

CHILI PLANNING BOARD
May 9, 2017

A meeting of the Chili Planning Board was held on May 9, 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 Chairperson Michael Nyhan.

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

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

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

PUBLIC HEARINGS:

1. Application of Eric Sarnowski, 116 North Greece Road, Hilton, New York 14468, property owner: Daypart Rochester, LP; for preliminary site plan approval for a change of use in portion of building (Suite 40/50) to allow a place of public assembly at property located at 1280 Scottsville Road in G.B. zone

Eric and Corey Sarnowski were present to represent the application.

MR. COREY SARNOWSKI: I'm Corey Sarnowski, representing applicant, Eric Sarnowski, for the change of use for 1280 Scottsville Road from General Business to a public assembly.

MICHAEL NYHAN: Well, it would be a place of public assembly but zoning is still General Business.

MR. COREY SARNOWSKI: Okay.

MICHAEL NYHAN: Go ahead, sir.

MR. COREY SARNOWSKI: So we are opening an escape room. I don't know if you're familiar with that. It's an entertainment where people are placed in a room for one hour and they solve puzzles and riddles to escape the room. The room is not locked. It is just the themes. We have different themed rooms. Two themed rooms to start. They have max capacity of ten people per room. We can have anywhere up to 40 people at a time. 45 including employees.

MICHAEL NYHAN: So is this a -- like a corporate team-building-type atmosphere?

MR. COREY SARNOWSKI: Family, friends, corporate team building.

MICHAEL NYHAN: Do people sign up for this ahead of time or in advance who will be coming?

MR. COREY SARNOWSKI: Correct. All online booking so we'll know ahead of time.

JOHN NOWICKI: What is discussed in these rooms?

MR. COREY SARNOWSKI: Oh, they actually just work together to solve puzzles and riddles that we set up in the rooms. So for example, if we have a room that you have to search the room, tear it apart, find puzzle pieces, put them together and then you have to decide based on that picture that you find, what is different in the room.

JOHN HELLABY: Hours of operation are spelled out in your letter of intent, correct, dated March 12? Monday through Thursday, 4:30 to 10:30; Friday, 11:30 a.m. to 11:30 p.m.; Saturday, 9:30 a.m. to 11:45 p.m.; and Sunday, 9:30 a.m. to 9:15 p.m.; is that correct?

MR. COREY SARNOWSKI: That is correct.

JOHN HELLABY: Um, I'm intrigued with this whole concept. Is there other things like this around? Do you guys operate these somewhere else?

MR. COREY SARNOWSKI: This is our first venture with these, but they are in existence. They have become very popular within the past ten years.

JOHN HELLABY: Where did you come up with this? Did you visit facilities that offered it?

MR. COREY SARNOWSKI: Yes. The first was down in North Carolina. Really liked it. Caught on. Brought ideas up to my two brothers and we decided we want to open one ourselves. There are currently four in Rochester, in the Rochester area.

JOHN HELLABY: What are the other ones?

MR. COREY SARNOWSKI: One on University Ave. Another on Monroe. One on Jefferson -- well, East Henrietta, I believe. They just opened up on East Henrietta. The last is on, I think, Rockwell. It is off Winton.

JOHN HELLABY: Are they a franchise or just something you're doing on your --

MR. COREY SARNOWSKI: There are some franchises, but this is just on our own.

JOHN HELLABY: Just you, just this location?

MR. COREY SARNOWSKI: Correct.
JOHN HELLABY: Advertisement, where do you advertise this type of stuff?
MR. COREY SARNOWSKI: We'll advertise on radio, social media and probably Pandora, Spotify, those types of online streaming.
JOHN HELLABY: How many rooms are here?
MR. COREY SARNOWSKI: We'll open with two rooms.
JOHN HELLABY: Eventually have how many?
MR. COREY SARNOWSKI: Potentially could have max of four.
JOHN HELLABY: So 10 to 20 people in a room at a time?
MR. COREY SARNOWSKI: Ten people max at a time.
JOHN HELLABY: So at any one given time you would have 40 people in there?
MR. COREY SARNOWSKI: 45, including employees.
JOHN HELLABY: Plus employees or whatever?
MR. COREY SARNOWSKI: Yes.
JOHN HELLABY: That's all I have for right now.
MICHAEL NYHAN: Existing building right now. You're reconfiguring the interior of this building?
MR. COREY SARNOWSKI: Correct.
JOHN NOWICKI: Any food or drinks being served?
MR. COREY SARNOWSKI: No.
DAVID CROSS: No liquor license being applied for.
Looks like Town Engineer went through the parking calculations and everything is all set. Looks good for that. Mike did pick up on a couple of things on the short EAF. You will need a building permit on -- page 1, question 2.
And question 14, typical habitats, species that occur, I would assume you would check "urban" there. I would be okay with that. That's all I have.
PAUL WANZENRIED: Just apply for a building permit.
MICHAEL HANSCOM: No additional comments.
LARRY LAZENBY: Just value of what they're going to be doing so that we can look for donation to the Town Tree Fund because everything is interior.
MICHAEL NYHAN: Okay. Did you understand that statement?
MR. COREY SARNOWSKI: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN NOWICKI: Waiving final?
MATT EMENS: It was checked final on the application.
MICHAEL NYHAN: Did they pay to waive final? Okay to waive final?
PAUL WANZENRIED: Yeah.
MICHAEL NYHAN: Has mentioned on your EAF form, question number 2 is marked "no," where it is yes.
Obtain permits from the Town as well as appear before this Board. With your permission, I will amend this to mark "yes," question number 2 which is, "Does the proposed action require permit approval or funding from any other governmental agency?"
Another question, I believe, was 14. "Identify typical habitat types that occur or likely to be found onsite. Check all that apply."
Urban/suburban will apply to that, so I will check "urban/suburban" with your permission on this form.
MR. COREY SARNOWSKI: Okay.
MICHAEL NYHAN: Based on modifications or amendments, I should say, that were made to the Short Environmental Assessment Form.

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

MICHAEL NYHAN: Any conditions on this?
JOHN HELLABY: Hours of operation as noted.
MICHAEL NYHAN: Okay. Landscaping one percent full project cost.
File all pertinent Monroe County Development Review Committees.
Application is subject to all required permits and code compliance.
Subject to the approval of the Town Fire Marshal.
And any signage change, comply with Town Code including obtaining the signs.
Did I miss anything?
MICHAEL NYHAN: Vote for application of Eric Sarnowski, 116 North Greece Road, Hilton, New York 14468, property owner: Davpart Rochester, LP; for preliminary site plan

approval with a waiver of final for a change of use in portion of building (Suite 40/50) to allow a place of public assembly at property located at 1280 Scottsville Road in G.B. zone with the following conditions:

The applicant -- in lieu of landscaping, the applicant shall make a donation to Town's Tree Planting Fund in amount of equal to 1 percent of the total project cost.

Applicant shall comply with all pertinent review committees.

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

Subject to approval of the Town Fire Marshal and any signage change shall comply with the Town Code, include the sign permits.

JOHN HELLABY: Hours of operation per letter of intent.

MICHAEL NYHAN: And hours of operation per the letter -- say again.

JOHN HELLABY: Per the letter of intent dated March -- had it here somewhere -- March 12, 2017.

MICHAEL NYHAN: The last condition will be hours of operation will be those stated in your letter of intent dated March 12, 2017.

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

1. In lieu of landscaping, applicant to make a donation to the Town's tree planting fund in the amount equal to 1% of the total project cost.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
3. Application is subject to all required permits, inspections, and code compliance regulations.
4. Subject to approval by the Town Fire Marshal.
5. Any signage change shall comply with Town Code, including obtaining sign permits.

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

JOHN HELLABY: Mr. Chairman, I would ask to recuse myself from the next application, which I did on the original application some time ago, because as I have stated in the previous things, I'm a long-time acquaintance of Mr. Jared.

JOHN HELLABY: Thank you.

MICHAEL NYHAN: You're welcome.

2. Application of Chili Plaza Properties, owner; 3240 Chili Avenue, Suite B-17, Rochester, New York 14624 for renewal of special use permit to erect a minor repair automobile service station (Monro Muffler) at property located at 3240 Chili Avenue in G.B. zone.

Matthew Sinacola and George Jared were present to represent the application.

MR. SINACOLA: Good evening, Mr. Chairman, members of the Board. My name is Matt Sinacola with Passero Associates representing the Chili Paul Plaza, LLC tonight.

As was just stated, we are here simply to get a renewal on Special Use Permit, which has expired for the Monro Muffler facility that is proposed. There are no changes from the original application. We have just resubmitted what was originally sent before the Board and reviewed. It's pretty straightforward, I hope. But we will certainly entertain any additional questions or concerns. I do have a copy here I could post, if necessary.

MICHAEL NYHAN: A copy of the plan, thank you.

MR. JARED: George Jared, Director of Development for Monro Muffler Brake. If the Board would consider dropping those conditions that are off the Monro site that would allow us to start construction, I would greatly appreciate it if you would consider that.

Thank you.

MR. SINACOLA: To expand on that, obviously we're here representing the plaza, property management company regarding the overall plaza issues, and we, of course, are pursuing the items that need to be addressed, the conditions that were applied to that approval at the last meeting, so.

I don't believe any of those concerns impact this footprint area other than the obvious transition of the use of the existing facility in Building C, which, of course, will not be shifted over to the new facility.

MICHAEL NYHAN: You were here April 2016; is that correct? Is that when you received approval with conditions?

MR. SINACOLA: Yes. That looks correct.

MICHAEL NYHAN: Just looking up your previous conditions so we know exactly what we're talking about.

MR. JARED: Thank you.

MICHAEL NYHAN: You came in for special use in March, correct? At that time --

MR. SINACOLA: Yes.

MICHAEL NYHAN: -- was the actual application tabled for the building, site plan approval?

MR. SINACOLA: I don't -- can you answer that? I'm not sure. I don't think there was --

MR. JARED: I think we were tabled at one time -- you want me to speak into microphone? I believe we were tabled at one time because of the Architectural Review Board or the Conservation Board. I forget which one, but I believe there was a glitch in your meeting schedule. We were unable to attend and we wanted to go to that before we came to the Planning Board with a final set of building renderings for your approval. If I remember correctly.

MICHAEL NYHAN: Paul (Wanzenried), do you happen to have the original conditions with you tonight?

PAUL WANZENRIED: I'm trying to look them up right now. I believe many of those conditions were duplicitous to the application approved. Was it last month, Matt (Sinacola)?

MR. SINACOLA: Yes.

PAUL WANZENRIED: When you were here before, and they have until -- if memory serves me correctly, they have until July 31st to -- that was the cut-off date for those.

MICHAEL NYHAN: Correct.

PAUL WANZENRIED: So the Building Department would have no problems removing the conditions.

MICHAEL NYHAN: Okay. Eric (Stowe), is that a notation or would that be --

ERIC STOWE: No. You're reissuing -- when you reissue the permit, you reissue without the permit. You don't need to rescind them. You just don't put them on the new special permit. The other one expired. We're being asked to grant a new permit, so just don't add them on.

MICHAEL NYHAN: Okay. They are all related to other areas of the plaza, and they all have been included in last month's -- as Paul (Wanzenried) mentioned, last month's conditions that need to be corrected by July 31st of this year.

MR. SINACOLA: Yep.

MICHAEL NYHAN: Matt (Sinacola), anything else? Any other questions?

MR. SINACOLA: No. That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan 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.

MICHAEL NYHAN: Do we have SEQR on this? Is there a SEQR? We did submit that, didn't we?

MR. SINACOLA: Yeah.

MICHAEL NYHAN: It is right here. Yours was completed in its entirety, so thank you.

Any problem with removing the conditions that we placed on the plaza last month from Monro Muffler? No? Okay.

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

MICHAEL NYHAN: Application of Chili Plaza Properties, owner; 3240 Chili Avenue, Suite B-17, Rochester, New York 14624 for renewal of special use permit to erect a minor repair automobile service station (Monro Muffler) at property located at 3240 Chili Avenue in G.B. zone with no conditions.

DECISION: Unanimously approved by a vote of 4 yes with no conditions. Please be advised that the Planning Board transferred conditions from Monro Muffler preliminary and final site plan approval dated April 12, 2016 and placed these conditions, and others on the Chili Plaza Properties preliminary site plan approval hearing on April 11, 2017. The standard conditions still apply.

The conditions removed from this application are as follows:

1. Provide overall photometric site plan for the plaza.
 2. Repair existing dumpster enclosures.
 3. Install landscape islands at the end of drive aisles per striping plan project #15-400 from Fitzgerald Engineering.
3. Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for preliminary site plan approval to erect 62 townhouse units to be known as Mayflower Estates at property located at 4201R Buffalo Road in R.M. zone.

John Sciarabba and Bob Winans were present to represent the application.

MR. SCIARABBA: Evening, Mr. Chairman, Members of the Board. My name is John Sciarabba. I'm with LandTech representing Taouk Development this evening, and while Bob Winans, Project Engineer, is setting up, I will just get started for you.

We were here earlier this year on January 10th for conceptual review regarding this project and during that meeting we discussed numerous topics about this project. We had a pretty good layout at that time, and we identified at that time that we needed a variance for the setback from the road.

The Town requires 40 feet from the paved road to the house. Our plan, we have average about 30 feet. So we're 10 foot deviation of code. We do have three units that are at closest 25 feet to the road. That's due to the fact that they're corner lots. But we went on our way and developed preliminary plans so that we could come see you this evening. We submitted those and we also presented to the Zoning Board on April 25th.

At that time, we outlined the reasons why we felt that this variance was warranted, and also described to the Board that this is just a continuation of the original Mayflower project, that back in 1992, an area variance was granted for a 25 foot setback. So that is really why we're here tonight. We're actually here asking for a positive referral back to the Zoning Board so we can go to them next month, but we did enough engineering where we submitted plans preliminarily detailing the project.

For the public's benefit, this parcel is zoned multi-family. It consists of 21.6 acres in size and it's bordered by Mayflower Village to the north, Brian Drive to the east. We have a State-regulated wetland to our south. And, again, this is just a continuation of the final section of Mayflower Village.

Our proposal is to develop a 62-unit townhome project for rent. These units are averaging around 1100 square foot in size and the average rent is about \$1500 per month.

They will have private garages attached to them, and we will have plenty of amenities with this project. With the layout we currently have a lot of areas for passive recreation, open space, landscaping, trails to accent the existing retention ponds that are there, and the wetland we can hopefully make an asset instead of liability on this project.

Just to take a step back, the reason why I went to the Zoning Board, if you can remember, is the unique configuration of this parcel. As I described then and continues to have a factor with this development, there are about two fingers that go into this project of real property, not just an easement that we would normally see. So there is a large property line around the retention pond to the west and there is a property line around the sanitary sewer which in our normal situation would be just an easement. That's why we're there for the variances. The layout we feel is a very good layout utilizing the property, um, the best that we can.

To that end, I would like to speak about a couple topics. I know the people at the Zoning Board meeting wanted to get into these topics, but they're more beneficial to this Board.

The first is traffic. I think we'll hear tonight comments regarding traffic. Again, this is the last section of this project. We are proposing 62 units, and we provided the Town a traffic study completed by SRF Associates dated February 1st, 2017, and they analyzed the project, the scope and scale and analyzed the internal network and Buffalo Road and how that will be handled. We have a peak exposures trip hour which is a.m. peak exposures of 26 trips and to quote them, "There is no significant problems with this development that will impact traffic," per their recommendation.

Also, you're going to hear probably comments regarding drainage. I was met with some people after the Zoning Board meeting and I have a handle on some of their items, but we have submitted to the Town Engineer an extensive drainage study of the pre and post condition. Due to the time that has passed, there wasn't an overall drainage report that we could find at the Town level so we basically -- and Taouk Development paid for a whole analytical study of the whole development again. Looking at all of the infrastructure that exists and our 21 acres and how that works together, analyzing the retention ponds that are there. We will be submitting a formal SWPPP, Storm Water Pollution Prevention Plan that will meet the DEC requirement.

The Town Engineer has reviewed the drainage analysis and based on comments we got yesterday, we haven't seen any comments related to that. I'm sure additional comments will follow when we formalize that.

We also met with Department of Public Works early on with this project. One of the drainage issues that we are aware of is the outlet of our eastern pond and where it drains to Brian Drive. There has been some issues there, and as we move through this project, through the construction phase, we hope that those -- that issue could be alleviated with our new infrastructure.

Met with several people on Brian Drive and a lot of their issues were in their backyard where it is wet during this time of year. That is true if there is a wetland there. So it's a little bit off our site. We are going to incorporate some of the drainage and bring it back into our site, but we're hoping we can make it a better situation.

The road configuration is something else I would like to point out. As I said before, this is a private drive. We're not asking for a dedicated road. But it is built to Town standards. So we have a 20 foot wide asphalt surface with 2 1/2 foot gutters on each side. If you look at our configuration, we have kind of a large cul-de-sac with a green island in it. That cul-de-sac has a 115 foot diameter which is bigger than any cul-de-sac in Mayflower Village and we feel that it

will be handled very well by any emergency traffic and large trucks.

And to that end, we have -- I think from this Board gave us good direction to go meet with Churchville-Chili Director of Transportation Jeff Thrall. We have reviewed this plan with him. He has asked for bus stops. Bus stops have been located at each private drive where it meets the main arterial road and at this point he endorses the project.

We also met recently with Town of Chili Fire Marshal. He has made some additional comments to the plan. We feel that we're in good shape, but we're going to add some additional turnarounds for his emergency vehicles. But I don't feel that he has any issue with that cul-de-sac.

Um, again, why we're here is for the referral back to the Zoning Board. And I -- and also public input and your input, as well. These plans are not final plans. We have got comments from the Town Engineer we received yesterday. We have got comments from Monroe County DRC, five of them that we got earlier in the week. But we feel that the comments that we have had from the Town Engineer and will -- the additional comments, we feel there are no show-stoppers with those comments and we'll continue along with the approval process. I guess with that quick overview, I can take any questions that you have.

MATT EMENS: John (Sciarabba), the -- we're trying to flash back and remember to January. I know there were a lot of things we talked about. It seems like quite a few of the engineer's comments were things we talked about and you have touched on them now with some work on answering some of the radiuses and the turnarounds. It sounds like you're addressing those.

Still concerned on, you know -- still concerned on how this circle is going to work with the offset, intersection of two roads.

I guess back to the beginning, as I'm a little concerned about some of those still, and I see the engineer has blocked them out. I think we're looking for some more information on that. So that -- that is one -- one big thing I'm still concerned about. I don't understand how that will work there. I know it's a small neighborhood, but it doesn't mean there won't be issues with traffic. So I think you need to look hard at that.

The other thing for sake of time, I think, you had said you're here tonight specifically for that referral back to the Zoning Board. So I guess I will just cut to the chase.

One of the things I think that came out of our meeting in January was with your variance application, since those property lines were behind the house, the units, why wouldn't you stay with the front variance, keep that 40 feet and ask for the one in the rear?

MR. SCIARABBA: Well, basically I can answer that a couple ways. One, we're pushing it closer to that retention pond and I feel having no backyard for the units would create an unsafe situation. Looking at past history, Mayflower Village with a 25 foot variance created historically, we're not creating a negative impact on the character or physical change in the neighborhood. We kind of went that direction and personally went and looked at Mayflower Village. A lot less than 40 in that whole area.

So I felt the safety issue, keeping away from the pond, the more green space in the backyard was more of a benefit. So that is kind of why.

I know we're not asking for a precedent setting variance here. I know the Zoning Board is aware of that. But I will take into account any opinion you have, as well.

MATT EMENS: I guess the big difference is massing. You have single-family homes versus multiple family units. Right? I mean that's -- so the closer they are to the street, you know -- I know backyard -- you're still talking about backyard, but I mean it's not -- not the backyard where someone is putting their pool. You know? They're not going to fence it in and put a shed up. They will not be able to do that.

So anyway, that is my two cents. I guess for the other comments, like I said -- you have already pointed out there is still quite a bit to do here, but if your main goal is to get the feedback for the Zoning Board, I think that is a good start. I will let Al (Hellaby) go from there.

MR. SCIARABBA: If I can make a comment on your comment about the road network and stuff. It's a private road and there are no Town standards for that arterial road that we created so we're trying to work with the Town Engineer. We'll continue -- so -- but we'll be working with him and making sure it is adequate for all safety. I think dealing with the Transportation Department and the Fire Marshal was probably a good start and we'll have to come up with some happy medium, I think.

JOHN HELLABY: John (Sciarabba), I got to honestly tell you, I would have thought you would have been a lot further along with this thing. When I got the Town Engineer's comments, seven pages worth of comments, I had to go back and pull the minutes from that meeting and figure out exactly what it was we talked about. We talked about a whole bunch of this stuff as far as meetings with the Fire Marshal, the setbacks and not to beat a dead horse, but what Matt (Emens) just stated, I must have been under the wrong impression, but I read it in the minutes that it basically stated if you have some relief from the Zoning Board regarding the unique property lines of the rear setbacks, that you could work -- and again, I made it clear, that we were going to be looking for that 40 foot one way or another.

So I thought you might have went to the Zoning Board seeking a variance for the rear setbacks that would have helped out in the front, but it turns around you went even less than what you originally asked for going from 30 to 25, which gets me real concerned here.

MR. SCIARABBA: Yes. I can understand your confusion -- or to your point on that. Not your confusion.

PAUL WANZENRIED: Time out. They went to the Zoning Board. However, you are the

lead -- going to be the lead agency. Thus, the Zoning Board could make no decision.

JOHN HELLABY: Right. Right.

PAUL WANZENRIED: They went, made their presentation. Now they're here before you because you are going to be the lead agency, so that ball is in your hands.

JOHN HELLABY: Correct.

PAUL WANZENRIED: Okay?

JOHN HELLABY: Correct.

MR. SCIARABBA: So we had no intention of stepping on the Planning Board's toes with the direction you have given us back in January, but back in January we were hoping that this issue of the unique configuration of lots would change. That doesn't appear to be the situation. So we -- so we're hoping to make those lines turn into easements, which they should have been and that's what we described to the Zoning Board.

But again, we're not creating any precedent. And Mayflower Village had a variance in '92 for the same thing, 25 feet. We only have three units due to the corner lots. I could probably show you on the photo where they are. Most are at 30. We're 10 percent deficient of code in that area.

I was shocked at 35 comments.

JOHN HELLABY: Have you gone over all of the comments?

MR. SCIARABBA: We got them yesterday. We submit them 30 days in advance and got them yesterday.

JOHN HELLABY: You haven't had a chance to digest them?

MR. SCIARABBA: But we will. Bob Winans has gone through them. Some we can answer very quickly. They're one-word answers? Yes, we will; yes, we will; yes, we will. We have a couple pages of details that we're going to have on the plan.

But where we are, we can't go and spend all Mr. Taouk Development's money without the variance. So we're kind of halfway to preliminary, I would say. We can't do all that. We have to change everything on our layout. It is just not a click and move on a computer.

So that is where we are. Not meaning to, you know, change anything from back in January, but I thought we did a good job getting close to what we intended back then.

JOHN NOWICKI: How did you arrive -- arrive at the decision to come before us for rental units rather than continue on with single-family homes?

MR. SCIARABBA: That's -- that's the market that my client is going after. That's the market that's moving right now in the industry. If you look around Monroe County, that is the way that -- the trend development is going. The -- the people are getting older. They want less maintenance of their home. They don't mind paying a little higher rent to have that style living. The average homeowner now is later in life, they're not buying houses at 24 any more. They're buying the first house at 34. So apartment style living, um, is the direction that market is going. It's not just in Chili. It's in other places.

MICHAEL NYHAN: If I could, please keep your comments -- let the man finish.

MR. SCIARABBA: Thank you, Mr. Chairman.

So is it -- direction of my client, based on his research, based on his market analysis and based on his risk tolerance. But again, it is allowed in this zoning district. If I could add to that, so is an apartment building. So we're doing single-story townhomes which are really nice, attached. You can see the rendering. They're attached single-family houses for rent. But the code allows us to do a lot more than that. We could densify this significantly.

JOHN NOWICKI: The first phase of this project, with Mayflower Village, were the roads dedicated to the Town?

MR. SCIARABBA: Correct.

JOHN NOWICKI: These will not be?

MR. SCIARABBA: Correct.

JOHN NOWICKI: You have a long way to go on the engineer's comments.

MR. SCIARABBA: I have no problem with the engineer's comments.

JOHN NOWICKI: We'll see. Thank you.

DAVID CROSS: John (Sciarabba), you were here back in January and one of my comments -- well, the comment that John (Nowicki) just brought up is the owner-occupied versus the rentals. You know, it may be allowed in this zoning, but, you know, the -- you have to look at what is adjacent, too. So I just -- I mean, I feel more comfortable if Mr. Taouk presented a little more information, a market study, you know -- really showing that, you know, that -- that rental is the only option for this property.

MR. SCIARABBA: Yep.

DAVID CROSS: I guess I'm a little less concerned about the geometry and more concerned about the rental versus owner-occupied.

MR. SCIARABBA: Yep.

MICHAEL NYHAN: These all single-family units? Not multiple-family units?

MR. SCIARABBA: Single-family units.

I understand your point, Mr. Cross. We can try to provide you that information. But again, I go back to the use. It is allowed. Taouk Development did have other plans. We generated other concepts with a lot denser development, but he was like, "No, I don't want to go out of the character of the neighborhood. I want to finish this project up, have a nice section."

And that's really where we are. We could have changed things significantly, two-story units, up and down, no garages. So, you know, we're trying to blend both of them. You have one owner-occupied facility. So you have one person the Town can go to. One point of contact.

No dedicated facilities other than the sewer and water. But I understand fully your point.

ERIC STOWE: Is this parcel in the HOA?

MR. SCIARABBA: I believe so.

ERIC STOWE: That was my only question.

MR. SCIARABBA: To that end, if I might say something, there might be issues between the HOA and our client and the debate internal -- I hope we can leave your information to the Planning Board level about our plan. The requirements of the HOA are something we'll have to address. I'm hoping we can address the Town's comments with our plan.

ERIC STOWE: I have one additional comment. Are there -- now that they're separately owned parcels, the water -- the bioretention pond on the east that crosses the two parcel lines, I just haven't seen it yet. Is there a drainage easement for both parcels for that?

MR. SCIARABBA: There is no drainage easement to the current HOA over that. And we're proposing if our development goes through, we would have a dedicated drainage easement to the Town of Chili that we would maintain. It would be our hope to maintain the other western pond, as well.

ERIC STOWE: Okay.

PAUL WANZENRIED: Are you -- how are you dealing with garbage?

MR. SCIARABBA: Um, Taouk Development will retain a private hauler to service the whole site.

PAUL WANZENRIED: All on totes?

MR. SCIARABBA: Totes.

PAUL WANZENRIED: Totes inside.

MR. SCIARABBA: Yes, with the garages.

PAUL WANZENRIED: Those are one-car garages?

MR. SCIARABBA: At this time, they're a little bigger. One-and-a-half-car they are, but not two-car garage. But if there is a concern, we do have some flexibility. We could put dumpster enclosures in if needed.

PAUL WANZENRIED: What's the purpose of the meeting room, utility garage? Is that more for maintenance or actually like a clubhouse-type thing?

MR. SCIARABBA: Real reason and the Town Engineer will agree, it's a place for a backflow preventer. So the water supply coming from the public road has to be metered as soon as possible. Instead of a big, ugly silver hot box, as we typically call it, we decided to incorporate that into a building.

Then Taouk Development said, "Let's expand that so I have a place for a truck, for maintenance equipment, lawnmowers and things like that."

So that is the place. We also felt maybe the neighbors need some place to meet, if needed, and have a flexible space area for them, as well.

PAUL WANZENRIED: Well, how big is that?

MR. SCIARABBA: I would have to go to the map. I think it is like 20 by 20.

PAUL WANZENRIED: Do you think there is sufficient parking for that? You're allowing, what, three spaces, four max?

MR. SCIARABBA: Yeah.

PAUL WANZENRIED: Assuming an employee parks there? So that is a meeting of three?

MR. SCIARABBA: Well, I mean there is 35 off-street parking spots throughout the project, including those three that you described. I guess our intention was not to have it as meeting room like we're meeting tonight. It is not an HOA association. It's a single owner. But if someone wanted to have -- have something there, they could.

PAUL WANZENRIED: Okay. The snow storage would be all dead-ends, you push it that way?

MR. SCIARABBA: Right.

PAUL WANZENRIED: The only other thing I have is unit 62 and 61. Where you have a 25 foot setback.

MR. SCIARABBA: Yep.

PAUL WANZENRIED: Is there any other way that that could be repositioned? That driveway seems kind of different. I realize you're tight to the 100-year -- the -- the 100 -- the 100 foot wetland buffer.

MR. SCIARABBA: You're talking about the duplex unit?

PAUL WANZENRIED: Yes.

MR. SCIARABBA: We have another opportunity to do that. We're also trying to have storm water management areas in there. We can do a better geometry for the driveway.

PAUL WANZENRIED: Okay. I don't have anything else. Oh, one more thing. No light poles in here?

MR. SCIARABBA: No. We do have lights.

PAUL WANZENRIED: We do have lights.

MR. SCIARABBA: We want some security lighting.

PAUL WANZENRIED: All right. Thanks.

MICHAEL HANSCOM: No additional comments right now.

LARRY LAZENBY: Only comments we have we outlined for the Planning Board, they need to go back and take a better look at the plantings they have around, and that the -- because of the size of this project, we really need to see the landscaping done by a true licensed landscape architect. We feel if that had been done originally, we would not have to make as many as five

recommendations regarding the plantings. So we would like to see the licensed landscape architect, and we don't have a cost analysis as to how much the project is going to cost that we can weigh against the landscaping.

The snow removal was addressed. That's it.

MICHAEL NYHAN: Have they been in front of the Conservation Board?

LARRY LAZENBY: For this?

MICHAEL NYHAN: Yes. Formally?

LARRY LAZENBY: Yes. These are the results. These are the suggestions we came back with.

MICHAEL NYHAN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL WANZENRIED: Mr. Chairman, it may be wise to outline the protocols for speaking at the meeting.

MICHAEL NYHAN: Certainly. If you could please direct all comments to the Chair with any questions that need to get answered from the applicant, we'll do that.

Also, there is a lot of people here. Whether you're opposed or for this project, if you're going to essentially say the exact same thing as somebody else, if possible, just let us know you're in opposition for reasons that have already been mentioned.

Also, please keep your comments and back and forth during this comment section so that we can get through this in an orderly fashion.

Please wait to be called upon. If you could speak loud enough and everybody can hear you, you can stand at your seat, but give us your name and address. If not, please come up to the microphone so everybody can hear you.

ALAN AUSTIN, 33 Brian Drive

MR. AUSTIN: Alan Austin, 33 Brian Drive and I will show you where I live on that map over there and ask you some questions about it.

I live basically in Westwood Hills, which is this subdivision over here (indicating). It was built in the '50s. There was setback in the front and the rear. They based the streets out to provide for that kind of clearance there.

This development up in here has a different setback and now the two have come together. So the question is when you get down here, which setback are you going to honor? The setback from the '50s, or the setback, the new ones?

This one puts me 31 feet to my rear property line, okay? This is my property right up here (indicating). 31 feet.

My suggestion would be you take these 61, 62 and turn them on the street out of this way (indicating), if possible, to increase the clearance.

But I guess my basic question is which setback will we honor? The traditional one or this new one?

And, of course, once you decide, that's the way it will be, but that is my primary concern right now.

MICHAEL NYHAN: Thank you, sir.

RON WINTER, 9 Spring Flower

MR. WINTER: Ron Winter, 9 Spring Flower.

PAUL WANZENRIED: Excuse me, Mr. Winter, please step to the podium.

MR. WINTER: He said I could stand here. Sorry.

MICHAEL NYHAN: I did say that.

MR. WINTER: Who is in charge?

Ron Winter, 9 Spring Flower Drive.

Is there going to be any access to Brian Drive for vehicles coming out of the back of that?

MICHAEL NYHAN: From this complex? No, there will not.

MR. WINTER: I went down Brian today and at -- at Watch Hill Drive and Still Meadow Drive, there's intersections there. And Still Meadow and Watch Hill, continue across west toward this wooded area. They couldn't use one of those to open up some of this traffic?

MICHAEL NYHAN: That's your question, is whether or not there could be any access from Brian Drive?

MR. WINTER: Right. It looks like when they put the road in, they -- we're thinking of running in there, making access to that.

MICHAEL NYHAN: Okay. Thank you.

MR. WINTER: Thank you.

DAN PHINNEY, 29 Brian Drive

MR. PHINNEY: Hi. My name is Dan Phinney and I live at 29 Brian.

The holding pond on a semi-regular basis, three to five times a year, over -- least overflows and comes into my backyard. When it was built, the analysis said it would overflow once in every 50 years. I have seen it overflow 30 to 40 times since that holding pond was put in. Before the holding pond was put in, we did not have an overflow issue. So now what we're looking at is gathering this water, the other ways -- these other roads and dumping it into the holding pond without increasing the size of the holding pond. Rough numbers we'll double the

water flow into that holding pond with no provisions to address the problem.

There is an 8-inch pipe going out. There is, I believe, two 4-foot pipes going in. So the rate out of the pond is about 50 times as fast as going in. The pond -- the berms, the walls on it are not high enough. It's not deep enough to hold the water, putting more water in is going to flood my -- continue to flood my yard.

MICHAEL NYHAN: Okay.

MR. PHINNEY: So, it's -- it's also 27 Brian. We have had -- I have many pictures of this, foot and half to 2 foot water in the backyard. The overflow from the holding pond goes right where you see the pipe going through, into my yard, across my yard and then out into the Main Street.

MICHAEL NYHAN: Thank you, sir.

MR. PHINNEY: So my question would be, is there going to be an assessment and can I see the analysis on the drainage?

MICHAEL NYHAN: Okay. There will be a Storm Water Prevention Plan that will be submitted.

MR. PHINNEY: Will I be able to review that?

MICHAEL NYHAN: Will that be public record?

ERIC STOWE: Once submitted.

MICHAEL NYHAN: Once it is submitted and approved, it is a public record.

MR. PHINNEY: Okay. I also went to the Drainage Committee. They said they were supposed to rely what we discussed there, as well, to this committee.

MICHAEL NYHAN: Okay.

MR. PHINNEY: I assume that has happened.

MICHAEL NYHAN: We have not received comments from the Drainage Committee yet. Thank you.

MS. PATMORE: This is kind of a continuation what he had to say, and I brought pictures.

MICHAEL NYHAN: If you could, ma'am, state your name and address for the record.

ELSIE PATMORE, 5 Spring Flower Drive

MS. PATMORE: Elsie Patmore, 5 Spring Flower Drive now, but I was 59 Brian Drive. I don't know if -- I don't know if you want to put those on. My ex-neighbor too --

MICHAEL NYHAN: If you put it there, people will see it. Just turn it around.

MS. PATMORE: Like that?

MICHAEL NYHAN: Slide it down.

MS. PATMORE: It's kind of dark.

MICHAEL NYHAN: What are we looking at?

MS. PATMORE: We're going to look at some of the floods that backed right up to the wetlands. He was my neighbor. I was 59. He was -- Tom is 57. I moved.

TOM RYAN, 57 Brian Drive

MR. RYAN: I'm Tom Ryan at 57 Brian Drive and I have been there for 44 years, so I have -- probably kind of the senior member at the south end of Brian Drive now. Everybody else has pretty much either passed on or moved out because at the south end, we were just getting sick of the water issues ever since I moved in in '73.

We had our issues with Hurricane Agnes at the time, and at that time, after -- in the aftermath, I heard noises out in my backyard one day, so I opened up the drapes by my sliding glass door and there was two people in a canoe going down through my backyard.

I do have a picture here from just a few years ago, not that long ago, where geese have made a home back in there now because of the water.

And I have a photograph here of two kayaks with one person in each one just going down through the backyards because there is so much water in there. And the water issue really goes north of me, where these fellows live from 26 -- or 27, 30, 41, all of the way down to 61. There is probably 15, 16 homes that are all involved with the drainage that comes out of this current big open field where they want this project to go, and the existing wetlands, which down at the lower end of Brian, is where I reside. And we are always under water down there.

My -- my biggest bone of contention is, once you put townhomes up, put asphalt driveways in, streets in, over this land right now which absorbs a lot of water, where is the water going to go when it runs off? Is it going to just continue to go in that ditch or easement or whatever it is that's there? And continue to come down behind 61 Brian where there is a drainage pipe maintained pretty well by the Town of Chili? They go out every day, every other day, couple guys with rakes and they will pull the debris that floats out of those wetlands into our yards and down to the drainage ditch, and they clean it up.

MS. PATMORE: They're there every time there is a storm.

MR. RYAN: They always come and do what they have to do, but it doesn't change the looks of our backyards. I will just put up a couple --

MS. PATMORE: I don't see -- I can't see these too good.

MICHAEL NYHAN: You can hand them to us to look at them.

MS. PATMORE: You can see my shed there, the storage shed, how it is under water. We couldn't even use -- the middle one with the geese, that's what it looks like before the rains. It was really nice. The water just pours out of the woods. So what it's going to do going the other way?

MICHAEL NYHAN: Thank you. Any other --

MS. PATMORE: It is every year. It is not like something unusual.

MR. RYAN: Four or five times a year, whenever you have heavy rain.

MICHAEL NYHAN: If I could --

MR. RYAN: We're on the west side of Brian Drive, up against the wetlands.

MICHAEL NYHAN: Sir, if you could go back to the microphone so everybody could hear what you're saying. We'll ask questions if we have them.

MR. RYAN: We're on the west side of Brian Drive, right up against the wetlands. And they never dry out. Last summer it was a dry summer. We didn't have much rain at all, so they did dry out quite a bit. In fact, there wasn't any water in the ditch for a short period of time last summer. But most of the time, it's just the opposite. It's full of water and it's draining, and after the wind storm, in early March, a few trees came down in there and one just missed the electrical wires behind my house. It is still laying there because the top of the tree broke off when it hit the ground and I haven't had the gumption yet to go out and try to clean up the -- the wood that is laying in the creek.

But we just don't know what's going to happen if this project does go through to fruition and it's built and if drainage isn't adequately provided for everybody from about 27, 29, 31 Brian to the north all of the way down to 61, it is just going to compound the problem even more with runoff from the big open field where they want to put these townhomes. It just seems to be a never-ending problem with water. And it's always there. As you can see on those pictures, every time you get a heavy storm, this is what results.

And we all have built bridges to go into the woods just to carry the crap that comes out of the woods onto our property every time the water lifts and just sends it our way. So we go over and dump it back in the woods where it belongs, you know. So this is just our issue down at the south end.

MS. PATMORE: Mosquitoes are bad, too.

MR. RYAN: You go in the house after 6 o'clock at night because it's wetlands and they're happy breeding right out there where they do.

MICHAEL NYHAN: Thank you.

JESSICA, 59 Brian Drive

JESSICA: My name is Jessica. I live at 59 Brian Drive. I'm the other side of Tom, and although he seems to get a lot of water, right now his issue is that he does have a tree that is down in his part of the creek, which is actually supposed to be a drainage ditch from what we were told when we moved in maybe seven, eight years ago.

So I have talked with Brian from the Highway Department and I haven't seen anybody come out to take care of any of the debris in this drainage ditch since we have lived there. None of the Highway Departments or anybody has attempted to come down through and clean it out. We have always maintained it ourselves. Although we did have once -- the first year that we lived there that it overflowed and you guys did a great job of taking down a tree, but that didn't clean out the drainage ditch.

The issue with the drainage ditch is there is about 5 feet of muck in there. Especially the further you get down to the one drain towards the south, um, it gets deeper and it's got more crud in it. So part of what Tom (Ryan) was saying, the issue is with that water coming down and coming up on our property, I have pictures going all of the way back to when we moved in, that it's just coming up halfway into our lawns, overflowing in our sheds. This year it was the worst so far as far as the water coming up.

In addition to that, we -- I have talked to Brian about a few things, but he has told me that we have to be very careful because it's wetlands and we can't really do too much to alter the wetlands and that those wetlands we just -- we really need to be very careful how we go about doing things.

So I want to know how are these people able to do a building project on the other side of the wetlands if I can't even get you guys to come down here and drudge out the drainage ditch that you guys are supposed to be maintaining? And Tom (Ryan) from my understanding, there hasn't been anybody down there since the --

MR. RYAN: Early '80s.

JESSICA: Early '80s. Thank you, Tom (Ryan). Early '80s they came down, excavated real nice. It was all staged and leveled and now it is all filled back in and now I have to provide pictures to you guys to prove that my backyard is eroding away into this drainage ditch. The water is coming up into my lawn, all of the way up, halfway up my lawn, but these people, these gentlemen are just allowed to come in and build and do these kind of things without any proof of how it is going to affect the rest of us with this water situation. I don't want my house to be under water. I already have enough water issues trying to fight you guys or the Town to get somebody to come out and just drudge this drainage creek which is really not supposed to be a creek but is just supposed to be drainage.

I was trying to go to a 7 o'clock meeting for the Drainage Committee and low and behold, I can't find it. The buildings are closed at both areas. Nobody is around. So how can I -- which I have been told I have to go to a drainage meeting if I want it to be assessed. Can I go and have it assessed and show my pictures of proof if the Drainage Committee isn't even around to --

MICHAEL NYHAN: If I could, ma'am, all these issues need to be addressed by our Highway Department, not but this Planning Board. Your comments are taken relative to the flooding which we have heard.

JESSICA: So that is the biggest thing. My biggest thing is how are they going to be able

to do anything without disturbing the wetlands if we can't even do stuff without disturbing -- you guys, I'm being told, can't do this drainage and do the stuff without disturbing the wetlands. There has to be special consideration.

MICHAEL NYHAN: This will all be part of their Storm Water Management Prevention Program they will be submitting to the Town Engineer.

JESSICA: Thank you.

GRETCHEN DENT, 54 Foxtail

MS. DENT: Gretchen Dent, 54 Foxtail. One tiny more thing about drainage. Mr. Lindsay and I are on a first-name basis. I have been told that the drainage pond on the east side drains into number 2 and drains into number 3. Now, if he takes over 2 and 3, it clogs under the road. And someone has to come and clean it out, just like them.

What happens when we have no more control over that? It don't want Chili to ever let go of all three ponds.

It also -- when it does clog, the people on Foxtail, your sump pump runs 24 hours a day constantly. And if it burns out, that's when the firemen are there.

Second point, I don't know who did that traffic access study. If we put 100 more cars going in and out and if it is rentals, they're going to work -- part of our group does not go to work.

The only way out is Foxtail. We are not permitted to have a light there because it's too close to Westside and Evergreen. There is no allowance for Westside egress. There is also a daycare center and a doctor's office. I don't know who went out there rush hour, but you can sit there for a long time, and even when you do get out when the light changes, there are people turning left off Westside onto Buffalo and you can't see them. You're asking for a lot of problems. I believe that Buffalo Road is a State road, so if the intersection were to be changed, we have to go to the State, right? We need left-hand turn lanes, left-hand turn lights or opposite greens or something. I don't know how long you have to wait for that.

I have one -- I have one question. When they first submitted this at the earlier meeting, it was for 32 one-story homes, apartments. At the Zoning Board, it was submitted as 62 two-stories. I'm not sure which is correct.

MICHAEL NYHAN: Current plan has 62 one-story buildings.

MS. DENT: It was two-story at the Zoning Board.

MICHAEL NYHAN: Actually, I -- I will ask the developer that before the end of the night to be sure it isn't --

MS. DENT: I did a survey today of rentals within two miles of this place. In Chili, there are 1,749 apartments for rent. Just down the road in Buffalo Road there are another 500 between the new one and Windsor Gardens.

Last point, sanitary sewers. I lived on Watch Hill for 37 years. The main trunk line runs under Watch Hill and through those wetlands. When they put Meadowbrook Farms on there, it backed up into our houses and we were told at the time, that it was leaking storm water. And it needed to be fixed. To my knowledge, it has never been fixed. Mr. Lindsay was going to check on that because it's Pure Waters.

The solution to that, if you don't know that, is they bring trucks in when there is a lot of storm water and they pump the sanitary sewers into the storm sewers. You put 62 more rentals on there, can you imagine? Those are my concerns. Thank you.

PAT CAMMILLERI, 8 Daisy Lane

MR. CAMMILLERI: My name is Pat Cammilleri, 8 Daisy Lane in Mayflower Village. Probably one of the first people that lived in Mayflower Village. I'm concerned about -- I live at the end of 8 Daisy Lane, which is at the end -- the dead end and there is a pond between my deck and -- it shows here where they're going to build, put in two rental properties.

Now, I was told at -- between my house and the deck, and the pond, was all wetlands. They would never build there. Now we're getting someone in that is going to put rental properties up there. Now, I would like to know what the setback is from my deck to that -- I mean according to this picture, it looks like Mickey Mouse drew it. I would like to know what the setback is between my house and the new ones they're talking about putting in.

MICHAEL NYHAN: Where do you live again, sir?

MR. CAMMILLERI: 8 Daisy Lane. There is no measurements on here.

MICHAEL NYHAN: Okay.

MR. CAMMILLERI: Okay. Thank you.

MICHAEL NYHAN: You're welcome.

KAREN WALLACE, 14 Spring Flower Drive

MS. WALLACE: My name is Karen Wallace. I'm at 14 Spring Flower Drive and I'm an original owner in Mayflower Village. I have been there since 1990. Prior to moving into Mayflower Village, I lived at Windsor Gardens and I owned my own home there which has -- you know, has homeowners as well as rentals. One of my promises to myself when I left Windsor Gardens, I didn't want a place that had a clubhouse. I didn't want a place that had a pool. And I didn't want a mixed use where there were rentals as well as homeownership.

And in deference to Mr. Cross, yes, there definitely is a difference in character between a community that has rentals and also has homeowners. We have got a very nice community. I have been there 27 years and I am just really concerned about bringing in rentals as a part of our

property.

Thank you.

MICHAEL NYHAN: You're welcome. Thank you.

GARY ROBERTS, 13 Lily Pond Circle

MR. ROBERTS: My name is Gary Roberts. I live at 13 Lily Pond Circle. I am the President of Mayflower Village Homeowners' Association. I'm going to do a little history announcement with regards to presentations that have come before the Board of Directors since last August. In August, we were presented with a diagram of the properties that were being proposed by Taouk. Along with that was an outline of the easements. And what was requested of the Board of Directors in August was for an approval for us to negotiate those easements and for the property outline that they were proposing.

Now, when they presented these -- the brief outline map drawn with a footprint of the homes, we were looking at a four-home unit max and some duplexes. We were looking at a proposal for 36 homes. It was originally presented to us as single-family ownership, not rentals.

Now, I also understand in conversation that I have had with Taouk last Friday that that wasn't the intent even then. I don't know what the truth is. It really doesn't matter at this point. The fact is that the concentration of -- of the homes on that property are just simply too large. The street dimensions, the flow of traffic, the chaos that could become with regards to the number of units within each of the construction gravely concerns me.

Now, this property is the original Phase 3 of Mayflower Village. And Phase 3 of Mayflower Village were for single-family homes. It is in our declaration as single-family homes. And we have requested and we have opened up discussions for Taouk to have a meeting with the entire Association to discuss this project in its detail. That has yet to happen. The issue is that the declaration for Mayflower Village Homeowners' Association still has that property description for single-family homes. In order for that declaration to change, we need the entire membership to vote in an affirmative as 66 2/3 of the occupancy within those homes. We have 124 homes currently.

To be able to change that declaration, to be able to allow Taouk to move forward with any project, as I understand it, at this time, I am requesting that this proposal be tabled until further discussions concerning that property can be had.

MICHAEL NYHAN: Thank you, sir.

SAM MONTANTE, 10 Snapdragon Circle

MR. MONTANTE: I just have a question. Since these are rentals, when he gets tired of it or if he goes bankrupt, who is going to maintain these properties? Our properties will go downhill because they're not going to take care of them. They're rentals. What do they care. If it gets too bad, they move.

Thank you.

MICHAEL NYHAN: Thank you for your comments.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Dorothy Borgus, Stuart Road.

I hope I'm loud enough that people can hear me.

I have a question about the traffic assessment figures that were presented at the beginning of this -- this -- this appeal. I -- if I heard correctly, I heard that there were going to be 26 trips from this addition onto Buffalo Road in a peak exposures hour -- in the peak exposures hour of 8 in the morning.

Is that correct?

MICHAEL NYHAN: I will have to ask. We are going to ask about that traffic study when you're done.

MS. BORGUS: I would just like to make the point that 62 people -- 62 families living in these 62 homes, anybody with half a brain knows there is going to be more than 26 going out to work in the morning. That is ridiculous and I don't know how anybody could present such a number and have a Board believe it.

I went to the Town Building Department today and I, too, saw the 35 Town Engineer comments on this project and I have to say, I think that's an all-time record for the number of comments on a project.

It made me wonder whether people engineering this project or the developers have even read the Town Code. How could you have 35 problems, 7 pages when -- when this is supposed to have been being worked on for months?

I'm also wondering, too -- I would like an explanation for what the Planning Board would plan -- would hope to do here tonight. Because I was to the Zoning Board meeting. I'm a regular at those meetings, as I am at this one, and I have -- I have never experienced this kind of playing one Board off another. It seems to me that this -- that applicant wants the Planning Board to do what, I don't know. I haven't figured that out yet so they can go back and put pressure on the Zoning Board to give them what they want. This isn't the way this is supposed to work. One of these Boards is not supposed to work against the other. They're supposed to work together.

I, for the life of me, cannot understand what they would hope that you're going to do for them tonight. You certainly can't give them approval on this project with all of the things that are wrong with it, 35 -- 35 engineer comments alone. So I don't see how you can -- you can give them anything that they can go back to the Zoning Board to deal with. This whole thing is just --

it's a catch-22, and I think they're trying to take advantage of you.

I'm wondering why there are private roads being proposed for this extended settlement when the existing Mayflower Village has Town-dedicated roads. Maybe you could ask the applicant what the thinking is there, and what they think the -- the advantage is to them. They obviously don't want to maintain them for -- out of the goodness of their heart. And it seems to me you're mixing apples and oranges here. We have two projects. One you have to get through to get to the second one and you have two kind of road systems here.

The other thing I did notice in the presentation was the excessive use of the word "hope." "We hope to do this." "We hope to do that." They hope to do something else. Let me tell you, hope doesn't get you very far when -- when you're dealing with a project of this size. We have to have more than hope for these people.

Thank you.

LOU CICKOVSKI, 36 Foxtail Lane

MR. CICKOVSKI: My name is Lou Cickovski, 36 Fox Tail Lane.

I have heard a number of studies are being done, but I haven't heard a study done of what happens to the value of my property now with apartments next to it. We do live in an association. I can't put up a fence to hide if they have a -- junk or whatever they have, so what happens to my property value? Who is going to do that study?

DIANE BREWSTER, 28 Daisy Lane

MS. BREWSTER: Hello. My name is Diane Brewster. I live at 28 Daisy Lane. And I moved there in December of 1990. I'm nervous. I shouldn't be. I was a teacher. I was one of them. I'm looking at this from a human point of view. If you close your eyes and look at our area, it's a beautiful little area. It's a quiet little area.

Now we ask nothing of anybody. We help maintain it. We're all happy. Just close your eyes. See the people walking around not feeling any tension, not worrying about traffic mowing them down. See the people who are walking their dogs with no fear that the dog is going to get hit by somebody barreling down in front of it.

I see my neighbors' grandchildren. I live on a cul-de-sac, and they would take their grand kids out in front and the grand kids would ride their bicycles up and down. Again, no fear of being run over.

It's a beautiful place. It's quiet. And we love it. Does it have to be interrupted? Do we have to have this area? Why can't we just leave it wetlands? We live in a comfortable, comfortable situation. I don't want it to change. I don't think they want it to change. Why? Why? Money? Money seems to be the root of all evil. You better believe it. The Government can't take care of it either.

But please think. Visualize the people feeling free to just walk around, walk their dogs. Yes, they have to pick up after them, but walk their dogs. Just take a nice walk. Kids playing with no fear of traffic running them down. That's all I got to say. This is just the human side of me. Appealing to you to, please think. Money isn't everything. But peace and quiet is worth everything.

Thank you.

MICHAEL NYHAN: You're welcome.

JOE ANDERSON, 9 Lily Pond

MR. ANDERSON: I'm Joe Anderson, 9 Lily Pond. Why can't we just wall that section off and let them have their own exit? One exit isn't enough for both of us? Maybe not wall them off, but have two exits.

MICHAEL NYHAN: Thank you.

MS. DENT: I forgot something. One last thing.

MICHAEL NYHAN: Your name again?

MS. DENT: Gretchen Dent, 54 Foxtail. You can't imagine how much wildlife is there. I would say at least 50 deer. At least 200 geese laying eggs right now. I would like to know who addresses that and if you put that many houses in there, they will eat everything in our yards or starve to death?

Thank you.

MS. BREWSTER: I have one more thing. I'm back.

MICHAEL NYHAN: Your name again?

MS. BREWSTER: I have to tell --

MICHAEL NYHAN: Ma'am, your name?

MS. BREWSTER: Diane Brewster, 28 Daisy Lane.

MICHAEL NYHAN: Thank you.

MS. BREWSTER: Moved there in '99, December. Saw everything, you know, all of the roads. It was a dirt road when I went there. But anyway, she mentioned the deer. I was going out of my garage one day and laying right besides where the door was a baby deer. A yearling. And knowing me, I -- I said, "Are you all right, honey?"

I don't know if I expected him to reply, but he didn't move. I thought maybe something was wrong with him.

So I ended up going to the Sheriff's Office and -- because if he is sick, I wanted somebody to come take care of him. Well, I went back with the Sheriff and he was still laying there. And I would go up to him, "Honey, are you all right?"

Then the Sheriff came up, it got up, ran away. But that was such a wonderful memory because I love nature. And if you have got wetlands, you have got nature. Take that away, and what have you got?

Thank you.

MICHAEL NYHAN: Thank you.

MICHAEL KADY, 31 Foxtail Lane

MR. KADY: Michael Kady, 31 Fox Tail Lane. I have listened to all this thing. One thing, why I moved there is for safety and security, okay? When you mix the two, rental property with residential property, I think you have a difference. We care, and the people in that community, we care about and take care of our property. Rental property, they don't.

I have talked to Paul. Paul knows -- I -- I owned a Servpro franchise for 17 years. My kids have it today. When you deal with a homeowner that had property, you see how it is taken care of. When you deal with people with rental property, it is also not taken care of as well in most cases. So if I leave my home or garage door open, forget it, I can go back two days later and nothing has been touched. It's not going to be the same. When you -- when you mix the properties, it will change. That's all I have to say.

MICHAEL NYHAN: Thank you, sir.

Michael Nyhan made a motion to close the Public Hearing and John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Further discussion? Sir, would you like to come up, please? Sorry, John (Sciarabba).

MR. SCIARABBA: It's okay. No problem.

MICHAEL NYHAN: Any other discussion, comments? Okay. You have heard a lot of comments here tonight. There are several issues we need to work out. One being this engineer's report. The other we don't have a Storm Water Prevention Plan yet.

MR. SCIARABBA: I understand that. Yep.

MICHAEL NYHAN: So did you have -- by the way, did you have any other comments from the side table based on this --

ERIC STOWE: We were talking about the traffic study. I --

MICHAEL NYHAN: Right. You mentioned a traffic study. I haven't seen a copy of the traffic study. We'll need a copy for the Board members. Could you send us a copy?

MR. SCIARABBA: Sure. I can send one.

MICHAEL NYHAN: One to the Building Department and Town Engineer, as well. Actually how many copies are required? Do you know?

PAUL WANZENRIED: 22.

MR. SCIARABBA: I thought that was previously submitted, but I will make sure have you had it.

MICHAEL NYHAN: Have you ever seen a traffic study?

PAUL WANZENRIED: No.

MICHAEL NYHAN: We have never seen this. So please submit 22 copies of the traffic study to the Building Department so we can review that.

So we have heard several comments, some that I think you don't need to address here tonight but you will need to address eventually whether it is in your flood prevention plan or your storm water prevention -- pollution prevention plan, your SWPPP, otherwise known as your SWPPP.

But there was one question about access from Brian Drive and did I see a spot on Brian Drive. Is that an easement, the area we're talking about on the plan?

MR. SCIARABBA: There are two easement areas. There is one down where the sanitary sewer goes through, the southeast corner. It looks like a paper street for future extension. But that is not in our development. Where the eastern pond drains into Brian Drive, there was a storm sewer easement there.

MICHAEL NYHAN: I think it was Watch Hill Drive, the end of Watch Hill Drive ends at your property line?

MR. SCIARABBA: Yes.

MICHAEL NYHAN: Is that your property off Watch Hill Drive?

MR. SCIARABBA: Splits between our property line and property to the south.

MICHAEL NYHAN: You don't own that?

MR. SCIARABBA: We don't own all of that, no.

MICHAEL NYHAN: Okay. Have you looked at feasibility of putting in another entrance or exit into this area from that area?

MR. SCIARABBA: There is -- there is all existing houses on Brian Drive so there is no access points to us.

MICHAEL NYHAN: I'm talking about Watch Hill Drive.

MR. SCIARABBA: But that's -- we don't have ownership to Watch Hill Drive from our property.

MICHAEL NYHAN: Okay. I thought you said you did. I'm sorry. So your property line ends prior to Watch Hill?

MR. SCIARABBA: Correct. Yep.

MICHAEL HANSCOM: One other thing that would preclude them from using Watch Hill

Drive is that the end of that, the existing right-of-way there, um, according to the existing map, there was -- that was submitted by the applicant there is a substantial New York State DEC freshwater wetlands at the end of that road. So they wouldn't be able to go there.

MICHAEL NYHAN: Okay. Thank you.

MR. SCIARABBA: Mr. Chairman, if I could speak to a couple of the comments, I won't take any more of your time. It seems like some of the comments are related to traffic and you have a traffic study. I know traffic is a sensitive issue and I will let people more intelligent than me speak to that.

Drainage is very near and dear to my heart as far as a design engineer and the guidelines that require us. I know this Board is familiar with the DEC permit and Town Engineer is, as well. These plans don't reflect this yet. It's hard for us to move beyond the plans as they are until we have an answer on the variance request. So we're not trying to pressure any Board from doing it. We're following protocol. I think the Town Attorney can understand that. So we have been asked to go to Zoning Board. They have asked for a referral to the Planning Board. I don't think we're doing anything inappropriate.

DEC wetlands are significant. They have been identified, delineated, located and we're staying away from them. That is the first thing we have to avoid. 100 foot adjacent area to wetlands and we're avoiding that with all our development. Whatever happens south of our site and drainage conditions there we can't touch it. We can't touch anything within that area. Drainage is big issue. Historic drainage issues. But the permit, as this Board knows, will regulate and Town Engineer will make sure that that happens.

It seems like most of the issues are related to the use of the property, residential single-family, versus townhome and rental. I know Mr. Cross brought that up. You know, I don't know if that is this Board or how we handle that. Because it is an allowed use. If we were coming here and wanted to do a dedicated road with 62 units for sale, we could do that. We felt, and my client felt that as a single owner, there is one person to go to. There is one person to contact. Not 62. There is one person in charge of this project. There is one person that will maintain this project. It is not 62 vagrants that are doing whatever they want there. This is a high end, \$1500-a-month-to-stay-there facility. So that's what we're looking at. We're not looking at creating a problem. It's not Section 8 as has been alluded to.

So there has been some question of my integrity, why we have 35 comments from the Town Engineer. Like I said, we received them today. They're based on our plan. Some I feel -- I will not criticize the Town Engineer, but they are redundant. "Please add Fire Marshal signature to the plan."

Okay. We'll get there. I said before my presentation we'll address every single one of the 35 comments. There are no show-stoppers on the 35 comments. We'll work diligently with the Town Engineer.

Um, again, I was criticized for using the word "hope." That is where we are with this plan. We need direction from this Board, so if we get the variance or not and we move forward. We're not just going to run away. We need to know if we move forward with the variance. If not, we develop a different plan to meet the requirements. As I said back on January 10th, a project of this scale only asking for one area variance is kind of unique. It's very minimal. People that go to Zoning Board would understand that. So it is not that substantial.

We're hoping for direction from this Board to finalize our plan. A shift of 10 feet of all these units is significant for design. We can't do that. We can't give you a Storm Water Pollution Prevention Plan until those questions are achieved from the Zoning Board. So we're kind of in limbo. We're not asking you to approve this tonight. I said that at the beginning. We have work to do with the Town Engineer. We have work to do with the DEC.

We want to work with neighbors. The President of the HOA said that -- kind of gave an opinion that we presented to this Board. We have asked to go to the HOA. We have not been able to make the meeting. What was presented, I can't speak to. I don't believe it was presented in the light we wanted to present it. I'm not a salesman. I'm an engineer and land surveyor. I can only present facts as we design them. If we can't meet with them, so -- so if there is legal issues outside of that, I can't -- but we want to work with the Town of Chili, the Planning Board, the staff, Town Engineer to make these plans holistic and work well for everyone.

I think we can solve some drainage issues. You talk about the ponds. The ponds are on their property. How come they're not doing it? They are (unintelligible) us why aren't we doing a pond? Half the pond, the biggest ponds is really -- one of the ponds is on their property.

So -- but we have already -- I alluded to the fact on Brian Drive with the storm sewer system failing there working with the Town Engineer and DPW we aware of it and want to fix it, but we can't do anything until there is approval. We're not going away. We want to keep working with the Town and the staff and this Board.

MICHAEL NYHAN: With those ponds, they will eventually be turned over to the Town of Chili?

MR. SCIARABBA: I believe it's a requirement of the DEC permit.

MICHAEL NYHAN: That's correct, Mike (Hanscom), they will be turned over to the Town once completed and approved? The maintenance agreement?

MICHAEL HANSCOM: Right. They're not actually turned over to the Town.

MICHAEL NYHAN: Okay. All right.

MR. SCIARABBA: I'm sorry if I come across a little cross. I'm really not that way, but I don't like it when my integrity is questioned.

MICHAEL NYHAN: Understood. There were several items that were brought up.

MR. SCIARABBA: Yep.

MICHAEL NYHAN: And one, this HOA, the legality of the HOA and the ownership of that land, I think you mentioned yourself you need to work with the Town and the HOA on that; is that correct?

MR. SCIARABBA: Correct.

MICHAEL NYHAN: All right. Is there any other information -- well, let me say this. You don't have a SWPPP yet. We need to have a SWPPP before we move forward.

MR. SCIARABBA: I can't develop a SWPPP until I know if these buildings will move. If we're not going to get a variance -- there's two scenarios if I can play them out. If this Board says to us tonight we endorse the -- the area variance for the 30 foot setback or 25 foot setback from the pavement, we still have to go to Zoning Board. If they approve it at their next meeting, then we say, okay, now we can go in and finalize our design.

If this Board says, "We don't want to give you that variance," and we go to Zoning Board and they turn us down, we have to revise our plan wholistically. Revise the setbacks from our rear property line or whatever we have to do and make plans accordingly. So that's really where we are. So I can't move forward.

ERIC STOWE: John, could I --

MR. SCIARABBA: Yes.

ERIC STOWE: I have a concern with the Board issuing a SEQR determination, letting the Zoning Board move forward when they haven't seen the traffic. That is my only concern. And you're right, I told you this is what we need to do and we do. But they have to make the full determination based on the full set of facts and if we didn't have the traffic report review in advance, they have to review that before they can make a SEQR determination. That is one of the boxes they have to check. That is my concern.

MR. SCIARABBA: I was under the impression it was submitted. I thought we submitted that a long time ago.

MR. WINANS: I just want to -- I'm an engineer with LandTech.

I just wanted to clarify with the SWPPP, we have submitted a complete, comprehensive drainage report dealing with the 2-year, 10-year, 100-year storm for the entire project. What we haven't done is -- you know, supplied the completed Storm Water Pollution Prevention Plans which is the deep drainage study that is part of that, but then we would go into detail about our water quality feature, which includes the bioretention and water quality ponds. That we would detail out for the final submittal to the DEC and Mike (Hanscom) will review that. We have submitted a complete drainage analysis for the entire property showing we will not be increasing any runoff. So that we have submitted. It is not like there's nothing.

MICHAEL NYHAN: Okay. I'm sorry. I was under the impression that nothing was submitted. But that has been submitted? Okay. You haven't had an opportunity to review it yet; is that correct?

MR. SCIARABBA: Well, I think it would have been reflected in the comments he has reviewed it.

So I guess, you know -- as the Town Attorney said, I don't know if we can move forward here, but we're kind of at a standstill on our end, hoping for some direction.

MICHAEL NYHAN: So I think one of the things you're looking for is a SEQR determination; is that correct?

MR. SCIARABBA: I guess from what Counsel said, we can't get that and I understand why we can't, but a comment on your notes to the Planning -- to the Zoning Board saying we're okay with this -- with the variance request of less than 40 feet or we don't want it, that is really where we are.

MICHAEL NYHAN: I'm not sure where this came from, as far as a comment from us saying that we approve of that. We are independent Boards. We do work together. I hate to say that it's not something that we do. We don't say to the Zoning Board, "We approve of this, go ahead and give them a variance."

They're an independent board. They make that decision based on the plans.

MR. SCIARABBA: They're basically asking for your referral. They sent us back to you.

MICHAEL NYHAN: It's not referral they're talking about.

ERIC STOWE: But -- they can't -- the Zoning Board can't issue an approval, a discretionary approval without the SEQR determination. The SEQR determination can't come without a full review of all of the evidence necessary to complete the form, and the one -- excuse me, the one example that comes to mind is a traffic study. I understand it was -- thought it was here. It wasn't. But they can't make a determination without having reviewed that to say the project in its total has no significant environmental impact if the traffic portion is missing. Just as a for instance. That is my concern.

That -- that John (Sciarabba), I respect the position. I get it. Could you give me a heads-up, you know -- a head nod that says we're good here? I get it. But they can't do a straw vote and say to the Zoning Board, "We're okay. You go forward," because then we'll be at Zoning Board saying there is still no SEQR determination.

MR. SCIARABBA: I understand the SEQR almost has put a fly in the ointment in the whole process. What I would like to define is the procedure where we want to go from here. We can address the --

ERIC STOWE: State Environmental Quality Review Act, SEQR.

MR. SCIARABBA: So do we come back next month here addressing the Town? I guess we could take that offline how we want to handle that. Like I said, we're still moving forward on

this project.

MICHAEL NYHAN: Okay. So a couple things then. If you would request a tabling of this, on the short form that has been submitted, there were a couple of areas that weren't completed. If you could just resubmit that.

MR. SCIARABBA: Those were edited and we could have that complete.

MICHAEL NYHAN: You already have them? 3B, 4 and 17B?

MR. SCIARABBA: We corrected that.

MICHAEL NYHAN: That's in the engineer's letter. They were incomplete. They weren't answered.

MR. SCIARABBA: Yep.

MICHAEL NYHAN: If you could complete those and resubmit your SEAF to the Board. You have done the SWPPP -- go ahead, Larry (Lazenby).

LARRY LAZENBY: I just have a question for the presenter.

Being rental property, are they going to be allowed to put their own storage shed in the back of the property or is that going to be a part of the lease agreement that they can't do that? And the reason I'm asking that is that there are a couple of major developments going on around the community and the Planning Board will remember that one of the major ones were not asked, they were told, that they could not put sheds within a certain distance of that 100 foot buffer or even into the 100-foot buffer. And for that to take place, they have to know where the 100-foot buffer is.

The other builders as a part of the lease agreement are explaining -- are expected to explain and show the rental people where that 100 foot buffer is in relation to the property they're renting. I'm speaking specifically of, you know, like units 43, 44, 45, 41, 42, where that wetlands boundary, the buffering, not even the wetland area, the buffer, they cannot put a shed in the buffer. And at the same time, is there going to be a statement within the rental agreement that just because they have these open areas behind them and they don't border on another neighborhood like Brian Drive or any of the others, those areas do not become their private dumping areas for grass clippings, trees, limbs and branches? Because in order to do that, they themselves are now walking into and dumping into the 100-foot buffer area.

My request is that we would like to see this development take on the same responsibility as the other development and notifying them where that buffer is and the responsibility factor they have to respect it and maintain it. And some of that will be depending on whether they're allowed to build or put in those storage sheds that themselves can look like a tacky-tack village.

So is there going -- I'm going to ask the point blank question. Are they allowed as a rental to put in a storage shed?

MR. SCIARABBA: No. So we're not proposing any sheds at this time. I will consult with my client, but at this time, no. That's why we have garages. And the rest of the spaces allowed for passive recreation. I think the Town will agree once we formalize our plan and plan goes to DEC, I have a very strong feeling the DEC will make us delineate the buffer area with fencing or signage so we can't go in the area and not maintain it as lawn as it currently probably is in certain areas.

So it is twofold. No, we're not doing sheds. There will probably be a designated area where there are clippings of the maintenance facility, of people maintaining the -- this project.

LARRY LAZENBY: The request of the Conservation Board would be somehow all of this important information be conveyed to the renters in those units that are that close to the 100-foot buffer area.

MR. SCIARABBA: I guess I want to make sure you're not under the opinion these renters will have lawn mowers. This will all be maintained by the owner, which is Taouk Development.

LARRY LAZENBY: Everybody goes out and cleans up and picks up their property. Believe me, they look for someplace to do it. An even some of the maintenance units do it, the same thing. If they have a place to dump out in back where there is nobody around, I'm just passing it onto you. We are very concerned about that kind of activity.

MR. SCIARABBA: Yep. Understand.

LARRY LAZENBY: Thank you.

MICHAEL NYHAN: So, John (Sciarabba), you have heard all of the comments. You will get -- I'm sure you took notes. You will get a copy of the short EAF to the Town as well as the updated SEAF, as well as the copies of the traffic study, 22 copies to the Building Department.

MR. SCIARABBA: We'll have the Town Engineer comments addressed as far as we can and we'll resubmit those, as well.

MICHAEL NYHAN: We really can't move forward.

Do you want to ask for a table until next month?

MR. SCIARABBA: That would be perfect.

MICHAEL NYHAN: I make a motion at the applicant's request that this application be tabled until next month.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion to table.

DECISION: Unanimously tabled by a vote of 5 yes at the applicant's request to the June 13, 2017 meeting for the following reason:

1. Application is incomplete. Further information is required.

2. SEQR input is incomplete or missing. Applicant will resubmit a complete short form environmental assessment form and copies of traffic study so Board can make SEQR determination.
3. Public hearing has been closed for this application.

There was a recess in the meeting.

FOR DISCUSSION:

1. Kamco Supply Corp.- changes to proposal to erect a 33,750 sq. ft. warehouse with 3750 sq. ft. office area at property located at 100 Trade Court in L.I. zone.

Sara Gilbert, Bill Hennessy and Sue Lewis were present to represent the application.

MS. GILBERT: Good evening. I'm Sara Gilbert with Pinewoods Engineering here tonight representing Kamco Supply Corp. I'm joined by Bill Hennessy of Hennessy Engineering & Consulting and Sue Lewis from Kamco.

We have previously presented the application at your January 14th meeting. At that meeting we had requested preliminary subdivision approval and at that time we were tabled due to the fact that the subdivision we were requesting created an illegal lot.

MICHAEL NYHAN: Yes.

MS. GILBERT: We have made some revisions to the plan. We heard the comments you had. We heard the comments the public had. We think we have really presented a plan tonight that addressed a lot of those concerns. But we have not put together our preliminary application yet. So we are here tonight to listen and get an idea if we're on the right page and headed in the right direction.

The plan on the left, closest to the Board, is the newest design and the old one on the right is the old design. As you can see, we have -- we are no longer requesting a subdivision of that property. One of the Planning Board comments was that the lot seemed a bit cramped. It was quite a bit on a small piece of property.

So we are no longer requesting to subdivide that property. We're using the entire 9-acre property. As you can see, we have shifted the development down away from some of the residential area. So that additional acreage is there as a buffer between our site and Paul Road.

Um, there were some things we had to do. We also -- I guess the most notable change you will see, we are no longer requesting a one-way access driveway onto Paul Road. We understood from hearing both from the Town, the Town representatives and the public that spoke at the last Planning Board meeting that there was quite a few concerns regarding safety and how that intersection would affect traffic in and out.

So we did work with Kamco and we are pleased to present an application that no longer requests that entrance. We did have to make some changes to the layout to make some of our internal truck movements work without that driveway access. So you will notice the building is shifted slightly closer to Trade Court and we have eliminated one of the rows of parking that were proposed along Trade Court. We have relocated that to the lower corner at an angle now.

The building has shifted slightly closer to Trade Court. Still within the building setbacks. The reason for that is to allow a little more maneuverability in the rear portion of the lot so the trucks can utilize the two Trade Court entrances.

This change has also reduced some of the variances that we would be requesting. It -- we still would need a variance for parking in the front yard, but this does reduce it. Instead of having that row of parking along Trade Court, we now have just the one against the building and a little bit of diagonal would be up front.

Um, we -- you also notice that we have shifted the loading dock towards the north side of the building. Again, this was a change we had to make for the maneuverability.

The last time we were at the meeting we did show some outdoor storage and some of the people that spoke at that public hearing had concerns about aesthetics of seeing that from their homes. So, um, we did move the outdoor storage to the south end of the building where the building can act as visual buffer to some of that.

And again, I remind you, the reason for some of that outdoor storage is the unique operations of Kamco. They store some very large studs that would be difficult to maneuver inside a building. But we will -- we understand that we will need an area variance from the ZBA to allow outdoor storage. So the building is now 200 feet back from the front property, applying from the Paul Road property line to the closest corner of the loading dock. That loading dock is a fully enclosed, three-sided structure. It's accessed from the rear where you see the concrete pad behind it. Trucks do pull up inside that loading dock and load. It's not -- there is no exterior loading.

That addresses the -- the major changes with the site plan. The building size is the same. And -- oh, I'm sorry. One more thing. With the old site plan, we were requesting a variance for parking counts, as well. Well, with this new layout, we can show banked parking so we would not actually be constructing that parking, but we can show it as we have the space available and that would alleviate the need for that variance, as well.

MICHAEL NYHAN: So the parking to the north, you will be requesting a banked parking.

You will not build that?

MS. GILBERT: Correct.

MICHAEL NYHAN: Will you put the fencing down to the edge of the parking lot or still move it out to where you show it on this plan?

MS. GILBERT: Kamco would like the fence where it is shown. Because of the nature of their operations, they do try to deter people. They don't want that grass field being used for recreational purposes.

MICHAEL NYHAN: And the -- the berm that you extended will be the same height -- I forget the height. It was originally 5 foot, wasn't it, with mature trees --

MS. GILBERT: We are showing landscaping on the berm. We have shifted some of the landscaping around the site. With the site shifting to the south, we did move some of the trees to follow the building. We're also showing trees along the diagonal parking to provide some screening. But yes, there is still landscaping proposed on that berm. I believe that berm height is about 4 or 5 feet.

MICHAEL NYHAN: Okay. The entire berm will be landscaped that you show?

MS. GILBERT: Yes.

MICHAEL NYHAN: How about any landscaping to the south side of the outdoor storage? You have landscaping where the parking is, but there is nothing -- to shield the outdoor storage from the other folks that use Trade Court?

MS. GILBERT: Understood. Um, we were -- we did show landscaping to try to provide a visual buffer from Trade Court. The property that we developed to the south of ours, currently there is no visual buffer, but we assume that that would also be an industrial use and it's more in an Industrial area.

MICHAEL NYHAN: Okay. Any questions or comments?

MATT EMENS: So, Sara (Gilbert), lots of changes. You touched on quite a few of the things that we talked about last time, so thanks.

But can you walk us through again and refresh my memory on the traffic, the flow of traffic on the site?

MS. GILBERT: Absolutely. I'm coming over here. If I don't speak loud enough, just let me know.

I'm -- I may defer to Bill (Hennessy). Is the north side the drywall side?

MR. HENNESSY: No, south side now. Opposite loading dock is drywall.

MS. GILBERT: Two large drywall truck deliveries are made to the south end of the building. They will come in the south entrance, pull into the building, unload, pull out, come around the site, out onto Trade Court and out Paul Road.

Um, they also get two truck deliveries a day of steel, studs and that. That would be on the north side of the building, so that truck would come in the north side and circle around out the entrance of Paul Road. Can you see this?

MICHAEL NYHAN: They're unloaded inside the building?

MS. GILBERT: That's correct.

MATT EMENS: Then how many deliveries of the large studs that need to be stored outside, according to this plan -- how many of those trucks were coming in?

MS. GILBERT: Two large truck deliveries a day of studs; is that correct?

MS. LEWIS: About --

MS. GILBERT: The size of the studs vary from 6 feet in length up to 26, 24 feet in length. So depending on the size of the stud they're getting, the smaller size studs, 6 to 12 feet would be unloaded and stored inside. The larger ones would be stored outside. Did I answer your question or do you want me to try to quantify it more?

MATT EMENS: That's good.

So now, that was deliveries, right, of materials?

So now let's talk about the vehicles coming onsite. I'm a contractor, et cetera, et cetera. How does that flow happen now?

MS. GILBERT: From the last Planning Board meeting we had discussed in total, there is roughly 22 truck traffic trips a day to the site. The majority of the trucks do pull into the building. Sometimes Kamco will preload a truck from the loading dock, but the majority of the movements would be the trucks would come in, either this entrance and go through this door, or they would come in this entrance and go through this door (indicating). You have quite a bit of room back here to turn and they would loop around the site.

MATT EMENS: You touched on the fence again. And I guess it is -- I didn't realize it until it was mentioned, that the fence goes all of the way out to -- up to almost the landscape berm.

What is the overall intent of the fence? Is it security?

MS. GILBERT: Essentially it is security. Yes. You know, we don't want this area up here (indicating), kind of looking like a soccer field or a nice place to fly a kite. For security and liability reasons, Kamco would prefer their property not be accessed by any unauthorized personnel and the fence is just a deterrent.

MATT EMENS: Would gates be open during the day for delivery trucks?

MS. GILBERT: The gates are open during the day during normal business hours.

MATT EMENS: You talked about the variances. So the idea behind showing the banked parking shows that you have the ability to put it on the site. But are you -- and you're not proposing to do it at this time. But are we creating a need for a variance where it is in relation to the setbacks on Paul Road, I guess is the question?

MS. GILBERT: It would be considered banked parking in a front yard. Um, so I would -- I don't know. I would have to confer with the Town, but if it was constructed, I would imagine that would require a variance. Um, you know, it's -- it's a cat and mouse situation. We could show it back here, but then we would be shifting the building closer. The goal was to try to provide a buffer from the residential areas.

MICHAEL NYHAN: Right.

Why do you think would you need that parking?

MS. GILBERT: We don't think we need it. The code has quite a large parking requirement. Kamco doesn't have a lot of employees. They don't have a significant amount of people that come and visit the store, park their cars, get out. So we actually think the parking we have provided is more than sufficient for what their use will be.

MICHAEL NYHAN: How many employees will be here?

MS. GILBERT: I currently have about nine, I believe, from what we mentioned.

MS. LEWIS: 15.

MS. GILBERT: 15, and it could go up to as much as 20. They may hire a few people with this new store.

MICHAEL NYHAN: So the 16 spots in back would all be employees, and if that went up, you would have to use some of the nine off to the side, the front angle?

MS. GILBERT: Yes. I don't -- that -- that is most likely what we do, try to reserve these spaces for people visiting the store.

MATT EMENS: I don't have anything else, Mike (Nyhan).

JOHN HELLABY: Well, I agree with Matt (Emens), I like this plan a whole lot better than the last one.

MS. GILBERT: Thank you.

JOHN HELLABY: Exterior lighting all done with wall packs; is that correct?

MS. GILBERT: There may be a few pole-mounted lighting. Downward fixtures, cut-off fixtures, dark sky compliant.

JOHN HELLABY: This 500 gallon diesel tank, is that to fuel your own trucks onsite?

MS. GILBERT: That would be -- yes.

JOHN HELLABY: I assume it is an above-grade, with a containment enclosure on it?

MS. GILBERT: Yes. We have seen some of the aerial photos we submitted of Kamco's Queensbury site. You can see it's a small drum, it's innocuous in the back of the site, but that is where it would be.

JOHN HELLABY: What is that blue strip on that --

MS. GILBERT: Here (indicating)?

JOHN HELLABY: What is that?

MS. GILBERT: There will be a little bit of permanent water at the site, permanent pools of water. The forebay and the wet pond area of the pond and a little forebay pretreatment for the bioretention area.

We do understand that this is in the Airport Overlay Zone. We have been working with the Planning Board for the County who has looked at it, and they have agreed to a design at least preliminarily. I mean, they haven't had a problem with the water that we're showing.

JOHN HELLABY: Is there a storm system or is this all sheet drained?

MS. GILBERT: Currently a storm system in Trade Court, but it only accepts the Trade Court drainage. The existing parcel sheet drains off to the flood plain area in the back. There is a storm water management pond that would release at smaller peak exposures rate.

JOHN HELLABY: Only other question I have is what are all these little quarter-inch circles on this drawing? Do you have a clue?

MS. GILBERT: Where do you see these?

JOHN HELLABY: There are on this one, hundreds of them.

MS. GILBERT: You know, what it is, probably little CAD tweaking. They're blocks and I'm sure it is probably just -- I apologize for not catching that when we submitted it.

JOHN NOWICKI: Yes, south of the building, you have got an area called "outdoor storage."

What is that for?

MS. GILBERT: That would be for materials they would store outside, kind of a staging area. They would have large, long metal studs that can't easily be put in a building and maneuvered. Also material that would come in on a pallet and would be stored for a short time before it would be delivered to a site. Generally the use of that area.

JOHN NOWICKI: And then the storage racks in the back by the 500 gallon tanks, what is that for?

MS. GILBERT: That's a long, linear area. Again, that would be for long metal studs, 18, 26 feet.

JOHN NOWICKI: And storage racks on the back?

MS. GILBERT: Along the building, yes.

JOHN NOWICKI: The back of the building?

MS. GILBERT: Yes.

JOHN NOWICKI: Why -- why -- can't the building be made bigger so that stuff can be put inside?

MR. HENNESSY: Bill Hennessy from Hennessy Engineering and Consulting from Albany, one of Kamco's consultants.

One of the main questions that came up initially from the first meeting was the outdoor

storage. It is a requirement for Kamco here. They have to have it in order for their operation.

The -- they have a rack of studs at the back of the building and they have to have a rack of studs in the southeast corner. Those are studs that won't fit in the building. Those are the 24 footers down to about 16 foot. They won't maneuver in the building. We have tried to make it work. We actually have a 20 foot wide overhead door in the back, and a 16 foot wide over door in the front. We made the doors in the back larger to allow maneuverability for the longer studs, but even that is not big enough for the longer studs.

So what we -- so what we did is we -- we provided -- we're offering the outdoor storage at the south side of the building, so the building actually buffers outdoor storage for temporary location of studs for -- for deliveries that are there for a day or two that go right out. For -- for the -- more of the longer-term storage, we have to have the racks at the back of the building and the rack at the southeast corner. Even if we made the building bigger, they wouldn't fit in there because it would just upset the whole flow of our -- of our template.

MICHAEL NYHAN: Okay.

JOHN NOWICKI: Other question I have, is the north -- north of the building, just between that and the berm, you're showing 60 spaces there for -- what kind of parking is that?

MR. HENNESSY: Well, that's -- that's going to be the banked parking that we won't build. We bank it, but it is planned in case it was ever needed. And in trying to meet Zoning's requirements, we -- we calculated 100 -- possibly 101 parking spaces would be required for this building. We certainly don't need or want 100 parking spaces. We are proposing, I believe -- I believe 30 now. With the banked, we have 102. So we don't need to build it. We just show it. It is one of the allowances that I believe Mr. Lindsay has commented that is an option for us to propose.

So it eliminates a variance, which is important for trying to minimize varying any of the laws that the Town has.

So the office employees will park in diagonal parking, on the south -- the southwest corner, and the warehouse employees will park in the eastern parking behind the warehouse.

JOHN NOWICKI: What are the -- where are the tractor-trailers that are loaded parked?

MR. HENNESSY: They -- they will stage in the -- the -- the drywall trucks will park in the building, offload in the building, and then leave. The -- the metal stud steel trucks will do the same. They will offload in the building. They will pull out, and then they will offload if they have any longer studs into the racks.

The Kamco boom trucks, for their deliveries to the Rochester metropolitan area, um, will also -- will load inside the building. If it is drywall and/or studs. They will load in the building and leave. Um, the -- the -- the local residents and pickup trucks and contractors will essentially do the same. They will pull up and into the building and pull out.

JOHN NOWICKI: Where do the boom trucks park at night?

MR. HENNESSY: Inside the building. Inside the building. The other comment we had at the meeting was will we have a need to park trucks outside? Yes, we will periodically, but rarely.

The -- the opportunity exists sometimes for construction downtown at early hours. So for ease -- for -- for minimizing congestion downtown. So contractors often want the deliveries 6 a.m. So often we will load the trucks, park them outside. We will park them south side of the building so they're buffered from -- from park -- from Paul Road, and they will be inside the fence and secure.

Then they -- the employee has a key to the gate, but he doesn't have a key to the building. He can come in, park his car inside the gate, get the boom truck or our smaller flat -- flatbed truck, whatever the delivery material is. Then he can leave at 6 a.m. They don't have to open the building again.

JOHN NOWICKI: Of all of the truck movements, whether they're employees driving those trucks, deliveries, the impact on that intersection out here, how many trucks a day are going to be traveling through this facility?

MR. HENNESSY: We have four tractor-trailers on average per day. It's one to two steel trucks or two to three drywall trucks. Those are the tractor-trailers, the WB67 trucks. That would be four, roughly four per day. Of the boom trucks, our boom trucks which are WB-40s, which are roughly 40 feet long, um, they -- they will be 6 to 8 per day. We have a flatbed truck that is the same -- I don't have -- I don't have a separation between the flatbed and the boom truck. The flatbed truck is only about 20 feet long. The boom trucks are really closer to 30 feet long, but we go by the WB-40 wheel base.

JOHN NOWICKI: The only --

MR. HENNESSY: So the total is roughly -- I apologize, Mr. Nowicki. The total is roughly 20 to 22 we have been talking about, per day, total of all truck trips. That is 11 round trips.

JOHN NOWICKI: I just have a question for the Chairman here. The storage area that you mentioned here, if it is shown on the drawings, are -- is that something that is going to be approved or is that something down the road they should come back and talk to us about?

MICHAEL NYHAN: It is showing us that it is possible it could be done and this is where it would be done. But they would not be building them at this time. It would remain green space.

JOHN NOWICKI: Would --

PAUL WANZENRIED: Yes.

JOHN NOWICKI: Is that necessary?

MICHAEL NYHAN: It is necessary in the sense that the code requires it to be able to show the spots will fit on the property. So they're showing that they fit on the property. So if they ever do need them, they can come back to us and say these are the spots we would like on the property. Even though they will not be building them there.

MR. HENNESSY: If I may add to that, the berm will be, you know, 5 feet high. It will buffer that area. It will -- and -- and we'll have vegetation on top of it. It is now a continuous berm without the driveway to Paul Road. So that will obviously help that.

JOHN NOWICKI: Well, again, driving by the site, um, the berm could be maybe 8 foot tall and it depends on the type of trees you put up there to block the whole view of all this outside storage and possibly the future cars and trucks that will be parked there. So the berm should be bigger. As far as the Conservation Board goes, they should take a look at that. Make sure that it is hidden.

Thank you.

DAVID CROSS: All my concerns from the previous meeting have been addressed. So nice job to the applicant's engineer and architect.

MR. HENNESSY: Thank you.

ERIC STOWE: The -- to get the front yard parking banked would require the variance in advance. Right? Because then it would be approved and available up and ready to go. So that would just -- we would need to have a variance granted for that or as a condition of any site plan.

MS. GILBERT: Okay.

MICHAEL NYHAN: Thank you.

So with the condition then we wouldn't need the variance?

ERIC STOWE: No, it -- the condition would be --

MICHAEL NYHAN: To get the variance.

ERIC STOWE: -- to get the variance. Any condition of site plan approval would be that that variance is obtained.

MICHAEL NYHAN: Thank you.

MICHAEL HANSCOM: Sara (Gilbert), one thing you need to take into account because of the banked parking, when you do your storm water calcs, you have to assume that that banked parking is a paved area.

MS. GILBERT: Okay. That is good to know about. This is just a concept plan. We're showing a storm water feature. Inside of it there will be a little bit of shifting. We're just trying get some general ideas here.

MICHAEL HANSCOM: Just because it could be built without any additional approvals, we would have to assume it is there when you do the storm water.

MS. GILBERT: Appreciate knowing that ahead of time.

LARRY LAZENBY: The Conservation Board with the change in the footprint of the entire plan, we don't have anything associated with regards to landscaping for this new plan that I'm sure has changed dramatically from its original.

MS. GILBERT: We'll be making a preliminary submittal. Friday is the deadline. We'll be coming back in June to this Board asking for preliminary approval. We'll be going to the Conservation Board again if you wish and we'll be going to the Zoning Board requesting our variances and hopefully coming back here requesting a final approval.

LARRY LAZENBY: When you come back, we also don't have any monetary valuation for the cost of the project, which helps us determine the amount of landscaping that you do need to submit and maybe even a couple of comments.

I got a little concern, because this is the first time that it was said that with all of the parking lot and all of the trucks going in and out, that they're relying almost primarily on just main drainage going to the east into the wetland area. That's a little concerning with the amount of tractor-trailer traffic and all of the other traffic that it is just going to be -- the anticipation is just going to be running -- whether it is oil or anything else, it is just going to be running straight in the wetlands. I don't know if you meant it that way, but that's --

MS. GILBERT: If I may, this was -- the -- the Conservation Board did have a chance to review the previous plan. You were in favor of it. It is the same area, shifted down.

LARRY LAZENBY: You will have the plantings along the east side to help absorb anything else?

MS. GILBERT: It is certainly something we can take in consideration.

LARRY LAZENBY: Would you please? Thank you.

JOHN HELLABY: The rack on the corner of the fence, the outside storage, how high is that out of curiosity?

MR. HENNESSY: 18, Sue (Lewis)?

MS. LEWIS: Yeah.

MR. HENNESSY: 18. I believe it's 18 to 20 feet.

JOHN HELLABY: I assume it has arms on it every so often?

MR. HENNESSY: Yes.

JOHN HELLABY: Does it have a roof structure?

MS. LEWIS: Open.

MR. HENNESSY: No. It's open.

MICHAEL NYHAN: Is there a way to secure that storage in event of high wind storms?

MR. HENNESSY: Yes. That was comment made before. We will -- we will address that at the Planning Board meeting. I didn't get any comments back from my Operations people. I will verify that.

MICHAEL NYHAN: Does this require Architectural Advisory Committee? Paul (Wanzenried), do you know if this is required for the review by Architectural?

PAUL WANZENRIED: Just a minute.

MICHAEL NYHAN: While he is doing that, do you have elevations?

MR. HENNESSY: Yes. Probably the same as what we had last time. There is really no significant change.

PAUL WANZENRIED: No.

MICHAEL NYHAN: Okay. Any other questions?

MS. GILBERT: No. Appreciate your time.

MICHAEL NYHAN: Appreciate it. Appreciate your consideration of all of the comments from the other meetings.

2. F & S Wine & Spirits – proposed addition at property located at 1735 Scottsville Road in N.B. and FPO zone.

Joe O'Donnell, John Valvano and an unidentified speaker were present to represent the application.

MICHAEL NYHAN: Good evening. My name is Joe O'Donnell, the architect of record for this project. I have with me here tonight the owners of F & S Wine and Spirits, and our goal here tonight is an opportunity to just present some different options for the redevelopment of the site. Basically an expansion of the liquor store operations.

Paul (Wanzenried) had helped us out quite a bit, recommended we went to the design -- the Design Review Committee meeting. We did that. We got some comments and some suggestions, but most of it was to come in front of the Planning Board and kind of get a sense of what direction we should really go in before we go spending a lot of money on civil engineering, architecture, et cetera.

So I think -- so what I have is I went and met with the owners. Initially they wanted to expand the existing building basically to the west. That was one idea that they had had. They asked me to kind of think outside the box, see what other type of ideas I might have. I have to admit, this plan was done prior to having the town zoning information, parking requirements. Paul (Wanzenried) and I have been talking about that.

So I did this kind of in a little bit of a vacuum relative to the Town's regulations.

But what I did was I showed the owners what it would look like if they, you know, expanded to the west.

But then I had the idea of possibly expanding to the east side along Scottsville Road because in my experience, some planners, some Planning Boards prefer to have frontage on a main road and then I thought architecturally, it could give them the opportunity for some windows along Scottsville Road which would allow them to advertise.

So what we did was then we went to -- I got some of the -- all of the regulations, setbacks, et cetera, landscaping buffers. So I tried to identify and came up with a couple more ideas and it is options 3 and 4 incorporating the setbacks and the landscape buffers, the parking that was required.

And I think you heard in a previous application, the Town's parking requirement for a building of this size and nature are pretty excessive. So we would probably look at the suggestion of the DRC Committee to land bank, as well, some of the parking in this area here (indicating).

So, the owners, they own the property directly to the west that exists now. So one thought was we subdividing that, maybe demolishing the house and taking that property into this site so that we could minimize our requirements for setbacks, landscape buffer areas, et cetera, et cetera.

The ideal layout for the operation would be either options 3 or 4. The reason for that is that they have an existing tenant, the -- is it Salvatore's? Salvatore's Pizzeria, which parks along the east side of the lot right now. By doing my idea of option 2, it would cut off the access to their parking from Harold Ave. So from a design standpoint, as nice as that would be and I could create a nice elevation, it really -- it would basically run Salvatore's right out of the property.

So we're here tonight to have a kind of basic, open discussion, get some comments, initial thoughts so we could have some direction to then generate more developed plans, et cetera, and see what challenges we would have. Because each one of these options has a different number of variances that might be needed, whether it is setback, whether it's parking. So we would have to try to get a better idea what we have -- what challenges we have at Zoning Board, as well.

With that, I will just kind of open it up to see if you guys have any questions. We can talk about it.

MATT EMENS: So there is the existing road access right off Harold there where they pull into Salvatore's?

MR. O'DONNELL: Yes.

MATT EMENS: That is where delivery cars queue up, if you will?

MR. O'DONNELL: Right. I don't know how many they have.

MATT EMENS: There is usually two or three there.

MR. O'DONNELL: So you're -- so -- so if I could, just to finish that up, with this option 4 here, what we would probably do, given the fact they own the property to the west, do an acquisition of a 30 foot buffer and cut the corner off, possibly to solve the issue of the 30 foot landscape buffer around the perimeter.

MATT EMENS: Yes, I guess I just don't know what -- what -- what, if any, hardships that creates on an existing lot for the residential.

MR. O'DONNELL: This lot?

MATT EMENS: Yes.

MR. O'DONNELL: They own it.

MATT EMENS: But you had mentioned demolishing the house.

MR. O'DONNELL: We were saying -- the owner was saying if it was necessary -- which I think that that would be an extreme solution. Why would you want to demolish a nice residential property that is an income-generating property for the owner, too, and just maybe acquire the southeast corner there to mitigate the one variance that we would need.

MATT EMENS: All I'm saying is just back to what -- the group that was here before, you just want to make sure you're not creating another hardship. That is all.

MR. O'DONNELL: We would have to address that in our next round.

MATT EMENS: So you had said, just to make sure I get this right, 3 or 4 is really the ones we should be looking at?

MR. O'DONNELL: These were developed later, as you can tell, the dates on the drawings. These were developed with all of the setbacks in -- in consideration along with the parking, as well.

So one of the comments from the DRC, was -- I mean right now there is a 75 foot setback requirement of frontage. Okay? So that is what generated, as you can see -- I have that line drawn. We could get that building in -- in behind the 75 foot setback, at least on Scottsville. But we wouldn't have the 75 foot setback on Harold, because we have a corner lot. So you have two front yards. The existing building is already a preexisting, nonconforming setback. We wouldn't be -- we would be actually further back from Harold with the corner of that building than the existing building. So what we're trying to -- what we're trying to kind of get a sense of is, what is the -- what is the lesser of two evils of -- lesser of all evils.

The other -- the other point, too, was that options 3 and 4 would allow the operation to continue during construction. These two options here would essentially require almost a complete shutdown of the business which isn't very desirable to the owner.

MATT EMENS: So in both of these, you're cutting out that passthrough from the existing --

MR. O'DONNELL: No. I have inaccurate information. I don't have a real good site plan that shows that information.

MATT EMENS: Is it connected right now?

MR. O'DONNELL: It is connected. I should have brought some photos. I apologize for that. But yeah, in both of these plans, though, they would require the acquisition of like some additional footage from the adjacent property. Then I would be having to get like an option 3, I would acquire about 10 feet. I have a 20 foot setback of landscape area behind there and have to get a variance of the 10 foot.

Whereas in option 4, if I pulled the building up and rotate it and just do acquisition of this corner, I could eliminate the need for that variance. So I guess these -- those are more questions for the ZBA, I think, maybe. But I think we would like to be able to go and say we presented it to the Planning Board, they are, you know, willing to consider 3 or 4, depending on the variances and the Zoning Board's opinion.

MATT EMENS: I think there are pluses to both of them. They both have similar challenges. So I would -- I guess I would lean towards the layout. 4 seems a little cleaner from a flow of the site standpoint.

MR. O'DONNELL: It is the more desirable one for the operation. I still have to address deliveries and things like that, which we will, but this is just -- you know, there is a whole host of comments in that that we would do.

Did I miss anything, Paul (Wanzenried), that we talked about in DRC meeting? I don't think I did. You can't hear me.

PAUL WANZENRIED: One minute.

MATT EMENS: That is all right now.

JOHN HELLABY: These people will move the whole wine and liquor operation in this space, correct?

UNIDENTIFIED REPRESENTATIVE: Yes.

JOHN HELLABY: What happens to the existing space?

MR. O'DONNELL: I apologize. I meant there is a small little convenience store and -- in half of that existing building, so they would most likely let them expand a little.

UNIDENTIFIED REPRESENTATIVE: Or storage.

MR. O'DONNELL: Or interior storage space. The liquor store right now is how many square feet of that?

MR. JOHN VALVANO: 1200.

MR. O'DONNELL: About half?

MR. JOHN VALVANO: Yeah.

MR. O'DONNELL: That could actually serve as stockroom.

JOHN HELLABY: Well, again, my opinion is I like 4 because it's a lot cleaner looking, and you know, it doesn't give you a narrow spot to get into the parking and everything else.

You have some challenges to get over as far as zoning setbacks and things like that. That is my two cents.

MICHAEL NYHAN: The existing building to the north of Harold Avenue knew, that is

currently the liquor store and pizzeria?

MR. O'DONNELL: Yes, the pizzeria is this -- no pun intended -- a pie shape and there is a small convenience store in about half of this main square here.

MICHAEL NYHAN: The other half is the liquor store?

MR. O'DONNELL: Liquor store is here in this side over here (indicating).

MICHAEL NYHAN: Your proposal would be -- the proposed building, 5,000 square foot would be all liquor store?

MR. O'DONNELL: Correct.

MICHAEL NYHAN: Existing building would remain what it is today?

MR. O'DONNELL: Yes.

MICHAEL NYHAN: And then just additional space to use for the pizza or the --

MR. O'DONNELL: Right. Could be -- you know, I know this -- this convenience store is pretty tight. They could even give them a little more stockroom space.

MICHAEL NYHAN: I think it was asked, but would these two buildings then be connected, the proposed building and the existing building with a doorway?

MR. O'DONNELL: If they chose to reuse their existing liquor store for a stockroom, we would have a door obviously connecting those two buildings there, but there is no door that connects them now.

Right?

UNIDENTIFIED REPRESENTATIVE: No.

MICHAEL NYHAN: That would be a common wall. A new one to the old one if there is no door.

MR. O'DONNELL: Correct.

MICHAEL NYHAN: What is the existing building off to the southwest?

MR. O'DONNELL: Down here (indicating).

You own that, as well?

MR. JOHN VALVANO: There is three offices and one dog groomer.

MR. O'DONNELL: There is an engineer's office, a dog groomer and some other -- three -- three occupants.

Just to the point of the architecture, we would try and stay within the character of -- according to John, when they got this building approved, they were asked to make it look more residential, so that is why it is a wood frame, gable roofs. We would try to do maybe something similar to that here.

MICHAEL NYHAN: The property that they own that you would take off that corner to get your 30 foot setback for the proposed building, that -- what would that do to your side and rear setbacks for the residence? Would you still be within what code requires for that area?

MR. O'DONNELL: I don't think so. We would probable -- what is setback, Paul (Wanzenried) requirement for that area? For the residence?

PAUL WANZENRIED: For the residence?

MR. O'DONNELL: Yes.

MICHAEL NYHAN: Rear setback.

PAUL WANZENRIED: 40 feet. But -- but --

MR. O'DONNELL: His concern is this area here, does that --

PAUL WANZENRIED: My concern is the triangle, okay, that you have created. That -- that is -- would still be the RAO-20, which I believe is the zoning of the house, or it's an R-1-15, one of the two. Okay? That still remains that zone.

MR. O'DONNELL: We would have to go for rezoning of this corner?

PAUL WANZENRIED: Therein lies your rub right there. And you're an NB bordering an R district, so the 30 foot setback that you're calling behind that building, then has to be landscaped, fully landscaped buffer. To the building.

MR. O'DONNELL: I guess what I would have to -- let me ask this question, maybe for Counsel, is could -- given the fact that this -- they own this property, could this be an easement granted? That corner, rather that have to go through rezoning?

ERIC STOWE: But it -- but you show a corner of the building crossing over.

MR. O'DONNELL: Yeah. I would have to make an adjustment.

PAUL WANZENRIED: We're only going based on what we see.

MR. O'DONNELL: I noticed that, too. I would slide off the building 5 feet or cut it off 5 feet.

ERIC STOWE: You could. You still have your setback issues.

MR. O'DONNELL: I realize that, but I'm asking --

ERIC STOWE: Common ownership and you want to grant each parcel benefited by an easement, I don't have a problem with that.

MR. O'DONNELL: Just wanted know if it would require a rezoning.

ERIC STOWE: But the -- what is the easement for? Is it access?

MR. O'DONNELL: It would be a landscape easement.

ERIC STOWE: Okay.

PAUL WANZENRIED: The front setback off Harold is 60 feet?

MR. O'DONNELL: Oh, 60?

PAUL WANZENRIED: 60 off Harold, 75 off Scottsville.

MICHAEL NYHAN: Just to take into consideration, if you do take this corner parcel of land, the total square footage of that lot still meets current zoning; right?

MR. O'DONNELL: Of this lot?

MICHAEL NYHAN: Make sure that lot --

MR. O'DONNELL: I have to check that.

MICHAEL NYHAN: Make sure the rear and side setback still match to that.

MR. O'DONNELL: I totally understand what your concern is on that. I would have to do the homework on that.

PAUL WANZENRIED: And back to what I was saying about that 30 foot setback, it's a 40 foot setback. 30 of which needs to be landscaped, okay? So you -- have you already -- you're shifting that building in 10 feet.

MR. O'DONNELL: Right. Or request a variance.

PAUL WANZENRIED: Or go for variance, yes.

MR. O'DONNELL: Thanks.

MICHAEL NYHAN: Or build a smaller building.

MR. O'DONNELL: Yeah. That's between those two.

MICHAEL NYHAN: If you have 1200 extra square foot storage in the existing building that is 1200 square foot less you need in this new building. I mean you're stuffing a lot of things into this corner, and you know you're up against a residential neighborhood, so quite honestly, I don't like the idea of that. I don't know how other Board members feel, but I'm not crazy about stuffing things in where they don't belong just because you want to stuff them in there, because I know you want to make the most efficient use of every square foot of land you have, but that's the reason we have all these setbacks and variances so that that doesn't happen.

For this, for instance, for number 4, you would have to get a front parking variance; is that right? Because you don't have front parking on Scottsville Road? The variance to park in the front of the building?

MR. O'DONNELL: I'm not sure if I understand. Is that -- is that a Town of Chili zoning -- not allowed to park in front of the building?

DAVID CROSS: They must have that variance.

PAUL WANZENRIED: They were asking regarding front parking. Whether you already have variance for front parking on the parcel.

MR. O'DONNELL: Oh, got you. Okay.

MICHAEL NYHAN: And it's -- again, even though I know it doesn't work real well for -- for the construction phase of this, your option 2 pulls the building up closer to Scottsville Road and moves your front parking, which is in concert with the Master Plan for the Town. So your moving your front parking from these buildings and put it behind or next to the building so it is not seen from the roadway.

DAVID CROSS: I was -- can I jump in real quick? I was just going to go out on a limb. I like option 2 the best, not to be different, but granted you do need that variance for the building setback, but, um, I think it hides and screens some parking. I think it creates maybe a little bit more village-style theme. You might help -- you know, the speed limit is -- should be lower through there. It kind of compresses things a little bit. I think it may lend itself better if it is done right. And I do have -- can I keep going here, Mike (Nyhan)?

MICHAEL NYHAN: Sure.

DAVID CROSS: I do have concerns over the six existing parking spots that front on Harold Avenue. If there is a way to -- they just -- I don't think they work well. A couple coming off a residential street like that, especially so close to a major road, Scottsville Road, it's a little problem area.

MR. JOHN VALVANO: If I can address that. I don't know. Those have been -- John Valvano. I'm the -- one owner of the property. Those were existing 35 years ago when I bought the property. And we had all that parking -- Salvatore's parking lot was in the front, and then when the State came through and put the bridge in, it took the road, they took all of the parking and they took everything. So the cost to cure put the parking out there in the front.

DAVID CROSS: If there is a way to right that wrong with this development, that would be nice.

MR. JOHN VALVANO: I'm open for anything, suggestions. We just need more room.

MATT EMENS: If I go back to what Joe (O'Donnell) said and what you're saying, we're looking for options, but maybe it's -- it's a combination of you now getting back out of that vacuum and taking this feedback you're hearing tonight, looking at the zoning and the setbacks and maybe taking another swing at 2 and maybe there is an option 2B that comes out of it.

Because that is a good point. That has a little bit more -- it is harder, too, without seeing an existing plan, where we're trying -- I'm trying to flip between the two. I realize when I see this, there is a lot more parking on those other options.

MR. O'DONNELL: I can get you that. The only -- the only plan I have existing was the one that the State sent me, because I needed to identify that line where they took the property. So, you know, we may have to go out there and just take some surveying and -- some actual --

MATT EMENS: Get you the existing.

MR. O'DONNELL: Existing footprint.

MICHAEL NYHAN: In option 2, it looks -- makes it all one building. So it would all be new. The elevation would be new for the entire building, not piecing an old building to a new building and, you know, you have all of the -- the angles to follow the road there. You can design that around the corner, if you will. It would give it more of that --

DAVID CROSS: Harmonious look.

MICHAEL NYHAN: -- harmonious -- thank you -- with the neighborhood, instead of just piecing things together and adding them on. So I guess things I would direct you to -- you know,

we don't want to tell you to pick option 2 and that doesn't work when you come in with your plan. Or pick option 3 and 4. It is just pay close attention to the Town's Comprehensive Master Plan where you want parking away from the building. Even if it means moving the building closer to the road and landscaping that front area. And, of course, the variances that you would need for any one of these.

But redoing the whole exterior of a building and kind of surrounding the existing building, while it may disrupt their business for a while seems like it would certainly in the end be a better-looking building.

MR. O'DONNELL: Okay.

MICHAEL NYHAN: That would be my opinion on that.

Now, what does that do to the size? What is the size of this building, option 2, square footage is -- is it the same?

MR. O'DONNELL: 77. Total would be 7714.

MICHAEL NYHAN: 7714 versus 1000 plus the pizza shop?

MR. O'DONNELL: Yes. For example, these ones down here (indicating) are -- is 7100 on 3. And 7100 on 4.

MICHAEL NYHAN: You would have a little more space if you did it with one big building.

MR. O'DONNELL: Yes. It is really close.

MICHAEL NYHAN: You know, if you start thinking you have this parcel, now you're not encroaching on the existing residential lot that you have there. Um, you know, you start talking about rezoning and -- well --

MR. O'DONNELL: That's --

MICHAEL NYHAN: There has to be a lot of bells going off telling you this is not right for the area. You know what I mean?

MR. O'DONNELL: That is why we wanted this meeting first.

MICHAEL NYHAN: If you look at the back side of the building where you have existing parking, I know it has been existing for 35 years and if it is permitted there, that is permitted there, but you do have this open space to the west side of the building, the back there along Harold Avenue. If that is where your delivery -- is it mostly delivery or do people pick up there? Is this for the pizza?

MR. O'DONNELL: Well, they do. The pizza place, they do sit there and eat.

MICHAEL NYHAN: People do sit there and eat?

MR. JOHN VALVANO: Yes.

MICHAEL NYHAN: So parking for customers.

I hope that helps you, Joe (O'Donnell).

MR. O'DONNELL: It does. Actually been a big help.

MICHAEL NYHAN: If you start to land on any one of these, refine that a little better and come back. Hope it is helpful.

MR. O'DONNELL: I will talk with the owners and we'll make a decision and come back in here as soon as we can.

MICHAEL NYHAN: Any other comments?

JOHN NOWICKI: Will you sell Tullamore Dew?

UNIDENTIFIED REPRESENTATIVE: Actually --

MICHAEL NYHAN: What?

JOHN NOWICKI: Tullamore Dew.

MICHAEL NYHAN: I guess I'm not with it.

JOHN NOWICKI: It's a fantastic Irish whiskey.

MICHAEL NYHAN: Any other questions?

MR. O'DONNELL: Unless you have any more questions, this was our goal here tonight. This was very helpful. I appreciate you guys.

MICHAEL NYHAN: Good luck.

Last order of business before we adjourn is the minutes from our April 11th -- April 11th meeting.

Motion to accept these.

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

The meeting was adjourned at 9:52 p.m.