

CHILI PLANNING BOARD

October 17, 2006

A meeting of the Chili Planning Board was held on October 17, 2006 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 James Martin.

PRESENT: Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Dennis Scibetta, Building & Plumbing Inspector; David Lindsey, Town Engineer representative; Dick Schickler, Conservation Board representative.

Councilman Schulmerich, Planning Board Liaison, was also present.

Chairperson James Martin 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.

OLD BUSINESS:

- 1. Application of Comfort Windows, 60 John Glenn Blvd., Syracuse, New York 13201, property owner: William Putzer; for preliminary site plan approval to erect an 80' x 80' and 30' x 72' (total 8,560 sq. ft.) warehouse addition at property located at 1380 Scottsville Road in G.B. zone.

MR. PROSSER: Good evening. I'm Rod Prosser of Lakeside Engineering, representing Comfort Windows in their application for approval for an approximate 8,500-square-foot addition in the rear of their existing office building that will be for warehouse purposes for their materials and products that they use in the installation of windows and sun rooms, et cetera. We have come back to you tonight to present a revised site plan, which we believe includes the detail requested at the last meeting we have attended.

I have had prepared by Terry Horest (phonetic) of Max & Horest (phonetic), a wonderful landscape plan that is on your right. It includes new landscaping to the front where it is visible of the building addition. They're also providing ornamental trees along the new access, which is the gravel driveway.

Additionally, we have provided you -- if you can see it or if you turn to your own plans, the -- the approach that would be taken by a semi-tractor truck of 56 foot length and how it would manage to make the entrance into the semi-truck loading docks in the rear, the very rear of the new building.

All of the other overhead doors, the four on each side are intended to be used for approximately 24-foot length cube vans. We presented the turning ability and entrance ability of the semi-tractor truck in that -- that is basically the critical turning and directional movement for the major vehicles that would come to this property.

The 24-foot cube vans, I guess there was some question on how they could also access the side overhead doors. They can make it very easily. I have a drawing that I will eventually present to the Town Engineer to show how that would take place.

Additionally, we have put some better details for the grading and the drainage, detail how the down spouts would be picked up. New drop inlets have been shown. As far as erosion management goes, each of these inlets, as well as any existing on site, it is our intention to provide silt fencing around the perimeter of each of the drop inlets to circumvent any possible eroded materials from entering the storm system and being able to convey the off site.

Disturbed area I calculated today is almost exactly one half of an acre, so it would not fall above the threshold limit for the required SWPPP, Storm Water Management Plan for the property.

Drainage is conveyed off site through the culvert we show to a swale running along Weidner Street, and then crosses Weidner Street in the culvert and then goes almost directly in the Genesee River. Essentially there is really no one downstream that would be caused any damage by possible increase of runoff, although for a two-year storm, I also calculated that there would be 2.0 CFS runoff under the new conditions, which is really only slightly above the 1.9 CFS that would occur today, based on the two-year storm. In other words, possibly about a one-tenth of a CFS, almost negligible increase in drainage and runoff.

As I told you before, electric, water, all of the plumbing will be taken from -- gas, as well, from the existing office, so there will be no additional underground service for any of those items.

I did get the Town Engineer's comments, I think yesterday. I did go through them. We really have no problem with any of them. And with the exception of perhaps one item, I don't

believe we'll have to make any changes in our drawings. The one item is the scale. For some reason, the way we plot, sometimes there is some discrepancy from what we showed. We showed 1 inch equals 20. It comes out to 1 inch equals 23 feet. We can either renote that in the portion of the title block that calls for a scale, or, of course -- to keep it on a 24-by-36-inch drawing, otherwise we would have to go by a 44. What I am thinking, we can reduce it to 1 inch equals 30 foot. What we did is tried to make the site drawing obviously as large scale as we could and fit it on the 24-by-36.

As far as how we presented the information and the labeling, there is -- I agree there is some overlap of the text to some of the line work. I looked at it. Because the text is so large, which is really why there was some overlap -- I thought it was clear. If you want, we can make some minor changes to that to try to avoid that. I'm not sure it is entirely avoidable because when we make the text that large, it is hard to avoid hitting some of the lines.

17 parking spaces we show on this site are existing at the rear. We did go through the entire zoning, I think on the first page. You will see that we meet all zoning requirements for parking, setbacks and all of the other items that are required.

There was a question about one of the contours -- actually, it is correct, the reason that it appears the 540 crosses the 537 contour is the 540 is an existing contour. We're re-contouring it obviously to some degree. And the 537 is a proposed contour.

Understood that the demolition of the building will require that we do the necessary inspection for hazardous items such as ACMS and so forth. That will come with the permit that is required for the demolition of that structure.

I talked about sediment control. Basically it is through the siltation fences. I think that is -- pretty much answers that. I guess I would leave it open for questions and comments from the Board and we'll do our best.

JAMES MARTIN: Going back to Item 6 in the Town Engineer's letter, do you know when that date, the date of the construction of the original building was that you will demolish?

MR. PROSSER: I'm here with Phil St. George (phonetic) and Mark Dewer (phonetic). Do you have any idea?

MR. ST. GEORGE: No, I do not.

MR. PROSSER: Regardless, we'll -- well --

JAMES MARTIN: You will have to have a demolition permit. It would be prudent to look for asbestos-containing materials that may be on the site.

DENNIS SCIBETTA: That is standard anyway. We'll take care of that.

JOHN NOWICKI: He has no idea when they will demolish. No date when they will demolish the building.

JAMES MARTIN: Ask the question.

MR. PROSSER: As soon as we can. We have contractors waiting to go on the job.

JAMES MARTIN: All right. So it will happen imminently is what you're saying?

MR. PROSSER: Yes.

JAMES MARTIN: As far as the County Review comments, basically they pointed out erosion sediment control methods should be shown on the plan.

MR. PROSSER: They are in the revised plan. We'll see they're there.

JAMES MARTIN: I think the Town Engineer is going to want to see a revised plan showing all of the constructions that he has asked for.

MR. PROSSER: If he wants more silt fence, we would be glad to put it on. We put on what we felt was necessary to do the job.

JAMES MARTIN: The rest of it I think is fairly straightforward, monumentation, those issues.

MR. PROSSER: Right.

JAMES MARTIN: Okay. I will go to the Board at this point.

KAREN COX: I had a question, Rod (Prosser), about particular detail on the plans. It appears to me, and I could be reading the plans wrong, in the area where the semi-trucks go around here, is that a raised curb they will have to go over (indicating)?

MR. PROSSER: No. That shouldn't be there. There is no curb there. There is just a concrete apron. There is a fence and -- but that --

KAREN COX: This is curb here (indicating)?

MR. PROSSER: Curb here and here (indicating).

KAREN COX: But this curb piece is (indicating) --

MR. PROSSER: That shouldn't be there. I will correct that.

KAREN COX: And I -- in looking at the grading plan, you're going to be shaping the concrete in the back to drain to that DI?

MR. PROSSER: No. It will all be stone. It will remain stone. It is stone now. They will probably put some more in to just get them obviously better support for the tractor-trailer traffic and truck traffic. The only concrete -- there is concrete here (indicating) that is existing. That apron we'll leave. There is the 20 foot by 80 foot aprons that will be used for each of the trucks to back on to -- or up to the overhead doors.

KAREN COX: That gravel is going to be constructed so that if there are trucks turned around on it, it will be able to handle the load?

MR. PROSSER: Oh, yeah. Yeah. We'll put plenty down.

JOHN NOWICKI: Is there a detail on the construction where -- a cross connection of that

road base?

KAREN COX: I think of I saw one. Pavement cross-section -- yeah. 12 inches and 1s and 2s. That is good.

There --

MR. PROSSER: H 20 loading.

KAREN COX: There was one more comment on the Engineer's letter that I don't think Rod (Prosser) addressed, or actually three more -- two more.

Number 8. About the additional drainage. What -- I mean it talks about a written summary. You talked about calculating the two-year storm.

MR. PROSSER: Yes. There are some new DIs. I believe we said existing and new or showed them for the new DIs. Everything will go to a new -- well, actually an existing 12-inch that carries the storm water away now. This is in place (indicating), this DI is in place. Um, these are new DIs (indicating). This is an existing DI (indicating). Um, this is a new DI (indicating). So we'll basically bring everything together and reutilize the existing 12-inch storm pipe. For two CFS, that is fine.

KAREN COX: Dave (Lindsay), did you get a written summary?

DAVE LINDSAY: No. We'll ask for that.

KAREN COX: Okay. That is all I have.

JOHN HELLABY: Rod (Prosser), these plans still leave a lot to be desired. I know you went over the Engineer's comments, but some of the questions I have, there is no notation on the drawings whatsoever about any of the existing things on Scottsville Road. As far as there is a sign out there. There are poles. There is a drainage ditch line through there. You don't show the curb cuts how to get in and out of the property. The question I have, is there a cross easement with the bowling alley that you're utilizing part --

MR. PROSSER: Yes. There is a cross easement. Yes.

JOHN HELLABY: I believe --

MR. PROSSER: That is the other drawing.

JOHN HELLABY: The entrance to the south is not totally on the property either. It encompasses on the neighboring portion, does it not?

MR. PROSSER: Excuse me. I will get that out and probably could address it better.

JOHN HELLABY: Is there a cross easement --

MR. PROSSER: To Olympic Park, yes, there is.

JOHN HELLABY: Are you utilizing that for truck traffic in?

MR. PROSSER: No. We're utilizing the existing curb cut that they have on Scottsville Road now. And that's where we're showing the truck traffic coming in and running around, and going straight out again.

JOHN HELLABY: All right. Who is actually doing this construction work for you -- or for the owner? Do we have a contractor that is actually going to do the building?

MR. DEWER: We have a --

JAMES MARTIN: Name. If you answer the question --

MR. DEWER: Mark Dewer, Finger Lakes Construction.

JOHN HELLABY: Are they supplying you with full construction drawings for building permit?

MR. DEWER: Yes.

JOHN HELLABY: Because these renderings also leave something to be desired. They show a sloped roof on the larger warehouse addition, but looking at the side elevations, it depicts a flat roof and does not show an overhang on these docks. Is there an overhang on the docks?

MR. DEWER: Yes.

JOHN HELLABY: Are the rear docks that saw-tooth-type construction?

MR. DEWER: Yes.

JOHN HELLABY: Just saw-tooth out of the building without a covering?

MR. DEWER: There will be a covering.

JOHN HELLABY: It is covered.

MR. PROSSER: We did our drawings before we had the luxury of the final construction drawings, which are available, you know. If you wish, we could get you a copy very easily, I know.

JOHN HELLABY: In all honesty, I do know what it is you're trying to do here, I appreciate that. But just for future reference, when I see something like this come in front of the Board, I say Rod (Prosser), this is ludicrous, because half the stuff is not on here. You have to tighten that up.

The only other thing I have is for the owners. Cleanliness, cleanliness, cleanliness. What are we doing with that area, do you know? It looks like a disaster.

MR. DEWER: We want to get this rolling so we can clean it up.

JOHN HELLABY: I don't want to wait on this. You should have been cleaning this up over the last several years. You have been there for quite some time. The place is all overgrown with weeds and the fences are falling down. It just is unbelievable.

MR. DEWER: We don't own all of the property any more. From the driveway --

JOHN HELLABY: I'm talking about the property directly behind this building, and according to the map, you own it.

MR. DEWER: We did start to clean up the weeds and everything that is back there.

JOHN HELLABY: Last week?

MR. DEWER: It was a little longer than that. We're trying to clean it up.

JOHN HELLABY: I will let those guys address it further, but --

JOHN NOWICKI: You opened a question there. On the adjoining property, because we don't have the curb cuts shown, where you're coming in off Scottsville Road, isn't that adjoining property currently being utilized for all of the truck parking?

JOHN HELLABY: I thought so.

JOHN NOWICKI: You're not showing that on the drawing here. Aren't you currently using the adjoining property, parking all of your trucks?

MR. DEWER: No. Our trucks are on our property.

JOHN NOWICKI: Don't you own that adjoining parcel to the south?

MR. DEWER: No. From the driveway in off Scottsville Road, south, we don't -- we do not own that.

JOHN NOWICKI: Whose application -- what is the name of this application?

William Putzer, right? Now or formerly William Putzer, to the south. That piece to the south, the map you have hanging, what is the name on there?

MR. PROSSER: William Putzer.

JOHN NOWICKI: Doesn't he own that piece?

MR. PROSSER: He may own it individually. This is owned by Comfort Homes -- or Comfort Windows, excuse me? Excuse that.

JOHN NOWICKI: Not according to the application.

MR. DEWER: Here (indicating) that is not owned by us any more.

JOHN NOWICKI: It is on the application as being owned by you.

MR. PROSSER: At the time now or formerly? Apparently it has been sold.

JOHN NOWICKI: Why are all your trucks parked on it?

MR. DEWER: Our trucks stop where the driveway comes in.

JOHN NOWICKI: Really?

MR. DEWER: I am sure they slip over on there a little bit, but the majority of them park on our property.

JOHN NOWICKI: I'm just saying you're using that property.

MR. DEWER: We want to get away from using that. We want the vehicles up to the building.

JOHN NOWICKI: Who owns that property? Who owns that property? If it is not William Putzer, who owns it?

MR. DEWER: I believe it was sold off to Empire Beef.

KAREN COX: When?

JAMES MARTIN: Obviously we're quite confused because your application says, "property owner, William Putzer."

MR. PROSSER: The specific property that we have, yes.

JOHN NOWICKI: Are you parking on that property? Quite a bit of your trucks are on that property.

Another question is, across the street there is another parking lot. Are you utilizing that property across the street?

MR. DEWER: No.

JOHN NOWICKI: Well, there is something wrong here, because this drawing, based on what you're showing me, at least in my opinion, there is -- you're not showing me where you're going to put all of these trucks that you have parked there now.

MR. DEWER: They will be back up to the new building.

JOHN NOWICKI: Back up to it? Where? You have loading docks on both sides. You have a back that is full of trash and junk all over the place. You don't have a paved parking area where you have lines on a map. You have lines on a map that don't tell me much. I don't know where you're going to put all of the trucks.

JAMES MARTIN: Let's worry about the application for a second here.

MR. PROSSER: Do we know how many trucks we have?

MR. DEWER: 12.

JAMES MARTIN: The application says William Putzer, but they claim they own the property.

MR. PROSSER: Do we have it in his name? Can we verify that?

MR. DEWER: This is ours (indicating). I'm not --

MR. PROSSER: It was all William Putzer. I presume it still is. It was at one time all owned by him, and he sold off the piece to the left to Empire Beef.

JAMES MARTIN: But you own your -- that lot that we're looking at right now, Comfort Windows --

MR. DEWER: Yes.

JAMES MARTIN: -- they own that lot?

MR. DEWER: William Putzer from Comfort owns that -- the owner of Comfort Windows owns that property.

JAMES MARTIN: William Putzer is the owner of Comfort Windows?

MR. DEWER: Yes.

JAMES MARTIN: Okay. So we're okay on the application. He is the owner. All right.

JOHN NOWICKI: That doesn't answer the question.

JOHN HELLABY: It would appear then they're parking their trucks on Empire Beef's property. Without their permission, probably.

MR. DEWER: You know a couple trucks do go over on that property and the owners don't have a problem with that. But we do want to get the vehicles from out in front.

JOHN NOWICKI: Maybe the owner doesn't, but I have a problem with it.

MR. PROSSER: If they own 12 trucks, 8 of them obviously can be parked back up to the new loading docks.

JAMES MARTIN: All right.

MR. PROSSER: There would be four left. Probably more than that could be put in there.

JOHN HELLABY: To expand the question a little further, why are the trucks parked along the street like that?

MR. DEWER: Vandalism. That is why we would like to get them back up to the building.

JOHN HELLABY: Is this thing being fenced in in the back to minimize vandalism?

MR. DEWER: That is future plans.

JOHN HELLABY: That doesn't show where you're putting up any fence.

MR. DEWER: Not in this project.

JOHN HELLABY: Further down the road?

MR. DEWER: Yes.

JOHN NOWICKI: How are we going to restrict you to your particular parcel of land? If you don't put a fence up here or some kind of a barrier, you will be parking your stuff all over that lot of Empire Beef's, if they own it.

MR. DEWER: As soon as we can get going with the project, we won't have our vehicles on that property any more. When I look at this map, and I try to visualize how trucks will come in here, back into these loading docks and the amount of trucks you have on the site now, plus the cars from the employees, this site is overly impacted by vehicles, in my opinion. And I don't know how you will handle that. Now, you will tell me you have semi trailer trucks in here. The map shows it coming in on the north side, and turning up into a corner, backing into a loading dock. I think that is on an angle. The best I can figure is an angle with the semis. Then to go out, are they going out the same way, or will they try to go out on the south side?

MR. PROSSER: The same way. The same route out.

JOHN NOWICKI: So with all of those trucks on the two loading docks -- you have three sides of the building used for loading docks; is that correct?

MR. PROSSER: That's correct.

JOHN NOWICKI: You will have to park all these vehicles and all these employee cars on this site. Until I see a drawing or a map that indicates where all of these vehicles are going to be parked, truck parking, employee parking, customer parking, I'm confused. I can't figure this out. I don't think you have enough room here to do all of that. That is my opinion. That is my opinion.

The landscaping plan, does anybody have an idea how much this landscaping plan is worth in dollars and cents? Because if we ever get to that part, I will certainly want a letter of credit in that amount posted prior to any building permits being issued. Number one.

And I certainly want someone from that company to address the concerns of the Conservation Board that we have had, that they have had since the very beginning that you folks moved in this town. You have not created a good image, in my opinion, the Board's opinion, the Conservation Board's opinion. I would like to have someone address -- is that all right with you, Pat (Tindale)?

"The Conservation Board does not want to approve this application because of past non-compliance to agreed-on landscaping. As a gateway business into the Town of Chili, it is noticeable that the Crimson King Maples in the planters have died and need to be replaced. Furthermore, the company vehicles will be parked out of sight behind the building, yet they remain in sight."

That is another issue. Am I correct in that quotation?

PAT TINDALE: Yes.

JOHN NOWICKI: For now I will just pass it on to someone else, because I'm not happy with this application yet.

DARIO MARCHIONI: Will you have a new fence in the back?

MR. PROSSER: The owner said they would do it, but not with this project. I guess we'll probably want to reconsider that.

DARIO MARCHIONI: The fence that is there now on the west side of the existing building, is that a fence, or what is that? That is like a circus, that kind of fence.

MR. PROSSER: I think it is left over from the part that used to be there, yes.

DARIO MARCHIONI: Will that stay there?

MR. PROSSER: Doesn't have to.

DARIO MARCHIONI: I mean, it's -- I don't know. It's -- it's unusual.

MR. PROSSER: It could be painted. I know it has a lot of stuff on it that --

DARIO MARCHIONI: Could it just be like a regular fence, or does it have to be designed like that?

MR. PROSSER: I will take another look at it and see if we can come up with something

that looks okay and meets your approval. I don't know offhand. My memory isn't that good any more.

DARIO MARCHIONI: But I was there today. When I looked at that, I haven't seen anything like that in all of Chili or anywhere else.

MR. PROSSER: Well, unless someone -- unless the owner objects, you know, I guess we would propose to take that down when we do do the fencing and put up an all new contiguous and uniform fence around the entire property.

DARIO MARCHIONI: You're concerned with security. A fence would help out.

MR. PROSSER: Understood.

DARIO MARCHIONI: You have all of the tires in the back, too. That has to be all be moved out of there. Right?

MR. PROSSER: Of course, yes.

DARIO MARCHIONI: I don't know what to say. I pass.

DENNIS SCIBETTA: For those comments, Dario (Marchioni), as far as if you would like to see that, please make that a condition that that is done before the building permit is taken out, that that is cleaned up. We can address it at that point with them. So we make sure it gets done.

DARIO MARCHIONI: Absolutely.

DAVE LINDSAY: I have would just add for the application that there is a number of instances -- I think I covered it in my comment number three here, where I am going to ask you to clean these drawings up a little bit. There are several instances where the line work just makes it confusing. There are arrows on here that you don't need. Things aren't called out as existing versus proposed. So there are going to be some changes kind of in conflict with what -- that you didn't think we'll have to make changes to the plans. I think we will before sign-off.

MR. PROSSER: That shouldn't be a problem. Things are easily moved around on the computer.

JAMES MARTIN: Revised site plan with all corrections must be submitted and approved by the Town Engineer prior to the building permit being issued.

DAVE LINDSAY: Yes. That is fine.

JAMES MARTIN: Is that understood?

MR. PROSSER: Yes.

PAT TINDALE: I have several things here. First, what is the date on the print you have that shows the landscaping?

MR. PROSSER: February 22nd, 2006.

PAT TINDALE: I'm assuming it is -- it shows in landscaping, but has no plant legend. It doesn't indicate what the plants are, if anything.

MR. PROSSER: The legend is on the lower left. I don't know why you wouldn't have --

JOHN NOWICKI: What was the answer? I didn't hear that.

PAT TINDALE: I see grasses -- I don't see -- lower left? I don't have that.

JOHN NOWICKI: You don't have that on yours, the lowest left box?

PAT TINDALE: No. I guess -- I love the products Comfort makes. My house is loaded with them.

Our Board is unhappy dealing with you since you first came in existence. I think it was about 2000. You have never produced a licensed landscape architect sealed print. You haven't complied with any conditions of the Planning Board back in 2002. I have a signed print where the trucks would be parked behind the building. They were parked behind the building for approximately maybe six months, but now they're back out there.

Foundation plantings and things look nice, but I guess it just annoys me that you don't regard rules, regulation, conditions, and you have never had a licensed landscape architect sealed print.

At this point, I don't think the land -- the landscaping, as I look at it on this drawing, is going to be favorable to your customers to advertise your products. It is not visible from Scottsville Road. It is back behind. Back in here -- here is Scottsville Road (indicating). You need a periscope to see it. This is what our Board was given. That is all I have to go by.

At this point, if the landscaping is somewhere on Scottsville Road, I would like to see it. If not, I would suggest 1 percent to the Town's landscaping fund instead of putting it back behind the building.

MR. PROSSER: The landscape plan is LO3. Do you have that drawing?

PAT TINDALE: I have LO1.

MR. PROSSER: That is not --

PAT TINDALE: I would like to see an LO3 before we sign off on this one.

MR. PROSSER: I will make sure you get one.

PAT TINDALE: It just doesn't seem right you never, ever came up with a licensed landscaping architect seal.

MR. PROSSER: We really did. I can give you the one from the first project we did a few years ago and I have one for this project.

PAT TINDALE: I have been on that Board --

MR. PROSSER: Apparently you didn't get it. I'm sorry. We'll get it to you.

JOHN NOWICKI: Is LO3 stamped by a licensed --

MR. PROSSER: Yes. Terry Horest (phonetic) of Max & Horest (phonetic).

JAMES MARTIN: You have not approved the landscaping.

PAT TINDALE: No. No. We could tell nothing. It didn't indicate nothing except that I could see there --

KAREN COX: I think the --

MR. PROSSER: I know. I went -- I gave Kathy (Reed) -- I didn't realize when they were all printed that the electronic stamp didn't come out so good. I gave Kathy (Reed) three more sets that she resigned that were supposed to be for the Conservation Board specifically.

JAMES MARTIN: I will list it as a condition.

MR. PROSSER: We can easily get you new copies. It was done.

JAMES MARTIN: You will have to fulfill -- we're asking for a letter of credit regarding the cost of landscaping.

MR. PROSSER: Okay.

JOHN NOWICKI: Get an estimate on the cost of the landscaping.

PAT TINDALE: In deference to them, they did do that. They produced a checklist, and they do list estimated landscape cost 2,000. Project cost 250,000. Is that still pretty accurate?

JOHN NOWICKI: How much was the landscaping cost?

PAT TINDALE: 2,000.

MR. PROSSER: It has gone up. I will have to do a new estimate. I think that went back to before we got the real landscape architect involved. She put a few more plants in there.

PAT TINDALE: I would like to see a seal. If this is a seal, I can't make it out.

JAMES MARTIN: I will trust the Conservation Board will deal with the applicant to get that issue resolved. You're unhappy with the landscaping plan. Then it is the applicant's responsibility to follow up. Now we're getting into a season where it is going to be difficult to do a lot of the plantings, but I'm assuming the Conservation Board, with their follow-up policy, will be on your case next spring, which is the time to plant, correct?

PAT TINDALE: Correct.

DARIO MARCHIONI: Anybody receive any of the architectural drawings or elevations of this building?

JOHN NOWICKI: No. He has to provide those.

MR. PROSSER: We have not given them to you yet. They have been done -- I haven't even seen them completely. But certainly, obviously for the building permit, that is the only way we can do it. We have to have sealed drawings. We're not going far without them.

DARIO MARCHIONI: I would like to see them, too.

MR. PROSSER: Sure. We picked up several items by the concerns and questions expressed by the Board.

JAMES MARTIN: At this time, I don't believe you requested final.

JOHN NOWICKI: Well, stop right there. I will tell you now, I am not voting on preliminary. Until we get everything this Board is entitled to, I would table this application, myself personally, because I will not vote on a preliminary until we get the landscaping done, correct numbers in here, the architectural drawings done, the right Town Engineer's approval, his comments here certified or satisfied on these drawings. I'm not touching it with a 10 foot pole.

MR. PROSSER: Could I make a request, Mr. Chairman?

JAMES MARTIN: Hang on a second. Obviously we have the hammer of the building permit.

DARIO MARCHIONI: We have to deal with the fence. We have a lot of things to deal with.

JAMES MARTIN: Let me read what I have written down and then we'll go from there. Everybody hang on for a second. Obviously pending Town Engineer approval. Site clean-up to be completed as soon as possible. Revised site plan with all corrections must be submitted and approved by the Town Engineer prior to the building permit being issued. Site plan should show all parking arrangements. Letter of credit for landscaping costs should be filed prior to the building permit being issued. Okay? If applicant decides to build a fence for security reasons, it must be shown on the site plan. Landscape plans must be approved by the Conservation Board.

Those are the things that I have written down so far as a result of our conversation. So there are several issues that must be done prior to the building permit being issued.

DARIO MARCHIONI: With that fence, too, he said if.

JAMES MARTIN: I said if applicant decides to build a fence, it has to be shown on the site plan.

DARIO MARCHIONI: What about the existing fence there now?

JAMES MARTIN: The existing fence.

JOHN NOWICKI: The one --

JAMES MARTIN: Well, that is part of the revised site plan. They have to show all corrections being asked for. You have to have a site plan that shows everything that is existing, plus whatever the revisions are going to be. Comments? I mean that --

JOHN HELLABY: The only comment I got is I guess -- I guess I will look to the attorney for some guidance, because I'm probably about to stick my foot in my mouth. This is listed under old business. If memory serves me right, in May, at the end of our discussion, the tabled discussion, the presenter walked out. We never took any public comment on this application, to my knowledge, and I think the record will show that. I am just asking. I don't want somebody to come back and say, "You ram-rodged this thing through and the audience never got a chance to say anything on it."

JAMES MARTIN: You're raising a good point.

JOHN NOWICKI: Very good point.

JAMES MARTIN: I don't think we questioned the audience or had the opportunity for the audience to say anything because I think when the applicant left the room, that was the end of it. I'm almost positive.

JOHN NOWICKI: Nice observation. I think you're correct.

JAMES MARTIN: I think we tabled it at that time.

JOHN HELLABY: It was in May, if anybody has those meeting minutes.

KAREN COX: I carry those around with me all of the time.

JAMES MARTIN: Mr. O'Toole?

KEITH O'TOOLE: I don't have a recollection one way or the other. Certainly there is supposed to be an opportunity to be heard. If you're comfortable that that wasn't heard back in May, then yes, we should invite public comment.

JAMES MARTIN: I'm comfortable it was not heard. Because I think by the time we got done, I remember the applicant left the room and we tabled it --

JOHN HELLABY: Uh-huh.

JAMES MARTIN: -- at that time. Therefore, I will open this up to public comment at this time.

COMMENTS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: This sounds like a real mess. And I agree with Mr. Nowicki. Tabling this is the only alternative you have to be sure you get what you want. Scottsville Road is too important a corridor to have an unsatisfactory project there. And obviously from listening to this, it seems these people don't pay much attention to the rules. They make their own as they go along. I think it is best to get this buttoned right down in the beginning. I agree with Mr. Nowicki. It should be tabled.

JAMES MARTIN: Thank you.

MR. ST. GEORGE: Philip St. George, General Manager of Comfort Windows in Rochester. I have only been with the company a year so I don't know the history. I do want to point out in the year I have been here, we have a security issue with the trucks. Primary reason they're parked in the front. It doesn't improve the appearance. At least twice -- two times we have had the police down. People broke in the trucks. They are filled with tools. We tried to park up front and close together as we can. They arrive about 4 o'clock and we put all of the trucks tight in front so at least they're visible and very little space for people to get in. That is why we're parking them so tight in front.

JAMES MARTIN: My comment to that, there would be other alternatives that could have secured the trucks without having the visual problem.

MR. ST. GEORGE: We'll address that in the future.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I would think under the circumstances, rather than going by conditions, based upon the fact that there has been no comment prior to this date, with this being old business, I would say the proper thing to do for this Board at this time, to make sure that the Town and the proper things are done at the site, would be to table it at this time until the applicant shows everything in good faith with his drawings corrected.

MR. PROSSER: A lot of things -- we really want to do, you know, whatever you people think is necessary. Some comments were very made quickly and I didn't get them all down. I see you have a transcriptionist. Is this actually written up, or can I somehow even -- I just want to make sure I get all of the comments and everything that was said and asked and -- again, on the building, the parking, the commercial park, the visitor parking. We want to do all that. If I don't remember all of those things, because I didn't write them down -- no one wants to go through this all over again obviously.

JAMES MARTIN: Okay.

MR. PROSSER: I just want a detailed itemization.

JAMES MARTIN: There will be two sources of information. The meeting notes will reflect the comments that are made and the discussion. I will be generating a letter after we have a vote on this particular application covering all of those points that I have already read into the record here, based on the discussion that we have had with the Planning Board tonight. Clearly, if there are other issues that may exist, I would certainly, if I were you, having direct contact with the Town Engineer and the Building Department to address any of those particular concerns.

Um, so -- I mean that would be your source of information. But you will be getting my letter fairly quickly as a result of what we have discussed here tonight.

We ready to move to a vote? I'm hearing from several people here that we should table this pending getting all of the issues revolved. That is what I am hearing.

JOHN HELLABY: I'm not so hung up on the thing, giving them preliminary as long as there are stipulations he comes back to the Board with all of the corrections, and also I would add on to it, was it tires, Dario (Marchioni)? All of the tires and everything hanging around down there be gone before he comes back so it looks like he is making a good faith effort to make

things happen.

JOHN NOWICKI: Let me just add something to that, if I can. Tabling this application allows the applicant to go out and perform. 30 days to perform. He has a lot of work to do on the drawings and to do things to clean up the site. If he comes back here in 30 days, we cannot only give him prelim, we can waive final. He doesn't lose it. As long as he performs. If the performance isn't there, you have lost nothing. So by tabling it, you kept your options open, and you're telling the applicant, go back, do your job right, come back here, have it done, and we'll cooperate with you and the Town will work with you on that, but not until you cooperate and do some performance here. I will make a motion that we table this application.

DARIO MARCHIONI: I second it.

JAMES MARTIN: If we did that, we would have to give them an extension on the application deadline.

JOHN NOWICKI: That is fine.

KAREN COX: We're a week behind.

JAMES MARTIN: I have a motion on the table. It has been seconded that we table this application to the November 14th meeting. Given that, we give the application an extension on submitting their application, resubmitting their application so that it can be handled at the November 14th Planning Board meeting.

JOHN NOWICKI: Right.

DENNIS SCIBETTA: Jim (Martin), if they're going to ask for final, as Mr. Nowicki has suggested, make sure it is paid for and taken care of before. Let them ask for it.

JAMES MARTIN: I'm assuming Kathy (Reed) will insure that the proper fees are paid.

DENNIS SCIBETTA: I just want no misunderstanding that if it does come in without it, it won't be heard for final.

JAMES MARTIN: Do you understand that? If we are going to give you final at the next meeting, then you're final site plan application fee has to be paid prior to that. We're giving you an extension on the deadline in order to meet the requirements, and obviously, you know -- okay. You understand where we're at.

I have a motion on the table. It has been seconded that we table this application to the November 14th meeting with the provision that the applicant be given an extension to resubmit their application.

On the vote?

DECISION: Unanimously tabled by a vote of 5 yes to table until November 14, 2006 with deadline extension for the following reasons:

1. Pending Town Engineer approval.
2. Site cleanup should be commenced as soon as possible, including tire piles.
3. Revised site plan with all corrections must be submitted and approved by the Town Engineer prior to building permit being issued.
4. Site plan should show all parking arrangements.
5. Letter of credit for landscaping cost should be filed prior to building permit being issued.
6. If applicant decides to build a fence for security reasons, it must be shown on the site plan.
7. Landscape plan must be approved by the Conservation Board.

The Planning Board granted a deadline extension for submission of all requested documentation to enable the applicant to reappear at the November Planning Board meeting.

PUBLIC HEARINGS:

1. Application for Stephanie LeVan, owner, 83 Percy Road, Churchville, New York 14428 for renewal of conditional use permit to allow a two-family dwelling at property located at 2343 Westside Drive in R1-1-5 zone.

Stephanie LeVan was present to represent the application.

JAMES MARTIN: Any input or anything at this point?

MS. LEVAN: I'm sorry. Yes. Just that I would like not to come back and do this every year. I would like to make this something longer than an every-year process. So I don't know exactly what my options are except just to say that we have complied with everything that has

been asked and I don't want to do this every year.

JAMES MARTIN: Okay. Understood.

The place looks quite nice.

Mr. Scibetta, any complaints on the property?

DENNIS SCIBETTA: None.

JAMES MARTIN: Thank you.

Clearly we have the option for granting conditional use permit for a longer period of time for more than one year. You know, in the original letter you were asking us to look at zoning. We cannot do that. That is spot zoning and we just wouldn't do that. So looking at a longer period of time for your conditional use permit is the option we have available so you're not coming back here every year.

Based on the fact there have been no complaints, the property -- the upkeep looks very, very good, you know, I think we're in a positive track at this point in time. Let me put it that way.

KAREN COX: I would agree with Jim (Martin). The reason that we made it only a year was that -- as you recall, there were some complaints from the neighbors, which have been addressed. You know, the place looks nice. I would be interested in, you know, proposing a longer conditional use permit renewal time. Maybe even up to five years. I don't know.

JOHN HELLABY: No problem.

JOHN NOWICKI: I just have one question. The neighbor to the west, have you had any complaints on that property?

DENNIS SCIBETTA: Has there been any from --

JOHN NOWICKI: Complaints on that property from the neighborhood.

JAMES MARTIN: Not her property.

JOHN NOWICKI: Not her property. The one to the west of the house. The parking lot is packed in there.

JOHN HELLABY: There are 15 Jeeps in the driveways.

DENNIS SCIBETTA: There are, but the vehicles are all licensed and in accordance --

JOHN NOWICKI: There are?

DENNIS SCIBETTA: Yes.

KAREN COX: Is there --

JOHN NOWICKI: Is there that many people living in that house?

DENNIS SCIBETTA: That is not a question we can ask.

DARIO MARCHIONI: There is no limit to how many cars you can have on your property?

DENNIS SCIBETTA: No. As long as they're licensed and registered.

It is a question we can't ask, unfortunately.

JAMES MARTIN: Let's not pursue that. Obviously there is an issue there.

DARIO MARCHIONI: Thank you very much for the work you have done on that house. It looks good. Sorry for the inconvenience.

COMMENTS FROM THE AUDIENCE: None.

JAMES MARTIN: Close.

KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: As far as the conditional use time frame, I have heard Karen (Cox) propose five years. Any alternates being offered by the Board?

DARIO MARCHIONI: Ten. That is going to be there for a long time.

KAREN COX: I didn't know how far out we can go.

JAMES MARTIN: We can go out five years.

KAREN COX: Five years.

JAMES MARTIN: I am hearing five. Consensus.

JOHN NOWICKI: How many families live there?

MS. LEVAN: Two.

JOHN NOWICKI: It has been approved?

DENNIS SCIBETTA: Yes. They went through quite an extensive --

MS. LEVAN: We have spent \$40,000 on that home.

James Martin 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 the Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

- 1. The applicant is hereby granted a renewal of their conditional use permit for a period of five years.
- 2. Application of Nina Ball, owner, 3200 Union Street, North Chili, New York 14514 for renewal of conditional use permit to allow a construction company with outside storage of construction equipment at property located at 3497 & 3501 Union Street in G.I. zone.

Charles Ball was present to represent the application.

MR. BALL: Charles Ball, representing my mother Nina. Two years went by quick. I would say the same thing. If I could get a longer time frame of five years, that would be good, too.

JAMES MARTIN: Mr. Scibetta and I made an inspection of the property in reference to the as-built site plan that was approved when you got the conditional use three years ago.

We found the site to be in, I will say minimal basic compliance with the as-built site plan. There were several areas that I think need to be looked at and addressed to be sure that you're in full compliance with the as-built site plan. Certainly the condition of the parking lot was an issue. There are lot of potholes, broken-up pavement, the striping is faded to the point where you can hardly see it. Those conditions need to be corrected.

There were some trees that I think either got moved or planted new all along the north side of the property that are totally dead.

MR. BALL: When they did the sewer line, they pulled the trees out. They came back. We called them back. They came and replaced two of the trees and the following year, two more trees died.

JAMES MARTIN: They need to be replaced.

MR. BALL: Yes. That happened this summer. Two more trees died. It is beyond the point of the construction company coming back, I think.

KAREN COX: New or old?

MR. BALL: They were existing trees that were there. It was two years ago we were here before and put all trees in. About two months later, whatever it was, they came through and dug all of the trees out with the shovel and set them on the site and put them back in the ground, trucked them in with a shovel and they started dying. We were lucky to have them replace two of them. We'll have to get two more trees, I guess.

JAMES MARTIN: That needs to be done.

Some of the fencing was in a state of disrepair. I think some along the -- again, I think the south side of the building, it was kind of overgrown with brush and vegetation that also needs to be removed.

The other thing is, when you were before us before, there were several piles of broken asphalt and stuff that was in the back of the building. It was part of the process at that time, the conditions that were imposed was that stuff had to be removed. There is still a fairly large pile of that, broken rock and broken asphalt, all right, to the back side of the building, along the south side.

If you know where the roller --

MR. BALL: Yes. I think there is a pile of crushed stone there.

JAMES MARTIN: No. It is not -- it is more than crushed stone. It is full of broken asphalt. That is not supposed to be there. It is supposed to be out of there. So there are several issues that need to be taken care of. You know, our understanding is the automobiles that are there are part of the Chili Automotive. He wholesales those out to auction. We did talk to him. That is a transient situation. They're there for a while and removed. Okay.

I'm assuming the trailers you have back there are being used for storage of some sort.

MR. BALL: Yep.

JAMES MARTIN: And God forbid you ever have to move any of those out of there, because I don't know what you will do about the tires on the wheels, because they're falling off. Maybe take a blow torch and cut it apart or something.

So from our inspection, looking at the approved as-built, there are several things that need to be done that would at least lead me, and I'm not speaking for the rest of the Board -- that would lead me to a conclusion that, you know, renewing your conditional use is something that, you know, we may be able to move forward, but we'll have conditions on there and the period of time will probably not be long, because we want these things corrected. Okay? So at this point, I will go to the Board.

KAREN COX: Well, you have -- everything that you just mentioned were things that I noted, so -- but I would just say we'll need to add them as a condition. That is all.

JOHN HELLABY: I think Mr. Martin covered it extremely well. Clean up. Clean up. Clean up.

DARIO MARCHIONI: Same thing. Do the best you can.

JAMES MARTIN: All right. Not the best. We want it done.

MR. BALL: I think I can get those trees in there. That shouldn't be a problem. I don't know about striping the parking lot this year. We're almost to the end of the year. I don't know -- I don't know if you can live with that or not.

JAMES MARTIN: Well, I'm just --

MR. BALL: I can throw in those trees. I don't think it is too late for the trees. Probably a good time of year for the trees.

JAMES MARTIN: I guess what I am saying, for whatever period of time we may end up granting, assuming this does go forward, you will have a period of time to get these things corrected, okay? Before you have to come back for another renewal, if this does go forward at this point.

PAT TINDALE: Our Board just wanted all of the equipment stored behind the fence.

MR. BALL: Yes.

JAMES MARTIN: We did not find any equipment stored on the front side of the building. It was all in the rear of the property.

PAT TINDALE: They must have seen something. I was not there.

JAMES MARTIN: Unless there was something transient that comes in there.

PAT TINDALE: That could be.

COMMENTS FROM AUDIENCE: None.

JAMES MARTIN: Move to close.

JOHN NOWICKI: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: We're in okay. It would seem like if we give you a one-year conditional use permit, you would have a year to clean up the issues we discussed. Come back again and if everything is copacetic, cleaned up, with striping and all of that, then at that point in time we could probably give some consideration to a longer period of time. But right now, given the status -- there --

MR. BALL: You look at things different than I might. So now you're pointing some stuff out to me. I understand where you're coming from.

JAMES MARTIN: It is not part of the as-built, from an inspection standpoint, but when you go behind that fence, you have a lot of stuff back there. You have tires piled up. All right? You have a lot of junk back there. I mean it just -- to me, you know, it -- cleaning it up would go a long ways towards impressing this Board that you really intend to maintain that property in a suitable condition.

MR. BALL: I understand.

JAMES MARTIN: It is one of the main roads into the town. We have talked about that before, and I really would like to have some -- a nice appearing building at that particular site. So I have a mind to say we grant a one-year renewal on conditional use with the conditions that I have listed. The parking lot, getting that fixed, the trees replaced, fence repaired, the overgrown brush and vegetation -- in fact, there I think is a back door out of the south side of the building, if that is a fire escape or second exit from the building, it is not acceptable. It needs to be cleaned up.

MR. BALL: Yep.

JAMES MARTIN: And then certainly the pile of asphalt millings or whatever is sitting out there, get a front-end loader in there and clean them out. So those are the conditions.

James Martin 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 the Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Granted for a period of one year.
 2. Parking lot shall be repaired and restriped.
 3. Dead evergreen trees shall be replaced with comparable size trees.
 4. Repair all broken fencing.
 5. Remove all overgrown brush.
 6. Remove pile of broken asphalt from rear of the building.
 7. All previous conditions imposed by this Board remain in effect.
3. Application of Indus Real Estate, c/o Peter Romeo, 309 Canterbury Road, Rochester, New York 14607; property owner: Upstate Properties of Chili LLC; for

resubdivision approval of Lot #RA-2 of the DeCrocce & Kuhs Resubdivision into two lots at property located at 3313 Chili Avenue in G.B. zone.

4. Application of Indus Real Estate, c/o Peter Romeo, 309 Canterbury Road, Rochester, New York 14607; property owner: Upstate Properties of Chili LLC; for preliminary site plan approval for a change of use to allow the manufacture of precision optics at property located at 31 Jet View Drive in L.I. zone.

Peter Romeo was present to represent the applications.

MR. ROMEO: Mr. Chairman, members of the Planning Board of the Town of Chili, my name is Peter Romeo, here on behalf of Indus Real Estate concerning the proposal that has been submitted before you, namely the construction of a Dunkin' Donuts facility with leasable adjunct.

The drawings, like my hair, get curly on a damp day, so if you need the bottoms to be straightened out, let me know.

Today I dropped off a handwritten memo to Dennis Scibetta with comments based on a meeting that I had with him on October 5th wherein he related to me some concerns that I believe were conveyed by the Planning Board.

The first one -- I don't know if you have had a chance to read this. I don't know if you have had a chance to get it.

JAMES MARTIN: Yes. We have read it.

MR. ROMEO: The first one concerns the issue of parking, and as a part of the Planning Board submittal, there was a parking analysis that was compiled by Avery Engineering that shows the overall site plan for the plaza, including the Dunkin' Donuts, and I believe there are two pages of analysis of parking needs based on existing occupancies, and the parking ratios for each of those occupancies, including the Dunkin' Donuts that is being proposed.

The short of it is, is that there are 87 spaces required, and there are 87 spaces provided.

I believe that Avery's parking analysis may state 88, but I counted them at least a half dozen times and I don't think it was my bifocals playing tricks, but I counted 87. The short of it is we comply with the parking requirements set forth by the Town of Chili zoning ordinance.

The second item is a potential concern for the safety of driving patrons crossing two-way driveways, north and south, and I cite my own personal experience by being a regular at Wendy's at the corner of East Avenue, North Winton. It is a facility where there is no parking that abuts the building. It is all outside the drive lines, drive lanes, and I have not personally been whacked yet, nor have I observed anybody being whacked.

Also there is a Wendy's on Buffalo Road that has the typical parking relationship where there is no parking abutting the building. That is all on the periphery, and I'm not aware of any incidents of conflicts between the pedestrians getting out of their drive-in vehicles versus those patrons who are in their drive-thru vehicles.

I believe that one of the main reasons that there is no conflict is that that traffic is relatively slow moving.

There is an awareness of pedestrians who have egressed their parked cars, having to cross that two-way traffic lane, and as I concluded, the pedestrian's right-of-way is acknowledged.

A question relative to an area between the south property line and the south edge of the bypass lane. The dimensional site plan key note indicates a removal of existing asphalt, and the intention there is for that area to be sodded. And the landscape plan needs to incorporate that intention.

The landscape plan also needs to include a note that regraded areas will be sodded and not seeded and note planting areas with plant materials. We have on the list there decorative mulch.

There is still a concern over the lease area adjunct as being vacant or -- for an extensively long period of time, a situation having occurred within the immediate neighborhood. My response is that the developer is aware of the need to lease that space in an expeditious manner and it had not directed a concerted effort to do so without the Planning Board's site plan approval. Marketing the space without a timeline for availability to occupy does not seem to be a prudent and effective use of time and expense before he has some assurance of Planning Board's approval.

Also, I think that it is not necessarily appropriate to generalize the marketing efforts of all proponents. Agreed some are laggards. Some are efficient. So I ask you to credit this developer in the efficient category rather than the laggard.

Also, in order to clarify the issue of mutual use of parking areas, I attached one page out of the purchase agreement, and I underlined one line that essentially reads "for the use of all parking areas on the remaining property." The remaining property in this case referring to the -- the plaza lands outside the proposed resubbed parcel.

So there is legal language in place that allows each owner to co-exist and to mutually use their parking facilities.

I also received a one-page sheet of comments from Lu Engineers. I think I got this faxed to me either Monday or Saturday, and the first paragraph -- we might as well access and circulation within the site would -- should be further clarified. There is a long unrestricted area of pavement and parking along the west property line. We request that the applicant clarify how traffic circulation and access will work to insure that any potential vehicle conflicts

for the drive-up lane are minimized.

I believe that Avery's parking analysis shows the arrangement of not only the parking space and drive aisles on the Dunkin' Donuts parcel, if you will, but also for the balance of the property.

And again, citing real experience of cars being parked outside the drive-thru lanes, traffic lanes, I don't believe that there is a problem.

Currently, south of the south property line of the proposed Dunkin' Donuts, although these site plans don't show it, there is additional parking. In fact, there is parking striped immediately abutting our south property line as far east as the existing east edge of pavement. So what we would consider doing is if the adjacent property owner opposite were to have a drive-thru access to the Dunkin' Donuts' two-way drive, we would put a stop sign right on the -- it would be on the south side of the bypass lane, so that vehicles proceeding north from the adjacent property would have to stop and grant a right-of-way to those entering the drive-thru or the pickup lane.

Item 3, the issue of cross access easements and parking agreements. And I believe that issue is addressed with the attachment that I provided to my memo response to Dennis Scibetta.

We also got a copy of Monroe County's Development Review Committee's report. There are a couple of things. I clarified this by telephone on Friday. Item 3, they make reference to the plans for a proposed bakery. It is not a bakery. It is a food service establishment. They actually don't bake goods from scratch on this facility. But even as a food service establishment, it is subject to Department of Health codes and compliance and permits.

But there is a correction of semantics that they're aware of, that it is not a proposed bakery. The baked merchandise is brought to the site. It is prepared off site in a producer store, and they are finished at this facility, but there are no baking ovens. There are no dough mixers, et cetera, et cetera.

Also, I believe I read a comment relative to siltation, erosion and siltation control. I believe that the obvious place that should be included is right along the south property line. The reason I say that is that the proposed drainage essentially is no different than the existing drainage. Everything drains from north to south. The other thing that needs to be borne in mind is that for the creation of the building pad, there is going to be asphalt removal. It will expose granular material that is under the asphalt. Removal of pavement at the north end of the site will do likewise. Asphalt removal will expose existing granular material. Likewise, along the south edge of the site, which is currently paved all of the way to the south property line that involves the removal of asphalt, which again will expose existing granular material.

There is some reworking of dirt, if you will, east of the -- east edge of the bypass lane, so in order to be safe, we would put siltation fence all of the way across the south line.

What I have done is taken a dimensional site plan, and depicted those areas that are intended to be green. Although there is no calcs shown on that site plan, the resulting area of impervious area is, in fact, less than the existing.

Also, as part of the application package, there is a landscape plan. I believe everybody got it in their package. That needs to have some amendments, as I mentioned before, namely sodding, instead of seeding. Clarification of the planting beds, including the requirement for weed control mat.

Furthermore, what we would like to do is supplement the landscaping along the south property line with some evergreen shrubs. We believe that it would enhance the definition of the property visually without significantly impacting the capability of that area to be used as a snow storage area.

So instead of taking some out, we're proposing to put some more in.

The resub map was submitted as part of the application, and I believe it is complete. I have heard no comments from anybody as to any additional information that is required. That resub map shows permanent access easement and also shows a temporary construction easement.

So unless I have adequately anticipated and addressed your concerns, I open the questions to you, if you have any.

JAMES MARTIN: A couple of questions. Clarification. Finishing the donuts on site, does that mean like frosting them and doing that type of operation?

MR. ROMEO: Correct. Right.

JAMES MARTIN: Could you go to your drawing over there and show us exactly where you are proposing to place the stop sign?

MR. ROMEO: Yes. I don't know if --

JAMES MARTIN: I can see.

MR. ROMEO: I propose putting the stop sign right here (indicating). In the event that there is northbound traffic that ultimately gets created from the adjacent parcel to the south.

This way, vehicles heading south on -- let's call it the Dunkin' Donuts two-way drive -- can make a left-hand turn, if you will, or eastbound turn to get into the pickup lane without playing a guessing game with northbound vehicles that may come from the abutting property to the south.

JAMES MARTIN: And that bypass lane, you know, that needs to be open for cars that need -- if they want to get out of the queue and exit.

MR. ROMEO: Right. For one reason or another.

Also, you know, the adequacy of queuing capacity is dependent upon the efficiency of those employees who are taking the orders and processing the orders.

That's a very significant part of the -- what we call the service efficiency formula. And I

believe I can speak for Indus, even though if you want to supplement my comments, he is here to speak to the issue. But with the queuing capacity of six vehicles, or a -- any out of conflict with moving traffic, um, the six have proved to be totally adequate with the -- with the Dunkin' Donuts facilities that we have done to date.

MR. ROMEO: I submitted site lighting plan. One thing we were not able to project is this four luminary post light that has to be relocated from here to here (indicating) because we didn't have the photometric characteristics. But as you can see, on the east side, the drive-thru side, there is just enough light for visibility to see the drive-thru lane and the drive pickup window. We hit it more heavily on the north end than the south end. Because this -- this is a parking area (indicating). Right -- this -- this we need (indicating). Because it is an area of -- let's call it two-way traffic and also the entrance to the drive-thru and bypass lane. The light fixtures have been shown on that lighting plan and the specification has also been included.

Also relative to site utilities, Avery Engineering has submitted preliminary drawings to DOT, because of perceived need to do road bores for both domestic water and for sanitary sewer, and they have also been in contact with Monroe County Pure Waters relative to the water service issue.

KAREN COX: Can you tell me what that lease area is going to be used for?

MR. ROMEO: Let's see. At this point, we can't -- we can't tell you because we don't know. As I mentioned in my memo to Dennis (Scibetta), it didn't seem appropriate to start marketing that piece until we get past the site plan approval process.

KAREN COX: I mean the reason I am asking, I'm not trying to be facetious or insulting, but there is a Dunkin' Donuts, I'm sure everybody is familiar with, out on Scottsville Road, and maybe it is a different situation, but that one, part of the building is still empty, and, you know, we're probably going into the third year of -- after that building was built.

So I -- that is a concern on my part. As I understand it, when you explained about the parking, the parking lot area to the west of this building is going to be a shared space.

MR. ROMEO: Right.

KAREN COX: According to the lease agreement.

And I don't -- I'm not trying to refute your experience with Wendy's, but I think this type of business is more of an -- what I call an impulse-type business. Somebody comes out of Ace Swim & Leisure and gets in the car and says, "I want to get a cup of coffee." They zip over to the Dunkin' Donuts, and, you know, anywhere along that west property line, they can enter that drive-thru lane.

Now, when we did the Tim Horton's, we had a similar concern with people exiting the K Mart driveway. And what the requirement that we put on that application was was that they put in parking bumpers to stop that kind of a movement.

MR. ROMEO: The drive-thru lane actually starts here (indicating). Right here (indicating).

KAREN COX: Understood. But you're going to have people coming down from Chili Avenue, along the west side of the building, and you might have traffic -- and it might be an isolated situation, but you potentially could have traffic coming in from the west side of the parking lot. You have got a nice unrestricted lane.

MR. ROMEO: Yes, you could. In fact, this site plan shows the start of the parking rows that are reflected on Avery Engineering's drawing. So it is no different than the cross aisle, entering a main aisle at any commercial parking lot.

You and I have the choice of either wantonly making this turn, all right, a hair-pin turn, or slowing down and making sure that we're clear to enter another lane of traffic. So, you know, how do you do it? You put a stop sign in every one of these?

KAREN COX: The stop signs and parking lots don't work.

MR. ROMEO: Either that or stop bars. If you think the stop bars would help, we could put them in.

KAREN COX: I guess I would like some way to define where -- you know, where the conflict could occur.

Based on my experience, in another plaza in this town I'm sure everybody is familiar with, stop signs in parking lots don't work. Eventually this particular plaza had speed bumps or speed humps installed which has helped the situation, but most people know that there is no enforcement of stop signs in parking lots.

MR. ROMEO: How about --

KAREN COX: They ignore them.

MR. ROMEO: How about stop bars? Are they any less effective?

KAREN COX: You know, I see some potential issues.

JAMES MARTIN: I agree with Karen (Cox) on that. It just seems like somehow that needs to be restricted. I don't want T-bone accidents occurring with somebody not paying attention, as a lot of drivers don't. So if something can be done to mitigate that, it would be very beneficial, I think.

KAREN COX: Is this building going to look like -- there is a nice looking Dunkin' Donuts I believe over on 250 near 441. Somewhere over in Penfield. I just -- I noticed it last week. Is this going to be similar to that?

MR. ROMEO: Very similar. In fact, we made it a point that this proposed building is not the prototypical Dryvit box, with the flat roof.

KAREN COX: The roof line is more what we like to see.

MR. ROMEO: Also, the cooler freezer unit, all right, is inside the building and not an attachment to it. Oftentimes you will see them as an appendage on the back of the building, and they're very obviously a pre-fabricated unit. So we have accommodated that requirement within the shell of the building. You won't see it from the exterior.

KAREN COX: I know this applicant has nothing -- can't really address this concern, but I would remind the Board that three years ago we had a conceptual proposal for this same business in another plaza in the town and none of us were excited about it. I really -- I wish this was a nicer family restaurant, but that is my opinion.

JAMES MARTIN: Maybe some time, some year.

KAREN COX: When I'm dead and gone.

JOHN HELLABY: I guess I have to ask the question, whether you're aware of it or not, there is another application on tonight's agenda, also has Dunkin' Donuts associated with it.

MR. ROMEO: I'm aware.

JOHN HELLABY: Is there any connection in here? I have to ask, because --

MR. ROMEO: You need to ask the representative who will present the other one. And there is an answer for why two, are they, in fact, duplicates? I can't answer that, because I don't -- I don't get involved with the marketing.

JOHN HELLABY: Well, I guess the question is, and whether it is you, Peter (Romeo), or the developer here, is he part of that other application? Is this facility supplying that other location? If he could just elaborate a little bit. I would like to know that going into this thing.

MR. MEHTA: It is not. First name is Jett. Last name Mehta.

The proposed facility will not be supplying the facility that is being proposed at the Mobil station. The businesses really stand independently, although both will receive their product from the same central manufacturing location we have.

To answer, or to try to answer your question about two stores being located in close proximity, with the coffee and baked good business, it is truly not unusual. It occurs in many instances where stores are located a mile apart. It is a business that really is tied to traffic patterns and flow, which we have determined through traffic counts and through pretty extensive market research that these are different sites on different sides of the road. One is playing a -- two different ways, two different commuting routes. There are a number of these stores in existence in close proximity, including locations in the Town of Webster on North Avenue as well as Holt Road, which are nominally about a mile apart. It is also -- 19 in the Syracuse and Albany markets, which are very similar to Upstate New York marketplaces.

JOHN HELLABY: Appreciate your honesty. My only concern I guess is that, you know, two of them in close proximity. You already have a Tim Horton's. You have Leaf & Bean or whatever it is up there. And it is just my biggest concern -- I understand it is everybody's right to go out and pursue these businesses, but it doesn't help to put a strangle hold on a Tim Horton's to drive them under and the next thing Chili is sitting there with an empty building.

MR. MEHTA: It is not our intention.

JOHN HELLABY: We have a delicate balancing act.

MR. MEHTA: We would like freestanding stores, but without getting into too long of a dissertation about the difference between a freestanding store as this is being proposed and as we're looking to do in Mr. Rice's Mobil station, it is a different customer. It is just a different application. It would be perhaps similar to a Starbucks in a plaza as well as inside a Border's Bookstore next to it. You're really getting different customers.

KAREN COX: Coffee is like beer or cigarettes. Everybody has their own favorite brand.

MR. MEHTA: Also, their very distinct purchasing habits of the coffee.

JOHN NOWICKI: Isn't it true that a cup of coffee costs more than a quart of oil?

MR. MEHTA: I don't know. George Rice can help you with the price of gas.

(Laughter.)

JAMES MARTIN: Getting back to Mr. Hellaby's comment, Tim Horton's, Wegmans, Dunkin' Donuts, we're up to about 100 donuts per capita in the Town of Chili. I'm getting concerned about the obesity issue.

(Laughter.)

JAMES MARTIN: Any ways.

JOHN NOWICKI: I just wanted to complement Mr. Romeo on your design, because I think the architectural design is something that is -- creates a good feeling.

MR. ROMEO: It was intended to bring in some building material samples.

JOHN NOWICKI: The only other thing I had on landscaping, once that is suggested and agreed upon by everybody, we'll need a letter of credit on that.

MR. ROMEO: We would like to supplement what the landscape plan shows.

JOHN NOWICKI: The only other thing I had was the -- we got the -- the easements are all set. Other than that, that is all I have. Thank you.

DARIO MARCHIONI: Mr. Romeo, I sincerely appreciate what you have done here in this architectural -- compliments to it. I came back from the Planning Federation in Saratoga Springs, and this is the exact type of architecture or -- that can be. Instead of the box-type stores of the past, this is the future, where it is friendlier to the public. It is user friendly. It is pleasant.

MR. ROMEO: Ironically, the shell costs less to do this than it does the Dryvit box.

DARIO MARCHIONI: My compliments with the architect, because if I was an architect, I would put my seal on something like this. Other things that come before us I would not put my

seal on. You know. I don't know where they learned to be architects, but some of them are not architects. This is fantastic.

MR. ROMEO: You also have to have a receptive client when you do that sort of thing.

DARIO MARCHIONI: Well, we're going to see about getting this stuff from now on.

MR. ROMEO: All right.

DARIO MARCHIONI: Thank you, sir.

MR. ROMEO: You're welcome.

JAMES MARTIN: Keith (O'Toole), are you satisfied with the cross-easement agreement on the parking?

KEITH O'TOOLE: Yes.

DENNIS SCIBETTA: I'd like to thank Mr. Romeo for all of the meetings that has been -- he so politely addressed all of the questions that we had and to Mr. Mehta also.

I would like to see them look at the -- some type of property line break between the two parking lots, if that could be addressed. If it is it all possible, I ask that it be looked at as a method to kind of stop that access from the west, uninhibited access from the west, rather than parking bumpers, which I think we can all agree, don't work the way they're supposed to, but maybe a small low wall or something that would possibly break the properties up.

MR. ROMEO: You know what you need to realize, and maybe I didn't explain it adequately, but in order to satisfy the parking requirements for Dunkin' Donuts and the adjunct, they need more than the ten spaces shown on the north end of the site. So there are five spaces that are staying west of the west property line that this proposal is dependent on to make the package work.

KAREN COX: So a wall would effectively cut off those customers or discourage customers from going to Dunkin' Donuts because they might see the ten spaces full and then the wall between the two properties and give up?

MR. ROMEO: Well, it's possible.

JAMES MARTIN: Could you control their access point to the drive-thru lane for the Dunkin' Donuts from the west somehow besides just the bumpers? Is there a way that can be done?

JOHN NOWICKI: Maybe through signage possibly. You have to look at the efficiency of the snow removal, too.

JAMES MARTIN: I understand that.

MR. ROMEO: I still think that if you put -- if you put stop bars in there, to preface that, it's my guess that the users won't be one-and-one-time-only users. So that you get accustomed to traffic controls, and if you know that there is a stop bar there and you have to stop, then it slows down the traffic and it actually stops the traffic. And it mitigates the potential, what do you call it, being absent-minded or right-handed left-hand turner who whacks a car in a two-way drive.

JOHN NOWICKI: We had the bars over on Perna's office building, Jamie Valerio's building. He puts them in the summer months and takes them out in the winter months. It seems to have controlled the traffic over there pretty good.

KAREN COX: Those are for, I think, wider driveways. Here you will have just -- the way that parking lot is striped, you will just have a parking stall. Some way to wake people up that they -- that they can't drive, they shouldn't be driving that parking lot the way they drive in another parking lot that we're all familiar with, across the street. That is the only thing.

JAMES MARTIN: I will list that, just, you know, applicant should look at, you know, property break between property lines to control the west parking area. Something could be done. I think it is a safety issue that could, you know -- somehow if you could creatively address it, it would make us happier from that perspective.

MR. ROMEO: I think -- I agree that stop signs in some way are safe, but they also make it a bear to plow snow.

JAMES MARTIN: You just watch traffic flowing in Wegmans. There is a stop sign at the bottom of the hill. 99 percent of the people that go into Wegmans do not stop for that stop sign.

MR. ROMEO: In the wintertime they probably can't.

DAVE LINDSAY: Have you given any thought to moving the menu speaker board to the radius on the curve there? That would give a little more time to queue up behind the speaker board. So if you have two cars there, the way it is now, it is just like the tail end of the second car would be sticking out into oncoming traffic.

MR. ROMEO: That can be adjusted. I think I now show it parallel to the entrance lane. I put it at 45 degrees.

DAVE LINDSAY: Just on the radius I think would probably work out better.

DENNIS SCIBETTA: Check the Wendy's board.

JAMES MARTIN: Would you be happy pending Town Engineer's approval to pick up on that point?

DAVE LINDSAY: Yes.

PAT TINDALE: I was not at this meeting. I'm looking at what they wrote here. I'm wondering if there is really room. They recommended a 4 foot planting bed between the building and the sidewalk. That was one.

Then the second --

MR. ROMEO: I'm not aware of that. No. Who made that suggestion?

PAT TINDALE: Our Conservation Board made that suggestion. I'm -- you know, I don't

know if there is room there or not, but that was their suggestion. A 4 foot planting bed between the building and the sidewalk. I don't think there is room after listening to this conversation. The map we're looking at was the landscape one. A landscape island on the west property line. It doesn't sound to me like there is room for that.

MR. ROMEO: Well, if you take a look at Avery Engineer's parking analysis, all right, there is a crosshatched area at east-end of the crossroads of parking. You probably don't have a deck of cards?

PAT TINDALE: I don't have anything like that.

MR. ROMEO: This is on an 8 ½ by 11 site plan; either that or 11 by 17, but it is part of the parking analysis.

MR. ROMEO: Do you see the crossed-hatch areas that are at the east end of what I call the crossroads of traffic that are in the plaza itself?

PAT TINDALE: Yes, I do.

MR. ROMEO: I question if those are sufficiently wide to be meaningful.

PAT TINDALE: They had none of this to see, so after I listened to this, I figure there is no room for what they're suggesting there. I don't know about out front by the sidewalk. You have some plantings up there I see on -- north on Chili Avenue.

MR. ROMEO: There is a modest-sized patio out there for some seating. We have taken the north end of it and the east edge of it and planted that. Again, to soften the seated area from the vehicular traffic. I believe there is a note that says that that is supposed to be stamped concrete patio, and there is a decorative wrought iron fence that encloses two sides of it on the edge of the patio.

PAT TINDALE: I see that. It look good to me.

FRED TROTT: Just reiterating what Karen (Cox) said. If they look at some kind of separating the properties on the west side. If looking at it -- like what Tim Horton's has over in K Mart, as a suggestion. Something like that.

JAMES MARTIN: I think we kind of -- we have asked them to look at that creatively. Okay. Anything else?

FRED TROTT: No.

JAMES MARTIN: Anything more from the Board? Side table?

COMMENTS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I had two questions. First off, could we have a drawing up for the public as to what this is going to look like?

And secondly, the only question I had is where is their snow storage?

JOHN NOWICKI: It is identified on the map on the south side.

JAMES MARTIN: The south side.

Mr. Romeo, would you like to point it out to Ms. Borgus where your snow storage will be?

MR. ROMEO: Sure. There is a snow storage area right down here (indicating). This is now all paved, right? And this is now all striped parking. The additional snow storage area, there is some capacity along this side (indicating), but even more capacity along the north fringe.

Currently, the north pavement edges may be 4 feet, 5 feet south of the south edge of the sidewalk. We have taken some of that pavement out to create a landscape area, but it is also used for some snow storage.

MS. BORGUS: You will put the snow in the landscaped area?

MR. ROMEO: Very minor. What I am proposing is for the mulch to be decorative stone.

MS. BORGUS: Won't you have plantings in there, as well?

MR. ROMEO: Some plantings in there. But we believe there is some buffer room left to stockpile some snow.

The bulk of that snow storage will occur down here at the south end (indicating).

MS. BORGUS: Is the green supposed to be grass?

MR. ROMEO: No. The green is supposed to be landscaped area. In other words, not parking, not asphalt pavement. All right? All of this area that is shown in green, right, is intended to be sod or grass (indicating).

All of this is either existing grass or that which is going to be disturbed and graded will be sodded. And -- so I proposed just a few minutes ago, along the south edge, to put some evergreen shrubs, just to create a more defined visual barrier between the two properties.

There is 17 feet right by measured dimension from the south property line to this curbed line. So even if we took 4 -- if we're planting evergreens, that would be 13 feet of sodded area for snow storage.

MS. BORGUS: It may work. I just don't know about piling snow loaded with salt, which it's going to have to be to keep your driveway clear on top of your landscaping and your shrubs and -- this sounds like it could be a little bit of a problem. Thank you.

MR. FINLEY: Kip Finley with of Avery Engineering. I would jump in here, because we are somewhat linked to this project.

My experience, one of the best ways to control the traffic and keep the speed down in a parking lot is that it appears full. In a case like this, with your parking study there is an anomaly. The anchor store, the Ace Swim and Leisure, if we use the square footage for that building

relating to customers, that is how we get our parking count, but if you have ever been in the store, you see a few customers around, but the square footage of the area in the store is so huge because of what they sell, the hot tubs and pools and things like that. If the Board could give the applicant some relief of say four parking spaces, because of that anomaly of the square footage, I think they could be a lot more creative in putting some kind of a curbed island or green space on the west edge of the parking lot. Just a thought. I would also make it appear a little more full. I have never really seen the parking lot full other than during Chil-E Fest.

JAMES MARTIN: That is not a bad suggestion, but we wouldn't have the power to grant a zoning variance. They would have to go to the Zoning Board for approval of that. But it is a suggestion maybe you could share with the applicant, and again, as part of the creativity around this problem, that is something that could be done there.

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: I'm kind of curious. The parking at the Dunkin' Donuts is east to west as it is proposed here?

MR. ROMEO: Correct me if I am wrong, but I believe that the parking analysis indicates that 15 spaces are required for the total package. Right? Ten of those are shown along the north -- the north edge of the site. All right? One and seven-eighths of the western most parking spaces are not on the Dunkin' Donuts parcel. They're actually in Upstate's remaining lands.

So even if you take these 10, all right, and you deduct it from the 15 that is required for Dunkin' Donuts in the small lease area, there are five required in these cross aisles to satisfy the zoning requirements, the parking densities for the Dunkin' Donuts in the leased area.

So I don't know if that answers your question or further confuses you.

MR. DUNNING: The current parking scheme is north to south. My concern is during the summertime when Ace Swim and Leisure is very busy, you have two circular patterns of traffic through the plaza. The back side of the Ace Swim and Leisure building is for pickup or delivery of chemicals for people's pools. They circle around the building. Bigger merchandise, pool chemicals or covers, I have done it myself, that is where they send you. They send you back there to pick up the merchandise. If you have also Dunkin' Donuts with a circular pattern in the same parking lot with two conflicting patterns of parking, I'm wondering how that will work. You don't have to completely answer that, but I think you should think about that.

JAMES MARTIN: They're still all aligned, okay?

MR. DUNNING: Still on this side --

JAMES MARTIN: We can certainly put this diagram up here. This is Avery's parking analysis.

MR. DUNNING: I understood them to go the other way. I'm fine with that.

The other question I have, though, is about the materials that are being used for the outside. Are they consistent with the rest of the Plaza, the same materials, same look, same feel? Outside of the Ace Swim and Leisure, and the Chinese restaurant and things, because I know they are different, but the newer section of the plaza has newer materials used. Is this the same materials? Will it look the same as the rest of the building in the back?

JOHN NOWICKI: No. This is more residential character.

MR. DUNNING: I see the elevations, but I don't know the materials.

JOHN NOWICKI: Is it siding, mostly vinyl?

MR. ROMEO: This has a real brick band at the windowsill height with a precast concrete cap.

From the top of that band to the underside of the soffit, this is vinyl siding. The roof is a gabled roof. It has sided gable ends and these are false dormers as would you find in a residential structure. The roofing materials are asphalt shingles, again, which are residential material.

So in comparison to the existing plaza, it would be a real stretch to say they're similar because they're not.

JAMES MARTIN: I think it will be a much nicer-looking building, and I think, as Mr. Marchioni already pointed out, this is the direction we would like to go in the future. We're tired of getting Plan A, the cookie cutter box. We want something with architectural features that will hopefully some day be in alignment with architectural standards that we develop in the town so we have a theme rather than hodgepodge.

JOHN NOWICKI: It would compliment the bakery store.

JAMES MARTIN: I think it would to a degree.

MR. DUNG: I think the rest of the plaza is nice. I'm just concerned that we don't get into the hodgepodge.

KAREN COX: We won't get neon on this.

JAMES MARTIN: There is no neon on this building?

KAREN COX: No striped blue neon, please.

MS. BORGUS: Could I ask just one more question? What about signage?

DARIO MARCHIONI: It's on the building.

MR. ROMEO: The elevations.

JAMES MARTIN: That is shown on one of the drawings.

MR. ROMEO: Actually, the building elevations show signage on the north gable end and the gable that occurs over the vestibule, which is on the west side of the building, and each of those is 16 square feet.

249

MS. BORGUS: It's not lit, I hope?

JOHN NOWICKI: It could be.

MR. ROMEO: They're internally illuminated.

KAREN COX: They are small, though, from what I have seen of the one in Penfield.

They don't --

MS. BORGUS: Jump out at you.

MR. ROMEO: You can tell, these are drawn to scale.

DENNIS SCIBETTA: They're not on the scale of Bill Gray's.

MS. BORGUS: That's good.

KAREN COX: Or Phil's Pizza.

JAMES MARTIN: I think they're relatively discreet compared to some of the other problems we have in town.

MR. ROMEO: Also, what I forgot to add is that the awnings that are proposed are not the striped awnings. They're the solid burgundy color.

JAMES MARTIN: I think you mentioned that when we had a discussion, that they would not be the striped awnings.

MS. BORGUS: The building certainly is a step up from many of the things that you see here. It is a nice-looking building. If it matches or even comes close to the building on Route 96 in Victor, it is beautiful. Right on 96 there is a Dunkin' Donuts there as you're going into Victor. It is on the south side. It is gorgeous. It is a gorgeous building. So the Board ought to opt for more plans like this. Thank you.

KAREN COX: Oh, for sure.

JAMES MARTIN: Give us time, Dorothy (Borgus).

JOHN NOWICKI: You know we try.

FRED TROTT: Just something that Dorothy (Borgus) picked up that just kind of triggered in me. I know it has nothing to do with this applicant, but Ace Swim and Leisure usually plows, dumps their snow, a large quantity, where this will be built. So where would their -- I don't know if that is going to affect their snow storage.

KAREN COX: It possibly will, but I mean that would have to come up during talks with the lease agreement.

DARIO MARCHIONI: They have room by the railroad tracks in the back there. There is a lot of room over there for snow storage they never use.

JOHN NOWICKI: There is a lot in the front parking lot.

FRED TROTT: You will end up with a lot in the front parking lot.

JOHN NOWICKI: Where they had the big sale with the tent.

JAMES MARTIN: That parking area is very sparsely utilized. Some will get plowed up along Chili Avenue, the north edge also. It is a good point. Obviously you will need to be --

DARIO MARCHIONI: Mr. Romeo --

JAMES MARTIN: Make sure you don't plow that. Anything else?

KAREN COX: I guess even though I -- even though it is indicated that I wished this was a different type of facility, I do want to thank the applicant for coming in with architectural plans that need no work, because this is not like anything we usually see. So we do appreciate that.

JAMES MARTIN: Move to close.

JOHN NOWICKI: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

On Applications 3 and 4, James Martin 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 applications to be unlisted actions with no significant environmental impact, and the Board all voted yes on the motion.

James Martin reviewed the proposed conditions with the Board.

The Board voted unanimously in favor of waiving final approval.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 5 yes with the following conditions:

1. Pending Town Engineer approval.
2. Letter of credit for landscaping plans should be submitted prior to building permit being issued.
3. Applicant should look at a property break between property lines to control access from west parking area.

- 4. Building shall be constructed according to architectural plans submitted with this application.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 5 yes with the following conditions:

- 1. Pending Town Engineer approval.
- 2. Letter of credit for landscaping plans should be submitted prior to building permit being issued.
- 3. Applicant should look at a property break between property lines to control access from west parking area.
- 4. Building shall be constructed according to architectural plans submitted with this application.

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

- 5. Application of Sydor Optics, 1 Blossom Road, Rochester, New York 14610, property owner: R & J Property Management Inc.,; for preliminary site plan approval for a change of use to allow the manufacture of precision optics at property located at 31 Jet View Drive in L.I. zone.

Jim Sydor was present to represent the application.

MR. SYDOR: Members of the Board, Jim Sydor. I'm President of Sydor Optics. We're just changing the use from Label World, which is in Building 31 Jet View Drive, into Precision Optic. What we do is fabricate precision optical components of glass, and I have some samples here if you would like to see them. That's a cinematography filter for Panavision (indicating). That's for flight optics, lightweight for space (indicating).

So we have 33 employees, and we're looking forward to coming to Chili. We have outgrown our space on Blossom Road. We have another location in Fairport and another location in Brighton. I would like to combine all three facilities under one roof. The outside of the building is not going to be changed. It is just going to move in our equipment and our office staff and get to work.

DARIO MARCHIONI: Welcome to Chili.

MR. SYDOR: I have given brochures also.

JAMES MARTIN: Yes. Thank you very much. Interesting to read through there, all of the things that you do.

Basically from the letter of intent, there certainly were no issues that I picked up on, zoning issues or any of those types of things. I guess at this point, I will go to the Board.

KAREN COX: I just want to say welcome to Chili.

JOHN HELLABY: Label World is moving out of 31 completely?

MR. SYDOR: I hope so. There is no room for both of us.

JOHN HELLABY: Just asking a question. So I would assume their banner would come off the building. There is a temporary -

DENNIS SCIBETTA: It's an ISO banner.

JOHN HELLABY: No other changes to the outside whatsoever?

MR. SYDOR: No.

JOHN NOWICKI: Anticipated move-in date?

MR. SYDOR: February I think is the best month to move, February. By the time -- I would like to have been sooner, but between the lawyers and, you know, we figure moving the equipment and getting ready, February is the time.

JOHN NOWICKI: Do you have your own fleet that moves in around --

MR. SYDOR: No. I use Boulter. Some of the equipment we have is 18,000 pounds. We would have to use the riggers to move that equipment.

DARIO MARCHIONI: I did the masonry on that building. Concrete comes from Domine.

MR. SYDOR: I was very impressed with the building. I looked at a lot of property all over the City of Rochester and Monroe County. I really liked the building. Mike Virgil is here, I believe the original builder of that building.

JOHN NOWICKI: Great guy.

PAT TINDALE: I would just say you have excellent landscaping there now, so please maintain it for me.

COMMENTS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Two questions. Is this firm buying the building, renting or leasing?

MR. SYDOR: We're buying the building.

251

MS. BORGUS: Does this move involve any COMIDA funds?

MR. SYDOR: We'll go to COMIDA and ask for all of the benefits that they offer. But as of now, we have not talked to them.

Also, I would like to ask the Board if we could also get final approval.

JAMES MARTIN: It has been requested and we'll address that issue.

Move to close.

JOHN NOWICKI: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: The applicant has requested waiver of final and paid their fee. Consensus of the Board?

The Board indicated they would waive final.

DECISION: Unanimously approved by a vote of 5 yes with no conditions.

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

- 6. Application of George Rice's Service, owner, 3152 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for a change of use in portion of building to convert service bays to retail area at property located at 3152 Chili Avenue in G.B. zone.

Kip Finley, George Rice and Jett Mehta were present to represent the application.

MR. FINLEY: Hello everyone. I'm Kip Finley with Avery Engineering. Tonight we're here for site plan review associated with partial change in use at the existing Mobil station on Chili Avenue at Cold Water Road. I have George Rice and family, who is the owner of the station, and also Jett (Mehta) is with us again from Dunkin' Donuts. This is -- I guess many of the questions probably were answered under the other application.

This particular store is going to be different than the one that is a freestanding store. This will be a lease area inside of the existing building. So as far as site plan and architectural review, there is very little as far as changes to the site or to the building.

I think probably it is important to know that the reason for adding the additional retail space inside is more of a move, a business move to insure the longevity of the store. The service portion of it is no longer really an interest to Mr. Rice, or it is not a vital part of that business as much as the retail sales, the convenience store and the fueling out front.

And in order to -- since, believe it or not, gas profits are not really big, as much as the price tag is big, per gallon, they have to diversify, which means more retail space inside.

On that drawing you have the floor plan of the building on the bottom. If I talk loud, can I go over here (indicating)?

In the floor plan of the building, the yellow outline is what is now service bays.

The blue section over here (indicating) is the pretty small square footage for the Dunkin' Donuts. This will be a walk-up and drive up, buy your goods. There is no room to sit down and have a breakfast or anything like that. It is much different than a freestanding store where you can have coffee and sit down.

The area in here (indicating) is an expanded retail area for the convenience store, and the coolers that now take up quite a bit of the floor space will be replaced with coolers over here (indicating). Outside, the only difference really in the front is -- there is a rusty storefront of glass on this part. They will add a doorway to get into that other part of the store. They're talking about small signage up front here (indicating). In the back where the garage doors currently are, they will close that in and put up a drive-up window with a canopy, or one that juts out so the cars can pull up to it.

Comments from Monroe County Planning really were minor. It dealt with a reminder to use soil erosion control measures. In this case, our work is pretty much limited to pulling out some sidewalk, putting that back, putting a little grass island in where the menu board is. There won't be erosion control problems.

Probably the biggest topic, that was a comment that came from the Town Engineer, WAS a reminder to really look into traffic circulation. That is why I have colored this up so if you can see from a distance, yellow is the building and the pumps. Green is the path for the carwash. If you have not been to the site, there is a carwash there. Orange is proposed parking spaces. Blue

is the circulation for the Dunkin' Donuts. Again, the end of the store is blue, just like this was (indicating).

What we have is -- I thought of it as a ying/yang type thing. We have carwash this way (indicating) and Dunkin' Donuts this way (indicating). They somewhat dovetail on the site. Just like the other store, there is room for six cars to queue that don't interrupt moving in and out of the gas pumps and the other driveway. They don't get in the way of the circulation for the carwash, and there is enough space between the canopy and the building to put three parking spots up front for the people that really can't walk very far, and there are four other spaces that are only about 40 feet away from the door. So it is fairly convenient. This site was designed under code for service station, which required more parking than it does for this. So there are ten more spaces on this side that would have been used for cars that were in for a repair. Maybe they had to stay overnight. For employees. Those will be the employee spaces now. So that gives us seven spots very close to the front door.

We have two drive-up functions happening. Sometimes you don't want to wait in line, so you need escape routes. For the carwash, we still have the first route, if the line is backing up, they can come around and go out the exit for the donut drive-thru.

If they go a little further and still want to get out, they can come around and go out (indicating). We have made these maneuvers in a fairly large full-sized pickup, so something that can go through the carwash can make the maneuvers. If you get to the next one and find you have no money, you can still go this way (indicating) and get out.

For the donut drive-up, we'll take out some spaces so we have a full two-lane wide aisle. If you're the second, third, fourth person in line, you can still come out and go around the person at the window and come out.

Although when you go to that particular property, you see there are a lot of curved islands and you have to follow the signs to get around, we do feel the two different maneuvers will work together.

So basically we're here to talk about the change in use from the service bays to retail, and I think pretty much traffic function on the site.

I have statistics on percent of cars that pay at the pump and those things, but why don't we go with questions.

JAMES MARTIN: This plan reminds me of the Mario game.

MR. FINLEY: Because of the colors or all of the activity going on?

JAMES MARTIN: Things blinking back and forth.

Where was the employee parking?

MR. FINLEY: Mr. Rice will instruct the employees to park over on the other side of the carwash store. The exception might be someone that is working a late shift. Sometimes they will just park under the canopy where it is lit so when they come out of the store, they will be safe.

And now, with the expanded size of the store, there will be two employees to help always maintain waiting on customers while someone else is taking care of clean-up or other things.

JAMES MARTIN: On your building plan itself it says donuts and bakery. I heard there is no intent to do bakery on the site, just finishing. Is that right? Are you doing finishing like we were told before?

MR. FINLEY: Good question for Jett (Mehta).

MR. MEHTA: It is less impact. We won't even finish the donut in a gas station because of size restrictions. Nothing is produced or finished for that matter. It is purely a retail operation for us.

JAMES MARTIN: On the floor plan it had a label that is donuts and --

MR. MEHTA: That is a display case. It comes to the store done.

JAMES MARTIN: That is a display case area?

MR. MEHTA: That's correct.

MR. FINLEY: This corner here (indicating) is what they call the point-of-sale station. From this point where you come up, you can see the case behind you. This is where you tell the attendant, "I want the cream filled," jelly glazed and everything that is behind them. So that is what that is.

KAREN COX: If you have six cars backed up, and there is obviously times of the day where that could be expected, how are people going to use those four spaces? To be honest, I have seen this at other fast food restaurants, this type of set-up. And you think twice about pulling into one of those parking spaces at a busy hour because you might not be able to get back out.

MR. FINLEY: I think part of the explanation Jett (Mehta) had given before, as far as they are on different commuter routes, but another part of this is pretty much similar to the way they function with gas pumps. If you noticed in the last few years you don't have the canopies with two or four pumps any more. They pretty much go to 8, 10, 12 pumps because what they found is if you pull up into the gas station and you see you don't have a free space, you pretty much leave. I think another part of the philosophy with two stores close by, if you miss that one down Chili Avenue, there are two or three people in the queue, you know you have got one more to hit before you get to work.

We're not expecting that it will be backed up that far. And this is also a pretty quick turnaround item. All they have to say is what they want. It is in the case. They put it in the bag.

I don't know if that is a time frame. You must have timed how many seconds.

MR. MEHTA: In our typical goods and convenience Dunkin' Donuts, our drive-thru times are about a minute 15 seconds. It goes quickly. It is in excess of 75 percent beverage. People are just mostly single commuters moving in quickly at gas stations.

MR. FINLEY: I can see your point. We're dealing with an existing site and trying to retrofit it. We talked about all different locations on the building to put a drive-in, a drive-up from being on the side to around the back. It seemed about our only logical place for it.

KAREN COX: Is the requirement of having a drive-thru window a deal-breaker?

MR. MEHTA: Yes.

KAREN COX: There is just too much stuff jammed into a small space. I mean I have driven through there before. I get gas there. But a lot of times I have come up against cars heading towards me. So I'm not real thrilled with the layout.

DENNIS SCIBETTA: Kip (Finley), is there a reason why you couldn't move that back window more towards the west of the building?

MR. FINLEY: It starts to be there -- that is where the heart of the mechanic systems are for the building, so all of the water source, the gas, the electric transformers, the panels are in this piece here (indicating). Then we also have the coolers -- to try to open up the floor space for clear visibility from the counter, the coolers are coming back here (indicating) so that the counter attendant can see the whole store, and then the other counter attendant here (indicating) can also see the other direction. So there is not much latitude to move it any further to the west.

KAREN COX: Do you expect more customers to use the drive-up -- larger percentage to use the drive-up as opposed to parking and going in and purchasing their --

MR. MEHTA: Our experience, it is about two-thirds drive-thru in this application. Freestanding stores, about 50/50. We would just like to note also that our business is -- 70 percent of our business happens between 5 a.m. and 11 a.m. Our business really shuts off in the afternoon. We don't have much of a p.m. offering. So it is very compressed.

KAREN COX: But I would say, too, there is a lot of business at the gas station, at the gas pumps at that time of day also.

MR. MEHTA: There may likely be. I just thought I would like to mention it.

MR. FINLEY: The gas pumps and the queuing for the donuts aren't really as much of a conflict -- if someone is really going to do a little more than just pick up something. If they grab milk or something very quick, they can park in these spots. A lot of the people leave their car right at the pump and run in and -- you have to prepay at this station, so on the way in you grab the milk, prepay and pay for the milk, come out and pump and leave. These spots -- there is not really a demographic of customers that will stay there too long, but I mean they're probably also not going to be there at the same time of the morning, 6:30 or 7 o'clock, to buy a whole bag full of groceries.

MR. RICE: George Rice, I'm the owner of the property. I just wanted to say 85, 90 percent of the sales are related to the gas pumps. As far as people parking over there, in a day, 10, 12 hours you see two people park over there. That is all I see.

JAMES MARTIN: I would have to kind of agree with Karen (Cox). You're meeting the letter of the code, okay, but I think those four parking spaces are almost going to be essentially useless once you get this Dunkin' Donut drive-thru thing going here.

MR. FINLEY: What we're picturing is in the morning, they're not going to be convenient and that is when most of the people are not going to be using them. On the way home, when you are picking up milk for dinner and you're picking up whatever, chips and beer for what you're going to do that evening, you're already not having people buying the donuts. We don't see them as directly overlapping.

KAREN COX: One of the spots shown is a handicapped spot. If it is blocked, it is useless.

MR. FINLEY: That can be switched.

JAMES MARTIN: You have negated your handicapped parking capability.

KAREN COX: It can be switched, that is true. It is whether by switching it then you move the use of one of those spaces in front of the store for a good part of the customer base. I just think there is too much getting jammed in a small space. I will let the rest of the Board chime in on that.

JOHN HELLABY: The footprint of the actual gas station as it is today does not change? In other words, you're not expanding any walls out or anything being, right?

MR. FINLEY: The only thing I would consider as expansion is the drive-up window projects out a couple feet. That is it.

JOHN HELLABY: Cooler placement, does that mean additional compressors outside or on the roof?

MR. RICE: No.

JOHN HELLABY: It says the Dunkin' Donuts portion of this is a lease. Is this floor space actually leased to somebody else that is running it, or are these people actually working for Mr. Rice?

MR. RICE: No. I lease -- that section of the inside of the building would be leased to Dunkin' Donuts.

JOHN HELLABY: All of the employees actually working in that area are working at their direction. You have no control over them, and they're just leasing floor space?

MR. RICE: I have control as far as where they park, but no control over them in the area.

MR. FINLEY: It would be similar in a case like a mall. They have leased space and the mall doesn't have direct control over the employees, but there are certain rules to follow for the building.

JOHN HELLABY: I don't need to know the terms, but I'm more curious on lengths of lease. In other words, how long is this projected at going? I mean all of a sudden six months into this thing and Dunkin' Donuts said, "We got in over our head, we're not making any money, we're out of here," do they have a one-year commitment, five?

MR. RICE: One, five and another five and they're requesting more.

JOHN HELLABY: That is not to say they couldn't pull the plug.

MR. RICE: Hard to do it. They're going to be on a base rent, too. Base minimum.

JOHN HELLABY: If they're in a losing proposition, they will have to make that decision. I guess that being said, if for some reason a year or so down the road they figured out they made a wrong mistake and they do leave, other thoughts of what you can do with the floor space? Just expand the grocery business?

MR. RICE: That's about it. Expand it. Do something different inside with subs, pizza.

DARIO MARCHIONI: Who is ALA Architects?

MR. FINLEY: Al Arilotta. That is the architect working for Mr. Rice as far as laying out the floor plan and doing this drawing right here (indicating). He is not here tonight.

DARIO MARCHIONI: Chili is going through a transition. For example, you see the Chili Paul Plaza, a lot of improvements on the elevations. Excuse me. Would you consider this an architectural elevation here or what type of architect is this here (indicating)?

MR. FINLEY: It is pretty much -- it is an existing building, with not too much flexibility, being a Mobil franchise, to change too much about it. The only parts of the building you can see from the road, at all, the change is a doorway and filling in the back doors. The rest of the building stays unchanged.

DARIO MARCHIONI: We can't do nothing about the front of the building to make it more pleasing, more adaptable to what we're looking for in Chili? Architecturally? This is a perfect time to do something about this. It looks like a box.

MR. FINLEY: I guess I can't speak for the applicant. I don't know the restrictions on the franchise.

I don't know if Chili has an architectural review mechanism to renew. I know on new applications and new buildings you like a certain aesthetic scheme. As far as having changes on an existing building, I really don't know -- I don't know what you can do and I don't know what they're willing to do.

MR. RICE: We're going to paint the building gray, I think. There are a couple of them already painted gray that looks nice. The bottom wall, the windows is gone, with the new style stucco, the concrete look. There will be a face change. It won't be a lot, but it will be different.

JAMES MARTIN: Any striped awnings?

MR. RICE: No.

JAMES MARTIN: No neon?

MR. RICE: No neon.

MR. FINLEY: Won't be what you saw at Saratoga Springs.

JAMES MARTIN: I will ask you a question about signage. I'm a little concerned about people having head-ons, people going to the carwash and coming out with their coffee, talking on the cell phone and eating their donut. Are you going to change signage or anything so that there is a -- you know, there is a way that that type of a situation can be totally prevented?

MR. FINLEY: Over here (indicating) we hadn't done anything with signage.

Over here (indicating), we have. As far as putting a stop sign here for when they come out, there is supposed to be a one-way sign to show people they have to go this way (indicating), so they aren't coming out, trying to get in the reverse flow of traffic here (indicating). On this side (indicating), usually people come out of the wash -- we don't have the drawing, hand drawing or anything?

MR. RICE: Dryer is inside the building.

MR. FINLEY: Dryer is inside. No. This is -- they come out. This (indicating) is open visibility coming in. This car (indicating), going to the drive-thru is really not much different than the car coming to the last pump.

JAMES MARTIN: I'm not concerned about cars coming out of the wash. I'm concerned about the pathway that leads to the carwash itself being, you know, parallel with the exit from your --

MR. RICE: I think do not enter signs for the exit of Dunkin' Donuts would be put up and we would stripe the grounds.

MR. FINLEY: On the back of the stop sign would be a perfect place for a do not enter over here (indicating), and we can even move it to the other side to make it really clear which driveway is a do not enter.

JAMES MARTIN: I think, you know, you really need to focus on that area. Because it -- it has that potential. I know you got some landscape in between, and all of that, but somebody not paying attention could drift over into the other lane.

MR. FINLEY: It is reverse what you normally think. You come to the island, you bear right. In this case it is the other way.

MR. RICE: There will be curb separations throughout those. Those two come out, the big tree there will stay. The bushes will be there. So when they go -- they won't be able to conflict with each other unless you drive over the curbs.

KAREN COX: You will still have -- most people are used to going right, to the right side of an island. I have made this mistake myself on Mt. Read Boulevard. When they are coming in off of Chili Center Road, if you're not familiar with the business.

MR. FINLEY: We have to make it clear.

KAREN COX: You have to make it clear that the driveway is on the side that most people are not used to going. You will have somebody who makes that move.

MR. RICE: I agree, yes.

DARIO MARCHIONI: Mr. Chairman, I would like to ask our Legal Department if our hands are tied on the architectural to make this building look more pleasant, better looking, or are we stuck with something like this?

KEITH O'TOOLE: I think you have a little flexibility on the architectural under SEQR.

DARIO MARCHIONI: Okay. So if that is the case, can we have something different from the front box -- at least the front elevation? Not the rear, but the front elevation. This is right in the center of Chili, this building, and I think it should -- it should look a little different, different than just a box, with, you know -- this -- this is what we used to be. It is what, you know -- 20, 30 years ago. But today, I think if you look at our plaza, Chili Paul Plaza, you look at the improvement they have done over there, I mean that used to be the same as this. Is there an opportunity to do something here, make some modifications so it looks different?

MR. FINLEY: Well, I guess what I would offer, having gone through the planning process a lot, if the owner wants to make improvements, and Mobil let's them -- Mobil has certain things they have to have a similar look.

DARIO MARCHIONI: They all said the same thing. But guess what, we have looked at plans and elevations from other states, and basically they comply with some of the wishes of the community.

MR. FINLEY: That is true.

DARIO MARCHIONI: They're not that strange. If they want to do business, they usually make some leeways, and comply with some of the wants of the community.

MR. FINLEY: Right. And -- in a community with an Architectural Review Board, there are a lot of mechanisms to do that. In a case like this, going through a SEQR process, you're basically looking at adding a door here (indicating) and closing these three bays which would not be a negative impact to the neighborhood as opposed to just leaving it the way it is. That is about the -- the rule of your maneuvering to do this. Things like canopies maybe or painting the building are probably reasonable things to suggest. I mean they're -- they are planning to paint it. Without a major overhaul, this 1970s building or whatever is going to look pretty much the way it is, unless --

DARIO MARCHIONI: And then we'll be stuck with this building for the next 30 years.

MR. FINLEY: But if you don't approve this tonight, you will still be stuck with the building for the next 30 years. It is already there.

JAMES MARTIN: I think we should ask Mr. Rice. I mean --

MR. RICE: I was considering to put a hip roof on it. I don't know the expense. I know that would change the square look that we're talking about. I don't know the extreme -- what the cost would be. I talked to a few people about a hip roof. They still have to leave the back section open where your compressors are on the roof now, the air, the heat -- have to be open. It can look nice. I don't know the expense.

DARIO MARCHIONI: We did it with Tim Horton, where the front we have the hip roof, but the rest is all flat. In other words, we're trying --

MR. RICE: I know what you're trying to do, and I agree it is a square building that looks like a square building and the flat roof leaks all of the time any ways.

DARIO MARCHIONI: Also, basically a better looking building gives you a better business. People will appreciate it and -- and the way we -- we heard about that, there is 25 percent increase in business when they go by a building that is pleasing. It is friendly.

You're in this community. You have been here a long time. You should be aware of that.

MR. RICE: I have done -- I had Dalton Construction (phonetic) come in to do the work because they have done quite a few of these. I will go over it with them and come up with -- I guess, with something.

DARIO MARCHIONI: Even the windows. You have all of that glass. You could put, you know, dividers in the glass, you know --

MR. RICE: We are. We are taking the bottom glasses out. We'll do that concrete stucco, I guess, like they done the carwash and other places.

KAREN COX: Mr. Arilotta is a -- is a well known architect. I got to believe he could have other suggestions that wouldn't be extremely costly to the applicant, but would dress things up a little bit. That is what architects do.

MR. RICE: We could probably come up with something.

DARIO MARCHIONI: We would really appreciate it.

MR. RICE: I will be honest. I don't like the square flat look. But I have to look at the cost effectiveness of what is going on now on the interior and exterior. If it is not that much to do something, I wouldn't have a problem. I would rather have a definite look all of the way around.

JAMES MARTIN: I think it would certainly be advantageous for everybody involved to look into that. I agree with Mr. Marchioni, it is proven fact if you have place people want to go to, your business will be better. I have seen some filling stations -- there is one in Saratoga Springs we were just at that the canopies has ornamental iron, pillars holding it up. It is absolutely spectacularly beautiful. Most corporations that franchise, you know, have Plan A, Plan B, Plan C in drawings. And if a community really insists they don't want Plan A, usually the cookie cutter box, you can get something better. So who you can work with --

MR. RICE: I would have Al (Ariotta) do three designs of the front, you know, something that is not real expensive, but looks nicer than a box and give the option to you, which one you would like.

JAMES MARTIN: I don't think I can put it down as stringent, as a condition of approval, but I think I will say that the Planning Board is requesting that applicant explore the opportunity to enhance the appearance, at least the front elevation and maybe the west side elevation.

MR. RICE: I would do the three sides.

DENNIS SCIBETTA: There is still concern of the Zoning Board for front parking and number of spaces and signage. That will all have to be dealt with.

JAMES MARTIN: ZBA approvals --

DENNIS SCIBETTA: Are needed.

JAMES MARTIN: Have they been requested?

DENNIS SCIBETTA: Not that I know. And as far as waiving final, it was paid for.

DAVE LINDSAY: The parking spots in the front, I don't know if they meet the minimum. It is 8 by 24. I think the Town minimum is 9 1/2.

MR. FINLEY: Okay. Nine and a half -- I'm thinking these are parallel parking, and not -- they're not the typical layout that the 9 1/2 by 20.

DENNIS SCIBETTA: You're also asking to remove a fire lane around the building and block the access to the front doors, so there may be a problem with that.

MR. FINLEY: I'm thinking of the other Dunkin' Donuts where they were saying, well, the parking across the aisle is dangerous, and this one we have parking against the building, but it is dangerous because it is against the building. So I just have to process that.

DENNIS SCIBETTA: There is a condition in New York State for fire lanes and you have to check that out also. And access to this building, where that access occurs.

MR. FINLEY: Okay.

DENNIS SCIBETTA: And the size of the space is 9 1/2 by 19 for parking spaces.

JAMES MARTIN: I will say applicant will comply with New York State fire lane regulations.

PAT TINDALE: A little disappointed. Sydor Optics brought in samples. I thought maybe Dunkin' Donuts would.

(Laughter.)

FRED TROTT: Just concerns about the traffic flow. When he is mentioning it, he is only mentioning the carwash traffic and the Dunkin' Donuts traffic. He is not considering the gas station traffic and moving around. Also, people cut through there to avoid the light.

COMMENTS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Where I can sympathize with Mr. Rice's need to change his operation in order to, you know, flourish in business in Chili, and realizing he has been here a long time, I still think that this is not a very viable plan. I agree with Mr. Trott. I was sitting here, thinking, too, there has been no traffic pattern proposed or shown for the gas pumps. You add that to the traffic patterns you have already got there that are shown, which are a complex system as it is, I just don't know how in the world you're going to manage with that kind of traffic on that site. It is just too much activity and things going in too many directions for what is a small site. It -- you know, we're back to trying to put a gallon in a quart jar. It didn't work.

I believe it was Mr. Mehta said earlier that there was room for everybody in this business, in a business. But I don't know if the members of the Board have had time to count how many coffee opportunities there are within one mile on Chili Avenue. I just counted them. There are seven. There is the two Dunkin' Donuts, McDonald's, Leaf & Bean, the bakery, Tim Horton's and the Red Apple in a mile.

DENNIS SCIBETTA: Towne & Country.

MS. BORGUS: Yes. There are eight.

DENNIS SCIBETTA: Wegmans.

MS. BORGUS: I guess there are nine.

JAMES MARTIN: We're almost up to the number of Pizza Huts.

MS. BORGUS: Yes. It goes on and on. Having lived in town my whole life, I would like to see some quality business building and quality businesses here, and I don't think with the influx of sub shops, pizza shops, coffee opportunities, that we're meeting that goal. I know the Planning Board doesn't have a lot of say in that, but I just hope that people who come to town and try to do these things that are already at their limit and beyond realize that there is just so much of the pie and the more you cut the pieces smaller, the less profit everybody is going to make and somebody is not going to make it.

With regard to this plan, I don't think there is enough parking either, and I can't imagine the confusion of people pulling up parallel to that store, running in, doing their shopping, and trying to pull out when you have already got activity at the gas pumps and a line coming around to buy donuts. Those parallel spots in front of the store just don't work for me. I think I got the impression, I got the impression, that they -- that they expect that people are going to park at the gas pumps and leave their cars there and go in to shop.

MR. RICE: They do.

JAMES MARTIN: A lot of that happens now with convenience items.

MS. BORGUS: I'm sure, but -- and it is workable, maybe, if you don't have all of this other going on. I'm trying to put that in the context of let's say the Byrne Dairy store at Union Street. A lot of people leave their car there and run in and get a quart of milk, loaf of bread or whatever. But that is all they have got going on there. There is room to get out and get around when you're the one trapped behind a shopper. There is room there to get around and go out and exit. They even have two exits. But here that is not going to be possible. I don't see with this traffic pattern how that will be possible at all. It is just too much.

And my other question would be, how much increased signage or change in signage will be required to accommodate the donut business?

MR. RICE: We're taking our one sign out from the station where it says the discount price for the carwash and that will be Dunkin' Donuts' sign. So none there. And the menu board on the side of the building.

MR. FINLEY: This one may not even happen. The one over the doorway.

MR. RICE: No. I don't know why Al (Arlotta) put that on there. I don't know if that will happen or not.

MS. BORGUS: I agree with, I believe it was Mrs. Cox that said those four parking spots over on -- to -- to the east side of the building there are pretty useless, because I can't imagine anybody wanting to park a car, walk across the traffic that is going in the Dunkin' Donuts and then -- to shop, and then walk the -- almost the length of the building in order to get to the store part. To the store door.

MR. RICE: We have a lot of people that park up front on Chili Avenue where the tanks are. People -- you can park there and walk in the store and coming back out again.

MS. BORGUS: It just looks too busy. I will leave that up to the Board. Those are my thoughts. Too much in too small a space. Thank you.

JAMES MARTIN: Move to close.

KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: One thought that crossed my mind as we were having conversations about traffic flows and issues, how would the Board feel if I request that the Traffic Safety Committee monitor the traffic flow at this site to insure that we have maximum safety results or recommend whatever changes are necessary, if there are, you know, issues resulting from potential approval of this application? Fred (Trott)?

FRED TROTT: You want -- that is not a problem. I can have that person in mind for that. But how would you do that in comparison to the proposal? Do you want --

KAREN COX: You want it after -- if we approve.

JAMES MARTIN: If this gets approved, I would like to just have -- I don't know how you would go about -- that is your expertise, not mine, as to -- how could you perhaps monitor to be sure that we don't have a Mario game going on over there, and if we do, is there a way that that issue could be resolved? Maybe there are some thoughts that haven't occurred to everybody on the best process to do -- to mitigate what I envision, like Ms. Borgus, we're going to have a lot of cars going in different directions there, and, you know, if we have some expertise that could look at that. That is all I am thinking. I'm thinking out loud.

FRED TROTT: Yes. We sat there and tried to map out different ideas at our meeting, and we couldn't -- we were using different color markers, and it got kind of all colored up. So yes, in the model -- I don't know what would work best.

You know, I frequent the gas station also. I can say I have seen the traffic as it is busy now, and then to plow in a one way going the opposite way of what everybody is doing in the back, then putting people coming out of the carwash, cutting across there, plus the people cutting across from getting gas, now going out onto Chili Avenue or vice versa going on Chili Cold Water, it just -- it is a lot there. Looking at it afterwards, we can look at it, see if maybe we were wrong. I don't know. But like it is -- it is very early in the morning. We have a guy who is retired who can sit there and look at it.

JAMES MARTIN: Just a suggestion. I don't know if there is any value in doing that.

KAREN COX: If they build it and there is a problem, the traffic -- they can monitor it, and make suggestion, but what is the way to legally implement them? You know, if we're going to create a problem that cannot be resolved --

JAMES MARTIN: I would think the owner, if there are safety concerns and those types of

things, you know, would ethically want to make corrections in order to insure that nobody is having accidents or being hit by a car or something. Just thoughts, okay?

KAREN COX: Yes. I'm not discounting that. I mean it -- especially if we -- if there are complaints, it would be good to know -- good to have somebody observe and see if there are certain moves that are being made on a regular basis that could be resolved by signage. So I would say, you know, if this gets approved, then we would want to have that option available.

JAMES MARTIN: I would think, repeat customers is probably not going to be a big problem, because they will be at least knowledgeable about where to go and what to do. It is the occasional customer who pulls in there that could get confused. I mean cars coming out of the gas pumps, cars coming out of the pickup window. You know, maybe there is a better way to do it. Maybe there isn't. You know, I certainly have no expertise in that area and don't pretend to. Just a thought that I had, that maybe there is a better method.

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: They have requested waiver of final. I guess right now I'm not of the mind to waive final. They have paid their fee.

James Martin reviewed the some proposed conditions with the Board.

MR. FINLEY: The ZBA would only be for sign on the building, wouldn't it?

DENNIS SCIBETTA: Front parking, also.

MR. FINLEY: For parking in front of the building?

DENNIS SCIBETTA: And number of parking spaces, yes.

JAMES MARTIN: You better research that, yes.

MR. FINLEY: We're over on our required parking by quite a bit.

DENNIS SCIBETTA: For front end parking it is an automatic requirement.

MR. FINLEY: Okay.

JOHN NOWICKI: For a business.

JAMES MARTIN: So you will need to go before the Zoning Board.

DECISION: Approved by a vote of 4 yes to 1 no (Karen Cox) with the following conditions:

1. Pending Town Engineer approval.
 2. Applicant to explore improving appearance of building.
 3. Applicant will comply with NYS fire lane regulations.
 4. Zoning Board of Appeals approvals must be obtained.
 5. The Board requests that the Traffic Safety Committee monitor traffic flow at this site to insure maximum safety results.
7. Application on Kenworth of Buffalo NY Inc., c/o Joseph Platania, Esq. 25 E. Main Street, Rochester, New York 14614, property owner: Fedex Ground Package System; for rezoning of 6 acres from L.I. (Limited Industrial) to L.I. with ADATOD (Airport Development Area Transportation Overlay District) at property located at 25 Airline Drive.
 8. Application on Kenworth of Buffalo NY Inc., c/o Joseph Platania, Esq. 25 E. Main Street, Rochester, New York 14614, property owner: Fedex Ground Package System; for preliminary site plan approval for a change of use to allow the sale and repair of tractor trailers at property located at 25 Airline Drive in L.I. (with proposed ADATOD) zone.

Jason DiPonzio and Mr. Dentino were present to represent the applications.

DENNIS SCIBETTA: I believe there are no trailers on site. I think it is tractors.

JAMES MARTIN: That is what I -- we were told -- unless you pull a total rig.

DENNIS SCIBETTA: But that is --

JAMES MARTIN: Intention is only there for a short time.

MR. DENTINO: Yes.

MR. DiPONZIO: Good evening Mr. Chairman, Board members, my name is Jason DiPonzio. My office address is 25 East Main Street, Rochester, New York, appearing on behalf of the applicant, Kenworth of Buffalo, Incorporated.

To recap, we were here a month ago for informal suggestion. Kenworth of Buffalo is seeking to lease with purchase the former FedEx ground facility. They vacated that as of

September 15th. As a result of that informal discussion, the applicant was requested to submit an updated site plan in order to do preliminary final site plan review before the Board this month, and we have also petitioned the Town Board for rezoning of this parcel to be included within the ADATOD Overlay District and we're scheduled to be heard before the Town Board tomorrow night for that.

Just -- excuse me. Very briefly, I just wanted to point out, and I know that these plans were submitted to the Board -- everybody has had their copies, but just very briefly, we have the former site plan approved back in 1992 when it was actually Roadway Package System Incorporated, which I believe then was purchased out by FedEx Ground. And showing what the proposed changes are going to be to the building. This is what we have. We have an existing temporary structure, which I believe this week FedEx started to dismantle and remove that from the property.

JAMES MARTIN: It's gone.

MR. DiPONZIO: Good. What the applicant proposes to do is pave this area (indicating) for the outdoor display of the tractors. In addition, there are proposed a couple modifications to the building. This is the before shot (indicating). The wonder of computers shows what it will look like afterwards, even though it has not happened yet. They will raise the height of the doors. It will give a more uniform appearance on this elevation actually.

Of course on the other elevation, all five of these doors (indicating) will be brought up in order to match, in order to accommodate the height of the vehicles. Over here (indicating) these two docked doors are proposed to be removed and replaced with an overhead bay 14 feet in height. Those are really the changes to the structure itself. Very minor. Mostly cosmetic in order to bring the building into conformity with -- actually, I believe that the preexisting structure that was removed was a non-conforming structure. That will be gone. These are cosmetic. There is proposed to be repaving of the driveway area. The main driveway sales entrance here (indicating). Passero Engineering submitted a report September 20th, indicating areas of existing roadway which there was puddling of water and the applicant proposes to repave and restripe this area which will alleviate the puddling effect.

I have Dennis Dentino from Kenworth of Buffalo. I know he did address the Board last month with a description of the business, the operations there. What we propose is that this is a less intensive use than the FedEx ground service. That was a very around-the-clock operation, whereas this one is a less intense use, even though we do need to have the ADATOD Overlay District to have the truck sales and service facility located there.

JAMES MARTIN: I was there today. That puddling is pretty intense on that driveway. Second thing, site has been pretty well cleaned up. There is an old van truck parked in the rear parking area back there. Is that something FedEx left behind?

MR. DENTINO: Everything will be gone off the site before we move in. If it is not off, we'll take it off.

DENNIS SCIBETTA: A lot of people will be interested in that van.

MR. DENTINO: If they left it, it is not worth anything.

JAMES MARTIN: Number one, thank you very much for complying with our request to get these documents pulled together. That happened very quickly. I kept my promise. You're here tonight.

MR. DENTINO: Thank you for letting us come back. We appreciate it.

JAMES MARTIN: Just a couple of things. On the rezoning recommendation, obviously we don't rezone, but, you know, we would recommend to the Town Board for approval of the rezoning, and they have taken lead agency role on SEQR. So enough said on the rezoning application.

On the preliminary site plan, I will go to the Board. Any issues, Karen (Cox)?

KAREN COX: No. Thank you for giving us what we asked for.

MR. DENTINO: Thank you.

JOHN HELLABY: I wasn't at last month's meeting. I apologize for that. I reviewed the drawings here and actually took a ride over to the site today. The pavement is in quite disrepair. Is this actually -- did I hear a satellite operation of another business that you presently run?

MR. DENTINO: No. We have the franchise for Kenworth Trucks in -- from the Pennsylvania line to Utica, New York. We presently run an operation in Buffalo, one in Syracuse and Rochester now. We just want to make it a larger operation and move in the Rochester operation. So we have three now.

JOHN NOWICKI: Nice product. Welcome to Chili.

DARIO MARCHIONI: I said that the last time. Welcome to Chili.

MR. DENTINO: Thank you very much.

KAREN COX: You won't have to be shoveling as much snow away from the trucks.

MR. DENTINO: All we want is power. Since Thursday, there is still no power in the house.

JAMES MARTIN: We were there in 1991 with the Ice Storm.

KEITH O'TOOLE: Counsel was thorough. I have no questions.

DENNIS SCIBETTA: Thank you for all of the work you did and in choosing Chili. But also the necessary expedience with which this had to move and for you to get everything done in a timely fashion before the next year, we look forward to the improvements you will make.

MR. DENTINO: Thank you very much.

COMMENTS FROM THE AUDIENCE: None.

JAMES MARTIN: Move to close.
KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

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

On Application #8, James Martin 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 the Board all voted yes on the motion.

James Martin went over the proposed conditions.

JAMES MARTIN: The fee has been paid for waiving final.

DECISION ON APPLICATION #7: Unanimously approved by a vote of 5 yes to recommend to the Town Board the rezoning of the above-captioned property to Limited Industrial with ADATOD.

DECISION ON APPLICATION #8: Unanimously approved by a vote of 5 yes with no conditions.

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

The 9/13 Planning Board minutes were approved as submitted.

The meeting ended at 10:23 p.m.