grade. So you're actually down about 12 feet. At least eye level at that point. And so -- and that is a Tesla in case you wanted to know, the car.

So I -- so I certainly would be happy to answer this, any questions regarding this, but I think -- but I think certainly the Board's input, I think is the -- the direction is, I think, a positive one.

JOHN HELLABY: There was some real concern brought up at the last meeting about blocking the rooftop units as well via the parapet or some other means.

MR. LADUE: What we're showing right now, there is basically the -- what you're seeing on this roof in this plan here is the actual locations of anything that is roof-based. We have -- these are quite a bit bigger than -- in scale, so we have tried to keep them to the back of the building so that worst-case scenario we would be more than likely here. As they approach the building, they would fall back and out of sight. So this is -- this is sort of what we're proposing. Part of it would be to -- at least on the end of the building, the idea would be they're not creating a parapet in this case. So this is basically a representation of what is proposed at this point. So these are -- basically you're getting exposure -- this is probably the first one. 6 foot, 7 foot tall units and you're seeing a couple feet at the top showing here. So this is -- this is real to life. These are units based and rendered as such, so.

MR. GOLDMAN: That pretty much concludes our presentation of materials, but we certainly are available and our group is available to answer any questions that the -- that the Board may have or from anyone else through the Board back to the Chairman.

JOHN HELLABY: All right. The front setback, side setback, rear setback, they all meet the minimum requirements and they're now shown on the drawings, I assume?

MR. GOLDMAN: That's correct. That's correct. We're well within the -- well in excess of the setback requirements for under the -- under the code for the Light Industrial.

JOHN HELLABY: You did touch briefly on the Zoning Board application. Status again?

MR. GOLDMAN: Status is application is filed. The hearing is scheduled for next Tuesday, a week from tonight.

JOHN HELLABY: You talked about the New York State DOT. Have you gotten any other written comments back from them other than the ones you supplied them?

MR. GOLDMAN: State DOT we have gotten no other comments at all. State DOT gets another bite at the apple if they wanted to comment and that is through the County Planning review process. They get circulated as part of that and they had no additional comments as part of the County Planning review process.

JOHN HELLABY: All right. You stated that the permit for the driveway across the wetlands has been submitted and you anticipate something in February.

MR. GOLDMAN: Yes. In terms of -- in terms of what we're talking about, we're disturbing less than a 10th of an acre. And because of that, it fits under their category of what is referred to as a letter of permission as opposed to formal approval, so to that extent, we're comfortable we're in good shape. There will be a jurisdictional determination that will come out relative to the ponds out in front to verify that we're in good shape, but we're well outside the areas, any disturbance that we have as well outside the areas that we have identified as potentially having wetlands.

JOHN HELLABY: You stated that you have met with the Fire Marshal. Have you received any actual written comments from him yet or has it just been conversation?

MR. GOLDMAN: I will leave that to Matt (Tomlinson).

JOHN HELLABY: I guess part of that same question, is he aware of the fire pump you're proposing for the sprinkler system, as well? I assume he is.

MR. TOMLINSON: He is. We had a written memo that was generated by Paul after that meeting and we're addressing any comments that may arise after that, as well.

JOHN HELLABY: Okay.

MR. GOLDMAN: We fully expect that any approval would be contingent or conditioned upon satisfaction of the comments of the Fire Marshal as well as other local agencies.

JOHN HELLABY: The statement was made somewhere along the lines that there was no water used in this manufacture, so I assume the 400 gallons a day plus or minus is to support the employees, restrooms, things like that?

MR. TOMLINSON: Yes.

JOHN HELLABY: Okay. Status of the SHPO report? Do you have anything on that?

MR. GOLDMAN: We have submitted the SHPO report. We have done the Phase 1A. We have done the Phase 1B. There is nothing in that report which indicates that there is any issue of archaeological significance. We -- we wait. SHPO and their formal sign-off -- as you know, SHPO's review, their State agencies are required to wait for them before issuing their permits. It doesn't necessarily inhibit the talent from finalizing your approvals.

JOHN HELLABY: In the engineer's report, um, under stormwater, there is mention in here to enhance phosphorus removal.

Can you tell me what that statement means? I know what phosphorus is, but I have never heard having to remove it.

MR. TOMLINSON: Sure. So all stormwater practices that are identified in the DEC stormwater design manual are intended to remove pollutants from stormwater. Parking lot, buildings, picks up oils, sediments, that kind of thing. In this case the DEC has identified Black Creek as a waterway that is inhibited by phosphorus specifically. A lot of agricultural fields, fertilizers, that kind of thing drains to Black Creek and portions of the Genesee River.

So any practice, they require you to do some additional levels of design in order to aid in the removal of that phosphorus generated by stormwater runoff. So that is just an additional thing that we have to satisfy both the design manual as well as the Town's and the MS-4 officer who signs off on that permit.

JOHN HELLABY: So it is possible that they could come back and say we would like an oil separator or something for your parking area so that doesn't actually infiltrate in there, correct?

MR. TOMLINSON: Typically that would not be correct, because the phosphorous is the pollutant of concern here, not an oil or anything like that. It is specifically really to fertilize. They -- typically a request would be only apply fertilizers twice a year instead of four times a year and have a management practice. Something along that nature.

JOHN HELLABY: Thank you. That is all I have right now.

RON RICHMOND: I think over all of the presentations, it's well informative and there has been a lot of questions I have. So they're simple in nature. Just a reminder, if approved, what is the timeline proposed.

MR. GOLDMAN: Timeline is nearly immediate. They're looking to start site work as soon as possible, planned signed off and anything else. Our major piece of equipment will be coming in a matter of months and be operational certainly in the fall before the end of the year.

RON RICHMOND: Phase 2's timeline would be?

MR. GOLDMAN: Phase 2 is any time within the next three years. It will really depend on how things progress. If, in fact, there is a defined need, it could be faster.

RON RICHMOND: Okay. And how many new employees would it propose to bring to the community?

MR. FOERSTER: First phase we're at 40 per shift. We're doing 4 shifts, because it is 24/7, so 4 shifts, that is 160 plus some salaried personnel.

RON RICHMOND: Does that change because of the 12-hour shifts as opposed to traditional --

MR. FOERSTER: Yes. Since we're adding an additional shift, we add another shift of employees.

RON RICHMOND: Just a positive gain.

MR. FOERSTER: Correct.

RON RICHMOND: My last thing is, and it is personal in nature, is that on the new elevation, for southern view, I don't see a flagpole for the national colors. However I see it in the rendition with the Tesla. So I just wanted to note I'm sure it was an oversight and I'm good.

MR. FOERSTER: Yes, there will be a flag.

MR. LADUE: It won't be a Tesla.

RON RICHMOND: I'm good with that, too. (Laughter.)

MATT EMENS: Very well done answering the comments and questions from last time but also a great detailed presentation. So just a few things I want to touch on, too. The -- the rendering does help a lot and it goes back to some of the questions I had on the landscaping plan and ties in that. I see the caliper size on the trees proposed out front. I'm sure someone could answer possibly the question for me. On day one, the trees out front, there is -- it is like there is some QBs and some -- what are these. PABs. And the caliper size, obviously, is -- where are we? So the 2 1/2 to 3-inch caliper. So just day one, what are we looking at for the height? A range of height for the trees and canopy?

MR. TOMLINSON: Sure. So a 2-inch caliper typically is about 12 feet in height. 2 1/2 to 3-inch can be 15 to 18 feet in height. Usually about a two-year old tree, that extra inch in diameter. And the spread, depending on the species, is anywhere from 10 to 12 feet wide. Day one when they're planted.

MATT EMENS: So really your -- SWBR's rendering is a little more realistic than obviously the canopy -- diameter of the canopies.

MR. TOMLINSON: Diameter of the canopies shown on the plan are at fall maturity.

MATT EMENS: I would go back to -- so I guess the next thing I would go back to is focus on the -- on the building itself and some of the views. The colors, I think, are nice. I think it breaks up and does the massing thing that you were saying it does and I appreciate that. I like it.

The next concern I have Al (Hellaby) already pointed out, is that you are -- you can see in the rendering -- not the elevation -- the rendering, the rooftop units. I do appreciate you being truthful and putting those on there.

And I just think that that is something that we should, you know, talk a little bit more about in terms of screening. I know that everyone tries to set them back. At some point you will see them -- and to what extent, I don't know, but I think we should just do ourselves a favor and get something in there that gets them dealing with it in a certain way.

JOHN HELLABY: How high is the parapet on the front of the building? Do you know roughly?

MR. LADUE: There is no --

JOHN HELLABY: There is no parapet?

MR. LADUE: No.

JOHN HELLABY: Would it be feasible to add a parapet to that, just say the front wall, to shadow that or some sort of curtain wall in front of these units that was basically the same material? I mean, Wegmans has done it for years. Typically, you know, they're powerhouses and whatnot. They put up a stud wall and put that Kawneer metal siding against it that matches the front. We kind of did the same thing as the building.

MR. LADUE: Um, I think the goal would be to address the concerns. I guess the -- like at least the opportunity to have discussions with the owner regarding it. I think --

MATT EMENS: I don't think we need to solve it for you. I think we need to throw it in your court. The concern would be the grouping of the units would be beneficial then if you did screening around them. If you added a parapet to the whole building, that will affect your drifting and structural design of the whole building and that may not actually do anything.

MR. LADUE: At least a note in terms of how -- you know, from a parapet standpoint, we have minimized that primarily, because I think -- well, I know that trying to keep snow and mitigation of it and water for this particular operation, the type of equipment, expense of the equipment, um, so I think if -- if there were units that became more critical in terms of what -- from a roadside appearance would probably be more advantageous to treat it at the unit than treat it on the building because I don't think from the owner's standpoint we would want to commit to a parapet.

And certainly as were -- as we entered into the -- you know, further development and the placement of the units, we'll work through that and try to identify those so that we, you know -- we will address them accordingly. So the ones that certainly -- that are on the back that are 250 feet away won't be as critical as the ones that are forward to Beaver Road. So we can certainly work through that systematically.

MATT EMENS: So that is really all I had on that one. It looks a lot better. The rendering is very helpful. So thank you.

So the drawing C3.0, the underground storage tanks, those are -- graphically depicted as not really being -- what is above ground? What do you see there?

MR. TOMLINSON: Above ground, there will be a concrete slab over the top with some fill ports. There will be 4 feet of cover over the top of the tanks. It is really like the tanks underneath the gas station you see some fill ports.

MATT EMENS: So there is no vehicle protection, so basically a slab, a curb?

MR. TOMLINSON: That's right.

MATT EMENS: They will be filling from there. Obviously this is banked parking so (unintelligible).

MR. TOMLINSON: That's right. It will be lawn over the back side of it. Concrete slab and lawn in the back area.

MATT EMENS: And then right to 3.1, I guess I'm just trying to understand how -- and I don't want to mix it up with the rooftop units, but RTOs -- is that the correct term you used before?

MR. TOMLINSON: Yes.

MATT EMENS: So where are those on the drawing?

MR. TOMLINSON: So they are -- do you mind if I show you? They're adjacent to the loading dock area immediately off of the Phase 1 north wall. There is a rectangle there with some bollards placed. That is where -- the pad is roughly 30 by 75 and then just north of there, there will be two additional RTOs placed once Phase 2 is built.

MATT EMENS: So just to go through and connect the dots here, as Al (Hellaby) said, it's -- it's collected and ducted out of the building. So then we're going to see metal -- so basically ductwork coming out of the building, going to the units and then it is a 40 foot stack. Is that -- maybe you want to make --

MR. FOERSTER: The deck will come low on the roof. So 2 feet off the roof.

MATT EMENS: So it comes out at that elevation.

MR. FOERSTER: Comes out of the roof, goes 2, 3 feet above the roof, over to the RTO, down into a plenum at the RTO.

MATT EMENS: The unit, that RTO sits inside the pad?

MR. TOMLINSON: 10 feet off the building.

JOHN NOWICKI: Can you see the ductwork from the road, Beaver Road?

MR. LADUE: No.

MR. FOERSTER: Based on RTUs, which are the AC units and so forth, these will be behind that. And the RTUs are 6 feet high?

MR. LADUE: So if you --

MR. FOERSTER: These will not be as high as the RTUs.

MR. LADUE: So -- does this -- they're basically right -- right here. That's weird. It's a big pen. Right here. The ductwork, basically the -- the primary equipment rooms are right here. The laminator and the presses. So the ductwork comes out, runs across here to a manifold basically where there is a long duct that is down on the side of the building. But then goes into the RTO -- the RTOs. So it is a small -- it is just basically a 32-inch diameter duct that runs across the top of the roof, collects all of the -- basically the units, runs across to a manifold and then there is one that basically feeds the oxidizer.

In the case of the future, the reason they're located here is that there is plans for four -- four and four, right?

MR. FOERSTER: Six total presses.

MR. LADUE: Six presses and four laminators. This is basically, ultimately would be the

center location. So the idea is from the center of the location, you know, if you're running -- so that is why they're located here in relation to the building.

JOHN NOWICKI: How many other units are on the rooftop, heating or air-conditioning units, anything like that?

MR. LADUE: 17.

JOHN NOWICKI: They will be protected by screening somehow?

MR. LADUE: So they're -- they're basically spread across the roof, so we will systematically look at the ones that have the most basically -- the ones forward -- of the front. That would be the idea. So the ones that are 250 away, you're not going -- screening, you will not see the screening. We'll make sure that the ones that you're seeing in that perspective, which would be the ones that are basically along -- basically in this area. They're not really any closer than where my pen is. They're about a third of the way back now. There are more units behind it. So we'll just make sure that the ones we're seeing are properly screened with some architecturally treated --

MATT EMENS: The finish of the ductwork, it is just galvanized or enclosed?

MR. FOERSTER: Galvanized.

MATT EMENS: Same question on the silos. The future resin storage silos, what is the finish? Also galvanized metal?

MR. FOERSTER: Those would be painted.

MATT EMENS: That's all of the questions.

JOHN HELLABY: The RTO units, what is actually the heat sink in those and what fires those? Are they natural gas?

MR. FOERSTER: Natural gas-fired and with ceramic saddles inside.

JOHN HELLABY: So it is the ceramic that is heat-seeking?

JOHN NOWICKI: First, I want to thank you how you handled the engineer's comments and the letter. That was well done. Thank you very much. Appreciate that.

And just a question, a couple questions for -- the Fire Marshal understands all this stuff about the -- about the stuff that is in the tanks below ground and there is a sprinkler system with fire safety equipment and all that. We're protected by that.

MR. TOMLINSON: There will be a secondary containment system in place with a valve that gets closed every time there is a delivery to make sure nothing goes in the pond or offsite or anything like that. In addition, there will be a safety plan which I'm sure American Packaging can expand on if needed, but in case of an emergency or anything like that, there will be a plan the Fire Marshal has with access plans, where people will congregate and all that kind of thing.

JOHN NOWICKI: So satisfied with the fire trucks getting in and out of there safely?

MR. TOMLINSON: Yes. Just to touch on the truck movements, the delivery vehicles will be WB67s, which are the biggest tractor-trailers you can have on the road, just one size smaller than the tandems. So the trucks are actually smaller than the vehicles that (unintelligible) for on the site.

JOHN NOWICKI: Okay. That's all I have for now.

DAVID CROSS: I just have one comment at this point. And I thought I brought it up at the last meeting, Matt (Tomlinson). So particularly the landscaping along the road frontage, um, I think -- it should be up on some sort of berm. Just a gentle berm, kind of organic looking, you know, not some weird shape berm but little ups and downs, 3 to 4 feet. You will end up with a residential -- pretty large residential subdivision right across the street. It just seems like they could -- that landscaping could come up 3 to 4 feet.

MR. TOMLINSON: Are you talking specifically on the west side of the driveway?

DAVID CROSS: It was -- the last meeting I was, but now I'm thinking, well, shoot. Why not all that front up there you have got along the east side, the four trees and a ditch and another four or five trees on the east side of the ditch, why can't that all come up a little bit, you know?

MR. TOMLINSON: Is -- the east side is a little more difficult given the presence of the wetland and the stormwater management facilities trying to maximize the volume we could store in there again for the pollutant removals. The rows of landscaping we have at the front edge of the parking sit up quite a bit from -- from the roadway, and it gives a nice backdrop. So you will be looking over approximately 450 feet of pond with plantings, hopefully wildlife, but they will be seeded with a wetland mix. I think that will be a really nice view back into the property and then we have backdrop of the trees we're proposing there before you get to the parking lot or the building. Then on the west side, um, if you look at C5.0 or C5.1, you will see the existing grade rises up behind those.

In the first 200 feet, the grade goes up from 536 down at the road up to 543. So it is up about 6 feet there already. So.

DAVID CROSS: That's about the grade of the road. I think some effort needs to be put on this one, to some light berming, particularly on the west side of the driveway. I see on the east side, you're already putting the trees on the berm, on the top of the bank, the top of the stormwater management facility. And then some berming for the handful, the five trees proposed to the east of the ditch, the east end of the property. That's all.

MR. TOMLINSON: We'll add that to the final plans prior to signatures.

DAVID CROSS: Thank you, Matt (Tomlinson). That's all I have for now.

PAUL WANZENRIED: Only to say that the Fire Marshal has reviewed these, and I talked to him today again to reiterate and he does approve them. All of what we have incorporated in with our meeting. And he has approved them.

MICHAEL HANSCOM: No additional comments at this time.

LARRY LAZENBY: Just a clarification. Dave (Cross), the landscaping you're talking about, are you talking the -- the side toward Beaver Road or toward Old Beaver Road? Or Archer Road or Old Beaver Road?

DAVID CROSS: You got it.

LARRY LAZENBY: Where you want the berm?

DAVID CROSS: These are already on top of a berm, and then I think there is some opportunity to do a little bit of work here (indicating). That's all.

LARRY LAZENBY: I have no problem with that. We did stamp already because they were very nicely submitted. However, at the point in time of the meeting when we did discuss them, I pointed out and I also pointed out in my write-up that we needed the financial value of the project because knowing the financial value of the project tells the Conservation Board how much monetary landscaping we should be looking for when we start driving back and looking at the site as it moves toward completion. We don't have the monetary value of this project as it is being submitted so we don't have any idea how much landscaping we should be looking for. That's one of the requirements by the Town.

MR. TOMLINSON: Understood. So the owner is working through with the builder right now on budgeting and what this is going to cost and we'll be submitting that to the Planning Board along with our estimate for the letter of credit and that will include the cost of the landscaping there to insure that we satisfy the Town's requirements for landscaping.

LARRY LAZENBY: Anticipation?

MR. TOMLINSON: Anticipation for total project cost?

LARRY LAZENBY: Yes. So I can take it back to the Board to let them know we can start looking forward.

MR. TOMLINSON: Sure. The number tossed around is 13 million.

LARRY LAZENBY: Okay.

MR. TOMLINSON: We'll be able to fine-tune that as we move forward.

LARRY LAZENBY: For that landscaping, will they need to come back to the Conservation Board?

MR. GOLDMAN: We're hopeful we can take what Mr. Cross has asked for and what we have talked about this evening and to have a conditional approval, put it on the plan. If we want to have the Conservation Board look at it, that's great. You know, but we are -- we are attempting given our schedule to see if we can get conditional approval on this tonight.

LARRY LAZENBY: I don't have a problem with that. When you do the berm and the landscaping that was just discussed, if somebody wants to give me a call just to look them over on behalf of the Conservation Board so we don't have to go through another meeting, I don't mind that.

DAVID LINDSAY: I think if you just submit -- when you have an estimate prepared, just submit it to the Building Department and we'll share it with the Conservation Board just to make sure it satisfies the 1 percent requirement.

MR. GOLDMAN: Great. Thank you.

ERIC STOWE: Procedurally, we left the Public Hearing open, but for SEQR purposes, the SEQR determination first before any consideration of subdivision or site plan. SEQR applies to the entire application. Consider that after the Public Hearing. Then you can determine subdivision and site plan.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GEORGE PETERSON

MR. PETERSON: George Peterson. Just one question on that -- whatever you call it, the burning thing with the silos.

MR. FOERSTER: RTO.

MR. PETERSON: Any noise out of that? How loud will that be in full operation?

JOHN HELLABY: Should be addressing through here.

MR. PETERSON: Sorry.

JOHN HELLABY: They did do sound analysis on that. I don't remember exactly what the decibels were, but if you would like to just interject, I think it was --

MR. PETERSON: I thought sound analysis was on dealing with the pellets.

JOHN HELLABY: Basically, the whole thing. But they did do a review of that unit, as well.

MR. PETERSON: I didn't know about that last meeting.

MR. TOMLINSON: So as Chairman mentioned, we did a noise memo that analyzed sound both for the generator, the RTO, the rooftop units and the pellet system in the back. Being that the RTO was loudest and closest to the eastern side and the neighbors there, that was the one that we tailored the memo towards. They have a very similar unit out at the Iowa facility and that was less than 50 decibels at 1,000 feet which was well below the ambient noise levels on the site that we found in our visits there.

CHARLES RETTING, Coldwater Road

MR. RETTING: Charles Rettig, Coldwater Road.

Just a couple of questions. If I understand you correctly -- I will address the questions to the Board, but they're free to answer each question as we go along if you desire to have that happen.

I'm understanding that the Phase 1 capital project is approximately and will be worked on -- is approximately 13 million; is that correct?

JOHN HELLABY: That I don't know and I don't know if they know because they just made the statement they have to get with their people to come up with a number for the Conservation Department landscape costs.

MR. RETTIG: He did mention 13 million. Was that ---

JOHN HELLABY: I don't recall hearing that.

RON RICHMOND: He did say that.

JOHN HELLABY: All right.

MR. RETTIG: That will be forthcoming?

JOHN HELLABY: They will supply that to the Building Department.

MR. RETTIG: Can they explain the railroad spur location and will it come off CSX west to east or east to west? And what is the schedule on that?

MR. FOERSTER: There is a spur off CSX, from the west, curving down into the building. Projected end of the year, but working with CSX, it is looking like it will not be until the next year.

JOHN HELLABY: That raises another quick question. Will any offloading be done internal to the building or external?

MR. FOERSTER: Everything is external.

MR. RETTIG: So, therefore, if I understand you correctly, based upon the potential CSX schedule, you will be doing temporary trucking maybe for a year to take care of your potential future rail?

JOHN HELLABY: Correct. They did state that earlier.

MR. RETTIG: Okay. Thank you.

Are there any specific variances required that -- you just mentioned, I know, your monument sign and your front parking, but are there any others just for information?

JOHN HELLABY: To my knowledge, it was just the number of parking spaces along with the front parking they were looking for variance on. If that is true.

MR. GOLDMAN: That's correct. That's correct. The overall building would be -- is 400,000 square feet. By code that would require 1,000 parking spaces. Our anticipated need is somewhere in the 200 -- 200 to 300 range, which we are depicting in white, and then we have some additional land-banked parking spaces which are available also.

MR. RETTIG: Question on the east lighting. I think this was mentioned at a Conservation Board or earlier Planning Board meeting. Tweaking the lighting on the east side of the building for height and direction and intensity. Did you want to comment on that just for the --

JOHN HELLABY: They made a statement at the original meeting all dark-sky lighting. They're adjusting the pole light and building-mounted fixtures to minimize any glow from outside their border. You know as well as I do, look down the street and even though it is dark sky, you can see the glow from anything, but the -- but the rays will actually be contained in their property and they will not travel outside.

MR. RETTIG: I think the other thing I heard, and correct me if I am wrong, was that they would have the ability to adjust the intensity, lighting intensity depending upon the use.

JOHN HELLABY: They're using LED units and I'm sure they can control those units. If you want to add to that, please do.

MR. TOMLINSON: Sure. So we have got some additional flexibility due to the anticipated changes, the shift changes. Where before we had an 11 p.m. shift where we would have to keep those intensities up, now it is 7 to 7. And the owner is willing to consider being able to dim or turn off the loop road lights which are the closest proximity to the east side because they don't anticipate any deliveries outside of normal business hours. So that is something we're open to doing and plan on doing.

MR. RETTIG: On the oxidizer unit, is there a size or throughput?

MR. FOERSTER: Yes. 50,000 -- or 60,000CFM per unit.

MR. RETTIG: Thank you. Sprinkler system, is that a -- proposed to be a wet or dry system?

JOHN HELLABY: To my knowledge it's a wet system. With -- with as I stated earlier, the fire (unintelligible).

MR. RETTIG: The storage silos, what is the number and the size?

JOHN HELLABY: Four of them.

MR. TOMLINSON: Total of five.

MR. FOERSTER: Total of five. There -- 220,000 pound per.

MR. RETTIG: What is the overall height on those, please?

MR. FOERSTER: 40 feet.

MR. RETTIG: Thank you.

The underground storage tanks, the number and the size?

JOHN HELLABY: Underground?

MR. RETTIG: Yes.

MR. FOERSTER: Quantity of four. Three at 6,000. One at 8,000 gallons.

MR. RETTIG: These are -- are these underground storage tanks double-wall construction or --

MR. FOERSTER: Yes.

MR. RETTIG: -- some other containment?

MR. FOERSTER: Double-wall and coated.

MR. RETTIG: And if you would, just maybe delineate and show where -- I might have missed it. I apologize -- what the subdivision of one lot into two lots is?

JOHN HELLABY: Do you have that?

MR. TOMLINSON: I can show you that.

MR. RETTIG: Thank you.

MR. TOMLINSON: The overall lot is approximately 40 feet east of the existing QCI building wall, all of the way over to the -- to the east boundary of the overall parcel. The proposed division is this line here (indicating), which is approximately 175 feet west of the proposed building wall there.

MR. RETTIG: Thank you very much. I think American Packaging and the Marathon Engineering have done an excellent job.

JOHN HELLABY: Thank you.

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

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

JOHN HELLABY: With that, per Counselor's advice, we'll move into the SEQR.

The Board has reviewed this application and Board in steps -- or has declared itself lead agency under the SEQR review process for the project. We found this application was a Type I which required a coordinated review. Don't have anybody that is against anything to my knowledge at this time.

ERIC STOWE: Meaning nobody has said they would prefer to be lead agency.

JOHN HELLABY: Correct. Excuse me.

The Board has had time to review Part 1 of the application. And as applicant stated, they have prepared a draft Part 2 that we will review at this time.

With that -- this is where everybody will have to bear with me.

Full Environmental Assessment Form Part 2. Identification of Potential Project Impacts. Item 1. "Impact on land. Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site." That's yes, I assume.

"The proposed action may involve construction on land where depth of water table is less than 3 feet." No.

"The proposed action may involve construction of slopes of 15 percent or greater." No or small impact.

"The proposed action may involve construction on land where bedrock is exposed or generally within 5 feet of the existing ground surface." That's no.

"The proposed action may involve" -- "The proposed action may involve excavation or removal of more than 1,000 tons of natural material." No. As they stated, it's a balanced site and nothing will be removed.

"The proposed action may involve construction that continues for more than one year or in multiple phases."

Um, they did state that it would be in multiple phases. But the proposed action may involve, again, as I said, multiple phases.

This applicant has indicated that the construction contemplates being done in two phases and is targeted for completion in approximately three years. Much of the infrastructure will be constructed in conjunction with Phase 1 of the project. The actual construction time for each phase will be substantially less than one year. This is a result of no impact or small impact to the environment.

Item F, "The proposed action may result in increased erosion whether from physical disturbance or vegetation removal, including from treatment of herbicides."

Again, there will be no impact from erosion as a result of erosion control measures incorporated in the development procedures -- or process. Vegetation removal will occur in conjunction with construction and the property will be treated with herbicides as it is customary for non-impervious areas of the site. Accordingly, the Planning Board finds no or small impact may occur.

"The proposed action is or may be located within a coastal erosion hazardous area." No.

Item 2. "Impact on geological features. The proposed action may result in the modification or destruction of or inhabit access" -- "inhibit access," excuse me, "to any unique or unusual land forms on the site such as cliffs, dunes, minerals, fossils and/or caves." No.

Item --

DAVID CROSS: Al (Hellaby), would you like me to read these and you can comment? Would that help you out?

JOHN HELLABY: That would be a great help. Appreciate it.

DAVID CROSS: Right to Number 3 there. "Impacts on surface water. Proposed action may affect one or more wetlands or other surface water bodies." We have a yes.

And I'll go through here. "The proposed action may create a new water body."

JOHN HELLABY: A new -- excuse me, a new stormwater management facility will be located on the southern portion of the site. This water body is deemed to have no or small environmental impact. In fact, the stormwater management facility will enhance the water quality.

DAVID CROSS: "The proposed action may result in an increase or decrease of over

10 percent or more than a 10 acre increase or decrease in the surface area of any body of water."

JOHN HELLABY: No, or small impact.

DAVID CROSS: "The proposed action may involve dredging more than 100 cubic yards of materials from a wetland or water body."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body."

JOHN HELLABY: A small, less than 1/10 of an acre disturbance of an existing federal wetland will occur to provide access to the northerly portion of the site. Due to this small size, the disturbance of the wetland is acceptable under the US Army Corps of Engineers nationwide permit program. Accordingly, no or small environmental impact is perceived.

DAVID CROSS: "The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may include construction of one or more intakes for withdrawal of water from surface water."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may include construction of one or more outfalls or discharge of waste water to surface waters."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may affect the water quality of any water bodies within or downstream of the site and proposed action."

JOHN HELLABY: By containment and management, the amount of surface water running offsite will be diminished and the quality of the water will be enhanced. Accordingly, with no adverse impact.

DAVID CROSS: "The proposed action may involve the application of pesticides or herbicides in or around any water body."

JOHN HELLABY: Pesticides will be applied to the lawn and vegetated areas on the site in a manner consistent with environmental practices. Accordingly, no or small environmental impact.

DAVID CROSS: "The proposed action may require the construction of new or expansion of existing Waste Water Treatment Facility."

JOHN HELLABY: No or small impact.

DAVID CROSS: Number 4, "Impact on groundwater. The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer." Yes.

A, "The proposed action may require new water supply wells or create additional demand on supplies from existing water supply wells."

JOHN HELLABY: No.

DAVID CROSS: "Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may allow or result in residential uses in areas without water and sewer services."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may include or require wastewater discharge to ground water."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in construction of water supply wells in location where groundwater is or is suspected to be contaminated."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may require the bulk storage of petroleum or chemical products over groundwater or an aquifer."

JOHN HELLABY: The bulk storage will be contained in accordance with the Department of Environmental Conservation requirements. Inasmuch as water supply is provided through the Monroe County Water Authority, and not through ground water, there is no or small perceived environmental impact.

DAVID CROSS: "The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or water irrigation sources."

JOHN HELLABY: No or small impact.

DAVID CROSS: "Impact on flooding. The proposed action may result in development on land subjected to flooding. Yes. A, "The proposed action may result in development in a designated floodway."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in development within a 100-year floodplain."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in development within a 500-year

floodplain."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in a required modification of existing drainage patterns."

JOHN HELLABY: Existing drainage patterns will be altered by installation of the proposed stormwater management facility which will lessen offsite flows accordingly. Therefore, no adverse impact.

DAVID CROSS: "The proposed action may change flood water flows that contribute to flooding."

JOHN HELLABY: No or small impact.

DAVID CROSS: "If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?"

JOHN HELLABY: No.

DAVID CROSS: Number 6. "Impacts on air. The proposed action may include a State-regulated air emission source." Yes. "If the proposed action requires federal or State air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:

More than 1,000 tons per year of carbon dioxide."

JOHN HELLABY: No.

DAVID CROSS: "More than 3 1/2 tons per year of nitrous oxide."

JOHN HELLABY: No.

DAVID CROSS: "More than 1,000 tons per year of carbon equivalent or perfluorocarbons."

JOHN HELLABY: No.

DAVID CROSS: How did I do on that?

JOHN HELLABY: Pretty good.

DAVID CROSS: "More than .045 tons per year of sulfur hexafluoride."

JOHN HELLABY: No.

DAVID CROSS: "More than 1,000 tons per year of carbon dioxide equivalent or hydrochlorofluorocarbons emissions."

JOHN HELLABY: No.

DAVID CROSS: Hydrochlorofluorocarbons emissions.

"43 tons per year or more of methane."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may generate 10 tons per year or more of any designated hazardous air pollutant or 25 tons per year or more of any combination of such hazardous air pollutants."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may require a State air registration, or may produce an emissions rate of total contaminants that may exceed 5 pounds per hour or may include a heat source capable of producing more than 10 million BTUs per hour."

JOHN HELLABY: The proposed action will require a New York State air registration permit. Application has been made and preliminary review indicates that this permit will be issued. Accordingly, no or small impact may occur.

DAVID CROSS: "The proposed action may reach 50 percent of any of the thresholds in A through C above."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour."

JOHN HELLABY: No or small impact.

DAVID CROSS: Number 7. "Impacts on plants and animals. The proposed action may result in loss of flora or fauna." Yes. A, "The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed in New York State or the federal government, that use the site, or are found on, over, or near the site."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in a reduction or a degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may cause a reduction in population or loss of individuals of any species of special concern or Conservation need as listed by New York State and the federal government, that use the site, or are found on, over, or near the site."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the federal government."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in the removal or of" -- "of or ground disturbance in, any portion of a designated significant natural community."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the site."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action requires the conversion of more than ten acres of forest, grassland or any other regionally or locally important habitat."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action involves use of herbicides or pesticides."

JOHN HELLABY: Use of herbicides and pesticides will be maintained only for non-impervious areas on the site. Essentially in quantities typical for residential use. The use of the property itself does not require extensive herbicide or pesticide use. It would be a golf course. Use of herbicides or pesticides does not meet the SEQOR workbook definition of moderate to large impact. As such, no or small impact is perceived.

DAVID CROSS: Number 8, "Impact on agricultural resources. The proposed action may impact agricultural resources." No.

Number 9, "Impact on aesthetic resources. The land use of the proposed action are obviously different from or are in sharp contrast to current land use patterns between proposed project and/or a scenic or aesthetic resource." No.

Number 10, "Impact on historic or archaeological resources. The proposed action may occur in or adjacent to a historic or archeological resource." Yes. A, "Proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the New York State Board of Historic Preservation for the inclusion on the State or National Register of Historic Places."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory."

JOHN HELLABY: This site is located within the "circles and squares" map from SHPO. Accordingly, a Phase 1A report was prepared and a Phase 1B ago" -- excuse me -- "archaeological survey was conducted by Environmental Design and Research on behalf of the applicant. The results of the EDR survey are that there are no historical or archaeological significant sites on the property and no additional investigation is recommended. Confirmation from SHPO is pending. Accordingly, no or small environmental impact is perceived.

DAVID CROSS: "The proposed action may occur wholly or partially within or substantially contiguous to an archaeological site not included on the New York State SHPO inventory."

JOHN HELLABY: No or small impact.

DAVID CROSS: Okay. Number 11, "Impact on open space or recreation. The proposed action may result in loss of recreational opportunities or reduction of an open space resource as designated in any adopted municipal Open Space Plan." That's a no.

Number 12, "Impact on critical environmental areas. The proposed action may be located within or adjacent to a critical environmental area." That's a no.

"Impact on transportation. The proposed action may result in a change to existing transportation systems." Yes. "Projected traffic increase may exceed capacity of existing road work."

JOHN HELLABY: A traffic impact analysis has been prepared by SRF Associates on behalf of the applicant and submitted to the New York State Department of Transportation and the Town of Chili for review. Based upon the results of this report, the projected traffic increase will not exceed the capacity of the existing road network, and therefore, the answer to the question is no. The transportation system will not be altered due to the limited number of employees and primarily off-peak trips. There is no perceived significant adverse environmental impact. Furthermore, correspondence from the New York State DOT dated January 12th, 2017, indicates the Department has completed their review of the SRF traffic study and agree with the findings of the report. In addition, the New York State Department of Transportation comments stipulate that the Department agrees with the projected volumes in the report and finds that mitigation is not required aside from providing the dual exit lanes currently being proposed by the applicant.

DAVID CROSS: "The proposed action may result in construction of paved parking area for 500 or more vehicles."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action will degrade existing transit access."

JOHN HELLABY: No or small.

DAVID CROSS: "The proposed action will degrade existing pedestrian or bicycle accommodations." No.

"The proposed action will alter the present pattern of movement of people."

JOHN HELLABY: No or small impact.

DAVID CROSS: Number 14, "Impact on energy. The proposed action may cause an increase in the use of any form of energy." Yes. A, "The proposed action will require a new or upgrade to an existing substation."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a

commercial industrial use."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may utilize more than 2500 megawatt hours per year electricity."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed."

JOHN HELLABY: It is anticipated that the proposed action will involve heating and/or cooling of more than 100,000 square feet of building area. However, the applicant -- the applicant has received confirmation from the energy provider, Rochester Gas & Electric, that sufficient capacity exists to address the anticipated needs of this action. Accordingly, no or small impact is contemplated.

DAVID CROSS: Number 15. "Impact on noise, odor and light. The proposed action may result in increase in noise, odors or outdoor lighting." Yes. "The proposed action may produce sound above noise levels established by local regulation."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in blasting within 1500 feet of any residence, hospital, school, licensed day care center or nursing home."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in routine odors for more than one hour per day."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in light shining onto adjoining properties."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in lighting" -- "lighting creating sky-glow brighter than existing area conditions."

JOHN HELLABY: No.

DAVID CROSS: Number 16. "Impact on human health. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants." Yes. A, "The proposed action is located within 1500 feet of a school, hospital, licensed daycare center, group home, nursing home or retirement community."

JOHN HELLABY: No.

DAVID CROSS: "The site of the proposed action is currently undergoing remediation."

JOHN HELLABY: No.

DAVID CROSS: "There is a completed emergency" -- "there is a completed emergency spill remediation on, or adjacent to, the site of the proposed action."

JOHN HELLABY: No.

DAVID CROSS: "The site of the action is subject to an institutional control limiting the use of the property."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may affect institutional control measures that were put in place to insure that the site remains protected of the environment and human health."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action has adequate control measure in place to ensure that future generation, treatment and/or disposal of hazardous waste will be protective of the environment and human health."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action involves construction or modification of a solid waste management facility."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in the unearthing of solid or hazardous waste."

JOHN HELLABY: No or small impact.

DAVID CROSS: "The proposed action may result in an increase in the rate of the disposal, or processing, of solid waste."

JOHN HELLABY: The project sponsor has indicated a location for the disposal of solid waste and has determined that the facilities are sufficient to accommodate anticipated solid waste production. Accordingly, no or small environmental impact.

DAVID CROSS: "The proposed action may result in excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in the migration of explosive gases from a landfill site to adjacent offsite structures."

JOHN HELLABY: No.

DAVID CROSS: "The proposed action may result in the release of contaminated leechate from the project site."

JOHN HELLABY: No.

DAVID CROSS: 17. "Consistency with community plans. The proposed action is not consistent with adopted land use plans." No.

"Consistency with community character. The proposed project is inconsistent with the existing community area." No.

JOHN HELLABY: Upon reviewing the information recorded on this EAF as noted plus there is additional supporting information, the full application package by the project sponsor, including traffic report, um, historical and archaeological assessment performed on behalf of the project sponsor, reviewed by the Town Engineer and New York State Department of Transportation and other governing agencies, and considering both the magnitude and importance of each identified possible or potential impact, it is the conclusion of the Town of Chili Planning Board as lead agent that: A, this project will result in no significant adverse impacts on the environment, and therefore, the Environmental Impact Statement may not be prepared. Accordingly, this negative declaration is issued.

ERIC STOWE: Just needs to be in the form of a motion to adopt that.

DAVID CROSS: I'll make a motion to adopt that.

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion.

ERIC STOWE: Just also resolution directing you to sign the Part 3 indicating the declaration.

JOHN HELLABY: Sorry. Can I make that myself?

ERIC STOWE: Yes.

JOHN HELLABY: I make a resolution that I be allowed to sign this form in conjunction with the vote that just passed.

JOHN NOWICKI: Second.

ERIC STOWE: The "form" being the Part 3 of the Full Environmental Assessment Form.

JOHN HELLABY: I'm sorry.

Part 3, Full Environmental Assessment Form.

The Board was unanimously in favor of the motion.

JOHN HELLABY: We good?

ERIC STOWE: Yes.

JOHN HELLABY: Well, I have a big list of conditions here which I don't think are too overwhelming. I guess I'll read what I have got to date and if you want to discuss a little bit, we can massage them.

But conditions of approval, Number 1, provide a copy of the U.S. Army Corps of Engineers federal wetland determination letter to the Building Department prior to signing of the mylars.

Number 2, provide a copy of the New York State DOT highway permits to the Building Department.

Number 3, provide a copy of the Spill Prevention Plan from -- or for underground solvent storage tanks.

Number 4, show all stormwater management area easements to -- show all stormwater management area easements to the Town of Chili on the drawings.

Number 5, applicant must enter into a Stormwater Control Facility Management Agreement with the Town of Chili.

Number 6, applicant to supply the Town of Chili with a copy of the determination letter from the New York State Historic Preservation Office prior to signing the approved plan.

Number 7, the applicant must provide a letter of credit to the Town of Chili prior to the pre-construction meeting and start of construction. The letter of credit must cover the cost of temporary and permanent stormwater management structures and piping, the cost of all erosion and sediment control features, the cost of the SWPPP inspections by the applicant's representative and the cost of the Town's inspections at a minimum.

Letter of credit estimate must be submitted to the Town Engineer for review prior to its review and approval by the Town Board.

Number 8, applicant to supply the Town of Chili copies of the New York State Air Registration, Air Facility Permit, Federal Clean Air Act Title IV or Title V Permits as applicable. I would assume you just supply them when you get them.

Number 9, supply the Town of Chili a complete list of flammable and toxic materials stored onsite.

Number 10, review the screening of the rooftop units with the Building Department.

Number 11, berm for the trees on the east of -- entrance drive.

JOHN HELLABY: Or west? West.

DAVID CROSS: West of the drive is the ditch.

JOHN HELLABY: West of drive is the ditch.

Okay. Some of the standard Planning Board conditions that will also be in effect as applied are applicant to comply -- excuse me -- with a landscaping plan approved by the Conservation Board other than that berming modification.

Upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department from a landscaping architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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

Applicant shall comply with all pertinent Monroe County Development Review Committee comments, which I think were just boilerplate.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval.

And all filing information, including liber and page number shall be noted on the mylars.

Building permit shall not be issued prior to the applicant complying with all conditions.

Application is subject to all required permits, inspections, code compliance regulations.

Pending approval from the Zoning Board of Appeals of all required variances.

Applicant to comply with all conditions of the Zoning Board.

And subject to approval of the Town Fire Marshal.

And lastly, no outside storage of any materials.

MR. GOLDMAN: Those are conditions on site plan approval, right? And then subdivision is a totally different set?

JOHN HELLABY: Do we have to do that?

MR. GOLDMAN: Or do you do a single resolution for site plan and resolution --

ERIC STOWE: We should break up subdivision and site plan. Those were site plan conditions and if there are any subdivision, treat them separate.

JOHN HELLABY: As far as American Packaging, the subdivision one goes, I think it was just the final approval of the Town Engineer and the Commissioner of Public Works, correct? Anything else we wanted?

DAVID CROSS: Resub.

DAVID LINDSAY: I think that one you said, Town Engineer and Commissioner of Public Works approval should suffice. We can capture anything we need in there.

JOHN HELLABY: Anything you need to. I mean, it is pretty cut and dry. You in agreement with that?

The Board indicated they were in agreement with that.

JOHN HELLABY: With that one condition on Application Number 1, application of American Packaging care of Lee Foerster, 100 APC Way, Columbus, WI 53925, for resubdivision approval of Lot ARB1 of the 100 Beaver Road Resubdivision into two lots at property located at 100 Beaver Road in L.I. zone.

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

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

MR. GOLDMAN: Thank you very much.

JOHN HELLABY: Do I have to read all of the conditions again? You got them all?

MR. GOLDMAN: No, no, no.

JOHN HELLABY: Application Number 2, application of American Packaging, care of Lee Foerster, 100 APC Way, Columbus, WI 53925 for preliminary site plan approval. Waiving final?

DAVID CROSS: Yes.

JOHN HELLABY: Approved to erect a 400,000 square foot light manufacturing warehouse at property located at 100 Beaver Road in LI zone.

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

1. Provide a copy of the US Army Corps of Engineers Federal Wetlands Determination letter to the Building Department prior to signing of the mylars.
2. Provide copy of the NYSDOT Highway Permits.
3. Provide copy of Spill Prevention Plan for underground solvent storage tanks.
4. Show the stormwater management area easements to the Town of Chili. The easements must provide access to all parts of the stormwater management ponds and the bio retention treatment areas.
5. The applicant must still enter into a stormwater Control Facility Maintenance Agreement (SWCFMA) with the Town.
6. The applicant to supply the Town with a copy of the determination letter from the NYS Historic Preservation Office prior to signing of the approved plans.

7. The applicant must provide a Letter of Credit to the Town of Chili prior to the Preconstruction meeting and the start of construction. The Letter of Credit must cover the costs for temporary and permanent stormwater management features and piping, the costs for all erosion and sediment control features, the costs for SWPPP Inspections by the applicant's representative and the costs for Town inspections at a minimum. The Letter of Credit estimate must be submitted to the Town Engineer for review prior to its review and approval by the Town Board.
8. Applicant to supply the Town of Chili copies of NYS Air Registration, Air Facility Permit, Federal Clean Air Act Title IV or Title V Permits as applicable.
9. Supply the Town of Chili a complete list of flammable and toxic materials stored onsite.
10. Review screening of roof top units with the Building Department.
11. Install berm for tree plantings on west side of entrance and east side of drive, east of ditch.
12. No outside storage of any materials.
13. Applicant to comply with the landscaping plan approved by the Conservation Board.
14. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
15. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
16. The Town Engineer and Commissioner of Public Woks shall be given copies of any correspondence with other approving agencies.
17. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
18. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
19. Building permits shall not be issued prior to applicant complying with all conditions.
20. Application is subject to all required permits, inspections, and code compliance regulations.
21. Pending approval of the Zoning Board of Appeals of all required variances.
22. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
23. Subject to approval by the Town Fire Marshal.

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

MR. GOLDMAN: Thank you very much. Thank you for your studious efforts on this. And also we appreciate your scheduling the special meeting to be able to accommodate the scheduling on SEQ.

John Hellaby made a motion to approve the December 13th, 2016, Planning Board meeting minutes as issued. David Cross seconded the motion. All Board members were in favor of the motion.

The meeting ended at 8:30 p.m.