

CHILI PLANNING BOARD  
December 11, 2018

A meeting of the Chili Planning Board was held on December 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, Ron Richmond and Chairperson Michael Nyhan. John Hellaby was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department 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 Terry Tree Service LLC, 755 Jefferson Road, Suite 200, Rochester, New York 14623; property owner: D & T Rents LLC; for renewal of special use permit to allow a wood processing facility at property located at 225 Ballantyne Road in AC & FPO zone.

Timothy Pope was present to represent the application.

MR. POPE: Thank you. My name is Timothy Pope, CEO, Terry Tree Service on Jefferson Road. Our property is on 225 Ballantyne Road. We ask the Board to renew our Special Use Permit with all of the same conditions, no changes as in the past and I believe it's a five-year conditional use is what we had approved last time. We just seek to have that renewed with no changes.

DAVID CROSS: Do you have a list of the previous conditions, Mike (Nyhan)?

MICHAEL NYHAN: I don't.

DAVID CROSS: Does anybody at the side table?

PAUL WANZENRIED: Hang on. No.

DAVID CROSS: Have there been any complaints on the property?

PAUL WANZENRIED: No.

DAVID CROSS: That's all I have.

MICHAEL HANSCOM: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: So to answer your question, let me see. Paul (Wanzenried) did find things. Did you want to see these if you had questions on any of those?

DAVID CROSS: The previous was five years. That is what I was interested in.

MICHAEL NYHAN: Before I do that, just to let you know, all of the other SEQR questions have been answered on the short form that were spelled out by --

MATT EMENS: Engineer's comments.

MICHAEL NYHAN: -- engineer's 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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Conditions. For the conditions on this application, applicant shall comply with all pertinent Monroe County Development Review Comments.

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

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

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

All DEC guidelines for evasive species shall be followed.

And this permit is issued for a five-year period.

Any other conditions?

Application Terry Tree Service LLC, 755 Jefferson Road, Suite 200, Rochester, New York 14623; property owner: D & T Rents LLC; for renewal of special use permit to allow a wood processing facility at property located at 225 Ballantyne Road in AC & FPO zone with the stated conditions.

Do I have a second?

GLENN HYDE: Second.

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

1. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
2. Application is subject to all required permits, inspections, and code compliance regulations.
3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. All DEC guidelines for invasive species shall be followed.
6. This special use permit is issued for a five (5) year period.

MICHAEL NYHAN: I would like to take the next application out of order here.

3. Application of Joe Valvano, 1735 Scottsville Road, Rochester, New York 14623, property owner: JAJ Development Co.; for special use permit to convert portion of mini mart to a cigar and vape shop at property located at 1735 Scottsville Road in N.B. and FPO zone.

Joe O'Donnell was present to represent the application.

MR. O'DONNELL: Good evening. My name is Joe O'Donnell, the architect for Greater Living Architecture, the architect of record for Joseph Valvano, the owner and operator of the proposed Big Hit Bake and Vape and Cigar shop.

Currently the building is used for a convenience store which they operated for several years. This is hopefully a very simple application, just changing the use from that to a vape shop. We are in receipt of Lu Engineer's comments which unfortunately we just got Saturday. So we haven't really had a chance to produce floor plans. We did, however, submit a site plan with the application, some photographs of the building and -- which we think does address several of the comments made in Lu Engineer's letter dated December 6th, 2018.

So with that, we would like to hopefully have the Board approve the Special Use Permit. Possibly on the conditions that are in the Lu Engineer's letter so that the owners can move forward with paperwork and additional submissions to the Town for C of O.

MICHAEL NYHAN: So the building and floor plan will stay the same? The exterior walls -- you will just change interior walls at this point?

MR. O'DONNELL: Probably just shelving is about it.

MICHAEL NYHAN: Could you explain what a vape shop is? Is that where people stay on-site? Do they buy product and leave?

MR. O'DONNELL: Just purchase product and leave. There is no on-site like cigar smoking on the premises. Just strictly a store to go in and buy those products for vaping and you leave.

MICHAEL NYHAN: Hours of business changing from --

MR. O'DONNELL: No. In fact, I think I mention in the proposed application the proposed hours of operation in my letter of intent.

MICHAEL NYHAN: You did.

RON RICHMOND: What is the target customer base?

MR. O'DONNELL: Well, I guess that's a tough question for me as the architect to answer. I do have the owner here. I think it is anybody that is trying to break away from the habit of smoking. You know, it is adjacent or very close proximity to RIT, but the younger generation doesn't seem to be as addicted to the smoking habits that the older generation has. It's a very broad spectrum of customer base.

RON RICHMOND: The benefit that would be to the community to have the vape shop in it is what?

MR. O'DONNELL: Help people stop smoking.

RON RICHMOND: Statistically there are a lot more than just current smokers that are vaping these days, including under age, middle school and high school age students. So I don't

know --

MR. O'DONNELL: Well, it is -- I believe it's regulated by the State. So there is age limits for purchase of the products.

RON RICHMOND: There is age limits for all sorts of things and we seem to find ways as a society to get around them.

MR. O'DONNELL: We don't think it is any more intense use as convenience store since the convenience store did sell cigarettes and beer. It's actually a less intense use, in our opinion.

RON RICHMOND: If it is classified as a vape shop, it will obviously be a place where people who are going to try to pursue that pleasure, if you will, or vice will go to try to secure the products to do that. They're a nicotine-based product. They're addictive.

MR. O'DONNELL: Sure.

RON RICHMOND: That's all I have.

MATT EMENS: Joe (Valvano), just to confirm again, you have it on the site plan, but it's just a convenience store?

MR. O'DONNELL: That's correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: SEQR form was also corrected.

MR. O'DONNELL: Just oversight on my part.

MICHAEL NYHAN: That has been answered.

Any further discussion at all on this application?

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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: For conditions, Paul (Wanzenried), is it required, a building permit, for any demolition work inside?

PAUL WANZENRIED: Any renovations inside, yes.

MICHAEL NYHAN: All right. Joe (O'Donnell), one of the comments from the engineer was the handicapped parking.

Will you be able to provide adequate parking with handicapped?

MR. O'DONNELL: Yes, sir. There were spots striped there at one time. We'll stripe them to identify them more clearly. Probably just sustained wear over the years. We can provide that. More than ample surface blacktop to handle the handicapped accessible requirements.

MICHAEL NYHAN: Just getting some conditions together here.

MR. O'DONNELL: No problem. Take your time.

PAUL WANZENRIED: Can I offer a condition?

MICHAEL NYHAN: Certainly.

PAUL WANZENRIED: All sign -- all signage to be properly permitted through the Town.

MICHAEL NYHAN: The signage shall comply with Town Code, including obtaining sign permits?

PAUL WANZENRIED: Yes. That would be fine.

And no outdoor store sales or storage. Not that I think he would, but I would just like to tag that on there, if I could, please.

MICHAEL NYHAN: Sure.

These are the conditions I have so far. Let me know if we need to change or add. Applicant submit a floor plan for the proposed cigar and vape shop. The plan to be drawn to scale and dimensioned.

Handicapped parking space and required signage to be installed per Town Code.

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

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

Any signage change shall comply with the Town Code, including obtaining sign permit.

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

And no outdoor sales or storage.

Any other conditions?

With those conditions, application of Joe Valvano, 1735 Scottsville Road, Rochester, New York 14623, property owner: JAJ Development Co.; for special use permit to convert portion of mini mart to a cigar and vape shop at property located at 1735 Scottsville Road in N.B. and FPO zone.

GLENN HYDE: Second.

DECISION: Approved by a vote of 5 yes to 1 no (Ron Richmond) with the following conditions:

1. Applicant submit a floor plan for the proposed cigar and vape shop. The plan to be drawn to scale and dimensioned.
  2. Handicapped parking space and required signage to be installed per Town Code.
  3. Building permits shall not be issued prior to applicant complying with all conditions.
  4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
  5. Any signage change shall comply with Town Code, including obtaining sign permits.
  6. Application is subject to all required permits, inspections, and code compliance regulations.
  7. No outdoor sales or storage.
2. Application of Western Realty LLC, owner; 949 Bay Road, Webster, New York 14580 for preliminary site plan approval to erect two industrial buildings totaling approximately 70,000 sq. ft. at property located at 30 Airline Drive in L.I. w/ADATOD zone.

Joe Ardieta, Ron Pattison and Brett Mastrella were present to represent the application.

MR. ARDIETA: Good evening, ladies and gentlemen, members of the Board. I'm Joe Ardieta of Vanguard Engineering tonight representing Western Realty, LLC in the application at 30 Airline Drive.

We received comments yesterday for the site plan review and we have with us tonight the comment responses. We reviewed the comments and we have no problems addressing and meeting the requirements. You will see in the letter, there are a couple that -- there is actually one that we have a difficulty in accommodating and that is the 25 foot landscape buffer where the storm water pond is. The site just doesn't have the space to accommodate 25 feet from the high water mark boundary to the edge of pavement. We do provide 10 feet and we have landscaping in that 10 feet.

MATT EMENS: What number was that?

MR. ARDIETA: I don't remember the number. It is in the 20s.

MATT EMENS: There. Thank you.

MICHAEL NYHAN: That's to the parking lot pavement?

MR. ARDIETA: It's actually a driveway, but yeah. It's -- the distance from the high water mark boundary of the pond to the edge of pavement ---

MICHAEL NYHAN: Street pavement?

MR. ARDIETA: Yes. It's asphalt. We had -- we were unable to accommodate.

MICHAEL NYHAN: What is the initial business going in there?

MR. ARDIETA: Western Concrete, a construction company.

MICHAEL NYHAN: One complete building?

MR. ARDIETA: They will take one half of one building.

MICHAEL NYHAN: Is that for storage or for manufacturing?

MR. ARDIETA: Storage of construction vehicles and office space for the company.

MICHAEL NYHAN: So no concrete products developed there or --

MR. ARDIETA: No. It's storage of the vehicles.

MICHAEL NYHAN: Oh, okay.

MR. ARDIETA: The concrete products are actually taken from another facility like Manitou.

MICHAEL NYHAN: Got it. Okay.

I think you recall today from our Town Highway Superintendent or the Engineer, about the railroad spur?

MR. ARDIETA: Yeah. So the survey we received actually had a review of abstract of title. There was no easement over the railroad. Also, if you -- you said you guys would look at Google Earth. I was hoping you would have it up. The railroad has actually been dismantled to the east of our site. If you look where the spur starts to converge asymptotically with the line to the northeast, you will see that railroad just stops. So at some point when they upgraded the main line that is east of our site, east of the power lines -- this runs northeast -- see, it was disconnected from the spur that runs through our parcel so there is really no way for our parcel -- to get to our parcel or the parcel to the west.

MICHAEL NYHAN: That's the point.

Do you know who owns that railroad spur?

MR. ARDIETA: Well, the spur on my client's property is owned by my client. There is no easement. There is no deed restriction. So I can only speculate by -- it is my belief that the Railroad or whoever owned that spur abandoned it and when the railroad, the main line was

upgraded, they just disconnected it and left it.

MICHAEL NYHAN: Okay. Do you have any documentation just to show that there -- this is hard from the negative -- that there is no easement or you own that property right up to?

MR. ARDIETA: I can provide you with the survey that was provided us by Marcus & Associates that shows that they had review of the abstract of title and there is no easement over that -- the land that encompasses the railroad spur.

MICHAEL NYHAN: Okay. And that search went over that easement all of the way down that edge of the property line where the bush like is? I guess you would call it the shrubbery.

MR. ARDIETA: The abstract of title covers the entire parcel.

MICHAEL NYHAN: Okay. Thank you.

GLENN HYDE: What is the anticipated traffic pattern for the facility?

MR. ARDIETA: The workers would come in in the morning. You know, usually construction begins out on sites around 7 a.m. So I would expect workers to start arriving around 6:30. They would then leave the site with the -- in the construction vehicles and head out to the job probably -- 6 -- 6:40, 6:45, depending where they're going.

Then they will return at the end of the construction day, which is usually between 3 and 4. And then they would hop in their cars to head home.

GLENN HYDE: How many vehicles roughly?

MR. ARDIETA: Like employees?

GLENN HYDE: Or trucks.

MR. ARDIETA: How many employees at the site?

MR. PATTISON: 30.

MR. ARDIETA: 30. You will have somewhere in the 20 to 30 of cars coming in the morning.

MR. PATTISON: Or less. Most don't come to the shop.

GLENN HYDE: The trucks?

MR. PATTISON: Six.

MR. ARDIETA: Six trucks.

MR. PATTISON: Ron Pattison. P-A-T-T-I-S-O-N.

MICHAEL NYHAN: Elevations you provided, the building looks like a tan color with --

MR. ARDIETA: Here is a rendering.

MICHAEL NYHAN: Perhaps if you just put that for the public to see -- able to see a copy of that.

Is that a metal siding?

MR. MASTRELLA: Brett Mastrella, M-A-S-T-R-E-L-L-A. LeFrois Builders.

The building colors are actually going to be a mixture of grays with a touch of blue. Most of the pattern of the base will be a split-face CMU unit, two-tone color and the metal panel itself will be a light gray which will wrap most of the elevations of the building. Outside of the pump-outs on the corners and the center, that will have a base plate of CMU with a top plate EIFS material or stucco. That will be in the neighborhood of a couple grays, two gray colors and darker blue around the entrances.

MICHAEL NYHAN: That will be for -- both buildings will have the treatments?

MR. MASTRELLA: Similar characteristics. Probably the same.

GLENN HYDE: Current planned use is for half of one of the buildings?

MR. MASTRELLA: Correct.

GLENN HYDE: Do you have tenants lined up for the --

MR. MASTRELLA: At this time, no.

MR. ARDIETA: Actually, um, my client does have a tenant -- I don't think he has actually signed the lease agreement yet, but he has a tenant lined up for the other half of the first building.

GLENN HYDE: For vehicle storage, as well?

MR. ARDIETA: Same type of business. It's construction.

MICHAEL NYHAN: Is there any outdoor area storage for any kind of construction vehicles or is everything inside the building?

MR. ARDIETA: The vehicles will be stored inside the building. There may be some storage outside the building in the common areas between the buildings.

MICHAEL NYHAN: Not visible from the -- either Paul Road side --

MR. ARDIETA: No. That is kind of the intent of keeping -- having these buildings face outward, so that the vehicle -- the construction vehicles, any -- any outside storage would take place between those two buildings and it would be sandwiched by the buildings.

MICHAEL NYHAN: Okay. Do you have any questions?

MATT EMENS: You have peaked my interest talking about outside storage. I don't see that listed anywhere on the plan. There is no parking spots called out. Is it planned there would be trucks stored outside?

MR. ARDIETA: The intent is to have the trucks stored inside the building.

MR. EMENS: You just spoke about storing things outside between the two buildings. What would those be?

MR. ARDIETA: When you're a construction company, there are times you bring something back that may not fit inside the building for the -- I mean, you have to line up your trucks inside the building so there may not be room to leave say the back of a 12-wheeler. That may have to sit out on the site and -- before you take it back out the next day.

MATT EMENS: So where would that area be outlined on here?

MR. ARDIETA: So -- so they would store those items probably in here (indicating).

MICHAEL NYHAN: Is there enough space to -- those are just standard parking spaces.

MR. ARDIETA: Actually this not parking at this time. These are loading bays.

This is strictly for -- so the intent, for the site layout, is to keep the passenger cars separated from the construction equipment and the bigger -- the truck trucks. So the people that park their cars would pull in, park along here (indicating). People who work in this facility would work down here (indicating). The vehicles would come out of here and out (indicating), and come in here (indicating), stay here, to try to stay a separate -- from the passenger cars as possible.

MICHAEL NYHAN: Do you have snow storage accounted for in there?

MR. ARDIETA: It's indicated on the site plan. We'll show it on the final, but ---

MICHAEL NYHAN: Will it fit?

MR. ARDIETA: So you can see the -- the gray areas here (indicating) are actually the reserved parking. In -- for now, that's going to be snow storage. Um, we don't believe there will ever be a reason to provide the reserved parking. However, if it were to have to go in, the snow storage would go on the periphery of these lines here (indicating). We would have to stay out of this area for -- for that, because of the dry swale is going on there. But the -- if -- reserved parking were to go in, it would have to go in the periphery on the corners where there is no reserved parking.

MICHAEL NYHAN: You will show that on your final plans, the calculation of that snow --

MR. ARDIETA: We will.

MICHAEL NYHAN: The snow on the parking lot will fit there, with the engineering?

MR. ARDIETA: Yeah.

MATT EMENS: So at the existing location that you're relocating from --

MR. ARDIETA: The existing location is on Lexington. Partially in the City and partially in the Town of Greece.

MATT EMENS: -- are there pieces of equipment or trailers stored outside currently at that location?

MR. ARDIETA: You do have a couple out there now, yeah.

MATT EMENS: I guess I would just be interested in making sure that if you think we're going to store things outside, it is outlined on the drawing and --

MR. ARDIETA: Okay.

MATT EMENS: Because I guess the concern would be if -- you know, I see the -- I see the loading docks. I don't know how many -- if those are for Western Concrete or if that is just flex for the other tenants. But the question would be, just making sure that you're not impeding traffic flow --

MR. ARDIETA: Correct.

MATT EMENS: -- on the site.

MR. ARDIETA: Obviously, it's in his best interest to do the same. He doesn't want to block the flow of his construction vehicles to his loading docks.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL HANSCOM: I just want to point out one thing. The -- along the perimeter of the site, on the -- on the northwest and the south sides of the site, one thing that is not currently shown on the plans but you had in the SWPPP was a -- that they intend on putting in dry swales in those areas where they also show reserved parking. Dry swales is essentially a sand filter, a very long, linear sand filter with under drain intended to provide water quality treatment for the storm water that runs off the pavement.

The reason that I mention that in this instance is if it was a regular swale, they could put catch basins in, storm sewers in there, if they had to put that additional parking sometime in the future. If they put dry swales, they won't be able to do that in those areas. That's it.

MICHAEL NYHAN: You're still reviewing this SWPPP; is that correct, Mike (Hanscom)? You just received it?

MR. HANSCOM: Yes, I am. I started reviewing it this afternoon, but I haven't finished it.

MICHAEL NYHAN: Okay. Is there landscaping on -- what is your landscaping between the building, where the front parking would be along Paul Road?

MR. ARDIETA: Um, we use Doug McCord as our landscaping architect on the site, and he has trees -- so -- well, you say Paul Road. We're off of Airline Drive.

MICHAEL NYHAN: That's Airline Drive.

MR. ARDIETA: And Jet -- is it Jet View, I believe? Paul and Beahan are -- are over here (indicating). There is actually -- so this is the power corridor, the railroad tracks, here (indicating). There is another facility -- there are facilities here (indicating), and then Paul and Beahan are on -- to the east, west of them.

MICHAEL NYHAN: I'm sorry. I looked at it. I thought Paul Road ran right along where the front parking was proposed.

MR. ARDIETA: When -- we did the rezoning there. So here is the power corridor (indicating). The railroad. The other facilities. And then here is Paul and Beahan (indicating).

MICHAEL NYHAN: And --

MR. ARDIETA: Our site is here (indicating). So we're actually a good distance.

MICHAEL NYHAN: You are, okay. I don't know why I thought it was closer to that. Okay. Thank you.

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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: As far as conditions, go ahead.

MATT EMENS: Preliminary only?

MICHAEL NYHAN: Preliminary. Conditions will come at final; is that correct? Is there anything would you like to see on final relative to any proof of that railroad spur?

ERIC STOWE: Before final. Their final application. The -- the survey and potentially review the abstract, as well.

MICHAEL NYHAN: You want a copy of that sent to the Town, to your office, Eric (Stowe); is that right?

ERIC STOWE: Yes.

MICHAEL HANSCOM: I would like a copy of the survey also.

MICHAEL NYHAN: The Town Engineer, Planning Board Chair. Town Counsel.

MR. ARDIETA: Okay.

MICHAEL NYHAN: And the Building Department.

I lost track. We're saving the conditions for final; is that correct?

ERIC STOWE: I would put conditions in, as well, for preliminary.

MICHAEL NYHAN: Okay. All right. So then for conditions, what I have so far, I will let you know if we need to add or remove anything.

Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the landscape architect certifying all approved plantings have been furnished and installed in substantial conformance with the approved landscaping plan.

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

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

Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

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.

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

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

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

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and for filing: i.e., liber and page numbers shall be note on the mylars.

Provide a location of outdoor equipment and/or vehicle storage.

And final plans, survey and abstract sent to the Town Counsel, Town Engineer, Building Department and Planning Board Chair.

Any other conditions?

PAUL WANZENRIED: Just for preliminary.

MICHAEL NYHAN: With those conditions, Application of Western Realty LLC, owner; 949 Bay Road, Webster, New York 14580 for preliminary site plan approval to erect two industrial buildings totaling approximately 70,000 sq. ft. at property located at 30 Airline Drive in L.I. w/ADATOD zone.

GLENN HYDE: Second.

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

1. 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.
2. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
3. Pending approval of the Zoning Board of Appeals of all required variances.
4. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

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 shall comply with all pertinent Monroe County Development Review Committee comments.
  8. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
  9. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
  10. 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.
  11. Provide location of outdoor equipment and/or vehicle storage on final plans.
  12. Applicant to send the property survey and abstract to Town Counsel, Town Engineer, Building Department, and Planning Board Chairman (abstract and survey for proof of no easement for an old railroad spur visible on pictometry map).
4. Application of Calvary Assembly, c/o Phil Lepore; 3429 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to erect an 18,400 sq. ft. addition and 2,500 sq. ft. addition to church and additional parking for 185 vehicles at property located at 3429 Chili Avenue in R.B. & FPO zone.

Jess Sudol was present to represent the application.

MR. SUDOL: Thank you, Mr. Chairman. Again, good evening. My name is Jess Sudol from Passero Associates here this evening on behalf of Calvary Assembly along with various members and staff of the church.

We were here last month where we were reviewing the site plans for an approximately 18,000 square foot addition off the western side of the building and a smaller addition off the east side of the building along with associated infrastructure improvement including new parking, sidewalks and storm water management.

At the time I -- one of the bigger concerns had to do around with both parking and traffic, so since last month we have completed a traffic study that we'll go over in a little more detail and also the Town Engineer, Mr. Hanscom, has completed a pretty thorough parking analysis based on all of the various uses inside the building that cuts to the point and says our proposed expansion of the parking does satisfy any potential zoning requirement in terms of the number of spaces provided. So we certainly don't have any issues there.

In terms of the traffic just backing up a little bit, the facility both in its current state and also once the addition is built, which will essentially double the occupancy -- for those that don't recall from last month, it's essentially a 400-person plus or minus sanctuary now. The new one that is being built is 800 so we're doubling the amount of people in the building, doubling the amount of parking.

We took a hard look at when the various uses or when this facility would be in use, and it's not an everyday thing. Obviously in use Sunday when there are three different services at 8:00, 9:30 and 11:00. And that's what we did. As part of our traffic study, we looked at those peak hours in the morning. And then also it's used on Wednesday nights. There are various activities and different types of things for kids to do or families to do. Wednesday is pretty much the only other night the facility is used outside of Sunday.

So we performed our traffic study around those two times. What we found was what we expected but we certainly were able to verify that addition, especially doubling the amount of traffic the facility generates -- because we're double the occupancy doesn't have any detriment impact on the surrounding transportation network. None of the levels of service at the intersection dropped. They're all pretty the same. The reason for that is obviously on Sunday, the traffic is far less than it is during the weekday. The Beaver Road/Ballantyne corridor over Chili Avenue and down into West Chili is a heavily traveled commuter corridor. Anyone who has ever tried to drive from northwest Chili to Henrietta knows this. And then coming back, in the evening, certainly that left-hand turn, trying to get back on Chili Avenue can be very difficult.

But on Wednesday night those activities don't start until 6:30, so really nobody is even showing up until 6:15 and by 6:15, that congestion in and around this area as we saw when we did our study has more or less waned and gotten back down to very good levels of service. So by operating outside those peak hours, we don't have any detrimental impact to the traffic at any of



these surrounding intersections.

Just as a reminder, we're not proposing any modification to the two existing curb cuts. There is a curb cut on Beaver Road and also on Chili Avenue. Currently, you can actually drive around the front of the building which will no longer be the case once we put in the proposed addition, but there will be connectivity with the two lots with the addition of the parking area.

There is currently a crash gate on Beaver Road to stop people from cutting through during those heavy hours of congestion on that specific turning movement to stop anybody from doing that. Quite frankly, it's a little more circuitous the way we are proposing it than it previously was so we don't think it will be used very often as cut-through.

We have been back and forth with the Town Engineer addressing various comments. I do have copies of our most recent response letter to the comments we received late last week right here. I would be happy to address any of them individually, but I can say all of them are very technical in nature. Certainly nothing that would have any kind of impact on the site plan.

Quite frankly, everything we have been through over the past month, there hasn't been any major change to the site plan. One of the things we do have, excuse me, this evening, is rendered building elevation over there on the left, which earlier this evening was reviewed with the Architectural Review Board who very much appreciated some of the changes that were made both in the building materials, roofing materials and also the inclusion of more windows and glass on that elevation that you see there, which is what you would see as you're driving down Chili Avenue.

So circling back to the Town Engineer comments, we had a chance to go through them all obviously. We're fully confident that we did work with Mr. Hanscom to resolve some of the last technical issues. There really wasn't anything of significance there. We did confirm with the Building Department that we did also -- if it was in the Board's purview, um, you know, paid for the final application fee, as well, just in case you were tired of seeing us every month. But if not, we're happy to come back.

MICHAEL NYHAN: As long as I get your name straight.

MR. SUDOL: Call me Dave, Jess. I'm here alone this evening, so I wouldn't be as intimidating.

But again, I'm happy to discuss anything more in detail. We covered a lot of the operations last month. I think we're kind of down to some more detailed items.

The traffic really, I feel, based on the results of our study, from being out there during the study times, that we don't have much of a significant impact there. It really boils down to things like storm water management which, of course, we're going to do and are required to do for any job. So with that, happy to answer any questions.

RON RICHMOND: I think traffic was the main concern that I heard, so I'm all set.

MATT EMENS: The very small print, engineer's estimate to calculate the landscaping, I'm interested in that. Seems a bit low on the cost of the addition, based on the square foot basis.

MR. SUDOL: Hold on. I got that here. Somewhere. It is pretty small print, though. Again, this is really just open space. Not a lot of interior partitions. It is just floors like you see here, not any kind of special flooring. Not a lot in terms of appliances.

So when you look at what would normally go into a typical building, there is not much of that. There is no significant utility extension or utility upgrade. We're using a lot of the existing HVAC.

So when you start to take the pieces out that would normally go into a new build, that is certainly one of the reasons why the cost is lower. As it relates to landscaping, one of the things included in this estimate is 600,000 of remodeling the old space. I would be happy to make the case that is really a separate project. We should haven't to pay for more landscaping, but we did show that in here we're trying to put our best foot forward. I do have a -- more detail if someone cares to see. Cost estimate on the actual landscaping, each individual plant is broken down.

But we're certainly seeking to and believe we have complied with that Conservation Board requirement.

MICHAEL NYHAN: You want a condition?

MATT EMENS: No. \$1.3 million just doesn't seem realistic in today's market. I'll go with 1.9.

MR. SUDOL: 1.9.

MATT EMENS: Actually, you make a good comment. That's a good point. I don't think that would have to be calculated in, but in general, overall, I'm fine with it. I just wanted to ask about that.

Then to Architectural Advisory Committee, we did make some notes. I know your architect took those notes down, but I think we'll read those so you guys have them.

MR. SUDOL: There was just some verification of like the stone color, the wainscoting on there. We have a couple of choices we're still finalizing that will be part of the building permit drawings when the time comes.

MICHAEL NYHAN: Do you have those elevations here for us to look at?

MR. SUDOL: Well, it's best shown on that elevation.

MICHAEL NYHAN: You have the side -- the size of the building.

MR. SUDOL: The elevations were submitted. I see Dave has them over there.

MICHAEL NYHAN: Could -- what I would like you to address is to read the recommendations from the Architectural Advisory Committee so you have all of them to make it part of the conditions because I can't read his writing.

MATT EMENS: You can't read -- thank you, Mike (Nyhan).

So, Jess (Sudol), you did hit on the color of the -- of this, the color and selection of the stone water table.

The next one would be the color of the standing seam metal roof. We also talked about that. And then to the point about the color, the -- the existing materials to match, which makes sense and we agreed with and I think that that makes good sense.

So the only concern I think that came out of the meeting is to make sure that the colors are -- it's important that they compliment each other, are in the same family, but want to be careful and make sure there is enough contrast because there was concern everything ends up being really brown and it just gets lost.

MR. SUDOL: We totally agreed. Had a pow-wow outside afterwards and very much agree and are happy to do it.

MATT EMENS: The other one, we talked about creating the covered entrance. I think that question was answered. But to review and confirm, the window trim size and the spacing of the windows, if that was to change, I think there was some concern there. We don't -- to summarize, we don't believe you guys need to come back to the AAC. Just want to make sure that these are addressed and somehow presented back to this group.

MR. SUDOL: Sure. I believe the trim was on the north and south elevation where the scale was a little funky. I suspect once we go through CDs, it will look a lot more like --

MICHAEL NYHAN: Those final plans will be submitted to the Town, correct, the elevations? What it will look like? You had --

MR. SUDOL: Yes, sir. It will not be much different than what you see here and what you see here (indicating). Just some very minor ---

MICHAEL NYHAN: And anything else?

MICHAEL HANSCOM: No additional comments at this time.

MICHAEL NYHAN: All right. Based on your review of the storm water plan and new parking, do you see anything insurmountable or anything of concern that we need to hold off on final approvals as a result of engineering issues?

MICHAEL HANSCOM: Um, I having gotten fully into the storm water SWPPP yet. I only received it about a month ago. So -- the only other concern is that they have not completed the topographical survey to show what is actually there, that the design is being based on existing conditions.

MICHAEL NYHAN: Okay.

MICHAEL HANSCOM: He stated they're having a surveyor out there.

MR. SUDOL: We already had a surveyor out there. We were working off an old survey. We updated the survey. There was a couple nuances in and around the site we have since corrected. Nothing that impacts the site plan.

As far as Mr. Hanscom's review of the SWPPP goes, our office is extremely familiar working with him. If anything were to change significantly of that review, we fully anticipate having to come back. We have a lot of room on-site. Not doing anything too crazy. Pretty confident we can get to where we need to be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Board's opinion on waiving final at this point?

RON RICHMOND: I'm fine with that.

MICHAEL NYHAN: You're comfortable with the elevations you saw and everything, Matt (Emens)?

MATT EMENS: Yeah.

MICHAEL NYHAN: All right. For conditions? Excuse me. So for conditions, upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from a landscape architect certifying that all approved plantings have been furnished and installed and in substantial conformance with the approved landscape plan.

Landscaping shall be at least 1 percent of the total cost of the project or the applicant shall make a donation to the Town's Tree Planting Fund.

Approval is subject to final approval of the Town Engineer and the 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 the application remain in effect.

All pertinent -- I'm sorry, building permits 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.

Any signage change shall comply with Town Code including obtaining permits. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests the applicant comply with these recommendations.

Any other conditions?

MR. SUDOL: To interrupt, before you vote on site plan, did you do SEQR?

MICHAEL NYHAN: We did.

MR. SUDOL: You did.

MATT EMENS: Not tonight.

MICHAEL NYHAN: Did we do SEQR?

ERIC STOWE: I don't think so.

MICHAEL NYHAN: Thank you very much. Saved a lot of trouble there coming back.

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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Application of Calvary Assembly, c/o Phil Lepore; 3429 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to erect an 18,400 sq. ft. addition and 2,500 sq. ft. addition to church and additional parking for 185 vehicles at property located at 3429 Chili Avenue in R.B. & FPO zone.

GLENN HYDE: Second.

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

1. 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. The landscaping shall be at least 1% of the total cost of the project or the applicant shall make a donation to the Town's Tree Planting Fund.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.
10. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these

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

5. Application of Paul Road Industrial Center LLC, owner; 1020 Lehigh Station Road, Henrietta, New York 14467 for preliminary site plan approval to erect a 30,000 sq. ft. manufacturing warehouse at property located at 200 Aviation Avenue in L.I. w/ADATOD and FPO zone.

Kevin McIntee and Brett Mastrella were present to represent the application.

MR. MCINTEE: Good evening. I'm Kevin McIntee with MRB Group here representing Paul Road Industrial Center, LLC. They're planning on constructing a 30,000 square foot industrial building located at 200 Aviation Ave. off Paul Road. The building is to be used to house Curbell Plastics, an expansion of the property directly to the north of them at the moment.

They are -- they mainly manufacture and fabricate plastics mostly for distribution. We have a couple changes to the site plan as shown right now.

MICHAEL NYHAN: Changes from what you originally submitted?

MR. MCINTEE: The changes were based off owner comments. We were planning on landscaping all of the park out front and getting rid of the driveway aisle for the moment, so two separate access, one for the loading bays and one for front parking. We will be planning on subdividing the property, so the 30 acre parcel now would be subdivided into a 5-acre parcel and a 25-acre parcel.

MICHAEL NYHAN: Paul (Wanzenried), is there a minimum on the lot size if they subdivide it?

MR. MCINTEE: I don't know the number exactly, but I think it was about 65,000 square feet, I believe -- I believe we're at 200ish thousand.

MICHAEL NYHAN: I didn't see a -- I -- on this notice for lot subdivision.

PAUL WANZENRIED: Subdivision is new to us.

MR. MCINTEE: We haven't made application to that. We will make application. We just want to update --

MICHAEL NYHAN: We have to have a Public Hearing on that.

PAUL WANZENRIED: Hold on.

MICHAEL NYHAN: We have to have a new plan with a Public Hearing on that. So we can hear the application tonight but --

ERIC STOWE: Hang on.

MICHAEL NYHAN: We'll go ahead and continue while he looks that up.

So the changes -- go back to the changes. In the future, you will be looking for a subdivision which will make it only a five-acre lot instead of a 30-acre lot.

MR. MCINTEE: Correct. Yes. And then as well as the land-banked parking and that covers the two changes we have. We got the letter for the comments last week and we have been addressing those, working on addressing those. There is nothing that seems to be an issue at all, so it should be pretty straightforward and we'll have responses to those in the coming weeks.

MICHAEL NYHAN: What will the building design look like, the exterior?

MR. MCINTEE: Very comparable to the building to the north, the existing facility. I will let --

MR. MASTRELLA: Brett Mastrella, representing Mastrella Builders. This building will basically be almost a replica model what is to the north of it.

MICHAEL NYHAN: The one up along Paul Road there, the brown metal building with the front?

MR. MASTRELLA: Correct. We'll be using similar -- the same materials on the front building, the same color EIFS, the same rock face block at the face and the same metal panel. The metal panel has a slight rare variation just because the colors have changed since that building was built, but it's the same color.

MICHAEL NYHAN: Stone on the bottom there or block?

MR. MASTRELLA: CMU. Rock face CMU.

MICHAEL NYHAN: Got it.

MR. MASTRELLA: I have color samples if anyone wants to see those.

MICHAEL NYHAN: Anyone want to see them?

MATT EMENS: Actually benefiting from them coming to the meeting when they weren't on the agenda. We reviewed both of those, so everything is in good -- we liked it. We don't need to review it. But everything was good.

MICHAEL NYHAN: Thank you.

MATT EMENS: I guess my question I have right now would be based on the new information -- so you're saying to take the parking.

Can you explain the first change before the --

MR. MASTRELLA: You want me to explain? So basically the way that the building is going to sit, the tenant that is expected to take it, which is Curbell Plastics, will take the whole space. They currently do not employ that many people to sustain that much parking at this point in time. So we want to land bank until they were to employ more people. Or if they were to change tenants, we would have the parking available there in the future.

MATT EMENS: You could keep two road cuts, curb the cuts.

MR. MASTRELLA: Correct.

MATT EMENS: But you basically wouldn't build the parking lot?

MR. MASTRELLA: The side parking lot.

MATT EMENS: Fronts Aviation.

MR. MASTRELLA: That fronts Aviation, correct.

MATT EMENS: So is -- the landscaping would stay the same?

MR. MCINTEE: Yes, I believe so.

MICHAEL NYHAN: So land-banking, just plant grass, is that right, maintain grass area?

MR. MCINTEE: The grading will remain fairly similar, without curb. Some of the surrounding grades are a little lower, but besides that, it will be basically the same drainage.

MR. MASTRELLA: We won't do the sidewalk on that side, as well. There is no reason to do the sidewalk if we don't have the parking spaces.

MICHAEL NYHAN: On that side of the building.

MR. MASTRELLA: Correct.

MICHAEL NYHAN: All of the space will remain the same so you can put it in the future?

MR. MASTRELLA: Correct.

MATT EMENS: I don't have anything else right now.

MICHAEL HANSCOM: Just one. When you're doing the revising the storm water system at all, it has to take into account the land-banked area. You have to design it as if it was actually being constructed.

MR. MCINTEE: Our plan is to leave it exactly is. The SWPPP you have apparently includes that space and we don't plan on changing that.

MICHAEL HANSCOM: Okay. Good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MICHAEL NYHAN: This time we'll take a pause while research is being done with new information that is presented tonight. We'll leave the Public Hearing piece open.

MR. MCINTEE: No problem.

MICHAEL NYHAN: Mike (Hanscom), by removing that parking and land-banking it, still sufficient parking for the type of building on the -- is that the -- the north side of the building?

MR. MCINTEE: Yes, that is the north side.

MICHAEL NYHAN: How many parking spots on the north side?

MR. MCINTEE: Right now, there are 30 -- 4 ADA spaces. It is my understanding that the land-banking should be able to meet the parking requirements, but I don't know for sure.

MICHAEL HANSCOM: Including the land-banked parking, it meets the Town Code. Based on the square footage of the building.

MICHAEL NYHAN: Oh, okay.

MR. HANSCOM: Maximum number of people per shift.

MR. MASTRELLA: Max people would probably be about 20.

MICHAEL HANSCOM: So that 30 spaces, current max shift is 20. Then they would have enough for -- for the current use of the building. But like I said earlier, if the use changes, they may need to construct some of the land-banked parking.

MR. MASTRELLA: That is why at this point we want to keep it land-banked. If they do need more parking, we'll provide it as needed.

MICHAEL NYHAN: How many shifts do you have?

MR. MASTRELLA: I'm not 100 percent sure, but I believe they only have one shift if I'm not mistaken. But I can find that information out for the next time.

MICHAEL NYHAN: The hours, the shifts, how many people on each shift so we know if there is -- if there are 30 people on a shift and you have the 30 spots, it wouldn't be a problem on a shift change.

Once you reduce this to five acres, what percentage of the land will be used by building and parking?

MR. MCINTEE: The building, I know, is around -- about 13 percent. The parking, I do not have a number for that. I could not find in the code if there was a requirement.

MICHAEL NYHAN: So about 13 percent of the building covers the five acres?

MR. MCINTEE: Correct. Yes.

PAUL WANZENRIED: What was the other one, for coverage?

MICHAEL NYHAN: Yes. I asked how much of the land, the five acres would be consumed by coverage of the building. It's 13 percent.

MICHAEL HANSCOM: Maximum lot coverage by buildings and structures is 40 percent.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: All right.

MICHAEL NYHAN: You're okay to move forward and they will come back later for subdivision approval?

PAUL WANZENRIED: Seems to be all right.

MICHAEL NYHAN: You sure, or you need more time?

MICHAEL HANSCOM: Prelim -- haven't reviewed the subdivision yet.

MICHAEL NYHAN: Okay. Okay to move forward with preliminary based on what your research is?

ERIC STOWE: Yes.

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

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

MICHAEL NYHAN: Items to consider for the final in the subdivision? Anything else we need to add to this? Condition, that it's approved with -- for future subdivision approval?

ERIC STOWE: I'm sorry.

MICHAEL NYHAN: Should we make a condition that this is preliminary site plan approval conditioned upon the subdivision approval in the future?

ERIC STOWE: No.

MICHAEL NYHAN: No. Okay.

Michael Nyhan made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted

action with no significant environmental impact, and Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: So for conditions of approval, I have upon completion -- this is for preliminary only. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the landscape architect certifying all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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.

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.

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

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

Any other conditions for this application?

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GLENN HYDE: Second.

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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. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining sign permits.

MICHAEL NYHAN: You will have to resubmit for any additional items you will come back for such as the subdivision. Final, you will come back for that.

Motion to accept last month's Planning Board meeting minutes.

GLENN HYDE: Second.

The Board was unanimously in favor of the motion. The 11/13/18 Planning Board meeting minutes were approved.

The meeting ended at 8:16 p.m.