

CHILI PLANNING BOARD
February 13, 2018

A meeting of the Chili Planning Board was held on February 13, 2018 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson John Hellaby.

PRESENT: Paul Bloser, David Cross, Matt Emens, Glenn Hyde, Ron Richmond and Vice Chairperson John Hellaby. Michael Nyhan was excused.

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

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

JOHN HELLABY: I would like to welcome Glenn Hyde, his first meeting this evening as a new member of the Planning Board. Have fun.

PUBLIC HEARINGS:

1. Application of Faber Builders Inc., 3240 Chili Avenue, Suite C-1B, Rochester, New York 14624, property owner: Forest Creek Equity Corp.; for special use permit to erect a single-family dwelling with an in-law apartment at property located at 18 Flinton Run in R-1-20 with incentive zoning district.

Jeremy Smith was present to represent the application.

MR. SMITH: Good evening, members of the Board. Jeremy Smith representing Faber Builders, Inc. in this matter. We have application in for Special Use Permit for an in-law suite at 18 Flinton Run.

I have all of the drawings here through the first floor. This should be the applicable drawing we'll look at here, for the in-law portion. I do also have a larger drawing if you would like me to put it up on the Board here.

JOHN HELLABY: That should suffice.

MR. SMITH: Being the in-law apartment is off the back side of the right side of the home, it has a small kitchenette in it, common area and two bedrooms in the back.

JOHN HELLABY: I assume you're not building this for spec? Are you building this --

MR. SMITH: It's a sold house, correct. It's -- actually, the buyers live in New York City. They're moving back here in with them. The parents are current residents of Chili.

JOHN HELLABY: Just so you're aware of the fact if it is approved this evening, we have boilerplate conditions of approval that I'm sure you have heard of before. I will just read them through quickly.

MR. SMITH: Heard them a few times over the years.

JOHN HELLABY: Special Use Permit is granted by in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

The applicant's attorney to file a decision letter in the book of deeds at the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney and Building Department when final.

Decision letter shall be indexed against property owner's name.

Pending approval of the Building Inspector.

Um, the only comment I have, I noticed looking at these drawings, most all these interior doors, are 2-6 doors -- are they?

MR. SMITH: Correct.

JOHN HELLABY: If they end up in a wheelchair at some stage of the game, I know the wheelchair will go through those openings because I have one at home and it is like 28 inches, but you have a real knuckle banger there. You might want to consider opening the doors up a little bit.

MR. SMITH: We have met with the buyers and the doors they wanted increased. We did increase in size. We have gone through a full pre-construction meeting with them.

MATT EMENS: Actually, it's funny. That's only thing I noted that really has nothing to do with anything other than just advice. If you guys have looked at it -- the only thing -- it applies to both of them. Doors, I would say 2-8 should be a minimum on the bedrooms. And the bathroom. But this bathroom is real small. Whereas, the next one we're going to talk about here in a minute is probably (inaudible) but that is all I have.

DAVID CROSS: Are any variances required to do this?

MR. SMITH: The direction that we got was to apply for a Special Use Permit. So that is the application we have. And I don't believe we -- any zoning -- any zoning issues.

DAVID CROSS: Area?

MR. SMITH: No area variances required. No setback variances required. Buildable lot with the setbacks.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

JOHN HELLABY: The application of Faber Builders, Inc., 3240 Chili Avenue, Suite C-1B, Rochester, New York 14624, property owner: Forest Creek Equity Corp.; for special use permit to erect a single-family dwelling with an in-law apartment at property located at 18 Flinton Run in R-1-20 with incentive zoning district.

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

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

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

2. Application of Faber Homes, 3240 Chili Avenue, Suite C-1B, Rochester, New York 14624, property owner: Forest Creek Equity Corp., for special use permit to erect a single-family dwelling with an in-law apartment at property located at 19 Carriage House Lane in R-1-20 with incentive zoning district.

Jeremy Smith was present to represent the application.

MR. SMITH: Chairman, members of the Board, Jeremy Smith, representing Faber Homes. Again, we're here representing a second in-law suite and we have met with these buyers, as well.

Similar set-up as the prior one. Small kitchenette in the front. Common living area. Bedroom in the back and bathroom off the back, as well. It is within all side setbacks, all buildable lot width. No area variances required. No setback variances required.

JOHN HELLABY: Any widening of the doors on this one, as well?

MR. SMITH: As you see it on the print. We have met with the buyer. We walked through it and made alterations that they saw fit pursuant to their wants and wishes.

JOHN HELLABY: Is there -- no. Those stairs go downstairs.

MR. SMITH: Those stairs go downstairs. I don't know why they wanted this. We tried to avoid it, but they were -- insisted on it. We actually had it designed initially without then.

JOHN HELLABY: All right.

RON RICHMOND: Same question. This one is also under contract?

MR. SMITH: Correct. Actually, the buyers were supposed to be here tonight. I'm not sure where they are.

DAVID CROSS: Same question as before. Any variances required with this?

MR. SMITH: Not that I'm aware. We just need a special use permit.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

JOHN HELLABY: Application of Faber Homes, 3240 Chili Avenue, Suite C-1B, Rochester, New York 14624, property owner: Forest Creek Equity Corp., for special use permit to erect a single-family dwelling with an in-law apartment at property located at 19 Carriage House Lane in R-1-20 with incentive zoning district.

DAVID CROSS: Real quick, will we apply the same conditions?

JOHN HELLABY: Yes. Same conditions as the first one.

ERIC STOWE: Can you read those for this application so we're clear which ones are -- apply?

JOHN HELLABY: The Special Use Permit is granted for use by the in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

Applicant's attorney to file the decision letter in the book of deeds at the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney and Building Department.

When filing, decision letter shall be indexed against property owner's name.

And pending approvals of the Building Inspector.

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

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

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

3. Application of American Packaging Corp.; owner; 100 APC Way, Columbus WI, 53925 for revised final site plan approval for Phase 2 expansion to be 200,000 sq. ft. where 185,000 sq. ft. was previously approved at property located at 70 Beaver Road in L.I. zone.

Matt Tomlinson and Lee Foerster were present to represent the application.

MR. TOMLINSON: Matt Tomlinson from Marathon Engineering. With me is Lee Foerster from American Packaging.

As I mentioned, this project, just about a year ago, we were here for Phase 1, and most of the Board is probably familiar with it. But we're on Beaver Road. The address was 70 Beaver Road. I believe it has now been modified to 100 -- 100 APC Drive. So we changed the address recently.

The property now looks slightly different. There is a big building now where a year ago it was a -- just a vacant field.

Phase 2 of this project was approved or final was waived as part of the approval we received last year. However, due to some slight changes to machinery and interior configurations, we're proposing to increase the size of the Phase 2 building by 15,000 square feet. The original building footprint, I will point it out, had two recessed areas in the corners and now we're just squaring that building off so we're not going any further north with the area near the silos, which is represented on the building rendering.

To mitigate the parking which we had received the variance for previously, we were proposing to add 38 additional banked parking spaces. We're not proposing to add any additional employees. No additional traffic is anticipated as it is merely additional space for machinery and storage and to maximize flexibility within that building envelope.

We have received comments from the Town Engineer. We have responded to those in writing. Really no issues with any of those. The majority of it was just requesting additional information related to the railroad siding, the pipe racking system for the resident delivery and some of those other items that will be provided under separate cover as soon as it's available.

Lee (Foerster) is working with the architect and structural engineers as well as railroad engineers in order to provide that information to the Town for their review.

We have also been in receipt or the Town is in receipt of responses to the County referral.

In that County referral there is really no issues. There is items that we have already addressed as part of preliminary overall.

One of the comments was from the State DOT with their kind of generic response of requiring a traffic study. We completed a traffic study and mitigated or addressed all of the DOT concerns as part of that in the overall and Phase 1 process.

Mr. Dunbeck (phonetic) who made that comment is new to -- to that position so we'll circle back with them to give them a copy as a refresher, but we believe we have addressed all those issues especially as we're not adding any additional traffic as part of this expansion.

Finally, I just wanted to touch on the item that impacts the neighboring property. Since Phase 1 was completed or contemplated, American Packaging has purchased the remaining lands that used to be owned by the LLC or that they did the original purchase from. They now own all of the way over to the old QCI building which is next to the Town DPW and so as part of the accelerated Phase 1 portion of this project, I think you will remember, we had a very wet construction season last year and a lot of structural fill was brought in to stabilize the building pad and keep this project on schedule as far as building Phase 1.

So the excess materials, instead of trucking those offsite as part of Phase 1, we kept onsite and filled where we anticipated placing the Phase 2 excess materials because we had a balanced site in the original design.

And so the purchase of that property gives us the flexibility of additional lands to place that spoil instead of taking it offsite now. So the area here immediately to the west of the building, upland area, in between the building and the delineated federal wetlands is where we're proposing to place that excess spoil.

The height of it will be very similar in size and shaping to the berm that we created with some excess materials out at the front just for frame of reference with everyone. And that will be stabilized, graded off, rounded over and just have grass planted on it to make sure that we're not bringing excess material offsite and impacting the roadways.

So with that, I will open it up to any questions that the Board may have related to it.

JOHN HELLABY: Timing, when do you anticipate this thing taking off?

MR. TOMLINSON: Midsummer, somewhere in that neighborhood.

JOHN HELLABY: Your original plans called for the addition of two RTO units for the build-out. Is that still the case? You have a total of three.

MR. FOERSTER: Yes.

MR. TOMLINSON: Total of three, correct.

JOHN HELLABY: Do you need additional approvals from the DEC for any air emissions?

MR. TOMLINSON: We have a current air quality permit. That will probably be modified for the additional two units.

MR. FOERSTER: As we add equipment, we'll have to add.

JOHN HELLABY: Your name for the record.

MR. FOERSTER: Sure. Lee Foerster with American Packaging Corporation. As we add additional equipment, we'll have to go back to the DEC to get additional permits, changes to the permits.

JOHN HELLABY: But you can't anticipate any hang-ups?

MR. FOERSTER: No.

JOHN HELLABY: I have noticed that the existing structure over there, from what I can -- this is my personal feelings, that the wall packs, the lights that are on the outside of the building, do not meet the dark sky requirement, and I think the main concern is along the east elevation.

MR. TOMLINSON: Towards the loading dock areas?

JOHN HELLABY: The truck dock. I think it is a simple fix. Just a matter of putting a shade on. If you look from Archer Road, directly at your building, I mean there is these great big glowing orbs and you shouldn't have that with dark sky lighting. You should have some sort of screening on them so it is more directed down and not out like it is.

MR. FOERSTER: I will talk with the electrical contractor and discuss that.

JOHN HELLABY: Okay. I would appreciate that.

There was an ownership question or wrong tax account number on one of the drawings.

MR. TOMLINSON: So we're kind of in the middle -- when the subdivision was filed, we missed the deadline for the update, so some of the electronic has been filed, but the tax bill was issued under the old number, so we'll straighten that on the final plans prior to signature.

JOHN HELLABY: Status of the railroad siding?

MR. FOERSTER: That's in progress. We're still finalizing that.

JOHN HELLABY: So is that -- you don't need that until you get this portion complete?

MR. FOERSTER: I do not, no.

JOHN HELLABY: And I know the Town Engineer had a comment about some doubling up and -- on some snow fence around that stockpile?

MR. TOMLINSON: We'll modify the final plans for signature to include that.

JOHN HELLABY: Lastly, I noticed on your elevation renderings, I do believe you had the north and south elevations mislabeled on this. East and west are fine, but the north and south.

MR. TOMLINSON: It's our architect that didn't show up tonight, but I will let him know about that one.

JOHN HELLABY: Just to get the upper hand on him.

MR. TOMLINSON: Yep.

RON RICHMOND: So the -- the expansion of the 15,000 square feet, the -- the additional notch is being filled in. That is to accommodate modified equipment or potentially --

MR. FOERSTER: That's just warehousing. For raw stock and finished goods.

RON RICHMOND: Okay. That's all I have.

MATT EMENS: So I think, Matt (Tomlinson), you answered, I think, all of my questions in your presentation. But I will just kind of go quickly through it. So you talked about the storage. I saw the additional site. So just to clarify, how many acres is that of additional land that --

MR. TOMLINSON: There is a total of 95.7 acres which includes a little notch behind the QCI back into the railroad. So it will split roughly 45 and 47. My math is a little off. 48, 47, something like that. So we have added an additional 40 plus acres.

MATT EMENS: Okay. And that was just a clarification I think -- or for clarification, there is no outside storage of any materials. You're just saying you're storing the spoils? Because I saw a note in here.

MR. TOMLINSON: Extra dirt material for excavation, that's correct.

MATT EMENS: So it is strictly warehouse. I don't -- I can't fathom you're adding 200,000 square feet and not one new employee. But it is basically you're adding to the use of the existing building, but the you're not adding in terms of storage?

MR. TOMLINSON: Right.

MATT EMENS: Okay. You answered the trucking. Um, I guess the only question I had was to the side table then, on a couple of -- of the things that they do have -- they have a C of O and there is no issues with any of the final plantings, any landscaping, punch list, good to go?

Paul Wanzenried indicated non-verbally they were good to go.

DAVID CROSS: Just a quick question. The additional 15,000 square feet, that has been contemplated in storm water management design?

MR. TOMLINSON: Yes. We submitted updated calculations to the Town Engineer.

DAVID CROSS: That's all I have.

JOHN HELLABY: Before I go to the side table, I will mention that Fire Marshal commented this application was previously reviewed and approved. We have received a letter from the Department of Planning and Development of Monroe County. The Monroe County Department of Planning and Development has reviewed this application and finds that the comments provided for previous referral C116-34ZS are adequate for the referral. Please refer to the attached referral response and project review report for C116-34ZS dated December 13th, 2016.

ERIC STOWE: You're -- your reaffirmation of the SEQR determination?

JOHN HELLABY: I haven't been there yet, but as soon as I get through that -- the Public Hearing portion. You want me to do that now?

ERIC STOWE: No. Public portion first.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: All right. The SEQR determination for this application has previously been issued on the original application. The Planning Board was designated as lead agency and a declaration was issued. We are reviewing this proposal and need to consider the cumulative effects of the new proposal with the approvals that were previously granted.

And I would ask, does anybody have any concerns or issues of items they don't feel are adequate?

All right. So there are no changes in the EAF as submitted and it is acceptable?

ERIC STOWE: Reaffirmed.

JOHN HELLABY: Reaffirmed. Excuse me.

ERIC STOWE: Mr. Chairman, just a vote on that portion, since it is a revised.

JOHN HELLABY: I'm sorry. Vote on -- well, first of all, to reaffirm.

John Hellaby made a motion to reaffirm, and Matt Emens seconded the motion. The Board was unanimously in favor of the motion.

JOHN HELLABY: As far as conditions, I would imagine we'll keep all of the existing ones in place. There are 23 of them.

Would you like me to read through all of them?

ERIC STOWE: I think we can just reaffirm the existing conditions that are on the original site plan.

JOHN HELLABY: We'll reaffirm the original conditions, all 23 of them on January 17th of '17. I would like to add, however, the one about the dark sky lighting, just to make sure that that gets covered, that all lighting on the site needs to be dark sky compliant.

MATT EMENS: Existing and new.

JOHN HELLABY: Right. Existing and new.

Any other concerns we should put in there? Nothing? All right.

On the application of American Packaging Corp.; owner; 100 APC Way, Columbus WI, 53925 for revised final site plan approval for Phase 2 expansion to be 200,000 sq. ft. where 185,000 sq. ft. was previously approved at property located at 70 Beaver Road in L.I. zone.

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

1. All January 17, 2017 conditions of approval remain in effect.
2. All exterior lighting adhere to the "Dark Sky" requirements.

The Chili Planning Board hereby affirms the previously issued Negative Declaration, pursuant to the New York State Environmental Quality Review Act.

4. Application of Kevin Daley, C & M Forwarding, 45 Jetview Drive, Rochester, New York 14624, property owner: 3457 Union Street LLC; for preliminary site plan approval to erect three industrial buildings totaling 900,000 sq. ft. at property located at 3457 Union Street in G.I. zone.

INFORMAL:

1. Application of Kevin Daley, C & M Forwarding, 45 Jetview Drive, Rochester, New York 14624, property owner: 3457 Union Street LLC; for final site plan approval to erect Phase 1 consisting of one 300,000 sq. ft. warehouse at property located at 3457 Union Street in G.I. zone.

David Cox, Kevin Daley, Roger Langer and Karl Schuler were present to represent the application.

MR. COX: Good evening, Board members. I'm David Cox with Passero Associates, the civil engineer for the project. Also with me is Kevin Daley, the owner. Roger Langer, the architect for the project. Karl Schuler who is with Taylor Builders.

So tonight we're seeking preliminary site plan approval in the Phase 1 site plan approval. C&M Forwarding has been experiencing some tremendous growth and they're looking for a bigger home. But instead of hearing from me, I would like to have Kevin (Daley) come up and tell you a little bit who is C&M Forwarding and what this project means to them.

MR. DALEY: Good evening. Like David (Cox) like said, my name is Kevin Daley. I'm the owner of C&M Forwarding. A lifelong Chili resident. I was born on Jensen Drive about 51 years ago and my family later moved to Gateway Road. And then I bought my first house on Bright Oaks Drive and now I'm on Brook Valley. So I didn't leave the Town.

I come from a big family. I know some of you guys and I'm sure some of guys know my brothers. I have five brothers. Four of them are still in Town. And my parents are still here. So I know the Town well, which is why when I bought C&M Forwarding from my dad back in 2000, I was already -- I was already two years into the planning of moving the company to Jetview. So we actually did move there in 1998 when I was finishing up the buyout of my dad and we have been there ever since 1998.

We did two additions -- I'm sorry. We did one addition. We built it and then did another addition, so a total of about 55,000 square feet, 25 dock doors.

But C&M Forwarding is a Rochester-based company. We have been around -- this is our 86th year. We're founded in 1932, and most of it we were on Oak Street in the city. The company started out as an offshoot of the rail system. We were loading and unloading railcars to move most of our freight. That all changed back in the '80s, and by '95, most of the rail in Rochester was gone. But we continued to grow because the industry deregulated and we went from -- when I started the company, 12 employees, to today we have about 110.

If you have ever been on Jetview, you probably noticed our trucks often lined up, 4 or 5 o'clock at night. Everybody is coming back and we just don't have enough doors to get everyone to a door, so there's a frenzy for an hour, and we turn the doors over as quick as we can, and -- which leads us to why we're here today, coming to you guys to propose moving our headquarters to Union Street.

We looked at a bunch of properties. Most of our business heads west, of course, because we're covering the whole country. We have an awful lot going east but mostly goes west. But with the hours of service and electronic logs and all of the regulations we're under, pushing west for us makes sense. We probably should go even further west. We found a lot of nice properties out there, but I really like the Town. I like the lot we found. It was reasonable. It is big. It does have rail access. There is a little bit of a resurgence in the rail. We want to have that option down the road. It is very close to the expressway. Most of our trucks would be -- come right off the expressway and come right into our place and leave and head right back out. So the -- so the location really made a lot of sense for us.

We are proposing a Phase 1 of about a 300,000 square feet warehouse and trucking operation. We currently have three other operations in Town. We have 310,000 or so out on Lee Road. We have 60,000 square feet over on Marway, and then, of course, we have the 55,000 square feet on Jetview.

With the growth of our warehouse business, we -- we have found a real niche in the

market, and we counteracted a lot of companies leaving New York, or leaving Rochester, or leaving Upstate New York by going after customers that maybe aren't in New York, or maybe not even in the US. We have a lot of customers we bring the imports in, we distribute it all over the country and keep that business and keep our employees employed. But we have been very successful and we see a great opportunity to grow that, and that is what brings us here today. So with that, I will turn it over to David (Cox).

MR. COX: Thank you.

So the property is located at 3457 Union Street, 78 acres. It's a very large industrial piece of property. And what Kevin (Daley) really likes, is here is 490 down here (indicating). Here is the site (indicating). You want to get your trucks on 490 as fast as possible. This is just absolutely fantastic.

The other thing is, the property is in between two railroads. So when you're talking about what type of use is going to go here, there is no way residential will ever go there, in between two railroads. And even commercial is -- is not great either. You know, commercial, most commercial doesn't need railroad.

Who needs railroad is industry. So industrial. So this -- so this land is zoned Industrial. The Town got that right, and this is a perfect site for Kevin (Daley). And it's not easy to find large chunks of land, zoned Industrial, this close to the interstate and rail. So I mean this is kind of a home run for C&M Forwarding. They're really, really excited about this site.

So we'll talk about the -- the overall plan here. Here is Union Street here (indicating). There an existing curb cut access that we will be utilizing the same access point to enter the property. There is an existing loop road that goes under Union and loops around. That will be an emergency access. It won't be used regularly, but it is nice to have a secondary form of egress for emergencies.

And what we have done is we have pushed it quite a ways back. It is almost 700 feet back from Union. So it is way, away from the road. And we have really kind of condensed in here. There is wetlands and woods in the back, so we're able to cluster this and put it in the center where there is an existing farm field with the least amount of disturbance and we cannot disturb these wetlands and tree area in the back. So in the industrial zone, the Town Code allows 50 percent building coverage. And right now, we're at 26 percent. So we're almost half of the allowable building code. So that is good.

Um, talk about some SEQR issues. Or SEQR items, I should say. No issues. Number 1, wetlands, as I mentioned, there is some wetlands scattered over the site. We have had a wetland biologist, BME Associates, go out there. They delineated the wetlands. The Army Corps came out on site and walked the site. I actually talked to the Army Corps this week and they have agreed with the delineation, so all of the wetlands that are shown here, that is where they are.

And the wetland mitigation will -- will be pocketed in between these wetlands. So instead of having some pockets, you know, we'll start to make some larger, nicer wetlands. That is where the onsite mitigation will go. The site is in an archeo sensitive area so we had to do a Phase 1 cultural resource investigation. That report needs to go to SHPO. SHPO reviewed it and said that there is no cultural resource issues. And they gave a no impact letter. So this project won't have any impact on cultural resources. So we're good there.

Just to give you a little show of why this is so important for C&M Forwarding, is right here at the top, here is C&M Forwarding on Jetview Drive (indicating). As you can see, there is only, you know, 23 to 25 docks in here, and only room for one truck to stack without stacking onto Jetview Drive.

Here is Phase 1 of the property (indicating). We can stack nine trucks just on the access drive. We go from being able to stack one to nine, plus we have a queuing station for four rigs there. That is 13 trucks that we could stack. And, we have 64 loading docks, plus tons of tractor-trailer parking, over 100 tractor-trailer parking spaces.

So when trucks come in, they have a place to go. Where here, you can see in this picture, it is log-jammed. They don't have a place to go. That's not an issue. There is plenty of space to go, tons of dock doors, so we don't anticipate any queuing problems whatsoever. So that is another thing that C&M is very, very excited about.

JOHN HELLABY: I don't mean to interrupt you, but when you talk about nine, being able to stack or queue nine tractor-trailers, is that road wide enough to let three vehicles pass? In other words, if you -- you have somebody --

MR. COX: It's 32 feet wide, which is enough for three vehicles to pass.

JOHN HELLABY: All right.

MR. COX: The other thing we did is -- is we went out there and did our sight distance analysis to make sure that -- you know, vehicles come up over the bridge. The bridge is kind of the high point. So we need to make sure what kind of sight distance do we have from when you can see a car crest and is it safe. So we went out there and measured it, and found out that it is 800 feet of sight distance to the north and per New York State DOT recommendations, you need 765. So we have adequate sight distance to the north and to the south you can see over 1,000 feet. So that is not an issue with it there. New York State DOT is part of their -- their review did review the sight distance.

We personally sat down and met with the New York State DOT to go over the plans, go over our layout, go over the traffic study, and they are -- they're good with the -- with the entrance as proposed, and they're not recommending any recommendation -- or any improvements, any mitigation for Phase 1. They did ask, though, that -- as future phases come on, if any other buildings come on, that we take another look at the traffic study and update it for

that exact use to see if there would be any mitigation that is required. But for Phase 1, no mitigation is required.

Endangered species, the -- the -- the long-eared bat, um -- as long as we do our clearing outside the regulate timeframes of June 1st to July 31st, there is no issue there, and there is no other endangered species on the property at all.

The property is not located in the flood plain, so we're good there. Drainage and erosion control, we have prepared the plan with large storm water basins and infiltration practicing scattered throughout the site to treat runoff, and we're reducing peak runoff rates 80 percent, which is fantastic.

Utilities, there is a 16-inch water main along Union, so we have plenty of flow. Pressures are a little low so each of the buildings will have a fire pump in there. But if you have the flow, that is not a problem. Sanitary sewer is on the east side over here, and we'll run a gravity line to service all of the buildings.

Lighting, all lighting will be LED, full cutoff fixtures, so we comply there. Inside the warehouse, um, they're on motion sensors so the lights turn off when no one is in there and not being used to conserve even more energy.

The building is not your -- not your typical industrial building. It's a -- it's a really nice looking building.

Kevin Daley, he really -- he wanted something that looked nice for when customers come in or potential clients, and that's going to be his home and headquarters that he wanted something to look nice. So I think Roger Langer with NH Architecture did a good job of making this look not like a typical industrial building. This looks really nice.

So C&M Forwarding is very, very excited about this property. They're ready to -- ready to move out of their old facility into this new facility. It's a perfect site for them, and I can take any questions you may have.

JOHN HELLABY: Do you have the engineer's comments in his letter dated February 1st?

MR. COX: Yep.

JOHN HELLABY: I kind of got a rough outline of things I just wanted to go down through quickly. That might be a help for you to follow that as a guideline.

Item Number 1, if you could just touch base on where some of these reports and these letters stand. I know you have mentioned a couple, but Monroe County Department of Health?

MR. COX: Yes. So we have sent it to the Monroe County Department of Health. They have issued us comments. We'll be responding to those, that we are very close to being offset with them.

Monroe County Pure Waters, we have met with them, talked about the pump station, worked back and forth on pipe sizing, slopes, all that stuff. So they're at a -- at a really good point.

JOHN HELLABY: You did mention originally, I think, in your original application that there was a fire pump going in this building?

MR. COX: Each of the buildings will have a fire pump.

JOHN HELLABY: Diesel or electric, do you know?

MR. COX: Diesel.

JOHN HELLABY: Okay. That's all.

MR. COX: Um, the New York State DOT, like I said, they have reviewed everything and they're good with the plan as is, so we don't have anything further as far as the traffic study. And as far as the -- getting the actual permits in place, um, we have addressed their comments and as soon as we have approval and have a contractor, then we can just submit that for permits for the curb cut.

The -- the DEC, we have submitted the wetland application to the DEC. There are no DEC wetlands on the property, so they're not concerned with that. They do have some jurisdiction over the stream relocation, but they -- when I spoke to them, they said it is really up to the Army Corps to decide the -- on the stream relocation. So they don't have a whole lot to do, but they also will be reviewing the -- the NOI as far as SWPPP coverage and SPDES permit. Which obviously we have to have approval first and then get the Town all signed off and then we can submit for that.

JOHN HELLABY: Did you say you had correspondence from the Army Corps?

MR. COX: Yes. We do. And they had mentioned that they are all set and good with the wetland delineation.

JOHN HELLABY: Wetland mitigation is taking place onsite?

MR. COX: Yes, onsite.

JOHN HELLABY: Have you requested the letter from the New York State DEC stating that they concur with the wetlands delineation and they deferred jurisdiction to the Army Corps?

MR. COX: Yes.

JOHN HELLABY: That is where they said they have had a little overlap from time to time. It was also noted on item 9 that the minimum parking spaces should be 9 1/2 by 19 feet per section 500-43, and right now your drawings show 9 by 18.

MR. COX: The Phase 1 drawings have been revised to provide the 9 1/2 by 19.

JOHN HELLABY: All right. Did you come up with an existing topographic for the site?

MR. COX: Yep.

JOHN HELLABY: Is this site balanced pretty much as far as cuts and fills?

MR. COX: Yeah.

JOHN HELLABY: Um, there is discussion about subdivision of the property at a later

date. Um, are you going to be able to do that and still maintain frontage on Union Street?

MR. COX: Yes. It will be more of a -- a flag lot. So that -- you have to have 40 feet of frontage, so if it gets divided into three properties, obviously Building 1 has plenty of frontage. Building 2 will come up and have a 40 foot wide flag out to the right-of-way, and then Building 3 would have another 40 foot flag that would come out to the right-of-way. There would be an access easement over the main access drive to give access to all three properties.

JOHN HELLABY: He has also requested that you probably reduce your queuing of the tractor-trailers where you presently have five at the corner of the Building Number 1 to four to line that driveway.

MR. COX: We have reduced it to four.

JOHN HELLABY: Front setback off Union Street, 75 feet and not -- not 50 as shown. I think -- dumpster enclosures. Your existing drawing didn't show any. Did they get put on the new one?

MR. COX: So the -- the dumpster location I have right back here (indicating). So in the back of the building. So when you're traveling on Union Street, you won't be able to see it at all. It is tucked right in the back there.

JOHN HELLABY: Per code, they still need an enclosure around them; am I correct on that, Paul (Wanzenried)?

PAUL WANZENRIED: Say it again.

JOHN HELLABY: Dumpster enclosures are still required?

PAUL WANZENRIED: Yes.

JOHN HELLABY: You will have to enclose it in some way, shape or form.

Dark sky lighting included on all wall packs.

Um, the creek realignment, I guess I will look towards you, Mr. Lindsay, as far as are we all set with the hydraulics report? I'm not a civil engineer, so I don't want to pretend I know all about it, but you have enough information to make a decision?

DAVID LINDSAY: Sure. We have gotten a hydraulic study from the applicant. Mike (Hanscom) has taken a look at that. I have taken a look at that. We don't have any major issues with it. There are technical things that have to change, inverts and pipe sizes will likely be modified but the overall concept is adequate.

JOHN HELLABY: All right. The other thing I have is the Fire Marshal's comments on the main drive off of Union Street, the first hydrant at the bottom of the hill on the left should be moved to the opposite side of the road so that the road is not blocked by any hoses should they need that hydrant. If you're unsure, I have a --

MR. COX: That's not a problem.

JOHN HELLABY: I have something to show you where it is.

RON RICHMOND: So C&M will occupy Building 1 and then potentially down the road as we come back in for Buildings 2 and 3 and conditional phases, those will be sold off parcels or those will be rented and tenants will occupy them?

MR. COX: It could be either but most likely sold off.

RON RICHMOND: When C&M moves into Union, what is the plan for Jetview?

MR. COX: To be sold.

RON RICHMOND: So 490 is an easy point of access for traffic going west or east really, but what happens to the local -- I think C&M does a lot of box truck movement as well locally and probably in and around the entire region. What happens to all that traffic? How does that --

MR. COX: So we looked at all their customers, and at this location, from all their customers, it still makes sense for them to get onto 490.

RON RICHMOND: But will there be something, a mechanism in place to mandate the drivers to do that? I'm thinking more specific about the Buffalo Road intersection, traffic that decides -- or drivers that decide to hang a left and go north on Union, by the time they get up to Buffalo Road, depending where they're going from there, there is a potential for congestion, as well.

MR. COX: C&M Forwarding is a trucking and distribution, so they give out, you know, essentially the orders and where exactly the truck is supposed to go and they actually give them a delivery route, too. So the trucks know exactly how to get there. That takes into account if there is any low bridges or weight requirements on roads, so they have that. So that will be part of the delivery route, is for them to go get on 490 and not head north.

RON RICHMOND: There will not be traffic heading north onto 259, Union Street?

MR. COX: No. Except there could be possibly some vehicles for employees.

RON RICHMOND: Sure.

MR. COX: But --

RON RICHMOND: Truck traffic.

MR. COX: Not truck traffic.

RON RICHMOND: Whether it is boxed or --

MR. COX: Correct.

RON RICHMOND: That's all I have for now.

MATT EMENS: So I'm pretty sure that we just crossed off on the Lu Engineers' letter from February 1st all of the wetland issues. Basically 1 through 6 I think we just checked off. I'm good there.

You touched a couple of other things, Al (Hellaby). And the engineer's comments. The one question, David (Dunning), for you, that I do have still, is on one of the sets of drawings here, I marked it up. It is about a -- am I correct in saying it's about a 20 foot vertical change in

elevation from the roadway to the bottom of the --

MR. COX: That sounds right.

MATT EMENS: So obviously there in that distance you're able to take into account slope -- take, for instance, a fully loaded truck coming up that hill and then has to come to a stop and has to start back up again and pull out. So it is pretty flat, you know, in general? If you want to talk to me about that a little bit.

MR. COX: Yeah. One of the great things is it is so long, we were able to design the road so it is not steeper than 5 percent. I mean that is typical sidewalks and public right-of-ways and things shouldn't be steeper than 5 percent. 5 percent is not very steep at all. 100 feet, just go up 5 feet is very, very -- not steep.

The other thing we did is at the entrance, was we have room, starting about one truck back, we actually pitch it down towards the road at a 1 percent grade so when trucks are queued here, they will not fight gravity. They will be able to get out onto the road faster, so that is one of the things we took in account there. The 765 foot sight distance that you noted, that is somewhere in the DOT -- is that in the DOT letter or is that just a regulation?

MR. COX: That's one of the requirements and that's one of the things they reviewed.

JOHN HELLABY: You said "requirement." It's a requirement. So is it a recommended distance?

MR. COX: They label it as recommended, but they won't give you approval if you don't. So it's really a requirement. The way they have it listed in their table is recommended.

MATT EMENS: Okay. And then just some general questions maybe for Kevin (Daley) more and David (Cox) if you can answer them, too. The whole idea behind the three buildings. This is a very specific use for a very specific owner, you know, 300,000 square feet. So talking about the different facilities in the region, are all those facilities ongoing to come together and be at this one building and we're getting rid of all of the other places?

MR. COX: No. Two of the other warehouses buildings he will remain using them.

MR. DALEY: I can answer them. Right now we have 310,000 at Lee Road. Obviously can't move 310 into the 300 with the trucking operation. Right now our trucking operation really needs about 100,000 square feet. There will be about 200,000 square feet left of which we would cherry pick certain accounts out of Lee Road that have a lot of truck movement. Right now we have a lot of traffic going back and forth to Lee Road. Lee Road is the warehouse. They ship it into our systems so we're going back and forth. We bring it into Rochester, it goes into the warehouse, it comes from Jetview over to Lee Road. The synergies of this is pulling all of that stuff in the building, so it all comes into one building and not spending money driving to my other buildings.

That being said, our operation at Lee Road has a lot of accounts that we do nothing with trucking on. Nothing to do. We just manage the inventories. Those would stay there.

LiDestri is a big customer of ours. They use us because it comes off hot from their manufacturing and goes into our warehouse. That type of operation, there is no need to bring that to us. They won't want us to bring it to Union Street.

MATT EMENS: So it's consolidated of the trucking?

MR. DALEY: Yeah. Marway Circle is a short-term lease. That building would go away.

MATT EMENS: So I guess the following question is: What does the 300,000 square feet in this new building represent? Is that what you need right now or is that what -- with a percentage plan for future expansion?

MR. DALEY: Um, right now, about a third of that would be expansion. Two-thirds of it is already spoken for.

MATT EMENS: And so I'm just interested in the fact that the rest of the site has been planned in this application for basically the same exact queues.

MR. DALEY: Right.

MATT EMENS: So what is the thought process behind that? Are you thinking that you would have other C&M Forwarding -- I mean, you're not going to have a competitor that has the same type of business here? Or you --

MR. DALEY: That would be unlikely. Right now there is really no plan. I don't think in my lifetime I would be able to pull off another 300 square foot for my operation. As much as I would love to. But it would be a big undertaking. So it could be another American Packaging just before me, a big customer of ours. You know, had they not already built, maybe somebody like that would come along. So it is really speculation at this point.

MATT EMENS: Okay. We talked about the hydraulic things.

GLENN HYDE: Ron (Richmond) and Matt (Emens) touched on a lot of things focusing on the traffic, especially coming down south on Union from Buffalo Road. From what you shared, the majority of your traffic would be coming north of Union and 490?

MR. COX: Correct.

DAVID CROSS: To echo my comment back from November, my biggest concern is the sight distance coming out and looking north. You know, cars coming southbound over a bridge which freezes before anything else, I know that recommendation of 765 feet and -- we can get on the sight distance a little more, but have you explored any options of bringing the driveway access out further south? Have you talked to the property owner to the south there? With that existing driveway cut? That would help things out a lot in my mind. It would give you another 350 feet. You're kind of marginal right now with sight distance.

MR. DALEY: You moved the curb cuts as far south as you could?

MR. COX: Yeah. The existing curb cut is actually up a little higher. We moved it as far

as we could. This is -- there is a couple of different things. Since this is up higher and this drops off, we can't put it right on the property line because then we would be grading onto the property to the south. So we had to have enough room to grade that out.

And there is also wetlands here where there is not wetlands on this side (indicating). So the Army Corps also -- they would prefer that we don't put it in the wetlands. So there was a little bit of a balancing act. We pushed it as far south as we could.

DAVID CROSS: You see the existing driveway cut south. Has that been explored? I know it is another property owner, somebody else to deal with, but I think just, boy, that would work a lot better, it really would.

My biggest issue -- I mean, I think it is the right development for that property. I think it's great. I love that you're from Chili. But I cannot -- I just cannot see -- I went out there on Sunday and took a look, and I think your line is probably pretty close. Your sight line has a weird curve on it on the map, so I'm kind of questioning it. I don't know that -- you're kind of showing it right to the end -- the north end of the abutment on the bridge. I don't know. Were you measuring 3 1/2 feet high level at the driveway entrance and 2 feet at the car? Traveling? Or how do you do it?

MR. COX: You have to do it two different ways. This is actually for tractor-trailers. For passenger cars, it is actually much less, around 400 feet, 495. Don't quote me on that, but somewhere in that ball park is what you need for actually a passenger car to turn out. For tractor-trailers, you need a longer distance. But the distance you measure from is actually higher. It is not 3 1/2. It is actually 7 1/2.

DAVID CROSS: I get that. I guess back to my original question, has that been vetted, that trying to work with a property owner to the south there? Has there been any discussions or effort there?

MR. DALEY: Not that I'm aware of.

MR. COX: No.

DAVID CROSS: I know there are some additional complexities with the wetlands there.

MR. COX: Right.

DAVID CROSS: So, all right. And then -- I was just looking at the traffic study, Matt (Emens). Looking at the -- I guess I'm looking at the Phase 2 trip generation exhibit.

MR. COX: Yep.

DAVID CROSS: If I have this right, there are about 153 vehicles coming in and out peak hour in the afternoon.

MR. COX: Correct.

DAVID CROSS: Peak hour being between -- well, it is rush hour, between 4:30 and 5:30. So it is about 2 1/2 vehicles per minute. Okay. This is full build-out.

MR. COX: Right.

DAVID CROSS: It's a lot. I guess, I -- I need -- I need a -- it will go back to the DOT for -- for the overall?

MR. COX: Right.

DAVID CROSS: Had they discussed -- I know there was some discussion about a left turn in, northbound off of Union, but was there discussion of an acceleration lane out?

MR. COX: There was --

DAVID CROSS: South?

MR. COX: So to back up a little bit, um, so we use -- since we don't know exactly what the uses are, we use the ITE manual for, you know, a building of -- an industrial building of this size.

Now, what is most -- what most likely would go there would be more of a warehousing-type building, which warehousing does not have near the amount of traffic flow.

DAVID CROSS: That's what your numbers here assume, warehousing?

MR. COX: Right. Exactly. Well, the warehousing that is referenced in that is more for cross-dock facilities, with a lot of trucking operation, not pure store it for a while and not use it. So we wanted to go with more of a worse-case scenario and -- to test the limits of building it out. But what we really don't know -- and for instance, this 300,000 square foot with Kevin (Daley) is way under if we had used the ITE just because of his use and how he spreads out his trucks over an 18-hour period. It is kind of tough to tell. We have to really get into what the exact use is in Phase 2. That is why the DOT says when you have an exact use, then we can usually look at real numbers.

DAVID CROSS: That is why I'm having a hard time with how we can consider a preliminary approval on the overall scheme tonight. You know, I'm hearing I don't know quite know what is going there. There is talk of a subdivision. You know, it would really be nice to see a resubdivision plan before we act on preliminary or at least at the same time, the same night. As we get into the final application tonight, I think I'm okay in concept with -- with everything with Phase 1. It is just this overall picture that we don't quite know what is going in, we're not clearing the subdivision, we're not clear what the DOT is going to require for traffic mitigation.

MR. COX: The reason we did that really is for SEQR purposes. For SEQR, they're -- it is really important not to segment SEQR. If we just came in with this picture, you know, and say, "Oh, we're not going to do anything else," and then say, "We have to have another user," and then we come in, the Board is saying, "Why didn't you tell us the full picture of what was going on here. What would be the full build-out? Why did you just bring this?"

SEQR says you really need to look at full build-out of the property so you can analyze that to make sure does it make sense, does it fit in. So that really was the reason. We looked at what

could the site possibly do, and then we looked at all of the issues, what are all of the SEQR environmental issues that could come up with that. So really just a SEQR issue. If it wasn't for that, we would just come in with Phase 1 and we wouldn't have done an overall plan.

DAVID CROSS: Okay. So the thought is you get preliminary and then get some clients on Board and then come back for those individual approvals?

MR. COX: Right. Exactly. We would have to come back for each -- each individual building for final site plan approval with that specific -- and then DOT would review it, all of the other agencies would review it again.

DAVID CROSS: All right. I guess -- I guess -- I guess as this project grows in scope, the future phases, I'm extremely interested in what the DOT is going to -- is going to require, and what is right for the Town. I mean it is just -- that is a tough, tough go driving southbound over that bridge and -- and I just hope it works out. Thank you. That is all I have.

PAUL BLOSER: Phase 1, I like the project. I -- I welcome it. Thank you for staying in Chili. That means a lot to me personally. I'm really concerned about number one, traffic. I -- living in that area, and traveling Union Street, the impact right now is heavy. I mean we have looked at traffic coming on and off 490, any direction. During morning and evening hours, it's tough. Turning -- turning on or off a couple of those side roads, it's a lot of congestion. It truly is.

A couple weeks ago, I went down to the far end of Davis to look at a property that we just approved for residential development and they gave me permission to walk back there. When I came out, I went Union Street to make a left-hand turn to North Chili and it took me nine minutes to pull out of that street. That's a long wait to make a left-hand turn onto an oncoming street, and we're going to have that much more truck traffic. So I have a concern with traffic now.

One of the questions I have for you, for southbound traffic, coming from Buffalo Road, has there been any application to the State to put signs up, and possibly multiple signs giving a heads-up, heavy truck traffic the other side of the bridge, slow down? Anything for precautionary methods? People fly over the bridge and it's a concern. In bad weather when they come over it, if we have to brake because of a truck accelerating out there, if it is turning into it, I see it as a potential probable problem in foul weather. I don't know what vehicle we use to apply for signage -- apply for signage, but I think that should be looked at as part of this application just for southbound traffic to the north side of the bridge.

MR. COX: We have not discussed that specifically, but we would absolutely put that in if the DOT allows us. So we could reach out to them.

PAUL BLOSER: I think it should be -- from a public safety standpoint, I think it is needed. From a liability standpoint, I think it would be a concern, small investment.

MR. COX: Great idea.

PAUL BLOSER: On another part of this Phase 1, I don't have a problem right now with your drainage issues moved forward on Phase 2 and 3. Again, I'm referring back to that property he allowed me to walk back on, and I'm looking to the area back there. He has a couple low elevations in the driveway that will flood over if that creek isn't handled properly. The flanking properties to there, I see potential back-ups also. Just walking this area this time of year and you see where ice is built up, where on a warmer day, there is a lot of ponding. You know, there is nothing back there now. It's wild. But it's -- there is a lot of wildlife back in there. Some of that land is farmed and it could make it very unusual for farming. And it could give this guy that we just gave approvals for difficulties backing where he is planning on building a house right now. But the flanking properties for -- for what they use it now for recreational for hunting, for wildlife management, I see direct impact all south of the railroad tracks. So the placement of that creek is -- for Phase 2 and 3, I -- I -- I'm really concerned about the impact. Just -- just -- those are my comments. Thank you.

ERIC STOWE: What is your timeline for everything that isn't Phase 1? Is there any timeline that -- is it three to five years? Is it 15 to 20 years?

MR. COX: It is all based on finding a user. So it's not an easy job to find a user like that. It could be 10 to 15 years or it could -- or it could be in a year. But it is definitely -- there is not a lot of users out there. So...

ERIC STOWE: No. It's a -- unique. My concern -- I don't disagree with anything you said with respect to SEQR. I look at the comprehensive project. But in trying to balance it on how do we -- you know, the DOT is saying when you get to Phase 2, we want to look at it again, and that kind of puts this Board in a tough spot of balancing out a future proposed use that we don't know, and the SEQR requirement, look at the whole project. Part of what my thought is is it almost better from a SEQR perspective to look at Phase 1, in a vacuum, because we don't know what it will be, and if the DOT says your traffic is fine for Phase 1, take Phase 1, as -- as a complete project and then come back for Phase 2, or you do it preliminary for Phase 2, and you can let the DOT take another bite at it. You can review traffic again. You have a better idea what the use is. I don't -- I'm just trying to think of how best to do it because you can't really -- once we do a SEQR on the traffic, we're stuck with that for the whole project and the 900,000 square feet.

MR. COX: Well, you would have to -- I mean like I said, we would have to redo the traffic study at each subsequent phase.

ERIC STOWE: This Board already said -- assuming a declaration on SEQR, the Board said 900,000 square feet has no negative impact for traffic and in 15 to 20 years, that might be different and we're not really upsetting -- you can't make a conditional SEQR determination.

MR. COX: As long as -- obviously I'm not an attorney, so I will take your -- your advice much more than myself. If you don't feel it is segmentation, then we wouldn't have any issue with -- you know because what we want right now is Phase 1. We don't have any plans for Phase 2.

PAUL BLOSER: Is there a way to label this just for Phase 1?

JOHN HELLABY: They have to subdivide it, wouldn't they?

ERIC STOWE: No, not necessarily because they're just building it on the same parcel. I don't know that it -- I don't look at it as a segmentation. If there -- if you remove it from the application, okay, that -- and it's not building up the extra 600,000 square feet, you're -- we're not segmenting it. It's -- you would be coming back in, subjecting yourself admittedly to a revised SEQR review for your new project, whatever that might be. If it is 150,000 -- two 150,000 square foot buildings, versus two 300,000. I think it -- I think it makes the traffic a lot easier with -- DOT sent -- sent the good letter saying we're good here with Phase 1, come back and make sure your SEQR determination says that. That is what my letter -- my letters underlined with them, we won't issue C of O until the mitigation has been completed as determined by DOT. Now we're stuck waiting for other municipalities to a move something we can't really have any determination in. I -- I think that puts us in a hard spot. I think it puts equally you guys, too, in a hard spot. Not making DOT a bad guy, but we can't condition a SEQR determination in that way.

From a legal standpoint, I don't look at it as segmenting if you're really not building it. If you're just doing it for, "Hey, let's build this out to what we think our maximum would be," if that is removed, it's building for what we need and another -- or excuse me, another future application gets another SEQR determination.

MR. COX: We're okay with that.

ERIC STOWE: Okay. I -- I think that's the preferred way, and -- if -- if -- I -- I leave this to the engineering part because in no way am I an engineer, but the -- how best to do that, whether the Town wants clean plans with striking Phase 2 or 3 or whatever you label it.

MR. COX: We have supplied those.

DAVID LINDSAY: We have a set of plans which covers the preliminary overall and we also have a set of plans which covers strictly Phase 1, so I think it would -- the applicant would have to make a request to the Board to amend their application to just include preliminary and final for Phase 1 essentially, right?

DAVID CROSS: Withdraw this application and then when we get to the final --

ERIC STOWE: No, because we have to do a Public Hearing. That is my concern, is on the Public Hearing component, is we -- generally, I'm okay going down, we're removing stuff, so the theory is somebody didn't have a concern with 900,000, they would really be okay with 300,000, versus saying 300,000 and say now we're going to 9.

But the --

MR. COX: We are having a Public Hearing --

ERIC STOWE: For the 9. Oh, no, I understand.

I guess the best way would -- to -- let me think about this one for a second. You guys do yours and I will think about how best to phrase it.

DAVID LINDSAY: Recess for a couple of minutes?

JOHN HELLABY: Okay. Recess for five minutes.

There was a recess in the meeting from 8:16 p.m. to 8:29 p.m.

JOHN HELLABY: With all the side bar conversations, I lost track where I was. I think I left off with you, Eric (Stowe).

DAVID LINDSAY: No comments.

MICHAEL HANSCOM: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JERRY JOANNIS

MR. JOANNIS: My name is Jerry Joannis. I'm here representing John Neri who cannot be here today. He lives in Florida. He has sent me up some flyers or what he wants me to read today. Would I be bringing them up to --

JOHN HELLABY: Do you want to read them or just turn them?

MR. JOANNIS: I believe he wants me to read it.

JOHN HELLABY: Floor is yours, sir.

MR. JOANNIS: He has sent up copies, as well.

JOHN HELLABY: If you have copies, sure, you can bring those up.

MR. NEIGHBOR: "As I live in Florida, I would like to introduce Jerry Joannis to speak for me. He is my Property Manager in my absence and knows all 97 acres. My property is on the south border between the proposed project and the railroad spur. My concerns regarding the proposed project is what effect the runoff, the changes to the land and creek will have on my land. Currently, the creek flows through the project property and into a corner of the eastern neighbor's property for a short distance, then onto my property, back into the project's property and then back into my property before it goes into a culvert under CSX's spur and then back onto another parcel I own."

I will -- "Will you be making changes to the creek? If so, will you be changing the flow

and/or pattern of the creek? Will it have an impact on my land? I also noticed the creation of a retention pond on the project's map. Will this have any bearing on my property?"

"Are there culverts currently on the proposed project property, and if so, will they be moved or changed in any way? Again, will this impact my property?"

"I need to be assured since there will be a large amount of water to be moved, that my 13 acres will not have more water than my creek currently handles. The rest of my 13 acres is dry with no wetlands. A project this large, with so much water to control and move, should have an additional buffer zone."

"Will you offer any additional protections like a buffer zone to make sure my land isn't impacted?"

"This appears to be a very ambitious project and a boom to Chili. Wishing you much success with your endeavor. Very truly yours, John Neri."

JOHN HELLABY: Thank you.

I can tell you there will be changes made to the creek and the water flow there, but they cannot add any water flow to neighboring properties. They will take all that into consideration.

MR. NEIGHBOR: Thank you.

JOHN HELLABY: Any other concerns or comments from audience?

No one responded.

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

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

MR. COX: So given the SEQR and the preliminary overall versus the final Phase 1, we would request that -- to be tabled until the next meeting to just have more time to discuss that and make a more educated decision.

JOHN HELLABY: Okay. Can they make the next meeting, Paul (Wanzenried)?

PAUL WANZENRIED: Sure. Wait. No. It would be April. Not March.

MR. COX: Why not March?

PAUL WANZENRIED: Because the -- February 9th was the cut-off date.

MR. COX: Tabled.

PAUL WANZENRIED: Sorry. My bad. Table. Yep. Go ahead. Sorry.

JOHN HELLABY: Get me all worked up and nervous here. (Laughter.)

Applicant has requested that the -- they be tabled until the next meeting so we have time to review some of these concerns.

PAUL BLOSER: Will we leave public comment open then?

ERIC STOWE: You closed it. If we re-notice another hearing, that is a new item all together. But it would just need what, ten days?

JOHN HELLABY: So we have a motion to table it for 30 days.

MATT EMENS: Second.

DECISION: Unanimously tabled by a vote of 6 yes until the March 13, 2018 meeting for the following reason:

1. Application is incomplete. Further information is required.

Note: Public hearing was closed.

JOHN HELLABY: Minutes. December 12th meeting minutes. No meeting in January.

DAVID CROSS: Is the Informal one tabled also?

JOHN HELLABY: Should we make sure we table the Informal one, as well? We were just on Number 4, right?

ERIC STOWE: Just with respect to the Informal for the final on Phase 1, you're requesting that be tabled, as well?

MR. COX: Yes.

ERIC STOWE: Because the preliminary was tabled?

MR. COX: Yes.

ERIC STOWE: Thank you.

JOHN HELLABY: Do I need another motion?

ERIC STOWE: Vote on the table.

JOHN HELLABY: All right. So the motion to table.

MATT EMENS: Second.

DECISION: Unanimously tabled by a vote of 6 yes until the March 13, 2018 meeting for the following reason:

1. Application is incomplete. Further information is required.

JOHN HELLABY: Meeting minutes for December 12th, any problems or concerns?

The Board approved the 12/12/17 Planning Board meeting minutes by a vote of 6 yes with 1 abstention (Glenn Hyde).

The meeting ended at 8:37 p.m.