

CHILI PLANNING BOARD

July 11, 2006

A meeting of the Chili Planning Board was held on July 11, 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 Lindsay, Town Engineer; Pat Tindale, Conservation Board representative; Fred Trott, Traffic Safety Committee representative; Jeron Rogers, Director of Planning/Engineering.

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.

PUBLIC HEARINGS:

1. Application of David & Kada Donaghue, 8283 North Road, LeRoy, New York 14482, property owner: M/M Mitch Phillips; for preliminary subdivision approval of two lots, with site plan on one lot to be known as Donaghue Subdivision at property located at 15 Beaver Road in R-1-20 & FPO zone.

JAMES MARTIN: I have six members of the Planning Board that have been by the property several times and have not seen the sign. Therefore, I would make a motion at this point for the Planning Board that we'll have to table this application until the next meeting, and proper posting of public notice prior to the next meeting, and at this point I will make a motion that we table this application until the next meeting.

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to table.

DECISION: Unanimously tabled by a vote of 6 yes until August 8, 2006 at 7:00 p.m., for the following reason:

1. Due to an administrative error (sign posting).

JOHN HELLABY: Before you proceed with Application Number 2, I would ask to be allowed to step down as I am a leaseholder with Sprint.

JAMES MARTIN: You're so excused.

2. Application of Omni Point Communications, 103 Monarch Drive, Liverpool, New York 13058, property owner: C. Moran, Inc.; for renewal of conditional use permit for co-location of telecommunications system on existing tower at property located at 60 Golden Road in R-1-20 zone.

Matthew Kerwin was present to represent the application.

MR. KERWIN: My name is Matt Kerwin, the attorney for Omni Point Communications. As you know, my colleague Jeff Davis was here about four months ago requesting a renewal of our conditional use permit for our -- the co-location of six antennas at our facility at 60 Golden Road.

At that time the Board had a number of issues with the maintenance conditions at the site. As a result of several conversations with Mr. Scibetta, those maintenance issues have been addressed and we are present tonight to request renewal of that permit beyond the four-month renewal we

received in March.

There are no changes to our plans or the permit conditions or the permit itself. We're just here simply to report on the issues that were raised by the Board four months ago.

JAMES MARTIN: Okay.

MR. KERWIN: I should also point out at this time the Board requested that the property owner bring the property into the drainage district in the area, and based on my conversations with Mr. Scibetta, that has been done.

JAMES MARTIN: It is my understanding, also, that the drainage district issue has been resolved.

Dennis (Scibetta), for public comment, would you care to talk about your communications with Global Signal? Is that the name of the organization?

DENNIS SCIBETTA: We have been contacted by a Vice President with Global Signal who has given us the name of the maintenance crew, and I have met the field maintenance person coming up from Erie, Pennsylvania to assure me if there is a problem, I have his number and can call him at any time.

I appreciate what the applicant has done to put what pressure they did on Global Signal to get them to respond, and Global Signal has said that it should not get to this, and they will try to work much better with us in the future.

JAMES MARTIN: Did the maintenance contractor, did they have a fixed schedule on when they are actually coming into Town?

DENNIS SCIBETTA: I'm told that that is correct. They are working on getting somebody more local than what they have. At the current time, he is kind of a national account and they're trying to firm things up a little better so they have better accountability with the site. They are working on that.

JAMES MARTIN: I think for the benefit of this Board, for future dealings with the cell tower locations, once they get that firmed up, with some local organization and with a periodic maintenance schedule, if you could send us a written copy of that agreement along with other comments we may have, just so this Board understands that these issues are going to be resolved, we're not going to have to deal with them every time somebody comes in and gets persecuted for something that is not their fault because of maintenance issues on these sites. I think that would be an appropriate thing to do for the Board so we know it is being dealt with.

DENNIS SCIBETTA: Be happy to do it as we did with the issue of the ballistic shields on the tanks on the sites when Sprint had owned the -- all of the cell towers before. I would be happy to do that for you.

JAMES MARTIN: Thank you very much.

JOHN NOWICKI: Very happy that you did some work on this one.

MR. KERWIN: So are we.

DARIO MARCHIONI: Appreciate your cooperation.

MR. KERWIN: Thank you.

PAT TINDALE: You probably covered what we were talking about. We wanted it maintained and bush-hogged at least twice a year. We want the maintenance on the property on a regular basis.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: I hear that there has been a lot of trouble over there with the maintenance. I would suggest that a bond be posted until that maintenance is taken care of. I have heard too many broken promises, they're going to take care of it, they're going to take care of it. As soon as you say okay, we believe you, nothing happens. It is not taken care of.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Mrs. Neder has a very good idea.

My comment was going to be that I sincerely hope that somebody in the Building Department stays on this issue of maintenance, because we have a new department head, and he is doing great work so far. I give him a lot of credit for it. He has had his hands full, but they have a bad history in that department of forgetting what was supposed to happen, so let's be sure that this is followed up on.

Thank you.

FRED TROTT, 101 Golden Road

FRED TROTT: Um, I just want to point out that they did, after the meeting, went down and

cut it once. Um, they have not been back since. I don't know if they're just putting -- you know, just a nice frosting on the cake. But they're not maintaining it as to a respectable site, in my opinion.

JAMES MARTIN: Okay. I mean, I think what Dennis (Scibetta) has said, you know, we're dealing with a company in Erie, Pennsylvania that is looking for a local contractor. I have asked them to give us that information once that local contractor is in place. I think Mr. Scibetta should keep the pressure on this contractor in Erie, Pennsylvania to insure that that happens.

At this point, you know, I think we'll do everything, you know, that the Building Department can, in order to insure that the maintenance is carried out.

I'm looking for, you know -- beyond just a particular site. Not just a -- not just this site that we have issues with. I'm sure we're not the only community in the State of New York and in the country of the United States in dealing with these maintenance issues on those sites. I drive by them all of the time on the Thruway and other places and a lot of them are disasters. Hopefully we'll be able to get this under control.

JOHN NOWICKI: Mr. Chairman, can we discuss for a moment and ask legal counsel here, the procedures we could follow on any of these projects to put in place either a performance bond or a maintenance bond or a cash deposit, based on an estimate of what the maintenance would cost on a yearly basis? Can we do that legally, and can we move ahead on something like that?

KEITH O'TOOLE: We already have a property maintenance code in place. What we can do -- if we're talking about landscaping, we can order the Town crew out there to do the work, take the bill and tack it onto the next tax bill for the property owner, who at which point I'm sure would return to their tenants and demand to be paid.

KAREN COX: But you can't -- that is the tax bill of the owner of the property.

KEITH O'TOOLE: That was correct.

KAREN COX: Not the co-locators.

KEITH O'TOOLE: That was correct.

KAREN COX: I want to make that clear, that we're not talking about this particular application.

KEITH O'TOOLE: What happens is that most properly drafted site leases, there is a provision that says that the tenant will take care of any bump in the taxes. That would include the relieving.

DARIO MARCHIONI: But ultimately, isn't it the responsibility of the property owner? He owns the property. He should keep an eye on his property, how it is used and misused.

KEITH O'TOOLE: It doesn't concern the Town whether the landlord or the tenant takes care of the problem, so long as the problem is solved.

JOHN NOWICKI: What is the easiest way to solve that problem? I mean if you have -- I don't know how to say this. You have a landowner there that has a lease with these folks here that is getting so much money a month for that tower there. And some of it -- someone is not paying attention to the maintenance of the property. What is the best way for the Town to protect itself so we don't have to use our forces, because if you have more than one of these things in our Town, we have to start maintaining all of these sites, it will become a budget issue unless we find some way, mechanics to insure that we'll get this work done without costing the Town a lot.

KEITH O'TOOLE: My opinion has always been it is the property owner's fault. It is always the property owner's fault. They are a landlord. They have tenants. They're deriving a revenue stream. They can use that revenue stream to enforce the provisions of their lease. And if they don't have a good lease, shame on them.

JOHN NOWICKI: Can the Town request a copy of the lease to see that there is a provision in there --

KEITH O'TOOLE: Frankly, I don't want to go there. Not our problem.

JOHN NOWICKI: So what you're saying is that the grass has to be cut, or the property has to be maintained, the landowner can -- can -- you're saying the Town forces can go in there, or can the Town hire a contractor to go in there --

KEITH O'TOOLE: We can do either. Typically what we have done, however, is send DPW in there. They will bill out their labor at prevailing wage and then tack the bill onto the property owner's tax bill and levy it.

JOHN NOWICKI: Well, I just open it up for discussion so everyone knows. You live on Golden Road. Beverly (Neder) had an idea over here. We want to make sure we have some avenues to follow through on.

MS. NEDER: We may have code enforcement, but it is not enforced.

JAMES MARTIN: If C. Moran, Incorporated is the owner of the property, they're the ones that are liable for the maintenance, is what I understand is being stated here. So Global Signal, as a

leaseholder on the particular property is really not ultimately responsible for the maintenance of the property. Is that my understanding of the situation?

KEITH O'TOOLE: No, that is not quite correct. We can prosecute tenant or landlord. But from our perspective, it is usually easier just to go after the landlord, the property owner.

JAMES MARTIN: Okay.

So if the lease -- if in the lease itself Global Signal has agreed to be responsible for the maintenance of the property, then that would exempt the landowner from that responsibility?

KEITH O'TOOLE: No.

JAMES MARTIN: No? All right. So we're coming -- we're kind of going full circle here. If Global Signal has made these promises to do it, but ultimately, it is C. Moran, all right, that holds, you know, the final responsibility on this particular issue, should we also be getting an understanding from them on maintenance of the property?

KEITH O'TOOLE: Don't want to understand what they understand. All we do is we impose conditions, and they comply or they don't comply. If we're talking about something as simple as cutting the grass and we have an ongoing problem with certain property owners, by statute, we send them one notice. If they comply in X number of days, that is great, and if they don't, we send in a crew.

JAMES MARTIN: So that would be up to the Superintendent of Public Works in order to do that? Or would that be up to the Building Department code enforcement to send that notice?

KEITH O'TOOLE: Code enforcement sends the notice. DPW marshals the labor.

JIM POWERS: Does that have to go through the Town Board?

KEITH O'TOOLE: Typically -- well, it can under -- as you're aware, there's a property maintenance provision in the code and there is a mechanism for enforcing that through, but for basically cutting over high grass, the Town Supervisor can call up DPW and have it happen that way.

JIM POWERS: I have one other question, too. Maybe -- is Bob Graves still alive?

MS. BORGUS: No.

JIM POWERS: Red Wehle is gone also. Who is the property owner?

JAMES MARTIN: C. Moran, Incorporated.

MS. BORGUS: A point of information maybe for the Board.

JAMES MARTIN: I'm sorry. Go ahead.

MS. BORGUS: A point of information. I don't believe Cindy is here tonight. I had a telephone conversation with her two weeks ago or so and she tells me she had not received rent on that site for some time. So to -- you know, to make her pay to have it cleaned up, is really -- is a double injustice, I believe.

JAMES MARTIN: Well, okay.

KAREN COX: Is -- this is something beyond this application tonight, solving this issue.

JAMES MARTIN: We're not going to solve it here. I don't see penalizing Omni Point any further. I think they have done due diligence, and at least we're getting several of the issues addressed. We're not there yet. Okay. But if we have -- if we have this option available to have the Town DPW do it and tax them, put it on the tax bill.

KAREN COX: The only point I make, that might become too convenient -- be careful what you wish for, because it might be too convenient for a company to have that happen and then the DPW -- I would use that -- in an extreme situation. But -- it could easily become a common thing. So I know that --

JAMES MARTIN: Well, that is up for the Town administration to deal with. And I think obviously, Dennis (Scibetta), you're going to have to work this through with Joe (Carr) and everybody else involved.

DENNIS SCIBETTA: It is much like we do with any type of maintenance on foreclosed properties and different things. So we have a system that is worked out on that.

JAMES MARTIN: All right.

JOHN NOWICKI: Let's keep an eye on this one. Because if this particular mechanics doesn't work out, then I think the Town Board will have to find some mechanics to impose maintenance bonds or performance bonds on the owner, C. Moran, Incorporated and have it posted so we have monies available or cash deposits to do the maintenance.

DENNIS SCIBETTA: I don't think it is a bad idea. It would have to be worked out with the system -- in how they accept bonds.

JOHN NOWICKI: Because at least we would have the cash on hand to pay for a private contractor to do the work.

JAMES MARTIN: I would say private contractor because you could easily fall into the trap,

Karen (Cox)--

JOHN NOWICKI: I would rather have the cash on hand, and if they don't do it, have a contractor come in.

JAMES MARTIN: I make a motion to close the public hearing.

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 approved the motion by a vote of 5 yes with 1 abstention (John Hellaby).

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 with 1 abstention (John Hellaby).

The Board discussed the proposed conditions.

JAMES MARTIN: The antenna placement on the tower will be there for an extended period of time.

MR. KERWIN: We have no intention to remove it right now. We prefer a long-term renewal, if possible.

JAMES MARTIN: I will say five years.

DARIO MARCHIONI: Five years with additional conditions.

KAREN COX: What?

JAMES MARTIN: Dario (Marchioni), I don't know what conditions we can impose.

KAREN COX: They're just co-locating. We need the hammer of the Building Department to enforce all of the other issues.

JAMES MARTIN: I don't know any we can impose.

JOHN NOWICKI: I would rather see three years, no conditions.

JAMES MARTIN: Three years, no conditions.

KAREN COX: I can live with that.

JAMES MARTIN: I'm hearing three years, no conditions. So we would approve for a period of three years.

DECISION: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with no conditions.

1. Approved for a period of three years.
2. All previous conditions remain in effect.
3. Application of Metalico of Rochester, owner; 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval for new parking areas at property located at 1511, 1515 & 1525 Scottsville Road in G.I. zone.

Rob Fitzgerald and Dean Southcott were present to represent the application.

MR. FITZGERALD: Rob Fitzgerald, Project Engineer with Avery Engineering representing Metalico tonight. The site plan we have before you is for parking in front of their building. I think they actually went in front of the Building Department to get a permit to do some additional improvements, and at that point they realized they would have to come before the Planning Board. They are present tonight. They do need additional parking for their employees. And at the same time they want to clean up the property and make the parking area asphalt as well as adding additional landscaping.

It is hard to make out on the plan up there. The yellow area is the additional asphalt area. Right now they're overflow parking in the grass in those areas. That is not going to go too well throughout the winter months and we're trying to get that cleaned up in the meantime. This will require a variance from the Zoning Board of Appeals for parking in the front yard.

On the northern side of the parcel there are scrap metal bins that will be moved behind a

fence, behind the front range line of the building for two reasons. To clean up, again, the front of the building. Also we're looking to utilize that area for parking.

With that, I will take any questions the Board may have.

JAMES MARTIN: I noted on the site plan that some of the new parking area is going to actually go over a 40-inch main Pure Waters from GCO. Have you been in contact with them about that, and is there any indication of any problems from their perspective on that?

MR. FITZGERALD: We have not contacted Pure Waters regarding that, and I don't believe it would go there for DRC, but we can follow up with that item. Off the top of my head, I'm not sure how the elevation of that -- I think it is down quite a bit.

KAREN COX: It is pretty low. That is the one that goes from the old GCO up to Van Lare.

MR. FITZGERALD: Right. It is being traveled over presently.

JAMES MARTIN: I -- you know, just -- when we talked about it with the Town Engineer, we just thought would it be a good point to touch base with them and let you know you're going to be doing some construction over that to that main, that is all.

MR. FITZGERALD: Sure.

JAMES MARTIN: Have you gotten copies of the Town Engineer report and the DRC on this?

MR. FITZGERALD: Yes. I believe I have the Town Engineer report. Not the DRC comments. I have not received those.

JAMES MARTIN: Basically, you know, flood boundary and flood way map, conditions, the DRC report. There is some wet -- fresh water wetland boundary issues. No objections, I guess, based on the DRC. Could you comment on the Town Engineer?

MR. FITZGERALD: Um, the Town Engineer comments, I think the first one is just agreeing that we won't need a SWPPP for this because we're adding approximately a quarter-acre of impervious area.

The second one is regarding the five parking spots. We do need to maybe address that a little bit and put some spot shots on there to assure we have positive drainage for that area. So that can be cleaned up a little bit, I guess, just with some spot shots.

One for contour lines, it doesn't do it justice to get the water flow in the right direction. And yes, the project does fall within the 500-year flood plain. We're not really affecting that in any way.

We're not doing any significant raises -- raising of our site. That's about it. I think the biggest one is Number 2, and -- it is a minor issue, and I think we can work that out between ourselves and the Town Engineer.

JAMES MARTIN: Just be sure the Town Engineer is satisfied with the change.

DARIO MARCHIONI: Did you get any comments from the Department of Transportation on this?

MR. FITZGERALD: I did not receive the DRC comments, and they would be in that batch of comments, if they did have any. We're not proposing any work within the right-of-way, but that doesn't mean they won't have comments.

DARIO MARCHIONI: Yes, also the environmental comments. The DRC -- these are -- C and D, no comments as yet, but they should be coming forward.

DARIO MARCHIONI: This is the last part of it.

If I might continue, how many years has this been here, this project?

MR. FITZGERALD: Well, I would invite Dean (Southcott) to come up. Maybe he can talk about some of the operations of the business. He could answer those better than myself.

MR. SOUTHCOTT: Dean Southcott. I'm Dean Southcott, the General Manager for Metalico Rochester. The facility has been there since about 1982, I believe they moved in there. I have been back with the company now for 12 years. We were bought out by a larger acquisitions company. We're publicly traded. They're growing. They want to expand and improve our facility, and, you know, improve everything for the employees, hire more people. They had -- it is a definite positive move for the company.

DARIO MARCHIONI: I appreciate that very much, those comments, because up to now, it has not been --

MR. SOUTHCOTT: I used to work for the previous owners. The four of us sold out. The company we work for now, I can't say enough about them. They have made things better for the employees, and they want to make the whole facility a grade A facility. We have painted buildings. We have already paved within and concreted in the yard. We want to continue back with that. Eventually they want the entire yard inside concreted or paved. There is dirt and dust, things get wet and it dries. We have Spezio's Properties in there sweeping three times a week. We have a plow service and we do our own snow removal.

Davey Tree & Lawn does all of the landscaping and takes care of all of the lawn cutting. They just wanted -- they're on us continually to improve things. It is not the mom and pop, you know -- they do not want to upset neighbors or, you know -- we have a night crew, but it is limited for noise. We had a major fire about six weeks ago and lost a major piece of equipment, but I don't know if anybody is familiar with it -- we're trying to purchase Union Processing in Chili. If the acquisition goes through, some of our work load will actually be absorbed by them, which one of the processes which creates a lot of noise, the shearer, we don't plan on fixing it. We're using cranes and other means to cut the material and do things. So I guess -- they're definitely big on being number one and being -- doing it right.

DARIO MARCHIONI: I'm very pleased with your comments, because we want you to stay in business in this Town.

MR. SOUTHCOTT: I understand.

DARIO MARCHIONI: And in the past, I'm sure --

MR. SOUTHCOTT: Oh, I know. I mean I -- I welcome anybody --

DARIO MARCHIONI: Also, just as an example, next door you have a -- they have just as many trucks in and out of there --

MR. SOUTHCOTT: Oh, yeah.

DARIO MARCHIONI: Seriously, we appreciate anything you do -- and it will be your business. It is your Town also, because you do business in this Town. And what you can do for us, in maintaining that front -- and the back, I understand, the problem in the back.

MR. SOUTHCOTT: Even in the back, we have put a containment pad and we have -- everything is contained. There is nothing --

DARIO MARCHIONI: Have you considered like in the entrances concrete rather than blacktop because that blacktop with the heavy trucks -- if you go down further down the street on the side, they have the beef company, and they concreted that. Before we used to have a lot of problem with dust and dirt coming on the road. You have the same situation there, but they solved that. You see what a nice job they did.

MR. SOUTHCOTT: That will be coming once we concrete and work our way further back in the yard, you won't have any dirt or anything. Everything will be contained and kept back there. Eventually you should haven't any. But just the cost of it, we have to do so much each year and work our way back there. I welcome anyone to stop out and stop in. I will take them on a tour.

DARIO MARCHIONI: You have a nice looking building in the front. It is a really nice looking building. It is just the site.

MR. SOUTHCOTT: No. I understand that.

DARIO MARCHIONI: You're aware of the height of those steel --

MR. SOUTHCOTT: The piles. There is just one pile right now that is out of control, and we're working on -- that is part of that acquisition. We're working on that company, that we're buying -- actually that material will feed them, and -- but that is the only pile. If you come in, the rest of the piles in the yard, they are to the ground.

DARIO MARCHIONI: I was in there. You can't help some of it. Also, there are some dumpsters protruding forward from the building there, on the side.

MR. SOUTHCOTT: On the one side.

DARIO MARCHIONI: If they could be behind that fence.

MR. SOUTHCOTT: That is what we plan on doing.

DARIO MARCHIONI: I'm glad you have a vision.

MR. SOUTHCOTT: That's it. But again, I wish -- welcome anybody to come down. Jim (Powers) was down there, you know, and he spoke with me.

JOHN NOWICKI: Are you satisfied with the landscaping?

PAT TINDALE: Yes, we are.

JOHN NOWICKI: The information I have on my Board application here is this is not in a drainage district; is that true?

JAMES MARTIN: There is an issue there. There are three lots. There are three parcels you have over there, and I don't know why they have not been consolidated.

MR. SOUTHCOTT: We're looking into that now.

JAMES MARTIN: Two are in the drainage district and one is not. So you need to take care of the one that is not or do something to address that particular issue. I already asked that question.

MR. FITZGERALD: I actually do have the document tonight for Mr. Southcott to sign and get them notarized, so we do have the information filled out.

JAMES MARTIN: Okay. Very good. Thank you.

JOHN NOWICKI: That's good.

JAMES MARTIN: I'm assuming with the price of metals and commodities and everything else, your business is booming.

MR. SOUTHCOTT: Yeah.

JAMES MARTIN: So it is good to know that --

KAREN COX: It is killing us on the construction side, though.

MR. SOUTHCOTT: It is a two-edged sword there.

JAMES MARTIN: You have asked for preliminary only tonight. You have not asked for us to waive final. That is my understanding.

MR. FITZGERALD: If we could amend our application to waive final at this time.

JAMES MARTIN: You have not paid your fee.

MR. FITZGERALD: I have my checkbook with me.

(Laughter.)

MR. FITZGERALD: We still have to appear in front of the Zoning Board of Appeals.

JAMES MARTIN: I will waive -- get your clearance from the Zoning Board and come back for final. Let's do it that way. I'm not trying to give the applicant a hard time, but if you had asked for it up front and paid your fee, we could probably deal with it tonight. I don't think the zoning issue is a major one, but that is where we're at.

MR. FITZGERALD: The only thing I ask, could you recommend us to get onto the August meeting, because the deadline has passed. It was last Friday. If somehow we could still get on that meeting so we don't lose two months.

JAMES MARTIN: Get your application in tomorrow.

MR. FITZGERALD: No problem.

JAMES MARTIN: All right.

JOHN HELLABY: I'm just glad to hear about the clean-up myself. The only question I really have is on that southerly lot where it is being expanded the most, you have noted the saw cutting of the existing pavement as needed, yet it says gravel lot. I'm a little confused to what extent is that gravel lot back there?

MR. FITZGERALD: Well, if you look at it, it is confusing even walking the surface. Some of the asphalt is covered with gravel. It is hard to distinguish. It needs to get cleaned up.

JOHN HELLABY: I guess my only point would be you want to consider taking that blacktop a little back, because that front existing lot is blacktop, if I am correct, and if you're coming around that corner, tracing that stone back and forth, you will just continue to drag it all over the place. You might want to bring it up and square it off with that other lot.

MR. SOUTHCOTT: That is fine. That is not a problem.

KAREN COX: Rob (Fitzgerald), the schedule is to put the lot in this year and also complete all of the landscaping this year? Is that the plan?

MR. FITZGERALD: Definitely for the parking, and --

MR. SOUTHCOTT: The landscaping also.

MR. FITZGERALD: The landscaping would be in the fall, of course, when we have a little better weather for plantings.

KAREN COX: That is all I have.

JIM POWERS: Just I would -- as I said, I was down and took a little walk with Dean (Southcott), but some of the -- some of the questions that came up here were just some of the things that we discussed down there, like some of those cranes are pretty good sizes and using concrete versus the asphalt. The price of the metal and -- where this outfit goes. I can remember back when it was just Lyell Metal, and it is a much bigger, bigger operation down there. It is -- I was quite impressed, particularly with the office building. It looked very nice. When you -- when -- your snow removal, are you going to the south line on this new parking lot when you push the snow out of there?

MR. SOUTHCOTT: Usually we push the snow back, where the trailers were parked, we leave a spot back in there for snow. We keep it back in off the road, off the road. Just vision, trucks coming in and out, you want to be able to see. You don't want the snow always blocking.

JIM POWERS: I had -- I had quite a lesson when I was down there.

JAMES MARTIN: You had mentioned before that you're in negotiations to purchase the operation over in Union Street.

MR. SOUTHCOTT: Chili -- or Union Street, right.

JAMES MARTIN: And that some of -- some of what you're doing at the Scottsville Road site would be moved over to this location?

MR. SOUTHCOTT: Just some of the materials that we handle, because of the one piece of equipment that we lost, a lot of that material can be over there -- and it wouldn't be brought into our

facilities. Some of it would and would have to be sorted and sent there. Others would just be sent directly to it. And -- and -- but then again, like it is a double-edged -- material that they get that they can't handle, they would probably be sorting and might come to our facility.

JAMES MARTIN: Do you have any estimate of, you know, what percentage of their current operation that would increase?

MR. SOUTHCOTT: I would just say we would probably send -- and this is -- it is hard to say, because we have a lot of industrial accounts. We probably handle 90 percent of the industrial business in Rochester and surrounding areas as far as machine shops and punch press operation, but as far as demo work and construction work, probably 30 percent of what we bring in would go -- would be light enough material to run through our machine. But they also get material that is too heavy for their machine and they would have to send it to us to cut with the shears. We have four cranes with mobile shears that cut material. And we would probably be doing the same thing once we got into Union Processing or Chili -- if everything goes through, the -- we would be upgrading that facility. They have a longer driveway. We're looking at concreting it or paving it.

JAMES MARTIN: The transporting of material from site to site, are these company-owned trucks?

MR. SOUTHCOTT: Yes.

JAMES MARTIN: They are?

MR. SOUTHCOTT: Yes.

JAMES MARTIN: Some of the ones I have seen going into this place over on Union Street, I question how they pass inspection sometimes. So I just -- I'm concerned about, you know, safety of, you know, vehicle traffic on the roads in Chili and what kind of vehicles will be transporting this material back and forth.

MR. SOUTHCOTT: It should be mostly -- probably 70, 80 percent of it should be our company-owned vehicles. We also have a sister company in Buffalo. Buffalo Hauling is a division of that, and they transport materials back and forth for us, too. Because they will run material to Auburn, stop -- we just opened a -- a facility in Syracuse, too. And so you're going to be transferring materials between facilities.

JAMES MARTIN: Okay. Thank you.

JIM POWERS: They definitely need more parking there. The day I was there, I think a bunch of the fellows had gone to Syracuse, and it didn't look quite as packed, but if they were there --

MR. SOUTHCOTT: Yes.

JIM POWERS: It is needed.

JAMES MARTIN: Okay.

DENNIS SCIBETTA: The Assessor does recommend that the three parcels be combined into one, so she would appreciate it if you would give her a call and discuss it with her.

MR. SOUTHCOTT: Okay.

PAT TINDALE: I notice leech fields here. Are you a septic system?

MR. SOUTHCOTT: Yes. We have a -- we have a septic tank out front. As a matter of fact, I think last year or the year before we just replaced it, put a new pump in and replaced the system.

PAT TINDALE: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Mr. Martin brings up an interesting point about trucks, and this transporting of metal around Town. I would hope that all of these trucks are closely covered if we're going to be transporting junk metal within our Town from one site to another.

Many of those trucks, if you follow them, you want to stay a far distance behind, because they're dropping off metal, little pieces, bolts, you know -- there is junk that falls off those trucks. So if we're going to be having those on our Town roads, State roads, County roads, any road, we need to make sure they're on trucks that really contain the junk.

I had a question, too, on the map, it said that the plant list, um, would be \$11,500. I'm assuming that is more than just the 26 trees that are listed, because that comes out to \$442 plus a tree. And I'm wondering.

JAMES MARTIN: Comment on that, Rob (Fitzgerald)?

MR. FITZGERALD: Yes. I can comment on that. That is an estimate prepared by the landscape architect. With landscaping improvements, yes, the Town Conservation Board does require a two-year guarantee on trees and that essentially at least doubles the size of these trees, and

that is trees installed, and also if there is mulch around them. So that is not far off.

KAREN COX: That isn't. Take my word for it.

MS. BORGUS: My next question would be a procedural one. How do we know with some degree of certainty that this amount of money is expended?

JAMES MARTIN: You mean from the conservation landscaping perspective?

JAMES MARTIN: Well, I'm assuming we'll do a site plan review once they have completed their landscaping.

MS. TINDALE: We do.

JAMES MARTIN: To make sure everything they said was going to be put in is put in. That is the only way we can guarantee that.

JOHN NOWICKI: We should probably talk about that a little bit.

MS. BORGUS: Good. Because I'm -- because in my -- in the back of my mind, I'm thinking again -- this is not a reflection on the current people in the department, but our history here has been poor. That is an understatement.

JOHN NOWICKI: Are we going to be going towards material bonds?

MS. BORGUS: It would be a good idea.

JOHN NOWICKI: For that amount of money to be put in the Town's coffers to protect ourselves that the work is done. That is not a reflection on you. But each project as it comes down the pipe from now on out, I want to look at that. I want to make sure that landscaping we have approved on this Board and the Conservation Board has worked so hard to get, gets done according to the plan.

MS. BORGUS: Anything to make the system work, because it is badly broken.

JOHN NOWICKI: We could make a condition here tonight that a performance bond be submitted to the Town in accordance with the estimate and the engineers.

MR. FITZGERALD: Would like to point out, though, our improvement costs are around 60 to \$80,000, so 1 percent of those costs, we're looking at around \$1,000, so we're more than -- we're pushing 10 percent improvement costs. We're greatly above the minimum that is required.

JOHN NOWICKI: We're on record here for landscaping costs of around 11,000, was it?

MS. BORGUS: 11,5 it says on the drawing.

JOHN NOWICKI: So somewhere the engineers -- the Conservation Board will have to come up with an acceptable amount of monies to protect ourselves with that bond.

PAT TINDALE: Can I speak a moment?

JAMES MARTIN: I would like an opinion on that, Keith (O'Toole), as to whether or not we can impose that as a condition?

KEITH O'TOOLE: I would rather not.

JOHN NOWICKI: Would you rather not give an opinion?

KEITH O'TOOLE: Rather not collect bonds for this sort of thing.

JOHN NOWICKI: Why not?

KEITH O'TOOLE: It is far simpler than a -- we have a landscape plan that is approved by the Conservation Board, reapproved by this Board, and either they install the landscaping and maintain it per plan or they don't. If they don't, we prosecute them, or if they don't put it in in the first instance, they don't get their C of O or Certificate of Compliance.

JOHN NOWICKI: I'm not reflecting on anybody in particular. That has not happened in the past. We have to have some kind of assurances that we're going to get all of this hard work that is done by these people on these boards, it is -- it has recently been getting better and better. I have to give you every credit there, but in the past many years we have gotten stuck more than once, and -- and I know other towns are getting cash deposits or maintenance bonds or performance ponds or something in place to guarantee that that work is going to get done. I don't have a problem with asking a condition that -- I think we have a right to put a condition on it.

JERON ROGERS: Give me the opportunity to look at this, and I'll see what we can do. I'm taking into consideration what has been said by Dorothy (Borgus) and what the Board has asked. Give me a chance to look into it and I think we can correct this problem.

JOHN NOWICKI: Which way? How?

KAREN COX: Tonight is this application -- I'm not disagreeing with you, John (Nowicki). But I'll -- but is this the venue to be trying to implement this kind of a change, or is it better taken off line, because we're doing the same thing at the County. And it has taken months to come up with language that is legal and works. So I don't disagree with you that it is a good thing. I just did not think that tonight at this meeting it is a good venue to start putting our toe in the water on it.

JOHN NOWICKI: I think it is a good time to have it on the record --

KAREN COX: I agree.

JOHN NOWICKI: – that we want something done and we want it done quickly. I am sick and tired of sitting at this Board -- I have been on this Board 20 years and I'm not putting up with the any longer. I want action.

JERON ROGERS: You will get action.

JAMES MARTIN: I think again, we're getting into a Town administrative issue, as to how they want to deal with this. I think we'll give Jeron (Rogers) time to work this issue through. And -- as to how we would begin to enforce this. I mean, Mr. Scibetta and I have already had some conversations about how we collectively could perhaps begin to do some enforcement from the standpoint of site visits with the site plan in hand myself, and Mr. Scibetta to say they said they were going to do this. They have done it, or they haven't done it. Then we have some C of O leverage on some of these issues that may give us the ability to begin to -- to get better enforcement on what people say they're going to do and then insuring they're going to do it. So we're putting together a procedural activity on that right now as to how we're going to do that.

So Dorothy (Borgus), we are trying to make some changes, all right, some positive changes, but I think Jeron (Rogers) is right, we need to have Town administration figure out how they can do it, if they are going to do a bond, whatever they're going to do and that will help the situation. In the meantime, it is a start and we'll start doing joint site visits.

MS. BORGUS: Once they have a C of O then, then the process would be out of your hands. I can think of one particular enterprise on Union Street where after it had been there about five years, it dawned on me that it was get -- was really looking pretty sparse. It was supposed to have been landscaped well. When I brought it to the Town Building Department, they agreed as to yes, it wasn't right. Some of the trees never -- were gone. Some -- some of them probably had died and some cheap tree was put in its place. The landscaping is, to this day, is just horrible over there, and it is just -- it is as cheap as you can get, and poorly maintained as you could ever have envisioned and here we started out with this beautiful plan.

So what you're saying is good as far as it goes, but what happens once you give them a C of O. You can't -- I mean they say these trees are guaranteed. Once they have a C of O, my point is who follows up?

KAREN COX: Well, again, I'm going to throw out, we can't -- we can't answer that at this meeting. It is -- you know, the point is taken, but -- right.

JOHN NOWICKI: I just want to ask a question here. This might solve it. Can we expect some results between now and next month?

JERON ROGERS: Yes, sir, I believe you can.

KAREN COX: Pat (Tindale) has been trying to get the floor.

PAT TINDALE: Mr. Chairman, can I talk for one moment? We have a policy in place called "The Adopted Project." Every one of our Board members has to take on a project every month when this comes up before the Planning Board. One of us is assigned each of the things that come up. We follow it through from the plantings to the completion of the plantings. We follow it for about two years. To what extent you can go beyond that, I really don't know. Um, but we do have a thing in place. What we do, when we find something -- something is missing or they have not done it according to plan, we write a letter and it goes into the Building Department. Now, I don't know -- what more you can really do than that, but we do have a policy in place to follow through on these things.

MS. BORGUS: Unfortunately in the past, all these circular plans ended up in the Building Department. Need I say more. That was the end of the trail. It was the end of the line, the end of the rule, the end of the law, end of all your work, end of the Conservation Board's work, it was gone. Hopefully it is different. I would suggest this Board make a written recommendation, since I see the Town Board liaison is not here tonight, make a recommendation to the Town Board they deal with this administratively, if that is what it takes.

BEVERLY NEDER - 82 Attridge Road

MS. NEDER: My two cents for what it is worth, I don't think anything but a performance bond or a deposit is going to work. We have a situation in North Chili that is not even two years old, and it's terrible. And nobody has done anything about it. This Planning Board told them, put those plants in. Nothing has been done.

JAMES MARTIN: Thank you.

MS. NEDER: And the Town Board doesn't care.

JAMES MARTIN: At this point, I am going to move on this one that we'll close the public hearing at this point.

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 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.

The Board discussed the proposed conditions.

JAMES MARTIN: There is a parcel right now that is not in the drainage district. So they have to complete the application for the drainage district -- which lot is that, Rob (Fitzgerald)?

MR. FITZGERALD: I'm not sure. It just -- it just refers to a schedule.

JAMES MARTIN: I will just put complete application for inclusion of lot not currently in drainage district.

MR. FITZGERALD: There are actually two parcels to be included. I do have a tax numbers if you want those.

JAMES MARTIN: I thought there were two in and one out, according to the information we had in the building --

MR. FITZGERALD: I think --

JAMES MARTIN: When we looked it up, there were two in and one out. So I'm -- well, whatever -- you're saying there are two lots not in, and one is?

MR. FITZGERALD: Correct.

JAMES MARTIN: All right. I will change that. Complete application for inclusion of two lots not currently in the drainage district.

The Board further discussed the proposed conditions.

KAREN COX: There was a comment from the Town Engineer about the curb. Maybe Rob (Fitzgerald) addressed that.

JAMES MARTIN: Well, it is subject to Town Engineer approval. Rob (Fitzgerald), you will address that with the Town Engineer. So I am satisfied that that will be addressed.

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

1. Pending approval of the Town Engineer.
2. Applicant shall apply for inclusion of two lots of the three-lot parcel into the Chili Consolidated Drainage District.

Note: Although not a condition of approval, it is suggested that the applicant consolidate the three-lot parcel into one lot.

There was a ten-minute recess in the proceedings.

4. Application of Open Door Baptist Church, c/o Joe Lima, 350 Chili Scottsville Road, Churchville, New York 14428 for preliminary site plan approval to erect a two-story addition to church totaling 12,000 sq. ft. at property located at 350 Scottsville Road in PRD & FPO zone.

Steve Thompson, Tom Hauser, Joe Lima and Rob Fitzgerald were present to represent the application.

MR. THOMPSON: For the record, Steve Thompson with Bergmann Associates representing the Open Door Baptist church this evening.

We me I have Pastor Tom Hauser, Pastor; Joe Lima, the Business Manager from Open Door Baptist Church and Rob Fitzgerald from Avery Engineering.

I would like to take a brief moment to describe the project. This is an addition to the

existing church facility at 350 Chili Scottsville Road. 12,000 square foot addition that will house Sunday school classrooms, both adult Sunday school classrooms as well as children's Sunday school classrooms.

Some of the issues regarding the site plan application this evening that we have taken under consideration are the traffic that would be generated by this addition. We don't feel there is any significant amount of new traffic that will be generated by this addition. The traffic patterns within the lot itself will remain the same. We're not proposing any changes to the traffic. We have included in this addition an expansion to the parking lot.

Let me clarify that.

The Town Board did grant Open Door Baptist Church a site plan approval to expand an existing parking lot to the north about three years ago.

One of the conditions of that approval was that this gravel lot be paved within a three-year period. So that pavement has recently taken place. That is some of the activity you may have seen out there recently. So the lot currently as it stands is 348 spaces, which is well beyond the required amount by the zoning code. The reason for that is, the church does hold two services on Sunday morning, a 9:30 and 11 o'clock service. There is some overlap there, and they wanted to accommodate the parishioners during that overlap with the additional parking spaces.

The lighting of the new proposed lot, there are eight new light poles proposed for the newer lot, and you can see the pole bases have been set prior to the paving. Those light poles will match the existing light poles that are there. Those are 20 foot high light poles with two lamps, two 400 watt metal halide lamps on each pole. We have prepared a photometric plan. There is no light spillage onto adjacent properties or neighboring properties.

Also, with this plan, we are proposing some additional landscaping to provide some screening for that new parking lot. This landscaping would occur along the north side of the parking lot. This landscaping plan has been submitted to the Conservation Board. I just spoke briefly with the -- with a Board member about any comments they might have.

As you probably know, the property is well landscaped already with quite a bit of additional landscaping up near the building, and we're proposing this additional landscaping again to provide screening for the new -- the new lot.

Because we are in a flood plain district, we hired Avery Engineering to conduct a drainage study. We were concerned about how the drainage will be handled at that site. The -- the conclusion of that study was also included as part of the application package, and again, Rob -- Rob Fitzgerald from Avery is here to answer any questions you might have regarding the drainage.

In summation, I just wanted to say we are -- we -- we're asking tonight for preliminary and final approval with one caveat.

There is a variance which will be required for side setback on the south side of the property. The required side setback is 50 feet. We -- and we are encroaching in that by 10 feet, so we have a 40 foot setback. We have made application to the Zoning Board, and we have spoken to the adjacent neighbor and have a support of -- supportive letter forthcoming from that neighbor for the Zoning Board. So we anticipate that meeting to go well on the 25th of this month. So I can understand that being a condition of this approval.

Also, just -- just one last comment we have. We have received comments from the Town Engineer as well as the County Planning Board, and we're prepared to address those comments tonight, as well.

JAMES MARTIN: Why don't you go ahead and do that at this point. Address the Town Engineer and DRC comments.

MR. THOMPSON: Sure. From the County Planning Department, one of the comments was that there needed to be a sediment and erosion control method shown on the site plan, and that was actually shown on the grading and utility plan. It wasn't shown on the site plan page, but it is one of the many dashed lines on the grading and utility plan and could have very easily been overlooked. But it does show the delineation where the silt fence will be located. I can point that out.

JAMES MARTIN: Would you, please?

MR. THOMPSON: (Indicating). It bends around the perimeter of the developed area, back up (indicating), and they're actually showing a -- a -- four yards of stone fill here (indicating) as an apron, and then the -- the silt fencing continues on around to block any -- any runoff of any sediment that might occur.

JAMES MARTIN: They also had a comment about the excessive number of parking spaces. Um, and I -- I think I addressed that earlier. The Town Engineer had a comment, first comment was about -- delineating the area of disturbance. That not being indicated on the plan. And again, if I understand the comment correctly, I believe that area is delineated on the -- again, the grading and

the erosion plan. We are encroaching upon the 100-year flood plain, so we have showed an area of mitigation just adjacent to the parking lot.

Here it is here (indicating). This hatched area (indicating).

MR. THOMPSON: I think those are the extent of the comments from the County and the Town Engineer.

DAVID LINDSAY: Can I clarify my comment there? It has to do not so much delineating the area of disturbance but listing that area -- I'm looking to go find out what the actual area of the disturbance is and not delineating. Whether it is one acre or two acres.

MR. THOMPSON: Okay. That was part of the drainage study. I'm not sure if you had gotten that.

DAVID LINDSAY: I will take a look at that.

JAMES MARTIN: It is delineated on the grading and erosion control plan.

MR. THOMPSON: Right.

KAREN COX: 20,160 square feet, is that what you're talking about?

JAMES MARTIN: The .46 acres?

MR. THOMPSON: Right.

JAMES MARTIN: That is the total area of disturbance?

MR. THOMPSON: Right.

JAMES MARTIN: That would fall under the one acre.

DAVID LINDSAY: Yes. It is less than an acre.

MR. THOMPSON: .46 acres.

JIM POWERS: How often -- when you have an overlap -- I'm just wondering why we need over 300 parking spaces. How often are those 300 some parking spaces used? That is an awful lot of area.

MR. THOMPSON: Quite often. Because also as part of -- of the ministries of the church, they run an adult Sunday school class concurrent with an adult worship service. So although the sanctuary may be full, there is also some adult Sunday school classes which would be going on simultaneously which would be full as well. The seating in the sanctuary is 450, which is -- the code requirement for the number of parking spaces, would be one space for every four seats. So that is where you come up with 120 required spaces.

Although the reality is, there are many more people in the church than the 450 in the sanctuary on a given time. So it -- it is really a -- an area in the code where churches, um, you know, are allowed to provide much less parking spaces than maybe they actually use. So the church recognizes that, and they want to provide, you know, adequate spaces for the parishioners. That is really the reason for the large amount of spaces.

JIM POWERS: How do you propose to stabilize the banks around that parking lot?

MR. THOMPSON: Um, they have been stabilized with fill that has been brought in over the years. Um, I can't tell you the specifics of the fill that is -- that has been brought in there, but if you go out there, those -- those banks are already built up, and that -- that dark lot area is -- has already been paved. Again, that was as a condition of a prior site plan approval that was granted to the church about three years ago to expand that lot.

JIM POWERS: When I say stabilized, I mean -- I have been out there a couple of times, and after the rain the other day, quite a bit of the banks have washed away. Are you planning on putting some crown vetch or -- or what?

MR. THOMPSON: Or rip-wrap or something like that. That was not the plan. We do keep a pretty good eye on the back bank, toward the east.

KAREN COX: I think you're talking about the north.

JIM POWERS: Well, both the north and the -- east banks were severely eroded from -- from not only the rain yesterday, but prior to that.

MR. THOMPSON: Well, the plan is to have those banks vegetated, so they are somewhat stabilized.

KAREN COX: They will -- sorry, Jim (Martin).

JIM POWERS: You will sheet drain that whole parking lot towards that northeast corner, I am assuming?

MR. THOMPSON: Toward the northeast, correct.

JIM POWERS: There is a swale there that goes back to the --

MR. THOMPSON: Right.

JIM POWERS: Does that swale go uphill before it gets to the wetlands?

MR. THOMPSON: No. Actually, it works pretty well.

JIM POWERS: Because where the tree is there with the picnic bench, it looked from that point back towards the woods, it went up a little bit.

Another thing that interests me, or I'm very curious about, is where you're -- where you're going to be putting this -- the addition to the school building, that portion of the -- of the parking area goes downhill quite rapidly back there. I know you're going to remove some of those parking areas. How -- how are you going to handle the drainage in that portion of the parking area with the new building going in there?

MR. THOMPSON: Um, the -- the existing building that is there now, that -- the -- this new addition will be at the same elevation, has two foundation drains, one inside the foundation wall and one outside the foundation wall to handle the rise in the water table from getting into that basement level, I guess you would call it, of the church.

That -- that has worked quite well over the years. So my proposal would be to, again, include two foundation drains around the entire perimeter of this new addition.

JIM POWERS: Where will that water go?

MR. THOMPSON: That water is currently now -- and we would tie into a swale to the -- to the south. South of the property, and then -- that carries all of the way back to that -- to the retention pond on the back of the property.

JIM POWERS: Is that detention pond back in those woods?

MR. THOMPSON: It -- just on the edge of the woods. It is not actually in the woods.

JIM POWERS: Do you know where the slide is back there? I think it is a slide there.

MR. THOMPSON: Yes.

JIM POWERS: It is back in that area.

MR. THOMPSON: Right, exactly.

JIM POWERS: That is all for now.

KAREN COX: Going on what Jim (Martin) mentioned, I saw the same type of damage after the rain the other night. So will the -- will the -- will the property owner be addressing that reseeding and putting straw -- straw down to -- to --

MR. THOMPSON: It is the intention to have those stabilized to keep them from --

KAREN COX: If straw was not put down at the time they were seeded before, if they were seeded, then I would suggest that they consider doing that, because that alleviates some of the issues that can occur with a heavy rain.

MR. THOMPSON: Okay.

JOHN HELLABY: I didn't see any elevations of this -- of this proposed addition. You have the drawing submissions, but did you have some over there?

MR. THOMPSON: I did bring some this evening.

JOHN HELLABY: Can you put them up so we can see them? I would appreciate it.

Pass it right on down.

MR. THOMPSON: Just wanted -- by bringing those this evening, I just wanted to show that the new addition will tie into the existing building, and it will be built of the same materials that the existing building is built off --

JOHN HELLABY: The existing building, if I might interrupt is masonry, is it not?

MR. THOMPSON: That is correct. Poured concrete walls up the first level and then decorative split-face block on the second level.

JOHN HELLABY: I thought this was a wood-framed structure.

MR. THOMPSON: That is incorrect. You did see that. That was incorrect. It is a masonry building.

JOHN HELLABY: Okay. That is what I was concerned about.

Exterior lighting on the -- on the addition itself?

MR. THOMPSON: There will be some security lighting, because that is kind of tucked around in the back there. There are some security lights on the existing building now, and we would propose there be some security lighting on this building, as well. Those would be actually the only lights on the property that are on 24 hours or -- or the evening hours, at night, anyway. The parking lot lights are on a timer. I should have mentioned that. They go off about 10 o'clock at night.

JOHN HELLABY: You may have mentioned that, but the added classrooms and whatnot, services or use throughout the week? The increase?

MR. THOMPSON: There is no proposal to increase the services now. There is -- there is Sunday morning service and Sunday evening service, and then there is a Wednesday night bible study. This addition would not affect any additional --

JOHN HELLABY: You're just relocating from wherever you're doing it now into the

addition portion?

MR. THOMPSON: And we're able to offer more Sunday school classes for adults and children, you know. If we had the space, we would do it now, but we don't have the space. So that is the need for the addition.

JOHN HELLABY: Apparently business is good.

JOHN NOWICKI: The architectural drawings, I assume those are the same colors that are existing on the building?

MR. THOMPSON: Yes.

JOHN NOWICKI: Is there a basement proposed for this?

MR. THOMPSON: The lower level, yes.

JOHN NOWICKI: What is that going to be used for?

MR. THOMPSON: Classrooms.

JOHN NOWICKI: In the basement, too?

MR. THOMPSON: Yes.

JOHN NOWICKI: Through the existing building?

MR. THOMPSON: Yes.

JOHN NOWICKI: And what -- I assume that there is -- there is means of ingress and egress out of that area?

MR. THOMPSON: Yes.

DARIO MARCHIONI: You have a layout there, right?

MR. THOMPSON: Yes.

DARIO MARCHIONI: Pass that around.

JOHN NOWICKI: The -- are you -- are you involved in the site work going across from your driveway on the opposite side of the road?

MR. THOMPSON: No, I am not.

JOHN NOWICKI: Drainage district. Is there a reason why they're not in the drainage district?

MR. THOMPSON: I believe we are. I believe there is a drainage district established when we --

JAMES MARTIN: That was not on my application to say that they are included.

DENNIS SCIBETTA: They are in a drainage district.

JOHN NOWICKI: Okay. It doesn't show on mine. You're in.

JAMES MARTIN: The parking lot, why isn't the parking lot broken up into islands and breaking up those long stretches of parking spaces? Our code calls for breaking those up.

MR. THOMPSON: Okay. I just had that conversation with the Conservation Board, as well. I wasn't aware of that.

JOHN NOWICKI: As far as I know, it is in our code. It requires the -- so many spaces and you have a plant or an island.

MR. THOMPSON: Was not a requirement when we put the lot in, nor was it made aware to the Church when they applied back three years ago for this addition to the original lot.

JOHN NOWICKI: I don't know why. It is in our code.

JAMES MARTIN: It is definitely in the code.

JOHN NOWICKI: It is in the code.

MR. THOMPSON: Okay.

JOHN NOWICKI: So I would like to see that parking lot changed to incorporate islands.

MR. THOMPSON: Would we change the existing lot?

JOHN NOWICKI: That is up to you guys. Whoever is going to design it.

DARIO MARCHIONI: It is already there.

JOHN NOWICKI: Again, it is in our code, and -- again, it is in our code. It has been ignored, and it shouldn't be ignored.

MR. THOMPSON: Just for clarification, this is the only lot tonight that we're asking for approval for. This lot has previously been approved (indicating).

JOHN NOWICKI: I'm just bringing it out -- this is getting awful big. You may have to break up this parking lot. That is my point.

DARIO MARCHIONI: Unless you get a variance. If you go to the ZBA, you can get a variance.

MR. THOMPSON: I have a copy of that.

JAMES MARTIN: We're the ones.

JOHN NOWICKI: That is a planning function. I will not -- I will not support that. That parking lot has to be broken up somehow. That is all I have.

MR. THOMPSON: Here is a copy of -- here is a copy of that application and that approval. That was April 2nd, '02.

KAREN COX: Can we do that, Keith (O'Toole)? If -- because some of us were sitting on the Board at that time when an approval was made. Can we now imply that condition on something we previously approved?

KEITH O'TOOLE: You mean to the existing lot? Are you asking about the existing lot?

KAREN COX: No. I'm talking about the -- the -- the prior approval that we gave where we -- one of the conditions was lot had to be paved and -- in three years, which they have done or are going to do. But we didn't put the condition of breaking it up with islands on the original approval.

KEITH O'TOOLE: There -- they're here tonight with a brand new approval. We're not reapproving the old thing. Frankly, the code is clear. John (Nowicki) is right. We require landscaping every ten spaces. On occasion, the Board has waived that so long as there has been compensating landscaping. You know, however, it gets accomplished. I would I think it would make more sense rather than have one whole area heavily landscaped and then a sea of asphalt, to balance things out. And since this new lot impacts the existing site, what they're really doing is amending the existing site. I don't buy the argument that just because we're doing work in the northwest corner, means that we can ignore the rest of the project, because the entire project is impacted. So the short answer is yes, I think you can require them to punch some landscaping in throughout the parking the lot.

JIM POWERS: This might be kind of foolish, but on that north and east side of that parking lot, where you're -- where you're embankments are, from the edge of the pavement, to the -- to where the bank drops off, you're only looking at a couple of feet. I notice that you're -- I notice that you propose to move the snow to the north edge of the parking lot, and I am assuming that is where you're going to also have your plantings of pine trees and whatnot.

MR. THOMPSON: The plantings, yes, would be to the north. You're right.

JIM POWERS: Will you plant them on the side of the slope there? You certainly don't have room to put a -- to put a good sized tree in by the pavement and where the bank drops. And secondly, have you ever thought of possibly putting some kind of curbing along that north and east side of that parking lot so that in the winter, if it should get a little slippery, someone doesn't end up down on the ball field or whatnot, just for safety? -- As a safety precaution, because you are very close to the edge of the embankment as far as the parking.

MR. THOMPSON: That is a good thought.

KAREN COX: There were wheel stops that you -- that were shown on the east side. Over here. Not shown for -- not all shown for clarity. On the spaces on the east. There wasn't anything --

JIM POWERS: Nothing on the north.

KAREN COX: Which I know is a driving area.

JIM POWERS: Just a thought.

JAMES MARTIN: Just for clarification purposes, what I have written is applicant shall comply with the Town code regarding parking regulations. Is that what you were --

JOHN NOWICKI: Yes.

JAMES MARTIN: -- after?

JOHN NOWICKI: Sure.

JOHN NOWICKI: Just the dumpster location, that is going to be switched, right?

MR. THOMPSON: Yes.

JAMES MARTIN: That will be over by the existing metal building?

MR. THOMPSON: Right.

JOHN NOWICKI: That is all I have.

DARIO MARCHIONI: Just one question. Would you consider the -- the lighting, as -- this dark sky lighting?

MR. THOMPSON: Dark sky compliant, yes, it is.

PAT TINDALE: Our Board is concerned about anything -- any structure or paving in the flood plain overlay districts.

JAMES MARTIN: I have noted that. Obviously, you know, there are certain requirements to be met when -- when you're in an FPO -- they're in the code and in the book.

MR. THOMPSON: Sure.

JAMES MARTIN: Be sure you meet all of those rules and regulations regarding the construction.

FRED TROTT: Do they have the right amount of handicapped parking? I don't know what it is, per space.

JAMES MARTIN: What would you like?

FRED TROTT: The handicapped parking, do they have the right -- I know that there is a code as far as how much per spacing. Do they have enough with 14? It seems -- it looks light.

MR. THOMPSON: One per 20, I believe. We have 14 handicapped spaces.

JAMES MARTIN: I think I covered that when I said applicant shall comply with Town Code regarding parking regulations. Handicapped parking is covered in those regulations, so they have to comply with that.

FRED TROTT: All right.

JIM POWERS: I know we don't discuss building, but this will be handicapped accessible.

JAMES MARTIN: I'm assuming with the elevation changes, have you some ADA issues you have to deal with as far as accessibility to that building?

MR. THOMPSON: Yes, we have to.

JAMES MARTIN: To do that grade change. You're aware of that and you're dealing with that.

MR. THOMPSON: I'm sorry.

JAMES MARTIN: You're aware of that, and you're dealing with those.

MR. THOMPSON: Yes. It will be handicapped accessible. It needs to be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: I will move that we close the public hearing at this time.

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: At this point, they have asked preliminary site plan approval. And have also requested waive of final. Fee has been paid. I will do SEQR at this point.

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.

The Board discussed the proposed conditions.

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

1. Pending approval of the Town Engineer.
2. All slopes (banks) surrounding parking lots should be stabilized to prevent further erosion.
3. Applicant shall comply with Town of Chili code regarding parking regulations (Chapter 112).
4. Pending approval of the Zoning Board of Appeals for side setback variance.

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

JAMES MARTIN: I'm modifying our approval to say pending ZBA approval regarding side setback. Thank you for pointing that out.

MR. THOMPSON: Yep.

JAMES MARTIN: On the amended approval?

The Board was unanimously in favor of the motion to modify the above approval.

5. Application of Four Point Rod & Gun Club, owner; P.O. Box 26711, Rochester, New York 14626 for renewal of conditional use permit to allow hunter safety training, skeet & trap shooting, and amend to include archery and firearms at property located at 4400 Union Street in A.C. zone.

Samuel Astudo (phonetic) and Ermano Fallone were present to represent the application.

MR. ASTUDO: Samuel Astudo, one of the directors at the Four Point Rod & Gun Club. We're here to continue our conditional use permit. And basically, we -- we have done everything that is -- that has been asked over the years. We have had no complaints as far as I'm understanding.

It has been brought to our attentions that through the Building Department, that we need to be precise with the wording on the conditional use permit, so that is the reason why we have changed a few little things around. Originally it says renewal of conditional use permit for hunter safety/training, skeet, trap, shooting, and we want to that to be changed to be conditional use permit for archery, firearms, hunting, safety/training, skeet trap shooting. We host a lot of hunting safety courses, and with the hunting safety courses, the firearms and the archery is both used. So -- so we were advised to add that to it.

Second item, for the hours of operation, originally it says 9 a.m. to sunset. And since a lot of our activity is done during the time change, and it gets dark early, we want to amend that to shooting until 8:30 p.m. with the use of the lighting on the fields.

Number 3, would be every year we need to submit to the Planning Board our schedule of events for the year, and it read that we had to get a letter into the Board by the 15th of January. And we want that to be changed to the end of the month, because a lot of our events we don't know the answer to when they're being hosted until towards the end of the month. And --

JOHN NOWICKI: Pardon me, end of January?

MR. ASTUDO: Correct. And then number four, the special events that we have throughout the year, not to exceed eight, and we start no earlier than 8 a.m. That is still the same. And the conditional use, granted for not more than five years. That is still the same.

JAMES MARTIN: Okay. I will go to the Board.

DARIO MARCHIONI: I don't have anything.

JOHN NOWICKI: Just review my thought processes here. You did put the new range in?

MR. ASTUDO: It is in the process now.

JOHN NOWICKI: That will be to NRA standards?

MR. ASTUDO: Correct.

JOHN NOWICKI: That has been submitted to the Town.

MR. ASTUDO: Yes. All approved.

JOHN NOWICKI: When do you think that will be ready to go?

MR. ASTUDO: Well, with the construction and the fill, the way it goes, the projects -- you know, with the dirt coming in, we're relying on a couple of big companies to bring in fill. And as they have their sites ready to haul, then we get the dozer and work together. So it is an ongoing process. So...

JOHN NOWICKI: There has been a recommendation -- what kind of a problem would it be for you folks to -- on Sundays only start your shooting at 12 p.m.?

MR. ASTUDO: That would be impossible, because that is the majority of our money that comes in, is on Sundays, from our members. We have never had an issue before with starting 8, 9 o'clock in the morning.

MR. FALLONE: Ermano Fallone, also a member.

The problem we have with that, we're part of four or five shooting leagues, and the leagues usually shoot on Saturday and Sunday. One of the requirements on Saturday, they don't start until 10 or 11. But on Sunday morning they like to start at 8 o'clock because they like to terminate by 1. If we were limited to 12 o'clock, that would eliminate our participation in two or three of the leagues we shoot in.

JOHN NOWICKI: It is a question that came up.

MR. FALLONE: Just a -- I just wanted to expand on the reasoning for that.

JAMES MARTIN: Any complaints from the neighbors regarding Sunday shooting?

DENNIS SCIBETTA: Not that I'm aware of. There were some brief things that were done about four or five years ago, and those were the only complaints that I was aware of that we have on record, but I would certainly like to check further into that.

JAMES MARTIN: Thank you.

JOHN NOWICKI: I will let the rest of it go, because I'm sure probably Pat (Tindale) has some questions on it, too.

JAMES MARTIN: One of the comments from the Conservation Board -- I don't want to steal your thunder, Pat (Tindale), but there was some issue about the fill that has been brought in, has been affecting drainage on affecting adjoining property parcels. Has anybody been out from the Town Engineer perspective, Dave (Lindsay), to look at that?

DAVID LINDSAY: No. That is the first I have heard of it. We can take a visit.

JAMES MARTIN: I guess I would like to have that looked at, and, you know, be sure that we -- there is no adverse affect on any adjoining property as a result of the fill that is being brought in.

DAVID LINDSAY: You would like me to make a visit?

I didn't hear your full comment.

JAMES MARTIN: Well, there is a comment from the Conservation Board that there is some negative impact on adjoining parcels through the fill being brought in. I would like an inspection to be made to be sure that what is going on out there is not having an adverse affect on adjoining parcels.

DAVID LINDSAY: We can take care of that. Yes.

MR. ASTUDO: We're at least 30 feet away from the property line, so.

JAMES MARTIN: Well, water drains downhill.

KAREN COX: Is your comment coming from somebody who attended the meeting?

PAT TINDALE: A farmer that complained to a board member.

MR. FALLONE: We would have --

JIM POWERS: It is going to the south, isn't it Pat (Tindale)?

PAT TINDALE: I don't really know. I mean I didn't get the location. He just told me this.

MR. FALLONE: It eventually goes to the south but it crosses our property again. So we have control over the runoff, like in a holding facility before it crosses the property heading south. But we would have no problem meeting with the Town Engineer to review that.

JAMES MARTIN: Could you provide Dave (Lindsay) a copy of that, so we know what specific location we're talking about?

KAREN COX: It is hard to tell. It just says adjacent properties.

JIM POWERS: I thought I see --

JAMES MARTIN: I will put this down as a condition, that you know, drainage issue, be understood, resolved, that there is no adverse impact.

JOHN HELLABY: What time did you say you were starting on Sundays?

MR. ASTUDO: We start at 9 o'clock, our normal hours.

MR. FALLONE: With special shoots, we would like the ability to start at 8 o'clock.

KAREN COX: I was asking if you had added that start before 8 a.m. for special events.

MR. ASTUDO: Not before 8.

JIM POWERS: I thought when I was down there, I thought I saw a pipe going under the existing travel road there, going south off of your property.

MR. ASTUDO: Correct.

JIM POWERS: Carrying water.

MR. ASTUDO: That is the normal drainage.

JIM POWERS: On your map, there are a lot of proposals to do this or do that. The existing parking area. When do you plan on finishing that parking area? I'm assuming that is where the dirt has been kind of leveled out to back -- back towards Union Street.

MR. FALLONE: There has been an area -- when you first come into the club, on the left-hand side where there was a matter of cleaning up, because we had fill that had pieces of concrete and rocks, so we brought some cleaner fill in there and leveled that off, but that is just going to remain. At this point, we're just proposing that stay as a green area.

The parking lot will be between -- excuse me, on the one side of the -- the -- the house, and towards the rifle range. The parking area will be in that area through there. That -- the first area where you come in on the left-hand side won't be parking at this point.

JIM POWERS: The proposed siting to the -- you go past the building, there is -- there is supposed to be a -- to be a light mounted somewhere.

MR. ASTUDO: That is on the east side of the building.

MR. FALLONE: Of the gun club, yes.

MR. ASTUDO: It shines on the fields.

JIM POWERS: That is not in yet, is it?

MR. ASTUDO: No, not yet.

JIM POWERS: You have proposed a swale for storm water drainage? There are a lot of things on here that are proposed, and -- and I don't know when you folks contemplate on completing some of these things.

MR. FALLONE: We're hoping to get the balance of the fill at least in place by the end of the year and do the final grading in the spring. Because the berms are so high, they're 12 and 15 feet high, there is a lot of settling to go through in the wintertime. So our hope was we would get all of the major fill in place over the wintertime and do the final grading in the spring. That would include the final swales and the holding areas for the water before it travels south off the property.

JIM POWERS: Are you proposing to expand the clubhouse there, or is it going --

MR. ASTUDO: Correct.

JIM POWERS: Do you plan on expanding it?

MR. ASTUDO: Correct. We're waiting for the paperwork right now. All of the plans have been submitted, and all been approved and it is on the -- it is on the Inspector's desk right now waiting for the final stamp.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: Has a fill permit been issued for this property?

DENNIS SCIBETTA: I believe a fill permit was issued last year. They are running with their -- that was taken care of last year.

MS. NEDER: How long is the permit good for?

DENNIS SCIBETTA: At this point, I -- I don't know. This is the first time it has come up. I would have to look into it. I don't know at this point.

MS. NEDER: Is it checked on a regular basis to see that the requirements are being complied with?

DENNIS SCIBETTA: They have requirements that they have an engineer on staff and log book that is provided with it, and they have to do that in accordance with --

MS. NEDER: DEC.

DENNIS SCIBETTA: If you let me finish, I would explain that. The DEC also regulates certain areas of the wetlands and they're aware of the fill permits and they do control some of some of that.

MS. NEDER: Have you seen any of these log books?

DENNIS SCIBETTA: It is not for my purview. They have to do it in accordance with their procedure.

MS. NEDER: Well --

KAREN COX: They have a GP-O2-O1 on this? When you say "log books" -- they have got a general construction permit from the DEC?

DAVID LINDSAY: I don't know if this project exceeds the thresholds for that.

KAREN COX: I'm not trying to open up a can of worms. When you said the DEC is watching it --

MR. LINDSAY: We had a call from the DEC regarding the wetlands that are shown on the map and the filling that was taking place, and whether that filling was encroaching upon the wetlands.

KAREN COX: Okay.

MS. NEDER: I'm sorry, I couldn't hear his answer.

JAMES MARTIN: Could you repeat your answer a little louder?

DAVID LINDSAY: Yes. I was saying that we had a call from the DEC concerning the filling and whether or not it was encroaching upon the existing wetlands. I think that is probably what -- what generated the comment about the DEC.

MS. NEDER: Do you know what the DEC ruled in that matter?

DAVID LINDSAY: I'm sorry?

MS. NEDER: Do you know what the DEC ruled on whether it was encroaching or not?

DAVID LINDSAY: Um, last he spoke, um, with them, earlier this week -- or yesterday, um, they were going to review their maps just to double check and make sure that filling wasn't encroaching upon the wetland. Based on the plan, I related to them that it was our understanding that it was not, that the filling for the berms and the shooting range was in the southeast corner of the property, which was away from the wetlands.

MR. FALLONE: I believe we're close to almost 100 feet away from the wetlands.

MS. NEDER: It just sounds like there is not a real lot of oversight on this matter.

Thank you.

JAMES MARTIN: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: No map was put up for the public's benefit tonight. That always bothers me.

However, I was at the Building Department later today and took it upon myself, thank heaven, to look at the plans, because nothing was provided tonight, and I also saw these proposed plans. It is very confusing. I agree with Mr. Powers. You look at it, and you don't quite know what you're looking at. You don't know if this proposal has been carried out or if it is proposed and on hold or proposed and they're working on it. Wasn't there ever a specified deadline for completion of these when it was -- when approval was granted?

JAMES MARTIN: I don't remember that there was any specific time line included. I mean when we approved the site plan for the additional shooting range, I don't remember there was any time line set on that.

MR. FALLONE: Obviously, we have an awful lot of filling to do to bring the berms up in compliance with what we originally proposed, at least a two-year project, because there was no way to move that much dirt from August of last year to the end of the year. We're pretty much on that, outside of the final work we'll be doing in the spring.

In regards to the plans, I do have the plans if you wanted to look at them. It was an oversight on my part. I thought we were looking for the permit and not the site plan.

JAMES MARTIN: We're not doing the site plan.

So, you know.

MS. BORGUS: So this site plan was approved last August?

JAMES MARTIN: That was correct.

MS. BORGUS: All right. I would just make a comment -- two comments to the Board. Number one, since we don't have evidently a deadline for these projects that this Board approved, that may be a rationale for why we have so many incomplete projects in Town and it is beginning to really look pretty dumpy in places because we just let it go on and on. So maybe we should. Maybe we should have a deadline. When you come in there and get approval for something, that you come in and finish it. I can think about four right now in Town that are half done. Maybe they'll never be finished, but they got approvals. Maybe that is something that this Board ought to look at.

Secondly, it also sounds to me like this fill permit -- not only in this case -- I don't know about this case, but a lot of the fill permits when I inquired before, it has been lax in the Building Department. The fill permit is issued and nobody knows if that much fill got put in, more fill got put in, whether it was complied with. It is another loose issue in that Building Department that needs to be tightened up.

Thank you.

JAMES MARTIN: I move we close the public hearing at this time.

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.

The Board discussed the proposed conditions.

JAMES MARTIN: Was the original conditional use permit period for five years?

DENNIS SCIBETTA: Yes.

JAMES MARTIN: I will recommend a period of five years.

The Board further discussed the proposed conditions.

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

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1. A site visit to be completed by the Town Engineer to insure that no adverse effect on drainage is occurring on adjacent property due to fill operations in progress on the gun club site.
2. Hours of operation shall be 9:00 a.m. to 8:30 p.m. with the use of area lighting, for archery, firearm, hunting safety, training skeet and trap shooting.
3. Early starting times for special events shall not exceed eight (8) per year or start before 8:00 a.m.
4. Special event dates shall be submitted to the Planning Board annually and shall be submitted no later than January 31st of each year.
5. Conditional use permit is granted for a period of five years.

The meeting ended at 9:00 p.m.