

CHILI PLANNING BOARD  
June 13, 2017

A meeting of the Chili Planning Board was held on June 13, 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: Paul Bloser, David Cross, Matt Emens, John Hellaby, John Nowicki, Ron Richmond and Chairperson Michael Nyhan.

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.

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.

MICHAEL NYHAN: Paul (Bloser), I welcome you back from a very distended leave. Good to have you back.

PUBLIC HEARINGS:

1. Application of Kamco Supply Corp., 28 Industrial Park Circle, Rochester, New York 14624 preliminary site plan approval to erect a 33,750 sq. ft. warehouse with 3,750 sq. ft. office area at property located at 100 Trade Court in L.I. w/ADATOD & FPO zone.

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

MS. GILBERT: Good evening. My name is Sara Gilbert. I'm with Pinewoods Engineering here tonight representing Kamco Supply Corp. I know the Board is familiar with this project. The public is, too. We have been in front of you several times now. If you recall, at the May meeting we presented a concept. It was a concept that we hoped would be received with a little more light. It reduced -- eliminated the Paul Road driveway and the building was pushed to the south end of the property on a larger lot. The Board did look favorably upon that concept so we made a preliminary application to the Town with that site layout.

Since that point, we have been to the Conservation Board and we have been to the Architectural Review Board. We are still working on our Phase 1 study. It was completed. They told us that verbally that the study came up clear, but we were waiting to -- copy of the report and waiting to submit it to Parks. We're -- we did -- the Town did decide to reopen the Public Hearing due to the extensive changes that were made to the project, and we're here tonight to hopefully address any questions that anyone would have.

MICHAEL NYHAN: Could you start with the -- you know, the changes you made to this project then and go through that with us?

MS. GILBERT: Yes. So originally, like I said, we have the Paul Road driveway and it has been eliminated. We were originally proposing to subdivide the lot. We are now not subdividing it and using the whole lot. We pushed the site development, the building down to the south end of the parcel, significantly increasing a natural vegetative buffer between the residential zone on the north side of Paul Road and this development.

Another change that was made from the concept presented in the May meeting, this rendering shows banked parking on the north side of the development. We have since moved that banked parking to the south side. We have been able to add a few more parking spaces. We still need to request a parking variance, but we have reduced that variance request. Those are the primary changes.

MICHAEL NYHAN: Okay. You're extending your berm, as well; is that correct? With the elimination of --

MS. GILBERT: We're not extending the berm. The original application showed the berm kind of being cut to make that access drive. Since the access drive is removed, we don't need to impact the berm other than with some plantings.

MICHAEL NYHAN: Okay. Thank you.

RON RICHMOND: What is the storage going to be? What kind of material?

MS. GILBERT: The outdoor storage is very large metal studs, material that will be on pallets that will be there for a short period of time, items that would be cumbersome to bring inside the building. That is something that we're requesting a variance for to have the outdoor storage.

RON RICHMOND: How much of that outdoor storage area will be filled with product or material?

MS. GILBERT: The outdoor storage area is shown on the plan right here, so this area is designated for outdoor storage and a little bit right here for studs.

RON RICHMOND: Will there be any barricades or fencing?

MS. GILBERT: There is a fence that goes around the property, that encompasses the property. That will be the primary. But there will not be a barricade between the storage and the driveway. The material itself almost acts like a barricade in that it is long and flat.

RON RICHMOND: That's all I have.

MATT EMENS: A couple things, just to clarify. So the -- you don't need the variance for Paul Road front-loaded parking because you moved it to the south?

MS. GILBERT: We will still need a variance for the parking on Trade Court. Yep. For -- for having parking in the front yard here and here (indicating).

MATT EMENS: Okay. The -- just to -- an interesting note I saw here is that note 10, Lu Engineers, Michael Hanscom's response here, that there aren't going to be gutters and downspouts on the building; is that correct?

MS. GILBERT: That is correct. Kamco currently has a facility in Queensbury that does not have gutters. They like the way it operates. They feel comfortable with that. Um, and the building architect is also comfortable with the building not having gutters. They would like to proceed that way. The building is graded so that everything flows away from the building, flows to the north, south, east and west. There is at least a minimum 1 percent grading drainage across the pavement away from the building.

MICHAEL NYHAN: So it drains -- the roof line -- the water will drain to the north and south of the building?

MS. GILBERT: Yes. This is sort of the roof line here (indicating). So this water comes down this way (indicating). This water goes to the north. There are swales on either side that take it out here (indicating). And this portion of parking will just sheet flow off the back.

The storage also has a similar break. This will flow here (indicating). This flows into a swale and comes off this way (indicating).

JOHN NOWICKI: There is a comment here from the engineer's letter that we would recommend against this method of storm water discharge from the warehouse building because this may result in significant icing on the pavement and the storage racks in the southern outdoor storage areas in periods of cold weather.

MS. GILBERT: Kamco, the facility they're using currently does not have gutters. Like I said, they have their Queensbury operation. We understand this is a little bit more north, so we're going to get some more snow, but they feel comfortable that they understand the drainage from the building and that they don't think it will impact our operations.

MICHAEL NYHAN: So you will have water draining on top of your storage?

MS. GILBERT: That's correct.

MICHAEL NYHAN: On the south side?

MS. GILBERT: That's correct.

MICHAEL NYHAN: You will have water draining down across the parking lot on the north side, to drain into that swale?

MS. GILBERT: That's correct.

MICHAEL NYHAN: Is there any reason why you wouldn't want to put a gutter system in and have a pipe underneath the pavement draining into that swale so you -- we have a lot of very cold days, where the sun is out, the snow will melt, drip off and run along your parking lot and freeze.

MS. GILBERT: The site is pretty flat in terms of getting a pipe out there. We can make it work, although we would have to run the pipe all of the way to the back. Can't go to the swales on the north and south side. It would have to go to the east. Kamco would entertain putting that in at a later date if the gutter system turns -- or the lack of a gutter system turns out to be a problem, but that is not their desired approach at this time.

JOHN NOWICKI: What impact would that have on the rear of the building storage racks all across the back of the building?

MS. GILBERT: You mean if we put a gutter?

JOHN NOWICKI: If you don't have gutter on these buildings, what will happen with all of the stuff on the storage racks?

MS. GILBERT: The storage racks are generally held up on pallets, so the water would be able to flow underneath them. It -- Kamco is aware that there is water coming off the building and it will flow through their outdoor storage area and they're comfortable that it won't interrupt their operations.

MATT EMENS: I just have one more question. I think we talked about this last time, but there is on Sheet C4.0, Sara (Gilbert), there is a dark black rectangle next to the storage racks in the southeast corner.

What is that?

MS. GILBERT: Is this what you're referring to here?

MATT EMENS: Yes.

MS. GILBERT: It's a fuel tank.

JOHN NOWICKI: What is it?

MATT EMENS: Fuel tank.

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

JOHN HELLABY: Diesel fuel; is that correct?

MS. GILBERT: That's correct. We can add a label to the plans to clarify what that is.

JOHN HELLABY: Just to expand a little more on the engineer's comments of June 8th, have you had a chance to review these?

MS. GILBERT: We did look at them. We don't have any concerns with addressing them. Most of them were comments that -- things we have been working through some of the environmental issues, some of the fire access issues. It sounds like the main comment that we're -- we're struggling to come to terms with is the gutters and it's our hope to address it and get to a point with the Town Engineer where we're all comfortable with the design we have.

JOHN HELLABY: Have you actually met with the Fire Marshal or talked to him in regards to this?

MS. GILBERT: I have not, no.

JOHN HELLABY: So if they needed 24/7 access to these gates, are they motorized or are they just typical slide gates that they can cut the chains on and push them over?

MS. GILBERT: We're not -- we're still not 100 percent decided how the gates will work. They're intended to be slide gates. Whether they lock with a key or motorized, we have not determined it yet, but either way, the Fire Marshal will be given access same as other employees will be given access. There will be a key, a lockbox or access code. We did just get the comments yesterday. There wasn't really a lot of time to meet with the Fire Marshall.

JOHN HELLABY: The only other one that is on here, is trash removal. There is no dumpster enclosures.

MS. GILBERT: Dumpster enclosures are right here. There are two enclosures that are fenced in.

JOHN HELLABY: Another thing that is not labeled.

Did you say that the landscape plans -- have you been to the Conservation Board and they have been approved? The only reason I ask, they're not on this set of drawings.

MS. GILBERT: So this was -- preliminary submission that was made. It was not complete or final level by any means. We still need to submit a lighting plan. At that time we had not submitted a landscaping plan. We have since submitted one and it did go to the Conservation Board. They did have some comments on it. Nothing that we take issue with. The main thing they had said is they wanted the trees not on top of the berm, but staggered on the front and back of them which we're agreeable to doing.

JOHN NOWICKI: Have they approved, Conservation Board, your landscaping plan?

MS. GILBERT: It's my understanding that the Conservation Board makes a recommendation to this Board. If they actually grant approval, that was my --

JOHN NOWICKI: There is no one here.

I want to hear it from the Conservation Board, because I think it is critical if this project moves forward, that the landscaping plan is very strong and designed to hide a lot of things.

Period. Okay?

Now, we're talking here about the June 8th letter from the -- from the -- our engineer, Mike. And his comment on the -- he wanted a written reply to each comment contained in this letter.

Have you sent him a written reply to each one of these items?

MS. GILBERT: We just received that letter, um, I think it was two days ago, so there has not been time to address those yet, but they will be addressed when we make a final submission.

MICHAEL NYHAN: Okay. So you will reply to each item?

MS. GILBERT: Yes.

MICHAEL NYHAN: Have you been before the Zoning Board at all?

MS. GILBERT: We have made application and will be going to their next meeting, I believe, in two weeks.

JOHN NOWICKI: So we're a long way to go here.

MS. GILBERT: Tonight we'll be asking to do the Public Hearing and close the Public Hearing. We're not asking to do SEQR, preliminary or final. We'll come back in July after all these items have been addressed and request those.

JOHN NOWICKI: The only other question I have here, and for Eric (Stowe), there's a letter here that -- in the letter from -- from one of the residents it indicates that Chili Town Code Section 500-20, Limited Industrial District, Section 83 states that storage and other related activity shall be conducted only within enclosed buildings. Is that true?

PAUL WANZENRIED: Thus the reason they go for a variance.

JOHN NOWICKI: Will they ask for a variance on that?

PAUL WANZENRIED: I believe that is on the cover of Mike (Hanscom)'s letter and that is their application in two weeks.

JOHN NOWICKI: Okay. So again, you have a long way to go here. Thanks. That's all I got. For now.

PAUL BLOSER: Based on your comments about drainage, going back to -- or designated -- if this has been brought up, too, um, and forgive me, I haven't been to a couple of these meetings.

Where is your snow removal storage areas?

MS. GILBERT: There is snow storage areas shown on the site plan. They're generally in the front of the building and essentially on all sides to the north, the south and the east. The swales are going to be relatively flat. They are shown with some extra drainage to them. There's a lot of room on the site for snow storage.

PAUL BLOSER: If you build a berm around the outside, I see where you're putting snow storage in a storm water pond, but if we start backing up on the edge of the parking lot there, you will not get runoff to these areas. That is the only concern I have. You know, based on traffic in there, um, where your storage areas are, you're going to have foot traffic out there I'm assuming,

tow motor traffic moving materials and that all becomes a slippery mess up in our environment here.

Your outside storage racking, what is the height of the racking?

MS. GILBERT: 18 feet.

PAUL BLOSER: What is the height of your building? One-story building?

MS. GILBERT: The height of the warehouse at the -- at the end is 24 feet.

PAUL BLOSER: All right. The only comment I would want in the notes, Mike (Nyhan), the top rack of that -- that we don't exceed the height of the building for storage. 18 foot puts a pallet on that, you're above your equipment.

MICHAEL NYHAN: Okay. Anything else?

PAUL BLOSER: No. Not right now.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I hate it when I come to these meetings and I hear an applicant or their representative say -- when they're asking for permission to come to our Town, I hate for them to say, "the applicant wants," "the company wants," "the company doesn't want to."

This Board makes the rules. Remember that. You make the rules. And if you want to see how badly a building functions and a parking lot functions without gutters, look at our local McDonald's. There is no gutters. And in the winter, the driveway is slippery. Sure the water sheets off. The driveway is slippery. The sidewalks are a constant mess and it's already showing the effect on their sidewalks. The cement of the sidewalks.

Now, this Board knows we need gutters, and we need drainage. It's a very wet area down there like so much of Chili. There is a lot of problems this Board has to deal with before I think you should be satisfied. I know you're going to do the right thing.

MICHAEL NYHAN: Thank you.

LINDA BEATTIE, 3 Loyalist Avenue

MS BEATTIE: Linda Beattie, I live at 3 Loyalist Avenue.

MS. BEATTIE: I have a few questions about the new plan. The -- the fence, I -- I notice that since the parking -- the banked parking is moved now to the south side of the building. I'm wondering why the fence is still so far out on the north side of the building and why -- if someone can explain to me why the fence is needed so far out on that side of the building. And I would like to know what type of fence that's going to be. I -- I thought that it was a chain link fence originally and then I read -- I believe on the map legend that it was a brown vinyl fence. But is that a -- a -- a chain link fence that is brown or a privacy fence that is brown? I just would like to know, and is the height -- I believe it's still 6 foot, which is not really going to obscure the outside storage that -- again, I have talked about the codes and what good is a code at another meeting. I brought up the fact that if the code is written the way the Town has approved it, and then people come in and do variances to get what they want, I'm not exactly sure that that is the best thing to have. Um, I just would like to know, why the fence is so far outside of the area, especially on the north side. The outside storage, again, we have discussed this before. And it's not part of what we had intended for this code.

The oil -- the above-ground oil, um, storage, that little black rectangle back there, I am concerned about any oil spillage again that would go into the landscape and is very close to the wetland area and what that might do to wildlife if -- it -- it is a small drum. I think it might be 50 -- I don't know if it is 50 or 500 gallon now.

And the berm, again, if you live across the street from that, the berm is really not high enough to -- to give a lot of visual blockage of a building that is 24 foot high.

Trees, yes. I went to the Building Department to look at the plans and the landscape plan wasn't there. And -- and I asked if I could see it or where it was and evidently it was -- well, I was told it was with the landscape person that would be reviewing it. But I see that maybe that's not the case now.

The landscaping really does concern me because again, this is going to be a warehouse. And all along from Marshall to International Drive, you can see lots of very nice landscape, trees, but you never see a bush that really tries to hide the building. The trees are fine. Most of them are cut like 6 or 8 foot up or else that's how they grow. So you see a nice -- a nice trunk of the tree and this beautiful tree, but you still see the building behind it. The buildings, most of the buildings are very nice. But not if they have a 6 foot fence that you can see and this warehouse. So I would like that to be really looked at carefully and I think this Board has done a good job of looking at things. And again, I think the company has tried to do a good job looking at items that we have brought to you, and I'm pleased with this -- they took out the driveway on Paul Road and they have moved the building back. But another thing that we don't -- we didn't hear addressed specifically, and it has been on our mind, the neighborhood's mind, the business hours, what are the business hours? How many trucks are coming in and out? What are those hours? What type of truck traffic are we again putting on Paul Road that has major traffic there now? And this is all something that is -- is important to the neighbors.

And I think I heard mention that we have closed the Public Hearing after, you know, one session or something like that. It doesn't appear to me that things -- all of the ducks are in order at this point to close a Public Hearing. We still have things we want to know about the next iteration of this plan. Especially, like, I say, the landscaping. So, um, I will have to follow this

and I'm sure other people will, too, but I just want to make any -- my comments and concerns known so we do continue with this, so we get a building that is worthy of being in this spot, especially since we have changed the zoning from Limited Industrial to -- with the ADATOD, that that required -- or allowed them to have other features and then we go with a variance that requires -- or allows to have other features, too.

Thank you.

MICHAEL NYHAN: Thank you.

TOM PLATT, 414 Paul Road

MR. PLATT: Tom Platt, 414 Paul Road. I live right directly across from the building. I want to thank the changes they have made, the larger parcel and moving everything back south. I appreciate that. I still don't like the -- the outside storage.

I believe that there are ways to work on storage on the north and south walls inside. There are devices that -- all this stuff, no matter how long it is, could be stored inside the building.

Water drainage, I didn't talk about last time we were here. You're talking about a lot of water coming off that roof, in that parking lot, going into that holding pond. Currently, Ironstone, the development right behind has got storm sewers. They all come down right past -- on Paul Road, down to the creek. That creek is pretty full.

Currently, when we get a heavy, heavy rain which we have had several of this spring, that water backs up my -- I got gutters that come out to the ditch. The storm sewer. And that water backs up right up into my yard and also into the center drain in my garage. That's a lot of water. With all that water being funneled back into that creek, currently all that land is pretty flat. It is just land back there. Nature takes care of it settling into the ground, but now we're adding a lot of water. I don't know how you calculate it, but it is something I hope the Board looks at.

And then again, the planning -- I went to look at the plantings, and they -- she said they weren't there.

Um, but the outside storage, I don't particularly care for. I think the Town needs to look at that. A quarter of the mile up the road, the old Bausch & Lomb building, there is a whole lot of outside storage there and it looks like you know what. We don't want that. They are doing a very nice job of designing the building and landscaping it. Why deteriorate the whole thing by having outside storage and water laying all over the place and a lot of ice in the wintertime?

That's basically all I got. Thank you.

MICHAEL NYHAN: Thank you.

DAN ZERRILLO, 2 Loyalist Avenue

MR. ZERRILLO: Good evening. Dan Zerrillo, 2 Loyalist Ave. Thank you very much for holding this meeting. I think it is important we as a community come together to learn as much as we can about these site changes. I would also like to thank the company for making some concessions as it relates to the entrance onto Paul Road. However, this project is not looking -- is not being looked upon favorably by those that reside immediately within the area of Ironstone, Paul Road, Loyalist and the Battle Green communities.

Linda (Beattie) addressed some significant concerns as it relates to truck traffic on that road. There are several hundred homes within this community. Lots of kids getting on school buses.

There is also a significant noise factor as it relates to hours of operation. These trucks will be loaded, unloaded very early in the morning, 4, 5 a.m. That creates a significant burden that reside in that area. Should the berm be increased in height, it may help alleviate some of the concerns to quell the noise as well as keeping it a little more aesthetically pleasing so it doesn't have to be viewed from the road.

But addressing truck traffic, the safety of our children in this community, they're getting on buses immediately in this area, as well as noise should be strongly considered by this Board.

Thank you in advance for your consideration.

MICHAEL NYHAN: Thank you, sir.

Sara (Gilbert), could you address some of the questions that came up for us? One is the fencing at the front of the building. I think your banked parking is going to be on the north; is that correct?

MS. GILBERT: Yes. It's Kamco's preference to have the majority of their lot fenced in. Um, the reason for this is the materials that they have on their site are not safe for pedestrians. If there is kids in the area playing, it's for safety. They have trucks loaded with materials sometimes. And in general, because there is a residential community there and you have this lush green field on the north side of the building, we don't want it to look like a soccer field or be inviting for kite flying, recreation, people coming on the property. So the fence is -- it is a chain link fence. It will blend in with the scenery. It will not be obtrusive. It will not have the vinyl siding. It is a mild deterrent to keep people off the property, off that area to the north.

MICHAEL NYHAN: Okay. And I know you mentioned in one of the previous meetings, what is the height of that fence?

MS. GILBERT: 6 foot.

MICHAEL NYHAN: No wire on the top; is that correct? Just 6 foot.

MS. GILBERT: No wire on it.

MATT EMENS: Slats in it?

MS. GILBERT: No slats. Just chain link.

MICHAEL NYHAN: Height of the berm should hide that fence.

MS. GILBERT: The berm is about 4 to 5 feet high. Originally there were tree plantings on top of it. It sounds like people might prefer the trees to be on the front and the back of the berm, instead of on top of them, but they will still provide screening of that fence. Correct.

Would you like me to address some of the other comments?

MICHAEL NYHAN: Yes. We were going to go through all of them, so if you wrote them down, that's good.

MS. GILBERT: The business hours, um, is 7 to 4. They're -- they're open until 4. Their last delivery is at 3 o'clock. And some of these issues, I know -- some of these items I know we have discussed already so I will just touch on them briefly. They do sometimes have trucks loaded up in the morning to make a very early morning delivery to a site. Those trucks are loaded inside the building. They do not have back-up alarms. So noise really should not be an issue. You know, if you're picturing a truck making beeping noises and such, that will be done in the building. And part of moving the building back was to create a bigger buffer from the area.

JOHN NOWICKI: What time is that in the morning?

MS. GILBERT: So the way Kamco operates, if they have to make a very early morning delivery, sometimes they will load the truck the night before and leave it fully loaded and then the employee will have a key and they will come and get a truck and leave with it. Generally they're not loading trucks in the morning before the normal hours that they open at 7 a.m.

Um, I would like to remind you, this is an industrial zoned property. It is -- does have an ADATOD overlay. This use is exactly what this zoning was designed for, this type of facility.

Um, I understand that we are not on the same page with the gutters. There are some drainage concerns, and I know we have already touched on it. I guess one additional point is that the area on the north side actually has quite a steep pavement slope there, because that loading dock is recessed a bit. So there is good drainage on the north side. The south side is flatter, but it is on the back end. It's not an area that will be intended for pedestrians to be walking. There is trucks coming through there. That is why the parking has been pushed to the front.

Um, oil spillage to the wetland area, um, this rendering is a little bit deceiving, because it does make it look like there is an oil tank and then there is just, you know, basically a green field down to that creek.

Um, what this doesn't show is there actually is storm water management back there, so there are swales. If for some reason there was a spillage of that oil tank, it would be captured in the storm water pond that is designed with features to address things like that.

Um, somebody touched on the berm height and not being enough for screening. We have been working with the Town as much as we can to try to work with that. I apologize that we were not able to get a landscaping plan in with our preliminary submission. We are working as quickly as we can to keep up. Like I said, we wanted to wait to move forward with this design until the May meeting to make sure we weren't going to spend a lot of time and money engineering something that wasn't going to be seen favorably. But that will be in shortly. Hopefully, within a week we'll have that into the Town along with the lighting plan.

A concern was raised regarding drainage and how the pond size was calculated. It was done in compliance with State regulations. The DEC general permit. For those not as familiar with that, essentially you look at the existing site and you design the pond and the outflow to match the drainage. The pond holds the water and releases it in a very slow rate that mimics existing drainage.

The outdoor storage area is really crucial to Kamco's operations. They feel it is vital to their operation. They handle very large material that is their specialty. Material that is too large and cumbersome for other businesses to handle. It is difficult to maneuver that inside a building. The studs of the building can't be far enough to move the material around. It's coming and going quickly. So the outdoor storage Kamco feels is critical, but we have relocated to the south end of the property where the building can provide some visual screening buffer to that area.

I have already touched on the noise. The truck traffic in the morning, I know we discussed the traffic hours. Really for an industrial ADATOD development, there is not an intensive amount of truck traffic. Um, I don't have a number in front of me, but I know we gave you the number before of trucks. It's very reasonable for this type of development.

I think I have touched on it. Have I missed something?

MICHAEL NYHAN: You did give us the truck traffic in the past.

What are your normal deliveries? How many deliveries do you have a day? Are going in and out.

MS. LEWIS: Would be four inbound tractor-trailers and then probably about 8 to 12 of -- of our trucks, trips.

MICHAEL NYHAN: So 12 trips per day for your trucks and how many tractor-trailers?

MS. LEWIS: Right. About four.

MICHAEL NYHAN: Per day?

JOHN NOWICKI: Any movement at night?

MS. LEWIS: No.

MICHAEL NYHAN: Thank you. Building size for the diesel fuel?

MS. GILBERT: We were talking about that. We don't have that with us. We'll have to confirm the size of that tank and get back to you on that.

MATT EMENS: Is that ---

MICHAEL NYHAN: And -- is that on our plans?

MATT EMENS: For added information, I would -- I would ask that the tank is going to have to have secondary containment, fire suppression. Secondary containment to address

(inaudible).

MS. GILBERT: Okay.

MICHAEL NYHAN: Again, those are the questions that came up. Thank you.

MR. ZERRILLO: For further clarity on some of the questions that you addressed, when you mentioned the truck traffic, is that a cap and is there any repercussion should that number exceed the number they have outlined for us, the 12 deliveries per day with the 4 trucks coming and going in the morning and evening?

And the outside storage, if all of the trucks are loaded inside, why do you need outside storage? You will have to take it from the storage and bring it inside in order to load the trucks, correct? So again, there is still some concerns about -- obviously the noise that will be generated as a result of that and well as the traffic -- I believe these estimates are very low numbers and the times they're going to be delivering, which is early morning and in the afternoon are prime time, with the exception of three months a year, as to when school bus traffic will be at peaks and getting on and off buses. So the safety is a big concern as it relates to that. On my street alone there are seven buses that come in and out of our development on a daily basis during school.

MICHAEL NYHAN: Thank you.

JACK BEATTIE, 3 Loyalist

MR. BEATTIE: Jack Beattie, 3 Loyalist.

Just a little more clarification on the outside storage. The original plans showed these 18 foot racks to be on the east side of the building, between the two doors that are open in the back. There was also a vertical rack near the east side of the parking lot. And then, the outside storage now on the south. I think those racks are still on that plan, if -- if I understand right. So the storage is not just south of the building. I believe there's some vertical, 18 foot high storage racks to the east of that building. I just want to make sure we all understand, they're still on the plan, so I believe the variance request is going to be to cover the storage area to the south, plus those other 18 foot storage racks.

MICHAEL NYHAN: It will be to cover all outdoor storage.

MR. JACKSON: I just want to make sure we understand, it's not just a storage area south of the building that is going to hide the long aluminum 2 x 4s. They're going to be stored on these other racks, which are more -- more out of sight than they were because we have moved the building all of the way further south, but they're still there.

MICHAEL NYHAN: Correct. Thank you.

MR. PLATT: Tom Platt, 414 Paul Road. I forgot what I was going to say. Vehicles.

MICHAEL NYHAN: We all chuckle because we understand.

MR. PLATT: I was wondering, is that just their vehicles coming and going? Has the Town reviewed -- are they going to continue to have the building over in Gates? If you go over to Gates and look at their storage outside, I wouldn't want that in my front yard.

If you go over and view the parking lot, they have got probably 15 cars lined up in front of that store all day long, cars coming and going. I don't know if contractors are coming in picking up material or just ordering or just what, but it's going to substantially increase the flow of traffic. I still don't like that outside storage.

MICHAEL NYHAN: Thank you.

MS. BEATTIE: Can you tell us what the length and height of the trucks are again?

MICHAEL NYHAN: Your name again?

Ma'am, you asked a question and what was the question? I didn't hear. I was asking to you repeat your name so I didn't hear your question.

MS. BEATTIE: The question is, I know that you said how many trucks would be coming in and out of the building, but you haven't said how large the trucks are. They are not just box trucks. They're -- they're significantly large trucks, as I understand it. Can you tell us what the height and length of the trucks are?

MICHAEL NYHAN: Thank you. I think several of these questions were addressed before, but could you address the size of the trucks?

MS. GILBERT: I apologize. I don't have all this information with me because it was something we had addressed before, but to my recollection, um, it will be the four large trucks. There is two drywall deliveries and a stud delivery. Those are WB67, the larger interstate-type trucks. The remaining trucks are, I think, a 30-foot bed. They're a smaller -- and then some -- the box trucks, they have some contractors that come and order materials and pick it up, but not a lot. Kamco mainly does the delivery.

Um, the Gates site is severely undersized for Kamco's operations. That is why they're looking at expanding this facility. It will be twice the size of where they're at at Gates. They're busting at the seams at Gates. No question if you go, it's going to look bad. I believe those are the only three questions I had.

MICHAEL NYHAN: The deliveries, the pickups from the contractors, that is done inside the building?

MS. GILBERT: Um, the contractors don't do a lot of picking up their own material. Like I said, most of the items are delivered. They will come sometimes and order material and/or pick up something small, but that's not a major part of Kamco's operations. For the most part, they are delivering materials. It is correct that there are the storage racks along the back of the building and the back of the parking lot. That is mainly for the long studs. The area to the south of the building is for items they keep on pallets. A lot of times those are delivered and then they leave the site again in a very short, sometimes a couple hours within the day, so, um, this is part of how

their operations are. To be honest, when we got rid of the Paul Road driveway, we had to make some modifications to the site because there is going to be more trucks kind of circling now, instead of coming in and going out. So we did have to add some storage areas to the bottom to try to make some of the operations a little smoother.

MICHAEL NYHAN: I'm sorry, the size of the storage on the back again, it was -- it -- on the east side of the building? Either side of the entrance door; is that correct?

MS. GILBERT: Yes. It is shown on the plans. So -- so these are the dumpster enclosures (indicating). This is a concrete pad for pulling through the building (indicating). This area right here is storage racks along the back and this is a concrete pad again for pulling out through the building. There is storage racks also here (indicating) for studs. The outdoor storage area will be primarily more for pallet-type storage.

MICHAEL NYHAN: For pallet-type storage? Products on --

MS. GILBERT: Yes. Drywall.

MICHAEL NYHAN: Okay. Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just want to clarify. The Fire Marshal has not had a look at this plan at this point?

MICHAEL NYHAN: Paul (Wanzenried)?

PAUL WANZENRIED: We're not asking for approval.

MS. BORGUS: I know that. I know. I -- I'm just -- I know. I just want --

PAUL WANZENRIED: What is the concern with the Fire Marshal?

MS. BORGUS: I'm concerned about so many things that are -- that are open issues on this application.

Now, they are going to go before the ZBA I guess in two weeks. That's pending for I don't know how many variances. Does anybody know how many variances they're going to ask for?

PAUL WANZENRIED: Approximately five, Dorothy (Borgus).

MS. BORGUS: Five. Okay.

And I'm hearing that when the people tried -- the residents tried to look at the landscaping plans, they weren't there. Is that the plan they couldn't see?

PAUL WANZENRIED: I'm not aware of that. I'm not aware of that.

MS. BORGUS: Well --

PAUL BLOSER: Dorothy (Borgus), I think Sara (Gilbert) explained that. Because they have been redoing the site plan of the building, and the storage, that kind of held a little bit back on the engineering of the conservation side of the things until they knew we were satisfied with this, rather than putting all of the money into redesigning -- that and redesigning it again and again. Which because we're not going for any type of approvals, it's probably the smartest way to do it right now.

MS. BORGUS: I haven't made my point yet. I'm just trying to get my facts straight.

PAUL BLOSER: I'm sorry.

MS. BORGUS: We're hearing now they didn't get the engineer's questions in time to do answers to each point. That is still not done either. For whatever reason. My suggestion is, that since there is so much about this application that is up in the air, that I think it would be a good idea if the Public Hearing portion was not closed until some of these things are decided and vented, and have the residents have all of the facts available to them. They don't have them now. I would request that the Public Hearing be kept open.

MR. ZERRILLO: Dan Zerrillo, Loyalist Ave.

As far as the truck again, clarify on how much is going to be happening. Is Kamco's limit of deliveries per day capped at 12? Obviously moving into a larger facility, they're looking to go drive more business which is what we all want to have. If I'm a business owner, I want to make money. But could that go to 18, 20, 24 deliveries on a daily basis increasing traffic? And with the facility directly across the street on Trade Court there, how much of an impact with the -- a number of vehicles that are transporting patients -- how much it is going to impact there, because they will have direct ingress and egress on this road, as well. So not only increased traffic on Paul Road as a result of deliveries coming to and from, first for supplies and then going out, are those trucks unloaded inside, if they're loaded inside, to again, alleviate a noise concern and how much of an impact will be on the facility across the street that has patients within those vehicles going in and out of that community on a daily basis? Again, big concerns for people in the community.

MICHAEL NYHAN: Any other comments? Public Hearing?

DAVID CROSS: Keep it open.

MICHAEL NYHAN: I make a motion to close the Public Hearing. Do I have a second?

JOHN HELLABY: Second. The vote on the motion was 4 yes to 3 no (Paul Bloser, John Nowicki, David Cross) to close the Public Hearing hearing.

MS. GILBERT: At this time we're requesting to be tabled until the July meeting.

MICHAEL NYHAN: For purposes of?

MS. GILBERT: Completing the Zoning Board, the engineering and come back to the July meeting and ask for SEQR, preliminary and final.

MICHAEL NYHAN: At this time there is a motion to -- at the applicant's request to table this until the July meeting? Do I have a second?

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 7 yes to the July 11, 2017 meeting for the following reason:

1. Tabled at the applicant's request pending completion of SEQR.

OLD BUSINESS:

1. 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, Bob Winans and Dan Thomas were present to represent the application.

MICHAEL NYHAN: The last meeting this was tabled for additional information so we could hear about SEQR. The SWPPP plan which has been submitted to the Town for review by the Town Engineer. The traffic study has been submitted to the Town Planning Board for our review and there was one other item -- oh, the update on the EAF. There were a couple spots that needed some updating with that. And the Public Hearing was closed on this, so this will be just a review of the information that you have provided.

And I understand there is no substantial changes to this plan other than to address some of the engineering comments; is that correct?

MR. SCIARABBA: Correct.

MICHAEL NYHAN: Okay. You also did a traffic study, so when you're finished with your first part of the hearing, I would like to ask if you could just explain what that data means and where it comes from.

MR. SCIARABBA: Sure.

Good evening, Mr. Chairman, members of the Board. My name is John Sciarabba.

The Chairman did an excellent job explaining what transpired at our last meeting back on May 9th. We had some clear marching orders and at that time we addressed the Town Engineer's comments and resubmitted all of the materials back on May 12. So those comments were all addressed and we also received about 30 hours ago additional Town Engineer comments which we have addressed to Bob Winan's efforts and we prepared new plans and submitted those to you this evening.

There aren't any major changes to the plan, but I think that the Town Engineer's comments, when we go through them briefly, I can kind of highlight what we have done.

So comment number 1, if you can follow along, if you -- the plans were submitted and they reviewed them.

Comment number 2 is regarding the site plan, understanding that the -- all of the roadways will be private. That has been since the inception of the project and we're proposing no public roads there.

The question was raised by the Town Engineer about the radius us of our curves and our roads to make sure they're at least 90 feet wide. And we have done that. That is comment number 3.

Comment number 4 pertains to the site plan and the dimensions. As I said, about the radiuses -- and those have been changed on the plan and especially where row F, drive F is concerned.

Comment number 5 is about the site plan, about appendix number D regarding the Fire Marshal and the turnarounds. Our original plans for the hammerhead turnarounds for the fire truck safety, they're at 60 feet in depth. They're required to be 70. So that has been changed to 70 feet on the current plans.

Comment number 6, um, is pertaining to the meeting room that we have on our project located in the north -- on the north side of our site. As I explained before, that is a small meeting room. It is also being a maintenance facility and supporting our RPZ for the watermain that is going to be in that project. We originally had a driveway that came off the main road so now we're heading it off the small drive. We have a driveway going to the garage and we also picked up, I believe, nine additional parking spots in that area. Those are nine more visitor spots. I think we're around a number of 42 visitor spots throughout the site.

Comment number 7 is pertaining to the fact that this is an R-1 district and that we need a 40 foot setback from pavement for our garages for stacking. And I think in the past we have been a little unclear. So what we have provided the Board, if you look on the first page, we have a setback chart.

All of our setbacks, um, are at least 30 feet at the garage. It's right above the light pole, if you see it -- right in the center of the left side of the page. So -- but it does -- but we also noted that some of these buildings are close to the road. So where the garage is, we're at least 30 feet. And -- and more in some cases.

On -- on some of these other lots, if you look at lot number -- there is only four lots. Lot 10, 36, 55 and 61 where the building is actually closer to the main road. There is no access for parking there, but that's where that little error of clarify that I thought we were missing and hopefully the Board can understand that so they can reiterate the fact that this site back in 1992 had variances granted for 25 foot setback for road, so we're 5 foot further than that. And I think it works well for our site.

We also have a tremendous amount of visitor parking in the area. That covers comment

number 7.

Comment Number 8, um, the plans and application coordinate with the Highway Superintendent for signage. Continually meeting with Mr. Lindsay about this project wholistically and we have no problems with signage. We have added some signage to the plan.

Also, in the turnaround area, we have added -- it's a one-way turnaround, so there will be signage associated with that.

Comment number 9 deals with a SWPPP. As we all know on this Board, there is over five acres of disturbance. The Storm Water Prevention Plan that is submitted is currently under review by the Town Engineer.

As stated before in the previous meeting, we did a very conservative approach prior to soil testing. We have completed our soil testing onsite and we're very happy with those results so we really don't see any show-stoppers regarding the SWPPP.

Comment Number 10 is regarding the grading. We're familiar with the grading that is an existing condition from the outlet of the pond. Working with DPW to add and help that situation. So we have added some structures to that. We have tweaked the grading in there, um, to help alleviate that.

I took a lot of information from the last public meeting that the people on Brian Drive have significant problems there. We have added a drainage easement to the Town benefit along our east property line. I know the Town does not have a drainage easement along the rear property of Brian Drive, but hopefully now you guys will have access to that. There are significant limitations along our east property line due to the wetlands presently there and also the 100 foot buffer associated with that.

Um, comment number 12 is again about the storm water management and that there will be a maintenance agreement with the Town of Chili regarding those structures and we'll do that.

That is also 13, as well, that the letter of credit is to be posted for the project and -- and the storm water management facilities.

Comment 14, the Town Engineer and Department of Public Works to be copied on all correspondence. We are doing that.

Comment number 13, upon completion of the project, the applicant should certify landscaping, so they have that whole landscaping issue with the bonds required for that. So when we do a letter of credit, we'll know the exact amounts for the landscaping. We have no problem with that.

Comment number 16 is again regarding the SWPPP in that there is going to be additional comments related to that. We don't have an issue with that.

Number 17, the applicant to provide written responses to each. I provided the Board with those this evening.

And number 18, um, that -- this to be final -- you know, if there are any changes for final, we'll address them at this time. So I think we have clarified the Town Engineer's comments with a major change to the plan and I hope we -- if there is any additional comments with regard to the SWPPP, we'll handle those at that time.

Mr. Chairman told me to speak a little about the traffic study. And I'm not a traffic engineer, so I'm just going to muddle through it and I will try to best I can, but to do the best I can, I hired a well-respected firm, SRF. SRF is a firm my company uses extensively. They have a great track record within Monroe County and the State, so we retained them and they completed the traffic study earlier this year.

In doing the traffic study, they used their own local knowledge to the roadway network and the history of the property, but they also get data from the Trip Generation, Ninth Edition published by the Institute of Transportation Engineers. That is their guideline for traffic counts pertaining to projects.

They looked at our project as a market rate apartment and they also looked at it as a senior. As you know, this site, although it is open to anybody, our target audience are seniors. Seniors have a different driving rate than younger folks, school-aged people and things like that. So they analyzed both of that, both of those situations.

Obviously the younger people have more trips. The typical apartment has more trip generations. So using their analysis, they had an approach that there will be -- with the 62 units, there will be a max trip generation per peak hour. That is peak hour actually two hours between 7 a.m. and 9 a.m. in the morning. And that would be 26 trips during that hour. So that is the -- and the returning peak hour in the evening, there will be 25. And those are their numbers using the methodology that -- they are the professionals.

And it's -- and the note that there also is a threshold that Monroe County uses, the Monroe County DOT and State D.O.T., that if you have a maximum trip of a 100, that is where a study has to be completed and more intensive review. So we're nowhere near that threshold of 100 trips per hour.

And if I can read from what they said in closing, "It's our firm's professional opinion that the proposed project will not have a negatively" -- "will not have a potential significant adverse impact on the operation of Spring Flower Drive or the surrounding roadways."

So that is the report that was submitted. Town Engineer has had a chance to review it, I believe, and I hope that answers any questions, Mr. Chairman.

MICHAEL NYHAN: Thank you.

MATT EMENS: So just to be clear. I'm familiar with SRF Associates. (Unintelligible) has been before us on other projects.

Just to be clear, this is a trip-generation assessment, not a full-blown traffic study?

MR. SCIARABBA: Correct.

MATT EMENS: Some people may not be aware of that, so I will say it out loud now. The summary you gave, John (Sciarabba), at the end -- the next sentence is, "Given the recommended guidelines for traffic impact studies, no further study is necessary and no mitigation is required as a result of this development."

That's because their assessment, this trip generation assessment is saying you don't need to go to the next level which is a full-blown traffic impact study.

MR. SCIARABBA: Correct. I appreciate you clarifying that.

MATT EMENS: So, the -- the only thing that I still -- and you did address it and you answered it and thank you for addressing the engineer's comments so quickly, is the setbacks. I know that that was a -- under comment 7, the last paragraph, about the -- about the 30 and 25 feet, still a little confusing, but I think you have -- given this clarity here, I'm pointing out those specific lots. So that was one of my only questions I had remaining in regards to this.

The -- the -- the only other one on here, and I apologize, I'm not sure who this -- I will put up, throw up right now in front of this, but on 3, there was talk about the roundabouts and there was a turning truck radius where you guys had done a drawing of that. And I don't -- I haven't seen that. I know one of the concerns we had was the round-about with the intersecting drives not all being 90-degree angles, right, and the fact there is --

MR. SCIARABBA: Yes.

MATT EMENS: The fact E and D actually come together prior to the circle. And I know you mentioned it. And I guess I will just -- I'm -- a concern still would be with signage there inside the development.

MR. SCIARABBA: There is signs entering. You haven't had time to look at the plans obviously.

Right in this area, we have signs noting that there is a circle -- traffic circle ahead and that it's one way. So prior to entering the -- and we're also proposing to paint arrows on the pavement, if necessary. So we understand the operation of that traffic circle has -- has been a question. You know, it's kind of an unusual configuration. We have added mountable curb so that trucks or vehicles can go up on the curb and pavers on a 4 foot area inside the radius. If you have you been to any of these roundabouts, they're all designed that same way. There is that area there to give some of the vehicles -- we can't drive every road for an 18-wheeler all of the time. It's not a typical use. It's an occasional.

MATT EMENS: I believe what brought that up was the Fire Marshal comments and I think that was original concerns we had, too.

MR. SCIARABBA: We have been working with the Fire Marshall and Highway Superintendent so I think they're comfortable at this time. I hope you are.

MATT EMENS: So, John (Sciarabba), thank you for pointing out again there is a one-way traffic circle and sign there.

So Drive E, if I'm coming out of Drive E, am I just in -- and Drive D. Drive E and Drive D is my concern. That's where my concern is. The rest works for me. That is why I don't know if one of them needs a stop sign or both of them need a stop sign. So -- I can tell you from experience, that other developments in this Town and other towns have multiple motor vehicle accidents inside these developments because somebody doesn't know whose turn it is to go and we can't fix everything. I know that.

But I still see that as being a concern. Basically you have got the confusion on who is entering that and how and who goes first. And I think -- I apologize. I know we always look at the last thing and you have ironed out all these other things, but that is still the one I'm going to focus in on because I don't see --

MR. SCIARABBA: I think a stop sign is a great idea on both -- on both drives with a stop strip, as well. So if we were to put a stop sign here with a strip and one here (indicating), I think that would be a great start. We could also look how that works. We have a lot of width in here if we needed to put a median of some sort, some kind of visual blocker. We're trying to get these cars -- D has to go east and not north. So I think there is other treatments that we could probably come up with if that fails. I mean, we're talking about slow-moving vehicles at this time, but I understand when you get to the intersection, you don't want to spill your coffee early in the morning and you can see that happening.

But I think that would be a good start if the Board agrees, stop signs on that those access points.

MATT EMENS: Okay. And so thanks, John (Sciarabba). So that -- that is -- everything else I think you have addressed in your response. So thanks.

JOHN HELLABY: The question I have is actually for Eric (Stowe).

Counselor, question is that in the last meeting, a Mr. Roberts introduced himself as the President of the Homeowners' Association. Do they play a role in this in any way, shape or form that you're aware of?

ERIC STOWE: HOA would be a private agreement between land owners. We're not a party to any HOA documents.

JOHN HELLABY: So this is no concern of ours then basically?

ERIC STOWE: We can't enforce the regulations, so -- nor are we bound by them. That is a private agreement between landowners. And that's contractual between those parties.

JOHN HELLABY: Okay. That's all I got for right now.

JOHN NOWICKI: Landscaping plans, where do they stand?

MR. SCIARABBA: They're -- so unfortunately or fortunately, I only gave you three pages

of our current plan. Those plans have been to the Conservation Board and reviewed, so they have been submitted and done previously. I didn't give you full sets of plans.

JOHN NOWICKI: Have they been approved?

MR. SCIARABBA: I believe so.

MR. WINANS: They were all submitted originally to the Board a month ago, and we have gotten no comments on them.

JOHN NOWICKI: So they haven't been approved?

MR. WINANS: We have submitted them. We have got no comments. We haven't gotten final approval.

JOHN NOWICKI: So we don't have an answer for that, the landscaping. Okay.

MR. WINANS: The only -- the only thing we did from the last meeting is we moved some of the landscaping away from the intersections. That's really all we were requested to do.

JOHN NOWICKI: Well, we would like to see them.

The other question I have, how do school buses move through this project?

MR. SCIARABBA: We have several school bus signs. Um, they are -- and we have also met with the Director of Transportation from the Churchville-Chili School District. He has reviewed the plan. I believe in an email from him we provided he is fine with that there. They will not go down any of the drives. They will migrate through here. You will have to give me a minute to locate the bus stops. One here, one here, one here (indicating).

JOHN NOWICKI: They don't go down the streets --

MR. SCIARABBA: No. They come down and use the round-about.

Just for your information, the turnarounds I spoke about earlier on the Town Engineer's comments, are these turnarounds. These are now 70. Each one of them. 70.

JOHN NOWICKI: School buses are not going down them.

MICHAEL NYHAN: John (Nowicki), just to answer you, they did have a -- landscaping plans that we received just prior to tonight. They just did not include it in tonight's plans. The plans you received last month at the last meeting, there was a landscaping plan submitted.

Page 6 is the landscaping plan.

JOHN NOWICKI: Is that what we got tonight?

MICHAEL NYHAN: No.

We do have your landscaping plans part of the plan, not just part of the tonight --

MR. SCIARABBA: I tried to address the Town Engineer with the three sheets we have instead of bringing the full set.

MICHAEL NYHAN: No changes to your previous submittals?

MR. SCIARABBA: That's correct.

DAVID CROSS: Was there any plans for interior sidewalks with this development?

MR. SCIARABBA: We talked about that originally, and then kind of pulled it off the table because we wanted people to walk. We have more walking trails and things associated with that. And with the radiuses we're slowing down traffic quite a bit so we're not proposing to have any -- hopefully not have anybody running through there quickly.

We also are limited in a -- limited for two reasons. The unique configuration of the lot lines, trying to put our roadway through that. Between the large pond to the east and the end of those fingers. And some requirements of the Storm Water Management Plan not having any impervious area within 25 feet of the pond. So that limited us in some respect to that. And then so we wanted to provide more trails offsite. That was our idea.

DAVID CROSS: I get you. And I think I'm okay without the interior sidewalks, but I think, you know, it might be nice to do some sort -- you know, even impervious path maybe along the storm water management pond, something nice. I think you showed that maybe initially and it just kind of dropped off, but --

MR. SCIARABBA: We were made clearly aware from that by the Town Engineer no impervious areas within 25 feet of the pond.

First of all, I'm on the same page as you it would be aesthetically pleasing and give access to a nice place, but --

DAVID CROSS: Something.

MR. SCIARABBA: We might be able to do something that's not impervious, more of a trail.

DAVID CROSS: Okay. Something to look at.

MR. SCIARABBA: Definitely.

DAVID CROSS: I guess my biggest concern with the development is the single point of access for the whole community out to Buffalo Road, and you know, you have a 24 foot wide road going out to Buffalo Road. It -- that's a choke point. And I tried counting up all of the existing single-family homes and multi-family and I think I came up with around 130.

Any head nods? I see a couple head nods. Really rough count. Adding 60, you're up to about 190. That is a lot for one point of access. I would really push for maybe not a full secondary access, but even an emergency access for the Fire Department. And I would like to hear from the Fire Marshal that he's looked at that and considered that before we go further.

MR. SCIARABBA: Okay. Well, I don't know generally if the Fire Marshal makes comments. We have met with him. I think Paul (Wanzenried) is aware of that.

PAUL WANZENRIED: Yes.

MR. SCIARABBA: From our brief review of the overall plan from the passage of time we talked about, I think we have five more units than was originally approved for the whole project. So way back at inception of the project. So we're consistent with what the overall project was.

We are slightly higher.

I understand your concerns as an engineer. We all worry about those things. We really don't have a spot. We talked a little bit about going out to Brian Drive.

DAVID CROSS: We looked at Watch Hill. There was a comment from the side table about wetlands and whatnot, but I think if it is done right, there could be an emergency style access that could make its way towards this property. I know you have to work with College Greene because they own property to the south, but at some point, on a large planning, um, scale, Watch Hill was considered to, I guess, give access to this -- to this development to the -- to the west.

So I -- so I think that needs to be looked at much further before we go ahead.

MICHAEL NYHAN: Paul (Wanzenried), if I could, I believe the Fire Marshal did look at that, Paul (Wanzenried); is that correct?

PAUL WANZENRIED: That is correct.

His only -- the Fire Marshal's only concerns were the lack of hammerheads or turnarounds in certain areas to which the applicant has instituted.

There was also a couple fire hydrants he wanted moved, and to my knowledge, they have been -- that has been addressed, as well. So -- those are the only Fire Marshal comments. Says he can get his trucks in and out of there, no problem.

DAVID CROSS: It's not a matter of getting trucks in and out. It is a matter of something -- if an emergency happens at the intersection on Buffalo Road, there is no access back there.

MR. SCIARABBA: I understand your point, David (Cross). I will not try to persuade you, but just as we're looking at developing this process -- the project, DEC is a big stick in this, and, you know, we have to avoid wetland disturbances as possible and mitigate those issues. So we have a huge wetland that we have avoided in every aspect of this, and trying to go through that wetland and then -- I'm sure we'll have comments from people on Brian Drive with 62 people. That is one of the things that will just open up. I understand your point 100 percent and I don't know what we can do.

PAUL BLOSER: Um, my biggest concern with having been back into these developments here, I know -- and knowing the age group, the target market in here, is walking areas so that people aren't forced to walk in the road. We're already narrower than normal. And just, you know, some of them are hard of hearing. They may not hear a horn beep or approaching tires. That's a concern I have in a development like this, that there is safe places to walk. So they don't have to have rear view mirrors tied to their hats or walkers.

MR. SCIARABBA: We're hoping to get people off the pavement and get them out onto some trails and enjoy the benefits of having the wetlands there. The benefit -- the wetlands are an asset and liability. They're an asset because they buffer you from and they stop development.

But we can look at the trails. There was a -- Conservation Board, I think, had some comments on the trails and they liked where we had them. But if we can incorporate more trails around the ponds, I -- I don't know we can do a paved trail per se, but we can do a lot of passive recreation areas and walking areas.

ERIC STOWE: Just that the easement, the new easement for the drainage to the Town of Chili will give Chili the right but not the obligation to do the drainage.

MR. SCIARABBA: Yeah. And that is kind of just an 11th hour thought we had. I don't know if you liked it or not. I'm sure the Town Engineer will rain in on his chance to review comments, but we heard a lot of comments from people on Brian Drive. There is no access to the Town. So if it is not a good idea and you don't want it, we can remove it from the plan.

ERIC STOWE: Just simply want to see the language.

MR. SCIARABBA: We have not prepared an easement document for you at this time.

PAUL WANZENRIED: No comment.

MR. HANSCOM: No additional comments at this time.

MICHAEL NYHAN: Any other Board discussion?

We'll move to SEQR. I would like to mention on this property, you know, what is permitted is over 160 units at this point. They're looking to put 62 units in here. I believe there is an area variance, Paul (Wanzenried), correct, of 30 foot setbacks already in this area; is that correct?

PAUL WANZENRIED: Previously approved for the previous sections but not --

MICHAEL NYHAN: Not this section. Just previous sections. Okay.

So with that, I would like to make a motion to declare the Board lead agency as far as SEQR and I would like to review the Part 2 impact statement with the Board to go through each of these questions. We have a lot of impact or a lot of input from the engineering firm since we started meeting on this a few months back as well as public comments.

So with that, um, you know, based on the information we have received and the information that has been provided on the EAF, Part 2 impact assessment, there is 10, 11 questions I would like to go through for Board input.

One is, "Will the proposed action create a material conflict with an adopted land use or zoning regulations?"

Anybody see that this is moderate or large impact? I don't see this impact at all. This is zoned RM. The density is not even close to what is permitted in this area. Any comments or questions on that? I would say it's no or small impact.

"Will the proposed action result in a change in the use or intensity of the use of land?"

I believe we have already heard that this is the same use they already have in there. It is

single-family townhomes.

JOHN NOWICKI: Well, what you're looking at is rental units compared to single-family homes that are purchased.

MICHAEL NYHAN: They're single-family rental units versus single-family owned, so the intensity is the same.

JOHN NOWICKI: These are private roads, not dedicated; is that correct?

MICHAEL NYHAN: Correct.

JOHN NOWICKI: So I think we have to be aware of that and look at the situation.

MICHAEL NYHAN: I see a small or no impact on this. Does anybody disagree with that from this perspective, from the intensity?

"Will the proposed action impair the character or the quality of the existing community?"

JOHN NOWICKI: Again, I think it will have an impact.

MICHAEL NYHAN: Moderate, large impact, small impact? You know, these are the same. Townhomes. Single-family townhomes.

JOHN NOWICKI: Rentals.

MICHAEL NYHAN: Rentals versus homeownership. Going to be owned by one and managed by one landowner rather than each individual person being responsible for their property. So the landowner, Property Manager can determine what this -- the entire complex, not just each individual unit there.

JOHN NOWICKI: It will be a maintenance agreement. So I -- so it could be a concern.

MICHAEL NYHAN: But I do see it as a small or no impact to the community as it is proposed.

RON RICHMOND: Small.

MICHAEL NYHAN: "Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area?"

I do not believe we have a CEA on this; is that correct? All right.

"Will the proposed action result in adverse change in the existing level of traffic or affect existing infrastructure, mass transit or biking or walkway?" I think we mentioned we would like to have walking trails in here, if possible, in the back of the community through the -- I don't see an impact on biking, walkway or mass transit, though, for this particular area.

JOHN NOWICKI: I would like to discuss the intersection with Buffalo Road to be -- you know, that could be challenging. So there are concerns.

MICHAEL NYHAN: Concerns. We did get a traffic study, though, that indicated there was no additional study required as a result of the study from SRF Associates; is that right?

RON RICHMOND: It is.

MATT EMENS: Just to clarify, it's a trip generation again. It is different than a traffic study.

MICHAEL NYHAN: Okay. So what's your opinion on the existing infrastructure?

JOHN HELLABY: Small impact.

MATT EMENS: Based on information provided, small impact.

MICHAEL NYHAN: "Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonable available energy conservation or renewable energy opportunities?"

Impact study, they did state they would be meeting all -- let me get that. I'm sorry, meeting all energy code requirements.

MATT EMENS: It's funny you say that because that is the one -- I had number 9 flagged on the Part 1 and for some reason I answered no on that. I don't know why. I think that may have been an error.

MR. WINANS: What was that?

MATT EMENS: Mind if I read it?

MICHAEL NYHAN: Sure.

MATT EMENS: So number 9, "Does the proposed action meet or exceed the State energy code requirements?"

And you guys answered, "No."

MR. WINANS: Well, no, it does. It meets. It meets the code.

MATT EMENS: Doesn't exceed. If it exceeds, you have to tell how or why. So I think there was a mistake there.

MICHAEL NYHAN: Two copies here, one are the updated one I brought and I'm sorry, which one?

MATT EMENS: Number 9, page 2 of 3.

MICHAEL NYHAN: My understanding is this will meet the State Energy Code requirements; is that correct?

MR. WINANS: Yes. I mean obviously when we're doing -- if -- any building construction, we'll have to meet all of the current energy codes and State Building Codes, yes.

ERIC STOWE: I think when they say "exceed," it is does it exceed the minimum standards and conserve more energy versus using energy.

MICHAEL NYHAN: Correct.

ERIC STOWE: It's a very poorly worded question.

MICHAEL NYHAN: With your permission, I would like to amend this EAF statement, you will meet the State -- you will not be exceeding and will meet the State energy requirements. Is that accurate? Is that what we're hearing?

MR. WINANS: Yes.

MICHAEL NYHAN: Yes. Thanks for bringing that up, Matt (Emens).

MATT EMENS: So the proposed action will be a small or no impact on the increase in use of energy.

"Will the proposed action impact the existing public private water supplies, public private waste water utilities?"

There's a requirement that came from the County Comments they will be required to receive a permit and that they will be using the public water and waste water facilities. They will need to be able to meet that in order to be able to receive that permit to move forward with the project.

JOHN HELLABY: Small.

MICHAEL NYHAN: "Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?"

I don't know of any that would impact in a significant way. Anybody else?

"Will the proposed action result in adverse change to natural resources? For example, wetlands, groundwater, air quality, flora or fauna?"

And I believe that the SWPPP has been submitted to address any issues, and they have avoided all of the wetland areas and that they maintain the 100 foot setback on all those areas, as well.

JOHN HELLABY: Correct.

MICHAEL NYHAN: So there is no or small impact.

"Will the proposed action result in an increase in potential for erosion, flooding or drainage problems?"

I think we have heard that they intend to hopefully improve the drainage problems that are currently -- are for Brian Drive.

Did you increase the size of that drainage or did you add a drainage pond to address that? I'm sorry. I can't remember if you increased it or changed.

MR. SCIARABBA: There are certain structures and catch basins that are failing so we have added different structures and we have added berms to direct water in a different direction than right to Brian Drive. So...

MICHAEL NYHAN: All right. So I don't believe that would be a (unintelligible) impact. It will actually help the problem, or create -- would you disagree with that?

"Will the proposed action create a hazard to the environmental resources or human health?"

I don't see anything that indicates that. Does anybody?

No. Okay.

So based on the information received and the information reviewed, as well as these questions, I would make a motion again to declare the Board lead agency.

Michael Nyhan made a motion to declare the Board lead agency as far as SEQR

ERIC STOWE: I have one comment after that.

MICHAEL NYHAN: Okay. I heard the creaking over there.

And any evidence and information presented at this meeting to determine the application to be of unlisted action and no significant environmental impact.

Second?

JOHN HELLABY: Second.

ERIC STOWE: Can I comment at that point before the second? Can we add in that the Planning Board as far as Part 3 of the short form EAF adopts that portion of the minutes regarding your discussion for the environmental impacts from today's date?

MICHAEL NYHAN: Yes.

ERIC STOWE: Thank you.

MICHAEL NYHAN: So added to that statement, the Planning Board being the lead agency with no environmental significant environmental impact, before I hear the second, the Planning Board adopts our discussion of the Board on 6/13/2017 as evidence for Part 3 for this determination of significance.

Do I have a second?

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion on SEQR.

MICHAEL NYHAN: The application with conditions. The conditions I have so far, let me know if there are any additional.

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

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

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

Applicant shall comply with all pertinent Monroe County Development Review Committee Comments.

Copies of all existing -- copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information; i.e., labor and page number shall be noted on the mylars.

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

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

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

Applicant to comply with all conditions of the Zoning Board of Appeals as applicable and subject to approval by the Town Fire Marshal.

Any other conditions for preliminary site plan?

DAVID CROSS: I would like to see adding, exploring the option of -- well, I would like to see a secondary emergency access point due to the fact of the number of units.

JOHN HELLABY: They had at least --

DAVID CROSS: You look anywhere else in the Town, you don't see that number of units on a single access point.

MICHAEL NYHAN: So we require the existing to have a second access, as well?

DAVID CROSS: The whole development needs one additional secondary access. Could be out to Watch Hill. Could be to College Greene.

MATT EMENS: Foxtail.

JOHN NOWICKI: I agree.

MATT EMENS: It could just be emergency single-lane access, too. It doesn't have to be a connected roadway.

MICHAEL NYHAN: Who would maintain that?

DAVID CROSS: Those are all discussions with the Town Fire Marshal.

MICHAEL NYHAN: You want that as a condition to move forward or a discussion to see if it is feasible? Because I believe they reviewed if it was feasible and it was not. Am I accurate in that?

DAVID CROSS: I didn't see it in writing from the Fire Marshal. I would feel much more comfortable if I did see it in writing from the Fire Marshal. I think there was some work to do on that. I think the applicant --

JOHN NOWICKI: Absolutely.

DAVID CROSS: -- can show some good faith there.

MATT EMENS: Maybe it is not just the Fire Marshal. I guess the point if it is good planning and we're stressing that point, too, let's just not stress the Fire Marshal point.

DAVID CROSS: Emergencies in general.

RON RICHMOND: So for consideration is that a lane that gets locked down unless there is an emergency and then how is that opened? Because if you put it in, it will be used.

DAVID CROSS: Could be a crash gate. This is not the only place there would be -- might be the first one in Chili, but --

PAUL BLOSER: We did one at Kings Estate.

DAVID CROSS: Again, I don't want to design it for the applicant. The applicant needs to have a serious conversation with the Fire Marshal regarding this.

MICHAEL NYHAN: I would agree with that, but if you make it a condition that if they can't do this, then the project can't go forward. If you -- that is what I am hearing from you.

RON RICHMOND: I don't know if we can say that, though, because the hammerheads were put in place per the Fire Marshal's recommendation. So I --

DAVID CROSS: Hammerheads are so people can turn around.

MICHAEL NYHAN: The point I want to make also with that -- so what you're saying is that there are 130, 160 units in there now?

DAVID CROSS: There's 160 now.

MICHAEL NYHAN: But that 160 units you're okay with one point of entrance and exit?

DAVID CROSS: It is an existing condition. What can you do about it? Granting 60, they're up to 220 on a single 24 foot wide strip of asphalt going out to Buffalo Road. That's a problem.

MICHAEL NYHAN: So let me make sure I understand. You want to have a condition if they do not put a road, they can't move forward? Or you just want the Fire Marshal to approve that the road needs to be looked at?

DAVID CROSS: I think they need to do their homework on it. I -- I'm -- you know, I think the condition is, to work with the Town, the Town Fire Marshal, emergency operations on a secondary emergency access point to this subdivision.

MR. SCIARABBA: Can I make one brief statement? If you put a condition that Watch Hill Drive is ever extended, that we have to connect to it, would that alleviate some of Mr. Cross' concerns?

MICHAEL NYHAN: Just let me read what I have here and it may. I don't know. He can answer for himself. But let me read what I have and let me know if you're satisfied. The applicant will work with the Town to determine the feasibility of a second means of egress or access.

ERIC STOWE: What is the mechanism that allows us to determine compliance with that? I'm sorry. I'm losing my voice.

DAVID CROSS: That's tough, Eric (Stowe). It not covered in our code. Right? But again, I -- I guess a statement from the Fire Marshal that he is comfortable with 220 lots on a single point of egress out onto Buffalo Road.

ERIC STOWE: I am more comfortable if it is a written declaration that this has been

reviewed and meets with his approval.

DAVID CROSS: That's probably all we can do.

JOHN NOWICKI: Do we have that?

MICHAEL NYHAN: I'm writing it right now.

JOHN HELLABY: That is what he is asking for.

DAVID CROSS: He looked at the turnarounds, you know, the fire hydrants. I haven't heard anything to date that -- that he -- that he made any comment on secondary emergency access.

ERIC STOWE: I wasn't there.

JOHN NOWICKI: Should be looked at.

PAUL WANZENRIED: Not the only development with one access in and out.

DAVID CROSS: It's a lot of units. No, it's not, but it's a lot of units for one access in and out. We're up to 220 with this development. There is published guidelines. You know, and -- the guidelines that I have seen, from my research, we are well below 220 for a secondary egress point. I think the applicant can do their homework a little bit asking for some due diligence. You know, to come in off Watch Hill, with, you know, a 20 foot -- maybe it's pavers, something pervious again that a fire truck can gain access to the back of this development with a crash gate. You know, we're not talking about a dedicated road or anything. A secondary emergency access point.

MICHAEL NYHAN: This is a condition. The Fire Marshal to review and provide written comments on the single means of access to the complex. Is that what you said?

DAVID CROSS: No.

MICHAEL NYHAN: Eric (Stowe), I thought that is what you said.

ERIC STOWE: No. That part gives me -- that is more easily yes -- it's a "yes" or "no" question. Do you have it in writing? The feasibility gives me pause on how do we now say that he has to determine if it is feasible. Because who is determining feasible?

JOHN NOWICKI: Well, the safety issue is there. Common sense to have another exit. Entrance or exit.

MR. SCIARABBA: While we're waiting for them, can I interject any additional information? I fully understand and respect Mr. Cross' comments and I understand his philosophy wanting those access points. As I stated in my presentation from our research, there is 157 lots wholistically approved for this project. We're -- which is -- excuse me. Let me rephrase that.

In this section back here, there was 57 lots on the overall preliminary approval granted for Mayflower Village at inception of the project in the '80s with one access. We're five or six units over that number. So that's one thing.

So it was wholistically approved preliminary overall. This Board is familiar with large projects of this scale. Those issues were looked at back then.

The other issue is we are boxed in. All of the lands surrounding us are owned by the HOA. Obviously the comments heard by this Board and the public, they're not willing -- they won't want to give us a 60 foot strip to get any other access point.

All of the lands on Brian Drive are private. Even -- even Watch Hill Circle is south of our property if we don't have access to that. So even if the Town put that road in, it is still on private property. What we're being asked to do is to blow through a wetland about 3 or 400 feet, get an easement or something from private property and put -- and put a crash gate in there.

We can explore those possibilities, but I don't think -- that's a significant challenge. I would also like to reiterate the fact that we met several times with the Fire Marshal, several times with the Highway Superintendent and this issue has never been risen yet. So I am hoping the Board will work through this, but -- I understand Mr. Cross' concerns, but we're hoping he can see where we are. We're kind of an island out here surrounded by private property that does not touch us and some of that is under adversarial relationship at this point in time unfortunately. So I just wanted to add that.

MATT EMENS: Just for clarification, when we talk about the previously approved, just for my benefit, is that the 1992 approval?

MR. SCIARABBA: The '92 is -- was a Zoning Board determination just for variance but Mayflower Village was wholistically approved early -- much earlier than that. But we tried -- we tried to get original plans for that to -- really to no avail. That would have saved us a lot of time and money with the drainage report and things such as that. We're -- we're really boxed into a corner here. I don't know how to alleviate the concern --

DAVID CROSS: Has the applicant approached College Greene? The College Greene looks like the landowner to the south; is that right?

MR. SCIARABBA: I have to look at my map. We have not because of the hindrance of the wetland buffer.

DAVID CROSS: And -- I'm -- I'm not destroying wetlands, but I --

MR. SCIARABBA: That's all wetlands, Mr. Cross. The wetlands migrates onto our site. Everything south of us is a huge wetland.

DAVID CROSS: Okay. I see a wetland line delineated here. Again, I think you will have to probably disturb a little slice of it. That can be done. It can be mitigated somewhere else on the site.

Again, 20 foot, you know, hard path, um, could be -- could be permeable with a crash gate to the back of the subdivision. I don't think I'm asking for a lot and I think it is critical for 220 --

MR. SCIARABBA: You're saying, if I understand you correctly, extending the drive that

runs towards the property line to the south, accommodating that, I don't have a problem. I don't know what the plans are for the future there. But you are asking us to develop someone else's property in what way? But if you're asking us to take our drive -- and I don't know what drive that is -- Drive E and extend it somehow to the property line through the wetland and destroy that wetland for the theory that something might develop back here, we don't have a problem with that. Or leave it in an easement to the Town if that is developed to extend that, we have no problem with that.

DAVID CROSS: Again, I think -- you know, even a 20 foot hard path along the south property line and somehow get it out onto Watch Hill Drive.

MR. SCIARABBA: I think that would be a bigger challenge. That's right through the bulk of the wetland. But if that is your point of view, I guess.

RON RICHMOND: I will just say for the record, as well. I understand the thought process behind it, but the Fire Marshal is tasked with an objective and it is safety. If the Fire Marshal reviewed the plans and said, "Here is my expectation to make this community safe," and if the applicant has complied with those in design and in good spirit, then they have met what was requested of them.

DAVID CROSS: I would like a statement from the Fire Marshal it has been looked at.

RON RICHMOND: I agree. If that is the case, what we're saying is get the Fire Marshal to state, "I have looked at it and I accept the plans as they are," then I agree. But I think it is unrealistic to say let's put a second access point in when the Fire Marshal has not expressed a concern.

DAVID CROSS: The Fire Marshal has to be approached again.

JOHN NOWICKI: I would like to see something in writing from the Fire Marshal.

RON RICHMOND: That's understandable. I agree with that.

ERIC STOWE: I have some legal concerns with responding to all of it, but if it is a confirmation that we met on May 8th, I think was the date of the meeting, and reviewed the plans, it -- does that suffice? I mean, I don't necessarily want to have the -- the -- the -- the entirety of the meeting recorded or tried to do from memory a month after the fact. Right? That is where I have concerns on reciting the -- trying to record what happened and recreate. But confirming that the meeting took place, the plans were reviewed and any issues that -- any concerns have been addressed.

MATT EMENS: I think we're asking one specific question and you still have concern with that.

RON RICHMOND: Let's clarify what is the one question? Is the one question whether or not the Fire Marshal said this plan is acceptable or is it is there a second right-of-way?

MATT EMENS: The question is if it was contemplated in the meeting or in their review of the plans that a single point of access from Buffalo Road is acceptable? One access point.

JOHN NOWICKI: For 220 units, right?

DAVID CROSS: 250. Approximately. 200.

ERIC STOWE: What we're talking -- what has been said, as well, there is a theoretical of right build that could take place, that has already been approved.

DAVID CROSS: But they are coming in with a new site plan.

ERIC STOWE: Well, and to be fair to everybody here, within the confines of what was approved, what is the change from it? Without regard to owner/occupied versus rental.

DAVID CROSS: 2017. And we're thinking about it now.

ERIC STOWE: I understand. But -- but a shovel goes in the ground on an of right build.

RON RICHMOND: If the question is the extra five units from what was previously authorized, then maybe that is the question. Maybe -- maybe that's -- maybe that's what we need.

ERIC STOWE: Less than 2 1/2 percent?

RON RICHMOND: I know that's not what we're talking about, but we have to do this in a fashion that is consistent with what the original thing was. I mean --

MATT EMENS: It is not the original plan.

RON RICHMOND: I understand that, but I'm talking about a number of units back when the number of units was authorized and we have exceeded that by five. Maybe that's the question.

MATT EMENS: We also don't know that -- the original plan may not have been to connect to Watch Hill Drive in that plan. That would have been contemplated in 1989.

DAVID CROSS: It was contemplated in 1960 when Brian Drive went in without knowing what was going to go to the west.

RON RICHMOND: So the point was conditions. Where are we at with that? What are we saying the conditions should or shouldn't be?

ERIC STOWE: If there is -- I -- I don't feel comfortable having it be the Fire Marshal makes the final determination because it's your determination. Okay? If it is a confirmation that the plan has been reviewed, that's different. Just confirmation, "Yes, I have reviewed the plan" versus approved the plan. That's your prerogative.

PAUL WANZENRIED: That shouldn't change your statement that you feel that there is a need for a secondary means of egress.

DAVID CROSS: I think I made the statement. I would be willing to vote. I guess the more I think about it -- this, you know, we have a statement from the Fire Marshal, right?

ERIC STOWE: Right.

DAVID CROSS: I made my concerns voiced, I believe. I don't think it is a lot I'm asking for, but, yeah, I -- I'm ready to vote if everybody else wants to vote.

JOHN NOWICKI: It's a safety issue here.

MATT EMENS: I don't know want to lose track of another condition.

MICHAEL NYHAN: We'll go ahead with the next. It sounds like this will not be a condition. So we'll just vote on it.

MATT EMENS: This may also not be a condition, but I think this needs -- what we need to go back to is no sidewalks, interior sidewalks. Explain that reason why they're not proposed. There were trails on there. I think I was the one that came up with the bright idea or said something about going through there and that got knocked down pretty quick by not putting trails through the wetlands. I got my hand slapped for that idea. But -- you talk about trails, but we don't have anything shown on the drawings.

MR. WINANS: We could have those on by final. We took them off just to finish the mass grading and made sure that was all set to the Town Engineer, but now everything is all set. We could add those for final.

MR. SCIARABBA: Other information that might be helpful, if you go back to the comments that we submitted, the May 12th comment letter from us, and comment number 9, "Highly recommend the site plan be reviewed by the Fire Marshal."

We wrote, "We met with the Commissioner of Public Works and the Highway Superintendent and the Fire Marshal on May 8th and reviewed the project. We made modifications based on that meeting and will continue to work with them to resolve any concerns."

So it is in writing. We did meet on May 8th. There was no comments voiced about second access. Minor turnarounds we talked about. Changes were made for the 12th submission. Changes were made again today. We're at the last round of Town Engineer comments. I think the Fire Marshal is good with that. We'll continue to work with him as needed.

MICHAEL NYHAN: These -- these -- adding the proposed trails to the final plan is just for preliminary, not final. So adding that would be good for you to add those to the final?

MATT EMENS: Yep. I agree.

ERIC STOWE: Just with respect to one other issue, we did say no environmental impact with respect to traffic?

MICHAEL NYHAN: Yes, we did.

DAVID CROSS: I don't know that I consider it traffic -- I believe I was looking for somewhere in there that would cover emergency access. And I -- I didn't see it. Maybe you could help me out. I don't know.

ERIC STOWE: It's holistic. Not trying to be smart.

DAVID CROSS: I get it.

ERIC STOWE: It's all encompassing.

MATT EMENS: Connected trails? Connected trails? Right. In other words, I guess, just a -- back to themes, you know, not a dead-end sidewalk, right, on a dead-end road.

MICHAEL NYHAN: Connected.

MR. WINANS: Oh, the sidewalks, around the trails? Yeah.

MICHAEL NYHAN: Start at one spot, go all of the way around, like walk to one end and walk back out. Connected trails.

MR. SCIARABBA: Yep.

MICHAEL NYHAN: Good point.

MR. SCIARABBA: We do have one -- if you remember on the proposed, on the east side of the large pond we do have a trail going up and kind of coming to the dead end and back because we don't have access on the north end, private property, but it's a good trail. We'll have those on there for the final.

MICHAEL NYHAN: Any other conditions? Right now all I have is the standard conditions. Any other conditions?

RON RICHMOND: What Matt (Emens) said about the trails, have you added that?

MICHAEL NYHAN: That will not be a condition because we're not giving final approval tonight. We're just giving preliminary tonight.

Eric (Stowe), or Paul (Wanzenried), any other conditions or comments before we move forward? No. Okay.

JOHN NOWICKI: Are they making any adjustments to the drawings then? Why don't we just table it and we'll deal with the issues that were discussed tonight?

MICHAEL NYHAN: I think --

JOHN NOWICKI: They're coming back.

MICHAEL NYHAN: They are. And I know we have already talked about this in the past. Feasibility of putting a second road in.

DAVID CROSS: Not a road.

JOHN NOWICKI: We have some issues to deal with.

DAVID CROSS: Does the applicant request tabling?

MICHAEL NYHAN: No. He has not requested tabling.

If we were to table, what are you looking for?

DAVID CROSS: You know what I'm looking for.

MICHAEL NYHAN: Another road.

DAVID CROSS: I would like to see that due diligence done. I really would.

JOHN NOWICKI: Sidewalks done, the paths.

MATT EMENS: You can fix it for final.

MICHAEL NYHAN: I think the big sticking point is you want another entrance/exit.

Secondary emergency access.

Any other comments, Paul Wanzenried) or Eric (Stowe)?

ERIC STOWE: Yeah. I was talking with Paul (Wanzenried). Was there a discussion regarding a tabling? Is that what you said?

MICHAEL NYHAN: Somebody asked if we could just table this for the next meeting and I asked what we would table it for.

ERIC STOWE: Okay. I just heard tabling. That has some default approval timelines that we need to be very careful of.

MATT EMENS: SEQR timelines.

ERIC STOWE: I'm sorry, I didn't hear your question.

MICHAEL NYHAN: There wasn't a question. I was just looking for a response.

ERIC STOWE: 62 days from the date of application which was tabled at the applicant's consent equals default approval. So we -- we would need to be back here very quickly, which I don't know if that would allow for any true review, if that makes sense on feasibility of anything else.

MICHAEL NYHAN: I think we need to move forward with a vote on this. So with that, unless I -- I don't want to speak for the applicant. Unless you wanted to speak further, then I would certainly entertain that, but we're ready to move forward.

MR. SCIARABBA: We're ready for you.

MICHAEL NYHAN: Very good. Application of 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.

This is for preliminary only. And conditions are the standard conditions that I have already read. There are no changes to those. With that, I will take a vote.

JOHN NOWICKI: You will not put in there the fact that the -- you want to put the trails in there and you want to consider it to be a secondary exit?

MICHAEL NYHAN: No.

JOHN NOWICKI: It's preliminary.

MICHAEL NYHAN: They already said they will put those on for final, the trail will be there when they come in for final. Trails will be on the final plan when they come in. We'll look at it at final.

JOHN NOWICKI: What about the safety exit, the second exit?

MICHAEL NYHAN: We didn't make it a condition that they have to have it put on there. Again, it was reviewed extensively by the Fire Marshal and he didn't have a concern.

JOHN NOWICKI: I would like to see a letter from the Fire Marshal.

MICHAEL NYHAN: So with those standard conditions of approval, a vote on this application. Lost track. This does need a second? I have a second on the application?

JOHN HELLABY: Second.

DECISION: Approved by a vote of 5 yes to 2 no (John Nowicki, John Cross) with the following conditions:

1. Applicant to comply with the landscaping plan approved by the Conservation Board.
2. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
7. Building permits shall not be issued prior to applicant complying with all conditions.
8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Pending approval of the Zoning Board of Appeals of all required variances.

10. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
11. Subject to approval by the Town Fire Marshal.

FOR DISCUSSION:

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

Joe O'Donnell and the applicants were present to represent F&S Wine & Spirits.

MICHAEL NYHAN: You were here last month. You had several proposals and we gave you feedback. Looks like you're down to two.

MR. O'DONNELL: Just for the record, my name is Joe O'Donnell, the architect of record for this project. And as Mr. Chairman mentioned, we were here last month again for another open discussion to try to get some feedback and direction from the Board. Prior to that meeting, we did meet with staff. Did get some input from them. For the members that weren't here last month, we had presented four options to a proposed addition to the existing F&S Liquor Store on Scottsville Road. Two of the options that seemed to take a little bit of favor, different Board members had different opinions, are revised here tonight to narrow it down to those two.

The comments from what I recall were we had proposed in that Site Plan 1, to locate the new addition up along the Scottsville Road thoroughfare. Um, creating the -- you know, more of a curb appeal which is more in line with the Town Board Master Plan bringing buildings up to the front of the property and locating parking in the back. That plan was -- also included extending that addition, right up to the corner of the existing building, which is now notched out if you can see in the upper right corner there. I will go through some reasons for why that evolved the way it did.

I met with the owners after we presented last month out on the site several times. This -- this -- these two versions that you see in front of you evolved from those discussions and the reality of that piece of property and the existing buildings and ongoing operations of the existing businesses there, in that locating the -- and the site plan, locating the proposed addition along the front up along Scottsville Road and wrapping the addition around, there is an existing Salvatore's Pizzeria on that northeast corner of the building that is operating in full force.

There is also a small convenience store on the south side of that where it says "existing building," and of course, FS Liquor on the west side.

The challenges that were presented to us or that we kind of realized once we went back out there and talked about the different comments from the Board, there is quite a bit of kitchen cooking equipment located in that notched area, if you will, that shows the two parking spots that would essentially shut down the Salvatore's business during construction of this project, causing financial loss to FS who owns the building and their tenant would also pretty much seal off the convenience store until the project was completed, as well. Again, shutting down that business, and of course, creating loss of business to the liquor store if, in fact, they were able to stay open.

Now, last month we did present the different challenges of the different options. Having a corner lot, we have 75 foot setbacks, two fronts on the side street there and along Scottsville Road. We had listened to the different landscape setbacks on the west side. So it's a very -- it's a challenging site to say the least.

One of the other things that we realized is that by pulling the building up to the front, um, we weren't able to get it close enough to get a double-loaded corridor of parking as you see in Site Plan 2 in front of the building on the back of the building. So if you look at the parking on the back of the building on Site Plan 1, I don't have enough width there to get an 18 foot car bay, 24 aisle and another 18 foot car bay. So I was only able to get eight parking spots there. We did have discussion last month about how we would need parking variances just from the numbers that the Town requires. I think I had that listed on there, like 95 spots for a building this size and we knew that was kind of an unrealistic requirement and guys were willing to work with us on that. So what I did was -- and what you see in front of you on your Site Plan Number 2, I clipped the back corner of the west side, now just for tonight's discussion, 10 foot from the existing property line. I'm sorry for Board members who were not here last month. They -- the owner does own the property on the west side. It's a rental property. Whether that helps or is a non-factor, I just want to make you aware of that.

So what we kind of determined is that we thought with the exception of the parking being in the front, Plan Number 2 really poses the least disruption to the existing operation and plans ample parking for the proposed expansion. We don't feel that the building the way it is configured on the west side -- there's a section of it, yes, that would encroach in the setback requirements, but we're confident with your help, the Zoning Board's help, we could probably mitigate that through landscaping and other -- any other suggestions that you may have.

So one last thing that I want to just mention about this and then we can open up to questions was Plan Number 2 also now allows the Salvatore's customers to come through along the front of the building and park here, which is important during their peak hours. I was out there during the lunch hour and those spots along the north side -- refresh my memory what is the side street there?

UNIDENTIFIED SPEAKER: Harold.

MR. O'DONNELL: Harold. Those were totally full and cars were driving through there to park and use a couple of the liquor store spaces there, as well. So with that, I'm open to some more good ideas from you guys and some direction on where you think we could take this.

RON RICHMOND: I understand our plan of moving buildings roadside and putting parking in the back. As I look at these two right now, even considering parking availability, I prefer Option 2.

MR. O'DONNELL: It does kind of -- I know two wrongs don't make a right, but it does kind of go along with the existing development that -- the building that you see there on the west side was built, pushed off the road. So it -- so it kind of, again, stays within the same character of the development that was there.

RON RICHMOND: I know it's just an oversight, but in front of the existing building, the right building, there is no ADA stalls either.

MR. O'DONNELL: Oh, yeah. We'll -- we'll -- what we would like to do next month is get to more of a formal Planning Board process where we do site plans and all of those details. I wanted to get some idea where the Board was leaning to, which -- where to locate the building.

RON RICHMOND: Again, I understand the plan, but as I look at it now, with the parking and everything, I prefer Option 2. That's all I have.

MATT EMENS: Joe (O'Donnell), why in Option 1 did he eliminate all that existing parking that is about 28 spaces?

MR. O'DONNELL: You know what, Matt (Emens)? It was just kind of an oversight, I guess. We were going to land-bank that so you're looking at two different parking lots.

MATT EMENS: So it is proposed?

MR. O'DONNELL: It is proposed. I didn't show it on the first one. Could easily be put in there if that is part of an approval. I think the Board expressed desire to try to maintain as much green space and should the liquor store need the parking, the land is there to develop it. I -- they can answer it better than I can. I think the number of spots we have there, have you guys ever needed more than 20, 30 spots, even on New Year's Eve?

UNIDENTIFIED APPLICANT: No.

MR. O'DONNELL: We can look at that with more formal approvals and provide some trip generations of customers and let you know how we could meet the parking.

MATT EMENS: I guess I would, you know -- one of the things I like about 1 is that the building fronts the street. One of the things that I don't like about it is that with that many parking spaces for both of those buildings, that little parking spaces with that many buildings, you will have people walking across this existing drive and that will not be very desirable.

MR. O'DONNELL: One other thought, too, on Site Plan 1, one of the things they are challenged with now is the truck vibration of the products on the shelf. They have had situations where moving the building up closer to the road creates a lot more -- they get kind of heavy trucks down there. Right now they do have that problem.

UNIDENTIFIED APPLICANT: Yes.

MR. O'DONNELL: Trucks vibrate the product right off the shelf. So I told them there are some construction details we could probably incorporate into the new building, but I can't get into too crazy of a structural isolation. And this gets too technical for this meeting, but it could get very expensive to isolate a building from complete vibration.

MATT EMENS: I guess the one thing that I don't -- one thing I like about 1 that I don't like about 2 is that keeps that driving off of Harold and it is just way too close to that intersection. I just don't feel like -- you know, I think you have it clipped off there, too, because it is the other road -- that's a tricky road. I go by there every day. Harold and Scottsville Road, you have two, and now you got that drive which I know exists there now, but once again, if we all play nice in the sandbox, we'll go with this, but you might want to go with that. I know, I think that has to go away. That really confuses traffic and it's going to become a cluster, I think, more of a cluster.

MR. O'DONNELL: I think I can speak for the owner, they would prefer to have that cut-through -- you're talking about the cut-through right in front of the building?

MICHAEL NYHAN: Yes.

MR. O'DONNELL: Right? I don't want -- you know. Correct me if I am wrong, but...

UNIDENTIFIED APPLICANT: Well, it would put Salvatore's out of business.

MR. O'DONNELL: They need parking there.

UNIDENTIFIED APPLICANT: Yes. Their parking was originally in the front.

MR. O'DONNELL: I see what they're saying. You have to keep in mind the State took -- through Eminent Domain, pushed their property line. You can see the two different property lines there. The original one was the one to the right and then when the State took the right-of-way, it made --

MATT EMENS: But still with safety and good planning, if you're coming down Scottsville Road, and I turn right into this development, right -- then I -- then I will turn right and park in all these front parking spaces that now we have a lot more spaces to park. They can come into Salvatore's. Maybe -- there has to be a sidewalk over to the existing store, right? I think the road is the issue. It's not -- and there is still parking spaces there. I know a lot of times -- we talked about this last time, usually all of the delivery guys, they stage right up in there, right? So I -- so I feel for them a little bit there, but I'm sure they could probably figure that out on the back side, too.

But more concern is now you will have more people exiting out onto Harold with not even

a full car length before that stop bar.

MR. O'DONNELL: I see what you're saying. Exiting from the liquor store parking lot out?

MATT EMENS: Yes. So the distance from Harold and Scottsville Road, to Ballantyne is not that far with people coming ripping down through there.

MR. O'DONNELL: You go Scottsville, it's a hairpin turn, U turn basically.

MATT EMENS: That's the best feedback I can give, you know, Joe (O'Donnell). Hope that helps.

UNIDENTIFIED APPLICANT: We're all for that. I didn't understand the question.

MR. O'DONNELL: I think we can come up with some good ideas.

UNIDENTIFIED APPLICANT: We would like that.

JOHN HELLABY: I personally like Site Plan Number 2, as well, just because of the fact it doesn't impact the sight distance coming up and down Scottsville Road. Which I think that building will be a big impact for people getting out of there.

MR. O'DONNELL: It's tough now. I have sat there for quite a bit. Those cars come through there maybe more than 45 miles an hour.

MICHAEL NYHAN: Harold Avenue is the road that goes along the top. The hairpin turn, what road is that?

MR. O'DONNELL: Below is there above on top.

That's Harold.

PAUL WANZENRIED: It's reversed.

MICHAEL NYHAN: So you come down Scottsville Road, make a hairpin turn and go back north.

MR. O'DONNELL: Oh, that one there. You know what is that?

MICHAEL NYHAN: Morris.

MR. O'DONNELL: That's Morris, right. I was thinking -- what he was referring to hairpin turn, this one here (indicating), because he thinks this is a problem (indicating), this little cut-through. You're right. There is another issue on that intersection where you have Morris, Scottsville and Harold. You have your own little 12 Corners on Scottsville Road.

MICHAEL NYHAN: Are those parking spots on Harold Avenue along the front of the building there?

MR. O'DONNELL: They are.

MICHAEL NYHAN: Those are parking spots, now?

MR. O'DONNELL: Yes.

MICHAEL NYHAN: For the banked parking, are you saying the proposed parking you have on Site Plan 2 will be banked parking so it will look like Plan 1? What -- why the big difference in parking? I didn't get that. What were you --

MR. O'DONNELL: Well, when you did the calculations based on the Town's parking requirements, I think it was and I don't have those plans in front of me. I think the requirement was like 97 spots needed on the site and I was like at 79 with these down here. I would have to go back and check my numbers. So last month they -- you guys had suggested, well, we agree with you, that's a little crazy. Maybe you just land-bank that southeast corner and build the ones just in front of the existing store.

See where it says the "proposed" on Site Plan 1? So maybe it's kind of like a menu, if you guys wanted it all, we would have to -- if that was part of the approval, we would do it. But I think it would be in the best interest of the site and the green space to land-bank those ones that are in the southeast corner that say "proposed."

MICHAEL NYHAN: Okay. That is what I was looking for, what you were doing. That -- Matt (Emens) brought it up. I wasn't sure what you meant by that.

You know, I think while Plan 1 brings the building up, like we're looking for, but it really does -- the whole traffic flow and safety for walking, Plan 2 just seems to be --

MR. O'DONNELL: As much -- as a designer, I would like that, too, because of the opportunity to have a nice face of a building on Scottsville Road. The practicality of it is ---

MICHAEL NYHAN: You would have to get a variance for front parking. Also, when you clip the building, what does that give you for setback from that lot line?

MR. O'DONNELL: Right now I show 10. I'm being a little aggressive. But that is drawn in at 10 feet from the lot line. I would probably have to get a sense from the Zoning Board what their appetite would be for another 10 feet versus -- is it 40 feet of landscaping?

PAUL WANZENRIED: 40.

MR. O'DONNELL: 40 feet of landscaping. That corner of the building would be a significant variance by definition, but given the fact that that is all treed in there and, you know, the house is -- is a rental property, been occupied by the owner, we might get a little leeway from the Zoning Board.

MICHAEL NYHAN: What is the distance from the house to the corner of that building?

MR. O'DONNELL: I don't know.

MICHAEL NYHAN: Nothing under the trees. Just the house that is visible.

MR. O'DONNELL: I don't know that off the top of my head. I would have to find out. I could probably scale it if somebody had my old plan here.

MICHAEL NYHAN: That's all I had.

JOHN NOWICKI: Site Plan 2. That's it.

DAVID CROSS: Yeah. 2 is clearly much more efficient use of the property. I still don't like the existing spots on Harold Avenue. That's pretty unfortunate. I don't know how the Town

allows parking in a Town right-of-way. I don't know. That has to be looked at much harder, Joe. And I think the existing building --

PAUL WANZENRIED: You guys were allowing it. (Laughter.)

DAVID CROSS: Just raising a question. And then certainly the -- the new building and the existing building, if they're together, if there could be a common look and feel. I think you already addressed it last time.

MR. O'DONNELL: We can do that. I think it will be a little premature. That will be my task for the next time, to come up with a nice design of the exterior clean-up and cohesiveness to the buildings.

DAVID CROSS: Like Matt(Emens)' comment about cutting that access road off by Harold there.

PAUL BLOSER: I think I'm more in favor of Site Plan 2. I don't really have any other comments.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Just that Site Plan 2 that everyone likes, he needs that 40 foot setback. 30 of which needs to be a fully landscaped buffer. So not too sure how you're going to -- what is your hardship. That's where I'm coming from.

MR. O'DONNELL: Free wine for the Zoning Board. (Laughter.)

I agree with you, that's a challenge.

PAUL WANZENRIED: That's your challenge right there.

MR. O'DONNELL: I guess I'm looking at the lesser of two evils. That is really, I guess, my whole case to build upon. We'll definitely have to see what we can do.

PAUL WANZENRIED: I agree with Mr. Emens' statement that regarding the access drive in front of Salvatore's, got to get rid of that.

PAUL BLOSER: Or fence it off. If they're using it for deliveries for Salvatore's. Fence it off so they can't get in there.

MICHAEL HANSCOM: Just if you end up disturbing an acre or more of property, you have to address the storm water management requirements.

MR. O'DONNELL: Yep. Thank you.

MATT EMENS: I think it's a given, but I will say it out loud what Paul (Bloser) said about -- I know we started to uncover some of the other issues which are hard to see in a conceptual site plan, but you're going to start to vet those things and we'll have more conversations about it next time you come in.

MR. O'DONNELL: Exactly. I fully expect that. I just, you know, didn't want to be spending on engineering plans like the previous applicant on two different concepts. We don't have that kind of pocket.

MICHAEL NYHAN: We went from four to two to one now.

MR. O'DONNELL: There we go. We made progress.

MICHAEL NYHAN: But to Matt (Emens)' comments, until we get the devils in the detail with the actual site plan, I just don't want to take this as Option 2 and you're good to go.

MR. O'DONNELL: No. We understand that we have quite a few hurdles to get over between you folks and zoning.

MICHAEL NYHAN: There are variances you need to consider.

MR. O'DONNELL: Just wanted some direction. Thanks, you guys. Appreciate it.

2. Hospitality Restaurant Group Inc.- proposed restaurant at property located at 3240 Chili Avenue in G.B. zone.

John Daniels was present to represent Hospitality Restaurant Group, Inc.

MR. DANIELS: Good evening. I'm John Daniels with APD Engineering and Architecture on behalf of Hospitality Restaurant Group.

I would like to thank the Board for meeting with us and staying up tonight with us. And so we're before you for the first time today about a proposed Taco Bell going into the plaza on -- at 3240 Chili Ave.

We have actually been looking into this for a little while now and trying out several different concepts and building placements.

The plaza -- as you may know, there is utilities all over it and easements associated with those utilities and because of that, we have had to kind of play with where the building could possibly go. And this layout that you see before you is where we are right now least intrusive to the property. As you can see, it's laid out parallel with Chili Avenue down there with a drive-through, including an escape route. It's employing the existing access driving from Chili Avenue. Although we have extended them somewhat, which increases the safety of the traffic pattern in the lot. Part of the work also includes improvements to the lot in general. Right now, the space where we would go is asphalt, all impervious, and we are adding a pretty significant amount of green space around the store and in terms of landscape islands, defining a new drive aisle running east and west in the middle of the site.

Um, so we're before you today looking for some preliminary feedback, what you see on this plan, what you like, suggestions that we can do to, you know, provide the best possible plan. I would be happy to answer any questions, as well.

RON RICHMOND: Dumpster enclosure island, that -- that the traffic flows in from drive-thru, aside from the standard menu boards and stuff like that, what will be the remainder of

the island?

MR. DANIELS: That will be green space landscaping as necessary.

RON RICHMOND: Southeast corner will be the same thing?

MR. DANIELS: That's correct.

RON RICHMOND: I like the plan as it looks like now.

MATT EMENS: So the green space, you're showing the radiuses on the islands.

MR. DANIELS: Those are 10 foot islands.

MATT EMENS: In your project, in your proposal, will you guys be adding curbs and making those landscape islands?

MR. DANIELS: Yes. Correct.

MATT EMENS: The -- the flow of traffic, I guess -- I know the key is the queuing of the cars and it looks like have you nine there.

MR. DANIELS: Yes.

MICHAEL NYHAN: You called it an escape route, which is the person that decides to get out?

MR. DANIELS: Yes.

MATT EMENS: I guess I never realized that.

MR. DANIELS: Yes. Realizing he made a huge mistake.

MATT EMENS: A huge mistake. That's funny.

Interesting, with you tonight, I'm familiar with your group. Is there anyone from Hospitality Restaurant Group as a representative?

MR. MASON: John Mason, Hospitality Syracuse.

MATT EMENS: So just out of curiosity, Taco Bell, you're new to this Town. Obviously this will be the first time we have seen a Taco Bell in Chili, correct?

MR. MASON: Yes.

MATT EMENS: Maybe if you touch on it a little bit, and maybe if you're not their person, but if you could, how did you guys determine where you would like to be and why?

MR. MASON: We do -- as a franchisee, we evaluate markets across Upstate New York. We are already the predominant operator in this territory. There are a couple others that operate stores. We have over 40 locations mainly run from Batavia to Albany and on up to the north country, up to Massena. We do evaluating on markets based on -- obviously we factor in our existing locations. We try to pick out markets that are -- will not impact our existing business. So we're not just working on business off of ourselves. This is one of the few points in the Greater Rochester market where there is a void and an aspect to it. We also take a look at our competitors and see how they're doing, other people who might be in the business. For example, here we look at the McDonald's and the numbers that they would do, the best we can find out what those numbers are. And, you know, evaluate the market on that basis, as well.

MATT EMENS: So is it strictly fast food with drive-throughs or are you also looking at other types of Taco Bell like restaurants?

MR. MASON: We're predominantly in this day and age a drive-thru business. It is ever increasing over -- our average stores are over 60 percent drive-thru. There's -- you know, every market has its strengths and weaknesses. This is -- this is a modest market for us. This is, you know -- we're not sitting next door to the U of R or something that is going to drive huge business. Our primary customer in most markets is the 18 to 34 years old age group. We're in part of a little more of a value-oriented market than a McDonald's even. Our price points are a little lower. We typically do less volume, for example, than a McDonald's. McDonald's would do typically twice the dollar business that we would do. We're not a -- because of that, obviously we have a little lower price, but we just don't have as many customers as they do.

On the other hand, our markets tend to be bigger than McDonald's. We reach out and customers come from a farther distance. Typical McDonald's may have a market of 3 to 4 miles. Our typical market extends out over five miles.

RON RICHMOND: Because you just said that, where are the closest ones? Is there one up in Greece?

MR. MASON: Actually, our closest is probably over on Jeff Road. Over in that direction.

PAUL BLOSER: There is one in Gates, corner of Lyell and Buffalo. On --

RON RICHMOND: That's right. Wegmans Plaza.

MR. MASON: Those are both ours there.

MATT EMENS: I'm also familiar with different fast food chains and you know they will have different buildings based on seats, right? So is this -- I'm sure there is A, B and C type or different ones that fit in different markets. I can't saying this is typically a drive-through business. So I'm guessing different models.

MR. MASON: We have different models. Taco Bell has kind of shortened their number of models to try to keep the economies down to two models. This is the smaller of the two models. Typically running about 42 interior seating capacity. There is a larger model that seats like 54 approximately. We pretty consistently elect to build the smaller model.

PAUL BLOSER: Do you have exterior drawings?

MR. MASON: We were supposed to get in front of the Architectural Review Board. We missed the meeting. I don't know if you want to look at some different options what we have done elsewhere.

PAUL BLOSER: I guess you would like to know what we would like to see.

MR. MASON: We're kind of looking for your input in part of what you would like to see here. We're not -- we can show you what we have at other locations, but this -- we wanted to

develop a project that Chili wants to have here. So I can show you some other things, but it's -- the trickiest part of this project is -- is -- is bringing the building to the street. That's the -- the trickiest part on both the laying out the site and architecturally because it's not a -- it's not a face or side of a building that we would normally put to the street as our typical layout. So that -- that presents some real challenges to make sure the building not only functions but also looks proper.

PAUL BLOSER: It's a big concern with us on how we do things because of certainly the presentation here. You know, if you look at some of the other buildings that have recently gone up, they're all decorative brick. And we want to continue with that look up and down Chili Avenue with anything new coming in. We had one chain come through a few years ago that wanted their corporate structure and there was a lot of brushed aluminum and stainless and kind of retro looking and it was -- different lighting and it just doesn't go with anything that we're trying to achieve in this Town.

MR. MASON: We looked a little bit. Our thinking was -- we'll go whatever direction the Board and the Architectural Review Committee wants to push us. We thought -- first inclination was a thought that made sense to tie into the color scheme in the plaza today. The combination of the stone with the gray and the white exterior. Our thinking was -- our gut sense was maybe it made sense to take that look and transfer it into a brick facade building that would tie in and take some of those same elements and bring them out to the street.

PAUL BLOSER: That's where Architectural will come in. That's that we're looking for.

MR. MASON: That's what we anticipate. That's not a surprise to us.

MATT EMENS: The other point that I will make before Dave (Cross) gets to say it is that there's been quite a few of us that have spent a lot of time over the last 18 months, 2 years and some of the people on that group even longer on updating the specific -- I will say it wrong, the Master Plan for the Chili Center for this corridor, for this specific area. The Comprehensive Plan. So it's something you guys are definitely going to want to take a look at.

One of the things I will say out loud, the plaza and the plaza owner has been explicitly told that on multiple locations that is something they should be considering when looking at developing this plaza further and this property further. So I don't want to let you guys -- I wanted to let you guys in on the secret that is not a secret. It shouldn't be.

MR. MASON: We've -- we've worked through and presented probably three or four different layouts. With a goal of trying to reach a layout that fulfilled the -- the proposed Master Plan's streetscape concept. We wouldn't normally as a matter of course lay our building out like this. This is not at all what we think is the most efficient operation for our business, but we recognized that the Town wants that as part of the Master Plan and that is why we have taken the building and shoved it all of the way up the street like you see it. The areas -- we are open to some of these open areas. We have not really designed what is going here. We're open to -- some of our thinking was like bring a patio area across the front to break up the front a little bit. You know, we have a lot of green space back in here. We're familiar a little bit with the -- with the -- with the goal to have 1 percent of the project costs towards landscaping, so you know, thinking is, you know, we might do a -- a -- a retention garden through the middle here. You know, through the middle of the island here. Similar sort of plantings across the front. You know, some of the treescapes and everything you had on your Master Plan showing the trees along the front are all things that we think we might be able to incorporate in the plan and make work and help try to bring about some of what you try to get through your Master Plan. Obviously devil is in the details, so we're here tonight just to get some feedback and ideas and your thoughts.

JOHN HELLABY: What is the setback of this building? Do you know roughly? The front setback.

UNIDENTIFIED REPRESENTATIVE: About 20 feet.

JOHN HELLABY: 20 feet.

MR. DANIELS: I think it is further.

UNIDENTIFIED REPRESENTATIVE: From the streetscape, it's further. From the roadway further.

MATT EMENS: You're saying from the property line, but visually, it's going to be more than that; right?

JOHN HELLABY: Site lighting, that whole plaza is continuously dark over there. So I would assume you're adding site lighting?

MR. MASON: We would upgrade the site lighting in the front of the plaza with -- in around this area probably with LED fixtures, down-cast fixtures.

MR. DANIELS: There are a couple light poles in the plaza that we would have to relocate as part this just due to the new traffic pattern.

MR. MASON: You know, we are open until 1 o'clock in the morning a couple nights a week. In this kind of market, we don't get a lot of late night business. This is a typical suburban market that kind of gets a little quiet later on in the evening, so that is not a lot of what our market is in a place like this. But obviously we still need enough lighting to make it safe for people to find their way through.

JOHN HELLABY: I see a couple drainage structures on this drawing. Are those ones you intend to add for your site drainage?

MR. DANIELS: Those are existing.

JOHN HELLABY: They are existing.

MR. DANIELS: Yes.

JOHN HELLABY: I'm sure the Town Engineer will want you to just look at this system

and make sure it is clear and usable all downstream.

Over on in the west corner, that little box there, is that the existing pylon sign for that plaza?

MR. MASON: Yes.

JOHN HELLABY: What will happen with that?

MR. DANIELS: That would need to be --

MR. MASON: Our understanding he has plans to redo his pylon. I don't know if he has presented.

JOHN HELLABY: Will it stay there? Was that part of their original?

MICHAEL NYHAN: The Town came in, the Architectural Advisory Committee approved a plan for the sign. Paul (Wanzenried), where it is going to be located? A different location as I understand?

PAUL WANZENRIED: It is. Isn't it on there?

MR. MASON: That's existing.

MICHAEL NYHAN: We're talking about a new one.

JOHN HELLABY: Where is the new one?

PAUL WANZENRIED: Down near the egress there on the east -- not west end.

MICHAEL NYHAN: The west side of the --

PAUL WANZENRIED: Where he has his number 9 on the front parking, somewhere in that area I think. Where they are proposing --

JOHN HELLABY: That's where it is existing.

RON RICHMOND: End of the parking.

PAUL WANZENRIED: No. Existing one, Mr. Hellaby, is more towards the east.

Probably right about somewhere where -- oh, no. Where the -- where Number 6 is. See where 6 is, that little island there, follow me?

JOHN HELLABY: All right.

MATT EMENS: Yep.

PAUL WANZENRIED: All right. That's all I got right now.

JOHN NOWICKI: I'm good.

DAVID CROSS: Looks like you maybe already consulted the Chili Center Master Plan.

MR. DANIELS: Yes.

DAVID CROSS: Thank you.

MR. DANIELS: We met with the DRC about a month ago and they pointed out in that direction.

DAVID CROSS: It's all about the streetscape and make it look like a village style, brick, water table. I really like that Bank of Castile to the west. I don't know how you -- I don't know. I'm not an architect, can you tell, but --

MR. MASON: We have challenges.

DAVID CROSS: There is a patio out in front, tied into the sidewalk, that's good stuff. So I will leave it at that.

PAUL BLOSER: I like the patio concept out there. I'm assuming your front door is to the east side of the building there?

MR. MASON: Yeah.

PAUL BLOSER: Will you have one there?

MR. MASON: We have our --

PAUL BLOSER: Or west side.

MR. MASON: We have two doors. If you look at the door, about in the middle, that's -- that's one service, one customer access point.

The other access point on this plan is shown on the corner over in the front. That may -- we may flip that around. I'm not sure yet. The -- part of the design layout is -- is recognizing the concern of not wanting a lot of activity up on the street and trying to create a streetscape here. Part of what we went back and forth through was how we -- so we tried to set this parking spaces along the front, as far back as we could yet still have direct access point that would allow customers to walk down the sidewalk versus having to cross a lot.

PAUL BLOSER: With little boxed-in area to the south side where you have the double doors and you have a single door to the east --

MR. MASON: That's a service door.

PAUL BLOSER: You got -- it looks like it is boxed out here, coming towards the street.

MR. DANIELS: Patio door.

MR. MASON: Just an idea of -- we're -- we're open to however, you know -- obviously there -- there is that pretty decent setback off the street, so we're kind of open with the community as to how would you like to treat that whole front area.

PAUL BLOSER: It's your area. So you have to keep it separate from the public area, but the -- to make it look kind of homey and welcoming.

MR. MASON: I'm thinking the patio area would probably be a little more closer to the building, more along the face of the building a little bit. You know. 15 feet or so off the edge of the building would be -- you know, maybe a fenced-in area where the patio and seating area would be. Then a sidewalk leading from that out to the front sidewalk on the street.

PAUL BLOSER: With the street. That's where I thought you were going with it. I really like that it could be a real nice compliment to that building.

MR. MASON: You put some umbrellas and stuff out there to soften things up a little bit.

MICHAEL NYHAN: What are your timetables for your meetings? I know we were going

to come before the Architectural Advisory Committee in the future. What is your timetable?

UNIDENTIFIED REPRESENTATIVE: Early July submittal. August would be our first Planning Board meeting. I believe we'll need a variance for setback, but I'm not sure because if it fits with the master plan, we have to probably check with Legal and Zoning and make sure.

MICHAEL NYHAN: I believe it is still in the code they need variance. Code hasn't caught up with the Master Plan for that area, so you would need a variance.

Even though Master Plan is encouraging and looking for buildings to be up along roadways. If it is within the setback, you would have to go before the Zoning Board for your setback variance.

You're carrying the sidewalk down all of the way into the plaza area which there is really no real way to enter this plaza, believe it or not, right now other than walking through a driving lane of an entrance or an exit. There is no sidewalk that connects the current sidewalk on Chili Avenue to go into the parking lot without walking in the lane of travel where you exit and entrance. So I think that will be important to keep that there, that means of egress and entrance to the pedestrians to the plaza.

We talked about a rain garden previously, roof water drained into one of the islands. We mentioned that, as well. So the streetscaping, we did meet at DRC and pretty much all of the comments you have incorporated, so that is very encouraging. We're glad to see that.

Um, what are your daily traffic counts? What can we expect from your traffic, your peak hours? What are your peak hours?

MR. MASON: Do we have the numbers for this?

MICHAEL NYHAN: If you don't have the numbers with you, make sure you have them when you come to the next meeting.

How you will accept deliveries?

MR. MASON: We have lunch hour, basically our primary business is -- a little breakfast. We're not a big breakfast player. Much more smaller than a McDonald's for breakfast. Peak hours otherwise are lunch or dinner or early -- early evening sort of time span.

But we have -- but we have numbers from other locations that will give us an idea what the numbers look like and where the peaks are.

MICHAEL NYHAN: Okay. Thank you.

Then your delivery, are you -- as you mentioned, there is also sides of this building are really for customers, et cetera. So how you manage your truck deliveries or your --

MR. MASON: Did we give them a drawing for that?

MR. DANIELS: I don't know. They have the truck turn movements, but we did run them both in off accesses off Chili and he comes up.

UNIDENTIFIED REPRESENTATIVE: They will be able to come in off Chili either direction and be able to come in here and park and then they will have to deliver by transferring their goods to --

RON RICHMOND: Hand truck.

UNIDENTIFIED REPRESENTATIVE: Yes. Either that or come up this way. We have redesigned this plaza to actually fit and work with our truck. And --

RON RICHMOND: They will actually park in the drive lane, right?

UNIDENTIFIED REPRESENTATIVE: Yes. Within the parking lot itself.

MICHAEL NYHAN: And all of the islands, driving lane moving north, so all of the raised islands, eight of those, those would all be landscaping, as well, and you would be responsible to do all that?

MR. MASON: Yes.

MICHAEL NYHAN: So from those islands really south to Chili Avenue is what you would be rearranging, if you will, or -- as far as lighting and islands and traffic patterns, you would redevelop really that entire area in the plaza.

MR. MASON: Absolutely. We want to upgrade what is there, not just try to paste a building on top of what is there.

MICHAEL NYHAN: We would like to see that, too.

MR. MASON: I understand.

MICHAEL NYHAN: We want to get the plaza owner to do that, so it is great if you will. The landscaping, you already brought it up, the entrance as you come into the east there, as far as your green space, as well as along -- along the front of the buildings, some nice landscaping to hide that parking lot as best as possible in a narrow space, but a nice streetscape as you are going down the avenue.

MICHAEL HANSCOM: Only comment if you're disturbing more than an acre, it falls under Chapter 9 of the New York State Redevelopment project. You have to treat 25 percent of the runoff for water quality.

MICHAEL NYHAN: How much will you be disturbing?

MR. DANIELS: I don't have the exact numbers.

MICHAEL NYHAN: Okay. Any other comments? Feedback?

RON RICHMOND: Like the concept. We'll see where it goes.

MICHAEL NYHAN: See you next month.

Michael Nyhan made a motion to accept the May 9th minutes, and John Hellaby seconded the motion. The Board members were all in favor of the motion.

The meeting ended at 9:53 p.m.