

CHILI PLANNING BOARD
September 11, 2018

A meeting of the Chili Planning Board was held on September 11, 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 Chairperson Michael Nyhan.

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

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manager.

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

PUBLIC HEARINGS:

1. Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for resubdivision approval of two lots into two lots in the Mayflower Village Subdivision at properties located at 4201R Buffalo Road and 1 Lilly Pond Circle (owned by Mayflower Village HOA) in R.M. zone.

John Sciarabba and Dan Thomas were present to represent the application.

MR. SCIARABBA: Good evening, Mr. Chairman. I'm John Sciarabba with LandTek. With me this evening is Dan Taouk -- or Dan Thomas, the owner of Taouk Development, that can answer any questions that I cannot.

So you're probably shocked to see us. We were here last year. We spent a lot of time on this project, but after our approval in December, we had to do our final agency comments and as I stated, we continued to work with the HOA on one major issue.

If you recall, there were two finger-like projections that projected into our property that I said were easements, but they're actually real property. It significantly impacted the layout and design elements of the plan. Also, it didn't give the HOA access to public sewer and drainage like it was intended to do.

We worked closely with the HOA President over the last six months and the HOA had a vote and we were able to acquire those two lands, two parcels of land. So now those are -- have been purchased by Taouk Development. The deed has been filed and a new subdivision map has been created. That is why we're here.

Now we're taking two tax parcels and combining them into one so that's the subdivision phase of the project. I believe that's the first application.

So it's a very positive thing. We worked closely with the HOA, as I said, and looking forward to file this map with the Monroe County Clerk's Office to clean up the tax account numbers.

The other reason we're here this evening is to update site plan approval. I don't know if you want me to go into this, Mr. Chairman.

MICHAEL NYHAN: Let's take these two separately.

MR. SCIARABBA: I guess that is all I have about the subdivision plan.

RON RICHMOND: Town Engineer's letter that was dated on the 7th of September, the two points that stuck out to me -- one was the potential for another Fire Marshal review that would perhaps look at maybe an inadequate amount of hydrants, which I thought was the intent of the message. And the rebuttal from your letter, I believe, was that you had no issue with it being viewed again.

Did you understand the point about the hydrants?

MR. SCIARABBA: We fully understand and if the Fire Marshal wants to look at it again, we have submitted updated drawings to that. But I can go into those comments, as well.

MICHAEL NYHAN: For now, let's stick with the resubdivision and then we'll move to the preliminary revise -- revised preliminary site plan.

RON RICHMOND: I don't have any questions on the subdivision.

JOHN HELLABY: No real questions, but could you just point out these two fingers that -- just so everybody knows where they are.

MR. SCIARABBA: Originally, there is a dashed line right here (indicating). This was considered a property line on the tax map and perfect -- basically on the tax map and per deed. There was another one that projected from this pond, towards the big pond and that was real property.

So those now are dissolved into the total holdings of this phase.

DAVID CROSS: John (Sciarabba), so two lots into two lots is what you're trying to do? You don't need any variances?

MR. SCIARABBA: No.

DAVID CROSS: That's all I have.

ERIC STOWE: With respect to SEQR, we consider the whole project. If you want to keep your comments subdivision and site plan, that is fine, but for SEQR purposes, we can keep them together.

MICHAEL NYHAN: Okay. I will wait until the next application then to do SEQR on the entire application.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE SCHIRANO

MR. SCHIRANO: Steve Schirano, 3 Lilly Pond Circle. What exactly is being subdivided adjacent to my home?

MICHAEL NYHAN: Sir, where do you live?

MR. SCHIRANO: There is 30 feet between my home and the home on the corner of Foxtail and Lilly Pond.

MICHAEL NYHAN: Not sure where your address is on that map. If you could point out, John (Sciarabba), again the two fingers.

MR. SCIARABBA: Where is your home, sir?

MR. SCHIRANO: 3 Lilly Pond Circle. I'm off of Foxtail.

MICHAEL NYHAN: Might not even be on the map.

MR. SCHIRANO: Not on there.

MR. SCIARABBA: So what is going on, sir, there were projections that went out into here (indicating) that were owned by the HOA. Those are now dissolved. No impact to any of the existing homes. They were just parcels that stuck out into the vacant land.

MR. SCHIRANO: Between the two homes?

MR. SCIARABBA: No homes here. This is all vacant lands (indicating). Just out here (indicating).

MR. SCHIRANO: So I guess I don't understand what is being subdivided between my home and the house next door to me.

MICHAEL NYHAN: Nothing, sir. There is two pieces of land that projected into this current application and this worked around these two pieces of land. Those two pieces of land they have now acquired and it will become part of this project.

MR. SCIARABBA: The confusion part is the public notice with the address.

MR. SCHIRANO: The address is 1 Lilly Pond Circle.

MR. SCIARABBA: That is because this piece needed an address and that's the way the Assessor put it on. There is really not a piece of property adjacent to your home.

MR. SCHIRANO: Thank you.

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

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

MICHAEL NYHAN: Make a motion on SEQR for the full application together as one.

Any conditions for the subdivision? I don't see any.

ERIC STOWE: You can't vote without SEQR. So you can close the Public Hearing, put any conditions you would want on the subdivision but not vote on the application until the SEQR is complete. But I would say put -- do your SEQR, subdivision and site plan resolutions in that order after the conclusion of the Public Hearing and comments and conditions on the site plan.

MICHAEL NYHAN: Okay. There is no conditions of approval on this piece.

2. Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for revised site plan approval of 55 townhouse units to be known as Mayflower Estates at property located at 4201R Buffalo Road in R.M. zone.

John Sciarabba and Dan Thomas were present to represent application.

MR. SCIARABBA: So to go back into more of what transpired to -- with the passage of time, having been approved in December, Taouk Development submitted plans for financing, looking at the economic goals of this project. So it looked like the building units weren't going to work well here, so we had a change in philosophy in the building size. So now we have smaller units with one-car garages. That seems to be the way the market is going for this facility.

So what we have, we have got 11 buildings now with 5 units per building. And that -- that added with the flexibility of having the removal of the property lines allowed us to not need any more variance, give some more room. We were able to basically push this project a little north out of the wetland buffer that runs along our west side.

We had a lot of impacts with that wetland buffer. There was a lot of issues with drainage with the neighbors. So we have looked to avoid that.

We also had to work with RG&E after approval so that gave more flexibility with routing RG&E utilities around the project site. So that is how we came up with this plan.

So as you remember, the original approval in the '80s had 62 units. We got 54 approved.

What we're asking for is an additional unit for 55 units from your approval. Better than lopping one off, so it is uniform design.

All other aspects of this project are the same. We have DEC permit in hand that was provided to the Town and Town Engineer. We have Monroe County Water Authority is ready to sign. Monroe County Pure Waters is ready to go. All County agencies are ready to go.

We did receive the Town Engineer's comments on Monday, and I don't feel there is any show-stoppers.

As the Board member mentioned, we did have approval from the Fire Marshal previously, and if he has any comments related to the plan, we can sure address them prior to the Chairman signing any plans.

But that is a quick overview where we are. Again, it's essentially the same plan, just less pavement, less impact on the wetland buffer. And I think it's consistent with what was approved in December.

MICHAEL NYHAN: So you went from each unit -- each I guess -- you would have four units in the past and now they will have five; is that right?

MR. SCIARABBA: Yes. There was another building with eight. There was a mix of buildings. Now for construction aspects it's very uniform and consistent.

MICHAEL NYHAN: Elevations for those five units?

MR. SCIARABBA: Yes. So very similar to what we approved previously, very similar to the style of Mayflower Village with colors and textures, things like that. We think it will work very well.

So part of any project is not only the developer's dream but also the economics behind it, so I think it is a good blend of everything and we're very excited about final approval and hopefully we'll start some work out there this fall.

MATT EMENS: John (Sciarabba), one of the comments in there -- I know we talked about this at length, I think, last fall. The one about connecting C and D, it seems like one of the main issues were those fingers, kind of why the layout -- the layout that you originally had lended to the fact that you had to deal with those fingers. You had to deal with the wetlands. You had to deal with a lot of these fixed things, right, variables.

And now I guess it's just interesting that I think what you have here is nice -- and once again, we have gone through a lot of the things. But that still jumps out and grabs me. And I -- I will just ask, did you even look at connecting those?

MR. SCIARABBA: Yes.

MATT EMENS: Or did you keep it the way you had it?

MR. SCIARABBA: We looked at connecting C and D. These are these roads here and here (indicating). We felt that it would negatively impact -- for this short distance, we wouldn't even get to the end of the road. It would negatively impact two units. And now you have people that can walk and drive right between two adjacent units. We felt it would be a negative impact with the development. With the Fire Marshal's blessing on the turnarounds and the fact that they're outside of the buffer and we have a permit for all that now, we felt it works.

MATT EMENS: You took it very literally so I will go non-engineer on you and say what if the road looped? Right, and I mean I see quickly some challenges with the actual location and siting of some of the buildings, but I'm just wondering --

MR. SCIARABBA: We still have easements in place, and still have sewer routing through there.

MATT EMENS: Presents some challenges. So really you didn't look at that option. What you looked at what was just connecting the two as it sits with this design?

MR. SCIARABBA: Yep. Because the layout we liked. We felt that -- you know, it's private back there. We're not putting additional burden further west towards Mayflower, and the wetlands still there along the west are not impacted. So it gives it a more rural feel to that side of the project.

MATT EMENS: That's all I have right now.

JOHN HELLABY: Just trying to understand, on Lu Engineer's letter of September 7th, Item Number 1, they ask you for the sanitary sewer easement.

MR. SCIARABBA: Yep.

JOHN HELLABY: Just reading your response, it says, "The proposed sanitary sewer and storm sewer easements are private documents and do not require Town" -- I mean, I'm having trouble. Have you got the right wordage there? Is it as a private sewer actually that there will be no Town involvement?

MR. SCIARABBA: These easements are in place. They have already been filed between them. Those easements have already been filed in the Monroe County Clerk's Office. I guess we can provide them. We have no problem giving those easements to the Town Attorney to review, but they're already filed.

JOHN HELLABY: Just make sure there is no problem.

MR. SCIARABBA: Yeah. So that -- we have no problem doing that. And they're already listed on the map and shown Liber and page.

JOHN HELLABY: All right. The only other thing was the -- extending Drive C, you said that it is 5 foot. You feel 5 foot is adequate for backing out of those two driveways down there?

MR. SCIARABBA: I have to look exactly at that.

JOHN HELLABY: It is actually item number 7.

MR. SCIARABBA: Yeah.

JOHN HELLABY: There is -- Building C? So that's -- I guess that's the end of the road

right here. I have a feeling people backing out of the driveways, there will be backing off the edge of that pavement constantly. So you might want to extend that a little bit. It doesn't necessarily have to be the 20 foot, but 5 foot is going --

MR. SCIARABBA: We don't have a problem with an additional 5 feet. We're just trying to avoid getting in the easement where the sewer manholes are and putting additional pavement over that. But it's not an issue with the Monroe County Pure Waters. We have no problem doing that additional 5 feet.

JOHN HELLABY: That's all I have right now.

MICHAEL NYHAN: Would this new plan be required to have any variance from the Zoning Board?

MR. SCIARABBA: No. Actually, the ones we got are now negated.

MICHAEL NYHAN: Is that -- I seen a walking trail in there?

MR. SCIARABBA: Yes.

MICHAEL NYHAN: What is the walking trail? How will that be constructed and --

MR. SCIARABBA: Has to be consistent with the DEC guidelines, wood chips and things like that. Not a paved surface. To stay natural. It is within the wetland buffer. And again, it was part of the permit application we got the permit for.

MICHAEL NYHAN: Okay. Thank you.

PAUL WANZENRIED: You have a boilerplate comment for the review of the Fire Marshall?

MICHAEL NYHAN: I do. I was using -- applicant will comply with all life safety conditions required by the Fire Marshal.

Is that what you're talking about for a condition?

PAUL WANZENRIED: Add to that review and recommendations by the Town Fire Marshal with regards to hydrant placement.

MICHAEL NYHAN: I'm sorry, review and what from the Fire Marshal?

PAUL WANZENRIED: Recommendations. With regard to hydrant placement.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: To Al (Hellaby)'s point about the 5 foot past the driveway?

JOHN HELLABY: Make sure to extend that.

MICHAEL NYHAN: Is that a comment?

RON RICHMOND: That is from the Town Engineer.

PAUL WANZENRIED: It's 20 feet in the Town Engineer's comments. That C Drive should be extended 20 feet.

RON RICHMOND: I'm not saying that, but I'm 6 foot tall, and backing a car out with 5 feet of pavement past the edge of the driveway does not seem adequate. 20 feet doesn't seem essential to me, but I don't think 5 feet is adequate either.

MICHAEL NYHAN: So your recommendation, Mike (Hanscom), is you want 20 feet at minimum for those driveways; is that right?

MICHAEL HANSCOM: That's what I would recommend. That is what you would standardly have. If you're trying to full back a car out and straighten it out before you start forward on a road.

RON RICHMOND: That's a valid point.

JOHN HELLABY: Has 5 foot now. If it extends it another 15 foot -- I mean, he has actually got stations on here, so it will extend it 3 plus what, 55? Because I think our end of the road right now is 3 plus 40.

MR. SCIARABBA: Mr. Chairman, can I suggest an option for that? Can we put a driveway turnaround across the street from that? Might be a little --

MICHAEL NYHAN: Extension?

MR. SCIARABBA: Instead of extending the whole roadway, can we just put a asphalt turnaround on the south edge of the pavement? Might be an easier option for someone to pull all the way back out.

RON RICHMOND: Like the size of a driveway, a single-lane driveway across the street?

MR. SCIARABBA: Yeah. It's just an option I can work with the Town Engineer on.

MICHAEL NYHAN: I think -- I think it would be best to work with the Town Engineer. I think we all agree we would like to see something so that when somebody backs out of the last unit, they have enough space to fully back out onto the street without driving off the edge of the pavement. Whether across the street and out or down the street.

Is everybody good with them working with the Town Engineer?

RON RICHMOND: Yes.

MICHAEL HANSCOM: That's fine.

MICHAEL NYHAN: Did you have a comment on that?

ERIC STOWE: The more specific, the better.

RON RICHMOND: Sounds like he is looking for a definitive.

JOHN HELLABY: That leads to another question. Are you going to have the same

circumstance on all these roads? Because they're all dead-ends.

MICHAEL HANSCOM: Well, there is -- that one is -- at the end of Drive C, the only thing there is sanitary sewer easement. Pure Waters, not sure if they will let you to pave over it or not. As long as you don't build any structures.

Drive D, though, we have -- the issue is we have the 100 foot buffer for the wetland and DEC would look negatively on paving the 100-foot buffer. That is why I did not mention that one. Those are the only two that I'm aware of where they have that issue.

RON RICHMOND: The point with C, that single driveway, you're right within 5 feet of the end of the pavement.

MICHAEL NYHAN: Is there a distance adequate for a vehicle to park?

DAVID CROSS: 18 feet would be a standard.

RON RICHMOND: That's a parking stall, so.

MICHAEL NYHAN: I think it's 9 1/2 foot, isn't it?

RON RICHMOND: That's wide. Length is 18.

MICHAEL HANSCOM: Length in the Town of Chili is 19 feet.

MICHAEL NYHAN: Which is where we came up with the 20 because that's the requirement. Okay.

PAUL WANZENRIED: That's why the loop road makes sense.

MATT EMENS: D won't work, though.

MICHAEL NYHAN: Drive C. All right. I will add, applicant to work with the Town Engineer to provide a 20 foot backing space for Drive C. Where that is located, you can work with the Town Engineer on.

Anything else? Nothing?

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

MICHAEL NYHAN: So for conditions, I will read each of the conditions I have -- I have taken from previous applications. Let me know if any of these no longer apply. I'll be glad to remove them.

Conditions of approval. All previous conditions imposed by this Board still that are pertinent to this application remain in effect.

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 Building Department from a landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the landscaping plan.

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

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

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

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 mylar.

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

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

Applicant shall -- applicant to comply with all required life safety conditions.

Review and recommendations with regards to hydrant placement and permits from the Town Fire Marshal.

Applicant will work with the Town Engineer to provide a 20 foot backing space for Drive C.

Any other conditions on this application?

Motion to vote on Application 1 and 2 for Taouk Holding, LLC.

JOHN HELLABY: Are we waiving final?

MICHAEL NYHAN: Yes. We'll -- you're requesting waive of final, correct?

MR. SCIARABBA: Yes.

MICHAEL NYHAN: Yes. Waive of final.

Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for resubdivision approval of two lots into two lots in the Mayflower Village Subdivision at properties located at 4201R Buffalo Road and 1 Lilly Pond Circle (owned by Mayflower Village HOA) in R.M. zone.

Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for revised site plan approval of 55 townhouse units to be known as Mayflower Estates at Property located at 4201R Buffalo Road in R.M. zone.

Michael Nyhan made a motion to adopt Applications 1 and 2, and John Hellaby seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 7 yes with no conditions.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following conditions:

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Applicant to comply with the landscaping plan approved by the Conservation Board.
3. 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.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
7. 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.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Applicant to comply with all required life safety conditions, review and recommendations with regards to hydrant placement, and permits from the Town Fire Marshal.
11. Applicant will work with Town Engineer to provide a 20 foot backing space for Drive C.

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

3. Application of Metalico Rochester Inc., owner; 1515 Scottsville Road, Rochester, New York 14623 for special use permit to allow auto dismantling at property located at 1515 Scottsville Road in G.I. zone.

Jim Bucky and Greg Thompson were present to represent the application.

MR. BUCKY: Jim Bucky. I'm the Environmental Health and Safety Manager for Metalico.

What I did, I applied to New York State for a permit to accept end-of-life vehicles at 1515 Scottsville Road. One of the conditions of the permit is that a letter from the hosting Town acknowledging that they understand and know of our request and give us permission to do so at our facility.

That's why -- in a nutshell why I'm here, was to receive a letter from the Town of Chili giving us permission to accept vehicles at 1515 Scottsville and which I would send that copy of a letter along with our application to New York State DMV.

MICHAEL NYHAN: This application is also -- required a Special Use Permit, correct, Paul (Wanzenried)?

PAUL WANZENRIED: Yes, sir.

MICHAEL NYHAN: So this is for a Special Use Permit.

MR. BUCKY: The Special Use Permit -- I have been here once before, I think, back in 2009 when we did the shredder. So I guess my Special Use Permit -- where do I take it up from here?

MICHAEL NYHAN: That's the application you provided to us tonight, for a Special Use Permit.

MR. BUCKY: I have that.

MICHAEL NYHAN: So go ahead and explain what the project is, equipment you will be using.

MR. BUCKY: What we're going to do at the site is accept vehicles that are going to be -- titles are going to be surrendered, copies of the titles will be sent to New York State. The vehicles would come in. We have an Enviro-Rack which all fluids would be drained from the vehicles including mercury switches, air bags, all gasoline, your fluids, oils.

Once the vehicles are drained and free of all liquids, they would be then soft-crushed and then sent to our shredder in Hamburg.

The -- the Enviro-Rack is a self-contained rack. It contains four -- I don't know if you have a copy there, but I have a bunch of copies here. It contains four tanks in which the fluids are directly flowed into. Gasoline, oil, antifreeze. The refrigerant is removed via a refrigerant machine evacuation unit.

And then once the vehicles have been totally drained, they would be again then just soft-crushed and set to our shredder.

The units themselves, the Iron Ax, would be -- it's a -- pretty much self-contained unit. We would have this undercover on a concrete slab in the back of our facility. As I see here. It would definitely be a level slab. And we anticipate 30 vehicles? 60 vehicles a week?

MR. THOMPSON: 30.

MR. BUCKY: 30 vehicles. We don't do this yet. We're hoping it would help increase our business, but right now we're probably looking at 30 vehicles a week.

Presently we have this operation at most of our facilities at Metalico, and again, we're looking to expand here.

JOHN HELLABY: This was actually approved back in July and August of '11.

MR. BUCKY: I don't know if it was approved.

JOHN HELLABY: Well, it was. But the big question back then was --

MR. BUCKY: Could I have a letter?

JOHN HELLABY: The problem is, is that you lost the timeframe because of it.

MR. BUCKY: That was approved of our shredder -- I guess when we were trying to put the whole shredder in.

JOHN HELLABY: That was actually in '09. This all came about in '11. I actually took the time -- I was on the Board then.

MR. BUCKY: I'm not familiar with that at all.

JOHN HELLABY: I took the time to review the meeting minutes from that and the big concern, believe it or not, was the tires. What are you doing with those tires? Because I don't think there is a straight answer here. Are you going to leave them on the vehicle and send them to Hamburg or take them off and store them in your yard? It was a major concern back then.

MR. BUCKY: Right now, the shredder can handle tires. But right now, I believe we're removing them from your site? You will have to help me.

MR. THOMPSON: Greg Thompson. I work for Metalico. The current state -- the way we do it at our other yards -- because I run the Bergen yard -- a vehicle comes in, we only allow five tires on the vehicle. The four on the ground and the one that is the spare.

People come in with more tires than that, I make them take them with them. No extra tires. Just five. And our shredder will allow those five tires to go with the car to the shredder where they're chewed up.

So again, we're not taking any tires at this facility. Five tires on. They go with the car. Any extra tires would have to be, you know, removed by the customer. Like if they put spare tires in the back of the car, they fill it up with weight or what have you, they're to remove those and take them with them. I'm not saying at times they don't throw them in my front yard and I'm stuck with them, but again, that is the procedure.

JOHN HELLABY: I guess what I'm looking for is an assurance that basically -- I will not go down there three or four months from now if this thing is approved tonight and you guys are in full operation and I find a mountain of tires sitting on that lot?

MR. BUCKY: We have tires that come in through customers. They leave them. Most of the tires -- we have a contract with Seneca Meadows. I know we're sending them back to Buffalo to Geiter Done, a tire recycler in Buffalo. They just came on board. So they will take oversized tires to regular car tires. And we do have -- if you came to our site right now, we probably have a load of tires sitting on the ground.

Our goal is always to get them out of there and to get them out of our yard. We have DEC inspections all of the time. So that doesn't help with any tires there.

DAVID LINDSAY: The letter of intent, it looks like it says no tires will be resold or stored on-site. So you're -- you still agree with that statement? Do you have your letter of intent?

MR. BUCKY: I have -- there is tires onsite. We do have tires on the site. Our goal is to remove the tires as quickly as possible without any major storage of any tires. I mean, if we have a tractor-trailer load of tires, then we get them out of the -- get them off the site.

PAUL BLOSER: His question was, are you selling tires off the site?

MR. BUCKY: No, no. There will be no dismantling of any vehicles for sale to the public. Or anywhere. Once they're brought -- Bergen is a different story. But as far as 1515 Scottsville, the tires, the cars there will be crushed and sent directly to the shredder. We're not going to sell parts.

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

MICHAEL NYHAN: You're not changing any of the entrances and exits?

MR. BUCKY: No.

MICHAEL NYHAN: On the plan it shows where the vehicle will come in. They will

move through the complex and then they will exit through the southernmost entrance or exit you have there?

MR. BUCKY: Correct. You might want to answer that question in regards to vehicles coming in.

MR. THOMPSON: The vehicles come in. They get on a scale to get weighed for scrap. We take them in the yard where they proceed to the Enviro-Rack, the cement pad and demo hut. Then all of the fluids will be drained. And it will be soft-crushed and staged.

So when our trucks come in, they will be loaded onto a tractor-trailer truck, our big blue, round-bottom trailers that will haul them out that same southern entrance closer to the river, right out the door and to Hamburg. So they're coming in the main entrance where the scales are and are going out the main entrance.

MICHAEL NYHAN: So they're dropping -- the hauler drops it there and you pick it from there and take it to your Enviro-Rack where you start the process?

MR. THOMPSON: Well, ideally, they will drop it right near our Enviro-Rack. We'll direct them right to that rack where they are unloaded for that process. Put to the side where the trucks will then be loaded with our grapple and then on the way out of the door.

MICHAEL NYHAN: This soft crush, how much smaller does it -- everything stays on the vehicle? After you drain all of the fluid, the tires, everything stays on the vehicle?

MR. THOMPSON: Back in the day they used to crush the car with a crusher. We actually have one that we do not use. It's for sale if anyone wants to buy it. It's very time-consuming and there is a lot of shrapnel that comes off it.

Basically all we're doing is crushing the roof of the vehicle down to about the level of the front hood and trunk so that it's more compact. It's not going much farther than that. And then they just get loaded onto the tractor-trailer.

MICHAEL NYHAN: So the width and length stay the same. You're just making it a nice rectangle so you can stack them?

MR. THOMPSON: Yes. A little more uniform when we're stacking them onto the truck. Yep.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any additional discussion? There was a comment -- did you see our Town Engineer's comments?

MR. BUCKY: Yes, I did. I have the storm water plan, the spill plan. Everything is included. I can either email ---

MICHAEL NYHAN: Do you have all that?

MR. BUCKY: Yes. I can either email it to you or --

MICHAEL NYHAN: I will make it a condition that you give the Town a copy of that for your records.

PAUL WANZENRIED: Submit it to the Building Department. That's fine. We'll make sure it gets to the Engineer.

MR. BUCKY: So ---

MICHAEL NYHAN: Paul (Wanzenried), will this require a building permit?

PAUL WANZENRIED: I'm not so sure about that. Um, if the Enviro-Rack is a pre -- it's not anything -- it's a pre-manufactured-type apparatus, so they're just placing it.

Unless you're digging footings for it --

MR. BUCKY: No.

PAUL WANZENRIED: Just on a concrete slab.

MR. BUCKY: Comes on a skid, on a flatbed off the same way where we want to put it.

MICHAEL NYHAN: Can you provide the Town with a copy of that literature also when you provide that --

MR. BUCKY: Sure.

MICHAEL NYHAN: Paul (Wanzenried), I will add building permits are required.

No permits shall be issued until such time as all conditions are met.

PAUL WANZENRIED: That's fine.

MR. BUCKY: Just send this out or hand it to somebody here? Excuse me?

MICHAEL NYHAN: Pardon me?

MR. BUCKY: The --

MICHAEL NYHAN: You got all that information now?

You want that received through the office, Paul (Wanzenried)?

PAUL WANZENRIED: He can give it to me and I will tag it.

MICHAEL NYHAN: Any other discussion, comments?

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

MICHAEL NYHAN: Conditions?

JOHN HELLABY: I would like to see some sort of condition on the number of vehicles that can be stored there at any one time. And -- I understand they're constantly in a flood situation down there, but I don't want a situation where all of a sudden they get backed up and they have 150 cars piled up down there.

I would ask for x number, whatever the Board is comfortable with allowed at any one time.

PAUL WANZENRIED: The applicant did say 30 cars. He used that number.

RON RICHMOND: He also said he was hoping that that business would increase, too.

PAUL WANZENRIED: Agreed.

MR. BUCKY: We have height restrictions on the site also, I believe.

MICHAEL NYHAN: How many cars are you permitted at a time on the site that are crushed or waiting to be crushed?

MR. THOMPSON: At Scottsville Road?

MR. BUCKY: Yes.

MR. THOMPSON: I don't know. I don't know what is allowable.

MR. BUCKY: Some of our sites are strictly based on the height restrictions. It doesn't do us any good to store cars. Our mission is to get them out of there, our scrap and get it to the shredder.

JOHN HELLABY: But you were saying you could get what, six on a trailer?

MR. THOMPSON: No. I can get more than six. We load -- well, there is a variable with the types of vehicles. I mean if I got nothing but Chevy quad-cab pickup trucks, I might be able to get seven or eight on a truck.

But again, when we're loading them, we're doing it smartly. We're putting small vehicles, large vehicles. On average I can do about nine vehicles a load. And we have --

JOHN HELLABY: Say 8 per trailer and you have 5 trailers there, that's 40 vehicles. We say you can't have any more than 40 there at any one given time.

MR. THOMPSON: I would prefer it to be maybe 60 just to give me a buffer.

MICHAEL NYHAN: Do you have fencing around the location? What we're more concerned about is the height or visibility of it.

JOHN HELLABY: He is correct he does have a height restriction down there.

MR. BUCKY: I think it's 60 feet. I don't know why that --

JOHN HELLABY: That's not 60 feet. You guys actually have a cable -- or had a cable set up there so they could see how high those piles where. I want to say it was like 45 foot. It is no 60.

MICHAEL NYHAN: Do you know if there is any condition on that, Paul (Wanzenried)?

PAUL WANZENRIED: I don't see any conditions that limit the size of pile heights.

JOHN HELLABY: It's in the original approvals, I thought there was.

DAVID CROSS: Pretty sure there is, too. There was a pile height, maximum height.

PAUL WANZENRIED: Metal reprocessing plant. I stand corrected, Al (Hellaby). Height of piles metal not to exceed 12 feet.

MICHAEL NYHAN: There you go. 12 foot is even lower than I thought it was. And I'm sure you're above that. So...

PAUL WANZENRIED: That was back in -- at approval of 1978.

JOHN HELLABY: Gees, and I was on the Board then. No.

I honestly think 40 vehicles at any one given time is a comfortable number. I don't know what the rest of the Board feels, but see how it goes. I mean if it is going to be an issue, then maybe we can take a better look at it, but 40 at a time.

MICHAEL NYHAN: You will end up jamming them all anyhow.

I'm just looking through the old approvals with conditions. 50 foot was the boom height for any crane, 50 foot.

PAUL WANZENRIED: In 2007, a -- they changed the height. The height of the scrap pile shall not exceed 25 feet from ground elevation agreed to between the Building Department and the applicant. Poles will be installed with a delineation mark indicating height, limit of the piles to ensure ease of visual enforcement.

JOHN HELLABY: Yep.

RON RICHMOND: Does it state a maximum number of piles?

PAUL WANZENRIED: I do not see where it states the maximum number of piles.

MICHAEL NYHAN: What was the height, Paul (Wanzenried)?

PAUL WANZENRIED: 25 feet.

MICHAEL NYHAN: Five cars probably. The average car when it is crushed?

MR. BUCKY: 6 feet each car.

MR. THOMPSON: We would never stack more than four cars on top of each other. They wouldn't be stacked until they were soft-crushed and they would probably fit under that 25 feet.

MICHAEL NYHAN: So -- so if we made it in conformity with the current condition, made it no cars to be stacked higher than 25 feet, would that suffice?

DAVID CROSS: He wouldn't stack cars 25 feet.

MR. THOMPSON: No. It's a safety hazard. I wouldn't go that high. I would be under it.

RON RICHMOND: I'm not comfortable putting a number on it. I mean, they're in the business of pushing them out the door to get some revenue for them, so. It's in their interest as much as it is ours.

JOHN HELLABY: Throwing it out there.

MICHAEL NYHAN: Anything else? We did SEQR, right? So then for --

JOHN HELLABY: Keeping all previous conditions on it?

MICHAEL NYHAN: Yes.

So then for conditions for this application, um, Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

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

All previous conditions imposed by this Board that are still pertinent to application remain in effect.

If building permit -- building permits are required, no permit shall be issued prior to applicant complying with all conditions.

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

Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

Applicant to provide manufacturer's literature for the Enviro-Rack that will be used on this property.

Provide SPCC for the site and the SPDES Multi-sector general permit for discharges to the Town.

Any other conditions?

MICHAEL NYHAN: With those conditions, application of Metalico Rochester Inc., owner; 1515 Scottsville Road, Rochester, New York 14623 for special use permit to allow auto dismantling at property located at 1515 Scottsville Road in G.I. zone.

Michael Nyhan made a motion to adopt the application, and John Hellaby seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
 2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
 3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 4. If building permits are required, no permits shall be issued prior to applicant complying with all conditions.
 5. Application is subject to all required permits, inspections, and code compliance regulations.
 6. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
 7. Applicant to provide manufacturer's literature for the Enviro-Rack that will be used on this property.
 8. Provide SPCC for the site and the SPDES Multi-sector general permit for discharges to the Town.
4. Application of Bill Grays Inc., 3240 Chili Avenue, Rochester, New York 14624; property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in Suite C6 to allow a restaurant tap room (formerly fitness center) and to allow an exterior patio at property located at 3240 Chili Avenue in G.B. zone.

Dan Gray was present to represent the application.

MR. GRAY: Bill Gray's. Good evening. My name is Dan Gray from Bill Gray's. 964 Ridge Road, Webster, New York.

I'm here seeking, I believe, both preliminary and final site plan approval for the addition of a tap room on the -- our existing restaurant at -- in the Chili Paul Plaza.

We acquired from the landlord the additional space immediately adjacent to our -- and behind our space to develop it into a tap room and small party -- or meeting room facility. And we're just looking for approval from you folks to get under way with this project. I'm here to answer any questions you might have.

MICHAEL NYHAN: So this is for the change inside the building, but you also want to put a patio out the back side.

MR. GRAY: Small patio off the back side facing Paul Road. The elevation of that building is pretty stark as it exists right now and we want to dress it up and put a small patio

adjacent to the tap room to be used during the summer months, which is pretty short in this neck of the woods, but we want to do it anyway. I think it would lend a little bit of style and our brand to the -- to the Paul Road exposure of that facility.

MICHAEL NYHAN: Is this an elevated deck or level with the ground?

MR. GRAY: Level with the ground.

MICHAEL NYHAN: Is there a canopy over it? What is the canopy?

MR. GRAY: Typically, they're -- they're built with rough-sawn timbers and tongue-and-groove decking with the metal, the raised metal roofing on top of it. I don't know if you have been over to our North Greece Road facility that we just put online a few months ago, but it is very similar in design as that. We have those awnings or -- on both sides of the building, both the tap room and the -- and the restaurant site at that facility. But we're just looking to put some outside seating on the Paul Road facing this one.

MICHAEL NYHAN: Is there an enclosure around that patio?

MR. GRAY: No. It's open. If -- if we find that there is significant use when people need or want to use it like during inclement weather, we also -- one of our facilities used portable -- or retractable canvas to be able to get a few more months of use out of it. We don't anticipate needing that here, but it's always a possibility that we do something like that. But we're not asking for that at this time.

MICHAEL NYHAN: Well, is the canopy going to cover the entire patio or just be decorative on the building?

MR. GRAY: It covers the patio.

MICHAEL NYHAN: It --

MR. GRAY: It doesn't project out any further than -- if you look at the back side of the building, on the west side, there is a projection to the building that comes out. I believe there is a loading dock down there and some -- some waste, dumpster enclosures. It doesn't project any further out than what is already there currently.

MICHAEL NYHAN: Okay. How much space will be left? I don't see a dimension on the drawing. The distance from the sidewalk to the parking spaces, do you know that distance? Am I missing it?

JOHN HELLABY: It's on there. 54 foot. That is what they're saying. Oh, it is long way. Excuse me. 35 foot.

MICHAEL NYHAN: Is it right here? It -- so it is 35 foot from the parking spaces to the edge of the patio or to the building?

MR. GRAY: To the edge of the patio.

MICHAEL NYHAN: To the edge of the patio there's going to be 35 foot from the current parking spaces?

MR. GRAY: Correct.

MICHAEL NYHAN: Okay.

JOHN HELLABY: Patio is 11 foot 4 inches long.

MICHAEL NYHAN: That will be surrounded -- it looks like a concrete curb?

MR. GRAY: Concrete curb and that decorative metal fencing, um, if -- and those -- those fence -- the fence posts can also be installed in such a way where they become a vehicle barrier, but if we put the curbing on, it's either -- we either do one or the other, but we can.

MICHAEL NYHAN: Okay. That's what we're looking for, barrier for protection for anybody that might be on the deck or the patio.

MR. GRAY: We have done those metal fencing where the actual support posts are more like a bollard than they are a decorative -- a -- just a support post. And that constitutes vehicle barrier.

MICHAEL NYHAN: Okay. And do you currently accept deliveries through the back here?

MR. GRAY: Yes, we do.

MICHAEL NYHAN: How will that -- how will this addition of this patio affect your truck traffic?

MR. GRAY: We don't anticipate any difficulties with that. Most of our deliveries are made prior to us even opening for the day. Um, the trucks will be able to pull up either -- either -- probably parallel to the -- to the patio and be able to make deliveries that way off the backs of their trucks and then leave.

MICHAEL NYHAN: Okay.

RON RICHMOND: So will this necessitate any redesign inside of the restaurant to support customer traffic out to the patio?

MR. GRAY: Um, well, the -- the space -- the space that we have currently is going to be -- is going to become sort of part of this.

Um, I don't know if you're familiar with the current facility -- I can show you on this drawing up here if you would like. The current facility has a -- has a rather large game room which we're going to eliminate and this whole area from -- from where the beverage counter is all of the way to the new space that we acquired is going to become essentially the tap room area.

So the building gets split. This room here is -- is a combination of, you know -- just slide that up into that position. We do have to add an additional fixture in either of the existing bathrooms to accommodate what we don't -- and that's actually going to reduce the number of seating we have in the current restaurant, but it's going to -- I believe it's going to flow pretty naturally between the front and as you can see, the -- this line of egress that we have to maintain out the back door.

RON RICHMOND: What do you propose that the hours of operation will be out on the patio?

MR. GRAY: Um, typically the patio, you know, after -- after dark, it doesn't get used very much. And all our other facilities we do -- the ones that do have patios, it -- it just seems like, you know, they will -- after dark, there is very little use of them. But they will be accessible if people do want to go out there during our hours of operation.

We anticipate that the -- the tap room will close at about -- between 11:30 and midnight during the week and possibly 1:00 to 1:30 during the weekends.

RON RICHMOND: Do you expect entertainment to go on out there?

MR. GRAY: Not outside. We do have entertainment at our other facilities and that's all inside.

RON RICHMOND: That's all I have.

MATT EMENS: On the proposed plan, it shows -- it looks like it shows a large swing door. So there is a physical and/or visual barrier between the two spaces.

Is that proposed?

MR. GRAY: Between the swing -- the swing door is to access -- it is just a large door to access the -- what we call the party room. We use that for, you know, private gatherings. I think this is what you're referring to. This right here (indicating)?

MATT EMENS: No. Go over. Go left. Up. You see the big swing door.

MR. GRAY: This (indicating). I don't know why that is there. That's -- that's not going to be there because we have -- we have to maintain accessibility of the bathroom. So we wouldn't shut that off. Because this is the main -- this is the main path of egress and ingress to this facility.

MATT EMENS: I'm not familiar with your tap rooms. Is it a different menu?

MR. GRAY: No.

MATT EMENS: Same menu, seating and ambiance --

MR. GRAY: Yes. If you come in the tap room side, we do offer like full service -- you will be able to come in, have a seat. You will be served at your table. The food remains the same. We do some enhancements to like appetizers and things like -- of that nature to go along with the craft beer that we're going to be hopefully serving.

So there will be a few changes, but the basic menu is the same.

MATT EMENS: Okay. The proposed north elevation which is the rear of the building where you're talking about doing the canopy and the patio, and this all looks nice, and then you're proposing a new sign back there. Um, I guess -- what -- when we see the front elevation, the one that we're all already familiar with, what are -- it says, "Proposed."

What are you proposing on that front elevation?

MR. GRAY: Well, we're proposing that -- in terms of the sign or just the look of the -- the building?

MATT EMENS: Just in general, it says, "Proposed." I'm just trying to figure out what is new. It looks like the only thing that is new there is the "tap room" and the "Abbotts"?

MR. GRAY: Yes. There is currently a -- a sign there that says, "Home of the World's Greatest Cheeseburger." It's very long and a lot of lettering that takes up a lot of space. So what we propose to do is eliminate that and just put -- in no bigger square footage than that "Home of the World's Greatest Cheeseburger" takes up currently just to identify that there is an Abbotts in there and there is a tap room in there from -- from the Chili Avenue side.

MATT EMENS: Have you guys applied to the Zoning Board for a variance for --

MR. GRAY: No. We're trying to get past this before we go to the Zoning Board.

MATT EMENS: The only concern I have is that that is just -- I know it was a big sign before, physically seeing it, but now seeing it drawn with everything else around it, it just seems extremely large.

MR. GRAY: It does look extremely large on paper, but if you're standing on Chili Avenue, because we're so far removed from the road, at the angle it departs from the plaza, it's really not that big.

MATT EMENS: Yeah. It -- it is. I mean, if you -- if you know about the design of signage and the distance, heights of letters, I mean, I -- I -- I apologize. I didn't look it up. But that Bill Gray's is something like maybe 5 feet tall.

MR. GRAY: The letters. Or they're 5 foot tall. 60 inches.

MATT EMENS: They're visible from Southwest Airlines coming into Rochester.

MR. GRAY: I could only wish.

MATT EMENS: I guess what I'm saying is what really brought it into light was looking at the rear elevation which you're proposing to do is really nice, looks good and the sign is of normal sign size.

So that just really brings it to light. So I guess that probably -- no pun intended, the biggest concern is the existing sign, doing anything to that up front, other than making it smaller.

Then the last one is -- and I apologize because this is not necessarily your issue, but it becomes your issue because of the landlord. The comment on here about the parking seems to be our biggest sticking point right now. And unfortunately, it's a recurring theme with applicants in this plaza.

And it -- even though it's not a lot of additional spaces that the engineers pointed out -- I think it's an increase of approximately 31 he is noting in here. And there has been a lot of changes to the plaza, very exciting, all good things. You know, supporting of that -- supportive of that, but making sure that there are enough spaces for your existing and new space is a

concern that I think we really need to get a handle on before we can make an approval with an impact of an additional 31 spaces.

MR. GRAY: I don't believe, you know, after being there for 15 years and seeing how our operation works, if you look at it on paper, it is pretty sizable obviously and it would be nice if it was full all of the time. The reality of the situation, it's not. Even with the addition of the tap room and an additional 30 spaces, if you -- at least in my experience familiar with that plaza being in and out of there at all different times during the day, that parking lot that is adjacent to that section of the building that faces Paul Road is -- is very under utilized in -- and varies -- I believe there is almost 100 spots back there, and if you -- if you see more than 25 cars back there at any given time, that's a lot. So in terms of availability of parking on that -- on that site itself, even if you take away everything else that is available, and only look at stuff adjacent to our -- to our facility, I believe there is -- more than enough parking available.

MATT EMENS: I don't disagree with you, but someone needs to show that on a count on the paper. The Ferrari's stuff going on in the back with the restriping, there is a lot of cars back there now. They're doing a great business. I agree with you. I think that back side, there is still plenty of parking. Monro Muffler is in there now. There is parking in the back that is happening. Obviously not the same hours that you are operating --

MR. GRAY: That is another thing in our favor.

MATT EMENS: But it is just one of those things where it's on here, we -- we just need you to show it. You need your engineer to show it to us or the landlord needs to show it to us, their engineer.

MR. GRAY: Would that be -- would that be an approval -- approval with that condition we be able to show you that?

MATT EMENS: Um, I don't think I'm ready to answer that yet.

MICHAEL NYHAN: Number of spaces -- is that 250 foot, is that right, Paul (WANZENRIED) with the front and/or back entrance? So we need 109 spaces between the front and the back entrance within 250 feet of those, within that plaza. I think that would cover probably the entire back plaza, probably at least down to the drive lane in the front and around the side where Monro maybe used to be.

Does that sound right, Paul (WANZENRIED)?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: I would think we would have 109 spaces between all of those locations.

PAUL WANZENRIED: They're parking on both sides, too.

MR. GRAY: Right now.

PAUL WANZENRIED: Restaurant is open to both ends.

MATT EMENS: I agree. I agree. I just -- one again, devil is in the details here and I apologize, I don't have all of the numbers in front of me, but we have improved a lot of things. And there is this -- I'm not even sure this is the most current site plan that they're using that's from -- from the landlord than what is currently shown. It looks like -- it has got the Monro Muffler on there. It has that revised drive in the back with the striped islands. I'm just asking the question of -- I don't know.

PAUL WANZENRIED: When you include the tap room, there are only three businesses that face Paul Road off that side. So literally that whole back parking is divided between three tenants.

MATT EMENS: That's enough information for Mike (Hanscom) to not be worried about the count?

PAUL WANZENRIED: Pardon me?

MATT EMENS: Is that enough for the Town Engineer to not be worried about this comment any more, his original comment?

PAUL WANZENRIED: We can review that. Leave it up to me. Okay?

MATT EMENS: Sounds good.

JOHN HELLABY: Both operations have the same hours, open at the same time?

MR. GRAY: The restaurant, on some evenings, we'll close that area of the dining to the public.

JOHN HELLABY: How do you plan to separate that, with just stanchions?

MR. GRAY: Yes. Kind of like what we do at our Seabreeze location. We just put stanchions up and put "This area closed."

And the majority of the -- again, I'm talking after 9 o'clock at night. That -- the -- the dining area facing Chili Avenue will probably close and the bar will remain open for another couple hours past that or three hours or whatever it is.

Again, we haven't -- this is a new venture for us. We have been adding tap rooms to our locations over the past four years. And we're -- we're gaining a little more insight into -- into when they should and shouldn't be open. It varies by location. I would hate to tell you that -- the Board that no, we're going to close the entire facility at a certain time or open at a certain time. I'm just trying to maintain a little bit of flexibility to see how this -- this particular location operates.

Um, one thing that -- one thing that I subscribe to is -- is for the most part, except for weekends, being closed before midnight. Because as everybody knows, nothing good ever happens after midnight. So -- so we're trying to be as flexible. We're trying to be as flexible with whatever -- you know, consumers' needs are or wants in that area. We just don't know right now. It is sort of like a -- every one we put in is sort of kind of a new frontier for us.

JOHN HELLABY: All right. I assume you have your liquor license already?

MR. GRAY: We cannot get a liquor license until we actually have our approvals. Once we get building permits, then we can apply to the liquor license -- Liquor Board, the New York State Liquor Authority for our permits. But to date, we haven't had any issues in obtaining them. But it's a certain -- you have to follow a certain set of procedures to be able to do that.

JOHN HELLABY: I have to assume you have done your homework, because it goes without saying, this is extremely similar to the operation that has got quite a stronghold over there already, and you feel competent you can go up and make this thing work with that other operation being within feet of this? That's -- I throw it out there.

MR. GRAY: I guess I have to look at it this way. I'm not happy about it. We were told by the landlord it was just going to be a little pizza shop there and we know what it is now. It's a big operation. There is no doubt. But if you drive up and down Jefferson Road, I mean there is national chains piled on top of each other down there and they all seem to do well. So maybe by having more than one place in that area, it will be more of a destination and it will attract people to that area rather than having them drive to Henrietta or -- or up on Ridge Road in Greece. We don't know. We wouldn't be investing the kind of money we have to invest to do this renovation and this addition if we thought we were going to sit there and, you know, hope -- hopefully people will come in. I mean, the tap rooms have worked well for us. They have driven sales for us. They have complemented our existing operations.

So that's why we -- that's why we continued where we can to -- to find the space to put -- to add them onto our existing operations.

JOHN HELLABY: Just don't do the car shows the same night. You will never have enough parking spaces. That's all I have.

MR. GRAY: No car shows.

MICHAEL NYHAN: There were some comments from our Conservation Board relative to this application. Landscaping, given any thought to planters back there, the large planters you see around the plaza so there is some sort of color?

MR. GRAY: Again, I should have taken photos and presented them to you, but in all our other operations what -- where we do have outside eating, we do install and maintain rather large planters, either round or square planter boxes to -- to give the area some curb appeal and some life during the summer months. I'm sure if you want to -- if you were to go over to the North Greece Road or to Seabreeze or to the ones that have tap rooms, you would see that currently, that we do that.

DAVID CROSS: I guess I'm okay with it. And I'm okay with the parking. I think it probably works. My biggest thing is -- it sounds like you get approval here tonight, you have to go to the Zoning Board with the sign package; is that correct?

PAUL WANZENRIED: He will have to -- we'll review his proposed signage against the sign code and then advise him whether or not -- advise him as to what variances he would need or will need.

DAVID CROSS: With that being said -- and I saw the facility you just did up in North Greece and it looks beautiful. I think part of that is the signage. It is very tasteful. And that signage fits the scale of that building very well. And I -- I think it's time to maybe relook at the signage on the front side of this building. I think it's way too big. It does not meet the scale of the other signs in the plaza. And I would hope you would -- at -- with this renovation make an effort to right size that and not leave it that.

PAUL BLOSER: I will kind of echo that. I -- I do some volunteer work for an organization here in Town and pretty much everybody knows I sit on the Board. And a lot of people follow what is going on in Town and what's being built. What is going on. Openings, closings, so forth and so on.

That came up the other night, that you're applying for the tap room. Everybody there was like, "It's going to be great." You know, they like the place. They frequent it there. They're a customer. They like to go to a -- locally owned places.

One individual spoke up and says, "Please, Dear God, do something about that sign." And it caused an uproar within the room.

MR. GRAY: Do you know how difficult it was for us to get that sign to begin with?

PAUL BLOSER: I know. You have probably the biggest sign in Town other than Palmer's on their warehouse.

You run a great operation. You have a great reputation throughout the County and surrounding areas. But I'm in agreement with the sign. You know, the one you did on the back, just the lettering is a little different font. It is just laid out a little different.

I would like to get that thing down a little bit so it is not such an in-your-face. We don't want to be Jefferson Road. You know, I can see Tim Horton's and they are kind of hidden by trees. If you're looking to sight lines, you see things. I would like to see something a little bit more in line with the rest of that plaza. It's -- they have done a total facelift of that plaza. And this is like the one building that hasn't been touched because of that sign. It appears.

I know they have done a lot throughout the whole plaza. It looks great. I'd really like to see something different for the design of that sign myself. And I'm not -- I have had a lot of people from the Town, residents ask me to express that. So that's -- that's really all I'm saying.

PAUL WANZENRIED: Did he say that -- how are you separating the -- I'll call it family side from the bar side?

RON RICHMOND: He's not.

MR. GRAY: I'm not really -- there is not going to be a physical separation. It's just going

to be basically the length. One is in one side and one is in the other.

PAUL WANZENRIED: In order to use the lavatories, I have to go to the front of the building; correct?

MR. GRAY: You have to -- no. You -- you can access them -- you would have to go towards the front of the building, correct.

PAUL WANZENRIED: What is the small little bathroom there by the darts?

MR. GRAY: That's an additional facility required by New York State Code now to have a -- like either a separate family or gender-neutral facility that -- that we're required to -- to put in.

PAUL WANZENRIED: Have you given any thought to segregating the front half from the back half?

MR. GRAY: Not -- not really. We -- we just built -- we just designed -- again, I will bring up North Greece Road because it's our latest project. We designed that from the ground floor up. And we went through a lot of iterations of that floor plan. And this -- this in some ways mimics it because it has -- it has the -- the restaurant on one side and the tap room on the other.

And there -- there -- they're separated by, you know, how -- kind of how far apart they are. It would be nice to move the -- the bathroom facilities into the middle, like we have at North Greece Road, but just the sheer cost to do that is prohibitive. Just adding extra fixtures to bathrooms these days is prohibitive. And we are trying to design it the best we can for the facility that we have to work with.

And I just think that if -- if families want to come in and they don't want -- they don't want anything to do with the tap room side, they can avoid it. There is plenty of seating. There is plenty of areas up front to -- to sit and have a nice dinner with your family.

Or if you want the -- if you want the pub atmosphere, you can go in the back and you can watch a game on the TVs. It's a little bit more noisy, a little more activity in that area. So it is sort of -- you get to pick and choose where you want to go.

I've seen in our -- some of our other facilities a lot of people that come to the back, the tap room to get their beer with their burger and go back out front where it is quiet and they can spend time with their family. But I'm not sure if separating it is -- is the right thing to do.

PAUL WANZENRIED: The discharge of the water from the canopy over the patio, um, that will just sheet out into the drive aisle? Or will you connect that to the existing storm sewer?

MR. GRAY: We can connect it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BERNIE IACOVANGELO

MR. IACOVANGELO: Good evening, Mr. Chairman, members of the Board. My name is Bernie Iacovangelo and I'm President of Claridge Decorating Center which is a neighbor to Bill Gray's. I know Dan Gray and Rich Mastin and many of the members of their organization. They do a fantastic job. Great people. Not only from the operation of the business but also for the community involvement they have. They give back quite a bit throughout this community and they're just fantastic people.

I'm not here really to speak in opposition of this application. I think that as a businessmen, they have demonstrated the ability to recognize additional opportunities and there is nothing better than a burger and a nice cold beer. So that -- that is my thoughts.

But we have our business which flanks them on either side, which is Claridge Decorating Center, and I have been in here before you before with the owners when they came in to review their site plan.

Our biggest concern is not so much about, you know, the Bill Gray's putting in a tap room or the outside patio. Our concern is for our delivery trucks which are tractor-trailers bringing in 12 to 15 foot long rolls of carpet, bringing in, you know, 200 boxes of cabinets, being able to back up to our storage areas and warehouse.

We have, you know, some difficulties just the way the parking spaces are laid out now. I just want to make sure that -- because I don't have an opportunity to see the -- the site map. I do know the layout that has been put there. There is especially one pole that is right in the middle of the ingress and egress from that plaza and -- you know, on the Paul Road side which is very dangerous. It creates a very, very difficult turning radius for automobiles, trucks and so on.

So my biggest concern here that I bring before the Board is the concern for those tractor-trailers being able to pull in, pull up and back up to our doors which are both sides of this area.

I know that Dan (Gray) was showing me they're only looking at 11 feet from the back wall out. I think the sidewalk there is already 4 foot, if not 5. So he is only going about 7 feet beyond that into the parking lot. But, you know, just so that we -- I brought this to your attention before. We need to be able to get those tractor-trailers in, turned up, backed into our unit and that's our major concern.

MICHAEL NYHAN: Okay. Thank you.

Bernie (Iacovangelo), I did have one question. How do your vehicles come in now? Do they come in from the Paul Road side and they're available to back in -- and I think Claridge is to the east of Bill Gray's; is that right?

MR. BERNARD IACOVANGELO: Generally they come if from the Chili Avenue side. You know, it's -- it's an easier turning radius from Chili Avenue into the plaza. Then they drive straight back and what they'll do is pull back there, okay, and come into the store to ask where it

is going to be offloaded. And then they -- they drive over, pull -- pull towards Paul Road and back up. Okay?

As you had asked him about parking during the day, I think that Dan (Gray)'s employees, maybe three cars back there belong to them and generally there's no parking because there is no real entry from the rear at the present time to Bill Gray's. We have parking for our employees and our customers coming in to Claridge.

They have -- get there anywhere from 8 o'clock in the morning until about --

UNIDENTIFIED FEMALE SPEAKER: Between 7:30.

MR. IACOVANGELO: 7:30 until 3:00 we'll get trucks in there. At night, it's not an issue. We get maybe between three and five trucks a week. So that is our only concern.

MICHAEL NYHAN: Okay. Thank you.

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

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

MICHAEL NYHAN: Any other discussions or questions relative to this application? I think one of the conditions we have made on outdoor patios, particularly Ferrari's, is no live music outdoors. Anybody recall that? I think we would make that one of the conditions here. I think that would be reasonable.

JOHN HELLABY: Are you correct?

MICHAEL NYHAN: Anything else other than the standard ones?

RON RICHMOND: Do we want to put a "no later than" on the outdoor patio?

MICHAEL NYHAN: Um, I would really love to not -- to not do that. I think the flexibility to be able to run a business and survive in this Town, I think --

RON RICHMOND: I thought we had that conversation when we entertained Ferrari's, as well. I don't know if we did anything about it, but I thought we had the condition.

MICHAEL NYHAN: We didn't put a condition on that, that they had to close the patio by a certain hour.

RON RICHMOND: Okay.

MICHAEL NYHAN: That being said, we'll do SEQR.

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

MICHAEL NYHAN: Conditions for this application? The conditions I have -- let me know if they need to be changed, added or deleted.

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

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

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

All previous conditions imposed by this Board that are still pertinent to this application will remain in effect.

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

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

Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

And any signage change shall comply with Town Code including obtaining sign permits.

And no live outdoor music.

MICHAEL NYHAN: With those --

JOHN HELLABY: I do have one other question, though, if you don't mind.

MICHAEL NYHAN: Sure.

JOHN HELLABY: There is a sidewalk that runs along the back of that building presently, correct?

MR. GRAY: That's correct.

JOHN HELLABY: If you build this patio, how will people get from one side to the other? It's closed off on either end, is it not?

MR. GRAY: They will be able to walk through.

JOHN HELLABY: So it's open on either end.

MR. GRAY: Yes. Gates on either end of it. They can basically walk right straight through it.

JOHN HELLABY: They have to go through the gate; is what you're saying?

MR. GRAY: Yes.

JOHN HELLABY: All right.

MICHAEL NYHAN: With those conditions of approval, application of Bill Grays Inc., 3240 Chili Avenue, Rochester, New York 14624; property owner: Chili Plaza Properties LLC; for preliminary site plan approval for a change of use in Suite C6 to allow a restaurant tap room

(formerly fitness center) and to allow an exterior patio at property located at 3240 Chili Avenue in G.B. zone.

DAVID CROSS: Sorry to go back to conditions, but I'm still hung up on the sign, particularly the south facade facing Chili Avenue. I didn't hear from the applicant if they were agreeable to what I'm calling right-sizing that sign, making it more consistent with the other signs in the plaza.

What are your thoughts?

MICHAEL NYHAN: They would have to follow the Town Code for any sign they put up.

ERIC STOWE: There was a variance granted in 2001 for a 589 square foot sign.

DAVID CROSS: That's what I'm afraid of.

ERIC STOWE: Already been granted.

DAVID CROSS: Well, I guess I -- I -- I would still like to ask the applicant if they would consider reducing the size of the sign. A reduction from what was requested in that variance back in 2001.

ERIC STOWE: That would be a goodwill request, I guess, for lack of a better term as opposed to a condition.

DAVID CROSS: I get it. I know the variance goes with the property. But I -- but I would still like to -- I think this is the time. This is -- this is the time of renovation. I hear the same comment from people all over Town, and -- I would like to see something done now.

MICHAEL NYHAN: As you said, no condition we can make on it. I think you have heard the comments relative to the existing sign with the variance. There is a variance that goes with the property.

DAVID CROSS: I understand.

MICHAEL NYHAN: You looking for something specific?

DAVID CROSS: I guess if we can open it back up to the applicant.

MICHAEL NYHAN: Sure.

MR. GRAY: I understand, you know -- I understand what you're talking about. But when we first went in that plaza, we were like the only thing back there. The plaza has changed a bit in nature over than past, you know, 17 years. We are quite a distance away from the road.

When you drive in there, it -- it is a big sign. I guess the only thing I could -- that I could assure you right now, that we will look into it. I mean, changing the sign that large is, you know -- we have to operate under -- under budgets, too. And we -- we didn't really budget anything to change the -- the Chili Avenue side except for possibly going and getting that -- that big "Home of the World's Greatest Cheeseburger" removed and putting a couple of small signs underneath there that says what is actually in there.

The only thing I can really do at this point in time is assure you that we will -- that we will look at it and we'll try to make it, you know, look -- we'll try to make it right with the Town and still be able to have some -- you know, the visibility that we have need to have off of Chili Avenue. I don't know -- I don't know if that does anything for you.

DAVID CROSS: Appreciate you saying that. I think the community appreciates that also. So I'm okay.

ERIC STOWE: The only thing we're looking at, the square footage of the sign that is called out in the variance, um, any change to that would have to come in -- under the variance that was granted. So if "tap room" and "Abbotts" exceeds that, that is something they would have to --

DAVID CROSS: In addition to the sign going on the Paul Road side? That is going to be considered square footage also.

PAUL WANZENRIED: (Indicating).

DAVID CROSS: Two sides.

PAUL WANZENRIED: Different side of the building, different lineal frontage.

DAVID CROSS: I understand.

PAUL WANZENRIED: They do have to come in for a new sign permit because they're making a change to the sign. Any alteration of the sign requires a new sign permit.

MR. GRAY: I'll do what I can.

DAVID CROSS: Got you.

Michael Nyhan made a motion to approve the application, and John Hellaby seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

5. Building permits shall not be issued prior to applicant complying with all conditions.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Any signage change shall comply with Town Code, including obtaining sign permits.
9. No live outdoor music.

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

5. Application of Four Point Rod & Gun Club, owner; 4400 Union Street, Scottsville, New York 14546 for preliminary site plan approval to erect a 24' x 32' storage building at property located at 4400 Union Street in A.C. zone.

Ken Nichols was present to represent the application.

MR. NICHOLS: I'm Ken Nichols representing the Four Point Rod & Gun Club. We would like to build a 24 by 32 storage garage, metal building, pole barn construction with a concrete floor.

At the present time, we're using a shed to put our clay targets in and we can only get half a truckload at a time. We can't get enough clay pigeons there at one time. We would like to be able to get a much bigger order and have the storage area for that.

MICHAEL NYHAN: So this is strictly for storage of --

MR. NICHOLS: Strictly for storage.

MICHAEL NYHAN: Targets, clay pigeons?

MR. NICHOLS: Targets.

MICHAEL NYHAN: No shooting out of the building or ammunition stored in the building?

MR. NICHOLS: No. Strictly for targets.

MICHAEL NYHAN: Okay.

RON RICHMOND: My assumption would be it's more cost effective to get a full load than a half load at a time?

MR. NICHOLS: Yes, would it. Or two loads.

RON RICHMOND: Makes sense.

MICHAEL HANSCOM: Your site plan shows the pole barn being 48 feet from the side setback. Your site plan shows your pole barn being 48 feet from your side property line. The zoning code requires it to be 50 feet away. If you want to keep the 48 feet, you would need to get a variance.

MR. NICHOLS: I will have to walk over here. I can't hear you.

JOHN HELLABY: They submitted a new drawing with it 51 feet.

DAVID CROSS: I see 51.

MICHAEL HANSCOM: Never mind.

JOHN HELLABY: You're good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Any additional discussion? Any additional conditions other than the --

PAUL WANZENRIED: Were you removing a shed?

MR. NICHOLS: Yes.

PAUL WANZENRIED: Is that that small one that is to the north of the big one?

MR. NICHOLS: Yes, it is.

PAUL WANZENRIED: Thank you.

Note that in the conditions, please.

MICHAEL NYHAN: Where is it located, Paul (Wanzenried)? Which shed is it? Which one are you talking about?

PAUL WANZENRIED: If you look on the drawing, you will see that there is a small box above the proposed shed.

MICHAEL NYHAN: Right. How do I describe it in the conditions?

PAUL WANZENRIED: Condition that as being removed.

MICHAEL NYHAN: Say it again.
PAUL WANZENRIED: The small box to the north.
JOHN HELLABY: North of the new structure.
PAUL WANZENRIED: Of the new structure. It says, "Shed."
You see it?
MICHAEL NYHAN: Yep. Removal of the existing shed to the north of the new structure.
PAUL WANZENRIED: Correct.
MR. NICHOLS: That's not the one I'm talking about. Basically where the proposed pole barn is now, there is a shed there. I don't know why it is not on the drawing.
PAUL WANZENRIED: So there is a shed where the new pole barn is going to be?
MR. NICHOLS: Yes. It is sitting up on blocks. Yes. It's a little shed.
PAUL WANZENRIED: Make sure that it is noted that the existing shed --
MR. NICHOLS: Will be gone.
PAUL WANZENRIED: -- at the location of the proposed barn to be removed.
PAUL BLOSER: Do you have -- do you have two existing sheds right now?
MR. NICHOLS: Yes.
MICHAEL NYHAN: Removal of existing shed at the location of the proposed barn to be removed. That's the one.
JOHN HELLABY: That's it.
PAUL BLOSER: Removed from property.
MICHAEL NYHAN: Anything else on conditions or any other discussion? No?

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

MICHAEL NYHAN: For conditions -- um, for conditions on this application, I have the Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

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

All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

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

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

Application -- or applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

And the removal of existing shed at the location of the proposed barn to -- let me reread that. The existing shed at the location of the proposed barn to be removed from the property.

Any other conditions?

MICHAEL NYHAN: Motion for the application of Four Point Rod & Gun Club, owner; 4400 Union Street, Scottsville, New York 14546 for preliminary site plan approval to erect a 24' x 32' storage building at property located at 4400 Union Street in A.C. zone with waiver of final.

Michael Nyhan made a motion to approve the application, and John Hellaby seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Building permits shall not be issued prior to applicant complying with all conditions.
5. Application is subject to all required permits, inspections, and code compliance regulations.
6. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
7. The existing shed at the location of the proposed barn to be removed from property.

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

6. Application of Susan Kouame, 9 Norbrook Road, Fairport, New York 14450, property owner: Davpart Rochester LP; for preliminary site plan approval for a change of use in Suite 70/80 to allow a liquor store (formerly Leader TV) at property located at 1280 Scottsville Road in G.B. zone.

Susan Kouame was present to represent the application.

MICHAEL NYHAN: You're just taking Suite 70 and not 70 and 80.

MS. KOUAME: Just 70. Leader TV were actually in Suite 90. They didn't take 70 and 80 from what I was told. But it's -- but it is currently retail use there. Might have been an escape room. I think that is what he said. But yep.

So good evening. My name is Susan Kouame and purpose of -- the letter of intent was to change the use which is already for retail to be a liquor store at 1280, Suite 70, on Scottsville Road.

So all we need to do is just redesign it inside. No changes to the outside other than signage.

DAVID CROSS: Can we restrict flashing signs in the windows and the front of the building? Do you have anything proposed like that?

MS. KOUAME: No flashing signs. I wasn't thinking about flashing signs, but there may be like decals.

DAVID CROSS: Products?

MS. KOUAME: Advertising.

DAVID CROSS: Nothing lighted and flashing?

MS. KOUAME: I mean if -- if lighted signs are allowed, we're thinking of a large lighted sign for the name of the store.

PAUL BLOSER: For the store, yes. A lot of times people will put up an electronic banner sign that scrolls messages on it, special of the day. Just a static sign, nothing flashing, scrolling?

MS. KOUAME: No. It would just be a lighted sign for the name of the store, no -- nothing like that. It may be -- maybe an "open" sign like I have seen, just an "open" -- but just that and the big sign.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL WANZENRIED: Just that any renovations to the space will require a building permit.

MICHAEL NYHAN: Any renovations will require a building permit, you said?

PAUL WANZENRIED: Yes. Thank you.

MICHAEL NYHAN: Anything else?

PAUL WANZENRIED: As to the revolving signs, that is all the sign code. We would tag her when she comes in on that.

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

MICHAEL NYHAN: For conditions of approval, for this application, the Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

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

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

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

Applicant to comply with all required life safety conditions and permits from Town Fire Marshal.

And any signage change shall comply with Town Code including obtaining sign permits. Anything else?

With those conditions, I make a motion for application of Susan Kouame, 9 Norbrook Road, Fairport, New York 14450, property owner: Davpart Rochester LP; for preliminary site plan approval for a change of use in Suite 70/80 to allow a liquor store (formerly Leader TV) at property located at 1280 Scottsville Road in G.B. zone. Motion, waiver of final.

Michael Nyhan made a motion to approve the application, and John Hellaby seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Building permits shall not be issued prior to applicant complying with all conditions.
5. Application is subject to all required permits, inspections, and code compliance regulations.
6. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
7. Any signage change should comply with Town Code including obtaining permits.

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

7. Application of Leo McKinney, owner, 513 Whittier Road, Spencerport, New York 14559 property owner: McKinney Family Properties LLC; for renewal of special use permit to allow a motor vehicle service station with minor repairs at property located at 4210 Buffalo Road in N.B. zone.

Leo McKinney and Robert Howell were present to represent the application.

MR. MCKINNEY: Good evening Mr. Chairman, Board members. I'm Leo McKinney, representing McKinney Family Properties here to renew a special use permit for that property, hoping to get a five-year conditional use permit again. I guess ---

MICHAEL NYHAN: Changing anything at all to the operation of the business or the building that you're currently using it for?

MR. MCKINNEY: Everything is the same. It's a two-bay service garage with a small repair, mufflers, brakes, tires, things like that.

MICHAEL NYHAN: Your drawing shows some fuel islands. I believe those fuel islands have been removed?

MR. MCKINNEY: Yes, sir.

MICHAEL NYHAN: No longer any fuel tanks in the ground or fuel islands?

MR. MCKINNEY: They have been out for years now, Mike (Nyhan).

MICHAEL NYHAN: Okay. Five years ago you had that Special Use Permit, right?

MR. MCKINNEY: Yes, sir.

MATT EMENS: Paul (Wanzenried), any issues or complaints about the property?

PAUL WANZENRIED: '99, he was -- there was a limitation as to the number of permitted vehicles at any given time on the site. Was limited to eight. He has exceeded that from time to time. I think we have -- we spoke with Mr. McKinney when he came in for the application and he was working on reducing that to the proper number. Is that correct?

MR. MCKINNEY: Yes, Paul (Wanzenried). I know at any given time, there is cars coming in for inspections, coming and going. Plus the help that works there. So I know there is a turnover. Vehicles are being dropped off on the weekends. There is a door drop where you can fill out information and drop it in there for Rob (Howell) so he knows what to work on and I just know there is always a turnover for cars coming and going, Paul (Wanzenried).

Here is Rob (Howell).

MR. HOWELL: I'm -- I'm the operator of Howell's Auto Service.

MICHAEL NYHAN: Your name, sir?

MR. HOWELL: Robert Howell. Things -- things in the automotive industry have changed a lot. Obviously we all know this. 20, 25 years ago there was a lot less cars on the road. There was a lot less models of cars on the road. Um, the big three manufacturers in the United States now is -- is just a small portion of the cars that are on the road.

The biggest thing we're running into these days, there is no auto parts place that can stock every part for every car that is on the road today.

One of the biggest problems we're having, I order a part for a car -- like I have a Toyota CJ Cruiser that came in yesterday. That truck needs a steering rack. Now the lady is not able to drive the vehicle. She had it towed to my shop. But I'm not going to have -- I can't -- I ordered the power steering rack yesterday, but I will not see that rack until Friday or Monday. Now that truck is stuck sitting on my lot until Monday before I can even get the part for it. And in -- in today's world, there is just -- nobody can stock all of the parts for every car. So everything is now -- most of your small stuff, you know, Autozone and Advance, they can carry multiple parts of small things, but when you get into steering racks and bigger parts like that, they just don't

have the shelf space to -- to have 500 different power steering racks, you know what I mean? So today -- in today's market, it is just becoming a lot harder to -- I mean, the customers I can schedule in, the people that call me and say, "I need a brake job done," I can schedule that in and get them in and out and have -- have the parts waiting for them. It takes an hour to do the job and they're gone.

But the cars that come in on the tow trucks, um, it -- it -- they usually need bigger work and it's just -- these days it takes so long to get parts. Then say if I order a part for the CJ yesterday and it shows up Monday, but if I have too much work to do on Monday, I won't get to that car until Tuesday. Know what I mean? Because when I come in after the weekend, I never know what I'm walking into on Monday morning. You can't tell every customer, "Well, if there is already seven or eight cars on the lot, don't leave your car."

I mean, it's -- it's kind of impossible to keep it at exactly eight cars. I mean, I try. I try hard. And there are times that -- I mean right now I'm more than eight cars right now. I'm being honest. But I try to keep it down. I try not to let it get too out of control.

There are times that I have -- I have had 24 cars on the lot. And -- and I walk into work and I'm like, "Oh, my God. What am I going to do?"

I mean, it's not like I have eight bays where I can slam a whole bunch of cars out like a Midas or Monro. It's just a small two-bay shop. I average like six to seven inspections every morning. That's my typical morning, Monday through Friday. And I mean just that right there would be over my limit.

Because I mean, you know, I have a lot -- I have got a lot of customers that work at Roberts and work in the area out here. The other half of my customer base are obviously Mayflower Village and the two retirement communities right there. Those folks are generally coming over. They need inspections, oil changes. They rarely need work because they all have much newer cars. They don't get driven. I have customers that have 1999 cars that have 18,000 miles on then. It's crazy.

But that's the biggest problem I'm having right now, is with the turnover of the cars. Just the ordering of the parts and the waiting on it. I just wanted to kind of address that with you guys. I appreciate it.

MICHAEL NYHAN: Did you own this in 1999?

MR. HOWELL: No. Actually, my family has been leasing that property for 14 years. Nine years ago, I took over the property -- the business. Um, previous to me taking over it was in my brother Blake's name. He is no longer any part of the business at all. I took it over nine years ago. I made it R. Howell's. It used to be just Howell's Automotive. Now it's R. Howell's Automotive, LLC. I changed it to a corporation to protect my wife and my assets.

MATT EMENS: What was the origin of the eight cars? Was that based on the size of the lot and the parking spaces? What -- where did that come from?

PAUL WANZENRIED: It was Court-ordered for a conditional use permit for a service station for performing minor automotive repairs excluding the selling of gasoline and food items. And it was -- permit was granted for three years from the date of the order. Order may be renewed by the Planning Board and it listed a bunch of conditions. One of the conditions was eight cars. I don't know how they came up with eight cars. I understand what the applicant is saying. Makes sense.

MATT EMENS: Me, too.

PAUL WANZENRIED: You're in and out. There is turnover. I just, you know -- I think -- is there -- I would be more concerned about a dumpster.

Is there a dumpster there?

MR. HOWELL: Yes. I have it fenced in.

PAUL WANZENRIED: I mean, I don't know. He will try to do his best to keep it under eight. I'm not going to sit there and watch him 24/7.

MATT EMENS: I didn't necessarily know I was getting so much out of that one question, so -- I was just trying to make sure he was being a good neighbor.

PAUL WANZENRIED: Question of the evening.

MATT EMENS: No further questions at this time.

MICHAEL NYHAN: Are you sure?

MATT EMENS: Yeah.

GLENN HYDE: Learned your lesson.

JOHN HELLABY: Well, if memory serves me correctly, they used to do motorcycle repairs over there and a lot of the complaints were the -- running the bikes up and down the road and running them in on the -- that's what transpired all this Court-ordered stuff.

PAUL WANZENRIED: Well, Al (Hellaby), as usual, your historical references are spot on.

Repair and/or storage of motor vehicles shall cease on the premises. Repair and storage of all Highland motorcycles shall cease. Repair and storage of all-terrain vehicles shall cease.

JOHN HELLABY: Right.

MICHAEL NYHAN: Do you remember the conditions from 1954?

JOHN HELLABY: No, but I can try. (Laughter.)

GLENN HYDE: I'm afraid to say anything. No questions at this time.

JOHN HELLABY: I have been here too long.

MICHAEL NYHAN: Not at all.

RON RICHMOND: Funny, Paul (Wanzenried) was just telling me the same thing. (Laughter.)

PAUL BLOSER: How many parking spots do you have on the lot, without stacking cars or parking double deep?

MR. MCKINNEY: Paul (Bloser), my wife says 17.

MR. HOWELL: There is not any actually designated lines on the lot.

MR. MCKINNEY: There is no striping. I guess I better go with 17 tonight.

RON RICHMOND: Good call.

PAUL BLOSER: I was just going to say do we consider maybe letting you go up to maybe 12, because of the nature of having to stack them by necessity sometimes? You get three or four employees, that is already half your allocation. It's not -- not many spots left to do a business. Especially if he is doing a half dozen inspections every morning, you're already over your limit with employees.

PAUL WANZENRIED: How many employees do you have, Mr. Howell?

MR. HOWELL: Well, at the moment, I just have one.

PAUL WANZENRIED: Two-bay garage if I remember correct?

MR. HOWELL: Yes. There was a time when I -- my mom ran the office and we had like three employees --

PAUL WANZENRIED: But that is conceivably the maximum you could have at any time? Three, office person and then two mechanics?

MR. HOWELL: Yep.

MICHAEL NYHAN: The entire Westside Drive side now looks like have you curbing; is that correct? All of the way down -- is there an entrance right there?

MR. HOWELL: There is entrances on both sides. Front -- up at the top of the -- the peak end and down closer to the building.

MICHAEL NYHAN: I'm asking just because, you know, there has been some changes on here. They're still showing islands and things.

MR. HOWELL: There is still like big planters on the outsides of the parking lot. They're about 12-inch high curbs or whatever.

MICHAEL NYHAN: Okay.

ERIC STOWE: Before we go changing any requirements, I would need to take a look at the Court Order on whether we could do that. So I'm not comfortable modifying it without understanding what created it.

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BARBARA KELLY

MS. KELLY: Good evening, gentleman. My name is Barbara Kelly, K-E-L-L-Y. My husband, David, and I live at 125 Freedom Pond Lane which is in College Greene.

I don't know where to begin about -- about this business. I came to beg you, ask you, please, do not renew this permit. The -- the place, the location is not appropriate for the business as it exists now.

There is a very nice remodeled building down on the corner of Buffalo Road and Whittier Road with lots of parking. This place is an eyesore. It's a little wedge of property at the corner of Buffalo Road and Westside Drive. And I went to the post -- I can't go out of College Greene without going past it to go much of any place. It's an eyesore to be perfectly honest.

On a Friday, I went to the post office and I deliberately went around that way to count the cars. There were 27 cars in that -- on that lot. You could probably have squeezed two more in there. There is a rusty bus on one side of the building, and there is a rusty truck on the other side of the building that have been there for a couple of months. They're parked in a place where the detritus from the trees are -- last year's pine needles and last year's leaves are -- are there with -- with these things parked over them. The grounds are dirty. They have done more cleaning in the last two weeks, probably since the notice went into the paper, than they have done in two years.

The building is in disrepair. The -- the sign has fallen off or been taken off the building and nothing has been done to clean it or to paint it or to repair it in any way.

I'm -- I'm quite concerned about what this looks like to people who come into our Town. Ogden is right across the road. They come in and say, "Oh, Chili, look at the dump there."

If there is a dumpster there, I can't see it. It must be behind the stuff. There were women, people out there this week picking up trash off the -- off the pavement. There were people putting mulch in there. There were people sweeping with brooms. And I don't think it has been done in two years. And that's a conservative estimate.

The place is -- the lot is too small for this building and for this business. I really don't think it belongs there.

I'm concerned also about our property values because, as I said, everybody goes by it to come into College Greene. And who wants to live next to a place that -- that is kept in such poor repair. The vehicles that are stored there are in poor repair. They have been there way too long. The condition of the property makes it undesirable.

I really don't think the business belongs there. I really would like to see it moved to a bigger spot. I suggest that nice, renovated building on the corner of Buffalo Road and Whittier Road. Please take this seriously and clean up that corner.

MICHAEL NYHAN: Thank you.

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

MICHAEL NYHAN: Any additional comments or discussion from the Board?

JOHN HELLABY: Well, I have to agree with her. This has been an ongoing problem for years. I mean, I don't know what the best way of getting a handle on it is. You tell them eight cars. They have 27 in there. I feel sorry for the neighbors. You know, I don't know the answer here. You table the thing and give them an opportunity to clean it up. Comes back, you okay the thing. Six months later you're right back in the same boat.

MICHAEL NYHAN: I don't see what -- tabling would do anything.

JOHN HELLABY: Well, that is what I'm saying other than give them more time to clean the situation up. But six months from now, you're right back to where you started.

MR. HOWELL: If I may. I would like to bring up a couple of points.

MICHAEL NYHAN: Your name again, sir?

MR. HOWELL: Robert Howell. First of all, the building is brick. And the top part of the building is sided. There is no paint on the building. The windows are vinyl. So there is no painting. There is no disrepair of the building. All of the gutters are there. They're all in good shape. All of the doors are there. They're all in good shape. And there is no -- you know, it's a brick building. So there is no paint on the building per se. So I don't understand where -- where the eyesore part comes in. I keep the lot clean. I don't let trash accumulate around the property. There is no -- there is no leaf-bearing trees on the property. So there is no leaves scattered around.

As far as pine needles go, I mean you can clean them pine needles up and two days later they're going to be back. I mean, there is no --

MICHAEL NYHAN: Okay. Thank you.

MR. HOWELL: Thanks.

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

MICHAEL NYHAN: For conditions? There is a comment there are a number of conditions on here dating back several years. Some are Court-ordered. They do address the storage of vehicles, the types of vehicles, et cetera, that the Town can enforce, so I think with that, we'll continue with all previous conditions. If the Town needs to research that with Legal, reasons why it was Court-ordered, we can do that. But I think all conditions need to remain on the property. I wouldn't want to change any of them or try to change any of them at this point. So that would be one condition.

And then for the Special Use Permit, I don't believe we have been putting timeframes on those or have we?

DAVID CROSS: Five years.

MICHAEL NYHAN: So Special Use Permit for five years.

Any other conditions?

ERIC STOWE: I -- to determine if you can modify the -- the prior conditions, I would want -- I haven't seen a Court Order.

MICHAEL NYHAN: Right.

ERIC STOWE: So that is -- just not comfortable doing that.

MICHAEL NYHAN: I get it. All previous conditions imposed by this Board are -- that are still pertinent to the application remain in effect.

Special Use Permit for five years.

With those conditions, the application of Leo McKinney, owner, 513 Whittier Road, Spencerport, New York 14559 property owner: McKinney Family Properties LLC; for renewal of special use permit to allow a motor vehicle service station with minor repairs at property located at 4210 Buffalo Road in N.B. zone.

Michael Nyhan made a motion to approve the application, and John Hellaby seconded the motion. The motion was approved by a vote of 5 yes to 2 no (John Hellaby and Glenn Hyde).

DECISION: Approved by a vote of 5 yes to 2 no (John Hellaby and Glen Hyde) with the following conditions:

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Special use permit granted for a period of five years.

MICHAEL NYHAN: Before we wrap up the meeting, I make a motion to accept the Chili Planning Board meeting minutes from August 14th, 2018.

JOHN HELLABY: Second.

Michael Nyhan made a motion to approve the 8/14/18 Planning Board meeting minutes, and

John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

The meeting was adjourned at 9:12 p.m.