

CHILI PLANNING BOARD
May 13, 2014

A meeting of the Chili Planning Board was held on May 13, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice-Chairperson John Hellaby.

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

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.

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 Mr. and Mrs. Sean McCormack, owner; 4310 Union Street, North Chili, New York 14514 for renewal of Special Use Permit to allow a riding academy and boarding of horses at property located at 4310 Union Street in AC zone.

Mr. and Mrs. Sean McCormack were present to represent the application.

MS. MCCORMACK: My name is Sandra McCormack.

MR. MCCORMACK: My name is Sean McCormack.

MS. MCCORMACK: We're here tonight to request the renewal of a -- the Special Use Permit to operate a horse boarding and riding academy on our property. We received our permit two years ago from this Board, and we have complied with all of the conditions that were set forth at that time.

The Town of Chili Fire Marshal visited our property and determined that an annual operating permit was not necessary. The manure pile was moved farther down the back side of the hill on our property. A manure spreader was purchased at a cost of \$1,200 and a variance for the three-stall barn to have a -- the variance from the 100 foot side setback to 45 foot side setback was obtained from the Town of Chili Zoning Board of Appeals. So we're here today to request the renewal of that permit.

JOHN HELLABY: Zoning Board variance was granted in what, February of this year?

MS. MCCORMACK: Yes.

PAUL WANZENRIED: You're increasing the number of horses?

MS. MCCORMACK: No. We didn't ask for an increase, no.

JOHN HELLABY: Are the horses happy?

MS. MCCORMACK: Oh, they are now. Now that the warm weather is here, they're much happier.

DAVID CROSS: I guess -- Mr. Lindsay, but has there been any history of complaints, do you know?

MR. JONES: We haven't received any complaints for prosecution, no. But that is only two years.

JOHN HELLABY: I will -- I will add that I spoke to Dave (Lindsay) before he stepped out in the hall, and they had some early on, right after this application was approved, but over the course of the last year, he states that they have had no phone calls or complaints.

DAVID CROSS: That's all I had.

JOHN HELLABY: I will note that per the Town Engineer's recommendation, that one of the conditions of approval that we're going to ask for this evening is that you submit a sketch to the Building Department on the size and approximate location of all structures presently on the property. We realize that there has been some construction over there, over the last year or so, and some of the barns apparently, which is fine, because of agricultural zoning we're not required to get a building permit. However, we would like to know what is presently out there.

MS. MCCORMACK: We do have that prepared for you.

JOHN HELLABY: You do have it?

MS. MCCORMACK: Yes, because we received that email.

JOHN HELLABY: Do you want to bring it up here?

MS. MCCORMACK: Well -- and we --

MR. MCCORMACK: I made it another sketch to make it easier to understand.

Mr. McCormack explained the diagram to the Board at dais.

JOHN HELLABY: I will see that this gets forwarded to the Building Department.

MS. MCCORMACK: The run-in in the front is not a permanent building. It was -- it's an Amish building that we purchased and it sits on a stone base, but it's moveable. I mean, it is actually built to be moveable.

JOHN HELLABY: That it?

MS. MCCORMACK: Yes. The -- the back run-in, I think since we were here two years ago, we made it larger.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MIKE MURPHY, 4340 Union Street

MR. MURPHY: I'm the next-door neighbor. When they got the first permit, I really didn't care. I like horses so it doesn't make much difference to me. I guess I don't know what was part of the original Special Use Permit.

Like how many horses can they have?

JOHN HELLABY: I can tell you that information. Bear with me here for just a second. The conditions of approval was that it was approved for a two-year period.

The three-stall barn will require a setback variance from the side lot line, complying to the Zoning Board of Appeals for said variance which they did and received.

The applicant shall obtain an annual operating permit from the Town Fire Marshal. He has subsequently reviewed the property and deems that there is no permit required.

Um, the number of horses permitted to be stabled on the property shall not exceed ten.

And the applicant shall initiate odor control procedures for accumulated manure pile on the property, and that's when they went out and bought the manure spreader and actually got rid of the pile.

MR. MURPHY: I guess some of the things with the manure that I have a concern with is yes, they have expanded their -- the fence, which downhill from that fence where they're spreading all this manure throughout the thing is a pond. It's a stocked pond. And I don't know if anybody has done -- you know, DEC has had any kind of study done on what this is -- could possibly do -- you know, be doing to the pond.

I have noticed the way overgrowth of cattails. As much as I have tried to cut them back.

Every once in a while it seems like there is a film. I'm not sure where that is coming from. Again, I have nothing to do -- I don't know anything about -- if that is, you know, a situation, but that fence is now within, I would say, 40 foot of the pond. And it -- everything on that hill runs down and now drains into my pond.

MS. MCCORMACK: Can I respond at this point?

JOHN HELLABY: Just a moment. That pond belongs to you?

MR. MURPHY: Yes. Some of the other issues that we have run into, um, now that the -- before they didn't have pastures in the front of the house, which is right in line with mine. So when we do get, you know, the winds out of the north, of course, now, we get to smell horse do-do. So, I know those are some of the concerns I have. And the traffic now is, you know, so much more than it ever was. I mean, I have already almost hit two trucks. When they pull out of that driveway heading north, you cannot see them.

JOHN HELLABY: Uh-huh.

MR. MURPHY: I mean at the top of the hill. I have to slow down, because that's my house right next door. People that are going down that street, I mean it is definitely a safety issue.

JOHN HELLABY: All right.

MS. MCCORMACK: First off, we have not spread manure because we purchased the manure spreader in November. You can't spread frozen manure and we all know that we just come out of one coldest seasons, winters in history -- not history, but from what we can remember. And you don't spread manure when the ground is frozen. So we haven't -- because of the weather, and then -- and then the ground being too wet for us to drive around and, you know, pulling a filled manure spreader, we haven't actually spread the manure yet. So there has been absolutely no change in what we have done that would affect his pond.

The pasture that is on that side of the property is the least used pasture by the horses. Um, and we -- it was --

MR. MURPHY: They're big horses.

JOHN HELLABY: Excuse me.

MS. MCCORMACK: It was expanded. There is usually three horses, four horses sometimes in that pasture over there. As far as cattails and his pond, from what I know about pond management, you have to manage those things. You have to do things for them. So that is one thing.

Yes, we do have a pasture up front. The wind normally comes from the west, which would blow the wind right across the pasture into our house. Our bedroom window is 50 feet from that pasture and it is not a problem.

And the third point about traffic, we're a small business. There are -- on -- on the best day, maybe four -- four cars that would come in and out, you know, for riding lessons. We don't have an indoor arena. All you can -- my daughter can do is give lessons during the light and the good weather. So she can only fit so many lessons in -- in an evening.

JOHN HELLABY: Has any thought been given as far as talking to someone -- and I know

they're there fewer and fewer every year, working a deal with some of the local farmers out there to actually dispel the manure somewhere else as far as some other agricultural fields that could actually use it? Because I mean, basically you're just spreading it in the fields out there. You're not turning these fields over or anything, correct?

MS. MCCORMACK: That's the plan. Once we start spreading. We -- half of our property is still just fields, not pasture. So that's -- that's a place that it could be spread. You know, you have to be careful about spreading where the horses are eating, but also, um, I did some research about how much -- how much does a manure -- does a horse produce each day, and the DEC regulations about when -- when the DEC regulations come into play and they come into play when you're generating 3,000 cubic yards per year. I did our calculation with ten years. We're generating about 119 cubic yards a year. So we're really generating minimal, um, manure for -- you know, as far as regulations go.

MR. MCCORMACK: And where I have been spreading it when I can has been in on the property line away from Murphy's, because I'm sensitive to you being over there and away -- as far away from you, as I can, Kevin (Sands), down that hill and also to keep it away from the pond. So I have been spreading it with the tractor down -- and the hedge row as best I can. For this past weekend, I was able clean out the stalls and so there probably was a smell this weekend because it accumulated over the winter, and we spread that in a small area up by the house, not down your way or over -- or over by Michael (Murphy)'s property.

And that property, by the way, Michael (Murphy), is the only field between us, and I'm not spreading over there because I'm sensitive to the fact that you're over there. So I have been trying to keep it in the hedge row on the back side of the houses so it is not affecting you guys as much as I could.

JOHN HELLABY: All right. Let me get back to the audience. Anybody else?

MARK TRZYZEWSKI, Gateway Circle

MR. TRZYZEWSKI: I have driven by this property. I'm familiar with the property. Is it not a big operation. It will be in character with what I would expect with agricultural zone. Doesn't look out of place. Doesn't seem to be out of line with what you expect within that area off 259.

The second point is my daughter also rides a horse. There is clearly a lack of horse instruction facilities on the west side. My daughter would -- I drive my daughter to Bloomfield or Mendon because there really are no riding facilities in Chili or very few.

The second point, the point regarding the manure, yes, it is something you expect from an operation like this. The question would become more a question for the Town Engineer, is when you talk (indiscernible) from a horse, we're talking a private pond versus a wetland. There are certain rules and regulations where it cannot overflow into a designated wetland, whether it is a State or federal wetland -- are protected. When you're talking private -- I will say pond on another property, I do not believe that is protected in the same manner.

JOHN HELLABY: Okay. Thank you.

KEVIN SANDS, 4298 Union Street

MR. SANDS: I'm the neighbor to the north. Um, I guess the only issue I have is the manure. Um, the smell -- this weekend was terrific.

MR. MCCORMACK: Because I was cleaning.

MR. SANDS: And I guess -- it is early morning and late in the evening when the air drops. We're kind of in a hole there, below them. It drops down, and she won't open the windows. It becomes a nuisance. I grew up on a farm my whole life. I have lived there for 45 years. Um, my neighbors to the north have had horses, mules, never, ever, ever had an issue with it. Um, I guess it's a nuisance to me, and if this was a problem, I probably would not have built my house there prior to this, if I knew this was going to happen. So I guess I'm stuck. So. You know, I -- they're doing what they want to do.

I like horses. I like watching them. But the smell is terrible, especially in the summertime. We're not air-conditioned people. We like our windows open. My wife won't even open the windows. Our house is 90 degrees in the summertime.

And the traffic. I own a business there. I know what the traffic is like. The only issue I have with traffic is I have people coming in there with horse trailers that miss their driveway that turn around in mine. 90 percent of the people that own a horse trailer cannot back a trailer up and my yard is tore up in lots of spots. I haven't said anything. I'm the guy that goes out and fixes it, shuts his mouth, but it does become an issue.

MS. MCCORMACK: I don't understand what Mr. Sands is talking about with horse trailers on his property.

JOHN HELLABY: They're overshooting your driveway and they're actually turning around at his place.

MR. SANDS: They see my big driveway there and they just come in and spin right around and they rip up the stones.

MS. MCCORMACK: Horse trailers?

MR. SANDS: Yes. Horse trailers.

MS. MCCORMACK: We -- we have no students who haul horses to our property. The only horse trailer that would be in and out of our property is ours.

MR. SANDS: It's not yours. It is other people. I have seen them go in there. They have -- people have called me -- I have been in my shop asking me where your facility is.

JOHN HELLABY: All right.

MR. SANDS: I'm not going to get into a pissing --

MR. MCCORMACK: If that is happening, I apologize. The only other trailer that comes to us is the barriers (phonetic) and maybe he stood in his property, but nobody does trailer horses to our property other than the barriers (phonetic) trailer.

JOHN HELLABY: Thank you.

PETE WIDENER, 4280 Union Street, North Chili

MR. WIDENER: I have the 40-acre horse farm just north of this property. It's a quarter mile north of the property and my concern is if a new permit is issued, what would be the term? Two years, five years or is it a covenant that goes with the land?

JOHN HELLABY: We can put a term on it just like we did this one.

MR. PETERSON: Okay. You will put a term on it.

Are there any current or active violations with the last permit?

JOHN HELLABY: Not that I'm aware of.

MR. PETERSON: Okay. And as far as the manure which seems to be a neighborhood concern, at one time we had ten horses in and out all of the time. We were running a 4H program. And maximum would stay through the winter would be eight horses. And we piled manure from November until April, and then from April through November we pastured the horses. We spread the manure in June because the land is too wet to put my manure spreader and tractors out on it. Manure, horse urine will freeze in the box and snap your drive chains. I don't spread in the winter either. So there is a -- I guess you say a caveat, we have a pile of manure. But I usually have mine gone by June because I'm the lower area, some areas where I spread it. I spread it on land that sometimes is fallow and sometimes goes into crops. But we know it's quite right when we're ready to go.

Other than that, I have no other concern. Thank you.

MR. MCCORMACK: Um, you had asked the question about farmers using our manure. We -- we have had people come and take manure. So that does take place. For us to trailer it out of there would be an awful expense and we would be piling it up for a lot longer in order for that to take place. We are doing the best we can.

MS. MCCORMACK: Our manure pile is out in the sun and the air and we only have a three-stall barn, so there is really only manure being accumulated during the winter from three horses, not ten.

MR. MURPHY: I just had a question. How were the number of horses determined?

JOHN HELLABY: I don't really remember -- recall how -- how the initial number was determined. Um, I know we had ongoing discussions about numbers. I'm thinking during that discussion it was proven that the land would support that number.

MR. MURPHY: They have a three-stall barn.

JOHN HELLABY: But there is an open covered area that they can walk in out in the open pasture year.

MR. MCCORMACK: Run-ins, not barns.

JOHN HELLABY: They don't have to necessarily stall these horses every night.

MS. MCCORMACK: The number was actually our request.

JOHN HELLABY: Right.

KAREN COX: I thought it was.

MS. MCCORMACK: And, in fact, the -- the -- I don't have the -- there is really not a regulations. There is recommendations. And basically, there -- the recommendations are based on if you expect the horses to get their nutrition just from pasture or if you expect to feed grain and hay, so really, technically, more horses could be supported on our land if we chose to feed more hay, but hay is expensive, and so we choose to -- we asked for ten, no more than ten.

JOHN HELLABY: All right.

KAREN COX: And you said you have how many there now?

MS. MCCORMACK: Ten.

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: Sounds like the big issue is the manure. I do realize farming operations have a little more lenience as far as things, but, you know, I don't know about the smell portion of it. I know dust and agricultural operations, there isn't a lot you can do about that. I personally live next to a horse farm. I grew up next to a horse farm. Farming operations go on constantly. I know what they're talking about.

We're going to leave the condition that somehow you mitigate that smell. I would highly recommend that you research how to dispose of it off site, if you can make a deal with local farmers, and I'm not saying you have to haul it. If you can start selling it to get the farmers to come in to get it and spread it.

MR. MCCORMACK: We'll give it away.

JOHN HELLABY: I realize that, but I think you have to make a concerted effort to make that happen satisfactorily.

MR. MCCORMACK: We have.

JOHN HELLABY: And I realize that.

Conditions all remain the same. The conditions will remain the same. I have on here to submit the sketch for the Building Department, which they gave me this evening. I will submit that to them if they want this adjusted or upgraded in any way, shape or form. I will have them get with you to make that happen.

All previous conditions imposed by this Board that are still pertinent to the application remain in effect. And again, I stated that a couple of them have been taken care of, so really it's the number of horses permitted to be stabled on the property will not exceed ten.

The applicant shall take care of odor control procedures for the accumulated manure on the property. I believe you received the variance for the barns, so that goes away.

The application -- get an operating permit from the Fire Marshal to state that he does not need that.

The only other open issue is the timeframe for how long you want to grant this for.

PAUL WANZENRIED: Should we ask them to submit some sort of a plan for odor control?

MS. MCCORMACK: Can I make a statement about that? We live on the top of a hill. The -- where we do accumulate manure until we can spread it is on the back side of the hill. It is literally 1,000 feet from the Sands' property and they're on the front side of the hill. There is just a certain amount of manure -- horses make manure constantly. I disagree with the -- with the statements that there are -- that there are -- the smells are that bad. You know, in -- when you read some things about manure management, the statements are made, some people are more sensitive than others, but we are operating in an agricultural business in an Agricultural District.

JOHN HELLABY: I know that and appreciate that, but I'm just saying you need to make a concerted effort to mitigate it anyway possible. And I know the overall operation. As I stated, I grew up in that situation. It's a smelly operation whether you have a manure pile or there is no manure pile. It's -- it's the nature of the beast.

MS. MCCORMACK: But, Mr. Hellaby, at a certain point, how much more are we supposed to do and how much more should a small business have to spend to --

JOHN HELLABY: I think -- I think you're missing the point. I'm not asking you to leave here tonight and actually go out and formulate this manure plan, but you need to be constantly thinking about it and build your relationship with your neighbors to mitigate this smell. I don't expect you to go out and write a check tonight for having somebody haul manure away, but constantly be thinking of new ideas, new process, things like that to try to mitigate the problem.

MR. MCCORMACK: We have been. We'll continue.

JOHN HELLABY: Right. That is all I'm asking.

PAUL WANZENRIED: You just said you're putting it in the northeast corner of the land?

MS. MCCORMACK: No.

MR. MCCORMACK: It would be the northwest. Can I point it out to you?

PAUL WANZENRIED: Yeah.

MR. MCCORMACK: Right there (indicating).

PAUL WANZENRIED: That's it.

MR. MCCORMACK: Yes. And I spread it out to knock it down.

KAREN COX: It's on the water tower side.

MS. MCCORMACK: Yes.

MR. MCCORMACK: That is the hedge row I try to keep it in. It is as far away from Mr. Sands as possible and as far as away from Mr. Murphy as possible.

PAUL WANZENRIED: This slopes down to the back end here (indicating)?

MR. MCCORMACK: Yes. I don't know what the rise is here. 70, 80 feet maybe.

PAUL WANZENRIED: Thereabouts.

KAREN COX: I guess, Al (Hellaby), I just thought of this, maybe a suggestion for the gentleman with the pond. The Monroe County Soil and Water District has people on staff that could help you with your pond if you had questions about that. Their website has a lot of good information about pond management and how to control aquatic growth in ponds and all that. I just figured I would throw that out.

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

JOHN HELLABY: We went through the conditions. I don't have a timeframe yet. What pleases the mover? They had two years.

DAVID CROSS: No more than five.

JOHN NOWICKI: I would suggest, only my personal opinion, because of the work they have to do with the neighbors, to keep it two years and look at it again two years down the road.

PAUL WANZENRIED: I agree with John (Hellaby).

JOHN HELLABY: Sounds agreeable, two years?

PAUL WANZENRIED: Two years.

JOHN HELLABY: We'll approve it for two years.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approved for a period of two years.
2. Applicant to submit sketch to the building department showing sizes and approximate location of all structures presently on the property.
3. The number of horses permitted to be stabled on the property shall not exceed ten (10).
4. The applicant shall initiate odor control procedures for accumulated manure on the property.
5. Application is subject to all required permits, inspections, and code compliance regulations.

Note: The Board also suggests to the applicant that they continue to research mitigation measures for the manure, such as having local farm operators use in their field operations.

2. Application of John Sharkey (indicating), owner, 69 Pleasant Point, Oswego, New York 13126 for preliminary subdivision approval of two lots into two lots to be known as Sharkey-Scottsville Road Subdivision at property located at 1431 and 1437 Scottsville Road in GI zone.
3. Application of John Sharkey (indicating), owner, 69 Pleasant Point, Oswego, New York 13126 for preliminary site plan approval to erect a 9,975 sq. ft. warehouse addition at property located at 1437 Scottsville Road in GI zone.

Rob Fitzgerald was present to represent the application.

MR. FITZGERALD: Good evening. Rob Fitzgerald. I'm a Project Engineer with Fitzgerald Engineering, representing my client tonight. What I would like to do is talk about the subdivision of lands first.

We are here for a two-lot subdivision, revised lot line, if you will. The reason for it is that we do need additional land for this building addition. If I can approach the Board, our current property line -- this is our existing building. Our current property line is this dashed red line. We're looking at obtaining this green hashed area so now our new property line will be back here (indicating). Then the remaining land will still have frontage onto Millstead Way.

John Sharkey, the owner of this property, does lease this to FleetPride. They like the area. They like Chili. They like access to the interstate, but with that, they also are tight on space. And that is why we're looking at putting on a 9,000 square foot building addition. But to do that, we are looking to add the additional land to the rear, bringing the existing parcel approximately 1.5 acres to around 3.2 acres.

And that is really about it for the subdivision parcel. We don't really need any easements or anything like that. I think if we want to take comments on the subdivision and then move onto site plan.

DAVID CROSS: Rob (Fitzgerald), will you need any variances?

MR. FITZGERALD: No, we will not.

DAVID CROSS: That's all I have.

JOHN HELLABY: I will just mention, and again, it can weigh on both applications, I do have a copy of a letter from AM Associates, LP, to the Town of Chili Planning Board dated May 5th, 2014. And it's, "To whom it may concern, please be advised I have entered into an agreement to sell a portion of the vacant land at the above address to John Sharkey (indicating) for the purpose of development. As a consideration of this agreement, I have authorized the developer through Mr. Sharkey to deposit any excess fill generated from the site of their project into low areas of the remaining lot adjacent to the site. If there are further questions regarding this please do not hesitate to contact me. In regards, Doug Meyer (phonetic), Jr., Managing Member."

MR. FITZGERALD: Thank you.

PAUL WANZENRIED: Is that back parcel landlocked?

MR. FITZGERALD: No. It does have frontage onto the other street.

KAREN COX: On Millstead.

MR. FITZGERALD: Moving onto the site plan, we are looking at doing -- 9600 square foot building addition to the rear of the existing structure. Um, we're also proposing to add ten parking slots. Then additional truck manufacturing area in the rear. So really the front of the building, we're not really changing anything, with the exception of we're really putting our money, our landscaping money in the front of the building, just to spruce that up. We have submitted a landscaping plan that has been approved by the Conservation Board and I believe that is actually the last sheet in the sets that you guys are looking at.

As far as the utilities, the existing facilities are located in this corner here (indicating), and again, we'll -- no new bathrooms in the back, so we really don't have to deal with utilities at all. There is an existing drainage ditch. I'll use that term loosely. There is an easement, and what we're looking at doing is redefining that drainage ditch just to make sure that water does get to

the north. Most of our added impervious area, there was existing asphalt here (indicating), so it's kind of a one-to-one swap as far as the 9600 square feet. So really we're adding about less than a quarter an acre of impervious, so we don't really -- we're not generating much additional surface runoff.

We will have a loading -- a truck loading bay in the rear. There is one there presently. We're essentially just sliding everything back further. As far as the building goes, again, an addition to the rear, it is surrounded by trees. It will be a metal clad structure. We also have a dumpster enclosure towards the rear of the parcel, out of the view of the street.

I do have a large team here, and there is five gentleman. So everyone except for Dorothy (Borgus) here, but --

JOHN HELLABY: Actually, it might be beneficial if you just run down through your letter that you responded to the engineering comments on.

MR. FITZGERALD: Yes. I did receive the first Town Engineer's comments. I did have a chance to run through that. Um, the first one was, it wasn't really clear -- I didn't have any easements shown on the site plan. I had them on the existing conditions plan, so it wasn't clear whether or not our proposed improvements were infringing on those easements.

So quick flip of a layer, turned them on and, of course, we did design around the easements to stay out of that. So we're not infringing on that sanitary sewer easement.

Number 2, was asking about a utility plan. Again, we're not proposing any new utilities. They're already there existing coming in off the street. The only possible improvements we would have in front of the building is maybe some patching of asphalt. And then, of course, the additional landscaping, just to hopefully beautify the building a little bit more.

Um, the third was in response to lighting, we are not looking to add light here. Of course, we're pretty close to the airport. With the exception of wall-pack lights, which are shown on the architectural plans, and I also did include a cut sheet for those, as well.

JOHN HELLABY: I was just going to mention I don't know if everybody received a copy, but I did receive a cut sheet on the wall packs.

MR. FITZGERALD: Very minimal lighting, just enough for the exterior doors for safety concerns.

Number 4 goes into at quite length, just a summary of what is required by Town Code for parking. Um, we were not showing enough, as per Town Code. We are adding -- originally had -- we're proposing eight additional parking spots. Town Engineer recommended we boost that up to ten. We have since revised our plans.

That bay of new parking on the east side of the building is ten parking spots. Um, and then we do have land-banked now 224 additional spots towards the rear of the parcel. It's not necessary now, but we can demonstrate that we do have the space if it becomes needed in the future. So we have added that to the plans, as well.

Um, Number 5, we had 9 by 20 foot spots. Just an error and we have since revised those to 9 1/2 by 19.

With the original submittal to the Town, we did not have the landscaping plan completed at that time. That is now complete, and it did get Conservation approval last week. Again, that's part of the revised setback that the Board should have.

And number 7 talks about how the landscaping plan as constructed needs to have a certification of compliance and that will have to be forwarded onto the Town once the landscaping is completed.

And, of course, we just addressed that as a note on the plan, which we have done.

Number 8 was with the concern of placing excess earth onto the parcel. Actually, the person we're buying the land from, that's where we're placing the parcel, they feel it would be beneficial if they could use it in the future. They did give us permission to do that, which is the letter that Mr. Hellaby read earlier. So we did get that letter.

Number 9 was just to show that we had adequate erosion control around that new mound, which we have a silt fence around. That Number 10 was asking for additional information on our dumpster enclosure. We have since provided that information, as well. We're looking at like -- I think it's like what, 2, 3 yard dumpsters and, of course, that will be in an enclosure.

And number 11 is just stating it is not the final review and they want any last -- they want the last chance to look at it after this meeting if additional concerns come up.

With that, we'll take any comments engineering-wise or business-wise. Like I said, I have a group of guys, both the owner as well as the design/build construction company who is very knowledgeable on this project, as well.

JOHN HELLABY: All right. Thank you. I will mention that the Fire Marshal did look at this application and he states an access looks good and they will be scheduling their annual inspection, as it is overdue.

Also received comments from the Department of Planning and Development, pretty much boilerplate stuff. If the map on this project is going to be filed in the Monroe County Clerk's Office, monumentation must be checked by the Monroe County Department of Transportation Survey Office. If the County or State monument will be affected by the project, the engineer must call the Monroe County Department of Environmental Services Survey Office at said phone number.

Um, item 2, all work proposed within the Route 383 right-of-way will require a New York State DOT highway work permit. Right now you're not planning any of that, correct?

MR. FITZGERALD: Correct.

JOHN HELLABY: And that's pretty much it.

JOHN NOWICKI: Have they paid for final approval?

JOHN HELLABY: Yes, they did.

DAVID LINDSAY: In regard to the fill being placed on the neighbor's property, we might need a fill permit for that work to take place there.

MR. FITZGERALD: If that is required --

DAVID LINDSAY: Depends. I don't know what quantity you're talking about, but just reach out to us after the meeting and I can guide you through that process.

MR. FITZGERALD: Okay.

PAT TINDALE: I really don't have much of anything. They may have been corrected, but on the EAF form, there were two small things I questioned because you are within a stone's throw of New York State parkland and designated Greenway. That needs to be checked for parkland.

I have one more thing, and let me see if I remember it. Oh, public transportation right there, and I do not see any public transportation there on Scottsville Road unless somebody else knows anything I don't know about.

MR. FITZGERALD: I believe I looked into that and you are correct.

PAT TINDALE: Pardon?

MR. FITZGERALD: You are correct. There is not.

PAT TINDALE: Just those two things.

JOHN HELLABY: What was the number?

PAT TINDALE: Part 1, it was Number 4, and -- on the second page -- bear with me. I didn't bring with me what I needed.

JOHN HELLABY: It's in your comment. I got it. I got it.

PAT TINDALE: I did put it in my notes to the Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

John Hellaby 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.

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

JOHN HELLABY: Conditions on the subdivision?

PAUL WANZENRIED: Other than they get a fill permit.

KAREN COX: That is for site plan.

JOHN HELLABY: Not necessary to have any conditions on the final -- or you want them to carry this thing? It makes no difference, I guess.

DAVID LINDSAY: What conditions are you referring to?

JOHN HELLABY: I mean as far as the standard conditions of approval basically. Um, basically upon completion of the project, the application shall submit a landscaper's certificate, which I assume Pat (Tindale)'s going to want.

DAVID LINDSAY: That is site plan, but on the subdivision I don't think there is anything.

JOHN HELLABY: Nothing on the subdivision. All right.

With that being said we'll go to the vote. Waive final?

The Board indicated they would waive final.

JOHN HELLABY: All right. Preliminary site plan, they have paid the fee for their final, so we'll -- is it the Board's pleasure to waive final on that, as well?

The Board indicated they would waive final.

JOHN HELLABY: Some of the conditions I have got are --

MICHAEL JONES: Mr. Chairman, don't forget to do SEQR on the site plan because when you did SEQR, you specified it was only for the subdivision.

On the site plan, John Hellaby 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 Karen Cox seconded the motion. The Board all voted yes on the motion.

JOHN HELLABY: Conditions on the preliminary site plan, waiving final?

Fill permit. For adjacent property.

Upon completion of this project, the applicant shall submit a landscape Certificate of Compliance to the Building Department for the landscape architect.

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

Applicant shall comply with all pertinent Monroe County Development Review comments. All previous conditions imposed by this Board -- because you have been in here for other things, and I think some of the conditions were no outside storage and miscellaneous odds and ends. All right?

And lastly, application is subject to all required permit inspections and code compliance regulations. I think I have it covered.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6 yes with no conditions.

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

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 yes with the following conditions:

1. Secure fill permit for any excavated material to be spread on site or adjacent lot.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Application is subject to all required permits, inspections, and code compliance regulations.

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

The 4/8/14 Planning Board minutes were approved.

The meeting ended at 7:49 p.m.