

CHILI PLANNING BOARD
October 12, 2021

A meeting of the Chili Planning Board was held on October 12, 2021 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, and Chairperson Michael Nyhan.

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

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

PUBLIC HEARINGS:

1. Application of Fallone Properties Ltd., 70 Quail Lane, Rochester, NY 14624, owner; for A) preliminary subdivision approval of 23 lots to be known as 93 King Road Subdivision and B) preliminary site plan approval to erect 10 duplex and 3 single family units at property located at 93 King Road in the R-1-15 District.

Michael Ritchie was present to represent the application.

MR. RITCHIE: Good evening. My name is Mike Ritchie from Costich Engineering representing Fallone Properties.

Like you stated, I'm here tonight requesting preliminary subdivision and site plan approval for the 23 single-family lots which I have attached to the board.

This Planning Board might remember this was in front of you previously in the spring as part of the incentive zoning application. The Town Board approved the incentive zoning at their May meeting.

Since then we have had to get some technical information and work through some site plans. The site plans we submitted to the Board are fairly consistent. I would say generally consistent with the plan that was presented during the incentive zoning process. We worked -- the developer worked with an architect and got a more real footprint that was actually smaller than the one presented in the incentive zoning process. The setbacks and densities are all within the approved limits that were proposed in the incentive zoning.

We have submitted plans to the Monroe County Water Authority, Health Department, Pure Waters, Monday County DOT and are awaiting comments from them.

We have received comments from the Town Engineer. We have responded to the first round and then a subsequent second round of comments were circulated. The remaining comments are technical in nature. Generally.

There were no major show-stoppers saying the way we have it laid out or designed can't be done. It was just a matter of one, getting the Homeowners' Association documents drawn up by an attorney, reviewed by the Town's attorney.

There is an existing federal wetland in the ditch that runs -- basically separating the duplexes from the single-family. The Town Engineer asked that we get confirmation from the DEC that is not part of a larger DEC wetland. Our wetland consultant is currently corresponding with them and providing that information when available.

Some minor detailed changes from the plan that was submitted, as part of the incentive zoning, the storm water management pond has been pushed back to the southwest corner of the property. Better for drainage. We have also revised that, you know, slightly per the Town Engineer's comments.

As was required or requested, we have removed the right-of-way from the -- the process, so it will be a private road. It will be dedicated sewer and dedicated water. We'll have to work out those details with the Town and the Water Authority. But with that, I think generally -- like I said when I started out, it is consistent with what has been proposed the whole time and we're not doing any sort of bait-and-switch or asking for more than what was previously discussed.

So with that, I will open it up to any Board comments or questions.

MICHAEL NYHAN: Remind me which one of the lots and buildings -- buildings will be sold; is that correct?

MR. RITCHIE: Correct. These are subdivision lots. Every single unit will be its own separate lot for sale.

MICHAEL NYHAN: Thank you.

MR. RITCHIE: There are 20 duplex lots.

MICHAEL NYHAN: Thank you.

MATT EMENS: Not really. I guess just that I would agree with what you said. There has

been a lot of -- I won't say a lot of back and forth, but you came in early, asked questions for the incentive zoning, addressed everything that we've -- I think we brought to you in general. We were looking at across the road, too, early on. That has been nixed. And you have right-sized these lots, taken all of the comments into account.

And I did see your responses here. I would -- I would tend to agree. I'm not sure -- unless someone else sees anything on here that is a show stopper. Still some things to work through, but -- but for preliminary, I don't see any issues. So I'm good right now.

JOHN HELLABY: Only question I have is for Michael Hanscom.

Michael (Hanscom), are you satisfied with their reply as far as where they're at with this?

MICHAEL HANSCOM: Yes.

JOHN HELLABY: That's all I got.

MICHAEL NYHAN: The HOA is being formed now and that will need to be in place prior to the sale of any single lot, correct?

MR. RITCHIE: Yes.

MICHAEL NYHAN: You will have that in time?

MR. RITCHIE: Yes. It has been discussed -- Dave Lindsay mentioned prior to any final approval being granted, there will be something that needs to be presented to the Town Attorney for their review.

MICHAEL NYHAN: And you're going to show a streetlight. I may be just missing it. You wanted a streetlight at King Road and the private drive?

MR. RITCHIE: Drafting error. Just one streetlight shown on the property. We'll make sure it is cut off so it doesn't glare into King Road. Just kind of illuminating the entrance, not to light up the whole thing.

MICHAEL NYHAN: There will be no lighting in the neighborhood, correct?

MR. RITCHIE: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KHYM KAUPELIS, 110 King Road

MR. KAUPELIS: Khym Kaupelis, 110 King Road. I own the property directly across from this development and to the west of Roberto Drive.

I guess my biggest concern is -- because it has already been decided that the incentive money is being spent on the Sidewalk Fund; is that correct?

MICHAEL NYHAN: I'm not sure what the Town Board is going to spend the money on. Incentive zoning has been approved by the Town Board.

MR. KAUPELIS: That amount is determined. It is like \$23,000? \$1,000 per unit? Is that correct? Anybody?

MICHAEL NYHAN: I don't have that record in front of me, but it is part of the public record at the Town Board.

MR. KAUPELIS: You don't know that?

MICHAEL NYHAN: No.

MR. KAUPELIS: Okay. Well, it seems to me that if the incentive money has been generated by this project, that the money should go back into this area. I don't know who we could pass that along to, somebody? My suggestion -- it seems to make sense to me. You're taking something a little bit away here, open land. That incentive money could be put back into this area specifically. And I have a suggestion of where that might be because I have a little concern about the view of the back of these condos from King Road.

And as you come down Roberto Drive, anybody who lives in Roberto Drive is going to see -- I will point this out -- right here, this will be the view of the back -- the back of these proposed two-family or condos, whatever you want to call them. And oftentimes if you -- if you see condos that are -- town homes like this, they don't put much emphasis of the appearance of the backyard. What happens is a flimsy divider between the two, and then a bunch of bulbous kid toys of various colors and storage areas. Because these generally don't have a lot of storage to begin with, so people kind of put their stuff behind there.

So I suggest or hope that you will consider putting some kind of a -- a fence maybe there or raising a berm or planting some trees would be nice. You know, I don't know if -- does the Town have like a landscape designer or someone they consult on -- in these regards, do you know?

MICHAEL NYHAN: Yes. The Town does have a Conservation Board that reviews the plans.

MR. KAUPELIS: The Conservation Board makes these suggestions?

MICHAEL NYHAN: Yes.

MR. KAUPELIS: Is there a meeting on that -- before the Conservation Board for this project? Or can I make a suggestion here? I don't want to take too much time if it is irrelevant.

MICHAEL NYHAN: I would love to hear your suggestion.

MR. KAUPELIS: I don't know if you notice, but my property -- when the first Fallone property went in, I planted 200 pine trees all around the border of my property. It was interesting that a lot of my neighbors said Fallone planted them. Oh, no, he didn't. I planted these trees at my own expense because I felt like there needed to be a natural division between my property and the backs -- particularly the backs of these homes.

Now they're nice mature trees and it makes a nice division. I planted a lot of Blue Spruce trees, so the division -- the border exists throughout the whole year, instead of just when the

leaves are full. So I would suggest evergreens be planted and not Arborvitaes because the deer will eat them. And probably not Blue Spruce because they're slower growers, but White Spruce is what I suggest you plant. Because a deer won't eat them.

Relatively fast growers and they don't have to be planted as trees this tall (indicating). If you plant the trees this tall (indicating), it will catch up to a tree this tall (indicating) in no time because less shock to the tree. I'll hoping the Conservation Board will know this or understand this.

But I would be -- you know, I'm not against development. You know, I have done some additions on my own home and I understand that this Town is growing and I assume that there is going to be an increase in the tax base as a result of this; is that correct? Do we get taxes? Do I save money from this?

MICHAEL NYHAN: I have no idea if you will save money. Yes, these lots are taxed. I have no idea if you will save money. Yes, these lots are taxed.

MR. KAUPELIS: They are going to be paying taxes on this, I'm assuming? Now, when these lots are designated and before they're built on, do they start paying taxes on this money -- on these lots immediately before they're developed or only after they're developed? How does that work? Does anybody know?

MICHAEL NYHAN: The land is already being taxed. As the lots are developed and as the C of O is submitted, an assessment will be done on each particular parcel or building that is being built, each home.

MR. KAUPELIS: As soon as this is approved, they start paying taxes on the lots?

MICHAEL NYHAN: They're already paying taxes right now on the whole --

MR. KAUPELIS: On the whole property. But on the individual lot, are they paying?

MICHAEL NYHAN: No. They're not. Once they develop the property and they transfer the ownership to an owner, then they will receive an assessment for the house that is being built.

MR. KAUPELIS: So --

MICHAEL NYHAN: They will be taxed on --

MR. KAUPELIS: I understand this is -- this is farmland now -- or was. So now it's zoned residential. Correct? And the lots are subdivided out? Each one of these lots is worth a lot more than -- now that the Zoning Board has approved it, they're worth more money now.

MICHAEL NYHAN: An assessed lot, sir, I have no idea. That can be your statement if you would like. That is what our Town Assessor is for. They're the person that will assess these lots and determine the value.

MR. KAUPELIS: I'm trying -- I guess my point is how much money is being made and the incentive amount, where does that go? Can we put it back into this area? And if there is some way of blocking or designing these in such a way that you don't see the backs of these condominiums. Because everybody coming into downtown -- to Chili is going to be seeing the backs of these coming from the west. They will see it. I think it's just an ugly view. When I drink my coffee and look out my front window, that is what I see. I'm concerned about that.

MICHAEL NYHAN: Okay.

MR. KAUPELIS: Let me see if I have anything else? I probably do, but I have taken up enough time. I guess this is not relevant to this Board, some of the questions I have, and I guess I will save them. All right. I guess that is all I have for the moment. Thank you.

MICHAEL NYHAN: Thank you, sir.

BRIAN MEISTER, 4 Roberto Drive

MR. MEISTER: Evening, everyone. My name is Brian Meister, 4 Roberto Drive. So I'm in that neighborhood right across the street. I just have a couple questions maybe this gentleman can answer.

I thought he said something that rung true. Right now we have been dealing with a lot of water, so I back up to that large retention pond. I was just talking with several of our neighbors. We have seen the water levels this year go up at least a foot or more. That is taking away some of the property that is there. Now I know it has been a really wet year and so on and so forth. But I guess I'm curious, as I look at this, have -- he mentioned like some retention pond.

Has there been consideration to make sure as that water is running out of that large -- the ones that back up to the railroad tracks, that that water has a place to go? I also hear from some of my neighbors over here who live on the other side that water for them has been an issue for a long time now. If we built up that area, obviously that will push water back into our area.

I saw you raise your hand. I don't know if you want to speak to that a little bit, but that is my question. What are we going to do about water for the other side of King Road?

MICHAEL NYHAN: The whole Storm Water Prevention Plan, there is a plan that has been updated and reviewed by our Town Engineer and before they will be able to build this, they have to show where all of the water will run from this development, where it will be going to. That is part of the plan.

MR. MEISTER: Is that another meeting?

MICHAEL NYHAN: That is what the Town Engineer does outside of this meeting, working with the engineers from the development.

MR. MEISTER: Does any of that stuff get posted online?

MICHAEL NYHAN: No.

MR. MEISTER: We don't have access to that information?

MICHAEL NYHAN: That does not get posted online.

MR. MEISTER: I just have to trust it will work out?

MICHAEL NYHAN: Well, if you weren't an engineer, would you understand what is all on there?

MR. MEISTER: I won't get into what I do for a living. That is not the point. But if my water levels go up, do I come back to this meeting or another meeting? You know, we already have a problem. I already tried to discuss this with Dave Lindsay and I received -- well, changes of perspectives, changes of mind and then flat out refusals.

There are some other issues I have there, but at some point I need to know who to go to next if people aren't going to step up.

MICHAEL NYHAN: You would go to the Town after this.

MR. MEISTER: To the Town. Thank you.

KIM CINA, 115 King Road

MS. CINA: Hi. My name is Kim Cina. I live at 115 King Road. I will be the house to the left of the three homes.

One of the greatest things about where I live is you couldn't build there. It wasn't zoned for a building. And so it was really nice not having any neighbors for 20 some odd years. I understand that, you know, Chili, like -- we all know is growing and we have to develop it, but you are taking a lot of the greenery away. Every time I turn around, somebody is building something.

Just down King Road and Union, there is a house that was dilapidated for years. They've torn it down and built two new homes and three homes behind there.

We already have a traffic problem on our street. We all know it is the quickest way to get from Chili Avenue, around Town and things like that.

So is there any plan on how we might be able to -- or what we're going to be able to do with this influx of traffic right here? When the train gets stuck on these railroad tracks there, you can't get down there. It gets backed up to my house. People will not be able to get out of their driveway there.

MICHAEL NYHAN: So yes, the County does review this plan and they do review the traffic and estimate what it would be for these number of lots and the County is responsible for maintaining that traffic and any improvements to the road of any increased traffic. So -- yes. And that is something they do monitor and they do review these plans and provide those comments to the Town.

MS. CINA: Okay. Thank you.

MICHAEL NYHAN: You're welcome.

RICHARD CINA, 115 King Road

MR. CINA: My name is Richard Cina. And my address is 115 King Road. That was my wife just up here a second ago. I just had a thought or suggestion pertaining to the borders of the subdivision. I don't know, is it their normal practice that they just remove all of the vegetation and trees and -- is everything just kind of leveled -- leveled? Or can -- can we retain the impacts to the existing vegetation and trees and whatnot around the borders? It might address -- dress the area up some, you know, and improve the look of things if we have some mature trees that can stay -- stay intact.

MICHAEL NYHAN: So you're right to the left of the first home there on King Road, the first new home; correct?

MR. CINA: Yes, sir.

MICHAEL NYHAN: All right. They are main -- I don't know what trees they're maintaining. They are showing on there trees -- they are maintaining some existing trees. But when we review the landscape portion of their plan, that will be part of what we'll look at, is screening that has already been mentioned for the back of those town homes as well as the single-family homes along King Road.

MR. CINA: Yes.

MATT EMENS: The other thing to add to that, too, is there is significant grading that has to happen to achieve that drainage. So that is why that needs to be removed more than leaving more.

MR. CINA: And in regards to the drainage and the existing State wetland, there is, you know, documented wetlands running through the subdivision and -- I believe there is like a permit or application that needs to be applied for with the -- with the State.

MICHAEL NYHAN: Correct. A delineation of the wetlands still needs to be submitted. It will be submitted and then all necessary permits will be obtained before they will be able to build in there. As part of the approval process with our engineer.

MR. CINA: That's mainly to minimize changes or impacts to the drainage and wetland?

MICHAEL NYHAN: Correct.

MR. CINA: Yep. All right. As long as we're not going to have more standing water in the backyards of, you know, 115 and 118 and -- I think my -- my neighbor, Steve Dehaven, had some water backing up sometimes in his property. So -- so high periods of waterfall -- or rainfall definitely fills -- fills in our yards a little bit with the standing water.

MICHAEL NYHAN: Okay.

MR. CINA: Thank you.

MICHAEL NYHAN: Thank you.

LARRY JOHNSTON, 154 King Road

MR. JOHNSTON: I'm Larry Johnston from 154 King Road. I live about halfway down the road right next to the Gilead Hill Subdivision. I will reiterate the same thing said about the flooding. Not just around that area there. That whole street is very low. It's -- the elevation is very, very low.

Also part of the problem is there is an artesian well that runs through that area, through the center of the street, that runs right through my yard across into -- back over behind these houses, maybe a little farther west than what is shown on that picture. That is a concern of mine, because if they're going to take this water and push it someplace else, those ponds need to be of the appropriate size in order to retain that water in order for everything downstream to be absorbed.

When they built the housing track behind me at Gilead Hill, they had originally planned two ponds. A retention pond and a detention pond. Once the Building Department started to take a look at it, they realized that that wasn't enough. They ended up changing the whole design and making it a 5-acre pond in order to hold all of the water back far enough and long enough so it would slowly dissipate across the street.

The people across the street on the south side of the road face the biggest challenge. I'm fortunate enough I live right next to the pond. It has been beneficial. It does what it was supposed to do, but the people across the street I feel bad for. I know my neighbor across the street had three floods in his basement over the last ten years. I'm concerned about all those people on the other side of the street and all the problems they're going to have with water. That might eventually translate into me because if the water behind me doesn't have a place to go across the street the way it is designed to now, I will have problems.

So that really needs to be looked at seriously and really needs to be understood. This is not just a one-time issue. It's not a once in a year, once every five years. This is a constant concern everybody has. It is legitimate. Like I say with that spring going through there, that -- there is always water in that area. Always water.

The other issue I have is the traffic. Right now, the biggest problem everybody has is going down King Road and taking the left turn. If you try to go down King Road at 4 or 5 or 6 o'clock at night, you might as well forget it. You will be sitting in a traffic line 20 minutes to make a left turn.

The same thing in the morning when you're trying to go to work. With more people there, it will just make it more difficult to make that turn. I know that is probably not part of this whole meeting, but it is something that needs to be said, because it is getting worse.

It's a concern because people speed up and down Union Street. I'm afraid somebody will have an accident. There is going to be problems. I know they will probably continue building in that area. There already is. Right up the street across from that is the church and they're building the townhouses there. That will be even more traffic. I have a really legitimate concern about the safety of that road and how many people travel that road.

I don't believe that Boon, FedEx, C&M -- I think when they got the permits, I believe that they were kind of instructed to not use King Road. That's not the case. There is tractor-trailers going down that road all of the time from those companies, from other companies. I don't -- it's a 35-mile-an-hour speed limit. I don't think they should be using that. I think they should be using 490, not our street.

So I have a lot of concerns when it comes to traffic. Traffic and water are my two big concerns.

MICHAEL NYHAN: Okay.

MR. JOHNSTON: I hope they're addressed and looked at seriously because it's going to affect all of us here. You guys go home someplace else, but we have to live with it.

MICHAEL NYHAN: We understand.

DAVID ABRAHAM, 45 Gilead Hill

MR. ABRAHAM: Thank you. My name is Dave Abraham. I live at 45 Gilead Hill. Questions. How expensive are these homes going to be?

MICHAEL NYHAN: Don't know that.

MR. ABRAHAM: The reason I have concern, if you look at the railroad tracks, I'm not going to spend \$200,000 to have a railroad right behind my house. So how long is it going to take to develop this? Or is this just going to be an eyesore until they eventually sell it? I travel that road quite a bit.

I will second Larry (Johnston)'s opinion. I'm not too happy with more traffic being in the area. Hubbard Park -- or Hubbard Springs, the development over there, there has a whole lot of development going on right by St. Christopher's over -- opposite the Fire Department. So you have increased the traffic there. You're going to increase the traffic here. And again, getting out on Gilead Hill into King Road, there are times I have to drive 5 or 6 miles around instead of making a right-hand turn and left-hand turn to get to 490. We're not alone.

And water is a different concern with our neighborhood, but I will figure out from you guys when I can talk about that one separate. Different issue.

But I think -- how long will it take to develop this and what will we have? I have heard some different concerns here. I will raise that, as well. Water is an issue. Traffic.

MICHAEL NYHAN: Okay. Thank you.

MARIA VOGLER, 106 Christina Drive

MS. VOGLER: Maria Vogler, 106 Christina Drive. Just reiterating the traffic problem as

a mom. Union Street is a nightmare. It is dangerous for adults, dangerous for the teenagers that are driving. It is worse by the day. That is a huge problem.

As a real estate agent, this market is going to fall and those are going to sit there. Railroad tracks. Sorry to tell you, nobody is going to pay \$200,000 to live on a track with a train every 8 to 10 minutes, I'm going to guess. So I hate to see another Fallon development sit there unfinished as is our neighborhood. It has been developed for going on 25 years. Seems a little extensive.

So those are my concerns. Traffic. That sitting there and just kind of becoming maybe something it wasn't planned on. You know, if they can't sell them for what they wanted, turns into rentals, turns into something else. Brings values down. Just becomes an eye sore like Khym (Kaupelis) said with the way people maybe live in them. Those are my concerns.

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.

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

MICHAEL NYHAN: So looking at your plans, I understand you will be -- you will have to provide a certificate that landscaping is in place.

MR. RITCHIE: That's correct.

MICHAEL NYHAN: One of the conditions. Is there any additional landscaping other than what we're looking at here other than the trees that will be along the front of the property? Is there anything planned for the back? I mean, you're showing a hedgerow, but you're not delineating exactly what it is or is that just existing brush?

MR. RITCHIE: This area right here (indicating), not the darker green, that is the existing brush. Again, it's not tall mature trees, but that is relative to the wetland where we're essentially not touching. We're proposing one tree per lot to be installed by the developer, a mix of, I think, maples -- maple, pears and lilacs, kind of mixing it up throughout the development.

The first comment relative to Lot 4, Roberto, there is that brush there. I can talk to the developer. If there is excess topsoil, maybe a small berm or maybe plant a few White Spruce in that area just to help kind of buffer that view. I can kind of go through hitting on some of the comments the community had.

MICHAEL NYHAN: Just to go back to the landscaping, appreciate you will look at it, but we'll want to see something --

MR. RITCHIE: Absolutely. Next time we come back, we'll show some more landscape buffering. Like I said, Lot 4 along King Road there, just anybody from King Road, Roberto Drive that area, you're not going to see backyards.

Again, these are marketed for single-family sales. So it will be up to eventually the homeowner how they want to landscape the yard. It is not an apartment complex where the Fallons have rights in perpetuity. We can propose and maybe plant some trees up front and then whoever moves in there is more than welcome to spruce up their yard.

Going on to some of the other comments, storm water, so we are proposing a storm water management pond at the south -- the west corner of the site, collecting drainage from all of the houses, all of the roads into this basin. The discharge point will be via a pipe to the west end of the ditch that runs through there. We're not proposing to disturb the wetland. So no permits will be required.

We're actually looking for confirmation from the State that they agree with the delineation.

As Mike can allude to, the storm water rules are set by the State and you cannot increase the peak discharge compared to how it is today. So we have done that and then some.

We have also proposed runoff reduction volume, which that is bio retention -- it more promotes soaking water into the groundwater table, eliminating runoff completely and we have done that to the State requirements, as well.

Traffic, like you alluded to, it has been submitted to the County and they do take the lead in terms of any potential mitigation. I haven't seen anything from them. I'm not a traffic engineer, but the general rule of thumb for single-family is a.m./p.m. peak hours, how they look at them, going to work, coming home from work and single-family homes is generally one trip per household.

You're looking at during the a.m. commute, maybe 20 from this cul-de-sac and 3 from the individual houses. So we'll take the cues from the County DOT, whatever they recommend and we'll incorporate that.

Like I alluded to, the wetland permit, one won't be required. I don't know how much these are going to be going for. I know the Fallons are obviously putting their money up to develop this. I know they have done some research and they have realtors of their own, so they must have a good comfort level they will be able to develop it.

Just to the Town's benefit, a letter of credit will be required and if for whatever reason you have a 2009 housing market issue and he doesn't develop it, money is available so the Town can go in and make sure that site is returned and stabilized and green so it is not a big, huge mound of dirt for five years. That will be required by the Town and -- in an event it is needed, it will be there.

I think those are a lot of the big ones.

I know, trains, I agree. I don't know if he might have a little harder issue and might have to

drop them, but I think we're going to see where that goes.

MICHAEL NYHAN: Okay.

MR. RITCHIE: So with that, you know, I -- I don't know if the Board has any other comments.

MICHAEL NYHAN: Other -- other Board discussion?

ERIC STOWE: What was your conversation with Dave Lindsay regarding the HOA?

MR. RITCHIE: My conversation with him was the Board wouldn't issue final approval without you reviewing it and giving it your thumbs up and that a C of O would not be issued until it was in place.

ERIC STOWE: When you said "final approval," I wasn't sure if you were talking final site plan approval or C of O?

MR. RITCHIE: There is two steps. The Board won't issue final approval until you say it looks good and C of Os won't be issued until this is formally in place.

ERIC STOWE: I'm assuming the developer is not going through an HOA plan yet, right?

MR. RITCHIE: He has hired an attorney and they started to look at it. That is what they told me today. I don't know how far along they are. I don't know the specifics to that.

ERIC STOWE: Okay. I guess just a -- if that is the conversation, then no final site plan until we review the HOA submission and no C of O until the HOA is approved by the Attorney General.

MICHAEL NYHAN: I understand the approval of the Attorney General prior to the C of O issuance. Does the approval of final prior to you reviewing that and approving it seem realistic?

ERIC STOWE: That must be the HOA submission to the Attorney General. And that -- I'm okay with that. They have put it in. I don't think it is entirely fair to say you have to have it -- it in place.

MICHAEL NYHAN: So I will make the condition that HOA must be in place approved by the Attorney General prior to any C of O issuance.

ERIC STOWE: And submission prior to final site plan.

MICHAEL NYHAN: All right. Must be submitted to the Town for final site -- prior to final site plan approval and in place and approved by the Attorney General prior to C of O.

Does that cover what you're looking for?

ERIC STOWE: Yes.

MICHAEL NYHAN: You have not been before the Conservation Board yet?

MR. RITCHIE: No.

PAUL WANZENRIED: There you go.

MICHAEL NYHAN: They meet at the last of the month, right?

PAUL WANZENRIED: First Monday of every month.

MICHAEL NYHAN: First Monday of every month. So just submit your landscape plan.

PAUL WANZENRIED: Might have Sara do it. Okay?

MR. RITCHIE: Her name is on that plan.

PAUL WANZENRIED: No. Because they're particular about having a registered architect.

MR. RITCHIE: She can do the meeting, too, I guess. I can stay home for that one.

MICHAEL NYHAN: Anything else? Any other discussion?

PAUL WANZENRIED: I just need to clarify.

Mike (Ritchie), you said you're waiting for the delineation from the Army Corps?

MR. RITCHIE: The delineation was done by a consultant. We're waiting for confirmation from the DEC -- Army Corps/DEC this is not part of the DEC wetland.

PAUL WANZENRIED: The two, the federal --

MR. RITCHIE: Are separate.

PAUL WANZENRIED: Separate, correct?

MR. RITCHIE: That's correct. It has been submitted. We're just waiting for confirmation back.

PAUL WANZENRIED: Okay. Thank you.

MICHAEL NYHAN: You're not waiting for anything else? You have your updated storm water plan, correct?

MICHAEL HANSCOM: Yes. I got it.

MICHAEL NYHAN: Very good.

Any other discussion? Any other comments before we do SEQR and conditions?

JOHN HELLABY: Is the Town Board taking SEQR on this one?

MICHAEL NYHAN: They did for the incentive zoning. We're taking it for the site plan.

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 of approval. What I have gotten so far for this application is the condition -- the applicant shall supply landscape plan drawing by a licensed landscape architect along with the required checklist of the Conservation Board for review and recommendation.

Upon completion of the project, the applicant shall submit the Landscape Certificate of

Compliance to the Building Department for 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 Commissioner of Public Works.

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

The 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 mylars.

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 application -- the applicant to provide all required life safety conditions and permits from the Town Fire Marshal.

Approved streetlight must be installed by the applicant at the intersection of the private road and King Road.

Homeowners' Association shall be formed to manage the maintenance of the proposed private road, storm sewers and storm water management areas.

The HOA must be submitted to the Town for final site plan approval and in place and -- and approved by the Attorney General prior to any issuance of the C of O.

The proposed storm water management features will be privately owned and maintained. The Town will require the property owner to enter into a storm water control facility maintenance agreement with the Town and to provide proper access easements to the Town. The access easements and the Storm Water Control Facility Maintenance Agreement will need to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed with the County Clerk's Office prior to the signing of mylars.

Any other conditions on this application?

ERIC STOWE: Just to clarify, on the HOA submission, it sounded like you said for final site plan. Just prior to final site plan.

MICHAEL NYHAN: Okay. So Homeowners' Association will be formed to manage the maintenance of the proposed private road, storm sewer, storm water management areas and -- storm water management area.

HOA must be submitted to the Town prior to the final site plan approval and in place approved by the Attorney General prior to any C of O issuance.

Cover it?

ERIC STOWE: (Eric Stowe nodded.)

MICHAEL NYHAN: Any other conditions? No?

With those conditions in place, application of Fallone Properties Ltd., 70 Quail Lane, Rochester, NY 14624, owner; for A) preliminary subdivision approval of 23 lots to be known as 93 King Road Subdivision and B) preliminary site plan approval to erect 10 duplex and 3 single family units at property located at 93 King Road in the R-1-15 District.

JOHN HELLABY: Second.

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

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

8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
10. Approved street light be installed by the applicant at the intersection of the private road and King Rd.
11. Homeowners Association shall be formed to manage the maintenance of the proposed private road, storm sewers, and storm water management areas. HOA must be submitted to Town prior to final site plan approval and in place, approved by Attorney General, prior to any C of O issuance.
12. The proposed storm water management features will be privately owned and maintained. The Town will require the property owner to enter into a storm water control facility maintenance agreement (SWCFMA) with the Town and to provide proper access easements to the Town. The access easements and the SWCFMA will need to be reviewed and approved by the Commissioner of Public Works and the Planning Board Attorney and the filed with the County Clerk's Office prior to signing of the mylars.

DISCUSSION:

1. Application of Sonbyrne Sales, Inc. 171 Route 5, Weedsport, NY 13166, Rivers Edge & Party House, 31 Paul Road, Rochester, New York owner; to discuss the proposed construction of a new Byrne Dairy & Deli Store and Fueling Facility at property located at 29-31 Paul Road, Rochester, New York 14624.

Christian Brunelle was present to represent the applications.

MR. BRUNELLE: All set. Good evening. My name is Christian Brunelle, Senior Executive Vice President with Sonbyrne Sales, better known as Byrne Dairy. Sonbyrne Sales is the retail division of Byrne Dairy. You probably seen a bunch of our stores popping up around the Rochester area in the last two years.

In front of you tonight for informal presentation at the site is the River's Edge Party House/Restaurant at 29-31 Paul Road. It is two parcels. One parcel being where the restaurant sits about here (indicating), which is about 20,000 square feet. And this other parcel here (indicating) is the parking lot. Same ownership.

I do know it was a comment from the engineer that I would subdivide this, do a resubdivision and consolidate both lots. The property is 1.75 acres so we have a large lot. 536 foot of frontage on Scottsville Road and approximately 360 on Paul Road.

You can see -- I don't -- that the lot is very, very uniquely shaped, to say the least. It has been very challenging to lay out. I have been working on this for several months, to be honest with you.

Also to complicate things, there is a Sunoco pipeline going through here, this orange dotted line through the property. So I have been in talks for several months with ETP, which is Sunoco, in regard to their line and what can go in there and what can't and what needs to be done. I think I'm at a good point with them and that is why I'm in front of the Board. They're ready to do soft digs and find the depth of everything.

But I think we have everything. Like I said, this has -- plan has been submitted to them for their initial comments and I will work with them in concert with the Town.

To further complicate things, being straightforward with you, I have some more issues with the mobile home trailer park to the west. Issues being there were some previous encroachment agreements signed in our -- approximately 2004 with the previous owners. Those encroachments run with the land, so I am stuck with them unfortunately.

I am going to try -- I was going to ask Paul (Wanzenried) -- I have been trying to contact the individual who owns that and I can't seem to get some contact information from him. I am sure you have information you can get me.

PAUL WANZENRIED: I will get it to you.

MR. BRUNELLE: So the encroachment, for the Board -- I will explain some things here. There is this little pavement area right here (indicating). You can see that right here (indicating). That is part of the encroach agreement. Why? I don't know. But it was. So I have to maintain that and that asphalt walkway maybe.

So right now you can see the store is -- abuts it. It will not encroach on it. But I still have to leave it with him. And that is the talks I need to have with him to see if I can shift it a few feet. The document does not specify the encroachment agreement. Just says I have to have that there. It doesn't say I can't move it, redo it.

Also, one of the trailers up here -- you see this trailer right here (indicating), as you see on the plan -- I put all of the dimensions on there by the way. It encroaches on this -- this property by about 6 1/2 feet and 3 feet. Again, that's an encroachment I can't do anything about.

He also -- there is another trailer down here (indicating). I think it is .3 or something like

that on the property. And then there is -- there is also a shed down here you will see on the site plan, superimposed. He has a right for that shed, which is very odd, as well. So there is an agreement. It is filed. I do have it.

I did speak with the current owner, Mr. Mazda, who owns the property now. He was not aware of that, to tell you the truth. But those encroachments do exist.

Also, though, Mr. Mazda and this River's Edge building encroaches on the mobile home property by 3 inches. So kind of -- he had four encroachments. He had one. It was kind of mutual -- well, it was a mutual encroachment agreement.

So as you can see -- I'm proposing a 4,332 square foot store. I'm sure you saw the stores in the information package. The green roof. I got them in Gates. Chili did it a long time ago. But different dimensions. That is the type of store.

As you can see from the site layout, I'm really pigeon-holed as to where I can put this. You have a gas line going through here (indicating). I have encroachment issues here (indicating). So I'm working with that.

Curb cuts, I have spoken to the New York State DOT. It has -- a conceptual site plan about a month and a half ago was submitted to Zach Starke at the DOT with two full access driveways onto Scottsville. He shot me down on in that.

So right now, back in front of him, we have one full access drive here (indicating) and a right-in only. Okay? Right here (indicating). It's right-in only. You will see the right arrow on it.

MICHAEL NYHAN: That is from the State?

MR. BRUNELLE: That's from the State. That has been resubmitted to the State. I have had a traffic survey done -- traffic report done and study done by GTS Consulting out of Syracuse. That has been submitted to New York State DOT and to Monroe County DOT. Paul Road is a Monroe County DOT road. I have sent this conceptual plan to Brent Penwarden at MCDOT. He said he let me see the traffic study. Let me take a look at that and let's see what the State's comments are. There's a bunch of emails between the State, MCDOT and myself and my traffic engineer, but they have that. I would be more than happy to provide that to Paul (Wanzenried) if the Town wants a copy of that.

MICHAEL NYHAN: Submit it with the plans.

MR. BRUNELLE: Okay. Submit it with plans. That is in motion. They have looked at the plans. I'm -- generally the way I do things is I try to get a conceptual approval letter from those two entities to make it easier for this Board, so that is why I jumped at this -- the first thing I did is -- sat with them over a month and a half ago.

So I think -- especially with the traffic study being sent in last week, we'll be in good position for that.

Again, the typical driveways -- one full access driveway right here on Paul Road (indicating). We'll call it a driveway and a quarter on the Scottsville with that right in only there. Plenty of sight distance. Traffic study was pretty clean. No mitigation measures required. Good gaps, good sight distance. Traffic accident history was below State standards, so we're pretty good there.

Four dispensers. Eight fueling positions. We call them drive-ins right here. You can see the canopy. Meaning they're just single. Each side can fuel on.

The changes from the original plan that I gave you guys, just to let you know, I had two unrestricted drives here (indicating). The -- the building was 10 feet further to the west and then I realized all these encroachments and I had to move it forward to the east a little bit. Also there was some comments done -- said about the dumpster enclosure.

As you can see -- again, I keep going back to this unique shape of the site. I originally had that the dumpster enclosure right here (indicating) and I knew it wasn't optimal, but it's really tough to fit the thing in and not be within this gas line easement area. So I moved the dumpster enclosure out here (indicating).

I -- I do have an informational packet to you guys that was submitted earlier. You can see the nice fractured block. We don't do wood anymore. It doesn't last. I do a fractured block. I used ivory to match the color of the store. That will be dressed up nicely over here (indicating).

I just wanted to show the intent now that I'm willing to put some White Spruce trees. I will put some trees around it if you want. I understand it is kind of sitting out here (indicating). Again, any ideas you guys got, let me know. I'm willing to put some trees around there. Aesthetically, it is just not your typical, you know, dumpster enclosure.

Fencing, I am proposing to keep the separation between the mobile homes and here (indicating). You will see around -- the fencing is a little jacked up here. Don't mind it. Engineer kind of screwed it up. But I'm proposing a privacy fence right there (indicating) and that is in my information packet to you guys, as well. Okay? You know, that's a custom wooden privacy fence, western red cedar, dog-eared along the western border line and I'm actually going to wrap it right around here (indicating). Again, I want to keep the separation there. Although I don't believe it's a requirement, but again, I would like to keep my separation from there.

MICHAEL NYHAN: Is the entire length of the fence going to be 6 foot high?

MR. BRUNELLE: That is correct. I have kept it -- as you can see, it stops down here so it won't affect anything. I believe it stops right up in there so it wouldn't be toward the road.

MICHAEL NYHAN: Will Paul Road -- Paul be considered a front for that side of the building where you see the fence along the --

PAUL WANZENRIED: Yep. He has two fronts.

MR. BRUNELLE: Two fronts.

PAUL WANZENRIED: He will need a variance.

MICHAEL NYHAN: You will need a variance.

MR. BRUNELLE: Variance for fence in the front yard?

PAUL WANZENREID: If it is over 4 feet.

MR. BRUNELLE: I will make it 4 feet. I will work it out. Okay.

So we'll get into the variances in a minute, too. But let me finish up here. Curb cuts. We have that fencing. Lighting -- just to let you guys know, I use -- I actually learned it here about 20 years ago. I use 100 percent dark-sky friendly compliant lighting.

This is what I just built over in the Town of Greece on Maiden Lane. I will give you guys a lighting plan with foot candles and light images. I will make sure there's no light spill. There will be zero foot candles on all property lines. I will leave that to my lighting engineer.

After I get to where I think the concept plan needs to be from this Board, then I will submit it to my lighting engineer and they will give me a packet like this and I will submit it to the Board at that time. I'm used to doing that so you will get that one.

MICHAEL NYHAN: Signage in there, as well?

MR. BRUNELLE: I just gave you a quick flavor here. The signs are in the back of the package here. Monument sign -- sign number one, some sort of monument sign. You can see the location of it right here (indicating).

And then the building sign, built right into the dormer and that is just our standard one you can see right here (indicating). Just a standard Byrne Dairy.

I invite you guys if you want to go over to the Town of Gates, the Manitou Road store, I built that about five years ago. I just opened one in the Town of Greece a month ago at the corner Maiden and Fetzer. Identical design and signage would be there. Monument sign will be a little different. But yes, you will see a full signage package. Just wanted to give you kind of the flavor of what we have.

We like to do ped access. There is this little asphalt. I think it's a bike -- I forget what the name of the trail is.

MICHAEL NYHAN: Across the street?

JOHN HELLABY: Greenway.

PAUL WANZENRIED: Greenway.

MR. BRUNELLE: Something. They call it some name. Heritage Trail. I don't know exactly what it is. I don't know exactly what it is, but I wanted to tie into that. You can see my pedestrian access right there. In case anyone wants to walk there. Pedestrian access would be right here (indicating). They would not have to walk here (indicating). It would go right onto my porch. My stores have porches so they would not have to go into the traffic here (indicating). Traffic congestion. Storm water, I'm away from there. I understand it's over one acre. I'm fully aware of the SWPPP requirements. My engineer is fully aware of that. We'll do our pre versus post. I can assure you the site right now, there is a lot of asphalt on it. So that is going to be -- there will be significant green space and pre versus post, we're probably less than what is there now. Basically this is a whole entire parking lot here with a 20,000 square foot building. But again, when we are further along with the concepts that I think we have, my engineer will start all of that stuff.

In regards to variances, I will need several variances for this. I go back to the uniqueness of the site. We're looking right now at a front yard parking variance. You can see my parking right here (indicating). As Paul (Wanzenried) stated -- I did meet with him -- there are two front yards for this. It is a major road. You guys consider it. So, therefore, I need a 75 foot setback on both sides. Front yard, as you guys know -- front yard parking is not allowed. Your zoning says it is not allowed. It needs to be in the side or rear.

But again, there's not much I can do with the site. This little hook right in here (indicating), I propose parking right here (indicating). That will be one variance. A front yard setback for the building. Right now, that would be 75 feet. I believe this one is 48 feet. You can see it is pretty much the only spot I can put a building on there. Whoever builds here, me or anyone else, this is the only little corner. That is why we built there. That is going to buildable. Therefore, I would be asking for relief in -- 27 feet of relief.

Lot depth is whole another question me and Paul (Wanzenried) are trying to put our hands around. How do you figure lot depth on this? But there will be a variance. This line right here (indicating) is 205 feet. It doesn't meet your required 250, I believe. But if you -- but if you take that from here to here (indicating), that is 200. I mean, you can take it from this corner (indicating) to that corner. There is really no way of measuring this type of lot. It's over 200 feet in most areas. That would be another variance I would need, but again the site is the site.

Parking, I did find parking that was mentioned and I will read this to you here. The parking -- your parking summary does not specify convenience store with petroleum sales. So if you look underneath my parking summary, I -- number of available parking stations based on Town Code section blah, blah, blah -- other uses not specifically listed above shall furnish parking as required by the Planning Board.

Convenience store/gas station is not listed in that section. So if it is not listed, it specifically says to turn to the Planning Board for, you know, their recommendation. Okay? Because the other -- this is not a supermarket, right? So I think we can agree to that. So take a look at that. I think this -- this section is applicable. As you can see, I have ample parking. Right now I have 43 parking spaces -- okay -- on the site plan.

Eight of those, by the way, just to let you know, are underneath the fuel canopy. But in most municipalities, they do count as parking because they are parking. But that 43 includes

those eight under the fuel canopy.

And then dumpster setback and now fence -- I will talk to Paul (Wanzenried) about that. The dumpster right here (indicating), again, the location of it, is approximate 42 feet away from Paul Road. So, therefore, because Paul Road is a front yard and there are two front yards, that requirement is 75. So I would need a relief of 33 feet there. I know it sounds like I have three or four variances, but I go back to the unique shape of this lot. So I will cut myself off there. If you have -- I'm open for any comments.

MICHAEL NYHAN: One question on the comment that was made by the Town Engineer, is that the HVAC units -- it doesn't look like anything will be on the roof.

MR. BRUNELLE: I should have clarified that. Actually I think there is a note I believe in the plan note. Our HVAC pad is on the ground. We do not do roof units. It's underneath an enclosed roofed porch but that fence behind it is the buffer.

MICHAEL NYHAN: All right. So it is an overhang over the top of it?

MR. BRUNELLE: Yes.

MICHAEL NYHAN: But open wall?

MR. BRUNELLE: Open-walled for air flow.

MICHAEL NYHAN: Along the back of your building?

MR. BRUNELLE: That's correct.

MICHAEL NYHAN: You will have the 6 foot fence beyond that.

MR. BRUNELLE: Yes. And that will be my buffer. Another reason I decided to put that up there.

Landscaping again, I can make -- I showed some quick 2 1/2 inch red maples along the frontage. I want to keep these remaining trees like everyone else does. But once the concept plan moves forward and I get Sunoco and you guys' comments, I will dress the landscaping up however you guys feel necessary.

MICHAEL NYHAN: You can submit your plan for the landscaping to the Conservation Board and they will make a recommendation, as well. Type of trees, size of trees.

MR. BRUNELLE: Got you. Wonderful.

MICHAEL NYHAN: You want to do that through the Town Building Department. They meet the 1st of the month. The first week of the month.

MR. BRUNELLE: Okay. Got to be a registered New York State architect, Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

MR. BRUNELLE: Great.

JOSEPH DEFENDIS: Is there going to be any electric charging stations?

MR. BRUNELLE: No electric charging stations at this time. We have plenty of room on the site to do that if in the future -- I tell every Board this, because they ask that -- when it comes time, if it comes time, we'll be more than happy to put them in, but right now we don't feel it is necessary.

MATT EMENS: You said you pulled the building forward?

MR. BRUNELLE: Yes, right here (indicating). Plan you had was 5 feet off the property line. But we would be blocking that encroachment sidewalk, so I could not do that.

MATT EMENS: It still looks pretty tight.

MR. BRUNELLE: It is very tight. It is -- our building will be touching the asphalt. That is why I need to get the contact, the -- the owner of that property and see if I can move that for him or if it is really necessary. Okay? So I agree with you, it is very tight.

MATT EMENS: And I guess it is because of the turnaround. I just see you have 30 feet between the parking on the side there.

MR. BRUNELLE: Right here (indicating)? That is why -- I like to have 30 feet.

MATT EMENS: Well, because you don't have -- I mean, you could bring that down.

MR. BRUNELLE: I -- I like 30 feet with people backing in and out.

MATT EMENS: I -- I don't think you want to build your brand new building on a mobile home park and a piece of asphalt, so I'm just trying to buy you some feet.

MR. BRUNELLE: Believe me, I have been looking for feet on that site.

MICHAEL NYHAN: Is that asphalt or is that stone? On the maps it looks like a stone path.

MR. BRUNELLE: It is asphalt. We walked there tonight. I can show you pictures on my phone. We almost got attacked by a German Shepherd. True story. That's the night we have had so far. He came out around the sidewalk and we both ran, but it is asphalt.

MICHAEL NYHAN: I -- another feedback or comment?

MATT EMENS: I guess I would just say you have the double loaded parking there. We talked about parking. I guess I would ask you to look -- I don't know -- Mike Hanscom can weigh in on this, too, but if the number -- what we really need is 43 spaces, can we get those 5 out of there and slide that building over?

MR. BRUNELLE: I was looking at that, but those parking -- especially those around the store are very critical. If we weren't a dairy store -- as you guys know our stores -- if we didn't sell so much dairy to elderly people or kids, I would say that would not be a problem. We are not the average C store. But we really take those -- I will look at it and me and the owner will look at the layout again. But those are critical being -- you know, these ones (indicating), they will be okay for store employees and average people, but generally we like to have this configuration -- actually most of the time I have the configuration five more over here (indicating). But I will look at that.

Again, I went to the site. I have been, you know, really focusing on Sunoco. Once I meet with this trailer park owner, I will hopefully have some questions answered. But yes, I will look at that, as well. I thought the same thing.

MICHAEL NYHAN: You will have ice creams sales on that side of the store?

MR. BRUNELLE: Ice cream would be out front, like a typical store. The ice cream window would be right here (indicating) underneath the porch. There would be an entrance over here (indicating), as well. Single door here (indicating). Double door here (indicating). And that ice cream window would be right down here (indicating) like -- like down in Chili and Gates -- is right there (indicating).

MATT EMENS: You lose a parking spot there, too, right?

MR. BRUNELLE: Where?

MATT EMENS: In front of the ice cream window. You get people that stand there and nobody can park there.

MR. BRUNELLE: Yes. I would like to say though, I hope this one does the amount of business that one does down there, but it does very, very well in Chili for ice cream. I will leave it at that. Exceptionally well.

MATT EMENS: I don't know if it works or doesn't work, but if you look at the -- you have the shared space for -- that is required for the ADA spots. Once again, I think if you could have that lined up on your front door.

MR. BRUNELLE: That's correct. That is why I do that. Some people put them at the end. We do have -- it was in the information packet that I gave you guys. We do things a little differently than we did back then. We do flush parking now. Just kind of the flush.

MICHAEL NYHAN: With the bollard.

MR. BRUNELLE: With the bollards. Much cleaner than a curb. Much safer, as well.

MATT EMENS: That will be around the short leg and the long leg around the front?

MR. BRUNELLE: That's correct.

JOHN HELLABY: I will be very curious to hear -- hear what the State has to say about the driveway cuts, to be honest with you, because you already have a bad situation down there. You have two lanes of southbound traffic going down to where they narrowed down to one lot.

MR. BRUNELLE: He was 100 percent fine with this one right here (indicating).

JOHN HELLABY: 85 percent of the time the people are drag racing off that light because they don't want to get stuck behind somebody. They want to get in there first.

MR. BRUNELLE: They have the traffic report. I leave it up to them, so.

MICHAEL NYHAN: What kind of building will be depicted in this picture, the green metal roof?

MR. BRUNELLE: Yes. You will require building elevations, which I will get to you. I rather show you a picture of a real photo than a black-and-white building elevation, but we'll have building elevations that we can submit at the time.

MICHAEL NYHAN: The outside units are just HVAC. Refrigeration is all interior with the machinery.

MR. BRUNELLE: That's correct.

MICHAEL NYHAN: The only thing outside is the HVAC?

MR. BRUNELLE: HVAC units, that's correct.

DAVID CROSS: So the -- there is quite a bit of distance between the fuel island and the store, maybe 80, 90 feet. Any thought of striping a pedestrian aisle so -- I mean, how does that work at your stores? Do you do stuff like that?

MR. BRUNELLE: We generally don't.

DAVID CROSS: I like the pedestrian link to the trail. Just thinking about the people getting to the store.

MR. BRUNELLE: No. I generally leave that up to -- none of my sites -- we have one site in Lafayette probably 100 feet away, off of 81. Generally, you know, that is another reason to right in/right out. It kind of gets traffic right in right here (indicating) to go to the thing and right out here (indicating) without going up there. Circulation thing that we're kind of hoping happens.

MICHAEL NYHAN: Pump your gas and go park if you want to go inside?

MR. BRUNELLE: Some of the customers -- a lot of the people don't come inside.

MICHAEL NYHAN: Your idea is you want them to pump their fuel and go park near the building.

MR. BRUNELLE: If they're going to come in. Several people do do that because of the fact we sell a lot of ice cream and a lot milk. Therefore, people are going to park and hopefully buy a box of cereal with us, as well.

MICHAEL HANSCOM: Just in regards to the parking, while I like the 10 by 20 foot parking space, the Town only requires 9 by 19.

MR. BRUNELLE: Yes. We're adamant at 10 by 20s. I drive a big pickup truck. The owner drives a dual (indiscernible) truck. We all have RVs. We're really adamant on 10 by 20s.

MICHAEL HANSCOM: I'm more than happy with 10 by 20s.

MR. BRUNELLE: I did. I did read that, too. I don't like to skimp on them. Somebody smashes their door, they're going to call me.

PAUL WANZENRIED: Why did we move the dumpster enclosure?

MICHAEL NYHAN: We didn't want it --

MR. BRUNELLE: I did because the comments were made by the DRC and the Town Engineer, so I will blame these two, not myself.

MICHAEL NYHAN: We asked him to move it away from the trailer park, at our DRC.

MR. BRUNELLE: They didn't want it to smell next to the trailer park. I will be more than happy, believe me, to move it back where it was.

PAUL WANZENRIED: If you look at where it was, I sort of like where it was.

MR. BRUNELLE: I do, too.

PAUL WANZENRIED: Because now it's like a big beacon out in front.

MR. BRUNELLE: That is why did what I did. I had a reason. I did not want to --

MICHAEL NYHAN: So what would you do? Where it was?

MR. BRUNELLE: Right here (indicating). Facing that little section.

MICHAEL NYHAN: The doors faced --

MR. BRUNELLE: The doors would face this way (indicating). That's the way I had it. I would be more than happy to put it back there. I thought that was the best location, as well. I have a fence around it. I actually have the fence around it, the fractured block and the wooden fence and I had trees around it, too. So I -- but I just like to follow people's comments.

MICHAEL NYHAN: I get it.

Does the Board have any kind of -- put it back?

MR. BRUNELLE: Put it back? Paul (Wanzenried) said put it back.

DAVID CROSS: Paul (Wanzenried) is right.

MICHAEL NYHAN: Eric (Stowe), any comments?

ERIC STOWE: A lot of encroachment issues. Good luck. And -- but that's it from a legal perspective.

MICHAEL NYHAN: This pipeline, do you need any kind of -- do you need anything from the oil company?

MR. BRUNELLE: I do not, believe it or not. I do not. I don't need.

MICHAEL NYHAN: They have like a right-of-way easement over it.

MR. BRUNELLE: That's a whole another discussion we won't get into. They seem to think they have a 50 foot easement. I have in-house Counsel. We're convinced 100 different ways we don't have a 50 foot easement. Although, I'm honoring them, as you can see, in trying to keep everything out of it build-wise. You know what I'm saying? We told them they don't have a 50 foot easement. This was done a long time ago. They do not have one.

As a matter of fact, when we first talked to them, they didn't realize they had a pipeline here. But I had to assure them that they did. But no, we're past that. Now we have people and they will actually come out and do the soft dig. We have a protocol that they have to come out. I have to give them weights of vehicles that will go over the top of it. It is pretty intensive. There is actually not a permit, believe it or not. Guidelines. Which I'm going to follow their guidelines to a T. My engineer and their engineer, we have sent so many emails back and forth. They have this plan.

MICHAEL NYHAN: What is your traffic pattern for your fuel trucks with the tanks at the end of the island there? What time of the day do they normally get there? Can you control it?

MR. BRUNELLE: We control it. We're Byrne Dairy. It is not Byrne Dairy fuel. But we control -- it is not Exxon Mobil where they dispatch themselves like we used to. I think it was a Mobil. So we control those. The hours, I don't know. Generally they deliver between 7 to 7.

MICHAEL NYHAN: What are the hours of your operation?

MR. BRUNELLE: Hours of operation are 365.

MICHAEL NYHAN: 24.

MR. BRUNELLE: All stores are 365. We never close them once we open them.

MICHAEL NYHAN: So you -- if the State requires that to be a one-way in from the east, will they come in Paul Road?

MR. BRUNELLE: I think they're coming off Paul Road and go up here (indicating). But if they leave this the way it is, I'm sure they will sneak in here (indicating), here (indicating) and they can come right back out, which is nice.

MICHAEL NYHAN: So if you could have just the turning radius of those trucks -- the truck to show -- the tractor-trailer.

MR. BRUNELLE: The turning movements.

MICHAEL NYHAN: To make sure it can fit in what the State requires you to do.

MR. BRUNELLE: I do internally traffic radiuses already. We always do them anyways.

PAUL WANZENRIED: With regards to the monument sign, is that in an easement?

MR. BRUNELLE: Whose easement?

PAUL WANZENRIED: Gas.

MR. BRUNELLE: No. Again, that's not really an easement. It's -- it's not -- I showed it as an easement originally, but it is not an easement. That is kind of the discussion we're having. We kind of had a discussion that no structures like the building or the canopy -- I'm trying to keep them out of there. But I can put anything I want in there.

PAUL WANZENRIED: Okay. Monument sign has to be 15 feet off, so you need a variance for that.

MR. BRUNELLE: We'll kick it back. I can -- I just threw it on there.

PAUL WANZENRIED: Okay.

MR. BRUNELLE: There is a lot of space up in that island.

PAUL WANZENRIED: That's fine.

MICHAEL NYHAN: Snow storage.

MR. BRUNELLE: I have snow storage labeled all over. I can't see it from here.

MICHAEL NYHAN: Along the side and the front.

MR. BRUNELLE: Yes. I have snow storage. Adequate space again. And lighting.

MICHAEL NYHAN: Trees on each of the islands?

MR. BRUNELLE: Yes. I can get into the landscaping. If this Board is good with the layout and the ZBA is good with the layout, of course, needing the variance -- which I really don't know else was I can do with the site -- then at that point the landscaping plan comes into it. I don't want to spend a lot --

MICHAEL NYHAN: I get it. Okay.

What is your time frame?

MR. BRUNELLE: We would like to submit this and get these changes pretty quickly and right back to the Board for the next Board meeting.

MICHAEL NYHAN: So that would have to be in two weeks.

MR. BRUNELLE: Short turnaround. Ten days.

MICHAEL NYHAN: If they want to be in in November.

PAUL WANZENRIED: December.

MR. BRUNELLE: December.

PAUL WANZENRIED: October 6 was the deadline for November.

MICHAEL NYHAN: So you would be at the December meeting?

MR. BRUNELLE: That's fine. I have a lot of meetings to go to in between here and then. Plus I got to talk -- I have to talk about these encroachments, you know, and see if -- if I can -- you know.

MICHAEL NYHAN: We'll see you in December.

Michael Nyhan made a motion to accept and adopt the 9/14/21 Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 8:19 p.m.